

Senate Engrossed House Bill
initiatives; supermajority vote; requirement

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE CONCURRENT RESOLUTION 2015

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 1, SECTION 1, CONSTITUTION OF ARIZONA; AMENDING ARTICLE XXI, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO INITIATIVE AND REFERENDUM MEASURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

3 1. Article IV, part 1, section 1, Constitution of Arizona, is
4 proposed to be amended as follows if approved by the voters and on
5 proclamation of the 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
12 and to enact or reject such laws and amendments at the polls,
13 independently of the legislature; and they also reserve, for
14 use at their own option, the power to approve or reject at the
15 polls any act, or item, section, or part of any act, of the
16 legislature.

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

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

1 shall be approved by the votes of three-fourths of the members
2 elected to each house of the legislature, taken by roll call
3 of ayes and nays.

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

17 (5) Effective date of initiative and referendum
18 measures. Any measure or amendment to the constitution
19 proposed under the initiative, and any measure to which the
20 referendum is applied, shall be referred to a vote of the
21 qualified electors, and **FOR AN INITIATIVE OR REFERENDUM TO**
22 **APPROVE A TAX**, shall become law when approved by ~~a majority~~
23 **SIXTY PERCENT** of the votes cast thereon and upon proclamation
24 of the governor, and not otherwise **AND FOR ALL OTHER**
25 **INITIATIVES AND REFERENDUMS, SHALL BECOME LAW WHEN APPROVED BY**
26 **A MAJORITY OF THE VOTES CAST THEREON AND UPON PROCLAMATION OF**
27 **THE GOVERNOR, AND NOT OTHERWISE.**

28 (6) (A) Veto of initiative or referendum. The veto
29 power of the governor shall not extend to an initiative
30 measure **TO APPROVE A TAX THAT IS** approved by ~~a majority~~ **SIXTY**
31 **PERCENT** of the votes cast thereon or to a referendum measure
32 **TO APPROVE A TAX THAT IS** decided by ~~a majority~~ **SIXTY PERCENT**
33 of the votes cast thereon **AND FOR ALL OTHER INITIATIVES AND**
34 **REFERENDUMS, THE VETO POWER OF THE GOVERNOR SHALL NOT EXTEND**
35 **TO INITIATIVES AND REFERENDUMS APPROVED BY A MAJORITY OF THE**
36 **VOTES CAST THEREON.**

37 (6) (B) Legislature's power to repeal initiative or
38 referendum. The legislature shall not have the power to
39 repeal an initiative measure **TO APPROVE A TAX THAT IS** approved
40 by ~~a majority~~ **SIXTY PERCENT** of the votes cast thereon or to
41 repeal a referendum measure **TO APPROVE A TAX THAT IS** decided
42 by ~~a majority~~ **SIXTY PERCENT** of the votes cast thereon **AND FOR**
43 **ALL OTHER INITIATIVES AND REFERENDUMS, THE LEGISLATURE SHALL**
44 **NOT HAVE THE POWER TO REPEAL AN INITIATIVE MEASURE APPROVED BY**
45 **A MAJORITY OF THE VOTES CAST THEREON AND SHALL NOT HAVE THE**

1 POWER TO REPEAL A REFERENDUM MEASURE DECIDED BY A MAJORITY OF
2 THE VOTES CAST THEREON.

3 (6) (C) Legislature's power to amend initiative or
4 referendum. The legislature shall not have the power to amend
5 an initiative measure TO APPROVE A TAX THAT IS approved by a
6 majority SIXTY PERCENT of the votes cast thereon, or to amend
7 a referendum measure TO APPROVE A TAX THAT IS decided by a
8 majority SIXTY PERCENT of the votes cast thereon, unless the
9 amending legislation furthers the purposes of such measure and
10 at least three-fourths of the members of each house of the
11 legislature, by a roll call of ayes and nays, vote to amend
12 such measure. FOR ALL OTHER INITIATIVES AND REFERENDUMS, THE
13 LEGISLATURE SHALL NOT HAVE THE POWER TO AMEND AN INITIATIVE
14 MEASURE APPROVED BY A MAJORITY OF THE VOTES CAST THEREON AND
15 SHALL NOT HAVE THE POWER TO AMEND A REFERENDUM MEASURE DECIDED
16 BY A MAJORITY OF THE VOTES CAST THEREON, UNLESS THE AMENDING
17 LEGISLATION FURTHERS THE PURPOSES OF SUCH MEASURE AND AT LEAST
18 THREE-FOURTHS OF THE MEMBERS OF EACH HOUSE OF THE LEGISLATURE,
19 BY A ROLL CALL OF AYES AND NAYS, VOTE TO AMEND SUCH MEASURE.

