

House Engrossed
initiatives; single subject; title

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HOUSE CONCURRENT RESOLUTION 2001

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 House of Representatives of the State of Arizona, the
2 Senate 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 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~~ or part of any
27 measure, enacted by the legislature, except laws immediately
28 necessary for the preservation of the public peace, health, ~~or~~ or
29 safety, or for the support and maintenance of the departments
30 of 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~~ 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

1 to each house of the legislature, taken by roll call of ayes
2 and 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
17 measures. Any measure or amendment to the constitution proposed
18 under the initiative, and any measure to which the referendum
19 is applied, shall be referred to a vote of the qualified
20 electors, and shall become law when approved by a majority of
21 the votes cast thereon and upon proclamation of the governor,
22 and not otherwise.

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

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

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

41 (6) (D) Legislature's power to appropriate or divert
42 funds created by initiative or referendum. The legislature
43 shall not have the power to appropriate or divert funds created
44 or allocated to a specific purpose by an initiative measure
45 approved by a majority of the votes cast thereon, or by a

1 referendum measure decided by a majority of the votes cast
2 thereon, unless the appropriation or diversion of funds furthers
3 the purposes of such measure and at least three-fourths of the
4 members of each house of the legislature, by a roll call of ayes
5 and nays, vote to appropriate or divert such funds.

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

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

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

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

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

20 (11) Publication of measures. The text of all measures
21 to be submitted shall be published as proposed amendments to
22 the constitution are published, and in submitting such measures
23 and 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.
27 If 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
35 for and against each such measure or proposed amendment to the
36 constitution within thirty days after the election, and upon
37 the completion of the canvass the governor shall forthwith issue
38 a 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
43 shall not be construed to deprive the legislature of the right
44 to enact any measure except that the legislature shall not have
45 the power to adopt any measure that supersedes, in whole or in

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

PASSED BY THE HOUSE MARCH 4, 2021.

PASSED BY THE SENATE JUNE 29, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 30, 2021.