

REFERENCE TITLE: ballot measures; enforcement; civil actions

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

SB 1469

Introduced by
Senators Driggs: Farnsworth D, McComish, Shooter, Yarbrough;
Representative Forese

AN ACT

AMENDING TITLE 19, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-162; RELATING TO INITIATIVE AND REFERENDUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 19, chapter 1, article 5, Arizona Revised Statutes,
3 is amended by adding section 19-162, to read:
4 19-162. Civil actions; affected persons; ballot measures;
5 enforcement; defense; costs; equitable relief
6 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, FOR ANY
7 PROVISION OF THE CONSTITUTION OR ANY STATUTE OR OTHER LAW THAT WAS ENACTED BY
8 AN INITIATIVE OR REFERENDUM MEASURE APPROVED BY A VOTE OF THE PEOPLE:
9 1. ANY PERSON HAVING AN INTEREST THAT IS OR MAY BE ADVERSELY AFFECTED:
10 (a) MAY FILE A CIVIL ACTION IN THE SUPERIOR COURT ON THAT PERSON'S OWN
11 BEHALF OR MAY JOIN IN AN ACTION AS A MATTER OF RIGHT ALLEGING A VIOLATION OF
12 ANY PORTION OF THAT MEASURE.
13 (b) MAY DEFEND ANY ACTION IN THE SUPERIOR COURT ON THAT PERSON'S OWN
14 BEHALF OR MAY JOIN IN THE DEFENSE OF ANY ACTION AS A MATTER OF RIGHT IN
15 DEFENSE OF ANY PORTION OF THAT MEASURE.
16 2. ANY PERSON, THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE
17 MAY BE JOINED AS A PARTY IF APPROPRIATE TO OBTAIN RELIEF IN THE ACTION.
18 B. AN ACTION MAY NOT BE COMMENCED PURSUANT TO THIS SECTION IF THE
19 ATTORNEY GENERAL HAS COMMENCED AND IS DILIGENTLY PROSECUTING A CIVIL ACTION
20 IN THE SUPERIOR COURT TO REQUIRE COMPLIANCE WITH THE MEASURE OR IS DILIGENTLY
21 DEFENDING THE MEASURE IN A CIVIL ACTION AGAINST THE MEASURE.
22 C. IN ISSUING A FINAL ORDER IN AN ACTION OR DEFENSE BROUGHT PURSUANT
23 TO THIS SECTION, THE COURT MAY:
24 1. AWARD COSTS OF LITIGATION, INCLUDING REASONABLE ATTORNEY AND EXPERT
25 WITNESS FEES, TO ANY PARTY WHEN THE COURT DETERMINES IT IS APPROPRIATE,
26 INCLUDING AGAINST ANY PARTY FOR A FRIVOLOUS ACTION OR DEFENSE.
27 2. PROVIDE FOR INJUNCTIVE OR OTHER EQUITABLE RELIEF AS DETERMINED BY
28 THE COURT.