NEW

# Petition Circulation

## *Training Guide*

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MICHELE REAGAN
Secretary of State
State of Arizona

## An Introduction from Secretary of State Michele Reagan

Circulating a statewide initiative, referendum or recall petition is a vitally important tool of direct democracy; however, petition circulation has become increasingly regulated in recent years. The law has sought to strike a balance between ease of circulation and safeguarding the integrity of the process.

In order to meet the latter goal, each statewide circulator is required to read the enclosed training materials and acknowledge their receipt. The materials explain the differences between initiatives, referenda and recall petitions, who may circulate petitions, what makes a valid signature, and what types of acts are prohibited.

Once you have read this manual, please complete the "Training Materials Receipt" available at http://www.azsos.gov/elections/requirements-paid-non-resident-circulators and submit it to the Secretary of State's office by emailing the completed form to circulator@azsos.gov. Once you receive your automated confirmation from our office, you are cleared to begin circulating petitions.

We wish you luck in your endeavors. Of course, please contact my office if you have any questions.

Sincerely,

Michele Reagan

MICHELE REAGAN
Arizona Secretary of State

# TABLE OF CONTENTS

**Chapter 1: Definitions of Initiative, Referendum and Recall** ..... **4**

Initiative ..... 4

Referendum ..... 4

Recall ..... 4

**Chapter 2: Circulators** ..... **5**

Who May Circulate ..... 5

Registering with the State ..... 5

Gathering Signatures ..... 5

Signature Withdrawal ..... 6

**Chapter 3: Reasons for Rejection or Removal** ..... **7**

Grounds for Rejection of Petition Signatures ..... 7

Removal of Petition Signature Sheets ..... 7

**Chapter 4: Prohibited Acts** ..... **8**

Prohibited Acts ..... 8

**Training Materials Receipt Example** ..... **9**

# Chapter 1: Definitions of Initiative, Referendum and Recall

Circulators may gather signatures for initiatives, referenda, or recall petitions. The following section provides a general overview of each type of petition.

## Initiative

Arizona voters may propose new laws, amend existing laws or propose constitutional amendments through the initiative process.[1] Before signatures may be collected, an application for a petition serial number, along with a one hundred word description and the complete text of the measure, must be filed with the Secretary of State on a prescribed form.[2] An initiative petition must be filed 4 months prior to the date of the general election at which the measure is to be voted upon.[3]

## Referendum

Any measure 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 state government, may be sent to the ballot for approval or rejection by the people.[4] An application for a referendum petition serial number, along with a one hundred word description and a copy of the measure, must be filed with the Secretary of State before the circulation of the petition.[5] A referendum petition must be filed within 90 days of when the legislature adjourns *sine die.* [6]

## Recall

Any public officer in the State of Arizona holding an elective office, either by election or appointment, is subject to recall by the voters of the electoral district in which the public officer holds office.[7] A member of the legislature may be recalled at any time after five days from the beginning of the first legislative session after election. All other officers may be recalled after six months in office.[8] An application for a recall petition serial number, along with a two hundred word statement on the grounds of the recall, must be filed with the Secretary of State before circulation of the petition.[9]

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[1] Ariz. Const. art. IV, Pt. 1, § 1. Statutory initiatives require signatures equal to at least 10% of all votes recently cast for Governor, whereas 15% are required for a constitutional amendment. Ariz. Const. art IV, Pt. 1 §§ 2 & 7.
[2] A.R.S. § 19-111(A).
[3] Ariz. Const. art. IV, Pt. 1, § 1.
[4] Ariz. Const. art. IV, Pt. 1, § 1. Referenda require signatures of at least 5% of all votes recently cast for governor. Ariz. Const. art. IV, Pt. 1, §§ 3 & 7.
[5] A.R.S. § 19-111(A).
[6] Ariz. Const. art IV, Pt. 1, §§ 3-4.
[7] Ariz. Const. art. VIII, Pt. 1, § 1; A.R.S. § 19-201(A). Recall petitions require at least 25% of all votes recently cast for the office in question. Ariz. Const. art VIII, Pt. 1, § 1.
[8] A.R.S. § 19-202.
[9] A.R.S. § 19-203.

