

REFERENCE TITLE: new tax; election; supermajority approval

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

## SCR 1032

Introduced by  
Senators Griffin, Gould: Allen, Antenori, Gray, Melvin, Pierce S, Shooter;  
Representative Judd

### A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 1, SECTION 1, CONSTITUTION OF ARIZONA; AMENDING ARTICLE IX, CONSTITUTION OF ARIZONA, BY ADDING SECTION 25; AMENDING ARTICLE XXI, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO INITIATIVE AND REFERENDUM ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

1. Legislative authority: initiative and referendum

Section 1. (1) Senate; house of representatives; reservation of power to people. The legislative authority of the state shall be vested in the legislature, consisting of a senate and a house of representatives, but the people reserve the power to propose laws and amendments to the constitution and to enact or reject such laws and amendments at the polls, independently of the legislature; and they also reserve, for use at their own option, the power to approve or reject at the polls any act, or item, section, or part of any act, of the legislature.

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

(3) Referendum power; emergency measures; effective date of acts. The second of these reserved powers is the referendum. Under this power the legislature, or five per ~~centum~~ CENT of the qualified electors, may order the submission to the people at the polls of any measure, or item, section, or part of any measure, enacted by the legislature, except laws immediately necessary for the preservation of the public peace, health, or safety, or for the support and maintenance of the departments of the state government and state institutions; but to allow opportunity for referendum petitions, no act passed by the legislature shall be operative for ninety days after the close of the session of the legislature enacting such measure, except such as require earlier operation to preserve the public peace, health, or safety, or to provide appropriations for the support and maintenance of the departments of the state and of state institutions; provided, that no such emergency measure shall be considered passed by the legislature unless it shall state in a separate section why it is necessary that it shall become immediately operative, and shall be approved by the affirmative votes of two-thirds of the members elected to each house of the legislature, taken by roll call of ayes and nays, and also approved by the governor; and should such measure be vetoed by the governor, it shall not become a law unless it shall be 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~~ EXCEPT  
22 AS PROVIDED BY ARTICLE IX, SECTION 25.

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 AND SUBJECT TO THE REQUIREMENTS OF ARTICLE IX, SECTION 25. Under  
21 the power of the initiative fifteen per ~~centum~~ CENT of the  
22 qualified electors may propose measures on such local, city,  
23 town, or county matters, and ten per ~~centum~~ CENT of the electors  
24 may propose the referendum on legislation enacted within and by  
25 such city, town, or county. Until provided by general law, said  
26 cities and towns may prescribe the basis on which said  
27 percentages shall be computed.

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

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

6 (10) Official ballot. When any initiative or referendum  
7 petition or any measure referred to the people by the  
8 legislature shall be filed, in accordance with this section,  
9 with the secretary of state, he shall cause to be printed on the  
10 official ballot at the next regular general election the title  
11 and number of said measure, together with the words "yes" and  
12 "no" in such manner that the electors may express at the polls  
13 their approval or disapproval of the 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 and all other  
18 officers shall be guided by the general law until legislation  
19 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, in the presence of the governor and  
28 the chief justice of the supreme court, to canvass the votes for  
29 and against each such measure or proposed amendment to the  
30 constitution within thirty days after the election, and upon the  
31 completion of the canvass the governor shall forthwith issue a  
32 proclamation, giving the whole number of votes cast for and  
33 against each measure or proposed amendment, and declaring such  
34 measures or amendments as are approved by a majority of those  
35 voting thereon to be law, **SUBJECT TO THE REQUIREMENTS OF ARTICLE**  
36 **IX, SECTION 25.**

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

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

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

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

2. Article IX, Constitution of Arizona, is proposed to be amended by adding section 25 as follows if approved by the voters and on proclamation of the Governor:

25. Election on imposing or increasing tax

SECTION 25. A. ANY INITIATIVE OR REFERENDUM MEASURE TO AUTHORIZE THIS STATE OR A COUNTY, CITY OR TOWN IN THIS STATE TO LEVY A TAX OR INCREASE TAX REVENUES IS EFFECTIVE ONLY IF AT LEAST SIXTY PER CENT OF THE QUALIFIED ELECTORS VOTING ON THE MEASURE APPROVE.

B. THE REQUIREMENTS OF THIS SECTION APPLY TO ANY INITIATIVE OR REFERENDUM MEASURE THAT PROPOSES:

1. THE IMPOSITION OR LEVY OF A NEW TAX.
2. AN INCREASE OF AN EXISTING TAX RATE OR RATES.
3. THE REDUCTION OR ELIMINATION OF AN EXISTING TAX DEDUCTION, EXEMPTION, EXCLUSION, CREDIT OR OTHER TAX REDUCTION FEATURE IN COMPUTING TAX LIABILITY.

C. THE REQUIREMENTS OF THIS SECTION APPLY WHETHER THE INITIATIVE OR REFERENDUM MEASURE PROPOSES AN AMENDMENT TO THIS CONSTITUTION, TO LAW OR TO LOCAL CHARTER OR ORDINANCE.

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

1. Introduction in legislature; initiative petition; election

Section 1. A. Any amendment or amendments to this constitution may be proposed in either house of the legislature, or by initiative petition signed by a number of qualified electors equal to fifteen per ~~centum~~ CENT of the total number of votes for all candidates for governor at the last preceding general election.

B. Any proposed amendment or amendments which shall be introduced in either house of the legislature, and which shall be approved by a majority of the members elected to each of the two houses, shall be entered on the journal of each house, together with the ayes and nays thereon.

C. When any proposed amendment or amendments shall be thus passed by a majority of each house of the legislature and entered on the respective journals thereof, or when any elector or electors shall file with the secretary of state any proposed amendment or amendments together with a petition therefor signed by a number of electors equal to fifteen per ~~centum~~ CENT of the total number of votes for all candidates for governor in the last preceding general election, the secretary of state shall submit such proposed amendment or amendments to the vote of the people at the next general election (except when the legislature shall call a special election for the purpose of having said proposed amendment or amendments voted upon, in which case the secretary of state shall submit such proposed amendment or amendments to the qualified electors at said special election,) and, EXCEPT AS PROVIDED BY ARTICLE IX, SECTION 25, if a majority of the qualified electors voting thereon shall approve and ratify such proposed amendment or amendments in said regular or special election, such amendment or amendments shall become a part of this constitution.

D. Until a method of publicity is otherwise provided by law, the secretary of state shall have such proposed amendment or amendments published for a period of at least ninety days previous to the date of said election in at least one newspaper in every county of the state in which a newspaper shall be published, in such manner as may be prescribed by law.

E. If more than one proposed amendment shall be submitted at any election, such proposed amendments shall be submitted in such manner that the electors may vote for or against such proposed amendments separately.

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