

PROPOSITION 301

OFFICIAL TITLE

REFERENDUM PETITION

REFERENDUM ORDERED BY PETITION OF THE PEOPLE

AN ACT

AMENDING SECTIONS 13-901.01, 13-3420, 13-4304 AND 13-4314, ARIZONA REVISED STATUTES; RELATING TO DRUG OFFENSES.

TEXT OF THE AMENDMENT

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

Sec. 2. Section 13-901.01, Arizona Revised Statutes, is amended to read:

13-901.01. ~~Probation for persons convicted of possession and use of marijuana, a dangerous drug or a narcotic drug; treatment; prevention; education~~

A. ~~Notwithstanding any law to the contrary, any~~ A person who is convicted of ~~the personal~~ A FIRST OR SECOND possession or use of a ~~controlled substance as defined in section 36-2501~~ shall be MARIJUANA IN VIOLATION OF SECTION 13-3405, SUBSECTION A, PARAGRAPH 1, POSSESSION OR USE OF A DANGEROUS DRUG IN VIOLATION OF SECTION 13-3407, SUBSECTION A, PARAGRAPH 1 OR POSSESSION OR USE OF A NARCOTIC DRUG IN VIOLATION OF SECTION 13-3408, SUBSECTION A, PARAGRAPH 1 IS eligible for probation. ~~UNLESS ANY OF THE FOLLOWING APPLY:~~

1. THE PERSON HAS TWO OR MORE HISTORICAL PRIOR FELONY CONVICTIONS AS DEFINED BY SECTION 13-604 NOT INVOLVING POSSESSION OF MARIJUANA, A DANGEROUS DRUG OR A NARCOTIC DRUG; OR

2. THE PERSON HAS A HISTORICAL PRIOR CONVICTION FOR A VIOLENT OFFENSE AS DEFINED IN SECTION 13-604.04 OR AN OFFENSE INVOLVING THE INTENTIONAL OR KNOWING INFLICTION OF SERIOUS PHYSICAL INJURY OR THE DISCHARGE, USE OR THREATENING EXHIBITION OF A DEADLY WEAPON OR DANGEROUS INSTRUMENT.

B. A PERSON ELIGIBLE FOR PROBATION PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE PLACED ON PROBATION, UNLESS THE PERSON REJECTS PROBATION, IF ANY OF THE FOLLOWING APPLY:

1. THE PERSON HAS NO HISTORICAL PRIOR FELONY CONVICTIONS; OR

2. THE PERSON HAS ONE HISTORICAL PRIOR FELONY CONVICTION AND THAT CONVICTION IS FOR POSSESSION OR USE OF MARIJUANA, DANGEROUS DRUGS OR NARCOTIC DRUGS. ~~The court shall suspend the imposition or execution of sentence and place such person on probation.~~

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~~B. Any person who has been convicted of or indicted for a violent crime as defined in section 41-1604.14, subsection B shall not be eligible for probation as provided for in this section, but instead shall be sentenced pursuant to the other provisions of title 13, chapter 34.~~

~~C. Personal possession or use of a controlled substance pursuant to this act shall not include possession for sale, production, manufacturing, or transportation for sale of any controlled substance.~~

~~D.C. If a person is convicted of personal possession or use of a controlled substance as defined in section 36-2501-MARIJUANA IN VIOLATION OF SECTION 13-3405, SUBSECTION A, PARAGRAPH 1, POSSESSION OR USE OF A DANGEROUS DRUG IN VIOLATION OF SECTION 13-3407, SUBSECTION A, PARAGRAPH 1 OR POSSESSION OR USE OF A NARCOTIC DRUG IN VIOLATION OF SECTION 13-3408, SUBSECTION A, PARAGRAPH 1, as a condition of probation, the court shall require participation in an appropriate drug treatment or education program administered by a qualified agency or organization that provides such programs to persons who abuse controlled substances. Each person WHO IS enrolled in a drug treatment or education program shall be required to pay for his or her THE COST OF participation in the program to the extent of his or her THE PERSON'S financial ability.~~

~~E.D. NOTWITHSTANDING ANY LAW TO THE CONTRARY, a person who has been placed on probation under the provisions of PURSUANT TO this section,—AND who is determined by the court to be in violation of his or her THE INITIAL TERMS OF probation shall have new conditions of probation AUTHORIZED PURSUANT TO SECTION 13-901 established in the following manner: BY THE COURT. The court shall select the additional conditions it deems necessary, including intensified drug treatment, community service, intensive probation, home arrest; or any other such sanctions short of incarceration.~~

