

initiatives; supermajority vote; requirement

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)

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 FOR AN INITIATIVE OR REFERENDUM TO APPROVE A TAX,
21 shall become law when approved by ~~a majority~~ SIXTY PERCENT of
22 the votes cast thereon and upon proclamation of the governor,
23 and not otherwise AND FOR ALL OTHER INITIATIVES AND REFERENDUMS,
24 SHALL BECOME LAW WHEN APPROVED BY A MAJORITY OF THE VOTES CAST
25 THEREON AND UPON PROCLAMATION OF THE GOVERNOR, AND NOT
26 OTHERWISE.

27 (6) (A) Veto of initiative or referendum. The veto
28 power of the governor shall not extend to an initiative measure
29 TO APPROVE A TAX THAT IS approved by ~~a majority~~ SIXTY PERCENT
30 of the votes cast thereon or to a referendum measure TO APPROVE
31 A TAX THAT IS decided by ~~a majority~~ SIXTY PERCENT of the votes
32 cast thereon AND FOR ALL OTHER INITIATIVES AND REFERENDUMS, THE
33 VETO POWER OF THE GOVERNOR SHALL NOT EXTEND TO INITIATIVES AND
34 REFERENDUMS APPROVED BY A MAJORITY OF THE VOTES CAST 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 TO APPROVE A TAX THAT IS approved by ~~a~~
38 ~~majority~~ SIXTY PERCENT of the votes cast thereon or to repeal a
39 referendum measure TO APPROVE A TAX THAT IS decided by ~~a majority~~
40 SIXTY PERCENT of the votes cast thereon AND FOR ALL OTHER
41 INITIATIVES AND REFERENDUMS, THE LEGISLATURE SHALL NOT HAVE THE
42 POWER TO REPEAL AN INITIATIVE MEASURE APPROVED BY A MAJORITY OF
43 THE VOTES CAST THEREON AND SHALL NOT HAVE THE POWER TO REPEAL A
44 REFERENDUM MEASURE DECIDED BY A MAJORITY OF THE VOTES CAST
45 THEREON.

1 (6) (C) Legislature's power to amend initiative or
2 referendum. The legislature shall not have the power to amend
3 an initiative measure TO APPROVE A TAX THAT IS approved by ~~a~~
4 ~~majority~~ SIXTY PERCENT of the votes cast thereon, or to amend a
5 referendum measure TO APPROVE A TAX THAT IS decided by ~~a~~majority
6 SIXTY PERCENT of the votes cast thereon, unless the amending
7 legislation furthers the purposes of such measure and at least
8 three-fourths of the members of each house of the legislature,
9 by a roll call of ayes and nays, vote to amend such measure. FOR
10 ALL OTHER INITIATIVES AND REFERENDUMS, THE LEGISLATURE SHALL
11 NOT HAVE THE POWER TO AMEND AN INITIATIVE MEASURE APPROVED BY A
12 MAJORITY OF THE VOTES CAST THEREON AND SHALL NOT HAVE THE POWER
13 TO AMEND A REFERENDUM MEASURE DECIDED BY A MAJORITY OF THE VOTES
14 CAST THEREON, UNLESS THE AMENDING LEGISLATION FURTHERS THE
15 PURPOSES OF SUCH MEASURE AND AT LEAST THREE-FOURTHS OF THE
16 MEMBERS OF EACH HOUSE OF THE LEGISLATURE, BY A ROLL CALL OF AYES
17 AND NAYS, VOTE TO AMEND SUCH MEASURE.

