

Senate Engrossed

initiative; referendum; signatures; legislative districts

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE CONCURRENT RESOLUTION 1015

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 1, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO INITIATIVES AND REFERENDA.

(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. FOR STATEWIDE MEASURES, under this
19 power ten percent of the qualified electors FROM EACH
20 LEGISLATIVE DISTRICT shall have the right to propose any
21 STATEWIDE measure, and fifteen percent OF THE QUALIFIED ELECTORS
22 FROM EACH LEGISLATIVE DISTRICT shall have the right to propose
23 any amendment to the constitution.

24 (3) Referendum power; emergency measures; effective date
25 of acts. The second of these reserved powers is the referendum.
26 Under this power the legislature, or, FOR STATEWIDE MEASURES,
27 five percent of the qualified electors FROM EACH LEGISLATIVE
28 DISTRICT, may order the submission to the people at the polls
29 of any measure, or item, section or part of any measure, enacted
30 by the legislature, except laws immediately necessary for the
31 preservation of the public peace, health or safety, or for the
32 support and maintenance of the departments of the state
33 government and state institutions; but to allow opportunity for
34 referendum petitions, no act passed by the legislature shall be
35 operative for ninety days after the close of the session of the
36 legislature enacting such measure, except such as require
37 earlier operation to preserve the public peace, health or
38 safety, or to provide appropriations for the support and
39 maintenance of the departments of the state and of state
40 institutions; provided, that no such emergency measure shall be
41 considered passed by the legislature unless it shall state in a
42 separate section why it is necessary that it shall become
43 immediately operative, and shall be approved by the affirmative
44 votes of two-thirds of the members elected to each house of the
45 legislature, taken by roll call of ayes and nays, and also

1 approved by the governor; and should such measure be vetoed by
2 the governor, it shall not become a law unless it shall be
3 approved by the votes of three-fourths of the members elected
4 to each house of the legislature, taken by roll call of ayes
5 and nays.

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

19 (5) Effective date of initiative and referendum
20 measures. Any measure or amendment to the constitution proposed
21 under the initiative, and any measure to which the referendum
22 is applied, shall be referred to a vote of the qualified
23 electors, and for an initiative or referendum to approve a tax,
24 shall become law when approved by sixty percent of the votes
25 cast thereon and ~~upon~~ ON proclamation of the governor, and not
26 otherwise and for all other initiatives and referendums, shall
27 become law when approved by a majority of the votes cast thereon
28 and ~~upon~~ ON proclamation of the governor, and not otherwise.

29 (6) (A) Veto of initiative or referendum. The veto
30 power of the governor shall not extend to an initiative measure
31 to approve a tax that is approved by sixty percent of the votes
32 cast thereon or to a referendum measure to approve a tax that
33 is decided by sixty percent of the votes cast thereon and for
34 all other initiatives and referendums, the veto power of the
35 governor shall not extend to initiatives and referendums
36 approved by a majority of the votes cast thereon.

37 (6) (B) Legislature's power to repeal initiative or
38 referendum. The legislature shall not have the power to repeal
39 an initiative measure to approve a tax that is approved by sixty
40 percent of the votes cast thereon or to repeal a referendum
41 measure to approve a tax that is decided by sixty percent of
42 the votes cast thereon and for all other initiatives and
43 referendums, the legislature shall not have the power to repeal
44 an initiative measure approved by a majority of the votes cast
45 thereon and shall not have the power to repeal a referendum

1 measure decided by a majority of the votes cast thereon.

2 (6) (C) Legislature's power to amend initiative or
3 referendum. The legislature shall not have the power to amend
4 an initiative measure to approve a tax that is approved by sixty
5 percent of the votes cast thereon, or to amend a referendum
6 measure to approve a tax that is decided by sixty percent of
7 the votes cast thereon, unless the amending legislation furthers
8 the purposes of such measure and at least three-fourths of the
9 members of each house of the legislature, by a roll call of ayes
10 and nays, vote to amend such measure. For all other initiatives
11 and referendums, the legislature shall not have the power to
12 amend an initiative measure approved by a majority of the votes
13 cast thereon and shall not have the power to amend a referendum
14 measure decided by a majority of the votes cast thereon, unless
15 the amending legislation furthers the purposes of such measure
16 and at least three-fourths of the members of each house of the
17 legislature, by a roll call of ayes and nays, vote to amend such
18 measure.

