



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.C.R. 1041

ballot measures; challenges

Purpose

Subject to voter approval, allows a person to contest the constitutionality of an initiative measure or amendment in superior court and prohibits the Secretary of State (SOS) from certifying or printing an amendment or measure that is found unconstitutional by a court of competent jurisdiction.

Background

The Arizona Constitution grants the people the power to: 1) propose laws and amendments to the Constitution; 2) enact or reject laws and amendments at the polls, independent of the Legislature; and 3) approve or reject any item, section or part of any act of the Legislature at the polls. Amendments to the Arizona Constitution may be proposed in either legislative chamber or by initiative power. The initiative power requires 15 percent of qualified electors to propose an amendment to the Arizona Constitution. When a proposed amendment is approved by a majority of each legislative chamber or when an initiative petition is filed with the SOS, the SOS must submit the proposed amendment to a vote of the people at the next general election. Any initiative measure or referendum becomes law when approved by a majority of votes cast and upon proclamation of the Governor ([Ariz. Const. art. 4, pt. 1, § 1](#) and [art. 21 § 1](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Allows a person to bring an action in superior court to contest the constitutionality of an initiative measure or amendment that violates the U.S. Constitution or Arizona Constitution, within 100 days before the election that the measure or amendment is scheduled to appear.
2. Prohibits the SOS or other officer from certifying or printing the measure or amendment on the ballot if a court of competent jurisdiction enters a judgement, within 100 days before the election, that the measure or amendment violates the U.S. or Arizona Constitution.
3. Allows any party to appeal to the Arizona Supreme Court within five calendar days of judgement entered by the superior court.
4. Contains a statement of legislative intent.
5. Requires the SOS to submit the proposition to the voters at the next general election.
6. Becomes effective if approved by the voters and on proclamation of the Governor.

Amendments Adopted by Committee

- Adds a statement of legislative intent.

Amendments Adopted by Committee of the Whole

1. Adds to and corrects the statement of legislative intent.
2. Makes technical and conforming changes.

Senate Action

ELEC 2/15/24 DPA 4-3-1

Prepared by Senate Research

February 28, 2024

AN/KS/mg