

Senate Engrossed

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SENATE BILL 1434

AN ACT

AMENDING SECTIONS 19-113, 19-202.01, 19-203 AND 19-204, ARIZONA REVISED STATUTES; AMENDING TITLE 19, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-204.01; AMENDING SECTION 19-205, ARIZONA REVISED STATUTES; AMENDING TITLE 19, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 19-205.01 AND 19-205.04; AMENDING SECTION 19-206, ARIZONA REVISED STATUTES; AMENDING TITLE 19, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-206.01; AMENDING SECTIONS 19-208.01, 19-208.02 AND 19-208.03, ARIZONA REVISED STATUTES; AMENDING TITLE 19, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-208.06; AMENDING SECTIONS 19-209 AND 19-213, ARIZONA REVISED STATUTES; RELATING TO RECALL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 19-113, Arizona Revised Statutes, is amended to read:

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, **RECALL** 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 section 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C. A signature withdrawn pursuant to subsection B of this section and received by the receiving officer within the time provided for in subsection A of this section shall not be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.

Sec. 2. Section 19-202.01, Arizona Revised Statutes, is amended to read:

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~~ **PERSON'S** or organization's intention to circulate and submit a recall petition.

3. The text of the general statement required by section 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. **◆ AT THE SAME TIME AND PLACE AS SUBMITTING THE APPLICATION AND PETITION, THE PERSON FILING THE APPLICATION SHALL SUBMIT TO THE FILING OFFICER A SEPARATE ELECTRONIC COPY OF THE GENERAL STATEMENT REQUIRED BY SECTION 19-203 IN THE FORMAT PRESCRIBED BY THE FILING OFFICER.**

C. On receipt of the application and petition, the ~~receiving~~ **FILING** 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~~ **SHALL** issue that number to the applicant. **THE FILING OFFICER SHALL MAINTAIN** 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 section 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 section 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.

Sec. 3. Section 19-203, Arizona Revised Statutes, is amended to read:

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~~ **THE APPROPRIATE FILING OFFICER AS PRESCRIBED BY SECTION 19-202.01.**

B. ~~No~~ **A** recall petition is **NOT** considered filed for purposes of this chapter until the verification process is complete and the petition is filed pursuant to section 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 section 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.

Sec. 4. Section 19-204, Arizona Revised Statutes, is amended to read:

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~~ **THE ELECTED OFFICIAL'S** 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~~ **THE CIRCULATOR** 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.~~

E. SIGNATURES OBTAINED ON RECALL 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.

F. ON EACH PETITION THERE SHALL BE FIFTEEN LINES FOR SIGNATURES THAT SHALL BE NUMBERED.◆ THE LINES SHALL BE HEADED AS FOLLOWS:

NO

NUMBER

AFFIDAVIT OF CIRCULATOR

(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)

Sec. 6. Section 19-205, Arizona Revised Statutes, is amended to read:
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:

1. Sign and print ~~his~~ **THE ELECTOR'S** first and last name. ~~and the elector so signing shall~~
2. Write, in the appropriate spaces following the signature, ~~his~~ **THE ELECTOR'S** residence address, giving street and number or, if the elector has no street address, a description of ~~his~~ **THE ELECTOR'S** residence location, and the date on which ~~he~~ **THE ELECTOR** 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~~ **THAT CIRCULATOR** before a notary public verify that each of the names on the sheet was signed in ~~his~~ **THE CIRCULATOR'S** presence on the date indicated, **THAT THE NAME AND ADDRESS WERE PRINTED BY THE SIGNER ON THE DATE INDICATED** and that in ~~his~~ **THE CIRCULATOR'S** belief each signer was a qualified elector of the election district on the date indicated in which ~~such~~ **THE** 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~~ **THAT** 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.~~

Sec. 7. Title 19, chapter 2, article 1, Arizona Revised Statutes, is amended by adding sections 19-205.01 and 19-205.04, to read:

