

BALLOT PROPOSITIONS
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VOTERS:



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STATE OF ARIZONA



**GENERAL ELECTION
NOVEMBER 3, 1992**

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Compiled by the Secretary of State

INFORMATION

CAPITALS indicate additions to the text of the propositions.

~~Strikeouts~~ indicate deleted language.

The referendum petitions seeking to put PROPOSITION 302 on the 1992 General Election ballot had not been filed at the time of the printing of this pamphlet.

Please review the sample ballot to be delivered to your household before the General Election to determine whether or not PROPOSITION 302 has qualified for the ballot.

Persons with disabilities who are either physically or visually impaired or who are unable to read or to understand the contents of the ballot may be accompanied into the voting booth by a person of their choice or a representative of each major political party for the purpose of assisting them in casting their ballots.

Persons with disabilities may call the Secretary of State's Office at 1-800-458-5842 regarding information available in alternate formats.

Sample ballots may be brought to the voting place and may be taken into the voting booth on the day of the election.

Qualified voters who at 7:00 P.M. are in the line of waiting voters shall be allowed to prepare and cast their ballots.

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PROPOSITION 100

OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2001

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE V, SECTION 1, ARTICLE VII, SECTION 7 AND ARTICLE VIII, PART 1, SECTION 4, CONSTITUTION OF ARIZONA; RELATING TO ELECTION OF CERTAIN STATE OFFICERS.

TEXT OF PROPOSED AMENDMENT

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

1. The following amendment of article V, section 1, Constitution of Arizona, is proposed to become valid when approved by a majority of the qualified electors voting thereon and on proclamation of the Governor:

1. Executive department; state officers; terms; election; residence and office at seat of government; duties

Section 1. A. The executive department shall consist of the governor, secretary of state, state treasurer, attorney general, and superintendent of public instruction, each of whom shall hold office for four years beginning on the first Monday of January, 1971 next after the regular general election in 1970.

B. The person having a majority ~~THE HIGHEST NUMBER~~ of the votes cast for the office voted for shall be elected. ~~If no person receives a majority of the votes cast for the office, a second election shall be held as prescribed by law between the persons receiving the highest and second highest number of votes cast for the office. The person receiving the highest number of votes at the second election for the office is elected, but if the two OR MORE persons have an equal AND THE HIGHEST number of votes for the office, the two houses of the legislature at its next regular session shall elect forthwith, by joint ballot, one of such persons for said office.~~

C. The officers of the executive department during their terms of office shall reside at the seat of government where they shall keep their offices and the public records, books, and papers. They shall perform such duties as are prescribed by the constitution and as may be provided by law.

2. The following amendment of article VII, section 7, Constitution of Arizona, is proposed to become valid when approved by a majority of the qualified electors voting thereon and on proclamation of the Governor:

7. Highest number of votes received as determinative of person elected

Section 7. ~~Except for offices designated in article V, section 1,~~ In all elections held by the people in this state, the person, or persons, receiving the highest number of legal votes shall be declared elected.

3. The following amendment of article VIII, part 1, section 4, Constitution of Arizona, is proposed to become valid when approved by a majority of the qualified electors voting thereon and on proclamation of the Governor:

4. Special election; candidates; results; qualification of successor

Section 4. Unless the incumbent otherwise requests, in writing, the incumbent's name shall be placed as a candidate on the official ballot without nomination. Other candidates for the office may be nominated to be voted for at said election. ~~If the office is one designated in article V, section 1, the candidate who receives a majority of the votes cast is elected for the remainder of the term. If no person receives a majority of the votes cast, a second election shall be held as prescribed by law between the persons receiving the highest and second highest number of votes cast. The person receiving the highest number of votes at the second election is elected for the remainder of the term.~~ The candidate for an office which is not designated in article V, section 1 who shall receive WHO RECEIVES the highest number of votes shall be declared elected for the remainder of the term. Unless the incumbent receives

Proposition 100

the HIGHEST number of votes ~~prescribed in this section~~, the incumbent shall be deemed to be removed from office, upon qualification of the successor. In the event that the successor shall not qualify within five days after the result of said election shall have been declared, the said office shall be vacant, and may be filled as provided by law.

4. The proposed amendments (approved by a majority of the members elected to each house of the Legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be submitted to the qualified electors by the Secretary of State at the next regular general election, or at a special election called for that purpose, as provided by article XXI, Constitution of Arizona.

**FINAL VOTE CAST BY THE LEGISLATURE ON HCR 2001
(PROPOSITION 100)**

House — Ayes, 43	Senate — Ayes, 25
 Nays, 9	 Nays, 3
Not Voting, 4	Not Voting, 2
 1 Excused	
 3 Vacancies	

ANALYSIS BY LEGISLATIVE COUNCIL

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

The State Constitution currently provides that a candidate for a state executive department office must receive a majority of the votes cast for that office in order to be elected at the general election. Executive department offices are the Governor, Secretary of State, Attorney General, State Treasurer and Superintendent of Public Instruction. If three or more candidates are running and no candidate receives more than 50% of the votes cast in the general election, current law requires a runoff election between the two candidates who received the highest and second highest number of votes. If Proposition 100 is adopted, the person who receives the highest number of votes in the general election is elected and runoff elections will no longer be needed.

The current constitutional requirement was adopted in the 1988 general election and was first used in the 1990 gubernatorial election. If Proposition 100 is adopted, Arizona's Constitution will be returned to the system used before the 1988 general election.

**LEGISLATIVE COUNCIL ARGUMENTS FAVORING
PROPOSITION 100**

The constitutional provisions that require a runoff election, although new, have already been shown to be impractical and expensive. The gubernatorial runoff election in February, 1991 simply repeated the result of the 1990 general election. Until 1990, Arizonans had been electing Governors and other executive department officials with no difficulty, simply by determining who received the highest number of votes. The change in 1988 that required election by a majority of the votes cast was a reaction to the election of a Governor who was later impeached and removed from office. It was an experiment that failed, costing this state time and money. Proposition 100 would return our state to a system that served it well.

Additionally, this proposition would make it easier for candidates who are not members of the two major parties to be elected to statewide offices. This proposition would increase the voters' choices of candidates.

**LEGISLATIVE COUNCIL ARGUMENTS OPPOSING
PROPOSITION 100**

Arizonans decided just four years ago that they wanted their most important state elected officials to have the support of the majority of the voters in order to be elected. Without the majority-vote requirement, a Governor had been elected even though he received less than 40% of the votes cast. The constitution was changed to make sure this never happens again, by making sure that our executive department officers get

elected to office only after winning more than 50% of the votes cast. It is too soon to reverse this very recent change in our constitution.

Proposition 100 would abandon the principle of majority rule. Our recent runoff election for the office of Governor did not harm the operation of state government. There is no need to do away with majority rule in statewide elections.

BALLOT FORMAT

<p>PROPOSITION 100</p>		
<p>PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE</p>		
<p><u>OFFICIAL TITLE</u></p>		
<p>HOUSE CONCURRENT RESOLUTION 2001</p>		
<p>A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE V, SECTION 1, ARTICLE VII, SECTION 7 AND ARTICLE VIII, PART 1, SECTION 4, CONSTITUTION OF ARIZONA; RELATING TO ELECTION OF CERTAIN STATE OFFICERS.</p>		
<p><u>DESCRIPTIVE TITLE</u></p>		
<p>AMENDING ARIZONA CONSTITUTION TO REMOVE THE REQUIREMENT THAT A RUNOFF ELECTION BE HELD IF NO CANDIDATE RECEIVES A MAJORITY OF VOTES CAST IN A GENERAL OR RECALL ELECTION FOR THE OFFICES OF GOVERNOR, SECRETARY OF STATE, STATE TREASURER, ATTORNEY GENERAL OR SUPERINTENDENT OF PUBLIC INSTRUCTION.</p>		
<p>PROPOSITION 100</p>		
<p>A "yes" vote shall have the effect of repealing the requirement of a runoff election and returning to the provision allowing a person receiving the highest number of votes cast to be elected to any state executive office in the same manner as for all other offices in this state.</p>	<p>YES</p>	<p>➔</p>
<p>A "no" vote shall have the effect of retaining the provision requiring a runoff election when no candidate for a state executive office receives a majority of the votes cast.</p>	<p>NO</p>	<p>➔</p>

PROPOSITION 101

OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2002

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE XIX, CONSTITUTION OF ARIZONA; RELATING TO THE STATE MINE INSPECTOR.

TEXT OF PROPOSED AMENDMENT

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

1. The following amendment of article XIX, Constitution of Arizona, is proposed to become valid when approved by a majority of the qualified electors voting thereon and on proclamation of the Governor:

ARTICLE XIX MINES

The office of mine inspector is hereby established. The legislature, ~~at its first session,~~ shall enact laws so regulating the operation and equipment of all mines in the state as to provide for the health and safety of workers therein and in connection therewith, and fixing the duties of said office. Upon approval of such laws by the governor, the governor, with the advice and consent of the senate, shall forthwith appoint a mine inspector, who shall serve until his successor shall have been elected at the first general election thereafter and shall qualify. Said successor and all subsequent incumbents of said office shall be elected at general elections, and shall serve for ~~two~~ FOUR years. THE INITIAL FOUR YEAR TERM SHALL BE SERVED BY THE MINE INSPECTOR ELECTED IN THE GENERAL ELECTION HELD IN NOVEMBER, 1994.

2. The proposed amendment (approved by a majority of the members elected to each house of the Legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be submitted to the qualified electors by the Secretary of State at the next regular general election, or at a special election called for that purpose, as provided by article XXI, Constitution of Arizona.

FINAL VOTE CAST BY THE LEGISLATURE ON HCR 2002 (PROPOSITION 101)

House — Ayes, 54	Senate — Ayes, 19
Nays, 0	Nays, 8
Not Voting, 3	Not Voting, 3
Vacancies, 3	
House concurs	
Ayes, 33	
Nays, 21	
Not Voting, 6	

ANALYSIS BY LEGISLATIVE COUNCIL

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

This proposed amendment to the Arizona Constitution would lengthen the term of office of the State Mine Inspector. Currently, the State Mine Inspector is elected for a two-year term. Proposition 101, if adopted, would increase that to a four-year term, beginning with the term for the State Mine Inspector who is elected at the November, 1994 general election. This proposition does not limit the number of times a person can be elected to the office of State Mine Inspector.

**LEGISLATIVE COUNCIL ARGUMENTS FAVORING
PROPOSITION 101**

Proposition 101 would allow the State Mine Inspector to serve a four-year term, which is the same as other statewide elected officials such as the Governor, Secretary of State, Attorney General, State Treasurer and Superintendent of Public Instruction. In 1968, Arizonans decided that they wanted these other statewide elected officials to serve terms of four years because the longer term of office allows elected officials to concentrate more on the duties of their office instead of having to conduct election campaigns every other year. The State Mine Inspector, as another statewide elected official, is entitled to the same treatment.

**LEGISLATIVE COUNCIL ARGUMENTS OPPOSING
PROPOSITION 101**

Arizona needs to keep its elected officials directly responsible to the people and the best way to accomplish that is by maintaining shorter terms of office. The State Mine Inspector is an office that was created in the Arizona Constitution with a term of two years and there is no real reason to change that system now.

Proposition 101 is unnecessary and should be rejected. Arizona's mine inspector will be more attentive to the needs of the people if the people retain the opportunity to elect the mine inspector every two years.

BALLOT FORMAT

<p>PROPOSITION 101</p> <p>PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE</p> <p><u>OFFICIAL TITLE</u> HOUSE CONCURRENT RESOLUTION 2002 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE XIX, CONSTITUTION OF ARIZONA; RELATING TO THE STATE MINE INSPECTOR.</p> <hr/> <p><u>DESCRIPTIVE TITLE</u> AMENDING ARIZONA CONSTITUTION TO INCREASE THE STATE MINE INSPECTOR'S TERM OF OFFICE FROM TWO YEARS TO FOUR YEARS BEGINNING WITH THE TERM FOR THE STATE MINE INSPECTOR ELECTED AT THE NOVEMBER, 1994 GENERAL ELECTION.</p>		
<p>PROPOSITION 101</p>		
<p>A "yes" vote shall have the effect of increasing the State Mine Inspector's term of office from two years to four years.</p> <p>A "no" vote shall have the effect of keeping the State Mine Inspector's term of office at two years.</p>	<p>YES →</p> <p>NO →</p>	

PROPOSITION 102

OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2029

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE X, CONSTITUTION OF ARIZONA, BY ADDING SECTION 12; RELATING TO STATE LANDS.

TEXT OF PROPOSED AMENDMENT

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

1. Article X, Constitution of Arizona, is proposed to be amended as follows, by adding section 12, if approved by the voters and on proclamation of the Governor:

12. Land exchanges

SECTION 12. A. AFTER PUBLIC NOTICE, THIS STATE MAY EXCHANGE LANDS GRANTED OR CONFIRMED BY THE ENABLING ACT FOR OTHER PUBLIC OR PRIVATE LANDS UNDER SUCH RULES AS THE LEGISLATURE MAY BY LAW PRESCRIBE IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

1. THE EXCHANGE IS IN THE BEST INTEREST OF THE STATE LAND TRUST.
2. THE TRUE VALUE, AS DETERMINED BY AT LEAST TWO INDEPENDENT APPRAISALS, OF ANY LANDS RECEIVED IN THE EXCHANGE EQUALS OR EXCEEDS THE TRUE VALUE OF THE LANDS THE STATE EXCHANGES.

3. THE EXCHANGE IS FOR THE PURPOSE OF EITHER:

(a) CONSOLIDATING STATE LAND HOLDINGS TO IMPROVE MANAGEMENT OPPORTUNITIES OR TO INCREASE STATE LAND VALUES.

(b) TRANSFERRING STATE LANDS TO OTHER FEDERAL, STATE OR LOCAL GOVERNMENTAL ENTITIES FOR PUBLIC PURPOSES, INCLUDING PROTECTION OF ENVIRONMENTAL VALUES.

(c) ACQUIRING LAND THAT IS NEEDED BY THE STATE FOR PUBLIC PURPOSES, INCLUDING PROTECTION OF ENVIRONMENTAL VALUES.

B. LAND EXCHANGES ARE NOT CONSIDERED TO BE SALES FOR PURPOSES OF THIS ARTICLE.

C. LAND EXCHANGES INVOLVING FEDERAL LANDS MAY BE MADE ONLY AS AUTHORIZED BY ACTS OF CONGRESS AND FEDERAL REGULATIONS.

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 2029 (PROPOSITION 102)

House — Ayes, 56	Senate — Ayes, 29
Nays, 2	Nays, 0
Not Voting, 2	Not Voting, 1

ANALYSIS BY LEGISLATIVE COUNCIL

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

In 1910, Congress passed the Arizona–New Mexico Enabling Act that authorized the residents of the Territory of Arizona to form a state government. One provision of the Enabling Act granted the new state millions of acres of land to be held in trust to support various public institutions (schools, colleges, penitentiaries, etc.). Congress allowed Arizona to sell or lease the land only under very specific conditions.

The new State Constitution explicitly incorporated the Enabling Act restrictions on the disposal of trust lands.

Through the years Congress has amended the Enabling Act to allow Arizona more flexibility in managing and disposing of trust land. In the 1930's two acts of Congress authorized the state to exchange trust land for other public or private lands. However, the state never amended its constitution to incorporate that authority for land exchanges, but the state did enact statutes to provide for exchanges of trust land. Since that time the State Land Department, acting under the statutory authorization, has exchanged more than 2 million acres of land with the federal government and several hundred thousand acres with private landowners.

In March, 1990 the State Supreme Court determined that without amending the State Constitution the Legislature had no power to authorize public land exchanges by statute. The State Land Department has halted its land exchange activities. The effect of Proposition 102 will be to allow the State Land Department to resume state trust land exchanges.

If approved, Proposition 102 will amend the State Constitution to permit exchanges of state trust land for other public or private lands if (1) the exchange is in the best interest of the state land trust, (2) the other land is at least equal in value to the state land (as determined by at least two independent appraisals) and (3) the purpose of the exchange is to consolidate state land holdings or to transfer or acquire land for public purposes, including environmental protection. A land exchange would be governed by procedures, conditions and restrictions enacted by the Legislature. Exchanges of state land for federal land would also be subject to any additional restrictions imposed by the federal government.

LEGISLATIVE COUNCIL ARGUMENTS FAVORING PROPOSITION 102

Sound public land policy requires that state land managers have all options available for maximum benefit to the state. Land exchanges allow the state to take advantage of all opportunities to improve the use and management of public lands. Congress recognized this fact more than 50 years ago. Proposition 102 is really a formality to resume a practice that has a proven history of great benefit to Arizona.

Much of the rural state land is owned in a checkerboard pattern interspersed with federal and private land. Land exchanges are used to consolidate the checkerboard ownership into larger blocks to improve land values and management opportunities. Many tracts of trust lands are located inside national parks, monuments, recreation areas, wildlife refuges and wilderness areas. These trust lands should not be sold at public auction to the highest bidder as the Constitution currently requires. Instead these lands should be traded to the federal government to help preserve environmentally sensitive areas. In return the trust would receive large tracts of lands appropriate for development that can be leased or sold to raise hundreds of millions of dollars.

Whether for management, recreation, environmental or commercial purposes, much valuable land could not be obtained without land exchanges. The state simply does not have the cash to buy land for these purposes. Land that the state currently owns is a more valuable asset if it can be used instead of money to acquire other lands that would have more public benefit. Current law assures a rigorous review process and protects the trust by requiring that lands that are exchanged be of equivalent value.

LEGISLATIVE COUNCIL ARGUMENTS OPPOSING PROPOSITION 102

Proposition 102 would give up the most important protection that our state land trust has — the requirement of sale or lease at public auction. State trust land which helps fund our schools and state institutions is too valuable to dispose of without that protection. Under Proposition 102 trades are to be based on the determinations of appraisers, but these appraisals can be wrong and can result in tremendous losses to the state. The protection of a public auction should not be surrendered, especially in the weak real estate market that we are currently experiencing.

The sale of trust lands to private ownership, instead of exchanges with other public lands, increases the tax base which is so important to the economy of the state. When trust lands are disposed of through a land

exchange, there is no increase in the tax base because the private lands received by the state will not be on the tax rolls.

Trust lands should not be used in land exchanges to accomplish environmental, public or private land use objectives. The state trust lands were set aside to be leased or sold to raise revenues for the support of public schools and public institutions. The best way to ensure that the state receives the greatest income from the trust land asset is to require that trust land be disposed of only by public auction to the highest and best bidder.

ARGUMENT “FOR” PROPOSITION 102

The Arizona Tax Research Association encourages your support of Proposition 102. Granting the State Land Department the authority to make land exchanges will provide the necessary flexibility to protect environmentally sensitive lands as well as acquire land near urban areas more valuable to the state trust.

Allowing the State Land Department to trade lands with other governmental entities for eventual sale to private interests provides many benefits to the taxpayers. Revenues from the sale of state trust land are used to support Arizona’s public schools. Selling more state lands to private interests will certainly aid the state’s efforts to fund our educational needs. Also, selling state property to private interests adds value to the property tax base that benefits all taxpayers by spreading the costs of all levels of government over a larger tax base.

Kevin J. McCarthy
President
Arizona Tax Research Association
Phoenix

Barry M. Aarons
Chairman of the Board
Arizona Tax Research Association
Phoenix

ARGUMENT “FOR” PROPOSITION 102

The Arizona School Boards Association, through resolution by its Delegate Assembly comprised of representatives of school district governing boards throughout the state, supports the efforts of the State Land Department to increase the revenue generated by the State Trust lands.

When Arizona became a state in 1912, millions of acres of land were set aside by the federal government to be held in trust for the public schools. While additional lands were reserved for other public institutions, the common schools K-12 are the single largest beneficiary of the revenues generated by the State Land Trust. The interest generated by the Trust goes directly into the state’s general fund as state aid for public schools K-12, thereby relieving some of the burden on taxpayers.

The State Land Department has been hampered in its maximization of the use of Trust Lands since the Supreme Court halted the exchange of lands in 1988. The passage of Proposition 102 will allow the Land Department, through the exchange process, to consolidate land holdings to enhance Trust land values and management practices. Exchanges may not be made unless the exchange is in the best interest of the Trust and equals or exceeds the value of the Trust land as determined by two independent appraisals.

Since funding for public education K-12 has been severely cut while the needs of Arizona’s students have continued to escalate, enhancing the revenue potential of the State Trust lands is especially critical. Your “YES” vote on Proposition 102 will allow the Land Department to better use one public resource – the State Trust lands – to help Arizona’s most important future resource – Arizona’s school children.

Marilyn Wilson, President
Arizona School Boards Association
Phoenix

“Yes on 102” Committee: Peter Winkler and Marilyn Wilson, Co-Chairs; David Peachin, Treasurer

ARGUMENT “FOR” PROPOSITION 102

Do you share our concern for protecting Arizona’s natural resources — the rare plants, cacti and habitat areas so important for the survival of Arizona’s wildlife?

Some of Arizona’s prime natural areas are on State Trust land. You can help protect them by voting “yes” on Proposition 102 which gives the State the authority to exchange State Trust lands.

By law, State Trust lands are sold or leased for the highest economic return. There are no provisions for environmental protection. Therefore, the best way to protect ecologically important parcels of State Trust land is to trade them to agencies with an environmental protection mandate in exchange for land that can be developed.

- The State acquired land for Catalina and lower Oak Creek State Parks and valuable additions to Picacho, Lake Patagonia and Homolovi Ruins State Parks through exchanges.
- The State transferred to public ownership the Trust land parcels inside Grand Canyon National Park, in wildlife refuges, Wilderness areas, Aravaipa Canyon and Lake Pleasant so these lands can be managed for their scenic, wildlife, riparian and public recreation resources.

Since then, the courts have ruled that Arizona’s Constitution must be amended in order to continue these exchanges. There are still many wonderful opportunities:

- The State Trust owns land in the Rogers Lake wildlife habitat area near Flagstaff, in the Burro Creek and Bill Williams Riparian Areas, in Saguaro and Organ Pipe National Monuments. These should be traded to federal agencies for protection and public enjoyment.
- Trust lands are dotted all around metropolitan Phoenix and Tucson. Trading State Trust lands in the Tortolita Mountains, Empire Cienega Ranch and the McDowell Mountains to local entities would protect natural values and provide recreational opportunities.

However, this can only be done by allowing the State to regain the authority to exchange State Trust lands. Vote “yes”.

Anita J. MacFarlane, President
Arizona Audubon Council
Sedona

Andrew S. Gordon, President
Arizona Heritage Alliance
Phoenix

Dan Campbell, Executive Director
The Nature Conservancy
Tucson

“Yes on 102” Committee: Peter Winkler and Marilyn Wilson, Co-Chairs; David Peachin, Treasurer

ARGUMENT “FOR” PROPOSITION 102

The Federal Government granted the State of Arizona certain lands to be held in Trust and leased and sold to raise funds to support public schools and institutions. These Trust lands are widely scattered throughout Arizona. Many Trust land parcels are inside National Forests, National Parks and Monuments, and in areas dedicated to wilderness, wildlife and other public uses. Other Trust lands are intermingled with private lands that are critical to the industry, economic stability, and tax base of our local communities.

The State needs to be able to work with Federal, State and local government and private citizens in land exchanges that will rearrange land ownership patterns. Through land exchanges, environmentally sensitive Trust lands can be acquired, at no expense to the taxpayers, by public agencies whose duty it is to protect and manage lands for scenic, wildlife, wilderness, recreation and historic and archaeological purposes. In return the Trust can receive lands more suitable for lease and sale. Through land exchanges, Trust and private lands can be consolidated to reduce conflicts, and improve management, land values and development opportunities.

Land exchanges will help the State protect environmentally sensitive lands and recreation areas without expense to the taxpayers. Land exchanges do not reduce the tax base; they enhance the financial benefits to our educational institutions; and they help stabilize industries and local economies.

These are good reasons to VOTE “YES” on Proposition 102.

Cecil H. Miller, Jr.
President
Arizona Farm Bureau
Phoenix

Sandra L. Naughton
Executive Vice President
Arizona Cattlemens Association
Phoenix

Proposition 102

David Ridinger
President
Arizona Mining Association
Phoenix

R. Bruce Whiting
President
Arizona Citizens Coalition on
Resource Decisions (ACCORD)
Phoenix

"Yes on 102" Committee: Peter Winkler and Marilyn Wilson, Co-Chairs; David Peachin, Treasurer

ARGUMENT "FOR" PROPOSITION 102

As individuals involved in local government, we support passage of Proposition 102, which would allow Arizona to formally follow changes in federal law that occurred in 1936. These changes would help local government in a variety of ways, including saving taxpayer money. Under the State Constitution adopted in 1912, Arizona can dispose of Trust land only to the highest bidder. However, Arizona's cities, towns and counties cannot afford to get into a bidding war with private interests over environmentally sensitive Trust land that local governments want to protect or use for a park. Proposition 102 would allow local government to exchange its land that the State wants for State Trust land of equal value. In this way, our citizens will not have to pay huge amounts of tax money twice: once as local taxpayers who have to pay the "highest bid" to obtain State Trust land at public auction and a second time as State taxpayers who have to pay to get property owned by local government. Indeed, before the courts ruled in 1988 that the State Constitution had not been amended to adopt the federal law changes of 1936, Arizona had followed federal law by engaging in land exchanges which saved the taxpayers untold amounts of money. Moreover, during that fifty-two year period, State Trust lands were exchanged that allowed expansion or creation of many parks, including the Grand Canyon National Park, the Arivaipa Canyon Wilderness Area, the Kofa National Wildlife Refuge, and the Catalina, Patagonia Lake, and Red Rock State Parks. If Proposition 102 passes, additional parks can be created, including many at the local government level, without burdening taxpayers.

We urge you to VOTE YES ON 102.

Supervisor Betsey Bayless
Maricopa County

Mayor Carol Anderson
City of Kingman

Mayor Paul Johnson
City of Phoenix

Supervisor Greg Lunn
Pima County

Mayor Cathy Hufault
Town of Oro Valley

Mayor Herb Drinkwater
City of Scottsdale

Mayor George Miller
City of Tucson

"Yes on 102" Committee: Peter Winkler and Marilyn Wilson, Co-Chairs; David Peachin, Treasurer

BALLOT FORMAT

<p>PROPOSITION 102</p> <p>PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE</p> <p>OFFICIAL TITLE</p> <p>HOUSE CONCURRENT RESOLUTION 2029</p> <p>A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE X, CONSTITUTION OF ARIZONA, BY ADDING SECTION 12; RELATING TO STATE LANDS.</p> <hr/> <p>DESCRIPTIVE TITLE</p> <p>AMENDING ARIZONA CONSTITUTION TO AUTHORIZE THE STATE TO EXCHANGE STATE TRUST LANDS FOR OTHER PUBLIC OR PRIVATE LANDS FOR CERTAIN PURPOSES AND AFTER PUBLIC NOTICE IF THE EXCHANGE IS IN THE BEST INTEREST OF THE STATE LAND TRUST AND THE STATE RECEIVES LAND OF EQUAL OR GREATER APPRAISED VALUE.</p>			
<p>PROPOSITION 102</p> <p>A "yes" vote shall have the effect of allowing the state to exchange state trust land for public or private land of equal or greater value under certain conditions.</p> <p>A "no" vote shall have the effect of continuing to restrict the disposal of state trust land to sale or lease at public auction.</p>		<p>YES</p> <p>NO</p>	<p>➔</p> <p>➔</p>

PROPOSITION 103

OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2014

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE XXII, SECTION 22, CONSTITUTION OF ARIZONA; RELATING TO JUDGMENTS OF DEATH.

TEXT OF PROPOSED AMENDMENT

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

1. The following amendment of article XXII, section 22, Constitution of Arizona, is proposed to become valid when approved by a majority of the qualified electors voting thereon and on proclamation of the Governor:

22. Judgments of death

Section 22. A. The judgment of death shall be inflicted by administering ~~lethal gas~~ AN INTRAVENOUS INJECTION OF A SUBSTANCE OR SUBSTANCES IN A LETHAL QUANTITY SUFFICIENT TO CAUSE DEATH EXCEPT THAT DEFENDANTS SENTENCED TO DEATH FOR OFFENSES COMMITTED PRIOR TO THE EFFECTIVE DATE OF THE AMENDMENT TO THIS SECTION SHALL HAVE THE CHOICE OF EITHER LETHAL INJECTION OR LETHAL GAS. THE LETHAL INJECTION OR LETHAL GAS SHALL BE ADMINISTERED UNDER SUCH PROCEDURES AND SUPERVISION AS PRESCRIBED BY LAW. The execution shall take place within the limits of the state prison.

2. The proposed amendment (approved by a majority of the members elected to each house of the Legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be submitted to the qualified electors by the Secretary of State at the next regular general election, or at a special election called for that purpose, as provided by Article XXI, Constitution of Arizona.

FINAL VOTE CAST BY THE LEGISLATURE ON HCR 2014 (PROPOSITION 103)

House — Ayes, 34	Senate — Ayes, 21
Nays, 23	Nays, 9
Not Voting, 3	Not Voting, 0
House concurs in Senate amendments and final passage	
Ayes, 43	
Nays, 12	
Not Voting, 5	

ANALYSIS BY LEGISLATIVE COUNCIL

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

Proposition 103 would amend the Constitution of Arizona to require that prisoners condemned to death be executed by lethal injection instead of by cyanide gas. Those prisoners condemned to death for offenses committed before this amendment passes would be given the choice of execution by lethal injection or by cyanide gas.

LEGISLATIVE COUNCIL ARGUMENTS FAVORING PROPOSITION 103

The passage of Proposition 103 would provide for a more humane manner by which condemned prisoners are put to death. A civilized society should not inflict unnecessary suffering on any person, even

those persons who are condemned to die. Execution by lethal injection would result in a much quicker, less dramatic and less painful death.

**LEGISLATIVE COUNCIL ARGUMENTS OPPOSING
PROPOSITION 103**

Execution by cyanide gas is not cruel and unusual punishment. Condemned murderers do not deserve painless deaths. We should not forget the suffering and pain of the victims murdered by death row inmates and the horrors of their deaths. Often the lives of the families of victims killed by death row inmates are shattered and the family members continue to suffer for the rest of their lives.

Proposition 103 is also opposed by some death penalty opponents because there is no humane way to execute another person. Changing the method of executing condemned prisoners from lethal gas to injection simply glosses over the inherent problems with state-sanctioned executions.

BALLOT FORMAT

PROPOSITION 103		
PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE		
<u>OFFICIAL TITLE</u>		
HOUSE CONCURRENT RESOLUTION 2014		
A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE XXII, SECTION 22, CONSTITUTION OF ARIZONA; RELATING TO JUDGMENTS OF DEATH.		
<u>DESCRIPTIVE TITLE</u>		
AMENDING ARIZONA CONSTITUTION TO CHANGE THE METHOD OF ADMINISTERING THE DEATH PENALTY FROM LETHAL GAS TO LETHAL INJECTION EXCEPT THAT DEFENDANTS SENTENCED TO DEATH PRIOR TO THIS AMENDMENT WOULD BE GIVEN THE CHOICE OF EXECUTION BY LETHAL INJECTION OR BY LETHAL GAS.		
PROPOSITION 103		
A "yes" vote shall have the effect of changing the law to require that defendants sentenced to death be executed by lethal injection.	YES	➔
A "no" vote shall have the effect of retaining the law requiring that defendants sentenced to death be executed by lethal gas.	NO	➔

PROPOSITION 104

OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2012

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IX, SECTION 20, CONSTITUTION OF ARIZONA; RELATING TO POLITICAL SUBDIVISION EXPENDITURE LIMITATIONS.

