

REFERENCE TITLE: initiatives; supermajority vote requirement

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HCR 2016

Introduced by
Representatives Dunn: Barton, Biasiucci, Cook, Grantham, Hoffman, Nutt,
Payne, Roberts, Senator Kerr

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 1, SECTION 1, CONSTITUTION OF ARIZONA; AMENDING ARTICLE XXI, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO INITIATIVE AND REFERENDUM MEASURES.

(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. Under this power ten ~~per centum~~
19 PERCENT of the qualified electors shall have the right to
20 propose any measure, and fifteen ~~per centum~~ PERCENT shall have
21 the right to propose any amendment to the constitution.

22 (3) Referendum power; emergency measures; effective
23 date of acts. The second of these reserved powers is the
24 referendum. Under this power the legislature, or five ~~per~~
25 ~~centum~~ PERCENT of the qualified electors, may order the
26 submission to the people at the polls of any measure, or item,
27 section, or part of any measure, enacted by the legislature,
28 except laws immediately necessary for the preservation of the
29 public peace, health, or safety, or for the support and
30 maintenance of the departments of the state government and
31 state institutions; but to allow opportunity for referendum
32 petitions, no act passed by the legislature shall be operative
33 for ninety days after the close of the session of the
34 legislature enacting such measure, except such as require
35 earlier operation to preserve the public peace, health, or
36 safety, or to provide appropriations for the support and
37 maintenance of the departments of the state and of state
38 institutions; provided, that no such emergency measure shall
39 be considered passed by the legislature unless it shall state
40 in a separate section why it is necessary that it shall become
41 immediately operative, and shall be approved by the
42 affirmative votes of two-thirds of the members elected to each
43 house of the legislature, taken by roll call of ayes and nays,
44 and also approved by the governor; and should such measure be
45 vetoed by the governor, it shall not become a law unless it

1 shall be approved by the votes of three-fourths of the members
2 elected to each house of the legislature, taken by roll call
3 of ayes and nays.

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

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

24 (6) (A) Veto of initiative or referendum. The veto
25 power of the governor shall not extend to an initiative
26 measure approved by ~~a majority~~ SIXTY PERCENT of the votes cast
27 thereon or to a referendum measure decided by ~~a majority~~ SIXTY
28 PERCENT of the votes cast thereon.

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

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

44 (6) (D) Legislature's power to appropriate or divert
45 funds created by initiative or referendum. The legislature

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

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

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

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

1 of the measure so proposed to be initiated or referred to the
2 people, and every sheet of every such petition containing
3 signatures shall be verified by the affidavit of the person
4 who circulated said sheet or petition, setting forth that each
5 of the names on said sheet was signed in the presence of the
6 affiant and that in the belief of the affiant each signer was
7 a qualified elector of the state, or in the case of a city,
8 town, or county measure, of the city, town, or county
9 affected by the measure so proposed to be initiated or
10 referred to the people.

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

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

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

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

43 (14) Reservation of legislative power. This section
44 shall not be construed to deprive the legislature of the right
45 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~~ SIXTY PERCENT of the votes cast thereon or any referendum measure decided by ~~a majority~~ SIXTY PERCENT 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. Article XXI, section 1, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

1. Introduction in legislature; initiative petition; election

Section 1. Any amendment or amendments to this constitution may be proposed in either house of the legislature, or by initiative petition signed by a number of qualified electors equal to fifteen ~~per centum~~ PERCENT of the total number of votes for all candidates for governor at the last preceding general election. Any proposed amendment or amendments which shall be introduced in either house of the legislature, and which shall be approved by a majority of the members elected to each of the two houses, shall be entered on the journal of each house, together with the ayes and nays thereon. When any proposed amendment or amendments shall be thus passed by a majority of each house of the legislature and entered on the respective journals thereof, or when any elector or electors ~~shall~~ file with the secretary of state any proposed amendment or amendments together with a petition therefor signed by a number of electors equal to fifteen ~~per centum~~ PERCENT of the total number of votes for all candidates for governor in the last preceding general election, the secretary of state shall submit such proposed amendment or amendments to the vote of the people at the next general election (except when the legislature shall call a special election for the purpose of having said proposed amendment or amendments voted ~~upon~~ ON, in which case the secretary of state shall submit such proposed amendment or amendments to the

1 qualified electors at said special election,) and if
2 ~~a majority~~ SIXTY PERCENT of the qualified electors voting
3 thereon shall approve and ratify such proposed amendment or
4 amendments in ~~said~~ THE regular or special election, such
5 amendment or amendments shall become a part of this
6 constitution. Until a method of publicity is otherwise
7 provided by law, the secretary of state shall have ~~such~~ THE
8 proposed amendment or amendments published for a period of at
9 least ninety days ~~previous to~~ BEFORE the date of ~~said~~ THE
10 election in at least one newspaper in every county of the
11 state in which a newspaper ~~shall be~~ IS published, in such
12 manner as may be prescribed by law. If more than one proposed
13 amendment ~~shall be~~ IS submitted at any election, ~~such~~ THE
14 proposed amendments shall be submitted in such A manner that
15 the electors may vote for or against such proposed amendments
16 separately.
17 3. The Secretary of State shall submit this proposition to the
18 voters at the next general election as provided by article XXI,
19 Constitution of Arizona.