INITIATIVE AND REFERENDUM RULES AND REGULATIONS

OFFICE OF THE CITY CLERK
CITY OF TUCSON

December 2014

Updated to Reflect
Signature and Filing Requirements
for the 2015 General Election

Page Left Blank Intentionally

Office of the City Clerk
City of Tucson

Initiative and Referendum
Rules and Regulations

TABLE OF CONTENTS

CHAPTER ONE
INTRODUCTION 1
CHAPTER TWO
INITIATIVE AND REFERENDUM DESCRIBED 2
CHAPTER THREE
NUMBER OF SIGNATURES REQUIRED FOR INITIATIVE AND REFERENDUM PETITIONS 3
CHAPTER FOUR
INITIAL PREREQUISITES: APPLICATION AND STATEMENT OF ORGANIZATION 5
CHAPTER FIVE
PRINTING INITIATIVE AND REFERENDUM PETITIONS 7
CHAPTER SIX
CIRCULATING INITIATIVE AND REFERENDUM PETITIONS 10
CHAPTER SEVEN
WITHDRAWAL OF SIGNATURES BY QUALIFIED ELECTORS 13
CHAPTER EIGHT
PROCEDURES FOR FILING INITIATIVE AND REFERENDUM PETITIONS WITH THE CITY CLERK 14
CHAPTER NINE
EXAMINATION OF INITIATIVE AND REFERENDUM PETITIONS BY THE CITY CLERK 15
CHAPTER TEN
CERTIFICATION OF INITIATIVE AND REFERENDUM PETITIONS BY THE CITY CLERK 20
CHAPTER ELEVEN
CAMPAIGN FINANCE REPORTING REQUIREMENTS DURING PETITION DRIVES 21
CHAPTER TWELVE
OTHER REQUIREMENTS, PROHIBITIONS, AND SANCTIONS 24
CHAPTER THIRTEEN
GLOSSARY OF TERMS 27

These Rules and Regulations supersede those previously provided under the “Initiative and Referendum Rules and Regulations” filed June 1999.

Page Left Blank Intentionally

CHAPTER ONE

INTRODUCTION

1.1 These rules and regulations will not necessarily answer all questions concerning an initiative or referendum petition, and they should not be considered a substitute for obtaining private legal counsel for specific questions regarding the initiative or referendum petition process.

NOTE: the City Clerk's administration of the initiative and referendum process does not represent an acceptance or review of the petition, and the absence of objection at any particular time does not bar subsequent rejection of the initiative or referendum petition by the City.

1.2 The City of Tucson's initiative and referendum processes are provided for in the Arizona Constitution, Article IV, Part 1, the Arizona Revised Statutes Title 19, et. seq., the Tucson City Charter (Chapters XIX and XX), and the Tucson City Code (Chapter 12, Articles IV and V). All references hereinafter referred to as "controlling legislation," except where a reference to a specific provision is necessary, all of these controlling provisions will hereinafter be referred to as "controlling legislation."

1.3 These rules and regulations are prescribed and updated as required by the City Clerk in accordance with the provisions of Section 12-7 of the Tucson City Code. They are intended to inform individuals regarding the availability of, and general procedures regarding, the City's initiative and referendum process, as well as to assist in achieving and maintaining the highest possible degree of correctness, uniformity and efficiency in the process. However, in the event these rules and regulations are found to be in conflict with any provision(s) of the controlling legislation, the controlling legislation in conflict shall prevail.

1.4 Copies of these rules and regulations are available from the City Clerk. All forms and documents referred to in these rules and regulations are to be filed with the City Clerk.

1.5 The City Clerk shall have the right, at any time, to review, challenge or reject an initiative or referendum petition on the basis of any legal or procedural insufficiency, including but not limited to whether or not the petition addresses legislation that is subject to the initiative or referendum process.

1.6 It is the responsibility of the petitioners' of the initiative or referendum petition to ensure that at all times during circulation, the petition is in the required form, that it contains all required information, and that all of its pages are fully legible. Any deficiencies are subject to challenge by the public as well as the City Clerk.

CHAPTER TWO

INITIATIVE AND REFERENDUM DESCRIBED

2.1 **Initiative** is the power, reserved to the qualified electors of the City of Tucson, to propose a Charter amendment for submission to a vote of the electorate; or to propose an ordinance for adoption by the Mayor and Council or submission to a vote of the electorate

A) If the City Clerk finds that an initiative petition proposing a Tucson Charter change has sufficient signatures, the petition is submitted to the Mayor and Council with a certificate so stating, and the Mayor and Council must then call an election at which the initiative is submitted to the vote of the people.

B) If the City Clerk finds that an initiative petition proposing a Tucson Code change has sufficient signatures, the petition is submitted to the Mayor and Council with a certificate so stating, and the Mayor and Council must then either pass the initiative within twenty (20) days or call an election at which the initiative is submitted to the vote of the people.

2.2 **Referendum** is the power, reserved to the qualified electors of the City of Tucson, to submit a petition to require the Mayor and Council to reconsider and repeal a specified ordinance or submit the ordinance to a vote of the electorate (see controlling legislation). If the City Clerk finds that a referendum petition has sufficient signatures, the petition is submitted to the Mayor and Council with a certificate so stating, and the Mayor and Council must then reconsider the ordinance, and either repeal the specific ordinance or a portion thereof or call an election at which it is submitted to a vote of the people.

NOTE: Throughout these rules and regulations, "ordinance" as it refers to referendum encompasses those resolutions having the effect of ordinances. Not all ordinances are subject to the referendum process. Contact your attorney to inquire about the applicability of the referendum process to a specific ordinance.

CHAPTER THREE

NUMBER OF SIGNATURES REQUIRED FOR INITIATIVE AND REFERENDUM PETITIONS

3.1 **Initiative** petitions must be signed by a minimum of fifteen (15%) percent of the qualified electors of the City, computed on the vote for the candidates for mayor at the last preceding general municipal election at which a mayor was elected.

3.2. Through the November **2015**, General Election, initiative petitions require **12,730** valid signatures.

3.3 In no event shall the City Clerk accept an initiative petition which was issued for circulation more than twenty-four (24) months prior to the date of the election at which the measure is to be included on the ballot.

3.4 **Initiative** petitions which have not been filed with the City Clerk as of 5:00 p.m. on the day four (4) months prior to the ensuing general election after their issuance are null and void.

3.5 To be placed on the **November 3, 2015** general election ballot, an initiative petition must have been issued for circulation no earlier than **November 6, 2013** and must be filed with the City Clerk during regular business hours no later than 5:00 p.m., **July 2, 2015**.

3.6 **Referendum** petitions must be signed by a minimum of ten percent (10%) of the qualified electors of the City, computed on the whole number of votes cast at the last preceding municipal election at which a mayor or council member was elected.[1]

3.7 Through the November **2015**, General Election, referendum petitions require **8,487** valid signatures.

3.8 **Referendum** petitions must be filed with the City Clerk within thirty (30) days of the adoption of the ordinance to be referred, except that if the City Clerk is unable to provide petitioners' with a copy of the ordinance at the time of application for an official petition number or on the same business day of the application, the thirty (30) day period shall be calculated from the date such ordinance is made available from the City Clerk.

[1] A.R.S. § 19-142(A). Tucson Charter, Ch. XX, §1 requires that petitions be signed by "ten (10) percent of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected." The Arizona Court of Appeals held that A.R.S. § 19-142(A) pre-empts conflicting city charter provisions. *JONES v. PANIAGUA 212 P.3d 133, 221 AZ 4:41, 212 (2009).* The Arizona State Supreme Court declined to hear the case on appeal.

Page Left Blank Intentionally

CHAPTER FOUR

INITIAL PREREQUISITES: APPLICATION AND STATEMENT OF ORGANIZATION

4.1 A person or persons intending to circulate an initiative or referendum petition shall, prior to causing the petition to be printed and circulated, file with the City Clerk an application on a form prescribed and provided by the City Clerk, stating an intent to circulate and file a petition, and setting forth the names and addresses of three (3) persons who are responsible for the petition and who are to be notified of all proceedings and actions taken in reference to the petition. The three (3) persons named in the application will be deemed, and referred to collectively in these regulations, as the "petitioners of the initiative or referendum petition" or simply "petitioners."

4.2 The application shall be accompanied by the complete title and text of the proposed measure to be initiated, or of the proposed referendum measure. For a referendum measure this includes a complete copy of the ordinance sought to be repealed (all or part) including attachments.

Issuance of Official Petition Number

4.3 Upon the filing of a completed application with the City Clerk, the City Clerk shall issue the applicant an official petition number.

Statement of Organization

4.4 Upon the filing of a completed application with the City Clerk, the City Clerk shall also provide the person or persons intending to circulate an initiative or referendum petition with the applicable Statement of Organization form.

4.5 The Statement of Organization form listing the chairperson and treasurer of the committee must be completed and filed with the City Clerk before valid signatures can be collected.

4.6 In Lieu of a Statement of Organization, the applicant may file a $500 Threshold Exemption Statement which limits the committee to accepting contributions or making expenditures of more than $250 and less than $500. The $500 Threshold Exemption Statement must be filed with the City Clerk before the committee makes any expenditures, accepts any contributions, distributes any campaign literature or circulates petitions.

4.7 Signatures obtained before the filing of a completed Statement of Organization with the City Clerk are **void** and shall not be counted in determining the legal sufficiency of any initiative or referendum petition(s).

4.8 Committees planning to accept or spend less than $250 need not file a Statement of Organization or a $500 Threshold Exemption Statement.

4.9 No initiative or referendum political committee shall receive any contribution, or make or promise to make any expenditure, until the political committee has chosen a chairperson and treasurer and filed its statement of organization.

4.10 When the completed Statement of Organization is filed with the City Clerk, the City Clerk will issue a Statement of Organization number to the applicant.

4.11 The name of the political committee on the Statement of Organization must include the official serial number for the petition, if assigned, and a statement as to whether the political committee supports or opposes the passage of the ballot measure.

Final Version of Petition

4.12 Prior to the circulation of an initiative or referendum petition, the petitioners' shall file with the City Clerk, as a public record, a blank final printed version of the initiative or referendum petition to be circulated, showing the official petition number. The initiative or referendum petition must include the complete title and text of the proposed measure to be initiated, or of the proposed referendum measure.

CHAPTER FIVE

PRINTING INITIATIVE AND REFERENDUM PETITIONS

Petitioners Responsible for Petition Printing

5.1 The petitioners' are responsible for the actual printing of initiative and referendum petitions.

5.2 The City Clerk may perform a courtesy review of the petition at the time it is submitted. City Clerk staff will check margins, font size, line spacing and review for other formatting issues. They will not check wording or legal citations. The courtesy review should not be considered a substitute for obtaining private legal counsel for specific questions regarding the initiative or referendum petition process.

NOTE: the City Clerk's administration of the initiative and referendum process does not represent an acceptance or review of the petition, and the absence of objection at any particular time does not bar subsequent rejection of the initiative or referendum petition by the City.

Petition to be in Format Prescribed by the City Clerk

5.3 An initiative or referendum petition shall be in the form prescribed by the City Clerk.

5.4 The initiative petition shall substantially conform to the sample petitions included in the Appendix to these rules and regulations. No additional information, instructions, symbols, or markings of any kind are to be printed on any portion of the petition, including the back or margins of any of the petition documents (title/text, signature page, affidavit of circulator).

5.5 The referendum petition **shall** comply with the sample petition included in the Appendix to these rules and regulations. No additional information, instructions, symbols, or markings of any kind are to be printed on any portion of the petition, including the back or margins of any of the petition documents (title/text, signature page, affidavit of circulator).

