

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

## HOUSE CONCURRENT RESOLUTION 2042

### A CONCURRENT RESOLUTION

PROPOSING AMENDMENTS TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 1, SECTION 1, CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA; REPEALING ARTICLE V, SECTION 1, CONSTITUTION OF ARIZONA, AS AMENDED BY 1991 HOUSE CONCURRENT RESOLUTION 2001 AND DESIGNATED AS PROPOSITION 100; AMENDING ARTICLE V, SECTION 1, CONSTITUTION OF ARIZONA, AS AMENDED BY A 1992 INITIATIVE MEASURE DESIGNATED AS PROPOSITION 107; AMENDING ARTICLE V, SECTIONS 6, 7, 9, 10, 11 AND 12, CONSTITUTION OF ARIZONA; AMENDING ARTICLE VI, SECTIONS 26 AND 38, CONSTITUTION OF ARIZONA; AMENDING ARTICLE XII, SECTION 5, CONSTITUTION OF ARIZONA; AMENDING ARTICLE XIII, SECTION 2, CONSTITUTION OF ARIZONA; AMENDING ARTICLE XXI, SECTION 1, CONSTITUTION OF ARIZONA; COMBINING MULTIPLE ENACTMENTS; RELATING TO THE OFFICE OF LIEUTENANT GOVERNOR.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the  
2 Senate concurring:

3 1. Article IV, part 1, section 1, Constitution of Arizona, is proposed  
4 to be amended as follows if approved by the voters and on proclamation of the  
5 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 and  
12 to enact or reject such laws and amendments at the polls,  
13 independently of the legislature; and they also reserve, for use  
14 at their own option, the power to approve or reject at the polls  
15 any act, or item, section, or part of any act, of the  
16 legislature.

17 (2) Initiative power. The first of these reserved powers  
18 is the initiative. Under this power ten per ~~centum~~ CENT of the  
19 qualified electors shall have the right to propose any measure,  
20 and fifteen per ~~centum~~ CENT shall have the right to propose any  
21 amendment to the constitution.

22 (3) Referendum power; emergency measures; effective date  
23 of acts. The second of these reserved powers is the referendum.  
24 Under this power the legislature, or five per ~~centum~~ CENT of the  
25 qualified electors, may order the submission to the people at  
26 the polls of any measure, or item, section, or part of any  
27 measure, enacted by the legislature, except laws immediately  
28 necessary for the preservation of the public peace, health, or  
29 safety, or for the support and maintenance of the departments of  
30 the state government and state institutions; but to allow  
31 opportunity for referendum petitions, no act passed by the  
32 legislature shall be operative for ninety days after the close  
33 of the session of the legislature enacting such measure, except  
34 such as require earlier operation to preserve the public peace,  
35 health, or safety, or to provide appropriations for the support  
36 and maintenance of the departments of the state and of state  
37 institutions; provided, that no such emergency measure shall be  
38 considered passed by the legislature unless it shall state in a  
39 separate section why it is necessary that it shall become  
40 immediately operative, and shall be approved by the affirmative  
41 votes of two-thirds of the members elected to each house of the  
42 legislature, taken by roll call of ayes and nays, and also  
43 approved by the governor; and should such measure be vetoed by  
44 the governor, it shall not become a law unless it shall be  
45 approved by the votes of three-fourths of the members elected to

1 each house of the legislature, taken by roll call of ayes and  
2 nays.

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

17 (5) Effective date of initiative and referendum measures.  
18 Any measure or amendment to the constitution proposed under the  
19 initiative, and any measure to which the referendum is applied,  
20 shall be referred to a vote of the qualified electors, and shall  
21 become law when approved by a majority of the votes cast thereon  
22 and upon proclamation of the governor, and not otherwise.

23 (6) (A) Veto of initiative or referendum. The veto  
24 power of the governor shall not extend to an initiative measure  
25 approved by a majority of the votes cast thereon or to a  
26 referendum measure decided by a majority of the votes cast  
27 thereon.

28 ~~(6)~~ (B) Legislature's power to repeal initiative or  
29 referendum. The legislature shall not have the power to repeal  
30 an initiative measure approved by a majority of the votes cast  
31 thereon or to repeal a referendum measure decided by a majority  
32 of the votes cast thereon.

33 ~~(6)~~ (C) Legislature's power to amend initiative or  
34 referendum. The legislature shall not have the power to amend  
35 an initiative measure approved by a majority of the votes cast  
36 thereon, or to amend a referendum measure decided by a majority  
37 of the votes cast thereon, unless the amending legislation  
38 furthers the purposes of such measure and at least three-fourths  
39 of the members of each house of the legislature, by a roll call  
40 of ayes and nays, vote to amend such measure.

41 ~~(6)~~ (D) Legislature's power to appropriate or divert  
42 funds created by initiative or referendum. The legislature  
43 shall not have the power to appropriate or divert funds created  
44 or allocated to a specific purpose by an initiative measure  
45 approved by a majority of the votes cast thereon, or by a

1 referendum measure decided by a majority of the votes cast  
2 thereon, unless the appropriation or diversion of funds furthers  
3 the purposes of such measure and at least three-fourths of the  
4 members of each house of the legislature, by a roll call of ayes  
5 and nays, vote to appropriate or divert such funds.

