

State of Arizona  
House of Representatives  
Fifty-first Legislature  
First Regular Session  
2013

**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)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 16-322, Arizona Revised Statutes, is amended to  
3 read:  
4 16-322. Number of signatures required on nomination petitions  
5 A. Nomination petitions shall be signed:  
6 1. If for a candidate for the office of United States senator or for a  
7 state office, excepting members of the legislature and superior court judges,  
8 by a number of qualified electors who are qualified to vote for the candidate  
9 whose nomination petition they are signing equal to at least ~~one-half~~  
10 ~~ONE-SIXTH~~ of one per cent of the voter registration ~~of the party of the~~  
11 ~~candidate~~ in at least three counties in the state, ~~but not less than one-half~~  
12 ~~AND AT LEAST ONE-SIXTH~~ of one per cent ~~nor~~ BUT NOT more than ten per cent of  
13 the total voter registration ~~of the candidate's party~~ in the state.  
14 2. If for a candidate for the office of representative in Congress, by  
15 a number of qualified electors who are qualified to vote for the candidate  
16 whose nomination petition they are signing equal to at least ~~ONE-THIRD OF~~ one  
17 per cent but not more than ten per cent of the total voter registration ~~of~~  
18 ~~the party designated~~ in the district from which ~~such~~ THE representative shall  
19 be elected except that if for a candidate for a special election to fill a  
20 vacancy in the office of representative in congress, by a number of qualified  
21 electors who are qualified to vote for the candidate whose nomination  
22 petition they are signing equal to at least ~~one-half~~ ~~ONE-SIXTH~~ of one per  
23 cent but not more than ten per cent of the total voter registration ~~of the~~  
24 ~~party designated~~ in the district from which ~~such~~ THE representative shall be  
25 elected.  
26 3. If for a candidate for the office of member of the legislature, by  
27 a number of qualified electors who are qualified to vote for the candidate  
28 whose nomination petition they are signing equal to at least ~~ONE-THIRD OF~~ one  
29 per cent but not more than three per cent of the total voter registration ~~of~~  
30 ~~the party designated~~ in the district from which the member of the legislature  
31 may be elected.  
32 4. If for a candidate for a county office or superior court judge, by  
33 a number of qualified electors who are qualified to vote for the candidate  
34 whose nomination petition they are signing equal to at least two per cent but  
35 not more than ten per cent of the total voter registration of the party  
36 designated in the county or district, provided that in counties with a  
37 population of two hundred thousand persons or more, a candidate for a county  
38 office shall have nomination petitions signed by a number of qualified  
39 electors who are qualified to vote for the candidate whose nomination  
40 petition they are signing equal to at least one-half of one per cent but not  
41 more than ten per cent of the total voter registration of the party  
42 designated in the county or district.  
43 5. If for a candidate for a community college district, by a number of  
44 qualified electors who are qualified to vote for the candidate whose  
45 nomination petition they are signing equal to at least:

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

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

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

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

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

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

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

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

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

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

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

41           D. If new boundaries for congressional districts, legislative  
42 districts, supervisorial districts, justice precincts or election precincts  
43 are established and effective subsequent to March 1 of the year of a general  
44 election and prior to the date for filing of nomination petitions, the basis  
45 for determining the required number of nomination petition signatures is the  
46 number of registered voters in the designated party of the candidate in the

1 elective office, district or precinct on the day the new districts or  
2 precincts are effective.

