

Recall Petition Information

Number of valid signatures required:

Mayor – 3,812 signatures: Computed based on the votes cast for Mayoral candidates at the last Mayoral election (March 8, 2016 General Election).

Councilmember – 4,596 signatures. Computed based on the votes cast for Council candidates at the last preceding City of Tempe General Election (March 13, 2018 General Election).

Deadline for filing the recall petition:

Petitions must be filed no later than one hundred twenty (120) days from the date of submission of the application for recall petition. (A.R.S. § 19-203 (B))

Consolidated election dates in 2019 and 2020*:

November 5, 2019
March 10, 2020
May 19, 2020
August 25, 2020
November 3, 2020

*Election dates are set in state statute and are subject to change.

Items included in this packet:

- Application for Recall Petition Serial Number
- Secretary of State's recall petition form
- Initiative, Referendum, and Recall Laws

Campaign Finance Reporting is through the City of Tempe Campaign Finance eFiling System, at <https://campaignfinance.tempe.gov/>. Additional resources are available on the City Clerk's elections website, at www.tempe.gov/election.

This packet is provided for informational purposes only and should not be construed as legal advice. Under Arizona law, the applicant for a recall petition serial number bears ultimate and sole responsibility for complying with all legal requirements relating to the recall process. Accordingly, you are encouraged to carefully read all of the information contained in this packet, and to seek private legal counsel for advice regarding the legal meaning or interpretation of any of the materials contained herein or any other legal matter bearing upon the petition process. The City Clerk and City employees may not render legal advice.

APPLICATION FOR RECALL PETITION SERIAL NUMBER

TO: CITY/TOWN CLERK

The undersigned intends to circulate and file a recall petition demanding the recall of:

Name

Title of Office Held

I hereby make application for the issuance of an official serial number that shall appear in the lower right-hand corner on each side of each signature sheet of such petition.

The grounds of the recall are as follows: (Enter a general statement in not more than 200 words the grounds of the demand for the recall).

Signature of Applicant

Printed Name of Applicant

Address

City State Zip

Telephone Number

Email Address

Name of Organization (if any)

Address

City State Zip

Telephone Number Email Address

Name of Officer and Title

Address

City State Zip

Telephone Number Email Address

Name of Officer and Title

Address

City State Zip

Telephone Number

Email Address

Date of Application _____
Signatures Required _____
Deadline for Filing _____
Serial Number Issued _____
FOR OFFICE USE ONLY

A recall petition submitted more than 120 days from the date this application is submitted shall not be accepted for verification pursuant to A.R.S. § 19-203.

It is unlawful to sign this petition before it has a serial number.
 “ _____ **PAID CIRCULATOR** ” “ _____ **VOLUNTEER** ”

Recall Petition

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

(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.					

DISCLAIMER

This compilation is from the Arizona Revised Statutes and is solely for informational purposes and not intended as legal advice. For an electronic copy and the most updated version, visit www.azleg.gov. Use of this information does not substitute for obtaining legal advice from a qualified attorney licensed in Arizona.

Ariz. Const. art. IV, Pt. 1 § 1

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.

Ariz. Const. art. IV, Pt. 1 § 2

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

Ariz. Const. art. V, § 10

Section 10. The returns of the election for all state officers shall be canvassed, and certificates of election issued by the secretary of state, in such manner as may be provided by law.

Ariz. Const. art. VIII, Pt. 1 § 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.

Ariz. Const. art. VIII, Pt. 1 § 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.

Ariz. Const. art. VIII, Pt. 1 § 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.

Ariz. Const. art. VIII, Pt. 1 § 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.

Ariz. Const. art. VIII, Pt. 1 § 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.

Ariz. Const. art. VIII, Pt. 1 § 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.

Ariz. Const. art. XIII, § 2

Any city containing, now or hereafter, a population of more than three thousand five hundred may frame a charter for its own government consistent with, and subject to, the Constitution and the laws of the state, in the following manner: A board of freeholders composed of fourteen qualified electors of said city may be elected at large by the qualified electors thereof, at a general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city. Such proposed charter shall be signed in duplicate by the members of such board, or a majority of them, and filed, one copy of said proposed charter with the chief executive officer of such city and the other with the county recorder of the county in which said city shall be situated. Such proposed charter shall then be published in one or more newspapers published, and of general circulation, within said city for at least twenty-one days if in a daily paper, or in three consecutive issues if in a weekly paper, and the first publication shall be made within twenty days after the completion of the proposed charter. Within thirty days, and not earlier than twenty days, after such publication, said proposed charter shall be submitted to the vote of the qualified electors of said city at a general or special election. If a majority of such qualified electors voting thereon shall ratify such proposed charter, it shall thereupon be submitted to the governor for his approval, and the governor shall approve it if it shall not be in conflict with this Constitution or with the laws of the state. Upon such approval said charter shall become the organic law of such city and supersede any charter then existing (and all amendments thereto), and all ordinances inconsistent with said new charter. A copy of such charter, certified by the chief executive officer, and authenticated by the seal, of such city, together with a statement similarly certified and authenticated setting forth the submission of such charter to the electors and its ratification by them, shall, after the approval of such charter by the governor, be made in duplicate and filed, one copy in the office of the secretary of state and the other in the archives of the city after being recorded in the office of said county recorder. Thereafter all courts shall take judicial notice of said charter.