# Chapter 2: Circulators

A circulator is a person who seeks to place a measure on the ballot and collects the signatures of qualified electors who are interested in signing the petition.

A circulator may be paid or volunteer, and must so indicate on the petition prior to circulation.[10] If this is not completed, the signatures obtained on that particular sheet are considered void.[11]

A paid circulator is a person who receives compensation based on the number of signatures obtained on a petition or on the number of petitions circulated.[12] A volunteer circulator is a person who does not receive compensation for circulating petitions.

### *Who May Circulate*

Any person who is qualified to register to vote in Arizona may circulate petitions.[13] Additionally, any person who is not a resident of this state, but is (1) otherwise qualified to register to vote in Arizona and (2) registered as a circulator with the Secretary of State, may circulate petitions as well.[14] However, a county recorder or justice of the peace may not circulate petitions even if a qualified elector.[15]

### *Registering with the State*

Circulators who are not residents of this state must satisfy the following requirements when registering with the Secretary of State:

- Provide his/her name, residential address, telephone number, and e-mail address.
- Consent to the jurisdiction of Arizona courts in resolving any disputes concerning the circulation of petitions by that circulator.[16]
- Designate an address in Arizona at which the circulator will accept service of process related to disputes concerning circulation of that circulator's petitions.[17]
- Indicate the circulating organization which he/she may be employed.
- Indicate which petition is being circulated by listing the serial number.
- Sign the circulator registration form under penalty of perjury that the information provided is true, complete, and correct.

### *Gathering Signatures*

Every qualified elector signing a petition must do so in the presence of the person who is circulating the petition (i.e., the circulator must personally witness each collected signature). The petition circulator must then execute the affidavit of verification on the back of the petition, swearing before a notary public, that all of the following are true:

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[10] A.R.S. §§ 19-101(C) & 19-102(C)-(D).
[11] A.R.S. § 19-102(E).
[12] A.R.S. § 19-118(F)(1) & (2). A paid circulator does *not* include a paid employee of a political committee unless that employee's primary responsibility is circulating petitions.
[13] A.R.S. § 19-114(A); A.R.S. § 19-112(C).
[14] A.R.S. § 19-118(A); A.R.S. § 19-112(D).
[15] A.R.S. § 19-114(A); A.R.S. § 19-205.02.
[16] A.R.S. § 19-118(B)(1).
[17] A.R.S. § 19-118(B)(2).

- At the time of the signing, each name on the sheet was signed, and the name and address were printed, by the elector and the circulator on the date indicated.[18]
- In his/her 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.
- At all times during circulation of the signature sheet, a copy of the title and text was attached to the signature sheet.[19]

When approaching an individual to sign a petition, the circulator should:

- Read or summarize the warning that appears at the top of the petition.[20]
- Ask the signer to print clearly in black or blue ink.
- Ask the signer to complete all portions of the signature line (i.e., signature, printed first and last name, residence address, and date signed).[21]

When approaching an individual to sign a petition, the circulator should *not*:

- Sign for the individual or allow any other individual to complete any portion of the signature line unless in the presence of, and at the request of, a person who is incapable of signing or printing his/her own name because of physical infirmity.[22]
- Allow the individual to sign the same petition twice.[23]
- Allow a post office box to serve as the individual's residence address.[24]

### *Signature Withdrawal*

A person who has signed a petition may withdraw his/her 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.[25] To withdraw a petition signature, a person may do any of the following:

- Verify the withdrawal by signing a simple statement of intent to withdraw at the office of the Secretary of State or local filing officer.
- Mail a signed, notarized statement of intent to withdraw to the filing officer.
- Draw a line through the signature and printed name on the petition.[26]

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[18] Only the qualified elector may print his/her first and last name and other information. A.R.S. § 19-112(A).
[19] A.R.S. § 19-112(C).
[20] A.R.S. § 19-102(A). "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."
[21] A.R.S. § 19-112(A).
[22] A.R.S. § 19-115(B).
[23] A.R.S. § 19-115(B).
[24] A.R.S. § 19-112(A). The signer must provide his/her residence address, giving street name and number, and if he/she does not have a street address, a description of his/her residence.
[25] A.R.S. § 19-113(A).
[26] A.R.S. § 19-113(B).