18 (6) (D) Legislature's power to appropriate or divert
19 funds created by initiative or referendum. The legislature
20 shall not have the power to appropriate or divert funds created
21 or allocated to a specific purpose by an initiative measure THAT
22 ALSO APPROVES A TAX THAT IS approved by ~~a~~majority SIXTY PERCENT
23 of the votes cast thereon, or by a referendum measure THAT ALSO
24 APPROVES A TAX THAT IS decided by ~~a~~majority SIXTY PERCENT of
25 the votes cast thereon, unless the appropriation or diversion
26 of funds furthers the purposes of such measure and at least
27 three-fourths of the members of each house of the legislature,
28 by a roll call of ayes and nays, vote to appropriate or divert
29 such funds. FOR ALL OTHER INITIATIVES AND REFERENDUMS, THE
30 LEGISLATURE SHALL NOT HAVE THE POWER TO APPROPRIATE OR DIVERT
31 FUNDS CREATED OR ALLOCATED TO A SPECIFIC PURPOSE BY AN
32 INITIATIVE MEASURE APPROVED BY A MAJORITY OF THE VOTES CAST
33 THEREON AND SHALL NOT HAVE THE POWER TO APPROPRIATE OR DIVERT
34 FUNDS CREATED OR ALLOCATED TO A SPECIFIC PURPOSE BY A REFERENDUM
35 MEASURE DECIDED BY A MAJORITY OF THE VOTES CAST THEREON, UNLESS
36 THE APPROPRIATION OR DIVERSION OF FUNDS FURTHERS THE PURPOSES
37 OF SUCH MEASURE AND AT LEAST THREE-FOURTHS OF THE MEMBERS OF
38 EACH HOUSE OF THE LEGISLATURE, BY A ROLL CALL OF AYES AND NAYS,
39 VOTE TO APPROPRIATE OR DIVERT SUCH FUNDS.

40 (7) Number of qualified electors. The whole number of
41 votes cast for all candidates for governor at the general
42 election last preceding the filing of any initiative or
43 referendum petition on a state or county measure shall be the
44 basis on which the number of qualified electors required to sign
45 such petition shall be computed.

1 (8) Local, city, town or county matters. The powers of
2 the initiative and the referendum are hereby further reserved
3 to the qualified electors of every incorporated city, town,~~;~~ and
4 county as to all local, city, town,~~;~~ or county matters on which
5 such incorporated cities, towns,~~;~~ and counties are or shall be
6 empowered by general laws to legislate. Such incorporated
7 cities, towns,~~;~~ and counties may prescribe the manner of
8 exercising said powers within the restrictions of general laws.
9 Under the power of the initiative fifteen ~~per centum~~ PERCENT of
10 the qualified electors may propose measures on such local, city,
11 town,~~;~~ or county matters, and ten ~~per centum~~ PERCENT of the
12 electors may propose the referendum on legislation enacted
13 within and by such city, town,~~;~~ or county. Until provided by
14 general law, said cities and towns may prescribe the basis on
15 which said percentages shall be computed.

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

39 (10) Official ballot. When any initiative or referendum
40 petition or any measure referred to the people by the
41 legislature ~~shall be~~ IS filed, in accordance with this section,
42 with the secretary of state, ~~he~~ THE SECRETARY OF STATE shall
43 cause to be printed on the official ballot at the next regular
44 general election the title and number of said measure, together
45 with the words "yes" and "no" in such manner that the electors

1 may express at the polls their approval or disapproval of the
2 measure.

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

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

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

27 (14) Reservation of legislative power. This section
28 shall not be construed to deprive the legislature of the right
29 to enact any measure except that the legislature shall not have
30 the power to adopt any measure that supersedes, in whole or in
31 part, any initiative measure TO APPROVE A TAX THAT IS approved
32 by a majority SIXTY PERCENT of the votes cast thereon or any
33 referendum measure TO APPROVE A TAX THAT IS decided by a majority
34 SIXTY PERCENT of the votes cast thereon unless the superseding
35 measure furthers the purposes of the initiative or referendum
36 measure and at least three-fourths of the members of each house
37 of the legislature, by a roll call of ayes and nays, vote to
38 supersede such initiative or referendum measure. FOR ALL OTHER
39 INITIATIVES AND REFERENDUMS, THE LEGISLATURE SHALL NOT HAVE THE
40 POWER TO ADOPT ANY MEASURE THAT SUPERSEDES, IN WHOLE OR IN PART,
41 ANY INITIATIVE MEASURE APPROVED BY A MAJORITY OF THE VOTES CAST
42 THEREON AND SHALL NOT HAVE THE POWER TO ADOPT ANY MEASURE THAT
43 SUPERSEDES, IN WHOLE OR IN PART, ANY REFERENDUM MEASURE DECIDED
44 BY A MAJORITY OF THE VOTES CAST THEREON, UNLESS THE SUPERSEDING
45 MEASURE FURTHERS THE PURPOSES OF THE INITIATIVE OR REFERENDUM

