



# PROPOSITION 109



## OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2008  
A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, CONSTITUTION OF ARIZONA, BY ADDING SECTION 36; RELATING TO HUNTING AND FISHING.

## TEXT OF PROPOSED AMENDMENT

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

1. Article II, Constitution of Arizona, is proposed to be amended by adding section 36 as follows if approved by the voters and on proclamation of the Governor:

**36. Hunting, fishing and harvesting wildlife**

SECTION 36. A. THE CITIZENS OF THIS STATE HAVE A RIGHT TO HUNT, FISH AND HARVEST WILDLIFE LAWFULLY. WILDLIFE BELONGS TO THIS STATE AND IS HELD IN TRUST FOR THE BENEFIT OF THE CITIZENS OF THIS STATE.

B. EXCLUSIVE AUTHORITY TO ENACT LAWS TO REGULATE THE MANNER, METHODS OR SEASONS FOR HUNTING, FISHING AND HARVESTING WILDLIFE IS VESTED IN THE LEGISLATURE, WHICH MAY DELEGATE RULE MAKING AUTHORITY TO A GAME AND FISH COMMISSION. NO LAW SHALL BE ENACTED AND NO RULE SHALL BE ADOPTED THAT UNREASONABLY RESTRICTS HUNTING, FISHING AND HARVESTING WILDLIFE OR THE USE OF TRADITIONAL MEANS AND METHODS. LAWS AND RULES AUTHORIZED UNDER THIS SECTION SHALL HAVE THE PURPOSE OF WILDLIFE CONSERVATION AND MANAGEMENT AND PRESERVING THE FUTURE OF HUNTING AND FISHING.

C. LAWFUL PUBLIC HUNTING AND FISHING SHALL BE A PREFERRED MEANS OF MANAGING AND CONTROLLING WILDLIFE.

D. THIS SECTION SHALL NOT BE CONSTRUED TO MODIFY ANY PROVISION OF COMMON LAW OR STATUTES RELATING TO TRESPASS OR PROPERTY RIGHTS.

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

Proposition 109 would amend the Arizona Constitution to provide that:

1. Wildlife is held in trust for the citizens of this state, whom have a right to lawfully hunt, fish and harvest the wildlife.

2. The legislature has the exclusive authority to enact laws to regulate hunting, fishing and harvesting of wildlife. The legislature may grant rule making authority to a game and fish commission. No law or rule shall unreasonably restrict hunting, fishing or harvesting of wildlife or the use of traditional means and methods for those activities. Any law or rule shall have the purpose of wildlife conservation and management and preserving the future of hunting and fishing.

3. Lawful public hunting and fishing are the preferred means of managing and controlling wildlife.

By its terms, nothing in Proposition 109 shall be construed to modify any law relating to trespass or property rights.

## ARGUMENTS "FOR" PROPOSITION 109

A YES vote on Proposition 109, the Right to Hunt and Fish Constitutional Amendment, is a vote supporting individual choice, scientific wildlife management and continued funding of critical conservation projects for our majestic wildlife and their habitats here in Arizona. This Amendment will permanently safeguard hunting and fishing against attacks from radical interest groups whose agenda is to impose emotional bans on the citizens of the state without regard for the terrible consequences that would ensue.

Humans have hunted since the dawn of time. Our nation's father, George Washington, had a deep passion for hunting. He could have never imagined that the future of hunting would be threatened but today it is. Radical groups have successfully banned the hunting of even the most common of game species in countless jurisdictions. This cannot be allowed to happen here in Arizona and this is why it is so important for voters to support Proposition 109.

I am an avid hunter, lead the Sportsmen's Caucus at the Legislature, and am a steadfast supporter of both hunting rights and the Arizona Game and Fish Commission. Along with my colleagues in the Legislature, I worked tirelessly with the Commission to craft the Amendment's language so the Commission could continue to reasonably regulate hunting as it and its scientists deem appropriate. The Commission voted to support the amendment language that is Proposition 109.

Proposition 109 defends against consequences that anti-hunting groups never consider when imposing bans. Without active management through regulated hunting, game species overpopulate their habitat. Once the carrying capacity of the land is exceeded, starvation and disease follow. This works to destroy the entire complex ecosystem that countless species depend upon. To compound this problem, fees and taxes paid by sportsmen to fund habitat restoration programs are lost.

-Representative Jerry Weiers - PLEASE VOTE "YES"

**Jerry Weiers, State Representative, Glendale**

This amendment to the Arizona State Constitution is an action to do what our forefathers never thought would be necessary. Hunting and fishing is how they survived. It never occurred to them, that the heritage of hunting and fishing would ever be challenged. As our country grew and became more urbanized, the need to hunt and fish dwindled but the ability to do so remained.

Beginning in the early 20th Century, sportsmen and sportswomen began implementing reasonable restrictions and limitations on themselves. Game and Fish Departments and Commissions were established, and along with sportsmen and women, rejuvenated our wildlife and habitat.