TEXT OF PROPOSED AMENDMENT

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

1. Article IX, section 20, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

20. **Expenditure limitation; adjustments; reporting**

Section 20. (1) The economic estimates commission shall determine and publish prior to April 1 of each year the expenditure limitation for the following fiscal year for each county, city and town. The expenditure limitations shall be determined by adjusting the amount of actual payments of local revenues for each such political subdivision for fiscal year 1979-1980 to reflect the changes in the population of each political subdivision and the cost of living. The governing board of any political subdivision shall not authorize expenditures of local revenues in excess of the limitation prescribed in this section, except as provided in subsections (2), (6) and (9) of this section.

(2) Expenditures in excess of the limitations determined pursuant to subsection (1) of this section may be authorized as follows:

(a) Upon affirmative vote of two-thirds of the members of the governing board for expenditures directly necessitated by a natural or man-made disaster declared by the governor. Any expenditures in excess of the expenditure limitation, as authorized by this paragraph, shall not affect the determination of the expenditure limitation pursuant to subsection (1) of this section in any subsequent years. Any expenditures authorized pursuant to this paragraph shall be made either in the fiscal year in which the disaster is declared or in the succeeding fiscal year.

(b) Upon the affirmative vote of seventy per cent of the members of the governing board for expenditures directly necessitated by a natural or man-made disaster not declared by the governor, subject to the following:

(i) The governing board reducing expenditures below the expenditure limitation determined pursuant to subsection (1) of this section by the amount of the excess expenditure for the fiscal year following a fiscal year in which excess expenditures were made pursuant to this paragraph; or

(ii) Approval of the excess expenditure by a majority of the qualified electors voting either at a special election held by the governing board or at a regularly scheduled election for the nomination or election of the members of the governing board, in the manner provided by law. If the excess expenditure is not approved by a majority of the qualified electors voting, the governing board shall for the fiscal year which immediately follows the fiscal year in which the excess expenditures are made, reduce expenditures below the expenditure limitation determined pursuant to subsection (1) of this section by the amount of the excess expenditures. Any expenditures in excess of the expenditure limitation, as authorized by this paragraph, shall not affect the determination of the expenditure limitation pursuant to subsection (1) of this section in any subsequent years. Any expenditures pursuant to this paragraph shall be made either in the fiscal year in which the disaster occurs or in the succeeding fiscal year.

(c) Upon affirmative vote of at least two-thirds of the members of the governing board and approval by a majority of the qualified electors voting either at a special election held by the governing board in a manner prescribed by law, or at a regularly scheduled election for the nomination or election of

the members of the governing board. Such approval by a majority of the qualified electors voting shall be for a specific amount in excess of the expenditure limitation, and such approval must occur prior to the fiscal year in which the expenditure limitation is to be exceeded. Any expenditures in excess of the expenditure limitation, as authorized by this subdivision, shall not affect the determination of the expenditure limitation pursuant to subsection (1) of this section, in subsequent years.

(3) As used in this section:

(a) "Base limit" means the amount of actual payments of local revenues for fiscal year 1979-1980 as used to determine the expenditure limitation pursuant to subsection (1) of this section.

(b) "Cost of living" means either:

(i) The price of goods and services as measured by the implicit price deflator for the gross national product or its successor as reported by the United States department of commerce or its successor agency.

(ii) A different measure or index of the cost of living adopted at the direction of the legislature, by concurrent resolution, upon affirmative vote of two-thirds of the membership of each house of the legislature. Such measure or index shall apply for subsequent fiscal years, except it shall not apply for the fiscal year following the adoption of such measure or index if the measure or index is adopted after March 1 of the preceding fiscal year.

(c) "Expenditure" means any authorization for the payment of local revenues.

(d) "Local revenues" includes all monies, revenues, funds, fees, fines, penalties, tuitions, property and receipts of any kind whatsoever received by or for the account of a political subdivision or any of its agencies, departments, offices, boards, commissions, authorities, councils and institutions, except:

(i) Any amounts or property received from the issuance or incurrence of bonds or other lawful long-term obligations issued or incurred for a specific purpose, or collected or segregated to make payments or deposits required by a contract concerning such bonds or obligations. For the purpose of this subdivision long-term obligations shall not include warrants issued in the ordinary course of operation or registered for payment, by a political subdivision.

(ii) Any amounts or property received as payment of dividends or interest, or any gain on the sale or redemption of investment securities, the purchase of which is authorized by law.

(iii) Any amounts or property received by a political subdivision in the capacity of trustee, custodian or agent.

(iv) Any amounts received as grants and aid of any type received from the federal government or any of its agencies.

(v) Any amounts received as grants, aid, contributions or gifts of any type except amounts received directly or indirectly in lieu of taxes received directly or indirectly from any private agency or organization or any individual.

(vi) Any amounts received from the state which are included within the appropriation limitation prescribed in section 17 of this article.

(vii) Any amounts received pursuant to a transfer during a fiscal year from another agency, department, office, board, commission, authority, council or institution of the same political subdivision which were included as local revenues for such fiscal year or which are excluded from local revenue under other provisions of this section.

(viii) Any amounts or property accumulated for the purpose of purchasing land, buildings or improvements or constructing buildings or improvements, if such accumulation and purpose have been approved by the voters of the political subdivision.

(ix) Any amounts received pursuant to section 14 of this article which are greater than the amount received in fiscal year 1979-1980.

(x) Any amounts received in return for goods or services pursuant to a contract with another political subdivision, school district, community college district or the state, and expended by the other political subdivision, school district, community college district or the state pursuant to the expenditure

limitation in effect when the amounts are expended by the other political subdivision, school district, community college district or the state.

(xi) Any amounts expended for the construction, reconstruction, operation or maintenance of a hospital financially supported by a city or town prior to January 1, 1980.

(xii) Any amounts or property collected to pay the principal of and interest on any warrants issued by a political subdivision and outstanding as of July 1, 1979.

(xiii) Any amounts received during a fiscal year as refunds, reimbursements or other recoveries of amounts expended which were applied against the expenditure limitation for such fiscal year or which were excluded from local revenues under other provisions of this subsection.

(xiv) Any amounts received collected by the counties for distribution to school districts pursuant to state law.

(e) "Political subdivision" means any county, city or town. This definition applies only to this section and does not otherwise modify the commonly accepted definition of political subdivision.

(f) "Population" means either:

(i) The periodic census conducted by the United States department of commerce or its successor agency, or the annual update of such census by the department of economic security or its successor agency.

(ii) A different measure or index of population adopted at the direction of the legislature, by concurrent resolution, upon affirmative vote of two-thirds of the membership of each house of the legislature. Such measure or index shall apply for subsequent fiscal years, except it shall not apply for the fiscal year following the adoption of such measure or index if the measure on index is adopted after March 1 of the preceding fiscal year.

(4) The economic estimates commission shall adjust the base limit to reflect subsequent transfers of all or any part of the cost of providing a governmental function, in a manner prescribed by law. The adjustment provided for in this subsection shall be used in determining the expenditure limitation pursuant to subsection (1) of this section beginning with the fiscal year immediately following the transfer.

(5) The economic estimates commission shall adjust the base limit to reflect any subsequent annexation, creation of a new political subdivision, consolidation or change in the boundaries of a political subdivision, in a manner prescribed by law. The adjustment provided for in this subsection shall be used in determining the expenditure limitation pursuant to subsection (1) of this section beginning with the fiscal year immediately following the annexation, creation of a new political subdivision, consolidation or change in the boundaries of a political subdivision.

(6) Any political subdivision may adjust the base limit by the affirmative vote of two-thirds of the members of the governing board or by initiative, in the manner provided by law, and in either instance by approval of the proposed adjustment by a majority of the qualified electors voting at a regularly scheduled GENERAL election OR AT A NONPARTISAN ELECTION HELD for the nomination or election of the members of the governing board. The impact of the modification of the expenditure limitation shall appear on the ballot and in publicity pamphlets, as provided by law. Any adjustment, pursuant to this subsection, of the base limit shall be used in determining the expenditure limitation pursuant to subsection (1) of this section beginning with the fiscal year immediately following the approval, as provided by law.

(7) The legislature shall provide for expenditure limitations for such special districts as it deems necessary.

(8) The legislature shall establish by law a uniform reporting system for all political subdivisions or special districts subject to an expenditure limitation pursuant to this section to insure compliance with this section. The legislature shall establish by law sanctions and penalties for failure to comply with this section.

(9) Subsection (1) of this section does not apply to a city or town which at a regularly scheduled election for the nomination or election of members of the governing board of the city or town adopts an expenditure limitation pursuant to this subsection different from the expenditure limitation prescribed by subsection (1) of this section. The governing board of a city or town may by a two-thirds vote provide for referral of an alternative expenditure limitation or the qualified electors may by initiative, in the manner provided by law, propose an alternative expenditure limitation. In a manner provided by law, the impact of the alternative expenditure limitation shall be compared to the impact of the expenditure limitation prescribed by subsection (1) of this section, and the comparison shall appear on the ballot and in publicity pamphlets. If a majority of the qualified electors voting on such issue vote in favor of the alternative expenditure limitation, such limitation shall apply to the city or town. If more than one alternative expenditure limitation is on the ballot and more than one alternative expenditure limitation is approved by the voters, the alternative expenditure limitation receiving the highest number of votes shall apply to such city or town. If an alternative expenditure limitation is adopted, it shall apply for the four succeeding fiscal years. Following the fourth succeeding fiscal year, the expenditure limitation prescribed by subsection (1) of this section shall become the expenditure limitation for the city or town unless an alternative expenditure limitation is approved as provided in this subsection. If a majority of the qualified electors voting on such issue vote against an alternative expenditure limitation, the expenditure limitation prescribed pursuant to subsection (1) of this section shall apply to the city or town, and no new alternative expenditure limitation may be submitted to the voters for a period of at least two years. If an alternative expenditure limitation is adopted pursuant to this subsection, the city or town may not conduct an override election provided for in section 19, subsection (4) of this article, during the time period in which the alternative expenditure limitation is in effect.

(10) This section does not apply to any political subdivision until the fiscal year immediately following the first regularly scheduled election after July 1, 1980 for the nomination or election of the members of the governing board of such political subdivision, except that a political subdivision, prior to the fiscal year during which the spending limitation would first become effective, may modify the expenditure limitation prescribed pursuant to subsection (1) of this section, by the provisions prescribed by subsections (2) and (6) of this section, or may adopt an alternative expenditure limitation pursuant to subsection (9) of this section.

A county may conduct a special election to exceed the expenditure limitation prescribed pursuant to subsection (1) of this section for the fiscal years 1982-1983 and 1983-1984, on the first Tuesday after the first Monday in November in 1981.

(11) "City", as used in this article, means city or charter city.

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 2012
(PROPOSITION 104)**

House — Ayes, 34	Senate — Ayes, 17
 Nays, 19	 Nays, 12
 Not Voting, 7	 Not Voting, 1
House concurs in the Senate amendments and final passage	
 Ayes, 32	
 Nays, 23	
 Not Voting, 5	

ANALYSIS BY LEGISLATIVE COUNCIL

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

The State Constitution places limits on the amount of “local revenues” a city, town or county may spend each year. The actual amount the city, town or county is allowed to spend is determined by a formula using a base spending limit as a starting point.

If the city, town or county government feels that the expenditure limitation (spending limit) imposed by the State Constitution is too restrictive, it may ask its voters for a “permanent adjustment” (usually an increase) in the base spending limit.

Proposition 104 makes one change in the election process for approving a permanent adjustment to the base spending limit. Currently a permanent adjustment proposal may be submitted to the voters only at elections for nominating or electing the city, town or county officers. These elections take place every four years for counties and some cities and towns. Proposition 104 would allow permanent adjustments to the base limit to also be submitted to the voters at general elections, which take place every two years in addition to nonpartisan elections to nominate or elect officers.

The effect of Proposition 104 is, therefore, to allow cities, towns and counties more frequent opportunities to obtain voter approval for permanent adjustments to their base spending limits.

LEGISLATIVE COUNCIL ARGUMENTS FAVORING PROPOSITION 104

Proposition 104 simply allows more frequent opportunities for local voters to consider adjustments to spending limits of the city, town or county governments. Proposition 104 allows a more appropriate and earlier opportunity to solve local government financing problems than is currently provided.

Keeping local governments financially healthy is one of the most difficult tasks local officials face. No matter how carefully they act to control local spending, conserve revenues and balance their budgets, there is simply no way to guarantee that hard times or unforeseen emergencies will not occur.

The citizens of Arizona have wisely written limits into the State Constitution on the power of government to spend public money. However, the limits are at times too strict and apply whether or not a local government is financially sound or faces an emergency. Local governments should have the ability to ask their voters to approve local solutions to local government financial problems.

LEGISLATIVE COUNCIL ARGUMENTS OPPOSING PROPOSITION 104

Under the present law, a city, town or county can propose an increased base spending limit only in the same election in which the local candidates are running for election. It makes the candidates address the issue so that the voters can evaluate the candidates in light of their government spending philosophy. If Proposition 104 passes, the spending limit issue could be sent to the voters at a different election, and the politicians could be spared direct exposure and responsibility for their stand on increased local spending.

Under Proposition 104 some local governments could submit an increased spending limit proposal at an election every other year. There is tremendous pressure from bureaucrats and special interests to increase government spending. Proposition 104 reflects the pressure to spend more and, if approved, may weaken the constitutional spending controls placed on local governments.

ARGUMENT “FOR” PROPOSITION 104

Proposition 104 is intended to increase public participation in the setting of limits on county spending. It deserves your support.

It will allow voters an opportunity at any general election, held every two years, to set a new limit on the amount of money their county government may spend. At the present time, voters can only exercise that authority at every other general election, which are four years apart.

PROPOSITION 105

OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2007

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE XII, CONSTITUTION OF ARIZONA, BY ADDING SECTIONS 5 THROUGH 9; RELATING TO COUNTY CHARTERS.

TEXT OF PROPOSED AMENDMENT

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

1. Article XII, Constitution of Arizona, is proposed to be amended by adding sections 5 through 9 as follows if approved by the voters and on proclamation of the Governor:

5. Charter committee: charter preparation: approval

SECTION 5. A. THE BOARD OF SUPERVISORS OF ANY COUNTY WITH A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PERSONS AS DETERMINED BY THE MOST RECENT UNITED STATES DECENNIAL OR SPECIAL CENSUS MAY CALL FOR AN ELECTION TO CAUSE A CHARTER COMMITTEE TO BE ELECTED BY THE QUALIFIED ELECTORS OF THAT COUNTY AT ANY TIME. ALTERNATIVELY, THE BOARD OF SUPERVISORS OF ANY COUNTY WITH A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PERSONS AS DETERMINED BY THE MOST RECENT UNITED STATES DECENNIAL OR SPECIAL CENSUS SHALL CALL FOR THE ELECTION OF THE CHARTER COMMITTEE WITHIN TEN DAYS AFTER RECEIPT BY THE CLERK OF THE BOARD OF SUPERVISORS OF A PETITION THAT DEMANDS THE ELECTION AND THAT IS SIGNED BY A NUMBER OF QUALIFIED ELECTORS OF THE COUNTY AT LEAST EQUAL TO TEN PER CENT OF THE TOTAL NUMBER OF BALLOTS CAST FOR ALL CANDIDATES FOR GOVERNOR OR PRESIDENTIAL ELECTORS IN THE COUNTY AT THE LAST PRECEDING GENERAL ELECTION. THE ELECTION SHALL BE HELD AT LEAST ONE HUNDRED DAYS BUT NOT MORE THAN ONE HUNDRED TWENTY DAYS AFTER THE CALL FOR THE ELECTION. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, FOR ELECTIONS HELD UNDER THIS SECTION OR SECTION 6 OF THIS ARTICLE, THE MANNER OF CONDUCTING AND VOTING AT AN ELECTION, CONTESTING AN ELECTION, CANVASSING VOTES AND CERTIFYING RETURNS SHALL BE THE SAME, AS NEARLY AS PRACTICABLE, AS IN ELECTIONS FOR COUNTY OFFICERS.

B. AT THE ELECTION A VOTE SHALL BE TAKEN TO ELECT MEMBERS OF THE CHARTER COMMITTEE WHO WILL FUNCTION IF FURTHER PROCEEDINGS ARE AUTHORIZED AND THE BALLOT SHALL CONTAIN THE QUESTION OF WHETHER FURTHER PROCEEDINGS TOWARD ADOPTING A CHARTER SHALL BE AUTHORIZED PURSUANT TO THE CALL FOR THE ELECTION. UNLESS A MAJORITY OF THE QUALIFIED ELECTORS VOTING ON THE QUESTION VOTES TO AUTHORIZE FURTHER PROCEEDINGS, THE ELECTION OF MEMBERS OF THE CHARTER COMMITTEE SHALL BE INVALIDATED AND NO FURTHER PROCEEDINGS MAY BE HAD EXCEPT PURSUANT TO A SUBSEQUENT CALL PURSUANT TO SUBSECTION A.

C. THE CHARTER COMMITTEE SHALL BE COMPOSED OF FIFTEEN QUALIFIED ELECTORS OF THE COUNTY ELECTED BY SUPERVISORIAL DISTRICT WITH THE SAME NUMBER SERVING FROM EACH DISTRICT. A NOMINATION PETITION FOR ELECTION TO THE CHARTER COMMITTEE SHALL BE MADE AVAILABLE BY THE CLERK OF THE BOARD OF SUPERVISORS AND SHALL BE SIGNED BY A NUMBER OF QUALIFIED ELECTORS OF THE SUPERVISORIAL DISTRICT WHO ARE ELIGIBLE TO VOTE FOR THE

NOMINEE AT LEAST EQUAL TO ONE PER CENT OF THE TOTAL NUMBER OF BALLOTS CAST FOR ALL CANDIDATES FOR GOVERNOR OR PRESIDENTIAL ELECTORS IN THE SUPERVISORIAL DISTRICT AT THE LAST PRECEDING GENERAL ELECTION, AND FILED WITH THE CLERK NOT LATER THAN SIXTY DAYS BEFORE THE ELECTION. ALL QUALIFIED ELECTORS OF THE COUNTY, INCLUDING ALL ELECTED PUBLIC OFFICIALS, ARE ELIGIBLE TO SEEK ELECTION TO THE CHARTER COMMITTEE.

D. WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE ELECTION THE CHARTER COMMITTEE SHALL PREPARE AND SUBMIT A PROPOSED CHARTER FOR THE COUNTY. THE PROPOSED CHARTER SHALL BE SIGNED BY A MAJORITY OF THE MEMBERS OF THE COMMITTEE AND FILED WITH THE CLERK OF THE BOARD OF SUPERVISORS, AFTER WHICH THE CHARTER COMMITTEE SHALL BE DISSOLVED. THE COUNTY SHALL THEN PUBLISH THE PROPOSED CHARTER IN THE OFFICIAL NEWSPAPER OF THE COUNTY AT LEAST ONCE A WEEK FOR THREE CONSECUTIVE WEEKS. THE FIRST PUBLICATION SHALL BE MADE WITHIN TWENTY DAYS AFTER THE PROPOSED CHARTER IS FILED WITH THE CLERK OF THE BOARD OF SUPERVISORS.

E. AT LEAST FORTY-FIVE DAYS BUT NOT MORE THAN SIXTY DAYS AFTER FINAL PUBLICATION, THE PROPOSED CHARTER SHALL BE SUBMITTED TO THE VOTE OF THE QUALIFIED ELECTORS OF THE COUNTY AT A GENERAL OR SPECIAL ELECTION. IF A GENERAL ELECTION WILL BE HELD WITHIN NINETY DAYS AFTER FINAL PUBLICATION, THE CHARTER SHALL BE SUBMITTED AT THAT GENERAL ELECTION. THE FULL TEXT OF THE PROPOSED CHARTER SHALL BE PRINTED IN A PUBLICITY PAMPHLET AND MAILED TO EACH HOUSEHOLD CONTAINING A REGISTERED VOTER AT LEAST ELEVEN DAYS BEFORE THE CHARTER ELECTION AND THE BALLOT MAY CONTAIN ONLY A SUMMARY OF THE PROPOSED CHARTER PROVISIONS. THE BALLOT SHALL CONTAIN A QUESTION REGARDING APPROVAL OF THE PROPOSED CHARTER AND THE QUESTIONS PERTAINING TO TAXATION AUTHORITY AND APPOINTMENT OF OFFICERS, IF ANY, PROVIDED FOR IN SECTIONS 7 AND 8 OF THIS ARTICLE.

F. IF A MAJORITY OF THE QUALIFIED ELECTORS VOTING RATIFIES THE PROPOSED CHARTER, A COPY OF THE CHARTER, TOGETHER WITH A STATEMENT SETTING FORTH THE SUBMISSION OF THE CHARTER TO THE QUALIFIED ELECTORS AND ITS RATIFICATION BY THEM, SHALL BE CERTIFIED BY THE CLERK OF THE BOARD OF SUPERVISORS AND SHALL BE SUBMITTED TO THE GOVERNOR FOR APPROVAL. THE GOVERNOR SHALL APPROVE THE CHARTER WITHIN THIRTY DAYS AFTER ITS SUBMISSION IF IT IS NOT IN CONFLICT WITH, OR STATES THAT IN THE EVENT OF A CONFLICT IS SUBJECT TO, THIS CONSTITUTION AND THE LAWS OF THIS STATE. ON APPROVAL, THE CHARTER BECOMES THE ORGANIC LAW OF THE COUNTY, AND CERTIFIED COPIES OF THE CHARTER SHALL BE FILED IN THE OFFICE OF THE SECRETARY OF STATE AND WITH THE CLERK OF THE BOARD OF SUPERVISORS AFTER BEING RECORDED IN THE OFFICE OF THE COUNTY RECORDER. THEREAFTER ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THE CHARTER.

6. Amendment of charter

SECTION 6. A CHARTER SHALL SET FORTH PROCEDURES FOR AMENDMENT OF THE CHARTER. PROPOSED AMENDMENTS SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE COUNTY AT A GENERAL OR SPECIAL ELECTION AND BECOME EFFECTIVE IF RATIFIED BY A MAJORITY OF THE QUALIFIED ELECTORS VOTING ON THE AMENDMENTS AND APPROVED BY THE GOVERNOR IN THE MANNER PROVIDED FOR IN SECTION 5 OF THIS ARTICLE.

7. County charter provisions

SECTION 7. A. CHARTER COUNTIES CONTINUE TO BE POLITICAL SUBDIVISIONS OF THIS STATE THAT EXIST TO AID IN THE ADMINISTRATION OF THIS STATE'S LAWS AND FOR PURPOSES OF SELF-GOVERNMENT. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE THE POWERS OF THE LEGISLATURE OVER COUNTIES ARE NOT AFFECTED BY THIS SECTION AND SECTIONS 5, 6, 8 AND 9 OF THIS ARTICLE. CHARTER COUNTIES SHALL PROVIDE THE SAME STATE MANDATED SERVICES AND PERFORM THE SAME STATE MANDATED FUNCTIONS AS NON-CHARTER COUNTIES. CHARTER COUNTIES MAY EXERCISE, IF PROVIDED BY THE CHARTER, ALL POWERS OVER LOCAL CONCERNS OF THE COUNTY CONSISTENT WITH, AND SUBJECT TO, THE CONSTITUTION AND THE LAWS OF THIS STATE. IN MATTERS OF STRICTLY LOCAL MUNICIPAL CONCERN, CHARTERS ADOPTED PURSUANT TO ARTICLE XIII SHALL CONTROL IN ANY CASE OF CONFLICT WITH A COUNTY CHARTER ADOPTED PURSUANT TO THIS ARTICLE.

B. IF A COUNTY HAS FRAMED AND ADOPTED A CHARTER AND THE CHARTER IS APPROVED BY THE GOVERNOR AS PROVIDED IN THIS ARTICLE, THE COUNTY SHALL BE GOVERNED BY THE TERMS OF ITS CHARTER AND ORDINANCES PASSED PURSUANT TO ITS CHARTER. IF THE CHARTER HAS BEEN FRAMED, ADOPTED AND APPROVED AND ANY OF ITS PROVISIONS ARE IN CONFLICT WITH ANY COUNTY ORDINANCE, RULE OR REGULATION RELATING TO LOCAL CONCERNS OF THE COUNTIES IN FORCE AT THE TIME OF THE ADOPTION AND APPROVAL OF THE CHARTER, THE PROVISIONS OF THE CHARTER PREVAIL NOTWITHSTANDING THE CONFLICT AND OPERATE AS A REPEAL OR SUSPENSION OF THE LAW TO THE EXTENT OF CONFLICT, AND THE LAW IS NOT THEREAFTER OPERATIVE AS TO SUCH CONFLICT.

C. NOTWITHSTANDING ARTICLE IX, SECTION 1, IF PROPOSED AND APPROVED IN THE CHARTER, A CHARTER COUNTY MAY LEVY AND COLLECT:

1. TAXES ON A COUNTYWIDE BASIS TO PROVIDE SERVICES ON A COUNTYWIDE BASIS.

2. TAXES ON A SPECIALLY DESIGNATED AREA BASIS TO PROVIDE SERVICES OR SPECIAL LEVELS OF SERVICE TO THAT AREA. ALL TAXES LEVIED PURSUANT TO THIS SUBSECTION SHALL BE UNIFORM UPON THE SAME CLASS OF PROPERTY WITHIN THE TERRITORIAL LIMITS OF THE COUNTY OR THE SPECIALLY DESIGNATED AREA AND SHALL BE LEVIED AND COLLECTED FOR PUBLIC PURPOSES ONLY.

D. THE DECISION TO INCLUDE A CHARTER PROVISION AUTHORIZING TAXATION PURSUANT TO SUBSECTION C, PARAGRAPH 1 OR 2 OF THIS SECTION SHALL BE PLACED ON THE BALLOT AS SEPARATE QUESTIONS AT THE ELECTION TO RATIFY THE CHARTER AND MUST BE APPROVED BY A MAJORITY OF THE QUALIFIED ELECTORS VOTING AT THE ELECTION. THE RESULT OF THE VOTING ON EITHER PROVISION AUTHORIZING TAXATION DOES NOT AFFECT THE RESULT OF THE VOTING TO RATIFY THE CHARTER. CHARTER PROVISIONS AUTHORIZING TAXATION PURSUANT TO SUBSECTION C, PARAGRAPH 1 OR 2 OF THIS SECTION MAY ALSO BE PROPOSED BY AN AMENDMENT TO THE CHARTER PURSUANT TO SECTION 6 OF THIS ARTICLE.

E. IF THE AUTHORITY TO TAX PURSUANT TO SUBSECTION C, PARAGRAPH 2 OF THIS SECTION IS APPROVED FOR INCLUSION IN THE CHARTER, ANY NEW TAX PROPOSED BY THE COUNTY UNDER SUBSECTION C, PARAGRAPH 2 OF THIS SECTION SHALL BE VOTED ON BY THE QUALIFIED ELECTORS OF THE SPECIALLY DESIGNATED AREA. THE TAX MUST BY RATIFIED BY A MAJORITY VOTE OF THE QUALIFIED ELECTORS VOTING AT THE ELECTION.

F. A TRANSACTION PRIVILEGE TAX, USE TAX OR SIMILAR TAX LEVIED BY A COUNTY PURSUANT TO SUBSECTION C, PARAGRAPH 1 OF THIS SECTION:

1. MAY BE IMPOSED ON ONLY THOSE BUSINESS ACTIVITIES, OR ON THE USE, STORAGE OR CONSUMPTION, WHICH ARE SUBJECT TO THE COMPARABLE STATE TRANSACTION PRIVILEGE TAX, USE TAX OR SIMILAR TAX.

2. SHALL PROVIDE ALL EXCLUSION AND EXEMPTIONS PROVIDED BY, AND ADMINISTRATIVE PROVISIONS CONSISTENT WITH, THE COMPARABLE STATE TRANSACTION PRIVILEGE TAX, USE TAX OR SIMILAR TAX.

G. ALL TAXES LEVIED UNDER SUBSECTION F OF THIS SECTION SHALL NOT EXCEED AN AGGREGATE RATE OF TWO PER CENT WHEN COMBINED WITH EXISTING TAXES LEVIED PURSUANT TO TITLE 42, CHAPTER 8.3.

H. IF APPROVED IN THE CHARTER, A CHARTER COUNTY MAY ADOPT FEES AND FEE SCHEDULES FOR ANY COUNTY PRODUCTS AND COUNTY SERVICE DELIVERY IT PROVIDES IN THE CONDUCT OF ANY OFFICIAL BUSINESS. NOTWITHSTANDING ANY FEE SCHEDULES OR INDIVIDUAL CHARGES PROVIDED BY STATE LAW, THE GOVERNING BODY OF A CHARTER COUNTY MAY ADOPT AN ALTERNATE FEE SCHEDULE OR INDIVIDUAL CHARGE. ANY FEE OR CHARGE ESTABLISHED PURSUANT TO THIS SECTION SHALL BE ATTRIBUTABLE TO AND DEFRAY OR COVER THE CURRENT OR FUTURE COSTS OF THE PRODUCT OR SERVICE DELIVERY FOR WHICH THE FEE OR CHARGE IS ASSESSED.

I. TAXES RAISED UNDER THE AUTHORITY OF THIS SECTION SHALL BE SUBJECT TO THE PROVISIONS OF THE COUNTY PROPERTY TAX AND EXPENDITURE LIMITATIONS PURSUANT TO ARTICLE IX, SECTIONS 19 AND 20.

8. Government and other powers

SECTION 8. A. THE COUNTY CHARTER SHALL PROVIDE:

1. FOR AN ELECTIVE GOVERNING BODY AND ITS METHOD OF COMPENSATION, ITS POWERS, DUTIES AND RESPONSIBILITIES, ITS AUTHORITY TO DELEGATE POWERS, THE METHOD OF ELECTION AND REMOVAL OF MEMBERS, THE TERMS OF OFFICE AND THE MANNER OF FILLING VACANCIES IN THE GOVERNING BODY.