~~F.E. If a person WHO IS PLACED ON PROBATION PURSUANT TO THIS SECTION is convicted a second time of personal possession or use of a controlled substance as defined in section 36-2501-OF POSSESSION OR USE OF MARIJUANA IN VIOLATION OF SECTION 13-3405, SUBSECTION A, PARAGRAPH 1, POSSESSION OR USE OF A DANGEROUS DRUG IN VIOLATION OF SECTION 13-3407, SUBSECTION A, PARAGRAPH 1 OR POSSESSION OR USE OF A NARCOTIC DRUG IN VIOLATION OF SECTION 13-3408, SUBSECTION A, PARAGRAPH 1 AND THE PERSON HAS PREVIOUSLY BEEN CONVICTED OF ANY OFFENSE LISTED IN THIS SUBSECTION, the court may include additional conditions of probation AUTHORIZED PURSUANT TO SECTION 13-901 it deems necessary, including intensified drug treatment, community service, intensive probation, home arrest,—or any other action within the jurisdiction of the court.~~

~~G.F. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO A person who has been IS convicted three times of personal possession or use of a controlled substance as defined in section 36-2501 shall MARIJUANA IN VIOLATION OF SECTION 13-3405, SUBSECTION A, PARAGRAPH 1, POSSESSION OR USE OF A DANGEROUS DRUG IN VIOLATION OF SECTION 13-3407, SUBSECTION A, PARAGRAPH 1 OR POSSESSION OR~~

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USE OF A NARCOTIC DRUG IN VIOLATION OF SECTION 13-3408, SUBSECTION A, PARAGRAPH 1 AND THE PERSON HAS PREVIOUSLY BEEN CONVICTED TWO OR MORE TIMES OF ANY OFFENSE LISTED IN THIS SUBSECTION ~~not be eligible for probation under the provisions of this section, but instead shall be sentenced pursuant to the other provisions of title 13, chapter 34.~~

Sec. 4. Section 13-3420, Arizona Revised Statutes, is amended to read:

13-3420. Unlawful substances; threshold amounts

For purposes of determining if the threshold amount is equaled or exceeded in any single offense or combination of offenses, a percentage of each substance listed by weight in section 13-3401, paragraph 28 30, or any fraction thereof to its threshold amount shall be established. The percentages shall be added to determine if the threshold amount is equaled or exceeded. If the total of the percentages established equals or exceeds one hundred per cent, the threshold amount is equaled or exceeded. If the threshold amount is equaled or exceeded because of the application of this subsection, the person shall be sentenced as if the combination of unlawful substances consisted entirely of the unlawful substance of the greatest proportionate amount. If there are equal proportionate amounts, the person shall be sentenced as if THE unlawful substances consisted entirely of the unlawful substance constituting the highest class of offense.

Sec. 6. Section 13-4304, Arizona Revised Statutes, is amended to read:

13-4304. Property subject to forfeiture; exemptions

All property, including all interests in such property, described in a statute providing for its forfeiture is subject to forfeiture. However:

1. No vehicle used by any person as a common carrier in the transaction of business as a common carrier may be forfeited under the provisions of this chapter unless it appears that the owner or other person in charge of the vehicle was a consenting party or privy to the act or omission giving rise to forfeiture or knew or had reason to know of it.

2. No vehicle may be forfeited under the provisions of this chapter for any act or omission established by the owner to have been committed or omitted by a person other than the owner while the vehicle was unlawfully in the possession of a person other than the owner in violation of the criminal laws of this state or of the United States.

3. No property may be forfeited pursuant to section 13-3413, subsection A, paragraph 1 or 3 if the conduct giving rise to the forfeiture:

(a) Did not involve an amount of unlawful substance greater than the statutory threshold amount as defined in section 13-3401, ~~paragraph 28, and-~~

(b) Was not committed for financial gain.

4. No owner's or interest holder's interest may be forfeited under this chapter if the owner or interest holder establishes all of the following:

(a) He acquired the interest before or during the conduct giving rise to forfeiture.

(b) He did not empower any person whose act or omission gives rise to forfeiture with legal or equitable power to convey the interest, as to a bona fide purchaser for value, and he was not married to any such person or if married to such person, held the property as separate property.

