Senate Engrossed House Bill

FILED
MICHELE REAGAN
SECRETARY OF STATE

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CHAPTER 285

HOUSE BILL 2407

AN ACT

AMENDING TITLE 19, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-101.01; AMENDING SECTIONS 19-112, 19-118, 19-121, 19-121.01, 19-121.02, 19-121.04 AND 19-122, 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 INITIATIVE, REFERENDUM AND RECALL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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 19-101.01, to read:

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.

Sec. 2. Section 19-112, Arizona Revised Statutes, is amended to read:

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. ~~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~~ 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.

Sec. 3. Section 19-118, Arizona Revised Statutes, is amended to read:

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. ~~For statewide ballot measures only,~~ 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. Notwithstanding section 19-141, this section does not apply to filing officers for counties, cities and towns and paid circulators for county, city and town measures are not required to register with the secretary of state or with the filing officer of the county, city or town. Challenges to signatures and circulators of county, city or town measures shall be as otherwise provided by law.~~

~~G.~~ 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.

Sec. 4. Section 19-121, Arizona Revised Statutes, is amended to read:

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 ~~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.

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. 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 ~~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, 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 BOARD OR THE CLERK OF THE MUNICIPALITY, AS APPROPRIATE, or, in the absence of a written ordinance or resolution, that portion of the minutes of the legislative body THAT ARE APPROVED BY THE GOVERNING BODY AND FILED WITH THE CLERK OF THE GOVERNING BODY AND that ~~reflects~~ REFLECT 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.

Sec. 5. 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 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) ~~For statewide ballot measures only,~~ 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 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, IF THE DATE ON WHICH THE PETITIONER SIGNED THE PETITION IS BEFORE THE DATE THAT THE STATEMENT OF ORGANIZATION WAS FILED FOR 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 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~~ 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 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 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.

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

Sec. 6. Section 19-121.02, Arizona Revised Statutes, is amended to read:

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.

~~9.~~ 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.

Sec. 7. 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~~ 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 ~~per cent~~ 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 ~~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~~ 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 ~~five per cent~~ 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 ~~per cent~~ 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 ~~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 TO PROCEED. 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. 8. Section 19-122, Arizona Revised Statutes, is amended to read:

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 ~~prior to~~ 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. Notwithstanding section 19-121.04, if any petition filed is not legally sufficient, the court, in an action brought by any citizen, may enjoin the secretary or other officers from certifying or printing on the official ballot for the ensuing election the amendment or measure proposed or referred. 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 days after judgment.~~

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~~, or in one of the counties, in which the measures are to be voted on~~ IN WHICH THE MAJORITY OF THE POPULATION OF THAT CITY OR TOWN RESIDES shall have jurisdiction.

Sec. 9. Title 19, chapter 2, article 1, Arizona Revised Statutes, is amended by adding section 19-201.01, to read:

19-201.01. Legislative finding and intent; strict compliance

THE LEGISLATURE RECOGNIZES THAT RECALL OVERTURNS THE DETERMINATION OF THE QUALIFIED ELECTORS AND THEREFORE FINDS AND DETERMINES THAT STRICT COMPLIANCE WITH THE CONSTITUTIONAL AND STATUTORY REQUIREMENTS FOR RECALL AND IN THE APPLICATION AND ENFORCEMENT OF THOSE REQUIREMENTS PROVIDES THE SUREST METHOD FOR SAFEGUARDING THE INTEGRITY AND ACCURACY OF THE RECALL PROCESS. THEREFORE, THE LEGISLATURE FINDS AND DECLARES ITS INTENT 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. 10. 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, SHALL submit an application setting forth THE FOLLOWING:

1. ~~his~~ 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~~ THAT 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, AND ANY SIGNATURES THAT ARE OBTAINED ON THE PRIOR RECALL PETITION ARE INVALID FOR THE NEW RECALL PETITION.

Sec. 11. 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 ISSUED BY THE FILING OFFICER ARE INVALID.

APPROVED BY THE GOVERNOR APRIL 13, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2015.

Passed the House March 4, 2015

by the following vote: 36 Ayes,

24 Nays, 0 Not Voting

Speaker of the House

☐ Pro Tempore

Chief Clerk of the House

Passed the Senate March 31, 2015

by the following vote: 21 Ayes,

8 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

_____ 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

HOUSE CONCURS IN SENATE AMENDMENTS AND FINAL PASSAGE

April 1, 2015,

by the following vote: 35 Ayes,

24 Nays, 1 Not Voting

Speaker of the House

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

2nd day of April, 2015,

at 8:57 o'clock A. M.

Secretary to the Governor

Approved this 13th day of

April, 2015,

at 10:20 o'clock A M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 14th day of April, 2015

at 10:30 o'clock A M.

Secretary of State

H.B. 2407