

REFERENCE TITLE: referendum and recall provisions

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HB 2407

Introduced by
Representative Stevens

AN ACT

AMENDING TITLE 19, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-101.01; AMENDING SECTIONS 19-112, 19-121, 19-121.01, 19-121.02, 19-121.04, 19-122 AND 19-141, 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 INITIATIVE, REFERENDUM AND RECALL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 19, chapter 1, article 1, Arizona Revised Statutes,
3 is amended by adding section 19-101.01, to read:

4 19-101.01. Legislative findings and intent; strict compliance

5 THE LEGISLATURE RECOGNIZES THAT A REFERENDUM OVERRULES THE RESULTS OF
6 DETERMINATIONS MADE BY REPRESENTATIVES OF THE PEOPLE AND THEREFORE FINDS AND
7 DETERMINES THAT STRICT COMPLIANCE WITH THE CONSTITUTIONAL AND STATUTORY
8 REQUIREMENTS FOR THE REFERENDUM PROCESS AND IN THE APPLICATION AND
9 ENFORCEMENT OF THOSE REQUIREMENTS PROVIDES THE SUREST METHOD FOR SAFEGUARDING
10 THE INTEGRITY AND ACCURACY OF THE REFERENDUM PROCESS. THEREFORE, THE
11 LEGISLATURE FINDS AND DECLARES ITS INTENT THAT THE CONSTITUTIONAL AND
12 STATUTORY REQUIREMENTS FOR THE REFERENDUM BE STRICTLY CONSTRUED AND THAT
13 PERSONS USING THE REFERENDUM PROCESS STRICTLY COMPLY WITH THOSE
14 CONSTITUTIONAL AND STATUTORY REQUIREMENTS.

15 Sec. 2. Section 19-112, Arizona Revised Statutes, is amended to read:

16 19-112. Signatures and verification; attachment

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

27 B. The signature sheets shall be attached at all times during
28 circulation to a full and correct copy of the title and text of the measure
29 or constitutional amendment proposed or referred by the petition. The title
30 and text shall be in at least eight-point type and shall include both the
31 original and the amended text. The text shall indicate material deleted, if
32 any, by printing the material with a line drawn through the center of the
33 letters of the material and shall indicate material added or new material by
34 printing the letters of the material in capital letters. FOR THE PURPOSES OF
35 A REFERENDUM, THE SECRETARY OF STATE'S TIME-AND-DATE-MARKED COPY OF THE
36 MEASURE WITH ITS PROPOSED TEXT SET OUT IN FULL OR FOR ANY LOCAL MATTER, THE
37 COPY OF THE MEASURE SIGNED OR ENACTED INTO LAW BY THE MAYOR, OR CHAIRMAN OF
38 THE BOARD OF SUPERVISORS, AS APPROPRIATE, WITH ITS PROPOSED TEXT SET OUT IN
39 FULL AND INCLUDING THE ORIGINAL AND ANY AMENDED TEXT CONSTITUTES THE FULL AND
40 CORRECT COPY OF THE TITLE AND TEXT OF THE MEASURE FOR CIRCULATION FOR
41 SIGNATURES. FOR ANY LOCAL MATTER ENACTED WITHOUT AN ORDINANCE OR RESOLUTION,
42 THE OFFICIAL MINUTES APPROVED BY THE GOVERNING BODY AND SIGNED BY THE CLERK
43 OF THE GOVERNING BODY CONSTITUTE THE FULL AND CORRECT COPY OF THE TITLE AND
44 TEXT OF THE MEASURE. REFERENDUM SIGNATURES THAT ARE COLLECTED WITH ANY COPY
45 OF THE MEASURE THAT IS NOT A FACSIMILE OF THE TIME-AND-DATE-MARKED COPY FOR