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(c) He did not know and could not reasonably have known of the act or omission or that it was likely to occur.

5. No owner's or interest holder's interest may be forfeited under this chapter if the owner or interest holder establishes all of the following:

(a) He acquired the interest after the conduct giving rise to forfeiture.

(b) He is a bona fide purchaser for value not knowingly taking part in an illegal transaction.

(c) He was at the time of purchase and at all times after the purchase and before the filing of a racketeering lien notice or the provision of notice of pending forfeiture or the filing and notice of a civil or criminal proceeding under this title relating to the property, whichever is earlier, reasonably without notice of the act or omission giving rise to forfeiture and reasonably without cause to believe that the property was subject to forfeiture.

Sec. 7. Section 13-4314, Arizona Revised Statutes, is amended to read:

13-4314. Disposition by court

A. If no petitions for remission or mitigation or claims are timely filed or if no petitioner files a claim in the court within thirty days after the mailing of a declaration of forfeiture, the attorney for the state shall apply to the court for an order of forfeiture and allocation of forfeited property pursuant to section 13-4315. On the state's written application showing jurisdiction, notice and facts sufficient to demonstrate probable cause for forfeiture, and in cases brought pursuant to section 13-3413, subsection a, paragraph 1 or 3, probable cause to believe that the conduct giving rise to forfeiture involved an amount of unlawful substance greater than the statutory threshold amount as defined in section 13-3401, ~~paragraph 28~~, or was committed for financial gain, the court shall order the property forfeited to the state.

B. After the court's disposition of all claims timely filed under this chapter, the state has clear title to the forfeited property and the court shall so order. Title to the forfeited property and its proceeds is deemed to have vested in the state on the commission of the act or omission giving rise to the forfeiture under this title.

C. If, in his discretion, the attorney for the state has entered into a stipulation with an interest holder that the interest holder has an interest that is exempted from forfeiture, the court, on application of the attorney for the state, may release or convey forfeited personal property to the interest holder if all of the following are true:

1. The interest holder has an interest which was acquired in the regular course of business as a financial institution within section 13-2301, subsection D, paragraph 3.

2. The amount of the interest holder's encumbrance is readily determinable and it has been reasonably established by proof made available by the attorney for the state to the court.

3. The encumbrance held by the interest holder seeking possession is the only interest exempted from forfeiture and the order forfeiting the property to the state transferred all of the rights of the owner prior to forfeiture, including rights to redemption, to the state.

4. After the court's release or conveyance, the interest holder shall dispose of the property by a commercially reasonable public sale, and within ten

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days of disposition shall tender to the state the amount received at disposition less the amount of the interest holder's encumbrance and reasonable expense incurred by the interest holder in connection with the sale or disposal. For the purposes of this chapter "commercially reasonable" shall be a sale or disposal that would be commercially reasonable under section 47-9504.

D. On order of the court forfeiting the subject property, the attorney for the state may transfer good and sufficient title to any subsequent purchaser or transferee, and the title shall be recognized by all courts, by this state and by all departments and agencies of this state and any political subdivision.

E. On entry of judgment for a claimant or claimants in any proceeding to forfeit property under this chapter such property or interest in property shall be returned or conveyed immediately to the claimant or claimants designated by the court. If it appears that there was reasonable cause for the seizure for forfeiture or for the filing of the notice of pending forfeiture, complaint, information or indictment, the court shall cause a finding to be entered, and the claimant is not, in such case, entitled to costs or damages, nor is the person or seizing agency that made the seizure, nor is the attorney for the state liable to suit or judgment on account of such seizure, suit or prosecution.

F. The court shall order any claimant who fails to establish that ~~his~~ THE CLAIMANT'S entire interest is exempt from forfeiture under section 13-4304 to pay the costs of any claimant who establishes that ~~his~~ THAT CLAIMANT'S entire interest is exempt from forfeiture under section 13-4304, and the state's costs and expenses of the investigation and prosecution of the matter, including reasonable attorney fees.

APPROVED BY THE GOVERNOR APRIL 15, 1997.
FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 15,
1997.

