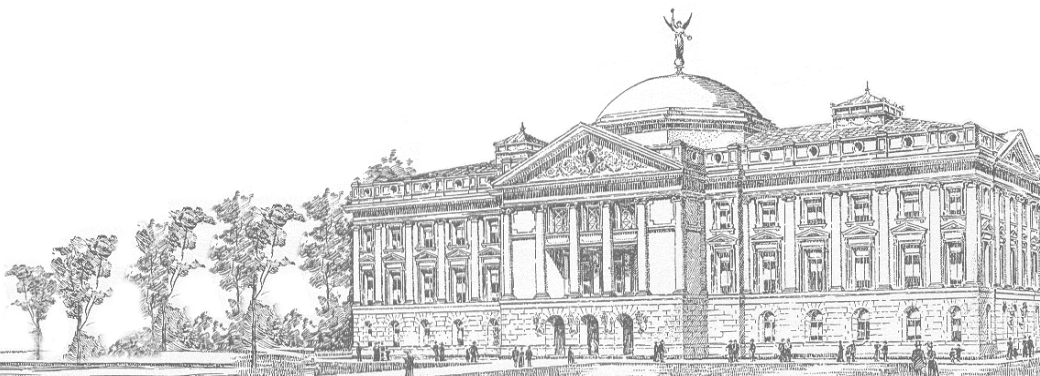


2018

Petition Circulation

Training Guide

State Capitol,
Phoenix



Published by the Office of the Secretary of State

May 2018



Arizona Secretary of State's Office
Election Services Division
1700 W. Washington St., 7th Floor
Phoenix, Arizona 85007
www.azsos.gov

About this publication

The “Petition Circulation – Training Guide” is a publication of the Elections Division of the Office of the Secretary of State.

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MICHELE REAGAN
Secretary of State
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An Introduction from Secretary of State Michele Reagan

Circulating a petition is a vitally important tool of democracy; however, petition circulation has become increasingly regulated in recent years. The law has sought to strike a balance between ease of circulation and safeguarding the integrity of the process.

In order to meet the latter goal, each circulator is required to read the enclosed training materials and acknowledge their receipt upon registering with the Secretary of State. These materials explain the differences between initiative, referendum, recall, and candidate petitions, who may lawfully circulate petitions, what makes a valid signature, and what types of acts are prohibited.

Once you have read this Guide, please visit our online registration portal at go.azsos.gov/circulatorportal. A circulator will receive an email confirmation once his or her account is created. This email includes a Circulator ID number. After the account has been created, a circulator must register for a specific petition before they can begin circulating.

We wish you luck in your endeavors. Of course, please contact my office if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Michele Reagan".

MICHELE REAGAN
Arizona Secretary of State



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1 TYPES OF PETITIONS

Arizona law regulates the practice of collecting signatures for initiative, referendum, recall, and candidate petitions. Signatures must be collected on the prescribed form for the activity in question. The following section provides a general overview of each type of petition.

1.1 BALLOT MEASURE PETITIONS

1.1.1 Initiative Petitions

Arizona voters may propose new laws, amend existing laws or propose constitutional amendments through the initiative process.¹ Before signatures may be collected, an application for a petition serial number, along with a one hundred word description and the complete title and text of the measure, must be filed with the Secretary of State on a prescribed form.² An initiative petition must be filed 4 months prior to the date of the general election at which the measure is to be voted upon.³

1.1.2 Referendum Petitions

Any measure or part of any measure enacted by the Legislature, except laws immediately necessary for the preservation of the public peace, health, or safety, or for the support and maintenance of the departments of State government, may be sent to the ballot for approval or rejection by the people.⁴ An application for a referendum petition serial number, along with a one hundred word description and a copy of the measure to be referred, must be filed with the Secretary of State before the circulation of the petition.⁵ A referendum petition must be filed within 90 days of when the Legislature adjourns *sine die*.⁶

1.1.3 Recall Petitions

Any public officer in the State of Arizona holding an elective office, either by election or appointment, is subject to recall by the voters of the electoral district in which the public officer holds office.⁷ A member of the Legislature may be recalled at any time after five days from the beginning of the first legislative session after election. All other officers may be recalled after six months in office.⁸ An application for a recall petition serial number, along with a two hundred word statement on the grounds of the recall, must be filed with the Secretary of State before circulation of the petition.⁹

¹ Ariz. Const. Art. IV, Pt. 1, § 1. Statutory initiatives require signatures equal to at least 10% of all votes recently cast for Governor, whereas 15% are required for a constitutional amendment. Ariz. Const. Art IV, Pt. 1 §§ 2 & 7.

