

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

HOUSE BILL 2305

AN ACT

AMENDING SECTIONS 16-322, 16-544, 16-547, 16-924 AND 16-1005, ARIZONA REVISED STATUTES; AMENDING TITLE 19, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-103; AMENDING SECTIONS 19-111, 19-112, 19-121, 19-121.01, 19-121.02 AND 19-121.04, ARIZONA REVISED STATUTES; AMENDING TITLE 19, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-201.01; AMENDING SECTIONS 19-202.01 AND 19-203, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-322, Arizona Revised Statutes, is amended to
3 read:

4 16-322. Number of signatures required on nomination petitions

5 A. Nomination petitions shall be signed:

6 1. If for a candidate for the office of United States senator or for a
7 state office, excepting members of the legislature and superior court judges,
8 by a number of qualified electors who are qualified to vote for the candidate
9 whose nomination petition they are signing equal to at least ~~one-half~~
10 ONE-SIXTH of one per cent of the voter registration ~~of the party of the~~
11 ~~candidate~~ in at least three counties in the state, ~~but not less than one-half~~
12 AND AT LEAST ONE-SIXTH of one per cent ~~nor~~ BUT NOT more than ten per cent of
13 the total voter registration ~~of the candidate's party~~ in the state.

14 2. If for a candidate for the office of representative in Congress, by
15 a number of qualified electors who are qualified to vote for the candidate
16 whose nomination petition they are signing equal to at least ONE-THIRD OF one
17 per cent but not more than ten per cent of the total voter registration ~~of~~
18 ~~the party designated~~ in the district from which ~~such~~ THE representative shall
19 be elected except that if for a candidate for a special election to fill a
20 vacancy in the office of representative in congress, by a number of qualified
21 electors who are qualified to vote for the candidate whose nomination
22 petition they are signing equal to at least ~~one-half~~ ONE-SIXTH of one per
23 cent but not more than ten per cent of the total voter registration ~~of the~~
24 ~~party designated~~ in the district from which ~~such~~ THE representative shall be
25 elected.

26 3. If for a candidate for the office of member of the legislature, by
27 a number of qualified electors who are qualified to vote for the candidate
28 whose nomination petition they are signing equal to at least ONE-THIRD OF one
29 per cent but not more than three per cent of the total voter registration ~~of~~
30 ~~the party designated~~ in the district from which the member of the legislature
31 may be elected.

32 4. If for a candidate for a county office or superior court judge, by
33 a number of qualified electors who are qualified to vote for the candidate
34 whose nomination petition they are signing equal to at least two per cent but
35 not more than ten per cent of the total voter registration of the party
36 designated in the county or district, provided that in counties with a
37 population of two hundred thousand persons or more, a candidate for a county
38 office shall have nomination petitions signed by a number of qualified
39 electors who are qualified to vote for the candidate whose nomination
40 petition they are signing equal to at least one-half of one per cent but not
41 more than ten per cent of the total voter registration of the party
42 designated in the county or district.

43 5. If for a candidate for a community college district, by a number of
44 qualified electors who are qualified to vote for the candidate whose
45 nomination petition they are signing equal to at least:

1 (a) Through June 30, 2012, one-half of one per cent but not more than
2 ten per cent of the total voter registration in the precinct as established
3 pursuant to section 15-1441.

4 (b) Beginning July 1, 2012, one-quarter of one per cent but not more
5 than ten per cent of the total voter registration in the precinct as
6 established pursuant to section 15-1441. Notwithstanding the total voter
7 registration in the community college district, the maximum number of
8 signatures required by this subdivision is one thousand.

9 6. If for a candidate for county precinct committeeman, by a number of
10 qualified electors who are qualified to vote for the candidate whose
11 nomination petition they are signing equal to at least two per cent but not
12 more than ten per cent of the party voter registration in the precinct or ten
13 signatures, whichever is less.

14 7. If for a candidate for justice of the peace or constable, by a
15 number of qualified electors who are qualified to vote for the candidate
16 whose nomination petition they are signing equal to at least two per cent but
17 not more than ten per cent of the party voter registration in the precinct.

18 8. If for a candidate for mayor or other office nominated by a city at
19 large, by a number of qualified electors who are qualified to vote for the
20 candidate whose nomination petition they are signing equal to at least five
21 per cent and not more than ten per cent of the designated party vote in the
22 city, except that a city that chooses to hold nonpartisan elections may by
23 ordinance provide that the minimum number of signatures required for the
24 candidate be one thousand signatures or five per cent of the vote in the
25 city, whichever is less, but not more than ten per cent of the vote in the
26 city.

27 9. If for an office nominated by ward, precinct or other district of a
28 city, by a number of qualified electors who are qualified to vote for the
29 candidate whose nomination petition they are signing equal to at least five
30 per cent and not more than ten per cent of the designated party vote in the
31 ward, precinct or other district, except that a city that chooses to hold
32 nonpartisan elections may provide by ordinance that the minimum number of
33 signatures required for the candidate be two hundred fifty signatures or five
34 per cent of the vote in the district, whichever is less, but not more than
35 ten per cent of the vote in the district.

36 10. If for a candidate for an office nominated by a town at large, by a
37 number of qualified electors who are qualified to vote for the candidate
38 whose nomination petition they are signing equal to at least five per cent
39 and not more than ten per cent of the vote in the town, except that a town
40 that chooses to hold nonpartisan elections may provide by ordinance that the
41 minimum number of signatures required for the candidate be one thousand
42 signatures or five per cent of the vote in the town, whichever is less, but
43 not more than ten per cent of the vote in the town.

1 11. If for a candidate for a governing board of a school district, by a
2 number of qualified electors who are qualified to vote for the candidate
3 whose nomination petition they are signing equal to at least one-half of one
4 per cent of the total voter registration in the school district if the
5 governing board members are elected at large or one per cent of the total
6 voter registration in the single member district if governing board members
7 or joint technical education district board members are elected from single
8 member districts. Notwithstanding the total voter registration in the school
9 district or single member district, the maximum number of signatures required
10 by this paragraph is four hundred.

11 12. If for a candidate for a governing body of a special district as
12 described in title 48, by a number of qualified electors who are qualified to
13 vote for the candidate whose nomination petition they are signing equal to at
14 least one-half of one per cent of the vote in the special district but not
15 more than two hundred fifty and not fewer than five signatures.

16 B. The basis of percentage in each instance referred to in subsection
17 A of this section, except in cities, towns and school districts, shall be the
18 number of voters registered in the designated party of the candidate **OR THE**
19 **TOTAL NUMBER OF REGISTERED VOTERS, AS PRESCRIBED IN EACH PARAGRAPH IN**
20 **SUBSECTION A OF THIS SECTION AND** as reported pursuant to section 16-168,
21 subsection G on March 1 of the year in which the general election is
22 held. In cities, the basis of percentage shall be the vote of the party for
23 mayor at the last preceding election at which a mayor was elected. In towns,
24 the basis of percentage shall be the highest vote cast for an elected
25 official of the town at the last preceding election at which an official of
26 the town was elected. In school districts, the basis of percentage shall be
27 the total number of voters registered in the school district or single member
28 district, whichever applies. The total number of voters registered for
29 school districts shall be calculated using the periodic reports prepared by
30 the county recorder pursuant to section 16-168, subsection G. The count that
31 is reported on March 1 of the year in which the general election is held
32 shall be the basis for the calculation of total voter registration for school
33 districts.

