



State of Arizona General Election November 2, 2010

Ballot Propositions & Judicial Performance Review **PUBLICITY PAMPHLET**



Arizona Secretary of State's Office
Election Services Division
1700 W. Washington St., 7th Floor
Phoenix, AZ 85007-2888

www.azsos.gov
1-877-THE-VOTE

Issued by
KEN BENNETT
Arizona Secretary of State

For a Spanish or large print version of this publicity pamphlet call toll-free 1-877-THE-VOTE (1-877-843-8683).
Para una versión en español de este folleto publicitario, llame al número de larga distancia gratuita 1-877-THE-VOTE (1-877-843-8683).

Important Election Dates

September
 Check to see if I am registered to vote at Voter View online at www.azsos.gov

For information see online voter services on page 6

October 4 *Oops. Today's the Last DAY*
Last Day to Register for General Election if not already registered
 Go online to www.azsos.gov

Don't panic. Call 1-877-THE-VOTE early in the day for assistance

October 7
 If I want to vote by mail, I can request an early ballot starting today!

October 22
 Don't forget to request early ballot. I have until 5 p.m. today to request one from county.

Contact your County Recorder listed on page 12

October 22-28
Mail early ballot by Thursday, October 28. Must be received by county no later than 7 p.m. on Election Day.*

*Play it safe. Mail your ballot as early as possible. If you live in an outlying area and are worried your ballot won't arrive on time simply drop off your ballot at any polling place in your county on Election Day.

Nov. 2 Election Day
Go Vote Today.
 Polls open 6 a.m. Be in line before 7 p.m. Look up polling place at Voter View online, www.azsos.gov
Don't Forget my ID

Election Day information is on page 8 ID requirements are on page 9



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Ballot Proposition Guide and Judicial Performance Review
 General Election ~ November 2, 2010

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ARGUMENT DISCLAIMER: State law requires the Office of the Secretary of State to publish EVERY argument filed both For AND Against ALL propositions that will appear on the ballot at the November 2, 2010, General Election. The opinions expressed by those who choose to make their arguments part of this publicity pamphlet are those of the filer alone, and the Secretary of State does not take a position in support of or opposition to any ballot measure.

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On the cover: The Grand Canyon National Park is located in northern Arizona. The park is under the direction of the National Park Service, U.S. Department of the Interior. For information visit: www.nps.gov/state/AZ/. Photo courtesy of the National Park Service.

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1700 W. Washington St., 7th Floor
Phoenix, AZ 85007-2888

The Office of the Secretary of State is an equal opportunity employer.

VOTER REGISTRATION



VOTER REGISTRATION
Register anytime **BEFORE**
Midnight, Oct. 4, 2010*

DEADLINE: October 4 is the **registration deadline** for the 2010 General Election if you are not already registered to vote.

REGISTER ONLINE: Register to vote online at the Secretary of State's Website by using the EZ voter registration service and your valid Arizona driver license or nonoperating identification license.

Visit: www.azsos.gov.

PAPER REGISTRATION*: Blank voter registration forms, which can be filled out and returned to the Secretary of State's office or your County Recorder's office, are also available and can be obtained:

- 1.) From the Secretary of State's Website (www.azsos.gov)
- 2.) By calling the Secretary of State's office at 1-877-THE-VOTE (1-877-843-8683)
- 3.) By contacting your County Recorder's office (listed on page 12) or
- 4.) At other government offices and public locations throughout the State

* Paper forms must be received by your County Recorder or the Secretary of State's office **BEFORE** midnight, Oct. 4, 2010.

GENERAL INFORMATION

ADDITIONAL ONLINE VOTER SERVICES



ADDITIONAL ONLINE VOTING SERVICES AT
voter.azsos.gov

The Arizona Secretary of State provides additional online services that will help Arizona citizens when voting. Arizona is already a leader in the nation in online voter registration.

These new services allow Arizona citizens to:

- Check their voter registration status
- Check their polling location
- Check their provisional ballot status

Please visit voter.azsos.gov to use these new services.

VOTER ACCESSIBILITY



ACCESSIBLE VOTING DEVICES
Available at polling places

County election officials will accommodate special needs of voters who are physically unable to go to the polls or who need special access or special voting aid at the polling place. Accessible voting devices will be available in every polling place.

Accessible voting machines create an independent and private voting experience for voters with disabilities. Arizona residents who need assistance with voting should contact their county election department at the numbers listed on page 13.

EARLY VOTING

Early voting dates to remember:

Oct. 7 - Oct. 22: Early ballots mailed to registered voters who request one AND registered voters on the Permanent Early Voting List. To check if you are on the Permanent Early Voting List, contact your County Recorder or visit voter.azsos.gov.

Oct. 22: Last day to request an early ballot from your County Recorder. Requests must be made **by 5 p.m.**

Oct. 28: Last day to submit a voted early ballot by mail.

Nov. 2: Election Day - Last day to submit a voted early ballot. Your voted early ballot must be submitted to either your County Recorder's office or ANY polling place in your county **by 7 p.m.**

Any registered voter in Arizona may vote early by one of two ways:

1.) Permanent Early Voting List

If you are on the Permanent Early Voting List, an early ballot will automatically be sent to the address your County Recorder has on file.

Check to see if you are on the Permanent Early Voting List by visiting voter.azsos.gov.

Election Mail is Non Forwardable. If you are on the Permanent Early Voting List and wish to receive your early ballot at an address different than your regular mailing address, contact your County Recorder to request your early ballot be sent to the different address.

If you are NOT on the Permanent Early Voting List and would like to be on it, please contact your County Recorder.

EARLY VOTING
Your vote on
your time



2.) One-Time Early Ballot Request

If you are **NOT** on the Permanent Early Voting List, and would like to request a one-time early ballot from your County Recorder, you may do so by telephone, mail, or fax. Online early ballot requests are also available in certain counties. When contacting your County Recorder to obtain an early ballot, make sure to **include:**

- 1.) Your name and address as registered
- 2.) Date of birth and state or country of birth
- 3.) The election for which the ballot is requested
- 4.) Address where you are temporarily residing (if applicable)
- 5.) Your signature (signatures are required for all early ballot requests **except when requesting online**)

Your County Recorder's contact information can be found on Page 12.

MILITARY AND OVERSEAS VOTERS



MILITARY & OVERSEAS VOTERS
Your Voting Options



Military personnel and voters living overseas are able to conveniently participate in federal and Arizona elections by visiting the Secretary of State online at: www.azsos.gov/election/military.htm.

A military or overseas voter may fill out the Federal Postcard Application (FPCA) online. This serves as both the voter registration and early ballot request form.

The voter can also request the FPCA from his or her voting assistance officer or by contacting his or her County Recorder directly (see page 12).

Once the FPCA has been filled out by the military or overseas voter, it may be faxed back to the appropriate

County Recorder, or to the Secretary of State's office at (602) 364-2087.

The Secretary of State's office will forward the FPCA to the appropriate County Recorder.

After the request for an early ballot is processed, a military or overseas voter will receive information on how to submit a voted ballot using the Secretary of State's secure ballot upload system.

The voter will log onto the secure site and upload an image of the voted ballot which will then be securely transmitted to the proper county. A military or overseas voter can also fax the voter's ballot directly to the proper County Recorder for processing.

Ballots must be received by 7 p.m. local time on Election Day.

GENERAL INFORMATION

ALTERNATE FORMATS



ALTERNATE FORMATS
LARGE PRINT? SPANISH?
 We've got you covered...

The 2010 General Election Publicity Pamphlet is available in alternate formats. Arizona residents who need information about the 2010 General Election ballot propositions in another format should contact the Election Services Division of the Secretary of State's office at (602) 542-8683, 1-877-THE-VOTE (1-877-843-8683), 1-800-458-5842, or TDD (602) 255-8683.

Alternate formats from the Secretary of State's office include:

1. Standard Print - English
2. Large Print - English
3. Standard Print - Spanish
4. Online - www.azsos.gov
5. Sun Sounds - Voter Information Project

VOTER RIGHTS



VOTER RIGHTS
 What are your rights?

- Any voter may be accompanied into the voting booth and assisted in casting a ballot by a person of the voter's choice or by two poll workers of different political parties.
- Candidates whose names appear on the ballot (other than precinct committeemen) may not assist voters.
- A voter may be accompanied by a person under the age of 18.

- Sample ballots may be brought to the polling place and may be taken into the voting booth at the time of the election.
- Any qualified voter who is in line to vote at 7 p.m. on Election Day shall be allowed to prepare and cast a ballot.

POLLING PLACE INFORMATION



ELECTION DAY
 Go to the polls
 Bring your ID

- 1.) The polls are open from 6 a.m. until 7 p.m.
- 2.) Make sure to bring appropriate identification to the polls to avoid having to cast a provisional ballot! Acceptable forms of identification can be found on page 9.
- 3.) Mark your ballot beside the name of the candidate you wish to vote for.
- 4.) To vote for an official write-in candidate, write the candidate's name in the line provided AND mark your ballot beside the name you have written. An official list of write-in candidates is provided at your polling location.

- 5.) Ask for assistance if you are physically unable to mark your ballot or wish to use the accessible voting system. Two election officers from different political parties will assist you in marking your ballot if you wish to vote a paper ballot and are physically unable to mark it. Neither of the election officers who assist you in voting are allowed to influence your vote by recommending or suggesting any candidate or political party for any office.
- 6.) If you spoil your ballot, conceal your vote and present it to the election judge. Each voter is entitled to only two additional replacement ballots.
- 7.) If you believe that a violation of the Help America Vote Act of 2002 has occurred, you may contact:

Secretary of State Election Services Division
 1700 W. Washington St., 7th Floor
 Phoenix, AZ 85007-2888
 1-877-THE-VOTE
www.azsos.gov

ID AT THE POLLS

Every qualified elector is required to show proof of identity at the polling place before receiving a ballot. The following lists show acceptable forms of identification at the polling place.

You may bring:

- 1.) Any one form of ID from list 1, **OR**;
- 2.) Any two forms of ID from list 2, **OR**;
- 3.) Two forms of ID as presented in list 3.

**IDENTIFICATION
BRING IT!
Available ID options**



LIST# 1 - Sufficient Photo ID including name and address (1 required)*:

- Valid Arizona driver license
- Valid Arizona non-operating identification license
- Tribal enrollment card or other form of tribal identification
- Valid United States federal, state, or local government issued identification

OR

LIST# 2 - Sufficient ID without photograph bearing name and address (2 required)*:

- Utility bill of the elector that is dated within 90 days of the date of the election. A utility bill may be for electric, gas, water, solid waste, sewer, telephone, cellular phone, or cable television
- Bank or credit union statement that is dated within 90 days of the date of the election
- Valid Arizona Vehicle Registration
- Indian census card
- Property tax statement of the elector's residence
- Tribal enrollment card or other form of tribal identification
- Arizona vehicle insurance card
- Recorder's Certificate
- Valid United States federal, state, or local government issued identification, including a voter registration card issued by the County Recorder
- Any mailing to the elector marked "Official Election Material"

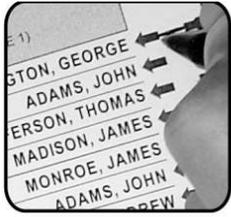
OR

LIST# 3 - MIX & MATCH from Lists# 1 & 2 (2 required)*:

- Any valid photo identification from List 1 in which the address does not reasonably match the precinct register accompanied by a non-photo identification from List 2 in which the address does reasonably match the precinct register
- U.S. Passport without address and one valid item from List 2
- U.S. Military identification without address and one valid item from List 2

** An identification is "valid" unless it can be determined on its face that it has expired.*

PROVISIONAL BALLOTS



PROVISIONAL BALLOT
 What is it?
 How is it counted?

You have a right to vote a provisional ballot if one of the following situations apply to you:

- If your name does not appear on the precinct register, and you are in the correct polling place
- If you have moved to a new address within the county and have not updated your voter registration

- If you have legally changed your name and have not updated your voter registration
- If you requested an early ballot but did not vote an early ballot
- If you have not produced sufficient identification
- If you were challenged as a qualified voter

To vote using a provisional ballot:

- 1.) Sign your name in the signature roster where the election official has entered your name.
- 2.) Vote your provisional ballot.
- 3.) Sign the affirmation on the provisional ballot envelope.
- 4.) Place and seal your ballot in a provisional ballot envelope.
- 5.) You will be given a provisional ballot receipt with information on how to present sufficient identification to the County Recorder if necessary, and how to verify the status of your provisional ballot.

Your provisional ballot will be counted ONCE IT HAS BEEN VERIFIED that you have voted at the correct polling place, provided the required identification documents, and are registered to vote in the county in which you voted.

BECOME A POLL WORKER



WANTED
Poll Workers
 Assist others and get paid

Poll workers are critical to a successful election. The Secretary of State's office is reaching out to civic minded citizens to serve on Election Day.

This important civic responsibility is open to all registered voters in Arizona and citizens who are at least 16 years of age at the time of the election.

Bilingual (Spanish-speaking or Native American-speaking) poll workers are especially needed. Poll workers are paid for their time and effort.

If you are interested, please visit:
www.azsos.gov/election/pollworker
 or contact your local county elections office (see page 13).

GENERAL INFORMATION

NOTICE OF DISCLAIMER

Due to the possibility of legal challenges to one or more of the propositions published in this pamphlet, there may be changes in what appears on the ballot on November 2, 2010. Please review your ballot carefully before voting.

For information about propositions on the November ballot, visit the Secretary of State's Website, www.azsos.gov, or call 1-877-THE-VOTE (1-877-843-8683). Those measures that achieve ballot status will be listed on the Website upon completion of the verification process and court proceedings.

**Legal Notice
Disclaimer**
Election Services Division



CANDIDATE STATEMENTS PAMPHLET

The 2010 General Election Candidate Statements Pamphlet is available from the Citizens Clean Elections Commission prior to the start of early voting.

A pamphlet is mailed to every household in Arizona that contains a registered voter.

If you would like more information about the Candidate Statements Pamphlet, contact the Citizens Clean Elections Commission at: (602) 364-3477; Toll-free at 1-877-631-8891; Website address www.azcleanelections.gov; or visit the Commission's office at 1616 W. Adams St., Ste. 110, Phoenix, AZ 85007.

**Candidate Statements
Statewide & Legislative**
Citizens Clean Elections Commission



GENERAL INFORMATION



County Recorders



COUNTY RECORDERS

LeNora Y. Johnson

APACHE COUNTY RECORDER

Physical: 75 W. Cleveland
 Mailing: P.O. Box 425
 St. Johns, AZ 85936-0425
 Telephone: (928) 337-7514
 Fax: (928) 337-7676
 TDD (928) 337-4402
 E-Mail: ljohnson@co.apache.az.us

Berta Manuz

GREENLEE COUNTY RECORDER

Physical: 253 Fifth St.
 Mailing: P.O. Box 1625
 Clifton, AZ 85533-1625
 Telephone: (928) 865-2632
 Fax: (928) 865-4417
 TDD (928) 865-2632
 E-Mail: bmanuz@co.greenlee.az.us

F. Ann Rodriguez

PIMA COUNTY RECORDER

Physical: 115 N. Church Ave.
 (ZIP code: 85701)
 Mailing: P.O. Box 3145
 Tucson, AZ 85702-3145
 Telephone: (520) 740-4330
 Fax: (520) 623-1785
 TDD (520) 740-4320
 E-Mail: recorder@recorder.pima.gov

Christine Rhodes

COCHISE COUNTY RECORDER

1415 W. Melody Lane, Bldg. B
 Bisbee, AZ 85603
 Telephone: (520) 432-8354
 Fax: (520) 432-8368
 TDD (520) 432-8360
 E-Mail: recorder@cochise.az.gov

Shelly Baker

LA PAZ COUNTY RECORDER

1112 Joshua Ave., Ste. 201
 Parker, AZ 85344-5755
 Telephone: (928) 669-6136
 Fax: (928) 669-5638
 TDD (928) 669-8400
 E-Mail: sbaker@co.la-paz.az.us

Laura Dean-Lytle

PINAL COUNTY RECORDER

Physical: 31 N. Pinal St., Bldg. E
 Mailing: P.O. Box 848
 Florence, AZ 85132
 Telephone: (520) 509-3555 or
 (888) 431-1311
 Fax: (520) 866-6831
 TDD (520) 866-6851
 E-Mail: recorder@pinalcountyaz.gov

Candace D. Owens

COCONINO COUNTY RECORDER

110 E. Cherry Ave.
 Flagstaff, AZ 86001-4696
 Telephone: (928) 679-7860 or (800) 793-6181
 Fax: (928) 679-7851
 TDD (928) 679-7131
 E-Mail: ccelections@coconino.az.gov

Helen Purcell

MARICOPA COUNTY RECORDER

111 S. Third Ave., #103
 Phoenix, AZ 85003-2225
 Telephone: (602) 506-1511
 Fax: (602) 506-5112
 TDD (602) 506-2348
 E-Mail: voterinfo@risc.maricopa.gov

Suzanne "Suzie" Sainz

SANTA CRUZ COUNTY RECORDER

2150 N. Congress Drive
 Nogales, AZ 85621-1090
 Telephone: (520) 375-7990
 Fax: (520) 375-7996
 TDD (520) 761-7816
 E-Mail: ssainz@co.santa-cruz.az.us

Sadie Tomerlin Dalton

GILA COUNTY RECORDER

1400 E. Ash St.
 Globe, AZ 85501-1496
 Telephone: (928) 402-8735
 Fax: (928) 425-9270
 TDD 711 (AZ Relay)
 E-Mail: sdalton@co.gila.az.us

Carol Meier

MOHAVE COUNTY RECORDER

Physical: 700 W. Beale St.
 (ZIP code: 86401)
 Mailing: P.O. Box 7000
 Kingman, AZ 86402-0070
 Telephone: (928) 753-0767
 Fax: (928) 718-4917
 TDD (928) 753-0769
 E-Mail: erma.allen@co.mohave.az.us

Ana Wayman-Trujillo

YAVAPAI COUNTY RECORDER

1015 Fair St., Room #228
 Prescott, AZ 86305-1852
 Telephone: (928) 771-3248
 Fax: (928) 771-3446
 TDD (928) 771-3530
 E-Mail: web.voter.registration@co.yavapai.az.us

Wendy John

GRAHAM COUNTY RECORDER

Physical: 921 Thatcher Blvd.
 (ZIP code: 85546)
 Mailing: P.O. Box 747
 Safford, AZ 85548
 Telephone: (928) 428-3560
 Fax: (928) 428-8828
 TDD (928) 428-3562
 E-Mail: wjohn@graham.az.gov

Laurette Justman

NAVAJO COUNTY RECORDER

Physical: 100 E. Carter Drive
 Mailing: P.O. Box 668
 Holbrook, AZ 86025-0668
 Telephone: (928) 524-4192
 Fax: (928) 524-4308
 TDD (928) 524-4294
 E-Mail: laurie.justman@navajocountyaz.gov

Robyn S. Pouquette

YUMA COUNTY RECORDER

410 S. Maiden Lane, #B
 Yuma, AZ 85364-2311
 Telephone: (928) 373-6034
 Fax: (928) 373-6024
 TDD (928) 373-6033
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County Election Directors



Angela Romero, Director
APACHE COUNTY ELECTIONS

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Flagstaff, AZ 86001
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Fax: (928) 679-7851
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E-Mail: ccelections@coconino.az.gov

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1400 E. Ash St.
Globe, AZ 85501
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Fax: (928) 402-4319
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Safford, AZ 85546
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Donna J. Hale, Clerk/Director
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Telephone: (602) 506-1511
Fax: (602) 506-5112
E-Mail: voterinfo@risc.maricopa.gov

Allen Tempert, Director
MOHAVE COUNTY ELECTIONS

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SANTA CRUZ COUNTY BOARD OF SUPERVISORS

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Fax: (520) 761-7843
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Lynn Constabile, Director
YAVAPAI COUNTY ELECTIONS

1015 Fair St., Room # 228
Prescott, AZ 86305
Telephone: (928) 771-3250
Fax: (928) 771-3446
E-Mail: web.elections@co.yavapai.az.us

Sue Stallworth Reynolds, Director
YUMA COUNTY ELECTION SERVICES

198 S. Main St.
Yuma, AZ 85364
Telephone: (928) 373-1014
Fax: (928) 373-1154
E-Mail: Sue.Reynolds@yumacountyaz.gov

COUNTY ELECTION DIRECTORS

Your Vote Is Your Business.

YOUR VOTE IS YOUR BUSINESS



One of the hallmarks of voting is the personal and private nature of the ballot that allows you to make your own choices. However, many people with disabilities have not been able to enjoy the privilege of a confidential vote. People who are not physically able to hold or maneuver a pen, pencil or hole puncher to vote, as well as those who cannot see the actual ballot, have traditionally had to verbalize their vote to an attendant, poll worker or family member.

Fortunately, the state of Arizona equips its polling places with accessible voting machines that help voters throughout the state make their selections independently and accurately. Accessible voting machines create a simple, private voting experience for people of all ages, including those with:

- low vision
- blindness
- deafness
- hard of hearing
- low vision and hearing
- low literacy
- no literacy
- physical disabilities
- wheelchair users
- hand tremors
- short stature
- mouth stick users
- head stick users
- limited strength
- limited mobility

Voters in Apache, Coconino, Gila, Greenlee, LaPaz, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai and Yuma counties will have access to Premier TSX voting machines.

Voters in Cochise and Graham counties can use ES&S Auto-MARK voting machines. Voters in Maricopa County can vote using Sequoia Edge II devices.

Arizona Department of State



Secretary of State
KEN BENNETT

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A guide to Arizona Propositions

Making Sense of Ballot Measure Numbering

State law requires that ballot measures be numbered according to four criteria:

100

Constitutional amendments, whether initiated by the people or referred by the Legislature, are numbered in the 100s.

200

Citizen initiatives to create new or amend current state laws (statutes) are numbered in the 200s.

300

Legislative referrals to create new or amend current statutes are numbered in the 300s.

400

Local matters are numbered in the 400s.

INITIATIVE AND REFERENDUM MEASURES

A Progressive Era

At the time Arizona became a state in 1912, a political movement to put citizens in greater control of the law-making process was taking place.

As a result of that Progressive Movement, unlike many eastern states that formed earlier in our nation's history, Arizona's Constitution puts legislative power not only in a House of Representatives and Senate, but in the people themselves.

Initiative

This means that Arizona voters have the ability to propose laws or constitutional amendments or changes to laws or the Constitution through the initiative process.

To propose such changes, the proponents must file an application with the Secretary of State, including a summary of the measure and the complete text that is proposed to be submitted to a vote of the people.

If sufficient signatures are gathered, the Proposition will be placed on the next general election ballot, just as voters will do at this year's election on November 2, 2010.

Referendum

Not only do Arizona voters have the ability to propose laws, they may also circulate a petition against a measure or part of a measure approved by the Legislature.

As with initiative measures, to propose such changes, the proponents must file an application with the Secretary of State, including a summary of the proposal and the text of the measure or portion of the measure that is proposed to be submitted to a vote of the people.

If sufficient signatures are gathered, the Proposition will be placed on the next general election ballot.

PROPOSITION ARGUMENTS

DISCLAIMER

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The Office of the Secretary of State is required by law to publish in this pamphlet every argument filed, whether in favor of or in opposition to a ballot measure.

The number of arguments for or against a particular ballot measure should not be construed as an endorsement for or against that Proposition by the Office of the Secretary of State.

The opinions expressed by the authors of the arguments are theirs alone.



Secretary of State Ken Bennett
Election Services Division
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PROPOSITION 106



OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2014
A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE XXVII, BY ADDING SECTION 2, CONSTITUTION OF ARIZONA; RELATING TO HEALTH CARE SERVICES.

TEXT OF PROPOSED AMENDMENT

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

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

2. Health care: definitions

SECTION 2. A. TO PRESERVE THE FREEDOM OF ARIZONANS TO PROVIDE FOR THEIR HEALTH CARE:

1. A LAW OR RULE SHALL NOT COMPEL, DIRECTLY OR INDIRECTLY, ANY PERSON, EMPLOYER OR HEALTH CARE PROVIDER TO PARTICIPATE IN ANY HEALTH CARE SYSTEM.

2. A PERSON OR EMPLOYER MAY PAY DIRECTLY FOR LAWFUL HEALTH CARE SERVICES AND SHALL NOT BE REQUIRED TO PAY PENALTIES OR FINES FOR PAYING DIRECTLY FOR LAWFUL HEALTH CARE SERVICES. A HEALTH CARE PROVIDER MAY ACCEPT DIRECT PAYMENT FOR LAWFUL HEALTH CARE SERVICES AND SHALL NOT BE REQUIRED TO PAY PENALTIES OR FINES FOR ACCEPTING DIRECT PAYMENT FROM A PERSON OR EMPLOYER FOR LAWFUL HEALTH CARE SERVICES.

B. SUBJECT TO REASONABLE AND NECESSARY RULES THAT DO NOT SUBSTANTIALLY LIMIT A PERSON'S OPTIONS, THE PURCHASE OR SALE OF HEALTH INSURANCE IN PRIVATE HEALTH CARE SYSTEMS SHALL NOT BE PROHIBITED BY LAW OR RULE.

C. THIS SECTION DOES NOT:

1. AFFECT WHICH HEALTH CARE SERVICES A HEALTH CARE PROVIDER OR HOSPITAL IS REQUIRED TO PERFORM OR PROVIDE.

2. AFFECT WHICH HEALTH CARE SERVICES ARE PERMITTED BY LAW.

3. PROHIBIT CARE PROVIDED PURSUANT TO ARTICLE XVIII, SECTION 8 OF THIS CONSTITUTION OR ANY STATUTES ENACTED BY THE LEGISLATURE RELATING TO WORKER'S COMPENSATION.

4. AFFECT LAWS OR RULES IN EFFECT AS OF JANUARY 1, 2009.

5. AFFECT THE TERMS OR CONDITIONS OF ANY HEALTH CARE SYSTEM TO THE EXTENT THAT THOSE TERMS AND CONDITIONS DO NOT HAVE THE EFFECT OF PUNISHING A PERSON OR EMPLOYER FOR PAYING DIRECTLY FOR LAWFUL HEALTH CARE SERVICES OR A HEALTH CARE PROVIDER OR HOSPITAL FOR ACCEPTING DIRECT PAYMENT FROM A PERSON OR EMPLOYER FOR LAWFUL HEALTH CARE SERVICES.

D. FOR THE PURPOSES OF THIS SECTION:

1. "COMPEL" INCLUDES PENALTIES OR FINES.

2. "DIRECT PAYMENT OR PAY DIRECTLY" MEANS PAYMENT FOR LAWFUL HEALTH CARE SERVICES WITHOUT A PUBLIC OR PRIVATE THIRD PARTY, NOT INCLUDING AN EMPLOYER, PAYING FOR ANY PORTION OF THE SERVICE.

3. "HEALTH CARE SYSTEM" MEANS ANY PUBLIC OR PRIVATE ENTITY WHOSE FUNCTION OR PURPOSE IS THE MANAGEMENT OF, PROCESSING OF, ENROLLMENT OF INDIVIDUALS FOR OR PAYMENT FOR, IN FULL OR IN PART, HEALTH CARE SERVICES OR HEALTH CARE DATA OR HEALTH CARE INFORMATION FOR ITS PARTICIPANTS.

4. "LAWFUL HEALTH CARE SERVICES" MEANS ANY HEALTH-RELATED SERVICE OR TREATMENT TO THE EXTENT THAT THE SERVICE OR TREATMENT IS PERMITTED OR NOT PROHIBITED BY LAW OR REGULATION THAT MAY BE PROVIDED BY PERSONS OR BUSINESSES OTHERWISE PERMITTED TO OFFER SUCH SERVICES.

5. "PENALTIES OR FINES" MEANS ANY CIVIL OR CRIMINAL PENALTY OR FINE, TAX, SALARY OR WAGE WITHHOLDING OR SURCHARGE OR ANY NAMED FEE WITH A SIMILAR EFFECT ESTABLISHED BY LAW OR RULE BY A GOVERNMENT ESTABLISHED, CREATED OR CONTROLLED AGENCY THAT IS USED TO PUNISH OR DISCOURAGE THE EXERCISE OF RIGHTS PROTECTED UNDER THIS SECTION.

2. The article heading of article XXVII, Constitution of Arizona, is proposed to be changed as follows if approved by the voters and on proclamation of the Governor: The article heading of article XXVII, Constitution of Arizona, is changed from "REGULATION OF PUBLIC HEALTH, SAFETY AND WELFARE" to "REGULATION OF HEALTH, SAFETY AND WELFARE".

3. 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 106 would amend the Arizona Constitution to:

- 1. Prohibit any law or rule from compelling any person, employer or health care provider to participate in any health care system.
2. Allow a person or employer to pay directly for lawful health care services without being penalized or fined.
3. Allow a health care provider to accept direct payment for lawful health care services without being penalized or fined.
4. Provide that the purchase or sale of health insurance in private health care systems shall not be prohibited by law or rule, subject to reasonable and necessary rules that do not substantially limit a person's options.

Proposition 106 would not:

- 1. Affect which health care services a health care provider or hospital is required to perform or provide.
2. Affect which health care services are permitted by law.
3. Prohibit care provided by law relating to worker's compensation.
4. Affect laws or rules in effect as of January 1, 2009.
5. Affect the terms or conditions of any health care system unless those terms and conditions have the effect of punishing a person or employer for paying directly for lawful health care services or punishing a health care provider or hospital for accepting direct payment from a person or employer for lawful health care services.

PROPOSITION 106

ARGUMENTS "FOR" PROPOSITION 106

ARGUMENTS "FOR" PROPOSITION 106

..... This is very important.....Think of this Can you think of **ANY SITUATION where NOT HAVING A CHOICE** is **BETTER** than having a choice? In **ANYTHING??** Forget what all of the organizations, the trade groups, the big insurance companies, the politicians, or just anybody may say, ... there is only one answer in America. **CHOICE IS GOOD** ... This act gives you a choice on a very personal important item... your health Again, Choice is good,..... **vote yes**, vote for America and our freedom to have a choice You will have A CHOICE in deciding what you want for insurance, your health, your families health.. Choice is good

..... **A choice is better than no choice in everything.... Always**
John Fillmore, Apache Junction

An Online Guide To Nullification

As a pharmacist, I am deeply troubled by Obamacare. As a citizen, I am deeply troubled by what it means to Liberty. As an attorney as well, I am deeply troubled that some may try to distort what the Supreme Court has said about the very foundation of the Proposition against Obamacare: Nullification. Finally, as the Editor-In-Chief of the nation's oldest independent daily online news source, I have posted a thorough discussion of Nullification, an issue which has the most profound implications for understanding the Constitution and the American Revolution. (See, <http://www.888webtoday.com/>. Click on the column for myself, Lawrence Joyce.)

Students doing research may find it particularly useful, and various essay topics for schoolwork are suggested. Also, their educators will find an accompanying question and answer section to help them teach from this series.

What might be of particular interest to young students is the fact that the current movie *Robin Hood* touches on a point of Anglo-American law which forms part of the backdrop of Nullification. The movie makes brief reference to a supposed "divine right of kings", something which (as I point out in my discussion) squarely contradicts Biblical principles of government. King John is portrayed as using this supposed divine right of kings as an excuse for rejecting the Magna Carta, one of our most fundamental charters of Liberty. Those who study this issue now will be well-informed as to what is going on when the likely sequel to this movie comes out, since this will probably continue to form the principal basis of King John's opposition to the Magna Carta.

Parents, teachers, fellow citizens: Do your part in the American Revolution today. Vote "Yes" for the Proposition against Obamacare. Thank you.

Lawrence J. Joyce, Tucson

Vote YES on Proposition 106 to protect YOUR health and health care rights:
 The right to choose to NOT participate in any health care system or plan without a penalty, fine or tax.
 The right to spend your own money for that second opinion or screening test.
 No bureaucrat—public or private—should EVER be able to take that right away from you.
 The Arizona Health Care Freedom Act will place those 2 rights alongside the rights of freedom of speech and freedom of religion in our state's Constitution.

AHCCCS (Medicaid) is safe - the program's administrator's say so. Medicare and Tricare are safe - participation in any government program is not at risk.

Workers' comp is not at risk - the language plainly protects injured workers.

Opponents think that turning the IRS into the collection agency for private health insurers is good health care policy.

I disagree.

Opponents think that government panels of experts and high priced lobbyists should have more say over your health and health care than you and your family.

I disagree.

The Arizona Health Care Freedom Act ensures that patients and families will remain at the center of health care reform - and that our needs and concerns be addressed first, before lobbyists for the health insurance industry and Washington power brokers.

Putting the basic freedoms of the Arizona Health Care Freedom Act into our state Constitution will be a critical component of fighting the multi-trillion dollar government health care plan that gives hundreds of billions to health insurance companies while setting the stage for some of the most needy Arizonans to be denied basic tests like mammograms and other care that is not deemed 'important'.

VOTE YES on Proposition 106.

Eric Novack, MD, Chair, Arizonans For Health Care Freedom, Phoenix

Paid for by Arizonans for Health Care Freedom

One of the most precious and fundamental of our natural rights is the right to make our own health care decisions. After all, the most fundamental form of property is our body. Health care freedom is, in essence, a property right.

In a free society, people should not be forced to participate in a health insurance plan they do not want. In a free society, the people should not be able to dictate to people what kind of -and how much- lawful health care they are allowed to obtain. In a free society, the people should never be blocked from making their own personal arrangements for health care.

There are those who believe such choices and decisions are best left to politicians, lobbyists, and bureaucrats. They believe these matters are too complex and sophisticated for average people to handle. Health care decisions, they believe, should be left to the "experts."

Our Founders, in their wisdom, placed in the Constitution guarantees that many of our basic rights—rights like freedom of speech, freedom of religion, freedom of the press, the right to bear arms—shall not be infringed. Now Arizonans have the chance to enshrine in the Arizona Constitution the preservation of another of those rights—perhaps the most basic and personal: HEALTH CARE FREEDOM.

Arizona voters, this November you have the chance to make our Bill of Rights more complete. Protect our health care freedom. Vote YES on Proposition 106. Our health care - our decision.

Jeffrey A. Singer, MD, FACS, Treasurer, Arizonans For Health Care Freedom, Phoenix

Paid for by Arizonans for Health Care Freedom

The Health Care Freedom act will protect my patients', and my family's right to make their own health care decisions. "Closed-door" relationships between legislators and special interests with no health care training or responsibilities threaten to slow down or derail innovation—perhaps the development of a new treatment or medication or surgical technique that could save the life of one of my patients. Who can obtain 'lawful medical services' should not be at the discretion or whim of faceless, unaccountable bureaucrats. Proposition 106 will limit the special interests' ability to block new and alternative care from being available.

As an obstetrician and gynecologist, I want the broadest array of treatment options to be available to my patients, of all ages, to maximize their health, the health of their children, and their quality of life.

I support The Health Care Freedom Act.
I urge you to vote YES on Proposition 106.

Tracy A. Contant, MD, Phoenix

Paid for by "Arizonans for Health Care Freedom"

As a physician, I'd like to ask my patients why they would want to put the decisions about their healthcare in the hands of government bureaucrats? The practice of medicine is so highly regulated already that we are required to call for an extraordinary amount of tests when we know there is little reason to do so.

When an untrained bureaucrat following a book of lists has the final say on what treatments are available for you without considering all the variables of your condition, you certainly won't be receiving the quality of care we spent years learning to provide to you.

You still have the option to question your physician and have a choice in your health care decisions. Prop 106 states simply that you will not have to enroll in a government approved medical plan and that you can expend your money for legal medical practices. Why would you want to leave those decisions to someone who doesn't know you, isn't educated in medical practices and will be following generic guide-lines.

Your medical rights are at stake here. Vote for Prop 106!

John Ehteshami, MD, Phoenix

Paid for by Arizonans for Health Care Freedom

The Wall Street Journal recently ran an article that was headlined "No, You Can't Keep Your Health Plan." It clearly explained why our ability to have private health insurance will be eroded and how over time we'll slowly be shut out of health care as we've known it. If we don't fight back, there will be dire circumstances for all of us. That is why I'm asking you to vote yes for Prop 106.

As many as 20 other states have followed the model we started. As a State Senator I was proud to vote to put this on the ballot to amend our State Constitution. It maintains our rights to spend our own money on medical services we want and lets us opt out of an insurance plan we don't want.

These may seem like small steps, but they are vital if we are to start to dismantle the enormous behemoth created in Washington. Be sure to Vote Yes on Prop 106 either in person or on your early ballot.

Barbara Leff, State Senator, Paradise Valley

Paid for by Arizonans for Health Care Freedom

For nearly a year we listened to various politicians tell us what was and what would not be part of health care reform. When the final product was rendered, it was more than 2,000 pages of non-comprehensible language that could be tied up in court for years.

Right now, you can do something that insulates Arizona from what we know is a couple of the worst parts of this bill. It has no trick words and doesn't have a secret agenda.

Prop. 106, known as the Arizona Health Care Freedom Act, is simple and to the point. A Yes vote will result in your right to continue to purchase legal health services with your own funds and lets you choose not to participate in a health plan; government or private that you do not want.

You don't need to read hundreds of pages to understand what it means. It will take less than a minute to read it.. then vote YES.

Michelle Andrews, Certified Ortho Tech, Peoria

Paid for by Arizonans for Health Care Freedom

By the time this pamphlet is written there will probably be 20 other states following the Arizona example of Proposition 106. Many foresaw the growing influence of the pharmaceutical and insurance industries and that we would need to preserve the right to have a wide array of health care options available, both drug-based and natural.

With Prop 106, we preserve the ability to make our own choices about medical care. Prop 106 shields us from undo government intervention into the most private parts of our lives. Prop 106 clearly states that we can spend our own money for any legal medical procedure we want and we can opt out of private or government run health care plans. It is simple.

Vote Yes on Prop 106.

Mary Budinger, Phoenix

Paid for by Arizonans for Health Care Freedom

All the polls continue to show a complete erosion of faith in the health care reform package passed by Congress last spring. The numbers now reflect that more than 2/3 of the people want it repealed. Sadly, there is probably little to no chance that Congress would dismantle the whole bill, but there is a great opportunity at the state level to take out two of the most onerous parts.

Prop 106, which is being used as the model for 20 other states, provides that you will not be denied the right to spend your own money for legal medical services and that you do not have to participate in a government or private health care plan.

We could wait years for Congress to act to repeal even one small part of their health care reform, but here in Arizona a YES vote will kick out two of the worst parts.

Vote YES for Arizona Health Care Freedom Act. Vote YES for Prop 106

Regina M. Gilleland, Phoenix

Paid for by Arizonans for Health Care Freedom

No matter how many phone calls, faxes, emails and protests the Congress received, they didn't hear what the public wanted when it came to health care reform. After the bill passed, several of those people who were part of the passage now find that the anger at them has not dissipated. It has increased and the call for repeal is getting louder every day. Realistically, no matter who is elected the bill will not be repealed, but it can be dismantled piece by piece.

The quickest way to insulate ourselves from two of the worst pieces of this bill is to vote for Prop 106. It reads very simply: The government cannot make you buy a health care plan you don't want. The government can't keep you from buying medical services that are legal with your own funds.

Start taking this hideous, costly and destructive health care bill apart. You can do it with a yes vote of Prop 106.

Laureen Vines, Mesa

Paid for by Arizonans for Health Care Freedom

As a police officer I know the importance of protecting and preserving our rights and protecting and preserving the right to make our own health care choices is fundamental. I want to see that right forever protected in our state constitution. Without that protection, lobbyists and bureaucrats will create rules and regulations that make it harder and more difficult to get any health care without the approval and authorization of the government and special interests.

Patients need to be assured that they will always have the right to opt out of any health care plan the political system attempts to impose upon them. They need to know that, unlike Canadians, if they want a health care service that is not covered or allowed by a government-run or private plan, they will always have the option of directly paying for that service. They shouldn't have to leave the country.

Patients also need to know that there will always be the legal guarantee that health care providers can practice independent of any government or insurance plan, so that they can obtain services from providers that are not "approved" by a government-run or insurance plan.

The Health Care Freedom Act will protect and preserve the right of people to be in charge over their health and health care. I strongly support Proposition 106.

Leonard B. Wood, Waddell

Paid for by Arizonans for Health Care Freedom

As a nurse, caring for people means understanding their needs, their desires, and the specifics of their medical condition. To provide the best care requires working with patients to see that they remain in control over their health and health care. Health care reform should take into account the ability of patients to make their own choices first.

The Health Care Freedom Act will protect and preserve the right of people to be in charge over their health and health care. I have been a nurse for many years—my patients will not be better off if government appointed bureaucrats control health care. That is why The Health Care Freedom Act must be placed alongside the other freedoms we hold dear in the Arizona Constitution. Join with me and vote YES for health care freedom.

Vote YES for keeping patients in charge over their health.

Vote YES for Health Care Freedom Act.

Vote YES on Proposition 106.

Becky Helems, Mesa

Paid for by Arizonans for Health Care Freedom

The Freedom of Choice in Health Care Act will preserve and protect patients' rights, and as a firefighter and patient, I support this initiative. A one-size-fits-all government run health care plan will make no one happy except special interest groups, and we are worse for it. In a one-size-fits-all government run health care world, we would not be able to choose other alternative methods. Even if we wanted to pay out of pocket for something else, we would not be able to. We would be told exactly what we can do, and what we cannot. My health is a very, very, personal matter. You bet I want to have something to say about it.

Too many special interest groups find it profitable when people are sick. A health care system in the hands of bureaucrats and special interests will put someone else's profitability above my health. There is too much pressure upon elected officials to funnel our health care dollars into the pockets of special interest groups. Our basic right to choose is coming under attack and must be protected in the state constitution.

Christine Quinn, Peoria

Paid for by Arizonans for Health Care Freedom

Voting Yes on the Arizona Health Care Freedom Act is a vote to stop the federal government from ruining your personal health care decisions. Unless we pass Prop 106, there is a good chance that federal law will prevent you from spending your own money for legal health procedures and force you to join a medical plan of their choice.

You can maintain control of your health care choices by voting yes on Prop 106.

As a Registered Radiologic Technologist I believe its very important to protect our patient's right to control their own health care decisions.

Judith I. Johnson, Peoria

Paid for by Arizonans for Health Care Freedom

The Health Care Reform Act passed last spring will be sorting out for years to come. The timetable for individual pieces of this legislation spreads over the next 15 years. Some things kick in immediately; others start their funding now and fall into place after the next Presidential election. Virtually no one knows the complete details of this enormous package.

Good advice is usually to hope for the best and prepare for the worst. We have an opportunity to prepare. The Arizona Health Care Freedom Act is the first best weapon we have to prepare for the worst. It gives us the right to continue the freedom we've know in our health care choices. We will be able to purchase legal health care with our own money and we can choose to opt out of a government imposed health care plan.

Voting yes for the Arizona Health Care Freedom Act is good advice.

Shiree Verdone, Phoenix

Paid for by Arizonans for Health Care Freedom

Prop 106 is the most important vote you will cast in this election. The health care reform bill that was passed in Washington is confusing, indefinite, subject to lawsuits and filled more than 2700 pages of conflicts and non-funded mandates.

Prop 106 simply states that in Arizona you will not have to participate in any health plan or system of any type without penalties or fines and that you have the right to spend your own money for legal health services.

Prop 106 is your shield against the most expensive, intrusive and dictatorial parts of the new health care reform.

Vote YES on Prop 106

John B. Nelson, Litchfield Park

Paid for by Arizonans for Health Care Freedom

Medical Assistants have grown to play a new and exciting role in our health care system. We bring a background in the delivery of primary care services to the delivery of medical care in every setting. In Arizona, medical assistants work in hospitals, urgent care centers, primary care and specialty offices, and operating rooms—everywhere there are patients.

In my practice, working with physicians to provide orthopedic medical care, I see firsthand how important it is that patients have their right to decide which treatments to pursue and when remain in their hands.

The Health Care Freedom Act will protect the right for patients now, and into the future, for the people of Arizona.

Spelling, grammar and punctuation were reproduced as submitted in the "for" and "against" arguments.

I do not want the day to come when my patients and me need to hope that a desired and potentially beneficial treatment will be approved by a government appointed bureaucrat.

That is why I enthusiastically SUPPORT The Health Care Freedom Act.

Please join me and VOTE YES on Proposition 106.

Kendra McDougall, Surprise

Paid for by Arizonans for Health Care Freedom

If the new health care bill is not repealed or amended, in 2014 most Americans will be required to buy government approved health insurance. Insurance companies will have to offer coverage to everyone but will not be able to charge them different rates based on their health condition, their lifestyle or medical history. A healthy young fitness buff will be charged the same as a middle aged person who needs a liver transplant because of a lifetime of excessive alcohol consumption.

Guess who gets the short end of this deal? That's just one example of why you need protection.

The Arizona Health Care Freedom Act will change that here. This referendum is a major tool to be used against that kind of government abuse. It states that you do not have to participate in any health care plan or system and that you will still be allowed to purchase any legal health service you wish. Certainly it doesn't address the hundreds of issues in the reform bill, but it does strike at the heart of two important parts: you can't be forced to participate, nor can you be stopped from buying a legal service.

Vote yes on Prop 106, the Arizona Health Care Freedom Act.

Tom Haney, Phoenix

Paid for by Arizonans for Health Care Freedom

Elections have consequences. We all now know that we weren't thoughtful in past elections and are paying the price now. The Health Care Freedom Act is probably the most important issue on this ballot. This simple, uncomplicated referendum clearly states what government cannot force upon you. No matter whom the players are, Democrat, Republican, Libertarian or Green, the Arizona constitution is greater than their opinions. Vote for the Health Care Freedom Act for your own protection.

Kate Brophy McGee, Phoenix

Paid for by Arizonans for Health Care Freedom

The Arizona Health Care Freedom Act is a must vote YES issue.

Your YES vote on this one issue will guarantee your right to opt out of any government imposed health care system. You will be able to make your own choice, even if that choice is not to participate.

Your YES vote on this issue will guarantee your right to choose to spend your own funds for legal medical services.

This isn't complicated. YES to the Health Care Freedom Act is all about protecting yourself from your government and it is a must YES vote.

Jane Lynch, Phoenix

Paid for by Arizonans for Health Care Freedom

It is hard to believe that we have to guard against our own government, but we have learned that they don't act in our interest. They act in their interest. Sadly, when we lose our will to fight, we lose our freedom and now is the time to enter the battle.

Voting for the Health Care Freedom Act is a battle we can win. It is a main protection against the most intrusive parts of the health care reform passed by the federal government.

Now is not the time to lose our will to fight. This one is easy and winnable. Vote for the Health Care Freedom Act. Vote for Proposition 106.

Anne L. Lynch, Phoenix

Paid for by Arizonans for Health Care Freedom

It doesn't matter if you love or hate the health care reform passed by Congress this year, you still need to vote for the Arizona Health Care Freedom Act to protect yourself. By voting Yes you will guarantee that you do not have to participate in a health care plan that you don't want. This isn't about being conservative or liberal. It is about your rights. Big government may want to take those away from you. In Arizona you can insulate yourself from it. It is just common sense to want to keep the freedom you have.

Vote Yes on Prop 106.

Mike Hellon, Tucson

Paid for by Arizonans for Health Care Freedom

The health care reform bill that was passed was not written by elected officials. It was pieced together by staff members, angry patient groups, insurance companies, pharmaceutical companies, unions, medical workers, academics, think tanks of all political philosophies, and many other special interest groups. The only ideas not included were those of the "people". It ended up as a Rube Goldberg contraption that may have some working parts, but as a whole, only hinders any real progress on the many problems in health care.

The Arizona Health Care Freedom Act cannot fix each and every one of the failures this will produce, but it can keep you from a great deal of harm.

By voting Yes on the Health Care Freedom Act you will continue to have the right to spend your money for any legal health service and you will NOT have to participate in any health plan that you don't want. Vote YES on Prop 106.

Cheryl Pietkiewicz, Phoenix

Paid for by Arizonans for Health Care Freedom

Arizonans for Health Care Freedom means that when Prop 106 is passed, we will not have to join a health care plan that the federal government mandates. It also means that we can continue to purchase health services and devices with our own money. If we don't pass it, the chances are very good that each of us will have to buy an insurance plan that the government has decided is the right one and no matter how much we might want to spend on a health problem, it won't be allowed.

Does Prop 106 fix all the problems in health care reform? Absolutely not, but it does guard against two of the worst provisions of health care reform.

We are not going to be able to depend on the elected officials to get us out of the mess made in Washington, but here in Arizona we can use our laws to save us from some of it.

Vote Yes on Prop 106.

Thayer Verschoor, Gilbert

Paid for by Arizonans for Health Care Freedom

Prop 106 is one of those rare things that doesn't have an agenda that leans left or right. It isn't Republican or Democrat. It is not the product of a conservative or liberal think tank. It simply addresses two basic problems caused by the passage of health care reform.

Prop 106 has no politics. It has solutions. You won't be denied the right to spend your money on medical services. You won't be forced to buy an insurance plan you don't want.

It is rare that anything on a ballot is easy to understand, means what it says and doesn't benefit one group over another. Prop 106 is about keeping rights you already have. Your yes vote is about your freedom. Do not let it slip away from you.

As a candidate for the State House in LD 8, I urge you to Vote YES on Prop 106.

Michael Blaire, Scottsdale

Paid for by Arizonans for Health Care Freedom

In the run up to the passage of health care reform in Washington, it was hard to find out what was in the bill. It was secretive and ever-changing, but there were people who were vigilant enough to stick with it because of serious skepticism about government involvement in the most personal matter of our individual health care.

Prop 106 was carefully drafted and placed on the ballot in anticipation of yet another takeover of our personal lives. It was so well done that 3 other states have already passed it by legislation and 33 others are in the process of using whatever procedures available to them for passage. The Arizona Health Care Freedom Act is now in play in nearly 2/3 of the states as a model.

Passing Prop 106 is the most important thing you can do to save your individual rights regarding your health care. You already have the right to spend your own dollars as you see fit on health services. If you want to purchase a legal medical procedure, you are allowed to do so. You are not forced to purchase an insurance plan approved for you by the government. You can purchase what you want. Failure to pass Prop 106 will mean that you will no longer have those rights.

Vote for your freedom. Vote for Prop 106.

Steve Kaiser, Phoenix

Paid for by Arizonans for Health Care Freedom

Early analysis of the federal health care reform bill after it passed indicate that it will be much more expensive than we were told during the year long debate in Congress. Is anyone surprised?

In Arizona we have the opportunity to put the breaks on some of the costs in Prop.106. We can decline to participate if we choose and we can choose to spend our own money for medical services.

