

REFERENCE TITLE: petition signatures; description; invalidity

State of Arizona  
Senate  
Fifty-fifth Legislature  
First Regular Session  
2021

# SB 1531

Introduced by  
Senators Mesnard: Leach

AN ACT

AMENDING SECTIONS 19-101, 19-102 AND 19-121.01, 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 19-101, Arizona Revised Statutes, is amended to  
3 read:

4 19-101. Referendum petition; circulators; violation;  
5 classification

6 A. The following shall be the form for referring to the people by  
7 referendum petition a measure or item, section or part of a measure  
8 enacted by the legislature, or by the legislative body of an incorporated  
9 city, town or county:

10 Referendum Description

11 (Insert a description of no more than one hundred words of the  
12 principal provisions of the measure sought to be referred.)

13 Notice: This is only a description of the measure sought to be  
14 referred prepared by the sponsor of the measure. It may not include every  
15 provision contained in the measure. Before signing, make sure the title  
16 and text of the measure are attached. You have the right to read or  
17 examine the title and text before signing.

18 Petition for Referendum

19 To the secretary of state (or to the corresponding  
20 officer for or on local, county, city or town measures):

21 We, the undersigned citizens and qualified electors of the  
22 state of Arizona, respectfully order that the senate (or  
23 house) bill No. \_\_\_\_ (or other local, county, city or town  
24 measure) entitled (title of act or ordinance, and if the  
25 petition is against less than the whole act or ordinance then  
26 set forth here the item, section, or part, of any measure on  
27 which the referendum is used), passed by the \_\_\_\_\_  
28 session of the legislature of the state of Arizona, at the  
29 general (or special, as the case may be) session of said  
30 legislature, (or by a county, city or town legislative body)  
31 shall be referred to a vote of the qualified electors of the  
32 state, (county, city or town) for their approval or rejection  
33 at the next regular general election (or county, city or town  
34 election) and each for himself says:

35 I have personally signed this petition with my first and  
36 last names. I have not signed any other petition for the same  
37 measure. I am a qualified elector of the state of Arizona,  
38 county of (or city or town and county of, as the case may be)  
39 \_\_\_\_\_.

40 ~~Warning~~ Warning

41 It is a class 1 misdemeanor for any person to knowingly  
42 sign an initiative or referendum petition with a name other  
43 than his own, except in a circumstance where he signs for a  
44 person, in the presence of and at the specific request of such  
45 person, who is incapable of signing his own name because of  
46 physical infirmity, or to knowingly sign his name more than

1 once for the same measure, or to knowingly sign such petition  
 2 when he is not a qualified elector."

3	Signature	Name	Actual	Arizona	City or	Date
4		(first and	address	post office	town	signed
5		last name	(street &	address	(if any)	
6		printed)	no. and if	& zip		
7			no street	code		
8			address,			
9			describe			
10			residence			
11			location)			

12 (Fifteen lines for signatures which shall be numbered)

13 The validity of signatures on this sheet must be sworn  
 14 to by the circulator before a notary public on the form  
 15 appearing on the back of the sheet.

16 Number \_\_\_\_\_

17 B. Each petition sheet shall have printed on the top of each sheet  
 18 the following:

19 ~~"~~It is unlawful to sign this petition before it has a  
 20 serial number. IF THE CIRCULATOR DOES NOT READ THE  
 21 DESCRIPTION ALOUD TO YOU OR DOES NOT GIVE YOU SUFFICIENT TIME  
 22 TO READ IT, YOUR SIGNATURE IS INVALID."

23 C. Each petition sheet shall have printed in capital letters in ~~no~~  
 24 NOT less than twelve point bold-faced type in the upper right-hand corner  
 25 of the face of the petition sheet and below the statement prescribed in  
 26 subsection B of this section the following:

27 "\_\_\_\_\_ paid circulator" "\_\_\_\_\_ volunteer".

