

COMMITTEE ON ELECTIONS
SENATE AMENDMENTS TO S.C.R. 1041
(Reference to printed resolution)

1 Page 6, between lines 40 and 41, insert:

2 "2. Findings and declaration of purpose.

3 The legislature finds and declares as follows:

4 1. Like any other statute, laws enacted through the initiative process must
5 conform to the Arizona Constitution and the United States Constitution. See
6 *Fann v. State*, 251 Ariz. 425 (2021).

7 2. The Arizona Supreme Court has long maintained, however, that it lacks
8 authority to adjudicate challenges to the constitutionality of an
9 initiative unless and until the initiative is adopted. See *League of Ariz.*
10 *Cities and Towns v. Brewer*, 213 Ariz. 557 (2006). One result of this
11 inability to obtain preelection judicial review is that voters and advocacy
12 organizations are compelled to invest time and resources supporting or
13 opposing proposals that may be intrinsically invalid.

14 3. This amendment expressly authorizes challenges to the constitutional
15 validity of proposed initiative measures or constitutional amendments at
16 any time after a petition is filed with the Secretary of State. If an
17 action is commenced at least ninety days before the election, the court
18 must hear and decide the case immediately and, if the court determines that
19 the measure or amendment is unconstitutional, enjoin it from placement on
20 the ballot.

21 4. This amendment supplements and expands access to the courts to
22 adjudicate the constitutionality of proposed initiative measures or
23 constitutional amendments. It does not repeal, limit or preempt any other
24 express or implied claim, cause of action or remedy that the Legislature or
25 the courts have provided or may provide in the future."

26 Renumber to conform

27 Amend title to conform

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