



July 3, 2012

Ms. Carrie Ann Sitren  
Goldwater Institute  
500 East Coronado Road  
Phoenix, Arizona 85004

Re: Deadline for Gathering Signatures for Petition

Dear Ms. Sitren:

The City received your letter dated July 3, 2012. We have not, however, received any information indicating that you represent the organization that purportedly formed a committee for the purpose of gathering referendum signatures related to the City's Ordinance 2804 NS. Your letter also provides no indication of your representation. As a result, should you have further questions or wish to discuss the several issues presented by this organization's application and statement of organization, please provide a representation letter from the organization.

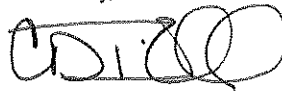
With respect to the issue raised in your letter, there is no requirement that the City provide you or the organization with any legal analysis. On the contrary, the courts have been very clear that a referendum committee is required to make its own determinations related to requirements of the referendum process. Nothing in this letter alters that requirement. And, although I believe there have been none, no other communication between the City and the organization regarding a date for return of the petitions would mitigate the organization's obligation along those lines. Nevertheless, as a courtesy response to your inquiry, I would direct you to A.R.S. § 19-142(C), which provides:

At the time a person or organization intending to file a referendum petition against an ordinance or resolution applies for the issuance of an official number pursuant to § 19-111, the city or town clerk shall provide such person or organization with a full and correct copy of the ordinance or resolution in the form as finally adopted. If the copy of the ordinance or resolution proposed as a referendum is not available to such person or organization at the time of making application for an official number or on the same business day as the application is submitted, the thirty-day period prescribed in subsection A of this section begins on the day that the ordinance or resolution is available from the city or town clerk, and the ordinance or resolution shall not become operative until thirty days after the ordinance or resolution is available.

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As you may be aware, the organization presented an application for an official number on June 20, 2012. At that time, a full and correct copy of the ordinance in the form as finally adopted was available and it was provided to the person or persons intending to file a referendum petition. Because the City Clerk complied with the first sentence of this statute, the second sentence, which addresses a contingency that did not occur in this instance, is inapplicable.

Cordially,

A handwritten signature in black ink, appearing to read "C. D. Tindall", written over a horizontal line.

Craig D. Tindall  
City Attorney

CT/djb