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

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

27 (9) Form and contents of initiative and of referendum  
28 petitions; verification. Every initiative or referendum  
29 petition shall be addressed to the ~~secretary of state~~ **LIEUTENANT**  
30 **GOVERNOR** in the case of petitions for or on state measures, and  
31 to the clerk of the board of supervisors, city clerk, or  
32 corresponding officer in the case of petitions for or on county,  
33 city, or town measures; and shall contain the declaration of  
34 each petitioner, for himself, that he is a qualified elector of  
35 the state (and in the case of petitions for or on city, town, or  
36 county measures, of the city, town, or county affected), his  
37 post office address, the street and number, if any, of his  
38 residence, and the date on which he signed such petition. Each  
39 sheet containing petitioners' signatures shall be attached to a  
40 full and correct copy of the title and text of the measure so  
41 proposed to be initiated or referred to the people, and every  
42 sheet of every such petition containing signatures shall be  
43 verified by the affidavit of the person who circulated said  
44 sheet or petition, setting forth that each of the names on said  
45 sheet was signed in the presence of the affiant and that in the

1 belief of the affiant each signer was a qualified elector of the  
2 state, or in the case of a city, town, or county measure, of the  
3 city, town, or county affected by the measure so proposed to be  
4 initiated or referred to the people.

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

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

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

26 (13) Canvass of votes; proclamation. It shall be the duty  
27 of the ~~secretary of state~~ LIEUTENANT GOVERNOR, in the presence  
28 of the governor and the chief justice of the supreme court, to  
29 canvass the votes for and against each such measure or proposed  
30 amendment to the constitution within thirty days after the  
31 election, and upon the completion of the canvass the governor  
32 shall forthwith issue a proclamation, giving the whole number of  
33 votes cast for and against each measure or proposed amendment,  
34 and declaring such measures or amendments as are approved by a  
35 majority of those voting thereon to be law.

36 (14) Reservation of legislative power. This section  
37 shall not be construed to deprive the legislature of the right  
38 to enact any measure except that the legislature shall not have  
39 the power to adopt any measure that supersedes, in whole or in  
40 part, any initiative measure approved by a majority of the votes  
41 cast thereon or any referendum measure decided by a majority of  
42 the votes cast thereon unless the superseding measure furthers  
43 the purposes of the initiative or referendum measure and at  
44 least three-fourths of the members of each house of the

1 legislature, by a roll call of ayes and nays, vote to supersede  
2 such initiative or referendum measure.

3 (15) Legislature's right to refer measure to the people.  
4 Nothing in this section shall be construed to deprive or limit  
5 the legislature of the right to order the submission to the  
6 people at the polls of any measure, item, section, or part of  
7 any measure.

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

10 2. Article IV, part 2, section 1, Constitution of Arizona, is proposed  
11 to be amended as follows if approved by the voters and on proclamation of the  
12 Governor:

13 1. Senate; house of representatives; members; special  
14 session upon petition of members; congressional and  
15 legislative boundaries; citizen commissions

16 Section 1. (1) The senate shall be composed of one member  
17 elected from each of the thirty legislative districts  
18 established pursuant to this section. The house of  
19 representatives shall be composed of two members elected from  
20 each of the thirty legislative districts established pursuant to  
21 this section.

22 (2) Upon the presentation to the governor of a petition  
23 bearing the signatures of not less than two-thirds of the  
24 members of each house, requesting a special session of the  
25 legislature and designating the date of convening, the governor  
26 shall promptly call a special session to assemble on the date  
27 specified. At a special session so called the subjects which  
28 may be considered by the legislature shall not be limited.

29 (3) By February 28 of each year that ends in one, an  
30 independent redistricting commission shall be established to  
31 provide for the redistricting of congressional and state  
32 legislative districts. The independent redistricting commission  
33 shall consist of five members. No more than two members of the  
34 independent redistricting commission shall be members of the  
35 same political party. Of the first four members appointed, no  
36 more than two shall reside in the same county. Each member shall  
37 be a registered Arizona voter who has been continuously  
38 registered with the same political party or registered as  
39 unaffiliated with a political party for three or more years  
40 immediately preceding appointment, who is committed to applying  
41 the provisions of this section in an honest, independent and  
42 impartial fashion and to upholding public confidence in the  
43 integrity of the redistricting process. Within the three years  
44 previous to appointment, members shall not have been appointed  
45 to, elected to, or a candidate for any other public office,

1 including precinct committeeman or committeewoman but not  
2 including school board member or officer, and shall not have  
3 served as an officer of a political party, or served as a  
4 registered paid lobbyist or as an officer of a candidate's  
5 campaign committee.

6 (4) The commission on appellate court appointments shall  
7 nominate candidates for appointment to the independent  
8 redistricting commission, except that, if a politically balanced  
9 commission exists whose members are nominated by the commission  
10 on appellate court appointments and whose regular duties relate  
11 to the elective process, the commission on appellate court  
12 appointments may delegate to such existing commission  
13 (hereinafter called the commission on appellate court  
14 appointments' designee) the duty of nominating members for the  
15 independent redistricting commission, and all other duties  
16 assigned to the commission on appellate court appointments in  
17 this section.

