

REFERENCE TITLE: ballot measures; controlled substance; supermajority

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

## HCR 2024

Introduced by  
Representatives Thorpe, Boyer, Fann: Allen J, Barton, Cobb, Finchem,  
Leach, Mesnard, Mitchell

### A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV,  
PART 1, 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~~ PERCENT of  
19 the qualified electors shall have the right to propose any  
20 measure, and fifteen ~~per-centum~~ PERCENT shall have the right to  
21 propose any 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~~ PERCENT of  
25 the qualified electors, may order the submission to the people  
26 at 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

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

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

(5) Effective date of initiative and referendum measures. Any measure or amendment to the constitution proposed under the initiative, and any measure to which the referendum is applied, shall be referred to a vote of the qualified electors, and shall become law when approved by a majority of the votes cast thereon and upon proclamation of the governor, **EXCEPT THAT AN INITIATIVE OR REFERENDUM THAT PROPOSES A LAW THAT LEGALIZES THE RECREATIONAL USE OF A DRUG THAT HAD BEEN A CONTROLLED SUBSTANCE UNDER FEDERAL LAW AT ANY TIME DURING 2014 SHALL BECOME LAW ONLY WHEN APPROVED BY AT LEAST THREE-FIFTHS OF THE QUALIFIED ELECTORS VOTING ON THE MEASURE AND UPON PROCLAMATION OF THE GOVERNOR,** and not otherwise.

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

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

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

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

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

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

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

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

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

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

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

30 (13) Canvass of votes; proclamation. It shall be the duty  
31 of the secretary of state, in the presence of the governor and  
32 the chief justice of the supreme court, to canvass the votes for  
33 and against each such measure or proposed amendment to the  
34 constitution within thirty days after the election, and upon the  
35 completion of the canvass the governor shall forthwith issue a  
36 proclamation, giving the whole number of votes cast for and  
37 against each measure or proposed amendment, and declaring such  
38 measures or amendments as are approved by a majority of those  
39 voting thereon to be law, OR FOR AN AMENDMENT OR MEASURE THAT  
40 LEGALIZES THE RECREATIONAL USE OF A DRUG THAT HAD BEEN A  
41 CONTROLLED SUBSTANCE AT ANY TIME DURING 2014 AND THAT IS  
42 APPROVED BY THREE-FIFTHS OR MORE OF THOSE VOTING ON THAT  
43 AMENDMENT OR MEASURE, DECLARING THAT AMENDMENT OR MEASURE TO BE  
44 LAW.

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

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

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

19           2. Section 1 of this act applies retroactively to all initiative and  
20 referendum measures approved by the voters at and after the November 2016  
21 general election.

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