

REFERENCE TITLE: initiative; referendum; signatures; legislative districts

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HCR 2005

Introduced by
Representative Kavanagh

A CONCURRENT RESOLUTION

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona,
2 the Senate concurring:

3 1. Article IV, part 1, section 1, Constitution of Arizona, is
4 proposed to be amended as follows if approved by the voters and on
5 proclamation of the 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
12 and to enact or reject such laws and amendments at the polls,
13 independently of the legislature; and they also reserve, for
14 use at their own option, the power to approve or reject at the
15 polls any act, or item, section, or part of any act, of the
16 legislature.

17 (2) Initiative power. The first of these reserved
18 powers is the initiative. FOR STATEWIDE MEASURES, under this
19 power ten ~~per centum~~ PERCENT of the qualified electors FROM
20 EACH LEGISLATIVE DISTRICT shall have the right to propose any
21 STATEWIDE measure, and fifteen ~~per centum~~ PERCENT OF THE
22 QUALIFIED ELECTORS FROM EACH LEGISLATIVE DISTRICT shall have
23 the right to propose any amendment to the constitution.

24 (3) Referendum power; emergency measures; effective
25 date of acts. The second of these reserved powers is the
26 referendum. Under this power the legislature, or, FOR
27 STATEWIDE MEASURES, five ~~per centum~~ PERCENT of the qualified
28 electors FROM EACH LEGISLATIVE DISTRICT, may order the
29 submission to the people at the polls of any measure, or item,
30 section, or part of any measure, enacted by the legislature,
31 except laws immediately necessary for the preservation of the
32 public peace, health, or safety, or for the support and
33 maintenance of the departments of the state government and
34 state institutions; but to allow opportunity for referendum
35 petitions, no act passed by the legislature shall be operative
36 for ninety days after the close of the session of the
37 legislature enacting such measure, except such as require
38 earlier operation to preserve the public peace, health, or
39 safety, or to provide appropriations for the support and
40 maintenance of the departments of the state and of state
41 institutions; provided, that no such emergency measure shall
42 be considered passed by the legislature unless it shall state
43 in a separate section why it is necessary that it shall become
44 immediately operative, and shall be approved by the
45 affirmative votes of two-thirds of the members elected to each

1 house of the legislature, taken by roll call of ayes and nays,
2 and also approved by the governor; and should such measure be
3 vetoed by the governor, it shall not become a law unless it
4 shall be approved by the votes of three-fourths of the members
5 elected to each house of the legislature, taken by roll call
6 of ayes and nays.

7 (4) Initiative and referendum petitions; filing. All
8 petitions submitted under the power of the initiative shall be
9 known as initiative petitions, and shall be filed with the
10 secretary of state not less than four months preceding the
11 date of the election at which the measures so proposed are to
12 be voted upon. All petitions submitted under the power of the
13 referendum shall be known as referendum petitions, and shall
14 be filed with the secretary of state not more than ninety days
15 after the final adjournment of the session of the legislature
16 which shall have passed the measure to which the referendum is
17 applied. The filing of a referendum petition against any
18 item, section, or part of any measure shall not prevent the
19 remainder of such measure from becoming operative.

20 (5) Effective date of initiative and referendum
21 measures. Any measure or amendment to the constitution
22 proposed under the initiative, and any measure to which the
23 referendum is applied, shall be referred to a vote of the
24 qualified electors, and shall become law when approved by a
25 majority of the votes cast thereon and upon proclamation of
26 the governor, and not otherwise.

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

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

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

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

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

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

34 (9) Form and contents of initiative and of referendum
35 petitions; verification. Every initiative or referendum
36 petition shall be addressed to the secretary of state in the
37 case of petitions for or on state measures, and to the clerk
38 of the board of supervisors, city clerk, or corresponding
39 officer in the case of petitions for or on county, city, or
40 town measures; and shall contain the declaration of each
41 petitioner, for himself, that he is a qualified elector of the
42 state (and in the case of petitions for or on city, town, or
43 county measures, of the city, town, or county affected), his
44 post office address, the street and number, if any, of his
45 residence, and the date on which he signed such petition.

1 Each sheet containing petitioners' signatures shall be
2 attached to a full and correct copy of the title and text of
3 the measure so proposed to be initiated or referred to the
4 people, and every sheet of every such petition containing
5 signatures shall be verified by the affidavit of the person
6 who circulated said sheet or petition, setting forth that each
7 of the names on said sheet was signed in the presence of the
8 affiant and that in the belief of the affiant each signer was
9 FOR STATEWIDE MEASURES a qualified elector of the APPROPRIATE
10 LEGISLATIVE DISTRICT AND THIS state, or in the case of a city,
11 town, or county measure, of the city, town, or county affected
12 by the measure so proposed to be initiated or referred to the
13 people.

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

22 (11) Publication of measures. The text of all measures
23 to be submitted shall be published as proposed amendments to
24 the constitution are published, and in submitting such
25 measures and proposed amendments the secretary of state and
26 all other officers shall be guided by the general law until
27 legislation shall be especially provided therefor.

28 (12) Conflicting measures or constitutional amendments.
29 If two or more conflicting measures or amendments to the
30 constitution shall be approved by the people at the same
31 election, the measure or amendment receiving the greatest
32 number of affirmative votes shall prevail in all particulars
33 as to which there is conflict.

34 (13) Canvass of votes; proclamation. It shall be the
35 duty of the secretary of state, in the presence of the
36 governor and the chief justice of the supreme court, to
37 canvass the votes for and against each such measure or
38 proposed amendment to the constitution within thirty days
39 after the election, and upon the completion of the canvass the
40 governor shall forthwith issue a proclamation, giving the
41 whole number of votes cast for and against each measure or
42 proposed amendment, and declaring such measures or amendments
43 as are approved by a majority of those voting thereon to be
44 law.

1 (14) Reservation of legislative power. This section
2 shall not be construed to deprive the legislature of the right
3 to enact any measure except that the legislature shall not
4 have the power to adopt any measure that supersedes, in whole
5 or in part, any initiative measure approved by a majority of
6 the votes cast thereon or any referendum measure decided by a
7 majority of the votes cast thereon unless the superseding
8 measure furthers the purposes of the initiative or referendum
9 measure and at least three-fourths of the members of each
10 house of the legislature, by a roll call of ayes and nays,
11 vote to supersede such initiative or referendum measure.

12 (15) Legislature's right to refer measure to the people.
13 Nothing in this section shall be construed to deprive or limit
14 the legislature of the right to order the submission to the
15 people at the polls of any measure, item, section, or part of
16 any measure.

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

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