

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HOUSE BILL 2428

AN ACT

AMENDING SECTIONS 19-121, 19-121.01, 19-123 AND 19-124, ARIZONA REVISED STATUTES; RELATING TO INITIATIVE AND REFERENDUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 19-121, Arizona Revised Statutes, is amended to
3 read:
4 19-121. Signature sheets; petitions; form; procedure for filing
5 A. Signature sheets filed shall:
6 1. Be in the form prescribed by law.
7 2. Have printed in their lower right-hand corner, on each side of such
8 sheets, the official serial number assigned to the petition by the secretary
9 of state.
10 3. Be attached to a full and correct copy of the title and text of the
11 measure, or amendment to the constitution, proposed or referred by the
12 petition.
13 4. Be printed in at least eight-point type.
14 5. Be printed in black ink on white or recycled white pages fourteen
15 inches in width by eight and one-half inches in length, with a margin of at
16 least one-half inch at the top and one-fourth inch at the bottom of each
17 page. **NOTWITHSTANDING THIS SUBSECTION, THE SECRETARY OF STATE MAY PRESCRIBE**
18 **AN ALTERNATIVE PAGE WIDTH AND LENGTH IN THE ELECTION PROCEDURES MANUAL**
19 **ADOPTED PURSUANT TO SECTION 16-452.**
20 B. For the purposes of this chapter, a petition is filed when the
21 petition sheets are tendered to the secretary of state, who shall issue a
22 receipt based on an estimate made to the secretary of state of the purported
23 number of sheets and signatures filed. **A RECEIPT MAY BE ELECTRONICALLY**
24 **ISSUED.** After the issuance of the receipt, no additional petition sheets may
25 be accepted for filing.
26 C. Petitions may be filed with the secretary of state in numbered
27 sections for convenience in handling. **THE SECRETARY OF STATE MAY PRESCRIBE**
28 **THE METHOD OF FILING, INCLUDING ELECTRONIC FILING.** Not more than fifteen
29 signatures on one sheet shall be counted. For petitions filed regarding
30 city, town or county matters, the political committee that is the proponent
31 of the petition and that files the petitions shall organize the signature
32 sheets and group them by circulator and is solely responsible for compliance
33 with this subsection. The local filing officer may return as unfiled any
34 signature sheets that are not so organized and grouped.
35 D. Initiative petitions that have not been filed with the secretary of
36 state as of 5:00 p.m. on the day required by the constitution before the
37 ensuing general election after their issuance shall be null and void, but in
38 no event shall the secretary of state accept an initiative petition that was
39 issued for circulation more than twenty-four months before the general
40 election at which the measure is to be included on the ballot.
41 E. For the purposes of this article and article 4 of this chapter, the
42 measure to be attached to the petition as enacted by the legislative body of
43 an incorporated city, town or county means the adopted ordinance or
44 resolution signed by the mayor or the chairman of the board of supervisors,
45 as appropriate, and signed by the clerk of the municipality or the clerk of

1 the board, as appropriate, or, in the absence of a written ordinance or
2 resolution, that portion of the minutes of the legislative body that ~~are~~ IS
3 approved by the governing body and filed with the clerk of the governing body
4 and that ~~reflect~~ REFLECTS the action taken by that body when adopting the
5 measure. In the case of zoning measures, the measure shall also include a
6 legal description of the property and any amendments made to the ordinance by
7 the legislative body.

8 Sec. 2. Section 19-121.01, Arizona Revised Statutes, is amended to
9 read:

10 19-121.01. Secretary of state; removal of petition and
11 ineligible signatures; sheets copies; random
12 sample; presumption

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

16 1. Remove the following:

17 (a) Those sheets not attached to a copy of the complete title and text
18 of the measure as prescribed in this chapter.

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

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

22 (d) Those sheets containing a circulator's affidavit that is not
23 completed or signed or that has been modified.