In the last 50 or so years, those who oppose hunting and fishing have organized and worked tirelessly to end or severely restrict hunting and fishing throughout this nation. They have done little, if anything to enhance our wildlife and their habitat.

PROPOSITION 109

This amendment will not limit the Game and Fish Department and Commission in the performance of their duties. It will enhance our wildlife and the habitat they rely on.

Your decision depends on how you answer the following questions.

1. Do you want the right to decide for yourself if you want to hunt or fish?
2. Do you want your children and all future generations to have the right to make their own decision regarding hunting or fishing?
3. Do you want to make it a little more difficult for organizations, funded from outside Arizona, to restrict anyone from making their own decision?

If you answered, over even considered answering yes to any of the above questions, you must vote yes on Proposition 109.

I encourage all Arizona citizens to secure the right to hunt and fish for all generations, present and future.

**George A. Reiners, SgtMaj USMC (Ret.), Yuma**

The Yuma Valley Rod and Gun Club supports Proposition 109 for the right to hunt and fish in Arizona. One of the goals of our organization is to preserve our hunting and fishing heritage for future generations. Therefore, we naturally applaud any effort to make that heritage a right under our state constitution. The state has a trust responsibility to manage wildlife for all citizens. Thus, all citizens should have the right to benefit from the legal, ethical, and necessary harvest of the wildlife and fish of this state. Our Game and Fish Commission will continue to regulate all hunting and fishing. The legal harvest of fish and wildlife species is a pillar of wildlife and fisheries management, and should always be available as a tool for management. Hunting and fishing are not only forms of recreation for citizens of Arizona, but a valuable means to provide high quality food for our families. Hunting and fishing helps bring the bonds of family and friends closer, along with bringing millions of dollars of revenue to the state. Please join our organization by voting "yes" on Arizona's right to hunt and fish.

**Douglas C. Beach, President, Yuma Valley Rod and Gun Club, Yuma**

**Gerald Gotchie, Treasurer, Yuma Valley Rod and Gun Club, Yuma**

*Paid for by Yuma Valley Rod and Gun Club*

Arizona Wildlife Federation (AWF), state affiliate of the National Wildlife Federation, has long recognized the critical role hunting and fishing plays in conserving, restoring and protecting wildlife. Hunting and fishing maintains a connection between people and wildlife and generates the funding needed to ensure wildlife's continued abundance and diversity. Therefore, AWF supports Proposition 109 as a means of protecting hunting and fishing from arbitrary and needless restrictions.

Resources provided by hunters and anglers benefit all citizens who appreciate wildlife. Without the funding and volunteerism provided by the men and women who hunt or fish, Arizona's native trout, antelope, bighorn sheep, turkeys and many other wildlife species would not exist at their present numbers and locations. Restrictions that erode hunting and fishing opportunities diminish the state's ability to care for its wildlife and should not be enacted frivolously.

There have been efforts in other states to outlaw the hunting of specific species and methods of take. Even though such measures have no conservation value, they sometimes succeed through well-funded campaigns that appeal to emotions. There is no current requirement for laws or regulations restricting the harvest of fish and wildlife to have any rational basis. Proposition 109 rightly prohibits restrictions generated by emotion, politics or the will of one minority to impose its arbitrary preferences on another. Making hunting and fishing a right instead of a privilege raises the level of scrutiny applied to such restrictions and should help keep the science in wildlife policy. Arizona's current laws, rules and regulations governing hunting and fishing are for legitimate purposes such as safety, sound biological management and respect for the rights of others. Proposition 109 only requires that restrictions not be unreasonable.

Arizona Wildlife Federation supports the passage of Proposition 109.

**Jerry Thorsen, Treasurer, Arizona Wildlife Federation, Mesa**

**Brad Powell, Vice President, Arizona Wildlife Federation, Payson**

*Paid for by Arizona Wildlife Federation*

Fellow Arizonans,

The Arizona Game and Fish Commission (Commission) is proud to support Proposition 109, which will help ensure a future for hunting and fishing opportunities in our state. We urge your support for this proposed constitutional amendment, which will safeguard these traditions for future generations. Ten other states have already recognized the right to hunt and fish in their constitutions.

When approved by the voters, Proposition 109 will amend Arizona's constitution to elevate wildlife harvest to the level of protection and distinction it deserves, helping to ensure that hunting and fishing remain an integral part of wildlife management in Arizona. Funds generated through sale of tags and licenses to sportsmen and women are essential to wildlife conservation efforts. This amendment protects the Commission's ability to continue to benefit from use of lawful hunting and fishing as management tools.

We ask you to assist us, the Commission, in preserving these traditions and ensuring that we may all continue to experience Arizona's outdoor heritage. Thank you for your support.