18 (5) By January 8 of years ending in one, the commission  
19 on appellate court appointments or its designee shall establish  
20 a pool of persons who are willing to serve on and are qualified  
21 for appointment to the independent redistricting commission. The  
22 pool of candidates shall consist of twenty-five nominees, with  
23 ten nominees from each of the two largest political parties in  
24 Arizona based on party registration, and five who are not  
25 registered with either of the two largest political parties in  
26 Arizona.

27 (6) Appointments to the independent redistricting  
28 commission shall be made in the order set forth below. No later  
29 than January 31 of years ending in one, the highest ranking  
30 officer elected by the Arizona house of representatives shall  
31 make one appointment to the independent redistricting commission  
32 from the pool of nominees, followed by one appointment from the  
33 pool made in turn by each of the following: the minority party  
34 leader of the Arizona house of representatives, the highest  
35 ranking officer elected by the Arizona senate, and the minority  
36 party leader of the Arizona senate. Each such official shall  
37 have a seven-day period in which to make an appointment. Any  
38 official who fails to make an appointment within the specified  
39 time period will forfeit the appointment privilege. In the event  
40 that there are two or more minority parties within the house or  
41 the senate, the leader of the largest minority party by  
42 statewide party registration shall make the appointment.

43 (7) Any vacancy in the above four independent  
44 redistricting commission positions remaining as of March 1 of a  
45 year ending in one shall be filled from the pool of nominees by

1 the commission on appellate court appointments or its designee.  
2 The appointing body shall strive for political balance and  
3 fairness.

4 (8) At a meeting called by the ~~secretary of state~~  
5 LIEUTENANT GOVERNOR, the four independent redistricting  
6 commission members shall select by majority vote from the  
7 nomination pool a fifth member who shall not be registered with  
8 any party already represented on the independent redistricting  
9 commission and who shall serve as chair. If the four  
10 commissioners fail to appoint a fifth member within fifteen  
11 days, the commission on appellate court appointments or its  
12 designee, striving for political balance and fairness, shall  
13 appoint a fifth member from the nomination pool, who shall serve  
14 as chair.

15 (9) The five commissioners shall then select by majority  
16 vote one of their members to serve as vice-chair.

17 (10) After having been served written notice and provided  
18 with an opportunity for a response, a member of the independent  
19 redistricting commission may be removed by the governor, with  
20 the concurrence of two-thirds of the senate, for substantial  
21 neglect of duty, gross misconduct in office, or inability to  
22 discharge the duties of office.

23 (11) If a commissioner or chair does not complete the  
24 term of office for any reason, the commission on appellate court  
25 appointments or its designee shall nominate a pool of three  
26 candidates within the first thirty days after the vacancy  
27 occurs. The nominees shall be of the same political party or  
28 status as was the member who vacated the office at the time of  
29 his or her appointment, and the appointment other than the chair  
30 shall be made by the current holder of the office designated to  
31 make the original appointment. The appointment of a new chair  
32 shall be made by the remaining commissioners. If the appointment  
33 of a replacement commissioner or chair is not made within  
34 fourteen days following the presentation of the nominees, the  
35 commission on appellate court appointments or its designee shall  
36 make the appointment, striving for political balance and  
37 fairness. The newly appointed commissioner shall serve out the  
38 remainder of the original term.

39 (12) Three commissioners, including the chair or  
40 vice-chair, constitute a quorum. Three or more affirmative votes  
41 are required for any official action. Where a quorum is present,  
42 the independent redistricting commission shall conduct business  
43 in meetings open to the public, with ~~48~~ FORTY-EIGHT or more  
44 hours public notice provided.

1 (13) A commissioner, during the commissioner's term of  
2 office and for three years thereafter, shall be ineligible for  
3 Arizona public office or for registration as a paid lobbyist.

4 (14) The independent redistricting commission shall  
5 establish congressional and legislative districts. The  
6 commencement of the mapping process for both the congressional  
7 and legislative districts shall be the creation of districts of  
8 equal population in a grid-like pattern across the state.  
9 Adjustments to the grid shall then be made as necessary to  
10 accommodate the goals as set forth below:

11 ~~A.~~ (a) Districts shall comply with the United States  
12 Constitution and the United States voting rights act. ~~;~~

13 ~~B.~~ (b) Congressional districts shall have equal  
14 population to the extent practicable, and state legislative  
15 districts shall have equal population to the extent  
16 practicable. ~~;~~

17 ~~C.~~ (c) Districts shall be geographically compact and  
18 contiguous to the extent practicable. ~~;~~

19 ~~D.~~ (d) District boundaries shall respect communities of  
20 interest to the extent practicable. ~~;~~

21 ~~E.~~ (e) To the extent practicable, district lines shall  
22 use visible geographic features, city, town and county  
23 boundaries, ~~;~~ and undivided census tracts. ~~;~~

24 ~~F.~~ (f) To the extent practicable, competitive districts  
25 should be favored where to do so would create no significant  
26 detriment to the other goals.

27 (15) Party registration and voting history data shall be  
28 excluded from the initial phase of the mapping process but may  
29 be used to test maps for compliance with the above goals. The  
30 places of residence of incumbents or candidates shall not be  
31 identified or considered.