34 C. In primary elections the signature requirement for party nominees,
35 other than nominees of the parties entitled to continued representation
36 pursuant to section 16-804, is at least one-tenth of one per cent of the
37 total vote for the winning candidate or candidates for governor or
38 presidential electors at the last general election within the district.
39 Signatures must be obtained from qualified electors who are qualified to vote
40 for the candidate whose nomination petition they are signing.

41 D. If new boundaries for congressional districts, legislative
42 districts, supervisorial districts, justice precincts or election precincts
43 are established and effective subsequent to March 1 of the year of a general
44 election and prior to the date for filing of nomination petitions, the basis
45 for determining the required number of nomination petition signatures is the

1 number of registered voters in the designated party of the candidate in the
2 elective office, district or precinct on the day the new districts or
3 precincts are effective.

4 Sec. 2. Section 16-544, Arizona Revised Statutes, is amended to read:
5 16-544. Permanent early voting list; civil penalty; violation;
6 classification

7 A. Any voter may request to be included on a permanent list of voters
8 to receive an early ballot for any election for which the county voter
9 registration roll is used to prepare the election register. The county
10 recorder of each county shall maintain the permanent early voting list as
11 part of the voter registration roll.

12 B. In order to be included on the permanent early voting list, the
13 voter shall make a written request specifically requesting that the voter's
14 name be added to the permanent early voting list for all elections in which
15 the applicant is eligible to vote. A permanent early voter request form
16 shall conform to requirements prescribed in the instructions and procedures
17 manual issued pursuant to section 16-452. The application shall allow for
18 the voter to provide the voter's name, residence address, mailing address in
19 the voter's county of residence, date of birth and signature and shall state
20 that the voter is attesting that the voter is a registered voter who is
21 eligible to vote in the county of residence. The voter shall not list a
22 mailing address that is outside of this state for the purpose of the
23 permanent early voting list unless the voter is an absent uniformed services
24 voter or overseas voter as defined in the uniformed and overseas citizens
25 absentee voting act of 1986 (P.L. 99-410; 42 United States Code section
26 1973ff-6). In lieu of the application, the applicant may submit a written
27 request that contains the required information.

28 C. On receipt of a request to be included on the permanent early
29 voting list, the county recorder or other officer in charge of elections
30 shall compare the signature on the request form with the voter's signature on
31 the voter's registration form and, if the request is from the voter, shall
32 mark the voter's registration file as a permanent early ballot request.

33 D. Not less than ninety days before any polling place election
34 scheduled in March or August, the county recorder or other officer in charge
35 of elections shall mail to all voters who are eligible for the election and
36 who are included on the permanent early voting list an election notice by
37 nonforwardable mail that is marked with the statement required by the
38 postmaster to receive an address correction notification. If an election is
39 not formally called by a jurisdiction by the one hundred twentieth day before
40 the election, the recorder or other officer in charge of elections is not
41 required to send the election notice. The notice shall include the dates of
42 the elections that are the subject of the notice, the dates that the voter's
43 ballot is expected to be mailed and the address where the ballot will be
44 mailed. If the upcoming election is a partisan open primary election and the
45 voter is not registered as a member of one of the political parties that is

1 recognized for purposes of that primary, the notice shall include information
2 on the procedure for the voter to designate a political party ballot. The
3 notice shall be delivered with return postage prepaid and shall also include
4 a means for the voter to do any of the following:

5 1. Change the mailing address for the voter's ballot to another
6 location in the voter's county of residence.

7 2. Update the voter's residence address in the voter's county of
8 residence.

9 3. Request that the voter not be sent a ballot for the upcoming
10 election or elections indicated on the notice.

11 E. If the notice that is mailed to the voter is returned undeliverable
12 by the postal service, the county recorder or other officer in charge of
13 elections shall take the necessary steps to contact the voter at the voter's
14 new residence address in order to update that voter's address or to move the
15 voter to inactive status as prescribed in section 16-166, subsection A. If a
16 voter is moved to inactive status, the voter shall be removed from the
17 permanent early voting list. If the voter is removed from the permanent
18 early voting list, the voter shall only be added to the permanent early
19 voting list again if the voter submits a new request pursuant to this
20 section.

21 F. Not later than the first day of early voting, the county recorder
22 or other officer in charge of elections shall mail an early ballot to all
23 eligible voters included on the permanent early voting list in the same
24 manner prescribed in section 16-542, subsection C. If the voter has not
25 returned the notice or otherwise notified the election officer within
26 forty-five days before the election that the voter does not wish to receive
27 an early ballot by mail for the election or elections indicated, the ballot
28 shall automatically be scheduled for mailing.

29 G. If a voter who is on the permanent early voting list is not
30 registered as a member of a recognized political party and fails to notify
31 the county recorder of the voter's choice for political party ballot within
32 forty-five days before a partisan open primary election, the following apply:

33 1. The voter shall not automatically be sent a ballot for that
34 partisan open primary election only and the voter's name shall remain on the
35 permanent early voting list for future elections.

36 2. To receive an early ballot for the primary election, the voter
37 shall submit the voter's choice for political party ballot to the county
38 recorder.

39 H. After a voter has requested to be included on the permanent early
40 voting list, the voter shall be sent an early ballot by mail automatically
41 for any election at which a voter at that residence address is eligible to
42 vote until any of the following occurs:

43 1. The voter requests in writing to be removed from the permanent
44 early voting list.

1 2. The voter's registration or eligibility for registration is moved
2 to inactive status or canceled as otherwise provided by law.

3 3. The notice sent by the county recorder or other officer in charge
4 of elections is returned undeliverable and the county recorder or officer in
5 charge of elections is unable to contact the voter to determine the voter's
6 continued desire to remain on the list.

7 I. A voter may make a written request at any time to be removed from
8 the permanent early voting list. The request shall include the voter's name,
9 residence address, date of birth and signature. On receipt of a completed
10 request to remove a voter from the permanent early voting list, the county
11 recorder or other officer in charge of elections shall remove the voter's
12 name from the list as soon as practicable.

13 J. An absent uniformed services voter or overseas voter as defined in
14 the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410;
15 42 United States Code section 1973ff-6) is eligible to be placed on the
16 permanent early voting list pursuant to this section.

17 K. A voter's failure to vote an early ballot once received does not
18 constitute grounds to remove the voter from the permanent early voting list.

