

REFERENCE TITLE: ballot measures; judges; odd-numbered years

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SCR 1020

Introduced by
Senator Finchem

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 1, SECTION 1, CONSTITUTION OF ARIZONA; AMENDING ARTICLE VI, SECTIONS 12, 28, 30 AND 35, CONSTITUTION OF ARIZONA; REPEALING ARTICLE VI, SECTIONS 36, 37 AND 38, CONSTITUTION OF ARIZONA; AMENDING ARTICLE VI, SECTION 39, CONSTITUTION OF ARIZONA; REPEALING ARTICLE VI, SECTIONS 40, 41 AND 42, CONSTITUTION OF ARIZONA; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of
2 Representatives 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 percent of the
19 qualified electors shall have the right to propose any
20 measure, and fifteen percent shall have the right to propose
21 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 percent
25 of the qualified electors, may order the submission to the
26 people at the polls of any measure, or item, section or part
27 of any measure, enacted by the legislature, except laws
28 immediately necessary for the preservation of the public
29 peace, health or safety, or for the support and maintenance of
30 the departments of the state government and state
31 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
46 shall be approved by the votes of three-fourths of the members

1 elected to each house of the legislature, taken by roll call
2 of ayes and nays.

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

16 (5) Effective date of initiative and referendum
17 measures. Any measure or amendment to the constitution
18 proposed under the initiative, and any measure to which the
19 referendum is applied, shall be referred to a vote of the
20 qualified electors, and for an initiative or referendum to
21 approve a tax, shall become law when approved by sixty percent
22 of the votes cast thereon and ~~ayon~~ ON proclamation of the
23 governor, and not otherwise and for all other initiatives and
24 referendums, shall become law when approved by a majority of
25 the votes cast thereon and ~~ayon~~ ON proclamation of the
26 governor, and not otherwise.

27 (6) (A) Veto of initiative or referendum. The veto
28 power of the governor shall not extend to an initiative
29 measure to approve a tax that is approved by sixty percent of
30 the votes cast thereon or to a referendum measure to approve a
31 tax that is decided by sixty percent of the votes cast thereon
32 and for all other initiatives and referendums, the veto power
33 of the governor shall not extend to initiatives and
34 referendums approved by a majority of the votes cast thereon.

35 (6) (B) Legislature's power to repeal initiative or
36 referendum. The legislature shall not have the power to
37 repeal an initiative measure to approve a tax that is approved
38 by sixty percent of the votes cast thereon or to repeal a
39 referendum measure to approve a tax that is decided by sixty
40 percent of the votes cast thereon and for all other
41 initiatives and referendums, the legislature shall not have
42 the power to repeal an initiative measure approved by a
43 majority of the votes cast thereon and shall not have the
44 power to repeal a referendum measure decided by a majority of
45 the votes cast thereon.

1 (6) (C) Legislature's power to amend initiative or
2 referendum. The legislature shall not have the power to amend
3 an initiative measure to approve a tax that is approved by
4 sixty percent of the votes cast thereon, or to amend a
5 referendum measure to approve a tax that is decided by sixty
6 percent of the votes cast thereon, unless the amending
7 legislation furthers the purposes of such measure and at least
8 three-fourths of the members of each house of the legislature,
9 by a roll call of ayes and nays, vote to amend such
10 measure. For all other initiatives and referendums, the
11 legislature shall not have the power to amend an initiative
12 measure approved by a majority of the votes cast thereon and
13 shall not have the power to amend a referendum measure decided
14 by a majority of the votes cast thereon, unless the amending
15 legislation furthers the purposes of such measure and at least
16 three-fourths of the members of each house of the legislature,
17 by a roll call of ayes and nays, vote to amend such measure.

18 (6) (D) Legislature's power to appropriate or divert
19 funds created by initiative or referendum. The legislature
20 shall not have the power to appropriate or divert funds
21 created or allocated to a specific purpose by an initiative
22 measure that also approves a tax that is approved by sixty
23 percent of the votes cast thereon, or by a referendum measure
24 that also approves a tax that is decided by sixty percent of
25 the votes cast thereon, unless the appropriation or diversion
26 of funds furthers the purposes of such measure and at least
27 three-fourths of the members of each house of the legislature,
28 by a roll call of ayes and nays, vote to appropriate or divert
29 such funds. For all other initiatives and referendums, the
30 legislature shall not have the power to appropriate or divert
31 funds created or allocated to a specific purpose by an
32 initiative measure approved by a majority of the votes cast
33 thereon and shall not have the power to appropriate or divert
34 funds created or allocated to a specific purpose by a
35 referendum measure decided by a majority of the votes cast
36 thereon, unless the appropriation or diversion of funds
37 furthers the purposes of such measure and at least
38 three-fourths of the members of each house of the legislature,
39 by a roll call of ayes and nays, vote to appropriate or divert
40 such funds.

