

## **PROPOSITION 103**

### **OFFICIAL TITLE**

#### **SENATE CONCURRENT RESOLUTION 1014**

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA;  
AMENDING ARTICLE VII, SECTION 10, CONSTITUTION OF ARIZONA;  
RELATING TO PRIMARY ELECTION LAW.

### **TEXT OF THE AMENDMENT**

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

1. Article VII, section 10, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the governor:

10. Direct primary election law

Section 10. The Legislature shall enact a direct primary election law, which shall provide for the nomination of candidates for all elective State, county, and city offices, including candidates for United States Senator and for Representative in Congress. ANY PERSON WHO IS REGISTERED AS NO PARTY PREFERENCE OR INDEPENDENT AS THE PARTY PREFERENCE OR WHO IS REGISTERED WITH A POLITICAL PARTY THAT IS NOT QUALIFIED FOR REPRESENTATION ON THE BALLOT MAY VOTE IN THE PRIMARY ELECTION OF ANY ONE OF THE POLITICAL PARTIES THAT IS QUALIFIED FOR THE BALLOT.

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 SCR 1014**

House - Ayes, 38	Senate - Ayes, 16
Nays, 14	Nays, 14
Not Voting, 8	Not Voting, 0
Senate Concurs in House Amendments and Final Passage	
Ayes, 22	
Nays, 7	
Not Voting, 1	

### **ANALYSIS BY LEGISLATIVE COUNCIL**

#### **(In Compliance With A.R.S. Section 19-124)**

Proposition 103 would amend the Arizona Constitution to allow any registered voter in the state to vote in a partisan primary election.

This proposition would allow a person who is registered as an independent or with no party preference or a person who is registered as a member of a political party that is not qualified to appear on the ballot (sometimes called a "minor party") to vote, as chosen by the person, in the primary election of one of the four major political par-

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ties. Under current law, only voters who are registered members of one of the four major political parties (Democrat, Libertarian, Reform or Republican) are eligible to vote in the party's primary election. Voters registered in a major political party would be allowed to vote only in their own party's primary election.

### ARGUMENT "FOR" PROPOSITION 103

I urge you to vote "yes" on Proposition 103.

In Arizona, almost 14% of our registered voters have chosen to register listing no party preference, as "independent," or as members of small political parties which are not recognized in this state. Under current state law, none of these registered voters are able to vote in primary elections because only members of "recognized" parties -- in 1998, they are the Democrats, Libertarians, Reform, and Republican -- are allowed to vote in the parties' primary elections. If you vote "yes" on Proposition 103, these voters -- 306,994 as of March 1, 1998 -- will be given a voice in the primary elections.

Independent and small party voters pay for the primary elections through their tax dollars. They should be permitted to participate in the decisions that are made during those elections.

Vote "yes" on Proposition 103.

Jane Dee Hull  
Governor  
Phoenix

### ARGUMENT "FOR" PROPOSITION 103

Proposition 103, Direct Primary Elections, would allow any person who is registered as an independent or with no party preference or is registered to a party that is not represented on the ballot to vote in the primary election of the major political parties. The process would allow the voter to select the party's ballot for which he wishes to vote, however, if registered with a major political party, a person would have to vote that party's ballot.

Proposition 103 would open up the political process to more persons and at the same time not incur the great increase in expense to the taxpayer and candidates that Proposition 106, the Wealthy Politician Act, would create.

This proposition would still allow political parties to elect their own nominee for the general election. It will provide any voter the opportunity to express their views in a primary election.

It is fair, less costly than Proposition 106 and just more sensible.

Mike Hellon  
Chairman  
Arizona Republican Party  
Phoenix

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### ARGUMENT “FOR” PROPOSITION 103

Proposition 103 is a fair and reasonable measure allowing greater participation in the election process. Proposition 103 will allow *registered* Independents and other minor parties to participate in primaries in a meaningful way, because it allows them to choose the primary in which they want to vote. For example, a registered Independent could go to the polls on primary election day and request a ballot for the Democratic primary. This would enable the Independent to cast a meaningful vote without destroying the integrity of the nominating process.

Contrast that to the wrongheaded notions in Proposition 106 which would allow *anybody* to vote in either primary, regardless of their registration. Democrats voting as Republicans and Republicans voting as Democrats is a perversion of the process and could lead to abuses where members of one party try to unfairly influence the nomination of the other party’s candidate.

Proposition 103 recognizes that registered Independents are intelligent voters who sometimes *lean* toward Republican values and other times *lean* toward Democratic ideas. That type of voter is a welcome addition to either party and their participation will help strengthen the system.

