

Senate Engrossed

ballot measures; proposition 105; disclosure

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

CHAPTER 231

SENATE BILL 1497

AN ACT

AMENDING SECTIONS 19-123 AND 19-125, 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 19-123, Arizona Revised Statutes, is amended to
3 read:

4 19-123. Publicity pamphlet; printing; distribution; public
5 hearings

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

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

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

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

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

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

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

29 7. IMMEDIATELY BELOW THE LEGISLATIVE COUNCIL ANALYSIS, FOR ANY
30 STATUTORY MEASURE, THE FOLLOWING STATEMENT IN BOLDFACED TYPE:
31 "NOTICE: PURSUANT TO PROPOSITION 105 (1998), THESE MEASURES CANNOT BE
32 CHANGED IN THE FUTURE IF APPROVED ON THE BALLOT EXCEPT BY A THREE-FOURTHS
33 VOTE OF THE MEMBERS OF EACH HOUSE OF THE LEGISLATURE AND IF THE CHANGE
34 FURTHERS THE PURPOSE OF THE ORIGINAL BALLOT MEASURE, BY AN INITIATIVE
35 PETITION OR BY REFERRING THE CHANGE TO THE BALLOT."

36 B. The secretary of state shall post the publicity pamphlet on the
37 secretary of state's website as soon as is practicable after the pamphlet
38 is printed and shall mail one copy of the publicity pamphlet to every
39 household that contains a registered voter or, at the option of the voter,
40 may make that delivery by e-mail. The mailings may be made over a period
41 of days but shall be mailed in order to be delivered to households before
42 the earliest date for receipt by registered voters of any requested early
43 ballots for the general election.

1 C. The secretary of state, on request by a voter, shall provide for
2 the publicity pamphlet to be delivered to the voter by e-mail. The motor
3 vehicle division of the department of transportation shall provide for
4 persons to choose e-mail delivery by way of the secure internet portal
5 operated by the department pursuant to section 16-112. The secretary of
6 state and the motor vehicle division shall notify the voter that, unless
7 all persons who are registered to vote at the voter's household also
8 request e-mail delivery of the publicity pamphlet, the voter's household
9 will receive a publicity pamphlet by regular mail. If the secretary of
10 state receives a return e-mail that indicates the e-mail address provided
11 by the voter is undeliverable, the secretary of state shall provide the
12 publicity pamphlet to the voter by regular mail. Notwithstanding any
13 other law, a voter's e-mail address may not be released for any other
14 purpose.

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

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

32 Sec. 2. Section 19-125, Arizona Revised Statutes, is amended to
33 read:

34 19-125. Form of ballot

35 A. The secretary of state, at the time ~~he~~ THE SECRETARY OF STATE
36 transmits to the clerks of the boards of supervisors a certified copy of
37 the name of each candidate for public office, shall transmit to each clerk
38 a certified copy of the official title, the descriptive title and the
39 number of each measure and proposed amendment to the constitution to be
40 voted on at the ensuing regular general election.

41 B. Proposed constitutional amendments shall be numbered
42 consecutively beginning with the number one hundred, proposed initiative
43 measures shall be numbered consecutively beginning with the number two
44 hundred, measures submitted under the referendum shall be numbered
45 consecutively beginning with the number three hundred, and county and

1 local issues shall be numbered consecutively beginning with the number
2 four hundred. Numbering shall be consecutive based on the order in which
3 the initiative or referendum petitions are filed with the secretary of
4 state. Individual numbering shall continue from the last number used in
5 the previous election and shall not be repeated until all one hundred
6 numbers in that series have been used. Proposed constitutional amendments
7 shall be placed by themselves at the head of the ballot column, followed
8 by initiated and referred measures in that order. The number assigned to
9 the measure by the secretary of state constitutes the official title of
10 the measure and shall be used for identification of the measure by the
11 state and the county in all subsequent official election materials,
12 including the publicity pamphlet.

13 C. The officer in charge of elections shall print the official
14 title and the descriptive title of each measure on the official ballot in
15 the order presented to him by the secretary of state unless otherwise
16 provided by law. The number of the measure shall be in reverse type and
17 at least twelve point type. A proposed constitutional amendment shall be
18 designated "proposed amendment to the constitution by the legislature", or
19 "proposed amendment to the constitution by the initiative", as the case
20 may be. A measure referred by the legislature shall be designated
21 "referred to the people by the legislature", a measure referred by
22 petition shall be designated "referendum ordered by petition of the
23 people" and a measure proposed by initiative petition shall be designated
24 "proposed by initiative petition".