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

1 (8) Local, city, town or county matters. The powers of
2 the initiative and the referendum are hereby further reserved
3 to the qualified electors of every incorporated city, town and
4 county as to all local, city, town or county matters on which
5 such incorporated cities, towns and counties are or shall be
6 empowered by general laws to legislate. Such incorporated
7 cities, towns and counties may prescribe the manner of
8 exercising said powers within the restrictions of general
9 laws. Under the power of the initiative fifteen percent of the
10 qualified electors may propose measures on such local, city,
11 town or county matters, and ten percent of the electors may
12 propose the referendum on legislation enacted within and by
13 such city, town or county. Until provided by general law,
14 said cities and towns may prescribe the basis on which said
15 percentages shall be computed.

16 (9) Form and contents of initiative and of referendum
17 petitions; verification. Every initiative or referendum
18 petition shall be addressed to the secretary of state in the
19 case of petitions for or on state measures, and to the clerk
20 of the board of supervisors, city clerk or corresponding
21 officer in the case of petitions for or on county, city or
22 town measures; and shall contain the declaration of each
23 petitioner, for himself, that he is a qualified elector of the
24 state (and in the case of petitions for or on city, town or
25 county measures, of the city, town or county affected), his
26 post office address, the street and number, if any, of his
27 residence, and the date on which he signed such petition.
28 Every initiative measure shall embrace but one subject and
29 matters properly connected therewith, which subject shall be
30 expressed in the title; but if any subject shall be embraced
31 in an initiative measure which shall not be expressed in the
32 title, such initiative measure shall be void only as to so
33 much thereof as shall not be embraced in the title. Each sheet
34 containing petitioners' signatures shall be attached to a full
35 and correct copy of the title and text of the measure so
36 proposed to be initiated or referred to the people, and every
37 sheet of every such petition containing signatures shall be
38 verified by the affidavit of the person who circulated said
39 sheet or petition, setting forth that each of the names on
40 said sheet was signed in the presence of the affiant and that
41 in the belief of the affiant each signer was a qualified
42 elector of the state, or in the case of a city, town or county
43 measure, of the city, town or county affected by the measure
44 so proposed to be initiated or referred to the people.

45 (10) Official ballot. When any initiative or referendum
46 petition or any measure referred to the people by the

1 legislature is filed, in accordance with this section, with
2 the secretary of state, the secretary of state shall cause to
3 be printed on the official ballot ~~at~~ FOR the ~~next regular~~
4 ~~general~~ NOVEMBER election IN THE NEXT ODD-NUMBERED YEAR the
5 title and number of said measure, together with the words
6 "yes" and "no" in such manner that the electors may express at
7 the polls their approval or disapproval of the measure.

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

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

20 (13) Canvass of votes; proclamation. It shall be the
21 duty of the secretary of state, in the presence of the
22 governor and the chief justice of the supreme court, to
23 canvass the votes for and against each such measure or
24 proposed amendment to the constitution within thirty days
25 after the election, and ~~upon~~ ON the completion of the canvass
26 the governor shall forthwith issue a proclamation, giving the
27 whole number of votes cast for and against each measure or
28 proposed amendment, and declaring such measures or amendments
29 to approve a tax as are approved by sixty percent of those
30 voting thereon to be law and for all other measures or
31 amendments, declaring such measures as are approved by a
32 majority of those voting thereon to be law.

33 (14) Reservation of legislative power. This section
34 shall not be construed to deprive the legislature of the right
35 to enact any measure except that the legislature shall not
36 have the power to adopt any measure that supersedes, in whole
37 or in part, any initiative measure to approve a tax that is
38 approved by sixty percent of the votes cast thereon or any
39 referendum measure to approve a tax that is decided by sixty
40 percent of the votes cast thereon unless the superseding
41 measure furthers the purposes of the initiative or referendum
42 measure and at least three-fourths of the members of each
43 house of the legislature, by a roll call of ayes and nays,
44 vote to supersede such initiative or referendum measure. For
45 all other initiatives and referendums, the legislature shall
46 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 VI, section 12, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

12. Superior court; term of office

Section 12. A. Judges of the superior court ~~in counties having a population of less than two hundred fifty thousand persons according to the most recent United States census~~ shall be elected by the qualified electors of their counties at the ~~general~~ NOVEMBER election IN AN ODD-NUMBERED YEAR. They shall hold office for a regular term of four years except as provided by this section from and after the first Monday in January next succeeding their election, and until their successors are elected and qualify. The names of all candidates for judge of the superior court ~~in such counties~~ shall be placed on the regular ballot without partisan or other designation except the division and title of the office.

B. The governor shall fill any vacancy ~~in such counties~~ by appointing a person to serve until the election and qualification of a successor. At the next succeeding ~~general~~ NOVEMBER election IN AN ODD-NUMBERED YEAR following the appointment of a person to fill a vacancy, a judge shall be elected to serve for the remainder of the unexpired term.

