House Engrossed

FILED

KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 95

HOUSE BILL 2647

AN ACT

AMENDING TITLE 19, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-111.01; AMENDING SECTIONS 19-119.01 AND 19-125, ARIZONA REVISED STATUTES; RELATING TO INITIATIVE AND REFERENDUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Title 19, chapter 1, article 2, Arizona Revised Statutes, is amended by adding section 19-111.01, to read:

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.

Sec. 2. Section 19-119.01, Arizona Revised Statutes, is amended to read:

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 ~~submits~~ 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.

~~B.~~ 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.

~~C.~~ 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.

Sec. 3. Section 19-125, Arizona Revised Statutes, is amended to read:

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 ~~upon~~ 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. 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 ~~and the number~~ of each measure ~~upon~~ 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.

APPROVED BY THE GOVERNOR APRIL 19, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 20, 2010.