

ARIZONA SUPREME COURT

SCOTT MUSSI, et al.,

Plaintiffs/Appellants/
Cross- Appellees,

v.

KATIE HOBBS, in her official capacity as
the Secretary of State of Arizona,

Defendant/Appellee,

and

ARIZONANS FOR FREE AND FAIR
ELECTIONS (ADRC ACTION), a
political committee,

Real Party in Interest/
Appellee/Cross-Appellant.

Arizona Supreme Court
No. CV-22-0207-AP/EL

Maricopa County Superior Court
No. CV2022-009391

REAL PARTY IN INTEREST OPENING BRIEF

James E. Barton II, 023888
Jacqueline Mendez Soto, 022597
BARTON MENDEZ SOTO PLLC
401 W. Baseline Road, Suite 205
Tempe, Arizona 85283
480-550-5165

James@bartonmendezsoto.com
Jacqueline@bartonmendezsoto.com

Joshua D. Bendor, 031908
Joshua J. Messer, 035101
Travis C. Hunt, 035491
OSBORN MALEDON, P.A.
2929 N. Central Avenue, Suite 2100
Phoenix, Arizona 85012
602-640-9000

jbendor@omlaw.com
jmesser@omlaw.com
thunt@omlaw.com

Arizonans for Free and Fair Elections (ADRC Action) (“the Committee”) submits this Opening Brief as directed by this Court’s order dated August 19, 2022, urging the Court to reverse several conclusions in the trial court’s decision below.

Background

On February 7, 2022, the Committee filed an application for serial number for its initiative, entitled “The Arizona Fair Elections Act” (the “Act”).

[*Application for Serial Number*, App’x 001 - 027] The Act relates to expanding voting rights, campaign finance reform, protecting citizen measures, and improved lobbyist regulation.

On July 7, 2022, the Committee submitted its petitions to the Secretary of State’s (the “Secretary”) office. On July 31, 2022, after completing her statutorily required review, the Secretary determined the Committee had 45,315 valid petition sheets containing 414,895 signatures. [*Secretary of State Letter*, 7/31/2022, App’x 028 - 031] The Secretary’s office further reviewed signatures to remove individual lines under A.R.S. § 19-121.01, determining that 399,838 petition signatures were eligible for review by the county recorders. [*Id.*] So long as at least 59.44% of the signatures sent to the county recorders and reviewed under A.R.S. § 19-121.02 are valid, the Secretary will certify the Act for the November General Election. [*Id.*] The deadline for the county recorders to complete their review is August 22, 2022.

Pursuant to A.R.S. § 19-122(C), Petitioners “contest[ed] the validity of [the] initiative ... based on ... compliance with [Title 19, Chapter 1],” claiming that nearly 80% of the signatures submitted by the Committee were invalid. To succeed in blocking the Act from the general election ballot, Petitioners had to invalidate 162,213 signatures in addition to those already invalidated by the Secretary.

Following a review of signatures by a Special Master and a bench trial, the superior court rejected some of Petitioners’ claims and affirmed others. For four of the objections (numbers 27-30), the trial court did not issue a ruling but instead left the record open to address them at a later date.¹ [Under Advisement Ruling, 08/18/2022 (“Ruling”) at 17, App’x 048] The current appeal is limited to reviewing objections on which the trial court ruled that will ultimately impact the calculation for the initiative’s ballot qualification. For the reasons set forth below, four of the trial court’s rulings should be reversed and the challenged petition signatures should be deemed valid.

Standard of Review

This Court reviews issues involving the application of constitutional and

¹ The trial court also did not rule that sufficient signatures were disqualified to prevent the Secretary from certifying the measure for the ballot. Indeed, although not before the Court at this time, there have not been 162,213 signatures, in addition to those removed by the Secretary, disqualified by the trial court at this time, nor would there be even if the Court reversed on all issues raised by Petitioners.

statutory provisions for initiative de novo. *Molera v. Reagan*, 245 Ariz. 291, 294 ¶ 8 (2018) (“*Molera I*”). This Court has jurisdiction over this matter pursuant to article 6, section 5(3) of the Arizona Constitution.

Issues Presented

1. Can petition sheets circulated by registered circulators be disqualified even though those circulators registered with the Secretary?
2. Can petition signatures be deemed invalid if the circulator did not provide a residential address as their temporary address on the registration form even though statute does not require a temporary address?
3. Can petition signatures be deemed invalid if the circulator provided an incorrect phone number on their registration form even though circulators are not required to maintain the same phone number throughout the election cycle?
4. Can petition signatures be deemed invalid if the circulator provided a different address on the petition sheets than what was provided on the registration form even though there is no requirement that these addresses be the same?
5. Can petition signatures be deemed invalid if the circulator provided a service of process address in addition to the committee address on their registration form?

Legal Arguments

- I. STRICT COMPLIANCE DOES NOT ALLOW INVALIDATING HUNDREDS OF THOUSANDS OF SIGNATURES BASED ON MINOR ERRORS OR OMISSIONS ON REGISTRATION FORMS**

Petitioners invoke the “strict compliance” standard long applied by courts in the referendum context and codified in A.R.S. § 19-102.01(A), which purports to extend this standard to the initiative process.² Petitioners misconstrue that standard.

The Arizona Constitution reserves to the people 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.” Ariz. const. art. 4, pt. 1, § 1. “Initiative and referendum procedures are a fundamental part of Arizona’s scheme of government.” *Fairness and Accountability in Ins. Reform v. Greene*, 180 Ariz. 582, 584 (1994); *League of Ariz. Cities & Towns v. Brewer*, 213 Ariz. 557, 559 ¶ 9 (2006) (“A fundamental component of the legislative process in Arizona is the right of the people to offer legislation through the initiative. This legislative power of the people is as great as that of the legislature.”) (citations and quotations omitted). This Court has long recognized that “Arizona has a strong policy supporting the people’s exercise of this power.” *Pedersen v. Bennett*, 230 Ariz. 556, 558 ¶ 7 (2012). Thus, courts must balance strict compliance against the need to ensure the legislation does not “unreasonably hinder or restrict”

² Because the long-standing substantial compliance standard for the initiative process is of constitutional origin, it is still an open question whether the Legislature had the authority to require a different standard. *See Molera v. Reagan*, CV2018-010209, Minute Entry at 10-11 (Aug. 15, 2018). But the Court need not reach this question because under a properly construed strict compliance standard, Petitioners’ claims fail.

constitutional rights and that the legislation “reasonably supplements the constitutional purpose.” *Direct Sellers Ass’n v. McBrayer*, 109 Ariz. 3, 5 (1972). Because the initiative process is a check on the Legislature’s power, the Court’s role in preventing the Legislature’s overreach is particularly vital.

Balancing the strict compliance standard with constitutional constraints, case law makes clear that courts should not: (1) amplify the scope of the relevant statute, (2) read into the statute requirements that do not exist, (3) reject anything short of perfect compliance, or (4) enforce requirements that serve no “substantial, independent role in assuring” the statute’s stated purpose. *See Sherrill v. City of Peoria*, 189 Ariz. 537, 539 (1997) (holding that courts cannot “amplif[y]” the scope of the relevant statute); *Van Riper v. Threadgill*, 183 Ariz. 580, 584 (1995) (concluding that strict compliance did not require reading a statutory maximum of 15 signatures on a petition sheet as a statutory minimum); *Direct Sellers Ass’n v. McBrayer*, 109 Ariz. 3, 5 (1972) (finding that the failure to include specific words in the circulator’s affidavit did not render them invalid under strict scrutiny, but did affect the presumption of validity); *Forszt v. Rodriguez*, 212 Ariz. 263, 267 ¶ 17 (App. 2006) (holding that, for a provision to require strict compliance, it must serve a “substantial, independent role in assuring” the statute’s stated purpose).

Even strict compliance allows for certain minor exceptions to statutory requirements so long as the statute’s purposes are fulfilled. *See Molera v. Hobbs*,

250 Ariz. 13, 21 ¶ 17 (2020) (“*Molera IP*”) (concluding that a measure’s 100-word description strictly complied with statutory requirement that description contain the “principal” provisions of the measure where omissions “did not make any part of the description false or misleading or obscure the Initiative’s key operative provisions”); *Leach v. Hobbs*, CV2020-007961, Order at 14 (Aug. 14, 2020) (holding that strict compliance with A.R.S. § 19-102.01 did not prevent circulator from changing his listed residence address); *Molera v. Reagan*, CV2018-010209, Minute Entry at 10-11 (Aug. 15, 2018) (“A third party accurately pre-marking the paid/volunteer line is not enough to render the petitions null and void even if strict compliance applies.”).

Petitioners assert that strict compliance requires total perfection at all stages of the process. Circulators, they assert, not only need to be properly registered with the Secretary prior to circulating for a measure, the form they used to become properly registered must be perfectly completed. Not only must the form be perfectly completed, but it must comply with requirements that are neither stated in law nor on the registration form itself. The case law does not support this nonsensical version of compliance.

Arizona courts have applied strict compliance only (1) to enforce express, unambiguous statutory or constitutional requirements that (2) serve an independent legislative purpose. *See Cottonwood Dev. v. Foothills Area Coal. of Tucson, Inc.*,

134 Ariz. 46, 49 (1982) (requiring compliance with provision ensuring that “prospective signatories have immediate access to the exact wording of the public action which is to be suspended, and possibly reversed”); *Perini Land & Dev. Co. v. Pima Cnty.*, 170 Ariz. 380, 384 (1992) (requiring compliance with constitutional signature requirement based on the most recent gubernatorial race); *Arrett v. Bower*, 237 Ariz. 74, 79, 81 ¶¶ 17, 23 (App. 2015) (enforcing petition sheet serial number requirement, a “critical tool for ensuring the fairness and integrity of the initiative and referendum process”); *Comm. for Pres. of Established Neighborhoods v. Riffel*, 213 Ariz. 247, 249, 250 ¶¶ 7, 13 (App. 2006) (enforcing requirement that proponents provide description of measure in the petition sheet); *De Szendeffy v. Threadgill*, 178 Ariz. 464, 465-67 (App. 1994) (enforcing requirement that circulators file petitions with an affidavit affirming that signers were qualified electors of the town, an “important check[] on the validity of petition signatures”).

This Court should reject Petitioners’ attempt to use the statutory initiative requirements “as a procedural sword to disqualify petition signatures rather than using it as a tool to advance the fact-finding process.” *Leach v. Hobbs*, 250 Ariz. 572, 578 ¶ 27 (2021). Properly applied, the strict compliance standard required the trial court to dismiss Petitioners’ claims about circulator registration form issues.

II. STRICT COMPLIANCE CANNOT BE INTERPRETED IN SUCH A WAY AS TO UNDULY BURDEN THE EXERCISE OF FREE SPEECH

Indeed, if this Court were to conclude that strict compliance requires invalidating every signature gathered by a circulator who made minor errors on their registration forms, it would constitute a severe burden on the Committee's First Amendment rights. This would subject the registration provisions to exacting scrutiny, especially given that circulator registration in violation of A.R.S. § 19-118 is a class 1 misdemeanor. *See AZ Petition Partners LLC v. Thompson*, 253 Ariz. 223, ___ ¶ 28 (App. 2022) (“The existence of criminal penalties, however, makes the need for a more exacting standard of review particularly appropriate.”).

As numerous courts have noted, exercising direct democracy rights implicates First Amendment rights. *See, e.g., Meyer v. Grant*, 486 U.S. 414, 421-22 (1988). Rejecting the Committee's initiative petitions for failing to comply with an unstated requirement concerning addresses on registration forms creates a barrier to the Committee's right of free speech, as well as that of the qualified electors who signed the petition and the circulators who circulated the petition. State election laws that create such barriers to the political process are reviewed under the *Anderson-Burdick* test. *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983); *Burdick v. Takushi*, 504 U.S. 428, 432-33 (1992). Courts evaluate the “legitimacy and strength” of the state interest and whether it is necessary to burden

the speaker's rights. *Anderson*, 460 U.S. at 789; *see also* *Arizonans for Second Chances, Rehab. & Pub. Safety v. Hobbs*, 249 Ariz. 396, 408-09 ¶¶ 41-42 (2020) (“Ballot access restrictions implicate the right to vote and the related right to associate with others to advance shared political beliefs.”).

In *AZ Petition Partners*, for example, the state charged a signature gathering company with 50 criminal counts of violating A.R.S. § 19-118.01, which prohibits “pay[ing] or receiv[ing] money or anything of value based on the number of signatures collected on a statewide initiative or referendum petition.” *AZ Petition Partners*, 253 Ariz. at ¶ 29. The court found that the statute could lead potential circulators to “decline to participate for fear of criminal prosecution,” and that such a result “would significantly undermine First Amendment protection.” *Id.* at ¶ 31.

Similarly here, Petitioners' interpretation of the circulator registration form requirements, which would eliminate all signatures gathered by a circulator who registered nearly perfectly and which could result in criminal penalties for a simple omission or error, would impose a severe burden on the Committee's free speech rights. Such an application of the address requirement would limit the pool of prospective circulators who would fear criminal prosecution for merely omitting part of their address on their registration form. This unconstitutional burden can be avoided by a reasonable interpretation of § 19-118 that does not run afoul of the strict compliance requirement and still fulfills the statute's purpose.

III. THE PLAIN LANGUAGE OF THE STATUTE DOES NOT SUPPORT REMOVAL OF SIGNATURES BASED ON MINOR ERRORS ON THE REGISTRATION FORMS

Petitioners object to alleged errors in various circulators' registration forms and assert that these errors or omissions are grounds to throw out every signature collected by those circulators. Petitioners allege that whole petition sheets containing thousands of signatures must be thrown out because (1) the circulator provided a temporary address on the registration form that is not a residential structure (Objection No. 5(b)), (2) the circulator provided an incorrect phone number on the registration form (Objection No. 5(c)), (3) the circulator provided a different residential address on some petition sheets compared to the address on the circulator registration form (Objection No.5(e)), and (4) the circulator did not provide a complete address for the Committee (Objection No. 6(b)). Petitioners rely on A.R.S. § 19-121.01(A)(1)(h) for their assertion that the signatures should be disqualified because it provides that the Secretary must remove petition "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." Essentially, Petitioners argue that, because of these alleged errors, the circulators were not "properly registered at the time the petitions were circulated." But this tortured reading does not follow from the plain language of the statute, is not required by strict compliance, and is not permissible

given the severe burden such an interpretation would impose on ballot measure committees and the rights of Arizonans to vote on qualified initiatives.

Section 19-118(A) requires the Secretary to “disqualify all signatures collected by a circulator who *fails to register* pursuant to this subsection as provided for in section 19-121.01, subsection A.” (emphasis added) In other words, it is a failure to register in the first place that renders a circulator not “properly registered.”

If the Legislature had intended to allow for the removal of petition sheets when a circulator included only a partial address, for example, it certainly could have done so. The litany of legislation related to circulators demonstrates that the Legislature knows how to impose regulatory restrictions on the constitutional process of initiative and referendum. *See, e.g.*, Ariz. Laws 2011, ch. 332, § 24 (requiring non-resident petition circulators to register with the secretary of state’s office before circulating petitions; codified at A.R.S. § 19-112, which is now found in § 19-118); Ariz. Laws 2014, ch. 45, § 8 (adding A.R.S. § 19-118 regarding circulator registration, including the strike out provision); Ariz. Laws 2015, ch. 285, § 2 (prohibiting changes to circulator petition affidavit and requiring the invalidation of any petition for which the affidavit was modified), § 3 (applying the circulator registration requirements to city and county measures); Ariz. Laws 2019, ch. 315, § 3 (adding the affidavit requirement for circulator

registration).

Petitioners insist on a definition of the phrase “properly registered” that is absent from the applicable laws. Based on the statutory scheme imposed by the Legislature on ballot measure committees and their paid and out-of-state circulators, the only circulators whose petitions may be removed due to not being “properly registered” are those who actually fail to register when they were required to do so. The Legislature has not authorized this Court or the Secretary to remove petition signatures for anything less.

For this reason, the Court should direct the trial court to deny Objections 4, 5, and 6 in their entirety because these objections attempt to conclude a properly registered circulator was not registered merely because the Petitioners take issue with the electronic form submitted to the Secretary and not because the challenged circulator was in fact not registered.

IV. ALTERNATIVELY, SPECIFIC OBJECTION SUSTAINED BY THE TRIAL COURT SHOULD BE REVERSED BECAUSE THE LAW DOES NOT SUPPORT THE PARTICULAR OBJECTION.

Petitioners’ objections fail for the additional reason that they are all requirements that Petitioners themselves have manufactured. Section 19-118 does not impose those requirements on circulators.

Objection 5(b): Non-residential temporary address

Petitioners objected to certain circulator registration forms that included a non-residential address for the circulator’s temporary address. [Ruling at 8, App’x 039]. But A.R.S. § 19-118 does not even require a circulator to provide a temporary address. The circulators *may* provide a temporary address on an optional line in the circulator registration form that the Secretary has provided in the circulator portal, but as the Secretary recognizes, it is not required by statute. [Decl. of Kori Lorick ¶ 4 n.1, App’x 057] The trial court erred in removing the signatures collected by registered circulators who provided a non-residential address in the “temporary address” line on their registration form. Because there is no statutory requirement to provide a temporary address, there is nothing with which circulators can strictly comply. *Cf. Leach v. Regan*, 245 Ariz. 430, 439 ¶¶ 40-41 (2018) (rejecting challenges to circulator registrations based on flaws in information circulators provided to the Secretary that were not required by statute).

**Objection No. 5(c): Circulator registrations relied on
Incorrect Phone Number**

Petitioners also object that some circulators provided a phone number on their registration form that was either inoperative or not that person’s actual phone number at the time of registration. [Ruling at 8-9, App’x 039-040] While the trial court did not directly rule that these challenged signatures are invalid, it did conclude that “the Parties stipulate to the contact information as inaccurate at the

time the affidavit was filed” and the Committee understands that conclusion to mean that the trial court intended to deem the registration forms invalid. [Ruling at 9, App’x 040]

Many forms of contact remained for these circulators. A permanent address, the committee address, the identity of their employer, an email address, and even an optional temporary address. Failing to provide one of several means of contact is not sufficient to declare the circulator to be improperly registered. It did not hinder the Secretary in completing the registration form, nor did it hinder the opposition from checking the circulator’s qualifications to circulate. On the basis of this, Petitioner challenged 20,000 signatures of Arizona voters. These circulators were properly registered, and the Court should restore the voices of those 20,000 voters.

Objection No. 5(e): Circulators Provided Residential Address on Registration Form Different from Address on Petition Sheet

Petitioners’ Objection 5(e) alleges that certain circulators provided a residential address on their registration forms that does not match an address they provided on the back of some petition sheets. [Ruling at 9, App’x 040]. The trial court concluded that “it must invalidate any petition sheets on which the circulator provided a different residential address than was provided on his or her registration form, and for which the parties do not stipulate that the circulator moved during the relevant time frame.” [*Id.*]

The trial court erred in disqualifying all of the signatures gathered by these circulators because there is no statutory requirement that a circulator maintain only one residence address throughout the election cycle. Further, there is no requirement that a circulator's residence address on their circulator registration form must match that on the petition sheets, which was affirmed by Judge Gates in a 2020 trial:

Numerous circulators provided varying addresses on their circulator affidavit. Arizona Revised Statutes § 19-112(D) requires the circulator provide his or her "residence address" in the circulator affidavit. Although A.R.S. § 19-102.01 mandates strict compliance with any statutory requirement, the court finds no statutory obligation that prevents a circulator from changing his residence address. The court found that the use of different addresses on the reverse side of the petition sheet does not summarily invalidate all of the signatures collected by a registered circulator who used different addresses on their circulator affidavit.

[*Leach v. Hobbs*, CV 2020-007961, 8/14/2020 at 14 § G, App'x 076] These circulators were properly registered and this Court should restore their petition signatures.

Objection No. 6(b): Registration Service Address is not the Committee Address

Petitioners assert that some circulators included an address for the Committee on their registration form that was wrong. [Ruling at 10, App'x 041]

The purpose of providing the Committee’s address on the circulator registration form is to provide the location “at which the circulator will accept service of process related to disputes concerning circulation of that circulator’s petitions.”

A.R.S. § 19-118(B)(4). It is undisputed that these challenged circulators noted that they would be collecting signatures for the Committee, and Petitioners themselves disclosed the address for the Committee in the Complaint. Accordingly, the purpose of the statute has been fulfilled, regardless of any minor errors with the registration form. Petitioners presented no evidence that they cannot serve each of the circulators at the Committee’s address.

A minor error in the Committee’s address should not deem a circulator as improperly registered. As noted above, strict compliance does not require perfection. *See Comm. for Preservation of Established Neighborhoods*, 213 Ariz. at 249 ¶ 6. As long as the statute’s purpose can be fulfilled, such errors are not grounds for throwing out otherwise valid petition signatures.

Moreover, none of the challenged registrations are invalid. Section 19-118(B)(4) provides that a circulator must include on their registration form:

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.

The first sentence requires a ballot measure committee to accept service of process at the committee address. The second sentence also allows challengers to serve the circulator individually or by mailing a copy of the subpoena by certified mail.

There is a certain logic in listing the committee address as the service address, but A.R.S. § 19-118 does not require it. It allows for the circulator to provide another address where the circulator can be served. That does not prevent the challengers from serving the circulator at the committee address, of course, but giving challengers another location to serve the circulator is not forbidden by statute.

Conclusion

For the foregoing reasons, the Committee respectfully requests that this Court remand to the trial court with direction that Objections 5 and 6 are not substantiated, or in the alternative, with direction that Objections 5(b), 5(c), 5(e), and 6(b) are not substantiated. The Committee further requests that this Court award the Committee its reasonable attorney's fees incurred in defending this case pursuant to A.R.S. § 19-118(F) and any other applicable law.

RESPECTFULLY SUBMITTED this 20th day of August 2022.

BARTON MENDEZ SOTO PLLC

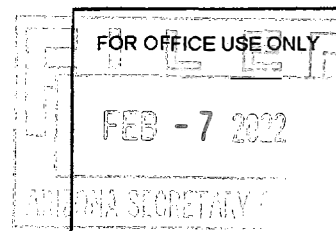
By: /s/ James E. Barton II
James E. Barton II
Attorneys for Real Party in Interest

APPENDIX



STATE OF ARIZONA

Application for Serial Number Initiative Petition A.R.S. § 19-111



The undersigned intends to circulate and file an initiative petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Attached hereto is the full title and text, in no less than eight point type, of the measure or constitutional amendment intended to be initiated at the next general election.

Statutory Measure [checked] Constitutional Amendment [unchecked] Date of Application February 7, 2022 Signatures Required 237,645 Deadline for Filing July 7, 2022 Serial Number Issued I-16-2022

Restores permanent early voting list. Provides same-day, automatic, and online voter registration. Makes voting easier for disabled people. Reduces cancellation causes for voter registration. Ensures voters can vote in any in-county precinct. Expands polling places on Indian lands, voter registration, early voting, mail voting, early voting sites, and voting rights for some under guardianship. Allows entrusting another person to return one's voted early ballot. Specifies process for correcting signature problems on early voting envelopes. Allows Clean Elections grants for election administration. Specifies sufficient requirements for voter registration, identification, and early voting. Safeguards against registering ineligible people to vote. Allows providing refreshments to waiting voters. Restricts gifts from lobbyists, reduces privately funded candidates' contribution limits, and increases funds available to Clean Elections candidates. Requires clear explanation of statewide ballot measures. Limits judicial review of initiative and referendum petitions and protects signatures from elimination based on: county of the signer; another writing signer's name, address or date; circulator's failure to respond to a subpoena or strictly comply with technical requirements. Enhances ballot privacy. Restricts reviews and subpoenas concerning ballots and election material. Stabilizes presidential election process. Creates voluntary tax checkoff. Increases lobbyist registration fees and corporate minimum tax for some.

Joel Edman Name of Applicant 401 West Baseline Road, Suite 205 Address Tempe AZ 85283 City State Zip 480-550-5165 Telephone Number james@bartonmendezsoto.com E-mail Address

Arizonans for Free and Fair Elections (ADRC Action) Committee Name 100866 Committee ID No. Alison Marciniak Chairperson Joel Edman Treasurer 401 West Baseline Road, Suite 205 Committee Address Tempe AZ 85283 City State Zip (480) 550-5165 Committee Telephone Number james@bartonmendezsoto.com Committee E-mail Address

By submitting this Application for Serial Number and checking all boxes below, I acknowledge the following:

- That I have received and will review the accompanying Instructions for Statewide Initiatives, including the Secretary of State's recommended best practices for printing copies of the Statewide Initiative Petition to be circulated.
That at the time of filing, I was provided instructions regarding accurate completion of the Statewide Initiative Petition form.

Applicant Signature

Date 2/7/22

Office of the Secretary of State 1700 W. Washington Street Phoenix, Arizona 85007

Rev. 11/29/2021

OFFICIAL TITLE
AN INITIATIVE MEASURE

AMENDING SECTIONS 14-5304, 16-101 AND 16-112, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 1, ARTICLE 1.1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 16-112.01 AND 16-112.02; AMENDING SECTION 16-120, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-120.01; AMENDING SECTIONS 16-121.01, 16-122, 16-152, 16-165 AND 16-166, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-168.02; AMENDING SECTIONS 16-182, 16-212, 16-246, 16-404, 16-407 AND 16-407.01, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 16-411.01 AND 16-411.02; AMENDING SECTION 16-442.01, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-502.01; AMENDING SECTIONS 16-542, 16-544, 16-547, 16-548, 16-550, 16-579, 16-583, 16-584, 16-645, 16-672, 16-901, 16-912, 16-914, 16-917, 16-941, 16-945 AND 16-951, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 6, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-951.01; AMENDING SECTIONS 16-953, 16-954, 16-956, 16-961 AND 16-1005, ARIZONA REVISED STATUTES; AMENDING SECTIONS 19-101.01, 19-102.01, ARIZONA REVISED STATUTES, AMENDING TITLE 19, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-103; AMENDING SECTIONS 19-112, 19-118, 19-121.01, 19-204.01 AND 41-1231, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 7, ARTICLE 8.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1232.09; AMENDING SECTION 43-1111, ARIZONA REVISED STATUTES; RELATING TO EXPANDING VOTING RIGHTS, CAMPAIGN FINANCE REFORM, PROTECTING CITIZEN MEASURES AND IMPROVED LOBBYIST REGULATION.

TEXT OF PROPOSED AMENDMENT

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

Section 1. Section 14-5304, Arizona Revised Statutes, is amended to read:

14-5304. Findings; limitations; filing; fingerprinting

A. In exercising its appointment authority pursuant to this chapter, the court shall encourage the development of maximum self-reliance and independence of the incapacitated person.

B. The court may appoint a general or limited guardian as requested if the court finds by clear and convincing evidence that:

1. The person for whom a guardian is sought is incapacitated.
2. The appointment is necessary to provide for the demonstrated needs of the incapacitated person.
3. The person's needs cannot be met by less restrictive means, including the use of appropriate technological assistance.

C. In conformity with the evidence regarding the extent of the ward's incapacity, the court may appoint a limited guardian and specify time limits on the guardianship and limitations on the guardian's powers.

D. The guardian shall file an acceptance of appointment with the appointing court.

E. The court may require each person who seeks appointment as a guardian to furnish a full set of fingerprints to enable the court to conduct a criminal background investigation. The court shall submit the person's completed fingerprint card to the department of public safety. The person shall bear the cost of obtaining the person's criminal history record information. The cost shall not exceed the actual cost of obtaining the person's criminal history record information. Criminal history records checks shall be conducted pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation. This subsection does not apply to a fiduciary who is licensed pursuant to section 14-5651 or an employee of a financial institution.

F. The court shall make a specific finding as to whether the appointment of a guardian is due solely to the ward's physical incapacity.

G. Unless the court makes a specific finding that the appointment of a guardian is due solely to the ward's physical incapacity under subsection F of this section, at the time of appointing a guardian, the court shall transmit the ward's name, sex and date of birth, the last four digits of the ward's social security number, if available, the court case number, the court originating agency identification number and the date of the guardian's appointment to the supreme court. The supreme court shall transmit the information to the department of public safety. The department of public safety shall transmit the information to the national instant criminal background check system.

H. If a petition for guardianship is withdrawn before an adjudication of incapacity or is denied based on a finding that the allegation of incapacity is unproven or if a petition for guardianship was filed frivolously or without merit, the court may order THAT public access to the file, the records contained in the file, or information about the file be prohibited absent a subsequent court order allowing such access after a showing of good cause.

I. IN PLACING A PERSON UNDER GUARDIANSHIP, THE COURT SHALL DETERMINE WHETHER THE PERSON IS INCAPACITATED FOR THE PURPOSE OF THE RIGHT TO VOTE. AN ORDER FINDING THAT A PERSON IS INCAPACITATED FOR THE PURPOSE OF THE RIGHT TO VOTE SHALL STATE THAT FACT SPECIFICALLY AND INCLUDE FACTUAL FINDINGS IN SUPPORT OF THE DETERMINATION. THE PERSON SHALL NOT BE DEEMED INCAPACITATED FOR THE PURPOSE OF THE RIGHT TO VOTE UNLESS THE ORDER COMPLIES WITH THIS SUBSECTION.

Sec. 2. Section 16-101, Arizona Revised Statutes, is amended to read:

16-101. Qualifications of registrant; definition

A. Every resident of ~~the~~ THIS state is qualified to register to vote if ~~he~~ THE RESIDENT:

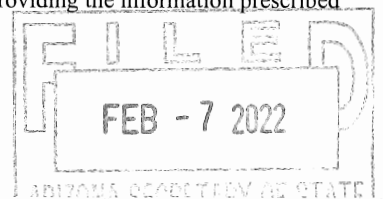
1. Is a citizen of the United States.
2. Will be eighteen years of age or ~~more~~ OLDER on or before the date of the regular general election next following ~~his~~ THE RESIDENT'S registration.
3. ~~Will have been~~ IS a resident of ~~the~~ THIS state ~~twenty nine days next preceding the election~~, except as provided in section 16-126.
4. Is able to write ~~his~~ THE RESIDENT'S name or make ~~his~~ THE RESIDENT'S mark, unless prevented from so doing by physical disability.
5. Has not been convicted of treason or a felony, unless restored to civil rights.
6. Has not been adjudicated ~~an~~ incapacitated ~~person as defined in section 14-5101~~ FOR THE PURPOSE OF THE RIGHT TO VOTE PURSUANT TO SECTION 14-5304, SUBSECTION I.

B. For THE purposes of this title, "resident" means an individual who has actual physical presence in this state, or for THE purposes of a political subdivision actual physical presence in the political subdivision, combined with an intent to remain. A temporary absence does not result in a loss of residence if the individual has an intent to return following ~~his~~ THE INDIVIDUAL'S absence. An individual has only one residence for purposes of this title.

Sec. 3. Section 16-112, Arizona Revised Statutes, is amended to read:

16-112. Driver license and high school voter registration

A. TO THE EXTENT THAT THE PERSON'S REGISTRATION INFORMATION IS NOT ALREADY PROVIDED TO THE SECRETARY OF STATE PURSUANT TO SECTION 16-112.01, every person who is applying for a driver license or renewal and who is otherwise qualified to register to vote shall, at the same time and place, be ~~permitted to register~~ REGISTERED to vote by providing the information prescribed



by section 16-152, UNLESS THE PERSON IS ALREADY REGISTERED OR HAS OPTED OUT OF REGISTRATION. The method used to register voters shall require only the minimum information necessary to prevent duplicate registrations, to enable elections officials to determine voter eligibility and to administer voter registration and election laws. A registration form shall be included for a person who is applying for a driver license renewal by mail. On completion of a form that contains at least the information prescribed by section 16-121.01, subsection A and that may contain the information prescribed by section 16-152 and on receipt of that form by the county recorder from the department of transportation as prescribed by subsection D of this section, the applicant is presumed to be properly registered to vote. That presumption may be rebutted as provided in section 16-121.01, subsection B. AFTER CONSULTATION WITH EACH COUNTY BOARD OF SUPERVISORS OR OTHER OFFICER IN CHARGE OF ELECTIONS AND THE DEPARTMENT OF EDUCATION, THE SECRETARY OF STATE SHALL ADOPT RULES FACILITATING REGISTRATION OF ELIGIBLE HIGH SCHOOL ATTENDEES.

B. The director of the department of transportation and the secretary of state shall consult at least every two years regarding voter registration at driver license offices. The director of the department of transportation and the secretary of state shall, after consultation with all county recorders, adopt rules to implement a system ~~permitting~~ ALLOWING driver license applicants to register to vote at the same time and place as they apply for driver licenses. Such rules shall:

1. Bring the license application and voter registration application forms into substantial conformity.
2. ~~Permit~~ ALLOW the transfer of driver license applications, including renewal and change of address, and voter registration information from the department of transportation to the voter registration rolls.
3. Respect all rules and statutes of this state concerning the confidentiality of driver license application information.
4. Provide for the manual or electronic generation and transmittal of voter registrations and provide for electronic generation of changes in voter registration information, including address, in conformity with the confidentiality requirements of the national voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; 4252 United States Code ~~section 394~~ SECTIONS 20501 THROUGH 20511).

C. The department of transportation shall provide to applicants a statement that provides each eligibility requirement for voting, including citizenship, an attestation that the applicant meets each requirement, for the signature of the applicant under penalty of perjury and, in print that is identical to that used in the attestation, the following:

1. A description of the penalties provided by law for the submission of a false voter registration application.
2. A statement that if an applicant declines to register to vote the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes.
3. A statement that if an applicant does register to vote the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

D. The department of transportation shall return or mail completed registrations to the county recorder of the county in which the applicant resides within five days after receipt of a completed registration.

E. TO THE EXTENT A PERSON'S REGISTRATION INFORMATION IS NOT ALREADY PROVIDED TO THE SECRETARY OF STATE PURSUANT TO SECTION 16-112.01, ANY PERSON REPORTING A CHANGE OF RESIDENTIAL OR MAILING ADDRESS OR CHANGE OF NAME TO THE DEPARTMENT OF TRANSPORTATION SHALL, AT THE SAME TIME AND PLACE, BE ALLOWED TO REGISTER TO VOTE BY PROVIDING THE INFORMATION PRESCRIBED BY SECTION 16-152. THE METHOD USED TO REGISTER TO VOTE SHALL REQUIRE ONLY THE MINIMUM INFORMATION NECESSARY TO PREVENT DUPLICATE REGISTRATIONS, TO ENABLE ELECTIONS OFFICIALS TO DETERMINE VOTER ELIGIBILITY AND TO ADMINISTER VOTER REGISTRATION AND ELECTION LAWS. THIS SUBSECTION DOES NOT APPLY TO ANY PERSON WHO, AT THE TIME OF THE TRANSACTION, PROVIDES A DOCUMENT THAT DEMONSTRATES THAT THE PERSON IS NOT A UNITED STATES CITIZEN.

Sec. 4. Title 16, chapter 1, article 1.1, Arizona Revised Statutes, is amended by adding sections 16-112.01 and 16-112.02, to read:

16-112.01. Secure automatic electronic voter registration; rules; designated source agencies; opt-out procedure; voter education and publicity; annual report

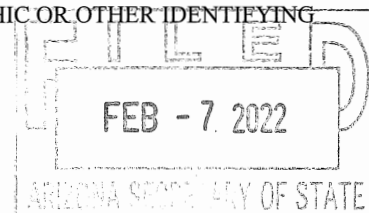
A. FOR EVERY PERSON WHO PROVIDES PROOF OF UNITED STATES CITIZENSHIP PURSUANT TO SECTION 28-3158 OR 28-3165 AND WHO IS IN COMPLIANCE WITH SECTION 16-166, DURING THE COURSE OF APPLYING FOR, RENEWING OR CORRECTING A DRIVER LICENSE OR IDENTIFICATION CARD, UPDATING THE PERSON'S EXISTING RESIDENCE ADDRESS OR NAME ON FILE WITH THE DEPARTMENT OF TRANSPORTATION OR OBTAINING A DUPLICATE, REISSUANCE OR REPLACEMENT OF A LICENSE OR IDENTIFICATION CARD, THE DEPARTMENT OF TRANSPORTATION SHALL, AT THE SAME TIME AND PLACE, ELECTRONICALLY TRANSMIT VOTER REGISTRATION INFORMATION TO THE SECRETARY OF STATE FOR THE PURPOSE OF REGISTERING THE PERSON TO VOTE OR UPDATING AN EXISTING VOTER REGISTRATION RECORD. THIS INFORMATION SHALL INCLUDE AT LEAST THE PERSON'S NAME, RESIDENCE ADDRESS OR LOCATION, DATE OF BIRTH, SIGNATURE, ARIZONA DRIVER LICENSE NUMBER OR NONOPERATING IDENTIFICATION LICENSE NUMBER AND INDICATION THAT THE PERSON PROVIDED PROOF OF UNITED STATES CITIZENSHIP. THE ELECTRONIC METHOD USED FOR COLLECTING AND TRANSMITTING VOTER REGISTRATION INFORMATION SHALL REQUIRE ONLY THE MINIMUM INFORMATION NECESSARY TO PREVENT DUPLICATE REGISTRATIONS, TO ENABLE ELECTIONS OFFICIALS TO DETERMINE VOTER ELIGIBILITY AND TO ADMINISTER VOTER REGISTRATION AND ELECTION LAWS. INDIVIDUALS WHO ARE NOT COVERED BY THIS SUBSECTION SHALL RECEIVE THE REGISTER-TO-VOTE OPPORTUNITIES AND PROCESSES REQUIRED BY SECTIONS 16-112, 16-140 AND 16-141, UNLESS SUCH PERSON PROVIDES, AT THE TIME OF THE TRANSACTION, A DOCUMENT THAT DEMONSTRATES THAT THE PERSON IS NOT A UNITED STATES CITIZEN.

B. TO THE EXTENT NOT COVERED BY SUBSECTION A OF THIS SECTION, THE DEPARTMENT OF TRANSPORTATION SHALL TRANSMIT ANY RESIDENTIAL OR MAILING ADDRESS OR NAME INFORMATION IT RECEIVES AS PART OF A DRIVER LICENSE OR IDENTIFICATION CARD TRANSACTION TO THE SECRETARY OF STATE FOR THE PURPOSE OF UPDATING THE VOTER REGISTRATION OF ALREADY REGISTERED VOTERS, UNLESS AN INDIVIDUAL PROVIDES, AT THE TIME OF THE TRANSACTION, A DOCUMENT THAT DEMONSTRATES THAT THE PERSON IS NOT A UNITED STATES CITIZEN.

C. THE SYSTEM DESCRIBED IN SUBSECTIONS A AND B OF THIS SECTION SHALL BE KNOWN AS A SECURE AUTOMATIC ELECTRONIC VOTER REGISTRATION SYSTEM. THE SECRETARY OF STATE AND DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION, AFTER CONSULTING WITH ALL COUNTY RECORDERS, SHALL ADOPT RULES TO IMPLEMENT A SECURE AUTOMATIC ELECTRONIC VOTER REGISTRATION SYSTEM THAT TRANSMITS VOTER REGISTRATION INFORMATION FOR PERSONS IDENTIFIED IN THIS SECTION TO THE SECRETARY OF STATE. SUCH RULES SHALL ALLOW THE ELECTRONIC TRANSFER OF DRIVER LICENSE AND IDENTIFICATION CARD APPLICATIONS, INCLUDING RENEWAL AND CHANGE OF ADDRESS, AND VOTER REGISTRATION INFORMATION FROM THE DEPARTMENT OF TRANSPORTATION TO THE VOTER REGISTRATION ROLLS, IN CONFORMITY WITH THE CONFIDENTIALITY REQUIREMENTS OF THE NATIONAL VOTER REGISTRATION ACT OF 1993 (P.L. 103-31; 107 STAT. 77; 52 UNITED STATES CODE SECTIONS 20501 THROUGH 20511).

D. THE SECRETARY OF STATE SHALL EVALUATE IMPLEMENTATION OF A SECURE AUTOMATIC ELECTRONIC VOTER REGISTRATION SYSTEM AT OTHER AGENCIES, INCLUDING, AT A MINIMUM, THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION AND THE DEPARTMENT OF ECONOMIC SECURITY, SUBJECT TO ANY MODIFICATIONS NECESSARY TO COMPLY WITH FEDERAL LAW. THE SECRETARY OF STATE MAY DESIGNATE AN AGENCY AS A SOURCE AGENCY IF THE AGENCY IS ABLE, AS DETERMINED BY THE SECRETARY OF STATE, TO COLLECT AND TRANSMIT THE VOTER REGISTRATION INFORMATION LISTED IN SUBSECTION A OF THIS SECTION. THE SECRETARY OF STATE SHALL CONSULT WITH THE HEADS OF OTHER AGENCIES AND ALL COUNTY RECORDERS BEFORE DESIGNATING AN AGENCY AS A SOURCE AGENCY. THIS SECTION DOES NOT ALTER ANY FEDERAL PRIVACY LAWS THAT APPLY TO HEALTH RECORDS.

E. ANY SOURCE AGENCY SHALL ACCEPT TRIBAL IDENTIFICATION NUMBERS AND NONTRADITIONAL RESIDENTIAL ADDRESSES, INCLUDING ADDRESSES THAT CAN BE IDENTIFIED BY MILE MARKERS OR GEOGRAPHIC OR OTHER IDENTIFYING



FEATURES. ANY SOURCE AGENCY SHALL ATTAIN THE CAPABILITY OF COLLECTING AND TRANSMITTING THIS INFORMATION WITHIN THREE MONTHS AFTER BEING DESIGNATED AS A SOURCE AGENCY.

F. ANY SOURCE AGENCY SHALL ACCEPT DIGITAL OR ELECTRONIC IMAGES OF SIGNATURES OR HAVE THE ABILITY TO CONVERT SIGNATURES INTO ELECTRONIC IMAGES OF SIGNATURES SO THAT THE SIGNATURES CAN BE USED BY A COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS TO CONDUCT A SIGNATURE MATCH OR OTHER VERIFICATION REQUIRED BY LAW. ANY AGENCY THAT IS DESIGNATED PURSUANT TO SUBSECTION D OF THIS SECTION SHALL ATTAIN THE CAPABILITY OF COLLECTING AND TRANSMITTING THIS INFORMATION WITHIN THREE MONTHS AFTER BEING DESIGNATED AS A SOURCE AGENCY.

G. IF AN AGENCY HAS BEEN DESIGNATED BY THE SECRETARY OF STATE AS A SOURCE AGENCY, THE AGENCY MAY NOT LOSE ITS STATUS AS A SOURCE AGENCY.

H. EACH SOURCE AGENCY SHALL TRANSMIT VOTER REGISTRATION INFORMATION TO THE SECRETARY OF STATE ON THE SAME DAY IT IS RECEIVED BY THE AGENCY.

