HB 2580

Introduced by
Representatives Friese: Clark

AN ACT

AMENDING SECTIONS 19-123 AND 19-124, ARIZONA REVISED STATUTES; RELATING TO INITIATIVE AND REFERENDUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 19-123, Arizona Revised Statutes, is amended to read:

19-123. Publicity pamphlet; printing; distribution; public hearings

A. When the secretary of state is ordered by the legislature, or by petition under the initiative and referendum provisions of the constitution, to submit to the people a measure or proposed amendment to the constitution, the secretary of state shall cause to be printed, at the expense of the state, except as otherwise provided in this article, a publicity pamphlet, which shall contain:

1. A true copy of the title and text of the measure or proposed amendment. Such text shall indicate material deleted, if any, by printing such material with a line drawn through the center of the letters of such material and shall indicate material added or new material by printing the letters of such material in capital letters.

2. The form in which the measure or proposed amendment will appear on the ballot, the official title, the descriptive title prepared by the secretary of state and the number by which it will be designated.

3. The arguments for and against the measure or amendment.

4. For any measure or proposed amendment, a legislative council analysis of the ballot proposal as prescribed by section 19-124.

5. The report of the commission on judicial performance review for any justices of the supreme court, judges of the court of appeals and judges of the superior court who are subject to retention.

6. The summary of a fiscal impact statement prepared by the joint legislative budget committee staff pursuant to subsection D of this section.

B. The secretary of state shall post the publicity pamphlet on the secretary of state's website as soon as is practicable after determining the contents of the pamphlet and shall mail one copy of the publicity pamphlet to every household that contains a registered voter. The mailings may be made over a period of days but shall be mailed in order to be delivered to households before the earliest date for receipt by registered voters of any requested early ballots for the general election.

C. Sample ballots for both the primary and general elections shall include a statement that information on how to obtain a publicity pamphlet for the general election ballot propositions is available by calling the secretary of state. The statement shall include a telephone number and mailing address of the secretary of state.

D. On certification of an initiative measure as qualified for the ballot, the secretary of state shall hold or cause to be held at least three public meetings on the ballot measure. Hearings shall be held in at least three different counties and shall be held before the date of the election on the measure. The hearings shall provide an opportunity for proponents, opponents and the general public to provide testimony and request
information. Hearings may be scheduled to include more than one qualified ballot measure and shall include a fiscal impact presentation on the measure by the joint legislative budget committee staff. The joint legislative budget committee staff shall prepare a summary of the fiscal impact for each ballot measure, not to exceed three hundred words, for publication in the publicity pamphlet.

Sec. 2. Section 19-124, Arizona Revised Statutes, is amended to read:

19-124. Arguments and analyses on measures; cost; submission at special election

A. The person filing an initiative petition may at the same time file with the secretary of state an argument advocating the measure or constitutional amendment proposed in the petition. Not later than forty-eight days preceding the regular primary election a person may file with the secretary of state an argument advocating or opposing the measure or constitutional amendment proposed in the petition. Not later than forty-eight days preceding the regular primary election a person may file with the secretary of state an argument advocating or opposing any measure with respect to which the referendum has been invoked, or any measure or constitutional amendment referred by the legislature. The secretary of state shall prominently post on its website the dates on which the ballot measure filings are due and the date of the election. Each argument filed shall contain the original notarized signature or a signed, sworn statement of each person sponsoring it. If the argument is sponsored by an organization, it shall contain the notarized signature or a signed, sworn statement of two executive officers of the organization or if sponsored by a political committee it shall contain the notarized signature or a signed, sworn statement of the committee's chairman or treasurer. Arguments may be submitted electronically and in electronic format and the secretary of state shall provide for receipt of electronic submittals and electronic format documents. Payment of the deposit required by subsection D- E of this section or reimbursement of the payor constitutes sponsorship of the argument for purposes of this subsection. The person or persons signing the argument shall identify themselves by giving their residence or post office address and a telephone number, which information shall not appear in the publicity pamphlet. Each argument filed pursuant to this subsection shall not exceed three hundred words in length.

B. When the legislature orders the secretary of state to submit to the people a measure or proposed amendment to the constitution at a special election and as soon as is practicable after the legislature orders that submittal, the secretary of state shall prominently post on its website the dates on which the analysis, if any, and the arguments advocating or opposing the measure are due and the date of the election.

B-. C. Not later than sixty days preceding the regular primary election the legislative council, after providing reasonable opportunity for comments by all legislators, shall prepare and file with the secretary of
state an impartial analysis of the provisions of each ballot proposal of a measure or proposed amendment. The analysis shall include a description of the measure and shall be written in clear and concise terms avoiding technical terms wherever possible. The analysis may contain background information, including the effect of the measure on existing law, or any legislative enactment suspended by referendum, if the measure or referendum is approved or rejected.

D. The analyses and arguments shall be included in the publicity pamphlet immediately following the measure or amendment to which they refer. Arguments in the affirmative shall be placed first in order, and first among the affirmative or negative arguments shall be placed the arguments filed by the person filing the initiative petition or the person who introduced the measure or constitutional amendment referred. The remaining affirmative and negative arguments shall be placed in the order in which they were filed with the secretary of state.

E. The person filing an argument shall deposit with the secretary of state, at the time of filing, an amount of money as prescribed by the secretary of state for the purpose of offsetting a portion of the proportionate cost of the purchase of the paper and the printing of the argument. If the person filing an argument requests that the argument appear in connection with more than one proposition, a deposit shall be made for each placement requested. No such deposit or payment shall be required for the analyses prepared and filed by the legislative council. Any proportional balance remaining of the deposit, after paying the cost, shall be returned to the depositor.

F. When a measure is submitted at a special election, and time will not permit full compliance with this article, the charter provision or ordinance providing for the special election shall make provision for printing and distribution of the publicity pamphlet.

G. In the case of referendum petitions that are not required to be filed until after the primary election or at a time so close to the primary election that a referendum cannot be certified for the ballot before the deadline for filing ballot arguments pursuant to subsection A OF THIS SECTION, the secretary of state may establish a separate deadline for filing the referendum ballot arguments pursuant to rules adopted by the secretary of state.