The Arizona Game and Fish Commission

**Robert R. Woodhouse, Vice Chair, Arizona Game and Fish Commission, Roll**

**Jack F. Husted, Commissioner, Arizona Game and Fish Commission, Springerville**

*Paid for by Arizona Game and Fish Commission*

Protect our hunting and fishing heritage. **Vote Yes on Prop 109**

Arizona Sportsmen for Wildlife, an organization dedicated to educating the public on issues of importance to Arizona's wildlife and advocacy on behalf of sportsmen, wildlife and its habitat, supports Prop 109. We ask for your support for the following reasons.

Arizona's wildlife is largely dependent on resources provided by Arizona's sportsmen who underwrite the majority of the Arizona Game & Fish Department's (AZGFD) budget through hunting and fishing license fees, game tags, watercraft licenses and a federal excise tax imposed on the purchase of ammunition, hunting and fishing equipment. Roughly 72% of the Department's 2010 Fiscal year budget relied on these sources of income and associated matching funds to accomplish the AZGFD's mission. AZGFD receives no general fund revenues.

Without the financial resources provided by sportsmen who hunt and fish, AZGFD would not have the resources to fund the necessary services and oversight required to maintain healthy populations of wildlife, whether it be elk, deer, antelope, wild sheep, apache trout, bass or hummingbirds. Money provided by hunters and anglers help maintain and improve habitats for all of Arizona's wildlife species.

Yet, there are organizations such as PETA (People for the Ethical Treatment of Animals) and other extreme groups who would like to stop hunting and fishing. We cannot allow this to happen. The impact would be devastating to Arizona's wildlife.

Hunters and anglers are the first true conservationists and are a part of the fabric and culture of this great country. **Support Prop 109 so that our children and grandchildren will continue to have the opportunity to hunt, fish and enjoy our public lands** if they choose to do so.

**Alan Hamberlin, President & Chairman, Arizona Sportsmen for Wildlife Board, Phoenix**  
*Paid for by Arizona Sportsmen for Wildlife*

**Floyd Green, Secretary & Treasurer, Arizona Sportsmen for Wildlife Board, Phoenix**

**The Arizona Deer Association Supports Prop. 109!**

The Arizona Deer Association urges you to vote **YES** on Proposition 109. If passed, Arizonans can be assured that the tradition of hunting and fishing will continue to be protected and passed from generation to generation. Some in the environmental and animal rights crowd will try to tell you that the passage of this proposition will leave wildlife unprotected and in danger of over hunting and fishing. Nothing could be further from the truth! If passed, Prop. 109 will keep the traditional North American models for wildlife management in place for generations to come.

In short, the passage of this important proposition will keep Arizona's wildlife around and healthy for a long time to come. In continuing to protect hunting and fishing in Arizona we are keeping the original conservationists, America's hunters and fishermen, at the forefront of wildlife conservation. The truth that environmentalists and animal rights activists won't tell you is that hunters actually do have an interest in seeing wildlife succeed. In the past few years, the Arizona Deer Association has put forth several hundred thousand dollars towards preserving wildlife habitat. We don't have an interest in unbridled and unregulated hunting. We have always promoted sound wildlife policies that promote both the betterment of Arizona's wildlife and the continuation of our hunting heritage. We do this by teaching our children the importance of safe and responsible hunting techniques, working to improve wildlife habitat by building water catchments, maintaining fences and helping fund research projects.

A **YES** vote on Prop. 109 is not only a vote to protect the hunting tradition for years to come, but perhaps most importantly, it is a vote to promote healthy wildlife populations.

**John Koleszar, President, Arizona Deer Association, Gilbert**  
*Paid for by Arizona Deer Association*

**Craig Nebeker, Treasurer, Arizona Deer Association, Phoenix**

**Please Vote Yes on Prop 109.**

The Arizona Desert Bighorn Sheep Society (ADBSS), a 501-c-3 organization dedicated to putting wild sheep on the mountains of Arizona, supports Prop 109. Your support of Prop 109 is also needed to ensure that Arizona's wildlife will be conserved today and into the future.

ADBSS is the oldest and one of the most respected wildlife species conservation organizations in the state with a membership averaging 1,000. The ADBSS created the special tags program which has generated approximately \$7 million in revenues over the years for sheep transplants, habitat work and the completion of 180 water catchment projects throughout the state and roughly another \$7 million for other wildlife species. In addition, thousands of volunteer hours are contributed annually to support various sheep projects. This information is important for the public to understand, because the ADBSS and other species and sportsmen's organizations throughout the state are the primary support organizations for Arizona's wildlife and hunters and anglers, through their license and tag fees, provide the primary source of revenues for the Game and Fish Department.

