

PROPOSITION 107

OFFICIAL TITLE

AN INITIATIVE MEASURE

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING THE CONSTITUTION OF ARIZONA; BY ADDING ARTICLE XXX; RELATING TO THE PROTECTION OF MARRIAGE

TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of Arizona:

1. Article: XXX. Constitution of Arizona is proposed to be added as follows if approved by the voters and on proclamation of the Governor:

ARTICLE XXX. MARRIAGE

TO PRESERVE AND PROTECT MARRIAGE IN THIS STATE, ONLY A UNION BETWEEN ONE MAN AND ONE WOMAN SHALL BE VALID OR RECOGNIZED AS A MARRIAGE BY THIS STATE OR ITS POLITI-

CAL SUBDIVISIONS AND NO LEGAL STATUS FOR UNMARRIED PERSONS SHALL BE CREATED OR RECOGNIZED BY THIS STATE OR ITS POLITICAL SUBDIVISIONS THAT IS SIMILAR TO THAT OF MARRIAGE.

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.

ANALYSIS BY LEGISLATIVE COUNCIL

Pursuant to Arizona state statute, marriage between persons of the same sex is void and prohibited. Arizona law does not recognize a marriage contracted in any other state or country that is between two persons of the same sex.

Proposition 107 would amend the Arizona Constitution to provide that in order to preserve and protect marriage:

1. Only a union between one man and one woman shall be valid or recognized as a marriage by the State of Arizona or its cities, towns, counties or districts.
2. The State of Arizona and its cities, towns, counties or districts shall not create or recognize a legal status for unmarried persons that is similar to marriage.

FISCAL IMPACT STATEMENT

State law requires the Joint Legislative Budget Committee (JLBC) Staff to prepare a summary of the fiscal impact of certain ballot measures. Proposition 107 is not projected to have a state cost.

ARGUMENTS "FOR" PROPOSITION 107

Protect Marriage Arizona's Statement

Protect Marriage Arizona has been formed as a grassroots response to attacks on marriage in state after state. We say, "Let the people decide." We believe Arizona citizens should be given the opportunity to vote on our state's marriage policy, and we are confident that Arizona will join 20 other states that have voted to reaffirm the reality that marriage is the union of one man and one woman.

A state constitutional amendment provides the strongest possible legal protection for marriage against redefinition by activist state court judges. We also hope to show our national leaders that states want the opportunity to support an amendment to the U.S. Constitution protecting marriage.

Marriage between a man and woman is the basic building block of society. As the Supreme Court put it, in a case upholding laws that prevented marriage from being redefined to include polygamy, "marriage is the sure foundation of all that is stable and noble in our civilization."

Arizona promotes and benefits marriage because marriage between a man and a woman benefits Arizona. Children do best when they have the security of living with a married mother and father. With all the challenges to marriage in society today, the last thing Arizona needs is to redefine marriage in a way that guarantees some children will never have either a mom or a dad.

Unfortunately, today's courts seem bent on destroying that foundation. It's time for the people to respond by voting 'yes' on the Protect Marriage Amendment.

Larry Hall, Chair, Protect Marriage Arizona, Phoenix

Paid for by "Protect Marriage Arizona"

The Protect Marriage Arizona amendment does exactly what it is entitled to do, that is, protect the definition of marriage as the union of one man and one woman.

NAME, the National Association of Marriage Enhancement, encourages Arizonans to vote "Yes" on this amendment to protect, for future generations, the long-standing definition of marriage as one man and one woman.

The traditional definition of marriage must be protected. Some would say marriage is a right; it is not -- it is a privilege that carries responsibilities. Society confers legal benefits to marriage, because marriage benefits society. Historically, healthy marriages have been foundational building blocks to any successful society -- Arizona included. This amendment to Arizona's constitution will affirm marriage's traditional definition, ensuring it for future generations by prohibiting its redefinition by activist judges and others.

