

1996 BALLOT PROPOSITIONS

YOUR FUTURE . . .

YOUR CHOICE.

VOTE!

**PERSONS WITH DISABILITIES**

**This Publication Available in Alternate Formats**

The 1996 Publicity Pamphlet is available in alternate formats. Arizona residents who need information about the 1996 ballot propositions in another format should contact the Election Division of the Secretary of State's office at 602/542-8683 or 800/458-5842 or TDD 602/255-8683.

**Voter Registration Assistance**

Arizona residents who need assistance with registering to vote should contact the appropriate county recorder at the number listed on the inside back cover.

Arizona residents may register to vote by mail. Forms are available at government offices and public locations throughout the state. Forms may be requested from the county recorder.

**Accessibility for Voters**

County election officials will accommodate special needs of voters who are physically unable to go to the polls or who need special access or special voting aids at polling places. Arizona residents who need assistance with voting should contact the appropriate county election department at the number listed on the inside back cover.

The Secretary of State's Office is an equal opportunity employer.

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**A VOTER'S GUIDE, LISTING ALL THE BALLOT PROPOSITIONS WITH SPACES TO MARK YOUR CHOICES, IS ON THE BACK COVER OF THIS PUBLICITY PAMPHLET.**

**NOTICE**

**In this pamphlet, proposed additions to Arizona's Constitution or laws are shown in CAPITAL LETTERS.**

**Proposed deletions to Arizona's Constitution or laws are shown by ~~strikeouts~~.**

**At the time this pamphlet was printed, the verification of initiative petition signatures by the county recorders was not yet complete. It is possible that not all five of the propositions proposed by Initiative Petition will be on the General Election ballot on November 5, 1996. For information about which propositions will be on the November ballot, contact the election department in your county.**

**VOTE ON NOVEMBER 5, 1996.**

# PROPOSITION 100

## OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2003

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 1, SECTION 1 AND ARTICLE IX, SECTION 22, CONSTITUTION OF ARIZONA; RELATING TO EFFECTIVE DATES OF LEGISLATIVE ENACTMENTS.

## TEXT OF PROPOSED AMENDMENT

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. Article IV, part 1, section 1, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

### 1. Legislative authority; initiative and referendum

Section 1. (1) [Senate; house of representatives; reservation of power to people] The legislative authority of the state shall be vested in the legislature, consisting of a senate and a house of representatives, but the people reserve the power to propose laws and amendments to the constitution and to enact or reject such laws and amendments at the polls, independently of the legislature; and they also reserve, for use at their own option, the power to approve or reject at the polls any act, or item, section, or part of any act, of the legislature.

1. [Initiative power] The first of these reserved powers is the initiative. Under this power ten per centum of the qualified electors shall have the right to propose any measure, and fifteen per centum shall have the right to propose any amendment to the constitution.
2. [Referendum power; emergency measures; effective date of acts] The second of these reserved powers is the referendum. Under this power the legislature, or five per centum of the qualified electors, may order the submission to the people at the polls of any measure, or item, section, or part of any measure, enacted by the legislature, except FOR EMERGENCY laws ~~immediately~~ necessary for the preservation of the public peace, health, or safety, or LAWS for the support and maintenance of the departments of the state government and state institutions; but to allow opportunity for referendum petitions, no act passed by the legislature shall be operative for ninety days after the close of the session of the legislature enacting such measure, except ~~such as require earlier operation~~, FOR EMERGENCY LAWS to preserve the public peace, health, or safety, or LAWS to provide appropriations for the support and maintenance of the departments of the state and of state institutions; provided, that no such emergency measure shall be considered passed by the legislature unless it shall state THAT IT IS AN EMERGENCY MEASURE in a separate section ~~why it is necessary that it shall become immediately operative~~, and shall be approved by the affirmative votes of twothirds of the members elected to each house of the legislature, taken by roll call of ayes and nays, and also approved by the governor; and should such measure be vetoed by the governor, it shall not become a law unless it shall be approved by the votes of threefourths of the members elected to each house of the legislature, taken by roll call of ayes and nays. EMERGENCY LAWS AND OTHER LAWS THAT ARE EXEMPT FROM THE REFERENDUM BECOME EFFECTIVE ACCORDING TO THEIR TERMS.
3. [Initiative and referendum petitions; filing] All petitions submitted under the power of the initiative shall be known as initiative petitions, and shall be filed with the secretary of state not less than four months preceding the date of the election at which the measures so proposed are to be voted upon. All petitions submitted under the power of the referendum shall be known as referendum petitions, and shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the legislature which shall have passed the measure to which the referendum is applied. The filing of a referendum petition against any item, section, or part of any measure shall not prevent the remainder of such measure from becoming operative.
4. [Effective date of initiative and referendum measures] Any measure or amendment to the constitution proposed under the initiative, and any measure to which the referendum is applied, shall be referred to a vote of the qualified electors,

and shall become law when approved by a majority of the votes cast thereon and upon proclamation of the governor, and not otherwise.

5. [Veto and repealing power] 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.
6. [Number of qualified electors] The whole number of votes cast for all candidates for governor at the general election last preceding the filing of any initiative or referendum petition on a state or county measure shall be the basis on which the number of qualified electors required to sign such petition shall be computed.
7. [Local, city, town or county matters] The powers of the initiative and the referendum are hereby further reserved to the qualified electors of every incorporated city, town, and county as to all local, city, town, or county matters on which such incorporated cities, towns, and counties are or shall be empowered by general laws to legislate. Such incorporated cities, towns, and counties may prescribe the manner of exercising said powers within the restrictions of general laws. Under the power of the initiative fifteen per centum of the qualified electors may propose measures on such local, city, town, or county matters, and ten per centum of the electors may propose the referendum on legislation enacted within and by such city, town, or county. Until provided by general law, said cities and towns may prescribe the basis on which said percentages shall be computed.
8. [Form and contents of initiative and of referendum petitions; verification] Every initiative or referendum petition shall be addressed to the secretary of state in the case of petitions for or on state measures, and to the clerk of the board of supervisors, city clerk, or corresponding officer in the case of petitions for or on county, city, or town measures; and shall contain the declaration of each petitioner, for himself, that he is a qualified elector of the state (and in the case of petitions for or on city, town, or county measures, of the city, town, or county affected), his ~~postoffice~~ POST OFFICE address, the street and number, if any, of his residence, and the date on which he signed such petition. Each sheet containing petitioners' signatures shall be attached to a full and correct copy of the title and text of the measure so proposed to be initiated or referred to the people, and every sheet of every such petition containing signatures shall be verified by the affidavit of the person who circulated said sheet or petition, setting forth that each of the names on said sheet was signed in the presence of the affiant and that in the belief of the affiant each signer was a qualified elector of the state, or in the case of a city, town, or county measure, of the city, town, or county affected by the measure so proposed to be initiated or referred to the people.
9. [Official ballot] When any initiative or referendum petition or any measure referred to the people by the legislature shall be filed, in accordance with this section, with the secretary of state, he shall cause to be printed on the official ballot at the next regular general election the title and number of said measure, together with the words "yes" and "no" in such manner that the electors may express at the polls their approval or disapproval of the measure.
10. [Publication of measures] The text of all measures to be submitted shall be published as proposed amendments to the constitution are published, and in submitting such measures and proposed amendments the secretary of state and all other officers shall be guided by the general law until legislation shall be especially provided therefor.
11. [Conflicting measures or constitutional amendments] If two or more conflicting measures or amendments to the constitution shall be approved by the people at the same election, the measure or amendment receiving the greatest number of affirmative votes shall prevail in all particulars as to which there is conflict.
12. [Canvass of votes; proclamation] It shall be the duty of the secretary of state, in the presence of the governor and the chief justice of the supreme court, to canvass the votes for and against each such measure or proposed amendment to the constitution within thirty days after the election, and upon the completion of the canvass the governor shall forthwith issue a proclamation, giving the whole number of votes cast for and against each measure or proposed amendment, and declaring such measures or amendments as are approved by a majority of those voting thereon to be law.
13. [Reservation of legislative power] This section shall not be construed to deprive the legislature of the right to enact any measure.
14. [Selfexecuting] This section of the constitution shall be, in all respects, selfexecuting.

2. Article IX, section 22, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

~~Section~~ 22. Vote required to increase state revenues; application; exceptions

Section 22. (A) An act that provides for a net increase in state revenues, as described in subsection (B) OF THIS SECTION, is effective on the affirmative vote of twothirds of the members of each house of the legislature. If the act receives such an affirmative vote, it becomes effective ~~immediately on the signature of the governor~~ IN THE SAME MANNER AS AN EMERGENCY LAW as provided by article IV, part 1, section 1. If the governor vetoes the measure, it shall not become effective unless it is approved by an affirmative vote of threefourths of the members of each house of the legislature.

1. The requirements of this section apply to any act that provides for a net increase in state revenues in the form of:
2. The imposition of any new tax.
3. An increase in a tax rate or rates.
4. A reduction or elimination of a tax deduction, exemption, exclusion, credit or other tax exemption feature in computing tax liability.
5. An increase in a statutorily prescribed state fee or assessment or an increase in a statutorily prescribed maximum limit for an administratively set fee.
6. The imposition of any new state fee or assessment or the authorization of any new administratively set fee.
7. The elimination of an exemption from a statutorily prescribed state fee or assessment.
8. A change in the allocation among the state, counties or cities of Arizona transaction privilege, severance, jet fuel and use, rental occupancy, or other taxes.
9. Any combination of the elements described in paragraphs 1 through 7.
10. This section does not apply to:
11. The effects of inflation, increasing assessed valuation or any other similar effect that increases state revenue but is not caused by an affirmative act of the legislature.
12. Fees and assessments that are authorized by statute, but are not prescribed by formula, amount or limit, and are set by a state officer or agency.
13. Taxes, fees or assessments that are imposed by counties, cities, towns and other political subdivisions of this state.
14. Each act to which this section applies shall include a separate provision

describing the requirements for enactment prescribed by this section.

3. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article XXI, Constitution of Arizona.

FINAL VOTE CAST BY THE LEGISLATURE ON HCR 2003

(PROPOSITION 100)

House -- Ayes, 51	Senate -- Ayes, 25
Nays, 6	Nays, 4
Not Voting, 3	Not Voting, 1

### **ANALYSIS BY LEGISLATIVE COUNCIL**

*(In compliance with A.R.S. section 19-124)*

Legislative enactments are not normally effective for 90 days after the close of the legislative session. The 90-day delay does not apply in the case of (1) emergency laws, (2) laws that appropriate money for the "support and maintenance" of state agencies and institutions and (3) laws that increase taxes and fees. The Arizona Constitution provides that those three kinds of laws become effective immediately when the Governor signs the law into effect. Proposition 100 would amend the Arizona Constitution to give the Legislature the option of designating other effective dates for these three kinds of laws beside the date the Governor signs them.

### **ARGUMENT "FOR" PROPOSITION 100**

No arguments "for" Proposition 100 were submitted to the Secretary of State.

## ARGUMENT "AGAINST" PROPOSITION 100

No! No! No! No!

Hold on to your wallets! The Arizona State Legislature is asking you to let them grab your hard-earned cash whenever they want.

We have always been able to say, "No way!" whenever they got too greedy. But Proposition 100 will rip out of our Arizona Constitution the cherished right of citizens to approve or reject, by referendum, any non-emergency law passed by the Legislature.

Emergency legislation has always been exempt from referendum -- provided the Legislature explains precisely what the emergency justification for their action is.

Under Proposition 100, *all* laws that increase tax revenues, with or without emergency justification, will be exempt from the people's referendum process. The Legislature can then shear their sheep at will.

To add insult to injury, this measure also removes the requirement for the Legislature to explain the precise reasons for emergency legislation. They need only wink and say, "Trust us, it's an emergency," and the people are immediately barred from taking action by referendum to stop them.

This insult is brought to you by your elected Republican and Democrat legislators, who voted 51-6 (3 not voting) in the House, and 25-4 (one not voting) in the Senate, to try to slip Proposition 100 past you.

We trust that Arizona voters will respond to the insult and avoid the injury by defeating Proposition 100 soundly.

The fundamental principle of American government is the consent of the governed. *Never* give up your right to say "yes" or "no" to your government.

Vote "NO." For more information about this position, or any other ballot item, please visit <http://www.getnet.com/~gfallon/96ballot.html>.

Kent B. Van Cleave	Gary Fallon	Robert Anderson
Libertarian Candidate for State Representative	Libertarian Candidate for State Representative	Libertarian Candidate for U.S. Congress
District 25	District 24	District 6
Phoenix	Phoenix	Phoenix
John Williams	Scott Grainger	Joe Susnjara
Libertarian Candidate for State Senate	Libertarian Candidate for State Representative	Libertarian Candidate for State Representative
District 25	District 21	District 19
Phoenix	Mesa	Phoenix
Ernest Hancock	Rickie Duncan	
Libertarian Candidate for	Libertarian Candidate for	Maricopa County

State Representative

State Senate

Libertarian Party

District 18

District 20

Steering Committee

Phoenix

Phoenix

Mesa

Donna Hancock

John Wilde

Ted Louis Glenn

Libertarian Candidate for

Libertarian Candidate for

Libertarian Candidate for Pima  
County Supervisor

State Senate

State Representative

District 4

District 18

District 20

Tucson

Phoenix

Phoenix

**BALLOT FORMAT**

**PROPOSITION 100**

PROPOSED AMENDMENT TO THE CONSTITUTION

BY THE LEGISLATURE

**OFFICIAL TITLE**

HOUSE CONCURRENT RESOLUTION 2003

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 1, SECTION 1 AND ARTICLE IX, SECTION 22, CONSTITUTION OF ARIZONA; RELATING TO EFFECTIVE DATES OF LEGISLATIVE ENACTMENTS.

**DESCRIPTIVE TITLE**

AMENDING ARIZONA CONSTITUTION TO ALLOW THE LEGISLATURE TO SPECIFY EFFECTIVE DATES FOR LAWS THAT ARE PASSED AS AN EMERGENCY, THAT APPROPRIATE MONEY FOR THE SUPPORT AND MAINTENANCE OF STATE AGENCIES AND INSTITUTIONS, AND THAT INCREASE TAXES AND FEES, INSTEAD OF BECOMING EFFECTIVE IMMEDIATELY UPON THE GOVERNOR'S SIGNATURE.

**PROPOSITION 100**

A "yes" vote shall have the effect of allowing the legislature to select effective dates for laws passed as an emergency, that appropriate money for the support and maintenance of state agencies and institutions and that increase taxes and fees, that otherwise would go into effect on the date the Governor signs the bill.

YES

A "no" vote shall have the effect of retaining the current constitutional provisions that the three types of laws go into effect on the date the Governor signs the bill.

NO

## PROPOSITION 101

### OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2003

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IX, SECTION 2, CONSTITUTION OF ARIZONA; RELATING TO PROPERTY TAX EXEMPTIONS.

### TEXT OF PROPOSED AMENDMENT

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. Article IX, section 2, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

2. Property subject to taxation; exemptions

Section 2. (1) There shall be exempt from taxation all federal, state, county and municipal property.

1. Property of educational, charitable and religious associations or institutions not used or held for profit may be exempt from taxation by law.
2. Public debts, as evidenced by the bonds of Arizona, its counties, municipalities or other subdivisions, shall also be exempt from taxation.
3. All household goods owned by the user thereof and used solely for noncommercial purposes shall be exempt from taxation, and such person entitled to such exemption shall not be required to take any affirmative action to receive the benefit of such exemption.
4. Stocks of raw or finished materials, unassembled parts, work in process or finished products constituting the inventory of a retailer or wholesaler located within the state and principally engaged in the resale of such materials, parts or products, whether or not for resale to the ultimate consumer, shall be exempt from taxation. ~~This subsection shall be self-executing.~~
5. THE LEGISLATURE MAY EXEMPT PERSONAL PROPERTY THAT IS USED FOR AGRICULTURAL PURPOSES OR IN A TRADE OR BUSINESS FROM TAXATION IN A MANNER PROVIDED BY LAW, EXCEPT THAT THE EXEMPTION DOES NOT APPLY TO ANY AMOUNT OF THE FULL CASH VALUE OF THE PERSONAL PROPERTY OF A TAXPAYER THAT EXCEEDS FIFTY THOUSAND DOLLARS. THE LEGISLATURE MAY PROVIDE BY LAW TO INCREASE THE EXEMPT AMOUNT ACCORDING TO ANNUAL VARIATIONS IN A DESIGNATED NATIONAL INFLATION INDEX.

~~(2)~~ (7) There shall be further exempt from taxation the property of each honorably discharged airman, soldier, sailor, United States marine, member of revenue marine service, the coast guard, nurse corps or of any predecessor or of the component of auxiliary of any thereof, resident of this state, in the amount of:

1. One thousand five hundred dollars if the total assessment of such person does not exceed three thousand five hundred dollars.
2. One thousand dollars if the total assessment of such person does not exceed four thousand dollars.
3. Five hundred dollars if the total assessment of such person does not exceed four thousand five hundred dollars.
4. Two hundred fifty dollars if the total assessment of such person does not exceed five thousand dollars.
5. No exemption if the total assessment of such person exceeds five thousand dollars.

No such exemption shall be made for such person unless such person shall have served at least sixty days in the military or naval service of the United States during World War I or prior wars and shall have been a resident of this state prior to September 1, 1945.

~~(8)~~ (8) There shall be further exempt from taxation as herein provided the property of each honorably discharged airman, soldier, sailor, United States marine, member of revenue marine service, the coast guard, nurse corps or of any predecessor or of the component of auxiliary of any thereof, resident of this state, where such person has a serviceconnected disability as determined by the United States veterans administration or its successor. No such exemption shall be made for such person unless he shall have been a resident of this state prior to September 1, 1945 or unless such person shall have been a resident of this state for at least four years prior to his original entry into service as an airman, soldier, sailor, United States marine, member of revenue marine service, the coast guard, nurse corps or of any predecessor or of the component of auxiliary of any thereof. The property of such person having a compensable serviceconnected disability exempt from taxation as herein provided shall be determined as follows:

(a) If such person's service-connected disability as determined by the United States veterans administration or its successor is sixty per cent or less, the property of such person exempt from taxation shall be determined by such person's percentage of disability multiplied by the assessment of such person in the amount of:

1. One thousand five hundred dollars if the total assessment of such person does not exceed three thousand five hundred dollars.
2. One thousand dollars if the total assessment of such person does not exceed four thousand dollars.
3. Five hundred dollars if the total assessment of such person does not exceed four thousand five hundred dollars.
4. Two hundred fifty dollars if the total assessment of such person does not exceed five thousand dollars.
5. No exemption if the total assessment of such person exceeds five thousand dollars.

(b) If such person's service-connected disability as determined by the United States veterans administration or its successor is more than sixty per cent, the property of such person exempt from taxation shall be in the amount of:

1. One thousand five hundred dollars if the total assessment of such person does not exceed three thousand five hundred dollars.
2. One thousand dollars if the total assessment of such person does not exceed four thousand dollars.
3. Five hundred dollars if the total assessment of such person does not exceed four thousand five hundred dollars.
4. Two hundred fifty dollars if the total assessment of such person does not exceed five thousand dollars.
5. No exemption if the total assessment of such person exceeds five thousand dollars.

