

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

# HOUSE BILL 2305

AN ACT

AMENDING SECTION 19-121, 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  
5 filing; evidence in challenge; definitions

6 A. Signature sheets filed shall:

7 1. Be in the form prescribed by law.

8 2. Have printed in ~~its~~ THEIR lower right-hand corner, on each side of  
9 such ~~sheet~~ SHEETS, the official serial number assigned to the petition by the  
10 secretary of state.

11 3. Be attached to a full and correct copy of the title and text of the  
12 measure, or amendment to the constitution, proposed or referred by the  
13 petition.

14 4. Be printed in at least eight point type.

15 5. Be printed in black ink on white or recycled white pages fourteen  
16 inches in width by eight and one-half inches in length, with a margin of at  
17 least one-half inch at the top and one-fourth inch at the bottom of each  
18 page.

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

25 C. Petitions may be filed with the secretary of state in numbered  
26 sections for convenience in handling. Not more than fifteen signatures on  
27 one sheet shall be counted. THE POLITICAL COMMITTEE THAT FILES THE PETITIONS  
28 SHALL ORGANIZE THE SIGNATURE SHEETS AND GROUP THEM BY THE COUNTY OF RESIDENCE  
29 OF THE MAJORITY OF THE PERSONS SIGNING THAT SIGNATURE SHEET, BY CIRCULATOR ON  
30 THAT SIGNATURE SHEET AND BY THE NOTARY PUBLIC WHO NOTARIZED THE CIRCULATOR'S  
31 SIGNATURE ON THAT SHEET. THE SECRETARY OF STATE MAY RETURN AS UNFILED ANY  
32 SIGNATURE SHEETS THAT ARE NOT SO ORGANIZED AND GROUPED. THE POLITICAL  
33 COMMITTEE THAT IS THE PROPONENT OF THE PETITION IS SOLELY RESPONSIBLE FOR  
34 COMPLIANCE WITH THIS SUBSECTION.

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

42 E. For THE purposes of this article and article 4 OF THIS CHAPTER, the  
43 measure to be attached to the petition as enacted by the legislative body of  
44 an incorporated city, ~~OR~~ town or A county means the adopted ordinance or

1 resolution or, in the absence of a written ordinance or resolution, that  
2 portion of the minutes of the legislative body that reflects the action taken  
3 by that body when adopting the measure. In the case of zoning measures the  
4 measure shall also include a legal description of the property and any  
5 amendments made to the ordinance by the legislative body.

6 F. ANY POLITICAL COMMITTEE MAY SUBMIT TO THE SECRETARY OF STATE  
7 FORTY-FIVE DAYS BEFORE THE DEADLINE FOR FILING ITS PETITION A LIST OF ALL  
8 PETITION CIRCULATORS WHO CIRCULATED THAT PETITION AND A COPY OF A CRIMINAL  
9 RECORDS CHECK VERIFIED THROUGH SOURCE DOCUMENTS PERFORMED ON EACH PETITION  
10 CIRCULATOR BY AN ENTITY LICENSED TO DO SO UNDER TITLE 32, CHAPTER 24 OR  
11 SIMILARLY LICENSED IN ANOTHER STATE. IF THE BACKGROUND CHECK WAS PERFORMED  
12 AND PROVIDED BY A PERSON OR ENTITY WHO WAS ENGAGED IN AN ARM'S LENGTH  
13 TRANSACTION WITH THE COMMITTEE, INCLUDING ANY OF ITS EMPLOYEES, VENDORS,  
14 CONTRACTORS OR SUBCONTRACTORS, A PRESUMPTION ARISES AND ANY CHALLENGE TO  
15 THOSE PETITION CIRCULATORS MUST BE REBUTTED BY A SHOWING OF A PREPONDERANCE  
16 OF THE EVIDENCE THAT THE CIRCULATOR WAS NOT ELIGIBLE TO REGISTER TO VOTE IN  
17 THIS STATE. THE SECRETARY OF STATE MAY ADOPT BY RULE APPROPRIATE STANDARDS  
18 FOR DETERMINING WHETHER A TRANSACTION BETWEEN A POLITICAL COMMITTEE, ITS  
19 EMPLOYEES, VENDORS, CONTRACTORS AND SUBCONTRACTORS AND THE PERSON OR ENTITY  
20 PROVIDING THE CIRCULATORS' BACKGROUND CHECKS CONSTITUTES AN ARM'S LENGTH  
21 TRANSACTION. FOR THE PURPOSES OF THIS SUBSECTION:

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

25 2. "ARMS LENGTH TRANSACTION" MEANS AN AGREEMENT TO PROVIDE A CRIMINAL  
26 RECORDS CHECK NEGOTIATED BETWEEN A WILLING COMMITTEE, INCLUDING ANY OF ITS  
27 EMPLOYEES, VENDORS, CONTRACTORS OR SUBCONTRACTORS AND A WILLING ENTITY  
28 LICENSED UNDER TITLE 32, CHAPTER 24 OR SIMILARLY LICENSED IN ANOTHER STATE  
29 WHERE THE PARTIES ARE NOT AFFILIATES.