19-205.01. Registered circulators; requirements; definition

A. ALL CIRCULATORS WHO ARE NOT RESIDENTS OF THIS STATE AND ALL PAID CIRCULATORS MUST REGISTER AS CIRCULATORS WITH THE SECRETARY OF STATE BEFORE CIRCULATING PETITIONS PURSUANT TO THIS CHAPTER. THE COMMITTEE THAT IS CIRCULATING THE PETITION SHALL COLLECT AND SUBMIT THE COMPLETED REGISTRATION APPLICATIONS TO THE SECRETARY OF STATE. THE SECRETARY OF STATE SHALL ESTABLISH IN THE INSTRUCTIONS AND PROCEDURES MANUAL ISSUED PURSUANT TO SECTION 16-452 A PROCEDURE FOR REGISTERING CIRCULATORS, INCLUDING CIRCULATOR REGISTRATION APPLICATIONS, AND SHALL PUBLISH ON A WEBSITE MAINTAINED BY THE SECRETARY OF STATE ALL INFORMATION REGARDING CIRCULATORS THAT IS REQUIRED PURSUANT TO THIS SECTION. THE FILING OFFICER SHALL DISQUALIFY ALL SIGNATURES COLLECTED BY A CIRCULATOR WHO FAILS TO REGISTER PURSUANT TO THIS SUBSECTION AS PROVIDED FOR IN SECTION 19-208.01, SUBSECTION A.

B. THE CIRCULATOR REGISTRATION APPLICATION REQUIRED BY SUBSECTION A OF THIS SECTION SHALL REQUIRE THE FOLLOWING:

1. THE CIRCULATOR'S FULL NAME, RESIDENCE ADDRESS, TELEPHONE NUMBER AND EMAIL ADDRESS.
2. THE RECALL PETITION ON WHICH THE CIRCULATOR WILL GATHER SIGNATURES.
3. A STATEMENT THAT THE CIRCULATOR CONSENTS TO THE JURISDICTION OF THE COURTS OF THIS STATE IN RESOLVING ANY DISPUTES CONCERNING THE CIRCULATION OF PETITIONS BY THAT CIRCULATOR.
4. THE ADDRESS OF THE COMMITTEE IN THIS STATE FOR WHICH THE CIRCULATOR IS GATHERING SIGNATURES AND 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, BY LEAVING A COPY OF THE SUBPOENA WITH A PERSON OF SUITABLE AGE OR BY MAILING A COPY OF THE SUBPOENA TO THE COMMITTEE BY CERTIFIED MAIL TO THE ADDRESS PROVIDED.

5. AN AFFIDAVIT FROM THE REGISTERED CIRCULATOR THAT IS SIGNED BY THE CIRCULATOR BEFORE A NOTARY PUBLIC AND THAT INCLUDES THE FOLLOWING DECLARATION:

I, (PRINT NAME), UNDER PENALTY OF A CLASS 1 MISDEMEANOR, ACKNOWLEDGE THAT I AM ELIGIBLE TO REGISTER AS A CIRCULATOR IN THE STATE OF ARIZONA, THAT ALL OF THE INFORMATION PROVIDED IS CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I HAVE READ AND UNDERSTAND ARIZONA ELECTION LAWS APPLICABLE TO THE COLLECTION OF SIGNATURES FOR A RECALL.

C. WITHIN FIVE BUSINESS DAYS AFTER SUBMISSION AND REVIEW OF A COMPLETE AND CORRECT CIRCULATOR REGISTRATION APPLICATION THAT COMPLIES WITH THIS SECTION, THE SECRETARY OF STATE SHALL REGISTER AND ASSIGN A CIRCULATOR REGISTRATION NUMBER TO THE CIRCULATOR.

D. A PERSON MAY NOT REGISTER AS A CIRCULATOR PURSUANT TO THIS SECTION IF THE PERSON:

1. HAS HAD A CIVIL OR CRIMINAL PENALTY IMPOSED FOR A VIOLATION OF TITLE 16 OR THIS TITLE WITHIN THE IMMEDIATELY PRECEDING FIVE YEARS.
2. HAS BEEN CONVICTED OF TREASON OR A FELONY AND HAS NOT BEEN RESTORED TO CIVIL RIGHTS AS DESCRIBED IN SECTION 16-101, SUBSECTION A, PARAGRAPH 5.

3. HAS BEEN CONVICTED OF ANY CRIMINAL OFFENSE INVOLVING FRAUD, FORGERY OR IDENTITY THEFT.

E. 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 FILING OFFICER TO REMOVE ANY SIGNATURES COLLECTED BY THE CIRCULATOR AS PROVIDED FOR IN SECTION 19-208.01, SUBSECTION A.

