Initiative and Referendum Guide

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Phoenix

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1 CHAPTER 1: CIRCULATING INITIATIVE AND REFERENDUM PETITIONS

1.1 WHAT IS THE DIFFERENCE BETWEEN AN INITIATIVE AND REFERENDUM?

An initiative is the method by which voters may propose new laws or amend existing laws by gathering signatures from registered voters to place the issue on the ballot. The person or organization sponsoring the initiative must file these signatures with the Secretary of State at least 4 months prior to the next general election. If the person or organization submits enough valid signatures, the proposed statute or constitutional amendment will be placed on the next general election ballot: a "yes" vote enacts the new law or amendment, whereas a "no" vote retains existing law.

In contrast, a referendum[1] is the method by which voters may veto a law (or part of a law) by gathering signatures from registered voters to place the issue on the ballot. The person or organization seeking the referendum must file these signatures with the Secretary of State within 90 days of when the Legislature that enacted the House or Senate bill in question adjourns *sine die* for the year. If the person or organization submits enough valid signatures, the bill will be placed on the next general election ballot: a "yes" vote allows the law to go into effect, whereas a "no" vote essentially constitutes a citizen veto and prevents the bill from going into effect.

Not every measure may be placed on the ballot for a vote.[2] For example, emergency laws, laws that fund state agencies, laws increasing state revenues through new or increased taxes, or acts of the Legislature that are not "legislative" in nature are not subject to the referendum process.[3]

1.2 NECESSARY COMPONENTS FOR CIRCULATING A PETITION

To circulate a statewide initiative or referendum petition, a person or organization must:

1. Establish or designate a political committee that will act as the initiative or referendum sponsor;
2. Apply for an initiative or referendum serial number from the Secretary of State's Office;
3. Obtain an official initiative or referendum petition form from the Secretary of State's Office;
4. Register any paid or nonresident circulators before circulating any petitions; and
5. File a sufficient number of valid petition signatures on the approved form by the applicable deadline.

[1] The referendum described in this Guide is the "popular referendum" or "citizen veto," as distinguished from the type of referendum whereby the Legislature refers a measure to the ballot.
[2] The Secretary of State's Office has the authority to refuse to issue a serial number, or to reject circulated petitions at the time of attempted filing with the Secretary of State, if the underlying matter is not properly subject to the initiative or referendum process. *Garvey v. Trew*, 64 Ariz. 342 (1946); *Respect the Promise in Opposition to R-14-02-Neighbors for a Better Glendale v. Hanna*, 238 Ariz. 296 (App. 2015); *Hancock v. McCarroll*, 188 Ariz. 492 (App. 1996).
[3] THE ARIZONA LEGISLATIVE BILL DRAFTING MANUAL 2017-2018, § 3.2, pg. 26, Arizona Legislative Council, *available at*: http://www.azleg.gov/alisPDFs/council/2017-2018_bill_drafting_manual.pdf; *Respect the Promise in Opposition to R-14-02-Neighbors for a Better Glendale v. Hanna*, 238 Ariz. 296 (App. 2015).

1.2.1 Establishing or Designating a Committee Sponsor

A person or organization that seeks to place an initiative or referendum on the ballot must identify a non-candidate political committee to act as the initiative or referendum sponsor.[4] It is not necessary to form a new committee strictly for the purpose of running an initiative or referendum campaign, as any political action committee (PAC) or political party registered with the Secretary of State's Office may act as the sponsor.[5]

The committee may conduct various political activities and is not limited to sponsoring the initiative or referendum effort.[6] However, the committee must segregate any monies raised from corporations and unions from monies raised from individuals, partnerships, or other committees.[7] The committee is also obligated to report how much it spends on the initiative or referendum effort as opposed to other types of political expenditures.[8]

1.2.1.1 Establishing a New Committee as Sponsor

1.2.1.1.1 Where to Register a New Committee

If a person or organization seeks to establish a new committee to sponsor the initiative or referendum campaign, a statement of organization must be filed with the Secretary of State via the online campaign finance system available at https://apps.azsos.gov/apps/election/cfs/filing/Login.aspx.[9]Preliminary Requirements for Forming a Committee

A new committee will need a few basic things to get its organization off the ground.

First, the committee will need a chairperson and treasurer to run the organization. A chairperson may be assigned as many or as few duties as the organization sees fit. Some chairpersons run the day-to-day operations of the campaign, while other chairpersons merely serve as figureheads. However, the committee treasurer should not be a figurehead. The treasurer is responsible for keeping the committee's books and records, must sign off on financial transactions, and remains legally and personally responsible for filing complete and accurate campaign finance reports.[10] Since most campaign finance violations stem from poor recordkeeping or inattention to the law, picking the right treasurer is important. The chairperson and treasurer may not be the same person.[11]

The committee will also need basic contact information such as a mailing address and email address. Importantly, the committee should provide addresses that will be monitored: donors will send checks that must be timely reported, and election officials may send emails with important announcements or notices.[12]

Finally, a committee must establish a bank account and be prepared to disclose the name of its bank or other financial institution.[13] (Please do not list account numbers in a statement of organization; list just the bank name).

In some cases, a committee might have to forecast in its statement of organization the bank where it intends to open an account. This is because some banks might require a committee to have certain formalities already established

[4] A.R.S. § 19-111(A).
[5] A.R.S. § 16-906(G). *See* Section 1.2.1.2.
[6] A.R.S. § 16-906(G).
[7] A.R.S. § 16-907(B)(2).
[8] A.R.S. § 16-926(B)(3)(m).
[9] A.R.S. § 16-928(A)(1).
[10] A.R.S. §§ 16-907(A); 16-926(B)(5); 16-934(B).
[11] A.R.S. § 16-906(B)(3).
[12] A.R.S. § 16-906(B)(6). A condition of filing a statement of organization is that the committee agrees to accept all notices via email in lieu of certified mail or personal delivery. Failure to regularly check one's email will not be considered a valid defense to any enforcement action.
[13] A.R.S. § 16-906(B)(5).

prior to opening an account, such as filing a statement of organization, incorporating with the Arizona Corporation Commission, and/or obtaining a taxpayer ID number from the Internal Revenue Service (IRS).

It is permissible to list the committee's *future* financial institution on a statement of organization if the committee ultimately opens that account. In that case, the committee should wait no longer than 30 days after filing the statement of organization to open the account to avoid a campaign finance violation. Committees are solely responsible for adhering to banking policies, and the Secretary of State is unable to assist a committee in establishing a bank account.

For the reasons discussed in Section 1.2.1 above, the committee must open its own bank account and may not commingle personal monies in the account.[14]

1.2.1.1.2 Components of a New Statement of Organization

A statement of organization must contain certain information to be considered complete, as explained in the subsections below.

1.2.1.1.2.1 Committee Information

The following information must be provided about the committee:

- Committee name[15]
  - If the PAC is sponsored by another organization, the PAC's name must include the sponsor's name or commonly known nickname. For example, if the PAC is established and funded by the National Rifle Association or the Sierra Club, the terms "NRA" or "Sierra Club" must appear in the PAC's title.[16]

- Committee mailing address[17]
  - If the committee has its own mailing address separate from the chairperson's or treasurer's address, this mailing address should be listed.
  - Otherwise, if the committee does not have its own mailing address, the committee may list the mailing address for the chairperson, treasurer, committee's political consultant, or any other person who speaks for the committee.
  - A P.O. Box may serve as a mailing address.

- Committee email address[18]
  - If the committee has its own email address separate from the chairperson's or treasurer's email address, the committee's email address should be listed.
  - Otherwise, if the committee does not have its own email address, the committee may list the email address for the chairperson, treasurer, committee's political consultant, or any other person who speaks for the committee.

- Committee website (if applicable)[19]
  - A committee must identify its website only if the committee has a campaign website.

[14] A.R.S. § 16-907(B)(1).
[15] A.R.S. § 16-906(B)(1)(b).
[16] A.R.S. § 16-906(B)(1).
[17] A.R.S. § 16-906(B)(1).
[18] A.R.S. § 16-906(B)(1).
[19] A.R.S. § 16-906(B)(1).

- Committee telephone number[20]
  - If the committee has its own telephone number separate from the chairperson's or treasurer's phone number, that number should be listed.
  - Otherwise, if the committee does not have its own telephone number, the committee should list the telephone number for the chairperson, treasurer, committee's political consultant, or any other person who speaks for the committee.

- Name of any banks or other financial institutions used by the committee.[21] Bank account numbers should not be listed.

1.2.1.1.2.2 Chairperson Information

The following information must be provided about the committee chairperson:

- Chairperson's name[22]
  - The chairperson may not act as the committee treasurer as well.[23]

- Chairperson's physical location or street address[24]
  - The chairperson must provide a physical or street address where he or she can be located, and therefore may not list a P.O. Box.

- Chairperson's email address[25]
  - The chairperson should list a personal or work email address that is separate from the committee's generic email address. This is intended to ensure there are multiple ways to reach a committee via email.

- Chairperson's telephone number[26]
  - The chairperson should list a personal or work telephone number that is separate from the committee's telephone number. This is intended to ensure there are multiple ways to reach a committee via telephone.

- Chairperson's occupation[27]
  - The occupation should be sufficiently specific to identify the chairperson's line of work.
  - "Attorney," "accountant," "doctor," and the like are sufficiently descriptive. A "consultant" should be more specifically identified, such as "political consultant" or "management consultant."
  - "Retired," "homemaker," "unemployed," "student," and the like are sufficient occupational descriptions, if applicable.
  - If the chairperson has multiple occupations, list the chairperson's primary or principal occupation.

[20] A.R.S. § 16-906(B)(1).
[21] A.R.S. § 16-906(B)(5).
[22] A.R.S. § 16-906(B)(3).
[23] A.R.S. § 16-906(B)(3).
[24] A.R.S. § 16-906(B)(3).
[25] A.R.S. § 16-906(B)(3).
[26] A.R.S. § 16-906(B)(3).
[27] A.R.S. § 16-906(B)(3).

- Chairperson's employer[28]
  - If the chairperson has multiple employers, list the chairperson's primary or principal employer.
  - If the chairperson is self-employed, list the name, company, or title through which the chairperson does business.
  - "Retired," "homemaker," "unemployed," "student," and the like are sufficient employment descriptions, if applicable.

1.2.1.1.2.3 Treasurer Information

The following information must be provided about the committee treasurer:

- Treasurer's name[29]
  - The treasurer may not act as the committee chairperson as well.[30]

- Treasurer's physical location or street address[31]
  - The treasurer must provide a physical or street address where he or she can be located, and therefore may not list a P.O. Box.

- Treasurer's email address[32]
  - The treasurer should list a personal or work email address that is separate from the committee's generic email address. This is intended to ensure there are multiple ways to reach a committee via email.

- Treasurer's telephone number[33]
  - The treasurer should list a personal or work telephone number that is separate from the committee's telephone number. This is intended to ensure there are multiple ways to reach a committee via telephone.

- Treasurer's occupation[34]
  - The occupation should be sufficiently specific to identify the treasurer's line of work.
  - "Attorney," "accountant," "doctor," and the like are sufficiently descriptive. A "consultant" should be more specifically identified, such as "political consultant" or "management consultant."
  - "Retired," "homemaker," "unemployed," "student," and the like are sufficient occupational descriptions, if applicable.
  - If the treasurer has multiple occupations, list the treasurer's primary or principal occupation.

- Treasurer's employer[35]
  - If the treasurer has multiple employers, list the treasurer's primary or principal employer.
  - If the treasurer is self-employed, list the name, company, or title through which the treasurer does business.

[28] A.R.S. § 16-906(B)(3).
[29] A.R.S. § 16-906(B)(3).
[30] A.R.S. § 16-906(B)(3).
[31] A.R.S. § 16-906(B)(3).
[32] A.R.S. § 16-906(B)(3).
[33] A.R.S. § 16-906(B)(3).
[34] A.R.S. § 16-906(B)(3).
[35] A.R.S. § 16-906(B)(3).

- "Retired," "homemaker," "unemployed," "student," and the like are sufficient employment descriptions, if applicable.

1.2.1.1.3 Finalizing a Statement of Organization

After providing committee information, the chairperson and treasurer must swear under penalty of perjury that they: (1) have read the Secretary of State's applicable campaign finance handbook; (2) agree to comply with Arizona campaign finance law; and (3) agree to accept all notifications, statements, service of process, or other important documents via the committee's email address.[36]

Please note, because official notifications will be sent exclusively via email, the committee officers should list email addresses that will be routinely monitored. In the event a campaign finance complaint is filed against the committee, for example, the filing officer will not typically accept failure to monitor the email account(s) as a legitimate defense for failing to respond to the complaint.

Upon submitting the statement of organization, the committee treasurer will receive a confirmation email with instructions to finish setting up this account. Once registration is complete, the Secretary of State's Office will issue an identification number for the committee.[37] This identification number will be used to identify the committee in future correspondence.

1.2.1.2 Designating an Existing Committee as Sponsor

In lieu of forming a new committee, a person or organization may designate an existing PAC or political party as an initiative or referendum sponsor.

An existing committee must adhere to the organizational and financial requirements outlined in Section 1.2.1 and Section 1.2.1.1.

1.2.1.3 Changes in Committee Information

If there is a change in any committee information, a committee must amend its statement of organization within ten calendar days of the change.[38]

1.2.1.4 Filing Campaign Finance Reports

A committee that sponsors an initiative or referendum must file quarterly and pre-election campaign finance reports with the Secretary of State's Office. The deadlines to file campaign finance reports are outlined at https://www.azsos.gov/ elections/elections-calendar-upcoming-events. A committee must file campaign finance reports until properly terminated.

A committee that makes expenditures in conjunction with an initiative or referendum must separately track and report those expenditures in each campaign finance report, including identification of the ballot measure, the ballot measure serial number, the election date, the mode of advertising and distribution or publication date of any advertisement.[39]

[36] A.R.S. § 16-906(B)(6).
[37] A.R.S. § 16-906(D).
[38] A.R.S. § 16-906(C).
[39] A.R.S. § 16-926(B)(3)(m).

1.2.2 Applying for an Initiative or Referendum Serial Number

A person or organization seeking to place an initiative or referendum on the ballot must apply for a serial number prior to circulating petitions. A complete application must include (1) a 100-word (or less) summary of the principal provisions of the measure and (2) a copy of the proposed title and text of the measure to be initiated or referred.

A copy of the Application for Serial Number is attached in Appendix A and is available at: https://www.azsos.gov/elections/initiative-referendum-and-recall. A complete Application for Serial Number must be filed with the Secretary of State's Office prior to circulating an initiative or referendum petition.

1.2.2.1 100-Word Summary

The 100-word summary must cover the *principal* provisions of the measure to be initiated or referred.[40] Any summary exceeding 100 words must be reduced in order to meet the required word limit.[41]

1.2.2.2 Title and Text of Measure

A person or organization must file a copy of the proposed title and text of the measure to be initiated or referred. The Secretary of State's Office will stamp each page of the measure. This stamped, official version of the title and text must be attached (stapled) to each petition prior to circulation.[42]

The title and text must be printed in at least 8-point font, excluding any maps, charts or graphics.[43] A person or organization is encouraged to print the title and text double-sided to reduce the amount of paper stapled to each petition.

Prior to filing an Application for Serial Number, the political committee that intends to sponsor an initiative may request advice from the director of the Arizona Legislative Council.[44]

1.2.2.2.1 Title of the Measure

The "title" of a measure comprises the following:

- The phrase "AN INITIATIVE MEASURE" (for an initiative) or "AN ACT" (for a bill subject to a referendum); and
- A listing of all the changes to specific sections of the Arizona Constitution (for a constitutional amendment) or Arizona Revised Statutes (all other initiatives and referenda), followed by the phrase "RELATING TO" and a single, brief statement about the subject of the measure; and
- An enacting clause: "Be it enacted by the People of the State of Arizona" (for an initiative) or "Be it enacted by the Legislature of the State of Arizona" (for a bill subject to a referendum).[45]

For example, the "title" of a statutory initiative may appear as follows:

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[40] A.R.S. §§ 19-101(A); 19-102(A).
[41] A.R.S. § 19-101(A). The Secretary of State's Office is not in a position to advise whether a proposed 100-word summary sufficiently encompasses the law's "principal" provisions.
[42] A.R.S. § 19-121(A)(3).
[43] A.R.S. § 19-111(A), (E); A.R.S. § 19-121(A)(4).
[44] A.R.S. § 19-111.01.
[45] It is unclear whether an enacting clause constitutes part of a measure's "title" as used in A.R.S. § 19-121(A)(3), but the Arizona Constitution requires a prescribed enacting clause in every bill or initiative. ARIZ. CONST. Art. IV, § 24, Pt. 2. *See also Meyers v. Bayless*, 192 Ariz. 376 (1998).

SECRETARY OF STATE

2016 MAR 30 PM 12: 57

OFFICIAL TITLE

AN INITIATIVE MEASURE

AMENDING TITLE 23, CHAPTER 2, ARTICLE 8, ARIZONA REVISED STATUTES, BY AMENDING SECTIONS 23-363 and 23-364; AMENDING TITLE 23, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8.1; RELATING TO ARIZONA'S MINIMUM WAGE AND EARNED PAID SICK TIME BENEFITS.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of the State of Arizona:

Section 1. Short Title

This act may be cited as the "The Fair Wages and Healthy Families Act"

Sec. 2. Heading change

The article heading of title 23, chapter 2, article 8, Arizona Revised Statutes, is changed from "MINIMUM WAGE" to "MINIMUM WAGE AND EMPLOYEE BENEFITS".

Sec 3. Section 23-363, Arizona Revised Statutes, is amended to read:

23-363. Minimum wage

A. Employers shall pay employees no less than the minimum wage, which shall be ~~six dollars and seventy-five cents ($6.75) an hour beginning on January 1, 2007.~~ NOT LESS THAN:

1. $10 ON AND AFTER JANUARY 1, 2017.
2. $10.50 ON AND AFTER JANUARY 1, 2018.
3. $11 ON AND AFTER JANUARY 1, 2019.
4. $12 ON AND AFTER JANUARY 1, 2020.

The "title" of a constitutional amendment may appear as follows:

CITIZENS INDEPENDENT REDISTRICTING COMMISSION INITIATIVE:

AN INITIATIVE MEASURE

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO ENDING THE PRACTICE OF GERRYMANDERING AND IMPROVING VOTER AND CANDIDATE PARTICIPATION IN ELECTIONS BY CREATING AN INDEPENDENT COMMISSION OF BALANCED APPOINTMENTS TO OVERSEE THE MAPPING OF FAIR AND COMPETITIVE CONGRESSIONAL AND LEGISLATIVE DISTRICTS.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA, IS AMENDED AS FOLLOWS IF APPROVED BY THE VOTERS AND UPON PROCLAMATION BY THE GOVERNOR:

1. Senate; house of representatives; members; special session upon petition of members; CONGRESSIONAL AND LEGISLATIVE BOUNDARIES; CITIZEN COMMISSIONS

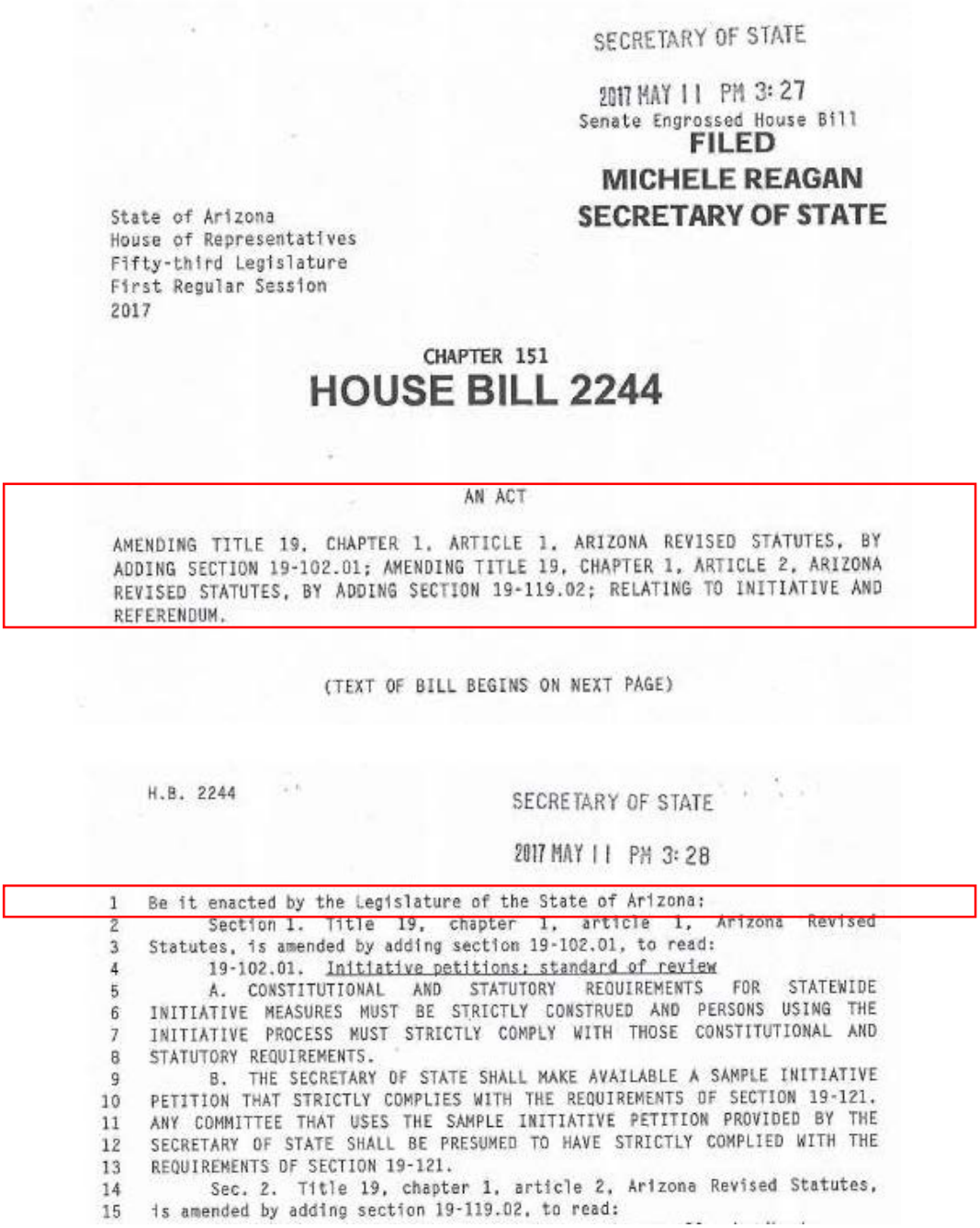
Section 1. (1) The senate shall be composed of one member elected from each of the thirty legislative districts established by the legislature PURSUANT TO THIS SECTION.

The house of representatives shall be composed of two members elected from each of the thirty legislative districts established by the legislature PURSUANT TO THIS SECTION.

(2) Upon the presentation to the governor of a petition bearing the signatures of not less than two-thirds of the members of each house, requesting that he call a special session of the legislature and designating the date of convening, the governor shall forthwith PROMPTLY call a special session to assemble on the date specified. At a special session so called the subjects which may be considered by the legislature shall not be limited.

(3) BY FEBRUARY 28 OF EACH YEAR THAT ENDS IN ONE, AN INDEPENDENT REDISTRICTING COMMISSION SHALL BE ESTABLISHED TO PROVIDE FOR THE REDISTRICTING OF CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS. THE

The "title" of a referendum may appear as follows:



SECRETARY OF STATE

2017 MAY 11 PM 3:27

Senate Engrossed House Bill

FILED

MICHELE REAGAN

SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

CHAPTER 151

HOUSE BILL 2244

AN ACT

AMENDING TITLE 19, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-102.01; AMENDING TITLE 19, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-119.02; RELATING TO INITIATIVE AND REFERENDUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

H.B. 2244

SECRETARY OF STATE

2017 MAY 11 PM 3:28

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 19, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 19-102.01, to read:

19-102.01. Initiative petitions; standard of review

A. CONSTITUTIONAL AND STATUTORY REQUIREMENTS FOR STATEWIDE INITIATIVE MEASURES MUST BE STRICTLY CONSTRUED AND PERSONS USING THE INITIATIVE PROCESS MUST STRICTLY COMPLY WITH THOSE CONSTITUTIONAL AND STATUTORY REQUIREMENTS.

