

Arizona Constitution

Article 2 Declaration of Rights

Section 1

Text of 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

Text of 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 2.1

Text of Section 2.1: Victims' Bill of Rights

(A) To preserve and protect victims' rights to justice and due process, a victim of crime has a right:

1. To be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process.
2. To be informed, upon request, when the accused or convicted person is released from custody or has escaped.
3. To be present at and, upon request, to be informed of all criminal proceedings where the defendant has the right to be present.
4. To be heard at any proceeding involving a post-arrest release decision, a negotiated plea, and sentencing.
5. To refuse an interview, deposition, or other discovery request by the defendant, the defendant's attorney, or other person acting on behalf of the defendant.
6. To confer with the prosecution, after the crime against the victim has been charged, before trial or before any disposition of the case and to be informed of the disposition.
7. To read pre-sentence reports relating to the crime against the victim when they are available to the defendant.
8. To receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury.
9. To be heard at any proceeding when any post-conviction release from confinement is being considered.
10. To a speedy trial or disposition and prompt and final conclusion of the case after the conviction and sentence.

11. To have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and to have these rules be subject to amendment or repeal by the legislature to ensure the protection of these rights.

12. To be informed of victims' constitutional rights.

(B) A victim's exercise of any right granted by this section shall not be grounds for dismissing any criminal proceeding or setting aside any conviction or sentence.

(C) "Victim" means a person against whom the criminal offense has been committed or, if the person is killed or incapacitated, the person's spouse, parent, child or other lawful representative, except if the person is in custody for an offense or is the accused.

(D) The legislature, or the people by initiative or referendum, have the authority to enact substantive and procedural laws to define, implement, preserve and protect the rights guaranteed to victims by this section, including the authority to extend any of these rights to juvenile proceedings.

(E) The enumeration in the constitution of certain rights for victims shall not be construed to deny or disparage others granted by the legislature or retained by victims.

Section 3

Text of Section 3: Supreme Law of the Land

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

A. The Constitution of the United States is the supreme law of the land to which all government, state and federal, is subject.

B. To protect the people's freedom and to preserve the checks and balances of the United States Constitution, 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 by doing any of the following:

1. Passing an initiative or referendum pursuant to Article IV, Part 1, Section 1.

2. Passing a bil pursuant to Article IV, Part 2 and Article V, Section 7.

3. Pursuing any other available legal remedy.

C. If the people or their representatives exercise their authority pursuant to this section, this state and all political subdivisions 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

Text of Section 4: Due Process of Law

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

Section 5

Text of Section 5: Right of Petition and of Assembly

The right of petition, and of the people peaceably to assemble for the common good, shall never be abridged.

Section 6

Text of 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

Text of 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

Text of Section 8: Right to Privacy

No person shall be disturbed in his private affairs, or his home invaded, without authority of law.

Section 9

Text of Section 9: Irrevocable Grants of Privileges, Franchises or Immunities

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

Section 10

Text of 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

Text of Section 11: Administration of Justice

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

Section 12

Text of 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 peace and 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

Text of 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

Text of Section 14: Habeas Corpus

The privilege of the writ of habeas corpus shall not be suspended by the authorities of the state.

Section 15

Text of 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

Text of Section 16: Corruption of Blood; Forfeiture of Estate

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

Section 17

Text of Section 17: Eminent Domain; Just Compensation for Private Property Taken; Public Use as Judicial Question

Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes, or ditches, on or across the lands of others for mining, agricultural, domestic, or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having first been made, paid into court for the owner, secured by bond as may be fixed by the court, or paid into the state treasury for the owner on such terms and conditions as the legislature may provide, and no right of way shall be appropriated to the use of any corporation other than municipal, until full compensation therefore 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 record, in the manner prescribed by law. 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.

Section 18

Text of Section 18: Imprisonment for Debt

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

Section 19

Text of 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

Text of Section 20: Military Power Subordinate to Civil Power

The military shall be in strict subordination to the civil power.

Section 21

Text of 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.

Section 22

Text of Section 22: Bailable Offenses

A. All persons charged with crime shall be bailable by sufficient sureties, except:

1. For capital offenses, sexual assault, sexual conduct with a minor under fifteen years of age or molestation of a child under fifteen years of age when the proof is evident or the presumption great.
2. For felony offenses committed when the person charged is already admitted to bail on a separate felony charge and where the proof is evident or the presumption great as to the present charge.
3. For felony offenses if the person charged poses a substantial danger to any other person or the community, if no conditions of release which may be imposed will reasonably assure the safety of the other person or the community and if the proof is evident or the presumption great as to the present charge.
4. For serious felony offenses as prescribed by the legislature if the person charged has entered or remained in the United States illegally and if the proof is evident or the presumption great as to the present charge.