3 Sec. 2. Section 16-544, Arizona Revised Statutes, is amended to read:  
4 16-544. Permanent early voting list; civil penalty; violation;  
5 classification

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

11 B. In order to be included on the permanent early voting list, the  
12 voter shall make a written request specifically requesting that the voter's  
13 name be added to the permanent early voting list for all elections in which  
14 the applicant is eligible to vote. A permanent early voter request form  
15 shall conform to requirements prescribed in the instructions and procedures  
16 manual issued pursuant to section 16-452. The application shall allow for  
17 the voter to provide the voter's name, residence address, mailing address in  
18 the voter's county of residence, date of birth and signature and shall state  
19 that the voter is attesting that the voter is a registered voter who is  
20 eligible to vote in the county of residence. The voter shall not list a  
21 mailing address that is outside of this state for the purpose of the  
22 permanent early voting list unless the voter is an absent uniformed services  
23 voter or overseas voter as defined in the uniformed and overseas citizens  
24 absentee voting act of 1986 (P.L. 99-410; 42 United States Code section  
25 1973ff-6). In lieu of the application, the applicant may submit a written  
26 request that contains the required information.

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

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

1 notice shall be delivered with return postage prepaid and shall also include  
2 a means for the voter to do any of the following:

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

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

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

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

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

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

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

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

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

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

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

45 3. The notice sent by the county recorder or other officer in charge  
46 of elections is returned undeliverable and the county recorder or officer in

1 charge of elections is unable to contact the voter to determine the voter's  
2 continued desire to remain on the list.

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

9 J. An absent uniformed services voter or overseas voter as defined in  
10 the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410;  
11 42 United States Code section 1973ff-6) is eligible to be placed on the  
12 permanent early voting list pursuant to this section.

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

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

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

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

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

39 ~~L.~~ N. A candidate, A political committee or ~~other~~ ANOTHER  
40 organization may distribute permanent early voting list request forms to  
41 voters. BEGINNING JANUARY 1, 2015, PERMANENT EARLY VOTING LIST REQUEST FORMS  
42 THAT ARE DISTRIBUTED BY A CANDIDATE, A POLITICAL COMMITTEE OR ANOTHER  
43 ORGANIZATION SHALL INCLUDE THE FOLLOWING STATEMENT:

44 NOTICE: BY SIGNING THIS FORM YOU ARE AGREEING TO RECEIVE AN  
45 EARLY BALLOT FOR EVERY ELECTION IN WHICH YOU ARE ELIGIBLE TO  
46 VOTE. YOU ARE INFORMING THE RECORDER THAT YOU DO NOT WISH TO

1 VOTE AT YOUR ASSIGNED POLLING LOCATION FOR ALL ELECTIONS. IF  
2 YOU WOULD LIKE TO VOTE AT YOUR ASSIGNED POLLING LOCATION, DO NOT  
3 SIGN THIS FORM.

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

14 ~~M.~~ 0. All original and completed permanent early voting list request  
15 forms that are received by a candidate, political committee or other  
16 organization shall be submitted within six business days after receipt by a  
17 candidate or political committee or eleven days before the election day,  
18 whichever is earlier, to the political subdivision that will conduct the  
19 election. Any person, political committee or other organization that fails  
20 to submit a completed permanent early voting list request form within the  
21 prescribed time is subject to a civil penalty of up to twenty-five dollars  
22 per day for each completed form withheld from submittal. Any person who  
23 knowingly fails to submit a completed permanent early voting list request  
24 form before the submission deadline for the election immediately following  
25 the completion of the form is guilty of a class 6 felony.

26 Sec. 3. Section 16-547, Arizona Revised Statutes, is amended to read:  
27 16-547. Ballot affidavit: form

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

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

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

40 I declare the following under penalty of perjury: At the  
41 registered voter's request I assisted the voter identified in  
42 this affidavit with marking OR RETURNING the voter's ballot, I  
43 marked OR RETURNED the ballot as directly instructed by the  
44 voter, I provided the assistance because the voter was  
45 physically unable to mark the ballot solely due to illness,  
46 injury or physical limitation OR WAS OTHERWISE UNABLE TO RETURN



1 THE BALLOT and I understand that there is no power of attorney  
2 for voting and that the voter must be able to make ~~their~~ THE  
3 VOTER'S selection even if ~~they~~ THE VOTER cannot physically mark  
4 the ballot.