2. FOR ALL OFFICERS ESTABLISHED UNDER SECTION 3 OF THIS ARTICLE AND ARTICLE VI, SECTION 23, AND SUCH ADDITIONAL OFFICERS AS THE CHARTER MAY PROVIDE FOR, THEIR ELECTION OR APPOINTMENT, CONSOLIDATION OR SEGREGATION, METHOD OF COMPENSATION, POWERS, DUTIES AND RESPONSIBILITIES, AUTHORITY TO DELEGATE POWERS AND, IF ELECTED, THE METHOD OF ELECTION AND REMOVAL, TERMS OF OFFICE AND THE MANNER OF FILLING VACANCIES IN SUCH OFFICES. IF THE CHARTER PROVIDES FOR THE ATTORNEY TO REMAIN AN ELECTIVE OFFICER OF THE COUNTY, THE CHARTER MAY PROVIDE FOR AN APPOINTIVE OFFICE TO CARRY OUT THE CIVIL REPRESENTATION NEEDS OF THE COUNTY, ITS DEPARTMENTS, AGENCIES, BOARDS, COMMISSIONS, OFFICIALS AND EMPLOYEES. IF THE ELECTIVE GOVERNING BODY PROVIDED FOR IN THE CHARTER DOES NOT CONSIST OF THE SUPERVISORS, THE CHARTER MAY PROVIDE FOR ELIMINATION OF THE OFFICE OF SUPERVISOR. IF THE CHARTER PROVIDES FOR THE OFFICE OF SUPERVISOR, THE NUMBER OF SUPERVISORS SHALL BE NOT FEWER THAN FIVE OR GREATER THAN NINE. IF THE CHARTER PROVIDES FOR THE APPOINTMENT OR ELIMINATION OF AN OFFICER ESTABLISHED UNDER SECTION 3 OF THIS ARTICLE OR ARTICLE VI, SECTION 23, OR FOR AN APPOINTIVE OFFICE TO CARRY OUT THE CIVIL REPRESENTATION NEEDS OF THE COUNTY, THOSE PROVISIONS SHALL INCLUDE AN EFFECTIVE DATE NOT EARLIER THAN THE EXPIRATION OF THE TERM OF OFFICE FOR THE OFFICER COMMENCING IN JANUARY IMMEDIATELY FOLLOWING THE FIRST GENERAL ELECTION AT WHICH THE OFFICER IS ELECTED FOLLOWING APPROVAL OF THE CHARTER BY THE VOTERS AND SHALL BE PLACED ON THE BALLOT

AS SEPARATE QUESTIONS AT THE ELECTION TO RATIFY THE CHARTER AND MUST BE APPROVED BY A MAJORITY OF THE QUALIFIED ELECTORS VOTING AT THE ELECTION. THE RESULT OF THE VOTING ON ANY PROVISIONS AUTHORIZING APPOINTMENT OR ELIMINATION OF OFFICERS DOES NOT AFFECT THE RESULT OF THE VOTING TO RATIFY THE CHARTER.

3. FOR THE PERFORMANCE OF FUNCTIONS REQUIRED BY STATUTE.

4. FOR A PERIODIC REVIEW OF THE CHARTER PROVISIONS TO BE CONDUCTED AT LEAST ONCE EVERY TEN YEARS FROM THE TIME OF ITS RATIFICATION BY THE VOTERS AND THE PROCEDURES FOR THE PERIODIC REVIEW.

B. THE COUNTY CHARTER MAY PROVIDE FOR OTHER ELECTIVE AND APPOINTIVE OFFICES.

9. Self-executing provision

SECTION 9. THE PROVISIONS OF SECTIONS 5 THROUGH 8 OF THIS ARTICLE ARE SELF-EXECUTING, AND NO FURTHER LEGISLATION IS REQUIRED TO MAKE THEM EFFECTIVE.

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 2007
(PROPOSITION 105)**

House — Ayes, 49	Senate — Ayes, 16
Nays, 11	Nays, 11
Not Voting, 0	Not Voting, 3
House concurs in the Senate amendments and final passage	
Ayes, 44	
Nays, 11	
Not Voting, 5	

ANALYSIS BY LEGISLATIVE COUNCIL

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

If approved, Proposition 105 will amend the Arizona Constitution to allow counties with a population of more than 500,000 people, namely Maricopa and Pima Counties, upon affirmative vote of the county voters, to establish a “charter” form of self-government. Once approved by a majority of the county voters, the charter would allow the county to enact ordinances to govern its own local concerns. Under present constitutional mandates, a county must first get the Arizona Legislature to pass a state law to allow the county to address specific local problems.

Proposition 105, once approved by statewide vote, requires two separate public countywide votes to implement county charter government, each of which must be favorably decided by the majority of voters. First, there must be a countywide vote on pursuing charter proceedings and to elect charter committee members who will draft the charter. Once the charter has been agreed upon by the elected charter committee and published, there must then be a final countywide vote to approve the charter and if the proposed charter contains taxation authority or would abolish or change the current county elected officers to appointed officers, such proposals would have to be voted on as separate questions from the vote to approve the rest of the charter. Later amendments to the charter would also have to be approved by county voters.

Proposition 105 also permits county voters to include in their charter a broad grant of powers over matters of local county concern that are not in conflict with the Constitution and laws of this state. Charter counties would continue to be a political subdivision of the state and subject to state laws and mandates. A conflicting provision of a city charter within the county would prevail over the conflicting county charter in matters of strictly city concern.

Proposition 105 also would permit county voters to include in a charter a limited taxation authority only if authorized by voter approval by a separate line-item vote at the charter election. Any charter county taxes levied would be subject to existing tax and expenditure limitations of the Arizona Constitution and would have to be uniform for the area served. Any sales or use tax imposed must be consistent with state sales and use tax laws and would be limited to a total of two percent when combined with existing other county excise taxes permitted by state law. A county charter may also permit the county to charge limited fees for county products and services to cover current or future actual costs.

LEGISLATIVE COUNCIL ARGUMENTS FAVORING PROPOSITION 105

This country was founded on the tradition of independence and local self-government. The people of the two metropolitan counties of this state represent three-quarters of our population and experience regional problems requiring regional self-government to achieve effective and efficient solutions. Constitutional changes to allow these counties to provide for their own government and well-being on regional and local issues is long overdue. The cities of Arizona have enjoyed the benefits of charter government since statehood and there have been no major problems or concerns from the lack of direct control by the Legislature.

Proposition 105 has many safeguards to completely protect existing state and city interests. It would provide specifically that the counties could only govern their own local concerns.

This proposition also protects the voters and taxpayers of the county by requiring their specific approval for changes in the composition of county officers whom they may elect and for taxing authority that they may give to the county. The existing constitutional tax and spending limits approved by the voters in 1980 are reaffirmed by this proposal.

Presently the counties must come to the Legislature to ask for all sorts of minor state laws to deal with local problems that would be better handled individually by local county governments. No good purpose is served by the state having such tight control over the large counties, in many matters far removed from the expertise or interests of our state legislators.

Most metropolitan counties in the west have operated under charter government for many years. Their experience demonstrates that county government operating under a charter is the most cost effective means to effectively address regional problems.

LEGISLATIVE COUNCIL ARGUMENTS OPPOSING PROPOSITION 105

Since statehood the purpose of county government has been to administer state laws at the county level. People who want local autonomy have always been able to form a charter city. There is no need to mix these two functions. People who live outside the city may not want to be governed by a charter.

The people of Maricopa and Pima Counties and the rest of this state are burdened with too much government and too many taxes. Each citizen is subject to city and state regulations and taxes and a multitude of other laws. We do not need county government making more restrictions and imposing more taxes in the metropolitan areas.

Proposition 105 would permit the two most populous counties, with voter's approval, to have taxation authority that does not now exist. This constitutional amendment would also allow, with voter's approval, the appointment of county sheriffs, attorneys, treasurers and recorders and other county officers who would no longer be directly elected by the voters.

This proposition applies only to Maricopa and Pima Counties. If adopted, it would grant authority to two counties that is not being granted to the other 13 counties.

ARGUMENT "FOR" PROPOSITION 105

The League of Women Voters of Arizona strongly supports proposition 105.

This amendment to the Arizona Constitution would allow Arizona's two metropolitan counties, Maricopa and Pima, the option of deciding by a vote of the people in each county, the governmental structure

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which best meets each county's needs. It would mean that those closest to the problems could have some flexibility in devising solutions.

- This amendment provides a choice; it neither forces nor assures any change.
- If it passes, a county would have same option which cities now have – to examine and consider adopting a charter.
- The proposition applies only to Maricopa and Pima Counties
- County citizens may or may not vote to consider a charter.
- If they do, they would also elect charter committee members.
- A county charter structure is not pre-determined.
- All county citizens could have input into the form of the charter.
- Some charter provisions would have to be voted and approved separately.
- Any proposed charter would still have to be adopted by a vote of the county's citizens.

Each of Arizona's 15 counties has its own distinctive characteristics, needs and problems; obviously no one legislative action can provide a solution which is appropriate for all of them.

The need for change, especially in the two metropolitan counties, has been evident for many years. County government's problems have been studied endlessly and county home rule has been recommended, repeatedly, by widely varied groups having no vested interests.

At present, our counties have too much responsibility and too little authority and flexibility; Maricopa and Pima Counties need to be able to devise and enact solutions which are tailored for their own specific conditions.

The League of Women Voters recommends this constitutional amendment.

Sue Ward
President
League of Women Voters of Arizona
Scottsdale

Skeet Blakeslee
2nd Vice President; Legislative Chm.
League of Women Voters of Arizona
Scottsdale

ARGUMENT "FOR" PROPOSITION 105

Maricopa County currently operates under a government structure created 80 years ago. Changes in population, demographics, infrastructure, the economy, the environment and many other areas have been significant during that 80 year period. Maricopa County's structure has not kept pace with the ever increasing needs of its citizenry.

Difficult problems, such as air pollution, waste management, transportation and health care, threaten our quality of life. The state, the county, the Valley's 24 municipalities and several hundred special districts address segments of these issues, but no governmental entity is responsible for solving regional problems. Such problems should be addressed by a level of government that is in touch with the people, yet regional (it includes all cities and towns in the Valley). Maricopa County is the government that is uniquely positioned to help solve these problems.

In 1988, the Valley Citizens League (a nonpartisan, nonprofit citizens group that studies public issues to identify solutions that will enhance the quality of life in the Valley) appointed a 32-member task force to examine government structure/regional issues. The task force heard from numerous experts and considered extensive research before concluding that "Maricopa County government must be restructured so that it can more effectively meet valleywide, regional needs." The task force recommended "that Maricopa County be granted the authority and responsibility as a charter government to address the Valley's regional problems."

Now is the time for ACTION. Your YES vote on PROPOSITION 105 will permit the formation of a charter committee of citizens and authorize further proceedings for that committee to write a charter (mini-constitution) for Maricopa County. Voters will vote again to approve or reject the proposed charter at a future election. VOTE "YES" ON PROPOSITION 105.

Joel Harnett
President
Valley Citizens League
Phoenix

LaDonna Fields
Executive Director
Valley Citizens League
Phoenix

ARGUMENT "FOR" PROPOSITION 105

County government, with direct citizen participation and control through charter government, has great potential for providing taxpayers with the best value for their tax dollar and higher quality service.

Proposition 105 is the only way for citizens to make these long overdue basic governmental reforms.

Here are five reasons to support Proposition 105:

1. **EMPOWER CITIZENS:** Charter government allows citizens to make fundamental choices regarding how county government is structured, what services it should provide, and how it is financed. Today, citizens have no direct voice in these matters.
2. **STRENGTHEN LOCAL CONTROL:** Charter government achieves local control over county matters so that county issues are addressed by county officials closer to the people.
3. **CONTROL OF TAXES:** Charter government could transfer much of the power over county taxation policy from the legislature to the citizens of the county. Under charter government, no new taxation by county government is possible without a vote by the people.
4. **SOLVE COUNTYWIDE PROBLEMS COST EFFECTIVELY:** Issues such as environmental quality, transportation, health services and justice services and other countywide concerns are most logically and cost effectively addressed at the county level. It makes no economic sense for individual cities or other local governments to each implement separate programs.
5. **AVOID NEW LAYERS OF GOVERNMENT:** It makes more sense to have county government solve problems than to create new layers of government, such as special districts and other authorities, with less accountability to the people.

County government is virtually unchanged from territorial days. It is time for county government to be handed over to the County's citizens through charter government. It works for Arizona's cities and many counties across America.

If government frustrates you, seems inaccessible or inefficient, or needs to be overhauled, Proposition 105 is for you.

Rick Lavis
Co-Chairman
Yes on Proposition 105 Committee
Phoenix

Carole Carpenter
Co-Chairman
Yes on Proposition 105 Committee
Phoenix

Bruce Beach, CPA
Treasurer
Yes on Proposition 105 Committee
Tucson

ARGUMENT "FOR" PROPOSITION 105

We have been interested in the idea of local charter government for a number of years now. It's simply a form of "home rule" commonly utilized by major counties and cities in this country. With charter government, residents of Maricopa County and Pima County will be empowered to enact ordinances to govern their own local concerns without having to seek legislative approval.

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Eighty years after statehood, the legislature has finally allowed the people to decide whether to grant the state's two metropolitan counties limited self-government authority. As it is now, counties are only allowed to perform those express duties allowed by state law, and even relatively simple matters must be approved by the legislature. It is time to give the county voters and county elected officials the authority to respond to community needs.

We strongly urge passage of Proposition 105 because we believe that charter government is long overdue. Decisions are made more efficiently at the local level. The concept of local control is very important to the people of Arizona.

This Proposition is no blank check. Constitutional safeguards have been put in place requiring a separate public vote for the creation of any new tax when the county charter is eventually submitted to voters for approval.

The time has come for county government in urban Arizona to become a more useful tool to deal with modern demands. What we've needed for a long time now is local authority to deal with local matters. It's time we allowed county government to grow up.

We urge you to VOTE YES ON 105.

Paul Fannin
U.S. Senator (Retired)
Former Arizona Governor
Phoenix

Barry Goldwater
U.S. Senator (Retired)
Scottsdale

ARGUMENT "FOR" PROPOSITION 105

As a group of concerned citizens, we are troubled by the fact that county government has remained basically unchanged since 1871. We think it's about time to move county government into the twentieth century. Charter government simply means that the people who live in our county would be entrusted to consider fundamental questions regarding their county government, and change whatever aspects they wanted to change.

It's no secret that we have some problems in Maricopa County, problems the rural counties don't have to the same degree. Issues such as the impact of growth, solid waste management, air quality, transportation, health care, homelessness. We think a great deal of taxpayer money could be saved by having the county deal with these regional issues.

It's obvious that an urban county governed by a charter would have a lot more authority and flexibility to address these sorts of problems. Instead of having the county Board of Supervisors say "I'm sorry, we're not allowed to do that," citizens with complaints or questions can get results. We feel that citizens can only benefit from an increased degree of local control.

We've also considered the potential for additional taxation. We are satisfied that the voters will have the ultimate say on that matter. Any taxation authority in the charter would have to be recommended by a charter committee elected by the people and then approved by county voters on a separate line item vote at the charter election. Neither spending limits nor taxation limits would be changed in the least by this Proposition. Those are safeguards enough for us.

One last point. Proposition 105 has nothing to do with the question of incorporation for the Sun Cities.

Please VOTE YES on Proposition 105.

Mary B. Holt
Sun City

Sanford G. Goldstein
Sun City West

Helen Dudley
Wickenburg

ARGUMENT “FOR” PROPOSITION 105

Voters are obviously very frustrated with government at all levels today. Will Proposition 105 allow voters to satisfy those frustrations and concerns? We believe so, and here’s why.

Home rule makes sense, certainly for Maricopa and Pima counties. Citizens in the urban counties need the opportunity to make fundamental changes in county government that can increase its efficiency and cost-effectiveness. Citizens benefit from a county government accountable to the people that can comprehensively address regional problems, as opposed to fragmented levels of government.

When you think about the big differences between Arizona’s urban areas before statehood and those areas today, it is simply amazing that the state’s two large counties still lack the authority to act without legislative approval on even the most insignificant of matters.

Approval of this Proposition does not mean that the two urban counties could be able to tax whatever and whenever they want. There are plenty of checks and balances in the form of prior voter authorizations, including specific voter approval for any tax measure a county might want to introduce.

It is clear that solutions to our urban counties’ regional problems will require an effective level of government in which people and leaders alike have confidence.

We urge you to give Maricopa and Pima counties the authority to adopt a local county charter, and thereby allow their voters to design their own structure of local government.

Please VOTE YES on Proposition 105.

Alfredo Gutierrez
Former Arizona Legislator
Phoenix

David Udall
Mesa

ARGUMENT “FOR” PROPOSITION 105

When the Arizona territory became a State in 1912 the constitutional convention determined that our new state should have a form of government similar to other western states. The counties were structured in such a way that local elected officials within the counties would be held in check by that branch of state government thought (by themselves) to be the font of all wisdom — The Arizona Legislature.

While other states have periodically updated and modernized their county structure – the Arizona Legislature for eighty years has maintained this territorial form of County Government. There have been ever increasing responsibilities placed on the Counties with no commensurate authority.

As voters, we have an opportunity to lead Maricopa County into the 21st Century. With a yes vote on Proposition 105, this County, one of the fastest growing population centers in the nation, well governed, conservatively managed, and with modest tax rates, will have the chance to gain control of its destiny.

Let’s move from territorial days to 1992; let’s allow county residents to decide our county issues by voting yes of Proposition 105, on November 3.

Milton V. Lee
East Valley Civic Leader
Mesa

ARGUMENT “AGAINST” PROPOSITION 105

Arizona residents are over-taxed and over-regulated. Proposition 105 will allow for more taxes and regulations. Arizonans already pay more than 35% of their total income to taxes and each year, our city, state, and federal governments make more laws to regulate us. Yet Proposition 105 proposes giving Maricopa and Pima County the ability to levy taxes and create laws.

Beware of those who favor County Home Rule! They will try to fool you into thinking that Proposition 105 will allow for “government decentralization” or “self-governing”.

Certainly decentralized government is preferable to centralized government and proponents will try to sell Proposition 105 this way. Proposition 105 will NOT decentralize government. It adds another layer of

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legislative power to the counties without a corresponding cutback in the Arizona state legislature's powers (see Section 7, Line 31 of Proposition 105).

To self-govern is to have control over oneself, not to be controlled by city, state, federal, and county bureaucrats. The Arizona state legislature continues to expand its control over us by:

- 1) Creating over 300 new laws EVERY year since 1980, and
- 2) Increasing state government spending by 213% during the 1980's (the highest increase in the nation).

The "Tax-and-Regulate" incumbents in the House overwhelmingly supported County Home Rule (82% voted YES). They did this in reaction to Proposition 108, the Tax Hike Supermajority Initiative, that will make it more difficult to raise state taxes. Recognizing the likelihood that the voters will approve Proposition 108, the big-government junkies hope to turn to the counties for their next tax "fix".

Let's progress into the 21st century. Let's truly decentralize. Let's allow individuals to self-govern by making decisions for themselves. Big government has been unsuccessful in solving social and economic problems and often causes them.

Take a stand against excessive government and Vote NO on Proposition 105.

Gary Fallon
 Libertarian Candidate – District 24 Representative
 Phoenix

BALLOT FORMAT

PROPOSITION 105		
PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE		
<u>OFFICIAL TITLE</u>		
A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE XII, CONSTITUTION OF ARIZONA, BY ADDING SECTIONS 5 THROUGH 9; RELATING TO COUNTY CHARTERS.		
<u>DESCRIPTIVE TITLE</u>		
AMENDING ARIZONA CONSTITUTION TO ALLOW COUNTIES OF OVER 500,000 PERSONS TO ESTABLISH A CHARTER FORM OF GOVERNMENT WITH SEPARATE VOTER APPROVAL REQUIRED: (1) TO CHOOSE CHARTER GOVERNMENT AND ELECT PERSONS TO DRAFT THE CHARTER AND (2) TO ADOPT THE CHARTER AND ANY PROPOSED CHANGES IN COUNTY OFFICERS OR TAXING AUTHORITY.		
PROPOSITION 105		
A "yes" vote shall have the effect of allowing Pima and Maricopa counties to choose a charter form of self-government upon approval by their voters.	YES	➔
A "no" vote shall have the effect of not allowing Pima and Maricopa counties the option of choosing a charter form of self-government.	NO	➔

PROPOSITION 106

OFFICIAL TITLE

SENATE CONCURRENT RESOLUTION 1020

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IX, SECTION 8, CONSTITUTION OF ARIZONA; RELATING TO SCHOOL DISTRICT DEBT CAPACITY.

TEXT OF PROPOSED AMENDMENT

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

1. Article IX, section 8, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

8. Local debt limits; assent of taxpayers

Section 8. (1) No county, city, town, school district, or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding six per centum of the taxable property in such county, city, town, school district, or other municipal corporation, without the assent of a majority of the property taxpayers, who must also in all respects by qualified electors, therein voting at an election provided by law to be held for that purpose, the value of the taxable property therein to be ascertained by the last assessment for state and county purposes, previous to incurring such indebtedness; except, that in incorporated cities and towns assessments shall be taken from the last assessment for city or town purposes; Provided, that under no circumstances shall any county or school district become indebted to an amount exceeding fifteen per centum of such taxable property, as shown by the last assessment roll thereof, EXCEPT THAT A COMMON SCHOOL DISTRICT MAY BECOME INDEBTED TO AN AMOUNT NOT TO EXCEED TWENTY PER CENT OF SUCH TAXABLE PROPERTY; and provided further, that any incorporated city or town, with such assent, may be allowed to become indebted to a larger amount, but not exceeding twenty per centum additional, for supplying such city or town with water, artificial light, or sewers, when the works for supplying such water, light, or sewers are or shall be owned and controlled by the municipality, and for the acquisition and development by the incorporated city or town of land or interests therein for open space preserves, parks, playgrounds and recreational facilities.

(2) The provisions of section 18, subsections (3), (4), (5) and (6) of this article shall not apply to this section.

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 1020 (PROPOSITION 106)

Senate —Ayes, 24	House —Ayes, 33
 Nays, 6	 Nays, 25
 Not Voting, 0	 Not Voting, 2
Senate concurs in the House amendments and final passage	
 Ayes, 16	
 Nays, 12	
 Not Voting, 2	

ANALYSIS BY LEGISLATIVE COUNCIL

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

The Constitution of Arizona currently prohibits elementary school districts from being in debt in an amount more than 15% of the value of each district's taxable property.

Proposition 106 increases the constitutional debt limit for elementary school districts from 15% to 20%. Voter approval of debt at the local elementary school district level is still required.

LEGISLATIVE COUNCIL ARGUMENTS FAVORING PROPOSITION 106

Proposition 106 simply gives the residents of elementary school districts the power to provide for better schools if they are willing to pay for them.

Many elementary school districts are unable to provide adequate educational equipment and facilities for students because of their existing debt limit. Proposition 106 would allow voters in the school district to decide whether they are willing to increase the school district's debt to meet this need.

LEGISLATIVE COUNCIL ARGUMENTS OPPOSING PROPOSITION 106

Proposition 106 would permit additional public debt at a time when taxpayers cannot afford it. A weak economy and stagnant property values cannot support more government spending.

Times are tough for everyone. School districts must make do with the money they have. School administrators should try to put existing educational facilities to better use. They should not ask the taxpayers to let them go deeper into debt.

BALLOT FORMAT

<p>PROPOSITION 106</p> <p>PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE</p> <p>OFFICIAL TITLE SENATE CONCURRENT RESOLUTION 1020 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IX, SECTION 8, CONSTITUTION OF ARIZONA; RELATING TO SCHOOL DISTRICT DEBT CAPACITY.</p> <hr/> <p>DESCRIPTIVE TITLE AMENDING ARIZONA CONSTITUTION TO ALLOW COMMON SCHOOL DISTRICTS TO INCREASE THE AMOUNT TO WHICH THEY MAY BECOME INDEBTED WITH VOTER APPROVAL TO A MAXIMUM LIMIT OF 20 PERCENT FROM 15 PERCENT OF THE DISTRICT'S TAXABLE PROPERTY VALUE.</p>		
<p>PROPOSITION 106</p>		
<p>A "yes" vote shall have the effect of allowing elementary school districts to increase their maximum debt limit that voters can approve to 20 percent from 15 percent of the district's taxable property value.</p> <p>A "no" vote shall have the effect of retaining an elementary school district's maximum debt limit that voters can approve at 15 percent of the district's taxable property value.</p>	<p>YES</p> <p>NO</p>	<p>➔</p> <p>➔</p>

PROPOSITION 107

OFFICIAL TITLE

AN INITIATIVE MEASURE

PROPOSING AMENDMENTS TO THE CONSTITUTION OF ARIZONA TO KEEP THE NAMES OF SENATORS FROM ARIZONA TO THE UNITED STATES SENATE WHO ARE COMPLETING TWO CONSECUTIVE TERMS (12 YEARS) AND REPRESENTATIVES FROM ARIZONA TO THE UNITED STATES HOUSE OF REPRESENTATIVES WHO ARE COMPLETING THREE CONSECUTIVE TERMS (6 YEARS) FROM BEING PRINTED ON THE BALLOT BY AMENDING ARTICLE VII TO ADD SECTION 18; TO LIMIT THE TERMS OF STATE SENATORS AND REPRESENTATIVES TO FOUR CONSECUTIVE TERMS (EIGHT YEARS) BY AMENDING ARTICLE IV, PART 2, SECTION 21; TO LIMIT THE TERMS OF OFFICE OF MEMBERS OF THE ARIZONA EXECUTIVE DEPARTMENT TO TWO CONSECUTIVE TERMS (EIGHT YEARS) BY AMENDING ARTICLE V, SECTION 1(A); TO DELETE ARTICLE V, SECTION 10, PERTAINING TO THE LIMITATION OF TERMS OF THE STATE TREASURER, AS IT IS SUPERSEDED BY THE AMENDMENT PROPOSED BY THIS INITIATIVE MEASURE; TO LIMIT THE TERMS OF OFFICE OF MEMBERS OF THE CORPORATION COMMISSION TO ONE CONSECUTIVE TERM (6 YEARS) BY AMENDING ARTICLE XV; AND TO LIMIT THE TERMS OF OFFICE OF THE STATE MINE INSPECTOR TO FOUR CONSECUTIVE TERMS (8 YEARS) BY AMENDING ARTICLE XIX. Underlining in the text indicates additions to the present provisions. Strike through indicates deletions to the present provisions.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of the State of Arizona: The following amendments to the Constitution of the State of Arizona, amending Article VII to add § 18, amending Article IV, Part 2, § 21 and Article V, § 1 A, deleting Article V, § 10, amending Article XV § 1 and amending Article XIX are proposed to become valid when approved by a majority of the qualified electors voting thereon and on proclamation of the governor:

§ 1. THE CONSTITUTION OF THE STATE OF ARIZONA IS AMENDED BY ADDING ARTICLE VII SECTION 18.

Article VII, Section 18.

§ 18. Term limits on ballot appearances in congressional elections.

Section 18. The name of any candidate for United States Senator from Arizona shall not appear on the ballot if, by the end of the current term of office, the candidate will have served (or, but for resignation, would have served) in that office for two consecutive terms, and the name of a candidate for United States Representative from Arizona shall not appear on the ballot if, by the end of the current term of office, the candidate will have served (or, but for resignation, would have served) in that office for three consecutive terms. Terms are considered consecutive unless they are at least one full term apart. Any person appointed or elected to fill a vacancy in the United States Congress who serves at least one half of a term of office shall be considered to have served a term in that office for purposes of this section. For purposes of this section, terms beginning before January 1, 1993 shall not be considered.

§ 2. THE CONSTITUTION OF THE STATE OF ARIZONA IS AMENDED BY AMENDING ARTICLE IV, PART 2, SECTION 21.

Article IV, Part 2, Section 21.

§ 21. Terms limits of members of state legislature.

Section 21. The members of the first Legislature shall hold office until the first Monday in January, 1913. The terms of office of the members of succeeding Legislatures shall be two years. No state Senator shall serve more than four consecutive terms in that office, nor shall any state

Representative serve more than four consecutive terms in that office. This limitation on the number of terms of consecutive service shall apply to terms of office beginning on or after January 1, 1993. No Legislator, after serving the maximum number of terms, which shall include any part of a term served, may serve in the same office until he has been out of office for no less than one full term.

§ 3. THE CONSTITUTION OF THE STATE OF ARIZONA IS AMENDED BY AMENDING ARTICLE V, SECTION 1 A.

Article V, Section 1.

§ 1. **Term limits on Executive department; and state officers; terms lengths; election; residence and office at seat of government; duties.**

Section 1. A. The executive department shall consist of the governor, secretary of state, state treasurer, attorney general, and superintendent of public instruction, each of whom shall hold office for a term of four years beginning on the first Monday of January, 1971 next after the regular general election in 1970. No member of the executive department shall hold that office for more than two consecutive terms. This limitation on the number of terms of consecutive service shall apply to terms of office beginning on or after January 1, 1993. No member of the executive department after serving the maximum number of terms, which shall include any part of a term served, may serve in the same office until out of office for no less than one full term.

§ 4. THE CONSTITUTION OF THE STATE OF ARIZONA IS AMENDED BY DELETING ARTICLE V, SECTION 10. SECTIONS 11, 12, AND 13 OF ARTICLE V SHALL BE RENUMBERED TO PROVIDE FOR CONSECUTIVE NUMBERING AFTER THE DELETION OF PRESENT SECTION 10.

~~**Article V, Section 10.**~~

~~§ 10.—**Ineligibility of state treasurer to succeed himself.**~~

~~Section 10.—No person shall be eligible to succeed himself to the office of State Treasurer for the succeeding two years after the expiration of the term for which he shall have been elected.~~

§ 5. THE CONSTITUTION OF THE STATE OF ARIZONA IS AMENDED BY ADDING ARTICLE XV, SECTION 1 A.

Article XV, Section 1.

§ 1. **Term limits on Corporation Commission; Composition; election; term of office; office and residence; vacancies; qualifications.**

Section 1. A. No member of the Corporation Commission shall hold that office for more than one consecutive term. No Corporation Commissioner, after serving that term, may serve in that office until out of office for one full term. Any person who serves one half or more of a term shall be considered to have served one term for purposes of this section. This limitation shall apply to terms of office beginning on or after January 1, 1993.

§ 6. THE CONSTITUTION OF THE STATE OF ARIZONA IS AMENDED BY AMENDING ARTICLE XIX.

Article XIX.

The office of Mine Inspector is hereby established. The Legislature, at its first session, shall enact laws so regulating the operation and equipment of all mines in the State as to provide for the health and safety of workers therein and in connection therewith, and fixing the duties of said office. Upon approval of such laws by the Governor, the Governor, with the advice and consent of the Senate, shall forthwith appoint a Mine Inspector, who shall serve until his successor shall have been elected at the first general election thereafter and shall qualify. Said successor and all subsequent incumbents of said office shall be elected at general elections, and shall serve for a term of two years. No Mine Inspector shall serve more than four consecutive terms in that office. No Mine Inspector, after serving the maximum number of terms, which shall include any part of a term served, may serve in the same office until out of

office for no less than one full term. This limitation on the number of terms of consecutive service shall apply to terms of office beginning on or after January 1, 1993.

§ 7. SEVERABILITY. IF ANY PROVISION OF THIS INITIATIVE OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THE ACT THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ACT ARE SEVERABLE.

ANALYSIS BY LEGISLATIVE COUNCIL

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

Proposition 107 would amend the Arizona Constitution to limit the number of terms that a person may serve in federal and state elective offices. Currently, there are no limits on the number of terms a person may serve in these offices, except for the office of State Treasurer. This proposal requires that a person must "sit out" from that office for a full term before running for the same office again, once that person has served for the maximum time in that particular office. If this proposition is adopted, the following limitations on terms will go into effect, beginning with terms that start in 1993 and after:

United States Senate: a maximum of two consecutive terms in office, which is twelve years. A Senate term is six years long (this is established in the United States Constitution and is not changed by this proposed amendment). If a person is elected to fill a portion of a U.S. Senate term, that portion will count as a full term of service if it is at least three years of service.