32 (16) The independent redistricting commission shall  
33 advertise a draft map of congressional districts and a draft map  
34 of legislative districts to the public for comment, which  
35 comment shall be taken for at least thirty days. Either or both  
36 bodies of the legislature may act within this period to make  
37 recommendations to the independent redistricting commission by  
38 memorial or by minority report, which recommendations shall be  
39 considered by the independent redistricting commission. The  
40 independent redistricting commission shall then establish final  
41 district boundaries.

42 (17) The provisions regarding this section are  
43 self-executing. The independent redistricting commission shall  
44 certify to the ~~secretary of state~~ **LIEUTENANT GOVERNOR** the  
45 establishment of congressional and legislative districts.

1           (18) Upon approval of this amendment, the department of  
2 administration or its successor shall make adequate office space  
3 available for the independent redistricting commission. The  
4 treasurer of the state shall make \$6,000,000 available for the  
5 work of the independent redistricting commission pursuant to the  
6 year 2000 census. Unused monies shall be returned to the state's  
7 general fund. In years ending in eight or nine after the year  
8 2001, the department of administration or its successor shall  
9 submit to the legislature a recommendation for an appropriation  
10 for adequate redistricting expenses and shall make available  
11 adequate office space for the operation of the independent  
12 redistricting commission. The legislature shall make the  
13 necessary appropriations by a majority vote.

14           (19) The independent redistricting commission, with  
15 fiscal oversight from the department of administration or its  
16 successor, shall have procurement and contracting authority and  
17 may hire staff and consultants for the purposes of this section,  
18 including legal representation.

19           (20) The independent redistricting commission shall have  
20 standing in legal actions regarding the redistricting plan and  
21 the adequacy of resources provided for the operation of the  
22 independent redistricting commission. The independent  
23 redistricting commission shall have sole authority to determine  
24 whether the Arizona attorney general or counsel hired or  
25 selected by the independent redistricting commission shall  
26 represent the people of Arizona in the legal defense of a  
27 redistricting plan.

28           (21) Members of the independent redistricting commission  
29 are eligible for reimbursement of expenses pursuant to law, and  
30 a member's residence is deemed to be the member's post of duty  
31 for purposes of reimbursement of expenses.

32           (22) Employees of the department of administration or its  
33 successor shall not influence or attempt to influence the  
34 district-mapping decisions of the independent redistricting  
35 commission.

36           (23) Each commissioner's duties established by this  
37 section expire upon the appointment of the first member of the  
38 next redistricting commission. The independent redistricting  
39 commission shall not meet or incur expenses after the  
40 redistricting plan is completed, except if litigation or any  
41 government approval of the plan is pending, or to revise  
42 districts if required by court decisions or if the number of  
43 congressional or legislative districts is changed.

1           3. Article V, section 1, Constitution of Arizona, as amended by 1991  
2 house concurrent resolution 2001 and designated as ballot proposition 100, is  
3 proposed to be repealed as follows if approved by the voters and on  
4 proclamation of the Governor:

5           Article V, section 1, Constitution of Arizona, as amended  
6 by 1991 house concurrent resolution 2001 and designated as  
7 ballot proposition 100, is repealed.

8           4. Article V, section 1, Constitution of Arizona, as amended by a 1992  
9 initiative measure designated as ballot proposition 107, is proposed to be  
10 amended as follows if approved by the voters and on proclamation of the  
11 Governor:

- 12           1. Term limits on executive department and state  
13 officers; term lengths; election; residence and  
14 office at seat of government; duties

15           Section 1. A. The executive department shall consist of  
16 the governor, ~~secretary of state~~ LIEUTENANT GOVERNOR, state  
17 treasurer, attorney general,— and superintendent of public  
18 instruction, each of whom shall hold office for a term of four  
19 years beginning on the first Monday of January, 1971 next after  
20 the regular general election in 1970. No member of the  
21 executive department shall hold that office for more than two  
22 consecutive terms. This limitation on the number of terms of  
23 consecutive service shall apply to terms of office beginning on  
24 or after January 1, 1993. No member of the executive department  
25 after serving the maximum number of terms, which shall include  
26 any part of a term served, may serve in the same office until  
27 out of office for no less than one full term.

28           B. The person having ~~a majority~~ THE HIGHEST NUMBER of the  
29 votes cast for the office voted for shall be elected.—~~If no~~  
30 ~~person receives a majority of the votes cast for the office, a~~  
31 ~~second election shall be held as prescribed by law between the~~  
32 ~~persons receiving the highest and second highest number of votes~~  
33 ~~cast for the office. The person receiving the highest number of~~  
34 ~~votes at the second election for the office is elected~~, but if  
35 ~~the~~ two OR MORE persons have an equal AND THE HIGHEST number of  
36 votes for the office, the two houses of the legislature at its  
37 next regular session shall elect forthwith, by joint ballot, one  
38 of such persons for said office.

39           C. The officers of the executive department during their  
40 terms of office shall reside at the seat of government where  
41 they shall keep their offices and the public records, books,  
42 and papers. They shall perform such duties as are prescribed by  
43 the constitution and as may be provided by law.

