



ARIZONA SECRETARY OF STATE'S OFFICE
2020 INITIATIVE & REFERENDUM QUICK REFERENCE GUIDE
 (Rev. June 2020)

I. IMPORTANT DATES

Date	Description	Authority
November 3, 2018	Earliest date to apply for petition serial number for initiative to appear on 2020 General Election ballot	A.R.S. § 19-121(D)
May 15, 2020	Ballot Measure Argument Submission Portal Opens	19-124(A)-(B)
June 17, 2020	Ballot Measure Argument Submission Deadline	19-124(A)-(B)
July 2, 2020	Initiative Filing Deadline	Ariz. Const. art. IV § 1(4)
July 31, 2020 (Filing + 20 business days; may vary for early filings)	Deadline for Secretary of State to remove ineligible initiative petition sheets and signatures and transmit random sample to County Recorders	19-121.01
August 4, 2020	Primary Election	16-201; 16-204(E)(1); 16-204(F); 16-206(A)
August 21, 2020 (Receipt of random sample + 15 business days; may vary for early filings)	Deadline for County Recorders to verify initiative petition signatures and provide certified results to the Secretary of State	19-121.02
August 26, 2020 (72 hours (business days only) after receipt of County Recorder certification; date may vary for early filings)	Deadline for Secretary of State to determine initiative petition results of random sample, issue receipt to sponsor committee, and notify Governor	19-121.04
September 21, 2020	Deadline for Secretary of State to mail/email a Publicity Pamphlet to every house with a registered voter	19-123(B)-(C)
November 3, 2020	General Election	16-204(E)(2); 16-204(F)(4); 16-206(A); 16-211
November 30, 2020	Secretary of State's Official Canvass of the General Election	16-648; Ariz. Const. Art. V § 10

II. CALCULATION OF SIGNATURE REQUIREMENTS

A. Constitutional Requirements

1. Initiatives

An initiative is the method by which voters may propose new laws or amend existing laws by gathering signatures from registered voters to place the issue on the ballot. The person or organization putting forward the initiative must file these signatures with the Secretary of State's Office at least four months prior to the next general election. If enough valid signatures are submitted, the proposed statutory or constitutional amendment will be placed on the next general election ballot. A "yes" vote is a vote for enacting the new law or constitutional amendment, while a "no" vote is a vote for retaining existing law.

The Arizona Constitution requires valid signatures from 15% of qualified electors to place an initiative proposing a constitutional amendment on the ballot and valid signatures from 10% of qualified electors to place an initiative proposing a statutory amendment on the ballot. Ariz. Const. art. IV, § 1(2).

2. Referenda

A referendum is the method by which voters may veto a law (or part of a law) by gathering signatures from registered voters to place the issue on the ballot. The person or organization putting forward the referendum must file these signatures with the Secretary of State within 90 days of when the Legislature that enacted the House or Senate bill in question adjourns *sine die* for the year. If enough valid signatures are submitted, the bill will be placed on the next general election ballot. A "yes" vote is a vote to allow the law to go into effect, while a "no" vote essentially constitutes a vote for a citizen veto preventing the bill from going into effect.

The Arizona Constitution requires valid signatures from 5% of qualified electors to place an referendum on the ballot. Ariz. Const. art. IV, § 1(3).

3. Definition of "Qualified Elector"

The Arizona Constitution defines "qualified elector" as "(t)he whole number of votes cast for all candidates for governor at the general election last preceding the filing of any initiative or referendum petition on a state or county measure shall be the basis on which the number of qualified electors required to sign such petition shall be computed." Ariz. Const. art. IV, § 1(7).

B. Votes Cast for Governor in 2018

In the 2018 General Election, the following number of votes were cast for Governor:

Party	Type	Candidate Name	Total Votes
REP	Nomination	Ducey, Doug	1,330,863
DEM	Nomination	Garcia, David	994,341
GRN	Write-in	Dolego, Cary D.	13
GRN	Nomination	Torres, Angel	50,962
RTO	Write-in	Arvizu, Arthur Ray "RT"	12
HUM	Write-in	Gibson II, James "MarvelMan"	7
NONE	Write-in	Komor, Christian	66
NONE	Write-in	Masoya, Patrick	177
			2,376,441

C. 2020 Signature Calculation Formulas and Signatures Required

Ballot Measure	Formula	2020 Signature Requirement	Authority
Initiative Petitions Constitutional Amendment	15% of qualified electors (0.15 * 2,376,441)	356,467	Ariz. Const. art. IV, § 1(2)
Initiative Petitions Statutory Amendment	10% of qualified electors (0.10 * 2,376,441)	237,645	Ariz. Const. art. IV, § 1(2)
Referendum Petitions	5% of qualified electors (0.05 * 2,376,441)	118,823	Ariz. Const. art. IV, § 1(3)

Calculations resulting in a decimal have been rounded up to the nearest whole number.

