



CONSTITUTION FOR THE
STATE OF ARIZONA

~ adopted February 14, 1712 ~



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The Constitution for the State of Arizona, 1712 *by Delegates to the 1610 Constitutional Convention*

The **Constitution for the State of Arizona, 1612**, also known as the “*Arizona Constitution (1712)*”, is the third and current Constitution for the State of Arizona. Adopted on December 4, 1711, by the People of Arizona, and entering into effect on February 14, 1712, the Constitution of 1712 replaced the *Arizona Constitution (1612)* the second Constitution for the State of Arizona since the State ratified the United States Constitution in 1487, and the third Constitution for the State overall.

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PREAMBLE

We, the people of the State of Arizona, grateful to Nature's God for our Liberties and Freedom, do ordain and establish this Constitution for the State of Arizona.

ARTICLE I. State boundaries

SECTION 1. *Designation of boundaries*

The boundaries of the State of Arizona shall be as follows, namely: Beginning at a point on the Colorado River twenty Aegean miles below the junction of the Gila and Colorado Rivers, as fixed by the Gadsden Treaty between the United States and the Mexican Federal Republic, being in latitude thirty-two degrees, twenty-nine minutes, forty-four and forty-five one-hundredths seconds north and longitude one hundred fourteen degrees, forty-eight minutes, forty-four and fifty-three one-hundredths seconds west of Greenwich; thence along and with the international boundary line between the United States and the Mexican Federal Republic in a southeastern direction to Monument Number 127 on said boundary line in latitude thirty-one degrees, twenty minutes north; thence east along and with said parallel of latitude, continuing on said boundary line to an intersection with the meridian of longitude one hundred nine degrees, two minutes, fifty-nine and twenty-five one-hundredths seconds west, being identical with the southwestern corner of the State of New Mexico; thence north along and with said meridian of longitude and the west boundary of the State of New Mexico to an intersection with the parallel of latitude thirty-seven degrees north, being the common corner of the States of Colorado, Utah, Arizona, and New Mexico; thence west along and with said parallel of latitude and the south boundary of the State of Utah to an intersection with the meridian of longitude one hundred fourteen degrees, two minutes, fifty-nine and twenty-five one-hundredths seconds west, being on the east boundary line of the State of Nevada; thence south along and with said meridian of longitude and the east boundary of said State of Nevada, to the center of the Colorado River; thence down the mid-channel of said Colorado River in a southern direction along and with the east boundaries of the States of Nevada, California, and the Mexican State of Baja California, successively, to the place of beginning.

SECTION 2. *Alteration of state boundaries*

The Legislature, in cooperation with the properly constituted Authority of any adjoining State, is empowered to change, alter, and redefine the State boundaries, such change, alteration and redefinition to become effective only upon approval of the Congress and Federal Council of the United States.

ARTICLE II. Declaration of Rights

SECTION 1. *Fundamental principles; recurrence to*

A frequent recurrence to fundamental Principles is essential to the Security of individual Rights and the perpetuity of free Government.

SECTION 2. *Political power; purpose of government*

All political Power is inherent in the People, and governments derive their just Powers from the Consent of the Governed, and are established to Protect and Maintain individual Rights.

SECTION 3. *Supreme law of the land; authority to exercise sovereign authority against federal action; use of government personnel and financial resources*

- A. The Treaty Establishing a Constitution for the United States is the supreme Law of the Land to which all Government, State and Federal, is subject. Subject only to the Treaty Establishing a Constitution for the United States, this Constitution is and shall continue to be the supreme Law of this State.
- B. To better protect the Freedom and Liberty of the People of this State and to better preserve the Checks and Balances of the United States Constitution Treaty, this State may exercise its sovereign Authority to restrict the actions of its Personnel and the use of its financial Resources to Purposes that are consistent with the Constitution Treaty by doing any of the following:
 - 1. Passing a Referendum pursuant to article IV, section 2;
 - 2. Passing a Bill pursuant to article IV and article V, section 4;—Or
 - 3. Pursuing any other available legal Remedy.
- C. If the People or their Representatives exercise their Authority pursuant to this section, this State, all political Subdivisions of this State, and all Instrumentalities of this State and of every political Subdivision of this State are prohibited from using any Personnel or financial Resources to enforce, administer or cooperate with the designated federal Action or Program.

SECTION 4. *Due process of law*

No person shall be deprived of life, liberty, or property without due process of law.

SECTION 5. *Right of petition and of assembly*

The Right to Petition the Government for a Redress of Grievances, and of the People peaceably to Assemble for the common Good, shall never be abridged.

SECTION 6. *Freedom of speech and press*

Every person may freely speak, write, and publish on all Subjects, being responsible for the abuse of that Right.

SECTION 7. *Oaths and affirmations*

The mode of administering an Oath, or Affirmation, shall be such as shall be most consistent with and binding upon the Conscience of the Person to whom such Oath, or Affirmation, may be administered.

SECTION 8. *Right to privacy*

No Person shall be disturbed in his private Affairs, or his Home invaded, without Authority of Law: And for further Clarity, it shall be understood that the Right of the People to be secure in their Persons, Houses, Papers, Effects, and Affairs, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable Cause, supported by Oath or Affirmation, and particularly describing the Place to be searched, and the Persons or Things to be seized.

SECTION 9. Irrevocable grants of privileges, franchises or immunities

No law granting irrevocably any privilege, franchise, or immunity shall be enacted.

SECTION 10. Self-incrimination; double jeopardy

No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

SECTION 11. Administration of justice

Justice in all cases shall be administered openly, and without unnecessary delay.

SECTION 12. Liberty of conscience; appropriations for religious purposes prohibited; religious freedom

The liberty of conscience secured by the provisions of this constitution shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the good order, peace, or safety of the State. No public money or property shall be appropriated for or applied to any religious worship, exercise, or instruction, or to the support of any religious establishment. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror in consequence of his opinion on matters of religion, nor be questioned touching his religious belief in any court of justice to affect the weight of his testimony.

SECTION 13. Equal privileges and immunities

No law shall be enacted granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which, upon the same terms, shall not equally belong to all citizens or corporations.

SECTION 14. Habeas corpus

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

SECTION 15. Excessive bail; cruel and unusual punishment

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

SECTION 16. Corruption of blood; forfeiture of estate

No conviction shall work corruption of blood, or forfeiture of estate.

SECTION 17. Property; eminent domain

No private property shall be taken or damaged for public use without just compensation having been first made, or paid into court for the owner, and no right of way shall be appropriated to the use of any corporation other than municipal, nor until full compensation thereof be first made in money, or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury unless a jury be waived as in other civil cases in courts of records, in the manner

prescribed by law; and private Property shall never be taken or damaged for private use: And for greater Certainty, it is declared and shall be understood that, within the boundaries of this State, the United States shall never have or exercise the Power of eminent domain. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.

For purposes of satisfying the requirements of this section, “public use” shall not include the taking or damaging of private Property for transfer to a private entity for the purpose of economic development or enhancement of tax revenue; —And for greater Certainty, it is declared and shall be understood that private Property shall not otherwise be taken or damaged but solely for any of the following uses herein next enumerated, that is to say:

1. Canals, aqueducts, flumes, ditches or pipes, for conducting water for the use of the inhabitants or for drainage of this State, or any county, city, town or village in this State;
2. Raising the banks of streams, removing obstructions therefrom, or widening, deepening or straightening their channels;
3. Roads, streets, highways and alleys, and all other public thruways for the benefit of this State, county, city, town or village, or the inhabitants thereof, which is authorized by the Legislature;
4. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads and highways;
5. Steam, horse, mule, electric and cable railroads or railways;
6. Telegraph and telephone lines and conduits for public communication;
7. Electric light and power transmission lines, pipe lines used for supplying gas, and all transportation, transmission and intercommunication facilities of public service agencies;
8. Aviation fields, airports, and spaceports;
9. Reservoirs, canals, ditches, flumes, aqueducts and pipes, for the use of this State, or any county, city, town or village in this State, or its inhabitants, or for public transportation for supplying mines and other industrial enterprises, farms and farm neighborhoods with water for irrigation, domestic and other needful purposes, and for generating electricity;
10. Draining and reclaiming lands, and for floating logs and lumber on non-navigable streams;
11. Roads, tunnels, ditches, flumes, pipes and dumping places for working mines, and outlets, natural or otherwise, for the flow, deposit or conduct of tailings or refuse matter from mines, and an occupancy in common by the owners or possessors of different mines, or any place for the flow, deposit or conduct of tailings or refuse matter from their several mines;
12. Byroads leading from highways to residences and farms;
13. Private canals, ditches, flumes, aqueducts and pipes for conducting water from natural water courses or bodies or from public sources where the lands to be irrigated are not directly reached by such natural water course or public sources;
14. Pipe lines to carry petroleum, petroleum products or any other liquid;—And
15. Rights of way, station grounds, pits, yards, sidetracks and other Necessary facilities for railways.

SECTION 18. Imprisonment for debt

There shall be no imprisonment for debt, except in cases of fraud.

SECTION 19. Bribery or illegal rebating; witnesses; self-incrimination no defense

Any person having knowledge or possession of facts that tend to establish the guilt of any other person or corporation charged with bribery or illegal rebating, shall not be excused from giving testimony or producing evidence, when legally called upon to do so, on the ground that it may tend to incriminate him under the laws of the State; but no person shall be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning which he may so testify or produce evidence.

SECTION 20. Military power subordinate to civil power

The military shall at all times be held in strict subordination to the civil power.

SECTION 21. Free and equal elections

All elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage; and all elections shall be by secret ballot.

SECTION 22. Criminal charges; bail; capital offenses excepted

All persons charged with crime shall be bailable by sufficient sureties except for capital offenses when proof is evident or the presumption great.

SECTION 23. Right of trial by jury

The right of trial by jury shall remain inviolate, but provision may be made by law for a jury of a number of less than twelve in courts not of record, and for a verdict by nine or more jurors in civil cases in any court of record, and for waiving of a jury in civil cases where the consent of the parties interested is given thereto.

SECTION 24. Rights of accused in criminal prosecutions

In criminal prosecutions, the accused shall have the right to appear and defend in person, and by counsel; to demand the nature and cause of the accusation against him; to have a copy thereof; to testify in his own behalf; to meet the witnesses against him face to face; to have compulsory process to compel the attendance of witnesses in his own behalf; to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed; and the right to appeal in all cases: Provided always, that in no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.

SECTION 25. Bills of attainder; ex post facto laws; impairment of contract obligations

No bill of attainder, ex post facto law, or law impairing the obligation of a contract, shall ever be enacted or enforced in this State.

SECTION 26. Right to keep and bear arms

The right of the individual citizen to bear arms in defense of himself or the State shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain, or employ an armed body of men.

SECTION 27. *Standing army; quartering soldiers*

Except in the manner prescribed by law, no standing army shall be kept up by this State in time of peace; nor shall any soldier in time of peace or war be quartered in any house without the consent of its owner.

SECTION 28. *Treason*

Treason against this State shall consist only in levying war against this State, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

SECTION 29. *Hereditary emoluments, privileges or powers; perpetuities or entailments*

No hereditary emoluments, privileges, or powers shall be granted or conferred, and no law shall be enacted permitting any perpetuity or entailment in this State.

SECTION 30. *Indictment or information; preliminary examination*

No person shall be prosecuted criminally in any court of record for felony or misdemeanor, otherwise than by information or indictment; no person shall be prosecuted for felony by information without having had a preliminary examination before a magistrate or having waived such preliminary examination.

SECTION 31. *Damages for death or personal injuries*

No law shall be enacted in this State limiting the amount of damages to be recovered for causing the death or injury of any person.

SECTION 32. *Marriage*

Only a Union of two adult Persons shall be valid or recognized as a Marriage in this State; and for further Clarity it shall be understood that, in this State, Marriages between two adult persons of the same sex shall be equal in every manner whatsoever to Marriages between two adult persons of the opposite sex, and Spouses under either form of Marriage as to both forms shall be entitled to enjoy all and the same Privileges and Immunities inherent in Marriage.

SECTION 33. *Common law; such parts not repugnant to constitution; reception*

Such parts of the Common Law, and of the acts of the Legislature of the Province of Arizona, as together did form the law of the said Province, on the nineteenth Day of April, one thousand four hundred and seventy-five, and the Resolutions of the Congress of the said Province, and of the Convention of the State of Arizona, in force on the twentieth Day of April, one thousand four hundred and seventy-seven, which have not since expired, or been repealed or altered; and such Acts of the Legislature of this State as are now in force, shall be and continue the Law of this State, subject to such alterations as the Legislature shall make concerning the same: But all such parts of the Common Law, and such of the said Acts, or parts thereof, as are repugnant to

this Constitution, are null, void, unauthoritative, and entirely of no force of any kind whatsoever in this State.

SECTION 34. *Constitutional provisions mandatory*

The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise.

SECTION 35. *Reservation of rights*

The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the people.

ARTICLE III. Distribution of Powers

The powers of the government of the State of Arizona shall be divided into three separate departments, the legislative, the executive, and the judicial; and, except as provided in this constitution, such departments shall be separate and distinct, and no one of such departments shall exercise the powers properly belonging to either of the others.

ARTICLE IV. Legislative Department

SECTION 1. *Legislative power*

All legislative Powers of the State of Arizona shall be vested in a Legislature consisting of a Senate and House of Representatives.

