

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
First Regular Session  
2001

# HOUSE BILL 2556

AN ACT

AMENDING SECTIONS 19-111, 19-121.05, 19-124 AND 19-125, ARIZONA REVISED STATUTES; RELATING TO INITIATIVE AND REFERENDUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 19-111, Arizona Revised Statutes, is amended to  
3 read:  
4 19-111. Number for petition; official title  
5 A. A person or organization intending to propose a law or  
6 constitutional amendment by initiative petition or to file a referendum  
7 petition against a measure, item, section or part of a measure shall, before  
8 causing the petition to be printed and circulated, file with the secretary of  
9 state an application, on a form to be provided by the secretary of state,  
10 setting forth ~~his~~ THE PERSON'S name or, if an organization, its name and the  
11 names and titles of its officers, address, ~~his~~ THE PERSON'S OR ORGANIZATION'S  
12 intention to circulate and file a petition, a description of no more than one  
13 hundred words of the principal provisions of the proposed law, constitutional  
14 amendment or measure and the text of the proposed law, constitutional  
15 amendment or measure to be initiated or referred in no less than eight point  
16 type, and applying for issuance of an official serial number.  
17 B. On receipt of the application, the secretary of state shall assign  
18 an official serial number to the petition, which number shall appear in the  
19 lower right-hand corner of each side of each copy thereof, and issue that  
20 number to the applicant. Numbers shall be assigned to petitions by the  
21 secretary of state in numerical sequence, and a record shall be maintained in  
22 ~~his~~ THE SECRETARY OF STATE'S office of each application received and of the  
23 numbers assigned and issued to the applicant. WITHIN TEN DAYS AFTER RECEIPT  
24 OF THE APPLICATION, THE SECRETARY OF STATE SHALL PREPARE AN OFFICIAL TITLE  
25 FOR THE PROPOSED LAW, CONSTITUTIONAL AMENDMENT OR MEASURE. THIS OFFICIAL  
26 TITLE SHALL BE APPENDED TO THE PETITION BEFORE SIGNATURES MAY BE COLLECTED,  
27 AND THE PETITION AND TEXT SHALL NOT BEAR ANY TITLE OTHER THAN THE OFFICIAL  
28 TITLE THAT IS PREPARED BY THE SECRETARY OF STATE AND THE INITIATIVE OR  
29 REFERENDUM DESCRIPTION AS PRESCRIBED BY SECTION 19-101 OR 19-102.  
30 C. The secretary of state shall print in pamphlet form and shall  
31 furnish to each applicant, at the time the application is submitted, a copy  
32 of the text of this article governing the initiative and referendum and all  
33 rules adopted by the secretary of state pursuant to this title. In addition,  
34 the secretary of state shall at this time furnish the applicant with a  
35 statement of organization form and a notice stating: "This statement must be  
36 filed before valid signatures can be collected." The secretary of state  
37 shall furnish a sufficient supply of these pamphlets to the county, city and  
38 town clerks who shall similarly furnish the pamphlet to each applicant. THE  
39 SECRETARY OF STATE SHALL ALSO FURNISH THE APPLICANT WITH A NOTICE THAT THE  
40 EXECUTIVE DIRECTOR OF THE LEGISLATIVE COUNCIL WILL REVIEW THE APPLICANT'S  
41 PROPOSED LAW, CONSTITUTIONAL AMENDMENT OR MEASURE AS PRESCRIBED BY SECTION  
42 19-124 AND THAT THE APPLICANT MAY REQUEST THE REVIEW BEFORE THE APPLICANT  
43 COLLECTS SIGNATURES.  
44 D. The eight point type required by subsection A OF THIS SECTION shall  
45 not apply to maps, charts or other graphics.



1 sponsorship of the argument for purposes of this subsection. The person or  
2 persons signing the argument shall identify themselves by giving their  
3 residence or post office address and a telephone number, which information  
4 shall not appear in the publicity pamphlet. Each argument filed pursuant to  
5 this subsection shall not exceed three hundred words in length.

6 ~~B.~~ B. NOT LATER THAN SIXTY DAYS PRECEDING THE REGULAR PRIMARY ELECTION,  
7 OR EARLIER IF REQUESTED IN WRITING BY AN APPLICANT PURSUANT TO SECTION  
8 19-111, THE EXECUTIVE DIRECTOR OF THE LEGISLATIVE COUNCIL SHALL REVIEW THE  
9 PROVISIONS OF EACH PROPOSED LAW, CONSTITUTIONAL AMENDMENT OR MEASURE  
10 INITIATED OR REFERRED BY THE PEOPLE FOR SUBSTANTIVE IMPORT, UNCLEAR OR  
11 INCONSISTENT PROVISIONS AND CONFLICTS WITH EXISTING LAW AND SHALL RECOMMEND  
12 APPROPRIATE CHANGES TO THOSE PROVISIONS. THE RECOMMENDATIONS ARE ADVISORY  
13 ONLY, AND THE APPLICANT MAY REJECT ANY OR ALL RECOMMENDATIONS.

