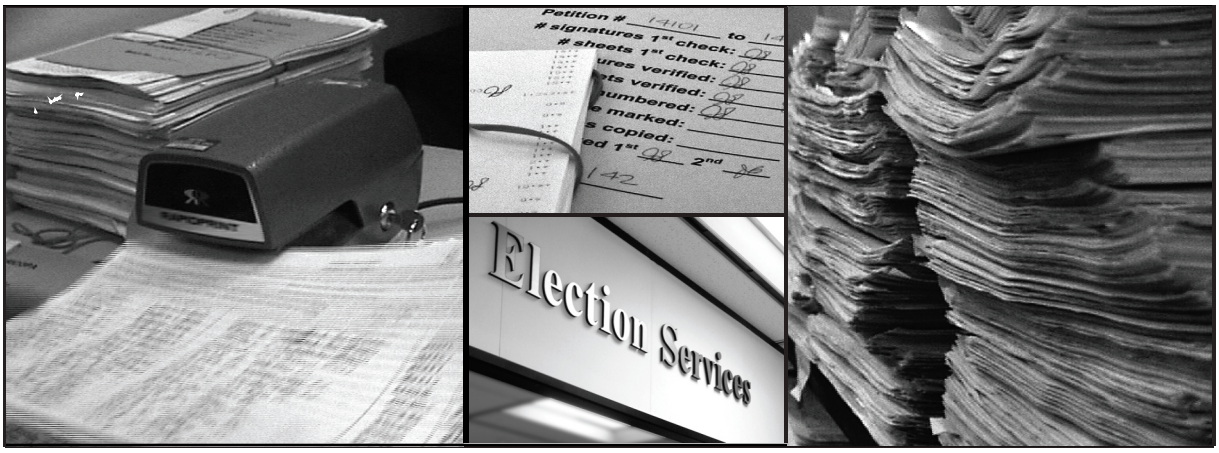
State of Arizona - Department of State
Office of the Secretary of State - Election Services

November 2013

# INITIATIVE, REFERENDUM AND RECALL MADE EZ

# HANDBOOK



This publication contains the state laws on initiative, referendum, and recall found in the Arizona Constitution and Arizona Revised Statutes. Feel free to contact our staff to assist you in your filings.

Ken Bennett

SECRETARY OF STATE KEN BENNETT

# INITIATIVE, REFERENDUM, AND RECALL HANDBOOK

A PUBLICATION OF
THE ARIZONA SECRETARY OF STATE'S OFFICE
ELECTION SERVICES DIVISION

## INTRODUCTION

This handbook provides instructions on how to prepare initiatives and referenda that are filed with this office. Recall of public officer information is included along with excerpts from the Arizona Constitution and Arizona Revised Statutes.

**NOTE:** This handbook excludes Laws 2013, Chapter 209 (HB2305). At the time of publication, referendum petition serial number R-03-2014 qualified to refer HB2305 to the voters at the November 4, 2014 general election; therefore, HB2305 provisions will not go into effect until affirmation by a majority of voters at the November 4th election.

If you have any questions feel free to contact our office. Our staff is ready to help and assist you with your filing needs.

Sincerely,

KEN BENNETT
**Arizona Secretary of State**

## CONTACT US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For additional copies of this booklet send your request to:
Secretary of State
Attention: Election Services Division
1700 W. Washington Street, 7th Floor
Phoenix, Arizona 85007

Visit us on the World Wide Web at
www.azsos.gov

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If the user finds a misprint or error, please contact our office at (602) 542-8683.

# INITIATIVES, REFERENDA AND RECALLS

## What is an INITIATIVE?

An initiative is any measure taken out by the people that proposes new laws or amends the Arizona Revised Statutes or the Arizona Constitution. Arizona's registered voters may propose new laws, amend existing laws or propose constitutional amendments through the initiative petition process. Before the petition is printed and signatures collected, an application for a petition serial number along with a 100-word description and the complete text of the measure must be filed with the Secretary of State on a prescribed form. The Secretary of State cannot accept an application which was issued for circulation more than 24 months prior to the general election at which the measure is to be included.

## What is a REFERENDUM?

A referendum is any measure, or item, section or part of any measure enacted by the Legislature that is submitted to the voters. A measure enacted by the Legislature that includes emergency laws or those that provide for the support and maintenance of state agencies may not be referred. Arizona's registered voters may circulate a petition to refer to the voters a measure or part of a measure passed by the legislature. An application for a referendum petition serial number along with a 100-word description and a copy of the measure must be filed with the Secretary of State before the circulation of the petition.

## What is a RECALL?

A recall is when a political committee petitions the electors of the state, county, city/town, or district to demand an officer be recalled based on a statement of grounds by the committee. Every public officer holding an elective office by election or appointment is subject to recall. An application for a recall petition serial number along with a 200-word statement on the grounds of the recall must be filed with the Secretary of State before circulation of the petition.

## Local Issues

This handbook is written for statewide initiatives, referenda and recalls. While many local jurisdictions utilize the handbook there are some differences between state and local issues. Local political committees are encouraged to work with their county, city, town or district to ensure they receive the proper information for their local jurisdiction.

## WHO TO CONTACT

Mary C. Fontes, HAVA Business Analyst
Phone: (602) 364-3222
Email: mfontes@azsos.gov

# GETTING STARTED

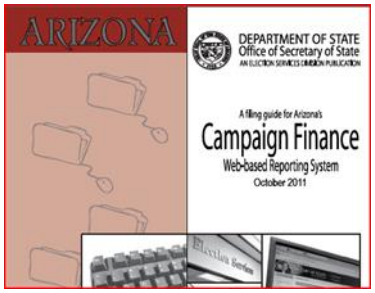
The first step in the initiative and referendum process is to form a political committee. For purposes of initiatives and referenda a political committee is any association or combination of persons that is organized, conducted or combined for the purpose of influencing the result of any election in support of or opposition to an initiative or referendum. [A.R.S. § 16-901(19)(c)]

## Forming a Committee [A.R.S. § 16-901]

A committee is formed by completing either a $500 Threshold Exemption Statement or a Political Committee Statement of Organization.

NOTE: In addition to $500 Threshold Exemption Statements a new category has been established. Persons working together to influence an election who raise and spend less than $250 are exempt from filing campaign finance paperwork. [A.R.S. § 16-901(19)]

1. Make sure you received a copy of the "A filing guide for Arizona's Campaign Finance Web-based Reporting System" handbook. It is available at www.azsos.gov if you did not receive it.




2. Read through the handbook before forming a committee.
3. Statewide initiatives, referenda, and recalls must use the Secretary of State's web-based reporting system which can be found at https://azsos.gov/CFS2/Login.aspx to organize a committee and to report the committee's contributions and expenditures.
4. The campaign finance system will prompt you to print the $500 Threshold Exemption Statement or Political Committee Statement of Organization.
   - Print it.
   - Sign it.
   - Submit it to the Secretary of State's office. *A committee does not become active until the **original** document is received by the Secretary of State's office.*

**All local initiatives and referenda committees should contact their filing office to form their committees**.

Problems or questions on the campaign finance system may be directed to the Secretary of State's campaign finance experts:

Campaign Finance Supervisor
Nancy Read
(602) 364-1562

Campaign Finance Assistant
Yolanda Morales
(602) 364-4855

**WARNING! Petitions may not be circulated until you complete and submit the "Application for Initiative or Referendum Petition Serial Number".**

## Campaign Finance Reports

Committees formed with a Political Statement of Organization for a referendum or initiative will have to report contributions and expenditures. Below is the reporting schedule for the 2014 election cycle.

| NAME OF REPORT | TIME PERIOD COVERED IN REPORT | REPORT DUE BETWEEN |
|---|---|---|
| January 31 report | Nov 27, 2012 through Dec 31, 2013 | Jan 1 and Jan 31, 2014 |
| June 30 report | January 1, 2014 through May 31, 2014 | June 1 and June 30, 2014 |
| **Pre**-Primary report | June 1, 2014 through Aug 14, 2014 | Aug 15 and Aug 22, 2014 |
| Post-Primary report | Aug 15, 2014 through Sept 15, 2014 | Sept 16 and Sept 25, 2014 |
| **Pre**-General report | Sept 16, 2014 through Oct 23, 2014 | Oct 24 and Oct 31, 2014 |
| Post-General report | Oct 24, 2014 through Nov 24, 2014 | Nov 25 and Dec 4, 2014 |

Committees formed with a Political Statement of Organization for a recall will have different reporting requirements if a special election is called. These are determined at the time of the Governor's Proclamation.

$500 Threshold Exemption Statement organizations should still track their contributions and expenditures in the event they raise or spend more than $500. At that time the committee will need to file a Statement of Organization.

> **NOTE: Initiative, Referendum and Recall committees have an additional reporting requirement. A.R.S. §16-914.01.**
>
> *Within 24 hours, a committee that raises any contribution or group of contributions from a single source or makes expenditures to a single source shall give notice to the Secretary of State if a cumulative total is $10,000 or more. These can be faxed to (602) 542-6172.*

For more information on campaign finance, please read the Campaign Contributions and Expenditures Handbook.

# INITIATIVE & REFERENDUM PROCESS

## APPLICATION FOR SERIAL NUMBER

### Completing the Application for Initiative or Referendum Petition Serial Number [A.R.S. § 19-111]

An "Application for Initiative or Referendum Petition Serial Number" is required to be filed with the Secretary of State **no earlier than 24 months prior to and no later than four months before the general election that the proposed measure will be included on the ballot.** To complete an application:

1. Circle the appropriate words for the type of initiative you are filing.

This is what you would circle if **proposing** new laws or amending laws in **Arizona Revised Statutes**

**APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER**

Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

The undersigned intends to circulate and file an **INITIATIVE** or a **REFERENDUM** (circle the appropriate word) petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight point type, of the **MEASURE** or **CONSTITUTIONAL AMENDMENT** (circle appropriate word) intended to be **INITIATED** or **REFERRED** (circle appropriate word) at the next general election.

**SUMMARY:** A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

This is what you would circle if **proposing** new laws or amending laws in the **Arizona Constitution**

**APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER**

Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

The undersigned intends to circulate and file an **INITIATIVE** or a **REFERENDUM** (circle the appropriate word) petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight point type, of the **MEASURE** or **CONSTITUTIONAL AMENDMENT** (circle appropriate word) intended to be **INITIATED** or **REFERRED** (circle appropriate word) at the next general election.

**SUMMARY:** A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

This is what you would circle if **referring** new laws or amended laws that were passed by the legislature in the most recent legislative session.

**APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER**

Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

The undersigned intends to circulate and file an **INITIATIVE** or a **REFERENDUM** (circle the appropriate word) petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight point type, of the **MEASURE** or **CONSTITUTIONAL AMENDMENT** (circle appropriate word) intended to be **INITIATED** or **REFERRED** (circle appropriate word) at the next general election.

**SUMMARY:** A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

2. Include a 100-word summary of what the committee wants voters to consider.

**SUMMARY:** A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

*This is where you would place your statement of 100 words summarizing what law you are proposing or amending and why.*

3. Include the title and text of the initiative in the following format:
   a. At least eight point type
   b. Portions of the law or constitution that are being deleted must have a line drawn through the center of the letters
   c. Portions of the law or constitution that are new must be printed in capital letters

**HINT! The Arizona Legislative Council has a great tool to guide you in preparing your text and title. The "2013-2014 Bill Drafting Manual" may be found at www.azleg.gov.**

4. If the measure contains maps, charts or other graphics the eight point type does not apply to those graphics. [A.R.S. § 19-111(D)]

*The official title of the initiative generally uses words such as "amending" or "establishing" or "creating". The title should contain any and all existing statutes which the committee is asking to have added or modified.*

***Example:***

OFFICIAL TITLE
AN INITIATIVE MEASURE

AMENDING TITLE XX, ARIZONA REVISED STATUTES, BY ADDING CHAPTER XX; AMENDING SECTION XX-XXX, ARIZONA REVISED STATUTES; RELATING TO <*insert issue here*>.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the people of the state of Arizona:

Section 1. Title
This act may be cited as the "XYZ Act" →

*The "short" title of the initiative is how the initiative will be known. This title is normally five or fewer words that uniquely describe the initiative.*

5. The text of the proposed initiative shall be done in the following manner:

New or additional statutory language is inserted in ALL CAPITAL letters. Language to be eliminated appears with a line through it.

Added language

Deleted language

*The speed limit on INTERSTATE highways shall be no more than ~~seventy~~ SEVENTY-FIVE miles per hour.*

Added language

## OPTIONAL –Legislative Council Review [A.R.S. § 19-111.01]

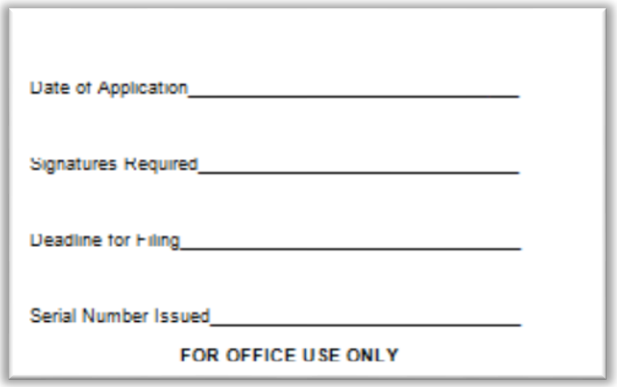
In 2010 a new law was added that gives a committee the opportunity to have its title and text reviewed by Legislative Council prior to filing the application with the Secretary of State. This only applies to statewide initiatives and referenda.

1. At any time ***after*** filing a statement of organization to form a political committee and ***before*** filing an application for a referendum or initiative, a committee may submit the title and text of the proposed law or referral to the Director of the Legislative Council.
2. If the committee chooses to have Legislative Council review the title and text, the Legislative Council has **30 days** to consider:
   - Errors in drafting of the measure
   - Confusing, conflicting or inconsistent provisions within the measure
   - Conflicts with other state and federal laws
3. The committee has the choice of accepting, modifying or rejecting any recommendations by the Legislative Council.

## Submitting the Application [A.R.S. § 19-111]

To submit an application, the committee must bring in a completed original application. The application shall indicate the type of ballot measure. Is it a referendum? Is it a constitutional amendment? Is it a statutory amendment? A summary statement of 100 words or less shall be placed in the area provided on the application. The committee shall also bring in a copy of the $500 Threshold Statement or the Political Committee Statement of Organization.

The Secretary of State's office will conduct a word count on the summary before accepting the application. If the summary is over 100 words, the application cannot be accepted. The Secretary of State's office will enter the date of filing the application, number of signatures required, deadline for filing the petitions, and will assign a serial number.


Date of Application_____

Signatures Required_____

Deadline for Filing_____

Serial Number Issued_____

FOR OFFICE USE ONLY

The application will be date stamped and a copy will be given to the committee. The copy acts as a receipt of the application.

**Update the name of the committee in the campaign finance system to include the Serial Number assigned to the initiative or referendum. [A.R.S. § 16-902.01(D)]**

### Number of Required Signatures [Ariz. Const. Art. IV Pt. 1 § 1]

The number of signatures required for initiatives is outlined in the Arizona Constitution. An initiative to amend the Arizona Revised **Statutes** requires **10%** of all votes cast for Governor at the last preceding election. An initiative to amend the Arizona **Constitution** requires **15%** of all votes cast for Governor at the last preceding election. A **referendum** requires **5%** of all votes cast for Governor at the last preceding election. In the 2010 General Election 1,728,081 votes were cast for Governor which is the basis for the following calculations:

| | 2014 | 2016 |
|---|---|---|
| # of signatures for a statute initiative (10%) | 172,809 | *To be determined after the 2014 General Election* |
| # of signatures for a constitutional initiative (15%) | 259,213 | |
| # of signatures for a referendum (5%) | 86,405 | |

## PETITIONS

The committee may now prepare the petitions for circulation. Arizona law specifies the format of the petitions, what is allowed and isn't allowed, and the circulation of petitions.

## Petition Format

The petition format is similar for both the initiative and referendum petitions. The face of initiative and referendum petitions should be complete prior to circulating.

1. Petition Requirements.
   a. Form of petition [A.R.S. § 19-121]
      - Serial Number on lower right hand corner on front <u>and</u> back of petition
      - Printed in at least 8 point type.
      - Printed in black on white or recycled white legal size (8 ½" x 14") paper
        - With a margin of at least one-half inch at the top and one-fourth at the bottom of each sheet.
      - Limited to 15 signatures per sheet.
   b. Face of petition

Face of Initiative Petition [A.R.S. § 19-112]

14"

Initiative Description "_____PAID CIRCULATOR" "_____VOLUNTEER"

(Insert a description of no more than one hundred words of the principal provisions of the proposed measure or constitutional amendment.)

Notice: This is only a description of the proposed measure (or constitutional amendment) prepared by the sponsor of the measure. It may not include every provision contained in the measure. Before signing, make sure the title and text of the measure are attached. You have the right to read or examine the title and text before signing.

Initiative Measure to be Submitted Directly to Electors

We, the undersigned, citizens and qualified electors of the state of Arizona, respectfully demand that the following proposed law (or amendment to the constitution, or other initiative measure), shall be submitted to the qualified electors of the state of Arizona (county, city or town of_____) for their approval or rejection at the next regular general election (or county, or city or town election) and each for himself says: I have personally signed this petition with my first and last names. I have not signed any other petition for the same measure. I am a qualified elector of the state of Arizona, county of (or city or town and county of, as the case may be)_____.

"Warning

It is a class 1 misdemeanor for any person to knowingly sign an initiative or referendum petition with a name other than his own, except in a circumstance where he signs for a person, in the presence of and at the specific request of such person, who is incapable of signing his own name because of physical infirmity, or to knowingly sign his name more than once for the same measure, or to knowingly sign such petition when he is not a qualified elector."

| Signature | Name (first and last name printed) | Actual address (street & no. and if no street address, describe residence location) | Arizona post office address & zip code | City or town (if any) | Date signed |
|---|---|---|---|---|---|
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
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| 12. | | | | | |
| 13. | | | | | |
| 14. | | | | | |
| 15. | | | | | |

Secretary of State
Revised 7/20/2011

The validity of signatures on this sheet must be sworn to by the circulator before a notary public on the form appearing on the back of this sheet.

Number _____

8 ½"

Face of Referendum Petition [A.R.S. § 19-101]

14"

Referendum Description "_____PAID CIRCULATOR" "_____VOLUNTEER"

(Insert a description of no more than one hundred words of the principal provisions of the measure sought to be referred.)

Notice: This is only a description of the measure sought to be referred prepared by the sponsor of the measure. It may not include every provision contained in the measure. Before signing, make sure the title and text of the measure are attached. You have the right to read or examine the title and text before signing.

Petition for Referendum

To the secretary of state (or to the corresponding officer for or on local county, city, or town measures)

We, the undersigned citizens and qualified electors of the state of Arizona, respectfully order that the senate (or house) bill No._____ (or other local county, city, or town measure) entitled (title of act or ordinance, and if the petition is against less than the whole act or ordinance then set forth here the item, section, or part, of any measure on which the referendum is used), passed by the _____ session of the legislature of the state of Arizona, at the general (or special, as the case may be) session of said legislature, (or by a county, city or town legislative body) shall be referred to a vote of the qualified electors of the state, (county, city or town) for their approval or rejection at the next regular general election (or county, city or town election) and each for himself says: I have personally signed this petition with my first and last names. I have not signed any other petition for the same measure. I am a qualified elector of the state of Arizona, county of (or city or town and county of, as the case may be)_____.

"WARNING

It is a class 1 misdemeanor for any person to knowingly sign an initiative or referendum petition with a name other than his own, except in a circumstance where he signs for a person, in the presence of and at the specific request of such person, who is incapable of signing his own name because of physical infirmity, or to knowingly sign his name more than once for the same measure, or to knowingly sign such petition when he is not a qualified elector."

| Signature | Name (first and last name printed) | Actual address (street & no. and if no street address, describe residence location) | Arizona post office address & zip code | City or town (if any) | Date signed |
|---|---|---|---|---|---|
| 1. | | | | | |
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| 13. | | | | | |
| 14. | | | | | |
| 15. | | | | | |

Secretary of State
Revised 6/14/2013

The validity of signatures on this sheet must be sworn to by the circulator before a notary public on the form appearing on the back of the sheet.

Number _____

8 ½"

c. What is what on the face of the petition [A.R.S. §§ 19-101 & 19-102]

- The summary of the petition should be placed under the title "Initiative Description" or in the case of a Referendum, "Referendum Description". The summary must be the same as the 100 word statement that was provided on the application.

100-word summary from application goes here.

Initiative Description "_____PAID CIRC

(Insert a description of no more than one hundred words of the principal provisions of the proposed measure or constitutional amendment.)

- A Referendum or Initiative petition shall have printed in capital letters "_____PAID CIRCULATOR" "_____VOLUNTEER". This shall be placed in the upper right-hand corner of the face of the petition and shall be in no less than twelve point bold-faced type. [A.R.S. § 19-101(B)]

"_____PAID CIRCULATOR" "_____VOLUNTEER"

constitutional amendment.)

