

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HOUSE BILL 2007

AN ACT

AMENDING SECTIONS 16-912.01, 19-123 AND 19-125, 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 16-912.01, Arizona Revised Statutes, is amended to
3 read:

4 16-912.01. Ballot measure committees; campaign literature and
5 advertising funding; identification; disclosure;
6 civil penalty; definition

7 A. A political committee that makes an expenditure in connection with
8 any literature or advertisement to support or oppose a ballot proposition
9 shall disclose and, after November 2, 2010, shall include on the literature
10 or advertisement the words "paid for by", followed by the name of the
11 committee that appears on its statement of organization or five hundred
12 dollar threshold exemption statement, and shall also include in such
13 literature or advertisement the four largest of its major funding sources as
14 of the time the literature or advertisement is printed, recorded or otherwise
15 produced for dissemination. If a political committee has fewer than four
16 major funding sources, the committee shall disclose all major funding
17 sources.

18 B. For the purposes of this section, a major funding source of a
19 political committee is any contributor that is not an individual person and
20 that has made cumulative contributions of either:

21 1. Ten thousand dollars or more for an expenditure in support of or
22 opposition to a statewide ballot proposition or a ballot proposition of a
23 political subdivision with a population of one hundred thousand persons or
24 more.

25 2. Five thousand dollars or more for an expenditure in support of or
26 opposition to a ballot proposition of a political subdivision with a
27 population of less than one hundred thousand persons.

28 C. If an out-of-state contributor or group of out-of-state
29 contributors is a major funding source to a political committee disclosed
30 pursuant to subsection A **OF THIS SECTION**, the political committee shall state
31 the contributor is an out-of-state contributor on its literature or
32 advertisement in support of or in opposition to a ballot proposition.

33 D. Contributors that make contributions to more than one political
34 committee that supports or opposes the same ballot proposition shall notify
35 each political committee of the cumulative total of these contributions.
36 Cumulative totals must be disclosed by each political committee that received
37 contributions from the same contributor if the cumulative totals qualify as a
38 major funding source to be disclosed pursuant to subsection A **OF THIS**
39 **SECTION**.

40 E. **IN ADDITION TO THE DISCLOSURE REQUIRED PURSUANT TO SUBSECTION A OF**
41 **THIS SECTION, FOR ANY STATUTORY MEASURE, THE LITERATURE OR ADVERTISEMENT**
42 **SHALL ALSO INCLUDE THE FOLLOWING STATEMENT: "NOTICE: PURSUANT TO**
43 **PROPOSITION 105 (1998), THIS MEASURE CAN NEVER BE CHANGED IN THE FUTURE IF**
44 **APPROVED ON THE BALLOT EXCEPT BY A THREE-FOURTHS VOTE OF THE LEGISLATURE AND**

1 THE CHANGE FURTHERS THE PURPOSE OF THE ORIGINAL BALLOT MEASURE, OR BY
2 REFERRING THE CHANGE TO THE BALLOT."

3 ~~F.~~ F. Any disclosure statement required by this section shall be
4 printed clearly and legibly in a conspicuous manner in type at least as large
5 as the majority of the printed text. For printed material that is delivered
6 or provided by hand or by mail, the disclosure shall be printed in a font
7 that is at least 3/32 inches tall in dark type on light background surrounded
8 by a dark box. If the communication is broadcast on radio, the information
9 shall be spoken at the end of the communication. If the communication is
10 broadcast on a telecommunications system, the information shall be both
11 written and spoken at the end of the communication, except that if the
12 disclosure statement is written for at least five seconds of a thirty second
13 advertisement broadcast or ten seconds of a sixty second advertisement
14 broadcast, a spoken disclosure statement is not required. If the
15 communication is broadcast on a telecommunications system, the written
16 disclosure statement shall be printed in letters equal to or larger than four
17 per cent of the vertical picture height.

18 ~~F.~~ G. ~~Subsection~~ SUBSECTIONS A AND E OF THIS SECTION ~~does~~ DO not
19 apply to bumper stickers, pins, buttons, pens and similar small items on
20 which the statements required in ~~subsection~~ SUBSECTIONS A AND E OF THIS
21 SECTION cannot be conveniently printed or to a communication by an
22 organization solely to its members.

23 ~~G.~~ H. A committee shall change future literature and advertisements
24 to reflect any change in funding sources that must be disclosed pursuant to
25 subsection A OF THIS SECTION.

