

REFERENCE TITLE: initiative and referendum; pamphlet; signatures

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

HB 2556

Introduced by
Representatives McClure, Blendu, Cooley: Allen, Anderson, Binder,
Carruthers, Chase, Gray, Hanson, Hershberger, Huffman, Huppenthal,
Knaperek, Kraft, Maiorana, Nelson, Poelstra, Somers, Tully, Senators Bee,
Hellon

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 name or, if an organization, its name and the names and
11 titles of its officers, address, his intention to circulate and file a
12 petition, a description of no more than one hundred words of the principal
13 provisions of the proposed law, constitutional amendment or measure and the
14 text of the proposed law, constitutional amendment or measure to be initiated
15 or referred in no less than eight point type, and applying for issuance of an
16 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 office of each application received and of the numbers assigned and
23 issued to the applicant. **WITHIN TEN DAYS AFTER RECEIPT OF THE APPLICATION,
24 THE SECRETARY OF STATE SHALL PREPARE AN OFFICIAL TITLE FOR THE PROPOSED LAW,
25 CONSTITUTIONAL AMENDMENT OR MEASURE. THIS OFFICIAL TITLE SHALL BE APPENDED
26 TO THE PETITION BEFORE SIGNATURES MAY BE COLLECTED, AND THE PETITION AND TEXT
27 SHALL NOT BEAR ANY TITLE OTHER THAN THE OFFICIAL TITLE THAT IS PREPARED BY
28 THE SECRETARY OF STATE AND THE INITIATIVE OR REFERENDUM DESCRIPTION AS
29 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 LEGISLATIVE COUNCIL WILL REVIEW THE APPLICANT'S PROPOSED LAW, CONSTITUTIONAL
41 AMENDMENT OR MEASURE AND WILL MAKE AVAILABLE TO THE PUBLIC A COPY OF ITS
42 RECOMMENDATIONS AS PRESCRIBED BY SECTION 19-124 AND THAT THE APPLICANT MAY
43 REQUEST THE REVIEW BEFORE THE APPLICANT 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.~~ 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 LEGISLATIVE COUNCIL SHALL REVIEW THE PROVISIONS OF EACH MEASURE
 9 INITIATED OR REFERRED BY THE PEOPLE FOR SUBSTANTIVE IMPORT, UNCLEAR OR
 10 INCONSISTENT PROVISIONS AND CONFLICTS WITH EXISTING LAW AND SHALL RECOMMEND
 11 APPROPRIATE CHANGES TO THOSE PROVISIONS. THE RECOMMENDATIONS ARE ADVISORY
 12 ONLY, AND THE APPLICANT MAY REJECT ANY OR ALL RECOMMENDATIONS. THE
 13 LEGISLATIVE COUNCIL SHALL MAKE AVAILABLE TO THE PUBLIC ITS RECOMMENDED
 14 CHANGES FOR ANY MEASURE OR CONSTITUTIONAL AMENDMENT.

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

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

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

44 ~~E.~~ F. When a measure is submitted at a special election, and time
 45 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.