5 Name of voter assistant: \_\_\_\_\_

6 Address of voter assistant: \_\_\_\_\_

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

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

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

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

26 Sec. 4. Section 16-924, Arizona Revised Statutes, is amended to read:  
27 16-924. Civil penalties; attorney general; county, city or town  
28 attorney

29 A. Unless another penalty is specifically prescribed in this title, if  
30 the filing officer for campaign finance reports designated pursuant to  
31 section 16-916, subsection A has reasonable cause to believe that a person is  
32 violating any provision of this title, except for violations of chapter 6,  
33 article 2, the secretary of state shall notify the attorney general for a  
34 violation regarding a statewide office or the legislature, the county officer  
35 in charge of elections shall notify the county attorney for that county for a  
36 violation regarding a county office or the city or town clerk shall notify  
37 the city or town attorney for a violation regarding a city or town office.  
38 The attorney general, county attorney or city or town attorney, as  
39 appropriate, may serve on the person an order requiring compliance with that  
40 provision. The order shall state with reasonable particularity the nature of  
41 the violation and shall require compliance within twenty days from the date  
42 of issuance of the order. The alleged violator has twenty days from the date  
43 of issuance of the order to request a hearing pursuant to title 41,  
44 chapter 6.

45 B. If a person fails to take corrective action within the time  
46 specified in the compliance order issued pursuant to subsection A OF THIS

1 SECTION, the attorney general, county attorney or city or town attorney, as  
2 appropriate, shall issue an order assessing a civil penalty of not more than  
3 one thousand dollars. The person alleged to have violated the compliance  
4 order has thirty days from the date of issuance of the order assessing the  
5 civil penalty to request a hearing pursuant to title 41, chapter 6.

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

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

13 E. NOTWITHSTANDING SUBSECTION A OF THIS SECTION:

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

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

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

31 Sec. 5. Section 16-1005, Arizona Revised Statutes, is amended to read:  
32 16-1005. Ballot abuse; ballot return; violation; classification

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

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

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

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

45 E. A person or entity that knowingly solicits the collection of voted  
46 or unvoted ballots by misrepresenting itself as an election official or as an

1 official ballot repository or is found to be serving as a ballot drop off  
2 site, other than those established and staffed by election officials, is  
3 guilty of a class 5 felony.

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

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

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

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

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

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

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

29 19-103. Legislative findings and intent: strict compliance

30 THE LEGISLATURE FINDS AND DETERMINES THAT STRICT COMPLIANCE WITH THE  
31 APPLICATION AND ENFORCEMENT OF THE CONSTITUTIONAL AND STATUTORY REQUIREMENTS  
32 FOR BOTH THE INITIATIVE AND THE REFERENDUM PROCESS PROVIDE THE SUREST METHOD  
33 FOR SAFEGUARDING THE INTEGRITY AND ACCURACY OF THE INITIATIVE AND REFERENDUM  
34 PROCESS. THEREFORE, THE LEGISLATURE DECLARES THAT THE CONSTITUTIONAL AND  
35 STATUTORY REQUIREMENTS FOR THE INITIATIVE AND REFERENDUM BE STRICTLY  
36 CONSTRUED AND THAT PERSONS USING EITHER THE INITIATIVE OR REFERENDUM PROCESS  
37 STRICTLY COMPLY WITH THOSE CONSTITUTIONAL AND STATUTORY REQUIREMENTS.

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

39 19-111. Number for petition

40 A. A person or organization intending to propose a law or  
41 constitutional amendment by initiative petition or to file a referendum  
42 petition against a measure, item, section or part of a measure, before  
43 causing the petition to be printed and circulated, shall file with the  
44 secretary of state an application, on a form to be provided by the secretary  
45 of state, setting forth ~~his~~ THE PERSON'S name or, if an organization, its  
46 name and the names and titles of its officers, THE PERSON'S OR ORGANIZATION'S

1 address, ~~his~~ THE PERSON'S OR ORGANIZATION'S intention to circulate and file a  
2 petition, a description of no more than one hundred words of the principal  
3 provisions of the proposed law, constitutional amendment or measure and the  
4 text of the proposed law, constitutional amendment or measure to be initiated  
5 or referred in no less than eight point type, and applying for issuance of an  
6 official serial number. At the same time as the person or organization files  
7 its application, the person or organization shall file with the secretary of  
8 state its statement of organization or its signed exemption statement as  
9 prescribed by section 16-902.01. The secretary of state shall not accept an  
10 application for initiative or referendum without an accompanying statement of  
11 organization or signed exemption statement as prescribed by this subsection.

