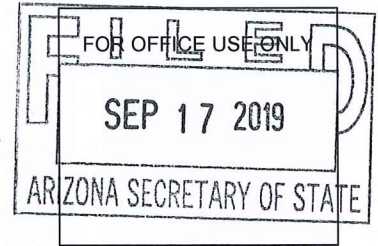




STATE OF ARIZONA

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 9/17/19 Signatures Required 237,645 Deadline for Filing 7/2/2020 Serial Number Issued I-21-2020

This Act creates a new conflict of interest law prohibiting members of the Legislature, subject to exceptions, from sponsoring or voting on matters in which they or their relatives have a direct and substantial financial interest; expands the period for early voting; imposes stricter penalties for persons who knowingly collect ballots and fail to return them; removes criminal penalties for persons who assist consenting voters in returning ballots to election officials; amends procedures and requirements for (a) registering petition circulators, (b) challenging the registration of petition circulators, and (c) validity of initiative and referendum petition sheets.

David Chavez

Name of Applicant 77 E. Weldon Avenue, Suite 100 Address Phoenix AZ 85012 City State Zip (602) 358-8805 Telephone Number david@arizonademocracyact.com E-mail Address

Arizonans for Accountability

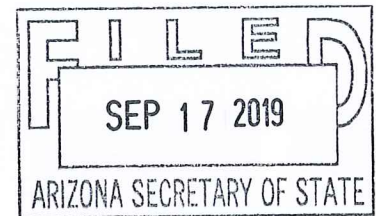
Committee Name 100097 Committee ID No. David Chavez Chairperson Daniel Lutz Treasurer P.O. Box 33294 Committee Address Phoenix AZ 85067 City State Zip (602) 999-5299 Committee Telephone Number info@arizonademocracyact.com Committee E-mail Address

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

September 17, 2019 Date



OFFICIAL TITLE

AN INITIATIVE MEASURE

AMENDING TITLE 41, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1108;
AMENDING SECTIONS 16-542, 16-545, 16-1005, 19-118, 19-121 AND 19-121.01, ARIZONA REVISED STATUTES;
RELATING TO VOTING, DIRECT DEMOCRACY AND TRANSPARENCY.

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

Section 1. Short title

This act may be cited as the "Democracy & Accountability Act".

Section 2. Findings and declaration of purpose

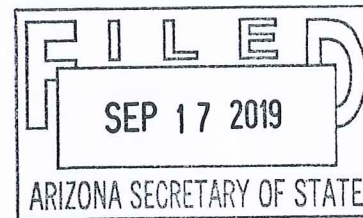
The People of the State of Arizona find and declare as follows:

1. To ensure that the interests of all Arizonans are protected, members of the Arizona Legislature should not be permitted to cast votes on matters in which they or their relatives have a direct and substantial financial interest.
2. Voting is a fundamental right that should be freely exercised by all Arizonans to ensure maximum participation in Arizona elections. As a consequence, the time allowed for early voting should be increased, and Arizonans should be permitted to give their permission to a third party to return early ballots to elections officials on their behalf.
3. The tools of direct democracy provided for in the Arizona Constitution are also fundamental rights, and should also be freely exercised by all Arizonans without excessive technical requirements.

Section 3. Title 41, chapter 7, article 1, Arizona Revised Statutes, is amended by adding section 41-1108 as follows

