

REFERENCE TITLE: initiative, referendum and recall

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

## **SB 1264**

Introduced by  
Senator Reagan

AN ACT

AMENDING SECTIONS 16-531 AND 16-924, 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 AND 19-121.02, ARIZONA REVISED STATUTES; AMENDING TITLE 19, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-201.01; AMENDING SECTIONS 19-202.01, 19-203, 19-204, 19-208.01, 19-208.02, 19-208.03 AND 19-209, ARIZONA REVISED STATUTES; RELATING TO INITIATIVE, REFERENDUM AND RECALL ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-531, Arizona Revised Statutes, is amended to  
3 read:

4 16-531. Appointment of election boards and tally boards:  
5 qualifications

6 A. When an election is ordered, and not less than twenty days before a  
7 general or primary election, the board of supervisors shall appoint for each  
8 election precinct one inspector, one marshal, two judges and as many clerks  
9 of election as deemed necessary. The inspector, marshal, judges and clerks  
10 shall be qualified voters of the precinct for which appointed, unless there  
11 is not a sufficient number of persons available to provide the number of  
12 appointments required. The inspector, marshal and judges shall not have  
13 changed their political party affiliation or their no party preference  
14 affiliation ~~since the last preceding general~~ **IN THE ONE-YEAR PERIOD**  
15 **IMMEDIATELY PRECEDING THE** election, and if they are members of the two  
16 political parties that cast the highest number of votes in the state at the  
17 last preceding general election, they shall be divided equally between these  
18 two parties. There shall be an equal number of inspectors in the various  
19 precincts in the county who are members of the two largest political parties.  
20 In each precinct where the inspector is a member of one of the two largest  
21 political parties, the marshal in that precinct shall be a member of the  
22 other of the two largest political parties. Whenever possible, any person  
23 appointed as an inspector shall have had previous experience as an inspector,  
24 judge, marshal or clerk of elections. If there is no qualified person in a  
25 given precinct, the appointment of an inspector may be made from names  
26 provided by the county party chairman. If not less than ninety days before  
27 the election the chairman of the county committee of either of the parties  
28 designates qualified voters of the precinct, or of another precinct if there  
29 are not sufficient members of his party available in the precinct to provide  
30 the necessary representation on the election board as judge, such designated  
31 qualified voters shall be appointed. The judges, together with the  
32 inspector, shall constitute the board of elections. Any registered voter in  
33 the election precinct, or in another election precinct if there are not  
34 sufficient persons available in the election precinct for which the clerks  
35 are being appointed, may be appointed as clerk.

36 B. If the election precinct consists of fewer than three hundred  
37 qualified electors, the board of supervisors may appoint not fewer than one  
38 inspector and two judges. The board of supervisors shall give notice of  
39 election precincts consisting of fewer than three hundred qualified electors  
40 to the county chairmen of the two largest political parties not later than  
41 thirty days before the election. The inspector and judges shall be appointed  
42 in the same manner by party as provided in subsection A of this section.

43 C. If a nonpartisan election is ordered, not less than twenty days  
44 before the election the governing board holding the election shall appoint,  
45 without consideration for political party, a minimum of three election

1 workers for each polling place. The election workers shall consist of at  
 2 least one inspector and two judges. Whenever possible, they shall be  
 3 qualified electors of the precinct located within the district, without  
 4 consideration for political party.

5 D. Where the election precinct consists of three hundred fifty or more  
 6 qualified electors, the board of supervisors may in addition to the board of  
 7 elections appoint a similar board to be known as the tally board. The tally  
 8 board shall take custody of the ballots from the closing of the polls until  
 9 the tally of the ballots is completed. The tally board shall consist of the  
 10 inspector of the board of elections, two judges and not less than two clerks.  
 11 The inspector and two judges shall be appointed to provide as equal as  
 12 practicable representation of members of the two largest political parties on  
 13 the board in the same manner as provided for the election boards. Any  
 14 registered voter in the election precinct, or in another election precinct if  
 15 there are not sufficient persons available in the election precinct for which  
 16 the clerks are being appointed, may be appointed as clerk. A member  
 17 appointed to serve on the tally board, with the exception of the inspector of  
 18 the board of elections, shall not be appointed to serve on the board of  
 19 elections. The inspector of the board of elections shall be a member of the  
 20 tally board and during such time shall act as the supervisor of the tally  
 21 board. No United States, state, county or precinct officer, nor a candidate  
 22 for office at the election, other than a precinct committeeman or a candidate  
 23 for the office of precinct committeeman, is qualified to act as judge,  
 24 inspector, marshal or clerk.

25 E. If an electronic voting system is in use the write-in ballots shall  
 26 be tallied by a board of elections consisting of one inspector and two judges  
 27 who are appointed in the same manner by party as provided in subsection A of  
 28 this section.

29 F. At least ten days before a special election, the governing body  
 30 conducting the election may in like manner appoint a special tally board or  
 31 boards for the specific purpose of tallying the ballots on the closing of the  
 32 polls. The tally boards shall consist of at least one inspector and two  
 33 judges. The inspector of the board of elections shall act as the supervisor  
 34 of the tally board.