Does this solve all the problems? No, but it is a major step in the long battle we face in overcoming what the federal government has done to us.

Do yourself a favor. Vote Yes on Prop.106.

Judy M. Burges, Skull Valley

Paid for by Arizonans for Health Care Freedom

One of the biggest objections to the illegal immigration bill in Arizona was the false accusation that people would be stopped in the streets and asked to prove their legality. Ironically, people will be not only asked to prove they have government approved health insurance under the new health care reform, but will be fined if they do not.

It is easy to follow the propagandists when they are misleading people on emotional issues, but you should be aware that unless we pass the Health Care Freedom Act here in Arizona they can and will force upon you something you don't want, which is far worse than being asked to show your driver's license.

Vote Yes for the Health Care Freedom Act.

John Fillmore, Apache Junction

Paid for by Arizonans for Health Care Freedom

Vote for Prop. 106. If you don't, in time you will wish you had. The health care reform bill that passed in Congress left so many details to be decided by committee, task force or bureaucrat that there is no telling what may evolve. Within the 2700 pages there are indicators that in due course, private payment for medical practices will be forbidden. It also appears that the only health insurance policy you will be able to buy is one that is approved by a government agency, which may well be government provided. Prop. 106 amends our state constitution so that neither of those will apply in Arizona. Why would you consider voting no?

Michelle Ugenti, Scottsdale

Paid for by Arizonans for Health Care Freedom

On-going national polls continue to reflect approximately 56% of the folks want to repeal the health care reform which was passed by Congress earlier this year. Only 36% want to keep it as is, and the other 8% simply have no idea what is going on.

Just in case the Congress does not follow the will of the people, we in Arizona can correct two of the most onerous parts of their version of "reform". We can vote for Prop. 106 which guarantees that we don't have to participate in any government or privately run health care system and that we can pay for legal medical services on our own.

Since history has taught us that we can't depend on Congress to listen, we have to count ourselves fortunate to have the right to do our own reforming. Vote YES on Prop. 106.

Diane M. Douglas, Glendale

Paid for by Arizonans for Health Care Freedom

By the time you have the opportunity to vote on Prop. 106, action may have been taken on the lawsuit filed in Florida against Congressional healthcare reform's constitutionality. Even if that is the case, please keep this from voting yes because anything can happen in a lawsuit. It could drag on for years.

The suit centers around federally mandating that you buy a product you may or may not want. It is quite different than requiring auto insurance because you aren't federally required to buy a vehicle. There is no precedent in law that makes you purchase something you don't think you want or need.

Be mindful that as it now stands, you must purchase health insurance that the government approves or you will be fined for not having done so.

People have been yelling for years about losing their freedom. This truly is a freedom lost to you. Additionally, once this freedom is taken from you, you will have to pay a hefty fine for what they do to you.

There is no other choice: Vote Yes on Prop. 106.

Millicent Jones, Phoenix

Paid for by Arizonans for Health Care Freedom

The Obama health care reform package passed in March of this year. Very shortly thereafter we were told that the costs would be higher than the estimates. After a year of restructuring, revising and completing 2700 pages of reform, why are we informed of unanticipated additional costs after the bill has been voted into law? Of course, we all knew it would cost more than we were told because the amounts were part of the sales package, but a TRILLION DOLLARS is more than we can ever imagine.

You can do your part to reform the reform. Prop 106 protects you from two of the worst parts of this package. It gives you the right to opt out of any health care plan you don't want and it continues your right to spend your own dollars on legal medical services.

The country is in horrendous economic circumstances. We do not now, nor will we ever be, in a position to withstand a TRILLION DOLLARS in unexpected health care expense.

Save us. Vote for Prop. 106.

Ashley Bunch, Phoenix

Paid for by Arizonans for Health Care Freedom

After the fact, the Congressional Budget Office (CBO) informed us that the Health Care Reform bill would cost more than their estimates. They had a year to deal with each of the revisions and we were told repeatedly that the CBO is a non-partisan entity and could deal only with the information they were provided. Now they claim that didn't have enough time to run the numbers and they had to add \$10 to \$20 billion in administrative costs. They didn't know that before the law was passed?

For more than a year we were told time and again that health care reform had to be done to save lives, save money and save the country. It was passed and it will do none of those things.

After the fact, we can still do something to save us from this disaster. We can pass the Arizona Health Care Freedom Act. It is simple and has no cost estimates that will have to be revisited and raised. It has no cost.

You must vote for the Arizona Health Care Freedom Act to protect all of us from more government oppression. It states that you do not have to participate in any health plan that you don't want and you can spend your own money for health services. Simple, direct and without ambiguous language used as trickery.

Vote for the Arizona Health Care Freedom Act.

Samuel Hillman, Peoria

Paid for by Arizonans for Health Care Freedom

No matter what you were told or think you know about healthcare reform, there are many things written into the 2,000 pages that we don't know. Arizona took action before the fact because we know we can't trust government to make the best decisions for us and we know that verbal tricks are common.

The Arizona Health Care Freedom Act wasn't written in code behind closed doors. It is easy to understand and doesn't come with a big price tag. It says that you will always be allowed to spend your own money on any legal medical procedure you want and that you can opt out of any health care plan you don't want.

This one is easy. There are no tricks. Do yourself a favor. Vote yes on the Health Care Freedom Act.

Mary Weeks, Peoria

Paid for by Arizonans for Health Care Freedom

A YES vote for Prop 106 may save us from the worst parts of the health care reform passed in Congress this past spring. It will not protect us from everything, but how can we afford not to take the steps provided in the Arizona Healthcare Freedom Act? It simply states that we can buy our own health care services if we want to and refuse to participate in a health care plan we don't want. Vote Yes for Prop 106.

Barbara Hillman, Peoria

Paid for by Arizonans for Health Care Freedom

Recently Speaker of the House, Nancy Pelosi said that musicians and other creative types should quit their jobs to develop their talents since the taxpayers will now be paying for their health care. You may or may not want to pay for creative people to pursue their talents, but do you want to give up your right to make your own health care choices in order to do so?

Unless we take action to protect ourselves we may well find that a government plan is imposed upon us and our right to pay for legal medical services is forbidden.

Prop. 106 is the safety net we have to keep us from falling into government run plans. There may be no way to stop paying for non-working creative type's health care, but we can preserve our right to look after our own interests.

A YES vote for Prop 106 is the most important vote you can cast regarding your personal health care.

Deborah Ann Kreibich, Youngtown

Paid for by Arizonans for Health Care Freedom

For the past 2 years the most worrisome political issue has been health care reform. Federal legislation was passed and we still don't know what the 2700 pages mean. We don't know if parts of it will be funded. We don't know if the time frames will be met. We don't know how it will affect us.

There is something we can know. If we pass the Arizona Health Care Freedom Act, we can be assured that in Arizona we will not be forced to buy insurance against our will. We also know that we can spend our own money on legal medical services and devices.

If we don't pass the Arizona Health Care Freedom Act, we'll be left unprotected from a federal government's plan that may destroy our health care system and our rights to make our own medical choices. None of us should avoid the responsibility to guard against what government could do to us. Vote for Prop 106.

Todd Bradford, Phoenix

Paid for by Arizonans for Health Care Freedom

Everyone knows that the health care bill that passed last spring is filled with regulations, restrictions, limitations, fees, fines and other unimaginable government dictates.

Do not allow the government to keep you from spending you money on medical services you may want or need. Do not allow the government to force you into a healthcare plan that you man not want or need.

Prop 106 is the only means we have to stop the federal government from making you do one and stopping you from doing the other.

If you fail to see the importance of a Yes vote on Prop 106, you may find yourself being forced to buy an insurance policy you don't want and doors closed to medical services you could previously purchase.

Kori Okuley, Peoria

Paid for by Arizonans for Health Care Freedom

Spelling, grammar and punctuation were reproduced as submitted in the "for" and "against" arguments.

Issued by the Arizona Secretary of State's Office

There are very clear differences on the ballot this year between the candidates for various offices and this is the place to exercise your choice of Democrat or Republican. Prop 106 does not represent a political philosophy. It isn't liberal or conservative. It is a very clear declaration of your rights: your right to opt out of any health plan you don't want and not be punished for having done so and your right to buy legal medical services.

Prop 106 is the one opportunity you have to simply be an American voter protecting yourself from government. It is the right thing to do.

Margarita Hutchins, Peoria

Paid for by Arizonans for Health Care Freedom

You have the power to start to dismantle the Health Care Bill passed in Congress last spring. Most people, including those who passed it, never read it. After it passed, some of it has come to light and most people found out that they are not going to be better off because of it. In fact, most people think they'll just have to pay more, have less medical service and those who we were told it would cover, still won't have anything new.

Prop 106 will preserve your right to buy your own medical services and let you opt out of a forced government plan. It is the right thing to do right now. Vote yes on Prop 106, to save your own rights.

Josie Garcia, Goodyear

Paid for by Arizonans for Health Care Freedom

From the beginning of the debate to the bill that passed the US House and Senate and signed by the President, health care reform was not defined. No one knows what those words encompass: health insurance premiums, medical services, health education, medical school, hospitals, nursing homes, Medicare, Medicaid, insurance policies, or hundreds of other issues? There are as many ideas of what this bill was about as there are people thinking about it.

When it is not defined, it will always be questionable.

We are now in a position to start questioning the results.

Prop 106, the Arizona Health Care Freedom Act anticipated and now will solve two of the problems caused by health care reform. When passed, Prop 106 means that you can continue to spend your money for all legal medical services and you don't have to participate in any health care system.

Prop 106 is defined. Vote Yes for your own definite health care interests.

Scott Bundgaard, Peoria

Paid for by Arizonans for Health Care Freedom

By the time this pamphlet is written there will probably be 20 other states following the Arizona example of Proposition 106. We are fortunate that we had the foresight to see the problems coming down the road. We have the opportunity to vote YES right now to keep ourselves safe from government intervention into the most private parts of our lives: our health care decisions. Prop 106 clearly states that we can spend our own money for any legal medical procedure we want and we can opt out of private or government run health care plans. It is simple. Vote for Prop 106.

Helen V. Barriga, Glendale

Paid for by Arizonans for Health Care Freedom

Mandates, especially those that are unaffordable, undercut personal choice and individual freedom - where does the government have the authority to mandate private contracts?. We need reform in the health insurance marketplace and we need to improve public health insurance programs before we mandate programs that we don't know how we are going to subsidize. Mandated insurance requirements will limit the marketplace and do nothing to control costs.

Kevin G. Rogers, President, Arizona Farm Bureau Federation, Gilbert

Paid for by Arizona Farm Bureau Federation

James W. Klinker, Chief Administrative Officer, Arizona Farm Bureau Federation, Gilbert

Argument in Favor of Proposition 106

Dear Arizona Taxpayer,

Please read the text of Proposition 106, the Arizona Health Care Freedom Act. It is a simple proposition, but very important to the future of health care in Arizona.

A YES vote for Proposition 106 is a vote to keep health care decisions in the hands of patients and families, and out of the hands of politicians and government bureaucrats.

Proposition 106 will protect two basic freedoms. First, Proposition 106 will prohibit governments in Arizona from using penalties, fines, or taxes to force Arizona citizens to participate in any health care system or insurance plan. Second, Proposition 106 will ensure the freedom of citizens to use their own money to pay for any legal health care service. Proposition 106 will NOT affect Medicare, AHCCCS (Medicaid), veterans' benefits, or workers' compensation.

Arizonans must be free to choose when it comes to health care decisions, which are some of the most personal decisions we make. This is not just a matter of rights, but also of economic prosperity. If government can force us to join an insurance plan, or if government can keep us from using our own money to pay for the health care services we need, that will destroy competition in the health care sector. The government-chosen insurance companies will hold us as captive customers, and they will not have to compete to provide better services at lower costs.

Please join me in voting YES on Proposition 106.

For more ideas on enhancing freedom and protecting free enterprise, contact the Arizona chapter of Americans for Prosperity, at www.aztaxpayers.org, (602) 478-0146, or tomjenney@cox.net.

Tom Jenney, Arizona Director, Americans for Prosperity, Phoenix

PROTECT YOUR MEDICAL AUTONOMY—VOTE YES ON PROPOSITION 106

Nearly everyone agrees we need to reform our health care system. But as always, the devil is in the details. Any reform proposal must address a crucial question: what are the costs to individual freedom?

Proposition 106, the Health Care Freedom Act, does one thing and one thing only: it ensures that whatever changes are made to our current system of health insurance, they will not erode the right of individuals and families to make basic and essential decisions about their health care. It does not make anything legal that is now illegal; rather, it preserves rights that we have today but are in danger of losing.

First, it prevents the government from forcing people to purchase government-approved health insurance, or from taxing or penalizing them if they choose not to do so. Many people have made perfectly good health-insurance arrangements. Government should not coerce us out of such arrangements.

Second, it protects the right of people to go outside of any health care system to purchase lawful medical services. In some places, individuals may not do so (in fact, people in such countries often come to the US for medical care). Proposition 106 is designed to make sure the government cannot take away those rights.

Health care reform should build upon the relationships people have with their health-care providers, not destroy them. Several states along with Arizona are taking this important step to protect our health-care freedom. We should too.

Clint Bolick, Attorney, Phoenix

Paid for by Arizonans for Health Care Freedom

The Arizona Health Care Freedom Act, which is on the ballot as Prop 106 is your chance to take apart the worst piece of legislation, passed in many years...the federal health care bill. All polls show that if it were left to "the people" the whole thing would be repealed; however, we know that will never happen. A new Congress may choose not to fund some parts so they will never go into effect, but other things will kick in.

Prop 106 lets you keep your right to choose not to have health insurance coverage if you don't want it without penalty and it lets you keep your right to buy any legal medical service you want with your own money.

We may never see the end of the damage done by the federal monstrosity, but we can keep Arizona free of two of the most awful parts. Voting Yes on Prop 106 is right.

Robert Mayer, Tucson

Paid for by Arizonans for Health Care Freedom

I am so proud of Arizona. Through our vote to pass Proposition 106, we will stand up and say a resounding "No" to forced federal government-run healthcare, and while we are at it, let's say "No" to those whose votes in Congress tried to take away our healthcare freedom.

Sydney Hay, Sole Proprietor, Southwest Policy Group, Munds Park

Earlier this year the National Federation of Independent Business joined the State of Arizona and 19 other states in a historic lawsuit challenging the constitutionality of the Patient Protection and Affordable Care Act.

NFIB didn't join this lawsuit lightly—we have been representing small business owners since 1943 and we take this responsibility extremely seriously. We have a long history of working on and supporting healthcare reforms at the federal and state levels that help to reduce costs and increase choices. We supported lowering barriers to buying coverage across state lines and coverage for pre-existing conditions as well as long overdue reforms to reduce lawsuit abuse. But this new law resulted in more bad than good for our nation's job creators. And this law is a bridge too far in terms of the future of our constitutional freedoms and liberties.

Small business owners everywhere are rightfully concerned that the law's unconstitutional new mandates, countless rules and new taxes will devastate their businesses and their ability to create jobs. Our members are also concerned about their personal freedoms. This law is the first time the federal government has required individuals to purchase something simply because they are alive. If Congress can regulate this type of inactivity, then there are essentially no limits to what they can mandate individuals to do.

Arizona voters have a powerful opportunity to support our fight against this destructive law in Proposition 106—the Arizona Healthcare Freedom Act. A July survey of NFIB/Arizona's 7,500 members found that 77 percent of small business owners support passage of Prop. 106. Not only will it keep Arizona from adopting some of the worst parts of the federal law, it very well may help overturn the individual mandate here in Arizona.

Small business urges you to vote "YES" on Prop. 106.

Farrell Quinlan, State Director, National Federation of Independent Business - Arizona, Phoenix

Paid for by National Federation of Independent Business - Arizona

Michael A. Crowe, Chairman, Leadership Council, National Federation of Independent Business - Arizona, Mesa

Prop 106 - health care services: direct purchase

Center for Arizona Policy supports the language of Prop 106, which specifies that this measure is simply about how a person pays for lawful healthcare services, not which healthcare services should be considered lawful. Prop 106 DOES NOT create a constitutional right to abortion, and Prop 106 keeps in place all laws protecting healthcare providers' rights of conscience.

Cathi Herrod, President, Center for Arizona Policy, Phoenix

Deborah Sheasby, Legal Counsel, Center for Arizona Policy, Phoenix

Paid for by Center for Arizona Policy

Dear Voter,

In my years serving the public in elected office, I have seen firsthand what happens when the federal government fails to do its job. Inevitably, federal failures result in a loss of freedom, increased burdens on taxpayers, businesses and state government and a massive amount of misdirected resources.

There are few better examples of federal failure than the enactment of "ObamaCare," the 2,000-plus pages of health care law signed by the President in March. This law creates unprecedented new burdens on the state of Arizona and its citizens - and it puts government in the middle of important health care decisions, instead of patients, families and doctors.

A yes vote on 106 is a vote against the mandate by President Obama and the Democratic Congress, who with ObamaCare have given the IRS the power to fine Americans who don't buy insurance.

Please join me in voting Yes on Prop 106. Send Washington a message that in Arizona we will not tolerate their failures, nor will we compromise our freedoms.

Sincerely,

Jan Brewer, Governor, Phoenix

ARGUMENTS "AGAINST" PROPOSITION 106

Argument Against PROP 106
Health Care Services Initiative

The Arizona Education Association believes health care reform is an education issue. Right now Arizona has the fourth highest percentage of uninsured children in our nation with more than one in five children in some counties in Arizona without health care.

Students who come to school healthy and ready to learn will one day be prepared to be contributing members to the well-being and prosperity of our state and the nation.

We cannot close the achievement gaps when so many of our student's families don't have job security, health care coverage, or access to living wages and benefits. We know that poor children (children below the poverty line and likely without health care coverage) are more likely than better-off children to suffer from a wide array of chronic health problems, such as asthma and digestive disorders, that affect school readiness in many ways.

Right now Arizona has the fourth highest percentage of uninsured children in the nation. PROP 106 moves Arizona backwards and away from providing quality, affordable health care to our children. The Arizona Education Association requests that you vote NO on PROP 106.

John Wright, President, Arizona Education Association, Phoenix

Andrew Morrill, Vice President, Arizona Education Association, Phoenix

Paid for by AEA Education Improvement Fund

As a physician with 45 years of experience in health care delivery, I fail to see any virtue in the passage of this law. It lacks any specific solutions for those without insurance, or with pre-conditions. It alludes to the entire universe of our health care systems, but does nothing that I can see to increase health care choices for our citizens or expand access to care for those without coverage, or who do not have the ability to pay for needed care. Citizens are looking for protection from health care crises and subsequent loss of their life-long assets, be it their home or retirement savings. This law does nothing to address this critical need. The "Freedom of Choice" title is a misnomer. Citizens need freedom from health care catastrophe, and they need choices for their health care that are available, universal and affordable. I urge a NO vote on Prop. 106.

Raymond F. Graap, MD, Tucson

Argument Against the proposal to amend the Constitution of Arizona; Amending Article XXVII Relating to Health Care Services; HCR 2014; Prop 106

It is our professional duty as nurses to alert the public of this grand deception.

Should this pass, Arizona citizens would vote away their right to participate in any comprehensive, universal healthcare system such as Improved and Expanded Medicare For All.

Before hastily voting away your choice, remember that last year 72% of the American people and 59% of U.S. physicians supported a national healthcare system. Their voice was not included in the "healthcare debate". This proposition is being promoted by the greedy few who want to cash in on the broken health insurance system before it's too late.

They are denying YOU the RIGHT to a health care system that would return the decision-making to your health care professional, not an insurance bureaucrat!

Please Vote NO!

Linda Abrams, RN, Tucson

Ann Dichov, RN, Tucson

Donna Malecki, RN, Tucson

Alison McLeod, RN, Bisbee

Shawn Murray, RN, Tucson

Paid for by Ann Rose Dichov

HEALTH CARE SERVICES - CON STATEMENT

The League of Women Voters of Arizona urges a "no" vote on Proposition 106 to amend the Arizona Constitution, which is similar to Proposition 101 that the voters rejected in November 2008.

If enacted, this law would violate the Patient Protection and Affordable Care Act, passed by the U.S. Congress a few months ago. Federal law supersedes the state constitution, making it unlikely that this law could defeat the federal health care mandate in that law.

The right of the U.S. Congress to impose the insurance requirement is grounded in its authority to regulate interstate commerce and other powers.

Proposition 106, which allows people to ignore a national mandate to buy health insurance, would encourage them to use emergency room services or to carry policies only when they need treatment. This would increase costs for everyone else, either through higher insurance premiums or taxes. This is not "freedom" for those of us paying the bill.

In addition, passage of a constitutional amendment could limit legislative options, including laws that could protect private practitioners, hospitals, and patients from insurance industry abuses.

The LWVAZ stands united with women and men from across the state to make our fellow citizens aware of the adverse implications of this law and ask them to vote "NO" on Proposition 106.

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

Protect Arizonans, Not Insurance Companies

Insurance companies have been committing fraud against the hardworking citizens of Arizona for many years. They have accepted our payments for insurance and then cancelled our policies when we finally needed the services we paid for.

They have told us we are not insurable due to "pre-existing conditions", even though those conditions were often imaginary or trivial. Enough is enough! It is time for Arizonans to have the freedom that comes with protection from these predatory practices.

Proposition 106 is the opposite of what Arizonans need. This proposition will protect the insurance companies, allowing them to continue their fraudulent and predatory ways without fear of intervention from those who are supposed to protect us. Proposition 106 is dangerous because it is another gift to the already powerful insurance special interests. Keep Arizonans free to choose whatever health insurance we want, **VOTE NO ON PROPOSITION 106.**

Toby Stahl, Phoenix

Hal Stahl, Phoenix

ARGUMENTS "AGAINST" PROPOSITION 106

Vote NO on Proposition 106! As a pediatrician, I am concerned about many of the provisions of this constitutional amendment because of its broad language and its refusal to deal with the real issues affecting health care, specifically people's access to care and the cost and quality of care. Physicians and other health care providers want patients to receive the best possible care. This referendum, in the words of its creators, would prevent Arizona from imposing evidence-based practices into the health care system, potentially diminishing our ability to assure the highest quality of care. Medicine is constantly evolving as new information is learned about diseases, drugs and other health care issues. If we are not encouraged to use this information to improve medical care for patients, we will be doing a disservice to our community.

In addition, I see many patients with communicable diseases and understand how importance our public health care system is in preventing disease transmission. The recent swine flu pandemic is an example of a potential threat. We need public health law to provide for surveillance and treatment. Proposition 106 would prevent many of these provisions from being implemented. This puts all of us at risk at a time when global health issues are becoming more prevalent. This is foolhardy and unnecessary. Vote no on Prop 106!

Eve Shapiro, MD, MPH, Tucson

A Cost We Cannot Afford

Proposition 106 will cost Arizona Taxpayers money that we cannot afford during this difficult time. It will:

- Cost Arizona taxpayers an estimated \$1,000,000,000 (one billion dollars) each year by forcing uninsured citizens to continue to use emergency rooms instead of private doctors for minor ailments.
- Cost Arizona taxpayers millions more in legal fees due to poor and ambiguous wording. This will enrich the lawyers, but do nothing to help Arizonans save money or get the health care all our citizens deserve.
- Cost Arizonans additional money in health care premiums by allowing insurance companies to continue to raise prices unchecked by competition and by increasing the number of medical malpractice lawsuits due to reduced oversight.

Arizona cannot afford Proposition 106. **VOTE NO ON 106.**

Toby Stahl, Chair, Democracy for America - Maricopa County, Fountain Hills

Paid for by Democracy For America - Maricopa County

Proposition 106 - (HCR 2014) Vote No

Vote No. A few selfish doctors want this amendment to our Arizona Constitution so that they can charge extra high fees for surgery. This is not a freedom of choice issue. It is a very bad and broad change that would prohibit future reform in health care in Arizona. It is written purposely in a vague and confusing way to hide the main effects. In fact, it would even turn back many of the protections that the public now has.

Bad effects of this include taking away the safeguards that now prevent unproven and reckless treatments by some physicians. It would also ruin our public health care thus endangering all Arizonans. We depend very much on public health protection and could even have our security in a terrorist disaster hampered by this dangerous amendment.

The amendment would stop our State oversight and prevention of health insurance company abuse of their clients. Many future reforms of the health insurance industry would be stopped.

This foolish proposition would also stop the ability to change existing health care laws and regulations. This would cause huge expenditures to lawyers to challenge the confusing issues that would be created.

This amendment also interferes with the privacy of our personal health care records.

Many experts in health care have studied this amendment and find it to be a very bad change in our laws.

A majority of Arizona voters defeated this in the referendum of 2008. Please vote no.

George L. Pauk, MD, Phoenix

Health Care is a human right. The government must force everyone to pay their fair share. This is too important to allow people their freedom.

Government experts will know what works and what does not and the people should only get what the experts recommend.

We need government to push everyone into one system. This will force all the snake oil remedies such as chiropractic, naturopathic care and homeopathic care out so that huge amount of money will no longer be wasted on these senseless practices, as well as the use of vitamins.

No matter who is here, legal or undocumented, health care must be provided by the government. If we don't do this the health insurance companies will not succeed if they are not subsidized to cover all of us. It is vitally important that we protect the insurance companies or risk a system collapse that will mean the poor and middle class will have no health care.

Do the right thing. Vote NO on Prop. 106

Laurie Renee Gutierrez, Scottsdale

Last month, I read a story in the New York Times about the nation of Rwanda. I think it says a lot about where American health care should go in the future. The Times said this:

"Rwanda has had national health insurance for 11 years now; 92 percent of the nation is covered, and the premiums are \$2 a year."

This program has been a great success. The Times reports, "since the insurance, known as health mutuals, rolled out, average life expectancy has rise to 52 from 48, despite a continuing AIDS epidemic, according to Dr. Agnes Binagwaho, permanent secretary of Rwanda's Ministry of Health. Deaths in childbirth and from malaria are down sharply, she added."

Think about that. Imagine if we could increase the American life span by 8 percent in just 11 short years? That would give each of us another 6 years of life. To me, that would be worth all the tax dollars I've paid for all the years I've paid them.

I've read Proposition 106. It moves us away from national health care and hands the responsibility back to people ... us. That makes no sense to me. If a Third World nation of 10 million can manage health for \$2 a person, surely we can do it for more, but a sensible amount?

Devon Franza, Scottsdale

My Fellow Americans:

Every year before I go to the polls, I re-read the Declaration of Independence. Then I vote with our Founding Fathers in mind. And when it comes to Proposition 106, I know what they would say. Two thumbs down. Way down.

The Declaration was written way back in the 1770s, even before hospitals, but it says a lot about health care if you know how to read it. The second paragraph says all Americans "are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness."

To me, that means you're entitled to health care, just like you're entitled to free speech, trial by a jury or the right to do what you're about to do. Vote.

So vote no on 106 and say yes to the government playing a role in health care. For all the things our tax dollars pay for, the least we should get back is the unalienable right to life/health.

Kasey Ann Stevens, Gilbert

Dear Voter of Arizona,

I was watching a movie with my kids recently... and one of the characters said, "If you're not first... you're last." Well, I can certainly say that's true of the United States and our healthcare. This is why we need to vote No on 106 and start striving for first again.

Shame on those among us who would even consider blocking President Obama's health care reform! Every person within our borders should feel that they are taken care of. Our government is trying to reach out to us with this policy, but we're slapping their hand away! When someone gives you something, free of charge, why would you deny it? Other counties like Canada and Great Britain offer health care for their citizens... and guess what? They did it well before the U.S... making us -you guessed it - not first. Last.

It's time to put America and Arizona first. That's why we need to all vote No on 106.

Wendy D. Anderton, Scottsdale

Proposition 106 is Bad for Arizonans

2.4 million Arizonans with a history of chronic conditions such as Asthma, Diabetes, or High Blood Pressure could **lose** new rights and protections under Proposition 106. The intent of Proposition 106 is to **prohibit** Arizonans from participating in national healthcare reform, known as the Affordable Health Care Act (AHCA) passed by Congress and signed by the President. AHCA provides Americans with new rights and protections to prevent insurance companies from refusing to issue coverage or otherwise discriminate against individuals with chronic conditions. Passage of Proposition 106 undermines these gains.

Arizonans with chronic conditions often struggle to maintain stable health insurance coverage – particularly those without employer-sponsored coverage. Individuals and small businesses could do little prior to AHCA to stop insurance companies from denying or limiting coverage based on a person having chronic conditions such as Asthma, Diabetes, and High Blood Pressure. AHCA, when fully implemented, will put an end to a number of notorious insurance company practices including:

- Denial of coverage based on pre-existing conditions
- Exclusion of coverage for a pre-existing condition

Asthma, Diabetes, and High Blood Pressure are just three of the conditions insurance companies use to limit or deny coverage. If Proposition 106 passes, individuals with these conditions might not be able to obtain affordable, stable coverage, whether they purchase coverage on their own, receive coverage through a small business, or work for a large employer.

The Affordable Health Care Act provides new security and stability for all Americans including those with chronic illnesses, by protecting them from bad insurance company practices and by ensuring coverage is affordable regardless of health status. Passage of 106 would put Arizonans at renewed risk of going without health insurance, and losing the access to health care that insurance provides.

Phil Lopes, State Representative, Tucson

ARGUMENT Against Proposition 106

Please vote **NO** on Proposition 106 as it will have a very unsafe, negative impact on the Health of the Public. You and I, our Families, Friends, and Neighbors in Arizona are the Public!

Infectious Diseases should be of primary concern to all of us. Proposition 106 can “throw out the window” the Policies and Guidelines which have been forged during the last 100 years for the Health Protection of each of us, including you!

Pandemics, such as Swine Flu and other Diseases we cannot even imagine now, would run rampant because of Proposition 106. Do you want to stand in a grocery store check-out line next to a TUBERCULOSIS Patient who has decided to refuse his MEDS because Prop. 106 will give him FREE CHOICE to refuse Treatment??!

Vote **NO** on Prop. 106! For your own Health and the Health of Others!

Janet C. Tillotson, Scottsdale

OPPOSE Proposition 106- Proposition 106 “Arizona’s Health Reform Amendment”

As proposition 106 clearly opposes key aspects of federal healthcare reform, namely the requirement for individuals to obtain insurance and the sanctions associated with non-participation, the Arizona Public Health Association opposes it. Arizona voters have already rejected a similar proposition in 2008. The Arizona Public Health Association feels that this proposition will only undermine certain provisions of federal health reform, and it must be defeated. This proposition will only delay Arizona’s participation in federal health reform and delay the receipt of significant federal financial support. If passed, the state will assuredly face costly litigation at a time when resources are scarce and needed in other areas. The Arizona Public Health Association strongly supports federal health reform and prefers that our state work for smooth implementation without unnecessary delays. For these reasons, we oppose Proposition 106.

Protect the Public’s Health and VOTE NO on Proposition 106

The Voice for Public Health

**Jennifer Bonnett, Executive Director,
Arizona Public Health Association, Phoenix**

Paid for by Arizona Public Health Association

**Ellen Owens Summo, President Elect,
Arizona Public Health Association, Phoenix**

Opposition to Proposition 106, the “Freedom of Choice Amendment”

Proposition 106, on the Arizona Ballot in November 2010, would prevent us from guaranteeing healthcare to all Arizonans. The 5000 Registered Nurses from NNOC – AZ/NUU strongly oppose Proposition 106. It changes the Arizona Constitution, adding language that will restrict the State’s ability to enact a universal system of care for all Arizonans. A program like Medicare for everyone would be unconstitutional in Arizona. Expanding AHCCCS to cover more medically indigent individuals would be unconstitutional in Arizona. Persons with no money to purchase health insurance will have NO Freedom of Choice since the Proposition does not guarantee access to health care for those with limited resources and no insurance. Those without resources to purchase care, will have NO freedom to find the care they need. The proposition does not assure quality of medical care. Proposition 106 does not prevent insurance companies from denying coverage to those with pre-existing medical conditions; but it allows insurers to offer insurance without state oversight. The Proposition allows physicians to perform any “legal” service and charge for those services privately with no restriction on the fees, and no assurance that the service is appropriate for the medical condition. The proposal will limit the ability of the State of Arizona to protect the public from unethical providers. The Proposition could prevent Public Health Officials from acting in

the best interest of the public's health when threatened by epidemics, bio-terrorism, environmental hazards, or other public disasters or catastrophes.

NNOC-AZ/NNU is a professional association with 5000 RN contacts in Arizona committed to a single standard of quality care for all Arizonans.

AZ RNs urge you to vote NO on Proposition 106.
Jennifer Lemmon, Organizer, NNOC - AZ/NNU, Tempe

The Arizona Green Party recommends a NO vote on Prop 106, which would amend the Arizona Constitution. The so-called "Freedom of Choice" amendment would disallow the state from setting up a health care system that would provide care for every citizen. We, the Arizona Green Party, assert that an amendment this narrow in concept does not serve the people of Arizona. Instead, it advances the rights of insurance companies.

The Constitution is the tool we have to protect the citizens. This amendment does the opposite. Prop 106 would "set it in stone" that the providers of health insurance in Arizona will always be private corporations. If passed there would be no possibility of a public insurance plan, like seniors have with Medicare. A Medicare-For-All plan could provide health care that is privately delivered and publicly funded. This would mean that Arizonans would still have the freedom of choice of their own doctors, clinics and hospitals. The payer of these services would be a single entity, rather than dozens of insurance companies. An added single-payer benefit is the cost reduction in administrative overhead.

Slamming the door on a single-payer system forever, because of this proposed amendment to the Constitution, is a step backward not forward. Vote NO on Prop. #106. (For more information on the Green Party, including opinions about other ballot measures, go to AzGP.org.)

Claudia Ellquist, Co-chair, Arizona Green Party, Tucson	Kent Solberg, Treasurer, Arizona Green Party, Tucson	Rebecca DeWitt, Secretary, Arizona Green Party, Phoenix	Linda J. Macias, Vice Chair, Arizona Green Party, Mesa
Luisa Evonne Valdez, Arizona Green Party, Phoenix	Gregor Knauer, Arizona Green Party, Tempe	Jerry Joslyn, Arizona Green Party, Scottsdale	

Paid for by The Arizona Green Party

Arizona National Organization for Women
 Argument Opposing Prop 106

Don't be fooled by the bait-and-switch arguments of the promoters of Prop 106. This is not about the freedom of consumers to "choose" their own healthcare but is designed to guarantee insurance companies and doctors the freedom to continue making wind-fall profits at our expense. Passage of Prop 106 will constitutionally prevent the Legislature or the voters from instituting healthcare solutions that limit costs or guarantee treatment.

If you're happy with the state of our current healthcare system, if you think you are getting good service at fair prices, if you think that having thousands of uninsured children is acceptable, if you think that denial of coverage for serious medical conditions is fair, this is the proposition for you. This measure ensures the continuation of the status quo, with ever increasing prices and ever decreasing quality of service.

If you think we deserve better, don't vote for this "Insurance Company Protection Act." Join with Arizona NOW to **vote NO on Prop 106.**
Eric Ehst, Policy Coordinator (President), Arizona National Organization for Women, Phoenix
Karen Van Hooft, Political Action Coordinator (Vice President), Arizona National Organization for Women, Scottsdale
Paid for by Phoenix-Scottsdale Chapter National Organization for Women

As a registered nurse for more than 30 years, a patient, a customer of various health insurance companies for 40 years, a foreign traveler, and student of the problems of health care in the U.S., I have become a strong proponent of true alternatives to the type and degree of health care that exists today. Prop.106 has been crafted by wealthy specialist physicians and insurance corporations to defeat any hope of that. Their sole aim is to strengthen their control and satisfy their greed at the expense of hundreds of thousands of Arizona citizens by seeking to deny true alternatives such as government plans. I see this from the inside every day: the waste, the greed, the exclusion of the truly needy, including the forcing of what should be primary care patients to expensive emergency rooms.

106 could eliminate the power of medical and nursing boards to enforce competency, and of the health department to prevent epidemics. The deliberately confusing language will generate lawsuits.

Arizona citizens are unaware that once again corporations are promising "freedom of choice" for all when it is essentially only "freedom of choice" for the already insured. Even those will be unprotected from charlatans who will be able to sell their untested practices and treatments because the State will not be able to enforce "evidence-based" best practices, which have become the standard of quality nationwide.. Arizona's often trusting and unaware elderly, snowbird population, including many "rich retired", has for decades been a magnet for the unscrupulous, including hordes of specialists and insurance companies. This will only open the door wider for this kind of exploitation. Rich and poor need to be protected from this corporate weapon being used to further chip away at our civil rights to decent health care.

Sarah Fox, RN, MPH, Phoenix

Don't Lose the Benefits the Health Care Law, Vote NO on HCR 214 Prop 106

Our country passed historical health care reform to reach out to 30 million Americans that had little or no access to care. Right now as I write this the first benefits are being seen by everyone. Now, people with pre-existing conditions can get insurance through our nationwide high-risk pools that are set up. Folks in Arizona can access this insurance at: <http://www.pcip.gov/>. Do you want this benefit to go away? If Prop 106 passes then folks with illnesses that stop them from being insured go back to suffering. Please vote NO on Prop 106. This month children can now stay on their parent's insurance policy till they are 26. This means as they finish school they will not lose their coverage while they look for a job. In this economy, that is a very important benefit. Do you want kids to go back to being kicked off insurance at 19 or 23? If you vote yes on Prop 106 children LOSE this benefit. Please vote NO and stand up for young adults. Finally, seniors got their first checks for 250.00 if they fall into the "donut hole" from lack of prescription drug coverage. This January all Medicare Part D gaps will be reduced by 50%. So, my dad will pay 500.00 instead of the 1000.00 he has been paying. It is crucial that you vote NO on Prop 106 so that seniors don't lose this valuable new service. And, all preventative care for seniors will now be part of Medicare. No more out of pocket costs. This new law helps all of Arizonans. Your vote of NO in PROP 106 ensures that we continue to have these benefits and many more to come.

Michelle Melchiorre, Fountain Hills

Arguments AGAINST Proposition 106 - the "Freedom of Choice Amendment"

Proposition 106 is **COMPLICATED & CONFUSING**, & therefore..

It is **DANGEROUS!**

IF IT PASSES There will be

NO Assurance of Quality of Care for patients, because it **RESTRICTS STATE OVERSIGHT.**

NO PROTECTION against **Dishonest, Unethical, or Fraudulent PROVIDERS!**

NO Assurance that **PROVIDERS OF CARE** will be **Licensed or Competent**

NO Assurance that **CARE** will be appropriate for the **Patient**, or for their **Disease.**

NO Assurance that a Health Policy will provide **NEEDED PATIENT SERVICES.**

NO Assurance for **WORKERS** who may need **PROTECTION ON THE JOB.**

NO Assurance that Public Health Agencies will protect society from **Epidemics.**

NO PROTECTION against the **SALE of Unneeded, Ineffective, or Unsafe Health Products.**

It is **CONFUSING** Legislation **DESIGNED** to **PREVENT:**

1. Necessary **HEALTH REFORM**
2. Improvement in the public's **ACCESS TO CARE.**
3. The Establishment of Standards for **QUALITY Medical Care.**

&

4. It will **NOT Develop Criteria** for **Controlling COSTS**

Given these many reasons to question PROPOSITION 106, I urge its REJECTION!

A. Land Harris, MD, Phoenix

Leslie Kaminski, MD, Phoenix

Sarah Fox, RN, MPH, Phoenix

Paid for by A. Land Harris

Proposition 106, will NOT assure all Arizonans the freedom to choose health services; but it will change our Constitution, placing confusing and dangerous language in our primary legal document. Prop 106 will prevent future legislatures from passing laws to guarantee quality healthcare for all Arizonans, not just those able to purchase care.

- It will be **unconstitutional** in Arizona to expand Medicare for all age groups.
- It will be **unconstitutional** in Arizona to expand AHCCCS to help medical indigents.
- Persons with limited resources will have **NO freedom** to choose health care; Prop 106 does not help those without insurance. It only helps those with money.
- Prop 106 **does not guarantee quality** of medical care; it will allow any provider to offer any service a patient is willing to buy, whether appropriate or not.
- Prop 106 allows insurers to sell policies **not** approved by the State Insurance Commissioner.
- Prop 106 allows any physician to perform any "legal" service with no restriction on fees, and no assurance that the service is appropriate for the medical condition.
- Prop 106 limits the State from protecting the public against unethical providers.
- Prop 106 could prevent Public Health from protecting the public when threatened by epidemics, bio-terrorism, environmental hazards, or other public disasters or catastrophes.
- Prop 106 is bad for Arizona citizens.

Proposition 106 must be defeated in November to protect our health and safety.

Jonathan B. Weisbuch, MD, MPH, Former Maricopa County Health Officer and Director, County Department of Public Health, Phoenix

Proposition 106 is an AMENDMENT to the CONSTITUTION of the state of Arizona and as such needs to be carefully scrutinized. The wording of this proposition is extremely confusing and its future medical and legal implications far from clear. On this basis alone, it is DANGEROUS and needs to be defeated, The People of Arizona have already defeated its predecessor, Proposition 101 in 2008 and need to do likewise for 106 in 2010.

Proposition 106 is MISLEADING even in its title "Freedom of Choice". Nothing could be further from the truth. Freedom of choice of what? It DOES NOT OFFER FREEDOM OF CHOICE to anyone who has no resources, nor to those with employer health insurance.

It UNDERMINES systems for standardizing "evidence-based" quality medical care and upholding physician qualifications – both of which protect us from harm.

It UNDERMINES public health enforcement and the security and treatment of the seriously mentally ill when anyone can refuse care from "a health care system" they do not want.

It potentially UNDERMINES the security and care of abused women and children when protective medical institutions/health care systems have no power to act.

The potential of Proposition 106 for denial of appropriate care, refusal of appropriate care, accommodation of inadequate, incompetent care and care-takers, places all of us in Arizona in jeopardy. This is not the "freedom of choice" we want or deserve.

Proposition 106 **MUST BE DEFEATED.**

Mary Ellen Bradshaw, MD, Consultant, Child, Adolescent & School Health & Public Health Administration, Past President, American Association of Public Health Physicians, Past Delegate to American Medical Association, Phoenix

The Arizona Alliance for Retired Americans urges you to vote "NO" on Proposition 106 to protect seniors.

Proposition 106 is an attempt to undermine the Patient Protection and Affordable Care Act – Seniors and retirees are already seeing tremendous benefits from the Patient Protection and Affordable Care Act. For example, all 852,880 Arizona Medicare beneficiaries will now receive a free annual checkup and will no longer have to pay out-of-pocket for preventive screenings for diseases like cancer and diabetes. The law begins to close the prescription drug "doughnut hole" coverage gap for 378,374 Arizona seniors by providing them with a \$250 check in 2010 in addition to a 50 percent discount on their medications in 2011 until the gap is closed. Also in 2010, early retirees with employer-covered health benefits can continue receiving affordable coverage because employers are provided subsidies for offering retiree health benefits. The law, which extends the solvency of Medicare Trust Fund by 12 years, expands options for home-based care, so that more seniors can stay in the comfort of their own homes rather than being forced into a skilled nursing facility. Finally, starting this year, health insurance companies are no longer able to deny coverage to older Americans with pre-existing health conditions.

Vote "NO" on Proposition 106. Proposition 106 will HARM SENIORS. Vote "NO" on Proposition 106.

**Doug Hart, President, Arizona Alliance for Retired Americans,
Tempe**

**Bill Engler, 2nd Vice President, Arizona Alliance for Retired
Americans, Anthem**

Paid for by Arizona Alliance for Retired Americans

Proposition 106, the "Freedom of Choice" Amendment, was DEFEATED BY THE VOTERS two years ago. We must DEFEAT it again. It is a CONFUSING piece of Legislation, and any AMENDMENT TO THE CONSTITUTION should be OPPOSED if it is not ABSOLUTELY CLEAR in its implications. Proposition 106 not only takes some healthcare reform options OFF THE TABLE, it also opens up a MYRIAD OF LEGAL and ETHICAL ISSUES that will TIE UP OUR COURTS FOR YEARS IF PASSED.

Proposition 106 WILL NOT GUARANTEE "FREEDOM OF CHOICE"

THERE WILL STILL BE:

- **NO CHOICE** for the 1.1 million Arizonans who are Unable to Purchase Insurance
- **NO CHOICE** of Insurance for those who are Covered under their Employer's Plan
- **NO CHOICE** for Patients to see Doctors who are not "In Network" without Paying a Penalty

IN ADDITION, IF PROPOSITION 106 PASSES, THERE WILL BE:

- **NO ASSURANCE** that Public Health Agencies will Protect Society from Epidemics
- **NO CHOICE** for Arizonans to Choose Their Own Type of Healthcare Reform
- **NO ASSURANCE** that Providers of Care are Licensed or Competent
- **NO ASSURANCE** for Patients that their Healthcare Providers will be Immunized
- **NO PROTECTION** against Dishonest, Unethical, or Fraudulent Providers
- **NO PROTECTION** against the Sale of Unneeded, Ineffective, or Unsafe Products
- **NO ASSURANCE** that Care will be Appropriate for the Patient or the Disease
- **NO ASSURANCE** for Workers Who may Need Protection on the Job
- **NO GUARANTEE** that a Policy will Provide Needed Patient Services
- **NO PROTECTION** to Buyers of Insurance because it Restricts State Oversight

Proposition 106 is CONFUSING Legislation that will PREVENT:

- Necessary Healthcare REFORM
- Improvement in ACCESS TO CARE
- Establishment of STANDARDS FOR QUALITY
- Developing Criteria for CONTROLLING COSTS

VOTE NO ON 106!

**Nancy Martin, RN, BSN, Co-Chair,
Arizona Coalition for a State and National Health Plan, Prescott**

**Donald S. Martin, RN, MA, BA, Co-Chair, Arizona Coalition
for a State and National Health Plan, Prescott**

ARGUMENTS "AGAINST" PROPOSITION 106



PROPOSITION 106 ~ BALLOT FORMAT



BALLOT FORMAT

PROPOSITION 106

**PROPOSED AMENDMENT TO THE CONSTITUTION BY THE
LEGISLATURE RELATING TO HEALTH CARE SERVICES
[HCR 2014]**

BALLOT FORMAT FOR PROPOSITION 106

<p><u>A CONCURRENT RESOLUTION</u> PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE XXVII, BY ADDING SECTION 2, CONSTITUTION OF ARIZONA; RELATING TO HEALTH CARE SERVICES.</p>
<p><u>DESCRIPTIVE TITLE</u> PROHIBITS LAWS OR RULES THAT REQUIRE PARTICIPATION IN ANY HEALTH CARE SYSTEM; ALLOWS A PERSON, EMPLOYER OR HEALTH CARE PROVIDER TO FORGO HEALTH INSURANCE AND PAY OR RECEIVE PAYMENT FOR HEALTH CARE DIRECTLY WITHOUT A PENALTY; SPECIFICALLY ALLOWS THE PURCHASE AND SALE OF HEALTH INSURANCE IN PRIVATE HEALTH CARE SYSTEMS.</p>

<p>A “yes” vote shall have the effect of prohibiting the enactment of laws or rules that require any person, employer or health care provider to participate in any health care system. It will also allow a person or employer to forgo health insurance and pay for health care services directly without a penalty and will allow health care providers to accept direct payment without a penalty. It will specifically allow health insurance in private health care systems.</p>	<p>YES <input type="checkbox"/></p>
<p>A “no” vote shall have the effect of retaining the current law regarding a person or entity’s health care choices.</p>	<p>NO <input type="checkbox"/></p>



PROPOSITION 107



OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2019
A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, BY ADDING SECTION 36, CONSTITUTION OF ARIZONA; RELATING TO PREFERENTIAL TREATMENT OR DISCRIMINATION PROHIBITION.

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. Preferential treatment or discrimination prohibited: exceptions: definition

SECTION 36. A. THIS STATE SHALL NOT GRANT PREFERENTIAL TREATMENT TO OR DISCRIMINATE AGAINST ANY INDIVIDUAL OR GROUP ON THE BASIS OF RACE, SEX, COLOR, ETHNICITY OR NATIONAL ORIGIN IN THE OPERATION OF PUBLIC EMPLOYMENT, PUBLIC EDUCATION OR PUBLIC CONTRACTING.

B. THIS SECTION DOES NOT:

1. PROHIBIT BONA FIDE QUALIFICATIONS BASED ON SEX THAT ARE REASONABLY NECESSARY TO THE NORMAL OPERATION OF PUBLIC EMPLOYMENT, PUBLIC EDUCATION OR PUBLIC CONTRACTING.

2. PROHIBIT ACTION THAT MUST BE TAKEN TO ESTABLISH OR MAINTAIN ELIGIBILITY FOR ANY FEDERAL PROGRAM, IF INELIGIBILITY WOULD RESULT IN A LOSS OF FEDERAL MONIES TO THIS STATE.

3. INVALIDATE ANY COURT ORDER OR CONSENT DECREE THAT IS IN FORCE AS OF THE EFFECTIVE DATE OF THIS SECTION.

C. THE REMEDIES AVAILABLE FOR A VIOLATION OF THIS SECTION ARE THE SAME, REGARDLESS OF THE INJURED PARTY'S RACE, SEX, COLOR, ETHNICITY OR NATIONAL ORIGIN, AS ARE OTHERWISE AVAILABLE FOR A VIOLATION OF THE EXISTING ANTIDISCRIMINATION LAWS OF THIS STATE.

D. THIS SECTION APPLIES ONLY TO ACTIONS THAT ARE TAKEN AFTER THE EFFECTIVE DATE OF THIS SECTION.

E. THIS SECTION IS SELF-EXECUTING.

F. FOR THE PURPOSES OF THIS SECTION, "STATE" INCLUDES THIS STATE, A CITY, TOWN OR COUNTY, A PUBLIC UNIVERSITY, INCLUDING THE UNIVERSITY OF ARIZONA, ARIZONA STATE UNIVERSITY AND NORTHERN ARIZONA UNIVERSITY, A COMMUNITY COLLEGE DISTRICT, A SCHOOL DISTRICT, A SPECIAL DISTRICT OR ANY OTHER POLITICAL SUBDIVISION IN THIS STATE.

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 107 would amend the Arizona Constitution to ban affirmative action programs that give preferential treatment to or discriminate against any individual or group on the basis of race, sex, color, ethnicity or national origin in the operation of public employment, public education or public contracting. This proposition does not prohibit bona fide qualifications based on sex that are reasonably necessary to the normal operation of public employment, public education or public contracting. This proposition would not prohibit action necessary to prevent a loss of federal funding to the state and would not invalidate any existing court orders. The remedies for violations of this proposition would be the same as for violations of current antidiscrimination laws. This proposition applies to the state, counties, cities, towns, special districts and other political subdivisions of the state, including school districts, public universities and community college districts.