5.6 All pages of the petition shall bear the date of issuance and the official petition number, or in the case of a referendum petition, the ordinance number shall be written. The date of issuance shall appear in the upper right hand corner of each and every page of the petition.

5.7 The official petition number (or ordinance number) shall appear in the lower right hand corner on each and every page of the petition.

Color of Ink; Color of Paper; Margins

5.8 The initiative or referendum petition shall be printed in black ink on white or recycled white pages.

5.9 All pages of the petition shall have a margin of at least one-half (1/2) inch at the top and one-fourth (1/4) inch at the bottom of each page.

Title and Text Page(s) (If needed)

5.10 Petitioners' shall choose, at their option, one of the following sets of dimensions for the title and text page(s):

A. Eight and one-half (8 1/2) inches long by fourteen (14) inches wide;

B. Eight and one-half (8 1/2) inches wide by fourteen (14) inches long;

C. Eight and one-half (8 1/2) inches long by eleven (11) inches wide;

D. Eight and one-half (8 1/2) inches wide by eleven (11) inches long.

5.11 The title and text of the measure proposed or referred by the petition shall be printed in at least eight (8) point type and shall include both the original and (if applicable) amended text. The title and 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. The eight (8) point type requirement does not apply to maps, charts or other graphics.

5.12 If the full printing of the title and text of the initiative or referendum measure requires multiple pages, the title and text may be printed only on the front of each sheet of paper, or on the front and back of each sheet, at the option of the petitioners'. Each and every page of the title and text shall be numbered sequentially (e.g. Page 1 of 5, Page 2 of 5, etc.) and the number shall appear in the upper right hand corner of each page, immediately below the date of issuance.

Signature Pages

5.13 The signature sheets shall be fourteen (14) inches in width by eight and one-half (8 1/2) inches in length.

5.14 Each signature sheet shall contain fifteen (15) numbered lines for signatures spaced three-eighths (3/8) inch apart and numbered one through fifteen.

5.15 Each signature sheet shall have printed in capital letters in no less than twelve (12) point bold-faced type in the upper right-hand corner of the face of the signature sheet the following:

"_____ PAID CIRCULATOR _____ VOLUNTEER".

5.16 The words "Tucson, Arizona" and the date of issuance must appear in the right hand corner of both sides of the signature page.

Circulator's Affidavit on Reverse of Signature Sheet

5.17 The circulator's affidavit shall be printed on the reverse side of the signature sheet and shall conform to the sample included in the appendix to these rules and regulations.

CHAPTER SIX

CIRCULATING INITIATIVE AND REFERENDUM PETITIONS

Who May Circulate a Petition

6.1 With the exceptions listed in Rule 6.3, any person who is qualified to register to vote in the State of Arizona may circulate an initiative or referendum petition.

6.2 A person who is not a resident of the State of Arizona and who wants to circulate any petition is required to register with the Secretary of State's office.

6.3 No county recorder or justice of the peace shall circulate an initiative or referendum petition, and all signatures verified by any such person shall be **void** and shall not be counted in determining the legal sufficiency of the petition.

What the Circulated Petition Must Include

6.4 If the initiative or referendum petition consists of more than one (1) page, each sheet containing the title and text of the measure that is proposed or referred by the initiative or referendum petition must be attached to each signature sheet at all times during circulation and upon filing with the City Clerk.

6.5 The official petition number (or ordinance number) assigned by the City Clerk shall appear in the lower right-hand corner of each and every page of the initiative or referendum petition at all times during circulation. Except as specified in Rule 6.10, the City Clerk will not accept for filing petition pages that do not bear this number.

6.6 All pages of the petition shall bear the date of issuance and the official petition number. The date of issuance shall appear in the upper right hand corner of each and every page of the petition.

6.7 The official petition number (or ordinance number) shall appear in the lower right hand corner on each and every page of the petition.

6.8 Each signature sheet shall have printed in capital letters in no less than twelve (12) point bold-faced type in the upper right-hand corner of the face of the signature sheet the following:

"_____ PAID CIRCULATOR _____ VOLUNTEER".

6.9 The words "Tucson, Arizona" and the date of issuance must appear in the right hand corner of both sides of the signature page.

6.10 In the case of a **referendum** petition, where an ordinance number uniquely identifies the subject matter to be addressed by the petition, the official petition number requirement of Paragraph 6.5 is considered to be complied with if the ordinance number is placed on each page of the petition. Petitions submitted with the official petition number on the signature

sheet and the City ordinance number on the title and text pages will be accepted by the City Clerk for processing.

REMEMBER: the title and text of a referendum petition must include a full and complete copy and all attachments of the ordinance sought to be repealed or referred.

Who May Sign the Petition

6.11 An initiative or referendum petition may only be signed by qualified electors of the City of Tucson.

Procedures Regarding Circulation and Signing

6.12 Every qualified elector signing an initiative or referendum petition shall do so in the presence of the person circulating the petition and who is to execute the circulator's affidavit.

6.13 The Tucson Charter requires the signature sheet to include a column entitled "Ward No." At the time of signing, each signer is required to write their own printed name, address, ward no. and the date of signing. In the case of referendum petitions which must strictly comply with formatting requirements, signers must write their ward number in the column at the time of signing.[2]

6.14 Each circulator of an initiative or referendum petition shall personally receive sufficient information from each signer of the signature sheet, at the time the signature is obtained, to ensure that the circulator can, as to all signers of that page, depose and state in the affidavit that each signature is genuine, and that each signer is a resident and qualified elector of the City of Tucson.

6.15 The circulator of any initiative or referendum petition shall retain **direct custody and control** of the initiative or referendum petition sheet, at all times during circulation, except when the person is signing; shall personally give the initiative or referendum petition to, and take it from, each signer; and shall personally observe each signer of the initiative or referendum petition sheet actually sign the initiative or referendum petition sheet.

For the purposes of this requirement, the term "at all times during circulation" means the entire period from the time the circulator receives any blank initiative or referendum petition for circulation until the time the circulator's signature on the affidavit for that signature sheet is notarized.

---

[2] On May 31, 2012, the Arizona Court of Appeals, Division Two ruled that referendum petitions filed with the Tucson City Clerk must meet the strict compliance standard imposed by the Arizona Supreme Court under the Arizona Constitution and statutes, *see Feldmeier v. Watson,* 22 *Ariz. 444, ¶ 12, 123 P.3d 180, 183 (2005*). Therefore, the Ward Number must be filled in on the signature page. Initiative petitions require substantial compliance. Therefore, the City Clerk will accept those signatures without a Ward No. entry. However, the lack of a Ward No. does not preclude a challenge from the public.

6.16 Each signer is required by state law to print their first and last name and write in the appropriate spaces following the signature, the signer's residence address, including street and number, and if they have no street address, a description of their residence location. The signer shall also write, in the appropriate spaces their address and the date on which they signed the petition.

6.17 Pursuant to Tucson Code § 12-54(f) and A.R.S. § 19-112(C), abandoned or stray petition sheets that are not or at any time have not been under the direct custody and control of the circulator will be rejected in their entirety.

6.18 An initiative or referendum petition signature sheet shall have only one signature placed on each numbered signature line. If more than one signature appears on a numbered line, only the signature which is actually on the line will be eligible for verification; all other signatures shall be rejected as facially defective, as required by Rule 9.7(D).

6.19 Ditto marks in any column except the signature column are acceptable as long as the reiterated information is valid.

6.20 Each circulator of an initiative or referendum petition shall cross out and initial **any** blank signature lines on the signature sheet including those in the middle of the sheet, prior to, or at the time, the circulator's signature on the affidavit for that signature sheet is notarized. In the event that a circulator fails to cross out and initial any blank signature lines before notarization then the entire signature sheet will be rejected and all signatures on that page will be discounted.

6.21 The circulator's affidavit must be executed completely and in proper form by the circulator of an initiative or referendum petition, and notarized in accordance with Arizona Revised Statutes relating to notaries public and the Secretary of State's Arizona Notary Public Reference Manual, in order for the signature sheet to be accepted for verification by the City Clerk.

6.22 A circulator of an initiative or referendum petition shall state whether he or she is a paid circulator or a volunteer by checking the appropriate line on the signature sheet **before** circulating the initiative or referendum petition for signatures.

Responsibility of Petitioners for Correct Form

6.23 It is the responsibility of the petitioners' of the initiative or referendum petition to ensure that at all times during circulation, the petition is in the required form, that it contains all required information, and that all of its pages are fully legible. Any deficiencies are subject to challenge by the public as well as the City Clerk.

CHAPTER SEVEN

WITHDRAWAL OF SIGNATURES BY QUALIFIED ELECTORS

7.1 Qualified electors wishing to withdraw their signatures from an initiative or referendum petition may do so by completing and filing with the City Clerk an Affidavit of Withdrawal any time prior to the time the petition is filed with the City Clerk. A sample Affidavit of Withdrawal is included with these rules and regulations.

CHAPTER EIGHT

PROCEDURES FOR FILING INITIATIVE AND REFERENDUM PETITIONS WITH THE CITY CLERK

General Procedures

8.1 Those persons filing an initiative or referendum petition should contact the City Clerk a minimum of forty-eight (48) hours in advance of filing so that appropriate arrangements may be made for processing the petition.

8.2 Initiative and referendum petitions must be filed with the City Clerk, at a location specified by the City Clerk.

8.3 Initiative and referendum petitions must be filed during the City Clerk's regular business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m. (holidays excepted). Where the last day for filing falls on a Saturday, Sunday, or legal holiday, the petitioners' shall have until 5:00 p.m. of the next day that is not a Saturday, Sunday or legal holiday to file the petition.

8.4 Only initiative or referendum petitions that have been printed and numbered in the form prescribed by the City Clerk will be accepted for filing.

8.5 The initiative or referendum petition shall be filed with the City Clerk as one instrument, in the order and form prescribed by the City Clerk.

8.6 A petition is filed when the petition sheets are tendered to the City Clerk, at which time a receipt is immediately issued by the City Clerk based on the petitioners' estimate of the purported number of sheets and signatures filed. After the City Clerk issues the temporary receipt, no additional petition sheets may be accepted for filing, and no additions, corrections, or adjustments to the filed petition sheets are permitted.

8.7 A representative of the petitioners must be present during the entire preliminary petition process, that is, from the time the petition sheets are tendered to the City Clerk to the time the City Clerk either issues an amended temporary receipt under Rule 9.9 or rejects the petition for insufficiency.

Responsibility of Petitioners for Correct Form

8.8 The City Clerk shall have the right, at any time, to review, challenge or reject an initiative or referendum petition on the basis of any legal or procedural insufficiency, including but not limited to the petition's failure to address legislation that is subject to the initiative or referendum process. The City Clerk's administration of the initiative and referendum process does not represent an acceptance or review of the petition, and the absence of objection at any particular time does not bar subsequent rejection of the initiative or referendum petition by the City.

CHAPTER NINE

EXAMINATION OF INITIATIVE AND REFERENDUM PETITIONS BY THE CITY CLERK

General Considerations

9.1 Under controlling legislation, the City Clerk is responsible for the verification of signatures contained in initiative or referendum petitions.

9.2 The signature examination and verification process is intended to determine whether the petitioners' have filed a sufficient number of signatures for the City Clerk to certify the initiative or referendum petition to Mayor and Council for action, pursuant to controlling legislation.