It is critically important that the state preserve the ability for individuals to hunt and fish. Without the funds generated by hunters and anglers, the state would not be able to generate the revenues necessary to manage Arizona's wildlife, whether it be game or endangered species. **Vote yes on Prop 109 and preserve the state's primary funding source for the Arizona Game & Fish Department.**

**Jim Unmacht, Immediate Past President, Arizona Desert Big Horn Sheep Society, Glendale**  
*Paid for by Arizona Desert Big Horn Sheep Society*

**Curt Steinke, Secretary, Arizona Desert Big Horn Sheep Society, Scottsdale**

**Arizona State NWTF in Support of Proposition 109**

The hunters and anglers of Arizona are a critical part of sustaining and managing the state's wildlife resource. Hunters and anglers contribute millions of dollars, through license fees and contributions, to support and preserve the wildlife for all the citizens of this state to enjoy.

The National Wild Turkey Federation is one of the many wildlife conservation groups working in this state to preserve wildlife and their native habitat. The NWTF membership is comprised of hunters with a common interest of preserving our hunting heritage, family traditions and helping to manage the state's wildlife resource. Since 1985 over \$788,000.00 has been raised by Arizona NWTF members to be spent toward sustaining and promoting the state's wildlife populations. In 1973, when the NWTF was established, there were only 1.3 million turkeys in this country. Today there is a population of over seven million turkeys in North America.

Wildlife conservation is best served by the passage of this proposition. Proposition 109 not only ensures the preservation of an American tradition, it further ensures the funds critical to support wildlife conservation. Those funds will come from the state's hunters and anglers as they have in the past. When considering the condition of the state's economy, it is highly unlikely the funds will come from another source.

Hunting and angling are imbedded in the traditions of this nation and should be protected as we would protect the right to free speech. These American hunting and angling traditions have become an important management tool for the Game and Fish Departments of our nation.

Join the members of the National Wild Turkey Federation in supporting this critical proposition for the preservation of wildlife and our American traditions.

**Steve Sams, President, Arizona State Chapter, National Wild Turkey Federation, Prescott**  
*Paid for by Richard B. Williams*

**Richard B. Williams, Vice President, Arizona State Chapter, National Wild Turkey Federation, Scottsdale**

**The Arizona Flycaster's Club supports Prop 109.**

The Arizona sportsman's involvement in the conservation of our wildlife resources has been going on longer and consists of greater time and money invested than any other group of people or organization. The results they have garnered for the benefit of society exceed that of any other group or organization.

Hunters and fishermen have proven to be a driving force of feet on the ground and money in the bank support for conservation through actual physical work, monetary contribution, and legislative action. This is not said to the detriment of others, it is simply said to recognize who is contributing the majority of the effort.

We are in a time of change. While most people support hunting and fishing in our society, there is an element which does not and lacks any real scientific understanding of how animal populations thrive, stay healthy and grow. They would cease all hunting and fishing because in their emotional perspective they fail to grasp the very real disastrous damage they inflict on wildlife by such abandonment in a world that is no longer the open spaces and agrarian society of yesteryear. Many of these well meaning but misguided and yet well-funded groups seek to put an end to what has proven to be an important management tool for our wildlife. Put simply, Proposition 109 recognizes our heritage and places it in less vulnerable position to be attacked by those who do not really understand the real contribution hunters and fisherman make.

**Gary Stinson, Conservation Chair, Arizona Flycasters Club, Phoenix**

**Roger Cahoon, President, Arizona Flycasters Club, Scottsdale**

*Paid for by L. Gary Stinson*

All Registered Voters - **Vote YES on Prop 109.**

Anglers United supports Prop 109 and we ask for your support to pass this important amendment to the Arizona Constitution. Why?

1. Arizona Game & Fish Dept. depends primarily on revenues from anglers and hunters, as it receives absolutely NO general fund dollars from the State of Arizona.

2. Hunting and Fishing are critical to the management of Arizona's wildlife and provide income necessary to sustain and support our natural resources for ALL to enjoy.

3. Prop 109 will guarantee our ability to hunt and fish, and thus, ensure our support of wildlife and its habitat for the benefit of all Arizonans.

Anglers United, Inc. a (501)(c)(3) non-profit, is a 100% volunteer organization, dedicated to conserving Arizona lakes and wetland habitat for fishing and other wildlife. Incorporated in 1982 and AU has raised in excess of \$25,000,000 for Arizona Conservation Projects, through the cooperation of Arizona Game & Fish, US BLM, US Forrest Service and public contributions.

AU has participated in over 40 programs from Apache Lake to Lake Havasu. Projects included, sanctuaries for threatened & endangered species, habitat development and special needs access. We recently funded two new projects with AZ Game & Fish, providing \$100,000 in seed money, to create a public use lake at their Ben Avery facility and reclaim urban lakes in cities throughout Arizona.

