

Senate Engrossed

petition signatures; description; invalidity

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

SENATE BILL 1531

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

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~~ 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.

1 Sec. 2. Section 19-102, Arizona Revised Statutes, is amended to
2 read:

3 19-102. Initiative petition; circulators

4 A. The form of petition for a law or amendment to the constitution
5 of this state or county legislative measure, or city or town ordinance, or
6 amendment to a city or town charter proposed by the initiative to be
7 submitted directly to the electors, shall be substantially in the form
8 prescribed in section 19-101, except that the title and body of such
9 petition shall read:

10 Initiative description

11 (Insert a description of ~~no~~ NOT more than one hundred
12 words of the principal provisions of the proposed measure or
13 constitutional amendment.)

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

19 Initiative Measure to be Submitted Directly to Electors

20 We, the undersigned, citizens and qualified electors of
21 the state of Arizona, respectfully demand that the following
22 proposed law (or amendment to the constitution, or other
23 initiative measure), shall be submitted to the qualified
24 electors of the state of Arizona (county, city or town of
25 _____) for their approval or rejection at the next
26 regular general election (or county, city or town election)
27 and each for himself says: (terminate form same as a
28 referendum petition.)

29 B. Each petition sheet shall have printed on the top of each sheet
30 the following:

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

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

39 "_____ paid circulator" "_____ volunteer".

40 D. A circulator of an initiative petition shall state whether ~~he~~
41 THE CIRCULATOR is a paid circulator or volunteer by checking the
42 appropriate line on the petition form before circulating the petition for
43 signatures. A CIRCULATOR SHALL EITHER READ THE INITIATIVE DESCRIPTION
44 ALOUD TO EACH PERSON SIGNING BEFORE THAT PERSON SIGNS OR SHALL ALLOW THE
45 PERSON SUFFICIENT TIME TO READ THE DESCRIPTION BEFORE THE PERSON SIGNS.
46 THE CIRCULATOR SHALL INFORM THE PERSON THAT READING THE DESCRIPTION IS

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

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

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

15 19-121.01. Secretary of state; removal of petition and
16 ineligible signatures; sheets copies; random
17 sample; presumption

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

21 1. Remove the following:

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

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

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

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

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

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

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

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

44 2. After completing the steps in paragraph 1 of this subsection,
45 review each sheet to determine the county of the majority of the signers
46 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.