

HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HCR 2025**

Keshel Floor Amendment

-
- Clarifies that a constitutional amendment that solely repeals provisions of the constitution is deemed to be approved by the voters if the measure receives a majority of votes cast.

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KESHEL FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.C.R. 2025
(Reference to printed resolution)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[~~GREEN STRIKEOUT IN BRACKETS~~] indicates new text removed from statute or previously enacted session law.

[~~Green strikeout in brackets~~] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<~~Green strikeout in carets~~>> indicates a section removed from the bill.

1 The resolution as proposed to be amended is reprinted as follows:

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

5 1. Legislative authority; initiative and referendum

6 Section 1. (1) Senate; house of representatives;
7 reservation of power to people. The legislative authority of
8 the state shall be vested in the legislature, consisting of a
9 senate and a house of representatives, but the people reserve
10 the power to propose laws and amendments to the constitution
11 and to enact or reject such laws and amendments at the polls,
12 independently of the legislature; and they also reserve, for
13 use at their own option, the power to approve or reject at the
14 polls any act, or item, section, or part of any act, of the
15 legislature.

16 (2) Initiative power. The first of these reserved
17 powers is the initiative. Under this power ten percent of the
18 qualified electors shall have the right to propose any
19 measure, and fifteen percent shall have the right to propose
20 any amendment to the constitution.

21 (3) Referendum power; emergency measures; effective
22 date of acts. The second of these reserved powers is the
23 referendum. Under this power the legislature, or five percent
24 of the qualified electors, may order the submission to the
25 people at the polls of any measure, or item, section or part
26 of any measure, enacted by the legislature, except laws
27 immediately necessary for the preservation of the public
28 peace, health or safety, or for the support and maintenance of

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

20 (4) Initiative and referendum petitions; filing. All
21 petitions submitted under the power of the initiative shall be
22 known as initiative petitions, and shall be filed with the
23 secretary of state not less than four months preceding the
24 date of the election at which the measures so proposed are to
25 be voted ~~upon~~ ON. All petitions submitted under the power of
26 the referendum shall be known as referendum petitions, and
27 shall be filed with the secretary of state not more than
28 ninety days after the final adjournment of the session of the
29 legislature which shall have passed the measure to which the
30 referendum is applied. The filing of a referendum petition
31 against any item, section or part of any measure shall not
32 prevent the remainder of such measure from becoming operative.

33 (5) Effective date of initiative and referendum
34 measures. Any measure or amendment to the constitution
35 proposed under the initiative, and any measure to which the
36 referendum is applied, shall be referred to a vote of the
37 qualified electors, and for ~~AN INITIATIVE TO AMEND THE~~
38 ~~CONSTITUTION OR~~ an initiative or referendum to approve a tax,
39 shall become law when approved by sixty percent of the votes
40 cast thereon and ~~upon~~ ON proclamation of the governor, and not
41 otherwise and for all other initiatives and referendums,
42 [INCLUDING CONSTITUTIONAL AMENDMENTS THAT SOLELY REPEAL
43 CONSTITUTIONAL PROVISIONS.] shall become law when approved by
44 a majority of the votes cast thereon and ~~upon~~ ON proclamation
45 of the governor, and not otherwise.

46 (6) (A) Veto of initiative or referendum. The veto
47 power of the governor shall not extend to an initiative

1 measure to approve a tax that is approved by sixty percent of
2 the votes cast thereon, AN INITIATIVE TO AMEND THE
3 CONSTITUTION THAT IS APPROVED BY SIXTY PERCENT OF THE VOTES
4 CAST THEREON or to a referendum measure to approve a tax that
5 is decided by sixty percent of the votes cast thereon and for
6 all other initiatives and referendums, [INCLUDING
7 CONSTITUTIONAL AMENDMENTS THAT SOLELY REPEAL CONSTITUTIONAL
8 PROVISIONS.] the veto power of the governor shall not extend
9 to initiatives and referendums approved by a majority of the
10 votes cast thereon.

11 (6) (B) Legislature's power to repeal initiative or
12 referendum. The legislature shall not have the power to
13 repeal an initiative measure to approve a tax that is approved
14 by sixty percent of the votes cast thereon, AN INITIATIVE TO
15 AMEND THE CONSTITUTION THAT IS APPROVED BY SIXTY PERCENT OF
16 THE VOTES CAST THEREON or to repeal a referendum measure to
17 approve a tax that is decided by sixty percent of the votes
18 cast thereon and for all other initiatives and referendums,
19 [INCLUDING CONSTITUTIONAL AMENDMENTS THAT SOLELY REPEAL
20 CONSTITUTIONAL PROVISIONS.] the legislature shall not have the
21 power to repeal an initiative measure approved by a majority
22 of the votes cast thereon and shall not have the power to
23 repeal a referendum measure decided by a majority of the votes
24 cast thereon.

