

Our State Constitution - A Student's Guide to the Arizona Constitution

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- **Merit Selection of Judges** - Some judges are selected through a merit-based system rather than direct election.
- **Environment Protections** - The Arizona Constitution contains provisions addressing water resources, emphasizing the importance of water conservation and specific provisions regulating mining operations and mineral rights.

State constitutions are not static documents. Their frequency of change reflects their commitment to improving some of the most fundamental parts of our lives—voting, personal liberties, local governance, and much more. State citizens should study the Arizona Constitution’s unique features and histories.

Federalism

Federalism in Arizona, as in the United States as a whole, is a system of government in which authority and powers are divided between the federal and state governments. It involves sharing responsibilities and roles between these two levels of government. Some issues, such as immigration and national defense, are primarily the domain of the federal government, while others, like education and public safety, are primarily the responsibility of the state government.

As in other states, federalism in Arizona is dynamic and can evolve due to changes in federal and state laws, court decisions, and shifts in political and policy priorities. This system of government allows for flexibility and adaptation to the needs and values of the state’s residents while respecting the overall framework of the U.S. Constitution.

Organization of State Government

The organization of state government is very similar to that of the federal government. Both have three branches and these three branches have about the same types of duties in the state as they have in the federal government. The same type of checks and balances system applies to both (see Page 43). Both the U.S. Constitution and the Arizona Constitution have bills (or declaration) of rights. There are other similarities, and some differences that you will notice as you read about the Arizona Constitution.

Read Article 4 and Amendment 10 of the U.S. Constitution if you wish to know exactly what the federal Constitution says about the role of states. Corral. The need for a more formal government body was evident.

QUESTIONS

TRUE OR FALSE? Write a **T** or **F** in the space provided.

- ___ 1. The capital of Arizona is Tucson.
- ___ 2. The Northwest Ordinance established a process by which new states were added to the Union.
- ___ 3. Cotton, copper, climate, cattle, and citrus were major elements of the state’s economy.
- ___ 4. Both the Arizona Constitution and the United States Constitution have bills (or declarations) of rights.
- ___ 5. Both the Arizona government and the United States government have three branches.
- ___ 6. The postal service is the duty of state government.
- ___ 7. Arizona women were granted the right to vote eight years ahead of the 19th Amendment.

ARIZONA BY THE NUMBERS. Choose the correct number from the bank that matches the statement.

Number Bank: 1, 2, 4, 9, 10, 11, 48

- _____ Number of Electoral Votes
- _____ Number of Arizona State Constitutions
- _____ This number state to join the Union
- _____ Amendment that recognizes the powers of state government
- _____ Number of representatives in the U.S. House

EVENTS IN ORDER. Write the numbers **1-5**, indicating which historical event happened **first (1), second (2), third (3), fourth (4), or fifth (5).**

- _____ Gadsen Purchase was finalized
- _____ Arizona becomes a state
- _____ Federal troops defeat the Apaches
- _____ United States Constitution ratified
- _____ First Arizona constitutional convention held

MATCH THE PERSON. Write the letter from **Section B** in the space that matches the person in **Section A**.

- | | | |
|--------------------|-----|--|
| A | | B |
| 1. George W. Hunt | ___ | a. Signed bill for statehood |
| 2. Wyatt Earp | ___ | b. First European to visit this region |
| 3. Abraham Lincoln | ___ | c. Fought at O.K. Corral |
| 4. Marcos de Niza | ___ | d. First Governor of Arizona |
| 5. William Taft | ___ | e. Created Arizona Territory |

Arizona History, Government, and Constitution Timeline of Events (continued)

1936	1941-1945	1948	1966	1975	1999	2022
Arizona women are allowed to serve on juries	World War II brings economic boom to Arizona	Arizona Supreme Court granted Native Americans the right to vote	Legislative districts are reapportioned to represent an equal number of people.	Raul Castro becomes Arizona’s first Mexican-American Governor	Arizona citizens elect five women to the state’s top executive posts	Created the office of Lieutenant Governor starting in 2026

Article 25 - Right to Work

Article 25 states the conditions in which one cannot be denied employment. Under right-to-work laws, states have the authority to determine whether workers can be required to join a labor union to get or keep a job.

Article 26 - Property Transactions

Article 26 of the Arizona Constitution authorizes real estate brokers and salespersons to engage in the limited practice of law by drafting the purchase contract and other documents required to complete property transactions.

Article 27 - Health, Safety, and Welfare

Article 27 includes two sections (1) regulation of ambulances, and (2) the freedom of Arizonans to provide for their health care.