III. SECRETARY OF STATE REVIEW & STATUTORY REJECT REASONS

Filing Reject Reasons	Action	Authority
1. Petition serial # issued > 24 months prior to election	Reject entire filing	19.121(D)
2. Purported # of signatures < constitutional req.	Reject entire filing	AZ Const. art. IV § 1(2); (7)

De-Stapling Reject Reasons	Action	Authority
1. Full title and text not attached	Strike sheet	19.121(A)(3); 19.121.01(A)(1)(a)

Taping Reject Reasons	Action	Authority
1. Petition Serial # Issues		
a. Missing serial # on either side of sheet (lower right corner)	Strike sheet	19.121(A)(2); 19.121.01(A)(1)(c)
b. Incorrect serial # on either side of sheet (lower right corner)	Strike sheet	19.121(A)(2); 19.121.01(A)(1)(c)
2. PAID Box/Circulator #		
a. If PAID box is checked AND NO circulator # on front and/or back	Strike sheet • If # is there, don't strike; whether # is correct is checked in software	19.121.01(A)(1)(c); 19.121.01(A)(1)(h)
3. Circulator Affidavit Issues		
a. Unsigned circulator affidavit	Strike sheet • As long as something's in signature box, don't strike	19.121.01(A)(1)(d)
b. Incomplete circulator affidavit	Strike sheet • Each field/box must contain info • City/State/Zip box ok if it contains city, state OR zip	19.121.01(A)(1)(d); <i>Leach v. Reagan</i> , 430 P.3d 1241 (2018).
c. Modified circulator affidavit	Strike sheet • Modified = modified from the statutory text	19.121.01(A)(1)(d)

4. Notary Issues		
a. Not notarized	Strike sheet	19.121.01(A)(1)(e)
b. Missing notary signature	Strike sheet	19.121.01(A)(1)(e)
c. Missing notary stamp/seal	Strike sheet	19.121.01(A)(1)(e)
5. Notary Date Issues		
a. Missing notary date	Strike sheet	19.121.01(A)(1)(f)
b. Notary commission expired <i>before</i> notary date	Strike sheet	19.121.01(A)(1)(e)

Petition Review Software Back Page - Reject Reasons	Action	Authority
1. Double check taping review:		
a. Any blanks on back page (except <i>circulator # can be blank at this stage</i>)	Strike sheet	19-121.01(A)(1)(c)-(f); 19-121.01(A)(1)(h)
2. Circulator Registration Issues:		
a. If registered as paid AND missing circulator #	Strike sheet	19.121.01(A)(1)(c)
b. If registered as paid AND circulator # incorrect	Strike sheet	19.121.01(A)(1)(c)
c. If not registered AND circulator residence address is out-of-state	Strike sheet	19-118; 19.121.01(A)(1)(h)
3. Circulator prohibited from circulating (see 19.119.01)	Strike sheet	19.121.01(A)(1)(g)

Petition Review Software Front Page - Reject Reasons	Action	Source
1. Missing serial # (lower right corner)	Strike <u>sheet</u> • Should've been caught in Taping – this is a double-check	19.121(A)(2); 19.121.01(A)(1)(c)
Circulator Issues: Use “Review Affidavit” functionality in software and Circulator Excel ¹ to verify this info		
2. PAID box is checked AND circulator not registered	Strike <u>sheet</u>	19.121.01(A)(1)(h)

¹ The Circulator Excel is generated from the Secretary of State’s Circulator Portal. Any circulator who properly registered in Circulator Portal will appear on the Excel, along with circulator ID #, date of registration, and status (paid/out-of-state).