Defects in the Signature Sheets and the Circulators' Affidavits

9.3 The City Clerk shall examine the petition for defects. A signature sheet is subject to rejection where the circulator's affidavit:

A. Is not completed or signed by the circulator;

B. Is not notarized;

C. Is missing the notary's signature;

D. Has been notarized by a notary whose commission has expired;

E. Does not have the notary's seal affixed or whose seal is not in compliance with the Arizona Revised Statutes relating to notaries public and the Secretary of State's Arizona Notary Public Reference Manual;

F. Does not bear a notarization date;

G. Contains signatures of the circulator, notary or both that are dated earlier than the dates on which any electors signed the signature page of the initiative or referendum signature sheet;

H. Is attached to a page where the circulator failed to cross out and initial any blank signature lines at the time of or prior to notarization;

I. Are circulated by a circulator who is prohibited from participating in any election, initiative, referendum or recall campaign pursuant to A.R.S. § 19-119.01(D);

J. The circulator did not mark whether they are a paid circulator or a volunteer;

K. It is, in the opinion of the City Clerk, otherwise defective.

Defects in the Format of the Submitted Petition

9.4 Signatures on a signature sheet with a defective circulator's affidavit shall **not** be included in the count of signatures eligible for verification, and shall be ineligible for inclusion in the total of valid signatures.

9.5 The disqualification of a signature sheet results in the invalidity and removal of all signatures on that signature sheet, but not necessarily all signature sheets circulated by that circulator without an independent reason for disqualification for each signature sheet.

9.6 The City Clerk shall examine the petition for improper formatting. Examples of improperly formatted pages include, but are not necessarily limited to, the following:

A. Signature sheets that are not attached to a full and correct copy of the title and text of the measure being proposed or referred;

B. Any petition page that does not bear the words "Tucson, Arizona" and the date of issuance of the petition application number in the upper right-hand corner;

C. Signature sheets that either do not themselves bear the City Clerk's official petition number in the lower right-hand corner, or that are attached to title and text pages which do not bear the official petition number, or that have both of these defects;

NOTE: Subsection C shall not apply to signature sheets submitted in compliance with Rule 6.10 of these rules and regulations, which permits identification of referendum petitions through citation of the ordinance number.

D. Signature sheets which are themselves, or whose attached title and text pages are, damaged in such a manner that the format or legibility of the petition is both in violation of these rules and regulations and beyond correction (e.g. the official petition number is torn off, the title and text is missing, etc.);

E. Statutory language is missing from the signature sheet, including but not limited to the "Notice to Voters", the "Warning" and the "Voter Statement";

Signatures on or attached to improperly formatted pages of the petition shall not be included in the count of signatures eligible for verification. Further, they shall be ineligible for inclusion in the total of valid signatures, **provided that** where the damage, illegibility or other improper formatting occurs on the signature sheet itself and affects only a portion of the signatures, the City Clerk may, in the City Clerk's discretion, accept for examination and verification under this Chapter those signatures which are not damaged, illegible or otherwise improperly formatted.

Facial Defects in the Signatures and their Accompanying Information

9.7 The City Clerk shall examine the individual signatures (or signature lines) contained on each numbered signature sheet of the petition. A signature is not eligible for verification, and is ineligible for inclusion in the total number of valid signatures, if it meets any of the following criteria:

A. The signature is missing from the signature line;

B. The residence address or description of the residence location is missing (street and number; and/or if no street address, described residence location);

C. The date of signing is missing or incomplete (to be complete, the date must include the month, day and year);

D. There is more than one signature placed on the numbered signature line, in which case only the signature which is actually on the line will be eligible for verification and all other signatures shall be rejected;

E. There is an excess of 15 signatures on the signature sheet, the one(s) in excess shall be rejected;

F. The signature has been withdrawn, pursuant to controlling legislation;

G. The date of signature is after the date on which the Affidavit of Circulator was notarized;

H. The signature or accompanying information are, in the opinion of the City Clerk, otherwise insufficient or defective;

I. The date the circulator or notary signed is earlier than the date the sheet was signed.

J. Signatures which have been crossed out, or otherwise defaced, prior to being received by the City Clerk are not eligible for verification, and are ineligible for inclusion in the total of valid signatures.

K. Signatures on referendum petitions where the ward number has not been entered;

L. Signatures on petitions where the circulator has printed the elector's first and last name or other information in violation of controlling legislation.

Additional Defects

9.8 The City Clerk shall also examine the petition for void signatures. As used in these rules and regulations, a signature is **void** if:

A. The signature appears on a signature sheet that was circulated by a county recorder, a justice of the peace, or a circulator who is not qualified to register to vote in the State of Arizona at the time of circulation of the signature sheet;

B. The signature was obtained by a political committee proposing the initiative or referendum, or any of its officers, agents, employees or members, prior to the filing of the committee's Statement of Organization or $500 Threshold Exemption Statement with the City Clerk.

Void signatures are ineligible for inclusion in the count of sufficient signatures and shall not be counted in determining the legal sufficiency of the petition.

Amended Temporary Receipt to Person(s) Submitting Petition or Immediate Rejection of Facially Insufficient Petition

9.9 If, after an examination pursuant to Rules 9.3 through 9.8, and removal of ineligible signatures, the number of facially eligible signatures remaining on the signature sheets appears to equal or exceed the minimum number required, the City Clerk shall issue an amended temporary receipt to the petitioners', which shall list the number of signature sheets in the possession of the City Clerk, and also the total number of signatures eligible for further examination and verification which are in the possession of the City Clerk.

9.10 The issuance of a temporary receipt to the petitioners' shall not preclude:

A. The continuation or repetition of any examinations carried out prior to its issuance;

B. The initiation of examinations or verifications not yet begun;

C. Any other activities the City Clerk deems necessary to make a thorough, accurate and complete examination of the petition;

D. The exclusion from the total of valid signatures of any signatures found ineligible, invalid or **void** under the criteria of this Chapter.

9.11 If, after completion of the procedures described in Rules 9.3 through 9.8, the number of signatures remaining on the sheets which are eligible for verification does not appear to equal or exceed the minimum number required, the City Clerk shall reject the initiative or referendum petition and immediately return it to petitioners', without prejudice to the filing of a new petition for the same purpose. In the case of referendum, however, the deadline for submission of a sufficient petition under the Tucson City Charter, Chapter XX, § 1 shall remain applicable and does **not** begin to run anew.

Generation of Random Sample

9.12 After issuing the temporary receipt to the petitioners' for the initiative or referendum petition, the City Clerk shall at random, select five (5%) percent of the signatures

determined to be eligible for verification. The random sample signatures to be verified shall be drawn in such a manner that every signature filed with the City Clerk has an equal chance of being included in the sample (pursuant to controlling legislation).

Verification of Signatures in Random Sample

9.13 The City Clerk shall verify the genuineness and eligibility of the signatures selected for the random sample pursuant to controlling legislation.

Determination of Number of Valid Signatures

9.14 The City Clerk shall determine the total number of valid signatures in the initiative or referendum petition.

A. All signatures on signature sheets of the petition obtained by unqualified circulators or containing a defective circulator's affidavit that have not been subtracted previously pursuant to procedures set forth in Rules 9.3 through 9.8;

B. If a signer has unintentionally signed more than once, all but one otherwise valid signature shall be ineligible for inclusion in the total of valid signatures;

C. All signatures on the signature sheets of the petition that were found to be invalid in the random sample, and any other signatures found ineligible by the City Clerk that were not subtracted; pursuant to rule 9.14(A) and (B);

D. After determining the percentage of all signatures found to be invalid in the random sample (by dividing the number of invalid signatures in the random sample by the total number of signatures in the random sample), a like percentage from those signatures remaining after the subtractions performed pursuant to Rule 9.14(A), (B) and (C) immediately above.

9.15 If the total number of valid signatures remaining after the subtractions required by Rule 9.14 is less than one hundred percent of the minimum number required by the Arizona Constitution and the Tucson City Charter, or if the actual number of signatures on the remaining sheets is less than one hundred percent, the City Clerk shall immediately return the original signature sheets filed by the petitioners, along with a certified statement that the petition lacks the minimum number of signatures to be placed on the ballot.

CHAPTER TEN

CERTIFICATION OF INITIATIVE AND REFERENDUM PETITIONS BY THE CITY CLERK

10.1 The City Clerk is responsible for, and shall exercise final control over, all aspects of the certification process relating to City initiative and referendum petitions. In the event of evidence of fraud or other circumstances that the City Clerk determines may affect the security or integrity of the initiative or referendum petition, the City Clerk shall consult with the City Attorney to take additional steps necessary to ensure the security and integrity of the initiative and referendum petition process and the proper validation of signatures. The precise steps will be determined on a case-by-case basis.

10.2 The City Clerk shall issue to the petitioners' a certificate stating that a **sufficient** number of signatures have been filed if the following criteria has been met:

- The actual number of valid signatures, after an examination and verification of each signature filed, pursuant to Rule 9.14, and after the subtractions required by Rule 9.14(A) through (D) equals or exceeds the minimum number required by the Charter.

10.3 The City Clerk shall issue a certificate stating that **an insufficient** number of signatures have been filed, and at once notify in writing one (1) or more of the persons designated on the petition as filing same if the following criteria has been met:

- The total number of valid signatures remaining after the subtractions required by Rule 9.14(A) through (D) is less than one hundred percent (100%) percent of the minimum number required by the Charter; or

10.4 In the case of an insufficient **referendum** petition, upon issuing the certificate of insufficiency, the City Clerk shall immediately return the petition to one (1) of the petitioners' along with a facsimile of the County Recorder's Certification.

10.5 In the case of an insufficient **initiative** petition, upon issuing the certificate of insufficiency the City Clerk shall immediately return the petition to one (1) of the petitioners', without prejudice to the filing of a new petition for the same purpose within the time period required by the Tucson City Charter and the Tucson City Code.

10.5 If the City Clerk certifies to Mayor and Council that an initiative or referendum petition is sufficient, the City Clerk shall proceed to submit the petition with the certificate to the Mayor and Council for such action as is required by the provisions of the Tucson City Charter and Tucson City Code.

10.6 The original copy of all petitions filed with the City Clerk, and subsequently certified as sufficient, shall be kept by the City Clerk for two (2) years after the filing of the petition.

CHAPTER ELEVEN

CAMPAIGN FINANCE REPORTING REQUIREMENTS DURING PETITION DRIVES

In addition to any filings of campaign finance reports required under A.R.S. § 16-913 or any successor provision(s), the petition drive political committee that applied for the petition or petition number shall also file campaign finance reports as listed in this chapter.

11.1 It is the intent of this Chapter that the procedures for reporting shall, to the extent possible, be consistent with those found in A.R.S. § 16-901 et. seq. or any successor provisions.

11.2 As used in this Chapter:

A. "Contribution" means any gift, subscription, loan, advance or deposit of money or anything of value made for the purpose of influencing an election including supporting or opposing the circulation of a petition for a ballot measure, question or proposition.

B. "Identification" means (a) for an individual; a name, mailing address, occupation and the name of the individual's employer, (b) for any other person, including a political committee, the full name and mailing address of the person. For a political committee, identification includes the identification number issued on the filing of a statement of organization.

C. "Initiative or Referendum Petition Drive" means the circulation of any City of Tucson initiative or referendum petition. A petition drive is deemed to be occurring independent of whether the petition is being actively circulated at any particular point in time, is actually filed with the City Clerk for examination and certification, or is certified sufficient by the City Clerk.

D. "Initiative or Referendum Political Committee" means a political committee organized, conducted, or combined for the purpose of influencing the result of any petition drive. This term includes, but is not limited to, political committees organized to circulate, support or oppose petitions.

11.3 All reports shall be on forms prescribed by the City Clerk and shall be filed with the City Clerk during regular office hours.