B. THE SECRETARY OF STATE SHALL MAKE AVAILABLE A SAMPLE INITIATIVE PETITION THAT STRICTLY COMPLIES WITH THE REQUIREMENTS OF SECTION 19-121. ANY COMMITTEE THAT USES THE SAMPLE INITIATIVE PETITION PROVIDED BY THE SECRETARY OF STATE SHALL BE PRESUMED TO HAVE STRICTLY COMPLIED WITH THE REQUIREMENTS OF SECTION 19-121.

Sec. 2. Title 19, chapter 1, article 2, Arizona Revised Statutes, is amended by adding section 19-119.02, to read:

1.2.2.2.2 Text of the Measure

The "text" of a measure contains the substance of the bill or amendment. This is the body where constitutional amendments or statutory law are amended, added or repealed.[46]

For example, the "text" of a statutory initiative may appear as follows:

[46] THE ARIZONA LEGISLATIVE BILL DRAFTING MANUAL 2017-2018, § 2.10, pg. 13, Arizona Legislative Council, *available at*: http://www.azleg.gov/alisPDFs/council/2017-2018_bill_drafting_manual.pdf.

SECRETARY OF STATE

2016 MAR 30 PM 12: 57

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A. Employers shall pay employees no less than the minimum wage, which shall be ~~six dollars and seventy-five cents ($6.75) an hour beginning on January 1, 2007.~~ NOT LESS THAN:

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PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO ENDING THE PRACTICE OF GERRYMANDERING AND IMPROVING VOTER AND CANDIDATE PARTICIPATION IN ELECTIONS BY CREATING AN INDEPENDENT COMMISSION OF BALANCED APPOINTMENTS TO OVERSEE THE MAPPING OF FAIR AND COMPETITIVE CONGRESSIONAL AND LEGISLATIVE DISTRICTS.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA, IS AMENDED AS FOLLOWS IF APPROVED BY THE VOTERS AND UPON PROCLAMATION BY THE GOVERNOR:

1. Senate; house of representatives; members; special session upon petition of members; CONGRESSIONAL AND LEGISLATIVE BOUNDARIES; CITIZEN COMMISSIONS

Section 1. (1) The senate shall be composed of one member elected from each of the thirty legislative districts established by the legislature PURSUANT TO THIS SECTION.

The house of representatives shall be composed of two members elected from each of the thirty legislative districts established by the legislature PURSUANT TO THIS SECTION.

(2) Upon the presentation to the governor of a petition bearing the signatures of not less than two-thirds of the members of each house, requesting that he call a special session of the legislature and designating the date of convening, the governor shall forthwith PROMPTLY call a special session to assemble on the date specified. At a special session so called the subjects which may be considered by the legislature shall not be limited.

(3) BY FEBRUARY 28 OF EACH YEAR THAT ENDS IN ONE, AN INDEPENDENT REDISTRICTING COMMISSION SHALL BE ESTABLISHED TO PROVIDE FOR THE REDISTRICTING OF CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS. THE

The "text" of a referendum may appear as follows:

SECRETARY OF STATE

2017 MAY 11 PM 3:27

Senate Engrossed House Bill

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

CHAPTER 151

HOUSE BILL 2244

AN ACT

AMENDING TITLE 19, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-102.01; AMENDING TITLE 19, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-119.02; RELATING TO INITIATIVE AND REFERENDUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

H.B. 2244

SECRETARY OF STATE

2017 MAY 11 PM 3:28

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 19, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 19-102.01, to read:

19-102.01. Initiative petitions; standard of review

A. CONSTITUTIONAL AND STATUTORY REQUIREMENTS FOR STATEWIDE INITIATIVE MEASURES MUST BE STRICTLY CONSTRUED AND PERSONS USING THE INITIATIVE PROCESS MUST STRICTLY COMPLY WITH THOSE CONSTITUTIONAL AND STATUTORY REQUIREMENTS.

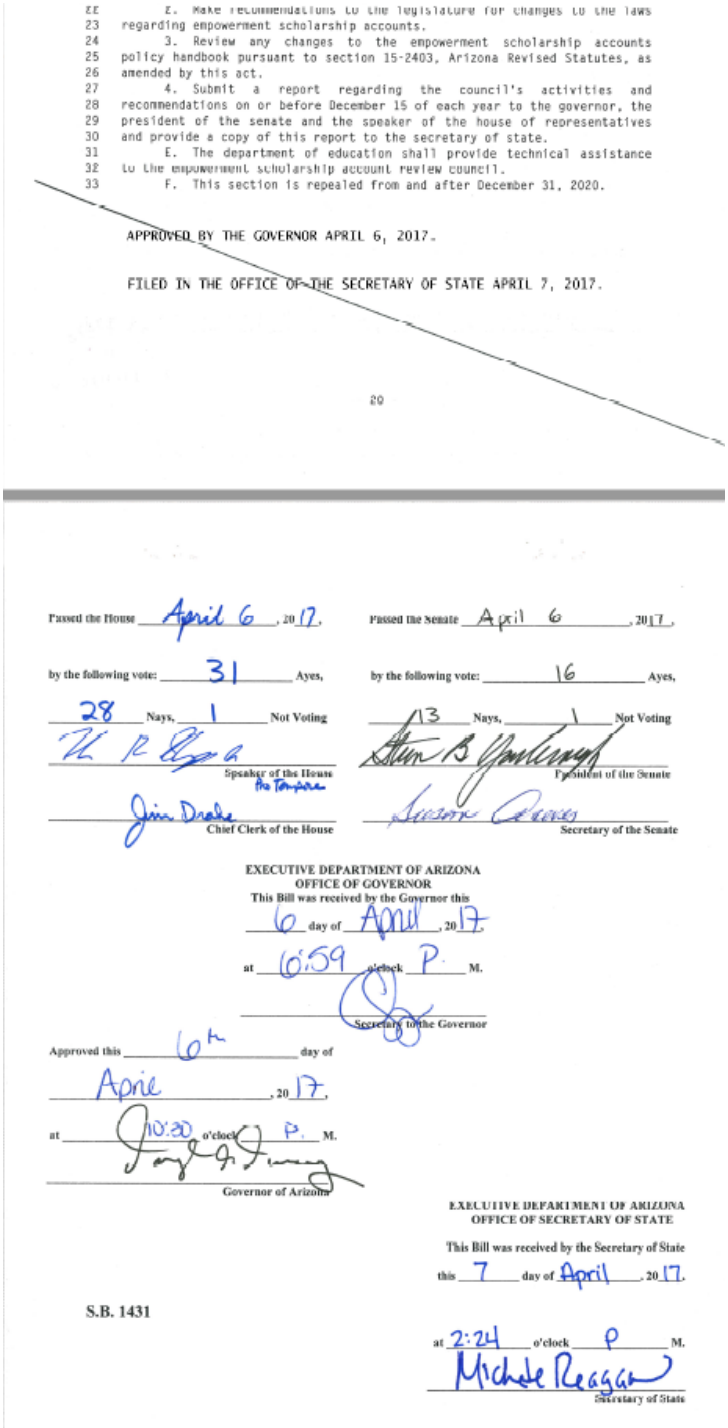
B. THE SECRETARY OF STATE SHALL MAKE AVAILABLE A SAMPLE INITIATIVE PETITION THAT STRICTLY COMPLIES WITH THE REQUIREMENTS OF SECTION 19-121. ANY COMMITTEE THAT USES THE SAMPLE INITIATIVE PETITION PROVIDED BY THE SECRETARY OF STATE SHALL BE PRESUMED TO HAVE STRICTLY COMPLIED WITH THE REQUIREMENTS OF SECTION 19-121.

Sec. 2. Title 19, chapter 1, article 2, Arizona Revised Statutes, is amended by adding section 19-119.02, to read:

For initiatives, portions of the text being deleted must be stricken with a line drawn through the center of the letters, whereas portions of text being added must be printed in all capital letters. Please refer to "The Arizona Legislative Bill Drafting Manual" for further guidance.[47] Bills subject to referendum will already be in this format.

[47] Arizona Legislative Council Drafting Rules and Deadlines, Rule 24; *see also* THE ARIZONA LEGISLATIVE BILL DRAFTING MANUAL 2017-2018, Sample No. 7, pg. 120, Arizona Legislative Council, *available at*: http://www.azleg.gov/alisPDFs/council/2017-2018_bill_drafting_manual.pdf.

For referenda, the chaptered version of the bill should be utilized for petition circulation. The chaptered version is distinguishable because it contains signatures from the Chief Clerk of the House, the Secretary of the Senate, the Secretary of State, and the Governor:



E. Make recommendations to the legislature for changes to the laws regarding empowerment scholarship accounts.

3. Review any changes to the empowerment scholarship accounts policy handbook pursuant to section 15-2403, Arizona Revised Statutes, as amended by this act.

4. Submit a report regarding the council's activities and recommendations on or before December 15 of each year to the governor, the president of the senate and the speaker of the house of representatives and provide a copy of this report to the secretary of state.

E. The department of education shall provide technical assistance to the empowerment scholarship account review council.

F. This section is repealed from and after December 31, 2020.

APPROVED BY THE GOVERNOR APRIL 6, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2017.

29

Passed the House April 6, 2017, by the following vote: 31 Ayes, 28 Nays, 1 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate April 6, 2017, by the following vote: 16 Ayes, 13 Nays, 1 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR
This Bill was received by the Governor this 6 day of April, 2017, at 6:59 o'clock P. M.

Secretary to the Governor

Approved this 6th day of April, 2017, at 10:20 o'clock P. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE
This Bill was received by the Secretary of State this 7 day of April, 2017, at 2:24 o'clock P M.

Secretary of State

S.B. 1431

The chaptered version may be found at the Secretary of State's website: https://www.azsos.gov/services/legislative-filings.Legislative Council Review of Initiative Text

For a statewide initiative measure, the political committee that intends to sponsor an initiative (or a political committee that intends to oppose an initiative) may request advice from the director of the Arizona Legislative Council after a serial number has been issued.[48] Legislative Council staff must review the initiative within 30 days.[49] Staff must limit its consideration to errors in drafting the measure, confusing, conflicting or inconsistent provisions within the measure, or conflicts with other state laws and federal law, and may prepare recommendations to improve the text of the proposed measure.[50]

The political committee sponsoring the initiative may accept, modify or reject any recommendations made by Legislative Council, solely in its discretion.[51] However, any changes to the initiative text require the sponsoring political committee to obtain a new serial number from the Secretary of State.

1.2.2.3 Changes to Information

Any change to the 100-word summary or to the title/text of the measure will require a new serial number to be issued, therefore any petitions circulated using the prior serial number are invalid and will not be counted.

Furthermore, any paid or out-of-state circulators registered under the prior serial number will be required to re-register under the new serial number.

1.2.2.4 Use of Petition Serial Number

Once the serial number has been issued by the Secretary of State's Office, the number must be placed on the lower right-hand corner of each petition sheet *prior* to obtaining any signatures on the sheet.[52] It is unlawful to sign an initiative or referendum petition before a serial number has been assigned.[53]

1.2.3 Obtaining an Authorized Petition Form from the Secretary of State

A person or organization seeking to place an initiative or referendum on the ballot must obtain the statewide petition form in-person at the Secretary of State's Office.

Upon issuance of a serial number, the Secretary of State's Office will also issue an official petition form in electronic format to the sponsoring committee and conduct a brief tutorial regarding proper completion of the form.[54] The petition may be circulated in English, Spanish, or any combination of the two.[55] A sample English petition is enclosed as Appendix B to this Guide.

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[48] A.R.S. § 19-111.01(A). Legislative Council analysis is not permitted for proposed county, city or town initiatives. A.R.S. § 19-141(A).
[49] A.R.S. § 19-111.01(B).
[50] A.R.S. § 19-111.01(B).
[51] A.R.S. § 19-111.01(C).
[52] A.R.S. § 19-101(B); A.R.S. § 19-102(B); A.R.S. § 19-111(B); A.R.S. § 19-121(A)(5). Referendum serial numbers are eligible to be issued after the Governor has signed the underlying into law. A sponsoring committee therefore need not wait until the Legislature adjourns *sine die* to submit an Application for Serial Number to the Secretary of State's Office.
[53] A.R.S. § 19-101(B); A.R.S. § 19-102(B).
[54] A.R.S. § 19-102.01(B).
[55] Ariz. Atty. Gen. Op. No. 76-1, pg. 70 (1975-76).

The Secretary of State's duty is limited to providing the authorized form and providing access to the Secretary of State's Initiative and Referendum Guide.[56] The Secretary of State is not responsible for completing the petition form on the person's or organization's behalf. For example, the header on the front side of the petition sheet (along with the serial number on both sides of the petition sheet and the "paid" or "volunteer" check boxes on the front side of the petition) must be fully and accurately completed by the circulator prior to circulation.[57] Additionally, the completed petition sheet must contain the exact 100-summary contained in the approved application for serial number. Thus, the person or organization receiving the authorized petition form remains solely responsible for compliance with Arizona law.

1.2.3.1 Printing Petition Sheets

The person or organization filing the Application for Serial Number must acknowledge the Secretary of State's Best Practices for Printing and Circulating Petitions at the time of filing the Application. These practices are attached as Appendix C to this Guide. Failure to adhere to these practices may result in reduced document integrity, which may inhibit the Secretary of State's ability to efficiently and accurately process the petition pages.

Petition sheets should be printed directly from a digital file, not photocopied. The print quality should be at least 600 dpi to ensure that the Secretary of State's petition processing program is capable of accurately reading and tallying the petition signatures.

Petition sheets must be printed in black on white or recycled white legal size (8.5" x 14") paper.[58] The petition must contain at least a .5" margin at the top and .25" margin at the bottom.[59] Additionally, please ensure that the front and back sides of the petition are printed "head-to-head" in the same orientation.

1.2.4 Register any Paid or Nonresident Circulators

Paid[60] and nonresident[61] circulators must register with the Secretary of State's Office prior to circulating any initiative or referendum petition.[62] More information about petition circulator requirements, including petition circulator training materials, may be obtained at https://www.azsos.gov/elections/requirements-paid-non-resident-circulators. The petition circulator must indicate on the front of each petition sheet whether he or she is paid or volunteer.[63]

Please note, the Secretary of State's acceptance of an incomplete or invalid circulator registration form does not waive any objections to legal deficiencies in those registrations, as circulators remain solely responsible for compliance with Arizona law. While the Secretary of State will not invalidate petition sheets based on alleged deficiencies in the registration form, such petition sheets potentially could be subject to legal challenge in court.

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[56] A.R.S. § 19-119.02.
[57] A.R.S. § 19-101(A), (D); A.R.S. § 19-102(A), (D).
[58] A.R.S. § 19-121(A)(5).
[59] A.R.S. § 19-121(A)(5).
[60] A "paid" circulator is generally defined as a person who is compensated based on the number of signatures obtained on a ballot measure petition, *see* A.R.S. § 19-118(F)(1), but it is now a criminal offense to compensate an initiative or referendum petition circulator on a per-signature basis. A.R.S. § 19-118.01. Thus, in cases where a circulator is compensated hourly and did not voluntarily register with the Secretary of State, the circulator should select "paid circulator" on the front of the petition form and include a notation such as "hourly" or "paid hourly." *See* https://www.azsos.gov/about-office/media-center/azsosblog/610.
[61] A circulator who does not permanently reside in Arizona is considered a nonresident circulator. A circulator whose residency status is unclear should register with the Secretary of State out of an abundance of caution.
[62] A.R.S. § 19-118(A)
[63] A.R.S. § 19-101(D); A.R.S. § 19-102(D).

1.2.4.1 Use of Circulator ID Numbers

A paid or nonresident circulator must register with the Secretary of State prior to circulating a statewide initiative or referendum petition.[64]

Upon registration of a petition circulator, the Secretary of State will assign a random circulator ID number to each such circulator. The circulator ID number is permanently assigned to the circulator and must be used for all petitions being circulated by that particular individual (regardless of the election cycle or which petition is being circulated).

A registered circulator must place the circulator ID number on the front and back of each petition sheet in order to ensure proper processing. In contrast to the petition serial number, the circulator ID number may be placed on the petition sheet at any time prior to submitting the petition sheets to the Secretary of State. Failure to include the circulator ID number does not (by itself) invalidate the petition sheet but does increase the likelihood the Secretary of State's Office is unable to process the petition sheet due to inability to confirm the circulator's identity.

1.2.5 Collecting Petition Signatures

Arizona law prescribes certain requirements for circulators and signers regarding the gathering of petition signatures. Failure to adhere to the following requirements may result in invalidated petition signatures and increased verification times.

1.2.5.1 Requirement to Attached Title and Text

An initiative or referendum petition must have the correct title and text stapled to the sheet before any signatures are obtained on that sheet.[65] The committee or circulator must ensure that the staple is placed within the designated area in the upper-left corner of the petition sheet.[66]

The title and text should be printed in the correct page number order; however the Secretary of State's Office will not invalidate petition sheets that contain duplicative pages or text that is printed out-of-order.

To reduce waste and speed Secretary of State processing, a person or organization circulating an initiative or referendum petition may staple multiple petition sheets to the same title and text.[67]

1.2.5.2 Obtaining Signatures from Qualified Electors

A petition sheet may be signed only by a registered voter who is a qualified elector as defined by law.[68] Every elector signing a petition must do so in the presence of the circulator.

1.2.6 Circulation Requirements and Best Practices

When approaching an individual to sign a petition, a circulator should:

[64] A.R.S. § 16-321(D); A.R.S. § 19-118(A).
[65] A.R.S. § 19-121(A)(3).
[66] A.R.S. § 19-112(C).
[67] Ariz. Atty. Gen. Op. I78-19 (1978).
[68] A "federal only" voter who is not entitled to vote in state, county, or local elections is not qualified to sign a statewide initiative or referendum petition.

- Read or summarize the warning that appears at the top of the petition.[69]
- Ensure the signer prints clearly in black or blue ink; never pencil.
- Ensure the signer completes all portions of the signature line (i.e., signature, printed first and last name, residence address, and date signed).[70]
- Ensure the signer writes in the middle (and does not stray outside) of the appropriate boxes on the signature line.
- Ensure that no more than 15 petition signatures are collected on the petition sheet.[71]

When approaching an individual to sign a petition, the circulator should *not*:

- Sign for the individual or allow any other individual to complete any portion of the signature line unless in the presence of (and at the request of) a person who is incapable of signing or printing his/her own name because of physical infirmity.[72]
- Allow the individual to sign the same petition twice.[73]
- Allow a post office box to serve as the individual's residence address.[74]

After collecting signatures on a petition sheet, the petition circulator must *legibly* execute the affidavit of verification on the back of the petition and swear before a notary public that all the following are true:

- At the time of the signing, each name and address on the front side of the petition sheet was signed/printed by the elector on the date indicated;[75]
- In his/her belief, each signer was a qualified elector for the petition on the date indicated;[76] and
- At all times during circulation of the signature sheet, a full copy of the title and text of the measure was attached to the signature sheet.[77]

The notary must sign his or her name, include the notarization date, and affix his or her unexpired notary seal in the designated location on the back side of the petition.[78] The notary seal must be stamped in black ink, as the Secretary of State's Petition Management Software is unable to read blue, red or green notary seals.

[69] A.R.S. § 19-101(A); A.R.S. § 19-102(A). "This is only a description of the proposed measure (or constitutional amendment) prepared by the sponsor of the measure. It may not include every provision contained in the measure. Before signing, make sure the title and text of the measure are attached. You have the right to read or examine the title and text before signing."
[70] A.R.S. § 19-112(A).
[71] A.R.S. § 19-121.01(A)(3)(d). The Secretary of State's Office will potentially count a signature written below the 15th signature line if there are blank or crossed-out lines on a petition sheet. However, the Secretary of State's Office will not review a signature written below the 15th signature line based on the Secretary's *rejection* of one or more signatures contained in lines 1 through 15.
[72] A.R.S. § 19-115(B).
[73] A.R.S. § 19-115(B).
[74] A.R.S. § 19-112(A). The signer must provide his/her residence address, giving street name and number, and if he/she does not have a street address, a description of his/her residence location.
[75] A.R.S. § 19-112(A). Only the qualified elector may print his/her first and last name and other information. A.R.S. § 19-112(A).
[76] A.R.S. § 19-112(C).
[77] A.R.S. § 19-112(C).
[78] A notary must sign the petition sheet consistent with the signature on his or her notary application and bond. However, the Secretary of State's Office does not conduct any notary signature comparison and lacks the statutory authority to invalidate a petition sheet due to an alleged non-matching notary signature (whether compared to the application, the bond, or the notary seal itself).

1.2.7 Filing the Required Number of Signatures

Petitions must meet specific requirements for the signatures contained therein to be validated. By following the requirements and best practices below, committees can reduce the chance of delay in the filing and validation process.

1.2.7.1 Organization Requirements for Filing Petitions

A committee must organize petition sheets by county prior to filing with the Secretary of State's Office. Additionally, the committee should adhere to the following best practices:

- Within each county, organize the petition sheets by registered circulator;
- Ensure each sheet circulated by a registered circulator has a circulator ID number printed on the front and back of each petition sheet;
- Organize the petitions in banker's boxes, with the name of the measure and county of circulation labeled on the side and top of the box;
- Avoid writing on the petitions after circulation (for example, by tallying signatures on petition sheet);
- Ensure the petitions are all facing in the same direction/orientation;
- Ensure the petitions are flattened to the extent possible; and
- Contact the Secretary of State's Office several days prior to arrival and make a filing appointment.

1.2.7.2 Required Number of Valid Signatures

To qualify for the ballot, the sponsoring committee must submit valid signatures from qualified electors that equal at least:

- For a constitutional amendment proposed by initiative, 15% of all votes cast for candidates for governor at the last general election;
- For a statutory measure proposed by initiative, 10% of all votes cast for candidates for governor at the last general election; or
- For a referendum, 5% of all votes cast for candidates for governor at the last general election.[79]

The current minimum signature thresholds are outlined at https://www.azsos.gov/elections/initiative-referendum-and-recall.

1.2.7.3 Petition Filing Deadline

The petition sheets must be filed with the Secretary of State's Office by 5:00 p.m. by the applicable deadline. Initiative petitions must be filed at least 4 months prior to the next general election, whereas referendum petitions must be filed within 90 days of when the applicable legislative session adjourns *sine die*.[80] The Secretary of State's Office will reject any petitions that are not timely filed.

[79] Ariz. Const. Art. IV, § 1, Pt. 1(2), (3), and (7).
[80] Ariz. Const. Art. IV, § 1, Pt. 1(4). For referenda, the underlying bill is considered stayed as of the moment the sponsoring committee tenders the referendum petition sheets to the Secretary of State's Office and provides a signature estimate that exceeds the constitutional minimum.

Petitions must be filed at the following address:[81]

Arizona Secretary of State's Office

Capitol Executive Tower
1700 W. Washington Street
Phoenix, AZ 85007

Upon confirming a filing appointment in advance of the statutory deadline, the Secretary of State's Office will specify the exact filing location at the Capitol Executive Tower.

The committee may not turn in supplemental petition sheets after the Secretary of State has issued a filing receipt to the committee.[82]

The Secretary of State's Office reserves the right to recycle the title and text that are removed from the petition sheets during processing.

2 CHAPTER 2: PROCESSING INITIATIVE AND REFERENDUM PETITIONS

The Secretary of State's Office utilizes the following procedures and legal standards when processing initiative and referendum petitions.

2.1 PREPARING PETITIONS FOR REVIEW

Upon receipt of timely-filed initiative or referendum petitions, the Secretary of State's Office:

- Issues a receipt to the sponsoring committee that contains the filing date, the committee's estimated number of signatures, the committee's estimated number of petition sheets, and the number of boxes containing petition sheets;[83]
- Separates the title and text from the petition sheets:[84]
    - If a petition sheet contains an attached title and text, the Secretary of State's Office reviews the title and text to ensure conformity with the official title and text that accompanied the Application for Serial Number.[85] The official title and text has been time/date-stamped by the Secretary of State's Office on each page and is available at https://www.azsos.gov/elections/initiative-referendum-and-recall.
    - If the petition does not contain an attached title and text, or contains an incomplete title and text, the Secretary of State's Office will invalidate the petition sheet.[86]

[81] With prior notice to the sponsoring committee, the Secretary of State's Office reserves the right to change the exact location for petition filing in order to expedite petition processing.
[82] A.R.S. § 19-121(B).
[83] A.R.S. § 19-121(B).
[84] A.R.S. § 19-121.01(A)(1)(b). The Secretary of State may remove the staple from the petition sheets or use a paper cutter to remove the corner of the petition sheets that contains the staple.
[85] A.R.S. § 19-121.01(A)(1)(a). The title and text should be printed in the correct page number order; however, the Secretary of State's Office will not invalidate petition sheets that contain duplicative or out-of-order title and text.
[86] A.R.S. § 19-121.01(A)(1)(a).