25 (6) (C) Legislature's power to amend initiative or
26 referendum. The legislature shall not have the power to amend
27 an initiative measure to approve a tax that is approved by
28 sixty percent of the votes cast thereon, or to amend a
29 referendum measure to approve a tax that is decided by sixty
30 percent of the votes cast thereon, unless the amending
31 legislation furthers the purposes of such measure and at least
32 three-fourths of the members of each house of the legislature,
33 by a roll call of ayes and nays, vote to amend such measure.
34 For all other initiatives and referendums, the legislature
35 shall not have the power to amend an initiative measure
36 approved by a majority of the votes cast thereon and shall not
37 have the power to amend a referendum measure decided by a
38 majority of the votes cast thereon, unless the amending
39 legislation furthers the purposes of such measure and at least
40 three-fourths of the members of each house of the legislature,
41 by a roll call of ayes and nays, vote to amend such measure.

42 (6) (D) Legislature's power to appropriate or divert
43 funds created by initiative or referendum. The legislature
44 shall not have the power to appropriate or divert funds
45 created or allocated to a specific purpose by an initiative
46 measure that also approves a tax that is approved by sixty
47 percent of the votes cast thereon, or by a referendum measure

1 that also approves a tax that is decided by sixty percent of
2 the votes cast thereon, unless the appropriation or diversion
3 of funds furthers the purposes of such measure and at least
4 three-fourths of the members of each house of the legislature,
5 by a roll call of ayes and nays, vote to appropriate or divert
6 such funds. For all other initiatives and referendums, the
7 legislature shall not have the power to appropriate or divert
8 funds created or allocated to a specific purpose by an
9 initiative measure approved by a majority of the votes cast
10 thereon and shall not have the power to appropriate or divert
11 funds created or allocated to a specific purpose by a
12 referendum measure decided by a majority of the votes cast
13 thereon, unless the appropriation or diversion of funds
14 furthers the purposes of such measure and at least
15 three-fourths of the members of each house of the legislature,
16 by a roll call of ayes and nays, vote to appropriate or divert
17 such funds.

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

24 (8) Local, city, town or county matters. The powers of
25 the initiative and the referendum are hereby further reserved
26 to the qualified electors of every incorporated city, town and
27 county as to all local, city, town or county matters on which
28 such incorporated cities, towns and counties are or shall be
29 empowered by general laws to legislate. Such incorporated
30 cities, towns and counties may prescribe the manner of
31 exercising said powers within the restrictions of general
32 laws. Under the power of the initiative fifteen percent of the
33 qualified electors may propose measures on such local, city,
34 town or county matters, and ten percent of the electors may
35 propose the referendum on legislation enacted within and by
36 such city, town or county. Until provided by general law,
37 said cities and towns may prescribe the basis on which said
38 percentages shall be computed.

39 (9) Form and contents of initiative and of referendum
40 petitions; verification. Every initiative or referendum
41 petition shall be addressed to the secretary of state in the
42 case of petitions for or on state measures, and to the clerk
43 of the board of supervisors, city clerk or corresponding
44 officer in the case of petitions for or on county, city or
45 town measures; and shall contain the declaration of each
46 petitioner, for himself, that he is a qualified elector of the
47 state (and in the case of petitions for or on city, town or

1 county measures, of the city, town or county affected), his
2 post office address, the street and number, if any, of his
3 residence, and the date on which he signed such petition.
4 Every initiative measure shall embrace but one subject and
5 matters properly connected therewith, which subject shall be
6 expressed in the title; but if any subject shall be embraced
7 in an initiative measure which shall not be expressed in the
8 title, such initiative measure shall be void only as to so
9 much thereof as shall not be embraced in the title. Each sheet
10 containing petitioners' signatures shall be attached to a full
11 and correct copy of the title and text of the measure so
12 proposed to be initiated or referred to the people, and every
13 sheet of every such petition containing signatures shall be
14 verified by the affidavit of the person who circulated said
15 sheet or petition, setting forth that each of the names on
16 said sheet was signed in the presence of the affiant and that
17 in the belief of the affiant each signer was a qualified
18 elector of the state, or in the case of a city, town or county
19 measure, of the city, town or county affected by the measure
20 so proposed to be initiated or referred to the people.

21 (10) Official ballot. When any initiative or referendum
22 petition or any measure referred to the people by the
23 legislature is filed, in accordance with this section, with
24 the secretary of state, the secretary of state shall cause to
25 be printed on the official ballot at the next regular general
26 election the title and number of said measure, together with
27 the words "yes" and "no" in such manner that the electors may
28 express at the polls their approval or disapproval of the
29 measure.

30 (11) Publication of measures. The text of all measures
31 to be submitted shall be published as proposed amendments to
32 the constitution are published, and in submitting such
33 measures and proposed amendments the secretary of state and
34 all other officers shall be guided by the general law until
35 legislation shall be especially provided therefor.

36 (12) Conflicting measures or constitutional amendments.
37 If two or more conflicting measures or amendments to the
38 constitution shall be approved by the people at the same
39 election, the measure or amendment receiving the greatest
40 number of affirmative votes shall prevail in all particulars
41 as to which there is conflict.