11.4 An initiative or referendum political committee shall have a chairperson and a treasurer. The position of chairperson and treasurer of a single political committee may not be held by the same individual.

11.5 An initiative or referendum political committee shall preserve all of its financial records regarding contributions and expenditures for not less than thirty-six (36) months from the date of issuance of the petition number by the City Clerk of any initiative or referendum petition(s) to which the financial records relate.

11.6 In addition to the requirements of Arizona Revised Statutes § 16-913 or any successor provision(s), an initiative or referendum political committee shall file a statement of contributions and expenditures with the City Clerk at the following points in time:

A. Sixty (60) days after the date of issuance of the petition number for any initiative or referendum petitions(s) by the City Clerk, or on the date of filing any initiative or referendum petition(s), whichever is earlier.

B At the time of filing of any initiative or referendum petition(s) filed more than sixty (60) days after the date of issuance.

C Thirty days (30) after the filing of any initiative or referendum petition(s).

D. On or before January 31st and June 30th of each year until there are no contributions or expenditures received or made that have not been previously reported and a termination statement has been filed.

11.7 Any statement of contributions and expenditures filed pursuant to this Chapter shall show the following for the period between the opening reporting date and the closing reporting date:

1. The aggregate sum of all contributions received;

2. An itemized listing of those contributions with a monetary value of more than fifty dollars ($50), showing the specific amount and the identification of the contributor;

3. An aggregate sum and itemized listing of all expenditures made.

11.8 The opening reporting date to be included in any statement of contributions and expenditures filed pursuant to this Chapter is the date on which the first previously unreported contribution or expenditure was received or made by an initiative or referendum political committee.

11.9 The closing reporting date to be included in any statement of contributions and expenditures filed pursuant to this section is the ten (10) days prior to the filing of the statement.

11.10 The treasurer of the initiative or referendum political committee shall sign and swear to the statement of contributions and expenditures required pursuant to this section.

11.11 An initiative or referendum political committee which receives a contribution with a value of over twenty-five hundred dollars ($2,500) shall report the contribution to the City Clerk within 24 hours after actual receipt, excluding Saturdays, Sundays and other legal holidays.

11.12 The City Clerk shall preserve all filings made pursuant to this Chapter for a period of three (3) years from the date of the issuance of a petition number for any initiative or referendum petition(s) to which the filings relate.

Unlawful Acts

11.13 It is unlawful under the Tucson Code for any person or initiative or referendum political committee to fail to comply with the requirements of this Chapter.

11.14 It is unlawful under the Tucson Code for any treasurer of any initiative or referendum political committee to fail to sign and swear to any statement or report required by this Chapter.

11.15 As provided in the Tucson Code, it shall be a civil infraction for any person or initiative or referendum political committee to make any statement or report required by this Chapter, and therein knowingly to misrepresent or misstate or knowingly fail to fully disclose the facts as to any contribution or expenditure required to be reported under this Chapter.

11.16 Where an initiative or referendum political committee has failed or refused to file any statement or report required by this Chapter, it is unlawful under the Tucson Code for the initiative or referendum political committee to continue its activities, receive contributions, or make or promise to make any expenditure until the required statement or report is filed.

11.17 The provisions of this section supplement, and do not supersede, any civil or criminal penalties provided under state law, and are in addition to any other rights or remedies available to the city.

CHAPTER TWELVE

OTHER REQUIREMENTS, PROHIBITIONS, AND SANCTIONS

Deceptive Mailings

12.1 An individual or committee is prohibited from attempting to influence the outcome of an election by delivering or mailing any documents that:

A. Purports to be authorized, approved, required, sent or reviewed by the State government, a county, city, or town, or any other political subdivision:

B. Falsely simulates a document from any of these governmental entities.

C. The penalty for deceptive mailings (civil penalty) is equal to twice the total cost of the mailing, or five hundred dollars ($500) whichever amount is greater.

Campaign Finance Reporting – Failure To File/Late Filings

12.2 A.R.S. § 16-918 specifies significant penalties for failure to file the Campaign Finance Reports and/or false reporting.

12.3 There is a late penalty of ten dollars ($10) for each business day the report is late up to a maximum of four hundred and fifty dollars ($450). By law, the City Clerk cannot accept a late report unless any penalties owed are paid when the report is filed.

12.4 If the report is not received by the City Clerk within fifteen (15) days after receiving a notice of delinquency, the committee, candidate or designating individual is liable for a penalty of twenty-five ($25) for each additional day that the filing is late.

12.5 There is a failure to make and file a report by the treasurer, the chairperson, the designating individual, or the candidate if any of the following occur:

(a) the report is not filed in a timely manner; *or*

(b) the report is not properly signed; *or*

(c) a good faith effort is not made to substantially complete the report.

12.6 A.R.S. § 16-918 requires the following:

- If a political committee fails to file three consecutive Campaign Finance Reports, the City Clerk shall send the committee chairman and treasurer a written Notice of Intent to suspend the Political Committee.

- The Notice of Intent to Suspend the Political Committee shall state that failure of the political committee to fully comply with all filing requirements for that committee,

including any required payments, within thirty days of the date of the notice shall result in suspension of the political committee's authority to operate in the City of Tucson.

- The City Clerk is not longer required to provide any further Notice of Delinquency to the political committee.

- This does not reduce or eliminate the political committee's continuing obligation to make campaign finance filings and pay any fines, penalties, civil penalties or other sanctions that may continue to accrue as otherwise provide by law.

Unlawful acts; violations; classifications

12.7 Pursuant to A.R.S. § 19-115 every qualified elector of the state may sign a referendum or initiative petition upon any measure which he is legally entitled to vote upon.

12.8 Pursuant to A.R.S. §19-115 a person knowingly signing any name other than his own to a petition, except in a circumstance where he signs for a person, in the presence of and at the specific request of such a person, who is incapable of signing his own name, because of physical infirmity or knowingly signing his name more than once for the same measure, or proposed constitutional amendment, at one election, or who is not at the time of signing a qualified elector of this state, or any officer or person knowingly violating any provision of this chapter, is guilty of a class 1 misdemeanor unless another classification is specifically prescribed in this title.

Coercion of Intimidation with Respect to Petitions; Classification

12.9 Pursuant to A.R.S. § 19-116 a person who knowingly coerces any other person by menace or threat, or threatens any other person to the effect that the other person will or may be injured in his business, or discharged from employment, or that he will not be employed, to sign or subscribe, or to refrain from signing or subscribing his name to an initiative or referendum petition, or after signing or subscribing his name, to have his name taken therefrom, is guilty of a class 1 misdemeanor.

Destroying, Suppressing or Filing false Initiative or Referendum Petition, Classification

12.10 Pursuant to A.R.S. § 19-129 a person filing an initiative or referendum petition or measure who, at the time of filing the petition or measure, knows it is falsely made, or who knowingly destroys or suppresses an initiative or referendum petition or measure, or any part thereof, which has been duly filed with the officers of the state, or of any political subdivisions thereof, as provided by this chapter, is guilty of a class 1 misdemeanor.

Left Blank Intentionally

CHAPTER THIRTEEN

GLOSSARY OF TERMS

Affidavit of Circulator: The reverse side of the Signature Sheet. Contains the names and addresses of the petitioners as well as the notarized statement by the circulator of the petition sheet.

Amended Temporary Receipt: receipt issued by the City Clerk after a determination is made of the actual number of petition sheets filed and the estimated number of signatures eligible for examination.

At All times During Circulation: means the entire period from the time the circulator receives any blank initiative or referendum petition for circulation until the time the circulator's signature on the affidavit for that signature sheet is notarized.

Circulator: the individual who obtained signatures on a particular signature sheet of the petition.

Date of Issuance: the date entered on the *Application for an Initiative or Referendum Petition Number* by the City Clerk. Must appear in the upper right hand corner of each and every page of the petition.

Initiative: the power of the qualified electors of the City of Tucson to propose an amendment to the Tucson Charter for submission to a vote of the electorate; or to propose and ordinance for adoption by the Mayor and Council or submission to a vote of the electorate.

Insufficient: petition that does not contain enough valid signatures. In that instance, the City Clerk will issue a certificate of insufficiency and return the petitions to the petitioners.

Paid Circulator: The definition of a paid circulator means a natural person who receives monetary or other compensation that is based on the number of signatures obtained on an initiative or referendum petition or on the number of initiative or referendum petitions circulated that contain signatures. It does not include a paid employee of any political committee organized pursuant to Arizona Revised Statutes, Title 16, Chapter 6, unless that employee's primary responsibility is circulating petitions to obtain signatures.

Petition: includes the signature page, the circulator's affidavit, and the title and text page(s).

Procurer (Petitioner): one of three (3) people responsible for the petition and who are notified of all proceedings actions taken in reference to the petition.

Qualified Elector: A person who is qualified to register to vote pursuant to section Arizona Revised Statutes § 16-101.

- Citizen of the United States
- Will be 18 years of age or more on or before the date of the next regular general election
- Will have been a resident of the state 29 days before the election
- Is able to write his or her name or make a mark, unless prevented from doing so by a physical disability
- Has not been convicted of treason or a felony, unless restored to civil rights.
- Has not been adjudicated an incapacitated person

Random Sample: a sampling of five percent (5%) of the signatures on the petition selected at random and sent to the Pima County Recorder for voter registration verification.

Referendum: the power of the qualified electors of the City of Tucson to submit a petition to require the Mayor and Council to reconsider and repeal a specified ordinance or part of a specified ordinance or to submit it to a vote of the electorate.

Signature Sheet: The sheet on which the signers enter their printed name, sign in the box indicated, enter their address and the date of signing.

Statement of Organization: Form used to register political committees. Contains the name and address of the political committee, as well as the names and addresses of the chairperson and treasurer. Must be filed with the City Clerk prior to circulating petitions, accepting contributions or making expenditures.

Sufficient: the number of signatures equals or exceeds the minimum number required.

Temporary Receipt: receipt issued by the City Clerk immediately upon the filing of the petition and based on the petitioners' estimation of the number petitions and the number of signatures filed.

Title and Text: describes the subject of the petition. Material deleted must be indicated in strike-through font. Material added must be printed in capital letters. In the case of a referendum petition, the Title and Text must include a complete copy of the ordinance sought to be referred, including signatures. Required annotations are "Tucson, Arizona" and the date of issuance in the top right corner, and the petition number (or ordinance number) in the bottom right corner.

APPENDIX

1. EXCERPT FROM THE TUCSON CITY CHARTER

A. Chapter XIX. The Initiative i
B. Chapter XX. The Referendum iii

2. EXCERPT FROM THE TUCSON CITY CODE

A. Chapter 12, Section 12-1.3 v
B. Chapter 12, Article IV. Initiative vi
C. Chapter 12, Article V. Referendum ix
D. Chapter 12, Article VII. Campaign Finance Reporting during Initiative, Referendum, and Recall xi

3. SAMPLE DOCUMENTS RELATING TO INITIATIVE AND REFERENDUM

A. APPLICATION FOR INITIATIVE PETITION NUMBER xv

1. INITIATIVE PETITION TITLE AND TEXT PAGE xvii

2. INITIATIVE PETITION SIGNATURE SHEET xix

3. AFFIDAVIT OF CIRCULATOR SHEET xx

B. APPLICATION FOR REFERENDUM PETITION NUMBER xxi

1. REFERENDUM PETITION TITLE AND TEXT PAGE xxiii

2. REFERENDUM PETITION SIGNATURE SHEET xxv

3. AFFIDAVIT OF CIRCULATOR SHEET xxvi

C. AFFIDAVIT OF WITHDRAWAL OF PETITION SIGNATURE xxvii

D. STATEMENT OF ORGANIZATION FOR POLITICAL COMMITTEES xxix

Page Left Blank Intentionally

CHAPTER XIX. THE INITIATIVE*

Sec. 1. Petition authorized; number of signatures.