The charter so ratified may be amended by amendments proposed and submitted by the legislative authority of the city to the qualified electors thereof (or by petition as hereinafter provided), at a general or special election, and ratified by a majority of the qualified electors voting thereon and approved by the governor as herein provided for the approval of the charter.

Ariz. Const. art. XIII, § 3

An election of such board of freeholders may be called at any time by the legislative authority of any such city. Such election shall be called by the chief executive officer of any such city within ten days after there shall have been filed with him a petition demanding such election, signed by a number of qualified electors residing within such city equal to twenty-five per centum of the total number of votes cast at the next preceding general municipal election. Such election shall be held not later than thirty days after the call therefor. At such election a vote shall be taken upon the question whether further proceedings toward adopting a charter shall be had in pursuance to the call, and unless a majority of the qualified electors voting thereon shall vote to proceed further, no further proceedings shall be had, and all proceedings up to the time of said election shall be of no effect.

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

(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 on the top of each sheet the following:

“It is unlawful to sign this petition before it has a serial number.”

C. 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 and below the statement prescribed in subsection B of this section the following:

“ _____ paid circulator” “ _____ volunteer”.

D. 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.

E. Signatures obtained on referendum petitions in violation of subsection D 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.

19-101.01. Legislative findings and intent; strict compliance

The legislature recognizes that a referendum may overrule the results of determinations made by representatives of the people and therefore finds and determines that strict compliance with the constitutional and statutory requirements for the referendum process and in the application and enforcement of those requirements provides the surest method for safeguarding the integrity and accuracy of the referendum process. Therefore, the legislature finds and declares its intent that the constitutional and statutory requirements for the referendum be strictly construed and that persons using the referendum process strictly comply with those constitutional and statutory requirements.

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 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 on the top of each sheet the following:

“It is unlawful to sign this petition before it has a serial number.”

C. 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 and below the statement prescribed in subsection B of this section the following:

“ _____ paid circulator”

“ _____ volunteer”.

D. 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.

E. Signatures obtained on initiative petitions in violation of subsection D 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.

19-102.01. Initiative petitions; standard of review

A. Constitutional and statutory requirements for statewide initiative measures must be strictly construed and persons using the initiative process must strictly comply with those constitutional and statutory requirements.

B. The secretary of state shall make available a sample initiative petition that strictly complies with the requirements of 19-121. Any committee that uses the sample initiative petition provided by the secretary of state shall be presumed to have strictly complied with the requirements of 19-121.

19-111. Number for petition; training materials

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 the person's name or, if an organization, its name and the names and titles of its officers, the person's or organization's address, the person's or organization's 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. The secretary of state shall not accept an application for initiative or referendum without an accompanying statement of organization 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. The secretary of state shall assign numbers to petitions in numerical sequence, and a record shall be maintained in the secretary of state's 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.¹ 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 secretary of state shall make available to each person or organization circulating a statewide initiative, referendum or recall petition a copy of circulator training materials created by the secretary of state. Circulator training materials may be provided on paper or in electronic format and shall also be available on the secretary of state's website. A person or organization circulating a statewide petition shall provide each circulator with the secretary of state's circulator training materials and shall collect and submit to the secretary of state each of its circulators' training materials receipts before the filing of completed petitions. Each person who is a statewide circulator shall acknowledge in writing receipt of the training materials before circulating a petition for signatures. Failure to provide circulator training materials or failure to submit circulators' training materials receipts is not grounds for removal of signatures or signature sheets. Notwithstanding 19-14, this subsection does not apply to initiative, referendum or recall petitions for cities, towns and counties.

