

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

HOUSE BILL 2244

AN ACT

AMENDING TITLE 19, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 19-102.01; AMENDING TITLE 19, CHAPTER 1, ARTICLE 2, ARIZONA
REVISED STATUTES, BY ADDING SECTION 19-119.02; RELATING TO INITIATIVE AND
REFERENDUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 19, chapter 1, article 1, Arizona Revised
3 Statutes, is amended by adding section 19-102.01, to read:

4 19-102.01. Initiative petitions; standard of review

5 A. CONSTITUTIONAL AND STATUTORY REQUIREMENTS FOR STATEWIDE
6 INITIATIVE MEASURES MUST BE STRICTLY CONSTRUED AND PERSONS USING THE
7 INITIATIVE PROCESS MUST STRICTLY COMPLY WITH THOSE CONSTITUTIONAL AND
8 STATUTORY REQUIREMENTS.

9 B. THE SECRETARY OF STATE SHALL MAKE AVAILABLE A SAMPLE INITIATIVE
10 PETITION THAT STRICTLY COMPLIES WITH THE REQUIREMENTS OF SECTION 19-121.
11 ANY COMMITTEE THAT USES THE SAMPLE INITIATIVE PETITION PROVIDED BY THE
12 SECRETARY OF STATE SHALL BE PRESUMED TO HAVE STRICTLY COMPLIED WITH THE
13 REQUIREMENTS OF SECTION 19-121.

14 Sec. 2. Title 19, chapter 1, article 2, Arizona Revised Statutes,
15 is amended by adding section 19-119.02, to read:

16 19-119.02. Initiative, referendum and recall handbook;
17 secretary of state

18 EACH ELECTION CYCLE THE SECRETARY OF STATE SHALL PREPARE AND PUBLISH
19 AN INITIATIVE, REFERENDUM AND RECALL HANDBOOK THAT PROVIDES GUIDANCE ON
20 INTERPRETING, ADMINISTERING, APPLYING AND ENFORCING THE LAWS RELATING TO
21 INITIATIVE, REFERENDUM AND RECALL. THE SECRETARY OF STATE SHALL MAKE THE
22 HANDBOOK AVAILABLE TO THE PUBLIC ON THE SECRETARY OF STATE'S WEBSITE.

23 Sec. 3. Legislative findings; purpose

24 A. The legislature finds that:

25 1. The Constitution of Arizona provides voters with the ability to
26 propose new laws or constitutional amendments through the initiative
27 process.

28 2. Courts have required strict compliance where a legislative tool
29 is considered an "'extraordinary' power . . . that permits a 'minority to
30 hold up . . . legislation [that] may well represent the wishes of the
31 majority.'" See Perini Land & Dev. Co. v. Pima Cty., 170 Ariz. 380, 383
32 (1992) (quoting W. Devcor, Inc. v. City of Scottsdale, 168 Ariz. 426, 429
33 (1991)); see also Direct Sellers Ass'n v. McBrayer, 109 Ariz. 3, 5 (1972).

34 3. Arizona's Voter Protection Act, enacted in 1998 as Proposition
35 105, requires a three-fourths vote to amend any voter-approved initiative.

36 4. The Voter Protection Act greatly impairs the ability of the
37 legislature, representing the will of the people, to implement changes to
38 or corrective measures for voter-approved initiatives.

39 5. The initiative process has evolved into an extraordinary power,
40 effectively holding up and binding the will of the legislature and future
41 majorities of the people by preventing the enactment of new laws and
42 amendments that may well represent the wishes of the current majority of
43 the people. See Perini Land & Dev. Co. v. Pima Cty., 170 Ariz. 380,
44 382-83 (1992); see also Direct Sellers Ass'n v. McBrayer, 109 Ariz. 3, 5
45 (1972).

1 6. Strict compliance with the constitutional and statutory
2 requirements for the initiative process and in the application and
3 enforcement of those requirements provides the surest method for
4 safeguarding the integrity and accuracy of the initiative process, while
5 still recognizing the historical importance of initiatives in this state.
6 Cf. W. Devcor, Inc. v. City of Scottsdale, 168 Ariz. 426, 429 (1991)
7 (citing Cottonwood Dev. v. Foothills Area Coal. of Tucson, Inc., 134 Ariz.
8 46, 49 (1982)).

9 B. Based on the findings provided in subsection A of this section,
10 the legislature's purpose in adopting this act includes the following:

11 1. Requiring that statewide initiative measures strictly comply
12 with constitutional and statutory requirements.

13 2. Requiring that persons circulating and submitting initiative
14 petitions be held to the same standard of constitutional and statutory
15 compliance as those persons circulating and submitting referendum
16 petitions.