1           5. Article V, section 6, Constitution of Arizona, is proposed to be  
2 amended as follows if approved by the voters and on proclamation of the  
3 Governor:

4           6. Death, resignation, removal or disability of  
5 governor; succession to office; impeachment,  
6 absence from state or temporary disability

7           Section 6. A. In the event of the death of the governor,  
8 or his resignation, removal from office,~~—~~ or permanent  
9 disability to discharge the duties of the office, the ~~secretary~~  
10 ~~of state~~ LIEUTENANT GOVERNOR, if holding by election, shall  
11 succeed to the office of governor until his successor shall be  
12 elected and shall qualify. If the ~~secretary of state be~~  
13 LIEUTENANT GOVERNOR IS holding otherwise than by election, or  
14 ~~shall fail~~ FAILS to qualify as governor, the attorney general,  
15 the state treasurer,~~—~~ or the superintendent of public  
16 instruction, if holding by election, shall, in the order named,  
17 succeed to the office of governor. The taking of the oath of  
18 office as governor by any person specified in this section shall  
19 constitute resignation from the office by virtue of the holding  
20 of which he qualifies as governor. Any successor to the office  
21 shall become governor in fact and entitled to all of the  
22 emoluments, powers and duties of governor upon taking the oath  
23 of office.

24           B. In the event of the impeachment of the governor, his  
25 absence from the state,~~—~~ or other temporary disability to  
26 discharge the duties of the office, the powers and duties of the  
27 office of governor shall devolve upon the same person as in case  
28 of vacancy, but only until the disability ceases.

29           6. Article V, section 7, Constitution of Arizona, is proposed to be  
30 amended as follows if approved by the voters and on proclamation of the  
31 Governor:

32           7. Presentation of bills to governor; approval; veto;  
33 filing with lieutenant governor; veto of items  
34 in appropriation bills; inapplication of veto  
35 power to referred bills

36           Section 7. A. Every bill passed by the legislature,  
37 before it becomes a law, shall be presented to the governor. If  
38 he ~~approve~~ APPROVES, he shall sign it, and it shall become a law  
39 as provided in this constitution. But if he ~~disapprove~~  
40 DISAPPROVES, he shall return it, with his objections, to the  
41 house in which it originated, which shall enter the objections  
42 at large on the journal. If after reconsideration it again  
43 passes both houses by an aye and nay vote on roll call of  
44 two-thirds of the members elected to each house, it shall become  
45 a law as provided in this constitution, notwithstanding the

1 governor's objections. This section shall not apply to  
2 emergency measures as referred to in section 1 of the article on  
3 the legislative department.

4 B. If any bill ~~be~~ IS not returned within five days after  
5 it shall have been presented to the governor (Sunday excepted)  
6 such bill shall become a law in like manner as if he had signed  
7 it, unless the legislature by its final adjournment prevents its  
8 return, in which case it shall be filed with his objections in  
9 the office of the ~~secretary of state~~ LIEUTENANT GOVERNOR within  
10 ten days after such adjournment (Sundays excepted) or become a  
11 law as provided in this constitution. After the final action by  
12 the governor, or following the adoption of a bill  
13 notwithstanding his objection, it shall be filed with the  
14 ~~secretary of state~~ LIEUTENANT GOVERNOR.

15 C. If any bill presented to the governor contains several  
16 items of appropriations of money, he may object to one or more  
17 of such items, while approving other portions of the bill. In  
18 such case he shall append to the bill at the time of signing it,  
19 a statement of the item or items which he declines to approve,  
20 together with his reasons therefor, and such item or items shall  
21 not take effect unless passed over the governor's objections as  
22 in this section provided.

23 D. The veto power of the governor shall not extend to any  
24 bill passed by the legislature and referred to the people for  
25 adoption or rejection.

26 7. Article V, section 9, Constitution of Arizona, is proposed to be  
27 amended as follows if approved by the voters and on proclamation of the  
28 Governor:

29 9. Powers and duties of state officers

30 Section 9. The powers and duties of ~~secretary of state~~  
31 LIEUTENANT GOVERNOR, state treasurer, ~~attorney general~~ ATTORNEY  
32 GENERAL, and superintendent of public instruction shall be as  
33 prescribed by law.

34 8. Article V, section 10, Constitution of Arizona, is proposed to be  
35 amended as follows if approved by the voters and on proclamation of the  
36 Governor:

37 10. Canvass of election returns for state officers;  
38 certificates of election

39 Section 10. The returns of the election for all state  
40 officers shall be canvassed, and certificates of election issued  
41 by the ~~secretary of state~~ LIEUTENANT GOVERNOR, in such manner as  
42 may be provided by law.

43 9. Article V, section 11, Constitution of Arizona, is proposed to be  
44 amended as follows if approved by the voters and on proclamation of the  
45 Governor:

1           11. Commissions

2           Section 11. All commissions shall issue in the name of  
3           the state, and shall be signed by the governor, sealed with the  
4           seal of the state, and attested by the ~~secretary of state~~  
5           LIEUTENANT GOVERNOR.

6           10. Article V, section 12, Constitution of Arizona, is proposed to be  
7           amended as follows if approved by the voters and on proclamation of the  
8           Governor:

9           12. Compensation of elective state officers; commission  
10           on salaries for elective state officers

11           Section 12. A. The salaries of those holding elective  
12           state offices shall be as established by law from time to time,  
13           subject to the limitations of article ~~6~~ VI, section 33 and to  
14           the limitations of article ~~4~~ IV, part 2, section 17. Such  
15           salaries as are presently established may be altered from time  
16           to time by the procedure established in this section or as  
17           otherwise provided by law, except that legislative salaries may  
18           be altered only by the procedures established in this section.

