Conference Engrossed

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KEN BENNETT
SECRETARY OF STATE

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CHAPTER 209

HOUSE BILL 2305

AN ACT

AMENDING SECTIONS 16-322, 16-544, 16-547, 16-924 AND 16-1005, ARIZONA REVISED STATUTES; AMENDING TITLE 19, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-103; AMENDING SECTIONS 19-111, 19-112, 19-121, 19-121.01, 19-121.02 AND 19-121.04, ARIZONA REVISED STATUTES; AMENDING TITLE 19, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-201.01; AMENDING SECTIONS 19-202.01 AND 19-203, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 16-322, Arizona Revised Statutes, is amended to read:

16-322. Number of signatures required on nomination petitions

A. Nomination petitions shall be signed:

1. If for a candidate for the office of United States senator or for a state office, excepting members of the legislature and superior court judges, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least ~~one-half~~ ONE-SIXTH of one per cent of the voter registration ~~of the party of the candidate~~ in at least three counties in the state~~, but not less than one-half~~ AND AT LEAST ONE-SIXTH of one per cent ~~nor~~ BUT NOT more than ten per cent of the total voter registration ~~of the candidate's party~~ in the state.

2. If for a candidate for the office of representative in Congress, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least ONE-THIRD OF one per cent but not more than ten per cent of the total voter registration ~~of the party designated~~ in the district from which ~~such~~ THE representative shall be elected except that if for a candidate for a special election to fill a vacancy in the office of representative in congress, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least ~~one-half~~ ONE-SIXTH of one per cent but not more than ten per cent of the total voter registration ~~of the party designated~~ in the district from which ~~such~~ THE representative shall be elected.

3. If for a candidate for the office of member of the legislature, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least ONE-THIRD OF one per cent but not more than three per cent of the total voter registration ~~of the party designated~~ in the district from which the member of the legislature may be elected.

4. If for a candidate for a county office or superior court judge, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least two per cent but not more than ten per cent of the total voter registration of the party designated in the county or district, provided that in counties with a population of two hundred thousand persons or more, a candidate for a county office shall have nomination petitions signed by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least one-half of one per cent but not more than ten per cent of the total voter registration of the party designated in the county or district.

5. If for a candidate for a community college district, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least:

(a) Through June 30, 2012, one-half of one per cent but not more than ten per cent of the total voter registration in the precinct as established pursuant to section 15-1441.

(b) Beginning July 1, 2012, one-quarter of one per cent but not more than ten per cent of the total voter registration in the precinct as established pursuant to section 15-1441. Notwithstanding the total voter registration in the community college district, the maximum number of signatures required by this subdivision is one thousand.

6. If for a candidate for county precinct committeeman, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least two per cent but not more than ten per cent of the party voter registration in the precinct or ten signatures, whichever is less.

7. If for a candidate for justice of the peace or constable, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least two per cent but not more than ten per cent of the party voter registration in the precinct.

8. If for a candidate for mayor or other office nominated by a city at large, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least five per cent and not more than ten per cent of the designated party vote in the city, except that a city that chooses to hold nonpartisan elections may by ordinance provide that the minimum number of signatures required for the candidate be one thousand signatures or five per cent of the vote in the city, whichever is less, but not more than ten per cent of the vote in the city.

9. If for an office nominated by ward, precinct or other district of a city, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least five per cent and not more than ten per cent of the designated party vote in the ward, precinct or other district, except that a city that chooses to hold nonpartisan elections may provide by ordinance that the minimum number of signatures required for the candidate be two hundred fifty signatures or five per cent of the vote in the district, whichever is less, but not more than ten per cent of the vote in the district.

10. If for a candidate for an office nominated by a town at large, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least five per cent and not more than ten per cent of the vote in the town, except that a town that chooses to hold nonpartisan elections may provide by ordinance that the minimum number of signatures required for the candidate be one thousand signatures or five per cent of the vote in the town, whichever is less, but not more than ten per cent of the vote in the town.

11. If for a candidate for a governing board of a school district, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least one-half of one per cent of the total voter registration in the school district if the governing board members are elected at large or one per cent of the total voter registration in the single member district if governing board members or joint technical education district board members are elected from single member districts. Notwithstanding the total voter registration in the school district or single member district, the maximum number of signatures required by this paragraph is four hundred.

12. If for a candidate for a governing body of a special district as described in title 48, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least one-half of one per cent of the vote in the special district but not more than two hundred fifty and not fewer than five signatures.

B. The basis of percentage in each instance referred to in subsection A of this section, except in cities, towns and school districts, shall be the number of voters registered in the designated party of the candidate OR THE TOTAL NUMBER OF REGISTERED VOTERS, AS PRESCRIBED IN EACH PARAGRAPH IN SUBSECTION A OF THIS SECTION AND as reported pursuant to section 16-168, subsection G on March 1 of the year in which the general election is held. In cities, the basis of percentage shall be the vote of the party for mayor at the last preceding election at which a mayor was elected. In towns, the basis of percentage shall be the highest vote cast for an elected official of the town at the last preceding election at which an official of the town was elected. In school districts, the basis of percentage shall be the total number of voters registered in the school district or single member district, whichever applies. The total number of voters registered for school districts shall be calculated using the periodic reports prepared by the county recorder pursuant to section 16-168, subsection G. The count that is reported on March 1 of the year in which the general election is held shall be the basis for the calculation of total voter registration for school districts.

C. In primary elections the signature requirement for party nominees, other than nominees of the parties entitled to continued representation pursuant to section 16-804, is at least one-tenth of one per cent of the total vote for the winning candidate or candidates for governor or presidential electors at the last general election within the district. Signatures must be obtained from qualified electors who are qualified to vote for the candidate whose nomination petition they are signing.