United States House of Representatives: a maximum of three consecutive terms in office, which is six years. A term in the United States House of Representatives is two years long (this is established in the United States Constitution and is not changed by this proposed amendment). If a person is elected to fill a portion of a U.S. House of Representatives term, that portion will count as a full term of service if it is at least one year of service.

Arizona State Senate and House of Representatives: a maximum of four consecutive terms in the Arizona State Senate, which is eight years, and a maximum of four consecutive terms in the Arizona House of Representatives, which is eight years. The Arizona Senate and the Arizona House both have a two-year term of office, and this proposal does not affect the length of those terms. Service for any portion of a term will count as a full term of service.

Executive Department Offices: a maximum of two consecutive terms, which is eight years, for the office of Governor, Secretary of State, Attorney General, State Treasurer or Superintendent of Public Instruction. These offices all have a four-year term. Service for any portion of a term would count as service for a full term. (The Arizona Constitution already includes a limit of two consecutive terms of office for the State Treasurer. This proposal repeals and reenacts that provision to make it consistent with the other executive department offices.)

Corporation Commission Member: only one term on the Corporation Commission is allowed. The Corporation Commission has a six-year term, which remains unchanged under this proposed amendment, but a commissioner must "sit out" for a full six-year term in order to be eligible to serve again as a corporation commissioner. Service for at least three years of a term would count as service for a full term.

Mine Inspector: a maximum of four consecutive terms, which is eight years. The Mine Inspector has a two-year term, which is unchanged by this proposed amendment. Service for any portion of a term constitutes service for a full term.

This proposition will still allow an elected official to run for a different elected office, even if that person has already served the maximum number of terms in a single office. For example, a person could serve four consecutive terms in the Arizona House of Representatives (the maximum number of terms permitted under this proposition) and would then be able to run for the Arizona State Senate or for any other office.

LEGISLATIVE COUNCIL ARGUMENTS FAVORING PROPOSITION 107

Our country and our state were founded on the belief that a “citizen” government was the best form of government. Today, our federal and state governments, with career politicians in charge, have lost touch with the people. Term limits are necessary to do away with professional politicians. Limiting these elected officials’ terms by passing Proposition 107 will encourage them to focus on the needs of the public instead of their own reelection.

Term limits will also encourage broader participation in government by encouraging more candidates to come forward with fresh ideas about public policy problems. There will be more turnover among elected officials and less concern about the potential impact of political decisions on their political careers.

The problem is most severe in the United States Congress. Proposition 107 specifically applies to Arizona’s United States Senators and Representatives.

LEGISLATIVE COUNCIL ARGUMENTS OPPOSING PROPOSITION 107

Proposition 107 will not solve the problems that exist in our state and federal governments. Arizona’s statewide elected officials and legislators have a very high turnover rate already, without any term limits. Amending the State Constitution to require a turnover represents an easy, simplistic solution to a problem that is best addressed by an informed and conscientious electorate. This proposition would forfeit the voter’s fundamental right to vote for the candidate of one’s choice. Requiring a turnover in officeholders also deprives this state of its most experienced leaders, perhaps at a time when it needs them most. Limiting terms will also result in lobbyists and professional government bureaucrats having too much influence over inexperienced elected officials.

Proposition 107 would limit Congressional terms by amending the State Constitution. This could lead to a challenge in court because the United States Constitution governs the election of members of the United States Congress, and the State Constitution cannot overrule the United States Constitution. If Arizona successfully limits the terms of its members in Congress, this state will lose its influence and seniority in Congress. Other states will continue to elect more senior Senators and Representatives and, as a result, Congress will make decisions that affect this state with less and less influence from Arizona’s Congressional delegation.

ARGUMENT “FOR” PROPOSITION 107

I am deeply concerned about Arizona’s future.

Indeed, throughout Arizona there is growing sentiment – AND WITH GOOD REASON – that our democracy is not working very well.

Our government seems taken over – hijacked, if you will – by a governing class of entrenched, professional politicians seemingly more interested in finessing issues than in addressing issues.

They and their so-called “experience” give us scandals galore. Bloated budgets. Wasteful spending. Soaring deficits. Unfair taxes. Outlandish personal expenses charged to the public. Legislative gridlock. Political paralysis.

They neglect matters of social justice. Health care. Economic growth. Education. Environmental preservation. Public health and safety. Political reform.

They offer us empty rhetoric and broken promises. They perform like showhorses. We need workhorses.

Too often they lack the wisdom to listen. Too often they lack the courage to effectively, boldly lead.

They have lost touch with WE, THE PEOPLE ... the very people they were elected to serve.

The system has gone haywire.

We can do better ... We must do better.

Proposition 107

In this hopeful spirit, I support Proposition #107.

Proposition #107 can invigorate our limping democracy now buckling under the oppressive weight of dynastic incumbency.

Proposition #107 can bring us the CITIZEN public servant hopefully restoring to government the much-needed integrity and sanity sorely missing in the morally bankrupt, business-as-usual, vacuous politics of today.

Some claim Proposition #107 threatens supposed benefits of long-term incumbency. Some claim there are too few qualified candidates for elective office.

Their anti-democratic stance is hogwash.

Proposition #107 can open doors for those many decent, talented Arizonans who could ably provide enlightened, noble, selfless public service.

Proposition #107 can deliver a bright tomorrow blessed with true leadership.

The best cure for the ills of democracy is more democracy.

Vote "YES" on Proposition #107!

Let's give our state and our country back to the people.

Brian R. Fagin, Esq.
Executive Director
AriZona Public Interest Research Group (AZPIRG)
Tucson

ARGUMENT "FOR" PROPOSITION 107

The American experiment is based on the idea of a citizen's legislature. However, over the past several years we have moved to a system dominated by career politicians. This has led to political deadlock and a lack of courage on the tough votes. We need term limitations to break the deadlock and bring back the best features of a "citizen's legislature."

Some say that term limits will penalize us by not allowing us to re-elect good legislators. The reverse is true: term limits will prevent good legislators from being captured by the system. Others say that if we want to remove a legislator just vote them out. A good idea, but in recent years the deck has been stacked by perks and advantages that overwhelmingly favor incumbents. Those incumbents are hardly likely to vote out those advantages.

Term limits will ensure that creativity and enthusiasm return to lawmaking. People who have been out in the private sector, and who know that they'll be returning to it, will have a personal interest in the quality of life outside of Washington and the State Capitol. Term limits will return the legislatures to the people. We already limit the terms of our Presidents and some Governors, why not the Congress and State Legislature? Let's get back to the original idea of our forefathers: get in, do a job and get out.

Doug Wead
Scottsdale

ARGUMENT "FOR" PROPOSITION 107

To Arizona's Voters:

Term limits is not a knee jerk reaction to today's headlines. It has been the subject of political debate since the drafting of our Constitution.

Term limits is not a cure-all. Replacing low quality with low quality more often, does not produce a better product.

Term limits is a good idea for one reason. The career minded politician never tells us he wants to be in office for a lifetime until after he retires with his pay raises, gold watch and unequalled pension.

Career politicians result from the reality that no challenger other than the millionaire can spend against and defeat the incumbent. As a result, incumbents face no primary challenge. In the general election,

incumbents run in a district they have drawn. They have little to fear from any opposition in the minority party in that district, Republican or Democrat.

Some people love their incumbents. Some incumbents deserve the affection. Some people are too lazy to vote and careerism occurs by public default. But some voters are disgusted with election choices between the lesser of two evils. Term limits will help.

The future of our democracy depends on the opportunity of ordinary citizens of all color, religion and economic status to serve in the Legislature. Term Limits will not guarantee that access. But if you think it won't help, ask yourself why so many career politicians are against it.

Thomas P. McGovern
Former Chairman
Enough! Repeal the Tax Increase
Phoenix

BALLOT FORMAT

<p>PROPOSITION 107</p> <p>PROPOSED AMENDMENT TO THE CONSTITUTION BY THE INITIATIVE</p> <p>OFFICIAL TITLE</p> <p>PROPOSING AMENDMENTS TO THE CONSTITUTION OF ARIZONA TO KEEP THE NAMES OF SENATORS FROM ARIZONA TO THE UNITED STATES SENATE WHO ARE COMPLETING TWO CONSECUTIVE TERMS (12 YEARS) AND REPRESENTATIVES FROM ARIZONA TO THE UNITED STATES HOUSE OF REPRESENTATIVES WHO ARE COMPLETING THREE CONSECUTIVE TERMS (6 YEARS) FROM BEING PRINTED ON THE BALLOT BY AMENDING ARTICLE VII TO ADD SECTION 18; TO LIMIT THE TERMS OF STATE SENATORS AND REPRESENTATIVES TO FOUR CONSECUTIVE TERMS (EIGHT YEARS) BY AMENDING ARTICLE IV, PART 2, SECTION 21; TO LIMIT THE TERMS OF OFFICE OF MEMBERS OF THE ARIZONA EXECUTIVE DEPARTMENT TO TWO CONSECUTIVE TERMS (EIGHT YEARS) BY AMENDING ARTICLE V, SECTION 1(A); TO DELETE ARTICLE V, SECTION 10, PERTAINING TO THE LIMITATION OF TERMS OF THE STATE TREASURER, AS IT IS SUPERSEDED BY THE AMENDMENT PROPOSED BY THIS INITIATIVE MEASURE; TO LIMIT THE TERMS OF OFFICE OF MEMBERS OF THE CORPORATION COMMISSION TO ONE CONSECUTIVE TERM (6 YEARS) BY AMENDING ARTICLE XV; AND TO LIMIT THE TERMS OF OFFICE OF THE STATE MINE INSPECTOR TO FOUR CONSECUTIVE TERMS (8 YEARS) BY AMENDING ARTICLE XIX.</p> <p>DESCRIPTIVE TITLE</p> <p>AMENDING ARIZONA CONSTITUTION TO LIMIT THE NUMBER OF CONSECUTIVE TERMS BEGINNING IN JANUARY 1993 FOR:</p> <p>UNITED STATES SENATOR; 2 TERMS. UNITED STATES REPRESENTATIVE; 3 TERMS. STATE LEGISLATURE; 4 TERMS. STATE EXECUTIVE OFFICES; 2 TERMS. CORPORATION COMMISSIONER; 1 TERM. MINE INSPECTOR; 4 TERMS.</p>			
<p>PROPOSITION 107</p> <p>A "yes" vote shall have the effect of limiting consecutive terms for members of Congress and certain state offices beginning in January 1993.</p> <p>A "no" vote shall have the effect of not limiting the number of terms a person may serve in Congress or in certain state offices other than State Treasurer.</p>		<p>YES</p> <p>NO</p>	<p>➔</p> <p>➔</p>

PROPOSITION 108

OFFICIAL TITLE AN INITIATIVE MEASURE

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IX, CONSTITUTION OF ARIZONA, BY ADDING SECTION 22; RELATING TO PUBLIC DEBT, REVENUE, AND TAXATION.

TEXT OF PROPOSED AMENDMENT

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

The following amendment of Article IX, Constitution of Arizona, by adding Section 22, is proposed to become valid when approved by a majority of the qualified electors voting thereon and on proclamation of the Governor:

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

(A) An act that provides for a net increase in state revenues, as described in Subsection B is effective on the affirmative vote of two-thirds 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 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 three-fourths of the members of each house of the legislature.

(B) The requirements of this section apply to any act that provides for a net increase in state revenues in the form of:

1. The imposition of any new tax.
2. An increase in a tax rate or rates.
3. A reduction or elimination of a tax deduction, exemption, exclusion, credit or other tax exemption feature in computing tax liability.
4. An increase in a statutorily prescribed state fee or assessment or an increase in a statutorily prescribed maximum limit for an administratively set fee.
5. The imposition of any new state fee or assessment or the authorization of any new administrative set fee.
6. The elimination of an exemption from a statutorily prescribed state fee or assessment.
7. 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.
8. Any combination of the elements described in paragraphs 1 through 7.

(C) This section does not apply to:

1. 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.
2. 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.
3. Taxes, fees or assessments that are imposed by counties, cities, towns and other political subdivisions of this state.

(D) Each act to which this section applies shall include a separate provision describing the requirements for enactment prescribed by this section.

ANALYSIS BY LEGISLATIVE COUNCIL

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

Proposition 108 would amend the State Constitution to require a two-thirds vote in each House of the Legislature to enact a net increase in state revenue through (1) enacting any new or increased tax or statutory fee, (2) reducing or eliminating any exemption or credit on a tax or fee or (3) making any change in the allocation of tax revenues among the state, counties and cities. If such a measure were passed and signed by

the Governor, it would be effective immediately. If the governor vetoes a measure increasing state revenues, it would not become effective unless the Legislature overrides the veto by at least a three-fourths vote in each House of the Legislature. Currently it is possible to enact these measures on a simple majority vote, with a two-thirds vote required to override a Governor's veto.

Under this proposition revenue measures would have to be enacted by the same process currently required for "emergency" laws, with the same supermajority requirements, becoming effective immediately on enactment and without the opportunity for a referendum on the revenue measure.

This proposition would not affect (1) increased revenues resulting purely from economic effects, such as inflation or increasing assessed valuations, (2) authorized fees and assessments that are not set or limited by law, such as university tuition, or (3) local taxes, fees or assessments.

LEGISLATIVE COUNCIL ARGUMENTS FAVORING PROPOSITION 108

Proposition 108 will make it more difficult to raise taxes and will end the string of almost annual tax increases during the past decade.

Some analyses rank Arizona as one of the highest taxed states in the nation. This reputation hinders economic development, discourages businesses from moving to this state, promotes migration of businesses from this state and places a competitive disadvantage on businesses remaining here. Growing government draws economic resources away from productive enterprises. Proposition 108 will help restrain growth in state government.

Tax increases are such a threat to taxpayers that they should be approved only with the agreement of two-thirds of our elected representatives. Proposition 108 ensures a board consensus on the necessity of any future tax increases.

LEGISLATIVE COUNCIL ARGUMENTS OPPOSING PROPOSITION 108

Ideally, taxes are increased only as a last resort in the face of an actual necessity. This proposition will make it extremely difficult for elected representatives to respond to emergency situations, court directives and federal requirements.

Also, when faced with a budget shortfall the Legislature could choose to shift costs to local governments by a simple majority vote. Such shifting could result in increased taxes at the local level.

Requiring a two-thirds vote would reduce the likelihood of meaningful tax reform or equalization among taxpayers because almost any tax reform measure requires raising some taxes while reducing or eliminating others.

Proposition 108 could greatly increase the power of a few legislators who would withhold their support for a tax increase until their own spending priorities are addressed. The more votes that are necessary, the higher the ultimate tax increase. Rather than holding the line on new government revenue, Proposition 108 could result in increased government spending.

If the Legislature enacts a tax increase with a two-thirds vote, Proposition 108 would not allow the voters the right to submit the act to a referendum. Instead, it would become effective immediately with no recourse for citizens.

ARGUMENT "FOR" PROPOSITION 108

The price Arizona farmers and ranchers receive for their agricultural products is determined by agricultural production around the world. We compete for markets with Australia on beef, Brazil on citrus and Europe on milk products. Arizona farmers and ranchers cannot automatically include increased costs, such as taxes, in the price of their product.

The state budget has mushroomed in the past 10 years, from \$1.9 billion to over \$3.6 billion. When the state's economy began to slow down, lawmakers continued increasing taxes on Arizonans — eight tax increases in the last 10 years.

Farmers and ranchers have had to tighten their belt as agricultural commodity prices continue to be depressed because of increasing world agricultural competition. It is time state government tightens its belt too. Requiring a 2/3 majority vote to increase taxes and fees will make the legislature prioritize spending as the first alternative rather than raising taxes.

Please vote yes on Proposition 108.

Cecil H. Miller, Jr.

President

Arizona Farm Bureau Federation

Phoenix

Andy Kurtz

Executive Secretary

Arizona Farm Bureau Federation

Phoenix

ARGUMENT "FOR" PROPOSITION 108

During the decade of the 1980's, the Arizona legislature enacted a series of tax increases that have moved our state from the position of having a favorable tax climate for growing businesses to one of the highest tax burden states in the nation.

The result of these tax increases is evident in higher unemployment, the loss of jobs to other states and the overall slowing in our state's growth rate.

Often these damaging tax increases were enacted by a slim majority, composed of tax and spend politicians, over the objections of fiscal conservatives and representatives of the business community in our legislature.

Proposition 108 would amend the Arizona Constitution to require a two-thirds majority vote of both houses of the Legislature to enact a net increase in state revenues. Future tax increases will only be possible when there is a clear consensus among all Arizonans of the need for the proposed change.

Although it does not undo the damage of the 1980's and fails to address the companion issue of increasing government spending, Proposition 108 is an important step toward preventing further damage to our state's competitive position.

I urge your support of Proposition 108.

Phil MacDonnell

Candidate for Congress

District 6

Mesa, Arizona

ARGUMENT "FOR" PROPOSITION 108

"For a conservative electorate, the realization comes hard: Arizona has become one of the premier tax and spend states in the nation."

These are the editorial words of Washington Times Insight Magazine, and unfortunately, the new national reputation of Arizona. Arizona has moved from 40th in the nation in the rate of taxation in 1980 to tied for 6th in the nation by 1990. This is the result of eight tax increases in nine years.

Now Arizona voters have a chance to do something about never ending tax increases.

The *It's TIME!* initiative will require a 2/3rds vote in the Legislature before taxes can be raised. This "super-majority" for tax increases idea has been implemented in eight other states, from California to Florida. In each instance taxes have remained lower as a percentage of income than in Arizona.

Some Legislators, who have voted for tax increases, argue that requiring a 2/3rds vote would cause higher taxes or say that defining a "tax increase" is too hard. Clearly they are out of touch with the facts in other states, and with their constituents.

To control never ending tax increases, please vote "YES" on Proposition #108 – the *It's TIME!* initiative.

Brad Gietz

Phoenix

Tim Mooney

Phoenix

It's TIME! Committee: John Shadegg, Chairman; Terry Sarvas, Treasurer

ARGUMENT "FOR" PROPOSITION 108

Nothing has as much of an impact on small business and families as government's ability to tax. In Arizona that power to tax has been liberally exercised to the point where Arizona is not tied for 6th highest in the nation, eclipsing even Massachusetts.

The National Federal of Independent Business/Arizona strongly supports the It's TIME! initiative to require a 2/3rds vote in the Legislature before taxes and fees can be raised again.

NFIB/Arizona's 7,000 plus small business members which employ over 80,000 Arizonans overwhelmingly support the super-majority requirement. When asked, over 87% of our members supported the It's TIME! initiative, and hundreds gathered signatures to place this measure before the voters.

They know that taxes should be raised only after wasteful spending habits are trimmed, and then only if there is a greater consensus of a dire need.

NFIB/Arizona urges support for Proposition 108, the It's TIME! initiative.

Timothy F. Mooney

State Director

National Federation of Independent

Business/Arizona

Phoenix, Arizona

Monica Eberhardt

Assistant State Director

National Federation of Independent

Business/Arizona

Phoenix, Arizona

ARGUMENT "FOR" PROPOSITION 108

On the heels of seven straight tax increases in a row, the Arizona legislature in 1990 passed the largest tax increase in state history, billing it as a "soak the rich" move that would not affect lower and middle income Arizonans.

Everyone knows that this was not the case. The increase was devastating to the elderly and the middle class and it wreaked havoc on the Arizona economy. A decade of unchecked spending and taxation has transformed our state from what was known as a fiscally sound state, to one of the leading tax and spend states in the nation.

Arizona now ranks number five nationally in total tax bite and third in the nation in rate of tax and spending INCREASES over the last ten years.

Because of this, we are locked in a struggle with neighboring states to attract new jobs to Arizona, and we are losing.

For this reason, the Lincoln Caucus has supported the It's TIME! initiative from the very beginning as a way to bring some fiscal sanity back to Arizona. Raising taxes must be looked at as a last resort -- not the first.

The It's TIME! initiative has enabled the people of Arizona to draw the line. It will require a two thirds supermajority in the state legislature for tax increases, making it tougher to raise taxes. By voting yes, we will begin to take back control from a run-away tax and spend state legislature. It's time to take a stand. It's high noon in Arizona. Vote yes!

Tracy Thomas

Chairman

The Lincoln Caucus

Paradise Valley

Sydney Hoff

President

The Lincoln Caucus

Scottsdale

ARGUMENT "FOR" PROPOSITION 108

IT'S TIME! FOR 2/3 MAJORITIES

Requiring 2/3 majorities before the State Legislature can raise taxes or assess a fee is not a cure all. But it sure is a good start.

Our state has had eight tax increases in the last nine years. We have been rated seventh in the nation in taxes, higher than Massachusetts. When Arizona, the home of Barry Goldwater has higher taxes than Massachusetts, the land of Ted Kennedy, something is wrong.

Some of the good legislators at the State Capitol tried to pass the 2/3 majorities. They were blocked in committee. Over 250,000 fellow Arizonans signed the petition. The citizens of our state are saying enough is enough.

Our state is competing with others for jobs. Seven other states already have similar laws. When large companies plan they look ten to fifteen years down the road. This measure will show them that Arizona is a good place to invest since we've put an end to excessive tax increases.

This measure doesn't handcuff government. If there is a crisis or emergency, a great need for the poor or education, then a super-majority can be found. What this measure would do is change the emphasis in government. Rather than looking at where can we raise taxes, the legislature will now have to look at where we can cut spending.

The initiative drive was called "IT'S TIME!" as in "It's Time to limit taxes." A quarter of a million of our states residents felt it was a good idea. Now, it's time to bring fiscal responsibility back to our State government. Vote in favor on 2/3 majorities.

Doug Wead
Former Chairman
IT'S TIME!
Scottsdale

ARGUMENT "FOR" PROPOSITION 108

Dear Arizona Taxpayers:

I have been working at the grass roots level for years trying to play defense against the onslaught of higher taxation.

It's Time to go on the offense.

Yes, the demands for public spending are great. The intentions of most who argue for increased spending in education, health, job training and law enforcement are noble and genuine. But there is nothing noble about targeting the senior citizen or the working family to pay for ever increasing inefficiency and bureaucracy.

Government has a vital role to play in private life. It takes money for government to meet this role. But it takes human beings and families and businesses to produce the revenue that government desperately needs to find. We can no longer kill the goose that lays the golden egg. Economic growth, incentive to work, and governmental restraint are the only ways to efficiently fund the essential departments of government.

The taxpayer, the retiree, and the small business are not the enemy. Never again should their income be ravaged as a result of a single vote majority in the Legislature. It's Time will require a two thirds supermajority for new taxes.

Government will never look in earnest at its own inefficiencies or its own spending priorities until the taxpayer cries "ENOUGH!" It's Time we begin the cry.

Tom McGovern
Former Chairman
ENOUGH! Repeal the Tax Increase
Phoenix

BALLOT FORMAT

PROPOSITION 108		
PROPOSED AMENDMENT TO THE CONSTITUTION BY THE INITIATIVE		
OFFICIAL TITLE		
PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IX, CONSTITUTION OF ARIZONA, BY ADDING SECTION 22; RELATING TO PUBLIC DEBT, REVENUE, AND TAXATION.		
DESCRIPTIVE TITLE		
AMENDING ARIZONA CONSTITUTION TO REQUIRE A TWO-THIRDS VOTE OF THE LEGISLATURE FOR PASSAGE, AND A THREE-FOURTHS VOTE TO OVERRIDE A GOVERNOR'S VETO, OF ANY LEGISLATION THAT WOULD PROVIDE A NET INCREASE IN STATE REVENUES THROUGH CERTAIN CHANGES IN TAXES, TAX RATES, TAX DEDUCTIONS, FEES OR ASSESSMENTS.		
PROPOSITION 108		
A "yes" vote shall have the effect of requiring a greater number of votes in the Legislature to pass legislation providing for a net increase in state revenues.	YES	➔
A "no" vote shall have the effect of continuing to permit the Legislature to increase state revenues by a simple majority vote.	NO	➔

PROPOSITION 109

OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2009

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE VI, SECTIONS 12, 28, 30, 35, 36, 37, 38 AND 40, CONSTITUTION OF ARIZONA; AMENDING ARTICLE VI, CONSTITUTION OF ARIZONA, BY ADDING NEW SECTIONS 41 AND 42; RELATING TO THE JUDICIAL DEPARTMENT.

TEXT OF PROPOSED AMENDMENT

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

1. Article VI, Sections 12, 28, 30, 35, 36, 37, 38 and 40, Constitution of Arizona, are proposed to be amended as follows, if approved by the voters and on proclamation of the Governor:

12. Superior court; term of office

Section 12. A. Judges of the superior court in counties having a population of less than ~~one~~ TWO hundred fifty thousand persons according to the MOST RECENT United States census shall be elected by the qualified electors of their counties at the general election. They shall hold office for a regular term of four years except as provided by this section from and after the first Monday in January next succeeding their election, and until their successors are elected and qualify. The names of all candidates for judge of the superior court in such counties shall be placed on the regular ballot without partisan or other designation except the division and title of the office.

B. The governor shall fill any vacancy in such counties by appointing a person to serve until the election and qualification of a successor. At the next succeeding general election following the appointment of a person to fill a vacancy, a judge shall be elected to serve for the remainder of the unexpired term.

Judges of the superior court in counties having a population of ~~one~~ TWO hundred fifty thousand persons or more according to the MOST RECENT United States census shall hold office for a regular term of four years except as provided by this article.

28. Justices and judges; dual office holding; political activity; practice of law

Section 28. Justices and judges of courts of record shall not be eligible for any other public office or for any other public employment during their term of office, except that they may assume another judicial office, and upon qualifying therefor, the office formerly held shall become vacant. No justice or judge of any court of record shall practice law during his continuance in office, nor shall he hold any office in a political party or actively take part in any political campaign other than his own for his reelection or retention in office. Any justice or judge who files nomination papers for an elective office, other than for judge of the superior court or a court of record inferior to the superior court in a county having a population of less than ~~one~~ TWO hundred fifty thousand persons according to the MOST RECENT United States census, forfeits his judicial office.

30. Courts of record

Section 30. A. The supreme court, the court of appeals and the superior court shall be courts of record. Other courts of record may be established by law, but justice courts shall not be courts of record.

B. All justices and judges of courts of record, except for judges of the superior court and other courts of record inferior to the superior court in counties having a population of less than ~~one~~ TWO hundred fifty thousand persons according to the MOST RECENT United States census, shall be appointed in the manner provided in section 37 of this article.

35. Continuance in office; continued existence of offices; application of prior statute and rules

Section 35. A. All justices, judges, justices of the peace and officers of any court who are holding office as such by election or appointment at the time of the adoption of this section shall serve or

continue in office for the respective terms for which they are so elected or for their respective unexpired terms, and until their successors are elected or appointed and qualify or they are retained in office pursuant to section 38 of this article; provided, however, that any justice or judge elected at the general election at which this section is adopted shall serve for the term for which he is so elected. The continued existence of any office heretofore legally established or held shall not be abolished or repealed by the adoption of this article. The statutes and rules relating to the authority, jurisdiction, practice and procedure of courts, judicial officers and offices in force at the time of the adoption of this article and not inconsistent herewith, shall, so far as applicable, apply to and govern such courts, judicial officers and offices until amended or repealed.

B. ALL JUDGES OF THE SUPERIOR COURT HOLDING OFFICE BY APPOINTMENT OR RETENTION IN COUNTIES WITH A POPULATION OF TWO HUNDRED FIFTY THOUSAND PERSONS OR MORE ACCORDING TO THE MOST RECENT UNITED STATES CENSUS AT THE TIME OF THE ADOPTION OF THIS AMENDMENT TO THIS SECTION SHALL SERVE OR CONTINUE IN OFFICE FOR THE RESPECTIVE TERMS FOR WHICH THEY WERE APPOINTED. UPON AN INCUMBENT VACATING THE OFFICE OF JUDGE OF THE SUPERIOR COURT, WHETHER BY FAILING TO FILE A DECLARATION FOR RETENTION, BY REJECTION BY THE QUALIFIED ELECTORS OF THE COUNTY OR RESIGNATION, THE APPOINTMENT SHALL BE PURSUANT TO SECTION 37 OF THIS ARTICLE.

36. Commission on appellate court appointments and terms, appointments and vacancies on commission

Section 36(A). A. There shall be a nonpartisan commission on appellate court appointments which shall be composed of the chief justice of the supreme court, who shall be chairman, ~~three~~ FIVE attorney members, who shall be nominated by the board of governors of the state bar of Arizona and appointed by the governor with the advice and consent of the senate in the manner prescribed by law, and ~~five~~ TEN nonattorney members who shall be appointed by the governor with the advice and consent of the senate in the manner prescribed by law. AT LEAST NINETY DAYS PRIOR TO A TERM EXPIRING OR WITHIN TWENTY-ONE DAYS OF A VACANCY OCCURRING FOR A NONATTORNEY MEMBER ON THE COMMISSION FOR APPELLATE COURT APPOINTMENTS, THE GOVERNOR SHALL APPOINT A NOMINATING COMMITTEE OF NINE MEMBERS, NOT MORE THAN FIVE OF WHOM MAY BE FROM THE SAME POLITICAL PARTY. THE MAKEUP OF THE COMMITTEE SHALL, TO THE EXTENT FEASIBLE, REFLECT THE DIVERSITY OF THE POPULATION OF THE STATE. MEMBERS SHALL NOT BE ATTORNEYS AND SHALL NOT HOLD ANY GOVERNMENTAL OFFICE, ELECTIVE OR APPOINTIVE, FOR PROFIT. THE COMMITTEE SHALL PROVIDE PUBLIC NOTICE THAT A VACANCY EXISTS AND SHALL SOLICIT, REVIEW AND FORWARD TO THE GOVERNOR ALL APPLICATIONS ALONG WITH THE COMMITTEE'S RECOMMENDATIONS FOR APPOINTMENT.

