

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2373

AN ACT

AMENDING TITLE 19, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-120; RELATING TO INITIATIVE PETITIONS; PROVIDING FOR CONDITIONAL ENACTMENT.

(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 2, Arizona Revised Statutes,
3 is amended by adding section 19-120, to read:

4 19-120. Constitutional amendment; submittal to supreme court

5 A. FOR ANY INITIATIVE PETITION THAT PROPOSES AN AMENDMENT TO THE
6 CONSTITUTION, THE FOLLOWING SHALL APPLY IN ORDER FOR A PETITIONER TO OBTAIN A
7 DETERMINATION OF WHETHER THE MEASURE CONTAINS MORE THAN ONE PROPOSED
8 AMENDMENT FROM THE SUPREME COURT:

9 1. THE PETITIONER SHALL SUBMIT TO THE SECRETARY OF STATE NO LATER THAN
10 MARCH 1 OF THE YEAR IN WHICH THE MEASURE WOULD APPEAR ON THE BALLOT AT LEAST
11 TEN PER CENT OF THE REQUIRED NUMBER OF SIGNATURES FOR A PRELIMINARY TALLY.
12 THE PRELIMINARY TALLY SHALL CONSIST OF A COUNT OF THE NUMBER OF SIGNATURES
13 SUBMITTED WITHOUT REGARD TO THE REQUIREMENTS FOR VALID SIGNATURES PRESCRIBED
14 IN SECTION 19-121.01 AND THE SECRETARY OF STATE SHALL NOT MAKE ANY
15 DETERMINATIONS AS TO THE VALIDITY OF ANY SIGNATURE. THE PRELIMINARY TALLY OF
16 THE SECRETARY OF STATE IS NOT AN APPEALABLE AGENCY ACTION, IS NOT SUBJECT TO
17 JUDICIAL REVIEW AND SHALL NOT BE DEEMED A DETERMINATION OF VALIDITY FOR ANY
18 PURPOSE.

19 2. THE SECRETARY OF STATE SHALL COMPLETE ITS PRELIMINARY TALLY WITHIN
20 TEN BUSINESS DAYS OF RECEIPT OF THE SIGNATURES FROM THE PETITIONER AND SHALL
21 RETURN THE ORIGINAL PETITIONS TO THE PETITIONER WITHOUT RETAINING PHOTOCOPIES
22 OR FACSIMILES OF THE PETITIONS AND SIGNATURES. IF THE PETITIONER HAS
23 SUBMITTED AT LEAST TEN PER CENT OF THE REQUIRED SIGNATURES, THE SECRETARY OF
24 STATE SHALL CERTIFY TO THE ATTORNEY GENERAL THAT THE PROVISIONS OF PARAGRAPH
25 1 OF THIS SUBSECTION ARE MET AND SUBMIT THE TEXT OF THE PROPOSED
26 CONSTITUTIONAL AMENDMENT TO THE ATTORNEY GENERAL.

27 3. THE ATTORNEY GENERAL SHALL SUBMIT THE TEXT OF THE PROPOSED
28 CONSTITUTIONAL AMENDMENT TO THE SUPREME COURT WITHIN THIRTY CALENDAR DAYS OF
29 RECEIPT FOR A DETERMINATION OF WHETHER THE MEASURE CONTAINS MORE THAN ONE
30 PROPOSED AMENDMENT AND IS SUBMITTED IN SUCH A MANNER THAT THE ELECTORS MAY
31 VOTE FOR OR AGAINST SUCH PROPOSED AMENDMENT SEPARATELY. THE SUBMISSION BY
32 THE ATTORNEY GENERAL SHALL BE ACCOMPANIED BY A BRIEF THAT SETS FORTH THE
33 POSITION OF THE ATTORNEY GENERAL AS TO THE ISSUES TO BE DETERMINED BY THE
34 COURT.

35 4. THE SUPREME COURT SHALL ISSUE ITS DECISION IN WRITING WITH THE
36 GROUNDS STATED WITHIN FORTY-FIVE CALENDAR DAYS AND MAY ISSUE AN ORDER THAT
37 THE MEASURES BE CONSIDERED SEPARATELY.

38 B. THE SUPREME COURT SHALL PERMIT INTERESTED PERSONS TO BE HEARD ON
39 THE MATTER SUBJECT TO THE RULES OF CIVIL APPELLATE PROCEDURE.

40 Sec. 2. Conditional enactment

41 This act does not become effective unless the Constitution of Arizona
42 is amended by vote of the people at the next general election to establish a
43 procedure for the Arizona supreme court to determine whether an initiative to
44 amend the Arizona Constitution contains more than one proposed amendment.