

REFERENCE TITLE: initiative and referendum; signature distribution

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

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Introduced by
Representatives Adams, Mason: Anderson, Burges, Burns J, Groe, Konopnicki,
McLain, Pancrazi, Rios P

A CONCURRENT RESOLUTION

**PROPOSING AMENDMENTS TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV,
PART 1, SECTION 1 AND ARTICLE XXI, SECTION 1, CONSTITUTION OF ARIZONA;
RELATING TO INITIATIVE AND REFERENDUM.**

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

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

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

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

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

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

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

5 (7) Number of qualified electors. The whole number of
6 votes cast for all candidates for governor at the ~~general~~ LAST
7 PRECEDING election ~~last preceding~~ AT WHICH A GOVERNOR WAS
8 ELECTED AND THAT PRECEDES 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. THE TOTAL NUMBER OF SIGNATURES
12 FROM QUALIFIED ELECTORS FOR A STATEWIDE INITIATIVE OR REFERENDUM
13 SHALL BE DETERMINED AS PRESCRIBED BY SUBSECTION (2) OR
14 (3). FROM THOSE SIGNATURES, AT LEAST THE FOLLOWING NUMBER SHALL
15 BE COLLECTED FROM AT LEAST THREE DIFFERENT COUNTIES:

16 (a) FOR A STATEWIDE INITIATIVE THAT DOES NOT AMEND THE
17 CONSTITUTION, COLLECT FROM EACH OF THREE COUNTIES AT LEAST TEN
18 PER CENT OF THE WHOLE NUMBER OF VOTES CAST IN THAT COUNTY FOR
19 ALL CANDIDATES FOR GOVERNOR AT THE LAST PRECEDING ELECTION AT
20 WHICH A GOVERNOR WAS ELECTED.

21 (b) FOR A STATEWIDE INITIATIVE TO AMEND THE CONSTITUTION,
22 COLLECT FROM EACH OF THREE COUNTIES AT LEAST FIFTEEN PER CENT OF
23 THE WHOLE NUMBER OF VOTES CAST IN THAT COUNTY FOR ALL CANDIDATES
24 FOR GOVERNOR AT THE LAST PRECEDING ELECTION AT WHICH A GOVERNOR
25 WAS ELECTED.

26 (c) FOR A STATEWIDE REFERENDUM, COLLECT FROM EACH OF
27 THREE COUNTIES AT LEAST FIVE PER CENT OF THE WHOLE NUMBER OF
28 VOTES CAST IN THAT COUNTY FOR ALL CANDIDATES FOR GOVERNOR AT THE
29 LAST PRECEDING ELECTION AT WHICH A GOVERNOR WAS ELECTED.
30 A PETITION IS NOT VALID UNLESS THE PETITION HAS THE REQUIRED
31 TOTAL NUMBER OF SIGNATURES FROM QUALIFIED ELECTORS AND THE
32 REQUIRED DISTRIBUTION OF THOSE SIGNATURES FROM THE REQUIRED
33 NUMBER OF QUALIFIED ELECTORS FROM EACH OF THREE COUNTIES.

34 (8) Local, city, town or county matters. The powers of
35 the initiative and the referendum are hereby further reserved to
36 the qualified electors of every incorporated city, town, and
37 county as to all local, city, town, or county matters on which
38 such incorporated cities, towns, and counties are or shall be
39 empowered by general laws to legislate. Such incorporated
40 cities, towns, and counties may prescribe the manner of
41 exercising said powers within the restrictions of general laws.
42 Under the power of the initiative fifteen per ~~centum~~ CENT of the
43 qualified electors may propose measures on such local, city,
44 town, or county matters, and ten per ~~centum~~ CENT of the electors
45 may propose the referendum on legislation enacted within and by

1 such city, town, or county. Until provided by general law, said
2 cities and towns may prescribe the basis on which said
3 percentages shall be computed.