~~(9)~~ (9) There shall be further exempt from taxation the property of each honorably discharged airman, soldier, sailor, United States marine, member of revenue marine service, the coast guard, nurse corps or of any predecessor or of the component of auxiliary of any thereof, resident of this state, where such person has a nonservice-connected total and permanent disability, physical or mental, as so certified by the United States veterans administration, or its successor, or such other certification as provided by law, in the amount of:

1. One thousand five hundred dollars if the total assessment of such person does not exceed three thousand five hundred dollars.
2. One thousand dollars if the total assessment of such person does not exceed four thousand dollars.
3. Five hundred dollars if the total assessment of such person does not exceed four thousand five hundred dollars.
4. Two hundred fifty dollars if the total assessment of such person does not exceed five thousand dollars.
5. No exemption if the total assessment of such person exceeds five thousand dollars.

No such exemption shall be made for such person unless he shall have served at least sixty days in the military or naval service of the United States during time of war after World War I and shall have been a resident of this state prior to September 1, 1945.

~~(10)~~ (10) There shall be further exempt from taxation the property of each widow, resident of this state, in the amount of:

~~(a)~~ (a) One thousand five hundred dollars if the total assessment of such widow does not exceed three thousand five hundred

dollars.

~~2-~~ (b) One thousand dollars if the total assessment of such widow does not exceed four thousand dollars.

~~3-~~ (c) Five hundred dollars if the total assessment of such widow does not exceed four thousand five hundred dollars.

~~4-~~ (d) Two hundred fifty dollars if the total assessment of such widow does not exceed five thousand dollars.

~~5-~~ (e) No exemption if the total assessment of such widow exceeds five thousand dollars.

In order to qualify for this exemption, the income from all sources of such widow, together with the income from all sources of all children of such widow residing with the widow in her residence in the year immediately preceding the year for which such widow applies for this exemption, shall not exceed:

1. Seven thousand dollars if none of the widow's children under the age of eighteen years resided with her in such widow's residence; or
2. Ten thousand dollars if one or more of the widow's children residing with her in such widow's residence was under the age of eighteen years, or was totally and permanently disabled, physically or mentally, as certified by competent medical authority as provided by law.

Such widow shall have resided with her last spouse in this state at the time of the spouse's death if she was not a widow and a resident of this state prior to January 1, 1969.

(11) No property shall be exempt which has been conveyed to evade taxation. The total exemption from taxation granted to the property owned by a person who qualifies for any exemption in accordance with the terms of subsections ~~(2), (3), (4), or (5)~~ (7), (8), (9) OR (10) shall not exceed one thousand five hundred dollars. The provisions of this section shall be self-executing.

~~(6)~~ (12) All property in the state not exempt under the laws of the United States or under this constitution or exempt by law under the provisions of this section shall be subject to taxation to be ascertained as provided by law.

2. The Secretary of State shall submit this proposition to the voters at the next general election as provided by Article XXI, Constitution of Arizona.

#### FINAL VOTE CAST BY THE LEGISLATURE ON HCR 2003

#### (PROPOSITION 101)

House -- Ayes, 58	Senate -- Ayes, 26
Nays, 0	Nays, 3
Not Voting, 2	Not Voting, 1

#### **ANALYSIS BY LEGISLATIVE COUNCIL**

*(In compliance with A.R.S. section 19-124)*

The Arizona Constitution provides that all property in Arizona is subject to property taxation unless it is specifically exempted from tax as authorized by the Constitution.

Proposition 101 would amend the Arizona Constitution to allow the Legislature to exempt from taxation the first \$50,000 of "full cash value" of a taxpayer's "personal property" if it is used in agriculture or in a trade or business. The Legislature could also increase the exempt amount above \$50,000 according to changes in a national inflation index, such as the consumer price index.

Under current Arizona law, the first \$50,000 of full cash value of a taxpayer's personal property is taxed based on a 1% assessment ratio. Assessment ratios on property range from 1% to 100%.

"Full cash value" refers to the market value of property unless a specific formula for valuing property for tax purposes is set out in law.

"Personal property" refers to property that is not part of real estate and includes such things as machinery, equipment and store fixtures.

Proposition 101 could affect the tax revenue and property tax rates of the state, counties, cities and towns, school districts, community college districts and other governmental entities that rely on property taxes, but the exemptions would not be automatic on passage of this proposition. The actual effect would depend on how the Legislature enacted the exemptions within the authority and limits of this proposition.

### **ARGUMENT "FOR" PROPOSITION 101**

Imagine paying a yearly tax on your television, sofa, and kitchen table. Well, that's what every business in Arizona is required to do when it pays personal property taxes. Of all the taxes paid by Arizona business, the state personal property tax hits them the hardest. This is because the personal property tax liability is higher than in most other states, and the method of calculating and paying the tax is a red-tape administrative nightmare for small business owners. The personal property tax is applied to everything from file cabinets, computers, and cash registers to heavy machinery used in manufacturing and farming. It doesn't matter that they paid a sales tax on the computer when it was purchased. Business owners still must pay a yearly property tax for the right to use their computer in their business each year. Homeowners, thankfully, do not pay personal property tax.

Proposition 101 is good for small family-owned businesses because it exempts the first \$50,000 in personal property from this archaic tax. The Department of Revenue estimated that 87 percent of all businesses in Arizona have less than \$50,000 in taxable personal property tax. This means passing Proposition 101 relieves most businesses from paying this annual tax, saves them the time of filling out numerous forms and allows them to focus on their businesses.

Proposition 101 has a minimal impact on state revenue collections because over the past few years the Legislature has reduced the personal property tax burden on small businesses as much as it can, absent a change in the Constitution. Voting "yes" on Proposition 101 provides the permanent relief small businesses need from this form of double taxation and helps those businesses grow and create new jobs in our state.

Larry Chesley

State Senator

Gilbert

### **ARGUMENT "FOR" PROPOSITION 101**

Help reduce personal property taxes for Arizona's small businessmen and women, farmers and ranchers. And reduce the cost for county government by voting YES on Proposition 101. Proposition 101 exempts \$50,000 of personal property from taxation.

This tax is costly. Keeping the county assessor's list up-to-date on small personal property items is a cost to me, the taxpayer. The time the county assessor spends in maintaining these records is costly to us, the county taxpayers.

Just like we do not have personal property taxes on our home furniture, computers and lawn mowers, we should remove the tax on similar items for small businesses.

Support Proposition 101.

Ken Evans, President

Andy G. Kurtz, Secretary and Chief  
Administrative Officer

Arizona Farm Bureau Federation

Arizona Farm Bureau Federation

Yuma

Phoenix

### **ARGUMENT "FOR" PROPOSITION 101**

Vote YES on Proposition 101 if you want to see a small part of Arizona's broken property tax system fixed! Residents, and business and community leaders agree that Arizona's property tax system is in dire need of repair. It is complex and inefficient. Now voters have a chance to correct at least a part of it.

In 1994, the Legislature decreased the assessment ratio for business and agricultural taxpayers to 1% from 25% on the first \$50,000 worth of personal property.

Now, Proposition 101 will allow the state Legislature to entirely relieve the state's small businesses from paying taxes on the first \$50,000 worth of personal property as well as eliminate the burdensome paperwork involved in filing a personal property tax return.

The proposition also will end the inefficient government practice of sending out tax bills for insignificant amounts.

Small business is a key contributor to the state's economic health. Proposition 101 will relieve small firms from the time-intensive process of filling a personal property tax return and give them more time to run their businesses!

Vote YES on Proposition 101.

Valerie Manning, President & CEO

Jay Ruffner, Chairman of the Board

Phoenix Chamber of Commerce

Phoenix Chamber of Commerce

Phoenix

Phoenix

### **ARGUMENT "FOR" PROPOSITION 101**

So how much do you suppose it COSTS a county to issue personal property tax bills for 70¢ or \$3.52 or \$4.50? Those are actual personal property tax amounts billed to our businesses in the past two years. They are service businesses, like thousands of others, operating with desks, chairs, computers, copiers and faxes.

As small business owners, we understand the need to manage our personal time and financial resources as efficiently as possible. There are no sales, service, accounting or personnel departments to take care of the various aspects of our operations - we each wear those different hats at one time or another. That fact makes us even more aware of inefficiencies elsewhere - particularly in government which makes demands on business owners that cannot be ignored.

The issuance of tax assessments at these small amounts cannot be a revenue generating proposition for Arizona's counties. They're paying people, using equipment and materials and paying for postage. Up to some level of assessment, counties have to be losing money in this exercise.

Not to mention the nuisance of using a small business owner's valuable time to fill out forms and write a 70¢ check.

Arizona's Constitution says all property must be taxed unless the people modify that provision. It's our government. Let's try to make it a smidge more efficient.

Vote YES on Proposition 101.

TJ Taub, Principal

Bill Meek, Principal

Southwest Public Relations Associates

Southwest Public Relations Associates

Tempe

Phoenix

## **ARGUMENT "FOR" PROPOSITION 101**

I strongly support the authorization to exempt the first \$50,000 of business personal property tax as proposed in Proposition 101.

As a small business owner, for over 20 years now, I've felt the tax and regulatory burdens. They take a toll on the energy, time and resources of a small business owner.

The personal property tax is confusing and inequitable. Taxed items stay on the tax role indefinitely even though they have fully depreciated and may well be obsolete. And it's difficult to decipher the reporting form!

Proposition 101 represents a significant positive impact for small businesses and our state economy. Hats off to those trying to relieve small business of this burden.

Please join me in voting yes.

George Kirk, President Lois Jean Kirk, Secretary

Kirk Development Company Kirk Development Company

Phoenix Phoenix

## **ARGUMENT "FOR" PROPOSITION 101**

Arizona's current **personal property tax** generates revenue by taxing business equipment, machinery and store fixtures using an assessment ratio. Arizona's **personal property tax** places an inequitable financial burden on manufacturers that are capital intense and hinders the existing companies from expanding. If a new company locates in our state, property taxes can be negotiated as an incentive for bringing new jobs and business expansion to our state. The existing companies carry the burden of our taxes and discourages investments in capital equipment limiting the ability of the state's manufacturers to grow and generate wealth through new jobs creation.

Proposition 101 is the first step to fix a fundamentally obsolete tax policy by exempting from taxation the first \$50,000 of "full cash value" of taxpayer's "personal property" if used in agriculture or in a trade or business. For small companies and our state government, this will eliminate the requirement of mailing and filing small dollar personal property tax liability with negligible financial impact to the state.

The financial impact of this reduction to Apex Manufacturing, Inc. (a contract aerospace company) is negligible due to our high capital investment. A **yes vote** clearly sets the stage for future improvements to modify the complex system and inefficient manner in which the property tax system is managed. The restructuring of the property tax system will help build our manufacturing base from existing businesses as well as winning new major capital-intensive manufacturing businesses.

**Vote YES on Proposition 101.**

Bill Reitz, CEO Jay Berens, President

Apex Manufacturing, Inc. Apex Manufacturing, Inc.

Scottsdale Scottsdale

## **ARGUMENT "AGAINST" PROPOSITION 101**

Vote "NO."

Libertarian principles demand that all citizens be treated equally, and that no special groups be created by government -- as

Proposition 101 attempts to do.

We *do* want property tax reductions -- for *all* citizens, not just a select few. But that would only be a start. The Libertarian Party is the *only* party in Arizona that supported and endorsed the Property Tax *Repeal* Initiative that narrowly missed being on this ballot.

Property is an inalienable right. No one should have to "rent" their property from the government.

Proposition 101 isn't property tax reform, it's special favors for special interests.

Vote "NO" on 101.

For more information about this position, or any other ballot item, please visit  
<http://www.getnet.com/~gfallon/96ballot.html>.

Kent B. Van Cleave	Gary Fallon	Robert Anderson
Libertarian Candidate for	Libertarian Candidate for	Libertarian Candidate for
State Representative	State Representative	U.S. Congress
District 25	District 24	District 6
Phoenix	Phoenix	Phoenix
John Williams	Scott Grainger	Maricopa County
Libertarian Candidate for	Libertarian Candidate for	Libertarian Party
State Senate	State Representative	Steering Committee
District 25	District 21	Mesa
Phoenix	Mesa	
Ernest Hancock	Rickie Duncan	Ted Louis Glenn
Libertarian Candidate for	Libertarian Candidate for	Libertarian Candidate for
State Representative	State Senate	Pima County Supervisor
District 18	District 20	District 4
Phoenix	Phoenix	Tucson
Donna Hancock	John Wilde	
Libertarian Candidate for	Libertarian Candidate for	
State Senate	State Representative	
District 18	District 20	
Phoenix	Phoenix	

**BALLOT FORMAT**

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# PROPOSITION 101

PROPOSED AMENDMENT TO THE CONSTITUTION

BY THE LEGISLATURE

OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2003

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IX, SECTION 2, CONSTITUTION OF ARIZONA; RELATING TO PROPERTY TAX EXEMPTIONS.

DESCRIPTIVE TITLE:

AMENDING ARIZONA CONSTITUTION TO ALLOW LEGISLATURE TO EXEMPT FROM TAXATION THE FIRST FIFTY THOUSAND DOLLARS OF THE VALUE OF PERSONAL PROPERTY THAT IS USED FOR AGRICULTURE PURPOSES OR IN A TRADE OR BUSINESS; ALLOWING THE LEGISLATURE TO INCREASE THE EXEMPT AMOUNT BASED ON A NATIONAL INFLATION INDEX.

# PROPOSITION 101

A "yes" vote shall have the effect of allowing the legislature to provide a tax exemption of up to \$50,000 for personal property used in agriculture, a trade or business, and allows the legislature to change the exempt amount based on a national inflation index.	YES
A "no" vote shall have the effect of retaining the current constitutional provision for taxation of all property.	NO

# PROPOSITION 102

OFFICIAL TITLE

AN INITIATIVE MEASURE

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, CONSTITUTION OF ARIZONA, BY ADDING SECTION 22; REPEALING ARTICLE VI, SECTION 15, CONSTITUTION OF ARIZONA; AND AMENDING ARTICLE VI, CONSTITUTION OF ARIZONA, BY ADDING A NEW SECTION 15; RELATING TO THE JUDICIAL DEPARTMENT IN JUVENILE PROCEEDINGS.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of the State of Arizona:

The Constitution of Arizona is proposed to be amended as follows If approved by a majority of the qualified electors voting thereon and on proclamation of the Governor:

Section 1. Article IV, part 2, Constitution of Arizona, is amended by adding section 22, to read:

**22. JUVENILE JUSTICE; CERTAIN CHRONIC AND VIOLENT JUVENILE OFFENDERS PROSECUTED AS ADULTS  
COMMUNITY ALTERNATIVES FOR CERTAIN JUVENILE OFFENDERS; PUBLIC PROCEEDINGS AND RECORDS**

SECTION 22. IN ORDER TO PRESERVE AND PROTECT THE RIGHT OF THE PEOPLE TO JUSTICE AND PUBLIC SAFETY, AND TO ENSURE FAIRNESS AND ACCOUNTABILITY WHEN JUVENILES ENGAGE IN UNLAWFUL CONDUCT, THE LEGISLATURE, OR THE PEOPLE BY INITIATIVE OR REFERENDUM, SHALL HAVE THE AUTHORITY TO ENACT SUBSTANTIVE AND PROCEDURAL LAWS REGARDING ALL PROCEEDINGS AND MATTERS AFFECTING SUCH JUVENILES. THE FOLLOWING RIGHTS, DUTIES, AND POWERS SHALL GOVERN SUCH PROCEEDINGS AND MATTERS:

1. JUVENILES 15 YEARS OF AGE OR OLDER ACCUSED OF MURDER, FORCIBLE SEXUAL ASSAULT, ARMED ROBBERY OR OTHER VIOLENT FELONY OFFENSES AS DEFINED BY STATUTE SHALL BE PROSECUTED AS ADULTS. JUVENILES 15 YEARS OF AGE OR OLDER WHO ARE CHRONIC FELONY OFFENDERS AS DEFINED BY STATUTE SHALL BE PROSECUTED AS ADULTS. UPON CONVICTION ALL SUCH JUVENILES SHALL BE SUBJECT TO THE SAME LAWS AS ADULTS, EXCEPT AS SPECIFICALLY PROVIDED BY STATUTE AND BY ARTICLE 22, SECTION 16 OF THIS CONSTITUTION. ALL OTHER JUVENILES ACCUSED OF UNLAWFUL CONDUCT SHALL BE PROSECUTED AS PROVIDED BY LAW. EVERY JUVENILE CONVICTED OF OR FOUND RESPONSIBLE FOR UNLAWFUL CONDUCT SHALL MAKE PROMPT RESTITUTION TO ANY VICTIMS OF SUCH CONDUCT FOR THEIR INJURY OR LOSS.

2. COUNTY ATTORNEYS SHALL HAVE THE AUTHORITY TO DEFER THE PROSECUTION OF JUVENILES WHO ARE NOT ACCUSED OF VIOLENT OFFENSES AND WHO ARE NOT CHRONIC FELONY OFFENDERS AS DEFINED BY STATUTE AND TO ESTABLISH COMMUNITY-BASED ALTERNATIVES FOR RESOLVING MATTERS INVOLVING SUCH JUVENILES.

3. ALL PROCEEDINGS AND MATTERS INVOLVING JUVENILES ACCUSED OF UNLAWFUL CONDUCT SHALL BE OPEN TO THE PUBLIC AND ALL RECORDS OF THOSE PROCEEDINGS SHALL BE PUBLIC RECORDS. EXCEPTIONS SHALL BE MADE ONLY FOR THE PROTECTION OF THE PRIVACY OF INNOCENT VICTIMS OF CRIME, OR WHEN A COURT OF COMPETENT JURISDICTION FINDS A CLEAR PUBLIC INTEREST IN CONFIDENTIALITY.

Section 2. Article VI, section 15, Constitution of Arizona, is repealed.

~~§15. Superior Court; proceedings affecting children~~

~~Section 15. The superior court shall have exclusive original jurisdiction in all proceedings and matters affecting dependent, neglected, incorrigible or delinquent children, or children accused of crime, under the age of eighteen years. The judges shall hold examinations in chambers for all such children concerning whom proceedings are brought, in advance of any criminal prosecution of such children, and may, in their discretion, suspend criminal prosecution of such children. The powers of the judges to control such children shall be as provided by law.~~

Section 3. Article VI, section 15, Constitution of Arizona, is amended by adding a new Section 15, to read:

**15. JURISDICTION AND AUTHORITY IN JUVENILE PROCEEDINGS**

SECTION 15. THE JURISDICTION AND AUTHORITY OF THE COURTS OF THIS STATE IN ALL PROCEEDINGS AND MATTERS AFFECTING JUVENILES SHALL BE AS PROVIDED BY THE LEGISLATURE OR THE PEOPLE BY INITIATIVE OR REFERENDUM.