Attorney members of the commission shall have resided in the state and shall have been admitted to practice before the supreme court for not less than five years. Not more than ~~two~~ THREE attorney members shall be members of the same political party and not more than ~~one~~ TWO attorney member MEMBERS shall be a ~~resident~~ RESIDENTS of any one county. Nonattorney members shall have resided in the state for not less than five years and shall not be judges, retired judges or admitted to practice before the supreme court. Not more than ~~three~~ FIVE nonattorney members shall be members of the same political party. Not more than ~~one~~ TWO nonattorney member MEMBERS shall be a ~~resident~~ RESIDENTS of any one county. None of the attorney or nonattorney members of the commission shall hold any governmental office, elective or appointive, for profit, and no attorney member shall be eligible for appointment to any judicial office of the state until one year after he ceases to be a member. Attorney members of the commission shall serve staggered four-year terms and nonattorney members shall serve staggered four-year terms. ~~except that initial appointments for attorney members shall consist of one~~

~~appointment for a two-year term, one appointment for a three-year term, and one appointment for a four-year term, and except that initial appointments for nonattorney members shall consist of two appointments for a one-year term, one appointment for a two-year term, one appointment for a three-year term and one appointment for a four-year term. Vacancies shall be filled for the unexpired terms in the same manner as the original appointments.~~

~~Section 36(B). There shall be a nonpartisan commission on trial court appointments for each county having a population of one hundred fifty thousand persons or more according to the United States census which shall be composed of the chief justice of the supreme court, who shall be chairman, three attorney members, who shall be nominated by the board of governors of the state bar of Arizona and appointed by the governor with the advice and consent of the senate in the manner prescribed by law and five nonattorney members, who shall be appointed by the governor and with the advice and consent of the senate in the manner prescribed by law.~~

~~Attorney members of such commission shall have resided in the state and shall have been admitted to practice before the supreme court for not less than five years, and shall be residents of the county from which appointed. Nonattorney members shall have resided in the state for not less than five years and shall not be judges, retired judges or admitted to practice before the supreme court and shall be residents of the county from which appointed. On each of such commissions not more than two attorney members and not more than three nonattorney members shall be members of the same political party. None of the attorney or nonattorney members of any such commission shall hold any governmental office, elective or appointive, for profit, and no attorney member shall be eligible for appointment to any judicial office of the state until one year after he ceases to be a member. Attorney members shall serve staggered four-year terms, and nonattorney members shall serve staggered four-year terms, except that initial appointments for attorney members shall consist of one appointment for a two-year term, one appointment for a three-year term, and one appointment for a four-year term, and except that initial appointments for nonattorney members shall consist of two appointments for a one-year term, one appointment for a two-year term, one appointment for a three-year term and one appointment for a four-year term. Vacancies shall be filled for the unexpired terms in the same manner as the original appointments.~~

~~Section 36(C). B. No person other than the chief justice shall serve at the same time as a member of more than one of such commissions~~ JUDICIAL APPOINTMENT COMMISSION.

C. IN MAKING OR CONFIRMING APPOINTMENTS TO THE APPELLATE COURT COMMISSION, THE GOVERNOR, THE SENATE AND THE STATE BAR SHALL ENDEAVOR TO SEE THAT THE COMMISSION REFLECTS THE DIVERSITY OF ARIZONA'S POPULATION.

~~Section 36(D). The chairman of such commissions shall cast votes only in the event of ties. In the event of the absence or incapacity of any such~~ THE chairman the supreme court shall appoint a justice thereof to serve in his place and stead.

~~Section 36(E). D~~ Prior to making recommendations to the governor as hereinafter provided, the one of such commissions having jurisdiction COMMISSION shall conduct such investigation and hold such hearings, either public or executive, as it deems advisable INVESTIGATIONS, HOLD PUBLIC HEARINGS AND TAKE PUBLIC TESTIMONY. AN EXECUTIVE SESSION AS PRESCRIBED BY RULE MAY BE HELD UPON A TWO-THIRDS VOTE OF THE MEMBERS OF THE COMMISSION IN A PUBLIC HEARING. Final decisions as to recommendations shall be made on the basis of merit alone without regard to political affiliation IN AN IMPARTIAL AND OBJECTIVE MANNER. THE COMMISSION SHALL CONSIDER THE DIVERSITY OF THE STATE'S POPULATION, HOWEVER THE PRIMARY CONSIDERATION SHALL BE MERIT. Voting shall be by secret, written ballot IN A PUBLIC HEARING. The expenses of meetings of such commissions THE COMMISSION and the attendance of members thereof for travel and subsistence shall be paid from the general fund of the state as state officers are paid, upon claims approved by the chairman.

E. AFTER PUBLIC HEARINGS THE SUPREME COURT SHALL ADOPT RULES OF PROCEDURE FOR THE COMMISSION ON APPELLATE COURT APPOINTMENTS.

F. NOTWITHSTANDING THE PROVISIONS OF SUBSECTION A, THE INITIAL APPOINTMENTS FOR THE FIVE ADDITIONAL NONATTORNEY MEMBERS AND THE TWO ADDITIONAL ATTORNEY MEMBERS OF THE COMMISSION SHALL BE DESIGNATED BY THE GOVERNOR FOR STAGGERED TERMS AS FOLLOWS:

1. ONE APPOINTMENT FOR A NONATTORNEY MEMBER SHALL BE FOR A ONE-YEAR TERM.

2. TWO APPOINTMENTS FOR NONATTORNEY MEMBERS SHALL BE FOR A TWO-YEAR TERM.

3. TWO APPOINTMENTS FOR NONATTORNEY MEMBERS SHALL BE FOR A THREE-YEAR TERM.

4. ONE APPOINTMENT FOR AN ATTORNEY MEMBER SHALL BE FOR A ONE-YEAR TERM.

5. ONE APPOINTMENTS FOR AN ATTORNEY MEMBER SHALL BE FOR A TWO-YEAR TERM.

G. THE MEMBERS CURRENTLY SERVING ON THE COMMISSION MAY CONTINUE TO SERVE UNTIL THE EXPIRATION OF THEIR NORMAL TERMS. ALL SUBSEQUENT APPOINTMENTS SHALL BE MADE AS PRESCRIBED BY THIS SECTION.

37. Judicial vacancies and appointments; initial terms; residence; age

Section 37. A. Within sixty days from the occurrence of a vacancy in the office of a justice or judge of any court of record, except for vacancies occurring in the office of a judge of the superior court or a judge of a court of record inferior to the superior court ~~in a county having a population of less than one hundred fifty thousand persons according to the United States census, the commission on appellate court appointments, if the vacancy is in the supreme court or an intermediate appellate court of record, or the commission on trial court appointments for the county in which the vacancy occurs, if the vacancy is in the superior court or a court of record inferior to the superior court,~~ shall submit to the governor the names of not less than three persons nominated by it to fill such vacancy, no more than two of whom shall be members of the same political party unless there are more than four such nominees, in which event not more than sixty per centum of such nominees shall be members of the same political party.

B. WITHIN SIXTY DAYS FROM THE OCCURRENCE OF A VACANCY IN THE OFFICE OF A JUDGE OF THE SUPERIOR COURT OR A JUDGE OF A COURT OF RECORD INFERIOR TO THE SUPERIOR COURT EXCEPT FOR VACANCIES OCCURRING IN THE OFFICE OF A JUDGE OF THE SUPERIOR COURT OR A JUDGE OF A COURT OF RECORD INFERIOR TO THE SUPERIOR COURT IN A COUNTY HAVING A POPULATION OF LESS THAN TWO HUNDRED FIFTY THOUSAND PERSONS ACCORDING TO THE MOST RECENT UNITED STATES CENSUS, THE COMMISSION ON TRIAL COURT APPOINTMENTS FOR THE COUNTY IN WHICH THE VACANCY OCCURS SHALL SUBMIT TO THE GOVERNOR THE NAMES OF NOT LESS THAN THREE PERSONS NOMINATED BY IT TO FILL SUCH VACANCY, NO MORE THAN TWO OF WHOM SHALL BE MEMBERS OF THE SAME POLITICAL PARTY UNLESS THERE ARE MORE THAN FOUR SUCH NOMINEES, IN WHICH EVENT NO MORE THAN SIXTY PER CENTUM OF SUCH NOMINEES SHALL BE MEMBERS OF THE SAME POLITICAL PARTY. A NOMINEE SHALL BE UNDER SIXTY-FIVE YEARS OF AGE AT THE TIME HIS NAME IS SUBMITTED TO THE GOVERNOR. JUDGES OF THE SUPERIOR COURT SHALL BE SUBJECT TO RETENTION OR REJECTION BY A VOTE OF THE QUALIFIED ELECTORS OF THE COUNTY FROM WHICH THEY WERE APPOINTED AT THE GENERAL ELECTION IN THE MANNER PROVIDED BY SECTION 38 OF THIS ARTICLE.

~~B.~~ C. A vacancy in the office of a justice or a judge of such ~~court~~ COURTS of record shall be filled by appointment by the governor ~~on the basis of merit alone~~ without regard to political affiliation

from one of the nominees whose names shall be submitted to him as hereinabove provided. IN MAKING THE APPOINTMENT, THE GOVERNOR SHALL CONSIDER THE DIVERSITY OF THE STATE'S POPULATION FOR AN APPELLATE COURT APPOINTMENT AND THE DIVERSITY OF THE COUNTY'S POPULATION FOR A TRIAL COURT APPOINTMENT, HOWEVER THE PRIMARY CONSIDERATION SHALL BE MERIT. If the governor shall DOES not appoint one of such nominees to fill such vacancy within sixty days after their names are submitted to the governor by such commission, the chief justice of the supreme court forthwith shall appoint on the basis of merit alone without regard to political affiliation one of such nominees to fill such vacancy. If such commission shall DOES not, within sixty days after such vacancy occurs, submit the names of nominees as hereinabove provided, the governor shall have the power to appoint any qualified person to fill such vacancy at any time thereafter prior to the time the names of ~~three or more~~ THE nominees to fill such vacancy shall be ARE submitted to the governor as hereinabove provided. Each justice or judge so appointed shall initially hold office for a term ending sixty days following the next regular general election after the expiration of a term of two years in office. Thereafter, the terms of justices or judges of the supreme court and the superior court shall be as provided by this article.

C. D. A person appointed to fill a vacancy on an intermediate appellate court, ~~a superior court,~~ or another court of record now existing or hereafter established by law shall have been a resident of the counties or county in which that vacancy exists for at least one year prior to his appointment, in addition to possessing the other required qualifications. A nominee shall be under sixty-five years of age at the time his name is submitted to the governor.

38. Declaration of candidacy; form of judicial ballot, rejection and retention; failure to file declaration

Section 38. A. A justice or judge of the supreme court or an intermediate appellate court shall file in the office of the secretary of state, and a judge of the superior court or other court of record including such justices or judges who are holding office as such by election or appointment at the time of the adoption of this section except for judges of the superior court and other courts of record inferior to the superior court in counties having a population of less than ~~one~~ TWO hundred fifty thousand persons, according to the United States census, shall file in the office of the clerk of the board of supervisors of the county in which he regularly sits and resides, not less than sixty nor more than ninety days prior to the regular general election next preceding the expiration of his term of office, a declaration of his desire to be retained in office, and the secretary of state shall certify to the several boards of supervisors the appropriate names of the candidate or candidates appearing on such declarations filed in his office.

B. The name of any justice or judge whose declaration is filed as provided in this section shall be placed on the appropriate official ballot at the next regular general election under a nonpartisan designation and in substantially the following form:

Shall _____, (Name of justice or judge) of the _____ court be retained in office? Yes _____ No _____ (Mark X after one).

C. If a majority of those voting on the question vote VOTES "No," then, upon the expiration of the term for which such justice or judge was serving, a vacancy shall exist, which shall be filled as provided by this article. If a majority of those voting on the question vote VOTES "Yes," such justice or judge shall remain in office for another term, subject to removal as provided by this constitution.

D. The votes shall be counted and canvassed and the result declared as in the case of state and county elections, whereupon a certificate of retention or rejection of the incumbent justice or judge shall be delivered to him by the secretary of state or the clerk of the board of supervisors, as the case may be.

E. If a justice or judge shall fail FAILS to file a declaration of his desire to be retained in office, as required by this section, then his office shall become vacant upon expiration of the term for which such justice or judge was serving.

40. Option for counties with less than two hundred fifty thousand persons

Section 40. Notwithstanding any provision of this article to the contrary, any county having a population of less than ~~one~~ TWO hundred fifty thousand persons, according to the MOST RECENT

United States census, may choose to select its judges of the superior court or of courts of record inferior to the superior court as if it had a population of ~~one~~ TWO hundred fifty thousand or more persons. Such choice shall be determined by vote of the qualified electors of such county voting on the question at an election called for such purpose by resolution of the board of supervisors of such county. If such qualified electors approve, the provisions of sections 12, 28, 30, ~~and~~ 35 through 39, 41 AND 42 shall apply as if such county had a population of ~~one~~ TWO hundred fifty thousand persons or more.

2. Article VI, Constitution of Arizona, is proposed to be amended as follows, by adding new sections 41 and 42, if approved by the voters and on proclamation of the Governor:

41. Superior court divisions; commission on trial court appointments; membership; terms

A. EXCEPT AS OTHERWISE PROVIDED, JUDGES OF THE SUPERIOR COURT IN COUNTIES HAVING A POPULATION OF TWO HUNDRED FIFTY THOUSAND PERSONS OR MORE ACCORDING TO THE MOST RECENT UNITED STATES CENSUS SHALL HOLD OFFICE FOR A REGULAR TERM OF FOUR YEARS.

B. THERE SHALL BE A NONPARTISAN COMMISSION ON TRIAL COURT APPOINTMENTS FOR EACH COUNTY HAVING A POPULATION OF TWO HUNDRED FIFTY THOUSAND PERSONS OR MORE ACCORDING TO THE MOST RECENT UNITED STATES CENSUS WHICH SHALL BE COMPOSED OF THE FOLLOWING MEMBERS:

1. THE CHIEF JUSTICE OF THE SUPREME COURT, WHO SHALL BE THE CHAIRMAN OF THE COMMISSION. IN THE EVENT OF THE ABSENCE OR INCAPACITY OF THE CHAIRMAN THE SUPREME COURT SHALL APPOINT A JUSTICE THEREOF TO SERVE IN HIS PLACE AND STEAD.

2. FIVE ATTORNEY MEMBERS, NONE OF WHOM SHALL RESIDE IN THE SAME SUPERVISORIAL DISTRICT AND NOT MORE THAN THREE OF WHOM SHALL BE MEMBERS OF THE SAME POLITICAL PARTY, WHO ARE NOMINATED BY THE BOARD OF GOVERNORS OF THE STATE BAR OF ARIZONA AND WHO ARE APPOINTED BY THE GOVERNOR SUBJECT TO CONFIRMATION BY THE SENATE IN THE MANNER PRESCRIBED BY LAW.

3. TEN NONATTORNEY MEMBERS, NO MORE THAN TWO OF WHOM SHALL RESIDE IN THE SAME SUPERVISORIAL DISTRICT.

C. AT LEAST NINETY DAYS PRIOR TO A TERM EXPIRING OR WITHIN TWENTY-ONE DAYS OF A VACANCY OCCURRING FOR A NONATTORNEY MEMBER ON THE COMMISSION FOR TRIAL COURT APPOINTMENTS, THE MEMBER OF THE BOARD OF SUPERVISORS FROM THE DISTRICT IN WHICH THE VACANCY HAS OCCURRED SHALL APPOINT A NOMINATING COMMITTEE OF SEVEN MEMBERS WHO RESIDE IN THE DISTRICT, NOT MORE THAN FOUR OF WHOM MAY BE FROM THE SAME POLITICAL PARTY. THE MAKE-UP OF THE COMMITTEE SHALL, TO THE EXTENT FEASIBLE, REFLECT THE DIVERSITY OF THE POPULATION OF THE DISTRICT. MEMBERS SHALL NOT BE ATTORNEYS AND SHALL NOT HOLD ANY GOVERNMENTAL OFFICE, ELECTIVE OR APPOINTIVE, FOR PROFIT. THE COMMITTEE SHALL PROVIDE PUBLIC NOTICE THAT A VACANCY EXISTS AND SHALL SOLICIT, REVIEW AND FORWARD TO THE GOVERNOR ALL APPLICATIONS ALONG WITH THE COMMITTEE'S RECOMMENDATIONS FOR APPOINTMENT. THE GOVERNOR SHALL APPOINT TWO PERSONS FROM EACH SUPERVISORIAL DISTRICT WHO SHALL NOT BE OF THE SAME POLITICAL PARTY, SUBJECT TO CONFIRMATION BY THE SENATE IN THE MANNER PRESCRIBED BY LAW.

D. IN MAKING OR CONFIRMING APPOINTMENTS TO TRIAL COURT COMMISSIONS, THE GOVERNOR, THE SENATE AND THE STATE BAR SHALL ENDEAVOR TO SEE THAT THE COMMISSION REFLECTS THE DIVERSITY OF THE COUNTY'S POPULATION.

E. MEMBERS OF THE COMMISSION SHALL SERVE STAGGERED FOUR YEAR TERMS, EXCEPT THAT INITIAL APPOINTMENTS FOR THE FIVE ADDITIONAL NONATTORNEY

MEMBERS AND THE TWO ADDITIONAL ATTORNEY MEMBERS OF THE COMMISSION SHALL BE DESIGNATED BY THE GOVERNOR AS FOLLOWS:

1. ONE APPOINTMENT FOR A NONATTORNEY MEMBER SHALL BE FOR A ONE-YEAR TERM.

2. TWO APPOINTMENTS FOR NONATTORNEY MEMBERS SHALL BE FOR A TWO-YEAR TERM.

3. TWO APPOINTMENTS FOR NONATTORNEY MEMBERS SHALL BE FOR A THREE-YEAR TERM.

4. ONE APPOINTMENT FOR AN ATTORNEY MEMBER SHALL BE FOR A ONE-YEAR TERM.

5. ONE APPOINTMENT FOR AN ATTORNEY MEMBER SHALL BE FOR A TWO-YEAR TERM.

F. VACANCIES SHALL BE FILLED FOR THE UNEXPIRED TERMS IN THE SAME MANNER AS THE ORIGINAL APPOINTMENTS.

G. ATTORNEY MEMBERS OF THE COMMISSION SHALL HAVE RESIDED IN THIS STATE AND SHALL HAVE BEEN ADMITTED TO PRACTICE IN THIS STATE BY THE SUPREME COURT FOR AT LEAST FIVE YEARS AND SHALL HAVE RESIDED IN THE SUPERVISORIAL DISTRICT FROM WHICH THEY ARE APPOINTED FOR AT LEAST ONE YEAR. NONATTORNEY MEMBERS SHALL HAVE RESIDED IN THIS STATE FOR AT LEAST FIVE YEARS, SHALL HAVE RESIDED IN THE SUPERVISORIAL DISTRICT FOR AT LEAST ONE YEAR BEFORE BEING NOMINATED AND SHALL NOT BE JUDGES, RETIRED JUDGES NOR ADMITTED TO PRACTICE BEFORE THE SUPREME COURT. NONE OF THE ATTORNEY OR NONATTORNEY MEMBERS OF THE COMMISSION SHALL HOLD ANY GOVERNMENTAL OFFICE, ELECTIVE OR APPOINTIVE, FOR PROFIT AND NO ATTORNEY MEMBER IS ELIGIBLE FOR APPOINTMENT TO ANY JUDICIAL OFFICE OF THIS STATE UNTIL ONE YEAR AFTER MEMBERSHIP IN THE COMMISSION TERMINATES.

H. NO PERSON OTHER THAN THE CHIEF JUSTICE SHALL SERVE AT THE SAME TIME AS A MEMBER OF MORE THAN ONE JUDICIAL APPOINTMENT COMMISSION.

I. THE COMMISSION SHALL SUBMIT THE NAMES OF NOT LESS THAN THREE INDIVIDUALS FOR NOMINATION FOR THE OFFICE OF THE SUPERIOR COURT JUDGE PURSUANT TO SECTION 37 OF THIS ARTICLE.

J. PRIOR TO MAKING RECOMMENDATIONS TO THE GOVERNOR, THE COMMISSION SHALL CONDUCT INVESTIGATIONS, HOLD PUBLIC HEARINGS AND TAKE PUBLIC TESTIMONY. AN EXECUTIVE SESSION AS PRESCRIBED BY RULE MAY BE HELD UPON A TWO-THIRDS VOTE OF THE MEMBERS OF THE COMMISSION IN A PUBLIC HEARING. FINAL DECISIONS AS TO RECOMMENDATIONS SHALL BE MADE WITHOUT REGARD TO POLITICAL AFFILIATION IN AN IMPARTIAL AND OBJECTIVE MANNER. THE COMMISSION SHALL CONSIDER THE DIVERSITY OF THE COUNTY'S POPULATION AND THE GEOGRAPHICAL DISTRIBUTION OF THE RESIDENCES OF THE JUDGES THROUGHOUT THE COUNTY, HOWEVER THE PRIMARY CONSIDERATION SHALL BE MERIT. VOTING SHALL BE IN A PUBLIC HEARING. THE EXPENSES OF MEETINGS OF THE COMMISSION AND THE ATTENDANCE OF MEMBERS THEREOF FOR TRAVEL AND SUBSISTENCE SHALL BE PAID FROM THE GENERAL FUND OF THE STATE AS STATE OFFICERS ARE PAID, UPON CLAIMS APPROVED BY THE CHAIRMAN.

K. AFTER PUBLIC HEARINGS THE SUPREME COURT SHALL ADOPT RULES OF PROCEDURE FOR THE COMMISSION ON TRIAL COURT APPOINTMENTS.

L. THE MEMBERS OF THE COMMISSION WHO WERE APPOINTED PURSUANT TO SECTION 36 OF THIS ARTICLE PRIOR TO THE EFFECTIVE DATE OF THIS SECTION MAY

CONTINUE TO SERVE UNTIL THE EXPIRATION OF THEIR NORMAL TERMS. ALL SUBSEQUENT APPOINTMENTS SHALL BE MADE AS PRESCRIBED BY THIS SECTION.

42. Retention evaluation of justices and judges

THE SUPREME COURT SHALL ADOPT, AFTER PUBLIC HEARINGS, AND ADMINISTER FOR ALL JUSTICES AND JUDGES WHO FILE A DECLARATION TO BE RETAINED IN OFFICE, A PROCESS, ESTABLISHED BY COURT RULES FOR EVALUATING JUDICIAL PERFORMANCE. THE RULES SHALL INCLUDE WRITTEN PERFORMANCE STANDARDS AND PERFORMANCE REVIEWS WHICH SURVEY OPINIONS OF PERSONS WHO HAVE KNOWLEDGE OF THE JUSTICE'S OR JUDGE'S PERFORMANCE. THE PUBLIC SHALL BE AFFORDED A FULL AND FAIR OPPORTUNITY FOR PARTICIPATION IN THE EVALUATION PROCESS THROUGH PUBLIC HEARINGS, DISSEMINATION OF EVALUATION REPORTS TO VOTERS AND ANY OTHER METHODS AS THE COURT DEEMS ADVISABLE.

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 2009
(PROPOSITION 109)**

House — Ayes, 34	Senate — Ayes, 22
 Nays, 25	 Nays, 6
 Not Voting, 1	 Not Voting, 1
	 Excused, 1
House final passage as per joint conference	
 Ayes, 50	
 Nays, 0	
 Not Voting, 10	
Senate final passage as per joint conference	
 Ayes, 26	
 Nays, 2	
 Not Voting, 1	
 Excused, 1	

ANALYSIS BY LEGISLATIVE COUNCIL

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

Proposition 109 would amend the Constitution of Arizona to provide greater public participation and opportunity in the process for appointing and evaluating supreme court justices, court of appeals judges, and superior court judges in Maricopa and Pima Counties. Nothing in the proposed amendment will change the system for the election of judges in the remaining thirteen counties.

The proposed amendment would require that public hearings be held, public testimony taken, and public votes be made before any judicial selection commission could nominate to the governor a candidate for appointment to the supreme court, court of appeals, or superior court in Maricopa or Pima counties.

The amendment also proposes to increase the membership of the judicial appointment commissions by, among other things, doubling the number of public, non-lawyer members. It also provides that an expanded public process, through the use of citizen committees, will be used to recommend to the governor members for the judicial appointment commissions.

The proposed amendment requires that all judicial appointments be made in an impartial and objective manner with primary consideration given to merit. It further provides that the diversity of the state's or county's population be considered in making court appointments. All current judges and commission members are continued in office.

Finally, the proposed amendment establishes a judicial evaluation system that will be adopted only after public hearings. The new evaluation process will require that the public be afforded a full and fair opportunity to participate and that the public evaluation be disseminated to each voter.

LEGISLATIVE COUNCIL ARGUMENTS FAVORING PROPOSITION 109

Respect for the law and the administration of justice will be improved as appointments to the supreme court, court of appeals and superior court in Maricopa and Pima counties are the product of a more open and public process.

The passage of Proposition 109 would result in the people having a greater say in the selection of their judges. It will also make the selection process more accountable. This proposition would encourage the appointment of justices and judges who will represent all of the people in this state.

Proposition 109 also requires a public performance evaluation process for all justices or judges seeking to be retained in office. This process will allow the public to participate in the evaluation of a judge's performance. It will also allow all voters to be better informed when they are asked to vote on the retention of justices and judges.

LEGISLATIVE COUNCIL ARGUMENTS OPPOSING PROPOSITION 109

There is no need to change the merit selection system that has produced a very high quality of judges on the superior court and appellate courts. Proposition 109 will not improve the quality of our judiciary.

Proposition 109 will give more decision-making authority to people less trained in the law. The public hearing process may also discourage qualified applicants.

The judicial evaluation process is also not necessary because the state and county bar associations already conduct an evaluation of justices and judges. The proposed evaluation process would be an additional public expense.

ARGUMENT "FOR" PROPOSITION 109

Arizona first enacted a merit selection system for judges in Pima and Maricopa Counties in 1974. Since then Superior Court judges in Arizona's two largest counties, as well as those of the Court of Appeals and the Supreme Court, have no longer had to run for election, or to raise campaign funds from the attorneys or others who appear before them. Today Arizona has a national reputation for the outstanding quality of its judiciary.

Now, 18 years after merit selection was enacted, members of the public, the judiciary, the bar and the legislature have concluded that improvements need to be made in order to ensure that the judiciary more accurately reflects the diversity of each county's population.

Currently, under merit selection, judges are first screened by one of three Nominating Commissions composed of three lawyers and five lay people. This amendment would increase each panel to five lawyers and ten lay people. Each County Supervisor would first appoint a committee of seven people, reflective of the population of their District, to nominate these lay members. After reviewing the recommendations of the nominating panels, the Governor would then appoint two lay persons from each Supervisory District to the Commissions.

The Board of Governors of the State Bar of Arizona would appoint one attorney member from each Supervisory District who lived in that District for a minimum of one year. All three Nominating Commissions would be chaired by the Chief Justice who would be a voting member.

Proposition 109

By restructuring the process for appointing the Commissions on Court Appointments, and by including diversity along with merit as a factor to be considered in the selection of judges, the proponents of this referendum hope to ensure that the courts of Arizona more closely reflect the diversity of our counties.

Robert E. Schmitt
 President
 State Bar of Arizona
 Yuma

Roxana C. Bacon
 Immediate Past President
 State Bar of Arizona
 Phoenix

BALLOT FORMAT

<p>PROPOSITION 109</p> <p>PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE</p> <p><u>OFFICIAL TITLE</u></p> <p>HOUSE CONCURRENT RESOLUTION 2009</p> <p>A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE VI, SECTIONS 12, 28, 30, 35, 36, 37, 38 AND 40, CONSTITUTION OF ARIZONA; AMENDING ARTICLE VI, CONSTITUTION OF ARIZONA, BY ADDING NEW SECTIONS 41 AND 42; RELATING TO THE JUDICIAL DEPARTMENT.</p> <hr/> <p><u>DESCRIPTIVE TITLE</u></p> <p>AMENDING ARIZONA CONSTITUTION TO CHANGE THE METHOD OF APPOINTING SUPERIOR COURT JUDGES IN COUNTIES WITH POPULATIONS OF AT LEAST 250,000 AND ALL APPELLATE JUDGES; CHANGE THE APPOINTMENT AND COMPOSITION OF THE COMMISSIONS ON COURT APPOINTMENTS; PROVIDE FOR INCREASED PUBLIC PARTICIPATION; REQUIRE CONSIDERATION OF POPULATION DIVERSITY; REQUIRE A JUDICIAL EVALUATION SYSTEM.</p>			
<p>PROPOSITION 109</p>			
<p>A "yes" vote shall have the effect of changing the process for appointing judges in Maricopa and Pima Counties and all Court of Appeals Judges and Supreme Court Justices.</p>	<p>YES</p>	<p>➔</p>	
<p>A "no" vote shall have the effect of retaining the current method of appointing judges in Maricopa and Pima Counties and all Court of Appeals Judges and Supreme Court Justices.</p>	<p>NO</p>	<p>➔</p>	

PROPOSITION 110

OFFICIAL TITLE **A CITIZEN INITIATIVE**

The Preborn Child Protection Amendment To The Arizona Constitution.

TEXT OF PROPOSED AMENDMENT

Section 1. No public funds shall be used to pay for an abortion, except when that procedure is necessary to save the life of the mother.

Section 2. No preborn child shall be knowingly deprived of life at any stage of biological development by any person except to save the life of the mother. However, the Legislature shall provide for exceptions only in those circumstances where pregnancy results from an act of either reported sexual assault or reported incest.

Section 3. This amendment shall not subject any woman to criminal prosecution or civil liability for undergoing an abortion.

Section 4. Any court of competent jurisdiction, upon request, shall appoint a licensed attorney as a special guardian to represent preborn children, as a class, for the purpose of protecting their rights under this amendment from deprivation by any person.

Section 5. This amendment shall not affect contraceptives or require an appropriation of public funds.

ANALYSIS BY LEGISLATIVE COUNCIL

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

The Constitution of the United States has been interpreted to establish a woman's right to have an abortion, subject to limited exceptions. Proposition 110 would amend the Arizona Constitution to prevent all abortions in this state except to save a woman's life. Additionally, Proposition 110 would direct the Arizona legislature to adopt laws to permit abortions only where pregnancy is the result of reported rape or reported incest. Proposition 110 would also prohibit the use of public money to pay for an abortion, unless the abortion is necessary to save the life of the mother.

Proposition 110 would require any judge, upon request, to appoint a lawyer to act as a special guardian to represent "preborn children" in protecting their rights. Proposition 110 states that it "shall not affect contraceptives."

Proposition 110 would not subject any woman to criminal prosecution or civil liability for undergoing an abortion.

The United States Supreme Court has held that, while a state may in some circumstances regulate a woman's decision about whether to have an abortion, a state may not generally prohibit abortions. The Arizona Constitution also contains a right to privacy. No court has addressed the question of whether this provision in the Arizona Constitution protects a woman's decision to have an abortion. However, the right to privacy has been held to encompass an individual's right to refuse medical treatment.

If passed, Proposition 110 would eliminate any argument that the "right to privacy" in the Arizona Constitution protects a woman's choice of whether to have an abortion. However, because the United States Constitution, as presently interpreted, protects a woman's decision to have an abortion, parts of this proposition would not be effective unless and until the United States Supreme Court decides that the "right to privacy" in the United States Constitution does not encompass the right to have an abortion. Other parts of this proposition may become effective immediately.

LEGISLATIVE COUNCIL ARGUMENTS FAVORING PROPOSITION 110

Over the past two decades, countless preborn children have been killed by abortion. It is now clear that the only way to effectively put a stop to abortions is to make the right to life a part of the State Constitution.

Because life is sacred, this state should do everything it can to save the lives of preborn children. An amendment to the State Constitution is the highest legal protection we can give these innocent lives. Proposition 110 will ensure that an abortion never again occurs in Arizona unless it is necessary to end a pregnancy that will be fatal to the mother or that is caused by reported rape or reported incest.

Additionally, many Arizona citizens believe that adoption is one of the answers or alternatives to abortion. Childless couples wait years for the opportunity to adopt. Abortion on demand has resulted in an ever-decreasing availability of children for childless couples.

Abortion on demand encourages couples not to take responsibility for their actions. an unwanted pregnancy is no excuse for killing a baby.