4 (9) Form and contents of initiative and of referendum
5 petitions; verification. Every initiative or referendum
6 petition shall be addressed to the secretary of state in the
7 case of petitions for or on state measures, and to the clerk of
8 the board of supervisors, city clerk, or corresponding officer
9 in the case of petitions for or on county, city, or town
10 measures; and shall contain the declaration of each petitioner,
11 for himself, that he is a qualified elector of the state (and in
12 the case of petitions for or on city, town, or county measures,
13 of the city, town, or county affected), his post office address,
14 the street and number, if any, of his residence, and the date on
15 which he signed such petition. Each sheet containing
16 petitioners' signatures shall be attached to a full and correct
17 copy of the title and text of the measure so proposed to be
18 initiated or referred to the people, and every sheet of every
19 such petition containing signatures shall be verified by the
20 affidavit of the person who circulated said sheet or petition,
21 setting forth that each of the names on said sheet was signed in
22 the presence of the affiant and that in the belief of the
23 affiant each signer was a qualified elector of the state, or in
24 the case of a city, town, or county measure, of the city, town,
25 or county affected by the measure so proposed to be initiated or
26 referred to the people.

27 (10) Official ballot. When any initiative or referendum
28 petition or any measure referred to the people by the
29 legislature shall be filed, in accordance with this section,
30 with the secretary of state, he shall cause to be printed on the
31 official ballot at the next regular general election the title
32 and number of said measure, together with the words "yes" and
33 "no" in such manner that the electors may express at the polls
34 their approval or disapproval of the measure.

35 (11) Publication of measures. The text of all measures to
36 be submitted shall be published as proposed amendments to the
37 constitution are published, and in submitting such measures and
38 proposed amendments the secretary of state and all other
39 officers shall be guided by the general law until legislation
40 shall be especially provided therefor.

41 (12) Conflicting measures or constitutional amendments. If
42 two or more conflicting measures or amendments to the
43 constitution shall be approved by the people at the same
44 election, the measure or amendment receiving the greatest number

1 of affirmative votes shall prevail in all particulars as to
2 which there is conflict.

3 (13) Canvass of votes; proclamation. It shall be the duty
4 of the secretary of state, in the presence of the governor and
5 the chief justice of the supreme court, to canvass the votes for
6 and against each such measure or proposed amendment to the
7 constitution within thirty days after the election, and upon the
8 completion of the canvass the governor shall forthwith issue a
9 proclamation, giving the whole number of votes cast for and
10 against each measure or proposed amendment, and declaring such
11 measures or amendments as are approved by a majority of those
12 voting thereon to be law.

13 (14) Reservation of legislative power. This section shall
14 not be construed to deprive the legislature of the right to
15 enact any measure except that the legislature shall not have the
16 power to adopt any measure that supersedes, in whole or in part,
17 any initiative measure approved by a majority of the votes cast
18 thereon or any referendum measure decided by a majority of the
19 votes cast thereon unless the superseding measure furthers the
20 purposes of the initiative or referendum measure and at least
21 three-fourths of the members of each house of the legislature,
22 by a roll call of ayes and nays, vote to supersede such
23 initiative or referendum measure.

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

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

31 2. Article XXI, section 1, Constitution of Arizona, is proposed to be
32 amended as follows if approved by the voters and on proclamation of the
33 Governor:

34 1. Introduction in legislature; initiative petition;
35 election

36 Section 1. A. Any amendment or amendments to this
37 constitution may be proposed in either house of the legislature,
38 or by initiative petition signed by a number of qualified
39 electors equal to fifteen per centum CENT of the total number of
40 votes for all candidates for governor at the last preceding
41 ~~genera~~ election AT WHICH A GOVERNOR WAS ELECTED AND THOSE
42 SIGNATURES SHALL BE COLLECTED FROM AT LEAST THREE DIFFERENT
43 COUNTIES. FROM THE TOTAL NUMBER OF SIGNATURES REQUIRED, AT
44 LEAST FIFTEEN PER CENT OF THE WHOLE NUMBER OF VOTES CAST IN EACH
45 OF THREE COUNTIES FOR ALL CANDIDATES FOR GOVERNOR AT THE LAST

1 PRECEDING ELECTION AT WHICH A GOVERNOR WAS ELECTED SHALL BE
2 COLLECTED FROM EACH OF THOSE THREE COUNTIES.

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

36 3. The Secretary of State shall submit this proposition to the voters
37 at the next general election as provided by article XXI, Constitution of
38 Arizona.