



ARIZONA STATE SENATE
Fifty-First Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.C.R. 1003

initiatives; referendum measures; periodic reauthorization

Purpose

Subject to voter approval, constitutionally requires the reauthorization of statewide initiative and referendum measures that create a new state agency, board or commission, permanently levy a tax or permanently and specifically allocate monies from a tax, permanently allocate state monies received from settlement of a lawsuit or require a state agency to administer and enforce a new medical registration system.

Background

Article IV of the Constitution of Arizona states that though the legislative authority of the state is vested in a Legislature, the people reserve the power to propose laws and amendments to the Constitution and to enact or reject laws independent of the Legislature through initiative or referendum. Under the power of initiative, 10 percent of the qualified electors have the right to propose any measure, and 15 percent of the qualified electors have the right to propose any amendment to the Constitution. Under the power of referendum the Legislature, or 5 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, with certain exceptions. The number of qualified electors is determined by the whole number of votes cast for all candidates for Governor in the last general election.

The Constitution of Arizona requires that any measure of amendment to the Constitution proposed under the power of the initiative, and any measure to which a referendum is applied, must be referred to a vote of the qualified electors. Additionally, the Constitution requires that measures and amendments proposed under the powers of initiative or referendum become law upon approval of a majority of the voters and upon proclamation of the Governor (Arizona Constitution, Art. 4, Pt. 1, § 1).

Proposition 105, passed by the voters in 1998, made a series of changes to the Arizona Constitution relating to initiative and referendum. In part, the proposition stipulates that in order to amend or supersede a voter-approved ballot measure, or to transfer funds designated by the measure, the proposed legislation must receive the affirmative vote of three-fourths of the membership of each legislative chamber, and the act must further the purpose of the original ballot measure. The changes made by Proposition 105 apply to initiative and referendum measures enacted after 1998 and do not limit the Legislature's power to refer measures to the ballot.

In the 2004 general election, the voters passed Proposition 101, which requires an initiative or referendum to provide an increased source of revenues to cover the cost of the measure if the measure mandates a state revenue expenditure, establishes a fund or allocates funding. Proposition 101 further stipulates that the increased revenues cannot come from the state's General Fund (GF) or cause a reduction in GF revenues.

The fiscal impact associated with this legislation is unknown, and dependent on the reauthorization of ballot measures by the qualified electorate.

Provisions

1. Declares that a statewide initiative or referendum that creates a new state agency, board or commission, permanently levies a tax or permanently and specifically allocates monies from a tax, or permanently allocates state monies received from settlement of a lawsuit or requires a state agency to administer and enforce a new medical registration system is valid only for the remaining portion of the fiscal year in which it was approved and the eight following fiscal years.
2. Requires, after seven full fiscal years, a reauthorization measure to be referred to the ballot at the next regular general election for reauthorization for another eight fiscal years.
3. Stipulates that the reauthorization applies retroactively to all specified statewide initiative and referendum measures approved on or after November 3, 1998.
4. Provides a schedule for the initial reauthorization of specified statewide initiative and referendum measures as follows:
 - a) initiative and referendum measures enacted into law in 1998 through 2008 must be referred to the 2016 general election;
 - b) initiative and referendum measures enacted into law in 2010 must be referred to the 2018 general election;
 - c) initiative and referendum measures enacted into law in 2012 must be referred to the 2020 general election; and
 - d) initiative and referendum measures enacted into law in 2014 must be referred to the 2022 General election.
5. Requires the Legislature to provide for a financial and performance audit and analysis and policy evaluation of each initiative and referendum measure in the year before a reauthorization vote occurs.
6. Specifies that the policy evaluation must also include a recommendation by the Auditor General (AG) with regard to whether the qualified electors should reauthorize the measure.
7. Requires the financial and performance audits and analyses, policy evaluations and AG recommendations to be made available to each household in which a qualified elector resides at least 60 days prior to the election date.

8. States that the reauthorization applies to all affected initiative and referendum measures regardless of whether the initiative or referendum included provisions in the constitution or statutes.
9. Requires the Secretary of State to submit this proposition to the voters at the next general election.
10. Becomes effective if approved by the voters and on proclamation of the Governor.

Amendments Adopted by Committee

- Limits the application of reauthorization measure requirements to specified statewide initiatives and referenda.

Senate Action

ELEC 2/18/14 DP 4-3-0-0

Prepared by Senate Research

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