1 STATEWIDE MEASURES OR THE FULL AND CORRECT COPY OF A LOCAL MEASURE AS
2 PRESCRIBED BY THIS SUBSECTION ARE INVALID.

3 C. The person before whom the signatures, names and addresses were
4 written on the signature sheet, on the affidavit form pursuant to this
5 section, shall subscribe and swear before a notary public that each of the
6 names on the sheet was signed and the name and address were printed by the
7 elector and the circulator on the date indicated, that in his belief each
8 signer was a qualified elector of a certain county of the state, or, in the
9 case of a city, town or county measure, of the city, town or county affected
10 by the measure on the date indicated, and that at all times during
11 circulation of the signature sheet a copy of the title and text was attached
12 to the signature sheet. CIRCULATORS WHO ARE NOT RESIDENTS OF THIS STATE MUST
13 BE REGISTERED AS CIRCULATORS WITH THE SECRETARY OF STATE PURSUANT TO SECTION
14 19-118 BEFORE CIRCULATING PETITIONS. SIGNATURES OBTAINED BY A CIRCULATOR WHO
15 IS NOT A RESIDENT OF THIS STATE AND WHO IS NOT REGISTERED WITH THE SECRETARY
16 OF STATE BEFORE COLLECTING SIGNATURES ARE INVALID. THE SECRETARY OF STATE
17 SHALL PROVIDE FOR A METHOD OF RECEIVING SERVICE OF PROCESS FOR THOSE PETITION
18 CIRCULATORS WHO REGISTER PURSUANT TO SECTION 19-118. THE SECRETARY OF STATE
19 SHALL ESTABLISH IN THE INSTRUCTIONS AND PROCEDURES MANUAL ISSUED PURSUANT TO
20 SECTION 16-452 A PROCEDURE FOR REGISTERING CIRCULATORS AND RECEIVING SERVICE
21 OF PROCESS. All signatures of petitioners on a signature sheet shall be
22 those of qualified electors who are registered to vote in the same county.
23 However, if signatures from more than one county appear on the same signature
24 sheet, only the valid signatures from the same county that are most numerous
25 on the signature sheet shall be counted. ~~Signature and handwriting~~
26 ~~comparisons may be made.~~

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

29 Affidavit of Circulator
30 State of Arizona)
31) ss.:
32 County of _____)
33 (Where notarized)

34 I, _____(print name)_____, a person who is not required to
35 be a resident of this state but who is otherwise qualified to
36 register to vote in the county of _____, in the state of
37 Arizona at all times during my circulation of this petition
38 sheet, and under the penalty of a class 1 misdemeanor, depose
39 and say that subject to section 19-115, Arizona Revised
40 Statutes, each individual printed the individual's own name and
41 address and signed this sheet of the foregoing petition in my
42 presence on the date indicated and I believe that each signer's
43 name and residence address or post office address are correctly
44 stated and that each signer is a qualified elector of the state
45 of Arizona (or in the case of a city, town or county measure, of

1 the city, town or county affected by the measure proposed to be
2 initiated or referred to the people) and that at all times
3 during circulation of this signature sheet a copy of the title
4 and text was attached to the signature sheet.

5 (Signature of affiant) _____
6 (Residence address, street
7 and number of affiant, or
8 if no street address, a
9 description of residence
10 location) _____

11 _____
12 Subscribed and sworn to before me on _____.
13 (date)

14 _____
15 Notary Public
16 _____, Arizona.
17 ~~My commission expires on _____.~~
18 ~~(date)~~

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

20 E. The eight-point type required by subsection B of this section ~~shall~~
21 DOES not apply to maps, charts or other graphics.

22 F. THE FORM OF THE AFFIDAVIT SHALL NOT BE MODIFIED. ANY PETITION THAT
23 CONTAINS A PARTIALLY COMPLETED AFFIDAVIT OR AN AFFIDAVIT THAT HAS BEEN
24 MODIFIED IS INVALID.