I. IF THE SECRETARY OF STATE RECEIVES VOTER REGISTRATION INFORMATION FROM A SOURCE AGENCY, THE SECRETARY OF STATE SHALL PROMPTLY TRANSMIT THE INFORMATION TO THE APPROPRIATE COUNTY RECORDER. THE SECRETARY OF STATE MAY NOT TRANSMIT INFORMATION FOR ANY INDIVIDUAL ENROLLED IN THE ADDRESS CONFIDENTIALITY PROGRAM, OR ANY INDIVIDUAL FOR WHOM THE SECRETARY OF STATE HAS INFORMATION INDICATING THAT THE INDIVIDUAL IS NOT ELIGIBLE TO REGISTER OR IS DISQUALIFIED FROM REGISTERING TO VOTE, INCLUDING INDIVIDUALS WHO ARE IDENTIFIED PURSUANT TO THE REQUIREMENTS OF THE HELP AMERICA VOTE ACT (52 UNITED STATES CODE SECTION 21083(a)(2)(A)(ii)(I)) AS DISQUALIFIED DUE TO FELONY CONVICTION AND WHOSE CIVIL RIGHTS HAVE NOT BEEN RESTORED. IN ADDITION, FOR ANY RESIDENCE OR MAILING ADDRESS OR NAME INFORMATION RECEIVED BY THE SECRETARY OF STATE UNDER THE PROCESS ESTABLISHED BY SUBSECTION B OF THIS SECTION FOR WHICH THE PERSON HAS NOT PROVIDED PROOF OF UNITED STATES CITIZENSHIP TO THE SOURCE AGENCY, THE SECRETARY OF STATE SHALL TRANSMIT THE INFORMATION TO THE APPROPRIATE COUNTY RECORDER ONLY IF THE INFORMATION IS FOR A PERSON WHO IS ALREADY REGISTERED TO VOTE. ON RECEIPT OF VOTER REGISTRATION INFORMATION FROM THE SECRETARY OF STATE, A COUNTY RECORDER SHALL:

1. FOR EACH PERSON WHOSE INFORMATION HAS BEEN TRANSMITTED, DETERMINE THAT THE PERSON IS ONE OF THE FOLLOWING:

(a) ALREADY REGISTERED AT THE CURRENT ADDRESS AND WITH THE PERSON'S CURRENT NAME.

(b) ALREADY REGISTERED AND REQUIRES AN ADDRESS OR NAME UPDATE REGARDLESS OF THE COUNTY IN WHICH THE PERSON IS CURRENTLY REGISTERED.

(c) NOT REGISTERED, AND THE INFORMATION RECEIVED INCLUDES AT LEAST THE INFORMATION LISTED IN SUBSECTION A OF THIS SECTION. SUCH A PERSON IS DEEMED AN ELIGIBLE PERSON FOR THE PURPOSES OF THIS SECTION.

2. FOR EACH ELIGIBLE PERSON OR PERSON WITH UPDATED REGISTRATION INFORMATION, ENTER THE NEW REGISTRATION OR UPDATED INFORMATION ON THE REGISTRATION LISTS. THE EFFECTIVE DATE OF THE PERSON'S REGISTRATION OR UPDATE IS THE DATE THE SOURCE AGENCY RECEIVED THE INFORMATION.

3. FOR EACH ELIGIBLE PERSON OR PERSON WITH UPDATED REGISTRATION INFORMATION, MAIL TO THE PERSON A NONFORWARDABLE NOTICE REGARDING THE PERSON'S VOTER REGISTRATION OR REGISTRATION UPDATE AND A POSTAGE PAID PREAMDRESSED RETURN FORM. THIS NOTICE MUST INCLUDE AN EXPLANATION OF THE ELIGIBILITY REQUIREMENTS TO REGISTER TO VOTE AND A STATEMENT THAT, IF THE PERSON IS NOT ELIGIBLE, THE PERSON SHOULD DECLINE TO REGISTER USING THE PREAMDRESSED RETURN FORM. THE NOTICE MUST ALSO STATE THE PENALTIES FOR SUBMITTING A FALSE APPLICATION. A NOTICE TO AN ELIGIBLE PERSON MUST ALSO INCLUDE A STATEMENT THAT, IF THE PERSON DECLINES TO REGISTER TO VOTE, THE FACT THAT THE PERSON HAS DECLINED WILL REMAIN CONFIDENTIAL AND WILL BE USED ONLY FOR VOTER REGISTRATION PURPOSES, AND A STATEMENT THAT, IF THE PERSON REGISTERS TO VOTE, THE OFFICE AT WHICH THE PERSON WAS REGISTERED WILL REMAIN CONFIDENTIAL AND WILL BE USED ONLY FOR VOTER REGISTRATION PURPOSES.

ADDITIONALLY, THE RETURN FORM SHALL:

(a) PROVIDE A MECHANISM FOR A PERSON TO DECLINE TO BE REGISTERED AS AN ELECTOR OR UPDATE THE PERSON'S REGISTRATION.

(b) PROVIDE A MECHANISM FOR A PERSON TO DESIGNATE A POLITICAL PARTY. IF THE REGISTRANT IS ALREADY REGISTERED AND MAKES NO AFFIRMATIVE CHANGE TO PARTY AFFILIATION, THE REGISTRANT'S PARTY AFFILIATION REMAINS UNCHANGED.

(c) PROVIDE A MECHANISM FOR A PERSON TO REQUEST TO BE INCLUDED ON THE PERMANENT EARLY VOTING LIST PURSUANT TO SECTION 16-544.

(d) PROVIDE INFORMATION TO A PERSON ABOUT THE ADDRESS CONFIDENTIALITY PROGRAM.

4. IF THE INFORMATION REQUIRED TO DETERMINE WHETHER A PERSON IS ELIGIBLE TO VOTE OR TO REGISTER THE PERSON TO VOTE IS INCOMPLETE, OR CLARIFICATION IS REQUIRED, MAIL A NONFORWARDABLE NOTICE TO THE PERSON THAT ADDITIONAL INFORMATION IS REQUIRED THAT CLEARLY STATES WHAT IS INCOMPLETE OR WHAT ADDITIONAL INFORMATION IS REQUIRED AND PROVIDES A TELEPHONE NUMBER AND A POSTAGE PAID PREAMDRESSED RETURN FORM BY WHICH THE PERSON MAY PROVIDE THE MISSING OR ADDITIONAL INFORMATION REQUIRED. IF THE PERSON PROVIDES THE ADDITIONAL INFORMATION BEFORE 7:00 P.M. ON ELECTION DAY AND THE COUNTY RECORDER DETERMINES ELIGIBILITY AS SET FORTH ABOVE, THE COUNTY RECORDER SHALL REGISTER THE PERSON TO VOTE IN ACCORDANCE WITH THIS SECTION AND THE PERSON'S VOTER REGISTRATION SHALL BE EFFECTIVE AS OF THE DATE OF THE APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION OR ANOTHER SOURCE AGENCY.

5. FOR ANY PERSON WHO IS REGISTERED AND ON THE INACTIVE VOTER LIST, CHANGE THE PERSON'S REGISTRATION STATUS FROM INACTIVE TO ACTIVE.

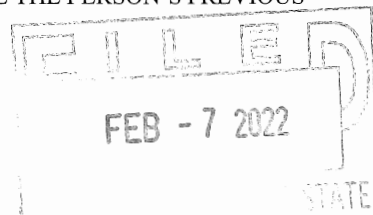
J. A COUNTY RECORDER MAY COMBINE THE NOTICES AND MECHANISMS PRESCRIBED IN SUBSECTION I OF THIS SECTION WITH ANY OTHER NOTICE THE COUNTY RECORDER IS REQUIRED TO SEND UNDER THIS TITLE. ANY NOTICE SENT BY THE COUNTY RECORDER SHALL COMPLY WITH SECTION 203 OF THE VOTING RIGHTS ACT OF 1965 (52 UNITED STATES CODE SECTION 10503). THE SECRETARY OF STATE SHALL ADOPT RULES REGARDING NOTICES AND PROCEDURES UNDER THIS SECTION.

K. A COUNTY RECORDER SHALL PROCESS RETURN FORMS SENT PURSUANT TO SUBSECTION I, PARAGRAPH 3 OF THIS SECTION AS FOLLOWS:

1. IF A RETURN FORM IS RETURNED AS UNDELIVERABLE, THE COUNTY RECORDER SHALL SEND A FOLLOW-UP NOTICE AS REQUIRED BY SECTION 16-166, SUBSECTION A.

2. IF A RETURN FORM IS RETURNED INDICATING THE PERSON DOES NOT WISH TO BE REGISTERED, THE PERSON'S REGISTRATION IS CANCELED AND THE PERSON IS DEEMED TO HAVE NEVER REGISTERED. IF THE PERSON HAS VOTED IN AN ELECTION AFTER THE TRANSFER OF THE PERSON'S RECORD BUT BEFORE THE RETURN FORM IS RETURNED, THE RETURN FORM IS OF NO EFFECT AND THE PERSON REMAINS REGISTERED AS OF THE DATE THE SOURCE AGENCY RECEIVED THE PERSON'S INFORMATION.

3. IF A RETURN FORM IS RETURNED INDICATING THE PERSON DOES NOT WISH TO UPDATE THE PERSON'S REGISTRATION STATUS, WISHES TO DESIGNATE PARTY AFFILIATION OR WISHES TO BE INCLUDED ON THE PERMANENT EARLY VOTING LIST, THE COUNTY RECORDER SHALL MAKE THE INDICATED CHANGE. IN THE CASE OF A PERSON WHO WISHES TO DESIGNATE A PARTY AFFILIATION, THE PERSON'S AFFILIATION SHALL BE MARKED EFFECTIVE AS OF THE DATE THE AFFILIATION INFORMATION IS RECEIVED. IN THE CASE OF A PERSON WHO DOES NOT WISH TO UPDATE THE PERSON'S ADDRESS, OTHER COUNTY RECORDERS SHALL MAKE ANY NECESSARY CHANGES TO RESTORE THE PERSON'S PREVIOUS REGISTRATION STATUS.



L. ON OR BEFORE JANUARY 15 OF EACH YEAR, THE DEPARTMENT OF TRANSPORTATION, ANY SOURCE AGENCY AND EACH COUNTY RECORDER SHALL PROVIDE TO THE SECRETARY OF STATE INFORMATION ON THE OPERATION OF THE SECURE AUTOMATIC ELECTRONIC VOTER REGISTRATION SYSTEM IN THE PRIOR YEAR. ON OR BEFORE JANUARY 31 OF EACH YEAR, THE SECRETARY OF STATE SHALL COMPILE AND PUBLISH THE DATA ON THE SECRETARY OF STATE'S WEBSITE. ANY REPORT PRODUCED UNDER THIS SUBSECTION SHALL EXCLUDE ANY PERSONAL IDENTIFYING INFORMATION. FOR EACH CATEGORY OF INFORMATION, THE REPORT SHALL PROVIDE A BREAKDOWN BY GENDER AND AGE OF THE INDIVIDUALS WHOSE INFORMATION IS INCLUDED, TO THE EXTENT SUCH INFORMATION IS AVAILABLE. PROGRAM INFORMATION PROVIDED TO AND ULTIMATELY REPORTED BY THE SECRETARY OF STATE, AT A MINIMUM, SHALL INCLUDE THE FOLLOWING:

1. THE NUMBER OF RECORDS TRANSFERRED TO THE SECRETARY OF STATE UNDER THIS SECTION, BY EACH SOURCE AGENCY.
2. THE NUMBER OF PERSONS NEWLY ADDED TO THE STATEWIDE VOTER REGISTRATION LIST BECAUSE OF RECORDS TRANSFERRED BY EACH SOURCE AGENCY.
3. THE NUMBER OF PERSONS ON THE STATEWIDE VOTER REGISTRATION LIST WHOSE INFORMATION WAS UPDATED BECAUSE OF RECORDS TRANSFERRED, AND THE TYPE OF INFORMATION UPDATED, BY EACH SOURCE AGENCY.
4. THE TOTAL NUMBER OF TRANSACTIONS IN THE SAME PERIOD OF TIME FOR WHICH RECORDS WERE COLLECTED, THE DATES THE RECORDS WERE COLLECTED AND A FULL ACCOUNTING OF RECORDS, INCLUDING RECORDS THAT WERE NOT TRANSFERRED TO A COUNTY RECORDER.
5. THE NUMBER OF PERSONS WHO OPTED OUT OF VOTER REGISTRATION OR OF UPDATING REGISTRATION INFORMATION, BY EACH SOURCE AGENCY.
6. INFORMATION ON IMPLEMENTATION OF AUDITS, SECURITY AND PRIVACY PROTOCOLS, BY EACH SOURCE AGENCY.

M. THE SECRETARY OF STATE, THE DEPARTMENT OF TRANSPORTATION AND ANY OTHER SOURCE AGENCY SHALL PROVIDE INFORMATION ON EACH ENTITY'S WEBSITE INFORMING THE PUBLIC ABOUT THE REGISTRATION PROCEDURES DESCRIBED IN THIS SECTION. THE SECRETARY OF STATE, THE DEPARTMENT OF TRANSPORTATION AND ANY OTHER SOURCE AGENCY SHALL DISPLAY SIGNAGE OR PROVIDE LITERATURE FOR THE PUBLIC CONTAINING INFORMATION ABOUT THE REGISTRATION PROCEDURES DESCRIBED IN THIS SECTION. ANY EDUCATION AND OUTREACH CAMPAIGN INFORMING VOTERS ABOUT THE SECURE AUTOMATIC ELECTRONIC VOTER REGISTRATION SYSTEM CONDUCTED BY THE SECRETARY OF STATE, THE DEPARTMENT OF TRANSPORTATION AND ANY OTHER SOURCE AGENCY SHALL PROVIDE MATERIALS CREATED FOR THIS OUTREACH AND EDUCATION CAMPAIGN IN LANGUAGES OTHER THAN ENGLISH, AS REQUIRED BY THE VOTING RIGHTS ACT OF 1965 (52 UNITED STATES CODE SECTION 10503).

N. IF THE DEPARTMENT OF TRANSPORTATION OR OTHER SOURCE AGENCY RECEIVES A PAPER VOTER REGISTRATION FORM, THE AGENCY SHALL RETURN OR MAIL COMPLETED REGISTRATIONS TO THE COUNTY RECORDER OF THE COUNTY IN WHICH THE APPLICANT RESIDES WITHIN FIVE DAYS AFTER RECEIPT OF THE COMPLETED REGISTRATION FORM.

O. THE SECRETARY OF STATE AND ANY SOURCE AGENCY SHALL, AND COUNTY RECORDERS AND OTHER OFFICERS IN CHARGE OF ELECTIONS MAY, REQUEST MONIES FROM THE CITIZENS' CLEAN ELECTIONS COMMISSION TO OFFSET THE COSTS OF IMPLEMENTING THE SECURE AUTOMATIC ELECTRONIC VOTER REGISTRATION SYSTEM OR OTHER REQUIREMENTS OF THIS ACT.

16-112.02. Online voter registration system

A. THE SECRETARY OF STATE SHALL PROVIDE A SYSTEM FOR A PERSON TO REGISTER TO VOTE OR UPDATE THE PERSON'S REGISTRATION ELECTRONICALLY THROUGH THE INTERNET REGARDLESS OF WHETHER THE PERSON CAN PROVIDE AN ARIZONA DRIVER LICENSE NUMBER OR NONOPERATING IDENTIFICATION LICENSE NUMBER. THIS SYSTEM SHALL ALLOW THE PERSON TO UPLOAD AN ELECTRONIC IMAGE OF THE PERSON'S PHYSICAL SIGNATURE FOR PURPOSES OF THE PERSON'S REGISTRATION RECORD, AND THE UPLOADED SIGNATURE SHALL BE CONSIDERED THE EQUIVALENT OF A PHYSICAL SIGNATURE ON A REGISTRATION FORM. THIS SYSTEM SHALL ALSO ALLOW THE PERSON TO PROVIDE ANY PROOF OF UNITED STATES CITIZENSHIP THAT IS VALID UNDER THIS STATE'S LAWS AND SHALL ACCEPT NONTRADITIONAL RESIDENTIAL ADDRESSES, INCLUDING ADDRESSES THAT CAN BE IDENTIFIED BY MILE MARKERS, GEOGRAPHIC FEATURES OR OTHER IDENTIFYING FEATURES.

B. BEGINNING NOT LATER THAN DECEMBER 31, 2024, THE SECRETARY OF STATE SHALL MAKE AVAILABLE AN APPLICATION PROGRAMMING INTERFACE THAT ALLOWS APPROVED THIRD-PARTY ORGANIZATIONS TO SECURELY SUBMIT VOTER REGISTRATION INFORMATION ELECTRONICALLY ON BEHALF OF INDIVIDUALS. IN ORDER TO SUBMIT REGISTRATION INFORMATION ELECTRONICALLY PURSUANT TO THIS SECTION, A THIRD-PARTY ORGANIZATION MUST MEET SECURITY REQUIREMENTS AND BE APPROVED AS A VOTER REGISTRATION ORGANIZATION UNDER A PROCESS SET OUT BY THE SECRETARY OF STATE IN THE INSTRUCTIONS AND PROCEDURES MANUAL ADOPTED PURSUANT TO SECTION 16-452.

C. THE SECRETARY OF STATE MAY REQUEST MONIES FROM THE CITIZENS CLEAN ELECTIONS COMMISSION TO OFFSET THE COSTS OF IMPLEMENTING THIS SECTION.

Sec. 5. Section 16-120, Arizona Revised Statutes, is amended to read:

16-120. Eligibility to vote

~~A. An elector shall not vote in an election called pursuant to the laws of this state unless the elector has been registered to vote as a resident within the boundaries or the proposed boundaries of the election district for which the election is being conducted and the registration has been received by the county recorder or the recorder's designee pursuant to section 16-134 before midnight of the twenty-ninth day preceding the date of the election~~ IS REGISTERED TO VOTE AND RESIDES WITHIN THIS STATE AND THE BOUNDARIES OR PROPOSED BOUNDARIES OF THE ELECTION DISTRICT FOR WHICH THE ELECTION IS BEING CONDUCTED.

~~B. If the twenty-ninth day preceding the date of the election falls on a Saturday, Sunday or other legal holiday, voter registrations that are received on the next business day immediately following the Saturday, Sunday or other legal holiday are deemed to have been timely received for purposes of voting in that election.~~

Sec. 6. Title 16, chapter 1, article 2, Arizona Revised Statutes, is amended by adding section 16-120.01, to read:

16-120.01. Election day and same-day registration; on-site registration clerks

A. BEGINNING NOT LATER THAN THE 2024 PRIMARY ELECTION AND FOR EACH ELECTION THEREAFTER, EACH COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL DESIGNATE AT LEAST ONE ELECTION OFFICIAL AT EACH POLLING PLACE, VOTING CENTER AND EARLY VOTING LOCATION IN THE COUNTY TO SERVE AS A REGISTRATION CLERK WHOSE DUTIES INCLUDE FACILITATING AND ENABLING ELIGIBLE PERSONS TO REGISTER TO VOTE ON SITE ON ELECTION DAY OR DURING EARLY VOTING. A REGISTRATION CLERK MUST BE PRESENT FOR ALL HOURS DURING WHICH A POLLING PLACE, VOTING CENTER OR EARLY VOTING LOCATION IS OPEN. THIS REQUIREMENT MAY BE SATISFIED BY DESIGNATING ONE OR MORE ELECTION BOARD MEMBERS AS REGISTRATION CLERKS, PROVIDED THERE ARE SUFFICIENT ELECTION BOARD MEMBERS TO ALLOW ELECTORS TO REGISTER AND TO VOTE IN A TIMELY MANNER.

B. ELIGIBLE PERSONS, AS DEFINED IN SECTION 16-112.01, REGISTERING UNDER THIS SECTION SHALL PROVIDE THE INFORMATION NECESSARY FOR A REGISTRATION FORM, SWEAR UNDER PENALTY OF PERJURY THAT THE PERSON HAS NOT VOTED IN THE ELECTION IN THIS STATE OR ELSEWHERE, PROVE IDENTITY BY MEETING THE REQUIREMENTS OF SECTION 16-579, SUBSECTION A, AND PROVE RESIDENCY BY PRESENTING ANY ONE DOCUMENT LISTED IN SECTION 16-579, SUBSECTION A THAT SHOWS THE NAME AND CURRENT ADDRESS OF THE VOTER, A GOVERNMENT CHECK, A PAYCHECK OR ANOTHER GOVERNMENT DOCUMENT THAT SHOWS THE NAME AND CURRENT ADDRESS OF THE VOTER, OR A STUDENT IDENTIFICATION CARD FOR AN EDUCATIONAL INSTITUTION IN ARIZONA. AN ELIGIBLE PERSON REGISTERING UNDER THIS SECTION WHO DOES NOT PRESENT SATISFACTORY EVIDENCE OF CITIZENSHIP OR FOR WHOM THE REGISTRATION CLERK CANNOT VERIFY CITIZENSHIP IS ELIGIBLE FOR A FEDERAL-ONLY BALLOT.

C. AFTER CONSULTING WITH ALL COUNTY RECORDERS, THE SECRETARY OF STATE SHALL ESTABLISH IN THE INSTRUCTIONS AND PROCEDURES MANUAL ADOPTED PURSUANT TO SECTION 16-452 A PROCESS FOR VERIFICATION OF CITIZENSHIP INFORMATION PROVIDED BY VOTERS WHO REGISTER ON OR IN CLOSE PROXIMITY TO ELECTION DAY AND PROVIDE THEIR ARIZONA DRIVER LICENSE NUMBER OR NONOPERATING IDENTIFICATION LICENSE NUMBER AS PROOF OF UNITED STATES CITIZENSHIP. SUCH VERIFICATION PROCESS SHALL ENSURE THAT QUICK AND EFFICIENT ELIGIBILITY VERIFICATION CAN BE ACCOMPLISHED BY THE ON-SITE REGISTRATION CLERKS ON ELECTION DAY OR DURING EARLY VOTING, OR BY THE COUNTY RECORDER.

D. IF THE VERIFICATION PROCESS IN SUBSECTION C OF THIS SECTION IS UNAVAILABLE OR CANNOT BE COMPLETED IN A QUICK AND EFFICIENT MANNER, OR IF THE REGISTRATION CLERK LACKS REAL-TIME ACCESS TO ADD VOTER REGISTRATION RECORDS, AN ELIGIBLE PERSON WHO REGISTERS ON OR IN CLOSE PROXIMITY TO ELECTION DAY AT A POLLING PLACE, VOTING CENTER OR EARLY VOTING LOCATION SHALL BE ALLOWED TO VOTE A PROVISIONAL BALLOT. SUCH A PERSON SHALL BE REGISTERED AND THE PROVISIONAL BALLOT SHALL BE COUNTED FOR ANY FEDERAL RACES ON THE BALLOT IN THAT ELECTION UNLESS THE COUNTY RECORDER DETERMINES THAT THE PERSON WAS NOT QUALIFIED TO REGISTER AND VOTE AS SET FORTH IN SECTIONS 16-101 AND 16-120. THE PROVISIONAL BALLOT SHALL ALSO BE COUNTED FOR ANY REMAINING RACES ON THE BALLOT IN THAT ELECTION IF THE PERSON HAS PROVIDED SATISFACTORY EVIDENCE OF UNITED STATES CITIZENSHIP OR IF THE COUNTY RECORDER HAS OTHERWISE VERIFIED THE PERSON'S UNITED STATES CITIZENSHIP. SUCH REGISTRATIONS AND DETERMINATIONS SHALL BE MADE WITHIN THE PERIODS PRESCRIBED BY SECTION 16-135, SUBSECTION D FOR PROCESSING PROVISIONAL BALLOTS. IF THE REGISTRATION REQUIRES A CORRECTION OR CHANGE TO BE COMPLETE, THE CORRECTION OR CHANGE MUST BE ENABLED IN A MANNER PRESCRIBED BY THE SECRETARY OF STATE IN THE INSTRUCTIONS AND PROCEDURES MANUAL ADOPTED PURSUANT TO SECTION 16-452. ANY SUCH CORRECTION OR CHANGE SHALL DATE BACK TO THE DAY OF INITIAL REGISTRATION, AND THE ELECTOR'S BALLOT SHALL BE COUNTED AS VALID IF ALL LEGAL REQUIREMENTS HAVE BEEN MET.

E. THIS SECTION SHALL ALLOW A VOTER WITH NO PARTY PREFERENCE WHO APPEARS AT THE PRESIDENTIAL PREFERENCE ELECTION TO CHANGE THE VOTER'S PARTY PREFERENCE AND CAST A BALLOT. THE BALLOT SHALL BE COUNTED IF THE COUNTY RECORDER DETERMINES THAT THE VOTER IS OTHERWISE QUALIFIED TO VOTE IN THE PRESIDENTIAL PREFERENCE ELECTION.

F. ALL PROVISIONS IN THIS SECTION SHALL BE LIBERALLY CONSTRUED TO ENABLE QUALIFIED PERSONS TO REGISTER TO VOTE, CAST A BALLOT AND HAVE THAT BALLOT COUNTED. THESE PROVISIONS MAY NOT BE DEFINED MORE NARROWLY AND THE REGISTRATION PROCESS MAY NOT BE MORE BURDENSOME THAN FOR A REGISTRANT WHO REGISTERS TO VOTE BY MEANS OTHER THAN ON ELECTION DAY OR IN CLOSE PROXIMITY TO AN ELECTION.

Sec. 7. Section 16-121.01, Arizona Revised Statutes, is amended to read:

16-121.01. Requirements for proper registration

A. A person is presumed to be properly registered to vote on completion of a registration form as prescribed by section 16-152 that contains at least the name, the residence address or the location, the date of birth and the signature or other statement of the registrant as prescribed by section 16-152, subsection A, paragraph 20 and a checkmark or other appropriate indicator that the person answered "yes" to the question regarding citizenship. The completed registration form must also contain the person's Arizona driver license number, the nonoperating identification license number issued pursuant to section 28-3165, the last four digits of the person's social security number or the person's affirmation that if an Arizona driver license number, A nonoperating identification license number or the last four digits of the person's social security number is not provided, the person does not possess a valid Arizona driver or nonoperating identification license or a social security number and the person is hereby requesting that a unique identifying number be assigned by the secretary of state pursuant to section 16-152, subsection A, paragraph 12, subdivision (c).

B. The presumption in subsection A of this section may be rebutted only by clear and convincing evidence of any of the following:

1. That the registrant is not the person whose name appears on the register.
2. That the registrant ~~has IS not resided in this state for twenty-nine days next preceding the election or other event for which the registrant's status as properly registered is in question~~ A RESIDENT OF THIS STATE.
3. That the registrant is not properly registered at an address permitted by section 16-121.
4. That the registrant is not a qualified registrant under section 16-101.
5. THAT THE PERSON DECLINED TO BE REGISTERED UNDER SECTION 16-112.01.

C. THE PRESUMPTION OF PROPER REGISTRATION AS DESCRIBED IN SUBSECTION A OF THIS SECTION ATTACHES TO PERSONS WHO ARE REGISTERED TO VOTE THROUGH THE SECURE AUTOMATIC ELECTRONIC VOTER REGISTRATION SYSTEM DESCRIBED IN SECTION 16-112.01. THIS PRESUMPTION MAY BE REBUTTED ONLY BY CLEAR AND CONVINCING EVIDENCE AS DESCRIBED IN SUBSECTION B OF THIS SECTION.

Sec. 8. Section 16-122, Arizona Revised Statutes, is amended to read:

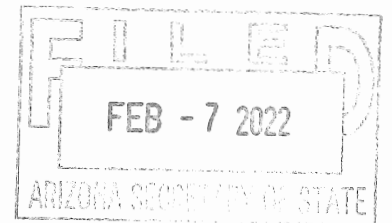
16-122. Registration and records prerequisite to voting

No person shall be permitted to vote unless such person's name appears as a qualified elector in both the general county register and in the precinct register or list of the precinct and election districts or proposed election districts in which such person resides, except as provided in sections 16-120.01, 16-125, 16-135 and 16-584.

Sec. 9. Section 16-152, Arizona Revised Statutes, is amended to read:

16-152. Registration form

- A. The form used for the registration of electors shall contain:
1. The date the registrant signed the form.
 2. The registrant's given name, middle name, if any, and surname.
 3. The complete address of the registrant's actual place of residence, including street name and number, apartment or space number, city or town and zip code, or such description of the location of the residence that it can be readily ascertained or identified.
 4. The registrant's complete mailing address, if different from the residence address, including post office address, city or town, zip code or other designation used by the registrant for receiving mail. The form shall also include a line for the registrant's e-mail address (optional to registrant).
 5. The registrant's party preference. The two largest political parties that are entitled to continued representation on the ballot shall be listed on the form in the order determined by calculating which party has the highest number of registered voters at the close of registration for the most



recent general election for governor, then the second highest. The form shall allow the registrant to circle, check or otherwise mark the party preference and shall include a blank line for other party preference options.

6. The registrant's telephone number, unless unlisted.
7. The registrant's state or country of birth.
8. The registrant's date of birth.
9. The registrant's occupation.
10. The registrant's Indian census number (optional to registrant).
11. The registrant's father's name or mother's maiden name.
12. One of the following identifiers for each registrant:

(a) The Arizona driver license number of the registrant or nonoperating identification license number of the registrant that is issued pursuant to section 28-3165.

(b) If the registrant does not have an Arizona driver license or nonoperating identification license, the last four digits of the registrant's social security number.

(c) If the registrant does not have an Arizona driver license or nonoperating identification license or a social security number and the registrant attests to that, a unique identifying number consisting of the registrant's unique identification number to be assigned by the secretary of state in the statewide electronic voter registration database.

13. A statement as to whether or not the registrant is currently registered in another state, county or precinct, and if so, the name, address, county and state of previous registration.

14. The question to the registrant "Are you a citizen of the United States of America?", appropriate boxes for the registrant to check "yes" or "no" and a statement instructing the registrant not to complete the form if the registrant checked "no".

15. The question to the registrant "Will you be eighteen years of age on or before election day?", appropriate boxes for the registrant to check "yes" or "no" and a statement instructing the registrant not to complete the form if the registrant checked "no".

16. A statement that the registrant has not been convicted of treason or a felony, or if so, that the registrant's civil rights have been restored.

17. A statement that the registrant is a resident of this state and of the county in which the registrant is registering.

18. A statement that executing a false registration is a class 6 felony.

19. The signature of the registrant.

20. If the registrant is unable to sign the form, a statement that the affidavit was completed according to the registrant's direction.

21. A statement that if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

22. A statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

23. A statement that the applicant shall submit evidence of United States citizenship with the application TO BE ELIGIBLE TO VOTE A FULL BALLOT and that the registrar shall reject the application if no evidence of citizenship is attached IF NO SUCH EVIDENCE IS PROVIDED, THE APPLICANT IS ELIGIBLE TO VOTE A FEDERAL-ONLY BALLOT.

B. A duplicate voter receipt shall be provided with the form that provides space for the name, street address and city of residence of the applicant, party preference and the date of signing. The voter receipt is evidence of valid registration for the purpose of casting a provisional ballot as prescribed in section 16-584, subsection B.

C. The state voter registration form shall be printed in a form prescribed by the secretary of state.

D. The county recorder may establish procedures to verify whether a registrant has successfully petitioned the court for an injunction against harassment pursuant to section 12-1809 or an order of protection pursuant to section 13-3602 and, if verified, to protect the registrant's residence address, telephone number or voting precinct number, if appropriate, from public disclosure.

E. Subsection A of this section does not apply to registrations received from the department of transportation pursuant to section 16-112. SUBSECTIONS A AND B OF THIS SECTION DO NOT APPLY TO REGISTRATIONS RECEIVED FROM THE DEPARTMENT OF TRANSPORTATION OR OTHER SOURCE AGENCIES PURSUANT TO SECTION 16-112.01.

F. THIS SECTION CONTAINS A COMPLETE LIST OF VOTER REGISTRATION REQUIREMENTS. ADDITIONAL REQUIREMENTS THAT MAKE IT MORE DIFFICULT TO REGISTER TO VOTE DO NOT FURTHER THE PURPOSE OF THE ARIZONA FAIR ELECTIONS ACT.

Sec. 10. Section 16-165, Arizona Revised Statutes, is amended to read:

16-165. Causes for cancellation

A. The county recorder shall cancel a registration:

1. At the request of the person registered.

2. When the county recorder knows of the death of the person registered.

3. If the person has been adjudicated an incapacitated person as defined in section 14-5104 FOR THE PURPOSE OF THE RIGHT TO VOTE PURSUANT TO SECTION 14-5304, SUBSECTION I.

4. When the person registered has been convicted of a felony, and the judgment of conviction has not been reversed or set aside. The county recorder shall cancel the registration on receipt of notice of a felony conviction from the court or from the secretary of state or when reported by the elector on a signed juror questionnaire that is completed pursuant to section 21-314.

5. On production of a certified copy of a judgment directing a cancellation to be made.

6. Promptly after the election if the person registered has applied for a ballot pursuant to section 16-126.

7. When a person has been on the inactive voter list and has not voted during the time periods prescribed in section 16-166, subsection C.

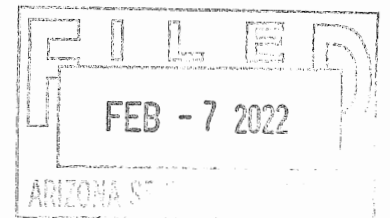
~~8. When the county recorder receives written information from the person registered that the person has a change of residence within the county and the person does not complete and return a new registration form within twenty-nine days after the county recorder mails notification of the need to complete and return a new registration form with current information.~~

9.8. When the county recorder receives written information from the person registered that the person has a change of address outside the county.

~~B. If the county recorder cancels a registration pursuant to subsection A, paragraph 8 of this section, the county recorder shall send the person notice that the registration has been cancelled and a registration form with the information described in section 16-131, subsection C attached to the form.~~

~~C. B.~~ When proceedings in the superior court or the United States district court result in a person being declared incapable of taking care of himself and managing his property, and for whom a guardian of the person and estate is appointed, result in such person being committed as an insane person or result in a person being convicted of a felony, the clerk of the superior court in the county in which those proceedings occurred shall file with the secretary of state an official notice of that fact. The secretary of state shall notify the appropriate county recorder and the recorder shall cancel the name of the person on the register. Such notice shall name the person covered, shall give the person's date and place of birth if available, the person's social security number, if available, the person's usual place of residence, the person's address and the date of the notice, and shall be filed with the recorder of the county where the person last resided.

~~D. C.~~ Each month the department of health services shall transmit to the secretary of state without charge a record of the death of every resident of the state reported to the department within the preceding month. This record shall include only the name of the decedent, the decedent's date of birth, the decedent's date of death, the decedent's social security number, if available, the decedent's usual legal residence at the time of death and, if available, the decedent's father's name or mother's maiden name. The secretary of state shall use the record for the sole purpose of canceling the names of deceased persons from the statewide voter registration database. In addition, the department of health services shall annually provide to the secretary of state from the statewide electronic death registration system without charge a record of all deaths of residents of this state that are reported to the department of health services. The records transmitted by the department of health services shall include only the name of the decedent, the decedent's date of birth, the decedent's social security number, if available, the decedent's usual legal residence at the time of death and,



if available, the decedent's father's name or mother's maiden name. The secretary of state shall compare the records of deaths with the statewide voter registration database. Public access to the records is prohibited. Use of information from the records for purposes other than those required by this section is prohibited. The name of each deceased person shall promptly be canceled from the statewide voter registration database and the secretary of state shall notify the appropriate county recorder and the recorder shall cancel the name of the person from the register.

Sec. 11. Section 16-166, Arizona Revised Statutes, is amended to read:

16-166. Verification of registration

A. Except for the mailing of sample ballots, a county recorder who mails an item to any elector shall send the mailing by nonforwardable first class mail marked with the statement required by the postmaster to receive an address correction notification. If the item is returned undelivered, the county recorder shall send a follow-up notice to that elector within three weeks of receipt of the returned notice. The county recorder shall send the follow-up notice to the address that appears in the general county register or to the forwarding address provided by the United States postal service. The follow-up notice shall include an appropriate internet address for revising voter registration information or a registration form and the information prescribed by section 16-131, subsection C and shall state that if the elector does not complete and return a new registration form with current information to the county recorder or make changes to the elector's voter registration information that is maintained online within thirty-five days, the elector's registration status shall be changed from active to inactive. A FOLLOW-UP NOTICE PURSUANT TO THIS SUBSECTION MAY NOT BE SENT TO AN ELECTOR SOLELY BECAUSE THE ELECTOR HAS FAILED TO VOTE IN ONE OR MORE ELECTIONS, AND AN ELECTOR'S REGISTRATION STATUS MAY NOT BE CHANGED FROM ACTIVE TO INACTIVE SOLELY BECAUSE THE ELECTOR HAS FAILED TO VOTE IN ONE OR MORE ELECTIONS AND THEN FAILED TO RESPOND TO A MAILED NOTICE.

B. If the elector provides the county recorder with a new registration form or otherwise revises the elector's information, the county recorder shall change the general register to reflect the changes indicated on the new registration. If the elector indicates a new residence address outside that county, the county recorder shall forward the voter registration form or revised information to the county recorder of the county in which the elector's address is located. If the elector provides a new residence address that is located outside this state, the county recorder shall cancel the elector's registration.

C. The county recorder shall maintain on the inactive voter list the names of electors who have been removed from the general register pursuant to subsection A ~~or E~~ of this section for a period of four years or through the date of the second general election for federal office following the date of the notice from the county recorder that is sent pursuant to subsection ~~E~~ A of this section.

D. On notice that a government agency has changed the name of any street, route number, post office box number or other address designation, the county recorder shall revise the registration records and shall send a new verification of registration notice to the electors whose records were changed.

~~E. ON A MONTHLY BASIS, the county recorder on or before May 1 of each year preceding a state primary and general election or more frequently as the recorder deems necessary may use the change of address information supplied by the postal service through its licensees to identify registrants whose addresses may have changed. If it appears from information provided by the postal service that a registrant has moved to a different residence address in the same county, the county recorder shall change the registration records to reflect the new address and shall send the registrant a notice of the change by forwardable mail and a postage prepaid preaddressed return form or an appropriate internet address for revising voter registration information by which the registrant may verify or correct the registration information. If the registrant fails to revise the information or return the form postmarked not later than thirty five days after the mailing of the notice, the elector's registration status shall be changed from active to inactive. If the notice sent by the recorder is not returned, the registrant may be required to provide affirmation or confirmation of the registrant's address in order to vote. If the registrant does not vote in an election during the period after the date of the notice from the recorder through the date of the second general election for federal office following the date of that notice, the registrant's name shall be removed from the list of inactive voters. If the registrant has changed residence to a new county, the APPLICABLE county recorder RECORDERS shall provide information on how the registrant can continue to be eligible to vote CHANGE THEIR REGISTRATION RECORDS TO REFLECT THE NEW ADDRESS AND REGISTER THE ELECTOR IN THE NEW COUNTY OF RESIDENCE AND SEND THE REGISTRANT AT BOTH THE REGISTRANT'S PRIOR ADDRESS AND NEW ADDRESS A NOTICE OF THE CHANGE BY FORWARDABLE MAIL AND A POSTAGE PREPAID PREADDRESSED RETURN FORM OR AN APPROPRIATE INTERNET ADDRESS FOR REVISING VOTER REGISTRATION INFORMATION BY WHICH THE REGISTRANT MAY VERIFY OR CORRECT THE REGISTRATION INFORMATION. IF AN ELECTOR RETURNS A RETURN FORM SENT PURSUANT TO THIS SUBSECTION AND INDICATES THAT THE ELECTOR HAS NOT MOVED, THE APPLICABLE COUNTY RECORDERS SHALL IMMEDIATELY CORRECT THE REGISTRANT'S INFORMATION TO REFLECT THE PRIOR ADDRESS. IF THE REGISTRANT RETURNS A RETURN FORM CONFIRMING THE NEW ADDRESS, OR IF THE REGISTRANT DOES NOT RETURN THE RETURN FORM, THE REGISTRANT'S INFORMATION SHALL REMAIN UPDATED TO REFLECT THE NEW ADDRESS.~~

~~F. The county recorder shall reject~~ Any application for registration that is not accompanied by satisfactory evidence of United States citizenship SHALL BE DESIGNATED AS FEDERAL-ONLY AND SUCH AN APPLICANT IS ELIGIBLE TO BE REGISTERED ONLY FOR A FEDERAL-ONLY BALLOT UNTIL SATISFACTORY EVIDENCE OF CITIZENSHIP IS PROVIDED. Satisfactory evidence of citizenship shall include any of the following:

1. The number of the applicant's driver license or nonoperating identification license issued after October 1, 1996 by the department of transportation or the equivalent governmental agency of another state within the United States if the agency indicates on the applicant's driver license or nonoperating identification license that the person has provided satisfactory proof of United States citizenship.
2. A legible photocopy of the applicant's birth certificate that verifies citizenship to the satisfaction of the county recorder.
3. A legible photocopy of pertinent pages of the applicant's United States passport identifying the applicant and the applicant's passport number or presentation to the county recorder of the applicant's United States passport.
4. A presentation to the county recorder of the applicant's United States naturalization documents or the number of the certificate of naturalization. If only the number of the certificate of naturalization is provided, the applicant shall not be included in the registration rolls until the number of the certificate of naturalization is verified with the United States ~~immigration and naturalization service~~ CITIZENSHIP AND IMMIGRATION SERVICES by the county recorder.
5. Other documents or methods of proof that are established pursuant to the immigration reform and control act of 1986.
6. The applicant's bureau of Indian affairs card number, tribal treaty card number or tribal enrollment number.
7. AN OFFICIAL NOTIFICATION FROM ANY GOVERNMENT AGENCY IN THIS STATE THAT IT HAS RECEIVED SATISFACTORY EVIDENCE OF CITIZENSHIP OF THE VOTER REGISTRATION APPLICANT.

~~G. Notwithstanding subsection F of this section, any person who is registered in this state on the effective date of this amendment to this section~~ DECEMBER 8, 2004 is deemed to have provided satisfactory evidence of citizenship and shall not be required to resubmit evidence of citizenship ~~unless the person is changing voter registration from one county to another.~~

H. For the purposes of this section, proof of voter registration from another state or county is not satisfactory evidence of citizenship.

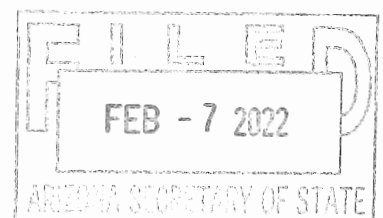
I. A person who modifies voter registration records with a new residence ballot shall not be required to submit evidence of citizenship. After citizenship has been demonstrated to the county recorder, the person is not required to resubmit satisfactory evidence of citizenship in that county.