12 B. On receipt of the application, the secretary of state shall assign  
13 an official serial number to the petition, which number shall appear in the  
14 lower right-hand corner of each side of each copy thereof, and issue that  
15 number to the applicant. THE SECRETARY OF STATE SHALL ASSIGN numbers ~~shall~~  
16 ~~be assigned~~ to petitions ~~by the secretary of state~~ in numerical sequence, and  
17 a record shall be maintained in ~~his~~ THE SECRETARY OF STATE'S office of each  
18 application received and of the numbers assigned and issued to the  
19 applicant. WHEN THE APPLICATION IS RECEIVED BY THE SECRETARY OF STATE AND  
20 MARKED BY THE SECRETARY OF STATE WITH AN OFFICIAL TIME AND DATE OF RECEIPT,  
21 THE TIME-AND-DATE-MARKED TEXT THAT ACCOMPANIED THE APPLICATION CONSTITUTES  
22 THE OFFICIAL COPY OF THE TEXT OF THE MEASURE OR CONSTITUTIONAL AMENDMENT AND  
23 SHALL BE USED IN ALL INSTANCES AS THE TEXT OF THE MEASURE OR CONSTITUTIONAL  
24 AMENDMENT. FOR ANY SUBSEQUENT CHANGE IN THE TEXT OF THE MEASURE OR  
25 CONSTITUTIONAL AMENDMENT BY THE APPLICANT, THE APPLICANT SHALL FILE A NEW  
26 APPLICATION AND TEXT, SHALL BE ASSIGNED A NEW OFFICIAL SERIAL NUMBER AND  
27 SHALL USE AS THE TEXT OF THE MEASURE OR CONSTITUTIONAL AMENDMENT THE  
28 TIME-AND-DATE-MARKED TEXT THAT ACCOMPANIED THE NEW APPLICATION.

29 C. The secretary of state shall make available to each applicant by  
30 electronic means a copy of the text of this article governing the initiative  
31 and referendum and all rules adopted by the secretary of state pursuant to  
32 this title. In addition, the secretary of state shall provide the applicant  
33 by electronic means the ability to file a statement of organization or five  
34 hundred dollar threshold exemption statement and a notice stating: "This  
35 statement must be filed before valid signatures can be collected." The  
36 secretary of state shall make available by electronic means a copy of the  
37 text of this article governing the initiative and referendum and all rules  
38 adopted by the secretary of state pursuant to this title to the county, city  
39 and town clerks who shall similarly furnish a copy to each applicant by  
40 electronic means. If a member of the public so requests, the secretary of  
41 state and the county, city and town clerks shall provide a copy in pamphlet  
42 form.

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

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

1           19-112. Signatures and verification; attachment; registration  
2                                   of circulators

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

13           B. The signature sheets shall be attached at all times during  
14 circulation to a full and correct copy of the title and text of the measure  
15 or constitutional amendment proposed or referred by the petition. The title  
16 and text shall be in at least eight point type and shall include both the  
17 original and the amended text. The text shall indicate material deleted, if  
18 any, by printing the material with a line drawn through the center of the  
19 letters of the material and shall indicate material added or new material by  
20 printing the letters of the material in capital letters. **THE SECRETARY OF**  
21 **STATE'S TIME-AND-DATE-MARKED COPY OF THE MEASURE OR CONSTITUTIONAL AMENDMENT**  
22 **WITH ITS PROPOSED TEXT SET OUT IN FULL WITH THE ORIGINAL AND THE AMENDED TEXT**  
23 **CONSTITUTES THE FULL AND CORRECT COPY AND IS THE ONLY VALID COPY OF THE TITLE**  
24 **AND TEXT OF THE MEASURE FOR CIRCULATION FOR SIGNATURES. SIGNATURES THAT ARE**  
25 **COLLECTED WITH ANY COPY OF THE MEASURE OR CONSTITUTIONAL AMENDMENT THAT IS**  
26 **NOT A FACSIMILE OF THE TIME-AND-DATE-MARKED COPY WITH TITLE AND TEXT THAT IS**  
27 **IDENTICAL TO THE TIME-AND-DATE-MARKED COPY ARE INVALID.**

