REFERENCE TITLE: ballot measures; controlled substance; supermajority

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HCR 2024

Introduced by
Representatives Thorpe, Boyer, Fann: Allen J, Barton, Cobb, Finchem,
Leach, Mesnard, Mitchell

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)
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 per centum PERCENT of the qualified electors shall have the right to propose any measure, and fifteen per centum 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 per centum 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 shall
become law when approved by a majority of the votes cast thereon
and upon proclamation of the governor, EXCEPT THAT AN INITIATIVE
OR REFERENDUM THAT PROPOSES A LAW THAT LEGALIZES THE
RECREATIONAL USE OF A DRUG THAT HAD BEEN A CONTROLLED SUBSTANCE
UNDER FEDERAL LAW AT ANY TIME DURING 2014 SHALL BECOME LAW ONLY
WHEN APPROVED BY AT LEAST THREE-FIFTHS OF THE QUALIFIED ELECTORS
VOTING ON THE MEASURE 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
approved by a majority of the votes cast thereon or to a
referendum measure decided 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 approved by a majority of the votes cast
thereon or 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 approved by a majority of the votes cast
thereon, or to amend a referendum measure decided by a majority
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.
(6) 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 approved by a majority of the votes cast thereon, or by a referendum measure decided by a majority 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.

(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 percent of the qualified electors may propose measures on such local, city, town, or county matters, and ten percent 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 as are approved by a majority of those
voting thereon to be law. OR FOR AN AMENDMENT OR MEASURE THAT
LEGALIZES THE RECREATIONAL USE OF A DRUG THAT HAD BEEN A
CONTROLLED SUBSTANCE AT ANY TIME DURING 2014 AND THAT IS
APPROVED BY THREE-FIFTHS OR MORE OF THOSE VOTING ON THAT
AMENDMENT OR MEASURE, DECLARING THAT AMENDMENT OR MEASURE 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 approved by a majority of the votes cast thereon or any referendum measure decided by a majority 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.

(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. Section 1 of this act applies retroactively to all initiative and referendum measures approved by the voters at and after the November 2016 general election.

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.