35 G. Notwithstanding any other law, the board of supervisors may appoint  
 36 to an election board to serve as a clerk of election a person who is not  
 37 eligible to vote if all of the following conditions are met:

- 38 1. The person is a minor who will be at least sixteen years of age at  
 39 the time of the election for which the person is named to the election board.
- 40 2. The person is a citizen of the United States at the time of the  
 41 election for which the person is named to the election board.
- 42 3. The person is supervised by an adult who has been trained as an  
 43 elections officer.
- 44 4. The person has received training provided by the officer in charge  
 45 of elections.

1           5. The parent or guardian of the person has provided written  
2 permission for the person to serve.

3           H. A school district or charter school shall not be required to reduce  
4 its average daily membership, as defined in section 15-901, for any pupil who  
5 is absent from one or more instructional programs as a result of the pupil's  
6 service on an election board pursuant to subsection G of this section.

7           I. A school district or charter school shall not count any pupil's  
8 absence from one or more instructional programs as a result of the pupil's  
9 service on an election board pursuant to subsection G of this section against  
10 any mandatory attendance requirements for the pupil.

11           J. Nothing in this section shall prevent the board of supervisors or  
12 governing body from refusing for cause to reappoint, or from removing for  
13 cause, an election or tally board member.

14           Sec. 2. Section 16-924, Arizona Revised Statutes, is amended to read:  
15 16-924. Civil penalties; attorney general; county, city or town  
16 attorney

17           A. Unless another penalty is specifically prescribed in this title, if  
18 the filing officer for campaign finance reports designated pursuant to  
19 section 16-916, subsection A has reasonable cause to believe that a person is  
20 violating any provision of this title, except for violations of chapter 6,  
21 article 2, the secretary of state shall notify the attorney general for a  
22 violation regarding a statewide office or the legislature, the county officer  
23 in charge of elections shall notify the county attorney for that county for a  
24 violation regarding a county office or the city or town clerk shall notify  
25 the city or town attorney for a violation regarding a city or town office.  
26 The attorney general, county attorney or city or town attorney, as  
27 appropriate, may serve on the person an order requiring compliance with that  
28 provision. The order shall state with reasonable particularity the nature of  
29 the violation and shall require compliance within twenty days from the date  
30 of issuance of the order. The alleged violator has twenty days from the date  
31 of issuance of the order to request a hearing pursuant to title 41, chapter 6  
32 **OR, IF THE ALLEGED VIOLATOR RAISES A CONSTITUTIONAL ISSUE IN DEFENSE OF THE**  
33 **ORDER, TO REQUEST A HEARING IN THE SUPERIOR COURT.**

34           B. If a person fails to take corrective action within the time  
35 specified in the compliance order issued pursuant to subsection A **OF THIS**  
36 **SECTION**, the attorney general, county attorney or city or town attorney, as  
37 appropriate, shall issue an order assessing a civil penalty of not more than  
38 one thousand dollars. The person alleged to have violated the compliance  
39 order has thirty days from the date of issuance of the order assessing the  
40 civil penalty to request a hearing pursuant to title 41, chapter 6 **OR, IF THE**  
41 **ALLEGED VIOLATOR RAISES A CONSTITUTIONAL ISSUE IN DEFENSE OF THE ORDER, TO**  
42 **REQUEST A HEARING IN THE SUPERIOR COURT.**

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

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

5 Sec. 3. Title 19, chapter 1, article 1, Arizona Revised Statutes, is  
6 amended by adding section 19-103, to read:

7 19-103. Legislative findings and intent; strict compliance

8 THE LEGISLATURE FINDS AND DETERMINES THAT STRICT COMPLIANCE WITH THE  
9 APPLICATION AND ENFORCEMENT OF THE CONSTITUTIONAL AND STATUTORY REQUIREMENTS  
10 FOR BOTH THE INITIATIVE AND THE REFERENDUM PROCESS PROVIDE THE SUREST METHOD  
11 FOR SAFEGUARDING THE INTEGRITY AND ACCURACY OF THE INITIATIVE AND REFERENDUM  
12 PROCESS. THEREFORE, THE LEGISLATURE DECLARES THAT THE CONSTITUTIONAL AND  
13 STATUTORY REQUIREMENTS FOR THE INITIATIVE AND REFERENDUM BE STRICTLY  
14 CONSTRUED AND THAT PERSONS USING EITHER THE INITIATIVE OR REFERENDUM PROCESS  
15 STRICTLY COMPLY WITH THOSE CONSTITUTIONAL AND STATUTORY REQUIREMENTS.