24 (e) Those sheets on which the affidavit of the circulator is not
25 notarized, the notary's signature is missing, the notary's commission has
26 expired or the notary's seal is not affixed.

27 (f) Those sheets on which the signatures of the circulator or the
28 notary are dated earlier than the dates on which the electors signed the face
29 of the petition sheet.

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

33 (h) Those sheets on which the circulator is required to be registered
34 with the secretary of state pursuant to section 19-118 and the circulator is
35 not properly registered at the time the petitions were circulated.

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

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

41 (b) Remove all signatures of those not in the county of the majority
42 on each sheet ~~by marking an "SS" in red ink in the margin to the right of~~
43 PLACING AN ADJACENT MARK OR STRIKING THROUGH the signature line.

44 (c) Cause all signature sheets to be grouped together by county of
45 registration of the majority of those signing ~~and attach them to one or more~~

1 ~~copies of the title and text of the measure. If the sheets are too bulky for~~
2 ~~convenient grouping by the secretary of state in one volume by county, they~~
3 ~~may be bound in two or more volumes with those in each volume attached to a~~
4 ~~single printed copy of the measure.~~ The remaining detached copies of the
5 title and text of the measure shall be delivered MADE AVAILABLE to the
6 applicant BUT MAY BE DISPOSED OF AFTER A REASONABLE PERIOD OF TIME.

7 3. After completing the steps in paragraph 2 of this subsection,
8 remove the following signatures that are not eligible for verification by
9 ~~marking an "SS" in red ink in the margin to the right of~~ PLACING AN ADJACENT
10 MARK OR STRIKING THROUGH the signature line:

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

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

14 (c) If the date on which the petitioner signed is missing, if the date
15 on which the petitioner signed the petition is before the date that the
16 statement of organization was filed for the political committee that is
17 filing the petition or if the date on which the petitioner signed the
18 petition is after the date on which the affidavit was completed by the
19 circulator and notarized.

20 (d) Signatures in excess of the fifteen signatures permitted per
21 petition.

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

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

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

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

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

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

1 signatures selected shall be marked ~~according to the following procedure:~~ IN
2 A CLEAR MANNER.

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

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

22 ~~C.~~ D. After the selection of the random sample and the marking of the
23 signatures selected on the ~~original~~ petition sheets pursuant to subsection B
24 of this section, the secretary of state shall ~~reproduce~~ TRANSMIT a ~~facsimile~~
25 COPY of the front of each signature sheet on which a signature included in
26 the random sample appears. The secretary of state shall clearly identify
27 those signatures marked for verification ~~by color highlighting or other~~
28 ~~similar method~~ and shall transmit by personal delivery, ~~or~~ certified mail,
29 ELECTRONIC MAIL OR OTHER ELECTRONIC TRANSFER METHOD to each county recorder a
30 ~~facsimile sheet~~ COPY of each signature sheet on which a signature appears of
31 any individual who claims to be a qualified elector of that county and whose
32 signature was selected for verification as part of the random sample.

33 ~~D.~~ E. The secretary of state shall presume that the date noted on the
34 petition for a petitioner's signature is the date on which the petitioner
35 signed the petition, and any person seeking to establish a different date for
36 the signature bears the burden of proof in overcoming the presumption.

37 ~~E.~~ F. The secretary of state shall retain ~~in custody~~ AN ELECTRONIC
38 COPY OF all signature sheets ~~removed pursuant to this section~~ except as
39 otherwise prescribed in this title. AFTER THE TIME PERIOD FOR LEGAL
40 CHALLENGES HAS ELAPSED, THE ORIGINAL SHEETS SHALL BE MADE AVAILABLE TO THE
41 APPLICANT BUT MAY BE DISPOSED OF AFTER A REASONABLE PERIOD OF TIME.

