

REFERENCE TITLE: initiative; referendum; legislative districts; signatures

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SCR 1025

Introduced by
Senator Leach

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 1, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO INITIATIVES AND REFERENDA.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of
2 Representatives 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. FOR STATEWIDE MEASURES, under this
19 power ten ~~per centum~~ PERCENT of the qualified electors FROM
20 EACH LEGISLATIVE DISTRICT shall have the right to propose any
21 STATEWIDE measure, and fifteen ~~per centum~~ PERCENT OF THE
22 QUALIFIED ELECTORS FROM EACH LEGISLATIVE DISTRICT shall have
23 the right to propose any amendment to the constitution.

24 (3) Referendum power; emergency measures; effective
25 date of acts. The second of these reserved powers is the
26 referendum. Under this power the legislature, or five ~~per~~
27 ~~centum~~ PERCENT of the qualified electors, may order the
28 submission to the people at the polls of any measure, or item,
29 section, or part of any measure, enacted by the legislature,
30 except laws immediately necessary for the preservation of the
31 public peace, health, or safety, or for the support and
32 maintenance of the departments of the state government and
33 state institutions; but to allow opportunity for referendum
34 petitions, no act passed by the legislature shall be operative
35 for ninety days after the close of the session of the
36 legislature enacting such measure, except such as require
37 earlier operation to preserve the public peace, health, or
38 safety, or to provide appropriations for the support and
39 maintenance of the departments of the state and of state
40 institutions; provided, that no such emergency measure shall
41 be considered passed by the legislature unless it shall state
42 in a separate section why it is necessary that it shall become
43 immediately operative, and shall be approved by the
44 affirmative votes of two-thirds of the members elected to each
45 house of the legislature, taken by roll call of ayes and nays,

1 and also approved by the governor; and should such measure be
2 vetoed by the governor, it shall not become a law unless it
3 shall be approved by the votes of three-fourths of the members
4 elected to each house of the legislature, taken by roll call
5 of ayes and nays.

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

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

26 (6) (A) Veto of initiative or referendum. The veto
27 power of the governor shall not extend to an initiative
28 measure approved by a majority of the votes cast thereon or to
29 a referendum measure decided by a majority of the votes cast
30 thereon.

31 (6) (B) Legislature's power to repeal initiative or
32 referendum. The legislature shall not have the power to
33 repeal an initiative measure approved by a majority of the
34 votes cast thereon or to repeal a referendum measure decided
35 by a majority of the votes cast thereon.

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

1 (6) (D) Legislature's power to appropriate or divert
 2 funds created by initiative or referendum. The legislature
 3 shall not have the power to appropriate or divert funds
 4 created or allocated to a specific purpose by an initiative
 5 measure approved by a majority of the votes cast thereon, or
 6 by a referendum measure decided by a majority of the votes
 7 cast thereon, unless the appropriation or diversion of funds
 8 furthers the purposes of such measure and at least
 9 three-fourths of the members of each house of the legislature,
 10 by a roll call of ayes and nays, vote to appropriate or divert
 11 such funds.

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

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

34 (9) Form and contents of initiative and of referendum
 35 petitions; verification. Every initiative or referendum
 36 petition shall be addressed to the secretary of state in the
 37 case of petitions for or on state measures, and to the clerk
 38 of the board of supervisors, city clerk, or corresponding
 39 officer in the case of petitions for or on county, city, or
 40 town measures; and shall contain the declaration of each
 41 petitioner, for himself, that he is a qualified elector of the
 42 state (and in the case of petitions for or on city, town, or
 43 county measures, of the city, town, or county affected), his
 44 post office address, the street and number, if any, of his
 45 residence, and the date on which he signed such petition.

1 Each sheet containing petitioners' signatures shall be
2 attached to a full and correct copy of the title and text of
3 the measure so proposed to be initiated or referred to the
4 people, and every sheet of every such petition containing
5 signatures shall be verified by the affidavit of the person
6 who circulated said sheet or petition, setting forth that each
7 of the names on said sheet was signed in the presence of the
8 affiant and that in the belief of the affiant each signer was
9 FOR STATEWIDE INITIATIVE MEASURES a qualified elector of the
10 APPROPRIATE LEGISLATIVE DISTRICT AND THIS state, OR FOR OTHER
11 STATEWIDE MEASURES, A QUALIFIED ELECTOR OF THIS STATE, or in
12 the case of a city, town, or county measure, of the city,
13 town, or county affected by the measure so proposed to be
14 initiated or referred to the people.

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

23 (11) Publication of measures. The text of all measures
24 to be submitted shall be published as proposed amendments to
25 the constitution are published, and in submitting such
26 measures and proposed amendments the secretary of state and
27 all other officers shall be guided by the general law until
28 legislation shall be especially provided therefor.

29 (12) Conflicting measures or constitutional amendments.
30 If two or more conflicting measures or amendments to the
31 constitution shall be approved by the people at the same
32 election, the measure or amendment receiving the greatest
33 number of affirmative votes shall prevail in all particulars
34 as to which there is conflict.

35 (13) Canvass of votes; proclamation. It shall be the
36 duty of the secretary of state, in the presence of the
37 governor and the chief justice of the supreme court, to
38 canvass the votes for and against each such measure or
39 proposed amendment to the constitution within thirty days
40 after the election, and upon the completion of the canvass the
41 governor shall forthwith issue a proclamation, giving the
42 whole number of votes cast for and against each measure or
43 proposed amendment, and declaring such measures or amendments
44 as are approved by a majority of those voting thereon to be
45 law.

1 (14) Reservation of legislative power. This section
2 shall not be construed to deprive the legislature of the right
3 to enact any measure except that the legislature shall not
4 have the power to adopt any measure that supersedes, in whole
5 or in part, any initiative measure approved by a majority of
6 the votes cast thereon or any referendum measure decided by a
7 majority of the votes cast thereon unless the superseding
8 measure furthers the purposes of the initiative or referendum
9 measure and at least three-fourths of the members of each
10 house of the legislature, by a roll call of ayes and nays,
11 vote to supersede such initiative or referendum measure.

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

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

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