² A.R.S. § 19-111(A).

³ Ariz. Const. Art. IV, Pt. 1, § 1.

⁴ Ariz. Const. Art. IV, Pt. 1, § 1. Referenda require signatures of at least 5% of all votes recently cast for governor. Ariz. Const. Art. IV, Pt. 1, §§ 3 & 7.

⁵ A.R.S. § 19-111(A).

⁶ Ariz. Const. Art IV, Pt. 1, §§ 3-4.

⁷ Ariz. Const. Art. VIII, Pt. 1, § 1; A.R.S. § 19-201(A). Recall petitions require at least 25% of all votes recently cast for the office in question. Ariz. Const. Art VIII, Pt. 1, § 1.

⁸ A.R.S. § 19-202.

⁹ A.R.S. § 19-203.



1.2 CANDIDATE NOMINATION PETITIONS

A candidate may run for public office by collecting a minimum number of signatures based on the office sought.¹⁰ Candidate nomination petition forms differ depending on whether the candidate is running for a partisan office, a nonpartisan office, or is running as an independent.¹¹ A federal, statewide, or legislative candidate must obtain an authorized candidate nomination petition form by establishing a Candidate Portal account with the Secretary of State.¹² Unlike ballot measure petitions, candidate nomination petition forms need not be notarized by the circulator.¹³

2 PETITION CIRCULATION

A circulator is a person who collects the signatures of qualified electors who are interested in signing an initiative, referendum, recall or candidate petition.

With respect to statewide ballot measures, a circulator must indicate on the petition sheet (prior to circulation) whether he or she is a paid or volunteer circulator.¹⁴ A paid circulator is a person who receives compensation based on the number of signatures obtained on a ballot measure petition or on the number of petitions circulated.¹⁵ A volunteer circulator is a person who does not receive compensation for circulating petitions. It is important to disclose whether the circulator is paid or volunteer.¹⁶ If this disclosure is not made on the petition form, the signatures obtained on that particular sheet are considered void.¹⁷

A circulator need not make any similar disclosure on a candidate nomination petition form.

2.1 WHO MAY CIRCULATE PETITIONS

Any person who is qualified to register to vote in Arizona may circulate petitions.¹⁸ With respect to non-resident circulators, this means a circulator must be qualified to register to vote in Arizona had he or she been a resident in this State.¹⁹

On the other hand, no County Recorder or Justice of the Peace may circulate a statewide ballot measure petition in Arizona.²⁰

¹⁰ A.R.S. § 16-322.

¹¹ A.R.S. § 16-314; A.R.S. § 16-315; A.R.S. § 16-341.

¹² <https://apps.azsos.gov/apps/election/candidateportal/>.

¹³ A.R.S. § 16-315(B).

¹⁴ A.R.S. § 19-101(C); A.R.S. § 19-102(C)-(D).

¹⁵ A.R.S. § 19-118(F). A paid circulator does *not* include a paid employee of a political committee unless that employee's primary responsibility is circulating petitions.

¹⁶ A "paid" circulator is generally defined as a person who is compensated based on the number of signatures obtained on a ballot measure petition, *see* A.R.S. § 19-118(F)(1), but it is now a criminal offense to compensate an initiative or referendum petition circulator on a per-signature basis. A.R.S. § 19-118.01. Thus, in cases where a circulator is compensated hourly and did not voluntarily register with the Secretary of State, the circulator should select "paid circulator" on the front of the petition form and include a notation such as "hourly" or "paid hourly." *See* <https://www.azsos.gov/about-office/media-center/azsosblog/610>.