D. If new boundaries for congressional districts, legislative districts, supervisorial districts, justice precincts or election precincts are established and effective subsequent to March 1 of the year of a general election and prior to the date for filing of nomination petitions, the basis for determining the required number of nomination petition signatures is the

number of registered voters in the designated party of the candidate in the elective office, district or precinct on the day the new districts or precincts are effective.

Sec. 2. Section 16-544, Arizona Revised Statutes, is amended to read:

16-544. Permanent early voting list; civil penalty; violation; classification

A. Any voter may request to be included on a permanent list of voters to receive an early ballot for any election for which the county voter registration roll is used to prepare the election register. The county recorder of each county shall maintain the permanent early voting list as part of the voter registration roll.

B. In order to be included on the permanent early voting list, the voter shall make a written request specifically requesting that the voter's name be added to the permanent early voting list for all elections in which the applicant is eligible to vote. A permanent early voter request form shall conform to requirements prescribed in the instructions and procedures manual issued pursuant to section 16-452. The application shall allow for the voter to provide the voter's name, residence address, mailing address in the voter's county of residence, date of birth and signature and shall state that the voter is attesting that the voter is a registered voter who is eligible to vote in the county of residence. The voter shall not list a mailing address that is outside of this state for the purpose of the permanent early voting list unless the voter is an absent uniformed services voter or overseas voter as defined in the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 42 United States Code section 1973ff-6). In lieu of the application, the applicant may submit a written request that contains the required information.

C. On receipt of a request to be included on the permanent early voting list, the county recorder or other officer in charge of elections shall compare the signature on the request form with the voter's signature on the voter's registration form and, if the request is from the voter, shall mark the voter's registration file as a permanent early ballot request.

D. Not less than ninety days before any polling place election scheduled in March or August, the county recorder or other officer in charge of elections shall mail to all voters who are eligible for the election and who are included on the permanent early voting list an election notice by nonforwardable mail that is marked with the statement required by the postmaster to receive an address correction notification. If an election is not formally called by a jurisdiction by the one hundred twentieth day before the election, the recorder or other officer in charge of elections is not required to send the election notice. The notice shall include the dates of the elections that are the subject of the notice, the dates that the voter's ballot is expected to be mailed and the address where the ballot will be mailed. If the upcoming election is a partisan open primary election and the voter is not registered as a member of one of the political parties that is

recognized for purposes of that primary, the notice shall include information on the procedure for the voter to designate a political party ballot. The notice shall be delivered with return postage prepaid and shall also include a means for the voter to do any of the following:

1. Change the mailing address for the voter's ballot to another location in the voter's county of residence.

2. Update the voter's residence address in the voter's county of residence.

3. Request that the voter not be sent a ballot for the upcoming election or elections indicated on the notice.

E. If the notice that is mailed to the voter is returned undeliverable by the postal service, the county recorder or other officer in charge of elections shall take the necessary steps to contact the voter at the voter's new residence address in order to update that voter's address or to move the voter to inactive status as prescribed in section 16-166, subsection A. If a voter is moved to inactive status, the voter shall be removed from the permanent early voting list. If the voter is removed from the permanent early voting list, the voter shall only be added to the permanent early voting list again if the voter submits a new request pursuant to this section.

F. Not later than the first day of early voting, the county recorder or other officer in charge of elections shall mail an early ballot to all eligible voters included on the permanent early voting list in the same manner prescribed in section 16-542, subsection C. If the voter has not returned the notice or otherwise notified the election officer within forty-five days before the election that the voter does not wish to receive an early ballot by mail for the election or elections indicated, the ballot shall automatically be scheduled for mailing.

G. If a voter who is on the permanent early voting list is not registered as a member of a recognized political party and fails to notify the county recorder of the voter's choice for political party ballot within forty-five days before a partisan open primary election, the following apply:

1. The voter shall not automatically be sent a ballot for that partisan open primary election only and the voter's name shall remain on the permanent early voting list for future elections.

2. To receive an early ballot for the primary election, the voter shall submit the voter's choice for political party ballot to the county recorder.

H. After a voter has requested to be included on the permanent early voting list, the voter shall be sent an early ballot by mail automatically for any election at which a voter at that residence address is eligible to vote until any of the following occurs:

1. The voter requests in writing to be removed from the permanent early voting list.

2. The voter's registration or eligibility for registration is moved to inactive status or canceled as otherwise provided by law.

3. The notice sent by the county recorder or other officer in charge of elections is returned undeliverable and the county recorder or officer in charge of elections is unable to contact the voter to determine the voter's continued desire to remain on the list.

I. A voter may make a written request at any time to be removed from the permanent early voting list. The request shall include the voter's name, residence address, date of birth and signature. On receipt of a completed request to remove a voter from the permanent early voting list, the county recorder or other officer in charge of elections shall remove the voter's name from the list as soon as practicable.

J. An absent uniformed services voter or overseas voter as defined in the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 42 United States Code section 1973ff-6) is eligible to be placed on the permanent early voting list pursuant to this section.

K. A voter's failure to vote an early ballot once received does not constitute grounds to remove the voter from the permanent early voting list.