This proposition would apply only to actions that are taken after the effective date of this proposition.

PROPOSITION 107

ARGUMENTS "FOR" PROPOSITION 107

ARGUMENTS "FOR" PROPOSITION 107

My family came from El Salvador to the USA, legally, when I was four years old, because it was the land of the free and a place where you could be whatever you dreamed. My parents instilled those same values in their children and raised us as Martin Luther King, Jr. preached: To judge our fellow human beings on the content of their character, not the color of their skin. We started with nothing, but we were Americans, so we worked hard and achieved much. Today, I'm honored to serve in the Arizona House of Representatives, and I'm proud to be a sponsor of Proposition 107. Other states have already done it, now Arizona can realize Dr. King's dream, recognizing that we live in a world where the color of your skin will not keep you from the school of your choice or the job of your choice, be it at the Waffle House or The White House. Affirmative Action began as a series of policies to expressly prohibit discrimination, but it was warped over time to institutionalize discrimination and, worse still, to convince entire generations that they were not good enough or smart enough to compete. Our proposition is both simple and profound. Our government may not discriminate any longer, against anyone, on the basis of race, sex, ethnicity, color or national origin. And why should it? Can you imagine if someone wanted to LEGALIZE racial or sexual discrimination? Yet that is exactly what opponents of this measure will be arguing for. I'm proud that Prop 107 will ensure everyone in Arizona is treated fairly in public education, jobs, and contracts and that no one will be labeled as inferior or unable to compete. Vote yes on Prop 107, and let us finally begin to move beyond race.

Steve Montenegro, State Representative, Litchfield Park

I voted to refer Proposition 107 to the ballot when this came before me in the Arizona State Senate in 2009. I was very proud to cast that vote on behalf of the citizens of Arizona. Now we all have the opportunity to vote to take the final step to make it unconstitutional for government in Arizona to prefer one citizen over another because of their color, race or sex.

Prop 107 reflects the American Dream to work hard and achieve. It reaffirms a commitment to the values in the 1964 Civil Rights Act that the most qualified individuals will succeed regardless of their race or skin color. Arizona citizens should demand that same fairness and equality from their government in state hiring, public education and public contracting.

Business is about productivity, innovation and competition for capital and consumers. For a company to be competitive and to survive, employees must be qualified and capable. Companies should not be forced to sacrifice productivity to meet hiring quotas and neither should the state in consideration of all its taxpayers.

Achievement and responsibility are at the apex of successful business; the same philosophy should be reflected in how our government serves the people of Arizona. And government owes every citizen one other thing – equality! Vote yes on Prop 107.

Steve Pierce, State Senator, Phoenix

I urge you to vote yes on Proposition 107. Racial and gender discrimination is never right, whether it is to the benefit or detriment of those involved. There is always a cost to those who are passed over in favor of those receiving the preferences.

Affirmative action efforts were put in place to ensure that everyone has an equal opportunity to compete - not to give additional advantages as is being done today. Affirmative action programs that don't grant preferential treatment will still be permissible under Proposition 107 to see that no one is discriminated against. But extra special advantages would be prohibited.

Preferential treatment based on race is defended as programs to help those who come from disadvantaged socioeconomic backgrounds. However, this is an empty talking point from supporters of race preferences. Studies reveal that 86% of those who benefit from race preferences come from middle and upper class backgrounds.

The opposition says that Proposition 107 will take away opportunities for women and minorities. This hasn't happened over the past 10 years in other states where Civil Rights Initiatives have passed. In those states many of the programs that opponents claimed would end still exist! Opponents would rather scare people than address the real issue – should fairness and equality be the law in Arizona?

The opposition claims that women and minorities will be underrepresented if Proposition 107 passes. Currently, the preference goals for minority and women representation are so distorted they are unrealistic. For example, the University of Arizona website says that its goal for tenure track faculty in the Fine Arts – a quota - is 56% women. Women only make up half the population!

Efforts to remedy past discrimination have gone way too far and are resulting in reverse discrimination. Vote **YES** to put a stop to this.

Rachel Alexander, Phoenix

We either have equal protection for our rights, or we do not. You cannot create the standard and then craft out exceptions when it comes to the rights of people.

Kevin G. Rogers, President, Arizona Farm Bureau Federation, Gilbert

James W. Klinker, Chief Administrative Officer, Arizona Farm Bureau Federation, Gilbert

Paid for by Arizona Farm Bureau Federation

In the summer of 1963, having just graduated from high school, I participated in the civil rights march on Washington, at which Martin Luther King gave his famous speech, stating that people should be judged the quality of their character rather than by the color of their skin. I believe it is one of the most fundamental of American values that we are individuals, not exemplars of what race we happen to have been born into. What is important about us is what we know, what we can do, what is our character, and our race or gender is completely irrelevant. I believe further that the overall majority of people in both political parties believe this. Democrat President John Kennedy said a half century ago, "race places no proper role in American life or law." This initiative assures that will be true in Arizona.

Tom Horne, Phoenix

Prop 107, the Arizona Civil Rights Initiative, guarantees fairness and equality for all citizens of Arizona. Prop 107 reaffirms the colorblind principles of the 1964 Civil Rights Act – judge people by the content of their character not the color of their skin.

Unfortunately, our government uses a system of race and gender preferences. Some are given preferential treatment at the expense of others – some call this "affirmative action" and some call it "reverse discrimination." Whatever it is called it is wrong. How can our state move toward a colorblind society when our very own government is intent on classifying people based on race?

The time has come to promote true equality for all people. Voting YES on Prop 107 ends "affirmative action programs" that grant preferential treatment based on race and sex in three specific areas: public employment, public contracting and public education.

Opponents to Prop 107 will say and do anything – including using scare tactics – to keep race and gender preferences in place. But, Prop 107's language is straightforward and simple. It guarantees that people who are admitted into public universities or who are hired for government jobs are there because of merit not special treatment. Prop 107 gives everyone, and we mean EVERYONE, an equal opportunity to compete based on merit, not skin color or sex, and then tells the government to get out of the way.

The bottom line is when you or a family member applies for college admission, for a job or promotion, or for a contract the determination should be made based on qualifications, not skin color or gender.

The choice is clear. **Vote Yes on Proposition 107 to ensure fairness and equality for all Arizonans.**

Rachel Alexander, Chairman, Arizona Civil Rights Initiative, Phoenix

Paid for by Arizona Civil Rights Initiative

Vote Yes on Prop. 107. "One should be judged by the content of their character, not by the color of their skin."

Discrimination is wrong. When someone is hired they should know that they got the position because they earned it, not because they helped create the right racial percentage. That is fundamentally unfair and immoral.

That's why, along with Representative Steve Montenegro, I sponsored the referral to the ballot of Prop 107 in the 2009 legislative session.

Affirmative action programs are inherently unfair and a threat to individual rights. Programs that allow government to discriminate on the basis of race, sex, or ethnicity, even for ostensibly good reasons, invariably result in government sanctioned discrimination.

All Arizonans deserve to have an equal chance to compete for public jobs, contracts and college admissions.

The overall result of affirmative action discrimination is to intensify hostility among individuals by creating political battles among members of different groups for higher quotas. We should be trying to encourage government employment, contracting, and educational opportunities to go to those most qualified without regard to race, sex, or ethnicity.

This provision would protect and ensure equality of all individuals under the law by prohibiting this kind of discrimination.

All Arizonans deserve to live in a state where they each have an equal chance to compete for public jobs, contracts and college admissions. All government should do is guarantee all people are treated fairly. After that it is up to the individual to make the grades or earn the qualifications. America is about equal opportunity not equal outcomes.

I'm proud to know Prop 107 is about fairness for all Arizona citizens. We live in the greatest state, let's make it even better - vote "yes" on Prop 107.

Russell Pearce, State Senator, Mesa

Over ten years ago I filed a lawsuit against the University of Michigan for racial discrimination in their admissions policy. I know firsthand how horrible it is to be discriminated against by being subjected to different admissions standards based on race. Unfortunately since that time I've learned that universities and government agencies all over the country, including in Arizona, employ policies that grant preferential treatment based on race to some while discriminating against others.

Job quotas, "minority" contract set-asides and extra points in college admissions are wrong and it's time to get rid of them. Achieving "diversity" may be a good intention, but often amounts to the functional equivalent of a quota. Diversity and other equally good intentions should never be an excuse to discriminate.

Prop 107 is simple - it will ban "affirmative action" programs that give preference based on race or sex in three specific areas: public contracting, public employment, and public education. After all, there's nothing affirmative about programs that divide people based on race and then treat people differently based on skin color.

A **YES** vote on the Arizona Civil Rights Initiative will restore fairness in how people are treated by government. Prop 107 will guarantee that everyone is given an equal opportunity to compete based on merit, not skin color or sex.

The Arizona Civil Rights Initiative mirrors the landmark 1964 Civil Rights Act and advances civil rights by prohibiting discrimination and preferential treatment based on race, sex, and skin color. Prop 107 reinforces the fact that everyone is entitled to civil rights. Prop 107 simply states that every individual should have an equal chance to compete for good paying jobs, government contracts, and college admissions - based on merit, not skin color or sex.

Vote YES on Prop 107.

Jennifer Gratz, Sacramento, California

America was founded on the principle of equality: "We hold these truths to be self-evident that all men are created equal..."

While this statement mentions only "men," and it effectively excluded certain men, as a people we have struggled mightily over the years to extend the blessings of freedom and equality to **all** men and women in our nation.

The journey to full citizenship has often been a difficult one for many among us. Yet, our progress has been inexorable as we have sought to make our creed of equality a reality for all Americans.

As we look at our nation in 2010, there are many reasons to be proud of the American people. Men and women of all backgrounds are marrying across lines of race and having children and are succeeding in business, arts, entertainment, sports, politics and virtually every facet of American life - and the color of a person's skin seems not to matter to the overwhelming majority of Americans.

To compensate for our history of discrimination, many public agencies in Arizona have implemented programs that confer preferences in contracting and employment on the basis of race and ethnic background. We all know that such programs are wrong, but we have tolerated these practices knowing that the time would come when they would have to be brought to an end.

One of the most distinguished citizens of Arizona, Former Supreme Court Justice Sandra Day O'Connor, in her 2003 opinion allowing the use of race to achieve "diversity" in higher education, expressed the hope that race preferences would no longer be necessary by the year 2028.

The people of Arizona can end race preferences now and put Arizona on the path to true equality for all by ending preferences for some. Vote "yes" for Prop 107.

Ward Connerly, President, American Civil Rights Coalition, Sacramento, California

Argument for Prop 107

I have noticed that race has become increasingly important to the government. Think about every form you fill out and that there's a section requesting your race. It is time to move beyond race. It's condescending to send the message that women and minorities can't succeed without the government administering some type of affirmative action.

I was elected Arizona State Treasurer in 1998. At the time, Jane Hull was Governor, Janet Napolitano was Attorney General, Betsy Bayless was Secretary of State and Lisa Graham Keegan was Superintendent of Public Instruction. To suggest that women need some special assistance in Arizona is outrageous and untrue. I haven't been given anything by the "grace of government." I have worked hard my entire life and achieved as a woman, and I'm not alone. I didn't need the benefits of affirmative action, and I resent any perception that anything was given to me that I didn't earn.

In November, Arizona will have the chance to eliminate these preferences. Prop 107 is simple; it will ban granting preferences to anyone on the basis of race, sex, color, ethnicity or national origin in three areas -- public contracting, public employment and public education. Arizona should be a fair state where everyone competes equally based on their qualifications.

People who oppose Prop 107 say the Governor's Commission to Prevent Violence Against Women will be eliminated. Untrue! It is not related to public employment, contracting or education. Opponents say teen parenting programs will be eliminated. False! Parenting programs available to both mothers and fathers are unaffected. And by the way, why wouldn't taxpayer dollars fund programs for single fathers as well as single mothers? Are children not just as affected? All citizens must be entitled to services regardless of race or sex.

Carol Springer, Yavapai County Supervisor, Prescott

Proposition 107 mirrors the 1964 Civil Rights Act by making clear that government in Arizona shall not grant preferential treatment to or discriminate against any individual or group in the basis of race, sex, color, ethnicity or national origin in the area of public contracting, public employment or public education.

Affirmative action programs are especially insulting to women. Not long ago, women held all five major elected offices in Arizona - at the same time! In fact, the last three governors have been women. Women make up approximately 60% of the nation's college population. The truth is women are competing and succeeding in Arizona and across the nation, and we don't need the perception that it was only because of bureaucratic largess that women get public jobs, contracts or get into our state schools. Let's end this absurdity together and vote "yes" on Prop 107.

Sylvia Allen, State Senator, Snowflake

VOTE YES ON PROP 107

I and most Americans find discrimination against anyone based on such things as race, gender, national origin to be abhorrent. Certainly the government of all the people should not engage in such prejudicial practices.

Prop 107 will end discrimination by government at all levels in Arizona based on race, sex, color, ethnicity or national origin in public employment, public contracting or public education.

Some people think that in order to maintain diversity, the government should have the power to discriminate against some people. But discrimination and preferential treatment is wrong regardless of the beneficiary or intention. Government should not favor one group over another in jobs or awarding contracts. That suggests some people can't win a fair competition. Who thinks that's right? Certainly not the citizens I know.

When government treats individuals differently based on such factors as race or gender, we have a huge problem. If we learn any history lesson, it should be that no government should have that power.

Prop 107 will guarantee that all people are treated equally, fairly and without regard to factors such as race and gender, over which they have no control. Government in Arizona, like Justice, should be blind to those things.

Vote yes on Prop 107. It's the right thing to do.

Sal DiCiccio, Phoenix City Councilman, Phoenix

In 1964, the landmark U.S. Civil Rights Act became law. This landmark legislation outlawed discrimination based on race, color, religion, sex and national origin, making all citizens equal under the law in all aspects of American commerce. Long before that, the U.S. Constitution made it clear government could not discriminate. Government preferring one citizen over another under a warped notion of diversity sends the message that some discrimination is okay if the government says it is. This is wrong and dangerous. That's why, as a member of the State House I voted in 2009 to refer Prop 107 to the ballot.

Proposition 107 would eliminate racial and sex preferences in public education, public contracting and public hiring. It is straightforward. The opposition wants Arizonans to believe it hinders progress for women and minorities. That's outright false. Proposition 107 mirrors the Civil Rights Act and aims to end all forms of racial and sex discrimination by constitutionally banning preferential treatment by government to groups or individuals based on their race, sex, color, ethnicity or national origin regarding public employment, education and contracting.

Discrimination in any form is wrong. When it is practiced by government because of individual interests, the American ideal of equal applied to all will never be realized. It's time for Americans to come together rather than continuing things that keep us apart. Please join me in voting yes on Proposition 107.

Jim Weiers, State Representative, Phoenix

EXPAND EQUAL OPPORTUNITY—VOTE YES ON PROPOSITION 107

Some people believe that adding points to test scores of applicants to public universities, or awarding public contracts based on race or ethnicity, is "affirmative action." But it is really discrimination, and it is wrong.

Not only that, it doesn't help the people it is intended to help: the most disadvantaged members of society. My colleague Mark Flatten at the Goldwater Institute recently exposed a Sky Harbor Airport program that was supposed to aid disadvantaged businesses, but instead provided lucrative contracts to politically connected businesses because their owners are members of specified minority groups. This is not affirmative action, it is fraud.

True affirmative action means helping people who have had to overcome disadvantages, regardless of their race or ethnicity. States such as Florida, Texas, and California have banned racial preferences, yet have increased opportunities by rewarding individuals who work hard and overcome obstacles. That is true affirmative action, and it begins in earnest only when government no longer has the power to substitute it with racial preferences.

We have the chance in Arizona to set the standard for equal opportunity. But we must first get our state and local governments out of the sordid business of classifying people on the basis of race and ethnicity and awarding opportunities on that basis. We can do that by voting yes on Proposition 107.

Clint Bolick, Attorney, Phoenix

"The state shall not discriminate against or grant preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting." How could Proposition 107 be clearer? EVERYONE should be treated equally. That's why the four of us that had the chance to refer this to the ballot in 2009, did so heartily - had the other been in office then, he would have too!

Proposition 107 mirrors the colorblind language of the 1964 Civil Rights Act by commanding equal treatment under the law. There are government entities in Arizona that categorize people by race and based upon such classification administer preferences to them. For example, the cities of Phoenix and Tucson have policies that allow minority contractors to bid higher amounts and still be considered the low bid. How is this justified?... So-called "enhancing diversity."

Huh? It is already blatantly unconstitutional for government to not choose a woman or minority because they are such. So all these government preferences are saying is women, minorities, people of color aren't good enough to create a natural, genuine diversity on the merits. This is not only patronizing and insulting, it is pure bunk.

Proposition 107 only applies to public education, public hiring and public contracting. The aim is to ensure that all Arizonans are treated equally by the government. No person should be entitled to “special” programs solely based on their race or sex.

Arizonans are fair-minded. The suggestion by the opposition to Proposition 107 that women and minorities cannot be educated or get a job without government interference is condescending, sexist and racist.

Vote Yes on Proposition 107 to insist government treat all citizens equally and fairly.

Frank Antenori, State Senator, Tucson

Al Melvin, State Senator, Tucson

**David Gowan, State Representative,
Sierra Vista**

**David Stevens, State Representative,
Sierra Vista**

Ted Vogt, State Representative, Tucson

Once again Arizona stands poised to set the right example for America. I implore that you embrace and **Vote for the Civil Rights Initiative** to ensure equal opportunity for all. As firefighters we had to take our case all the way to the Supreme Court to ensure that our leaders were selected based on their knowledge, skills, and abilities. The belief that citizens should be reduced to racial statistics is flawed and only divides people who don't wish to be divided along racial lines.

While diversity is an important goal, it has become a code word for a quota system that thrives on mediocrity. Especially in public safety the public has the right to know that the men and women who serve were selected fairly and equitably. There are no due overs on the scene of an emergency. Officials must not only provide appropriate direction to safely mitigate the incident, they also must ensure that their members are trained and competent to answer the next alarm. Moreover this initiative leaves in place all of the protections against discrimination. No one should be given an unfair advantage. Low expectations are also a form of bigotry that results in low performance holding individuals back and harming all races. No one should obtain a position or contract under a cloud of suspicion it only sets them up for failure. Anyone regardless of race can succeed in America.

Achievement is neither limited nor determined by race but by skills, dedication, commitment, and character. Arizona has an opportunity to ensure equal opportunity, **by voting for “The Civil Rights Initiative”**. Chief Justice Roberts stated “The Way to Stop Discrimination on the Basis of Race Is to Stop Discriminating on the Basis of Race.”

Frank Ricci, Wallingford, Connecticut

“We hold these truths to be self-evident, that all men are created equal...” So proclaims the Declaration of Independence, America's founding statement of ideals. Although we would now say “men and women”, there is nothing in these words that could be otherwise improved upon. No principle comes closer to the heart of what America means, or has contributed more to our national success.

A **YES** vote on Proposition 107 is simply a reaffirmation of this basic ideal. It gives to every Arizonan assurance that he or she will be judged solely by virtue of achievement and character, not color, ancestry, or sex. In so doing, it will spur all to do their best. It will also prevent politicians and bureaucrats from pitting group against group, doling out favors to some and withholding them from others. Social harmony depends on all individuals believing their rights are held in common, not bestowed on the basis of the accidents of birth.

The National Association of Scholars believes that equal treatment is especially crucial in higher education. A college degree only has value when it is perceived as having been fairly earned. Moreover, it is as students that our young men and women come to full knowledge of America's heritage of rights and freedoms. By making higher education a color- and gender-coded experience, this comprehension is undermined.

America's fundamental ideals get renewed each generation through education. Vote **YES** on Proposition 107 to ensure that they are renewed intact.

Stephen H. Balch, Chairman, National Association of Scholars, Princeton, New Jersey

ARGUMENTS "AGAINST" PROPOSITION 107

**AAUW Arizona's Argument against Proposition 107
Arizona Civil Rights Referendum**

AAUW (American Association of University Women) Arizona is a non-partisan organization that works to advance equity for women and girls through advocacy, education, philanthropy, and research. Throughout Arizona, AAUW sponsors programs that educate and prepare young women for leadership roles in their communities and in the state. If the proposed referendum is adopted it will dismantle Arizona's successful equal opportunities programs and endanger our state's ability to educate the diverse workforce needed to attract new businesses and improve our state's economy. Arizona would be deprived of valuable programs that help girls to prepare for college, and women to enter math, science and engineering fields, programs such as YWCA Bright Futures Program; Arizona State University Women in Science Program (WISE); and the City of Phoenix Teen Parents Program.

Two years ago this same deceptively-named amendment to the Arizona Constitution was proposed for Arizona by an out-of-state group that failed to register a sufficient number of valid signatures for it to appear on the ballot. Prop 107, more accurately called the "anti-equal opportunity referendum," would amend Arizona's Constitution to prohibit equal opportunity programs in our state. Prop 107 deceptively claims to "level the playing field," but there is no level playing field in educational programs, jobs, and businesses where girls, women and people of color are under-represented. Equal opportunity programs offer the help that they need to achieve their aspirations and become productive citizens.

AAUW AZ opposes Prop 107 because of its negative impact, particularly on women and their families, and on the future of our state. It would be a giant step backward. We urge you to vote NO.

**Sara Wolters, President, American Association of University Women
Arizona, Prescott Valley**

**Frances Connors, Recording Secretary, American
Association of University Women Arizona, Scottsdale**

Paid for by American Association of University Women Arizona

**Argument Against PROP 107
Anti-Equal Opportunity Initiative**

PROP 107, better known as the Anti-Equal Opportunity initiative, will eliminate important programs that ensure academic success for Arizona's students. Today's students are the workforce of the future. Without programs that help students learn study skills, access internships, and prepare for the workplace, Arizona's students will fall behind.

Passage of PROP 107 will eliminate many programs that support academic progress and improved student achievement. Among those programs is WISE (Women in Science and Engineering), an ASU-sponsored program that supports women studying math, science, technology, and engineering. WISE provides extracurricular programs in the field, helps students apply for internships and jobs, and supports young women through the application process for graduate programs. Also on the chopping block would be Upward Bound, a program designed to help college students learn study habits, enroll in the right classes, and prevent dropouts. Upward Bound will be eliminated because it is designed for low-income students of color. The Hispanic Mother-Daughter Program will also be eliminated. This program provides Hispanic girls in grades 7-12 and their mothers five years of preparation for college.

Arizona's diverse student population is served well by these and many other programs like them. The Arizona Education Association requests that you vote NO on PROP 107.

**John Wright, President, Arizona Education Association,
Phoenix**

**Andrew Morrill, Vice President, Arizona Education Association,
Phoenix**

Paid for by AEA Education Improvement Fund

PREFERRED TREATMENT OR DISCRIMINATION PROHIBITION - CON STATEMENT

The League of Women Voters of Arizona is opposed to Proposition 107, which would actually be an anti-equal opportunity amendment to the Arizona Constitution.

The LWVAZ thinks that everyone in Arizona should have an equal opportunity to succeed, regardless of race or gender. Furthermore, the LWVAZ thinks that the passage of this initiative would be bad for Arizona and particularly for Arizona women and girls.

The LWVAZ believes that all qualified candidates should get a fair chance to compete for jobs or obtain an education based on individual merit, not special connections. Proposition 107 would turn back the clock to a society of "good old boy" networks where women and people of color routinely face discrimination.

The LWVAZ stands for openness and honesty in the political process. We believe in transparency in all aspects of government, and dislike this overt effort to confuse voters. The LWVAZ opposes this attempt to dismantle programs that work today and will continue to do so for Arizona's future.

The LWVAZ stands united with women and men from across the state to make our fellow citizens aware of the adverse implications of this proposition and ask them to vote "NO" on Proposition 107.

**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

**Argument against Referendum 107
Arizona Civil Rights Initiative**

The title "Arizona Civil Rights Initiative" in and of itself is deceptive. This effort is managed and funded by out-of-state interests, spearheaded by California businessman Ward Connerly. It takes away rights and programs which have served Arizona well in the past and which are important to an invigorated and forward-thinking Arizona economic future.

The Connerly anti-equal opportunity initiative will change Arizona's Constitution to prohibit the state (and local governments, schools and universities) from offering any type of equal opportunity programs to women and people of color in Arizona. Among the programs which would be eliminated if the Connerly Initiative is passed are ASU's Bridges to Biomedical Careers Program, the Phoenix Teen Parents program, the Commission on the Prevention of Violence Against Women, the YWCA Bright Futures program, the New Start Summer program and ASU's Women in Science Education (WISE) program.

The Greater Phoenix Urban League's mission is about truth and fairness. The Connerly Initiative is about neither. We request that you vote No on Referendum 107.

**George Dean, President & CEO, Greater Phoenix Urban
League, Phoenix**

**Diana Gregory, Chair, Board of Directors, Greater Phoenix
Urban League, Phoenix**

Paid for by Greater Phoenix Urban League

ARGUMENTS "AGAINST" PROPOSITION 107

I am Chairman of the Arizona Civil Rights Advisory Board and our board opposes the Arizona Civil Rights Referendum. Recently, our board heard presentations from leaders on both sides of this issue. After careful consideration of the facts that were presented by both sides, a quorum of the Arizona Civil Rights Advisory Board voted unanimously in opposition of the Arizona Civil Rights Referendum.

The Arizona Civil Rights Board is a politically balanced volunteer body appointed by the Arizona Governor and authorized under AR.S. §41-1402(A) to make periodic surveys of the existence and effect of discrimination in the enjoyment of civil rights by any person within the state of Arizona, to foster the elimination of discrimination through community effort, and to issue publications of the results of studies, investigations and research as in our judgment will tend to promote goodwill and the elimination of discrimination between persons because of race, color, religion, sex, age, disability, familial status or national origin.

Referendum 107 amends the Arizona Constitution to eliminate rights and programs which have served Arizona well, programs which are even more important today for Arizona's long-term economic future.

"Quotas" don't exist in Arizona. State employers are already prohibited from considering race or gender in hiring practices. A person cannot be admitted or denied admission to any of Arizona's community colleges or universities based on race or gender in Arizona. The programs we have in place in Arizona schools today are provided only after students have been accepted based on academic merit.

Programs threatened by Referendum 107 include ASU's Bridges to Biomedical Careers and Women in Science Education Programs, the Phoenix Teen Parents program, the Commission on the Prevention of Violence against Women and others.

I urge all Arizonans to vote "No" on the Arizona Civil Rights Referendum. Thank you.

Jeff Lavender, Casa Grande

Vote No on Prop 107

The Tucson Hispanic Chamber opposes Prop 107. This proposition will limit the opportunities for women and minority owned businesses in our state to win state, county and local procurement contracts.

Pima County and the City of Tucson recently completed a Disparity Study that found there is a statistically significant disparity between the utilization and availability of minority owned firms in many race classifications when awarding contracts. The study also identified that women and minority owned firms (MWBE) showed a substantial decline when not able to participate in MWBE goals programs in other states.

All firms should receive an equal opportunity to compete for contracts. The existing preferential point system is a necessity for MWBE firms. The aforementioned study found that MWBE firms may lack key procurement business relationships and consequently be left off of preferred vendor lists without such a system. Without a MWBE goal program the usage of such firms would be drastically reduced. Our state still needs to improve - the study found that during a five-year period, MWBE firms received only 9.8% of all contracts in the general equipment and supplies category. The passing of Prop 107 will further limit opportunities for our over 50,000 Hispanic owned firms and other MWBE firms in our State.

Our business community is also concerned that the passing of such legislation will drastically affect the recruitment and retention of Hispanic and other ethnic minority students at the University of Arizona, Arizona State University and Northern Arizona University. Our state cannot afford the additional negative publicity that this bill will bring especially after the passing of SB1070 and the ethnic studies bill.

Please vote no on Prop 107.

Lea Marquez Peterson, President, Tucson Hispanic Chamber of Commerce, Tucson

Paid for by Tucson Hispanic Chamber of Commerce

Bill Holmes, Past Chairman of the Board, Tucson Hispanic Chamber, Tucson

Oppose Proposition 107 and Protect the Public's Health

The Arizona Public Health Association (AzPHA) strongly opposes Proposition 107 as it will further increase health disparities in Arizona. Although the overall health of the population has improved, racial and ethnic minorities generally experience higher rates of preventable illness and death than non-minorities. For example, American Indians disproportionately die from diabetes, liver disease, and unintentional injuries; Hispanic Americans are almost twice as likely as non-Hispanic whites to die from diabetes; and, some Asian-American subpopulations experience rates of stomach, liver and cervical cancers that are well above national averages. This proposition will prevent minorities from receiving the prevention and treatment they need. It will also prevent organizations from receiving grants that focus on helping such populations. This one size fits all approach will not improve the public's health, but will instead cause further health disparities.

Please Vote NO on Proposition 107 and Protect the Public's Health.

The Voice of Public Health

Jennifer Bonnett, Executive Director, Arizona Public Health Association, Phoenix

Paid for by Arizona Public Health Association

Ellen Owens Summo, President Elect, Arizona Public Health Association, Phoenix

NO on PROP 107.

- **PROP 107 is built on fraud and deception.**

The deceptively positive naming of PROP 107 as the "Arizona Civil Rights Amendment" and its false promises of equality are intended to mislead the voting public. PROP 107 has nothing to do with the improvement or furtherance of civil rights. In fact, it will have serious, long-term, negative effects in this state. Moreover, its original proponent is not an Arizona resident. Instead of seeking what is best for this state, he is using Arizona to further a strictly personal agenda that greatly benefits him financially. Across the nation, when this same proponent presented a similar initiative, he received support from the Ku Klux Klan. That endorsement speaks loudly about where PROP 107 can be expected to take the state. PROP 107 is very plainly a wolf in sheep's clothing.

- **The damage forecasted for Arizona from PROP 107 is irreparable.**

Though initially presented as being positive, similar measures across the United States have had a devastating impact on their communities once passed into law. Most significantly, they have returned access to business, education, and employment opportunities to a "good ol' boys" network. **With women and minorities collectively making up almost 75% of the population in Arizona, PROP 107 will negatively affect the everyday lives of a substantial majority of Arizona's citizens.**

In Arizona, diversity is important to attracting the best companies and the highest paying jobs for all citizens. Large, successful, multinational companies recognize the need to have a dynamic and diverse workforce. Should PROP 107 become law in this state,

our reputation as a state unfriendly to diversity will highly discourage new businesses and investment from coming to Arizona at a time when that is exactly what is needed.

NO on PROP 107.

Salvador Ongaro, President, Los Abogados Hispanic Bar Association, Tempe

Paid for by Los Abogados Hispanic Bar Association

Margarita Silva, Recording Secretary, Los Abogados Hispanic Bar Association, Phoenix

Proposition 107, the misnamed "Arizona Civil Rights Initiative," was initiated by an outsider group and does not address the current needs, problems, and values of Arizonans. Arizona's community colleges and universities serve all Arizonans and boast a diverse student population in terms of race, ethnicity, gender, and socio-economic backgrounds. Successful outreach and retention programs at Arizona's community colleges and universities help produce this diversity, while complying with existing federal and state civil rights laws that protect all Arizonans. Recruitment programs reach under-represented groups to inform them of educational opportunities in the state, familiarize them with financial aid options, and help them prepare for college-level work. Once enrolled, students benefit from academic support programs offered in a student-friendly and culturally-sensitive environment. Proposition 107 is an overbroad measure that would change our state laws unnecessarily, and in ways that may jeopardize these locally grown programs, with no off-setting advantage for our state. For example, the University of Arizona's nationally respected Women in Science and Engineering Program (WISE) would be affected adversely. Established in 1976, WISE motivates girls and women to enter careers in science, engineering, mathematics, and technology where they are very under-represented. Through academic training, mentoring, internships, and scholarships, WISE improves the lives of many girls from middle school and beyond. Recruitment, "pipeline," and retention programs such as WISE help address existing inequalities in ways that benefit all Arizonans. In 2009, over 38,000 students were enrolled at the University of Arizona, and of that number 52% were female, and 30.4% were minority. This balance reflects our state demographics and could change if Proposition 107 becomes part of the Arizona Constitution. Voters should reject Proposition 107 because it would place many worthy programs at risk—lawful programs that address existing inequalities while promoting the best interests of all Arizonans.

Barbara A. Atwood, Tucson

Toni M. Massaro, Tucson

Jane B. Korn, Tucson

Arizona NOW is opposed to Prop 107. This initiative is not about protecting civil rights or ending discrimination as claimed, but is designed to end all programs intended to achieve equal opportunity for women and minorities.

The National Organization for Women is dedicated to achieving equality of treatment, equality of opportunity, and equal pay for women. Historically, women and minorities have been denied the right to vote, property rights, and access to higher education. They were passed over in hiring and promotion and consigned to low-paying, dead-end jobs that resulted in much higher rates of poverty. Things are better now, but we have not yet overcome the many generations of discrimination. Women in Arizona still make only 77 cents for every dollar made by a man in a similar job. They are still more likely to live in poverty and to lack basic necessities such as health insurance.

Prop 107, promoted by wealthy out-of-state interests seeking to make us a national test case, would end all state programs that try to improve this situation. We would no longer be able to fund programs that seek to prevent violence against women. We could no longer encourage women and minority-owned business to compete for state contracts. We could no longer encourage and support women students seeking to enter the high-paying (and economically vital) fields of science and engineering.

Denying equal opportunity to a large segment of our population weakens our entire society and makes all of us poorer. **Vote NO on Prop 107.**

Eric Ehst, Policy Coordinator (President), Arizona National Organization for Women, Phoenix

Karen Van Hoof, Political Action Coordinator (Vice President), Arizona National Organization for Women, Scottsdale

Paid for by Phoenix-Scottsdale Chapter National Organization for Women

Arizona Women's Political Caucus and it's Chapters' Argument Against PROP 107 Arizona Civil Rights Initiative, The Arizona Women's Political Caucus (AWPC), and its chapters in Tucson and the Greater Phoenix areas, work to help women attain leadership positions at all levels of government, improve the status of all Arizona women and educate and train young women to assume leadership roles in the future. PROP 107, the so-called "Arizona Civil Rights Initiative," is counter to AWPC principles and the progress made for women and girls in Arizona today. AWPC opposes this out-of-state effort to dismantle Arizona's effective equal opportunity programs.

PROP 107, more accurately called the "Connerly anti-equal opportunity initiative," will amend Arizona's Constitution to eliminate equal opportunity programs in our state. If the Connerly Initiative passes, Arizona will lose highly valued programs that help women who are victims of domestic violence, women who are single mothers trying to get off welfare, women who need assistance preparing for college or women in math, science, and engineering programs. Some specific programs at risk if the Connerly anti-equal opportunity initiative passes are: the Commission on Prevention of Violence Against Women, the Phoenix Teen Parents program, the YWCA Bright Futures Program, the Commission on Healthy Women and Families, the New Start Summer program and the Women in Science and Engineering Education program.

PROP 107 would be a giant step backward for women, girls and people of color in Arizona. It is bad for Arizona's future. We respectfully request your NO vote.

Becky Gaspar, President, Arizona Women's Political Caucus and its Chapters, Phoenix

Eleanor Eisenberg, President, Arizona Women's Political Caucus, GP Chapter, Phoenix

Paid for by Arizona Women's Political Caucus

Against Proposition 107

Proposition 107 would make equal opportunity illegal in Arizona, eliminating current educational, employment and contracting programs that help people of color and all women succeed. The sponsors of this bill have themselves identified many ways in which communities in Arizona will be harmed if the measure becomes law. Many of the programs potentially at risk from this anti-opportunity proposition are outside of the areas traditionally considered subjects of equal opportunity.

For example: Proposition 107 would eliminate programs designed to encourage girls interested in math and science to pursue careers in those fields and scholarships targeted to encourage people of color to enter medical careers in underserved communities, or to become K-12 teachers.

From 1996 to 2006, after the passage of a similar proposition in California, the number of underrepresented minority freshman in the entering class at the University of California fell 65%. At UCLA, the drop in minority enrollment in the freshman class during that same decade was 45%. The declining rates came at the same time that the population of the state is increasingly diverse.

Significant harm could also occur to contracting opportunities for people of color and women in Arizona. For example, data from Grand Rapids, Michigan (after implementation of a similar measure) show construction project dollars going to minority-owned business enterprises (MBEs) declined by 45% and the amount going to women-owned business enterprises (WBEs) dropped by 70%.

The effort to end equality and opportunity programs is bound to damage the economic status of women and people of color and undermine growth of our communities. Helping to strengthen communities helps us all, because we're all in this together. When communities fail, they become a public burden – but when they succeed, it's a public benefit.

Miguel Zazueta, Treasurer, WE CAN! The Equality and Opportunity Committee Opposing Prop 107, Tucson

Paid for by WE CAN! The Equality and Opportunity Committee Opposing Prop 107

Vote No on PROP 107

Phoenix, the fifth largest city in the country, is a city that is recognized around the world for achieving great things. The City of Phoenix values and respects the diversity of our residents, our employees and all people. Phoenix is a city that is proud to solve problems and find solutions when problems exist. PROP 107 is an out-of-state “solution” looking for a problem that does not exist in Arizona. As the Mayor of the City of Phoenix I oppose the Connerly initiative.

The Connerly anti-equal opportunity initiative would eliminate City and State programs that are key to a stronger Phoenix and a stronger Arizona. Top among the programs scheduled to be eliminated are educational opportunity programs which prepare a diverse group of emerging leaders to take us into the Arizona of the future. It's time to look forward, not back.

In addition to educational diversity programs, the Connerly anti-equal opportunity initiative would eliminate important programs which are important to the citizens of Phoenix including:

- the **Phoenix Teen Parents Program** to help teen mothers learn work skills to get off welfare;
- **Phoenix Domestic Violence Prevention programs;**
- the **Phoenix Women's Commission** which addresses economic, political and social concerns and challenges facing all women today;
- **Phoenix programs to assist young people of color with basic needs to attend school and** their families with information about domestic violence, education, nutrition and finance.

I urge my fellow Arizonans to vote no on PROP 107 and its outsider politics of division and deception. Together we can accomplish great things.

Phil Gordon, Mayor, City of Phoenix, Phoenix

Don't be fooled by the wording of Prop.107! Its' deceptive legal jargon may sound appealing to many, though as you peel the layers of the onion, you will find the TRUTH. Prop. 107 will wipe out important programs originally mandated by the Civil Rights Act of 1964 designed for Women, Minorities and the Disabled. Prop.107 is sponsored by the same “Stormfront Fringe Movement” who sponsored SB1070 and the banning of the Ethnic Studies Program. Proponents of Prop. 107 are eternally dedicated to reversing the positive changes implemented by the Civil Rights Movement that Martin Luther King, Cesar Chavez and John F. Kennedy and millions of others fought and have lost their lives for.

Looking at Prop.107's previous passage in other states, such as CA, we can expect the passage of Proposition 107 to have lasting negative effects in AZ. Diversity in our state schools will disappear. Our state universities, which are responsible for a significant portion of our state economy, will experience a sharp drop in applications from in-state and out-of-state students, particularly from students fearing a racially intolerant climate in Arizona (as we have already seen happen to The University of Arizona in response to the passage of SB 1070). Federal funding awarded to the state specifically for the purposes of increasing racial diversity in public schools and the private sector may disappear. Gender and ethnic studies programs at our universities - such as Women Studies, Chicano Studies, African-American Studies, Native-American Studies and Asian Pacific American Studies – may cease to exist. In short, Arizona stands to lose a lot of state money, a return to the segregation days of the 1960's, and lessens the chances for Women and Minorities to achieve EQUALITY and attain the American Dream. Vote No on Prop.107!

Emmett Alvarez, Tucson

Proposition 107 is not a Civil Rights Amendment for Arizona

This deceptively named measure would stop any efforts by Arizona's governmental entities to reduce racial and gender bias. Although progress has been made, Arizona needs more diversity in its government offices, corporate boardrooms and University graduation classes to better reflect the state's true demographics. Sometimes people need incentives to do what is right. Without programs of equal opportunity in place, it will be too easy to fall back on the exclusionary practices of the past.

Proposition 107 pretends to be something it is not. Don't be fooled. Vote no.

Ann Wallack, Chair, Maricopa County Democratic Party, Phoenix

PROPOSITION 107 ~ BALLOT FORMAT

BALLOT FORMAT

PROPOSITION 107

PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE RELATING TO PREFERENTIAL TREATMENT OR DISCRIMINATION PROHIBITION [HCR 2019]

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, BY ADDING SECTION 36, CONSTITUTION OF ARIZONA; RELATING TO PREFERENTIAL TREATMENT OR DISCRIMINATION PROHIBITION.

DESCRIPTIVE TITLE

PROHIBITS THE STATE FROM GRANTING PREFERENTIAL TREATMENT TO OR DISCRIMINATING AGAINST ANY PERSON OR GROUP ON THE BASIS OF RACE, SEX, COLOR, ETHNICITY OR NATIONAL ORIGIN; EXEMPTS REASONABLY NECESSARY QUALIFICATIONS BASED ON SEX, EXISTING COURT ORDERS AND ACTIONS THAT WOULD RESULT IN THE LOSS OF FEDERAL FUNDS.

BALLOT FORMAT FOR PROPOSITION 107

<p>A “yes” vote shall have the effect of prohibiting the State from giving preferential treatment to or discriminating against any person or group on the basis of race, sex, color, ethnicity or national origin. The prohibition applies to preferences or discrimination in public employment, education or contracting. It exempts reasonably necessary qualifications based on sex, existing court orders and actions that would result in the loss of federal funds. The State includes state government, local governments, public colleges and universities, community colleges and school districts.</p>	<p>YES <input type="checkbox"/></p>
<p>A “no” vote shall have the effect of retaining the current law regarding preferential treatment to or discrimination against any person or group on the basis of race, sex, color, ethnicity or national origin in public employment, education or contracting.</p>	<p>NO <input type="checkbox"/></p>



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.

ARGUMENTS "FOR" PROPOSITION 109

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"> 1. making hunting, fishing and harvesting wildlife a constitutional right, 2. giving the State Legislature exclusive authority to enact laws regulating these activities, 3. prohibiting laws that unreasonably restrict hunting, fishing and harvesting wildlife or the use of traditional means and methods, and 4. establishing hunting and fishing as a preferred means of managing and controlling wildlife. 	<p>YES <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>NO <input type="checkbox"/></p>



PROPOSITION 110



OFFICIAL TITLE

SENATE CONCURRENT RESOLUTION 1047
A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE X, SECTION 3, CONSTITUTION OF ARIZONA; AMENDING ARTICLE X, CONSTITUTION OF ARIZONA, BY ADDING SECTION 12; RELATING TO STATE TRUST LANDS.

TEXT OF PROPOSED AMENDMENT

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

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

3. Mortgage or other encumbrance: sale or lease at public auction

Section 3. A. No mortgage or other encumbrance of the said lands, or any part thereof, shall be valid in favor of any person or for any purpose or under any circumstances whatsoever.

B. EXCEPT AS PROVIDED IN SUBSECTION D, said lands shall not be sold or leased, in whole or in part, except to the highest and best bidder at a public auction to be held at the county seat of the county wherein the lands to be affected, or the major portion thereof, shall lie, notice of which public auction shall first have been duly given by advertisement, which shall set forth the nature, time and place of the transaction to be had, with a full description of the lands to be offered, and be published once each week for not less than ten successive weeks in a newspaper of general circulation published regularly at the state capital, and in that newspaper of like circulation which shall then be regularly published nearest to the location of the lands so offered. -or shall any-

C. NO sale or contract for the sale of any timber or other natural product of such lands SHALL be made, save at the place, in the manner, and after the notice by publication provided for sales and leases of the lands themselves.

D. Nothing herein IN THIS SECTION, or elsewhere in THIS article X contained, shall prevent:

1. The leasing of any of the lands referred to in this article in such manner as the legislature may prescribe, for grazing, agricultural, commercial and homesite purposes, for a term of ten years or less, without advertisement. -

2. The leasing of any of said lands, in such manner as the legislature may prescribe, whether or not also leased for grazing and agricultural purposes, for mineral purposes, other than for the exploration, development, and production of oil, gas and other hydrocarbon substances, for a term of twenty years or less, without advertisement. -or-

3. The leasing of any of said lands, whether or not also leased for other purposes, for the exploration, development, and production of oil, gas and other hydrocarbon substances on, in or under said lands for an initial term of twenty (20) years or less and as long thereafter as oil, gas or other hydrocarbon substance may be procured therefrom in paying quantities, the leases to be made in any manner, with or without advertisement, bidding, or appraisalment, and under such terms and provisions, as the legislature may prescribe, the terms and provisions to include a reservation of a royalty to the state of not less than twelve and one-half per cent of production.

4. THE DISPOSITION OF LANDS OR INTERESTS IN LANDS, OR THE RESTRICTION OF INTERESTS OR RIGHTS IN LANDS, HELD IN TRUST UNDER THIS ARTICLE, WITHOUT ADVERTISEMENT OR AUCTION, IN ORDER TO:

(a) AVOID INCOMPATIBLE USES OF THE LANDS THAT WOULD CAUSE ENCROACHMENT ON:

(i) MILITARY INSTALLATIONS AND ANCILLARY MILITARY FACILITIES, MILITARY RANGES AND MILITARY AIRSPACE.

(ii) MILITARY OPERATIONS, TRAINING OPERATIONS AND SYSTEMS OR ELECTRONIC TESTING OPERATIONS.

(b) ENABLE MILITARY COMBAT READINESS AND ALLOW FULL SPECTRUM TEST AND TRAINING OPERATIONS.

2. Article X, Constitution of Arizona, is proposed to be amended by adding section 12 as follows if approved by the voters and on proclamation of the Governor:

12. Land exchanges; purposes; notice; hearings; submission to the voters

SECTION 12. A. THE LEGISLATURE SHALL PROVIDE A PROCESS BY LAW FOR EXCHANGING LANDS GRANTED OR CONFIRMED BY THE ENABLING ACT FOR PUBLIC LANDS UNDER THE TERMS AND CONDITIONS PRESCRIBED BY THIS SECTION.

B. THE PURPOSE OF THE EXCHANGE MUST BE EITHER:

1. TO ASSIST IN PRESERVING AND PROTECTING MILITARY FACILITIES IN THIS STATE FROM ENCROACHING DEVELOPMENT.

2. FOR PROPER MANAGEMENT, PROTECTION OR CONVERSION TO PUBLIC USE OF STATE LANDS.

C. BEFORE THE PUBLIC HEARINGS ARE HELD PURSUANT TO SUBSECTION D, PARAGRAPH 3 OF THIS SECTION:

1. AT LEAST TWO INDEPENDENT APPRAISALS MUST BE MADE AVAILABLE TO THE PUBLIC SHOWING THAT THE TRUE VALUE OF ANY LANDS THE STATE RECEIVES IN THE EXCHANGE EQUALS OR EXCEEDS THE TRUE VALUE OF THE LANDS THE STATE CONVEYS.

2. AT LEAST TWO INDEPENDENT ANALYSES OF THE PROPOSED EXCHANGE MUST BE MADE AVAILABLE TO THE PUBLIC SHOWING:

(a) THE INCOME TO THE TRUST BEFORE THE EXCHANGE FROM ALL LANDS THE STATE CONVEYS AND THE PROJECTED INCOME TO THE TRUST AFTER THE EXCHANGE FROM ALL LANDS THE STATE RECEIVES.

(b) THE FISCAL IMPACT OF THE EXCHANGE ON EACH COUNTY, CITY, TOWN AND SCHOOL DISTRICT IN WHICH ALL THE LANDS INVOLVED IN THE EXCHANGE ARE LOCATED.

(c) THE PHYSICAL, ECONOMIC AND NATURAL RESOURCE IMPACTS OF THE PROPOSED EXCHANGE ON THE SURROUNDING OR DIRECTLY ADJACENT LOCAL COMMUNITY AND THE IMPACTS ON LOCAL LAND USES AND LAND USE PLANS.

D. LAND MAY NOT BE EXCHANGED UNLESS:

1. THE EXCHANGE IS IN THE BEST INTEREST OF THE STATE LAND TRUST.

2. PUBLIC NOTICE OF THE PROPOSED EXCHANGE INCLUDES FULL DISCLOSURE OF ALL DETAILS OF THE TRANSACTION, THE OWNERSHIP OF ALL PARCELS OF THE LANDS INVOLVED IN THE EXCHANGE, INCLUDING INDEPENDENT AND ANCILLARY PARTIES, A LEGAL AND GENERAL DESCRIPTION OF THE LOCATION OF ALL PARCELS OF THE LANDS AND THE APPRAISED VALUE OF ALL PARCELS OF THE LANDS.

3. PUBLIC HEARINGS ARE HELD AT THE STATE CAPITAL AND IN A LOCATION OF GENERAL ACCESSIBILITY IN THE VICINITY OF THE STATE LANDS BEING EXCHANGED. NOTICE OF THE TIME AND PLACE OF THE HEARINGS MUST BE GIVEN BEGINNING AT LEAST SIX

PROPOSITION 110

WEEKS BEFORE EACH HEARING IN A MANNER PRESCRIBED BY LAW. DURING THIS PERIOD, A PROCESS SHALL BE PROVIDED FOR PUBLIC COMMENT ON THE PROPOSED EXCHANGE.

4. THE EXCHANGE IS APPROVED BY THE QUALIFIED ELECTORS OF THIS STATE IN THE MANNER OF A REFERENDUM PURSUANT TO ARTICLE IV, PART 1, SECTION 1 AT THE NEXT REGULAR GENERAL ELECTION. TO BE APPROVED, THE PROPOSITION MUST RECEIVE AN AFFIRMATIVE VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS VOTING ON THE MEASURE.

E. LAND EXCHANGES ARE NOT CONSIDERED TO BE SALES FOR THE PURPOSES OF THIS ARTICLE.

3. 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

In 1910, the United States Congress passed the Arizona-New Mexico Enabling Act, allowing Arizona to become a state. The Enabling Act granted Arizona approximately 10.9 million acres of land, referred to as "state trust land". The state land trust is intended to produce revenue for various public institutions (schools, colleges, prisons, etc.). The state can lease or sell trust land, and the natural products (timber, minerals, etc.) of the land, only to the "highest and best bidder" at public auction.

In 1936, Congress amended the Enabling Act to give Arizona more flexibility in managing and disposing of trust land by allowing the state to exchange trust land for other public or private lands. Arizona did not amend its state Constitution to incorporate that authority for land exchanges. The Arizona Supreme Court has determined that without amending the Arizona Constitution the state cannot conduct land exchanges.