- The Secretary of State's Office separates petition sheets that contain a valid title and text from those petition sheets that were disqualified. The disqualified sheets will be preserved in a banker's box labeled "rejected sheets" and will not be scanned into the Secretary of State's Petition Management Software.
- Ensures the petition sheets remain organized by county.
- Ensures the petition sheets are stored in a secure area with controlled access.

The Secretary of State's Office will ask the sponsoring committee whether it would like to retain the detached title and text before the Secretary of State's Office recycles these documents.[87]

2.2 Scanning Petition Sheets

Petition sheets with a complete/correct title and text will be prepared for scanning. The Secretary of State's Office:

- Scans the petition sheets into the Secretary of State's Petition Management Software;
- Ensures that the original and scanned version of each petition (front and back) is printed with Bates Numbers;[88]
  - Each Bates Number will begin with a two-digit county code:
    - Apache County: 01
    - Cochise County: 02
    - Coconino County: 03
    - Gila County: 04
    - Graham County: 05
    - Greenlee County: 06
    - La Paz County: 07
    - Maricopa County: 08
    - Mohave County: 09
    - Navajo County: 10
    - Pinal County: 11
    - Pima County: 12
    - Santa Cruz County: 13
    - Yavapai County: 14
    - Yuma County: 15
  - The two-digit county code will be followed by a five-digit number used to consecutively number petition sheets in the order they were scanned into the Secretary of State's Petition Management Software.
- Makes the scanned petition images available for public records requests.

2.3 Reviewing Petition Sheets

The Secretary of State's Office reviews the front and back of each petition sheet in the Secretary of State's Petition Management Software according to the following legal standards.

[87] A.R.S. § 19-121.01(A)(2)(c).
[88] Bates Numbers are consecutive or serialized numbers printed on a document for tracking purposes.

2.3.1 Back Side Sheet Eliminations

The Secretary of State's Office reviews the back side of a petition sheet first. The Secretary of State's Office invalidates (disqualifies) a petition sheet for any of the following reasons.

1. The Secretary of State's Office will invalidate a petition sheet if the sheet is missing a serial number, contains an incomplete serial number, or contains an incorrect serial number on the back side:[89]

Instructions for Circulators

1. All circulators shall sign the Affidavit of Circulator.
2. Paid circulators, whether a resident of Arizona or another state, circulating for a statewide initiative shall register with the secretary of state before circulating petitions.
3. Circulator is not required to be a resident of this state but otherwise must be qualified to vote in this state.
4. Circulators shall include their actual residence address or, if no street address, a description of their residence location.

Affidavit of Circulator

State of Arizona)
) ss.:
County of)
(Where notarized)

I, (print name), a person who is not required to be a resident of this state but who is otherwise qualified to register to vote in the county of , in the state of Arizona at all times during my circulation of this petition sheet, and under the penalty of a class 1 misdemeanor, depose and say that subject to § 19-115, Arizona Revised Statutes, each individual printed the individual's own name and address and signed this sheet of the foregoing petition in my presence on the date indicated and I believe that each signer's name and residence address or post office address are correctly stated and that each signer is a qualified elector of the state of Arizona and that at all times during circulation of this signature sheet a copy of the title and text was attached to the signature sheet.

(Signature of affiant)

(Residence address, street and number of affiant, or if no street address, a description of residence location)

Stamp notary seal within the box below

Subscribed and sworn to before me on (date)

Notary Public

STATEWIDE ONLY
Secretary of State
Revised 05/08/2017

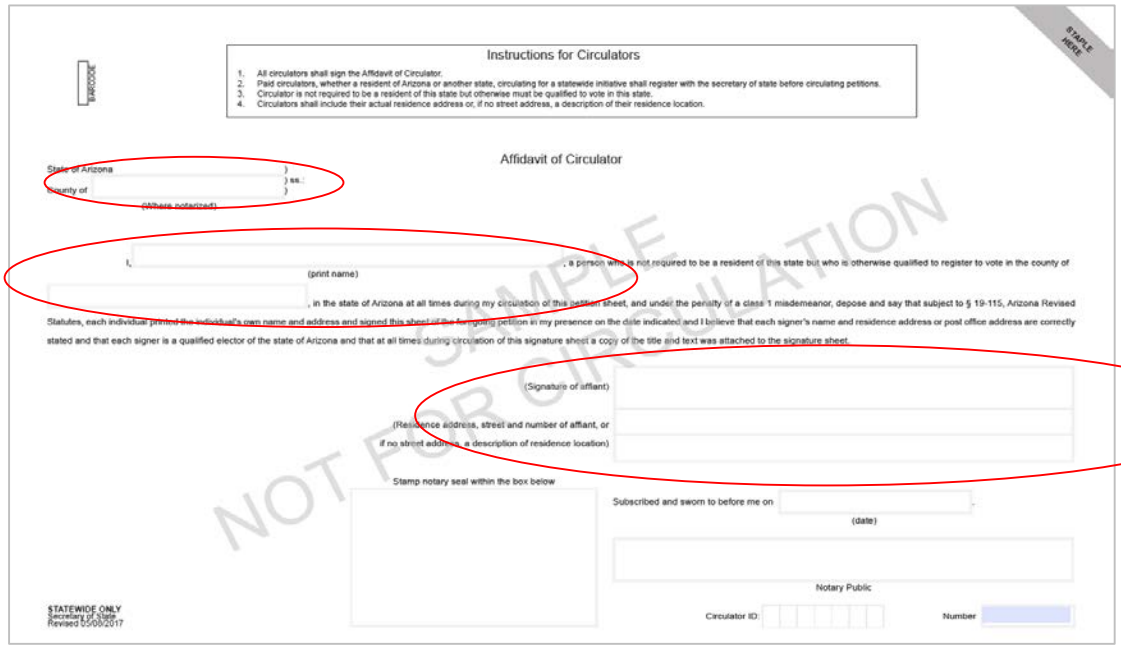
Circulator ID:

Number

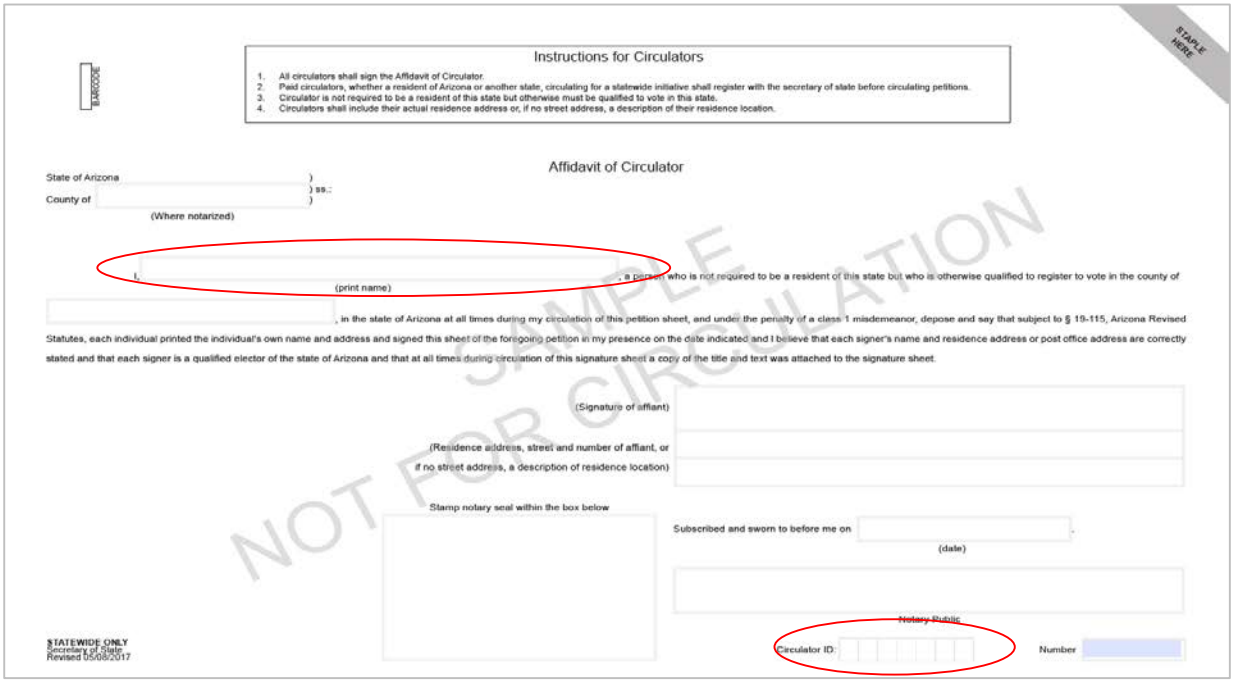
SAMPLE NOT FOR CIRCULATION

[89] A.R.S. § 19-121(A)(2); A.R.S. § 19-121.01(A)(1)(c).

2. The Secretary of State's Office will invalidate a petition sheet if the circulator affidavit is incomplete. A complete circulator affidavit must contain the petition circulator's name, signature, residential address and identify a county in both "county of" spaces on the back side of petition sheet:[90]

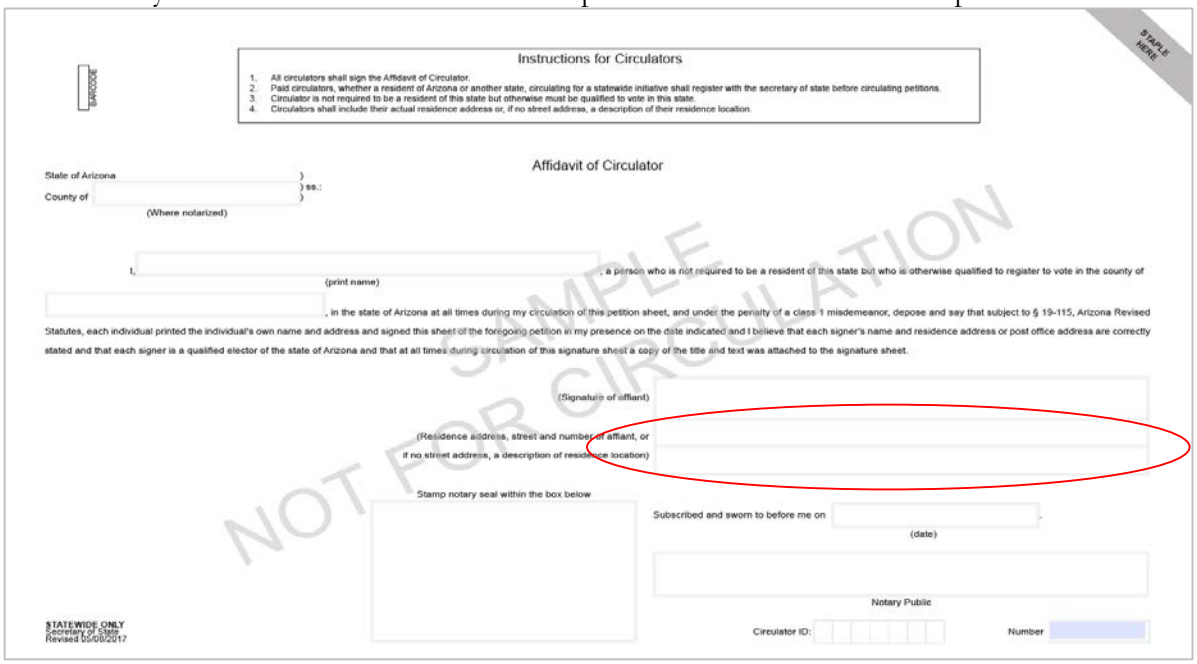


a. If the petition circulator is a paid or nonresident circulator, the petition circulator's name (and Circulator ID number) must be legible to enable the Secretary of State's Office to confirm the circulator was properly registered with the Secretary of State's Office prior to circulation. The Secretary of State's Office will invalidate a petition sheet if a paid or nonresident circulator's identity cannot be confirmed:[91]



[90] A.R.S. § 19-121.01(A)(1)(d). The Secretary of State's Office has no duty to verify the circulator's information.
[91] A.R.S. § 19-118(A); A.R.S. § 19-121.01(a)(1)(h); Ariz. Op. Atty. Gen. I87-145 (R87-171), at 4 (Nov. 6, 1987).

b. A residential address is sufficiently complete if it contains a house number, street name, and a city/town or a zip code. In lieu of a residential address, the circulator may provide a description of the circulator's residence location.[92] The circulator may list an out-of-state residence address but must include the state. The Secretary of State's Office will invalidate a petition sheet if the circulator provided a P.O. Box.



Instructions for Circulators

1. All circulators shall sign the Affidavit of Circulator.
2. Paid circulators, whether a resident of Arizona or another state, circulating for a statewide initiative shall register with the secretary of state before circulating petitions.
3. Circulator is not required to be a resident of this state but otherwise must be qualified to vote in this state.
4. Circulators shall include their actual residence address or, if no street address, a description of their residence location.

Affidavit of Circulator

State of Arizona)
) ss.:
County of)
(Where notarized)

I, (print name), a person who is not required to be a resident of this state but who is otherwise qualified to register to vote in the county of , in the state of Arizona at all times during my circulation of this petition sheet, and under the penalty of a class 1 misdemeanor, depose and say that subject to § 19-115, Arizona Revised Statutes, each individual printed the individual's own name and address and signed this sheet of the foregoing petition in my presence on the date indicated and I believe that each signer's name and residence address or post office address are correctly stated and that each signer is a qualified elector of the state of Arizona and that at all times during circulation of this signature sheet a copy of the title and text was attached to the signature sheet.

(Signature of affiant)

(Residence address, street and number of affiant, or if no street address, a description of residence location)

Stamp notary seal within the box below

Subscribed and sworn to before me on (date)

Notary Public

STATEWIDE ONLY
Secretary of State
Revised 05/08/2017

Circulator ID: Number

c. The circulator must list an Arizona county in both "county of" spaces on the back side of the petition sheet.[93] The Secretary of State's Office will invalidate a petition sheet if no county or a non-Arizona county is listed in either "county of" spaces on the back side of the petition sheet.

Instructions for Circulators

1. All circulators shall sign the Affidavit of Circulator.
2. Paid circulators, whether a resident of Arizona or another state, circulating for a statewide initiative shall register with the secretary of state before circulating petitions.
3. Circulator is not required to be a resident of this state but otherwise must be qualified to vote in this state.
4. Circulators shall include their actual residence address or, if no street address, a description of their residence location.

Affidavit of Circulator

State of Arizona)
) ss.:
County of)
(Where notarized)

I, (print name), a person who is not required to be a resident of this state but who is otherwise qualified to register to vote in the county of , in the state of Arizona at all times during my circulation of this petition sheet, and under the penalty of a class 1 misdemeanor, depose and say that subject to § 19-115, Arizona Revised Statutes, each individual printed the individual's own name and address and signed this sheet of the foregoing petition in my presence on the date indicated and I believe that each signer's name and residence address or post office address are correctly stated and that each signer is a qualified elector of the state of Arizona and that at all times during circulation of this signature sheet a copy of the title and text was attached to the signature sheet.

(Signature of affiant)

(Residence address, street and number of affiant, or if no street address, a description of residence location)

Stamp notary seal within the box below

Subscribed and sworn to before me on (date)

Notary Public

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Circulator ID: Number

[92] A.R.S. § 19-112(D).

[93] A.R.S. § 19-112(D) & (F); A.R.S. § 19-121.01(A)(1)(d). The two Arizona counties do not necessarily need to be the same counties. Additionally, the notary may be the individual to complete the county "Where notarized" in the upper-left corner.

3. The Secretary of State's Office will invalidate a petition sheet if the circulator affidavit has been modified and therefore does not match the following language in A.R.S. § 19-112(D):

> I, ____(print name)____, a person who is not required to be a resident of this state but who is otherwise qualified to register to vote in the county of _____, in the state of Arizona at all times during my circulation of this petition sheet, and under the penalty of a class 1 misdemeanor, depose and say that subject to section 19-115, Arizona Revised Statutes, each individual printed the individual's own name and address and signed this sheet of the foregoing petition in my presence on the date indicated and I believe that each signer's name and residence address or post office address are correctly stated and that each signer is a qualified elector of the state of Arizona (or in the case of a city, town or county measure, of the city, town or county affected by the measure proposed to be initiated or referred to the people) and that at all times during circulation of this signature sheet a copy of the title and text was attached to the signature sheet.[94]

Instructions for Circulators

1. All circulators shall sign the Affidavit of Circulator.
2. Paid circulators, whether a resident of Arizona or another state, circulating for a statewide initiative shall register with the secretary of state before circulating petitions.
3. Circulator is not required to be a resident of this state but otherwise must be qualified to vote in this state.
4. Circulators shall include their actual residence address or, if no street address, a description of their residence location.

Affidavit of Circulator

State of Arizona)
) ss.:
County of)
(Where notarized)

I, _____, a person who is not required to be a resident of this state but who is otherwise qualified to register to vote in the county of
(print name)
_____, in the state of Arizona at all times during my circulation of this petition sheet, and under the penalty of a class 1 misdemeanor, depose and say that subject to § 19-115, Arizona Revised Statutes, each individual printed the individual's own name and address and signed this sheet of the foregoing petition in my presence on the date indicated and I believe that each signer's name and residence address or post office address are correctly stated and that each signer is a qualified elector of the state of Arizona and that at all times during circulation of this signature sheet a copy of the title and text was attached to the signature sheet.

(Signature of affiant)

(Residence address, street and number of affiant, or if no street address, a description of residence location)

Stamp notary seal within the box below

Subscribed and sworn to before me on _____.
(date)

Notary Public

STATEWIDE ONLY
Secretary of State
Revised 05/05/2017

Circulator ID: Number

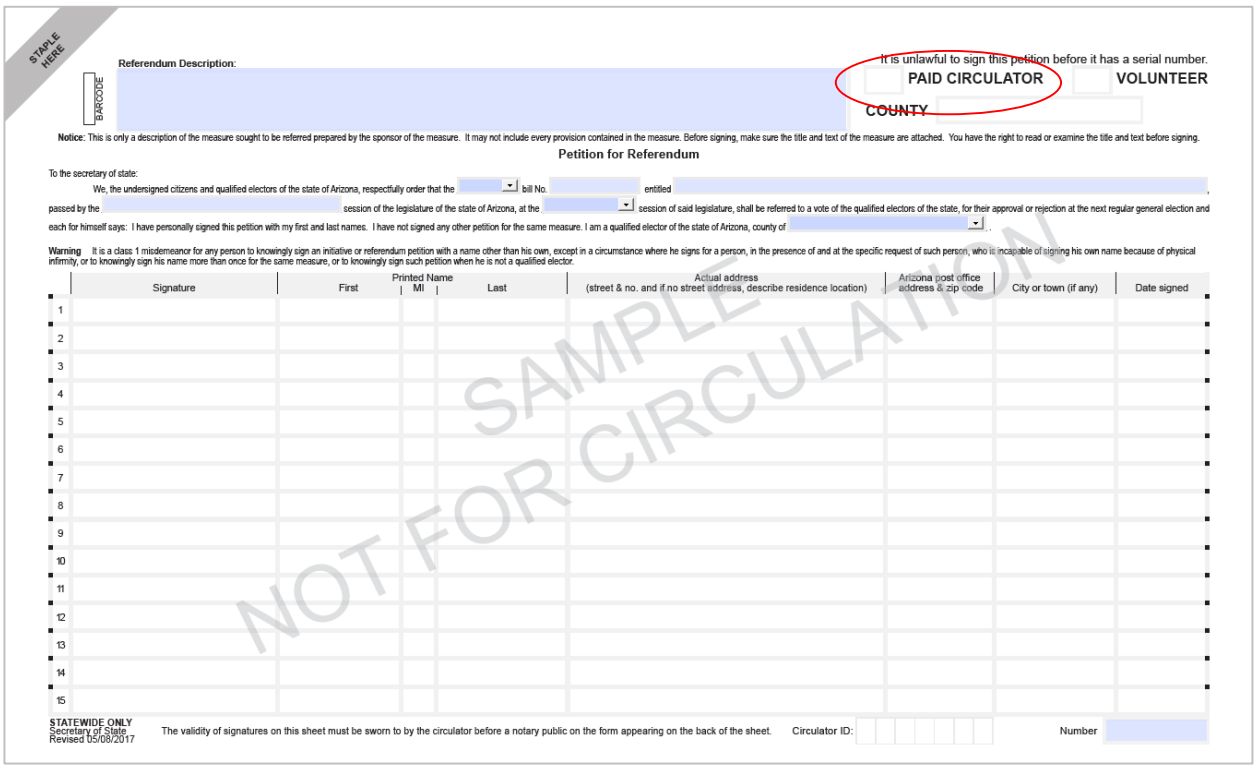
STAPLE HERE

SAMPLE NOT FOR CIRCULATION

4. The Secretary of State's Office will invalidate a petition sheet if the circulator was a paid or nonresident circulator but was not registered with the Secretary of State's Office prior to circulating the petition sheet.[95]

[94] A.R.S. § 19-112(F); A.R.S. § 19-121.01(A)(1)(d). For local initiatives and referenda, a sponsoring committee may be required to add additional language to the circulator affidavit. *See Feldmeier v. Watson*, 211 Ariz. 444 (2005); *Western Devcor, Inc. v. City of Scottsdale*, 168 Ariz. 426 (1991).
[95] A.R.S. § 19-118(A); A.R.S. § 19-121.01(A)(1)(h).

a. A petition circulator is deemed to be paid (and therefore required to register) if the "paid circulator" box is checked on the front side of the petition sheet:[96]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BARCODE

Referendum Description:

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

PAID CIRCULATOR VOLUNTEER

COUNTY

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

Petition for Referendum

To the secretary of state:

We, the undersigned citizens and qualified electors of the state of Arizona, respectfully order that the bill No. entitled , passed by the session of the legislature of the state of Arizona, at the session of said legislature, shall be referred to a vote of the qualified electors of the state, for their approval or rejection at the next regular general election and each for himself says: I have personally signed this petition with my first and last names. I have not signed any other petition for the same measure. I am a qualified elector of the state of Arizona, county of .

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

	Signature	Printed Name First	MI	Last	Actual address (street & no. and if no street address, describe residence location)	Arizona post office address & zip code	City or town (if any)	Date signed
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								

SAMPLE NOT FOR CIRCULATION

STATEWIDE ONLY
Secretary of State
Revised 05/08/2017

The validity of signatures on this sheet must be sworn to by the circulator before a notary public on the form appearing on the back of the sheet. Circulator ID: Number

However, the Secretary of State's Office recognizes an exception to the "paid" designation on the petition sheet. If a petition circulator is compensated on an hourly basis but does not meet the statutory definition of a "paid circulator" required to register with Secretary of State's Office, a circulator may:

- Check the "paid circulator" box on the front side of the petition sheet; and
- Write the word "hourly," "paid hourly," or a similar unambiguous notation near the "paid circulator" box.[97]

In addition, the committee sponsoring the statewide ballot measure should send a letter to the Secretary of State's Office (at the time of filing the petition) that identifies all hourly-compensated circulators by name and county of circulation.