**ANALYSIS BY LEGISLATIVE COUNCIL**

*(In compliance with A.R.S. section 19-124)*

Article VI, section 15, Constitution of Arizona, gives the Superior Court exclusive original jurisdiction in all proceedings and matters affecting juveniles. Under the Constitution, judges can decide whether to suspend the prosecution of a juvenile for a criminal offense. Proposition 102 would amend the Constitution by repealing Article VI, section 15 and by allowing the

Legislature to limit the power of the courts to suspend the prosecution of a juvenile and by limiting the jurisdiction of the courts to those juvenile matters that are provided by the Legislature or the people. The Supreme Court and Superior Court would continue to have jurisdiction over juveniles, including dependent juveniles, pursuant to other existing laws unless those laws are amended by the Legislature or the people at some future time.

Currently, a juvenile may be prosecuted as an adult for a criminal offense only if the County Attorney requests that the juvenile be transferred to the Superior Court for criminal prosecution and the court grants the request for transfer. Under Proposition 102 juveniles who are 15 years of age or older and who are accused of murder, rape or armed robbery would be prosecuted as adults. Juveniles who are 15 years of age or older and who are accused of other violent crimes or who are chronic offenders would also be prosecuted as adults. Proposition 102 would allow the Legislature to determine the range of punishment for juvenile offenders, so that the Legislature could decide that some adult sentences don't apply to juveniles who are prosecuted as adults. Under Proposition 102, all juveniles who are convicted of a criminal offense or who are found responsible for unlawful conduct would be required to make prompt restitution to their victims.

Proposition 102 would allow county attorneys to establish community based alternatives for dealing with less serious juvenile offenders.

Proposition 102 would open to the public certain records and proceedings of juveniles who are accused of unlawful conduct that are now confidential. Juvenile records or proceedings could be closed only to protect the privacy of innocent victims of crime or if a court finds a clear public interest in confidentiality.

### **ARGUMENT "FOR" PROPOSITION 102**

No arguments "for" Proposition 102 were submitted to the Secretary of State.

### **ARGUMENT "AGAINST" PROPOSITION 102**

I urge every Arizonan who cares about children and crime prevention to vote "no" on the Stop Juvenile Crime Initiative backed by Governor Fife Symington.

The courts already have the power under current law to transfer juveniles to adult court on a case-by-case basis and statistics show that serious offenders are already treated in the adult system in most cases.

This initiative will take away that discretion and automatically refer some children to an adult court system which is overcrowded. Instead of tougher penalties, many of these juveniles will plea bargain and receive less jail time or probation instead of tough juvenile prison sentences and rehabilitation services. The children who do serve time in adult prisons will come back to our neighborhoods hardened criminals when they are released.

The Symington initiative will also remove the Constitutional jurisdiction of the courts to review actions by the state government to prevent abuses in areas like child protection, dependency and other matters related to children. Knowing the state government's dismal history in children's issues, I think that this shift in power is a horrible idea.

This initiative is more about public relations and political posturing than crime prevention. The Governor has worked diligently against more sensible juvenile justice reform proposals and seems interested only in taking advantage of this emotionally charged issue and deflecting attention from his own political problems.

He shouldn't play politics at the expense of troubled youth, many from minority families, who are already struggling to beat the streets and become productive citizens. Minority children are disproportionately represented in the juvenile court system and this initiative targets them for unnecessarily harsh treatment instead of fairness, job training, education and rehabilitation services.

This initiative is a bad idea. Vote "no" on the Governor's Stop Juvenile Crime Initiative.

Sandra D. Kennedy

State Senator

Phoenix

## **ARGUMENT "AGAINST" PROPOSITION 102**

The statewide, bipartisan Committee for Juvenile Justice Reform strongly urges you to vote "No" on Proposition 102.

This is not to say that we are not concerned about the growing problem of teenage crime. We are. Our committee largely consists of the very people who have to deal with teenage crime on a daily basis: Prosecutors, judges, police officers, crime victims, and others involved in law enforcement.

Nobody understands the need to solve the teenage crime problem more than they do. And they understand that Proposition 102, the Symington system, will not "stop" juvenile crime.

The reality is that violent teenage criminals are routinely being tried in adult courts today and our courts are tougher on juveniles than virtually any other state in the nation.

Proposition 102 is not needed.

So, why did Governor Symington propose this initiative?

It has nothing to do with teenage criminals. It has everything to do with raw political power.

Buried in the fine print of Proposition 102, is the repeal of Article 6, Section 15 of our Arizona Constitution. But Symington never talks about that.

Why?

The answer is clear: Proposition 102 is a political power-play of immense proportions. Article 6, Section 15 says that our courts will have authority over children under age 18. Not just criminals, but ALL children. Dependent, abused and neglected children.

By eliminating Article 6, Section 15, Proposition 102 kicks the door open to allow state government bureaucrats, instead of judges, to make critical decision about those children. Imagine Child Protective Services making those decisions. Imagine a faceless bureaucrat deciding critical custody issues.

That is what Proposition 102 is all about: Grabbing authority away from our judges and prosecutors and giving it to state bureaucrats.

We urge you to vote "No" on Proposition 102.

Paul Eckstein, Chairman Brian de Vallance, Treasurer

Committee for Juvenile Justice Reform Committee for Juvenile Justice

Phoenix Phoenix

Rose Mofford Grant Woods

Phoenix Attorney General

Tempe

*Committee for Juvenile Justice Reform: Paul Eckstein, Chairman*

## **ARGUMENT "AGAINST" PROPOSITION 102**

I strongly oppose the Symington Juvenile Justice Initiative. As Maricopa County Attorney, I prosecute more than twenty thousand juvenile crime cases each year. Some have asked, if that's the case, why is a tough prosecutor such as myself opposed to the Governor's Initiative which, at first blush, seems to get really tough on violent juvenile offenders? The answer is simple and direct. I oppose the Governor's Initiative because it does not get tough enough on juvenile offenders, and it fails to reduce juvenile crime. In addition, Governor Symington's Initiative has a significant major basic flaw which undermines effective law enforcement.

By singling out juvenile offenders over age fifteen for automatic transfer to adult court, the Governor ignores those violent murderers, rapists and robbers who are under the age of fifteen. All the experts agree that violent offenses are being committed by younger and younger offenders. Legal experts, including Presiding Juvenile Judge John Foreman, have stated that by limiting transfer to adult court to those over fifteen, the law makes impossible the transfer to adult court of anybody under the age of fifteen. In other words, the Governor's Initiative may legally prevent any transfer to adult court of fourteen year-old violent and repetitive juvenile offenders, even if they deserve to be tried in adult court. Defense lawyers are already anticipating the loophole if the Initiative is approved.

This Initiative does not basically reform the juvenile justice system, it merely provides attractive window dressing which creates the imagery of reform without substance. We can do better, we must do better, we will do better. I urge all voters in Maricopa County to vote NO on Proposition 102

Richard M. Romley

Maricopa County Attorney

Scottsdale

## **ARGUMENT "AGAINST" PROPOSITION 102**

As victim advocates and co-founders of We the People we come to you with a most important message on Proposition 102.

We the People is an organization that is dedicated to protecting the rights of victims. Having been a part of successfully changing the Arizona Constitution to include the Victims Bill of Rights, our organization realizes the importance and significance of amending a document as important as our state constitution.

First and foremost, when asking the voters to approve a constitutional amendment, telling the truth must be paramount! Proposition 102, the Governor's juvenile justice initiative is deliberately misleading and deceptive. The proponents of Proposition 102 are using the voters justified fear of the growing juvenile crime problem to eradicate the Juvenile Court System.

The truth is Proposition 102 does nothing to protect you from juvenile crime. Proposition 102 will increase the number of plea bargains and will also allow accused juvenile rapists, murderers and child molesters to be free on bail, thus roaming our streets creating more havoc. Child victims of abuse, neglect or custody disputes will no longer be protected by the juvenile courts.

As victim advocates we implore you to fully understand all the ramifications of Proposition 102 and to not fall for the devious tactics the proponents are using. Do not allow them to exploit your fears or mislead you.

Proposition 102 is a very dangerous initiative that is designed to do away with the juvenile court system as we know it. Judicial authority will be taken away and given to the Executive branch of government thus creating more bureaucracies. This initiative is truly frightening. Vote NO on Proposition 102. Please help protect innocent victims and preserve our rights under our state constitution.

Karen Duffy Judi Montcalm

Tucson Tucson

## **ARGUMENT "AGAINST" PROPOSITION 102**

Children's Action Alliance (CAA) opposes Proposition 102. Proposition 102 will not stop juvenile crime. There are three flaws in the proposition:

***No focus on prevention:*** Children who commit heinous crimes should be incarcerated. But, research in Arizona and throughout the country proves that the best way to stop juvenile crime is to take action before any crime is committed. Poverty, drugs, child abuse, school failure and the lack of constructive activities for youth are major factors contributing to juvenile crime. Proposition 102 does nothing to change these factors or to prevent juvenile crime.

***No evidence that prosecuting all juveniles as adults works:*** An examination of Arizona juveniles prosecuted as adults in 1994 found that over 60% received some form of probation - not prison. A Florida study found that juveniles prosecuted as adults were more likely to commit additional crimes than juveniles kept in juvenile court. Treating juvenile criminals like adult criminals does not cut crime.

***Wipes out constitutional protections for abused and neglected children and their families:*** Proposition 102 repeals Article 6, Section 15 of the Arizona Constitution. This section guarantees court protection for abused and neglected children and court involvement in child custody cases. Without this guarantee, decisions about child custody and taking children from their parents because of abuse or neglect could be handed to overwhelmed state government officials or neighborhood councils with no expertise. This alteration of the constitution means there may be no more judicial checks and balances over state employees and politicians.

Proposition 102 does nothing to stop juvenile crime but it does eliminate constitutional protections for children and families. We urge you to vote no on Proposition 102.

Win Holden Dan Schweiker

Publisher and Editor-in-Chief CEP, China Mist Tea Corporation

Phoenix Magazine Vice President

President, CAA Board of Directors CAA Board of Directors

Mesa Scottsdale

*Children's Action Alliance*

## **ARGUMENT "AGAINST" PROPOSITION 102**

Arizona citizens should say no to Proposition 102. This proposal purports to make life rough on young criminals. It won't. What is being touted as a "get tough" plan will likely result in shorter sentences with no mandated education or community restitution program. We will be providing through this plan the very situation most convicts seek: easy time. A judge's discretion to demand education and community restitution from young offenders is critical. We should exact no less from those who choose to commit violence against others in this state. Say no to an easy way out. Please join me in voting no on Proposition 102.

Lisa Graham Keegan

Superintendent of Public Instruction

## **ARGUMENT "AGAINST" PROPOSITION 102**

The Arizona Women Lawyers Association opposes Proposition 102 because it would gut the juvenile justice system in the name of "reform". In truth, it would repeal the constitutional safeguard which, since statehood, has vested the superior courts with exclusive, original jurisdiction over juvenile matters. This would leave Arizona's families, and abused, neglected and dependent children vulnerable to the unchecked power of state administrative bureaucracies, like CPS and DES, unconstrained by judicial oversight.

Proposition 102 is not a solution for juvenile crime. It does not provide any money for juvenile detention facilities, placements, drug rehabilitation, or training programs, even though the present facilities and programs are full. Moreover, many of the "reforms" included in the proposition are already being done. For example, the courts are ordering restitution to crime victims now; juveniles accused of violent offenses are being transferred to adult court in appropriate cases now; delinquency hearings and files are open now; and, the courts and county attorneys are working on developing community-based committees for resolving lesser offenses involving juveniles now. This is being accomplished without destroying the important checks and balances provided by our independent judiciary, and without eliminating case-by-case professional judgment in areas where discretion serves the interests of justice and our community.

Please vote no on Proposition 102, for the good of our families, our community, our children, and the administration of justice.

Helen Perry Grimwood Cheri L. McCracken

President-Elect Treasurer

Phoenix Phoenix

*Arizona Women Lawyers Association*

## **ARGUMENT "AGAINST" PROPOSITION 102**

The Arizona Council of Centers for Children and Adults respectfully urges Arizona Voters to **VOTE NO on Proposition 102, Governor Symington's Juvenile Justice Initiative.**

- The **Initiative creates reforms**, such as community based justice centers and victim restitution, **which already exist**. Reforms to address over-representation of minority youth in the Justice System are not included.
- There is **no need for a Constitutional change** to improve this system!
- The **Initiative does not provide protection for Arizona Citizens**. Statistics show teenage criminals tend to get easier sentences in adult court than juvenile court. Arizona already has, and uses, a process to transfer juveniles to adult courts. It will not add an effective tool to protect the public.
- The **Initiative does not address the need for additional resources in prevention, intervention, treatment and incarceration** services. Statistics show juvenile crime as a percentage of the juvenile population has remained relatively constant. The juvenile population has increased by approximately 50% the last ten years. This pace is expected to continue. **All consequences/punishments cost us money!**
- The **Initiative should scare all Arizona Citizens** because it **eliminates our Constitutional protections** afforded by the "checks and balances" among the three branches of government, **for all juvenile matters**. Especially troubling are cases involving **children who are abused, neglected or abandoned**. The Initiative moves all these matters to Departments under the Executive branch direction. The result will have unelected **government employees, quite possibly your neighbor, making decisions related to your family in these custody matters, and if your child should break the law. You would not be allowed legal representation or have judicial review of your case.**
- **VOTE NO!!!**

ACCCA is a state-wide organization of community based providers of Prevention, Intervention and Treatment services for children and adults.

Richard E. Geasland, CISW Maria Hoffman

Member, ACCCA Board of Directors Executive Director, ACCCA

Co-Chair, Juvenile Justice Committee Fountain Hills

Phoenix

*Arizona Council of Centers for Children and Adults*

### **ARGUMENT "AGAINST" PROPOSITION 102**

This initiative measure is deceiving. It won't stop or reduce juvenile crime by forcing juveniles charged with serious offenses to be transferred to adult court. Through the exercise of juvenile court judges' discretion this almost always occurs now. This measure would give our legislature the power to set up non-judicial executive agencies to handle all problem children in Arizona - neglected and dependent, as well as delinquent children - without the supervision of Superior Court judges.

After 30 years of being a judge, I can tell you that I would rather have a trained impartial judicial officer making decisions regarding our children, basing those decisions on evidence and what is truly in the best interest of the children, rather than bureaucrats or political hacks making those decisions motivated by political expediency.

If people think that the legislature can do a better job of running the juvenile justice system than the courts, why is it that the legislature has allowed the number of secure juvenile detention beds in Arizona, the only place judges can sentence truly dangerous juveniles, be reduced from 900 in 1962 to less than 500 in 1995? That in itself, in my opinion, has been a significant cause in the increase of juvenile crime in Arizona - violators know that the state doesn't have enough facilities to keep them for more than 60 days. What kind of a threat is that? Not much. I, and every judge I know, am opposed to this initiative.

Frank X. Gordon, Jr.

Former Chief Justice of Arizona

Phoenix

### **ARGUMENT "AGAINST" PROPOSITION 102**

Parents And Children Together (PACT) opposes the Juvenile Justice Reform Initiative for the following reasons: The initiative is meaningless. There is no validity to sentencing juveniles as adult offenders if there is no place to detain them. Statistics indicate that those juveniles who have been sentenced as adults in Arizona have, in fact, served less time than those offenders tried as juveniles.

The initiative seriously undermines Superior Court authority over proceedings affecting children NOT involved in the criminal justice system. The Governor's initiative will result in the repeal of Article 6, Section 15 of the Arizona Constitution. This article provides that the Superior Court shall have exclusive jurisdiction over all proceedings and matters affecting dependent, neglected, and delinquent children or children accused of a crime under the age of 18 years. In short, it repeals a constitutional provision and steps outside the area of criminal prosecution and adversely affects the ability of the Superior Court to deal with dependent, neglected, incorrigible, or delinquent children.

Perhaps the most serious issue which this initiative impacts is that involving decisions of parental custody for those parents who are, indeed, deserving of the constitutional guarantee of Superior Court oversight. Without this oversight, state agencies such as the Department of Economic Security (DES) could have the authority to unilaterally decide issues affecting families

without the guarantee of an impartial hearing. The Courts have a role to play in protecting the rights of Arizona's children. If this initiative passes that CONSTITUTIONAL RIGHT WILL BE ELIMINATED.

Regina Murphy-Darling Stanley L. Baxter

Chief Executive Officer Chief Operations Officer

Tucson Sahuarita

*Parents and Children Together*

## **ARGUMENT "AGAINST" PROPOSITION 102**

As members of the Arizona State Legislature we strongly urge you to vote "No" on the Symington Initiative.

During extensive hearings on reforming Arizona's juvenile justice system so that it will be tougher on teenage criminals, we reached strong bipartisan agreement on a reform plan that would protect honest citizens from these juvenile criminals. Working with leaders in law enforcement, the people who have to deal with these problems every day, we rejected the Symington plan for one reason:

It will not stop juvenile crime.

Frankly, despite all of Governor Symington's talk, the Symington Initiative is not tough enough. If approved, the Symington Initiative would create a system that will become a dream come true for defense lawyers and violent teenagers younger than age 15.

The 14 year old who commits a violent crime would not be moved to adult court for a tough sentence. That is why we favor a reform plan that focused on the behavior of the juvenile, not their age.

But the Symington Initiative is even more dangerous than that. Not only is it not tough enough on teenage criminals, it is too tough on innocent children who are victims of crime - children who are abused, neglected, or abandoned.

The Symington Initiative would transfer authority over these innocent children from the courts to the governor and his administration. The result is that unelected bureaucrats would be making decisions about these children, quite possibly including decisions involving child custody.

We want the violent kids, of any age, locked up. And we want the innocent victims of child abuse and neglect protected from state bureaucrats.

The Symington Initiative fails both of these tests.

It is time to say "No" to the Symington Initiative. Vote "No" on Proposition 102.

Tom Smith Susan Gerard

State Representative State Representative

Phoenix Phoenix

## **BALLOT FORMAT**

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# **PROPOSITION 102**

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PROPOSED AMENDMENT TO THE CONSTITUTION

BY THE INITIATIVE

OFFICIAL TITLE

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, CONSTITUTION OF ARIZONA, BY ADDING SECTION 22; REPEALING ARTICLE VI, SECTION 15, CONSTITUTION OF ARIZONA; AND AMENDING ARTICLE VI, CONSTITUTION OF ARIZONA, BY ADDING A NEW SECTION 15; RELATING TO THE JUDICIAL DEPARTMENT IN JUVENILE PROCEEDINGS.

DESCRIPTIVE TITLE

AMENDING ARIZONA CONSTITUTION TO: MANDATE ADULT PROSECUTION AT AGE FIFTEEN FOR MURDER, FORCIBLE SEXUAL ASSAULT OR ARMED ROBBERY; ALLOW ALTERNATIVES FOR OTHER JUVENILES; REPEAL COURT'S SOLE DISCRETION TO SUSPEND PROSECUTION OF JUVENILES ACCUSED OF CRIME; REPEAL COURT'S SOLE JURISDICTION OVER JUVENILES; MAKE JUVENILE OFFENDERS' RECORDS AND PROCEEDINGS PUBLIC, WITH EXCEPTIONS.