Article 28 - English as the Official Language

A unique provision, Article 28, establishes English as the state's official language. Representatives in this state shall preserve, protect, and enhance English as the official language of the government of Arizona.

Article 29 - Public Retirement Systems

Article 29, referred to as the "pension clause," manages the funding and benefits of the public retirement system. It prohibits the reduction of benefit payments to retirees, and if there are insufficient funds to pay all of their guaranteed benefits, legislative action would be required.

Article 30 - Marriage

Adopted by a ballot measure in 2008, Article 30 stated that marriage was restricted to a man and woman. In October 2014, Article 30 of the Arizona Constitution was struck down as unconstitutional in the United States District Court and is no longer enforced by the state of Arizona, which now allows and recognizes same-sex marriages.

QUESTIONS

TRUE OR FALSE? Write a **T** or **F** in the space provided.

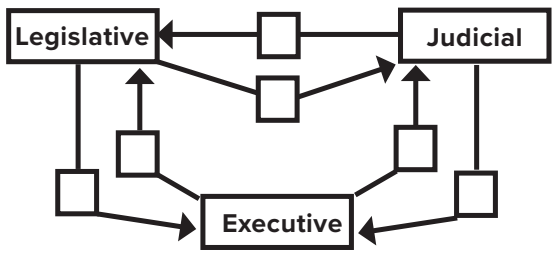
- ___ 1. Voters must approve changes in the state constitution.
- ___ 2. Six amendments at a time may be presented to the voters.

- ___ 3. An amendment to the state constitution may be proposed in either house of the Legislature.
- ___ 4. The Arizona Constitution helps establish federal laws and treaties.
- ___ 5. State constitutions are always shorter in length than the U.S. Constitution.
- ___ 6. Freedom of speech is not listed in the Arizona Constitution, only in the U.S. Constitution.

WHICH ARTICLE? In which article of the state constitution would you find information on the following? (Give section number when possible.)

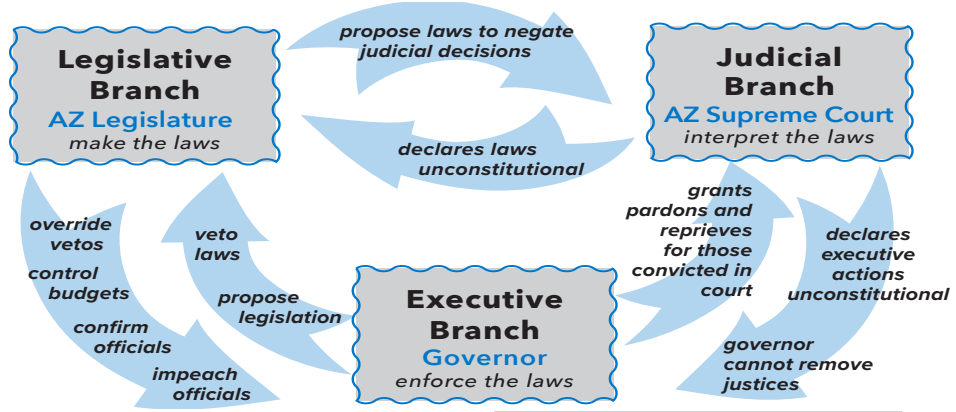
- _____ 1. Election Laws
- _____ 2. Right to Protest
- _____ 3. Gubernatorial Powers
- _____ 4. Trial by Jury
- _____ 5. Religious Freedom
- _____ 6. Labor Unions
- _____ 7. Property Taxes
- _____ 8. Revising the Constitution
- _____ 9. Voting Qualifications
- _____ 10. Mine Safety
- _____ 11. County Officers
- _____ 12. Arizona Supreme Court
- _____ 13. Separation of Powers
- _____ 14. State Lawmaking
- _____ 15. Public High Schools

FILL IN THE BOXES (CHECKS & BALANCES)



- a. governor can grant pardons to those convicted
- b. proposes laws to avoid judicial decision rulings
- c. may pass laws by overriding a governor's veto
- d. may declare laws from the Legislature unconstitutional
- e. may veto laws passed by the Legislature
- f. may declare executive orders unconstitutional

System of Checks and Balances in the State of Arizona



All state governments are modeled after the federal government and have three branches: executive, legislative, and judicial. The principle guiding federal and state constitutions is the separation of powers. The distribution of power with a system of checks and balances does not allow any single branch of government to have too much power. Some of the most critical "checks" by the branch are listed in the shaded arrows.

The Arizona Constitution

Original Constitution from 1912

Arizona voters choose our elected officials.

