

REFERENCE TITLE: online election information; posting

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

# HB 2580

Introduced by  
Representatives Friese: Clark

AN ACT

AMENDING SECTIONS 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 19-123, Arizona Revised Statutes, is amended to  
3 read:

4 19-123. Publicity pamphlet; printing; distribution; public  
5 hearings

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

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

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

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

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

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

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

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

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

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

1 information. Hearings may be scheduled to include more than one qualified  
2 ballot measure and shall include a fiscal impact presentation on the measure  
3 by the joint legislative budget committee staff. The joint legislative  
4 budget committee staff shall prepare a summary of the fiscal impact for each  
5 ballot measure, not to exceed three hundred words, for publication in the  
6 publicity pamphlet.

7 Sec. 2. Section 19-124, Arizona Revised Statutes, is amended to read:  
8 19-124. Arguments and analyses on measures; cost; submission at  
9 special election

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

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

43 ~~B-~~ C. Not later than sixty days preceding the regular primary  
44 election the legislative council, after providing reasonable opportunity for  
45 comments by all legislators, shall prepare and file with the secretary of

1 state an impartial analysis of the provisions of each ballot proposal of a  
2 measure or proposed amendment. The analysis shall include a description of  
3 the measure and shall be written in clear and concise terms avoiding  
4 technical terms wherever possible. The analysis may contain background  
5 information, including the effect of the measure on existing law, or any  
6 legislative enactment suspended by referendum, if the measure or referendum  
7 is approved or rejected.

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

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

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

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