



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: ELEC DPA 4-3-1-0 | 3rd Read: 16-12-2-0

House: MOE DP 5-4-0-0 | 3rd Read: 31-29-0-0

SCR1041: ballot measures; challenges

Sponsor: Senator Mesnard, LD 13

Transmitted to the Secretary of State

Overview

Allows a person to bring an action in the superior court that challenges the constitutionality of proposed constitutional amendments and measures.

History

The Arizona Constitution recognizes the reserved power of the people to propose laws and amendments to the constitution and to enact or reject such laws and amendments at the polls. The first of these reserved powers is the initiative: 10% of qualified electors have the right to propose any measure and 15% have the right to propose any amendment to the constitution. The second of these reserved powers is the referendum: the legislature or 5% of qualified electors may order any measure, item, section or part of any measure enacted by the Legislature to the people at the polls, except for laws immediately necessary for the preservation of public peace, health or safety, or for support and maintenance of the departments of state government ([Const. of Ariz. Art. IV, Part 1, § 1](#)).

Provisions

1. Authorizes a person to bring an action in superior court to contest the constitutionality of a proposed measure or amendment to the constitution on the grounds that the measure or amendment would violate the United States Constitution or the Arizona Constitution. (Sec. 1)
2. Instructs the courts to advance, hear and decide on any action contesting the constitutionality of a proposed measure or amendment that is brought at least 90 days before the election at which the measure or amendment will be voted on. (Sec. 1)
3. Allows any party to appeal to the Arizona Supreme Court within five calendar days after the superior court enters its judgement. (Sec. 1)
4. Prohibits the Secretary of State or other election official from certifying or printing the measure or amendment on the official ballot if a court of competent jurisdiction, at least 90 days before the appropriate election, finds the measure or amendment to be unconstitutional. (Sec. 1)
5. Clarifies that this law does not preclude or limit any claim, cause of action or remedy given by law to challenge the validity or legal sufficiency of an initiative measure, referendum or constitutional amendment, or a petition filed in support of the same. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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6. Contains a Legislative findings and declaration of purpose clause. (Sec. 1)
7. Requires the Secretary of State to submit the proposition to the voters at the next general election.
8. Becomes effective if approved by the voters and upon proclamation of the Governor.