J. After a person has submitted satisfactory evidence of citizenship, the county recorder shall indicate this information in the person's permanent voter file. After two years the county recorder may destroy all documents that were submitted as evidence of citizenship.

K. THE SECRETARY OF STATE MAY ENTER INTO CONTRACTS WITH QUALIFIED VENDORS TO ASSIST GOVERNMENT AGENCIES IN THIS STATE IN OBTAINING SATISFACTORY EVIDENCE OF CITIZENSHIP FOR VOTER REGISTRATION APPLICANTS.

Sec. 12. Title 16, chapter 1, article 5, Arizona Revised Statutes, is amended by adding section 16-168.02 to read:

16-168.02. Precinct registers supplemental information



IN ADDITION TO INFORMATION REQUIRED ELSEWHERE IN THIS TITLE, PRECINCT REGISTERS SHALL INCLUDE THE NAMES IN FULL, PARTY PREFERENCE, DATE OF REGISTRATION, RESIDENCE ADDRESS AND PRECINCT FOR ALL REMAINING QUALIFIED ELECTORS IN THE COUNTY IN ORDER TO COMPLY WITH SECTION 16-411, SUBSECTION B, PARAGRAPH 4 AND SECTION 16-411.01.

Sec. 13. Section 16-182, Arizona Revised Statutes, is amended to read:

16-182. False registration; violation; classification; cancellation of registration

A. A person who knowingly ~~causes, procures or allows himself to be registered~~ REGISTERS as an elector of any county, city, town, district or precinct, knowing that he is not entitled to such registration, or a person who knowingly causes or procures another person to be registered as an elector of any county, city, town, district or precinct, knowing that such other person is not entitled to such registration, or an officer who knowingly enters the name of any person not entitled to registration upon the register or roll of electors, is guilty of a class 6 felony. FAILURE TO RETURN THE RETURN FORM REQUIRED UNDER SECTION 16-112.01 DOES NOT CONSTITUTE KNOWINGLY REGISTERING AS AN ELECTOR PURSUANT TO THIS SECTION.

B. If on the trial of a person charged with an offense under this section, it appears that the accused is registered as an elector of any county, city, town or precinct, without being qualified for such registration, the court shall order his registration canceled.

C. UNLESS A PERSON WHO IS INELIGIBLE TO REGISTER TO VOTE INTENTIONALLY TAKES ACTION TO REGISTER TO VOTE KNOWING THAT THE PERSON IS NOT ELIGIBLE TO REGISTER, THE TRANSFER OF THE PERSON'S ELECTRONIC RECORD UNDER SECTION 16-112.01 DOES NOT CONSTITUTE THE COMPLETION OF A VOTER REGISTRATION FORM BY THAT PERSON, AND THAT PERSON SHALL NOT BE CONSIDERED TO HAVE REGISTERED TO VOTE. NOTWITHSTANDING SECTION 16-1016, IF SUCH A PERSON VOTES OR ATTEMPTS TO VOTE AFTER THE EFFECTIVE DATE OF THAT PERSON'S REGISTRATION, THAT PERSON IS NOT GUILTY OF ANY CRIME UNLESS THAT PERSON VOTES OR ATTEMPTS TO VOTE KNOWING THAT THE PERSON IS NOT ELIGIBLE TO DO SO. IF SUCH A REGISTRATION IS PROCESSED BY THIS STATE, IT IS PRESUMED TO HAVE BEEN OFFICIALLY AUTHORIZED BY THIS STATE AND THE PERSON IS NOT SUBJECT TO ANY PENALTY.

Sec. 14. Section 16-212, Arizona Revised Statutes, is amended to read:

16-212. Election of presidential electors; electoral college votes; vacancy; replacement; prohibition

A. On the first Tuesday after the first Monday in November, 1956, and quadrennially thereafter, there shall be elected a number of presidential electors equal to the number of United States senators and representatives in Congress from this state.

B. After the secretary of state issues the statewide canvass containing the results of a presidential election, the presidential electors of this state shall cast their electoral college votes for the candidate for president and the candidate for vice president who jointly received the highest number of votes in this state as prescribed in the canvass.

C. A presidential elector who knowingly refuses to cast that elector's electoral college vote as prescribed in subsection B of this section is no longer eligible to hold the office of presidential elector and that office is deemed and declared vacant by operation of law. The chairperson of the state committee of the political party represented by that elector shall appoint a person who is otherwise qualified to be a presidential elector. The replacement presidential elector shall cast the elector's electoral college vote as prescribed by this section. Notwithstanding section 16-344 and any other statute, the nomination paper and affidavit of qualification of the replacement presidential elector may be completed and filed with the secretary of state as soon as is practicable after the presidential elector's appointment.

D. THE MANNER OF SELECTING PRESIDENTIAL ELECTORS FOR A PRESIDENTIAL ELECTION SHALL BE GOVERNED BY THE LAW IN EFFECT ON JANUARY 1 OF THE YEAR OF THE PRESIDENTIAL ELECTION. THE MANNER OF SELECTING PRESIDENTIAL ELECTORS IS (1) ON THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER, 2024, AND QUADRENNIALLY THEREAFTER, THERE SHALL BE ELECTED A NUMBER OF PRESIDENTIAL ELECTORS EQUAL TO THE NUMBER OF UNITED STATES SENATORS AND REPRESENTATIVES IN CONGRESS FROM THIS STATE, (2) THE PRESIDENTIAL ELECTORS OF THIS STATE SHALL CAST THEIR ELECTORAL COLLEGE VOTES FOR THE CANDIDATE FOR PRESIDENT AND THE CANDIDATE FOR VICE PRESIDENT WHO JOINTLY RECEIVED THE HIGHEST NUMBER OF VOTES IN THIS STATE AS PRESCRIBED IN THE CANVASS, AND (3) A PRESIDENTIAL ELECTOR WHO KNOWINGLY REFUSES TO CAST THAT ELECTOR'S ELECTORAL COLLEGE VOTE AS PRESCRIBED IN SUBSECTION B OF THIS SECTION IS NO LONGER ELIGIBLE TO HOLD THE OFFICE OF PRESIDENTIAL ELECTOR AND THAT OFFICE IS DEEMED AND DECLARED VACANT BY OPERATION OF LAW, WITH A REPLACEMENT TO BE MADE PURSUANT TO SUBSECTION C OF THIS SECTION.

Sec. 15. Section 16-246, Arizona Revised Statutes, is amended to read:

16-246. Early balloting; satellite locations; additional procedures

A. Within ninety-three days before the presidential preference election and not later than 5:00 p.m. on the eleventh day preceding the election, any elector who is eligible to vote in the presidential preference election may make a verbal, ~~or signed~~, EMAIL, ONLINE OR written request for an official early ballot to the county recorder or other officer in charge of elections for the county in which the elector is registered to vote. ~~If the request is verbal, the requesting elector shall provide the date of birth and birthplace or other information that if compared to the voter registration records for that elector would confirm the identity of the elector.~~ IF THE REQUEST REQUIRES A CHANGE OF ADDRESS OR A TEMPORARY ADDRESS, IT SHALL BE VALIDATED BY A WRITTEN SIGNATURE OR A VALIDATED ONLINE TRANSACTION OR THE REQUESTING ELECTOR SHALL VERBALLY PROVIDE THE DATE OF BIRTH AND BIRTHPLACE OR OTHER INFORMATION THAT IF COMPARED TO THE VOTER REGISTRATION RECORDS FOR THAT ELECTOR WOULD CONFIRM THE IDENTITY OF THE ELECTOR.

B. Absent uniformed services voters or overseas voters who are otherwise eligible to vote in the election may vote as prescribed by sections 16-543 and 16-543.02.

C. The county recorder or other officer in charge of elections may establish on-site early voting locations at the office of the county recorder or at other locations in the county deemed necessary or appropriate by the recorder. Early voting shall begin within the time limits prescribed in section 16-542 unless otherwise prescribed by this section.

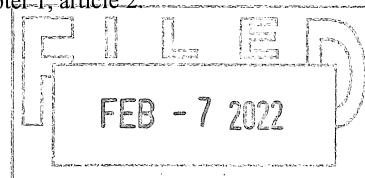
D. The county recorder or other officer in charge of elections shall send by nonforwardable mail that is marked with the statement required by the postmaster to receive an address correction notification any early ballots that are requested pursuant to subsections A and B of this section and shall include a preaddressed envelope for the elector to return the completed ballot.

E. The county recorder or other officer in charge of elections shall provide to each election board an appropriate alphabetized list of voters who have requested and have been sent an early ballot. Any person who is on that list of voters and who was sent an early ballot shall not vote at the polling place for that election precinct except as prescribed by section 16-579, subsection B.

F. The county recorder or other officer in charge of elections may provide for any of the following in the same manner prescribed by law for other elections:

1. Special election boards.

2. Emergency balloting for persons who experience an emergency after 5:00 p.m. on the Friday preceding the presidential preference election and before 5:00 p.m. on the Monday immediately preceding the presidential preference election. Before receiving a ballot pursuant to this paragraph, a person who experiences an emergency shall provide identification as prescribed in section 16-579 and shall sign a statement under penalty of perjury that states that the person is experiencing or experienced an emergency after 5:00 p.m. on the Friday immediately preceding the election and before 5:00 p.m. on the Monday immediately preceding the election that would prevent the person from voting at the polls. Signed statements received pursuant to this ~~subsection~~ PARAGRAPH are not subject to inspection pursuant to title 39, chapter 1, article 2.



G. Notwithstanding section 16-579, subsection A, paragraph 2, for emergency balloting pursuant to subsection F, paragraph 2 of this section, the county recorder or other officer in charge of elections may allow a qualified elector to update the elector's voter registration information as provided for in the secretary of state's instructions and procedures manual adopted pursuant to section 16-452.

H. Sections 16-550, 16-551 and 16-552 govern the use of early balloting for the presidential preference election.

Sec. 16. Section 16-404, Arizona Revised Statutes, is amended to read:

16-404. Polling places; voting booths; ballot boxes; wait times; accommodations for persons waiting

Each polling place shall be provided by the board of supervisors with a sufficient number of voting booths on which voters may conveniently mark their ballots screened from the observation of others. Each booth shall be at least three square feet in size. Each booth shall be supplied with such conveniences as will enable the voter to prepare his ballot for voting. The board of supervisors shall also furnish each polling place with ballot boxes, equipped with locks, large enough to properly receive and hold the ballots cast. ELECTION OFFICERS SHALL ENDEAVOR TO PROVIDE SUFFICIENT RESOURCES TO KEEP LINE WAIT TIMES AT POLLING PLACES SHORTER THAN THIRTY MINUTES. PEOPLE WHO ARE NOT ELECTION OFFICERS MAY PROVIDE THOSE WAITING IN LINE WITH FOOD, NONALCOHOLIC BEVERAGES, AND USE OF UMBRELLAS, CHAIRS OR OTHER ITEMS TO MAKE THEIR WAIT MORE COMFORTABLE, IF ALL SUCH ACCOMMODATIONS ARE OFFERED REGARDLESS OF HOW THE RECIPIENT VOTES OR WHETHER THE RECIPIENT VOTES.

Sec. 17. Section 16-407, Arizona Revised Statutes, is amended to read:

16-407. Election officers; qualifications; certificates; certification programs; plan; exemption; election training fund

A. Except as provided in subsection E of this section, a person may not perform the duties or exercise the authority of an election officer or of the clerk of the board of supervisors or the county recorder in performance of election duties in or on behalf of any county unless the person is the holder of an election officer's certificate issued by the secretary of state before January 1 of each general election year.

B. The secretary of state shall provide for the examination of applicants for election officer certificates. The secretary of state may not issue a certificate to a person who has not demonstrated to the satisfaction of the secretary of state that the person is competent to perform the work of an election officer or of the clerk of the board of supervisors or the county recorder in the performance of election duties. SUCH AN EXAMINATION SHALL INCLUDE PROFICIENCY IN SETTING UP AND OPERATING EQUIPMENT USED BY DISABLED VOTERS.

C. The secretary of state shall provide for election officer certification programs of which successful completion by a person attests to the attendance at, participation in and completion of a course of instruction in the technical, legal and administrative aspects of conducting elections within this state.

D. On or before December 31 of each year of a general election, the secretary of state shall submit an election officer education, training and certification plan to the president of the senate and the speaker of the house of representatives. The plan shall outline the achievements and problems of the previous two year period and specify the expected education, training and certification activities of the coming two year period.

E. Subsection A of this section does not apply to elected officials, clerical and secretarial personnel, counting center personnel and precinct election board members and election officials in cities or towns.

F. For city and town employees who work on elections, the city or town may train its own employees if the city or town training program is approved by the secretary of state or, if the city or town chooses to enroll the city or town employees in the certification program prescribed by this section, the city or town shall reimburse the secretary of state for the costs of conducting the training. An election training fund is established consisting of monies received pursuant to this subsection. The secretary of state shall administer the fund. Monies in the fund are continuously appropriated and the secretary of state shall use monies in the fund to pay the costs of training officials from cities and towns pursuant to this subsection.

Sec. 18. Section 16-407.01, Arizona Revised Statutes, is amended to read:

16-407.01. Election administration; private monies allowed

A. Notwithstanding any other law, this state and a city, town, county, school district or other public body that conducts or administers elections may not receive or expend private monies for preparing for, administering or conducting an election, including registering voters.

B. CITY, TOWN, COUNTY, SCHOOL DISTRICT OR OTHER PUBLIC BODIES THAT CONDUCT OR ADMINISTER ELECTIONS MAY SUBMIT REQUESTS TO THE CITIZENS CLEAN ELECTIONS COMMISSION, AND THE CITIZENS CLEAN ELECTIONS COMMISSION MAY AT ITS SOLE DISCRETION GRANT SUCH REQUESTS, FOR MONIES FROM THE CITIZENS CLEAN ELECTIONS FUND TO PURCHASE DROP BOXES AND VOTING AND TABULATION EQUIPMENT FOR THE REQUESTING PUBLIC BODY.

Sec. 19. Title 16, chapter 4, article 2, Arizona Revised Statutes, is amended by adding sections 16-411.01 and 16-411.02, to read:

16-411.01. Countywide voting centers; county cooperative agreements

A. NOTWITHSTANDING ANY OTHER LAW, POLLING PLACES SHALL ALLOW ANY VOTER IN THAT COUNTY TO RECEIVE THE APPROPRIATE BALLOT FOR THAT VOTER ON ELECTION DAY AFTER PRESENTING IDENTIFICATION AS PRESCRIBED IN SECTION 16-579 AND TO LAWFULLY CAST THE BALLOT.

B. COUNTIES WITH APPROPRIATE AND SECURE TECHNOLOGY MAY ENTER INTO COOPERATIVE AGREEMENTS WITH OTHER COUNTIES TO ALLOW VOTERS TO CAST BALLOTS FOR THEIR HOME PRECINCT FROM POLLING LOCATIONS IN COOPERATING COUNTIES. SUCH AGREEMENTS SHALL BE REVIEWED AND APPROVED BY THE SECRETARY OF STATE.

16-411.02. Polling places on Indian lands; minimum required; notice and comment and interactive processes with Indian tribes; procedure; private right of action; definition

A. WHEN DETERMINING PRECINCT BOUNDARIES, POLLING PLACE AND VOTING CENTER LOCATIONS, EARLY VOTING LOCATIONS AND HOURS OF OPERATION, THE BOARD OF SUPERVISORS OR OFFICER IN CHARGE OF ELECTIONS IN EACH COUNTY SHALL PROVIDE NOTICE TO THE INDIAN TRIBES WITHIN THE COUNTY AND PROVIDE AN OPPORTUNITY FOR COMMENT FROM THE INDIAN TRIBES WITHIN THE COUNTY AND SHALL COOPERATE AND COORDINATE ALL ASPECTS OF THE DETERMINATIONS WITH AGENTS AND REPRESENTATIVES OF THE INDIAN TRIBES WITHIN THE COUNTY. THE NOTICE, COMMENT AND INTERACTIVE PROCESSES ARE SUBJECT TO OPEN MEETING AND PUBLIC RECORDS REQUIREMENTS. THE BOARD OF SUPERVISORS OR OFFICER IN CHARGE OF ELECTIONS OF EACH COUNTY SHALL PLACE AT LEAST ONE PRECINCT AND AT LEAST ONE POLLING PLACE, EARLY VOTING LOCATION OR VOTING CENTER ON THE LAND OF EACH INDIAN TRIBE WITHIN THE COUNTY AT A LOCATION SELECTED BY THE INDIAN TRIBE, UNLESS THE TRIBE CERTIFIES TO THE COUNTY THAT IT HAS NO MEMBERS RESIDING IN THE COUNTY.

B. THIS SECTION DOES NOT DENY THE RIGHT OF ELDERLY PERSONS OR PERSONS WITH DISABILITIES TO CAST A BALLOT IN AN ACCESSIBLE MANNER. THE BOARD OF SUPERVISORS OR OFFICER IN CHARGE OF ELECTIONS, TO THE EXTENT POSSIBLE, SHALL ENSURE ACCESSIBILITY OF THE LOCATIONS CHOSEN ON EITHER A PERMANENT OR TEMPORARY BASIS. IF CHOSEN LOCATIONS CANNOT BE MADE ACCESSIBLE ON AT LEAST A TEMPORARY BASIS, THE BOARD OF SUPERVISORS OR OFFICER IN CHARGE OF ELECTIONS SHALL PROVIDE ALTERNATIVE VOTING PROCEDURES PURSUANT TO SECTION 16-581.

C. ANY INDIAN TRIBE, MEMBER OF A TRIBE, INTERESTED PARTY OR QUALIFIED ELECTOR MAY FILE A CIVIL ACTION IN SUPERIOR COURT CHALLENGING THE LEGAL SUFFICIENCY OF THE DETERMINATIONS MADE, OR PROCESSES OR

PROCEDURES IN THIS SECTION OR IN SECTION 16-411, INCLUDING SEEKING AN INJUNCTION OR A MANDAMUS ACTION. WITHIN TEN DAYS AFTER THE FILING OF THE ACTION, THE SUPERIOR COURT SHALL HEAR AND RENDER A DECISION ON THE MATTER. SUCH A DECISION IS APPEALABLE ONLY TO THE SUPREME COURT, AND NOTICE OF APPEAL SHALL BE FILED WITHIN FIVE DAYS AFTER THE DECISION OF THE SUPERIOR COURT IN THE ACTION. THE SUPREME COURT SHALL HEAR AND RENDER A DECISION ON THE APPEAL PROMPTLY.

D. FOR THE PURPOSES OF THIS SECTION "INDIAN TRIBE" HAS THE SAME MEANING AS DEFINED IN SECTION 5-601.02.

Sec. 20. Section 16-442.01, Arizona Revised Statutes, is amended to read:

16-442.01. Accessible voting technology; recommendations; certification; applicability

A. On completion of the certification process pursuant to this section and section 16-442, the secretary of state shall require that voting systems that are used by entities that are governed by section 16-204, but not including cities and towns with a population of less than twenty thousand persons, provide persons who are blind or visually impaired with access to voting that is equivalent to that provided to persons who are not blind or visually impaired.

B. For the purposes of this section:

1. A voting system that provides the voter with the ability to cast and verify by both visual and nonvisual methods all of the selections that were made by that voter is deemed to provide equivalent access.
2. Nonvisual methods for casting and verifying a selection made on a voting system include the use of synthesized speech, braille and other output methods that do not require sight.

C. The secretary of state shall consult with and obtain recommendations regarding voting systems from nonprofit organizations that represent persons who are blind or visually impaired, persons with expertise in accessible software, hardware and other technology, county and local election officials and other persons deemed appropriate by the secretary of state. After receiving recommendations, the secretary of state shall submit to the committee established pursuant to section 16-442 one or more voting systems that provide equivalent access pursuant to this section for possible certification for use in this state.

D. Subsection A of this section applies to voting systems that are purchased or upgraded on or after January 1, 2006.

E. A PERSON WITH A DISABILITY MAY VOTE:

1. IN PERSON AT THE POLLS.
2. BY MAIL.
3. AT THE POLLS WITH THE ASSISTANCE OF AN APPROVED MACHINE.
4. AT THE POLLS WITH THE ASSISTANCE OF A PERSON OF THE VOTER'S CHOOSING, AS SPECIFIED IN SECTION 16-580, SUBSECTION E.
5. AT THE POLLS WITH THE ASSISTANCE OF TWO ELECTION OFFICIALS AS PRESCRIBED IN SECTION 16-580, SUBSECTION E.
6. WHILE SITTING IN A CAR PARKED NEAR A POLLING LOCATION, WITH ELECTION OFFICIALS BRINGING THE VOTER THE MATERIALS TO VOTE.
7. THROUGH A PHONE OR OTHER TELECOMMUNICATIONS DEVICE USING INTERACTIVE VOICE RESPONSE TECHNOLOGY AFTER THE SECRETARY OF STATE REVIEWS AND APPROVES SUCH TECHNOLOGY.

Sec. 21. Title 16, chapter 4, article 6, Arizona Revised Statutes, is amended by adding section 16-502.01, to read:

16-502.01. Ballot privacy

THE PRIVACY OF THE SECRET BALLOT SHALL BE MAINTAINED AND NO VISIBLE OR INVISIBLE MATERIAL SHALL BE PLACED ON BALLOTS BY ANY STATE OR COUNTY ELECTION OFFICIAL, OR THEIR AGENT, THAT COULD IN ANY WAY IDENTIFY THE VOTER. THIS REQUIREMENT DOES NOT RESTRICT THE USE OF A BAR CODE OR SIMILAR INDICATOR NECESSARY TO ENSURE THAT THE BALLOT CONTAINED IN A RETURNED EARLY BALLOT ENVELOPE IS THE BALLOT TRANSMITTED TO THE SPECIFIC EARLY VOTER.

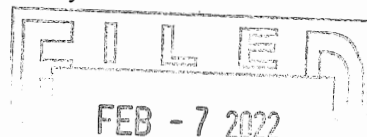
Sec. 22. Section 16-542, Arizona Revised Statutes, is amended to read:

16-542. Request for ballot; civil penalties; violations; classification

A. Within ninety-three days before any election called pursuant to the laws of this state, an elector may make a verbal, ~~or signed~~ WRITTEN, EMAIL OR ONLINE request to the county recorder, or other officer in charge of elections for the applicable political subdivision of this state in whose jurisdiction the elector is registered to vote, for an official early ballot. IF THE REQUEST REQUIRES A CHANGE OF ADDRESS OR A TEMPORARY ADDRESS, IT SHALL BE VALIDATED BY A WRITTEN SIGNATURE OR A VALIDATED ONLINE TRANSACTION OR THE REQUESTING ELECTOR SHALL VERBALLY PROVIDE THE DATE OF BIRTH AND PLACE OF BIRTH OR OTHER INFORMATION THAT IF COMPARED TO THE VOTER REGISTRATION RECORDS FOR THAT ELECTOR WOULD CONFIRM THE IDENTITY OF THE ELECTOR. ~~In addition to name and address, the requesting elector shall provide the date of birth and state or country of birth or other information that if compared to the voter registration information on file would confirm the identity of the elector.~~ If the request indicates that the elector needs a primary election ballot and a general election ballot, the county recorder or other officer in charge of elections shall honor the request. For any partisan primary election, if the elector is not registered as a member of a political party that is entitled to continued representation on the ballot pursuant to section 16-804, the elector shall designate the ballot of only one of the political parties that is entitled to continued representation on the ballot and the elector may receive and vote the ballot of only that one political party, which also shall include any nonpartisan offices and ballot questions, or the elector shall designate the ballot for nonpartisan offices and ballot questions only and the elector may receive and vote the ballot that contains only nonpartisan offices and ballot questions. The county recorder or other officer in charge of elections shall process any request for an early ballot for a municipal election pursuant to this subsection. The county recorder ~~may~~ SHALL establish on-site early voting locations at the recorder's office, which shall be open and available for use beginning the same day that a county begins to send out the early ballots AND ENDING AT 5:00 P.M. ON THE DAY BEFORE THE ELECTION. The county recorder may also establish any other early voting locations in the county the recorder deems necessary. Any on-site early voting location or other early voting location shall require each elector to present identification as prescribed in section 16-579 before receiving a ballot. Notwithstanding section 16-579, subsection A, paragraph 2, at any on-site early voting location or other early voting location the county recorder or other officer in charge of elections may provide for a qualified elector to update the elector's voter registration information as provided for in the secretary of state's instructions and procedures manual adopted pursuant to section 16-452.

B. Notwithstanding subsection A of this section, a request for an official early ballot from an absent uniformed services voter or overseas voter as defined in the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 52 United States Code section 20310) or a voter whose information is protected pursuant to section 16-153 that is received by the county recorder or other officer in charge of elections more than ninety-three days before the election is valid. If requested by the absent uniformed services or overseas voter, or a voter whose information is protected pursuant to section 16-153, the county recorder or other officer in charge of elections shall provide to the requesting voter early ballot materials through the next regularly scheduled general election for federal office immediately following receipt of the request unless a different period of time, which does not exceed the next two regularly scheduled general elections for federal office, is designated by the voter.

C. The county recorder or other officer in charge of elections shall mail the early ballot and the envelope for its return postage prepaid to the address provided by the requesting elector within five days after receipt of the official early ballots from the officer charged by law with the duty of preparing ballots pursuant to section 16-545, except that early ballot distribution shall not begin more than twenty-seven days before the election.



If an early ballot request is received on or before the thirty-first day before the election, the early ballot shall be distributed not earlier than the twenty-seventh day before the election and not later than the twenty-fourth day before the election.

D. Only the elector may be in possession of that elector's unvoted early ballot. If a complete and correct request is made by the elector within twenty-seven days before the election, the mailing must be made within forty-eight hours after receipt of the request. Saturdays, Sundays and other legal holidays are excluded from the computation of the forty-eight hour period prescribed by this subsection. If a complete and correct request is made by an absent uniformed services voter or an overseas voter before the election, the regular early ballot shall be transmitted by mail, by fax or by other electronic format approved by the secretary of state within twenty-four hours after the early ballots are delivered pursuant to section 16-545, subsection B, excluding Sundays.

E. In order to be complete and correct and to receive an early ballot by mail, an elector's request that an early ballot be mailed to the elector's residence or temporary address must include all of the information prescribed by subsection A of this section and must be received by the county recorder or other officer in charge of elections no later than 5:00 p.m. on the eleventh day preceding the election. An elector who appears personally no later than 5:00 p.m. on the Friday DAY preceding the election at an on-site early voting location that is established by the county recorder or other officer in charge of elections shall be given a ballot after presenting identification as prescribed in section 16-579 and shall be permitted to vote at the on-site location. Notwithstanding section 16-579, subsection A, paragraph 2, at any on-site early voting location OR OTHER EARLY VOTING LOCATION the county recorder or other officer in charge of elections may provide for a qualified elector to update the elector's voter registration information as provided for in the secretary of state's instructions and procedures manual adopted pursuant to section 16-452. If an elector's request to receive an early ballot is not complete and correct but complies with all other requirements of this section, the county recorder or other officer in charge of elections shall attempt to notify the elector of the deficiency of the request.

F. Unless an elector specifies that the address to which an early ballot is to be sent is a temporary address, the recorder may use the information from an early ballot request form to update voter registration records.

G. The county recorder or other officer in charge of early balloting shall provide an alphabetized list of all voters in the precinct who have requested and have been sent an early ballot to the election board of the precinct in which the voter is registered not later than the day before the election.

~~H. As a result of experiencing an emergency between 5:00 p.m. on the Friday preceding the election and 5:00 p.m. on the Monday preceding the election, qualified electors may request to vote in the manner prescribed by the board of supervisors of their respective county. Before voting pursuant to this subsection, an elector who experiences an emergency shall provide identification as prescribed in section 16-579 and shall sign a statement under penalty of perjury that states that the person is experiencing or experienced an emergency after 5:00 p.m. on the Friday immediately preceding the election and before 5:00 p.m. on the Monday immediately preceding the election that would prevent the person from voting at the polls. Signed statements received pursuant to this subsection are not subject to inspection pursuant to title 39, chapter 1, article 2. For the purposes of this subsection, "emergency" means any unforeseen circumstances that would prevent the elector from voting at the polls.~~

~~I. Notwithstanding section 16-579, subsection A, paragraph 2, for any voting pursuant to subsection H of this section, the county recorder or other officer in charge of elections may allow a qualified elector to update the elector's voter registration information as provided for in the secretary of state's instructions and procedures manual adopted pursuant to section 16-452.~~

~~J. H. A candidate, political committee or other organization may distribute early ballot request forms to voters. If the early ballot request forms include a printed address for return, the addressee shall be the political subdivision that will conduct the election. Failure to use the political subdivision as the return addressee is punishable by a civil penalty of up to three times the cost of the production and distribution of the request.~~

~~K. I. All original and completed early ballot request forms that are received by a candidate, political committee or other organization shall be submitted within six business days after receipt by a candidate, political committee or other organization or eleven days before the election day, whichever is earlier, to the political subdivision that will conduct the election. Any person, political committee or other organization that fails to submit a completed early ballot request form within the prescribed time is subject to a civil penalty of up to \$25 per day for each completed form withheld from submittal. Any person who knowingly fails to submit a completed early ballot request form before the submission deadline for the election immediately following the completion of the form is guilty of a class 6 felony.~~

~~L. Except for a voter who is on the active early voting list prescribed by section 16-544, a voter who requests a onetime early ballot pursuant to section 16-542 or for an election conducted pursuant to section 16-409 or article 8.1 of this chapter, a county recorder, city or town clerk or other election officer may not deliver or mail an early ballot to a person who has not requested an early ballot for that election. An election officer who knowingly violates this subsection is guilty of a class 5 felony.~~

Sec. 23. Section 16-544, Arizona Revised Statutes, is amended to read:

16-544. Permanent early voting list; civil penalty; violation; classification; definition

A. Any voter may request to be included on a list of voters to receive an early ballot by mail for any election for which the county voter registration roll is used to prepare the election register. The county recorder of each county shall maintain the ~~active~~ PERMANENT early voting list as part of the voter registration roll.

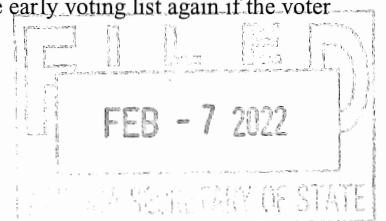
B. In order to be included on the ~~active~~ PERMANENT early voting list, the voter shall make a written, VERBAL, EMAIL OR ONLINE request specifically requesting that the voter's name be added to the ~~active~~ PERMANENT early voting list for all elections in which the applicant is eligible to vote. IF THE REQUEST REQUIRES A CHANGE OF ADDRESS, IT SHALL BE VALIDATED BY A WRITTEN SIGNATURE OR A VALIDATED ONLINE TRANSACTION OR THE REQUESTING VOTER SHALL VERBALLY PROVIDE TO A COUNTY ELECTION OFFICIAL THE DATE OF BIRTH AND PLACE OF BIRTH OR OTHER INFORMATION THAT IF COMPARED TO THE VOTER REGISTRATION RECORDS FOR THAT VOTER WOULD CONFIRM THE IDENTITY OF THE VOTER. ~~An early voter request form shall conform to requirements prescribed in the instructions and procedures manual issued pursuant to section 16-452.~~ The application shall allow for the voter to provide the voter's name, residence address, mailing address in the voter's county of residence, date of birth and signature and shall state that the voter is attesting that the voter is a registered voter who is eligible to vote in the county of residence. The voter shall not list a mailing address that is outside of this state for the purpose of the ~~active~~ PERMANENT early voting list unless the voter is an absent uniformed services voter or overseas voter as defined in the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 52 United States Code section 20310). In lieu of the application, the applicant may submit a written request that contains the required information.

C. On receipt of a request to be included on the ~~active~~ PERMANENT early voting list, the county recorder or other officer in charge of elections shall ~~compare the signature on the request form with the voter's signature on the voter's registration form and, if the request is from the voter, shall~~ mark the voter's registration file as an ~~active~~ PERMANENT early ballot request.

D. Not less than ninety days before any polling place election scheduled in March or August, the county recorder or other officer in charge of elections shall mail to all voters who are eligible for the election and who are included on the ~~active~~ PERMANENT early voting list an election notice by nonforwardable mail that is marked with the statement required by the postmaster to receive an address correction notification. If an election is not formally called by a jurisdiction by the one hundred twentieth day before the election, the recorder or other officer in charge of elections is not required to send the election notice. The notice shall include the dates of the elections that are the subject of the notice, the dates that the voter's ballot is expected to be mailed and the address where the ballot will be mailed. If the upcoming election is a partisan open primary election and the voter is not registered as a member of one of the political parties that is recognized for purposes of that primary, the notice shall include information on the procedure for the voter to designate a political party ballot. The notice shall be delivered with return postage prepaid and shall also include a means for the voter to do any of the following:

1. Change the mailing address for the voter's ballot to another location in the voter's county of residence.
2. Update the voter's residence address in the voter's county of residence.
3. Request that the voter not be sent a ballot for the upcoming election or elections indicated on the notice.

E. If the notice that is mailed to the voter is returned undeliverable by the postal service, the county recorder or other officer in charge of elections shall take the necessary steps to contact the voter at the voter's new residence address in order to update that voter's address or to move the voter to inactive status as prescribed in section 16-166, subsection A. If a voter is moved to inactive status, the voter shall be removed from the active early voting list. If the voter is removed from the active early voting list, the voter shall only be added to the active early voting list again if the voter submits a new request pursuant to this section.



F. Not later than the first day of early voting, the county recorder or other officer in charge of elections shall mail an early ballot to all eligible voters included on the active PERMANENT early voting list in the same manner prescribed in section 16-542, subsection C. If the voter has not returned the notice or otherwise notified the election officer within forty-five days before the election that the voter does not wish to receive an early ballot by mail for the election or elections indicated, the ballot shall automatically be scheduled for mailing.

G. If a voter who is on the active PERMANENT early voting list is not registered as a member of a recognized political party and fails to notify the county recorder of the voter's choice for political party ballot within forty-five days before a partisan open primary election, the following apply:

1. The voter shall not automatically be sent a ballot for that partisan open primary election only and the voter's name shall remain on the active PERMANENT early voting list for future elections.
2. To receive an early ballot for the primary election, the voter shall submit the voter's choice for political party ballot to the county recorder.

H. After a voter has requested to be included on the active PERMANENT early voting list, the voter shall be sent an early ballot by mail automatically for any election at which a voter at that residence address is eligible to vote until any of the following occurs:

1. The voter requests in writing to be removed from the active early voting list.
2. The voter's registration or eligibility for registration is moved to inactive status or canceled as otherwise provided by law.
3. The notice sent by the county recorder or other officer in charge of elections is returned undeliverable and the county recorder or officer in charge of elections is unable to contact the voter to determine the voter's continued desire to remain on the list.
4. ~~The voter fails to vote an early ballot in all elections for two consecutive election cycles. For the purposes of this paragraph, "election" means any regular primary or regular general election for which there was a federal race on the ballot or for which a city or town candidate primary or first election or city or town candidate second, general or runoff election was on the ballot. This paragraph does not apply to:~~

~~(a) A special taxing district that is authorized pursuant to section 16-191 to conduct its own elections.~~

~~(b) A special district mail ballot election that is conducted pursuant to article 8.1 of this chapter.~~

I. A voter may make a written request at any time to be removed from the active early voting list. The request shall include the voter's name, residence address, date of birth and signature. On receipt of a completed request to remove a voter from the active early voting list, the county recorder or other officer in charge of elections shall remove the voter's name from the list as soon as practicable.

J. An absent uniformed services voter or overseas voter as defined in the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 52 United States Code section 20310) is eligible to be placed on the active PERMANENT early voting list pursuant to this section.

K. A voter's failure to vote an early ballot once received does not constitute grounds to remove the voter from the active PERMANENT early voting list. ~~except that a county recorder shall remove a voter from the active early voting list if both of the following apply:~~

~~1. The county recorder or other officer in charge of elections complies with subsection M of this section.~~

~~2. The voter fails to vote using an early ballot in all of the following elections for two consecutive election cycles:~~

~~(a) A regular primary and regular general election for which there was a federal race on the ballot.~~

~~(b) A city or town candidate primary or first election and a city or town candidate second, general or runoff election.~~

~~L. On or before January 15 of each odd-numbered year, the county recorder or other officer in charge of elections shall send a notice to each voter who is on the active early voting list and who did not vote an early ballot in all elections for two consecutive election cycles as prescribed by subsection K of this section. If the voter has provided the voter's telephone or mobile phone number or email address to the county recorder, the county recorder may additionally provide the notice to the voter by telephone call, text message or email. The notice shall inform the voter that if the voter wishes to remain on the active early voting list, the voter shall do both of the following with the notice received:~~

~~1. Confirm in writing the voter's desire to remain on the active early voting list.~~

~~2. Return the completed notice to the county recorder or other officer in charge of elections within ninety days after the notice is sent to the voter. The notice shall be signed by the voter and shall contain the voter's address and date of birth.~~

~~M. If a voter receives a notice as prescribed by subsection L of this section and the voter fails to respond within the ninety-day period, the county recorder or other officer in charge of elections shall remove the voter's name from the active early voting list.~~

N. L. A candidate, political committee or other organization may distribute active PERMANENT early voting list request forms to voters. If the active PERMANENT early voting list request forms include a printed address for return, that address shall be the political subdivision that will conduct the election. Failure to use the political subdivision as the return addressee is punishable by a civil penalty of up to three times the cost of the production and distribution of the active PERMANENT early voting list request.

O. M. All original and completed active PERMANENT early voting list request forms that are received by a candidate, political committee or other organization shall be submitted within six business days after receipt by a candidate or political committee or eleven days before the election day, whichever is earlier, to the political subdivision that will conduct the election. Any person, political committee or other organization that fails to submit a completed active PERMANENT early voting list request form within the prescribed time is subject to a civil penalty of up to \$25 per day for each completed form withheld from submittal. Any person who knowingly fails to submit a completed active PERMANENT early voting list request form before the submission deadline for the election immediately following the completion of the form is guilty of a class 6 felony.

P. ~~For the purposes of this section, "election cycle" means the two-year period beginning on January 1 in the year after a statewide general election or, for cities and towns, the two-year period beginning on the first day of the calendar quarter after the calendar quarter in which the city's or town's second, runoff or general election is scheduled and ending on the last day of the calendar quarter in which the city's or town's immediately following second, runoff or general election is scheduled, however that election is designated by the city or town.~~

N. FOR PURPOSES OF THIS TITLE, "PERMANENT EARLY VOTING LIST" MEANS THE LIST DESCRIBED IN THIS SECTION. THE "ACTIVE EARLY VOTING LIST" REFERENCED IN OTHER SECTIONS OF TITLE 16 REFERS TO THE PERMANENT EARLY VOTING LIST.

Sec. 24. Section 16-547, Arizona Revised Statutes, is amended to read:

16-547. Ballot affidavit; form

A. The early ballot shall be accompanied by an envelope bearing on the front the name, official title and post office address of the recorder or other officer in charge of elections and on the other side a printed affidavit in substantially the following form:

I declare the following under penalty of perjury: I am a registered voter in _____ county Arizona, I have not voted and will not vote in this election in any other county or state, I understand that knowingly voting more than once in any election is a class 5 felony and I voted the enclosed ballot and signed this affidavit personally unless noted below.

If the voter was assisted by another person in marking the ballot, complete the following:

I declare the following under penalty of perjury: At the registered voter's request I assisted the voter identified in this affidavit with marking the voter's ballot, I marked the ballot as directly instructed by the voter, I provided the assistance because the voter was physically unable to mark the ballot solely due to illness, injury or physical limitation and I understand that there is no power of attorney for voting and that the voter must be able to make the voter's selection even if ~~they~~ THE VOTER cannot physically mark the ballot.

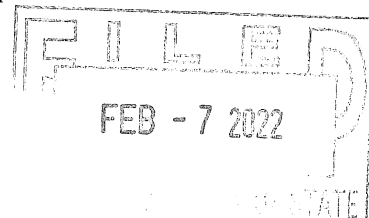
Name of voter assistant: _____

Address of voter assistant: _____

B. The face of each envelope in which a ballot is sent to a federal postcard applicant or in which a ballot is returned by the applicant to the recorder or other officer in charge of elections shall be in the form prescribed in accordance with the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 52 United States Code section 20301). Otherwise, the envelopes shall be the same as those used to send ballots to, or receive ballots from, other early voters.

C. The officer charged by law with the duty of preparing ballots at any election shall ensure that the early ballot is sent in an envelope that states substantially the following:

If the addressee does not reside at this address, mark the unopened envelope "return to sender" and deposit it in the United States mail.



D. The county recorder or other officer in charge of elections shall supply printed instructions to early voters that direct them to sign the affidavit, mark the ballot and return both in the enclosed self-addressed envelope that complies with section 16-545. The instructions shall include the following statement:

In order to be valid and counted, the ballot and affidavit must be delivered to the office of the county recorder or other officer in charge of elections or may be deposited at any polling place in the county no later than 7:00 p.m. on election day OR POSTMARKED BEFORE THE CLOSE OF THE POLLS ON ELECTION DAY. ~~The ballot will not be counted without the voter's signature on the envelope.~~
(WARNING--It is a felony to offer or receive any compensation for a ballot.)

Sec. 25. Section 16-548, Arizona Revised Statutes, is amended to read:

16-548. Preparation and transmission of ballot

A. The early voter shall make and sign the affidavit and shall then mark his ballot in such a manner that his vote cannot be seen. The early voter shall fold the ballot, if a paper ballot, so as to conceal the vote and deposit the voted ballot in the envelope provided for that purpose, which shall be securely sealed and, together with the affidavit, delivered or mailed to the county recorder or other officer in charge of elections of the political subdivision in which the elector is registered or deposited by the voter or the voter's agent at any polling place in the county. A PERSON DEPOSITING OR RETURNING AN EARLY BALLOT IS NOT SUBJECT TO ANY ADDITIONAL REQUIREMENTS BEYOND THOSE FOR EARLY BALLOTS RETURNED THROUGH THE UNITED STATES POSTAL SERVICE. NOTWITHSTANDING ANY OTHER LAW, in order to be counted and valid, the ballot must be received by the county recorder or other officer in charge of elections or deposited at any polling place in the county no later than 7:00 p.m. on election day OR POSTMARKED OR OTHERWISE INDICATED BY THE UNITED STATES POSTAL SERVICE TO HAVE BEEN MAILED ON OR BEFORE ELECTION DAY AND RECEIVED BY THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS NOT LATER THAN FIVE BUSINESS DAYS AFTER A GENERAL ELECTION THAT INCLUDES AN ELECTION FOR A FEDERAL OFFICE AND WITHIN THREE BUSINESS DAYS AFTER ANY OTHER ELECTION.

