

REFERENCE TITLE: constitutional amendments; sixty percent approval

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HCR 2001

Introduced by
Representatives Lovas, Allen J: Shope

A CONCURRENT RESOLUTION

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

(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 proposed
4 to be amended as follows if approved by the voters and on proclamation of the
5 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 and
12 to enact or reject such laws and amendments at the polls,
13 independently of the legislature; and they also reserve, for use
14 at their own option, the power to approve or reject at the polls
15 any act, or item, section, or part of any act, of the
16 legislature.

17 (2) Initiative power. The first of these reserved powers
18 is the initiative. Under this power ten ~~per centum~~ PERCENT of
19 the qualified electors shall have the right to propose any
20 measure, and fifteen ~~per centum~~ PERCENT shall have the right to
21 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 part of any
27 measure, enacted by the legislature, except laws immediately
28 necessary for the preservation of the public peace, health, or
29 safety, or for the support and maintenance of the departments of
30 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 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 to

1 each house of the legislature, taken by roll call of ayes and
2 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 measures.
17 Any measure or amendment to the constitution proposed under the
18 initiative, and any measure to which the referendum is applied,
19 shall be referred to a vote of the qualified electors, and shall
20 become law when approved by a majority of the votes cast thereon
21 and upon proclamation of the governor, **EXCEPT THAT AN INITIATIVE
22 OR REFERENDUM THAT PROPOSES AN AMENDMENT TO THE CONSTITUTION
23 SHALL BECOME LAW WHEN APPROVED BY AT LEAST SIXTY PERCENT OF THE
24 QUALIFIED ELECTORS VOTING ON THE MEASURE AND UPON PROCLAMATION
25 OF THE GOVERNOR,** and not otherwise.

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

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

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

44 (6) (D) Legislature's power to appropriate or divert
45 funds created by initiative or referendum. The legislature

1 shall not have the power to appropriate or divert funds created
2 or allocated to a specific purpose by an initiative measure
3 approved by a majority of the votes cast thereon, or by a
4 referendum measure decided by a majority of the votes cast
5 thereon, unless the appropriation or diversion of funds furthers
6 the purposes of such measure and at least three-fourths of the
7 members of each house of the legislature, by a roll call of ayes
8 and nays, vote to appropriate or divert such funds.

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

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

30 (9) Form and contents of initiative and of referendum
31 petitions; verification. Every initiative or referendum
32 petition shall be addressed to the secretary of state in the
33 case of petitions for or on state measures, and to the clerk of
34 the board of supervisors, city clerk, or corresponding officer
35 in the case of petitions for or on county, city, or town
36 measures; and shall contain the declaration of each petitioner,
37 for himself, that he is a qualified elector of the state (and in
38 the case of petitions for or on city, town, or county measures,
39 of the city, town, or county affected), his post office address,
40 the street and number, if any, of his residence, and the date on
41 which he signed such petition. Each sheet containing
42 petitioners' signatures shall be attached to a full and correct
43 copy of the title and text of the measure so proposed to be
44 initiated or referred to the people, and every sheet of every
45 such petition containing signatures shall be verified by the

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

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

16 (11) Publication of measures. The text of all measures to
17 be submitted shall be published as proposed amendments to the
18 constitution are published, and in submitting such measures and
19 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 for
31 and against each such measure or proposed amendment to the
32 constitution within thirty days after the election, and upon the
33 completion of the canvass the governor shall forthwith issue a
34 proclamation, giving the whole number of votes cast for and
35 against each measure or proposed amendment, and declaring such
36 measures or amendments as are approved by a majority of those
37 voting thereon to be law, **OR FOR AN AMENDMENT TO THE**
38 **CONSTITUTION THAT IS APPROVED BY SIXTY PERCENT OR MORE OF THOSE**
39 **VOTING ON THAT AMENDMENT, DECLARING THAT AMENDMENT TO BE LAW.**

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

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

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

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

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