42 (13) Canvass of votes; proclamation. It shall be the
43 duty of the secretary of state, in the presence of the
44 governor and the chief justice of the supreme court, to
45 canvass the votes for and against each such measure or
46 proposed amendment to the constitution within thirty days
47 after the election, and ~~upon~~ ON the completion of the canvass

1 the governor shall forthwith issue a proclamation, giving the
2 whole number of votes cast for and against each measure or
3 proposed amendment, and declaring such measures or amendments
4 to approve a tax OR AMENDMENTS TO THE CONSTITUTION as are
5 approved by sixty percent of those voting thereon to be law
6 and for all other measures [or amendments] [THAT SOLELY REPEAL
7 CONSTITUTIONAL PROVISIONS], declaring such measures as are
8 approved by a majority of those voting thereon to be law.

9 (14) Reservation of legislative power. This section
10 shall not be construed to deprive the legislature of the right
11 to enact any measure except that the legislature shall not
12 have the power to adopt any measure that supersedes, in whole
13 or in part, any initiative measure to approve a tax that is
14 approved by sixty percent of the votes cast thereon or any
15 referendum measure to approve a tax that is decided by sixty
16 percent of the votes cast thereon unless the superseding
17 measure furthers the purposes of the initiative or referendum
18 measure and at least three-fourths of the members of each
19 house of the legislature, by a roll call of ayes and nays,
20 vote to supersede such initiative or referendum measure. For
21 all other initiatives and referendums, the legislature shall
22 not have the power to adopt any measure that supersedes, in
23 whole or in part, any initiative measure approved by a
24 majority of the votes cast thereon and shall not have the
25 power to adopt any measure that supersedes, in whole or in
26 part, any referendum measure decided by a majority of the
27 votes cast thereon, unless the superseding measure furthers
28 the purposes of the initiative or referendum measure and at
29 least three-fourths of the members of each house of the
30 legislature, by a roll call of ayes and nays, vote to
31 supersede such initiative or referendum measure.

32 (15) Legislature's right to refer measure to the people.
33 Nothing in this section shall be construed to deprive or limit
34 the legislature of the right to order the submission to the
35 people at the polls of any measure, item, section or part of
36 any measure.

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

39 2. Article XXI, section 1, Constitution of Arizona, is proposed to
40 be amended as follows if approved by the voters and on proclamation of the
41 Governor:

42 1. Introduction in legislature: initiative
43 petition; election

44 Section 1. Any amendment or amendments to this
45 constitution may be proposed in either house of the
46 legislature, or by initiative petition signed by a number of
47 qualified electors equal to fifteen percent of the total

1 number of votes for all candidates for governor at the last
2 preceding general election. Any proposed amendment or
3 amendments which shall be introduced in either house of the
4 legislature, and which shall be approved by a majority of the
5 members elected to each of the two houses, shall be entered on
6 the journal of each house, together with the ayes and nays
7 thereon. When any proposed amendment or amendments shall be
8 thus passed by a majority of each house of the legislature and
9 entered on the respective journals thereof, or when any
10 elector or electors file with the secretary of state any
11 proposed amendment or amendments together with a petition
12 therefor signed by a number of electors equal to fifteen
13 percent of the total number of votes for all candidates for
14 governor in the last preceding general election, the secretary
15 of state shall submit such proposed amendment or amendments to
16 the vote of the people at the next general election (except
17 when the legislature shall call a special election for the
18 purpose of having said proposed amendment or amendments voted
19 on, in which case the secretary of state shall submit such
20 proposed amendment or amendments to the qualified electors at
21 said special election,) and for any proposed amendment ~~or TO~~
22 ~~THE CONSTITUTION, INCLUDING PROPOSED~~ amendments to approve a
23 tax, if sixty percent of the qualified electors voting thereon
24 shall approve and ratify such proposed amendment or amendments
25 in the regular or special election, such amendment or
26 amendments shall become a part of this constitution ~~and for~~
27 ~~any other proposed amendment or amendments, if a majority of~~
28 ~~the qualified electors voting thereon shall approve and ratify~~
29 ~~such proposed amendment or amendments in the regular or~~
30 ~~special election, such amendment or amendments shall become a~~
31 ~~part of this constitution.~~ Until a method of publicity is
32 otherwise provided by law, the secretary of state shall have
33 the proposed amendment or amendments published for a period of
34 at least ninety days before the date of the election in at
35 least one newspaper in every county of the state in which a
36 newspaper is published, in such manner as may be prescribed by
37 law. If more than one proposed amendment is submitted at any
38 election, the proposed amendments shall be submitted in such a
39 manner that the electors may vote for or against such proposed
40 amendments separately.

41 3. Applicability

42 Article IV, part 1, section 1, Constitution of Arizona,
43 as amended by this resolution, and Article XXI, section 1,
44 Constitution of Arizona, as amended by this resolution, apply
45 only to newly proposed constitutional amendments submitted to
46 the voters after November 2026 and do not apply to previously

1 adopted amendments that are proposed to be amended or repealed
2 after November 2026.
3 4. The Secretary of State shall submit this proposition to the
4 voters at the next general election as provided by article XXI,
5 Constitution of Arizona.

6 Enroll and engross to conform
7 Amend title to conform

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