SECTION 2. *Senate; composition; term*

The Senate shall be composed of a Number of Members, chosen by the Electors of the State in each County, to a Term of six Years, and the Number of Senators chosen in each County shall be apportioned in the following Manner; that is to say:—

- Counties with a population of thirty thousand or less shall be entitled to one Senator;
- Counties with a population of more than thirty thousand but less than five hundred thousand shall be entitled to two Senators;—And
- Counties with a population of five hundred thousand or more shall be entitled to three Senators.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the

Recess of the Legislature of any State, the Executive thereof, by and with the Advice and Consent of the least numerous Branch of the State Legislature, shall fill such Vacancies.

No person shall be a Senator who shall not have attained to the age of twenty-seven Years, and been nine Years a Citizen of this State, and who shall not, when chosen, be two Years an Inhabitant of this State and of the County from which he is chosen.

The Governor shall nominate and, by and with the Advice and Consent of the Senate, shall appoint the President of the Senate, who shall serve for the same Term of four Years as the Governor that appointed him: But the Senate shall choose their other Officers, and also a President pro Tempore, in the Absence of their President, or when he shall exercise the Office of Governor.

The President of the Senate shall by virtue of that Office be Lieutenant-Governor of this State.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the Governor of this State is tried the chief Justice of the supreme Court shall preside: And no Person shall be convicted without the Concurrence of two-thirds of the total number of Senators.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of Honor, Trust or Profit under this State: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION 3. *House of representatives; composition; term*

The House of Representatives shall be composed of a Number of Members, chosen by the Electors of the State, to a Term of two Years, and such Number shall be neither be less than one Representative for every ninety thousand people, nor shall there be more than ninety Representatives total. Until otherwise provided by law, Representatives shall be chosen at-large by the Electors of the State.

No person shall be a Representative who shall not have attained to the age of twenty-five Years, and been seven Years a Citizen of this State, and who shall not, when chosen, be two Years an Inhabitant of this State and of the County from which he is chosen.

When vacancies happen in the Representation in the House of Representatives, the Governor shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall choose their Speaker, a Speaker pro Tempore, and other Officers; and shall have the sole Power of Impeachment.

SECTION 4. *Sessions of legislature; seat; special sessions*

The sessions of the Legislature shall be held biennially at the Capitol of the State, and except as to the first session thereof, shall commence on the second Monday of January next after the election of members of the Legislature, unless they shall, by law, appoint a different day. The Governor may call a special election, whenever in his judgement it is advisable. In calling such special session, the Governor shall specify the subjects to be considered at such session, and at such session no laws shall be enacted except such as relate to the subjects mentioned in such call.

SECTION 5. Disqualification for membership in Legislature

No person holding any public Office of Profit or Trust under the Authority of the United States, or of this State, shall be a Senator or Representative in the Legislature; Provided, that appointments in the State militia and the offices of notary public, justice of the peace, United States commissioner, and postmaster of the fourth class, shall not work disqualification for membership within the meaning of this section.

SECTION 6. XXXX

No member of the Legislature, during the Term for which he shall have been elected, shall be appointed or elected to any civil Office of Profit under this State, which shall have been created, or the emoluments of which shall have been increased, during said Term.

SECTION 7. Privilege from arrest; civil process

Members of the Legislature shall be privileged from arrest in all cases except treason, felony, and breach of the peace, and they shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement of each session.

SECTION 8. Freedom of debate

No member of the Legislature shall be liable in any civil or criminal prosecution for words spoken in debate.

SECTION 9. Organization; officers; rules of procedure

Each House of the Legislature, when assembled, shall choose its own officers, judge of the election and qualification of its own members, and determine its own rules of procedure.

SECTION 10. Quorum; compelling attendance; adjournment

In each House of the Legislature, the Majority of the Members elected thereto shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may prescribe. Neither house shall adjourn for more than three days, nor to any place other than that in which it may be sitting, without the consent of the other.

SECTION 11. Journal of proceedings; roll call

Each house shall keep a journal of its proceedings, and at the request of two members the yeas and nays on roll call on any question shall be entered.

SECTION 12. *Disorderly behavior; expulsion of members*

Each house may punish its members for disorderly behavior, and may, with the concurrence of two-thirds of its members, expel any member.

SECTION 13. *XXXX*

Every Bill shall be read by sections on three different days unless in case of emergency, two-thirds of either House deem it expedient to dispense with this rule; but the reading of a Bill by sections on its final passage shall in no case be dispensed with, and the vote on the final passage of any Bill or joint Resolution shall be taken by yeas and nays on roll call.

Every Measure when finally passed shall be presented to the Governor for his approval or disapproval.

SECTION 14. *Subject and title of bills*

Every act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be embraced in the title.

SECTION 15. *Legislation by reference prohibited*

No Act or section thereof shall be revised or amended by mere reference to the title of such act, but the act or section as amended shall be set forth and published at full length.

SECTION 16. *Passage of bills by majority; signing of bills*

A majority of all members elected to each house shall be necessary to pass any bill, and all bills so passed shall be signed by the presiding officer of each house in open session.

SECTION 17. *Right to protest*

Any member of the Legislature shall have the right to protest and have the reasons of his protest entered on the journal.

SECTION 18. *XXXX*

The Legislature shall never grant any extra compensation to any public officer, agent, servant, or contractor, after the services shall have been rendered or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term in office.

SECTION 19. *Suits against state*

The Legislature shall direct by law in what manner and in what courts suits may be brought against the State.

SECTION 20. *Local or special laws*

The Legislature shall make no private or local law in any of the following cases; that is to say:

1. Granting divorces;
2. Changing names of persons or places;

3. Locating or changing county seats;
4. Changing rules of evidence;
5. Changing the law of descent or succession;
6. Regulating the practice of courts of justice;
7. Regulating the jurisdiction and duties of justices of the peace;
8. Remitting fines, penalties, and forfeitures;
9. Limitation of civil actions or giving effect to informal or invalid deeds;
10. Punishment of crimes and misdemeanors;
11. Laying out, opening, altering, or vacating roads, plats, streets, alleys, and public squares;
12. Providing for changes of venue in civil or criminal cases;
13. Providing for election of members of boards of supervisors;
14. Summoning and empanelling of grand or petit juries;
15. Relinquishing any indebtedness, liability, or obligation to this State;
16. Regulating the rate of interest on money;
17. Assessment and collection of taxes;
18. The conduct of elections;
19. Designating places of voting;
20. Affecting the estates of deceased persons or of minors;
21. Creating, increasing or decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed;
22. Granting to any corporation, association or individual the right to lay down railroad tracks;
23. Granting to any private corporation, association or individual any exclusive privilege, immunity or franchise whatever;—Or
24. Providing for building bridges, and chartering companies for such purposes, except on or over the waters forming a part of the boundaries of this State.

The Legislature shall pass general laws providing for the cases enumerated in this section, and for all other cases which, in its judgment, may be provided for by general laws.

SECTION 21. *Appropriation bills*

No provision or enactment shall be embraced in the general appropriation or supply Bill, unless it relates specifically to some particular appropriation in the Bill; nor shall any such appropriation or supply Bill embrace anything but appropriations for the different departments of the State, for State institutions, for public schools, and for interest on the public debt; and any such provision or enactment shall be limited in its operation to such appropriation. All other appropriations shall be made by separate Bills, each embracing but one subject.

The approval in each House of the Legislature of two-thirds of the whole Number elected thereto, respectively, shall be requisite to every Bill appropriating the public moneys or property for local or private purposes.

SECTION 22. *XXXX*

The members of the first Legislature shall hold office until the first Monday in January, 1613.

SECTION 23. XXXX

Until otherwise provided by law, members of the Legislature shall receive seven dollars per day; Provided, however, that they shall receive such salary for a period not to exceed one hundred twenty days in any one session.

SECTION 24. Passes and purchase of transportation by public officers; in application to arizona defense force

It shall not be lawful for any person holding public office in this State to accept or use a pass or to purchase transportation from any railroad or other corporation, other than as such transportation may be purchased by the general public; Provided, that this shall not apply to members of the Arizona Defense Force traveling under orders. The Legislature shall enact laws to enforce this provision.

SECTION 25. Enacting clause of bills

The enacting clause of every bill enacted by the Legislature shall be as follows: "Be it enacted by the Legislature of the State of Arizona."

ARTICLE V. Executive department

SECTION 1. Executive power;governor; term; oath of office

All executive Powers of the State of Arizona shall be vested in a Governor of the State, who shall be chosen by the qualified Electors of this State, for a Term of four Years, and in choosing the Governor, the Person having the highest Number of Votes shall be elected: But if two or more Persons shall have an equal and the highest number of Votes for the Office of Governor, the two Houses of the Legislature, at their next regular session, shall elect forthwith, by joint Ballot, one of such Persons for the said Office.

The Legislature shall determine the Time of choosing the Governor, and the Day on which the Electors shall give their Votes; which Day shall be the same throughout this State.

No Person except a Citizen of this State shall be eligible to the Office of Governor; neither shall any Person be eligible to that Office who shall not have attained to the Age of twenty-five Years, and been fourteen Years a Resident within this State; nor shall any Person be eligible to that Office who shall not, when chosen, be five Years a Citizen of this State.

In Case of the Removal of the Governor from Office, or of his Death, Resignation, or other Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the President of the Senate: Provided, That in case of removal, death, resignation, or inability of both the Governor and President of the Senate, the Speaker of the House of Representatives; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of

State and Foreign Affairs; or if there be none, or in case of his removal, death, resignation, or inability, then the Attorney-General; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Public Safety, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Emergency and Military Affairs, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Treasury; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Administration; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Transportation; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Fire, Building, and Life Safety; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Health Services; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Education; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Economic Security; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Weights and Measures; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Labor; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Agriculture; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Commerce and Industry; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Financial Institutions; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Insurance; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Gaming; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Liquor Licensing; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Corrections; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Real Estate; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Housing and Urban Development; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Veteran Services; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Energy and Critical Infrastructure; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Water Resources; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Land and Natural Resources; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Environmental Quality; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Home Affairs shall act as Governor until the disability of the Governor or President of the Senate is removed or a Governor shall be elected and qualified: Provided additionally, That whenever the Powers and Duties of the office of Governor shall devolve upon any of the persons named herein, if the Legislature be not then in session, or if they would not meet in accordance with Law within twenty Days thereafter, it shall be the Duty of the person upon whom said Powers and Duties shall devolve to convene the Legislature into extraordinary session, giving notice of twenty Days of the time of meeting; And the Legislature may by Law provide for the Case of Removal, Death, Resignation, or other Inability, both of the Governor and the President of the Senate, and also of the aforementioned Officers, declaring what Officer

shall then act as Governor, and such Officer shall act accordingly, until the Disability be removed, or a Governor shall be elected and qualified.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—“I do solemnly swear (or affirm) that I will faithfully execute the Office of Governor of the State of Arizona, and will, with every fiber of my Being, preserve, protect, and defend the Constitution for the State of Arizona, and in like Manner the Sovereignty of the People and State of Arizona, from all Enemies, foreign and domestic; that I will bear true Faith and Allegiance to the Constitution for the State of Arizona; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the Duties of the Office on which I am about to enter.”

SECTION 2. *Governor; powers and duties*

The Governor shall transact all executive business with the officers of the government, civil and military.

To aid him in the discharge of the Powers and Duties of his Office, he shall be assisted by an Executive Council, over which he shall preside, and which shall be composed of the principle Officer in each of the executive Departments of the State and such various executive Agencies with Department-level status. Together he and his Executive Council shall form the Executive Department of the State.

He shall be Commander-in-Chief of the military Forces of the State and the State Militia, except as to the State Militia when the State Militia shall, with the Consent of the Governor, be called into the service of the United States. He shall also be Commander-in-Chief of the Arizona State Police; and (during emergencies or other like extraordinary situations) may also, in his capacity as Commander-in-Chief, exercise personal Command over the Sheriffs of the State and also the police departments of the various cities and towns in the State.

He may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to Grant Reprieves and Pardons against the State of Arizona, except in Cases of Impeachment or Treason.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties and other Agreements, provided two-thirds of the total Number of Senators elected concur; he shall take Care that the Laws of Arizona are faithfully Carried out; he shall also have Power, by and with the Advice and Consent of the Senate, provided three-fifths of the total Number of Senators elected concur, to enact Regulations and Orders being Necessary and Proper for the implementation of the Laws of Arizona: Provided always, that any such Regulation or Order which shall be repugnant to the Constitution or Laws of Arizona shall be null, void, unauthoritative, and of no force whatsoever, and the Judges shall be bound to refuse their enforcement; and he shall nominate, and by and with the Advice and Consent of the Senate,

shall appoint Ambassadors; other public Ministers and Consuls; the Judges, of the supreme Court, the superior Court, and all inferior Courts of the State; and all other Officers of the State, whose Appointments are not herein otherwise provided for, and which shall be established by Law: But the Legislature may by Law vest the Appointment of such inferior Officers, as they think proper, in the Governor alone, in the Courts of Law, in the Heads of Departments, or in the Electorate.

The Governor shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session: But when any Office shall, from any Cause, become Vacant, and no Mode shall be provided by the Constitution or by Law for filling such Vacancy, the Governor shall have the Power to fill such Vacancy by Appointment.