Proposition 110 would amend the Arizona Constitution to allow the state to dispose of (for example, sell or lease) state trust land or interests in trust land or to place restrictions on interests or rights in trust lands, without advertisement or auction, in order to avoid incompatible use of the trust land that would interfere with military installations, facilities, ranges, airspace or operations or to enable military combat readiness and allow full spectrum test and training operations.

Proposition 110 would also amend the Arizona Constitution to allow the state to exchange state trust land for other public land. The exchange must be in the best interest of the state land trust. The purpose of the exchange must be to either assist in preserving and protecting military facilities in this state from encroaching development or for the proper management, protection or public use of state lands. There must be two independent appraisals that show that the true value of the land the state receives in the exchange is equal to or greater than the true value of the trust land the state conveys. There must also be two independent analyses that detail the income to the state land trust before and the projected income to the trust after the exchange, the financial impact of the exchange on each county, city, town and school district in which the lands are located, the physical, economic and natural resource impacts of the exchange on the local community and the impacts on local land uses and land use plans. A detailed public notice of a proposed exchange must be given, public hearings must be held and an opportunity for public comment must be given. A proposed exchange is not effective unless it is approved by the voters at a statewide November general election.

ARGUMENTS "FOR" PROPOSITION 110

Support State Trust Land Accountability and Transparency

Vote "Yes" on Proposition 110

Proposition 110 provides for accountable and transparent state trust land exchanges by requiring that each exchange be approved by the Arizona voters.

This proposed constitutional amendment, if passed by the voters, authorizes land exchanges between the State Land Department and the Federal Government. The land exchanges can be for two purposes: protection of military facilities and proper management, protection, and public use of state lands.

Any exchange will have to be referred to the ballot by the legislature and approved by the voters in order to be consummated. All exchanges must have two appraisals, an analysis, and be vetted at two public meetings. Full and up-front disclosure of the parcels involved is also required, so there will be no surprises on what lands are involved.

The voters have been skeptical of past land exchange measures that gave broad open-ended exchange authority to the State Land Department. This measure reigns in that authority and says there must be public involvement and review as well as public support via a vote prior to any exchange. This will help address checkerboard land ownership that hinders protection of wildlife habitat and will help protect state trust lands that are adjacent to some military facilities.

We encourage you to vote "yes" on this important measure.

John Nelson, State Senator, Litchfield Park

Sandy Bahr, Director, Sierra Club - Grand Canyon Chapter, Phoenix

Paid for by Protect Arizona's Military - Vote Yes on 110

Argument Supporting PROP 110

State Trust Lands

PROP 110 authorizes land exchanges and requires that each individual exchange is approved by voters.

PROP 110 includes several measures of accountability, including requiring land appraisals and assessment and public meetings and review prior to any exchanging of state trust lands, with the added measure of voter approval for each exchange. This level of transparency and accountability will ensure that the citizens of Arizona get a fair exchange.

This ballot measure will also address military facility concerns as well as conservation of wildlife habitat or other issues.

The Arizona Education Association requests that you vote YES on PROP 110.

John Wright, President, Arizona Education Association, Phoenix

Andrew Morrill, Vice President, Arizona Education Association, Phoenix

Paid for by AEA Education Improvement Fund

The Nature Conservancy in Arizona supports Prop 110 providing the authority for the exchange of state trust lands to avoid encroachment on military installations.

For more than a decade, the Conservancy has worked to assist Fort Huachuca in Sierra Vista, Arizona, to protect valuable habitat and avoid land-use conflicts in the vicinity of this important military installation. This partnership has helped keep the Fort Huachuca open and the natural resources viable. During these difficult economic times, there need to be more tools for use across Arizona to keep the \$400 million military industry viable.

Yes, state trust land exchange has been on the ballot before. Prop 110 is very different. Prop 110 provides for a fair and open process to evaluate what state trust lands are going to be put before the voters for exchange and prescribes a narrow provision of state

trust lands subject to this authority. As well, it has broad support from economic groups, chambers of commerce and environmental organizations.

Passage of Prop 110 on November 2nd will provide an important tool to support our national security, maintain our military bases as important economic engines, and achieve important land and water conservation objectives by securing healthy buffers around our military bases. This is a winning situation for all Arizonans.

Please join us on voting Yes on Prop 110.

Patrick Graham, State Director, The Nature Conservancy, Phoenix

Bennett Dorrance, Chair, Board of Trustees, The Nature Conservancy, Phoenix

Paid for by Protect Arizona's Military - Vote Yes on 110

**Support Open and Accountable State Trust Land Exchanges
Vote "Yes" on Proposition 110**

Proposition 110 for the first time provides a way to exchange state trust land for federal lands that includes accountability and transparency. The exchange process will have an open and public process, which identifies all lands that will be exchanged up front; requires two land appraisals; includes an analysis of the impacts; and requires two public meetings. All of this must happen prior to any exchange moving forward. This helps limit backroom deals that have been a problem with some past exchanges.

Each land exchange must also go to the voters, so the voters have the final say and provide a screen for ensuring that an exchange is truly in the public's interests. This will also help to limit the number of exchange proposals.

Exchanges can only be for two purposes including providing for the proper management, protection and public use of state lands or for the protection of military facilities.

The Sierra Club has opposed most of the past land exchange measures, but we are supporting this proposal because it includes the kind of transparency and accountability that is necessary to ensure that land exchanges are in the best interest of the trust and the larger public.

We urge your support of Proposition 110.

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

Valley Partnership strongly supports a "Yes" vote on Proposition 110, the Arizona State Trust Land Exchange Measure.

Valley Partnership is an organization committed to advocating for responsible growth and economic development. The Partnership consists of over 400 companies and government agencies that work in the commercial real estate development industry. For more than 20 year history, Valley Partnership has been active on issues related to Arizona State Trust Land.

There are over 9 million acres of State Trust Land in every county in the State. Many of the most scenic and environmentally important places in Arizona are State Trust Land. In addition, a significant amount of that acreage is in a "checkerboard" pattern, creating very difficult issues related to land management and hindering the ability of the State Land Commissioner properly administer State Trust Lands.

Proposition 110 would amend the Arizona Constitution to allow for the exchange of Arizona State Trust Lands for other public lands with the intention of either preserving and protecting military facilities in Arizona or converting the exchanged land to public use. These two goals would benefit the citizens of Arizona greatly.

The presence of military bases in Arizona is a fundamental part of our State's economy and contributes to our national security. Proposition 110 would ensure we have the tools to maintain those bases long into our future.

Arizonans recognize and respect the natural beauty of our State. Proposition 110 would preserve and protect many portions of Arizona by converting those special places from restricted State Trust Land to public lands managed by another government agency. This would allow for the conservation and public access to many natural wonders in Arizona. Finally, the public notice and vote requirements assure full disclosure and approval before any State Trust Land is exchanged.

Vote Yes on Proposition 110.

Mark Winkleman, Chairman of the Board of Directors, Valley Partnership, Peoria

Richard R. Hubbard, CEO & President, Valley Partnership, Phoenix

Paid for by Valley Partnership

The network of military facilities in Arizona comprises an integrated array of bases, testing and training facilities, ranges, and airspace that operate within a physical environment uniquely suited to their individual and combined mission objectives and critical to our Nation's defense posture. The network is also an essential part of our State's economy.

The importance of military facilities and operations located in Arizona to the U.S. military cannot be understated: Arizona is distinctively positioned to satisfy the majority of the needs of the Department of Defense for many years to come with our unique network of capabilities, training resources, research, development, test, and evaluation activities.

Arizona's military industry generates thousands of jobs, more than \$9 billion dollars in economic activity, and hundreds of millions of dollars in State and local tax revenue. The stability of employment and tax revenues produced by the Arizona military industry are indispensable to the fiscal health of the State.

Arizona leads the nation in established standards to balance private property rights and compatible land use to protect and enhance the missions and long-term viability of military facilities and operating areas. Proposition 110 further demonstrates Arizona's commitment to that balance through a transparent exchange process that protects State Trust Land beneficiaries as well as military missions and installations.

Proposition 110 strengthens the partnership among agencies, organizations, and stakeholders at the local, State, and federal levels, with the common goal of preserving the unique and irreplaceable assets of Arizona's network of military facilities and ensuring their long-term sustainability as keystones in the nation's defense and a cornerstone of the State's economy.

Please join us in voting YES on Proposition 110.

Thomas M. Finnegan, Co-Chair, Governor's Military Affairs Commission, Sierra Vista

Lisa A. Atkins, Co-Chair, Governor's Military Affairs Commission, Litchfield Park

Paid for by Lisa A. Atkins

Authority for exchanges of state trust land must be authorized by constitutional amendment. We believe exchanges of state trust land to assist or protect military facilities can serve both the mission of state trust lands and military bases.

Kevin G. Rogers, President, Arizona Farm Bureau Federation, Gilbert

James W. Klinker, Chief Administrative Officer, Arizona Farm Bureau Federation, Gilbert

Paid for by Arizona Farm Bureau Federation

THE SONORAN INSTITUTE SUPPORTS PROPOSITION 110

For nearly two decades the Sonoran Institute has worked collaboratively with communities, landowners, conservationists and other stakeholders throughout the Intermountain West. Simply stated, our mission is to promote environmental sustainability, economic prosperity and smart growth principles both in the natural and built environments.

Arizona's growth has created serious challenges for the management and ongoing vitality of the state's military bases and ranges. Development encroachment and the unrelenting fragmentation of open space and natural habitat have now brought urban problems to the doorstep of these installations. This poses a serious threat to unimpeded future operations and, ultimately our national security.

A key fact sometimes lost in the discussion of environmental sustainability is the parallel need for economic sustainability. Proposition 110 is a vital step in protecting Arizona's valuable investment in America's defense infrastructure by allowing necessary and prudent land exchanges that are needed to maintain the readiness of our military and promote smart growth in Arizona.

Dave Richins, Director, Sun Corridor Legacy Program, The Sonoran Institute, Mesa

Eric Gorsegner, Associate Director, Sun Corridor Legacy Program, The Sonoran Institute, Phoenix

Paid for by The Sonoran Institute

On behalf of Arizona's cities and towns, I submit this letter in strong support of Proposition 110, *State Trust Lands*.

Arizona's cities and towns recognize the vital role our major military installations play in the state and local economies. Collectively, these military installations create and support nearly 150,000 jobs in Arizona, both directly and indirectly, and generate more than \$9 billion in revenue every year. Even more critical than the economic impact, our military installations provide unparalleled training, combat readiness and air superiority in protecting American freedom. Ensuring the mission viability of the state's military installations must remain a high priority for all Arizonans.

The long-term mission viability of a base is one of the most critical factors that the Department of Defense considers when deciding whether a base is preserved, receives new capacity or becomes slated for closure. Proposition 110 helps protect the viability of military bases in Arizona by authorizing the State Land Department to participate in land exchanges to prevent encroachment on a base's operations without harming private property rights. Proposition 110 also sets up a process to ensure transparency for all land exchanges, including requirements for legislative and voter approval, to guarantee protection of state trust land and private property rights.

Arizona's cities and towns request that all voters support Proposition 110.

Boyd Dunn, President, League of Arizona Cities & Towns, Phoenix

Paid for by Protect Arizona's Military - Vote Yes on Prop 110

Supporting The Airmen Who Protect Our Freedom

We are collectively urging you to support Proposition 110 on the November ballot. This proposition includes provisions to facilitate State trust land exchanges for the purpose of preservation of the military missions of the State of Arizona. Our constituency, consisting of the citizens and businesses of Arizona, is supportive of these measures to preserve the primary economic engine in our State.

The argument that this change is zero cost to Arizona is the short view and while true, doesn't tell the whole story. This change has a return on investment in perpetuity in the form of economic stability and growth that cannot be replaced or replicated. Establishing sustainability of our military installations is essential to the long-term financial stability of the State.

As the Presidents and Director of the State's military installation support activities, we stand ready to address any questions you may have with regard to the benefit of this change to the State or to specific benefit to individual installations.

Please join us in voting YES on Proposition 110.

Thomas M. Murphy, President, DM-50, Tucson

Lawrence J. Portouw, President, Fort Huachuca 50, Sierra Vista

Steve Yamamori, Executive Director & CEO, Fighter Country Partnership, Goodyear

Paid for by Protect Arizona's Military - Vote Yes on Prop 110

YES ON PROPOSITION 110

Proposition 110 is Arizona's opportunity to communicate to the United States Department of Defense that we are serious about protecting and preserving our military bases and facilities. Please vote YES on Proposition 110.

Preserving our system of military bases in Arizona not only guarantees that many of America's greatest heroes reside in our own communities and become part of the fabric of our future, but also that the military industry continues to be viable here – and that means keeping thousands of jobs and an economic contribution in excess of \$9 billion per year.

Proposition 110 allows the Arizona State Land Department to help in preserving military bases and facilities by providing land for those uses, while, at the same time, earning money for public schools and other institutions, which own those lands in Trust.

I participated in drafting Proposition 110, and am pleased to say its language fully and intentionally observes private property rights. It does not include any government mandated activity or expenditure.

Another significant benefit of Proposition 110 is that it will allow the State Land Department to engage in thorough and transparent public processes that could result in land exchanges between government agencies based on two independent appraisals. It is extremely important to note that EACH proposed land exchange would go to a statewide VOTE. These kinds of exchanges could lead to more thoughtful land use decisions in many Arizona communities.

Please vote "yes" on Proposition 110. It will lead to great things for Arizona.

Maria Baier, Arizona State Land Commissioner, Phoenix

ARGUMENTS "FOR" PROPOSITION 110

Protect Arizona's Military Bases and Jobs

Few industries have as strong of a positive impact on Arizona's economy as defense and aerospace. And these industries depend on the continued operations of military installations throughout the state. Arizona's five major Army, Air Force, and Marine installations and four principal National Guard operations are responsible for **96,328 direct and indirect jobs**. These facilities contribute **\$9.1 billion in economic output and \$401 million in state and local tax revenue** according to a 2008 report by the Arizona Department of Commerce.

Simply put, **our state has lost almost 300,000 jobs** since the beginning of the Great Recession. The economy is still fragile. Proposition 110 will help prevent incompatible land use that could put at risk the jobs associated with military bases. For these installations to remain vibrant, they must allow for the full spectrum of military testing and training operations on the ground and in the air. Proposition 110 will ensure they are able to complete their critical missions and remain an integral part of Arizona's economy for decades to come.

Glenn Hamer, President & CEO, The Arizona Chamber of Commerce & Industry, Phoenix
Paid for by Arizona Chamber of Commerce & Industry

Reginald M. Ballantyne III, Chairman, The Arizona Chamber of Commerce & Industry, Phoenix

Dear Voter,

Arizona has always had strong ties with its military bases. They are extremely important to our state and to the communities they serve. **Protecting our installations must be a high priority for Arizona.**

As it stands, encroachment on military land and airspace may jeopardize the combat-readiness of our armed forces and the ability of our bases to train new recruits. The State is very limited by the current rules which prevent land exchanges critical to the long term security and longevity of our valued military bases.

Proposition 110 will help to stop encroachment on military bases by making it possible for the State to exchange trust land for other lands, with no fiscal impact on the state's budget.

Arizona has housed and trained many brave men and women serving in our armed forces, and our commitment to their success must be mirrored by our commitment to the success of our military installations, which are outstanding sources of national security, jobs, and economic development.

Please help protect our military land and help our troops stay combat ready. **Join me in voting "Yes" on Proposition 110 on November 2nd.**

Sincerely,
Jan Brewer, Governor, Phoenix

ARGUMENTS "AGAINST" PROPOSITION 110

No arguments were submitted "against" Proposition 110.

ARGUMENTS "FOR" PROPOSITION 110



PROPOSITION 110 ~ BALLOT FORMAT



BALLOT FORMAT

PROPOSITION 110

**PROPOSED AMENDMENT TO THE CONSTITUTION BY THE
LEGISLATURE RELATING TO STATE TRUST LANDS
[SCR 1047]**

BALLOT FORMAT FOR PROPOSITION 110

<p>A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE X, SECTION 3, CONSTITUTION OF ARIZONA; AMENDING ARTICLE X, CONSTITUTION OF ARIZONA, BY ADDING SECTION 12; RELATING TO STATE TRUST LANDS.</p>
<p>DESCRIPTIVE TITLE ALLOWS THE SALE OR LEASE OF STATE TRUST LAND WITHOUT AUCTION OR ADVERTISEMENT IN ORDER TO PROTECT MILITARY INSTALLATIONS AND OPERATIONS. PROVIDES FOR VOTER-APPROVED EXCHANGES OF STATE TRUST LAND AFTER PUBLIC NOTICE AND HEARING IF THE EXCHANGE IS RELATED TO EITHER PROTECTING MILITARY FACILITIES OR FOR LAND MANAGEMENT PURPOSES.</p>

<p>A “yes” vote shall have the effect of authorizing the sale or lease of state trust land without auction or advertisement in order to protect military installations and operations. It will also allow voter-approved exchanges of state trust land after public notice and hearing if the exchange is related to either protecting military facilities or for land management purposes.</p>	<p>YES <input type="checkbox"/></p>
<p>A “no” vote shall have the effect of retaining current law regarding the sale, lease and exchange of state trust land.</p>	<p>NO <input type="checkbox"/></p>



PROPOSITION 111



OFFICIAL TITLE

SENATE CONCURRENT RESOLUTION 1013
A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE V, SECTION 1, CONSTITUTION OF ARIZONA, AS AMENDED BY A 1992 INITIATIVE MEASURE DESIGNATED AS BALLOT PROPOSITION 107; REPEALING ARTICLE V, SECTION 1, CONSTITUTION OF ARIZONA, AS AMENDED BY 1991 HOUSE CONCURRENT RESOLUTION 2001 DESIGNATED AS BALLOT PROPOSITION 100; AMENDING ARTICLE V, SECTIONS 6 AND 9, CONSTITUTION OF ARIZONA; AMENDING ARTICLE V, CONSTITUTION OF ARIZONA, BY ADDING SECTION 13; RELATING TO THE EXECUTIVE DEPARTMENT.

TEXT OF PROPOSED AMENDMENT

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

1. Article V, section 1, Constitution of Arizona, as amended by a 1992 initiative measure designated as ballot proposition 107, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

1. Term limits on executive department and state officers; term lengths; election; residence and office at seat of government; duties

Section 1. A. The executive department shall consist of the governor, secretary of state LIEUTENANT GOVERNOR, state treasurer, attorney general, and superintendent of public instruction, each of whom shall hold office for a term of four years beginning on the first Monday of January, 1971 next after the regular general election in 1970. No member of the executive department shall hold that office for more than two consecutive terms. This limitation on the number of terms of consecutive service shall apply to terms of office beginning on or after January 1, 1993. No member of the executive department after serving the maximum number of terms, which shall include any part of a term served, may serve in the same office until out of office for no less than one full term.

B. The person having a majority of the votes cast for the office voted for shall be elected. If no person receives a majority of the votes cast for the office, a second election shall be held as prescribed by law between the persons receiving the highest and second highest number of votes cast for the office. The person receiving the highest number of votes at the second election for the office is elected, but if the two OR MORE persons have an equal number of votes for the office AND THE HIGHEST NUMBER OF VOTES FOR THE OFFICE, the two houses of the legislature at its next regular session shall elect forthwith, by joint ballot, one of such persons for said office.

C. DURING THE PRIMARY ELECTION, CANDIDATES FOR THE OFFICE OF GOVERNOR SHALL RUN FOR THAT OFFICE SEPARATELY FROM ANY CANDIDATES FOR THE OFFICE OF LIEUTENANT GOVERNOR. ON COMPLETION OF THE PRIMARY ELECTION, EACH NOMINEE FOR THE OFFICE OF GOVERNOR SHALL RUN ON A TICKET AS A JOINT CANDIDATE IN THE GENERAL ELECTION WITH THE NOMINEE FOR THE OFFICE OF LIEUTENANT GOVERNOR FROM THE SAME POLITICAL PARTY AS THE NOMINEE FOR GOVERNOR. AT THE GENERAL ELECTION, A SINGLE VOTE FOR A NOMINEE FOR GOVERNOR SHALL CONSTITUTE A VOTE FOR THAT NOMINEE'S TICKET, INCLUDING THE NOMINEE FOR LIEUTENANT GOVERNOR. FOR ANY WINNING CANDIDATE FOR GOVERNOR AT THE GENERAL ELECTION, THAT WINNING CANDIDATE'S JOINT CANDIDATE FOR LIEUTENANT GOVERNOR IS THE WINNING CANDIDATE FOR LIEUTENANT GOVERNOR.

D. The officers of the executive department during their terms of office shall reside at the seat of government where they shall keep their offices and the public records, books, and papers. They shall perform such duties as are prescribed by the constitution and as may be provided by law.

2. Article V, section 1, Constitution of Arizona, as amended by 1991 house concurrent resolution 2001 designated as ballot proposition 100, is proposed to be repealed as follows if approved by the voters and on proclamation of the Governor:

Article V, section 1, Constitution of Arizona, as amended by 1991 house concurrent resolution 2001 designated as ballot proposition 100, relating to the executive department, is repealed.

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

6. Death, resignation, removal or disability of governor; succession to office; impeachment, absence from state or temporary disability

Section 6. A. In the event of the death of the governor, or his THE GOVERNOR'S resignation, removal from office, or permanent disability to discharge the duties of the office, the secretary of state LIEUTENANT GOVERNOR, if holding by election, shall succeed to the office of governor until his A successor shall be elected and shall qualify. If the secretary of state LIEUTENANT GOVERNOR be holding otherwise than by election, or shall fail to qualify as governor, the attorney general, the state treasurer, or the superintendent of public instruction, if holding by election, shall, in the order named, succeed to the office of governor UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

B. The taking of the oath of office as governor by any person specified in this section shall constitute resignation from the office by virtue of the holding of which he THE PERSON qualifies as governor. Any successor to the office shall become governor in fact and entitled to all of the emoluments, powers and duties of governor upon taking the oath of office.

C. In the event of the impeachment of the governor, his THE GOVERNOR'S absence from the state, or other temporary disability to discharge the duties of the office, the powers and duties of the office of governor shall devolve upon the same person as in case of vacancy, but only until the disability ceases.

4. Article V, section 9, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

9. Powers and duties of state officers

Section 9. The powers and duties of secretary of state LIEUTENANT GOVERNOR, state treasurer, attorney general, ATTORNEY GENERAL and superintendent of public instruction shall be as prescribed by law.

5. Article V, Constitution of Arizona, is proposed to be amended by adding section 13 as follows if approved by the voters and on proclamation of the Governor:

PROPOSITION 111

13. Lieutenant governor assuming secretary of state duties

SECTION 13. NOTWITHSTANDING ANY OTHER LAW, THE DUTIES OF THE SECRETARY OF STATE AS SPECIFICALLY PROVIDED FOR IN THIS CONSTITUTION AND AS OTHERWISE PRESCRIBED BY LAW SHALL BE ASSUMED BY THE LIEUTENANT GOVERNOR.

6. Applicability

This proposition applies and the lieutenant governor assumes the title and duties of the secretary of state beginning with the term of office that starts in 2015.

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 111 would amend the Arizona Constitution to rename the office of secretary of state as the office of lieutenant governor, beginning with the term of office that starts in 2015. The lieutenant governor elected in the November 2014 general election would assume all of the duties currently performed by the secretary of state, including being first in the line of succession to replace a governor unable to serve.

The proposition provides that during the primary election, candidates for the office of lieutenant governor would run separately from candidates for the office of governor. The nominees selected at the primary election for the office of governor and lieutenant governor from the same political party would then run on a single ticket in the general election. At the general election, voters would cast a single vote for a candidate for governor, and that vote would constitute a vote for the ticket, including the candidate for lieutenant governor.

Proposition 111 also would make a technical change by consolidating two overlapping versions of Article V, section 1 of the Arizona Constitution and then repealing one of the overlapping versions.

ARGUMENTS "FOR" PROPOSITION 111

Vote Yes on Proposition 111 and Elect a Lieutenant Governor for Arizona

As Arizona approaches its centennial year, Greater Phoenix Leadership joined with Justice Sandra Day O'Connor and the O'Connor House Project to support Government for Arizona's 2nd Century, which brought citizens together from across the State to discuss problems facing Arizona and find solutions to improve our government. Their recommendations represent the views of a diverse, bipartisan group of people from across the State. Electing a Lieutenant Governor for Arizona was among the most popular of their reform ideas.

Governor Jan Brewer once said she should be the poster child for a campaign to create a Lieutenant Governor, having been the fifth Arizona Governor to ascend from Secretary of State. Forty-five states in America have a Lieutenant Governor, and "truth in advertising" is the primary objective of this constitutional change. Arizona voters should have a clear understanding of our State executive's line of succession.

As strong supporters of the reforms that came out of Government for Arizona's 2nd Century, Greater Phoenix Leadership urges you to vote yes on Proposition 111 and let Arizona voters elect a Lieutenant Governor.

Thomas R. Franz, President, Greater Phoenix Leadership, Phoenix

Paid for by Greater Phoenix Leadership

Lisa A. Atkins, Vice President, Greater Phoenix Leadership, Litchfield Park

Vote Yes on Proposition 111

As members of the Board of the O'Connor House, we are delighted to support Proposition 111, which would enable the voters of Arizona to elect a Lt. Governor. This idea was one of several government reform measures proposed by a diverse, bipartisan group of citizens from across the state who participated in the O'Connor House Project, a year-long effort led by Justice O'Connor, to consider public policy solutions to the problems facing our state.

The motto of the O'Connor House is "Where civil talk leads to civic action" and it has come to fruition in this proposal. Justice O'Connor started the O'Connor House Project with Arizona's approaching centennial celebration in mind. "As citizens," she said, "if we make changes to help our state government become more effective and representative, we will celebrate Arizona's second century with more confidence."

We are grateful to Justice O'Connor for her leadership in our state, and hope you will join us in voting yes on proposition 111.

Lucia Howard, President, The O'Connor House, Paradise Valley

Paid for by Government for Arizona's 2nd Century

Don Budinger, Board Member, The O'Connor House, Paradise Valley

Vote Yes on Proposition 111 and Elect a Lt. Governor for Arizona

With an eye on Arizona's approaching centennial, Justice Sandra Day O'Connor and the O'Connor House Project brought citizens together this past year to discuss problems facing our state and find solutions to improve our government. Their recommendations represent the views of a diverse, bipartisan group of people from across the state. Electing a Lt. Governor for Arizona was among the most popular of their reform ideas.

Governor Jan Brewer once said she should be the poster child for a campaign to create a Lt. Governor, having been the 5th Arizona Governor to ascend from Secretary of State. 45 states in America have a Lt. Governor, and "truth in advertising" is the primary objective of this constitutional change. Arizona voters should have a clear understanding of our state executive's line of succession.

As Chairman of Government for Arizona 2nd Century, a group of business and political leaders who are working to support Justice O'Connor's project, we urge you to vote yes on Proposition 111 and let Arizona voters elect a Lt. Governor.

Michael Bidwill, Chairman, Government for Arizona's 2nd Century, Phoenix

Paid for by Government for Arizona's 2nd Century

Susan Gerard, Board Member, Government for Arizona's 2nd Century, Phoenix

Arizona Needs a Lieutenant Governor. Vote YES on Proposition 111

Please join me in voting yes on Prop 111 to create the position of lieutenant governor for the state of Arizona. Prop 111 will not only increase the efficacy of Arizona's governance structure but will also increase transparency to the voters of Arizona. Our current system designates the Secretary of State as first in line of succession should the acting Governor vacate office. However, this system does not stipulate the Secretary of State be of the same party or share the same policy positions of the vacating - and elected - Governor. This simply does make for fair or efficient government for the citizens of Arizona. We deserve leaders elected by the voters and representing the will of the voters. There is a reason that 43 states have lieutenant governors - it is a system that works and is

ARGUMENTS "FOR" PROPOSITION 111

transparent. This bipartisan referendum is about making government better without making it bigger. Starting in 2014, each party will have a gubernatorial and lieutenant gubernatorial candidate elected on a ticket, with the lieutenant governor assuming the duties of the Secretary of State as well as being first in line of succession. "Truth in advertising" is the primary objective of this change. Arizona voters deserve transparency when electing our state's leaders.

Robert L. Burns, State Senate President, Peoria

Paid for by Government for Arizona's 2nd Century

VOTE YES ON PROP. 111

Since the beginning of our great State's history, we have seen multiple governors leave office and be replaced by the Secretary of State. In fact, since 1987, no Arizona governor has completed two full terms.

In light of this history, I wholeheartedly support Proposition 111. This proposition will change the name of the office from secretary of state to lieutenant governor. This is a truth in voting issue and from my perspective voters will be more cognizant of who they are voting for when choosing a "lieutenant governor."

Arizona is one of five remaining states in the U.S. where a position other than a lieutenant governor is named the successor to the governor. It's time to make Arizona's election process more transparent for one of the most important elected offices in the State.

VOTE YES ON PROP. 111

Tom Simplot, Phoenix

Paid for by Government for Arizona's 2nd Century

Time for Lieutenant Governor is Now

Arizona has not had a governor leave office under normal circumstances since 1975. Since then, governors have left the office due to death, impeachment and resignation, thus thrusting the state's chief elections officer - the secretary of state - into the office of governor.

Arizona is one of only five states that do not have the office of lieutenant governor. The time to create that office is now. Proposition 111 changes the title of secretary of state to that of lieutenant governor.

Voters in a primary election will vote separately for the gubernatorial candidate and lieutenant governor candidate of their choosing. In the general election, however, the chosen nominees for governor and lieutenant governor of the same party will run and be elected as a ticket, similar to how we vote for president and vice president.

It's a simple change to the state constitution that, as recent history has shown, is needed in Arizona. The chain of succession in state government will be crystal clear in voters' minds and will smooth the transition to the top office should a sitting governor vacate the office for whatever reason.

We urge you to vote for this commonsense reform to Arizona state government.

Glenn Hamer, President & CEO, The Arizona Chamber of Commerce & Industry, Phoenix

Paid for by Arizona Chamber of Commerce & Industry

Reginald M. Ballantyne III, Chairman, The Arizona Chamber of Commerce & Industry, Phoenix

Dear Voter,

Currently, the Arizona State Constitution designates the Secretary of State as the successor of the Governor in the event of the Governor's death, resignation, removal from office or permanent disability. In most other states across the nation, the first person in the line of succession is known as the lieutenant governor.

Proposition 111 changes the title of Arizona's Secretary of State to Lieutenant Governor and requires the candidates for Governor and Lieutenant Governor to run as a team on the same ticket in the General Election.

The Lieutenant Governor would continue to perform the duties of Secretary of State.

I have been a longtime advocate for a lieutenant governor. In fact, this is a change that I championed in 1994.

Several times in the past twenty years, Arizona's Secretary of State has risen to the office of Governor. In two of the three most recent occurrences, the Secretary of State was of a different party than the predecessor. A Lieutenant Governor would provide for a smooth and stable transition for executive leadership.

Please join me in voting Yes on Proposition 111.

Sincerely,

Jan Brewer, Governor, Phoenix

ARGUMENTS "AGAINST" PROPOSITION 111

The referendum to change the title of Secretary of State to Lieutenant Governor is a ballot issue that seems innocuous enough, but carries unintended consequences and is more than a name change, since it alters the manner in which we choose the Governor. The name change alone is undesirable as it will allow the Lieutenant Governor to place himself/herself in the position of a Governor in waiting, much as the U.S. Vice President, tending largely to public relations and ceremonial duties. Although the many duties of Secretary of State will remain, for now, it won't be long before the position will be declared too high profile and important to be burdened with petty administrative duties, such as issuing notary certificates and registering trade names. Duties will be quickly spun off to other Departments.

But the real mischief in the referendum is changing the method of selection of the Governor with hardly any public debate or any showing that such a change is even necessary. The proposal places the primary election winning candidate of each party for Governor and Lieutenant Governor together as one ticket, with the Governor carrying the other into office. The independence now enjoyed as Secretary of State will be lost. The proposal also eliminates run off elections and apparently awards the Governorship to the candidate with the most votes, but not requiring a majority.

The State does not need another potentate to parade before the press and public. The election of Governor is too important to change without additional public debate. The name change is an unnecessary vanity promotion, the joint ticket election method is problematic, and a less than majority vote Governor is likely to be elected all too frequently. Vote NO on Proposition 111.

Thomas E. Haney, Phoenix

The Arizona Farm Bureau thinks it is inappropriate and unworkable to expect partisan candidates for governor and lieutenant governor to run separately before the primary and then to act as a "team" after the primary. Further, how would this work for a non-partisan candidate for governor with no one filing for lieutenant governor? This proposition needs more work.

Kevin G. Rogers, President, Arizona Farm Bureau Federation, Gilbert

James W. Klinker, Chief Administrative Officer, Arizona Farm Bureau Federation, Gilbert

Paid for by Arizona Farm Bureau Federation

ARGUMENTS "AGAINST" PROPOSITION 111



PROPOSITION 111 ~ BALLOT FORMAT



BALLOT FORMAT

PROPOSITION 111

PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE RELATING TO THE EXECUTIVE DEPARTMENT [SCR 1013]

<p><u>A CONCURRENT RESOLUTION</u> PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE V, SECTION 1, CONSTITUTION OF ARIZONA, AS AMENDED BY A 1992 INITIATIVE MEASURE DESIGNATED AS BALLOT PROPOSITION 107; REPEALING ARTICLE V, SECTION 1, CONSTITUTION OF ARIZONA, AS AMENDED BY 1991 HOUSE CONCURRENT RESOLUTION 2001 DESIGNATED AS BALLOT PROPOSITION 100; AMENDING ARTICLE V, SECTIONS 6 AND 9, CONSTITUTION OF ARIZONA; AMENDING ARTICLE V, CONSTITUTION OF ARIZONA, BY ADDING SECTION 13; RELATING TO THE EXECUTIVE DEPARTMENT.</p>
<p><u>DESCRIPTIVE TITLE</u> CHANGES THE NAME OF THE OFFICE OF SECRETARY OF STATE TO THE OFFICE OF LIEUTENANT GOVERNOR; PROVIDES THAT THE NOMINEES OF EACH PARTY FOR GOVERNOR AND LIEUTENANT GOVERNOR, SELECTED SEPARATELY BY VOTERS AT THE PRIMARY ELECTION, SHALL RUN ON ONE TICKET AND BE VOTED ON TOGETHER IN THE GENERAL ELECTION.</p>

<p>A “yes” vote shall have the effect of changing the name of the office of Secretary of State to the office of Lieutenant Governor. It will also require that each political party’s nominees for Governor and Lieutenant Governor run on one ticket and be voted on together in the general election.</p>	<p>YES <input type="checkbox"/></p>
<p>A “no” vote shall have the effect of retaining the current office of Secretary of State as a position elected separately from the office of Governor.</p>	<p>NO <input type="checkbox"/></p>

BALLOT FORMAT FOR PROPOSITION 111



PROPOSITION 112



OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2018
A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 1, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO INITIATIVE PETITIONS.

TEXT OF PROPOSED AMENDMENT

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

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

1. Legislative authority; initiative and referendum

Section 1. (1) Senate; house of representatives; reservation of power to people. The legislative authority of the state shall be vested in the legislature, consisting of a senate and a house of representatives, but the people reserve the power to propose laws and amendments to the constitution and to enact or reject such laws and amendments at the polls, independently of the legislature; and they also reserve, for use at their own option, the power to approve or reject at the polls any act, or item, section, or part of any act, of the legislature.

(2) Initiative power. The first of these reserved powers is the initiative. Under this power ten per centum CENT of the qualified electors shall have the right to propose any measure, and fifteen per centum CENT shall have the right to propose any amendment to the constitution.

(3) Referendum power; emergency measures; effective date of acts. The second of these reserved powers is the referendum. Under this power the legislature, or five per centum CENT of the qualified electors, may order the submission to the people at the polls of any measure, or item, section, or part of any measure, enacted by the legislature, except laws immediately necessary for the preservation of the public peace, health, or safety, or for the support and maintenance of the departments of the state government and state institutions; but to allow opportunity for referendum petitions, no act passed by the legislature shall be operative for ninety days after the close of the session of the legislature enacting such measure, except such as require earlier operation to preserve the public peace, health, or safety, or to provide appropriations for the support and maintenance of the departments of the state and of state institutions; provided, that no such emergency measure shall be considered passed by the legislature unless it shall state in a separate section why it is necessary that it shall become immediately operative, and shall be approved by the affirmative votes of two-thirds of the members elected to each house of the legislature, taken by roll call of ayes and nays, and also approved by the governor; and should such measure be vetoed by the governor, it shall not become a law unless it shall be approved by the votes of three-fourths of the members elected to each house of the legislature, taken by roll call of ayes and nays.

(4) Initiative and referendum petitions; filing. All petitions submitted under the power of the initiative shall be known as initiative petitions, and shall be filed with the secretary of state not less than ~~four~~ SIX months preceding the date of the election at which the measures so proposed are to be voted upon. All petitions submitted under the power of the referendum shall be known as referendum petitions, and shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the legislature which shall have passed the measure to which the referendum is applied. The filing of a referendum petition against any item, section, or part of any measure shall not prevent the remainder of such measure from becoming operative.

(5) Effective date of initiative and referendum measures. Any measure or amendment to the constitution proposed under the initiative, and any measure to which the referendum is applied, shall be referred to a vote of the qualified electors, and shall become law when approved by a majority of the votes cast thereon and upon proclamation of the governor, and not otherwise.

(6) (A) Veto of initiative or referendum. The veto power of the governor shall not extend to an initiative measure approved by a majority of the votes cast thereon or to a referendum measure decided by a majority of the votes cast thereon.

(6) (B) Legislature's power to repeal initiative or referendum. The legislature shall not have the power to repeal an initiative measure approved by a majority of the votes cast thereon or to repeal a referendum measure decided by a majority of the votes cast thereon.

(6) (C) Legislature's power to amend initiative or referendum. The legislature shall not have the power to amend an initiative measure approved by a majority of the votes cast thereon, or to amend a referendum measure decided by a majority of the votes cast thereon, unless the amending legislation furthers the purposes of such measure and at least three-fourths of the members of each house of the legislature, by a roll call of ayes and nays, vote to amend such measure.

(6) (D) Legislature's power to appropriate or divert funds created by initiative or referendum. The legislature shall not have the power to appropriate or divert funds created or allocated to a specific purpose by an initiative measure approved by a majority of the votes cast thereon, or by a referendum measure decided by a majority of the votes cast thereon, unless the appropriation or diversion of funds furthers the purposes of such measure and at least three-fourths of the members of each house of the legislature, by a roll call of ayes and nays, vote to appropriate or divert such funds.

(7) Number of qualified electors. The whole number of votes cast for all candidates for governor at the general election last preceding the filing of any initiative or referendum petition on a state or county measure shall be the basis on which the number of qualified electors required to sign such petition shall be computed.

(8) Local, city, town or county matters. The powers of the initiative and the referendum are hereby further reserved to the qualified electors of every incorporated city, town, and county as to all local, city, town, or county matters on which such incorporated cities, towns, and counties are or shall be empowered by general laws to legislate. Such incorporated cities, towns, and counties may prescribe the manner of exercising said powers within the restrictions of general laws. Under the power of the initiative fifteen per centum CENT of the qualified electors may propose measures on such local, city, town, or county matters, and

PROPOSITION 112

ten per centum CENT of the electors may propose the referendum on legislation enacted within and by such city, town, or county. Until provided by general law, said cities and towns may prescribe the basis on which said percentages shall be computed.

(9) Form and contents of initiative and of referendum petitions; verification. Every initiative or referendum petition shall be addressed to the secretary of state in the case of petitions for or on state measures, and to the clerk of the board of supervisors, city clerk, or corresponding officer in the case of petitions for or on county, city, or town measures; and shall contain the declaration of each petitioner, for himself, that he is a qualified elector of the state (and in the case of petitions for or on city, town, or county measures, of the city, town, or county affected), his post office address, the street and number, if any, of his residence, and the date on which he signed such petition. Each sheet containing petitioners' signatures shall be attached to a full and correct copy of the title and text of the measure so proposed to be initiated or referred to the people, and every sheet of every such petition containing signatures shall be verified by the affidavit of the person who circulated said sheet or petition, setting forth that each of the names on said sheet was signed in the presence of the affiant and that in the belief of the affiant each signer was a qualified elector of the state, or in the case of a city, town, or county measure, of the city, town, or county affected by the measure so proposed to be initiated or referred to the people.

(10) Official ballot. When any initiative or referendum petition or any measure referred to the people by the legislature shall be filed, in accordance with this section, with the secretary of state, he shall cause to be printed on the official ballot at the next regular general election the title and number of said measure, together with the words "yes" and "no" in such manner that the electors may express at the polls their approval or disapproval of the measure.

(11) Publication of measures. The text of all measures to be submitted shall be published as proposed amendments to the constitution are published, and in submitting such measures and proposed amendments the secretary of state and all other officers shall be guided by the general law until legislation shall be especially provided therefor.

(12) Conflicting measures or constitutional amendments. If two or more conflicting measures or amendments to the constitution shall be approved by the people at the same election, the measure or amendment receiving the greatest number of affirmative votes shall prevail in all particulars as to which there is conflict.

(13) Canvass of votes; proclamation. It shall be the duty of the secretary of state, in the presence of the governor and the chief justice of the supreme court, to canvass the votes for and against each such measure or proposed amendment to the constitution within thirty days after the election, and upon the completion of the canvass the governor shall forthwith issue a proclamation, giving the whole number of votes cast for and against each measure or proposed amendment, and declaring such measures or amendments as are approved by a majority of those voting thereon to be law.

(14) Reservation of legislative power. This section shall not be construed to deprive the legislature of the right to enact any measure except that the legislature shall not have the power to adopt any measure that supersedes, in whole or in part, any initiative measure approved by a majority of the votes cast thereon or any referendum measure decided by a majority of the votes cast thereon unless the superseding measure furthers the purposes of the initiative or referendum measure and at least three-fourths of the members of each house of the legislature, by a roll call of ayes and nays, vote to supersede such initiative or referendum measure.

(15) Legislature's right to refer measure to the people. Nothing in this section shall be construed to deprive or limit the legislature of the right to order the submission to the people at the polls of any measure, item, section, or part of any measure.

(16) Self-executing. This section of the constitution shall be, in all respects, self-executing.

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 112 would amend the Arizona Constitution to require that initiative petitions be filed at least six months before the date on which the measure will be voted on. Under current law, initiative petitions must be filed at least four months before the date on which the measure will be voted on.

ARGUMENTS "FOR" PROPOSITION 112

As the co-sponsor of the bipartisan Proposition 112, I ask that you join me in voting yes on this referendum to improve the electoral process for all Arizonans. Proposition 112 is not a Republican or a Democrat measure; it is a measure to ensure the ballot initiative process is fair for every Arizonan. This measure simply moves the filing deadline for initiative petition signatures up two months, from July 1st of an election year to May 1st. This simple change, with no cost to Arizona taxpayers, will give election officials the necessary time to ensure petition signatures are properly filed, processed, counted and verified. Under the current time constraints it has proven difficult for election officials to verify the sometimes millions of signatures filed for initiatives in time for ballots to be printed. Providing more time for the signature review phase will allow for a more thorough verification process for each initiative that appears on the election ballot. Ensuring fairness in elections is the cornerstone of creating and maintaining a healthy and functioning democracy that works to provide every voter with an equal voice. While I do not always agree with my colleagues on the other side of the aisle, co-sponsoring this bipartisan legislation was simply common sense. Proposition 112 is designed to make our government work better for everyone. This measure passed with unanimous support from both the House and the Senate because improving our electoral process is good for Democrats, Republicans and every Arizona citizen. Please join me in voting yes on Proposition 112 on Election Day.

Chad Campbell, State Representative, Phoenix
Paid for by Government for Arizona's 2nd Century

Vote Yes on Proposition 112 and Improve the Citizen's Initiative Process

As Arizona approaches its centennial year, Greater Phoenix Leadership joined with Justice Sandra Day O'Connor and the O'Connor House Project to support Government for Arizona's 2nd Century, which brought citizens together from across the State to discuss problems facing Arizona and find solutions to improve our government. Their recommendations represent the views of a diverse, bipartisan group of people from across the State.

Improving the citizen's initiative process was overwhelmingly approved by the participants, and our Legislators agreed. In a rare display of unity, the Legislature unanimously endorsed this proposal to move the mandated filing deadline for initiative petitions up from July 1 in an election year to May 1. This simple change, with no cost to Arizona taxpayers, will give election officials the critical time they need to ensure petition signatures are properly filed, processed, counted and verified and allow for appropriate judicial review.

As strong supporters of the reforms that came out of Government for Arizona's 2nd Century, Greater Phoenix Leadership urges you to vote yes on Proposition 112 to allow for the necessary time to make sure that ballot measures have been properly submitted and considered.

Thomas R. Franz, President, Greater Phoenix Leadership, Phoenix
Paid for by Greater Phoenix Leadership

Lisa A. Atkins, Vice President, Greater Phoenix Leadership, Litchfield Park

The effect of this increased deadline for filing initiatives would be to set the bar higher for initiatives to be given ballot consideration. We think that is a good thing. We have a representative form of government – not a direct democracy. It is hard to hold the process or our elected representatives accountable when citizens create policy. Through initiatives, narrow ideas can become a tyrannical majority, as there is neither nuance nor compromise as in legislative debate.

Kevin G. Rogers, President, Arizona Farm Bureau Federation, Gilbert
Paid for by Arizona Farm Bureau Federation

James W. Klinker, Chief Administrative Officer, Arizona Farm Bureau Federation, Gilbert

Vote Yes on Proposition 112!

Please join me in voting yes to pass Proposition 112 on Election Day. Proposition 112 will improve our state's election process regarding citizen ballot initiatives. This measure simply moves the filing deadline for initiative petition signatures from four to six months prior to Election Day. Providing more time for the signature review phase will allow for a more thorough verification process for each initiative that appears on the election ballot. Ensuring that signatures are properly filed, processed, counted and verified will only strengthen our electoral system and citizen's initiative process. Proposition 112 is designed to make our government work better for everyone. Please join me in voting yes on Proposition 112 on Election Day.

Robert L. Burns, State Senate President, Peoria
Paid for by Government for Arizona's 2nd Century

Vote Yes on Proposition 112 and Improve the Citizen's Initiative Process

With an eye on Arizona's approaching centennial, Justice Sandra Day O'Connor and the O'Connor House Project brought citizens together this past year to discuss problems facing our state and find solutions to improve our government. Their recommendations represent the views of a diverse, bi-partisan group of people from across the state.

Improving the citizen's initiative process was overwhelmingly approved to by the participants. And our legislators agreed. In a rare display of unity, the legislature unanimously endorsed this proposal to move the constitutionally mandated filing deadline for initiative petitions up from July 1 in an election year to May 1. Adding these two months will give our election officials the critical time they need to verify that the signatures are valid and allow for appropriate judicial review.

As Chairman of Government for Arizona 2nd Century, a group of business and political leaders who are working to support Justice O'Connor's project, we urge you to vote yes on Proposition 112 to give elections offices the time they need to make sure that ballot measures have been properly submitted and considered.

Michael Bidwill, Chairman, Government for Arizona's 2nd Century, Phoenix
Paid for by Government for Arizona's 2nd Century

Susan Gerard, Board Member, Government for Arizona's 2nd Century, Phoenix

Vote Yes on Proposition 112

As members of the Board of the O'Connor House, we are delighted to support Proposition 112, which would improve the citizen's initiative process by adding time to properly file and verify ballot measures. This idea was one of several government reform measures proposed by a diverse, bipartisan group of citizens from across the state who participated in the O'Connor House Project, a year-long effort led by Justice O'Connor, to consider public policy solutions to the problems facing our state.

The motto of the O'Connor House is "Where civil talk leads to civic action" and it has come to fruition in this proposal. Justice O'Connor started the O'Connor House Project with Arizona's approaching centennial celebration in mind. "As citizens," she said, "If we make changes to help our state government become more effective and representative, we will celebrate Arizona's second century with more confidence."

We are grateful to Justice O'Connor for her leadership in our state, and hope you will join us in voting yes on proposition 112.

Lucia Howard, President, The O'Connor House, Paradise Valley
Paid for by Government for Arizona's 2nd Century

Don Budinger, Board Member, The O'Connor House, Paradise Valley

SUPPORT THE INITIATIVE PROCESS—VOTE YES ON PROPOSITION 112

Proposition 112 will strengthen the citizen initiative process by ensuring that adequate time will exist to certify propositions for the ballot.

Two years ago, I was part of an effort to qualify a proposed constitutional amendment for the ballot. It costs a great deal of time and money to collect sufficient signatures. When the Secretary of State reviewed the signatures, she found that we were close, but perhaps not close enough. We had the right to go to court to demonstrate that we had enough valid signatures. But by the luck of the draw, ours was the last proposed amendment to have its signatures counted. It was too late for us to have a court hearing.

So the initiative didn't make it onto the ballot, and all the time and effort to qualify it was wasted—not because we didn't have enough signatures, but because there simply wasn't enough time built into the process to make sure the signatures could be checked and we could have our day in court. That meant voters were deprived of a chance to vote on a proposition that appeared to have strong majority support.

What happened to us could happen to anyone, simply because the time between submitting signatures and reviewing them is too short. By extending the time period by two months, it will provide enough time to review signatures and for initiative sponsors (or opponents) to have the decision reviewed in court, if necessary.

The citizen initiative is an important part of our democratic process. Proposition 112 will help make sure that it works for the people of Arizona.

Clint Bolick, Attorney, Phoenix
Paid for by Government for Arizona's 2nd Century

Please Vote Yes on Prop 112

Arizona's future is very bright!

This year, I was honored to be invited by retired Supreme Court Justice Sandra Day O'Connor, to participate in the O'Connor House Project on Government Reform.

Improving the citizen's initiative process - the only direct route to democracy in Arizona - was one of the many good government recommendations of the group, and one the legislature embraced with whole-hearted enthusiasm. This measure passed with unanimous support from both the House and the Senate, because it just makes good sense to give our election officials the time they need to make sure petition signatures are properly filed, processed, counted and verified. This measure simply moves the initiative filing deadline up two months, from July 1 of an election year to May 1; the purpose is to give officials time to make sure everything is in proper form before being presented to the voters.

Republicans and Democrats do not seem to agree on much these days, but everyone agreed that this is an important, common sense reform, designed to make our government work better.

I have personally used the Arizona Initiative Process and can attest that if Proposition 112 was in effect several years ago, we in Arizona would be better off because of it.

However, now is the time for simple common sense reform, so please Vote YES on Proposition 112.