**Twelve point bold-faced type.**

- The face of a Referendum petition shall contain the following language below the "Referendum Description":

Notice: This is only a description of the measure sought to be referred prepared by the sponsor of the measure. It may not include every provision contained in the measure. Before signing, make sure the title and text of the measure are attached. You have the right to read or examine the title and text before signing.

Petition for Referendum

To the secretary of state: (or to the corresponding officer for or on local county, city or town measures)

We, the undersigned citizens and qualified electors of the state of Arizona, respectfully order that the senate (or house) bill No. _____ *State Bill number or other local measure is placed here.* (or other local county, city or town measure) entitled (title of act or ordinance, and if the petition is against less than the whole act or ordinance then set forth here the item, section, or part, of any measure on which the referendum is used), passed by the _____ *What legislative session belongs here.* session of the legislature of the state of Arizona, at the general (or special, as the case may be) session of said legislature, (or by a county, city or town legislative body) shall be referred to a vote of the qualified electors of the state, (county, city or town) for their approval or rejection at the next regular general election (or county, city or town election) and each for himself says:

I have personally signed this petition with my first and last names. I have not signed any other petition for the same measure. I am a qualified elector of the state of Arizona, county of (or city or town and county of, as the case may be) _____. *The county the signer is saying they are qualified to vote in should be placed here.*

"Warning

It is a class 1 misdemeanor for any person to knowingly sign an initiative or referendum petition with a name other than his own, except in a circumstance where he signs for a person, in the presence of and at the specific request of such person, who is incapable of signing his own name because of physical infirmity, or to knowingly sign his name more than once for the same measure, or to knowingly sign such petition when he is not a qualified elector."

- The initiative language is a little different from the referenda language. The face of the initiative petitions shall have the following language:

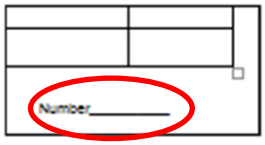
Notice: This is only a description of the proposed measure (or constitutional amendment) prepared by the sponsor of the measure. It may not include every provision contained in the measure. Before signing, make sure the title and text of the measure are attached. You have the right to read or examine the title and text before signing.

Initiative Measure to be Submitted Directly to Electors

We, the undersigned, citizens and qualified electors of the state of Arizona, respectfully demand that the following proposed law (or amendment to the constitution, or other initiative measure), shall be submitted to the qualified electors of the state of Arizona (county, city or town of _____) ***For local jurisdictions*** for their approval or rejection at the next regular general election (or county, city or town election) and each for himself says: I have personally signed this petition with my first and last names. I have not signed any other petition for the same measure. I am a qualified elector of the state of Arizona, county of (or city or town and county of, as the case may be) _____. ***The county the signer is saying they are qualified to vote in should be placed here.***

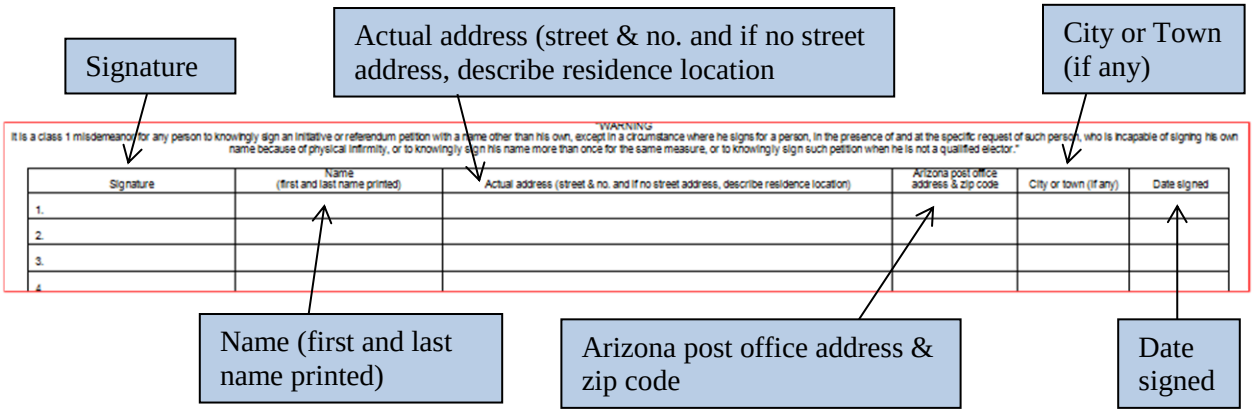
"Warning
It is a class 1 misdemeanor for any person to knowingly sign an initiative or referendum petition with a name other than his own, except in a circumstance where he signs for a person, in the presence of and at the specific request of such person, who is incapable of signing his own name because of physical infirmity, or to knowingly sign his name more than once for the same measure, or to knowingly sign such petition when he is not a qualified elector."

- The serial number of the initiative or referendum must appear on the front of the petition in the lower right hand corner.

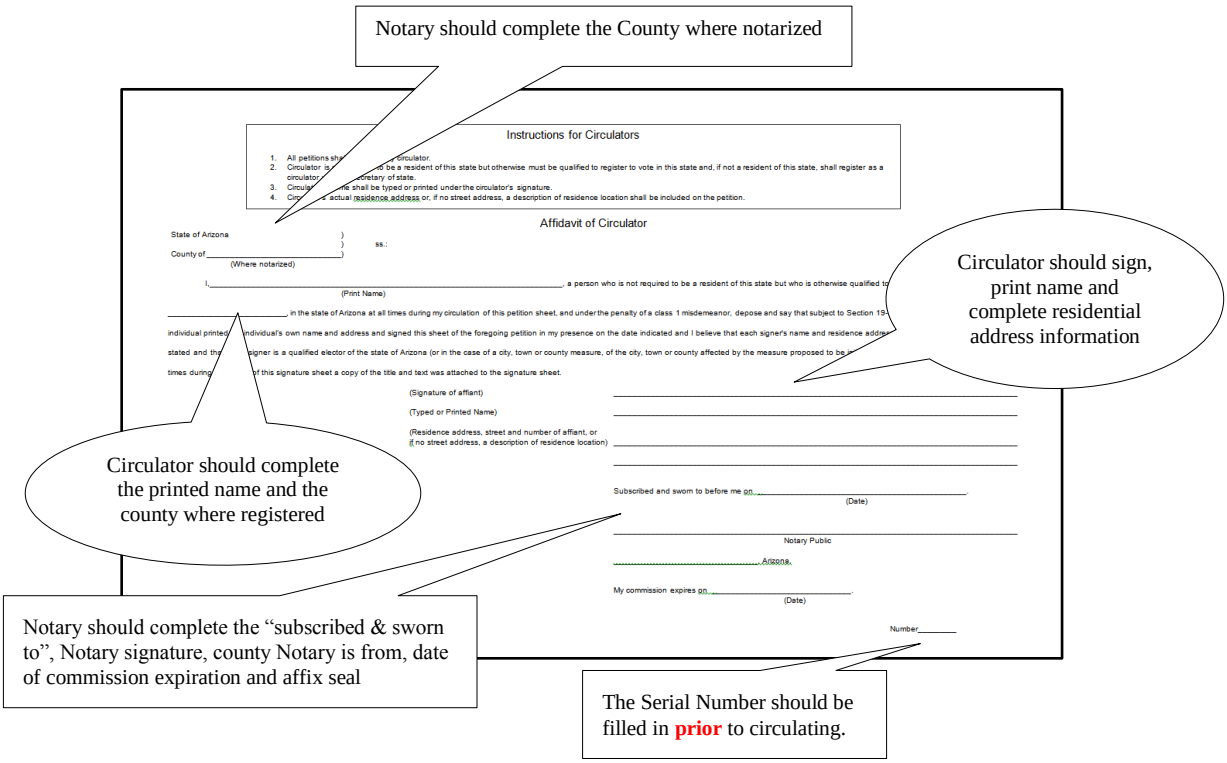



**The portions of the face of the petition discussed above must be completed before a committee begins circulating.**

- The petition sheet is limited to 15 signatures per sheet and must have the following headings for each column:



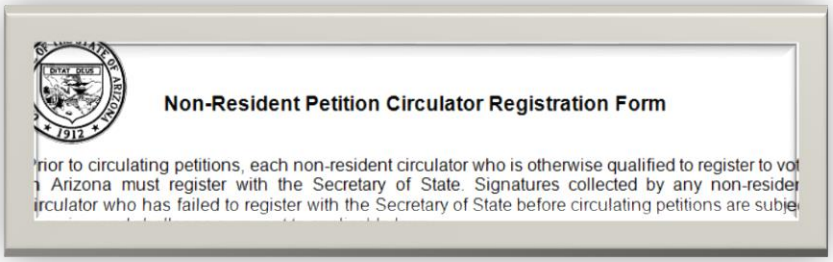
d. Back of petition




e. Attachment of text
   - Not only is the text attached to the Application for Serial Number, it also must be attached to the petition as it is being circulated. A petition that is submitted and does not have the correct text attached will be **eliminated**.

## Circulators

1. Things to share with petition circulators
   a. Who can or cannot circulate petitions [A.R.S. §§ 19-112(C), 19-114 & 19-118]
      - Any person who is qualified to register to vote **<u>may</u>** circulate petitions.
      - Any person who is not a resident of this state, but who registered as a circulator with the Secretary of State **<u>may</u>** circulate petitions.
      - A county recorder or a justice of the peace **<u>may not</u>** circulate petitions.
      - A person who is not qualified to register to vote **<u>may not</u>** circulate petitions.
   b. Registering with the State - A petition circulator is not required to be a resident of this state but otherwise must be qualified to register to vote in this state. Circulators that are not residents of this state shall:
      - Register as a circulator with the Secretary of State by submitting the prescribed form.



**Non-Resident Petition Circulator Registration Form**

rior to circulating petitions, each non-resident circulator who is otherwise qualified to register to vot
Arizona must register with the Secretary of State. Signatures collected by any non-resider
irculator who has failed to register with the Secretary of State before circulating petitions are subje

- Indicate which petition is being circulated by listing the Serial Number.

| |
|---|
| Name of Candidate/Petition Serial #/Company you are working for (list all that apply) |
| Name of Circulator |

- Indicate what address the circulator agrees to accept service of process if different than the residential address listed.

| | |
|---|---|
| Circulator's Residential Address (including street number, city, state and zip) | |
| Address at which circulator agrees to accept service of process (if different from above) | |
| Telephone number | Email |

- Sign the circulator registration form in the presence of a Notary:

I hereby swear or affirm under penalty of perjury that the above information is true and correct and that I am not a resident of Arizona, but am otherwise qualified to register to vote in Arizona.

Signature: _____ Date: _____

State of _____)
County of _____)

Subscribed and sworn before me this _____ day of _____, 20____, by

_____

(Notary Seal)

_____
Notary Public

c. Paid vs. Volunteer – A circulator shall state whether he is a paid or volunteer circulator by checking the appropriate line on the upper right-hand corner of the petition **<u>before</u>** circulating. [A.R.S. §§ 19-101(C) & 19-102(C)]. If this is not completed, the signatures obtained on that particular sheet ***are considered void and are not considered in determining the legal sufficiency of the petition.***

d. Providing very specific instructions to the circulators could be crucial to the committee. To help with that, the committee may inform circulators of:
   - The statutory requirements in A.R.S. § 19-121.01. This will give them an idea of what the election officials look for when the petitions are submitted. This statute is discussed in more detail in the Removal of Petition Sheets on page 14 and Removal of Signature Lines on page 15 of the handbook.
   - If it is determined that the circulator completed any portion of the elector's signature line, the line will be removed
   - What the initiative is intended to do. For example, explain what part of the Arizona Constitution or Statutes is affected, what the initiative does, and why it is important to the committee. An informed circulator is an informed voter. It is a crime to misrepresent the general subject matter of the initiative.

e. Upon completion of circulating a petition, the circulator shall complete the "Affidavit of Circulator" on the back of the petition in the presence of a Notary.

f. If any of the information on the back of a petition is missing, the entire sheet will be eliminated.

### Withdrawal of Signatures

1. Withdrawal of Signatures [A.R.S. § 19-113] – A person may remove his own name from a petition by doing any of the following:
   a. Signing a simple statement of intent to withdraw that is filed with the filing officer.
   b. Mailing a signed, notarized statement of intent to withdraw to the filing officer.
   c. Drawing a line through the signature and printed name on the petition.

**The Secretary of State has a form available for persons wishing to withdraw a signature.**

2. The signature withdrawal must be received by the filing officer by **5:00 p.m.** on the date the petition is actually filed in order to have effect. Otherwise the signature will be counted.
3. Withdrawn signatures are not counted in determining the legal sufficiency of the petition.

## SUBMITTING CIRCULATED PETITIONS

After the committee has collected the petitions from the circulators, they may start organizing the petitions in preparation for submitting them to the Secretary of State. Petitions filed in an organized manner assist the Secretary of State's office in processing the petitions more efficiently and expediently.

Here are some helpful ways to organize before submitting petitions:

- Sort the petitions by county.
- Place the petitions in bankers' boxes.
- Label the bankers' boxes with the name of the county on the petitions.
- Avoid writing on the petition sheets in the upper left and right hand corners. The upper corners are areas of the petitions that statute requires the Secretary of State to use.

- Communicate with the Secretary of State regarding the committee's progress, particularly with regard to an approximate date of when the committee anticipates submitting the petitions.
- The committee should prepare an estimation of how many petition sheets and signatures it is submitting.

### Deadline to Submit Petitions [Ariz. Const. Art. 4, Pt. 1, § 1]

The deadlines to submit referendum and initiative petitions are set forth in the Arizona Constitution.

1. Referendum – **90 days** after the close of the legislative session in which the bill was enacted.
2. Initiative – **4 months** before the election in which the measures proposed are to be voted on.

For filing deadlines for local referenda and initiatives, please contact your local jurisdiction.

The committee must file the petitions with the Secretary of State no later than **5:00 p.m**. on:

- July 3, 2014 for the November 4, 2014 General Election

When the committee brings the petitions in, the committee will complete a receipt of the estimated number of sheets and signatures filed. [A.R.S. 19-121(B)] The Secretary of State will date stamp this and return the original as the initial receipt to the committee at the time the petitions are filed. The committee is not permitted to turn in supplemental petitions sheets once the Secretary of State has issued the receipt. [A.R.S. § 19-121] The committee must also sign a "Permission to Destroy Text" form which gives the Secretary permission to recycle the pages of text that were attached to the petitions. [A.R.S. § 19-121.01(A)(2)(c)]

## PROCESSING OF PETITIONS

### Secretary of State Processes

The Secretary of State has **20 business days** to process the petitions and select a 5% random sample of the signature lines. These processes are explained below.

### Removal of Petition Sheets [A.R.S. §§ 19-121.01(A)(1) & (2)]

The Secretary of State will disqualify petition sheets as follows:

- Sheets not attached to a copy of the title and text of the referendum or initiative.
- The copy of the title and text from the remaining petition sheets or attached to the wrong title and text.
- Sheets that do not bear the correct petition serial number in the lower right-hand corner of each side of the sheet.
- Sheets where the circulator's affidavit is not complete or signed.
- Sheets where the circulator's affidavit is:
    - Not notarized.
    - The Notary's signature is missing.

- The Notary's seal is missing.
- The Notary's commission has expired.
- Subscribed and sworn to prior to gathering signatures on the front of the petition sheets.

- Sheets that are circulated by a prohibited circulator pursuant to A.R.S. § 19-119.01.
- Sheets where it cannot be determined if the petition was circulated by a paid circulator or a volunteer. [A.R.S. § 19-102(D)]

For the remaining petition sheets the county from which most signatures were gathered determines the county of majority for each sheet. Three or four letters designating the county of majority are placed in the upper right hand corner of the face of the petition.

## Removal of Signature Lines [A.R.S. § 19-121.01(A)(3)]

The removal of signature lines consists of marking an "SS" in **red** to the right of the signature line. The following require disqualification:

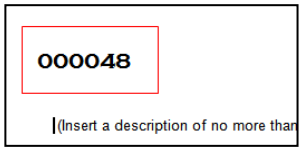
1. Signatures of electors not in the county of majority are removed by marking an "SS" in **red** to the right of the date on that signature line.
2. If the signature of the qualified elector is missing.
3. If the residence address or the description of residence location is missing (PO Boxes are not allowed).
4. If the date on which the petition signed is missing.
5. Signatures in excess of the fifteen signatures permitted per petition sheet.
6. Signatures withdrawn as described in Withdrawal of Signatures on page13.
7. Signatures which the Secretary of State determines that the circulator has printed the elector's information as described in A.R.S. § 19-112(A).

## Signature and Sheet Counts [A.R.S. §§ 19-121.01(A)(4) - (6)]

After the removal of petition sheets and signature lines, the Secretary of State counts the number of remaining signatures for verification on each remaining petition sheet and notes the number of signatures in the upper right hand corner next to the county designation.

The Secretary of State also counts the number of signature lines disqualified and places that number under the number of valid signature lines in the upper right hand corner of the petition sheet. This number is represented by "SS".

The petition sheets are then bates stamped, giving the sheet a page number. The page number is placed in the upper left-hand corner on each side of the petition sheet.

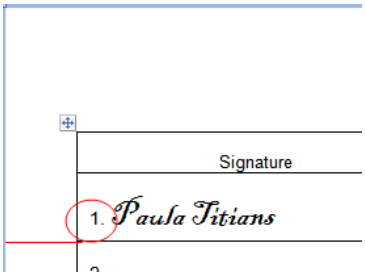


The remaining signatures are totaled to determine whether the number equals or exceeds the constitutional minimum. If so, the petitions continue through to the next process.

## Random Sample [A.R.S. §§ 19-121.01(B) & (C)]

The Secretary of State selects at random, five percent of the total number of signatures eligible for verification.

1. The signatures selected are marked by drawing a circle in red around the signature line number and then drawing a line from the base of the circle to the left edge of the sheet.




2. If a signature line selected for the random sample is found to be blank or was removed in the signature line removal process, then the next line down is selected as a substitute. It is possible that selecting the next line down will require going to the next consecutive petition sheet. It is also possible the next line was already selected for the random. In that case, the next available signature line is selected by going back up the sheet from the line originally selected. The Secretary of State continues to use this process of alternately moving forward and backward until a signature eligible for verification and not already included in the random sample can be selected and substituted.
3. After the identification of the signatures that constitute the random sample, the Secretary of State copies the front of each petition sheet containing the signatures for review by the appropriate County Recorder.
4. The Secretary of State marks the copied sheets' signatures selected in the random sample by highlighting the circled number and line carried over to the left margin of the petition sheets.
5. The marked petitions are transmitted to the County Recorders either by personal delivery or certified mail.

At this time, the Secretary of State issues another receipt to the committee. This receipt informs the committee of the number of signatures and sheets removed by the Secretary and how many were selected for random verification by the County Recorders.

## County Recorder Processes [A.R.S. § 19-121.02]

The Recorder has **15 business days** to verify the signatures randomly selected are those of eligible electors.

1. The Recorders determine if a signature should be disqualified for the reasons below:
   - No residence address or description of residence location is provided.
   - No date of signing is provided.
   - The signature is illegible and the signer is otherwise unidentifiable.
   - The address provided is illegible or nonexistent.
   - The individual was not a qualified elector on the date of signing the petition.
   - The individual was a registered voter but was not at least eighteen years of age on the date of signing the petition.
   - The signature was disqualified after comparison with the signature on the affidavit of registration.
   - If a petitioner signed more than once, all but one valid signature shall be disqualified.
   - For the same reasons any signatures or entire petition sheets could have been removed by the Secretary of State pursuant to A.R.S. § 19-121.01(A)(3).
2. The Recorder then certifies to the Secretary of State:
   - The name of any individual whose signature was included in the random sample and disqualified by the Recorder along with the petition page and line number of the disqualified signature.

   The total number of signatures selected for the random sample and transmitted to the Recorder for verification and the total number of random sample signatures disqualified.
3. The Recorder returns the copies of the signatures sheets to the Secretary of State, along with the certification, and sends a notice of the certification to the referendum or initiative committee.

## Disposition of Petitions by Secretary of State [A.R.S. § 19-121.04]

The Secretary of State has **72 hours**, excluding Saturdays, Sundays and other legal holidays, after receiving certifications from all the Recorders to determine the total number of valid signatures as reflected in the certifications. To determine the total number of valid signatures the Secretary of State uses the number of signatures determined for verification and subtracts:

1. All signatures on petitions containing a defective circulator's affidavit.
2. All signatures that were found ineligible by the county recorders and that were not subtracted in # 1 of this section.
3. After determining the percentage of all signatures found to be invalid in the random sample, the percentage is then applied to all signatures eligible for verification. This determines the number of invalid signatures.
4. The invalid signatures are then subtracted from the total of all signatures eligible for verification.

If the actual number of remaining valid signatures is projected to **equal or exceed** the minimum number required by the Arizona Constitution, the Secretary of State shall issue a receipt to the committee and notify the Governor that a sufficient number of signatures have been filed for the referendum or initiative to be placed on the ballot.

