

REFERENCE TITLE: initiatives; referendums; signature requirements; counties

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

HCR 2047

Introduced by
Representatives Thorpe, Barton: Ackerley, Campbell, Cobb, Fann, Mitchell

A CONCURRENT RESOLUTION

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

(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. AT LEAST TWENTY-FIVE
22 PERCENT OF THE MINIMUM NUMBER OF QUALIFIED ELECTORS PROPOSING
23 THE MEASURE OR AMENDMENT SHALL BE RESIDENTS OF COUNTIES WITH A
24 POPULATION OF LESS THAN FIVE HUNDRED THOUSAND PERSONS ACCORDING
25 TO THE MOST RECENT UNITED STATES DECENNIAL CENSUS.

26 (3) Referendum power; emergency measures; effective date
27 of acts. The second of these reserved powers is the referendum.
28 Under this power the legislature, or five ~~per-centum~~ PERCENT of
29 the qualified electors, may order the submission to the people
30 at the polls of any measure, or item, section, or part of any
31 measure, enacted by the legislature, except laws immediately
32 necessary for the preservation of the public peace, health, or
33 safety, or for the support and maintenance of the departments of
34 the state government and state institutions; AT LEAST
35 TWENTY-FIVE PERCENT OF THE MINIMUM NUMBER OF QUALIFIED ELECTORS
36 ORDERING THE SUBMISSION SHALL BE RESIDENTS OF COUNTIES WITH A
37 POPULATION OF LESS THAN FIVE HUNDRED THOUSAND PERSONS ACCORDING
38 TO THE MOST RECENT UNITED STATES DECENNIAL CENSUS; but to allow
39 opportunity for referendum petitions, no act passed by the
40 legislature shall be operative for ninety days after the close
41 of the session of the legislature enacting such measure, except
42 such as require earlier operation to preserve the public peace,
43 health, or safety, or to provide appropriations for the support
44 and maintenance of the departments of the state and of state
45 institutions; provided, that no such emergency measure shall be

1 considered passed by the legislature unless it shall state in a
2 separate section why it is necessary that it shall become
3 immediately operative, and shall be approved by the affirmative
4 votes of two-thirds of the members elected to each house of the
5 legislature, taken by roll call of ayes and nays, and also
6 approved by the governor; and should such measure be vetoed by
7 the governor, it shall not become a law unless it shall be
8 approved by the votes of three-fourths of the members elected to
9 each house of the legislature, taken by roll call of ayes and
10 nays.

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

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

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

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

40 (6) (C) Legislature's power to amend initiative or
41 referendum. The legislature shall not have the power to amend
42 an initiative measure approved by a majority of the votes cast
43 thereon, or to amend a referendum measure decided by a majority
44 of the votes cast thereon, unless the amending legislation
45 furthers the purposes of such measure and at least three-fourths

1 of the members of each house of the legislature, by a roll call
2 of ayes and nays, vote to amend such measure.

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

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

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

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

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

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

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

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

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

42 (14) Reservation of legislative power. This section shall
43 not be construed to deprive the legislature of the right to
44 enact any measure except that the legislature shall not have the
45 power to adopt any measure that supersedes, in whole or in part,

1 any initiative measure approved by a majority of the votes cast
2 thereon or any referendum measure decided by a majority of the
3 votes cast thereon unless the superseding measure furthers the
4 purposes of the initiative or referendum measure and at least
5 three-fourths of the members of each house of the legislature,
6 by a roll call of ayes and nays, vote to supersede such
7 initiative or referendum measure.

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

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

15 2. 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.