25 Sec. 3. Section 19-121, Arizona Revised Statutes, is amended to read:
26 19-121. Signature sheets; petitions; form; procedure for filing

27 A. Signature sheets filed shall:

- 28 1. Be in the form prescribed by law.
- 29 2. Have printed in ~~its~~ THEIR lower right-hand corner, on each side of
30 such ~~sheet~~ SHEETS, the official serial number assigned to the petition by the
31 secretary of state.
- 32 3. Be attached to a full and correct copy of the title and text of the
33 measure, or amendment to the constitution, proposed or referred by the
34 petition.
- 35 4. Be printed in at least eight-point type.
- 36 5. Be printed in black ink on white or recycled white pages fourteen
37 inches in width by eight and one-half inches in length, with a margin of at
38 least one-half inch at the top and one-fourth inch at the bottom of each
39 page.

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

1 C. Petitions may be filed with the secretary of state in numbered
2 sections for convenience in handling. Not more than fifteen signatures on
3 one sheet shall be counted. FOR PETITIONS FILED REGARDING CITY, TOWN OR
4 COUNTY MATTERS, THE POLITICAL COMMITTEE THAT IS THE PROPONENT OF THE PETITION
5 AND THAT FILES THE PETITIONS SHALL ORGANIZE THE SIGNATURE SHEETS AND GROUP
6 THEM BY CIRCULATOR AND IS SOLELY RESPONSIBLE FOR COMPLIANCE WITH THIS
7 SUBSECTION. THE LOCAL FILING OFFICER MAY RETURN AS UNFILED ANY SIGNATURE
8 SHEETS THAT ARE NOT SO ORGANIZED AND GROUPED.

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

16 E. For THE purposes of this article and article 4 OF THIS CHAPTER, the
17 measure to be attached to the petition as enacted by the legislative body of
18 an incorporated city, town or county means the adopted ordinance or
19 resolution SIGNED BY THE MAYOR OR THE CHAIRMAN OF THE BOARD OF SUPERVISORS,
20 AS APPROPRIATE, AND SIGNED BY THE CLERK OF THE BOARD OR THE CLERK OF THE
21 MUNICIPALITY, AS APPROPRIATE, or, in the absence of a written ordinance or
22 resolution, that portion of the minutes of the legislative body THAT ARE
23 APPROVED BY THE GOVERNING BODY AND FILED WITH THE CLERK OF THE GOVERNING BODY
24 AND that ~~reflects~~ REFLECT the action taken by that body when adopting the
25 measure. In the case of zoning measures, the measure shall also include a
26 legal description of the property and any amendments made to the ordinance by
27 the legislative body.

28 Sec. 4. Section 19-121.01, Arizona Revised Statutes, is amended to
29 read:

30 19-121.01. Secretary of state; removal of petition and
31 ineligible signatures; facsimile sheets; random
32 sample

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

36 1. Remove the following:

37 (a) Those sheets not attached to a copy of the COMPLETE title and text
38 of the measure AS PRESCRIBED IN THIS CHAPTER.

39 (b) The copy of the title and text from the remaining petition sheets.

40 (c) Those sheets not bearing the CORRECT petition serial number in the
41 lower right-hand corner of each side.

42 (d) Those sheets containing a circulator's affidavit that is not
43 completed or signed OR THAT HAS BEEN MODIFIED.

1 (e) Those sheets on which the affidavit of the circulator is not
2 notarized, the notary's signature is missing, the notary's commission has
3 expired or the notary's seal is not affixed.

4 (f) Those sheets on which the signatures of the circulator or the
5 notary are dated earlier than the dates on which the electors signed the face
6 of the petition sheet.

7 (g) Those sheets that are circulated by a circulator who is prohibited
8 from participating in any election, initiative, referendum or recall campaign
9 pursuant to section 19-119.01.