E. 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 after a person or organization submits an application for initiative petition or referendum petition for a proposed law or constitutional amendment, a political committee that intends to support the measure or a political committee that intends to oppose the measure 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

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 name 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. For the purposes of a referendum, the secretary of state's time-and-date-marked copy of the measure with its proposed text set out in full or for any local matter, the copy of the measure signed or enacted into law by the mayor, or chairman of the board of supervisors, as appropriate, with its proposed text set out in full and including the original and any amended text constitutes the full and correct copy of the title and text of the measure for circulation for signatures. For any local matter enacted without an ordinance or resolution, the official minutes approved by the governing body and signed by the clerk of the governing body constitute the full and correct copy of the title and text of the measure. Referendum

signatures that are collected with any copy of the measure that is not a facsimile of the time-and-date-marked copy for statewide measures or the full and correct copy of a local measure as prescribed by this subsection are invalid.

C. The person before whom the signatures, names and addresses were written on the signature sheet, on the affidavit form pursuant to this section, shall 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, 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. 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.

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 § 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

(form shall include a designated location for notary stamp)

E. The eight-point type required by subsection B of this section does not apply to maps, charts or other graphics.

F. The form of the affidavit shall not be modified. Any petition that contains a partially completed affidavit or an affidavit that has been modified is invalid.

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 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

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 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 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 19-111 does not apply to the initiative or referendum petition.

19-118. Registered circulators; requirements; definition

A. All circulators who are not residents of this state and, for statewide ballot measures only, all paid

circulators must register as circulators with the secretary of state before circulating petitions pursuant to this title. The political committee that is circulating the petition shall collect and submit the registrations to the secretary of state. The secretary of state shall establish in the instructions and procedures manual issued pursuant to 16-542 a procedure for registering circulators and shall publish on a website maintained by the secretary of state all information regarding circulators that is required pursuant to this section. The secretary of state shall disqualify all signatures collected by a circulator who fails to register pursuant to this subsection as provided for in 19-121.01, subsection A.

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

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

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

C. If a registered circulator is properly served with a subpoena to provide evidence in an action regarding circulation of petitions and fails to appear or produce documents as provided for in the subpoena, all signatures collected by that circulator are deemed invalid. The party serving the subpoena may request an order from the court directing the secretary of state to remove any signatures collected by the circulator as provided for in 19-121.01, subsection A.

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

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

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

1. Means a natural person who receives monetary or other compensation for obtaining signatures on a petition or for circulating petitions for signatures.

2. Does not include a paid employee of any political committee organized pursuant to title 16, chapter 6, unless that employee has or will obtain two hundred or more signatures on an initiative, referendum or recall petition in an election cycle.

19-118.01. Signature collection; prohibited payments; violation; classification

A. A person shall not pay or receive money or any other thing of value based on the number of signatures collected on a statewide initiative or referendum petition. Signatures that are obtained by a paid circulator who violates this section are void and shall not be counted in determining the legal sufficiency of the petition.

B. A violation of this section is a class 1 misdemeanor.

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.

19-119.02. Initiative, referendum and recall handbook; secretary of state

Each election cycle the secretary of state shall prepare and publish an initiative, referendum and recall handbook that provides guidance on interpreting, administering, applying and enforcing the laws relating to initiative, referendum and recall. The secretary of state shall make the handbook available to the public on the secretary of state's website.

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 their lower right-hand corner, on each side of such sheets, 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. Notwithstanding this subsection, the secretary of state may prescribe an alternative page width and length in the election procedures manual adopted pursuant to 16-452.

B. For the purposes of this chapter,¹ a petition is filed when the petition sheets are tendered to the secretary of state, who shall issue a receipt based on an estimate made to the secretary of state of the purported number of sheets and signatures filed. A receipt may be electronically issued. 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. The secretary of state may prescribe the method of filing, including electronic filing. Not more than fifteen signatures on one sheet shall be counted. For petitions filed regarding city, town or county matters, the political committee that is the proponent of the petition and that files the petitions shall organize the signature sheets and group them by circulator and is solely responsible for compliance with this subsection. The local filing officer may return as unfiled any signature sheets that are not so organized and grouped.

D. Initiative petitions that have not been filed with the secretary of state as of 5:00 p.m. on the day required by the constitution before 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 that was issued for circulation more than twenty-four months before the general election at which the measure is to be included on the ballot.

E. For the purposes of this article and article 4 of this chapter, 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 signed by the mayor or the chairman of the board of supervisors, as appropriate, and signed by the clerk of the municipality or the clerk of the board, as appropriate, or, in the absence of a written ordinance or resolution, that portion of the minutes of the legislative body that is approved by the governing body and filed with the clerk of the governing body and 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; sheets copies; random sample; presumption

A. Within twenty days, excluding Saturdays, Sundays and other legal holidays, after 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 complete title and text of the measure as prescribed in this chapter.
 - (b) The copy of the title and text from the remaining petition sheets.
 - (c) Those sheets not bearing the correct 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 or that has been modified.
- (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) Those 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.
- (h) Those sheets on which the circulator is required to be registered with the secretary of state pursuant to 19-118 and the circulator is not properly registered at the time the petitions were circulated.

