

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

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)

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

2 Section 1. Title 19, chapter 1, article 1, Arizona Revised Statutes,
3 is amended by adding section 19-101.01, to read:

4 19-101.01. Legislative findings and intent; strict compliance

5 THE LEGISLATURE RECOGNIZES THAT A REFERENDUM MAY OVERRULE THE RESULTS
6 OF DETERMINATIONS MADE BY REPRESENTATIVES OF THE PEOPLE AND THEREFORE FINDS
7 AND DETERMINES THAT STRICT COMPLIANCE WITH THE CONSTITUTIONAL AND STATUTORY
8 REQUIREMENTS FOR THE REFERENDUM PROCESS AND IN THE APPLICATION AND
9 ENFORCEMENT OF THOSE REQUIREMENTS PROVIDES THE SUREST METHOD FOR SAFEGUARDING
10 THE INTEGRITY AND ACCURACY OF THE REFERENDUM PROCESS. THEREFORE, THE
11 LEGISLATURE FINDS AND DECLARES ITS INTENT THAT THE CONSTITUTIONAL AND
12 STATUTORY REQUIREMENTS FOR THE REFERENDUM BE STRICTLY CONSTRUED AND THAT
13 PERSONS USING THE REFERENDUM PROCESS STRICTLY COMPLY WITH THOSE
14 CONSTITUTIONAL AND STATUTORY REQUIREMENTS.

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

16 19-112. Signatures and verification; attachment

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

27 B. The signature sheets shall be attached at all times during
28 circulation to a full and correct copy of the title and text of the measure
29 or constitutional amendment proposed or referred by the petition. The title
30 and text shall be in at least eight-point type and shall include both the
31 original and the amended text. The text shall indicate material deleted, if
32 any, by printing the material with a line drawn through the center of the
33 letters of the material and shall indicate material added or new material by
34 printing the letters of the material in capital letters. FOR THE PURPOSES OF
35 A REFERENDUM, THE SECRETARY OF STATE'S TIME-AND-DATE-MARKED COPY OF THE
36 MEASURE WITH ITS PROPOSED TEXT SET OUT IN FULL OR FOR ANY LOCAL MATTER, THE
37 COPY OF THE MEASURE SIGNED OR ENACTED INTO LAW BY THE MAYOR, OR CHAIRMAN OF
38 THE BOARD OF SUPERVISORS, AS APPROPRIATE, WITH ITS PROPOSED TEXT SET OUT IN
39 FULL AND INCLUDING THE ORIGINAL AND ANY AMENDED TEXT CONSTITUTES THE FULL AND
40 CORRECT COPY OF THE TITLE AND TEXT OF THE MEASURE FOR CIRCULATION FOR
41 SIGNATURES. FOR ANY LOCAL MATTER ENACTED WITHOUT AN ORDINANCE OR RESOLUTION,
42 THE OFFICIAL MINUTES APPROVED BY THE GOVERNING BODY AND SIGNED BY THE CLERK
43 OF THE GOVERNING BODY CONSTITUTE THE FULL AND CORRECT COPY OF THE TITLE AND
44 TEXT OF THE MEASURE. REFERENDUM SIGNATURES THAT ARE COLLECTED WITH ANY COPY
45 OF THE MEASURE THAT IS NOT A FACSIMILE OF THE TIME-AND-DATE-MARKED COPY FOR

1 STATEWIDE MEASURES OR THE FULL AND CORRECT COPY OF A LOCAL MEASURE AS
2 PRESCRIBED BY THIS SUBSECTION ARE INVALID.

3 C. The person before whom the signatures, names and addresses were
4 written on the signature sheet, on the affidavit form pursuant to this
5 section, shall subscribe and swear before a notary public that each of the
6 names on the sheet was signed and the name and address were printed by the
7 elector and the circulator on the date indicated, that in his belief each
8 signer was a qualified elector of a certain county of the state, or, in the
9 case of a city, town or county measure, of the city, town or county affected
10 by the measure on the date indicated, and that at all times during
11 circulation of the signature sheet a copy of the title and text was attached
12 to the signature sheet. All signatures of petitioners on a signature sheet
13 shall be those of qualified electors who are registered to vote in the same
14 county. However, if signatures from more than one county appear on the same
15 signature sheet, only the valid signatures from the same county that are most
16 numerous on the signature sheet shall be counted. ~~Signature and handwriting~~
17 ~~comparisons may be made.~~