26 ~~H.~~ I. This section only applies to advertisements the contents of
27 which are more than fifty per cent devoted to one or more ballot propositions
28 or proposed measures on the same subject.

29 ~~I.~~ J. Any committee that violates this section is liable in a civil
30 action brought by the attorney general, county attorney or city or town
31 attorney, as appropriate, or by any other person for a civil penalty of three
32 times the total cost of the advertisement. A donor who does not accurately
33 disclose its contributions is liable for a civil penalty of three times the
34 amount donated.

35 ~~J.~~ K. For the purposes of this section, "advertisement" means general
36 public advertising through the print and electronic media, signs, billboards
37 and direct mail.

38 Sec. 2. Section 19-123, Arizona Revised Statutes, is amended to read:

39 19-123. Publicity pamphlet; printing; distribution; public
40 hearings

41 A. When the secretary of state is ordered by the legislature, or by
42 petition under the initiative and referendum provisions of the constitution,
43 to submit to the people a measure or proposed amendment to the constitution,
44 the secretary of state shall cause to be printed, at the expense of the

1 state, except as otherwise provided in this article, a publicity pamphlet,
2 which shall contain:

3 1. A true copy of the title and text of the measure or proposed
4 amendment. Such text shall indicate material deleted, if any, by printing
5 such material with a line drawn through the center of the letters of such
6 material and shall indicate material added or new material by printing the
7 letters of such material in capital letters.

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

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

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

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

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

19 7. IMMEDIATELY BELOW THE LEGISLATIVE COUNCIL ANALYSIS, FOR ANY
20 STATUTORY MEASURE, THE FOLLOWING STATEMENT IN BOLD FACED TYPE: "NOTICE:
21 PURSUANT TO PROPOSITION 105 (1998), THIS MEASURE CAN NEVER BE CHANGED IN THE
22 FUTURE IF APPROVED ON THE BALLOT EXCEPT BY A THREE-FOURTHS VOTE OF THE
23 LEGISLATURE AND THE CHANGE FURTHERS THE PURPOSE OF THE ORIGINAL BALLOT
24 MEASURE, OR BY REFERRING THE CHANGE TO THE BALLOT."

25 B. The secretary of state shall mail one copy of the publicity
26 pamphlet to every household that contains a registered voter. The mailings
27 may be made over a period of days but shall be mailed in order to be
28 delivered to households before the earliest date for receipt by registered
29 voters of any requested early ballots for the general election.

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

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

1 ballot measure, not to exceed three hundred words, for publication in the
2 publicity pamphlet.

3 Sec. 3. Section 19-125, Arizona Revised Statutes, is amended to read:
4 19-125. Form of ballot

5 A. The secretary of state, at the time he transmits to the clerks of
6 the boards of supervisors a certified copy of the name of each candidate for
7 public office, shall transmit to each clerk a certified copy of the official
8 title, the descriptive title and the number of each measure and proposed
9 amendment to the constitution to be voted on at the ensuing regular general
10 election.

11 B. Proposed constitutional amendments shall be numbered consecutively
12 beginning with the number one hundred, proposed initiative measures shall be
13 numbered consecutively beginning with the number two hundred, measures
14 submitted under the referendum shall be numbered consecutively beginning with
15 the number three hundred, and county and local issues shall be numbered
16 consecutively beginning with the number four hundred. Numbering shall be
17 consecutive based on the order in which the initiative or referendum
18 petitions are filed with the secretary of state. Individual numbering shall
19 continue from the last number used in the previous election and shall not be
20 repeated until all one hundred numbers in that series have been used.
21 Proposed constitutional amendments shall be placed by themselves at the head
22 of the ballot column, followed by initiated and referred measures in that
23 order. The number assigned to the measure by the secretary of state
24 constitutes the official title of the measure and shall be used for
25 identification of the measure by the state and the county in all subsequent
26 official election materials, including the publicity pamphlet.

27 C. The officer in charge of elections shall print the official title
28 and the descriptive title of each measure on the official ballot in the order
29 presented to him by the secretary of state unless otherwise provided by law.
30 The number of the measure shall be in reverse type and at least twelve point
31 type. A proposed constitutional amendment shall be designated "proposed
32 amendment to the constitution by the legislature", or "proposed amendment to
33 the constitution by the initiative", as the case may be. A measure referred
34 by the legislature shall be designated "referred to the people by the
35 legislature", a measure referred by petition shall be designated "referendum
36 ordered by petition of the people" and a measure proposed by initiative
37 petition shall be designated "proposed by initiative petition".