Martin L. Shultz, Vice President, Government Affairs, Pinnacle West Capital Corporation, Phoenix

Paid for by Government for Arizona's 2nd Century

Arizona Chamber of Commerce and Industry Urges YES Vote for Prop 112

Proposition 112 makes a commonsense reform to the state's initiative process. As of now, Arizonans seeking to use the initiative process to propose an amendment to the state constitution or create a new state statute must have their petition signatures collected and submitted to the secretary of state four months prior to the November election date. Proposition 112 seeks to expand the time between the submission of those petitions and the November election to six months.

The two additional months will allow more time for any challenges to petitions and legal reviews. Recent Arizona history has seen initiatives knocked from the ballot because there simply wasn't enough time for the secretary of state, county recorders and the courts to give petitions the necessary review before publicity pamphlets and ballots needed to be printed.

Proposition 112 is a straightforward way of strengthening Arizona's citizen initiative process. We urge a YES vote on Proposition 112.

Glenn Hamer, President & CEO, The Arizona Chamber of Commerce & Industry, Phoenix

Paid for by Arizona Chamber of Commerce & Industry

Reginald M. Ballantyne III, Chairman, The Arizona Chamber of Commerce & Industry, Phoenix

Prop 112 - initiatives: filing deadline

Center for Arizona Policy supports Prop 112 because it strengthens the right of Arizona citizens to change our laws through the initiative process. The right to the initiative is a valuable right, and our laws should make the process as simple and transparent as possible. Prop 112 is an important step in that direction.

Prop 112 will allow more time for processing initiative petitions and any necessary legal challenges once an initiative has been filed. The current four month time period results in a rush to verify signatures, address any legal challenges to the signatures, craft analysis of the measure for the publicity pamphlet, address any challenges to the analysis, and craft the yes/no ballot language. Any missteps during that process can be fatal to the ballot measure because the timelines are so tight. Passing Prop 112 will allow the Legislature to restructure the current process and create a smoother, easier process for citizens who are working on initiative campaigns. Vote YES on Prop 112.

Cathi Herrod, President, Center for Arizona Policy, Phoenix

Paid for by Center for Arizona Policy

Deborah Sheasby, Legal Counsel, Center for Arizona Policy, Phoenix

ARGUMENTS "AGAINST" PROPOSITION 112

No arguments were submitted "against" Proposition 112.



PROPOSITION 112 ~ BALLOT FORMAT



BALLOT FORMAT

PROPOSITION 112

**PROPOSED AMENDMENT TO THE CONSTITUTION BY THE
LEGISLATURE RELATING TO INITIATIVE PETITIONS
[HCR 2018]**

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 1, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO INITIATIVE PETITIONS.

DESCRIPTIVE TITLE

CHANGES THE INITIATIVE FILING DEADLINE FROM FOUR MONTHS TO SIX MONTHS PRIOR TO THE GENERAL ELECTION AT WHICH THE PROPOSED MEASURE IS TO BE VOTED UPON.

BALLOT FORMAT FOR PROPOSITION 112

A "yes" vote shall have the effect of changing the initiative filing deadline from four months to six months prior to each general election.	YES <input type="checkbox"/>
A "no" vote shall have the effect of preserving the current initiative filing deadline.	NO <input type="checkbox"/>



PROPOSITION 113



OFFICIAL TITLE

SENATE CONCURRENT RESOLUTION 1001
A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, CONSTITUTION OF ARIZONA, BY ADDING SECTION 36; RELATING TO THE RIGHT TO VOTE A SECRET BALLOT REGARDING EMPLOYEE REPRESENTATION.

TEXT OF PROPOSED AMENDMENT

Be it resolved by the Senate of the State of Arizona, the House of Representatives 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. Right to secret ballot; employee representation

SECTION 36. THE RIGHT TO VOTE BY SECRET BALLOT FOR EMPLOYEE REPRESENTATION IS FUNDAMENTAL AND SHALL BE GUARANTEED WHERE LOCAL, STATE OR FEDERAL LAW PERMITS OR REQUIRES ELECTIONS, DESIGNATIONS OR AUTHORIZATIONS FOR EMPLOYEE REPRESENTATION.

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 113 would amend the Arizona Constitution to guarantee the fundamental right to vote by secret ballot when a local, state or federal law permits or requires an election, designation or authorization for employee representation.

ARGUMENTS "FOR" PROPOSITION 113

Argument in Favor of Proposition 113

Dear Arizona Taxpayer,

In America, for all elections that are mandated by government, voting by secret ballot is supposed to be a guaranteed constitutional right.

Unfortunately, radical progressives in Congress are trying to tilt the playing field in favor of labor union bosses, who are their biggest political allies. They have introduced the so-called "Employee Free Choice Act" (aka Card Check), to deny working Americans the right to a secret ballot in union elections.

If Congress takes away secret ballot elections for employee representation, ordinary workers would be subject to an increase in intimidation tactics by labor unions. Union bosses and organizers would be able to visit employees at the workplace and at their homes and pressure them to publicly accept union representation.

The economic result of losing the secret union ballot would be to impose an increase in labor costs on small businesses. Decent wages and pay raises come from greater productivity, not from government-backed union coercion. Because the union-government racket does nothing to increase productivity, it can only give some workers higher wages by putting other workers in the unemployment line.

Please read the text of Proposition 113—it's very short, and very important.

By voting YES on Proposition 113, Arizona citizens will enshrine our right to a secret ballot in the Arizona Constitution. We will thus create a judicial obstacle to the efforts of the radicals in Congress, and we will put those radicals on notice that Arizonans support worker freedom.

For more ideas on enhancing freedom and protecting free enterprise, contact the Arizona chapter of Americans for Prosperity, at www.aztaxpayers.org, (602) 478-0146, or tomjenney@cox.net.

Tom Jenney, Arizona Director, Americans for Prosperity, Phoenix

Farm Bureau Supports a "Yes" Vote on Proposition 113

Arguments against the secret ballot can be spun all day, but there is no denying the potential for mischief to coercion if we are to move away from it. The secret ballot should be sacrosanct.

Kevin G. Rogers, President, Arizona Farm Bureau Federation, Gilbert

James W. Klinker, Chief Administrative Officer, Arizona Farm Bureau Federation, Gilbert

Paid for by AG-PAC of Arizona Farm Bureau

Protect Your Right to a Secret Ballot

The right to vote a secret ballot is a fundamental freedom guaranteed all Americans. Unfortunately, certain special interests are spending millions of dollars in an effort to strip Americans of this right.

Proposition 113 simply guarantees that all Arizonans will be able to vote a secret ballot in any union election. This measure represents the foundation of American democracy and is a direct reaction to attempts at the federal level to pass so-called 'card-check' legislation that would undermine that fundamental freedom.

A secret ballot ensures that Arizonans can safely and freely vote for the representative of their choosing without intimidation. It is imperative that we protect this basic freedom and the voice of the individual citizen. With this constitutional amendment in place, voters will not fear retaliation for casting their vote one way or another, thereby encouraging more Arizonans to exercise this basic freedom.

It is for these reasons that we urge you to VOTE YES on Proposition 113.

Glenn Hamer, President & CEO, The Arizona Chamber of Commerce & Industry, Phoenix

Reginald M. Ballantyne III, Chairman, The Arizona Chamber of Commerce & Industry, Phoenix

Paid for by Arizona Chamber of Commerce & Industry

PROPOSITION 113

For more than a half-century, elections in the workplace have ensured voting without fear of intimidation and retribution. The secret ballot has guaranteed that the voter's decision is his or hers alone, and that no one is forced to cast a ballot with which he or she disagrees.

Citizens throughout the world envy our ability to choose our political, professional and employment representation without oversight by those with vested interests. Now Congress, at the behest of Big Labor, is seeking to undo this tried and true tradition. Voter intimidation is wrong, whether it comes from a union boss or an employee's boss. With a secret ballot, you're the boss. That's why it is important that this privilege is underscored through this constitutional amendment to guarantee Arizona's employees the right to a secret ballot in the workplace.

We urge you to vote "Yes" on the proposition.

Mary Ann Miller, President & CEO, Tempe Chamber of Commerce, Tempe	Steven Bauer, Chairman, Tempe Chamber of Commerce, Tempe	Glenn Hamer, President & CEO, Arizona Chamber of Commerce & Industry, Phoenix	Stephen Macias, Chairman, Arizona Manufacturers Council, Arizona Chamber of Commerce & Industry, Phoenix
Mya Beckley, Chairman, Prescott Chamber of Commerce, Prescott	David C. Maurer, CEO, Prescott Chamber of Commerce, Prescott	Garold L. Clark, Chairman, Tucson Metropolitan Chamber of Commerce, Tucson	John C. Camper, President, Tucson Metropolitan Chamber of Commerce, Tucson
Marnie L. Uhl, President & CEO, Prescott Valley Chamber of Commerce, Prescott Valley	Chris Kuknyo, Chairman, Prescott Valley Chamber of Commerce, Prescott Valley	Todd Sanders, President & CEO, Greater Phoenix Chamber of Commerce, Phoenix	Steve Wheeler, Chairman of the Board, Greater Phoenix Chamber of Commerce, Phoenix
Connie Wilhelm, President & CEO, Home Builders Association of Central Arizona, Scottsdale	Tom Davis, Chairman of the Board, Home Builders Association of Central Arizona, Scottsdale	Jim Vogt, Chairman, Glendale Chamber of Commerce, Glendale	Don Rinehart, President, Glendale Chamber of Commerce, Glendale
Julie Pastrick, President & CEO, Flagstaff Chamber of Commerce, Flagstaff	Gary Seley, Chairman, Flagstaff Chamber of Commerce, Flagstaff	Robert M. Childs, President, Green Valley Sahuarita Chamber of Commerce, Green Valley	Jim DiGiacomo, Executive Director, Green Valley Sahuarita Chamber of Commerce, Green Valley
Nathan Schaus, Board Member, Buckeye Valley Chamber of Commerce, Buckeye	Mike Nalker, Board Member, Buckeye Valley Chamber of Commerce, Buckeye	Terri Kimble, President & CEO, East Valley Chambers of Commerce Alliance; President & CEO, Ahwatukee Foothills Chamber of Commerce, Phoenix	Charles Thompson, Chairman, East Valley Chambers of Commerce Alliance, Phoenix
Kathryn Miller, Chair, Apache Junction Chamber of Commerce, Apache Junction	Dan Creed, Chairman, Board of Directors, Ahwatukee Foothills Chamber of Commerce, Phoenix	Charlie Deaton, President & CEO, Mesa Chamber of Commerce, Mesa	Tom Rhodes, Chairman of the Board, Mesa Chamber of Commerce, Mesa
JW Rayhons, Chairman, Gilbert Chamber of Commerce, Gilbert	Larry Johnson, CEO, Apache Junction Chamber of Commerce, Apache Junction	Chris Clark, Board Member, Queen Creek Chamber of Commerce, Queen Creek	Monica O'Toole, Board Member, Queen Creek Chamber of Commerce, Queen Creek
Kathlene A. Tilque, President & CEO, Gilbert Chamber of Commerce, Gilbert	Jaime Natividad, Board Chair, Chandler Chamber of Commerce, Chandler	Angela Creedon, Vice-Chair, Chandler Chamber of Commerce, Chandler	

Paid for by Tempe Chamber of Commerce

The Arizona Tourism Alliance urges Arizona voters to vote YES on Proposition 113.

The principle of voting in private by secret ballot has a long and cherished history in America. It has been employed to protect both the will of the majority and rights of the minority.

We have always employed the secret ballot in our federal, state and local elections giving the voters the privacy to make their own personal decisions without concern about any type of retribution or backlash from those who might disagree with their decision.

It was employed after the civil war to protect voting rights of recently emancipated slaves and has been a hallmark of protecting our civil rights ever since.

Proposition 113 will not make unionization any more difficult than it is now. Nothing in this proposal is taking away any rights or privileges that would allow employees to properly select union representation. In fact it preserves the process that is in place presently and has been in place for many decades.

Rather it will protect employees from any undue pressure, whether real or perceived, that may be applied in the unionization decision-making process. And likewise it will protect employers from unionization through intimidation – something that could add unnecessary expense to the cost of doing business and actually result in loss of jobs in the future. A secret ballot protects everyone and provides a level playing field with the same opportunity for communication by all.

The process for determining whether to establish a union in Arizona has a long and established history. This process is certainly not broken, nor does it require preventative maintenance. If it isn't broken, we certainly don't need it "fixed".

Let's preserve our rights and maintain the workable existing unionization process by voting YES on Proposition 113.

Jos Anshell, Secretary, Arizona Tourism Alliance, Phoenix **Deborah Johnson, President & CEO, Arizona Tourism Alliance, Phoenix**

Paid for by Arizona Tourism Alliance

Currently, the election process to organize a workplace is guaranteed by federal law and administered by the National Labor Relations Board. It ensures that neither a union nor an employer may coerce, harass or restrain employees in exercising their right to choose whether or not to support the union. Each employee's choice is made in the privacy of a voting booth, with neither the employer nor the union knowing how any individual voted.

However, there are increasing efforts by organized labor to force union recognition on small businesses outside of the protected secret ballot process. The use of so-called 'card-check agreements' has become a critical component of Big Labor's organizing strategy, since unions have struggled for years to win private-sector workplace elections.

Prop. 113 will help ensure Arizona's proud Right-to-Work traditions are honored while protecting the fundamental voting rights of our citizens and workers. The National Federation of Independent Business believes Prop. 113 will provide our essential and beleaguered engines of job creation, our small businesses, the constitutional support needed to stop at our state's borders the deceptively titled Employee Free Choice Act (EFCA) or other backdoor efforts to impose 'card check' on Arizona.

Arizona small business owners strongly support passage of Prop. 113. A July survey of NFIB/Arizona's 7,500 members found 83 percent in favor of the Save Our Secret Ballot proposition against less than 10 percent opposing it.

Congressional efforts like 'card check' are an assault on free enterprise with the potential to permanently cripple Arizona's economy. Prop. 113's protections will be a valuable shield for workers to defend against federal rules mandating that employers succumb to forced unionization without first holding a secret-ballot employee election.

Small business urges Arizonans to vote "YES" on Prop. 113 to Save Our Secret Ballot

Farrell Quinlan, State Director, National Federation of Independent Business – Arizona, Phoenix

Michael A. Crowe, Chairman, Leadership Council, National Federation of Independent Business – Arizona, Mesa

Paid for by National Federation of Independent Business - Arizona

ARGUMENTS “AGAINST” PROPOSITION 113

Arizonans deserve to vote on ballot measures that are straightforward and honest about what they do. Unfortunately, Proposition 113 is yet another deceptive ballot measure that claims to uphold our Arizonan values of freedom and fairness while actually selling them out. The corporate CEOs who back this proposition want to keep in place a system that puts employees at the bottom and silences your voice at work. Vote NO on Proposition 113, and keep Arizona free and fair.

Arizonans deserve real input into the issues facing their state, like how we will bring good jobs and quality education back to Arizona. Instead, Republican leadership sent to voters the misleading and meaningless Proposition 113. This proposition would have almost no effect on the vast majority of Arizonans. Rather, this attack on your protected rights at work would put the State of Arizona head on with a lawsuit that will cost taxpayer money. By saying NO to Proposition 113, we can save our limited resources for important things like more teachers and police officers. We'll also say NO to more deceptive, anti-worker ballot measures like Proposition 113.

Arizonans deserve ballot measures that ask us to decide on real issues—not just play a role in a corporate group’s publicity stunt. The backers of this ballot measure even admit that it would have little real effect in Arizona, but would use this vote to promote some national agenda of theirs. Proposition 113 is simply a publicity stunt at taxpayer expense that has no place in our democracy. Vote NO on Proposition 113, and keep Arizona free and fair.

Martin Murphy, President, Arizona AFL-CIO, Phoenix

Rebekah Friend, Secretary & Treasurer, Arizona AFL-CIO, Phoenix

Paid for by Arizona AFL CIO

I urge Arizona Voters to vote NO on Proposition 113.

Proposition 113 is a huge hoax on Arizona voters that will waste our tax dollars to benefit out-of-state Corporate CEOs. It does not benefit our state, or our economy.

This proposition is being pushed by a corporate front group to promote their national agenda. This group is taking advantage of Arizona’s referendum process for their political purposes.

The inevitable legal challenges, to this clearly unconstitutional referendum, will cost Arizona taxpayers considerable amounts of tax dollars at a time of limited resources. We need to be working on fixing our schools and bringing jobs to our state.

These same people have spent millions attacking our good public schools and tearing up the safety net that supports Arizona families during times of economic hardship.

Why are Corporate CEOs attacking your ability to make your voice heard at work? They want to make it harder for you to bargain for job security, safe working conditions, and decent wages.

Do not let out-of-state corporate bosses waste our tax dollars and drag Arizona into their political schemes. Protect your rights, VOTE NO on PROPOSITION 113.

Roman W. Ulman, Retiree, Mesa

Prop 113 is an anti-employee ballot measure that would limit workers’ rights and their ability to organize a collective voice by forming a union. Arizona workers should be able to decide if they want to form a union. This decision should be theirs alone and not their employers’.

The Arizona Education Association requests that you vote NO on Prop 113.

Arizona workers deserve a fair opportunity to determine whether or not to organize together. They have a right to make this decision free of employer harassment, delay, and other unfair tactics commonly practiced.

Do not be fooled by the deceptive title of this proposition. Under current federal law, an employer can choose to request a secret ballot election by the workers, even if more than 50 percent of the workers request union representation. The employer also can choose to accept the union as the workers’ representative without the time and expense of an election.

Prop 113 would require an election, even if 100 percent of the workers request union representation. Prop 113 would require an election by workers even if the employer agrees that no election is needed. Requiring an election under these circumstances is an unnecessary waste of time and money for both business and employees.

Arizonans can defeat Prop 113 and still use a secret ballot. Secret ballot elections are often part of the current process for forming a union; however, this election process can be manipulated by the employer, who may fire, intimidate, or otherwise unfairly treat workers in order to influence the outcome of an election.

On behalf of 31,000 public school teachers and employees across the state, the AEA asks you to vote NO on Prop 113.

Andrew Morrill, President, Arizona Education Association, Phoenix

**Joe Thomas, Vice President
Arizona Education Association, Phoenix**

Paid for by AEA Education Improvement Fund

Proposition 113 is misleading and should be rejected by voters. Union and nonunion workers should be offended by the selfish interests of the Arizona State Legislature, “returning the favor” to their corporate sponsors by producing this ill-conceived referendum. Despite media interpretations, Arizona workers already have the freedom to choose whether or not they want to join a Union. In fact, proposed legislation in Washington will not strip the decision for a secret ballot election to form a Union. Currently, it is the employer who makes the decision, and creates the roadblocks, to hold that election. If passed, the proposed Washington legislation would put the decision to hold a secret ballot election into the hands of the workers. Contrasting those employers and associations who would be affected by this state referendum, the number of employers who are signatory with the IBEW in Arizona is getting larger. These are the employers who should be praised by our State Representatives for their corporate citizenship. These employers not only pay fair wages for a fair day’s work, but they provide paid family medical benefits, retirement security, and spend, as an industry, over \$1,000,000 of private investment, every year, providing training to their workforce. You will not find these provisions with any non-union employer or association. Construction Trade Unions, in particular, not only represent the workers, but we bring overall value to the customer by working with our employer partners on improving construction efficiency and training for new innovations in technology. So, in comparison, we have a union represented industry providing value and solutions to a growing and evolving construction market; and State Legislators, with all the power and money, having nothing to contribute except for calling the union representatives “thugs”... Really?? Did they remove all the mirrors in their personal lives?

Shawn Hutchinson, Peoria

ARGUMENTS “AGAINST” PROPOSITION 113

Statement Against Proposition 113 (“Secret Ballot” for Worker Representation)

Protect your rights in the workplace by voting against Proposition 113. Working Arizonans know that Prop 113 is a misleading ballot initiative that would make it harder for workers to exercise their right to organize. The so called “secret ballot” proposition makes union elections less fair and allows unscrupulous employers to interrogate and threaten workers. Now more than ever, we need to ensure that all of Arizona’s workers have the right to earn a living wage and have safe working conditions. Allowing workers the right to organize helps all of Arizona’s workers by setting higher prevailing wages and workplace standards. Take a stand for fair organizing practices and vote NO on Proposition 113.

Ann Wallack, Chair, Maricopa County Democratic Party, Phoenix

Paid for by Maricopa County Democratic Party

Arizona Voters Should Say No to Proposition 113

The people of Arizona deserve a free and fair choice to form a union at their workplace. Proposition 113, however, attempts to silence the voices of working Arizonans and puts the interests of employees at the bottom. Vote NO on Proposition 113, and keep Arizona free and fair.

During this recession, Arizonans need the job security, affordable healthcare and better wages that union jobs can provide. Proposition 113 attacks your economic security by locking in place a system that benefits employers and hurts working Arizonans. For nearly fifty years, Congress has failed to fix our broken federal labor law, and now corporate CEOs want to make things even worse. This would ban majority sign-up, a fair and democratic way to form a union that has been used across the United States for decades. Vote NO on Proposition 113, and keep Arizona free and fair.

In a truly democratic election, both sides should be able to air their views and voters should be free of coercion. But under these so-called “secret ballot elections” mandated by Proposition 113, employers have the ability to delay voting for months and months, giving them more opportunities to intimidate employees and silence union supporters. No worker has a free and fair choice when management has threatened to close the workplace or cut wages if the union wins. Vote NO on Proposition 113, and tell corporate CEOs that Arizonans want and deserve a free and fair choice to form a union at their workplace.

Linda Hatfield, Chair, Pima Area Labor Federation, Tucson

David Garcia, Vice Chair, Pima Area Labor Federation, Tucson

Paid for by Pima Area Labor Federation, AFL-CIO

Say NO to Deceptive Ballot Measures. Say NO to Special Interest Legislation. Vote NO on Prop 113.

Proposition 113 is another effort by the legislature to deceive voters into enacting a constitutional change that serves big-spending lobbyists and their clients, not the people of Arizona. Cloaked in a phony argument that secret ballot elections are under attack, this constitutional amendment would perpetuate the current system that allows management to repeatedly delay union elections while they intimidate the workers and would forever bar workers from choosing any other method of forming a union. Not satisfied with no-strings-attached bailouts and unending special interest legislation that allow their clients to avoid paying taxes, the big-money lobbyists want the voters to stack the deck further in favor of big money clients. They court our legislators, wining and dining them in exclusive sky-boxes at prestigious sporting events. Is it any wonder the legislature is only too happy to place deceptive special interest legislation like this on the ballot?

If the backers of this measure think the voters should support Prop 113, they should have gone to the trouble and expense of securing voters’ signatures for a citizens’ initiative. Instead, our legislators bowed to national interest groups who are promoting this measure across the country and chose to save them hundreds of thousands of dollars by referring this measure directly to the ballot. They even cost Arizonans the thousands of dollars necessary for a special legislative session to put it on the ballot. Workers should have the freedom to choose if they want to organize and how they want to organize. We do not need a constitutional amendment barring all but one method of organizing – the kind special interests like to manipulate. We urge voters to reject Prop 113.

**Michael J. Valder, President, Arizona Advocacy Network,
Phoenix**

Eric Ehst, Treasurer, Arizona Advocacy Network, Phoenix

Paid for by Arizona Advocacy Network



PROPOSITION 113 ~ BALLOT FORMAT



BALLOT FORMAT

PROPOSITION 113

PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE RELATING TO THE RIGHT TO VOTE A SECRET BALLOT REGARDING EMPLOYEE REPRESENTATION [SCR 1001]

BALLOT FORMAT FOR PROPOSITION 113

<p><u>A CONCURRENT RESOLUTION</u> PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, CONSTITUTION OF ARIZONA, BY ADDING SECTION 36; RELATING TO THE RIGHT TO VOTE A SECRET BALLOT REGARDING EMPLOYEE REPRESENTATION.</p>
<p><u>DESCRIPTIVE TITLE</u> GUARANTEES THE RIGHT UNDER STATE LAW OF INDIVIDUALS TO VOTE BY SECRET BALLOT WHERE LOCAL, STATE, OR FEDERAL LAW PERMITS OR REQUIRES ELECTIONS, DESIGNATIONS OR AUTHORIZATIONS FOR EMPLOYEE REPRESENTATION.</p>

<p>A “yes” vote shall have the effect of guaranteeing the right under state law of individuals to vote by secret ballot in elections, designations or authorizations for employee representation (including unions and employee organizations).</p>	<p>YES <input type="checkbox"/></p>
<p>A “no” vote shall have the effect of maintaining current law regarding secrecy in voting.</p>	<p>NO <input type="checkbox"/></p>



PROPOSITION 203



OFFICIAL TITLE

AN INITIATIVE MEASURE

AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 28.1; AMENDING SECTION 43-1201, ARIZONA REVISED STATUTES; RELATING TO THE MEDICAL USE OF MARIJUANA; PROVIDING FOR CONDITIONAL REPEAL.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the people of the state of Arizona:

Section 1. Title.

This act may be cited as the "Arizona Medical Marijuana Act."

Sec. 2. Findings.

The People of the State of Arizona find and declare the following:

- A. Marijuana's recorded use as a medicine goes back nearly 5,000 years... B. Studies published since the 1999 Institute of Medicine report... C. Marijuana has many currently accepted medical uses... D. Data from the Federal Bureau of Investigation's Uniform Crime Reports... E. Alaska, California, Colorado, Hawaii, Maine, Michigan, Montana, Nevada, New Mexico, Oregon, Vermont, Rhode Island and Washington... F. States are not required to enforce federal law... G. State law should make a distinction between the medical and nonmedical uses of marijuana.

Sec. 3. Title 36, Arizona Revised Statutes, is amended by adding Chapter 28.1 to read:

CHAPTER 28.1

ARIZONA MEDICAL MARIJUANA ACT

36-2801. Definitions

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "ALLOWABLE AMOUNT OF MARIJUANA"

(a) WITH RESPECT TO A QUALIFYING PATIENT, THE "ALLOWABLE AMOUNT OF MARIJUANA" MEANS:

- (i) TWO-AND-ONE-HALF OUNCES OF USABLE MARIJUANA; AND
(ii) IF THE QUALIFYING PATIENT'S REGISTRY IDENTIFICATION CARD STATES THAT THE QUALIFYING PATIENT IS AUTHORIZED TO CULTIVATE MARIJUANA, TWELVE MARIJUANA PLANTS CONTAINED IN AN ENCLOSED, LOCKED FACILITY EXCEPT THAT THE PLANTS ARE NOT REQUIRED TO BE IN AN ENCLOSED, LOCKED FACILITY IF THE PLANTS ARE BEING TRANSPORTED BECAUSE THE QUALIFYING PATIENT IS MOVING.

(b) WITH RESPECT TO A DESIGNATED CAREGIVER, THE "ALLOWABLE AMOUNT OF MARIJUANA" FOR EACH PATIENT ASSISTED BY THE DESIGNATED CAREGIVER UNDER THIS CHAPTER MEANS:

- (i) TWO-AND-ONE-HALF OUNCES OF USABLE MARIJUANA; AND
(ii) IF THE DESIGNATED CAREGIVER'S REGISTRY IDENTIFICATION CARD PROVIDES THAT THE DESIGNATED CAREGIVER IS AUTHORIZED TO CULTIVATE MARIJUANA, TWELVE MARIJUANA PLANTS CONTAINED IN AN ENCLOSED, LOCKED FACILITY EXCEPT THAT THE PLANTS ARE NOT REQUIRED TO BE IN AN ENCLOSED, LOCKED FACILITY IF THE PLANTS ARE BEING TRANSPORTED BECAUSE THE DESIGNATED CAREGIVER IS MOVING.

(c) MARIJUANA THAT IS INCIDENTAL TO MEDICAL USE, BUT IS NOT USABLE MARIJUANA AS DEFINED IN THIS CHAPTER, SHALL NOT BE COUNTED TOWARD A QUALIFYING PATIENT'S OR DESIGNATED CAREGIVER'S ALLOWABLE AMOUNT OF MARIJUANA.

2. "CARDHOLDER" MEANS A QUALIFYING PATIENT, A DESIGNATED CAREGIVER OR A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT WHO HAS BEEN ISSUED AND POSSESSES A VALID REGISTRY IDENTIFICATION CARD.

3. "DEBILITATING MEDICAL CONDITION" MEANS ONE OR MORE OF THE FOLLOWING:

- (a) CANCER, GLAUCOMA, POSITIVE STATUS FOR HUMAN IMMUNODEFICIENCY VIRUS, ACQUIRED IMMUNE DEFICIENCY SYNDROME, HEPATITIS C, AMYOTROPHIC LATERAL SCLEROSIS, CROHN'S DISEASE, AGITATION OF ALZHEIMER'S DISEASE OR THE TREATMENT OF THESE CONDITIONS.
(b) A CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION OR ITS TREATMENT THAT PRODUCES ONE OR MORE OF THE FOLLOWING: CACHEXIA OR WASTING SYNDROME; SEVERE AND CHRONIC PAIN; SEVERE NAUSEA; SEIZURES, INCLUDING THOSE CHARACTERISTIC OF EPILEPSY; OR SEVERE AND PERSISTENT MUSCLE SPASMS, INCLUDING THOSE CHARACTERISTIC OF MULTIPLE SCLEROSIS.

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- (c) ANY OTHER MEDICAL CONDITION OR ITS TREATMENT ADDED BY THE DEPARTMENT PURSUANT TO SECTION 36-2801.01.
- 4. "DEPARTMENT" MEANS THE ARIZONA DEPARTMENT OF HEALTH SERVICES OR ITS SUCCESSOR AGENCY.
- 5. "DESIGNATED CAREGIVER" MEANS A PERSON WHO:
 - (a) IS AT LEAST TWENTY-ONE YEARS OF AGE.
 - (b) HAS AGREED TO ASSIST WITH A PATIENT'S MEDICAL USE OF MARIJUANA.
 - (c) HAS NOT BEEN CONVICTED OF AN EXCLUDED FELONY OFFENSE.
 - (d) ASSISTS NO MORE THAN FIVE QUALIFYING PATIENTS WITH THE MEDICAL USE OF MARIJUANA.
 - (e) MAY RECEIVE REIMBURSEMENT FOR ACTUAL COSTS INCURRED IN ASSISTING A REGISTERED QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA IF THE REGISTERED DESIGNATED CAREGIVER IS CONNECTED TO THE REGISTERED QUALIFYING PATIENT THROUGH THE DEPARTMENT'S REGISTRATION PROCESS. THE DESIGNATED CAREGIVER MAY NOT BE PAID ANY FEE OR COMPENSATION FOR HIS SERVICE AS A CAREGIVER. PAYMENT FOR COSTS UNDER THIS SUBDIVISION SHALL NOT CONSTITUTE AN OFFENSE UNDER TITLE 13, CHAPTER 34 OR UNDER TITLE 36, CHAPTER 27, ARTICLE 4.
- 6. "ENCLOSED, LOCKED FACILITY" MEANS A CLOSET, ROOM, GREENHOUSE OR OTHER ENCLOSED AREA EQUIPPED WITH LOCKS OR OTHER SECURITY DEVICES THAT PERMIT ACCESS ONLY BY A CARDHOLDER.
- 7. "EXCLUDED FELONY OFFENSE" MEANS:
 - (a) A VIOLENT CRIME AS DEFINED IN SECTION 13-901.03, SUBSECTION B, THAT WAS CLASSIFIED AS A FELONY IN THE JURISDICTION WHERE THE PERSON WAS CONVICTED.
 - (b) A VIOLATION OF A STATE OR FEDERAL CONTROLLED SUBSTANCE LAW THAT WAS CLASSIFIED AS A FELONY IN THE JURISDICTION WHERE THE PERSON WAS CONVICTED BUT DOES NOT INCLUDE:
 - (i) AN OFFENSE FOR WHICH THE SENTENCE, INCLUDING ANY TERM OF PROBATION, INCARCERATION OR SUPERVISED RELEASE, WAS COMPLETED TEN OR MORE YEARS EARLIER.
 - (ii) AN OFFENSE INVOLVING CONDUCT THAT WOULD BE IMMUNE FROM ARREST, PROSECUTION OR PENALTY UNDER SECTION 36-2811 EXCEPT THAT THE CONDUCT OCCURRED BEFORE THE EFFECTIVE DATE OF THIS CHAPTER OR WAS PROSECUTED BY AN AUTHORITY OTHER THAN THE STATE OF ARIZONA.
- 8. "MARIJUANA" MEANS ALL PARTS OF ANY PLANT OF THE GENUS CANNABIS WHETHER GROWING OR NOT, AND THE SEEDS OF SUCH PLANT.
- 9. "MEDICAL USE" MEANS THE ACQUISITION, POSSESSION, CULTIVATION, MANUFACTURE, USE, ADMINISTRATION, DELIVERY, TRANSFER OR TRANSPORTATION OF MARIJUANA OR PARAPHERNALIA RELATING TO THE ADMINISTRATION OF MARIJUANA TO TREAT OR ALLEVIATE A REGISTERED QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE PATIENT'S DEBILITATING MEDICAL CONDITION.
- 10. "NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT" MEANS A PRINCIPAL OFFICER, BOARD MEMBER, EMPLOYEE OR VOLUNTEER OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND HAS NOT BEEN CONVICTED OF AN EXCLUDED FELONY OFFENSE.
- 11. "NONPROFIT MEDICAL MARIJUANA DISPENSARY" MEANS A NOT-FOR-PROFIT ENTITY THAT ACQUIRES, POSSESSES, CULTIVATES, MANUFACTURES, DELIVERS, TRANSFERS, TRANSPORTS, SUPPLIES, SELLS OR DISPENSES MARIJUANA OR RELATED SUPPLIES AND EDUCATIONAL MATERIALS TO CARDHOLDERS. A NONPROFIT MEDICAL MARIJUANA DISPENSARY MAY RECEIVE PAYMENT FOR ALL EXPENSES INCURRED IN ITS OPERATION.
- 12. "PHYSICIAN" MEANS A DOCTOR OF MEDICINE WHO HOLDS A VALID AND EXISTING LICENSE TO PRACTICE MEDICINE PURSUANT TO TITLE 32, CHAPTER 13 OR ITS SUCCESSOR, A DOCTOR OF OSTEOPATHIC MEDICINE WHO HOLDS A VALID AND EXISTING LICENSE TO PRACTICE OSTEOPATHIC MEDICINE PURSUANT TO TITLE 32, CHAPTER 17 OR ITS SUCCESSOR, A NATUROPATHIC PHYSICIAN WHO HOLDS A VALID AND EXISTING LICENSE TO PRACTICE NATUROPATHIC MEDICINE PURSUANT TO TITLE 32, CHAPTER 14 OR ITS SUCCESSOR OR A HOMEOPATHIC PHYSICIAN WHO HOLDS A VALID AND EXISTING LICENSE TO PRACTICE HOMEOPATHIC MEDICINE PURSUANT TO TITLE 32, CHAPTER 29 OR ITS SUCCESSOR.
- 13. "QUALIFYING PATIENT" MEANS A PERSON WHO HAS BEEN DIAGNOSED BY A PHYSICIAN AS HAVING A DEBILITATING MEDICAL CONDITION.
- 14. "REGISTRY IDENTIFICATION CARD" MEANS A DOCUMENT ISSUED BY THE DEPARTMENT THAT IDENTIFIES A PERSON AS A REGISTERED QUALIFYING PATIENT, REGISTERED DESIGNATED CAREGIVER OR A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.
- 15. "USABLE MARIJUANA" MEANS THE DRIED FLOWERS OF THE MARIJUANA PLANT, AND ANY MIXTURE OR PREPARATION THEREOF, BUT DOES NOT INCLUDE THE SEEDS, STALKS AND ROOTS OF THE PLANT AND DOES NOT INCLUDE THE WEIGHT OF ANY NON-MARIJUANA INGREDIENTS COMBINED WITH MARIJUANA AND PREPARED FOR CONSUMPTION AS FOOD OR DRINK.
- 16. "VERIFICATION SYSTEM" MEANS A SECURE, PASSWORD-PROTECTED, WEB-BASED SYSTEM ESTABLISHED AND MAINTAINED BY THE DEPARTMENT THAT IS AVAILABLE TO LAW ENFORCEMENT PERSONNEL AND NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS ON A TWENTY-FOUR HOUR BASIS FOR VERIFICATION OF REGISTRY IDENTIFICATION CARDS.
- 17. "VISITING QUALIFYING PATIENT" MEANS A PERSON:
 - (a) WHO IS NOT A RESIDENT OF ARIZONA OR WHO HAS BEEN A RESIDENT OF ARIZONA LESS THAN THIRTY DAYS.
 - (b) WHO HAS BEEN DIAGNOSED WITH A DEBILITATING MEDICAL CONDITION BY A PERSON WHO IS LICENSED WITH AUTHORITY TO PRESCRIBE DRUGS TO HUMANS IN THE STATE OF THE PERSON'S RESIDENCE OR, IN THE CASE OF A PERSON WHO HAS BEEN A RESIDENT OF ARIZONA LESS THAN THIRTY DAYS, THE STATE OF THE PERSON'S FORMER RESIDENCE.
- 18. "WRITTEN CERTIFICATION" MEANS A DOCUMENT DATED AND SIGNED BY A PHYSICIAN, STATING THAT IN THE PHYSICIAN'S PROFESSIONAL OPINION THE PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE MEDICAL USE OF MARIJUANA TO TREAT OR ALLEVIATE THE PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE DEBILITATING MEDICAL CONDITION. THE PHYSICIAN MUST:
 - (a) SPECIFY THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION IN THE WRITTEN CERTIFICATION.
 - (b) SIGN AND DATE THE WRITTEN CERTIFICATION ONLY IN THE COURSE OF A PHYSICIAN-PATIENT RELATIONSHIP AFTER THE PHYSICIAN HAS COMPLETED A FULL ASSESSMENT OF THE QUALIFYING PATIENT'S MEDICAL HISTORY.

36-2801.01. Addition of debilitating medical conditions.

THE PUBLIC MAY PETITION THE DEPARTMENT TO ADD DEBILITATING MEDICAL CONDITIONS OR TREATMENTS TO THE LIST OF DEBILITATING MEDICAL CONDITIONS SET FORTH IN SECTION 36-2801, PARAGRAPH -3-. THE DEPARTMENT SHALL CONSIDER PETITIONS IN THE MANNER REQUIRED BY DEPARTMENT RULE, INCLUDING PUBLIC NOTICE AND HEARING. THE DEPARTMENT SHALL APPROVE OR DENY A PETITION WITHIN ONE-HUNDRED-EIGHTY DAYS OF ITS SUBMISSION. THE APPROVAL OR DENIAL OF A PETITION IS A FINAL DECISION OF THE DEPARTMENT SUBJECT TO JUDICIAL REVIEW PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6. JURISDICTION AND VENUE ARE VESTED IN THE SUPERIOR COURT.

36-2802. Arizona Medical Marijuana Act: limitations

THIS CHAPTER DOES NOT AUTHORIZE ANY PERSON TO ENGAGE IN, AND DOES NOT PREVENT THE IMPOSITION OF ANY CIVIL, CRIMINAL OR OTHER PENALTIES FOR ENGAGING IN, THE FOLLOWING CONDUCT:

- A. UNDERTAKING ANY TASK UNDER THE INFLUENCE OF MARIJUANA THAT WOULD CONSTITUTE NEGLIGENCE OR PROFESSIONAL MALPRACTICE.
- B. POSSESSING OR ENGAGING IN THE MEDICAL USE OF MARIJUANA:
 - 1. ON A SCHOOL BUS.
 - 2. ON THE GROUNDS OF ANY PRESCHOOL OR PRIMARY OR SECONDARY SCHOOL.
 - 3. IN ANY CORRECTIONAL FACILITY.
- C. SMOKING MARIJUANA:
 - 1. ON ANY FORM OF PUBLIC TRANSPORTATION.
 - 2. IN ANY PUBLIC PLACE.
- D. OPERATING, NAVIGATING OR BEING IN ACTUAL PHYSICAL CONTROL OF ANY MOTOR VEHICLE, AIRCRAFT OR MOTORBOAT WHILE UNDER THE INFLUENCE OF MARIJUANA, EXCEPT THAT A REGISTERED QUALIFYING PATIENT SHALL NOT BE CONSIDERED TO BE UNDER THE INFLUENCE OF MARIJUANA SOLELY BECAUSE OF THE PRESENCE OF METABOLITES OR COMPONENTS OF MARIJUANA THAT APPEAR IN INSUFFICIENT CONCENTRATION TO CAUSE IMPAIRMENT.
- E. USING MARIJUANA EXCEPT AS AUTHORIZED UNDER THIS CHAPTER.

36-2803. Rulemaking

A. NOT LATER THAN ONE HUNDRED TWENTY DAYS AFTER THE EFFECTIVE DATE OF THIS CHAPTER, THE DEPARTMENT SHALL ADOPT RULES:

- 1. GOVERNING THE MANNER IN WHICH THE DEPARTMENT SHALL CONSIDER PETITIONS FROM THE PUBLIC TO ADD DEBILITATING MEDICAL CONDITIONS OR TREATMENTS TO THE LIST OF DEBILITATING MEDICAL CONDITIONS SET FORTH IN SECTION 36-2801, PARAGRAPH 3, INCLUDING PUBLIC NOTICE OF, AND AN OPPORTUNITY TO COMMENT IN A PUBLIC HEARING UPON, PETITIONS.
- 2. ESTABLISHING THE FORM AND CONTENT OF REGISTRATION AND RENEWAL APPLICATIONS SUBMITTED UNDER THIS CHAPTER.
- 3. GOVERNING THE MANNER IN WHICH IT SHALL CONSIDER APPLICATIONS FOR AND RENEWALS OF REGISTRY IDENTIFICATION CARDS.
- 4. GOVERNING NONPROFIT MEDICAL MARIJUANA DISPENSARIES, FOR THE PURPOSE OF PROTECTING AGAINST DIVERSION AND THEFT WITHOUT IMPOSING AN UNDUE BURDEN ON NONPROFIT MEDICAL MARIJUANA DISPENSARIES OR COMPROMISING THE CONFIDENTIALITY OF CARDHOLDERS, INCLUDING:
 - (a) THE MANNER IN WHICH THE DEPARTMENT SHALL CONSIDER APPLICATIONS FOR AND RENEWALS OF REGISTRATION CERTIFICATES.
 - (b) MINIMUM OVERSIGHT REQUIREMENTS FOR NONPROFIT MEDICAL MARIJUANA DISPENSARIES.
 - (c) MINIMUM RECORDKEEPING REQUIREMENTS FOR NONPROFIT MEDICAL MARIJUANA DISPENSARIES.
 - (d) MINIMUM SECURITY REQUIREMENTS FOR NONPROFIT MEDICAL MARIJUANA DISPENSARIES, INCLUDING REQUIREMENTS FOR PROTECTION OF EACH REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY LOCATION BY A FULLY OPERATIONAL SECURITY ALARM SYSTEM.
 - (e) PROCEDURES FOR SUSPENDING OR REVOKING THE REGISTRATION CERTIFICATE OF NONPROFIT MEDICAL MARIJUANA DISPENSARIES THAT VIOLATE THE PROVISIONS OF THIS CHAPTER OR THE RULES ADOPTED PURSUANT TO THIS SECTION.
- 5. ESTABLISHING APPLICATION AND RENEWAL FEES FOR REGISTRY IDENTIFICATION CARDS AND NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION CERTIFICATES, ACCORDING TO THE FOLLOWING:
 - (a) THE TOTAL AMOUNT OF ALL FEES SHALL GENERATE REVENUES SUFFICIENT TO IMPLEMENT AND ADMINISTER THIS CHAPTER EXCEPT THAT FEE REVENUE MAY BE OFFSET OR SUPPLEMENTED BY PRIVATE DONATIONS.
 - (b) NONPROFIT MEDICAL MARIJUANA DISPENSARY APPLICATION FEES MAY NOT EXCEED \$5,000.
 - (c) NONPROFIT MEDICAL MARIJUANA DISPENSARY RENEWAL FEES MAY NOT EXCEED \$1,000.
 - (d) THE TOTAL AMOUNT OF REVENUE FROM NONPROFIT MEDICAL MARIJUANA DISPENSARY APPLICATION AND RENEWAL FEES AND REGISTRY IDENTIFICATION CARD FEES FOR NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS SHALL BE SUFFICIENT TO IMPLEMENT AND ADMINISTER THE NONPROFIT MEDICAL MARIJUANA DISPENSARY PROVISIONS OF THIS CHAPTER, INCLUDING THE VERIFICATION SYSTEM, EXCEPT THAT THE FEE REVENUE MAY BE OFFSET OR SUPPLEMENTED BY PRIVATE DONATIONS.
 - (e) THE DEPARTMENT MAY ESTABLISH A SLIDING SCALE OF PATIENT APPLICATION AND RENEWAL FEES BASED UPON A QUALIFYING PATIENT'S HOUSEHOLD INCOME.
 - (f) THE DEPARTMENT MAY CONSIDER PRIVATE DONATIONS UNDER SECTION 36-2817 TO REDUCE APPLICATION AND RENEWAL FEES.

B. THE DEPARTMENT IS AUTHORIZED TO ADOPT THE RULES SET FORTH IN SUBSECTION A AND SHALL ADOPT THOSE RULES PURSUANT TO TITLE 41, CHAPTER 6.

36-2804. Registration and certification of nonprofit medical marijuana dispensaries

- A. NONPROFIT MEDICAL MARIJUANA DISPENSARIES SHALL REGISTER WITH THE DEPARTMENT.
- B. NOT LATER THAN NINETY DAYS AFTER RECEIVING AN APPLICATION FOR A NONPROFIT MEDICAL MARIJUANA DISPENSARY, THE DEPARTMENT SHALL REGISTER THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AND ISSUE A REGISTRATION CERTIFICATE AND A RANDOM 20-DIGIT ALPHANUMERIC IDENTIFICATION NUMBER IF:
 - 1. THE PROSPECTIVE NONPROFIT MEDICAL MARIJUANA DISPENSARY HAS SUBMITTED THE FOLLOWING:
 - (a) THE APPLICATION FEE.
 - (b) AN APPLICATION, INCLUDING:
 - (i) THE LEGAL NAME OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY.
 - (ii) THE PHYSICAL ADDRESS OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AND THE PHYSICAL ADDRESS OF ONE ADDITIONAL LOCATION, IF ANY, WHERE MARIJUANA WILL BE CULTIVATED, NEITHER OF WHICH MAY BE WITHIN FIVE HUNDRED FEET OF A PUBLIC OR PRIVATE SCHOOL EXISTING BEFORE THE DATE OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY APPLICATION.
 - (iii) THE NAME, ADDRESS AND DATE OF BIRTH OF EACH PRINCIPAL OFFICER AND BOARD MEMBER OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY.
 - (iv) THE NAME, ADDRESS AND DATE OF BIRTH OF EACH NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.
 - (c) OPERATING PROCEDURES CONSISTENT WITH DEPARTMENT RULES FOR OVERSIGHT OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY, INCLUDING PROCEDURES TO ENSURE ACCURATE RECORD-KEEPING AND ADEQUATE SECURITY MEASURES.
 - (d) IF THE CITY, TOWN OR COUNTY IN WHICH THE NONPROFIT MEDICAL MARIJUANA DISPENSARY WOULD BE LOCATED HAS ENACTED ZONING RESTRICTIONS, A SWORN STATEMENT CERTIFYING THAT THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IS IN COMPLIANCE WITH THE RESTRICTIONS.
 - 2. NONE OF THE PRINCIPAL OFFICERS OR BOARD MEMBERS HAS BEEN CONVICTED OF AN EXCLUDED FELONY OFFENSE.