16 Sec. 4. Section 19-111, Arizona Revised Statutes, is amended to read:

17 19-111. Number for petition

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

36 B. On receipt of the application, the secretary of state shall assign  
37 an official serial number to the petition, which number shall appear in the  
38 lower right-hand corner of each side of each copy thereof, and issue that  
39 number to the applicant. ~~THE SECRETARY OF STATE SHALL ASSIGN~~ numbers ~~shall~~  
40 ~~be assigned~~ to petitions ~~by the secretary of state~~ in numerical sequence, and  
41 a record shall be maintained in ~~his~~ THE SECRETARY OF STATE'S office of each  
42 application received and of the numbers assigned and issued to the applicant.  
43 ~~WHEN THE PETITION AND APPLICATION ARE RECEIVED BY THE SECRETARY OF STATE AND~~  
44 ~~MARKED BY THE SECRETARY OF STATE WITH AN OFFICIAL TIME AND DATE OF RECEIPT,~~  
45 ~~THE TIME-AND-DATE-MARKED PETITION CONSTITUTES THE OFFICIAL COPY OF THE TEXT~~

1 OF THE PETITION AND SHALL BE USED IN ALL INSTANCES AS THE TEXT OF THE  
2 PETITION. FOR ANY SUBSEQUENT CHANGE IN THE TEXT OF THE PETITION BY THE  
3 APPLICANT, THE APPLICANT SHALL FILE A NEW APPLICATION AND PETITION, SHALL BE  
4 ASSIGNED A NEW OFFICIAL SERIAL NUMBER AND SHALL USE AS THE TEXT OF THE  
5 PETITION THE NEW PETITION TEXT AS MARKED BY THE SECRETARY OF STATE WITH THE  
6 OFFICIAL DATE AND TIME OF RECEIPT OF THE NEW TEXT OF THE PETITION.

7 C. The secretary of state shall make available to each applicant by  
8 electronic means a copy of the text of this article governing the initiative  
9 and referendum and all rules adopted by the secretary of state pursuant to  
10 this title. In addition, the secretary of state shall provide the applicant  
11 by electronic means the ability to file a statement of organization or five  
12 hundred dollar threshold exemption statement and a notice stating: "This  
13 statement must be filed before valid signatures can be collected." The  
14 secretary of state shall make available by electronic means a copy of the  
15 text of this article governing the initiative and referendum and all rules  
16 adopted by the secretary of state pursuant to this title to the county, city  
17 and town clerks who shall similarly furnish a copy to each applicant by  
18 electronic means. If a member of the public so requests, the secretary of  
19 state and the county, city and town clerks shall provide a copy in pamphlet  
20 form.

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

23 Sec. 5. Section 19-112, Arizona Revised Statutes, is amended to read:

24 19-112. Signatures and verification; attachment; registration  
25 of circulators

26 A. Every qualified elector signing a petition shall do so in the  
27 presence of the person who is circulating the petition and who is to execute  
28 the affidavit of verification. At the time of signing, the qualified elector  
29 shall sign his first and last names in the spaces provided and the elector so  
30 signing shall print his first and last names and write, in the appropriate  
31 spaces following the signature, the signer's residence address, giving street  
32 and number, and if he has no street address, a description of his residence  
33 location. The elector so signing shall write, in the appropriate spaces  
34 following the elector's address, the date on which the elector signed the  
35 petition.

36 B. The signature sheets shall be attached at all times during  
37 circulation to a full and correct copy of the title and text of the measure  
38 or constitutional amendment proposed or referred by the petition. The title  
39 and text shall be in at least eight point type and shall include both the  
40 original and the amended text. The text shall indicate material deleted, if  
41 any, by printing the material with a line drawn through the center of the  
42 letters of the material and shall indicate material added or new material by  
43 printing the letters of the material in capital letters. **THE SECRETARY OF**  
44 **STATE'S TIME-AND-DATE-MARKED COPY OF THE MEASURE OR CONSTITUTIONAL AMENDMENT**  
45 **WITH ITS PROPOSED TEXT SET OUT IN FULL WITH THE ORIGINAL AND THE AMENDED TEXT**

1 CONSTITUTES THE FULL AND CORRECT COPY AND IS THE ONLY VALID COPY OF THE TITLE  
2 AND TEXT OF THE MEASURE FOR CIRCULATION FOR SIGNATURES. SIGNATURES THAT ARE  
3 COLLECTED WITH ANY COPY OF THE MEASURE OR CONSTITUTIONAL AMENDMENT THAT IS  
4 NOT A FACSIMILE OF THE TIME-AND-DATE-MARKED COPY WITH TITLE AND TEXT THAT IS  
5 IDENTICAL TO THE TIME-AND-DATE-MARKED COPY ARE INVALID.