10 (h) ~~For statewide ballot measures only,~~ Those sheets on which the
11 circulator is required to be registered with the secretary of state pursuant
12 to section 19-118 and the circulator is not properly registered **AT THE TIME**
13 **THE PETITIONS WERE CIRCULATED.**

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

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

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

22 (c) Cause all signature sheets to be grouped together by county of
23 registration of the majority of those signing and attach them to one or more
24 copies of the title and text of the measure. If the sheets are too bulky for
25 convenient grouping by the secretary of state in one volume by county, they
26 may be bound in two or more volumes with those in each volume attached to a
27 single printed copy of the measure. The remaining detached copies of the
28 title and text of the measure shall be delivered to the applicant.

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

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

33 (b) If the residence address or the description of residence location
34 is missing.

35 (c) If the date on which the petitioner signed is missing, **IF THE DATE**
36 **ON WHICH THE PETITIONER SIGNED THE PETITION IS BEFORE THE DATE THAT THE**
37 **STATEMENT OF ORGANIZATION WAS FILED FOR THE POLITICAL COMMITTEE THAT IS**
38 **FILING THE PETITION OR IF THE DATE ON WHICH THE PETITIONER SIGNED THE**
39 **PETITION IS AFTER THE DATE ON WHICH THE AFFIDAVIT WAS COMPLETED BY THE**
40 **CIRCULATOR AND NOTARIZED.**

41 (d) Signatures in excess of the fifteen signatures permitted per
42 petition.

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

1 (f) Signatures for which the secretary of state determines that the
2 petition circulator has printed the elector's first and last names or other
3 information in violation of section 19-112.

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

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

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

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

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

29 2. If a signature line selected for the random sample is found to be
30 blank or was removed from the verification process pursuant to subsection A
31 of this section and is marked with an "SS", then the next line down, even if
32 that requires going to the next petition sheet in sequence, on which an
33 eligible signature appears shall be selected as a substitute if that line has
34 not already been selected for the random sample. If the next eligible line
35 is already being used in the random sample, the secretary of state shall
36 proceed back up the page from the signature line originally selected for the
37 random sample to the next previous signature line eligible for verification.
38 If that line is already being used in the random sample, the secretary of
39 state shall continue moving down the page or to the next page from the line
40 originally selected for the random sample and shall select the next eligible
41 signature as its substitute for the random sample. The secretary of state
42 shall use this process of alternately moving forward and backward until a
43 signature eligible for verification and not already included in the random
44 sample can be selected and substituted.

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

12 D. THE SECRETARY OF STATE SHALL PRESUME THAT THE DATE NOTED ON THE
13 PETITION FOR A PETITIONER'S SIGNATURE IS THE DATE ON WHICH THE PETITIONER
14 SIGNED THE PETITION, AND ANY PERSON SEEKING TO ESTABLISH A DIFFERENT DATE FOR
15 THE SIGNATURE BEARS THE BURDEN OF PROOF IN OVERCOMING THE PRESUMPTION.

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

19 Sec. 5. Section 19-121.02, Arizona Revised Statutes, is amended to
20 read:

21 19-121.02. Certification by county recorder

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

27 1. No residence address or description of residence location is
28 provided.

29 2. No date of signing is provided.

30 3. The signature is illegible and the signer is otherwise
31 unidentifiable.

32 4. The address provided is illegible or nonexistent.

33 5. The individual was not a qualified elector on the date of signing
34 the petition.

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

37 7. The signature was disqualified after comparison with the signature
38 on the affidavit of registration.

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

41 9. IF A PETITION SIGNER'S SIGNATURE IS DETERMINED TO BE INVALID AFTER
42 A COMPARISON IS MADE BETWEEN THE SIGNATURE AND HANDWRITING ON THE PETITION
43 AND THE PETITION SIGNER'S VOTER REGISTRATION FILE.

44 10. IF THE PERSON CIRCULATING THE PETITION WAS A JUSTICE OF THE PEACE
45 OR A COUNTY RECORDER AT THE TIME THE PERSON CIRCULATED THE PETITION.