Research indicates many benefits for children who are raised by a mother and father, including: they are more likely to succeed academically, are physically healthier, emotionally healthier, demonstrate less behavioral

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problems, less likely to be victims of abuse, and more than 10 other profound benefits. Women, likewise, have the benefits from healthy marriages to a man, including: they are less likely to be victims of domestic violence, sexual assault or other violent crimes, and are emotionally healthier and eight other pronounced benefits. Men, also, receive benefit from marriage to a woman, including: they live longer, are physically healthier, wealthier, emotionally healthier, less likely to attempt or commit suicide, and seven other important benefits.

Marriage between one man and one woman protects the interests of children and society in a stable social order. Arizonans must do what is in the best interest of children and society: vote "Yes" to protect marriage and our future.

Dr. Leo Godzich, President, NAME, Phoenix Randall Smith, Treasurer, NAME, Scottsdale
Paid for by "The National Association of Marriage Enhancement"

Get the facts. Opponents of traditional marriage will say anything to get you to vote against protecting marriage. Here are some of their distortions.

Myth: Arizona does not recognize same-sex marriage, so this is unnecessary.

Fact: With lawsuits filed across the country to redefine marriage, we cannot sit and wait for the next lawsuit here. A constitutional amendment is the maximum protection Arizona can provide for the definition of marriage.

Myth: Hospital visitation and medical decision-making rights will be taken away.

Fact: Under state law, anyone can choose to have anyone visit them in the hospital or make medical decisions for them. The amendment doesn't change this.

Myth: Private contracts will be voided.

Fact: The amendment only applies to the government. It has nothing to do with private agreements.

Myth: Domestic-violence laws will be voided.

Fact: This amendment will have no effect on Arizona's domestic-violence laws because they cover anyone living in the same house, regardless of whether they are in a marriage-like relationship.

Myth: Inheritance rights will be voided.

Fact: Anyone can choose who they want to inherit their estate. The amendment does nothing to change this.

Myth: Businesses will be required to limit their employment benefits.

Fact: The amendment does not apply to businesses. In fact, without this amendment businesses that contract with municipalities in Arizona are at risk of being told they MUST offer domestic-partnership benefits.

Myth: Blocking recognition of marriage counterfeits is unusual.

Fact: Lots of states are choosing to protect marriage with amendment like this one. Of the 20 states that have passed marriage amendments, 11 have language prohibiting recognition of marriage counterfeits. They are: AR, GA, KY, LA, MI, NE, ND, OH, OK, TX, and UT.

THE CENTER FOR ARIZONA POLICY

Cathi Herrod, Interim President, The Center for Arizona Policy, Scottsdale Peter Gentala, General Counsel, The Center for Arizona Policy, Gilbert
Paid for by "Center for Arizona Policy, Inc."

The Protect Marriage Arizona amendment will preserve the definition of marriage as "a union between one man and one woman" and prohibit the creation of any other legal status similar to that of marriage. It will assure that marriage is defined by the voice of the people and not by a few activist judges.

A "yes" vote will protect Arizona from having marriage radically changed to a union of any two people regardless of gender. It will affirm that both mothers and fathers play significant roles in the raising of children and that the legal union between a man and a woman deserves special status in producing the next generation of responsible citizens.

A "yes" vote will not prohibit same-sex couples or anyone else from forming relationships. It will, however, keep schools, media, organizations, religious denominations, and other societal institutions from being forced to validate, and promote same-sex "marriage".

A "yes" vote will not invalidate anyone's civil rights. Marriage is about bringing men and women together, not about civil rights.

A "yes" vote will not restrict private companies from voluntarily granting benefits to domestic partners, nor will it prevent domestic relationships from taking advantage of existing laws that enable these individuals to share health insurance or death benefits, designate hospital visitation rights, or grant medical durable power of attorney to anyone.

A "yes" vote will affirm that marriage between a man and a woman is the foundation of a strong family and that strong families are the foundation of great nations.

Carol Soelberg, President, United Families Arizona, Mesa Nancy Salmon, Community Outreach Director, United Families Arizona, Mesa
Sharon Slater, President, United Families International, Gilbert Julie Walker, Executive Director, United Families International, Gilbert
Paid for by "United Families International"

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Issued by: Secretary of State Jan Brewer

Vote Yes to protect marriage in Arizona!