19           B. A commission to be known as the commission on salaries  
20           for elective state officers is authorized to be established by  
21           the legislature. The commission shall be composed of five  
22           members appointed from private life, two of whom shall be  
23           appointed by the governor and one each by the president of the  
24           senate, the speaker of the house of representatives, and the  
25           chief justice. At such times as may be directed by the  
26           legislature, the commission shall report to the governor with  
27           recommendations concerning the rates of pay of elected state  
28           officers. The governor shall upon the receipt of such report  
29           make recommendations to the legislature with respect to the  
30           exact rates of pay which he deems advisable for those offices  
31           and positions other than for the rates of pay of members of the  
32           legislature. Such recommendations shall become effective at a  
33           time established by the legislature after the transmission of  
34           the recommendation of the governor without aid of further  
35           legislative action unless, within such period of time, there has  
36           been enacted into law a statute which establishes rates of pay  
37           other than those proposed by the governor, or unless either  
38           house of the legislature specifically disapproves all or part of  
39           the governor's recommendation. The recommendations of the  
40           governor, unless disapproved or altered within the time provided  
41           by law, shall be effective, and any 1971 recommendations shall  
42           be effective as to all offices on the first Monday in January of  
43           1973. In case of either a legislative enactment or disapproval  
44           by either house, the recommendations shall be effective only  
45           insofar as not altered or disapproved. The recommendations of

1 the commission as to legislative salaries shall be certified by  
2 it to the ~~secretary of state~~ LIEUTENANT GOVERNOR and the  
3 ~~secretary of state~~ LIEUTENANT GOVERNOR shall submit to the  
4 qualified electors at the next regular general election the  
5 question, "Shall the recommendations of the commission on  
6 salaries for elective state officers concerning legislative  
7 salaries be accepted? [ ] Yes [ ] No." Such recommendations  
8 if approved by the electors shall become effective at the  
9 beginning of the next regular legislative session without any  
10 other authorizing legislation. All recommendations which become  
11 effective under this section shall supersede all laws enacted  
12 prior to their effective date relating to such salaries.

13 11. Article VI, section 26, Constitution of Arizona, is proposed to be  
14 amended as follows if approved by the voters and on proclamation of the  
15 Governor:

16 26. Oath of office

17 Section 26. A. Each justice, judge and justice of the  
18 peace shall, before entering upon the duties of his office, take  
19 and subscribe an oath that he will support the Constitution of  
20 the United States and the Constitution of the State of Arizona,  
21 and that he will faithfully and impartially discharge the duties  
22 of his office to the best of his ability.

23 B. The oath of all judges of courts inferior to the  
24 superior court and the oath of justices of the peace shall be  
25 filed in the office of the county recorder, and the oath of all  
26 other justices and judges shall be filed in the office of the  
27 ~~secretary of state~~ LIEUTENANT GOVERNOR.

28 12. Article VI, section 38, Constitution of Arizona, is proposed to be  
29 amended as follows if approved by the voters and on proclamation of the  
30 Governor:

31 38. Declaration of candidacy; form of judicial  
32 ballot, rejection and retention; failure to  
33 file declaration

34 Section 38. A. A justice or judge of the supreme court or  
35 an intermediate appellate court shall file in the office of the  
36 ~~secretary of state~~ LIEUTENANT GOVERNOR, and a judge of the  
37 superior court or other court of record including such justices  
38 or judges who are holding office as such by election or  
39 appointment at the time of the adoption of this section except  
40 for judges of the superior court and other courts of record  
41 inferior to the superior court in counties having a population  
42 of less than two hundred fifty thousand persons, according to  
43 the United States census, shall file in the office of the clerk  
44 of the board of supervisors of the county in which he regularly  
45 sits and resides, not less than sixty nor more than ninety days

1 prior to the regular general election next preceding the  
2 expiration of his term of office, a declaration of his desire to  
3 be retained in office, and the ~~secretary of state~~ LIEUTENANT  
4 GOVERNOR shall certify to the several boards of supervisors the  
5 appropriate names of the candidate or candidates appearing on  
6 such declarations filed in his office.

7 B. The name of any justice or judge whose declaration is  
8 filed as provided in this section shall be placed on the  
9 appropriate official ballot at the next regular general election  
10 under a nonpartisan designation and in substantially the  
11 following form:

12 Shall \_\_\_\_\_, (Name of justice or judge) of the  
13 \_\_\_\_\_ court be retained in office? Yes \_\_\_ No \_\_\_ (Mark X  
14 after one).

15 C. If a majority of those voting on the question votes  
16 "No," ~~then,~~ upon the expiration of the term for which such  
17 justice or judge was serving, a vacancy shall exist, which shall  
18 be filled as provided by this article. If a majority of those  
19 voting on the question votes "Yes," such justice or judge shall  
20 remain in office for another term, subject to removal as  
21 provided by this constitution.

22 D. The votes shall be counted and canvassed and the  
23 result declared as in the case of state and county elections,  
24 whereupon a certificate of retention or rejection of the  
25 incumbent justice or judge shall be delivered to him by the  
26 ~~secretary of state~~ LIEUTENANT GOVERNOR or the clerk of the board  
27 of supervisors, as the case may be.