41-1108. Conflict of interest

- A. NOTWITHSTANDING ANY OTHER LAW OR RULE, NO MEMBER OF THE LEGISLATURE MAY SPONSOR OR VOTE ON ANY BILL, AMENDMENT OR RESOLUTION IN WHICH THE LEGISLATOR OR A RELATIVE OF THE LEGISLATOR HAS A DIRECT AND SUBSTANTIAL FINANCIAL INTEREST.
- B. THIS SECTION DOES NOT APPLY TO:
 1. THE GENERAL APPROPRIATIONS BILL, CAPITAL OUTLAY APPROPRIATION ACTS OR OTHER APPROPRIATION ACTS.
 2. A BILL, AMENDMENT OR RESOLUTION RELATING TO:
 - (a) TAXATION.
 - (b) THE COMPENSATION OF EMPLOYEES OF THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE.
 - (c) THE REIMBURSEMENT OF ACTUAL AND NECESSARY EXPENSES INCURRED BY EMPLOYEES OF THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE IN THE PERFORMANCE OF OFFICIAL DUTIES.
- C. A PERSON WHO INTENTIONALLY OR KNOWINGLY VIOLATES THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR, AND SHALL FORFEIT THEIR PUBLIC OFFICE.
- D. FOR THE PURPOSES OF THIS SECTION:
 1. "RELATIVE" MEANS THE SPOUSE, CHILD, CHILD'S CHILD, PARENT, GRANDPARENT, OR BROTHER OR SISTER OF THE WHOLE OR HALF BLOOD AND THEIR SPOUSES.
 2. "DIRECT AND SUBSTANTIAL FINANCIAL INTEREST":
 - (a) MEANS A FINANCIAL INTEREST THAT WILL NOT BE SHARED BY THE PUBLIC GENERALLY OR BY A SIGNIFICANT SEGMENT OF THE PUBLIC IN A SIMILAR MANNER.
 - (b) DOES NOT INCLUDE FINANCIAL BENEFITS ASSOCIATED WITH THE OWNERSHIP OF LESS THAN THREE PERCENT OF THE SHARES OF A CORPORATION FOR PROFIT, PROVIDED THE TOTAL ANNUAL INCOME FROM DIVIDENDS, INCLUDING THE VALUE OF STOCK DIVIDENDS, FROM THE CORPORATION DOES NOT EXCEED FIVE PERCENT OF THE TOTAL ANNUAL INCOME OF SUCH LEGISLATOR OR RELATIVE AND ANY OTHER PAYMENTS MADE TO THAT PERSON BY THE CORPORATION DO NOT EXCEED FIVE PERCENT OF THAT PERSON'S TOTAL ANNUAL INCOME.



Section 4. Section 16-542, Arizona Revised Statutes, is amended to read:

16-542. Request for ballot; civil penalties; violation; 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 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. 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 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. 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 instruction 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~~ FORTY days before the election. If an early ballot request is received on or before the ~~thirty-first~~ FORTY-FOURTH day before the election, the early ballot shall be distributed not earlier than the FORTIETH ~~twenty-seventh~~ day before the election and not later than the ~~twenty-fourth~~ THIRTY-SEVENTH 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~~ FORTY 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 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 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 instruction 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. 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. 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.

Section 5. Section 16-545, Arizona Revised Statutes, is amended to read:

16-545. Early ballot

A. The early ballot shall be one prepared for use in the precinct in which the applicant resides and, if a partisan primary election, of the political party with which the applicant is affiliated as shown by the affidavit of registration. The ballot shall be identical with the regular official ballots, except that it shall have printed or stamped on it "early".

B. The officer charged by law with the duty of preparing ballots at any election shall:

1. Prepare the official early ballot and deliver a sufficient number to the recorder or other officer in charge of elections not later than the ~~thirty-third~~ FORTY-SECOND day before the election. Except as provided in section 16-542, subsection D, regular early ballots shall not be distributed to the general public before the beginning of early voting.

2. Ensure that the ballot return envelopes are of a type that does not reveal the voter's selections and that is tamper evident when properly sealed.

Section 6. Section 16-1005, Arizona Revised Statutes, is amended to read:

16-1005. Ballot abuse; violation; classification

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.

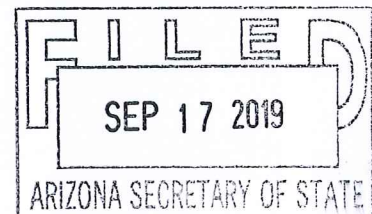
B. It is unlawful to offer or provide any consideration to acquire a voted or unvoted early ballot. A person who violates this subsection is guilty of a class 5 felony.

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, AND SHALL PAY A CIVIL PENALTY OF \$500 THAT SHALL BE DEPOSITED INTO THE CITIZENS CLEAN ELECTIONS FUND ESTABLISHED BY SECTION 16-949.



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 WITHOUT THAT PERSON'S CONSENT 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.