19 L. NOTWITHSTANDING SUBSECTION K OF THIS SECTION, BY DECEMBER 1 OF EACH
20 EVEN-NUMBERED YEAR, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF
21 ELECTIONS MAY SEND A NOTICE TO EACH VOTER WHO IS ON THE PERMANENT EARLY
22 VOTING LIST AND WHO DID NOT VOTE AN EARLY BALLOT IN BOTH THE PRIMARY ELECTION
23 AND THE GENERAL ELECTION FOR THE TWO MOST RECENT GENERAL ELECTIONS FOR
24 FEDERAL OFFICE, UNLESS THE VOTER HAD CONTACTED THE COUNTY RECORDER IN THE
25 IMMEDIATELY PRECEDING TWENTY-FOUR MONTHS TO REAFFIRM THE VOTER'S INTENT TO
26 REMAIN ON THE PERMANENT EARLY VOTING LIST. THE NOTICE PRESCRIBED BY THIS
27 SUBSECTION DOES NOT APPLY TO PERSONS WHOSE VOTER REGISTRATION RECORDS ARE
28 SEALED AS PRESCRIBED IN SECTION 16-153. THE NOTICE SHALL INFORM THE VOTER
29 THAT IF THE VOTER WISHES TO REMAIN ON THE PERMANENT EARLY VOTING LIST, THE
30 VOTER SHALL DO BOTH OF THE FOLLOWING WITH THE NOTICE RECEIVED:

31 1. CONFIRM IN WRITING THE VOTER'S DESIRE TO REMAIN ON THE PERMANENT
32 EARLY VOTING LIST.

33 2. RETURN THE COMPLETED NOTICE TO THE COUNTY OFFICER IN CHARGE OF
34 ELECTIONS WITHIN THIRTY DAYS AFTER RECEIPT BY THE VOTER. THE NOTICE SHALL BE
35 SIGNED BY THE VOTER AND SHALL CONTAIN THE VOTER'S ADDRESS AND DATE OF BIRTH.

36 M. IF A VOTER RECEIVES A NOTICE AS PRESCRIBED BY SUBSECTION L OF THIS
37 SECTION AND THE VOTER FAILS TO RESPOND WITHIN THE THIRTY-DAY PERIOD, THE
38 COUNTY OFFICER IN CHARGE OF ELECTIONS SHALL REMOVE THE VOTER'S NAME FROM THE
39 PERMANENT EARLY VOTING LIST. THIS SUBSECTION DOES NOT APPLY TO VOTERS WHO
40 FAILED TO VOTE AN EARLY BALLOT AND WHO MODIFIED THEIR VOTER REGISTRATION
41 INFORMATION DURING THE PERIOD FOR EARLY VOTING FOR EITHER THE IMMEDIATELY
42 PRECEDING PRIMARY OR GENERAL ELECTION.

43 ~~L~~. N. A candidate, A political committee or ~~other~~ ANOTHER
44 organization may distribute permanent early voting list request forms to
45 voters. BEGINNING JANUARY 1, 2015, PERMANENT EARLY VOTING LIST REQUEST FORMS

1 THAT ARE DISTRIBUTED BY A CANDIDATE, A POLITICAL COMMITTEE OR ANOTHER
2 ORGANIZATION SHALL INCLUDE THE FOLLOWING STATEMENT:

3 NOTICE: BY SIGNING THIS FORM YOU ARE AGREEING TO RECEIVE AN
4 EARLY BALLOT FOR EVERY ELECTION IN WHICH YOU ARE ELIGIBLE TO
5 VOTE. YOU ARE INFORMING THE RECORDER THAT YOU DO NOT WISH TO
6 VOTE AT YOUR ASSIGNED POLLING LOCATION FOR ALL ELECTIONS. IF
7 YOU WOULD LIKE TO VOTE AT YOUR ASSIGNED POLLING LOCATION, DO NOT
8 SIGN THIS FORM.

9 PERMANENT EARLY VOTING LIST REQUEST FORMS THAT ARE SUBMITTED ON OR AFTER
10 JANUARY 1, 2015 WITHOUT THE STATEMENT PRESCRIBED BY THIS SUBSECTION ARE VALID
11 FOR PURPOSES OF REQUIRING THAT THE VOTER BE SENT AN EARLY BALLOT FOR THE
12 IMMEDIATELY SUCCEEDING ELECTION, BUT THAT VOTER'S NAME SHALL NOT BE PLACED ON
13 THE PERMANENT EARLY VOTING LIST. If the permanent early voting list request
14 forms include a printed address for return, that address shall be the
15 political subdivision that will conduct the election. Failure to use the
16 political subdivision as the return addressee is punishable by a civil
17 penalty of up to three times the cost of the production and distribution of
18 the permanent early voting list request.

19 ~~M.~~ 0. All original and completed permanent early voting list request
20 forms that are received by a candidate, political committee or other
21 organization shall be submitted within six business days after receipt by a
22 candidate or political committee or eleven days before the election day,
23 whichever is earlier, to the political subdivision that will conduct the
24 election. Any person, political committee or other organization that fails
25 to submit a completed permanent early voting list request form within the
26 prescribed time is subject to a civil penalty of up to twenty-five dollars
27 per day for each completed form withheld from submittal. Any person who
28 knowingly fails to submit a completed permanent early voting list request
29 form before the submission deadline for the election immediately following
30 the completion of the form is guilty of a class 6 felony.

31 Sec. 3. Section 16-547, Arizona Revised Statutes, is amended to read:

32 16-547. Ballot affidavit; form

33 A. The early ballot shall be accompanied by an envelope bearing on the
34 front the name, official title and post office address of the recorder or
35 other officer in charge of elections and on the other side a printed
36 affidavit in substantially the following form:

37 I declare the following under penalty of perjury: I am a
38 registered voter in _____ county Arizona, I have not voted
39 and will not vote in this election in any other county or state,
40 I understand that knowingly voting more than once in any
41 election is a class 5 felony and I voted the enclosed ballot and
42 signed this affidavit personally unless noted below.

43 If the voter was assisted by another person in marking **OR**
44 **RETURNING** the ballot, complete the following:

1 I declare the following under penalty of perjury: At the
2 registered voter's request I assisted the voter identified in
3 this affidavit with marking OR RETURNING the voter's ballot, I
4 marked OR RETURNED the ballot as directly instructed by the
5 voter, I provided the assistance because the voter was
6 physically unable to mark the ballot solely due to illness,
7 injury or physical limitation OR WAS OTHERWISE UNABLE TO RETURN
8 THE BALLOT and I understand that there is no power of attorney
9 for voting and that the voter must be able to make ~~their~~ THE
10 VOTER'S selection even if ~~they~~ THE VOTER cannot physically mark
11 the ballot.

12 Name of voter assistant: _____

13 Address of voter assistant: _____

14 B. The face of each envelope in which a ballot is sent to a federal
15 postcard applicant or in which a ballot is returned by ~~such~~ THE applicant to
16 the recorder or other officer in charge of elections shall be in the form
17 prescribed in accordance with the uniformed and overseas citizens absentee
18 voting act of 1986 (P.L. 99-410; 42 United States Code section 1973ff).
19 Otherwise, the envelopes shall be the same as those used to send ballots to,
20 or receive ballots from, other early voters.

21 C. The county recorder or other officer in charge of elections shall
22 supply printed instructions to early voters that direct them to sign the
23 affidavit, mark the ballot and return both in the enclosed self-addressed
24 envelope that complies with section 16-545. The instructions shall include
25 the following statement:

26 In order to be valid and counted, the ballot and affidavit must
27 be delivered to the office of the county recorder or other
28 officer in charge of elections or may be deposited at any
29 polling place in the county no later than 7:00 p.m. on election
30 day.

