



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

AMENDED

FACT SHEET FOR S.B. 1497

ballot measures; proposition 105; disclosure

Purpose

Requires the official ballot and the Secretary of State's (SOS's) publicity pamphlet to include a Proposition 105 notice.

Background

An *initiative* is a power reserved to the people to propose laws and amendments to the Arizona Constitution. A *referendum* is a power reserved to the people to enact or reject proposed measures or amendments on the ballot through petition through an order by the Legislature or five percent of the qualified electors, with specified exceptions. Proposition 105, also known as the Voter Protection Act, was an initiative measure passed by the voters in 1998 which made a series of changes to the Arizona Constitution relating to initiatives and referendums on or after the November 1998 election. Proposition 105 states that initiatives or referendums cannot be changed except by a three-fourths vote by the Legislature and if the change *furtheres the purpose* of the original ballot measure, or by referring the change to the ballot ([Ariz. Const. art. 4, pt. 1, § 1](#)).

The SOS is required to print and distribute a publicity pamphlet to inform the voters of initiatives and referendums appearing on the ballot. The pamphlet must include the official language appearing on the ballot, citizen arguments *for* and *against* each proposition, a Legislative Council analysis and reports of the Commission on Judicial Performance Review ([A.R.S. § 19-123](#)). The official ballot is currently required to contain a certified copy of the official title of the measure, a descriptive title and the number assigned to each measure to be voted on at the ensuing regular general election. Statute also outlines phrases that may be substituted for the official and descriptive titles and full text of a measure on the official ballot ([A.R.S. § 19-125](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires, for statutory measures as part of a proposed initiative or referendum, a Proposition 105 notice be printed:
 - a) in bold-faced type in the SOS's publicity pamphlet, immediately below the Legislative Council analysis of the initiative or referendum; and
 - b) by the officer in charge of elections on the official ballot, immediately before the first initiative or measure submitted by referendum.
2. Requires the Proposition 105 notice to state:

Notice: Pursuant to Proposition 105 (1998), these measures cannot be changed in the future if approved on the ballot except by a three-fourths vote of the members of each house of the Legislature and if the change furtheres the purpose of the original ballot measure, by an initiative petition or by referring the change to the ballot.

3. Contains a severability clause.
4. Makes technical and conforming changes.
5. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

- Requires the Proposition 105 notice to include that a measure can be changed by an initiative petition.

Senate Acton

GOV 2/8/21 DP 4-2-2

Prepared by Senate Research

March 2, 2021

MH/ML/gs