



# HOUSE OF REPRESENTATIVES

HCR 2023

proposition 105; legislative authority

Prime Sponsor: Representative Thorpe, LD 6

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**DP** Committee on Government and Higher Education

**DP** Caucus and COW

**X** House Engrossed

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## OVERVIEW

HCR 2023, upon voter approval, modifies the Legislature's power to repeal, amend, supersede and transfer monies designated by initiative or referendum measures (Proposition 105).

## PROVISIONS

1. Allows the Legislature to do any of the following with three-fifths votes of the members from each house of the Legislature by a roll call vote:
  - a. repeal or amend an initiative or referendum; and
  - b. adopt any measure that supersedes an initiative approved or referendum decided by a majority of votes cast.
2. Removes the requirement that the amending legislation or the appropriation or diversion of funds must further the purpose of the measure.
3. Requires the Secretary of State to submit this proposition to the voters at the next general election.

## CURRENT LAW

In 1998 voters passed [Proposition 105](#) that amended the Arizona Constitution relating to initiative and referendum measures. The Legislature does not have the power to repeal an initiative or referendum measure decided or approved by a majority of the votes cast; however, the Legislature may amend, supersede or transfer funds designated by the initiative or referendum if: 1) the amending legislation furthers the purpose of the measure; and 2) receives at least three-fourths vote of the members of each house of the Legislature by a roll call vote ([Arizona Constitution, Article IV, Part 1, § 1](#)).

## ADDITIONAL INFORMATION

In the House of Representatives, three-fourths equals 45 members and three-fifths equals 36 members. In the Senate, three-fourths equals 23 members and three-fifths equals 18 members.