6 C. The person before whom the signatures, names and addresses were  
7 written on the signature sheet ~~shall~~, on the affidavit form pursuant to this  
8 section, SHALL subscribe and swear before a notary public that each of the  
9 names on the sheet was signed and the name and address were printed by the  
10 elector and the circulator on the date indicated, ~~and~~ that in his belief each  
11 signer was a qualified elector of a certain county of the state, or, in the  
12 case of a city, town or county measure, of the city, town or county affected  
13 by the measure on the date indicated, THAT SIGNATURE LINES THAT DO NOT  
14 CONTAIN A SIGNATURE ARE MARKED WITH A LINE DRAWN THROUGH THEM OR HAVE THE  
15 DESIGNATION "N/A" OR SIMILAR NOTATION BEFORE SUBMITTAL, and that at all times  
16 during circulation of the signature sheet a copy of the title and text was  
17 attached to the signature sheet. Circulators who are not residents of this  
18 state must be registered as circulators with the secretary of state before  
19 circulating petitions. SIGNATURES COLLECTED BY CIRCULATORS WHO HAVE NOT  
20 REGISTERED WITH THE SECRETARY OF STATE ARE INVALID AND SHALL NOT BE COUNTED.  
21 The secretary of state shall provide for a method of receiving service of  
22 process for those petition circulators who register pursuant to this  
23 subsection. The secretary of state shall establish in the instructions and  
24 procedures manual issued pursuant to section 16-452 a procedure for  
25 registering circulators and receiving service of process. All signatures of  
26 petitioners on a signature sheet shall be those of qualified electors who are  
27 registered to vote in the same county. However, if signatures from more than  
28 one county appear on the same signature sheet, only the valid signatures from  
29 the same county that are most numerous on the signature sheet shall be  
30 counted. Signature and handwriting comparisons may be made.

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

33 Affidavit of Circulator

34 State of Arizona )  
35 ) ss.:  
36 County of \_\_\_\_\_)  
37 (Where notarized)

38 I, \_\_\_\_\_ (print name) \_\_\_\_\_, a person who is not required to  
39 be a resident of this state but who is otherwise qualified to  
40 register to vote ~~in the county of \_\_\_\_\_~~, in the state of  
41 Arizona at all times during my circulation of this petition  
42 sheet, AND, IF NOT A RESIDENT OF ARIZONA, WHO HAS REGISTERED  
43 WITH THE SECRETARY OF STATE, and under the penalty of a class 1  
44 misdemeanor, depose and say that subject to section 19-115,  
45 Arizona Revised Statutes, each individual printed the

1 individual's own name and address and signed this sheet of the  
2 foregoing petition in my presence on the date indicated and I  
3 believe that each signer's name and residence address or post  
4 office address are correctly stated and that each signer is a  
5 qualified elector of the state of Arizona (or in the case of a  
6 city, town or county measure, of the city, town or county  
7 affected by the measure proposed to be initiated or referred to  
8 the people) and that at all times during circulation of this  
9 signature sheet a copy of the title and text was attached to the  
10 signature sheet.

11 (Signature of affiant) \_\_\_\_\_  
12 (Residence address, street  
13 and number of affiant WITH  
14 CITY, STATE AND ZIP CODE,  
15 or if no street address, a  
16 description of residence  
17 location) \_\_\_\_\_  
18 \_\_\_\_\_

19 Subscribed and sworn to before me on \_\_\_\_\_  
20 (date)

21 \_\_\_\_\_  
22 Notary Public  
23 \_\_\_\_\_, Arizona.  
24 ~~My commission expires on \_\_\_\_\_.~~  
25 ~~(date)~~

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

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

29 Sec. 6. Section 19-121, Arizona Revised Statutes, is amended to read:  
30 19-121. Signature sheets; petitions; form; procedure for filing

- 31 A. Signature sheets filed shall:
- 32 1. Be in the form prescribed by law.
  - 33 2. Have printed in ~~its~~ THEIR lower right-hand corner, on each side of  
34 such ~~sheet~~ SHEETS, the official serial number assigned to the petition by the  
35 secretary of state.
  - 36 3. Be attached to a full and correct copy of the title and text of the  
37 measure, or amendment to the constitution, proposed or referred by the  
38 petition. THE SECRETARY OF STATE'S TIME-AND-DATE-MARKED COPY OF THE MEASURE  
39 OR CONSTITUTIONAL AMENDMENT CONSTITUTES THE FULL AND CORRECT COPY AND IS THE  
40 ONLY VALID COPY OF THE TITLE AND TEXT OF THE MEASURE FOR CIRCULATION FOR  
41 SIGNATURES.
  - 42 4. Be printed in at least eight point type.
  - 43 5. Be printed in black ink on white or recycled white pages fourteen  
44 inches in width by eight and one-half inches in length, with a margin of at

1 least one-half inch at the top and one-fourth inch at the bottom of each  
2 page.

3 B. For THE purposes of this chapter, a petition is filed when the  
4 petition sheets are tendered to the secretary of state, ~~at which time a~~  
5 ~~receipt is~~ WHO SHALL immediately ~~issued by the secretary of state~~ ISSUE A  
6 RECEIPT based on an estimate made to the secretary of state of the purported  
7 number of sheets and signatures filed. After the issuance of the receipt, no  
8 additional petition sheets may be accepted for filing.