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

20 Affidavit of Circulator
21 State of Arizona)
22) ss.:
23 County of _____)
24 (Where notarized)

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

41 (Signature of affiant) _____

1 (Residence address, street
2 and number of affiant, or
3 if no street address, a
4 description of residence
5 location) _____
6 _____

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

9 _____
10 Notary Public
11 _____, Arizona.

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

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

15 E. The eight-point type required by subsection B of this section ~~shall~~
16 DOES not apply to maps, charts or other graphics.

17 F. THE FORM OF THE AFFIDAVIT SHALL NOT BE MODIFIED. ANY PETITION THAT
18 CONTAINS A PARTIALLY COMPLETED AFFIDAVIT OR AN AFFIDAVIT THAT HAS BEEN
19 MODIFIED IS INVALID.

20 Sec. 3. Section 19-118, Arizona Revised Statutes, is amended to read:
21 19-118. Registered circulators; requirements; definition

22 A. All circulators who are not residents of this state and, for
23 statewide ballot measures only, all paid circulators must register as
24 circulators with the secretary of state before circulating petitions pursuant
25 to this title. The political committee that is circulating the petition
26 shall collect and submit the registrations to the secretary of state. The
27 secretary of state shall establish in the instructions and procedures manual
28 issued pursuant to section 16-452 a procedure for registering circulators and
29 shall publish on a website maintained by the secretary of state all
30 information regarding circulators that is required pursuant to this section.
31 ~~For statewide ballot measures only,~~ The secretary of state shall disqualify
32 all signatures collected by a circulator who fails to register pursuant to
33 this subsection as provided for in section 19-121.01, subsection A.

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

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

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

45 C. If a registered circulator is properly served with a subpoena to
46 provide evidence in an action regarding circulation of petitions and fails to

1 appear or produce documents as provided for in the subpoena, all signatures
2 collected by that circulator are deemed invalid. The party serving the
3 subpoena may request an order from the court directing the secretary of state
4 to remove any signatures collected by the circulator as provided for in
5 section 19-121.01, subsection A.

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

18 E. The removal or disqualification of any one or more circulators does
19 not invalidate the random sample of signatures made pursuant to section
20 19-121.01, and the secretary of state shall not be required to conduct any
21 additional random sampling of signatures.

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

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

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

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

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

36 19-121. Signature sheets; petitions; form; procedure for filing

37 A. Signature sheets filed shall:

38 1. Be in the form prescribed by law.

39 2. Have printed in ~~its~~ THEIR lower right-hand corner, on each side of
40 such ~~sheet~~ SHEETS, the official serial number assigned to the petition by the
41 secretary of state.

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

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

1 (a) Those sheets not attached to a copy of the COMPLETE title and text
2 of the measure AS PRESCRIBED IN THIS CHAPTER.

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

4 (c) Those sheets not bearing the CORRECT petition serial number in the
5 lower right-hand corner of each side.

6 (d) Those sheets containing a circulator's affidavit that is not
7 completed or signed OR THAT HAS BEEN MODIFIED.

8 (e) Those sheets on which the affidavit of the circulator is not
9 notarized, the notary's signature is missing, the notary's commission has
10 expired or the notary's seal is not affixed.

11 (f) Those sheets on which the signatures of the circulator or the
12 notary are dated earlier than the dates on which the electors signed the face
13 of the petition sheet.

14 (g) Those sheets that are circulated by a circulator who is prohibited
15 from participating in any election, initiative, referendum or recall campaign
16 pursuant to section 19-119.01.