In addition, Proposition 103 will have very little impact on the cost of campaigns and elections as the parties reach out to Independents and try to bring them into the fold. By contrast, states with blanket primaries like that envisioned by Proposition 106 -- California and Washington, for example -- have seen campaign spending **double** since the adoption of the blanket open primary. If you are concerned that there is too much money in political campaigns, don’t vote for Proposition 106.

On the other hand, if you are an Independent, or a member of either party who wants to see our electoral system strengthened, join me in voting yes on Proposition 103.

John Shadegg, Congressman  
Phoenix

Paid by John Shadegg for Congress

### ARGUMENT “FOR” PROPOSITION 103

Vote “Yes” on Open primaries that includes independent electors. This supports our concept of a representative form of government. We must be more inclusive with independent voters, but not at the expense of the established 2 party system. This Open Primary solution is the only solution that helps all electors.

Mark Lewis  
SRP Councilman  
District 7  
Scottsdale

### ARGUMENT “FOR” PROPOSITION 103

#### “True Open Primary - Proposition 103”

The Maricopa County Democratic Committee (Democrats!) urges you to vote “Yes” on Propostion 103. We are your neighbors: the grass roots precinct workers who obtain signatures for candidates, seek first-time office, and staff the polls. We agree

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that Independents and non-partisan voters should not be excluded in the primary election. We believe this will increase voter turnout and interest.

We oppose Proposition 106, which establishes a “blanket” primary election. A “blanket” primary creates a real danger of election mischief, at a very great financial cost to candidates. Proposition 106 permits rampant party cross-over voting. Proposition 103 does not permit it. Under Proposition 106, cross-over voting is unrestricted and would become common, particularly for voters of one party whose candidate in the primary is uncontested. The true open primary system, Proposition 103, is a better idea because it would not permit party voters to ignore their own choice of party and create mischief in another political party. Democrats and Republicans should vote in their own party’s primary election.

If a “blanket” primary system is adopted, Arizona voters will be the losers because political debate will be stifled. Candidates will hesitate to express strong positions on issues. Candidates of great personal wealth will enjoy the largest advantage since they can better afford to appeal to the many new eligible primary voters. In these days of voter apathy, the reality is that the Democratic and Republican parties are the chief generators of political interest, particularly for races that are not well publicized. Strong political parties presently provide nearly all candidates who seek public office: rarely are they Independents. Proposition 103 won't restrict voter choice or increase the advantage of wealthy candidates.

Vote Yes - true “open” Primary Proposition. 103; “No” on blanket Primary Proposition 106.

David Eagle, Chairman  
Maricopa County Democratic Committee  
Phoenix

### ARGUMENT “AGAINST” PROPOSITION 103

The volunteers of Arizona Common Cause, who work every day on Arizona government reform issues, believe that the time has come for open primaries in Arizona, as it will bring a wider selection of better candidates into the elective system. This measure, crafted by the present members of the legislature, would not achieve that goal, but would create a sham version of election reform. Proposition 106, further down this ballot, is the authentic measure that Arizonans should support. We urge you to vote “NO,” however, on Proposition 103.

Rod Engelen, State Chairman  
Common Cause of Arizona  
Phoenix

### ARGUMENT “AGAINST” PROPOSITION 103

In the last election, the Arizona Libertarian Party invited voters registered as Independents to vote in our primary election. We did this as a way of asserting the principle that political parties must govern their own internal structure and policies, and the state has no authority in those areas.

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Now the state wants to *require* Arizona's political parties to open their primaries to all comers, whether or not they share the principles and interests most important to those political parties.

Sorry, that's simply not right. Just as a party can choose to *include* outsiders in its primary elections, it can choose to *exclude* them -- as has been customary in Arizona and elsewhere.

This proposition is an attempt to dodge a serious problem raised in several lawsuits against the state by Libertarians: Independent voters are taxed to pay for primary elections they can't vote in -- a transparent case of "taxation without representation." As usual, government's solution isn't to stop the taxation, but rather to seek the illusion of representation.

Vote "NO." Once the state can dictate the internal structure and operations of political parties, the form of government you have is no longer a representative republic. For more information about this position, or any other ballot item, please visit <http://www.lpaz.org>.