25 D. ~~There~~ A DESCRIPTIVE TITLE shall be printed on the official
26 ballot immediately below the number of the measure and the official title
27 of each measure. ~~a~~ THE descriptive title ~~containing~~ SHALL CONTAIN a
28 summary of the principal provisions of the measure, not to exceed fifty
29 words, which shall be prepared by the secretary of state and approved by
30 the attorney general and ~~that includes~~ SHALL INCLUDE the following or the
31 ballot shall comply with subsection ~~E~~ F of this section:

32 A "yes" vote shall have the effect of _____.

33 A "no" vote shall have the effect of _____.

34 The blank spaces shall be filled with a brief phrase, approved by the
35 attorney general, stating the essential change in the existing law should
36 the measure receive a majority of votes cast in that particular manner.
37 In the case of a referendum, a "yes" vote shall have the effect of
38 approving the legislative enactment that is being referred. The "yes" and
39 "no" language shall be posted on the secretary of state's website after
40 being approved by the attorney general and before the date on which the
41 official ballots and the publicity pamphlet are sent to be printed. Below
42 the statement of effect of a "yes" vote and effect of a "no" vote there
43 shall be printed the corresponding words "yes" and "no" and a place for
44 the voter to put a mark as defined in section 16-400 indicating ~~his~~ THE
45 VOTER'S preference.

1 E. IN ADDITION TO THE INFORMATION PRESCRIBED BY SUBSECTION D OF
2 THIS SECTION, FOR STATE STATUTORY MEASURES, THE OFFICER IN CHARGE OF
3 ELECTIONS SHALL PRINT ON THE OFFICIAL BALLOT IMMEDIATELY BEFORE THE FIRST
4 PROPOSED STATE STATUTORY INITIATIVE MEASURE AND IMMEDIATELY BEFORE THE
5 FIRST PROPOSED STATE STATUTORY MEASURE SUBMITTED UNDER THE REFERENDUM THE
6 FOLLOWING STATEMENT: "NOTICE: PURSUANT TO PROPOSITION 105 (1998), THESE
7 MEASURES CANNOT BE CHANGED IN THE FUTURE IF APPROVED ON THE BALLOT EXCEPT
8 BY A THREE-FOURTHS VOTE OF THE MEMBERS OF EACH HOUSE OF THE LEGISLATURE
9 AND IF THE CHANGE FURTHERS THE PURPOSE OF THE ORIGINAL BALLOT MEASURE, BY
10 AN INITIATIVE PETITION OR BY REFERRING THE CHANGE TO THE BALLOT."

11 ~~F.~~ F. Instead of printing the official and descriptive titles or
12 the full text of each measure or question on the official ballot, the
13 officer in charge of elections may print phrases on the official ballot
14 that contain all of the following:

15 1. The number of the measure in reverse type and at least twelve
16 point type.

17 2. The designation of the measure as prescribed by subsection C of
18 this section or as a question, proposition or charter amendment, followed
19 by the words "relating to..." and inserting the subject.

20 3. Either the statement prescribed by subsection D of this section
21 that describes the effects of a "yes" vote and a "no" vote or, for other
22 measures, the text of the question or proposition.

23 4. The words "yes" and "no" or "for" and "against", as may be
24 appropriate and a place for the voter to put a mark.

25 5. FOR STATE STATUTORY MEASURES, IMMEDIATELY BEFORE THE FIRST
26 PROPOSED STATE STATUTORY INITIATIVE MEASURE AND IMMEDIATELY BEFORE THE
27 FIRST PROPOSED STATE STATUTORY MEASURE SUBMITTED UNDER THE REFERENDUM THE
28 FOLLOWING STATEMENT: "NOTICE: PURSUANT TO PROPOSITION 105 (1998), THESE
29 MEASURES CANNOT BE CHANGED IN THE FUTURE IF APPROVED ON THE BALLOT EXCEPT
30 BY A THREE-FOURTHS VOTE OF THE MEMBERS OF EACH HOUSE OF THE LEGISLATURE
31 AND IF THE CHANGE FURTHERS THE PURPOSE OF THE ORIGINAL BALLOT MEASURE, BY
32 AN INITIATIVE PETITION OR BY REFERRING THE CHANGE TO THE BALLOT."

33 ~~F.~~ G. For any ballot printed pursuant to subsection ~~F~~ F of this
34 section, the instructions on the official ballot shall direct the voter to
35 the full text of the official and descriptive titles and the questions and
36 propositions as printed on the sample ballot and posted in the polling
37 place.

38 Sec. 3. Severability

39 If a provision of this act or its application to any person or
40 circumstance is held invalid, the invalidity does not affect other
41 provisions or applications of the act that can be given effect without the
42 invalid provision or application, and to this end the provisions of this
43 act are severable.

S.B. 1497

APPROVED BY THE GOVERNOR APRIL 14, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2021.