17 (h) ~~For statewide ballot measures only,~~ Those sheets on which the
18 circulator is required to be registered with the secretary of state pursuant
19 to section 19-118 and the circulator is not properly registered AT THE TIME
20 THE PETITIONS WERE CIRCULATED.

21 2. After completing the steps in paragraph 1 of this subsection,
22 review each sheet to determine the county of the majority of the signers and
23 shall:

24 (a) Place a three or four letter abbreviation designating that county
25 in the upper right-hand corner of the face of the petition.

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

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

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

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

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

42 (c) If the date on which the petitioner signed is missing, IF THE DATE
43 ON WHICH THE PETITIONER SIGNED THE PETITION IS BEFORE THE DATE THAT THE
44 STATEMENT OF ORGANIZATION WAS FILED FOR THE POLITICAL COMMITTEE THAT IS
45 FILING THE PETITION OR IF THE DATE ON WHICH THE PETITIONER SIGNED THE

1 PETITION IS AFTER THE DATE ON WHICH THE AFFIDAVIT WAS COMPLETED BY THE
2 CIRCULATOR AND NOTARIZED.

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

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

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

9 4. After the removal of petition sheets and signatures, count the
10 number of signatures for verification on the remaining petition sheets and
11 note that number in the upper right-hand corner of the face of each petition
12 sheet immediately above the county designation.

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

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

19 B. If the total number of signatures for verification as determined
20 pursuant to subsection A, paragraph 6 of this section equals or exceeds the
21 constitutional minimum, the secretary of state, during the same twenty day
22 period provided in subsection A of this section, shall select, at random,
23 five ~~per-cent~~ PERCENT of the total signatures eligible for verification by
24 the county recorders of the counties in which the persons signing the
25 petition claim to be qualified electors. The random sample of signatures to
26 be verified shall be drawn in such a manner that every signature eligible for
27 verification has an equal chance of being included in the sample. The random
28 sample produced shall identify each signature selected by petition page and
29 line number. The signatures selected shall be marked according to the
30 following procedure:

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

34 2. If a signature line selected for the random sample is found to be
35 blank or was removed from the verification process pursuant to subsection A
36 of this section and is marked with an "SS", then the next line down, even if
37 that requires going to the next petition sheet in sequence, on which an
38 eligible signature appears shall be selected as a substitute if that line has
39 not already been selected for the random sample. If the next eligible line
40 is already being used in the random sample, the secretary of state shall
41 proceed back up the page from the signature line originally selected for the
42 random sample to the next previous signature line eligible for verification.
43 If that line is already being used in the random sample, the secretary of
44 state shall continue moving down the page or to the next page from the line
45 originally selected for the random sample and shall select the next eligible
46 signature as its substitute for the random sample. The secretary of state

1 shall use this process of alternately moving forward and backward until a
2 signature eligible for verification and not already included in the random
3 sample can be selected and substituted.

4 C. After the selection of the random sample and the marking of the
5 signatures selected on the original petition sheets pursuant to subsection B
6 of this section, the secretary of state shall reproduce a facsimile of the
7 front of each signature sheet on which a signature included in the random
8 sample appears. The secretary of state shall clearly identify those
9 signatures marked for verification by color highlighting or other similar
10 method and shall transmit by personal delivery or certified mail to each
11 county recorder a facsimile sheet of each signature sheet on which a
12 signature appears of any individual who claims to be a qualified elector of
13 that county and whose signature was selected for verification as part of the
14 random sample.

15 D. THE SECRETARY OF STATE SHALL PRESUME THAT THE DATE NOTED ON THE
16 PETITION FOR A PETITIONER'S SIGNATURE IS THE DATE ON WHICH THE PETITIONER
17 SIGNED THE PETITION, AND ANY PERSON SEEKING TO ESTABLISH A DIFFERENT DATE FOR
18 THE SIGNATURE BEARS THE BURDEN OF PROOF IN OVERCOMING THE PRESUMPTION.