Remember, **your vote IS important.**

**T. C. Stephens, President, Anglers United, Inc., Phoenix**

**Brian D. Pinney, Immediate Past President, Anglers United, Inc., Phoenix**

*Paid for by T. C. Stephens*

**Support Prop 109 to insure the Arizona Game and Fish Commission and Department's ability to fulfill their roles and responsibilities for management of Arizona's wildlife on behalf of all the people.**

The extreme environmental groups and animal rights activists tried to create the illusion that passage of this constitutional amendment would reduce the department and commission's effectiveness in wildlife management. Nothing could be further from the truth. Prop 109 actually provides additional protection for the game and fish commission system by giving it standing in the state constitution.

Others argue that hunting and fishing should not be designated as the preferred method for take of wildlife. Reality is that hunting and fishing have a long and proven track record as being the most reliable and preferred method of controlling wildlife population. Prop 109 simply continues this management option.

The groups that oppose prop 109 are the same ones that file lawsuits to stop the development of water catchments for wildlife during times of drought. In reality they do not care about the wildlife, they are more interested in filing lawsuits on petty process issues to line their own pockets while doing nothing for the benefit of wildlife.

**Vote YES on Prop 109. Support hunters and anglers who are the real conservationists and the ones who fund the Arizona Game and Fish Department.**

**W. Hays Gilstrap, Former Arizona Game and Fish Commissioner, Phoenix**

As a State Legislative Representative who fought feverishly to save our State Parks from drastic budget cuts and potential closure, I can tell you there is tremendous passion amongst our citizens to keep our State Parks, and our fishing and hunting privileges in tack. Senator Amanda Aguirre and I completely support Prop 109, and concur with the Yuma Valley Rod and Gun Club's position concerning hunting and fishing preservation for the state of Arizona.

As they so eloquently state, "Hunting and fishing are not only forms of recreation for citizens of Arizona, but a valuable means to provide food for our families. Hunting and fishing helps to bring the bonds of family and friends closer along with bringing millions of dollars of revenue to the state."

With our economy in desperate turmoil, we need to preserve our parks, and the rights of citizens to enjoy them while hunting and fishing.

Please help us validate the right to hunt and fish by voting YES on Prop 109.

**Lynne Pancrazi, State Representative, Yuma**

**Vote "YES" on Proposition 109**

**Don't Let Anti-Hunters Ban Hunting!**

The future of hunting and fishing in America is under constant threat from those who would ban it. Numerous anti-hunting organizations see Arizona as the next logical place for them to attack the traditions of hunting and fishing. This amendment to the Arizona Constitution will stop them in their tracks. If you doubt there is a threat to hunting you need only look to the words of the Humane Society of the United States current President Wayne Pacelle who said **"If we could shut down all sport hunting in a moment, we would"** (Associated Press - December 30th, 1991).

That is why numerous pro-hunting organizations in Arizona are urging you to vote **YES** on Proposition 109.

There are some organizations who are telling voters that somehow the Arizona Legislature will suddenly control wildlife management instead of the Arizona Game and Fish Commission. This is nothing more than an outright lie designed to scare you into opposing Proposition 109. The Arizona Legislature CREATED the Arizona Game and Fish Commission and could dissolve it today without the passage of Proposition 109. The Legislature already has the authority to manage wildlife if it chooses to, however, the legislature has delegated that authority to the Arizona Game and Fish Commission and it will continue to do so. If this measure is really a threat to the responsibilities of the Arizona Game and Fish Commission then why did the Commission vote unanimously to support it? The answer

is simple; Proposition 109 strengthens the tradition of hunting in Arizona so it will be there for our children and grandchildren to enjoy for generations to come.

Reject the radical anti-hunters by voting **YES** on Proposition 109!

**Todd J. Rathner, Lifelong Hunter and Fisherman, Tucson**

Argument FOR Proposition 109

Since the early years after statehood, in the beginning of the last century, many hunters have worked tirelessly in collaboration with the Arizona Game and Fish Department to help restore and conserve our wildlife heritage. Many hunters, myself included, are practicing scientists. including biologists, biochemists, geologists, archaeologists, physicists, doctors and veterinarians and many other names that sometimes even we can't pronounce.

But regardless of what we do for a living, we all share the love for that special combination of mountains and desert and wildlife that is Arizona.

Arizona's wildlife community is a complex ecosystem with subtle and intricate interactions between wildlife, plant life, rainfall, climate, soil, geology and many other factors. We all want to make sure that our rich wildlife heritage is carefully managed by wildlife professionals who have the knowledge and training to make the hard decisions that are needed to preserve Arizona's wildlife heritage now and for future generations.

But Arizona Game and Fish Department wildlife professionals can't protect our wildlife if they can't do their job because of ill conceived bans that take away their management options.

A YES vote on Proposition 109 will protect our wildlife from politically motivated, emotionally based legislation by requiring that hunting and fishing laws and regulations "have the purpose of wildlife conservation and management" as their basis.

A YES vote on Proposition 109 will protect our wildlife from bad laws spawned of back room deal politics and expensive, whirlwind ad campaigns.

