HOUSE CONCURRENT RESOLUTION 2015

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)
Be it resolved by the House of Representatives of the State of Arizona,
the Senate 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 percent of the qualified electors shall have the right to propose any measure, and fifteen 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 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 FOR AN INITIATIVE OR REFERENDUM TO
APPROVE A TAX, shall become law when approved by a majority
SIXTY PERCENT of the votes cast thereon and upon proclamation
of the governor, and not otherwise AND FOR ALL OTHER
INITIATIVES AND REFERENDUMS, 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 TO APPROVE A TAX THAT IS approved by a majority SIXTY
PERCENT of the votes cast thereon or to a referendum measure
TO APPROVE A TAX THAT IS decided by a majority SIXTY PERCENT
of the votes cast thereon AND FOR ALL OTHER INITIATIVES AND
REFERENDUMS, THE VETO POWER OF THE GOVERNOR SHALL NOT EXTEND
TO INITIATIVES AND REFERENDUMS APPROVED 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 TO APPROVE A TAX THAT IS approved
by a majority SIXTY PERCENT of the votes cast thereon or to
repeal a referendum measure TO APPROVE A TAX THAT IS decided
by a majority SIXTY PERCENT of the votes cast thereon AND FOR
ALL OTHER INITIATIVES AND REFERENDUMS, THE LEGISLATURE SHALL
NOT HAVE THE POWER TO REPEAL AN INITIATIVE MEASURE APPROVED BY
A MAJORITY OF THE VOTES CAST THEREON AND SHALL NOT HAVE THE
POWER 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 TO APPROVE A TAX THAT IS approved by majority SIXTY PERCENT of the votes cast thereon, or to amend a referendum measure TO APPROVE A TAX THAT IS decided by majority SIXTY PERCENT 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. FOR ALL OTHER INITIATIVES AND REFERENDUMS, THE LEGISLATURE SHALL NOT HAVE THE POWER TO AMEND AN INITIATIVE MEASURE APPROVED BY A MAJORITY OF THE VOTES CAST THEREON AND SHALL NOT HAVE THE POWER 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.

(6) (D) 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 THAT ALSO APPROVES A TAX THAT IS approved by majority SIXTY PERCENT of the votes cast thereon, or by a referendum measure THAT ALSO APPROVES A TAX THAT IS decided by a majority SIXTY PERCENT 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. FOR ALL OTHER INITIATIVES AND REFERENDUMS, 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 AND SHALL NOT HAVE THE POWER TO APPROPRIATE OR DIVERT FUNDS CREATED OR ALLOCATED TO A SPECIFIC PURPOSE 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.

(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 percent of the qualified electors may propose measures on such local, city, town or county matters, and ten percent 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 TO APPROVE A TAX as are approved by a majority SIXTY PERCENT of those voting thereon to be law AND FOR ALL OTHER MEASURES OR AMENDMENTS, DECLARING SUCH MEASURES 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 TO APPROVE A TAX THAT IS approved by a majority SIXTY PERCENT of the votes cast thereon or any referendum measure TO APPROVE A TAX THAT IS 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. FOR ALL OTHER INITIATIVES AND REFERENDUMS, 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 AND SHALL NOT
HAVE THE POWER TO ADOPT ANY MEASURE THAT SUPERSEDES, IN WHOLE
OR IN PART, 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
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 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 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, in which case the secretary of state
shall submit such proposed amendment or amendments to the qualified electors at said special election,) and FOR ANY PROPOSED AMENDMENT OR AMENDMENTS TO APPROVE A TAX, if a majority SIXTY PERCENT of the qualified electors voting thereon shall approve and ratify such proposed amendment or amendments in said THE regular or special election, such amendment or amendments shall become a part of this constitution AND FOR ANY OTHER PROPOSED AMENDMENT OR AMENDMENTS, IF A MAJORITY OF THE QUALIFIED ELECTORS VOTING THEREON SHALL APPROVE AND RATIFY SUCH PROPOSED AMENDMENT OR AMENDMENTS IN THE REGULAR OR SPECIAL ELECTION, SUCH AMENDMENT OR AMENDMENTS SHALL BECOME A PART OF THIS CONSTITUTION. Until a method of publicity is otherwise provided by law, the secretary of state shall have such THE proposed amendment or amendments published for a period of at least ninety days previous to BEFORE the date of said THE election in at least one newspaper in every county of the state in which a newspaper shall be IS published, in such manner as may be prescribed by law. If more than one proposed amendment shall be IS submitted at any election, such THE proposed amendments shall be submitted in such A manner that the electors may vote for or against such proposed amendments separately.

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


PASSED BY THE SENATE JUNE 23, 2022.