Legislative Branch

makes the laws

Arizona Legislature

Senate

upper house

30
State
senators

House

lower house

60
State
representatives

Quick Facts

The Arizona Legislature is made up of the state Senate and state House of Representatives.

Arizona Senate

Members: 30

Term: 2 years

Term limit: max. of 4 terms (8 yrs)

Salary: \$24,000

Qualifications:

- ▶ U.S. citizen
- ▶ At least 25 years old
- ▶ State resident for at least 3 yrs
- ▶ Live in district for at least 1 year

Arizona House

Members: 60

Term: 2 years

Term limit: max. of 4 terms (8 yrs)

Salary: \$24,000

Qualifications:

- ▶ U.S. citizen
- ▶ At least 25 years old
- ▶ State resident for at least 3 yrs
- ▶ Live in district for at least 1 yr

Executive Branch

enforces the laws

Governor

Executive Officers:

Secretary of State
Attorney General
State Treasurer
Supt. of Public Instruction
State Mine Inspector

Quick Facts

The Arizona Constitution provides for 6 executive offices.

Executive Officers

Number: 6

Term: 4 years

Term limit: 2 consecutive terms

Qualifications:

- ▶ U.S. citizen for at least 10 yrs
- ▶ At least 25 years old
- ▶ Resident of state for at least 5 years prior to election

Salaries:

- ▶ Governor: \$95,000
- ▶ Sec. of State: \$70,000
- ▶ Atty. General: \$90,000
- ▶ State Treasurer: \$70,000
- ▶ Supt. of P.I.: \$85,000

State Mine Inspector has unique qualifications based on the specialty of the job.

Lieutenant Governor position was created and then approved by Arizona voters in 2022, to take effect in 2026.

Judicial Branch

administers justice

Arizona Supreme Court

Court of Appeals

Trial Courts

Quick Facts

Arizona Supreme Court

- ▶ Final court of appeal for state matters

Number of judges: 7

Term: 6 years

Appointed by: the governor and subject to retention election

Chief justice:

- ▶ Selected by court
- ▶ Serves 5 year term
- ▶ Supervises state courts

Court of Appeals

- ▶ Consists of two divisions

Number of judges: 22

Term: 6 years

Appointed by: the governor and subject to retention election

Trial Courts

General jurisdiction

- ▶ Superior courts - 1 in each county

Limited jurisdiction

- ▶ Justice of the Peace courts
- ▶ Municipal courts

**handles most of the work in the state court system*

“The judicial power shall be vested in an integrated judicial department consisting of a supreme court, such intermediate appellate courts..., a superior court..., and justice courts.” — Arizona Constitution, Article 6

The judicial branch of government in Arizona administers justice and interprets the laws. It is composed of a system of courts. The Arizona Constitution defines the responsibilities of the courts, the qualifications of judges, and the duties of the *three-level court system*. The three-level court system and the five major courts are shown in the table below.

Arizona Three-Level Court System			
Level	Type	Courts	Examples
1	Limited Jurisdiction (trial courts)	Justice of the peace, municipal (or city courts)	Traffic violations, shoplifting, ordinance violations
2	General Jurisdiction (trial courts)	Superior courts	Property disputes, divorce, felonies
3	Appellate Jurisdiction	The court of appeals and Supreme Court	Death penalty, county disputes, appeals

It is essential to understand the different types of judicial *jurisdiction*. Each court level has the authority to hear and determine select cases. An example of appellate jurisdiction is the court of appeals using its power to correct legal errors made in a superior court.

Criminal and Civil Cases

All courts handle both *criminal* and *civil* cases. A criminal case involves a violation of a law for which there is a fine or other penalty like a prison sentence or probation. Criminal cases range from relatively minor offenses, such as traffic infractions, to serious ones, such as robbery or murder. These typical crimes are classified as *felonies*, *misdemeanors*, or *infractions*.

Felonies – Serious crimes that are often punishable by a state prison sentence or even death in extreme cases.

Misdemeanors – A lesser offense than a felony. It is punishable by fine or incarceration for less than a year in a city or county jail rather than in a state penitentiary.

Infractions – These are not punishable by jail or prison time but rather by a fine. The most common infractions are traffic violations.

Civil cases are brought against individuals or organizations by other individuals or organizations. In some civil cases, the plaintiff seeks monetary damages to be paid by the defendant. In other civil cases, the parties ask the court to take specific action, such as to dissolve a marriage, decide the custody of minor children, review property rights, or stop someone from doing something.

Now that you know the type of court cases, it is time to learn more about the courts themselves.

