

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

SENATE BILL 1263

AN ACT

AMENDING TITLE 16, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-321.01; AMENDING SECTION 19-112, ARIZONA REVISED STATUTES; AMENDING TITLE 19, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-112.01; AMENDING SECTION 19-204, ARIZONA REVISED STATUTES; RELATING TO PAID PETITION CIRCULATORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 16, chapter 3, article 3, Arizona Revised Statutes,
3 is amended by adding section 16-321.01, to read:

4 16-321.01. Registration of statewide candidate paid
5 circulators; violation; classification; penalty

6 A. ANY PERSON WHO INTENDS TO CIRCULATE A PETITION AS A PAID CIRCULATOR
7 FOR A CANDIDATE FOR STATEWIDE OFFICE SHALL REGISTER WITH THE SECRETARY OF
8 STATE AS PRESCRIBED IN THE INSTRUCTIONS AND PROCEDURES MANUAL ADOPTED BY THE
9 SECRETARY OF STATE BEFORE CIRCULATING A PETITION. IN ADDITION TO THE
10 REQUIREMENTS ADOPTED BY THE SECRETARY OF STATE, THE REGISTRATION AFFIDAVIT
11 FOR A PAID CIRCULATOR SHALL REQUIRE THE FOLLOWING:

12 1. THE SIGNATURE OF THE CIRCULATOR, ACKNOWLEDGING COMPLIANCE WITH THIS
13 SECTION, THAT THE CIRCULATOR IS RESPONSIBLE FOR THE ACCURACY OF THE
14 INFORMATION AND THAT SUBMITTING FALSE, ERRONEOUS OR MISLEADING INFORMATION IN
15 A REGISTRATION AFFIDAVIT OR BACKGROUND CHECK MAY RESULT IN AN ADMINISTRATIVE
16 PENALTY OF UP TO ONE THOUSAND DOLLARS OR MAY RESULT IN A CRIMINAL VIOLATION,
17 OR BOTH.

18 2. THE INDIVIDUAL, COMPANY, COMMITTEE, ORGANIZATION OR OTHER ENTITY
19 THAT EMPLOYS OR CONTRACTS WITH OR OTHERWISE DIRECTLY PROVIDES THE PAYMENT TO
20 THE CIRCULATOR SHALL PROVIDE THE CIRCULATOR'S SIGNED, COMPLETED REGISTRATION
21 AFFIDAVIT AND BACKGROUND CHECK TO THE SECRETARY OF STATE AND SHALL PROVIDE
22 PROOF THAT EACH PAID CIRCULATOR WHO IS BEING SUBMITTED FOR REGISTRATION HAS
23 BEEN TRAINED ON ALL OF THE LAWS, RULES AND PROCEDURES REGARDING THE
24 CIRCULATION OF PETITIONS, INCLUDING ANY GUIDANCE PROVIDED BY THE SECRETARY OF
25 STATE.

26 B. THE SECRETARY OF STATE SHALL ESTABLISH A DATABASE OF PAID
27 CIRCULATORS THAT SHALL BE ACCESSIBLE TO THE PUBLIC. ON RECEIPT OF A COMPLETE
28 AND CORRECT REGISTRATION AFFIDAVIT, THE SECRETARY OF STATE MAY ENTER THE
29 CIRCULATOR'S INFORMATION INTO THE PAID CIRCULATOR DATABASE, AND ON ENTRY INTO
30 THE DATABASE, THE CIRCULATOR MAY LAWFULLY CIRCULATE A PETITION AS OTHERWISE
31 PROVIDED BY LAW. ANY SIGNATURES COLLECTED BY THAT PAID CIRCULATOR BEFORE
32 ENTRY IN THE PAID CIRCULATOR DATABASE ARE INVALID AND SHALL NOT BE COUNTED.

33 C. AN INDIVIDUAL PAID CIRCULATOR WHO KNOWINGLY PROVIDES FALSE,
34 ERRONEOUS OR MISLEADING INFORMATION IN A REGISTRATION AFFIDAVIT OR BACKGROUND
35 CHECK PURSUANT TO THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR AND IS
36 SUBJECT TO AN ADMINISTRATIVE PENALTY OF UP TO ONE THOUSAND DOLLARS.

37 D. THE INDIVIDUAL, COMPANY, COMMITTEE, ORGANIZATION OR OTHER ENTITY
38 THAT EMPLOYS OR CONTRACTS WITH OR OTHERWISE DIRECTLY PROVIDES THE PAYMENT TO
39 THE CIRCULATOR IS GUILTY OF A CLASS 1 MISDEMEANOR AND IS SUBJECT TO AN
40 ADMINISTRATIVE PENALTY OF UP TO FIVE THOUSAND DOLLARS FOR EACH INDIVIDUAL
41 CIRCULATOR IN VIOLATION AND FOR ITS OWN VIOLATION IF IT KNOWINGLY PROVIDES
42 FALSE, ERRONEOUS OR MISLEADING INFORMATION ABOUT ITSELF OR THE PAID
43 CIRCULATOR IN A REGISTRATION AFFIDAVIT OR BACKGROUND CHECK PURSUANT TO THIS
44 SECTION.