# Chapter 3: Reasons for Rejection or Removal

## Grounds for Rejection of Petition Signatures

The following may be grounds for rejection of petition signatures:

- *Non-Qualified Elector*: If an individual who is not a qualified elector signs a petition he/she is not legally entitled to vote upon, the petition signature may be rejected.[27]
- *Circulated by County Recorder or Justice of the Peace*: No county recorder or justice of the peace may circulate a petition. All signatures verified by any such person shall be void and shall not be counted in determining the legal sufficiency of the petition.[28]
- *Signatures Obtained Prior to Statement of Organization*: Signatures obtained prior to the filing of a political committee's statement of organization, or prior to the filing of the five hundred dollar threshold exemption statement, are void and shall not be counted in determining the legal sufficiency of the petition.[29]
- *Missing Information*: First and last name, signature, residence address or description of residence location, and date on which the petition was signed must all be present for a petition signature to count.[30]
- *Excess Signatures*: Signatures in excess of fifteen signatures per sheet are not counted.[31]
- *Withdrawn Signatures*: Signatures withdrawn pursuant to § 19-113 are not counted.[32]
- *Improperly Printed Information*: Signatures for which the Secretary of State determines that the circulator has printed the elector's name or information in violation of § 19-112 are not counted.[33]

## Removal of Petition Signature Sheets

The Secretary of State must remove:

- Sheets not attached to a copy of the complete title and text of the measure.
- Sheets not bearing the correct petition serial number in the lower right-hand corner of each side.
- Sheets containing a circulator's affidavit that is not completed, not signed, or that has been modified.
- Sheets on which the affidavit of the circulator is not notarized, the notary's signature are missing, the notary's commission has expired, or the notary's seal is not affixed.
- 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.
- Sheets that are circulated by a circulator who is prohibited from participating in any election, initiative, referendum or recall campaign pursuant to § 19-119.01.
- Sheets on which the circulator is required to be registered with the Secretary of State pursuant to A.R.S. § 19-118, and the circulator was not properly registered at the time the petitions were circulated.[34]

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[27] A.R.S. § 19-115; A.R.S. § 19-121.02(A)(5); A.R.S. § 19-205.02; A.R.S. § 19-208.02(A).
[28] A.R.S. § 19-114(A); A.R.S. § 19-205.02.
[29] A.R.S. § 19-114(B).
[30] A.R.S. § 19-121.01(A)(3)(b) & (c); A.R.S. § 19-208.01(A).
[31] A.R.S. § 19-121.01(A)(3)(d); A.R.S. § 19-208.01(A).
[32] A.R.S. § 19-121.01(A)(3)(e); A.R.S. § 19-208.01(A).
[33] A.R.S. § 19-121.01(A)(3)(f); A.R.S. § 19-112(A); A.R.S. § 19-208.01(A).
[34] A.R.S. § 19-121.01(A)

# Chapter 4: Prohibited Acts

## Prohibited Acts

The following acts may be punishable by fine or imprisonment under Arizona law:

- *Signing Petition for Profit*: Any person who knowingly gives or receives money or any other thing of value for signing an initiative, referendum or recall petition, excluding payments made to a person for circulating such petition, is guilty of a class 1 misdemeanor.[35]

- *Signing for Another*: A person who knowingly signs any name other than his/her own to an initiative, referendum or recall petition, except in a circumstance where he/she signs for a person in the presence of (and at the specific request of) such a person who is incapable of signing or printing his/her own name and address because of physical infirmity, is guilty of a class 1 misdemeanor.[36]

- *Signing More than Once*: A person who knowingly signs his/her name more than once for the same initiative or referendum are guilty of a class 1 misdemeanor.[37]

- *Fraudulent Signing*: A person who is not a qualified elector at the time of signing, or who knowingly fills out the name and address portion of the petition with the intent to commit fraud, is guilty of a class 1 misdemeanor.[38]