ANALYSIS BY LEGISLATIVE COUNCIL (In Compliance With A.R.S. Section 19-124)

In 1996, the voters passed the Drug Medicalization, Prevention and Control Act of 1996. Along with other provisions the Act modified probation, sentencing and treatment laws for drug offenders. After this vote, the State Legislature passed Senate Bill 1373, which established a more comprehensive sentencing system for drug offenders.

This proposition would specify that persons who are convicted of a first or second offense involving possession or use of marijuana, a dangerous drug or a narcotic drug would be eligible for probation and must receive drug treatment or education. A person would not be eligible for probation if the person has two or more prior historical felony convictions for other offenses, has a historical prior conviction for a violent offense or an offense involving the intentional or knowing infliction of serious physical injury or the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument, or has previously been convicted two or more times of possession or use of marijuana, a dangerous drug or a narcotic drug.

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This proposition would provide the voters with a choice of restoring the original act or permitting the provisions of Senate Bill 1373 to take effect.

ARGUMENT “FOR” PROPOSITION 301

I urge you to support Proposition 301, as someone who is against the legalization of Heroin, LSD, PCP, Crystal Meth and other hard core street drugs.

It is illegal under federal law for doctors to prescribe Heroin, LSD, PCP, Crystal Meth and other illegal street drugs to their patients. Proposition 301 ensures that it would remain illegal under state law for doctors to also prescribe Heroin, LSD, PCP, and Crystal Meth.

The only manner in which such street drugs could become legal under both federal and state law is if the Food and Drug Administration – after vigorous scientific review and debate, concludes that these illegal drugs have a proven medical value for doctors to prescribe them to their patients. This is the same process required for any other medication that doctors prescribe to their patients. It is the same process that must apply to all drugs, including Heroin, LSD, PCP, Crystal Meth and Marijuana.

Don't allow the illegal drug dealers and millionaire dope pushers to turn Arizona into a playground for their ill-gotten gains by allowing quack doctors to prescribe Heroin, LSD, PCP, and Crystal Meth to drug addicts.

Vote yes on Proposition 301.

John Kaites, Senator
Glendale

ARGUMENT “FOR” PROPOSITION 301

Argument FOR Proposition 301

We support this proposition because government must adhere scrupulously to the rule of law -- a principle grievously violated by an arrogant Arizona House and Senate as they denied Arizonans the rights they have under our constitution to make law by initiative and referendum.

The reason to approve this proposition is to tell the Arizona Legislature that they will not be allowed to usurp the constitutional rights of Arizonans ... period.

That message, to be consistent and complete, requires the right votes on *four* related propositions:

The first two are “YES” votes on Prop. 301 and its sister proposition, Prop. 300. Third is a “YES” vote on Prop. 105, which will specifically prohibit the Legislature from indulging in such a shamefully disrespectful power grab in the future. Finally, vote “NO” on Prop. 104, which is an attempt by the House to write into our Constitution the power for them to tinker with laws we voters pass by initiative or referendum if, as they did with drug medicalization last election, they decide the voters were too stupid to vote correctly. Together, these four votes compose the message Arizonans need to send the Legislature: YOU MAY NOT HAVE, OR DIMINISH, THE LEGISLATIVE POWERS WE RESERVE TO OURSELVES.

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Vote "YES" on Prop. 301, along with Prop. 300 and Prop. 105, and "NO" on Prop. 104, if you want to consistently voice your determination to defend our constitutional right to initiative and referendum. 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 301

ARGUMENT AGAINST S.B. 1373

The Arizona Legislature decided last year that it knew better than the people of Arizona how to deal with the state's drug problems. The Legislature and Governor Symington enacted two laws to overrule the new drug policies which had been adopted by Arizona's voters by approving Proposition 200 in November 1996. Now, in this referendum, Arizona voters have the opportunity to teach the Legislature to respect the will of the public.

Through polling and workshops, the proponents of drug policy reform had learned in 1995 that the people of Arizona do not believe the current tactics against drugs are working. A majority see drug addiction as more a medical than a criminal problem. The provisions of Proposition 200 were then drafted to reflect the conclusions Arizonans had already reached concerning state and national drug policies. The nearly two to one vote in favor of Proposition 200 in November 1996 confirmed that.

