

referendum petitions. 2017 Ariz. Legis. Serv. Ch. 52 (H.B. 2404), amending A.R.S. § 19-122(C) (2017). The 2017 amendment to A.R.S. § 19-122(C) was effective on August 9, 2017.

Under A.R.S. § 19-117, “any change in the law or procedure adopted by a governing body with respect to circulation or filing of a[] . . . referendum petition after a[] . . . referendum petition application is filed . . . does not apply.” In Arizona, pre-election challenges all concern compliance with the details of circulation or filing of petitions contained in the statutes that prescribe the timing, form, and contents of circulated petitions and the validity of signatures and petition sheets candidates and proponents file with election officials. *See, e.g., Tilton v. Mofford*, 153 Ariz. 468 (1987) (holding court can hear only defects in petition process and form prior to election, and “form” includes the title of constitutional amendment proposed).

The referendum petition at issue in this matter was filed on August 8, 2017. The Arizona Legislature passed, the Governor signed, and on the law’s August 9, 2017 effective date the State adopted the amended A.R.S. § 19-122(C) now in force. Under the facts of this case, therefore, when the referendum petition was filed on August 8, 2017, the law and the procedures under it remained as enacted in 2015, and A.R.S. § 19-117 precluded applying to the petition filed on August 8 the change in the law that was adopted on August 9.

The Under Advisement Ruling of the superior court is affirmed.

Justice Bolick did not participate in consideration of this matter.

DATED this 21st day of March, 2018.

_____/s/_____
SCOTT BALES
Chief Justice

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