Marriage between a man and a woman should be protected because it is the foundation of our society. Arizona uniquely promotes and supports marriage because marriage benefits society!

Marriage is extraordinarily beneficial for children. Countless studies have found that the best environment for a child to be raised in is a home with a married mother and father. Children benefit not only from the security of knowing that their mother and father are committed to one another for life, but also from the unique nurturing and mentoring that only a mother and father can give. Society does not benefit from "marriage" models that intentionally deny a child a mother or a father.

Marriage is good for men and good for women. In surveys, men and women report that marriage positively effects their health, financial security, and personal happiness.

Marriage also helps society by providing a stable social structure. When marriages and families break down, government must fill the void with programs to address the increased rates of poverty, drug abuse, delinquency, and a host of other problems that occur more often when children don't have moms and dads. Strong, stable, traditional marriages tend to produce family members that protect and provide for each other, reducing the strain on society and government.

Arizona has always promoted marriage as between a man and a woman. We don't need to change marriage--we need to protect it for future generations. For the benefit of children, men and women, and our society as a whole, please vote Yes on protecting marriage.

Cathi Herrod, Interim President, The Center for Arizona Policy, Scottsdale

Peter Gentala, General Counsel, The Center for Arizona Policy, Gilbert

Paid for by "Center for Arizona Policy, Inc."

Ballot Pamphlet Argument in Favor of Protect Marriage Arizona

As business leaders of Arizona, we are proud to support the Protect Marriage Arizona amendment. Marriage is critically important to our society and businesses ought to support this measure. Here are a few reasons why.

First, this measure will not affect the ability of private businesses to choose what benefits to grant their employees. The amendment clearly applies only to public employers in the state of Arizona, for it states that no marriage substitutes can be recognized by the "state or its political subdivisions." Private businesses clearly do not fall in this category.

Second, if this measure does not pass, private businesses will actually be more vulnerable to forced changes in their benefits policies. If marriage is redefined by the courts, private businesses will be pressured and possibly even compelled to give benefits to same-sex couples or polygamous unions.

Third, marriage is good for society – and good for businesses! Studies have consistently shown that people who are married tend to be healthier and happier than those who are not married, contributing to a more productive work environment. Private businesses ought to be free to give benefits to attract and retain married employees.

When marriage is protected, families benefit, children benefit, and businesses benefit. This amendment will not restrict the rights of private businesses – on the contrary, it will help to protect those rights. We urge a YES vote on the Protect Marriage Amendment.

Tom Barnett, Phoenix

Robert Baum, Sun Valley Masonry, Inc.,
Paradise Valley

John Rang, Kachina Automotive, Gilbert

Ross Farnsworth, Farnsworth Webb & Greer
Insurance, Tempe

Dennis Barney, Landmark Interiors, Mesa

Chris Danielson, 90.3 Family Life Radio,
Phoenix

Kenneth L. Nessler, Jr., Sun Valley Masonry,
Inc., Phoenix

Paid for by "Protect Marriage Arizona"

As a husband and father of two wonderful sons as well as the Republican candidate for Governor of Arizona, I ask you to support this Ballot Measure that protects the definition of marriage as the union of one man and one woman as the cornerstone of our society. It seems almost crazy that we must put this in writing since the importance of this bedrock principle has been proven in social, scientific and every other accepted standard of measurement throughout recorded history.

Again, activist judges who were appointed to determine the appropriate application of laws passed by legislatures and Congress, have over stepped their authority and created law without precedent or legislative foundation across America. It is now necessary for the people to speak through Constitutional Amendments to protect a primary pillar of our society.

Please join me in supporting this important Ballot Measure. **Paid for by Goldwater for Governor Committee.**

Don Goldwater, Goldwater for Governor, Laveen

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ARGUMENTS "AGAINST" PROPOSITION 107

PROTECT MARRIAGE ARIZONA Amendment - Con statement

Why would anyone want to write discrimination into the Arizona Constitution? That's what this amendment would do. It is not about prohibiting "gay-marriages." Arizona already has a law that does that.