1 ~~9.~~ 11. For the same reasons any signatures or entire petition sheets
2 could have been removed by the secretary of state pursuant to section
3 19-121.01, subsection A, paragraph 1 OR 3.

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

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

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

13 C. The secretary of state shall prescribe the form of the county
14 recorder's certification.

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

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

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

20 Sec. 6. Section 19-121.04, Arizona Revised Statutes, is amended to
21 read:

22 19-121.04. Disposition of petitions by secretary of state

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

29 1. All signatures ~~on petitions containing a defective circulator's~~
30 ~~affidavit~~ THAT WERE REMOVED PURSUANT TO SECTION 19-121.01, SUBSECTION A,
31 PARAGRAPH 1.

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

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

38 B. If the actual number of signatures on the remaining sheets after
39 any such subtraction equals or exceeds the minimum number required by the
40 constitution or if the number of valid signatures as projected from the
41 random sample pursuant to subsection A of this section is at least one
42 hundred ~~per cent~~ PERCENT of the minimum number required by the constitution,
43 the secretary of state shall issue the following receipt to the person or
44 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~~ PERCENT. The actual number of
 12 remaining signatures for such initiative (referendum) petition
 13 number _____ are equal to or in excess of the minimum
 14 required by the constitution to place a measure on the general
 15 election 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~~ PERCENT 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 _____ Secretary of State
 22 (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~~ PERCENT of the minimum number
 28 required by the constitution or if the actual number of signatures on the
 29 remaining 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 TO PROCEED. THE SECRETARY OF STATE
 35 SHALL PROVIDE TO the person or organization that submitted them, ~~together~~
 36 ~~with~~ a certified statement that, for the following reasons, the petition
 37 lacks the minimum number of signatures to place it on the general election
 38 ballot:

- 39 1. Signature sheets bearing secretary of state page
 40 numbers _____ and bearing signatures of _____
 41 persons appeared on ~~petitions containing a defective~~
 42 ~~circulator's affidavit~~ SIGNATURE PAGES THAT WERE REQUIRED TO BE
 43 REMOVED.
- 44 2. A total of _____ signatures on the remaining
 45 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. 7. Section 19-122, Arizona Revised Statutes, is amended to read:

10 19-122. Refusal of secretary of state to file petition or
11 transmit facsimiles of signature sheets or affidavits
12 of circulators; writ of mandamus; venue

13 A. If the secretary of state refuses to accept and file a petition for
14 the initiative or referendum, or proposal for a constitutional amendment that
15 has been presented within the time prescribed, or if the secretary of state
16 refuses to transmit the facsimiles of a signature sheet or sheets or
17 affidavits of circulators to the county recorders for certification under
18 section 19-121.01, the secretary of state shall provide the person who
19 submitted the petition, proposal, signature sheet or affidavit with a written
20 statement of the reason for the refusal. Within five calendar days after the
21 refusal any citizen may apply to the superior court for a writ of mandamus to
22 compel the secretary of state to file the petition or proposal or transmit
23 the facsimiles, or **FOR MATTERS INVOLVING STATEWIDE INITIATIVES OR REFERENDA**
24 **OR PROPOSED CONSTITUTIONAL AMENDMENTS**, the citizen may file a complaint with
25 the county attorney or attorney general. The county attorney or attorney
26 general may apply, within five calendar days after the complaint is made, to
27 the superior court for a writ of mandamus to compel the secretary of state to
28 file the petition or proposal or transmit the facsimiles. The action shall
29 be advanced on the calendar and heard and decided by the court as soon as
30 possible. Either party may appeal to the supreme court within five calendar
31 days after **ENTRY OF judgment BY THE SUPERIOR COURT. THE DECISION OF THE**
32 **SUPERIOR COURT MAY BE STAYED AS PRESCRIBED BY RULES ADOPTED BY THE SUPREME**
33 **COURT.** If the court finds that the petition is legally sufficient, the
34 secretary of state shall then file it, with a certified copy of the judgment
35 attached as of the date on which it was originally offered for filing in the
36 secretary of state's office.