28 D. A circulator of a referendum petition shall state whether ~~he~~ THE  
 29 CIRCULATOR is a paid circulator or volunteer by checking the appropriate  
 30 line on the petition form before circulating the petition for signatures.  
 31 A CIRCULATOR SHALL EITHER READ THE REFERENDUM DESCRIPTION ALOUD TO EACH  
 32 PERSON SIGNING BEFORE THAT PERSON SIGNS OR SHALL ALLOW THE PERSON  
 33 SUFFICIENT TIME TO READ THE DESCRIPTION BEFORE THE PERSON SIGNS. THE  
 34 CIRCULATOR SHALL INFORM THE PERSON THAT READING THE DESCRIPTION IS  
 35 REQUIRED SO THAT THE PERSON CAN UNDERSTAND THE PETITION. EACH PERSON  
 36 SIGNING SHALL AFFIRM THAT THE PERSON HAS HEARD AND UNDERSTOOD OR READ AND  
 37 UNDERSTOOD THE DESCRIPTION BEFORE SIGNING THE PETITION. FOR ANY PERSON  
 38 WHO SIGNS WITHOUT EITHER HEARING OR READING THE DESCRIPTION, THE  
 39 CIRCULATOR SHALL DRAW A LINE THROUGH THE PERSON'S SIGNATURE AND THE  
 40 SIGNATURE IS VOID AND SHALL NOT BE COUNTED.

41 E. Signatures obtained on referendum petitions in violation of  
 42 subsection D of this section are void and shall not be counted in  
 43 determining the legal sufficiency of the petition. The presence of  
 44 signatures that are invalidated under this subsection on a petition does  
 45 not invalidate other signatures on the petition that were obtained as  
 46 prescribed by this section.



REQUIRED SO THAT THE PERSON CAN UNDERSTAND THE PETITION. EACH PERSON SIGNING SHALL AFFIRM THAT THE PERSON HAS HEARD AND UNDERSTOOD OR READ AND UNDERSTOOD THE DESCRIPTION BEFORE SIGNING THE PETITION. FOR ANY PERSON WHO SIGNS WITHOUT EITHER HEARING OR READING THE DESCRIPTION, THE CIRCULATOR SHALL DRAW A LINE THROUGH THE PERSON'S SIGNATURE AND THE SIGNATURE IS VOID AND SHALL NOT BE COUNTED.

E. Signatures obtained on initiative petitions in violation of subsection D of this section are void and shall not be counted in determining the legal sufficiency of the petition. The presence of signatures that are invalidated under this subsection on a petition does not invalidate other signatures on the petition that were obtained as prescribed by this section.

Sec. 3. Section 19-121.01, Arizona Revised Statutes, is amended to read:

19-121.01. Secretary of state: removal of petition and ineligible signatures; sheets copies; random sample; presumption

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

1. Remove the following:

(a) Those sheets not attached to a copy of the complete title and text of the measure as prescribed in this chapter.

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

(c) Those sheets not bearing the correct petition serial number and, if applicable, the paid circulator registration number in the lower right-hand corner of each side.

(d) Those sheets containing a circulator's affidavit that is not completed or signed or that has been modified.

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

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

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

(h) Those sheets on which the circulator is required to be registered with the secretary of state pursuant to section 19-118 and the circulator is not properly registered at the time the petitions were circulated.

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

1 (a) Place a three or four letter abbreviation designating that  
2 county on the face of the petition.

3 (b) Remove all signatures of those not in the county of the  
4 majority on each sheet by placing an adjacent mark or striking through the  
5 signature line.

6 (c) Cause all signature sheets to be grouped together by county of  
7 registration of the majority of those signing. The detached copies of the  
8 title and text of the measure shall be made available to the applicant but  
9 may be disposed of after a reasonable period of time.

10 3. After completing the steps in paragraph 2 of this subsection,  
11 remove the following signatures that are not eligible for verification by  
12 placing an adjacent mark or striking through the signature line:

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

14 (b) If the residence address or the description of residence  
15 location is missing.