F. 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 THAT THE FILING OFFICER HAS RECEIVED, PROCESSED AND MADE AVAILABLE ALL FINAL PETITION SHEETS INDIVIDUALLY NUMBERED. THE PERSON CHALLENGING SIGNATURES MAY AMEND THAT COMPLAINT AFTER THE FILING OFFICER HAS REMOVED SIGNATURES AND SIGNATURE SHEETS AS PRESCRIBED IN SECTION 19-208.01. 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.

G. A PERSON WHO KNOWINGLY OMITTS OR MISREPRESENTS INFORMATION OR PROVIDES FALSE INFORMATION ON A CIRCULATOR REGISTRATION APPLICATION OR WHO REGISTERS IN VIOLATION OF THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR.

H. FOR THE PURPOSES OF THIS TITLE, "PAID CIRCULATOR":

1. MEANS A NATURAL PERSON WHO RECEIVES MONETARY OR OTHER COMPENSATION FOR OBTAINING SIGNATURES ON A RECALL PETITION OR FOR CIRCULATING RECALL 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 A RECALL PETITION IN AN ELECTION CYCLE.

19-205.04. Withdrawal of petition signature; payment of remuneration; violation; classification

A. 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 SECTION 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.

Sec. 8. Section 19-206, Arizona Revised Statutes, is amended to read:

19-206. Coercion or other unlawful acts; classification

A. EVERY QUALIFIED ELECTOR OF THIS STATE MAY SIGN A RECALL PETITION ON ANY OFFICER FOR WHOM THE ELECTOR IS QUALIFIED TO VOTE.

~~A. B. A person **who** IS GUILTY OF A CLASS 1 MISDEMEANOR IF THE PERSON knowingly induces or compels any other person, either directly or indirectly or by menace or threat that **he** THE PERSON will or may be injured in **his** THE PERSON business, or **BE** discharged from employment, or that **he** THE PERSON will not be employed, to sign or subscribe, or to refrain from signing or subscribing, **his** THE PERSON'S name to a recall petition, or, after signing or subscribing **his** THE PERSON'S name, to have **his** THE PERSON'S name taken **therefrom, is guilty of a class 1 misdemeanor** FROM THE PETITION.~~

~~B. C. UNLESS ANOTHER CLASSIFICATION IS SPECIFICALLY PRESCRIBED IN THIS TITLE, a person IS GUILTY OF A CLASS 1 MISDEMEANOR IF THE PERSON knowingly **signing** DOES ANY OF THE FOLLOWING:~~

~~1. SIGNS any name other than **his** THE PERSON'S own to a petition, except in a circumstance where **he** THE PERSON signs for **a** ANOTHER person, in the presence of and at the specific request of **such** THAT person, who is incapable of signing **his** THE PERSON'S own name, because of physical infirmity. or **knowingly signing his**~~

~~2. SIGNS THE PERSON'S name more than once for the same recall issue, at one election. or **who knowingly**~~

~~3. Is not at the time of signing a qualified elector of this state **is guilty of a class 1 misdemeanor**.~~

4. FILLS OUT THE NAME AND ADDRESS PORTION OF THE PETITION WITH THE INTENT TO COMMIT FRAUD.

5. VIOLATES ANY PROVISION OF THIS CHAPTER, WHETHER OR NOT THE PERSON IS AN OFFICER. ♦

Sec. 9. Title 19, chapter 2, article 1, Arizona Revised Statutes, is amended by adding section 19-206.01, to read:

19-206.01. Recall petition signature fraud; classification; list of prohibited persons; definitions

A. FOR THE PURPOSES OF THIS CHAPTER, A PERSON COMMITS RECALL PETITION SIGNATURE FRAUD IF THE PERSON DOES EITHER OF THE FOLLOWING WITH THE INTENT TO DEFRAUD:

1. INTENTIONALLY COLLECTS FOR FILING RECALL 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 RECALL PETITION.

B. A PERSON WHO IS PAID BY A POLITICAL COMMITTEE TO EMPLOY OR SUBCONTRACT WITH PERSONS WHO FRAUDULENTLY OBTAIN RECALL PETITION SIGNATURES OR WHO OBTAIN RECALL 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 OF THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR, EXCEPT THAT A PERSON WHO ENGAGES OR PARTICIPATES IN A PATTERN OF RECALL 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. ♦

D. THE SECRETARY OF STATE SHALL MAINTAIN A LIST OF PERSONS WHO HAVE BEEN CONVICTED OF PARTICIPATING IN A PATTERN OF RECALL 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.

