

HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HCR 2025**

Carter N Floor Amendment

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- Removes language allowing the Constitution to be amended by a majority vote if the proposed amendment solely repeals constitutional provisions.
 - Clarifies that proposed initiatives to amend the Constitution, or initiatives or referendum to approve a tax, require the approval of 60% of the qualified electors voting on the issue except for proposed amendments to Section 2, Article 8.1 of the Constitution.
 - Reinserts language specifying that other proposed amendments to the Constitution require the approval of a majority of the qualified electors voting on the issue.
 - Removes the applicability clause.

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3/6/2025

ADDITIONAL COW
CARTER N FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.C.R. 2025
(Reference to House engrossed bill)

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

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

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

34 (5) Effective date of initiative and referendum
35 measures. Any measure or amendment to the constitution
36 proposed under the initiative, and any measure to which the
37 referendum is applied, shall be referred to a vote of the
38 qualified electors, and for AN INITIATIVE TO AMEND THE
39 CONSTITUTION[, EXCEPT FOR A PROPOSED AMENDMENT TO SECTION 2,
40 ARTICLE 8.1] OR an initiative or referendum to approve a tax,
41 shall become law when approved by sixty percent of the votes
42 cast thereon and ~~upon~~ ON proclamation of the governor, and not
43 otherwise and for all other initiatives and referendums,
44 ~~[INCLUDING CONSTITUTIONAL AMENDMENTS THAT SOLELY REPEAL~~
45 ~~CONSTITUTIONAL PROVISIONS,]~~ shall become law when approved by
46 a majority of the votes cast thereon and ~~upon~~ ON proclamation
47 of the governor, and not otherwise.

1 (6) (A) Veto of initiative or referendum. The veto
2 power of the governor shall not extend to an initiative
3 measure to approve a tax that is approved by sixty percent of
4 the votes cast thereon, AN INITIATIVE TO AMEND THE
5 CONSTITUTION THAT IS APPROVED BY SIXTY PERCENT OF THE VOTES
6 CAST THEREON[, EXCEPT FOR AN INITIATIVE TO AMEND SECTION 2,
7 ARTICLE 8.1.] or to a referendum measure to approve a tax that
8 is decided by sixty percent of the votes cast thereon and for
9 all other initiatives and referendums, ~~[INCLUDING~~
10 ~~CONSTITUTIONAL AMENDMENTS THAT SOLELY REPEAL CONSTITUTIONAL~~
11 ~~PROVISIONS,]~~ the veto power of the governor shall not extend
12 to initiatives and referendums approved by a majority of the
13 votes cast thereon.

14 (6) (B) Legislature's power to repeal initiative or
15 referendum. The legislature shall not have the power to
16 repeal an initiative measure to approve a tax that is approved
17 by sixty percent of the votes cast thereon, AN INITIATIVE TO
18 AMEND THE CONSTITUTION THAT IS APPROVED BY SIXTY PERCENT OF
19 THE VOTES CAST THEREON[, EXCEPT FOR AN INITIATIVE TO AMEND
20 SECTION 2, ARTICLE 8.1.] or to repeal a referendum measure to
21 approve a tax that is decided by sixty percent of the votes
22 cast thereon and for all other initiatives and referendums,
23 ~~[INCLUDING CONSTITUTIONAL AMENDMENTS THAT SOLELY REPEAL~~
24 ~~CONSTITUTIONAL PROVISIONS,]~~ the legislature shall not have the
25 power to repeal an initiative measure approved by a majority
26 of the votes cast thereon and shall not have the power to
27 repeal a referendum measure decided by a majority of the votes
28 cast thereon.