Taking these steps will allow circulators to comply with Arizona law[98] and cause the Secretary of State to refrain from invalidating the specified petition sheets based on alleged failure to register pursuant to A.R.S. § 19-118(A).[99]

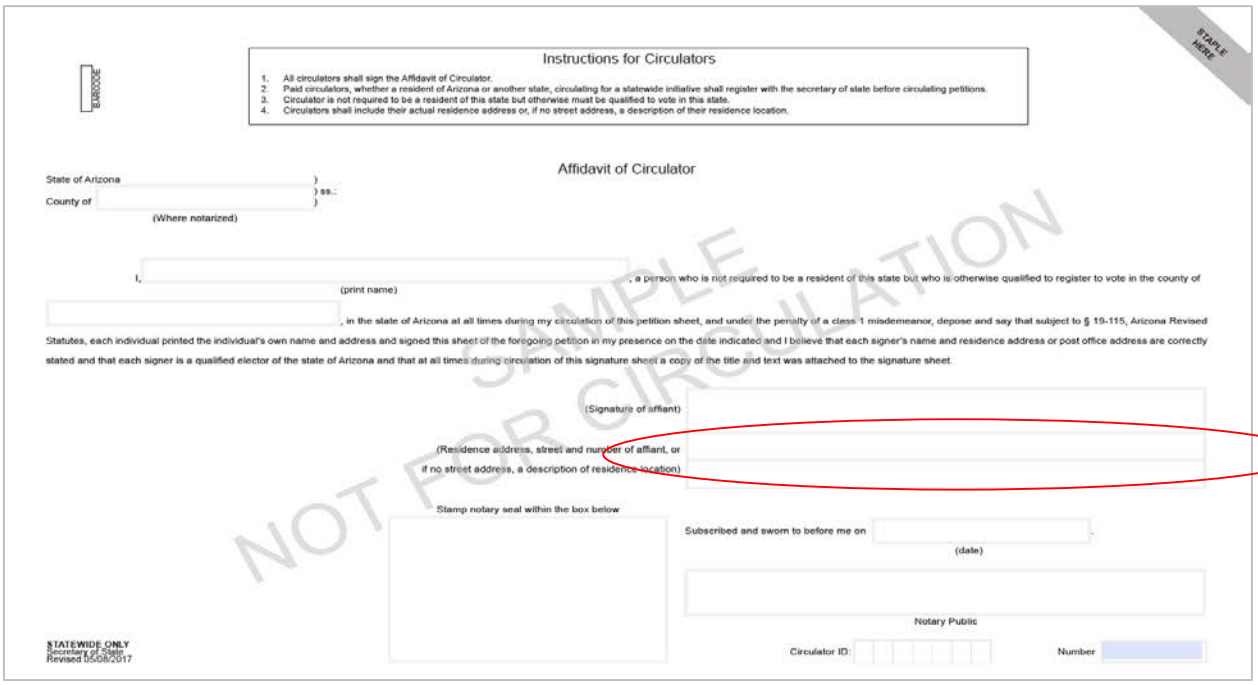
[96] A.R.S. § 19-102(C) & (D); A.R.S. § 19-118(A) & (F). The Secretary of State's Office must defer to the circulator's "paid" or "volunteer" selection on the petition sheet. Challenges to a circulator's "paid" or "volunteer" designation therefore should be made to a court, not the Secretary of State's Office.

[97] A "paid" circulator is generally defined as a person who is compensated based on the number of signatures obtained on a ballot measure petition, *see* A.R.S. § 19-118(F)(1), but it is now a criminal offense to compensate a statewide initiative or referendum petition circulator on a per-signature basis. A.R.S. § 19-118.01. Thus, in cases where a circulator is compensated hourly and did not voluntarily register with the Secretary of State, the circulator should select "paid circulator" on the front of the petition form and include a notation such as "hourly" or "paid hourly." *See* https://www.azsos.gov/about-office/media-center/azsosblog/610.

[98] A.R.S. § 19-101(D)-(E); A.R.S. § 19-102(D)-(E).

[99] Please note, this is an interim policy based on the current unsettled status of Arizona law with respect to "paid circulators." The Secretary of State therefore recommends that all *compensated* circulators register with the Secretary of State's Office in the spirit of A.R.S. § 19-118(A) in the abundance of caution.

b. A petition circulator is deemed to be a nonresident circulator if the circulator lists an out-of-state residential address in the affidavit on the back side of the petition sheet:



Instructions for Circulators

1. All circulators shall sign the Affidavit of Circulator.
2. Paid circulators, whether a resident of Arizona or another state, circulating for a statewide initiative shall register with the secretary of state before circulating petitions.
3. Circulator is not required to be a resident of this state but otherwise must be qualified to vote in this state.
4. Circulators shall include their actual residence address or, if no street address, a description of their residence location.

STAPLE HERE

BARCODE

Affidavit of Circulator

State of Arizona)
) ss.:
County of)
(Where notarized)

I, (print name), a person who is not required to be a resident of this state but who is otherwise qualified to register to vote in the county of , in the state of Arizona at all times during my circulation of this petition sheet, and under the penalty of a class 1 misdemeanor, depose and say that subject to § 19-115, Arizona Revised Statutes, each individual printed the individual's own name and address and signed this sheet of the foregoing petition in my presence on the date indicated and I believe that each signer's name and residence address or post office address are correctly stated and that each signer is a qualified elector of the state of Arizona and that at all times during circulation of this signature sheet a copy of the title and text was attached to the signature sheet.

(Signature of affiant)

(Residence address, street and number of affiant, or if no street address, a description of residence location)

Stamp notary seal within the box below

Subscribed and sworn to before me on (date).

Notary Public

STATEWIDE ONLY
Secretary of State
Revised 05/08/2017

Circulator ID:

Number

SAMPLE NOT FOR CIRCULATION

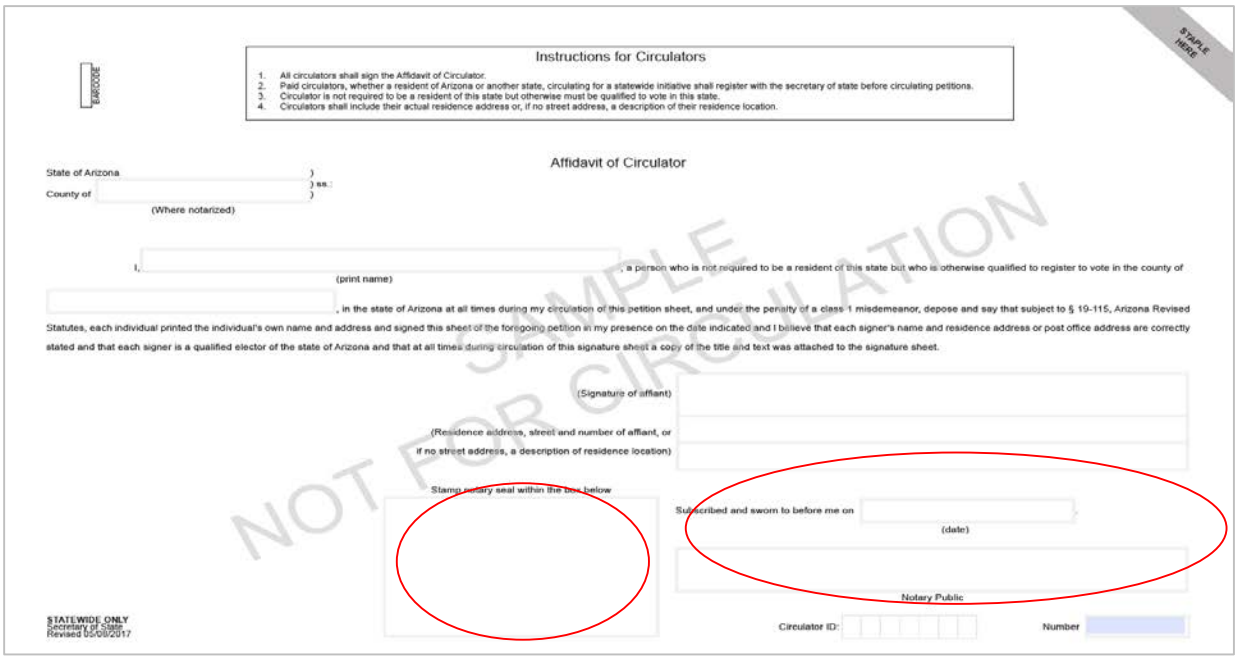
c. If a petition circulator is a paid or nonresident circulator, the Secretary of State's Office verifies the circulator's name and date of registration against the official list of registered petition circulators for a particular initiative or referendum.[100] A petition circulator is deemed registered as of the date and time the Secretary of State's Office confirms the registration in writing via the Secretary of State's Circulator Portal.

d. The Secretary of State's Office will invalidate a petition sheet if the paid or nonresident circulator was not properly registered with the Secretary of State's Office before the earliest-dated signature was obtained on the front side of a petition sheet.[101]

e. The Secretary of State's Office will not invalidate a petition sheet based on alleged defects in the circulator's electronic registration. For example, the Secretary of State's Office has no information whether a circulator's address is complete or whether a circulator meets the qualifications for registration. Challenges to a circulator's registration status therefore should be made to a court, not the Secretary of State's Office.[102]

[100] In cases where a circulator checks "paid circulator" on the front of a petition sheet and includes a contemporaneous notation such as "hourly" or "paid hourly," *see* https://www.azsos.gov/about-office/media-center/azsosblog/610, the Secretary of State's Office will refrain from invalidating a petition sheet based on alleged failure to register as a circulator pursuant to A.R.S. § 19-118(A).
[101] A.R.S. § 19-118(A); A.R.S. § 19-121.01(A)(1)(h).
[102] A.R.S. § 19-118(D).

5. The Secretary of State's Office will invalidate a petition sheet if the notary information is missing or incomplete. Complete notary information means the back side of the petition sheet contains the notary's signature, the notary's seal, the date of notarization, and the notary's commission is not expired:[103]



a. The Secretary of State's Office will invalidate a petition sheet if the notary's commission expired before the earliest-dated signature was obtained on the front side of the petition sheet.[104]

b. If the notary's commission expired between the dates of the signatures on the front side of the petition sheet, the Secretary of State's Office will treat this as a signature elimination issue and will not invalidate the entire petition sheet.[105]

c. A notary must sign the petition sheet consistent with the signature on his or her notary application and bond. However, the Secretary of State's Office does not conduct any signature comparison and will not invalidate a petition sheet due to an alleged non-matching notary signature (whether compared to the application, the bond, or the notary seal itself).

[103] A.R.S. § 19-121.01(A)(1)(e).
[104] A.R.S. § 19-121.01(A)(1)(e).
[105] A.R.S. § 19-121.01(A)(1)(e); Ariz. Op. Atty. Gen. I87-145 (R87-171), at 3-4 (Nov. 6, 1987). *See* Chapter 2, § 2.3.3.2.

6. The Secretary of State's Office will invalidate a petition sheet if the notarization date (on the "subscribed and sworn" line on the back side of the petition sheet) is dated prior to all the dates of the signatures obtained on the front side of the petition sheet:[106]

Instructions for Circulators

1. All circulators shall sign the Affidavit of Circulator.
2. Paid circulators, whether a resident of Arizona or another state, circulating for a statewide initiative shall register with the secretary of state before circulating petitions.
3. Circulator is not required to be a resident of this state but otherwise must be qualified to vote in this state.
4. Circulators shall include their actual residence address or, if no street address, a description of their residence location.

STAPLE HERE

Affidavit of Circulator

State of Arizona)
) ss.:
County of)
(Where notarized)

I, (print name), a person who is not required to be a resident of this state but who is otherwise qualified to register to vote in the county of , in the state of Arizona at all times during my circulation of this petition sheet, and under the penalty of a class 1 misdemeanor, depose and say that subject to § 19-115, Arizona Revised Statutes, each individual printed the individual's own name and address and signed this sheet of the foregoing petition in my presence on the date indicated and I believe that each signer's name and residence address or post office address are correctly stated and that each signer is a qualified elector of the state of Arizona and that at all times during circulation of this signature sheet a copy of the title and text was attached to the signature sheet.

(Signature of affiant)

(Residence address, street and number of affiant, or if no street address, a description of residence location)

Stamp notary seal within the box below

Subscribed and sworn to before me on (date)

Notary Public

STATEWIDE ONLY
Secretary of State
Revised 05/08/2017

Circulator ID:

Number

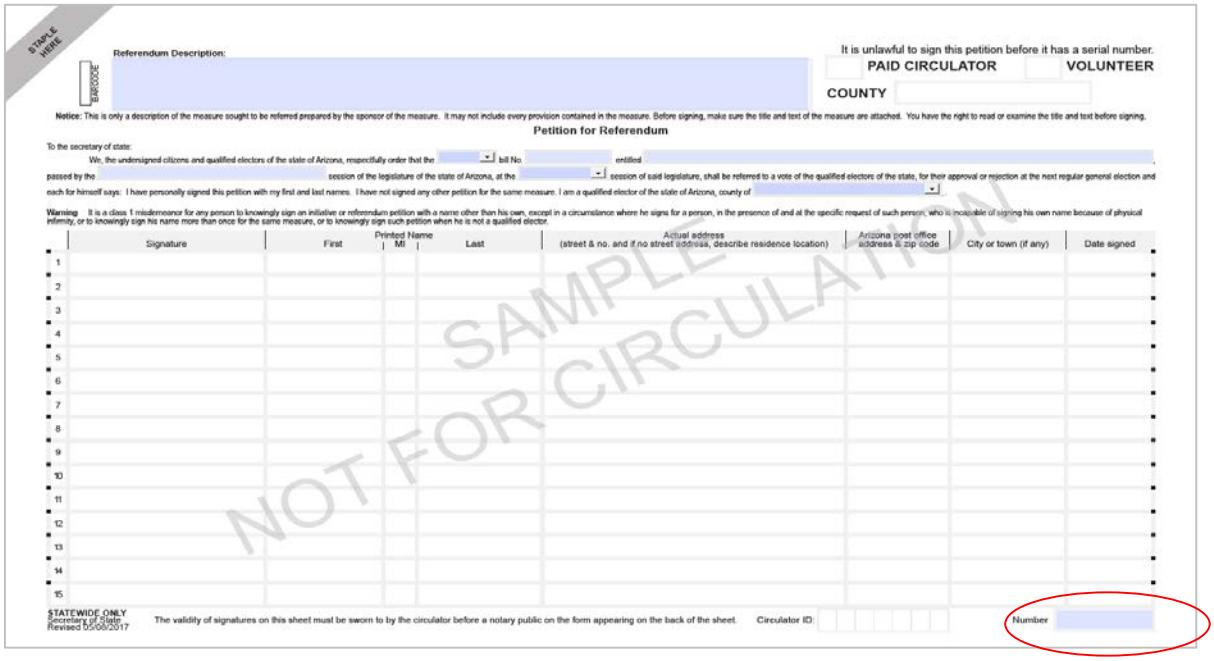
SAMPLE NOT FOR CIRCULATION

2.3.2 Front Side Sheet Eliminations

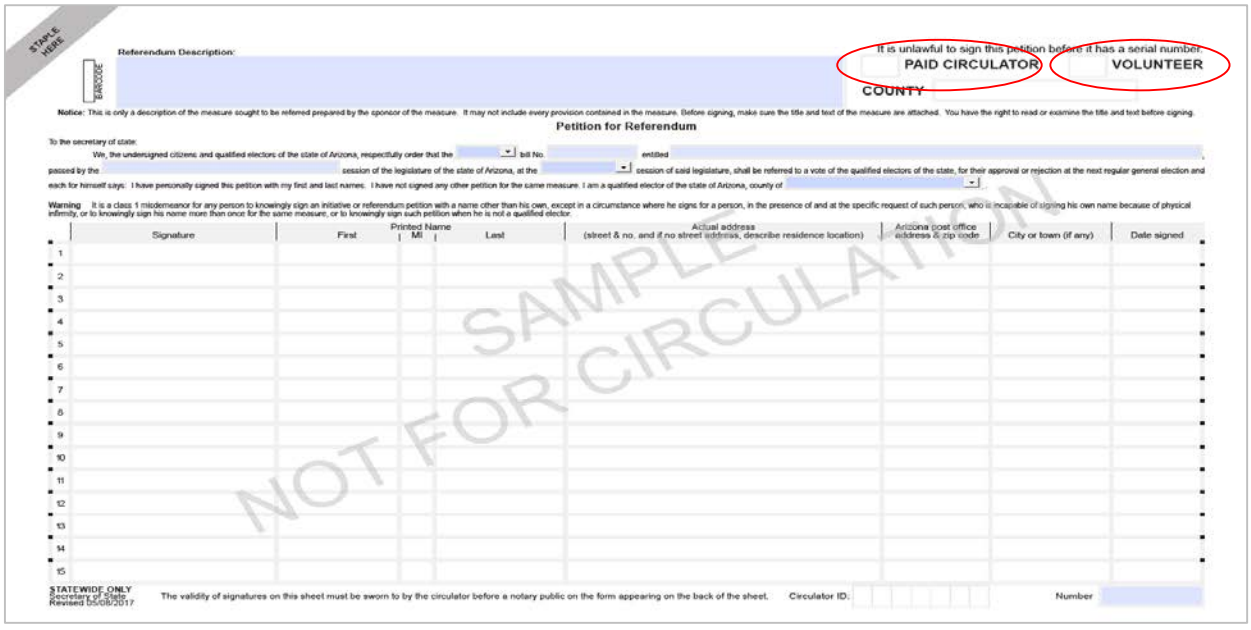
The Secretary of State's Office reviews the front side of a petition sheet after the back side review is complete. The Secretary of State's Office disqualifies a petition sheet for any of the following reasons.

[106] A.R.S. § 19-121.01(A)(1)(f).

1. The Secretary of State's Office will invalidate a petition sheet if the sheet is missing a serial number, contains an incomplete serial number, or contains an incorrect serial number on the front side:[107]



2. The Secretary of State's Office will invalidate a petition sheet if the "paid circulator" or "volunteer" boxes are missing or neither box has been selected.[108] If both boxes are selected, the Secretary of State's Office will deem the petition circulator to be paid and will verify the circulator's registration status:[109]



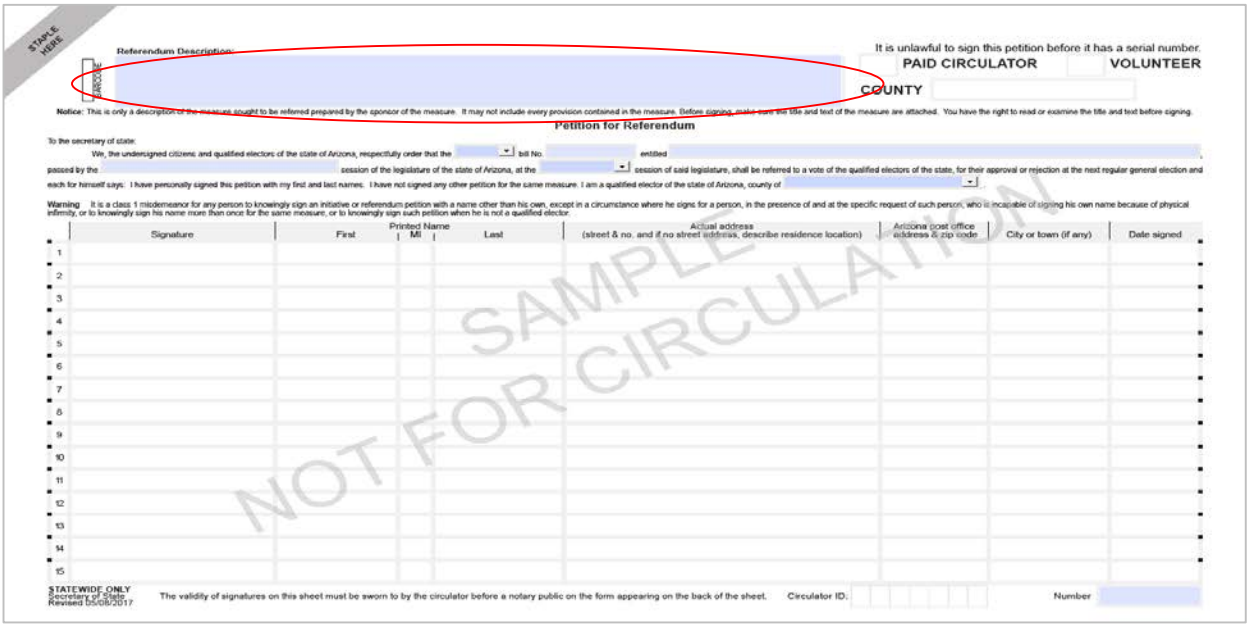
[107] A.R.S. § 19-121(A)(2); A.R.S. § 19-121.01(A)(1)(c).
[108] A.R.S. § 19-102(C)-(D); A.R.S. § 19-118(A), (F).
[109] In cases where a circulator checks "paid circulator" on the front of a petition sheet and includes a contemporaneous notation such as "hourly" or "paid hourly," *see* https://www.azsos.gov/about-office/media-center/azsosblog/610, the Secretary of State's Office will refrain from invalidating a petition sheet based on alleged failure to register as a circulator pursuant to A.R.S. § 19-118(A).

a. The Secretary of State's Office will accept any type of visible, intentional mark on the "paid circulator" or "volunteer" line. No particular check mark or "X" is necessary.

b. The Secretary of State's Office must defer to the circulator's "paid circulator" or "volunteer" selection on the petition sheet. Challenges to the veracity of a circulator's "paid" or "volunteer" designation therefore should be made to a court, not the Secretary of State's Office.[110]

The Secretary of State's Office does not have authority to reject a petition sheet based on the following legal deficiencies.[111]

1. The Secretary of State's Office does not have authority to reject a petition sheet based on a missing 100-word summary or summary that does not match the official summary submitted to the Secretary of State's Office at the time of application for a serial number:[112]

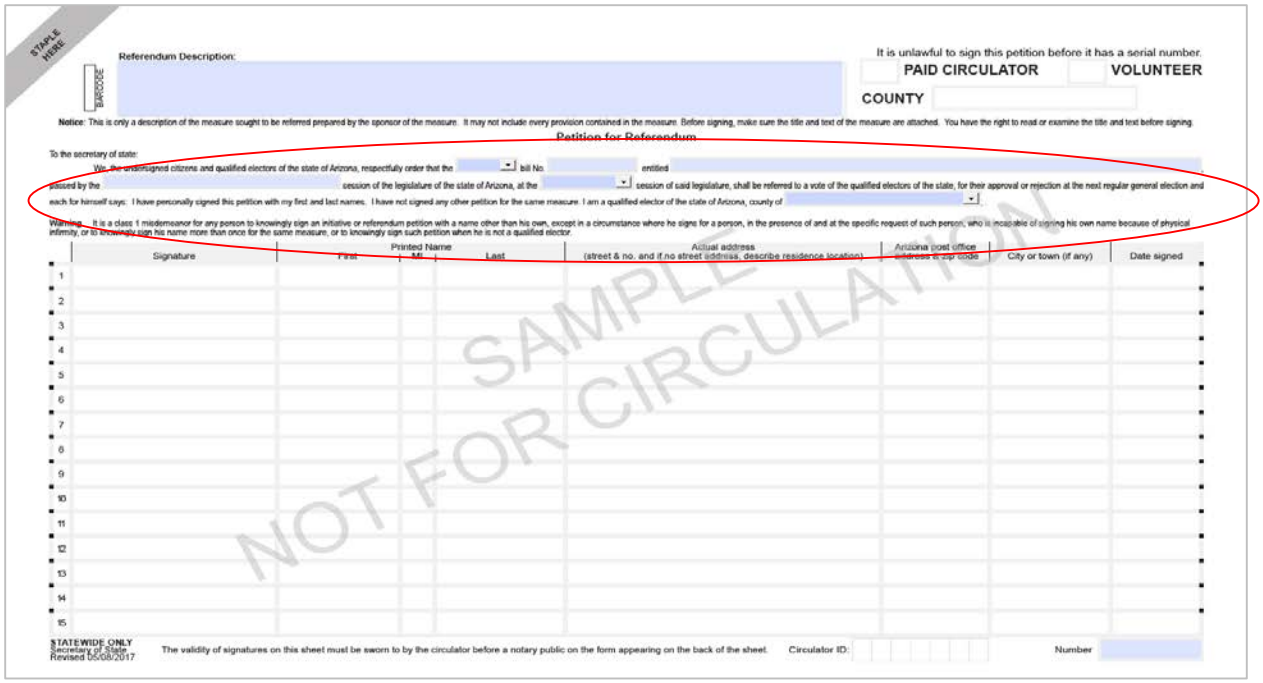


[110] A.R.S. § 19-118(D).

