



# ARIZONA HOUSE OF REPRESENTATIVES

## **SB 1451: statewide ballot measures; circulators; procedures**

**PRIME SPONSOR:** Senator Leach, LD 11

**BILL STATUS:** [Caucus & COW](#)

ELECT: DP 6-4-0-0

### **Overview**

Outlines requirements for circulators of statewide initiative and referendum measures.

### **History**

All petition circulators for statewide ballot measures who are not residents of this state and all paid circulators must register as circulators with the Secretary of State (SOS) before circulating petitions.

A *paid circulator* is defined as a natural person who receives monetary or other compensation for obtaining signatures on a petition or for circulating petitions for signatures but does not include a paid employee of any political committee, unless that employee has or will obtain 200 or more signatures on an initiative, referendum or recall petition in an election cycle ([A.R.S. § 19-118](#)).

A petition must be filed with the SOS. The SOS is required to issue a receipt based on an estimate of the purported number of sheets and signatures filed. After the issuance of the receipt, no additional petitions may be filed. Petitions may be filed with the SOS in numbered section for convenience in handling, but the SOS is authorized to prescribe the method of filing, including electronic filing ([A.R.S. § 19-121](#)).

Within 20 days after the date of filing an initiative or referendum petition and issuance of the receipt the SOS is required to remove petitions that do not prescribe to the rules set forth in statute including: sheets containing a circulator's affidavit that is not completed, signed, notarized or that has been modified, sheets that are circulated by a circulator who is prohibited from participating in any election, initiative, referendum or recall campaign, and those sheets where the circulator is not properly registered at the time that petitions were circulated ([A.R.S. § 19-121.01](#)).

### **Provisions**

1. Specifies that all circulators, including nonresidents of this state, of initiative and referendum measures are required to register with the SOS before circulating petitions. (Sec. 1)
2. Stipulates that the committee responsible for circulating petitions is required to collect and submit the completed registration applications to the SOS. (Sec. 1)
3. Includes circulator registration applications to the types of instructions the SOS is required to establish in the Instructions and Procedures Manual. (Sec. 1)
4. Outlines that the circulator registration application is required to include:
  - a. The circulator's full name, residence address, telephone number and email address;
  - b. The initiative or referendum petition on which the circulator will gather signatures;
  - c. A statement that the circulator consents to the jurisdiction of the courts;
  - d. The address of the committee in this state for which the circulator is gathering signatures; and
  - e. An affidavit signed by the circulator in the presence of a notary public. (Sec. 1)

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note

5. Prescribes the language in the affidavit form that the circulator is required to sign. (Sec. 1)
6. Includes mailing a copy of the subpoena to the committee by certified mail to the address provided by the circulator to the service of process related to disputes concerning the circulation of petitions. (Sec. 1)
7. Requires the SOS to register and assign a circulator registration number to the circulator within five business days after submission and review of the circulator's application. (Sec. 1)
8. Prohibits a person from registering as a circulator if the person:
  - a. Has had a civil or criminal penalty imposed for a violation of statutes relating to elections or initiative, referendum and recall within the immediately preceding five years;
  - b. Has been convicted of treason or a felony and has not been restored to civil rights; or
  - c. Has been convicted of any criminal offense involving fraud, forgery or identity theft. (Sec. 1)
9. Specifies that a challenge may not be commenced more than 10 business days after the date that the office of the SOS has received, processed, and made available all final petition sheets individually numbered. (Sec. 1)
10. Asserts that a person who knowingly omits or misrepresents information or provides false information on a circulator registration application or who registers in violation pursuant to statute is guilty of a Class 1 misdemeanor (6 months/\$2500). (Sec. 1)
11. Modifies the definition of *paid circulator* to specify that it is for circulating statewide initiative or referendum petitions. (Sec. 1)
12. Requires, if applicable, the registration number assigned to the circulator to be printed on the lower right-hand corner of the petition signature sheets. (Sec. 2)
13. Removes the authority of the SOS to file petitions in numbered sections for the convenience of handling. (Sec. 2)
14. Specifies that for petitions filed regarding statewide initiative and referenda, the committee that files the petitions must organize the signature sheets and group them by circulator. (Sec. 2)
15. Requires the SOS to remove signature sheets not bearing the paid circulator registration number, if applicable, and signature sheets that are not properly grouped pursuant to statute. (Sec. 3)
16. Contains a severability clause. (Sec. 4)
17. Makes technical and conforming changes. (Sec. 1, 2, 3)