31 WARNING - It is a felony to offer or receive any compensation
32 for a ballot.

33 Sec. 4. Section 16-924, Arizona Revised Statutes, is amended to read:

34 16-924. Civil penalties; attorney general; county, city or town
35 attorney

36 A. Unless another penalty is specifically prescribed in this title, if
37 the filing officer for campaign finance reports designated pursuant to
38 section 16-916, subsection A has reasonable cause to believe that a person is
39 violating any provision of this title, except for violations of chapter 6,
40 article 2, the secretary of state shall notify the attorney general for a
41 violation regarding a statewide office or the legislature, the county officer
42 in charge of elections shall notify the county attorney for that county for a
43 violation regarding a county office or the city or town clerk shall notify
44 the city or town attorney for a violation regarding a city or town office.
45 The attorney general, county attorney or city or town attorney, as

1 appropriate, may serve on the person an order requiring compliance with that
2 provision. The order shall state with reasonable particularity the nature of
3 the violation and shall require compliance within twenty days from the date
4 of issuance of the order. The alleged violator has twenty days from the date
5 of issuance of the order to request a hearing pursuant to title 41,
6 chapter 6.

7 B. If a person fails to take corrective action within the time
8 specified in the compliance order issued pursuant to subsection A **OF THIS**
9 **SECTION**, the attorney general, county attorney or city or town attorney, as
10 appropriate, shall issue an order assessing a civil penalty of not more than
11 one thousand dollars. The person alleged to have violated the compliance
12 order has thirty days from the date of issuance of the order assessing the
13 civil penalty to request a hearing pursuant to title 41, chapter 6.

14 C. Any party aggrieved by an order or decision of the attorney
15 general, county attorney or city or town attorney, as appropriate, may appeal
16 to the superior court as provided in title 12, chapter 7, article 6.

17 D. For the purposes of this section, failure to comply with a
18 compliance order issued by the attorney general, county attorney or city or
19 town attorney, as appropriate, as prescribed in subsection A **OF THIS SECTION**
20 is deemed an intentional act.

21 E. **NOTWITHSTANDING SUBSECTION A OF THIS SECTION:**

22 1. **IF THE SECRETARY OF STATE HAS MADE A REASONABLE CAUSE FINDING**
23 **PURSUANT TO THIS SECTION REGARDING A VIOLATION BY THE ATTORNEY GENERAL, THE**
24 **SECRETARY OF STATE SHALL NOTIFY THE COUNTY ATTORNEY OF THE COUNTY IN WHICH**
25 **THE VIOLATION OCCURRED, AND THE COUNTY ATTORNEY MAY SERVE ON THE ATTORNEY**
26 **GENERAL AN ORDER REQUIRING COMPLIANCE WITH THAT PROVISION AS PRESCRIBED BY**
27 **THIS SECTION.**

28 2. **IF A COUNTY ELECTIONS OFFICER HAS MADE A REASONABLE CAUSE FINDING**
29 **PURSUANT TO THIS SECTION REGARDING A VIOLATION BY THE COUNTY ATTORNEY OF THAT**
30 **COUNTY, THE COUNTY ELECTIONS OFFICER SHALL NOTIFY THE ATTORNEY GENERAL AND**
31 **THE ATTORNEY GENERAL MAY SERVE ON THE COUNTY ATTORNEY AN ORDER REQUIRING**
32 **COMPLIANCE WITH THAT PROVISION AS PRESCRIBED BY THIS SECTION.**

33 3. **IF A CITY OR TOWN CLERK HAS MADE A REASONABLE CAUSE FINDING**
34 **PURSUANT TO THIS SECTION REGARDING A VIOLATION BY THE CITY OR TOWN ATTORNEY,**
35 **THE CITY OR TOWN CLERK SHALL NOTIFY THE COUNTY ATTORNEY OF THE COUNTY IN**
36 **WHICH THE VIOLATION OCCURRED, AND THE COUNTY ATTORNEY MAY SERVE ON THE CITY**
37 **OR TOWN ATTORNEY AN ORDER REQUIRING COMPLIANCE WITH THAT PROVISION AS**
38 **PRESCRIBED BY THIS SECTION.**

39 Sec. 5. Section 16-1005, Arizona Revised Statutes, is amended to read:
40 **16-1005. Ballot abuse; ballot return; violation; classification**

41 A. Any person who knowingly marks a voted or unvoted ballot or ballot
42 envelope with the intent to fix an election for his own benefit or for that
43 of another person is guilty of a class 5 felony.

1 B. It is unlawful to offer or provide any consideration to acquire a
2 voted or unvoted early ballot. A person who violates this subsection is
3 guilty of a class 5 felony.

4 C. It is unlawful to receive or agree to receive any consideration in
5 exchange for a voted or unvoted ballot. A person who violates this
6 subsection is guilty of a class 5 felony.

7 D. It is unlawful to possess a voted or unvoted ballot with the intent
8 to sell the voted or unvoted ballot of another person. A person who violates
9 this subsection is guilty of a class 5 felony.

10 E. A person or entity that knowingly solicits the collection of voted
11 or unvoted ballots by misrepresenting itself as an election official or as an
12 official ballot repository or is found to be serving as a ballot drop off
13 site, other than those established and staffed by election officials, is
14 guilty of a class 5 felony.

15 F. A person who knowingly collects voted or unvoted ballots and WHO
16 does not turn those ballots in to an election official, the United States
17 postal service or any other entity permitted by law to transmit post is
18 guilty of a class 5 felony.

19 G. A VOTER MAY DESIGNATE ANY PERSON TO RETURN THE BALLOT TO THE
20 ELECTIONS OFFICIAL FROM WHOM IT CAME OR TO THE PRECINCT BOARD AT A POLLING
21 PLACE WITHIN THE COUNTY EXCEPT THAT NO EARLY BALLOT SHALL BE COLLECTED OR
22 RETURNED BY EITHER OF THE FOLLOWING:

23 1. ANY PAID OR VOLUNTEER WORKER OF ANY POLITICAL COMMITTEE AS DEFINED
24 IN SECTION 16-901. A PRECINCT COMMITTEEMAN IS NOT PRESUMED TO BE ACTING ON
25 BEHALF OF A POLITICAL COMMITTEE UNLESS AN AGENT OF THE POLITICAL COMMITTEE OR
26 PARTY HAS DIRECTED PRECINCT COMMITTEEMEN TO COLLECT OR RETURN EARLY BALLOTS.

27 2. ANY OTHER GROUP OR ORGANIZATION ON WHOSE BEHALF AN INDIVIDUAL IS
28 DIRECTED TO COLLECT OR RETURN THE BALLOT.

29 H. ANY PERSON WHO KNOWINGLY VIOLATES SUBSECTION G OF THIS SECTION IS
30 GUILTY OF A CLASS 1 MISDEMEANOR. SUBSECTION G OF THIS SECTION DOES NOT APPLY
31 TO AN INDIVIDUAL WHO IS COLLECTING OR RETURNING A BALLOT AND WHO IS ACTING
32 WITHOUT DIRECTION FROM A POLITICAL COMMITTEE, GROUP OR ORGANIZATION.

33 ~~G.~~ I. A person who engages or participates in a pattern of ballot
34 fraud is guilty of a class 4 felony. For the purposes of this subsection,
35 "pattern of ballot fraud" means the person has offered or provided any
36 consideration to three or more persons to acquire the voted or unvoted ballot
37 of a person.