9 C. Petitions may be filed with the secretary of state in numbered  
10 sections for convenience in handling. Not more than fifteen signatures on  
11 one sheet shall be counted. SIGNATURE LINES THAT DO NOT CONTAIN A SIGNATURE  
12 SHALL BE MARKED WITH A LINE DRAWN THROUGH THE BLANK SIGNATURE AREA OR WITH  
13 THE DESIGNATION "N/A" OR SIMILAR NOTATION THAT THE SIGNATURE AREA IS BLANK.

14 D. Initiative petitions ~~which~~ THAT have not been filed with the  
15 secretary of state as of 5:00 p.m. on the day required by the constitution  
16 ~~prior to~~ BEFORE the ensuing general election after their issuance shall be  
17 null and void, but in no event shall the secretary of state accept an  
18 initiative petition ~~which~~ THAT was issued for circulation ~~more than~~  
19 ~~twenty-four months prior to~~ EARLIER THAN THE ISSUANCE OF THE OFFICIAL CANVASS  
20 OF THE GENERAL ELECTION BEFORE the general election at which the measure is  
21 to be included on the ballot.

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

30 Sec. 7. Section 19-121.01, Arizona Revised Statutes, is amended to  
31 read:

32 19-121.01. Secretary of state; removal of petition and  
33 ineligible signatures; facsimile sheets; random  
34 sample

35 A. Within twenty days, excluding Saturdays, Sundays and other legal  
36 holidays, of the date of filing of an initiative or referendum petition and  
37 issuance of the receipt, the secretary of state shall:

- 38 1. Remove the following:
- 39 (a) Those sheets not attached to a copy of the COMPLETE title and text
  - 40 of the measure THAT IS MARKED BY THE OFFICIAL DATE AND TIME OF RECEIPT BY THE
  - 41 SECRETARY OF STATE.
  - 42 (b) The copy of the title and text from the remaining petition sheets.
  - 43 (c) Those sheets not bearing the CORRECT petition serial number in the
  - 44 lower right-hand corner of each side.

1 (d) Those sheets containing a circulator's affidavit that is not  
2 completed or signed AND, FOR A NONRESIDENT CIRCULATOR WHO IS REQUIRED TO BE  
3 REGISTERED WITH THE SECRETARY OF STATE AND WHO IS NOT SO REGISTERED AT THE  
4 TIME OF CIRCULATION, THOSE SHEETS CIRCULATED BY THAT CIRCULATOR.

5 (e) Those sheets on which the affidavit of the circulator is not  
6 notarized, the notary's signature is missing, the notary's commission has  
7 expired, ~~or~~ the notary's seal is not affixed, THE NOTARY IS NOT ELIGIBLE TO  
8 ACT AS NOTARY FOR THAT CIRCULATOR OR THE PERSON SIGNING AS A NOTARY IS NOT A  
9 NOTARY PUBLIC. IF THE SECRETARY OF STATE IS UNABLE TO DETERMINE WHETHER THE  
10 PERSON IS A NOTARY PUBLIC, THE SECRETARY OF STATE SHALL NOT REMOVE THE SHEETS  
11 WITH THAT PERSON'S NOTARIZATION.

12 (f) Those sheets on which the signatures of the circulator or the  
13 notary are dated earlier than THE APPLICATION DATE FOR THAT MEASURE OR the  
14 dates on which the electors signed the face of the petition sheet.

15 (g) ~~Beginning after November 2, 2010,~~ Those sheets that are circulated  
16 by a circulator who is prohibited from participating in any election,  
17 initiative, referendum or recall campaign pursuant to section 19-119.01.

18 (h) THOSE SHEETS ON WHICH THE DESIGNATION OF PAID CIRCULATOR OR  
19 VOLUNTEER CIRCULATOR AS PRESCRIBED BY SECTION 19-101, SUBSECTION C IS NOT  
20 CHECKED OR IF BOTH ARE CHECKED.

21 (i) THOSE SHEETS ON WHICH UNUSED SIGNATURE LINES ARE NOT MARKED WITH A  
22 LINE DRAWN THROUGH THE UNUSED SIGNATURE LINES OR ARE NOT MARKED WITH AN "N/A"  
23 OR OTHER SIMILAR NOTATION.

24 2. After completing the steps in paragraph 1 of this subsection,  
25 review each sheet to determine the county of the majority of the signers and  
26 shall:

27 (a) Place a three or four letter abbreviation designating that county  
28 in the upper right-hand corner of the face of the petition.

29 (b) Remove all signatures of those not in the county of the majority  
30 on each sheet by marking an "SS" in red ink in the margin to the right of the  
31 signature line.

32 (c) Cause all signature sheets to be grouped together by county of  
33 registration of the majority of those signing and attach them to one or more  
34 copies of the title and text of the measure. If the sheets are too bulky for  
35 convenient grouping by the secretary of state in one volume by county, they  
36 may be bound in two or more volumes with those in each volume attached to a  
37 single printed copy of the measure. The remaining detached copies of the  
38 title and text of the measure shall be ~~delivered to the applicant~~ DESTROYED  
39 AFTER COMPLETION OF THE CANVASS.