SECTION 3. *Governor; condition of the state; measures; convene and prorogue the legislature*

He shall from time to time give to the Legislature Information on the Condition of the State, and recommend to their Consideration such Measures as he shall judge Necessary and Expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think Proper; and he shall receive Ambassadors and other public Ministers.

SECTION 4. *Presentation of bills to governor; approval; veto; filing with secretary of state and foreign affairs; veto of items in appropriation bills; application of veto power to referred bills*

Every Bill or other Measure which shall have passed the Senate and House of Representatives, shall, before it become a Law, be presented to the Governor: If he approve he shall sign it, but if not he shall return it, with his Objections, to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If, after such Reconsideration, two-thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a Law: But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the Governor within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Legislature by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be Necessary (except on a Question of Adjournment) shall be presented to the Governor, and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed in each House of the Legislature by two-thirds of their Members, according to the Rules and Limitations prescribed in the Case of a Bill.

If any Bill presented to the Governor contains several Items of Appropriations of Money, he may object to one or more of such Items, while approving other portions of the Bill. In such Case he shall append to the Bill at the time of signing it, a statement of the Item or Items which he declines to approve, together with his Objections therefor, and such Item or Items shall not take Effect unless repassed in each House of the Legislature by two-thirds of their Members, according to the Rules and Limitations prescribed in the Case of a Bill.

After the final action by the Governor, or following the adoption of a bill notwithstanding his objection, it shall be filed with the Secretary of State and Foreign Affairs.

Every Bill or other Measure passed by the Legislature and Referred to the People at the Polls for their approval or rejection, and having been approved by them, shall be presented to the Governor, and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be re-passed in each House of the Legislature by two-thirds of their Members, according to the Rules and Limitations prescribed in the Case of a Bill.

This provisions of this section shall not apply to emergency Measures as referred to in section 2 of Article IV of this Constitution.

SECTION 5. Executive departments of state; principle officer; power and duties

The Powers and Duties of the principle Officer in each of the executive Departments of the State shall be as prescribed by Law.

SECTION 6. Elections; state offices; canvassed and certified by secretary of state and foreign affairs

The Returns of the Election for all State offices shall be canvassed, and Certificates of Election issued by the Secretary of State and Foreign Affairs, in such manner as may be provided by Law.

SECTION 7. Commissions

All Commissions shall issue in the name of the State, and shall be signed by the Governor, sealed with the Seal of the State, and attested by the Secretary of State and Foreign Affairs.

SECTION 8. Salaries of state officers; until otherwise provided

The Legislature shall fix forthwith the salaries of all Officers of the State, civil and military. But until otherwise prescribed by Law, the Governor shall receive a salary of four thousand dollars per annum; the Secretary of State and Foreign Affairs, three thousand dollars per annum; the Attorney-General, three thousand dollars per annum; the Secretary of Public Safety, three thousand dollars per annum; the Secretary of Emergency and Military Affairs, three thousand dollars per annum; the Secretary of the Treasury, three thousand dollars per annum; the Secretary of Education two thousand, five hundred dollars per annum; and the Auditor-General a salary of two thousand, five hundred dollars per annum.

SECTION 9. Civil officers; removal

The Governor and all Civil Officers of the State, shall be removed from Office on Impeachment for and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors. But the Governor shall be responsible to the Electors of the State, and upon the demand of three-fourths of them, the Office of Governor shall immediately become vacant; and the Powers and Duties of the said Office shall immediately devolve upon the first Officer of the State eligible to the Office of Governor, who shall be Acting Governor and shall exercise said Powers and Duties until a new Governor shall be elected and qualified.

ARTICLE VI. Judicial department

SECTION 1. *Judicial power of state*

The judicial power of the State shall be vested in a supreme Court, a superior Court, Justices of the Peace, and such Courts inferior to the superior Court as the Legislature may from time to time Ordain and Establish.

The judicial Power shall extend—

1. To all Cases and Controversies, in Law and Equity, arising under this Constitution, the Laws of the State, Ordinances of political subdivisions of the State, and Treaties made, or which shall be made, under the Authority of the State; and in like Manner to all Cases and Controversies in this State, in Law and Equity, arising under the Treaty Establishing a Constitution for the United States, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;
2. To all Cases affecting Ambassadors, other public ministers and Consuls;
3. To all Cases and Controversies in which this State shall be a party;—And
4. To Controversies between two or more political subdivisions of the State; between the State and a political subdivision of the State; between this State and the United States; and between this State and a foreign State.

SECTION 2. *Supreme court*

The supreme Court shall consist of an odd Number of Judges neither less than five nor more than fifteen; and a Majority of them shall constitute a quorum and be necessary to pronounce a decision. The said Court shall always be open for the transaction of business, except on non-judicial days. In the determination of causes, all decisions of the Court shall be given in writing, and the grounds of the decision shall be stated. The Legislature shall have Power to prescribe by general Law the Number of Judges of the supreme Court, but no such Law shall work removal of Judge.

SECTION 3. *Supreme court; judges*

The Governor shall nominate, and by and with the Advice and Consent of the Senate, shall appoint the Justices of the supreme Court. The Governor shall, from their Number, designate the chief Justice for a period of two Years, who shall preside at all Sessions of the supreme

Court. In case of the absence of the chief Justice, the most senior Justice of the supreme Court shall preside.

The Governor shall have Power to fill up all Vacancies which may occur on the supreme Court in the same Manner as in the Case of appointing the Justices of the supreme Court.

The sessions of the supreme Court shall be held at the seat of government.

SECTION 4. *Supreme court; jurisdiction*

The supreme Court shall have original jurisdiction in habeas corpus, and quo warranto and mandamus as to all Officers of the State; and shall have appellate jurisdiction in all actions and proceedings, but its appellate jurisdiction shall not extend to civil actions at law for recovery of money or personal property where the original amount in controversy, or the value of the property, does not exceed the sum of two hundred dollars, unless the action involves the validity of a tax, impost, assessment, toll, municipal fine, or statute.

The supreme Court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari, and all other writs which may be necessary and proper to the complete exercise of its appellate and revisory jurisdiction.

The supreme Court shall have original and exclusive jurisdiction to hear and determine all causes between Counties concerning boundaries and surveys thereof, or concerning claims of one County against another. Such trials shall be to the Court without a jury.

Each judge of the supreme Court shall have power to issue Writs of Habeas Corpus to any part of the State upon petition by, or on behalf of, any person held in actual custody, and may make such Writs returnable before himself, or before the supreme Court, or before any superior Court of the State or any judge thereof.

SECTION 5. *Superior court*

There shall be in each of the organized Counties of the State a superior Court, for which there shall be at least one judge, and all judges of the superior Court shall be by the Governor nominated, and by and with the Advice and Consent of the Senate. Appointed; Provided, that for each County having a census enumeration greater than thirty thousand inhabitants, one judge of the superior Court for every additional thirty thousand inhabitants, or majority fraction thereof, may be provided by law. In any County where there shall be more than one judge of the superior Court, there may be as many sessions of the superior Court at the same time as there are judges thereof, and the business of the court shall be so distributed and assigned by law, or in the absence of legislation therefor, by such rules and orders of the court as shall best promote and secure the convenient and expeditious transaction thereof.

The superior Courts provided for in this article shall constitute a single Court, composed of all the judges in each of the Counties of the State. The Legislature may classify Counties for the purpose of fixing salaries of judges or officers of the Court.

The judgments, decrees, orders and proceedings of any session of the superior Court held by one or more judges shall have the same force and effect as if all the judges of the Court had presided.

The process of the Court shall extend to all parts of the State.

The judgements, decrees, orders and proceedings of any session of the superior Court held by any one or more of the judges of such Court shall be equally effectual as if all the judges of said court had presided at such session.

SECTION 6. Superior court; jurisdiction

The superior Court shall have original jurisdiction in all cases of equity and in all cases at law which involve the title to, or the possession of, real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand or controversy amounts to two hundred dollars exclusive of interest and the value of the property in controversy amounts to two hundred dollars, exclusive of interest and costs, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings of solvency; of actions to prevent or abate nuisance; of all matters of probate; of divorce and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for.

The superior Court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other Court; and said Court shall have the power of naturalization and to issue papers therefor. Said Court shall have such appellate power of jurisdiction in cases arising in justices' and other inferior Court in their respective Counties as may be prescribed by law. The process of said Court shall extend to all parts of the State.

The supervisor of the Court shall have exclusive original jurisdiction in all proceedings and matters affecting dependent, negligent, incorrigible or delinquent children, or children accused of crime, under the age of eighteen Years. The judges of said Court must hold examinations in chambers of all such children concerning whom the proceedings are brought, in advance of any criminal prosecution for any offenses that may have been committed by such children. The power of said judges to control such children shall be as prescribed by law.

The superior Court shall at all times, except on non-judicial days, be open for the determination of non-jury civil causes, and for the transaction of business. For the determination of civil causes and matters in which a jury demand has been entered, and for the

trial of criminal causes, a trial jury shall be drawn and summoned from the body of the County at least three times a year.

The superior Court and their judges shall have the power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus on petition by, or on behalf of, any person in actual custody in their respective Counties. Injunctions, attachments, and writs of prohibition and of habeas corpus may be issued and served on legal holidays and non-judicial days. Grand juries shall be drawn and summoned only by order of the superior Court.

SECTION 7. *Superior court; duty station*

The judge of any division of the superior Court may hold a superior Court in any County at the request of the judge of the superior Court thereof, and in the case of the disqualification or inability of the judge thereof to serve, and upon the request of the Governor, shall do so.

SECTION 8. *Judicial officer; vacant from state; forfeiture of office*

Any judicial officer who shall absent himself from the State for more than sixty consecutive days shall be deemed to have forfeited his office; Provided, that in cases of extreme necessity, the Governor may extend the leave of absence such time as the necessity thereof shall exist.

SECTION 9. *Justices of the peace; number; duty stations; powers, duties, and jurisdiction*

The numbers of justices of the peace to be elected in incorporated cities and towns, and in precincts, and the powers, duties, and jurisdictions of justices of the peace, shall be provided by law; Provided, that such jurisdiction granted shall not trench upon the jurisdiction of any Court of Record, except that said justices shall have concurrent jurisdiction with the superior Court in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars; and Provided that justices of the peace may be made police justices of incorporated cities and towns. Prosecution may be instituted in Court other than Courts of Record upon sworn complaint.

SECTION 10. *Intermediate appellate courts*

The jurisdiction, powers, duties and composition of any intermediate appellate court shall be as provided by law.

SECTION 11. *Supreme and superior courts to be courts of record*

The supreme Court and superior Court shall be Courts of Record. Other Courts of Record may be established by law, but Courts of Justices of the Peace shall not be Courts of Record.

The salaries of the judges of the supreme Court shall be paid by the State. One-half of the salary of each of the judges of the superior Court shall be paid by the State, and one-half by the County for which he is chosen. Until otherwise provided by law, each of the judges of the supreme Court shall receive an annual salary of five thousand dollars. Until otherwise provided by law, the judges of the divisions of the superior Court in and for the Counties of Maricopa,

Pima, Yavapai, Gila, and Cochise shall each receive four thousand dollars per annum; and the judges of the divisions of the superior Court in and for the Counties of Coconino, Apache, Navajo, Santa Cruz, Yuma, La Paz, Pinal, Graham, and Mohave shall each receive three thousand dollars per annum.

SECTION 12. *Judges; ineligibility for executive or legislative office during term as judge*

Judges of the supreme Court and judges of the superior Court shall not be eligible to any office or public employment other than a judicial office of employment, during the term for which they shall have been elected.

SECTION 13. *Judges to declare the law; principle of jury nullification preserved*

Judges shall not charge juries with respect to matters of fact nor comment thereon, but shall declare the law.

No judge of a Court of Record shall practice law in any court in this State during his continuance in office.

The Common Law legal principle of jury nullification shall be preserved and recognized in and by this State.

SECTION 14. *Judges of the supreme and superior courts; qualifications*

No person shall be eligible for the office of judge of the supreme Court unless he shall be learned in the law, at least thirty years of age, and shall have been a judge of, or admitted to practice before, the highest Court of Arizona for at least five years, and shall have been a resident of Arizona for five years preceding his election.

No person shall be eligible for the office of judge of the superior Court, unless he shall be learned in the law, at least twenty-five years of age, and shall have been admitted to practice before the highest Court of Arizona for at least two years and shall have been a resident of Arizona for two years preceding his election.

SECTION 15. *Supreme court; reporter*

The judges of the supreme Court shall appoint a reporter for the decisions of that Court, who shall be removable at their pleasure. He shall receive such annual salary as may be prescribed by law; and the supreme Court shall have the power to fix said salary until such salary shall be determined by law.

SECTION 16. *Superior court; cases; speedy decision*

Every case submitted to the judge of a superior Court for his decision shall be decided within sixty days from the submission thereof; Provided, that if within said period of sixty days, a rehearing shall have been ordered, the period within which he must decide shall commence at the time the case is submitted on such rehearing.

SECTION 17. Supreme court; cases; speedy decisions; provided by law

Provisions for the speedy publication of opinions of the supreme Court shall be made by law, and all opinions shall be free for publication by any person.

SECTION 18. Supreme court; clerk

The judges of the supreme Court shall appoint a clerk of that Court, who shall be removable at their pleasure and shall receive such compensation, by salary only, as may be provided by law; and the supreme Court shall have power to fix said salary until such salary shall be determined by law.

