

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2540

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 19-111, Arizona Revised Statutes, is amended to
3 read:

4 19-111. Number for petition; training materials

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

23 B. On receipt of the application, the secretary of state shall assign
24 an official serial number to the petition, which number shall appear in the
25 lower right-hand corner of each side of each copy thereof, and issue that
26 number to the applicant. The secretary of state shall assign numbers to

1 petitions in numerical sequence, and a record shall be maintained in the
2 secretary of state's office of each application received and of the numbers
3 assigned and issued to the applicant. THE SECRETARY OF STATE SHALL PROVIDE A
4 FILLABLE FORM FOR THE PETITION AND A SEPARATE FILLABLE FORM FOR THE SIGNATURE
5 SHEETS FOR THE PETITION AND SHALL PLACE THE OFFICIAL SERIAL NUMBER ON THE
6 PETITION AND ON EACH SIGNATURE SHEET. THE SECRETARY OF STATE SHALL ENSURE
7 THAT THE PETITION FORM AND SIGNATURE SHEET FORM ISSUED TO EACH APPLICANT ARE
8 COMPLETE AND CORRECT AND CONTAIN ALL OF THE INFORMATION REQUIRED BY LAW FOR A
9 VALID PETITION AND SIGNATURES EXCEPT FOR THE INFORMATION REGARDING THE
10 SIGNERS AND CIRCULATORS, THE ACTUAL SIGNATURES, THE NOTARIZED SIGNATURES OF
11 THE CIRCULATORS AND THE INFORMATION REGARDING AND SIGNATURE OF THE NOTARY
12 PUBLIC.

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

27 D. The secretary of state shall make available to each person or
28 organization circulating a statewide initiative, referendum or recall
29 petition a copy of circulator training materials created by the secretary of
30 state. Circulator training materials may be provided on paper or in
31 electronic format and shall also be available on the secretary of state's
32 website. A person or organization circulating a statewide petition shall
33 provide each circulator with the secretary of state's circulator training
34 materials and shall collect and submit to the secretary of state each of its

1 circulators' training materials receipts before the filing of completed
2 petitions. Each person who is a statewide circulator shall acknowledge in
3 writing receipt of the training materials before circulating a petition for
4 signatures. Failure to provide circulator training materials or failure to
5 submit circulators' training materials receipts is not grounds for removal of
6 signatures or signature sheets. Notwithstanding section 19-141, this
7 subsection does not apply to initiative, referendum or recall petitions for
8 cities, towns and counties.

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

11 Sec. 2. Section 19-121, Arizona Revised Statutes, is amended to read:
12 19-121. Signature sheets; petitions; form; procedure for filing

13 A. Signature sheets filed shall:

14 1. Be in the form prescribed by law.

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

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

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

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

28 B. For **THE** purposes of this chapter, a petition is filed when the
29 petition sheets are tendered to the secretary of state, ~~at which time~~ **WHO**
30 **SHALL ISSUE** a receipt ~~is immediately issued by the secretary of state~~ based
31 on an estimate made to the secretary of state of the purported number of
32 sheets and signatures filed. After the issuance of the receipt, no
33 additional petition sheets may be accepted for filing.

1 C. Petitions may be filed with the secretary of state in numbered
2 sections for convenience in handling. Not more than fifteen signatures on
3 one sheet shall be counted.

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

11 E. For THE purposes of this article and article 4 OF THIS CHAPTER, the
12 measure to be attached to the petition as enacted by the legislative body of
13 an incorporated city, town or county means the adopted ordinance or
14 resolution or, in the absence of a written ordinance or resolution, that
15 portion of the minutes of the legislative body that ~~reflects~~ REFLECT the
16 action taken by that body when adopting the measure. In the case of zoning
17 measures, the measure shall also include a legal description of the property
18 and any amendments made to the ordinance by the legislative body.

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

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

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

- 27 1. Remove the following:
- 28 (a) Those sheets not attached to a copy of the title and text of the
29 measure.
 - 30 (b) The copy of the title and text from the remaining petition sheets.
 - 31 ~~(c) Those sheets not bearing the petition serial number in the lower~~
32 ~~right-hand corner of each side.~~
 - 33 ~~(d)~~ (c) Those sheets containing a circulator's affidavit that is not
34 completed or signed.

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

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

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

10 ~~(h)~~ (g) For statewide ballot measures only, those sheets on which the
11 circulator is required to be registered with the secretary of state pursuant
12 to section 19-118 and the circulator is not properly registered.

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

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

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

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

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

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

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

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

1 (d) Signatures in excess of the fifteen signatures permitted per
2 petition.

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

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

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

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

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

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

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

32 2. If a signature line selected for the random sample is found to be
33 blank or was removed from the verification process pursuant to subsection A
34 of this section and is marked with an "SS", then the next line down, even if

1 that requires going to the next petition sheet in sequence, on which an
2 eligible signature appears shall be selected as a substitute if that line has
3 not already been selected for the random sample. If the next eligible line
4 is already being used in the random sample, the secretary of state shall
5 proceed back up the page from the signature line originally selected for the
6 random sample to the next previous signature line eligible for verification.
7 If that line is already being used in the random sample, the secretary of
8 state shall continue moving down the page or to the next page from the line
9 originally selected for the random sample and shall select the next eligible
10 signature as its substitute for the random sample. The secretary of state
11 shall use this process of alternately moving forward and backward until a
12 signature eligible for verification and not already included in the random
13 sample can be selected and substituted.

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

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

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

29 19-141. Initiative and referendum in counties, cities and towns

30 A. ~~The provisions of~~ This chapter ~~shall apply~~ APPLIES to the
31 legislation of cities, towns and counties, except as specifically provided to
32 the contrary in this article. The duties required of the secretary of state
33 as to state legislation shall be performed in connection with such
34 legislation by the city or town clerk, county officer in charge of elections

1 or person performing the duties as such. The duties required of the governor
2 shall be performed by the mayor or the chairman of the board of supervisors,
3 the duties required of the attorney general shall be performed by the city,
4 town or county attorney, and the printing and binding of measures and
5 arguments shall be paid for by the city, town or county in like manner as
6 payment is provided for by the state with respect to state legislation. The
7 provisions of section 19-124 with respect to the legislative council analysis
8 do not apply in connection with initiatives and referenda in cities, towns
9 and counties. The printing shall be done in the same manner as other
10 municipal or county printing is done.

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

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

16 2. ENSURING THAT THE PETITION FORM AND SIGNATURE SHEET FORM ISSUED TO
17 EACH APPLICANT ARE COMPLETE AND CORRECT AND CONTAIN ALL OF THE INFORMATION
18 REQUIRED BY LAW FOR A VALID PETITION AND SIGNATURES EXCEPT FOR THE
19 INFORMATION REGARDING THE SIGNERS AND CIRCULATORS, THE ACTUAL SIGNATURES, THE
20 NOTARIZED SIGNATURES OF THE CIRCULATORS AND THE INFORMATION REGARDING AND
21 SIGNATURE OF THE NOTARY PUBLIC.

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

33 ~~C.~~ D. Arguments supporting or opposing municipal or county initiative
34 and referendum measures shall be filed with the city or town clerk or the

1 county officer in charge of elections not less than ninety days before the
2 election at which they are to be voted upon.

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

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

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

15 Amend title to conform

JUSTIN OLSON

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