L. NOTWITHSTANDING SUBSECTION K OF THIS SECTION, BY DECEMBER 1 OF EACH EVEN-NUMBERED YEAR, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS MAY SEND A NOTICE TO EACH VOTER WHO IS ON THE PERMANENT EARLY VOTING LIST AND WHO DID NOT VOTE AN EARLY BALLOT IN BOTH THE PRIMARY ELECTION AND THE GENERAL ELECTION FOR THE TWO MOST RECENT GENERAL ELECTIONS FOR FEDERAL OFFICE, UNLESS THE VOTER HAD CONTACTED THE COUNTY RECORDER IN THE IMMEDIATELY PRECEDING TWENTY-FOUR MONTHS TO REAFFIRM THE VOTER'S INTENT TO REMAIN ON THE PERMANENT EARLY VOTING LIST. THE NOTICE PRESCRIBED BY THIS SUBSECTION DOES NOT APPLY TO PERSONS WHOSE VOTER REGISTRATION RECORDS ARE SEALED AS PRESCRIBED IN SECTION 16-153. THE NOTICE SHALL INFORM THE VOTER THAT IF THE VOTER WISHES TO REMAIN ON THE PERMANENT EARLY VOTING LIST, THE VOTER SHALL DO BOTH OF THE FOLLOWING WITH THE NOTICE RECEIVED:

1. CONFIRM IN WRITING THE VOTER'S DESIRE TO REMAIN ON THE PERMANENT EARLY VOTING LIST.

2. RETURN THE COMPLETED NOTICE TO THE COUNTY OFFICER IN CHARGE OF ELECTIONS WITHIN THIRTY DAYS AFTER RECEIPT BY THE VOTER. THE NOTICE SHALL BE SIGNED BY THE VOTER AND SHALL CONTAIN THE VOTER'S ADDRESS AND DATE OF BIRTH.

M. IF A VOTER RECEIVES A NOTICE AS PRESCRIBED BY SUBSECTION L OF THIS SECTION AND THE VOTER FAILS TO RESPOND WITHIN THE THIRTY-DAY PERIOD, THE COUNTY OFFICER IN CHARGE OF ELECTIONS SHALL REMOVE THE VOTER'S NAME FROM THE PERMANENT EARLY VOTING LIST. THIS SUBSECTION DOES NOT APPLY TO VOTERS WHO FAILED TO VOTE AN EARLY BALLOT AND WHO MODIFIED THEIR VOTER REGISTRATION INFORMATION DURING THE PERIOD FOR EARLY VOTING FOR EITHER THE IMMEDIATELY PRECEDING PRIMARY OR GENERAL ELECTION.

~~L.~~ N. A candidate, A political committee or ~~other~~ ANOTHER organization may distribute permanent early voting list request forms to voters. BEGINNING JANUARY 1, 2015, PERMANENT EARLY VOTING LIST REQUEST FORMS

THAT ARE DISTRIBUTED BY A CANDIDATE, A POLITICAL COMMITTEE OR ANOTHER ORGANIZATION SHALL INCLUDE THE FOLLOWING STATEMENT:

NOTICE: BY SIGNING THIS FORM YOU ARE AGREEING TO RECEIVE AN EARLY BALLOT FOR EVERY ELECTION IN WHICH YOU ARE ELIGIBLE TO VOTE. YOU ARE INFORMING THE RECORDER THAT YOU DO NOT WISH TO VOTE AT YOUR ASSIGNED POLLING LOCATION FOR ALL ELECTIONS. IF YOU WOULD LIKE TO VOTE AT YOUR ASSIGNED POLLING LOCATION, DO NOT SIGN THIS FORM.

PERMANENT EARLY VOTING LIST REQUEST FORMS THAT ARE SUBMITTED ON OR AFTER JANUARY 1, 2015 WITHOUT THE STATEMENT PRESCRIBED BY THIS SUBSECTION ARE VALID FOR PURPOSES OF REQUIRING THAT THE VOTER BE SENT AN EARLY BALLOT FOR THE IMMEDIATELY SUCCEEDING ELECTION, BUT THAT VOTER'S NAME SHALL NOT BE PLACED ON THE PERMANENT EARLY VOTING LIST. If the permanent early voting list request forms include a printed address for return, that address shall be the political subdivision that will conduct the election. Failure to use the political subdivision as the return addressee is punishable by a civil penalty of up to three times the cost of the production and distribution of the permanent early voting list request.

~~M.~~ O. All original and completed permanent early voting list request forms that are received by a candidate, political committee or other organization shall be submitted within six business days after receipt by a candidate or political committee or eleven days before the election day, whichever is earlier, to the political subdivision that will conduct the election. Any person, political committee or other organization that fails to submit a completed permanent early voting list request form within the prescribed time is subject to a civil penalty of up to twenty-five dollars per day for each completed form withheld from submittal. Any person who knowingly fails to submit a completed permanent early voting list request form before the submission deadline for the election immediately following the completion of the form is guilty of a class 6 felony.

Sec. 3. Section 16-547, Arizona Revised Statutes, is amended to read:

16-547. Ballot affidavit; form

A. The early ballot shall be accompanied by an envelope bearing on the front the name, official title and post office address of the recorder or other officer in charge of elections and on the other side a printed affidavit in substantially the following form:

I declare the following under penalty of perjury: I am a registered voter in _____ county Arizona, I have not voted and will not vote in this election in any other county or state, I understand that knowingly voting more than once in any election is a class 5 felony and I voted the enclosed ballot and signed this affidavit personally unless noted below.

If the voter was assisted by another person in marking OR RETURNING the ballot, complete the following:

I declare the following under penalty of perjury: At the registered voter's request I assisted the voter identified in this affidavit with marking OR RETURNING the voter's ballot, I marked OR RETURNED the ballot as directly instructed by the voter, I provided the assistance because the voter was physically unable to mark the ballot solely due to illness, injury or physical limitation OR WAS OTHERWISE UNABLE TO RETURN THE BALLOT and I understand that there is no power of attorney for voting and that the voter must be able to make ~~their~~ THE VOTER'S selection even if ~~they~~ THE VOTER cannot physically mark the ballot.

Name of voter assistant: _____

Address of voter assistant: _____

B. The face of each envelope in which a ballot is sent to a federal postcard applicant or in which a ballot is returned by ~~such~~ THE applicant to the recorder or other officer in charge of elections shall be in the form prescribed in accordance with the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 42 United States Code section 1973ff). Otherwise, the envelopes shall be the same as those used to send ballots to, or receive ballots from, other early voters.