37 B. The most current version of the general county register statewide
38 voter registration database at the time of filing a court action challenging
39 an initiative or referendum petition shall constitute the official record to
40 be used to determine on a prima facie basis by the challenger that the signer
41 of a petition was not registered to vote at the address given on the date of
42 signing the petition. If the address of the signer given on the date of
43 signing the petition is different from that on the most current version of
44 the general county register, the county recorder shall examine the version of
45 the general county register that was current on the date the signer signed

1 the petition to determine the validity of the signature and to determine
2 whether the person was eligible to sign the petition at the time of
3 signing. This subsection does not preclude introducing into evidence a
4 certified copy of the affidavit of registration of any signer dated ~~prior to~~
5 BEFORE the signing of the petition if the affidavit is in the possession of
6 the county recorder but has not yet been filed in the general county
7 register.

8 ~~C. Notwithstanding section 19-121.04, if any petition filed is not~~
9 ~~legally sufficient, the court, in an action brought by any citizen, may~~
10 ~~enjoin the secretary or other officers from certifying or printing on the~~
11 ~~official ballot for the ensuing election the amendment or measure proposed or~~
12 ~~referred. The action shall be advanced on the calendar and heard and decided~~
13 ~~by the court as soon as possible. Either party may appeal to the supreme~~
14 ~~court within five days after judgment.~~

15 C. AN ACTION THAT CONTESTS THE VALIDITY OF AN INITIATIVE OR REFERENDUM
16 MEASURE BASED ON THE ACTIONS OF THE SECRETARY OF STATE MAY NOT BE MAINTAINED
17 IN ANY COURT IN THIS STATE EXCEPT AS PRESCRIBED BY THIS SECTION. A PERSON
18 MAY NOT MAINTAIN A SEPARATE ACTION SEEKING TO ENJOIN THE SECRETARY OF STATE
19 OR OTHER OFFICER FROM CERTIFYING OR PRINTING THE OFFICIAL BALLOT FOR THE
20 ELECTION THAT WILL INCLUDE THE PROPOSED INITIATIVE OR REFERENDUM MEASURE AND
21 ANY REQUEST TO ENJOIN THE CERTIFICATION OR PRINTING OF THE BALLOT SHALL BE
22 MADE AS A PART OF AN ACTION FILED PURSUANT TO SUBSECTION A OF THIS SECTION.

23 D. The superior court in Maricopa county shall have jurisdiction of
24 actions relating to measures and amendments to be submitted to the electors
25 of the state at large. With respect to actions relating to local and special
26 measures FOR A COUNTY, SPECIAL DISTRICT OR SCHOOL DISTRICT, THE SUPERIOR
27 COURT IN THE COUNTY IN WHICH THE DISTRICT IS LOCATED SHALL HAVE JURISDICTION.
28 WITH RESPECT TO ACTIONS RELATING TO LOCAL OR SPECIAL MEASURES FOR A CITY OR
29 TOWN, the superior court in the county, ~~or in one of the counties, in which~~
30 ~~the measures are to be voted on~~ IN WHICH THE MAJORITY OF THE POPULATION OF
31 THAT CITY OR TOWN RESIDES shall have jurisdiction.