38 Sec. 6. Title 19, chapter 1, article 1, Arizona Revised Statutes, is
39 amended by adding section 19-103, to read:

40 19-103. Legislative findings and intent; strict compliance

41 THE LEGISLATURE FINDS AND DETERMINES THAT STRICT COMPLIANCE WITH THE
42 APPLICATION AND ENFORCEMENT OF THE CONSTITUTIONAL AND STATUTORY REQUIREMENTS
43 FOR BOTH THE INITIATIVE AND THE REFERENDUM PROCESS PROVIDE THE SUREST METHOD
44 FOR SAFEGUARDING THE INTEGRITY AND ACCURACY OF THE INITIATIVE AND REFERENDUM
45 PROCESS. THEREFORE, THE LEGISLATURE DECLARES THAT THE CONSTITUTIONAL AND

1 STATUTORY REQUIREMENTS FOR THE INITIATIVE AND REFERENDUM BE STRICTLY
2 CONSTRUED AND THAT PERSONS USING EITHER THE INITIATIVE OR REFERENDUM PROCESS
3 STRICTLY COMPLY WITH THOSE CONSTITUTIONAL AND STATUTORY REQUIREMENTS.

4 Sec. 7. Section 19-111, Arizona Revised Statutes, is amended to read:
5 19-111. Number for petition

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

24 B. On receipt of the application, the secretary of state shall assign
25 an official serial number to the petition, which number shall appear in the
26 lower right-hand corner of each side of each copy thereof, and issue that
27 number to the applicant. THE SECRETARY OF STATE SHALL ASSIGN numbers ~~shall~~
28 ~~be assigned~~ to petitions ~~by the secretary of state~~ in numerical sequence, and
29 a record shall be maintained in ~~his~~ THE SECRETARY OF STATE'S office of each
30 application received and of the numbers assigned and issued to the
31 applicant. WHEN THE APPLICATION IS RECEIVED BY THE SECRETARY OF STATE AND
32 MARKED BY THE SECRETARY OF STATE WITH AN OFFICIAL TIME AND DATE OF RECEIPT,
33 THE TIME-AND-DATE-MARKED TEXT THAT ACCOMPANIED THE APPLICATION CONSTITUTES
34 THE OFFICIAL COPY OF THE TEXT OF THE MEASURE OR CONSTITUTIONAL AMENDMENT AND
35 SHALL BE USED IN ALL INSTANCES AS THE TEXT OF THE MEASURE OR CONSTITUTIONAL
36 AMENDMENT. FOR ANY SUBSEQUENT CHANGE IN THE TEXT OF THE MEASURE OR
37 CONSTITUTIONAL AMENDMENT BY THE APPLICANT, THE APPLICANT SHALL FILE A NEW
38 APPLICATION AND TEXT, SHALL BE ASSIGNED A NEW OFFICIAL SERIAL NUMBER AND
39 SHALL USE AS THE TEXT OF THE MEASURE OR CONSTITUTIONAL AMENDMENT THE
40 TIME-AND-DATE-MARKED TEXT THAT ACCOMPANIED THE NEW APPLICATION.

41 C. The secretary of state shall make available to each applicant by
42 electronic means a copy of the text of this article governing the initiative
43 and referendum and all rules adopted by the secretary of state pursuant to
44 this title. In addition, the secretary of state shall provide the applicant
45 by electronic means the ability to file a statement of organization or five

1 hundred dollar threshold exemption statement and a notice stating: "This
2 statement must be filed before valid signatures can be collected." The
3 secretary of state shall make available by electronic means a copy of the
4 text of this article governing the initiative and referendum and all rules
5 adopted by the secretary of state pursuant to this title to the county, city
6 and town clerks who shall similarly furnish a copy to each applicant by
7 electronic means. If a member of the public so requests, the secretary of
8 state and the county, city and town clerks shall provide a copy in pamphlet
9 form.

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

12 Sec. 8. Section 19-112, Arizona Revised Statutes, is amended to read:
13 19-112. Signatures and verification; attachment; registration
14 of circulators

15 A. Every qualified elector signing a petition shall do so in the
16 presence of the person who is circulating the petition and who is to execute
17 the affidavit of verification. At the time of signing, the qualified elector
18 shall sign his first and last names in the spaces provided and the elector so
19 signing shall print his first and last names and write, in the appropriate
20 spaces following the signature, the signer's residence address, giving street
21 and number, and if he has no street address, a description of his residence
22 location. The elector so signing shall write, in the appropriate spaces
23 following the elector's address, the date on which the elector signed the
24 petition.

25 B. The signature sheets shall be attached at all times during
26 circulation to a full and correct copy of the title and text of the measure
27 or constitutional amendment proposed or referred by the petition. The title
28 and text shall be in at least eight point type and shall include both the
29 original and the amended text. The text shall indicate material deleted, if
30 any, by printing the material with a line drawn through the center of the
31 letters of the material and shall indicate material added or new material by
32 printing the letters of the material in capital letters. **THE SECRETARY OF
33 STATE'S TIME-AND-DATE-MARKED COPY OF THE MEASURE OR CONSTITUTIONAL AMENDMENT
34 WITH ITS PROPOSED TEXT SET OUT IN FULL WITH THE ORIGINAL AND THE AMENDED TEXT
35 CONSTITUTES THE FULL AND CORRECT COPY AND IS THE ONLY VALID COPY OF THE TITLE
36 AND TEXT OF THE MEASURE FOR CIRCULATION FOR SIGNATURES. SIGNATURES THAT ARE
37 COLLECTED WITH ANY COPY OF THE MEASURE OR CONSTITUTIONAL AMENDMENT THAT IS
38 NOT A FACSIMILE OF THE TIME-AND-DATE-MARKED COPY WITH TITLE AND TEXT THAT IS
39 IDENTICAL TO THE TIME-AND-DATE-MARKED COPY ARE INVALID.**

40 C. The person before whom the signatures, names and addresses were
41 written on the signature sheet ~~shall~~, on the affidavit form pursuant to this
42 section, **SHALL** subscribe and swear before a notary public that each of the
43 names on the sheet was signed and the name and address were printed by the
44 elector and the circulator on the date indicated, ~~and~~ that in his belief each
45 signer was a qualified elector of a certain county of the state, or, in the

1 case of a city, town or county measure, of the city, town or county affected
 2 by the measure on the date indicated, and that at all times during
 3 circulation of the signature sheet a copy of the title and text was attached
 4 to the signature sheet. Circulators who are not residents of this state must
 5 be registered as circulators with the secretary of state before circulating
 6 petitions. The secretary of state shall provide for a method of receiving
 7 service of process for those petition circulators who register pursuant to
 8 this subsection. The secretary of state shall establish in the instructions
 9 and procedures manual issued pursuant to section 16-452 a procedure for
 10 registering circulators and receiving service of process. All signatures of
 11 petitioners on a signature sheet shall be those of qualified electors who are
 12 registered to vote in the same county. However, if signatures from more than
 13 one county appear on the same signature sheet, only the valid signatures from
 14 the same county that are most numerous on the signature sheet shall be
 15 counted. Signature and handwriting comparisons may be made.