- 3. NONE OF THE PRINCIPAL OFFICERS OR BOARD MEMBERS HAS SERVED AS A PRINCIPAL OFFICER OR BOARD MEMBER FOR A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT HAS HAD ITS REGISTRATION CERTIFICATE REVOKED.
- 4. NONE OF THE PRINCIPAL OFFICERS OR BOARD MEMBERS IS UNDER TWENTY-ONE YEARS OF AGE.
- C. THE DEPARTMENT MAY NOT ISSUE MORE THAN ONE NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION CERTIFICATE FOR EVERY TEN PHARMACIES THAT HAVE REGISTERED UNDER SECTION 32-1929, HAVE OBTAINED A PHARMACY PERMIT FROM THE ARIZONA BOARD OF PHARMACY AND OPERATE WITHIN THE STATE EXCEPT THAT THE DEPARTMENT MAY ISSUE NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION CERTIFICATES IN EXCESS OF THIS LIMIT IF NECESSARY TO ENSURE THAT THE DEPARTMENT ISSUES AT LEAST ONE NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION CERTIFICATE IN EACH COUNTY IN WHICH AN APPLICATION HAS BEEN APPROVED.
- D. THE DEPARTMENT MAY CONDUCT A CRIMINAL RECORDS CHECK IN ORDER TO CARRY OUT THIS SECTION.
- 36-2804.01. Registration of nonprofit medical marijuana dispensary agents; notices; civil penalty; classification**
 - A. A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT SHALL BE REGISTERED WITH THE DEPARTMENT BEFORE VOLUNTEERING OR WORKING AT A MEDICAL MARIJUANA DISPENSARY.
 - B. A NONPROFIT MEDICAL MARIJUANA DISPENSARY MAY APPLY TO THE DEPARTMENT FOR A REGISTRY IDENTIFICATION CARD FOR A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT BY SUBMITTING:
 - 1. THE NAME, ADDRESS AND DATE OF BIRTH OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.
 - 2. A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT APPLICATION.
 - 3. A STATEMENT SIGNED BY THE PROSPECTIVE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT PLEDGING NOT TO DIVERT MARIJUANA TO ANYONE WHO IS NOT ALLOWED TO POSSESS MARIJUANA PURSUANT TO THIS CHAPTER.
 - 4. THE APPLICATION FEE.
 - C. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY SHALL NOTIFY THE DEPARTMENT WITHIN TEN DAYS AFTER A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT CEASES TO BE EMPLOYED BY OR VOLUNTEER AT THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY.
 - D. NO PERSON WHO HAS BEEN CONVICTED OF AN EXCLUDED FELONY OFFENSE MAY BE A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.
 - E. THE DEPARTMENT MAY CONDUCT A CRIMINAL RECORDS CHECK IN ORDER TO CARRY OUT THIS SECTION.
- 36-2804.02. Registration of qualifying patients and designated caregivers**
 - A. A QUALIFYING PATIENT MAY APPLY TO THE DEPARTMENT FOR A REGISTRY IDENTIFICATION CARD BY SUBMITTING:
 - 1. WRITTEN CERTIFICATION ISSUED BY A PHYSICIAN WITHIN THE NINETY DAYS IMMEDIATELY PRECEDING THE DATE OF APPLICATION.
 - 2. THE APPLICATION FEE.
 - 3. AN APPLICATION, INCLUDING:
 - (a) NAME, MAILING ADDRESS, RESIDENCE ADDRESS AND DATE OF BIRTH OF THE QUALIFYING PATIENT EXCEPT THAT IF THE APPLICANT IS HOMELESS NO ADDRESS IS REQUIRED.
 - (b) NAME, ADDRESS AND TELEPHONE NUMBER OF THE QUALIFYING PATIENT'S PHYSICIAN.
 - (c) NAME, ADDRESS AND DATE OF BIRTH OF THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER, IF ANY.
 - (d) A STATEMENT SIGNED BY THE QUALIFYING PATIENT PLEDGING NOT TO DIVERT MARIJUANA TO ANYONE WHO IS NOT ALLOWED TO POSSESS MARIJUANA PURSUANT TO THIS CHAPTER.
 - (e) A SIGNED STATEMENT FROM THE DESIGNATED CAREGIVER, IF ANY, AGREEING TO BE THE PATIENT'S DESIGNATED CAREGIVER AND PLEDGING NOT TO DIVERT MARIJUANA TO ANYONE WHO IS NOT ALLOWED TO POSSESS MARIJUANA PURSUANT TO THIS CHAPTER.
 - (f) A DESIGNATION AS TO WHO WILL BE ALLOWED TO CULTIVATE MARIJUANA PLANTS FOR THE QUALIFYING PATIENT'S MEDICAL USE IF A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IS NOT OPERATING WITHIN TWENTY-FIVE MILES OF THE QUALIFYING PATIENT'S HOME.
 - B. THE APPLICATION FOR A QUALIFYING PATIENT'S REGISTRY IDENTIFICATION CARD SHALL ASK WHETHER THE PATIENT WOULD LIKE THE DEPARTMENT TO NOTIFY HIM OF ANY CLINICAL STUDIES NEEDING HUMAN SUBJECTS FOR RESEARCH ON THE MEDICAL USE OF MARIJUANA. THE DEPARTMENT SHALL NOTIFY INTERESTED PATIENTS IF IT IS NOTIFIED OF STUDIES THAT WILL BE CONDUCTED IN THE UNITED STATES.
- 36-2804.03. Issuance of registry identification cards**
 - A. EXCEPT AS PROVIDED IN SUBSECTION B AND IN SECTION 36-2804.05, THE DEPARTMENT SHALL:
 - 1. VERIFY THE INFORMATION CONTAINED IN AN APPLICATION OR RENEWAL SUBMITTED PURSUANT TO THIS CHAPTER AND APPROVE OR DENY AN APPLICATION OR RENEWAL WITHIN TEN DAYS OF RECEIVING A COMPLETED APPLICATION OR RENEWAL.
 - 2. ISSUE A REGISTRY IDENTIFICATION CARD TO A QUALIFYING PATIENT AND HIS DESIGNATED CAREGIVER, IF ANY, WITHIN FIVE DAYS OF APPROVING THE APPLICATION OR RENEWAL. A DESIGNATED CAREGIVER MUST HAVE A REGISTRY IDENTIFICATION CARD FOR EACH OF HIS QUALIFYING PATIENTS.
 - 3. ISSUE EACH NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT A REGISTRY IDENTIFICATION CARD AND LOG-IN INFORMATION FOR THE VERIFICATION SYSTEM WITHIN FIVE DAYS OF APPROVING THE APPLICATION OR RENEWAL.
 - B. THE DEPARTMENT MAY NOT ISSUE A REGISTRY IDENTIFICATION CARD TO A QUALIFYING PATIENT WHO IS UNDER THE AGE OF EIGHTEEN UNLESS:
 - 1. THE QUALIFYING PATIENT'S PHYSICIAN HAS EXPLAINED THE POTENTIAL RISKS AND BENEFITS OF THE MEDICAL USE OF MARIJUANA TO THE CUSTODIAL PARENT OR LEGAL GUARDIAN RESPONSIBLE FOR HEALTH CARE DECISIONS FOR THE QUALIFYING PATIENT.
 - 2. A CUSTODIAL PARENT OR LEGAL GUARDIAN RESPONSIBLE FOR HEALTH CARE DECISIONS FOR THE QUALIFYING PATIENT SUBMITS A WRITTEN CERTIFICATION FROM TWO PHYSICIANS.
 - 3. THE CUSTODIAL PARENT OR LEGAL GUARDIAN WITH RESPONSIBILITY FOR HEALTH CARE DECISIONS FOR THE QUALIFYING PATIENT CONSENTS IN WRITING TO:
 - (a) ALLOW THE QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA.
 - (b) SERVE AS THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER.
 - (c) CONTROL THE ACQUISITION OF THE MARIJUANA, THE DOSAGE AND THE FREQUENCY OF THE MEDICAL USE OF MARIJUANA BY THE QUALIFYING PATIENT.
 - C. A REGISTRY IDENTIFICATION CARD, OR ITS EQUIVALENT, THAT IS ISSUED UNDER THE LAWS OF ANOTHER STATE, DISTRICT, TERRITORY, COMMONWEALTH OR INSULAR POSSESSION OF THE UNITED STATES THAT ALLOWS A VISITING QUALIFYING PATIENT TO POSSESS OR USE MARIJUANA FOR MEDICAL PURPOSES IN THE JURISDICTION OF ISSUANCE HAS THE SAME FORCE AND EFFECT WHEN HELD BY A VISITING QUALIFYING PATIENT AS A REGISTRY IDENTIFICATION CARD ISSUED BY THE DEPARTMENT,

EXCEPT THAT A VISITING QUALIFYING PATIENT IS NOT AUTHORIZED TO OBTAIN MARIJUANA FROM A NONPROFIT MEDICAL MARIJUANA DISPENSARY.

36-2804.04. Registry identification cards

A. REGISTRY IDENTIFICATION CARDS FOR QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS SHALL CONTAIN ALL OF THE FOLLOWING:

1. NAME, ADDRESS AND DATE OF BIRTH OF THE CARDHOLDER.
2. A STATEMENT OF WHETHER THE CARDHOLDER IS A QUALIFYING PATIENT OR A DESIGNATED CAREGIVER.
3. THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE REGISTRY IDENTIFICATION CARD.
4. A RANDOM 20-DIGIT ALPHANUMERIC IDENTIFICATION NUMBER, CONTAINING AT LEAST FOUR NUMBERS AND AT LEAST FOUR LETTERS, THAT IS UNIQUE TO THE CARDHOLDER.
5. IF THE CARDHOLDER IS A DESIGNATED CAREGIVER, THE RANDOM IDENTIFICATION NUMBER OF THE REGISTERED QUALIFYING PATIENT THE DESIGNATED CAREGIVER IS ASSISTING.
6. A PHOTOGRAPH OF THE CARDHOLDER.
7. A CLEAR INDICATION OF WHETHER THE CARDHOLDER HAS BEEN AUTHORIZED BY THIS CHAPTER TO CULTIVATE MARIJUANA PLANTS FOR THE QUALIFYING PATIENT'S MEDICAL USE.

B. REGISTRY IDENTIFICATION CARDS FOR NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS SHALL CONTAIN THE FOLLOWING:

1. THE NAME, ADDRESS AND DATE OF BIRTH OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.
2. A STATEMENT THAT THE CARDHOLDER IS A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.
3. THE LEGAL NAME OF THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY WITH WHICH THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT IS AFFILIATED.
4. A RANDOM 20-DIGIT ALPHANUMERIC IDENTIFICATION NUMBER THAT IS UNIQUE TO THE CARDHOLDER.
5. THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE REGISTRY IDENTIFICATION CARD.
6. A PHOTOGRAPH, IF THE DEPARTMENT DECIDES TO REQUIRE ONE.
7. IF THE REGISTRY IDENTIFICATION CARD OF EITHER A QUALIFYING PATIENT OR THE PATIENT'S DESIGNATED CAREGIVER DOES NOT STATE THAT THE CARDHOLDER IS AUTHORIZED TO CULTIVATE MARIJUANA PLANTS, THEN THE DEPARTMENT MUST GIVE WRITTEN NOTICE TO THE REGISTERED QUALIFYING PATIENT, WHEN THE QUALIFYING PATIENT'S REGISTRY IDENTIFICATION CARD IS ISSUED, OF THE NAME AND ADDRESS OF ALL REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES.

36-2804.05. Denial of registry identification card

A. THE DEPARTMENT MAY DENY AN APPLICATION OR RENEWAL OF A QUALIFYING PATIENT'S REGISTRY IDENTIFICATION CARD ONLY IF THE APPLICANT:

1. DOES NOT MEET THE REQUIREMENTS OF SECTION 36-2801, PARAGRAPH 13.
2. DOES NOT PROVIDE THE INFORMATION REQUIRED.
3. PREVIOUSLY HAD A REGISTRY IDENTIFICATION CARD REVOKED FOR VIOLATING THIS CHAPTER.
4. PROVIDES FALSE INFORMATION.

B. THE DEPARTMENT MAY DENY AN APPLICATION OR RENEWAL OF A DESIGNATED CAREGIVER'S REGISTRY IDENTIFICATION CARD IF THE APPLICANT:

1. DOES NOT MEET THE REQUIREMENTS OF SECTION 36-2801, PARAGRAPH 5.
2. DOES NOT PROVIDE THE INFORMATION REQUIRED.
3. PREVIOUSLY HAD A REGISTRY IDENTIFICATION CARD REVOKED FOR VIOLATING THIS CHAPTER.
4. PROVIDES FALSE INFORMATION.

C. THE DEPARTMENT MAY DENY A REGISTRY IDENTIFICATION CARD TO A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT IF:

1. THE AGENT APPLICANT DOES NOT MEET THE REQUIREMENTS OF SECTION 36-2801(10).
2. THE APPLICANT OR DISPENSARY DID NOT PROVIDE THE REQUIRED INFORMATION.
3. PREVIOUSLY HAD A REGISTRY IDENTIFICATION CARD REVOKED FOR VIOLATING THIS CHAPTER.
4. THE APPLICANT OR DISPENSARY PROVIDES FALSE INFORMATION.

D. THE DEPARTMENT MAY CONDUCT A CRIMINAL RECORDS CHECK OF EACH DESIGNATED CAREGIVER OR NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT APPLICANT TO CARRY OUT THIS SECTION.

E. THE DEPARTMENT SHALL GIVE WRITTEN NOTICE TO THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY OF THE REASON FOR DENYING A REGISTRY IDENTIFICATION CARD TO A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.

F. THE DEPARTMENT SHALL GIVE WRITTEN NOTICE TO THE QUALIFYING PATIENT OF THE REASON FOR DENYING A REGISTRY IDENTIFICATION CARD TO THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER.

G. DENIAL OF AN APPLICATION OR RENEWAL IS CONSIDERED A FINAL DECISION OF THE DEPARTMENT SUBJECT TO JUDICIAL REVIEW PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6. JURISDICTION AND VENUE FOR JUDICIAL REVIEW ARE VESTED IN THE SUPERIOR COURT.

36-2804.06. Expiration and renewal of registry identification cards and registration certificates: replacement

A. ALL REGISTRY IDENTIFICATION CARDS AND REGISTRATION CERTIFICATES EXPIRE ONE YEAR AFTER DATE OF ISSUE.

B. A REGISTRY IDENTIFICATION CARD OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT SHALL BE CANCELLED AND HIS ACCESS TO THE VERIFICATION SYSTEM SHALL BE DEACTIVATED UPON NOTIFICATION TO THE DEPARTMENT BY A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT IS NO LONGER EMPLOYED BY OR NO LONGER VOLUNTEERS AT THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY.

C. A RENEWAL NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION CERTIFICATE SHALL BE ISSUED WITHIN TEN DAYS OF RECEIPT OF THE PRESCRIBED RENEWAL APPLICATION AND RENEWAL FEE FROM A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IF ITS REGISTRATION CERTIFICATE IS NOT UNDER SUSPENSION AND HAS NOT BEEN REVOKED.

D. IF A CARDHOLDER LOSES HIS REGISTRY IDENTIFICATION CARD, HE SHALL PROMPTLY NOTIFY THE DEPARTMENT. WITHIN FIVE DAYS OF THE NOTIFICATION, AND UPON PAYMENT OF A TEN DOLLAR FEE, THE DEPARTMENT SHALL ISSUE A NEW REGISTRY IDENTIFICATION CARD WITH A NEW RANDOM IDENTIFICATION NUMBER TO THE CARDHOLDER AND, IF THE CARDHOLDER IS A REGISTERED QUALIFYING PATIENT, TO THE REGISTERED QUALIFYING PATIENT'S REGISTERED DESIGNATED CAREGIVER, IF ANY.

36-2805. Facility restrictions

A. ANY NURSING CARE INSTITUTION, HOSPICE, ASSISTED LIVING CENTER, ASSISTED LIVING FACILITY, ASSISTED LIVING HOME, RESIDENTIAL CARE INSTITUTION, ADULT DAY HEALTH CARE FACILITY OR ADULT FOSTER CARE HOME LICENSED UNDER TITLE 36, CHAPTER 4, MAY ADOPT REASONABLE RESTRICTIONS ON THE USE OF MARIJUANA BY THEIR RESIDENTS OR PERSONS RECEIVING INPATIENT SERVICES, INCLUDING:

1. THAT THE FACILITY WILL NOT STORE OR MAINTAIN THE PATIENT'S SUPPLY OF MARIJUANA.
2. THAT THE FACILITY, CAREGIVERS OR HOSPICE AGENCIES SERVING THE FACILITY'S RESIDENTS ARE NOT RESPONSIBLE FOR PROVIDING THE MARIJUANA FOR QUALIFYING PATIENTS.

- 3. THAT MARIJUANA BE CONSUMED BY A METHOD OTHER THAN SMOKING.
- 4. THAT MARIJUANA BE CONSUMED ONLY IN A PLACE SPECIFIED BY THE FACILITY.
- B. NOTHING IN THIS SECTION REQUIRES A FACILITY LISTED IN SUBSECTION A TO ADOPT RESTRICTIONS ON THE MEDICAL USE OF MARIJUANA.
- C. A FACILITY LISTED IN SUBSECTION A MAY NOT UNREASONABLY LIMIT A REGISTERED QUALIFYING PATIENT'S ACCESS TO OR USE OF MARIJUANA AUTHORIZED UNDER THIS CHAPTER UNLESS FAILING TO DO SO WOULD CAUSE FACILITY TO LOSE A MONETARY OR LICENSING-RELATED BENEFIT UNDER FEDERAL LAW OR REGULATIONS.

36-2806. Registered nonprofit medical marijuana dispensaries: requirements

- A. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY SHALL BE OPERATED ON A NOT-FOR-PROFIT BASIS. THE BYLAWS OF A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY SHALL CONTAIN SUCH PROVISIONS RELATIVE TO THE DISPOSITION OF REVENUES AND RECEIPTS TO ESTABLISH AND MAINTAIN ITS NONPROFIT CHARACTER. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY NEED NOT BE RECOGNIZED AS TAX-EXEMPT BY THE INTERNAL REVENUE SERVICE AND IS NOT REQUIRED TO INCORPORATE PURSUANT TO TITLE 10, CHAPTER 19, ARTICLE 1.
- B. THE OPERATING DOCUMENTS OF A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY SHALL INCLUDE PROCEDURES FOR THE OVERSIGHT OF THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY AND PROCEDURES TO ENSURE ACCURATE RECORDKEEPING.
- C. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY SHALL HAVE A SINGLE SECURE ENTRANCE AND SHALL IMPLEMENT APPROPRIATE SECURITY MEASURES TO DETER AND PREVENT THE THEFT OF MARIJUANA AND UNAUTHORIZED ENTRANCE INTO AREAS CONTAINING MARIJUANA.
- D. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IS PROHIBITED FROM ACQUIRING, POSSESSING, CULTIVATING, MANUFACTURING, DELIVERING, TRANSFERRING, TRANSPORTING, SUPPLYING OR DISPENSING MARIJUANA FOR ANY PURPOSE EXCEPT TO ASSIST REGISTERED QUALIFYING PATIENTS WITH THE MEDICAL USE OF MARIJUANA DIRECTLY OR THROUGH THE REGISTERED QUALIFYING PATIENTS' DESIGNATED CAREGIVERS.
- E. ALL CULTIVATION OF MARIJUANA MUST TAKE PLACE IN AN ENCLOSED, LOCKED FACILITY AT A PHYSICAL ADDRESS PROVIDED TO THE DEPARTMENT DURING THE REGISTRATION PROCESS, WHICH CAN ONLY BE ACCESSED BY REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS ASSOCIATED IN THE REGISTRY WITH THE NONPROFIT MEDICAL MARIJUANA DISPENSARY.
- F. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY MAY ACQUIRE USABLE MARIJUANA OR MARIJUANA PLANTS FROM A REGISTERED QUALIFYING PATIENT OR A REGISTERED DESIGNATED CAREGIVER ONLY IF THE REGISTERED QUALIFYING PATIENT OR REGISTERED DESIGNATED CAREGIVER RECEIVES NO COMPENSATION FOR THE MARIJUANA.
- G. A NONPROFIT MEDICAL MARIJUANA DISPENSARY SHALL NOT PERMIT ANY PERSON TO CONSUME MARIJUANA ON THE PROPERTY OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY.
- H. REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES ARE SUBJECT TO REASONABLE INSPECTION BY THE DEPARTMENT. THE DEPARTMENT SHALL GIVE REASONABLE NOTICE OF AN INSPECTION UNDER THIS SUBSECTION.

36-2806.01. Dispensary locations

CITIES, TOWNS AND COUNTIES MAY ENACT REASONABLE ZONING REGULATIONS THAT LIMIT THE USE OF LAND FOR REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES TO SPECIFIED AREAS IN THE MANNER PROVIDED IN TITLE 9, CHAPTER 4, ARTICLE 6.1, AND TITLE 11, CHAPTER 6, ARTICLE 2.

36-2806.02. Dispensing marijuana for medical use

- A. BEFORE MARIJUANA MAY BE DISPENSED TO A REGISTERED DESIGNATED CAREGIVER OR A REGISTERED QUALIFYING PATIENT, A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT MUST ACCESS THE VERIFICATION SYSTEM AND DETERMINE FOR THE REGISTERED QUALIFYING PATIENT FOR WHOM THE MARIJUANA IS INTENDED AND ANY REGISTERED DESIGNATED CAREGIVER TRANSPORTING THE MARIJUANA TO THE PATIENT, THAT:
 - 1. THE REGISTRY IDENTIFICATION CARD PRESENTED TO THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IS VALID.
 - 2. EACH PERSON PRESENTING A REGISTRY IDENTIFICATION CARD IS THE PERSON IDENTIFIED ON THE REGISTRY IDENTIFICATION CARD PRESENTED TO THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.
 - 3. THE AMOUNT TO BE DISPENSED WOULD NOT CAUSE THE REGISTERED QUALIFYING PATIENT TO EXCEED THE LIMIT ON OBTAINING NO MORE THAN TWO-AND-ONE-HALF OUNCES OF MARIJUANA DURING ANY FOURTEEN-DAY PERIOD.
- B. AFTER MAKING THE DETERMINATIONS REQUIRED IN SUBSECTION A, BUT BEFORE DISPENSING MARIJUANA TO A REGISTERED QUALIFYING PATIENT OR A REGISTERED DESIGNATED CAREGIVER ON A REGISTERED QUALIFYING PATIENT'S BEHALF, A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT MUST ENTER THE FOLLOWING INFORMATION IN THE VERIFICATION SYSTEM:
 - 1. HOW MUCH MARIJUANA IS BEING DISPENSED TO THE REGISTERED QUALIFYING PATIENT.
 - 2. WHETHER IT WAS DISPENSED DIRECTLY TO THE REGISTERED QUALIFYING PATIENT OR TO THE REGISTERED QUALIFYING PATIENT'S REGISTERED DESIGNATED CAREGIVER.
 - 3. THE DATE AND TIME THE MARIJUANA WAS DISPENSED.
 - 4. THE REGISTRY IDENTIFICATION CARD NUMBER OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AND OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT WHO DISPENSED THE MARIJUANA.

36-2807. Verification system

- A. WITHIN ONE HUNDRED TWENTY DAYS OF THE EFFECTIVE DATE OF THIS CHAPTER, THE DEPARTMENT SHALL ESTABLISH A SECURE, PASSWORD-PROTECTED, WEB-BASED VERIFICATION SYSTEM FOR USE ON A TWENTY-FOUR HOUR BASIS BY LAW ENFORCEMENT PERSONNEL AND NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS TO VERIFY REGISTRY IDENTIFICATION CARDS.
- B. THE VERIFICATION SYSTEM MUST ALLOW LAW ENFORCEMENT PERSONNEL AND NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS TO ENTER A REGISTRY IDENTIFICATION NUMBER AND VERIFY WHETHER THE NUMBER CORRESPONDS WITH A CURRENT, VALID IDENTIFICATION CARD.
- C. THE SYSTEM SHALL DISCLOSE:
 - 1. THE NAME OF THE CARDHOLDER, BUT MUST NOT DISCLOSE THE CARDHOLDER'S ADDRESS.
 - 2. THE AMOUNT OF MARIJUANA THAT EACH REGISTERED QUALIFYING PATIENT RECEIVED FROM NONPROFIT MEDICAL MARIJUANA DISPENSARIES DURING THE PAST SIXTY DAYS.
- D. THE VERIFICATION SYSTEM MUST INCLUDE THE FOLLOWING DATA SECURITY FEATURES:
 - 1. ANY TIME AN AUTHORIZED USER ENTERS FIVE INVALID REGISTRY IDENTIFICATION NUMBERS WITHIN FIVE MINUTES, THAT USER CANNOT LOG IN TO THE SYSTEM AGAIN FOR TEN MINUTES.
 - 2. A USERS LOG-IN INFORMATION SHALL BE DEACTIVATED AFTER 5 INCORRECT LOGIN ATTEMPTS UNTIL THE AUTHORIZED USER CONTACTS THE DEPARTMENT AND VERIFIES HIS IDENTITY.
 - 3. THE SERVER MUST REJECT ANY LOG-IN REQUEST THAT IS NOT OVER AN ENCRYPTED CONNECTION.

36-2808. Notifications to department; civil penalty

- A. A REGISTERED QUALIFYING PATIENT SHALL NOTIFY THE DEPARTMENT WITHIN TEN DAYS OF ANY CHANGE IN THE REGISTERED QUALIFYING PATIENT'S NAME, ADDRESS, DESIGNATED CAREGIVER OR PREFERENCE REGARDING WHO MAY CULTIVATE MARIJUANA FOR THE REGISTERED QUALIFYING PATIENT OR IF THE REGISTERED QUALIFYING PATIENT CEASES TO HAVE HIS DEBILITATING MEDICAL CONDITION.
- B. A REGISTERED DESIGNATED CAREGIVER OR NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT SHALL NOTIFY THE DEPARTMENT WITHIN TEN DAYS OF ANY CHANGE IN HIS NAME OR ADDRESS.
- C. WHEN A CARDHOLDER NOTIFIES THE DEPARTMENT OF ANY CHANGES LISTED IN SUBSECTION A BUT REMAINS ELIGIBLE UNDER THIS CHAPTER, THE DEPARTMENT SHALL ISSUE THE CARDHOLDER A NEW REGISTRY IDENTIFICATION CARD WITH NEW RANDOM 20-DIGIT ALPHANUMERIC IDENTIFICATION NUMBERS WITHIN TEN DAYS OF RECEIVING THE UPDATED INFORMATION AND A TEN-DOLLAR FEE. IF THE PERSON NOTIFYING THE DEPARTMENT IS A REGISTERED QUALIFYING PATIENT, THE DEPARTMENT SHALL ALSO ISSUE HIS REGISTERED DESIGNATED CAREGIVER, IF ANY, A NEW REGISTRY IDENTIFICATION CARD WITHIN TEN DAYS OF RECEIVING THE UPDATED INFORMATION.
- D. IF THE REGISTERED QUALIFYING PATIENT'S CERTIFYING PHYSICIAN NOTIFIES THE DEPARTMENT IN WRITING THAT EITHER THE REGISTERED QUALIFYING PATIENT HAS CEASED TO SUFFER FROM A DEBILITATING MEDICAL CONDITION OR THAT THE PHYSICIAN NO LONGER BELIEVES THE PATIENT WOULD RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE MEDICAL USE OF MARIJUANA, THE CARD IS VOID UPON NOTIFICATION BY THE DEPARTMENT TO THE QUALIFYING PATIENT.
- E. WHEN A REGISTERED QUALIFYING PATIENT CEASES TO BE A REGISTERED QUALIFYING PATIENT OR CHANGES REGISTERED DESIGNATED CAREGIVER, THE DEPARTMENT SHALL PROMPTLY NOTIFY THE FORMER DESIGNATED CAREGIVER THAT HIS DUTIES AND RIGHTS UNDER THIS CHAPTER AS TO THAT QUALIFYING PATIENT EXPIRE FIFTEEN DAYS AFTER NOTIFICATION BY THE DEPARTMENT IS SENT.
- F. A REGISTERED QUALIFYING PATIENT, DESIGNATED CAREGIVER OR NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT WHO FAILS TO COMPLY WITH SUBSECTION A OR B IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN ONE HUNDRED FIFTY DOLLARS.

36-2809. Annual report

THE DEPARTMENT SHALL SUBMIT TO THE LEGISLATURE AN ANNUAL REPORT THAT DOES NOT DISCLOSE ANY IDENTIFYING INFORMATION ABOUT CARDHOLDERS, NONPROFIT MEDICAL MARIJUANA DISPENSARIES OR PHYSICIANS BUT CONTAINS AT LEAST ALL OF THE FOLLOWING INFORMATION:

1. THE NUMBER OF REGISTRY IDENTIFICATION CARD APPLICATIONS AND RENEWALS.
2. THE NUMBER OF QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS APPROVED IN EACH COUNTY.
3. THE NATURE OF THE DEBILITATING MEDICAL CONDITIONS OF THE QUALIFYING PATIENTS.
4. THE NUMBER OF REGISTRY IDENTIFICATION CARDS REVOKED.
5. THE NUMBER OF PHYSICIANS PROVIDING WRITTEN CERTIFICATIONS FOR QUALIFYING PATIENTS.
6. THE NUMBER OF REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES.
7. THE NUMBER OF NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS IN EACH COUNTY.

36-2810. Confidentiality

A. THE FOLLOWING INFORMATION RECEIVED AND RECORDS KEPT BY THE DEPARTMENT FOR PURPOSES OF ADMINISTERING THIS CHAPTER ARE CONFIDENTIAL, EXEMPT FROM TITLE 39, CHAPTER 1, ARTICLE 2, EXEMPT FROM SECTION 36-105 AND NOT SUBJECT TO DISCLOSURE TO ANY INDIVIDUAL OR PUBLIC OR PRIVATE ENTITY, EXCEPT AS NECESSARY FOR AUTHORIZED EMPLOYEES OF THE DEPARTMENT TO PERFORM OFFICIAL DUTIES OF THE DEPARTMENT PURSUANT TO THIS CHAPTER.

1. APPLICATIONS OR RENEWALS, THEIR CONTENTS AND SUPPORTING INFORMATION SUBMITTED BY QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS, INCLUDING INFORMATION REGARDING THEIR DESIGNATED CAREGIVERS AND PHYSICIANS.
2. APPLICATIONS OR RENEWALS, THEIR CONTENTS AND SUPPORTING INFORMATION SUBMITTED BY OR ON BEHALF OF NONPROFIT MEDICAL MARIJUANA DISPENSARIES IN COMPLIANCE WITH THIS CHAPTER, INCLUDING THE PHYSICAL ADDRESSES OF NONPROFIT MEDICAL MARIJUANA DISPENSARIES.
3. THE INDIVIDUAL NAMES AND OTHER INFORMATION IDENTIFYING PERSONS TO WHOM THE DEPARTMENT HAS ISSUED REGISTRY IDENTIFICATION CARDS.

B. ANY DISPENSING INFORMATION REQUIRED TO BE KEPT UNDER SECTION 36-2806.02, SUBSECTION B, OR DEPARTMENT REGULATION SHALL IDENTIFY CARDHOLDERS BY THEIR REGISTRY IDENTIFICATION NUMBERS AND NOT CONTAIN NAMES OR OTHER PERSONALLY IDENTIFYING INFORMATION.

C. ANY DEPARTMENT HARD DRIVES OR OTHER DATA RECORDING MEDIA THAT ARE NO LONGER IN USE AND THAT CONTAIN CARDHOLDER INFORMATION MUST BE DESTROYED. THE DEPARTMENT SHALL RETAIN A SIGNED STATEMENT FROM A DEPARTMENT EMPLOYEE CONFIRMING THE DESTRUCTION.

D. DATA SUBJECT TO THIS SECTION SHALL NOT BE COMBINED OR LINKED IN ANY MANNER WITH ANY OTHER LIST OR DATABASE AND IT SHALL NOT BE USED FOR ANY PURPOSE NOT PROVIDED FOR IN THIS CHAPTER.

E. NOTHING IN THIS SECTION PRECLUDES THE FOLLOWING NOTIFICATIONS:

1. DEPARTMENT EMPLOYEES MAY NOTIFY LAW ENFORCEMENT ABOUT FALSIFIED OR FRAUDULENT INFORMATION SUBMITTED TO THE DEPARTMENT IF THE EMPLOYEE WHO SUSPECTS THAT FALSIFIED OR FRAUDULENT INFORMATION HAS BEEN SUBMITTED HAS CONFERRED WITH HIS SUPERVISOR AND BOTH AGREE THAT THE CIRCUMSTANCES WARRANT REPORTING.
2. THE DEPARTMENT MAY NOTIFY STATE OR LOCAL LAW ENFORCEMENT ABOUT APPARENT CRIMINAL VIOLATIONS OF THIS CHAPTER IF THE EMPLOYEE WHO SUSPECTS THE OFFENSE HAS CONFERRED WITH HIS SUPERVISOR AND BOTH AGREE THAT THE CIRCUMSTANCES WARRANT REPORTING.
3. NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS MAY NOTIFY THE DEPARTMENT OF A SUSPECTED VIOLATION OR ATTEMPTED VIOLATION OF THIS CHAPTER OR DEPARTMENT RULES.

F. NOTHING IN THIS SECTION PRECLUDES SUBMISSION OF THE SECTION 36-2809 REPORT TO THE LEGISLATURE. THE ANNUAL REPORT SUBMITTED TO THE LEGISLATURE IS SUBJECT TO TITLE 39, CHAPTER 1, ARTICLE 2.

36-2811. Presumption of medical use of marijuana; protections; civil penalty

A. THERE IS A PRESUMPTION THAT A QUALIFYING PATIENT OR DESIGNATED CAREGIVER IS ENGAGED IN THE MEDICAL USE OF MARIJUANA PURSUANT TO THIS CHAPTER.

1. THE PRESUMPTION EXISTS IF THE QUALIFYING PATIENT OR DESIGNATED CAREGIVER:
 - (a) IS IN POSSESSION OF A REGISTRY IDENTIFICATION CARD.
 - (b) IS IN POSSESSION OF AN AMOUNT OF MARIJUANA THAT DOES NOT EXCEED THE ALLOWABLE AMOUNT OF MARIJUANA.
2. THE PRESUMPTION MAY BE REBUTTED BY EVIDENCE THAT CONDUCT RELATED TO MARIJUANA WAS NOT FOR THE PURPOSE OF TREATING OR ALLEVIATING THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION PURSUANT TO THIS CHAPTER.

B. A REGISTERED QUALIFYING PATIENT OR REGISTERED DESIGNATED CAREGIVER IS NOT SUBJECT TO ARREST, PROSECUTION OR

PENALTY IN ANY MANNER, OR DENIAL OF ANY RIGHT OR PRIVILEGE, INCLUDING ANY CIVIL PENALTY OR DISCIPLINARY ACTION BY A COURT OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR BUREAU:

1. FOR THE REGISTERED QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA PURSUANT TO THIS CHAPTER, IF THE REGISTERED QUALIFYING PATIENT DOES NOT POSSESS MORE THAN THE ALLOWABLE AMOUNT OF MARIJUANA.
2. FOR THE REGISTERED DESIGNATED CAREGIVER ASSISTING A REGISTERED QUALIFYING PATIENT TO WHOM HE IS CONNECTED THROUGH THE DEPARTMENT'S REGISTRATION PROCESS WITH THE REGISTERED QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA PURSUANT TO THIS CHAPTER IF THE REGISTERED DESIGNATED CAREGIVER DOES NOT POSSESS MORE THAN THE ALLOWABLE AMOUNT OF MARIJUANA.
3. FOR OFFERING OR PROVIDING MARIJUANA TO A REGISTERED QUALIFYING PATIENT OR A REGISTERED DESIGNATED CAREGIVER FOR THE REGISTERED QUALIFYING PATIENT'S MEDICAL USE OR TO A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IF NOTHING OF VALUE IS TRANSFERRED IN RETURN AND THE PERSON GIVING THE MARIJUANA DOES NOT KNOWINGLY CAUSE THE RECIPIENT TO POSSESS MORE THAN THE ALLOWABLE AMOUNT OF MARIJUANA.
- C. A PHYSICIAN SHALL NOT BE SUBJECT TO ARREST, PROSECUTION OR PENALTY IN ANY MANNER OR DENIED ANY RIGHT OR PRIVILEGE, INCLUDING BUT NOT LIMITED TO CIVIL PENALTY OR DISCIPLINARY ACTION BY THE ARIZONA BOARD OF MEDICAL EXAMINERS OR BY ANY OTHER BUSINESS, OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR BUREAU, BASED SOLELY ON PROVIDING WRITTEN CERTIFICATIONS OR FOR OTHERWISE STATING THAT, IN THE PHYSICIAN'S PROFESSIONAL OPINION, A PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE MEDICAL USE OF MARIJUANA TO TREAT OR ALLEVIATE THE PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE DEBILITATING MEDICAL CONDITION, BUT NOTHING IN THIS CHAPTER PREVENTS A PROFESSIONAL LICENSING BOARD FROM SANCTIONING A PHYSICIAN FOR FAILING TO PROPERLY EVALUATE A PATIENT'S MEDICAL CONDITION OR OTHERWISE VIOLATING THE STANDARD OF CARE FOR EVALUATING MEDICAL CONDITIONS.
- D. NO PERSON MAY BE SUBJECT TO ARREST, PROSECUTION OR PENALTY IN ANY MANNER, OR DENIED ANY RIGHT OR PRIVILEGE, INCLUDING ANY CIVIL PENALTY OR DISCIPLINARY ACTION BY A COURT OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR BUREAU, FOR:
 1. PROVIDING A REGISTERED QUALIFYING PATIENT, A REGISTERED DESIGNATED CAREGIVER OR A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY WITH MARIJUANA PARAPHERNALIA FOR PURPOSES OF A QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA.
 2. BEING IN THE PRESENCE OR VICINITY OF THE MEDICAL USE OF MARIJUANA AUTHORIZED UNDER THIS CHAPTER.
 3. ASSISTING A REGISTERED QUALIFYING PATIENT WITH ADMINISTERING MARIJUANA AS AUTHORIZED BY THIS CHAPTER.
- E. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IS NOT SUBJECT TO PROSECUTION; SEARCH OR INSPECTION, EXCEPT BY THE DEPARTMENT PURSUANT TO SECTION 36-2806, SUBSECTION H; SEIZURE OR PENALTY IN ANY MANNER AND MAY NOT BE DENIED ANY RIGHT OR PRIVILEGE, INCLUDING CIVIL PENALTY OR DISCIPLINARY ACTION BY A COURT OR BUSINESS LICENSING BOARD OR ENTITY, FOR ACTING PURSUANT TO THIS CHAPTER AND DEPARTMENT REGULATIONS TO ACQUIRE, POSSESS, CULTIVATE, MANUFACTURE, DELIVER, TRANSFER, TRANSPORT, SUPPLY, SELL OR DISPENSE MARIJUANA OR RELATED SUPPLIES AND EDUCATIONAL MATERIALS TO REGISTERED QUALIFYING PATIENTS, TO REGISTERED DESIGNATED CAREGIVERS ON BEHALF OF REGISTERED QUALIFYING PATIENTS OR TO OTHER REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES.
- F. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT IS NOT SUBJECT TO ARREST, PROSECUTION, SEARCH, SEIZURE OR PENALTY IN ANY MANNER AND MAY NOT BE DENIED ANY RIGHT OR PRIVILEGE, INCLUDING CIVIL PENALTY OR DISCIPLINARY ACTION BY A COURT OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR ENTITY, FOR WORKING OR VOLUNTEERING FOR A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY PURSUANT TO THIS CHAPTER AND DEPARTMENT REGULATIONS TO ACQUIRE, POSSESS, CULTIVATE, MANUFACTURE, DELIVER, TRANSFER, TRANSPORT, SUPPLY, SELL OR DISPENSE MARIJUANA OR RELATED SUPPLIES AND EDUCATIONAL MATERIALS TO REGISTERED QUALIFYING PATIENTS, TO REGISTERED DESIGNATED CAREGIVERS ON BEHALF OF REGISTERED QUALIFYING PATIENTS OR TO OTHER REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES.
- G. PROPERTY, INCLUDING ALL INTERESTS IN THE PROPERTY, OTHERWISE SUBJECT TO FORFEITURE UNDER TITLE 13, CHAPTER 39, THAT IS POSSESSED, OWNED OR USED IN CONNECTION WITH THE MEDICAL USE OF MARIJUANA AUTHORIZED UNDER THIS CHAPTER OR ACTS INCIDENTAL TO THE MEDICAL USE OF MARIJUANA AUTHORIZED UNDER THIS CHAPTER, IS NOT SUBJECT TO SEIZURE OR FORFEITURE. THIS SUBSECTION DOES NOT PREVENT CIVIL FORFEITURE IF THE BASIS FOR THE FORFEITURE IS UNRELATED TO THE MEDICAL USE OF MARIJUANA.
- H. MERE POSSESSION OF, OR APPLICATION FOR, A REGISTRY IDENTIFICATION CARD MAY NOT CONSTITUTE PROBABLE CAUSE OR REASONABLE SUSPICION, NOR MAY IT BE USED TO SUPPORT THE SEARCH OF THE PERSON OR PROPERTY OF THE PERSON POSSESSING OR APPLYING FOR THE REGISTRY IDENTIFICATION CARD. THE POSSESSION OF, OR APPLICATION FOR, A REGISTRY IDENTIFICATION CARD DOES NOT PRECLUDE THE EXISTENCE OF PROBABLE CAUSE IF PROBABLE CAUSE EXISTS ON OTHER GROUNDS.
- I. NO SCHOOL, LANDLORD OR EMPLOYER MAY BE PENALIZED OR DENIED ANY BENEFIT UNDER STATE LAW FOR ENROLLING, LEASING TO OR EMPLOYING A REGISTERED QUALIFYING PATIENT OR A REGISTERED DESIGNATED CAREGIVER.

36-2812. Affirmative defense

- A. EXCEPT AS PROVIDED IN SECTION 36-2802, A QUALIFYING PATIENT AND A QUALIFYING PATIENT'S DESIGNATED CAREGIVER, IF ANY, MAY ASSERT THE MEDICAL PURPOSE FOR USING MARIJUANA AS A DEFENSE TO ANY PROSECUTION OF AN OFFENSE INVOLVING MARIJUANA INTENDED FOR A QUALIFYING PATIENT'S MEDICAL USE, AND THIS DEFENSE SHALL BE PRESUMED VALID WHERE THE EVIDENCE SHOWS THAT:
 1. A PHYSICIAN STATES THAT, IN THE PHYSICIAN'S PROFESSIONAL OPINION, AFTER HAVING COMPLETED A FULL ASSESSMENT OF THE QUALIFYING PATIENT'S MEDICAL HISTORY AND CURRENT MEDICAL CONDITION MADE IN THE COURSE OF A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP, THE QUALIFYING PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE MEDICAL USE OF MARIJUANA TO TREAT OR ALLEVIATE THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION.
 2. THE QUALIFYING PATIENT AND THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER, IF ANY, WERE COLLECTIVELY IN POSSESSION OF A QUANTITY OF MARIJUANA THAT WAS NOT MORE THAN WAS REASONABLY NECESSARY TO ENSURE THE UNINTERRUPTED AVAILABILITY OF MARIJUANA FOR THE PURPOSE OF TREATING OR ALLEVIATING THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION.
 3. ALL MARIJUANA PLANTS WERE CONTAINED IN AN ENCLOSED LOCKED FACILITY.
 4. THE QUALIFYING PATIENT AND THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER, IF ANY, WERE ENGAGED IN THE ACQUISITION, POSSESSION, CULTIVATION, MANUFACTURE, USE OR TRANSPORTATION OF MARIJUANA, PARAPHERNALIA OR BOTH, RELATING TO THE ADMINISTRATION OF MARIJUANA SOLELY TO TREAT OR ALLEVIATE THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION.

B. A PERSON MAY ASSERT THE MEDICAL PURPOSE FOR USING MARIJUANA IN A MOTION TO DISMISS, AND THE CHARGES SHALL BE DISMISSED FOLLOWING AN EVIDENTIARY HEARING WHERE THE PERSON SHOWS THE ELEMENTS LISTED IN SUBSECTION (A).

C. IF A QUALIFYING PATIENT OR A QUALIFYING PATIENT'S DESIGNATED CAREGIVER DEMONSTRATE THE QUALIFYING PATIENT'S MEDICAL PURPOSE FOR USING MARIJUANA PURSUANT TO THIS SECTION, THE QUALIFYING PATIENT AND THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER SHALL NOT BE SUBJECT TO THE FOLLOWING FOR THE QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA:

1. DISCIPLINARY ACTION BY A COURT OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR BUREAU.
2. FORFEITURE OF ANY INTEREST IN OR RIGHT TO NON-MARIJUANA, LICIT PROPERTY.

36-2813. Discrimination prohibited

A. NO SCHOOL OR LANDLORD MAY REFUSE TO ENROLL OR LEASE TO AND MAY NOT OTHERWISE PENALIZE A PERSON SOLELY FOR HIS STATUS AS A CARDHOLDER, UNLESS FAILING TO DO SO WOULD CAUSE THE SCHOOL OR LANDLORD TO LOSE A MONETARY OR LICENSING RELATED BENEFIT UNDER FEDERAL LAW OR REGULATIONS.

B. UNLESS A FAILURE TO DO SO WOULD CAUSE AN EMPLOYER TO LOSE A MONETARY OR LICENSING RELATED BENEFIT UNDER FEDERAL LAW OR REGULATIONS, AN EMPLOYER MAY NOT DISCRIMINATE AGAINST A PERSON IN HIRING, TERMINATION OR IMPOSING ANY TERM OR CONDITION OF EMPLOYMENT OR OTHERWISE PENALIZE A PERSON BASED UPON EITHER:

1. THE PERSON'S STATUS AS A CARDHOLDER.
2. A REGISTERED QUALIFYING PATIENT'S POSITIVE DRUG TEST FOR MARIJUANA COMPONENTS OR METABOLITES, UNLESS THE PATIENT USED, POSSESSED OR WAS IMPAIRED BY MARIJUANA ON THE PREMISES OF THE PLACE OF EMPLOYMENT OR DURING THE HOURS OF EMPLOYMENT.

C. FOR THE PURPOSES OF MEDICAL CARE, INCLUDING ORGAN TRANSPLANTS, A REGISTERED QUALIFYING PATIENT'S AUTHORIZED USE OF MARIJUANA MUST BE CONSIDERED THE EQUIVALENT OF THE USE OF ANY OTHER MEDICATION UNDER THE DIRECTION OF A PHYSICIAN AND DOES NOT CONSTITUTE THE USE OF AN ILLICIT SUBSTANCE OR OTHERWISE DISQUALIFY A REGISTERED QUALIFYING PATIENT FROM MEDICAL CARE.

D. NO PERSON MAY BE DENIED CUSTODY OF OR VISITATION OR PARENTING TIME WITH A MINOR, AND THERE IS NO PRESUMPTION OF NEGLECT OR CHILD ENDANGERMENT FOR CONDUCT ALLOWED UNDER THIS CHAPTER, UNLESS THE PERSON'S BEHAVIOR CREATES AN UNREASONABLE DANGER TO THE SAFETY OF THE MINOR AS ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE.

36-2814. Acts not required; acts not prohibited

A. NOTHING IN THIS CHAPTER REQUIRES:

1. A GOVERNMENT MEDICAL ASSISTANCE PROGRAM OR PRIVATE HEALTH INSURER TO REIMBURSE A PERSON FOR COSTS ASSOCIATED WITH THE MEDICAL USE OF MARIJUANA.
2. ANY PERSON OR ESTABLISHMENT IN LAWFUL POSSESSION OF PROPERTY TO ALLOW A GUEST, CLIENT, CUSTOMER OR OTHER VISITOR TO USE MARIJUANA ON OR IN THAT PROPERTY.
3. AN EMPLOYER TO ALLOW THE INGESTION OF MARIJUANA IN ANY WORKPLACE OR ANY EMPLOYEE TO WORK WHILE UNDER THE INFLUENCE OF MARIJUANA, EXCEPT THAT A REGISTERED QUALIFYING PATIENT SHALL NOT BE CONSIDERED TO BE UNDER THE INFLUENCE OF MARIJUANA SOLELY BECAUSE OF THE PRESENCE OF METABOLITES OR COMPONENTS OF MARIJUANA THAT APPEAR IN INSUFFICIENT CONCENTRATION TO CAUSE IMPAIRMENT.

B. NOTHING IN THIS CHAPTER PROHIBITS AN EMPLOYER FROM DISCIPLINING AN EMPLOYEE FOR INGESTING MARIJUANA IN THE WORKPLACE OR WORKING WHILE UNDER THE INFLUENCE OF MARIJUANA.

36-2815. Revocation

A. THE DEPARTMENT SHALL IMMEDIATELY REVOKE THE REGISTRY IDENTIFICATION CARD OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT WHO VIOLATES SECTION 36-2804.01, SUBSECTION D, OR SECTION 36-2816, SUBSECTION B. THE DEPARTMENT SHALL SUSPEND OR REVOKE THE REGISTRY IDENTIFICATION CARD OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT FOR OTHER VIOLATIONS OF THIS CHAPTER.

B. THE DEPARTMENT SHALL IMMEDIATELY REVOKE THE REGISTRATION CERTIFICATE OF A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT VIOLATES SECTION 2816, SUBSECTIONS B OR C, AND ITS BOARD MEMBERS AND PRINCIPAL OFFICERS MAY NOT SERVE AS THE BOARD MEMBERS OR PRINCIPAL OFFICERS FOR ANY OTHER REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY.

C. ANY CARDHOLDER WHO SELLS MARIJUANA TO A PERSON WHO IS NOT ALLOWED TO POSSESS MARIJUANA FOR MEDICAL PURPOSES UNDER THIS CHAPTER SHALL HAVE HIS REGISTRY IDENTIFICATION CARD REVOKED, AND SHALL BE SUBJECT TO OTHER PENALTIES FOR THE UNAUTHORIZED SALE OF MARIJUANA AND OTHER APPLICABLE OFFENSES.

D. THE DEPARTMENT MAY REVOKE THE REGISTRY IDENTIFICATION CARD OF ANY CARDHOLDER WHO KNOWINGLY VIOLATES THIS CHAPTER, AND THE CARDHOLDER SHALL BE SUBJECT TO OTHER PENALTIES FOR THE APPLICABLE OFFENSE.

E. REVOCATION IS A FINAL DECISION OF THE DEPARTMENT SUBJECT TO JUDICIAL REVIEW PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6. JURISDICTION AND VENUE ARE VESTED IN THE SUPERIOR COURT.

36-2816. Violations; civil penalty; classification

A. A REGISTERED QUALIFYING PATIENT MAY NOT DIRECTLY, OR THROUGH HIS DESIGNATED CAREGIVER, OBTAIN MORE THAN TWO-AND-ONE-HALF OUNCES OF MARIJUANA FROM REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES IN ANY FOURTEEN-DAY PERIOD.

B. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY OR AGENT MAY NOT DISPENSE, DELIVER OR OTHERWISE TRANSFER MARIJUANA TO A PERSON OTHER THAN ANOTHER REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY, A REGISTERED QUALIFYING PATIENT OR A REGISTERED QUALIFYING PATIENT'S REGISTERED DESIGNATED CAREGIVER.

C. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY MAY NOT ACQUIRE USABLE MARIJUANA OR MATURE MARIJUANA PLANTS FROM ANY PERSON OTHER THAN ANOTHER REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY, A REGISTERED QUALIFYING PATIENT OR A REGISTERED DESIGNATED CAREGIVER. A KNOWING VIOLATION OF THIS SUBSECTION IS A CLASS 2 FELONY.

D. IT IS A CLASS 1 MISDEMEANOR FOR ANY PERSON, INCLUDING AN EMPLOYEE OR OFFICIAL OF THE DEPARTMENT OR ANOTHER STATE AGENCY OR LOCAL GOVERNMENT, TO BREACH THE CONFIDENTIALITY OF INFORMATION OBTAINED PURSUANT TO THIS CHAPTER.

E. MAKING FALSE STATEMENTS TO A LAW ENFORCEMENT OFFICIAL ABOUT ANY FACT OR CIRCUMSTANCE RELATING TO THE MEDICAL USE OF MARIJUANA TO AVOID ARREST OR PROSECUTION IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS, WHICH SHALL BE IN ADDITION TO ANY OTHER PENALTIES THAT MAY APPLY FOR MAKING A FALSE STATEMENT OR FOR THE USE OF MARIJUANA OTHER THAN USE UNDERTAKEN PURSUANT TO THIS CHAPTER.

36-2817. Medical marijuana fund; private donations

A. THE MEDICAL MARIJUANA FUND IS ESTABLISHED CONSISTING OF FEES COLLECTED, CIVIL PENALTIES IMPOSED AND PRIVATE DONATIONS RECEIVED UNDER THIS CHAPTER. THE DEPARTMENT SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED.

B. THE DIRECTOR OF THE DEPARTMENT MAY ACCEPT AND SPEND PRIVATE GRANTS, GIFTS, DONATIONS, CONTRIBUTIONS AND DEVICES TO ASSIST IN CARRYING OUT THE PROVISIONS OF THIS CHAPTER.

