

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

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

## **SCR 1024**

Introduced by  
Senator Wadsack: Representative Jones

### 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 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.