C. The county recorder or other officer in charge of elections shall supply printed instructions to early voters that direct them to sign the affidavit, mark the ballot and return both in the enclosed self-addressed envelope that complies with section 16-545. The instructions shall include the following statement:

In order to be valid and counted, the ballot and affidavit must be delivered to the office of the county recorder or other officer in charge of elections or may be deposited at any polling place in the county no later than 7:00 p.m. on election day.

WARNING - It is a felony to offer or receive any compensation for a ballot.

Sec. 4. Section 16-924, Arizona Revised Statutes, is amended to read:

16-924. <u>Civil penalties; attorney general; county, city or town attorney</u>

A. Unless another penalty is specifically prescribed in this title, if the filing officer for campaign finance reports designated pursuant to section 16-916, subsection A has reasonable cause to believe that a person is violating any provision of this title, except for violations of chapter 6, article 2, the secretary of state shall notify the attorney general for a violation regarding a statewide office or the legislature, the county officer in charge of elections shall notify the county attorney for that county for a violation regarding a county office or the city or town clerk shall notify the city or town attorney for a violation regarding a city or town office. The attorney general, county attorney or city or town attorney, as

appropriate, may serve on the person an order requiring compliance with that provision. The order shall state with reasonable particularity the nature of the violation and shall require compliance within twenty days from the date of issuance of the order. The alleged violator has twenty days from the date of issuance of the order to request a hearing pursuant to title 41, chapter 6.

B. If a person fails to take corrective action within the time specified in the compliance order issued pursuant to subsection A OF THIS SECTION, the attorney general, county attorney or city or town attorney, as appropriate, shall issue an order assessing a civil penalty of not more than one thousand dollars. The person alleged to have violated the compliance order has thirty days from the date of issuance of the order assessing the civil penalty to request a hearing pursuant to title 41, chapter 6.

C. Any party aggrieved by an order or decision of the attorney general, county attorney or city or town attorney, as appropriate, may appeal to the superior court as provided in title 12, chapter 7, article 6.

D. For the purposes of this section, failure to comply with a compliance order issued by the attorney general, county attorney or city or town attorney, as appropriate, as prescribed in subsection A OF THIS SECTION is deemed an intentional act.

E. NOTWITHSTANDING SUBSECTION A OF THIS SECTION:

1. IF THE SECRETARY OF STATE HAS MADE A REASONABLE CAUSE FINDING PURSUANT TO THIS SECTION REGARDING A VIOLATION BY THE ATTORNEY GENERAL, THE SECRETARY OF STATE SHALL NOTIFY THE COUNTY ATTORNEY OF THE COUNTY IN WHICH THE VIOLATION OCCURRED, AND THE COUNTY ATTORNEY MAY SERVE ON THE ATTORNEY GENERAL AN ORDER REQUIRING COMPLIANCE WITH THAT PROVISION AS PRESCRIBED BY THIS SECTION.

2. IF A COUNTY ELECTIONS OFFICER HAS MADE A REASONABLE CAUSE FINDING PURSUANT TO THIS SECTION REGARDING A VIOLATION BY THE COUNTY ATTORNEY OF THAT COUNTY, THE COUNTY ELECTIONS OFFICER SHALL NOTIFY THE ATTORNEY GENERAL AND THE ATTORNEY GENERAL MAY SERVE ON THE COUNTY ATTORNEY AN ORDER REQUIRING COMPLIANCE WITH THAT PROVISION AS PRESCRIBED BY THIS SECTION.

3. IF A CITY OR TOWN CLERK HAS MADE A REASONABLE CAUSE FINDING PURSUANT TO THIS SECTION REGARDING A VIOLATION BY THE CITY OR TOWN ATTORNEY, THE CITY OR TOWN CLERK SHALL NOTIFY THE COUNTY ATTORNEY OF THE COUNTY IN WHICH THE VIOLATION OCCURRED, AND THE COUNTY ATTORNEY MAY SERVE ON THE CITY OR TOWN ATTORNEY AN ORDER REQUIRING COMPLIANCE WITH THAT PROVISION AS PRESCRIBED BY THIS SECTION.

Sec. 5. Section 16-1005, Arizona Revised Statutes, is amended to read:

16-1005. <u>Ballot abuse; ballot return; violation; classification</u>

A. Any person who knowingly marks a voted or unvoted ballot or ballot envelope with the intent to fix an election for his own benefit or for that of another person is guilty of a class 5 felony.

B. It is unlawful to offer or provide any consideration to acquire a voted or unvoted early ballot. A person who violates this subsection is guilty of a class 5 felony.

C. It is unlawful to receive or agree to receive any consideration in exchange for a voted or unvoted ballot. A person who violates this subsection is guilty of a class 5 felony.

D. It is unlawful to possess a voted or unvoted ballot with the intent to sell the voted or unvoted ballot of another person. A person who violates this subsection is guilty of a class 5 felony.

E. A person or entity that knowingly solicits the collection of voted or unvoted ballots by misrepresenting itself as an election official or as an official ballot repository or is found to be serving as a ballot drop off site, other than those established and staffed by election officials, is guilty of a class 5 felony.

F. A person who knowingly collects voted or unvoted ballots and WHO does not turn those ballots in to an election official, the United States postal service or any other entity permitted by law to transmit post is guilty of a class 5 felony.