1 Sec. 3. Section 19-123, Arizona Revised Statutes, is amended to read:
2 19-123. Publicity pamphlet; printing; distribution; public
3 hearings

4 A. When the secretary of state is ordered by the legislature, or by
5 petition under the initiative and referendum provisions of the constitution,
6 to submit to the people a measure or proposed amendment to the constitution,
7 the secretary of state shall cause to be printed, at the expense of the
8 state, except as otherwise provided in this article, a publicity pamphlet,
9 which shall contain:

10 1. A true copy of the title and text of the measure or proposed
11 amendment. Such text shall indicate material deleted, if any, by printing
12 such material with a line drawn through the center of the letters of such
13 material and shall indicate material added or new material by printing the
14 letters of such material in capital letters.

15 2. The form in which the measure or proposed amendment will appear on
16 the ballot, the official title, the descriptive title prepared by the
17 secretary of state and the number by which it will be designated.

18 3. The arguments for and against the measure or amendment.

19 4. For any measure or proposed amendment, a legislative council
20 analysis of the ballot proposal as prescribed by section 19-124.

21 5. The report of the commission on judicial performance review for any
22 justices of the supreme court, judges of the court of appeals and judges of
23 the superior court who are subject to retention.

24 6. The summary of a fiscal impact statement prepared by the joint
25 legislative budget committee staff pursuant to subsection D of this section.

26 B. The secretary of state shall **POST THE PUBLICITY PAMPHLET ON THE**
27 **SECRETARY OF STATE'S WEBSITE AS SOON AS IS PRACTICABLE AFTER THE PAMPHLET IS**
28 **PRINTED AND SHALL** mail one copy of the publicity pamphlet to every household
29 that contains a registered voter. The mailings may be made over a period of
30 days but shall be mailed in order to be delivered to households before the
31 earliest date for receipt by registered voters of any requested early ballots
32 for the general election.

33 C. Sample ballots for both the primary and general elections shall
34 include a statement that information on how to obtain a publicity pamphlet
35 for the general election ballot propositions is available by calling the
36 secretary of state. The statement shall include a telephone number and
37 mailing address of the secretary of state.

38 D. On certification of an initiative measure as qualified for the
39 ballot, the secretary of state shall hold or cause to be held at least three
40 public meetings on the ballot measure. Hearings shall be held in at least
41 three different counties and shall be held before the date of the election on
42 the measure. The hearings shall provide an opportunity for proponents,
43 opponents and the general public to provide testimony and request
44 information. Hearings may be scheduled to include more than one qualified
45 ballot measure and shall include a fiscal impact presentation on the measure

1 by the joint legislative budget committee staff. The joint legislative
2 budget committee staff shall prepare a summary of the fiscal impact for each
3 ballot measure, not to exceed three hundred words, for publication in the
4 publicity pamphlet.

5 Sec. 4. Section 19-124, Arizona Revised Statutes, is amended to read:
6 19-124. Arguments and analyses on measures: cost; submission at
7 special election

8 A. The person filing an initiative petition may at the same time file
9 with the secretary of state an argument advocating the measure or
10 constitutional amendment proposed in the petition. Not later than
11 forty-eight days preceding the regular primary election a person may file
12 with the secretary of state an argument advocating or opposing the measure or
13 constitutional amendment proposed in the petition. Not later than
14 forty-eight days preceding the regular primary election a person may file
15 with the secretary of state an argument advocating or opposing any measure
16 with respect to which the referendum has been invoked, or any measure or
17 constitutional amendment referred by the legislature. **THE SECRETARY OF STATE**
18 **SHALL PROMINENTLY POST ON ITS WEBSITE THE DATES ON WHICH THE BALLOT MEASURE**
19 **FILINGS ARE DUE AND THE DATE OF THE ELECTION.** Each argument filed shall
20 contain the ~~original-notarized-signature~~ **SWORN STATEMENT** of each person
21 sponsoring it. If the argument is sponsored by an organization, it shall
22 contain the ~~notarized-signature~~ **SWORN STATEMENT** of two executive officers of
23 the organization or if sponsored by a political committee it shall contain
24 the ~~notarized-signature~~ **SWORN STATEMENT** of the committee's chairman or
25 treasurer. **EACH ARGUMENT FILED SHALL ALSO BE SUBMITTED TO THE SECRETARY OF**
26 **STATE IN ELECTRONIC FORMAT.** Payment of the deposit required by subsection ~~D-~~
27 **E OF THIS SECTION** or reimbursement of the payor constitutes sponsorship of
28 the argument for purposes of this subsection. The person or persons signing
29 the argument shall identify themselves by giving their residence or post
30 office address and a telephone number, which information shall not appear in
31 the publicity pamphlet. Each argument filed pursuant to this subsection
32 shall not exceed three hundred words in length.