20 (6) (D) Legislature's power to appropriate or divert
21 funds created by initiative or referendum. The legislature
22 shall not have the power to appropriate or divert funds
23 created or allocated to a specific purpose by an initiative
24 measure THAT ALSO APPROVES A TAX THAT IS approved by a
25 majority SIXTY PERCENT of the votes cast thereon, or by a
26 referendum measure THAT ALSO APPROVES A TAX THAT IS decided by
27 a majority SIXTY PERCENT of the votes cast thereon, unless the
28 appropriation or diversion of funds furthers the purposes of
29 such measure and at least three-fourths of the members of each
30 house of the legislature, by a roll call of ayes and nays,
31 vote to appropriate or divert such funds. FOR ALL OTHER
32 INITIATIVES AND REFERENDUMS, THE LEGISLATURE SHALL NOT HAVE
33 THE POWER TO APPROPRIATE OR DIVERT FUNDS CREATED OR ALLOCATED
34 TO A SPECIFIC PURPOSE BY AN INITIATIVE MEASURE APPROVED BY A
35 MAJORITY OF THE VOTES CAST THEREON AND SHALL NOT HAVE THE
36 POWER TO APPROPRIATE OR DIVERT FUNDS CREATED OR ALLOCATED TO A
37 SPECIFIC PURPOSE BY A REFERENDUM MEASURE DECIDED BY A MAJORITY
38 OF THE VOTES CAST THEREON, UNLESS THE APPROPRIATION OR
39 DIVERSION OF FUNDS FURTHERS THE PURPOSES OF SUCH MEASURE AND
40 AT LEAST THREE-FOURTHS OF THE MEMBERS OF EACH HOUSE OF THE
41 LEGISLATURE, BY A ROLL CALL OF AYES AND NAYS, VOTE TO
42 APPROPRIATE OR DIVERT SUCH FUNDS.

43 (7) Number of qualified electors. The whole number of
44 votes cast for all candidates for governor at the general
45 election last preceding the filing of any initiative or

1 referendum petition on a state or county measure shall be the
2 basis on which the number of qualified electors required to
3 sign such petition shall be computed.

4 (8) Local, city, town or county matters. The powers of
5 the initiative and the referendum are hereby further reserved
6 to the qualified electors of every incorporated city,
7 town, and county as to all local, city, town, or county
8 matters on which such incorporated cities, towns, and
9 counties are or shall be empowered by general laws to
10 legislate. Such incorporated cities, towns, and counties may
11 prescribe the manner of exercising said powers within the
12 restrictions of general laws. Under the power of the
13 initiative fifteen ~~per centum~~ PERCENT of the qualified
14 electors may propose measures on such local, city, town, or
15 county matters, and ten ~~per centum~~ PERCENT of the electors may
16 propose the referendum on legislation enacted within and by
17 such city, town, or county. Until provided by general law,
18 said cities and towns may prescribe the basis on which said
19 percentages shall be computed.

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

44 (10) Official ballot. When any initiative or referendum
45 petition or any measure referred to the people by the

1 legislature ~~shall be~~ IS filed, in accordance with this
2 section, with the secretary of state, ~~he~~ THE SECRETARY OF
3 STATE shall cause to be printed on the official ballot at the
4 next regular general election the title and number of said
5 measure, together with the words "yes" and "no" in such manner
6 that the electors may express at the polls their approval or
7 disapproval of the measure.

8 (11) Publication of measures. The text of all measures
9 to be submitted shall be published as proposed amendments to
10 the constitution are published, and in submitting such
11 measures and proposed amendments the secretary of state and
12 all other officers shall be guided by the general law until
13 legislation shall be especially provided therefor.

14 (12) Conflicting measures or constitutional amendments.
15 If two or more conflicting measures or amendments to the
16 constitution shall be approved by the people at the same
17 election, the measure or amendment receiving the greatest
18 number of affirmative votes shall prevail in all particulars
19 as to which there is conflict.

20 (13) Canvass of votes; proclamation. It shall be the
21 duty of the secretary of state, in the presence of the
22 governor and the chief justice of the supreme court, to
23 canvass the votes for and against each such measure or
24 proposed amendment to the constitution within thirty days
25 after the election, and upon the completion of the canvass the
26 governor shall forthwith issue a proclamation, giving the
27 whole number of votes cast for and against each measure or
28 proposed amendment, and declaring such measures or amendments
29 TO APPROVE A TAX as are approved by ~~a majority~~ SIXTY PERCENT
30 of those voting thereon to be law AND FOR ALL OTHER MEASURES
31 OR AMENDMENTS, DECLARING SUCH MEASURES AS ARE APPROVED BY A
32 MAJORITY OF THOSE VOTING THEREON TO BE LAW.