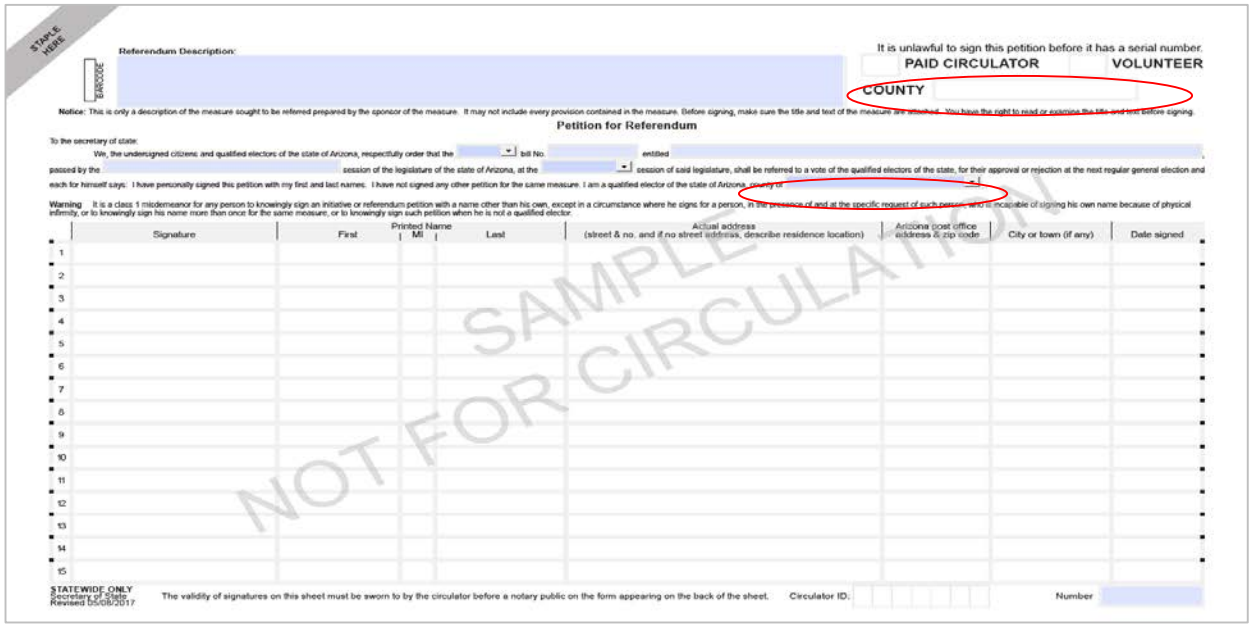
[111] The foregoing legal deficiencies are not explicitly or implicitly referenced in A.R.S. § 19-121.01 (the statute that governs the Secretary of State's duty to invalidate petition sheets and signatures), therefore these legal deficiencies must be reviewed by an Arizona court.

[112] A.R.S. § 19-101(A); A.R.S. § 19-102(A). The Secretary of State's Office also lacks authority to review the accuracy of the 100-word summary or whether it properly summarizes the "principal" provisions of the measure to be initiated or referred.

2. The Secretary of State's Office does not have authority to reject a petition sheet based on a petition caption, a modified petition caption, or a caption that contains misleading or inaccurate information:[113]

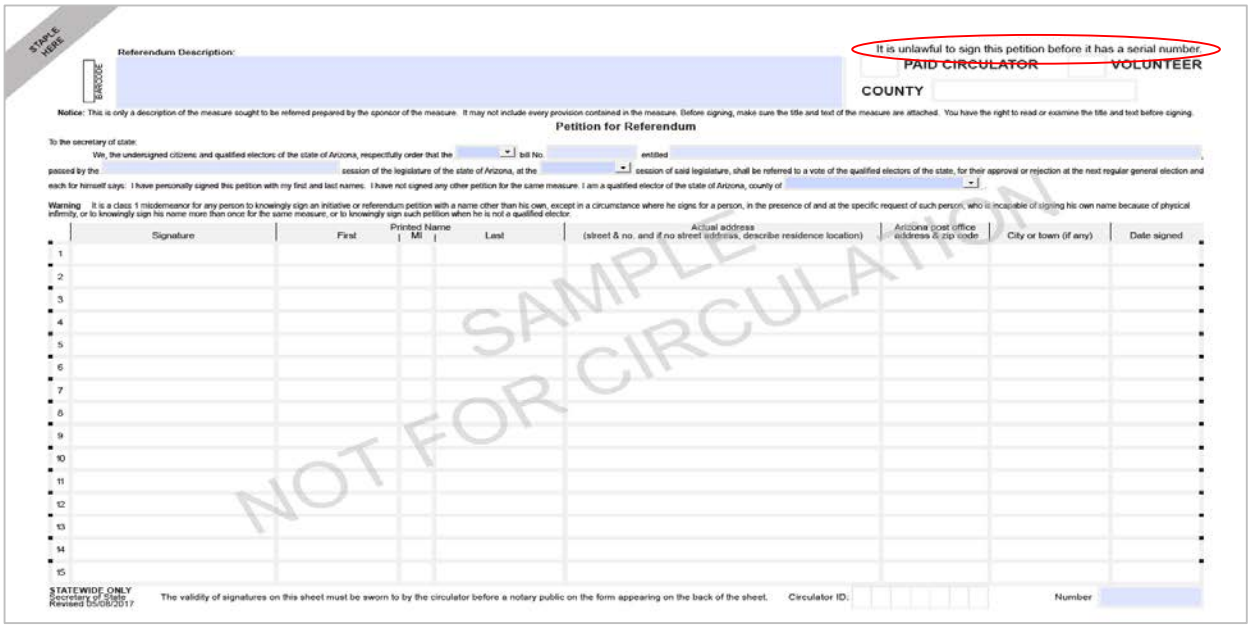


3. The Secretary of State's Office does not have authority to reject a petition sheet based on a missing county in the petition caption:[114]



[113] A.R.S. § 19-101(A); A.R.S. § 19-102(A).
[114] A.R.S. § 19-101(A); A.R.S. § 19-102(A).

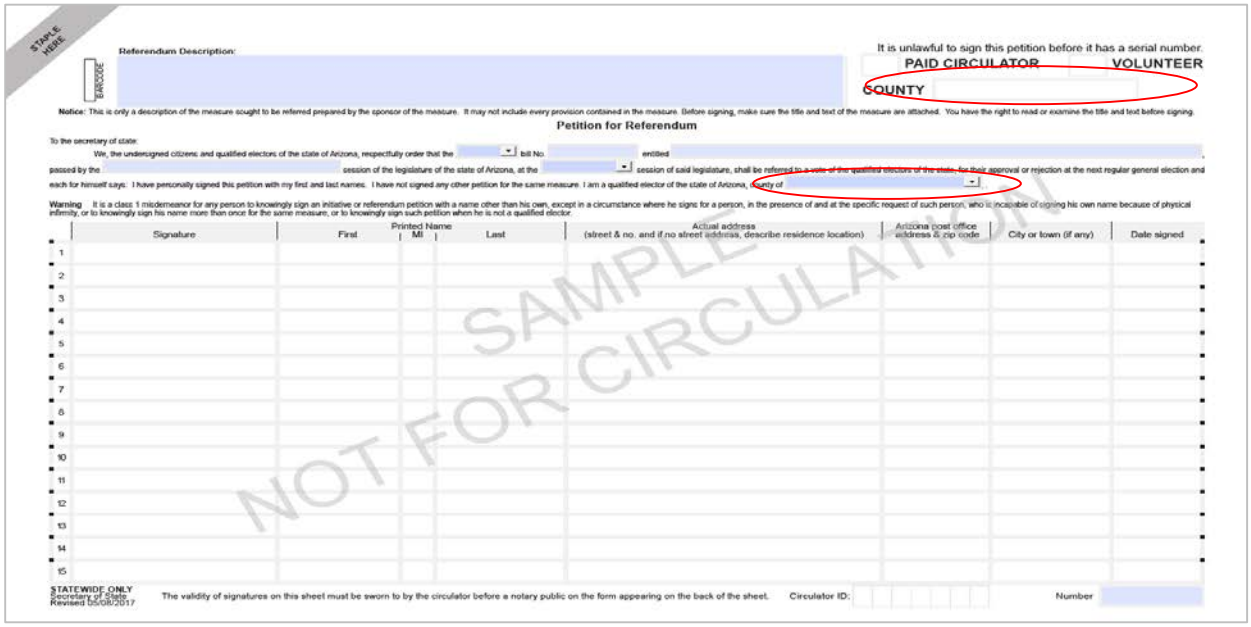
4. The Secretary of State's Office does not have authority to reject a petition sheet based on missing warning language that "It is unlawful to sign this petition before it has a serial number":[115]



2.3.3 Front Side Signature Eliminations

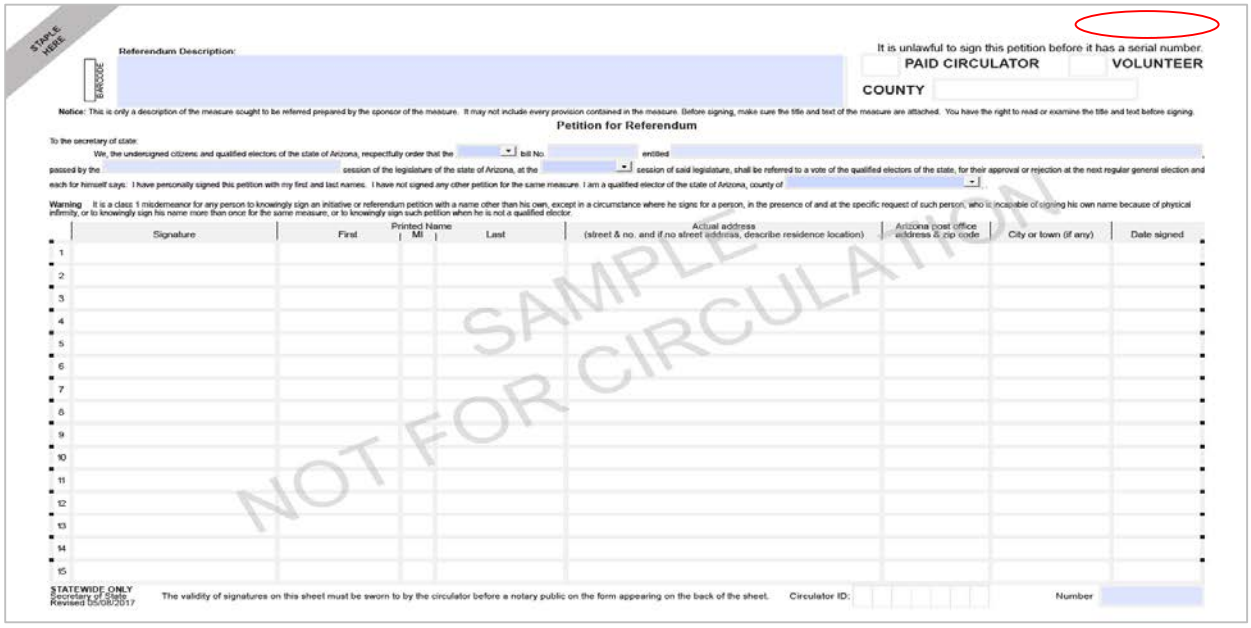
2.3.3.1 Out-of-County Signature Eliminations

In reviewing petition signatures, the Secretary of State's Office presumptively assumes that the signers of a petition sheet reside in the county listed in the caption of the petition sheet:



[115] A.R.S. § 19-101(B); A.R.S. § 19-102(B).

Accordingly, the Secretary of State's Petition Management Software digitallys print that three-letter county code in the upper right-corner of each petition image:[116]



The following county codes are utilized:

- Apache County: Ape
- Cochise County: Chs
- Coconino County: Ccn
- Gila County: Gil
- Graham County: Grm
- Greenlee County: Gre
- La Paz County: Lpz
- Maricopa County: Mar
- Mohave County: Mhv
- Navajo County: Nav
- Pinal County: Pnl
- Pima County : Pim
- Santa Cruz County: Snc
- Yavapai County: Yav
- Yuma County: Yum

The Secretary of State's Office next reviews each signature line to verify the signer resides in the county designated at the top of the petition sheet. Any signature line printed by a signer that appears to reside in a different county than listed on the top of the petition sheet will be invalidated.[117]

[116] A.R.S. § 19-121.01(A)(2)(a).

[117] A.R.S. § 19-112(C); A.R.S. § 19-121.01(A)(2)(b). The Secretary of State electronically invalidates an individual signature line in the Petition Management Software. The Petition Management Software will strike the signature line in red and place the acronym "SS" to the right of the stricken line. A.R.S. § 19-121.01(A)(2)(b). Crossed-out or blank signature lines will show as dashed red lines.

The Secretary of State's Office does not have a duty to research whether each individual address falls within the designated county's boundary, but will verify that the signer's city or town falls within the designated county.[118] For cities or towns that straddle county lines (such as Queen Creek or Sedona), the Secretary of State's Office will assume the signer resides in the county designated at the top of the petition sheet without researching whether the specific street address falls within the designated county.[119]

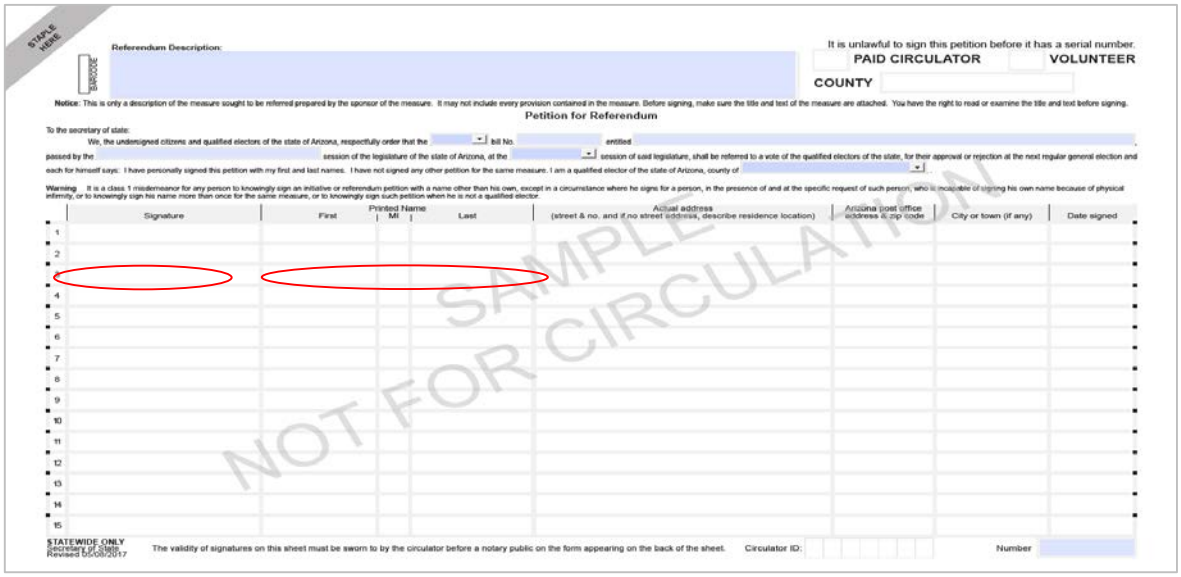
In rare cases, a majority of signers on the petition sheet may reside (based on the city or town listed) in a different county than what was designated at the top of the petition sheet. In that case, the Secretary of State's Office will change the county code to the majority county and invalidate signature lines printed by signers that do not reside in the majority county.[120]

Petition sheets will remain electronically organized in the Secretary of State's Petition Management Software based on the three-letter county code.[121]

2.3.3.2 Individual Signature Eliminations

Once the county of the majority of signers has been established, the Secretary of State's Office electronically disqualifies additional petition signatures for any of the following reasons:

1. The Secretary of State's Office will invalidate a petition signature line if the signature or printed name of the petition signer is missing:[122]

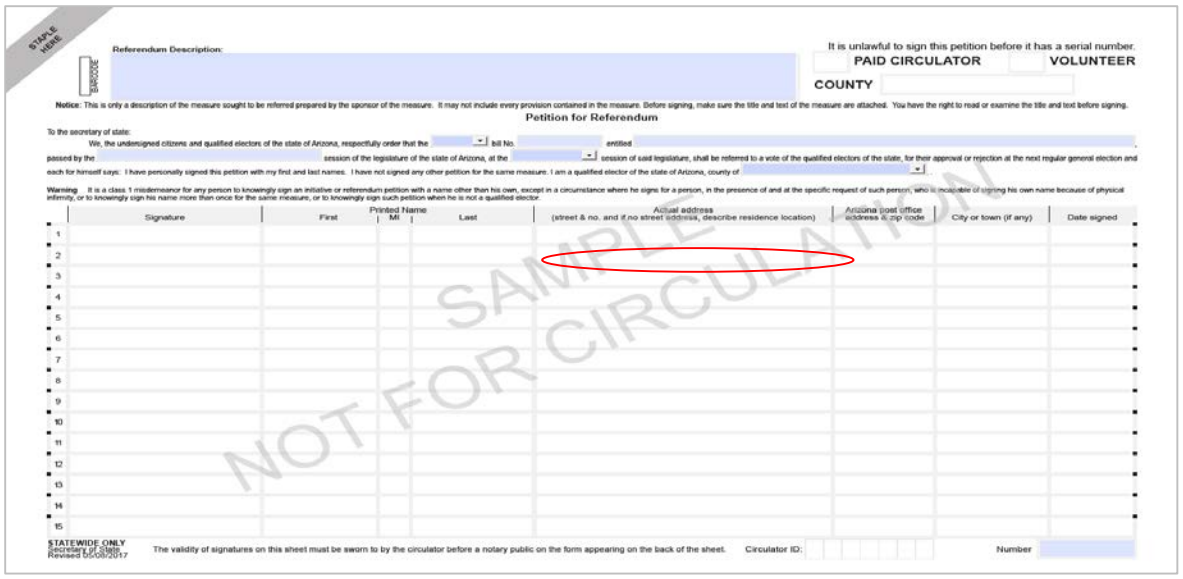


[118] If the city or town are missing, the Secretary of State's Office will verify that the signer's zip code falls within the designated county.
[119] For example, if a signer listed Sedona as his or her city and signed a petition bearing a Coconino County, the Secretary of State's Office will assume the signer's residential address falls within Coconino County's boundaries.
[120] A.R.S. § 19-121.01(A)(2)(b). For example, if there are 15 signatures on a petition sheet designated as being collected in Maricopa County, but 8 of the 15 signature lines list a city or town in Pima County, the petition sheet will be re-coded as a Pima County petition sheet and the signature lines containing a city or town in Maricopa County will be stricken.
[121] A.R.S. § 19-121.01(A)(2)(c).
[122] A.R.S. § 19-121.01(A)(3)(a).

a. The Secretary of State's Office will invalidate a signature line if both the printed first and last name are missing or the printed name is illegible.[123] The Secretary of State's office will not invalidate a signature line if the printed first and last names are printed in the wrong columns.[124]

b. The Secretary of State's Office will not invalidate a signature line if the signature is illegible. Nor will the Secretary of State's Office invalidate a signature line if the printed name is printed in the "signature" column and/or the signature is printed in the "printed name" column.

2. The Secretary of State's Office will invalidate a petition signature line if the residence address is missing, a description of the residence location is missing, or a P.O. Box is listed in lieu of a residence address or location:[125]



a. If the signer provided any information that could be reasonably construed as a street name or street number, the Secretary of State's Office will not invalidate the signature line.[126]

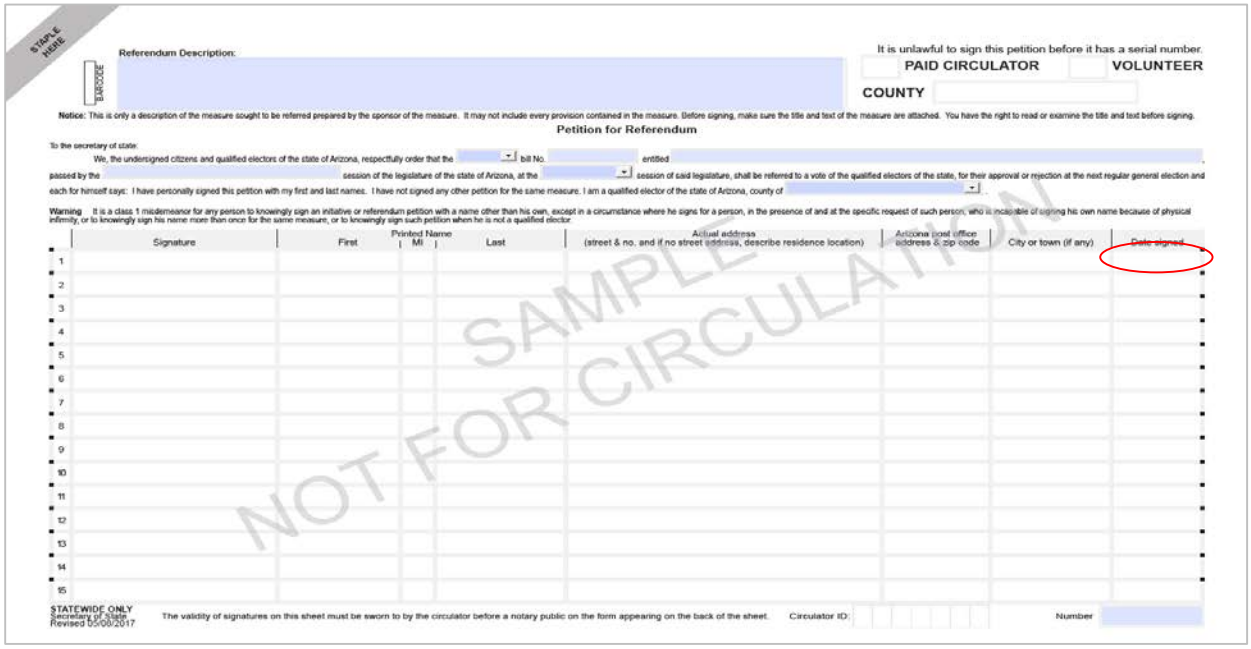
b. The Secretary of State's Office will invalidate a signature line if both the city/town and zip code are missing.

c. The Secretary of State's Office will not invalidate a signature line that uses quotation marks or "ditto marks" to incorporate the address from the signature line immediately above.[127]

d. The Secretary of State's Office will not invalidate a signature line if the signer writes "protected address" or uses substantially similar language in lieu of printing a residential address.[128]

[123] *Whitman v. Moore*, 59 Ariz. 211, 230 (1942).
[124] For example, a signature line that has the first name in the "last name" column and last name in the "first name" column will not be invalidated.
[125] A.R.S. § 19-121.01(A)(3)(b).
[126] Ariz. Const. art. 4, pt. 1 § 1(9); *Jenkins v. Hale*, 218 Ariz. 561, 564 (2008). The Secretary of State's Office will not invalidate a signature line if the street type (such as "lane," "boulevard," or "circle") is missing.
[127] *Whitman v. Moor*e, 59 Ariz. 211, 232 (1942).
[128] A.R.S. § 16-153; A.R.S. § 41-161. If the signature line is later sampled, the County Recorder must verify whether the signer is a qualified elector and secured registrant pursuant to A.R.S. § 16-153. (If the signer is a secured registrant through the Secretary of State's Address Confidentiality Program, the County Recorder is prohibited from finding a valid signature because to do so would publicly confirm the signer's county of residence.) If the County Recorder determines the signer is not a secured registrant pursuant to A.R.S. § 16-153, the County Recorder must find the signature to be invalid even if the signer is a qualified elector.

3. The Secretary of State's Office will invalidate a petition signature line if the petition signature date is missing:[129]



   a. The Secretary of State's Office will invalidate a signature line that does not contain the day or month of signing.[130] The Secretary of State's Office will not invalidate a signature line that does not contain the year of signing.[131]

   b. The Secretary of State's Office will not invalidate a signature line that uses quotation marks or "ditto marks" to incorporate the date from the signature line immediately above.[132]

4. The Secretary of State's Office will invalidate a petition signatures has been withdrawn.[133]

   a. A signer may withdraw his or her name from an initiative or referendum petition up until 5:00 p.m. on the date that the petition sheet containing the signature was filed with the Secretary of State's Office.[134] A circulator is not authorized to withdraw or cross-out petition signatures.

   b. A signer may withdraw his or her name from an initiative or referendum petition by:

      - Drawing a line through the signature and printed name on the petition itself at the time of signing;[135] or
      - Submitting or mailing a signed, notarized statement of intent to withdraw the petition signature to the Secretary of State's Office.[136] The signer must specify the initiative or referendum petition serial number, the county where the petition was circulated, and the date of signing the petition in order to enable the Secretary of State's Office to locate the signature to be withdrawn.

[129] A.R.S. § 19-121.01(A)(3)(c).
[130] *Meyers v. Bayless*, 192 Ariz. 376, 378 (1998).
[131] *Energy Fuels Nuclear, Inc. v. Coconino County*, 159 Ariz. 210, 213 (1988).
[132] *Whitman v. Moor*e, 59 Ariz. 211, 232 (1942).
[133] A.R.S. § 19-113(C); A.R.S. § 19-121.01(A)(3)(e).
[134] A.R.S. § 19-113(A).
[135] A.R.S. § 19-113(B)(3).
[136] A mailing must be sent to Secretary of State's Office, Election Services Division, 1700 W. Washington Street, 7th Floor, Phoenix, AZ 85007.