**PROPOSITION 102**

A "yes" vote shall have the effect of mandating adult prosecution at age 15 for murder, forcible sexual assault or armed robbery; repealing the court's discretion to suspend prosecution of juveniles accused of crime, allowing enactment of laws by the legislature or the people governing all matters affecting juveniles; repealing the court's sole jurisdiction over juveniles.	YES
A "no" vote shall have the effect of retaining the current constitutional provisions giving the courts sole jurisdiction over all matters affecting juveniles and the power to suspend the prosecution of any juvenile accused of crime.	NO

**PROPOSITION 200**

OFFICIAL TITLE

AN INITIATIVE MEASURE

AMENDING TITLE 13, TITLE 41, AND TITLE 42, OF THE ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 11, BY ADDING §41-1604.16; RELATING TO ESTABLISHMENT OF THE ARIZONA PARENTS COMMISSION ON DRUG EDUCATION AND PREVENTION; AMENDING TITLE 41, CHAPTER 11, BY ADDING §41-1604.14; RELATING TO PERSONS NOT ELIGIBLE FOR PAROLE; AMENDING TITLE 13, CHAPTER 13, BY AMENDING §13-3412 AND ADDING §13-3412.01; RELATING TO PERMISSIBLE USE OF CONTROLLED SUBSTANCES BY SERIOUSLY ILL OR TERMINALLY ILL PATIENTS; AMENDING TITLE 41, CHAPTER 11, BY ADDING §41-1604.15 AND AMENDING TITLE 31, CHAPTER 3, BY ADDING §31-411.01; RELATING TO PAROLE FOR PERSONS CONVICTED OF PERSONAL POSSESSION OR USE OF CONTROLLED SUBSTANCES; AMENDING TITLE 13, CHAPTER 9, BY ADDING §13-901.01; RELATING TO PROBATION FOR PERSONS CONVICTED OF PERSONAL POSSESSION OR USE OF CONTROLLED SUBSTANCES AND BY ADDING §13-901.02; RELATING TO THE ESTABLISHMENT OF THE DRUG TREATMENT AND EDUCATION FUND; AND AMENDING TITLE 42, CHAPTER 12, BY ADDING §42-1204.01;

RELATING TO LUXURY PRIVILEGE TAXES; AND PROVIDING FOR SEVERABILITY.

## **TEXT OF PROPOSED AMENDMENT**

Be it enacted by the people of the State of Arizona: The following amendments are proposed to become valid when approved by a majority of the qualified electors voting thereon and upon proclamation pursuant thereto by the Governor of the State of Arizona.

### Section 1. TITLE

THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE "DRUG MEDICALIZATION, PREVENTION, AND CONTROL ACT OF 1996."

### Section 2. FINDINGS AND DECLARATIONS

THE PEOPLE OF THE STATE OF ARIZONA FIND AND DECLARE THE FOLLOWING:

1. ARIZONA'S CURRENT APPROACH TO DRUG CONTROL NEEDS TO BE STRENGTHENED. THIS IS EVIDENCED BY THE FACT THAT, ACCORDING TO THE ARIZONA CRIMINAL JUSTICE COMMISSION, BETWEEN 1991 AND 1993 MARIJUANA USE DOUBLED AMONG ELEMENTARY SCHOOL STUDENTS AND, BETWEEN 1990 AND 1993 QUADRUPLED AMONG MIDDLE-SCHOOL STUDENTS. IN ADDITION TO ACTIVELY ENFORCING OUR CRIMINAL LAWS AGAINST DRUGS, WE NEED TO MEDICALIZE ARIZONA'S DRUG CONTROL POLICY: RECOGNIZING THAT DRUG ABUSE IS A PUBLIC HEALTH PROBLEM AND TREATING ABUSE AS A DISEASE. THUS, DRUG TREATMENT AND PREVENTION MUST BE EXPANDED.
2. WE MUST ALSO TOUGHEN ARIZONA'S LAWS AGAINST VIOLENT CRIMINALS ON DRUGS. ANY PERSON WHO COMMITS A VIOLENT CRIME WHILE UNDER THE INFLUENCE OF ILLEGAL DRUGS SHOULD SERVE 100% OF HIS OR HER SENTENCE WITH ABSOLUTELY NO EARLY RELEASE.
3. THOUSANDS OF ARIZONANS SUFFER FROM DEBILITATING DISEASES SUCH AS GLAUCOMA, MULTIPLE SCLEROSIS, CANCER, AND AIDS, BUT CANNOT HAVE ACCESS TO THE NECESSARY DRUGS THEY NEED. ALLOWING DOCTORS TO PRESCRIBE SCHEDULE I CONTROLLED SUBSTANCES COULD SAVE VICTIMS OF THESE DISEASES FROM LOSS OF SIGHT, LOSS OF PHYSICAL CAPACITY, AND GREATLY REDUCE THE PAIN AND SUFFERING OF THE SERIOUSLY ILL AND TERMINALLY ILL.
4. THE DRUG PROBLEMS OF NON-VIOLENT PERSONS WHO ARE CONVICTED OF PERSONAL POSSESSION OR USE OF DRUGS ARE BEST HANDLED THROUGH COURT-SUPERVISED DRUG TREATMENT AND EDUCATION PROGRAMS. THESE PROGRAMS ARE MORE EFFECTIVE THAN LOCKING NON-VIOLENT OFFENDERS UP IN A COSTLY PRISON. PILOT PROGRAMS IN ARIZONA THAT PROVIDE TREATMENT ALTERNATIVES TO PRISON FOR LOW LEVEL DRUG OFFENDERS HAVE A 73% SUCCESS RATE AND COST ROUGHLY 1/8 AS MUCH AS PRISON. OVER THE NEXT DECADE HUNDREDS OF MILLIONS OF DOLLARS CAN BE SAVED BY USING MANDATORY DRUG TREATMENT AND EDUCATION PROGRAMS AS AN ALTERNATIVE TO PRISON.
5. VIOLENT OFFENDERS ARE NOT ADEQUATELY PUNISHED DUE TO THE PRISON OVER-CROWDING CRISIS IN ARIZONA. PLACING NON-VIOLENT PERSONS WHO ARE CONVICTED OF PERSONAL POSSESSION OR USE OF DRUGS IN COURT-SUPERVISED DRUG TREATMENT AND EDUCATION PROGRAMS WILL FREE UP SPACE IN OUR PRISONS SO THAT THERE IS ROOM TO INCARCERATE VIOLENT OFFENDERS AND DRUG DEALERS.
6. THE MISSING LINK IN DRUG EDUCATION AND PREVENTION IS PARENTAL INVOLVEMENT. THE TAX DOLLARS SAVED BY ELIMINATING PRISON TIME FOR NON-VIOLENT PERSONS CONVICTED OF PERSONAL POSSESSION OR USE OF DRUGS SHOULD BE USED FOR DRUG TREATMENT AND EDUCATION, TARGETED AT PROGRAMS THAT INCREASE PARENTAL INVOLVEMENT IN THEIR CHILDREN'S DRUG-EDUCATION.

### Section 3. PURPOSE AND INTENT

THE PEOPLE OF THE STATE OF ARIZONA DECLARE THEIR PURPOSES TO BE AS FOLLOWS:

1. TO REQUIRE THAT ANY PERSON WHO COMMITS A VIOLENT CRIME UNDER THE INFLUENCE OF DRUGS SERVE 100 PERCENT OF HIS OR HER SENTENCE AND NOT BE ELIGIBLE FOR PAROLE OR ANY FORM OF EARLY RELEASE.
2. TO PERMIT DOCTORS TO PRESCRIBE SCHEDULE I CONTROLLED SUBSTANCES TO TREAT A DISEASE, OR TO RELIEVE THE PAIN AND SUFFERING OF SERIOUSLY ILL AND TERMINALLY ILL PATIENTS.
3. TO REQUIRE THAT NON-VIOLENT PERSONS CONVICTED OF PERSONAL POSSESSION OR USE OF DRUGS SUCCESSFULLY UNDERGO COURT-SUPERVISED MANDATORY DRUG TREATMENT PROGRAMS AND PROBATION.
4. TO REQUIRE THAT NON-VIOLENT PERSONS CURRENTLY IN PRISON FOR PERSONAL POSSESSION OR USE OF ILLEGAL DRUGS, AND NOT SERVING A CONCURRENT SENTENCE FOR ANOTHER CRIME, OR PREVIOUSLY CONVICTED OR SENTENCED OR SUBJECT TO SENTENCING UNDER ANY HABITUAL CRIMINAL STATUTE IN ANY JURISDICTION IN THE UNITED STATES, BE MADE ELIGIBLE FOR IMMEDIATE PAROLE AND DRUG TREATMENT, EDUCATION AND COMMUNITY SERVICE.
5. TO FREE UP SPACE IN OUR PRISONS TO PROVIDE ROOM FOR VIOLENT OFFENDERS.
6. TO EXPAND THE SUCCESS OF PILOT DRUG INTERVENTION PROGRAMS WHICH DIVERT DRUG OFFENDERS FROM PRISON TO DRUG TREATMENT, EDUCATION, AND COUNSELING.

#### Section 4.

Title 41, Chapter 11, Arizona Revised Statutes, is amended by adding §41-1604.16 to read as follows:

#### §41-1604.16. ARIZONA PARENTS COMMISSION ON DRUG EDUCATION AND PREVENTION.

1. THE ARIZONA PARENTS COMMISSION ON DRUG EDUCATION AND PREVENTION IS HEREBY CREATED. THE COMMISSION SHALL CONSIST OF NINE (9) MEMBERS. THE MEMBERS OF THE COMMISSION SHALL BE APPOINTED BY THE GOVERNOR WITHIN SIXTY (60) DAYS OF THE EFFECTIVE DATE OF THIS ACT AND SHALL SERVE A TWO YEAR TERM. OF THE NINE MEMBERS, FIVE SHALL BE PARENTS WITH CHILDREN CURRENTLY ENROLLED IN AN ARIZONA SCHOOL, ONE SHALL BE A REPRESENTATIVE OF A LAW ENFORCEMENT AGENCY, ONE SHALL BE AN EDUCATOR IN A LOCAL SCHOOL DISTRICT, ONE SHALL BE A REPRESENTATIVE OF A COUNTY PROBATION DEPARTMENT, AND ONE SHALL BE A REPRESENTATIVE OF THE DRUG EDUCATION AND TREATMENT COMMUNITY.
2. EACH MEMBER SHALL BE APPOINTED FOR A TERM OF TWO YEARS. THE MEMBERS SHALL RECEIVE NO PAY, BUT MAY BE REIMBURSED FOR ACTUAL EXPENSES INCURRED ON COMMISSION BUSINESS.
3. THE COMMISSION SHALL FUND PROGRAMS THAT WILL INCREASE AND ENHANCE PARENTAL INVOLVEMENT AND WILL INCREASE EDUCATION ABOUT THE SERIOUS RISKS AND PUBLIC HEALTH PROBLEMS CAUSED BY THE ABUSE OF ALCOHOL AND CONTROLLED SUBSTANCES.
4. THE COMMISSION SHALL CONTRACT FOR ADMINISTRATIVE AND PROFESSIONAL SERVICES WITH A NOT FOR PROFIT ORGANIZATION OR GOVERNMENT ENTITY WITH EXPERTISE IN SUBSTANCE ABUSE EDUCATION AND PREVENTION.

#### Section 5.

Title 41, Chapter 11, Arizona Revised Statutes, is amended by adding §41-1604.14 to read as follows:

#### §41-1604.14. PAROLE NONELIGIBILITY; VIOLENT CRIME; INFLUENCE OF CONTROLLED SUBSTANCE; DEFINITION

1. NOTWITHSTANDING ANY LAW TO THE CONTRARY, ANY PERSON CONVICTED OF A VIOLENT CRIME COMMITTED WHILE UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE IN VIOLATION OF THE PROVISIONS TITLE 13, CHAPTER 34, IS NONELIGIBLE FOR PAROLE AND MUST SERVE 100 PERCENT OF HIS OR HER SENTENCE IN PRISON. PURSUANT TO §41-1604.09, THE DIRECTOR SHALL INCLUDE ANY SUCH PERSON IN THE CLASSES OF NON-ELIGIBILITY REQUIRED TO BE ESTABLISHED BY THE DIRECTOR.
2. FOR THE PURPOSE OF THIS SECTION, A VIOLENT CRIME INCLUDES ANY CRIMINAL ACT WHICH RESULTS

IN DEATH OR PHYSICAL INJURY OR ANY CRIMINAL USE OF WEAPONS OR DANGEROUS INSTRUMENTS.

Section 6.

Title 13, Chapter 13, §13-3412, Arizona Revised Statutes, is amended as follows:

§13-3412. Exceptions and exemptions; burden of proof; privileged communications.

1. The provisions of §§13-3402, 13-3403, 13-3404, 13-3404.01 and 13-3405 through 13-3409 do not apply to:
  1. Manufacturers, wholesalers, pharmacies and pharmacists under the provisions of §32-1921 and 32-1961.
  2. Medical practitioners, pharmacies and pharmacists while acting in the course of their professional practice, in good faith and in accordance with generally accepted medical standards.
  3. Persons who lawfully acquire and use such drugs only for scientific purposes.
  4. Officers and employees of the United States, this state or a political subdivision of the United States or this state, while acting in the course of their official duties.
  5. An employee or agent of a person described in paragraphs 1 through 4 of this subsection, and a registered nurse or medical technician under the supervision of a medical practitioner, while such employee, agent, nurse or technician is acting in the course of professional practice or employment, and not on his own account.
  6. A common or contract carrier or warehouseman, or an employee of such carrier or warehouseman, whose possession of such drugs is in the usual course of business or employment.
  7. Persons lawfully in possession or control of controlled substances authorized by title 36, chapter 27.
  8. Persons who sell any non-narcotic substance that under the federal food, drug and cosmetic act may lawfully be sold over the counter without a prescription.
  9. THE RECEIPT, POSSESSION OR USE, OF A CONTROLLED SUBSTANCE INCLUDED IN SCHEDULE I OF §36-2512, BY ANY SERIOUSLY ILL OR TERMINALLY ILL PATIENT, PURSUANT TO THE PRESCRIPTION OF A DOCTOR IN COMPLIANCE WITH THE PROVISIONS OF §13-3412.01.
2. In any complaint, information or indictment and in any action or proceeding brought for the enforcement of any provision of this chapter the burden of proof of any such exception, excuse, defense or exemption is on the defendant.
3. In addition to other exceptions to the physician-patient privilege, information communicated to a physician in an effort to procure unlawfully a prescription-only, dangerous or narcotic drug, or to procure unlawfully the administration of such drug, is not a privileged communication.

Section 7.

Title 13, Chapter 13, Arizona Revised Statutes, is amended by adding §13-3412.01 to read as follows:

§13-3412.01. PRESCRIBING CONTROLLED SUBSTANCES INCLUDED IN SCHEDULE I OF §36-2512 FOR SERIOUSLY ILL AND TERMINALLY ILL PATIENTS

1. NOTWITHSTANDING ANY LAW TO THE CONTRARY, ANY MEDICAL DOCTOR LICENSED TO PRACTICE IN ARIZONA MAY PRESCRIBE A CONTROLLED SUBSTANCE INCLUDED IN SCHEDULE I OF §36-2512 TO TREAT A DISEASE, OR TO RELIEVE THE PAIN AND SUFFERING OF A SERIOUSLY ILL PATIENT OR TERMINALLY ILL PATIENT, SUBJECT TO THE PROVISIONS OF §13-3412.01. IN PRESCRIBING SUCH A CONTROLLED SUBSTANCE, THE MEDICAL DOCTOR SHALL COMPLY WITH PROFESSIONAL MEDICAL STANDARDS.
2. NOTWITHSTANDING ANY LAW TO THE CONTRARY, A MEDICAL DOCTOR MUST DOCUMENT THAT SCIENTIFIC RESEARCH EXISTS WHICH SUPPORTS THE USE OF A CONTROLLED SUBSTANCE LISTED IN SCHEDULE I OF §36-2512 TO TREAT A DISEASE, OR TO RELIEVE THE PAIN AND SUFFERING OF A SERIOUSLY ILL PATIENT OR TERMINALLY ILL PATIENT BEFORE PRESCRIBING THE CONTROLLED SUBSTANCE. A MEDICAL DOCTOR PRESCRIBING A CONTROLLED SUBSTANCE INCLUDED IN SCHEDULE I OF §36-2512 TO TREAT A DISEASE, OR TO RELIEVE THE PAIN AND SUFFERING OF A SERIOUSLY ILL PATIENT OR TERMINALLY ILL PATIENT, MUST OBTAIN THE WRITTEN OPINION OF A SECOND MEDICAL

DOCTOR THAT THE PRESCRIBING OF THE CONTROLLED SUBSTANCE IS APPROPRIATE TO TREAT A DISEASE OR TO RELIEVE THE PAIN AND SUFFERING OF A SERIOUSLY ILL PATIENT OR TERMINALLY ILL PATIENT. THE WRITTEN OPINION OF THE SECOND MEDICAL DOCTOR SHALL BE KEPT IN THE PATIENT'S OFFICIAL MEDICAL FILE. BEFORE PRESCRIBING THE CONTROLLED SUBSTANCE INCLUDED IN SCHEDULE I OF §36-2512 THE MEDICAL DOCTOR SHALL RECEIVE IN WRITING THE CONSENT OF THE PATIENT.

3. ANY FAILURE TO COMPLY WT. THE PROVISIONS OF THIS SECTION MAY BE THE SUBJECT OF INVESTIGATION AND APPROPRIATE DISCIPLINING ACTION BY THE BOARD OF MEDICAL EXAMINERS.

#### Section 8.

Title 41, Chapter 11, Arizona Revised Statutes, is amended by adding §41-1604.15 to read as follows:

§41-1604.15. PAROLE ELIGIBILITY FOR PERSONS PREVIOUSLY CONVICTED OF PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE

1. NOTWITHSTANDING ANY LAW TO THE CONTRARY, IF A PRISONER HAS BEEN CONVICTED OF THE PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE AS DEFINED IN §36-2501, AND IS NOT CONCURRENTLY SERVING ANOTHER SENTENCE, THE PRISONER SHALL BE ELIGIBLE FOR PAROLE.
2. ANY PERSON WHO HAS PREVIOUSLY BEEN CONVICTED OF A VIOLENT CRIME AS DEFINED IN §41-1604.14, SUBSECTION B OR HAS PREVIOUSLY BEEN CONVICTED, SENTENCED OR SUBJECT TO SENTENCING UNDER ANY HABITUAL CRIMINAL STATUTE IN ANY JURISDICTION IN THE UNITED STATES, SHALL NOT BE ELIGIBLE FOR PAROLE PURSUANT TO THE PROVISIONS OF THIS SECTION.
3. PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE PURSUANT TO THIS ACT SHALL NOT INCLUDE POSSESSION FOR SALE, PRODUCTION, MANUFACTURING, OR TRANSPORTATION FOR SALE OF ANY CONTROLLED SUBSTANCE.
4. WITHIN NINETY (90) DAYS OF THE EFFECTIVE DATE OF THIS ACT, THE DIRECTOR OF THE STATE DEPARTMENT OF CORRECTIONS SHALL PREPARE A LIST WHICH IDENTIFIES EACH PERSON WHO IS ELIGIBLE FOR PAROLE PURSUANT TO THE PROVISIONS OF THIS SECTION, AND DELIVER THE LIST TO THE BOARD OF EXECUTIVE CLEMENCY.