28           C. The person before whom the signatures, names and addresses were  
29 written on the signature sheet ~~shall~~, on the affidavit form pursuant to this  
30 section, **SHALL** subscribe and swear before a notary public that each of the  
31 names on the sheet was signed and the name and address were printed by the  
32 elector and the circulator on the date indicated, ~~and~~ that in his belief each  
33 signer was a qualified elector of a certain county of the state, or, in the  
34 case of a city, town or county measure, of the city, town or county affected  
35 by the measure on the date indicated, and that at all times during  
36 circulation of the signature sheet a copy of the title and text was attached  
37 to the signature sheet. Circulators who are not residents of this state must  
38 be registered as circulators with the secretary of state before circulating  
39 petitions. The secretary of state shall provide for a method of receiving  
40 service of process for those petition circulators who register pursuant to  
41 this subsection. The secretary of state shall establish in the instructions  
42 and procedures manual issued pursuant to section 16-452 a procedure for  
43 registering circulators and receiving service of process. All signatures of  
44 petitioners on a signature sheet shall be those of qualified electors who are  
45 registered to vote in the same county. However, if signatures from more than  
46 one county appear on the same signature sheet, only the valid signatures from

1 the same county that are most numerous on the signature sheet shall be  
2 counted. Signature and handwriting comparisons may be made.

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

5 Affidavit of Circulator

6 State of Arizona )  
7 ) ss.:  
8 County of \_\_\_\_\_)  
9 (Where notarized)

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

26 (Signature of affiant) \_\_\_\_\_  
27 (Residence address, street  
28 and number of affiant,  
29 or if no street address, a  
30 description of residence  
31 location) \_\_\_\_\_

32 \_\_\_\_\_  
33 Subscribed and sworn to before me on \_\_\_\_\_  
34 (date)

35 \_\_\_\_\_  
36 Notary Public  
37 \_\_\_\_\_, Arizona.  
38 ~~My commission expires on \_\_\_\_\_.~~  
39 ~~(date)~~

40 (FORM SHALL INCLUDE A DESIGNATED LOCATION FOR NOTARY STAMP)

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

43 Sec. 9. Section 19-121, Arizona Revised Statutes, is amended to read:  
44 19-121. Signature sheets; petitions; form; procedure for  
45 filing; evidence in challenge; definitions

