

## CHAPTER 8 – ELECTIONS

Sec. 8-15. Elections; initiative, referendum and recall; eligibility of circulator.

No person other than a resident who is qualified to register to vote in elections of this state 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.

(1) For purposes of this section, the term “resident” is defined as individual having both actual physical presence and intent to remain in the city. The existence of one or more of the following factors shall be deemed to be objective evidence that may rebut the presumption of residency:

- a. Failure to file a change of address with the United States Postal Service, indicating an address within the State of Arizona.
- b. Failure to register a motor vehicle owned or leased to an address within the State of Arizona.
- c. Failure to have an Arizona Driver’s License or state issued identity card with an address within the State of Arizona.
- d. Failure to use on the most recent filed United States or State of Arizona Income Tax return an address in the State of Arizona.
- e. Having a month to month lease for use of a residence within the State of Arizona.
- f. Failure to have water, wastewater, sanitation, telephone, electric, natural gas or cable communications services in their name at an address in the State of Arizona.
- g. Failure to have any accounts with a provider of financial services using an address in the State of Arizona.

(2) The City Clerk shall be under no legal obligation or responsibility to initially investigate the resident status of individual’s signing the petitions, or individual’s circulating petitions other than the verification required by law. It shall be the burden of any qualified elector of the city challenging such signatures to present the evidence provided by this section to the City Clerk.

(3) The existence of three or more of the factors in subsection (1) of this section shall be sufficient grounds for the City Clerk to determine that the individual is not a resident of the State of Arizona and to strike their signature as void and not count in determining the legal sufficiency of the petition.

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(b) Signatures obtained on initiative or referendum petitions 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 are void and shall not be counted in determining the legal sufficiency of the petition.

(c) Signatures obtained on recall petitions, by a political committee or any of its officers, agents, employees or members prior to filing of the committee's statement of organization are void and shall not be counted in determining the legal sufficiency of the petition. Circulators of recall petitions must be a qualified elector for the council district for which the recall of the office holder is sought.

(Ord. No. 91-22, 7/9/91, Enacted)

(Ord. No. 99-109, 12/14/99, Amended)

(Ord. No. 04-175, 6/15/04, Amended ) SUPP 2004-2