Any proposed ordinance may be submitted to the mayor and council, by a petition signed by fifteen (15) percent of the qualified electors of the city, computed on the vote for the candidates for mayor at the last preceding general municipal election at which a mayor was elected.

Sec. 2. Form of initiative petition.

Any proposed ordinance, desired to be submitted to the mayor and council, shall be presented upon a petition substantially in the following form:

"Tucson, Arizona .....

To the Clerk of the City of Tucson:

We, the undersigned, residents of the City of Tucson, Arizona, and duly qualified electors therein, do hereby submit and propose to you, for adoption, the following ordinance, and request that action be taken by you relative to the adoption or rejection of such proposed ordinance, at the earliest possible moment, and that the same be forthwith submitted to a vote of the people, to-wit:

(Here insert the proposed ordinance in full.)

Name of signer _____ Ward No. _____

Address _____ Date _____

***Cross reference(s)--**Legislation generally, ch. IX.

(continued)

STATE OF ARIZONA,)
) ss.
COUNTY OF PIMA,)

_____, being first duly sworn, on oath deposes and says that _____ is a resident and duly qualified elector of the City of Tucson, Arizona; that the signatures appearing hereinabove are the genuine signatures of the persons whose names they bear, and that each and all of them are residents and duly qualified electors of the City of Tucson; that the names of the persons procuring the said petition and who should be notified of all proceedings and action taken in reference to such petition, are (here insert the names of three (3) persons, and their addresses).

Subscribed and sworn to before me this

_____ day of _____, 19 _____.

Notary Public, Pima County, Arizona

_____

My Commission expires:

_____

State law reference(s)--See additional restrictions, Arizona Constitution, article 4, part 1, § 1(9), regarding requirement that electors must sign in the presence of circulator of petition.

Sec. 3. Provisions relative to recall applicable to initiative.

The provisions of chapter XXI of this Charter, insofar as they relate to the method of filing with, examination and certification by, the clerk, reference of petition to the mayor and council, and notification of presenters of said petition by the clerk, as therein set out, relative to petitions for the recall of officers, shall apply to petitions for initiative and the submission of any proposed ordinance.

Sec. 4. Mayor and council to either adopt ordinance or call election.

If the petition accompanying the proposed ordinance be signed by electors equal in number to fifteen (15) percent of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and contains a request that said ordinance be forthwith submitted to the vote of the people at the special election, then the mayor and council shall either:

(a) Pass said ordinance, without alteration, within twenty (20) days after the attachment of the clerk's certificate to the sufficiency of the accompanying petition, (subject to a referendary vote, under the provisions of chapter XX of this Charter); or

(b) Within twenty-five (25) days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the mayor and council shall proceed to call a special election, at which said ordinance without alteration shall be submitted to the vote of the people.

Sec. 5. Printing and publication of propositions required to be submitted to voters.

Whenever any ordinance or proposition is required by this Charter to be submitted to the voters of the city at any election, the mayor and council shall order such ordinance or proposition to be printed in the official

(continued)

newspaper of the city, and published in like manner as ordinances adopted by the mayor and council are required to be published.

Cross reference(s)--Publication of ordinances, ch. IX, § 8.

Sec. 6. Form of ballots; proclamation of results of election.

The ballots used in voting upon such proposed ordinance, shall contain a complete copy of such proposed ordinance, together with the words "yes" or "no," in such manner that the electors may express at the polls their approval or disapproval of the measure, substantially as follows:

(Insert the ordinance or other questions to be voted upon:

(_____) Yes (_____) No

If, upon the completion of the canvass of the vote cast, it shall be found in favor of the ordinance, the mayor shall forthwith issue a proclamation, giving the whole number of votes cast for or against the ordinance, and declare such ordinance, as approved by a majority of those voting thereon, to be effective and operative.

Sec. 7. Number of proposed ordinances to be voted on not limited.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this chapter.

Sec. 8. Limit on number of special initiative elections.

There shall not be held under this chapter more than one (1) special election in any period of twelve (12) months.

Sec. 9. Repeal or amendment of initiated ordinances.

The mayor and council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general municipal election, and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly; an ordinance proposed by petition, and adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

Sec. 10. Additional powers of mayor and council.

The mayor and council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this chapter.

CHAPTER XX. THE REFERENDUM*

Sec. 1. Limitation of effective date of ordinances; petition referendum; reconsideration of ordinances; election required; applicability of recall provisions.

No ordinance passed by the mayor and council shall go into effect before thirty (30) days from the time of its final passage, except as otherwise provided in this chapter.

If, during the said thirty (30) days, a petition by qualified electors of the city, equal in number to at least ten (10) percent of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, protesting against the passage of such ordinance, or any item, section ***Cross reference(s)--Legislation generally, ch. IX.** ***(continued)***
or part thereof, be presented to the mayor and council, such ordinance or item, section, or part thereof protested, shall be suspended from going into operation, and it shall be the duty of the mayor and council to reconsider such ordinance, and if the same, or item, section or part thereof protested be not repealed, the mayor and council shall submit the ordinance or item, section or

part thereof protested, as is provided in chapter XXI of this Charter, to the electors of the city, either at the next general election or at a special election to be called for that purpose; and such protested ordinance or protested item, section or part thereof shall not go into effect or become operative unless a majority of the qualified electors, voting on the same, shall vote in favor thereof, and until the proclamation of the mayor is made, as provided in section 6, chapter XIX, of this Charter.

The provisions of chapter XXI of this Charter, respecting the form, filing, certification, rejection and action on recall petitions, shall apply to petitions of the kind referred to in this chapter, with such modification as the nature of the case may require; but nothing in said chapter XXI shall be construed to extend the time for completing and filing a good and sufficient petition for referendum beyond the said period of thirty (30) days.

Cross reference(s)--Effective date of ordinances and exceptions for emergency measures, ch. IX, §§ 8, 10.

Sec. 2. Submission of ordinances to electors upon motion of mayor and council; submission of additional questions at special elections; conflicting measures adopted by electors.

Any ordinance or measure that the mayor and council, or the qualified electors of the city, shall have the authority to enact, the mayor and council may, of their own motion, submit to the electors for adoption or rejection, at a general or special municipal election, in the same manner, and with the same force and effect, as is provided in this chapter for ordinances or measures submitted on petition. At any special election called under the provisions of this Charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may legally be submitted at such election. If the provisions of two (2) or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

Sec. 3. Additional powers of mayor and council.

The mayor and council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this chapter.

CHAPTER 12, ARTICLE I
IN GENERAL

Sec. 12-1.3. City clerk may promulgate rules, regulations, procedures, and forms necessary to conduct city elections and carryout provisions of this chapter and of Charter.

The city clerk is authorized to promulgate rules, regulations, procedures, and forms necessary to conduct city elections and to carry out the provisions of this chapter and of Tucson Charter Chapters XVI, XIX, XX, and XXI.

(Ord. No. 10269, § 3, 4-18-06)

CHAPTER 12, ARTICLE IV. INITIATIVE

Sec. 12-51. Petition authorized; number of signatures.

Any proposed ordinance or amendment to the Charter of the City of Tucson may be submitted to the mayor and council by a petition signed by fifteen (15) percent of the qualified electors of the city, computed on the vote for the candidates for mayor at the last preceding general municipal election at which a mayor was elected.

(Ord. No. 6179, § 2, 2-19-85)

Sec. 12-52. Application to circulate petitions.

A person or persons intending to circulate an initiative petition shall, before causing the petition to be printed and circulated, file with the city clerk an application on a form to be provided by the city clerk, setting forth the names and addresses of three (3) individuals to be contacted, stating an intent to circulate and file a petition. This application shall be accompanied by the complete text of the proposed ordinance to be initiated.

(Ord. No. 6179, § 2, 2-19-85)

Sec. 12-53. Form of petition.

Any initiative petition desired to be submitted to the mayor and council shall be presented upon a petition which has been printed and numbered in the form prescribed by the city clerk.

(Ord. No. 6179, § 2, 2-19-85)

Sec. 12-54. Circulation of petition.

(a) At the time of circulation, each signature sheet of an initiative petition must have affixed to it a full and correct copy of the proposed initiative measure.

(b) No county recorder or justice of the peace and no person other than a person qualified to register to vote in the State of Arizona shall circulate an initiative petition and all signatures verified by any such person shall be void and shall not be counted in determining the legal sufficiency of the petition.

(c) Signatures obtained on an initiative petition by a campaign committee proposing the initiative or any of its officers, agents, employees or members prior to the filing of the committee's statement of organization with the city clerk are void and shall not be counted in determining the legal sufficiency of the petition.

(d) At all times during the circulation of any initiative petition page, the circulator of that page shall be a person qualified to register to vote in the State of Arizona.

(e) Each circulator of any petition page shall personally receive sufficient information from each signer of the page, at the time the signature is obtained, to ensure that the circulator can, as to all signers of that page, depose and state in the affidavit required by the charter that each signature is genuine, and that each signer is a resident and qualified elector of the City of Tucson.

(continued)

(f) The circulator of any petition page shall retain direct custody and control of the page at

all times during circulation, except when a signer is signing; personally give the page to, and take it from, each signer; and personally observe each signer of the petition page actually sign the petition. For purposes of this subsection, the term "at all times during circulation" means the entire period from the time the circulator receives any blank initiative petition page for circulation until the time the circulator's signature on the affidavit for that page is notarized.

(g) Each circulator of any petition page shall cross out and initial any blank signature lines on the page prior to, or at the time, the circulator's signature on the affidavit for that page is notarized.

(h) The provisions of this section shall also apply to the circulation of any referendum or recall petition.

(Ord. No. 6179, § 2, 2-19-85; Ord. No. 7915, § 2, 10-5-92; Ord. No. 9185, § 1, 1-25-99; Ord. No. 9576, § 1, 7-2-01)

Sec. 12-55. Filing initiative petition; procedures and timing.

All petition forms with attached signature sheets will be filed with the city clerk as one (1) instrument, in the order and form prescribed by the city clerk. Initiative petitions which have not been filed with the city clerk as of 5:00 p.m. on the day four (4) months prior to the ensuing general election after their issuance, shall be null and void; but in no event shall the city clerk accept an initiative petition which was issued for circulation more than twenty-four (24) months prior to the date of the election at

which the measure is to be included on the ballot.

(Ord. No. 6179, § 2, 2-19-85)

Sec. 12-56. Procedure for withdrawing signatures.

Qualified electors desiring to withdraw their signatures may do so by executing and filing with the city clerk an affidavit in the form prescribed by the city clerk, any time prior to the time the petition is filed with the city clerk, pursuant to section 12-55.
(Ord. No. 6179, § 2, 2-19-85; Ord. No. 7915, § 2, 10-5-92)

Sec. 12-57. Issuance of temporary receipt to the petitioners.

Upon receipt of a petition, the city clerk shall count the number of sheets submitted in proper format and return improperly formatted sheets to the petitioners. If the sheets appear to contain a number of signatures equal to or exceeding the minimum number required, the city clerk shall issue a receipt to the person or persons submitting the petition.

(Ord. No. 6179, § 2, 2-19-85)

Sec. 12-58. Examination and certification of petitions.

