

House Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 95

HOUSE BILL 2647

AN ACT

AMENDING TITLE 19, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-111.01; AMENDING SECTIONS 19-119.01 AND 19-125, ARIZONA REVISED STATUTES; RELATING TO INITIATIVE AND REFERENDUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 19, chapter 1, article 2, Arizona Revised Statutes,
3 is amended by adding section 19-111.01, to read:

4 19-111.01. Text review; legislative council; recommendations

5 A. AT ANY TIME BEFORE FILING AN APPLICATION FOR INITIATIVE PETITION OR
6 REFERENDUM PETITION AND AFTER FILING A STATEMENT OF ORGANIZATION PURSUANT TO
7 SECTION 16-902.01, A POLITICAL COMMITTEE THAT INTENDS TO SUBMIT AN
8 APPLICATION FOR INITIATIVE PETITION OR REFERENDUM PETITION FOR A PROPOSED LAW
9 OR CONSTITUTIONAL AMENDMENT MAY SUBMIT A COPY OF THE TEXT OF THE PROPOSED
10 LAW, REFERRAL OR CONSTITUTIONAL AMENDMENT TO THE DIRECTOR OF THE LEGISLATIVE
11 COUNCIL.

12 B. NO LATER THAN THIRTY DAYS AFTER RECEIPT OF THE TEXT OF THE MEASURE,
13 THE LEGISLATIVE COUNCIL STAFF SHALL REVIEW THE PROPOSED MEASURE. THE
14 LEGISLATIVE COUNCIL STAFF SHALL LIMIT ITS CONSIDERATION TO ERRORS IN THE
15 DRAFTING OF THE MEASURE, CONFUSING, CONFLICTING OR INCONSISTENT PROVISIONS
16 WITHIN THE MEASURE AND CONFLICTS WITH OTHER STATE LAWS AND FEDERAL LAW AND
17 SHALL CONSIDER AND MAY PREPARE RECOMMENDATIONS TO IMPROVE THE TEXT OF THE
18 PROPOSED MEASURE.

19 C. THE PERSON OR ORGANIZATION PROPOSING THE LAW OR CONSTITUTIONAL
20 AMENDMENT MAY ACCEPT, MODIFY OR REJECT ANY RECOMMENDATIONS MADE BY THE
21 LEGISLATIVE COUNCIL STAFF REGARDING THE TEXT OF THE MEASURE SOLELY IN ITS
22 DISCRETION.

23 Sec. 2. Section 19-119.01, Arizona Revised Statutes, is amended to
24 read:

25 19-119.01. Petition signature fraud; classification; list of
26 prohibited persons

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

29 1. Intentionally ~~submits~~ COLLECTS FOR FILING petition signature sheets
30 with the knowledge that the person whose name appears on the signature sheet
31 did not actually sign the petition.

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

34 B. A PERSON PAID BY A POLITICAL COMMITTEE TO EMPLOY OR SUBCONTRACT
35 WITH PERSONS WHO FRAUDULENTLY OBTAIN PETITION SIGNATURES OR WHO OBTAIN
36 PETITION SIGNATURES THROUGH OTHER UNLAWFUL MEANS IS NOT GUILTY OF A VIOLATION
37 OF SUBSECTION A IF THE PERSON DOES BOTH OF THE FOLLOWING:

38 1. REPORTS THE SUSPECTED UNLAWFUL OR FRAUDULENT SIGNATURE COLLECTION
39 TO THE FILING OFFICER.

40 2. REFUSES TO FILE THE SUSPECTED UNLAWFUL OR FRAUDULENT SIGNATURES.

41 ~~B.~~ C. A person who violates subsection A is guilty of a class 1
42 misdemeanor, except that a person who engages or participates in a pattern of
43 petition signature fraud is guilty of a class 4 felony and shall be
44 prohibited from participating for five years in any election, initiative,
45 referendum or recall campaign. For the purposes of this subsection, "pattern

1 of petition signature fraud" means that the person employs or subcontracts
2 with persons to obtain signatures and at least five of the employees or
3 subcontractor's employees have been convicted of a violation of this section
4 for one or more elections or recall campaigns in an election cycle.