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 on the face of the petition.
- (b) Remove all signatures of those not in the county of the majority on each sheet placing an adjacent mark or striking through the signature line.
- (c) Cause all signature sheets to be grouped together by county of registration of the majority of those signing. The detached copies of the title and text of the measure shall be made available to the applicant but may be disposed of after a reasonable period of time.

3. After completing the steps in paragraph 2 of this subsection, remove the following signatures that are not eligible for verification by placing an adjacent mark or striking through 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, if the date on which the petitioner signed the petition is before the date that the serial number was assigned to the political committee that is filing the petition or if the date on which the petitioner signed the petition is after the date on which the affidavit was completed by the circulator and notarized.
- (d) Signatures in excess of the fifteen signatures permitted per petition.
- (e) Signatures withdrawn pursuant to 19-113.
- (f) 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 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 on the face of each petition sheet.

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.

6. Count all remaining petition sheets and signatures not previously removed and notify 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, during the same twenty day period provided in subsection A of this section, the secretary of state shall select, at random, five percent 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 in a clear manner.

C. 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 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.

D. After the selection of the random sample and the marking of the signatures selected on the petition sheets pursuant to subsection B of this section, the secretary of state shall transmit a copy 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 and shall transmit by personal delivery, certified mail, electronic mail or other electronic transfer method to each county recorder a copy 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.

E. The secretary of state shall presume that the date noted on the petition for a petitioner's signature is the date on which the petitioner signed the petition, and any person seeking to establish a different date for the signature bears the burden of proof in overcoming the presumption.

F. The secretary of state shall retain an electronic copy of all signature sheets except as otherwise prescribed in this title.¹ After the time period for legal challenges has elapsed, the original sheets shall be made available to the applicant but may be disposed of after a reasonable period of time.

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 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. If a petition signer's signature is determined to be invalid after a comparison is made between the signature and handwriting on the petition and the petition signer's voter registration file.

10. If the person circulating the petition was a justice of the peace or a county recorder at the time the person circulated the petition.

11. For the same reasons any signatures or entire petition sheets could have been removed by the secretary of state pursuant to 19-121.01, subsection A, paragraph 1 or 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 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 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 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 § 19-121.01, subsection A in the following order:

1. All signatures that were removed pursuant to 19-121.01, subsection A, paragraph 1.

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 percent 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 as provided by law. 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 _____ percent. 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 percent 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)

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 percent 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 retain the original signature sheets until after the conclusion of any litigation regarding the measure or until the time has expired for any litigation to proceed. The secretary of state shall provide to the person or organization that submitted them 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 signature pages that were required to be removed.
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 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 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 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 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 for matters involving statewide initiatives or referenda or proposed constitutional amendments, 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 entry of judgment by the superior court. The decision of the superior court may be stayed as prescribed by rules adopted by the supreme court. 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 before 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. An action that contests the validity of an initiative or referendum measure based on the actions of the secretary of state or compliance with this chapter by any person may not be maintained in any court in this state except as prescribed by this section. Any person may contest the validity of an initiative or referendum. If multiple actions are filed that contest the validity of an initiative or referendum, including actions filed pursuant to subsection A of this section, the separate actions shall be consolidated before the appropriate venue pursuant to subsection D of this section. In addition to contesting the validity of an initiative or referendum, any person may seek to enjoin the secretary of state or other officer from certifying or printing the official ballot for the election that will include the proposed initiative or referendum measure and to enjoin the certification or printing of the ballot.

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 for a county, special district or school district, the superior court in the county in which the district is located shall have jurisdiction. With respect to actions relating to local or special measures for a city or town, the superior court in the county in which the majority of the population of that city or town resides 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 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 E of this section.

B. The secretary of state shall post the publicity pamphlet on the secretary of state's website as soon as is practicable after the pamphlet is printed and shall mail one copy of the publicity pamphlet to every household that contains a registered voter or, at the option of the voter, may make that delivery by e-mail. 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. The secretary of state, on request by a voter, shall provide for the publicity pamphlet to be delivered to the voter by e-mail. The motor vehicle division of the department of transportation shall provide for persons to choose e-mail delivery by way of the secure internet portal operated by the department pursuant to 16-112. The secretary of state and the motor vehicle division shall notify the voter that, unless all persons who are registered to vote at the voter's household also request e-mail delivery of the publicity pamphlet, the voter's household will receive a publicity pamphlet by regular mail. If the secretary of state receives a return e-mail that indicates the e-mail address provided by the voter is undeliverable, the secretary of state shall provide the publicity pamphlet to the voter by regular mail. Notwithstanding any other law, a voter's e-mail address may not be released for any other purpose.