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

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

1 (b) If the residence address or the description of residence location  
2 is missing **OR IF BOTH THE CITY OR TOWN AND THE COUNTY OF RESIDENCE CANNOT BE**  
3 **DETERMINED.**

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

5 (d) Signatures in excess of the fifteen signatures permitted per  
6 petition.

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

8 (f) ~~Beginning after November 2, 2010,~~ Signatures for which the  
9 secretary of state determines that the petition circulator has printed the  
10 elector's first and last names or other information in violation of section  
11 19-112.

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

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

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

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

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

36 2. If a signature line selected for the random sample is found to be  
37 blank or was removed from the verification process pursuant to subsection A  
38 of this section and is marked with an "SS", then the next line down, even if  
39 that requires going to the next petition sheet in sequence, on which an  
40 eligible signature appears shall be selected as a substitute if that line has  
41 not already been selected for the random sample. If the next eligible line  
42 is already being used in the random sample, the secretary of state shall  
43 proceed back up the page from the signature line originally selected for the  
44 random sample to the next previous signature line eligible for verification.  
45 If that line is already being used in the random sample, the secretary of

1 state shall continue moving down the page or to the next page from the line  
2 originally selected for the random sample and shall select the next eligible  
3 signature as its substitute for the random sample. The secretary of state  
4 shall use this process of alternately moving forward and backward until a  
5 signature eligible for verification and not already included in the random  
6 sample can be selected and substituted.

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

18 D. The secretary of state shall retain in custody all signature sheets  
19 removed pursuant to this section except as otherwise prescribed in this  
20 title.

21 Sec. 8. Section 19-121.02, Arizona Revised Statutes, is amended to  
22 read:

23 19-121.02. Certification by county recorder

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

29 1. No residence address or description of residence location is  
30 provided.

31 2. No date of signing is provided.

32 3. The signature is illegible and the signer is otherwise  
33 unidentifiable.

34 4. The address provided is illegible or nonexistent.

35 5. The individual was not a qualified elector on the date of signing  
36 the petition.

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

39 7. The signature was disqualified after comparison with the signature  
40 on the affidavit of registration.

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

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

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

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

7 2. The total number of signatures selected for the random sample and  
8 transmitted to the county recorder for verification and the total number of  
9 random sample signatures disqualified.

10 C. The secretary of state shall prescribe the form of the county  
11 recorder's certification.

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

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

14 2. Send notice of the results of the certification by mail to the  
15 person or organization that submitted the initiative or referendum petitions  
16 and to the secretary of state.

17 Sec. 9. Section 19-121.04, Arizona Revised Statutes, is amended to  
18 read:

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

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

26 ~~1. All signatures on petitions containing a defective circulator's~~  
27 ~~affidavit.~~

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

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

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

41 \_\_\_\_\_ signature pages bearing \_\_\_\_\_  
42 signatures for initiative (referendum) petition serial number  
43 \_\_\_\_\_ have been refused for filing in this office ~~because the~~  
44 ~~person circulating them was a county recorder or justice of the~~  
45 ~~peace at the time of circulating the petition or due to defects~~

1 ~~in the circulator's affidavit~~ AS PROVIDED BY LAW. A total of  
 2 \_\_\_\_\_ signatures included on the remaining petition  
 3 sheets were found to be ineligible. Of the total random sample  
 4 of \_\_\_\_\_ signatures, a total of \_\_\_\_\_ signatures  
 5 were invalidated by the county recorders resulting in a failure  
 6 rate of \_\_\_\_\_ per cent. The ~~actual~~ number of remaining  
 7 signatures for such initiative (referendum) petition number  
 8 \_\_\_\_\_ are equal to or in excess of the minimum required by  
 9 the constitution to place a measure on the general election  
 10 ballot. The number of valid signatures filed with this  
 11 petition, based on the random sample, appears to be at least one  
 12 hundred ~~five~~ per cent of the minimum required or through  
 13 examination of each signature has been certified to be greater  
 14 than the minimum required by the constitution.

15 Date: \_\_\_\_\_

16 Secretary of State  
 17 (Seal)

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

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

33 1. Signature sheets bearing secretary of state page  
 34 numbers \_\_\_\_\_ and bearing signatures of \_\_\_\_\_ persons  
 35 appeared ~~on petitions containing a defective circulator's~~  
 36 ~~affidavit~~ SIGNATURE PAGES THAT WERE REQUIRED TO BE REMOVED.

37 2. A total of \_\_\_\_\_ signatures on the remaining  
 38 petition sheets were found to be ineligible.

39 3. A total of \_\_\_\_\_ signatures included in the  
 40 random sample have been certified by the county recorders as  
 41 ineligible at the time such petition was signed and a projection  
 42 from such random sample has indicated that \_\_\_\_\_ more  
 43 signatures are ineligible to appear on the petition.

1 A facsimile of the certifications of the county recorders under section  
2 19-121.02 shall accompany the signature sheets returned to the person or  
3 organization that submitted them.