A YES vote on Proposition 109 will protect our wildlife heritage by making sure that our Arizona Game and Fish Department wildlife programs will continue to be operated based upon sound conservation and management principles.

**Dr. Don Saba, Tucson**

The National Rifle Association's Argument FOR Proposition 109

The National Rifle Association of America (NRA) urges you to vote YES on Proposition 109, the Right to Hunt and Fish Constitutional Amendment. A YES vote is a vote to permanently enshrine Arizona's great sporting heritage in the State Constitution. NRA has spearheaded efforts to provide truly meaningful protections to hunters and fishermen across the country. It is expected that nearly one-quarter of all states will have adopted similar amendments by year's end.

While hunting has been practiced by our ancestors for countless generations, it is now threatened by extremists who are devoted to imposing emotion-driven bans over the objections of wildlife biologists who understand that hunting is essential to the management of wildlife and viable habitat. These extremists are desperately seeking to gain a foothold in Arizona through expensive, misleading campaigns. A YES vote on Proposition 109 sends a clear message that Arizonans cherish their personal freedom and scientific wildlife management.

Some interest groups are misrepresenting the provisions of the Amendment. Don't be fooled. It in no way changes the current structure of science-based hunting regulated by state officials. It simply requires that laws and rules pertaining to hunting and fishing "have the purpose of wildlife conservation and management," eliminating the possibility of introducing the politics and emotion that has no appropriate place in wildlife management decision making.

Hunters have been the ultimate defenders of wildlife and conservation throughout our history. Hunters sustain a healthy ecosystem and promote biodiversity by furnishing the necessary funding to safeguard and acquire additional habitat through their payment of taxes and fees. A YES vote on Proposition 109 will permanently protect this North American Model of Wildlife Conservation that has become the envy of the world.

- National Rifle Association

**Todd J. Rathner, Member, National Rifle Association, Board of Directors, Tucson**

*Paid for by National Rifle Association*

**Dr. Don Saba, Member, National Rifle Association, Board of Directors, Tucson**

Dear Voter,

Proposition 109 is an important step in ensuring the Arizona Game & Fish Department's ability to manage and conserve Arizona's wildlife for many years to come. Sportsmen pay for the largest share of the Department's annual state budget through hunting and fishing licenses and tags, excise tax on ammunition, hunting and fishing equipment and watercraft license fees and other matching funds.

Prop 109 stipulates that hunting and fishing shall continue to be the primary means of managing and controlling wildlife. Loss of hunting and fishing would severely diminish the state's ability to manage wildlife as the Arizona Game & Fish Department, unlike other state agencies, is not funded with general fund tax dollars.

By continuing to protect hunting and fishing in Arizona we are keeping the original conservationists - America's hunters, fishermen and women - at the forefront of wildlife conservation. Join me in voting Yes on Proposition 109.

Sincerely,

**Jan Brewer, Governor, Phoenix**

**ARGUMENTS "FOR" PROPOSITION 109**

**ARGUMENTS "AGAINST" PROPOSITION 109**

VOTE "NO" ON PROPOSITION 109

- STOP THE POWER GRAB BY POLITICIANS
- SAY "NO" TO SPECIAL INTERESTS
- DON'T GIVE UP OUR VOTING RIGHTS

Proposition 109 is a power grab by politicians to take away the rights of Arizona voters and the Arizona Game and Fish Commission to determine wildlife policy in the state.

Proposition 109 is unnecessary. Arizonans already have the right to hunt and fish. That right is not being threatened.

Proposition 109 is a power grab. It takes away our voting rights by giving the legislature EXCLUSIVE authority over wildlife issues. Voters will no longer be allowed to oversee the legislature and petition their government. If we let the politicians take away our right to vote on wildlife issues, what other issues will be next?

Proposition 109 is a giveaway to special interest lobbyists. It puts all wildlife management in the hands of politicians, lobbyists, and special interests. The state constitution is a sacred document and should not be used to score political points for extreme groups that use inhumane and unsportsmanlike practices.

Proposition 109 ignores principles of good wildlife management. The basic principles of wildlife management and conservation in Arizona allow for season dates, limits, prohibitions on inhumane methods, and other reasonable and sportsmanlike restrictions to protect wildlife. Proposition 109 would replace sound science with politics.

Proposition 109 could cost taxpayers millions and open the door for frivolous lawsuits. The measure could subject the state to expensive lawsuits from individuals who want to argue that bag limits or season dates for a particular species are "unreasonable." A poacher caught spotlighting animals from the road or shooting animals out of season could argue in court that such restrictions are "unreasonable." It's a bad law that solves nothing and only creates problems.

