

**PROPOSITION 101**  
**OFFICIAL TITLE**

**HOUSE CONCURRENT RESOLUTION 2004**

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE VII, SECTIONS 2 AND 3, CONSTITUTION OF ARIZONA; AMENDING ARTICLE IX, SECTION 2.2, CONSTITUTION OF ARIZONA; AMENDING ARTICLE XI, SECTION 1, CONSTITUTION OF ARIZONA; AMENDING ARTICLE XVI, SECTION 1, CONSTITUTION OF ARIZONA; AMENDING ARTICLE XXII, SECTION 15, CONSTITUTION OF ARIZONA; RELATING TO CONSTITUTIONAL TEXTUAL TERMINOLOGY.

**TEXT OF PROPOSED AMENDMENT**

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

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

2. Qualifications of voters; disqualification

Section 2. A. No person shall be entitled to vote at any general election, or for any office that now is, or hereafter may be, elective by the people, or upon any question which may be submitted to a vote of the people, unless such person be a citizen of the United States of the age of ~~twenty-one~~ EIGHTEEN years or over, and shall have resided in the state ~~one year immediately~~ FOR THE PERIOD OF TIME preceding such election AS PRESCRIBED BY LAW, provided that qualifications for voters at a general election for the purpose of electing presidential electors shall be as prescribed by law. The word "citizen" shall include persons of the male and female sex.

B. The rights of citizens of the United States to vote and hold office shall not be denied or abridged by the state, or any political division or municipality thereof, on account of sex, and the right to register, to vote and to hold office under any law now in effect, or which may hereafter be enacted, is hereby extended to, and conferred upon males and females alike.

C. No person ~~under guardianship, non compos mentis, or insane~~ WHO IS ADJUDICATED AN INCAPACITATED PERSON shall be qualified to vote at any election, nor shall any person convicted of treason or felony, be qualified to vote at any election unless restored to civil rights.

2. Article VII, section 3, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

3. Voting residence of federal employees and certain others

Section 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of ~~his presence or absence~~ BEING PRESENT OR ABSENT while employed in the service of the United States, or while a student at any institution of learning, or while kept at any ~~almshouse or other asylum~~ INSTITUTION OR OTHER SHELTER at public expense, or while confined in any public jail or prison.

3. Article IX, section 2.2, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

2.2. Exemption from tax: property of persons who are disabled

Section 2.2. A. There shall be further exempt from taxation the property of each person who, after age seventeen, has been medically certified as totally and permanently disabled, in the amount of:

1. One thousand five hundred dollars if the total assessment of such person does not exceed three thousand five hundred dollars.
2. One thousand dollars if the total assessment of such person does not exceed four thousand dollars.
3. Five hundred dollars if the total assessment of such person does not exceed four thousand five hundred dollars.
4. Two hundred fifty dollars if the total assessment of such person does not exceed five thousand dollars.

5. No exemption if the total assessment of such person exceeds five thousand dollars. The legislature may by law prescribe criteria for medical certification of such disability.

B. The income from all sources of ~~such disabled~~ THE person, ~~and his~~ WHO IS DISABLED, THE PERSON'S spouse, ~~together with the income from all sources of all children of such disabled person residing with him in his~~ AND ALL OF THE PERSON'S CHILDREN WHO RESIDE IN THE PERSON'S residence in the year immediately preceding the year for which ~~such disabled~~ THE person applies for this exemption shall not exceed:

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

C. No property shall be exempt which has been conveyed to evade taxation. The total exemption from taxation granted to the property owned by a person who qualifies for any exemption in accordance with the terms of this section shall not exceed one thousand five hundred dollars. This section shall be self-executing.

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

1. Public school system: education of pupils who are hearing and vision impaired

Section 1. A. The legislature shall enact such laws as shall provide for the establishment and maintenance of a general and uniform public school system, which system shall include:

1. Kindergarten schools. -
2. Common schools. -
3. High schools. -
4. Normal schools. -
5. Industrial schools. ~~and a university~~
6. UNIVERSITIES, ~~which shall include an agricultural college, a school of mines, and such other technical schools as may be essential, until such time as it may be deemed advisable to establish separate state institutions of such character.~~

B. The legislature shall also enact such laws as shall provide for the education and care of ~~the deaf, dumb, and blind~~ PUPILS WHO ARE HEARING AND VISION IMPAIRED.

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

1. Composition of militia

Section 1. The militia of the state of Arizona shall consist of all ~~able-bodied male~~ CAPABLE citizens of the state between the ages of eighteen and forty-five years, and of those between said ages who shall have declared their intention to become citizens of the United States, residing therein, subject to such exemptions as now exist, or as may hereafter be created, by the laws of the United States or of this state.

6. Article XXII, section 15, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

15. Public institutions

Section 15. ~~Reformatory~~ CORRECTIONAL and penal institutions, and institutions for the benefit of the ~~insane, blind, deaf, and mute~~; PERSONS WHO HAVE MENTAL OR PHYSICAL DISABILI-

TIES and such other institutions as the public good may require, shall be established and supported by the State in such manner as may be prescribed by law.

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

### ANALYSIS BY LEGISLATIVE COUNCIL

Proposition 101 would amend several sections of the Arizona Constitution to modernize certain out-of-date language including references to people with disabilities.