Limited Jurisdiction (Justice, Municipal)

The limited jurisdiction courts consist of the *justice of the peace courts* and *municipal (or city) courts*. Although they hear the less severe cases from traffic to ordinance violations to shoplifting arrests, these courts perform a critical role in the judicial process. In these courts, cases are heard, and judgments are made. The legal process of the state begins here. Most of the work on the state court system occurs in these courts, spread across the state.

Justice of the peace courts, created by county boards of supervisors, divide counties into justice precincts (currently 85) based on population, each presided over by a justice of the peace. Unlike other courts, these justices do not need law degrees. The judge is elected to four-year terms and needs to be at least 18 years of age and a registered voter. Besides traffic violations and other misdemeanors, the justice of the peace courts also hear small civil lawsuits and small claims cases.

Many cities and towns in Arizona have *municipal courts* (also known as *city* or *magistrate* courts). They share jurisdiction with justice of the peace courts over violations of state law within their city or town limits. Currently, 80 cities have municipal courts with approximately 160 full or part-time municipal court judges. City charters or ordinances establish the qualifications of these judges. Most city or town councils appoint and determine the term of their judges. Judges' terms must be at least two years.

General Jurisdiction (Superior)

Each of the 15 counties of Arizona has a superior court, the trial court of general jurisdiction. The size and organization of superior courts vary and generally depend upon the particular county's size. There are over 100 superior court judges, with 56 handling activities in Phoenix and 21 in Tucson. Superior court judges serve four-year terms and must be at least 30 years old, of good moral character, qualified to practice law in the state and be a resident of Arizona for five years before taking office.

The Arizona Constitution gives the superior court jurisdiction over various cases. These courts hear cases that involve felony prosecutions, civil cases over \$10,000, probate matters (i.e., wills and estates), divorce, and the title and possession of property. The superior courts also hear appeals from the justice of the peace and municipal courts. Counties with more than one superior court also have a special juvenile court. The tax court is also a department of the superior court handling disputes involving the assessment and collection of state taxes.

Appellate Jurisdiction (Appeals & Supreme)

Arizona's two appellate (appeals) courts are the *Court of Appeals* and the *Supreme Court*. The state appellate courts have jurisdiction to review trials and decisions appealed to them. The Court of Appeals is the *intermediate appellate court*, and the Supreme Court is the *court of last resort*.

In addition to the municipalities discussed earlier, other government bodies support the people of Arizona. These include *special districts*, *counties*, and *tribal governments*. These local governments influence much of state and federal policies.

Special Districts

Various special districts have been created to provide special services for the people of Arizona. These government units are authorized by state law to provide only one or a limited number of designated functions. Often referred to as special-purpose governments or special taxing districts, these bodies may be organized under county, municipality, and even by citizens in rural areas. A board governs all special districts, but their governance structures vary; the public may elect some boards while the majority are appointed.

An example of a prevalent special district is school districts, with more than 200 in Arizona. Other special districts would be fire districts, regional transportation districts, library districts, water conservations districts, and park districts. An advantage of a special district is its taxing power or source of revenue, not needing to compete with a local government’s budget.

Counties

There are 15 counties in Arizona. Unlike cities and towns, everyone in Arizona also resides in one of these counties. All counties generally carry out state policy: they enforce laws, prosecute offenders, build and maintain roads, keep records, conduct elections, assess property, and collect taxes. Also, counties are authorized to provide various local government services, such as public health and planning, licensing, regulating land use, and establishing such diverse services as health care, hospitals, parks, and libraries.

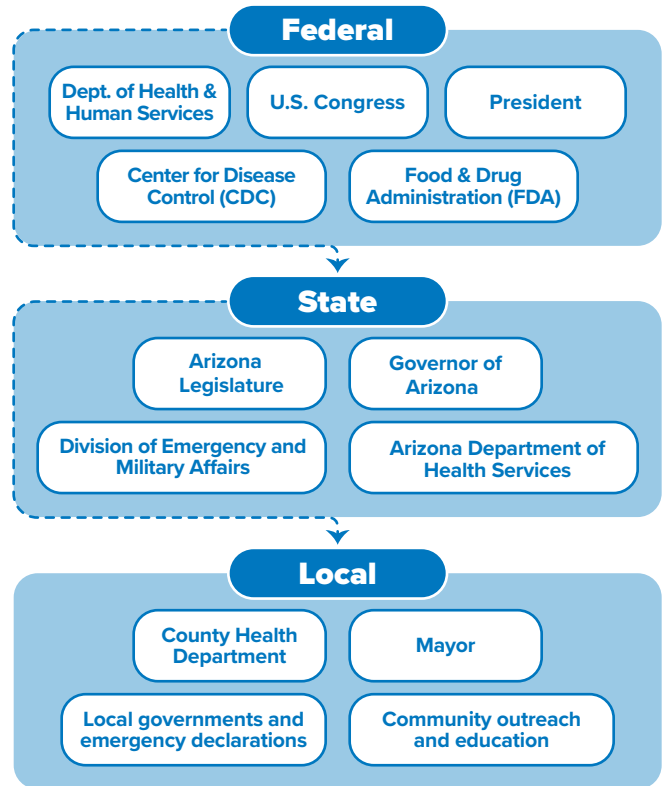
Every county has a governing body known as the county board. Other officers include sheriff, clerk, and treasurer. A coroner, recorder, assessor, auditor, and others can be appointed or elected, depending on the county. The *county seat* is the town that is the governmental center of each county and the base for these local government officials.