G. A VOTER MAY DESIGNATE ANY PERSON TO RETURN THE BALLOT TO THE ELECTIONS OFFICIAL FROM WHOM IT CAME OR TO THE PRECINCT BOARD AT A POLLING PLACE WITHIN THE COUNTY EXCEPT THAT NO EARLY BALLOT SHALL BE COLLECTED OR RETURNED BY EITHER OF THE FOLLOWING:

1. ANY PAID OR VOLUNTEER WORKER OF ANY POLITICAL COMMITTEE AS DEFINED IN SECTION 16-901. A PRECINCT COMMITTEEMAN IS NOT PRESUMED TO BE ACTING ON BEHALF OF A POLITICAL COMMITTEE UNLESS AN AGENT OF THE POLITICAL COMMITTEE OR PARTY HAS DIRECTED PRECINCT COMMITTEEMEN TO COLLECT OR RETURN EARLY BALLOTS.

2. ANY OTHER GROUP OR ORGANIZATION ON WHOSE BEHALF AN INDIVIDUAL IS DIRECTED TO COLLECT OR RETURN THE BALLOT.

H. ANY PERSON WHO KNOWINGLY VIOLATES SUBSECTION G OF THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR. SUBSECTION G OF THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHO IS COLLECTING OR RETURNING A BALLOT AND WHO IS ACTING WITHOUT DIRECTION FROM A POLITICAL COMMITTEE, GROUP OR ORGANIZATION.

~~G.~~ I. A person who engages or participates in a pattern of ballot fraud is guilty of a class 4 felony. For the purposes of this subsection, "pattern of ballot fraud" means the person has offered or provided any consideration to three or more persons to acquire the voted or unvoted ballot of a person.

Sec. 6. Title 19, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 19-103, to read:

19-103. <u>Legislative findings and intent; strict compliance</u>

THE LEGISLATURE FINDS AND DETERMINES THAT STRICT COMPLIANCE WITH THE APPLICATION AND ENFORCEMENT OF THE CONSTITUTIONAL AND STATUTORY REQUIREMENTS FOR BOTH THE INITIATIVE AND THE REFERENDUM PROCESS PROVIDE THE SUREST METHOD FOR SAFEGUARDING THE INTEGRITY AND ACCURACY OF THE INITIATIVE AND REFERENDUM PROCESS. THEREFORE, THE LEGISLATURE DECLARES THAT THE CONSTITUTIONAL AND

STATUTORY REQUIREMENTS FOR THE INITIATIVE AND REFERENDUM BE STRICTLY CONSTRUED AND THAT PERSONS USING EITHER THE INITIATIVE OR REFERENDUM PROCESS STRICTLY COMPLY WITH THOSE CONSTITUTIONAL AND STATUTORY REQUIREMENTS.

Sec. 7. Section 19-111, Arizona Revised Statutes, is amended to read:

19-111. Number for petition

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 ~~his~~ 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, ~~his~~ 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 or its signed exemption statement as prescribed by section 16-902.01. The secretary of state shall not accept an application for initiative or referendum without an accompanying statement of organization or signed exemption statement 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 ~~shall be assigned~~ to petitions ~~by the secretary of state~~ in numerical sequence, and a record shall be maintained in ~~his~~ THE SECRETARY OF STATE'S office of each application received and of the numbers assigned and issued to the applicant. WHEN THE APPLICATION IS RECEIVED BY THE SECRETARY OF STATE AND MARKED BY THE SECRETARY OF STATE WITH AN OFFICIAL TIME AND DATE OF RECEIPT, THE TIME-AND-DATE-MARKED TEXT THAT ACCOMPANIED THE APPLICATION CONSTITUTES THE OFFICIAL COPY OF THE TEXT OF THE MEASURE OR CONSTITUTIONAL AMENDMENT AND SHALL BE USED IN ALL INSTANCES AS THE TEXT OF THE MEASURE OR CONSTITUTIONAL AMENDMENT. FOR ANY SUBSEQUENT CHANGE IN THE TEXT OF THE MEASURE OR CONSTITUTIONAL AMENDMENT BY THE APPLICANT, THE APPLICANT SHALL FILE A NEW APPLICATION AND TEXT, SHALL BE ASSIGNED A NEW OFFICIAL SERIAL NUMBER AND SHALL USE AS THE TEXT OF THE MEASURE OR CONSTITUTIONAL AMENDMENT THE TIME-AND-DATE-MARKED TEXT THAT ACCOMPANIED THE NEW APPLICATION.

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. In addition, the secretary of state shall provide the applicant by electronic means the ability to file a statement of organization or five

hundred dollar threshold exemption statement and a notice stating: "This statement must be filed before valid signatures can be collected." 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 eight point type required by subsection A of this section shall not apply to maps, charts or other graphics.

Sec. 8. Section 19-112, Arizona Revised Statutes, is amended to read:

19-112. Signatures and verification; attachment; registration of circulators

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 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. THE SECRETARY OF STATE'S TIME-AND-DATE-MARKED COPY OF THE MEASURE OR CONSTITUTIONAL AMENDMENT WITH ITS PROPOSED TEXT SET OUT IN FULL WITH THE ORIGINAL AND THE AMENDED TEXT CONSTITUTES THE FULL AND CORRECT COPY AND IS THE ONLY VALID COPY OF THE TITLE AND TEXT OF THE MEASURE FOR CIRCULATION FOR SIGNATURES. SIGNATURES THAT ARE COLLECTED WITH ANY COPY OF THE MEASURE OR CONSTITUTIONAL AMENDMENT THAT IS NOT A FACSIMILE OF THE TIME-AND-DATE-MARKED COPY WITH TITLE AND TEXT THAT IS IDENTICAL TO THE TIME-AND-DATE-MARKED COPY ARE INVALID.

C. The person before whom the signatures, names and addresses were written on the signature sheet ~~shall~~, 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, ~~and~~ 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. Circulators who are not residents of this state must be registered as circulators with the secretary of state before circulating petitions. The secretary of state shall provide for a method of receiving service of process for those petition circulators who register pursuant to this subsection. The secretary of state shall establish in the instructions and procedures manual issued pursuant to section 16-452 a procedure for registering circulators and receiving service of process. 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. Signature and handwriting comparisons may be made.