B. If the early voter is an overseas citizen, a qualified elector absent from the United States or in the United States service, a spouse or dependent residing with the early voter or a qualified elector of a special district mail ballot election as provided in article 8.1 of this chapter, the early voter may subscribe to the affidavit before and obtain the signature and military identification number or passport number, if available, of any person who is a United States citizen eighteen years of age or older.

C. THE SIGNATURE ON THE EARLY BALLOT IF PROVIDED, OR PROPERLY CURED IF THE SIGNATURE IS QUESTIONED OR NOT PRESENT, IS SUFFICIENT IDENTIFICATION FOR CASTING A MAIL BALLOT. ADDITIONAL IDENTIFICATION REQUIREMENTS FOR COUNTING AN EARLY BALLOT DO NOT FURTHER THE PURPOSE OF THE ARIZONA FAIR ELECTIONS ACT.

Sec. 26. Section 16-550, Arizona Revised Statutes, is amended to read:

16-550. Receipt of voter's ballot; cure period

A. On receipt of the envelope containing the early ballot and the ballot affidavit, WHETHER DEPOSITED AT ANY POLLING PLACE, VOTING CENTER, EARLY VOTING CENTER OR COUNTY RECORDER'S OFFICE IN THE COUNTY, RETURNED BY MAIL, OR RETURNED IN ANY OTHER MANNER ESTABLISHED BY A COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS, the county recorder or other officer in charge of elections shall compare the signatures thereon with the signature of the elector on the elector's registration record. If the signature THEREON is MISSING OR inconsistent with the elector's signature on the elector's registration record, the county recorder or other officer in charge of elections shall make reasonable efforts to contact the voter AS SOON AS PRACTICABLE BY ANY METHOD REASONABLY AVAILABLE, INCLUDING MAIL, EMAIL, TEXT MESSAGE AND TELEPHONE, advise the voter of the ~~inconsistent signature~~ DEFICIENCY and allow the voter to correct THE DEFICIENCY or the county to confirm the inconsistent signature. AN ELECTOR MAY ADDRESS AN INCONSISTENT SIGNATURE BY SUPPLYING EITHER A REPLACEMENT SIGNATURE, PROOF OF IDENTIFICATION SUFFICIENT UNDER SECTION 16-579, SUBSECTION A, THE PERSON'S ARIZONA DRIVER LICENSE NUMBER OR NONOPERATING IDENTIFICATION LICENSE NUMBER ISSUED PURSUANT TO SECTION 28-3165 OR THE LAST FOUR DIGITS OF THE PERSON'S SOCIAL SECURITY NUMBER. AN ELECTOR MAY ADDRESS A MISSING SIGNATURE BY RETURNING AN AFFIDAVIT ATTESTING TO BOTH THE INFORMATION CONTAINED IN THE BALLOT AFFIDAVIT AND THE ELECTOR'S RETURN OF THE ENVELOPE CONTAINING THE EARLY BALLOT. A COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL ACCEPT SUBMISSION OF A REPLACEMENT SIGNATURE, IDENTIFYING INFORMATION OR AN AFFIDAVIT ADDRESSING A MISSING SIGNATURE IN PERSON, BY MAIL, EMAIL, TEXT MESSAGE, FAX OR ANY OTHER METHOD DESIGNATED BY THE SECRETARY OF STATE. IF SUBMITTING A REPLACEMENT SIGNATURE OR SIGNING AN AFFIDAVIT, AN ELECTOR SHALL BE ALLOWED TO UPLOAD OR ELECTRONICALLY PROVIDE AN ELECTRONIC IMAGE OF THE ELECTOR'S PHYSICAL SIGNATURE, AND SUCH IMAGE OF THE ELECTOR'S SIGNATURE SHALL BE CONSIDERED THE EQUIVALENT OF A PHYSICAL SIGNATURE FOR PURPOSES OF THIS SECTION. The county recorder or other officer in charge of elections shall allow ~~signatures~~ DEFICIENCIES to be corrected not later than the fifth business day after a primary, general or special election that includes a federal office or the third business day after any other election. ~~If the signature is missing, the county recorder or other officer in charge of elections shall make reasonable efforts to contact the elector, advise the elector of the missing signature and allow the elector to add the elector's signature not later than 7:00 p.m. on election day.~~ If satisfied that the REPLACEMENT OR AFFIDAVIT signatures correspond WITH THE SIGNATURE OF THE ELECTOR ON THE ELECTOR'S REGISTRATION RECORD, OR IF THE ELECTOR HAS PROVIDED OTHER IDENTIFYING INFORMATION TO ADDRESS THE DEFICIENCY, the recorder or other officer in charge of elections shall hold the envelope containing the early ballot and the completed affidavit unopened in accordance with the rules of the secretary of state. IF THE ELECTOR HAS PROVIDED OTHER IDENTIFYING INFORMATION TO ADDRESS AN INCONSISTENT SIGNATURE, THE SIGNATURE ON THE ELECTOR'S ENVELOPE CONTAINING THE EARLY BALLOT AND THE BALLOT AFFIDAVIT SHALL BECOME A SIGNATURE OF THE ELECTOR ON THE ELECTOR'S REGISTRATION RECORD FOR PURPOSES OF ALL FUTURE ELECTIONS. IF THE REPLACEMENT OR AFFIDAVIT SIGNATURE IS INCONSISTENT WITH THE ELECTOR'S SIGNATURE ON THE ELECTOR'S REGISTRATION RECORD, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL CONTINUE TO MAKE REASONABLE EFFORTS TO CONTACT THE ELECTOR, ADVISE THE ELECTOR OF THE INCONSISTENT SIGNATURE, AND ALLOW THE ELECTOR TO CORRECT THE DEFICIENCY OR THE COUNTY TO CONFIRM THE INCONSISTENT SIGNATURE PURSUANT TO THIS SUBSECTION. FOR EARLY BALLOTS OR REPLACEMENT OR AFFIDAVIT SIGNATURES RECEIVED AFTER ELECTION DAY BUT BEFORE THE DEADLINES PROVIDED IN SECTION 16-548, THE CURE PERIODS IN THIS SECTION SHALL BE CALCULATED FROM THE DAY THE BALLOT OR REPLACEMENT OR AFFIDAVIT SIGNATURE IS RECEIVED.

B. The recorder or other officer in charge of elections shall thereafter safely keep the affidavits and early ballots in the recorder's or other officer's office and may deliver them for tallying pursuant to section 16-551. Tallying of ballots may begin immediately after the envelope and completed affidavit are processed pursuant to this section and delivered to the early election board.

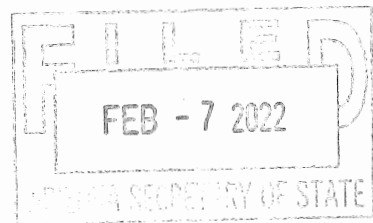
C. The county recorder shall send a list of all voters who were issued early ballots to the election board of the precinct in which the voter is registered.

D. This section does not apply to:

1. A special taxing district that is authorized pursuant to section 16-191 to conduct its own elections.
2. A special district mail ballot election that is conducted pursuant to article 8.1 of this chapter.

Sec. 27. Section 16-579, Arizona Revised Statutes, is amended to read:

16-579. Procedure for obtaining ballot by elector



A. Every qualified elector, before receiving a ballot, shall announce the elector's name and place of residence in a clear, audible tone of voice to the election official in charge of the signature roster or present the elector's name and residence in writing. The election official in charge of the signature roster shall comply with the following and the qualified elector shall be allowed within the voting area:

1. The elector shall present any of the following, EITHER IN PHYSICAL FORM OR BY ELECTRONIC DISPLAY ON ANY DEVICE:

(a) A valid form of identification that bears the photograph, name and address of the elector that reasonably appear to be the same as the name and address in the precinct register, including, BUT NOT LIMITED TO, an Arizona driver license, an Arizona nonoperating identification license, a tribal enrollment card or other form of tribal identification, or a United States federal, state or local government issued identification. Identification is deemed valid unless it can be determined on its face that it has expired.

(b) Two different items that contain the name and address of the elector that reasonably appear to be the same as the name and address in the precinct register, including, BUT NOT LIMITED TO, a utility bill, a bank or credit union statement that is dated within ninety days of the date of the election, a valid Arizona vehicle registration, an Arizona vehicle insurance card, an Indian census card, tribal enrollment card or other form of tribal identification, a property tax statement, a recorder's certificate, a voter registration card, or a valid United States federal, state or local government issued identification, or any mailing that is labeled as "official election material". Identification is deemed valid unless it can be determined on its face that it has expired.

(c) A valid form of identification that bears the photograph, name and address of the elector except that if the address on the identification does not reasonably appear to be the same as the address in the precinct register or the identification is a valid United States military identification card or a valid United States passport OR IDENTIFICATION ISSUED BY A PUBLIC OR PRIVATE SCHOOL, COLLEGE OR UNIVERSITY, OR IDENTIFICATION ISSUED BY AN EMPLOYER and does not bear an address, the identification must be accompanied by one of the items listed in subdivision (b) of this paragraph.

2. If the elector does not present identification that complies with paragraph 1 of this subsection, the elector is only eligible to vote a provisional ballot as prescribed by section 16-584 or a conditional provisional ballot as provided for in the secretary of state's instruction and procedures manual adopted pursuant to section 16-452.

B. Any qualified elector who is listed as having applied for an early ballot but who states that the elector has not voted and will not vote an early ballot for this election or surrenders the early ballot to the precinct inspector on election day shall be allowed to vote pursuant to the procedure set forth in section 16-584.

C. Each qualified elector's name shall be numbered consecutively by the clerks and in the order of applications for ballots. The judge shall give the qualified elector only one ballot and a ballot privacy folder, and the elector's name shall be immediately checked on the precinct register. Notwithstanding any provision of this ~~paragraph~~ SUBSECTION, no voter ELECTOR shall be required to accept or use a ballot privacy folder.

D. For precincts in which a paper signature roster is used, each qualified elector shall sign the elector's name in the signature roster before receiving a ballot, but an inspector or judge may sign the roster for an elector who is unable to sign because of physical disability, and in that event the name of the elector shall be written with red ink, and no attestation or other proof shall be necessary. The provisions of this subsection relating to signing the signature roster shall not apply to electors casting a ballot using early voting procedures.

E. For precincts in which an electronic poll book system is used, each qualified elector shall sign the elector's name as prescribed in the instructions and procedures manual adopted by the secretary of state pursuant to section 16-452 before receiving a ballot, but an inspector or judge may sign the roster for an elector who is unable to sign because of physical disability, and in that event the name of the elector shall be written with the inspector's or judge's attestation on the same signature line.

F. A person offering to vote at a special district election for which no special district register has been supplied shall sign an affidavit stating the person's address and that the person resides within the district boundaries or proposed district boundaries and swearing that the person is a qualified elector and has not already voted at the election being held.

G. THE IDENTIFICATION REQUIREMENTS OF THIS SECTION ARE A COMPLETE LIST OF IDENTIFICATION REQUIREMENTS FOR OBTAINING A BALLOT BY AN ELECTOR. ADDITIONAL REQUIREMENTS THAT MAKE IT MORE DIFFICULT FOR AN ELECTOR TO OBTAIN A BALLOT DO NOT FURTHER THE PURPOSE OF THE ARIZONA FAIR ELECTIONS ACT.

Sec. 28. Section 16-583, Arizona Revised Statutes, is amended to read:

16-583. Voter not on precinct register; inactive voter list; procedure

A. On or before election day, the county recorder shall provide to each precinct the names of electors on the inactive voter list. If a person whose name is not on the precinct register appears at a polling place, an election official shall determine whether the person is on the inactive voter list. If the person is on the inactive voter list, the registrant, on affirmation by the registrant before an election official at the polling place that the registrant continues to reside at the address indicated on the inactive voter list, shall be permitted to vote A REGULAR BALLOT at that polling place. The elector's name shall be entered on a separate signature roster page at the end of the signature roster, and voters' names shall be numbered consecutively. If the registrant indicates that the registrant lives at a new residence IN ANOTHER COUNTY, AND THE COUNTIES HAVE NOT ENTERED INTO A COOPERATIVE AGREEMENT PURSUANT TO SECTION 16-411.01, SUBSECTION B, the election official shall direct the registrant to the polling place for the new address.

B. Following the election, the county recorder shall remove from inactive status all electors who voted pursuant to subsection A OF THIS SECTION, shall place the electors' names back on the general register and shall return the electors' status to active.

Sec. 29. Section 16-584, Arizona Revised Statutes, is amended to read:

16-584. Qualified elector not on precinct register; recorder's certificate; verified ballot; procedure

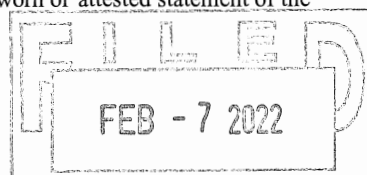
A. A qualified elector whose name is not on the precinct register and who presents a certificate from the county recorder showing that the elector is entitled by law to vote in the precinct shall be entered on the signature roster on the blank following the last printed name and shall be given the next consecutive register number, and the qualified elector shall sign in the space provided.

B. TO THE EXTENT A QUALIFIED ELECTOR IS NOT ELIGIBLE TO REGISTER TO VOTE ON-SITE PURSUANT TO SECTION 16-120.01, A THE qualified elector whose name is not on the precinct register, on presentation of identification verifying the identity of the elector that includes the voter's given name and surname and the complete residence address that is verified by the election board to be in the ~~precinct~~ COUNTY or on signing an affirmation that states that the elector is a registered voter in that jurisdiction and is eligible to vote in that jurisdiction, shall be allowed to vote a provisional ballot.

C. If a voter has moved to a new address within the county and has not notified the county recorder of the change of address before the date of an election, the voter shall be permitted to correct the voting records AT AN APPROPRIATE POLLING PLACE AND CAST A BALLOT IN THE SAME MANNER AS OTHER VOTERS. ~~for purposes of voting in future elections at the appropriate polling place for the voter's new address. The voter shall be permitted to vote a provisional ballot.~~ The voter shall present a form of identification that includes the voter's given name and surname and the voter's complete residence address. ~~The residence address must be within the precinct in which the voter is attempting to vote, and~~ The voter shall affirm in writing that the voter is registered in that jurisdiction and is eligible to vote in that jurisdiction.

D. On completion of the ballot, the election official shall place the ballot in a provisional ballot envelope and shall deposit the envelope in the ballot box. Within ten calendar days after a general election that includes an election for a federal office and within five business days after any other election or no later than the time at which challenged early voting ballots are resolved, the signature shall be compared to the precinct signature roster of the former precinct where the voter was registered. If the voter's name is not signed on the roster and if there is no indication that the voter voted an early ballot, the provisional ballot envelope shall be opened and the ballot shall be counted. If there is information showing the person did vote, the provisional ballot shall remain unopened and shall not be counted. When provisional ballots are confirmed for counting, the county recorder shall use the information supplied on the provisional ballot envelope to correct the address record of the voter.

E. When a voter is allowed to vote a provisional ballot, the elector's name shall be entered on a separate signature roster page at the end of the signature roster. Voters' names shall be numbered consecutively beginning with the number V-1. The elector shall sign in the space provided. The ballot shall be placed in a separate envelope, the outside of which shall contain the precinct name or number, a sworn or attested statement of the



elector that the elector resides in the precinct, is eligible to vote in the election and has not previously voted in the election, the signature of the elector and the voter registration number of the elector, if available. The ballot shall be verified for proper registration of the elector by the county recorder before being counted. The verification shall be made by the county recorder within ten calendar days after a general election that includes an election for a federal office and within five business days following any other election. Verified ballots shall be counted by depositing the ballot in the ballot box and showing on the records of the election that the elector has voted. If registration is not verified the ballot shall remain unopened and shall be retained in the same manner as voted ballots.

F. For any person who votes a provisional ballot, the county recorder or other officer in charge of elections shall provide for a method of notifying the provisional ballot voter at no cost to the voter whether the voter's ballot was verified and counted and, if not counted, the reason for not counting the ballot. The notification may be in the form of notice by mail to the voter, establishment of a toll free telephone number, internet access or other similar method to allow the voter to have access to this information. The method of notification shall provide reasonable restrictions that are designed to limit transmittal of the information only to the voter.

Sec. 30. Section 16-645, Arizona Revised Statutes, is amended to read:

16-645. Canvass and return of precinct vote; declaring nominee of party; certificate of nomination; write-in candidates

A. When the board of supervisors, or the governing body of a city or town, has completed its canvass of precinct returns, the person having the largest number of votes, or if more than one candidate is necessary, those candidates to the required number who have received the largest number of votes for the nomination for an office in the political party of which the person was set forth on the ballot as a candidate for the nomination, shall be declared the nominee of the party for that office and shall be given a certificate of nomination for that office by the board or governing body, which shall entitle the person to have the person's name placed on the official ballot at the ensuing election as the nominee of the party for the office. When canvassing write-in votes the apparent intent of the voter shall be taken into consideration to the extent possible and the standard prescribed for federal write-in candidates in section 16-543.02, subsection C applies.

B. The board of supervisors shall deliver the canvass to the secretary of state within ~~fourteen~~ SEVENTEEN days after the primary election, and the secretary of state shall on or before the third Monday following the primary election canvass the return and issue a letter declaring nomination as provided in this section to the nominees who filed nominating petitions and papers with the secretary of state pursuant to section 16-311, subsection D. For any partisan primary election, the governing body or officer in charge of elections shall prepare and transmit to the secretary of state along with the official canvass the total by party of partisan ballots selected in that primary election by voters who registered as no party preference, as independents or as members of a political party that is not qualified for representation on the ballot.

C. A certificate of election shall not be issued to a write-in candidate for precinct committeeman or a write-in candidate for a nonpartisan office unless the candidate receives a number of votes equivalent to at least the same number of signatures required by section 16-322 for nominating petitions for the same office.

D. Except as provided in subsection C of this section, a letter declaring nomination shall not be issued to a write-in candidate of a party that has not qualified for continued representation on the official ballot pursuant to section 16-804 unless the candidate receives a plurality of the votes of the party for the office for which the candidate is a candidate.

E. Except as provided by subsection C of this section, a letter declaring nomination shall not be issued to a write-in candidate of a party qualified for continued representation on the official ballot unless the candidate receives a number of votes equivalent to at least the same number of signatures required by section 16-322 for nominating petitions for the same office.

F. A certificate of election shall not be issued to presidential electors who are pledged to a write-in candidate for president unless that candidate received the highest number of votes cast for the office of president.

Sec. 31. Section 16-672, Arizona Revised Statutes, is amended to read:

16-672. Contest of state election; grounds; venue; subpoenas; violations; classification

A. Any elector of the state may contest the election of any person declared elected to a state office, or declared nominated to a state office at a primary election, or the declared result of an initiated or referred measure, or a proposal to amend the Constitution of Arizona, or other question or proposal submitted to vote of the people, upon any of the following grounds:

1. For misconduct on the part of election boards or any members thereof in any of the counties of the state, or on the part of any officer making or participating in a canvass for a state election.

2. That the person whose right to the office is contested was not at the time of the election eligible ~~to~~-FOR the office.

3. That the person whose right is contested, or any person acting for him, has given to an elector, inspector, judge or clerk of election, a bribe or reward, or has offered such bribe or reward for the purpose of procuring his election, or has committed any other offense against the elective franchise.

4. On account of illegal votes.

5. That by reason of erroneous count of votes the person declared elected or the initiative or referred measure, or proposal to amend the constitution, or other question or proposal submitted, which has been declared carried, did not in fact receive the highest number of votes for the office or a sufficient number of votes to carry the measure, amendment, question or proposal.

B. The contest may be brought in the superior court ~~of~~-IN the county in which the person contesting resides or in the superior court ~~of~~-IN Maricopa county.

C. In a contest of the election of a person declared elected to a state office or of an initiated or referred measure, constitutional amendment, or other question or proposal, ~~which~~-THAT has been declared carried, the attorney general may intervene, and ~~upon~~-ON demand, the place of trial of the contest shall be changed to Maricopa county, if commenced in another county.

D. NO COURT MAY ENFORCE A SUBPOENA FOR BALLOTS OR ELECTION MATERIALS EXCEPT UPON A SHOWING OF GOOD CAUSE THAT THE SUBPOENA IS NECESSARY TO SERVE A LEGITIMATE INTEREST, IS NOT OVERLY BROAD TO ACHIEVE THAT INTEREST, AND THAT THE BALLOTS OR OTHER ELECTION MATERIALS WILL BE APPROPRIATELY SAFEGUARDED. A SUBPOENA MAY BE QUASHED, AND THE BALLOTS OR OTHER ELECTION MATERIALS ORDERED RETURNED, UPON A SHOWING THAT THE PERSONS IN POSSESSION OF THE BALLOTS OR OTHER ELECTION MATERIALS ARE NOT USING THEM TO SERVE A LEGITIMATE INTEREST OR ARE NOT APPROPRIATELY SAFEGUARDING THEM. THE COURT MAY AWARD A PARTY THAT PREVAILS IN OPPOSING OR QUASHING A SUBPOENA FOR BALLOTS OR ELECTION MATERIALS ITS REASONABLE ATTORNEY FEES. TO THE EXTENT THIS SECTION CONFLICTS WITH SECTION 41-1151 OR ANY OTHER PROVISION OF LAW, THIS SECTION SHALL GOVERN.

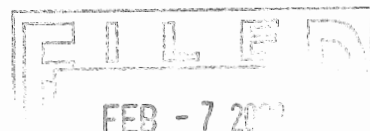
E. IT IS A CLASS 6 FELONY TO KNOWINGLY PROVIDE VOTED BALLOTS TO A PERSON TO CONDUCT ANY TYPE OF AUDIT, RECOUNT, OR REVIEW OF BALLOTS OTHER THAN THOSE CONDUCTED PURSUANT TO ARTICLES 12 OR 13 OF THIS CHAPTER, OR AS OTHERWISE PRESCRIBED BY LAW, OR PURSUANT TO COURT ORDER. IT IS A CLASS 6 FELONY TO KNOWINGLY POSSESS VOTED BALLOTS PROVIDED IN VIOLATION OF THIS SUBSECTION.

Sec. 32. Section 16-901, Arizona Revised Statutes, is amended to read:

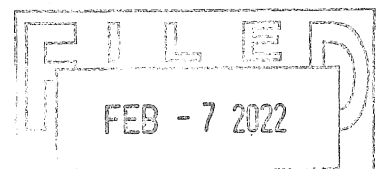
16-901. Definitions

In this chapter, unless the context otherwise requires:

1. "Advertisement" means information or materials, other than nonpaid social media messages, that are mailed, e-mailed, posted, distributed, published, displayed, delivered, broadcasted or placed in a communication medium and that are for the purpose of influencing an election.



2. "Affiliate" means any organization that controls, is controlled by or is under common control with a corporation, limited liability company or labor organization.
3. "Agent" means any person who has actual authority, either express or implied, to represent or make decisions on behalf of another person.
4. "Ballot measure expenditure" means an expenditure made by a person that expressly advocates the support or opposition of a clearly identified ballot measure.
5. "Best effort" means that a committee treasurer or treasurer's agent makes at least one written effort, including an attempt by e-mail, text message, private message through social media or other similar communication, or at least one oral effort that is documented in writing to identify the contributor of an incomplete contribution.
6. "Calendar quarter" means a period of three consecutive calendar months ending on March 31, June 30, September 30 or December 31.
7. "Candidate" means an individual who receives contributions or makes expenditures or who gives consent to another person to receive contributions or make expenditures on behalf of that individual in connection with the candidate's nomination, election or retention for any public office.
8. "Candidate committee" includes the candidate.
9. "Clearly identified candidate" means that the name or a description, image, photograph or drawing of the candidate appears or the identity of the candidate is otherwise apparent by unambiguous reference.
10. "Committee" means a candidate committee, a political action committee or a political party.
11. "Contribution" means any money, advance, deposit or other thing of value that is made to a person for the purpose of influencing an election. Contribution includes:
 - (a) A contribution that is made to retire campaign debt from a previous election cycle.
 - (b) Money or the fair market value of anything that is directly or indirectly provided to an elected official for the specific purpose of defraying the expense of communications with constituents.
 - (c) The full purchase price of any item from a committee.
 - (d) A loan that is made to a committee for the purpose of influencing an election, to the extent the loan remains outstanding.
12. "Control" means to possess, directly or indirectly, the power to direct or to cause the direction of the management or policies of another organization, whether through voting power, ownership, contract or otherwise.
13. "Coordinate", "coordinated" or "coordination" means the coordination of an expenditure as prescribed by section 16-922.
14. "Coordinated party expenditures" means expenditures that are made by a political party to directly pay for goods or services on behalf of its nominee.
15. "District office" means an elected office established or organized pursuant to title 15 or 48.
16. "Earmarked" means a designation, instruction or encumbrance between the transferor of a contribution and a transferee that requires the transferee to make a contribution to a clearly identified candidate.
17. "Election" means any election for any ballot measure in this state or any candidate election during a primary, general, recall, special or runoff election for any office in this state other than a federal office and a political party office prescribed by chapter 5, article 2 of this title.
18. "Election cycle" means the ~~two-year~~ period beginning on January 1 in the year after a ~~statewide~~ general election and ending on December 31 in the year of a ~~statewide~~ THE NEXT SUCCESSIVE general election FOR A PARTICULAR ELECTED OFFICE or, for cities and towns, the ~~two-year~~ period beginning on the first day of the calendar quarter after the calendar quarter in which the city's or town's second, runoff or general election is scheduled and ending on the last day of the calendar quarter in which the city's or town's immediately following second, runoff or general election is scheduled, however that election is designated by the city or town FOR EACH ELECTED OFFICE. For the purposes of a:
 - (a) Recall election, "election cycle" means the period between issuance of a recall petition serial number and the latest of the following:
 - (i) The date of the recall election that is called pursuant to section 19-209.
 - (ii) The date that a resignation is accepted pursuant to section 19-208.
 - (iii) The date that the receiving officer provides notice pursuant to section 19-208.01 that the number of signatures is insufficient.
 - (b) Special election, "election cycle" means the period between the date of issuance of a proclamation or order calling the special election and the last day of the calendar quarter in which the special election is held.
19. "Employee" means an individual who is entitled to compensation for labor or services performed for the individual's employer.
20. "Employer" means any person that pays compensation to and directs the labor or services of any individual in the course of employment.
21. "Enforcement officer" means the attorney general or the county, city or town attorney with authority to collect fines or issue penalties with respect to a given election pursuant to section 16-938.
22. "Entity" means a corporation, limited liability company, labor organization, partnership, trust, association, organization, joint venture, cooperative, unincorporated organization or association or other organized group that consists of more than one individual.
23. "Excess contribution" means a contribution that exceeds the applicable contribution limits for a particular election.
24. "Exclusive insurance contract" means an insurance producer's contract with an insurer that does either of the following:
 - (a) Prohibits the producer from soliciting insurance business for any other insurer.
 - (b) Requires a right of first refusal on all lines of insurance business written by the insurer and solicited by the producer.
25. "Expenditure" means any purchase, payment or other thing of value that is made by a person for the purpose of influencing an election.
26. "Family contribution" means any contribution that is provided to a candidate's committee by the parent, grandparent, ~~aunt, uncle~~, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members, regardless of whether the relation is established by marriage or adoption.
27. "Filing officer" means the secretary of state or the county, city or town officer in charge of elections for that jurisdiction who accepts statements and reports for those elections pursuant to section 16-928.
28. "Firewall" means a written policy that precludes one person from sharing information with another person.
29. "Identification" or "identify" means:
 - (a) For an individual, the individual's first and last name, residence location or street address and occupation and the name of the individual's primary employer.
 - (b) For any other person, the person's full name and physical location or street address.
30. "Incomplete contribution" means any contribution that is received by a committee for which the contributor's complete identification has not been obtained.
31. "Independent expenditure" means an expenditure by a person, other than a candidate committee, that complies with both of the following:
 - (a) Expressly advocates the election or defeat of a clearly identified candidate.
 - (b) Is not made in cooperation or consultation with or at the request or suggestion of the candidate or the candidate's agent.
32. "In-kind contribution" means a contribution of goods, services or anything of value that is provided without charge or at less than the usual and normal charge.
33. "Insurance producer" means a person that:
 - (a) Is required to be licensed to sell, solicit or negotiate insurance.
 - (b) Has an exclusive insurance contract with an insurer.
34. "Itemized" means that each contribution received or expenditure made is set forth separately.
35. "Labor organization" means any employee representation organization that exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.
36. "Legislative office" means the office of representative in the state house of representatives or senator in the state senate.
37. "Mega PAC status" means official recognition that a political action committee has received contributions from five hundred or more individuals in amounts of ten dollars or more in the four-year period immediately before application to the secretary of state.
38. "Nominee" means a candidate who prevails in a primary election for partisan office and includes the nominee's candidate committee.



39. "Person" means an individual or a candidate, nominee, committee, corporation, limited liability company, labor organization, partnership, trust, association, organization, joint venture, cooperative or unincorporated organization or association.

40. "Personal monies" means any of the following:

- (a) Assets to which the individual or individual's spouse has either legal title or an equitable interest.
- (b) Salary and other earned income from bona fide employment of the individual or individual's spouse.
- (c) Dividends and proceeds from the sale of investments of the individual or individual's spouse.
- (d) Bequests to the individual or individual's spouse.
- (e) Income to the individual or individual's spouse from revocable trusts for which the individual or individual's spouse is a beneficiary.
- (f) Gifts of a personal nature to the individual or individual's spouse that would have been given regardless of whether the individual became a candidate or accepted a contribution.

(g) The proceeds of loans obtained by the individual or individual's spouse that are secured by collateral or security provided by the individual or individual's spouse.

(h) Family contributions.

41. "Political action committee" means an entity that is required to register as a political action committee pursuant to section 16-905.

42. "Political party" means a committee that meets the requirements for recognition as a political party pursuant to chapter 5 of this title.

43. "Primary purpose" means an entity's predominant purpose. Notwithstanding any other law or rule, an entity is not organized for the primary purpose of influencing an election if all of the following apply at the time the contribution or expenditure is made:

(a) The entity has tax exempt status under section 501(a) of the internal revenue code.

(b) Except for a religious organization, assembly or institution, the entity has properly filed a form 1023 or form 1024 with the internal revenue service or the equivalent successor form designated by the internal revenue service.

(c) The entity's tax exempt status has not been denied or revoked by the internal revenue service.

(d) The entity has properly filed a form 990 with the internal revenue service or the equivalent successor form designated by the internal revenue service in compliance with the most recent filing deadline established by internal revenue service regulations or policies.

44. "Retention" means the election process by which a superior court judge, appellate court judge or supreme court justice is retained in office as prescribed by article VI, section 38 or 40, Constitution of Arizona.

45. "Separate segregated fund" means a fund established by a corporation, limited liability company, labor organization or partnership that is required to register as a political action committee.

46. "Social media messages" means forms of communication, including internet sites for social networking or blogging, through which users create a personal profile and participate in online communities to share information, ideas and personal messages.

47. "Sponsor" means ~~any person that establishes, administers or contributes financial support to the administration of a political action committee or that has common or overlapping membership or officers with that political action committee~~ AN ENTITY THAT PAYS THE COSTS OF ESTABLISHING, ADMINISTERING AND SOLICITING CONTRIBUTIONS FROM ITS EMPLOYEES, MEMBERS, EXECUTIVES, STOCKHOLDERS AND RETIREES AND THEIR FAMILIES FOR ITS SEPARATE SEGREGATED FUND, WHICH PURSUANT TO SECTION 16-911 ARE NOT CONTRIBUTIONS.

48. "Standing committee" means a political action committee or political party that is active in more than one reporting jurisdiction in this state and that files a statement of organization in a format prescribed by the secretary of state.

49. "Statewide office" means the office of governor, secretary of state, state treasurer, attorney general, superintendent of public instruction, corporation commissioner or mine inspector.

50. "Surplus monies" means those monies of a terminating committee that remain after all of the committee's expenditures have been made, all debts have been extinguished and the committee ceases accepting contributions.

Sec. 33. Section 16-912, Arizona Revised Statutes, is amended to read:

16-912. Individual contribution limits; requirements

A. An individual may not contribute more than the following amounts per election cycle:

1. ~~Six thousand two hundred fifty dollars~~ \$1,000 to a candidate committee for city, town, county or district office.
2. ~~Six thousand two hundred fifty dollars~~ \$1,000 to a candidate committee for legislative office.
3. ~~Six thousand two hundred fifty dollars~~ \$2,500 to a candidate committee for statewide office.

B. An individual may make unlimited contributions to persons other than candidate committees.

C. An individual may only make contributions using personal monies, except that a contribution from an unemancipated minor child shall be treated as a contribution by the child's custodial parent or parents.

Sec. 34. Section 16-914, Arizona Revised Statutes, is amended to read:

16-914. Political action committee contribution limits; requirements

A. A political action committee without mega PAC status may not contribute more than the following amounts per election cycle:

1. ~~Six thousand two hundred fifty dollars~~ \$1,000 to a candidate committee for city, town, county or district office.
2. ~~Six thousand two hundred fifty dollars~~ \$1,000 to a candidate committee for legislative office.
3. ~~Six thousand two hundred fifty dollars~~ \$2,500 to a candidate committee for statewide office.

B. A political action committee with mega PAC status may contribute twice the amounts prescribed in subsection A of this section per election cycle if the political action committee provides the recipient candidate committee a copy of the political action committee's certification of mega PAC status.

C. A political action committee may only contribute to a candidate committee using monies contributed by an individual, a partnership, a candidate committee, a political action committee or a political party.

D. A political action committee may make unlimited contributions to persons other than candidate committees.

Sec. 35. Section 16-917, Arizona Revised Statutes, is amended to read:

16-917. Partnership contribution limits; requirements

A. A partnership may not contribute more than the following amounts per election cycle:

1. ~~Six thousand two hundred fifty dollars~~ \$1,000 to a candidate committee for city, town, county or district office.
2. ~~Six thousand two hundred fifty dollars~~ \$1,000 to a candidate committee for legislative office.
3. ~~Six thousand two hundred fifty dollars~~ \$2,500 to a candidate committee for statewide office.

B. A partnership may make unlimited contributions to persons other than candidate committees.

C. Partnership contributions are subject to the following:

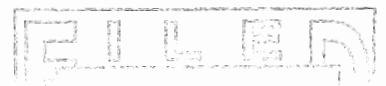
1. Partnership contributions shall be attributed to each contributing partner as designated by the partnership. The partnership shall provide the recipient committee written notice identifying the contributing partners and the amount attributed to each.

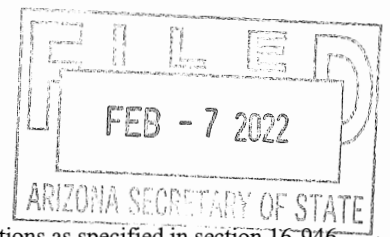
2. Partnership contributions shall count against both the partnership's and the individual partners' contribution limits to a recipient. The portion attributed to each partner shall be aggregated with the individual partner's nonpartnership contributions to that recipient and shall not exceed the individual partner's contribution limit.

3. The partnership shall not attribute any contribution to a partner that is a corporation, limited liability company or labor organization.

4. Partnership contributions need not be accompanied by the signature of each contributing partner.

D. A partnership may establish a separate segregated fund as prescribed in section 16-916.





Sec. 36. Section 16-941, Arizona Revised Statutes, is amended to read:

16-941. Limits on spending and contributions for political campaigns

A. Notwithstanding any law to the contrary, a participating candidate:

1. Shall not accept any contributions, other than a limited number of ~~five-dollar~~ \$5 qualifying contributions as specified in section 16-946, SUPPLEMENTAL QUALIFYING CONTRIBUTIONS AS SPECIFIED IN SECTION 16-951.01 and early contributions as specified in section 16-945, except in the emergency situation specified in section 16-954, subsection F D.
2. Shall not make expenditures of more than a total of ~~five-hundred-dollars~~ \$500 of the candidate's personal monies for a candidate for the legislature or more than ~~one-thousand-dollars~~ \$1,000 for a candidate for statewide office.
3. Shall not make expenditures in the primary election period in excess of the adjusted primary election spending limit AND THE AMOUNT THE PARTICIPATING CANDIDATE RECEIVES DURING THE ELECTION CYCLE IN SUPPLEMENTAL FUNDING GRANTS UNDER SECTION 16-951.01.
4. Shall not make expenditures in the general election period in excess of the adjusted general election spending limit AND THE AMOUNT THE PARTICIPATING CANDIDATE RECEIVES DURING THE ELECTION CYCLE IN SUPPLEMENTAL FUNDING GRANTS UNDER SECTION 16-951.01.
5. Shall comply with section 16-948 regarding campaign accounts and section 16-953 regarding returning unused monies to the citizens clean elections fund described in this article.

B. Notwithstanding any law to the contrary, a nonparticipating candidate shall not accept contributions in excess of ~~an amount that is twenty per cent less than~~ the limits specified in ~~section 16-905, subsections A through E~~ THIS TITLE, as adjusted by the secretary of state pursuant to section ~~16-905, subsection H~~ 16-931. Any violation of this subsection shall be subject to the civil penalties and procedures set forth in section ~~16-905, subsections J through M and section 16-924~~ 16-942.

C. Notwithstanding any law to the contrary, a candidate, whether participating or nonparticipating:

1. If specified in a written agreement signed by the candidate and one or more opposing candidates and filed with the citizens clean elections commission, shall not make any expenditure in the primary or general election period exceeding an agreed-upon amount lower than spending limits otherwise applicable by statute.
2. Shall continue to be bound by all other applicable election and campaign finance statutes and rules, with the exception of those provisions in express or clear conflict with this article.

D. Notwithstanding any law to the contrary, any person who makes independent expenditures related to a particular office cumulatively exceeding ~~five-hundred-dollars~~ \$500 in an election cycle, with the exception of ~~any expenditure listed in section 16-920~~ and any independent expenditure by an organization arising from a communication directly to the organization's members, shareholders, employees, affiliated persons and subscribers, shall file reports with the secretary of state in accordance with section 16-958 so indicating, identifying the office and the candidate or group of candidates whose election or defeat is being advocated and stating whether the person is advocating election or advocating defeat.

Sec. 37. Section 16-945, Arizona Revised Statutes, is amended to read:

16-945. Limits on early contributions

A. A participating candidate may accept early contributions only from individuals and only during the exploratory period and the qualifying period, subject to the following limitations:

1. Notwithstanding any law to the contrary, no contributor shall give, and no participating candidate shall accept, contributions from a contributor exceeding ~~one-hundred-dollars~~ \$100 during an election cycle.
2. Notwithstanding any law to the contrary, early contributions to a participating candidate from all sources for an election cycle shall not exceed, ~~for a candidate for governor, forty thousand dollars or, for other candidates, ten per cent~~ PERCENT of the sum of the original primary election spending limit and the original general election spending limit.
3. Qualifying contributions specified in section 16-946 AND SUPPLEMENTAL QUALIFYING CONTRIBUTIONS SPECIFIED IN SECTION 16-951.01 shall not be included in determining whether the limits in this subsection have been exceeded.

B. ~~Early contributions specified in subsection A of this section and~~ The candidate's personal monies specified in section 16-941, subsection A, paragraph 2 may be spent only during the exploratory period and the qualifying period. ~~Any early contributions not spent by the end of the qualifying period shall be paid to the fund.~~ EARLY CONTRIBUTIONS DESCRIBED IN SUBSECTION A OF THIS SECTION MAY BE SPENT AT ANY TIME DURING THE CANDIDATE'S CANDIDACY.

C. If a participating candidate has a debt from an election campaign in this state during a previous election cycle in which the candidate was not a participating candidate, then, during the exploratory period only, the candidate may accept, in addition to early contributions specified in subsection A of this section, contributions subject to the limitations in section 16-941, subsection B, or may exceed the limit on personal monies in section 16-941, subsection A, paragraph 2, provided that such contributions and monies are used solely to retire such debt.

Sec. 38. Section 16-951, Arizona Revised Statutes, is amended to read:

16-951. Clean elections funding

A. At the beginning of the primary election period, the commission shall pay from the fund to the campaign account of each candidate who qualifies for clean elections funding:

1. For a candidate who qualifies for clean elections funding for a party primary election, an amount equal to the original primary election spending limit.
2. For an independent candidate who qualifies for clean elections funding, an amount equal to seventy percent of the sum of the original primary election spending limit and the original general election spending limit.
3. For a qualified participating candidate who is unopposed for an office in that candidate's primary, in the primary of any other party and by any opposing independent candidate, an amount equal to ~~five-dollars~~ \$5 times the number of qualifying contributions for that candidate certified by the commission.

B. At any time after the first day of January of an election year, any candidate who has met the requirements of section 16-950 may sign and cause to be filed a nomination paper in the form specified by section 16-311, subsection A, with a nominating petition and signatures, instead of filing such papers after the earliest time set for filing specified by that subsection. Upon such filing and verification of the signatures, the commission shall pay the amount specified in subsection A of this section AND THE AMOUNT OF ANY SUPPLEMENTAL GRANT FUNDING FOR WHICH THE CANDIDATE HAS QUALIFIED immediately, rather than waiting for the beginning of the primary election period.

C. At the beginning of the general election period, the commission shall pay from the fund to the campaign account of each candidate who qualifies for clean elections funding for the general election, except those candidates identified in subsection A, paragraph 2 or subsection D of this section, an amount equal to the original general election spending limit AND THE AMOUNT OF ANY SUPPLEMENTAL GRANT FUNDING FOR WHICH THE CANDIDATE HAS QUALIFIED PURSUANT TO SECTION 16-951.01, SUBSECTION F.

D. At the beginning of the general election period, the commission shall pay from the fund to the campaign account of a qualified participating candidate who has not received funds pursuant to subsection A, paragraph 3 of this section and who is unopposed by any other party nominee or any opposing independent candidate an amount equal to ~~five-dollars~~ \$5 times the number of qualifying contributions for that candidate certified by the commission.

E. The special original general election spending limit, for a candidate who has received funds pursuant to subsection A, paragraphs 2 or 3 or subsection D of this section, shall be equal to the amount that the commission is obligated to pay to that candidate.

