

## **Outline of Arizona Constitution Presentation for New Legislators**

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### **(1) Importance of the Constitution**

The Constitution sets the formal rules affecting governmental power, structure, and citizen participation. It disperses governmental power among the branches of government and places various limits on the exercise of power in terms of both substance and procedure. Both the original constitution and amendments to the document contain several restrictions detailing what the legislature cannot do. Some of the more important of these limits are in the Declaration of Rights (Bill of Rights).

### **(2) Formulation and Basic Themes**

Arizona's first and only constitution was written late in 1910 and adopted by the voters late in 1911. The Constitution was written at the height of the Progressive Movement. Prominent features of the document reflecting that movement are those calling for popular control of government, business regulation, labor protection, and limiting the ability of judges to have the last say.

### **(3) Some Recurring Issues**

Conflict between rival forms of democracy (Direct and Representative)

Legislative issues (one house or two), term limits, length of terms, legislative redistricting.

Which agencies should be elective? Do we need new ones?

State-local relations (municipal home rule)

### **(4) Provisions for Change**

Legislative amendments (majority vote refer changes for voter approval)

Legislative call for a constitutional convention (never have done, even a limited one)

Initiative action

(Change through judicial interpretation)

### **Outline of the Arizona Constitution**

The Arizona Constitution is divided into a preamble and 30 articles, numbered 1–6, 6.1, 7–22, and 25–30, with articles 23 and 24 having been repealed. Article 30 was unconstitutional by a federal district court in 2014.

**Article 1** declares the boundaries of the state in great detail.

**Article 2** titled the Declaration of Rights and is the state's equivalent of the Bill of Rights. At the time the Arizona Constitution was adopted, the United States Supreme Court had not yet ruled that the Bill of Rights in the United States Constitution was applicable to or binding upon the states.

**Article 3** declares the state government shall be divided into three distinct divisions, the legislative, executive and judicial.

**Article 4** establishes the legislature and the people through initiative as legislative authority for the state and outlines the qualifications for state House of Representatives and Senate and the division of districts (30 districts to elect 1 senator and 2 representatives).

**Article 5** outlines the qualifications for Governor and other Executive branch officials and to their duties.

**Article 6** frames the court system including the Supreme Court and superior court and qualifications for judges.

**Article 6.1** creates a Commission on Judicial Conduct to oversee the judicial system.

**Article 7** deals with suffrage and elections.

**Article 8** provides the method of removal from office for all elected officials including judges, legislators, and executive officials either through impeachment or recall.

**Article 9** provides taxation powers to the legislature and limits the amount of debt for the state's political divisions.

**Article 10** concerns the usage of state and school lands.

**Article 11** concerns education in the state and that all public schools be free. Establishes Board of Education and Superintendent of Public Instruction.

**Article 12** deals with the counties of the state.

**Article 13** deals with cities, towns and other municipal corporations.

**Article 14** deals with general corporations.

**Article 15** establishes the Corporation Commission to regulate corporations as well as the rates of public utilities.

**Article 16** concerns the militia and national guard.

**Article 17** declares the common law riparian system of water rights void and reconfirms preexisting appropriated water rights.

**Article 18**, as well as **Article 25**, concerns labor, regulating child labor, defining a work day to be 8 hours, and declaring Arizona a right to work state.

**Article 19** creates the office of State Mine Inspector and the inspection of mines operating in the state.

**Article 20** concern specific topics that while normally outside of Congress's subject jurisdiction, are controlled by Congress. This includes the right to religious freedom, banning of polygamy, public and Indian lands, banning importation of intoxicating liquors onto Indian reserves until 1957, and state officials required to speak, read, and write English, among other things. These sections can only be repealed with the approval of Congress; however, since the U.S. Supreme Court invalidated a similar restriction in *Coyle v. Smith*, the validity of that rule is unclear.

**Article 21** outlines the mode of amending the Constitution.

**Article 22** deals with scheduling and miscellaneous topics.

**Articles 23 and 24** both concerned prohibition and were repealed in 1932.

**Articles 26, 27, and 29** are short articles dealing with real estate agents, the regulation of ambulances, and public retirement systems. Article 27 specifies that Arizona citizens may not be forced to purchase healthcare or fined for not purchasing such care. <sup>[2]</sup>

**Article 28** concerns English as the official language.

**Article 29** deals with public retirement systems.

**Article 30** restricts marriage to a man and a woman.