State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

SCR 1034

Introduced by
Senator Leach

A CONCURRENT RESOLUTION

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

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it resolved by the Senate of the State of Arizona, the House of
Representatives concurring:

1. Article IV, part 1, section 1, Constitution of Arizona, is
proposed to be amended as follows if approved by the voters and on
proclamation of the Governor:

1. Legislative authority; initiative and referendum

Section 1. (1) Senate; house of representatives;
reservation of power to people. The legislative authority of
the state shall be vested in the legislature, consisting of a
senate and a house of representatives, but the people reserve
the power to propose laws and amendments to the constitution
and to enact or reject such laws and amendments at the polls,
independently of the legislature; and they also reserve, for
use at their own option, the power to approve or reject at the
polls any act, or item, section, or part of any act, of the
legislature.

(2) Initiative power. The first of these reserved
powers is the initiative. Under this power ten percentum
PERCENT of the qualified electors shall have the right to
propose any measure, and fifteen percentum PERCENT shall have
the right to propose any amendment to the constitution.

(3) Referendum power; emergency measures; effective
date of acts. The second of these reserved powers is the
referendum. Under this power the legislature, or five percentum PERCENT of the qualified electors, may order the
submission to the people at the polls of any measure, or item,
section, or part of any measure, enacted by the legislature,
except laws immediately necessary for the preservation of the
public peace, health, or safety, or for the support and
maintenance of the departments of the state government and
state institutions; but to allow opportunity for referendum
petitions, no act passed by the legislature shall be operative
for ninety days after the close of the session of the
legislature enacting such measure, except such as require
earlier operation to preserve the public peace, health, or
safety, or to provide appropriations for the support and
maintenance of the departments of the state and of state
institutions; provided, that no such emergency measure shall
be considered passed by the legislature unless it shall state
in a separate section why it is necessary that it shall become
immediately operative, and shall be approved by the
affirmative votes of two-thirds of the members elected to each
house of the legislature, taken by roll call of ayes and nays,
and also approved by the governor; and should such measure be
vetoed by the governor, it shall not become a law unless it
shall be approved by the votes of three-fourths of the members
elected to each house of the legislature, taken by roll call
of ayes and nays.

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

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

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

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

(6) (C) Legislature's power to amend initiative or
referendum. The legislature shall not have the power to amend
an initiative measure approved by a majority of the votes cast
thereon, or to amend a referendum measure decided by a
majority of the votes cast thereon, unless the amending
legislation furthers the purposes of such 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 amend such measure OR
UNLESS THE MEASURE IS FOUND TO CONTAIN ILLEGAL OR
UNCONSTITUTIONAL LANGUAGE BY THE ARIZONA SUPREME COURT OR THE
UNITED STATES SUPREME COURT.
(6) Legislature's power to appropriate or divert funds created by initiative or referendum. The legislature shall not have the power to appropriate or divert funds created or allocated to a specific purpose by an initiative measure approved by a majority of the votes cast thereon, or by a referendum measure decided by a majority of the votes cast thereon, unless the appropriation or diversion of funds furthers the purposes of such 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 appropriate or divert such funds OR UNLESS THE MEASURE IS FOUND TO CONTAIN ILLEGAL OR UNCONSTITUTIONAL LANGUAGE BY THE ARIZONA SUPREME COURT OR THE UNITED STATES SUPREME COURT.

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

(8) Local, city, town or county matters. The powers of the initiative and the referendum are hereby further reserved to the qualified electors of every incorporated city, town and county as to all local, city, town or county matters on which such incorporated cities, towns and counties are or shall be empowered by general laws to legislate. Such incorporated cities, towns and counties may prescribe the manner of exercising said powers within the restrictions of general laws. Under the power of the initiative fifteen per centum of the qualified electors may propose measures on such local, city, town or county matters, and ten per centum of the electors may propose the referendum on legislation enacted within and by such city, town or county. Until provided by general law, said cities and towns may prescribe the basis on which said percentages shall be computed.

(9) Form and contents of initiative and of referendum petitions; verification. Every initiative or referendum petition shall be addressed to the secretary of state in the case of petitions for or on state measures, and to the clerk of the board of supervisors, city clerk or corresponding officer in the case of petitions for or on county, city or town measures; and shall contain the declaration of each petitioner, for himself, that he is a qualified elector of the state (and in the case of petitions for or on city, town or county measures, of the city, town or county affected), his
post office address, the street and number, if any, of his
residence, and the date on which he signed such petition.
Each sheet containing petitioners' signatures shall be
attached to a full and correct copy of the title and text of
the measure so proposed to be initiated or referred to the
people, and every sheet of every such petition containing
signatures shall be verified by the affidavit of the person
who circulated said sheet or petition, setting forth that each
of the names on said sheet was signed in the presence of the
affiant and that in the belief of the affiant each signer was
a qualified elector of the state, or in the case of a city,
town, or county measure, of the city, town, or county
affected by the measure so proposed to be initiated or
referred to the people.

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

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

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

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

(14) Reservation of legislative power. This section
shall not be construed to deprive the legislature of the right
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 of
the votes cast thereon or any referendum measure decided by a
majority 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 supersedes such initiative or referendum measure OR
UNLESS THE MEASURE IS FOUND TO CONTAIN ILLEGAL OR
UNCONSTITUTIONAL LANGUAGE BY THE ARIZONA SUPREME COURT OR
UNITED STATES SUPREME COURT.

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