LEGISLATIVE COUNCIL ARGUMENTS OPPOSING PROPOSITION 110

Proposition 110 would eliminate a woman's legal right to choose whether or not she will continue a pregnancy, and would seriously erode a woman's right to privacy. There is an exception that an abortion may be performed to save the life of the mother. However, the proposition makes no exception for pregnancies that are likely or even certain to injure a woman unless the injury would kill her. Therefore, a woman would be forced to carry a child to term even if the pregnancy or childbirth will seriously and permanently injure her.

The proposition also directs the Legislature to make an exception to the prohibition on abortions only when the pregnancy is the result of "reported" rape or incest. However, because many rapes go unreported, especially those involving incest, many women will be forced to continue their pregnancies and to give birth even when the pregnancy is the result of rape or incest.

The proposition would also prohibit a woman from having an abortion even if she knows that the fetus will be born with birth defects, regardless of their severity.

This proposition does provide that it does not subject a woman that has an abortion to civil or criminal liability. However, the proposition does not shield the doctors and nurses that assist in performing the abortion from liability.

Additionally, Proposition 110 will not stop abortion. It will simply make it so women that choose to have abortions will be forced to do so out of state or, for those that cannot afford to go out of state, illegally, often under dangerous and unhealthful circumstances.

The opponents of a woman's right to choose wish to involve the government in what can only be a very private decision. The right of a woman to end a pregnancy must therefore remain legal.

ARGUMENT "FOR" PROPOSITION 110

Your vote for the Common Sense amendment will halt the loss of precious lives. At Christian Family Care Agency, our actions are our demonstration against abortion as we provide tangible help and alternatives for pregnant women.

Young women facing unplanned pregnancies are provided counseling and help as they choose parenting or adoption with one of hundreds of families waiting eagerly for a child.

We have found a family for the baby of every woman who has asked us for help, for babies who are healthy and for babies with very special needs. We have never turned anyone away.

Our pledge to you is to honor your vote for life by continuing to help women parent or choose adoptive parents for their babies.

Kay K. Ekstrom
President
Christian Family Care Agency
Phoenix

Thomas E. Wagner
Administrator
Christian Family Care Agency
Phoenix

ARGUMENT "FOR" PROPOSITION 110

We at the Crisis Pregnancy Centers of Arizona believe strongly that a yes vote for the Common Sense Amendment is the wise choice.

Over the last 10 years we have helped over 28,000 women in crisis pregnancy situations. We provide compassionate counselling and various services such as maternity clothes, shelter homes, childbirth classes, medical assistance, seminars on sexual abstinence and abortion facts. We are a non-profit organization that provides all of these services at no cost to the women. The abortion industry is profit oriented and is unconcerned about the emotional trauma many of these women experience after their abortions. Many abortions are performed before the women are truly informed about the facts. Last year we counseled numerous young women who had significant emotional difficulty recovering from their abortions.

We feel because of our hands-on involvement in the lives of thousands of women we can speak with authority and compassion. It is from this platform that we urge you to vote yes on the Preborn Child Protection amendment. The abortion industry has exploited women for profit without true regard for their emotional and physical well being. It is time to pursue the option of compassion and assistance without the profit motivation inherent within an unrestrained abortion industry.

Dave Everitt
President
Crisis Pregnancy Centers
of Arizona
Tempe

JoAnn Everitt
Executive Director
Crisis Pregnancy Centers
of Arizona
Tempe

ARGUMENT "FOR" PROPOSITION 110

The Preborn Child Protection Amendment is an earnest effort to establish an abortion law that most Arizonans can support. It successfully finds a common ground between those who favor abortion on demand and those who want to outlaw all abortions.

Even ardent abortion supporters must admit that things have gotten out of hand. Presently one out of four Arizona pregnancies now ends in abortion. Forty percent of all abortions are repeat abortions, and some women have had five or more abortions. Because every abortion stops a beating heart, it should never be used so casually. That is why this amendment opposes allowing legal abortions to be used as a routine method of birth control, which according to a recent Wirthlin poll has the support of 74% of Arizona voters.

Yet while most Arizonans disapprove of abortion in general, they feel it should be an option under certain circumstances. When a woman's life is at risk, abortion may be the only alternative. Under this amendment abortions would be allowed to save the life of the mother or if the pregnancy was the result of rape or incest.

A yes vote for the Preborn Child Protection Amendment will be an excellent opportunity for the people of Arizona to demonstrate that we care about both the mother and the baby.

Tom Schadt
Board Member
Arizona Family Research
Institute
Paradise Valley

Ron Huber
Board Member
Arizona Family Research
Institute
Paradise Valley

ARGUMENT “FOR” PROPOSITION 110

I believe the reasons to vote yes for the Common Sense Amendment are extremely compelling.

First of all, each time an abortion takes place a little human being dies a violent death. Medical science has opened a window into the womb that confirms without a doubt that the unborn child is a living and active member of the human family. Parents who see their 20-week-old fetus through an ultrasound don't see a blob of tissue, they see their baby sucking his thumb. It is this fundamental reality that offers the greatest moral impetus to vote yes for this amendment.

Secondly, abortion has become a means of birth control in this state. Many women are having repeat abortions for convenience. The polls reveal that a vast majority of citizens are opposed to this practice. This amendment would only allow for abortions in limited situations and would stop the birth control usage of abortion.

This amendment is a reasonable effort to find common ground on this important issue of our time. It may not please everyone but it does offer the greatest common sense solution available to the majority of voters in Arizona.

I wholeheartedly believe a yes vote is the right choice.

Gary Bender
National TV Sports Broadcaster
Phoenix

ARGUMENT “FOR” PROPOSITION 110

Abortion advocates would have us believe that the fundamental issue surrounding the abortion debate is “the right to choose.” While we insist that “the right to choose” says nothing, we must first ask ourselves what is being chosen, and whether we the voters of Arizona have accepted the killing of defenseless preborn children as an answer to unplanned pregnancies. No tragedy is so great that killing a child will solve it. There is a better solution, it is adoption.

Countless loving Arizona families long to adopt newborn babies, but few are available. At present it takes 5 to 10 minutes to have an abortion, while it takes two to five years to adopt a baby. The Preborn Child Protection Amendment encourages adoption as a loving alternative to abortion on demand.

Finally, Arizonans have a win-win vote to cast. We can show our love and compassion to both the mother and the child.

Kristine Magruder Thompson
Scottsdale

Lisa Rouley
Phoenix

ARGUMENT “AGAINST” PROPOSITION 110

THE ARIZONA LEAGUE OF WOMEN VOTERS URGES YOU TO VOTE “NO” ON PROPOSITION 110.

The Arizona League of Women Voters urges all Arizonans to vote ‘No’ against Proposition 110. This proposed amendment would take away our freedom of choice and jeopardize a woman’s reproductive health as well as turn personal, private decisions over to the government and the politicians.

The Arizona League of Women Voters is independent and non-partisan. We have 900 members in Arizona. We led the fight to win votes for women. Today we are working to build a true citizens’ democracy – by providing voters the facts they need to make an informed decision at the ballot box.

PROPOSITION 110 IS DANGEROUS, EXTREME – & EXPENSIVE.

Here are the facts about Proposition 110:

- It would ban all abortions, except to save the life of the woman - making a sharp increase in illegal abortions inevitable.
- Rape and incest are grounds for a legal abortion ONLY if reported – and ONLY if the politicians in the legislature pass a specific exemption.

- Court-appointed licensed attorneys would act as “special guardians” for the “preborn” – all at taxpayers’ expense.

DECEPTIVE, MISLEADING CAMPAIGN TACTICS

We also urge you to vote ‘No’ to protest the tactics used by backers of Proposition 110. First they relied on out-of-state lawyers to draft the proposed amendment – then hired a California firm to get the signatures needed to put it on the ballot. Some signatures were garnered by claiming the proposed amendment was “pro-choice” and “prohibited public funding”. Both statements are incorrect and deliberately misleading.

The League of Women Voters believes that reproductive choice is a personal private decision best left to Arizona women and their families. We further believe that deceptive, misleading campaign tactics represent a direct attack upon democracy.

The League of Women Voters urges you to vote ‘No’ on Proposition 110.

Sue Ward	Skeet Blakeslee
President	2nd Vice President
League of Women Voters	League of Women Voters
of Arizona	of Arizona
Tucson	Scottsdale

ARGUMENT “AGAINST” PROPOSITION 110

Do you want government making your personal, private decisions?

The extremists behind Proposition 110 say ‘Yes.’ They want to take away freedom of choice from you and your family – and turn it over to the Legislature, the courts and the politicians.

Pro-Choice Arizona says NO! to extremism.

We are Republicans, Democrats and Independents, representing many different religious and ethnic groups. We are united by our belief in American standards of liberty, fairness and personal freedom – and our determination to keep government out of our private, family decisions.

Proposition 110 is NOT the Government’s Business.

* Proposition 110 bans abortion except to save the life of the woman – taking away your family’s freedom of choice and resulting in thousands of illegal abortions.

* Proposition 110 makes exceptions for reported rape or incest dependent on the Legislature – vastly increasing the power of government.

* Under Proposition 110, severe birth defects or the certain risk to a woman’s health could never be grounds for a legal abortion.

Proposition 110 is Bad News for Arizona Taxpayers.

* Proposition 110 forces Arizona courts to appoint attorneys to represent the “preborn” – all at the expense of the Arizona taxpayer.

* Proposition 110 claims, to ban public funding. However, in the words of anti-choice extremist, Trent Franks, “The amendment doesn’t *require* an appropriation of public funds. But it doesn’t *prohibit* an appropriation either.” (*Tucson Weekly*, 5-27-92).

Proposition 110: The Hidden Dangers

* Under Proposition 110 “special guardians” will be empowered to investigate the private lives of Arizona Women and their families.

* If the Legislature makes exceptions for reported rape or incest, Proposition 110 may encourage desperate women to accuse innocent men of sexual assault in hopes of obtaining a legal abortion.

Stop the extremists – before it’s too late. Preserve Freedom of Choice. Prevent Government Interference. Vote NO! on Proposition 110.

Sue Mulligan	Jeanne Connell
Treasurer	Co-Chair
Pro-Choice Arizona	Pro-Choice Arizona
Phoenix	Tucson

ARGUMENT “AGAINST” PROPOSITION 110

This is the most extreme anti-abortion measure ever proposed in Arizona, fabricated by people desperate to impose their own morality and religious beliefs upon the rest of us. If passed, this amendment would ban all abortion in Arizona, except those necessary to save the life of the pregnant woman. These people want to make our most private, personal reproductive decisions for us, and use the power of government to enforce their will.

This amendment is not reasonable, nor is it honest. Many of its provisions are mere smokescreens, carefully contrived to deceive the public and mask the true intentions of its sponsors:

- State and federal laws already ban public funding for abortion! By beginning their amendment with this unnecessary provision, they wrongfully imply that its passage will save taxpayers money.
- The amendment mentions rape and incest as possible exceptions to the abortion ban, tricking the voter into believing that such exceptions will automatically go into effect if the amendment is passed. In truth, it would take legislative action to establish these exceptions, and even then, they would apply only if the assaulted female had promptly reported the rape or incest.
- Although it also asserts that contraceptives are not affected, this amendment could very well ban the birth control pill, the intrauterine device (IUD), and other artificial means of contraception.

Who should decide? Who should make personal and private reproductive choices for the citizens of Arizona? Surely not the government, and surely not strangers who deceptively seek to control the lives and decisions of women.

Laura J. Penny
President
Arizona Right to Choose, Inc.
Tucson

Lynn B. Leble
Secretary
Arizona Right to Choose, Inc.
Tucson

ARGUMENT “AGAINST” PROPOSITION 110

I believe that every individual is ultimately responsible for his or her own beliefs and actions. I call this responsibility freedom of choice.

Now there is a move to deny freedom of choice to all Arizonans.

Proposition 110 is a proposed amendment to our state Constitution designed to ban abortion in Arizona. It will only ban *legal* abortion – and will mean the end of freedom of choice. It would also give our state government and politicians extraordinary control over our private lives and personal decisions.

I urge you to vote “No” on this amendment. Not because I am pro-abortion. I am not. Instead, I will vote “No” because that is the only way of ensuring that abortion remains a legal option – a painful, but sometimes necessary option – for Arizona women and their families.

Some claim the proposed amendment is a “common sense” compromise between two extremes. This is untrue. This measure would ban all abortion, except to save a woman’s life. A victim of rape or incest could obtain a legal abortion only if the Legislature passed an exception to the amendment – and only if the crime had been previously reported. These standards are not “moderate”. They are harsh and unfair, and will create tremendous pain and suffering.

If enacted, this amendment will only put an end to *legal* abortions – at great cost to our taxpayers. Illegal abortions will again be commonplace. A tremendous danger to public health and safety, a terrible disgrace to all standards of morality and decency – would result if Arizona passes Proposition 110.

I appeal to all Arizonans to join with me in voting “no” against Proposition 110.

Rita Carrillo
Phoenix

ARGUMENT "AGAINST" PROPOSITION 110

I am an obstetrician and gynecologist. I have a lifetime total of 45 years of professional medical care.

I believe that my life's work gives me a unique perspective on the proposed constitutional amendment that would ban all but a handful of abortions in Arizona. I have examined the amendment closely. I have analyzed its impact upon the health and well-being of the women of Arizona and their families. And I have concluded that it should be defeated.

This amendment will prevent doctors from providing necessary medical care to the women of Arizona. While the amendment allows for abortions if the mother's life is in danger, it prohibits terminating pregnancies which threaten the health of the mother and would not allow for an abortion if the fetus has severe birth defects. In cases such as these, ethical and medical practice would warrant a doctor to perform an abortion. Passage of this amendment would go against the very values I, as a physician, swore to uphold.

If abortion becomes illegal in Arizona, the practice of illegal abortions would be widespread. Women who wish to have an abortion will find a way to get it – even if that means putting their lives in the hands of back-alley abortionists. This amendment will lead to a recurrence of an illegal abortion industry and women will surely die.

The lives and liberty of all Arizonans are at stake. Abortion is a painful, private decision best left up to a woman and her doctor. It is simply not the government's business. Please vote no on this amendment.

Tommy Evans, M.D.
Scottsdale

ARGUMENT "AGAINST" PROPOSITION 110

We, the undersigned Southern Arizona clergy, hold in high respect the value of potential human life; we do not take the question of abortion lightly. Human life is the precious gift of God. As clergy of diverse faiths and denominations, we hold varying viewpoints as to when abortion is morally justified. But it is exactly this plurality of belief which leads us to the conviction that the decision whether and when to bear children must be made by the individual, on the basis of conscience and personal religious beliefs and free from government interference.

We respect the rights of those who differ from us, and who believe that a woman must always bring a fetus to term. But we are unalterably opposed to the enactment of laws which would impose on all Americans one religious belief about the beginning of human life.

The Supreme Court rulings which set the legal precedent for individual decision-making about childbearing, appropriately reflect the need of our society to respect moral and religious diversity and trust in the dignity of women. We affirm these rulings, and we view the possible reversal and continued erosion of these decisions with alarm. Therefore, we pledge our strong support for women's reproductive rights, and for the availability of contraceptive care and safe, legal abortion, adoption, and prenatal services, for all women who need them.

Freedom to say yes to entering the life-bearing process, which also means the freedom to say no, is constitutive of the sacred covenant of life itself.

Rev. William H. Jacobs
Desert Dove Christian Church
Tucson

Rabbi Joseph S. Weizenbaum
Temple Emanu-El
Tucson

Rev. Anita Iceman
Southern District Superintendent
Desert Southwest Conference
United Methodist Church
Tucson

Clergy for Choice

ARGUMENT “AGAINST” PROPOSITION 110

Arizonans are heirs to a priceless heritage of freedom, liberty and justice of limited government – and unlimited opportunity.

That is why we must vote NO on Proposition 110. It simply goes against our Arizona heritage.

Proposition 110, a proposed amendment to the Arizona Constitution, contains the following provisions:

- * It makes abortion, except to save a woman’s life, a crime.
- * It leaves the question of specific exceptions for rape or incest up to the Legislature.
- * It creates a new class of individuals under state law – the “preborn”.
- * It provides for court-appointed “special guardians” – licensed attorneys charged with representing the interests of the “preborn”.

Enshrining these provisions in our constitution will mean a tremendous increase in the power, duties and cost of state government. It will signal the end of our proud Arizona tradition of personal liberty, limited government and freedom of choice.

State government already has a multitude of powers and responsibilities. It is dangerous, unwise and extreme to expand these powers and responsibilities at the expense of average citizens.

I strongly believe that abortion is a private, personal decision, best left to a woman, her doctor and her family. Taking away this power of individual decision, in favor of total government control, is a direct assault upon the rights and liberties of every citizen.

I respect those who disagree, who believe that state government must become the instrument for outlawing abortion in Arizona. But by the same token, we must oppose the attempt of a minority to impose its own religious viewpoint upon those of us who do not share it.

Personal liberty, freedom of choice, limited government – these traditions have built a great state. They remain vital to Arizona’s future. This precious heritage must be preserved. Please vote NO on Proposition 110.

Bruce Babbitt
Phoenix
Jeanne Connell
Co-Chair
Pro-Choice Arizona
Tucson

Joanne Goldwater
Scottsdale
Sue Mulligan
Treasurer
Pro-Choice Arizona
Phoenix

Pro-Choice Arizona

ARGUMENT “AGAINST” PROPOSITION 110

This amendment, banning nearly all abortion in Arizona, is a clear example of truly excessive governmental intrusion into the private lives of its citizens. The appropriate role of government should not include interference in decision making properly reserved to women and families; in this area, the principle of “less government is the best government” should surely prevail.

Fiscal responsibility should also be a hallmark of effective government. Accordingly, one must oppose this amendment upon the grounds that its financial consequences could be devastating to our state. Our taxpayers would not only be obliged to bear the court costs associated with efforts to prevent abortions (section 4); we also would be liable for the hundreds of thousands, perhaps millions of dollars required to defend this amendment against the inevitable challenges to its constitutionality.

It is much to our credit as Americans and Arizonans that we have established and maintained a tradition of separation of church and state. Showing respect for the religious imperatives of all faiths means refraining from incorporating one particular religious perspective into public policy. Let us also preserve this time-honored tradition of tolerant coexistence by defeating this amendment.

Senator Ann Day
Republican, District 12
Tucson

ARGUMENT “AGAINST” PROPOSITION 110

In 1939, the Arizona legislature criminalized abortion, mandating prison terms for those who performed them as well as the women who requested them. Thankfully, in 1973, the Roe v. Wade decision invalidated these laws and returned to women the control of their personal lives.

The sponsors of this amendment seem to be willing to send us back to the days when dangerous self-induced and deadly back-alley abortions were routine. In banning perhaps 99% of all abortions for Arizona women, this measure ignores the lessons of the past, when women desperate to control their fertility were forced by the government to make desperate choices.

Then, as now, only the most vulnerable women in our society suffered the consequences of such prohibitions, while women of means, somehow, managed to access safe abortion. If this extreme measure is passed, only those who are poor, young or living in remote areas will once again be forced to choose between government-enforced childbearing and illegal, dangerous measures to terminate their pregnancies. Predictably, forcing the disadvantaged among us to bear children they cannot support will reinforce the hopeless cycle of poverty without providing the information and means to prevent pregnancy in the first place.

According to the most recent Supreme Court decision, the right to choose abortion continues to be guaranteed by the U.S. Constitution. On behalf of my pro-choice colleagues, I urge Arizonans to vote NO on this amendment and thereby preserve the rights of their fellow citizens to make personal, private decisions without governmental interference.

Chuck Blanchard
Democrat, District 25
Phoenix

ARGUMENT “AGAINST” PROPOSITION 110

This amendment would force the government to police the most intimate areas of people’s lives: reproductive decisions. This amendment assumes that the problems of unplanned or unwanted pregnancy can be solved by law. Experience and compassion show that assumption to be false.

Desperate women wanting abortions will still obtain them. Those who can afford to travel to nearby states will do so; those who cannot will have to choose between a back-alley abortion or government-imposed childbirth. Those women who are young, poor, or poorly educated will bear this burden.

This measure: FORBIDS ALL ABORTIONS except to save a woman’s life; has NO EXCEPTION included for a woman’s health; NO EXCEPTION included for rape or incest, unless the legislature passes it later; and NO EXCEPTION included for profound genetic fetal anomaly.

This amendment: gives any lawyer the right to represent a fetus against its mother — opening the door to hundreds of lawsuits at taxpayer expense; strips women who obtain abortions of their Fifth Amendment right against self-incrimination — forcing them to testify against physicians and others who might have helped them obtain an abortion; and leads to the re-emergence of an illicit, back-alley abortion industry.

We firmly believe this amendment is seriously flawed, both as law and as social policy. Further government intrusion in our private lives and further restrictions on personal freedom must be stopped.

We, therefore, urge all Arizona voters to reject this amendment.

VOTE NO PROPOSITION NO. 110.

Karen Carter Owens
President
Board of Directors
Planned Parenthood of Central and
Northern Arizona

Sally Lehmann
Vice President
Board of Directors
Planned Parenthood of Central and
Northern Arizona

Bridget Riceci-Byrne
President
Board of Directors
Planned Parenthood of
Southern Arizona

Patricia H. Waterfall
Vice President, Development
Board of Directors
Planned Parenthood of
Southern Arizona

ARGUMENT “AGAINST” PROPOSITION 110

As an American, Arizonan and Republican, I urge you to vote “No” against the Anti-Choice Amendment – the proposed amendment to the Arizona Constitution.

Conservative Republicans oppose government interference in the private lives of our citizens. It stands against the continued erosion of individual liberty and personal freedom. All Republicans condemn wasteful government spending that robs our taxpayers and cripples our economy.

This amendment flies in the face of these traditional Republican principles. It expands the power of government, invades our individual and family privacy – and raids our state treasury at taxpayer’s expense.

This amendment is not “common sense:” it is extreme, dangerous nonsense!

The proposed amendment would ban abortions except when necessary to save a woman’s life. The Legislature might – or *might not* – make an exception in cases of *reported* rape or incest. Serious health risks to the woman or certainty of severe birth defects could *never* be grounds for a legal abortion. The result: more power for the politicians and the government – less for average Arizonans.

Equally outrageous is the fact that one section of this amendment appears to prohibit public funding – while another section provides for court-appointed “special guardians” charged with representing the legal interests of the “preborn!” In plain English, this means that the taxpayers of Arizona would be forced to subsidize lawyers so they could investigate the private lives of women and their families. Worst of all, passing this proposed amendment would not stop abortions. Instead, it would lead to an explosion of illegal, back-alley abortions. It might also encourage desperate women to accuse innocent men of sexual assault in hopes of obtaining a legal abortion.

Stand up for personal liberty and freedom of choice. Vote “No” on the Anti-Choice Amendment.

Janie Sperry
Phoenix

BALLOT FORMAT

<p style="text-align: center;">PROPOSITION 110</p> <p style="text-align: center;">PROPOSED AMENDMENT TO THE CONSTITUTION BY THE INITIATIVE</p> <p>OFFICIAL TITLE THE PREBORN CHILD PROTECTION AMENDMENT TO THE ARIZONA CONSTITUTION.</p> <hr/> <p>DESCRIPTIVE TITLE AMENDING ARIZONA CONSTITUTION TO PROHIBIT ABORTION EXCEPT TO SAVE THE MOTHER'S LIFE AND, AS PROVIDED BY THE LEGISLATURE, IN CASES OF REPORTED RAPE OR INCEST; PROHIBIT USE OF PUBLIC FUNDS FOR ABORTION; PROHIBIT CIVIL OR CRIMINAL LIABILITY OF A WOMAN HAVING ABORTION; PROVIDE FOR ATTORNEY GUARDIAN FOR PREBORN.</p>		
<p style="text-align: right;">PROPOSITION 110</p> <p>A "yes" vote shall have the effect of establishing a Constitutional prohibition of abortion except to save the life of the mother or as further provided by the Legislature in cases of reported rape or incest.</p> <p>A "no" vote shall have the effect of not adding a Constitutional prohibition concerning abortion.</p>	<p>YES</p> <p>NO</p>	<p style="text-align: center;">➔</p> <p style="text-align: center;">➔</p>

PROPOSITION 200

OFFICIAL TITLE **AN INITIATIVE MEASURE**

RELATING TO GAME AND FISH: DEFINING UNLAWFUL METHODS OF TAKING WILDLIFE; AND ADDING SECTION 17-301(D), (E) AND (F) TO ARIZONA REVISED STATUTES TO DEFINE LAWFUL METHODS OF TAKING OR CAPTURING WILDLIFE, SPECIFICALLY BANNING CERTAIN LETHAL AND/OR DANGEROUS DEVICES, ALLOWING THE USE OF IMPLEMENT IN HAND AND ALLOWING NON-LETHAL RESEARCH METHODS OF CAPTURE.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the people of Arizona:

The following amendments, amending Section 17-301, Arizona Revised Statutes by the addition of new paragraphs 17-301(D), 17-301(E) and 17-301(F) are proposed to become valid when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor.

SECTION 1. DECLARATION OF POLICY

A. Arizonans have a strong commitment to the public lands of our State. Only 17% of our State is privately owned. The rest of our land and the creatures on it are one of our most precious and valuable resources. Today, we are using our public lands more and more for recreation. We appreciate the wildlife of our State and acknowledge its existence for its own sake and not for our inhumane exploitation. The leghold trap, and other devices, pose a growing threat to our safety and the safety of our pets. The cruelty these devices bring to those animals that share the land with us can no longer be tolerated.

B. It is the intention and desire of the people of Arizona to make our public lands safe and humane for all creatures found on Arizona's public lands. We desire to manage our wildlife and protect our property by humane and non-lethal methods. We, therefore, propose the following initiative.

SECTION 2. Section 17-301 is amended to read, in addition to 17-301(A), (B), (C), by the addition of paragraph 17-301(D), (E) and (F):

17-301(D) All other provisions of this title notwithstanding, including A.R.S. Section 17-302, it shall be unlawful to take wildlife on any state-owned land or leased land or other public lands, including, but not limited to, lands administered by the National Forest Service, the Bureau of Land Management, National Park Service, Department of Defense, Arizona Parks Department, and any county or municipality with any leghold trap, and conibear style trap of the instant kill or body-gripping type design, any snare, explosive, poison, stupefying substance, flammable or pyrotechnic device, except where necessary to protect human health and safety as may be determined from time to time by county or city boards of health or local health departments.

17-301(E) No restriction in paragraph D shall prohibit the taking of wildlife with guns or other implements in hand as may be defined and/or regulated from time to time by the Commission.

17-301(F) No restrictions in paragraph D shall prohibit the use of snares, stupefying substances or nets to temporarily detain wildlife for scientific research projects or studies or relocation, nor prohibit use of poisons or stupefying substances by the Department to manage aquatic wildlife as may be regulated by the Commission from time to time.

ANALYSIS BY LEGISLATIVE COUNCIL

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

Proposition 200 begins with a "Declaration of Policy" that cites the recreational and wildlife values associated with public land in Arizona and states that "the leghold trap, and other devices" cannot be tolerated and that the people of Arizona "desire to manage our wildlife and protect our property by humane and nonlethal methods."

Proposition 200 would make it illegal to use certain methods of taking wildlife on state, county, municipal and public lands and property. The listed devices that would be prohibited are “any leghold trap, and conibear style trap ..., any snare, explosive, poison, stupefying substance, flammable or pyrotechnic device”. This restriction, in section 2 of the proposition should not prohibit:

1. Regulated hunting or fishing with guns or other “implements in hand”.
2. Using snares, stupefying substances or nets to temporarily detain wildlife for scientific research projects or studies or for relocation.
3. The use of poisons or stupefying substances by the state game and fish department to manage aquatic wildlife.
4. The use of a prohibited device when a county or city board of health or local health department determines it necessary to protect human health and safety.

The protected animals would include all wild mammals, wild birds and their nests and eggs, reptiles, amphibians, mollusks, crustaceans and fish, including their eggs and spawn.

These restrictions and conditions would only apply to activities on federal, state and other public property. They would not apply to activities on private property.

LEGISLATIVE COUNCIL ARGUMENTS FAVORING PROPOSITION 200

Leghold traps, snares, explosives, etc. are no longer needed. They are cruel to wild animals and dangerous to people and pets. Proposition 200 will establish a state policy that as we enter the 21st Century we are no longer hostile to the creatures on this planet and that our wildlife resources must be protected from the lingering pain and suffering inflicted by traps.

Proposition 200 only prohibits the use on state, county, municipal and public lands of traps and devices that specifically pose a threat to people and their pets and that inflict undue pain and suffering on wildlife. Proposition 200 allows trapping to continue using humane devices, such as wire cage live box traps. If it becomes necessary to protect human health and safety, leghold and other traps could still be used with the approval of the local health authorities.

LEGISLATIVE COUNCIL ARGUMENTS OPPOSING PROPOSITION 200

All human activity, not only trapping, affects wildlife. Proposition 200 would establish a state policy that goes far beyond traps and trapping and which, if it were implemented as the policy of the state, would prohibit not only trapping but hunting and fishing.

Proposition 200 would prohibit the only effective methods for controlling pest animals such as the coyote, which is a major threat to both person and property in this state. No other state has thus handcuffed its state wildlife management agency. In all other states where the prohibition of trapping has been placed before the voters of a state, they have soundly rejected the issue. The practice of wildlife management by voter decree is highly undesirable because it removes the ability of a knowledgeable state agency to provide for a healthy and abundant wildlife resource for all citizens to enjoy, as well as the flexibility to effectively protect endangered species.

Proposition 200 would also make it more difficult to control rats and mice in schools, libraries, dormitories and other government property where people live and work. They would have to get permission from the local health authorities before trapping or poisoning rats or mice.

ARGUMENT “FOR” PROPOSITION 200

Vote YES on Proposition 200. The heart of this proposition reflects our concerns about the use of Arizona’s public lands for commercial purposes. The public has become greatly concerned about the acceptability of commercial activities on our public lands and the safeguards needed to protect the environment and the growing number of people using our public lands for recreation. Our natural heritage, both resources and wildlife, must be protected from needless exploitation.

Proposition 200

Proposition 200 seeks to ban the use of steel-jaw traps, body gripping traps, snares, poisons and other dangerous devices now used to trap wildlife on our public lands. This proposition pertains only to publicly owned lands where most trapping is done. Proposition 200 does NOT affect private property or the right of citizens to protect and use their own private land.

Proposition 200 does NOT interfere with the sports of hunting and fishing. In fact, the Office of the Attorney General has stated specifically that Proposition 200 will “not prohibit hunting and fishing activities.” It also does not interfere with the control of household pests such as rats, mice and gophers.

Proposition 200 allows the use of steel-jaw traps and other devices, if deemed necessary to protect human health and safety, as determined by a public health authority. Proposition 200 also contains specific provisions to ensure that necessary wildlife research and relocation may continue.

Steel-jaw traps are cruel, dangerous and non-selective and pose an increasing hazard to people and their pets. The brutality to wildlife and the inexcusable waste of wildlife that steel-jaw traps produce is appalling and undeniable. Alternatives to steel-jaw traps exist and should be used.

Vote YES on Proposition 200 and make our public lands safe and humane for all.

