

REFERENCE TITLE: constitutional amendments; sixty percent approval

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

## SCR 1002

Introduced by  
Senator Kern

### 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 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. Under this power ten percent of the  
19 qualified electors shall have the right to propose any  
20 measure, and fifteen percent shall have the right to propose  
21 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 percent  
25 of the qualified electors, may order the submission to the  
26 people at the polls of any measure, or item, section or part  
27 of any measure, enacted by the legislature, except laws  
28 immediately necessary for the preservation of the public  
29 peace, health or safety, or for the support and maintenance of  
30 the departments of the state government and state  
31 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 ~~OR AMEND THE CONSTITUTION~~, shall become law when  
23 approved by sixty percent of the votes cast thereon and ~~अपरा~~  
24 ~~ON~~ proclamation of the governor, and not otherwise and for all  
25 other initiatives and referendums, shall become law when  
26 approved by a majority of the votes cast thereon and ~~अपरा~~ ~~ON~~  
27 proclamation of 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 sixty percent of  
31 the votes cast thereon or to a referendum measure to approve a  
32 tax that is decided by sixty percent of the votes cast thereon  
33 and for all other initiatives and referendums, the veto power  
34 of the governor shall not extend to initiatives and  
35 referendums approved by a majority of the votes cast thereon.

36 (6) (B) Legislature's power to repeal initiative or  
37 referendum. The legislature shall not have the power to  
38 repeal an initiative measure to approve a tax that is approved  
39 by sixty percent of the votes cast thereon or to repeal a  
40 referendum measure to approve a tax that is decided by sixty  
41 percent of the votes cast thereon and for all other  
42 initiatives and referendums, the legislature shall not have  
43 the power to repeal an initiative measure approved by a  
44 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  
6 sixty percent of the votes cast thereon, or to amend a  
7 referendum measure to approve a tax that is decided by sixty  
8 percent of the votes cast thereon, unless the amending  
9 legislation furthers the purposes of such measure and at least  
10 three-fourths of the members of each house of the legislature,  
11 by a roll call of ayes and nays, vote to amend such measure.  
12 For all other initiatives and referendums, the legislature  
13 shall not have the power to amend an initiative measure  
14 approved by a majority of the votes cast thereon and shall not  
15 have the power to amend a referendum measure decided by a  
16 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 OR AMENDS THE CONSTITUTION  
25 AND that is approved by sixty percent of the votes cast  
26 thereon, or by a referendum measure that also approves a tax  
27 OR AMENDS THE CONSTITUTION AND that is decided by sixty  
28 percent of the votes cast thereon, unless the appropriation or  
29 diversion of funds furthers the purposes of such measure and  
30 at least three-fourths of the members of each house of the  
31 legislature, by a roll call of ayes and nays, vote to  
32 appropriate or divert such funds. For all other initiatives  
33 and referendums, the legislature shall not have the power to  
34 appropriate or divert funds created or allocated to a specific  
35 purpose by an initiative measure approved by a majority of the  
36 votes cast thereon and shall not have the power to appropriate  
37 or divert funds created or allocated to a specific purpose by  
38 a referendum measure decided by a majority of the votes cast  
39 thereon, unless the appropriation or diversion of funds  
40 furthers the purposes of such measure and at least  
41 three-fourths of the members of each house of the legislature,  
42 by a roll call of ayes and nays, vote to appropriate or divert  
43 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 a qualified  
3 elector of the state, or in the case of a city, town or county  
4 measure, of the city, town or county affected by the measure  
5 so proposed to be initiated or referred to the people.

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

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

21 (12) Conflicting measures or constitutional amendments.  
22 If 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  
25 number of affirmative votes shall prevail in all particulars  
26 as to which there is conflict.

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

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

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

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

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

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

28 1. Introduction in legislature: initiative  
29 petition; election

30 Section 1. Any amendment or amendments to this  
31 constitution may be proposed in either house of the  
32 legislature, or by initiative petition signed by a number of  
33 qualified electors equal to fifteen percent of the total  
34 number of votes for all candidates for governor at the last  
35 preceding general election. Any proposed amendment or  
36 amendments which shall be introduced in either house of the  
37 legislature, and which shall be approved by a majority of the  
38 members elected to each of the two houses, shall be entered on  
39 the journal of each house, together with the ayes and nays  
40 thereon. When any proposed amendment or amendments shall be  
41 thus passed by a majority of each house of the legislature and  
42 entered on the respective journals thereof, or when any  
43 elector or electors file with the secretary of state any  
44 proposed amendment or amendments together with a petition  
45 therefor signed by a number of electors equal to fifteen

1 percent of the total number of votes for all candidates for  
2 governor in the last preceding general election, the secretary  
3 of state shall submit such proposed amendment or amendments to  
4 the vote of the people at the next general election (except  
5 when the legislature shall call a special election for the  
6 purpose of having said proposed amendment or amendments voted  
7 on, in which case the secretary of state shall submit such  
8 proposed amendment or amendments to the qualified electors at  
9 said special election,) and for any proposed amendment or  
10 amendments to approve a tax OR AMEND THE CONSTITUTION, if  
11 sixty percent of the qualified electors voting thereon shall  
12 approve and ratify such proposed amendment or amendments in  
13 the regular or special election, such amendment or amendments  
14 shall become a part of this constitution ~~and for any other~~  
15 ~~proposed amendment or amendments, if a majority of the~~  
16 ~~qualified electors voting thereon shall approve and ratify~~  
17 ~~such proposed amendment or amendments in the regular or~~  
18 ~~special election, such amendment or amendments shall become a~~  
19 ~~part of this constitution.~~ Until a method of publicity is  
20 otherwise provided by law, the secretary of state shall have  
21 the proposed amendment or amendments published for a period of  
22 at least ninety days before the date of the election in at  
23 least one newspaper in every county of the state in which a  
24 newspaper is published, in such manner as may be prescribed by  
25 law. If more than one proposed amendment is submitted at any  
26 election, the proposed amendments shall be submitted in such a  
27 manner that the electors may vote for or against such proposed  
28 amendments separately.

29 3. The Secretary of State shall submit this proposition to the  
30 voters at the next general election as provided by article XXI,  
31 Constitution of Arizona.