¹⁷ A.R.S. § 19-101(D)-(E); A.R.S. § 19-102(D)-(E); A.R.S. § 19-204(D)-(E). Selecting either "paid circulator" or "volunteer" also enables the Secretary of State to verify whether paid circulator was properly registered at the time of circulating a statewide ballot measure petition. *See* A.R.S. § 19-121.01(A)(1)(h). Without the necessary disclosure, the Secretary of State assumes the circulator was required to be registered and invalidates the applicable petition sheet(s) accordingly.

¹⁸ A.R.S. § 16-321(D); A.R.S. § 16-341(G)-(H); A.R.S. § 19-112(D); A.R.S. § 19-114(A); A.R.S. § 19-118(A).

¹⁹ A.R.S. § 16-321(D); A.R.S. § 16-341(G)-(H); A.R.S. § 19-112(D).

²⁰ A.R.S. § 19-114(A); A.R.S. § 19-205.02.



2.2 WHO MUST REGISTER WITH THE SECRETARY OF STATE

The following types of circulators must register with the Secretary of State prior to circulating a petition:

- Any paid circulator who circulates a statewide ballot measure;²¹ and
- Any nonresident circulator, regardless of the type of petition.²²

2.3 REQUIRED COMPONENTS OF REGISTRATION

Circulators must satisfy the following requirements when registering with the Secretary of State:

- Provide his/her name, residential address,²³ telephone number, and email address;
- Consent to the jurisdiction of Arizona courts in resolving any disputes concerning the circulation of petitions by that circulator;²⁴
- Designate a physical address in Arizona at which the circulator will accept service of process related to disputes concerning circulation of that circulator's petitions;²⁵
- Indicate the circulating organization which he/she may be employed or contracted;
- Indicate which petition is being circulated by listing the serial number (for statewide ballot measure petitions) or candidate name (for candidate nomination petitions); and
- Complete the circulator registration form via the Circulator Portal under penalty of perjury that the information provided is true, complete, and correct.

A circulator registration is not complete until the Secretary of State's office confirms the registration in writing and issues a circulator identification number.

2.4 OBTAINING A CIRCULATOR ID NUMBER

Upon registration, the Secretary of State's office will assign a random circulator ID number to each circulator. This circulator ID number is permanently assigned to the circulator regardless of the election cycle.

For statewide ballot measure petitions, a registered circulator must place the circulator ID number on the front and back of each petition sheet in order to ensure proper processing. The circulator ID number may be placed on the petition sheet at any time prior to submitting the petition sheets to the Secretary of State's office. Failure to include the circulator ID number does not (by itself) invalidate the petition sheet, but does increase the likelihood the Secretary of State is unable to process the petition sheet due to inability to confirm the circulator's identity.

Registered circulators are not required to place a circulator ID number on a candidate nomination petition.

²¹ For purposes of this handbook, a "statewide" ballot measure includes a petition seeking the recall of a federal, state, or legislative officeholder.

²² A.R.S. § 16-321(D); A.R.S. § 16-341(G)-(H); A.R.S. § 19-118(A). A circulator who does not permanently reside in Arizona is considered a nonresident circulator. A circulator whose residency status is unclear should register with the Secretary of State out of an abundance of caution.

²³ A nonresident circulator must provide his or her out-of-state address when registering with the Secretary of State, in addition to an in-state service of process address.

²⁴ A.R.S. § 19-118(B)(1).

²⁵ A.R.S. § 19-118(B)(2). The Secretary of State's office has no obligation to review circulator registrations to ensure a proper Arizona address has been provided. The circulator remains solely responsible for compliance with all legal provisions with respect to circulator registration.



2.5 COLLECTING PETITION SIGNATURES

Every qualified elector signing a petition must do so in the presence of the person who is circulating the petition (i.e., the circulator must personally witness each collected signature).²⁶ After collecting signatures on a petition sheet, the petition circulator must execute the affidavit on the back of the petition (and, in the case of a statewide ballot measure petition, must make this sworn statement before a notary public).