After issuing the temporary receipt, the city clerk shall, at random, select five (5) percent of the signatures filed with each petition for verification of eligibility. The random sample of signatures to be verified shall be drawn in such a manner that every signature filed with the city clerk has an equal chance of being included in the sample.

(a) Within ten (10) days after the petition is filed, excluding Saturdays, Sundays and legal holidays, the city clerk shall have

(continued)

determined the percentage of signatures found to be invalid in the random sample. The city clerk shall determine the total number of valid signatures by subtracting from the total number of eligible signatures as determined

pursuant to the rules and regulations promulgated pursuant to the provisions of section 12-7 of this chapter in the following order:

(1) All signatures on signature sheets of the petition obtained by unqualified circulators or containing a defective circulator's affidavit.

(2) All signatures on the signature sheets of the petition that were found to be invalid in the random sample, and any other signatures found ineligible by the city clerk that were not subtracted pursuant to paragraph (1) of this subsection.

(3) After determining the percentage of all signatures found to be invalid in the random sample, a like percentage from those signatures remaining after the subtraction performed pursuant to paragraphs (1) and (2) of this subsection.

(b) If the actual number of signatures after certification, pursuant to subsection (c) of this section, on the remaining sheets after any such subtraction equals or exceeds the minimum number required by the Charter or if the number of valid signatures as projected from the random sample, pursuant to subsection (a), is at least one hundred five (105) percent of the minimum number required by the Charter, the city clerk shall issue a receipt to the persons that submitted them stating that a sufficient number of signatures have been filed.

(c) If the number of valid signatures as projected from the random sample is less than one hundred five (105) but greater than ninety-five (95) percent of the minimum number required by the Charter, then the city clerk shall order the examination and verification of each signature filed.

(d) If the number of valid signatures as projected from the random sample is less than ninety-five (95) percent of the minimum number required by the Charter or if the actual number of signatures on the remaining sheets after any such subtraction from the random sample or after certification fails to equal or exceed the minimum required by the Charter, the city clerk shall issue a certificate stating that an insufficient number of signatures have been filed.

(Ord. No. 6179, § 2, 2-19-85; Ord. No. 7915, § 2, 10-5-92; Ord. No. 8099, § 1, 8-2-93; Ord. No. 9576, § 1, 7-2-01)

Sec. 12-59. Procedure when insufficient petition is filed.

If the city clerk's certificate shows the petition to be insufficient, he shall at once notify in writing one (1) or more of the persons designated on the petition as filing the same; additional signatures, properly verified, may be filed at any time within ten (10) days from the filing of the certificate. The clerk shall, immediately after such refiling, make like examination of the additional signatures, and attach thereto his certificate of the result. If still insufficient, or if not additional signatures are so filed, he shall return the petition to one (1) of the persons designated as filing it, without prejudice, however, to the filing of a new petition for the same purpose.

(Ord. No. 6179, § 2, 2-19-85)

(continued)

Sec. 12-60. City clerk to certify sufficient petitions to mayor and council; mayor and council adopt ordinance or call an election.

When the petition shall be found by the city clerk to be sufficient, the city clerk shall submit the same, with the certificate, to the mayor and council; and the mayor and council shall either:

(1) Pass said initiative, without alteration, within twenty (20) days after the attachment of the city clerk's certificate to the sufficiency of the accompanying petition, or

(2) Within twenty-five (25) days after the city clerk shall have attached the certificate of sufficiency to the petition, the mayor and council shall proceed to call a special election at which said initiative without alteration shall be submitted to the vote of the people.

(Ord. No. 6179, § 2, 2-19-85)

Sec. 12-61. Disposition of sufficient petitions.

The original copy of all petitions filed with the city clerk, and subsequently certified as sufficient, shall be kept by the city clerk for two (2) years after filing of the petition.

(Ord. No. 6179, § 2, 2-19-85)

Sec. 12-62. Number of proposed initiative measures to be voted on not limited.

Any number of proposed initiative measures may be voted upon at the same election.

(Ord. No. 6179, § 2, 2-19-85)

Sec. 12-63. Limit on number of initiative special elections.

There shall not be more than one (1) initiative special election in any period of twelve (12) months, and no initiative special election shall be held less than ninety (90) days prior to or following a city primary or general election. In no event shall an initiative special election be called where the initiative petition has not been filed with the city clerk at least four (4) months prior to the date of the special election.

(Ord. No. 6179, § 2, 2-19-85)

Secs. 12-64--12-74. Reserved.

CHAPTER 12, ARTICLE V. REFERENDUM*

Sec. 12-75. Petition authorized; timing and number of signatures.

No ordinance passed by the mayor and council shall go into effect before thirty (30) days from the time of its final passage, except as otherwise provided in the Charter. If during the thirty (30) days, a petition by qualified electors of the city, equal in number to at least ten (10) percent of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, protesting against the passage of such ordinance, or any item, section or part thereof, be presented to the mayor and council, such ordinance or item, section or part thereof protested shall be suspended from going into operation.

(Ord. No. 6179, § 3, 2-19-85)

*Charter reference(s)--Referendum, ch. XX.

(continued)

Sec. 12-76. Provisions relative to initiative applicable to referendum.

The provisions of article IV of this chapter, "initiative," insofar as they relate to applications to circulate petitions, form of petition, circulation of petitions, procedure for withdrawing signatures, filing petitions, examination and certification and disposition of sufficient petitions, as therein set out, relative to initiative petitions, shall apply to referendum petitions.

(Ord. No. 6179, § 3, 2-19-85; Ord. No. 6522, § 1, 9-8-86)

Sec. 12-77. Submission of sufficient petitions to mayor and council; mayor and council repeal the part(s) protested or call an election.

When the petition shall be found by the city clerk to be sufficient, the city clerk shall submit the same, with the certificate, to the mayor and council. It shall be the duty of the mayor and council to reconsider such ordinance; and if the same, or item, section or part thereof protested be not repealed, the mayor and council shall submit the ordinance or item, section or part thereof protested to the electors of the city, either at the next general election or at a special election to be called for that purpose. No special election shall be held less than ninety (90) days prior to or following a city primary or general election, and such protested ordinance or protested item, section or part thereof shall not go into effect or become operative unless a majority of the qualified electors, voting on the same, shall vote in favor thereof, and until the proclamation of the mayor is issued.

(Ord. No. 6179, § 3, 2-19-85)

Secs. 12-78--12-87. Reserved.

CHAPTER 12, ARTICLE VII. CAMPAIGN FINANCE REPORTING DURING INITIATIVE, REFERENDUM AND RECALL PETITION DRIVES

Sec. 12-101. Definitions.

As used in this article, unless otherwise stated:

Contribution, expenditure, identification, and political committee shall all have the same meaning as they have under A.R.S. § 16-901 or any successor provision(s).

Petition means any City of Tucson initiative, referendum, or recall petition.

Petition drive means the circulation of any City of Tucson initiative, referendum or recall petition. A petition drive is deemed to be occurring independent of whether the petition is being actively circulated at any particular point(s) in time, is actually filed with the city clerk for examination and certification, or is certified sufficient by the city clerk.

Petition drive political committee means a political committee organized, conducted, or combined for the purpose of influencing the result of any petition drive. The term includes, but is not necessarily limited to, political committees organized to circulate or oppose petitions.

(Ord. No. 9161, § 2, 11-9-98)

Sec. 12-102. Requirements for petition drive political committees; no receipt of contribution or payments until requirements met; financial records to be preserved.

(a) A petition drive political committee applying for the issuance of a petition or petition number, and not previously registered with the city clerk as a political committee, shall file a statement of organization with the city clerk at the same time the committee files the application for a petition or petition number, and in any event prior to receiving or expending any funds for the purpose of influencing the result of any petition drive.

(b) All other petition drive political committees, specifically including those previously registered as political committees, shall file a statement of organization as a petition drive political committee with the city clerk no later than ten (10) days after becoming a petition drive political committee, and in any event prior to either:

(1) Filing an application for a petition or petition number; or

(2) Receiving or expending any funds for the purpose of influencing the result of any petition drive.

(c) The statement of organization required under subsections (a) or (b) of this section shall comply with the requirements of A.R.S. 16-902.01(B) or any successor provision(s). The petition drive political committee shall file an amended statement of organization reporting any change in the prescribed information within ten (10) days after the change.

(d) The name of each petition drive political committee shall include the name of any sponsoring organization.

(continued)

(e) On the filing of a statement of organization, a petition drive political

committee shall be issued an identification number.

(f) A petition drive political committee shall have a chairperson and treasurer. The position of chairperson and treasurer of a single petition drive political committee may not be held by the same individual.

(g) No petition drive political committee shall receive any contribution, or make or promise to make any expenditure, until the committee has chosen a chairperson and treasurer and filed its statement of organization.

(h) Before any petition drive political committee accepts a contribution or makes an expenditure it shall also designate one (1) or more state banks, federally chartered depository institutions or depository institutions the deposits or accounts of which are insured by the federal deposit insurance corporation or the national credit union administration as its campaign depository or depositories. The petition drive political committee shall notify the city clerk of the designation of the financial institution either at the time of filing its statement of organization or within five (5) business days after opening an account. All withdrawals or disbursements from these accounts require the signature of the treasurer or a designated agent of the petition drive political committee.

(i) All petition drive political committees shall preserve all their financial records regarding contributions and expenditures for not less than thirty-six (36) months from the date of issuance by the city clerk of the petition or petition number to which the financial records relate.

(Ord. No. 9161, § 2, 11-9-98)

Sec. 12-103. Time for filing of statements of contributions and expenditures by petition drive political committees; openings and closing reporting dates.

(a) In addition to any filings of campaign finance reports required under A.R.S. § 16-913 or any successor provision(s), the petition drive political committee that applied for the petition or petition number shall also file campaign finance reports with the city clerk at all the following points in time:

(1) Sixty (60) days after the date of issuance of the petition or petition number by the city clerk, or on the date of filing the petition, whichever is earlier.

(2) At the time of filing a petition filed more than sixty (60) days after the date of issuance.

(3) Thirty (30) days after the filing of the petition, except that in any case where the petition drive political committee that applied for a petition or petition number files additional signatures in response to the city clerk's certificate stating that an insufficient number of signatures has been filed with the petition, the statement shall be filed thirty (30) days after the deadline for filing additional signatures.

(4) On or before January 31st and June 30th of each year until there are no contributions or expenditures received or made that have not been previously reported and a termination statement has been filed.

(b) In addition to any filings of campaign finance reports required under A.R.S. § 16-913 or any successor provision(s), all other petition drive political committees shall also

file campaign finance reports with the city clerk at all the following points in time:

(1) Thirty (30) days after the filing of the petition to which the petition drive political committee's activities relate, except that in any case where the petition drive political committee that applied for a petition or petition number files additional signatures in response to the city clerk's certificate stating that an insufficient number of signatures has been filed with the petition, the statement shall be filed thirty (30) days after the deadline for filing additional signatures.

(2) On or before January 31st and June 30th of each year until there are no contributions or expenditures received or made that have not been previously reported and a termination statement has been filed.

(c) In the case of any petition not filed with the city clerk within the deadline for filing established by the Tucson Charter or Tucson Code, all petition drive political committees shall file campaign finance reports twenty (20) days after the expiration of said deadline.

(d) A campaign finance report filed pursuant to this section shall show the aggregate sum of all contributions received, and of all expenditures made, between the opening reporting date and the closing reporting date, and shall itemize all expenditures and those contributions with a monetary value of more than twenty-five dollars ($25.00), showing the specific amount and the identification of the contributor.

(e) The opening reporting date to be included in any campaign finance report filed pursuant to this section is the date on which the first previously unreported contribution or expenditure was received or made by a petition drive political committee.