But the Legislature decided the people were wrong, and passed a law which allowed first offense drug users to be sent to jail rather than treatment. This effort to overrule the Arizona public did not take effect because thousands of Arizonans signed referendum petitions. This referendum allows voters to send the message that the Arizona Legislature is the servant of the Arizona public, not the master. The Arizona public has the final word in setting the public policy of this state, not the Legislature. Imprisoning drug users has filled our jails and prisons at great public expense and has done nothing to solve the state's drug problems. Vote NO on this referendum to assure that the Legislature does not further thwart the public will.

John Norton Chairman, People Have Spoken Phoenix	Marvin S. Cohen Treasurer, People Have Spoken Phoenix
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ARGUMENT “AGAINST” PROPOSITION 301

In 1996 Arizona voters decided it was time to recognize substance abuse as a medical problem, not just a criminal problem, and by an overwhelming margin of 65.4%, passed Proposition 200. This action has received worldwide acclaim as a well-reasoned and compassionate new approach to our failed drug policy. It was featured positively in a nationally televised “Bill Moyers Special” in March of this year.

But, in a display of just how far we have strayed from the democratic principles on which our nation was founded, the Arizona legislators decided their opinions are more correct than ours. With wording in the double-talk that politicians have elevated to an art form, they passed two bills which, once translated into plain English, gut the initiative Arizona voters approved by an overwhelming margin. They were arrogant enough to think that they knew better than two-thirds the people what is best for Arizona. Some politicians have a vested interest in maintaining the status quo approach to drug policy, which has evolved into a welfare program for the political class.

With compassion and common sense, Arizonans said severely or terminally ill patients should be able to get relief from their misery without fear of being arrested, providing they receive written authorization from two independent doctors, citing credible medical research. They expanded treatment and prevention programs to help break the cycle of drug abuse and addiction that is ravaging Arizona’s youth. But the politicians decided the voters were misguided in making this decision. They placed higher value on maintaining a rigid, outdated government policy than on easing human suffering.

We must tell the politicians that, in Arizona, democracy and the will of the people are still more important than the so-called “wisdom” of the political class. We must vote **NO** on the Referenda on H.B. 2518 and S.B. 1373, and allow the will of the people of Arizona to stand.

Jeffrey A. Singer, MD, FACS Phoenix	Ross Levatter, MD Phoenix	Rod Silverman, MD Phoenix
Barbara Merz, MD Phoenix	David Galnek, MD, FAAOHNS Phoenix	Charles Goldstein, MD, FACEP Phoenix
Alan Bornstein, MD Phoenix	Walter E. Koppenbrink, MD Phoenix	Nelson Faux, MD Phoenix
William J. Rice, MD Phoenix	R. Edward Westerfield, MD Phoenix	Joel E. Colley, MD, DABA, FACA Phoenix
Keith W. Cunningham, MD Phoenix	Jeffrey D. Steier, MD Scottsdale	Bernard Barber, Ph.D Phoenix
Mark L. Williams, MD Phoenix	William C. Dykes, MD Glendale	Kimball P. Barnes, MD, FACS Scottsdale

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James T. Carver, Ph.D Phoenix	Michael Lubin, MD Phoenix	Robert P. Reisman, MD, FCAP Phoenix
Morley Rosenfield, MD, FRCSC, FACS Phoenix	Lawrence W. Shaw, MD Phoenix	Philip Melmed, MD, DABA Phoenix
Teresa Pavese, MD Awhatukee	Gerald F. Schwartzberg, MD, FACP, FCCP Phoenix	Frederick J. Ginther, MD Phoenix
Scott Holtz, MD Phoenix	Linda Benaderet, DO Phoenix	Stanley R. Friedman, MD Phoenix
R. Thomas Stoffer, MD Phoenix	F.N. Rodriguez, MD, FACS Phoenix	

Paid for by The People Have Spoken - SB 1373; John Norton, Chairman

ARGUMENT “AGAINST” PROPOSITION 301

No on Proposition 200 Referendum (3-R-97)

The ultimate test of a democracy is whether a citizen’s vote actually counts.

There is a disturbing trend in Arizona in which citizens pass initiatives by overwhelming margins, only to watch the legislature turn around within months and gut what the voters passed. This has occurred on numerous issues, including drug policy reform, health care, and the environment.

I don’t agree with every initiative that has passed in Arizona, but I fundamentally believe that the politicians at the legislature have no right to thwart the mandate of the voters. We must honor the will of the people.