C. MONIES IN THE MEDICAL MARIJUANA FUND DO NOT REVERT TO THE STATE GENERAL FUND AT THE END OF A FISCAL YEAR.

36-2818. Enforcement of this act; mandamus

A. IF THE DEPARTMENT FAILS TO ADOPT REGULATIONS TO IMPLEMENT THIS CHAPTER WITHIN ONE HUNDRED TWENTY DAYS OF THE EFFECTIVE DATE OF THIS CHAPTER, ANY CITIZEN MAY COMMENCE A MANDAMUS ACTION IN SUPERIOR COURT TO COMPEL THE DEPARTMENT TO PERFORM THE ACTIONS MANDATED UNDER THIS CHAPTER.

B. IF THE DEPARTMENT FAILS TO ISSUE A REGISTRY IDENTIFICATION CARD WITHIN FORTY-FIVE DAYS OF THE SUBMISSION OF A VALID APPLICATION OR RENEWAL, THE REGISTRY IDENTIFICATION CARD SHALL BE DEEMED ISSUED, AND A COPY OF THE REGISTRY IDENTIFICATION CARD APPLICATION OR RENEWAL IS DEEMED A VALID REGISTRY IDENTIFICATION CARD.

C. IF AT ANY TIME AFTER THE ONE HUNDRED FORTY DAYS FOLLOWING THE EFFECTIVE DATE OF THIS CHAPTER THE DEPARTMENT IS NOT ACCEPTING APPLICATIONS OR HAS NOT PROMULGATED RULES ALLOWING QUALIFYING PATIENTS TO SUBMIT APPLICATIONS, A NOTARIZED STATEMENT BY A QUALIFYING PATIENT CONTAINING THE INFORMATION REQUIRED IN AN APPLICATION PURSUANT TO SECTION 36-2804.02, SUBSECTION A, PARAGRAPH 3, TOGETHER WITH A WRITTEN CERTIFICATION ISSUED BY A PHYSICIAN WITHIN THE NINETY DAYS IMMEDIATELY PRECEDING THE NOTARIZED STATEMENT, SHALL BE DEEMED A VALID REGISTRY IDENTIFICATION CARD.

36-2819. Fingerprinting requirements

EACH PERSON APPLYING AS A DESIGNATED CAREGIVER, A PRINCIPAL OFFICER, AGENT OR EMPLOYEE OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY OR A MEDICAL MARIJUANA DISPENSARY AGENT SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE DEPARTMENT FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION WITHOUT DISCLOSING THAT THE RECORDS CHECK IS RELATED TO THE MEDICAL MARIJUANA ACT AND ACTS PERMITTED BY IT. THE DEPARTMENT SHALL DESTROY EACH SET OF FINGERPRINTS AFTER THE CRIMINAL RECORDS CHECK IS COMPLETED.

Sec. 4. Section 43-1201, Arizona Revised Statutes, is amended to read:

43-1201. Organizations exempt from tax

A. Organizations that are exempt from federal income tax under section 501 of the internal revenue code are exempt from the tax imposed under this title. In addition, the following organizations are exempt from the taxes imposed under this title, except as otherwise provided in this chapter:

1. Labor, agricultural or horticultural organizations, other than cooperative organizations.
2. Fraternal beneficiary societies, orders or organizations both:
 - (a) Operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system.
 - (b) Providing for the payment of life, sick, accident or other benefits to the members of such society, order or organization or their dependents.
3. Cemetery companies owned and operated exclusively for the benefit of their members or which are not operated for profit or any corporation chartered for burial purposes and not permitted by its charter to engage in any business not necessarily related to that purpose, no part of the net earnings of which inures to the benefit of any private shareholder or individual member thereof.
4. Corporations organized and operated exclusively for religious, charitable, scientific, literary or educational purposes or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation.
5. Business leagues, chambers of commerce, real estate boards or boards of trade, not organized for profit, no part of the net earnings of which inures to the benefit of any private shareholder or individual.
6. Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare or local organizations of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality, the net earnings of which are devoted exclusively to charitable, educational or recreational purposes.
7. Clubs organized and operated exclusively for pleasure, recreation and other non-profitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder.
8. Corporations organized for the exclusive purpose of holding title to property, collecting income therefrom and turning over the entire amount of such income, less expenses, to an organization which itself is exempt from the tax imposed by this title.
9. Voluntary employees' beneficiary organizations providing for the payment of life, sick, accident or other benefits to the members of such organizations or their dependents, if both of the following apply:
 - (a) No part of their net earnings inures, other than through such payments, to the benefit of any private shareholder or individual.
 - (b) Eighty-five per cent or more of the income consists of amounts collected from members and amounts contributed to the organization by the employer of the members for the sole purpose of making such payments and meeting expenses.
10. Teachers' or public employees' retirement fund organizations of a purely local character, if both of the following apply:
 - (a) No part of their net earnings inures to the benefit of any private shareholder or individual, other than through payment of retirement benefits.
 - (b) The income consists solely of amounts received from public taxation, amounts received from assessments upon the salaries of members and income in respect of investments. For the purposes of this paragraph, "public employees" means employees of the state and its political subdivisions.
11. Religious or apostolic organizations or corporations, if such organizations or corporations have a common treasury or community treasury, even if such corporations or organizations engage in business for the common benefit of the members, but only if the members thereof include, at the time of filing their returns, in their Arizona gross income their pro rata shares, whether distributed or not, of the net income of the organizations or corporations for such year. Any amount so included in the Arizona gross income of a member shall be treated as a dividend received.
12. Voluntary employees' beneficiary organizations providing for the payment of life, sick, accident or other benefits to the members of such organization, their dependents or their designated beneficiaries, if both of the following apply:
 - (a) Admission to membership in such organization is limited to individuals who are officers or employees of the United States government.
 - (b) No part of the net earnings of such organization inures, other than through such payments, to the benefit of any private shareholder or individual.
13. Corporations classified as diversified management companies under section 5 of the federal investment company act of 1940 and registered as provided in that act.
14. Insurance companies paying to the state tax upon premium income derived from sources within this state.
15. Mutual ditch, irrigation or water companies or similar nonprofit organizations if eighty-five per cent or more of the income consists of amounts collected from members for the sole purpose of meeting losses and expenses.

16. Workers' compensation pools established pursuant to section 23-961.01.

B. NONPROFIT MEDICAL MARIJUANA DISPENSARIES UNDER TITLE 36, CHAPTER 28.1, ARE EXEMPT FROM THE TAXES IMPOSED UNDER THIS TITLE.

Sec. 5. Conditional repeal; notice

A. Section 36-2812, Arizona Revised Statutes, as added by this act, is repealed as of the date the Arizona department of health services begins to issue registry identification cards to qualifying patients and designated caregivers.

B. The Arizona department of health services shall notify, in writing, the director of the Arizona legislative council of this date.

Sec. 6. Exemption from rule making

For the purposes of this act, the Department is exempt from the rule making requirements of Title 41, Chapter 6, Arizona Revised Statutes, for one year after the effective date of this act except that the Department shall provide the public with an opportunity to comment on proposed rules and shall publish otherwise exempted rules.

Sec. 7. Severability

If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

ANALYSIS BY LEGISLATIVE COUNCIL

Proposition 203 would allow a "qualifying patient" who has a "debilitating medical condition" to obtain an "allowable amount of marijuana" from a "nonprofit medical marijuana dispensary" and to possess and use the marijuana to treat or alleviate the debilitating medical condition or symptoms associated with the condition. The Arizona Department of Health Services (DHS) would be required to adopt and enforce a regulatory system for the distribution of marijuana for medical use, including a system for approving, renewing and revoking the registration of qualifying patients, designated caregivers, nonprofit dispensaries and dispensary agents. The costs of the regulatory system would be paid from application and renewal fees collected, civil penalties imposed and private donations received pursuant to this proposition.

A "qualifying patient" is defined as a person who has been diagnosed by a physician (a doctor of medicine, osteopathy, naturopathic medicine or homeopathy) as having one of the following debilitating medical conditions:

1. Cancer.
2. Glaucoma.
3. Positive status for human immunodeficiency virus.
4. Acquired immune deficiency syndrome.
5. Hepatitis C.
6. Amyotrophic lateral sclerosis.
7. Crohn's disease.
8. Agitation of Alzheimer's disease.
9. A chronic or debilitating disease or medical condition that produces any of the following:
 - a. Cachexia or wasting syndrome.
 - b. Severe and chronic pain.
 - c. Severe nausea.
 - d. Seizures (including those characteristic of epilepsy).
 - e. Severe and persistent muscle spasms (including those characteristic of multiple sclerosis).
10. Any other medical condition added by DHS through a public petition process.

In order to register with DHS, a qualifying patient must submit a signed written certification issued by the physician that states the physician's professional opinion that the patient is likely to receive therapeutic or symptom-relieving benefits from the medical use of marijuana to treat or alleviate a debilitating medical condition. The certification must specify the debilitating medical condition and must be made in the course of a physician-patient relationship after the physician has completed a full assessment of the patient's medical history. If the qualifying patient is under 18 years of age, the patient's custodial parent or legal guardian must submit written certifications from two physicians and the custodial parent or legal guardian must consent in writing to control the patient's medical use of the marijuana.

A qualifying patient who is registered with DHS (or a registered designated caregiver on behalf of the qualifying patient) may obtain up to 2.5 ounces of marijuana in a 14-day period from a registered nonprofit medical marijuana dispensary. If the qualifying patient's home is located more than 25 miles from the nearest nonprofit medical marijuana dispensary, the patient or designated caregiver may cultivate up to 12 marijuana plants in an enclosed, locked facility.

A registered nonprofit medical marijuana dispensary must be operated on a not-for-profit basis, but may receive payment for all expenses incurred in its operation. DHS may not issue more than one nonprofit medical marijuana dispensary registration certificate for every ten pharmacy permits issued by the Arizona State Board of Pharmacy under current law. The dispensary may cultivate marijuana only in an enclosed, locked facility and may acquire marijuana from a registered qualifying patient or designated caregiver if the patient or caregiver is not compensated for the marijuana. This proposition specifies various security, record-keeping and verification requirements relating to the operation of dispensaries.

Proposition 203 would generally provide that any person who acts in conformity with the requirements of the proposition is not subject to any governmentally imposed sanction relating to the medical use of marijuana. This proposition would prohibit certain discriminatory practices, including the following:

1. A school or landlord may not refuse to enroll or lease to a person registered pursuant to this proposition unless failing to do so would cause the school or landlord to lose a monetary or licensing benefit under federal law.
2. An employer may not discriminate against a person registered pursuant to this proposition in hiring, terminating or imposing employment conditions unless failing to do so would cause the employer to lose a monetary or licensing benefit under federal law. Further, an employer may not penalize a qualifying patient registered pursuant to this proposition for a positive drug test for marijuana, unless the patient used, possessed or was impaired by marijuana on the employment premises or during hours of employment.

By its terms, Proposition 203 would not:

1. Authorize a person to undertake any task under the influence of marijuana that constitutes negligence or professional malpractice.
2. Authorize possessing or using medical marijuana on a school bus, on the grounds of a preschool, primary school or high school or in a correctional facility.
3. Authorize smoking marijuana on public transportation or in a public place.
4. Authorize operating, navigating or being in actual physical control of a motor vehicle, aircraft or motorboat while under the influence of marijuana. A registered qualifying patient would not be considered to be under the influence of marijuana solely because of the presence of marijuana in the person's system that appears in a concentration insufficient to cause impairment.

5. Require a government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of marijuana.
6. Require an owner of private property to allow the use of marijuana on that property.
7. Require an employer to allow the ingestion of marijuana in the workplace.
8. Prevent a nursing care or other residential or inpatient healthcare facility from adopting reasonable restrictions on the provision, storage and use of marijuana by residents or patients.

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 203 is projected to cost the state Department of Health Services \$600,000 to operate in the first year and \$1.5 million in the second year. Once fully established in the third year, the projected cost is \$3.1 million. Proposition 203 requires this cost to be funded from application and renewal fees, civil penalties, and private donations.

ARGUMENTS "FOR" PROPOSITION 203

Medical marijuana saved my life.

This isn't a policy argument in favor of PROP 203; this is what happened to me, a young, outgoing, 26-year-old pursuing her dreams. I am sharing this so that anyone who has any doubt about the need for medical marijuana will understand the difference this medicine can make.

In 2007, I was diagnosed with stage IV brain cancer and given a grim prognosis: I likely had just six months to live. My only chance for survival was a brutal regimen of chemotherapy coupled with radiation. For months I endured muscle weakness, fatigue, loss of appetite, and strong bouts of nausea... I was losing weight, losing my hair and worst of all my strength. The side effects of the treatment were literally killing me and no pharmaceutical drug was alleviating any of my symptoms.

Running out of time and hope, I decided to follow the suggestion of a family member and try something I had never tried before in my life: marijuana.

I tried it and it helped. Almost immediately after using it, the severity of my nausea was diminished. I developed an appetite and was able to eat food. Gradually, I put on some weight and regained my strength.

Three years later, I am alive and feeling good. I continue to undergo monthly maintenance chemotherapy treatments. And when I do, I use some marijuana both before and after my treatments.

While my story is especially dramatic, there are other patients like me – with MS, HIV/AIDS or other conditions – who have found relief from marijuana.

We don't deserve to be jailed for using marijuana. And we would benefit from safe and reliable access to our medicine. So on behalf of myself and other patients; please vote YES on PROP 203.

Heather Torgerson, Chair, Arizona Medical Marijuana Policy Project, Phoenix

Paid for by Arizona Medical Marijuana Policy Project

WE THE PEOPLE...

With these three words, our founding fathers put together one of the most celebrated documents of our fledging nation. The U.S. Constitution (written on hemp paper) set out the basic rights for citizens to enjoy their freedom which holds true today as much as it did when the Constitution was written in 1789. Today you will have the opportunity to vote for an initiative which was put on the ballot by your fellow citizens.

If Arizona passes this initiative we will become the 15th state to allow seriously ill patients battling diseases like cancer, multiple sclerosis and HIV/AIDS to use medical marijuana, with their doctor's approval, which will relieve their pain and suffering and improve their quality of life.

- Prop 203 is self-funding. What this means is not a dime of taxpayer dollars will be used to implement the initiative if it passes.
- This model bill will tightly regulate the non-profit dispensaries limiting the number to 120 statewide.
- The initiative will require a doctors certification of need before a registry identification card will be issued. The Arizona Department of Health will administer the program and a secure database of patients will be maintained and only people who are seriously ill or dying will have access to medical marijuana.
- Voting yes on this initiative will prevent seriously ill patients from being threatened with arrest for the simple act of taking their doctor-recommended medicine.

By voting YES on this initiative you are fulfilling the dream as set out by Thomas Jefferson (President and hemp farmer). An interesting fact, Thomas Jefferson suffered from migraine headaches and was known to smoke Indian Hemp for pain relief.

Regardless of how you vote for this initiative, thank you for coming out to vote.

Michelle B. Graye, Tucson

Prop. 203 is about compassion, control and commonsense. We hope you will support it.

The purpose of the proposed law is to allow seriously ill patients, whose doctors believe they would benefit from the use of marijuana, to acquire the medicine they need under tightly regulated conditions. Quite simply, if you believe patients with specific qualifying conditions or symptoms should be able to use marijuana, then you can vote YES on this initiative with confidence that these patients – and only these patients – will benefit from the law.

Unlike California, where it's possible to get a doctor's recommendation to use marijuana for almost any condition, only patients with a limited number of serious and debilitating conditions, including cancer, HIV/AIDS, Alzheimer's Disease, glaucoma, Crohn's disease, and multiple sclerosis (MS), will be able to acquire medical marijuana in Arizona. Patients will also have to register with the state and will be entered into a database accessible by all medical marijuana dispensaries to ensure that patients cannot purchase more marijuana than they need.

Unlike Colorado, where state and local laws have made it possible for 500-1000 medical marijuana dispensaries to set up shop, the number of dispensaries in Arizona will be limited to one for every ten pharmacies. Currently, that means only 124 dispensaries will be allowed in the entire state.

Although this proposed law is restrictive, it will accomplish the most important goal of any medical marijuana law: it will protect seriously ill patients using medical marijuana from arrest and imprisonment. It will also free them from the shame, danger and unreliability of having to find the medicine they need on the streets.

There are thousands of patients in Arizona who will benefit from the passage of this initiative. Please help them by voting YES on Prop. 203.

Andrew Myers, Campaign Manager, Arizona Medical Marijuana Policy Project, Phoenix

Paid for by Arizona Medical Marijuana Policy Project

ARGUMENTS "FOR" PROPOSITION 203

ARGUMENTS "AGAINST" PROPOSITION 203

Dear Arizonan:

The ADHS does not support the passage of Proposition 203- the Arizona Medical Marijuana Act.

The FDA doesn't recognize smoking marijuana as a treatment for any medical condition. Despite this fact, the Arizona Medical Marijuana Act would let people apply for and receive registration cards that allow them to purchase and use marijuana for therapeutic purposes.

The medical conditions that qualify for a medical marijuana registration card include "a chronic or debilitating disease or medical condition or its treatment that produces severe or chronic pain." Smoking marijuana is not part of the normal medical management of pain, and marijuana hasn't been tested by the FDA for its safety or effectiveness for pain management. There are numerous FDA-approved medications available that are clinically proven to be safe and effective for pain relief and management.

Because pain is a personal experience that's difficult to confirm with diagnostic tests, recreational marijuana users may complain of "severe or chronic pain" to their doctors and (with their recommendation) get a marijuana registration card. Many states that have implemented medical marijuana laws have found that most applicants cite "severe or chronic pain" as part of their qualifying medical condition. Severe or chronic pain was a factor for more than 88% of all medical marijuana cardholders in Montana.

The major problems with Proposition 203 are:

- The Act would allow people to apply for and receive registration cards so they can purchase and use marijuana for therapeutic purposes even though the FDA doesn't recognize smoking marijuana as a treatment for any medical condition;
- The majority of cardholders in Arizona will likely qualify because of severe or chronic pain, which has dozens of approved safe and effective treatment alternatives; and
- The law may increase the recreational use & abuse of marijuana.

**Will Humble, Director, Arizona Department of Health Services,
Phoenix**

**Laura Nelson, MD, Chief Medical Officer, Arizona Department
of Health Services, Phoenix**

There are ways to make sure medical marijuana only goes to sick people who really need it. For example, New Mexico's law strictly limits who gets marijuana and who can prescribe it. But Proposition 203 is like laws in California and Montana, where most of the pot goes to drug abusers, and where traffic fatalities involving marijuana have skyrocketed. In California, doctors openly advertise that they prescribe marijuana, and they rarely turn anyone down. See for yourself at www.potdoc.com. In Montana, traveling pot doctors go from town to town, handing out marijuana cards to anyone with \$150. So limiting prescriptions to licensed physicians obviously won't protect against drug abuse. Neither will rules limiting medical marijuana to specific conditions. Prop 203 lists severe pain as a permitted condition, but pain is easy to fake and impossible to disprove. In Colorado, most medical marijuana patients are ages 18 - 35, the most common diagnosis is "severe pain," and the dispensaries are on college campuses. So don't buy the story that it's only for people with serious and terminal illnesses. Prop 203 is designed to encourage drug abuse. And unscrupulous doctors. If a doctor advertised oxycotin for everyone, the licensing board would yank his license. But Prop 203 protects doctors who do nothing but hand out marijuana cards all day long. Potdoc.com's website actually brags that his prescriptions are "bulletproof" and the licensing board can't touch him. I've spent 25 years working with drug addicts. They're amazing con artists. They con doctors, judges and relatives, but please don't let them con the whole state of Arizona. We can have medical marijuana for sick people who truly need it by adopting New Mexico's law. But not Proposition 203. It's a prescription for drug abuse. Find more reasons to vote no at edgogek.com.

Ed Gogek, MD, Prescott

Here's 3 reasons to vote no on Proposition 203 : 1) Teenagers smoke far more marijuana in states with medical marijuana laws. The pro-marijuana forces claim medical marijuana decreases teenage drug use, but they're twisting statistics. Teenage marijuana use is decreasing in all 50 states, but the decrease is far less in states with medical marijuana. That's because when it's more available, more teenagers try it. California newspapers report how easily teens lie to doctors about pain to get marijuana cards. A Colorado teen boasted on NPR that all her friends have marijuana cards, so it's always available. Research shows teenage marijuana use has a bad affect on learning, schoolwork and later job performance. Yet California's Drug Policy Alliance director says doctors should be allowed to recommend marijuana to children of any age. 2) Highway deaths will increase. Read this from an Associated Press report on Montana's medical marijuana law: "DUI arrests involving marijuana have skyrocketed, as have traffic fatalities where marijuana was found in the system of one of the drivers..." That's because Montana's law, just like Proposition 203, is written so poorly that drug abusers who have nothing wrong with them can get all the pot they want. Marijuana is already the most common illegal drug involved in fatal car wrecks. Proposition 203 will make that worse. 3) Crime and violence will increase. Sure, most pot-smokers are non-violent, but most alcohol users never drive drunk. Research shows that heavy marijuana users commit more crime and more violence, the same thing we see with heavy users of every other addictive drug. By making pot more available to anyone who wants it, Proposition 203 will increase the number of heavy users, and crime, teenage pot-smoking and fatal car crashes will all increase. Please vote no on 203.

**Bobby Patton, CEO, Clean Adventures in Sober Living,
Prescott**

Paid for by Clean Adventures in Sober Living

**Wes Kitchens, Vice President & Clinical Director, Clean Adventures
in Sober Living, Prescott**

We're an addiction recovery program and we treat lots of addicted pot-smokers. Some people just can't believe pot's addictive because they tried it and never got hooked. But addicted pot-smokers are as different from occasional users as gutter drunks are from people who have an occasional glass of wine with dinner. The addicts we see smoke pot all day long and can't stop. They claim it makes them creative, helps them relax and expands their lives. In reality, they have no ambition and no motivation. They avoid people and rarely leave home. They can't hold a job, or not much of one. Far from relaxed, they have terrible anxiety. Marijuana is addictive, and badly designed medical marijuana laws, like Prop 203, make it more available and create more addicts. In our treatment program we're already seeing California teenagers who got addicted to legally prescribed medical marijuana. Some states have good medical marijuana laws, limiting which doctors can prescribe and requiring second opinions to make sure the diagnosis is real. However, the organization behind Prop 203 is the Marijuana Policy Project, a group dedicated to legalizing marijuana. So the way they wrote this proposition, addicts will have no problem getting pot, and helping addicts stay stoned is no favor. Addiction is miserable. Our clients tell us they've been lying to themselves and others for years, pretending they loved smoking pot when it was really ruining their lives. Lots of addicts tell us that getting arrested and forced into treatment was the best thing that ever happened, to them and to their families. For them, strict marijuana laws are a blessing. Medical marijuana laws should help the sick without also increasing addiction. Some state laws do that, but Prop 203 fails that test. Please vote no.

Bob Perrone, CEO, Decision Point Center, Prescott

Paid for by Decision Point Center

Tony Myers, Vice President, Decision Point Center, Prescott

Spelling, grammar and punctuation were reproduced as submitted in the "for" and "against" arguments.

Issued by the Arizona Secretary of State's Office

Proposition 203's sponsors aren't being honest. They say it's only for people with serious diseases like cancer, but other states have passed similar measures, and what happens is anyone can get marijuana. Teenagers, drug addicts, people who just like to party, they all find doctors who, for a fee, gladly sign a marijuana certificate. So most of the people smoking "medical marijuana" have no health problems at all, and the state is powerless to stop it. Proposition 203 is sponsored by the Marijuana Policy Project, an organization whose goal is to legalize pot. And that's what Prop 203 is really about; it's a back door route to legalization. They could have made Prop 203 like New Mexico's law, with strict checks so marijuana only goes to genuinely sick people. Instead, Prop 203 is more like California, where one of the main medical marijuana supporters now describes their dispensaries as "little more than dope dealers with storefronts." We run a halfway house for drug addicts, so we've seen how crafty they are. They'll lie to anyone to get drugs. Family, friends, doctors; they don't care. We know their scams, and Prop 203 sounds like one big scam with dope fiend written all over it. And once these laws get passed, forget about promises that it's just for people with serious illnesses. Pot-smokers and pot-sellers will organize to fight any changes. When Colorado tried to close loopholes in their law, college students and marijuana sellers took over legislative hearings, screaming at legislators until cops dragged them away. That's not a health care debate; that's angry drug abusers who want their drugs and hate anyone who stands in their way. So to prevent drug abuse, to keep teens off drugs, and to protect Arizona, here's our recommendation: Just vote no.

Barry Cooney, President & CEO, First Step Recovery, Prescott
Paid for by First Step Sober Housing Center

Bobby Cooney, Vice President, First Step Recovery, Prescott

Once again those seeking a way to smoke pot legally are doing so through the guise of "medical marijuana," exploiting truly sick people. The Medical Marijuana Initiative is bad for public safety and we strongly oppose it.

The Initiative creates marijuana dispensaries which can distribute 2.5 ounces of marijuana (approximately 200 joints) every two weeks to individuals. It permits growing and possessing of 12 marijuana plants to those with a doctor's "recommendation," but requires no physician's care or monitoring. It creates "caregivers" who can possess or grow five times that amount.

Parents may also consent to their minor children receiving "recommendations" and using marijuana. It makes these persons, their children, their caregivers and the dispensaries immune from any law enforcement oversight or criminal sanctions. It bars law enforcement from scrutinizing compliance and financial records, and exempts the dispensaries and their suppliers from taxes.

If this proposition passes, a cottage industry of physician recommendations, caregivers and pot shops will spring up overnight in our communities. In towns with medical marijuana, "Cannabis Caravans" visit, handing out recommendations and selling pot, and the number of pot shops and customers have exploded. Los Angeles now has more pot shops than Starbucks. 'Physician exam' storefronts are advertised like discount electronic stores, sign spinners and all, and recommendations are produced in factory fashion for whatever ails you. Marijuana dispensaries take in hundreds of thousands of dollars tax-free and their suppliers get rich.

Increased drug use and availability worsens crime problems, and puts public safety severely at risk. Pot shops are targeted by robbers, and increased crime, drug abuse, marijuana impaired drivers and vehicular fatalities involving marijuana use flourish. This proposition is extremely bad for public safety, for public health and is just plain bad public policy.

We strongly oppose it and urge you to vote "NO."

Barbara LaWall, Pima County Attorney, Tucson

Edward G. Rheinheimer, Cochise County Attorney, Bisbee

Ralph E. Ogden, Yuma County Sheriff, Yuma

James P. Walsh, Pinal County Attorney, Oracle

Clarence W. Dupnik, Pima County Sheriff, Tucson

Tony Estrada, Santa Cruz County Sheriff, Nogales

Steve Waugh, Yavapai County Sheriff, Prescott

Jon R. Smith, Yuma County Attorney, Yuma

Michael B. Whiting, Apache County Attorney, St. Johns

Daisy Flores, Gila County Attorney, Globe

Amelia Craig Cramer, Chief Deputy Pima County Attorney, Tucson

Paul Babeu, Pinal County Sheriff, Florence

Sheila S. Polk, Yavapai County Attorney, Prescott

Brad Carlyon, Navajo County Attorney, Holbrook

Sam Vederman, La Paz County Attorney, Parker

Jim McCabe, Chief Deputy, Mohave County Sheriff's Office, Kingman

Richard Wintory, Assistant Attorney General, Oro Valley

The American Medical Association rejected pleas to endorse marijuana as medicine and instead urged that it remain a prohibited, Schedule I controlled substance. The American Cancer Society "does not advocate inhaling smoke, nor the legalization of marijuana." The American Academy of Pediatrics opposes marijuana legalization. The National Multiple Sclerosis Society, American Glaucoma Society and American Academy of Ophthalmology have also rejected marijuana as medicine.

This proposition decriminalizes marijuana by creating legal barriers for law enforcement, prosecutors, courts, state licensing boards, and employers. "Medical" Marijuana Card Holders, Caregivers, Dispensaries, and Physicians are all exempt from arrest, search, civil penalties, or disciplinary actions.

Prop 203 allows physicians to issue a "written certification" that patients are likely to benefit from marijuana use. States where "medical" marijuana has passed have seen a growing list of ailments patients and physicians use to justify smoking marijuana including: attention deficit disorder, headaches, anxiety, insomnia, color blindness and various types of pain.

A Cardholder can legally obtain 2.5 ounces every 14 days -- equal to 100 marijuana cigarettes. This initiative allows juveniles to obtain "medical" marijuana with the written permission from parents and certifications by two physicians. Adolescent marijuana usage rates are higher than national averages in states that have legalized "medical" marijuana.

Prop 203 provides no legal standard of marijuana metabolites in the bloodstream indicating intoxication. Arizona employers with or without "Drug Free Work Places" cannot discriminate against a person in hiring, or take action against any employee resulting in a positive drug test for "medical" marijuana.

Operating a motor vehicle or motorboat shall not be considered to be "under the influence" solely because of the presence of marijuana metabolites in insufficient concentration to cause impairment.

The Food and Drug Administration (FDA) has not approved smoked marijuana for any condition or disease.

Carole Groux, Licensed Professional Counselor, Fountain Hills

Prop 203 - Arizona Medical Marijuana Act

Center for Arizona Policy strongly opposes Prop 203 because of its incredible potential to harm Arizona families. Beyond being simply unnecessary, **Prop 203 sends a dangerous message to our children that illegal drugs are not only acceptable, but beneficial.** That message undermines the effort to protect children from exposure to illegal drugs and to educate them about the consequences of destructive behavior like illegal drug use.

Arizonans are smart enough not to be duped into thinking that this effort is about helping those with serious medical conditions. It is about allowing widespread recreational drug use under the guise of medical need. There is nothing "medical" about a drug with no recommended dosage amounts and no recommended means of delivery – not to mention that this proposition does not even require a doctor to examine a patient before signing off that the patient is "likely to benefit" from using marijuana.

Other states that have adopted this sham of "medical" marijuana have encountered repeated instances of abuse and are expending considerable resources to crack down on those who illegitimately obtain and use the drug. In fact, 8 of the 14 states with "medical" marijuana programs have had to pass supplemental laws to close loopholes and address abuses, and Prop 203 suffers from many of the same problems those states have fixed. In Arizona, our Legislature could have its hands tied from dealing with any problems because of our strong protection for voter-approved initiatives.

Drug abuse can occur in any family, and its effects are devastating for that family and the community. Voting for Prop 203 is a slap in the face to those families who have suffered through drug abuse and addiction. Please vote NO on Prop 203.

Cathi Herrod, President, Center for Arizona Policy, Phoenix

Deborah Sheasby, Legal Counsel, Center for Arizona Policy, Phoenix

Paid for by Center for Arizona Policy

Vote No on Prop 203

Weed is a gateway drug. Kids today are told that compared to meth and heroin, marijuana is harmless. They are told that marijuana can open your mind, make you more creative and interesting, and it comes without the dangers of heavier drugs and the life-style associated with them. However, with so many harmful drugs so easily available, it is only a matter of time before kids who only used weed are tempted to try something "a little more exciting," i.e. dangerous.

The most destructive thing we could subject our children to is MORE harmful drugs in Arizona, and that is precisely what Prop 203 aims to do – flood Arizona with illegal drugs. The legalization of "medical" marijuana sends the message to our children that weed is not only acceptable, but GOOD FOR YOU! This is appalling. Now, more than ever, our kids need us to take a stand for their future!

We are here to protect our children, reduce crime, and keep drugs off of our streets. We are asking you to join community leaders and valley businessmen like Eric Wnuck, 2006 gubernatorial candidate Len Munsil, former US Attorney Paul Charlton, and attorneys David Kimball and Carolyn Short in getting behind this cause and voting "NO" on Prop 203.

You've probably already seen it on FOX News... Unregulated and out-of-control dispensaries in California, slayings in Los Angeles, doctors doling out marijuana cards to every "patient" with a headache, and "patients" being given enough weed to smoke one joint every 15 minutes. **We can only prevent this from happening in Arizona with your help, support, and your "No" vote on November 2nd.**

Sean McMaster, Treasurer, Keep AZ Drug Free, Phoenix

Paid for by Keep AZ Drug Free

Vote NO on Prop 203

There is no such thing as "medical" marijuana and the proponents of Prop 203 are not doctors. The FDA must approve medicines in the U.S. Marijuana not only isn't approved by the FDA, it is a Schedule I controlled substance. To subvert our federal laws, proponents of Prop 203 are seeking approval of a dangerous drug by popular vote. An FDA-approved medicine, called Marinol, addresses the true medical needs of patients. Prop 203 is a sham, intended to be a stepping-stone to legalizing marijuana in general.

No medication has ever been approved by popular vote rather than by the FDA. No FDA-approved medicine is smoked. The FDA says that voter initiatives to approve "medical" marijuana "are inconsistent with efforts to ensure that medications undergo the rigorous scientific scrutiny of the FDA approval process and are proven safe and effective under the standards of the FD&C Act. Accordingly, FDA, as the federal agency responsible for reviewing the safety and efficacy of drugs, DEA as the federal agency charged with enforcing the [federal laws], and the Office of National Drug Control Policy, as the federal coordinator of drug control policy, do not support the use of smoked marijuana for medical purposes."

The health and safety of our children is at stake! Just imagine the mixed message being sent when adults tout marijuana as a safe and effective medicine. In fact, marijuana is a dangerous and addictive drug with a high potential for abuse. In 1994, the Office of National Drug Control Policy reported that more people are being admitted to treatment for marijuana use than for heroin addiction. Moreover, marijuana is a gateway drug! Our children deserve our guidance and protection from marijuana and all other drugs. Protect our children: Vote no on 203.

Carolyn Short, Paradise Valley



PROPOSITION 203 ~ BALLOT FORMAT



BALLOT FORMAT

PROPOSITION 203

PROPOSED BY INITIATIVE PETITION RELATING TO THE MEDICAL USE OF MARIJUANA

BALLOT FORMAT FOR PROPOSITION 203

<p><u>AN INITIATIVE MEASURE</u> AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 28.1; AMENDING SECTION 43-1201, ARIZONA REVISED STATUTES; RELATING TO THE MEDICAL USE OF MARIJUANA; PROVIDING FOR CONDITIONAL REPEAL.</p>
<p><u>DESCRIPTIVE TITLE</u> ALLOWS THE USE OF MARIJUANA FOR PEOPLE WITH DEBILITATING MEDICAL CONDITIONS WHO OBTAIN A WRITTEN CERTIFICATION FROM A PHYSICIAN AND ESTABLISHES A REGULATORY SYSTEM GOVERNED BY THE ARIZONA DEPARTMENT OF HEALTH SERVICES FOR ESTABLISHING AND LICENSING MEDICAL MARIJUANA DISPENSARIES.</p>

A “yes” vote shall have the effect of authorizing the use of marijuana for people with debilitating medical conditions who obtain a written certification from a physician and establishing a regulatory system governed by the Arizona Department of Health Services for establishing and licensing medical marijuana dispensaries.	<p>YES <input type="checkbox"/></p>
A “no” vote shall have the effect of retaining current law regarding the use of marijuana.	<p>NO <input type="checkbox"/></p>



PROPOSITION 301



OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2002
A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO THE LAND CONSERVATION FUND.

TEXT OF PROPOSED AMENDMENT

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

1. Under the power of the referendum, as vested in the Legislature, the following measure, relating to the land conservation fund, is enacted to become valid as a law if approved by the voters and on proclamation of the Governor:

AN ACT

TRANSFERRING MONIES FROM THE LAND CONSERVATION FUND.

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

Section 1. Land conservation fund: reversion of monies

On the effective date of this act, the balance of the monies in the land conservation fund reverts, and is transferred, to the state general fund.

2. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article IV, part 1, section 1, Constitution of Arizona.

ANALYSIS BY LEGISLATIVE COUNCIL

The Land Conservation Fund consists of monies appropriated from the state general fund and monies received as donations. \$20,000,000 was appropriated annually for 11 years from the state general fund to the Land Conservation Fund. The final appropriation is scheduled in fiscal year 2010-2011. Monies in the fund must be used to award grants to:

1. Acquire and conserve state trust land or development rights in state trust land.
2. Implement conservation based management or reduce production on state lands leased for agricultural purposes.

Proposition 301 would transfer the remaining balance in the Land Conservation Fund to the state general fund.

ARGUMENTS "FOR" PROPOSITION 301

The Arizona Tax Research Association (ATRA), Arizona's only statewide taxpayer organization, supports Proposition 301. As all Arizonans are now painfully aware, the recession has had a devastating effect on the Arizona economy. Almost 300,000 Arizonans have lost jobs in recent years. The recession has also created historic budget challenges at the state level. Since the high-water mark in Fiscal Year 2007, state general fund revenues have fallen \$3.6 billion or 37%. The state's current structural budget deficit is \$1.7 billion.

In struggling to close state budget deficits over the last three years, state policymakers have faced a myriad of difficult decisions. Taxes have been increased over \$1.2 billion. On-going state spending has been reduced \$1.1 billion. However, despite the progress that has been made, Arizona will continue to be faced with major budget deficits for the foreseeable future.

If there is any silver lining with budget deficits, it is that policymakers are forced to re-prioritize spending within available revenues. However, in Arizona, those budget decisions are complicated by a series of voter initiatives that handcuffed lawmaker's budget authority. Those initiatives have mandated expenditures for education, low income health care, early childhood programs, and land conservation. Each has played a role in increasing the deficit.

Proposition 301 would revert the balance of the monies in the land conservation fund to the state general fund. If passed, Proposition 301 will plug a \$124 million hole in the current state budget. Failure will result in further reductions in the programs that receive state support: K-12 schools, universities, low income health care, and prison spending. Or worse, taxpayers will once again be looked upon to close this chronic budget deficit.

Kevin McCarthy, President, Arizona Tax Research Association, Gilbert

Paid for by Arizona Tax Research Association

Lori Daniels, Board Member, Arizona Tax Research Association, Chandler

PROPOSITION 301

ARGUMENTS "AGAINST" PROPOSITION 301

Argument Against PROP 301

Land Conservation Fund Transfer

PROP 301 will divert funding from the Public Conservation Account in the Land Conservation Fund, which was established by Arizona voters in 1998. Voting NO on PROP 301 will protect the decision made by Arizona voters to fund this land conservation account. If approved, this measure will divert \$123.5 million in funds to the general fund. PROP 301 ignores the will of Arizona voters. Raiding the Public Conservation Account allows the legislature to reject the cause for which Arizona voters approved these monies.

As voters in this state, we must trust that the initiatives and funding we approve at the ballot will be respected and instituted as written. If we allow these funds to be raided by the state legislature, then Arizona voters will lose their rights to approve initiatives. Arizona will become a state that is governed by politicians and not its citizens.

Protect the decisions of Arizona's voters. The Arizona Education Association requests that you vote NO on PROP 301.

**John Wright, President, Arizona Education Association,
Phoenix**

**Andrew Morrill, Vice President, Arizona Education Association,
Phoenix**

Paid for by AEA Education Improvement Fund

THE LAND CONSERVATION FUND - Con Statement

The League of Women Voters of Arizona urges you to vote NO on Prop 301.

If approved, it would transfer the balance of the Land Conservation Fund into the General Fund. Voters established the Land Conservation Fund in 1998 when they approved the Growing Smarter Act (referred to the ballot by the AZ Legislature).

This Fund consists of monies appropriated from the state general fund and monies received as donations. \$20,000,000 was appropriated annually for 11 years from the state general fund to the Land Conservation Fund. The **final** appropriation is scheduled in fiscal year 2010-11.

The dollars from this fund provide a matching grant for communities to acquire and manage development of state trust lands for conservation, including lands that are part of the Pima County Sonoran Desert Conservation Plan, the Scottsdale McDowell Sonoran Preserve, the Flagstaff Open Space Plan, lands near Prescott, and more.

By diverting dollars from this fund, the Legislature hurts both conservation efforts and education – dollars from the Fund go into the Trust where the primary beneficiary is public education.

Our budget crisis will someday pass, but the negative impact to a child's education can have a long lasting detrimental legacy and our lands can be lost forever.

The legislature is returning this to the ballot because as a **Voter Protected** funding program, the monies cannot be transferred to the general fund without voters agreeing to it.

Do not let the legislature take these **Voter Protected funds** for the general budget. **Vote NO and continue to preserve open space and benefit public education.**

**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

Say no to Legislative Sweep of Conservation Fund

Vote no on Proposition 301

Proposition 301 proposes to raid a voter-protected fund for land conservation and sweep it into the General Fund, where the Arizona Legislature will determine how it is appropriated.

The Land Conservation Fund was established by the voters in 1998 when they approved the Growing Smarter Act. The dollars in this fund provide a match for communities to acquire state trust lands for conservation, including lands that are part of the Pima County Sonoran Desert Conservation Plan, the Scottsdale McDowell Sonoran Preserve, the Flagstaff Open Space Plan, lands near Prescott, and more.

By diverting dollars from the Land Conservation Fund, the legislature hurts both conservation efforts and education – dollars from the Land Conservation Fund go into the Trust to benefit the Trust beneficiaries. The primary beneficiary is public education. Some argue that these conservation dollars will not be used in a down economy, but land conservation continues in a down economy and in fact, much of the dollars generated recently for the trust, came from land conservation.

Arizona devotes limited dollars to conservation overall and the legislature has already raided most of the ones that did not enjoy the protection of voters. One need look no further than our State Parks to see how little this legislature values conservation. Don't let them do even more harm by sweeping these dollars.

We encourage you to vote no on Proposition 301.

**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

The Coalition for Sonoran Desert Protection urges voters to VOTE NO on Proposition 301. The citizens of Pima County have long been involved with planning for growth and protecting the environment. A result of this planning is the groundbreaking "Sonoran Desert Conservation Plan," by which the community strives to protect the most biologically important lands while guiding growth to less sensitive lands.

Comprehensive long-term solutions are needed in order to protect the unique areas of Arizona and the quality of life that is enjoyed by current residents. **We have an obligation to protect the saguaro studded hillsides, grass lands, oak flats, and ponderosa pine forests throughout the state for the benefit of wildlife and future generations.** Long-term strategies must include funding, in order to preserve these areas in perpetuity.

The Land Conservation Fund was established by the voters in 1998 when they approved the Growing Smarter Act. These dollars provide a match for communities to acquire state trust lands for conservation, including lands that are part of the Pima County Sonoran Desert Conservation Plan. Important lands have also been preserved throughout the State with the help of this fund.

In a slap to the will of the voters, the Arizona Legislature would like to spend these conservation dollars on whatever they want. **Proposition 301 proposes to raid a voter-protected fund for land conservation and sweep it into the General Fund.**

The raiding of conservation dollars also hurts education, as the dollars from the Land Conservation Fund go into the Education Trust, which benefits public education. Very limited dollars are spent by the State of Arizona on conservation. Please don't allow the Legislature to raid the few dollars we have to preserve the open space and natural beauty of our State.

ARGUMENTS "AGAINST" PROPOSITION 301

We encourage you to VOTE NO on Proposition 301.

Carolyn Campbell, Executive Director, Coalition for Sonoran Desert Protection, Tucson

Paid for by Sky Island Alliance Coalition for Sonoran Desert Protection

Trevor Hare, Conservation Science Chair, Coalition for Sonoran Desert Protection, Tucson

THE SONORAN INSTITUTE OPPOSES PROPOSITION 301

When Arizona’s citizens approved the Land Conservation Fund as part of the 1998 Growing Smarter Act they did so with a clear purpose and vision. They envisioned the permanent protection of certain Arizona lands in their natural condition. The message - that the value of some Arizona lands was best realized by conserving them - was simple and clear. We are convinced that those fundamental Arizona values have not changed.

Perhaps the best measure of the voter’s wisdom back in 1998 is a simple drive through Arizona. In doing so, you will see the special lands and places that would have been lost had there been no Land Conservation Fund to protect them.

Proposition 301 sweeps from existence the last remaining state funds for meaningful preservation – every last dollar.

As Arizona’s centennial fast approaches and we proudly celebrate our second century of statehood, what greater gift can we bequeath than that of saving just a few of those special places that honor our unique heritage and culture?

Vote for our legacy by voting “No” on Proposition 301.

Dave Richins, Director, Sun Corridor Legacy Program, The Sonoran Institute, Mesa

Paid for by The Sonoran Institute

Eric Gorsegner, Associate Director, Sun Corridor Legacy Program, The Sonoran Institute, Phoenix

We, like all Arizonans, are concerned about our state’s budget. However, we believe that using Growing Smarter funds that were approved by the voters in 1998 to support the acquisition of open space for conservation is a short-term fix that sacrifices a long-term vision. Using the Growing Smarter funds for deficit reduction badly undermines the ability of cities, towns, counties and non-profit organizations to preserve precious and threatened State Land. Growing Smarter funds have helped save important state lands like Go John Canyon, the Jewel of the Creek, the McDowell Sonoran Preserve, the Valencia Archeological Site, and the Phoenix Sonoran Preserve. Natural open space is a major contributor to Arizona’s quality of life and our ability to attract visitors, new residents, and key business to our beautiful state. Please vote No on Proposition 301 in order to maintain our ability to conserve precious state lands with Growing Smarter funds.

Oliver Smith, Chairman of the Board, McDowell Sonoran Conservancy, Scottsdale

Paid for by McDowell Sonoran Conservancy

Ruthie Carll, Executive Director, McDowell Sonoran Conservancy, Scottsdale



PROPOSITION 301 ~ BALLOT FORMAT



BALLOT FORMAT

PROPOSITION 301

**REFERRED TO THE PEOPLE BY THE LEGISLATURE
RELATING TO THE LAND CONSERVATION FUND [HCR 2002]**

BALLOT FORMAT FOR PROPOSITION 301

<p><u>A CONCURRENT RESOLUTION</u> ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO THE LAND CONSERVATION FUND.</p>
<p><u>DESCRIPTIVE TITLE</u> TRANSFERS THE REMAINING BALANCE OF MONEY IN THE LAND CONSERVATION FUND, ESTABLISHED BY VOTERS IN 1998 AS THE "GROWING SMARTER ACT," TO THE STATE GENERAL FUND.</p>

<p>A "yes" vote shall have the effect of transferring the balance of money in the land conservation fund, which was established by voters in 1998 as part of the "Growing Smarter Act," to the state general fund.</p>	<p>YES <input type="checkbox"/></p>
<p>A "no" vote shall have the effect of keeping the balance of money in the land conservation fund.</p>	<p>NO <input type="checkbox"/></p>



PROPOSITION 302



OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2001
A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROGRAMS.

TEXT OF PROPOSED AMENDMENT

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

1. Under the power of the referendum, as vested in the Legislature, the following measure, relating to early childhood development and health programs, is enacted to become valid as a law if approved by the voters and on proclamation of the Governor:

AN ACT

REPEALING TITLE 8, CHAPTER 13, ARIZONA REVISED STATUTES; AMENDING SECTION 42-3372, ARIZONA REVISED STATUTES; RELATING TO EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROGRAMS.

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

Section 1. Termination and repeal

A. The Arizona early childhood development and health board terminates on December 1, 2010 as provided by section 41-2956, Arizona Revised Statutes.

B. Title 8, chapter 13, Arizona Revised Statutes, is repealed on June 1, 2011.

Sec. 2. Section 42-3372, Arizona Revised Statutes, is amended to read:

42-3372. Disposition of monies

Notwithstanding section 42-3102, The department shall deposit, pursuant to sections 35-146 and 35-147, monies levied and collected pursuant to this article in the early childhood development and education fund established by section 8-1181 for use as prescribed by title 8, chapter 13 STATE GENERAL FUND. THESE MONIES SHALL BE SEPARATELY ACCOUNTED FOR AND SHALL BE APPROPRIATED FOR HEALTH AND HUMAN SERVICES FOR CHILDREN.

Sec. 3. Reversion of monies

On December 1, 2010, the remaining balance of unexpended and unencumbered monies in the early childhood development and health fund reverts to the state general fund.

2. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article IV, part 1, section 1, Constitution of Arizona.

ANALYSIS BY LEGISLATIVE COUNCIL

Proposition 302 would:

1. Redirect the ongoing tobacco tax revenues that are currently deposited in the Early Childhood Development and Health fund for deposit in the state general fund, to be separately accounted for and appropriated for health and human services for children.

2. Transfer any remaining uncommitted Early Childhood Development and Health fund monies to the state general fund on December 1, 2010.

3. Terminate the Arizona Early Childhood Development and Health Board on December 1, 2010.

4. Repeal the Early Childhood Development and Health program statutes on June 1, 2011.

The Early Childhood Development and Health Fund consists of revenues generated by an \$.80 per pack tax on tobacco products and donations and state appropriations. The fund is administered by the Arizona Early Childhood Development and Health Board and is required to be used for the following purposes:

1. Funding central and field offices, employing staff and establishing and appointing regional partnership councils, which make funding recommendations to the Board.

2. Disbursing monies for programs and grants that increase the quality of and access to early childhood development and health services for children up to five years of age and their families.

PROPOSITION 302

ARGUMENTS "FOR" PROPOSITION 302

The Arizona Farm Bureau opposed this "budgeting by the ballot box" when it was first proposed, and we support repeal. Appropriation of funds and spending authority needs to reside with the legislature and the governor. We need to hold them accountable for their policies and decisions, and they need more control over the budget - not less. If nothing else is highlighted by our current budget crisis, this is, and we need to reverse from the excesses of these initiatives.

Kevin G. Rogers, President, Arizona Farm Bureau Federation, Gilbert

James W. Klinker, Chief Administrative Officer, Arizona Farm Bureau Federation, Gilbert

Paid for by Arizona Farm Bureau Federation

The Arizona Tax Research Association (ATRA), Arizona's only statewide taxpayer organization, supports Proposition 302. As all Arizonans are now painfully aware, the recession has had a devastating effect on the Arizona economy. Almost 300,000 Arizonans have lost jobs in recent years. The recession has also created historic budget challenges at the state level. Since the high-water mark in Fiscal Year 2007, state general fund revenues have fallen \$3.6 billion or 37%. The state's current structural budget deficit is \$1.7 billion.

In struggling to close state budget deficits over the last three years, state policymakers have faced a myriad of difficult decisions. Taxes have been increased over \$1.2 billion. On-going state spending has been reduced \$1.1 billion. However, despite the progress that has been made, Arizona will continue to be faced with major budget deficits for the foreseeable future.

If there is any silver lining with budget deficits, it is that policymakers are forced to re-prioritize spending within available revenues. However, in Arizona, those budget decisions are complicated by a series of voter initiatives that handcuffed lawmaker's budget authority. Those initiatives have mandated expenditures for education, low income health care, early childhood programs, and land conservation. Each has played a role in increasing the deficit.

Proposition 302 would redirect 80 cents of our current tobacco taxes that are earmarked for the Early Childhood Development and Health fund to the state general fund to be appropriated for health and human services for children. If passed, Proposition 302 will plug a \$324 million hole in the current state budget. Failure will result in further reductions in the programs that receive state support: K-12 schools, universities, low income health care, and prison spending. Or worse, taxpayers will once again be looked upon to close this chronic budget deficit.