Sec. 39. Title 16, chapter 6, article 2, Arizona Revised Statutes, is amended by adding section 16-951.01, to read:

16-951.01. Supplemental clean elections funding

A. DURING OR AFTER THE QUALIFYING PERIOD, A QUALIFIED PARTICIPATING CANDIDATE MAY QUALIFY FOR SUPPLEMENTAL CLEAN ELECTIONS FUNDING BY PRESENTING TO THE SECRETARY OF STATE A LIST OF NAMES OF PERSONS WHO HAVE MADE SUPPLEMENTAL QUALIFYING CONTRIBUTIONS ON BEHALF OF THE CANDIDATE. THE METHOD FOR MAKING AND COLLECTING SUPPLEMENTAL QUALIFYING CONTRIBUTIONS SHALL BE THE SAME AS FOR INITIAL QUALIFYING CONTRIBUTIONS PURSUANT TO SECTION 16-946, INCLUDING THAT SUPPLEMENTAL QUALIFYING CONTRIBUTIONS SHALL BE DEPOSITED IN THE CANDIDATE'S CAMPAIGN COMMITTEE'S ACCOUNT AND PAID TO THE FUND, NOTWITHSTANDING SECTION 16-948, SUBSECTION A.

B. TO QUALIFY FOR ONE SUPPLEMENTAL FUNDING GRANT, A QUALIFIED PARTICIPATING CANDIDATE MUST HAVE OBTAINED AN AMOUNT OF QUALIFYING CONTRIBUTIONS EQUAL TO TWENTY PERCENT OF THE AMOUNT NEEDED FOR INITIAL QUALIFICATION UNDER SECTION 16-950.

C. THE SECRETARY OF STATE SHALL APPROVE CANDIDATES FOR SUPPLEMENTAL FUNDING GRANTS IN THE SAME MANNER AS PROVIDED IN SECTION 16-950 FOR INITIAL FUNDING APPROVAL, EXCEPT THAT THE RANDOM SAMPLE OF NONDUPLICATIVE NAMES DRAWN FOR A SUPPLEMENTAL FUNDING APPLICATION MAY NOT BE FEWER THAN TWENTY NAMES. IF, IN ORDER TO COMPLY WITH THIS REQUIREMENT, THE SECRETARY OF STATE SELECTS A PERCENTAGE OF THE NONDUPLICATIVE NAMES THAT DEVIATES FROM THE PERCENTAGES PROVIDED IN SECTION 16-950, THE SECRETARY OF STATE SHALL MAKE A CORRESPONDING ADJUSTMENT TO THE NUMBER FOR MULTIPLICATION UNDER THAT SECTION.

D. THE COMMISSION SHALL PAY FROM THE FUND TO THE CAMPAIGN ACCOUNT OF A CANDIDATE APPROVED FOR A SUPPLEMENTAL FUNDING GRANT AN AMOUNT EQUAL TO TEN PERCENT OF THE SUM OF THE ORIGINAL PRIMARY ELECTION SPENDING LIMIT AND THE ORIGINAL GENERAL ELECTION SPENDING LIMIT AS DEFINED IN SECTION 16-961 FOR THE APPROPRIATE OFFICE.

E. A CANDIDATE FOR STATEWIDE OFFICE MAY RECEIVE NOT MORE THAN TEN SUPPLEMENTAL FUNDING GRANTS IN A SINGLE ELECTION CYCLE AND NOT MORE THAN SIX SUPPLEMENTAL FUNDING GRANTS DURING THE PRIMARY ELECTION PERIOD. A CANDIDATE FOR LEGISLATIVE OFFICE MAY RECEIVE NOT MORE THAN TWENTY SUPPLEMENTAL FUNDING GRANTS IN A SINGLE ELECTION CYCLE AND NOT MORE THAN TWELVE SUPPLEMENTAL FUNDING GRANTS DURING THE PRIMARY ELECTION PERIOD. NOT LATER THAN THE FIRST DAY OF THE QUALIFYING PERIOD, THE COMMISSION MAY ADOPT RULES CHANGING THE NUMBER OF SUPPLEMENTAL GRANTS AVAILABLE FOR ANY OFFICE, FOR THE ELECTION CYCLE OR THE PRIMARY ELECTION PERIOD, BY NOT MORE THAN TWENTY PERCENT OF THE NUMBER APPLICABLE FOR THE PRECEDING ELECTION.

F. A CANDIDATE WHO HAS RECEIVED THE MAXIMUM NUMBER OF SUPPLEMENTAL FUNDING GRANTS FOR THE PRIMARY ELECTION PERIOD MAY CONTINUE TO QUALIFY FOR ADDITIONAL SUPPLEMENTAL FUNDING GRANTS TO BE RECEIVED AT THE BEGINNING OF THE GENERAL ELECTION PERIOD SHOULD THE CANDIDATE ADVANCE TO THE GENERAL ELECTION, EXCEPT THAT A CANDIDATE WHO IS UNOPPOSED IN THE GENERAL ELECTION MAY NOT RECEIVE SUPPLEMENTAL FUNDING GRANTS DURING THE GENERAL ELECTION PERIOD.

G. NOT LATER THAN THE FIRST DAY OF THE QUALIFYING PERIOD, THE COMMISSION SHALL DETERMINE AND PUBLICIZE DEADLINES FOR SUBMITTING APPLICATIONS FOR SUPPLEMENTAL FUNDING GRANTS FOR THE PRIMARY AND GENERAL ELECTION PERIODS.

Sec. 40. Section 16-953, Arizona Revised Statutes, is amended to read:

16-953. Return of monies to the citizens clean elections fund

A. At the end of the primary election period, a participating candidate who has received monies pursuant to section 16-951, subsection A, paragraph 1 shall return to the fund all monies in the candidate's campaign account above an amount sufficient to pay any unpaid bills for expenditures made during the primary election period and for goods or services directed to the primary election. THIS SUBSECTION DOES NOT APPLY TO THE UNSPENT AMOUNT OF ANY EARLY CONTRIBUTIONS AND SUPPLEMENTAL FUNDING GRANTS RECEIVED PURSUANT TO SECTION 16-951.01 IF THE PARTICIPATING CANDIDATE IS A PARTY NOMINEE OR INDEPENDENT CANDIDATE.

B. At the end of the general election period, a participating candidate shall return to the fund all monies in the candidate's campaign account above an amount sufficient to pay any unpaid bills for expenditures made before the general election and for goods or services directed to the general election.

C. A participating candidate shall pay all uncontested and unpaid bills referenced in this section no later than thirty days after the primary or general election. A participating candidate shall make monthly reports to the commission concerning the status of the dispute over any contested bills. Any monies in a candidate's campaign account after payment of bills shall be returned promptly to the fund.

D. If a participating candidate is replaced pursuant to section 16-343, and the replacement candidate files an oath with the secretary of state certifying to section 16-947, subsection B, paragraph 3, the campaign account of the participating candidate shall be transferred to the replacement candidate and the commission shall certify the replacement candidate as a participating candidate without requiring compliance with section 16-950 or the remainder of section 16-947. If the replacement candidate does not file such an oath, the campaign account shall be liquidated and all remaining monies returned to the fund.

E. If a participating candidate who has received monies pursuant to section 16-951, subsection A, paragraph 1 does not qualify for the ballot for the primary election, the participating candidate shall:

1. Return to the fund all monies in the candidate's campaign account above the amount sufficient to pay any unpaid bills for expenditures made before the date the candidate failed to qualify for the primary ballot.

2. Return to the commission, within fourteen days, all remaining assets purchased with public funds in that election cycle, including all political signs. The disqualified participating candidate is not required to return political signs purchased in a previous election cycle.

3. Repay any monies paid to a family member unless the participating candidate demonstrates that the payment made was for goods or services actually provided before disqualification of the candidate and the payment was for fair market value. For the purposes of this paragraph, "family member" means a parent, grandparent, spouse, child or sibling of the candidate or a parent or spouse of any of those persons.

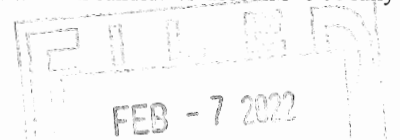
Sec. 41. Section 16-954, Arizona Revised Statutes, is amended to read:

16-954. Disposition of excess monies; clean elections fund tax reduction; definition

A. Beginning January 1, 1999, an additional surcharge of ten ~~per cent~~ PERCENT shall be imposed on all civil and criminal fines and penalties collected pursuant to section 12-116.01 and shall be deposited ~~into~~ IN the fund.

B. At least once per year, the commission shall project the amount of monies that the fund will collect over the next four years and the time such monies shall become available. Whenever the commission determines that the fund contains more monies than the commission determines that it requires to meet current debts plus expected expenses, under the assumption that expected expenses will be at the expenditure limit in section 16-949, subsection A, and taking into account the projections of collections, the commission shall designate such monies as excess monies and so notify the state treasurer, who shall thereupon transfer the excess monies to the general fund.

C. At least once per year, the commission shall project the amount of clean elections funding for which all candidates will have qualified pursuant to this article for the following calendar year. By the end of each year, the commission shall announce whether the amount that the commission plans to spend the following year pursuant to section 16-949, subsection A exceeds the projected amount of clean elections funding. If the commission determines that the fund contains insufficient monies or the spending cap would be exceeded were all candidates' accounts to be fully



funded, the commission may include in the announcement specifications for decreases in the following parameters, based on the commission's projections of collections and expenses for the fund, including that the fund will provide monies under ~~section~~ SECTIONS 16-951 AND 16-951.01 as a fraction of the amounts there specified.

D. If the commission cannot provide participating candidates with all monies specified under sections 16-951, 16-951.01 and 16-952, as decreased by any announcement pursuant to subsection C of this section, the commission shall allocate any reductions in payments proportionately among candidates entitled to monies and shall declare an emergency. Upon declaration of an emergency, a participating candidate may accept private contributions to bring the total monies received by the candidate from the fund and from such private contributions up to the adjusted spending limits, as decreased by any announcement made pursuant to subsection C of this section.

E. FOR TAXABLE YEARS BEGINNING FROM AND AFTER DECEMBER 31, 2022, A TAXPAYER WHO FILES A STATE INCOME TAX RETURN FORM MAY MAKE A \$5 VOLUNTARY CONTRIBUTION PER TAXPAYER TO THE FUND BY MARKING AN OPTIONAL CHECKOFF BOX. FOR EVERY CONTRIBUTION, THE CONTRIBUTING TAXPAYER'S LIABILITY SHALL BE REDUCED BY \$5 AND \$5 SHALL BE TRANSFERRED BY THE DEPARTMENT OF REVENUE TO THE FUND. THE DEPARTMENT OF REVENUE SHALL PROVIDE CHECKOFF BOXES FOR CONTRIBUTIONS PURSUANT TO THIS SUBSECTION, IDENTIFIED AS THE CLEAN ELECTIONS FUND TAX REDUCTION, ON INCOME TAX RETURN FORMS IN THE SAME SECTION AS OTHER TAX REDUCTIONS.

F. FOR PURPOSES OF THIS SECTION, "TAXPAYER" MEANS A PERSON, FIRM OR CORPORATION THAT IS SUBJECT TO TAXATION UNDER TITLE 20 OR UNDER TITLE 43, CHAPTER 10 OR 11.

Sec. 42. Section 16-956, Arizona Revised Statutes, is amended to read:

16-956. Voter education and enforcement duties

A. The commission shall:

1. Develop a procedure for publishing a document or section of a document having a space of predefined size for a message chosen by each candidate. For the document that is delivered before the primary election, the document shall contain the names of every candidate for every statewide and legislative district office in that primary election without regard to whether the candidate is a participating candidate or a nonparticipating candidate. For the document that is delivered before the general election, the document shall contain the names of every candidate for every statewide and legislative district office in that general election without regard to whether the candidate is a participating candidate or a nonparticipating candidate. The commission shall deliver one copy of each document to every household that contains a registered voter. For the document that is delivered before the primary election, the delivery may be made over a period of days but shall be sent in time to be delivered to households before the earliest date for receipt by registered voters of any requested early ballots for the primary election. The commission may deliver the second document over a period of days but shall send the second document 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. The primary election and general election documents published by the commission shall comply with all of the following:

(a) For any candidate who does not submit a message pursuant to this paragraph, the document shall include with the candidate's listing the words "no statement submitted".

(b) The document shall have printed on its cover the words "citizens clean elections commission voter education guide" and the words "primary election" or "general election" and the applicable year. The document shall also contain at or near the bottom of the document cover in type that is no larger than one-half the size of the type used for "citizens clean elections commission voter education guide" the words "paid for by the citizens clean elections fund".

(c) In order to prevent voter confusion, the document shall be easily distinguishable from the publicity pamphlet that is required to be produced by the secretary of state pursuant to section 19-123.

(d) THE DOCUMENT SHALL CONTAIN A BRIEF PLAIN ENGLISH EXPLANATION OF ANY STATEWIDE BALLOT MEASURES ON THE BALLOT. THIS PORTION OF THE DOCUMENT SHALL APPEAR ON THE WEBSITES OF BOTH THE COMMISSION AND SECRETARY OF STATE, AND A PROMINENT LINK TO THE DOCUMENT ON THE HOME PAGE OF BOTH WEBSITES SHALL BE LABELED "BALLOT ISSUES GUIDE".

2. Sponsor debates among candidates, in such manner as determined by the commission. The commission shall require participating candidates to attend and participate in debates and may specify by rule penalties for nonparticipation. The commission shall invite and permit nonparticipating candidates to participate in debates.

3. Prescribe forms for reports, statements, notices and other documents required by this article. The commission shall not require a candidate to use a reporting system other than the reporting system jointly approved by the commission and the office of the secretary of state.

4. Prepare and publish instructions setting forth methods of bookkeeping and preservation of records to facilitate compliance with this article and explaining the duties of persons and committees under this article.

5. Produce a yearly report describing the commission's activities and any recommendations for changes of law, administration or funding amounts and accounting for monies in the fund.

6. Adopt rules to implement the reporting requirements of section 16-958, subsections D and E.

7. Enforce this article, ensure that money from the fund is placed in candidate campaign accounts or otherwise spent as specified in this article and not otherwise, monitor reports filed pursuant to this chapter and financial records of candidates as needed and ensure that money required by this article to be paid to the fund is deposited in the fund. The commission shall not take action on any external complaint that is filed more than ninety days after the postelection report is filed or ninety days after the completion of the canvass of the election to which the complaint relates, whichever is later.

B. The commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items material to the performance of the commission's duties or the exercise of its powers.

C. The commission may adopt rules to carry out the purposes of this article and to govern procedures of the commission. THE COMMISSION IS EXEMPT FROM THE RULEMAKING REQUIREMENTS OF TITLE 41, CHAPTER 6. The commission shall propose and adopt rules in public meetings, with at least sixty days allowed for interested parties to comment after the rules are proposed. The commission shall also file the proposed rule in the format prescribed in section 41-1022 with the secretary of state's office for publication in the Arizona administrative register. After consideration of the comments received in the sixty day comment period, the commission may adopt the rule in an open meeting. Any rules given final approval in an open meeting shall be filed in the format prescribed in section 41-1022 with the secretary of state's office for publication in the Arizona administrative register. Any rules adopted by the commission shall only be applied prospectively from the date the rule was adopted.

D. Rules adopted by the commission are not effective until January 1 in the year following the adoption of the rule, except that rules adopted by unanimous vote of the commission may be made immediately effective and enforceable.

E. If, in the view of the commission, the action of a particular candidate or committee requires immediate change to a commission rule, a unanimous vote of the commission is required. Any rule change made pursuant to this subsection that is enacted with less than a unanimous vote takes effect for the next election cycle.

F. Based on the results of the elections in any quadrennial election after 2002, and within six months after such election, the commission may adopt rules changing the number of qualifying contributions required for any office from those listed in section 16-950, subsection D by no more than twenty percent of the number applicable for the preceding election.

Sec. 43. Section 16-961, Arizona Revised Statutes, is amended to read:

16-961. Definitions

A. The terms "candidate's campaign committee," "contribution," "expenditures," "exploratory committee," "independent expenditure," "personal monies," "political committee" and "statewide office" are defined in section 16-901.

- B. 1. "Election cycle" means the period between successive general elections for a particular office.
2. "Exploratory period" means the period beginning on the day after a general election and ending the day before the start of the qualifying period.
3. "Qualifying period" means the period beginning on the first day of August in a year preceding an election and ending one week before the primary election. AS THE COMMISSION DEEMS APPROPRIATE, THE COMMISSION MAY SET THE QUALIFYING PERIOD FOR ANY ELECTION CYCLE TO BEGIN EARLIER IN THE YEAR PRECEDING THE ELECTION. THE COMMISSION SHALL MAKE REASONABLE EFFORTS TO PUBLICIZE ANY ALTERATION TO THE QUALIFYING PERIOD FOR ANY PARTICULAR ELECTION CYCLE.
4. "Primary election period" means the nine-week period ending on the day of the primary election.
5. "General election period" means the period beginning on the day after the primary election and ending on the day of the general election.
6. For any recall election, the qualifying period shall begin when the election is called and last for thirty days, there shall be no primary election period and the general election period shall extend from the day after the end of the qualifying period to the day of the recall election. For recall elections, any reference to "general election" in this article shall be treated as if referring to the recall election.
- C. 1. "Participating candidate" means a candidate who becomes certified as a participating candidate pursuant to section 16-947.
2. "Nonparticipating candidate" means a candidate who does not become certified as a participating candidate pursuant to section 16-947.
3. Any limitation of this article that is applicable to a participating candidate or a nonparticipating candidate shall also apply to that candidate's campaign committee or exploratory committee.
- D. "Commission" means the citizens clean elections commission established pursuant to section 16-955.
- E. "Fund" means the citizens clean elections fund defined by this article.
- F. 1. "Party nominee" means a person who has been nominated by a political party pursuant to section 16-301 or 16-343.
2. "Independent candidate" means a candidate who has properly filed nominating papers and nominating petitions with signatures pursuant to section 16-341.
3. "Unopposed" means with reference to an election for:
- (a) A member of the house of representatives, opposed by no more than one other candidate who has qualified for the ballot and who is running in the same district.
- (b) A member of the corporation commission, opposed by a number of candidates who have qualified for the ballot that is fewer than the number of corporation commission seats open at that election and for which the term of office ends on the same date.
- (c) All other offices, opposed by no other candidate who has qualified for the ballot and who is running in that district or running for that same office and term.
- G. "Primary election spending limits" means:
1. For a candidate for the legislature, ~~twelve thousand nine hundred twenty one dollars~~ \$22,651.
2. For a candidate for mine inspector, ~~forty one thousand three hundred forty nine dollars~~ \$72,529.
3. For a candidate for treasurer, superintendent of public instruction or the corporation commission, ~~eighty two thousand six hundred eighty dollars~~ \$145,020.
4. For a candidate for secretary of state or attorney general, ~~one hundred sixty five thousand three hundred seventy eight dollars~~ \$290,090.
5. For a candidate for governor, ~~six hundred thirty eight thousand two hundred twenty two dollars~~ \$1,791,204.
- H. "General election spending limits" means amounts fifty ~~per cent~~ PERCENT greater than the amounts specified in subsection G of this section.
- I. 1. "Original" spending limit means a limit specified in subsections G and H of this section, as adjusted pursuant to section 16-959, or a special amount expressly set for a particular candidate by a provision of this title.
2. "Adjusted" spending limit means an original spending limit as further adjusted pursuant to section 16-952.

Sec. 44. Section 16-1005, Arizona Revised Statutes, is amended to read:

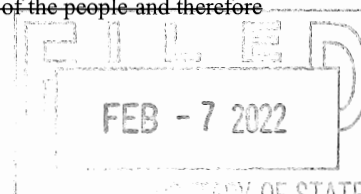
16-1005. Ballot abuse; violations; classification; definitions

- A. Any person who knowingly marks a voted or unvoted ballot or ballot envelope with the intent to fix an election for that person's own benefit or for that of another person is guilty of a class 5 felony.
- B. It is unlawful to offer or provide any consideration to acquire a voted or unvoted early ballot. A person who violates this subsection is guilty of a class 5 felony.
- C. It is unlawful to receive or agree to receive any consideration in exchange for a voted or unvoted ballot. A person who violates this subsection is guilty of a class 5 felony.
- D. It is unlawful to possess a voted or unvoted ballot with the intent to sell the voted or unvoted ballot of another person. A person who violates this subsection is guilty of a class 5 felony.
- E. A person or entity that knowingly solicits the collection of voted or unvoted ballots by misrepresenting itself as an election official or as an official ballot repository or is found to be serving as a ballot drop off site, other than those established and staffed by election officials, is guilty of a class 5 felony.
- F. A person who knowingly collects voted or unvoted ballots and who does not turn those ballots in to an election official, the United States postal service or any other entity permitted by law to transmit post is guilty of a class 5 felony.
- G. A person who engages or participates in a pattern of ballot fraud is guilty of a class 4 felony. For the purposes of this subsection, "pattern of ballot fraud" means the person has offered or provided any consideration to three or more persons to acquire the voted or unvoted ballot of a person.
- H. A person who knowingly collects ~~voted or~~ unvoted early ballots from another person is guilty of a class 6 felony. An election official, a United States postal service worker or any other person who is allowed by law to transmit United States mail is deemed not to have collected an early ballot if the official, worker or other person is engaged in official duties. A VOTER MAY GIVE THE VOTER'S VOTED EARLY BALLOT TO ANOTHER PERSON TO DELIVER TO A POLLING PLACE, A BALLOT DROP BOX, AN ELECTION OFFICIAL, THE UNITED STATES POSTAL SERVICE OR ANY OTHER ENTITY ALLOWED BY LAW TO TRANSMIT POST. AN INDIVIDUAL WHO IS GIVEN A VOTED EARLY BALLOT FOR DELIVERY PURSUANT TO THIS SUBSECTION AND WHO INTENTIONALLY FAILS TO DELIVER THE BALLOT OR TAMPERS WITH THE BALLOT IS GUILTY OF A CLASS 4 FELONY.
- I. THE PROHIBITION ON COLLECTING UNVOTED EARLY BALLOTS IN subsection H of this section does not apply to:
1. An election held by a special taxing district THAT IS formed pursuant to title 48 for the purpose of protecting or providing services to agricultural lands or crops and that is authorized to conduct elections pursuant to title 48.
2. A family member, household member or caregiver of the voter.
- J. For the purposes of this ~~paragraph~~ SECTION:
- (~~a~~)1. "Caregiver" means a person who provides medical or health care assistance to the voter in a residence, nursing care institution, hospice facility, assisted living center, assisted living facility, assisted living home, residential care institution, adult day health care facility or adult foster care home.
- (~~b~~)2. "Collects" means to gain possession or control of an early ballot.
- (~~c~~)3. "Family member" means a person who is related to the voter by blood, marriage, adoption or legal guardianship.
- (~~d~~)4. "Household member" means a person who resides at the same residence as the voter.

Sec. 45. Section 19-101.01, Arizona Revised Statutes, is amended to read:

19-101.01. Findings and intent; substantial compliance for referenda

~~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.~~ THE CITIZENS OF ARIZONA RECOGNIZE THE FUNDAMENTAL RIGHT TO CITIZEN REFERENDUM ENSHRINED IN THE STATE'S CONSTITUTION BY OUR FOUNDERS. Therefore, the legislature CITIZENRY finds and declares its intent that the constitutional and statutory requirements for the referendum be ~~strictly~~ LIBERALLY construed IN FAVOR OF THE ELIGIBILITY OF SUCH MEASURES FOR THE BALLOT and that persons using the referendum process ~~strictly~~ SUBSTANTIALLY comply with those constitutional and statutory requirements.

Sec. 46. Section 19-102.01, Arizona Revised Statutes, is amended to read:

19-102.01. Findings and intent; substantial compliance for initiatives

A. THE CITIZENS OF ARIZONA RECOGNIZE THE FUNDAMENTAL RIGHT TO CITIZEN INITIATIVE ENSHRINED IN THE STATE'S CONSTITUTION BY OUR FOUNDERS. THEREFORE, THE CITIZENRY FINDS AND DECLARES ITS INTENT THAT constitutional and statutory requirements for ~~statewide~~ initiative measures ~~must be strictly~~ LIBERALLY construed IN FAVOR OF THE ELIGIBILITY OF SUCH MEASURES FOR THE BALLOT and THAT persons using the initiative process ~~must strictly~~ SUBSTANTIALLY 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 section 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 section 19-121.

Sec. 47. Title 19, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 19-103, to read:

19-103. Judicial review of citizen measures

NOTWITHSTANDING ANY LAW TO THE CONTRARY, JUDICIAL REVIEW OF A MEASURE'S ELIGIBILITY FOR THE BALLOT UNDER THIS TITLE IS LIMITED TO REVIEW OF THE SECRETARY OF STATE'S AND COUNTY RECORDERS' DETERMINATIONS CONCERNING REMOVAL OF PETITION SHEETS AND ELIGIBILITY OF SIGNATURES AND MUST BE COMMENCED WITHIN TEN CALENDAR DAYS AFTER ANY DETERMINATION BY SUCH OFFICIALS. THE NUMBER OF VALID SIGNATURES AS PROJECTED FROM THE RANDOM SAMPLE FOLLOWING ANY CHALLENGE TO THE SECRETARY OF STATE'S OR COUNTY RECORDERS' DETERMINATIONS ESTABLISHES WHETHER THE MEASURE WILL BE PLACED ON THE GENERAL ELECTION BALLOT.

Sec. 48. Section 19-112, Arizona Revised Statutes, is amended to read:

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~~ SPACE 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.~~ ON THE PETITION SHALL BE PRINTED THE ELECTOR'S FIRST AND LAST NAMES, THE ELECTOR'S RESIDENCE ADDRESS, INCLUDING STREET NAME AND NUMBER, AND IF THE ELECTOR HAS NO STREET ADDRESS, A DESCRIPTION OF THE ELECTOR'S RESIDENCE LOCATION, THE ELECTOR'S ZIP CODE AND COUNTY, AND THE DATE ON WHICH THE ELECTOR SIGNED THE PETITION. EXCEPT FOR THE SIGNATURE, THIS INFORMATION MAY BE WRITTEN OR TYPED BY THE ELECTOR OR ANOTHER PERSON.

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. ADDITIONAL OPTIONS INCLUDE THE FOLLOWING:

1. FOR A REFERENDUM, THE SECRETARY OF STATE'S TIME-AND-DATE-MARKED COPY MAY BE RESET IN EIGHT-POINT TYPE TO CONSERVE PAPER.
2. FOR A REFERENDUM, THE COPY OF THE MEASURE ATTACHED TO THE SIGNATURE SHEETS MAY BE EXCERPTED TO INCLUDE ONLY THOSE SECTIONS THE REFERENDUM SEEKS TO REFER TO THE BALLOT.
3. FOR A REFERENDUM OR INITIATIVE, THE COPY OF THE MEASURE MAY BE ATTACHED TO AS MANY AS TEN SIGNATURE SHEETS, WHICH SHALL REQUIRE ONLY A SINGLE AFFIDAVIT AND NOTARIZATION.

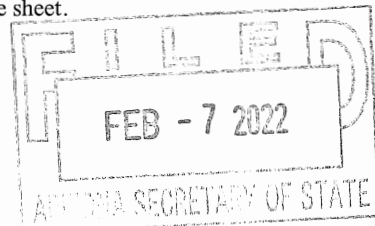
C. The person before whom the signatures, ~~names and addresses~~ were written on the signature sheet, on the affidavit form pursuant to this section, shall subscribe and swear before a notary public that each of the names on the sheet was signed ~~and the name and address were printed~~ by the elector 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~~ THE ATTACHED petition sheet, and under the penalty of a class 1 misdemeanor, depose and say that subject to section 19-115, Arizona Revised Statutes, each individual ~~printed the individual's own name and address and signed this~~ THE ATTACHED PETITION 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.

G. THE CIRCULATOR MAY USE AN ELECTRONIC OR REMOTE NOTARY SERVICE APPROVED BY THE SECRETARY OF STATE OR ANOTHER NOTARY SERVICE AVAILABLE IN ARIZONA TO NOTARIZE THE AFFIDAVITS ON THE PETITIONS.

H. PETITIONS MAY CONTAIN NOTATIONS CREATED BY THE CAMPAIGN TO FACILITATE CIRCULATION OR THE PROCESS OF ORGANIZING PETITIONS IF THE MARKS DO NOT INTERFERE WITH THE VALIDATION OF PETITIONS.

Sec. 49. Section 19-118, Arizona Revised Statutes, is amended to read:

19-118. Registered circulators; requirements; violations; classification; definition

A. For statewide initiative and referendum measures only, 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 title. 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 secretary of state shall disqualify all signatures collected by a circulator who fails to register pursuant to IN SUBSTANTIALLY THE FORM PRESCRIBED BY this subsection as provided for in section 19-121.01, 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 initiative or referendum 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 statewide initiative or referendum.

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. THE CIRCULATOR IS DEEMED REGISTERED AS OF THE DATE THE REGISTRATION IS SUBMITTED UNLESS THE SECRETARY OF STATE DETERMINES THE REGISTRATION IS DEFICIENT, IN WHICH CASE THE SECRETARY OF STATE SHALL IMMEDIATELY NOTIFY THE CIRCULATOR AND THE COMMITTEE ASSOCIATED WITH THE CIRCULATOR OF THE NATURE OF THE DEFICIENCY.

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, THAT CIRCULATOR MAY BE LIABLE FOR ALL PENALTIES AUTHORIZED BY THE ARIZONA RULES OF CIVIL PROCEDURE 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 section 19-121.01, subsection A. ANY PARTY THAT ISSUES A SUBPOENA TO PROVIDE EVIDENCE WITH THE PRIMARY PURPOSE OF HARASSMENT OR UNDUE DELAY OF PROCEEDINGS IS SUBJECT TO A CIVIL PENALTY OF \$1,000 FOR EACH SUCH SUBPOENA.

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 CIRCULATOR'S REGISTRATION IS ACCEPTED BY THE APPROPRIATE ELECTION OFFICER the date that the secretary of state's office has received, processed and made available all final petition sheets individually numbered. The person challenging signatures may amend that complaint after the secretary of state has removed signatures and signature sheets as prescribed in section 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.

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

H. A person who knowingly omits 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.

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

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

Sec. 50. Section 19-121.01, Arizona Revised Statutes, is amended to read:

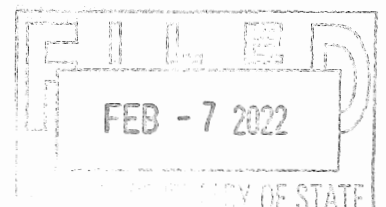
19-121.01. Secretary of state; removal of petition and ineligible signatures; sheets copies; random sample; presumption

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 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 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 section 19-119.01.
- (h) Those sheets on which the circulator is required to be registered with the secretary of state pursuant to section 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 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 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 section 19-113.
- (f) Signatures for which the secretary of state determines that the petition circulator has SIGNED ~~printed~~ the elector's ~~first and last names or other information~~ in violation of section 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 65 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, email 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. 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.

Sec. 51. Section 19-204.01, Arizona Revised Statutes, is amended to read:

19-204.01. Sample recall petitions; substantial compliance

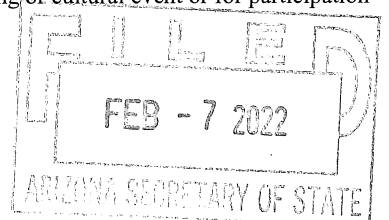
The secretary of state shall make available a sample recall petition that ~~strictly~~ complies with the requirements of section 19-204. Any person or organization that uses the sample recall petition of the secretary of state is presumed to have ~~strictly~~ complied with the requirements of section 19-204. THE STANDARD FOR REVIEW OF THE PETITIONS AND SIGNATURES SHALL BE SUBSTANTIAL COMPLIANCE IN ORDER TO PRESERVE THE RIGHTS OF THE SIGNERS AND CIRCULATORS AND PROTECT THE INTENT OF THE ARIZONA CONSTITUTION.

Sec. 52. Section 41-1231, Arizona Revised Statutes, is amended to read:

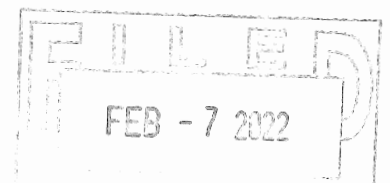
41-1231. Definitions

In this article, unless the context otherwise requires:

- 1. "Authorized lobbyist" means any person, other than a designated lobbyist or lobbyist for compensation, who is employed by, retained by or representing a principal, with or without compensation, for the purpose of lobbying and who is listed as an authorized lobbyist by the principal in its registration pursuant to section 41-1232.
- 2. "Authorized public lobbyist" means a person, other than a designated public lobbyist, who is employed by, retained by or representing a public body, with or without compensation, for the purpose of lobbying and who is listed as an authorized public lobbyist by the public body in its registration pursuant to section 41-1232.01.
- 3. "Designated lobbyist" means the person who is designated by a principal as the single point of contact for the principal and who is listed as the designated lobbyist by the principal in its registration pursuant to section 41-1232.
- 4. "Designated public lobbyist" means the person who is designated by a public body as the single point of contact for the public body and who is listed as the designated public lobbyist by the public body in its registration pursuant to section 41-1232.01.
- 5. "Entertainment" means the amount of any expenditure paid or incurred for admission to any sporting or cultural event or for participation in any sporting or cultural activity.



6. "Expenditure" means a payment, distribution, loan, advance, deposit or gift of money or anything of value and includes a contract, promise or agreement, whether or not legally enforceable, to make an expenditure that provides a benefit to an individual state officer or state employee and that is incurred by or on behalf of one or more principals, public bodies, lobbyists, designated public lobbyists or authorized public lobbyists.
7. "Family gift" means a gift to a state officer or employee or a member of the officer's or employee's household from a principal, lobbyist, designated public lobbyist or authorized public lobbyist who is a relative of the state officer or employee or a member of the household of the state officer or employee if the donor is not acting as the agent or intermediary for someone other than a person covered by this paragraph.
8. "Food or beverage" means the amount of any expenditure paid or incurred for food or beverages for a state officer or employee provided at a location at which the principal, public body, lobbyist, designated public lobbyist or authorized public lobbyist who made the expenditure is present.
9. "Gift" means a payment, distribution, expenditure, advance, deposit or donation of money, any intangible personal property or any kind of tangible personal or real property. For the purposes of this article, gift does not include:
- (a) A gift, devise or inheritance from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle or first cousin or the spouse of any such individual if the donor is not acting as the agent or intermediary for someone other than a person covered by this subdivision.
 - (b) Expenditures that are either properly reported or exempt from reporting under this chapter for:
 - (i) A speaking engagement HONORARIUM OF \$50 OR LESS.
 - (ii) Food or beverages WITH A TOTAL VALUE OF \$20 OR LESS IF EACH EXPENDITURE IS ITEMIZED SEPARATELY ON THE APPROPRIATE EXPENDITURE REPORT.
 - (iii) Travel and lodging WITH A TOTAL VALUE OF \$500 OR LESS IF EACH EXPENDITURE IS ITEMIZED SEPARATELY ON THE APPROPRIATE EXPENDITURE REPORT.
 - (iv) Flowers.
 - (c) Salary, compensation or employer-reimbursed expenses lawfully paid to a public official.
 - (d) The value, cost or price of professional or consulting services that are not rendered to obtain a benefit for any registered principal, public body, lobbyist, designated public lobbyist or authorized public lobbyist or the clients of a principal or lobbyist.
 - (e) Expenses relating to a special event or function to which all members of the legislature, either house of the legislature or any committee of the legislature is invited WITH A TOTAL VALUE OF \$500 OR LESS IF THE EXPENDITURE IS REPORTED ON THE APPROPRIATE EXPENDITURE REPORT.
 - (f) A plaque or other form of recognition similar to a plaque to a state officer or state employee to signify the honorary recognition of a service or other notable accomplishment.
 - (g) Informational material such as books, reports, pamphlets, calendars or periodicals.
 - (h) An item that is not used and that is returned within fifteen days of receipt to the donor or that is delivered within fifteen days of receipt to a charitable organization and that is not claimed as a charitable contribution for state or federal income tax purposes.
 - (i) A campaign contribution that is properly received and reported as required by law.
 - (j) An item that is given to a state officer or employee if the state officer or employee gives an item of approximately the same value to the giver of the item at the same time that the item is given or on a similar occasion as the one that prompted the original item to be given.
 - (k) Gifts of a personal nature that were customarily received by an individual from the donor before the individual became a state officer or employee.
 - (l) An item that is given to the general public at an event.
10. "Legislation" means bills, resolutions, memorials, amendments, nominations and other matters that are pending or proposed in either house of the legislature of this state.
11. "Lobbying":
- (a) Means attempting to influence the passage or defeat of any legislation by directly communicating with any legislator or attempting to influence any formal rulemaking proceeding pursuant to chapter 6 of this title or rulemaking proceedings that are exempt from chapter 6 of this title by directly communicating with any state officer or employee.
 - (b) Includes, for a person who is otherwise required to be registered as a lobbyist for compensation pursuant to this article, attempting to influence the procurement of materials, services or construction by an agency as defined in section 41-1001, including the office of the governor.
 - (c) Does not include:
 - (i) Interagency communications between state agency employees.
 - (ii) Communications between a public official or employee of a public body, designated public lobbyist or authorized public lobbyist and any state officer, except for a member of the legislature, or an employee of the legislature.
 - (iii) Oral questions or comments made by a person to a state officer or employee regarding a proposed rule and made in public at a meeting or workshop that is open to the public and that is sponsored by a state agency, board, commission, council or office.
 - (iv) Communications between a public body and a self-employed person or person employed by a partnership or company regarding the procurement of materials, services or construction unless the self-employed person or person employed by a partnership or company is otherwise required to register pursuant to this article or is employed by, supervised by at any level or contracted by a person who is otherwise required to register as a lobbyist for compensation pursuant to this article.
12. "Lobbyist" means any person, other than a designated public lobbyist or authorized public lobbyist, who is employed by, retained by or representing a person other than himself, with or without compensation, for the purpose of lobbying and who is listed as a lobbyist by the principal in its registration pursuant to section 41-1232. Lobbyist includes a lobbyist for compensation, designated lobbyist and authorized lobbyist.
13. "Lobbyist for compensation" means a lobbyist who is compensated for the primary purpose of lobbying on behalf of a principal and who is listed by the principal in its registration pursuant to section 41-1232.
14. "Person" means an individual, partnership, committee, association or corporation and any other organization or group of persons, except legislators and political parties qualified for representation on the ballot pursuant to section 16-801 or 16-804.
15. "Personal hospitality" means hospitality, meals, beverages, transportation or lodging furnished but not commercially provided by a person on property or facilities owned or possessed by the person or the person's family.
16. "Principal" means any person, other than a public body, that employs, retains, engages or uses, with or without compensation, a lobbyist. Principal includes any subsidiary of a corporation.
17. "Procurement" has the same meaning prescribed in section 41-2503.
18. "Public body" means the Arizona board of regents, a university under the jurisdiction of the Arizona board of regents, the judicial department, any state agency, board, commission or council, any county, any county elected officer who elects to appoint a designated public lobbyist or any city, town, district or other political subdivision of this state that receives and uses tax revenues and that employs, retains, engages or uses, with or without compensation, a designated public lobbyist or authorized public lobbyist.
19. "Public official" means a person who is duly elected, appointed or retained through election to an elected state, county or local office.
20. "Single expenditure" means an expenditure that provides a benefit of more than ~~twenty dollars~~ \$20 to an individual state officer or state employee and that is incurred by or on behalf of one or more principals, public bodies, lobbyists, designated public lobbyists or authorized public lobbyists.
21. "Speaking engagement":
- (a) Means the amount of any expense paid or incurred for entrance fees, lodging, food and beverage, entertainment, travel and other expenses for the state officer's or employee's attendance at an event, committee, meeting, conference or seminar, including meetings of state, regional or national organizations or their committees concerned with legislative or governmental activities if the state officer or employee participates in the event as a speaker or panel participant by presenting information relating to the state officer's or employee's legislative or official duties or by performing a ceremonial function appropriate to the state officer's or employee's position.
 - (b) Does not include expenditures for an honorarium or any other similar fee paid to a speaker.
22. "State employee" means an employee of the legislature, a university under the jurisdiction of the Arizona board of regents, the judicial department or a state office, agency, board, commission or council.



23. "State officer" means a person who is duly elected, appointed or retained through election to any state office, or a member of any state board, commission or council, and includes a member of the legislature.

Sec. 53. Title 41, chapter 7, article 8.1, Arizona Revised Statutes, is amended by adding section 41-1232.09, to read:

41-1232.09. Anticorruption surcharge

IN ADDITION TO ANY OTHER REGISTRATION FEE PROVIDED IN THIS ARTICLE, EACH PRINCIPAL THAT REGISTERS A LOBBYIST FOR COMPENSATION OR A DESIGNATED LOBBYIST WHO RECEIVES COMPENSATION FOR LOBBYING FROM THE PRINCIPAL, AT THE TIME OF REGISTERING OR REREGISTERING, SHALL PAY AN ANTICORRUPTION SURCHARGE OF \$25 TO THE SECRETARY OF STATE. NOTWITHSTANDING ANY LAW TO THE CONTRARY, A PRINCIPAL MAY NOT BE CHARGED MORE THAN ONE \$25 ANTICORRUPTION SURCHARGE PER REGISTRATION PERIOD, WHICH IS IN ADDITION TO THE PRINCIPAL'S FEE FOR REGISTRATION. REGISTRATION AND REREGISTRATION FEES COLLECTED BY THE SECRETARY OF STATE SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE CITIZENS CLEAN ELECTIONS FUND ESTABLISHED PURSUANT TO TITLE 16, CHAPTER 6, ARTICLE 2.

Sec. 54. Section 43-1111, Arizona Revised Statutes, is amended to read:

43-1111. Tax rates for corporations

A. There shall be levied, collected and paid for each taxable year ~~upon~~ON the entire Arizona taxable income of every corporation, unless exempt under section 43-1126 or 43-1201, or as otherwise provided in this title or by law, taxes in an amount of the greater of ~~fifty~~\$50 dollars or:

1. For taxable years beginning through December 31, 2013, 6.968 ~~per cent~~PERCENT of net income.
2. For taxable years beginning from and after December 31, 2013 through December 31, 2014, 6.5 ~~per cent~~PERCENT of net income.
3. For taxable years beginning from and after December 31, 2014 through December 31, 2015, 6.0 ~~per cent~~PERCENT of net income.
4. For taxable years beginning from and after December 31, 2015 through December 31, 2016, 5.5 ~~per cent~~PERCENT of net income.
5. For taxable years beginning from and after December 31, 2016 THROUGH DECEMBER 31, 2022, 4.9 ~~per cent~~PERCENT of net

income.