John Buttrick Libertarian Candidate for State Representative, District 25 Phoenix	Rex Warner Libertarian Candidate for U.S. Senator Goodyear	Ray Price Libertarian Candidate for Treasurer Scottsdale
Gary Fallon Libertarian Candidate for State Senator, District 24 Phoenix	Tom Rawles Libertarian Candidate for Governor Mesa	Robert Anderson Libertarian Candidate for U.S. Congress, District 6 Phoenix
Kent Van Cleave Libertarian Candidate for State Senator, District 25 Phoenix	Fran Van Cleave Chairman, Arizona Libertarian Party Phoenix	Ernest Hancock Chairman, Maricopa County Libertarian Party Phoenix

## ARGUMENT "AGAINST" PROPOSITION 103

Legislative Proposal to Change Arizona's Primary Elections (NO)

The Legislature and the special interests that often control it are afraid of a truly open primary. They are scared of a process which encourages more participation and a broad cross-section of candidates. This is understandable: they are the ones who have benefitted the most from the current system. They always want the status quo.

However, the people have the trump card in Arizona. When it became obvious that the Open Primary Initiative was going to be successful, they scurried to find some way to salvage the situation. They came up with this Proposal, hoping it will confuse the issue or at least soften the blow. Do not fall for it. Recognize it as a desperate attempt by incumbent politicians and special interests to hang on to what they've got, at your expense as a voter and a citizen of Arizona.

In addition, they have inadvertently proposed a system which could be the death knell for political parties in our state. Under the Open Primary Initiative, you as a voter have the ability to choose your candidate, regardless of party, in each race.

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Under the legislature's plan, you only have that right if you are registered Independent or Non-Partisan. Therefore, it is to the advantage of every voter to abandon the political parties and register as an Independent. This is a bad plan. The Open Primary Initiative makes sense and will change Arizona for the better. You should vote YES on this Initiative. The Legislature's proposal to change Arizona's Primary Elections is all too typical of what we have seen in recent years: special interests and politicians slap together something for their own benefit that is ultimately bad for everybody. You should vote NO on the Legislature's Proposal.

Grant Woods	Paul Johnson
Arizona Attorney General	Co-chairman/O.P.E.N. Coalition
Co-chairman/O.P.E.N Coalition	Phoenix
Phoenix	

### ARGUMENT "AGAINST" PROPOSITION 103

#### ARGUMENT AGAINST LEGISLATIVE INITIATIVE

Placed on the ballot to confuse voters by a contemptuous legislature, this initiative merely allows voters registered as "Independent" to choose a political party during a primary election, and vote for candidates only from that political party. It gives an Independent the right to vote as a Republican or Democrat only. This makes no sense! If an Independent wanted to vote strictly for Republicans or Democrats, he or she would have chosen that party affiliation when registering to vote. The fact that the voter chose to be an Independent, means he or she wanted the option to select the best candidate for each office--not the party.

Because this is the only change the legislature proposed to make to the current primary election laws, it is not enough. All voters should be allowed to vote for the candidate that best represents the voters views, regardless of any political party affiliation. This is the only way that candidates and elected officials (as well as political parties) will become responsive to the general public, rather than to the small number of party loyalists and special interest groups who now control the primary elections. The only way this can be accomplished is by having truly open primaries, not just by allowing Independents to choose a political affiliation.. Vote NO on this proposal.

Lucia Fakonas Howard  
Attorney at Law  
Phoenix

Paid for by the Open Primary Elections Now Coalition; Paul Johnson, Co-Chair

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**BALLOT FORMAT**

**PROPOSITION 103**

**PROPOSED AMENDMENT TO THE CONSTITUTION  
BY THE LEGISLATURE**

<p><b><u>OFFICIAL TITLE</u></b> SENATE CONCURRENT RESOLUTION 1014 PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE VII, SECTION 10, CONSTITUTION OF ARIZONA; RELATING TO PRIMARY ELECTION LAW.</p>
<p><b><u>DESCRIPTIVE TITLE</u></b> AMENDING ARIZONA CONSTITUTION TO ALLOW VOTERS REGISTERED AS INDEPENDENTS, NO PARTY DESIGNATION, OR MEMBERS OF A PARTY WITHOUT BALLOT RECOGNITION TO VOTE IN THE PARTISAN PRIMARY OF THEIR CHOICE OF 1 OF THE 4 CURRENTLY- RECOGNIZED POLITICAL PARTIES.</p>

**PROPOSITION 103**

<p>A “yes” vote shall have the effect of allowing voters registered as independents, no party designation, or members of a party without ballot recognition to vote in the partisan primary of their choice of 1 of the 4 currently-recognized political parties.</p>	<p>YES <input type="checkbox"/></p>
<p>A “no” vote shall have the effect of retaining the current Primary Election system, permitting only those voters who are registered in a recognized political party to vote for candidates on the ballot of the political party in which they are registered.</p>	<p>NO <input type="checkbox"/></p>

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