

REFERENCE TITLE: practice of law; legislative authority

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SCR 1022

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; RELATING TO INITIATIVE 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) (A) 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 (2) (B) AUTHORITY TO REGULATE PRACTICE OF LAW. THE
23 ARIZONA LEGISLATURE AND THE PEOPLE THROUGH THE POWER OF
24 INITIATIVE HAVE THE AUTHORITY TO ENACT LAWS CONCERNING THE
25 PRACTICE OF LAW. ENACTMENTS OF THE LEGISLATURE OR THE PEOPLE
26 SUPERSEDE CONFLICTING COURT RULES AND REGULATIONS.

27 (3) Referendum power; emergency measures; effective
28 date of acts. The second of these reserved powers is the
29 referendum. Under this power the legislature, or five percent
30 of the qualified electors, may order the submission to the
31 people at the polls of any measure, or item, section or part
32 of any measure, enacted by the legislature, except laws
33 immediately necessary for the preservation of the public
34 peace, health or safety, or for the support and maintenance of
35 the departments of the state government and state
36 institutions; but to allow opportunity for referendum
37 petitions, no act passed by the legislature shall be operative
38 for ninety days after the close of the session of the
39 legislature enacting such measure, except such as require
40 earlier operation to preserve the public peace, health or
41 safety, or to provide appropriations for the support and
42 maintenance of the departments of the state and of state
43 institutions; provided, that no such emergency measure shall
44 be considered passed by the legislature unless it shall state
45 in a separate section why it is necessary that it shall become

1 immediately operative, and shall be approved by the
2 affirmative votes of two-thirds of the members elected to each
3 house of the legislature, taken by roll call of ayes and nays,
4 and also approved by the governor; and should such measure be
5 vetoed by the governor, it shall not become a law unless it
6 shall be approved by the votes of three-fourths of the members
7 elected to each house of the legislature, taken by roll call
8 of ayes and nays.

9 (4) Initiative and referendum petitions; filing. All
10 petitions submitted under the power of the initiative shall be
11 known as initiative petitions, and shall be filed with the
12 secretary of state not less than four months preceding the
13 date of the election at which the measures so proposed are to
14 be voted upon. All petitions submitted under the power of the
15 referendum shall be known as referendum petitions, and shall
16 be filed with the secretary of state not more than ninety days
17 after the final adjournment of the session of the legislature
18 which shall have passed the measure to which the referendum is
19 applied. The filing of a referendum petition against any
20 item, section or part of any measure shall not prevent the
21 remainder of such measure from becoming operative.

22 (5) Effective date of initiative and referendum
23 measures. Any measure or amendment to the constitution
24 proposed under the initiative, and any measure to which the
25 referendum is applied, shall be referred to a vote of the
26 qualified electors, and for an initiative or referendum to
27 approve a tax, shall become law when approved by sixty percent
28 of the votes cast thereon and ~~upon~~ ON proclamation of the
29 governor, and not otherwise and for all other initiatives and
30 referendums, shall become law when approved by a majority of
31 the votes cast thereon and ~~upon~~ ON proclamation of the
32 governor, and not otherwise.

33 (6) (A) Veto of initiative or referendum. The veto
34 power of the governor shall not extend to an initiative
35 measure to approve a tax that is approved by sixty percent of
36 the votes cast thereon or to a referendum measure to approve a
37 tax that is decided by sixty percent of the votes cast thereon
38 and for all other initiatives and referendums, the veto power
39 of the governor shall not extend to initiatives and
40 referendums approved by a majority of the votes cast thereon.

41 (6) (B) Legislature's power to repeal initiative or
42 referendum. The legislature shall not have the power to
43 repeal an initiative measure to approve a tax that is approved
44 by sixty percent of the votes cast thereon or to repeal a
45 referendum measure to approve a tax that is decided by sixty

1 percent of the votes cast thereon and for all other
2 initiatives and referendums, the legislature shall not have
3 the power to repeal an initiative measure approved by a
4 majority of the votes cast thereon and shall not have the
5 power to repeal a referendum measure decided by a majority of
6 the votes cast thereon.

7 (6) (C) Legislature's power to amend initiative or
8 referendum. The legislature shall not have the power to amend
9 an initiative measure to approve a tax that is approved by
10 sixty percent of the votes cast thereon, or to amend a
11 referendum measure to approve a tax that is decided by sixty
12 percent of the votes cast thereon, unless the amending
13 legislation furthers the purposes of such measure and at least
14 three-fourths of the members of each house of the legislature,
15 by a roll call of ayes and nays, vote to amend such
16 measure. For all other initiatives and referendums, the
17 legislature shall not have the power to amend an initiative
18 measure approved by a majority of the votes cast thereon and
19 shall not have the power to amend a referendum measure decided
20 by a majority of the votes cast thereon, unless the amending
21 legislation furthers the purposes of such measure and at least
22 three-fourths of the members of each house of the legislature,
23 by a roll call of ayes and nays, vote to amend such measure.

