Arizona Direct Democracy

What you should know about voter initiatives, referendums, and recalls

January 2017
Roots of Arizona’s System

• Arizona’s Direct Democracy

Legacy of Arizona Founders:
  • Recall
  • Referendum
  • Initiative

The founders firmly believed Arizona citizens should have the ability to override legislators as a definitive checks-and-balances mechanism.
What are the options?

- **Recall**
  - *Recall Election*
- **Veto Referendum**
  - “Citizens’ Referendum”
  - “Protest Referendum”
  - “Popular Referendum”
- **Voter Initiative**
  - “Citizens’ Initiative”
How are they different?

• **Recall**
  • Provides the general public with a mechanism to remove elected officials from office prior to the end of their term

• **Veto Referendum**
  • Provides the general public with a mechanism to challenge legislative actions

• **Voter Initiative**
  • Provides the general public with a mechanism to get around legislatures that refuse to take action desired by a majority of the voters
Recall Elections

- Nineteen (19) states, including Arizona, permit the recall of all elected officials.
- Nine (9) states, including Arizona, allow recalls of all elected officials by petition without justification.
- In Six (6) states, including Arizona, recalls are followed by a simultaneous election between the incumbent and challenger(s).
How does AZ compare?

Veto Referendum
“Citizens’ Referendum”
“Popular Referendum”
“Protest Referendum”

Twenty-six (26) states, including Arizona, allow veto referendums to challenge legislative actions.
How does AZ compare?

- Statewide Initiatives
  - “Citizens Initiative”
  - “Legislative Initiative”

Twenty-four (24) states, including Arizona, allow the general public, as well as the legislature, to propose policies for statewide voter approval.
Eight (8) states, including Arizona, enable the six (6) most common forms of direct democracy. These include voter initiated & legislatively referred statutes or amendments, as well as voter initiated veto referendums and recalls.
Since 1912 Arizona has been a National Leader in using the initiative process to either adopt a statute or amend the state constitution by placing a measure on the ballot as a proposition.
What is a proposition?

Different origins for propositions (Ballot Measures):

Legislatively Referred
  100s – Constitutional Amendment
  200s – State Statute

Voter Initiated
  100s – Constitutional Amendment
  200s – State Statute

Veto Referendum (300s)
The Process of Direct Democracy

- Secretary of State’s Office Application to Circulate Petition:
  - Identify Sponsors
  - Required to Submit:
    - Summary
    - Title of proposition
    - Full text of proposal
The Process of Direct Democracy

• Petition Filing Deadline
  • No less than four (4) months before election

• Voter Approval
  • Simple Majority (>50%)

• Legislative or Legal challenges
  • Amendments or Constitutionality
The Process of Direct Democracy

Signature Collection:

• Volunteers and/or Paid Gatherers in any combination (full disclosure required)

• Petition must include copy of proposed measure

• Circulators: Must be 18, US citizen, no felony conviction (or rights restored)

• Petition signatures must be from registered voters and provide complete and correct information
The Process of Direct Democracy

• **Signature Thresholds**
  - **Recall Election**: 25% of votes for that office in the last election
    Tied to most recent gubernatorial election
  - **Veto Referendum**: 5%
  - **Citizens’ Initiative**:
    - **State Statute**: 10%
    - **Constitutional Amendment**: 15%
• Recall Petition
• Signature Threshold
  25% of votes cast for that office in the last election
• Simultaneous Election
  Potential successor(s), in run-off with incumbent
Process for Veto Referendums

- Veto Referendum Petition
- Signature Threshold
  5\% \text{ of votes cast for governor}
- Voter Approval (>50\%)
- No legal challenges
  Law is vetoed by citizens
Process for Initiatives

- Citizens’ Initiative Petition
- Signature Thresholds
  - State Statute: 10%
  - Constitutional Amendment: 15% of votes cast for governor
- Voter Approval (>50%)
Legislative Challenge

Proposition 105 - *Voter Protection Act*

(1998 Voter Initiated Constitutional Amendment):

- Prohibits Governor's veto
- Prohibits Legislative repeal
- 75% of legislature can vote to amend, supersede, or transfer designated funds, *only* if such actions would further the purpose of the measure.
Legal Challenges

Constitutionality

• Must abide US Constitution
• Statutes must abide AZ Constitution
Since 1996:

- 111 measures, three (3) to nineteen (19) per year
- Measures are only allowed the ballot for even numbered years
- 56 percent (62 of 111) ballot measures were approved
- 43 percent (48 of 111) were defeated
- One percent (one of 111) were approved but then overturned
History of Initiatives in Arizona

Recent Major Initiatives

• **2000** – English Language Education (63% - Yes)
• **2010** – Medical Marijuana (50.1% - Yes)
• **2016** (100s in May, 200s in November)
  • Prop 123 – Education Funding (50.9% - Yes)
  • Prop 124 – Retirement Benefits – (70.4% - Yes )
  • Prop 205 – Marijuana Legalization – (51.3% - No)
  • Prop 206 – Minimum Wage (58.3% - Yes)