

Senate Engrossed

constitutional amendments; sixty percent approval

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

SENATE CONCURRENT RESOLUTION 1002

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.