Tribal Governments

Native American tribal governments are like state governments, responsible for their citizen’s and their communities’ health, safety, and welfare. Tribal self-governing pre-dates the United States’ formation and is recognized through the U.S. Constitution, numerous federal statutes, and court cases. Tribal governments are on equal footing with state governments and have a government-to-government relationship with the federal government. Most Arizona tribes elect a chairperson and a council that runs the reservation. Also, nearly every reservation has a police force and a court.

The Levels of Government

There are three primary levels of government: federal, state, and local. An example of *federalism* is the three levels’ role in responding to the COVID-19 pandemic. The federal government provided guidance and resources to state and local governments to help them navigate the challenges of the pandemic.



At least once a year, the governor shall meet with the tribal leaders of the twenty-two tribal nations and communities in a state-tribal summit to address issues of mutual concern. The state government also assists in evaluating, consolidating, and coordinating activities relating to Native American students’ education. A goal is to promote increased participation by Native Americans in local and state affairs.

QUESTIONS

TRUE OR FALSE? Write a *T* or *F* in the space provided.

- ___ 1. There are 25 counties in Arizona.
- ___ 2. There are more special districts than counties.
- ___ 3. Each special district handles multiple services.
- ___ 4. Tribal governments are recognized by the U.S. Constitution.
- ___ 5. Counties carry out state policy.

FILL IN THE BLANKS

- 1. In which county do you reside? _____
- 2. Where is your county seat located? _____
- 3. Name one county service that directly affects you. _____

The following test will help you prepare for your final Arizona Constitution test. It has questions similar to the ones you will find on the final. It would help to write your answers on paper so you can take the test several times. You will find the correct answers at the bottom of Page 35.

Hard work on this page will ensure a better grade on your final exam. Look up any answers you need help understanding, or see your teacher for an explanation.

MATCHING. Match the person or body in **Column A** with the correct branch of state government in **Column B**. Put the letter of the correct answer in the space provided.

Column A

- _____ 1. The Arizona Governor
- _____ 2. The Arizona House of Representatives
- _____ 3. The Arizona Supreme Court
- _____ 4. Superior Courts
- _____ 5. Secretary of State
- _____ 6. Arizona State Senate
- _____ 7. Attorney General
- _____ 8. Municipal Courts
- _____ 9. City Council

Column B

- a. The Legislative Branch
- b. The Executive Branch
- c. The Judicial Branch

FILL IN THE BLANKS. Write the correct answer in the space provided.

- 10. Most municipal governments operate under this form of government. _____
- 11. If the governor resigns, who becomes governor? _____
- 12. The power that allows the voters to demand the removal of an elected official. _____
- 13. The highest court in Arizona. _____
- 14. A new law from a normal bill takes effect _____ days after the legislature adjourns.
- 15. The current governor of Arizona. _____
- 16. The next presidential election will be held in what year? _____
- 17. How many days does the governor have to consider a bill when the Legislature is in session? _____
- 18. What year was the current Arizona Constitution effective? _____
- 19. Who may call special sessions of the Legislature? _____
- 20. The officer that keeps the "Great Seal" and maintains the official records of the state. _____
- 21. Who is the chief legal officer of the state of Arizona? _____
- 22. The Arizona Constitution guarantees the right to trial by _____.
- 23. Name the election used to select candidates for the general election. _____
- 24. The capital of Arizona. _____
- 25. How many branches of government in Arizona? _____
- 26. If the Legislature wishes to pass a normal bill over a veto, what fractional vote is necessary? _____
- 27. What is the election that is similar to a primary but only held for presidential candidates? _____
- 28. The political party that currently controls the state Legislature. _____

continued