State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE CONCURRENT RESOLUTION 2015

A CONCURRENT RESOLUTION

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

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it resolved by the House of Representatives of the State of Arizona, the
Senate concurring:

1. Article IV, part 1, section 1, Constitution of Arizona, is
proposed to be amended as follows if approved by the voters and on
proclamation of the Governor:

1. Legislative authority; initiative and referendum

Section 1. (1) Senate; house of representatives;
reservation of power to people. The legislative authority of
the state shall be vested in the legislature, consisting of a
senate and a house of representatives, but the people reserve
the power to propose laws and amendments to the constitution
and to enact or reject such laws and amendments at the polls,
independently of the legislature; and they also reserve, for
use at their own option, the power to approve or reject at the
polls any act, or item, section, or part of any act, of the
legislature.

(2) Initiative power. The first of these reserved
powers is the initiative. Under this power ten percentum
PERCENT of the qualified electors shall have the right to
propose any measure, and fifteen percentum PERCENT shall have
the right to propose any amendment to the constitution.

(3) Referendum power; emergency measures; effective date
of acts. The second of these reserved powers is the referendum.
Under this power the legislature, or five percentum PERCENT of
the qualified electors, may order the submission to the people
at the polls of any measure, or item, section, or part of any
measure, enacted by the legislature, except laws immediately
necessary for the preservation of the public peace, health, or
safety, or for the support and maintenance of the departments
of the state government and state institutions; but to allow
opportunity for referendum petitions, no act passed by the
legislature shall be operative for ninety days after the close
of the session of the legislature enacting such measure, except
such as require earlier operation to preserve the public peace,
health, or safety, or to provide appropriations for the support
and maintenance of the departments of the state and of state
institutions; provided, that no such emergency measure shall be
considered passed by the legislature unless it shall state in a
separate section why it is necessary that it shall become
immediately operative, and shall be approved by the affirmative
votes of two-thirds of the members elected to each house of the
legislature, taken by roll call of ayes and nays, and also
approved by the governor; and should such measure be vetoed by
the governor, it shall not become a law unless it shall be
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 FOR AN INITIATIVE OR REFERENDUM TO APPROVE A TAX, shall become law when approved by a majority SIXTY PERCENT of the votes cast thereon and upon proclamation of the governor, and not otherwise AND FOR ALL OTHER INITIATIVES AND REFERENDUMS, SHALL BECOME LAW WHEN APPROVED BY A MAJORITY OF THE VOTES CAST THEREON 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 TO APPROVE A TAX THAT IS approved by a majority SIXTY PERCENT of the votes cast thereon or to a referendum measure TO APPROVE A TAX THAT IS decided by a majority SIXTY PERCENT of the votes cast thereon AND FOR ALL OTHER INITIATIVES AND REFERENDUMS, THE VETO POWER OF THE GOVERNOR SHALL NOT EXTEND TO INITIATIVES AND REFERENDUMS APPROVED 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 TO APPROVE A TAX THAT IS approved by a majority SIXTY PERCENT of the votes cast thereon or to repeal a referendum measure TO APPROVE A TAX THAT IS decided by a majority SIXTY PERCENT of the votes cast thereon AND FOR ALL OTHER INITIATIVES AND REFERENDUMS, THE LEGISLATURE SHALL NOT HAVE THE POWER TO REPEAL AN INITIATIVE MEASURE APPROVED BY A MAJORITY OF THE VOTES CAST THEREON AND SHALL NOT HAVE THE POWER 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 \textit{TO APPROVE A TAX THAT IS} approved by \textit{a majority SIXTY PERCENT} of the votes cast thereon, or to amend a referendum measure \textit{TO APPROVE A TAX THAT IS} decided by \textit{a majority SIXTY PERCENT} 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. \textit{FOR ALL OTHER INITIATIVES AND REFERENDUMS, THE LEGISLATURE SHALL NOT HAVE THE POWER TO AMEND AN INITIATIVE MEASURE APPROVED BY A MAJORITY OF THE VOTES CAST THEREON AND SHALL NOT HAVE THE POWER TO AMEND A REFERENDUM MEASURE DECIDED BY A MAJORITY OF THE VOTES CAST THEREON, UNLESS THE AMENDING LEGISLATION FURTERS 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.}