(f) The closing reporting date to be included in any campaign finance report filed pursuant to this section is ten (10) days prior to the filing of the statement.

(g) Each campaign finance report required to be filed pursuant to this section shall be signed by the petition drive political committee's treasurer and shall contain the certification of the signer under penalty of perjury that the report is true and complete.

Ord. No. 9161, § 2, 11-9-98)

Sec. 12-104. Regulations for administration and enforcement; preservation of filings by city clerk; interpretation of reporting provisions.

(a) The city clerk is authorized and directed to promulgate regulations for the administration of this article.

(b) The city clerk shall preserve all fillings made pursuant to this article for a period of three (3) years from the date of the issuance of any petition or petition number to which the filings relate.

(c) It is the intent of this article that the procedures for reporting shall, to the extent possible, be consistent with those found in Arizona Revised Statutes Annotated Title 16, Chapter 6 or any successor provision(s).

(Ord. No. 9161, § 2, 11-9-98)

Sec. 12-105. Failure to comply a civil infraction.

(a) It shall be a civil infraction for any person or petition drive political committee to fail

to comply with the requirements of this article.

(b) It shall be a civil infraction for any treasurer of any petition drive political committee to fail to sign and swear to any statement or report required by this article.

(c) It shall be a civil infraction for any person or petition drive political committee to make any statement or report required by this article, and therein knowingly to misrepresent or misstate or knowingly to fail to fully disclose that facts as to any contribution or expenditure required to be reported under this article.

(d) Where a petition drive political committee has failed or refused to file any statement or report required by this article, it shall be a civil infraction for the petition drive political committee to continue its activities, receive contributions, or make or promise to make any expenditure until the required statement or report is filed.

(e) The provisions of this section supplement, and do not supersede, any civil or criminal penalties provided under state law, and are in addition to any other rights or remedies available to the city.

(Ord. No. 9161, § 2, 11-9-98)

Office of the City Clerk - City of Tucson
APPLICATION FOR PETITION NUMBER

Date:

PART I

To be completed and filed by applicant prior to the printing and circulation of the petition

☐ **Attach a copy of the petition (title, text and signature pages) as you intend to circulate.**

The names of the three (3) persons responsible for procuring the initiative petition are:

Procurer # 1	Signature of Procurer	
Home Address & Zip Code	Mailing Address & Zip Code	Phone
Procurer # 2	Signature of Procurer	
Home Address & Zip Code	Mailing Address & Zip Code	Phone
Procurer # 3	Signature of Procurer	
Home Address & Zip Code	Mailing Address & Zip Code	Phone

SAMPLE

APPLICANT AND CONTACT PERSON

Applicant	Signature of Applicant	
Home Address & Zip Code	Mailing Address & Zip Code	Phone
Name of Contact Person	Signature of Contact Person	
Home Address & Zip Code	Mailing Address & Zip Code	Phone

NOTICE: A Political Committee Statement of Organization must be filed before valid signatures can be collected. Signatures obtained prior to the filing of a Statement of Organization are void and shall not be counted in determining the legal sufficiency of any initiative petition.

PART II To Be Completed By The City Clerk

The following petition number must be included in the lower right-hand corner of each and every page of the petition at the time of circulation. The City Clerk shall reject a petition, or any portion thereof, that fails to meet these requirements. Pursuant to provisions of Chapter XIX, of the Tucson City Charter and Section 12-55 of the Tucson Code, the petition bearing the petition number must be filed with the City Clerk during regular business hours in order to be considered for placement on the **November 3, 2015** ballot. In no event shall the City Clerk accept a petition which was issued for circulation more than twenty-four (24) months prior to the date of the election at which the measure is to be included on the ballot. **Petitions are due by 5:00 p.m. on Thursday, July 2, 2015.**

ISSUED BY:	**INITIATIVE PETITION NUMBER:**	
	DATE OF FILING:	
RECEIVED BY:	**DEADLINE FOR FILING:**	
	NUMBER OF SIGNATURES REQUIRED:	

Page Left Blank Intentionally

Title and Text Page

Tucson, Arizona _____
(Date)

Page 1 of _____

CITY OF TUCSON – INITIATIVE PETITION

To the Honorable Mayor and Council, and the City Clerk of the City of Tucson, State of Arizona:

We, the undersigned, residents of the City of Tucson, Arizona, and duly qualified electors therein, do hereby submit and propose to you, for adoption, the following ordinance, and request that action be taken by you relative to the adoption or rejection of such proposed ordinance, at the earliest possible moment, and that the same be forthwith submitted to a vote of the people, to-wit:

(Here insert the proposed ordinance in full)

SAMPLE

PETITION NUMBER_____

Page Left Blank Intentionally

"It is unlawful to sign this petition before it has a serial number."

CITY OF TUCSON **INITIATIVE DESCRIPTION** **" _____ PAID CIRCULATOR" " _____ VOLUNTEER"**

(Insert a description of no more than one hundred words of the principal provisions of the proposed measure or charter amendment.)

Tucson, Arizona _____
(Date of Issuance)

Notice: This is only a description of the proposed measure (or charter 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.

Initiative Measure to be Submitted Directly to Electors

To the Honorable Mayor and Council, and the Clerk of the City of Tucson: We, the undersigned, residents of the City of Tucson, Arizona, and duly qualified electors therein, do hereby submit and propose to you, for adoption, the following ordinance, and request that action be taken by you relative to the adoption or rejection of such proposed ordinance, at the earliest possible moment, and that the same be forthwith submitted to a vote of the people, to-wit:
as described in the attached Title and Text. Each signer says: I have personally signed this petition with my first and last names. I have not signed any other petition for the same measure. I am a qualified elector of the City of Tucson, State of Arizona.
"**Warning:** It is a class 1 misdemeanor for any person to knowingly sign an initiative or referendum petition with a name other than his or her own, except in a circumstance 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 own name because of physical infirmity, or to knowingly sign his or her name more than once for the same measure, or to knowingly sign such petition when he or she is not a qualified elector."

SIGNATURE	NAME (First and Last Name Printed)	ACTUAL ADDRESS (Street & Number: If no street address, describe residence location)	WARD NO.	DATE SIGNED
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				

SAMPLE

The validity of the signatures on this sheet must be sworn to by the circulator before a notary public on the form appearing on the back of this sheet. **SERIAL NUMBER** _____

STATE OF ARIZONA)
) ss.
County of Pima)

INITIATIVE
AFFIDAVIT OF CIRCULATOR

Tucson, Arizona _____
(Date of Issuance)

I, _____, 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 that subject to section 19-115, Arizona Revised Statutes, each individual printed the individual's own name and address and signed this 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 City of Tucson and that at all times during circulation of this signature sheet a copy of the title and text was attached to the signature sheet (Ariz. Const. Art. IV, Pt. 1, § 1, ¶ 9, A.R.S. §§ 19-112 (B), (C), (D), 19-114(A) Tucson Charter, Chapter XIX, § 2). The signatures appearing on this petition sheet are the genuine signatures of the persons whose names they bear (Tucson Charter, Chapter XIX, § 2). I retained direct custody and control of this signature sheet, and personally observed each signer of this signature sheet actually sign it (Tucson Code §§ 12-54 (e), (f)). I crossed out and initialed blank signature lines on this signature sheet prior to or at the time my signature on this affidavit was notarized (Tucson Code § 12-54(g)).

The names of the petitioners who should be notified of all proceedings and action taken in reference to this petition are:

NAME ADDRESS

1.

2. *(Here insert the names of three [3] persons and their addresses.)*

3.

(Tucson Charter, Chapter XIX, § 2).

SAMPLE

Signature of Affiant: _____

Typed or Printed Name of Circulator: _____

Actual address, street and number of Circulator: _____
(If no street address, describe residence location)

My Commission expires:

Subscribed and sworn to before me this _____day of_____, 20___

Notary Public, Pima County, Arizona:_____

Printed Name of Notary Public: _____

Warning: "A person commits perjury by making a false sworn statement in regard to a material issue believing it to be false. Perjury is a class 4 felony." (A.R.S. Sec. 13-2702)

S:\Initiative\2015 Initiative\2014 SIGNATURE PAGE SAMPLE.doc
Revised July 2014

SERIAL NUMBER_____

Office of the City Clerk - City of Tucson
APPLICATION FOR PETITION NUMBER
REFERENDUM

Date:

PART I

To be completed and filed by applicant prior to the printing and circulation of the petition

Ordinance No. _____ Adopted _____ Effective _____

The names of the three (3) persons responsible for procuring the referendum petition are:

Procurer # 1	Signature of Procurer	
Home Address & Zip Code	Mailing Address & Zip Code	Phone
Procurer # 2	Signature of Procurer	
Home Address & Zip Code	Mailing Address & Zip Code	Phone
Procurer # 3	Signature of Procurer	
Home Address & Zip Code	Mailing Address & Zip Code	Phone

SAMPLE

APPLICANT AND CONTACT PERSON

Applicant	Signature of Applicant	
Home Address & Zip Code	Mailing Address & Zip Code	Phone
Name of Contact Person	Signature of Contact Person	
Home Address & Zip Code	Mailing Address & Zip Code	Phone

NOTICE: A Political Committee Statement of Organization must be filed before valid signatures can be collected. Signatures obtained prior to the filing of a Statement of Organization are void and shall not be counted in determining the legal sufficiency of any referendum petition.

PART II To Be Completed By The City Clerk

Either the petition number or the ordinance number which uniquely identifies the subject matter of the referendum petition must be included in the lower right-hand corner of each and every page of the petition at the time of circulation. The City Clerk shall reject a petition, or any portion thereof, that fails to meet these requirements.
Pursuant to provisions of Chapter XX, Section 1 of the Tucson City Charter and Section 12-75 of the Tucson Code, the petition bearing the petition number listed, or ordinance number must be filed with the City Clerk during regular business hours and not later than the deadline listed below. The petition will not be valid after this deadline.

ISSUED BY:	**REFERENDUM PETITION NUMBER:**	
	DATE OF FILING:	
RECEIVED BY:	***DEADLINE FOR FILING:**	
	NUMBER OF SIGNATURES REQUIRED:	

Page Left Blank Intentionally

Title and Text Page

Tucson, Arizona_____
(Date)

Page 1 of_____

CITY OF TUCSON - PETITION FOR REFERENDUM

To the Honorable Mayor and Council, and the City Clerk of the City of Tucson, State of Arizona:

We, the undersigned, residents of the City of Tucson, Arizona, and duly qualified electors therein, respectfully protest the passage, by the Mayor and Council of the City of Tucson at a meeting held on _____, 20 ___, of (the item, section or part of) Ordinance No. _____, set forth below, and petition that (the protested item, section, or part of) this ordinance be reconsidered by the Mayor and Council and, if not repealed at the time of such reconsideration, be referred to a vote of the qualified electors of the City of Tucson, Arizona, for their approval or rejection:

(Here insert, in full, the ordinance or item, section or part thereof, sought to be referred)

SAMPLE

The grounds for the demand for this referendum are as follows:

(Here insert the grounds for the petition for referendum in 200 words or less)

PETITION NUMBER_____

Page Left Blank Intentionally

CITY OF TUCSON **Referendum Description** **" _____PAID CIRCULATOR" " _____VOLUNTEER"**

Tucson, Arizona _____(Date)

(Insert a description of no more than one hundred words of the principal provisions of the measure sought to be referred.)

Notice: This is only a description of the measure sought to be referred 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.