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

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

24 19-121.02. Certification by county recorder

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

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

32 2. No date of signing is provided.

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

35 4. The address provided is illegible or nonexistent.

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

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

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

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

44 9. IF A PETITION SIGNER'S SIGNATURE IS DETERMINED TO BE INVALID AFTER
45 A COMPARISON IS MADE BETWEEN THE SIGNATURE AND HANDWRITING ON THE PETITION
46 AND THE PETITION SIGNER'S VOTER REGISTRATION FILE.

1 10. IF THE PERSON CIRCULATING THE PETITION WAS A JUSTICE OF THE PEACE
2 OR A COUNTY RECORDER AT THE TIME THE PERSON CIRCULATED THE PETITION.

3 ~~9-~~ 11. For the same reasons any signatures or entire petition sheets
4 could have been removed by the secretary of state pursuant to section
5 19-121.01, subsection A, paragraph 1 OR 3.

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

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

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

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

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

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

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

22 Sec. 7. Section 19-121.04, Arizona Revised Statutes, is amended to
23 read:

24 19-121.04. Disposition of petitions by secretary of state

25 A. Within seventy-two hours, excluding Saturdays, Sundays and other
26 legal holidays, after receipt of the facsimile signature sheets and the
27 certification of each county recorder, the secretary of state shall determine
28 the total number of valid signatures by subtracting from the total number of
29 eligible signatures determined pursuant to section 19-121.01, subsection
30 A, ~~paragraph 6~~ in the following order:

31 1. All signatures ~~on petitions containing a defective circulator's~~
32 ~~affidavit~~ THAT WERE REMOVED PURSUANT TO SECTION 19-121.01, SUBSECTION A,
33 PARAGRAPH 1.

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

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

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

1 _____ signature pages bearing _____
 2 signatures for initiative (referendum) petition serial number
 3 ____ have been refused for filing in this office ~~because the~~
 4 ~~person circulating them was a county recorder or justice of the~~
 5 ~~peace at the time of circulating the petition or due to defects~~
 6 ~~in the circulator's affidavit~~ AS PROVIDED BY LAW. A total of
 7 _____ signatures included on the remaining petition
 8 sheets were found to be ineligible. Of the total random sample
 9 of _____ signatures, a total of _____ signatures
 10 were invalidated by the county recorders resulting in a failure
 11 rate of _____ ~~per-cent~~ PERCENT. The actual number of
 12 remaining signatures for such initiative (referendum) petition
 13 number _____ are equal to or in excess of the minimum
 14 required by the constitution to place a measure on the general
 15 election ballot. The number of valid signatures filed with this
 16 petition, based on the random sample, appears to be at least one
 17 hundred ~~five per-cent~~ PERCENT of the minimum required or through
 18 examination of each signature has been certified to be greater
 19 than the minimum required by the constitution.

20 Date: _____
 21 _____ Secretary of State
 22 (Seal)

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

26 C. If the number of valid signatures as projected from the random
 27 sample is less than one hundred ~~per-cent~~ PERCENT of the minimum number
 28 required by the constitution or if the actual number of signatures on the
 29 remaining sheets after any such subtraction from the random sample or after
 30 certification fails to equal or exceed the minimum required by the
 31 constitution, the secretary of state shall ~~immediately return~~ RETAIN the
 32 original signature sheets, ~~in the form filed by him under section 19-121, to~~
 33 UNTIL AFTER THE CONCLUSION OF ANY LITIGATION REGARDING THE MEASURE OR UNTIL
 34 THE TIME HAS EXPIRED FOR ANY LITIGATION TO PROCEED. THE SECRETARY OF STATE
 35 SHALL PROVIDE TO the person or organization that submitted them, ~~together~~
 36 ~~with~~ a certified statement that, for the following reasons, the petition
 37 lacks the minimum number of signatures to place it on the general election
 38 ballot:

- 39 1. Signature sheets bearing secretary of state page
 40 numbers _____ and bearing signatures of _____
 41 persons appeared on ~~petitions containing a defective~~
 42 ~~circulator's affidavit~~ SIGNATURE PAGES THAT WERE REQUIRED TO BE
 43 REMOVED.
- 44 2. A total of _____ signatures on the remaining
 45 petition sheets were found to be ineligible.

