

REFERENCE TITLE: initiative; referendum; signatures; legislative
districts...

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HCR 2041

Introduced by
Representatives Marshall: Diaz, Gillette, Harris, Hendrix, Jones, Smith

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 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. **FOR STATEWIDE MEASURES**, under this
19 power ten percent of the qualified electors **FROM EACH**
20 **LEGISLATIVE DISTRICT** shall have the right to propose any
21 **STATEWIDE** measure, and fifteen percent **OF THE QUALIFIED**
22 **ELECTORS FROM EACH LEGISLATIVE DISTRICT** shall have the right
23 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, **FOR**
27 **STATEWIDE MEASURES**, five percent of the qualified electors
28 **FROM EACH LEGISLATIVE DISTRICT**, may order the submission to
29 the people at the polls of any measure, or item, section or
30 part of any measure, enacted by the legislature, except laws
31 immediately necessary for the preservation of the public
32 peace, health or safety, or for the support and maintenance of
33 the departments of the state government and state
34 institutions; but to allow opportunity for referendum
35 petitions, no act passed by the legislature shall be operative
36 for ninety days after the close of the session of the
37 legislature enacting such measure, except such as require
38 earlier operation to preserve the public peace, health or
39 safety, or to provide appropriations for the support and
40 maintenance of the departments of the state and of state
41 institutions; provided, that no such emergency measure shall
42 be considered passed by the legislature unless it shall state
43 in a separate section why it is necessary that it shall become
44 immediately operative, and shall be approved by the
45 affirmative votes of two-thirds of the members elected to each

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

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

20 (5) Effective date of initiative and referendum
21 measures. Any measure or amendment to the constitution
22 proposed under the initiative, and any measure to which the
23 referendum is applied, shall be referred to a vote of the
24 qualified electors, and for an initiative or referendum to
25 approve a tax, shall become law when approved by sixty percent
26 of the votes cast thereon and ~~अपरा~~ ON proclamation of the
27 governor, and not otherwise and for all other initiatives and
28 referendums, shall become law when approved by a majority of
29 the votes cast thereon and ~~अपरा~~ ON proclamation of the
30 governor, and not otherwise.

31 (6) (A) Veto of initiative or referendum. The veto
32 power of the governor shall not extend to an initiative
33 measure to approve a tax that is approved by sixty percent of
34 the votes cast thereon or to a referendum measure to approve a
35 tax that is decided by sixty percent of the votes cast thereon
36 and for all other initiatives and referendums, the veto power
37 of the governor shall not extend to initiatives and
38 referendums approved by a majority of the votes cast thereon.

39 (6) (B) Legislature's power to repeal initiative or
40 referendum. The legislature shall not have the power to
41 repeal an initiative measure to approve a tax that is approved
42 by sixty percent of the votes cast thereon or to repeal a
43 referendum measure to approve a tax that is decided by sixty
44 percent of the votes cast thereon and for all other
45 initiatives and referendums, the legislature shall not have

1 the power to repeal an initiative measure approved by a
2 majority of the votes cast thereon and shall not have the
3 power to repeal a referendum measure decided by a majority of
4 the votes cast thereon.

5 (6) (C) Legislature's power to amend initiative or
6 referendum. The legislature shall not have the power to amend
7 an initiative measure to approve a tax that is approved by
8 sixty percent of the votes cast thereon, or to amend a
9 referendum measure to approve a tax that is decided by sixty
10 percent of the votes cast thereon, unless the amending
11 legislation furthers the purposes of such measure and at least
12 three-fourths of the members of each house of the legislature,
13 by a roll call of ayes and nays, vote to amend such
14 measure. For all other initiatives and referendums, the
15 legislature shall not have the power to amend an initiative
16 measure approved by a majority of the votes cast thereon and
17 shall not have the power to amend a referendum measure decided
18 by a majority of the votes cast thereon, unless the amending
19 legislation furthers the purposes of such measure and at least
20 three-fourths of the members of each house of the legislature,
21 by a roll call of ayes and nays, vote to amend such measure.