**At this time, the referendum or initiative becomes a ballot measure.**

If the number of remaining valid signatures is projected to be less than the minimum number required by the Constitution the referendum or initiative does not qualify for placement on the ballot and the Secretary of State issues a certified statement to the committee that the petition lacks the minimum number of signatures to place it on the general election ballot. [A.R.S. § 19-121.04]

## PUBLICITY PAMPHLET [A.R.S. § 19-123]

For each statewide general or special election at which one or more ballot measures will be considered by voters, the Secretary of State must issue a Publicity Pamphlet. For each ballot measure, the Publicity Pamphlet contains:

1. The title and text of the measure or proposed amendment.
2. The form in which the measure or proposed amendment will appear on the ballot, the official title, the descriptive title prepared by the Secretary of State and the number by which it will be designated.
3. The arguments for and against the measure or amendment.
4. A legislative council analysis of the ballot proposal for any measure or proposed amendment.
5. The summary of a fiscal impact statement prepared by the Joint Legislative Budget Committee (JLBC) staff.

The Secretary of State mails one copy of the Publicity Pamphlet to every household that contains a registered voter. These are mailed in order to be delivered to households before the earliest date to receive an early ballot for the general election.

Sample ballots for both the primary and general elections include a statement on how to obtain a Publicity Pamphlet for the general election ballot.

## ARGUMENTS [A.R.S. § 19-124]

An argument is a 300-word notarized statement either advocating or opposing any measure with respect to which the referendum or initiative has been invoked or any measure or constitutional amendment referred by the legislature. Arguments are included in the Publicity Pamphlet. Arguments which support the measure shall be placed first in order. The committee or person proposing the referendum or initiative shall be first among the affirmative arguments. Negative arguments shall be placed after the affirmative arguments. All other arguments are placed in the order in which they are received.

## NUMBERING OF PROPOSITIONS [A.R.S. § 19-125(B)]

State law requires that ballot measures be numbered according to four criteria:

1. Constitutional amendments, whether initiated by the people or referred by the Legislature, are numbered in the 100s.
2. Citizen initiatives to create new or amend current state laws (statutes) are numbered in the 200s.

3. Legislative referrals to create new or amend current statutes are numbered in the 300s.
4. Local matters are numbered in the 400s.

Numbering begins with the last number used in the previous election and is not repeated until all one hundred numbers in that series have been used.

## TOWN HALLS

The Secretary of State must conduct a minimum of three public meetings on the ballot measures, referred to as Town Halls. The Town Halls provide an opportunity for proponents, opponents and the general public to provide testimony and obtain information regarding ballot measures. [A.R.S. § 19-123(D)]

## PENALTIES

### Signing Petition for Profit [A.R.S. § 19-114.01]

It is a crime for any person to knowingly give or receive money or any other thing of value for signing an initiative or referendum petition.

### Unlawful Acts [A.R.S. § 19-115]

It is a crime for any person:

- To knowingly sign any name other than your own to a petition, except in the circumstance where you sign for a person, in the presence of and at the specific request of such person, who is incapable of signing his own name, because of physical infirmity.
- To knowingly sign your name more than once for the same measure or proposed constitutional amendment.
- Who is not a qualified elector of this state at the time of signing the petition.

### Coercion; Intimidation; False Description [A.R.S. § 19-116]

1. It is a crime if a person:
    - Knowingly coerces any other person by menace or threat to sign or refrain from; or
    - threatens any other person
        - to the effect that the other person will or may be injured
            - in his business; or
            - discharged from employment; or
        - that he will not be employed, if he signs or refrains from signing an initiative or referendum petition or after signing have his name taken therefrom.

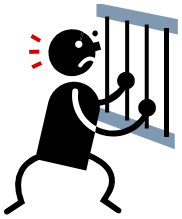
2. A circulator of an initiative or referendum petition and who induces any other person in the circulator's presence to sign the initiative or referendum petition by knowingly misrepresenting the general subject matter of the measure is guilty of a class 1 misdemeanor.

### Deceptive Mailings [A.R.S. § 19-119]

In an attempt to influence the outcome of an election, an individual or committee shall not deliver or mail any document that falsely purports to be a mailing authorized, approved,

required, sent or reviewed by or that falsely simulates a document from the government of this state, a county, city or town or any other political subdivision.

An individual or committee that violates this section is liable for a civil penalty equal to twice the total of the cost of the mailing or $500, whichever is greater. The Attorney General, County Attorney, city or town attorney or other legal representative of the political subdivision, as appropriate, may assess the civil penalty.



## Petition Signature Fraud; List of Prohibited Persons [A.R.S. § 19-119.01]

1. For the purposes of Title 19, a person commits petition signature fraud if the person does either of the following with the intent to defraud:
   a. Intentionally collects for filing petition signature sheets with the knowledge that the person whose name appears on the signature sheet did not actually sign the petition.
   b. Uses any fraudulent means, method, trick, device or artifice to obtain signatures on a petition.
2. A person paid by a political committee to employ or subcontract with persons who fraudulently obtain petition signatures or who obtain petition signatures through other unlawful means is not guilty of a violation of subsection A if the person does both of the following:
   a. Reports the suspected unlawful or fraudulent signature collection to the filing officer.
   b. Refuses to file the suspected unlawful or fraudulent signatures.
3. A person who violates subsection A is guilty of a class 1 misdemeanor, except that a person who engages or participates in a pattern of petition signature fraud is guilty of a class 4 felony and shall be prohibited from participating for five years in any election, initiative, referendum or recall campaign. For the purposes of this subsection, "pattern of petition signature fraud" means that the person employs or subcontracts with persons to obtain signatures and at least five of the employees or subcontractor's employees have been convicted of a violation of this section for one or more elections or recall campaigns in an election cycle.
4. The secretary of state shall maintain a list of persons who have been convicted of participating in a pattern of petition signature fraud in violation of this section and who are barred from participating in any election, initiative, referendum or recall campaign for five years from the date of conviction. The list shall be published on the secretary of state's website. The secretary of state shall remove a person from the list on expiration of the five-year prohibition. If a member of the public requests a copy of the list, the secretary shall provide it.

# RECALL PROCESS

### Who May be Recalled? [Ariz. Const. Article VIII, Sec. 1 & A.R.S. § 19-201]

Any public officer in the State of Arizona holding an elective office, either by election or appointment, is subject to recall by the qualified electors of the electoral district from which candidates are elected to such office. The district may include the whole state.

### Recall Limitations [A.R.S § 19-202]

An officer shall have held office for **six months** before being recalled. There is one exception to this. A member of the Legislature may be recalled at any time after **five days** from the beginning of the first legislative session after his election.

**NOTE: The commencement of a subsequent term in the <u>same</u> office does not renew the six month period delaying the circulation of petitions.**

After one recall petition and election, no further recall petition shall be filed against the same officer during the term for which he was elected, unless the committee pays into the treasury the expenses for the previous election paid for the first recall.

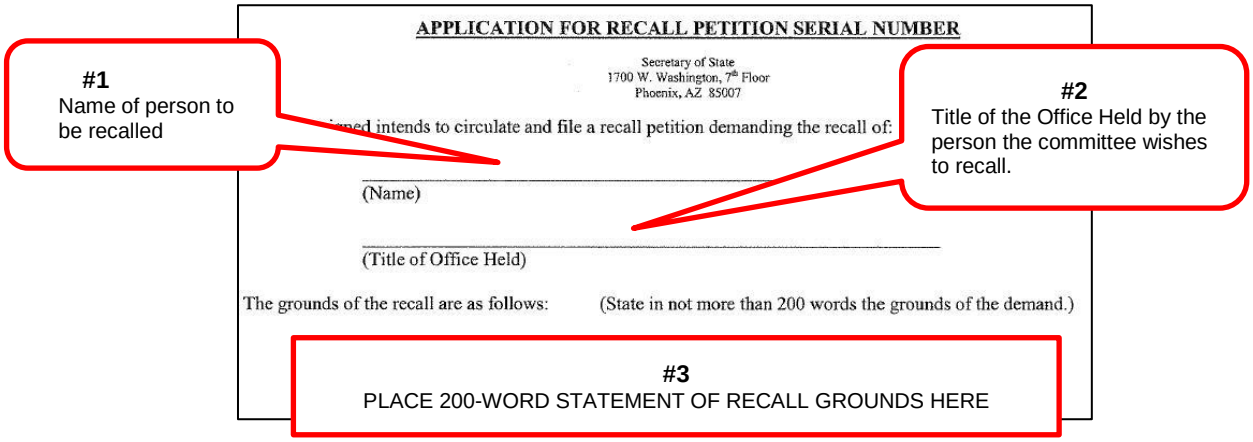
## APPLICATION FOR SERIAL NUMBER

**Before an Application for Serial Number may be completed, a political committee must be formed. See "<u>Forming a Committee [A.R.S. § 16-901]</u>" on page 2.**

### Completing the Application for Recall Petition Serial Number [A.R.S. § 19-202.01]

An "Application for Recall Petition Serial Number" is required to be filed with the Secretary of State.

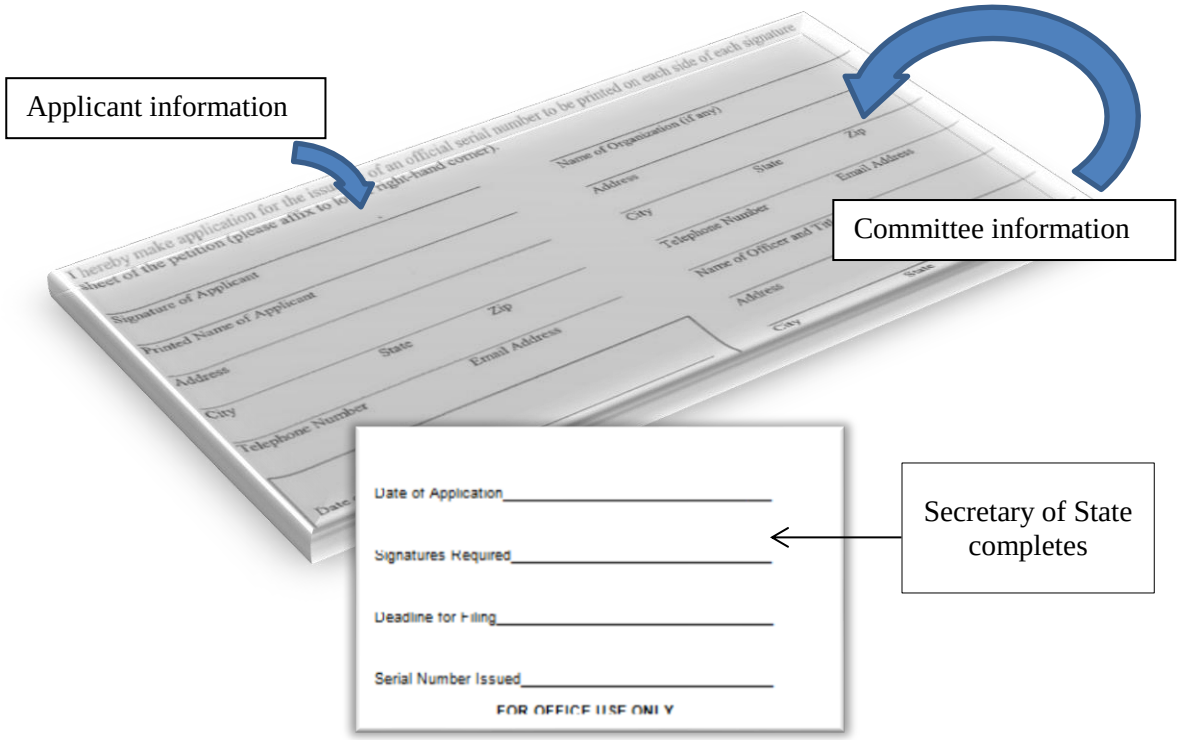
<u>Top portion of the Application:</u>




1. Write or type the name of the person to be recalled in the space provided on the application.
2. Write the title of the office held by the person being recalled.

3. Write up a maximum of 200 words general statement stating the grounds of the recall. If the statement is **over** 200 words, the application **will not be accepted**.

<u>Bottom portion of the Application:</u>




The application will be date stamped and a copy will be given to the committee after the Secretary of State confirms there are 200 words or less on the statement, has calculated the number of signatures needed for the officer being recalled and calculated the date of the deadline to submit the petitions. The copy acts as a receipt of the application.

**The recall petition is not considered filed until the verification process is complete. [A.R.S. § 19-203(A)]**

## Number of Required Signatures [Ariz. Const. Article VIII, Pt. 1 § 1 & A.R.S. § 19-201(A)]

The number of signatures required for recalling an elected official is based on the number of votes cast at the preceding election for all the candidates for the office held by the officer, even if the officer was not elected at that election. If there is more than one office being filled at that election, the number of votes cast is then divided by that number. The number is then multiplied by 25%. For example:

**Recall of State Mine Inspector, Fred Flintstone:**

| CANDIDATE'S NAME | TOTAL VOTES CAST |
|---|---|
| Scooby Doo | 90,000 |
| Betty Boop | 10,000 |
| **Fred Flintstone** | **100,000** |
| Peter Pan | 49,500 |
| Bob Cat (Write In) | 62 |
| TOTAL VOTES CAST | 249,562 |
| Multiplied by 25% | 62,390.5 |
| Rounded up | 62,391 |

The committee would need to collect a minimum of 62,391 **valid** signatures to recall Fred Flintstone.

**Recall of Paula Tician, State Representative, Legislative District 100, 2 seats available:**

| CANDIDATE'S NAME | TOTAL VOTES CAST |
|---|---|
| **Paula Tician** | **90,000** |
| Tinker Bell | 10,000 |
| **Donald Duck** | **100,000** |
| Kermit the Frog | 49,500 |
| Wiley E. Coyote (Write In) | 62 |
| TOTAL VOTES CAST | 249,562 |
| Multiplied by 25% | 62,390.5 |
| Divided by 2 | 30,195.25 |
| Rounded up | 30,196 |

The committee will need to collect 30,196 **valid** signatures to recall Paula Tician.

The Secretary of State calculates the deadline to submit the petitions by counting **120 days** from the date the "Application for Recall Petition Serial Number" is filed. This is then placed on the application.

## PETITIONS

Now that the application is filed, the committee may now prepare the petitions for circulation. Arizona law specifies the format of the petitions, what is allowed and isn't allowed, and the circulation of petitions.

### Petition Format

The face of recall petitions should be complete prior to circulating.

1. Petition Requirements.
   a. Form of petition [A.R.S.§ § 19-121 & 19-204]
      - Serial Number on lower right hand corner on front <u>and</u> back of petition
      - Printed in at least 8 point type.

- Printed in black on white or recycled white legal size (8 ½" x 14") paper
  - With a margin of at least one-half inch at the top and one-fourth at the bottom of each page.
- Limited to 15 signatures per page.

b. Face of petition

Face of Recall Petition [A.R.S. §§ 19-101 & 19-204]

Recall Petition

We, the qualified electors of the electoral district from which_____ was elected, demand his recall.
(Name and title of office)
The grounds of this demand for recall are as follows:

(State in two hundred words or less the grounds of the demand)

| Signature | Name (first and last name printed) | Actual address (street & no. and if no street address, describe residence location) | Arizona post office address & zip code | City or town (if any) | Date signed |
|---|---|---|---|---|---|
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |
| 7. | | | | | |
| 8. | | | | | |
| 9. | | | | | |
| 10. | | | | | |
| 11. | | | | | |
| 12. | | | | | |
| 13. | | | | | |
| 14. | | | | | |
| 15. | | | | | |

Secretary of State
Revised 7/20/2011

The validity of signatures on this sheet must be sworn to by the circulator before a notary public on the form appearing on the back of this sheet.

Number_____

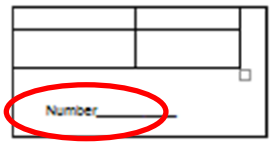
c. What is on the face of the petition [A.R.S. § 19-204]
- The name of the officer being recalled, along with the office held, and
- The 200 word general statement stating the grounds of the recall as it appears on the Application for Recall Petition Serial Number.

Recall Petition

We, the qualified electors of the electoral district from which_____ was elected, demand his recall.
(Name and title of office)
The grounds of this demand for recall are as follows:

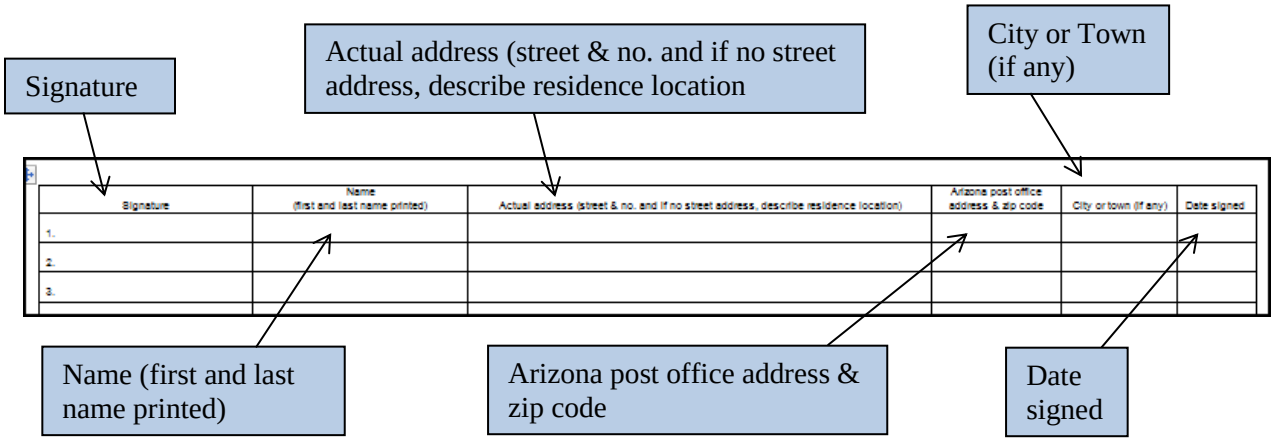
(State in two hundred words or less the grounds of the demand)

- The serial number



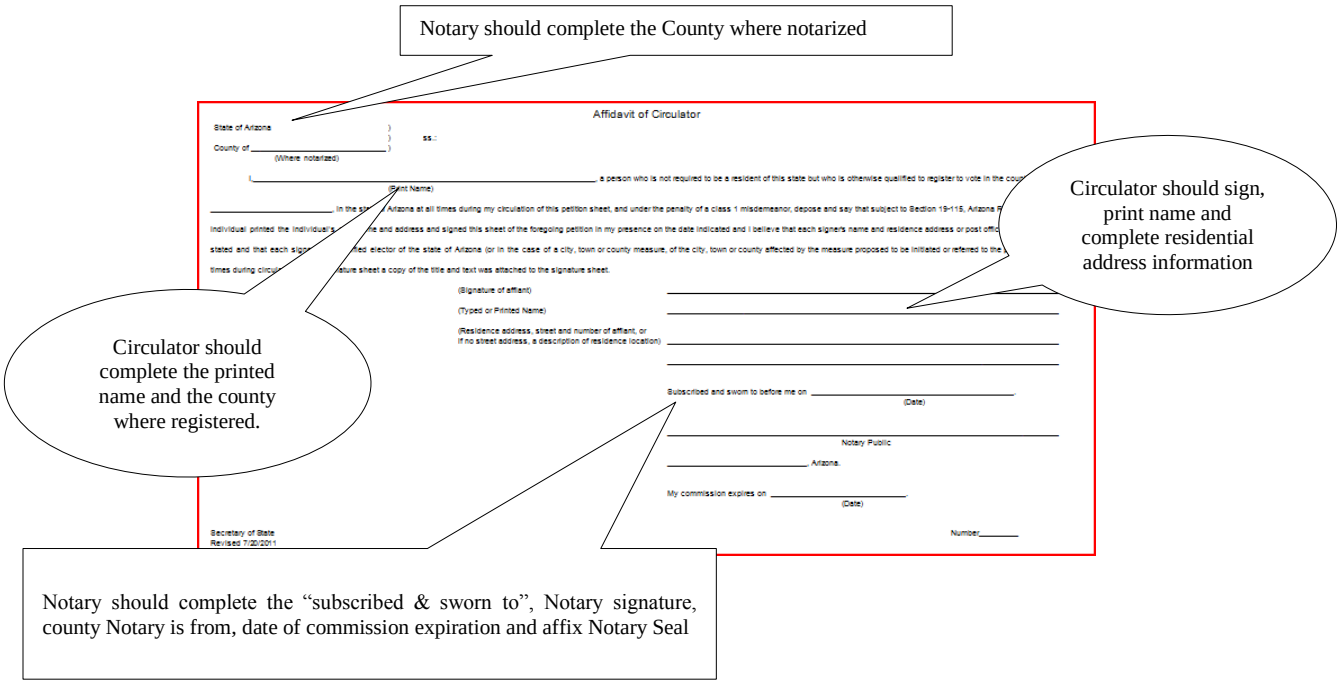
**The portions of the face of the petition discussed above must be completed before a committee begins circulating.**

- The petition sheet is limited to 15 signatures per page and must have the following headings for each column:




| Signature | Name (first and last name printed) | Actual address (street & no. and if no street address, describe residence location) | Arizona post office address & zip code | City or town (if any) | Date signed |
|---|---|---|---|---|---|
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |

d. Back of recall petition:




## Circulators

Things to share with petition circulators

1. Who may or may not circulate petitions [A.R.S. §§ 19-205 & 19-205.02]
   - Any person who is qualified to register to vote **may** circulate petitions.
   - A county recorder or a justice of the peace **may not** circulate petitions.
   - A person who is not qualified to register to vote **may not** circulate petitions.
2. Providing very specific instructions to the circulators could be crucial to the committee. To help with that, the committee may inform circulators of:

- The statutory requirements in A.R.S. § 19-121.01. This will give them an idea of what the election officials look for when the petitions are submitted. This statute is discussed in more detail in the Removal of Petition Sheets on page 14 and Removal of Signature Lines on page 15 of the handbook.
- If it is determined that the circulator completed any portion of the elector's signature line, the line will be removed

3. Who the committee is recalling and the grounds for the recall.
4. Upon completion of circulating a petition, the circulator shall complete the "Affidavit of Circulator" on the back of the petition in the presence of a Notary.
5. If any of the information on the back of a petition is missing, the entire sheet will be eliminated.