- *Coercion*: A person who knowingly coerces or threatens any other person to sign or refrain from signing his/her name to an initiative, referendum or recall petition, or, after signing his/her name, to have his/her name removed, is guilty of a class 1 misdemeanor.[39]

- *Misrepresentation*: A circulator who induces a person to sign a petition by knowingly misrepresenting the general subject matter of the measure is guilty of a class 1 misdemeanor.[40]

- *Fraud*: A person commits petition signature fraud if the person: intentionally collects petition signature sheets with the knowledge that the person whose name appears on the signature sheet did not actually sign the petition, or uses any fraudulent means to obtain signatures on a petition.[41] A person under such circumstances is guilty of a class 1 misdemeanor, but may be guilty of a class 4 felony and prohibited from participating for five years in any election, initiative, referendum, or recall campaign if the person engages in a *pattern* of petition signature fraud.[42]

- *Deceptive Mailings*: An individual or committee may not deliver any document that falsely purports to be a mailing authorized, approved, required, or sent by the government, or that falsely simulates a document from the government.[43] A violation of this provision may result in civil penalty equal to twice the total of the cost of the mailing or five hundred dollars, whichever is greater.[44]

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[35] A.R.S. § 19-114.01; A.R.S. § 19-205.03.
[36] A.R.S. § 19-115(B); A.R.S. § 19-206(B).
[37] A.R.S. § 19-115(B).
[38] A.R.S. § 19-115(B).
[39] A.R.S. § 19-116(A); A.R.S. § 19-206(A).
[40] A.R.S. § 19-116(B).
[41] A.R.S. § 19-119.01(A).
[42] A.R.S. § 19-119.01(C).
[43] A.R.S. § 19-119(A).
[44] A.R.S. § 19-119(B).

**Office of the Arizona Secretary of State**
**Circulator Registration Form**

Pursuant to Arizona Revised Statutes (A.R.S.) §19-118, all circulators (1) who are not residents of the State of Arizona or (2) who are paid to circulate petitions for statewide ballot measures, must register as circulators with the Office of the Secretary of State prior to circulation. Check which box(es) apply:

☐ I am not a resident of the State of Arizona and, therefore, understand that I must complete and file this form with the Office of the Secretary of State prior to petition circulation.

☐ I am a paid circulator of a petition for a statewide ballot measure and, therefore, understand that I must complete and file this form with the Office of the Secretary of State prior to petition circulation.

Signatures collected prior to registration by any circulator required to register with the Office of the Secretary of State are subject to review and challenge pursuant to applicable laws. Otherwise, if neither statement above is applicable, you are not required to register with the Office of the Secretary of State.

| | |
|---|---|
| Circulator Name (last, first): | |
| Circulator's Residential Address (including street number, city, state and zip code): | |
| Service of Process Address (must be within the State of Arizona): | |
| Telephone: | E-Mail: |

**Complete the boxes below for up to three petition types you intend to circulate. Use additional forms if necessary.**

Circulating Organization:

Candidate Name or Initiative/Referendum/Recall Petition Serial Number:

Check one box (if county or municipality, specify): ☐ Statewide ☐ County _____ ☐ Municipality _____

Circulating Organization:

Candidate Name or Initiative/Referendum/Recall Petition Serial Number:

Check one box (if county or municipality, specify): ☐ Statewide ☐ County _____ ☐ Municipality _____

Circulating Organization:

Candidate Name or Initiative/Referendum/Recall Petition Serial Number:

Check one box (if county or municipality, specify): ☐ Statewide ☐ County _____ ☐ Municipality _____

☐ I have received the Secretary of State's circulator training materials, have read and understand the materials, and acknowledge receiving the materials prior to circulating petitions in accordance with A.R.S. § 19-111(D).

Applicant Attestation:

I, _____ solemnly affirm, under penalty of perjury, that the information
(Print your full name)
provided on this application is true, complete, and correct and that I have read and understand the laws of this State with respect to petition circulation. Furthermore, I agree to submit to the jurisdiction of the State of Arizona regarding any case or controversy arising out of my activities while circulating petitions.

_____ _____
Applicant Signature Date