Through two bills, the legislature repealed and severely amended Proposition 200 which dealt with medical marijuana and treatment diversion programs for drug users. Even though I opposed this ballot measure, I am opposed to the legislative repeal of this initiative only a few months after 65.4 percent of Arizonans voting approved it.

I urge you to vote no on the referenda to gut Proposition 200. The will of the people must be respected and the programs they support, even when we disagree, should be given time to work. Only then can the people properly reassess.

Grant Woods
Arizona Attorney General
Phoenix

Paid for by The People Have Spoken - SB 1373; John Norton, Chairman

ARGUMENT “AGAINST” PROPOSITION 301

ARGUMENT “AGAINST” PROPOSITION 301

The Legislature in 1997 effectively gutted the “Drug Medicalization, Prevention and Control Act,” within months after its passage by Arizona voters as proposition 200 in

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1996.. in my three decades of experience with Arizona government, I have never seen a more arrogant act by the Legislature.

As a former Arizona Attorney General and Governor's Chief of Staff, let me assure you that the rhetoric and scare tactics used to justify this legislative arrogance are groundless and wrong. 1996's proposition 200 was a sensible, thoughtful and balanced measure, supported by the late Senator Barry Goldwater, former Senator Dennis DeConcini, and most importantly, by the two-thirds of Arizona voters who voted for it.

The citizens initiative and referendum processes, embedded in the State Constitution since statehood, are a vital part of our treasured heritage of grass roots democracy. What Arizona voters properly agree should be the law must not be ripped apart and discarded almost before the ink was dry. I ask that you vote NO on Proposition 301, to preserve the will of the voters and to demonstrate once again that the people are sovereign.

John A. "Jack" LaSota
Former Attorney General
Phoenix

Paid for by The People Have Spoken - SB 1373; John Norton, Chairman

ARGUMENT "AGAINST" PROPOSITION 301

In 1996 65.4% of Arizonas approved proposition 200, the drug medicalization initiative. Within months of the voters' approval, the Arizona legislature repealed much of this initiative and stripped it of some of its key provisions. Upset with politicians thwarting the will of the people, 200,000 voters signed petitions to stop the legislative repeal until 1998, when the issue could be placed on the ballot.

The issue is now on the ballot. A "yes" vote means agreement with the legislative repeal and amendments. A "no" vote preserves proposition 200 as originally approved by the voters in 1996.

I strongly urge a "no" vote to let the progressive programs created by Proposition 200 continue. From my view as a sitting judge, none of the scare predictions of the legislature have come true. In fact, in March 1998, on public TV in "Moyers on Addiction," Bill Moyers highlighted proposition 200 as a more effective way of dealing with drug problems than the traditional punitive court system.

A "no" vote will let the will of the people stand and will inaugurate a more progressive approach to the drug menace than simply recycling drug users in and out of court.

Rudolph J. Gerber
Judge, Arizona Court of Appeals
Phoenix

Paid for by The People Have Spoken - SB 1373; John Norton, Chairman

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ARGUMENT “AGAINST” PROPOSITION 301

NO on Proposition 200 Referendum (3-R-97)

The will of the people must be honored. We were among the 65.4 percent of Arizona voters who approved Proposition 200 in 1996. We could not believe it when the Arizona Legislature had the audacity to repeal this measure only a few months after it had been approved.

We supported Proposition 200 because of its new approach to drug control, focusing on reducing drug use demand through expanded drug treatment and prevention programs. Breaking the cycle of addiction will help break the cycle of crime in our neighborhoods. We must get drug prevention to our youth before the streets provide them with a very different drug education.

We urge you to vote no on the legislative referenda to repeal proposition 200. The will of the people must be respected if we are to restore integrity to our democracy. Vote No. Let the will of the people stand.

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| Minister Gregory Coleman
Glendale | Pastor Henry Barnwell
Phoenix | A.J. Miller
Phoenix |
| Minister Victor Rushing
Phoenix | Elder Vincent Bonds
Phoenix | Pastor Arthur Strong
Phoenix |
| Arter Johnson
Phoenix | Minister Welton M.
Jefferson
Phoenix | Gene Blue
Phoenix |
| Yolanda Strayhand
Glendale | Elder Jerry Boyd
Mesa | Pastor Glen Dennard
Phoenix |
| Pastor Othell T. Newbill
Phoenix | Minister Lummie Russell
Phoenix | Pastor Arthur Lee
Tempe |
| Pastor Sam Henry
Phoenix | | |

Paid for by The People Have Spoken - SB 1373; John Norton, Chairman

ARGUMENT “AGAINST” PROPOSITION 301

No on Proposition 301

In the November 1996 election, 65.4 percent of Arizonans voting approved Proposition 200, the Drug Medicalization, Prevention, and Control Act. Within months, the Arizona Legislature took it upon itself to dismantle the measure. The only excuse the politicians could provide was that they knew better than the voters whom they considered to be dupes.