46 A. Signature sheets filed shall:

- 1           1. Be in the form prescribed by law.
- 2           2. Have printed in ~~its~~ THEIR lower right-hand corner, on each side of
- 3 such ~~sheet~~ SHEETS, the official serial number assigned to the petition by the
- 4 secretary of state.
- 5           3. Be attached to a full and correct copy of the title and text of the
- 6 measure, or amendment to the constitution, proposed or referred by the
- 7 petition. THE SECRETARY OF STATE'S TIME-AND-DATE-MARKED COPY OF THE MEASURE
- 8 OR CONSTITUTIONAL AMENDMENT CONSTITUTES THE FULL AND CORRECT COPY AND IS THE
- 9 ONLY VALID COPY OF THE TITLE AND TEXT OF THE MEASURE FOR CIRCULATION FOR
- 10 SIGNATURES.
- 11           4. Be printed in at least eight point type.
- 12           5. Be printed in black ink on white or recycled white pages fourteen
- 13 inches in width by eight and one-half inches in length, with a margin of at
- 14 least one-half inch at the top and one-fourth inch at the bottom of each
- 15 page.
- 16           B. For THE purposes of this chapter, a petition is filed when the
- 17 petition sheets are tendered to the secretary of state, ~~at which time~~ WHO
- 18 SHALL ISSUE a receipt ~~is immediately issued by the secretary of state~~ based
- 19 on an estimate made to the secretary of state of the purported number of
- 20 sheets and signatures filed. After the issuance of the receipt, no
- 21 additional petition sheets may be accepted for filing.
- 22           C. Petitions may be filed with the secretary of state in numbered
- 23 sections for convenience in handling. Not more than fifteen signatures on
- 24 one sheet shall be counted. THE POLITICAL COMMITTEE THAT FILES THE PETITIONS
- 25 SHALL ORGANIZE THE SIGNATURE SHEETS AND GROUP THEM BY THE COUNTY OF RESIDENCE
- 26 OF THE MAJORITY OF THE PERSONS SIGNING THAT SIGNATURE SHEET, BY CIRCULATOR ON
- 27 THAT SIGNATURE SHEET AND BY THE NOTARY PUBLIC WHO NOTARIZED THE CIRCULATOR'S
- 28 SIGNATURE ON THAT SHEET. THE SECRETARY OF STATE MAY RETURN AS UNFILED ANY
- 29 SIGNATURE SHEETS THAT ARE NOT SO ORGANIZED AND GROUPED. BEFORE MAKING THE
- 30 DETERMINATION THAT THE PETITIONS WERE IMPROPERLY ORGANIZED AND THEREFORE NOT
- 31 FILED, THE SECRETARY OF STATE SHALL MAKE A REASONABLE CAUSE FINDING PURSUANT
- 32 TO SECTION 16-924 THAT THE COMMITTEE FAILED TO COMPLY WITH THIS SECTION AND
- 33 SHALL REFER THE MATTER TO THE ATTORNEY GENERAL PURSUANT TO SECTION 16-924.
- 34 THE ATTORNEY GENERAL MAY THEN ISSUE A COMPLIANCE ORDER DIRECTING THE
- 35 COMMITTEE TO REORGANIZE THE PETITIONS IN THE PROPER ORGANIZATION OR
- 36 GROUPING. ANY REORGANIZATION REQUIRED UNDER THIS SECTION DOES NOT EXTEND THE
- 37 TIME FOR FILING. THE POLITICAL COMMITTEE THAT IS THE PROPONENT OF THE
- 38 PETITION IS SOLELY RESPONSIBLE FOR COMPLIANCE WITH THIS SUBSECTION.
- 39           D. Initiative petitions ~~which~~ THAT have not been filed with the
- 40 secretary of state as of 5:00 p.m. on the day required by the constitution
- 41 ~~prior to~~ BEFORE the ensuing general election after their issuance shall be
- 42 null and void, but in no event shall the secretary of state accept an
- 43 initiative petition ~~which~~ THAT was issued for circulation more than
- 44 twenty-four months ~~prior to~~ BEFORE the general election at which the measure
- 45 is to be included on the ballot.

1 E. For THE purposes of this article and article 4 OF THIS CHAPTER, the  
2 measure to be attached to the petition as enacted by the legislative body of  
3 an incorporated city, ~~OR~~ town or A county means the adopted ordinance or  
4 resolution or, in the absence of a written ordinance or resolution, that  
5 portion of the minutes of the legislative body that reflects the action taken  
6 by that body when adopting the measure. In the case of zoning measures the  
7 measure shall also include a legal description of the property and any  
8 amendments made to the ordinance by the legislative body.

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

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

29 2. "ARMS LENGTH TRANSACTION" MEANS AN AGREEMENT TO PROVIDE A CRIMINAL  
30 RECORDS CHECK NEGOTIATED BETWEEN A WILLING COMMITTEE, INCLUDING ANY OF ITS  
31 EMPLOYEES, VENDORS, CONTRACTORS OR SUBCONTRACTORS AND A WILLING ENTITY  
32 LICENSED UNDER TITLE 32, CHAPTER 24 OR SIMILARLY LICENSED IN ANOTHER STATE  
33 WHERE THE PARTIES ARE NOT AFFILIATES.