5. The Secretary of State's Office will invalidate a petition signature line if where it reasonably appears (based on handwriting comparison) that the circulator wrote or completed any aspect of the signature line on the signer's behalf.[137]

6. The Secretary of State's Office will invalidate petition signatures obtained after the notary notarized the back side of the petition.[138]

7. The Secretary of State's Office will invalidate petition signatures in excess of 15 signatures on a petition sheet.[139]

   - If a petition line has been withdrawn or crossed-out by a petition signer, the Secretary of State's Office may count a valid signature that appears below the 15th signature line on the petition sheet.[140]

8. The Secretary of State's Office will invalidate petition signatures obtained before the date the petition serial number was issued by the Secretary of State's Office.[141]

On the other hand, the Secretary of State's Office does not have authority to reject signatures that were obtained before the date of the sponsoring committee's statement of organization.[142]

2.4 Preparing Signatures for County Recorder Verification

2.4.1 Determining Whether Petition Qualifies for County Recorder Verification

The Secretary of State's Office performs the following steps to determine whether signatures may be transmitted for County Recorder verification:

1. The Secretary of State's Office counts the number of signature lines on each valid petition sheet that have not been stricken via the Secretary of State's Office's Petition Management Software, and ensures that total is placed in the upper right-hand corner of the front side of each petition sheet image.[143]
2. The Secretary of State's Office counts the total number of petition sheets and signatures eligible for County Recorder verification.[144]
3. The Secretary of State's Office determines whether the signatures eligible for verification exceeds the constitutional minimum.[145]

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[137] A.R.S. § 19-112(A) & (C); A.R.S. § 19-121.01(A)(3)(f). The Secretary of State's Office lacks authority to invalidate petition signature lines that appear to be printed by the same person but who is not the petition circulator.
[138] A.R.S. § 19-121.01(A)(3)(c).
[139] A.R.S. § 19-121.01(A)(3)(d).
[140] The Secretary of State's Office will not review a signature written below the 15th signature line based on the Secretary's invalidation of one or more signatures contained in lines 1 through 15.
[141] A.R.S. § 19-111(B); A.R.S. § 19-121.01(a)(3)(c).
[142] A.R.S § 19-114(B) provides that signatures obtained on initiative and referendum petitions prior to the filing of the committee's statement of organization are void. However, a complementary provision was removed from A.R.S. § 19-121.01 by Laws 2016, Ch. 79, § 23, and therefore the Secretary of State's Office now lacks the statutory authority to invalidate signatures on this basis.
[143] A.R.S. § 19-121.01(A)(4). The Secretary of State's Petition Management Software automatically updates the valid signature total in the upper right-hand corner based on signature eliminations conducted by the Secretary of State's Office.
[144] A.R.S. § 19-121.01(A)(6). The Secretary of State's Petition Management Software automatically counts the number of petition sheets and signatures based on eliminations conducted by the Secretary of State's Office. Each petition sheet has been physically and electronically Bates Labeled upon being scanned into the Secretary of State's Petition Management Software, therefore the sheets are not re-numbered after the Secretary of State's Office has completed the sheet and signature count. *See* A.R.S. § 19-121.01(A)(5).
[145] *See* Chapter 1, § 1.2.7.2.

- If the constitutional minimum is met, the Secretary of State's Office conducts a random sample and issues a receipt to the sponsoring committee that includes the following information:[146]
  - The total number of signatures invalidated by the Secretary of State's Office;
  - The total number of signatures that remain eligible for County Recorder verification (this number must exceed the constitutional minimum);
  - The total number of signatures that have been randomly sampled and transmitted to each County Recorder;[147]
  - A projection of how many randomly sampled signatures must be verified by the County Recorders in order for the measure to qualify for the ballot; and
  - The deadline for County Recorder review.
- If the constitutional minimum is not met, the Secretary of State's Office will issue a receipt to the sponsoring committee stating that the measure is not eligible for placement on the ballot, and will cease further processing of the initiative or referendum petition.[148]

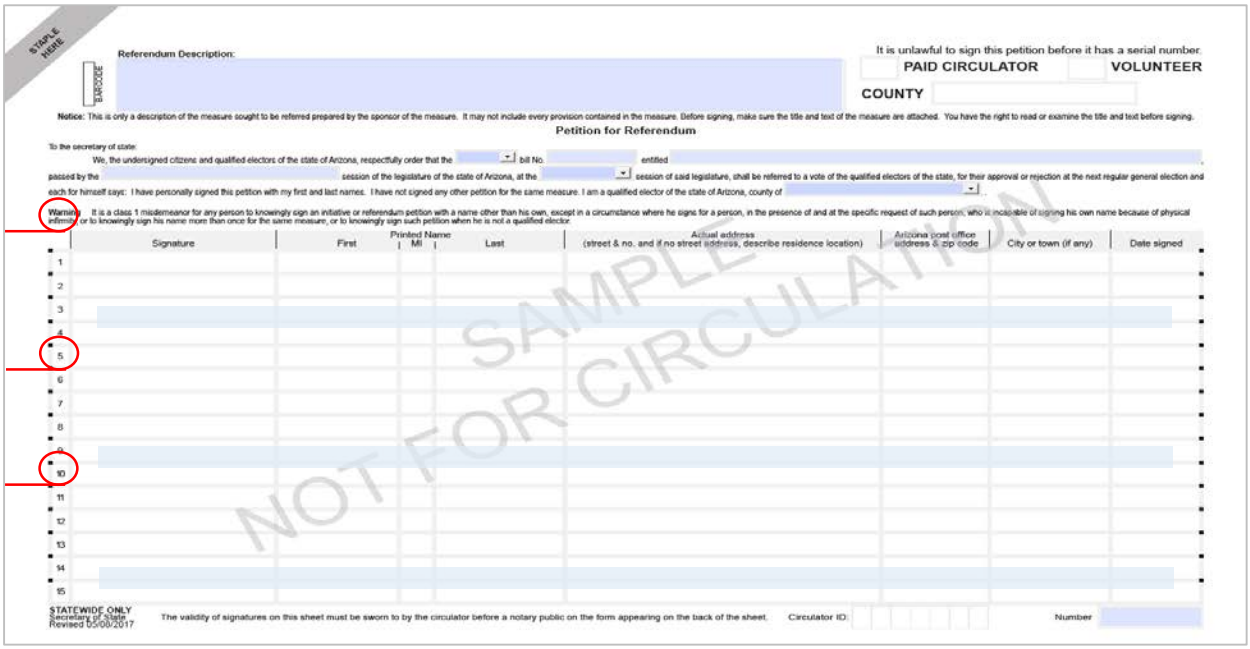
The Secretary of State's Office must complete this process within 20 business days of when the initiative or referendum was filed with the Secretary of State's Office.[149]

2.4.2 Conducting a Random Sample

If the constitutional minimum has been met,[150] the Secretary of State's Office will promptly conduct a 5% random sample in order to select signatures for further verification by County Recorders:[151]

- The Secretary of State's Petition Management Software will randomly select 5% of eligible signatures across all petition sheets that have not been invalidated.[152] The Petition Management Software will electronically circle the petition signature line numbers (and highlight the signature lines) that have been randomly selected on the petition image:

[146] A.R.S. § 19-121.01(A)(6) & (B).
[147] *See* Chapter 2, § 2.4.2.
[148] A.R.S. § 19-121.01(A)(6) & (B).
[149] A.R.S. § 19-121.01(A).
[150] *See* Chapter 2, § 2.4.1.
[151] A.R.S. § 19-121.01(B). Arizona law does not contain a deadline for the Secretary of State's Office to conduct and transmit the random sample.
[152] A.R.S. § 19-121.01(B). Secretary of State's Petition Management Software is incapable of randomly selecting a signature line that is blank or had already been invalidated by the Secretary of State's Office. *See* A.R.S. § 19-121.01(C).



- The Secretary of State's Office exports the front sides of any petition sheet containing a randomly sampled signature into PDFs (or a series of TIFF images) by county.[153] The Secretary of State's Office electronically transmits the exports to each county that contains at least one petition sheet with a randomly sampled signature.[154]

The Secretary of State's Office will make the exports available for public records requests after transmitting the random sample exports to County Recorders.

2.5 COUNTY RECORDER PROCESSING

A County Recorder must invalidate any randomly sampled signature for the following reasons:[155]

- No residence address or description of residence address is provided;[156]
- No date of signing is provided;[157]
- The signature is illegible or nonexistent;[158]
- The signer was not a qualified elector on the date of signing the petition;
- The signer was a registered voter but was not at least 18 years old on the date of signing the petition;
- The signature is disqualified after comparison with the signature on file in the voter registration database;[159]

[153] A.R.S. § 19-121.01(D).
[154] A.R.S. § 19-121.01(D).
[155] A.R.S. § 19-121.02(A).
[156] A.R.S. § 19-121.02(A)(1). The Secretary of State's Office is already required to invalidate a petition signature with a missing residence address or description of residence location pursuant to A.R.S. § 19-121.01(A)(3)(b).
[157] A.R.S. § 19-121.02(A)(2). The Secretary of State's Office is already required to invalidate a petition signature with a missing date pursuant to A.R.S. § 19-121.01(A)(3)(c).
[158] A.R.S. § 19-121.02(A)(3). The Secretary of State's Office is already required to invalidate a petition signature with a missing signature pursuant to A.R.S. § 19-121.01(A)(3)(a).
[159] A County Recorder is also required to invalidate a petition signature "if a petition signer's signature is determined to be invalid after a comparison is made between the signature and handwriting on the petition and petition signer's voter registration file." A.R.S. § 19-121.02(A)(9).

- If a signer signed the petition more than once, all but one otherwise valid signature must be invalidated;
- If a person circulating the petition was a Justice of the Peace or a County Recorder at the time the person circulated the petition;[160] or
- For any reasons the Secretary of State's Office could have invalidated the petition sheet or signature.

The County Recorder must issue a certification and transmit this certification to the Secretary of State and the sponsoring committee within 15 business days.[161] The Secretary of State's Office also transmits the County Recorder certifications to the sponsoring committee.[162]

2.6 QUALIFICATION FOR THE BALLOT

Within 3 business days of receiving the last County Recorder's certification, the Secretary of State's Office must determine whether there are sufficient valid signatures for the measure to qualify for the ballot:

- The Secretary of State's Office calculates the total number of petition signatures verified by County Recorders, including the percentage of verification. For example, if County Recorders collectively verified 8,935 out of 11,947 randomly sampled signatures, the verification percentage is 74.8%. This percentage represents an estimate of how many of the non-sampled signatures are presumed to be valid; and
- The Secretary of State's Office multiplies the total number of eligible signatures by the verification percentage. For example, if 238,937 signatures were eligible for verification following the Secretary of State's signature eliminations, a 74.8% verification percentage means that 178,725 total signatures are presumed to be valid.[163]

The measure qualifies for the ballot if the number of presumed valid signatures exceeds the constitutional minimum.[164] In that case, the Secretary of State's Office:

- Assigns a proposition number to the ballot measure;[165]
- Issues a certification and receipt to the sponsoring committee;[166]
- Prepares the official descriptive title and ballot measure language that will appear on the general election ballot;[167] and
- Notifies the Governor, County Recorders, and County Boards of Supervisors that the measure will be placed on the ballot at the next general election.[168]

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[160] It is unclear how a County Recorder could determine the petition sheet was circulated by a Justice of the Peace or County Recorder if only the front sides of the petition sheets have been provided to the County Recorder. *See* A.R.S. § 19-121.01(D).

[161] A.R.S. § 19-121.02(B), (D)(2); *see* Appendix D. The County Recorder's certification must include (1) the total number of signatures that were transmitted to the County Recorder for verification, (2) the total number of random signatures that were disqualified by the County Recorder, and (3) the name of any signer whose petition signature was invalidated, including the petition page number (Bates Number) and signature line number where the signature was invalidated. A.R.S. § 19-121.02(B). The County Recorder must transmit this certification the Secretary of State's Office electronically.

[162] Because Arizona law only obligates a County Recorder to transmit the certifications to the sponsoring committee by mail, *see* A.R.S. § 19-121.02(D)(2), the Secretary of State's Office makes the certifications electronically available to the sponsoring committee on a real time basis in order to enable lawsuits to be filed pursuant to A.R.S. § 19-121.03.

[163] A.R.S. § 19-121.04(A).

[164] *See* Chapter 1, Section 1.2.7.2.

[165] A.R.S. § 19-125(B). Proposition numbers are issued consecutively based on the last proposition number used in the previous election. If more than one initiative or referendum qualify for the ballot, the Secretary of State's Office issues proposition numbers based on the order in which the initiative or referendum was filed with the Secretary of State's Office (not the order in which the Secretary of State's Office completed processing). A.R.S. § 19-125(B). Constitutional initiatives must begin with a "1," statutory initiatives must begin with a "2," and referenda must begin with a "3." A.R.S. § 19-125(B).

[166] A.R.S. § 19-121.04(B). The Secretary of State issues a certification under seal pursuant to A.R.S. § 19-121.04(B), but also issues a committee receipt that more thoroughly outlines the results of Secretary of State's and County Recorders' petition processing.

[167] A.R.S. § 19-125(C)-(D).

[168] A.R.S. §§ 19-121.04(B); 19-125(A).

If the measure does not have sufficient valid signatures to qualify for the ballot, the Secretary of State's Office:

- Issues a certification and receipt to the sponsoring committee explaining why the measure did not qualify for the ballot;[169] and
- Returns the original signature sheets to the sponsoring committee.[170]

[169] A.R.S. § 19-121.04(C).
[170] A.R.S. § 19-121.04(C). The Secretary of State's Office must wait until the conclusion of any pending litigation before returning the original petition sheets. A.R.S. § 19-121.04(C).

APPENDIX A – SAMPLE APPLICATION FOR SERIAL NUMBER

STATE OF ARIZONA

Application for Serial Number
Initiative Petition
A.R.S. § 19-111

FOR OFFICE USE ONLY

The undersigned intends to circulate and file an initiative petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Attached hereto is the full title and text, in no less than eight point type, of the measure or constitutional amendment intended to be initiated at the next general election.

☐ **Statutory Measure** ☐ **Constitutional Amendment**

Date of Application _____
Signatures Required _____
Deadline for Filing _____
Serial Number Issued _____

Enter a description of no more than one hundred words of the principal provisions of the proposed measure or constitutional amendment that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

Name of Applicant
Address
City State Zip
Telephone Number
E-mail Address

Committee Name
Committee ID No.
Chairperson
Treasurer
Committee Address
City State Zip
Committee Telephone Number
Committee E-mail Address

By submitting this Application for Serial Number and checking all boxes below, I acknowledge the following:

☐ That I have received and will review the accompanying Instructions for Statewide Initiatives, including the Secretary of State's recommended best practices for printing copies of the Statewide Initiative Petition to be circulated.

☐ That at the time of filing, I was provided instructions regarding accurate completion of the Statewide Initiative Petition form.

Applicant Signature Date

Office of the Secretary of State
1700 W. Washington Street
Phoenix, Arizona 85007

Rev. 03/04/2019

STATE OF ARIZONA

Application for Serial Number
Referendum Petition
A.R.S. § 19-111

FOR OFFICE USE ONLY

The undersigned intends to circulate and file a referendum petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Attached hereto is the full title and text, in no less than eight point type, of the measure intended to be referred at the next general election.

Measure to be Referred _____
Date of Application _____
Signatures Required _____
Deadline for Filing _____
Serial Number Issued _____

Enter a description of no more than one hundred words of the principal provisions of the proposed measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

Name of Applicant
Address
City State Zip
Telephone Number
E-mail Address

Committee Name
Committee ID No.
Chairperson
Treasurer
Committee Address
City State Zip
Committee Telephone Number
Committee E-mail Address

By submitting this Application for Serial Number and checking all boxes below, I acknowledge the following:

☐ That I have received and will review the accompanying Instructions for Statewide Initiatives, including the Secretary of State's recommended best practices for printing copies of the Statewide Initiative Petition to be circulated.

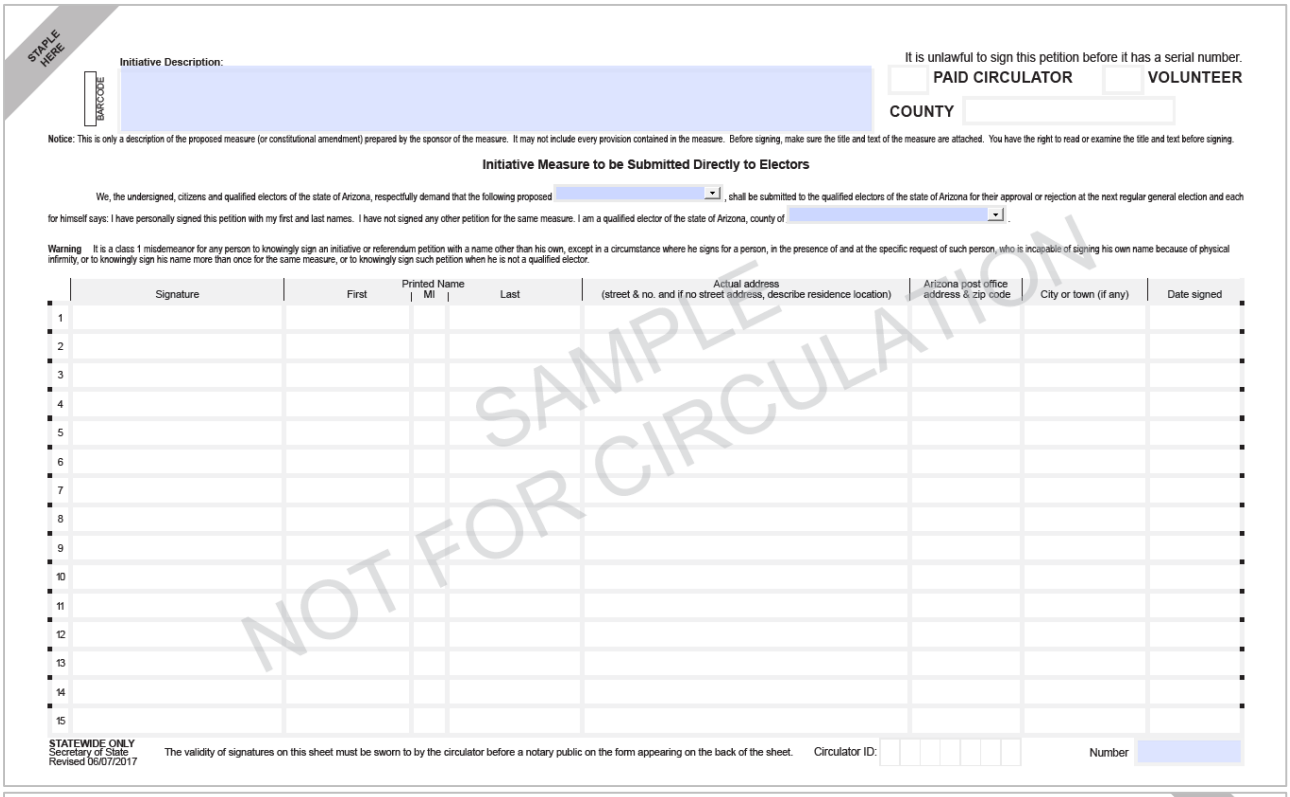
☐ That at the time of filing, I was provided instructions regarding accurate completion of the Statewide Referendum Petition form.

Applicant Signature Date

Office of the Secretary of State
1700 W. Washington Street
Phoenix, Arizona 85007

Rev. 03/04/2019

APPENDIX B – SAMPLE STATEWIDE PETITION



STAPLE HERE

BARCODE

Initiative Description:

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

PAID CIRCULATOR VOLUNTEER

COUNTY

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

Initiative Measure to be Submitted Directly to Electors

We, the undersigned, citizens and qualified electors of the state of Arizona, respectfully demand that the following proposed , shall be submitted to the qualified electors of the state of Arizona for their approval or rejection at the next regular general election and each for himself says: I have personally signed this petition with my first and last names. I have not signed any other petition for the same measure. I am a qualified elector of the state of Arizona, county of .

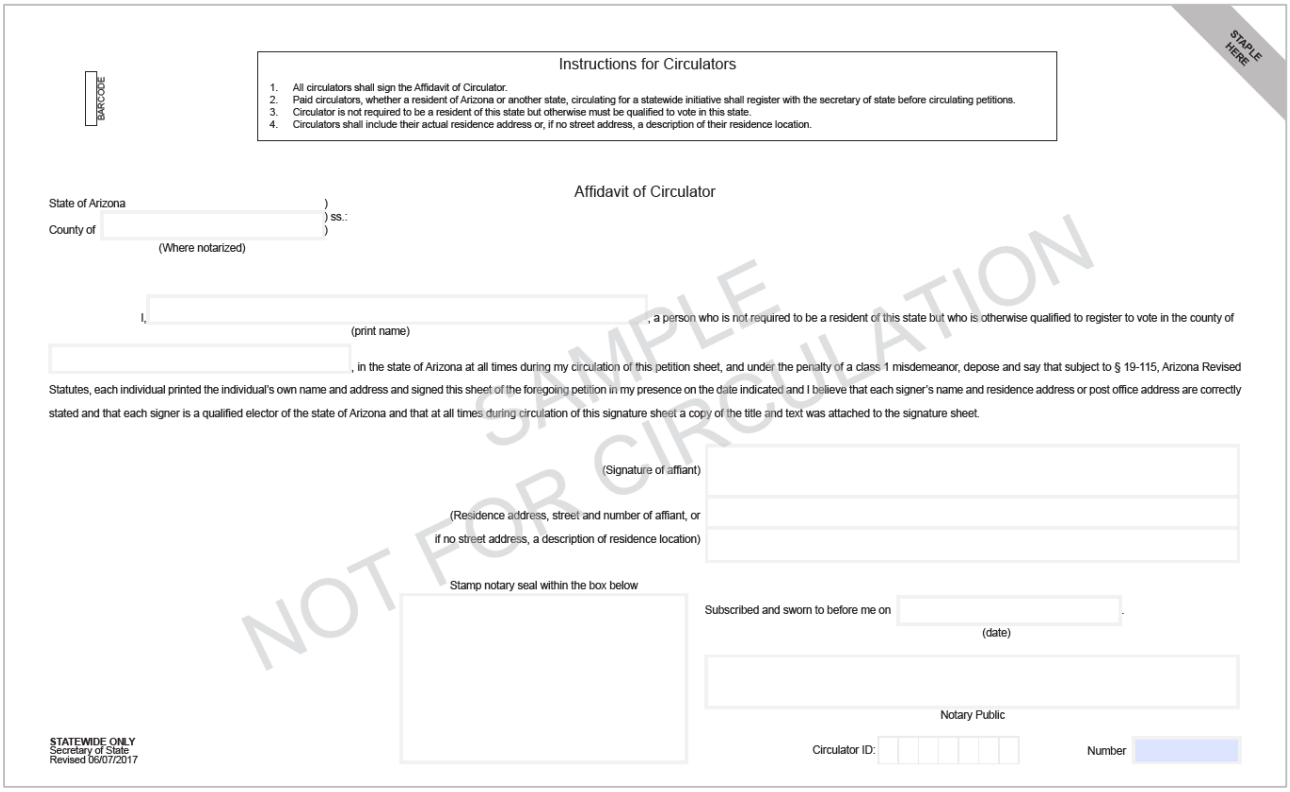
Warning It is a class 1 misdemeanor for any person to knowingly sign an initiative or referendum petition with a name other than his own, except in a circumstance where he signs for a person, in the presence of and at the specific request of such person, who is incapable of signing his own name because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

	Signature	Printed Name First	MI	Last	Actual address (street & no. and if no street address, describe residence location)	Arizona post office address & zip code	City or town (if any)	Date signed
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								

STATEWIDE ONLY
Secretary of State
Revised 06/07/2017

The validity of signatures on this sheet must be sworn to by the circulator before a notary public on the form appearing on the back of the sheet. Circulator ID: Number

SAMPLE NOT FOR CIRCULATION



STAPLE HERE

BARCODE

Instructions for Circulators

1. All circulators shall sign the Affidavit of Circulator.
2. Paid circulators, whether a resident of Arizona or another state, circulating for a statewide initiative shall register with the secretary of state before circulating petitions.
3. Circulator is not required to be a resident of this state but otherwise must be qualified to vote in this state.
4. Circulators shall include their actual residence address or, if no street address, a description of their residence location.

Affidavit of Circulator

State of Arizona)
) ss.:
County of)
(Where notarized)

I, (print name), a person who is not required to be a resident of this state but who is otherwise qualified to register to vote in the county of , in the state of Arizona at all times during my circulation of this petition sheet, and under the penalty of a class 1 misdemeanor, depose and say that subject to § 19-115, Arizona Revised Statutes, each individual printed the individual's own name and address and signed this sheet of the foregoing petition in my presence on the date indicated and I believe that each signer's name and residence address or post office address are correctly stated and that each signer is a qualified elector of the state of Arizona and that at all times during circulation of this signature sheet a copy of the title and text was attached to the signature sheet.