~~Judges of the superior court in counties having a population of two hundred fifty thousand persons or more according to the most recent United States census shall hold office for a regular term of four years except as provided by this article.~~

3. Article VI, section 28, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

28. Justices and judges; dual office holding;
political activity; practice of law

Section 28. Justices and judges of courts of record shall not be eligible for any other public office or for any other public employment during their term of office, except that they may assume another judicial office, and upon qualifying therefor, the office formerly held shall become vacant. No justice or judge of any court of record shall practice law during ~~his~~ **THE JUSTICE'S OR JUDGE'S** continuance in office, nor shall he hold any office in a political party or actively take part in any political campaign other than ~~his~~ **THE JUSTICE'S OR JUDGE'S** own for ~~his~~ **THE JUSTICE'S OR JUDGE'S** reelection ~~or retention~~ in office. Any justice or judge who files nomination papers for an elective office, other than for judge of the superior court or a court of record inferior to the superior court ~~in a county having a population of less than two hundred fifty thousand persons according to the most recent United States census~~, forfeits ~~his~~ **THE JUSTICE'S OR JUDGE'S** judicial office.

4. Article VI, section 30, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

30. Courts of record

Section 30. ~~A.~~ The supreme court, the court of appeals and the superior court shall be courts of record. Other courts of record may be established by law, but justice courts shall not be courts of record.

~~B. All justices and judges of courts of record, except for judges of the superior court and other courts of record inferior to the superior court in counties having a population of less than two hundred fifty thousand persons according to the most recent United States census, shall be appointed in the manner provided in section 37 of this article.~~

5. Article VI, section 35, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

35. Continuance in office; continued existence of
offices; application of prior statute and
rules

Section 35. ~~A.~~ All justices, judges, justices of the peace and officers of any court who are holding office as such by election or appointment at the time of the adoption of this section **OR ANY AMENDMENT TO THIS SECTION** shall serve or continue in office for the respective terms for which they are so elected or for their respective unexpired terms, and until their successors are elected ~~or appointed~~ and qualify ~~or they~~

~~are retained in office pursuant to section 38 of this article; provided, however,~~ EXCEPT that any justice or judge elected at the general election at which this section is adopted shall serve for the term for which ~~he~~ THE JUSTICE OR JUDGE is so elected. The continued existence of any office heretofore legally established or held shall not be abolished or repealed by the adoption of this article. The statutes and rules relating to the authority, jurisdiction, practice and procedure of courts, judicial officers and offices in force at the time of the adoption of this article and not inconsistent herewith, shall, so far as applicable, apply to and govern such courts, judicial officers and offices until amended or repealed.

~~B. All judges of the superior court holding office by appointment or retention in counties with a population of two hundred fifty thousand persons or more according to the most recent United States census at the time of the adoption of this amendment to this section shall serve or continue in office for the respective terms for which they were appointed. Upon an incumbent vacating the office of judge of the superior court, whether by failing to file a declaration for retention, by rejection by the qualified electors of the county or resignation, the appointment shall be pursuant to section 37 of this article.~~

6. Article VI, sections 36, 37 and 38, Constitution of Arizona, are proposed to be repealed as follows if approved by the voters and on proclamation of the Governor:

Article VI, section 36, Constitution of Arizona, relating to the commission on appellate court appointments, is repealed.

Article VI, section 37, Constitution of Arizona, relating to judicial vacancies and appointments, is repealed.

Article VI, section 38, Constitution of Arizona, relating to the declaration of candidacy to be retained in office, is repealed.

7. Article VI, section 39, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

39. Retirement of justices and judges; vacancies

Section 39. On attaining the age of seventy years a justice or judge of a court of record shall retire and his judicial office shall be vacant, except as otherwise provided in section 35 of this article. In addition to becoming vacant as provided in this section, the office of a justice or judge of any court of record becomes vacant ~~upon his~~ ON THE JUSTICE'S OR JUDGE'S death or ~~his~~ THE JUSTICE'S OR JUDGE'S

1 voluntary retirement pursuant to statute or ~~his~~ THE JUSTICE'S
2 OR JUDGE'S voluntary resignation, ~~and also, as provided in~~
3 ~~section 38 of this article, upon the expiration of his term~~
4 ~~next following a general election at which a majority of those~~
5 ~~voting on the question of his retention vote in the negative~~
6 ~~or for which general election he is required, but fails, to~~
7 ~~file a declaration of his desire to be retained in office.~~

8 This section is alternative to and cumulative with the
9 methods of removal of judges and justices provided in ARTICLE
10 VI.1 AND ARTICLE VIII, parts 1 and 2 ~~of article 8 and article~~
11 ~~6.1~~ of this Constitution.

12 8. Article VI, sections 40, 41 and 42, Constitution of Arizona, are
13 proposed to be repealed as follows if approved by the voters and on
14 proclamation of the Governor:

15 Article VI, section 40, Constitution of Arizona,
16 relating to the option of certain counties in selecting
17 judges, is repealed.

18 Article VI, section 41, Constitution of Arizona,
19 relating to the commission on trial court appointments, is
20 repealed.

21 Article VI, section 42, Constitution of Arizona,
22 relating to retention evaluation of justices and judges, is
23 repealed.

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