32 Sec. 8. Section 19-141, Arizona Revised Statutes, is amended to read:
33 19-141. Initiative and referendum in counties, cities and towns

34 A. ~~The provisions of~~ This chapter ~~shall apply~~ APPLIES to the
35 legislation of cities, towns and counties, except as specifically provided to
36 the contrary in this article. A CHARTER CITY THAT IS ORGANIZED UNDER ARTICLE
37 IX, CONSTITUTION OF ARIZONA, MAY ENACT ADDITIONAL PROVISIONS GOVERNING
38 INITIATIVES AND REFERENDA IF THOSE PROVISIONS DO NOT CONFLICT WITH THIS
39 CHAPTER. The duties required of the secretary of state as to state
40 legislation shall be performed in connection with such legislation by the
41 city or town clerk, county officer in charge of elections or person
42 performing the duties as such. The duties required of the governor shall be
43 performed by the mayor or the chairman of the board of supervisors, the
44 duties required of the attorney general shall be performed by the city, town
45 or county attorney, and the printing and binding of measures and arguments

1 shall be paid for by the city, town or county in like manner as payment is
2 provided for by the state with respect to state legislation. The provisions
3 of section 19-124 with respect to the legislative council analysis do not
4 apply in connection with initiatives and referenda in cities, towns and
5 counties. The printing shall be done in the same manner as other municipal
6 or county printing is done.

7 B. Distribution of pamphlets shall be made to every household
8 containing a registered voter in the city, TOWN or county, so far as
9 possible, by the city or town clerk or by the county officer in charge of
10 elections by mail before the earliest date for receipt by registered voters
11 of any requested early ballot for the election at which the measures are to
12 be voted on. If the pamphlet is not mailed before the earliest date for
13 receipt of a requested early ballot, the officer in charge of elections shall
14 provide a notice with the early ballots stating when the pamphlets will be
15 mailed and where and when the pamphlets may be accessed or viewed. Pamphlets
16 shall not be mailed or carried less than ten days before the election at
17 which the measures are to be voted upon.

18 C. Arguments supporting or opposing municipal or county initiative and
19 referendum measures shall be filed with the city or town clerk or the county
20 officer in charge of elections not less than ninety days before the election
21 at which they are to be voted upon.

22 D. The procedure with respect to municipal and county legislation
23 shall be as nearly as practicable the same as the procedure relating to
24 initiative and referendum provided for the state at large, except the
25 procedure for verifying signatures on initiative or referendum petitions may
26 be established by a city or town by charter or ordinance.

27 E. References in this section to duties to be performed by city or
28 town officers apply only with respect to municipal legislation, and
29 references to duties to be performed by county officers apply only with
30 respect to county legislation.

31 F. The duties required of the county recorder with respect to state
32 legislation shall also be performed by the county recorder with respect to
33 municipal or county legislation.

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

36 19-201.01. Legislative finding and intent; strict compliance

37 THE LEGISLATURE RECOGNIZES THAT RECALL OVERTURNS THE DETERMINATION OF
38 THE QUALIFIED ELECTORS AND THEREFORE FINDS AND DETERMINES THAT STRICT
39 COMPLIANCE WITH THE CONSTITUTIONAL AND STATUTORY REQUIREMENTS FOR RECALL AND
40 IN THE APPLICATION AND ENFORCEMENT OF THOSE REQUIREMENTS PROVIDES THE SUREST
41 METHOD FOR SAFEGUARDING THE INTEGRITY AND ACCURACY OF THE RECALL PROCESS.
42 THEREFORE, THE LEGISLATURE FINDS AND DECLARES ITS INTENT THAT THE
43 CONSTITUTIONAL AND STATUTORY REQUIREMENTS FOR RECALL BE STRICTLY CONSTRUED
44 AND THAT PERSONS USING THE RECALL PROCESS STRICTLY COMPLY WITH THOSE
45 CONSTITUTIONAL AND STATUTORY REQUIREMENTS.

1 Sec. 10. Section 19-202.01, Arizona Revised Statutes, is amended to
2 read:

3 19-202.01. Application for recall petition

4 A. A person or organization intending to file a recall petition ~~shall~~,
5 before causing the petition to be printed and circulated, SHALL submit an
6 application setting forth THE FOLLOWING:

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

9 2. THE PERSON OR ORGANIZATION'S intention to circulate and submit ~~such~~
10 A RECALL petition. ~~, -~~

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

14 B. ~~Such~~ THE application AND PETITION shall be submitted AS A SINGLE
15 DOCUMENT to the office of secretary of state if for recall of a state
16 officer, including a member of the state legislature, or a member of
17 Congress, and with the county officer in charge of elections if for a county
18 or district officer or superior court judge, with the city or town clerk if
19 for a city or town officer and with the county school superintendent if for a
20 governing board member of a school district.