1 MEASURE AND AT LEAST THREE-FOURTHS OF THE MEMBERS OF EACH HOUSE
2 OF THE LEGISLATURE, BY A ROLL CALL OF AYES AND NAYS, VOTE TO
3 SUPERSEDE SUCH INITIATIVE OR REFERENDUM MEASURE.

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

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

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

14 1. Introduction in legislature; initiative petition;
15 election

16 Section 1. Any amendment or amendments to this
17 constitution may be proposed in either house of the legislature,
18 or by initiative petition signed by a number of qualified
19 electors equal to fifteen ~~per centum~~ PERCENT of the total number
20 of votes for all candidates for governor at the last preceding
21 general election. Any proposed amendment or amendments which
22 shall be introduced in either house of the legislature, and
23 which shall be approved by a majority of the members elected to
24 each of the two houses, shall be entered on the journal of each
25 house, together with the ayes and nays thereon. When any
26 proposed amendment or amendments shall be thus passed by a
27 majority of each house of the legislature and entered on the
28 respective journals thereof, or when any elector or electors
29 ~~shall~~ file with the secretary of state any proposed amendment
30 or amendments together with a petition therefor signed by a
31 number of electors equal to fifteen ~~per centum~~ PERCENT of the
32 total number of votes for all candidates for governor in the
33 last preceding general election, the secretary of state shall
34 submit such proposed amendment or amendments to the vote of the
35 people at the next general election (except when the legislature
36 shall call a special election for the purpose of having said
37 proposed amendment or amendments voted ~~upon~~ ON, in which case
38 the secretary of state shall submit such proposed amendment or
39 amendments to the qualified electors at said special election,)
40 and FOR ANY PROPOSED AMENDMENT OR AMENDMENTS TO APPROVE A TAX,
41 if ~~a majority~~ SIXTY PERCENT of the qualified electors voting
42 thereon shall approve and ratify such proposed amendment or
43 amendments in ~~said~~ THE regular or special election, such
44 amendment or amendments shall become a part of this constitution
45 AND FOR ANY OTHER PROPOSED AMENDMENT OR AMENDMENTS, IF A

1 MAJORITY OF THE QUALIFIED ELECTORS VOTING THEREON SHALL APPROVE
2 AND RATIFY SUCH PROPOSED AMENDMENT OR AMENDMENTS IN THE REGULAR
3 OR SPECIAL ELECTION, SUCH AMENDMENT OR AMENDMENTS SHALL BECOME
4 A PART OF THIS CONSTITUTION. Until a method of publicity is
5 otherwise provided by law, the secretary of state shall have
6 ~~such~~ THE proposed amendment or amendments published for a period
7 of at least ninety days ~~previous to~~ BEFORE the date of ~~said~~ THE
8 election in at least one newspaper in every county of the state
9 in which a newspaper ~~shall be~~ IS published, in such manner as
10 may be prescribed by law. If more than one proposed amendment
11 ~~shall be~~ IS submitted at any election, ~~such~~ THE proposed
12 amendments shall be submitted in such A manner that the electors
13 may vote for or against such proposed amendments separately.
14 3. The Secretary of State shall submit this proposition to the voters
15 at the next general election as provided by article XXI, Constitution of
16 Arizona.

PASSED BY THE HOUSE JUNE 23, 2022.

PASSED BY THE SENATE JUNE 23, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 24, 2022.