

PROPOSED  
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1429  
(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

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 not more than two 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 \_\_\_\_\_.

1 \*\*Warning

2 It is a class 1 misdemeanor for any person to knowingly  
3 sign an initiative or referendum petition with a name other  
4 than his own, except in a circumstance where he signs for a  
5 person, in the presence of and at the specific request of such  
6 person, who is incapable of signing his own name because of  
7 physical infirmity, or to knowingly sign his name more than  
8 once for the same measure, or to knowingly sign such petition  
9 when he is not a qualified elector.\*\*

10	Signature	Name	Actual	Arizona	City or	Date
11		(first and	address	post office	town	signed
12		last name	(street &	address	(if any)	
13		printed)	no. and if	& zip		
14			no street	code		
15			address,			
16			describe			
17			residence			
18			location)			

19 (Fifteen lines for signatures which shall be numbered)

20 The validity of signatures on this sheet must be sworn  
21 to by the circulator before a notary public on the form  
22 appearing on the back of the sheet.

23 Number \_\_\_\_\_

24 B. Each petition sheet shall have printed on the top of each sheet  
25 the following:

26 \*\*It is unlawful to sign this petition before it has a  
27 serial number.\*\*

28 C. Each petition sheet shall have printed in capital letters in not  
29 less than twelve point bold-faced type in the upper right-hand corner of  
30 the face of the petition sheet and below the statement prescribed in  
31 subsection B of this section the following:

32 \*\* \_\_\_\_\_ paid circulator\*\* \*\* \_\_\_\_\_ volunteer\*\*  
33 \_\_\_\_\_ OUT-OF-STATE RESIDENT.

34 D. A circulator of a referendum petition shall state whether the  
35 circulator is a paid circulator, ~~or~~ volunteer OR OUT-OF-STATE RESIDENT by  
36 checking the appropriate line on the petition form before circulating the  
37 petition for signatures.

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

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

46 19-102. Initiative petition; circulators

47 A. The form of petition for a law or amendment to the constitution  
48 of this state or county legislative measure, or city or town ordinance, or  
49 amendment to a city or town charter proposed by the initiative to be

1 submitted directly to the electors, shall be substantially in the form  
2 prescribed in section 19-101, except that the title and body of such  
3 petition shall read:

4 Initiative description

5 (Insert a description of not more than two hundred words  
6 of the principal provisions of the proposed measure or  
7 constitutional amendment.)

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

13 Initiative Measure to be Submitted Directly to Electors

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

24 B. Each petition sheet shall have printed on the top of each sheet  
25 the following:

26 "It is unlawful to sign this petition before it has a  
27 serial number."

28 C. Each petition sheet shall have printed in capital letters in not  
29 less than twelve point bold-faced type in the upper right-hand corner of  
30 the face of the petition sheet and below the statement prescribed in  
31 subsection B of this section the following:

32 " \_\_\_\_\_ paid circulator" " \_\_\_\_\_ volunteer"  
33 \_\_\_\_\_ **OUT-OF-STATE RESIDENT**.

34 D. A circulator of an initiative petition shall state whether the  
35 circulator is a paid circulator **or**, volunteer **OR OUT-OF-STATE RESIDENT** by  
36 checking the appropriate line on the petition form before circulating the  
37 petition for signatures.

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

44 Sec. 3. Section 19-102.01, Arizona Revised Statutes, is amended to  
45 read:

46 **19-102.01. Initiative petitions; standard of review**

47 A. Constitutional and statutory requirements for **statewide**  
48 initiative measures must be strictly construed and persons using the  
49 initiative process must strictly comply with those constitutional and  
50 statutory requirements.

1 B. The secretary of state shall make available a sample initiative  
2 petition that strictly complies with the requirements of section 19-121.  
3 Any committee that uses the sample initiative petition provided by the  
4 secretary of state shall be presumed to have strictly complied with the  
5 requirements of section 19-121.

6 Sec. 4. Section 19-118, Arizona Revised Statutes, is amended to  
7 read:

8 19-118. Registered circulators; requirements; violation;  
9 classification; definition

10 A. For ~~statewide~~ initiative and referendum measures ~~only~~, INCLUDING  
11 MEASURES GOVERNED BY SECTIONS 19-141, 19-142 AND 19-143, all circulators  
12 who are not residents of this state and all paid circulators must register  
13 as circulators with the secretary of state before circulating petitions  
14 pursuant to this title. The committee that is circulating the petition  
15 shall collect and submit the completed registration applications to the  
16 secretary of state. The secretary of state shall establish in the  
17 instructions and procedures manual issued pursuant to section 16-452 a  
18 procedure for registering circulators, including circulator registration  
19 applications, and shall publish on a website maintained by the secretary  
20 of state all information regarding circulators that is required pursuant  
21 to this section. The secretary of state OR OTHER FILING OFFICER, AS  
22 APPLICABLE, shall disqualify all signatures collected by a circulator who  
23 fails to register pursuant to this subsection as provided for in section  
24 19-121.01, subsection A.