28 E. If a justice or judge fails to file a declaration of  
29 his desire to be retained in office, as required by this  
30 section, then his office shall become vacant upon expiration of  
31 the term for which such justice or judge was serving.

32 13. Article XII, section 5, Constitution of Arizona, is proposed to be  
33 amended as follows if approved by the voters and on proclamation of the  
34 Governor:

35 5. Charter committee; charter preparation; approval

36 Section 5. A. The board of supervisors of any county  
37 with a population of more than five hundred thousand persons as  
38 determined by the most recent United States decennial or special  
39 census may call for an election to cause a charter committee to  
40 be elected by the qualified electors of that county at any  
41 time. Alternatively, the board of supervisors of any county  
42 with a population of more than five hundred thousand persons as  
43 determined by the most recent United States decennial or special  
44 census shall call for the election of the charter committee  
45 within ten days after receipt by the clerk of the board of

1 supervisors of a petition that demands the election and that is  
2 signed by a number of qualified electors of the county at least  
3 equal to ten per cent of the total number of ballots cast for  
4 all candidates for governor or presidential electors in the  
5 county at the last preceding general election. The election  
6 shall be held at least one hundred days but not more than one  
7 hundred twenty days after the call for the election. Except as  
8 otherwise provided in this section, for elections held under  
9 this section or section 6 of this article, the manner of  
10 conducting and voting at an election, contesting an election,  
11 canvassing votes and certifying returns shall be the same, as  
12 nearly as practicable, as in elections for county officers.

13 B. At the election a vote shall be taken to elect members  
14 of the charter committee who will function if further  
15 proceedings are authorized and the ballot shall contain the  
16 question of whether further proceedings toward adopting a  
17 charter shall be authorized pursuant to the call for the  
18 election. Unless a majority of the qualified electors voting on  
19 the question votes to authorize further proceedings, the  
20 election of members of the charter committee shall be  
21 invalidated and no further proceedings may be had except  
22 pursuant to a subsequent call pursuant to subsection A **OF THIS**  
23 **SECTION**.

24 C. The charter committee shall be composed of fifteen  
25 qualified electors of the county elected by supervisorial  
26 district with the same number serving from each district. A  
27 nomination petition for election to the charter committee shall  
28 be made available by the clerk of the board of supervisors and  
29 shall be signed by a number of qualified electors of the  
30 supervisorial district who are eligible to vote for the nominee  
31 at least equal to one per cent of the total number of ballots  
32 cast for all candidates for governor or presidential electors in  
33 the supervisorial district at the last preceding general  
34 election, and filed with the clerk not later than sixty days  
35 before the election. All qualified electors of the county,  
36 including all elected public officials, are eligible to seek  
37 election to the charter committee.

38 D. Within one hundred eighty days after the election the  
39 charter committee shall prepare and submit a proposed charter  
40 for the county. The proposed charter shall be signed by a  
41 majority of the members of the committee and filed with the  
42 clerk of the board of supervisors, after which the charter  
43 committee shall be dissolved. The county shall then publish the  
44 proposed charter in the official newspaper of the county at  
45 least once a week for three consecutive weeks. The first

1 publication shall be made within twenty days after the proposed  
2 charter is filed with the clerk of the board of supervisors.

3 E. At least forty-five days but not more than sixty days  
4 after final publication, the proposed charter shall be submitted  
5 to the vote of the qualified electors of the county at a general  
6 or special election. If a general election will be held within  
7 ninety days after final publication, the charter shall be  
8 submitted at that general election. The full text of the  
9 proposed charter shall be printed in a publicity pamphlet and  
10 mailed to each household containing a registered voter at least  
11 eleven days before the charter election and the ballot may  
12 contain only a summary of the proposed charter provisions. The  
13 ballot shall contain a question regarding approval of the  
14 proposed charter and the questions pertaining to taxation  
15 authority and appointment of officers, if any, provided for in  
16 sections 7 and 8 of this article.

17 F. If a majority of the qualified electors voting  
18 ratifies the proposed charter, a copy of the charter, together  
19 with a statement setting forth the submission of the charter to  
20 the qualified electors and its ratification by them, shall be  
21 certified by the clerk of the board of supervisors and shall be  
22 submitted to the governor for approval. The governor shall  
23 approve the charter within thirty days after its submission if  
24 it is not in conflict with, or states that in the event of a  
25 conflict is subject to, this constitution and the laws of this  
26 state. On approval, the charter becomes the organic law of the  
27 county, and certified copies of the charter shall be filed in  
28 the office of the ~~secretary of state~~ LIEUTENANT GOVERNOR and  
29 with the clerk of the board of supervisors after being recorded  
30 in the office of the county recorder. Thereafter all courts  
31 shall take judicial notice of the charter.