I. Subsection H of this section does not apply to:

1. An election held by a special taxing district 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. For the purposes of this paragraph:

(a) "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) "Collects" means to gain possession or control of an early ballot.

(c) "Family member" means a person who is related to the voter by blood, marriage, adoption or legal guardianship.

(d) "Household member" means a person who resides at the same residence as the voter.

3. A PERSON WHO ASSISTS A VOTER IN RETURNING A VOTED OR UNVOTED EARLY BALLOT TO AN ELECTION OFFICIAL BY MAIL OR OTHERWISE.

Section 7. Section 19-118, Arizona Revised Statutes, is amended to read:

19-118. Registered circulators; requirements; violation; 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 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 e-mail address.~~ AND AN ADDRESS AT WHICH COMMUNICATIONS OR PROCESS MAY BE SERVED ON THE CIRCULATOR.

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.~~

54. An affidavit DECLARATION from the registered circulator that is signed by the circulator ~~before a notary public and that includes the following declaration~~ STATING AS FOLLOWS:

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.

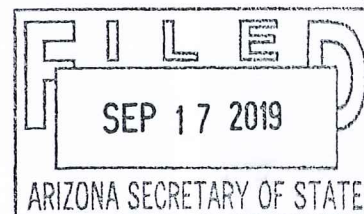
C. ~~Within five business days after submission and review of a complete and correct circulator registration application that complies with this section, the secretary of state shall register and assign a circulator registration number to the circulator.~~

DC. A CIRCULATOR'S EMPLOYER OR THE COMMITTEE IN THIS STATE FOR WHICH THE CIRCULATOR IS GATHERING SIGNATURES MAY SUBMIT A CIRCULATOR REGISTRATION APPLICATION ON BEHALF OF A CIRCULATOR.

D. A CIRCULATOR SHALL BE DEEMED TO BE REGISTERED WITH THE SECRETARY OF STATE IMMEDIATELY UPON THE SUBMISSION OF A COMPLETED CIRCULATOR REGISTRATION APPLICATION.

DE. 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.

EF. IN AN ACTION BROUGHT PURSUANT TO SUBSECTION G OF THIS SECTION, ANY PERSON MAY SUBPOENA A REGISTERED CIRCULATOR ~~If a registered circulator is properly served with a subpoena to provide evidence in an action regarding circulation of petitions~~ IF THERE IS A GOOD FAITH BASIS TO ISSUE THE SUBPOENA AND IF THE SUBPOENA IS PROPERLY SERVED. IF THE REGISTERED CIRCULATOR ~~and~~ fails to appear or produce documents as provided for in the subpoena, THE COURT IN ITS DISCRETION MAY INVALIDATE ONE OR MORE ~~all~~ signatures collected by that circulator ~~are deemed invalid~~ ONLY IF THE PARTY THAT ISSUED THE SUBPOENA ESTABLISHES AN INDEPENDENT LEGAL BASIS FOR THE INVALIDATION OF THOSE SIGNATURES. IF THE COURT FINDS THAT ~~the party serving the subpoena~~ HAS CARRIED ITS BURDEN, THE COURT SHALL ~~may request an order from the court directing the secretary of state to remove any~~ THE INVALIDATED signatures collected by the circulator as provided for in section 19-121.01, subsection A.

FG. Any person may challenge the lawful registration of circulators in the superior court of the county in which the circulator is registered. A challenge may not be commenced more than ten business days after the date on which the petitions for which the circulator is required to be registered are filed with the secretary of state 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.

GH. 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.

HI. 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.

IJ. 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.

Section 8. Section 19-121, Arizona Revised Statutes, is amended to read:

19-121. Signature sheets; petitions; form; procedure for filing

A. Signature sheets filed shall:

1. Be in the form prescribed by law.

2. Have printed in their lower right-hand corner, on each side of such sheets, the official serial number assigned to the petition by the secretary of state ~~and, if applicable, the registration number assigned to the circulator.~~

3. Be attached to a full and correct copy of the title and text of the measure, or amendment to the constitution, proposed or referred by the petition.

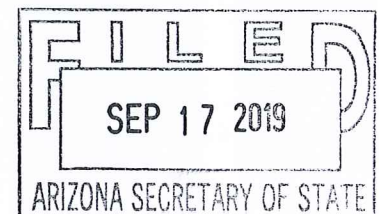
4. Be printed in at least eight-point type.