16 D. The affidavit shall be in the following form printed on the reverse
 17 side of each signature sheet:

18 Affidavit of Circulator
 19 State of Arizona)
 20) ss.:
 21 County of _____)
 22 (Where notarized)
 23 I, _____(print name)_____, a person who is not required to
 24 be a resident of this state but who is otherwise qualified to
 25 register to vote ~~in the county of _____~~, in the state of
 26 Arizona at all times during my circulation of this petition
 27 sheet, and under the penalty of a class 1 misdemeanor, depose
 28 and say that subject to section 19-115, Arizona Revised
 29 Statutes, each individual printed the individual's own name and
 30 address and signed this sheet of the foregoing petition in my
 31 presence on the date indicated and I believe that each signer's
 32 name and residence address or post office address are correctly
 33 stated and that each signer is a qualified elector of the state
 34 of Arizona (or in the case of a city, town or county measure, of
 35 the city, town or county affected by the measure proposed to be
 36 initiated or referred to the people) and that at all times
 37 during circulation of this signature sheet a copy of the title
 38 and text was attached to the signature sheet.
 39 (Signature of affiant) _____
 40 (Residence address, street
 41 and number of affiant,
 42 or if no street address, a
 43 description of residence

1 location) _____
 2 _____
 3 Subscribed and sworn to before me on _____
 4 (date)
 5 _____
 6 Notary Public
 7 _____, Arizona.
 8 ~~My commission expires on _____.~~
 9 (date)

10 (FORM SHALL INCLUDE A DESIGNATED LOCATION FOR NOTARY STAMP)

11 E. The eight point type required by subsection B OF THIS SECTION shall
 12 not apply to maps, charts or other graphics.

13 Sec. 9. Section 19-121, Arizona Revised Statutes, is amended to read:
 14 19-121. Signature sheets; petitions; form; procedure for
 15 filing; evidence in challenge; definitions

16 A. Signature sheets filed shall:
 17 1. Be in the form prescribed by law.
 18 2. Have printed in ~~its~~ THEIR lower right-hand corner, on each side of
 19 such ~~sheet~~ SHEETS, the official serial number assigned to the petition by the
 20 secretary of state.

21 3. Be attached to a full and correct copy of the title and text of the
 22 measure, or amendment to the constitution, proposed or referred by the
 23 petition. THE SECRETARY OF STATE'S TIME-AND-DATE-MARKED COPY OF THE MEASURE
 24 OR CONSTITUTIONAL AMENDMENT CONSTITUTES THE FULL AND CORRECT COPY AND IS THE
 25 ONLY VALID COPY OF THE TITLE AND TEXT OF THE MEASURE FOR CIRCULATION FOR
 26 SIGNATURES.

27 4. Be printed in at least eight point type.
 28 5. Be printed in black ink on white or recycled white pages fourteen
 29 inches in width by eight and one-half inches in length, with a margin of at
 30 least one-half inch at the top and one-fourth inch at the bottom of each
 31 page.

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

38 C. Petitions may be filed with the secretary of state in numbered
 39 sections for convenience in handling. Not more than fifteen signatures on
 40 one sheet shall be counted. THE POLITICAL COMMITTEE THAT FILES THE PETITIONS
 41 SHALL ORGANIZE THE SIGNATURE SHEETS AND GROUP THEM BY THE COUNTY OF RESIDENCE
 42 OF THE MAJORITY OF THE PERSONS SIGNING THAT SIGNATURE SHEET, BY CIRCULATOR ON
 43 THAT SIGNATURE SHEET AND BY THE NOTARY PUBLIC WHO NOTARIZED THE CIRCULATOR'S
 44 SIGNATURE ON THAT SHEET. THE SECRETARY OF STATE MAY RETURN AS UNFILED ANY
 45 SIGNATURE SHEETS THAT ARE NOT SO ORGANIZED AND GROUPED. BEFORE MAKING THE

1 DETERMINATION THAT THE PETITIONS WERE IMPROPERLY ORGANIZED AND THEREFORE NOT
2 FILED, THE SECRETARY OF STATE SHALL MAKE A REASONABLE CAUSE FINDING PURSUANT
3 TO SECTION 16-924 THAT THE COMMITTEE FAILED TO COMPLY WITH THIS SECTION AND
4 SHALL REFER THE MATTER TO THE ATTORNEY GENERAL PURSUANT TO SECTION 16-924.
5 THE ATTORNEY GENERAL MAY THEN ISSUE A COMPLIANCE ORDER DIRECTING THE
6 COMMITTEE TO REORGANIZE THE PETITIONS IN THE PROPER ORGANIZATION OR
7 GROUPING. ANY REORGANIZATION REQUIRED UNDER THIS SECTION DOES NOT EXTEND THE
8 TIME FOR FILING. THE POLITICAL COMMITTEE THAT IS THE PROPONENT OF THE
9 PETITION IS SOLELY RESPONSIBLE FOR COMPLIANCE WITH THIS SUBSECTION.

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

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

25 F. ANY POLITICAL COMMITTEE MAY SUBMIT TO THE SECRETARY OF STATE
26 FORTY-FIVE DAYS BEFORE THE DEADLINE FOR FILING ITS PETITION A LIST OF ALL
27 PETITION CIRCULATORS WHO CIRCULATED THAT PETITION AND A COPY OF A CRIMINAL
28 RECORDS CHECK VERIFIED THROUGH SOURCE DOCUMENTS PERFORMED ON EACH PETITION
29 CIRCULATOR BY AN ENTITY LICENSED TO DO SO UNDER TITLE 32, CHAPTER 24 OR
30 SIMILARLY LICENSED IN ANOTHER STATE. IF THE BACKGROUND CHECK WAS PERFORMED
31 AND PROVIDED BY A PERSON OR ENTITY WHO WAS ENGAGED IN AN ARM'S LENGTH
32 TRANSACTION WITH THE COMMITTEE, INCLUDING ANY OF ITS EMPLOYEES, VENDORS,
33 CONTRACTORS OR SUBCONTRACTORS, A REBUTTABLE PRESUMPTION ARISES AND IN ANY
34 CHALLENGE TO THOSE PETITION CIRCULATORS, THE PRESUMPTION MUST BE OVERCOME BY
35 A SHOWING OF A PREPONDERANCE OF THE EVIDENCE THAT THE CIRCULATOR WAS NOT
36 ELIGIBLE TO REGISTER TO VOTE IN THIS STATE. THE SECRETARY OF STATE MAY ADOPT
37 BY RULE APPROPRIATE STANDARDS FOR DETERMINING WHETHER A TRANSACTION BETWEEN A
38 POLITICAL COMMITTEE, ITS EMPLOYEES, VENDORS, CONTRACTORS AND SUBCONTRACTORS
39 AND THE PERSON OR ENTITY PROVIDING THE CIRCULATORS' BACKGROUND CHECKS
40 CONSTITUTES AN ARM'S LENGTH TRANSACTION. FOR THE PURPOSES OF THIS
41 SUBSECTION:

42 1. "AFFILIATE" MEANS PARTIES THAT ARE RELATED BY BLOOD OR MARRIAGE,
43 EMPLOYMENT OR AGENCY, OR, IN THE CASE OF ENTITIES, THAT ARE UNDER DIRECT OR
44 INDIRECT COMMON CONTROL OR ONE OF WHICH CONTROLS THE OTHER.

