



Attorney General

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Robert E. Corbin

December 12, 1990

The Honorable Don Aldridge
Arizona State Representative
P.O. Box 1109
Lake Havasu City, Arizona 86403

Re: I90-102 (R90-137)

Dear Representative Aldridge:

You have asked whether the citizens of Bullhead City, by a new initiative, may repeal or amend an ordinance which had been adopted pursuant to an initiative approved by "87% of the citizens of Bullhead City." You question whether such an initiative would violate article IV, part 1, § 1(6) and article 22, § 14 of the Arizona Constitution. We conclude that the citizens of Bullhead City may, by initiative, repeal or amend an ordinance which has been adopted by a prior initiative.

The pertinent provisions of the Arizona Constitution are as follows:

The veto power of the Governor, or the power of the Legislature, to repeal or amend, shall not extend to initiative or referendum measures approved by a majority vote of the qualified electors.

Ariz. Const. art. IV, pt. 1, § 1(6).

Any law which may be enacted by the Legislature under this Constitution may be enacted by the people under the Initiative. Any law which may not be enacted by the Legislature under this Constitution shall not be enacted by the people.

Ariz. Const. art. 22, § 14.

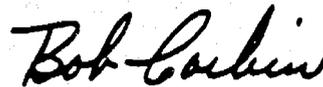
The above constitutional provisions do not limit the power of the electorate to amend or repeal a measure which has been adopted by initiative. The Arizona Supreme Court has held that the people may amend or repeal a measure which has been adopted by initiative, even if the measure had been approved by a majority of the qualified electors. See Iman v. Bolin, 98 Ariz. 358, 364, 404 P.2d 705, 709 (1965); Adams v. Bolin, 74 Ariz. 269, 275, 247 P.2d 617, 621 (1952); State ex rel. Conway v. Superior Court, 60 Ariz. 69, 78, 131 P.2d 983, 987 (1942). In Iman v. Bolin, the court summarized the law on this subject as follows:

We have held the the only difference between an "initiated law" and an act of the legislature is that, while the latter may be repealed by subsequent legislation, the former can only be repealed in the same manner in which it was adopted.

98 Ariz. at 364, 404 P.2d at 709.

Therefore, we conclude that the constitutional provisions to which you refer would not bar an effort by the Citizens of Bullhead city to repeal or amend an ordinance which had been adopted by initiative.

Sincerely,



BOB CORBIN
Attorney General

RKC: CDC: LPF: lpf