38 D. There shall be printed on the official ballot immediately below the
39 number of the measure and the official title of each measure a descriptive
40 title containing a summary of the principal provisions of the measure, not to
41 exceed fifty words, which shall be prepared by the secretary of state and
42 approved by the attorney general and that includes the following or the
43 ballot shall comply with subsection ~~E~~ F of this section:

44 A "yes" vote shall have the effect of _____.

45 A "no" vote shall have the effect of _____.

1 The blank spaces shall be filled with a brief phrase, approved by the
2 attorney general, stating the essential change in the existing law should the
3 measure receive a majority of votes cast in that particular manner. In the
4 case of a referendum, a "yes" vote shall have the effect of approving the
5 legislative enactment that is being referred. The "yes" and "no" language
6 shall be posted on the secretary of state's website after being approved by
7 the attorney general and before the date on which the official ballots and
8 the publicity pamphlet are sent to be printed. Below the statement of effect
9 of a "yes" vote and effect of a "no" vote there shall be printed the
10 corresponding words "yes" and "no" and a place for the voter to put a mark as
11 defined in section 16-400 indicating his preference.

12 E. IN ADDITION TO THE INFORMATION PRESCRIBED BY SUBSECTION D OF THIS
13 SECTION, FOR STATUTORY MEASURES, THE OFFICER IN CHARGE OF ELECTIONS SHALL
14 PRINT ON THE OFFICIAL BALLOT IMMEDIATELY BEFORE THE FIRST PROPOSED INITIATIVE
15 MEASURE AND IMMEDIATELY BEFORE THE FIRST PROPOSED MEASURE SUBMITTED UNDER THE
16 REFERENDUM THE FOLLOWING: "NOTICE: PURSUANT TO PROPOSITION 105 (1998), THIS
17 MEASURE CAN NEVER BE CHANGED IN THE FUTURE IF APPROVED ON THE BALLOT EXCEPT
18 BY A THREE-FOURTHS VOTE OF THE LEGISLATURE AND THE CHANGE FURTHERS THE
19 PURPOSE OF THE ORIGINAL BALLOT MEASURE, OR BY REFERRING THE CHANGE TO THE
20 BALLOT."

21 ~~E~~ F. Instead of printing the official and descriptive titles or the
22 full text of each measure or question on the official ballot, the officer in
23 charge of elections may print phrases on the official ballot that contain all
24 of the following:

25 1. The number of the measure in reverse type and at least twelve point
26 type.

27 2. The designation of the measure as prescribed by subsection C of
28 this section or as a question, proposition or charter amendment, followed by
29 the words "relating to..." and inserting the subject.

30 3. Either the statement prescribed by subsection D of this section
31 that describes the effects of a "yes" vote and a "no" vote or, for other
32 measures, the text of the question or proposition.

33 4. The words "yes" and "no" or "for" and "against", as may be
34 appropriate and a place for the voter to put a mark.

35 5. FOR STATE STATUTORY MEASURES, IMMEDIATELY BEFORE THE FIRST PROPOSED
36 INITIATIVE MEASURE AND IMMEDIATELY BEFORE THE FIRST PROPOSED MEASURE
37 SUBMITTED UNDER THE REFERENDUM THE FOLLOWING STATEMENT: "NOTICE: PURSUANT
38 TO PROPOSITION 105 (1998), THIS MEASURE CAN NEVER BE CHANGED IN THE FUTURE IF
39 APPROVED ON THE BALLOT EXCEPT BY A THREE-FOURTHS VOTE OF THE LEGISLATURE AND
40 THE CHANGE FURTHERS THE PURPOSE OF THE ORIGINAL BALLOT MEASURE, OR BY
41 REFERRING THE CHANGE TO THE BALLOT."

42 ~~F~~ G. For any ballot printed pursuant to subsection ~~E~~ F of this
43 section, the instructions on the official ballot shall direct the voter to
44 the full text of the official and descriptive titles and the questions and
45 propositions as printed on the sample ballot and posted in the polling place.

1 Sec. 4. Severability

2 If a provision of this act or its application to any person or
3 circumstance is held invalid, the invalidity does not affect other provisions
4 or applications of the act that can be given effect without the invalid
5 provision or application, and to this end the provisions of this act are
6 severable.