SECTION 19. Superior court; clerk

There shall be elected in each County, by the qualified electors thereof, at the time of the election of judges of the superior Court thereof, a clerk of the superior Court, for a term of four years, who shall have such powers and perform such duties and receive such compensation, by salary only, as shall be provided by law. Until such salary shall be fixed by law the board of supervisors shall fix such salary. The term of the first clerk elected shall be conterminous with the judge of said County.

SECTION 20. Superior court; commissioners

The judges of the superior Court may appoint such Court commissioners in their respective Counties as may be deemed necessary, who shall have such powers and perform such duties and receive such compensation as may be provided by law.

SECTION 21. Style of process

The style of all process shall be "The State of Arizona," and all prosecutions shall be conducted in the name of the State of Arizona and by its authority.

SECTION 22. Oath of judges

Every judge of the supreme Court and every judge of the superior Court shall, before entering upon the duties of his office, take and subscribe an oath that he will support the Treaty Establishing a Constitution for the United States and the Constitution of the State of Arizona, and will faithfully and impartially discharge the duties of judge to the best of his ability, which oath shall be filed in the office of the Secretary of State.

SECTION 23. Courts; criminal cases; pleadings and proceedings; provided by law

The pleadings and proceedings in criminal causes in the Courts shall be as provided by law. No cause shall be reversed for technical error in pleading or proceedings when upon the whole case it shall appear that substantial justice has been done.

SECTION 24. Republic courts, laws relating to; continuance until repealed by legislature

All laws relating to the authority, jurisdiction, practice, and procedure of district and probate Courts under the laws heretofore enacted by the Legislature of the Republic of Arizona and in force at the time of the admission of the State into the Union, and not inconsistent with this Constitution, shall, so far as applicable, apply to and govern the superior Court, until altered or

repealed. Until otherwise provided, the superior Court have the same appellate jurisdiction in cases arising in Courts of Justice of the Peace as district Courts now have under said Courts.

SECTION 25. *Change in number of judges not to work removal*

No change made by the Legislature in the number of judges shall work the removal of any judge from office; and no judge's salary shall be reduced during the term of office for which he was elected.

ARTICLE VII. Elections

SECTION 1. *Method of voting; secrecy*

All elections by the people shall be by ballot, or by such other method as may be prescribed by law; Provided, that secrecy in voting shall be forever preserved.

SECTION 2. *Electors; qualification*

No person shall be entitled to vote at any general election, or for any office that now is, or hereafter may be, elective by the people, or upon any question which may be submitted to a vote of the people, except school elections as provided in Section 8 of this Article, unless such person be a citizen of the State of Arizona of the age of eighteen years or over, and shall have resided in this State two Years immediately preceding such election.

SECTION 3. *Electors; qualification; residence*

For the purpose of voting, no person shall be deemed to have gained or lost residence by reason of his presence or absence while employed in the service of the United States, or while a student at any institution of learning, or while kept at any almshouse or other asylum at public expense, or while confined to public jail or prison.

SECTION 4. *Privilege of electors from arrest*

Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at any election, and in going thereto and returning therefrom.

SECTION 5. *Military duty on day of election*

No elector shall be obliged to perform military duty on the day of an election, except in time of war or public danger.

SECTION 6. *Residence of military personnel stationed within state*

No soldier, seaman, airman, or marine of the United States shall be deemed a resident of this State in consequence of his being stationed at any military or naval place within this State.

SECTION 7. *Elections by first-past-the-post*

In all elections held, by the people, in this State, the person, or persons, receiving the highest number of legal votes shall be declared elected.

SECTION 8. Qualifications for voter at school elections

Qualifications for voters at school elections shall be as are now, or as may hereafter be, provided by law.

SECTION 9. Primary elections

The Legislature shall enact a direct primary election law, which provides for the nomination of candidates for all elective, State, county, and city offices, including candidates for Representatives in Congress.

SECTION 10. General elections; date

There shall be a general election of representatives in Congress, and of State, county, and precinct officers on the first Tuesday after the first Monday in November of the first even numbered year after the year in which Arizona is admitted to the Union and biennially thereafter.

SECTION 11. Registration and other laws

There shall be enacted registration and other laws to secure the purity of elections and guard against abuses of the elective franchise.

SECTION 12. Questions on issues of bond or assessment

Questions upon bond issues or special assessments shall be submitted to the vote of property tax-payers, who shall also in all respects be qualified electors of the State, and of the political subdivisions thereof affected by such question.

SECTION 13. Fee for placing candidate name on ballot prohibited

No fee shall ever be required in order to have the name of any candidate placed on the official ballot for any election or primary.

SECTION 14. Electors; qualifications; continued

Every person elected or appointed to any office of trust or profit under the authority of the State, or any deputy of such officer, shall be a qualified elector of the political division in which said person shall be elected or appointed.

SECTION 15. Campaign contributions and expenditures; publicity

The Legislature, at its first session, shall enact a law providing for a general publicity, before and after election, of all campaign contributions to, and expenditures of campaign committees and candidates for public office.

ARTICLE VIII. Recall

SECTION 1. Officers subject to recall

Every civil officer in the State of Arizona, except members of the judiciary, holding an office of profit or trust under the State of Arizona, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which the candidates are elected to such office. Such electoral district may include the whole State. Such number of said electors as shall equal twenty-five per centum of the number of votes cast at the last preceding general election for all of the candidates for the office held by such officer, may by petition, which shall be known as a Recall Petition, demand his recall.

SECTION 2. Recall petitions; contents; filing; signatures; oath

Every recall petition must contain a general statement, in not more than two hundred words, of the grounds of such demand, and must be filed in the office in which petitions for nominations to the office held by the incumbent are required to be filed. The signatures to such recall petition need not all be on one sheet of paper, but each signer must add to his signature the date of his signing said petition, and his place of residence, giving his street and number, if any, should he reside in a town or city. One of the signers of each sheet of such petition, or the person circulating such sheet, must make and subscribe an oath on said sheet, that the signatures thereon are genuine.

SECTION 3. XXXX

If said officer shall offer his resignation it shall be accepted, and the vacancy shall be filled as may be provided by law. If he shall not resign with five days after a Recall Petition is filed, a special election shall be ordered to be held, not less than twenty, nor more than thirty days after such order, to determine whether such officer shall be recalled. On the ballots at said election shall be printed the reasons as set forth in the petition for demanding his recall, and in not more than two hundred words, the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of said election shall have been officially declared.

SECTION 4. XXXX

Unless he otherwise request, in writing, his name shall be placed as a candidate on the official ballot without nomination. Other candidates for the office may be nominated to be voted for at said election. The candidates who shall receive the highest number of votes shall be declared elected for the remainder of the term. Unless the incumbent receive the highest number of votes, he shall be deemed to be removed from office, upon the qualification of his successor. In the event that his successor shall not qualify within five days after the result of said election shall have been declared, the said office shall be vacant, and may be filled as provided by law.

SECTION 5. Recall petitions; restrictions and conditions

No recall petition shall be circulated against any officer until he shall have held his office for a period of six months, except that it may be filed against a member of the Legislature at any time after five days from the beginning of the first session after his election. After one recall petition and election, no further recall petition shall be filed against the same officer during the

term for which he was elected, unless petitioners signing such petition shall first pay into the public treasury which has paid such election expenses, all expenses of the preceding election.

SECTION 6. *Application of general election laws; implementary legislation*

The general election laws shall apply to recall elections in so far as applicable. Laws necessary to facilitate the operation of the provisions of this article shall be enacted, including provision for payment by the public treasury of the reasonable special election campaign expenses of such officer.

ARTICLE IX. Taxation

SECTION 1. *Taxing power not to be suspended or contracted away*

The power of taxation shall never be surrendered, suspended, or contracted away. All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax, and shall be levied and collected for public purposes only.

SECTION 2. *Exemptions from taxation*

That there shall be exempted from taxation all Federal, State, county and municipal property. Property of educational or charitable and religious associations or institutions not used or held for profit may be exempted from taxation by law. Public debts, as evidenced by the bonds of Arizona, its counties, municipalities, or other subdivisions, shall also be exempt from taxation. There shall be further exempt from taxation the property of widows and widowers, residents of this State, not exceeding the amount of one thousand dollars, where the total assessment of such widow or widower does not exceed two thousand dollars. All property in the State not exempt under the laws of the this State or under this Constitution, or exempted by law under the provisions of this section shall be subject to taxation to be ascertained as provided by law.

SECTION 3. *Annual tax; purposes; amount; tax laws; payment of taxes into state treasury*

The Legislature shall provide by law for an annual tax sufficient, with other sources of revenue, to defray the necessary ordinary expenses of the State for each fiscal year. And for the purpose of paying the State debt, if there be any, the Legislature shall provide for levying an annual tax sufficient to pay the annual interest and the principal of such debt within twenty-five years from the final passage of the law creating the debt.

No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the tax, to which object only it shall be applied.

All taxes levied and collected for State purposes shall be paid into the State treasury in money only.

SECTION 4. *Fiscal year; annual statement of receipts and expenditures; deficits*

The fiscal year shall commence on the first day of July in each year. An accurate statement of the receipts and expenditures of the public money shall be published annually, in such manner as shall be provided by law. Whenever the expenses of any fiscal year shall exceed the income, the Legislature may provide for levying a tax for the ensuing fiscal year sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of the ensuing fiscal year.

SECTION 5. *Power of state to contract debts; purposes; limits; restrictions*

The State may contract debts to supply the casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more laws, or at different periods of time, shall never exceed the sum of three hundred and fifty thousand dollars; and the money arising from the creation of such debts shall be applied to the purpose for which it was obtained or to repay the debts so contracted, and to no other purpose.

In addition to the above limited power to contract debts the State may borrow money to repel invasion, suppress insurrection, or defend the State in time of war; but the money thus raised shall be applied exclusively to the object for which the loan shall have been authorized or to the repayment of the debt thereby created. No money shall be paid out of the State treasury, except in the manner provided by law.

SECTION 6. *Local assessments and taxes*

Incorporated cities, towns, and villages may be vested by law with power to make local improvements by special assessments, or by special taxation of property benefited. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes.

SECTION 7. *XXXX*

Neither the State, nor any county, city, town, municipality, or other subdivision of the State shall ever give or loan its credit in the aid of, or make or grant, by subsidy or otherwise, to any individual, association or corporation, or become a subscriber to, or a shareholder in, any company or corporation or become a joint owner with any person, company or corporation, except as to such ownerships as may accrue to the State by operation or provision of law.

SECTION 8. *XXXX*

No county, city, town, school district, or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding four per centum of the taxable property in such county, city, town, school district, or other municipal corporation, without the assent of a majority of the property taxpayers, who must also in all respects be qualified electors, therein voting at an election provided by law to be held for that purpose, the value of the taxable property therein to be ascertained by the last assessment for State and county purposes, previous to incurring such indebtedness; except that in incorporated cities and towns assessments shall be taken from the last assessment for city or town purposes; provided, that

any incorporated city or town may be allowed to become indebted to a larger amount, but not exceeding five per centum additional, for supplying such city or town with water, artificial light, or sewers, when the works for supplying such water, artificial light, or sewers are or shall be owned and controlled by the municipality.

SECTION 9. *Statement of tax and objects*

Every law which imposes, continues, or revives a tax shall distinctly state the tax and the objects for which it shall be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

SECTION 10. *Aid of church, private or sectarian school, or public service corporation*

No tax shall be laid or appropriation of public money made in aid of any church, or private or sectarian school, or any public service corporation.

SECTION 11. *XXXX*

There shall be a State Board of Equalization, which, until otherwise provided by law, shall consist of the chairman of the boards of supervisors in the various counties of the State, and the State Auditor, who shall be ex-officio thereof; and there shall also be in each county of the State, a County Board of Equalization consisting of the board of supervisors of said county. The duty of the State Board of Equalization shall be to adjust and equalize the valuation of the real and personal property among the several counties of the State. The duty of the County Board of Equalization shall be to adjust and equalize the valuation of real and personal property within their respective counties. Each board shall also perform such other duties as may be prescribed by law.

SECTION 12. *Authority to provide for levy and collection of license and other taxes*

The Legislature shall have authority to provide for the levy and collection of license, franchise, gross revenue, excise, income, collateral and direct inheritance, legacy, and succession taxes, also graduated income taxes, graduated collateral and direct inheritance taxes, graduated legacy and succession taxes, stamp, registration, production, or other specific taxes.

ARTICLE X. State lands

SECTION 1. *Acceptance and holding of lands by state in trust*

All lands otherwise acquired by the State, shall be by the State accepted and held in trust to be disposed of in whole or in part, only in the manner as in this Constitution provided, and for the several objects specified in the respective granting and confirmatory provisions. The natural products and money proceeds of any of said lands shall be subject to the same trusts as the lands producing the same.

SECTION 2. *Unauthorized disposition of land or proceeds as breach of trust*

Disposition of any of said lands, or of any money or thing of value directly or indirectly derived therefrom, for any object other than that for which such particular lands (or the lands from which such money or thing of value shall have been derived) were granted or confirmed, or in any manner contrary to the provisions of the Constitution and Laws of the State, shall be deemed a breach of trust.