Gil Shaw
Chairman
Arizonans for Safety and
Humanity on Public Lands
Phoenix

Linda K. Wells
Treasurer
Arizonans for Safety and
Humanity on Public Lands
Phoenix

ARGUMENT “AGAINST” PROPOSITION 200

Prop 200 would virtually end wildlife conservation programs in Arizona.

The loss of sportsmen’s funding for conservation programs, by stopping hunting and fishing, would result in the elimination of approximately 70 percent of all employees of the Department of Game and Fish and 65 percent of the financial base of the state’s wildlife conservation programs.

This substantial loss of money and manpower would severely reduce or eliminate such essential programs as statewide wildlife law enforcement, game and nongame surveys, fish hatchery production and stocking, wildlife research, restocking of wildlife, maintenance and development programs necessary for wildlife enhancement and many more.

The Arizona Wildlife Federation urges you to vote NO on Proposition 200.

Lee A. Kohlhase
President
Arizona Wildlife Federation
Mesa

Jack H. Simon
Treasurer
Arizona Wildlife Federation
Phoenix

ARGUMENT “AGAINST” PROPOSITION 200

Arizona’s 7,800 family farmers and ranchers would be severely crippled by Prop 200. Arizona’s farmers and ranchers are stewards of the land, preserving vast amounts of open space and natural resources, as well as an irreplaceable part of our heritage. At the same time, this small percentage of the population produces wholesome and affordable food for all of us.

Farmers and ranchers produce \$1.9 billion of agricultural products which contributes \$5.0 million to our state’s economy. The ability to protect their production from predators and pests would be eliminated if the only management tool is “non-lethal methods”.

The Arizona Farm Bureau says farmers lose nearly \$1.5 million to raccoons, deer, rodents and other wildlife annually – with a direct cost to consumers of \$2.5 million by the time their produce arrives at the checkout lanes! If Prop 200 should pass, these costs would skyrocket!

Worse, The Arizona Cattlemen’s Association says ranchers’ loss of livestock to predators tops \$8,260,000 per year in Arizona. The direct cost to consumers is a whopping \$21 million! Again, without the ability to control predators such as coyotes, Prop 200’s cost to consumers of meat could exceed \$50 million annually!

Arizona's agricultural industry urges you to vote NO on Proposition 200.

Cecil Miller Jr.
President
Arizona Farm Bureau
Phoenix

Jack Metzger
President
Arizona Cattlemen's Association
Phoenix

Andy Kurtz
Executive Secretary and Chief
Administrative Officer
Arizona Farm Bureau
Phoenix

Sandy Naughton
Executive Vice President
Arizona Cattlemen's Association
Phoenix

ARGUMENT "AGAINST" PROPOSITION 200

The Arizona Citizen's Coalition On Resource Decisions (ACCORD) urges you to vote NO on Proposition 200. This Proposition represents a bigger issue than trapping methods. If enacted Proposition 200 will have a negative impact on communities and jobs in rural Arizona.

ACCORD's members represent a broad range of interests, but present a clear and unified voice that through the responsible management of our resources we will protect Arizona's future. Wildlife is a prime resource and we cannot allow special interest groups to manipulate its use.

Proposition 200 would usher in a totally untested and impractical regime for managing our resources which more than likely would have disastrous effects and jeopardize Arizona's future.

Arizona cannot afford the flight into fantasyland that Proposition 200 represents - and we are strongly opposed to its passage.

R. Bruce Whiting
President
Phoenix

Deborah Hoyler Campbell
Secretary/Treasurer
Phoenix

Arizona Citizen's Coalition on Resource Decisions (ACCORD)

ARGUMENT "AGAINST" PROPOSITION 200

If Prop 200 is passed on November 3rd, ALL wildlife and ALL public lands must be managed "... by humane and non-lethal methods.". The words are clear. Their adoption will end the sale of hunting and fishing licenses. No license sales will stop the revenues that operate the Arizona Game and Fish Department.

Sportsmen's money spent on licenses, tags and stamps as well as the federal excise tax revenues from sportsmen's purchases are distributed to Arizona Game and Fish Department. Prop 200 will stop those dollars. Without funding for the Game and Fish Department, there will be no agency to:

- inventory, identify and protect threatened and endangered species,
- administer Heritage Fund programs,
- pay for environmental education,
- pay for urban lakes fishing programs,
- maintain and operate fish hatcheries, and
- stop poaching.

If Prop 200 passes on November 3rd, hunting and fishing in Arizona could stop on November 4, 1992. The people who wrote Prop 200 and the animal rights groups that are backing it are part of the same cadre of animal rights activists that stopped the Special Elk Hunt in the Fall of 1991. If Prop 200 is passed, they'll use the courts to stop hunting and fishing in Arizona. The animal rights groups "play" the court system like a musical instrument. The animal activist chorus will be singing to an Arizona court judge, management "... by humane and non-lethal methods."

Proposition 200

The Officers and Board of the Tucson Rod & Gun Club, on behalf of our 3,300 members, urge all Arizonans to Vote NO on Prop 200. Voting NO on Prop 200 will be your guarantee that Arizona’s wildlife will be professionally managed.

Chuck Russell
President
Tucson Rod & Gun Club
Tucson

Jack M. Foster
Secretary
Tucson Rod & Gun Club
Tucson

ARGUMENT “AGAINST” PROPOSITION 200

People may have been lead to believe that this initiative would only prohibit the use of leghold traps. Quite to the contrary, Section 1, the “Declaration of Policy” would become a matter of law — giving Arizona a state animal rights policy heretofore unknown in the nation.

We believe enforcement of this policy would prohibit all recreational fishing, hunting and trapping plus it would prohibit current protection of property from damage by nuisance species such as rats and mice.

Gordon K. Whiting
Arizona State Game and Fish Commission
Central
Larry Taylor
Arizona State Game and Fish Commission
Yuma

Arthur Porter
Arizona State Game and Fish Commission
Phoenix
Nonie Johnson
Arizona State Game and Fish Commission
Snowflake

Elizabeth T. Woodin
Arizona State Game and Fish Commission
Tucson

Arizonans for Wildlife Conservation: Joe Melton, Chairman; Pete Cimellaro, Treasurer

ARGUMENT “AGAINST” PROPOSITION 200

The U.S. Forest Service has a long history of successful cooperation with the Arizona Department of Game and Fish in managing forest wildlife and fish.

I would oppose anything that eliminated hunting and fishing on our Arizona National Forests.

Hunting is the primary way that many animal numbers are managed. Without hunting, the forest’s vegetation would be severely damaged, triggering soil erosion and unstable watersheds, which in turn would make for an unhealthy environment for wildlife.

James L. Kimball
Forest Supervisor
Tonto National Forest
Phoenix

Arizonans for Wildlife Conservation: Joe Melton, Chairman; Pete Cimellaro, Treasurer

ARGUMENT “AGAINST” PROPOSITION 200

If Prop 200 passes, the effects will be devastating.

It will stop fishing and hunting, which in turn will cost the state’s economy \$2 billion and will bring the state’s wildlife programs to a halt.

It will usher in the entire radical animal rights agenda – can’t eat meat, and can’t use animals for medical research.

By stopping hunting and trapping, thus the ability to control wildlife populations, (a) diseases like rabies would spread to other wildlife and pets, (b) damage to farm crops would increase and (c) coyotes would kill more livestock on ranches and farms.

We urge you to vote NO on Proposition 200.

Joseph L. Melton
Chairman
Arizonans for Wildlife
Conservation
Yuma

Arthur Porter
Vice Chairman
Arizonans for Wildlife
Conservation
Phoenix

Peter Cimellaro
Treasurer
Arizonans for Wildlife Conservation
Phoenix

Arizonans for Wildlife Conservation: Joe Melton, Chairman; Pete Cimellaro, Treasurer

ARGUMENT "AGAINST" PROPOSITION 200

As stated by the Arizona Game and Fish Commission, Prop 200 would establish animal rights policy heretofore unknown in the nation.

Furthermore, as a journalist who has tracked the animal rights movement in Arizona and across the country, I can say with certainty that Prop 200 would usher in the entire animal rights agenda.

Ending hunting and fishing, by adopting as state policy the management of wildlife by "non-lethal methods", is only the beginning.

"Animal rights" sounds innocent enough. The advocates try to hide behind the smokescreen of "be kind to animals". In reality, they give the life of a rat or a pig the same value as that of a boy. Their aim is to prohibit the use of any animal, wild or domestic, for any purpose.

Not for food. Not for clothing. Not for medical research including the search for a cure for AIDS. No Hunting. No Fishing. No rodeos. No zoos. No pets.

The worst mistake the people of Arizona could make is to pass Proposition 200. I urge you in the strongest of terms to vote NO on Proposition 200.

Ben Avery
Respected outdoor columnist
and journalist
Phoenix

Bob Hirsch
Respected outdoor columnist
and journalist
Cave Creek

Arizonans for Wildlife Conservation: Joe Melton, Chairman; Pete Cimellaro, Treasurer

ARGUMENT "AGAINST" PROPOSITION 200

Prop 200 endangers wildlife.

Hunting and fishing license money pays for the protection of endangered species, for example desert tortoises and Peregrine falcons. If hunting and fishing are lost, that protection is lost.

Without the money, we could not protect the necessary habitat for these species nor maintain the law enforcement programs that are needed to eliminate poaching.

Law enforcement programs protect many species. For example, there is a substantial black market for elk, wild sheep, snakes and gila monsters. These species would be very heavily poached, possibly to extinction, without law enforcement protection.

Bruce Taubert
Wildlife Chief
Arizona Game and Fish Department
Glendale

Arizonans for Wildlife Conservation: Joe Melton, Chairman; Pete Cimellaro, Treasurer

ARGUMENT "AGAINST" PROPOSITION 200

Proposition 200 threatens our environment by taking dollars from wildlife.

Sportsmen now contribute every year \$23 million — two-thirds of all available funds — for wildlife conservation in Arizona. Some \$15 million comes from hunting and fishing license fees, and \$8 million comes from federal payments based on the number of licenses hunters and fishermen in the state. The federal money is derived from taxes borne by sportsmen on their purchases of hunting and fishing gear.

All this money would be lost if hunting and fishing were prohibited. There would be no more money for wildlife conservation programs or our taxes would have to be raised to make up the difference. Given the state's overall financial picture, raising general taxes for wildlife is unlikely to happen.

Duane L. Shroufe
Director
Arizona Game and Fish Department
Glendale

Arizonans for Wildlife Conservation: Joe Melton, Chairman; Pete Cimellaro, Treasurer

ARGUMENT "AGAINST" PROPOSITION 200

I'm opposed to Proposition 200, not just as a lifelong hunter, but as a human being who is vitally interested in the wildlife of Arizona, and the United States.

Hunting, since time began, has kept a livable relationship between man and wildlife.

Barry Goldwater
Scottsdale

Arizonans for Wildlife Conservation: Joe Melton, Chairman; Pete Cimellaro, Treasurer

BALLOT FORMAT

<p>PROPOSITION 200</p> <p>PROPOSED BY INITIATIVE PETITION</p>		
<p><u>OFFICIAL TITLE</u></p> <p style="text-align: center;">AN INITIATIVE MEASURE</p> <p>RELATING TO GAME AND FISH: DEFINING UNLAWFUL METHODS OF TAKING WILDLIFE; AND ADDING SECTION 17-301(D), (E) AND (F) TO ARIZONA REVISED STATUTES TO DEFINE LAWFUL METHODS OF TAKING OR CAPTURING WILDLIFE, SPECIFICALLY BANNING CERTAIN LETHAL AND/OR DANGEROUS DEVICES, ALLOWING THE USE OF IMPLEMENT IN HAND AND ALLOWING NON-LETHAL RESEARCH METHODS OF CAPTURE.</p>		
<p><u>DESCRIPTIVE TITLE</u></p> <p>AN ACT BANNING CERTAIN DEVICES AND SUBSTANCES FOR CERTAIN TAKING OF WILDLIFE ON PUBLIC LANDS, EXCEPT AS DETERMINED FOR HEALTH AND SAFETY; EXEMPTING FROM THIS BAN THE TAKING OF WILDLIFE WITH GUNS OR OTHER IMPLEMENTS IN HAND; ALSO STATING A POLICY OF HUMANE AND NON-LETHAL WILDLIFE MANAGEMENT AND PROPERTY PROTECTION.</p>		
<p>PROPOSITION 200</p>		
<p>A "yes" vote shall have the effect of banning the use of certain traps, devices, poisons and other substances for taking wildlife on public lands with certain exceptions and declaring a policy of humane, non-lethal wildlife management and property protection.</p>	<p>YES</p>	<p>➔</p>
<p>A "no" vote shall have the effect of not banning the use of certain traps, devices, poisons and other substances for taking wildlife on public lands and maintaining current game and fish laws.</p>	<p>NO</p>	<p>➔</p>

PROPOSITION 300

OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2011

A CONCURRENT RESOLUTION ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO LEGAL HOLIDAYS.

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

1. Under the power of the referendum, as vested in the Legislature, the following measure, relating to legal holidays, is enacted to become valid as a law if approved by a majority of the qualified electors voting thereon and on proclamation of the Governor:

AN ACT

AMENDING SECTION 1-301, ARIZONA REVISED STATUTES; RELATING TO LEGAL HOLIDAYS.

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

Section 1. Section 1-301, Arizona Revised Statutes, is amended to read:

1-301. Holidays enumerated

A. The following days shall be holidays:

1. Sunday of each week.
2. January 1, "New Year's Day".
- ~~3. Second Monday in February, "Lincoln Day".~~
3. THIRD MONDAY IN JANUARY, "MARTIN LUTHER KING, JR./CIVIL RIGHTS DAY".
4. Third Monday in February, "LINCOLN/Washington PRESIDENTS' Day".
5. Second Sunday in May, "Mothers' Day".
6. Last Monday in May, "Memorial Day".
7. Third Sunday in June, "Fathers' Day".
8. July 4, "Independence Day".
9. First Sunday in August, "American Family Day".
10. First Monday in September, "Labor Day".
11. September 17, "Constitution Day".
12. Second Monday in October, "Columbus Day".
13. November 11, "Veterans' Day".
14. Fourth Thursday in November, "Thanksgiving Day".
15. December 25, "Christmas Day".

B. When any of the holidays enumerated in subsection A falls on a Sunday, the following Monday shall be observed as a holiday, with the exception of the holidays enumerated in subsection A, paragraphs 1, 5, 7, 9 6, 8, and 11.

C. When any of the holidays enumerated in subsection A, paragraphs 2, 8, 13 and 15 falls on a Saturday, the preceding Friday shall be observed as a holiday.

D. When the holiday enumerated in subsection A, paragraph 11 falls on a day other than Sunday, the Sunday preceding September 17 shall be observed as such holiday.

2. The Secretary of State is directed to submit this measure to the people at the polls, and to cause to be printed on the official ballot at the next regular general election the title and number thereof, as provided by article IV, part 1, section 1, Constitution of Arizona.

**FINAL VOTE CAST BY THE LEGISLATURE ON HCR 2011
(PROPOSITION 101)**

House — Ayes, 40	Senate — Ayes, 25
Nays, 11	Nays, 4
Not Voting, 7	Not Voting, 1
Vacancies, 2	

ANALYSIS BY LEGISLATIVE COUNCIL

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

Proposition 300 establishes a Martin Luther King, Jr./Civil Rights paid state legal holiday and combines the Lincoln Day holiday and the Washington Day holiday into one holiday known as Lincoln/Washington Presidents’ Day so that there is no increase in the number of paid state legal holidays.

**LEGISLATIVE COUNCIL ARGUMENTS FAVORING
PROPOSITION 300**

The passage of Proposition 301 would honor Martin Luther King, Jr. for his contributions to the civil rights movement through nonviolent social change and would honor the civil rights movement itself and its goal of achieving equality for all persons regardless of race, creed or color. Proposition 300 would affirm that Arizona should be a place where freedom and equality for all persons are respected and revered.

The passage of Proposition 300 would not cost the state additional money because the number of paid holidays would remain the same. Lincoln Day and Washington Day would be combined into one holiday known as Lincoln/Washington Presidents’ Day.

Proposition 300 would enrich the American ideal that all people are created equal which was the dream of our nation’s founders and Martin Luther King, Jr.

Arizona should join the federal government and all of the rest of the states in the nation that have established holidays honoring Martin Luther King, Jr.

**LEGISLATIVE COUNCIL ARGUMENTS OPPOSING
PROPOSITION 300**

Martin Luther King, Jr.’s life and work are too recent in our memory to know what his true place in history will be. We should wait to see how history judges him before we honor him with a holiday.

Martin Luther King, Jr. was just one of many people involved in the civil rights movement. Instead of singling him out, the holiday should be called only “civil rights” day or “equality” day to honor everyone involved in the civil rights movement.

The passage of Proposition 300 would diminish our respect for President Washington and President Lincoln by taking away independent celebrations or each man’s achievements and contributions to this nation. It is wrong to lump together Lincoln Day and Washington Day into one holiday along with all the other presidents.

An unpaid Martin Luther King, Jr. holiday was proclaimed by a former governor.

ARGUMENT “FOR” PROPOSITION 300

Voting YES on Proposition 300 will accomplish the following things:

- 1) Affirm our fundamental American principle that all people are created equal under God,
- 2) Recognize our vital constitutional protection of equal rights for all individuals,
- 3) Recognize the crucial role of Dr. Martin Luther King, Jr./ in using non-violence to achieve equal rights for all people,
- 4) Adopt the national model honoring the Martin Luther King, Jr./Civil Rights Day and combining the celebration of our great Presidents into one Lincoln/Washington Presidents’ Day,

- 5) Keep Columbus Day as a state holiday,
- 6) Keep the total number of state holidays at ten — so that THERE ARE NO ADDED STATE COSTS.

There is a movement toward freedom and democracy around the world today. At the heart of that struggle, the words of Dr. Martin Luther King, Jr. have been used. From Chinese students in Tiananmen Square to people in East Germany who brought down the “wall”, the teachings of Dr. King were quoted and served as an inspiration.

VICTORY TOGETHER is the broad-based coalition of persons from Arizona who are working to help secure for Arizona Proposition 300, the Martin Luther King, Jr./Civil Rights Day.

The Martin Luther King, Jr./Civil Rights Day is for all people, just as VICTORY TOGETHER embraces people from all walks of life.

The Steering Committee is comprised of persons like Rev. Bill Jamieson, Deacon of the Trinity Cathedral; Lisa Loo, of the Arizona Asian American Association; Jack Pfister, Arizona Civic Leader; Rosie Lopez, of the Arizona Hispanic Community Forum; Larry Hecker, Tucson Civic Leader; Joy Hanley, of the Affiliation of Arizona Indian Centers; Robert Kravitz, a Rabbi; Steve Roman, a businessman; Jane Manning, a Northern Arizona University educator; and Dr. Warren Stewart, an African-American Protestant Clergyman. From around the state, we urge you to vote YES on Proposition 300.

Dr. Warren H. Stewart, Sr.
Pastor, First Institutional Baptist Church
President
VICTORY TOGETHER Steering Committee
Phoenix

Mrs. Lisa Loo
Vice President
VICTORY TOGETHER Steering Committee
Phoenix

Jack Henry
Treasurer
VICTORY TOGETHER Steering Committee
Phoenix

ARGUMENT “FOR” PROPOSITION 300

As life long residents of Arizona we favor a paid Martin Luther King Holiday. We need to resolve this issue and move forward together to build a better Arizona. The MLK holiday will not cost additional money and will bring Arizona into conformity with the Federal Government and forty-nine other states.

The principle promised in the Declaration of Independence that all men are created equal and that there are no second class citizens has been made secure in the United States as the result of the movement led by Dr. King.

Because of the efforts of Dr. King and those who worked with him, all citizens have equal rights before the law, and this principle is firmly established. This achievement ranks in importance, in establishing a free society without discrimination, as among the most important in the history of our nation.

He taught love rather than hate and employed correct methods in achieving his goal. Throughout his struggle he used nonviolent methods. He taught that the people had to bury their weapons and conquer oppression through the power of love. “This is the beauty of nonviolence,” he said, “it says you can struggle without hating, you can fight war without violence.”

The principle established benefits all citizens. Those who occupy positions of majority and those who occupy positions of minority in any nation are always subject to change. With the principle firmly established that all are created equal and have equal rights before the law, all citizens are benefitted. We are all children of the same God, Dr. King has taught us that because God is no respecter of persons, neither should we be.

Brent Whiting Brown
Gilbert

Marilyn Dessie Brown
Gilbert

Virginia Shelley
Mesa

J. Lamar Shelley
Mesa

Ross Farnsworth
Mesa

Stan Turley
Mesa

L. Harold Wright
Mesa

Ken Driggs
Mesa

ARGUMENT "FOR" PROPOSITION 300

We senior citizens are privileged to support Proposition 300. This proposition follows the U.S. model which created a separate Martin Luther King, Jr./Civil Rights Day, made possible by combining the observance of Washington and Lincoln's birthdays into a single President's Day.

We Arizona seniors, coming here from throughout the United States, have seen and sometimes personally experienced all forms of prejudice and discrimination including age discrimination. Thus, Dr. King's teaching of equal rights for all people and his untiring fight to free America of discrimination has great meaning to us seniors.

In this day of social distress, we uphold his teachings of non-violent social changes. All of us have lived during the decades when America was going through traumatic social changes which could have led to catastrophic violence. Dr. King was a beacon of light and a bulwark of strength to guide America on the path of non-violence. That concept on non-violence is so vital to America today.

We urge you to Vote YES on Proposition 300, securing for Arizona a legal Martin Luther King, Jr./Civil Rights Day, at no cost to the Arizona taxpayer.

Betty Alpert
Peoria

Hawley Atkinson
Sun City

Robert A. Hart
Sun City West

Gloria Russell
Sun City

Victory Together: Dr. Warren H. Stewart, Sr., President; Jack Henry, Treasurer

ARGUMENT "FOR" PROPOSITION 300

Almost everyone in the college setting was not yet born when Dr. Martin Luther King, Jr. lived and exercised such a profound influence upon America. But we have read about his great impact during a critical time in American life.

Those changes that came to America seem positive to us. We know there is still much prejudice in America today, but we cannot conceive of the lifestyle of people before the impact of Dr. King. Because of the positive impact he had upon America, we want to keep his dream alive so that our lives, and those of the children we will have can grow up in a nation that lives out the concept of liberty and justice for all.

As we study the life of Dr. King, we see that he helped to establish all of these dramatic changes with a peaceful non-violent style of leadership. In our violent age, we see that this is still a philosophy and style of life that needs to be lived out here in America.

Proposition 300

For these reasons, we urge a YES vote on Proposition 300. As a state, we need to take this day to remember and recommit ourselves on an annual basis to the ideals of freedom and equality of all people. Vote YES on Proposition 300.

Matthew L. Capalby
A.S.U. Students for VICTORY TOGETHER
Tempe

M. Rae Bivin
A.S.U. Students for VICTORY TOGETHER
Tempe

Victory Together: Dr. Warren H. Stewart, Sr., President; Jack Henry, Treasurer

ARGUMENT “AGAINST” PROPOSITION 300

A NO vote on Proposition 300 will have the effect of retaining a holiday for George Washington on his birthday and for Abraham Lincoln on his birthday. A NO vote will also deny a paid holiday for Martin Luther King Jr. It is our opinion that both George Washington, the Father of our Country, and Abraham Lincoln, the Great Emancipator, are more important to the history of our country than Martin Luther King Jr.

Because of the many recognized character flaws and the un-American activities of Martin Luther King Jr., it is a frightening phenomenon that we are even considering such an honor. The Vietnam War veterans can not soon forget the treasonous efforts of Mr. King while they risked their lives on our behalf.

It is also a travesty of justice to consider a holiday for a man so soon after his death, while the fourteen four-drawer file cabinets of FBI materials regarding his questionable activities remain sealed by court order until the year 2027.

We need to be more selective in whom we choose to give this country’s “highest honor possible”.

Arizona can be a shining star by standing up for moral values and patriotism by voting NO on Proposition 300.

Robert O. Rose
Chairman
NO-NO COMMITTEE
Phoenix

Tim Rose
Treasurer
NO-NO COMMITTEE
Mesa

BALLOT FORMAT

<p style="text-align: center;">PROPOSITION 300</p> <p style="text-align: center;">AN ACT PROPOSED BY THE LEGISLATURE</p> <p>OFFICIAL TITLE</p> <p style="text-align: center;">HOUSE CONCURRENT RESOLUTION 2011</p> <p>A CONCURRENT RESOLUTION ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO LEGAL HOLIDAYS.</p> <hr/> <p>DESCRIPTIVE TITLE</p> <p>AN ACT ESTABLISHING A MARTIN LUTHER KING, JR./ CIVIL RIGHTS DAY ON THE THIRD MONDAY IN JANUARY AS A PAID STATE HOLIDAY AND CONSOLIDATING THE PAID STATE LINCOLN AND WASHINGTON DAY HOLIDAYS INTO A SINGLE LINCOLN/WASHINGTON PRESIDENTS' DAY HOLIDAY.</p>		
<p style="text-align: right;">PROPOSITION 300</p> <p>A "yes" vote shall have the effect of establishing a Martin Luther King, Jr./Civil Rights Day as a state holiday and consolidating the Lincoln and Washington Day holidays into a single Presidents' Day holiday.</p> <p>A "no" vote shall have the effect of not establishing a Martin Luther King, Jr./Civil Rights Day holiday.</p>	<p>YES</p> <p>NO</p>	<p style="text-align: center;">➔</p> <p style="text-align: center;">➔</p>

PROPOSITION 301

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

The Commission on Salaries for Elective State Officers recommends that the salary for state legislators should be increased to \$19,748 for the 1993-1994 term of office. This increase would reflect one-half of the change in the consumer price index based on the average of the annual percentage changes in the consumer price index for both years of the 1981-82 term, when the present salary of \$15,000 per year became effective and calculated in the same manner cumulatively for each subsequent term of office through the 1989-1990 term, including the average of the estimated annual percentage changes in the consumer price index for 1991 and 1992. For the next two terms of office beginning with 1995-1996 and ending with 1997-1998 the salary for state legislators should be changed by the percentage equal to the average of the annual percentage changes in the consumer price index for the two most recent calendar years for which the consumer price index has been published before the beginning of the term of office. The salary for the 1997-1998 term should then continue for future terms until a change is approved by a vote of the people. The consumer price index is the index for all urban consumers (all items; U.S. city average) as published by the Department of Labor, Bureau of Labor Statistics.

Marilyn Evans, Chairman

P. Robert Fannin, Member
John Mangum, Member

Suzan Beer O'Neill, Member
Allan Stanton, Member

BALLOT FORMAT

PROPOSITION 301		
<p>RECOMMENDATION 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.</p>		
<p>DESCRIPTIVE TITLE PROVIDING AN INCREASE IN ANNUAL SALARY OF STATE LEGISLATORS FROM \$15,000 TO \$19,748 BEGINNING IN JANUARY 1993 AND INCREASING ANNUAL SALARY FOR TERMS BEGINNING IN JANUARY 1995 AND 1997 BY A PERCENTAGE CHANGE BASED ON THE CONSUMER PRICE INDEX AS RECOMMENDED BY THE COMMISSION ON SALARIES FOR ELECTED STATE OFFICERS.</p>		
<p>"SHALL THE RECOMMENDATIONS OF THE COMMISSION ON SALARIES FOR ELECTED STATE OFFICERS CONCERNING LEGISLATIVE SALARIES BE ACCEPTED ? <input type="checkbox"/> YES <input type="checkbox"/> NO"</p>		
PROPOSITION 301		
<p>A "yes" vote shall have the effect of increasing state legislator annual salaries beginning in January 1993 to \$19,748 and increasing the annual salary for the terms beginning in both 1995 and 1997 by a percentage increase based on the consumer price index.</p>		YES →
<p>A "no" vote shall have the effect of maintaining state legislator annual salaries at \$15,000.</p>		NO →

THE REFERENDUM PETITIONS SEEKING TO PUT **PROPOSITION 302** ON THE BALLOT ON THE BALLOT HAD NOT BEEN FILED AT THE TIME OF THE PRINTING OF THIS PAMPHLET. PLEASE REVIEW THE SAMPLE BALLOT TO BE DELIVERED TO YOUR HOUSEHOLD BEFORE THE GENERAL ELECTION TO DETERMINE WHETHER OR NOT **PROPOSITION 302** HAS QUALIFIED FOR THE BALLOT.

PROPOSITION 302

OFFICIAL TITLE

REFERENDUM ORDERED BY PETITION OF THE PEOPLE

ORDERING THE SUBMISSION TO THE PEOPLE OF AN ACT AMENDING TITLE 37, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLES 2.1; AMENDING SECTIONS 37-231 AND 37-604, ARIZONA REVISED STATUTES; AMENDING TITLE 37, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 37-261; RELATING TO STATE LANDS.

TEXT OF PROPOSED AMENDMENT

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

Section 1. Title 37, chapter 2, Arizona Revised Statutes, is amended by adding article 2.1, to read:

ARTICLE 2.1. PRIVATE PROPERTY RIGHTS PROTECTION

37-220. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "CONSTITUTIONAL TAKING" OR "TAKING" MEANS DUE TO A GOVERNMENTAL ACTION PRIVATE PROPERTY IS TAKEN SUCH THAT COMPENSATION TO THE OWNER OF THAT PROPERTY IS REQUIRED BY EITHER:

(a) THE FIFTH OR FOURTEENTH AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES.

(b) ARTICLE II, SECTION 17 OF THE CONSTITUTION OF ARIZONA.

2. "GOVERNMENTAL ACTION" OR "ACTION":

(a) MEANS:

(i) PROPOSED RULES AND EMERGENCY RULES BY A STATE AGENCY THAT IF ADOPTED AND ENFORCED MAY LIMIT THE USE OF PRIVATE PROPERTY.

(ii) PROPOSED OR IMPLEMENTED LICENSING OR PERMITTING CONDITIONS, REQUIREMENTS OR LIMITATIONS TO THE USE OF PRIVATE PROPERTY.

(iii) REQUIRED DEDICATIONS OR EXACTIONS FROM OWNERS OF PRIVATE PROPERTY BY A STATE AGENCY.

(b) DOES NOT INCLUDE:

(i) ACTIVITY IN WHICH THE POWER OF EMINENT DOMAIN IS EXERCISED FORMALLY.

(ii) REPEALING RULES DISCONTINUING GOVERNMENTAL PROGRAMS OR AMENDING RULES IN A MANNER THAT LESSENS INTERFERENCE WITH THE USE OF PRIVATE PROPERTY.

(iii) LAW ENFORCEMENT ACTIVITY INVOLVING SEIZURE OR FORFEITURE OF PRIVATE PROPERTY FOR VIOLATIONS OF LAW OR AS EVIDENCE IN CRIMINAL PROCEEDINGS.

(iv) ORDERS THAT ARE AUTHORIZED BY STATUTE, THAT ARE ISSUED BY A STATE AGENCY OR A COURT OF LAW AND THAT WERE THE RESULT OF A VIOLATION OF STATE LAW.

3. "PRIVATE PROPERTY" MEANS ANY REAL OR PERSONAL PROPERTY IN THIS STATE THAT IS PROTECTED BY EITHER:

(a) THE FIFTH OR FOURTEENTH AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES.