It’s amazing the arrogance of the politicians who believe the voters know what they are doing when they vote for them, but believe the same voters somehow don’t understand ballot measures. This arrogance has led to numerous legislative attacks on voter-approved ballot measures over the years.

In 1998, you have an opportunity to rebut the politicians’ mischaracterization of Arizona voters by voting No on Propositions 300 and 301. Your No votes will ensure

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that the Drug Medicalization, Prevention, and Control Act will remain intact the way it was approved by voters in 1996 and send the politicians a clear message that your vote counts.

Vote No on 300 and 301. Let the will of the people stand.

Dr. John Sperling
Chairman, Apollo Group Inc.
Phoenix

Paid for by The People Have Spoken - SB 1373; John Norton, Chairman

ARGUMENT "AGAINST" PROPOSITION 301

NO on Proposition 200 Referendum (3-R-97)

In 1996, we were among the 65.4 percent of Arizonans voting which supported Proposition 200. This measure was also endorsed by our senior former U. S. Senators Barry Goldwater and Dennis DeConcini. We supported this measure because of its new drug treatment and prevention programs which target our community and because we believe jail space is best reserved for violent offenders, not terminally ill patients who use medical marijuana.

Despite its broad support, the legislature repealed Proposition 200 with careless disregard only a few months after it had been approved. It was as if our vote didn't really count. They might as well have thrown our votes away at the ballot box.

Don't let the politicians thwart the will of the people. Don't let them take your vote away. Vote No on the referenda to repeal Proposition 200. Let the will of the people stand.

Enrique Medina Phoenix	Richard Zazueta Phoenix	Candido Abeyta Glendale
Alberto Chamberlain Phoenix	Jesus Hernandez Phoenix	Edward Valenzuela Tempe
Daniel R. Ortega Jr. Phoenix	Ray Flores Phoenix	Gil Cano Phoenix
Henry Olea Phoenix	Ricky Ricardo Rodriguez Phoenix	Mary Rose Wilcox Phoenix
Christina Garcia Phoenix	Teresa Cruz Phoenix	Ruben Hernandez Jr. Phoenix
Alfredo Gutierrez Phoenix		

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BALLOT FORMAT

PROPOSITION 301

**REFERENDUM ORDERED BY PETITION
OF THE PEOPLE**

OFFICIAL TITLE

A REFERENDUM ORDERED BY PETITION OF THE PEOPLE ORDERING THE SUBMISSION TO THE PEOPLE OF AN ACT AMENDING SECTIONS 13-901.01, 13-3420, 13-4304 AND 13-4314, ARIZONA REVISED STATUTES; RELATING TO DRUG OFFENSES.

DESCRIPTIVE TITLE

PROVIDING FOR 1ST OR 2ND CONVICTIONS FOR POSSESSION/USE OF MARIJUANA, DANGEROUS OR NARCOTIC DRUGS, A PERSON SHALL BE PROBATION ELIGIBLE UNLESS PREVIOUSLY CONVICTED OF 2 OR MORE FELONIES, A VIOLENT OR DANGEROUS OFFENSE; SHALL RECEIVE PROBATION IF THE PERSON HAS 1 DRUG POSSESSION/USE CONVICTION OR NO PRIOR FELONIES.

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A “yes” vote shall have the effect of providing that a person convicted of a 1 st or 2 nd offense of possession or use of marijuana or dangerous or narcotic drugs shall be eligible for probation unless previously convicted of 2 or more prior felonies or of a violent or dangerous offense, and the person shall be placed on probation if the person has 1 drug possession or use conviction or no prior felonies.	YES <input type="checkbox"/>
A “no” vote shall have the effect of retaining the requirement that a person convicted of a 1 st or 2 nd offense of possession or use of marijuana or dangerous or narcotic drugs shall be placed on probation unless the person was previously convicted of a violent offense.	NO <input type="checkbox"/>

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