1 single printed copy of the measure. The remaining detached copies of the
2 title and text of the measure shall be delivered to the applicant.

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

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

7 (b) If the residence address or the description of residence location
8 is missing.

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

10 (d) Signatures in excess of the fifteen signatures permitted per
11 petition.

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

13 (f) ~~Beginning after November 2, 2010,~~ Signatures for which the
14 secretary of state determines that the petition circulator has printed the
15 elector's first and last names or other information in violation of section
16 19-112.

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

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

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

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

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

41 2. If a signature line selected for the random sample is found to be
42 blank or was removed from the verification process pursuant to subsection A
43 of this section and is marked with an "SS", then the next line down, even if
44 that requires going to the next petition sheet in sequence, on which an
45 eligible signature appears shall be selected as a substitute if that line has

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

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

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

26 Sec. 11. Section 19-121.02, Arizona Revised Statutes, is amended to
27 read:

28 19-121.02. Certification by county recorder

29 A. Within fifteen days, excluding Saturdays, Sundays and other legal
30 holidays, after receiving the facsimile signature sheets from the secretary
31 of state pursuant to section 19-121.01, the county recorder shall determine
32 which signatures of individuals whose names were transmitted shall be
33 disqualified for any of the following reasons:

34 1. No residence address or description of residence location is
35 provided.

36 2. No date of signing is provided.

37 3. The signature is illegible and the signer is otherwise
38 unidentifiable.

39 4. The address provided is illegible or nonexistent.

40 5. The individual was not a qualified elector on the date of signing
41 the petition.

42 6. The individual was a registered voter but was not at least eighteen
43 years of age on the date of signing the petition or affidavit.

44 7. The signature was disqualified after comparison with the signature
45 on the affidavit of registration.

1 8. If a petitioner signed more than once, all but one otherwise valid
2 signature shall be disqualified.

3 9. For the same reasons any signatures or entire petition sheets could
4 have been removed by the secretary of state pursuant to section 19-121.01,
5 subsection A, paragraph 1 OR 3.

6 B. Within the same time period provided in subsection A of this
7 section, the county recorder shall certify to the secretary of state the
8 following:

9 1. The name of any individual whose signature was included in the
10 random sample and disqualified by the county recorder together with the
11 petition page and line number of the disqualified signature.

12 2. The total number of signatures selected for the random sample and
13 transmitted to the county recorder for verification and the total number of
14 random sample signatures disqualified.

15 C. The secretary of state shall prescribe the form of the county
16 recorder's certification.

17 D. At the time of the certification, the county recorder shall:

18 1. Return the facsimile signature sheets to the secretary of state.

19 2. Send notice of the results of the certification by mail to the
20 person or organization that submitted the initiative or referendum petitions
21 and to the secretary of state.

22 Sec. 12. Section 19-121.04, Arizona Revised Statutes, is amended to
23 read:

24 19-121.04. Disposition of petitions by secretary of state

25 A. Within seventy-two hours, excluding Saturdays, Sundays and other
26 legal holidays, after receipt of the facsimile signature sheets and the
27 certification of each county recorder, the secretary of state shall determine
28 the total number of valid signatures by subtracting from the total number of
29 eligible signatures determined pursuant to section 19-121.01, subsection A,
30 paragraph 6 ~~in the following order:~~

31 ~~1. All signatures on petitions containing a defective circulator's~~
32 ~~affidavit.~~

33 ~~2. All signatures that were found ineligible by the county recorders~~
34 ~~and that were not subtracted pursuant to paragraph 1 of this subsection.~~

35 ~~3. After determining the percentage of all signatures found to be~~
36 ~~invalid in the random sample, a like percentage from those signatures~~
37 ~~remaining after the subtractions performed pursuant to paragraphs 1 and 2 of~~
38 ~~this subsection.~~

39 B. If the ~~actual~~ number of signatures on the remaining sheets after
40 any such subtraction equals or exceeds the minimum number required by the
41 constitution or if the number of valid signatures as projected from the
42 random sample pursuant to subsection A of this section is at least one
43 hundred per cent of the minimum number required by the constitution, the
44 secretary of state shall issue the following receipt to the person or
45 organization that submitted them:

1 _____ signature pages bearing _____
 2 signatures for initiative (referendum) petition serial number
 3 ____ have been refused for filing in this office ~~because the~~
 4 ~~person circulating them was a county recorder or justice of the~~
 5 ~~peace at the time of circulating the petition or due to defects~~
 6 ~~in the circulator's affidavit~~ AS PROVIDED BY LAW. A total of
 7 _____ signatures included on the remaining petition
 8 sheets were found to be ineligible. Of the total random sample
 9 of _____ signatures, a total of _____ signatures
 10 were invalidated by the county recorders resulting in a failure
 11 rate of _____ per cent. The ~~actual~~ number of remaining
 12 signatures for such initiative (referendum) petition number
 13 _____ are equal to or in excess of the minimum required by
 14 the constitution to place a measure on the general election
 15 ballot. The number of valid signatures filed with this
 16 petition, based on the random sample, appears to be at least one
 17 hundred ~~five~~ per cent of the minimum required or through
 18 examination of each signature has been certified to be greater
 19 than the minimum required by the constitution.

20 Date: _____

21 _____
 22 Secretary of State
 (Seal)

23 The secretary of state shall then forthwith notify the governor that a
 24 sufficient number of signatures has been filed and that the initiative or
 25 referendum shall be placed on the ballot in the manner provided by law.

26 C. If the number of valid signatures as projected from the random
 27 sample is less than one hundred per cent of the minimum number required by
 28 the constitution or if the actual number of signatures on the remaining
 29 sheets after any such subtraction from the random sample or after
 30 certification fails to equal or exceed the minimum required by the
 31 constitution, the secretary of state shall ~~immediately return~~ RETAIN the
 32 original signature sheets, ~~in the form filed by him under section 19-121, to~~
 33 UNTIL AFTER THE CONCLUSION OF ANY LITIGATION REGARDING THE MEASURE OR UNTIL
 34 THE TIME HAS EXPIRED FOR ANY LITIGATION. THE SECRETARY OF STATE SHALL
 35 PROVIDE TO the person or organization that submitted them, ~~together with~~ a
 36 certified statement that, for the following reasons, the petition lacks the
 37 minimum number of signatures to place it on the general election ballot:

38 1. Signature sheets bearing secretary of state page
 39 numbers _____ and bearing signatures of _____ persons
 40 appeared on ~~petitions containing a defective circulator's~~
 41 ~~affidavit~~ SIGNATURE PAGES THAT WERE REQUIRED TO BE REMOVED.

42 2. A total of _____ signatures on the remaining
 43 petition sheets were found to be ineligible.

1 3. A total of _____ signatures included in the
2 random sample have been certified by the county recorders as
3 ineligible at the time such petition was signed and a projection
4 from such random sample has indicated that _____ more
5 signatures are ineligible to appear on the petition.

6 A facsimile of the certifications of the county recorders under section
7 19-121.02 shall accompany the signature sheets returned to the person or
8 organization that submitted them.