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

6 19-201.01. Legislative findings and intent: strict compliance

7 THE LEGISLATURE FINDS AND DETERMINES THAT STRICT COMPLIANCE WITH THE  
8 APPLICATION AND ENFORCEMENT OF THE CONSTITUTIONAL AND STATUTORY REQUIREMENTS  
9 FOR RECALL PROVIDE THE SUREST METHOD FOR SAFEGUARDING THE INTEGRITY AND  
10 ACCURACY OF THE RECALL PROCESS. THEREFORE, THE LEGISLATURE DECLARES THAT THE  
11 CONSTITUTIONAL AND STATUTORY REQUIREMENTS FOR RECALL BE STRICTLY CONSTRUED  
12 AND THAT PERSONS USING THE RECALL PROCESS STRICTLY COMPLY WITH THOSE  
13 CONSTITUTIONAL AND STATUTORY REQUIREMENTS.

14 Sec. 11. Section 19-202.01, Arizona Revised Statutes, is amended to  
15 read:

16 19-202.01. Application for recall petition

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

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

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

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

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

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

40 D. WHEN THE APPLICATION AND PETITION ARE RECEIVED BY THE FILING  
41 OFFICER AND MARKED BY THE FILING OFFICER WITH AN OFFICIAL DATE AND TIME OF  
42 RECEIPT, THE TIME-AND-DATE-MARKED PETITION, INCLUDING THE GENERAL STATEMENT  
43 REQUIRED BY SECTION 19-203, CONSTITUTES THE OFFICIAL COPY OF THE TEXT OF THE  
44 PETITION AND SHALL BE USED IN ALL INSTANCES AS THE TEXT OF THE PETITION. FOR  
45 ANY SUBSEQUENT CHANGE IN THE TEXT OF THE PETITION BY THE APPLICANT, INCLUDING

1 ANY CHANGE IN THE GENERAL STATEMENT REQUIRED BY SECTION 19-203, THE APPLICANT  
2 SHALL FILE A NEW APPLICATION AND PETITION, SHALL RECEIVE A NEW OFFICIAL  
3 SERIAL NUMBER AND SHALL USE AS THE TEXT OF THE PETITION THE NEW PETITION TEXT  
4 AS MARKED BY THE FILING OFFICER WITH THE OFFICIAL DATE AND TIME OF RECEIPT OF  
5 THE NEW TEXT OF THE PETITION.

6 Sec. 12. Section 19-203, Arizona Revised Statutes, is amended to read:  
7 19-203. Recall petition; contents; submission for verification;  
8 nonacceptance

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

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

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

17 3. The city or town clerk if for a city or town officer and with the  
18 county school superintendent if for a governing board member of a school  
19 district.

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

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

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

33 Sec. 13. Section 19-204, Arizona Revised Statutes, is amended to read:  
34 19-204. Form of petition; circulators

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

37 Recall Petition

38 We, the qualified electors of the electoral district from  
39 which \_\_\_\_\_ (name and title

40 of office) was elected, demand his recall

41 The grounds of this demand for recall are as follows:

42 (State in two hundred words or less the grounds of the demand)

1 B. EACH PETITION SHEET SHALL HAVE PRINTED IN CAPITAL LETTERS IN NO  
2 LESS THAN TWELVE POINT BOLD-FACED TYPE IN THE UPPER RIGHT-HAND CORNER OF THE  
3 FACE OF THE PETITION SHEET THE FOLLOWING:

4 " \_\_\_\_\_ PAID CIRCULATOR" " \_\_\_\_\_ VOLUNTEER".

5 C. A CIRCULATOR OF A RECALL PETITION SHALL STATE WHETHER HE IS A PAID  
6 CIRCULATOR OR VOLUNTEER BY CHECKING THE APPROPRIATE LINE ON THE PETITION FORM  
7 BEFORE CIRCULATING THE PETITION FOR SIGNATURES.

8 D. SIGNATURES OBTAINED ON RECALL PETITIONS IN VIOLATION OF SUBSECTION  
9 C OF THIS SECTION ARE VOID AND SHALL NOT BE COUNTED IN DETERMINING THE LEGAL  
10 SUFFICIENCY OF THE PETITION. THE PRESENCE OF SIGNATURES THAT ARE INVALIDATED  
11 UNDER THIS SUBSECTION ON A PETITION DOES NOT INVALIDATE OTHER SIGNATURES ON  
12 THE PETITION THAT WERE OBTAINED AS PRESCRIBED BY THIS SECTION.