33 **B. WHEN THE LEGISLATURE ORDERS THE SECRETARY OF STATE TO SUBMIT TO THE**
34 **PEOPLE A MEASURE OR PROPOSED AMENDMENT TO THE CONSTITUTION AT A SPECIAL**
35 **ELECTION AND AS SOON AS IS PRACTICABLE AFTER THE LEGISLATURE ORDERS THAT**
36 **SUBMITTAL, THE SECRETARY OF STATE SHALL PROMINENTLY POST ON ITS WEBSITE THE**
37 **DATES ON WHICH THE ANALYSIS, IF ANY, AND THE ARGUMENTS ADVOCATING OR OPPOSING**
38 **THE MEASURE ARE DUE AND THE DATE OF THE ELECTION.**

39 ~~B-~~ C. Not later than sixty days preceding the regular primary
40 election the legislative council, after providing reasonable opportunity for
41 comments by all legislators, shall prepare and file with the secretary of
42 state an impartial analysis of the provisions of each ballot proposal of a
43 measure or proposed amendment. The analysis shall include a description of
44 the measure and shall be written in clear and concise terms avoiding
45 technical terms wherever possible. The analysis may contain background

1 information, including the effect of the measure on existing law, or any
2 legislative enactment suspended by referendum, if the measure or referendum
3 is approved or rejected.

4 ~~C.~~ D. The analyses and arguments shall be included in the publicity
5 pamphlet immediately following the measure or amendment to which they refer.
6 Arguments in the affirmative shall be placed first in order, and first among
7 the affirmative or negative arguments shall be placed the arguments filed by
8 the person filing the initiative petition or the person who introduced the
9 measure or constitutional amendment referred. The remaining affirmative and
10 negative arguments shall be placed in the order in which they were filed with
11 the secretary of state.

12 ~~D.~~ E. The person filing an argument shall deposit with the secretary
13 of state, at the time of filing, an amount of money as prescribed by the
14 secretary of state for the purpose of offsetting a portion of the
15 proportionate cost of the purchase of the paper and the printing of the
16 argument. **THE SECRETARY OF STATE SHALL PROVIDE FOR ELECTRONIC SUBMITTAL OF**
17 **DEPOSIT PAYMENTS.** If the person filing an argument requests that the
18 argument appear in connection with more than one proposition, a deposit shall
19 be made for each placement requested. No such deposit or payment shall be
20 required for the analyses prepared and filed by the legislative council. Any
21 proportional balance remaining of the deposit, after paying the cost, shall
22 be returned to the depositor.

23 ~~E.~~ F. ~~When~~ **IF** a measure is submitted at a special election, and time
24 will not permit full compliance with this article, the charter provision or
25 ordinance providing for the special election shall make provision for
26 printing and distribution of the publicity pamphlet.

27 ~~F.~~ G. In the case of referendum petitions that are not required to be
28 filed until after the primary election or at a time so close to the primary
29 election that a referendum cannot be certified for the ballot before the
30 deadline for filing ballot arguments pursuant to subsection A **OF THIS**
31 **SECTION**, the secretary of state may establish a separate deadline for filing
32 the referendum ballot arguments pursuant to rules adopted by the secretary of
33 state.