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

36 19-121.01. Secretary of state; removal of petition and  
37 ineligible signatures; facsimile sheets; random  
38 sample

39 A. Within twenty days, excluding Saturdays, Sundays and other legal  
40 holidays, of the date of filing of an initiative or referendum petition and  
41 issuance of the receipt, the secretary of state shall:

42 1. Remove the following:

43 (a) Those sheets not attached to a copy of the COMPLETE title and text  
44 of the measure THAT IS MARKED BY THE OFFICIAL DATE AND TIME OF RECEIPT BY THE  
45 SECRETARY OF STATE.

46 (b) The copy of the title and text from the remaining petition sheets.



- 1 (c) Those sheets not bearing the CORRECT petition serial number in the  
2 lower right-hand corner of each side.
- 3 (d) Those sheets containing a circulator's affidavit that is not  
4 completed or signed.
- 5 (e) Those sheets on which the affidavit of the circulator is not  
6 notarized, the notary's signature is missing, the notary's commission has  
7 expired or the notary's seal is not affixed.
- 8 (f) Those sheets on which the signatures of the circulator or the  
9 notary are dated earlier than the dates on which the electors signed the face  
10 of the petition sheet.
- 11 (g) ~~Beginning after November 2, 2010,~~ Those sheets that are circulated  
12 by a circulator who is prohibited from participating in any election,  
13 initiative, referendum or recall campaign pursuant to section 19-119.01.
- 14 2. After completing the steps in paragraph 1 of this subsection,  
15 review each sheet to determine the county of the majority of the signers and  
16 shall:
- 17 (a) Place a three or four letter abbreviation designating that county  
18 in the upper right-hand corner of the face of the petition.
- 19 (b) Remove all signatures of those not in the county of the majority  
20 on each sheet by marking an "SS" in red ink in the margin to the right of the  
21 signature line.
- 22 (c) Cause all signature sheets to be grouped together by county of  
23 registration of the majority of those signing and attach them to one or more  
24 copies of the title and text of the measure. If the sheets are too bulky for  
25 convenient grouping by the secretary of state in one volume by county, they  
26 may be bound in two or more volumes with those in each volume attached to a  
27 single printed copy of the measure. The remaining detached copies of the  
28 title and text of the measure shall be delivered to the applicant.
- 29 3. After completing the steps in paragraph 2 of this subsection,  
30 remove the following signatures that are not eligible for verification by  
31 marking an "SS" in red ink in the margin to the right of the signature line:
- 32 (a) If the signature of the qualified elector is missing.
- 33 (b) If the residence address or the description of residence location  
34 is missing.
- 35 (c) If the date on which the petitioner signed is missing.
- 36 (d) Signatures in excess of the fifteen signatures permitted per  
37 petition.
- 38 (e) Signatures withdrawn pursuant to section 19-113.
- 39 (f) ~~Beginning after November 2, 2010,~~ Signatures for which the  
40 secretary of state determines that the petition circulator has printed the  
41 elector's first and last names or other information in violation of section  
42 19-112.
- 43 4. After the removal of petition sheets and signatures, count the  
44 number of signatures for verification on the remaining petition sheets and  
45 note that number in the upper right-hand corner of the face of each petition  
46 sheet immediately above the county designation.

1           5. Number the remaining petition sheets that were not previously  
2 removed and that contain signatures eligible for verification in consecutive  
3 order on the front side of each petition sheet in the upper left-hand corner.

4           6. Count all remaining petition sheets and signatures not previously  
5 removed and issue a receipt to the applicant of this total number eligible  
6 for verification.