#### Section 9.

Title 31, Chapter 3, Arizona Revised Statutes, is amended by adding §31-411.01 to read as follows:

§31-411.01. PAROLE FOR PERSONS PREVIOUSLY CONVICTED OF PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE; TREATMENT; PREVENTION; EDUCATION; TERMINATION OF PAROLE

1. NOTWITHSTANDING ANY LAW TO THE CONTRARY, EVERY PRISONER WHO IS ELIGIBLE FOR PAROLE PURSUANT TO THE PROVISIONS OF §41-1604.15 SHALL BE RELEASED UPON PAROLE, PROVIDED, HOWEVER THAT IF THE BOARD OF EXECUTIVE CLEMENCY DETERMINES THAT A PRISONER SO ELIGIBLE WOULD BE A DANGER TO THE GENERAL PUBLIC, THAT PRISONER SHALL NOT BE RELEASED UPON PAROLE.
2. AS TO EACH PRISONER RELEASED UPON PAROLE PURSUANT TO THE PROVISIONS OF THIS SECTION, THE BOARD SHALL ORDER THAT AS A CONDITION OF PAROLE THE PERSON BE REQUIRED TO PARTICIPATE IN AN APPROPRIATE DRUG TREATMENT OR EDUCATION PROGRAM ADMINISTERED BY A QUALIFIED AGENCY OR ORGANIZATION THAT PROVIDES SUCH TREATMENTS TO PERSONS WHO ABUSE CONTROLLED SUBSTANCES. EACH PERSON ENROLLED IN A DRUG TREATMENT OR EDUCATION PROGRAM SHALL BE REQUIRED TO PAY FOR HIS OR HER PARTICIPATION IN THE PROGRAM TO THE EXTENT OF HIS OR HER FINANCIAL ABILITY.
3. EACH PERSON RELEASED UPON PAROLE PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL REMAIN ON PAROLE UNLESS THE BOARD REVOKES PAROLE OR GRANTS AN ABSOLUTE DISCHARGE

FROM PAROLE OR UNTIL THE PRISONER REACHES HIS OR HER INDIVIDUAL EARNED RELEASE CREDIT DATE PURSUANT TO §41-1604.10. WHEN THE PRISONER REACHES HIS OR HER INDIVIDUAL EARNED RELEASE CREDIT DATE, HIS OR HER PAROLE SHALL BE TERMINATED AND HE OR SHE SHALL NO LONGER BE UNDER THE AUTHORITY OF THE BOARD.

Section 10.

Title 13, Chapter 9, Arizona Revised Statutes, is amended by adding §13-901.01 to read as follows:

§13-901.01. PROBATION FOR PERSONS CONVICTED OF PERSONAL POSSESSION AND USE OF CONTROLLED SUBSTANCES; TREATMENT; PREVENTION; EDUCATION

1. NOTWITHSTANDING ANY LAW TO THE CONTRARY, ANY PERSON WHO IS CONVICTED OF THE PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE AS DEFINED IN §36-2501 SHALL BE ELIGIBLE FOR PROBATION. THE COURT SHALL SUSPEND THE IMPOSITION OR EXECUTION OF SENTENCE AND PLACE SUCH PERSON ON PROBATION.
2. ANY PERSON WHO HAS BEEN CONVICTED OF OR INDICTED FOR A VIOLENT CRIME AS DEFINED §41-1604.14, SUBSECTION B SHALL NOT BE ELIGIBLE FOR PROBATION AS PROVIDED FOR IN THIS SECTION, BUT INSTEAD SHALL BE SENTENCED PURSUANT TO THE OTHER PROVISIONS OF TITLE 13, CHAPTER 34.
3. PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE PURSUANT TO THIS ACT SHALL NOT INCLUDE POSSESSION FOR SALE, PRODUCTION, MANUFACTURING, OR TRANSPORTATION FOR SALE OF ANY CONTROLLED SUBSTANCE.
4. IF A PERSON IS CONVICTED OF PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE AS DEFINED IN §36-2501, AS A CONDITION OF PROBATION, THE COURT SHALL REQUIRE PARTICIPATION IN AN APPROPRIATE DRUG TREATMENT OR EDUCATION PROGRAM ADMINISTERED BY A QUALIFIED AGENCY OR ORGANIZATION THAT PROVIDES SUCH PROGRAMS TO PERSONS WHO ABUSE CONTROLLED SUBSTANCES. EACH PERSON ENROLLED IN A DRUG TREATMENT OR EDUCATION PROGRAM SHALL BE REQUIRED TO PAY FOR HIS OR HER PARTICIPATION IN THE PROGRAM TO THE EXTENT OF HIS OR HER FINANCIAL ABILITY.
5. A PERSON WHO HAS BEEN PLACED ON PROBATION UNDER THE PROVISIONS OF THIS SECTION, WHO IS DETERMINED BY THE COURT TO BE IN VIOLATION OF HIS OR HER PROBATION SHALL HAVE NEW CONDITIONS OF PROBATION ESTABLISHED IN THE FOLLOWING MANNER: THE COURT SHALL SELECT THE ADDITIONAL CONDITIONS IT DEEMS NECESSARY, INCLUDING INTENSIFIED DRUG TREATMENT, COMMUNITY SERVICE, INTENSIVE PROBATION, HOME ARREST, OR ANY OTHER SUCH SANCTIONS SHORT OF INCARCERATION.
6. IF PERSON IS CONVICTED A SECOND TIME OF PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE AS DEFINED IN §36-2501, THE COURT MAY INCLUDE ADDITIONAL CONDITIONS OF PROBATION IT DEEMS NECESSARY, INCLUDING INTENSIFIED DRUG TREATMENT, COMMUNITY SERVICE, INTENSIVE PROBATION, HOME ARREST, OR ANY OTHER ACTION WITHIN THE JURISDICTION OF THE COURT.
7. A PERSON WHO HAS BEEN CONVICTED THREE TIMES OF PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE AS DEFINED IN §36-2501 SHALL NOT BE ELIGIBLE FOR PROBATION UNDER THE PROVISIONS OF THIS SECTION, BUT INSTEAD SHALL BE SENTENCED PURSUANT TO THE OTHER PROVISIONS OF TITLE 13, CHAPTER 34.

Section 11.

Title 13, Chapter 9, Arizona Revised Statutes, is amended by adding §13-901.02 to read as follows:

§13-901.02. DRUG TREATMENT AND EDUCATION FUND

1. THERE IS HEREBY CREATED A SPECIAL FUND WHICH SHALL BE CALLED THE DRUG TREATMENT AND

EDUCATION FUND IN THE ADMINISTRATIVE OFFICE OF SUPREME COURT.

2. FIFTY (50) PERCENT OF THE MONIES DEPOSITED IN THE DRUG TREATMENT AND EDUCATION FUND SHALL BE DISTRIBUTED BY THE ADMINISTRATIVE OFFICE OF THE SUPREME COURT TO THE SUPERIOR COURT PROBATION DEPARTMENTS TO COVER THE COSTS OF PLACING PERSONS IN DRUG EDUCATION AND TREATMENT PROGRAMS ADMINISTERED BY A QUALIFIED AGENCY OR ORGANIZATION THAT PROVIDES SUCH PROGRAMS TO PERSONS WHO ABUSE CONTROLLED SUBSTANCES. SUCH MONIES SHALL BE ALLOCATED TO SUPERIOR COURT PROBATION DEPARTMENTS ACCORDING TO A FORMULA BASED ON PROBATION CASELOAD TO BE ESTABLISHED BY THE ADMINISTRATIVE OFFICE OF THE SUPREME COURT.
3. FIFTY (50) PERCENT OF THE MONIES DEPOSITED IN THE DRUG TREATMENT AND EDUCATION FUND SHALL BE TRANSFERRED TO THE ARIZONA PARENTS COMMISSION ON DRUG EDUCATION AND PREVENTION ESTABLISHED PURSUANT TO §41-1604.16.
4. THE ADMINISTRATIVE OFFICE OF THE SUPREME COURT SHALL CAUSE TO BE PREPARED AT THE END OF EACH FISCAL YEAR AFTER 1997 AN ACCOUNTABILITY REPORT CARD THAT DETAILS THE COST SAVINGS REALIZED FROM THE DIVERSION OF PERSONS FROM PRISONS TO PROBATION. A COPY OF THE REPORT SHALL BE SUBMITTED TO THE GOVERNOR AND THE LEGISLATURE, AND A COPY OF THE REPORT SHALL BE SENT TO EACH PUBLIC LIBRARY IN THE STATE. THE ADMINISTRATIVE OFFICE OF THE SUPREME COURT SHALL RECEIVE REIMBURSEMENT FROM THE DRUG TREATMENT AND EDUCATION FUND FOR ANY ADMINISTRATIVE COSTS IT INCURS IN THE IMPLEMENTATION OF THIS ACT.

#### Section 12.

Title 42, Chapter 12 is amended by adding §42-1204.01 as follows:

§42-1204.01. LUXURY PRIVILEGES TAX; PURPOSE; DRUG TREATMENT AND EDUCATION FUND; DEPARTMENT OF CORRECTIONS REVOLVING FUND

1. NOTWITHSTANDING ANY LAW TO THE CONTRARY, SEVEN (7) PERCENT OF THE MONIES COLLECTED BETWEEN JANUARY 1, 1997 AND DECEMBER 31, 1999, PURSUANT TO §42-1204 SUBSECTION A, PARAGRAPH 1, AND EIGHTEEN (18) PERCENT OF MONIES COLLECTED BETWEEN JANUARY 1, 1997 AND DECEMBER 31, 1999, PURSUANT TO SUBSECTION A, PARAGRAPHS 2, 3, AND 4, SHALL BE DEPOSITED IN THE DRUG TREATMENT AND EDUCATION FUND ESTABLISHED PURSUANT TO §13-902.02.
2. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THREE (3) PERCENT OF THE MONIES COLLECTED BETWEEN JANUARY 1, 1997 AND DECEMBER 31, 1999, PURSUANT TO SECTION §42-1204 SUBSECTION A, PARAGRAPH 1, AND SEVEN (7) PERCENT OF MONIES COLLECTED BETWEEN JANUARY 1, 1997 AND DECEMBER 31, 1999, PURSUANT TO SUBSECTION A, PARAGRAPHS 2, 3, AND 4, SHALL BE DEPOSITED IN A SEPARATE REVOLVING FUND OF THE DEPARTMENT OF CORRECTIONS FOR PAYMENT OF THE EXPENSES OF IMPLEMENTING THE PROVISIONS OF §31-411.01, AND SHALL NOT REVERT TO THE STATE GENERAL FUND IF UNEXPENDED AT THE CLOSE OF THE FISCAL YEAR.
3. NOTWITHSTANDING ANY LAW TO THE CONTRARY, TEN (10) PERCENT OF THE MONIES COLLECTED AFTER DECEMBER 31, 1999 PURSUANT TO §42-1204 SUBSECTION A, PARAGRAPH 1, AND TWENTY FIVE (25) PERCENT OF THE MONIES COLLECTED AFTER DECEMBER 31, 1999 PURSUANT TO SUBSECTION A, PARAGRAPHS 2, 3, AND 4, SHALL BE DEPOSITED IN THE DRUG TREATMENT AND EDUCATION FUND ESTABLISHED PURSUANT TO §13-902.02.

#### Section 13. Severability

If any provision of this Act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining sections shall not be affected but shall remain in full force and effect, and to this end the provisions of the Act are severable.

## **ANALYSIS BY LEGISLATIVE COUNCIL**

*(In compliance with A.R.S. section 19-124)*

Proposition 200 would require that certain persons who are convicted of drug offenses be sentenced as follows:

1. Require that persons who commit violent crimes while under the influence of drugs serve 100% of their sentences, without eligibility for parole.
2. Require that persons who have been convicted before the proposition passes of the personal possession or use of a controlled substance such as marijuana and who are serving their sentence in prison be released on parole. A person is released on parole after serving time in jail or prison, is under the supervision of a parole officer and may have his parole revoked if any condition of parole is violated. The State Department of Corrections would be required to establish a procedure for paroling these persons. The Board of Executive Clemency would be required to release these persons unless the Board determines that a person would be a danger to the general public. Persons who are released on parole would be required to participate in drug treatment or education.
3. Require that persons who are convicted after the proposition passes of the personal possession or use of a controlled substance such as marijuana be eligible for probation. A person who is sentenced to probation does not serve any time in jail or prison, is under the supervision of a probation officer and remains free as long as the person continues his good behavior. A person on probation would be required to participate in a drug treatment or education program.

Proposition 200 would allow medical doctors to prescribe a controlled substance such as marijuana to treat a disease or to relieve the pain and suffering of a seriously or terminally ill patient. The doctor must be able to document that scientific research supports the use of the controlled substance and must obtain a written opinion from a second doctor that prescribing the controlled substance is appropriate. A patient who receives, possesses or uses a controlled substance as prescribed by a doctor would not be subject to criminal penalties.

Proposition 200 would establish the Drug Treatment and Education Fund. These monies would come from a percentage of the luxury tax on alcohol, cigarettes and other tobacco products. 50% of these monies would be transferred to Superior Court probation departments to cover the costs of placing persons in drug education and treatment programs. The remaining 50% of the monies would be transferred to the Arizona Parents Commission on Drug Education and Prevention.

Proposition 200 would establish an Arizona Parents Commission on Drug Education and Prevention. The Commission would be responsible for funding programs that increase and enhance parental involvement in drug education and treatment.

## **ARGUMENT "FOR" PROPOSITION 200**

During my service in the Reagan Administration, I was able to participate directly in their efforts to reduce the size of government. This philosophy has broad appeal today and politicians of both parties are searching for ways to make government more efficient.

However, one area that politicians seem reluctant to examine is that of our failed drug policies. We are spending billions for prisons to incarcerate low level drug users. In the federal prison system, 61 percent of the inmates are in for drug offenses. Of the drug offenders serving in state prisons, 38 percent of them are in for simple drug possession. Nationally, the cost to build a new prison bed averages \$40,000 and the cost to maintain it averages \$30,000 per year.

The results would be different if prison was a disincentive to using drugs. But most wardens say that it is impossible to eradicate drugs from the prison system. A friend of mine in law enforcement once told me that the prisoners would take the "do drugs, do time" bumper stickers and slice them in half to more accurately read "do time, do drugs." HBO recently issued a documentary which featured veteran prisoners in the prison teaching younger prisoners how to manufacture methamphetamine.

I am supporting the Drug Medicalization, Prevention, and Control Act because I believe we must reform our drug policy. The Act mandates that first and second time offenders convicted of simple possession or use will receive treatment and probation as an alternative to incarceration. Treatments costs 1/8 of the cost of prison time and is certain to have a better result than incarceration during which many addicts continue to use drugs at public expense. Most importantly, the money saved on the

prison spending can be invested in drug prevention for our youth.

John Norton

Former U. S. Deputy Secretary of Agriculture

Chairman, Arizonans for Drug Reform

Paradise Valley

*Arizonans for Drug Policy Reform: John Norton, Chairman*

### **ARGUMENT "FOR" PROPOSITION 200**

When John Kennedy was elected President, he asked Stewart Udall, Congressman from Tucson, to be his Secretary of the Interior. Stewart brought a small cadre of Arizonans to work for him in Washington. I was lucky enough to be in the group--as Special Assistant to the Solicitor.

Young people serving in the Kennedy Administration met twice a month in an informal group called the New Frontier Club. I remember at one meeting having an extensive discussion about our drug laws. There was general consensus that the criminalization of narcotic drug use was not working -- just as prohibition didn't work. We were concerned that the Government was spending a lot of money and the situation was only getting worse. I thought that the laws would be reformed soon since their failure was so obvious. That was 34 years ago!

Today, the failed drug war continues. At the state level drug control spending is over \$16 billion with 80% going to the criminal justice system, and 20% to education and treatment. We need to reverse these priorities so that we spend at least the same amount on treatment and education to what we spend on enforcement and prisons.

The Drug Medicalization, Prevention, and Control Act seeks to equalize the spending on treatment and education. Rather than wasting money on prison for minor drug users, the Act invests in treatment for users and prevention for our youth.

There is strong evidence that this approach will be more effective. A Rand Corporation study in 1994 found that treatment is much more effective than enforcement and prisons in reducing cocaine use. It is time to adopt rational, cost-effective measures that deal with drugs in ways that benefit rather than harm society.

Marvin S. Cohen

Former Chairman, Civil Aeronautics Board

Treasurer, Arizonans for Drug Policy Reform\

Phoenix

*Arizonans for Drug Policy Reform: John Norton, Chairman*

### **ARGUMENT "FOR" PROPOSITION 200**

Marijuana has been known for decades to help in treating the terminally and seriously ill patient. Because of the value of marijuana as a drug, the American Medical Association vigorously opposed the Marijuana Tax Act of 1937 which made it impossible for doctors to prescribe this drug for their patients. Modern research shows marijuana helps cancer patients undergoing chemotherapy; treats glaucoma; prevents convulsions; arrests severe muscle spasms in patients with neuromuscular disorders; stimulates appetite in AIDS patients. Last year the American Public Health Association urged the "Administration and Congress to move expeditiously to make cannabis available as a legal medicine where shown to be safe and effective." In 1988, the Drug Enforcement Agency's own administrative law judge, Francis L. Young, declared marijuana fulfilled the legal requirement of currently accepted medical use in treatment, adding it was "one of the safest therapeutically

active substances known to man."

Yet today, doctors still cannot help patients for whom all other medicines have failed and marijuana may have scientifically-proven benefit. The edicts that tie their hands are not passed down by physicians or research scientists, but by government bureaucrats and political appointees.

The Drug Medicalization, Prevention and Control Act of 1996 lets doctors help their seriously and terminally ill patients for whom all other options have failed, by prescribing marijuana as a medical therapy in those situations. It does this judiciously and responsibly. The prescribing doctor must obtain a second physician's opinion. Prescription and drug use must follow accepted medical standards under the purview of the Arizona Board of Medical Examiners. There must be documented scientific evidence of potential benefit.

The Drug Medicalization, Prevention and Control Act of 1996 is a moderate, well-reasoned proposal that enhances the physician's ability to help suffering patients. It deserves our strong support.