D. 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.

E. 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. The secretary of state shall prominently post on its website the dates on which the ballot measure filings are due and the date of the election. Each argument filed shall contain the sworn statement of each person sponsoring it. If the argument is sponsored by an organization, it shall contain the sworn statement of two executive officers of the organization or if sponsored by a political committee it shall contain the sworn statement of the committee's chairman or treasurer. Each argument filed shall also be submitted to the secretary of state in electronic format. Payment of the deposit required by subsection E of this section 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. When the legislature orders the secretary of state to submit to the people a measure or proposed amendment to the constitution at a special election and as soon as is practicable after the legislature orders that submittal, the secretary of state shall prominently post on its website the dates on which the analysis, if any, and the arguments advocating or opposing the measure are due and the date of the election.

C. 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.

D. 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.

E. 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. The secretary of state shall provide for electronic submittal of deposit payments. 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.

F. If 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.

G. 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 of this section, 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 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. This chapter¹ applies 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 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, town or county 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. Any contract for pamphlet publication or mailing, or both, shall provide for the contractor to pay a penalty for each day of mailing that occurs on or after the earliest date for receipt of requested early ballots. The penalty shall be one cent for each household with a registered voter for each day of late mailing, and the monies shall be paid to the office of the officer in charge of elections. 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 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.

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 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.

19-201.01. Legislative finding and intent; strict compliance

The legislature recognizes that recall overturns the determination of the qualified electors and therefore finds and determines that strict compliance with the constitutional and statutory requirements for recall and in the application and enforcement of those requirements provides the surest method for safeguarding the integrity and accuracy of the recall process. Therefore, the legislature finds and declares its intent that the constitutional and statutory requirements for recall be strictly construed and that persons using the recall process strictly comply with those constitutional and statutory requirements.

19-202. Recall petition; limitations; subsequent petition

A. A recall petition shall not be circulated against any officer until the officer 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 the member's 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 the officer 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.

19-202.01. Application for recall petition

A. A person or organization intending to file a recall petition, before causing the petition to be printed and circulated, shall submit an application setting forth the following:

1. The person's name and address or, if an organization, its name and address and the names and titles of its officers.
2. The person or organization's intention to circulate and submit a recall petition.
3. The text of the general statement required by 19-203 and a request for issuance of an official number to

be printed on the signature sheets of the petition.

B. The application and petition shall be submitted as a single document 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.

C. On receipt of the application and petition, the receiving officer shall assign a number to the petition that 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.

D. When the application is received by the filing officer and marked by the filing officer with an official date and time of receipt, the time-and-date-marked application, including the general statement required by 19-203, constitutes the official copy of the text of the recall and shall be used in all instances as the text of the recall. For any subsequent change in the text of the recall by the applicant, including any change in the general statement required by 19-203, the applicant shall file a new application, shall receive a new official serial number and shall use as the text of the recall the time-and-date-marked text that accompanied the new application, and any signatures that are obtained on the prior recall petition are invalid for the new recall petition.

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 one of the following:

1. The office of the secretary of state if for a state officer, including a member of the legislature or a member of Congress.
2. The county officer in charge of elections if for a county or district officer or superior court judge.
3. 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. No recall petition is considered filed for purposes of this chapter until the verification process is complete and the petition is filed pursuant to 19-208.03, subsection A, paragraph 1.

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

D. The filing officer's time-and-date-marked copy of the application, including the general statement of the grounds for recall, constitutes the full and correct copy of the recall text and is the only valid copy for circulation for signatures. Signatures that are collected with any copy of the recall text that is not a facsimile of the time-and-date-marked copy with the complete text that is identical to the time-and-date-marked copy issued by the filing officer are invalid.

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. Each petition sheet shall have printed on the top of each sheet the following:

“It is unlawful to sign this petition before it has a serial number.”

C. The following shall be printed on each petition sheet in capital letters in at least twelve point bold-faced type in the upper right-hand corner of the face of the petition sheet and below the statement prescribed in subsection B of this section:

“_____ paid circulator”

“_____ volunteer”.

D. A circulator of a recall 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.

E. The remaining portion of the petition shall be as prescribed for initiative and referendum.

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 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 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 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 19-203, the receiving officer shall perform the steps prescribed in 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 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 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 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 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 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 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 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 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 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 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 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 _____ (date), and we further declare that 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 § 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 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 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 § 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.