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
~~_____, Arizona.~~

~~My commission expires on _____.~~
~~(date)~~

(FORM SHALL INCLUDE A DESIGNATED LOCATION FOR NOTARY STAMP)

E. The eight point type required by subsection B OF THIS SECTION shall not apply to maps, charts or other graphics.

Sec. 9. Section 19-121, Arizona Revised Statutes, is amended to read:

19-121. Signature sheets; petitions; form; procedure for filing; evidence in challenge; definitions

A. Signature sheets filed shall:

1. Be in the form prescribed by law.

2. Have printed in ~~its~~ THEIR lower right-hand corner, on each side of such ~~sheet~~ 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. THE SECRETARY OF STATE'S TIME-AND-DATE-MARKED COPY OF THE MEASURE OR CONSTITUTIONAL AMENDMENT CONSTITUTES THE FULL AND CORRECT COPY AND IS THE ONLY VALID COPY OF THE TITLE AND TEXT OF THE MEASURE FOR CIRCULATION FOR SIGNATURES.

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.

B. For THE purposes of this chapter, a petition is filed when the petition sheets are tendered to the secretary of state, ~~at which time~~ WHO SHALL ISSUE a receipt ~~is immediately issued by the secretary of state~~ based on an estimate made to the secretary of state of the purported number of sheets and signatures filed. 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. Not more than fifteen signatures on one sheet shall be counted. THE POLITICAL COMMITTEE THAT FILES THE PETITIONS SHALL ORGANIZE THE SIGNATURE SHEETS AND GROUP THEM BY THE COUNTY OF RESIDENCE OF THE MAJORITY OF THE PERSONS SIGNING THAT SIGNATURE SHEET, BY CIRCULATOR ON THAT SIGNATURE SHEET AND BY THE NOTARY PUBLIC WHO NOTARIZED THE CIRCULATOR'S SIGNATURE ON THAT SHEET. THE SECRETARY OF STATE MAY RETURN AS UNFILED ANY SIGNATURE SHEETS THAT ARE NOT SO ORGANIZED AND GROUPED. BEFORE MAKING THE DETERMINATION THAT THE PETITIONS WERE IMPROPERLY ORGANIZED AND THEREFORE NOT FILED, THE SECRETARY OF STATE SHALL MAKE A REASONABLE CAUSE FINDING PURSUANT

TO SECTION 16-924 THAT THE COMMITTEE FAILED TO COMPLY WITH THIS SECTION AND SHALL REFER THE MATTER TO THE ATTORNEY GENERAL PURSUANT TO SECTION 16-924. THE ATTORNEY GENERAL MAY THEN ISSUE A COMPLIANCE ORDER DIRECTING THE COMMITTEE TO REORGANIZE THE PETITIONS IN THE PROPER ORGANIZATION OR GROUPING. ANY REORGANIZATION REQUIRED UNDER THIS SECTION DOES NOT EXTEND THE TIME FOR FILING. THE POLITICAL COMMITTEE THAT IS THE PROPONENT OF THE PETITION IS SOLELY RESPONSIBLE FOR COMPLIANCE WITH THIS SUBSECTION.

D. Initiative petitions ~~which~~ THAT have not been filed with the secretary of state as of 5:00 p.m. on the day required by the constitution ~~prior to~~ 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 ~~which~~ THAT was issued for circulation more than twenty-four months ~~prior to~~ 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~~,~~ OR town or A county means the adopted ordinance or resolution or, in the absence of a written ordinance or resolution, that portion of the minutes of the legislative body 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.

F. ANY POLITICAL COMMITTEE MAY SUBMIT TO THE SECRETARY OF STATE FORTY-FIVE DAYS BEFORE THE DEADLINE FOR FILING ITS PETITION A LIST OF ALL PETITION CIRCULATORS WHO CIRCULATED THAT PETITION AND A COPY OF A CRIMINAL RECORDS CHECK VERIFIED THROUGH SOURCE DOCUMENTS PERFORMED ON EACH PETITION CIRCULATOR BY AN ENTITY LICENSED TO DO SO UNDER TITLE 32, CHAPTER 24 OR SIMILARLY LICENSED IN ANOTHER STATE. IF THE BACKGROUND CHECK WAS PERFORMED AND PROVIDED BY A PERSON OR ENTITY WHO WAS ENGAGED IN AN ARM'S LENGTH TRANSACTION WITH THE COMMITTEE, INCLUDING ANY OF ITS EMPLOYEES, VENDORS, CONTRACTORS OR SUBCONTRACTORS, A REBUTTABLE PRESUMPTION ARISES AND IN ANY CHALLENGE TO THOSE PETITION CIRCULATORS, THE PRESUMPTION MUST BE OVERCOME BY A SHOWING OF A PREPONDERANCE OF THE EVIDENCE THAT THE CIRCULATOR WAS NOT ELIGIBLE TO REGISTER TO VOTE IN THIS STATE. THE SECRETARY OF STATE MAY ADOPT BY RULE APPROPRIATE STANDARDS FOR DETERMINING WHETHER A TRANSACTION BETWEEN A POLITICAL COMMITTEE, ITS EMPLOYEES, VENDORS, CONTRACTORS AND SUBCONTRACTORS AND THE PERSON OR ENTITY PROVIDING THE CIRCULATORS' BACKGROUND CHECKS CONSTITUTES AN ARM'S LENGTH TRANSACTION. FOR THE PURPOSES OF THIS SUBSECTION:

1. "AFFILIATE" MEANS PARTIES THAT ARE RELATED BY BLOOD OR MARRIAGE, EMPLOYMENT OR AGENCY, OR, IN THE CASE OF ENTITIES, THAT ARE UNDER DIRECT OR INDIRECT COMMON CONTROL OR ONE OF WHICH CONTROLS THE OTHER.