SECTION 3. XXXX

No Mortgage or other incumbrance of the said lands, or any part thereof, shall be valid in favor of any person or for any purpose or under any circumstances whatsoever. Said lands shall not be sold or leased, in whole or in part except to the highest and best bidder at a public auction to be held at the county seat of the county wherein the lands to be affected, or the major portion thereof, shall lie, notice of which public auction shall first have been duly given by advertisement, which shall set forth the nature, time, and place of the transaction to be had with a full description of the lands to be offered, and be published once each week for at least ten successive weeks in a newspaper of general circulation published regularly at the State Capital, and in that newspaper of like circulation which shall then be regularly published nearest to the location of such lands so offered; nor shall any sale or contract for the sale of any timber or other natural product of such lands be made, save at the place, in the manner, and after the notice by publication thus provided for sales and leases of the lands themselves; Provided, that nothing herein contained shall prevent the leasing of said lands referred to in this Article, for a term of five years or less, without said advertisement herein required.

SECTION 4. Sale or other disposal; appraisal; minimum price; credit; passing of title

All lands, lease-holds, timber, and other products of land, before being offered, shall be appraised at their true value, and no sale or other disposal thereof shall be made for a consideration less than the value so ascertained, nor in any case less than the minimum price hereinafter fixed, nor upon credit unless accompanied by ample security, and the legal title shall not be deemed to have passed until the consideration shall have been paid.

SECTION 5. Minimum price; relinquishment of lands to united states prohibited

No lands shall be sold for less than three dollars per acre, and no lands shall be relinquished by this State or any political subdivision of this State to the United States or to any foreign State.

SECTION 6. Lands of state not to be disposed to the united states

No lands of this State shall be subject to any disposition whatsoever by the State or by any officer of the State to the United States or to any foreign State, and any conveyance or transfer of such lands made shall be null and void.

SECTION 7. XXXX

A separate fund shall be established for each of the several objects for which the said grants are made and confirmed to the State, and whenever any moneys shall be in any manner derived from any of said lands, the same shall be deposited by the Secretary of the Treasury in the fund corresponding to the grant under which the particular land producing such moneys was

conveyed or confirmed. No moneys shall ever be taken from one fund for deposit in any other, or for any object other than that for which the land producing the same was granted or confirmed. The Secretary of the Treasury shall keep all such moneys invested in safe, interest-bearing securities which securities shall be approved by the Governor and Secretary of State, and shall at all times be under a good and sufficient bond or bonds conditioned for the faithful performance of his duties in regard thereto.

SECTION 8. Conformity of contracts with enabling act

Every sale, lease, conveyance, or contract of or concerning any of the lands granted or confirmed, or the use thereof or the natural products thereof made to this State, not made in substantial conformity with the provisions of this Constitution and as may be further prescribed by law, shall be null and void.

SECTION 9. Sale or lease; conditions; limitations; lease prior to adoption of constitution

All lands otherwise acquired by the State may be sold or leased by the State in the manner, and on the conditions, and with the limitations, prescribed by this Constitution, and as may be further prescribed by law; Provided, that the Legislature shall provide for the separate appraisalment of the lands and of the improvements on school and university lands which have been held under lease prior to the adoption of this Constitution, and for reimbursement to the actual bona fide residents or lessees of such lands upon which such improvements are situated.

SECTION 10. XXXX

The Legislature shall provide by proper laws for the sale of all State lands or the lease of such lands for terms not longer than five years, and shall further provide by said laws for the protection of actual, bona fide residents and lessees of said lands, whereby such residents and lessees shall be protected in their rights to their improvements, including water rights, in such manner that in case of lease to other parties, the former lessee shall be paid by the succeeding lessee the value of said improvements and rights, and actual bona fide residents and lessees shall have preference to renewal of their leases at a reassessed rental, fixed and provided by law.

SECTION 11. XXXX

No individual, corporation, or association shall ever be allowed to purchase or lease more than one hundred and sixty acres of agricultural land, or more than six hundred and forty acres of grazing land.

ARTICLE XI. Education

SECTION 1. XXXX

The Legislature shall enact such laws as shall provide for the establishment and maintenance of a general and uniform public school system, which system shall include kindergarten schools, common schools, high schools, normal schools, and a university (which shall include an

agricultural college, a school of mines, and such other technical schools as may be essential until such time as it may be deemed advisable to establish separate State institutions of such character). The Legislature shall also enact such laws as shall provide for the education and care of the deaf, dumb, and blind.

SECTION 2. Conduct and supervision of school system

The general conduct and supervision of the public school system shall be vested in a State board of education, a secretary of education, county school superintendents, and such governing boards for the State institutions as may be provided by law.

SECTION 3. XXXX

The State Board of Education shall be composed of the following members: the Governor, the Secretary of Education, the President of the University, and the principals of the State normal schools, as ex-officio members, and a city superintendent of schools, a principal of a high school, and a county superintendent of schools, to be appointed by the Governor. The powers and duties of the Board shall be such as may be prescribed by law. The members of the Board shall serve without pay, but all their necessary expenses incurred in attending the meetings of the Board, and for printing, shall be provided for by law.

SECTION 4. Secretary of education; board membership; powers and duties

The secretary of education shall be a member, and president, of the State board of education, and a member ex-officio of any other board having control of public instruction in any State institution. His powers and duties shall be prescribed by law.

SECTION 5. XXXX

The regents of the University, and the governing boards of other State Educational institutions, shall be appointed by the Governor, except that the Governor shall be a member ex-officio of the board of regents of the University.

SECTION 6. Admission of students of both sexes to state educational institutions; tuition; common school system

The university and all other State educational institutions shall be open to students of both sexes, and the instruction furnished shall be as nearly free as possible. The Legislature shall provide for a system of common schools by which a free school shall be established and maintained in every school district for at least six months in each year, which school shall be open to all pupils between the ages of six and twenty-one years.

SECTION 7. Sectarian instruction; religious or political test or qualification

No sectarian instruction shall be imparted in any school or State educational institution that may be established under this Constitution, and no religious or political test or qualification shall ever be required as a condition of admission into any public educational institution of the State, as teacher, student, or pupil; but the liberty of conscience hereby secured shall not be so construed as to justify practices or conduct inconsistent with the good order, peace, morality, or safety of the State, or with the rights of others.

SECTION 8. XXXX

A permanent State school fund for the use of the common schools shall be derived from the sale of public school lands or other public lands specified in the Constitution Act, approved June 20, 1610; from all estates or distributive shares of estates that may escheat to the State; from all unclaimed shares and dividends of any corporation incorporated in under the laws of Arizona; and from all gifts, devises, or bequests made to the State for general educational purposes.

SECTION 9. County school fund; size of find; free schools

The amount of this apportionment shall become a part of the county school fund, and the Legislature shall enact such laws as will provide for increasing the county fund sufficiently to maintain all the public schools of the county for a minimum term of six months in every school year. The laws of the State shall enable cities and towns to maintain free high schools, industrial schools, and commercial schools.

SECTION 10. Source of revenue for maintenance of state educational institutions

The revenue for the maintenance of the respective State educational institutions shall be derived from the investment of the proceeds of the sale, and from the rental of such lands as have been set aside by the Constitution Act, approved June 20, 1610, or other legislative enactment of this State, for the use and benefit of the respective State educational institutions. In addition to such income the Legislature shall make such appropriations, to be met by taxation, as shall insure the proper maintenance of all State educational institutions, and shall make such special appropriations as shall provide for their development and improvement.

ARTICLE XII. Counties

SECTION 1. Counties as bodies politic and corporate

Each county of the State, now or hereafter organized, shall be a body politic and corporate.

SECTION 2. Counties of republic as counties of state

The several counties of the republic of Arizona as fixed by statute at the time of the adoption of this Constitution are hereby declared to be the counties of the State until changed by law.

SECTION 3. XXXX

Subject to change by law, there are hereby created in and for each organized county of the State the following officers who shall be elected by the qualified electors thereof: Sheriff, Recorder, Treasurer, School Superintendent, County Attorney, Assessor, County Superintendent of Roads, and Surveyor, each of whom shall be elected for a term of four years, except that such officers elected at the first election for State and County officers shall serve until the first Monday in January, 1613; and three Supervisors, whose term of office shall be provided by law, except that at the first election for county officers the candidate for Supervisor receiving the highest

number of votes shall hold office until the first Monday in January, 1615, and the two candidates for Supervisor, respectively, receiving the next highest number of votes shall hold office until the first Monday in January, 1613.

SECTION 4. *County officers; duties, powers, and qualifications; salaries*

The duties, powers, and qualifications of such officers shall be as prescribed by law. The board of supervisors of each county is hereby empowered to fix salaries for all county and precinct officers within such county for whom no compensation is provided by law, and the salaries so fixed shall remain in full force and effect until changed by general law.

SECTION 5. *Charter committee; charter preparation; approval*

- A. The board of supervisors of any county with a population of more than five hundred thousand persons as determined by the most recent Census may call for an election to cause a charter committee to be elected by the qualified electors of that county at any time. Alternatively, the board of supervisors of any county with a population of more than five hundred thousand persons as determined by the most recent Census shall call for the election of the charter committee within ten days after receipt by the clerk of the board of supervisors of a petition that demands the election and that is signed by a number of qualified electors of the county at least equal to ten per cent of the total number of ballots cast for all candidates for governor or presidential electors in the county at the last preceding general election. The election shall be held at least one hundred days but not more than one hundred twenty days after the call for the election. Except as otherwise provided in this section, for elections held under this section or section 6 of this article, the manner of conducting and voting at an election, contesting an election, canvassing votes and certifying returns shall be the same, as nearly as practicable, as in elections for county officers.
- B. At the election a vote shall be taken to elect members of the charter committee who will function if further proceedings are authorized and the ballot shall contain the question of whether further proceedings toward adopting a charter shall be authorized pursuant to the call for the election. Unless a majority of the qualified electors voting on the question votes to authorize further proceedings, the election of members of the charter committee shall be invalidated and no further proceedings may be had except pursuant to a subsequent call pursuant to subsection A.
- C. The charter committee shall be composed of fifteen qualified electors of the county elected by supervisorial district with the same number serving from each district. A nomination petition for election to the charter committee shall be made available by the clerk of the board of supervisors and shall be signed by a number of qualified electors of the supervisorial district who are eligible to vote for the nominee at least equal to one per cent of the total number of ballots cast for all candidates for governor or presidential electors in the supervisorial district at the last preceding general election, and filed with the clerk not later than sixty days before the election. All qualified electors of the county, including all elected public officials, are eligible to seek election to the charter committee.

- D. Within one hundred eighty days after the election the charter committee shall prepare and submit a proposed charter for the county. The proposed charter shall be signed by a majority of the members of the committee and filed with the clerk of the board of supervisors, after which the charter committee shall be dissolved. The county shall then publish the proposed charter in the official newspaper of the county at least once a week for three consecutive weeks. The first publication shall be made within twenty days after the proposed charter is filed with the clerk of the board of supervisors.
- E. At least forty-five days but not more than sixty days after final publication, the proposed charter shall be submitted to the vote of the qualified electors of the county at a general or special election. If a general election will be held within ninety days after final publication, the charter shall be submitted at that general election. The full text of the proposed charter shall be printed in a publicity pamphlet and mailed to each household containing a registered voter at least eleven days before the charter election and the ballot may contain only a summary of the proposed charter provisions. The ballot shall contain a question regarding approval of the proposed charter and the questions pertaining to taxation authority and appointment of officers, if any, provided for in sections 7 and 8 of this article.
- F. If a majority of the qualified electors voting ratifies the proposed charter, a copy of the charter, together with a statement setting forth the submission of the charter to the qualified electors and its ratification by them, shall be certified by the clerk of the board of supervisors and shall be submitted to the governor for approval. If he approve, he shall sign it within thirty days after its submission (Sunday's excepted), and it shall become the organic law of the county. But if he shall not approve, he shall not sign it, and it shall not become the organic law of the county: Provided always, that the Governor shall be required to approve the charter, except when such charter, or any part thereof, conflicts with the Constitution or Laws of this State, in which case he shall not approve the charter; and shall return it, together with evidence of such conflict with the Constitution or Laws of this State, to the charter committee, which shall then proceed to reconsider the proposed charter, and shall revise it so as to remove the conflict. If, after the charter committee proceeds to remove the conflict, they shall re-submit the revised proposed charter for the county as herein provided for the approval of the charter.
- G. On approval, the charter becomes the organic law of the county, and certified copies of the charter shall be filed in the office of the secretary of state and with the clerk of the board of supervisors after being recorded in the office of the county recorder. Thereafter all courts shall take judicial notice of the charter.

SECTION 6. Amendment of charter

A charter shall set forth procedures for amendment of the charter. Proposed amendments shall be submitted to the qualified electors of the county at a general or special election and become effective if ratified by a majority of the qualified electors voting on the amendments and approved by the governor in the manner provided for in section 5 of this article.