(Signature of affiant)

(Residence address, street and number of affiant, or if no street address, a description of residence location)

Stamp notary seal within the box below

Subscribed and sworn to before me on (date).

Notary Public

STATEWIDE ONLY
Secretary of State
Revised 06/07/2017

Circulator ID: Number

SAMPLE NOT FOR CIRCULATION

STAPLE HERE

BARCODE

Referendum Description:

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

PAID CIRCULATOR VOLUNTEER

COUNTY

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

Petition for Referendum

To the secretary of state:

We, the undersigned citizens and qualified electors of the state of Arizona, respectfully order that the _____ bill No. _____ entitled _____, passed by the _____ session of the legislature of the state of Arizona, at the _____ session of said legislature, shall be referred to a vote of the qualified electors of the state, for their approval or rejection at the next regular general election and each for himself says: I have personally signed this petition with my first and last names. I have not signed any other petition for the same measure. I am a qualified elector of the state of Arizona, county of _____.

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

	Signature	Printed Name First	MI	Last	Actual address (street & no. and if no street address, describe residence location)	Arizona post office address & zip code	City or town (if any)	Date signed
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								

STATEWIDE ONLY
Secretary of State
Revised 05/08/2017

The validity of signatures on this sheet must be sworn to by the circulator before a notary public on the form appearing on the back of the sheet. Circulator ID: Number

SAMPLE NOT FOR CIRCULATION

STAPLE HERE

BARCODE

Instructions for Circulators

1. All circulators shall sign the Affidavit of Circulator.
2. Paid circulators, whether a resident of Arizona or another state, circulating for a statewide initiative shall register with the secretary of state before circulating petitions.
3. Circulator is not required to be a resident of this state but otherwise must be qualified to vote in this state.
4. Circulators shall include their actual residence address or, if no street address, a description of their residence location.

Affidavit of Circulator

State of Arizona)
) ss.:
County of)
(Where notarized)

I, _____ (print name), a person who is not required to be a resident of this state but who is otherwise qualified to register to vote in the county of _____, in the state of Arizona at all times during my circulation of this petition sheet, and under the penalty of a class 1 misdemeanor, depose and say that subject to § 19-115, Arizona Revised Statutes, each individual printed the individual's own name and address and signed this sheet of the foregoing petition in my presence on the date indicated and I believe that each signer's name and residence address or post office address are correctly stated and that each signer is a qualified elector of the state of Arizona and that at all times during circulation of this signature sheet a copy of the title and text was attached to the signature sheet.

(Signature of affiant)

(Residence address, street and number of affiant, or if no street address, a description of residence location)

Stamp notary seal within the box below

Subscribed and sworn to before me on _____ (date).

Notary Public

STATEWIDE ONLY
Secretary of State
Revised 05/08/2017

Circulator ID: Number

SAMPLE NOT FOR CIRCULATION

APPENDIX C – RECOMMENDED BEST PRACTICES FOR PRINTING AND CIRCULATING PETITIONS

Instructions for Statewide Initiatives
Application for Serial Number and Best Practices for Printing and Circulating Petitions

Statement of Organization

At the time of submitting an Application for Serial Number, the individual or organization wishing to place an initiative on the ballot must either file a Statement of Organization using the Secretary of State's Campaign Finance Filing System or designate an existing (non-candidate) committee to act as the initiative's sponsor. The Secretary of State will not accept an Application without an accompanying statement or designation.

Application for Serial Number

All individuals or organizations wishing to place an initiative on the ballot must submit an Application for Serial Number stating their intent to circulate a statewide initiative petition.

Please complete all required fields including:

- The appropriate check box indicating whether the applicant intends to circulate a statutory measure or constitutional amendment
- A no more than 100-word description of the principal provisions of the initiative, which will be printed on the face of each petition sheet.
- All information required to identify the initiative applicant and sponsoring committee.

Application Procedure

Upon receipt of Application, the Secretary of State will complete the remainder of the form and issue a unique petition serial number to be printed on the front and back of each petition sheet. The Secretary of State will also provide instructions regarding proper completion of the Statewide Initiative Petition form.

Please note:

- An Application for Serial Number will not be accepted unless the applicant has checked both disclaimer boxes and provided a signature as an acknowledgment of the recommended printing and circulating procedures.
- At the time of submission, an Application for Serial Number must include the accompanying title and text of the initiative.
- The minimum number of signatures required for a constitutional amendment to be placed on the ballot is equal to 15% of the number of votes cast at the last gubernatorial election, and the number of signatures for a statutory measure is equal to 10%.
- The deadline to file initiative petition signatures is at least 4 months plus 1 day prior to the next general election.
- Any revision to the title and text or 100-word description requires a new Application for Serial Number to be filed, and all previous versions will be considered invalid.

Office of the Secretary of State
1700 W. Washington Street
Phoenix, Arizona 85007

Rev. 03/04/2019

Recommended Best Practices for Printing and Circulating Petitions

The Statewide Initiative Petition form is designed to be compatible with electronic petition review technology and verification procedures. The Secretary of State's Office recommends the following best practices for printing and circulating petitions to ensure optimal verification and processing. Failure to adhere to these practices may result in reduced document integrity, which may inhibit the Secretary of State's ability to efficiently and accurately process the petitions.

1. Print using a resolution of 600dpi or higher

The Secretary of State's Office recommends that petitions be printed at a resolution of 600dpi or higher to preserve print integrity and assist in the digital scanning and review process. This will ensure that the form field lines on the petition remain intact, and that information provided by the committee (such as the initiative description and petition serial number) is clearly printed for inspection by petitioners.

2. Print from digital file only – Do not photocopy

It is recommended that petitions be duplicated only by means of digital printing and should not be photocopied. Photocopied petitions may result in a degraded image, including the loss of information capture boxes, pixelated text, or irregularities that may obstruct scanning capability. To avoid document degradation, please print petitions from a digital file only.

3. Instructions to signers

Circulators should instruct petition signers to write in the center of (and within) the information capture boxes to ensure that signature and identifying information is easily discernible by the petition processing software. Signers should avoid letting information bleed over to adjacent rows, and should sign with blue or black ink.

4. Registered Circulator ID Number

Paid and out-of-state circulators are strongly encouraged to print their Registered Circulator ID Number on the front and back side of each petition sheet. Failure to include the Registered Circulator ID Number will not (by itself) invalidate the petition sheet, but greatly inhibits the Secretary of State's ability to efficiently and accurately process the petition.

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APPENDIX D – SAMPLE COUNTY RECORDER CERTIFICATION

I-00-2016 CERTIFICATION

I certify that I received _____ petition sheets containing ____ signatures which have been randomly selected for signature verification in _____ County. The selected signatures were compared with those on file in the voter registration records of this office and the results are as follows:

- _____ signers included in the random sample were found not to be qualified electors at the time of signing the petition, or were disqualified for any other reason pursuant to A.R.S.§ 19-121.02(A), and therefore their signatures were disqualified.
- _____ signers included the random sample were found to be qualified electors at the time of signing the petition, and therefore their signatures were not disqualified.

The enclosed information identifies the name of any individual whose signature was disqualified (if legible), the petition page and line number of the disqualified signature, and the reason that the signature has been disqualified pursuant to A.R.S. § 19-121.02(B).

_____ County Recorder's Office

_____
(signature)

_____
(date)

A copy of this certification was mailed to the chairman of the political committee supporting the petition:

[Committee Chairman]
[Committee Name]
[Committee Address]
[Committee City, State, Zip]
[Committee Phone Number]

APPENDIX E – LAWS GOVERNING INITIATIVES AND REFERENDA

ARIZONA REVISED STATUTES

Article 1 Form of Petitions

A.R.S. § 19-101. Referendum petition; circulators; violation; classification

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

Referendum Description

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

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

Petition for Referendum

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

We, the undersigned citizens and qualified electors of the state of Arizona, respectfully order that the senate (or house) bill No. ___ (or other local, county, city or town measure) entitled (title of act or ordinance, and if the petition is against less than the whole act or ordinance then set forth here the item, section, or part, of any measure on which the referendum is used), passed by the _____ session of the legislature of the state of Arizona, at the general (or special, as the case may be) session of said legislature, (or by a county, city or town legislative body) shall be referred to a vote of the qualified electors of the state, (county, city or town) for their approval or rejection at the next regular general election (or county, city or town election) and each for himself says:
I have personally signed this petition with my first and last names. I have not signed any other petition for the same measure. I am a qualified elector of the state of Arizona, county of (or city or town and county of, as the case may be) _____.

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

Signature

Name (first and last name printed)

Actual address (street & no. and if no street address, describe residence location)

Arizona post office address & zip code

City or town (if any)

Date signed

(Fifteen lines for signatures which shall be numbered)

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

Number _____

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

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

C. Each petition sheet shall have printed in capital letters in no less than twelve point bold-faced type in the upper right-hand corner of the face of the petition sheet and below the statement prescribed in subsection B of this section the following:

"_____ paid circulator" "_____ volunteer".

D. A circulator of a referendum petition shall state whether he is a paid circulator or volunteer by checking the appropriate line on the petition form before circulating the petition for signatures.

E. Signatures obtained on referendum 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.

A.R.S. § 19-101.01. Legislative findings and intent; strict compliance

The legislature recognizes that a referendum may overrule the results of determinations made by representatives of the people and therefore finds and determines that strict compliance with the constitutional and statutory requirements for the referendum process and in the application and enforcement of those requirements provides the surest method for safeguarding the integrity and accuracy of the referendum process. Therefore, the legislature finds and declares its intent that the constitutional and statutory requirements for the referendum be strictly construed and that persons using the referendum process strictly comply with those constitutional and statutory requirements.

A.R.S. § 19-102. Initiative petition; circulators

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

(Insert a description of no more than one hundred words of the principal provisions of the proposed measure or constitutional amendment.)

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

Initiative Measure to be Submitted Directly to Electors

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

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

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

C. Each petition sheet shall have printed in capital letters in no less than twelve point bold-faced type in the upper right-hand corner of the face of the petition sheet and below the statement prescribed in subsection B of this section the following:

"_____ paid circulator" " _____ volunteer".

D. A circulator of an initiative petition shall state whether he is a paid circulator or volunteer by checking the appropriate line on the petition form before circulating the petition for signatures.

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.

Article 2 Circulation of Petitions and Signatures

A.R.S. § 19-111. Number for petition; training materials

A. A person or organization intending to propose a law or constitutional amendment by initiative petition or to file a referendum petition against a measure, item, section or part of a measure, before causing the petition to be printed and circulated, shall file with the secretary of state an application, on a form to be provided by the secretary of state, setting forth the person's name or, if an organization, its name and the names and titles of its officers, the person's or organization's address, the person's or organization's intention to circulate and file a petition, a description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure and the text of the proposed law, constitutional amendment or measure to be initiated or referred in no less than eight point type, and applying for issuance of an official serial number. At the same time as the person or organization files its application, the person or organization shall file with the secretary of state its statement of organization. The secretary of state shall not accept an application for initiative or referendum without an accompanying statement of organization as prescribed by this subsection.

B. On receipt of the application, the secretary of state shall assign an official serial number to the petition, which number shall appear in the lower right-hand corner of each side of each copy thereof, and issue that number to the applicant. The secretary of state shall assign numbers to petitions in numerical sequence, and a record shall be maintained in the secretary of state's office of each application received and of the numbers assigned and issued to the applicant.

C. The secretary of state shall make available to each applicant by electronic means a copy of the text of this article governing the initiative and referendum and all rules adopted by the secretary of state pursuant to this title. The secretary of state shall make available by electronic means a copy of the text of this article governing the initiative and referendum and all rules adopted by the secretary of state pursuant to this title to the county, city and town clerks who shall similarly furnish a copy to each applicant by electronic means. If a member of the public so requests, the secretary of state and the county, city and town clerks shall provide a copy in pamphlet form.

D. The secretary of state shall make available to each person or organization circulating a statewide initiative, referendum or recall petition a copy of circulator training materials created by the secretary of state. Circulator training materials may be provided on paper or in electronic format and shall also be available on the secretary of state's website. A person or organization circulating a statewide petition shall provide each circulator with the secretary of state's circulator training materials and shall collect and submit to the secretary of state each of its circulators' training materials receipts before the filing of completed petitions. Each person who is a statewide circulator shall acknowledge in writing receipt of the training materials before circulating a petition for signatures. Failure to provide circulator training materials or failure to submit circulators' training materials receipts is not grounds for removal of signatures or signature sheets. Notwithstanding section 19-141, this subsection does not apply to initiative, referendum or recall petitions for cities, towns and counties.

E. The eight point type required by subsection A of this section shall not apply to maps, charts or other graphics.

A.R.S. § 19-111.01. Text review; legislative council; recommendations

A. At any time before filing an application for initiative petition or referendum petition and after filing a statement of organization pursuant to section 16-906, a political committee that intends to submit an application for initiative petition or referendum petition for a proposed law or constitutional amendment may submit a copy of the text of the proposed law, referral or constitutional amendment to the director of the legislative council.

B. No later than thirty days after receipt of the text of the measure, the legislative council staff shall review the proposed measure. The legislative council staff shall limit its consideration to errors in the drafting of the measure, confusing, conflicting or inconsistent provisions within the measure and conflicts with other state laws and federal law and shall consider and may prepare recommendations to improve the text of the proposed measure.

C. The person or organization proposing the law or constitutional amendment may accept, modify or reject any recommendations made by the legislative council staff regarding the text of the measure solely in its discretion.

A.R.S. § 19-112. Signatures and verification; attachment

A. Every qualified elector signing a petition shall do so in the presence of the person who is circulating the petition and who is to execute the affidavit of verification. At the time of signing, the qualified elector shall sign his first and last names in the spaces provided and the elector so signing shall print his first and last names and write, in the appropriate spaces following the signature, the signer's residence address, giving street name and number, and if he has no street address, a description of his residence location. The elector so signing shall write, in the appropriate spaces following the elector's address, the date on which the elector signed the petition.

B. The signature sheets shall be attached at all times during circulation to a full and correct copy of the title and text of the measure or constitutional amendment proposed or referred by the petition. The title and text shall be in at least eight-point type and shall include both the original and the amended text. The text shall indicate material deleted, if any, by printing the material with a line drawn through the center of the letters of the material and shall indicate material added or new material by printing the letters of the material in capital letters. For the purposes of a referendum, the secretary of state's time-and-date-marked copy of the measure with its proposed text set out in full or for any local matter, the copy of the measure signed or enacted into law by the mayor, or chairman of the board of supervisors, as appropriate, with its proposed text set out in full and including the original and any amended text constitutes the full and correct copy of the title and text of the measure for circulation for signatures. For any local matter enacted without an ordinance or resolution, the official minutes approved by the governing body and signed by the clerk of the governing body constitute the full and correct copy of the title and text of the measure. Referendum signatures that are collected with any copy of the measure that is not a facsimile of the time-and-date-marked copy for statewide measures or the full and correct copy of a local measure as prescribed by this subsection are invalid.

C. The person before whom the signatures, names and addresses were written on the signature sheet, on the affidavit form pursuant to this section, shall subscribe and swear before a notary public that each of the names on the sheet was signed and the name and address were printed by the elector and the circulator on the date indicated, that in his belief each signer was a qualified elector of a certain county of the state, or, in the case of a city, town or county measure, of the city, town or county affected by the measure on the date indicated, and that at all times during circulation of the signature sheet a copy of the title and text was attached to the signature sheet. All signatures of petitioners on a signature sheet shall be those of

qualified electors who are registered to vote in the same county. However, if signatures from more than one county appear on the same signature sheet, only the valid signatures from the same county that are most numerous on the signature sheet shall be counted.

D. The affidavit shall be in the following form printed on the reverse side of each signature sheet:

Affidavit of Circulator
State of Arizona)
) ss.:
County of _____)

(Where notarized)

I, ____(print name)____, a person who is not required to be a resident of this state but who is otherwise qualified to register to vote in the county of _____, in the state of Arizona at all times during my circulation of this petition sheet, and under the penalty of a class 1 misdemeanor, depose and say that subject to section 19-115, Arizona Revised Statutes, each individual printed the individual's own name and address and signed this sheet of the foregoing petition in my presence on the date indicated and I believe that each signer's name and residence address or post office address are correctly stated and that each signer is a qualified elector of the state of Arizona (or in the case of a city, town or county measure, of the city, town or county affected by the measure proposed to be initiated or referred to the people) and that at all times during circulation of this signature sheet a copy of the title and text was attached to the signature sheet.

(Signature of affiant) _____

(Residence address, street and number of affiant, or if no street address, a description of residence location)
_____

Subscribed and sworn to before me on _____.
(date)

_____
Notary Public

(Form shall include a designated location for notary stamp)

E. The eight-point type required by subsection B of this section does not apply to maps, charts or other graphics.

F. The form of the affidavit shall not be modified. Any petition that contains a partially completed affidavit or an affidavit that has been modified is invalid.

A.R.S. § 19-113. Withdrawal of petition signature; payment of remuneration; violation; classification

A. A person who has signed a petition prescribed by statute for any candidate nomination, initiative, referendum or formation or modification of a county, municipality or district may withdraw the person's signature from the petition not later than 5:00 p.m. on the date the petition containing the person's signature is actually filed. A person who has signed a recall petition may withdraw the person's signature from the petition not later than 5:00 p.m. on the date the petition containing the person's signature is actually submitted for verification pursuant to section 19-203.

B. To withdraw a petition signature, a person may do any of the following:

1. Verify the withdrawal by signing a simple statement of intent to withdraw at the office of the receiving officer.

2. Mail a signed, notarized statement of intent to withdraw to the receiving officer.

3. Draw a line through the signature and printed name on the petition.

C. A signature withdrawn pursuant to subsection B of this section and received by the receiving officer within the time provided for in subsection A of this section shall not be counted in determining the legal sufficiency of the petition.

D. A person who knowingly gives or receives money or any other thing of value for signing a statement of

signature withdrawal pursuant to subsection B of this section is guilty of a class 1 misdemeanor.

A.R.S. § 19-114. Prohibition on circulating petitions by certain persons; statement of organization

A. No county recorder or justice of the peace and no person other than a person who is qualified to register to vote pursuant to section 16-101 may circulate an initiative or referendum petition and all signatures verified by any such person shall be void and shall not be counted in determining the legal sufficiency of the petition.

B. Signatures obtained on initiative and referendum petitions by a political committee proposing the initiative or referendum or any of its officers, agents, employees or members prior to the filing of the committee's statement of organization are void and shall not be counted in determining the legal sufficiency of the petition.

A.R.S. § 19-114.01. Prohibition on signing petition for profit; classification

Any person who knowingly gives or receives money or any other thing of value for signing an initiative or referendum petition, excluding payments made to a person for circulating such petition, is guilty of a class 1 misdemeanor.

A.R.S. § 19-115. Unlawful acts; violations; classification

A. Every qualified elector of the state may sign a referendum or initiative petition upon any measure which he is legally entitled to vote upon.

B. A person who knowingly signs any name other than his own to a petition, except in a circumstance where he signs for a person in the presence of and at the specific request of such a person who is incapable of signing his own name or printing his own name and address because of physical infirmity, who knowingly signs his name more than once for the same measure or proposed constitutional amendment at one election, who is not at the time of signing a qualified elector of this state or who knowingly fills out the name and address portion of the petition with the intent to commit fraud, or any officer or person who knowingly violates any provision of this chapter, is guilty of a class 1 misdemeanor unless another classification is specifically prescribed in this title.

A.R.S. § 19-116. Signing petitions; coercion; intimidation; false description; classification

A. A person who knowingly coerces any other person by menace or threat, or threatens any other person to the effect that the other person will or may be injured in his business, or discharged from employment, or that he will not be employed, to sign or subscribe, or to refrain from signing or subscribing, his name to an initiative or referendum petition, or, after signing or subscribing his name, to have his name taken therefrom, is guilty of a class 1 misdemeanor.

B. A person who is a circulator of an initiative or referendum petition and who induces any other person in the circulator's presence to sign the initiative or referendum petition by knowingly misrepresenting the general subject matter of the measure is guilty of a class 1 misdemeanor.

A.R.S. § 19-117. Initiative and referendum petition; changes; applicability

Notwithstanding any other law, any change in the law or procedure adopted by a governing body with respect to circulation or filing of an initiative or referendum petition after an initiative or referendum petition application is filed pursuant to section 19-111 does not apply to the initiative or referendum petition.

A.R.S. § 19-118. Registered circulators; requirements; definition

A. All circulators who are not residents of this state and, for statewide ballot measures only, all paid circulators must register as circulators with the secretary of state before circulating petitions pursuant to this title. The political committee that is circulating the petition shall collect and submit the registrations to

the secretary of state. The secretary of state shall establish in the instructions and procedures manual issued pursuant to section 16-452 a procedure for registering circulators and shall publish on a website maintained by the secretary of state all information regarding circulators that is required pursuant to this section. The secretary of state shall disqualify all signatures collected by a circulator who fails to register pursuant to this subsection as provided for in section 19-121.01, subsection A.

B. The registration required by subsection A of this section shall include the following provisions:

1. The circulator consents to the jurisdiction of the courts of this state in resolving any disputes concerning the
circulation of petitions by that circulator.

2. The circulator shall designate an address in this state at which the circulator will accept service of process related to disputes concerning circulation of that circulator's petitions. Service of process is effected under this section by delivering a copy of the subpoena to that person individually or by leaving a copy of the subpoena at the address designated by the circulator with a person of suitable age.

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

D. Any person may challenge the lawful registration of circulators in the superior court of the county in which the circulator is registered. A challenge may not be commenced more than five days after the date on which the petitions for which the circulator is required to be registered are filed with the secretary of state. The person challenging signatures may amend that complaint after the secretary of state has removed signatures and signature sheets as prescribed in section 19-121.01. An action pursuant to this section shall be advanced on the calendar and decided by the court as soon as possible. Either party may appeal to the supreme court within five calendar days after entry of judgment. The prevailing party in an action to challenge the registration of a circulator under this section is entitled to reasonable attorney fees.

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

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

1. Means a natural person who receives monetary or other compensation that is based on the number of signatures obtained on a petition or on the number of petitions circulated that contain signatures.

2. Does not include a paid employee of any political committee organized pursuant to title 16, chapter 6, unless that employee's primary responsibility is circulating petitions to obtain signatures.

A.R.S. § 19-119. Deceptive mailings; civil penalty

A. In an attempt to influence the outcome of an election held pursuant to this title, an individual or committee shall not deliver or mail any document that falsely purports to be a mailing authorized, approved, required, sent or reviewed by or that falsely simulates a document from the government of this state, a county, city or town or any other political subdivision.

B. An individual or committee that violates this section is liable for a civil penalty equal to twice the total of the cost of the mailing or five hundred dollars, whichever is greater. The attorney general, the county attorney, the city or town attorney or other legal representative of the political subdivision, as appropriate, may assess the civil penalty.

A.R.S. § 19-119.01. Petition signature fraud; classification; list of prohibited persons

A. For the purposes of this title, a person commits petition signature fraud if the person does either of the following with the intent to defraud:

1. Intentionally collects for filing petition signature sheets with the knowledge that the person whose name appears on the signature sheet did not actually sign the petition.

2. Uses any fraudulent means, method, trick, device or artifice to obtain signatures on a petition.

B. A person paid by a political committee to employ or subcontract with persons who fraudulently obtain petition signatures or who obtain petition signatures through other unlawful means is not guilty of a violation of subsection A if the person does both of the following:

1. Reports the suspected unlawful or fraudulent signature collection to the filing officer.

2. Refuses to file the suspected unlawful or fraudulent signatures.

C. A person who violates subsection A is guilty of a class 1 misdemeanor, except that a person who engages or participates in a pattern of petition signature fraud is guilty of a class 4 felony and shall be prohibited from participating for five years in any election, initiative, referendum or recall campaign. For the purposes of this subsection, "pattern of petition signature fraud" means that the person employs or subcontracts with persons to obtain signatures and at least five of the employees or subcontractor's employees have been convicted of a violation of this section for one or more elections or recall campaigns in an election cycle.

D. The secretary of state shall maintain a list of persons who have been convicted of participating in a pattern of petition signature fraud in violation of this section and who are barred from participating in any election, initiative, referendum or recall campaign for five years from the date of conviction. The list shall be published on the secretary of state's website. The secretary of state shall remove a person from the list on expiration of the five-year prohibition. If a member of the public requests a copy of the list, the secretary shall provide it.