9 Sec. 13. Title 19, chapter 2, article 1, Arizona Revised Statutes, is
10 amended by adding section 19-201.01, to read:

11 19-201.01. Legislative findings and intent; strict compliance
12 THE LEGISLATURE FINDS AND DETERMINES THAT STRICT COMPLIANCE WITH THE
13 APPLICATION AND ENFORCEMENT OF THE CONSTITUTIONAL AND STATUTORY REQUIREMENTS
14 FOR RECALL PROVIDE THE SUREST METHOD FOR SAFEGUARDING THE INTEGRITY AND
15 ACCURACY OF THE RECALL PROCESS. THEREFORE, THE LEGISLATURE DECLARES THAT THE
16 CONSTITUTIONAL AND STATUTORY REQUIREMENTS FOR RECALL BE STRICTLY CONSTRUED
17 AND THAT PERSONS USING THE RECALL PROCESS STRICTLY COMPLY WITH THOSE
18 CONSTITUTIONAL AND STATUTORY REQUIREMENTS.

19 Sec. 14. Section 19-202.01, Arizona Revised Statutes, is amended to
20 read:

21 19-202.01. Application for recall petition

22 A. A person or organization intending to file a recall petition shall,
23 before causing the petition to be printed and circulated, submit an
24 application setting forth ~~his~~ THE FOLLOWING:

25 1. THE PERSON'S name AND ADDRESS or, if an organization, its name AND
26 ADDRESS and the names and titles of its officers. ~~, address, his~~

27 2. THE PERSON OR ORGANIZATION'S intention to circulate and submit ~~such~~
28 A RECALL petition. ~~,~~

29 3. The text of the general statement required by section 19-203 and a
30 request for issuance of an official number to be printed on the signature
31 sheets of the petition.

32 B. ~~Such~~ THE application AND PETITION shall be submitted AS A SINGLE
33 DOCUMENT to the office of secretary of state if for recall of a state
34 officer, including a member of the state legislature, or a member of
35 Congress, and with the county officer in charge of elections if for a county
36 or district officer or superior court judge, with the city or town clerk if
37 for a city or town officer and with the county school superintendent if for a
38 governing board member of a school district.

39 ~~B-~~ C. On receipt of the application AND PETITION, the receiving
40 officer shall forthwith assign a number to the petition, which number shall
41 appear in the lower right-hand corner on each side of each signature sheet,
42 and issue that number to the applicant. A record shall be maintained by the
43 receiving officer of each application received, of the date of its receipt
44 and of the number assigned and issued to the applicant.

1 D. WHEN THE APPLICATION IS RECEIVED BY THE FILING OFFICER AND MARKED
2 BY THE FILING OFFICER WITH AN OFFICIAL DATE AND TIME OF RECEIPT, THE
3 TIME-AND-DATE-MARKED APPLICATION, INCLUDING THE GENERAL STATEMENT REQUIRED BY
4 SECTION 19-203, CONSTITUTES THE OFFICIAL COPY OF THE TEXT OF THE RECALL AND
5 SHALL BE USED IN ALL INSTANCES AS THE TEXT OF THE RECALL. FOR ANY SUBSEQUENT
6 CHANGE IN THE TEXT OF THE RECALL BY THE APPLICANT, INCLUDING ANY CHANGE IN
7 THE GENERAL STATEMENT REQUIRED BY SECTION 19-203, THE APPLICANT SHALL FILE A
8 NEW APPLICATION, SHALL RECEIVE A NEW OFFICIAL SERIAL NUMBER AND SHALL USE AS
9 THE TEXT OF THE RECALL THE TIME-AND-DATE-MARKED TEXT THAT ACCOMPANIED THE NEW
10 APPLICATION.

11 Sec. 15. Section 19-203, Arizona Revised Statutes, is amended to read:
12 19-203. Recall petition; contents; submission for verification;
13 nonacceptance

14 A. A recall petition shall contain a general statement of not more
15 than two hundred words stating the grounds of the demand for the recall. The
16 petition shall be submitted for verification of signatures to ONE OF THE
17 FOLLOWING:

18 1. The office of the secretary of state if for a state officer,
19 including a member of the legislature or a member of Congress. ~~, with~~

20 2. The county officer in charge of elections if for a county or
21 district officer or superior court judge. ~~, with~~

22 3. The city or town clerk if for a city or town officer and with the
23 county school superintendent if for a governing board member of a school
24 district.

25 B. No recall petition is considered filed for purposes of this chapter
26 until the verification process is complete and the petition is filed pursuant
27 to section 19-208.03, subsection A, paragraph 1.

28 ~~B-~~ C. A recall petition shall not be accepted for such verification
29 if more than one hundred twenty days have passed since the date of submission
30 of the application for recall petition, as prescribed by section 19-202.01.

31 D. THE FILING OFFICER'S TIME-AND-DATE-MARKED COPY OF THE APPLICATION,
32 INCLUDING THE GENERAL STATEMENT OF THE GROUNDS FOR RECALL, CONSTITUTES THE
33 FULL AND CORRECT COPY OF THE RECALL TEXT AND IS THE ONLY VALID COPY FOR
34 CIRCULATION FOR SIGNATURES. SIGNATURES THAT ARE COLLECTED WITH ANY COPY OF
35 THE RECALL TEXT THAT IS NOT A FACSIMILE OF THE TIME-AND-DATE-MARKED COPY WITH
36 THE COMPLETE TEXT THAT IS IDENTICAL TO THE TIME-AND-DATE-MARKED COPY ARE
37 INVALID.

38 Sec. 16. Applicability; permanent early voting list; early
39 ballots; 2012 and 2014 primary and general
40 elections; secretary of state voter outreach
41 campaign

42 A. Notwithstanding section 16-544, Arizona Revised Statutes, as
43 amended by this act, for voters on the permanent early voting list who did
44 not vote an early ballot in the 2012 primary and general elections and the
45 2014 primary and general elections, county officers in charge of elections

1 may send the notices prescribed by section 16-544, subsection L, Arizona
2 Revised Statutes, as amended by this act, and modify their permanent early
3 voting lists.

4 B. In 2013 and 2014, the secretary of state, in conjunction with
5 county and local elections officials, shall implement a statewide public
6 information and voter outreach program to educate and inform voters regarding
7 the possible removal of voters from the permanent early voting list,
8 including the basis for that removal and methods for a voter to avoid removal
9 or to be added to the permanent early voting list, if desired. The statewide
10 public information and voter outreach program shall include print and radio
11 advertisements, including advertisements directed at persons who reside in
12 locations with limited services and persons who receive official elections
13 materials in languages other than English.

14 Sec. 17. Candidate petition signature collection; date of
15 collection; validity; number

16 Candidate nomination petition signatures that are properly collected
17 and filed as otherwise provided by law are valid without regard to whether
18 those signatures are collected before the effective date of this act but the
19 number of signatures required for a candidate after the effective date of
20 this act shall be as prescribed by section 16-322, Arizona Revised Statutes,
21 as amended by this act.

22 Sec. 18. Retroactive applicability

23 Section 16-924, Arizona Revised Statutes, as amended by this act, is
24 applicable to reasonable cause findings made from and after July 31, 2012.

25 Sec. 19. Severability

26 If a provision of this act or its application to any person or
27 circumstance is held invalid, the invalidity does not affect other provisions
28 or applications of the act that can be given effect without the invalid
29 provision or application, and to this end the provisions of this act are
30 severable.