1 Sec. 2. Section 19-112, Arizona Revised Statutes, is amended to read:
2 19-112. Signatures and verification; attachment; registration
3 of circulators

4 A. Every qualified elector signing a petition shall do so in the
5 presence of the person who is circulating the petition and who is to execute
6 the affidavit of verification. At the time of signing, the qualified elector
7 shall sign his first and last names in the spaces provided and the elector so
8 signing shall print his first and last names and write, in the appropriate
9 spaces following the signature, the signer's residence address, giving street
10 and number, and if he has no street address, a description of his residence
11 location. The elector so signing shall write, in the appropriate spaces
12 following the elector's address, the date on which the elector signed the
13 petition.

14 B. The signature sheets shall be attached at all times during
15 circulation to a full and correct copy of the title and text of the measure
16 or constitutional amendment proposed or referred by the petition. The title
17 and text shall be in at least eight point type and shall include both the
18 original and the amended text. The text shall indicate material deleted, if
19 any, by printing the material with a line drawn through the center of the
20 letters of the material and shall indicate material added or new material by
21 printing the letters of the material in capital letters.

22 C. The person before whom the signatures, names and addresses were
23 written on the signature sheet ~~shall~~, on the affidavit form pursuant to this
24 section, **SHALL** subscribe and swear before a notary public that each of the
25 names on the sheet was signed and the name and address were printed by the
26 elector and the circulator on the date indicated, and that in his belief each
27 signer was a qualified elector of a certain county of the state, or, in the
28 case of a city, town or county measure, of the city, town or county affected
29 by the measure on the date indicated, and that at all times during
30 circulation of the signature sheet a copy of the title and text was attached
31 to the signature sheet. Circulators who are not residents of this state must
32 be registered as circulators with the secretary of state before circulating
33 petitions. The secretary of state shall provide for a method of receiving
34 service of process for those petition circulators who register pursuant to
35 this subsection. The secretary of state shall establish in the instructions
36 and procedures manual issued pursuant to section 16-452 a procedure for
37 registering circulators and receiving service of process. All signatures of
38 petitioners on a signature sheet shall be those of qualified electors who are
39 registered to vote in the same county. However, if signatures from more than
40 one county appear on the same signature sheet, only the valid signatures from
41 the same county that are most numerous on the signature sheet shall be
42 counted. Signature and handwriting comparisons may be made.

43 D. **FOR A STATEWIDE BALLOT MEASURE OR QUESTION, OR A STATEWIDE OR**
44 **LEGISLATIVE RECALL, ALL PERSONS WHO ARE PAID CIRCULATORS MUST BE REGISTERED**
45 **AS CIRCULATORS WITH THE SECRETARY OF STATE AS PRESCRIBED IN SECTION 19-112.01**

1 BEFORE CIRCULATING PETITIONS. THE SECRETARY OF STATE SHALL ESTABLISH IN THE
2 INSTRUCTIONS AND PROCEDURES MANUAL ISSUED PURSUANT TO SECTION 16-452 A
3 PROCEDURE FOR REGISTERING PAID CIRCULATORS AND RECEIVING SERVICE OF PROCESS.

4 ~~D~~ E. The affidavit shall be in the following form printed on the
5 reverse side of each signature sheet:

6 Affidavit of Circulator

7 State of Arizona)

8) ss.:

9 County of _____)

10 (Where notarized)

11 I, (print name), a person who is not required to be
12 a resident of this state but who is otherwise qualified to
13 register to vote in the county of _____, in the state of
14 Arizona at all times during my circulation of this petition
15 sheet, and under the penalty of a class 1 misdemeanor, depose
16 and say that subject to section 19-115, Arizona Revised
17 Statutes, each individual printed the individual's own name and
18 address and signed this sheet of the foregoing petition in my
19 presence on the date indicated and I believe that each signer's
20 name and residence address or post office address are correctly
21 stated and that each signer is a qualified elector of the state
22 of Arizona (or in the case of a city, town or county measure, of
23 the city, town or county affected by the measure proposed to be
24 initiated or referred to the people) and that at all times
25 during circulation of this signature sheet a copy of the title
26 and text was attached to the signature sheet.

27 (Signature of affiant) _____

28 (Residence address, street
29 and number of affiant, or
30 if no street address, a
31 description of residence
32 location) _____

33 _____
34 Subscribed and sworn to before me on _____.
35 (date)

36 _____
37 Notary Public

38 _____, Arizona.
39 My commission expires on _____.

40 (date)

41 ~~E~~ F. The eight point type required by subsection B OF THIS SECTION
42 shall not apply to maps, charts or other graphics.

1 CIRCULATOR IN A REGISTRATION AFFIDAVIT OR BACKGROUND CHECK PURSUANT TO THIS
2 SECTION.

3 Sec. 4. Section 19-204, Arizona Revised Statutes, is amended to read:
4 19-204. Form of petition

5 A. The caption and body of a recall petition shall be substantially as
6 follows:

7 Recall Petition
8 We, the qualified electors of the electoral district from
9 which _____ (name and title
10 of office) was elected, demand his recall

11 The grounds of this demand for recall are as follows:
12 (State in two hundred words or less the grounds of the demand)

13 B. The remaining portion of the petition shall be as prescribed for
14 initiative and referendum ~~except that a designation for paid or volunteer~~
15 ~~circulators is not required on the petition and signatures are valid without~~
16 ~~regard to whether they were collected by a paid or volunteer circulator.~~