2. "ARMS LENGTH TRANSACTION" MEANS AN AGREEMENT TO PROVIDE A CRIMINAL RECORDS CHECK NEGOTIATED BETWEEN A WILLING COMMITTEE, INCLUDING ANY OF ITS EMPLOYEES, VENDORS, CONTRACTORS OR SUBCONTRACTORS AND A WILLING ENTITY

LICENSED UNDER TITLE 32, CHAPTER 24 OR SIMILARLY LICENSED IN ANOTHER STATE WHERE THE PARTIES ARE NOT AFFILIATES.

Sec. 10. Section 19-121.01, Arizona Revised Statutes, is amended to read:

19-121.01. Secretary of state; removal of petition and ineligible signatures; facsimile sheets; random sample

A. Within twenty days, excluding Saturdays, Sundays and other legal holidays, of 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 THAT IS MARKED BY THE OFFICIAL DATE AND TIME OF RECEIPT BY THE SECRETARY OF STATE.

(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.

(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) ~~Beginning after November 2, 2010,~~ 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.

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 in the upper right-hand corner of the face of the petition.

(b) Remove all signatures of those not in the county of the majority on each sheet by marking an "SS" in red ink in the margin to the right of the signature line.

(c) Cause all signature sheets to be grouped together by county of registration of the majority of those signing and attach them to one or more copies of the title and text of the measure. If the sheets are too bulky for convenient grouping by the secretary of state in one volume by county, they may be bound in two or more volumes with those in each volume attached to a single printed copy of the measure. The remaining detached copies of the title and text of the measure shall be delivered to the applicant.

3. After completing the steps in paragraph 2 of this subsection, remove the following signatures that are not eligible for verification by marking an "SS" in red ink in the margin to the right of 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.

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

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

(f) ~~Beginning after November 2, 2010,~~ 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 in the upper right-hand corner of the face of each petition sheet immediately above the county designation.

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 in the upper left-hand corner.

6. Count all remaining petition sheets and signatures not previously removed and issue a receipt to 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, the secretary of state, during the same twenty day period provided in subsection A of this section, shall select, at random, five per cent 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 according to the following procedure:

1. Using red ink, mark the selected signature by circling the line number and drawing a line from the base of the circle extending into the left margin.

2. 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 and is marked with an "SS", 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.

C. After the selection of the random sample and the marking of the signatures selected on the original petition sheets pursuant to subsection B of this section, the secretary of state shall reproduce a facsimile 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 by color highlighting or other similar method and shall transmit by personal delivery or certified mail to each county recorder a facsimile sheet 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.

D. The secretary of state shall retain in custody all signature sheets removed pursuant to this section except as otherwise prescribed in this title.

Sec. 11. Section 19-121.02, Arizona Revised Statutes, is amended to read:

19-121.02. <u>Certification by county recorder</u>

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. 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.

Sec. 12. Section 19-121.04, Arizona Revised Statutes, is amended to read:

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, paragraph 6 ~~in the following order:~~

~~1. All signatures on petitions containing a defective circulator's affidavit.~~

~~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 per cent 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 ~~because the person circulating them was a county recorder or justice of the peace at the time of circulating the petition or due to defects in the circulator's affidavit~~ 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 _____ per cent. 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 ~~five~~ per cent 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 per cent 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 ~~immediately return~~ RETAIN the original signature sheets~~, in the form filed by him under section 19-121, to~~ UNTIL AFTER THE CONCLUSION OF ANY LITIGATION REGARDING THE MEASURE OR UNTIL THE TIME HAS EXPIRED FOR ANY LITIGATION. THE SECRETARY OF STATE SHALL PROVIDE TO the person or organization that submitted them~~, together with~~ 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 ~~petitions containing a defective circulator's affidavit~~ 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.

Sec. 13. Title 19, chapter 2, article 1, Arizona Revised Statutes, is amended by adding section 19-201.01, to read:

19-201.01. Legislative findings and intent; strict compliance

THE LEGISLATURE FINDS AND DETERMINES THAT STRICT COMPLIANCE WITH THE APPLICATION AND ENFORCEMENT OF THE CONSTITUTIONAL AND STATUTORY REQUIREMENTS FOR RECALL PROVIDE THE SUREST METHOD FOR SAFEGUARDING THE INTEGRITY AND ACCURACY OF THE RECALL PROCESS. THEREFORE, THE LEGISLATURE DECLARES THAT THE CONSTITUTIONAL AND STATUTORY REQUIREMENTS FOR RECALL BE STRICTLY CONSTRUED AND THAT PERSONS USING THE RECALL PROCESS STRICTLY COMPLY WITH THOSE CONSTITUTIONAL AND STATUTORY REQUIREMENTS.

Sec. 14. Section 19-202.01, Arizona Revised Statutes, is amended to read:

19-202.01. Application for recall petition

A. A person or organization intending to file a recall petition shall, before causing the petition to be printed and circulated, submit an application setting forth ~~his~~ THE FOLLOWING:

1. THE PERSON'S name AND ADDRESS or, if an organization, its name AND ADDRESS and the names and titles of its officers. ~~, address, his~~

2. THE PERSON OR ORGANIZATION'S intention to circulate and submit ~~such~~ A RECALL petition. ~~,~~

3. The text of the general statement required by section 19-203 and a request for issuance of an official number to be printed on the signature sheets of the petition.

B. ~~Such~~ THE application AND PETITION shall be submitted AS A SINGLE DOCUMENT to the office of secretary of state if for recall of a state officer, including a member of the state legislature, or a member of Congress, and with the county officer in charge of elections if for a county or district officer or superior court judge, with the city or town clerk if for a city or town officer and with the county school superintendent if for a governing board member of a school district.