25 B. The circulator registration application required by subsection A  
26 of this section shall require the following:

27 1. The circulator's full name, residence address, telephone number  
28 and email address.

29 2. The initiative or referendum petition on which the circulator  
30 will gather signatures.

31 3. A statement that the circulator consents to the jurisdiction of  
32 the courts of this state in resolving any disputes concerning the  
33 circulation of petitions by that circulator.

34 4. The address of the committee in this state for which the  
35 circulator is gathering signatures and at which the circulator will accept  
36 service of process related to disputes concerning circulation of that  
37 circulator's petitions. Service of process is effected under this section  
38 by delivering a copy of the subpoena to that person individually, by  
39 leaving a copy of the subpoena with a person of suitable age or by mailing  
40 a copy of the subpoena to the committee by certified mail to the address  
41 provided.

42 5. An affidavit from the registered circulator that is signed by  
43 the circulator before a notary public and that includes the following  
44 declaration:

45 I, \_\_\_\_\_ (print name) \_\_\_\_\_, under penalty of a class 1  
46 misdemeanor, acknowledge that I am eligible to register as a  
47 circulator in the state of Arizona, that all of the  
48 information provided is correct to the best of my knowledge  
49 and that I have read and understand Arizona election laws

1 applicable to the collection of signatures for ~~a statewide~~ AN  
2 initiative or referendum.

3 C. Within five business days after submission and review of a  
4 complete and correct circulator registration application that complies  
5 with this section, the secretary of state shall register and assign a  
6 circulator registration number to the circulator.

7 D. A person may not register as a circulator pursuant to this  
8 section if the person:

9 1. Has had a civil or criminal penalty imposed for a violation of  
10 title 16 or this title within the immediately preceding five years.

11 2. Has been convicted of treason or a felony and has not been  
12 restored to civil rights as described in section 16-101, subsection A,  
13 paragraph 5.

14 3. Has been convicted of any criminal offense involving fraud,  
15 forgery or identity theft.

16 E. If a registered circulator is properly served with a subpoena to  
17 provide evidence in an action regarding circulation of petitions and fails  
18 to appear or produce documents as provided for in the subpoena, all  
19 signatures collected by that circulator are deemed invalid. The party  
20 serving the subpoena may request an order from the court directing the  
21 secretary of state to remove any signatures collected by the circulator as  
22 provided for in section 19-121.01, subsection A.

23 F. Any person may challenge the lawful registration of circulators  
24 in the superior court of the county in which the circulator is registered.  
25 A challenge may not be commenced more than ten business days after the  
26 date that the secretary of state's office has received, processed and made  
27 available all final petition sheets individually numbered. The person  
28 challenging signatures may amend that complaint after the secretary of  
29 state has removed signatures and signature sheets as prescribed in section  
30 19-121.01. An action pursuant to this section shall be advanced on the  
31 calendar and decided by the court as soon as possible. Either party may  
32 appeal to the supreme court within five calendar days after entry of  
33 judgment. The prevailing party in an action to challenge the registration  
34 of a circulator under this section is entitled to reasonable attorney  
35 fees.

36 G. The removal or disqualification of any one or more circulators  
37 does not invalidate the random sample of signatures made pursuant to  
38 section 19-121.01, and the secretary of state shall not be required to  
39 conduct any additional random sampling of signatures.

40 H. A person who knowingly omits or misrepresents information or  
41 provides false information on a circulator registration application or who  
42 registers in violation of this section is guilty of a class 1 misdemeanor.

43 I. For the purposes of this title, "paid circulator":

44 1. Means a natural person who receives monetary or other  
45 compensation for obtaining signatures on ~~a statewide~~ AN initiative or  
46 referendum petition or for circulating ~~statewide~~ initiative or referendum  
47 petitions for signatures.

48 2. Does not include a paid employee of any political committee  
49 organized pursuant to title 16, chapter 6, unless that employee has or

1 will obtain two hundred or more signatures on an initiative, referendum or  
2 recall petition in an election cycle.