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

46 (6) (D) Legislature's power to appropriate or divert
47 funds created by initiative or referendum. The legislature

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

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

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

43 (9) Form and contents of initiative and of referendum
44 petitions; verification. Every initiative or referendum
45 petition shall be addressed to the secretary of state in the
46 case of petitions for or on state measures, and to the clerk
47 of the board of supervisors, city clerk or corresponding

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

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

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

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

46 (13) Canvass of votes; proclamation. It shall be the
47 duty of the secretary of state, in the presence of the

1 governor and the chief justice of the supreme court, to
2 canvass the votes for and against each such measure or
3 proposed amendment to the constitution within thirty days
4 after the election, and ~~upon~~ ON the completion of the canvass
5 the governor shall forthwith issue a proclamation, giving the
6 whole number of votes cast for and against each measure or
7 proposed amendment, and declaring such measures or amendments
8 to approve a tax OR ~~[AMENDMENTS TO THE CONSTITUTION]~~
9 ~~[INITIATIVE MEASURES THAT AMEND THE CONSTITUTION]~~ as are
10 approved by sixty percent of those voting thereon to be law
11 and for all other measures or amendments ~~[THAT SOLELY REPEAL~~
12 ~~CONSTITUTIONAL PROVISIONS]~~, declaring such measures as are
13 approved by a majority of those voting thereon to be law.

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

37 (15) Legislature's right to refer measure to the people.
38 Nothing in this section shall be construed to deprive or limit
39 the legislature of the right to order the submission to the
40 people at the polls of any measure, item, section or part of
41 any measure.

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

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

1 1. Introduction in legislature; initiative
2 petition; election

3 Section 1. Any amendment or amendments to this
4 constitution may be proposed in either house of the
5 legislature, or by initiative petition signed by a number of
6 qualified electors equal to fifteen percent of the total
7 number of votes for all candidates for governor at the last
8 preceding general election. Any proposed amendment or
9 amendments which shall be introduced in either house of the
10 legislature, and which shall be approved by a majority of the
11 members elected to each of the two houses, shall be entered on
12 the journal of each house, together with the ayes and nays
13 thereon. When any proposed amendment or amendments shall be
14 thus passed by a majority of each house of the legislature and
15 entered on the respective journals thereof, or when any
16 elector or electors file with the secretary of state any
17 proposed amendment or amendments together with a petition
18 therefor signed by a number of electors equal to fifteen
19 percent of the total number of votes for all candidates for
20 governor in the last preceding general election, the secretary
21 of state shall submit such proposed amendment or amendments to
22 the vote of the people at the next general election (except
23 when the legislature shall call a special election for the
24 purpose of having said proposed amendment or amendments voted
25 on, in which case the secretary of state shall submit such
26 proposed amendment or amendments to the qualified electors at
27 said special election[;]) [and] [_] for any proposed
28 [amendment] or [TO THE CONSTITUTION, INCLUDING PROPOSED
29 amendments] [INITIATIVE TO AMEND THE CONSTITUTION, EXCEPT FOR
30 AN INITIATIVE TO AMEND SECTION 2, ARTICLE 8.1, OR INITIATIVE
31 OR REFERENDUM]to approve a tax, if sixty percent of the
32 qualified electors voting thereon shall approve and ratify
33 such proposed amendment or amendments in the regular or
34 special election, such amendment or amendments shall become a
35 part of this constitution [and for any other proposed
36 amendment or amendments, if a majority of the qualified
37 electors voting thereon shall approve and ratify such proposed
38 amendment or amendments in the regular or special election,
39 such amendment or amendments shall become a part of this
40 constitution]. Until a method of publicity is otherwise
41 provided by law, the secretary of state shall have the
42 proposed amendment or amendments published for a period of at
43 least ninety days before the date of the election in at least
44 one newspaper in every county of the state in which a
45 newspaper is published, in such manner as may be prescribed by
46 law. If more than one proposed amendment is submitted at any
47 election, the proposed amendments shall be submitted in such a

1 manner that the electors may vote for or against such proposed
2 amendments separately.

3 ~~[3. Applicability~~
4 ~~Article IV, part 1, section 1, Constitution of Arizona,~~
5 ~~as amended by this resolution, and Article XXI, section 1,~~
6 ~~Constitution of Arizona, as amended by this resolution, apply~~
7 ~~only to newly proposed constitutional amendments submitted to~~
8 ~~the voters after November 2026 and do not apply to previously~~
9 ~~adopted amendments that are proposed to be amended or repealed~~
10 ~~after November 2026.]~~

11 ~~[4.] [3.]~~ The Secretary of State shall submit this proposition to
12 the voters at the next general election as provided by article XXI,
13 Constitution of Arizona.

14 Enroll and engross to conform

15 Amend title to conform

NEAL CARTER

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03/10/2025

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