Jeffrey A. Singer, MD, FACS	William J. Rice, MD	Mark R. Mathews, MD
Phoenix	Phoenix	Scottsdale
Ross Levatter, MD	Walter Koppenbrink, MD	Charles Goldstein, MD, DIP.ABEM
Phoenix	Paradise Valley	Paradise Valley
Jeffrey D. Steier, MD	Linda B. Benaderet, DO, FACOI	Thomas J. McNaughton, MD Phoenix
Paradise Valley	Phoenix	
Tali Arik, MD, FACC, FACP	Guy M. Kezirian, MD, FACS	Michael Lubin, MD
Scottsdale	Scottsdale	Phoenix
Barbara J. Merz, MD	Lawrence Liebmann, MD	James T. Carver, PhD
Phoenix	Phoenix	Phoenix
Raymond C. Malone, MD	Joel E. Colley, MD	David L. Elliott, MD
Green Valley	Scottsdale	Phoenix
Mark L. Williams, MD	Charles T. Williams, MD	
Scottsdale	Phoenix	

### **ARGUMENT "FOR" PROPOSITION 200**

As a former prosecutor and U.S. Senator, I have spent my life fighting against drugs. I am supporting the Drug Medicalization, Prevention, and Control Act because it will help strengthen Arizona's drug control.

By placing small, personal drug users into treatment and probation, the Act will clear up prison space for violent criminals and drug dealers. The Act also creates a Parents Commission on Drug Education and Prevention. This Commission will seek more drug education for parents and greater parental involvement in drug prevention.

The Act requires violent drug offenders to serve 100 percent of their sentence and has a three-strikes-and-you're-out clause. I urge you to vote Yes on the Drug Medicalization Prevention, and Control Act. It's a better way.

Dennis DeConcini

United States Senator (Ret.)

Bethesda, Maryland

**ARGUMENT "FOR" PROPOSITION 200**

As a former cop, I have seen the failure of our drug policies on the street.

As a former U.S. Attorney, I have seen the failure of our drug policies in the courts.

And as a parent, I am afraid that if we don't do something different, my children might be the next victims.

That's why I am backing the Drug Medicalization, Prevention, and Control Act which is a new and effective way of controlling drugs. The Act adopts a *get tough, get smart* approach.

The Act gets tough on dangerous, violent drug offenders. It requires them to serve 100% of their sentence. In addition, judges may be more likely to sentence these offenders to longer sentences because the people have identified them as a menace.

That Act will also have an impact on other violent and dangerous offenders. Arizona suffers from an immense prison crisis. This overcrowding has had a chilling effect on sentencing. The Act will free up needed prison space for violent offenders and drug dealers.

The Act gets smart by investing money in prevention programs, not wasting it on prison for minor drug users. It creates the Arizona Parents Commission on Drug Education and Prevention. The Commission will fund programs for parent drug education and develop drug prevention programs which will increase parental involvement. After all, if we parents don't get involved, we're never going to reduce drug abuse among our children.

So I urge you to vote yes on the Drug Medicalization, Prevention, and Control Act, it's a new and better way of dealing with our drug problem.

Steve Mitchell

Former Asst. U.S. Attorney and Law Enforcement Officer

Phoenix

**ARGUMENT "FOR" PROPOSITION 200**

The "Drug Medicalization, Prevention and Control Act" deserves support. Drug abuse is a public health issue. We need to medicalize our drug policy and put more emphasis on drug prevention and treatment. The current approach to drug policy is not working. The most recent government numbers show that marijuana use among our youth (12-17) increased by several hundred percent over the last couple of years. We need to invest more money on drug treatment and prevention for our youth and spend less money on prisons for simple, nonviolent drug users. This Act will free up more prison space for drug dealers and violent offenders.

This initiative also has medical benefits. Medicalization means that we treat drug abuse as a public health issue. Drug abuse is a disease; throwing heavy prison sentences at users does not solve their problem. This Act calls for mandatory, court-supervised treatment and probation as an alternative for non-violent drug users. It provides expanded drug prevention programs. It will also allow doctors to prescribe controlled drugs such as marijuana for seriously and terminally ill patients.

This reform is not decriminalization. This Act only applies to people who are convicted of personal possession or use of a controlled substance. Dealers would continue to be rigorously prosecuted and incarcerated, and persons who commit violent crimes while on drugs would receive tougher penalties, up to 100% of their sentence. Drug users would still receive criminal penalties, probation, and mandatory court-supervised treatment.

This Act only applies to non-violent drug offenders. Offenders with a violent criminal history would be ineligible.

This initiative will save money and, more importantly, help break the cycle of "do drugs - do time - do drugs" by a more crime-effective approach to drug users. As a judge, I feel it deserves support.

Rudolph J. Gerber, Judge

Court of Appeals

Phoenix

*Arizonans for Drug Policy Reform: John Norton, Chairman*

### **ARGUMENT "FOR" PROPOSITION 200**

Drug abuse is not just a criminal justice problem, it is first a public health problem. Addiction to controlled substances is a disease. If our drug policy was really a "War" as some claim, we would demand a new strategy or court-martial the general. Polling shows that over 90% of Arizonans believe we are losing the War on Drugs. Perhaps this is why our new Drug Czar, General McCaffrey, has said, "war" is the wrong metaphor and that the drug problem is a "cancer."

Sending minor drug users to prison draws resources from society and does nothing for the addict. There are drugs in the prison system. Often, prisoners simply continue their addiction in prison and are released back into society.

Minor drug users are the fastest growing group in Arizona prison, out pacing even violent offenders and drug dealers. Between 1994 and 1996, the number of mere users in Arizona prisons increased by 658. The cost of each new prison bed in Arizona is \$35,000 and it costs \$18,000 to maintain it. So the net cost of these new addicts to the state over the last two years is \$46.7 million, not to mention the cost to maintain the 1300 existing beds taken up by drug users.

I urge your support for the Drug Medicalization, Prevention, and Control Act of 1996. The Act offers first and second time offenders who are convicted of personal possession or use of a controlled substance drug treatment and probation. This treatment costs one-eighth that of prisons. Most importantly, drug users who can work while under treatment remain taxpayers and are not severed from their families who can offer vital support in recovery. The Act will also invest resources in drug prevention for youth which emphasizes parental involvement.

Dr. John Sperling

President, Apollo Group Inc.

Phoenix

### **ARGUMENT "AGAINST" PROPOSITION 200**

This proposition sounds deceptively appealing, but it gives less freedom with the one hand than it takes away with the other.

Proposition 200 contains some libertarian-sounding provisions that would restore a measure of freedom that has been denied by current drug laws -- such as allowing the medical use of controlled substances to alleviate pain and suffering, and treatment instead of incarceration for non-violent drug users. Cost reductions in our prisons sound good, too.

But, on balance, this proposition is anti-freedom -- and certainly anti-responsibility.

Proposition 200 creates another tax-hungry government entity (a Parents Commission) and creates compulsory business for the lucrative (and highly ineffectual) "drug abuse treatment" industry. Convicted drug users must undergo treatment as a requirement of Proposition 200 (whether they need it or not). If they can't pay for their own treatment, we, the taxpayers, pick up the tab.

It's high time government stopped treating responsible adults as children.

If you care about the suffering of patients who are denied the medical benefits of controlled drugs...

If you care about the lives wasted in prison for the mere possession of recreational substances...

If you want real, meaningful drug reform...

... then stop prosecuting people for using drugs. Control the sale of drugs just as we now control the sale of alcohol and tobacco.

Suddenly there will be room in our jails for truly violent offenders.

Suddenly there will be far fewer violent crimes, when drugs are no longer worth fighting over, stealing for, or pushing on our children.

Vote "NO" on 200.

Kent B. Van Cleave

Scott Grainger

Robert Anderson

Libertarian Candidate for

Libertarian Candidate for

Libertarian Candidate for

State Representative

State Representative

U.S. Congress

District 25

District 21

District 6

Phoenix

Mesa

Phoenix

John Williams

Rickie Duncan

Ted Louis Glenn

Libertarian Candidate for

Libertarian Candidate for

Libertarian Candidate for

State Senate

State Senate

Pima County Supervisor

District 25

District 20

District 4

Phoenix

Phoenix

Tucson

Ernest Hancock

John Wilde

Maricopa County

Libertarian Candidate for

Libertarian Candidate for

Libertarian Party

State Representative

State Representative

Steering Committee

District 18

District 20

Mesa

Phoenix

Phoenix

Donna Hancock

Libertarian Candidate for

State Senate

District 18

Phoenix

**BALLOT FORMAT**

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# PROPOSITION 200

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PROPOSED BY INITIATIVE PETITION

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OFFICIAL TITLE

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AMENDING TITLE 13, TITLE 41, AND TITLE 42, OF THE ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 11, BY ADDING §41-1604.16; RELATING TO ESTABLISHMENT OF THE ARIZONA PARENTS COMMISSION ON DRUG EDUCATION AND PREVENTION; AMENDING TITLE 41, CHAPTER 11, BY ADDING §41-1604.14; RELATING TO PERSONS NOT ELIGIBLE FOR PAROLE; AMENDING TITLE 13, CHAPTER 13, BY AMENDING §13-3412 AND ADDING §13-3412.01; RELATING TO PERMISSIBLE USE OF CONTROLLED SUBSTANCES BY SERIOUSLY ILL OR TERMINALLY ILL PATIENTS; AMENDING TITLE 41, CHAPTER 11, BY ADDING §41-1604.15 AND AMENDING TITLE 31, CHAPTER 3, BY ADDING §31-411.01; RELATING TO PAROLE FOR PERSONS CONVICTED OF PERSONAL POSSESSION OR USE OF CONTROLLED SUBSTANCES; AMENDING TITLE 13, CHAPTER 9, BY ADDING §13-901.01; RELATING TO PROBATION FOR PERSONS CONVICTED OF PERSONAL POSSESSION OR USE OF CONTROLLED SUBSTANCES AND BY ADDING §13-901.02; RELATING TO THE ESTABLISHMENT OF THE DRUG TREATMENT AND EDUCATION FUND; AND AMENDING TITLE 42, CHAPTER 12, BY ADDING §42-1204.01; RELATING TO LUXURY PRIVILEGE TAXES; AND PROVIDING FOR SEVERABILITY.

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DESCRIPTIVE TITLE

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REQUIRING PERSONS ON DRUGS COMMITTING VIOLENT CRIMES TO SERVE ENTIRE SENTENCE; PROVIDING PAROLE/PROBATION AND TREATMENT AS ALTERNATIVE TO INCARCERATION FOR PERSONS CONVICTED ONLY OF PERSONAL POSSESSION OF CONTROLLED SUBSTANCE ON FIRST TWO OFFENSES; ALLOWING DOCTORS TO PRESCRIBE OTHERWISE ILLEGAL SUBSTANCES FOR CERTAIN PATIENTS; CREATING DRUG-RELATED FUND AND COMMISSION.

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# PROPOSITION 200

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A "yes" vote shall have the effect of requiring entire sentence to be served by persons who commit violent crimes while on drugs, changing sentences for persons convicted of possession or use of controlled substances, and allowing doctors to prescribe otherwise illegal substances for certain patients.	YES
A "no" vote shall have the effect of retaining the current laws on controlled substances.	NO

# PROPOSITION 201

OFFICIAL TITLE

AN INITIATIVE MEASURE

AN ACT AMENDING TITLE 5, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 5-601.01; RELATING TO TRIBAL-STATE GAMING COMPACTS.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of the State of Arizona:

Section 1. Declaration of Purpose.

Pursuant to section 5-601, Arizona Revised Statutes, the state has entered into gaming compacts with sixteen of Arizona's twenty-one Indian tribes. These compacts are of a standard form that was negotiated by the state with various Indian tribes and approved by the United States Secretary of the Interior. The standard form of compact serves the interests of the state by providing uniform comprehensive controls over reservation gaming including regulation of Indian gaming contractors and vendors and limitations upon types of gaming, the number of gaming devices and the number of gaming locations on each reservation. The state refuses to enter into the standard form of compact with any of the five Arizona tribes that do not have a compact. In the interests of fairness and sound administration the same standard compact should be available to any of those five tribes who request it.

Section 2. Title 5, Chapter 6, Article 1, Arizona Revised Statutes, is amended by adding a new section 5-601.01 as follows:

§5-601.01. STANDARD FORM OF TRIBAL-STATE COMPACT; ELIGIBLE TRIBES; LIMITATION ON TIME FOR EXECUTION OF COMPACT

1. NOTWITHSTANDING ANY OTHER LAW OR THE PROVISIONS OF SECTION 5-601, THE STATE, THROUGH THE GOVERNOR, SHALL ENTER INTO THE STATE'S STANDARD FORM OF GAMING COMPACT WITH ANY ELIGIBLE INDIAN TRIBE THAT REQUESTS IT.
2. FOR PURPOSES OF THE THIS SECTION:
3. THE STATE'S STANDARD FORM OF GAMING COMPACT IS THE FORM OF COMPACT THAT CONTAINS PROVISIONS LIMITING TYPES OF GAMING, THE NUMBER OF GAMING DEVICES, THE NUMBER OF GAMING LOCATIONS, AND OTHER PROVISIONS, THAT ARE COMMON TO THE COMPACTS ENTERED INTO BY THIS STATE WITH INDIAN TRIBES IN THIS STATE ON JUNE 24, 1993, AND APPROVED BY THE UNITED STATES SECRETARY OF THE INTERIOR ON JULY 30, 1993.
4. AN ELIGIBLE INDIAN TRIBE IS AN INDIAN TRIBE IN THIS STATE THAT HAS NOT ENTERED INTO A GAMING COMPACT WITH THE STATE.
5. THE STATE, THROUGH THE GOVERNOR, SHALL EXECUTE THE COMPACT REQUIRED BY THIS SECTION WITHIN THIRTY DAYS AFTER WRITTEN REQUEST BY THE GOVERNING BODY OF AN ELIGIBLE TRIBE.

**ANALYSIS BY LEGISLATIVE COUNCIL**

*(In compliance with A.R.S. section 19-124)*

Pursuant to federal law, an Indian tribe that wants to operate certain gaming activities (gambling) may do so only pursuant to an agreement called a "compact" entered into between the tribe and the state where the tribe's lands are located. In 1993 and 1994, Arizona entered into gaming compacts with 16 of the state's 21 Indian tribes. These compacts permit the tribes to operate specified gaming activities, including slot machines, that are illegal off of Indian reservations.

However, in 1994, a federal court ruled that states do not have to allow Indian tribes to conduct any gaming activities that are prohibited off of Indian reservations. While the federal decision does not have an impact on the compacts that have already been signed, the Governor has since declined to negotiate any more compacts with tribes for the operation of gaming activities other than betting on horse and dog races or the operation of a lottery, both of which are permitted off of reservations under Arizona law.

Proposition 201 would require the state, through the Governor, to enter into gaming compacts with eligible tribes on similar terms and conditions as the compacts entered into before the 1994 court decision. Specifically, the new compacts would allow eligible tribes to conduct all gaming activities permitted under the existing compacts. Proposition 201 defines an eligible tribe as any tribe in this state that has not yet entered into a gaming compact. If Proposition 201 passes, the Governor would have to enter into a compact within 30 days after the governing body of an eligible tribe submits a written request for a

compact.

## **ARGUMENT "FOR" PROPOSITION 201**

The Fairness Initiative, Proposition 201, will provide an opportunity for Arizona Indian tribes to enter into gaming compacts with the State on a fair and consistent basis.

The Fairness Initiative will simply allow the remaining five Indian tribes who currently do not have gaming compacts to enter into compacts with the same limitations and conditions that are in the compacts the State already has signed with the 16 other Arizona tribes. No more. No less.

The 16 compacts between the State and other Indian communities permit keno and a restricted number of slot machines. Not permitted is Las Vegas style gaming, such as black jack, dice games and roulette.

Under the Fairness Initiative, the five tribes will have the same opportunity to improve their self-sufficiency and promote economic development through limited gaming on reservation land they acquired before October of 1988.

Efforts by the tribes with gaming compacts have shown some very positive results:

- Revenues generated through limited Indian gaming help to support important community law enforcement, education, health, cultural and social programs.
- Limited gaming on Indian tribal lands in Arizona has created thousands of jobs throughout the state and helped promote tourism.

This is a simple, straightforward measure. It was carefully designed to assure that all Arizona Indian tribes are treated in the same way by the State and that all have this important economic development opportunity. This measure just makes available a limited gaming compact with the same limitations and conditions found in the earlier compacts.

**The Coalition for the Fairness Initiative urges a "YES" vote on Proposition 201, the Fairness Initiative.**

Ivan Makil, Chairman

Coalition for the Fairness Initiative-

Salt River Pima-Maricopa Indian Community

Mesa

## **ARGUMENT "FOR" PROPOSITION 201**

As Sheriff, I want our government to treat people fairly and evenhandedly. That is why **I'm supporting the Fairness Initiative.**

What this measure does is make it possible for any of the five Arizona Indian tribes that do not have limited gaming compacts with the state to be able to sign one, but only if that tribe will accept the same limitations and restrictions as are in the compacts the state has entered into with the 16 other Arizona Indian tribes.

To me, **this is an issue of simple fairness** - the state should give all 21 Indian tribes the same opportunity at greater self-sufficiency and economic development.

I encourage everyone to carefully consider Proposition 201. After you do, I ask you to **join me in voting "YES" on Proposition 201.**

Joe Arpaio

Maricopa County Sheriff

Scottsdale

### **ARGUMENT "FOR" PROPOSITION 201**

As active citizens in our communities, we urge a "Yes" vote on Proposition 201, the Fairness Initiative.

We believe that our neighbor, the Salt River Pima-Maricopa Indian Community, deserves the same opportunity to improve their economic standing and achieve self-sufficiency that the State has already granted to the 16 other federally-recognized tribes in Arizona.

The Fairness Initiative will simply allow the five remaining Indian tribes who do not currently have limited gaming compacts with the State, including the Salt River Community, to have a fair opportunity to enter into compacts with the State. The compacts would include the same limitations currently found in the 16 existing compacts. It's simple and it's fair.

We will be voting "Yes" on the Fairness Initiative in November, and we hope you will also vote "Yes" on Proposition 201, the Fairness Initiative.

Harry Mitchell Willie Wong

Former Mayor Former Mayor

Tempe Mesa

### **ARGUMENT "FOR" PROPOSITION 201**

We urge a "YES" vote on the Fairness Initiative, Proposition 201.

In Scottsdale, we think it is unfair that our neighbor, the Salt River Pima-Maricopa Indian Community, has been denied the same opportunity that the State has given to 16 other Arizona Indian tribes to help achieve economic self-sufficiency.

All this Fairness Initiative does is allow a tribe, such as the Salt River Community, to get a limited gaming compact from the State if the tribe will accept the same limitations as are already found in the 16 compacts that the State has already signed with the other tribes. **This sounds fair to us.** In fact, the Salt River Community is the only one of the five tribes that does not now have a compact that has requested one and been turned down.

We have seen how many of the other tribes have benefitted from their limited gaming activities. We want our neighbors to have this same opportunity because that can only be good for them and our community and its businesses.

Please join us in helping our neighbors and friends by voting "YES" on Proposition 201.