### Withdrawal of Signatures

1. Withdrawal of Signatures [A.R.S. § 19-113] – A person may remove his own name from a petition by doing any of the following:
   a. Filing a signed, notarized statement of intent to withdraw with the filing officer.
   b. Mailing a signed, notarized statement of intent to withdraw to the filing officer.
   c. Drawing a line through the signature and printed name on the petition.

**The Secretary of State has a form available for persons wishing to withdraw a signature.**

2. The signature withdrawal must be done by 5:00 p.m. on the date the recall petition containing the person's signature is actually submitted for verification in order to have effect. Otherwise the signature will be counted.
3. Withdrawn signatures are not counted in determining the legal sufficiency of the petition.

## SUBMITTING CIRCULATED PETITIONS

After the committee has collected the petitions from the circulators, they may start organizing the petitions in preparation for submitting them to the Secretary of State. Petitions filed in an organized manner assist the Secretary of State in processing the petitions more efficiently and expediently.

Here are some helpful ways to organize before submitting petitions:

- Sort the petitions by county, if applicable.
- Place the petitions in bankers' boxes.
- Label the bankers' boxes with the name of the county on the petitions, if applicable.
- Avoid writing on the petition sheets in the upper left and right hand corners. The upper corners are areas of the petitions that statute requires the Secretary of State to use.
- Communicate with the Secretary of State regarding the committee's progress, particularly with regard to an approximate date of when the committee anticipates submitting the petitions.
- The committee should prepare an estimation of how many petition sheets and signatures it is submitting.

### Deadline to Submit Petitions [A.R.S. § 19-203(B)]

The deadline to submit recall petitions is **120 days** from the day the application was filed with the Secretary of State. Any petitions received after the **120 days** shall not be accepted.

For filing deadlines for local recalls, please contact your local jurisdiction.

When the committee brings the petitions in, the committee will complete a receipt of the estimated number of sheets and signatures filed. [A.R.S. 19-121(B)]

The Secretary of State will issue an initial receipt to the committee at the time the petitions are filed with the committee's estimated number of sheets and signatures. The committee is not permitted to turn in supplemental petitions sheets. [A.R.S. § 19-203(B)]

## PROCESSING OF PETITIONS

### Secretary of State Processes

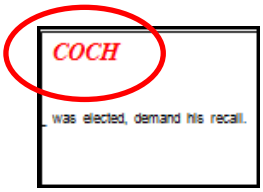
The Secretary of State has **10 days** to process the petitions. These processes are explained below.

### Removal of Petition Sheets [A.R.S. §§ 19-121.01(A) & 19-208.01]

The Secretary of State will disqualify petition sheets as follows:

- Sheets that do not bear the correct petition serial number in the lower right-hand corner of each side of the sheet.
- Sheets where the circulator's affidavit is not complete or signed.
- Sheets where the circulator's affidavit is:
  - Not notarized.
  - The Notary's signature is missing.
  - The Notary's seal is missing.
  - The Notary's commission has expired.
  - Subscribed and sworn to prior to gathering signatures on the front of the petition sheet.
- Sheets that are circulated by a prohibited circulator pursuant to A.R.S. § 19-119.01.

For the remaining petition sheets the county from which most signatures were gathered determines the county of majority. For a statewide or legislative office that crosses county lines, the county of majority must be determined. [A.R.S. § 19-205(B)] Three or four letters designating the county of majority are placed in the upper right hand corner of the face of the petition.




Signatures of electors not in the county of majority are removed by marking an "SS" in red to the right of the date on that signature line. This is the first step of signature line removal.

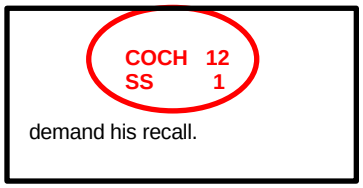
## Removal of Signature Lines [A.R.S. § 19-121.01(A)(3)]

The removal of signature lines consists of marking an "SS" in red to the right of the signature line. The following require disqualification of a signature line:

- If the signature of the qualified elector is missing.
- If the residence address or the description of residence location is missing (PO Boxes are not allowed).
- If the date on which the petition signed is missing.
- Signatures in excess of the fifteen signatures permitted per petition sheet.
- Signatures withdrawn as described in Withdrawal of Signatures on page 27.
- Signatures which the Secretary of State determines that the circulator has printed the elector's information as described in A.R.S. § 19-112(A).

## Signature and Sheet Counts [A.R.S. §§ 19-121.01(A)(4) - (6)]

1. After the removal of petition sheets and signature lines, the Secretary of State counts the number of remaining signatures for verification on each remaining petition sheet and notes the number of signatures in the upper right hand corner next to the county designation.




2. The petition sheets are then numbered consecutively. The number is placed in the upper left-hand corner of the petition sheet.

3. The Secretary of the State copies the petition sheets.
4. The copied petition sheets are transmitted to the county recorders either by personal delivery or certified mail.

At this time, the Secretary of State issues another receipt to the committee. This receipt informs the committee whether or not there are enough signatures to be sent to the Recorder for verification.

## County Recorder Processes [A.R.S. §§ 19-121.02(A) &19-208.02]

The Recorder has **60 days** to verify the signatures the Secretary of State submitted to the Recorder. The Recorder verifies 100 percent of the signatures. The Recorder determines if a signature should be disqualified for the reasons below:

- No residence address or description of residence location is provided.
- No date of signing is provided.
- The signature is illegible and the signer is otherwise unidentifiable.
- The address provided is illegible or nonexistent.

- The individual was not a qualified elector on the date of signing the petition.
- The individual was a registered voter but was not at least eighteen years of age on the date of signing the petition.
- The signature was disqualified after comparison with the signature on the affidavit of registration.
- If a petitioner signed more than once, all but one valid signature shall be disqualified.
- For the same reasons any signatures or entire petition sheets could have been removed by the Secretary of State pursuant to A.R.S. § 19-121.01(A)(3)

The Recorder then certifies to the Secretary of State the name of any individual whose signature was disqualified by the Recorder along with the petition page and line number of the disqualified signature, and the total number of signatures transmitted to the Recorder for verification.

The Recorder returns the copies of the signatures sheets to the Secretary of State, along with the certification, and sends a notice of the certification to the recall committee.

### Disposition of Petitions by Secretary of State [A.R.S. § 19-208.03]

The Secretary of State has **five days**, excluding Saturdays, Sundays and other legal holidays, after receiving certifications from all the Recorders to determine a sufficient number of valid signatures have been certified to qualify for placement of the recall on the ballot. The Secretary of State shall tabulate the number of signatures certified, and:

- If the number of valid signatures is insufficient the Secretary of State shall notify the committee. [A.R.S. § 19-208.01(B)]
- If the actual number of signatures on the remaining sheets **equals or exceeds** the minimum number required by the Arizona Constitution, the Secretary of State shall officially file the recall petition, notify the Governor and place the recall on the ballot.

## NOTIFICATIONS/ORDER FOR SPECIAL RECALL ELECTION

Now that the recall petition is considered officially filed, the Secretary of State shall:

1. Within **48 hours**, excluding Saturdays, Sundays or other legal holidays, provide written notification to the person against whom the recall is filed. [A.R.S. § 19-207]
   The notice shall state:
   - That a recall petition has been filed,
   - Set forth the grounds of the recall, and
   - That the person has the right to prepare and have printed on the ballot a statement containing not more than 200 words defending the person's official conduct within **10 days** of receiving the notice.
     - If the person does not provide a defense statement he is waiving his right to have the statement printed on the ballot.

The officer is also given the opportunity to resign within **five business days** of the official filing of the recall. If the officer resigns, the vacancy shall be filled as provided by law. [A.R.S. § 19-208]

2. If the officer does not resign within **five business days**, a special recall election shall be ordered. The order shall be issued within **15 days** and the election shall be ordered to be

held on the next consolidated election date that is **90 days** or more after the calling of the election. [A.R.S. § 19-209]

The recall election shall be called:

- By the Governor for a state office or a member of the legislature.
  - If a recall is filed for the office of Governor, the Secretary of State orders the election.
- By the Board of Supervisors for a county officer or judge or other officer of the superior court in that county.
  - If a recall is filed for the office of Board of Supervisor, the Clerk of the Superior Court orders the election.
- By the legislative body of a city or town for a city or town officer.
  - If a recall is filed a city or town officer, the city clerk orders the election.
- By the County School Superintendent if for a member of a school district governing board.

## RECALL CANDIDATE FILINGS & NOMINATION PETITIONS

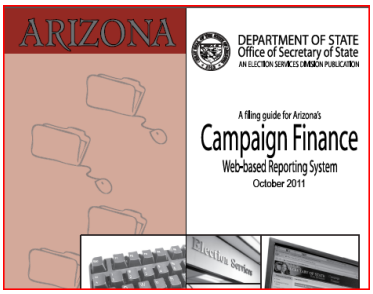
The officer being recalled is placed as a candidate on the official ballot *without* nomination. Other recall candidates shall circulate and file nomination petitions.

**Recall candidates will need to form a candidate committee.**

To become a candidate in a recall election, one must first form a political committee by either submitting a $500 Threshold Exemption Statement or a Political Committee Statement of Organization. The officer being recalled must also form a committee.

### Forming a Committee [A.R.S. § 16-901]

1. Make sure you received a copy of the "A filing guide for Arizona's Campaign Finance Web-based Reporting System" handbook. It is available at www.azsos.gov if you did not receive it.




2. Read through the handbook before forming a committee.
3. Statewide or legislative candidates must use the web-based reporting system which can be found at https://azsos.gov/CFS2/Login.aspx to organize the committee and to report the committee's contributions and expenditures.

4. The campaign finance system will prompt you to print the $500 Threshold Exemption Statement or Political Committee Statement of Organization.
    - Print it.
    - Sign it.
    - Submit it to the Secretary of State's office. *A committee <u>does not</u> become active until the **original** is received by the Secretary of State's office.*

Problems or questions on our campaign finance system may be directed to our campaign finance experts:

Campaign Finance Supervisor
Nancy Read
(602) 364-1562

Campaign Finance Assistant
Yolanda Morales
(602) 364-4855

## Nomination Petitions [A.R.S. § 19-212]

If the recall qualifies for the ballot, and the officer subject to recall chooses not to resign, the officer is placed as a candidate on the official ballot without nomination for a special recall election. Any qualified elector of the district may run for the office being recalled. The number of signatures a recall candidate must gather is equal to or at least two per cent of the total votes cast for all candidates for that office at the last election for that office.

Remember our earlier calculations on the number of signatures required to recall an officer? Using the same mathematics and changing the percentage to two percent shall determine the number of signatures required for a recall candidate to be placed on the ballot.

**Recall of State Mine Inspector, Fred Flintstone:**

| CANDIDATE'S NAME | TOTAL VOTES CAST |
|---|---|
| Scooby Doo | 90,000 |
| Betty Boop | 10,000 |
| **Fred Flintstone** | **100,000** |
| Peter Pan | 49,500 |
| Bob Cat (Write In) | 62 |
| TOTAL VOTES CAST | 249,562 |
| Multiplied by 2% | 4,991.24 |
| Rounded up | 4,992 |

The recall candidate would need to collect a minimum of 4,992 **valid** signatures to be placed on the special recall election ballot recalling the State Mine Inspector.

**Recall of Paula Tician, State Representative, Legislative District 100, 2 seats available:**

| CANDIDATE'S NAME | TOTAL VOTES CAST |
|---|---|
| **Paula Tician** | **90,000** |
| Tinker Bell | 10,000 |
| **Donald Duck** | **100,000** |
| Kermit the Frog | 49,500 |
| Wiley E. Coyote (Write In) | 62 |
| TOTAL VOTES CAST | 249,562 |
| Multiplied by 2% | 4,991.24 |
| Divided by 2 | 2,495.62 |
| Rounded up | 2,496 |

The recall candidate would need to collect a minimum of 2,496 **valid** signatures to be placed on the special recall election ballot recalling Paula Tician, Legislative District 100.

**Nomination petition signers shall be qualified electors of the electoral district of the officer against whom the recall petition is filed**.

The face of the special recall nomination petitions shall have the following language:

The county is important when a district crosses county lines.

Name of person running as a candidate

Nomination Petition – Recall Election

We, the undersigned electors, qualified to vote in the recall election mentioned herein, residents of the precinct indicated by the residence addresses give, and residents of the county of _____, state of Arizona, hereby nominate _____, who resides at _____, in the county of _____ to be a candidate in the recall election for the office of _____ to be held on _____, and we further declare that we
(date)
have not signed and will not sign any nomination paper for any other person for such office.

The residential address and county of the CANDIDATE.

Name of the office

Insert the date of the special recall election.

The remainder of the petition shall be substantially in the form prescribed in A.R.S. § 16-315.

| Signature | Name (first and last name printed) | Actual address (street & no. and if no street address, describe residence location) | Arizona post office address & zip code | City or town (if any) | Date signed |
|---|---|---|---|---|---|
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |

The back of the recall nomination petition shall include a certificate by a person who is qualified to register to vote stating that to the best of his knowledge and belief all the signers of the nomination petition are qualified electors of the precinct which they give as their residence.

Instructions for Circulators

1. All petitions shall be signed by circulator.
2. Circulator is not required to be a resident of this state but otherwise must be qualified to register to vote in this state and, if not a resident of this state, shall register as a circulator with the secretary of state.
3. Circulator's name shall be typed or printed under such person's signature.
4. Circulator's actual residence address or, if no street address, a description of residence location shall be included on the petition.

Affidavit of Circulator

State of Arizona )
) ss.:
County of _____ )
(Where notarized)

I, _____, a person who is not required to be a resident of this state but who is otherwise qualified to register to vote in the county of
(Print Name)
_____, in the state of Arizona at all times during my circulation of this petition sheet, and under the penalty of a class 1 misdemeanor, depose and say that subject to Section 19-115, Arizona Revised Statutes, each individual printed the individual's own name and address and signed this sheet of the foregoing petition in my presence on the date indicated, and I believe that each signer's name and residence address or post office address are correctly stated and that each signer is a qualified elector of the state of Arizona (or in the case of a city, town or county measure, of the city, town or county affected by the recall) and that I am qualified to register to vote and all signers of this petition are qualified to vote in the recall election.

(Signature of affiant) _____
(Types or Printed Name) _____
(Residence address, street and number of affiant, or if no street address, a description of residence location) _____

Subscribed and sworn to before me on _____
(Date)

_____
Notary Public
_____ Arizona.

My commission expires on _____
(Date)

Number _____

Secretary of State
Revised 7/20/2011

## Deadline to Submit Petitions [A.R.S. § 19-212(F)]

The deadline to submit recall nomination petitions is not more than **90 days** and no less than **60 days** prior to the date of the special recall election.

A Nomination Paper and Financial Disclosure Statement must be filed at the same time as the candidate's petitions. [A.R.S. §§ 16-311 & 38-543]

## WHO TO CONTACT

Mary C. Fontes, HAVA Business Analyst
Phone: (602) 364-3222
Email: mfontes@azsos.gov

# Arizona State Constitution: Article IV Legislative Department

## 1. Legislative authority; initiative and referendum

Section 1. (1) Senate; house of representatives; reservation of power to people.

The legislative authority of the state shall be vested in the legislature, consisting of a senate and a house of representatives, but the people reserve the power to propose laws and amendments to the constitution and to enact or reject such laws and amendments at the polls, independently of the legislature; and they also reserve, for use at their own option, the power to approve or reject at the polls any act, or item, section, or part of any act, of the legislature.

(2) Initiative power.

The first of these reserved powers is the initiative. Under this power ten per centum of the qualified electors shall have the right to propose any measure, and fifteen per centum shall have the right to propose any amendment to the constitution.

(3) Referendum power; emergency measures; effective date of acts.

The second of these reserved powers is the referendum. Under this power the legislature, or five per centum of the qualified electors, may order the submission to the people at the polls of any measure, or item, section, or part of any measure, enacted by the legislature, except laws immediately necessary for the preservation of the public peace, health, or safety, or for the support and maintenance of the departments of the state government and state institutions; but to allow opportunity for referendum petitions, no act passed by the legislature shall be operative for ninety days after the close of the session of the legislature enacting such measure, except such as require earlier operation to preserve the public peace, health, or safety, or to provide appropriations for the support and maintenance of the departments of the state and of state institutions; provided, that no such emergency measure shall be considered passed by the legislature unless it shall state in a separate section why it is necessary that it shall become immediately operative, and shall be approved by the affirmative votes of two-thirds of the members elected to each house of the legislature, taken by roll call of ayes and nays, and also approved by the governor; and should such measure be vetoed by the governor, it shall not become a law unless it shall be approved by the votes of three-fourths of the members elected to each house of the legislature, taken by roll call of ayes and nays.

(4) Initiative and referendum petitions; filing.

All petitions submitted under the power of the initiative shall be known as initiative petitions, and shall be filed with the secretary of state not less than four months preceding the date of the election at which the measures so proposed are to be voted upon. All petitions submitted under the power of the referendum shall be known as referendum petitions, and shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the legislature which shall have passed the measure to which the referendum is applied. The filing of a referendum petition against any item, section, or part of any measure shall not prevent the remainder of such measure from becoming operative.

(5) Effective date of initiative and referendum measures.

Any measure or amendment to the constitution proposed under the initiative, and any measure to which the referendum is applied, shall be referred to a vote of the qualified electors, and shall become law when approved by a majority of the votes cast thereon and upon proclamation of the governor, and not otherwise.

(6) (A) Veto of initiative or referendum.

> The veto power of the governor shall not extend to an initiative measure approved by a majority of the votes cast thereon or to a referendum measure decided by a majority of the votes cast thereon.
>
> (6) (B) Legislature's power to repeal initiative or referendum.
>
> The legislature shall not have the power to repeal an initiative measure approved by a majority of the votes cast thereon or to repeal a referendum measure decided by a majority of the votes cast thereon.
>
> (6) (C) Legislature's power to amend initiative or referendum.
>
> The legislature shall not have the power to amend an initiative measure approved by a majority of the votes cast thereon, or to amend a referendum measure decided by a majority of the votes cast thereon, unless the amending legislation furthers the purposes of such measure and at least three-fourths of the members of each house of the legislature, by a roll call of ayes and nays, vote to amend such measure.
>
> (6) (D) Legislature's power to appropriate or divert funds created by initiative or referendum.
>
> The legislature shall not have the power to appropriate or divert funds created or allocated to a specific purpose by an initiative measure approved by a majority of the votes cast thereon, or by a referendum measure decided by a majority of the votes cast thereon, unless the appropriation or diversion of funds furthers the purposes of such measure and at least three-fourths of the members of each house of the legislature, by a roll call of ayes and nays, vote to appropriate or divert such funds.

(7) Number of qualified electors.

The whole number of votes cast for all candidates for governor at the general election last preceding the filing of any initiative or referendum petition on a state or county measure shall be the basis on which the number of qualified electors required to sign such petition shall be computed.

(8) Local, city, town or county matters.

The powers of the initiative and the referendum are hereby further reserved to the qualified electors of every incorporated city, town, and county as to all local, city, town, or county matters on which such incorporated cities, towns, and counties are or shall be empowered by general laws to legislate. Such incorporated cities, towns, and counties may prescribe the manner of exercising said powers within the restrictions of general laws. Under the power of the initiative

fifteen per centum of the qualified electors may propose measures on such local, city, town, or county matters, and ten per centum of the electors may propose the referendum on legislation enacted within and by such city, town, or county. Until provided by general law, said cities and towns may prescribe the basis on which said percentages shall be computed.

(9) Form and contents of initiative and of referendum petitions; verification.

