
REFERENDA - ARIZONA

Workers for Responsible Development v. City of Tempe

Court of Appeals of Arizona, Division 1 - January 26, 2023 - P.3d - 2023 WL 406245

Challengers brought action against city seeking writ of mandamus to compel city clerk to file and process their petition to challenge by referendum city ordinance, which authorized mayor to enter into development agreement to execute sale of city-owned land to real estate developer, and permanent and preliminary injunctions to prohibit the ordinance from taking effect.

The Superior Court held that the ordinance constituted a legislative act subject to referendum but concluded that challengers' petition form was invalid. Challengers appealed.

The Court of Appeals held that:

- Challengers' referendum petition strictly complied with statute governing form of referendum petitions;
- In matter of apparent first impression, word "form" in statute governing form of referendum petitions does not mandate that the "Referendum Description" section must always precede the "Petition for Referendum" section;
- Ordinance was permanent in nature;
- Ordinance was general legislative act; and
- Ordinance was matter of policy creation rather than implementation of previously declared policy.

Challengers' referendum petition strictly complied with statute governing form of referendum petitions, although petition had statutorily required "Referendum description" and "Petition for Referendum" sections in reverse order as it appeared in statute, where petition form and both "Petition for Referendum" and "Referendum description" sections appeared on same page as signature lines, as required by statute, and petition provided signers with all required information on one page.

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