16 (c) If the date on which the petitioner signed is missing, if the  
17 date on which the petitioner signed the petition is before the date that  
18 the serial number was assigned to the political committee that is filing  
19 the petition or if the date on which the petitioner signed the petition is  
20 after the date on which the affidavit was completed by the circulator and  
21 notarized.

22 (d) Signatures in excess of the fifteen signatures permitted per  
23 petition.

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

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

28 (g) SIGNATURES WITH A LINE DRAWN THROUGH THEM BY THE CIRCULATOR FOR  
29 FAILING TO READ THE DESCRIPTION ALOUD AND FAILING TO ALLOW THE SIGNER TO  
30 READ THE DESCRIPTION AS PRESCRIBED IN SECTION 19-101 OR 19-102.

31 4. After the removal of petition sheets and signatures, count the  
32 number of signatures for verification on the remaining petition sheets and  
33 note that number on the face of each petition sheet.

34 5. Number the remaining petition sheets that were not previously  
35 removed and that contain signatures eligible for verification in  
36 consecutive order on the front side of each petition sheet.

37 6. Count all remaining petition sheets and signatures not  
38 previously removed and notify the applicant of this total number eligible  
39 for verification.

40 B. If the total number of signatures for verification as determined  
41 pursuant to subsection A, paragraph 6 of this section equals or exceeds  
42 the constitutional minimum, during the same twenty day period provided in  
43 subsection A of this section, the secretary of state shall select, at  
44 random, five percent of the total signatures eligible for verification by  
45 the county recorders of the counties in which the persons signing the  
46 petition claim to be qualified electors. The random sample of signatures

1 to be verified shall be drawn in such a manner that every signature  
2 eligible for verification has an equal chance of being included in the  
3 sample. The random sample produced shall identify each signature selected  
4 by petition page and line number. The signatures selected shall be marked  
5 in a clear manner.

6 C. If a signature line selected for the random sample is found to  
7 be blank or was removed from the verification process pursuant to  
8 subsection A of this section then the next line down, even if that  
9 requires going to the next petition sheet in sequence, on which an  
10 eligible signature appears shall be selected as a substitute if that line  
11 has not already been selected for the random sample. If the next eligible  
12 line is already being used in the random sample, the secretary of state  
13 shall proceed back up the page from the signature line originally selected  
14 for the random sample to the next previous signature line eligible for  
15 verification. If that line is already being used in the random sample,  
16 the secretary of state shall continue moving down the page or to the next  
17 page from the line originally selected for the random sample and shall  
18 select the next eligible signature as its substitute for the random  
19 sample. The secretary of state shall use this process of alternately  
20 moving forward and backward until a signature eligible for verification  
21 and not already included in the random sample can be selected and  
22 substituted.

23 D. After the selection of the random sample and the marking of the  
24 signatures selected on the petition sheets pursuant to subsection B of  
25 this section, the secretary of state shall transmit a copy of the front of  
26 each signature sheet on which a signature included in the random sample  
27 appears. The secretary of state shall clearly identify those signatures  
28 marked for verification and shall transmit by personal delivery, certified  
29 mail, email or other electronic transfer method to each county recorder a  
30 copy of each signature sheet on which a signature appears of any  
31 individual who claims to be a qualified elector of that county and whose  
32 signature was selected for verification as part of the random sample.

33 E. The secretary of state shall presume that the date noted on the  
34 petition for a petitioner's signature is the date on which the petitioner  
35 signed the petition, and any person seeking to establish a different date  
36 for the signature bears the burden of proof in overcoming the presumption.

37 F. The secretary of state shall retain an electronic copy of all  
38 signature sheets except as otherwise prescribed in this title. After the  
39 time period for legal challenges has elapsed, the original sheets shall be  
40 made available to the applicant but may be disposed of after a reasonable  
41 period of time.