

REFERENCE TITLE: new party recognition; signatures; circulators

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2474

Introduced by
Representatives Kolodin; McGarr; Senator Rogers

AN ACT

AMENDING SECTION 16-803, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 16-803.01 AND 16-803.02; RELATING TO POLITICAL PARTIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-803, Arizona Revised Statutes, is amended to
3 read:

4 16-803. Filing petition for recognition; submission of
5 petitions to county recorder for signature
6 verification

7 A. A petition for recognition of a new political party shall be
8 filed with the secretary of state, the officer in charge of elections of
9 the county or the city or town clerk, as the case may be, not less than
10 two hundred fifty days before the primary election for which the party
11 seeks recognition. A new party that seeks both state and county
12 recognition may file the original petition with the officer in charge of
13 elections for the county and a certified copy of the petition with the
14 secretary of state. **A NEW PARTY PETITION THAT CONTAINS ONE OR MORE**
15 **SIGNATURES THAT ARE COLLECTED MORE THAN TWENTY-FOUR MONTHS BEFORE THE**
16 **PRIMARY ELECTION FOR WHICH THE PARTY SEEKS RECOGNITION IS NULL AND VOID**
17 **AND THE FILING OFFICER MAY NOT ACCEPT IT FOR FILING.**

18 B. Within seven business days after ~~receipt of~~ RECEIVING a petition
19 for statewide recognition, the secretary of state shall:

20 1. Review each sheet to determine the county of the majority of the
21 signers and shall:

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

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

27 (c) Cause all signature sheets to be grouped together by county of
28 registration of the majority of those signing.

29 2. Remove the following signatures that are not eligible for
30 verification by marking an "SS" in red ink in the margin to the right of
31 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
34 location is missing.

35 (c) If the date on which the petitioner signed is missing.

36 3. After the removal of petition sheets and signatures, count the
37 number of signatures for verification on the remaining petition sheets and
38 note that number in the upper right-hand corner of the face of each
39 petition sheet immediately above the county designation.

40 4. Number the remaining petition sheets that were not previously
41 removed and that contain signatures eligible for verification in
42 consecutive order on the front side of each petition sheet in the upper
43 left-hand corner.

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

4 C. The secretary of state, during the same seven business day
5 period provided in subsection B OF THIS SECTION, shall select, at random,
6 twenty percent of the total signatures eligible for verification by the
7 county recorders of the counties in which the persons signing the petition
8 claim to be qualified electors. The random sample of signatures to be
9 verified shall be drawn in such a manner that every signature eligible for
10 verification has an equal chance of being included in the sample. The
11 random sample produced shall identify each signature selected by petition
12 page and line number. The signatures selected shall be marked according
13 to the following procedure:

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

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

34 D. After the selection of the random sample, the secretary of state
35 shall reproduce a facsimile of the front of each signature sheet on which
36 a signature included in the random sample appears. The secretary of state
37 shall clearly identify those signatures marked for verification by color
38 highlighting or other similar method and shall transmit by personal
39 delivery or certified mail to each county recorder a facsimile sheet of
40 each signature sheet on which a signature appears of any individual who
41 claims to be a qualified elector of that county and whose signature was
42 selected for verification as part of the random sample.

1 E. Within ten business days after receiving the facsimile signature
2 sheets from the secretary of state, the county recorder shall determine
3 which signatures of individuals whose names were transmitted shall be
4 disqualified for any of the following reasons:

5 1. No residence address or description of residence location is
6 provided.

7 2. No date of signing is provided.

8 3. The signature is illegible and the signer is otherwise
9 unidentifiable.

10 4. The address provided is illegible or nonexistent.

11 5. The individual was not a qualified elector on the date of
12 signing the petition.

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

15 7. The signature was disqualified after comparison with the
16 signature on the affidavit of registration.

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

19 9. For the same reasons any signatures could have been removed by
20 the secretary of state pursuant to this section.

21 F. Within the same time period provided in subsection E **OF THIS**
22 **SECTION**, the county recorder shall certify to the secretary of state the
23 following:

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

27 2. The total number of signatures selected for the random sample
28 and transmitted to the county recorder for verification and the total
29 number of random sample signatures disqualified.

30 G. At the time of the certification, the county recorder shall:

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

32 2. Send notice of the results of the certification by mail to the
33 person or organization that submitted the petitions and to the secretary
34 of state.

35 H. Within seventy-two hours after ~~receipt~~ of **RECEIVING** the
36 facsimile signature sheets and the certification of each county recorder,
37 the secretary of state shall determine the total number of valid
38 signatures by subtracting from the total number of eligible signatures in
39 the following order:

40 1. All signatures that were found ineligible by the county
41 recorders.

42 2. After determining the percentage of all signatures found to be
43 invalid in the random sample, a like percentage from those signatures
44 remaining after the subtractions performed pursuant to paragraph 1 of this
45 subsection.

1 I. If the number of valid signatures as projected from the random
2 sample pursuant to subsection H OF THIS SECTION is at least one hundred
3 ~~per cent~~ PERCENT of the minimum number required by this section, the party
4 shall be recognized. If the number of valid signatures as projected from
5 the random sample is less than one hundred ~~per cent~~ PERCENT of the minimum
6 number, the party shall not be recognized.

7 Sec. 2. Title 16, chapter 5, article 1, Arizona Revised Statutes,
8 is amended by adding sections 16-803.01 and 16-803.02, to read:

9 16-803.01. Registration of circulators

10 PERSONS WHO ARE CIRCULATING A PETITION PURSUANT TO SECTION 16-803
11 MUST BE REGISTERED AS CIRCULATORS WITH THE SECRETARY OF STATE BEFORE
12 CIRCULATING PETITIONS. THE SECRETARY OF STATE SHALL PROVIDE FOR A METHOD
13 OF RECEIVING SERVICE OF PROCESS FOR THOSE PETITION CIRCULATORS WHO
14 REGISTER PURSUANT TO THIS SUBSECTION. THE SECRETARY OF STATE SHALL
15 ESTABLISH IN THE INSTRUCTIONS AND PROCEDURES MANUAL ISSUED PURSUANT TO
16 SECTION 16-452 A PROCEDURE FOR REGISTERING CIRCULATORS AND RECEIVING
17 SERVICE OF PROCESS.

18 16-803.02. New political party petitions; standard of review

19 NEW POLITICAL PARTY PETITION REQUIREMENTS MUST BE STRICTLY CONSTRUED
20 AND PERSONS PETITIONING FOR A NEW POLITICAL PARTY MUST STRICTLY COMPLY
21 WITH THOSE STATUTORY REQUIREMENTS.