

REFERENCE TITLE: statewide initiatives; legislative consideration

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SCR 1001

Introduced by
Senators Harper: Huppenthal

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV,
PART 1, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO INITIATIVES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Whereas, it is the intention of the citizens and legislature of this
2 state that special interest groups seeking to enact laws through the
3 initiative process should first allow representative democracy an opportunity
4 to enact the laws through the legislative process by elected representatives
5 of the citizens.

6 Therefore

7 Be it resolved by the Senate of the State of Arizona, the House of
8 Representatives concurring:

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

12 1. Legislative authority; initiative and referendum

13 Section 1. (1) Senate; house of representatives;
14 reservation of power to people. The legislative authority of
15 the state shall be vested in the legislature, consisting of a
16 senate and a house of representatives, but:

17 (a) The people reserve the power to propose laws and
18 amendments to the constitution and to enact or reject such laws
19 and amendments at the polls, ~~independently of the legislature AS~~
20 ~~PROVIDED BY SUBSECTION (2).~~ ~~and~~

21 (b) They also reserve, for use at their own option, the
22 power to approve or reject at the polls any act, or item,
23 section, or part of any act, of the legislature.

24 (2) Initiative power. The first of these reserved powers
25 is the initiative. Under this power ten per ~~centum~~ CENT of the
26 qualified electors shall have the right to propose any measure,
27 and fifteen per ~~centum~~ CENT shall have the right to propose any
28 amendment to the constitution, ~~EXCEPT THAT, WITHIN THREE YEARS~~
29 ~~BEFORE THE INITIATIVE PETITION IS FILED, ANY PROPOSED MEASURE OR~~
30 ~~AMENDMENT MUST FIRST BE INTRODUCED IN THE LEGISLATURE AND IS~~
31 ~~SUBJECT TO LEGISLATIVE CONSIDERATION AND ENACTMENT.~~

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

1 and maintenance of the departments of the state and of state
2 institutions; provided, that no such emergency measure shall be
3 considered passed by the legislature unless it shall state in a
4 separate section why it is necessary that it shall become
5 immediately operative, and shall be approved by the affirmative
6 votes of two-thirds of the members elected to each house of the
7 legislature, taken by roll call of ayes and nays, and also
8 approved by the governor; and should such measure be vetoed by
9 the governor, it shall not become a law unless it shall be
10 approved by the votes of three-fourths of the members elected to
11 each house of the legislature, taken by roll call of ayes and
12 nays.

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

26 (5) Effective date of initiative and referendum measures.
27 Any measure or amendment to the constitution proposed under the
28 initiative, and any measure to which the referendum is applied,
29 shall be referred to a vote of the qualified electors, and shall
30 become law when approved by a majority of the votes cast thereon
31 and upon proclamation of the governor, and not otherwise.

32 (6) (A) Veto of initiative or referendum. The veto
33 power of the governor shall not extend to an initiative measure
34 approved by a majority of the votes cast thereon or to a
35 referendum measure decided by a majority of the votes cast
36 thereon.

37 (6) (B) Legislature's power to repeal initiative or
38 referendum. The legislature shall not have the power to repeal
39 an initiative measure approved by a majority of the votes cast
40 thereon or to repeal a referendum measure decided by a majority
41 of the votes cast thereon.

42 (6) (C) Legislature's power to amend initiative or
43 referendum. The legislature shall not have the power to amend
44 an initiative measure approved by a majority of the votes cast
45 thereon, or to amend a referendum measure decided by a majority

1 of the votes cast thereon, unless the amending legislation
2 furthers the purposes of such measure and at least three-fourths
3 of the members of each house of the legislature, by a roll call
4 of ayes and nays, vote to amend such measure.

5 (6) (D) Legislature's power to appropriate or divert
6 funds created by initiative or referendum. The legislature
7 shall not have the power to appropriate or divert funds created
8 or allocated to a specific purpose by an initiative measure
9 approved by a majority of the votes cast thereon, or by a
10 referendum measure decided by a majority of the votes cast
11 thereon, unless the appropriation or diversion of funds furthers
12 the purposes of such measure and at least three-fourths of the
13 members of each house of the legislature, by a roll call of ayes
14 and nays, vote to appropriate or divert such funds.

15 (7) Number of qualified electors. The whole number of
16 votes cast for all candidates for governor at the general
17 election last preceding the filing of any initiative or
18 referendum petition on a state or county measure shall be the
19 basis on which the number of qualified electors required to sign
20 such petition shall be computed.