The consequences of the passage of this amendment would be dire. It would take away the rights of senior citizens who do not marry for fear of losing their pensions and Social Security benefits. Domestic violence laws would not apply to unmarried victims. Unmarried student partners would lose tuition benefits. Children of unmarried couples would be at risk of losing their access to health insurance.

The perception of an environment of intolerance for diversity would contribute to the loss of Arizona's college graduates to other states and would put the state at a disadvantage in attracting top talent and new businesses. The amendment would ban domestic partner benefits, mainly medical insurance, for all state, county, and city employees, including colleges, universities, and school districts. These current benefits would be taken away from employees of Pima County and the cities of Tucson, Phoenix, Scottsdale and Tempe. No state, county, or city entity would be able to reinstate them or pass laws that would establish these benefits in the future.

The League of Women Voters of Arizona believes that all levels of government share the responsibility to provide equality of opportunity for education, employment, and housing for all persons in the United States regardless of their race, color, gender, religion, national origin, age, sexual orientation, or disability.

Do you believe in freedom, privacy, and equal opportunity? If so, join the League of Women Voters of Arizona in voting against this attempt to introduce discrimination into the Arizona constitution.

Dr. Bonnie F. Saunders, President, League of
Women Voters of Arizona, Surprise

Dr. Barbara Klein, 1st Vice President, League
of Women Voters of Arizona, Scottsdale

Paid for by "League of Women Voters of Arizona"

Proposition 107, the so-called "Protect Marriage Act" is not about limiting marriage to the union of a man and a woman, which is already the law in Arizona. It will strip vital health insurance benefits and legal protections from thousands of Arizonans, primarily women and children, forcing many into our taxpayer supported Medicaid program (AHCCS).

Instead of protecting marriage it will make it illegal for Arizona or any county, city or town to provide any kind of benefits to the domestic partners (gay or straight) of its employees. Thousands of our neighbors will suddenly be without health insurance, medical leave, and other necessities.

In addition, this law may be interpreted to remove any unmarried partners and their children from protection under existing domestic violence laws and to prevent them from obtaining restraining orders and other court defenses against abusive partners.

Proposition 107 is not the answer to any real problem and it will have dire consequences for many Arizona women and children. The Arizona National Organization for Women (NOW) urges you to **vote No on Proposition 107**.

Karen Van Hooft, State Coordinator, Policy/
Spokesperson, Arizona NOW, Scottsdale

Eric Ehst, State Coordinator, Political Action,
Arizona NOW, Phoenix

Paid for by "Arizona NOW"

Arizona Green Party urges a NO vote on marriage initiative.

We want to protect religious freedom.

Either marriage is a sacred act, defined by people's religious beliefs, or it is only a government-created legal contract, and not sacred. Which do you believe? Churches, temples and mosques have married people for thousands of years. They've done just fine, and will continue to do fine, without government defining marriage for them.

Isn't it up to each faith to decide who, among them, marries, and whose marriage to bless? We've no more business voting, on who can be married, than we do in voting about who can be baptized. And, if you don't like how your church defines either, then go to another church, or no church at all. That's religious freedom!

Legal rights, not religion, are the voters' business. When two people ask government to protect their promises to each other, it's a contract. Government should welcome such commitments, because it provides for stability and predictability. Government should be happy when people commit to take responsibility for each other, because it means fewer people needing state help. Government should welcome families forming, all kinds of families. Families are good. When we stop butting into religious concepts, like marriage, we can see that.

Local governments have been working this out. They've got it right. Leave them to it, in deciding which benefits to offer their workers. Don't make a religious test, like marriage or baptism, enter into it. Call it licenced unions, or whatever. Give the word Marriage back to the faith communities.

We're against government telling faith communities how to limit Marriage. Read more about this, and other ballot issues, at www.azgp.org.

Protect freedom of religion. Protect Marriage. Vote NO.

Robert Neal, Treasurer, Arizona Green Party, Tempe

Paid for by "Arizona Green Party"

“Protect Marriage Amendment”. The title has a nice ring to it, but the Amendment does no such thing. What is it really about? Arizona courts have already determined that same-sex marriage is unconstitutional in Arizona, so it obviously can't be about that.