14 ~~B.~~ C. Not later than sixty days preceding the regular primary  
15 election the legislative council, after providing reasonable opportunity for  
16 comments by all legislators, shall prepare and file with the secretary of  
17 state an impartial analysis of the provisions of each ballot proposal of a  
18 measure or proposed amendment. The analysis shall include a description of  
19 the measure and shall be written in clear and concise terms avoiding  
20 technical terms wherever possible. The analysis may contain background  
21 information, including the effect of the measure on existing law, or any  
22 legislative enactment suspended by referendum, if the measure or referendum  
23 is approved or rejected.

24 ~~C.~~ D. The analyses PRESCRIBED BY SUBSECTION C OF THIS SECTION and THE  
25 arguments shall be included in the publicity pamphlet immediately following  
26 the measure or amendment to which they refer. Arguments in the affirmative  
27 shall be placed first in order, and first among the affirmative or negative  
28 arguments shall be placed the arguments filed by the person filing the  
29 initiative petition or the person who introduced the measure or  
30 constitutional amendment referred. The remaining affirmative and negative  
31 arguments shall be placed in the order in which they were filed with the  
32 secretary of state.

33 ~~D.~~ E. The person filing an argument shall deposit with the secretary  
34 of state, at the time of filing, an amount of money as prescribed by the  
35 secretary of state for the purpose of offsetting a portion of the  
36 proportionate cost of the PURCHASE OF THE paper and THE printing of the  
37 argument. If the person filing an argument requests that the argument appear  
38 in connection with more than one proposition, a deposit shall be made for  
39 each placement requested. No such deposit or payment shall be required for  
40 the analyses prepared and filed by the legislative council. Any proportional  
41 balance remaining of the deposit, after paying the cost, shall be returned to  
42 the depositor.

43 ~~E.~~ F. When a measure is submitted at a special election, and time  
44 will not permit full compliance with the provisions of this article, the

1 charter provision or ordinance providing for the special election shall make  
2 provision for printing and distribution of the publicity pamphlet.

3 ~~F.~~ G. In the case of referendum petitions that are not required to be  
4 filed until after the primary election or at a time so close to the primary  
5 election that a referendum cannot be certified for the ballot before the  
6 deadline for filing ballot arguments pursuant to subsection A **OF THIS**  
7 **SECTION**, the secretary of state may establish a separate deadline for filing  
8 the referendum ballot arguments pursuant to rules adopted by the secretary of  
9 state.

10 Sec. 4. Section 19-125, Arizona Revised Statutes, is amended to read:

11 **19-125. Form of ballot**

12 A. The secretary of state, at the time he transmits to the clerks of  
13 the boards of supervisors a certified copy of the name of each candidate for  
14 public office, shall transmit to each clerk a certified copy of the official  
15 title **AS PROVIDED BY THE SECRETARY OF STATE PURSUANT TO SECTION 19-111,**  
16 **SUBSECTION B**, the descriptive title and the number of each measure and  
17 proposed amendment to the constitution to be voted upon at the ensuing  
18 regular general election.

19 B. Proposed constitutional amendments shall be numbered consecutively  
20 beginning with the number one hundred, proposed initiative measures shall be  
21 numbered consecutively beginning with the number two hundred, measures  
22 submitted under the referendum shall be numbered consecutively beginning with  
23 the number three hundred, and county and local issues shall be numbered  
24 consecutively beginning with the number four hundred. Numbering shall be  
25 consecutive based on the order in which the initiative or referendum  
26 petitions are filed with the secretary of state. Proposed constitutional  
27 amendments shall be placed by themselves at the head of the ballot column,  
28 followed by initiated and referred measures in that order.

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

41 D. There shall be printed on the official ballot immediately below the  
42 number of the measure and the official title of each measure a descriptive  
43 title containing a summary of the principal provisions of the measure, not to  
44 exceed fifty words, which shall be prepared by the secretary of state and

1 approved by the attorney general AND THAT INCLUDES THE FOLLOWING or the  
2 ballot shall comply with subsection E of this section:

3 A "yes" vote shall have the effect of \_\_\_\_\_.

4 A "no" vote shall have the effect of \_\_\_\_\_.

5 The blank spaces shall be filled with a brief phrase, approved by the  
6 attorney general, stating the essential change in the existing law should the  
7 measure receive a majority of votes cast in that particular manner. In the  
8 case of a referendum, a "yes" vote shall have the effect of approving the  
9 legislative enactment that is being referred. Below the statement of effect  
10 of a "yes" vote and effect of a "no" vote there shall be printed the  
11 corresponding words "yes" and "no" and a place for the voter to put a mark as  
12 defined in section 16-400 indicating his preference.

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

17 1. The number of the measure in reverse type and at least twelve point  
18 type.

19 2. The designation of the measure as prescribed by subsection C of  
20 this section or as a question, proposition or charter amendment, followed by  
21 the words "relating to..." and inserting the subject.

22 3. Either the statement prescribed by subsection D of this section  
23 that describes the effects of a "yes" vote and a "no" vote or, for other  
24 measures, the text of the question or proposition.

25 4. The words "yes" and "no" or "for" and "against", as may be  
26 appropriate, and a place for the voter to put a mark.

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