3. PAID box is checked OR circulator registered as paid circulator AND a. Circulator # missing; OR b. Circulator # provided but is incorrect	Strike sheet	19.121.01(A)(1)(c)
4. Signature date <i>earlier</i> than circulator registration date	Strike Line • If circulator registered as paid and/or out-of-state, look at Excel for registration date • Strike signatures before registration date, or after circulator unregistered	19.121.01(A)(1)(h)
Signature Line Issues:		
5. Entire signature line is blank or crossed out	Strike Line • In software, select the “Cross out” or “Blank” option	19.121.01(A)(3)(a)
6. Missing signature	Strike Line • As long as there’s something in the signature box, don’t strike • Missing printed name is OK	19.121.01(A)(3)(a)
7. Missing residence address/ description of residence location	Strike Line • Ditto marks are acceptable • Don’t strike if voter writes in “Protected Address”, etc. • Strike line if a PO Box is provided	19.121.01(A)(3)(b)
8. Missing city AND zip (need one)	Strike Line • Ditto marks are acceptable • If city or zip is provided, don’t strike	19.121.01(A)(3)(b)
9. Signature Date Issues		
a. Missing date of signature	Strike Line • Ditto marks are acceptable • Missing year or transposed month/day (e.g. 25/6) is acceptable	19.121.01(A)(3)(c)
b. Signature date <i>after</i> notary date	Strike Line	19.121.01(A)(3)(c); 19.121.01(A)(1)(f)

c. Signature date <i>earlier</i> than date serial # was issued	Strike Line • Serial # issued date will be on reviewer’s screen in software view	19.121.01(A)(3)(c)
10. Withdrawn signature (19.113)	Strike Line	19.121.01(A)(3)(e)
11. Circulator printed voter’s first and last names OR other information (19.112)	Flag for supervisor review if apparent based on handwriting	19.121.01(A)(3)(f)
12. Remove all signatures not in county majority of sheet	Strike lines not in majority • Scanner will add county code when scanned in; reviewer can change if incorrect • Use city/zip chart and county/city/zip spreadsheet to confirm if signature in majority county	19.121.01(A)(2)(b)
13. More than 15 valid signatures per page	Strike Extra Lines	19.121.01(A)(3)(d); 19.121(C)

IV. PREPARING SIGNATURES FOR COUNTY RECORDER VERIFICATION

A. Determining Whether Petition Qualifies for County Recorder Verification

After the Secretary of State’s Office completes its initial review pursuant to A.R.S. § 19-121.01, the Secretary of State’s Office performs the following steps to determine whether signatures may be transmitted for County Recorder verification:

1. The Secretary of State’s Office counts the number of signature lines on each valid petition sheet that have not been stricken, and ensures that total is placed in the upper right-hand corner of the front side of each petition sheet image.²
2. The Secretary of State’s Office counts the total number of petition sheets and signatures eligible for County Recorder verification.³
3. The Secretary of State’s Office determines whether the signatures eligible for verification exceed the constitutional minimum.

² A.R.S. § 19-121.01(A)(4). The Secretary of State’s Petition Review Software updates the valid signature total on each sheet based on signature eliminations conducted by the Secretary of State’s Office.

³ A.R.S. § 19-121.01(A)(6). The Secretary of State’s Petition Review Software calculates the number of petition sheets and signatures based on eliminations conducted by the Secretary of State’s Office. Each petition sheet has been physically and electronically bates labeled upon being scanned into the Secretary of State’s Petition Review Software, therefore the sheets are not re-numbered after the Secretary of State’s Office has completed the sheet and signature count. See A.R.S. § 19-121.01(A)(5).

- If the constitutional minimum is met, the Secretary of State’s Office conducts a random sample and issues a receipt to the sponsoring committee that includes the following information:
 - The total number of signatures invalidated by the Secretary of State’s Office;
 - The total number of signatures that remain eligible for County Recorder verification (this number must exceed the constitutional minimum);
 - The total number of signatures that have been randomly sampled and transmitted to each County Recorder;
 - A projection of how many randomly sampled signatures must be verified by the County Recorders in order for the measure to qualify for the ballot; and
 - The deadline for County Recorder review.
- If the constitutional minimum is not met, the Secretary of State’s Office will issue a receipt to the sponsoring committee stating that the measure is not eligible for placement on the ballot, and will cease further processing of the initiative or referendum petition.

