

REFERENCE TITLE: proposition 105; legislative authority

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HCR 2023

Introduced by
Representatives Thorpe: Barton, Boyer, Cobb, Finchem, Mesnard

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 1, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO LEGISLATIVE AUTHORITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:

3 1. Article IV, part 1, section 1, Constitution of Arizona, is proposed
4 to be amended as follows if approved by the voters and on proclamation of the
5 Governor:

6 1. Legislative authority; initiative and referendum

7 Section 1. (1) Senate; house of representatives;
8 reservation of power to people. The legislative authority of
9 the state shall be vested in the legislature, consisting of a
10 senate and a house of representatives, but the people reserve
11 the power to propose laws and amendments to the constitution and
12 to enact or reject such laws and amendments at the polls,
13 independently of the legislature; and they also reserve, for use
14 at their own option, the power to approve or reject at the polls
15 any act, or item, section, or part of any act, of the
16 legislature.

17 (2) Initiative power. The first of these reserved powers
18 is the initiative. Under this power ten per centum of the
19 qualified electors shall have the right to propose any measure,
20 and fifteen per centum shall have the right to propose any
21 amendment to the constitution.

22 (3) Referendum power; emergency measures; effective date
23 of acts. The second of these reserved powers is the referendum.
24 Under this power the legislature, or five per centum of the
25 qualified electors, may order the submission to the people at
26 the polls of any measure, or item, section, or part of any
27 measure, enacted by the legislature, except laws immediately
28 necessary for the preservation of the public peace, health, or
29 safety, or for the support and maintenance of the departments of
30 the state government and state institutions; but to allow
31 opportunity for referendum petitions, no act passed by the
32 legislature shall be operative for ninety days after the close
33 of the session of the legislature enacting such measure, except
34 such as require earlier operation to preserve the public peace,
35 health, or safety, or to provide appropriations for the support
36 and maintenance of the departments of the state and of state
37 institutions; provided, that no such emergency measure shall be
38 considered passed by the legislature unless it shall state in a
39 separate section why it is necessary that it shall become
40 immediately operative, and shall be approved by the affirmative
41 votes of two-thirds of the members elected to each house of the
42 legislature, taken by roll call of ayes and nays, and also
43 approved by the governor; and should such measure be vetoed by
44 the governor, it shall not become a law unless it shall be
45 approved by the votes of three-fourths of the members elected to

1 each house of the legislature, taken by roll call of ayes and
2 nays.

3 (4) Initiative and referendum petitions; filing. All
4 petitions submitted under the power of the initiative shall be
5 known as initiative petitions, and shall be filed with the
6 secretary of state not less than four months preceding the date
7 of the election at which the measures so proposed are to be
8 voted upon. All petitions submitted under the power of the
9 referendum shall be known as referendum petitions, and shall be
10 filed with the secretary of state not more than ninety days
11 after the final adjournment of the session of the legislature
12 which shall have passed the measure to which the referendum is
13 applied. The filing of a referendum petition against any item,
14 section, or part of any measure shall not prevent the remainder
15 of such measure from becoming operative.

16 (5) Effective date of initiative and referendum measures.
17 Any measure or amendment to the constitution proposed under the
18 initiative, and any measure to which the referendum is applied,
19 shall be referred to a vote of the qualified electors, and shall
20 become law when approved by a majority of the votes cast thereon
21 and upon proclamation of the governor, and not otherwise.

22 (6) (A) Veto of initiative or referendum. The veto
23 power of the governor shall not extend to an initiative measure
24 approved by a majority of the votes cast thereon or to a
25 referendum measure decided by a majority of the votes cast
26 thereon.

27 (6) (B) Legislature's power to repeal initiative or
28 referendum. The legislature shall not have the power to repeal
29 an initiative measure approved by a majority of the votes cast
30 thereon, or to repeal a referendum measure decided by a majority
31 of the votes cast thereon, **UNLESS AT LEAST THREE-FIFTHS OF THE**
32 **MEMBERS OF EACH HOUSE OF THE LEGISLATURE, BY A ROLL CALL OF AYES**
33 **AND NAYS, VOTE TO REPEAL SUCH MEASURE.**

34 (6) (C) Legislature's power to amend initiative or
35 referendum. The legislature shall not have the power to amend
36 an initiative measure approved by a majority of the votes cast
37 thereon, or to amend a referendum measure decided by a majority
38 of the votes cast thereon, unless ~~the amending legislation~~
39 ~~furtheres the purposes of such measure and~~ at least ~~three-fourths~~
40 **THREE-FIFTHS** of the members of each house of the legislature, by
41 a roll call of ayes and nays, vote to amend such measure.

42 (6) (D) Legislature's power to appropriate or divert
43 funds created by initiative or referendum. The legislature
44 shall not have the power to appropriate or divert funds created
45 or allocated to a specific purpose by an initiative measure

1 approved by a majority of the votes cast thereon, or by a
2 referendum measure decided by a majority of the votes cast
3 thereon, unless ~~the appropriation or diversion of funds furthers~~
4 ~~the purposes of such measure and~~ at least ~~three fourths~~
5 THREE-FIFTHS of the members of each house of the legislature, by
6 a roll call of ayes and nays, vote to appropriate or divert such
7 funds.

