

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

SENATE CONCURRENT RESOLUTION 1019

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 Senate of the State of Arizona, the House of
2 Representatives 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; reservation of power to people. The legislative authority of
8 the state shall be vested in the legislature, consisting of a senate and a house of representatives, but the people reserve
9 the power to propose laws and amendments to the constitution and to enact or reject such laws and amendments at the polls,
10 independently of the legislature; and they also reserve, for use at their own option, the power to approve or reject at the polls
11 any act, or item, section, or part of any act, of the legislature.

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

15 (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
16 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.

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
7 election last preceding the filing of any initiative or
8 referendum petition on a state or county measure shall be the
9 basis on which the number of qualified electors required to sign
10 such petition shall be computed. **THE NUMBER OF QUALIFIED**
11 **ELECTORS FOR A STATE MEASURE SHALL BE APPORTIONED AMONG AT LEAST**
12 **FIVE DIFFERENT COUNTIES. AT LEAST TWENTY-FIVE PER CENT OF THE**
13 **TOTAL MINIMUM NUMBER OF SIGNATURES REQUIRED TO QUALIFY THE**
14 **MEASURE FOR THE BALLOT SHALL BE COLLECTED FROM COUNTIES OTHER**
15 **THAN THE TWO MOST POPULOUS COUNTIES.**

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

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

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

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

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

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

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

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

1 purposes of the initiative or referendum measure and at least
2 three-fourths of the members of each house of the legislature,
3 by a roll call of ayes and nays, vote to supersede such
4 initiative or referendum measure.

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

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

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

15 1. Introduction in legislature; initiative petition;
16 election

17 Section 1. Any amendment or amendments to this
18 constitution may be proposed in either house of the legislature,
19 or by initiative petition signed by a number of qualified
20 electors equal to fifteen per ~~centum~~ CENT of the total number of
21 votes for all candidates for governor at the last preceding
22 general election. THE NUMBER OF QUALIFIED ELECTORS SHALL BE
23 COMPUTED STATEWIDE, BUT THE STATEWIDE TOTAL SHALL BE APPORTIONED
24 TO AND SIGNATURES SHALL BE COLLECTED FROM AT LEAST FIVE
25 DIFFERENT COUNTIES. AT LEAST TWENTY-FIVE PER CENT OF THE TOTAL
26 MINIMUM NUMBER OF SIGNATURES REQUIRED TO QUALIFY THE MEASURE FOR
27 THE BALLOT SHALL BE COLLECTED FROM COUNTIES OTHER THAN THE TWO
28 MOST POPULOUS COUNTIES. Any proposed amendment or amendments
29 which shall be introduced in either house of the legislature,
30 and which shall be approved by a majority of the members elected
31 to each of the two houses, shall be entered on the journal of
32 each house, together with the ayes and nays thereon. When any
33 proposed amendment or amendments shall be thus passed by a
34 majority of each house of the legislature and entered on the
35 respective journals thereof, or when any elector or electors
36 shall file with the secretary of state any proposed amendment or
37 amendments together with a petition therefor signed by a number
38 of electors equal to fifteen per ~~centum~~ CENT of the total number
39 of votes for all candidates for governor in the last preceding
40 general election, the secretary of state shall submit such
41 proposed amendment or amendments to the vote of the people at
42 the next general election (except when the legislature shall
43 call a special election for the purpose of having said proposed
44 amendment or amendments voted upon, in which case the secretary
45 of state shall submit such proposed amendment or amendments to

1 the qualified electors at said special election,) and if a
2 majority of the qualified electors voting thereon shall approve
3 and ratify such proposed amendment or amendments in said regular
4 or special election, such amendment or amendments shall become a
5 part of this constitution. Until a method of publicity is
6 otherwise provided by law, the secretary of state shall have
7 such proposed amendment or amendments published for a period of
8 at least ninety days previous to the date of said election in at
9 least one newspaper in every county of the state in which a
10 newspaper shall be published, in such manner as may be
11 prescribed by law. If more than one proposed amendment shall be
12 submitted at any election, such proposed amendments shall be
13 submitted in such manner that the electors may vote for or
14 against such proposed amendments separately.

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