B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, FOR EACH TAXABLE YEAR BEGINNING FROM AND AFTER DECEMBER 31, 2022, THERE SHALL BE LEVIED, COLLECTED AND PAID ON THE ENTIRE ARIZONA TAXABLE INCOME OF EVERY CORPORATION, UNLESS EXEMPT UNDER SECTION 43-1126 OR 43-1201, OR AS OTHERWISE PROVIDED IN THIS TITLE OR BY LAW TAXES AS FOLLOWS:

1. FOR A CORPORATION WITH FIFTY OR FEWER FULL-TIME EMPLOYEES, THE GREATER OF \$50 OR 4.9 PERCENT OF NET INCOME.
2. EXCEPT AS PROVIDED IN PARAGRAPH 3 OF THIS SUBSECTION, FOR A CORPORATION WITH MORE THAN FIFTY FULL-TIME EMPLOYEES, THE GREATER OF \$150 OR 4.9 PERCENT OF NET INCOME.
3. FOR A CORPORATION WITH MORE THAN FIFTY FULL-TIME EMPLOYEES, THE GREATER OF \$350 OR 4.9 PERCENT OF NET INCOME IF FOR ANY REASON THE REDUCTION PRESCRIBED IN SECTION 16-954, SUBSECTION E IS REPEALED OR BECOMES UNENFORCEABLE, BEGINNING THE FOLLOWING TAXABLE YEAR.

C. A CORPORATION'S TAX CREDITS, INCLUDING ANY CARRYFORWARD TAX CREDITS, DO NOT REDUCE THE CORPORATION'S MINIMUM APPLICABLE TAX LIABILITY UNDER THIS SECTION.

D. NOTWITHSTANDING SECTION 42-1116, BEGINNING JANUARY 1, 2023, THE DEPARTMENT SHALL DEPOSIT \$100 OF THE MONIES COLLECTED FROM EACH TAXPAYER PURSUANT TO SUBSECTION B, PARAGRAPH 2 OF THIS SECTION, OR, IF APPLICABLE, \$300 OF THE MONIES COLLECTED FROM EACH TAXPAYER PURSUANT TO SUBSECTION B, PARAGRAPH 3 OF THIS SECTION, DIRECTLY IN THE CITIZENS CLEAN ELECTIONS FUND ADMINISTERED BY THE CITIZENS CLEAN ELECTIONS COMMISSION.

E. IN DETERMINING THE NUMBER OF FULL-TIME EMPLOYEES PERFORMING WORK FOR A CORPORATION IN WHICH THE NUMBER OF FULL-TIME EMPLOYEES WHO WORK FOR A CORPORATION FLUCTUATES ABOVE AND BELOW FIFTY OVER THE COURSE OF THE YEAR, THE MINIMUM TAX RATE PRESCRIBED IN SUBSECTION B, PARAGRAPHS 2 AND 3 OF THIS SECTION, IF APPLICABLE, APPLIES IF THE CORPORATION MAINTAINED FIFTY OR MORE EMPLOYEES ON THE PAYROLL FOR SOME PORTION OF A DAY IN EACH OF TWENTY DIFFERENT CALENDAR WEEKS, IRRESPECTIVE OF WHETHER THE WEEKS WERE CONSECUTIVE IN EITHER THE CURRENT OR THE PRECEDING YEAR, AND WHETHER THE SAME INDIVIDUALS WERE EMPLOYED EACH DAY.

Sec. 55. Saving clause

This act does not affect rights and duties that matured, penalties that were incurred and proceedings that were begun before the effective date of this act.

Sec. 56. Severability

Each section and each provision or requirement of any section of this act shall be deemed severable, and if a provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect any other provisions or applications of the act.

Sec. 57. Legal defense, attorney fees and taxable costs

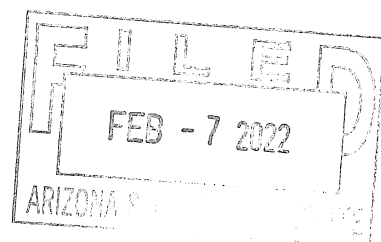
The People of the State of Arizona desire that this initiative, if approved by the voters and thereafter challenged in court, be defended by the State of Arizona. Furthermore, by enacting this initiative, the People declare that the proponents of this initiative who are named members of the committee in support of this initiative have a direct and personal stake in defending it from legal challenges to its validity, and in the event that they successfully defend the measure from challenge are entitled to reasonable attorney fees and taxable costs.

Sec. 58. Implementation

On or before January 1, 2024, the Secretary of State and the Director of the Department of Transportation shall take all necessary steps to implement the secure automatic electronic voter registration system, same-day registration and voter eligibility provisions of this act.

Sec. 59. Short Title

This act may be cited as the "Arizona Fair Elections Act".





KATIE HOBBS
SECRETARY OF STATE

July 31, 2022

VIA EMAIL AND U.S. MAIL

Arizonans for Free & Fair Elections (ADRC Action)
401 West Baseline Road, Suite 205
Tempe, AZ
james@bartonmendezsoto.com

RE: Preliminary Results of Secretary of State Review of Initiative I-16-2022

Dear ADRC Action:

On July 7, 2022, Arizonans for Free & Fair Elections (“the Committee”) filed a reported estimate of **52,000** petition sheets containing an estimated **475,290** signatures with the Secretary of State’s Office.

The Secretary of State’s Office has completed its initial review of the petition sheets and signatures in accordance with A.R.S. § 19-121.01(A) and issues the following findings.

Petition Sheets

1. The Committee filed **47,690** actual petition sheets with the Secretary of State’s Office.¹
2. The Secretary of State’s Office eliminated **2,375** petition sheets for one or more of the following reasons:²
 - A. **442** petition sheets were rejected because a complete title and text of the initiative measures were not attached to the petition sheets. A.R.S. §§ 19-121.01(A)(1)(a); 19-121(A)(3).
 - B. **65** petition sheets were rejected because they contained a missing or incorrect serial number. A.R.S. § 19-121.01(A)(1)(c).

¹ During our quality control process, we identified 114 petition sheets that received duplicate bates numbers, meaning that these sheets appear twice in the reviewed images. We identified the issue and have removed the duplicate image, so that each sheet is only counted once towards the final total. While we rejected the duplicate image, we are not counting this number towards the number of eliminated petition sheets.

² Some petition sheets may have been eliminated for multiple reasons.

- C. **1,292** petition sheets were rejected because they contained a missing or incorrect paid circulator registration number, A.R.S. § 19-121.01(A)(1)(c), or because the circulator was not properly registered with the Secretary of State's Office before the petition sheet was circulated. A.R.S. § 19-121.01(A)(1)(h).
 - D. **177** petition sheets were rejected because the circulator affidavit was incomplete, unsigned, or had been modified. A.R.S. § 19-121.01(A)(1)(d).
 - E. **195** petition sheets were rejected because the circulator affidavit was not notarized, the notary signature, the notarization date, or other required notary information was missing, the notary's commission had expired, or the notary seal was not affixed. A.R.S. § 19-121.01(A)(1)(e).
 - F. **367** petition sheets were rejected because the signature of the notary was dated before the date the first signature was obtained on the face of the petition sheet or the circulator was not properly registered before the first signature was collected on the face of the petition. A.R.S. § 19-121.01(A)(1)(f).
 - G. **0** petition sheets were rejected because the circulator was prohibited from participating in any election, initiative, referendum, or recall campaign pursuant to A.R.S. § 19-119.01. A.R.S. § 19-121.01(A)(1)(g).
3. After petition sheet elimination pursuant to A.R.S. § 19-121.01(A)(1), **45,315** petition sheets, containing **679,725** total signature lines, remained eligible for signature review.

Petition Signatures

- 1. Among petition sheets that remained eligible for review, **264,830** signature lines were determined to be blank or crossed out. Accordingly, **414,895** signature lines were eligible for review pursuant to A.R.S. § 19-121.01(A)(2)-(3).
- 2. The Secretary of State's Office rejected **15,058** individual petition signatures because the signature was gathered outside the county of the majority of signatures on the sheet, required information was missing from the petition signature line, the petition signature was dated before the initiative serial number was issued, the petition signature was dated after the notarization date, the petition signature was dated before the date of circulator registration, the signature was dated after the date the circulator un-registered, the signature was in excess of 15 signatures per petition,³ the signature was withdrawn pursuant to § 19-113, or the signer's information was printed by the circulator in violation of § 19-112. A.R.S. § 19-121.01(A)(2)-(3).
- 3. **399,838** petition signatures were determined to be eligible for random sampling and County Recorder verification. A.R.S. § 19-121.01(A)(4), (6).
- 4. The number of petition signatures eligible for verification **exceeds** the Constitutional minimum of **237,645** signatures. Ariz. Const. Art. IV, pt. 1, § 1(2); A.R.S. § 19-121.01(B).

³ One page had a 16th line that is counted in the reject total. Because 16th lines are not considered eligible lines, this line is not reflected in the total lines eligible for review, 414,895. Accordingly, the total number of petition signatures eligible for random sampling was calculated by subtracting 15,057 from 414,895.

Random Sample

1. The Secretary of State's Office conducted a 5% random sample of eligible petition signatures on July 31, 2022, and selected **19,992** petition signatures, on **15,488** petition sheets, for verification. A.R.S. § 19-121.01(B)-(C). The sampled petition sheets will be transmitted to the County Recorders on July 31, 2022.
 - A. **16** petition sheets containing **16** signatures were transmitted to Apache County.
 - B. **258** petition sheets containing **310** signatures were transmitted to Cochise County.
 - C. **653** petition sheets containing **830** signatures were transmitted to Coconino County.
 - D. **21** petition sheets containing **23** signatures were transmitted to Gila County.
 - E. **26** petition sheets containing **34** signature was transmitted to Graham County.
 - F. **1** petition sheets containing **1** signature were transmitted to Greenlee County.
 - G. **0** petition sheets containing **0** signatures were transmitted to La Paz County.
 - H. **8,920** petition sheets containing **11,711** signatures were transmitted to Maricopa County.
 - I. **28** petition sheets containing **33** signatures were transmitted to Mohave County.
 - J. **110** petition sheets containing **146** signatures were transmitted to Navajo County.
 - K. **3,944** petition sheets containing **5,007** signatures were transmitted to Pima County.
 - L. **504** petition sheets containing **615** signatures were transmitted to Pinal County.
 - M. **156** petition sheets containing **193** signatures were transmitted to Santa Cruz County.
 - N. **205** petition sheets containing **251** signatures were transmitted to Yavapai County.
 - O. **646** petition sheets containing **820** signatures were transmitted to Yuma County.
2. To qualify for the ballot, the County Recorders must collectively validate at least **11,883** signatures (**59.44%**) from the random sample.
3. The deadline for County Recorders to complete their review is August 22, 2022. A.R.S. § 19-121.02(A).

Very truly yours,

A handwritten signature in black ink that reads "Kori Lorick". The signature is written in a cursive, slightly slanted style.

Kori Lorick
State Elections Director
Arizona Secretary of State Katie Hobbs
klorick@azsos.gov
602.540.5562

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2022009391

08/18/2022

HONORABLE JOSEPH P. MIKITISH

CLERK OF THE COURT
E. Wolf
Deputy

SCOT MUSSI, et al.

KORY A LANGHOFER

v.

KATIE HOBBS, et al.

AMY BELL CHAN

JOSHUA D BENDOR
THOMAS J. BASILE
NOAH T GABRIELSEN
JAMES E BARTON II
JACQUELINE MENDEZ SOTO
JOSHUA J MESSER
TRAVIS C HUNT
LAWRENCE WINTHROP
COURT ADMIN-CIVIL-ARB DESK
DOCKET-CIVIL-CCC
JUDGE MIKITISH

UNDER ADVISEMENT RULING

The Court has reviewed and considered all filings in the case, together with all legal authorities, evidence admitted at the evidentiary hearing on August 15-16, 2022, and arguments by counsel. The Court has also reviewed and considered the *Special Master Report* filed on August 15, 2022. Because the Court has left the record open in order to receive additional evidence concerning some issues, the Court directs entry of a final judgment as to the objections presented pursuant to Rule 54(b).

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2022009391

08/18/2022

Background

On or around February 7, 2022, Arizonans for Free and Fair Elections (ADRC Action) (the “Committee”) filed with the Secretary of State the title and text of its initiative measure, and received a serial number (I-16-2022) for the Initiative Petition. *See* Am. Compl. ¶ 14. The Act relates to voting rights, campaign finance, citizen measures, and lobbyist regulation.

On or around July 7, 2022, the Committee submitted to the Secretary 47,690 petition sheets that purportedly contained an estimated 475,290 signatures. *Id.* ¶ 15. Following her statutorily required initial review of the Initiative Petition and disqualification of specific sheets and signatures afflicted with various facial defects or errors, *see* A.R.S. § 19-121.01(A), the Secretary determined that 399,838 signatures were eligible for further review by the county recorders. Pursuant to A.R.S. § 19-121.01(B)-(D), the Secretary randomly selected five percent (*i.e.*, 19,992) of these signatures for transmittal to the county recorders, who currently are verifying the voter registration status of those purported signers, *see* A.R.S. § 19-121.02. The Secretary will discount the total number of signatures deemed eligible for verification (as adjusted to exclude signatures disqualified by the county recorders) by the aggregate validity rate computed by the county recorders to project the total number of valid signatures, *see id.* § 19-121.04, which must equal or exceed 237,645 to qualify the measure for placement on the statewide election ballot, *see* Ariz. Const. Art. IV, Pt. 1, § 1(2), (7).

On July 22, 2022, the Plaintiffs timely initiated this challenge to the legal sufficiency of certain circulator registrations and the Initiative Petition as a whole, pursuant to A.R.S. §§ 19-118(F) and 19-122(C). The initial complaint was timely amended on August 5, 2022.

Discussion

Initiative and referendum procedures are a fundamental part of Arizona’s system of government. *Whitman v. Moore*, 59 Ariz. 211, 218–20 (1942). Although our constitution vests lawmaking authority “in a Legislature, ... 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 ... the power to approve or reject at the polls any Act, or item, section, or part of any Act of the Legislature.” Ariz. Const. Art. 4, Pt. 1, § 1. *Fairness and Accountability in Ins. Reform v. Green*, 180 Ariz. 582, 584-85 (1994). Our Courts have always respected, and endeavored to uphold, the power of the people of our state to enact or reject laws by popular vote. *Molera v. Reagan*, 245 Ariz. 291, 293 ¶ 1 (2018) (“We greatly respect the initiative process, including the civic activism required to collect the signatures necessary to qualify a ballot measure, and we do not lightly disturb the fruits of such efforts.”)

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2022009391

08/18/2022

The Arizona Constitution directs the Legislature to enact “registration and other laws to secure the purity of elections and guard against abuses of the elective franchise.” Ariz. Const. Art. VII, §12. State law provides that “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.” A.R.S. §19-102.01(A). Strict compliance “requires nearly perfect compliance with constitutional and statutory” mandates. *Arrett v. Bower*, 237 Ariz. 74, 81 (App. 2015). Strict compliance applies to “all constitutional and statutory provisions, no matter how minor.” *Homebuilders Association of Central Arizona v. City of Scottsdale*, 186 Ariz. 642, 648 (App. 1996), even if its application results in what may seem to be “harsh consequences” resulting from as little as an “unfortunate mistake.” *Arrett*, 237 Ariz. at 80, 83.

Once initiative petitions are circulated, signed, and filed, they are presumed valid. *Harris v. Purcell*, 193 Ariz. 409, 412 ¶ 15 (1998). Petitions and signatures disqualified by the Secretary of State are not entitled to that presumption, but the presumption may be reinstated on proof of the signature or petition’s legal sufficiency. *Direct Sellers Association v. McBrayer*, 109 Ariz. 3, 5 (1972); *W. Devcor, Inc. v. City of Scottsdale*, 168 Ariz. 426, 431 (1991); *Harris v. City of Bisbee*, 219 Ariz. 36, 42 ¶ 21 (App. 2008).

Here, the Plaintiffs raise concerns regarding the registrations of certain circulator’s of the Initiative Petition that fall into four categories:

1. Registrations that were not accompanied by a sworn and notarized affidavit verifying the accuracy of information set forth in the circulator’s registration for this Initiative Petition;
2. Registrations that do not designate the Committee’s full and complete address as the statutorily required address for service of process;
3. Registrations that lack a full and complete address for the circulator because they do not specify in which unit of a multiunit structure the circulator resides; and
4. Registrations that contain inaccurate or false information concerning the circulator’s residence location, telephone number, or email address.

The Plaintiffs raise 32 specific objections, with additional subparts. The Special Master Report addresses many of the objections and effectively resolves them by stipulation of the parties. Further, the parties agree on the law for many of the objections but disagree as to application of the law to the case. Finally, the parties disagree on the law on some objections and the law and facts on other objections. The Court will address the objections numerically as raised in the amended complaint.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2022009391

08/18/2022

General Issues Raised by the Parties

The Committee raises a general response to the Complaint arguing that the objections are not well suited to review by the Court and violate the principles for the bases for objections in Title 19. Arizona law provides, however, that “[a]ny person may challenge the lawful registration of circulators in the Superior Court of the county in which the circulator is registered.” A.R.S. § 19-118(F). The Committee does not challenge that the objections were not brought in the proper Court or within the timeframe permitted by law. Therefore, the general Title 19 response must fail.

The Committee also raises a general response to the Complaint arguing that some of the objections are barred by the principle of laches. Because of the rulings noted below, the Court does not reach the laches argument.

Objections 1(a), (b) – Unregistered Circulator Listed “Paid” or “Out-Of-State” Status, and Objection 2 – Voter Signatures Predate Circulator’s First Registration

This Parties stipulated as to the factual basis for the Objections 1 (a), (b), and Objection 2 and that offending circulator petition sheets must be stricken. *See* Special Master Report at 3-4.

The Special Master Report identifies the circulator petition sheets that correspond with Objections 1 and 2. See special Master report at 3-4. The Court adopts the Special Master Report findings and invalidates petition sheets and signatures related to Objections 1(a), (b), and Objection 2.

Objection 3 – Circulator Registrations Containing Affidavits from Previous Registrations

Arizona law requires that a valid circulator registration application must include the following:

1. The circulator's full name, residence address, telephone number and email address.
2. The initiative or referendum 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

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2022009391

08/18/2022

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 statewide initiative or referendum.

The Plaintiffs argue that some of the circulators for this Initiative relied on affidavits filed in previous circulator registration applications. They argue that the statutes requiring strict construction prohibit applicants from using past affidavits for the purpose of obtaining approval to carry petitions for this Initiative. They argue that a new affidavit related to a new application is required. Specifically, they assert:

[An applicant for registration] is swearing to the accuracy of a *particular* representation, made in a *particular* time and place, before a *particular* notary public. For that reason, Arizona law flatly prohibits a notary from “perform[ing] a jurat on a document that is incomplete.” A.R.S. § 41-328(A); *see also* Sec’y of State, ARIZONA NOTARY PUBLIC REFERENCE MANUAL (rev. July 2020) at 21 (“The notary cannot perform a notarial act on a document that is missing pages or that contains fields that should be filled in.”).

Plaintiffs’ Prehearing Memorandum at 12.

Finally, the Plaintiffs argue that, although the Secretary of State has some discretion in constructing the mechanics of the circulator registration process, she cannot modify or abridge a statutory mandate.

The Committee argues that the law does not require a new affidavit for each registration. It argues that the affidavit language is provided by statute and was used by the circulators in this case. It notes that the Secretary of State does not require new affidavits in her system for registering paid and out-of-state circulators. In fact, the Committee argues that the Secretary of State’s electronic circulator registration portal does not allow circulators to upload a separate affidavit for each petition they add to their registration. The Committee notes that the portal process is incorporated into the Elections Procedures Manual. It notes that provisions of the Elections Procedures Manual, which the secretary promulgated pursuant to a specific statutory directive,

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2022009391

08/18/2022

have the force of law. *Arizona Pub. Integrity All. v. Fontes*, 250 Ariz. 58, 63, ¶ 16 (2020). If the Court finds any ambiguity in the affidavit requirement, the Committee argues that the Court should defer to the Secretary's lawfully promulgated process. It argues that each step of the Secretary's registration process complies with the letter and spirit of A.R.S. § 19-118.

The Committee goes on to argue that a circulator may update registration information without submitting an affidavit for each new update. It posits that unlike other election requirements there is no time restriction when the registration affidavit must be completed.

The Committee continues in arguing that any requirement for a circulator to submit new affidavits for additional initiative measures must fail under the doctrine of laches. It argues that the initiative registration process was publicly available for over one year and that the Elections Procedures Manual was published in 2019. It argues that the Plaintiffs unreasonably delayed in challenging the procedures resulting in citizens relying on the procedures set forth to circulate initiatives like the Committee's.

Finally, the Committee argues that Objection 3 would impose a severe burden on the Committee's First Amendment rights.

As the Court noted in its recent decision in *Leibsohn v. Hobbs*, CV 2022-009709, Under Advisement Ruling, 08/16/2022, statutory language provides three requirements as to the contents of affidavits. They must acknowledge that the following information is true:

1. I am eligible to register as a circulator in the state of Arizona,
2. All of the information provided is correct to the best of my knowledge, and
3. I have read and understand Arizona election laws applicable to the collection of signatures for a statewide initiative or referendum.

Each of these items can change over time. For example, between the time of one initiative and another, a proposed circulator become ineligible to register. Likewise, "all of the information provided" can change from one application to the next. Finally, election laws may vary over time. Therefore, an inference may be made that a new affidavit is required each time a circulator wishes to carry a new petition.

Nevertheless, the strict construction of the statute does not support that the affidavit must specifically relate to each new initiative. Rather, the statute simply indicates that an affidavit must be included swearing to the listed items. The Legislature has imposed several temporal requirements for circulator affidavits. *See* A.R.S. §§ 19-112(D) (requiring affidavit swearing that

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2022009391

08/18/2022

“at all times during [the circulator’s] circulation of *this petition sheet*,” the voter “printed the individual’s own name and address and signed *this sheet* of the foregoing petition in [the circulator’s] presence on the date indicated,” and “at all times during circulation of *this signature sheet* a copy of the title and text was attached to the signature sheet”) (emphasis added); 19-121.01(A)(1)(f) (directing Secretary to remove 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”); (A)(3)(c) (directing the Secretary to remove signatures “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”). In this case, the Legislature did not expressly include a temporal requirement for the circulator registration affidavits. It clearly could have done so as it had in other instances. Because the Legislature could have provided a temporal requirement but failed to do so, the Court concludes that the Legislature intended not to require new circulator affidavits for each new petition. Therefore, the Court concludes that no petition sheets are invalidated based on Objection 3.

Objection 4(a), (b) – Circulator Registration Did Not Include a Unit Number

As to Objections 4 (a), (b), a circulator registration must contain (among other items of information) “[t]he circulator’s full name, residence address, telephone number and email address.” A.R.S. § 19-118(B)(1). The Petitioners argue that strict compliance requires disclosing the circulator’s residence address in full, including a unit number where applicable for apartments, dorms, or hotels. The petitioners note that our Courts have struck petitions that did not include complete dates. *See McKenna v. Soto*, 250 Ariz. 469, 472, ¶ 14 (2021). They also emphasize that our Courts have held that a circulator registration is not strictly compliant with A.R.S. § 19-118(B)(1) “if an apartment number, dorm number or hotel room number was not included on a residence address where such number was necessary to ensure that the individual could be contacted or questioned.” *Leach v. Hobbs*, Maricopa County Superior Court No. CV2020-007961, Minute Entry (Aug. 14, 2020) at p. 14, *aff’d on other grounds*, 245 Ariz. 430 (2020).

The Committee argues that the statute merely requires a circulator’s “residence address.” It notes that the Plaintiffs are requesting the Court to amend the statutory language to include items not promulgated by the Legislature. *See Lawrence v. Jones*, 199 Ariz. 446, 452-53 (App. 2001) (concluding “that if the Legislature had wanted to include such a narrowly constructed definition of ‘legal description,’ it would have included it in Title 19 referendum provisions as it has done in other areas of the law”). The Committee argues that there is no statutory requirement for a minor infraction, such as the failure to include a unit number, is not a basis to find that the circulator is not “properly registered.” The Committee notes that the Plaintiffs have offered no proof that the addresses provided were insufficient to ensure the circulators could be contacted. The Committee argues that as long as the addresses listed were locations where the circulators could be located, contacted, and questioned, the statute’s purposes are met. *Lohr v. Bolick*, 249 Ariz. 428, 433 ¶ 22

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2022009391

08/18/2022

(2020) (“[T]he purpose of the address requirement is to ensure that a circulator can be contacted and questioned about the validity of gathered signatures.”).

As the Court noted in its recent decision in *Leibsohn v. Hobbs*, CV 2022-009709, Under Advisement Ruling, 08/16/2022, under Arizona’s statutory framework and relevant precedents, the Court concludes that an apartment number, dorm number or hotel room number is required to be included on a residence address, but only if such number is necessary to ensure that the individual could be contacted or questioned. As such, a factual inquiry is required to determine whether the applicable unit number is necessary.

The Special Master Report noted that by a preponderance of the evidence and/or by agreement of counsel, certain challenged circulators live either permanently (subcategory (a)) or temporarily (subcategory (b)) in a multi-unit building that has individual unit numbers but failed to include a unit number on their registration forms.

In this case, no facts were presented and no findings were made by the Special Master as to whether an applicable unit number was necessary to ensure contact. Therefore, the challenges based on lack of a unit number under Objection 4 must fail.

Objection 5(a), (b) – Circulator Included Nonresidential Address on Registration Form

As to Objection 5 (a) and (b), the Plaintiffs argue that the permanent address (objection (a)) or temporary address (objection (b)) written on the registration form by some circulators is a nonresidential address. As noted in the Special Master Report, the parties stipulated to that fact. The Special Master Report also noted as follows: Some itinerant or homeless circulators have permissibly described the location where they can be found (*e.g.*, an intersection or a homeless shelter) even if it is not a traditional residential structure. Special Master Report at 5.

The Court concludes that for circulator registration forms that include non-residential addresses in place of residential addresses as either a permanent or a temporary address, unless it has been found by the Special Master to be a nontraditional residential location, the circulator registration forms are invalid.

Objection 5(c) – Circulator Registrations Relied on Incorrect Phone Number

The Plaintiffs argue that certain circulators provided a telephone number on their registration form that is inoperative or not his or her actual number. The Special Master Report noted that this issue was reserved for trial. See Special Master Report at 6. At trial, the Plaintiffs questioned the one circulator, Xia Nelson, who they believed fell into this category. Thereafter,

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2022009391

08/18/2022

the Plaintiffs acknowledged that the circulator provided the correct phone number and withdrew that objection.

In closing arguments, the parties noted that, in the absence of a notarized affidavit and/or declaration in support of the accuracy of the phone number and email address on the circulator's affidavit filed with the Secretary of State, the Parties stipulate to the contact information as inaccurate at the time the affidavit was filed.

Objection 5(d) – Circulator Registrations Relied on Incorrect Email Address

The Plaintiffs argue that certain circulators provided an invalid email address on the registration form. The Special Master Report noted that the issue is reserved for trial. *See* Special Master Report at 6. The Plaintiffs did not present any evidence of invalid email addresses at trial. In closing arguments, the parties noted that, in the absence of a notarized affidavit and/or declaration in support of the accuracy of the phone number and email address on the circulator's affidavit filed with the Secretary of State, the Parties stipulate to the contact information as inaccurate at the time the affidavit was filed.

Objection 5(e) – Circulators Provided Residential Address on Registration Form Different from Address on Petition Sheets

The Plaintiffs argue that certain circulators provided a residential address on the registration form that is different from the residence address disclosed by the circulator on some or all of the petition sheets he or she circulated.

The Special Master Report noted as follows:

By a preponderance of the evidence and/or agreement of counsel, certain circulators as identified in Exhibits 300 and 320 and omnibus Exhibit A provided different residential addresses on his/her registration form than as provided on the back of the petition sheets.

Special Master Report at 6.

In closing arguments, the Parties stipulated that of those circulators that listed differing addresses, some could not be confirmed as having moved during the relevant time frame.

The Court concludes that it must invalidate any petition sheets on which the circulator provided a different residential address than was provided on his or her registration form, and for which the parties do not stipulate that the circulator moved during the relevant time frame.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2022009391

08/18/2022

Objection 6(a) – Registration Service Address of Circulator Is Missing Unit Number

The Plaintiffs argue that some circulator registration forms designate a service of process address that did not include a suite number. Similar to the Court's recent decision in *Leibsohn v. Hobbs*, CV 2022-009709, Under Advisement Ruling, 08/16/2022, under Arizona's statutory framework and relevant precedents, the Court concludes that a unit number is required to be included on a residence address, but only if such number is necessary to ensure that the individual served with process. As such, a factual inquiry is required to determine whether the applicable unit number is necessary.

The Special Master Report notes as follows:

By a preponderance of the evidence and/or agreement of counsel, certain circulators as identified in Exhibit 300 and omnibus Exhibit A failed to provide the Committee's unit number (e.g., "Suite 205") when writing the service address on the circulator registration form.

Special Master Report at 6.

The Special Master Report did not conclude that the unit number was necessary to serve the individual and no evidence of that fact was presented at trial. Therefore, the objection must fail.

Objection 6(b) – Registration Service Address Is Not the Committee Address

The Plaintiffs argue that disclosed on their registration forms and address for the Committee that was not the Committee's address.

The Special Master Report notes as follows:

By a preponderance of the evidence and/or agreement of counsel, certain circulators identified in Exhibit 300 and omnibus Exhibit A did not list the Committee's address (*i.e.*, 401 West Baseline Road, Suite 205, Tempe, Arizona 85283) as the service address on the registration form.

Special Master Report at 6-7.

Because state law requires the Committee's address on the registration form, the Court concludes that the circulator's petitions must be stricken.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2022009391

08/18/2022

Objections 7(a), (b) – Circulator ID Number Errors

The Parties stipulate that petition sheets that failed to include accurate circulator identification numbers are invalid. The Special Master Report notes the petition sheets that have either incorrect or missing circulator ID numbers. *See* Special Master Report at 7. Because state law requires inclusion of accurate circulator identification numbers, the petition sheets identified by the Special Master must be stricken.

**Objection 8 – Failure of Circulator to Indicate “Paid” or “Volunteer”
Status on the Petition Sheet**

The Parties stipulate that petition sheets that failed to indicate whether the circulator had a “paid” or “volunteer” status are invalid under Arizona law. The Special Master Report notes the petition sheets that failed to indicate the appropriate status. *See* Special Master Report at 7. Because state law requires the inclusion of the appropriate status, the petition sheets identified by the Special Master must be stricken.

Objection 9(a), (b) – Failure to Include Proper Circulator Name

The Parties stipulate that petition sheets must include a circulator name and that failure to do so renders the petitions invalid under Arizona law.

As to Objection 9(a), the Parties stipulate that certain petition sheets fail to include a proper circulator name. The Special Master Report identifies those sheets. *See* Special Master Report at 7.

As to Objection 9(b), the Plaintiffs argue that certain petition sheets failed to include a legible circulator name. The Special Master Report identifies those sheets and makes the following findings:

By a preponderance of the evidence and/or the agreement of counsel, several circulators as identified in Exhibit 325 and omnibus Exhibit A printed names that are illegible.

Special Master Report at 8.

The Committee argues that the Secretary of State has already determined that the circulator names are sufficiently legible for verification purposes and that any objection must be rejected. They argue that the statutes do not include a legibility requirement. They note that:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2022009391

08/18/2022

Once the Secretary receives completed petitions sheets, she has 20 days to review and remove sheets for certain defects set out by statute. A.R.S. § 19-121.01. Among the reasons the Secretary must remove petition sheets is if the “circulator’s affidavit . . . is not completed or signed.” A.R.S. § 19-121.01(A)(1)(d). That is, upon her review, the Secretary removes all sheets that are accompanied by an unsigned or incomplete circulator’s affidavit. As a corollary, if the signature on the affidavit is satisfactory, the sheet remains.

Committee Trial Memorandum at 24.

The Committee goes on to argue that “the Plaintiffs have no grounds to challenge the legibility of the circulator’s signature.” *Id.* It further argues that a legibility requirement would serve no purpose.

In this case, the Plaintiffs are not challenging the legibility of the circulator’s *signature*, but rather the circulator’s *printed name*. As cited by the Committee, many Courts have noted that signatures by their very nature may be illegible. *In re Lee*, 2020 WL 710360, *5-6 (9th Cir. BAP 2020) (rejecting challenge to a loan agreement based on allegation that signature was illegible and thus “not properly signed”); *Hardy v. Comm’n of Social Sec.*, 2019 WL 3812450, *2 (D.N.J. 2019) (“While the signature at the bottom of the Report may be indeed illegible, that is simply not a valid basis to reject this evidence, since it is clear that it was a Report written by treating physician Dr. Kempf.”); *In re: Iverson’s Estate*, 273 P. 684, 687 (Wyo. 1929) (“Exactly what constitutes a signing has never been reduced to a judicial formula. The principle upon which these cases proceeded was, that whatever the testator was shown to have intended as his signature was a valid signing, no matter how imperfect, or unfinished, or fantastical, or illegible, or even false the separate characters or symbols he used might be, when critically judged.”).

The Court concludes that a printed name is required in addition to the signature to assure the identity of the circulator. As such, the statutory purpose of including a printed name is defeated when the name is not legible on the petition sheet. The Court concludes that the statutes cited by the Committee do not support deference to the Secretary of State’s regarding the details of the petition sheets.

Based on the factual conclusions of the Special Master, the Court concludes that any sheets without a legible circulator name must be rejected.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2022009391

08/18/2022

Objection 10 (a), (b) – Incorrect or Missing Circulator Addresses

The Parties stipulate that state law requires the circulator's residential address on the affidavit accompanying petition sheets, and that where the affidavit provides a P.O. Box or fails to provide any address, the signatures on those sheets must be invalidated.

The Special Master Report identifies certain circulators that provided a P.O. Box address or failed to write a residential address on the back of certain petition sheets. *See* Special Master Report at 8. The Court concludes that those sheets must be invalidated.

Objection 11 – Circulator Signature Missing

The Parties stipulate that Arizona law requires a circulator signature on petition sheets, and if a signature is missing, the sheets are invalid.

The Special Master Report identifies certain circulators who failed to provide a signature on certain petition sheets. *See* Special Master Report at 8. The Court concludes that those sheets must be invalidated.

Objection 12 – Petition County Entirely Missing

The Parties stipulate that Arizona law requires a petition to identify the applicable County on petition sheets and if a County is entirely missing, the sheets are invalid.

The Special Master Report identifies certain petition sheets that do not identify an Arizona County in the caption. The Court concludes that those sheets must be invalidated.

Objection 13 – 17 – Notarization Errors

Every petition sheet must be accompanied by an affidavit of the circulator that is executed in the presence of a notary public. *See* Ariz. Const. Art. IV, Pt. 1, § 1(9); A.R.S. § 19-112(D). The Plaintiffs challenge the affidavits accompanying some petition sheets on the basis that the affidavit is deficient in some regard, such as the following: missing the applicable County (Objection 13), failing to provide a legal and identifiable notarization date (Objections 14, 15), and failing to provide a legible and identifiable notary name (Objection 17).

The Committee argues that Arizona law requires the Secretary of State to remove petition sheets only for specific types of defects not included in Objections 13-17. *See* A.R.S. § 19-121.01(e), (f).

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2022009391

08/18/2022

Regardless of the requirements for the Secretary of State, Arizona law provides that “Any petition that contains a partially completed affidavit or an affidavit that has been modified is invalid.” A.R.S. § 19-112(F). Based on this statutory requirement, the Court concludes that any sheets accompanied by an affidavit that is partially completed or contains illegible information are invalid. The Special Master Report identifies certain petition sheets that contain errors noted in Objections 13-17. *See* Special Master Report at 19. The Court concludes that those sheets must be invalidated.

Objection 18 (a), (b), and (c) – Errors in Identifying County on Affidavit

Every circulator must in the affidavit identify a specific county in Arizona in which he or she would be eligible to register to vote, irrespective of the circulator’s actual residency location. *See* ARS § 19-112 (D). The Plaintiffs argue that certain circulators either left the County field blank or disclosed a word or phrase that is not an Arizona County.

As to Objections (b), (c), the Committee largely agrees that errors in listing a county invalidates petition sheets.

As to Objection (a), the Committee argues that a circulator who has an out-of-state resident may write the County of his residency so long as the eligibility requirements between Arizona and the other state are the same.

The statutory language for the affidavit provides in pertinent part that “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...” A.R.S. § 19-112(D) (emphasis added). The statutory language clearly indicates that the County listed must be a county in Arizona. Out-of-state counties are insufficient.

The Special Master Report identifies petition sheets that contain affidavits that contain errors in listing an Arizona County on the affidavit. The Court concludes that those sheets must be invalidated.

Objection 19 – Illegible Serial Number

Arizona law requires both sides of each petition sheet to contain the serial number issued by the Secretary of State. *See* A.R.S. §§ 19-101(A), -102(A), -121(A)(2), -121.01(A)(1)(c).

The Plaintiffs argue that some of the petition sheets did not include legible serial numbers on both sides. The Committee argues that legible serial numbers are not required on the same

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2022009391

08/18/2022

grounds that it argued legible printed names of circulators are not required. See discussion of Objection 9 above. The Court concludes that the statutory requirements evidence a legislative intent to inform the public of the serial number of the petition. An illegible serial number does not serve that purpose and sheets without legible serial numbers must be stricken.

The Special Master Report lists certain petition sheets that do not provide legible serial numbers on both sides. See Special Master Report at 10. The Court concludes that those sheets must be invalidated.

Objection 20 (a), (b) – Same Handwriting Style on Multiple Lines

Arizona law requires all signers of a ballot measure petition personally to write their full name, full residential address, and full date of signing on the petition sheet. See A.R.S. § 19-112(A). The circulator must affirm under oath in the accompanying affidavit that “each individual [signer] printed the individual’s own name and address and signed this sheet of the foregoing petition in my presence.” A.R.S. § 19-112(D). When someone other than the signer inscribes the signer’s signature, printed name and/or address, “the circulator’s affidavit was necessarily false . . . [because] [i]t was apparent from the signature sheets that the elector did not print his or her own [information]—a fact the circulator must have known . . .” *Parker v. City of Tucson*, 233 Ariz. 422, 438, ¶ 48 (App. 2013).

The Committee argues that the Plaintiffs cannot sustain their objection without expert testimony regarding hand styles. The Committee further argues that the requirement may disenfranchise voters with disabilities who need assistance in filling out the petition forms. It argues that the requirement that every piece of information must be completed by the signatory themselves would run into a risk of violating the Equal Protection Clause or the Americans with Disabilities Act.

The statute on its face clearly requires a signer to personally write all the information required on the form. No expert testimony is required to determine whether the same person filled out more than one line of information for more than one signer. The statute may have the effect of violating the Equal Protection Clause, Americans with Disabilities Act, or other applicable laws, if it serves to disenfranchise persons with disabilities from participating in the political process. There is no evidence, however, that persons with disabilities were affected as to the particular petition sheets related to Objection 20. A constitutional or other challenge to the validity of the statute, either on a facial or as-applied basis, must be more fully developed than presented in this case.

The Court concludes that any petition sheets with signatures, printed names, or addresses written by someone other than the voter must be stricken. The Special Master Report identifies the

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2022009391

08/18/2022

sheets which contain such information. *See* Special Master Report at 10. The Court concludes that those sheets must be invalidated.

Objection 21(a), (b), and (c) – Voters Signature Date Errors

Every signer of the Initiative Petition must provide the date on which he or she affixed his or her signature. *See* Ariz. Const. Art. IV, Pt. 1, § 1(9); A.R.S. §§ 19-101(A), -102(A), -112(A), -121.01(A)(3)(c).

The Parties stipulate that certain errors in the voter’s date of signing, as provided in Objection 21(a), (b), and (c), are a basis to invalidate the signatures. The Special Master Report identifies signatures that correspond with this objection. *See* Special Master Report at 11. The Court concludes that these signatures must be invalidated.

The Special Master Report notes that the Plaintiffs withdraw Objection 21(d).

Objection 22 – Voter’s Signature Postdates Circulator Affidavit

Arizona law provides that signatures cannot be affixed to a petition sheet after the circulator affidavit on the back of the sheet is executed and notarized. *See* A.R.S. § 19-121.01(A)(3)(c).

The Parties stipulate that certain signatures postdate the circulator affidavit. The Special Master Report identifies signatures that correspond with this objection. *See* Special Master Report at 11. The Court concludes that these signatures must be invalidated.

Objection 23 – Signature Postdates Petition Filing

The Special Master notes that this objection has been withdrawn by the Plaintiffs. *See* Special Master Report at 12.

Objection 24(a), (b) – Missing Voter Street Address, Voter Street Address is a P.O. Box

Arizona law requires that every signer of the Initiative Petition must provide his or her “residence address, giving street name and number, and if he has no street address, a description of residence location.” A.R.S. § 19-112(A); *see also* Ariz. Const. art. IV, pt. 1, § 1(9); A.R.S. §§ 19-101(A), -102(A), -121.01(A)(3)(b).

The Parties stipulate that certain signatures did not provide a numbered street address or equivalent or provided only a post office box and are therefore invalid. The Special Master Report

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2022009391

08/18/2022

identifies signatures that correspond with this objection. *See* Special Master Report at 12. The Court concludes that these signatures must be invalidated.

Objection 25 – Missing Voter Printed Name

Arizona law requires that every signer of the Initiative Petition must both “sign his first and last names” and “print his first and last names.” A.R.S. § 19-112(A); *see also id.* §§ 19-101(A), -102(A).

The Parties stipulate that certain signatures were not accompanied by a printed name and are therefore invalid. The Special Master Report identifies signatures that correspond with this objection. *See* Special Master Report at 12. The Court concludes that these signatures must be invalidated.

Objection 26 – Voter Resides Outside of Captioned County

Arizona law requires that the caption on the front of each petition sheet must identify the County in which the signers of the sheet are qualified electors. *See* A.R.S. §§ 19-101(A), -102(A). Further, under Arizona law, signatures affixed by individuals who reside in counties other than the county in which a majority of the sheet’s signers are registered to vote are invalid. *See* A.R.S. § 19-112(C).

The Parties stipulate that certain signatures were of persons residing in a county other than the county in which the majority of the signers on the petitions sheet reside and are therefore invalid. The Special Master Report identifies signatures that correspond with this objection. *See* Special Master Report at 12. The Court concludes that these signatures must be invalidated.

Objections 27, 28, 29, and 30 – Voter Registration Issues

Objections 27 through 30 involve challenges to voter registration. The Plaintiffs have requested that the Court leave the record open to address these issues after the county recorders have completed their review of voter registration requirements. Therefore, the Court does not address these objections at this time, but rather leaves the record open to address these issues, at least potentially, at a later date.