8 (7) Number of qualified electors. The whole number of
9 votes cast for all candidates for governor at the general
10 election last preceding the filing of any initiative or
11 referendum petition on a state or county measure shall be the
12 basis on which the number of qualified electors required to sign
13 such petition shall be computed.

14 (8) Local, city, town or county matters. The powers of
15 the initiative and the referendum are hereby further reserved to
16 the qualified electors of every incorporated city, town, and
17 county as to all local, city, town, or county matters on which
18 such incorporated cities, towns, and counties are or shall be
19 empowered by general laws to legislate. Such incorporated
20 cities, towns, and counties may prescribe the manner of
21 exercising said powers within the restrictions of general laws.
22 Under the power of the initiative fifteen per centum of the
23 qualified electors may propose measures on such local, city,
24 town, or county matters, and ten per centum of the electors may
25 propose the referendum on legislation enacted within and by such
26 city, town, or county. Until provided by general law, said
27 cities and towns may prescribe the basis on which said
28 percentages shall be computed.

29 (9) Form and contents of initiative and of referendum
30 petitions; verification. Every initiative or referendum
31 petition shall be addressed to the secretary of state in the
32 case of petitions for or on state measures, and to the clerk of
33 the board of supervisors, city clerk, or corresponding officer
34 in the case of petitions for or on county, city, or town
35 measures; and shall contain the declaration of each petitioner,
36 for himself, that he is a qualified elector of the state (and in
37 the case of petitions for or on city, town, or county measures,
38 of the city, town, or county affected), his post office address,
39 the street and number, if any, of his residence, and the date on
40 which he signed such petition. Each sheet containing
41 petitioners' signatures shall be attached to a full and correct
42 copy of the title and text of the measure so proposed to be
43 initiated or referred to the people, and every sheet of every
44 such petition containing signatures shall be verified by the
45 affidavit of the person who circulated said sheet or petition,

1 setting forth that each of the names on said sheet was signed in
2 the presence of the affiant and that in the belief of the
3 affiant each signer was a qualified elector of the state, or in
4 the case of a city, town, or county measure, of the city, town,
5 or county affected by the measure so proposed to be initiated or
6 referred to the people.

7 (10) Official ballot. When any initiative or referendum
8 petition or any measure referred to the people by the
9 legislature shall be filed, in accordance with this section,
10 with the secretary of state, he shall cause to be printed on the
11 official ballot at the next regular general election the title
12 and number of said measure, together with the words "yes" and
13 "no" in such manner that the electors may express at the polls
14 their approval or disapproval of the measure.

15 (11) Publication of measures. The text of all measures to
16 be submitted shall be published as proposed amendments to the
17 constitution are published, and in submitting such measures and
18 proposed amendments the secretary of state and all other
19 officers shall be guided by the general law until legislation
20 shall be especially provided therefor.

21 (12) Conflicting measures or constitutional amendments. If
22 two or more conflicting measures or amendments to the
23 constitution shall be approved by the people at the same
24 election, the measure or amendment receiving the greatest number
25 of affirmative votes shall prevail in all particulars as to
26 which there is conflict.

27 (13) Canvass of votes; proclamation. It shall be the duty
28 of the secretary of state, in the presence of the governor and
29 the chief justice of the supreme court, to canvass the votes for
30 and against each such measure or proposed amendment to the
31 constitution within thirty days after the election, and upon the
32 completion of the canvass the governor shall forthwith issue a
33 proclamation, giving the whole number of votes cast for and
34 against each measure or proposed amendment, and declaring such
35 measures or amendments as are approved by a majority of those
36 voting thereon to be law.

37 (14) Reservation of legislative power. This section shall
38 not be construed to deprive the legislature of the right to
39 enact any measure except that the legislature shall not have the
40 power to adopt any measure that supersedes, in whole or in part,
41 any initiative measure approved by a majority of the votes cast
42 thereon or any referendum measure decided by a majority of the
43 votes cast thereon unless ~~the superseding measure furthers the~~
44 ~~purposes of the initiative or referendum measure and~~ at least
45 ~~three-fourths~~ THREE-FIFTHS of the members of each house of the

1 legislature, by a roll call of ayes and nays, vote to supersede
2 such initiative or referendum measure.

3 (15) Legislature's right to refer measure to the people.
4 Nothing in this section shall be construed to deprive or limit
5 the legislature of the right to order the submission to the
6 people at the polls of any measure, item, section, or part of
7 any measure.

8 (16) Self-executing. This section of the constitution
9 shall be, in all respects, self-executing.

10 2. The Secretary of State shall submit this proposition to the voters
11 at the next general election as provided by article XXI, Constitution of
12 Arizona.