

REFERENCE TITLE: initiative; referendum; signatures; legislative districts

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
Second Regular Session  
2020

## **HCR 2039**

Introduced by  
Representatives Finchem: Carroll, Fillmore, Grantham, Petersen

### **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 shall  
20 have the right to propose any STATEWIDE measure, and fifteen  
21 ~~per centum~~ PERCENT OF THE QUALIFIED ELECTORS shall have the  
22 right to propose any amendment to the constitution. FOR THE  
23 PURPOSES OF THIS SUBSECTION, ONE-THIRTIETH OF THE AMOUNT OF  
24 SIGNATURES REQUIRED TO PROPOSE A STATEWIDE MEASURE OR AN  
25 AMENDMENT TO THE CONSTITUTION MUST BE FROM EACH LEGISLATIVE  
26 DISTRICT.

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

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

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

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

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

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

39 (6) (C) Legislature's power to amend initiative or  
40 referendum. The legislature shall not have the power to amend  
41 an initiative measure approved by a majority of the votes cast  
42 thereon, or to amend a referendum measure decided by a  
43 majority of the votes cast thereon, unless the amending  
44 legislation furthers the purposes of such measure and at least

1 three-fourths of the members of each house of the legislature,  
2 by a roll call of ayes and nays, vote to amend such measure.

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

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

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

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

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

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

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

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

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

1 as are approved by a majority of those voting thereon to be  
2 law.

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

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

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

21 2. Intent

22 It is the intent that the residents of each legislative district  
23 have an equal voice in the passage of statewide measures and amendments to  
24 the Constitution of Arizona and that no legislative district has an unfair  
25 advantage.

26 3. The Secretary of State shall submit this proposition to the  
27 voters at the next general election as provided by article XXI,  
28 Constitution of Arizona.