22 (6) (D) Legislature's power to appropriate or divert
23 funds created by initiative or referendum. The legislature
24 shall not have the power to appropriate or divert funds
25 created or allocated to a specific purpose by an initiative
26 measure that also approves a tax that is approved by sixty
27 percent of the votes cast thereon, or by a referendum measure
28 that also approves a tax that is decided by sixty percent of
29 the votes cast thereon, unless the appropriation or diversion
30 of funds furthers the purposes of such measure and at least
31 three-fourths of the members of each house of the legislature,
32 by a roll call of ayes and nays, vote to appropriate or divert
33 such funds. For all other initiatives and referendums, the
34 legislature shall not have the power to appropriate or divert
35 funds created or allocated to a specific purpose by an
36 initiative measure approved by a majority of the votes cast
37 thereon and shall not have the power to appropriate or divert
38 funds created or allocated to a specific purpose by a
39 referendum measure decided by a majority of the votes cast
40 thereon, unless the appropriation or diversion of funds
41 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 appropriate or divert
44 such funds.

1 (7) Number of qualified electors. The whole number of
2 votes cast for all candidates for governor at the general
3 election last preceding the filing of any initiative or
4 referendum petition on a state or county measure shall be the
5 basis on which the number of qualified electors required to
6 sign such petition shall be computed.

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

22 (9) Form and contents of initiative and of referendum
23 petitions; verification. Every initiative or referendum
24 petition shall be addressed to the secretary of state in the
25 case of petitions for or on state measures, and to the clerk
26 of the board of supervisors, city clerk or corresponding
27 officer in the case of petitions for or on county, city or
28 town measures; and shall contain the declaration of each
29 petitioner, for himself, that he is a qualified elector of the
30 state (and in the case of petitions for or on city, town or
31 county measures, of the city, town or county affected), his
32 post office address, the street and number, if any, of his
33 residence, and the date on which he signed such petition.
34 Every initiative measure shall embrace but one subject and
35 matters properly connected therewith, which subject shall be
36 expressed in the title; but if any subject shall be embraced
37 in an initiative measure which shall not be expressed in the
38 title, such initiative measure shall be void only as to so
39 much thereof as shall not be embraced in the title. Each sheet
40 containing petitioners' signatures shall be attached to a full
41 and correct copy of the title and text of the measure so
42 proposed to be initiated or referred to the people, and every
43 sheet of every such petition containing signatures shall be
44 verified by the affidavit of the person who circulated said
45 sheet or petition, setting forth that each of the names on

1 said sheet was signed in the presence of the affiant and that
2 in the belief of the affiant each signer was FOR STATEWIDE
3 MEASURES A qualified elector of the APPROPRIATE LEGISLATIVE
4 DISTRICT AND THIS state, or in the case of a city, town or
5 county measure, of the city, town or county affected by the
6 measure so proposed to be initiated or 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 is filed, in accordance with this section, with
10 the secretary of state, the secretary of state shall cause to
11 be printed on the official ballot at the next regular general
12 election the title and number of said measure, together with
13 the words "yes" and "no" in such manner that the electors may
14 express at the polls their approval or disapproval of the
15 measure.

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

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

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

41 (14) Reservation of legislative power. This section
42 shall not be construed to deprive the legislature of the right
43 to enact any measure except that the legislature shall not
44 have the power to adopt any measure that supersedes, in whole
45 or in part, any initiative measure to approve a tax that is

1 approved by sixty percent of the votes cast thereon or any
2 referendum measure to approve a tax that is decided by sixty
3 percent of the votes cast thereon unless the superseding
4 measure furthers the purposes of the initiative or referendum
5 measure and at least three-fourths of the members of each
6 house of the legislature, by a roll call of ayes and nays,
7 vote to supersede such initiative or referendum measure. For
8 all other initiatives and referendums, the legislature shall
9 not have the power to adopt any measure that supersedes, in
10 whole or in part, any initiative measure approved by a
11 majority of the votes cast thereon and shall not have the
12 power to adopt any measure that supersedes, in whole or in
13 part, any referendum measure decided by a majority of the
14 votes cast thereon, unless the superseding measure furthers
15 the purposes of the initiative or referendum measure and at
16 least three-fourths of the members of each house of the
17 legislature, by a roll call of ayes and nays, vote to
18 supersede such initiative or referendum measure.

19 (15) Legislature's right to refer measure to the people.
20 Nothing in this section shall be construed to deprive or limit
21 the legislature of the right to order the submission to the
22 people at the polls of any measure, item, section or part of
23 any measure.

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

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