Every initiative or referendum petition shall be addressed to the secretary of state in the case of petitions for or on state measures, and to the clerk of the board of supervisors, city clerk, or corresponding officer in the case of petitions for or on county, city, or town measures; and shall contain the declaration of each petitioner, for himself, that he is a qualified elector of the state (and in the case of petitions for or on city, town, or county measures, of the city, town, or county affected), his post office address, the street and number, if any, of his residence, and the date on which he signed such petition. Each sheet containing petitioners' signatures shall be attached to a full and correct copy of the title and text of the measure so proposed to be initiated or referred to the people, and every sheet of every such petition containing signatures shall be verified by the affidavit of the person who circulated said sheet or petition, setting forth that each of the names on said sheet was signed in the presence of the affiant and that in the belief of the affiant each signer was a qualified elector of the state, or in the case of a city, town, or county measure, of the city, town, or county affected by the measure so proposed to be initiated or referred to the people.

(10) Official ballot.

When any initiative or referendum petition or any measure referred to the people by the legislature shall be filed, in accordance with this section, with the secretary of state, he shall cause to be printed on the official ballot at the next regular general election the title and number of said measure, together with the words "yes" and "no" in such manner that the electors may express at the polls their approval or disapproval of the measure.

(11) Publication of measures.

The text of all measures to be submitted shall be published as proposed amendments to the constitution are published, and in submitting such measures and proposed amendments the secretary of state and all other officers shall be guided by the general law until legislation shall be especially provided therefor.

(12) Conflicting measures or constitutional amendments.

If two or more conflicting measures or amendments to the constitution shall be approved by the people at the same election, the measure or amendment receiving the greatest number of affirmative votes shall prevail in all particulars as to which there is conflict.

(13) Canvass of votes; proclamation.

It shall be the duty of the secretary of state, in the presence of the governor and the chief justice of the supreme court, to canvass the votes for and against each such measure or proposed amendment to the constitution within thirty days after the election, and upon the completion of the canvass the governor shall forthwith issue a proclamation, giving the whole number of votes cast for and against each measure or proposed amendment, and declaring such measures or amendments as are approved by a majority of those voting thereon to be law.

(14) Reservation of legislative power.

This section shall not be construed to deprive the legislature of the right to enact any measure except that the legislature shall not have the power to adopt any measure that supersedes, in whole or in part, any initiative measure approved by a majority of the votes cast thereon or any referendum measure decided by a majority of the votes cast thereon unless the superseding measure furthers the purposes of the initiative or referendum measure and at least three-fourths of the members of each house of the legislature, by a roll call of ayes and nays, vote to supersede such initiative or referendum measure.

(15) Legislature's right to refer measure to the people.

Nothing in this section shall be construed to deprive or limit the legislature of the right to order the submission to the people at the polls of any measure, item, section, or part of any measure.

(16) Self-executing.

This section of the constitution shall be, in all respects, self-executing.

### 2. Penalty for violation of initiative and referendum provisions

Section 2. The legislature shall provide a penalty for any wilful violation of any of the provisions of the preceding section.

24. Enacting clause of bills; initiative bills

Section 24. The enacting clause of every bill enacted by the legislature shall be as follows: "Be it enacted by the Legislature of the State of Arizona," or when the initiative is used: "Be it enacted by the People of the State of Arizona.

## Arizona State Constitution: Article VIII Removal From Office

1. Officers subject to recall; petitioners

Section 1. Every public officer in the state of Arizona, holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office. Such electoral district may include the whole state. Such number of said electors as shall equal twenty-five per centum of the number of votes cast at the last preceding general election for all of the candidates for the office held by such officer, may by petition, which shall be known as a recall petition, demand his recall.

2. Recall petitions; contents; filing; signatures; oath

Section 2. Every recall petition must contain a general statement, in not more than two hundred words, of the grounds of such demand, and must be filed in the office in which petitions for nominations to the office held by the incumbent are required to be filed. The signatures to such

recall petition need not all be on one sheet of paper, but each signer must add to his signature the date of his signing said petition, and his place of residence, giving his street and number, if any, should he reside in a town or city. One of the signers of each sheet of such petition, or the person circulating such sheet, must make and subscribe an oath on said sheet, that the signatures thereon are genuine.

3. Resignation of officer; special election

Section 3. If such officer shall offer his resignation it shall be accepted, and the vacancy shall be filled as may be provided by law. If he shall not resign within five days after a recall petition is filed as provided by law, a special election shall be ordered to be held as provided by law, to determine whether such officer shall be recalled. On the ballots at such election shall be printed the reasons as set forth in the petition for demanding his recall, and, in not more than two hundred words, the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of such election shall have been officially declared.

4. Special election; candidates; results; qualification of successor

Section 4. Unless the incumbent otherwise requests, in writing, the incumbent's name shall be placed as a candidate on the official ballot without nomination. Other candidates for the office may be nominated to be voted for at said election. The candidate who receives the highest number of votes shall be declared elected for the remainder of the term. Unless the incumbent receives the highest number of votes, the incumbent shall be deemed to be removed from office, upon qualification of the successor. In the event that the successor shall not qualify within five days after the result of said election shall have been declared, the said office shall be vacant, and may be filled as provided by law.

5. Recall petitions; restrictions and conditions

Section 5. No recall petition shall be circulated against any officer until he shall have held his office for a period of six months, except that it may be filed against a member of the legislature at any time after five days from the beginning of the first session after his election. After one recall petition and election, no further recall petition shall be filed against the same officer during the term for which he was elected, unless petitioners signing such petition shall first pay into the public treasury which has paid such election expenses, all expenses of the preceding election.

6. Application of general election laws; implementary legislation

Section 6. The general election laws shall apply to recall elections in so far as applicable. Laws necessary to facilitate the operation of the provisions of this article shall be enacted, including provision for payment by the public treasury of the reasonable special election campaign expenses of such officer.

# Arizona Revised Statutes: Title 16, Chapter 6 Campaign Contributions and Expenses

16-901(19). Political Committee

"Political committee" means a candidate or any association or combination of persons that is organized, conducted or combined for the purpose of influencing the result of any election or to determine whether an individual will become a candidate for election in this state or in any county, city, town, district or precinct in this state, that engages in political activity in behalf of or against a candidate for election or retention or ***in support of or opposition to an initiative, referendum or recall or any other measure or proposition and that applies for a serial number and circulates petitions*** and, in the case of a candidate for public office except those exempt pursuant to section 16-903, that receives contributions or makes expenditures of more than two hundred fifty dollars in connection therewith, notwithstanding that the association or combination of persons may be part of a larger association, combination of persons or sponsoring organization not primarily organized, conducted or combined for the purpose of influencing the result of any election in this state or in any county, city, town or precinct in this state. Political committee includes the following types of committees:
(a) A candidate's campaign committee.
(b) A separate, segregated fund established by a corporation or labor organization pursuant to section 16-920, subsection A, paragraph 3.
***(c) A committee acting in support of or opposition to the qualification, passage or defeat of a ballot measure, question or proposition.***
(***d) A committee organized to circulate or oppose a recall petition or to influence the result of a recall election.***
(e) A political party.
(f) A committee organized for the purpose of making independent expenditures.
(g) A committee organized in support of or opposition to one or more candidates.
(h) A political organization.
(i) An exploratory committee.

16-902.01. Registration of political committees; contents; amendment

A. Each political committee that intends to accept contributions or make expenditures of more than five hundred dollars shall file a statement of organization with the filing officer in the format prescribed by the filing officer before accepting contributions, making expenditures, distributing any campaign literature or circulating petitions. Each political committee that intends to accept contributions or make expenditures of five hundred dollars or less, and more than two hundred fifty dollars, shall file a signed exemption statement in a form prescribed by the filing officer that states that intention before making any expenditures, accepting any contributions, distributing any campaign literature or circulating petitions. If a political committee that has filed a five hundred dollar threshold exemption statement receives contributions or makes expenditures of more than five hundred dollars, that political committee shall file a statement of organization with the filing officer in the format prescribed by the filing officer within five business days after exceeding the five hundred dollar limit.
B. The statement of organization of a political committee shall include all of the following:
1. The name, address and type of committee.
2. The name, address, relationship and type of any sponsoring organization.
3. The names, addresses, telephone numbers, occupations and employers of the chairman and treasurer of the committee.

4. In the case of a candidate's campaign committee, the name, address, office sought and party affiliation of the candidate.
5. A listing of all banks, safety deposit boxes or other depositories used by the committee.
6. A statement that the chairman and treasurer have read all of the applicable laws relating to campaign finance and reporting.
C. Except as prescribed by subsection E of this section, on the filing of a statement of organization, a political committee shall be issued an identification number in the format prescribed by the filing officer.
D. The political committee shall file an amended statement of organization reporting any change in the information prescribed in subsections B and F of this section within five business days after the change.
E. A standing political committee shall file a statement of organization with the secretary of state and in each jurisdiction in which the committee is active, and only the secretary of state shall issue an identification number for the committee. The statement of organization shall include a statement with the notarized signature of the chairman or treasurer of the standing political committee that declares the committee's status as a standing political committee. The secretary of state may charge an annual fee for the filing.
F. For a political committee that makes expenditures in an attempt to influence the results of a ballot proposition election, the statement of organization shall include in the name of the political committee the official serial number for the petition, if assigned, and a statement as to whether the political committee supports or opposes the passage of the ballot measure. On completion of the designation of statewide ballot propositions by number as prescribed in section 19-125, the secretary of state is authorized to and shall amend the name of the political committee by attaching to the statement of organization the ballot proposition number as a substitute for the official serial number in the name of the political committee. The secretary of state shall promptly notify the political committee of the amended political committee name and shall make that information available to the public.

16-912.01. Ballot measure committees; campaign literature and advertising funding; identification; disclosure; civil penalty; definition

A. A political committee that makes an expenditure in connection with any literature or advertisement to support or oppose a ballot proposition shall disclose and, after November 2, 2010, shall include on the literature or advertisement the words "paid for by", followed by the name of the committee that appears on its statement of organization or five hundred dollar threshold exemption statement, and shall also include in such literature or advertisement the four largest of its major funding sources as of the time the literature or advertisement is printed, recorded or otherwise produced for dissemination. If a political committee has fewer than four major funding sources, the committee shall disclose all major funding sources.
B. For the purposes of this section, a major funding source of a political committee is any contributor that is not an individual person and that has made cumulative contributions of either:
1. Ten thousand dollars or more for an expenditure in support of or opposition to a statewide ballot proposition or a ballot proposition of a political subdivision with a population of one hundred thousand persons or more.
2. Five thousand dollars or more for an expenditure in support of or opposition to a ballot proposition of a political subdivision with a population of less than one hundred thousand persons.
C. If an out-of-state contributor or group of out-of-state contributors is a major funding source to a political committee disclosed pursuant to subsection A of this section, the political committee shall state the contributor is an out-of-state contributor on its literature or advertisement in support of or in opposition to a ballot proposition.

D. Contributors that make contributions to more than one political committee that supports or opposes the same ballot proposition shall notify each political committee of the cumulative total of these contributions. Cumulative totals must be disclosed by each political committee that received contributions from the same contributor if the cumulative totals qualify as a major funding source to be disclosed pursuant to subsection A of this section.
E. Any disclosure statement required by this section shall be printed clearly and legibly in a conspicuous manner. For printed material that is delivered or provided by hand or by mail, the disclosure shall be printed in a clearly legible manner. The disclosure statement shall include the words "paid for by" followed by the name of the entity making the expenditure. Disclosure statements shall also comply with the following:
1. If the communication is broadcast on radio, the disclosure shall be spoken at the end of the communication.
2. If the communication is broadcast on a telecommunications system, the following apply:
(a) The disclosure shall be both written and spoken at the end of the communication, except that if the written disclosure statement is displayed for at least five seconds of a thirty second communications broadcast or ten seconds of a sixty second communications broadcast, a spoken disclosure statement is not required.
(b) The written disclosure statement shall be printed in letters that are displayed in a height equal to or greater than four per cent of the vertical picture height.
F. Subsections A and E of this section do not apply to bumper stickers, pins, buttons, pens and similar small items on which the statements required in subsections A and E of this section cannot be conveniently printed or to a communication by an organization solely to its members.
G. A committee shall change future literature and advertisements to reflect any change in funding sources that must be disclosed pursuant to subsection A of this section.
H. This section only applies to advertisements the contents of which are more than fifty per cent devoted to one or more ballot propositions or proposed measures on the same subject.
I. Any committee that violates this section is liable in a civil action brought by the attorney general, county attorney or city or town attorney, as appropriate, or by any other person for a civil penalty of three times the total cost of the advertisement. A donor who does not accurately disclose its contributions is liable for a civil penalty of three times the amount donated.
J. For the purposes of this section, "advertisement" means general public advertising through the print and electronic media, signs, billboards and direct mail.

16-913. Campaign finance reports; reporting of receipts and disbursements; exemptions; civil penalty

A. Except as provided in subsection K of this section, each political committee shall file campaign finance reports in the format prescribed by the filing officer setting forth the committee's receipts and disbursements according to the schedule prescribed in subsections B and C of this section.
B. In any calendar year during which there is a regularly scheduled election at which any candidates, measures, questions or propositions appear or may appear on the ballot, the political committee shall file each of the following campaign finance reports:
1. A report covering the period beginning January 1 through May 31, filed no later than June 30.
2. A preelection report, that shall be filed not less than four days before any election and that shall be complete through the twelfth day before the election.
3. A postelection report, that shall be filed not more than thirty days after any election and that shall be complete through the twentieth day after the election.
C. In any other calendar year, the political committee shall file a report covering the period beginning twenty-one days after the date of the election in the preceding calendar year through December 31 of the nonelection year filed no later than January 31 of the following calendar

year. For a special election for which the secretary of state is the filing officer, a political committee that receives contributions or makes expenditures to influence that election shall file the following:
1. For an initiative, referendum or recall, a preelection report that is due within fifteen days of filing the petition with the secretary of state and current through the date the petition was filed.
2. A preelection report that is due within fifteen days of the governor's proclamation calling the special election and current through the date of the governor's proclamation.
3. A preelection report that is due as prescribed by subsection B, paragraph 2 of this section.
4. A postelection report that is due as prescribed by subsection B, paragraph 3 of this section.
D. In the event that a political committee receives no contributions and makes no expenditures during a period in which it is required to file a campaign finance report, the committee treasurer or if the treasurer is unavailable the candidate, in lieu of filing a report required by subsection B of this section, may sign and file a form prescribed by the secretary of state indicating no activity during the specific reporting period.
E. In lieu of the reports prescribed in subsections B and C of this section, a candidate's political committee that remains active after an election due to outstanding debts may file a document no later than January 31 in a form prescribed by the secretary of state that states that the committee does not intend to receive any contributions or make any expenditures during the year. If a candidate's political committee does receive a contribution or make an expenditure during that year, the committee shall report as prescribed by subsection B or C of this section.
F. A judge who has filed a declaration of the desire to be retained in office is exempt from filing any report required by this section if the judge, not later than twelve days before the general election, files a statement signed and sworn to by the judge certifying that the judge has received no contributions, has made no expenditures and has no campaign committee and that the judge does not intend to receive contributions, make expenditures or have a campaign committee for the purpose of influencing the result of the vote on the question of the judge's retention. With respect to superior court judges, a statement filed pursuant to this subsection is effective until the earlier of twelve days before the third general election following the filing of this statement or the judge receives contributions, makes expenditures or authorizes a campaign committee. Such a statement filed by a supreme court justice or a court of appeals judge is effective until the earlier of twelve days before the fourth general election following the filing of this statement or the justice or judge receives contributions, makes expenditures or authorizes a campaign committee.
G. Reports in connection with special or recall elections shall conform to the filing deadlines set forth in subsections B and C of this section.
H. Except as provided in section 16-916, subsection B and subsection K of this section, a political committee shall comply with the requirements of this section in each jurisdiction in this state in which the committee has filed a statement of organization until the committee terminates pursuant to section 16-914, and its statements, designations and reports shall be filed with each officer with whom it has filed a statement of organization, as appropriate.
I. Each report required to be filed pursuant to this section shall be signed by the committee treasurer or the candidate or the designating individual if the treasurer is unavailable and shall contain the certification of the signer under penalty of perjury that the report is true and complete.
J. A political committee and the candidate, in the case of a candidate's campaign committee, or the designating individual, in the case of an exploratory committee, who violate this section are subject to the penalty prescribed in section 16-918.
K. A standing political committee shall file reports with the secretary of state and is exempt from filing a report with any other jurisdiction in which it is active. The reports shall be in an electronic format as prescribed by the secretary of state or by use of the internet. The secretary of state shall promptly make the reports available to the public on the internet and shall make the

reports available by electronic means by request. The standing committee shall file the following reports:
1. A preelection report that is due as prescribed by subsection B, paragraph 2 of this section shall be filed for each consolidated election date prescribed by section 16-204.
2. A postelection report that is due as prescribed by subsection B, paragraph 3 of this section shall be filed for each consolidated election date prescribed by section 16-204.
3. An annual report that is due by January 31 in the year immediately following the calendar year that is the subject of the report.

16-914.01. Reporting of contributions by committees acting on ballot measures; civil penalty; definition

A. In addition to the requirements relating to election contributions prescribed in section 16-913, a committee acting in support of or opposition to the qualification, passage or defeat of an initiative or referendum or any other ballot measure, question or proposition or in support of or opposition to a recall election shall give notice to the secretary of state for statewide measures and the local filing officer who is responsible for receiving campaign finance reports for filing for nonstatewide measures of any contribution or group of contributions to the committee that is made from a single source less than twenty days before the day of the election if it exceeds:
1. A cumulative total of ten thousand dollars for a statewide ballot measure, question or proposition.
2. Two thousand five hundred dollars for a nonstatewide ballot measure, question or proposition in a political subdivision with a population of one hundred thousand or more persons.
3. Five hundred dollars for a nonstatewide ballot measure, question or proposition in a political subdivision with a population of less than one hundred thousand persons.
B. In addition to the requirements of section 16-913, a committee acting in support of or opposition to the qualification, passage or defeat of an initiative or referendum or any other ballot measure, question or proposition shall give notice to the secretary of state for statewide measures and the local filing officer who is responsible for receiving campaign finance reports for filing for nonstatewide measures the first time each of the following occurs:
1. The committee has received contributions totaling ten thousand dollars or more.
2. The committee has made expenditures totaling ten thousand dollars or more.
3. The committee has received contributions totaling ten thousand dollars or more from a single source.
4. The committee has received contributions totaling ten thousand dollars or more from different additional single sources.
C. The notices prescribed by this section shall be filed within twenty-four hours, excluding Saturdays, Sundays and other legal holidays, after the ten thousand dollar amount has been reached and shall include the identification of the contributors, the dates of receipt and the amounts of the contributions or the amount, recipient and purpose of the expenditures. Contributions subject to the notification requirements of this section shall be included in the next report filed pursuant to section 16-913.
D. A political committee that violates this section and a person who knowingly violates this section are liable in a civil action for a civil penalty of up to three times the amount improperly reported as prescribed by section 16-924.
E. For the purposes of this section, "single source" includes principals of the same partnership, corporation, limited partnership, limited liability company, limited liability partnership or association.

# Arizona Revised Statutes: Title 19, Chapter 1 Initiative and Referendum

19-101. Referendum petition; circulators; violation; classification

A. The following shall be the form for referring to the people by referendum petition a measure or item, section or part of a measure enacted by the legislature, or by the legislative body of an incorporated city, town or county:
Referendum Description
(Insert a description of no more than one hundred words of the principal provisions of the measure sought to be referred.)
Notice: This is only a description of the measure sought to be referred prepared by the sponsor of the measure. It may not include every provision contained in the measure. Before signing, make sure the title and text of the measure are attached. You have the right to read or examine the title and text before signing.
Petition for Referendum
To the secretary of state: (or to the corresponding officer for or on local county, city or town measures)
We, the undersigned citizens and qualified electors of the state of Arizona, respectfully order that the senate (or house) bill No. ___ (or other local county, city or town measure) entitled (title of act or ordinance, and if the petition is against less than the whole act or ordinance then set forth here the item, section, or part, of any measure on which the referendum is used), passed by the _____ session of the legislature of the state of Arizona, at the general (or special, as the case may be) session of said legislature, (or by a county, city or town legislative body) shall be referred to a vote of the qualified electors of the state, (county, city or town) for their approval or rejection at the next regular general election (or county, city or town election) and each for himself says:
I have personally signed this petition with my first and last names. I have not signed any other petition for the same measure. I am a qualified elector of the state of Arizona, county of (or city or town and county of, as the case may be) _____.
"Warning
It is a class 1 misdemeanor for any person to knowingly sign an initiative or referendum petition with a name other than his own, except in a circumstance where he signs for a person, in the presence of and at the specific request of such person, who is incapable of signing his own name because of physical infirmity, or to knowingly sign his name more than once for the same measure, or to knowingly sign such petition when he is not a qualified elector."

| Signature | Name (first and last name printed) | Actual address (street & no. and if no street address, describe residence location) | Arizona post office address & zip code | City or town (if any) | Date signed |
|---|---|---|---|---|---|

(Fifteen lines for signatures which shall be numbered)
The validity of signatures on this sheet must be sworn to by the circulator before a notary public on the form appearing on the back of the sheet.
Number _____

B. Each petition sheet shall have printed in capital letters in no less than twelve point bold-faced type in the upper right-hand corner of the face of the petition sheet the following:
"_____ paid circulator" "_____ volunteer".
C. A circulator of a referendum petition shall state whether he is a paid circulator or volunteer by checking the appropriate line on the petition form before circulating the petition for signatures.
D. Signatures obtained on referendum petitions in violation of subsection C are void and shall not be counted in determining the legal sufficiency of the petition. The presence of signatures that are invalidated under this subsection on a petition does not invalidate other signatures on the petition that were obtained as prescribed by this section.