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

13 Sec. 3. Section 19-125, Arizona Revised Statutes, is amended to read:
14 19-125. Form of ballot

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

21 B. Proposed constitutional amendments shall be numbered consecutively
22 beginning with the number one hundred, proposed initiative measures shall be
23 numbered consecutively beginning with the number two hundred, measures
24 submitted under the referendum shall be numbered consecutively beginning with
25 the number three hundred, and county and local issues shall be numbered
26 consecutively beginning with the number four hundred. Numbering shall be
27 consecutive based on the order in which the initiative or referendum
28 petitions are filed with the secretary of state. Proposed constitutional
29 amendments shall be placed by themselves at the head of the ballot column,
30 followed by initiated and referred measures in that order. THE NUMBER
31 ASSIGNED TO THE MEASURE BY THE SECRETARY OF STATE CONSTITUTES THE OFFICIAL
32 TITLE OF THE MEASURE AND SHALL BE USED FOR IDENTIFICATION OF THE MEASURE BY
33 THE STATE AND THE COUNTY IN ALL SUBSEQUENT OFFICIAL ELECTION MATERIALS,
34 INCLUDING THE PUBLICITY PAMPHLET.

35 C. The officer in charge of elections shall print the official title,
36 AND the descriptive title ~~and the number~~ of each measure ~~upon~~ ON the official
37 ballot in the order presented to him by the secretary of state unless
38 otherwise provided by law. The number of the measure shall be in reverse
39 type and at least twelve point type. A proposed constitutional amendment
40 shall be designated "proposed amendment to the constitution by the
41 legislature", or "proposed amendment to the constitution by the initiative",
42 as the case may be. A measure referred by the legislature shall be
43 designated "referred to the people by the legislature", a measure referred by
44 petition shall be designated "referendum ordered by petition of the people"

1 and a measure proposed by initiative petition shall be designated "proposed
2 by initiative petition".

3 D. There shall be printed on the official ballot immediately below the
4 number of the measure and the official title of each measure a descriptive
5 title containing a summary of the principal provisions of the measure, not to
6 exceed fifty words, which shall be prepared by the secretary of state and
7 approved by the attorney general AND THAT INCLUDES THE FOLLOWING or the
8 ballot shall comply with subsection E of this section:

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

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

11 The blank spaces shall be filled with a brief phrase, approved by the
12 attorney general, stating the essential change in the existing law should the
13 measure receive a majority of votes cast in that particular manner. In the
14 case of a referendum, a "yes" vote shall have the effect of approving the
15 legislative enactment that is being referred. THE "YES" AND "NO" LANGUAGE
16 SHALL BE POSTED ON THE SECRETARY OF STATE'S WEBSITE AFTER BEING APPROVED BY
17 THE ATTORNEY GENERAL AND BEFORE THE DATE ON WHICH THE OFFICIAL BALLOTS AND
18 THE PUBLICITY PAMPHLET ARE SENT TO BE PRINTED. Below the statement of effect
19 of a "yes" vote and effect of a "no" vote there shall be printed the
20 corresponding words "yes" and "no" and a place for the voter to put a mark as
21 defined in section 16-400 indicating his preference.

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

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

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

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

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

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

APPROVED BY THE GOVERNOR APRIL 19, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 20, 2010.

Passed the House March 17, 2010

Passed the Senate April 12, 2010

by the following vote: 55 Ayes,

by the following vote: 29 Ayes,

1 Nays, 4 Not Voting

0 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

13 day of April, 20 10

at 8:50 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this April 19th day of

April

at 4:55 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 20th day of April, 20 10

at 10:21 o'clock a M.

[Signature]
Secretary of State

H.B. 2647