Objection 31 – Duplicate Signatures

The Parties agree that if some signatures are duplicates of the same person, only one signature on the petition sheet is valid under A.R.S. § 19-121.02(A)(8). The Special Master Report

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2022009391

08/18/2022

identifies signatures that correspond with this objection. *See* Special Master Report at 13. The Court concludes that the signatures must be invalidated.

Objection 32 – Authenticity Issues

The Parties stipulate that the petition sheets of circulator Sky Archuleta must be invalidated because she did not appear for trial pursuant to the trial subpoena. The Court concludes that the petition sheets of circulator Archuleta must be invalidated.

The Plaintiffs argue that the petition sheets of Genaro Cadilenia should be invalidated because of the high number of deceased voter signatures. The Plaintiffs argued that six or seven of the circulator's approximately 200-250 signatures were of persons who were deceased. The Committee argues that no evidence of actual wrongdoing by circulator Cadilenia was presented. The Committee argues that the Court should not presume wrongdoing in the absence of some specific evidence. The Court finds that 3% of the total signatures of the circulator being deceased persons is a high number on its face. Nevertheless, the Court cannot find that it is so high as to establish by a preponderance of the evidence that the circulator's actions were improper. Therefore, the petition sheets of circulator Cadilenia are not invalidated for authenticity purposes.

The Plaintiffs argue that the petition sheets of Mark Anthony Duckworth should be invalidated because he had a high-volume day of over 300 signatures but cannot provide a sufficient explanation of how he reached that number. The Committee argues that the Court should not presume wrongdoing in the absence of some specific evidence. Mr. Duckworth explained that the signatures were gathered over 4th of July weekend at multiple locations and events, although he could not recall which ones. THE COURT FINDS that while a lack of specificity causes some suspicions, it does not establish by a preponderance of the evidence that the circulator's actions were improper. Therefore, the petition sheets of circulator Duckworth are not invalidated for authenticity purposes.

Conclusion

For the reasons stated,

It is ordered granting the objections stated in the Amended Complaint in part and denying them in part.

Under A.R.S. § 19-118(F), a party must file a notice of appeal within five calendar days after entry of judgment. The Supreme Court may dismiss a belatedly prosecuted appeal, such as one filed on the last day of the statutory deadline. *See McClung v. Bennett*, 225 Ariz. 154, 235

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2022009391

08/18/2022

P.3d 1037 (2010). Special procedural rules govern expedited appeals in election cases. Ariz. R. Civ. App. P. 10.

Pursuant to Rule 54(b), Ariz. R. Civ. P., and there being no just reason for delay, the Court directs entry of this Judgment as a final, appealable Order. The Court signs this minute entry as an enforceable Order of the Court effective immediately.

Date: August 18, 2022



HONORABLE JOSEPH P. MIKITISH
JUDGE OF THE MARICOPA COUNTY SUPERIOR COURT

1 Amy B. Chan, No. 019678
2 Noah T. Gabrielsen, No. 037161
3 Arizona Secretary of State
4 1700 West Washington Street, 7th Floor
5 Phoenix, Arizona 85007
6 (602) 542-8683
7 achan@azsos.gov
8 ngabrielsen@azsos.gov

Attorneys for Secretary of State Katie Hobbs

9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
10 **IN AND FOR THE COUNTY OF MARICOPA**

11 SCOT MUSSI, *et al.*,

12 Plaintiffs,

13 vs.

14 KATIE HOBBS, in her capacity as the
15 Secretary of State of Arizona,

16 Defendant,

17 and

18 ARIZONANS FOR FREE AND FAIR
19 ELECTIONS (ADRC ACTION), a
20 political committee,

Real Party in Interest.

No. CV2022-009391

**NOMINAL DEFENDANT
SECRETARY OF STATE KATIE
HOBBS'S NOTICE REGARDING
CIRCULATOR REGISTRATION
PORTAL**

(Assigned to the Honorable Joseph P.
Mikitish)

21 Nominal Defendant Secretary of State Katie Hobbs (the “Secretary”) submits this
22 Notice and the attached Declaration of Elections Director Kori Lorick to describe the
23 Secretary’s circulator registration process, which is relevant to several claims at issue in
24 this matter. As outlined below and in Director Lorick’s Declaration, the circulator
25 registration process was implemented in accordance with the Secretary of State’s
26 authority and in compliance with Arizona law.

27 The circulator registration process was developed and implemented pursuant to
28 the Legislature’s delegation of such authority to the Secretary. The Arizona Constitution
states that “The powers and duties of secretary of state...shall be as prescribed by law.”

1 Ariz. Const. Art. V, § 9. Notably, Arizona law provides that the Secretary “shall establish
2 in the [Elections Procedures Manual (“EPM”)] a procedure for registering circulators,
3 including circulator registration applications, and shall publish on a website maintained
4 by the secretary of state all information regarding circulators that is required pursuant to
5 this section.” A.R.S. § 19-118(A). Where Arizona’s statutes do not mandate a specific
6 policy, the Secretary may choose between permissible alternatives. *See, e.g., Gonzalez v.*
7 *Arizona*, 677 F.3d 383, 404 (9th Cir. 2012), *aff’d sub nom. Arizona v. Inter Tribal Council*
8 *of Ariz., Inc.*, 570 U.S. 1 (2013). The EPM “has the force and effect of law,” independent
9 of the statutes it implements and interprets. *Id.* At 397.

10
11 In accordance with this authority, the Secretary established a procedure for the
12 registration of circulators in the 2019 EPM, which was approved by Governor Doug
13 Ducey and Attorney General Mark Brnovich pursuant to A.R.S. § 16-452(B). The EPM
14 provides, in relevant part, that “Circulator registration must be conducted as prescribed
15 by the Secretary of State through the electronic Circulator Portal
16 (<https://apps.azsos.gov/apps/election/circulatorportal/>.” 2019 EPM at 252. In other
17 words, applicants *must* complete the registration process in the Circulator Portal to
18 register as a circulator. The Circulator Portal registration process is described in detail in
19 the attached Declaration. *See* Decl. of Kori Lorick, attached as Ex. A.

20 Under Arizona law, a petition circulator who is paid or not an Arizona resident
21 must register with the Secretary of State’s Office prior to circulating statewide initiative
22 petitions. A.R.S. § 19-118(A). Arizona law also dictates that a circulator registration
23 application “shall require”: the circulator’s name, residence address, telephone number
24 and email address; the initiative petition on which the circulator will gather signatures; a
25 statement that the circulator consents to the jurisdiction of the courts of the state; the
26 address of the committee in the state for which the circulator is gathering signatures; and
27 an affidavit that is signed by the circulator and notarized acknowledging that the

1 information is correct. A.R.S. § 19-118(B). Accordingly, the circulator registration
2 process established by the Secretary requires the information listed in A.R.S. § 19-
3 118(B). Ex. A at ¶¶6-8. Other than this required information, Arizona law does not dictate
4 any specific procedure for the circulator registration process. The Legislature delegated
5 the authority to develop those details to the Secretary. The current circulator registration
6 process implemented by the Secretary, as described in Exhibit A, is consistent with
7 Arizona law and is the most efficient process for the Secretary of State's Office as well
8 as circulators who are required to register.
9

10 RESPECTFULLY SUBMITTED this 9th day of August, 2022.
11

12 By /s/ Amy B. Chan

13 ARIZONA SECRETARY OF STATE
14 Amy B. Chan
15 Noah T. Gabrielsen
16 1700 West Washington Street, 7th Floor
17 Phoenix, Arizona 85007

18 Attorneys for Nominal Defendant
19 Secretary of State Katie Hobbs
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

1 Amy B. Chan, No. 019678
2 Noah T. Gabrielsen, No. 037161
3 Arizona Secretary of State
4 1700 West Washington Street, 7th Floor
5 Phoenix, Arizona 85007
6 (602) 542-8683
7 achan@azsos.gov
8 ngabrielsen@azsos.gov

9 Attorneys for Secretary of State Katie Hobbs

10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF MARICOPA**

12 SCOT MUSSI, *et al.*,

13 Plaintiffs,

14 vs.

15 KATIE HOBBS, in her capacity as the
16 Secretary of State of Arizona,

17 Defendant,

18 and

19 ARIZONANS FOR FREE AND FAIR
20 ELECTIONS (ADRC ACTION), a
21 political committee,

22 Real Party in Interest.

No. CV2022-009391

**DECLARATION OF KORI LORICK,
STATE ELECTIONS DIRECTOR**

(Assigned to the Honorable Joseph P.
Mikitish)

23 I, Kori Lorick, declare as follows:

24 1. I am the State Elections Director in Secretary of State Katie Hobbs's
25 Office. In this role, I oversee the Elections Services Division in the Department of State.
26 I have served in this role since July 2021. Prior to that and since September 2019, I served
27 as the Elections Compliance Manager in the Elections Services Division. In my current
28 role as State Elections Director, my responsibilities include overseeing the Secretary of
State's circulator registration process.

2. Under Arizona law, a petition circulator must register with the Secretary of
State's Office if the circulator: (a) is paid to circulate a recall, statewide initiative, or

1 statewide referendum petition; and/or (b) is not a resident of this state and will circulate:
2 (i) a statewide initiative or referendum petition, (ii) a recall petition in any Arizona
3 jurisdiction (statewide, county, city, or town), or (iii) a candidate petition in any Arizona
4 jurisdiction. *See* A.R.S. §§ 16-321(D); 19-118(A); 19-205.01(A).

5
6 3. Section 19-118(A), Arizona Revised Statutes, states that the Secretary of
7 State “shall establish in the [Election Procedures Manual (“EPM”)] a procedure for
8 registering circulators, including circulator registration applications.” Pursuant to the
9 2019 EPM currently in effect, “circulator registration must be conducted as prescribed
10 by the Secretary of State through the electronic Circulator Portal
11 (<https://apps.azsos.gov/apps/election/circulatorportal/>).” There is no alternate means of
12 submitting a circulator registration. Notably, the Secretary of State’s Office does not
13 accept or make available a paper circulator registration application.

14 4. Circulators wishing to register with the Secretary of State’s Office must
15 first create an account in the Circulator Portal. To create an account, the circulator must
16 enter their name, residential address,¹ phone number, and email address and create a
17 password to use to log in to their account in the future. The Circulator Portal then
18 automatically sends a confirmation email to the circulator, which instructs the circulator
19 to click on a link to verify the circulator’s email address.

20 5. The circulator’s Circulator Portal account is established when the circulator
21 verifies their email address. The Circulator Portal then automatically sends another email
22 to the circulator containing the assigned Circulator ID number, a link to the Petition
23 Circulation Training Guide, and a link to log in to the Circulator Portal to complete the
24 circulator’s registration.

25
26 ¹ If the circulator’s residential address is outside of Arizona, they will also be prompted to provide a temporary
27 residential address inside Arizona. Arizona law does not require that the circulator provide a temporary residential
28 address inside Arizona, but the Secretary of State’s Office requests this information in case there is a reason to
mail correspondence to the circulator (e.g., if we are unable reach them via email or phone). To date, the Secretary
of State’s Office has not needed to contact a circulator at their temporary address.

1 6. After the circulator has created a Circulator Portal account, to complete
2 their circulator registration, the circulator must: (a) log back into the Circulator Portal;
3 (b) upload a notarized affidavit of eligibility as required by A.R.S. §§ 19-118(B)(5) and
4 19-205.01(A) if they wish to register to circulate a statewide initiative or referendum
5 petition (or any recall petition that received a petition serial number on or after September
6 29, 2021)² and (c) add the petition(s) they wish to register to circulate (by petition serial
7 number for initiative, referendum, or recall petitions, or by candidate name for candidate
8 petitions).

9
10 7. To meet the notarized affidavit requirement, the circulator must download
11 the affidavit form from the Circulator Portal, get the form notarized (i.e., complete and
12 sign the form before a notary public, who must sign and place their seal on the form), and
13 then upload an electronic file (PDF) of the completed and notarized form to the Circulator
14 Portal.

15 8. When the notarized affidavit requirement for statewide initiative and
16 referendum petitions was first enacted into law in 2019, the Secretary of State’s Office
17 considered whether to require submission of the original hard copy affidavit even though
18 the Secretary of State’s circulator registration process – which existed prior to this new
19 requirement – was entirely online through the Circulator Portal. The Secretary of State’s
20 Office determined that it was not administratively feasible, nor had the Legislature
21 provided for additional funding to hire additional staff to manually receive and process
22 hard copy affidavits and manually pair them with the correct Circulator Portal
23 registration. Therefore, the Secretary of State’s Office requires circulators to upload a
24 PDF of the completed and notarized affidavit in the Circulator Portal and expressly
25

26 ² See 2019 EPM at 252 (requiring circulators of statewide initiative or referendum petitions to “provide a notarized
27 circulator affidavit declaring that the circulator is eligible to register, that all information contained in the
28 registration is true and correct, and that the circulator has read and understands Arizona election laws applicable to
the collection of signatures for a statewide initiative or referendum.”).

1 instructs circulators that they are not required to provide the original hard copy of the
2 notarized affidavit to our Office but should maintain the original for their own records.

3
4 9. Once the circulator uploads the completed and notarized affidavit of
5 eligibility, a notice appears in the Circulator Portal stating that their affidavit was
6 successfully uploaded and is pending acceptance. After an Election Services Division
7 staff member reviews and accepts the uploaded document, the circulator will get an email
8 notice confirming acceptance of the circulator's notarized affidavit of eligibility. The
9 circulator can then log back into the Circulator Portal to add a recall or statewide initiative
10 or referendum petition(s) to their registration. *See* 2019 EPM at 252 ("Circulators
11 registering through Circulator Portal will be prompted to upload an electronic copy of the
12 notarized circulator affidavit, which must be accepted by the Secretary of State's Office,
13 before the circulator is permitted to register to circulate a statewide initiative or
14 referendum petition.").

15 10. The notarized affidavit requirement was only required initially for
16 statewide initiative and referendum petitions when it was implemented in 2019, however,
17 the Legislature, in 2021, also required a notarized affidavit of eligibility to register to
18 circulate a recall petition. If the circulator is registering to circulate only petitions that do
19 not require a notarized affidavit of eligibility (e.g., local initiative or referendum
20 petitions, or candidate petitions), this step of uploading the notarized affidavit is not
21 required before the circulator can add those petitions to their registration.

22 11. In the Circulator Portal, a circulator can add a petition to their registration
23 by clicking on "Add a Petition." A pop-up window then appears that: (1) displays the
24 name, permanent residential address, temporary residential address in Arizona if
25 provided, phone number, and email address provided when the circulator created their
26 account; (2) notifies the circulator that the information will be carried over for the
27 additional petition; and (3) asks the circulator to confirm the information is correct. If the
28

1 circulator selects that the information is not correct, they are taken to a screen to update
2 the information. After the circulator confirms the information is correct, they may select
3 the petition they wish to add to the registration and must also enter their service of process
4 address for that petition. To finish adding the petition, the circulator must confirm that
5 the information they provided is correct under penalty of perjury. There is no limit to the
6 number of petitions a circulator can add to their registration.
7

8 12. The Secretary of State's Office considers a circulator's initial registration
9 to be complete once the circulator submits the necessary information and completes the
10 necessary steps to create a valid account in the Circulator Portal and, if applicable,
11 provides a notarized affidavit of eligibility that is accepted. After that point, to begin
12 collecting signatures for a particular petition as a registered circulator, the circulator need
13 only complete the process to add that petition to their registration in the Circulator Portal.
14 *See* 2019 EPM at 252. ("Once a circulator is properly registered, the circulator must select
15 in the Circulator Portal the petition(s) they will circulate (by serial number and/or
16 candidate name).").

17 13. A circulator can subsequently update their registration by adding additional
18 petitions they will circulate without creating a new Circulator Portal account or uploading
19 a new notarized affidavit of eligibility. The system only requires circulators to upload an
20 affidavit at initial registration and does not allow circulators to upload a separate affidavit
21 for each petition they add to their registration. Therefore, it is not uncommon for
22 registered circulators to have a notarized affidavit of eligibility on file in the Circulator
23 Portal that is dated earlier, and, in some cases, many months earlier, than the date the
24 circulator added specific petitions to their registration.

25 14. The Secretary of State's Office assigns a random circulator ID number to
26 each registered circulator. That circulator ID number is permanently assigned to the
27 circulator and must be used for all petitions being circulated by that particular individual
28

1 (regardless of the election cycle or which petition is being circulated). See 2019 EPM at
2 253. It would be administratively burdensome, and likely not practicable, to assign a
3 unique circulator ID number to the circulator for each petition they wish to circulate, to
4 require (or allow) circulators to create a new Circulator Portal account or register
5 separately for each petition they wish to circulate, or to modify the Circulator Portal to
6 allow circulators to upload, and enable the system to store, a different notarized affidavit
7 for each petition added to the circulator's registration.
8

9
10 Dated: August 9, 2022

11
12 By: /s/ Kori Lorick
13 Kori Lorick
14
15
16
17
18
19
20
21
22
23
24
25
26
27

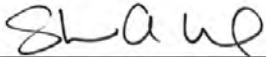
I-16-2022 CERTIFICATION

I certify that I received 646 petition sheets containing 820 signatures which have been randomly selected for signature verification in Yuma County. The selected signatures were compared with those on file in the voter registration records of this office and the results are as follows:

- 230 signers included in the random sample were found to be not qualified electors at the time of signing the petition, or were disqualified for any other reason pursuant to A.R.S. § 19-121.02(A), and therefore their signatures were disqualified.
- 590 signers included in the random sample were found to be qualified electors at the time of signing the petition, and therefore their signatures were not disqualified.

The enclosed signature report identifies the name of any individual whose signature was disqualified (if the name was legible), the petition page and line number of the disqualified signature, and the reason why the signature was disqualified pursuant to A.R.S. § 19-121.02(B).

Yuma County Recorder's Office



(signature)

08/11/2022

(date)

A copy of this certification and accompanying signature report was mailed to the political committee supporting the petition:

Arizonans for Free & Fair Elections
401 West Baseline Road, Suite 205
Tempe, AZ
james@bartonmendezsoto.com

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

HON. PAMELA GATES

CLERK OF THE COURT
S. Ortega
Deputy

VINCE LEACH, ET AL.

BRETT W JOHNSON

v.

KATIE HOBBS, ET AL.

KARA MARIE KARLSON

JAMES E BARTON II
COURT ADMIN-CIVIL-ARB DESK
DOCKET-CIVIL-CCC

MINUTE ENTRY

The people hold the power to propose laws and amendments to the Constitution and to enact or reject those laws and amendments at the polls, independently of the legislature. *See* Ariz. Const. art. 4, pt. 1, § 1(1). Under constitutional separation of powers, courts do not intrude upon the people's power to legislate; however, the court is obligated to apply constitutional and statutory mandates.

Arizona Revised Statutes § 19-102.01(A) provides that “[c]onstitutional 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.” Satisfying the “strict compliance” standard “requires nearly perfect compliance with constitutional and statutory” mandates. *Arrett v. Bower*, 237 Ariz. 74, 81 (App. 2015) (citation and internal quotations omitted). “Strict compliance” applies to “all constitutional and statutory provisions, no matter how minor,” *Homebuilders Ass’n of Cent. Ariz. v. City of Scottsdale*, 186 Ariz. 642, 648 (App. 1996), even if its application results in what may seem to be “harsh consequences” caused by nothing more than an “unfortunate mistake.” *Arrett*, 237 Ariz. at 80, 83 (citation and internal quotations omitted).

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

Here, Plaintiffs challenge the legal sufficiency of the Initiative titled “Stop Surprise Billing and Protect Patients Act” on several grounds and ask the court to enjoin its placement on the ballot. Plaintiffs assert four challenges:

- 1) Defendant Arizonans Fed Up with Failing Healthcare (Healthcare Rising AZ) (hereinafter referred to as “Defendant Committee” or “the Committee”) has not submitted a sufficient number of valid signatures to qualify the Initiative for the 2020 general election;
- 2) Defendant Committee defrauded potential signatories based on the Defendant Committee’s name in violation of *Kromko v. Superior Court*, 168 Ariz. 51, 59 (1991);
- 3) The Title of the Initiative fails to comply strictly with the Title and Text Rule found in the Arizona Constitution; and
- 4) The Initiative’s 100-word description is misleading, creates a significant danger of confusion, and omits “principal provisions” of the Initiative.

After evaluating the evidence and testimony in this case, the court finds that the Initiative fails to comply strictly with applicable statutory and constitutional requirements for initiatives and the Initiative should not be referred to the ballot for the November 2020 general election in the State of Arizona for two independent reasons. First, the Initiative Petition contains fewer than the 237,645 valid signatures required to refer the Initiative to the ballot. Second, the Initiative Petition violates A.R.S. § 19-102(A) and § 19-121(A)(1) because the 100-word summary is inaccurate, materially misleading, and creates a significant danger of confusion or unfairness.

1. DEFENDANT COMMITTEE HAS NOT SUBMITTED A SUFFICIENT NUMBER OF VALID SIGNATURES TO QUALIFY THE INITIATIVE FOR THE 2020 GENERAL ELECTION.

Pursuant to the Arizona Constitution, a statutory initiative petition in the 2020 election cycle must have at least 237,645 valid signatures to qualify for the ballot. Ariz. Const. art. 4, pt. 1, § 1(2) & (7). The Committee filed the Initiative Petition with the Secretary of State purporting to contain 430,680 signatures. The Secretary of State determined that the Committee submitted 385,771 signatures that were eligible for random sampling.

Based on the rulings by the court together with the stipulations of the parties¹ and the findings of fact by the Special Master, the Committee has failed to collect the requisite 237,645 valid signatures from qualified electors to qualify the Initiative for placement on the November 2020 general election ballot. During trial, the parties, the Special Master, and the court relied on a database referred to as “the Scoreboard.” After incorporating all rulings by the court, stipulations

¹ The parties stipulated that 111,337 of the signatures were invalid.
Docket Code 901

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

of the parties, and findings of fact by the Special Master, the Scoreboard was used to calculate valid signatures. The Scoreboard² confirmed 221,536 valid signatures.³

Because the Initiative did not receive at least 237,645 valid signatures, the Secretary of State cannot certify that the Initiative should be placed on the November 2020 ballot. *See* A.R.S. § 19-121.04(B).

A. Circulators' Failure to Appear and Produce Documents.

Plaintiffs request an order from the court directing the Secretary of State to remove any signatures collected by a registered circulator properly served with a subpoena to provide evidence in an action regarding circulation of petitions and who failed to appear and produce documents as provided for in the subpoena. *See* A.R.S. § 19-118(E).

Defendant Committee asserts that the sanction of A.R.S. § 19-118(E) is inapplicable in this case because: 1) the subpoenas were not served timely; 2) Defendant Committee failed to provide the subpoenas to the Committee electronically; and 3) the subpoenas failed to include the specific check-in time for the subpoenaed circulator. Defendant Committee also argues that the provisions of A.R.S. § 19-118(E) do not apply because each circulator was de-registered by the time Plaintiffs served the circulator with the trial subpoena. Finally, Defendant Committee contends that it is improper for the court to direct the Secretary of State to remove any signatures collected by registered circulators who appeared for trial, but only failed to produce documents as provided for in the subpoena.

1. **The Circulators Were Timely and Properly Served with Trial Subpoenas.**

“Service of process is effected [on a registered circulator under § 19-118] 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 or mailing a copy of the subpoena to the [C]ommittee by certified mail to the address provided.” A.R.S. § 19-118(B)(2); *see also* Ariz. R. Civ. P. 4.1(d)(1)-(3)(service is proper if an individual is served personally, if a copy of the served document is left at their dwelling or usual place of abode with a person of suitable age, or if the service is performed on an authorized agent). Although the Committee acknowledges receipt of a complete paper copy of the circulators’ subpoenas and associated “tickets,”⁴ the Committee

² The Scoreboard has been marked and admitted for appellate purposes as Exhibit 2797.

³ Defendant Committee agreed it did not seek to rehabilitate any additional signatures deemed ineligible for random sampling by the Secretary of State.

⁴ A “ticket” was provided to a circulator with the subpoena to identify the specific check-in time, date, and access information for a particular circulator to appear virtually in response to the

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

challenges the Plaintiffs delay in providing it with a complete electronic copy of the circulators' subpoenas and "tickets." The Committee also contends that the circulators were not served properly with a subpoena because the subpoenas failed to provide the specific check-in time.

Rule 45(a)(1)(C) of the Arizona Rules of Civil Procedure requires that a subpoena must state the specified time and place for the witness to attend and testify at trial. Due to the unprecedented times, the court ordered consistent with the Administrative Orders that no witness would be permitted to report to the courthouse or testify in-person at trial. *See* Admin. Order of the Arizona Supreme Court at p.4 ("During Phases I and II, judicial leadership should limit in-person contact in the conduct of court business as much as possible by using available technologies, including alternative means of filing, teleconferencing, video conferencing, and use of email and text messages to reasonably ensure the health and safety of all participants."); Admin. Order 2020-78 of the Super. Court of the State of Ariz., Maricopa Cty. at pp. 2 & 6 ("It remains the presumption that proceedings be conducted via audio and video unless both authorized by this order and deemed necessary by the assigned judicial officer." . . . "[U]nless ordered by the court, civil proceedings will presumptively proceed through the use of audio and video appearances.").

Prior to the August 7, 2020 trial, consistent with the parties' stipulation, the court ordered that "trial" will begin on August 6, 2020 for the limited purpose of checking in circulator witnesses.⁵ The court further ordered that at check-in, each circulator will be provided: (i) a group number, (ii) a specific date and time for which they will actually appear at trial to testify, and (iii) log in information for that appearance. In addition, the court ordered that trial witnesses must be informed that at the time of trial they will access the video platform and be placed in a virtual waiting room until called into the virtual courtroom to testify. The court also ordered that trial witnesses must be provided with the court's telephone number to call in the event of technical emergencies or if they are experiencing challenges accessing the platform at the time of trial.

At approximately 8:00 a.m. on August 6, 2020, five virtual courtrooms were "opened." The court and representatives of Plaintiffs and Defendant Committee appeared in each virtual courtroom. The court ordered that subpoenaed witnesses could appear on camera. Recognizing that individuals may not have access to an external or embedded webcam, the court ordered that the witnesses were allowed to appear in the virtual courtrooms by telephone. Seventy-three of the 332 subpoenaed circulators failed to appear on August 6, 2020.

subpoena. *See, e.g.*, Exhibit 2756. A complete set of trial subpoenas with tickets and instructions on accessing the virtual courtrooms and waiting space was served on Defendant Committee's counsel, James Barton, on August 4, 2020 at 4:50 p.m.

⁵ The court received the parties' stipulation regarding the check-in process via email on July 30, 2020 at 11:58 p.m. The court transmitted the order that included the access codes at 3:31 p.m. on July 31, 2020.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

Trial testimony began on August 7, 2020. During trial, the court granted a representative of each side full functionality of the platform to monitor the names of any circulator who may have entered the virtual waiting room. No circulator other than individuals summoned to testify on August 7, 2020 appeared in the virtual waiting space. Moreover, the court monitored its voicemail throughout trial and included on the voicemail a hotline number to Fieldworks to redirect the subpoenaed circulators to Defendant Committee if any subpoenaed witness was intending to appear in response to a subpoena.

Unlike typical in-person trial requirements, in this unique trial, the responsibility of a witness was simply to enter a web address and access code⁶ or dial a telephone number to appear at trial. Witnesses did not have to take days off of work or arrange childcare.⁷

The court finds that the subpoenas complied with Rule 45 of the Arizona Rules of Civil Procedure by providing a time and virtual place for the witnesses to appear for trial. The court also finds that the subpoenas were served with adequate time for the witness to comply with the requirement that the witness appear at trial. *See* Ariz. R. Civ. P. 45(e)(2)(A)(i)(stating that the court must quash or modify a subpoena if it fails to allow a reasonable time to comply).

2. The Signatures Collected by a Circulator Who Appeared at Trial in Response to the Trial Subpoena but Failed to Produce Documents as Provided for in the Subpoena Are Note Deemed Invalid.

Plaintiffs requested an order directing the Secretary of State to remove any signatures collected by Alberto Partida, Alec Trow, Alexzander Schell, Andrew Standifird, Andre Jeanisse, Jacob Jones, Joshua Morrison, Lisa Ruble, Omar Castanon Rodriguez, Justin Herrington, and Timothy Boyd,

⁶ The subpoenaed witnesses were provided a uniform resource locator (URL), access code, and a telephone number for the virtual courtroom. The access information was sealed until the trial was concluded to prevent problems associated with the appearance of non-participants exceeding the 26 video frame capacity and resulting in the virtual exclusion of testifying witnesses from the courtroom due to reaching maximum load.

⁷ In *Leach v. Reagan*, the plaintiffs subpoenaed 1,180 witnesses. Nine hundred and thirteen of the subpoenaed witnesses physically appeared at the courthouse on the morning of August 20, 2018. Of the 913 subpoenaed witnesses, 665 were directed by the plaintiff to return later in the week to testify. Of the 665 subpoenaed witnesses ordered to return, 233 were directed to return on August 21, 2018, 220 were directed to return on August 22, 2018, and 212 were directed to return on August 23, 2018. *See Leach v. Reagan*, CV2018-009919665 at *8 (Ariz. Super. Ct. August 27, 2018). The Sheraton was rented out to house the circulators who were required to remain in Phoenix to comply with their subpoena. Unlike what occurred in 2018, in this trial, subpoenaed circulators often appeared from their place of work, their homes, and their vehicles.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

Jr. (hereinafter referred to as “the Testifying Circulator Witnesses”). The Testifying Circulator Witnesses did not produce all documents requested in the subpoena.⁸ None of the Testifying Circulator Witnesses produced circulator registration documents when asked.

Rule 45(e) of the Arizona Rules of Civil Procedure states “[a] party or an attorney responsible for serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. Absent good cause, a subpoena may not seek production of materials that have already been produced in the action or that are available from parties to the action.”

Here, the registration documents requested from the Testifying Circulator Witnesses other than a form of identification were produced by a party in the case.

Moreover, the subpoenas in this case requiring the production of documents were served immediately before trial. Most Testifying Circulator Witnesses stated that they were unaware of the obligation to produce documents. In some instances the Testifying Circulator Witnesses stated that they did not possess the requested documents. In other instances the Testifying Circulator Witnesses told counsel that they may possess the documents electronically. Witnesses were not provided with instructions on how to produce the documents by emailing the documents or uploading the documents to DropBox or AdobeCloud or how to produce the documents to a non-co-located person. Witnesses who testified they may have the electronic documents were not asked to present the documents by locating the documents in their email and sharing the screen with the court. Unlike the minimal effort for witnesses to “comply” with the subpoena and appear for trial, the analysis for compliance with the production requirement in the subpoena is different.

Defendant Committee objected to the production requirement in the subpoena, obligating the circulator to produce employment records and registration documents. The court finds Defendant Committee’s objection well founded and modifies the subpoena to eliminate the compelled obligation to produce documents that have already been produced in the action or that are available from parties to the action.

As noted by the Arizona Supreme Court in *Stanwitz v. Reagan*, 245 Ariz. 344, 350 ¶ 21 (2018), A.R.S. § 19-118 “represents a reasonable means of fostering transparency, facilitating the judicial

⁸ The Subpoena requested: 1) a driver’s license or other government-issued identification; 2) proof of residential address; 3) the witness’ FieldWorks employment agreement, paystubs, bonus, incentives, correspondence, and any other documents relating to the witness’ employment by FieldWorks; 4) any and all petition signature sheets circulated by the witness for the Initiative; 5) any and all of the witness’ Secretary of State circulator registration forms; and 6) any and all emails and other communication with the Secretary of State regarding the witness’ circulator registration.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

fact-finding process, inducing compliance with valid compulsory process, and mitigating the threat of fraud or other wrongdoing infecting the petition process.” However, the statute cannot be used as a tool to require the production of already produced documents absent a finding of good cause. The court finds this particularly relevant in this unique trial where the subpoenaed witnesses were subpoenaed immediately before trial, did not appear in the same physical space as the lawyers, and were not provided with instructions on how to “produce” documents.⁹

B. A.R.S. § 19-118(E) Applies to Circulators Who Registered Pursuant A.R.S. § 19-118(A).

Arizona Revised Statutes § 19-118(E) states “[i]f 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.” Arizona Revised Statutes § 19-102.01(A) provides that “[c]onstitutional 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.”

Defendant Committee argues that de-registration prior to service of the subpoena eliminates the consequence of a circulator failing to appear or produce documents in response to a validly served subpoena. Arizona Revised Statutes § 19-118(A) states that the “Secretary of State shall establish in the instructions and procedures manual issued pursuant to § 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.” Section 19-118 does not include a requirement that the Secretary of State establish a process to de-register circulators. No provision in A.R.S. § 19-118 addresses the de-registration of circulators. The court’s responsibility in interpreting a statute is to fulfill the intent of the legislature that wrote it. *See Leach v. Reagan*, 245 Ariz. 430, 438 ¶ 33 (2018); *Bilke v. State*, 206 Ariz. 462, 464 ¶ 11 (2003).

A circulator is the most likely person to have knowledge relevant to disputes over the validity of the signatures the circulator collected. *See Stanwitz*, 245 Ariz. at 349 ¶ 18 (“The circulator is the only person in the process who is required to make a sworn statement and is, therefore, the person under the greatest compulsion to lend credibility to the process.”)(quoting *W. Devcor, Inc. v. City of Scottsdale*, 168 Ariz. 426, 432 (1991)). Under the reading of the statute advanced by Defendant Committee, the Section 118(E) consequence of failing to appear to provide the necessary information for the court to assess the challenge would be circumvented by simply de-registering

⁹ If the petition sheets of the Testifying Circulator Witnesses were deemed invalid under A.R.S. § 19-118(E), the net reduction would be 14,189 signatures.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

all circulators before service of a valid subpoena. The court reads the statute as written and with the intent of avoiding a construction that would produce an absurd result.

Of the 1167 circulators, Plaintiffs subpoenaed 332. To confirm the importance of each subpoenaed circulator's testimony to the fact-finding process in this case, the court requested that Plaintiffs file a notice with the court, identifying the areas of testimony for each of the 332 subpoenaed witnesses. After reviewing the notice, the court finds the testimony of the subpoenaed circulators who failed to appear was essential to probe the collection of duplicative signatures, the submission of false affidavits, the inconsistency in identifying as both a paid and volunteer circulator, understanding and verifying the details of the circulator's residence and email address, and verifying the notarization date. When the Plaintiffs subpoenaed the 332 circulators, Plaintiffs did not have the benefit of knowing which petition sheets or signatures the court would deem invalid as a matter of law. Plaintiffs subpoenaed approximately 30% of the registered circulators.

The court finds that the failure to appear by the identified circulators materially prejudiced the fact-finding process. The integrity of the initiative process is dependent on the probity of the petition circulators. *See* Ariz. Const. art. 4, pt. 1, § 1(9). The consequence of A.R.S. § 19-118(E) is not to invalidate signatures based on a technicality; rather, the consequence of Subsection E is reflective of the importance of circulators and their veracity in enabling the people to propose laws and amendments to the Constitution independent of the legislature.

As noted above, the court required the parties to monitor the virtual waiting rooms during trial, and the court permitted Defendant Committee to request a motion to reconsider invalidating a circulator's signatures if the circulator appeared during trial. The following circulators failed to appear at the August 6, 2020 check-in but they appeared to testify on their designated trial day.

Andres Amaya	8/7/2020
Armin Manizadeh	8/7/2020
Charmaine Calvino	8/7/2020
Jessica Nieto	8/10/2020
Julianne Braun	8/10/2020
Justin Herrington	8/10/2020
Luthine Stewart	8/10/2020
Terrance Williams	8/11/2020
Veronica Leos	8/11/2020
Troy Palmer	8/11/2020

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

The court will not invalidate the petition sheets of the circulators who failed to appear at the August 6, 2020 check-in but they appeared at trial to testify in compliance with their subpoenas.

The court finds the following circulators, registered pursuant A.R.S. § 19-118(A), were served properly a subpoena to testify but failed to appear as provided for in the subpoena. Therefore,

IT IS ORDERED directing the Secretary of State to remove any signatures collected by the following circulators who failed to appear in response to their trial subpoena:

Abel Rodriguez AZ85343
Adam Cole AZ74853
Amber Schnepf AZ40052
Anthony Alderiso AZ23692
Antonio Johnson AZ74582
Ashstin Bowers AZ18214
Austin Geist AZ96585
Bhart Roberts AZ52914
Brian Floyd AZ65894
Cassie Sanchez AZ49830
Cheryl Rohrick AZ66399
Christal Dames AZ28196
Christopher Holland AZ92941
Cody Huber AZ66258
Cynthia Coronel AZ68787
Daine Froehlich AZ14116
Damon Calvert Jr. AZ47133
Darrel Muhammad Eli AZ53321
Darren McCadden AZ85182
Deijha Franklin AZ94382
Emma Krajewski AZ18978
Ethan Espe AZ55614
Gary Barnard Jr. AZ95365
Glenna Geist AZ58457
Gloria Leonard AZ68219
Inti Santos AZ44786
Isidro Lizarraga AZ87034
Jalen Stohlgren AZ96940
James Miller AZ16306
Jasmine Ackie AZ43508
Jazari Goff AZ96763

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

Jelani Netters AZ80759
Jennifer Lee AZ85996
Jennifer Lozoya Diaz AZ66414
Joe Fry AZ47670
Joeena Pennington AZ48086
John Handy AZ94495
Jordan Butler AZ52110
Katherine Nelson AZ14678
Kilee Kowalczyk AZ26072
Lamar Miller Jr. AZ77998
Manelich Luna AZ80798
Mark Herd AZ22988
Max Zingler AZ74561
Melvin Acquaah AZ53823
Michael Ciambella AZ49433
Mykah Brown AZ40621
Oswaldo Valenzuela Chagoya Jr. AZ63718
Phanashia Germain AZ24237
Porter Vaughn AZ14795
Raelyn Castillo AZ70422
Rebecca Baldenegro AZ98608
Rebecca Hurtado AZ25880
Sarah Butler AZ99748
Sarah Rivard AZ37769
Scott Wolbert AZ18965
Stephanie Wasilishin AZ34318
Taylor Krejci AZ43987
Thomas Ball AZ70640
Timothy Johnson AZ19587
Tyiesha Hunter AZ71992-A
Valentina Wells AZ25917
Zachary Hamilton AZ21838

Plaintiffs further seek to invalidate the signatures collected by the circulators who were subpoenaed properly to appear on August 7, 2020 but failed to appear.

IT IS FURTHER ORDERED directing the Secretary of State to remove any signatures collected by the following circulators who failed to appear in response to their trial subpoenas, requiring them to appear on August 7, 2020:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

Abdullah Mohammad Ali AZ49980
Alejandra Jimenez AZ56699
Alexander Shi-Shi AZ61956
Amber Beasley AZ19175
Andre Matthews AZ82862
Antonio Leyba AZ45597
Benjamin Gardner Jr. AZ25946
Carole Hunter AZ12720
Charity Morris AZ29877
David Lammon AZ58422
Edrise Bayo AZ58828
Eileen Baese AZ72277

Plaintiffs further seek to invalidate the signatures collected by the circulators who were subpoenaed properly to appear on August 10, 2020 but failed to appear.

IT IS FURTHER ORDERED directing the Secretary of State to remove any signatures collected by the following circulators who failed to appear in response to their trial subpoenas, requiring them to appear on August 10, 2020:

Haley Musgrove AZ84421
Jacob Foster AZ46163
Jacquelyn Williams AZ93542
Jonathan Bachanos AZ26771
Lisa Garrett AZ62259

Plaintiffs further seek to invalidate the signatures collected by the circulators who were subpoenaed properly to appear on August 11, 2020 but failed to appear.

IT IS FURTHER ORDERED directing the Secretary of State to remove any signatures collected by the following circulators who failed to appear in response to their trial subpoenas, requiring them to appear on August 11, 2020:

Meagan Hamblen AZ17638
Michael Moses AZ84816
Milford Slowe AZ50960
Montgomery Glaser AZ41905
Paul Head AZ26407
Peggy Gomez AZ52588
Rafael Montijo Martinez AZ22425

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

Ryan Hanners AZ59865
Sam Hernandez Jr. AZ65878
Samuel Christian AZ99028
Schelly Frazier AZ54897
Trinidad Cardona AZ43959
William Joyce AZ38861
Zane Druyon AZ61421¹⁰

C. Special Master Report.

The court ordered the appointment of retired judge Christopher Skelly as Special Master in this matter. The Special Master's authority was limited to making findings of fact related to Plaintiffs' challenges to the validity of petitions and signatures submitted to the Secretary of State by Defendant Committee.

The Special Master and the parties worked tirelessly¹¹ to review the signature- or petition-based challenges contained in the Verified Complaint (or any subsequent amendments). The Special Master submitted his 886-page report to the court on August 11, 2020.

As noted in the Special Master's Report, the Secretary of State determined the Defendant Committee submitted 385,771 signatures that were eligible for random sampling. *See* Special Master Report Exhibits A-C. Each County Recorder was directed by the Defendant Arizona Secretary of State to review a random sample of the signatures pursuant to A.R.S. § 19-121.02. *See* Exhibit A. As of August 11, 2020, six counties reported to the Defendant Arizona Secretary of State with determinations of validity and invalidity of specific randomly sampled signatures. The parties have stipulated that, except for signatures determined invalid due to lack of voter registration, lack of timely registration, or a mismatched/invalid signature that renders it impossible to confirm voter registrations, other determinations of invalidity by the County Recorders are applied to these proceedings. As such, the Special Master found that five signatures were also invalid as a part of these proceedings based on the available individual counties' determinations.¹²

¹⁰ If the Defendant Committee was successful in convincing the trial court that de-registration of the circulators immunized the circulators who registered from the consequences of A.R.S. § 19-118(E), the result would have been a 28,842 net increase of signatures.

¹¹ The Special Master held hearings on July 31, 2020, August 1, 2, 4, 5, and 8, 2020.

¹² The following signatures were invalidated by County Recorders pursuant to A.R.S. § 19-121.02 as of August 10, 2020: 23885:1 (Apache, invalid date), 27145:1 (Gila, invalid date), 42667:11 (Yavapai, illegible), 42734:1 (Yavapai, invalid date), and 42751:1 (Yavapai, duplicate). *See* Special Master Report Exhibit D.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

The parties agreed to submit objections to the Special Master's Report by August 12, 2020. Although Plaintiffs did not submit an objection, Plaintiffs offered testimony of circulator witness, Tim Boyd, and argued that the Special Master's factual findings were incorrect. After considering the testimony of Mr. Boyd, the court affirms the Special Master's factual findings regarding Mr. Boyd.¹³ Neither party submitted any further objections to the Special Master's factual findings.