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

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

21           2. If a signature line selected for the random sample is found to be  
22 blank or was removed from the verification process pursuant to subsection A  
23 of this section and is marked with an "SS", then the next line down, even if  
24 that requires going to the next petition sheet in sequence, on which an  
25 eligible signature appears shall be selected as a substitute if that line has  
26 not already been selected for the random sample. If the next eligible line  
27 is already being used in the random sample, the secretary of state shall  
28 proceed back up the page from the signature line originally selected for the  
29 random sample to the next previous signature line eligible for verification.  
30 If that line is already being used in the random sample, the secretary of  
31 state shall continue moving down the page or to the next page from the line  
32 originally selected for the random sample and shall select the next eligible  
33 signature as its substitute for the random sample. The secretary of state  
34 shall use this process of alternately moving forward and backward until a  
35 signature eligible for verification and not already included in the random  
36 sample can be selected and substituted.

37           C. After the selection of the random sample and the marking of the  
38 signatures selected on the original petition sheets pursuant to subsection B  
39 of this section, the secretary of state shall reproduce a facsimile of the  
40 front of each signature sheet on which a signature included in the random  
41 sample appears. The secretary of state shall clearly identify those  
42 signatures marked for verification by color highlighting or other similar  
43 method and shall transmit by personal delivery or certified mail to each  
44 county recorder a facsimile sheet of each signature sheet on which a  
45 signature appears of any individual who claims to be a qualified elector of

1 that county and whose signature was selected for verification as part of the  
2 random sample.

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

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

8 19-121.02. Certification by county recorder

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

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

16 2. No date of signing is provided.

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

19 4. The address provided is illegible or nonexistent.

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

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

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

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

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

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

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

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

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

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

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

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



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

4 C. If the number of valid signatures as projected from the random  
5 sample is less than one hundred per cent of the minimum number required by  
6 the constitution or if the actual number of signatures on the remaining  
7 sheets after any such subtraction from the random sample or after  
8 certification fails to equal or exceed the minimum required by the  
9 constitution, the secretary of state shall ~~immediately return~~ RETAIN the  
10 original signature sheets, ~~in the form filed by him under section 19-121, to~~  
11 UNTIL AFTER THE CONCLUSION OF ANY LITIGATION REGARDING THE MEASURE OR UNTIL  
12 THE TIME HAS EXPIRED FOR ANY LITIGATION. THE SECRETARY OF STATE SHALL  
13 PROVIDE TO the person or organization that submitted them, ~~together with~~ a  
14 certified statement that, for the following reasons, the petition lacks the  
15 minimum number of signatures to place it on the general election ballot:

16 1. Signature sheets bearing secretary of state page  
17 numbers \_\_\_\_\_ and bearing signatures of \_\_\_\_\_ persons  
18 appeared on ~~petitions containing a defective circulator's~~  
19 ~~affidavit~~ SIGNATURE PAGES THAT WERE REQUIRED TO BE REMOVED.

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

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

27 A facsimile of the certifications of the county recorders under section  
28 19-121.02 shall accompany the signature sheets returned to the person or  
29 organization that submitted them.

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

32 19-201.01. Legislative findings and intent; strict compliance

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

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

42 19-202.01. Application for recall petition

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

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

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

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

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

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

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

31           Sec. 15. Section 19-203, Arizona Revised Statutes, is amended to read:  
32 19-203. Recall petition; contents; submission for verification;  
33 nonacceptance

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

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

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

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

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

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

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

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

18 A. Notwithstanding section 16-544, Arizona Revised Statutes, as  
19 amended by this act, for voters on the permanent early voting list who did  
20 not vote an early ballot in the 2012 primary and general elections and the  
21 2014 primary and general elections, county officers in charge of elections  
22 may send the notices prescribed by section 16-544, subsection L, Arizona  
23 Revised Statutes, as amended by this act, and modify their permanent early  
24 voting lists.

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

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

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

43 Sec. 18. Retroactive applicability

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

46 Sec. 19. Severability

H.B. 2305

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

APPROVED BY THE GOVERNOR JUNE 19, 2013.

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