(6) (D) Legislature's power to appropriate or divert funds created by initiative or referendum. The legislature shall not have the power to appropriate or divert funds created or allocated to a specific purpose by an initiative measure \textit{THAT ALSO APPROVES A TAX THAT IS} approved by \textit{a majority SIXTY PERCENT} of the votes cast thereon, or by a referendum measure \textit{THAT ALSO APPROVES A TAX THAT IS} decided by \textit{a majority SIXTY PERCENT} of the votes cast thereon, unless the appropriation or diversion of funds 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 appropriate or divert such funds. \textit{FOR ALL OTHER INITIATIVES AND REFERENDUMS, THE LEGISLATURE SHALL NOT HAVE THE POWER TO APPROPRIATE OR DIVERT FUNDS CREATED OR ALLOCATED TO A SPECIFIC PURPOSE BY AN INITIATIVE MEASURE APPROVED BY A MAJORITY OF THE VOTES CAST THEREON AND SHALL NOT HAVE THE POWER TO APPROPRIATE OR DIVERT FUNDS CREATED OR ALLOCATED TO A SPECIFIC PURPOSE BY A REFERENDUM MEASURE DECIDED BY A MAJORITY OF THE VOTES CAST THEREON, UNLESS THE APPROPRIATION OR DIVERSION OF FUNDS FURTERS 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 APPROPRIATE OR DIVERT SUCH FUNDS.}

(7) Number of qualified electors. The whole number of votes cast for all candidates for governor at the general election last preceding the filing of any initiative or referendum petition on a state or county measure shall be the basis on which the number of qualified electors required to sign such petition shall be computed.
(8) Local, city, town or county matters. The powers of
the initiative and the referendum are hereby further reserved
to the qualified electors of every incorporated city, town, and
county as to all local, city, town, or county matters on which
such incorporated cities, towns, and counties are or shall be
empowered by general laws to legislate. Such incorporated
cities, towns, and counties may prescribe the manner of
exercising said powers within the restrictions of general laws.
Under the power of the initiative fifteen percentum of
the qualified electors may propose measures on such local, city,
town, or county matters, and ten percentum of the
electors may propose the referendum on legislation enacted
within and by such city, town, or county. Until provided by
general law, said cities and towns may prescribe the basis on
which said percentages shall be computed.

(9) Form and contents of initiative and of referendum
petitions; verification. Every initiative or referendum
petition shall be addressed to the secretary of state in the
case of petitions for or on state measures, and to the clerk of
the board of supervisors, city clerk, or corresponding officer
in the case of petitions for or on county, city, or town
measures; and shall contain the declaration of each petitioner,
for himself, that he is a qualified elector of the state (and
in the case of petitions for or on city, town, or county
measures, of the city, town, or county affected), his post
office address, the street and number, if any, of his residence,
and the date on which he signed such petition. Each sheet
containing petitioners' signatures shall be attached to a full
and correct copy of the title and text of the measure so proposed
to be initiated or referred to the people, and every sheet of
every such petition containing signatures shall be verified by
the affidavit of the person who circulated said sheet or
petition, setting forth that each of the names on said sheet
was signed in the presence of the affiant and that in the belief
of the affiant each signer was a qualified elector of the state,
or in the case of a city, town, or county measure, of the city,
town, or county affected by the measure so proposed to be
initiated or referred to the people.

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

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

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

(13) Canvass of votes; proclamation. It shall be the duty of the secretary of state, in the presence of the governor and the chief justice of the supreme court, to canvass the votes for and against each such measure or proposed amendment to the constitution within thirty days after the election, and upon the completion of the canvass the governor shall forthwith issue a proclamation, giving the whole number of votes cast for and against each measure or proposed amendment, and declaring such measures or amendments TO APPROVE A TAX as are approved by a majority SIXTY PERCENT of those voting thereon to be law AND FOR ALL OTHER MEASURES OR AMENDMENTS, DECLARING SUCH MEASURES AS ARE APPROVED BY A MAJORITY OF THOSE VOTING THEREON TO BE LAW.