13 ~~B- E. The remaining portion of the petition shall be as prescribed  
14 for 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.~~

17 Sec. 14. Section 19-208.01, Arizona Revised Statutes, is amended to  
18 read:

19 19-208.01. Certification of number of signatures

20 A. Within ~~ten~~ TWENTY days after submission of a recall petition for  
21 verification of signatures pursuant to section 19-203, the receiving officer  
22 shall perform the steps prescribed in section 19-121.01, subsection A. If  
23 the total number of signatures eligible for verification equals or exceeds  
24 the minimum number required by the Arizona Constitution the receiving officer  
25 shall reproduce a facsimile of the front of each signature sheet on which any  
26 signature eligible for verification appears. The receiving officer shall  
27 transmit promptly to each county recorder facsimile sheets on which a  
28 signature of any individual claiming to be a qualified elector of that county  
29 appears. The receiving officer shall also certify the number of sheets and  
30 signatures on the sheets that are being transmitted and retain a record of  
31 such certification in his office. Such receiving officer shall obtain a  
32 dated, signed receipt from the county recorder for copies of the original  
33 signature sheets transmitted under this section.

34 B. If the number of signatures on the sheets submitted to the  
35 receiving officer does not equal the minimum number required by the  
36 constitution, ~~he~~ THE RECEIVING OFFICER shall so notify the person or  
37 organization submitting them and shall return the sheets to the persons or  
38 organization.

39 Sec. 15. Section 19-208.02, Arizona Revised Statutes, is amended to  
40 read:

41 19-208.02. Certification by county recorder

42 A. FOR A STATEWIDE OR COUNTYWIDE RECALL, WITHIN NINETY DAYS AFTER  
43 RECEIPT OF THE SIGNATURE SHEETS FROM THE RECEIVING OFFICER, AND FOR AN OFFICE  
44 OTHER THAN A STATEWIDE OR COUNTYWIDE OFFICE, within sixty days after receipt  
45 of the signature sheets from the receiving officer, the county recorder shall

1 determine the number of signatures or affidavits of individuals whose names  
2 were transmitted that must be disqualified for any of the reasons set forth  
3 in section 19-121.02, subsection A, ~~and~~ **SHALL INCLUDE IN THAT NUMBER AND**  
4 **SHALL DISQUALIFY THOSE SIGNATURES OF PERSONS WHO ARE NOT REGISTERED ON THE**  
5 **DATE OF SIGNING IN THE ELECTORAL DISTRICT OF THE OFFICER WHO IS THE SUBJECT**  
6 **OF THE RECALL PETITION.** The county recorder shall certify ~~such~~ THAT number  
7 to the receiving officer in the form prescribed by the secretary of state.

8 B. At the time of ~~such~~ certification, the county recorder shall:

9 1. Return the original signature sheets to the receiving officer,  
10 obtaining a dated, signed receipt therefor.

11 2. Send notice of the results of certification by mail to the person  
12 or organization that submitted the recall petitions and to the secretary of  
13 state.

14 Sec. 16. Section 19-208.03, Arizona Revised Statutes, is amended to  
15 read:

16 **19-208.03. Disposition of petition; date of filing**

17 A. Within ~~five days, excluding Saturday, Sunday and legal holidays,~~  
18 **SEVENTY-TWO HOURS** after the county recorders have certified the number of  
19 qualified signatures to a petition, or sooner if a sufficient number of  
20 signatures have been certified to qualify for placement of the recall on the  
21 ballot, the receiving officer shall total the number of signatures certified,  
22 and:

23 1. If the number equals or exceeds the minimum number required by the  
24 Constitution, ~~he~~ **THE RECEIVING OFFICER** shall forthwith officially file the  
25 petition, notify the governor and each county recorder affected, stating that  
26 no more signatures need be checked, and the recall shall be placed on the  
27 ballot in the manner provided by law.

28 2. If the number is insufficient to qualify for calling a recall  
29 election the receiving officer shall follow the procedure prescribed by  
30 section 19-208.01, subsection B.

31 B. The date of filing the petition as provided for in subsection A,  
32 paragraph 1, ~~of~~ of this section is the date of filing referred to in sections  
33 19-207, 19-208 and 19-209.

34 Sec. 17. Section 19-209, Arizona Revised Statutes, is amended to read:

35 **19-209. Order for special recall election**

36 A. If the officer against whom a petition is filed does not resign  
37 within five days, excluding Saturdays, Sundays and other legal holidays,  
38 after the filing as determined pursuant to section 19-208.03, the order  
39 calling a special recall election shall be issued within fifteen days and  
40 shall be ordered to be held on the next following consolidated election date  
41 pursuant to section 16-204 that is ~~ninety~~ **ONE HUNDRED TWENTY** days or more  
42 after the order calling the election.

43 B. A recall election shall be called:

44 1. If for a state office, including a member of the legislature, by  
45 the governor.

- 1           2. If for a county officer, or judge or other officer of the superior  
2 court in a county, by the board of supervisors of that county.
- 3           3. If for a city or town officer, by the legislative body of the city  
4 or town.
- 5           4. If for a member of a school district governing board, by the county  
6 school superintendent of the county in which the school district is located.
- 7           C. If a recall petition is against an officer who is directed by this  
8 section to call the election it shall be called:
  - 9           1. If for a state office, by the secretary of state.
  - 10           2. If for a county office, by the clerk of the superior court.
  - 11           3. If for a city or town office, by the city or town clerk.