Jeff Harper Stephanie Roberts

Owner, Harper's Nursery Vanier & Roberts Ltd Fine Arts

Scottsdale Scottsdale

### **ARGUMENT "FOR" PROPOSITION 201**

Fairness and consistency in the opportunities available to individuals, businesses and communities can make each one more productive and self-sufficient. Proposition 201, the Fairness Initiative, does just that for Indian communities throughout Arizona.

The Fairness Initiative will provide an opportunity for all federally-recognized Indian tribes in Arizona to enter into limited gaming compacts with the State on a fair and consistent basis. Currently, 16 of 21 Indian tribes in our state already have compacts. This measure will enable the five remaining tribes to also enter into compacts with the same limitations and terms that are in the 16 existing compacts.

We believe that this measure is simple and fair. For the Salt River Pima-Maricopa Indian Community in Maricopa County, one of the five remaining Indian tribes without a compact, this could mean the opportunity to increase economic development and self-sufficiency.

Revenues generated by limited gaming would help support important community functions, including law enforcement, education, health, cultural and social programs. Thousands of jobs statewide and increased tourism have already resulted from existing limited gaming activities on Indian lands.

We hope you will join us in supporting the Fairness Initiative by voting "Yes" on Proposition 201.

Herman Chanen

Chairman and CEO

Chanen Construction Co., Inc.

Phoenix

### **ARGUMENT "AGAINST" PROPOSITION 201**

No arguments "against" Proposition 201 were submitted to the Secretary of State.

### **BALLOT FORMAT**

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## **PROPOSITION 201**

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PROPOSED BY INITIATIVE PETITION

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### **OFFICIAL TITLE**

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AN ACT AMENDING TITLE 5, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 5-601.01; RELATING TO TRIBAL-STATE GAMING COMPACTS.

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### **DESCRIPTIVE TITLE**

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PROVIDING THAT ARIZONA SHALL ENTER INTO GAMING COMPACTS WITH INDIAN TRIBES THAT REQUEST A COMPACT AND THAT HAVE NOT PREVIOUSLY ENTERED INTO A COMPACT; REQUIRING THE USE OF THE STATE'S APPROVED STANDARD FORM COMPACT THAT GOVERNS SPECIFIED GAMING ACTIVITIES ON INDIAN RESERVATIONS, WHICH CURRENTLY EXISTS BETWEEN ARIZONA AND OTHER TRIBES.

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# PROPOSITION 201

A "yes" vote shall have the effect of providing that Arizona shall enter into the state's approved standard form gaming compacts with any Indian tribes, at their request, that have not already entered into such compacts.	YES
A "no" vote shall have the effect of not requiring Arizona to enter into gaming compacts with any Indian tribes that have not already entered into such compacts.	NO

## PROPOSITION 202

### OFFICIAL TITLE

AN INITIATIVE MEASURE

AN ACT AMENDING TITLE 48 OF THE ARIZONA REVISED STATUTES, BY AMENDING §48-4233; RELATING TO TRANSACTION PRIVILEGE TAX FOR A BASEBALL STADIUM.

### TEXT OF PROPOSED AMENDMENT

Be it enacted by the qualified electors of the State of Arizona by the power of the Initiative:

SECTION 1:

Section 48-4233 of Arizona Revised Statutes is hereby amended as follows:

Section 48-4233

Transaction privilege tax: stadium; rate; administration

- ~~1. If a major league baseball franchise is awarded within the district,~~ IF THE BOARD OF DIRECTORS DETERMINES THAT IT IS NECESSARY IN ORDER TO ATTRACT OR RELOCATE A MAJOR LEAGUE BASEBALL FRANCHISE, THE BOARD MAY BY RESOLUTION ORDER THAT A QUESTION SEEKING AUTHORITY FOR THE DISTRICT TO LEVY A TRANSACTION PRIVILEGE TAX BE PLACED ON THE BALLOT OF AN ELECTION PURSUANT TO THIS SECTION, TO BE USED AND EXPENDED FOR THE PURPOSES SET FORTH IN SECTION 48-4204, SUBSECTION A. IF A MAJORITY OF THE QUALIFIED ELECTORS VOTING AT THE ELECTION APPROVES THE COUNTY STADIUM DISTRICT TRANSACTION PRIVILEGE TAX, AND IF A MAJOR LEAGUE BASEBALL FRANCHISE IS AWARDED WITHIN THE DISTRICT, the board of directors may BY RESOLUTION levy and, if levied, the department of revenue shall collect a transaction privilege tax pursuant to this section to be used ~~for any lawful expenditure of the district~~ AND EXPENDED FOR THE PURPOSES SET FORTH IN SECTION 48-4204, SUBSECTION A. ~~If a major league baseball franchise is not awarded within the district, the tax shall not be levied.~~ The board of directors may pledge all or part of the revenues from a tax under this section to secure the district's bonds or other financial obligations issued or incurred under this chapter.
2. IF APPROVED AT AN ELECTION PURSUANT TO THIS SECTION, ~~The~~ THE board MAY LEVY A TRANSACTION PRIVILEGE ~~shall set the rate of tax,~~ at A RATE OF not more than five percent of the ~~transaction privilege~~ tax rate applying on January 1, 1990 to each person engaging or continuing in the district in a business taxed under title 42, chapter 8, article 1 or in the case of persons subject to the tax imposed under section 42-1572, subsection A, at a rate of not more than .1525 cents per gallon of jet fuel sold.
3. Unless the context otherwise requires, section 42-1485 governs the administration of a tax imposed under this section.
4. Each month the state treasurer shall remit to the district treasurer the net revenues collected under this section during the preceding month. The district treasurer shall deposit the monies in the county stadium district fund. Revenues

from a tax under this section shall not be commingled with revenues collected pursuant to this article for use with respect to major league baseball spring training but shall be separately accounted for and used solely with respect to a major league baseball franchise stadium.

5. IF THE BOARD OF DIRECTORS PROPOSES SUCH A TAX LEVY, THE BOARD, BY RESOLUTION, SHALL EITHER ORDER AND CALL A DISTRICT-WIDE SPECIAL ELECTION OR PLACE THE ISSUE ON THE BALLOT OF A REGULAR GENERAL ELECTION HELD IN THE DISTRICT. THE BOARD SHALL SPECIFY ON THE BALLOT THE PURPOSE OF THE TAX, THE RATE OF TAX AND THE NUMBER OF YEARS FOR WHICH THE TAX WILL BE AUTHORIZED. THE RATE OF TAX SHALL NOT EXCEED THE LIMITS PRESCRIBED BY THIS SECTION. TO BE VALID THE TAX AUTHORIZATION MUST BE APPROVED BY A MAJORITY OF THE QUALIFIED ELECTORS VOTING AT THE ELECTION.
6. IN ADDITION TO OTHER REQUIREMENTS PRESCRIBED BY LAW, THE BOARD SHALL PREPARE, PRINT AND DISTRIBUTE PUBLICITY PAMPHLETS CONCERNING THE TAX ISSUE PROPOSED. THE BOARD SHALL DISTRIBUTE ONE COPY OF THE PUBLICITY PAMPHLET AT LEAST TEN BUT NOT MORE THAN THIRTY DAYS BEFORE THE ELECTION TO EACH HOUSEHOLD IN THE DISTRICT CONTAINING A REGISTERED VOTER. THE PUBLICITY PAMPHLET SHALL CONTAIN ALL OF THE FOLLOWING:
  1. THE DATE OF THE ELECTION.
  2. POLLING PLACES AND THE TIMES THE POLLING PLACES WILL BE OPEN.
  3. A TRUE COPY OF THE TITLE AND TEXT OF THE RESOLUTION PROPOSING THE TAX.
  4. A SUMMARY OF THE PURPOSES FOR WHICH THE TAX IS PROPOSED TO BE LEVIED.
  5. THE ESTIMATED REVENUE NEEDS FOR THE DESCRIBED PURPOSE.
  6. AN ESTIMATE OF THE ANNUAL AMOUNT OF REVENUES TO BE RAISED FROM THE PROPOSED TAX.
  7. ARGUMENTS FOR AND AGAINST THE PROPOSED TAX LEVY.

## SECTION 2:

Any action taken and any resolution promulgated by any county board of supervisors or board of directors of a county stadium district under the authority of Section 48-4233, Arizona Revised Statutes, before the effective date of the amendment made by Section 1 of this Initiative is hereby revoked and of no further force or effect.

## **ANALYSIS BY LEGISLATIVE COUNCIL**

*(In compliance with A.R.S. section 19-124)*

**Analysis:** Proposition 202 provides that the imposition of county stadium district sales taxes for a Major League Baseball stadium (not including spring training facilities) would have to be submitted to a vote at a general or special election held in the district. Only if the voters approve, could the district board of directors proceed to levy the tax in the manner provided by current law.

In addition, Proposition 202 attempts to revoke the Maricopa county stadium district sales tax that has already been imposed to pay for the Bank One Ballpark. Federal constitutional provisions may prevent this provision from being fully effective.

**Background:** Since 1990 each county in Arizona where Major League Baseball conducts spring training has been able to establish a "county stadium district" to impose taxes and assessments to finance and improve baseball facilities. The board of directors of the district consists of the members of the county board of supervisors.

In addition to spring training, if a Major League Baseball franchise is actually located in a county with a stadium district, the district can levy a transaction privilege (sales) tax to "acquire land and construct, finance, furnish, maintain, operate, market and promote the use of a Major League Baseball franchise stadium and other structures, utilities, roads, parking areas", etc., and can issue bonds, secured by the sales tax, in order to finance those purposes.

When it appeared that a Major League Baseball franchise could be awarded and located in the Phoenix area, the Maricopa County Stadium District, by majority vote of its board of directors in February, 1994, provided for a sales tax to be imposed, if and when the franchise was actually awarded, to help finance the new stadium. Major League Baseball established the

Arizona Diamondbacks in the spring of 1995, the sales tax went into effect in April, 1995 and construction began on the Bank One Ballpark. The district is constructing the stadium on a "pay-as-you-go" basis with a line of credit to finance temporary sales tax shortfalls. No bonds have been issued.

## **ARGUMENT "FOR" PROPOSITION 202**

Vote "YES" to repeal the Stadium Tax.

The Stadium Tax is an example of government at its worst.

When taxpayers rejected a stadium tax at the polls, the members of Maricopa County Board of Supervisors ignored the will of the people and imposed a quarter-cent sales tax anyway. Worse, they did so not as the Maricopa County Board of Supervisors, but as the board of a newly created Stadium District that voters never elected. The principle is no different than it was in Revolutionary America: "Taxation without representation is tyranny!"

It is bad enough when government takes your money and uses it for questionable public works; this time they are taking your money and putting it directly in the pockets of wealthy private industry! Such corporate welfare is a travesty of fair government.

The Libertarian Party advocates, as our Founding Fathers did, the complete separation of business and state.

Vote "YES" on 202.

For more information about this position, or any other ballot item, please visit <http://www.getnet.com/~gfallon/96ballot.html>.

Kent B. Van Cleave	Gary Fallon	Robert Anderson
Libertarian Candidate for	Libertarian Candidate for	Libertarian Candidate for
State Representative	State Representative	U.S. Congress
District 25	District 24	District 6
Phoenix	Phoenix	Phoenix
John Williams	Scott Grainger	Joe Susnjara
Libertarian Candidate for	Libertarian Candidate for	Libertarian Candidate for State
State Senate	State Representative	Representative
District 25	District 21	District 19
Phoenix	Mesa	Phoenix
Ernest Hancock	Rickie Duncan	Maricopa County
Libertarian Candidate for	Libertarian Candidate for	Libertarian Party
State Representative	State Senate	Steering Committee
District 18	District 20	Mesa
Phoenix	Phoenix	Ted Louis Glenn
Donna Hancock	John Wilde	

Libertarian Candidate for  
State Senate  
District 18  
Phoenix

Libertarian Candidate for  
State Representative  
District 20  
Phoenix

Libertarian Candidate for  
Pima County Supervisor  
District 4  
Tucson

**ARGUMENT "AGAINST" PROPOSITION 202**

No arguments "against" Proposition 202 were submitted to the Secretary of State.

**BALLOT FORMAT**

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**PROPOSITION 202**

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PROPOSED BY INITIATIVE PETITION

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**OFFICIAL TITLE**

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AN ACT AMENDING TITLE 48 OF THE ARIZONA REVISED STATUTES, BY AMENDING §48-4233; RELATING TO TRANSACTION PRIVILEGE TAX FOR A BASEBALL STADIUM.

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**DESCRIPTIVE TITLE**

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REQUIRING VOTER APPROVAL BEFORE A COUNTY STADIUM DISTRICT CAN LEVY A TRANSACTION PRIVILEGE TAX TO CONSTRUCT AND SUPPORT A MAJOR LEAGUE BASEBALL STADIUM; PROVIDING ELECTION PROCEDURES; RETROACTIVELY REVOKING ANY TAX IMPOSED BY A COUNTY STADIUM DISTRICT.

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**PROPOSITION 202**

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A "yes" vote shall have the effect of requiring voter approval before a stadium district can levy a tax to construct and support a major league baseball stadium, and retroactively revoking any tax imposed by a county stadium district.	YES
A "no" vote shall have the effect of retaining the current law that does not require voter approval before a stadium district can levy a tax.	NO

**PROPOSITION 203**

**OFFICIAL TITLE**

AN INITIATIVE MEASURE

AN ACT AMENDING SECTIONS 5-522 AND 36-274, ARIZONA REVISED STATUTES; RELATING TO STATE LOTTERY FUNDS; AMENDING TITLE 36 CHAPTER 29, ARTICLE 1, ARIZONA REVISED STATUTES, BY CONDITIONALLY ADDING SECTION 36-2901.01; RELATING TO ELIGIBILITY FOR AHCCCS BENEFITS.

## **TEXT OF PROPOSED AMENDMENT**

Be it enacted by the People of the State of Arizona:

### Section 1. Intent

It is the intent of the people by this Act to provide a secure source of funding for the programs in this initiative that will help ensure the health of the current workers of this state and to ensure the health of the workers of tomorrow. The People specifically intend that the Legislature recognize the People's desire for a long-term financial commitment to these programs and that they maintain these programs in the form that exists on the date that an application for this initiative petition is filed with the Secretary of State.

Sec. 2. Section 5-522, Arizona Revised Statutes, is amended to read:

### 5-522. Use of monies in state lottery fund

A. The monies in the state lottery fund shall be expended only for the following purposes and in the order provided:

1. For the expenses of the commission incurred in carrying out its powers and duties and in the operation of the lottery.
  2. For the repayment to the state general fund of any amount appropriated to the fund.
  3. For payment to the commerce and economic development commission fund established by section 41-1505. 10 of not less than thirty-two and one-half percent of the revenues received from the sale of two special lottery games conducted for the benefit of economic development.
  4. Except as provided in subsection E of this section, for payment to the local transportation assistance fund established by section 28-2601 of not less than one and one-half percent of the revenues received from the sale of multistate lottery games, up to a maximum of eighteen million dollars each fiscal year.
- 
1. Of the monies remaining in the state lottery fund after the appropriations authorized in subsection A of this section seventy-five percent up to a maximum of twenty-three million dollars each fiscal year shall be deposited in the local transportation assistance fund established pursuant to section 28-2601 and twenty-five percent up to a maximum of seven million six hundred fifty thousand dollars each fiscal year shall be deposited in the county assistance fund established pursuant to section 41-175. Monies distributed pursuant to this subsection shall be in addition to monies distributed pursuant to subsection A, paragraph 4 of this section.
  2. Notwithstanding subsection B of this section, if the state lottery director determines at the beginning of any fiscal year that monies available to cities, towns and counties under this section may not equal thirty million six hundred fifty thousand dollars, then he shall not authorize deposits to the county assistance fund until the deposits to the local transportation assistance fund equal twenty-three million dollars.
  3. Of the monies remaining in the state lottery fund each fiscal year after appropriations and deposits authorized in subsections A, B and C of this section, ten million dollars shall be deposited in the Arizona state parks board heritage fund established pursuant to section 41-502 and ten million dollars shall be deposited in the Arizona game and fish commission heritage fund established pursuant to section 17-297.
  4. OF THE MONIES REMAINING IN THE STATE LOTTERY FUND EACH FISCAL YEAR AFTER APPROPRIATIONS AND DEPOSITS AUTHORIZED IN SUBSECTIONS A, B, C AND D OF THIS SECTION, AND APPROPRIATIONS AND DEPOSITS TO THE LOCAL TRANSPORTATION ASSISTANCE FUND AUTHORIZED BY THIS SECTION, FIVE MILLION DOLLARS SHALL BE ALLOCATED TO THE DEPARTMENT OF ECONOMIC SECURITY FOR THE HEALTHY FAMILIES PILOT PROGRAM ESTABLISHED BY SECTION 8-701, FOUR MILLION DOLLARS SHALL BE ALLOCATED TO THE ARIZONA BOARD OF REGENTS FOR THE ARIZONA AREA HEALTH EDUCATION SYSTEM ESTABLISHED BY SECTION 15-1643, THREE MILLION DOLLARS SHALL BE ALLOCATED TO THE DEPARTMENT OF HEALTH SERVICES TO FUND THE TEENAGE PREGNANCY

PREVENTION PROGRAMS ESTABLISHED IN LAWS 1995, CHAPTER 190, SECTIONS 2 AND 3, TWO MILLION DOLLARS SHALL BE ALLOCATED TO THE DEPARTMENT OF HEALTH SERVICES FOR THE HEALTH START PILOT PROGRAM ESTABLISHED BY SECTION 36-697, TWO MILLION DOLLARS SHALL BE DEPOSITED IN THE DISEASE CONTROL RESEARCH FUND ESTABLISHED BY SECTION 36-274 AND ONE MILLION DOLLARS SHALL BE ALLOCATED TO THE DEPARTMENT OF HEALTH SERVICES FOR THE FEDERAL WOMEN, INFANTS AND CHILDREN FOOD PROGRAM. THE ALLOCATIONS IN THIS SUBSECTION SHALL BE ADJUSTED ANNUALLY ACCORDING TO CHANGES IN THE GDP PRICE DEFLATOR AS DEFINED IN SECTION 41-563 AND THE ALLOCATIONS ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS. IF THERE ARE NOT SUFFICIENT MONIES AVAILABLE PURSUANT TO THIS SUBSECTION, THE ALLOCATION OF MONIES FOR EACH PROGRAM SHALL BE REDUCED ON A PRO RATA BASIS.

~~E~~. F. Notwithstanding subsection A, paragraph 4 of this section, if the state lottery director determine that monies available to the state general fund may not equal forty-five million dollars in a fiscal year, then the director shall not authorize deposits to the local transportation assistance fund pursuant to subsection A, paragraph 4 of this section until the deposits to the state general fund equal forty-five million dollars in a fiscal year.

~~F~~. G. All monies remaining in the state lottery fund after the appropriations and deposits authorized in this section shall be deposited in the state general fund.