VOTE "NO" ON PROPOSITION 109

**Kari Nienstedt, Arizona State Director,  
The Humane Society of the United  
States, Scottsdale**

**Michael Markarian, Chief Operating  
Officer, The Humane Society of the  
United States, Washington**

**G. Thomas Waite, III, Chief Financial  
Officer, The Humane Society of the  
United States, Washington**

*Paid for by The Humane Society of the United States*

I am going to vote NO on Prop 109 and I urge all hunters and anglers and citizens to do the same. Hunting and fishing are very important to me, perhaps a cornerstone to my very being. But, I believe amending the Arizona constitution to make it a right does more to jeopardize my ability to go hunting and fishing more than it does to preserves it.

I have the ability to hunt because the people of this state continue to give me permission to do so. Most say, "I choose not to hunt but understand enough about what you do to continue to give you permission to do so - within reason and not without restrictions and concerns." I believe, the inevitable conflicts of wildlife management are best addressed by good science, making hunting a right removes the responsibility to employ the best possible science.

Hunting and fishing are currently guaranteed to me and all citizens in good standing as long as whose actions are tempered by a recognition of the feelings and view of wildlife by others who see and use wildlife and wild places differently.

I believe that Prop 109 is poorly written with many ambiguities. What are unreasonable restrictions? What are traditional means and methods of wildlife take? These have changed significantly in the 40 plus years I have been hunting and worked as a wildlife biologist.

And lastly, I believe that making hunting and fishing a constitutional right will expose all the setting of seasons and restrictions to the legal Doctrine of Strict Scrutiny which will hold rules and regulations to a higher standard of public scrutiny. This will disrupt the setting of seasons and bag limits.

**Bob Hernbrode, Tucson**

**Vote "No" on Proposition 109  
Stop the Legislature's Power Grab Regarding Wildlife Management**

Proposition 109 will undermine the current system of wildlife management in Arizona and give science a backseat to politics. This is just one more bad idea brought to us by the Arizona Legislature, one of the most dysfunctional legislatures in recent history.

Hunting, fishing and harvesting of wildlife will no longer be considered privileges if Proposition 109 passes, but instead will be included in the basic Declaration of Rights in the Arizona Constitution along with true rights such as: due process of law, right of petition and of assembly, freedom of speech and press, equal privileges and immunities, bearing arms, and religious freedom, among many other important rights.

The Sierra Club is not anti-hunting - many of our members hunt and fish and we have long worked with hunters and anglers on conservation measures - but this measure goes too far. **Proposition 109 is about the Legislature trying to grab more power, not about doing anything positive for wildlife.** It will have a negative impact on wildlife and wildlife management in Arizona by making it more difficult to regulate the take of wildlife and by making harvesting of wildlife a preferred method of management, irrespective of the impacts on the wildlife or the wildlife habitat.

Wildlife belongs to all Arizona citizens - hunters and non-hunters, anglers and non-anglers, those who wildlife watch and those who don't, this as well as the next generation. Wildlife is held in trust by the State of Arizona for their benefit. Establishing a constitutional right to hunt and fish violates that basic trust responsibility and puts at risk a system of wildlife management that has served Arizona well since 1929. We strongly urge you to vote "no" on Proposition 109.

**Jim Vaaler, Chairperson, Sierra Club - Grand Canyon  
Chapter, Phoenix**

**Don Steuter, Conservation Chair, Sierra Club -  
Grand Canyon Chapter, Phoenix**

*Paid for by Sierra Club Grand Canyon Chapter*

**Humane Voters of Arizona Says Vote NO on Proposition 109!  
Protect Arizona's Wildlife & Citizen Democracy!**

Arizona voters need to speak up for Arizona's animals. The proponents of proposition 109 intend to take away initiative rights to silence a majority of Arizona voters and the volunteers who have been so successful in protecting animals through the initiative process.

Arizona's animal protection community has a strong history of grassroots citizens' initiative campaigns to protect our state's animals. Campaigns that relied on volunteer signature gatherers include:

1994: Voters passed a ban on indiscriminate leg hold traps, poisons and snares on Arizona's public lands;

ARGUMENTS "AGAINST" PROPOSITION 109

1998: After almost 40 years of failed legislative attempts, Arizonans voted overwhelmingly to ban cockfighting; and  
 2006: In a landslide victory, Arizona voters banned the cruel confinement of pregnant pigs and calves raised for veal.

In addition, **in 2000**, even though animal protection advocates were **outspent 7 to 1**, **Arizona voters overwhelmingly rejected the wildlife supermajority referendum that would have required all wildlife initiatives pass by a 2/3 vote. We ask that voters again say NO. Proposition 109 is designed to exclude a majority of Arizonans and the animal protection community from having a voice in wildlife policy decisions.**

**Please vote to protect wildlife and constitutional initiative rights that have been in Arizona’s Constitution since Arizona became a state.**

**Please vote NO on Proposition 109.**

**Stephanie Nichols-Young, President, Humane Voters of Arizona, Phoenix**

*Paid for by Humane Voters of Arizona*

**Karen Michael, Vice President, Humane Voters of Arizona, Phoenix**

**Vote NO on Proposition 109! Protect Arizona’s Wildlife & Constitution!**

The Animal Defense League of Arizona urges you to Vote No on Proposition 109. This poorly written proposed amendment to our Constitution’s Declaration of Rights would make hunting a fundamental right, equal to existing rights of free speech, the right to vote, the right to bear arms and other core rights. It’s a bad idea brought to you by the Arizona Legislature.