When approaching an individual to sign a petition, the circulator should:

- Ensure the signer prints clearly in black or blue ink;
- Ensure the signer completes all portions of the signature line (i.e., signature, printed first and last name, residence address, and date signed);²⁷
- Ensure the signer writes in the middle (and does not stray outside) of the appropriate boxes on the signature line; and
- In the case of a statewide initiative or referendum petition, read or summarize the warning that appears at the top of the petition.²⁸

When approaching an individual to sign a petition, the circulator should *not*:

- Sign for the individual or allow any other person to sign the petition on that individual's behalf unless in the presence of (and at the request of) an individual who is incapable of signing or printing his/her own name because of physical infirmity;²⁹
- Allow the individual to sign the same petition twice;³⁰ or
- In the case of a statewide ballot measure petition, allow a post office box to serve as the individual's residence address.³¹

2.6 SIGNATURE WITHDRAWAL

A person who has signed a petition may withdraw his/her signature from the petition not later than 5:00 p.m. on the date the petition containing the person's signature is actually submitted to the Secretary of State.³² To withdraw a petition signature, a person may do any of the following:

- Draw a line through the signature and printed name on the petition itself at the time of signing;³³ or
- Submit or mail a signed, notarized statement of intent to withdraw the petition signature to the Secretary of State.³⁴ The signer must specify the petition type or serial number, the county where the petition was

²⁶ A.R.S. § 16-321(D); A.R.S. § 19-112(A), (C)-(D); A.R.S. § 19-205.

²⁷ A.R.S. § 19-112(A). The signer of a candidate nomination petition is only required to personally complete the signature portion of the petition.

²⁸ A.R.S. § 19-102(A). "This is only a description of the proposed measure (or constitutional amendment) prepared by the sponsor of the measure. It may not include every provision contained in the measure. Before signing, make sure the title and text of the measure are attached. You have the right to read or examine the title and text before signing."

²⁹ A.R.S. § 16-1020; A.R.S. § 19-115(B).

³⁰ A.R.S. § 16-321(A), (C); A.R.S. § 19-115(B).

³¹ A.R.S. § 19-112(A); A.R.S. § 19-205(A). For a statewide ballot measure petition, the signer must provide his/her residence address, giving street name and number, and if he/she does not have a street address, a description of his/her residence.

³² A.R.S. § 19-113(A).

³³ A.R.S. § 19-113(B)(3).

³⁴ A.R.S. § 19-113(B)(1)-(2).



circulated (if applicable), and the date of signing the petition to enable the Secretary of State to locate the signature to be withdrawn.

The Secretary of State will remove or invalidate the petition signature if the Secretary’s office has enough information to locate the signature requested to be withdrawn.³⁵

3 REASONS FOR INVALIDATING PETITION SIGNATURES OR SHEETS

Petition signatures or sheets may be invalidated for various reasons under Arizona law.³⁶

3.1 STATEWIDE BALLOT MEASURE PETITIONS

3.1.1 Grounds for Petition Signature Rejection

Signatures on a statewide ballot measure petition may be invalidated on various grounds, including:

- *Non-Qualified Elector*: A petition signature may be rejected if the signer is not legally entitled to sign the petition or vote on the measure.³⁷
- *Circulation by County Recorder or Justice of the Peace*: Signatures collected by a County Recorder or Justice of the Peace are void.³⁸
- *Signatures Obtained Prior to Statement of Organization*: Signatures obtained prior to the date of the sponsoring political committee’s statement of organization are void.³⁹
- *Missing Information*: A signature line must contain a printed name, signature, residence address or description of residence location, and date on which the petition was signed for a signature to count.⁴⁰
- *Excess Signatures*: Signatures in excess of fifteen signatures per sheet are not counted.⁴¹
- *Withdrawn Signatures*: Signatures withdrawn pursuant to A.R.S. § 19-113 are not counted.⁴²
- *Improperly Printed Information*: Signatures for which the Secretary of State determines that the circulator has printed the signer’s name or information in violation of A.R.S. § 19-112 are not counted.⁴³
- *Out-of-county signatures*: Signatures collected in a county other than the county where a majority of signatures on a petition sheet are not counted.⁴⁴

³⁵ A.R.S. § 19-121.01(A)(3)(e).