24 (6) (D) Legislature's power to appropriate or divert
25 funds created by initiative or referendum. The legislature
26 shall not have the power to appropriate or divert funds
27 created or allocated to a specific purpose by an initiative
28 measure that also approves a tax that is approved by sixty
29 percent of the votes cast thereon, or by a referendum measure
30 that also approves a tax that is decided by sixty percent of
31 the votes cast thereon, unless the appropriation or diversion
32 of funds furthers the purposes of such measure and at least
33 three-fourths of the members of each house of the legislature,
34 by a roll call of ayes and nays, vote to appropriate or divert
35 such funds. For all other initiatives and referendums, the
36 legislature shall not have the power to appropriate or divert
37 funds created or allocated to a specific purpose by an
38 initiative measure approved by a majority of the votes cast
39 thereon and shall not have the power to appropriate or divert
40 funds created or allocated to a specific purpose by a
41 referendum measure decided by a majority of the votes cast
42 thereon, unless the appropriation or diversion of funds
43 furthers the purposes of such measure and at least
44 three-fourths of the members of each house of the legislature,

1 by a roll call of ayes and nays, vote to appropriate or divert
2 such funds.

3 (7) Number of qualified electors. The whole number of
4 votes cast for all candidates for governor at the general
5 election last preceding the filing of any initiative or
6 referendum petition on a state or county measure shall be the
7 basis on which the number of qualified electors required to
8 sign such petition shall be computed.

9 (8) Local, city, town or county matters. The powers of
10 the initiative and the referendum are hereby further reserved
11 to the qualified electors of every incorporated city, town and
12 county as to all local, city, town or county matters on which
13 such incorporated cities, towns and counties are or shall be
14 empowered by general laws to legislate. Such incorporated
15 cities, towns and counties may prescribe the manner of
16 exercising said powers within the restrictions of general
17 laws. Under the power of the initiative fifteen percent of the
18 qualified electors may propose measures on such local, city,
19 town or county matters, and ten percent of the electors may
20 propose the referendum on legislation enacted within and by
21 such city, town or county. Until provided by general law,
22 said cities and towns may prescribe the basis on which said
23 percentages shall be computed.

24 (9) Form and contents of initiative and of referendum
25 petitions; verification. Every initiative or referendum
26 petition shall be addressed to the secretary of state in the
27 case of petitions for or on state measures, and to the clerk
28 of the board of supervisors, city clerk or corresponding
29 officer in the case of petitions for or on county, city or
30 town measures; and shall contain the declaration of each
31 petitioner, for himself, that he is a qualified elector of the
32 state (and in the case of petitions for or on city, town or
33 county measures, of the city, town or county affected), his
34 post office address, the street and number, if any, of his
35 residence, and the date on which he signed such petition.
36 Every initiative measure shall embrace but one subject and
37 matters properly connected therewith, which subject shall be
38 expressed in the title; but if any subject shall be embraced
39 in an initiative measure which shall not be expressed in the
40 title, such initiative measure shall be void only as to so
41 much thereof as shall not be embraced in the title. Each
42 sheet containing petitioners' signatures shall be attached to
43 a full and correct copy of the title and text of the measure
44 so proposed to be initiated or referred to the people, and
45 every sheet of every such petition containing signatures shall

1 be verified by the affidavit of the person who circulated said
2 sheet or petition, setting forth that each of the names on
3 said sheet was signed in the presence of the affiant and that
4 in the belief of the affiant each signer was a qualified
5 elector of the state, or in the case of a city, town or county
6 measure, of the city, town or county affected by the measure
7 so proposed to be initiated or referred to the people.

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

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

23 (12) Conflicting measures or constitutional amendments.
24 If two or more conflicting measures or amendments to the
25 constitution shall be approved by the people at the same
26 election, the measure or amendment receiving the greatest
27 number of affirmative votes shall prevail in all particulars
28 as to which there is conflict.

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

42 (14) Reservation of legislative power. This section
43 shall not be construed to deprive the legislature of the right
44 to enact any measure except that the legislature shall not
45 have the power to adopt any measure that supersedes, in whole

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

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

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

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