What it's really about, is employer benefits -- and making sure that only married couples have access to health and dental insurance. What's the point of that? How does that move society forward?

The City of Phoenix, as an employer, offers benefits to our employees. My wife, Christa, gets the same health and dental benefits that I do. But not everyone is married. Some people reside with their mom, dad, brother, sister, cousin or someone else. Many cities, and private employers, have made the business decision to cover one of them, in the absence of a spouse. That makes employers (and cities) more competitive in a very competitive job market.

This is nothing more than an overreaching proposal that would limit individual rights and push government further into the personal lives of us all.

If anything ever deserved a “NO” vote, this is it.

Phil Gordon, Mayor, City of Phoenix, Phoenix
Paid for by “Arizona Together Coalition”

I am proud of the nearly 16,000 city of Phoenix employees. They work hard every day to protect our safety, maintain great community parks, operate outstanding public libraries, and help create livable neighborhoods, just to name a few key city services. City employees are the reason Phoenix is consistently ranked as a top run city.

It is important that we provide the very best workplace for our employees, and provide good health benefits so our employees can focus on doing their jobs well. This ensures Phoenix will attract and retain the best people to provide the very best service.

Accordingly, I respectfully request you vote no on Proposition 107. It puts at risk local government's ability to provide domestic partner health coverage. It will make us less competitive in attracting and retaining the best employees. Our people must remain our best resource.

Thank you for considering a no vote on Proposition 107.

Greg Stanton, Phoenix City Council, Phoenix
Paid for by “Arizona Together Coalition”

Maxine and I have been living together for many years now. Unfortunately, we cannot get married. We are both retired and living off of social security. If we were to get married Maxine would lose a large portion of her social security income and consequently make us poorer. With the high cost of our medical needs Maxine and I would be in dire straits. That is why we registered as domestic partners with the Tucson City Clerk.

Maxine and I unfortunately have had many medical problems in our later years. Before registering as domestic partners with the city of Tucson, it was sometimes impossible to visit each other in the emergency room. With our domestic partnership we have been able to visit each other at the hospital without having to find a sympathetic nurse or doctor to let us in. This initiative will impact us and thousands of elderly citizens like us. Please Vote no against Prop 107

Al Brezney, Tucson
Paid for by “Arizona Together Coalition”

Maxine Piatt, Tucson

It is not the business of government to dictate the types of personal relationships into which individuals decide to enter. In accord with the principle, we in Pima County have ruled that all our employees deserve to have full health care and survivor benefits regardless of the nature of their domestic partnerships in their homes. Pima County's action in this regard protects its taxpayers from having to pay the emergency medical costs of uninsured people who become seriously ill or suffer a significant injury. I am offended that a group of conservative political activists has taken it upon itself to try to amend the state Constitution to limit how we in Pima County – and others in cities, towns and counties throughout Arizona – can compensate our employees for their work and can protect our taxpayers from unwarranted emergency medical costs. This measure has nothing to do with protecting marriage and everything to do with discriminating against people whose partnership choices in life do not conform to the ideal of this narrowly focused group. I urge you to vote “NO” on Proposition 107.

Richard Elías, Chairman, Pima County Board of Supervisors, Tucson
Paid for by “Arizona Together Coalition”

Every town, city and county is different in Arizona. As a City Councilor for Flagstaff I am constantly reminded how different Coconino is from Phoenix, Tucson, and other cities. One all-encompassing amendment that directs how we compensate our employees is not right. A radical extremist group from Scottsdale should not dictate the manner in which Flagstaff compensates its employee. I will vote no against prop 107.

Al White, City Council, Flagstaff
Paid for by “Arizona Together Coalition”

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Arizonan's are known for caring for their fellow neighbors. As a Lay Pastor in the United Methodist Church, I preach "love thy neighbor." Any proposition that takes away medical insurance from families is not in accord with the teachings of the great healer Jesus of Nazareth. I urge all people of faith to vote against this proposition. It will take away domestic partner benefits and could prevent loving unmarried couples from visiting each other in the hospital. I will vote no on Prop 107.