Article 3 Filing of Petition and Election

A.R.S. § 19-121. Signature sheets; petitions; form; procedure for filing

A. Signature sheets filed shall:

1. Be in the form prescribed by law.

2. Have printed in their lower right-hand corner, on each side of such sheets, the official serial number assigned to the petition by the secretary of state.

3. Be attached to a full and correct copy of the title and text of the measure, or amendment to the constitution, proposed or referred by the petition.

4. Be printed in at least eight-point type.

5. Be printed in black ink on white or recycled white pages fourteen inches in width by eight and one-half inches in length, with a margin of at least one-half inch at the top and one-fourth inch at the bottom of each page. Notwithstanding this subsection, the secretary of state may prescribe an alternative page width and length in the election procedures manual adopted pursuant to section 16-452.

B. For the purposes of this chapter, a petition is filed when the petition sheets are tendered to the secretary of state, who shall issue a receipt based on an estimate made to the secretary of state of the purported number of sheets and signatures filed. A receipt may be electronically issued. After the issuance of the receipt, no additional petition sheets may be accepted for filing.

C. Petitions may be filed with the secretary of state in numbered sections for convenience in handling. The secretary of state may prescribe the method of filing, including electronic filing. Not more than fifteen signatures on one sheet shall be counted. For petitions

filed regarding city, town or county matters, the political committee that is the proponent of the petition and that files the petitions shall organize the signature sheets and group them by circulator and is solely responsible for compliance with this subsection. The local filing officer may return as unfiled any signature sheets that are not so organized and grouped.

D. Initiative petitions that have not been filed with the secretary of state as of 5:00 p.m. on the day required by the constitution before the ensuing general election after their issuance shall be null and void, but in no event shall the secretary of state accept an initiative petition that was issued for circulation more than twenty-four months before the general election at which the measure is to be included on the ballot.

E. For the purposes of this article and article 4 of this chapter, the measure to be attached to the petition as enacted by the legislative body of an incorporated city, town or county means the adopted ordinance or resolution signed by the mayor or the chairman of the board of supervisors, as appropriate, and signed by the clerk of the municipality or the clerk of the board, as appropriate, or, in the absence of a written ordinance or resolution, that portion of the minutes of the legislative body that is approved by the governing body and filed with the clerk of the governing body and that reflects the action taken by that body when adopting the measure. In the case of zoning measures, the measure shall also include a legal description of the property and any amendments made to the ordinance by the legislative body.

A.R.S. § 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 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:

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

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

(c) Cause all signature sheets to be grouped together by county of registration of the majority of those signing. The detached copies of the title and text of the measure

shall be made available to the applicant but may be disposed of after a reasonable period of time.

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

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

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

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

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

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

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

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

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

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

B. If the total number of signatures for verification as determined pursuant to subsection A, paragraph 6 of this section equals or exceeds the constitutional minimum, during the same twenty day period provided in subsection A of this section, the secretary of state shall select, at random, five percent of the total signatures eligible for verification by the county recorders of the counties in which the persons signing the petition claim to be qualified electors. The random sample of signatures to be verified shall be drawn in such a manner that every signature eligible for verification has an equal chance of being included in the sample. The random sample produced shall identify each signature selected by petition page and line number. The signatures selected shall be marked in a clear manner.

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

D. After the selection of the random sample and the marking of the signatures selected on the petition sheets pursuant to subsection B of this section, the secretary of state shall transmit a copy of the front of each signature sheet on which a signature included in the random sample appears. The secretary of state shall clearly identify those signatures marked for verification and shall transmit by personal delivery, certified mail, electronic mail or other electronic transfer method to each county recorder a copy of each signature sheet on

which a signature appears of any individual who claims to be a qualified elector of that county and whose signature was selected for verification as part of the random sample.

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

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

A.R.S. § 19-121.02. Certification by county recorder

A. Within fifteen days, excluding Saturdays, Sundays and other legal holidays, after receiving the facsimile signature sheets from the secretary of state pursuant to section 19-121.01, the county recorder shall determine which signatures of individuals whose names were transmitted shall be disqualified for any of the following reasons:

1. No residence address or description of residence location is provided.

2. No date of signing is provided.

3. The signature is illegible and the signer is otherwise unidentifiable.

4. The address provided is illegible or nonexistent.

5. The individual was not a qualified elector on the date of signing the petition.

6. The individual was a registered voter but was not at least eighteen years of age on the date of signing the petition or affidavit.

7. The signature was disqualified after comparison with the signature on the affidavit of registration.

8. If a petitioner signed more than once, all but one otherwise valid signature shall be disqualified.

9. If a petition signer's signature is determined to be invalid after a comparison is made between the signature and handwriting on the petition and the petition signer's voter registration file.

10. If the person circulating the petition was a justice of the peace or a county recorder at the time the person circulated the petition.

11. For the same reasons any signatures or entire petition sheets could have been removed by the secretary of state pursuant to section 19-121.01, subsection A, paragraph 1 or 3.

B. Within the same time period provided in subsection A of this section, the county recorder shall certify to the secretary of state the following:

1. The name of any individual whose signature was included in the random sample and disqualified by the county recorder together with the petition page and line number of the disqualified signature.

2. The total number of signatures selected for the random sample and transmitted to the county recorder for verification and the total number of random sample signatures disqualified.

C. The secretary of state shall prescribe the form of the county recorder's certification.

D. At the time of the certification, the county recorder shall:

1. Return the facsimile signature sheets to the secretary of state.

2. Send notice of the results of the certification by mail to the person or organization that submitted the initiative or referendum petitions and to the secretary of state.

A.R.S. § 19-121.03. Judicial review of actions by county recorder; venue

A. If the county recorder fails or refuses to comply with the provisions of section 19-121.02, any citizen may apply, within five calendar days after such failure or refusal, to the superior court for a writ of mandamus. If the court finds that the county recorder has not complied with the provisions of section 19-121.02, the court shall issue an order for the county recorder to comply.

B. Any citizen may challenge in the superior court the certification made by a county recorder pursuant to section 19-121.02 within five calendar days of the receipt thereof by the secretary of state. The action shall be advanced on the calendar and heard as a trial de novo and decided by the court as soon as possible. Either party may appeal to the supreme court within five calendar days after judgment.

C. An action commenced under this section shall be brought in the county of such recorder, except that any such action involving more than one recorder shall be brought in Maricopa county.

A.R.S. § 19-121.04. Disposition of petitions by secretary of state

A. Within seventy-two hours, excluding Saturdays, Sundays and other legal holidays, after receipt of the facsimile signature sheets and the certification of each county recorder, the secretary of state shall determine the total number of valid signatures by subtracting from the total number of eligible signatures determined pursuant to section 19-121.01, subsection A in the following order:

1. All signatures that were removed pursuant to section 19-121.01, subsection A, paragraph 1.

2. All signatures that were found ineligible by the county recorders and that were not subtracted pursuant to paragraph 1 of this subsection.

3. After determining the percentage of all signatures found to be invalid in the random sample, a like percentage from those signatures remaining after the subtractions performed pursuant to paragraphs 1 and 2 of this subsection.

B. If the actual number of signatures on the remaining sheets after any such subtraction equals or exceeds the minimum number required by the constitution or if the number of valid signatures as projected from the random sample pursuant to subsection A of this section is at least one hundred percent of the minimum number required by the constitution, the secretary of state shall issue the following receipt to the person or organization that submitted them:

_____ signature pages bearing _____ signatures for initiative (referendum) petition serial number ____ have been refused for filing in this office as provided by law. A total of _____ signatures included on the remaining petition sheets were found to be ineligible. Of the total random sample of _____ signatures, a total of _____ signatures were invalidated by the county recorders resulting in a failure rate of _____ percent. The actual number of remaining signatures for such initiative (referendum) petition number ____ are equal to or in excess of the minimum required by the constitution to place a measure on the general election ballot. The number of valid signatures filed with this petition, based on the random sample, appears to be at least one hundred percent of the minimum required or through examination of each signature has been certified to be greater than the minimum required by the constitution.

Date:_____ _____
Secretary of State
(Seal)

The secretary of state shall then forthwith notify the governor that a sufficient number of signatures has been filed and that the initiative or referendum shall be placed on the ballot in the manner provided by law.

C. If the number of valid signatures as projected from the random sample is less than one hundred percent of the minimum number required by the constitution or

if the actual number of signatures on the remaining sheets after any such subtraction from the random sample or after certification fails to equal or exceed the minimum required by the constitution, the secretary of state shall retain the original signature sheets until after the conclusion of any litigation regarding the measure or until the time has expired for any litigation to proceed. The secretary of state shall provide to the person or organization that submitted them a certified statement that, for the following reasons, the petition lacks the minimum number of signatures to place it on the general election ballot:

1. Signature sheets bearing secretary of state page numbers _____ and bearing signatures of _____ persons appeared on signature pages that were required to be removed.

2. A total of signatures on the remaining petition sheets were found to be ineligible.

3. A total of signatures included in the random sample have been certified by the county recorders as ineligible at the time such petition was signed and a projection from such random sample has indicated that _____ more signatures are ineligible to appear on the petition.

A facsimile of the certifications of the county recorders under section 19-121.02 shall accompany the signature sheets returned to the person or organization that submitted them.

A.R.S. § 19-121.05. Special fund for reimbursement of county recorders

A. The secretary of state shall establish a separate fund from which he shall reimburse a county recorder for actual expenses incurred by the county recorder for performance of his duties under the provisions of section 19-121.02, but not to exceed the rate of fifty cents per signature.

B. A county recorder who claims to be entitled to reimbursement under the provisions of this section shall submit a claim therefor to the secretary of state.

C. The special fund established under the provisions of this section shall be exempt from the provisions of section 35-190 relating to lapsing of appropriations.

A.R.S. § 19-122. Refusal of secretary of state to file petition or transmit facsimiles of signature sheets or affidavits of circulators; writ of mandamus; venue

A. If the secretary of state refuses to accept and file a petition for the initiative or referendum, or proposal for a constitutional amendment that has been presented within the time prescribed, or if the secretary of state refuses to transmit the facsimiles of a signature sheet or sheets or affidavits of circulators to the county recorders for certification under section 19-121.01, the secretary of state shall provide the person who submitted the petition, proposal, signature sheet or affidavit with a written statement of the reason for the refusal. Within five calendar days after the refusal any citizen may apply to the superior court for a writ of mandamus to compel the secretary of state to file the petition or proposal or transmit the facsimiles, or for matters involving statewide initiatives or referenda or proposed constitutional amendments, the citizen may file a complaint with the county attorney or attorney general. The county attorney or attorney general may apply, within five calendar days after the complaint is made, to the superior court for a writ of mandamus to compel the secretary of state to file the petition or proposal or transmit the facsimiles. The action shall be advanced on the calendar and heard and decided by the court as soon as possible. Either party may appeal to the supreme court within five calendar days after entry of judgment by the superior court. The decision of the superior court may be stayed as prescribed by rules adopted by the supreme court. If the court finds that the petition is legally sufficient, the secretary of state shall then file it, with a certified copy of the judgment attached as of the date on which it was originally offered for filing in the secretary of state's office.

B. The most current version of the general county register statewide voter registration database at the time of filing a court action challenging an initiative or referendum petition shall constitute the official record to be used to determine on a prima facie basis by the

challenger that the signer of a petition was not registered to vote at the address given on the date of signing the petition. If the address of the signer given on the date of signing the petition is different from that on the most current version of the general county register, the county recorder shall examine the version of the general county register that was current on the date the signer signed the petition to determine the validity of the signature and to determine whether the person was eligible to sign the petition at the time of signing. This subsection does not preclude introducing into evidence a certified copy of the affidavit of registration of any signer dated before the signing of the petition if the affidavit is in the possession of the county recorder but has not yet been filed in the general county register.

C. An action that contests the validity of an initiative or referendum measure based on the actions of the secretary of state may not be maintained in any court in this state except as prescribed by this section. A person may not maintain a separate action seeking to enjoin the secretary of state or other officer from certifying or printing the official ballot for the election that will include the proposed initiative or referendum measure and any request to enjoin the certification or printing of the ballot shall be made as a part of an action filed pursuant to subsection A of this section.

D. The superior court in Maricopa county shall have jurisdiction of actions relating to measures and amendments to be submitted to the electors of the state at large. With respect to actions relating to local and special measures for a county, special district or school district, the superior court in the county in which the district is located shall have jurisdiction. With respect to actions relating to local or special measures for a city or town, the superior court in the county in which the majority of the population of that city or town resides shall have jurisdiction.

A.R.S. § 19-123. Publicity pamphlet; printing; distribution; public hearings

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

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

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

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

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

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

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

B. The secretary of state shall post the publicity pamphlet on the secretary of state's website as soon as is practicable after the pamphlet is printed and shall mail one copy of the publicity pamphlet to every household that contains a registered voter. The mailings may be made over a period of days but shall be mailed in order to be delivered to households before the earliest date for receipt by registered voters of any requested early ballots for the general election.

C. Sample ballots for both the primary and general elections shall include a statement that information on how to obtain a publicity pamphlet for the general

election ballot propositions is available by calling the secretary of state. The statement shall include a telephone number and mailing address of the secretary of state.

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

A.R.S. § 19-124. Arguments and analyses on measures; cost; submission at special election

A. The person filing an initiative petition may at the same time file with the secretary of state an argument advocating the measure or constitutional amendment proposed in the petition. Not later than forty-eight days preceding the regular primary election a person may file with the secretary of state an argument advocating or opposing the measure or constitutional amendment proposed in the petition. Not later than forty-eight days preceding the regular primary election a person may file with the secretary of state an argument advocating or opposing any measure with respect to which the referendum has been invoked, or any measure or constitutional amendment referred by the legislature. The secretary of state shall prominently post on its website the dates on which the ballot measure filings are due and the date of the election. Each argument filed shall contain the sworn statement of each person sponsoring it. If the argument is sponsored by an organization, it shall contain the sworn statement of two executive officers of the organization or if sponsored by a political committee it shall contain the sworn statement of the committee's chairman or treasurer. Each argument filed shall also be submitted to the secretary of state in electronic format. Payment of the deposit required by subsection E of this section or reimbursement of the payor constitutes sponsorship of the argument for purposes of this subsection. The person or persons signing the argument shall identify themselves by giving their residence or post office address and a telephone number, which information shall not appear in the publicity pamphlet. Each argument filed pursuant to this subsection shall not exceed three hundred words in length.

B. When the legislature orders the secretary of state to submit to the people a measure or proposed amendment to the constitution at a special election and as soon as is practicable after the legislature orders that submittal, the secretary of state shall prominently post on its website the dates on which the analysis, if any, and the arguments advocating or opposing the measure are due and the date of the election.

C. Not later than sixty days preceding the regular primary election the legislative council, after providing reasonable opportunity for comments by all legislators, shall prepare and file with the secretary of state an impartial analysis of the provisions of each ballot proposal of a measure or proposed amendment. The analysis shall include a description of the measure and shall be written in clear and concise terms avoiding technical terms wherever possible. The analysis may contain background information, including the effect of the measure on existing law, or any legislative enactment suspended by referendum, if the measure or referendum is approved or rejected.

D. The analyses and arguments shall be included in the publicity pamphlet immediately following the measure or amendment to which they refer. Arguments in the affirmative shall be placed first in order, and first among the affirmative or negative arguments shall be placed the arguments filed by the person filing the initiative petition or the person who introduced the measure or constitutional amendment referred. The remaining affirmative and negative arguments shall be placed in the order in which they were filed with the secretary of state.

E. The person filing an argument shall deposit with the secretary of state, at the time of filing, an amount of money as prescribed by the secretary of state for the purpose of offsetting a portion of the proportionate cost of the purchase of the paper and the printing of the argument. The secretary of state shall provide for electronic submittal of deposit payments. If the person filing an argument requests that the argument appear in connection with more than one proposition, a deposit shall be made for each placement requested. No such deposit or payment shall be required for the analyses prepared and filed by the legislative council. Any proportional balance remaining of the deposit, after paying the cost, shall be returned to the depositor.

F. If a measure is submitted at a special election, and time will not permit full compliance with this article, the charter provision or ordinance providing for the special election shall make provision for printing and distribution of the publicity pamphlet.

G. In the case of referendum petitions that are not required to be filed until after the primary election or at a time so close to the primary election that a referendum cannot be certified for the ballot before the deadline for filing ballot arguments pursuant to subsection A of this section, the secretary of state may establish a separate deadline for filing the referendum ballot arguments pursuant to rules adopted by the secretary of state.

A.R.S. § 19-124.01. Judicial information

Not later than sixty days preceding the regular primary election, the commission on judicial performance review shall prepare and file with the secretary of state the following information relating to justices of the supreme court and judges of the court of appeals for publication electronically:

1. Biographical information on each justice or judge, including length of time serving in a judicial capacity and educational background. This information shall not exceed three hundred words in length.

2. A listing of published decisions in which the justice or judge declared a statute constitutional or unconstitutional and the provision of the constitution relied upon.

A.R.S. § 19-125. Form of ballot

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

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

C. The officer in charge of elections shall print the official title and the descriptive title of each measure on the official ballot in the order presented to him by the secretary of state unless otherwise provided by law. The number of the measure shall be in reverse type and at least twelve point type. A proposed constitutional amendment shall be designated "proposed amendment to the constitution by the legislature", or "proposed

amendment to the constitution by the initiative", as the case may be. A measure referred by the legislature shall be designated "referred to the people by the legislature", a measure referred by petition shall be designated "referendum ordered by petition of the people" and a measure proposed by initiative petition shall be designated "proposed by initiative petition".

D. There shall be printed on the official ballot immediately below the number of the measure and the official title of each measure a descriptive title containing a summary of the principal provisions of the measure, not to exceed fifty words, which shall be prepared by the secretary of state and approved by the attorney general and that includes the following or the ballot shall comply with subsection E of this section:

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

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

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

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

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

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

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

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

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

A.R.S. § 19-126. Counting and canvassing votes; governor's proclamation

A. The votes on measures and proposed constitutional amendments shall be counted, canvassed and returned by the officers of the election boards as votes for candidates are counted, canvassed and returned, and the abstract made by the clerks of the boards of supervisors of the several counties of votes on measures and proposed constitutional amendments shall be returned to the secretary of state on separate abstract sheets in the manner provided by law. The total vote shall then be canvassed and proclamation of the results made in the manner prescribed by the constitution.

B. If two or more conflicting measures or amendments are approved at the same election, the governor shall proclaim which of the measures or amendments received the greatest number of affirmative votes.

A.R.S. § 19-127. Preservation and publication of approved measures

A. If a measure or proposed constitutional amendment, at the ensuing election, is approved by the people, the preserved copies with the sheets, signatures and affidavits, and a certified copy of the governor's proclamation declaring them to have been approved by the people, shall be bound together in such form that they may be conveniently identified and preserved.

B. The secretary of state shall cause every measure or constitutional amendment submitted under the initiative and approved by the people to be printed with the general laws enacted by the next ensuing session of the legislature, with the date of the governor's proclamation declaring them to have been approved by the people.

A.R.S. § 19-129. Destroying, suppressing or filing false initiative or referendum petition; classification

A person filing an initiative or referendum petition or measure who, at the time of filing the petition or measure, knows it is falsely made, or who knowingly destroys or suppresses an initiative or referendum petition or measure, or any part thereof, which has been duly filed with the officers of the state, or of any political subdivisions thereof, as provided by this chapter, is guilty of a class 1 misdemeanor.

Article 4 Initiative and Referendum in Cities, Towns and Counties

A.R.S. § 19-141. Initiative and referendum in counties, cities and towns

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

B. Distribution of pamphlets shall be made to every household containing a registered voter in the city, town or county by the city or town clerk or by the county officer in charge of elections by mail before the earliest date for receipt by registered voters of any requested early ballot for the election at which the measures are to be voted on. If the pamphlet is not mailed before the earliest date for receipt of a requested early ballot, the officer in charge of elections shall provide a notice with the early ballots stating when the pamphlets will be mailed and where and when the pamphlets may be accessed or viewed. Any contract for pamphlet publication or mailing, or both, shall provide for the contractor to pay a penalty for each day of mailing that occurs on or after the earliest date for receipt of requested early ballots. The penalty shall be one cent for each household with a registered voter for each day of late mailing, and the monies shall be paid to the office of the officer in charge of elections. Pamphlets shall not be mailed or carried less than ten days before the election at which the measures are to be voted upon.

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

D. The procedure with respect to municipal and county legislation shall be as nearly as practicable the same as the procedure relating to initiative and referendum provided for the state at large, except the procedure for verifying signatures on initiative or

referendum petitions may be established by a city or town by charter or ordinance.

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

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

A.R.S. § 19-142. Referendum petitions against municipal actions; emergency measures; zoning actions

A. The whole number of votes cast at the citywide or townwide election at which a mayor or councilmen were chosen last preceding the submission of the application for a referendum petition against an ordinance, franchise or resolution shall be the basis on which the number of electors of the city or town required to file a referendum petition shall be computed. For the purposes of this section, a citywide or townwide election is an election at which all of the qualified electors of a city or town are eligible to vote for a mayor or members of the city or town council. The petition shall be filed with the city or town clerk within thirty days after passage of the ordinance, resolution or franchise.

B. A city or town ordinance, resolution or franchise shall not become operative until thirty days after its passage by the council and approval by the mayor, unless it is passed over the mayor's veto, and then it shall not become operative until thirty days after final approval and until certification by the clerk of the city or town of the minutes of the meeting at which the action was taken, except emergency measures necessary for the immediate preservation of the peace, health or safety of the city or town. An emergency measure shall not become immediately operative unless it states in a separate section the reason why it is necessary that it should become immediately operative, and unless it is approved by the affirmative vote of three-fourths of all the members elected to the city or town council, taken by ayes and noes, and also approved by the mayor.

C. At the time a person or organization intending to file a referendum petition against an ordinance or resolution applies for the issuance of an official number pursuant to section 19-111, the city or town clerk shall provide such person or organization with a full and correct copy of the ordinance or resolution in the form as finally adopted. If the copy of the ordinance or resolution proposed as a referendum is not available to such person or organization at the time of making application for an official number or on the same business day as the application is submitted, the thirty-day period prescribed in subsection A of this section begins on the day that the ordinance or resolution is available from the city or town clerk, and the ordinance or resolution shall not become operative until thirty days after the ordinance or resolution is available.

D. Notwithstanding subsection C of this section, a person or organization may file a referendum petition against the rezoning of a parcel of property on the approval by the city or town council of the ordinance that adopts the rezoning or on the approval of that portion of the minutes of the city or town council that includes the council's approval of the rezoning, whichever occurs first. The thirty day period prescribed in subsection A of this section begins on the day that the rezoning ordinance or approved minutes or portion of the approved minutes are available from the city or town clerk and the ordinance is not operative until thirty days after the ordinance or minutes are available.

A.R.S. § 19-143. Initiative petition in cities; action of council; amendment of charter

A. The whole number of votes cast at the city or town election at which a mayor or councilman was chosen last preceding the submission of the application for an initiative petition is the basis for computing the number of qualified electors of the city or town required to sign the petition unless the city or town by

charter or ordinance provides an alternative basis for computing the number of necessary signatures.

B. If an ordinance, charter or amendment to the charter of a city or town is proposed by initiative petition, it shall be filed with the city or town clerk, who shall submit it to the voters of the city or town at the next ensuing election. The council may enact the ordinance or amendment and refer it to the people or it may enact the ordinance or amendment without referring it to the people, and in that case it is subject to referendum petition as other ordinances. The mayor shall not have power to veto either of such measures.

C. Amendments to a city or town charter may be proposed and submitted to the people by the council, with or without an initiative petition, but they shall be filed with the clerk for submission not less than sixty days before the election at which they are to be voted upon, and no amendment of a charter shall be effective until it is approved by a majority of the votes cast thereon by the people of the city or town to which it applies. The council may by ordinance order special elections to vote on municipal measures.

Article 5 Challenges

A.R.S. § 19-161. Challenges to legislative referenda

A. A challenge to the legal sufficiency of any referendum measure or any proposed amendment or amendments to the constitution ordered by the legislature to be submitted to the people at the polls must be filed within:

1. Twenty days after the referendum is filed with the secretary of state if the referendum is filed in an odd numbered year.

2. Ten days after the referendum is filed with the secretary of state if the referendum is filed in an even numbered year.

B. An action filed pursuant to this section shall be advanced on the calendar and heard and decided by the court as soon as possible. Either party may appeal to the supreme court within five days after judgment.

C. The superior court in Maricopa county shall have jurisdiction over actions filed pursuant to this section.

D. In any action filed pursuant to this section the president of the senate or the speaker of the house of representatives shall be entitled to be heard and may, in their discretion, intervene as a party, may file briefs in the matter or may choose not to participate.