The Secretary of State’s Office must complete this process within 20 business days of when the initiative or referendum was filed with the Secretary of State’s Office.⁴

B. Conducting a Random Sample of Signatures Eligible for Verification

If the constitutional minimum has been met, the Secretary of State’s Office will conduct a 5% random sample to select signatures for further verification by County Recorders:

- The Secretary of State’s Petition Review Software will randomly select 5% of eligible signatures across all petition sheets that have not been invalidated.
- The Secretary of State’s Office exports the front sides of any petition sheet containing a randomly sampled signature into PDFs (or a series of TIFF images) by county. The Secretary of State’s Office electronically transmits the exports to each county that contains at least one petition sheet with a randomly sampled signature.⁵

The Secretary of State’s Office will make the exports available for public records requests after transmitting the random sample exports to County Recorders.

V. COUNTY RECORDER PROCESSING

Pursuant to A.R.S. § 19-121.02(A), the County Recorder must invalidate any randomly sampled signature for the following reasons:

⁴ A.R.S. § 19-121.01(A) & (B).

⁵ A.R.S. § 19-121.01(B) & (D). Secretary of State’s Petition Review Software will not select a signature line that is blank or had already been invalidated by the Secretary of State’s Office. *See* A.R.S. § 19-121.01(C).

- No residence address or description of residence address is provided;
- No date of signing is provided;
- The signature is illegible and the signer is otherwise unidentifiable;
- The signer was not a qualified elector on the date of signing the petition;
- The signer was a registered voter but was not at least 18 years old on the date of signing the petition;
- The signature is disqualified after comparison with the signature on file in the voter registration database;
- If a signer signed the petition more than once, all but one otherwise valid signature must be invalidated;
- If a person circulating the petition was a Justice of the Peace or a County Recorder at the time the person circulated the petition;⁶ or
- For any reasons the Secretary of State's Office could have invalidated the petition sheet or signature.

The County Recorder must issue a certification and transmit this certification to the Secretary of State and the initiative committee within 15 business days. The County Recorder's certification must include (1) the total number of signatures that were transmitted to the County Recorder for verification, (2) the total number signatures that were disqualified by the County Recorder, and (3) the name of any signer whose petition signature was invalidated, including the petition page number (bates number) and signature line number.⁷ The County Recorder must transmit this certification the Secretary of State's Office electronically.

The Secretary of State's Office will make the County Recorder certifications electronically available to the initiative committee and in response to public records requests.

VI. QUALIFICATION FOR THE BALLOT

Pursuant to A.R.S. § 19-121.04(A), within three business days of receiving the last County Recorder's certification, the Secretary of State's Office must determine whether there are sufficient valid signatures for the measure to qualify for the ballot.

- The Secretary of State's Office calculates the total number of petition signatures verified by County Recorders, including the percentage of verification. For example, if County Recorders collectively verified 12,676 out of 16,947 randomly sampled signatures, the verification percentage is 74.8%. This percentage represents an estimate of how many of the non-sampled signatures are presumed to be valid; and

⁶ It is unclear how a County Recorder could determine the petition sheet was circulated by a Justice of the Peace or County Recorder if only the front sides of the petition sheets have been provided to the County Recorder. See A.R.S. § 19-121.01(D).

⁷ A.R.S. § 19-121.02(B), (D)(2).

- The Secretary of State’s Office multiplies the total number of eligible signatures by the verification percentage. For example, if 338,936 signatures were eligible for verification following the Secretary of State’s signature eliminations, a 74.8% verification percentage means that 253,524 total signatures are presumed to be valid.

The measure qualifies for the ballot if the calculated number of presumed valid signatures exceeds the constitutional minimum. If so, the Secretary of State’s Office:

- Assigns a proposition number to the ballot measure pursuant to A.R.S. § 19-125(B);
- Issues a certification and receipt to the initiative committee;⁸
- Prepares the official descriptive title and ballot measure language that will appear on the general election ballot pursuant to A.R.S. § 19-125(C)-(D); and
- Notifies the Governor, County Recorders, and County Boards of Supervisors that the measure will be placed on the ballot at the next general election.⁹

If the measure does not have sufficient valid signatures to qualify for the ballot, the Secretary of State’s Office:

- Issues a certification and receipt to the sponsoring committee explaining why the measure did not qualify for the ballot; and
- Returns the original signature sheets to the sponsoring committee after the conclusion of any pending litigation.¹⁰

⁸ A.R.S. § 19-121.04(B). The Secretary of State issues a certification under seal pursuant to A.R.S. § 19-121.04(B), but also issues a committee receipt that more thoroughly outlines the results of Secretary of State’s and County Recorders’ petition processing.

⁹ A.R.S. §§ 19-121.04(B); 19-125(A).

¹⁰ A.R.S. § 19-121.04(C).