STATE OF ARIZONA
HOUSE OF REPRESENTATIVES
FIFTY-THIRD LEGISLATURE
FIRST REGULAR SESSION
2017

CHAPTER 151

HOUSE BILL 2244

AN ACT

AMENDING TITLE 19, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-102.01; AMENDING TITLE 19, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-119.02; RELATING TO INITIATIVE AND REFERENDUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 19, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 19-102.01, to read:

19-102.01. Initiative petitions; standard of review
A. Constitutional and statutory requirements for statewide initiative measures must be strictly construed and persons using the initiative process must strictly comply with those constitutional and statutory requirements.

B. The Secretary of State shall make available a sample initiative petition that strictly complies with the requirements of Section 19-121. Any committee that uses the sample initiative petition provided by the Secretary of State shall be presumed to have strictly complied with the requirements of Section 19-121.

Sec. 2. Title 19, chapter 1, article 2, Arizona Revised Statutes, is amended by adding section 19-119.02, to read:

19-119.02. Initiative, referendum and recall handbook; secretary of state
Each election cycle the Secretary of State shall prepare and publish an initiative, referendum and recall handbook that provides guidance on interpreting, administering, applying and enforcing the laws relating to initiative, referendum and recall. The Secretary of State shall make the handbook available to the public on the Secretary of State's website.

Sec. 3. Legislative findings; purpose
A. The legislature finds that:
1. The Constitution of Arizona provides voters with the ability to propose new laws or constitutional amendments through the initiative process.
2. Courts have required strict compliance where a legislative tool is considered an "'extraordinary' power... that permits a 'minority to hold up... legislation [that] may well represent the wishes of the majority.'" See Perini Land & Dev. Co. v. Pima Cty., 170 Ariz. 380, 383 (1992) (quoting W. Devcor, Inc. v. City of Scottsdale, 168 Ariz. 426, 429 (1991)); see also Direct Sellers Ass'n v. McBrayer, 109 Ariz. 3, 5 (1972).
4. The Voter Protection Act greatly impairs the ability of the legislature, representing the will of the people, to implement changes to or corrective measures for voter-approved initiatives.
5. The initiative process has evolved into an extraordinary power, effectively holding up and binding the will of the legislature and future majorities of the people by preventing the enactment of new laws and amendments that may well represent the wishes of the current majority of the people. See Perini Land & Dev. Co. v. Pima Cty., 170 Ariz. 380, 382-83 (1992); see also Direct Sellers Ass'n v. McBrayer, 109 Ariz. 3, 5 (1972).
6. Strict compliance with the constitutional and statutory requirements for the initiative process and in the application and enforcement of those requirements provides the surest method for safeguarding the integrity and accuracy of the initiative process, while still recognizing the historical importance of initiatives in this state. Cf. W. Devcor, Inc. v. City of Scottsdale, 168 Ariz. 426, 429 (1991) (citing Cottonwood Dev. v. Foothills Area Coal. of Tucson, Inc., 134 Ariz. 46, 49 (1982)).

B. Based on the findings provided in subsection A of this section, the legislature's purpose in adopting this act includes the following:

1. Requiring that statewide initiative measures strictly comply with constitutional and statutory requirements.

2. Requiring that persons circulating and submitting initiative petitions be held to the same standard of constitutional and statutory compliance as those persons circulating and submitting referendum petitions.

APPROVED BY THE GOVERNOR APRIL 14, 2017.