

PROPOSED AMENDMENT

SENATE AMENDMENTS TO H.C.R. 2043

(Reference to House concurrent resolution)

Strike everything after the resolving clause and insert:

"1. Article IV, part 1, section 1, Constitution of Arizona, is proposed to be amended as follow 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 per ~~centum~~ CENT of the qualified electors shall have the right to propose any measure, and fifteen per ~~centum~~ CENT 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 per ~~centum~~ CENT 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. ~~;~~ A MEASURE REFERRED TO THE PEOPLE BY THE LEGISLATURE SHALL BE VOTED ON AT THE NEXT REGULAR PRIMARY ELECTION AND A MEASURE REFERRED BY THE QUALIFIED ELECTORS SHALL BE VOTED ON AT THE NEXT REGULAR GENERAL ELECTION but to allow opportunity for referendum petitions, no act passed by the legislature shall be operative for ninety days after the close of the

1 session of the legislature enacting such measure, except such as require
2 earlier operation to preserve the public peace, health, or safety, or to
3 provide appropriations for the support and maintenance of the departments of
4 the state and of state institutions provided, that no such emergency measure
5 shall be considered passed by the legislature unless it shall state in a
6 separate section why it is necessary that it shall become immediately
7 operative, and shall be approved by the affirmative votes of two-thirds of
8 the members elected to each house of the legislature, taken by roll call of
9 ayes and nays, and also approved by the governor; and should such measure be
10 vetoed by the governor, it shall not become a law unless it shall be approved
11 by the votes of three-fourths of the members elected to each house of the
12 legislature, taken by roll call of ayes and nays.

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

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

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

1 the votes cast thereon or to a referendum measure decided by a majority of
2 the votes cast thereon.

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

7 ~~(6)~~ (C) Legislature's power to amend initiative or referendum. The
8 legislature shall not have the power to amend an initiative measure approved
9 by a majority of the votes cast thereon, or to amend a referendum measure
10 decided by a majority of the votes cast thereon, unless the amending
11 legislation furthers the purposes of such measure and at least three-fourths
12 of the members of each house of the legislature, by a roll call of ayes and
13 nays, vote to amend such measure.

14 ~~(6)~~ (D) Legislature's power to appropriate or divert funds created by
15 initiative or referendum. The legislature shall not have the power to
16 appropriate or divert funds created or allocated to a specific purpose by an
17 initiative measure approved by a majority of the votes cast thereon, or by a
18 referendum measure decided by a majority of the votes cast thereon, unless
19 the appropriation or diversion of funds furthers the purposes of such measure
20 and at least three-fourths of the members of each house of the legislature,
21 by a roll call of ayes and nays, vote to appropriate or divert such funds.

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

27 (8) Local, city, town or county matters. The powers of the initiative
28 and the referendum are hereby further reserved to the qualified electors of
29 every incorporated city, town, and county as to all local, city, town, or
30 county matters on which such incorporated cities, towns, and counties are or
31 shall be empowered by general laws to legislate. Such incorporated cities,
32 towns, and counties may prescribe the manner of exercising said powers within

1 the restrictions of general laws. Under the power of the initiative fifteen
2 per ~~centum~~ CENT of the qualified electors may propose measures on such local,
3 city, town, or county matters, and ten per ~~centum~~ CENT of the electors may
4 propose the referendum on legislation enacted within and by such city, town,
5 or county. Until provided by general law, said cities and towns may
6 prescribe the basis on which said percentages shall be computed.

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

26 (10) Official ballot. When any initiative or referendum petition or
27 any measure referred to the people by the legislature shall be filed, in
28 accordance with this section, with the secretary of state, he shall cause to
29 be printed on the official ballot at the next regular general OR PRIMARY
30 election, AS THE CASE MAY BE, the title and number of said measure, together
31 with the words "yes" and "no" in such manner that the electors may express at
32 the polls their approval or disapproval of the measure.

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

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

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

19 (14) Reservation of legislative power. This section shall not be
20 construed to deprive the legislature of the right to enact any measure except
21 that the legislature shall not have the power to adopt any measure that
22 supersedes, in whole or in part, any initiative measure approved by a
23 majority of the votes cast thereon or any referendum measure decided by a
24 majority of the votes cast thereon unless the superseding measure furthers
25 the purposes of the initiative or referendum measure and at least
26 three-fourths of the members of each house of the legislature, by a roll call
27 of ayes and nays, vote to supersede such initiative or referendum measure.

28 (15) Legislature's right to refer measure to the people. Nothing in
29 this section shall be construed to deprive or limit the legislature of the
30 right to order the submission to the people at the polls of any measure,
31 item, section, or part of any measure.

1 (16) Self-executing. This section of the constitution shall be, in
2 all respects, self-executing.

3 2. Article XXI, section 1, Constitution of Arizona, is proposed to be
4 amended as follow if approved by the voters and on proclamation of the
5 Governor:

- 6 1. Introduction in legislature; initiative petition;
7 election

8 Section 1. Any amendment or amendments to this constitution may
9 be proposed in either house of the legislature, or by initiative
10 petition signed by a number of qualified electors equal to fifteen per
11 centum CENT of the total number of votes for all candidates for
12 governor at the last preceding general election. Any proposed
13 amendment or amendments which shall be introduced in either house of
14 the legislature, and which shall be approved by a majority of the
15 members elected to each of the two houses, shall be entered on the
16 journal of each house, together with the ayes and nays thereon. When
17 any proposed amendment or amendments shall be thus passed by a majority
18 of each house of the legislature and entered on the respective journals
19 thereof, THE SECRETARY OF STATE SHALL SUBMIT THE PROPOSED AMENDMENT OR
20 AMENDMENTS TO A VOTE OF THE PEOPLE AT THE NEXT PRIMARY ELECTION, EXCEPT
21 THAT, IF THE LEGISLATURE CALLS A SPECIAL ELECTION FOR THE PURPOSE OF
22 HAVING THE PROPOSED AMENDMENT OR AMENDMENTS VOTED ON, THE SECRETARY OF
23 STATE SHALL SUBMIT THE PROPOSED AMENDMENT OR AMENDMENTS TO THE
24 QUALIFIED ELECTORS AT THE SPECIAL ELECTION. ~~or~~ When any elector or
25 electors shall file with the secretary of state any proposed amendment
26 or amendments together with a petition therefor signed by a number of
27 electors equal to fifteen per centum CENT of the total number of votes
28 for all candidates for governor in the last preceding general election,
29 the secretary of state shall submit ~~such~~ THE proposed amendment or
30 amendments to ~~the~~ A vote of the people at the next general election
31 ~~(except when the legislature shall call a special election for the~~
32 ~~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~~

If a majority of the qualified electors voting thereon ~~shall~~ approve and ratify ~~such~~ THE proposed amendment or amendments in ~~said~~ THE regular, PRIMARY or special election, ~~such~~ THE 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 the date of ~~said~~ THE election in at least one newspaper in every county of the state in which a newspaper shall be 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 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."

Amend title to conform

STEVE YARBROUGH

3/13/12
9:02 AM
S: DG/tf