19-102. Initiative petition; circulators

A. The form of petition for a law or amendment to the constitution of this state or county legislative measure, or city or town ordinance, or amendment to a city or town charter proposed by the initiative to be submitted directly to the electors, shall be substantially in the form prescribed in section 19-101, except that the title and body of such petition shall read:
Initiative description
(Insert a description of no more than one hundred words of the principal provisions of the proposed measure or constitutional amendment.)
Notice: This is only a description of the proposed measure (or constitutional amendment) prepared by the sponsor of the measure. It may not include every provision contained in the measure. Before signing, make sure the title and text of the measure are attached. You have the right to read or examine the title and text before signing.
Initiative Measure to be Submitted Directly to Electors
We, the undersigned, citizens and qualified electors of the state of Arizona, respectfully demand that the following proposed law (or amendment to the constitution, or other initiative measure), shall be submitted to the qualified electors of the state of Arizona (county, city or town of _____) for their approval or rejection at the next regular general election (or county, city or town election) and each for himself says: (terminate form same as a referendum petition.)
B. Each petition sheet shall have printed in capital letters in no less than twelve point bold-faced type in the upper right-hand corner of the face of the petition sheet the following:
"_____ paid circulator" " _____ volunteer"
C. A circulator of an initiative petition shall state whether he is a paid circulator or volunteer by checking the appropriate line on the petition form before circulating the petition for signatures.
D. Signatures obtained on initiative petitions in violation of subsection C of this section are void and shall not be counted in determining the legal sufficiency of the petition. The presence of signatures that are invalidated under this subsection on a petition does not invalidate other signatures on the petition that were obtained as prescribed by this section.

19-111. Number for petition

A. A person or organization intending to propose a law or constitutional amendment by initiative petition or to file a referendum petition against a measure, item, section or part of a measure, before causing the petition to be printed and circulated, shall file with the secretary of state an application, on a form to be provided by the secretary of state, setting forth his name or, if an organization, its name and the names and titles of its officers, address, his intention to circulate and file a petition, a description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure and the text of the proposed law, constitutional amendment or measure to be initiated or referred in no less than eight point type, and applying for issuance of an official serial number. At the same time as the person or

organization files its application, the person or organization shall file with the secretary of state its statement of organization or its signed exemption statement as prescribed by section 16-902.01. The secretary of state shall not accept an application for initiative or referendum without an accompanying statement of organization or signed exemption statement as prescribed by this subsection.
B. On receipt of the application, the secretary of state shall assign an official serial number to the petition, which number shall appear in the lower right-hand corner of each side of each copy thereof, and issue that number to the applicant. Numbers shall be assigned to petitions by the secretary of state in numerical sequence, and a record shall be maintained in his office of each application received and of the numbers assigned and issued to the applicant.
C. The secretary of state shall make available to each applicant by electronic means a copy of the text of this article governing the initiative and referendum and all rules adopted by the secretary of state pursuant to this title. In addition, the secretary of state shall provide the applicant by electronic means the ability to file a statement of organization or five hundred dollar threshold exemption statement and a notice stating: "This statement must be filed before valid signatures can be collected." The secretary of state shall make available by electronic means a copy of the text of this article governing the initiative and referendum and all rules adopted by the secretary of state pursuant to this title to the county, city and town clerks who shall similarly furnish a copy to each applicant by electronic means. If a member of the public so requests, the secretary of state and the county, city and town clerks shall provide a copy in pamphlet form.
D. The eight point type required by subsection A of this section shall not apply to maps, charts or other graphics.

19-111.01. Text review; legislative council; recommendations

A. At any time before filing an application for initiative petition or referendum petition and after filing a statement of organization pursuant to section 16-902.01, a political committee that intends to submit an application for initiative petition or referendum petition for a proposed law or constitutional amendment may submit a copy of the text of the proposed law, referral or constitutional amendment to the director of the legislative council.
B. No later than thirty days after receipt of the text of the measure, the legislative council staff shall review the proposed measure. The legislative council staff shall limit its consideration to errors in the drafting of the measure, confusing, conflicting or inconsistent provisions within the measure and conflicts with other state laws and federal law and shall consider and may prepare recommendations to improve the text of the proposed measure.
C. The person or organization proposing the law or constitutional amendment may accept, modify or reject any recommendations made by the legislative council staff regarding the text of the measure solely in its discretion.

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

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

B. The signature sheets shall be attached at all times during circulation to a full and correct copy of the title and text of the measure or constitutional amendment proposed or referred by the petition. The title and text shall be in at least eight point type and shall include both the original and the amended text. The text shall indicate material deleted, if any, by printing the material with a line drawn through the center of the letters of the material and shall indicate material added or new material by printing the letters of the material in capital letters.
C. The person before whom the signatures, names and addresses were written on the signature sheet shall, on the affidavit form pursuant to this section, subscribe and swear before a notary public that each of the names on the sheet was signed and the name and address were printed by the elector and the circulator on the date indicated, and that in his belief each signer was a qualified elector of a certain county of the state, or, in the case of a city, town or county measure, of the city, town or county affected by the measure on the date indicated, and that at all times during circulation of the signature sheet a copy of the title and text was attached to the signature sheet. Circulators who are not residents of this state must be registered as circulators with the secretary of state before circulating petitions. The secretary of state shall provide for a method of receiving service of process for those petition circulators who register pursuant to this subsection. The secretary of state shall establish in the instructions and procedures manual issued pursuant to section 16-452 a procedure for registering circulators and receiving service of process. All signatures of petitioners on a signature sheet shall be those of qualified electors who are registered to vote in the same county. However, if signatures from more than one county appear on the same signature sheet, only the valid signatures from the same county that are most numerous on the signature sheet shall be counted. Signature and handwriting comparisons may be made.
D. The affidavit shall be in the following form printed on the reverse side of each signature sheet:
Affidavit of Circulator
State of Arizona )
) ss.:
County of _____)
(Where notarized)
I, (print name) , a person who is not required to be a resident of this state but who is otherwise qualified to register to vote in the county of _____, in the state of Arizona at all times during my circulation of this petition sheet, and under the penalty of a class 1 misdemeanor, depose and say that subject to section 19-115, Arizona Revised Statutes, each individual printed the individual's own name and address and signed this sheet of the foregoing petition in my presence on the date indicated and I believe that each signer's name and residence address or post office address are correctly stated and that each signer is a qualified elector of the state of Arizona (or in the case of a city, town or county measure, of the city, town or county affected by the measure proposed to be initiated or referred to the people) and that at all times during circulation of this signature sheet a copy of the title and text was attached to the signature sheet.
(Signature of affiant) _____
(Residence address, street
and number of affiant, or
if no street address, a
description of residence
location)
_____
Subscribed and sworn to before me on _____
(date)
_____

Notary Public
_____, Arizona.
My commission expires on _____.
(date)
E. The eight point type required by subsection B shall not apply to maps, charts or other graphics.

19-113. Withdrawal of petition signature; payment of remuneration; violation; classification

A. A person who has signed a petition prescribed by statute for any candidate nomination, initiative, referendum or formation or modification of a county, municipality or district may withdraw the person's signature from the petition not later than 5:00 p.m. on the date the petition containing the person's signature is actually filed. A person who has signed a recall petition may withdraw the person's signature from the petition not later than 5:00 p.m. on the date the petition containing the person's signature is actually submitted for verification pursuant to section 19-203.
B. To withdraw a petition signature, a person may do any of the following:
1. Verify the withdrawal by signing a simple statement of intent to withdraw at the office of the receiving officer.
2. Mail a signed, notarized statement of intent to withdraw to the receiving officer.
3. Draw a line through the signature and printed name on the petition.
C. A signature withdrawn pursuant to subsection B of this section and received by the receiving officer within the time provided for in subsection A of this section shall not be counted in determining the legal sufficiency of the petition.
D. A person who knowingly gives or receives money or any other thing of value for signing a statement of signature withdrawal pursuant to subsection B of this section is guilty of a class 1 misdemeanor.

19-114. Prohibition on circulating petitions by certain persons; statement of organization or exemption

A. No county recorder or justice of the peace and no person other than a person who is qualified to register to vote pursuant to section 16-101 may circulate an initiative or referendum petition and all signatures verified by any such person shall be void and shall not be counted in determining the legal sufficiency of the petition.
B. Signatures obtained on initiative and referendum petitions by a political committee proposing the initiative or referendum or any of its officers, agents, employees or members prior to the filing of the committee's statement of organization or prior to the filing of the five hundred dollar threshold exemption statement pursuant to section 16-902.01 are void and shall not be counted in determining the legal sufficiency of the petition.

19-114.01. Prohibition on signing petition for profit; classification

Any person who knowingly gives or receives money or any other thing of value for signing an initiative or referendum petition, excluding payments made to a person for circulating such petition, is guilty of a class 1 misdemeanor.

19-115. Unlawful acts; violations; classification

A. Every qualified elector of the state may sign a referendum or initiative petition upon any measure which he is legally entitled to vote upon.
B. A person who knowingly signs any name other than his own to a petition, except in a circumstance where he signs for a person in the presence of and at the specific request of such a person who is incapable of signing his own name or printing his own name and address because of physical infirmity, who knowingly signs his name more than once for the same measure or proposed constitutional amendment at one election, who is not at the time of signing a qualified elector of this state or who knowingly fills out the name and address portion of the petition with the intent to commit fraud, or any officer or person who knowingly violates any provision of this chapter, is guilty of a class 1 misdemeanor unless another classification is specifically prescribed in this title.

19-116. Signing petitions; coercion; intimidation; false description; classification

A. A person who knowingly coerces any other person by menace or threat, or threatens any other person to the effect that the other person will or may be injured in his business, or discharged from employment, or that he will not be employed, to sign or subscribe, or to refrain from signing or subscribing, his name to an initiative or referendum petition, or, after signing or subscribing his name, to have his name taken therefrom, is guilty of a class 1 misdemeanor.
B. A person who is a circulator of an initiative or referendum petition and who induces any other person in the circulator's presence to sign the initiative or referendum petition by knowingly misrepresenting the general subject matter of the measure is guilty of a class 1 misdemeanor.

19-117. Initiative and referendum petition; changes; applicability

Notwithstanding any other law, any change in the law or procedure adopted by a governing body with respect to circulation or filing of an initiative or referendum petition after an initiative or referendum petition application is filed pursuant to section 19-111 does not apply to the initiative or referendum petition.

19-118. Definition of paid circulator

For the purposes of this title, "paid circulator":
1. Means a natural person who receives monetary or other compensation that is based on the number of signatures obtained on a petition or on the number of petitions circulated that contain signatures.
2. Does not include a paid employee of any political committee organized pursuant to title 16, chapter 6, unless that employee's primary responsibility is circulating petitions to obtain signatures.

19-119. Deceptive mailings; civil penalty

A. In an attempt to influence the outcome of an election held pursuant to this title, an individual or committee shall not deliver or mail any document that falsely purports to be a mailing authorized, approved, required, sent or reviewed by or that falsely simulates a document from the government of this state, a county, city or town or any other political subdivision.
B. An individual or committee that violates this section is liable for a civil penalty equal to twice the total of the cost of the mailing or five hundred dollars, whichever is greater. The attorney

general, the county attorney, the city or town attorney or other legal representative of the political subdivision, as appropriate, may assess the civil penalty.

19-119.01. Petition signature fraud; classification; list of prohibited persons

A. For the purposes of this title, a person commits petition signature fraud if the person does either of the following with the intent to defraud:
1. Intentionally collects for filing petition signature sheets with the knowledge that the person whose name appears on the signature sheet did not actually sign the petition.
2. Uses any fraudulent means, method, trick, device or artifice to obtain signatures on a petition.
B. A person paid by a political committee to employ or subcontract with persons who fraudulently obtain petition signatures or who obtain petition signatures through other unlawful means is not guilty of a violation of subsection A if the person does both of the following:
1. Reports the suspected unlawful or fraudulent signature collection to the filing officer.
2. Refuses to file the suspected unlawful or fraudulent signatures.
C. A person who violates subsection A is guilty of a class 1 misdemeanor, except that a person who engages or participates in a pattern of petition signature fraud is guilty of a class 4 felony and shall be prohibited from participating for five years in any election, initiative, referendum or recall campaign. For the purposes of this subsection, "pattern of petition signature fraud" means that the person employs or subcontracts with persons to obtain signatures and at least five of the employees or subcontractor's employees have been convicted of a violation of this section for one or more elections or recall campaigns in an election cycle.
D. The secretary of state shall maintain a list of persons who have been convicted of participating in a pattern of petition signature fraud in violation of this section and who are barred from participating in any election, initiative, referendum or recall campaign for five years from the date of conviction. The list shall be published on the secretary of state's website. The secretary of state shall remove a person from the list on expiration of the five-year prohibition. If a member of the public requests a copy of the list, the secretary shall provide it.

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

A. Signature sheets filed shall:
1. Be in the form prescribed by law.
2. Have printed in its lower right-hand corner, on each side of such sheet, the official serial number assigned to the petition by the secretary of state.
3. Be attached to a full and correct copy of the title and text of the measure, or amendment to the constitution, proposed or referred by the petition.
4. Be printed in at least eight point type.
5. Be printed in black ink on white or recycled white pages fourteen inches in width by eight and one-half inches in length, with a margin of at least one-half inch at the top and one-fourth inch at the bottom of each page.
B. For purposes of this chapter, a petition is filed when the petition sheets are tendered to the secretary of state, at which time a receipt is immediately issued by the secretary of state based on an estimate made to the secretary of state of the purported number of sheets and signatures filed. After the issuance of the receipt, no additional petition sheets may be accepted for filing.
C. Petitions may be filed with the secretary of state in numbered sections for convenience in handling. Not more than fifteen signatures on one sheet shall be counted.
D. Initiative petitions which have not been filed with the secretary of state as of 5:00 p.m. on the day required by the constitution prior to the ensuing general election after their issuance shall be null and void, but in no event shall the secretary of state accept an initiative petition which was

issued for circulation more than twenty-four months prior to the general election at which the measure is to be included on the ballot.
E. For purposes of this article and article 4, the measure to be attached to the petition as enacted by the legislative body of an incorporated city, town or county means the adopted ordinance or resolution or, in the absence of a written ordinance or resolution, that portion of the minutes of the legislative body that reflects the action taken by that body when adopting the measure. In the case of zoning measures the measure shall also include a legal description of the property and any amendments made to the ordinance by the legislative body.

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

A. Within twenty days, excluding Saturdays, Sundays and other legal holidays, of the date of filing of an initiative or referendum petition and issuance of the receipt, the secretary of state shall:
1. Remove the following:
(a) Those sheets not attached to a copy of the title and text of the measure.
(b) The copy of the title and text from the remaining petition sheets.
(c) Those sheets not bearing the petition serial number in the lower right-hand corner of each side.
(d) Those sheets containing a circulator's affidavit that is not completed or signed.
(e) Those sheets on which the affidavit of the circulator is not notarized, the notary's signature is missing, the notary's commission has expired or the notary's seal is not affixed.
(f) Those sheets on which the signatures of the circulator or the notary are dated earlier than the dates on which the electors signed the face of the petition sheet.
(g) Beginning after November 2, 2010, those sheets that are circulated by a circulator who is prohibited from participating in any election, initiative, referendum or recall campaign pursuant to section 19-119.01.
2. After completing the steps in paragraph 1 of this subsection, review each sheet to determine the county of the majority of the signers and shall:
(a) Place a three or four letter abbreviation designating that county in the upper right-hand corner of the face of the petition.
(b) Remove all signatures of those not in the county of the majority on each sheet by marking an "SS" in red ink in the margin to the right of the signature line.
(c) Cause all signature sheets to be grouped together by county of registration of the majority of those signing and attach them to one or more copies of the title and text of the measure. If the sheets are too bulky for convenient grouping by the secretary of state in one volume by county, they may be bound in two or more volumes with those in each volume attached to a single printed copy of the measure. The remaining detached copies of the title and text of the measure shall be delivered to the applicant.
3. After completing the steps in paragraph 2 of this subsection, remove the following signatures that are not eligible for verification by marking an "SS" in red ink in the margin to the right of the signature line:
(a) If the signature of the qualified elector is missing.
(b) If the residence address or the description of residence location is missing.
(c) If the date on which the petitioner signed is missing.
(d) Signatures in excess of the fifteen signatures permitted per petition.
(e) Signatures withdrawn pursuant to section 19-113.
(f) Beginning after November 2, 2010, signatures for which the secretary of state determines that the petition circulator has printed the elector's first and last names or other information in violation of section 19-112.

4. After the removal of petition sheets and signatures, count the number of signatures for verification on the remaining petition sheets and note that number in the upper right-hand corner of the face of each petition sheet immediately above the county designation.
5. Number the remaining petition sheets that were not previously removed and that contain signatures eligible for verification in consecutive order on the front side of each petition sheet in the upper left-hand corner.
6. Count all remaining petition sheets and signatures not previously removed and issue a receipt to the applicant of this total number eligible for verification.
B. If the total number of signatures for verification as determined pursuant to subsection A, paragraph 6 of this section equals or exceeds the constitutional minimum, the secretary of state, during the same twenty day period provided in subsection A of this section, shall select, at random, five per cent of the total signatures eligible for verification by the county recorders of the counties in which the persons signing the petition claim to be qualified electors. The random sample of signatures to be verified shall be drawn in such a manner that every signature eligible for verification has an equal chance of being included in the sample. The random sample produced shall identify each signature selected by petition page and line number. The signatures selected shall be marked according to the following procedure:
1. Using red ink, mark the selected signature by circling the line number and drawing a line from the base of the circle extending into the left margin.
2. If a signature line selected for the random sample is found to be blank or was removed from the verification process pursuant to subsection A of this section and is marked with an "SS", then the next line down, even if that requires going to the next petition sheet in sequence, on which an eligible signature appears shall be selected as a substitute if that line has not already been selected for the random sample. If the next eligible line is already being used in the random sample, the secretary of state shall proceed back up the page from the signature line originally selected for the random sample to the next previous signature line eligible for verification. If that line is already being used in the random sample, the secretary of state shall continue moving down the page or to the next page from the line originally selected for the random sample and shall select the next eligible signature as its substitute for the random sample. The secretary of state shall use this process of alternately moving forward and backward until a signature eligible for verification and not already included in the random sample can be selected and substituted.
C. After the selection of the random sample and the marking of the signatures selected on the original petition sheets pursuant to subsection B of this section, the secretary of state shall reproduce a facsimile of the front of each signature sheet on which a signature included in the random sample appears. The secretary of state shall clearly identify those signatures marked for verification by color highlighting or other similar method and shall transmit by personal delivery or certified mail to each county recorder a facsimile sheet of each signature sheet on which a signature appears of any individual who claims to be a qualified elector of that county and whose signature was selected for verification as part of the random sample.
D. The secretary of state shall retain in custody all signature sheets removed pursuant to this section except as otherwise prescribed in this title.

## 19-121.02. Certification by county recorder

A. Within fifteen days, excluding Saturdays, Sundays and other legal holidays, after receiving the facsimile signature sheets from the secretary of state pursuant to section 19-121.01, the county recorder shall determine which signatures of individuals whose names were transmitted shall be disqualified for any of the following reasons:
1. No residence address or description of residence location is provided.
2. No date of signing is provided.

3. The signature is illegible and the signer is otherwise unidentifiable.
4. The address provided is illegible or nonexistent.
5. The individual was not a qualified elector on the date of signing the petition.
6. The individual was a registered voter but was not at least eighteen years of age on the date of signing the petition or affidavit.
7. The signature was disqualified after comparison with the signature on the affidavit of registration.
8. If a petitioner signed more than once, all but one otherwise valid signature shall be disqualified.
9. For the same reasons any signatures or entire petition sheets could have been removed by the secretary of state pursuant to section 19-121.01, subsection A, paragraph 3.
B. Within the same time period provided in subsection A of this section, the county recorder shall certify to the secretary of state the following:
1. The name of any individual whose signature was included in the random sample and disqualified by the county recorder together with the petition page and line number of the disqualified signature.
2. The total number of signatures selected for the random sample and transmitted to the county recorder for verification and the total number of random sample signatures disqualified.
C. The secretary of state shall prescribe the form of the county recorder's certification.
D. At the time of the certification, the county recorder shall:
1. Return the facsimile signature sheets to the secretary of state.
2. Send notice of the results of the certification by mail to the person or organization that submitted the initiative or referendum petitions and to the secretary of state.