³⁶ Arizona law prescribes whether the Secretary of State or the applicable County Recorder is responsible for invalidating a particular deficient petition signature or sheet.

³⁷ A.R.S. § 19-115; A.R.S. § 19-121.02(A)(5); A.R.S. § 19-205.02; A.R.S. § 19-208.02(A). For example, a “federal only” voter is not entitled to sign any petitions except a federal candidate nomination petition.

³⁸ A.R.S. § 19-114(A); A.R.S. § 19-205.02.

³⁹ A.R.S. § 19-114(B). The applicant may form a new political committee or designate an existing (non-candidate) political committee to serve as the petition sponsor. A.R.S. § 16-906(G).

⁴⁰ A.R.S. § 19-121.01(A)(3)(b) & (c); A.R.S. § 19-208.01(A).

⁴¹ A.R.S. § 19-121.01(A)(3)(d); A.R.S. § 19-208.01(A).

⁴² A.R.S. § 19-121.01(A)(3)(e); A.R.S. § 19-208.01(A).

⁴³ A.R.S. § 19-112(A); A.R.S. § 19-121.01(A)(3)(f); A.R.S. § 19-208.01(A).

⁴⁴ A.R.S. § 19-121.01(A)(2)(b).



3.1.2 Grounds for Petition Sheet Rejection

Other deficiencies require the entire petition sheet to be invalidated. For example, the Secretary of State must remove:

- Initiative or referendum sheets not attached to a copy of the complete title and text of the measure;⁴⁵
- Sheets not bearing the correct petition serial number in the lower right-hand corner of each side;⁴⁶
- Sheets containing a circulator’s affidavit that is not completed, unsigned, or that has been modified;⁴⁷
- Sheets on which the affidavit of the circulator is not notarized, the notary’s signature are missing, the notary’s commission has expired, or the notary’s seal is not affixed;⁴⁸
- 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;⁴⁹
- Sheets that are circulated by a circulator who is prohibited from participating in any ballot measure campaign pursuant to § 19-119.01;⁵⁰ or
- Sheets on which the circulator is required to be registered with the Secretary of State pursuant to A.R.S. § 19-118, and the circulator was not properly registered at the time the petitions were circulated.⁵¹

3.2 CANDIDATE NOMINATION PETITIONS

In contrast to statewide ballot measure petitions, signatures on a candidate nomination petition may be rejected on more limited grounds, including:

- *Non-Qualified Elector:* A petition signature may be rejected if the signer is not legally entitled to sign the petition or vote for the candidate.⁵²
- *Missing Information:* A signature line must contain (1) a printed name or signature and (2) residence address or description of residence location in order for a signature to count.⁵³
- *Excess Signatures:* Signatures in excess of ten signatures per sheet are not counted.⁵⁴

4 PROHIBITED ACTS

Various acts may be punishable by fine or imprisonment under Arizona law, which principally apply to circulation of statewide ballot measure petitions:

⁴⁵ A.R.S. § 19-121.01(A)(1)(a).

⁴⁶ A.R.S. § 19-121.01(A)(1)(c).

⁴⁷ A.R.S. § 19-121.01(A)(1)(d).

⁴⁸ A.R.S. § 19-121.01(A)(1)(e).

⁴⁹ A.R.S. § 19-121.01(A)(1)(f).

⁵⁰ A.R.S. § 19-121.01(A)(1)(g).

⁵¹ A.R.S. § 19-121.01(A)(1)(h).

⁵² A.R.S. § 16-321(B), (D), (F). For example, a “federal only” voter is not entitled to sign any petitions except a federal candidate nomination petition.

⁵³ A.R.S. § 16-315(A)(4); A.R.S. § 16-321(D)-(E).

⁵⁴ A.R.S. § 16-315(A)(3).