5. Be printed in black ink on white or recycled white pages fourteen inches in width by eight and one-half inches in length, with a margin of at least one-half inch at the top and one-fourth inch at the bottom of each page. Notwithstanding this paragraph, the secretary of state may prescribe an alternative page width and length in the instructions and procedures manual adopted pursuant to section 16-452.

B. For the purposes of this chapter, a petition is filed when the petition sheets are tendered to the secretary of state, who shall issue a receipt based on an estimate made to the secretary of state of the purported number of sheets and signatures filed. A receipt may be electronically issued. After the issuance of the receipt, no additional petition sheets may be accepted for filing.

C. The secretary of state may prescribe the method of filing, including electronic filing. Not more than fifteen signatures on one sheet shall be counted. For petitions filed regarding city, town or county matters, the committee that is the proponent of the petition and that files the petitions shall organize the signature sheets and group them by circulator and is solely responsible for compliance with this subsection. The local filing officer may return as unfiled any signature sheets that are not so organized and grouped.

D. Initiative petitions that have not been filed with the secretary of state as of 5:00 p.m. on the day required by the constitution before the ensuing general election after their issuance shall be null and void, but in no event shall the secretary of state accept an initiative petition that was issued for circulation more than twenty-four months before the general election at which the measure is to be included on the ballot.



E. For the purposes of this article and article 4 of this chapter, the measure to be attached to the petition as enacted by the legislative body of an incorporated city, town or county means the adopted ordinance or resolution signed by the mayor or the chairman of the board of supervisors, as appropriate, and signed by the clerk of the municipality or the clerk of the board, as appropriate, or, in the absence of a written ordinance or resolution, that portion of the minutes of the legislative body that is approved by the governing body and filed with the clerk of the governing body and that reflects the action taken by that body when adopting the measure. In the case of zoning measures, the measure shall also include a legal description of the property and any amendments made to the ordinance by the legislative body.

Section 9. 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:

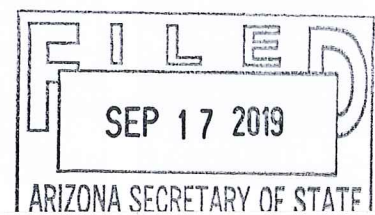
- (a) If the signature of the qualified elector is missing.
- (b) If the residence address or the description of residence location is missing.
- (c) If the date on which the petitioner signed is missing, if the date on which the petitioner signed the petition is before the date that the serial number 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 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 6 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, e-mail 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.

Section 10. Voter Protection Act

For the purposes of the Voter Protection Act, Ariz. Const. art. IV, pt. 1, § 1(6)(C), the People of the State of Arizona declare that the following acts of the Legislature would further the purpose of this act:

1. Further expanding the right to vote and voting accessibility.
2. Removing any barrier or technical requirement related to the exercise of the right to vote, the right to initiate legislation, or the right to refer legislation.

Section 11. Severability

If any provision of this act or its application to any person or circumstance is declared invalid by a court of competent jurisdiction, such invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application. The invalidated provision or provisions shall be deemed reformed to the extent necessary to conform to applicable law and to give the maximum effect to the intent of this act and, to the fullest extent possible, the provisions of this act, including each portion of any section of this act containing any invalidated provision that is not itself invalid, shall be construed so as to give effect to the intent thereof.

Section 12. Standing and fee shifting

A. The People of the State of Arizona desire that this initiative measure, if approved by the voters and thereafter challenged in court, be enforced and defended by the State of Arizona. In the event that the Attorney General fails to defend or enforce this act or fails to appeal an adverse judgment against its validity or application, in whole or in part, any resident of this state shall have standing to initiate or intervene in any action or proceeding to enforce or defend this act.

B. The court shall award fees and expenses to any resident who initiates or intervenes in, and prevails on the merits of, any action or proceeding to enforce or defend this act pursuant to subsection A of this section. As used in this section, "fees and expenses" includes the reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, report, test or project found by the court to be necessary for the preparation of the party's case, and reasonable attorneys' fees.