E. FOR THE PURPOSES OF THIS SECTION, "PATTERN OF RECALL 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.

Sec. 10. Section 19-208.01, Arizona Revised Statutes, is amended to read:

19-208.01. Removal of petition sheets and ineligible signatures; certification of number of signatures

A. Within ten days after submission of a recall petition for verification of signatures pursuant to section 19-203, the ~~receiving~~ FILING officer shall: ~~perform the steps prescribed in section 19-121.01, subsection A.~~

1. REMOVE THE FOLLOWING:

(a) THOSE SHEETS THAT ARE NOT ATTACHED TO A COPY OF THE TIME AND DATE MARKED COPY OF THE APPLICATION AS PRESCRIBED IN THIS CHAPTER.

(b) THE COPY OF THE APPLICATION FROM THE REMAINING PETITION SHEETS.

(c) THOSE SHEETS THAT DO NOT BEAR THE CORRECT PETITION SERIAL NUMBER AND, IF APPLICABLE, THE PAID CIRCULATOR REGISTRATION 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 CIRCULATOR'S AFFIDAVIT 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 SECTION 19-206.01.

(h) THOSE SHEETS ON WHICH THE CIRCULATOR IS REQUIRED TO BE REGISTERED WITH THE SECRETARY OF STATE PURSUANT TO SECTION 19-205.01 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 BY 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 APPLICATION 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 ALLOWED PER PETITION.

(e) SIGNATURES WITHDRAWN PURSUANT TO SECTION 19-205.04.

(f) SIGNATURES FOR WHICH THE FILING OFFICER DETERMINES THAT THE PETITION CIRCULATOR HAS PRINTED THE ELECTOR'S FIRST AND LAST NAMES OR OTHER INFORMATION IN VIOLATION OF SECTION 19-205.

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 eligible for verification equals or exceeds the minimum number required by the ~~Arizona~~ Constitution OF ARIZONA the ~~receiving~~ FILING officer shall reproduce a facsimile of the front AND BACK of each signature sheet on which any signature eligible for verification appears. The ~~receiving~~ FILING 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~~ FILING officer shall also certify the number of sheets and signatures on the sheets that are being transmitted and retain a record of ~~such~~ THAT certification in ~~his~~ THE FILING office. ~~Such-receiving~~ THE FILING officer shall obtain a dated, signed receipt from the county recorder for copies of the original signature sheets transmitted under this section.

~~B. C.~~ C. If the number of signatures on the sheets submitted to the ~~receiving~~ FILING officer does not equal the minimum number required by the constitution, ~~he~~ THE FILING OFFICER shall so notify the person or organization submitting them and shall return the sheets to the persons or organization. THE RETURNED SIGNATURE SHEETS MAY NOT BE REUSED OR RESUBMITTED AT ANY LATER DATE.

Sec. 11. Section 19-208.02, Arizona Revised Statutes, is amended to read:

19-208.02. Certification by county recorder

A. Within sixty days after receipt of the FACSIMILE OF THE FRONT AND BACK OF THE signature sheets from the ~~receiving~~ FILING 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 FOLLOWING reasons: ~~set forth in section 19-121.02, subsection A, and~~

1. THE SIGNATURE IS ILLEGIBLE AND THE SIGNER IS OTHERWISE UNIDENTIFIABLE.

2. THE SIGNATURE WAS DISQUALIFIED AFTER COMPARISON WITH THE SIGNATURE ON THE AFFIDAVIT OF REGISTRATION.

3. 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.

4. IF A PETITIONER SIGNED MORE THAN ONCE, ALL BUT ONE OTHERWISE VALID SIGNATURE IS DISQUALIFIED.

5. THE INDIVIDUAL WAS NOT A QUALIFIED ELECTOR OF THE DISTRICT 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. NO RESIDENCE ADDRESS OR DESCRIPTION OF RESIDENCE LOCATION IS PROVIDED.

8. THE ADDRESS PROVIDED IS ILLEGIBLE OR NONEXISTENT.

9. NO DATE OF SIGNING IS PROVIDED.

10. ANY OTHER REASON A SIGNATURE OR ENTIRE PETITION SHEET COULD BE REMOVED BY THE FILING OFFICER PURSUANT TO SECTION 19-208.01.