3 Sec. 5. Section 19-118.01, Arizona Revised Statutes, is amended to  
4 read:

5 19-118.01. Signature collection; prohibited payments;  
6 violation; classification

7 A. A person shall not pay or receive money or any other thing of  
8 value based on the number of signatures collected on ~~a statewide~~ AN  
9 initiative or referendum petition. Signatures that are obtained by a paid  
10 circulator who violates this section are void and shall not be counted in  
11 determining the legal sufficiency of the petition.

12 B. A violation of this section is a class 1 misdemeanor.

13 Sec. 6. Section 19-141, Arizona Revised Statutes, is amended to  
14 read:

15 19-141. Initiative and referendum in counties, cities and  
16 towns

17 A. This chapter applies to the legislation of cities, towns and  
18 counties, except as specifically provided to the contrary in this  
19 article. The duties required of the secretary of state as to state  
20 legislation shall be performed in connection with such legislation by the  
21 city or town clerk, county officer in charge of elections or person  
22 performing the duties ~~as such~~ OF THAT OFFICE. The duties required of the  
23 governor shall be performed by the mayor or the chairman of the board of  
24 supervisors, the duties required of the attorney general shall be  
25 performed by the city, town or county attorney, and the printing and  
26 binding of measures and arguments shall be paid for by the city, town or  
27 county in like manner as payment is provided for by the state with respect  
28 to state legislation. The provisions of section 19-124 with respect to  
29 the legislative council analysis do not apply in connection with  
30 initiatives and referenda in cities, towns and counties. The printing  
31 shall be done in the same manner as other municipal or county printing is  
32 done.

33 B. Distribution of pamphlets shall be made to every household  
34 containing a registered voter in the city, town or county by the city or  
35 town clerk or by the county officer in charge of elections by mail before  
36 the earliest date for receipt by registered voters of any requested early  
37 ballot for the election at which the measures are to be voted on. If the  
38 pamphlet is not mailed before the earliest date for receipt of a requested  
39 early ballot, the officer in charge of elections shall provide a notice  
40 with the early ballots stating when the pamphlets will be mailed and where  
41 and when the pamphlets may be accessed or viewed. Any contract for  
42 pamphlet publication or mailing, or both, shall provide for the contractor  
43 to pay a penalty for each day of mailing that occurs on or after the  
44 earliest date for receipt of requested early ballots. The penalty shall  
45 be ~~one-cent~~ \$.01 for each household with a registered voter for each day  
46 of late mailing, and the monies shall be paid to the office of the officer  
47 in charge of elections. Pamphlets shall not be mailed or carried less  
48 than ten days before the election at which the measures are to be voted  
49 ~~upon~~ ON.

1 C. Arguments supporting or opposing municipal or county initiative  
2 and referendum measures shall be filed with the city or town clerk or the  
3 county officer in charge of elections not less than ninety days before the  
4 election at which they are to be voted ~~upon~~ ON.

5 D. The procedure with respect to municipal and county legislation  
6 shall be as nearly as practicable the same as the procedure relating to  
7 initiative and referendum provided for the state at large, except the  
8 procedure for verifying signatures on initiative or referendum petitions  
9 may be established by a city or town by charter or ordinance. ANY  
10 MUNICIPAL OR COUNTY INITIATIVE OR REFERENDUM MEASURE THAT PROPOSES A  
11 MANDATORY EXPENDITURE, ESTABLISHES A FUND FOR ANY SPECIFIC PURPOSE OR  
12 ALLOCATES FUNDING FOR ANY SPECIFIC PURPOSE MUST PROVIDE A DISCLOSURE OF  
13 THE EXPENDITURE, FUND OR ALLOCATION AND THE SOURCE OF INCREASED REVENUES  
14 SUFFICIENT TO COVER THE ENTIRE IMMEDIATE AND FUTURE COSTS OF THE  
15 PROPOSAL. THIS DISCLOSURE SHALL BE PROVIDED IN THE INITIATIVE OR  
16 REFERENDUM DESCRIPTION PRESCRIBED BY SECTION 19-101 OR 19-102.

17 E. References in this section to duties to be performed by city or  
18 town officers apply only with respect to municipal legislation, and  
19 references to duties to be performed by county officers apply only with  
20 respect to county legislation.

21 F. The duties required of the county recorder with respect to state  
22 legislation shall also be performed by the county recorder with respect to  
23 municipal or county legislation."

24 Amend title to conform

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