21 ~~B-~~ C. On receipt of the application AND PETITION, the receiving
22 officer shall ~~forthwith~~ assign a number to the petition, ~~which number~~ THAT
23 shall appear in the lower right-hand corner on each side of each signature
24 sheet, and issue that number to the applicant. A record shall be maintained
25 by the receiving officer of each application received, of the date of its
26 receipt and of the number assigned and issued to the applicant.

27 D. WHEN THE APPLICATION IS RECEIVED BY THE FILING OFFICER AND MARKED
28 BY THE FILING OFFICER WITH AN OFFICIAL DATE AND TIME OF RECEIPT, THE
29 TIME-AND-DATE-MARKED APPLICATION, INCLUDING THE GENERAL STATEMENT REQUIRED BY
30 SECTION 19-203, CONSTITUTES THE OFFICIAL COPY OF THE TEXT OF THE RECALL AND
31 SHALL BE USED IN ALL INSTANCES AS THE TEXT OF THE RECALL. FOR ANY SUBSEQUENT
32 CHANGE IN THE TEXT OF THE RECALL BY THE APPLICANT, INCLUDING ANY CHANGE IN
33 THE GENERAL STATEMENT REQUIRED BY SECTION 19-203, THE APPLICANT SHALL FILE A
34 NEW APPLICATION, SHALL RECEIVE A NEW OFFICIAL SERIAL NUMBER AND SHALL USE AS
35 THE TEXT OF THE RECALL THE TIME-AND-DATE-MARKED TEXT THAT ACCOMPANIED THE NEW
36 APPLICATION, AND ANY SIGNATURES THAT ARE OBTAINED ON THE PRIOR RECALL
37 PETITION ARE INVALID FOR THE NEW RECALL PETITION.

38 Sec. 11. Section 19-203, Arizona Revised Statutes, is amended to read:

39 19-203. Recall petition; contents; submission for verification;
40 nonacceptance

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

- 1 1. The office of the secretary of state if for a state officer,
2 including a member of the legislature or a member of Congress. ~~, with~~
3 2. The county officer in charge of elections if for a county or
4 district officer or superior court judge. ~~, with~~
5 3. The city or town clerk if for a city or town officer and with the
6 county school superintendent if for a governing board member of a school
7 district.
8 B. No recall petition is considered filed for purposes of this chapter
9 until the verification process is complete and the petition is filed pursuant
10 to section 19-208.03, subsection A, paragraph 1.
11 ~~B.~~ C. A recall petition shall not be accepted for ~~such~~ verification
12 if more than one hundred twenty days have passed since the date of submission
13 of the application for recall petition, as prescribed by section 19-202.01.
14 D. THE FILING OFFICER'S TIME-AND-DATE-MARKED COPY OF THE APPLICATION,
15 INCLUDING THE GENERAL STATEMENT OF THE GROUNDS FOR RECALL, CONSTITUTES THE
16 FULL AND CORRECT COPY OF THE RECALL TEXT AND IS THE ONLY VALID COPY FOR
17 CIRCULATION FOR SIGNATURES. SIGNATURES THAT ARE COLLECTED WITH ANY COPY OF
18 THE RECALL TEXT THAT IS NOT A FACSIMILE OF THE TIME-AND-DATE-MARKED COPY WITH
19 THE COMPLETE TEXT THAT IS IDENTICAL TO THE TIME-AND-DATE-MARKED COPY ISSUED
20 BY THE FILING OFFICER ARE INVALID.