

BALLOT PROPOSITION #104
Initiatives; Filing Date

FISCAL ANALYSIS

Description

Proposition 104 amends the Arizona Constitution to 1) require an initiative petition to be filed with the Secretary of State seven months prior to the general election, and 2) allow an initiative petition to be circulated to gain signatures for up to 27 months prior to the general election. Under current law, an initiative petition must be filed with the Secretary of State four months prior to the general election and an initiative petition may be circulated to gain signatures for up to 24 months prior to the election.

Estimated Impact

There is no anticipated fiscal impact to the state General Fund associated with this proposition.

Analysis

For an initiative petition filed with the Secretary of State, statute requires the office to work with the counties to verify that the required number of signatures have been collected to place the initiative on the ballot at the general election. If there are sufficient signatures to place the initiative on the ballot, the Secretary of State shall include the proposal in the publicity pamphlet.

The Secretary of State is required to publish the publicity pamphlet and mail one copy of the document to every household in the state with a registered voter. The office shall do so by the earliest date for which voters may receive requested early ballots, approximately 90 days prior to the general election.

Currently, initiative petitions must be filed with the Secretary of State four months prior to the general election. The publicity pamphlet must be printed and mailed approximately 90 days before the election. For an initiative petition filed at the latest date possible, therefore, the Secretary of State would have approximately 30 days to include the proposal in the publicity pamphlet.

The proposition would not change the Secretary of State's existing responsibilities with regard to ballot initiatives. Requiring initiative petitions to be filed seven months prior to the election, however, would give the Secretary of State an additional 90 days with which to prepare the publicity pamphlet. Since the proposition does not change either the size of the publicity pamphlet or the distribution, we estimate no impact on Secretary of State spending.

Local Government Impact

The proposition may result in additional workload for the counties. Statute currently requires the Secretary of State, for each ballot initiative filed, to randomly select 5% of the total signatures for certification by the counties. The Secretary of State is required to reimburse the counties for the expenses of certifying 5% of the signatures, but in an amount not to exceed \$0.50 per signature.

Under certain circumstances, statute requires the county recorders to certify the authenticity of each signature on an initiative petition. Due to the limited time with which the county recorders are given to perform this task, the courts have currently exempted them from this requirement. Increasing the filing deadline to seven months would provide the counties with additional time to examine and verify the authenticity of signatures. The proposition could therefore result in the counties verifying additional signatures. Without knowing the number of additional verifications, JLBC Staff cannot provide a precise local government impact for the proposition. Depending on the number of signatures and the particular counties involved, counties may be able to perform this duty within existing resources or could require additional resources. According to Legislative Council, statute does not require the Secretary of State to reimburse the counties in this circumstance.

7/14/04