- *Signing Petition for Profit:* Any person who knowingly gives or receives money or any other thing of value for signing a statewide ballot measure petition, excluding payments made to a person for circulating such petition, is guilty of a class 1 misdemeanor.⁵⁵
- *Signing for Another:* A person who knowingly signs any name other than his/her own to a statewide ballot measure petition, except in a circumstance where he/she signs for a person in the presence of (and at the specific request of) such a person who is incapable of signing or printing his/her own name and address because of physical infirmity, is guilty of a class 1 misdemeanor.⁵⁶
- *Signing More than Once:* A person who knowingly signs his/her name more than once for the same initiative or referendum petition is guilty of a class 1 misdemeanor.⁵⁷
- *Fraudulent Signing:* A person who signs a statewide initiative or referendum petition knowing that he/she is not a qualified elector at the time of signing, or who knowingly fills out the name and address portion of a statewide initiative or referendum petition with the intent to commit fraud, is guilty of a class 1 misdemeanor.⁵⁸
- *Coercion:* A person who knowingly coerces or threatens any other person to sign or refrain from signing his/her name to an initiative or referendum petition, or, after signing his/her name, to have his/her name removed, is guilty of a class 1 misdemeanor.⁵⁹
- *Misrepresentation:* A circulator who induces a person to sign a petition by knowingly misrepresenting the general subject matter of an initiative or referendum petition is guilty of a class 1 misdemeanor.⁶⁰
- *Perjury:* A person who knowingly submits false information on a petition sheet commits perjury and is guilty of a class 4 felony.⁶¹
- *Fraud:* A person commits petition signature fraud if the person: intentionally collects statewide ballot measure petition signatures with the knowledge that the person whose name appears on the signature sheet did not actually sign the petition, or uses any fraudulent means to obtain signatures on such a petition.⁶² A person under such circumstances is guilty of a class 1 misdemeanor, but may be guilty of a class 4 felony and prohibited from participating for five years in any campaign if the person engages in a *pattern* of petition signature fraud.⁶³
- *Deceptive Mailings:* An individual or committee may not deliver any document that falsely purports to be a mailing authorized, approved, required, or sent by the government, or that falsely simulates a document from the government, in order to influence a statewide ballot measure campaign.⁶⁴ A violation of this provision may result in civil penalty equal to twice the total of the cost of the mailing or five hundred dollars, whichever is greater.⁶⁵
- *Improper Compensation:* A person who pays or receives money (or any other thing of value) based on the number of signatures collected on a statewide initiative or referendum petition is guilty of a class 1 misdemeanor.⁶⁶

⁵⁵ A.R.S. § 19-114.01; A.R.S. § 19-205.03.

⁵⁶ A.R.S. § 19-115(B); A.R.S. § 19-206(B).

⁵⁷ A.R.S. § 19-115(B).

⁵⁸ A.R.S. § 19-115(B).

⁵⁹ A.R.S. § 19-116(A); A.R.S. § 19-206(A).

⁶⁰ A.R.S. § 19-116(B).

⁶¹ *Ayers v. State*, 20 Ariz. 189 (1919); A.R.S. § 13-2702.

⁶² A.R.S. § 19-119.01(A). A person is not guilty of a violation if the person (1) reports the suspected fraud to the filing officer and (2) refuses to file the suspected fraudulent signatures. A.R.S. § 19-119.01(B).

⁶³ A.R.S. § 19-119.01(C).

⁶⁴ A.R.S. § 19-119(A).

⁶⁵ A.R.S. § 19-119(B).

⁶⁶ A.R.S. § 19-118.01.



In addition, the following acts applicable to candidate nomination petitions may be punishable by fine or imprisonment under Arizona law:

- *Fraudulent Signing*: A person who knowingly signs any name other than his or her own to a candidate petition, except where he or she signs for a person in the presence of (and at the specific request of) such person who is incapable of signing his or her name because of physical infirmity, is guilty of a class 1 misdemeanor;⁶⁷
- A person who signs a candidate petition knowing that he or she is not a qualified elector at the time of signing is guilty of a class 1 misdemeanor.⁶⁸
- *Perjury*: A person who knowingly submits false information on a petition sheet commits perjury and is guilty of a class 4 felony.⁶⁹

⁶⁷ A.R.S. § 16-1020.

⁶⁸ A.R.S. § 16-1020.

⁶⁹ *Ayers v. State*, 20 Ariz. 189 (1919); A.R.S. § 13-2702.