B. The county recorder shall certify such number to the receiving officer in the form prescribed by the secretary of state.

~~B. C.~~ At the time of ~~such~~ certification, the county recorder shall:

1. Return the ~~original~~ **FACSIMILE COPIES OF THE** signature sheets to the ~~receiving~~ **FILING** officer, ~~obtaining~~ **AND OBTAIN** a dated, signed receipt ~~therefor~~ **FOR THE COPIES**.

2. Send notice of the **CERTIFICATION** results ~~of certification~~ by mail **OR ELECTRONICALLY** to the person or organization that submitted the recall petitions and to the ~~secretary of state~~ **FILING OFFICER**.

Sec. 12. Section 19-208.03, Arizona Revised Statutes, is amended to read:

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~~ **FILING** officer shall total the number of signatures certified, and:

1. If the number equals or exceeds the minimum number required by the Constitution **OF ARIZONA**, ~~he~~ **THE FILING OFFICER** shall ~~forthwith~~ **IMMEDIATELY** officially file the petition, ~~AND~~ 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~~ **FILING** officer shall follow the procedure prescribed by section 19-208.01, subsection ~~B- C~~.

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 sections 19-207, 19-208 and 19-209.

Sec. 13. Title 19, chapter 2, article 1, Arizona Revised Statutes, is amended by adding section 19-208.06, to read:

19-208.06. Refusal of filing officer to file petition or transmit facsimiles of signature sheets or affidavits of circulators; writ of mandamus; venue

A. IF THE FILING OFFICER REFUSES TO ACCEPT AND FILE A PETITION FOR RECALL THAT HAS BEEN PRESENTED WITHIN THE TIME PRESCRIBED, OR IF THE FILING OFFICER REFUSES TO TRANSMIT THE FACSIMILES OF A SIGNATURE SHEET OR SHEETS OR AFFIDAVITS OF CIRCULATORS TO THE COUNTY RECORDERS FOR CERTIFICATION UNDER SECTION 19-208.01, THE FILING OFFICER SHALL PROVIDE THE PERSON WHO SUBMITTED THE PETITION, 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 FILING OFFICER TO FILE THE PETITION OR TRANSMIT THE FACSIMILES, OR FOR MATTERS INVOLVING STATEWIDE RECALLS, 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 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 FILING OFFICER 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 FILING OFFICER'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 A RECALL 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 A RECALL BASED ON THE ACTIONS OF THE FILING OFFICER 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 A

RECALL. IF MULTIPLE ACTIONS ARE FILED THAT CONTEST THE VALIDITY OF A RECALL, 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 A RECALL, 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 RECALL AND TO ENJOIN THE CERTIFICATION OR PRINTING OF THE BALLOT.

D. THE SUPERIOR COURT IN MARICOPA COUNTY SHALL HAVE JURISDICTION OF ACTIONS RELATING TO RECALLS TO BE SUBMITTED TO THE ELECTORS OF THE STATE AT LARGE. WITH RESPECT TO ACTIONS RELATING TO LOCAL RECALLS 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 RECALLS 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.

Sec. 14. Section 19-209, Arizona Revised Statutes, is amended to read:

19-209. Order for special recall election; officer in charge of 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 section 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 section 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.

D. THE OFFICER IN CHARGE OF THE ELECTION FOR ANY RECALL ELECTION CALLED PURSUANT TO THIS CHAPTER IS AS FOLLOWS:

1. IF FOR A STATE OFFICE, INCLUDING A MEMBER OF THE LEGISLATURE, THE SECRETARY OF STATE.
2. IF FOR A COUNTY OR DISTRICT OFFICER OR SUPERIOR COURT JUDGE, THE COUNTY OFFICER IN CHARGE OF ELECTIONS.
3. IF FOR A CITY OR TOWN OFFICER, THE CITY OR TOWN CLERK.
4. IF FOR A MEMBER OF A SCHOOL DISTRICT GOVERNING BOARD, THE COUNTY SCHOOL SUPERINTENDENT OF THE COUNTY IN WHICH THE SCHOOL DISTRICT IS LOCATED.

Sec. 15. Section 19-213, Arizona Revised Statutes, is amended to read:

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~~ THE OFFICER'S 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.