~~G~~. H. Except for monies expended as provided in section 5-504, subsection C and section 41-1505.10, monies expended under subsection A of this section shall be subject to legislative appropriation beginning with the fiscal year which commences July 1, 1989.

Sec. 3. Section 36-274, Arizona Revised Statutes, is amended to read:

36-274. Disease control research fund

1. The state treasurer shall maintain a fund known as the disease control research fund to consist of MONIES RECEIVED FROM THE STATE LOTTERY FUND PURSUANT TO SECTION 5-522, SUBSECTION E, monies appropriated by the legislature and any gifts, contributions or other monies received by the commission from any source.
2. The commission may expend monies in the disease control research fund for projects or services pursuant to section 36-273 and for expenses incurred by the commission in carrying out the purposes of this article.
3. Monies in the disease control research fund are exempt from section 35-190 relating to lapsing of appropriations.

Sec. 4. Title 36, chapter 29, article 1, Arizona Revised Statutes, is amended by adding section 36-2901.01, to read:

36-2901.01. Additional definition for eligibility for AHCCCS

1. FOR PURPOSES OF SECTION 36-2901, "ELIGIBLE PERSON" INCLUDES ANY PERSON WHO IS DEFINED AS ELIGIBLE BASED ON AN INCOME LEVEL THAT DOES NOT EXCEED ONE HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL GUIDELINES AS PUBLISHED ANNUALLY BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES AND BASED ON THE RESOURCE LIMITS DEFINED BY THE DIRECTOR OF THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION AND ALSO BASED ON OTHER ELIGIBILITY REQUIREMENTS OF FEDERAL LAW OR THE HEALTH CARE FINANCING ADMINISTRATION PURSUANT TO SECTION 1115 OF THE SOCIAL SECURITY ACT.

Sec. 5. Conditional enactment of adoption of the federal poverty level guidelines for AHCCCS eligibility

Section 4 of this act does not become effective unless the Health Care Financing Administration of the United States Department of Health and Human Services grants a waiver for the funding of that program.

**ANALYSIS BY LEGISLATIVE COUNCIL**

*(In compliance with A.R.S. section 19-124)*

Proposition 203 would make more low-income persons eligible to receive health care under the Arizona Health Care Cost Containment System (AHCCCS), the state's health care system for the poor. For most AHCCCS recipients, the federal government pays 65% of the costs of health care and the state pays 35% of these costs. Currently, there are many eligibility categories that determine whether an individual can receive health care under AHCCCS, including one that requires that a recipient's net income not exceed approximately 34% of the "federal poverty level". If Proposition 203 passes, people who earn up to 100% of the federal poverty level will qualify to receive health care under AHCCCS.

Proposition 203 sets aside \$17 million each year from lottery revenues to fund six health and nutrition programs. Proposition 203 would allocate the \$17 million as follows: (1) \$5 million would go to the Healthy Families program, which provides services to prevent child abuse and neglect and to promote child wellness and proper development; (2) \$4 million would go to the Arizona Health Education System to provide scholarships to medical students who agree to practice in areas of the state that are currently underserved by health care professionals; (3) \$3 million would go to programs to prevent teenage pregnancy; (4) \$2 million would go for disease control research; (5) \$2 million would go to Health Start, a program that aims to reduce the incidence of low birth weight babies and childhood diseases and to educate families on the importance of good nutrition and preventative health care for their children; and (6) \$1 million would go to the Women, Infants and Children Food program.

Currently, lottery revenues are earmarked for deposit in economic development, local transportation assistance and two state heritage funds. If Proposition 203 passes, the \$17 million would be distributed only after the economic development, local transportation assistance and heritage funds receive their full appropriations. If Proposition 203 does not pass, all lottery revenues remaining after these appropriations will continue to be deposited in the state general fund.

### **ARGUMENT "FOR" PROPOSITION 203**

The HEALTHY ARIZONA INITIATIVE proposes that people who go off welfare by getting a job should be allowed to keep their health insurance so that if they or a member of their family get sick they will not have to go back on welfare. Today, about 70% of those who do not have health insurance are working, many of whom were recently on welfare.

The problem: the official poverty level for the state insurance system is so low that you have to be practically destitute to qualify. If you come off welfare by taking a job that pays more than \$1.53 an hour, (\$3182 a year), you lose your AHCCCS health insurance!

We want to correct that. So does almost everyone else. The initiative is bipartisan and has no organized opposition. It requires no additional state money or new taxes. If additional spending were to be required later, the money is already there - it was put there by your fellow citizens as part of the cigarette tax last year.

Clearly, if you believe that the incentives to work ought to be greater than the incentives to remain on welfare, you should support this initiative.

George D. Comerci, MD Merlin K. DuVal, MD

Tucson Phoenix

### **ARGUMENT "FOR" PROPOSITION 203**

Sure, vote for this if you want.

Though we may disapprove of some of the programs that Proposition 203 would fund, we heartily approve of the method of funding.

Libertarians normally oppose the use of public monies for health care, but this case is different.

For a change, we're talking about voluntary contributions instead of tax dollars. Arizonans are essentially "stockholders" of

the Arizona Lottery, and should rightfully have a voice in how the proceeds are spent. If you want to support the health care programs in this measure, that's your right.

In fact, this is a rather libertarian model of how to support various social programs with *voluntary contributions* rather than with compulsory taxes.

For more information about this position, or any other ballot item, please visit <http://www.getnet.com/~gfallon/96ballot.html>.

Kent B. Van Cleave	Gary Fallon	Robert Anderson
Libertarian Candidate for	Libertarian Candidate for	Libertarian Candidate for
State Representative	State Representative	U.S. Congress
District 25	District 24	District 6
Phoenix	Phoenix	Phoenix
John Williams	Scott Grainger	Maricopa County
Libertarian Candidate for	Libertarian Candidate for	Libertarian Party
State Senate	State Representative	Steering Committee
District 25	District 21	Mesa
Phoenix	Mesa	Ted Louis Glenn
Ernest Hancock	Rickie Duncan	Libertarian Candidate for
Libertarian Candidate for	Libertarian Candidate for	Pima County Supervisor
State Representative	State Senate	District 4
District 18	District 20	Tucson
Phoenix	Phoenix	
Donna Hancock	John Wilde	
Libertarian Candidate for	Libertarian Candidate for	
State Senate	State Representative	
District 18	District 20	
Phoenix	Phoenix	

### **ARGUMENT "AGAINST" PROPOSITION 203**

No arguments "against" Proposition 203 were submitted to the Secretary of State.

### **BALLOT FORMAT**

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# PROPOSITION 203

PROPOSED BY INITIATIVE PETITION

## OFFICIAL TITLE

AN ACT AMENDING SECTIONS 5-522 AND 36-274, ARIZONA REVISED STATUTES; RELATING TO STATE LOTTERY FUNDS; AMENDING TITLE 36 CHAPTER 29, ARTICLE 1, ARIZONA REVISED STATUTES, BY CONDITIONALLY ADDING SECTION 36-2901.01; RELATING TO ELIGIBILITY FOR AHCCCS BENEFITS.

## DESCRIPTIVE TITLE

ANNUALLY ALLOCATING SEVENTEEN MILLION DOLLARS OF ARIZONA'S LOTTERY REVENUES TO FUND SIX SPECIFIED HEALTH AND NUTRITION PROGRAMS, WITHOUT AFFECTING LOTTERY FUNDS ALLOCATED TO EXISTING PROGRAMS; CONDITIONALLY EXPANDING ELIGIBILITY FOR HEALTH CARE THROUGH AHCCCS, ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM, IF FUNDS ARE AVAILABLE.

# PROPOSITION 203

A "yes" vote shall have the effect of annually allocating seventeen million dollars of lottery revenues for specified health and nutrition programs, and conditionally expanding eligibility for health care through AHCCCS, Arizona Health Care Cost Containment System.	YES
A "no" vote shall have the effect of retaining the current law allocating lottery monies and determining eligibility to receive health care through AHCCCS.	NO

## PROPOSITION 300

RECOMMENDATIONS OF THE COMMISSION ON SALARIES FOR ELECTED STATE OFFICERS AS TO LEGISLATIVE SALARIES HAVE BEEN CERTIFIED TO THE SECRETARY OF STATE AND ARE HEREBY SUBMITTED TO THE QUALIFIED ELECTORS FOR THEIR APPROVAL OR REJECTION.

*(In compliance with Ariz. Const. Art. 5 §13)*

"SHALL THE RECOMMENDATIONS OF THE COMMISSION ON SALARIES FOR ELECTED STATE OFFICERS CONCERNING LEGISLATIVE SALARIES BE ACCEPTED? YES NO."

SUCH RECOMMENDATIONS IF APPROVED BY THE ELECTORS SHALL BECOME EFFECTIVE AT THE BEGINNING OF THE NEXT REGULAR LEGISLATIVE SESSION WITHOUT ANY OTHER AUTHORIZING LEGISLATION.

## STATEMENT FROM THE COMMISSION ON SALARIES

### FOR ELECTIVE STATE OFFICERS

Recommended Legislative Salary - \$24,000

The Commission took seriously its responsibility of determining an appropriate salary for the members of the Arizona State Senate and the Arizona House of Representatives. The Commission worked to establish a level of compensation which will enable Arizonans from diverse backgrounds to serve as members of the Arizona citizen legislature. At the same time, the Commission worked to establish a level of compensation that was consistent with legislative service in other states. The Commission also thoroughly examined the increase in the cost of living in Arizona, using a number of different indices to identify the amount necessary to hold the compensation effectively equal to what it was the last time the legislative salary was raised.

After all of this review, and many hours of testimony and deliberation, the Commission selected the figure of \$ 24,000. It is important to note that the legislative salary has been the same since 1980. We believe that it is unfair and unreasonable to expect individuals to serve in the time-consuming role of legislator without receiving at least reasonable minimal compensation. We urge the electorate of Arizona to support the first change since 1980 in compensation for members of the House of Representatives and Arizona State Senate.

Donald G. Isaacson, Chairman

Jim Klinker Msgr. Edward J. Ryle

Chuck Shipley Charles W. Wirken

### **ARGUMENT "FOR" PROPOSITION 300**

California legislators receive an annual salary of \$72,000, New York \$57,000, Pennsylvania \$47,000 and Massachusetts more than \$46,000. Although I do not believe Arizona legislators deserve such high salaries, their last increase, to \$15,000, was in January, 1981. That's 16 years without a salary increase, since an increase does not take effect until 1997.

Only four other states have not increased legislative salaries since 1981. In that same 16 years, the average state legislative salary in the U.S. has increased 68%. A 68% increase to the 1981 salary of \$15,000 would be \$25,000 for 1997. The average annual salary of legislators in other states is currently \$28,012. If Arizona cost-of-living increases were added to the 1981 legislative salary, the legislative salary for 1996 would be \$29,521.

Today, Arizona legislators are required to devote more time to their duties than ever before in order to meet the new and increased demands of a larger population in a more complex society. Capable legislators represent an investment not only in our personal freedoms but in honest government that is both efficient and effective.

Let's not give our legislators a windfall but at the very least treat them - and ourselves - fairly. After public hearings and serious study, the Commission on Salaries for Elective State Officers recommended an annual legislative salary of \$24,000 for 1997 and future years. Let's support better government and a brighter outlook for Arizona's future and vote "YES" for a modest but fair increase.

Charlie Stevens

Phoenix

### **ARGUMENT "AGAINST" PROPOSITION 300**

No arguments "against" Proposition 300 were submitted to the Secretary of State.

### **BALLOT FORMAT**

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## **PROPOSITION 300**

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RECOMMENDATIONS OF THE COMMISSION ON SALARIES FOR ELECTED STATE OFFICERS AS TO LEGISLATIVE SALARIES HAVE BEEN CERTIFIED TO THE SECRETARY OF STATE AND ARE HEREBY SUBMITTED TO THE QUALIFIED ELECTORS FOR THEIR APPROVAL OR REJECTION.

DESCRIPTIVE TITLE:

PROVIDES FOR AN INCREASE IN THE PRESENT SALARY OF STATE LEGISLATORS FROM \$15,000 PER YEAR TO \$24,000 PER YEAR AS RECOMMENDED BY THE COMMISSION ON SALARIES FOR ELECTED STATE OFFICERS.

"SHALL THE RECOMMENDATIONS OF THE COMMISSION ON SALARIES FOR ELECTED STATE OFFICERS CONCERNING LEGISLATIVE SALARIES BE ACCEPTED? YES NO."

SUCH RECOMMENDATIONS IF APPROVED BY THE ELECTORS SHALL BECOME EFFECTIVE AT THE BEGINNING OF THE NEXT REGULAR LEGISLATIVE SESSION WITHOUT ANY OTHER AUTHORIZING LEGISLATION.

Current Legislative Salary . . . . . \$15,000

Salary Proposed by Salary Commission . . . . . \$24,000

## PROPOSITION 300

A "yes" vote shall have the effect of raising state legislators' annual salaries to \$24,000.	YES
A "no" vote shall have the effect of maintaining state legislators' annual salaries at \$15,000.	NO

COUNTY RECORDERS AND ELECTION OFFICIALS

CR = COUNTY RECORDER; EO = ELECTION OFFICER

<u>Apache County</u>	<u>Cochise County</u>	<u>Coconino County</u>
CR Jeanne Udall	CR Christine Rhodes	CR Candace D. Owens
PO Box 425	PO Box 184	100 E. Birch
St. Johns, AZ 85936	Bisbee, AZ 85603	Flagstaff, AZ 86001
(520) 337-4364 Ext. 236	(520) 432-9278	800-793-6181
EO Teresa Joe	EO Sherry Marcell	EO Lennard Eltsosie
PO Box 425	PO Box 223	219 E. Cherry Ave
St. Johns, AZ 85936	Bisbee, AZ 85603	Flagstaff, AZ 86001
(520) 337-2495	(520) 432-9236	(520) 779-6623
<u>Gila County</u>	<u>Graham County</u>	<u>Greenlee County</u>
CR Linda Haught Ortega	CR Shirley Angle	CR Katie Clonts

1400 E. Ash St.	800 Main St.	PO Box 1625
Globe, AZ 85501	Safford, AZ 85546	Clifton, AZ 85533
(520) 425-3231 Ext. 230	(520) 428-3560	(520) 865-2632
EO Dixie Mundy	EO Barbara Felix	EO Deborah Gale
1400 E. Ash St.	800 Main St.	PO Box 908
Globe, AZ 85501	Safford, AZ 85546	Clifton, AZ 85533
(520) 425-3231 Ext. 411	(520) 428-3250	(520) 865-2072
<u>La Paz County</u>	<u>Maricopa County</u>	<u>Mohave County</u>
CR Patricia Wall	CR Helen Purcell	CR Joan McCall
PO Box 940	111 S. Third Ave., #103	PO Box 70
Parker, AZ 85344	Phoenix, AZ 85003	Kingman, AZ 86402
(520) 669-6136	(602) 506-3535	(520) 753-0701
EO Sharyn Runyen	EO Karen Osborne	EO Brad R. Nelson
PO Box C	111 S. Third Ave., #102	PO Box 7000
Parker, AZ 85344	Phoenix, AZ 85003	Kingman, AZ 86402
(520) 669-6115	(602) 506-1511	(520) 753-0733
<u>Navajo County</u>	<u>Pima County</u>	<u>Pinal County</u>
CR Jay Turley	CR F. Ann Rodriguez	CR Kathleen C. Felix
PO Box 668	115 N. Church Ave.	PO Box 848
Holbrook, AZ 86025	Tucson, AZ 85701	Florence, AZ 85232
(520) 524-4190	(520) 623-2649	(520) 868-7101
EO Michele A. Baker	EO Mitch Etter	EO Gilberto Hoyos
PO Box 668	115 N. Church Ave.	PO Box 827
Holbrook, AZ 86025	Tucson, AZ 85701	Florence, AZ 85232
(520) 524-4062	(520) 740-8408	(520) 868-6236
<u>Santa Cruz County</u>	<u>Yavapai County</u>	<u>Yuma County</u>
CR Suzanne Sainz	CR Margo W. Carson	CR Susan H. Marler
PO Box 1150	1015 Fair St., 2 <sup>nd</sup> Floor	198 S. Main St.
Nogales, AZ 85628	Prescott, AZ 86301	Yuma, AZ 85364
(520) 761-7800	(520) 771-3248	(520) 329-2061
EO Fran DeCillis	EO Sharon Keene-Wright	EO Patti Madrill
PO Box 1150	918 Prosser	198 S. Main St.
Nogales, AZ 85628	Prescott, AZ 86301	Yuma, AZ 85364
(520) 761-7800 Ext. 3051	(520) 771-3250	(520) 329-2119

## **VOTER REGISTRATION**

October 7, 1996 is the registration deadline for the 1996 General Election.

Voter registration forms are available from the county recorder in each county, as well as at government offices and public locations throughout the state. Completed forms can be mailed or turned in to the appropriate county recorder, whose address is listed on the page opposite this page.

Arizona residents who are temporarily absent from the state can register by mailing a registration form to the county recorder in their county of residence.

Who must re-register?

- Voters who change their name
- Voters who change their address
- Voters who change their political party

**EARLY (ABSENTEE) VOTING**

Any registered voter can vote early in Arizona's 1996 General Election. County recorders offer early voting in their offices, and, in some counties, in other locations. Early voting begins October 3, 1996 and ends at 5 p.m. on the Friday before the election.

Registered voters can request that a ballot be mailed to them. The request can be telephoned, mailed or faxed to the appropriate county recorder at anytime until 5 p.m. on the Friday before the election. A written request must include the voter's name and address as registered, date of birth, election for which the ballot is requested, address where voter is temporarily residing (if applicable), and the signature of the voter.

Ballots must be returned to the county recorder, either by personal delivery or by mail, no later than 7 p.m. on election day.

**VOTER'S RIGHTS**

Any voter may be accompanied into the voting booth by a person of his or her choice, or by a representative of each major political party, for the purpose of assisting the voter in casting his or her ballot.

Sample ballots may be brought to the polling place and may be taken into the voting booth at the time of the election.

Any qualified voter who is in the line of waiting voters at 7 p.m. on Election Day shall be allowed to prepare and cast his ballot.

**VOTER'S GUIDE**

This form is for your convenience to mark your choices after studying the propositions. This page may be detached from the pamphlet and taken to the polling place on General Election Day, November 5, 1996, to assist you in voting your ballot.

Proposition 100 ..... Yes No

Relating to effective dates of legislation.

Proposition 101 ..... Yes No

Relating to exemptions from property taxation.

Proposition 102 ..... Yes No

**Relating to jurisdiction over juveniles.**

**Proposition 200 ..... Yes No**

**Relating to laws on controlled substances.**

**Proposition 201 ..... Yes No**

**Relating to state-tribal gaming compacts.**

**Proposition 202 ..... Yes No**

**Relating to voter approval of stadium tax.**

**Proposition 203 ..... Yes No**

**Relating to health programs and AHCCCS eligibility.**

**Proposition 300 ..... Yes No**

**Recommendation to increase the salaries of Legislators.**

## **VOTE ON NOVEMBER 5, 1996.**

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