Proposition 109 declares hunting and fishing to be a “preferred means of managing and controlling wildlife.” That means the right to hunt will trump the use of sound science to establish wildlife management decisions.

**What will happen to wildlife programs that don’t involve hunting?**

- Mexican gray wolf reintroduction and recovery;
- Black-footed ferret reintroduction;
- Black-tailed prairie dog reintroduction;
- California condor reintroduction;
- Native fish restoration; and
- Habitat protection and restoration.

Would these become a lower priority or be discontinued because they don’t involve hunting?

**Proposition 109 is intended to exclude a majority of Arizona’s citizens from wildlife management decisions.**

**Please vote NO on this dangerous proposal.**

**Stephanie Nichols-Young, President, Animal Defense League of Arizona, Phoenix**

*Paid for by Animal Defense League of Arizona*

**Karen Michael, Secretary, Animal Defense League of Arizona, Phoenix**

House Resolution 2008 is a vaguely written, confusing bill that will change the manner in which hunting and fishing in Arizona are managed. This is confusing, because any resident of legal age may buy a hunting/fishing license now, and pursue their passion. Where is the need for this legislation? The Resolution states that citizens have the RIGHT to hunt, fish, and harvest wildlife legally. This measure may drastically change the way wildlife is managed.

It gives EXCLUSIVE AUTHORITY to the politicians to regulate hunting and fishing. This conceivably puts managing wildlife in the hands of elected politicians, rather than the professionals working for the Arizona Game and Fish Department. The legislature MAY delegate authority to the Game and Fish, but is not required to. This bill conceivably makes it more difficult to suspend or revoke hunting/fishing licenses, since citizens will have this right “guaranteed.” It also opens the door for politicians to auction big game permits to the highest bidder.

It states that hunting and fishing shall be the preferred means of managing and controlling wildlife. Obviously, professionals know that there are other methods of managing and controlling wildlife that might be preferable to hunting and fishing, and should be able to exercise that option. Non-game species and predators such as mountain lions and wolves will be at extreme risk. Predators are important to the biodiversity of our public land, and play an important balancing role in nature that hunting and fishing cannot provide.

H.R.C. 2008 is a bad law for wildlife and for Arizonans. Vote against this measure.

**David A. Holaway, President, White Mountain Conservation League, Eagar**

*Paid for by White Mountain Conservation League*

**Dorothy Reed Inman, Board Member, White Mountain Conservation League, Pinetop**



**PROPOSITION 109 ~ BALLOT FORMAT**



BALLOT FORMAT

**PROPOSITION 109**

**PROPOSED AMENDMENT TO THE CONSTITUTION BY THE  
LEGISLATURE RELATING TO HUNTING AND FISHING  
[HCR 2008]**

**A CONCURRENT RESOLUTION**

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, CONSTITUTION OF ARIZONA, BY ADDING SECTION 36; RELATING TO HUNTING AND FISHING.

**DESCRIPTIVE TITLE**

ESTABLISHES THE RIGHT OF ARIZONA CITIZENS TO HUNT, FISH AND HARVEST WILDLIFE LAWFULLY; GRANTS EXCLUSIVE AUTHORITY TO THE LEGISLATURE TO REGULATE HUNTING, FISHING AND HARVESTING WILDLIFE; PROHIBITS LAWS THAT UNREASONABLY RESTRICT HUNTING, FISHING AND HARVESTING WILDLIFE; ESTABLISHES LAWFUL HUNTING AND FISHING AS A PREFERRED MEANS OF MANAGING AND CONTROLLING WILDLIFE.

BALLOT FORMAT FOR PROPOSITION 109

<p>A "yes" vote shall have the effect of:</p> <ol style="list-style-type: none"> <li>1. making hunting, fishing and harvesting wildlife a constitutional right,</li> <li>2. giving the State Legislature exclusive authority to enact laws regulating these activities,</li> <li>3. prohibiting laws that unreasonably restrict hunting, fishing and harvesting wildlife or the use of traditional means and methods, and</li> <li>4. establishing hunting and fishing as a preferred means of managing and controlling wildlife.</li> </ol>	<p><b>YES</b> <input type="checkbox"/></p>
<p>A "no" vote shall have the effect of retaining the current laws regarding hunting, fishing and harvesting wildlife.</p>	<p><b>NO</b> <input type="checkbox"/></p>