

PROPOSITION 136
[SCR 1041 - 2024]

ballot measures; challenges

ANALYSIS BY LEGISLATIVE COUNCIL

1 Under the separation of powers doctrine embodied in Article III of the Arizona
2 Constitution, the courts generally may not adjudicate challenges to the constitutionality of an
3 initiative measure until after the initiative measure is enacted by the voters.
4 Proposition 136 would amend the Arizona Constitution to allow a person to bring an action
5 in superior court to contest the constitutionality of a statutory initiative measure or a constitutional
6 amendment proposed under the power of initiative at least one hundred days before the date of the
7 election at which the measure or amendment will be voted on. Any party may appeal the superior
8 court's decision to the Arizona Supreme Court within five days after the superior court enters
9 judgment. If a court finds that the proposed statutory initiative measure or proposed constitutional
10 amendment violates the United States Constitution or Arizona Constitution, the Secretary of State
11 or other officer shall not certify or print the measure or amendment on the official ballot.