21 (8) Local, city, town or county matters. The powers of
22 the initiative and the referendum are hereby further reserved to
23 the qualified electors of every incorporated city, town, and
24 county as to all local, city, town, or county matters on which
25 such incorporated cities, towns, and counties are or shall be
26 empowered by general laws to legislate. Such incorporated
27 cities, towns, and counties may prescribe the manner of
28 exercising said powers within the restrictions of general laws.
29 Under the power of the initiative fifteen per centum CENT of the
30 qualified electors may propose measures on such local, city,
31 town, or county matters, and ten per centum CENT of the electors
32 may propose the referendum on legislation enacted within and by
33 such city, town, or county. Until provided by general law, said
34 cities and towns may prescribe the basis on which said
35 percentages shall be computed.

36 (9) Form and contents of initiative and of referendum
37 petitions; verification. Every initiative or referendum
38 petition shall be addressed to the secretary of state in the
39 case of petitions for or on state measures, and to the clerk of
40 the board of supervisors, city clerk, or corresponding officer
41 in the case of petitions for or on county, city, or town
42 measures; and shall contain the declaration of each petitioner,
43 for himself, that he is a qualified elector of the state (and in
44 the case of petitions for or on city, town, or county measures,
45 of the city, town, or county affected), his post office address,

1 the street and number, if any, of his residence, and the date on
2 which he signed such petition. Each sheet containing
3 petitioners' signatures shall be attached to a full and correct
4 copy of the title and OFFICIAL text of the measure so proposed
5 to be initiated or referred to the people. ~~, and~~ THE OFFICIAL
6 TEXT OF A STATE MEASURE OR AMENDMENT TO THE CONSTITUTION SHALL
7 CONSIST ONLY OF THE FULL TEXT OF THE PROPOSITION AS INTRODUCED
8 IN, OR AS AMENDED BY, THE LEGISLATURE PURSUANT TO
9 SUBSECTION (2). Every sheet of every such petition containing
10 signatures shall be verified by the affidavit of the person who
11 circulated said sheet or petition, setting forth that each of
12 the names on said sheet was signed in the presence of the
13 affiant and that in the belief of the affiant each signer was a
14 qualified elector of the state, or in the case of a city, town,
15 or county measure, of the city, town, or county affected by the
16 measure so proposed to be initiated or referred to the people.

17 (10) Official ballot. When any initiative or referendum
18 petition or any measure referred to the people by the
19 legislature shall be filed, in accordance with this section,
20 with the secretary of state, he shall cause to be printed on the
21 official ballot at the next regular general election the title
22 and number of said measure, together with the words "yes" and
23 "no" in such manner that the electors may express at the polls
24 their approval or disapproval of the measure.

25 (11) Publication of measures. The text of all measures to
26 be submitted shall be published as proposed amendments to the
27 constitution are published, and in submitting such measures and
28 proposed amendments the secretary of state and all other
29 officers shall be guided by the general law until legislation
30 shall be especially provided therefor.

31 (12) Conflicting measures or constitutional amendments. If
32 two or more conflicting measures or amendments to the
33 constitution shall be approved by the people at the same
34 election, the measure or amendment receiving the greatest number
35 of affirmative votes shall prevail in all particulars as to
36 which there is conflict.

37 (13) Canvass of votes; proclamation. It shall be the duty
38 of the secretary of state, in the presence of the governor and
39 the chief justice of the supreme court, to canvass the votes for
40 and against each such measure or proposed amendment to the
41 constitution within thirty days after the election, and upon the
42 completion of the canvass the governor shall forthwith issue a
43 proclamation, giving the whole number of votes cast for and
44 against each measure or proposed amendment, and declaring such
45 measures or amendments as are approved by a majority of those

1 voting thereon to be law.

2 (14) Reservation of legislative power. This section shall
3 not be construed to deprive the legislature of the right to
4 enact any measure except that the legislature shall not have the
5 power to adopt any measure that supersedes, in whole or in part,
6 any initiative measure approved by a majority of the votes cast
7 thereon or any referendum measure decided by a majority of the
8 votes cast thereon unless the superseding measure furthers the
9 purposes of the initiative or referendum measure and at least
10 three-fourths of the members of each house of the legislature,
11 by a roll call of ayes and nays, vote to supersede such
12 initiative or referendum measure.

13 (15) Legislature's right to refer measure to the people.
14 Nothing in this section shall be construed to deprive or limit
15 the legislature of the right to order the submission to the
16 people at the polls of any measure, item, section, or part of
17 any measure.

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

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