After reviewing the Special Master's report and all the attachments,

IT IS FURTHER ORDERED adopting, in whole, the Special Master's factual findings as set forth in the Report of Special Master on Factual Challenges to the Validity of Signatures.

After reviewing the evidence presented by the parties, the findings of fact made by the Special Master, and after applying the applicable strict compliance standard of review, the court enters the following orders:

IT IS FURTHER ORDERED pursuant to the parties' stipulation individual signatures and circulator sheets as identified in the Report of Special Master on Factual Challenges to the Validity of Signatures as "STIPULATED OUT" are deemed invalid.

IT IS FURTHER ORDERED that the individual signatures and circulator sheets as identified in the Report of Special Master on Factual Challenges to the Validity of Signatures as "FINDING OUT" are deemed invalid.

Because some of the findings of the Special Master rest upon the court's legal conclusions, the court will summarize its analysis regarding 15 legal deficiencies asserted by Plaintiffs.

D. Circulator Registration Deficiencies: Objection 3.

Paid or nonresident circulators are required to register with the Secretary of State prior to circulating initiative petitions. Arizona Revised Statutes § 19-118(B)(1) requires a circulator to include a "residence address." Arizona Revised Statutes § 19-121.01(A)(1)(h) requires an initiative petition sheet be stricken if "the circulator is not properly registered at the time the petitions were circulated." Arizona Revised Statutes § 19-102.01(A) provides in part that "[c]onstitutional and

¹³ Even if the court reviewed the Special Master's factual finding related to Mr. Boyd under a de novo standard, based on the testimony of Mr. Boyd, the court would affirm the Special Master's factual findings regarding Mr. Boyd. *See* Ariz. R. Civ. P. 53(f)(3) ("The court must decide all objections to findings of fact made or recommended by a master under the clearly erroneous standard . . .").

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

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.” *See Arrett v. Bower*, 237 Ariz. 74, 81 (App. 2015) (citation and internal quotations omitted) (satisfying the “strict compliance” standard “requires nearly perfect compliance with constitutional and statutory” mandates).

Here, the court found that strict compliance requires that all signatures would be invalidated as a matter of law if an apartment number, dorm number or hotel room number was not included on a residence address where such number was necessary to ensure that the individual could be contacted or questioned. *Cf Lohr v. Bolick*, CV-20-0129-AP/EL (May 5, 2020) (Decision Order) (“The purpose of this requirement is to ensure that a circulator can be contacted and questions about the validity of gathered signatures.”).

E. Circulator Registration Deficiencies: Objection 4.

A circulator registration application required by A.R.S. § 19-118(A) requires the circulator to include the circulator’s “email address.” Although A.R.S. § 19-102.01 mandates strict compliance with any statutory requirement, the court finds no statutory obligation that a circulator maintain the functionality of the listed email address throughout the campaign including during the post-submission litigation period. The registered circulator must provide a valid email on the date of registration which is used to receive (and remit) a certification of registration once the online registration process is complete. The court found that evidence indicating the registered circulator’s email address was nonfunctional at the time of circulation was insufficient to invalidate a circulator’s registration. However, the court found that evidence supporting a finding that the email address was not valid on the date of registration would support a determination that the circulator was not properly registered.

F. Circulator Registration Deficiencies: Objection 5.

In certain instances, a circulator submitted duplicative circulator registrations with the Secretary of State. The court found that a subsequent registration does not summarily invalidate the signatures collected prior to the most recent registration.

G. Circulator Affidavit Deficiencies: Objection 17.

Numerous circulators provided varying addresses on their circulator affidavit. Arizona Revised Statutes § 19-112(D) requires the circulator provide his or her “residence address” in the circulator affidavit. Although A.R.S. § 19-102.01 mandates strict compliance with any statutory requirement, the court finds no statutory obligation that prevents a circulator from changing his residence address. The court found that the use of different addresses on the reverse side of the

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

petition sheet does not summarily invalidate all of the signatures collected by a registered circulator who used different addresses on their circulator affidavit.

H. Circulator Designation Deficiencies: Objection 22.

Arizona Revised Statutes § 19-102 states 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.” Subsection E states that “[s]ignatures obtained on initiative petitions in violation of subsection D . . . are void and shall not be counted in determining the legal sufficiency of the petition.” Subsection E also states that 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. In certain instances, circulators provided inconsistent information on their petition sheets, sometimes designating “paid” and sometimes selecting “volunteer.” Defendant Committee stipulated that signatures on a petition sheet in which the circulator designated both “paid” and “volunteer” are invalid.¹⁴ The issue presented to the court was whether the inconsistent designations by a circulator on different petition sheets invalidates, as a matter of law, all of the circulator’s petition sheets. The court found that the inconsistent designations on different petition sheets does not, as a matter of law, summarily invalidate all petition sheets of the circulator.

I. Serial Number Deficiencies: Objection 24.

Arizona Revised Statutes §§ 19-111(A) and 19-121.01(A)(1)(c) require that a serial number must appear on the bottom right-hand corner of both sides of a petition sheet. Absence of a legible serial number is a basis to invalidate the petition sheets. The factual scenario presented to the court involved only the absence of the serial number on the currently available image with the Secretary of State. The parties acknowledge that actions of the Secretary of State employees could have resulted in the removal or obstruction of the serial number. Plaintiffs argue that it is of no relevance that the serial number may have existed at some point in the past or at the time of submission to the Secretary of State. The court finds that the petition sheets would be valid if the Special Master found credible evidence demonstrating the serial number was present and legible when the petition sheet was submitted to the Secretary of State.

J. Notarization Deficiencies: Objection 38.

The circulator of the petition is required to swear before a notary public that “each of the names on the sheet was signed and the names and address were printed by” the signer on the date indicated, and that the circulator believes each signer to be “a qualified elector of a certain county

¹⁴ Circulator Designation Deficiencies: Objection 23.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

of the state.” A.R.S. § 19-112(C). Various individuals notarized petition sheets on the same day with implausible geographic distribution.¹⁵ Defendant Committee acknowledges that the minority county¹⁶ signatures should be invalidated; however, Defendant Committee asserts that the signatures of the majority county should remain valid. The factual scenario presented to the court involved a petition sheet containing a geographic distribution that confirms the notary avowal was untrue or incorrect. “[S]tatutory circulation procedures are designed to reduce the number of erroneous signatures, guard against misrepresentations, and confirm that signatures were obtained according to the law.” *Brousseau v. Fitzgerald*, 138 Ariz. 453, 456 (1984); *see also Leach*, 245 Ariz. at 450 ¶ 105 (Gould J., Bolick J., and Lopez J. concurring in part, dissenting in part)(“[O]ur citizens . . . have the right to an initiative process that is transparent and free from fraud.”). The court finds that petitions sheets containing geographic distribution that confirm the notary avowal is untrue or incorrect are invalid as a matter of law.¹⁷

K. Fraud: Objection 43.

Certain petition sheets include the same handwriting. The Arizona Constitution requires that “every sheet of every . . . petition containing signatures shall be verified by the affidavit of the person who circulated [the] . . . sheet or petition.” *See* Ariz. Const. art. 4, pt. 1, § 1(9). The Constitution further requires that the circulator must verify by affidavit that each of the names on the 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. *See* Ariz. Const. art. 4, pt. 1, § 1(9); *see also* A.R.S. § 19-112(C). Arizona Revised Statutes § 19-112(A) requires, *inter alia*, that the qualified elector “print his first and last names and write, in the appropriate spaces following the signature, the signer’s residence address, giving street and number, and if he has no street address, a description of his residence location.” A.R.S. § 19-112(A). Defendant Committee does not dispute that the

¹⁵ A.R.S. § 41-313(B)(1) requires that notaries perform the notarial acts prescribed in 313(A) only if the signer *is in the presence of the notary at the time of notarization*. A.R.S. § 41-311(9) defines and “oath” or “affirmation” as a notarial act or part of a notarial act in which a person made a vow *in the presence of the notary* under penalty of perjury with reference made to a supreme being in the case of an oath. A.R.S. § 41-311(1) defines “acknowledgement” as a notarial act in which a notary certifies that a signer whose identity is proven by satisfactory evidence *appeared before the notary and acknowledged that the signer signed the documents*. Subsection 12 of A.R.S. § 41-311 defines “venue” as the state and the county where a notarial act occurs.

¹⁶ If a petition sheet includes 10 signatures: 6 from Gila County, 2 from Maricopa County, and 2 from Pinal County, Gila County is the majority county and Maricopa and Pinal are minority counties.

¹⁷ If the petition sheets containing geographic distribution that confirm the notary avowal is untrue or incorrect only excluded the non-Maricopa County signatures, the net increase of signatures would be 1,872.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

signatures with similar handwriting are invalid. The issue presented to the court was whether the petition sheet that contains a false affidavit is deemed invalid.

“Petition sheets bearing false or fraudulent circulator affidavits are void.” *Ross v. Bennett*, 228 Ariz. 174, 180 ¶ 34 (2011)(citing *Brousseau, v. Fitzgerald*, 138 Ariz. 453, 456 (1984))(petitions containing false certifications by circulators are void, and the signatures on such petitions may not be considered in determining the sufficiency of the number of signatures to qualify for placement on the ballot); *see also Parker v. City of Tucson*, 233 Ariz. 422, 438 ¶ 47 (App. 2013)(“It was apparent from the signature sheets that the elector did not print his or her own address - - a fact the circulator must have known if the affidavit’s statement that each elector filled out the signature sheet “in my presence on the date indicated’ were true. The false affidavits rendered the signature sheets void.”).

The stipulation presented to the court acknowledged the signatures at issues included sufficiently similarly handwriting to invalidate the signatures because the evidence demonstrated, in at least one of the entries on the petition sheet, the qualified elector did not print his first and last name and writing in the appropriate spaces following the signature the signer’s residence address. The circulator’s affidavit states that each name on the sheet was signed in the presence of the affiant and A.R.S. § 19-112(A) requires that **the qualified elector** print his first and last name and write in the appropriate spaces following the signature, the signer’s residence address. Based on the factual findings that the handwriting on at least two entries was indistinguishable, the avowal of the circulator related to that petition sheet was false. A false avowal renders the signature sheet void not merely the signature void.¹⁸ *Brousseau*, 138 Ariz. at 456.

L. Registration and Eligibility Challenges: Objection 46.

As set forth in the Special Master Report:

Category 46 contains two types of signatures allegedly signed by non-registered voters: (A) signers where there is no registered voter by that name in the voter registration database; and (B) signers where there is no registered voter by that name at the stated address on the petition sheet.

With respect to Category 46A, Plaintiffs issued public record requests to various County Recorders and obtained a sampling of non-registered voter information from 9 of the 15 counties. Based on the sampling results, the parties . . . stipulated to utilize an 81% invalidity rate in this category of non-registered voters, after all other objections or findings

¹⁸ A decision that only the entries with identical handwriting would be deemed invalid would result in a net increase of 1,551 signatures.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

in other Categories (except Category 46B) have been considered. Based on this stipulation, [the Special Master finds] that 30,627 net signatures were implicated by this Category 46A as of August 10, 2020 and of those, 24,808 signatures were determined to be invalid and to be subtracted from the official tally—leaving 5,819 net valid signatures in this Category.

With respect to Category 46B, pursuant to a stipulation of the parties and as discussed with the Court, the parties agreed to utilize the available county random sample determinations pursuant to A.R.S § 19-121.02 to establish a sampling percentage to be applied to signers where there is no registered voter by that name at the address listed on the petition sheet. The applicable signatures to be utilized from the random sample were limited to signatures that met both the following criteria:

- The signature must have been sampled by the Secretary of State from among the petition signature lines designated as “no registered voter with that name at the stated address” in Category 46B; and
- The County Recorder must adjudicate the sampled signature on the basis of registration-related criteria such as voter not registered, voter registered after signing, or mismatched/invalid voter signature. Sampled signatures that do not relate to registration-related issues (such as invalid dates or duplicate signatures) should not be factored into the sampling equation.

By August 10, 2020, 6 counties had provided random sample determinations Based on those reports, the average percentage of invalid voter registrations was 50%. [The Special Master] applied this percentage to the voter signatures in this Category 46B, after all other objections or findings in other categories [had] been considered. Based on the stipulation, [the Special Master found] that 65,797 net signatures remained in Category 46B as of August 10, 2020 and of those, 38,898 signatures were determined to be invalid and to be subtracted from the official tally—leaving 32,899 net valid signatures in this Category.

M. Voter signature predates voter’s registration: Objection 47.

The parties reached a stipulation on how to address signatures challenged on the basis that the voter signed the petition prior to registering to vote.

N. Voter Outside Captioned County: Objection 48.

In certain instances, registered voters signed petition sheets that were captioned with a county other than the county in which the signer resides. Defendant Committee does not dispute that the minority county signatures are invalid. In the current system, after removing the minority county

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

signatures, petition sheets are directed to the County Recorder in the majority county. After considering Objection 48, the court finds no legal basis to invalidate the signature of an otherwise qualified elector.

O. Address Challenges: Objection 57.

The court finds that “ditto marks” represent a legitimate method to incorporate an adjacent address line. The use of ditto marks is a common one and has the same effect as writing the particular word or number appearing above the ditto mark.

P. Date Challenges: Objection 59.

Arizona Revised Statutes § 19-121.02(A)(2) requires a petition signature to be stricken if “[n]o date of signing is provided.” A proper “date” must include a day, month, and year.¹⁹ Although a month and date is likely to constitute substantial compliance, strict compliance is required pursuant to A.R.S. § 19-102.01. Under a strict compliance standard, any signature lines without a day, month, and year are invalid as a matter of law.

Q. Date Challenges: Objection 63.

Various petition signers incorporated the dates directly above their signature line by use of “ditto marks.” The “ditto marks” represent a legitimate method to incorporate an adjacent date.

R. Date Challenges: Objection 60.

Various paid petition circulators collected signatures prior to registering with the Secretary of State. Arizona Revised Statutes § 19-121.01(A)(1)(h) requires that petition signatures be stricken if a paid circulator is not properly registered at the time of circulation.

S. Testimony of Individual Circulators.

1. Andrew Anthony Standifird

Plaintiffs called Mr. Standifird and confronted him with petition sheet 5566 bearing similar handwriting on multiple entries. As part of the Special Master Report, the parties stipulated that the signatures on Petition Sheet

¹⁹ If the signatures with no year corresponding to the entered date and which did not contain ditto marks were deemed valid, the result would be a net increase of 1,362 signatures.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

5566, lines 7 and 8 were deemed invalid. *See* Special Master Report at 90. The court finds Mr. Standifird's avowal on petition 5566 was false. A false affidavit renders the signature sheet not merely the signature void. *Brousseau*, 138 Ariz. at 456.

2. Alec Trow

Plaintiffs called Mr. Trow and confronted him with petition sheets 39778 (lines 11-12), 14852 (lines 13-14), and 14859 (lines 2-3), bearing indistinguishable handwriting on multiple entries. In each instance, Mr. Trow testified that he took his oath seriously. Although Mr. Trow testified that he did not knowingly permit the same person to input information in multiple lines on the petition sheet, the court finds that, in at least one entry on each petition sheet, the qualified elector did not personally print their first and last name and writing in the appropriate spaces on the petition sheet. Therefore, the court finds Mr. Trow's avowal on petitions 29778, 14852, and 14859 was false. A false affidavit renders the signature sheet not merely the signature void. *Brousseau*, 138 Ariz. at 456.

3. Alexzander Schell

Mr. Schell was questioned regarding his residence address. Plaintiffs failed to provide credible evidence to support a motion to designate the signatures on Mr. Schell's petition sheets invalid. *Ross v. Bennett*, 228 Ariz. 174, 181 ¶ 37 (2011).

4. Alberto Partida

Plaintiffs called Mr. Partida who testified that he moved from one trailer to a second nearby trailer. Plaintiffs failed to provide credible evidence that Mr. Partida's petition sheets should be invalidated. *Ross*, 228 Ariz. at 181 ¶ 37.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

5. Andre Jeanisse

Plaintiffs called Mr. Jeanisse who appeared telephonically at trial.²⁰ Based on the factual findings by the Special Master, the court finds Mr. Jeanisse's avowal on petition sheet 24565 was false. *See* Special Master Report at 98 & 109. A false affidavit renders the signature sheet not merely the signature void.

6. Jacob Jones

Based on Mr. Jones' testimony the avowals on the following petitions were false:

- 4138-4145
- 3879-3881
- 35453
- 42974-42975

A false affidavit renders the signature sheet void.

7. Gilbert Romero

Based on the testimony, the court found no basis to order the signatures collected by Mr. Romero invalid.

8. Jacqueline Jolly

Based on the testimony, the court found no basis to order the signatures collected by Ms. Jolly invalid.

9. Joshua Morrison

Based on Mr. Morrison's testimony the avowals on the following petitions were false:

- 18344
- 18368
- 2397-2427

²⁰ Mr. Jeanisse testified that during trial he accessed the virtual courtroom using a flip phone. Due to the device used, Mr. Jeanisse did not appear on camera and Plaintiffs were unable to show him documents. The court found that Mr. Jeanisse's telephone appearance complied with the requirements of the trial subpoena.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

- 2429-2431
- 2615-2619
- 2677-2678

A false affidavit renders the signature sheet void.

10. Loraline Pierson

Based on the testimony, the court found no basis to order the signatures collected by Ms. Pierson invalid.

11. Lisa Ruble

Based on Ms. Ruble's testimony the avowals on the following petitions were false:

- 16687
- 16699

A false affidavit renders the signature sheet void.

12. Omar Castanon Rodriguez

Based on the testimony, the court found no basis to order the signatures collected by Mr. Castanon Rodriguez invalid.

13. Justin Herrington

Based on Mr. Herrington's testimony the avowals on the following petitions were false:

- 10500
- 10502
- 13558-13559
- 13589-13596
- 13618-13619
- 13625-13627
- 13913-13923
- 14575-14580

A false affidavit renders the signature sheet void.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

14. Tim Boyd

Based on the testimony, the court found no basis to order the signatures collected by Mr. Boyd invalid.

2. **DEFENDANT COMMITTEE DID NOT CAUSE CONFUSION OR MATERIALLY MISLEAD ELECTORS BY OMITTING “SEIU-UHW” FROM ITS NAME.**

The ballot initiative process begins when a political committee submits a statement of organization with the Secretary of State’s office. *See* A.R.S. §§ 16-906 & 19-111(A). The statement of organization requires a political committee to list a name. *See* A.R.S. § 16-906(B)(1). If the political committee is sponsored, A.R.S. § 16-906(B)(1)(b) requires that the committee name include the sponsor’s name or commonly known nickname. After the committee files a statement of organization, it may file an application with the Secretary of State for an initiative serial number. *See* A.R.S. § 19-111(A). Arizona Revised Statutes § 19-111(A) requires that the application include the organization’s name.

Initiative committees may not circulate petition sheets in a manner that “defraud[s] potential signatories” or causes “confusion, and unfairness sufficient to invalidate the petition upon which the title rests.” *Kromko*, 168 Ariz. at 59-60. Plaintiffs claim that the Committee defrauded potential signatories or caused confusion sufficient to invalidate the petitions.

By way of background, the court includes the following facts:

- Service Employees International Union-Union Healthcare Workers West (“SEIU-UHW”) is a labor union based in California.
- On June 3, 2019, Healthcare Rising AZ (SEIU-UHW) registered with the Secretary of State as a political committee. On that registration, Healthcare Rising AZ (SEIU-UHW) listed its sponsoring organization as SEIU-UHW.
- On August 2, 2019, SEIU United Healthcare Workers West Political Issues Committee registered with the Secretary of State as a political committee. On that registration, SEIU United Healthcare Workers West Political Issues Committee listed its sponsoring organization as SEIU-UHW.
- On August 23, 2019, Arizonans Fed Up with Failing Healthcare (Healthcare Rising AZ) (Defendant Committee) registered with the Secretary of State as a political committee. On that registration, Defendant Committee listed Healthcare Rising AZ (SEIU-UHW) as its sponsoring organization.
- The Committee filed an application for the Initiative measure titled the “Stop Surprise Billing and Protect Patients Act” on August 26, 2019, which was assigned serial number I-20-2020.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

- An amended version of the application was filed on October 4, 2019 and assigned serial number I-24-2020. The committee name listed on the application was “Arizonans Fed Up with Failing Healthcare (Healthcare Rising AZ).”
- As of June 30, 2020, the Committee had received approximately \$6,734,415 in cash and in-kind contributions from political committees and business entities.
- Of that \$6,734,415, \$5,750,000 was contributed by SEIU United Healthcare Workers West Political Issues Committee.
- Of that \$6,734,415, approximately \$708,210 was contributed by SEIU-UHW.
- Of that \$6,734,415, approximately \$276,205 was contributed by Healthcare Rising AZ (SEIU-UHW).

The court did not hear sufficient credible evidence to support Plaintiffs’ claim that Defendant Committee defrauded potential signatories, caused confusion, or misled electors by omitting “SEIU-UHW” from its name. *See Kromko*, 168 Ariz. at 59-60.²¹

²¹ The court notes in *Leach v. Reagan*, 245 Ariz. 430, 434 (2018), a similar but distinguishable issue was reviewed by the Arizona Supreme Court. In *Leach*, the plaintiffs argued that the initiative committee filed a defective statement of organization by naming CEHA LLC as a sponsor before it existed, failed to name NextGen as a sponsor, and failed to incorporate “NextGen” into the committee’s name. *Id.* at 434 ¶ 12. The plaintiffs argued that the errors prevented the proper formation of the committee and thus the initiative application was a nullity. *Id.* The Arizona Supreme Court noted that the record did not support the factual foundations for the plaintiffs’ argument; however, the Arizona Supreme Court found that the trial court properly dismissed the plaintiffs’ defective statement of organization claim on a procedural ground. In its ruling, the trial court found that the plaintiffs’ challenge arising out of A.R.S. §§ 16-901(47) and 16-906(B)(1)(b) did not state a claim cognizable under Title 19. *Leach v. Reagan*, CV2018-009919, at *10 (Ariz. Super. Ct. July 31, 2018).

Here, Plaintiffs assert that the Committee and SEIU-UHW misled and defrauded voters by concealing SEIU-UHW’s connection to the Initiative in violation of the standard set forth in *Kromko*. The court finds that *Leach*, 245 Ariz. at 434, is not wholly preclusive of Plaintiffs’ challenge that the Committee misled and deceived the public. *See Leach*, 245 Ariz. at 444 ¶ 71 (Pelander J., concurring) (“I join the majority’s analysis regarding the interplay between Title 16 and Title 19 and its conclusion that [p]laintiffs may not ‘contest the validity of the [i]nitiative based on the statement of organizations alleged non-compliance with § 16-906(B). . . [b]ut I share the dissent’s concerns regarding the need for full, honest disclosure of those who actually spearhead and fund initiative measures, and the danger of misleading or deceiving petition signers (inadvertently or intentionally) when such information is lacking.”) & *Leach*, 245 Ariz. at 445-451 (Gould J., Bolick J., and Lopez J. concurring in part, dissenting in part).

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

3. THE TITLE COMPLIES STRICTLY WITH THE TITLE AND TEXT RULE FOUND IN THE ARIZONA CONSTITUTION.

The Arizona Constitution requires that “[e]ach 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 . . .” Ariz. Const. art. 4, pt. 1, § 1(9); *see also* A.R.S. § 19-121(A)(3); A.R.S. § 19-112(B). Plaintiffs assert that the Initiative’s official title fails to put electors on full notice of all proposed changes the Initiative would make to the Arizona Revised Statutes.

Arizona Revised Statutes § 19-102.01 requires that all 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.

According to the Arizona Supreme Court in *Leach v. Reagan*, a constitutionally compliant initiative title gives “notice of the measure’s subject matter – no more, no less.” 245 Ariz. at 437 ¶ 27; *see also Arizona Chamber of Commerce & Indus. v. Kiley*, 242 Ariz. 533, 541 ¶ 31 (2017)(“Initiative petitions are governed by the Arizona Constitution, article 4, part 1, § 1, which, as relevant here, requires only that a proposed measure have some title and some text.”).

The official title of the Initiative is:

An Initiative Measure amending title 20, chapter 1, Arizona revised statutes, by adding article 5; amending sections 20-3111, 20-3112 and 20-3113, Arizona revised statutes; amending title 20, chapter 20, article 2, Arizona revised statutes, by adding section 20-3113.01; amending sections 20-3114 and 20-3115; amending title 23, chapter 2, article 8, Arizona revised statutes, by adding sections 23-363.01; amending title 36, chapter 25, Arizona revised statutes, by adding article 3; relating to health care billing reform, minimum wage for direct care hospital workers and control of hospital-acquired infections.

The Initiative bears a clearly identified Title, separate from the text. The Title complies with A.R.S. § 19-112(B)’s font size requirement. Of note, the official Title omits the changes to the Arizona Revised Statutes made by § 2 of the Initiative, which amends title 20, chapter 20, article 2 by changing its title from “Out-of-Network Claim Dispute Resolution” to “Fair Billing Practices.” However, after considering the evidence and testimony, the court finds that the Initiative’s Title

Due to the court’s finding in this case that Defendant Committee did not defraud potential signatories, cause confusion, or mislead electors by omitting “SEIU-UHW” from its name, the court did not analyze whether laches bars Plaintiffs from raising a *Kromko* claim related to the Defendant Committee’s name.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

satisfies the constitutional and statutory “Title” requirements and provides full notice to the electors of the measure’s subject matter. *See Leach*, 245 Ariz. at 437 ¶ 27; *see also Kromko*, 168 Ariz. at 58 (“[A] title’s failure to describe every aspect of a proposed measure” does not “always create[] the degree of fraud, confusion, and unfairness sufficient to invalidate the petition.”). The court further finds that the Title of the Initiative is not false, deceptive, or fraudulent. Therefore, the court denies Plaintiffs’ challenge to the Title of the Initiative.

4. THE INITIATIVE’S 100-WORD DESCRIPTION IS MATERIALLY MISLEADING AND CREATES A SIGNIFICANT DANGER OF CONFUSION OR UNFAIRNESS TO THOSE WHO SIGNED PETITIONS TO PLACE THE MEASURE ON THE BALLOT.

The 100-word description of the Initiative is:

This Act prohibits insurers from discriminating based on preexisting conditions; bans surprise out-of-network bills, redefined as bills above in-network cost sharing requirements; bans balance bills for ambulance care; and amends the surprise bill dispute process. Insurers must reimburse providers, facilities and ambulances at specific rates. Sets new minimum wages for direct care workers at private hospitals by requiring raises of at least five percent for each of four years. Private hospitals must meet national safety standards regarding hospital acquired infections, under Department of Health Services enforcement authority, funded by fees paid by private hospitals.

The statutory provision relevant to the court’s analysis of the 100-word description is A.R.S. § 19-102(A), which requires an initiative’s sponsors to provide on the petition “a description of no more than one hundred words of the principal provisions²² of the proposed measure or constitutional amendment.” *See Molera v. Reagan*, 245 Ariz. 291, 295 ¶ 13. The sponsor is not required to draft an impartial description. *See Save Our Vote, Opposing C-03-2012 v. Bennett*, 231 Ariz. 145, 152 ¶ 28 (2013). Similarly, the sponsor is not required to include every provision of the proposed law.

The purpose of the 100-description is to inform prospective signers of the measure’s principal provisions so they may determine whether to endorse it for the ballot. *Molera*, 245 Ariz. at 297 ¶ 27. The 100-word description must be accurate. The 100-word description cannot be fraudulent. *Save Our Vote*, 231 Ariz. at 152 ¶ 26. And the 100-description cannot create a significant danger of confusion or unfairness to a reasonable voter. *See id*; *Molera*, 245 Ariz. at 297 ¶ 27; *see also*

²² The term “principal provisions” means the most important, consequential, influential, chief, or thing of primary importance. *Molera v. Reagan*, 245 Ariz. 291, 297 ¶ 24

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

Arizona Chapter of the Assoc. Gen. Contractors of Am. v. City of Phoenix, 247 Ariz. 45, 48 ¶ 15 (2019). This is an objective, fact-intensive standard.

A. The Initiative’s 100-word description misleads or confuses a reasonable voter by stating it will “prohibit[] insurers from discriminating based on preexisting conditions.”

Defendant Committee’s expert, Dr. Jack Hoadley testified that approximately 60% of individuals are insured through their employer’s self-funded health insurance plan. The preexisting condition protections of the proposed Initiative apply only to “health care insurer[s] that offer[] health insurance coverage in the individual market or group market in this state.” See Exhibit 2 at Bates 0002-004-005 at §20-192.02-.04. Therefore, as acknowledged by Dr. Hoadley, the Initiative’s provisions related to preexisting conditions do not apply to a majority of insured individuals in Arizona. See Exhibit 2453 at Bates AFUWFH0334.

The 100-word description fails to reveal the limited application of the proposed law. The court finds that the failure to inform the electors that the state law will apply only to insurers in the individual market or group market creates a significant danger of confusion.

The Initiative summary at issue contains 93 words. The court acknowledges that merely adding words does not necessarily add clarity. Moreover, the court acknowledges that the 100-word limitation forces drafters to employ discursive techniques to explain complex laws. The court further understands that the 100-word description is used as a tool to persuade individuals to sign petition sheets and ultimately support the initiative.²³ See *Arizona Chapter of the Assoc. Gen. Contractors of Am. v. City of Phoenix*, 247 Ariz. 45, 48 ¶ 15 (2019)(noting that the 100-word description “need not be impartial nor ‘detail every provision.’”)(quoting *Molera*, 245 Ariz. at 295 ¶ 13 and *Save Our Vote*, 231 Ariz. 145, 152 ¶ 28). The fact that a 100-word description is artfully drafted in a persuasive manner to appeal to prospective voters is not contrary to A.R.S. § 19-102(A). However, the court is required to invalidate a petition if the 100-word description “is fraudulent or creates a significant danger of confusion or unfairness.” *Molera*, 245 Ariz. at 295 ¶ 13.

During trial, Defendant Committee offered the testimony of Dr. Robert Leonard, an expert regarding linguistic concepts and descriptions of natural language use. The court agrees with Dr. Robert Leonard opinion that when forced to be succinct it is common for a writer to use hypernyms. A hypernym is a word or phrase with a general meaning that has essentially the same meaning of a more specific word. A hyponym is a subordinate of a hypernym. The court refers to

²³ For example, Defendant Committee’s expert, Lisa Grove, testified that the Committee hired her, in part, to evaluate opinions of the Arizona electorate and to assist the Committee craft the 100-word description.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

Dr. Leonard's example for illustration. The word "flower" is a hypernym for the words, "daisy," "rose," or "tulip." The words "daisy," "rose," and "tulip" are hyponyms of the word "flowers." Typically, contextual clues assist a reasonable person understand the use of a hypernym in a summary. For example, "insurer" is a hypernym of "health insurer," "life insurer," "disability insurer," and "property and casualty insurer." Contextual features and co-occurring language in the 100-word description clarifies that the Initiative relates to health insurers. Lexical items such as "preexisting conditions," "out-of-network bill," "in-net-work cost sharing," "ambulance care," "ambulances," "direct care workers," "private hospitals," "hospital acquired infections" and "Department of Health Services" are all related to the healthcare field and provide context to minimize confusion.

Dr. Robert Leonard also testified regarding the contextual feature of the term "preexisting conditions." Dr. Leonard performed an analysis using the Corpus of Contemporary American English ("COCA").²⁴ A search of "preexisting" within nine words of "health" resulted in 241 hits compared with a search of "preexisting" within nine words of "life," which resulted in zero hits. As Dr. Leonard explained, the analysis of the word "preexisting" in COCA provided insight into how the term is actually used in naturally occurring language. This analysis corroborates that a reasonable voter would understand when "insurer" was used in this 100-word description, the word referred to healthcare or health insurance.

This analysis is distinctly different from the analysis of whether the reasonable voter would have any reason to understand "insurer" referred only to insurers in the individual market or group market and did not apply to the approximately 60% of individuals insured by their employer's self-funded health insurance plan. The 93 words selected by the Committee offered no clarifying language or contextual clues regarding this important limitation.

For the reasons set forth above, the court finds that the Initiative's 100-word description misleads or confuses a reasonable voter by stating it will "prohibit[] insurers from discriminating based on preexisting conditions."

The court finds Plaintiffs' other arguments regarding this portion of the 100-word description unpersuasive. More specifically, the court finds that "discriminating based on preexisting conditions" is commonly understood by the reasonable voter to refer to a variety of interrelated ways in which health insurers treat enrollees or potential enrollees differently based upon their health status, including by refusing to offer or renew coverage for individuals with preexisting

²⁴ The Corpus of Contemporary American English is a widely-used corpus of American English containing more than one billion words in various genres of naturally occurring language. *See* <http://www.english-corpora.org/coca>.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

conditions, excluding benefits needed to treat preexisting conditions, or charging higher premium rates based on health status.

B. The Initiative’s 100-word description does not mislead or confuse a reasonable voter by stating it will require “insurers” to “reimburse providers, facilities and ambulances at specific rates,” “ban[] surprise out-of-network bills, redefined as bills above in-network cost sharing requirements”, “ban[] balance bills for ambulance care”, and “amend[] the surprise bill dispute process.”

As supported by the credible testimony of Dr. Hoadley and Dr. Leonard, the court finds that this portion of the 100-word description includes terms with widely accepted meanings and application. Further, the court finds that this portion of the 100-word description is accurate, includes all principal provisions, and that this portion of the description does not create a significant danger of unfairness or confusion to the reasonable reader.

C. The Initiative’s 100-word description misleads or confuses a reasonable voter by stating the Initiative “[s]ets new minimum wages for direct care workers at private hospitals.”

The court finds the use of the phrase “[s]ets new minimum wages for direct care workers at private hospitals by requiring raises of at least five percent for each of four years” is materially misleading and creates a significant danger of confusion to the reasonable voter. Minimum wage is a well-understood term. As credibly testified to by Jim Rounds, a minimum wage, by definition, is a wage floor. The reasonable voter would likely understand the term “minimum wage” or “minimum wages” to refer to wages fixed by contract or legal authority as the least that may be paid either to employed persons generally or to a particular category of employed persons. *See* Minimum Wage, Merriam-Webster, <https://www.meriam-webster.com/dictionary/transaction> (last visited August 13, 2020).

Although the 100-word description is not required to be an impartial description, the summary cannot create a significant danger that the reasonable voter will be confused or materially misled.

Expert testimony corroborated that the reasonable voter would be confused or misled by the language used in the 100-word description related to minimum wages and direct care workers. *See* Exhibits 57 & 58. In fact, only 13% of the 400 respondents in the Live Call Survey understood the term “minimum wage” to mean that it referred to the wage a direct care worker was currently making. *See* Exhibit 58 at Bates 0058-008. Sixty-four percent of respondents believed that the

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

phrase “minimum wage” referred to the bottom-floor wage set by federal and state law and 17% assumed it was referring to the entry-level wage the hospital pays.²⁵ *See id.*

The court acknowledges the 100-word summary uses the plural count noun “minimum wages” rather than “minimum wage.” However, based on the credible evidence and testimony, the court finds that adding an “s” to the well-recognized phrase “minimum wage” did not alter a reasonable voter’s common understanding and application of the term.²⁶

During a Live Call and Online Survey conducted by Plaintiffs’ expert, Wes Gullett, individuals were asked, “If you knew that the ‘minimum wage’ was defined as the current wage paid to workers at the time of enactment of the initiative, which for an experienced nurse could be over thirty seven dollars an hour, and therefore the initiative would not be raising the entry-level minimum wage, is that what you understood described in the summary I read earlier?” *See id.* at Bates 0058-009 In response, 52% of the individuals in the Live Caller Survey responded “No, that is not what I understood originally.”²⁷ *Id.*

Individuals who participated in the Live Call and Online Surveys expressed similar confusion regarding the term “direct care workers.” *See* Exhibit 57 at Bates 0057-008 and 0057-025. In the Live Caller Survey only 37% of respondents correctly understood that the term applied to individuals who provided other services in a hospital, including janitorial and housekeeping staff, food service workers, and nonmanagerial administrative staff.²⁸ *See also* Exhibit 58 at Bates 0058-012. The Committee’s own expert, Lisa Grove, confirmed that there was no statistical difference in support for a wage increase when asked about “frontline hospital workers” (63%) versus “direct care hospital workers” (62% favor).²⁹ *See* Exhibit 2455. Individuals who provide services in a

²⁵ In the Online Survey 50% of respondents believed that the phrase “minimum wage” referred to the bottom-floor wage set by federal and state law and 14% assumed it was referring to the entry-level wage the hospital pays. *See* Exhibit 57 at Bates 0057-006 and Bates 0057-039. Fourteen percent understood the phrase to mean the wage that each individual private hospital direct care worker is currently making. *See id.*

²⁶ As Mark Twain opined, “the difference between the *almost right* word and the *right* word is really a large matter – ‘tis the difference between the lightning bug and the lightning.”

²⁷ In the Online Survey, 42% of the individuals in the Live Caller Survey responded “No, this is not what I understood originally.” *See* Exhibit 57 at Bates 0057-040.

²⁸ In the Online Survey, 22% of respondents correctly understood that the term applied to individuals who provided other services in a hospital, including janitorial and housekeeping staff, food service workers, and nonmanagerial administrative staff. *See also* Exhibit 57 at Bates 0057-043.

²⁹ Notably, neither Ms. Grove’s testimony nor her memorandum admitted as Exhibit 2455 included the questions asked to the likely voters. Moreover, Ms. Grove did not enumerate or share the

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

hospital, including janitorial and housekeeping staff, food service workers, and nonmanagerial administrative staff are critical to a hospital's operations; however, outside the 100-word description, those individuals are not commonly referred to as "frontline hospital workers" or "direct care workers."

Here, the language of the 100-word description allows for two sharply divergent interpretations with very different and significant ramifications. By providing only one example, reasonable voters could conclude that the Initiative would set uniform, new higher wage floors for frontline workers at private hospitals and that wage floors would increase by at least five percent for each of four years.³⁰ Alternatively, as presented by Defendant Committee, a reasonable voter could

language of the options provided to the likely voters during her tests. Consequently, the court failed to receive sufficient evidence to confirm that Ms. Grove applied reliable principles and methods to the facts of the case. In fact during cross examination, Ms. Grove acknowledged that her statement, "[i]n our research, we find that most Arizona voters understand that doctors are not part of [direct care workers]" was based solely on a qualitative evaluation of 16 likely voters. *See* Exhibit 2455 (emphasis in original).

The court acknowledges that Ms. Grove has specialized knowledge, education, training and experience in conducting polling and that she conducted numerous polls from 2018 to June 2020 to measure likely voters' support for the Initiative by testing the use of different words and phrases. Ms. Grove opined that the low number of individuals who characterize themselves as "undecided" supports the conclusion that voters understood the Initiative. The respondents in Ms. Grove's tests were not shown the language of the Initiative. Therefore, at best, the low number of individuals who characterize themselves as "undecided" in the tests conducted by Ms. Grove may support the conclusion that the respondents *believed* they understood the Initiative.

Mr. Gullet's survey tested the respondents' perceived understanding of the language of the 100-word description and tested that understanding against the language of the Initiative. Mr. Gullet's survey indicated that respondents willing to sign the petition dropped by 24% and those unwilling to sign the petition rose by 58% after being provided with additional information regarding the terms and phrases used in the 100-word description. Mr. Gullet's survey was not impervious to criticism. However, his methodology was transparent and his testimony allowed the finder of fact to assess the questions asked of registered voters to determine the weight to give to the respondents' answers.

³⁰ Plaintiffs argue that the phrase "five percent for each of four years" is misleading because the first compensation increase would incur in December 2020 and the second increase would occur only a few weeks later in 2021. However, as stated in *Ariz. Chapter of the Associated General Contractors of America v. City of Phoenix*, 247 Ariz. 45, 49 ¶ 18 (2019), courts have "never required an initiative description to explain all potential effects of a measure."

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

also conclude that the Initiative would result in an increased minimum wage for every nonmanagerial worker who is employed to work at or by a covered hospital to provide direct care and services directly supporting patient care, including but not limited to nurses, aides, technicians, janitorial and housekeeping staff, food service workers, and nonmanagerial administrative staff. The court finds that the description lends itself to sharply divergent interpretations with very different and significant ramifications; therefore, the danger of confusion is sufficiently great. As corroborated by the Survey data, the danger of confusion and voters being materially misled undermines any assurance that the voters received adequate notice of what they were signing. *Molera*, 245 Ariz. at 297 ¶ 31.

D. The Initiative’s 100-word description did not mislead or confuse a reasonable voter by stating that under the Initiative “[p]rivate hospitals must meet national safety standards regarding hospital acquired infections.”

The court finds that the 100-word description inclusion of the statement “[p]rivate hospitals must meet national safety standards regarding hospital acquired infections” does not present a significant danger of confusion to the reasonable voter. As stated above, the court agrees with Dr. Robert Leonard that when forced to be succinct it is common to use hypernyms.³¹ Although the court agrees with Plaintiffs that substituting the word “maintain” for “meet” and including a word such as “certain” before “hospital acquired infections” could provide increased the clarity. However, A.R.S. § 19-102(A) does not prevent the Committee from describing the intended effects of the measure in a way that might appeal to prospective voters. *Save Our Vote*, 231 Ariz. at 152-53. What is impermissible is a description that creates a substantial danger of fraud, confusion, or unfairness sufficient to invalidate the petition sheets.³²

E. Conclusion.

The court finds that the initiative proponents did not comply with the requirements of A.R.S. § 19-102(A) because the description of the Initiative’s principal provisions was, in part, materially misleading and created a significant danger of confusion or unfairness to those who signed petitions to place the measure on the ballot. *Molera*, 245 Ariz. at 293 ¶ 1 (2018). The remedy for failure to satisfy statutory prerequisites is to enjoin the measure from appearing on the ballot.

³¹ The court clarifies that it does not find that “direct care workers” as used in the 100-word description is a hypernym used to summarize, at least not accurately, the parts of the whole as defined in the Initiative.

³² The court finds the questions used by Mr. Gullett regarding hospital acquired infections were suggestive. Therefore, the court gives no weight to Mr. Gullett’s opinions regarding this portion of the 100-word description.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020007961

08/14/2020

Based on the reasoning set forth above,

IT IS ORDERED entering an injunction prohibiting the Secretary of State from certifying and placing the Initiative on the ballot for the November 2020 general election in the State of Arizona.

IT IS FURTHER ORDERED unsealing the July 31, 2020 and August 7, 2020 orders, which identified the access information for the virtual courtrooms.

The court determines that there is no just reason for delay and hereby directs, pursuant to Arizona Rules of Civil Procedure 54(b) the entry of final judgment as to the rulings set forth above.

Dated: August 14, 2020



Pamela S. Gates

Judge

Superior Court of Arizona, Maricopa County