~~B.~~ C. On receipt of the application AND PETITION, the receiving officer shall forthwith assign a number to the petition, which number shall appear in the lower right-hand corner on each side of each signature sheet, and issue that number to the applicant. A record shall be maintained by the receiving officer of each application received, of the date of its receipt and of the number assigned and issued to the applicant.

D. WHEN THE APPLICATION IS RECEIVED BY THE FILING OFFICER AND MARKED BY THE FILING OFFICER WITH AN OFFICIAL DATE AND TIME OF RECEIPT, THE TIME-AND-DATE-MARKED APPLICATION, INCLUDING THE GENERAL STATEMENT REQUIRED BY SECTION 19-203, CONSTITUTES THE OFFICIAL COPY OF THE TEXT OF THE RECALL AND SHALL BE USED IN ALL INSTANCES AS THE TEXT OF THE RECALL. FOR ANY SUBSEQUENT CHANGE IN THE TEXT OF THE RECALL BY THE APPLICANT, INCLUDING ANY CHANGE IN THE GENERAL STATEMENT REQUIRED BY SECTION 19-203, THE APPLICANT SHALL FILE A NEW APPLICATION, SHALL RECEIVE A NEW OFFICIAL SERIAL NUMBER AND SHALL USE AS THE TEXT OF THE RECALL THE TIME-AND-DATE-MARKED TEXT THAT ACCOMPANIED THE NEW APPLICATION.

Sec. 15. Section 19-203, Arizona Revised Statutes, is amended to read:

19-203. Recall petition; contents; submission for verification; nonacceptance

A. A recall petition shall contain a general statement of not more than two hundred words stating the grounds of the demand for the recall. The petition shall be submitted for verification of signatures to ONE OF THE FOLLOWING:

1. The office of the secretary of state if for a state officer, including a member of the legislature or a member of Congress. ~~, with~~

2. The county officer in charge of elections if for a county or district officer or superior court judge. ~~, with~~

3. The city or town clerk if for a city or town officer and with the county school superintendent if for a governing board member of a school district.

B. No recall petition is considered filed for purposes of this chapter until the verification process is complete and the petition is filed pursuant to section 19-208.03, subsection A, paragraph 1.

~~B.~~ C. A recall petition shall not be accepted for such verification if more than one hundred twenty days have passed since the date of submission of the application for recall petition, as prescribed by section 19-202.01.

D. THE FILING OFFICER'S TIME-AND-DATE-MARKED COPY OF THE APPLICATION, INCLUDING THE GENERAL STATEMENT OF THE GROUNDS FOR RECALL, CONSTITUTES THE FULL AND CORRECT COPY OF THE RECALL TEXT AND IS THE ONLY VALID COPY FOR CIRCULATION FOR SIGNATURES. SIGNATURES THAT ARE COLLECTED WITH ANY COPY OF THE RECALL TEXT THAT IS NOT A FACSIMILE OF THE TIME-AND-DATE-MARKED COPY WITH THE COMPLETE TEXT THAT IS IDENTICAL TO THE TIME-AND-DATE-MARKED COPY ARE INVALID.

Sec. 16. Applicability; permanent early voting list; early ballots; 2012 and 2014 primary and general elections; secretary of state voter outreach campaign

A. Notwithstanding section 16-544, Arizona Revised Statutes, as amended by this act, for voters on the permanent early voting list who did not vote an early ballot in the 2012 primary and general elections and the 2014 primary and general elections, county officers in charge of elections

may send the notices prescribed by section 16-544, subsection L, Arizona Revised Statutes, as amended by this act, and modify their permanent early voting lists.

B. In 2013 and 2014, the secretary of state, in conjunction with county and local elections officials, shall implement a statewide public information and voter outreach program to educate and inform voters regarding the possible removal of voters from the permanent early voting list, including the basis for that removal and methods for a voter to avoid removal or to be added to the permanent early voting list, if desired. The statewide public information and voter outreach program shall include print and radio advertisements, including advertisements directed at persons who reside in locations with limited services and persons who receive official elections materials in languages other than English.

Sec. 17. Candidate petition signature collection; date of collection; validity; number

Candidate nomination petition signatures that are properly collected and filed as otherwise provided by law are valid without regard to whether those signatures are collected before the effective date of this act but the number of signatures required for a candidate after the effective date of this act shall be as prescribed by section 16-322, Arizona Revised Statutes, as amended by this act.

Sec. 18. Retroactive applicability

Section 16-924, Arizona Revised Statutes, as amended by this act, is applicable to reasonable cause findings made from and after July 31, 2012.

Sec. 19. Severability

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

APPROVED BY THE GOVERNOR JUNE 19, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 19, 2013.

Passed the House February 20, 2013

by the following vote: 53 Ayes,

5 Nays, 2 Not Voting

Speaker of the House

Pro Tempore

Cheryl Laube

Chief Clerk of the House

Passed the Senate April 2, 2013

by the following vote: 16 Ayes,

12 Nays, 2 Not Voting

President of the Senate

Chairman Bellington

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____M.

_____

Secretary to the Governor

Approved this _____day of

_____

at _____ o'clock _____M.

_____

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____ o'clock _____M.

_____

Secretary of State

H.B. 2305

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House June 13, 2013

by the following vote: 33 Ayes,

26 Nays, 1 Not Voting

Speaker of the House

Cheryl Laube
Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference Un Reconsideration

Passed the Senate June 13, 2013

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 received by the Governor this

14 day of June, 2013

at 10:25 o'clock A M.

Mikhaila Howard
Secretary to the Governor

Approved this 19th day of

June

at 12:40 o'clock P. M.

Janice K. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 19th day of June, 2013

at 2:05 o'clock P M.

Secretary of State

H.B. 2305