33 (14) Reservation of legislative power. This section
34 shall not be construed to deprive the legislature of the right
35 to enact any measure except that the legislature shall not
36 have the power to adopt any measure that supersedes, in whole
37 or in part, any initiative measure TO APPROVE A TAX THAT IS
38 approved by ~~a majority~~ SIXTY PERCENT of the votes cast thereon
39 or any referendum measure TO APPROVE A TAX THAT IS decided by
40 ~~a majority~~ SIXTY PERCENT of the votes cast thereon unless the
41 superseding measure furthers the purposes of the initiative or
42 referendum measure and at least three-fourths of the members
43 of each house of the legislature, by a roll call of ayes and
44 nays, vote to supersede such initiative or referendum
45 measure. FOR ALL OTHER INITIATIVES AND REFERENDUMS, THE

1 LEGISLATURE SHALL NOT HAVE THE POWER TO ADOPT ANY MEASURE THAT
2 SUPERSEDES, IN WHOLE OR IN PART, ANY INITIATIVE MEASURE
3 APPROVED BY A MAJORITY OF THE VOTES CAST THEREON AND SHALL NOT
4 HAVE THE POWER TO ADOPT ANY MEASURE THAT SUPERSEDES, IN WHOLE
5 OR IN PART, ANY REFERENDUM MEASURE DECIDED BY A MAJORITY OF
6 THE VOTES CAST THEREON, UNLESS THE SUPERSEDING MEASURE
7 FURTHERS THE PURPOSES OF THE INITIATIVE OR REFERENDUM MEASURE
8 AND AT LEAST THREE-FOURTHS OF THE MEMBERS OF EACH HOUSE OF THE
9 LEGISLATURE, BY A ROLL CALL OF AYES AND NAYS, VOTE TO
10 SUPERSEDE SUCH INITIATIVE OR REFERENDUM MEASURE.

11 (15) Legislature's right to refer measure to the people.
12 Nothing in this section shall be construed to deprive or limit
13 the legislature of the right to order the submission to the
14 people at the polls of any measure, item, section, ~~or~~ or part of
15 any measure.

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

18 2. Article XXI, section 1, Constitution of Arizona, is proposed to
19 be amended as follows if approved by the voters and on proclamation of the
20 Governor:

21 1. Introduction in legislature; initiative
22 petition; election

23 Section 1. Any amendment or amendments to this
24 constitution may be proposed in either house of the
25 legislature, or by initiative petition signed by a number of
26 qualified electors equal to fifteen ~~per centum~~ PERCENT of the
27 total number of votes for all candidates for governor at the
28 last preceding general election. Any proposed amendment or
29 amendments which shall be introduced in either house of the
30 legislature, and which shall be approved by a majority of the
31 members elected to each of the two houses, shall be entered on
32 the journal of each house, together with the ayes and nays
33 thereon. When any proposed amendment or amendments shall be
34 thus passed by a majority of each house of the legislature and
35 entered on the respective journals thereof, or when any
36 elector or electors ~~shall~~ file with the secretary of state any
37 proposed amendment or amendments together with a petition
38 therefor signed by a number of electors equal to fifteen ~~per~~
39 ~~centum~~ PERCENT of the total number of votes for all candidates
40 for governor in the last preceding general election, the
41 secretary of state shall submit such proposed amendment or
42 amendments to the vote of the people at the next general
43 election (except when the legislature shall call a special
44 election for the purpose of having said proposed amendment or
45 amendments voted ~~upon~~ ON, in which case the secretary of state

1 shall submit such proposed amendment or amendments to the
2 qualified electors at said special election,) and FOR ANY
3 PROPOSED AMENDMENT OR AMENDMENTS TO APPROVE A TAX, if
4 ~~a majority~~ SIXTY PERCENT of the qualified electors voting
5 thereon shall approve and ratify such proposed amendment or
6 amendments in ~~said~~ THE regular or special election, such
7 amendment or amendments shall become a part of this
8 constitution AND FOR ANY OTHER PROPOSED AMENDMENT OR
9 AMENDMENTS, IF A MAJORITY OF THE QUALIFIED ELECTORS VOTING
10 THEREON SHALL APPROVE AND RATIFY SUCH PROPOSED AMENDMENT OR
11 AMENDMENTS IN THE REGULAR OR SPECIAL ELECTION, SUCH AMENDMENT
12 OR AMENDMENTS SHALL BECOME A PART OF THIS CONSTITUTION. Until
13 a method of publicity is otherwise provided by law, the
14 secretary of state shall have ~~such~~ THE proposed amendment or
15 amendments published for a period of at least ninety days
16 ~~previous to~~ BEFORE the date of ~~said~~ THE election in at least
17 one newspaper in every county of the state in which a
18 newspaper ~~shall be~~ IS published, in such manner as may be
19 prescribed by law. If more than one proposed amendment ~~shall~~
20 ~~be~~ IS submitted at any election, ~~such~~ THE proposed amendments
21 shall be submitted in such A manner that the electors may vote
22 for or against such proposed amendments separately.
23 3. The Secretary of State shall submit this proposition to the
24 voters at the next general election as provided by article XXI,
25 Constitution of Arizona.