(b) ARTICLE II, SECTION 17 OF THE CONSTITUTION OF ARIZONA.

4. "STATE AGENCY" MEANS AN OFFICER OR UNIT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT THAT IS AUTHORIZED BY LAW TO ADOPT RULES. STATE AGENCY DOES NOT INCLUDE THE LEGISLATIVE OR JUDICIAL BRANCHES OF STATE GOVERNMENT.

37-221. Constitutional taking guidelines and checklist

A. THE ATTORNEY GENERAL SHALL ADOPT GUIDELINES TO ASSIST STATE AGENCIES IN THE IDENTIFICATION OF GOVERNMENTAL ACTIONS THAT HAVE CONSTITUTIONAL TAKING IMPLICATIONS.

B. IN FORMULATING THE GUIDELINES, THE ATTORNEY GENERAL SHALL OBSERVE THE FOLLOWING PRINCIPLES:

1. STATE AGENCIES SHALL BE SENSITIVE TO, ANTICIPATE AND ACCOUNT FOR THE OBLIGATIONS IMPOSED BY THE FIFTH AND FOURTEENTH AMENDMENTS OF THE CONSTITUTION OF THE UNITED STATES AND ARTICLE II, SECTION 17 OF THE CONSTITUTION OF ARIZONA IN PLANNING AND CARRYING OUT GOVERNMENTAL ACTIONS TO AVOID IMPOSING UNANTICIPATED OR UNDUE ADDITIONAL BURDENS ON THE PUBLIC TREASURY.

2. GOVERNMENTAL ACTIONS THAT ARE TAKEN BY STATE AGENCIES AND THAT RESULT IN A PHYSICAL INVASION OR OCCUPANCY OF PRIVATE PROPERTY AND ACTIONS THAT AFFECT VALUE OR USE MAY CONSTITUTE A TAKING OF PRIVATE PROPERTY.

3. GOVERNMENTAL ACTION MAY AMOUNT TO A TAKING EVEN THOUGH THE ACTION CONSTITUTES LESS THAN A COMPLETE DEPRIVATION OF ALL USE OR VALUE OR OF ALL SEPARATE AND DISTINCT INTERESTS IN THE SAME PRIVATE PROPERTY OR THE ACTION IS ONLY TEMPORARY IN NATURE.

4. STATE AGENCIES WHOSE GOVERNMENTAL ACTIONS ARE SPECIFICALLY TO PROTECT PUBLIC HEALTH AND SAFETY ARE ORDINARILY GIVEN BROADER LATITUDE BY COURTS BEFORE THEIR ACTIONS ARE CONSIDERED TO BE TAKINGS. HOWEVER, THE MERE ASSERTION OF A PUBLIC HEALTH AND SAFETY PURPOSE IS INSUFFICIENT TO AVOID A TAKING. THEREFORE, ACTIONS THAT ARE PURPORTEDLY TO PROTECT THE PUBLIC HEALTH AND SAFETY SHALL BE:

(a) TAKEN ONLY IN RESPONSE TO REAL AND SUBSTANTIAL THREATS TO PUBLIC HEALTH AND SAFETY.

(b) DESIGNED TO ADVANCE SIGNIFICANTLY THE HEALTH AND SAFETY PURPOSE.

(c) NO GREATER THAN NECESSARY TO ACHIEVE THE HEALTH AND SAFETY PURPOSE.

5. ALTHOUGH NORMAL GOVERNMENTAL PROCESSES DO NOT ORDINARILY CONSTITUTE TAKINGS, UNDUE DELAYS IN DECISION MAKING THAT INTERFERE WITH PRIVATE PROPERTY USE CARRY A RISK OF BEING HELD TO BE A TAKING. IN ADDITION, A DELAY IN PROCESSING MAY INCREASE SIGNIFICANTLY THE SIZE OF COMPENSATION DUE IF A CONSTITUTIONAL TAKING IS LATER FOUND TO HAVE OCCURRED.

6. THE CONSTITUTIONAL PROTECTIONS AGAINST TAKING PRIVATE PROPERTY ARE SELF-EXECUTING AND REQUIRE COMPENSATION REGARDLESS OF WHETHER THE UNDERLYING AUTHORITY FOR THE ACTION CONTEMPLATED A TAKING OR AUTHORIZED THE PAYMENT OF COMPENSATION.

C. THE ATTORNEY GENERAL SHALL:

1. COMPLETE THE GUIDELINES ON OR BEFORE JANUARY 1, 1994.
2. REVIEW AND UPDATE THE GUIDELINES AT LEAST ON AN ANNUAL BASIS TO MAINTAIN CONSISTENCY WITH COURT RULINGS.

37-222. Constitutional taking; state agencies

A. THE ATTORNEY GENERAL SHALL DESIGNATE AN ASSISTANT ATTORNEY GENERAL, WHO IS COUNSEL FOR A STATE AGENCY, WHO SHALL DETERMINE WHETHER A PROPOSED GOVERNMENTAL ACTION HAS CONSTITUTIONAL TAKING IMPLICATIONS AND WHO IS RESPONSIBLE FOR ENSURING COMPLIANCE WITH THIS ARTICLE.

B. USING THE GUIDELINES PREPARED UNDER SECTION 37-221, THE STATE AGENCY SHALL PREPARE AN ASSESSMENT OF CONSTITUTIONAL TAKING IMPLICATIONS THAT INCLUDES AN ANALYSIS OF AT LEAST THE FOLLOWING ELEMENTS:

1. THE LIKELIHOOD THAT THE GOVERNMENTAL ACTION MAY RESULT IN A CONSTITUTIONAL TAKING, INCLUDING A DESCRIPTION OF HOW THE TAKING AFFECTS THE USE OR VALUE OF PRIVATE PROPERTY.
2. ALTERNATIVES TO THE PROPOSED GOVERNMENTAL ACTION THAT MAY:
 - (a) FULFILL THE GOVERNMENT'S LEGAL OBLIGATIONS OF THE STATE AGENCY.
 - (b) REDUCE THE IMPACT ON THE PRIVATE PROPERTY OWNER.
 - (c) REDUCE THE RISK OF A CONSTITUTIONAL TAKING.
3. AN ESTIMATE OF FINANCIAL COST TO THIS STATE FOR COMPENSATION, AND THE SOURCE OF PAYMENT WITHIN THE AGENCY'S BUDGET IF A CONSTITUTIONAL TAKING IS DETERMINED.

C. IN ADDITION TO THE GUIDELINES PREPARED UNDER SECTION 37-221, EACH STATE AGENCY SHALL ADHERE, TO THE EXTENT PERMITTED BY LAW, TO THE FOLLOWING CRITERIA IF IMPLEMENTING OR ENFORCING GOVERNMENTAL ACTIONS THAT HAVE CONSTITUTIONAL TAKING IMPLICATIONS:

1. IF AN AGENCY REQUIRES A PERSON TO OBTAIN A PERMIT FOR A SPECIFIC USE OF PRIVATE PROPERTY, ANY CONDITIONS IMPOSED ON ISSUING THE PERMIT SHALL DIRECTLY RELATE TO THE PURPOSE FOR WHICH THE PERMIT IS ISSUED, SHALL SUBSTANTIALLY ADVANCE THAT PURPOSE AND SHALL BE EXPRESSLY AUTHORIZED BY LAW.
2. ANY RESTRICTION IMPOSED ON THE USE OF PRIVATE PROPERTY SHALL BE PROPORTIONATE TO THE EXTENT THE USE CONTRIBUTES TO THE OVERALL PROBLEM THAT THE RESTRICTION IS TO REDRESS.
3. IF AN ACTION INVOLVES A PERMITTING PROCESS OR ANY OTHER DECISION MAKING PROCESS THAT WILL INTERFERE WITH, OR OTHERWISE PROHIBIT, THE USE OF PRIVATE PROPERTY PENDING THE COMPLETION OF THE PROCESS, THE DURATION OF THE PROCESS SHALL BE KEPT TO THE MINIMUM NECESSARY.
4. BEFORE TAKING AN ACTION RESTRICTING PRIVATE PROPERTY USE FOR THE PROTECTION OF PUBLIC HEALTH OR SAFETY, THE STATE AGENCY, IN INTERNAL DELIBERATIVE DOCUMENTS, SHALL:
 - (a) CLEARLY IDENTIFY, WITH AS MUCH SPECIFICITY AS POSSIBLE, THE PUBLIC HEALTH OR SAFETY RISK CREATED BY THE PRIVATE PROPERTY USE.
 - (b) ESTABLISH THAT THE ACTION SUBSTANTIALLY ADVANCES THE PURPOSE OF PROTECTING PUBLIC HEALTH AND SAFETY AGAINST THE SPECIFICALLY IDENTIFIED RISK.
 - (c) ESTABLISH, TO THE EXTENT POSSIBLE, THAT THE RESTRICTIONS IMPOSED ON THE PRIVATE PROPERTY ARE PROPORTIONATE TO THE EXTENT THE USE CONTRIBUTES TO THE OVERALL RISK.

(d) ESTIMATE, TO THE EXTENT POSSIBLE, THE POTENTIAL COST TO THE GOVERNMENT IF A COURT DETERMINES THAT THE ACTION CONSTITUTES A CONSTITUTIONAL TAKING.

D. IF THERE IS AN IMMEDIATE THREAT TO HEALTH AND SAFETY THAT CONSTITUTES AN EMERGENCY AND REQUIRES AN IMMEDIATE RESPONSE, THE ANALYSIS REQUIRED BY SUBSECTION B OF THIS SECTION MAY BE MADE WHEN THE RESPONSE IS COMPLETED.

E. BEFORE THE STATE AGENCY IMPLEMENTS A GOVERNMENTAL ACTION THAT HAS CONSTITUTIONAL TAKING IMPLICATIONS, THE STATE AGENCY SHALL SUBMIT A COPY OF THE ASSESSMENT OF CONSTITUTIONAL TAKING IMPLICATIONS TO THE GOVERNOR AND THE JOINT LEGISLATIVE BUDGET COMMITTEE.

ARGUMENT "FOR" PROPOSITION 302

Proposition 302 is good government and protects the fundamental right of private property upon which this country was built. Private property is the basis of economic development, economic stability and the creation of jobs. One only need look at the devastation in eastern Europe under a government where private property rights were non-existent. Economic and environmental chaos are more than evident under a system which doesn't respect the principles of private property ownership, use and husbandry.

This act establishes guidelines for state bureaucrats to follow when proposing new regulations. The guidelines will be developed by the State Attorney General and will be based upon recent court decisions, such as the Lucas case which says government must pay compensation whenever it adopts a regulation that eliminates all economic uses of property.

The Attorney General's guidelines will serve as an early warning system for state bureaucrats which alerts them that a proposed action may subject the state to financial liability. The act will not stop regulations to protect public health and safety. It will require a state to more carefully scrutinize its reason for regulating private property for the public good.

Please vote to protect private property rights and vote yes on Proposition 302.

Cecil H. Miller Jr.
President
Arizona Farm Bureau Federation
Phoenix

Andy Kurtz
Executive Secretary
Arizona Farm Bureau Federation
Phoenix

ARGUMENT "FOR" PROPOSITION 302

When the Government needs to take a citizen's property for the public benefit, the U.S. Constitution guarantees that the property owner receives reasonable compensation. That's fair. That's the way it should be.

Sometimes, though, the Government doesn't want to own a citizen's property, but decides it wants to control its use through regulation. When this happens, the property owner can no longer use his property for the purpose for which he purchased it. In the past, the property owner frequently received no compensation for this "regulatory taking." That's not fair. This referendum does something about such unfair takings.

This Private Property Rights Protection Referendum requires the Arizona Attorney General to create guidelines to help state agencies be aware of and sensitive to private property rights prior to taking away rights through regulation.

The Arizona Association of REALTORS defends private property rights as a basic freedom of our people. As American citizens we have the constitutional right to own and use property however we see fit, as long as our use is not dangerous or harmful to others. We support our government when it regulates property use to protect the rights of others. We draw the line when the government takes your property without paying for it.

We believe this simple approach to protecting Arizona's private property rights against unfair regulation is a good middle-of-the-road solution that deserves your support. Vote yes on this proposition.

Phyllis Murray
President
Arizona Association of REALTORS
Sedona

David A. Bixler
Vice President, Government Affairs
Arizona Association of REALTORS
Phoenix

ARGUMENT "FOR" PROPOSITION 302

The Legislature has enacted and the Governor approved important legislation to provide property owners protection from excessive bureaucratic regulation. The legislation requires state agencies to evaluate the impact proposed regulations would have on the use and value of private property. It also requires state agencies to consider alternatives which would have less adverse impact on private property and to notify the Legislature and the Governor when the proposed regulation is likely to require just compensation.

The requirements are not unduly burdensome and should assist the agencies by providing guidance on how they might carry out their statutory duties without unduly harming private property or creating an unexpected state liability.

The purpose of the U.S. and Arizona Constitutional requirements for just compensation when private property is taken for a public purpose is to assure that burdens are not placed on individuals which, in fairness and justice, should be borne by society at large. This bill was carefully crafted to prevent unnecessary takings and related litigation.

We fully support the principles and procedures to protect one of our most fundamental rights enunciated in Proposition 302.

Fred L. Zumwalt
Chairman
Greenlee County Board of Supervisors
Clifton

Donald R. Stacey
Member
Greenlee County Board of Supervisors
Clifton

Jack J. Seballos
Member
Greenlee County Board of Supervisors
Clifton

ARGUMENT "FOR" PROPOSITION 302

As owners of private property, we support legislation requiring state agencies to evaluate the impact of any new regulations on private property rights before they adopt such regulations. This law does not change the definition of a "taking" of private property, nor does it preclude agencies from regulation. But it will allow agency managers to better understand the effects of their regulations. If it looks like a "taking" is probable, they can adjust their regulations or at least budget for "just compensation" as required by the Fifth Amendment of the U.S. Constitution.

The U.S. Government is currently facing well over a BILLION dollars in outstanding private property "takings" claims. In 1990, several of the largest "takings" judgments in history were handed down, one totalling nearly \$120 million. In California, property owners who can afford legal costs are winning about 50% of their "takings" cases.

The fact that property owners who can afford to mount legal battles against their own government are winning in the courts is no great consolation. For every property owner who wins such a battle, there are thousands who lack either the time or the money to defend their rights in court.

We believe that respecting constitutional rights is a duty of government, not the individual.

Connie Wilhelm
Executive Vice President
Home Builders Association of Central Arizona
Phoenix

ARGUMENT “FOR” PROPOSITION 302

The Arizona Private Property Act is a law that offers protection to a broad array of people -- from the suburban homeowner to the rural rancher to the inner-city land owner. As such, it should be sustained by the entire spectrum of voters who will enjoy its benefits.

The law protects private citizens from those who act under the banner of environmentalism or some other cause and seek to deny them their rights. In emergency situations where public health and safety are at issue, state officials may defer compliance with the “takings” assessment process outlined in the act. In normal circumstances when the process is observed, it will cost little for State government to analyze the impact that proposed regulations will have on private citizens. In all likelihood it will save much -- in potential payouts to landowners who file claims and are upheld.

The U.S. Supreme Court recently affirmed the concept embraced in the Arizona Private Property Act and steered the same kind of middle ground that we in Arizona propose. The court ruled that a South Carolina man could collect compensation for being denied the use of his property, but it pointed out clearly that governments seeking to restrict the behavior of their citizens would not have their hands tied if they acted reasonably and in the public interest.

The private property law is a worthwhile enactment that places Arizona in the forefront nationally. Repeal would be contrary to the interests of Arizona citizens and would signal that this State is a place where the individual may be damaged in the name of the common good and then be denied recovery. Environmentalism and private property should be regarded as companion philosophies, and not antagonists -- as opponents of this law would have us believe.

Mark Killian
State Representative
District 30
Mesa

Gus Arzberger
State Senator
District 8
Willcox

ARGUMENT “FOR” PROPOSITION 302

Arizona Citizens’ Coalition On Resource Decisions firmly supports SB 1053 which protects private property ownership rights and urges you to vote YES in November for Proposition 302.

The constitution of the United States supports our right to own property and a recent Supreme Court decision validates these rights. No government agency can initiate a “taking” of private property without just cause and fair compensation.

SB 1053 protects the rights of private property owners in Arizona from any “taking” by a state agency and insures that “taking” issues are addressed before any agency action is begun, protecting property owners and reducing costly litigation. These procedures will prevent unconstitutional seizing of private property, and allow the state to evaluate the true costs of an agency action at a stage when the state can still decide if the action is advisable.

One of our most basic constitutional guarantees is the right to own property. We must safeguard that privilege and vote YES on Proposition 302.

R. Bruce Whiting
President
Arizona Citizens’ Coalition
on Resource Decisions
Phoenix

Sandy Naughton
Vice President
Arizona Citizens’ Coalition
on Resource Decisions
Phoenix

ARGUMENT “FOR” PROPOSITION 302

The Arizona Cattlemen’s Association staunchly supports SB 1053 signed by the Governor into law and passed to protect private property ownership rights and urges you to vote YES in November for Proposition 302.

To have the government protect our private property and our right to its use, control and disposition is as fundamental a civil right as is our right to have the government protect our rights to freedom of assembly, our right to freedom of religion, our right to free speech, and our right to vote.

A YES vote on this initiative will require that the State of Arizona protect our property rights with the same diligence as it protects the balance of our civil rights. A YES vote will serve to buttress every civil right we have.

Jack Metzger
President
Arizona Cattlemen’s Association
Flagstaff

ARGUMENT “FOR” PROPOSITION 302

Government of the people, by the people and for the people is not just some high sounding rhetoric. Our American system is built on the concept of individual rights and responsibilities.

This, the greatest nation on the face of the earth was built by individual initiative. We are the sons and daughters of those who tamed the wilderness, spanned the continent, and created technological marvels to improve the quality of life for all of us.

These accomplishments were not always without risk or without tremendous personal sacrifice. The efforts not always successful. The common denominator, however, was and continues to be economic freedom. Without economic freedom there can be no individual freedom.

Today excess government regulation threatens the very freedoms we used to take for granted - the freedoms that made our country great - the freedom to invest ones toil and ones treasure to strive to achieve a slice of the American dream.

Arizona’s Private Property Rights Act helps protect that which we most take for granted. To launch a referendum against your property rights by cleverly calling their attack on your personal liberties, “Take Back Your Rights” is misleading at best. A more correct title would be “Give Government More of Your Rights”. Something none of us should want to do.

We urge all Arizonans to vote “Yes” to preserve your Private Property Rights Act.

Tracy Thomas
Chairman
The Lincoln Caucus
Paradise Valley

Sydney Hoff
President
The Lincoln Caucus
Scottsdale

ARGUMENT “FOR” PROPOSITION 302

It may seem unusual to have the Teamsters and the National Federation of Independent Business on the same side of an issue. But on this we can agree: the Private Property Rights Act will foster the growth of jobs by keeping in check the government bureaucracy’s desire to control.

Both organized labor and small business owners understand that economic growth is fostered when government respects the private ownership of property.

The Private Property Rights Act (PPRA) simply says that the State of Arizona should be aware if new state regulations have an impact on the worth of private property. The PPRA acts to encourage government to be careful not to financially hurt individuals through their actions.

Those opposing private property rights are using the theme "Take Back Your Rights." In reality they want Government to trample on citizens rights of quiet enjoyment of their hard earned property by giving the bureaucracy the ability to seize the worth of property without compensation.

We urge you to vote "YES" for your right to private property.

W.T. Moser
Teamsters Union Local 104
Phoenix

Timothy F. Mooney
National Federation of Independent
Business
Phoenix

Samantha Omey
National Federation of Independent Business
Phoenix

ARGUMENT "AGAINST" PROPOSITION 302

We strongly urge a NO vote on this proposition. This law is truly a "sham and a shame", as the Tribune Newspapers described it, and serves only the powerful industry groups which paid to get it through the State Legislature and signed by the Governor.

The truth is, our private property rights are already fully guaranteed protection by both the Arizona and United States Constitutions. In fact, proponents could not cite one instance of a state agency takings of property. What this law really does is place industry profits ahead of anything else, regardless of who gets hurt.

Some of what this law does:

* Children, senior citizens and workers could be neglected — or worse — while state bureaucrats argue with corporate lawyers over health and safety standards.

* Long term human and environmental health will be secondary to immediate short term profits. Health and safety standards that do more than protect against immediate sickness or death (as do current air pollution standards that protect against future cancers) could be challenged as "takings" that would have to be compensated for by taxpayers.

* Creates more government red tape and taxpayer cost. Four new levels of bureaucratic review are required for new regulations, and that means more delay and more government expense.

* The cost of building roads and freeways could increase exponentially.

The average citizen won't win a game with rules like this. But the corporate lobbyists and the elected officials they influenced are betting that we'll let them get away with it.

Don't let them! Just say NO to a law only money could buy, and take back your rights to a clean, healthful community.

Laura M. Watson
Treasurer
Take back your RIGHTS!
Phoenix

Joni Bosh
Chairman
Take back your RIGHTS!
Phoenix

ARGUMENT "AGAINST" PROPOSITION 302

Arizona Common Cause urges all Arizona Citizens to vote NO on this referendum. This law is part of an effort to make it increasingly difficult to enact or enforce environmental, health and safety, or consumer protection laws. These efforts are primarily sponsored by the polluting and extractive industries and are designed to erode standards of community protection.

This legislation is generally referred to as regulatory "takings" legislation, and in this case its effect is to "take" away your rights to clean air and water, it "takes" away your right to public health and safety, and it "takes" away your right to consumer protection. Don't be fooled by industry's talk about protecting private

property. This law is designed to protect their bottom line and will be ruinous to your pocketbook and dangerous to your health.

Common Cause believes that this is clearly an issue of moneyed special interests trying to undermine the public interest. It changes the role of the government from being a mediator in developing solutions to problems to being the special-interest industries' advocate and ally against the public interest. Moreover, it leaves taxpayers holding the bag for cleaning up those industries' messes. The net effect of allowing this legislation to become law would mean adding millions of dollars to the cost of running state government or failing to enforce the laws that protect public health and safety.

If you're angry about what deregulation did to the Savings and Loan industry and how much you will have to pay to clean up that mess, you should fear for your health and safety because of unregulated activities set loose by this law. This law gives license to polluters and sticks the taxpayer with the cost of paying for their excesses, as in the Savings and Loan debacle. Vote NO on this proposition.

Dana B. Larsen
Executive Director
Arizona Common Cause
Phoenix

ARGUMENT "AGAINST" PROPOSITION 302

We ask you to vote "NO" on Proposition 302 for the sake of protecting our environment and preserving the regulations which protect the quality of life in our neighborhoods.

Proposition 302, which is referred to as private property rights legislation, would prevent the citizens of Arizona from enforcing environmental and land use regulations that protect the health, safety, welfare and property rights of all citizens.

Although its supporters, which include developers and special interest groups, would have us to believe otherwise, a vote for Proposition 302 would mean that property owners whose activities harm the public would be protected, while every new rule and regulation proposed by a public agency to protect the people of Arizona would have to pass four layers of new bureaucratic review before it could be enforced.

Neighborhood groups have worked hard to provide an opportunity for more control in the city planning process. In effect, Proposition 302 could invalidate these neighborhood supported regulations that allow government to enhance the quality of life. Voter-approved initiatives like the Phoenix property maintenance code which has helped clean up our neighborhoods and protect our property values will be at risk.

We urge all voters throughout the state not to be fooled by the misleading phrases used by developers and special interests who want to pass this proposition. Please support our efforts to leave control with the neighborhoods and vote "NO" on Proposition 302.

Barbara Wyllie
Board Member
Neighborhood Coalition
of Greater Phoenix
Phoenix

Pat Coultrap
Board Member
Neighborhood Coalition
of Greater Phoenix
Phoenix

ARGUMENT "AGAINST" PROPOSITION 302

WHAT PROPOSITION 302 DOES NOT DO:

- *It does not protect the property rights of Arizona Taxpayers.*

WHAT PROPOSITION 302 DOES:

- It protects the wallets of the "fat cats" by giving special breaks to property used for commercial, industrial and agricultural purposes.
- It forces taxpayers to pay polluters not to pollute. For instance, cotton growers could spray pesticides adjacent to schools and homes until the State pays them not to.

- It blocks State environmental and health agencies from taking responsible action to protect community health and safety. Polluters could continue to use and dispose of toxic chemicals until a substantial threat to the public is proven.
- It creates four new layers of unwieldy bureaucratic red tape, forcing State environmental and health agencies to conduct exhaustive studies and meet elaborate legal tests or face court challenges for their actions to protect us. And all this paid for by Arizona taxpayers.

WHAT PROPOSITION 302 IS:

- A drain on the already depleted State Treasury.
- A lawyer’s employment act.
- A threat to the public’s health and to Arizona’s environment.

Vote no on Proposition 302. *Send a message to our state legislators.* It’s time they said no to the political influence peddling of “special interests” that has too long dominated state politics. It’s time they said yes to protecting the health and the pocketbooks of Arizona taxpayers.

Sharon Bronson
 Chair
 The Neighborhood Coalition
 of Greater Tucson
 Tucson

Richard Edison
 Treasurer
 The Neighborhood Coalition
 of Greater Tucson
 Tucson

ARGUMENT “AGAINST” PROPOSITION 302

The Sierra Club urges you to vote NO on this proposition. This law is an attempt to fool the voters into giving away environmental and other community protections to big industry.

This law purports to protect property rights, something we all value. But what it really does is put selected economic interests ahead of the average citizen’s right to a healthful environment and a safe workplace.

But even worse, this law could mean that Arizona taxpayers will actually pay polluters not to pollute!

If this law is allowed to stand, logging and grazing interests could challenge programs which protect wildlife and recreation on our public lands if their private profits would be impacted in any way.

Mining companies and incinerator operators could demand compensation from the rest of us for any pollution controls to prevent potential threats — such as future cancers — beyond the minimum necessary to avoid immediate sickness or death.

Under this law, new Arizona environmental programs would face four additional bureaucratic reviews. At the least, this means needless delay and increased costs to taxpayers for bigger state government — but for potentially less environmental protection.

The environmental horrors of communist Eastern Europe resulted directly from the state pursuing industrial development regardless of the cost to communities or individual rights. This law is a big step in that same direction.

It’s no coincidence that the biggest polluters and land abusers in the state support this law. Don’t let our environment be sacrificed for their economic gain. Vote NO on this proposition.

Craig O’Hare
 Chapter Conservation Chair
 Sierra Club – Grand Canyon Chapter
 Phoenix

Mike Contessa
 Chapter Political Chair
 Sierra Club – Grand Canyon Chapter
 Phoenix

THE REFERENDUM PETITIONS SEEKING TO PUT **PROPOSITION 302** ON THE BALLOT ON THE BALLOT HAD NOT BEEN FILED AT THE TIME OF THE PRINTING OF THIS PAMPHLET. PLEASE REVIEW THE SAMPLE BALLOT TO BE DELIVERED TO YOUR HOUSEHOLD BEFORE THE GENERAL ELECTION TO DETERMINE WHETHER OR NOT **PROPOSITION 302** HAS QUALIFIED FOR THE BALLOT.

BALLOT FORMAT

<p>PROPOSITION 302</p> <p>REFERENDUM ORDERED BY PETITION OF THE PEOPLE</p> <p>OFFICIAL TITLE</p> <p>ORDERING THE SUBMISSION TO THE PEOPLE OF AN ACT AMENDING TITLE 37, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLES 2.1; AMENDING SECTIONS 37-231 AND 37-604, ARIZONA REVISED STATUTES; AMENDING TITLE 37, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 37-261; RELATING TO STATE LANDS.</p> <hr/> <p>DESCRIPTIVE TITLE</p> <p>AN ACT REQUIRING GUIDELINES AND CERTAIN CRITERIA BEFORE STATE AGENCIES MAY TAKE GOVERNMENTAL ACTION, INCLUDING FOR NON-EMERGENCY PROTECTION OF PUBLIC HEALTH AND SAFETY, THAT MAY RESULT IN TAKING PRIVATE REAL OR PERSONAL PROPERTY OR AFFECT ITS USE OR VALUE; REQUIRING THAT THE ATTORNEY GENERAL DEVELOP GUIDELINES AND ASSIST STATE AGENCIES.</p>		
<p>PROPOSITION 302</p>		
<p>A "yes" vote shall have the effect of approving the private property provisions passed by the 1992 Legislature.</p>	<p>YES</p>	<p>➔</p>
<p>A "no" vote shall have the effect of not approving the private property provisions passed by the 1992 Legislature.</p>	<p>NO</p>	<p>➔</p>

NOTES

NOTES

VOTER'S GUIDE

This form is for your convenience to mark your choices after studying the Publicity Pamphlet. This page may be detached from the pamphlet and taken to the polling place General Election day November 3, 1992, to assist you in voting your ballot.

Proposition 100 **Yes** **No**

Repealing the runoff election provision.

Proposition 101 **Yes** **No**

Extending the Mine Inspector's term of office.

Proposition 102 **Yes** **No**

Allowing the state to exchange state trust land for public or private lands.

Proposition 103 **Yes** **No**

Requiring that the death penalty be administered by lethal injections.

Proposition 104 **Yes** **No**

Regarding adjustments to the base spending limit of a city, town or county.

Proposition 105 **Yes** **No**

Allowing Pima and Maricopa Counties to choose a charter form of government.

Proposition 106 **Yes** **No**

Increasing the maximum debt limit for school districts.

Proposition 107 **Yes** **No**

Limiting terms of congressmen and state officeholders.

Proposition 108 **Yes** **No**

Requiring a two-thirds vote for legislation increasing state revenues.

Proposition 109 **Yes** **No**

Regarding the selection of appointed judges.

Proposition 110 **Yes** **No**

Prohibit abortion except to save the mother's life or in cases of reported rape or incest.

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

Wildlife management and the taking of wildlife on public lands.

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

Establish a Martin Luther King, Jr./Civil Rights Day.

Proposition 301 **Yes** **No**

Recommendation to increase the salaries of Legislators.

Proposition 302 **Yes** **No**

Taking or affecting use or value of private property by government action.

VOTER REGISTRATION

Arizona residents may register to vote by mail. Forms are available at government offices and public locations throughout the state. Forms may also be requested from the county recorder's office in each county. **Registrations must be received by the county recorder 29 days prior to the election.**

Arizona residents in the military, their spouses and dependents stationed outside the state may register until the election but must have their registration forms returned to the county recorder's office in their county of residence by 7:00 p.m. on election day.

The last day to register for the 1992 General Election is October 5, 1992, at 12:00 midnight.

ABSENTEE VOTING

A registered voter may vote by mail in Arizona elections beginning 33 days prior to the election. A signed request for an absentee ballot must be made in writing to the county recorder and include:

1. Name and address as registered
2. Birthdate
3. Election for which ballot is requested
4. Address to which ballot is to be mailed
5. Signature of the requestor

Requests for absentee ballots may be made 93 days prior to the election and until 5:00 p.m. on the Friday prior to the election. Absentee ballots returned by 7:00 p.m. on election day will be counted. Registered voters also have the option of voting in the county recorder's office beginning 33 days prior to election day and until 5:00 p.m. on the Friday before the election.