Proposition 101 would also amend the Arizona Constitution to change certain voting requirements to conform with the United States Constitution and other federal laws. Proposition 101 would change the minimum voting age to 18 and eliminate the one-year residency requirement for voting. Under Arizona law, there is a twenty-nine day residency requirement, which remains unchanged. These changes are already enforced in Arizona pursuant to federal law.

### **ARGUMENTS "FOR" PROPOSITION 101**

The Secretary of State did not receive arguments "for" Proposition 101.

### **ARGUMENTS "AGAINST" PROPOSITION 101**

This proposed amendment would change the definition of the militia of the state of Arizona. Currently, the Constitution reads that "The state militia shall consist of all able-bodied male citizens. . ."

Times may indeed warrant a change to include females in this definition. However, the recommended substitute for "able-bodied", CAPABLE, is inappropriate as it is vague and could lead to unintended consequences based on legislative interpretation of "CAPABLE".

The word CAPABLE is not defined of the proposed Constitutional change. A modification this important deserves all possible clarity so there can be no argument as to meaning or intent.

Webster's Unabridged Dictionary defines CAPABLE as "having intelligence or ability. . .competent." This definition is prejudicial toward the physically challenged. . .someone incapable of walking could still handle firearms and may be mobile in other ways. Why should we exclude the physically challenged from belonging to the militia?

Webster also defines CAPABLE as "skillful. . .accomplished." Without a clear and unambiguous definition, the door is left open to interpretive challenges by those seeking to alter the meaning and intent of our state's Constitution.

Who determines "skillful" or "accomplished"?

Will testing, certificates or permits be required?

Will special training be required?

How much will it cost to be considered "CAPABLE"?

If the intent was to make ALL Arizona citizens, regardless of gender, members of the militia, why wasn't the wording changed to "The militia of the state of Arizona shall consist of all citizens. . .?"

If the objective was to prevent those adjudicated mentally incompetent from being part of Arizona's militia, direct words to that effect could have been used.

Federal law already precludes those adjudicated mentally incompetent from owning firearms. Thus, the Resolution's objective has already been accomplished and a change to our Constitution is unnecessary.

Vote NO on Proposition 101

Michael Weaver, Glendale

I urge all Arizona Citizens to oppose this measure in the strongest of terms. The absolute, unalienable Right the legislature seeks to steal from you is your Right to protect yourself and your family. Just a couple of plain old words makes all the difference.

Hiding beneath this seemingly innocent gesture of modernization of terminology is an insidious attempt to deprive you of your Right to bear arms. The thieves of Liberty aren't 'coming'—they're HERE now! They have come for the control of your child's mind, your earnings, your integrity, your principles, your dignity, your spiritual reference, and now they reach for your guns! Don't let them do this.

Buried in this proposal is:

1. Composition of Militia.

Read the proposed changes under Section 1. The text currently reads: "The militia of the state of Arizona shall consist of all able bodied male citizens of the state" . . .

This proposal wants it to read: ". . . shall consist of all CAPABLE citizens" . . .

Yet no definition of "capable" can be found to determine what it means. Sort of a "depends on what the definition of 'is' is".

Think about what this means. The legislature would be able to define "capable" as requiring a Federal or State license, or meaning YOU can't possess arms at all, because you are 'NOT CAPABLE'.

The Right to bear arms is the only real protection you have against oppression by Government. This is not an imagined or antiquated Right or scenario. The gun-grabbers don't care that you are left to the mercy of criminal elements who will always have guns. They just care that you be unarmed and unable to defend yourself against their aggressions.

Vote AGAINST number 101.

Barry J. Hess, II, Libertarian Candidate for US Senate, Glendale

**BALLOT FORMAT**

**PROPOSITION 101**

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

**OFFICIAL TITLE**

HOUSE CONCURRENT RESOLUTION 1004  
PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE VII, SECTIONS 2 AND 3, CONSTITUTION OF ARIZONA; AMENDING ARTICLE IX, SECTION 2.2, CONSTITUTION OF ARIZONA; AMENDING ARTICLE XI, SECTION 1, CONSTITUTION OF ARIZONA; AMENDING ARTICLE XVI, SECTION 1, CONSTITUTION OF ARIZONA; AMENDING ARTICLE XXII, SECTION 15, CONSTITUTION OF ARIZONA; RELATING TO CONSTITUTIONAL TEXTUAL TERMINOLOGY.

**DESCRIPTIVE TITLE**

AMENDING ARIZONA CONSTITUTION'S LANGUAGE TO MODERNIZE LANGUAGE REFERRING TO PEOPLE WITH MENTAL DISABILITIES; REPLACES THE VOTING AGE OF 21 IN THE ARIZONA CONSTITUTION WITH AGE 18, CONSISTENT WITH THE UNITED STATES CONSTITUTION.

**PROPOSITION 101**

A "yes" vote shall have the effect of updating language in the Arizona Constitution relating to people with mental disabilities and changing the voting age to 18, consistent with requirements of the U.S. Constitution.	<b>YES</b> <input type="checkbox"/>
A "no" vote shall have the effect of retaining the current language in the Arizona Constitution.	<b>NO</b> <input type="checkbox"/>