32 14. Article XIII, section 2, Constitution of Arizona, is proposed to be  
33 amended as follows if approved by the voters and on proclamation of the  
34 Governor:

35 2. Charter; preparation and proposal by board of  
36 freeholders; ratification and approval;  
37 amendment

38 Section 2. A. Any city containing, now or hereafter, a  
39 population of more than three thousand five hundred may frame a  
40 charter for its own government consistent with, and subject to,  
41 the Constitution and the laws of the state, in the following  
42 manner: A board of freeholders composed of fourteen qualified  
43 electors of said city may be elected at large by the qualified  
44 electors thereof, at a general or special election, whose duty  
45 it shall be, within ninety days after such election, to prepare

1 and propose a charter for such city. Such proposed charter  
2 shall be signed in duplicate by the members of such board, or a  
3 majority of them, and filed, one copy of said proposed charter  
4 with the chief executive officer of such city and the other with  
5 the county recorder of the county in which said city shall be  
6 situated. Such proposed charter shall then be published in one  
7 or more newspapers published, and of general circulation, within  
8 said city for at least twenty-one days if in a daily paper, or  
9 in three consecutive issues if in a weekly paper, and the first  
10 publication shall be made within twenty days after the  
11 completion of the proposed charter. Within thirty days, and not  
12 earlier than twenty days, after such publication, said proposed  
13 charter shall be submitted to the vote of the qualified electors  
14 of said city at a general or special election. If a majority of  
15 such qualified electors voting thereon shall ratify such  
16 proposed charter, it shall thereupon be submitted to the  
17 governor for his approval, and the governor shall approve it if  
18 it shall not be in conflict with this Constitution or with the  
19 laws of the state. Upon such approval said charter shall become  
20 the organic law of such city and supersede any charter then  
21 existing (and all amendments thereto), and all ordinances  
22 inconsistent with said new charter. A copy of such charter,  
23 certified by the chief executive officer, and authenticated by  
24 the seal, of such city, together with a statement similarly  
25 certified and authenticated setting forth the submission of such  
26 charter to the electors and its ratification by them, shall,  
27 after the approval of such charter by the governor, be made in  
28 duplicate and filed, one copy in the office of the ~~secretary of~~  
29 ~~state~~ **LIEUTENANT GOVERNOR** and the other in the archives of the  
30 city after being recorded in the office of said county  
31 recorder. Thereafter all courts shall take judicial notice of  
32 said charter.

33 **B.** The charter so ratified may be amended by amendments  
34 proposed and submitted by the legislative authority of the city  
35 to the qualified electors thereof (or by petition as hereinafter  
36 provided), at a general or special election, and ratified by a  
37 majority of the qualified electors voting thereon and approved  
38 by the governor as herein provided for the approval of the  
39 charter.

40 15. Article XXI, section 1, Constitution of Arizona, is proposed to be  
41 amended as follows if approved by the voters and on proclamation of the  
42 Governor:

1           1. Introduction in legislature; initiative petition;  
2                     election

3           Section 1. Any amendment or amendments to this  
4 constitution may be proposed in either house of the legislature,  
5 or by initiative petition signed by a number of qualified  
6 electors equal to fifteen per ~~centum~~ CENT of the total number of  
7 votes for all candidates for governor at the last preceding  
8 general election. Any proposed amendment or amendments which  
9 shall be introduced in either house of the legislature, and  
10 which shall be approved by a majority of the members elected to  
11 each of the two houses, shall be entered on the journal of each  
12 house, together with the ayes and nays thereon. When any  
13 proposed amendment or amendments shall be thus passed by a  
14 majority of each house of the legislature and entered on the  
15 respective journals thereof, or when any elector or electors  
16 shall file with the ~~secretary of state~~ LIEUTENANT GOVERNOR any  
17 proposed amendment or amendments together with a petition  
18 therefor signed by a number of electors equal to fifteen per  
19 ~~centum~~ CENT of the total number of votes for all candidates for  
20 governor in the last preceding general election, the ~~secretary~~  
21 ~~of state~~ LIEUTENANT GOVERNOR shall submit such proposed  
22 amendment or amendments to the vote of the people at the next  
23 general election (except when the legislature shall call a  
24 special election for the purpose of having said proposed  
25 amendment or amendments voted upon, in which case the ~~secretary~~  
26 ~~of state~~ LIEUTENANT GOVERNOR shall submit such proposed  
27 amendment or amendments to the qualified electors at said  
28 special election,) and if a majority of the qualified electors  
29 voting thereon shall approve and ratify such proposed amendment  
30 or amendments in said regular or special election, such  
31 amendment or amendments shall become a part of this  
32 constitution. Until a method of publicity is otherwise provided  
33 by law, the ~~secretary of state~~ LIEUTENANT GOVERNOR shall have  
34 such proposed amendment or amendments published for a period of  
35 at least ninety days previous to the date of said election in at  
36 least one newspaper in every county of the state in which a  
37 newspaper shall be published, in such manner as may be  
38 prescribed by law. If more than one proposed amendment shall be  
39 submitted at any election, such proposed amendments shall be  
40 submitted in such manner that the electors may vote for or  
41 against such proposed amendments separately.

42       16. Intent

43       It is the intent of this measure that the legislature adopt changes to  
44 the statutes to conform to the provisions of this measure.

1           17. Applicability

2           This measure applies as follows:

3           1. On January 1, 2007 only if the candidate elected to the office of  
4 secretary of state is not the person holding that office at the time of the  
5 2006 general election.

6           2. On January 1 in the year following the next election for the office  
7 of secretary of state at which the incumbent office holder is not re-elected.

8           18. The secretary of state shall submit this proposition to the voters  
9 at the next general election as provided by article XXI, Constitution of  
10 Arizona.