

HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2407**

Ugenti Floor Amendment

As amended by the Committee on Elections, House Bill 2407 modifies requirements for initiative, referendum and recall and clarifies instances when petitions and signatures are invalid. The bill requires courts to strictly construe and the petition proponents to strictly comply with procedures outlined in statute.

Your 3-page substitute floor amendment to the Elections Committee amendment does the following:

Clarifies in a different section of statute that the requirement for out-of-state circulators to be registered with the SOS applies to local measures and requires signature disqualification for circulators who fail to register.

Removes the ability of charter cities in the underlying bill to enact additional provisions governing initiative and referenda as long as there is no statutory conflict.

Amendment explanation prepared by Ginna Carico

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lcs

2/25/2015

UGENTI SUBSTITUTE FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2407

I move the following SUBSTITUTE amendment to the ELECTIONS Committee Amendment to HOUSE BILL 2407 (Reference to printed bill)

1 Page 2, line 12, after the period strike remainder of line; strike lines 13 through
2 20; line 21, strike "OF PROCESS."

3 Page 3, between lines 24 and 25, insert:

4 "Sec. 3. Section 19-118, Arizona Revised Statutes, is amended to read:

5 19-118. Registered circulators; requirements; definition

6 A. All circulators who are not residents of this state and, for
7 statewide ballot measures only, all paid circulators must register as
8 circulators with the secretary of state before circulating petitions pursuant
9 to this title. The political committee that is circulating the petition
10 shall collect and submit the registrations to the secretary of state. The
11 secretary of state shall establish in the instructions and procedures manual
12 issued pursuant to section 16-452 a procedure for registering circulators and
13 shall publish on a website maintained by the secretary of state all
14 information regarding circulators that is required pursuant to this section.
15 ~~For statewide ballot measures only,~~ The secretary of state shall disqualify
16 all signatures collected by a circulator who fails to register pursuant to
17 this subsection as provided for in section 19-121.01, subsection A.

18 B. The registration required by subsection A of this section shall
19 include the following provisions:

20 1. The circulator consents to the jurisdiction of the courts of this
21 state in resolving any disputes concerning the circulation of petitions by
22 that circulator.

23 2. The circulator shall designate an address in this state at which
24 the circulator will accept service of process related to disputes concerning
25 circulation of that circulator's petitions. Service of process is effected
26 under this section by delivering a copy of the subpoena to that person

1 individually or by leaving a copy of the subpoena at the address designated
2 by the circulator with a person of suitable age.

3 C. If a registered circulator is properly served with a subpoena to
4 provide evidence in an action regarding circulation of petitions and fails to
5 appear or produce documents as provided for in the subpoena, all signatures
6 collected by that circulator are deemed invalid. The party serving the
7 subpoena may request an order from the court directing the secretary of state
8 to remove any signatures collected by the circulator as provided for in
9 section 19-121.01, subsection A.

10 D. Any person may challenge the lawful registration of circulators in
11 the superior court of the county in which the circulator is registered. A
12 challenge may not be commenced more than five days after the date on which
13 the petitions for which the circulator is required to be registered are filed
14 with the secretary of state. The person challenging signatures may amend
15 that complaint after the secretary of state has removed signatures and
16 signature sheets as prescribed in section 19-121.01. An action pursuant to
17 this section shall be advanced on the calendar and decided by the court as
18 soon as possible. Either party may appeal to the supreme court within five
19 calendar days after entry of judgment. The prevailing party in an action to
20 challenge the registration of a circulator under this section is entitled to
21 reasonable attorney fees.

22 E. The removal or disqualification of any one or more circulators does
23 not invalidate the random sample of signatures made pursuant to section
24 19-121.01, and the secretary of state shall not be required to conduct any
25 additional random sampling of signatures.

26 ~~F. Notwithstanding section 19-141, this section does not apply to~~
27 ~~filing officers for counties, cities and towns and paid circulators for~~
28 ~~county, city and town measures are not required to register with the~~
29 ~~secretary of state or with the filing officer of the county, city or town.~~
30 ~~Challenges to signatures and circulators of county, city or town measures~~
31 ~~shall be as otherwise provided by law.~~

32 ~~G.~~ F. For the purposes of this title, "paid circulator":
33 1. Means a natural person who receives monetary or other compensation
34 that is based on the number of signatures obtained on a petition or on the
35 number of petitions circulated that contain signatures.
36 2. Does not include a paid employee of any political committee
37 organized pursuant to title 16, chapter 6, unless that employee's primary
38 responsibility is circulating petitions to obtain signatures."

House Amendments to H.B. 2407

- 1 Renumber to conform
- 2 Page 11, strike lines 32 through 45
- 3 Page 12, strike lines 1 through 33
- 4 Renumber to conform
- 5 Amend title to conform

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02/25/2015
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