19-121.03. Judicial review of actions by county recorder; venue

A. If the county recorder fails or refuses to comply with the provisions of section 19-121.02, any citizen may apply, within five calendar days after such failure or refusal, to the superior court for a writ of mandamus. If the court finds that the county recorder has not complied with the provisions of section 19-121.02, the court shall issue an order for the county recorder to comply.
B. Any citizen may challenge in the superior court the certification made by a county recorder pursuant to section 19-121.02 within five calendar days of the receipt thereof by the secretary of state. The action shall be advanced on the calendar and heard as a trial de novo and decided by the court as soon as possible. Either party may appeal to the supreme court within five calendar days after judgment.
C. An action commenced under this section shall be brought in the county of such recorder, except that any such action involving more than one recorder shall be brought in Maricopa county.

19-121.04. Disposition of petitions by secretary of state

A. Within seventy-two hours, excluding Saturdays, Sundays and other legal holidays, after receipt of the facsimile signature sheets and the certification of each county recorder, the secretary of state shall determine the total number of valid signatures by subtracting from the total number of eligible signatures determined pursuant to section 19-121.01, subsection A, paragraph 6 in the following order:
1. All signatures on petitions containing a defective circulator's affidavit.
2. All signatures that were found ineligible by the county recorders and that were not subtracted pursuant to paragraph 1 of this subsection.

3. After determining the percentage of all signatures found to be invalid in the random sample, a like percentage from those signatures remaining after the subtractions performed pursuant to paragraphs 1 and 2 of this subsection.
B. If the actual number of signatures on the remaining sheets after any such subtraction equals or exceeds the minimum number required by the constitution or if the number of valid signatures as projected from the random sample pursuant to subsection A of this section is at least one hundred per cent of the minimum number required by the constitution, the secretary of state shall issue the following receipt to the person or organization that submitted them:
_____ signature pages bearing _____ signatures for initiative (referendum) petition serial number ____ have been refused for filing in this office because the person circulating them was a county recorder or justice of the peace at the time of circulating the petition or due to defects in the circulator's affidavit. A total of _____ signatures included on the remaining petition sheets were found to be ineligible. Of the total random sample of _____ signatures, a total of _____ signatures were invalidated by the county recorders resulting in a failure rate of _____ per cent. The actual number of remaining signatures for such initiative (referendum) petition number _____ are equal to or in excess of the minimum required by the constitution to place a measure on the general election ballot. The number of valid signatures filed with this petition, based on the random sample, appears to be at least one hundred five per cent of the minimum required or through examination of each signature has been certified to be greater than the minimum required by the constitution.
Date:_____ _____ Secretary of State
(Seal)
The secretary of state shall then forthwith notify the governor that a sufficient number of signatures has been filed and that the initiative or referendum shall be placed on the ballot in the manner provided by law.
C. If the number of valid signatures as projected from the random sample is less than one hundred per cent of the minimum number required by the constitution or if the actual number of signatures on the remaining sheets after any such subtraction from the random sample or after certification fails to equal or exceed the minimum required by the constitution, the secretary of state shall immediately return the original signature sheets, in the form filed by him under section 19-121, to the person or organization that submitted them, together with a certified statement that, for the following reasons, the petition lacks the minimum number of signatures to place it on the general election ballot:
1. Signature sheets bearing secretary of state page numbers _____ and bearing signatures of _____ persons appeared on petitions containing a defective circulator's affidavit.
2. A total of signatures on the remaining petition sheets were found to be ineligible.
3. A total of signatures included in the random sample have been certified by the county recorders as ineligible at the time such petition was signed and a projection from such random sample has indicated that _____ more signatures are ineligible to appear on the petition.
A facsimile of the certifications of the county recorders under section 19-121.02 shall accompany the signature sheets returned to the person or organization that submitted them.

19-121.05. Special fund for reimbursement of county recorders

A. The secretary of state shall establish a separate fund from which he shall reimburse a county recorder for actual expenses incurred by the county recorder for performance of his duties under the provisions of section 19-121.02, but not to exceed the rate of fifty cents per signature.

B. A county recorder who claims to be entitled to reimbursement under the provisions of this section shall submit a claim therefor to the secretary of state.
C. The special fund established under the provisions of this section shall be exempt from the provisions of section 35-190 relating to lapsing of appropriations.

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

A. If the secretary of state refuses to accept and file a petition for the initiative or referendum, or proposal for a constitutional amendment that has been presented within the time prescribed, or if the secretary of state refuses to transmit the facsimiles of a signature sheet or sheets or affidavits of circulators to the county recorders for certification under section 19-121.01, the secretary of state shall provide the person who submitted the petition, proposal, signature sheet or affidavit with a written statement of the reason for the refusal. Within five calendar days after the refusal any citizen may apply to the superior court for a writ of mandamus to compel the secretary of state to file the petition or proposal or transmit the facsimiles, or the citizen may file a complaint with the county attorney or attorney general. The county attorney or attorney general may apply, within five calendar days after the complaint is made, to the superior court for a writ of mandamus to compel the secretary of state to file the petition or proposal or transmit the facsimiles. The action shall be advanced on the calendar and heard and decided by the court as soon as possible. Either party may appeal to the supreme court within five calendar days after judgment. If the court finds that the petition is legally sufficient, the secretary of state shall then file it, with a certified copy of the judgment attached as of the date on which it was originally offered for filing in the secretary of state's office.
B. The most current version of the general county register statewide voter registration database at the time of filing a court action challenging an initiative or referendum petition shall constitute the official record to be used to determine on a prima facie basis by the challenger that the signer of a petition was not registered to vote at the address given on the date of signing the petition. If the address of the signer given on the date of signing the petition is different from that on the most current version of the general county register, the county recorder shall examine the version of the general county register that was current on the date the signer signed the petition to determine the validity of the signature and to determine whether the person was eligible to sign the petition at the time of signing. This subsection does not preclude introducing into evidence a certified copy of the affidavit of registration of any signer dated prior to the signing of the petition if the affidavit is in the possession of the county recorder but has not yet been filed in the general county register.
C. Notwithstanding section 19-121.04, if any petition filed is not legally sufficient, the court, in an action brought by any citizen, may enjoin the secretary or other officers from certifying or printing on the official ballot for the ensuing election the amendment or measure proposed or referred. The action shall be advanced on the calendar and heard and decided by the court as soon as possible. Either party may appeal to the supreme court within five days after judgment.
D. The superior court in Maricopa county shall have jurisdiction of actions relating to measures and amendments to be submitted to the electors of the state at large. With respect to actions relating to local and special measures, the superior court in the county, or in one of the counties, in which the measures are to be voted on shall have jurisdiction.

19-123. Publicity pamphlet; printing; distribution; public hearings

A. When the secretary of state is ordered by the legislature, or by petition under the initiative and referendum provisions of the constitution, to submit to the people a measure or proposed amendment to the constitution, the secretary of state shall cause to be printed, at the expense

of the state, except as otherwise provided in this article, a publicity pamphlet, which shall contain:
1. A true copy of the title and text of the measure or proposed amendment. Such text shall indicate material deleted, if any, by printing such material with a line drawn through the center of the letters of such material and shall indicate material added or new material by printing the letters of such material in capital letters.
2. The form in which the measure or proposed amendment will appear on the ballot, the official title, the descriptive title prepared by the secretary of state and the number by which it will be designated.
3. The arguments for and against the measure or amendment.
4. For any measure or proposed amendment, a legislative council analysis of the ballot proposal as prescribed by section 19-124.
5. The report of the commission on judicial performance review for any justices of the supreme court, judges of the court of appeals and judges of the superior court who are subject to retention.
6. The summary of a fiscal impact statement prepared by the joint legislative budget committee staff pursuant to subsection D of this section.
B. The secretary of state shall mail one copy of the publicity pamphlet to every household that contains a registered voter. The mailings may be made over a period of days but shall be mailed in order to be delivered to households before the earliest date for receipt by registered voters of any requested early ballots for the general election.
C. Sample ballots for both the primary and general elections shall include a statement that information on how to obtain a publicity pamphlet for the general election ballot propositions is available by calling the secretary of state. The statement shall include a telephone number and mailing address of the secretary of state.
D. On certification of an initiative measure as qualified for the ballot, the secretary of state shall hold or cause to be held at least three public meetings on the ballot measure. Hearings shall be held in at least three different counties and shall be held before the date of the election on the measure. The hearings shall provide an opportunity for proponents, opponents and the general public to provide testimony and request information. Hearings may be scheduled to include more than one qualified ballot measure and shall include a fiscal impact presentation on the measure by the joint legislative budget committee staff. The joint legislative budget committee staff shall prepare a summary of the fiscal impact for each ballot measure, not to exceed three hundred words, for publication in the publicity pamphlet.

19-124. Arguments and analyses on measures; cost; submission at special election

A. The person filing an initiative petition may at the same time file with the secretary of state an argument advocating the measure or constitutional amendment proposed in the petition. Not later than forty-eight days preceding the regular primary election a person may file with the secretary of state an argument advocating or opposing the measure or constitutional amendment proposed in the petition. Not later than forty-eight days preceding the regular primary election a person may file with the secretary of state an argument advocating or opposing any measure with respect to which the referendum has been invoked, or any measure or constitutional amendment referred by the legislature. Each argument filed shall contain the original notarized signature of each person sponsoring it. If the argument is sponsored by an organization, it shall contain the notarized signature of two executive officers of the organization or if sponsored by a political committee it shall contain the notarized signature of the committee's chairman or treasurer. Payment of the deposit required by subsection D or reimbursement of the payor constitutes sponsorship of the argument for purposes of this subsection. The person or persons signing the argument shall identify themselves by giving

their residence or post office address and a telephone number, which information shall not appear in the publicity pamphlet. Each argument filed pursuant to this subsection shall not exceed three hundred words in length.
B. Not later than sixty days preceding the regular primary election the legislative council, after providing reasonable opportunity for comments by all legislators, shall prepare and file with the secretary of state an impartial analysis of the provisions of each ballot proposal of a measure or proposed amendment. The analysis shall include a description of the measure and shall be written in clear and concise terms avoiding technical terms wherever possible. The analysis may contain background information, including the effect of the measure on existing law, or any legislative enactment suspended by referendum, if the measure or referendum is approved or rejected.
C. The analyses and arguments shall be included in the publicity pamphlet immediately following the measure or amendment to which they refer. Arguments in the affirmative shall be placed first in order, and first among the affirmative or negative arguments shall be placed the arguments filed by the person filing the initiative petition or the person who introduced the measure or constitutional amendment referred. The remaining affirmative and negative arguments shall be placed in the order in which they were filed with the secretary of state.
D. The person filing an argument shall deposit with the secretary of state, at the time of filing, an amount of money as prescribed by the secretary of state for the purpose of offsetting a portion of the proportionate cost of the purchase of the paper and the printing of the argument. If the person filing an argument requests that the argument appear in connection with more than one proposition, a deposit shall be made for each placement requested. No such deposit or payment shall be required for the analyses prepared and filed by the legislative council. Any proportional balance remaining of the deposit, after paying the cost, shall be returned to the depositor.
E. When a measure is submitted at a special election, and time will not permit full compliance with this article, the charter provision or ordinance providing for the special election shall make provision for printing and distribution of the publicity pamphlet.
F. In the case of referendum petitions that are not required to be filed until after the primary election or at a time so close to the primary election that a referendum cannot be certified for the ballot before the deadline for filing ballot arguments pursuant to subsection A, the secretary of state may establish a separate deadline for filing the referendum ballot arguments pursuant to rules adopted by the secretary of state.

### 19-124.01. Judicial information

Not later than sixty days preceding the regular primary election, the commission on judicial performance review shall prepare and file with the secretary of state the following information relating to justices of the supreme court and judges of the court of appeals for publication electronically:
1. Biographical information on each justice or judge, including length of time serving in a judicial capacity and educational background. This information shall not exceed three hundred words in length.
2. A listing of published decisions in which the justice or judge declared a statute constitutional or unconstitutional and the provision of the constitution relied upon.

### 19-125. Form of ballot

A. The secretary of state, at the time he transmits to the clerks of the boards of supervisors a certified copy of the name of each candidate for public office, shall transmit to each clerk a certified copy of the official title, the descriptive title and the number of each measure and proposed amendment to the constitution to be voted on at the ensuing regular general election.

B. Proposed constitutional amendments shall be numbered consecutively beginning with the number one hundred, proposed initiative measures shall be numbered consecutively beginning with the number two hundred, measures submitted under the referendum shall be numbered consecutively beginning with the number three hundred, and county and local issues shall be numbered consecutively beginning with the number four hundred. Numbering shall be consecutive based on the order in which the initiative or referendum petitions are filed with the secretary of state. Individual numbering shall continue from the last number used in the previous election and shall not be repeated until all one hundred numbers in that series have been used. Proposed constitutional amendments shall be placed by themselves at the head of the ballot column, followed by initiated and referred measures in that order. The number assigned to the measure by the secretary of state constitutes the official title of the measure and shall be used for identification of the measure by the state and the county in all subsequent official election materials, including the publicity pamphlet.

C. The officer in charge of elections shall print the official title and the descriptive title of each measure on the official ballot in the order presented to him by the secretary of state unless otherwise provided by law. The number of the measure shall be in reverse type and at least twelve point type. A proposed constitutional amendment shall be designated "proposed amendment to the constitution by the legislature", or "proposed amendment to the constitution by the initiative", as the case may be. A measure referred by the legislature shall be designated "referred to the people by the legislature", a measure referred by petition shall be designated "referendum ordered by petition of the people" and a measure proposed by initiative petition shall be designated "proposed by initiative petition".

D. There shall be printed on the official ballot immediately below the number of the measure and the official title of each measure a descriptive title containing a summary of the principal provisions of the measure, not to exceed fifty words, which shall be prepared by the secretary of state and approved by the attorney general and that includes the following or the ballot shall comply with subsection E of this section:

A "yes" vote shall have the effect of _____.

A "no" vote shall have the effect of _____.

The blank spaces shall be filled with a brief phrase, approved by the attorney general, stating the essential change in the existing law should the measure receive a majority of votes cast in that particular manner. In the case of a referendum, a "yes" vote shall have the effect of approving the legislative enactment that is being referred. The "yes" and "no" language shall be posted on the secretary of state's website after being approved by the attorney general and before the date on which the official ballots and the publicity pamphlet are sent to be printed. Below the statement of effect of a "yes" vote and effect of a "no" vote there shall be printed the corresponding words "yes" and "no" and a place for the voter to put a mark as defined in section 16-400 indicating his preference.

E. Instead of printing the official and descriptive titles or the full text of each measure or question on the official ballot, the officer in charge of elections may print phrases on the official ballot that contain all of the following:

1. The number of the measure in reverse type and at least twelve point type.
2. The designation of the measure as prescribed by subsection C of this section or as a question, proposition or charter amendment, followed by the words "relating to..." and inserting the subject.
3. Either the statement prescribed by subsection D of this section that describes the effects of a "yes" vote and a "no" vote or, for other measures, the text of the question or proposition.
4. The words "yes" and "no" or "for" and "against", as may be appropriate and a place for the voter to put a mark.

F. For any ballot printed pursuant to subsection E of this section, the instructions on the official ballot shall direct the voter to the full text of the official and descriptive titles and the questions and propositions as printed on the sample ballot and posted in the polling place.

19-126. Counting and canvassing votes; governor's proclamation

A. The votes on measures and proposed constitutional amendments shall be counted, canvassed and returned by the officers of the election boards as votes for candidates are counted, canvassed and returned, and the abstract made by the clerks of the boards of supervisors of the several counties of votes on measures and proposed constitutional amendments shall be returned to the secretary of state on separate abstract sheets in the manner provided by law. The total vote shall then be canvassed and proclamation of the results made in the manner prescribed by the constitution.
B. If two or more conflicting measures or amendments are approved at the same election, the governor shall proclaim which of the measures or amendments received the greatest number of affirmative votes.

19-127. Preservation and publication of approved measures

A. If a measure or proposed constitutional amendment, at the ensuing election, is approved by the people, the preserved copies with the sheets, signatures and affidavits, and a certified copy of the governor's proclamation declaring them to have been approved by the people, shall be bound together in such form that they may be conveniently identified and preserved.
B. The secretary of state shall cause every measure or constitutional amendment submitted under the initiative and approved by the people to be printed with the general laws enacted by the next ensuing session of the legislature, with the date of the governor's proclamation declaring them to have been approved by the people.

19-129. Destroying, suppressing or filing false initiative or referendum petition; classification

A person filing an initiative or referendum petition or measure who, at the time of filing the petition or measure, knows it is falsely made, or who knowingly destroys or suppresses an initiative or referendum petition or measure, or any part thereof, which has been duly filed with the officers of the state, or of any political subdivisions thereof, as provided by this chapter, is guilty of a class 1 misdemeanor.

19-141. Initiative and referendum in counties, cities and towns

A. The provisions of this chapter shall apply to the legislation of cities, towns and counties, except as specifically provided to the contrary in this article. The duties required of the secretary of state as to state legislation shall be performed in connection with such legislation by the city or town clerk, county officer in charge of elections or person performing the duties as such. The duties required of the governor shall be performed by the mayor or the chairman of the board of supervisors, the duties required of the attorney general shall be performed by the city, town or county attorney, and the printing and binding of measures and arguments shall be paid for by the city, town or county in like manner as payment is provided for by the state with respect to state legislation. The provisions of section 19-124 with respect to the legislative council analysis do not apply in connection with initiatives and referenda in cities, towns and counties. The printing shall be done in the same manner as other municipal or county printing is done.

B. Distribution of pamphlets shall be made to every household containing a registered voter in the city or county, so far as possible, by the city or town clerk or by the county officer in charge of elections by mail before the earliest date for receipt by registered voters of any requested early ballot for the election at which the measures are to be voted on. If the pamphlet is not mailed before the earliest date for receipt of a requested early ballot, the officer in charge of elections shall provide a notice with the early ballots stating when the pamphlets will be mailed and where and when the pamphlets may be accessed or viewed. Pamphlets shall not be mailed or carried less than ten days before the election at which the measures are to be voted upon.
C. Arguments supporting or opposing municipal or county initiative and referendum measures shall be filed with the city or town clerk or the county officer in charge of elections not less than ninety days before the election at which they are to be voted upon.
D. The procedure with respect to municipal and county legislation shall be as nearly as practicable the same as the procedure relating to initiative and referendum provided for the state at large, except the procedure for verifying signatures on initiative or referendum petitions may be established by a city or town by charter or ordinance.
E. References in this section to duties to be performed by city or town officers apply only with respect to municipal legislation, and references to duties to be performed by county officers apply only with respect to county legislation.
F. The duties required of the county recorder with respect to state legislation shall also be performed by the county recorder with respect to municipal or county legislation.

19-142. Referendum petitions against municipal actions; emergency measures; zoning actions
A. The whole number of votes cast at the citywide or townwide election at which a mayor or councilmen were chosen last preceding the submission of the application for a referendum petition against an ordinance, franchise or resolution shall be the basis on which the number of electors of the city or town required to file a referendum petition shall be computed. For the purposes of this section, a citywide or townwide election is an election at which all of the qualified electors of a city or town are eligible to vote for a mayor or members of the city or town council. The petition shall be filed with the city or town clerk within thirty days after passage of the ordinance, resolution or franchise.
B. A city or town ordinance, resolution or franchise shall not become operative until thirty days after its passage by the council and approval by the mayor, unless it is passed over the mayor's veto, and then it shall not become operative until thirty days after final approval and until certification by the clerk of the city or town of the minutes of the meeting at which the action was taken, except emergency measures necessary for the immediate preservation of the peace, health or safety of the city or town. An emergency measure shall not become immediately operative unless it states in a separate section the reason why it is necessary that it should become immediately operative, and unless it is approved by the affirmative vote of three-fourths of all the members elected to the city or town council, taken by ayes and noes, and also approved by the mayor.
C. At the time a person or organization intending to file a referendum petition against an ordinance or resolution applies for the issuance of an official number pursuant to section 19-111, the city or town clerk shall provide such person or organization with a full and correct copy of the ordinance or resolution in the form as finally adopted. If the copy of the ordinance or resolution proposed as a referendum is not available to such person or organization at the time of making application for an official number or on the same business day as the application is submitted, the thirty-day period prescribed in subsection A of this section begins on the day that the ordinance or resolution is available from the city or town clerk, and the ordinance or resolution shall not become operative until thirty days after the ordinance or resolution is available.

D. Notwithstanding subsection C of this section, a person or organization may file a referendum petition against the rezoning of a parcel of property on the approval by the city or town council of the ordinance that adopts the rezoning or on the approval of that portion of the minutes of the city or town council that includes the council's approval of the rezoning, whichever occurs first. The thirty day period prescribed in subsection A of this section begins on the day that the rezoning ordinance or approved minutes or portion of the approved minutes are available from the city or town clerk and the ordinance is not operative until thirty days after the ordinance or minutes are available.

19-143. Initiative petition in cities; action of council; amendment of charter

A. The whole number of votes cast at the city or town election at which a mayor or councilman was chosen last preceding the submission of the application for an initiative petition is the basis for computing the number of qualified electors of the city or town required to sign the petition unless the city or town by charter or ordinance provides an alternative basis for computing the number of necessary signatures.
B. If an ordinance, charter or amendment to the charter of a city or town is proposed by initiative petition, it shall be filed with the city or town clerk, who shall submit it to the voters of the city or town at the next ensuing election. The council may enact the ordinance or amendment and refer it to the people or it may enact the ordinance or amendment without referring it to the people, and in that case it is subject to referendum petition as other ordinances. The mayor shall not have power to veto either of such measures.
C. Amendments to a city or town charter may be proposed and submitted to the people by the council, with or without an initiative petition, but they shall be filed with the clerk for submission not less than sixty days before the election at which they are to be voted upon, and no amendment of a charter shall be effective until it is approved by a majority of the votes cast thereon by the people of the city or town to which it applies. The council may by ordinance order special elections to vote on municipal measures.