B. The purposes of bail and any conditions of release that are set by a judicial officer include:

1. Assuring the appearance of the accused.
2. Protecting against the intimidation of witnesses.
3. Protecting the safety of the victim, any other person or the community.

Section 23

Text of Section 23: Trial by Jury; Number of Jurors Specified by Law

The right of trial by jury shall remain inviolate. Juries in criminal cases in which a sentence of death or imprisonment for thirty years or more is authorized by law shall consist of twelve persons. In all criminal cases the unanimous consent of the jurors shall be necessary to render a verdict. In all other cases, the number of jurors, not less than six, and the number required to render a verdict, shall be specified by law.

Section 24

Text of 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; and 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

Text of 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.

Section 26

Text of Section 26: Bearing 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

Text of Section 27: Standing Army; Quartering Soldiers

No standing army shall be kept up by this state in time of peace, and no soldier shall in time of peace be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law.

Section 28

Text of Section 28: Treason

Treason against the state shall consist only in levying war against the state, or adhering to its enemies, or in 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

Text of 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

Text of 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

Text of 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, except that a crime victim is not subject to a claim for damages by a person who is harmed while the person is attempting to engage in, engaging in or fleeing after having engaged in or attempted to engage in conduct that is classified as a felony offense.

Section 32

Text of Section 32: Constitutional Provisions Mandatory

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

Section 33

Text of Section 33: Reservation of Rights

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

Section 34

Text of Section 34: Industrial Pursuits by State and Municipal Corporations

The state of Arizona and each municipal corporation within the state of Arizona shall have the right to engage in industrial pursuits.

Section 35

Text of Section 35: Actions by Illegal Aliens Prohibited

A person who is present in this state in violation of federal immigration law related to improper entry by an alien shall not be awarded punitive damages in any action in any court in this state.

Section 36

Text of Section 36: Preferential treatment or discrimination prohibited; exceptions; definition

A. This state shall not grant preferential treatment to or discriminate against any individual or group on the basis of race, sex, color, ethnicity or national origin in the operation of public employment, public education or public contracting.

B. This section does not:

- 1.** Prohibit bona fide qualifications based on sex that are reasonably necessary to the normal operation of public employment, public education or public contracting.
- 2.** Prohibit action that must be taken to establish or maintain eligibility for any federal program, if ineligibility would result in a loss of federal monies to this state.
- 3.** Invalidate any court order or consent decree that is in force as of the effective date of this section.

C. The remedies available for a violation of this section are the same, regardless of the injured party's race, sex, color, ethnicity or national origin, as are otherwise available for a violation of the existing antidiscrimination laws of this state.

D. This section applies only to actions that are taken after the effective date of this section.

E. This section is self-executing.

F. For the purposes of this section, "state" includes this state, a city, town or county, a public university, including the university of Arizona, Arizona state university and northern Arizona university, a community college district, a school district, a special district or any other political subdivision in this state.

Section 37

Text of Section 37: Right to secret ballot; employee representation

The right to vote by secret ballot for employee representation is fundamental and shall be guaranteed where local, state or federal law permits or requires elections, designations or authorizations for employee representation.

Article 7 Suffrage and Elections

Section 1

Text of 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 preserved.

Section 2

Text of Section 2: Qualifications of Voters; Disqualification

A. 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, unless such person be a citizen of the United States of the age of eighteen years or over, and shall have resided in the state for the period of time preceding such election as prescribed by law, provided that qualifications for voters at a general election for the purpose of electing presidential electors shall be as prescribed by law. The word "citizen" shall include persons of the male and female sex.

B. The rights of citizens of the United States to vote and hold office shall not be denied or abridged by the state, or any political division or municipality thereof, on account of sex, and the right to register, to vote and to hold office under any law now in effect, or which may hereafter be enacted, is hereby extended to, and conferred upon males and females alike.

C. No person who is adjudicated an incapacitated person shall be qualified to vote at any election, nor shall any person convicted of treason or felony, be qualified to vote at any election unless restored to civil rights.

Section 3

Text of Section 3: Voting Residence of Federal Employees and Certain Others

For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of being present or absent while employed in the service of the United States, or while a student at any institution of

learning, or while kept at any institution or other shelter at public expense, or while confined in any public jail or prison.