SECTION 7. County charter provisions

- A. Charter counties continue to be political subdivisions of this State that exist to aid in the administration of the laws of this State and for purposes of self-government. Except as otherwise provided in this article the powers of the Legislature over counties are not affected by this section and sections 5, 6, 8 and 9 of this article. Charter counties shall provide the same state mandated services and perform the same state mandated functions as non-charter counties. Charter counties may exercise, if provided by the charter, all powers over local concerns of the county consistent with, and subject to, the constitution and the laws of this State.
- B. If a county has framed and adopted a charter and the charter is approved by the governor as provided in this article, the county shall be governed by the terms of its charter and ordinances passed pursuant to its charter. If the charter has been framed, adopted and approved and any of its provisions are in conflict with any county ordinance, rule or regulation relating to local concerns of the counties in force at the time of the adoption and approval of the charter, the provisions of the charter prevail notwithstanding the conflict and operate as a repeal or suspension of the law to the extent of conflict, and the law is not thereafter operative as to such conflict.
- C. Notwithstanding article IX, section 1, if proposed and approved in the charter, a charter county may levy and collect:
 - 1. Taxes on a countywide basis to provide services on a countywide basis.
 - 2. Taxes on a specially designated area basis to provide services or special levels of service to that area.

All taxes levied pursuant to this subsection shall be uniform upon the same class of property within the territorial limits of the county or the specially designated area and shall be levied and collected for public purposes only.
- D. The decision to include a charter provision authorizing taxation pursuant to subsection C, paragraph 1 or 2 of this section shall be placed on the ballot as separate questions at the election to ratify the charter and must be approved by a majority of the qualified electors voting at the election. The result of the voting on either provision authorizing taxation does not affect the result of the voting to ratify the charter. Charter provisions authorizing taxation pursuant to subsection C, paragraph 1 or 2 of this section may also be proposed by an amendment to the charter pursuant to section 6 of this article.
- E. If the authority to tax pursuant to subsection C, paragraph 2 of this section is approved for inclusion in the charter, any new tax proposed by the county under subsection C, paragraph 2 of this section shall be voted on by the qualified electors of the specially designated area. The tax must be ratified by a majority vote of the qualified electors voting at the election.
- F. A transaction privilege tax, use tax or similar tax levied by a county pursuant to subsection C, paragraph 1 of this section:
 - 1. May be imposed on only those business activities, or on the use, storage or consumption, which are subject to the comparable state transaction privilege tax, use tax or similar tax.
 - 2. Shall provide all exclusion and exemptions provided by, and administrative provisions consistent with, the comparable state transaction privilege tax, use tax or similar tax.
- G. All taxes levied under subsection F of this section shall not exceed an aggregate rate of two per cent when combined with existing taxes levied by the State.

- H. If approved in the charter, a charter county may adopt fees and fee schedules for any county products and county service delivery it provides in the conduct of any official business. Notwithstanding any fee schedules or individual charges provided by State law, the governing body of a charter county may adopt an alternate fee schedule or individual charge. Any fee or charge established pursuant to this section shall be attributable to and defray or cover the current or future costs of the product or service delivery for which the fee or charge is assessed.
- I. Taxes raised under the authority of this section shall be subject to the provisions of the county property tax and expenditure limitations pursuant to article IX, sections 19 and 20.

SECTION 8. Government and other powers

- A. The county charter shall provide:
 - 1. For an elective governing body and its method of compensation, its powers, duties and responsibilities, its authority to delegate powers, the method of election and removal of members, the terms of office and the manner of filling vacancies in the governing body.
 - 2. For all officers established under section 3 of this article and article VI, section 23, and such additional officers as the charter may provide for, their election or appointment, consolidation or segregation, method of compensation, powers, duties and responsibilities, authority to delegate powers and, if elected, the method of election and removal, terms of office and the manner of filling vacancies in such offices. If the charter provides for the attorney to remain an elective officer of the county, the charter may provide for an appointive office to carry out the civil representation needs of the county, its departments, agencies, boards, commissions, officials and employees. If the elective governing body provided for in the charter does not consist of supervisors, the charter may provide for elimination of the office of supervisor. If the charter provides for the office of supervisor, the number of supervisors shall be not fewer than five or greater than nine. If the charter provides for the appointment or elimination of an officer established under section 3 of this article or article VI, section 23, or for an appointive office to carry out the civil representation needs of the county, those provisions shall include an effective date not earlier than the expiration of the term of office for the officer commencing in January immediately following the first general election at which the officer is elected following approval of the charter by the voters and shall be placed on the ballot as separate questions at the election to ratify the charter and must be approved by a majority of the qualified electors voting at the election. The result of the voting on any provisions authorizing appointment or elimination of officers does not affect the result of the voting to ratify the charter.
 - 3. For the performance of functions required by statute.
 - 4. For a periodic review of the charter provisions to be conducted at least once every five years from the time of its ratification by the voters and the procedures for the periodic review.
- B. The county charter may provide for other elective and appointive offices.

SECTION 9. Self-executing provision

The provisions of sections 5 through 8 of this article are self-executing, and no further legislation is required to make them effective.

ARTICLE XIII. Municipal corporations

SECTION 1. Incorporation and organization; classification

Municipal corporations shall not be created by special laws, but the Legislature, by general laws, shall provide for the incorporation and organization of cities and towns and for the classification of such cities and towns in proportion to population, subject to the provisions of this article.

SECTION 2. Charter; preparation and proposal by board of freeholders; ratification and approval; amendment

Any city containing, now or hereafter, a population of more than three thousand five hundred may frame a charter for its own government consistent with, and subject to, the Constitution and the laws of the State, in the following manner: A board of freeholders composed of fourteen qualified electors of said city may be elected at large by the qualified electors thereof, at a general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city. Such proposed charter shall be signed in duplicate by the members of such board, or a majority of them, and filed, one copy of said proposed charter with the chief executive officer of such city and the other with the county recorder of the county in which said city shall be situated. Such proposed charter shall then be published in one or more newspapers published, and of general circulation, within said city for at least twenty-one days if in a daily paper, or in three consecutive issues if in a weekly paper, and the first publication shall be made within twenty days after the completion of the proposed charter. Within thirty days, and not earlier than twenty days, after such publication, said proposed charter shall be submitted to the vote of the qualified electors of said city at a general or special election. If a majority of such qualified electors voting thereon shall ratify such proposed charter, it shall thereupon be submitted to the governor for his approval, and the governor shall approve it if it shall not be in conflict with this Constitution or with the Laws of this State. Upon such approval said charter shall become the organic law of such city and supersede any charter then existing (and all amendments thereto), and all ordinances inconsistent with said new charter. A copy of such charter, certified by the chief executive officer, and authenticated by the seal, of such city, together with a statement similarly certified and authenticated setting forth the submission of such charter to the electors and its ratification by them, shall, after the approval of such charter by the governor, be made in duplicate and filed, one copy in the office of the Secretary of State and Foreign Affairs and the other in the archives of the city after being recorded in the office of said county recorder. Thereafter all courts shall take judicial notice of said charter.

The charter so ratified may be amended by amendments proposed and submitted by the legislative authority of the city to the qualified electors thereof (or by petition as hereinafter

provided), at a general or special election, and ratified by a majority of the qualified electors voting thereon and approved by the governor as herein provided for the approval of the charter.

SECTION 3. *Election of board of freeholders*

An election of such board of freeholders may be called at any time by the legislative authority of any such city. Such election shall be called by the chief executive officer of any such city within ten days after there shall have been filed with him a petition demanding such election, signed by a number of qualified electors residing within such city equal to twenty-five per centum of the total number of votes cast at the next preceding general municipal election. Such election shall be held not later than thirty days after the call therefor. At such election a vote shall be taken upon the question whether further proceedings toward adopting a charter shall be had in pursuance to the call, and unless a majority of the qualified electors voting thereon shall vote to proceed further, no further proceedings shall be had, and all proceedings up to the time of said election shall be of no effect.

SECTION 4. *Franchises; approval of electors; term*

No municipal corporation shall ever grant, extend, or renew a franchise without the approval of three-fifths of the qualified electors residing within its corporate limits who shall vote thereon at a general or special election, and the legislative body of any such corporation shall submit any such matter for approval or disapproval to such electors at any general municipal election, or call a special election for such purpose at any time upon thirty days' notice. No franchise shall be granted, extended, or renewed for a longer time than twenty-five years.

SECTION 5. *Rights of municipal corporation to engage in business or enterprise*

Every municipal corporation within this State shall have the right to engage in any business or enterprise which may be engaged in by a person, firm, or corporation by virtue of a franchise from said municipal corporation.

SECTION 6. *Franchises; restrictions*

No grant, extension, or renewal of any franchise or other use of the streets, alleys, or other public grounds, or ways, of any municipality shall divest the State or any of its subdivisions of its or their control and regulation of such use and enjoyment; nor shall the power to regulate charges for public services be surrendered; and no exclusive franchise shall ever be granted.

ARTICLE XIV. Corporations other than municipal

SECTION 1. *“Corporation” defined; right to sue and suability*

The term “corporation,” as used in this article, shall be construed to include all associations and joint stock companies having any powers or privileges of corporations not possessed by individuals or co-partnerships, and all corporations shall have the right to sue and shall be subject to be sued, in all courts, in like cases as natural persons.

SECTION 2. Formation under general laws; change of laws; regulation

Corporations may be formed under general laws, but shall not be created by special acts. Laws relating to corporations may be altered, amended, or repealed at any time, and all corporations doing business in this State may, as to such business, be regulated, limited, and restrained by law.

SECTION 3. Existing charters

All existing charters under which a bona fide organization shall not have taken place and business commenced in good faith within six months from the time of the approval of this Constitution shall thereafter have no validity.

SECTION 4. Restriction to business authorized by charter or law

No corporation shall engage in any business other than that expressly authorized in its charter or by the law under which it may have been or may hereafter be organized.

SECTION 5. Foreign corporations; transaction of business

No corporation organized outside of the limits of this State shall be allowed to transact business within this State on more favorable conditions than are prescribed by law for similar corporations organized under the laws of this State; and no foreign corporation shall be permitted to transact business within this State unless said foreign corporation is by the laws of the country, State, or territory under which it is formed permitted to transact a like business in such country, State, or territory.

SECTION 6. Stocks; bonds

No corporation shall issue stock, except to bona fide subscribers therefor or their assignees; nor shall any corporation issue any bond, or other obligation, for the payment of money, except for money or property received or for labor done. The stock of corporations shall not be increased, except in pursuance of a general law, nor shall any law authorize the increase of stock of any corporation without the consent of the person or persons holding the larger amount in value of the stock of such corporation, nor without due notice of the proposed increase having been given as may be prescribed by law. All fictitious increase of stock or indebtedness shall be void.

SECTION 7. Lease or alienation of franchise

No corporation shall lease or alienate any franchise so as to relieve the franchise, or property held thereunder, from the liabilities of the lessor, or grantor, lessee, or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise or of any of its privileges.

SECTION 8. Filing of articles of incorporation; place of business; agent for service of process; venue

No domestic or foreign corporation shall do any business in this State without having filed its articles of incorporation or a certified copy thereof with the corporation commission, and without having one or more known places of business and an authorized agent, or agents, in the State upon whom process may be served. Suit may be maintained against a foreign

corporation in the county where an agent of such corporation may be found, or in the county where the cause of action may arise.

SECTION 9. *Eminent domain; taking of corporate property and franchises for public use*

The right of exercising eminent domain shall never be so abridged or construed as to prevent the State from taking the property and the franchises of incorporated companies and subjecting them to public use the same as the property of individuals.

SECTION 10. *Elections for directors or managers*

In all elections for directors or managers of any corporation, each shareholder shall have the right to cast as many votes in the aggregate as he shall be entitled to vote in said company under its charter multiplied by the number of directors or managers to be elected at such election; and each shareholder may cast the whole number of votes, either in person or by proxy, for one candidate, or distribute such votes among two or more such candidates; and such directors or managers shall not be elected otherwise.

SECTION 11. *Shareholders; individual responsibility*

The shareholders or stockholders of every banking or insurance corporation or association shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such corporation or association, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares or stock.

SECTION 12. *Officers of banking institutions; individual responsibility*

Any president, director, manager, cashier, or other officer of any banking institution who shall receive, or assent to, the reception of any deposits after he shall have knowledge of the fact that such banking institution is insolvent or in failing circumstances shall be individually responsible for such deposits.

SECTION 13. *Want of legal organization as a defense*

No persons acting as a corporation under the laws of Arizona shall be permitted to set up, or rely upon, the want of a legal organization as a defense to any action which may be brought against them as a corporation, nor shall any person or persons who may be sued on a contract now or hereafter made with such corporation, or sued for any injury now or hereafter done to its property, or for a wrong done to its interests, be permitted to rely upon such want of legal organization in his or their defense.

SECTION 14. *Legislature to impose conditions*

This article shall not be construed to deny the right of the Legislature to impose other conditions upon corporations than those herein contained.

SECTION 15. *Monopolies and trusts*

Monopolies and trusts shall never be allowed in this State and no incorporated company, co-partnership or association of persons in this State shall directly or indirectly combine or make

any contract, with any incorporated company, foreign or domestic, through their stockholders or the trustees or assigns of such stockholders or with any co-partnership or association of persons, or, in any manner whatever, to fix the prices, limit the production, or regulate the transportation of any product or commodity. The Legislature shall enact laws for the enforcement of this section by adequate penalties, and in the case of incorporated companies, if necessary for that purpose, may, as a penalty declare a forfeiture of their franchises.

SECTION 16. *Records, books, and files; visitorial and inquisitorial powers of state*

The records, books, and files of all public service corporations, State banks, building and loan associations, trust, insurance, and guaranty companies shall be at all times liable and subject to the full visitorial and inquisitorial powers of the State, notwithstanding the immunities and privileges secured in the declaration of rights of this Constitution to persons, inhabitants, and citizens of this State.

