

REFERENCE TITLE: initiatives; single subject; title

State of Arizona  
Senate  
Fifty-third Legislature  
Second Regular Session  
2018

# SCR 1001

Introduced by  
Senator Kavanagh

A CONCURRENT RESOLUTION

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

(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  
4 proposed to be amended as follows if approved by the voters and on  
5 proclamation of the 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  
12 and to enact or reject such laws and amendments at the polls,  
13 independently of the legislature; and they also reserve, for  
14 use at their own option, the power to approve or reject at the  
15 polls any act, or item, section, or part of any act, of the  
16 legislature.

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

22 (3) Referendum power; emergency measures; effective  
23 date of acts. The second of these reserved powers is the  
24 referendum. Under this power the legislature, or five ~~per~~  
25 ~~centum~~ PERCENT of the qualified electors, may order the  
26 submission to the people at the polls of any measure, or item,  
27 section, or part of any measure, enacted by the legislature,  
28 except laws immediately necessary for the preservation of the  
29 public peace, health, or safety, or for the support and  
30 maintenance of the departments of the state government and  
31 state institutions; but to allow opportunity for referendum  
32 petitions, no act passed by the legislature shall be operative  
33 for ninety days after the close of the session of the  
34 legislature enacting such measure, except such as require  
35 earlier operation to preserve the public peace, health, or  
36 safety, or to provide appropriations for the support and  
37 maintenance of the departments of the state and of state  
38 institutions; provided, that no such emergency measure shall  
39 be considered passed by the legislature unless it shall state  
40 in a separate section why it is necessary that it shall become  
41 immediately operative, and shall be approved by the  
42 affirmative votes of two-thirds of the members elected to each  
43 house of the legislature, taken by roll call of ayes and nays,  
44 and also approved by the governor; and should such measure be  
45 vetoed by the governor, it shall not become a law unless it

1 shall be approved by the votes of three-fourths of the members  
 2 elected to each house of the legislature, taken by roll call  
 3 of ayes and nays.

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

17 (5) Effective date of initiative and referendum  
 18 measures. Any measure or amendment to the constitution  
 19 proposed under the initiative, and any measure to which the  
 20 referendum is applied, shall be referred to a vote of the  
 21 qualified electors, and shall become law when approved by a  
 22 majority of the votes cast thereon and upon proclamation of  
 23 the governor, and not otherwise.

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

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

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

42 (6) (D) Legislature's power to appropriate or divert  
 43 funds created by initiative or referendum. The legislature  
 44 shall not have the power to appropriate or divert funds  
 45 created or allocated to a specific purpose by an initiative

1 measure approved by a majority of the votes cast thereon, or  
2 by a referendum measure decided by a majority of the votes  
3 cast thereon, unless the appropriation or diversion of funds  
4 furthers the purposes of such 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 appropriate or divert  
7 such funds.

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

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

30 (9) Form and contents of initiative and of referendum  
31 petitions; verification. Every initiative or referendum  
32 petition shall be addressed to the secretary of state in the  
33 case of petitions for or on state measures, and to the clerk  
34 of the board of supervisors, city clerk, or corresponding  
35 officer in the case of petitions for or on county, city, or  
36 town measures; and shall contain the declaration of each  
37 petitioner, for himself, that he is a qualified elector of the  
38 state (and in the case of petitions for or on city, town, or  
39 county measures, of the city, town, or county affected), his  
40 post office address, the street and number, if any, of his  
41 residence, and the date on which he signed such petition.  
42 EVERY INITIATIVE MEASURE SHALL EMBRACE BUT ONE SUBJECT AND  
43 MATTERS PROPERLY CONNECTED THEREWITH, WHICH SUBJECT SHALL BE  
44 EXPRESSED IN THE TITLE; BUT IF ANY SUBJECT SHALL BE EMBRACED  
45 IN AN INITIATIVE MEASURE WHICH SHALL NOT BE EXPRESSED IN THE

1 TITLE, SUCH INITIATIVE MEASURE SHALL BE VOID ONLY AS TO SO  
2 MUCH THEREOF AS SHALL NOT BE EMBRACED IN THE TITLE. Each  
3 sheet containing petitioners' signatures shall be attached to  
4 a full and correct copy of the title and text of the measure  
5 so proposed to be initiated or referred to the people, and  
6 every sheet of every such petition containing signatures shall  
7 be verified by the affidavit of the person who circulated said  
8 sheet or petition, setting forth that each of the names on  
9 said sheet was signed in the presence of the affiant and that  
10 in the belief of the affiant each signer was a qualified  
11 elector of the state, or in the case of a city, town, or  
12 county measure, of the city, town, or county affected by the  
13 measure so proposed to be initiated or referred to the people.

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

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

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

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

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