Section 4

Text of 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

Text of 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

Text of Section 6: Residence of Military Personnel Stationed within State

No soldier, seaman, or marine, in the army or navy 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

Text of Section 7: Highest Number of Votes Received as Determinative of Person Elected

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

Text of Section 8: Qualifications for Voters at School Elections

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

Section 9

Text of Section 9: Advisory Vote

For the purpose of obtaining an advisory vote of the people, the legislature shall provide for placing the names of candidates for United States senator on the official ballot at the general election next preceding the election of a United States senator.

Section 10

Text of Section 10: Direct Primary Election Law

The Legislature shall enact a direct primary election law, which shall provide for the nomination of candidates for all elective State, county, and city offices, including candidates for United States Senator and for Representative in Congress. Any person who is registered as no party preference or independent as the party preference or who is registered with a political party that is not qualified for representation on the ballot may vote in the primary election of any one of the political parties that is qualified for the ballot.

Section 11

Text of Section 11: 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 statehood and biennially thereafter.

Section 12

Text of Section 12: 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 13

Text of Section 13: Submission of Questions upon Bond Issues or Special Assessments

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

Section 14

Text of Section 14: Fee for Placing Candidate's Name on Ballot

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 15

Text of Section 15: Qualifications for Public Office

Every person elected or appointed to any elective office of trust or profit under the authority of the state, or any political division or any municipality thereof, shall be a qualified elector of the political division or municipality in which such person shall be elected.

Section 16

Text of Section 16: 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.

Section 17

Text of Section 17: Vacancy in Congress

There shall be a primary and general election as prescribed by law, which shall provide for nomination and election of a candidate for United States senator and for representative in congress when a vacancy occurs through resignation or any other cause.

Section 18

Text of Section 18: Term Limits on Ballot Appearances in Congressional Elections

The name of any candidate for United States senator from Arizona shall not appear on the ballot if, by the end of the current term of office, the candidate will have served (or, but for resignation, would have served) in that office for two consecutive terms, and the name of a candidate for United States representative from Arizona shall not appear on the ballot if, by the end of the current term of office, the candidate will have served (or, but for resignation, would have served) in that office for three consecutive terms. Terms are considered consecutive unless they are at least one full term apart. Any person appointed or elected to fill a vacancy in the United States congress who serves at least one half of a term of office shall be considered to have served a term in that office for purposes of this section. For purposes of this section, terms beginning before January 1, 1993 shall not be considered.

Article 11 Education

Section 1

Text of Section 1: Public School System; Education of Pupils Who Are Hearing and Vision Impaired

A. 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:

1. Kindergarten schools.
2. Common schools.
3. High schools.
4. Normal schools.
5. Industrial schools.
6. Universities, 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.

B. The legislature shall also enact such laws as shall provide for the education and care of pupils who are hearing and vision impaired.

Section 2

Text of 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 state superintendent of public instruction, county school superintendents, and such governing boards for the state institutions as may be provided by law.

Section 3

Text of Section 3: State Board of Education; Composition; Powers and Duties; Compensation

The state board of education shall be composed of the following members: the superintendent of public instruction, the president of a state university or a state college, four lay members, a president or chancellor of a community college district, a person who is an owner or administrator of a charter school, a superintendent of a high school district, a classroom teacher and a county school superintendent. Each member, other than the superintendent of public instruction, shall be appointed by the governor with the consent of the senate in

the manner prescribed by law. The powers, duties, compensation and expenses, and the terms of office, of the board shall be such as may be prescribed by law.

Section 4

Text of Section 4: State Superintendent of Public Instruction; Board Membership; Powers and Duties

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

Section 5

Text of Section 5: Regents of University and Other Governing Boards; Appointments by Governor; Membership of Governor on Board of Regents

The regents of the university, and the governing boards of other state educational institutions, shall be appointed by the governor with the consent of the senate in the manner prescribed by law, except that the governor shall be, ex-officio, a member of the board of regents of the university.

Section 6

Text of 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

Text of 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

Text of Section 8: Permanent state school fund; source; apportionment of state funds

A. 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 enabling act approved June 20, 1910; from all estates or distributive shares of estates that may escheat to the state; from all unclaimed shares and dividends of any corporation incorporated under the laws of Arizona; and from all gifts, devises, or bequests made to the state for general educational purposes.

B. The rental derived from school lands, with such other funds as may be provided by law shall be apportioned only for common and high school education in Arizona, and in such manner as may be prescribed by law.

