

REFERENCE TITLE: ballot measure circulators; challenges

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

## **HB 2212**

Introduced by  
Representatives Rodriguez: Blanc, Cano, DeGrazia, Epstein, Espinoza,  
Longdon, Pawlik, Salman, Terán, Tsosie

AN ACT

AMENDING SECTION 19-118, ARIZONA REVISED STATUTES; RELATING TO INITIATIVE  
AND REFERENDUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 19-118, Arizona Revised Statutes, is amended to  
3 read:

4 19-118. Registered circulators; requirements; definition

5 A. All circulators who are not residents of this state and, for  
6 statewide ballot measures only, all paid circulators must register as  
7 circulators with the secretary of state before circulating petitions  
8 pursuant to this title. The political committee that is circulating the  
9 petition shall collect and submit the registrations to the secretary of  
10 state. The secretary of state shall establish in the instructions and  
11 procedures manual issued pursuant to section 16-452 a procedure for  
12 registering circulators and shall publish on a website maintained by the  
13 secretary of state all information regarding circulators that is required  
14 pursuant to this section. The secretary of state shall disqualify all  
15 signatures collected by a circulator who fails to register pursuant to  
16 this subsection as provided for in section 19-121.01, subsection A.

17 B. The registration required by subsection A of this section shall  
18 include the following provisions:

19 1. The circulator consents to the jurisdiction of the courts of  
20 this state in resolving any disputes concerning the circulation of  
21 petitions by that circulator.

22 2. The circulator shall designate an address in this state at which  
23 the circulator will accept service of process related to disputes  
24 concerning circulation of that circulator's petitions. Service of process  
25 is effected under this section by delivering a copy of the subpoena to  
26 that person individually or by leaving a copy of the subpoena at the  
27 address designated by the circulator with a person of suitable age.

28 C. If a registered circulator is properly served with a subpoena to  
29 provide evidence in an action regarding circulation of petitions and fails  
30 to appear or produce documents as provided for in the subpoena, ~~and~~ **A**  
31 **COURT MAY ENFORCE THE SUBPOENA AGAINST THE CIRCULATOR AS OTHERWISE**  
32 **PROVIDED BY LAW. ON PRESENTATION OF INDEPENDENT, SUFFICIENT EVIDENCE THAT**  
33 **THE CIRCULATOR IS INELIGIBLE TO CIRCULATE PETITIONS OR ENGAGED IN FRAUD**  
34 **WITH RESPECT TO SOME OR ALL OF THE SIGNATURES OBTAINED, THE COURT MAY**  
35 **ORDER THAT THOSE** signatures collected by that circulator are ~~deemed~~  
36 invalid. The party serving the subpoena may request an order from the  
37 court directing the secretary of state to remove any signatures collected  
38 by the circulator ~~as~~ **ON THE GROUNDS** provided for in section 19-121.01,  
39 subsection A.

40 D. Any person may challenge the lawful registration of circulators  
41 in the superior court of the county in which the circulator is registered.  
42 A challenge may not be commenced more than ten business days after the  
43 date on which the petitions for which the circulator is required to be  
44 registered are filed with the secretary of state. The person challenging  
45 signatures may amend that complaint after the secretary of state has

1 removed signatures and signature sheets as prescribed in section  
2 19-121.01. An action pursuant to this section shall be advanced on the  
3 calendar and decided by the court as soon as possible. Either party may  
4 appeal to the supreme court within five calendar days after entry of  
5 judgment. The prevailing party in an action to challenge the registration  
6 of a circulator under this section is entitled to reasonable attorney  
7 fees.

8 E. The removal or disqualification of any one or more circulators  
9 does not invalidate the random sample of signatures made pursuant to  
10 section 19-121.01, and the secretary of state shall not be required to  
11 conduct any additional random sampling of signatures.

12 F. For the purposes of this title, "paid circulator":

13 1. Means a natural person who receives monetary or other  
14 compensation for obtaining signatures on a petition or for circulating  
15 petitions for signatures.

16 2. Does not include a paid employee of any political committee  
17 organized pursuant to title 16, chapter 6, unless that employee has or  
18 will obtain two hundred or more signatures on an initiative, referendum or  
19 recall petition in an election cycle.