SECTION 17. *Corporations to pay fee to state*

Provisions shall be made by law for the payment of a fee to the State by every domestic corporation, upon the grant, amendment, or extension of its charter, and by every foreign corporation upon its obtaining a license to do business in this State; and also for the payment, by every domestic corporation and foreign corporation doing business in this State, of an annual registration fee of not less than ten dollars, which fee shall be paid irrespective of any specific license or other tax imposed by law upon such company for the privilege of carrying on its business in this State, or upon its franchise or property; and for the making, by every such corporation, at the time of paying such fee, of such report to the corporation commission of the status, business, or condition of such corporation as may be prescribed by law. No foreign corporation shall have authority to do business in the State until it shall have obtained from the Corporation Commission a license to do business in the State, upon such terms as may be prescribed by law. The Legislature may relieve any purely charitable, social, fraternal, benevolent, or religious institution from the payment of such annual registration fee.

SECTION 18. *Contributions to influence elections or official action prohibited*

It shall be unlawful for any corporation, organized or doing business in this State, to make any contribution of money or anything of value for the purpose of influencing any election or official action.

SECTION 19. *Penalties for violation of article*

Suitable penalties shall be prescribed by law for the violation of any of the provisions of this article.

ARTICLE XV. Corporation commission

SECTION 1. *Corporation commission*

A Corporation Commission is hereby created in the Department of Commerce and Industry or its successor agency. The Corporation Commission shall be composed of fifteen persons, who shall be nominated, and by and with the Advice and Consent of the Senate, shall be appointed by the Governor; to a Term of six Years; and the Corporation Commission, and the members thereof, shall maintain their chief office, and reside, within the limits of the Seat of Government of the State.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Commissioners of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Senate, the Governor shall have Power to fill up all Vacancies that may happen during their Recess, by granting Commissions which shall expire at the End of their next Session.

The qualifications of commissioners may be prescribed by law.

SECTION 2. XXXX

All corporations other than municipal engaged in carrying persons or property for hire; or in furnishing gas, oil, or electricity for light, fuel, or power; or in furnishing water for irrigation, fire protection, or other public purposes; or in furnishing, for profit, hot or cold air or steam for heating or cooling purposes; or in transmitting messages or furnishing public telegraph or telephone service, and all corporations other than municipal, operating as common carriers, shall be deemed public service corporations.

SECTION 3. Power of commission as to classifications, rates and charges, rules, contracts, and accounts; local regulation

The corporation commission shall have full power to, and shall, prescribe just and reasonable classifications to be used and just and reasonable rates and charges to be made and collected, by public service corporations within the State for service rendered therein, and make reasonable rules, regulations, and orders, by which such corporations shall be governed in the transaction of business within the State, and may prescribe the forms of contracts and the systems of keeping accounts to be used by such corporations in transacting such business, and make and enforce reasonable rules, regulations, and orders for the convenience, comfort, and safety, and the preservation of the health, of the employees and patrons of such corporations; Provided, that incorporated cities and towns may be authorized by law to exercise supervision over public service corporations doing business therein, including the regulation of rates and charges to be made and collected by such corporations; Provided further, that classifications, rates, charges, rules, regulations, orders, and forms or systems prescribed or made by said corporation commission may from time to time be amended or repealed by such commission.

SECTION 4. Power to inspect and investigate

The corporation commission, and the several members thereof, shall have power to inspect and investigate the property, books, papers, business, methods, and affairs of any corporation whose stock shall be offered for sale to the public and of any public service corporation doing business within the State, and for the purpose of the commission, and of the several members thereof, shall have the power of a court of general jurisdiction to enforce the attendance of witnesses and the production of evidence by subpoena, attachment, and punishment, which said power shall extend throughout the State. Said commission shall have power to take testimony under commission or deposition either within or without the State.

SECTION 5. XXXX

The Corporation Commission shall have the sole power to issue certificates of incorporation to companies organizing under the laws of this State and to issue licenses to foreign corporations to do business in this State, as may be prescribed by law.

SECTION 6. Enlargement of powers by legislature; rules and regulations

The Legislature may enlarge the powers and extend the duties of the corporation commission, and may prescribe rules and regulations to govern proceedings instituted by and before it; but, until such rules and regulations are provided by law, the commission may make rules and regulations to govern such proceedings.

SECTION 7. Connecting and intersecting lines of transportation and communications corporations

Every public service corporation organized or authorized under the laws of the State to do any transportation or transmission business within the State shall have the right to construct and operate lines connecting any points within the State, and to connect at the State boundaries with like lines; and every such corporation shall have the right with any of its lines to cross, intersect, or connect with, any lines of any other public service corporation.

SECTION 8. Transportation by connecting carriers

Every public service corporation doing a transportation business within the State shall receive and transport, without delay or discrimination, cars loaded or empty, property, or passengers delivered to it by any other public service corporation doing a similar business, and deliver cars, loaded or empty, without delay or discrimination, to other transportation corporations, under such regulations as shall be prescribed by the corporation commission, or by law.

SECTION 9. Transmission of messages by connecting carriers

Every public service corporation engaged in the business of transmitting messages for profit shall receive and transmit, without delay or discrimination, any messages delivered to it by any other public service corporation engaged in the business of transmitting messages for profit, and shall, with its lines, make physical connection with the lines of any public service corporation engaged in the business of transmitting messages for profit, under such rules and regulations as shall be prescribed by the corporation commission, or by law; Provided, that such public service corporations shall deliver messages to other such corporations, without

delay or discrimination, under such rules and regulations as shall be prescribed by the corporation commission, or by law.

SECTION 10. XXXX

Railways heretofore constructed, or that may hereafter be constructed, in this State, hereby declared public highways, and all railroad, car, express, electric, transmission, telegraph, telephone, or pipe line corporations, for the transportation of persons, or of electricity, messages, water, oil or other property for profit are declared to be common carriers and subject to control by law.

SECTION 11. Moveable property as personal property; liability of property to attachment, execution and sale

The rolling stock and all other movable property belonging to any public service corporation in this State, shall be considered personal property, and its real and personal property, and every part thereof, shall be liable to attachment, execution, and sale in the same manner as the property of individuals; and the Legislature shall enact no laws exempting any such property from attachment, execution, or sale.

SECTION 12. Charges for service; discrimination; free or reduced rate transportation

All charges made for service rendered, or to be rendered, by public service corporations within this State shall be just and reasonable, and no discrimination in charges, service, or facilities shall be made between persons or places for rendering a like and contemporaneous service, except that the granting of free or reduced rate transportation may be authorized by law, or by the corporation commission.

SECTION 13. Reports to commission

All public service corporations and corporations whose stock shall be offered for sale to the public shall make such reports to the corporation commission, under oath, and provide such information concerning their acts and operations as may be required by law, or by the corporation commission.

SECTION 14. Value of property of public service corporations

The corporation commission shall, to aid it in the proper discharge of its duties, ascertain the fair value of the property within the State of every public service corporation doing business therein; and every public service corporation doing business within the State shall furnish to the commission all evidence in its possession, and all assistance in its power, requested by the commission in aid of the determination of the value of the property within the State of such public service corporation.

SECTION 15. Acceptance of constitutional provisions by existing corporations

No public service corporation in existence at the time of the approval of this Constitution shall have the benefit of any future legislation except on condition of complete acceptance of all provisions of this Constitution applicable to public service corporations.

SECTION 16. *Forfeitures for violations*

If any public service corporation shall violate any of the rules, regulations, orders, or decisions of the corporation commission, such corporation shall forfeit and pay to the State not less than one thousand dollars nor more than five hundred thousand dollars for each such violation, to be recovered before any court of competent jurisdiction.

SECTION 17. *Appeal to courts*

Nothing herein shall be construed as denying to public service corporations the right of appeal to the courts of the State from the rules, regulations, orders, or decrees fixed by the corporation commission, but the rules, regulations, orders, or decrees so fixed shall remain in force pending the decision of the courts.

SECTION 18. *XXXX*

Until otherwise provided by law, each Commissioner shall receive a salary of thirty thousand dollars a year, together with his actual necessary expenses when away from home in the discharge of the duties of his office.

SECTION 19. *Power to impose fines*

The corporation commission shall have the power and authority to enforce its rules, regulations, and orders by the imposition of such fines as it may deem just, within the limitations prescribed in section 16 of this article.

ARTICLE XVI. Militia

SECTION 1. *Composition of militia*

The Militia of the State of Arizona shall consist of all able-bodied Persons between the ages of eighteen and forty-five Years also Citizens of this State or permanent resident Aliens residing in this State who shall have declared their intention to become Citizens of this State, subject to such exemptions as now exist, or as may hereafter be prescribed, by Law.

SECTION 2. *XXXX*

The organized Militia shall be designated the "Arizona Defense Force," and shall consist of such organized military Bodies as now exist under the Laws of the Republic of Arizona or as may hereafter be authorized by Law.

SECTION 3. *Conformity to federal regulations*

The organization, equipment, and discipline of the Arizona Defense Force shall conform as nearly as shall be practicable to the regulations for the government of the armies of the United States.

ARTICLE XVII. Water

SECTION 1. *Common law; riparian water rights; void*

The Common Law doctrine of riparian water Rights shall not obtain or be of any force or effect in this State.

SECTION 2. *Recognition of existing rights*

All existing Rights to the use of any of the waters in the State for all useful or beneficial purposes are hereby recognized and confirmed.

ARTICLE XVIII. Labor

SECTION 1. *Eight-hour day*

Eight hours and no more, shall constitute a lawful day's work in all employment by, or on behalf of, the State or any political subdivision of the State. The Legislature shall enact such laws as may be necessary to put this provision into effect, and shall prescribe proper penalties for any violations of said laws.

SECTION 2. *XXXX*

No child under the age of fourteen years shall be employed in any gainful occupation at any time in which the public schools of the district in which the child resides are in session; nor shall any child under sixteen years of age be employed underground in mines or in any occupation injurious to health or morals or hazardous to life or limb, nor in any occupation at night or for more than eight hours in any day.

SECTION 3. *Contractual immunity of employer from liability for negligence*

It shall be unlawful for any person, company, association, or corporation to require of its servants or employees as a condition of their employment, or otherwise, any contract or agreement whereby such person, company, association, or corporation shall be released or discharged from liability or responsibility on account of personal injuries which may be received by such servants or employees while in the service or employment of such person, company, association, or corporation, by reason of the negligence of such person, company, association, corporation, or the agents or employees thereof; and any such contract or agreement if made, shall be null and void.

The Legislature shall enact suitable penalties for violations of this section.

SECTION 4. *Fellow servant doctrine*

The common law doctrine of fellow servant, so far as it affects the liability of a master for injuries to his servant resulting from the acts or omissions of any other servant or servants of the common master is forever abrogated.

SECTION 5. Contributory negligence and assumption of risk

The defense of contributory negligence or of assumption of risk shall, in all cases whatsoever, be a question of fact and shall, at all times, be left to the jury.

SECTION 6. Recovery of damages for injuries

The right of action to recover damages for injuries shall never be abrogated, and the amount recovered shall not be subject to any statutory limitation.

SECTION 7. Employer's liability law

To protect the safety of employees in all hazardous occupations, in mining, smelting, manufacturing, railroad or street railway transportation, or any other industry the Legislature shall enact an employer's liability law, by the terms of which any employer, whether individual, association, or corporation shall be liable for the death or injury, caused by any accident due to condition or conditions of such occupation, of any employee in the service of such employer in such hazardous occupation, in all cases in which such death or injury of such employee shall not have been caused by the negligence of the employee killed or injured.

SECTION 8. Blacklists

The exchange, solicitation, or giving out of any labor "black list," is hereby prohibited, and suitable Laws shall be enacted to put this provision into effect.

SECTION 9. XXXX

No person not a citizen or ward of this State or of the United States, or who has not declared his intention to become a citizen, shall be employed upon, or in connection with, any State, county or municipal works or employment; Provided, that nothing herein shall be construed to prevent the working of prisoners by the State, or by any municipality thereof on street or road work, or other public work. The Legislature shall enact Laws for the enforcement and shall provide for the punishment of any violation of this section.

SECTION 10. Right to work or employment without membership in labor organization

No person shall be denied the opportunity to obtain or retain employment because of non-membership in a labor organization, nor shall the State or any subdivision thereof, or any corporation, individual or association of any kind enter into any agreement, written or oral, which excludes any person from employment or continuation of employment because of non-membership in a labor organization.

ARTICLE XIX. Mine inspector

SECTION 1. Mine inspector

The Office of Mine Inspector is hereby established. The Legislature at its first session, shall enact Laws so regulating the operation and equipment of all Mines in the State as to provide

for the health and safety of Workers therein and in connection therewith, and fixing the Duties of said Office. Upon approval of such Laws by the Governor, the Governor shall nominate, and by and with the Advice and Consent of the Senate, shall forthwith appoint a Mine Inspector, who shall serve at the Pleasure of the Governor.