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

6 A facsimile of the certifications of the county recorders under section
7 19-121.02 shall accompany the signature sheets returned to the person or
8 organization that submitted them.

9 Sec. 8. Section 19-122, Arizona Revised Statutes, is amended to read:

10 19-122. Refusal of secretary of state to file petition or
11 transmit facsimiles of signature sheets or affidavits
12 of circulators; writ of mandamus; venue

13 A. If the secretary of state refuses to accept and file a petition for
14 the initiative or referendum, or proposal for a constitutional amendment that
15 has been presented within the time prescribed, or if the secretary of state
16 refuses to transmit the facsimiles of a signature sheet or sheets or
17 affidavits of circulators to the county recorders for certification under
18 section 19-121.01, the secretary of state shall provide the person who
19 submitted the petition, proposal, signature sheet or affidavit with a written
20 statement of the reason for the refusal. Within five calendar days after the
21 refusal any citizen may apply to the superior court for a writ of mandamus to
22 compel the secretary of state to file the petition or proposal or transmit
23 the facsimiles, or FOR MATTERS INVOLVING STATEWIDE INITIATIVES OR REFERENDA
24 OR PROPOSED CONSTITUTIONAL AMENDMENTS, the citizen may file a complaint with
25 the county attorney or attorney general. The county attorney or attorney
26 general may apply, within five calendar days after the complaint is made, to
27 the superior court for a writ of mandamus to compel the secretary of state to
28 file the petition or proposal or transmit the facsimiles. The action shall
29 be advanced on the calendar and heard and decided by the court as soon as
30 possible. Either party may appeal to the supreme court within five calendar
31 days after ENTRY OF judgment BY THE SUPERIOR COURT. THE DECISION OF THE
32 SUPERIOR COURT MAY BE STAYED AS PRESCRIBED BY RULES ADOPTED BY THE SUPREME
33 COURT. If the court finds that the petition is legally sufficient, the
34 secretary of state shall then file it, with a certified copy of the judgment
35 attached as of the date on which it was originally offered for filing in the
36 secretary of state's office.

37 B. The most current version of the general county register statewide
38 voter registration database at the time of filing a court action challenging
39 an initiative or referendum petition shall constitute the official record to
40 be used to determine on a prima facie basis by the challenger that the signer
41 of a petition was not registered to vote at the address given on the date of
42 signing the petition. If the address of the signer given on the date of
43 signing the petition is different from that on the most current version of
44 the general county register, the county recorder shall examine the version of
45 the general county register that was current on the date the signer signed
46 the petition to determine the validity of the signature and to determine

1 whether the person was eligible to sign the petition at the time of
2 signing. This subsection does not preclude introducing into evidence a
3 certified copy of the affidavit of registration of any signer dated ~~prior to~~
4 **BEFORE** the signing of the petition if the affidavit is in the possession of
5 the county recorder but has not yet been filed in the general county
6 register.

7 ~~C. Notwithstanding section 19-121.04, if any petition filed is not~~
8 ~~legally sufficient, the court, in an action brought by any citizen, may~~
9 ~~enjoin the secretary or other officers from certifying or printing on the~~
10 ~~official ballot for the ensuing election the amendment or measure proposed or~~
11 ~~referred. The action shall be advanced on the calendar and heard and decided~~
12 ~~by the court as soon as possible. Either party may appeal to the supreme~~
13 ~~court within five days after judgment.~~