Rolly Loomis, Lay Pastor, Saint Francis in the Foothills United Methodist Church, Tucson
Paid for by "Arizona Together Coalition"

The so-called "Protect Marriage Arizona" initiative neither protects marriage nor our state. Rather, it is a narrow-focused attempt to cut off benefits to the detriment of couples and families statewide.

Adults who live in committed relationships have earned the protections domestic partner benefits offer. These protections strengthen families. And these benefits make good business sense. The City of Tucson, along with many other jurisdictions and private businesses, has chosen to provide domestic partner benefits, helping attract the best people to work for our community. This initiative would overrule this decision.

This is not an issue of gay or straight – all unmarried couples who have earned partner benefits will be harmed if this measure passes – and according to the 2000 Census, the vast majority of the 118,000 unmarried households in Arizona are headed by heterosexual couples!

This is an issue of basic fairness – of longstanding partners having the ability to share their benefits packages, the right to make medical decisions for each other, and the respect of being acknowledged as a family. I hope you will join me in voting against Proposition 107.

Nina J. Trasoff, Councilmember, Tucson
Paid for by "Arizona Together Coalition"

As Tucson City Council Member, I am always looking for the best way to help my fellow citizens. Tucson decided to establish a domestic partnership registry for its citizens in 2003. This registry has helped many elderly citizens and unmarried couples ensure that they will be able to visit their loved ones in the hospital. It is even more disturbing to me that radical groups, not from Tucson, are trying to dictate how the Tucson government should treat its citizens and employees. I encourage everyone to vote no on Prop 107.

Carol West, City Council Member, Tucson
Paid for by "Arizona Together Coalition"

The Arizona Advocacy Network opposes Proposition 107, the so-called Protect Marriage Arizona amendment. This ill-conceived amendment was written so broadly that it will adversely affect large numbers of Arizonans. The measure won't change state law; same sex marriage is already illegal in Arizona. If passed, a domestic partner (heterosexual or otherwise) of anyone who works for the cities of Phoenix, Tucson, Tempe or Scottsdale, or Pima County, would lose medical and other benefits. Many who suddenly find themselves without health insurance will inevitably end up on Arizona's Medicaid rolls. Who will be forced to pick up the tab? Taxpayers. Another particularly cruel consequence of Prop 107 will be that unmarried partners may be barred from visiting one another in health care facilities.

Many senior citizen couples must choose domestic partnership over marriage in order to preserve their modest incomes. We should not be punishing them by passing Prop 107.

The Arizona Advocacy Network (AzAN) is a non-profit community organization dedicated to social and economic justice by increasing citizen participation in the political process. Vote No on Proposition 107.

Michael J. Valder, President, Arizona Advocacy Network, Phoenix
Eric Ehst, Treasurer, Arizona Advocacy Network, Phoenix
Paid for by "Arizona Advocacy Network"

BALLOT FORMAT

PROPOSITION 107

PROPOSED AMENDMENT TO THE CONSTITUTION
BY INITIATIVE PETITION

OFFICIAL TITLE

AN INITIATIVE MEASURE
PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING THE CONSTITUTION OF ARIZONA; BY ADDING ARTICLE XXX; RELATING TO THE PROTECTION OF MARRIAGE

DESCRIPTIVE TITLE

REQUIRES THAT ONLY A UNION BETWEEN ONE MAN AND ONE WOMAN SHALL BE VALID OR RECOGNIZED AS A MARRIAGE BY THE STATE AND ITS POLITICAL SUBDIVISIONS AND PROHIBITS THE CREATION OR RECOGNITION OF LEGAL STATUS SIMILAR TO MARRIAGE FOR UNMARRIED PERSONS BY THE STATE OR ITS POLITICAL SUBDIVISIONS.

PROPOSITION 107

A "yes" vote shall have the effect of amending the Constitution to require that only a union between one man and one woman shall be valid or recognized as a marriage by the state and its political subdivisions and prohibiting the creation or recognition of legal status similar to marriage for unmarried persons by the state or its political subdivisions.

YES

A "no" vote shall have the effect of retaining the current laws regarding marriage, including a statutory ban on same-sex marriage.

NO

PROPOSITION 107

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