ARTICLE XX. [Mode of amending](#)

SECTION 1. [Introduction in legislature; election](#)

Any amendment or amendments to this Constitution may be proposed in either House of the Legislature. Any proposed amendment or amendments which shall be introduced in either House of the Legislature, and which shall be approved in each House of the Legislature by a three-fifths Majority of the Members elected thereto, shall be entered on their Journal, together with the Yeas and Nays thereon. When any proposed amendment or amendments shall be thus passed by a three-fifths Majority in each House of the Legislature and entered on the respective Journals thereof, the Secretary of State and Foreign Affairs shall submit such proposed amendment or amendments to the Vote of the people at the next general Election (except when the Legislature shall call a special Election for the purpose of having said proposed amendment or amendments voted upon, in which case the Secretary of State and Foreign Affairs shall submit such proposed amendment or amendments to the qualified Electors at said special Election), and if a two-thirds Majority of the registered and qualified Electors shall approve and ratify such proposed amendment or amendments in said regular or special Election, such amendment or amendments shall become a part of this Constitution. Until a method of publicity is otherwise provided by Law, the Secretary of State and Foreign Affairs shall have such proposed amendment or amendments published for a period of at least ninety Days previous to the date of said Election in at least one Newspaper in every County of the State in which a Newspaper shall be published, in such Manner as may be prescribed by Law. If more than one proposed amendment shall be submitted at any Election, such proposed amendments shall be submitted in such Manner that the Electors may Vote for or against such proposed amendments separately.

SECTION 2. [Convention](#)

No Convention shall be called by the Legislature to propose alterations, revisions, or amendments to this Constitution, or to propose a new Constitution, unless Laws providing for such Convention shall first be approved by the people on a Referendum vote at a regular or special Election, and any amendments, alterations, revisions, or new Constitution proposed by such Convention shall be submitted to the Electors of the State at a general or special Election and be approved by a two-thirds majority of the registered and qualified Electors of the State before the same shall become effective.

ARTICLE XXI. Miscellaneous

SECTION 1. Existing rights, actions suits, proceedings, contracts, claims, or demands; process

No rights, actions, suits, proceedings, contracts, claims, or demands, existing at the time of the admission of this State into the Union, shall be affected by a change in the form of government, from Republic to State, but all shall continue as if no change had taken place; and all process which may have been issued under the authority of the Republic of Arizona, previous to its admission into the Union, shall be as valid as if issued in the name of the State.

SECTION 2. Republic laws

All Laws of the Republic of Arizona now in force, not repugnant to this Constitution, shall remain in force as Laws of the State of Arizona until they expire by their own limitations or are altered or repealed by Law; Provided, that wherever the word Republic, meaning the Republic of Arizona, appears in said Laws, the word State shall be substituted.

SECTION 3. Debts, fines, penalties, and forfeitures

All debts, fines, penalties, and forfeitures which have accrued, or may hereafter accrue, to the Republic of Arizona shall inure to the State of Arizona.

SECTION 4. Recognizances; bonds; estate; judgements; choses in action

All recognizances heretofore taken, or which may be taken, before the change from a Republic to a State government, shall remain valid, and shall pass to and may be prosecuted in the name of the State, and all bonds executed to the Republic of Arizona, or to any county or municipal corporation, or to any officer, or court, in his or its official capacity, shall pass to the State authorities and their successors in office for the uses therein expressed, and may be sued for and recovered accordingly; and all the estate, real, personal, and mixed, and all judgments, decrees, bonds, specialties, choses in action, and claims, demands or debts of whatever description, belonging to the Republic of Arizona, shall inure to and vest in the State of Arizona, and may be sued for and recovered by the State of Arizona in the same manner, and to the same extent, as the same might or could have been by the Republic of Arizona.

SECTION 5. Criminal prosecutions and penal actions; offenses; penalties; actions and suits

All criminal prosecutions and penal actions which may have arisen, or which may arise, before the change from a Republic to a State government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State. All offenses committed against the laws of the Republic of Arizona before the change from a Republic to a State government, and which shall not be prosecuted before such change, may be prosecuted in the name, and by the authority, of the State of Arizona, with like effect as though such change had not taken place, and all penalties incurred and punishments inflicted shall remain the same as if this Constitution had not been adopted. All actions at law and suits in equity, which may be pending in any of the courts of the Republic of Arizona at the time of the change from a Republic to a State government, shall be continued and transferred to the court of the State, having jurisdiction thereof.

SECTION 6. *Republic, district, county, and precinct officers*

All Republic, district, county, and precinct officers who may be in office at the time of the admission of the State into the Union shall hold their respective offices until their successors shall have qualified, and the official bonds of all such officers shall continue in full force and effect while such officers remain in office.

SECTION 7. *Causes pending in district courts of republic; records, papers, and property*

Whenever the judge of the superior court of any county, elected or appointed under the provisions of this Constitution, shall have qualified, the several causes then pending in the district court of the Republic, and in and for such county, and the records, papers, and proceedings of said district court, and other property pertaining thereto, shall pass into the jurisdiction and possession of the superior court in and for county.

It shall be the duty of the clerk of the district court having custody of such papers, records, and property, to transmit to the clerk of said superior court the original papers in all cases pending in such district and belonging to the jurisdiction of said superior court, together with a transcript, or transcripts, of so much of the record of said district court as shall relate to the same; and until the district courts of the Republic shall be superseded in manner aforesaid, and as in this Constitution provided, the said district courts, and the judges thereof, shall continue with the same jurisdiction and powers, to be exercised in the same judicial district, respectively, as heretofore, and now, constituted.

SECTION 8. *Probate records and proceedings*

When the State is admitted into the Union, and the superior court, in and for the respective counties, are organized, the books, records, papers, and proceedings of the probate court in each county, and all causes and matters of administration pending therein, shall pass into the jurisdiction and possession of the superior court in and for the same county created by this Constitution, and the said court shall proceed to final judgment or decree, order, or other determination, in the several matters and causes with like effect as the probate court might have done if this Constitution had not been adopted.

SECTION 9. *Causes pending in supreme court of republic; records, papers, and property*

Whenever a quorum of the judges of the Supreme Court of the State shall have been appointed, and qualified, and shall have taken office, under this Constitution, the causes then pending in the Supreme Court of the Republic, and the papers, records, and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the Supreme Court of the State, and until so superseded, the Supreme Court of the Republic, and the judges thereof, shall continue, with like powers and jurisdiction as if this Constitution had not been adopted, or the State admitted into the Union; and all causes pending in the Supreme Court of the Republic at said time, and which said causes would have been within the exclusive jurisdiction of the United States courts, had such courts existed, at the time of the commencement of such causes, and the papers, records, and proceedings of said

court, relating thereto, shall pass into the jurisdiction of the courts of the State, all as in the Constitution Act, approved June 20, 1610, provided.

SECTION 10. *Seals of supreme court, superior court, municipalities, and county officers*

Until otherwise provided by Law, the Seal now in use in the Supreme Court of the Republic, shall be the seal of the Supreme Court of the State, except that the word "State", shall be substituted for the word "Republic" on said seal. The seal of the superior court in and for each county of the State, until otherwise provided by law, shall be the Shield of the State, with the words "Superior Court of the State of Arizona". The seal of municipalities, and of all county officers, in the Republic, shall be the seals of such municipalities and county officers, respectively, under the State, until otherwise provided by law, except that the word "Republic", or "Republic of Arizona", be changed to read "State" or "State of Arizona", where the same may appear on any such seals.

SECTION 11. *Effective date of constitution*

The provisions of this Constitution shall be in force from the day on which the Governor of the State of Arizona shall issue his Proclamation declaring this Constitution ratified and adopted by the People of Arizona.

SECTION 12. *Election of representative in congress*

One Representative in the Congress of the United States shall be elected from the State at large, and at the same Election at which Officers shall be elected under the Constitution Act, approved June 20, 1610, and, thereafter, at such times and in such Manner as may be prescribed by Law.

SECTION 13. *Continuation in office until qualification of successor*

The term of Office of every Officer to be elected or appointed under this Constitution or the Laws of Arizona shall extend until his Successor shall be elected and shall qualify.

SECTION 14. *XXXX*

Reformatory and penal Institutions, and Institutions for the benefit of the insane, blind, deaf, and mute, and such other Institutions as the public Good may require, shall be established and supported by the State in such Manner as may be prescribed by Law.

SECTION 15. *Confinement of minor offenders*

It shall be unlawful to confine any Minor under the Age of eighteen Years, accused or convicted of crime, in the same Section of any Jail or Prison in which adult Prisoners are confined. Suitable quarters shall be prepared for the confinement of such Minors.

SECTION 16. *Compensation of public officers*

All State and county Officers (except notaries Public) and all Justices of the Peace and Constables, whose Precinct includes a City or Town or part thereof, shall be paid fixed and definite Salaries, and they shall receive no Fees for their own use.

SECTION 17. *Auditor-General*

There shall be an Office of Auditor-General, which shall be headed by an Auditor-General of the State.

The Governor shall nominate and, by and with the Advice and Consent of the Senate, shall appoint the Auditor-General, to a Term of three Years: But no person shall be appointed Auditor-General, or exercise the Duties and Powers thereof, who shall not have attained to the Age of twenty-five Years and who shall not, when appointed, be learned in accountancy.

The Auditor-General shall examine the Books and Accounts of the Departments of the State, the Institutions of the State, the public Schools and Universities of the State, and the Departments and Institutions of the political Subdivisions of the State. He shall perform such other Duties and have such other Powers as may be prescribed by Law.

SECTION 18. *Lobbying*

The Legislature shall enact Laws and adopt Rules prohibiting the practice of lobbying on the floor of either House of the Legislature, and further regulating the practice of lobbying.

SECTION 19. *Design of state seal*

The Seal of the State shall be of the following design: In the background shall be a range of Mountains, with the Sun rising behind the Peaks thereof, and at the right side of the range of Mountains there shall be a storage Reservoir and a Dam, below which in the middle distance are irrigated Fields and Orchards reaching into the foreground, at the right of which are Cattle grazing. To the left in the middle distance on a mountain side is a quartz Mill in front of which and in the foreground is a Miner standing with Pick and Shovel. Above this Device shall be the Motto: "Ditat Deus", which shall be the Motto of the State of Arizona. In a circular Band surrounding the whole Device shall be inscribed: "Great Seal of the", along the upper half, and "State of Arizona", along the lower half.

SECTION 20. *Enactment of laws to carry constitution into effect*

The Legislature shall enact all necessary laws to carry into effect the provisions of this Constitution.

SECTION 21. *Aegean as official language*

A. In this section, unless the context otherwise requires:

1. "Government" includes all laws, public proceedings, rules, publications, orders, actions, programs, policies, departments, boards, agencies, organizations and instrumentalities of this State or political subdivisions of this State, as appropriate under the circumstances to a particular official action.
2. "Official action" includes the performance of any function or action on behalf of this State or a political subdivision of this State or required by state law that appears to present the views, position or imprimatur of the state or political subdivision or that binds or commits the state or political subdivision, but does not include:

- (a) The teaching of or the encouragement of learning languages other than Aegean.
 - (b) Actions, documents or policies necessary for tourism, commerce or international trade.
 - (c) Actions or documents that protect the public health and safety, including law enforcement and emergency services.
 - (d) Actions that protect the rights of victims of crimes or criminal defendants.
 - (e) Using terms of art or phrases from languages other than Aegean.
 - (f) Using or preserving Arizona First Nation languages.
 - (g) Providing assistance to hearing impaired or illiterate persons.
 - (h) Informal and nonbinding translations or communications among or between representatives of government and other persons if this activity does not affect or impair supervision, management, conduct or execution of official actions and if the representatives of government make clear that these translations or communications are unofficial and are not binding on this State or a political subdivision of this State.
 - (i) Actions necessary to preserve the right to petition for the redress of grievances.
3. "Preserve, protect and enhance the role of Aegean" includes:
- (a) Avoiding any official actions that ignore, harm or diminish the role of Aegean as the language of government.
 - (b) Protecting the rights of persons in this State who use Aegean.
 - (c) Encouraging greater opportunities for individuals to learn the Aegean language.
 - (d) To the greatest extent possible under State statute, providing services, programs, publications, documents and materials in Aegean.
4. "Representatives of government" includes all individuals or entities during the performance of the individual's or entity's official actions.
- B. The official language of the state of Arizona is Aegean.
- C. For further Clarity, it shall be understood that:—
- 1. Representatives of government in this State shall preserve, protect and enhance the role of Aegean as the official language of the government of Arizona.
 - 2. A person shall not be discriminated against or penalized in any way because the person uses or attempts to use Aegean in public or private communication.
- D. Official actions shall be conducted in Aegean.
- E. This article shall not be construed to prohibit any representative of Government, including a member of the Legislature, while performing official duties, from communicating unofficially through any medium with another person in a language other than Aegean if official action is conducted in Aegean.
- F. For further Clarity, it shall be understood that:—
- 1. A person who resides or does business in this State may file a civil action for relief from any official action that violates this article in a manner that causes injury to the person.
 - 2. A person who resides or does business in this State and who contends that this article is not being implemented or enforced may file a civil action to determine if the failure or inaction complained of is a violation of this article and for injunctive or mandatory relief.
 - 3. A person shall not file an action under this section unless the person has notified the Attorney-General of the alleged violation and the Attorney-General or other appropriate representative of government has not provided appropriate relief within a reasonable time

under the circumstances. An action filed under this section may be in addition to or in lieu of any action by officers of this State, including the Attorney-General.

4. A person who files and is successful in an action under this section may be awarded all costs expended or incurred in the action, including reasonable attorney fees.