Petition for Referendum

To the City Clerk of the City of Tucson:

We, the undersigned, residents of the City of Tucson, Arizona, and duly qualified electors therein, respectfully order that Mayor and Council Ordinance No. _____ entitled *(title of act or ordinance, and if the petition is against less than the whole act or ordinance then set forth here the item, section, or part, of any measure on which the referendum is used)* passed by the Mayor and Council on _____ *(date)* and petition that this ordinance be reconsidered by the Mayor and Council and, if not repealed at the time of such reconsideration the same be forthwith subjected to a vote of the qualified electors of the City of Tucson for their approval or rejection at the next general or special election. Each signer for himself says: I have personally signed this petition with my first and last names. I have not signed any other petition for the same measure. I am a qualified elector of the City of Tucson.

"Warning,

It is a class 1 misdemeanor for any person to knowingly sign an initiative or referendum petition with a name other than his or her own, except in a circumstance 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 own name because of physical infirmity, or to knowingly sign his or her name more than once for the same measure, or to knowingly sign such petition when he or she is not a qualified elector."

SIGNATURE	NAME (First and Last Name Printed)	ACTUAL ADDRESS (Street & Number; if no street address, describe residence location)	AZ Post Office Address & Zip Code	WARD NO.	DATE SIGNED
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					

SAMPLE

The validity of the signatures on this sheet must be sworn to by the circulator before a notary public on the form appearing on the back of this sheet.

PETITION NUMBER _____

STATE OF ARIZONA)
) ss.
County of Pima)

REFERENDUM
AFFIDAVIT OF CIRCULATOR

Tucson, Arizona _____
(Date)

I, _____, 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 that subject to section 19-115, Arizona Revised Statutes, each individual printed the individual's own name and address and signed this 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 City of Tucson and that at all times during circulation of this signature sheet a copy of the title and text was attached to the signature sheet (Ariz. Const. Art. IV, Pt. 1, § 1, ¶ 9, A.R.S. §§ 19-112 (B), (C), (D), 19-114(A) Tucson Charter, Chapter XIX, § 2). The signatures appearing on this petition sheet are the genuine signatures of the persons whose names they bear and each and all of them are residents and duly qualified electors of the City of Tucson (Tucson Charter, Chapter XIX, § 2).

The names of the persons procuring this petition and who should be notified of all proceedings and action taken in reference to this petition are (Tucson Charter, Chapter XIX, § 2):

NAME ADDRESS

1.

2. *(Here insert the names of three [3] persons and their addresses).*

3.

SAMPLE

Signature of Circulator: _____

Typed or Printed Name of Circulator: _____

Actual address, street and number of Circulator: _____
(If no street address, a description of residence location)

My Commission expires on (date) :

Subscribed and sworn to me this _____day of_____, 20____

Notary Public, Pima County, Arizona:_____

Printed Name of Notary Public: _____

PETITION NUMBER _____

RETURN TO: City Clerk, City of Tucson, Arizona
255 W. Alameda, 9th Floor
P.O. 27210
Tucson, Arizona 85726-7210
(520) 791-4213

AFFIDAVIT OF WITHDRAWAL OF PETITION SIGNATURE

I, the undersigned qualified elector of the City of Tucson, Arizona, do hereby state that it is my intention that my name be withdrawn from the list of signers of the following petition:

☐ INITIATIVE PETITION ☐ REFERENDUM PETITION

PETITION NUMBER (if known): _____

SUBJECT OF PETITION: _____
_____
_____
_____

SAMPLE

DATE OF SIGNING (if known): _____

_____
Signature of Qualified Elector

_____
Printed Name

_____
Address (as registered to vote)

State of Arizona)
) ss
County of Pima)

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Seal

_____
Signature of Notary Public, Pima County, Arizona

_____
Printed Name of Notary Public

Page Left Blank Intentionally

CITY OF TUCSON
POLITICAL COMMITTEE
STATEMENT OF ORGANIZATION
Titles 16 & 19, Arizona Revised Statutes

Definitions, statutory references and important information on reverse.

"For Official Use Only"

Pursuant to A.R.S. §16-902.01 (F)

☐ **Initial Registration** ☐ **Out of State Committee** ☐ **Amended Statement**

☐ **Registration as Standing Political Committee**

ID#

NAME OF POLITICAL COMMITTEE			DATE	
ADDRESS (NUMBER & STREET)	CITY		STATE	ZIP
MAILING ADDRESS (if different from above)	CITY		STATE	ZIP
COMMITTEE TELEPHONE #	COMMITTEE FAX #		COMMITTEE E-MAIL ADDRESS	

SAMPLE

DOES THE POLITICAL COMMITTEE HAVE A SPONSORING ORGANIZATION? ☐ YES ☐ NO
If yes, please provide the following information:

NAME OF SPONSORING ORGANIZATION	TYPE OF ORGANIZATION
ADDRESS OF SPONSORING ORGANIZATION	RELATIONSHIP TO POLITICAL COMMITTEE

TYPE OF POLITICAL COMMITTEE – Please check only one box:

- ☐ CANDIDATE'S CAMPAIGN COMMITTEE
- ☐ EXPLORATORY COMMITTEE
- ☐ COMMITTEE ORGANIZED IN SUPPORT OF OR OPPOSITION TO ONE OR MORE CANDIDATES
- ☐ COMMITTEE IN SUPPORT OF OR OPPOSITION TO THE QUALIFICATION, PASSAGE OR DEFEAT OF A BALLOT ISSUE
- ☐ COMMITTEE ORGANIZED TO CIRCULATE OR OPPOSE A RECALL PETITION OR TO INFLUENCE THE RESULT OF A RECALL ELECTION
- ☐ OTHER COMMITTEE: (please describe below)

_____

*Petition Serial Number _____ Supports ☐ Opposes ☐

- ☐ STANDING POLITICAL COMMITTEE ($250 annual fee required) (A.R.S. § 16-902.01) By selecting the above classification, the committee declares that it has been active in more than one reporting jurisdiction in this state for more than one year AND is one of the following:
  (please check ONE of the four boxes below)
- ☐ SEPARATE SEGREGATED FUND ESTABLISHED BY A CORPORATION OR LABOR ORGANIZATION
- ☐ COMMITTEE ORGANIZED FOR THE PURPOSE OF MAKING INDEPENDENT EXPENDITURES
- ☐ POLITICAL ORGANIZATION (an organization that is formally affiliated with and recognized by a political party including a district committee that is organized pursuant to A.R.S. § 16-823)
- ☐ POLITICAL PARTY (only state or county committees of an organization that meets the requirements for recognition as a political party (A.R.S. § 16-801, § 16-804, § 16-821 and § 16-825)

EACH POLITICAL COMMITTEE SHALL HAVE A CHAIRMAN AND TREASURER. THE POSITION OF CHAIRMAN AND TREASURER OF A SINGLE POLITICAL COMMITTEE MAY NOT BE HELD BY THE SAME INDIVIDUAL, EXCEPT THAT A CANDIDATE MAY BE CHAIRMAN AND TREASURER OF HIS OR HER OWN CAMPAIGN COMMITTEE. A.R.S. § 16-902(A).

NAME OF COMMITTEE CHAIRMAN	CHAIRMAN'S TELEPHONE #	CHAIRMAN'S FAX #	
CHAIRMAN'S ADDRESS	CITY	STATE	ZIP
CHAIRMAN'S OCCUPATION	CHAIRMAN'S EMPLOYER		
NAME OF COMMITTEE TREASURER	TREASURER'S TELEPHONE #	TREASURER'S FAX #	
TREASURER'S ADDRESS	CITY	STATE	ZIP
TREASURER'S OCCUPATION	TREASURER'S EMPLOYER		

*If committee is formed on ballot proposition, indicate petition serial number and whether the committee supports or opposes the proposition.

BEFORE A POLITICAL COMMITTEE ACCEPTS A CONTRIBUTION OR MAKES AN EXPENDITURE IT SHALL DESIGNATE AT LEAST ONE ACCOUNT AT A QUALIFIED FINANCIAL INSTITUTION, A.R.S. § 16-902(C). LIST THE NAMES OF ALL FINANCIAL INSTITUTIONS WITH WHICH THE COMMITTEE MAINTAINS ACCOUNTS OR SAFETY DEPOSIT BOXES. (Do not list account numbers)

1. _____ 2. _____ 3. _____

FOR AN EXPLORATORY COMMITTEE OR A CANDIDATE'S CAMPAIGN COMMITTEE, PROVIDE THE FOLLOWING INFORMATION: (Party Affiliation and Office Sought are optional for Exploratory Committees.)

NAME OF DESIGNATING INDIVIDUAL ("DI") OR CANDIDATE			
PARTY AFFILIATION	OFFICE SOUGHT	COUNTY OF RESIDENCE	
DI's OR CANDIDATE'S ADDRESS	CITY	STATE	Z IP

DESIGNATING INDIVIDUAL OR CANDIDATE'S STATEMENT: I authorize the above-named political committee as my political committee to receive contributions and make expenditures on my behalf.

Date: _____ DI's or Candidates signature: _____

CHAIRMAN'S AND TREASURER'S STATEMENT: We the undersigned, have examined the information contained in this statement of organization and, to the best of our knowledge and belief, it is true, correct and complete. We also acknowledge that we have read all applicable laws relating to campaign finance and reporting.

Date: _____ Chairman's signature: _____

Date: _____ Treasurer's signature: _____

SAMPLE

STANDING POLITICAL COMMITTEE'S STATEMENT (if applicable) (A.R.S. § 16-902.01): I/We hereby declare the status of this political committee as a standing political committee.

Date: _____ Chairman's signature: _____

Date: _____ Treasurer's signature: _____

State of Arizona)
) ss.
County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____.

_____ My Commission Expires: _____
Notary Public

DEFINITION OF POLITICAL COMMITTEE: A.R.S. § 16-901(19)
"Political committee" means a candidate or any association or combination of persons that is organized, conducted or combined for the purpose of influencing the result of any election or to determine whether an individual will become a candidate for election in this state or in any county, city, town, district or precinct in this state, that engages in political activity in behalf of or against a candidate for election or retention or in support of or opposition to an initiative, referendum or recall or any other measure or proposition and that applies for a serial number and circulates petitions and, in the case of a candidate for public office except those exempt pursuant to section 16-903, that receives contributions or makes expenditures in connection therewith, notwithstanding that the association or combination of persons may be a part of a larger association, combination of persons or sponsoring organization not primarily organized, conducted or combined for the purpose of influencing the result of any election in this state or in any county, city, town or precinct in this state. Examples of types of political committees are listed on the front of this form.

NOTE FOR INDIVIDUALS INVOLVED IN POLITICAL ACTIVITIES:
An individual, acting alone, is not a political committee under Arizona law and need not file a statement of organization. If any additional person or persons join the effort [as defined above in A.R.S. § 16-901(19)] begun by an individual, the association of persons has become a "political committee" under Arizona law, and must file a statement of organization before accepting contributions, making expenditures, distributing literature or circulating petitions. A.R.S. § 16-902.01(A).

NOTE FOR THOSE INVOLVED IN INITIATIVE, REFERENDUM AND RECALL EFFORTS:
Before circulating initiative, referendum or recall petitions, a political committee must file its statement of organization with the appropriate filing office. Signatures obtained on petitions prior to the filing of the statement of organization are void and shall not be counted in determining the legal sufficiency of the petition. A.R.S. § 19-114(B) and § 19-202(C). Even though an individual, acting alone, may begin the initiative, referendum or recall effort, as soon as other persons join the effort, the association of persons must register as a political committee.

*If committee is formed on ballot proposition, indicate petition serial number and whether the committee supports or opposes the proposition.