19 (6) (D) Legislature's power to appropriate or divert
20 funds created by initiative or referendum. The legislature
21 shall not have the power to appropriate or divert funds created
22 or allocated to a specific purpose by an initiative measure that
23 also approves a tax that is approved by sixty percent of the
24 votes cast thereon, or by a referendum measure that also
25 approves a tax that is decided by sixty percent of the votes
26 cast thereon, unless the appropriation or diversion of funds
27 furthers the purposes of such measure and at least three-fourths
28 of the members of each house of the legislature, by a roll call
29 of ayes and nays, vote to appropriate or divert such funds. For
30 all other initiatives and referendums, the legislature shall
31 not have the power to appropriate or divert funds created or
32 allocated to a specific purpose by an initiative measure
33 approved by a majority of the votes cast thereon and shall not
34 have the power to appropriate or divert funds created or
35 allocated to a specific purpose by a referendum measure decided
36 by a majority of the votes cast thereon, unless the
37 appropriation or diversion of funds furthers the purposes of
38 such measure and at least three-fourths of the members of each
39 house of the legislature, by a roll call of ayes and nays, vote
40 to appropriate or divert such funds.

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

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

22 (9) Form and contents of initiative and of referendum
23 petitions; verification. Every initiative or referendum
24 petition shall be addressed to the secretary of state in the
25 case of petitions for or on state measures, and to the clerk of
26 the board of supervisors, city clerk or corresponding officer
27 in the case of petitions for or on county, city or town measures;
28 and shall contain the declaration of each petitioner, for
29 himself, that he is a qualified elector of the state (and in
30 the case of petitions for or on city, town or county measures,
31 of the city, town or county affected), his post office address,
32 the street and number, if any, of his residence, and the date
33 on which he signed such petition. Every initiative measure
34 shall embrace but one subject and matters properly connected
35 therewith, which subject shall be expressed in the title; but
36 if any subject shall be embraced in an initiative measure which
37 shall not be expressed in the title, such initiative measure
38 shall be void only as to so much thereof as shall not be embraced
39 in the title. Each sheet containing petitioners' signatures
40 shall be attached to a full and correct copy of the title and
41 text of the measure so proposed to be initiated or referred to
42 the people, and every sheet of every such petition containing
43 signatures shall be verified by the affidavit of the person who
44 circulated said sheet or petition, setting forth that each of
45 the names on said sheet was signed in the presence of the affiant

1 and that in the belief of the affiant each signer was FOR
2 STATEWIDE MEASURES a qualified elector of the APPROPRIATE
3 LEGISLATIVE DISTRICT AND THIS state, or in the case of a city,
4 town or county measure, of the city, town or county affected by
5 the measure so proposed to be initiated or referred to the
6 people.

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

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

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

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

40 (14) Reservation of legislative power. This section
41 shall not be construed to deprive the legislature of the right
42 to enact any measure except that the legislature shall not have
43 the power to adopt any measure that supersedes, in whole or in
44 part, any initiative measure to approve a tax that is approved
45 by sixty percent of the votes cast thereon or any referendum

1 measure to approve a tax that is decided by sixty percent of
2 the votes cast thereon unless the superseding measure furthers
3 the purposes of the initiative or referendum measure and at
4 least three-fourths of the members of each house of the
5 legislature, by a roll call of ayes and nays, vote to supersede
6 such initiative or referendum measure. For all other
7 initiatives and referendums, the legislature shall not have the
8 power to adopt any measure that supersedes, in whole or in part,
9 any initiative measure approved by a majority of the votes cast
10 thereon and shall not have the power to adopt any measure that
11 supersedes, in whole or in part, any referendum measure decided
12 by a majority of the votes cast thereon, unless the superseding
13 measure furthers the purposes of the initiative or referendum
14 measure and at least three-fourths of the members of each house
15 of the legislature, by a roll call of ayes and nays, vote to
16 supersede such initiative or referendum measure.

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

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

24 2. The Secretary of State shall submit this proposition to the voters
25 at the next general election as provided by article XXI, Constitution of
26 Arizona.

PASSED BY THE HOUSE JUNE 12, 2023.

PASSED BY THE SENATE FEBRUARY 14, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 13, 2023.