(14) Reservation of legislative power. This section shall not be construed to deprive the legislature of the right to enact any measure except that the legislature shall not have the power to adopt any measure that supersedes, in whole or in part, any initiative measure TO APPROVE A TAX THAT IS approved by a majority SIXTY PERCENT of the votes cast thereon or any referendum measure TO APPROVE A TAX THAT IS decided by a majority SIXTY PERCENT of the votes cast thereon unless the superseding measure furthers the purposes of the initiative or referendum 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 supersede such initiative or referendum measure. FOR ALL OTHER INITIATIVES AND REFERENDUMS, THE LEGISLATURE SHALL NOT HAVE THE POWER TO ADOPT ANY MEASURE THAT SUPERSEDES, IN WHOLE OR IN PART, ANY INITIATIVE MEASURE APPROVED BY A MAJORITY OF THE VOTES CAST THEREON AND SHALL NOT HAVE THE POWER TO ADOPT ANY MEASURE THAT SUPERSEDES, IN WHOLE OR IN PART, ANY REFERENDUM MEASURE DECIDED BY A MAJORITY OF THE VOTES CAST THEREON, UNLESS THE SUPERSIDING MEASURE FURTERS THE PURPOSES OF THE INITIATIVE OR REFERENDUM
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
SUPERSEDE SUCH INITIATIVE OR REFERENDUM MEASURE.

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

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

2. Article XXI, section 1, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

1. Introduction in legislature; initiative petition; election

Section 1. Any amendment or amendments to this constitution may be proposed in either house of the legislature, or by initiative petition signed by a number of qualified electors equal to fifteen per centum percent of the total number of votes for all candidates for governor at the last preceding general election. Any proposed amendment or amendments which shall be introduced in either house of the legislature, and which shall be approved by a majority of the members elected to each of the two houses, shall be entered on the journal of each house, together with the ayes and nays thereon. When any proposed amendment or amendments shall be thus passed by a majority of each house of the legislature and entered on the respective journals thereof, or when any elector or electors shall file with the secretary of state any proposed amendment or amendments together with a petition therefor signed by a number of electors equal to fifteen per centum percent of the total number of votes for all candidates for governor in the last preceding general election, the secretary of state shall submit such proposed amendment or amendments to the vote of the people at the next general election (except when the legislature shall call a special election for the purpose of having said proposed amendment or amendments voted upon on, in which case the secretary of state shall submit such proposed amendment or amendments to the qualified electors at said special election,) and for any proposed amendment or amendments to approve a tax, if a majority sixty percent of the qualified electors voting thereon shall approve and ratify such proposed amendment or amendments in said the regular or special election, such amendment or amendments shall become a part of this constitution and for any other proposed amendment or amendments, if a
MAJORITY OF THE QUALIFIED ELECTORS VOTING THEREON SHALL APPROVE
AND RATIFY SUCH PROPOSED AMENDMENT OR AMENDMENTS IN THE REGULAR
OR SPECIAL ELECTION, SUCH AMENDMENT OR AMENDMENTS SHALL BECOME
A PART OF THIS CONSTITUTION. Until a method of publicity is
otherwise provided by law, the secretary of state shall have
such THE proposed amendment or amendments published for a period
of at least ninety days previous to BEFORE the date of said THE
election in at least one newspaper in every county of the state
in which a newspaper shall be IS published, in such manner as
may be prescribed by law. If more than one proposed amendment
shall be IS submitted at any election, such THE proposed
amendments shall be submitted in such A manner that the electors
may vote for or against such proposed amendments separately.
3. The Secretary of State shall submit this proposition to the voters
at the next general election as provided by article XXI. Constitution of
Arizona.


PASSED BY THE SENATE JUNE 23, 2022.