19-161. Challenges to legislative referenda

A. A challenge to the legal sufficiency of any referendum measure or any proposed amendment or amendments to the constitution ordered by the legislature to be submitted to the people at the polls must be filed within:
1. Twenty days after the referendum is filed with the secretary of state if the referendum is filed in an odd numbered year.
2. Ten days after the referendum is filed with the secretary of state if the referendum is filed in an even numbered year.
B. An action filed pursuant to this section shall be advanced on the calendar and heard and decided by the court as soon as possible. Either party may appeal to the supreme court within five days after judgment.
C. The superior court in Maricopa county shall have jurisdiction over actions filed pursuant to this section.
D. In any action filed pursuant to this section the president of the senate or the speaker of the house of representatives shall be entitled to be heard and may, in their discretion, intervene as a party, may file briefs in the matter or may choose not to participate.

# TITLE 19, CHAPTER 2 RECALL AND ADVISORY RECALL

## 19-201. Officers subject to recall; number of petitioners

A. Every public officer holding an elective office, either by election, appointment or retention, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to that office. Such electoral district may include the whole state. A number of qualified electors equaling twenty-five per cent of the number of votes cast at the last preceding general election for all the candidates for the office held by the officer, even if the officer was not elected at that election, divided by the number of offices that were being filled at that election, by recall petition, may demand the officer's recall.
B. In the case of a public officer holding office in a newly created division or district of an elective office, either by election or appointment, a number of qualified electors equaling twenty-five per cent of the number of votes cast at the last preceding general election for all those who were candidates for other divisions or districts of the same office held by the officer in that county or city divided by the number of offices that were being filled at that election, by recall petition, may demand the officer's recall.
C. If the elective officer to be recalled was appointed to the office or was deemed elected after an election was canceled due to the absence of opposing candidates as provided in section 15-424, 15-1442, 16-822, 48-802, 48-1012, 48-1208, 48-1404, 48-1908, 48-2010, 48-2107 or 48-2208, the recall petition must be signed by the number of qualified electors that is equal to at least ten per cent of the number of active registered voters in the jurisdiction or district represented by that elective officer as determined on the date of the last general election.

## 19-202. Recall petition; limitations; subsequent petition

A. A recall petition shall not be circulated against any officer until he has held office for six months, except that a petition may be filed against a member of the legislature at any time after five days from the beginning of the first session after his election. The commencement of a subsequent term in the same office does not renew the six month period delaying the circulation of a recall petition.
B. After one recall petition and election, no further recall petition shall be filed against the same officer during the term for which he was elected unless the petitioners signing the petition first, at the time of application for the subsequent recall petition, pay into the public treasury from which such election expenses were paid all expenses of the preceding election.
C. Signatures obtained on recall petitions by a committee or any of its officers, agents, employees or members before the filing of the committee's statement of organization are void and shall not be counted in determining the legal sufficiency of the petition.

## 19-202.01. Application for recall petition

A. A person or organization intending to file a recall petition shall, before causing the petition to be printed and circulated, submit an application setting forth his name or, if an organization, its name and the names and titles of its officers, address, his intention to circulate and submit such petition, the text of the general statement required by section 19-203 and a request for issuance of an official number to be printed on the signature sheets of the petition. Such application shall be submitted to the office of secretary of state if for recall of a state officer, including a member of the state legislature, or a member of Congress, and with the county officer in charge of elections if for a county or district officer or superior court judge, with the city or town clerk if for

a city or town officer and with the county school superintendent if for a governing board member of a school district.
B. On receipt of the application, the receiving officer shall forthwith assign a number to the petition, which number shall appear in the lower right-hand corner on each side of each signature sheet, and issue that number to the applicant. A record shall be maintained by the receiving officer of each application received, of the date of its receipt and of the number assigned and issued to the applicant.

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

A. A recall petition shall contain a general statement of not more than two hundred words stating the grounds of the demand for the recall. The petition shall be submitted for verification of signatures to the office of the secretary of state if for a state officer, including a member of the legislature or a member of Congress, with the county officer in charge of elections if for a county or district officer or superior court judge, with the city or town clerk if for a city or town officer and with the county school superintendent if for a governing board member of a school district. No recall petition is considered filed for purposes of this chapter until the verification process is complete and the petition is filed pursuant to section 19-208.03, subsection A, paragraph 1.
B. A recall petition shall not be accepted for such verification if more than one hundred twenty days have passed since the date of submission of the application for recall petition, as prescribed by section 19-202.01.

19-204. Form of petition

A. The caption and body of a recall petition shall be substantially as follows:
Recall Petition
We, the qualified electors of the electoral district from which
_____ (name and title of office) was elected,
demand his recall
The grounds of this demand for recall are as follows:
(State in two hundred words or less the grounds of the demand)
B. The remaining portion of the petition shall be as prescribed for initiative and referendum except that a designation for paid or volunteer circulators is not required on the petition and signatures are valid without regard to whether they were collected by a paid or volunteer circulator.

19-205. Signatures and verification

A. Every qualified elector signing a petition for a recall election shall do so in the presence of the person who is circulating the petition and who is to execute the affidavit of verification on the reverse side of the signature sheet. At the time of signing, the qualified elector shall sign and print his first and last name and the elector so signing shall write, in the appropriate spaces following the signature, his residence address, giving street and number or, if the elector has no street address, a description of his residence location, and the date on which he signed the petition.
B. The person before whom the signatures were written on the signature sheet shall in an affidavit subscribed and sworn to by him before a notary public verify that each of the names on the sheet was signed in his presence on the date indicated, and that in his belief each signer was a qualified elector of the election district on the date indicated in which such recall election will be conducted. All signatures of petitioners on a signature sheet shall be those of qualified

electors who are registered to vote in the same county. However, if signatures from more than one county appear on the same signature sheet, only the valid signatures from the same county which are most numerous on the signature sheet shall be counted. In the absence of a legible signature, the name as it is printed shall be the name used to determine the validity of the signature.
C. The affidavit shall be in the form prescribed for initiative and referendum. In addition it shall also require a statement by the circulator that the circulator believes that the circulator is qualified to register to vote and all signers thereof are qualified to vote in the recall election.

19-205.02. Prohibition on circulating of petitions by certain persons

No county recorder or justice of the peace and no person other than a person who is qualified to register to vote pursuant to section 16-101 may circulate a recall petition, and all signatures verified by any such unqualified person are void and shall not be counted in determining the legal sufficiency of the petition.

19-205.03. Prohibition on signing petition for profit; classification

Any person who knowingly gives or receives money or any other thing of value for signing a recall petition, excluding payments made to a person for circulating such petition, is guilty of a class 1 misdemeanor.

19-206. Coercion or other unlawful acts; classification

A. A person who knowingly induces or compels any other person, either directly or indirectly or by menace or threat that he will or may be injured in his business, or discharged from employment, or that he will not be employed, to sign or subscribe, or to refrain from signing or subscribing, his name to a recall petition, or, after signing or subscribing his name, to have his name taken therefrom, is guilty of a class 1 misdemeanor.
B. A person knowingly signing any name other than his own to a petition, except in a circumstance where he signs for a person, in the presence of and at the specific request of such person, who is incapable of signing his own name, because of physical infirmity or knowingly signing his name more than once for the same recall issue, at one election, or who knowingly is not at the time of signing a qualified elector of this state is guilty of a class 1 misdemeanor.

19-207. Notice to officer; statement of defense

Upon filing the petition as prescribed by section 19-208.03, subsection A, paragraph 1, the officer with whom it is filed shall within forty-eight hours, excluding Saturdays, Sundays or other legal holidays, give written notice to the person against whom it is filed. The notice shall state that a recall petition has been filed, shall set forth the grounds thereof, and shall notify the person to whom it is addressed that the person has the right to prepare and have printed on the ballot a statement containing not more than two hundred words defending the person's official conduct. If the person fails to deliver the defensive statement to the officer giving notice within ten days thereafter, the right to have a statement printed on the ballot shall be considered waived.

19-208. Resignation of person

If a person against whom a recall petition is filed desires to resign, the person may do so by filing a written tender thereof with the officer with whom the petition demanding the person's recall is filed within five days, excluding Saturdays, Sundays and other legal holidays, after the filing of the petition as prescribed by section 19-208.03. In such event the person's resignation shall be accepted and the vacancy shall be filled as provided by law.

19-208.01. Certification of number of signatures

A. Within ten days after submission of a recall petition for verification of signatures pursuant to section 19-203, the receiving officer shall perform the steps prescribed in section 19-121.01, subsection A. If the total number of signatures eligible for verification equals or exceeds the minimum number required by the Arizona Constitution the receiving officer shall reproduce a facsimile of the front of each signature sheet on which any signature eligible for verification appears. The receiving officer shall transmit promptly to each county recorder facsimile sheets on which a signature of any individual claiming to be a qualified elector of that county appears. The receiving officer shall also certify the number of sheets and signatures on the sheets that are being transmitted and retain a record of such certification in his office. Such receiving officer shall obtain a dated, signed receipt from the county recorder for copies of the original signature sheets transmitted under this section.
B. If the number of signatures on the sheets submitted to the receiving officer does not equal the minimum number required by the constitution, he shall so notify the person or organization submitting them and shall return the sheets to the persons or organization.

19-208.02. Certification by county recorder

A. Within sixty days after receipt of the signature sheets from the receiving officer, the county recorder shall determine the number of signatures or affidavits of individuals whose names were transmitted that must be disqualified for any of the reasons set forth in section 19-121.02, subsection A, and the county recorder shall certify such number to the receiving officer in the form prescribed by the secretary of state.
B. At the time of such certification, the county recorder shall:
1. Return the original signature sheets to the receiving officer, obtaining a dated, signed receipt therefor.
2. Send notice of the results of certification by mail to the person or organization that submitted the recall petitions and to the secretary of state.

19-208.03. Disposition of petition; date of filing

A. Within five days, excluding Saturday, Sunday and legal holidays, after the county recorders have certified the number of qualified signatures to a petition, or sooner if a sufficient number of signatures have been certified to qualify for placement of the recall on the ballot, the receiving officer shall total the number of signatures certified, and:
1. If the number equals or exceeds the minimum number required by the Constitution, he shall forthwith officially file the petition, notify the governor and each county recorder affected, stating that no more signatures need be checked, and the recall shall be placed on the ballot in the manner provided by law.
2. If the number is insufficient to qualify for calling a recall election the receiving officer shall follow the procedure prescribed by section 19-208.01, subsection B.

B. The date of filing the petition as provided for in subsection A, paragraph 1, of this section is the date of filing referred to in sections 19-207, 19-208 and 19-209.

19-208.04. Judicial review of actions by county recorder

A. If the county recorder fails to comply with the provisions of section 19-208.02, any elector may apply, within ten calendar days after such refusal, to the superior court for a writ of mandamus to compel him to do so. If the court finds that the county recorder has not complied with the provisions of section 19-208.02, the court shall issue an order for the county recorder to comply.
B. If an elector wishes to challenge the number of signatures certified by the county recorder under the provisions of section 19-208.02, he shall, within ten calendar days after the receiving officer has notified the governor and the county recorders of the number of certified signatures received by him, commence an action in the superior court for a determination thereon. The action shall be advanced on the calendar and heard and decided by the court as soon as possible. Either party may appeal to the supreme court within ten calendar days after judgment.
C. An action filed in the superior court under the provisions of this section against a county recorder shall be filed in the county of such county recorder, except that when any such action involves more than one county recorder such action shall be filed in Maricopa county.

19-208.05. Special fund for reimbursement of county recorders

A. Receiving officers shall establish a separate fund from which county recorders shall be reimbursed for actual expenses incurred by county recorders for performance of duties under section 19-208.02, but not to exceed the rate of fifty cents per signature.
B. A county recorder who claims to be entitled to reimbursement under the provisions of this section shall submit a claim to the receiving officer.
C. The special fund established pursuant to this section shall be exempt from the provisions of section 35-190, relating to lapsing of appropriations.

19-209. Order for special recall election

A. If the officer against whom a petition is filed does not resign within five days, excluding Saturdays, Sundays and other legal holidays, after the filing as determined pursuant to section 19-208.03, the order calling a special recall election shall be issued within fifteen days and shall be ordered to be held on the next following consolidated election date pursuant to section 16-204 that is ninety days or more after the order calling the election.
B. A recall election shall be called:
1. If for a state office, including a member of the legislature, by the governor.
2. If for a county officer, or judge or other officer of the superior court in a county, by the board of supervisors of that county.
3. If for a city or town officer, by the legislative body of the city or town.
4. If for a member of a school district governing board, by the county school superintendent of the county in which the school district is located.
C. If a recall petition is against an officer who is directed by this section to call the election it shall be called:
1. If for a state office, by the secretary of state.
2. If for a county office, by the clerk of the superior court.
3. If for a city or town office, by the city or town clerk.

19-210. Reimbursement for county expenses in conducting special recall election

The political subdivision or district in which a public officer subject to recall serves shall reimburse the county for all expenses incurred in conducting the special recall election.

19-212. Nomination petition; form; filing

A. Unless the officer otherwise requests in writing, the name of the officer against whom a recall petition is filed shall be placed as a candidate on the official ballot without nomination. Other candidates for the office may be nominated to be voted upon at the election and shall be placed upon the official recall ballot after filing a nomination petition that is signed by a number of qualified electors that is equal to at least two per cent of the total votes cast for all candidates for that office at the last election for that office. Nomination petition signers shall be qualified electors of the electoral district of the officer against whom the recall petition is filed.
B. If the officer against whom a recall petition is filed was appointed to the office or was deemed elected after an election was canceled due to the absence of opposing candidates as provided in section 15-424, 48-802, 48-1012, 48-1208, 48-1404, 48-1908, 48-2010, 48-2107 or 48-2208, other candidates for the office to be voted on in the recall election shall be placed on the official recall ballot after filing a nomination petition that is signed by the number of qualified electors that is equal to at least one-half of one per cent of the number of active registered voters in the jurisdiction or district represented by that elective officer as determined on the date of the last general election with no less than five signatures. Nomination petition signers shall be qualified electors of the electoral district of the officer against whom the recall petition is filed.
C. The title and body of the nomination petition shall be substantially in the following form:
Nomination Petition--Recall Election
We, the undersigned electors, qualified to vote in the recall election mentioned herein, residents of the precinct indicated by the residence addresses given, and residents of the county of _____, state of Arizona, hereby nominate _____, who resides at ____, in the county of _____ to be a candidate in the recall election for the office of _____ to be held on _____, and we further declare that
(date)
we have not signed and will not sign any nomination paper for any other person for such office.
The remainder of the petition shall be substantially in the form prescribed in section 16-315.
D. If recall petitions have been filed against more than one member of a multimember public body whose members serve at large, the nomination petition and paper of the other candidates shall state which member they oppose.
E. To each nomination petition shall be appended a certificate by a person who is qualified to register to vote pursuant to section 16-101 stating that to the best of his knowledge and belief all the signers of the nomination petition are qualified electors of the precinct which they give as their residence.
F. Such nomination petition shall be filed not more than ninety days nor less than sixty days prior to the date of the recall election.

19-213. Form and contents of ballot

On the ballots for the election shall be printed the reasons as set forth in the petition for demanding the officer's recall, and, in not more than two hundred words, the officer's justification of his conduct in office. There shall be no party designation upon the recall ballot. The form of the ballot shall conform as nearly as practicable to the ballot prescribed for general elections.

19-214. Recall election board; consolidation of precincts

A. A recall election board shall consist of one inspector and two judges who, together with two clerks, shall be appointed for each precinct if for a state or county election and shall be paid in the same manner as election boards.
B. If for a city or town election, the recall election board shall be appointed by the clerk of the city or town and shall be paid in the same manner as city or town election boards.
C. If for a trustee of a school district, the recall election board shall be appointed by the county school superintendent, and shall be paid from school district funds in the same manner as election boards for state or county elections.
D. Two or more precincts may be consolidated for purposes of voting if determined practicable and reasonable by the appointing authority.

19-215. General election laws applicable

The powers and duties conferred or imposed by law upon boards of election, registration officers, canvassing boards and other public officials who conduct general elections, are conferred and imposed upon similar officers conducting recall elections under the provisions of this article together with the penalties prescribed for the breach thereof.

19-216. Election results

A. The candidate receiving the largest number of votes shall be declared elected for the remainder of the term and shall begin serving the remainder of the term on his qualification for the office and on completion of the canvass. Unless the incumbent receives the largest number of votes he shall be deemed removed from office upon qualification of his successor. If the incumbent's successor does not qualify within five days after the results of the election have been declared, the office shall be vacant, and may be filled as provided by law.
B. The incumbent shall continue to perform the duties of his office until the completion of the canvass of the election returns.

19-217. Recall petition; changes; applicability

Notwithstanding any other law, any change in the law or procedure adopted by a governing body with respect to circulation or filing of recall petitions after a recall petition application is submitted pursuant to section 19-202.01 for a state officer, a member of Congress, a county or district officer, a superior court judge, a city or town officer or a member of a school district governing board does not apply to the recall petition.

19-221. Statement on recall

A. Prior to a primary or any election, a candidate for the office of United States senator, or representative in Congress, may file with the secretary of state a statement addressed to the people as follows:
"If elected to the office (here name the office) I shall deem myself responsible to the people and under obligation to them to resign immediately if not re-elected on a recall vote", or: "If elected to the office (here name the office) I shall not deem myself under obligation to the people to resign if not re-elected by a recall vote."
B. The secretary of state shall give the statement to the public press when made.

19-222. Pledge to resign subject to recall

A. A United States senator or representative in Congress who has pledged himself to the people and under obligation to them to resign immediately if not re-elected upon a recall vote shall be subject to the laws of the state relating to recall of public officers, and may be recalled and his successor elected in like manner as a state officer.
B. The laws of the state relating to recall of state officers and recall elections are made applicable to the recall of a senator or representative.

19-231. Petition for election to request resignation of district judges

When there is filed with the secretary of state a petition signed by fifteen per cent of the electors of the judicial district as determined by the total number of votes cast for governor at the preceding election in the district, requesting the resignation of a United States district judge for the district of Arizona, the secretary of state shall submit to the electors at the next ensuing general election occurring not less than sixty days after the petition is filed, the question whether the electors request the resignation of the judge. The petition shall contain a statement of not more than two hundred words setting forth the reasons for the request. The judge against whom the petition is filed shall be immediately notified by the secretary of state of the filing, and there shall be printed upon the ballot the statement in the petition, and, at the request of the judge, a statement by him of not more than two hundred words.

19-232. Form of ballot

At the election there shall be printed upon the ballot the question "Shall (name of person) be requested to resign from the office of United States district judge, [Yes: ] [No: ]." The electors shall vote by making a mark as defined in section 16-400 in the space after the word "yes" or "no." Immediately below and separate from the question shall be printed the words: "For United States district judge. (Recommended to the president for appointment)", and there shall then follow the names of candidates for the office as have been filed with the secretary of state not less than forty days prior to the election by petition of five per cent of the electors.

19-233. Canvass of vote; effect of results

A. The secretary of state shall canvass the vote immediately and within ten days thereafter transmit the results to the official named in the petition, and if the resignation is favored, to the president and senate of the United States.
B. If a majority of the electors voting thereon have requested the resignation of the judge, and a vacancy occurs, the majority candidate for the office shall be deemed endorsed by the electors and recommended to the president and senate of the United States for appointment and confirmation to fill the vacancy.

19-234. Recommendation of candidate by electors; filing by candidate of pledge to recall

A. When a vacancy occurs in the office of a United States district judge for the district of Arizona, the electors may, by advisory vote, endorse and recommend to the president and the senate of the United States an appointee to fill the vacancy.
B. There shall be printed upon the ballot at the next primary, special or general election held throughout the state after the vacancy, the words: "For United States district judge

(recommendation to the president and senate for appointment)," and below, the names of persons filed with the secretary of state by petition of five per cent of the electors not less than forty days before the election. If Congress will convene before the election at which the vote can be taken, the governor shall, on petition of fifteen per cent of the electors, call a special election for such purpose to be held not less than thirty nor more than sixty days after filing the petition.
C. Prior to the election a candidate for the office of United States district judge for the district of Arizona may file with the secretary of state a statement that he deems himself under obligation to resign, as provided in article 2 of this chapter as it pertains to a member of Congress, and the statement shall likewise be published on the ballot.

The Honorable Ken Bennett
Arizona Secretary of State
1700 W. Washington Street, Fl. 7
Phoenix, Arizona 85007-2808

TO:

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November 2013

# INITIATIVE, REFERENDUM AND RECALL MADE EZ

## HANDBOOK

**An Election Services Division Publication**
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