14 **C. AN ACTION THAT CONTESTS THE VALIDITY OF AN INITIATIVE OR REFERENDUM**
15 **MEASURE BASED ON THE ACTIONS OF THE SECRETARY OF STATE MAY NOT BE MAINTAINED**
16 **IN ANY COURT IN THIS STATE EXCEPT AS PRESCRIBED BY THIS SECTION. A PERSON**
17 **MAY NOT MAINTAIN A SEPARATE ACTION SEEKING TO ENJOIN THE SECRETARY OF STATE**
18 **OR OTHER OFFICER FROM CERTIFYING OR PRINTING THE OFFICIAL BALLOT FOR THE**
19 **ELECTION THAT WILL INCLUDE THE PROPOSED INITIATIVE OR REFERENDUM MEASURE AND**
20 **ANY REQUEST TO ENJOIN THE CERTIFICATION OR PRINTING OF THE BALLOT SHALL BE**
21 **MADE AS A PART OF AN ACTION FILED PURSUANT TO SUBSECTION A OF THIS SECTION.**

22 **D. The superior court in Maricopa county shall have jurisdiction of**
23 **actions relating to measures and amendments to be submitted to the electors**
24 **of the state at large. With respect to actions relating to local and special**
25 **measures FOR A COUNTY, SPECIAL DISTRICT OR SCHOOL DISTRICT, THE SUPERIOR**
26 **COURT IN THE COUNTY IN WHICH THE DISTRICT IS LOCATED SHALL HAVE JURISDICTION.**
27 **WITH RESPECT TO ACTIONS RELATING TO LOCAL OR SPECIAL MEASURES FOR A CITY OR**
28 **TOWN, the superior court in the county, ~~or in one of the counties, in which~~**
29 **~~the measures are to be voted on~~ IN WHICH THE MAJORITY OF THE POPULATION OF**
30 **THAT CITY OR TOWN RESIDES shall have jurisdiction.**

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

33 **19-201.01. Legislative finding and intent; strict compliance**

34 **THE LEGISLATURE RECOGNIZES THAT RECALL OVERTURNS THE DETERMINATION OF**
35 **THE QUALIFIED ELECTORS AND THEREFORE FINDS AND DETERMINES THAT STRICT**
36 **COMPLIANCE WITH THE CONSTITUTIONAL AND STATUTORY REQUIREMENTS FOR RECALL AND**
37 **IN THE APPLICATION AND ENFORCEMENT OF THOSE REQUIREMENTS PROVIDES THE SUREST**
38 **METHOD FOR SAFEGUARDING THE INTEGRITY AND ACCURACY OF THE RECALL PROCESS.**
39 **THEREFORE, THE LEGISLATURE FINDS AND DECLARES ITS INTENT THAT THE**
40 **CONSTITUTIONAL AND STATUTORY REQUIREMENTS FOR RECALL BE STRICTLY CONSTRUED**
41 **AND THAT PERSONS USING THE RECALL PROCESS STRICTLY COMPLY WITH THOSE**
42 **CONSTITUTIONAL AND STATUTORY REQUIREMENTS.**

43 Sec. 10. Section 19-202.01, Arizona Revised Statutes, is amended to
44 read:

45 **19-202.01. Application for recall petition**

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

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

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

10 D. THE FILING OFFICER'S TIME-AND-DATE-MARKED COPY OF THE APPLICATION,
11 INCLUDING THE GENERAL STATEMENT OF THE GROUNDS FOR RECALL, CONSTITUTES THE
12 FULL AND CORRECT COPY OF THE RECALL TEXT AND IS THE ONLY VALID COPY FOR
13 CIRCULATION FOR SIGNATURES. SIGNATURES THAT ARE COLLECTED WITH ANY COPY OF
14 THE RECALL TEXT THAT IS NOT A FACSIMILE OF THE TIME-AND-DATE-MARKED COPY WITH
15 THE COMPLETE TEXT THAT IS IDENTICAL TO THE TIME-AND-DATE-MARKED COPY ISSUED
16 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.