



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

Senate: GOV DP 4-2-2-0 | 3rd Read 16-14-0-0

House: GE DP 7-6-0-0

SB 1497: ballot measures; proposition 105; disclosure

Sponsor: Senator Ugenti-Rita, LD 23

House Engrossed

Overview

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

History

Publicity Pamphlet Requirements

When the SOS is ordered by the Legislature, or by petition under initiatives and referendums, to submit a measure or proposed amendment (proposition) to the people, the SOS is required to print a publicity pamphlet that contains:

- 1) A true copy of the title and text of the proposition;
- 2) The form in which the proposition will appear on the ballot, the official title, the descriptive title and the designated number;
- 3) The arguments for and against the proposition;
- 4) A Legislative Council analysis of each proposition;
- 5) Reports of the Commission on Judicial Performance Review for any justices of the Supreme Court and judges of the Court of Appeals and the Superior Court who are subject to retention; and
- 6) The summary of the fiscal impact statement prepared by the Joint Legislative Budget Committee staff ([A.R.S. § 19-123](#)).

Proposition 105

Initiative and referendum measures are powers reserved for the people to either propose laws and amendments to the Arizona Constitution or to accept and reject certain proposed measures on the ballot ordered by the Legislature or by five percent of qualified electors respectively.

In the 1998 general election, voters passed the Voter Protection Act (Proposition 105), which amended the Arizona Constitution to prohibit the Legislature from repealing any voter approved measure. For the Legislature to amend laws enacted or amended through an initiative or referendum requires legislation that furthers the purpose of such measure and at least a three-fourths vote of the members of each chamber ([Ariz. Const. Art. 4, Pt. 1, § 1](#)).

Provisions

1. Directs the SOS to print a Proposition 105 notice in boldface type and immediately below the Legislative Council analysis of an initiative or referendum in a publicity pamphlet. (Sec. 1)
2. Requires the Proposition 105 notice to state the following:
 - a) 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 furthers the purpose of the original ballot measure, by an initiative petition or referring the change to the ballot.* (Sec. 1)

3. Directs an elections officer to print the Proposition 105 notice on the official ballot immediately before the first initiative measure and the first referendum measure. (Sec. 2)
4. Allows an election officer to print phrases on the official ballot if it contains the stated notice immediately before the first initiative measure and the first referendum measure. (Sec. 2)
5. Contains a severability clause. (Sec. 3)
6. Makes technical and conforming changes. (Sec. 1, 2)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note