Kevin McCarthy, President, Arizona Tax Research Association, Gilbert

Lori Daniels, Board Member, Arizona Tax Research Association, Chandler

Paid for by Arizona Tax Research Association

Support Proposition 302 – Protect Children's Health Care

For the last two years, state government has faced **multi-billion dollar deficits**. Unfortunately, economists expect these mammoth deficits to continue for several more years. Long gone are the days when the state had the luxury of spending taxpayer money on programs that are outside the core functions of state government. Although well-intended, new non-essential government programs that were put in place when the economy was strong must now be re-evaluated. It is time to **set clear priorities** on where government should invest its scarce resources to best serve the people of Arizona.

Proposition 302 essentially redirects funds from specialized preschool programs that serve a narrow population to **core health and human services** programs that will benefit far more children and families. Few options remain for elected officials to balance the budget. Without the flexibility allowed by Proposition 302, lawmakers will likely have to consider draconian cuts to the state's Medicaid program (AHCCCS) which serves low-income Arizonans, K-12 education, and universities. To make matters worse, if the state cuts funding for Medicaid, we will **lose three times as much money** from the federal government in matching funds. The implications for our entire health care system are profound.

Proposition 302 provides a pathway to **avoid potentially painful cuts** to essential children's health care services and education by making an additionally **\$345 million** available for the next fiscal year. Join with the Arizona Chamber of Commerce and Industry in supporting this measure to help **refocus state government expenditures** on those areas that matter most.

Glenn Hamer, President & CEO, Arizona Chamber of Commerce & Industry, Phoenix

Reginald M. Ballantyne III, Chairman, Arizona Chamber of Commerce & Industry, Phoenix

Paid for by Arizona Chamber of Commerce & Industry

ARGUMENTS "FOR" PROPOSITION 302

ARGUMENTS "AGAINST" PROPOSITION 302

Argument Against PROP 302

Early Childhood Development and Health Programs

PROP 302 will repeal the First Things First Program, an early childhood initiative that was passed by Arizona voters in 2006. Voting NO on PROP 302 will protect the decision made by Arizona voters to fund early childhood health and development programs.

This repeal will divert over \$300 million from the early childhood services program and put it into the general fund. Arizona voters approved a new tobacco tax in order to fund this program and taking these funds betrays the trust of Arizona voters and robs vital services from Arizona's families and children. Arizonans approved this tax increase for a specific purpose and repealing this program and diverting the funds for another purpose deceives Arizona voters.

As voters in this state, we must trust that the initiatives and funding we approve at the ballot will be respected and instituted as written. If we allow these funds to be raided by the state legislature, then Arizona voters will lose their rights to approve initiatives. Arizona will become a state that is governed by politicians and not its citizens.

Protect the decisions of Arizona's voters. The Arizona Education Association requests that you vote NO on PROP 302.

John Wright, President, Arizona Education Association, Phoenix

Andrew Morrill, Vice President, Arizona Education Association, Phoenix

Paid for by AEA Education Improvement Fund

Valley of the Sun United Way Argument Against Proposition 302 Ballot Measure:

Valley of the Sun United Way (VSUW) believes that public resources should be invested in early childhood education and development to ensure our state's future. In 2006 Arizona voters overwhelmingly approved the *First Things First* voter initiative to make sustained and community-based investments in Arizona's children. Proposition 302 would dismantle the voter-approved commitment to investing in early childhood education and development. Accordingly VSUW is opposed to Proposition 302.

Since 1925, VSUW has developed and funded programs proven to help children enter school safe, healthy and ready to learn. Providing quality learning experiences in the home and in child care settings lays the foundation for lifelong learning and success.

By passing the *First Things First* initiative Arizona voters created community-based partnerships that are working to educate and develop Arizona children and strengthen Arizona's families. These community networks of individuals, service organizations like VSUW and businesses bring together and deploy the resources and expertise that children need to succeed in school.

In 2006 Arizona voters established a specific funding source for these investments in Arizona's children that would not be subject to conflicting priorities. Proposition 302 would reverse this commitment and open these funds to legislative appropriation. VSUW believes we should build on the foundation established by the voter initiative and continue dedicating these resources to the education and development of Arizona's youngest children.

Please vote NO on Proposition 302.

Respectfully,

Merl E. Waschler, President & CEO, Valley of the Sun United Way, Phoenix

Katherine Cecala, Chief Operating Officer, Valley of the Sun United Way, Phoenix

Brian Spicker, Senior VP, Community Impact, Valley of the Sun United Way, Phoenix

Paid for by Valley of the Sun United Way

EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROGRAMS - Con Statement

The League of Women Voters of Arizona urges you to vote NO on Prop 302. In 2006, voters passed a citizen's initiative to fund state-wide grants to programs that increase the quality of early childhood development and health services for children up to five years of age.

This initiative enacted its own funding mechanism (a tobacco tax of \$0.80 per pack), which has never been collected into Arizona's general fund and as such never been calculated into the state's general budget or caused its current budget problem.

Now the legislature wants to benefit from the tobacco 'tax' money without actually enacting the tax itself. Many legislators have taken a "no tax pledge" and yet this approach allows them to circumvent that philosophy. Ultimately they are taking a tax the people have self-imposed (to fund early childhood development) and putting it in the general fund for use as the legislators see fit. The stated aim is to allocate this money to benefit children, although without guarantee of such. If that is the true aim, the money would best be directed by the 'First Things First' program. If not the true aim, we say - robbing young children of badly needed developmental programs is not the way to fix state budget issues.

In 1998, voters passed the Voter Protection Act, under which the legislature cannot tamper with voter-passed legislation without going back to the voters. The "First Things First" program falls under this Act.

Do not let the legislature "sweep" these **Voter Protected funds** to the general budget and terminate the AZ Early Childhood Development and Health Board on December 1, 2010.

Vote "NO" to save this Voter Protected program.

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

ARGUMENT AGAINST PROP. 302

Are you as tired and frustrated as I am seeing Arizona ranked at or near the bottom on state rankings of education and well being of its children? First Things First was supported by the voters of Arizona to give all children the opportunity to start school healthy and ready to succeed. To date, First Things First **has allocated about \$300 million for educational and health services for children** in every part of Arizona. It is estimated that First Things First funded services **touch the lives of at least 350,000 of Arizona's youngest children** - that's more than half of the children five and under in the state! Decisions about how to spend these dollars are made by local citizen councils because they know what is best for the youngest children in their community. First Things First is funded exclusively through voter-protected tobacco tax revenues. As such, it does not contribute to the state budget deficit

As a child psychologist and the director of a non-profit organization that is dedicated to making children's lives better, I know first hand how important First Things First is to children across the state. It is one of the few resources in Arizona that supports excellent early education, which is a key to ensure that children grow up ready to learn and able to achieve success in school. Our legislature has failed miserably to understand the importance of funding early childhood education programs. That is why the voters, in their wisdom, decided to use this tax on cigarettes to help children. Don't let the legislature undo the significant progress we are achieving - **Please vote NO.**

Dr. Eric Schindler, President & CEO, Child & Family Resources, Inc., Tucson

Paid for by Child & Family Resources, Inc.

Spelling, grammar and punctuation were reproduced as submitted in the "for" and "against" arguments.

Issued by the Arizona Secretary of State's Office

ARGUMENTS "AGAINST" PROPOSITION 302

It's time again to speak out as advocates for our children and protect their future by voting NO on Prop 302.

Preparing a child for Kindergarten begins the day they are born. That is what the voters of AZ knew and stipulated with passage of Prop 203 in 2006. Voters wanted to be sure that each child came to school healthy and ready to succeed.

Now the legislature wants to put an end to what voters have collectively spoken for, with disregard for the will of the people, forever.

When First Things First was established, keeping money in reserve for a period of time was done on purpose. It allowed the agency to spend within budget, knowing how much revenue there was and how much the 31 local Regional Councils could spend on programs. It was established outside of the general fund so there wouldn't be competition for dollars between educational and/or health programs. The intention was to enhance existing but limited programs.

First Things First has done everything within its legal authority to help the legislature with the budget crisis by earlier providing emergency funds of \$48M. Then a loan was offered of \$250M, interest free. At the request of state political leadership the loan was increased to \$300M, again forgoing interest.

Legislative commitments were secured from both Republicans and Democrats to pass the loan option, but legislative leaders were unwilling to let the loan offer come before their members. This could have been a win-win situation for children, families and voters of Arizona.

But now voters will have to decide if they want to eliminate essentials such as quality child care, early literacy programs, home and community parenting support services, oral health treatments for infants and toddlers and helping teachers of young children enhance their professional skills.

Richard Hartzell, Flagstaff

Julianne E. Hartzell, Flagstaff

Pima County Pediatric Society urges NO on 302.

Arizonans recognize the importance of the first years of life, the relative lack of services for Arizona's youngest citizens and the fact that Arizona ranks at or near the bottom for child health and education in almost any survey of States. So Arizona voters passed a new tobacco tax in 2006 specifically to establish The Early Child Health and Development program, known as First Things First, or FTF. This program is dedicated to enabling all Arizona children to enter school healthy and ready to succeed by improving child health, parenting support and early childhood education. 90% of funds go to programs and services directly helping infants, children and their families. As pediatricians we strongly favored establishment of this program. We are amazed at the creative programs that have already been established by local Regions to address specific needs in their areas, and by statewide programs available throughout Arizona.

We are appalled that the legislature, with Prop 302, now asks Arizonans to destroy this program so legislators can take the children's money for the General Fund. We are dismayed. Passage of Prop 302 would undo the systems and supports that have been developed and stop dozens of programs already established through FTF. It would waste the investment in infrastructure and studies of regional needs that are guiding program development. The clear message to young families, health care providers, businesses and employers would be that Arizona has no regard for the welfare of its youngest. Yet having a successful education system (birth to University) is critical to the economic development and success of our state.

Please vote FOR Arizona's infants and young children, by voting NO on Proposition 302.

Rebecca Egbert, MD, President, Pima County Pediatric Society, Tucson

Mary Jo Ghory, MD, Secretary, Pima County Pediatric Society, Tucson

Paid for by Pima County Pediatric Society

United Way of Yuma County Argument Against Proposition 302 Ballot Measure:

United Way of Yuma County (UWYC) believes that public resources should be invested in early childhood education and development to ensure our state's future. Arizona voters overwhelmingly approved the *First Things First* voter initiative in 2006 to make sustained and community-based investments in Arizona's children. Proposition 302 would dismantle the voter-approved commitment to investing in early childhood education and development. UWYC is opposed to Proposition 302.

UWYC has funded and partnered with programs proven to help children enter school safe, healthy and ready to learn. Providing quality early learning experiences in the home and in child care settings lays the foundation for lifelong learning and success.

Voters established a specific funding source in 2006 for these investments in Arizona's children that would not be subject to conflicting priorities. Proposition 302 would reverse this commitment and open these funds to legislative appropriation. UWYC believes we should build on the foundation established by the 2006 voter initiative and continue to dedicate these resources to the education, development and health of Arizona's youngest children.

Please vote NO on Proposition 302.

Madeleine Coil, President & CEO, United Way of Yuma County, Yuma

Joel Schram, Board Chair, United Way of Yuma County, Yuma

Paid for by United Way of Yuma County, Inc.

The mission of the Coconino Coalition for Children & Youth (CCC&Y) is to provide leadership in developing/coordinating community-wide strategies that can enhance the well-being of children and youth in Coconino County. CCC&Y is dedicated to ensuring that all children and youth have access to the resources and opportunities needed to reach their full potential. Given this mission and goal, the CCC&Y is encouraging voters to **vote NO on Proposition 302**.

In 2006, voters supported the structure leading to First Things First, in order to ensure that children come to school healthy and ready to succeed. Since 2006, successful programs have been established at the local level to provide services for infants and toddlers, including quality child-care and preschool programs; parenting support services; and health, mental health, and dental treatment. You, the voters, once again, need to **protect these essential programs by voting NO on Proposition 302**.

Given Arizona's recent budgetary problems, First Things First offered to the State an interest-free loan of \$300M. The legislative leadership turned down the offer and chose to place before the electorate a proposition that would dismantle the First Things First organization and take forever the voter-approved, allocated funds. As approved by the voters in 2006, these funds were not part of the general budget and were to be used for children, ages 0-5, and their families. **Stop the leadership from taking away the public's vote by voting NO on Proposition 302**.

One divisive strategy of the legislative leadership is to imply that other educational programs will be negatively impacted if First Things First monies are not moved to the general fund. However, legislators have provided no indication of how they will use the First Things First funds. **Prevent their attempts to divide and conquer by voting NO on Proposition 302**.

David McIntire, Board Treasurer, Coconino Coalition for Children & Youth, Flagstaff

Sonja Burkhalter, Board President, Coconino Coalition for Children & Youth, Flagstaff

Paid for by Coconino Coalition For Children & Youth

**Don't let the politicians steal our kid's money!
VOTE NO ON PROPOSITION 302**

A few years ago Arizona citizens voted for First Things First to improve the health care and education of Arizona children under the age of 5. Now the politicians want that money that you set aside for our kids. Don't let them have it!

First Things First is a great program. Thousands of citizens in cities, small towns and rural areas have worked hard to create programs for our youngest and most vulnerable children. Now is NOT the time to allow a few politicians to get their hands on money set aside for our kids. Vote No on Proposition 302. Who would you rather give control to – mothers, fathers, business leaders and educators, or a few elected officials? Who do you think will help our youngest children the most – teachers, parents and community leaders or the Arizona legislature?

Arizona has always cared about our future, our children in need. Don't give up on our kids. Keep First Things First and help our children when they need it most – NOW!

Vote NO on Proposition 302.

Thank you.

Rick DeGraw, Phoenix

VOTE NO ON 302. PROTECT VITAL SERVICES FOR KIDS

Dear Fellow Arizona Voter:

I ask you to vote "NO" on 302. After years of the Arizona Legislature's failure to prioritize the needs of children ages 0-5, Arizona voters in 2006 created First Things First. Funded by taxes on tobacco products, First Things First supports programs which promote the health and school-readiness of Arizona's youngest citizens.

First Things First saves taxpayers money by detecting developmental problems in children, promoting healthy and safe child care programs, teaching families about raising healthy and school-ready children, and laying a solid foundation for success later in life. The mission of this program is absolutely consistent with the priorities expressed by voters not only in 2006, but again this past May, when Proposition 100 was passed by a landslide, protecting education and health care.

After years of reports showing Arizona ranking at the bottom for key indicators for children's health and well-being, the services First Things First supports are beginning to make a real difference. This program is working.

The Arizona Legislature, having spent our state deeply into debt, wants to break into our children's piggy banks like bandits in the night stealing their medical check-ups, therapy services, dental examinations, and visits to their child care program by a Child Care Health Consultant.

Our children may not be able to vote, but you can. Tell our legislators no. Vote No on 302.

Sincerely,

Kathleen M. Ford, RN-BC, Cortaro

Here are six reasons why you should vote "NO" on Prop. 302 this November:

1. First Things First was voted into law in 2006 by a significant majority of Arizona voters. It is the will of the people.
2. To date, FTF has allocated more than \$284 million to early education and health services across Arizona. This includes child-care scholarships, professional development programs and scholarships for early childhood teachers, improving the quality of child-care programs, parent education, the distribution of food boxes, and improved healthcare coordination.
3. First Things First provides funding for a system of local control and decision-making. Your friends and neighbors – not the state legislature – are the ones making decisions about what children in your town need most.
4. The majority of a child's brain development occurs in the first three years of life. Programs funded by First Things First ensure that each young child in Arizona, regardless of background, receives the very best care and education. First Things First, therefore, invests in children at the most critical time in their lives.
5. High quality early care and education helps children to develop reading, math and critical thinking skills, thereby preparing them to succeed in school and in life.
6. High quality early care and education is vital to this state's economy. A highly-educated workforce means more high-tech jobs will be located in Arizona. Workers will earn more money and invest in the local economy. Additionally, remedial costs, such as special education and juvenile justice, will go down.

Arizona Association for the Education of Young Children (AzAEO) is the leading voice for early childhood professionals, ensuring all young children have access to high quality early care and education. Please help us put our children first and vote "NO" on Prop. 302.

Naomi Karp, President, AZ Association for the Education of Young Children, Tucson

Susanna Castleberry, Secretary & Executive Board Member, AZ Association for the Education of Young Children, Tucson

Paid for by Arizona Association for the Education of Young Children

Oppose Proposition 302 and Keep Voter Approved First Things First

Voters expressed their overwhelming support of early childhood development and child health in 2006 through the creation of First Things First (FTF). Arizona citizens recognized how important the early years (0-5 years of age) of a child's life are and how the experiences during those years can shape their future. In addition to being created by voters, FTF program and funding decisions are guided by parents, educators, and business leaders to meet the specific needs of their communities. As education budgets are cut, it is even more important that our young children receive the services necessary to enter school with a positive foundation. FTF promotes quality child care and healthy children from birth to age five. FTF also supports the coordination of systems that provide health and social services to children and their families so that services are provided effectively and parents are aware of their availability. An investment in the early education and health of our children will generate unlimited returns for all of Arizona in the years and decades ahead. Arizona will gain healthier, productive citizens who will enrich the state as a whole.

Protect the voters' intentions, protect First Things First. OPPOSE Proposition 302.

The Voice of Public Health

Jennifer Bonnett, Executive Director, Arizona Public Health Association, Phoenix

Dorothy Hastings, Immediate Past President, Arizona Public Health Association, Phoenix

Paid for by Arizona Public Health Association

The early childhood community of Greater Flagstaff is committed to helping children and families in northern Arizona achieve their full potential. We believe public resources should be invested in early childhood development and health, as well as programs that support family learning and commitment, to ensure our state's future success. That is why we ask the voters of Arizona to **vote NO on Proposition 302.**

In 2006, Arizonans took a stand to support children and families by approving the voter initiative that created *First Things First* – an agency that makes sustained investments in Arizona’s youngest children and families. However, there is a ballot measure before you – Proposition 302 – that would reverse our commitment to investing in children and families by doing away with *First Things First* and taking its funds. For this reason, **we ask you to join us in voting “NO” on Proposition 302.**

First Things First has had an overwhelmingly positive impact on thousands of children and families in our state. More than 10,000 children across Arizona have received child care scholarships, allowing their parents to keep their jobs and/or look for work while their child is cared for in a safe and nurturing environment. The parents of 80,000 newborns can leave the hospital with information about healthy parenting practices. Over 15,000 children have safer, more nurturing relationships with their parents through programs like the Coconino County Health Department’s Healthy Families – one of many programs in northern Arizona that receives funding from *First Things First* to provide services and support for our region’s most vulnerable children and families.

Voting “NO” on Proposition 302 will help save *First Things First*, ensuring that these types of investments in children and families continue. **You can make a difference by joining us in voting “NO” on Proposition 302.**

Paula Stefani, Vice Chairperson, Alliance for Children’s Early Success, Flagstaff
Roxana Cardiel De Niz, Secretary, Flagstaff Cooperative Preschool, Flagstaff

Michelle Despain, Secretary, Alliance for Children’s Early Success, Flagstaff
Karol Baird, Vice President, Flagstaff Cooperative Preschool, Flagstaff

Ruth Ellen Suding, Executive Director, Coconino Coalition for Children & Youth, Flagstaff
Elizabeth Taylor, President, Northern Arizona Association for the Education of Young Children, Flagstaff

Sonja Burkhalter, President, Coconino Coalition for Children & Youth, Flagstaff
Rene Hobbs, Past President, Northern Arizona Association for the Education of Young Children, Flagstaff

Paid for by Northern Arizona Association for the Education of Young Children

Now is the time for Arizonans to once again come together and stand for children by voting NO on Proposition 302.

Our kids deserve safe learning environments that foster creativity and critical thinking. From birth to age five, a child’s brain is rapidly growing. It’s during this window of opportunity we should do all we can to make sure a child is healthy, developing normally, and ready to start school with the tools necessary for success. *First Things First* uses their resources to share critical developmental information with parents and educators as well as to design, fund and incentivize advancements in early care and learning.

Working with hundreds of child and family proponents across the state, *First Things First* is also able to provide outreach in the form of free literature to new parents and vital services like food boxes, diapers, and in-home care.

A high-quality early education system provides benefits for children and families of all income levels by ensuring high standards for quality childcare; highly trained workers; safe adult-to-children ratios and other common sense reforms that require resources. By requiring regional partnerships, these services are customized in communities all over Arizona. By region, Arizonans have agreed on the priority services that bring the most benefit to families in their pocket of Arizona.

This program is not funded with state budget dollars. It doesn’t make sense for the State to now take these dollars to pay for debt and deficits.

Often we hear that services should only be paid for if a dedicated funding source can be identified. That is the case with *First Things First*. It is self-sustaining, not a burden on the state budget, and provides research-based services to parents and kids all over Arizona.

Please protect this important program by VOTING NO ON PROP 302

Megan Irwin, Acting Executive Director, Stand for Children Arizona, Phoenix
Paid for by Stand for Children Arizona

Rosalie Hirano, Communications Coordinator, Stand for Children Arizona, Phoenix

United Way of Northern Arizona (UWNA) believes investment of public resources in early childhood education and development is integral to our state’s future success. In 2006, Arizonans supported this position by approving the voter initiative that created *First Things First* – an agency that makes sustained investments in Arizona’s families and youngest children.

Approval of Proposition 302 will reverse voter commitment to investing in early childhood education and development by dismantling the voter-approved commitment to investing in early childhood education and development. For this reason, UWNA is opposed to Proposition 302.

By passing the voter initiative in 2006, Arizonans helped create community-based partnerships that are working to enhance the education and development of our children and strengthen families. For example, UWNA, in partnership with *First Things First*, has helped children and families living with low incomes in the Coconino Region gain and maintain access to high-quality child care by providing scholarships to licensed and/or accredited child care centers and homes. UWNA and *First Things First* have also helped child care providers in the Coconino Region expand capacity and increase the quality of care at their centers or homes to better serve children and families living with low incomes.

The establishment of *First Things First* created a dedicated funding source specifically for these investments; however, the passage of Proposition 302 will open the funds to legislative appropriation. Rather than allowing the legislature to sweep the funds, we should build upon the foundation established by *First Things First* and honor voter intentions by continuing to dedicate these funds to helping Arizona’s young children and families achieve their full potential.

Please join us in voting NO on Proposition 302.

Kerry Blume, President & CEO, United Way of Northern Arizona, Flagstaff
Paid for by The United Way of Northern Arizona

Bill Calloway, Board Chair, United Way of Northern Arizona, Flagstaff

Nothing is more important than our children. They are the future. The biggest part of our state budget is spent educating them. The second largest part of our budget is spent keeping them in prison when we fail.

Numerous studies have shown that the most critical time in a child’s development is the first three years. Yet, this is where we historically have done nothing. *First Things First* was passed by you, the voters, to provide comprehensive healthcare and development programs for our young children to give them the best possible start in life. This will insure that they’re healthy and prepared to start school and better able to succeed once there.

This program is funded by a special tax on tobacco products and takes no money from the state general fund or the budget of any other program. Our legislators, unwilling to do their jobs and balance the state budget, have decided to do away with this important program that was passed by an overwhelming majority of voters and steal the money for their own purposes, leaving the tax in place.

The Arizona National Organization for Women (NOW) urges you to support our children by **voting NO on Prop 302.**

Eric Ehst, Policy Coordinator (President), Arizona National Organization for Women, Phoenix

Karen Van Hoof, Political Action Coordinator (Vice President), Arizona National Organization for Women, Scottsdale

Paid for by Phoenix-Scottsdale Chapter Arizona National Organization for Women

The Arizona Dental Association, representing more than 3,500 Arizona dentists and dental allied team members, strongly urges voters to vote “No” on Proposition 302. The loss of First Things First education and health care funding for young children would damage our state’s future generations.

Tooth decay is the most common chronic disease in children. Statistics provided by the Arizona Department of Health Services find the average Arizona child has five teeth affected by decay, a rate three times higher than the national average. More than one third of Arizona children (34%) under the age of three have untreated dental decay, an alarming statistic. By the time these children enter school, their untreated dental decay leads to severe pain and discomfort, poor nutrition, impaired speech development, inability to concentrate and reduced self esteem. Dental pain is also the leading reason for school absences.

These conditions are preventable, but only if parents and children receive education to develop good oral hygiene habits, and children have access to dental care in their first years of life.

First Things First emphasizes quality and access to early childhood health programs, along with initiatives to support preventive health screenings. This is consistent with the Arizona Dental Association’s goal to stem the epidemic of dental disease among Arizona’s children, as well as dentistry’s emphasis on prevention.

First Things First, through both its statewide programs and regional partnerships, has cited oral health care as an area for priority funding. Programs already funded through First Things First have demonstrated the value of education and prevention. The loss of this valuable source of funding for children’s oral health initiatives would be a significant setback to vulnerable children throughout Arizona. Vote “No” on Proposition 302.

Mark B. Hughes, DDS, President, Arizona Dental Association, Scottsdale

Allison House, DMD, Treasurer, Arizona Dental Association, Scottsdale

Paid for by Arizona Dental Association

To the Voters of Arizona:

The very first patient admitted to St. Joseph’s Hospital and Medical Center, 115 years ago, was a young child and we have been committed to helping children in need ever since. We support the continuation of First Things First and are opposed to the state legislature’s attempt to divert funds from this important program. First Things First has dedicated more than \$150 million annually into early childhood development and education. If it is allowed to continue, it will support prenatal care, early medical screenings and ensure appropriate healthcare for children so they are better prepared for success in school and in life. It has already helped thousands of children in Arizona and we want to see this program continue to preserve the quality of life for children in years to come. Please join us in supporting this effort by voting NO on proposition 302.

Suzanne Pfister, Vice President, External Affairs, St. Joseph’s Hospital and Medical Center, Phoenix

John Peters, Vice President & Chief Financial Officer, St. Joseph’s Hospital and Medical Center, Phoenix

Paid for by St. Joseph’s Hospital and Medical Center

Proposition 302 would eliminate the voter approved and tobacco tax funded First Things First program and transfer all current and future funds to the general fund virtually overnight. If approved, all the First Things First services to children and their families will terminate on December 1st.

The language of the ballot initiative that states “these monies ...shall be appropriated for health and human services for children” is deceptive. This initiative contains absolutely no assurance that current general fund spending for children will be maintained. In fact, the legislature has already made cuts and built in the First Things First funds in as backfill for state agency reductions, thus assuring a net loss of children’s services. If First Things First funds are transferred, nothing prevents even more cuts to services for children next year.

Dr. James Heckman, Distinguished Professor and Nobel Prize winner in Economics, has proven that there are great economic gains to be had by investing in early childhood development. He found that prevention through early childhood development is more cost-effective than remediation and that economic returns come from investments in early childhood development. Providing resources for children pays dividends for society as a whole by providing better future outcomes in economic productivity. As private businesses and non-profits that provide early care and learning services to young children throughout Arizona, we observe daily the value of investments in children’s early years.

The Arizona Child Care Association urges all Arizonans who do not want further cuts to children’s’ services and want to continue investments to vote NO on Proposition 302. Let’s keep a dedicated funding stream for children, early education, and our future.

Bruce Liggett, Executive Director, Arizona Child Care Association, Phoenix

Don DeWitt, Past President & Secretary, Arizona Child Care Association, Phoenix

Robert Orsi, Treasurer, Arizona Child Care Association, Phoenix

Paid for by Arizona Child Care Association

The Protecting Arizona’s Family Coalition and the PAFCO Education Fund strongly oppose the Prop 302 - the repeal of Early Childhood Development and Health Programs, called First Things First.

We oppose Prop 302 and the redirection of these dedicated funds for investments in early childhood education and health development to the state general fund for general use by the Legislature. There is no guarantee that the Legislature will not use these funds to supplant current funding for children’s’ program, funding which is already inadequate.

The will of the voters that established the “First Things First” program must be respected. The First Things First programs represent a sound and dedicated economic investment in the future of the state’s children.

First Things First early childhood programs are important for the education and development of young children and their families. These current investments will pay off for generations in Arizona and must be protected. First Things First represents a unique investment strategy by Arizona’s citizens for their children and families and must be protected.

PAFCO strongly opposes Prop 302 and urges voters to vote “no” to preserve First Things First for the good of Arizona’s children and families.

Timothy J. Schmaltz, CEO, PAFCO Education Fund & PAFCO, Phoenix

Susan Wilkins, Chair, PAFCO Education Fund, Phoenix

Bruce Liggett, Chair, PAFCO, Phoenix

Paid for by Schmaltz & Associates

Spelling, grammar and punctuation were reproduced as submitted in the “for” and “against” arguments.

Issued by the Arizona Secretary of State’s Office

ARGUMENTS “AGAINST” PROPOSITION 302

Dear Voter:

Proposition 302 is wrong for Arizona. It flies in the face of the voters' will and common sense. If there is one thing we can all agree on, no matter our political party, no matter our hometown, no matter our economic status, it is that Arizona's children deserve a quality start in life.

A NO VOTE ON 302 takes a stand for children. It reaffirms the message sent by voters with the passage of Prop 100 in May, and sends a strong message about the value of First Things First, created by voters just four years ago. First Things First has touched every community in our state and has made our entire educational system stronger by strategically investing resources to ensure children begin school ready to succeed. Ask anyone who works in the education system: They will tell you the best way to combat illiteracy, behavioral and health issues is to stop problems before they have a chance to take root.

First Things First understands the dire need for early childhood spending. In a state that has cut more than \$2.2 billion in services over the past year, First Things First invests in our children, making sure they have access to doctors, better teachers and specialized services. It assists parents, as well, making sure they have high quality child care available to them while they work or go to school. Over the last four years, First Things First has helped more than 300,000 young Arizonans.

Please continue to give our children the fair chance they deserve. Vote No on 302.

Thank you,

Susan Wilkins, Executive Director, Association for Supportive Child Care, Tempe

Paid for by Association For Supportive Child Care

Mark C. Meschino, Treasurer, Board of Directors, Association for Supportive Child Care, Tempe

With more than 6,000 members – fire fighters and EMS professionals all across the state of Arizona – the Professional Fire Fighters of Arizona always has the best interests of our state firmly in mind. That's why the PFFA supported Proposition 100, which protected core needs like education for our children, and why we stand steadfastly against Proposition 302, which if passed will rob our kids of much-needed funding and early child development services.

As firefighters, we see life up close, in neighborhoods, cities and towns all across the state. We know what it's like to respond to an alarm, and what it's like when children suffer. Prop 302 is an alarm like that, a shrill reminder that we need to choose what kind of state we want live in. It must be defeated or children will in fact suffer.

If 302 fails, Arizona can be the sort of state that cares for its youngest citizens, that gives parents vital information and resources, and helps send kids to school ready to succeed. That follows the will of voters, who created First Things First just four short years ago, to make childhood in this state a positive experience. That mandate was echoed a few weeks ago, with the landslide passage of Prop 100.

If 302 passes, Arizona will take a step backward. Again, we'll leave children shortchanged, and again those without a voice will suffer because of the failure of our Legislature. We cannot allow this to happen. It's wrong economically and morally, wrong politically and practically.

Join the PFFA and vote NO ON 302. Thank you.

Tim Hill, President, Professional Fire Fighters of Arizona, Phoenix

Paid for by Professional Fire Fighters of Arizona

Bryan Jeffries, Executive VP, Professional Fire Fighters of Arizona, Phoenix

VOTE NO ON 302. PROTECT VITAL SERVICES FOR KIDS

Dear Fellow Arizona Voter:

We ask you to vote "NO" on 302. We must not betray our children and forsake our future. Children should not have to bear the brunt of the bad choices made by the irresponsible adults in the Arizona Legislature.

Since 2006, when it was created by voters, First Things First has been funded successfully by taxes on tobacco products. It has not been a drain on the state budget. Instead, First Things First saves taxpayers money by detecting developmental problems in children, providing quality early education, teaching families about health, and laying a solid foundation for success later in life. The mission of this program is absolutely consistent with the priorities expressed by the voters, not only in 2006, but again this past May, when Proposition 100 was passed by a landslide, protecting education and health care. We, the voters of Arizona, have already decided twice that this is important for our children and our state. Now, once again, the legislature is trying to subvert our decision.

Numerous studies show children provided quality education and comprehensive health care stay in school and are less likely to commit crimes. Because of the services First Things First provides, we can be confident Arizona's youngest citizens will grow into productive members of society and help Arizona become even more prosperous in the future.

This program is working. We cannot let the Legislature have its way, stealing the funding literally out of the hands of children.

We urge you to please vote "NO" on 302.

Sincerely,

Stan Furman, Phoenix

Gloria Furman, Phoenix

Dear Fellow Arizona Voter:

A NO VOTE on 302 takes a stand for children—and Arizona's future.

Since 2006 when it was created by voters, First Things First has been funded successfully by taxes on tobacco products. It has not been a drain on the state budget. Instead, First Things First saves taxpayers money by detecting and working with families to fix developmental problems in children, providing quality early education, teaching families about health, and laying a solid foundation for each child's success later in life. First Things First has touched every community in our state— more than 330,000 young Arizonans— and made our K-12 education system stronger by strategically investing resources to ensure our kids begin school ready to succeed. Ask anyone who works in the education system: They'll tell you the best way to combat illiteracy, behavioral issues, and child health problems is to stop the problems before they have a chance to take root. Focusing on children from birth to 5, helps to ensure that our kids will grow into productive members of society and help Arizona become even more prosperous in the future.

Please continue to invest in Arizona's children, our future. Vote No on 302. Because of First Things First, Arizona's children begin school healthy and ready to learn and succeed in life.

Mary G. Warren, PhD, IMH-E@(IV), Coordinator, Never Shake A Baby Arizona, Prevent Child Abuse Arizona, Tempe

Prop 302 Hurts Education in Arizona

In Arizona, educating our children actually begins outside the classroom, by fighting to preserve the resources necessary to do our jobs. That's why voters and the Arizona School Boards Association strongly supported Proposition 100, which will help protect funding for K-12 education, and why we're urging you to **VOTE NO ON PROPOSITION 302**, which supports the continued preparation of children as they enter our public schools.

In 2006, Arizona's voters wisely created First Things First. The voters recognized what all of us in education experience every day: The best way to combat illiteracy, behavior problems and unhealthy childhood environments is to fight those problems before they take root. First Things First has been extremely helpful to Arizona students and educators, annually funneling \$150 million in tobacco tax funds into education and health care for children up to age 5. Having kids begin school healthy and ready to learn has primed the pump for educational success in every Arizona community.

Educators, brain researchers, pediatricians and parents agree: Investing in quality childhood environments for our children helps ensure success of our students and, therefore, our state.

We simply must defeat Prop 302. We must protect and keep whole programs and funding critical to education and to our children's success. We cannot allow a shell game with this revenue, snatching it from children with one hand and shoveling it over to the General Fund with the other.

Please vote **NO ON 302** and protect education in Arizona.

**Debbie King, President, Arizona School Boards Association,
Board Member, Vail Unified School District, Tucson**

Paid for by Arizona School Boards Association, Inc.

**Panfilo H. Contreras, Executive Director, Arizona School
Boards Association, Phoenix**

"NO ON 302: PROTECT EDUCATION AND EARLY CHILDHOOD SERVICES"

In more than 30 years as a public servant helping four governors to lead in Arizona, no time, position or effort meant more to me than the work I did helping to establish First Things First. As the program's inaugural executive director, I saw up close how much these critical early childhood development and education services are needed to help so many young children all across Arizona get the right start in life.

That's why I believe all of us who value children and education in Arizona must vote NO ON 302.

For many children, the help they get from First Things First in the child care, Head Start or other classroom, or in a medical setting may well be the most positive childhood experience they have, and potentially the difference between beginning school ready to succeed or starting out already behind. Why our Legislature wants to end this program and seize its funding isn't necessarily beyond me – I understand these are hard times for our state – but, regardless, this decision strikes me as short-sighted and a slap in the face to voters who approved this vital program in 2006.

Just as the voters did with Proposition 100 in May, we must again send a clear message: That we value education in Arizona, that our children matter and that we are willing to invest today to create the smart, versatile and skilled workforce our state will need to succeed tomorrow.

Please join me in protecting the core services our youngest children need. VOTE NO ON 302 and let our Legislature know that sacrificing our children's future by balancing the budget on their backs is absolutely unacceptable.

J. Elliott Hibbs, Former Executive Director, First Things First, Chandler

Dear Fellow Voter,

Our children's earliest years shape their lifelong learning and success. But the success of thousands of Arizona's children is threatened unless we vote NO on 302.

For 22 years, Children's Action Alliance has worked with lawmakers, community leaders, parents and voters to be a voice for children statewide...and it's clear to us that Arizonans have always made children's health, education, and security a top priority. Just four years ago, Arizonans created First Things First so hundreds of thousands of children and their families would have better learning environments, higher quality childcare, access to specialized therapists, and mentoring for parents. Through First Things First, we all contribute to giving young children the care, learning and safety they need to grow up healthy and strong.

With this proposition, politicians are trying to dismantle the success we've built for kids and families through First Things First. The lawmakers who put this on the ballot want to repeal First Things First so they can take these tobacco tax dollars away from young children and families and use them for something else. It is clear that children will come out the losers if those politicians get their way. This move is an insult to us as voters and a real threat to our children and their future success.

Please join Children's Action Alliance in standing together for children (again!) by voting NO on 302.

Thank you,

**Christine Nowaczyk, Chair, Board of Directors, Children's
Action Alliance, Phoenix**

Paid for by Children's Action Alliance

**Dana Wolfe Naimark, President & CEO, Children's Action
Alliance, Phoenix**

Dear Voters,

Every child deserves a good start in life. That's one thing on which Arizona voters have always agreed.

Proposition 302 will take funds away from First Things First programs that are giving our youngest children (birth to 5) their best chance at success in school and in life.

Thanks to voter foresight and the First Things First programs, 330,000 children who may not have had a fair chance are now entering kindergarten healthy and with the critical early literacy skills they need to learn to read and succeed. (Voters initiated a tobacco tax increase four years ago to fund First Things First early childhood development services.)

The First Things First programs are providing a quality start in children's lives before they are at risk of getting to school unprepared, falling behind, failing, dropping out, and possibly perpetuating a life of poverty and crime.

Don't let our legislators undermine what we the voters have already decided. If we start early and deal with the core risk—illiteracy—we won't need to keep spending \$3.5 billion in tax money annually on welfare, Medicaid, and crime.

Improving literacy in our communities is good for everyone. It is the single best way to ensure a prosperous economy. With First Things First, Arizona voters took a stand to ensure a better life for all of us. Let's keep it that way.

Vote NO on 302!

Best regards,

**Mary Jan Bancroft, Ph.D, Founder and Executive Director,
Make Way For Books, Tucson**

Paid for by Make Way For Books

**Paul D. Bancroft, Esq., Board of Directors, Make Way For
Books, Tucson**

Dear Voter:

Arizona's Children Association works with children and families in every county in the state. We provide workshops to help parents understand how their babies' brains are developing. We provide parenting classes. We support the health needs of children and families through our activities at Golden Gate Community Center.

We also counsel teens that are addicted to drugs and work with families whose children are in crisis. We see first hand, every day, that it is most effective and least expensive to reach out to children and parents in the early years. When children don't get what they need to succeed in the earliest years of their lives, they may never become the well rounded and successful members of society we hope for.

Studies by the Zero to Three Policy Center show that high-quality, research-based interventions for at risk infants and toddlers such as those provided by First Things First, not only benefit individual children but would also benefit Arizona in ways that far exceed the cost of the programs. Cost-benefit analyses conducted by numerous economists clearly demonstrate that for every dollar invested in early childhood programs, savings of \$3.78 to \$17.07 can be expected. This is because early interventions for young at-risk children help keep children in school, improve the quality of the workforce, help schools to be more productive, and reduce crime, teenage pregnancy and dependence on welfare.

Arizona voters have already approved First Things First – an initiative that uses a tax on tobacco products to fund early childhood development and education. Now, our state legislature is attempting to seize the revenues from First Things First for their own spending.

Tell our legislature that we had it right the first time. Vote NO on 302.

Betsy Apking, Secretary of the Board of Directors, Arizona's Children Association, Tucson

Thomas S. Knox, Chair-Elect of the Board of Directors, Arizona's Children Association, Tucson

Paid for by Arizona's Children Association

A "NO" VOTE ON 302 IS AN INVESTMENT IN ARIZONA'S YOUNGEST CHILDREN AND OUR STATE'S ECONOMIC DEVELOPMENT

As a foundation dedicated to the postsecondary success of all Arizonans, Helios Education Foundation urges Arizonans to VOTE NO ON PROPOSITION 302.

In 2006, Arizona voters approved a ballot initiative, using tobacco-tax generated funds that would be one of the best investments in the state's long-term economic success – the development of a statewide system dedicated to the healthy development of Arizona's children ages birth to five.

In less than five years, First Things First, a statewide system is well underway and has invested over \$250 million in community-based early education and health services that will help Arizona's children arrive at kindergarten ready to succeed. In addition, more Arizonans are actively engaged through First Things First regional councils in driving local improvements to early childhood initiatives. With 90% of a child's brain development occurring by age 3, more parents and grandparents understand the critical importance of quality early childhood programs in setting the foundation for long-term success in school and life.

By preserving this dedicated source of funding for quality early childhood health and development programs, Arizona and its citizens are sure to reap long-term economic rewards. Early childhood education is proven to save taxpayers up to \$16 for every dollar invested by reducing the need for remedial education, juvenile corrections and other public support services.

The redirection of these tobacco-tax generated funds to the general fund and the elimination of First Things First – Arizona's first and only statewide early childhood health and development system – is shortsighted and will set our state back for generations. Even in tough economic times, we must stand firm in our decision to invest now. VOTE NO ON PROPOSITION 302.

Vince Roig, Chairman, Helios Education Foundation, Phoenix

Paul J. Luna, President & CEO, Helios Education Foundation, Phoenix

Paid for by Helios Education Foundation

VOTE NO ON 302 TO PROTECT ARIZONA'S FUTURE AND OUR YOUNGEST CHILDREN

Expect More Arizona encourages Arizona voters to VOTE "NO" on PROPOSITION 302. The elimination of this dedicated stream of funding for early childhood health and development programs across our state and the elimination of First Things First will have a profoundly negative impact on the lives of Arizona's youngest children – ages birth to five.

Research shows children exposed to quality early childhood opportunities are more likely to enter kindergarten ready to succeed, read at grade level by 3rd grade and graduate from high school. This voter-approved initiative is grounded in the research-proven belief that investing in Arizona's children during the earliest years prevents long-term societal costs in the form of remedial education, juvenile justice programs and other taxpayer-funded support services.

Expect More Arizona is a movement of Arizonans working to strengthen the entire education continuum – from birth through career. The continued investment of funds dedicated to early childhood health and development is critical to increasing the academic performance of students in K-12 and postsecondary education. It lays the foundation for the LONG-TERM success of Arizona's children, contributing to our economy and overall quality of life.

The statewide system built over the past four years dedicated to early childhood health and development is good for Arizona and its citizens. The dollars raised through the 80-cent tobacco-tax are being invested in outcome-based programs and initiatives statewide that better prepare all children to succeed. Our progress as a state cannot be derailed by imprudent budget decisions.

Protect Arizona's future by continuing to invest in our youngest children – VOTE "NO" on PROPOSITION 302.

Paul J. Luna, Chairman, Expect More Arizona PAC, Phoenix

Paid for by Expect More Arizona - Vote 4 Education Yes on 100 & Protect Early Childhood Health/Development Funds

ARGUMENT AGAINST Proposition 302

In November 2006, Arizona voters passed a citizen's initiative, that funds quality early childhood development and health programs. It is a voter protected initiative, known as First Things First (FTF), and has a dedicated funding stream that does not encumber the state general fund and provides resources for children 0 - 5 years old. The accountability structure ensures that those investments work and deliver on the promises FTF made to voters, families, and children. Repealing this citizen's initiative would eliminate the funding that is dedicated to improving the health and development of children ages birth to five. Therefore the Arizona Chapter of the American Academy of Pediatrics strongly encourages a NO vote on Proposition 302.

Arturo Gonzalez, MD, President, AZ Chapter of the American Academy of Pediatrics, Phoenix

Sue Braga, Ex Officio/Executive Director, AZ Chapter of the American Academy of Pediatrics, Phoenix

Paid for by American Academy of Pediatrics Arizona

Dr. Peggy Stemmler and Dr. Patrick Liu - Argument Against Proposition 302 Ballot Measure:

From a pediatric and a medical science perspective, the argument to vote NO on Proposition 302 is overwhelming. The science of early childhood tells us that the most rapid period of brain development occurs between birth and age 3. By age 3, a child's brain has formed more than 1,000 trillion connections – or double the number grown adults have.

We also know that different regions of the cerebral cortex (the brain center that processes attention, thought and language) grow when exposed to stimulating conditions. Research bears out that an enriched environment can boost the number of nerve connections that children's brains form.

In laymen's terms, that means that a healthy, successful child isn't created once school starts. Health and success begin the moment a child leaves the womb.

That's why First Things First made perfect sense when voters created this comprehensive program to direct tobacco-tax-funded resources at Arizona's youngest and neediest children – and why keeping these core services flowing by defeating Prop 302 makes sense today.

As doctors, we see children and families in need all too often, and we understand the critical importance of applying government's limited, taxpayer-funded resources in a measured, targeted way. First Things First does exactly that. It should not end – and Proposition 302 should not pass.

Join us, please, in protecting children in reasserting Arizona's priorities to a state Legislature that appears to have forgotten its mandate from the voters – do right by our kids.

VOTE NO ON PROPOSITION 302. Thank you.

Dr. Peggy Stemmler, MD, MBA, Pediatrician, Phoenix

Dr. Patrick Liu, MD, Radiologist, Phoenix

Proposition 302 is wrong for Arizona. It flies in the face of the voters' will and common sense. If there's one thing we can all agree on, no matter our political party, no matter our hometown, no matter our economic status, it's that Arizona's children deserve a quality start in life.

A NO VOTE ON 302 takes a stand for children. It reaffirms the message sent by voters with the passage of Prop 100 in May, and sends a strong message about the value of First Things First, created by voters just four years ago. First Things First has touched every community in our state and made our K-12 education system stronger by strategically investing resources to ensure our kids begin school ready to learn. Ask anyone who works in the education system: They'll tell you the best way to combat illiteracy, behavioral issues, and child health problems is to stop the problems before they have a chance to take root.

First Things First understands the dire need for early childhood spending. In a state that has cut more than \$2.2 billion in services over the past year, it invests in our kids, making sure they get access to doctors, better teachers and specialized therapists. It invests in parents, too, making sure they have the childcare information and help they need. Over the last four years, First Things First has helped more than 300,000 young Arizonans.

Please help continue to give our kids the fair chance they deserve. Vote No on 302.

Pen E. Johnson, Tempe

Dear Voter:

As a parent, educator and advocate for Arizona's children, I want to take an opportunity to say please **VOTE NO ON 302**. The Legislature's taking of this money is a step backward for Arizona and flies in the face of what we voters hold as our highest priority: **Protecting education and health care for our children.**

As a mother, I remember the gnawing worry that my children wouldn't "be okay." That's why I worked so hard in 2006 to get First Things First passed and why I cheered the passage of Prop 100 in May. These measures' central mission is one we all share: Every Arizona child should begin school healthy and ready to succeed.

First Things First has done exactly that, something I've seen firsthand as a board member. This statewide program, locally controlled, led by councils of volunteers, has made use of voter-created tobacco taxes to help more than 330,000 children from birth to age 5. Families have been assured of medical check-ups for their babies, educational resources, even basic necessities like food and diapers. These core services have touched every corner of Arizona.

Unfortunately, these vital services are in jeopardy. The success and funding of First Things First has garnered the attention and envy of our Legislature. The same lawmakers we elected to uphold our State's best interests now want to take these funds out from under our children. Mind you, they don't want to end the tax, they just want to redirect it away from Arizona's children.

Because I love this state like I love my children, I cannot allow this to happen; nor should you. I urge all of you who love Arizona to vote **No on 302.**

Nadine Mathis Basha, Campaign Chair, Save First Things First, Chandler

Paid for by Save First Things First - No on 302

Dear Voter:

We now know that early educational development is the most critical factor to life success. This fact is acute for those children who for whatever reason cannot experience focused development in their own environment alone. If we want to have better social outcomes and reduced costs for crime and drug abuse every dollar we spend as a community aimed at early childhood education will reduce those later costly public expenditures. Look at the budget of the state.....costs of prisons now increase faster than nearly all else. In this case the people have already spoken by supporting First Things First. That support was wise and that wisdom should be continued.

Michael M. Crow, Paradise Valley

Paid for by Save First Things First - No on 302

Dear Voter: Here we are again, back where we were in 2006 - arguing about the wisdom of something that couldn't be more obvious. I'll tell you again what I said back then. In more than 50 years serving the State of Arizona, including three years as your Governor, I have not encountered a proposal as smart or as overdue as First Things First.

I was passionate about getting this vital safety net for children passed in 2006. And I'm equally passionate about saving it by defeating Proposition 302 this Election Day. Let me be crystal clear:

We must vote "NO" on 302. We must continue to give our youngest children and their families tools to ensure that our kids are healthy strong and well cared for during their earliest years of life. We must make it possible for these children to begin school healthy and ready to achieve to their fullest potential. Again, let me repeat exactly what I said in 2006: Nobel Prize winners, economists and child development experts all agree that this is one of the smartest things a state can do to strengthen its families and its economy alike.

If it's good enough for those experts, it's good enough for me.

That said I know these are tough times for Arizona. I understand our Legislature needs revenue, but a short-sighted theft from vital services for youngsters is exactly the penny-wise, pound-foolish non-solution we must avoid. The voters created a tobacco tax to help children and it's done exactly that.

Don't let politicians shortchange kids who don't have a say in their future. Join me in voting No on 302 and protecting core services for our children.

Rose Mofford, Governor, 1988-1991, Phoenix
Paid for by Save First Things First - No on 302

As a lifelong resident, a businessman and a community advocate who deeply cares about our State and its children, I'm urging you to vote No on 302. We must protect positive childhood experiences for our kids, and help them start school ready to learn and prosper.

Quality education for all is of utmost importance to me. For the past 30 years, I have worked to improve Arizona's education system. I have served on the Chandler School Board, the State Board of Education and the Arizona Board of Regents. As a businessman, I understand that a strong education system means a strong economy and a prosperous state. We helped lay a foundation for a better Arizona in 2006 with the passage of First Things First, which created an 80-cent-a-pack tobacco tax to ensure that all children have a fair start and that they are ready for success.

As I said four years ago, studies show that the best place for the public to invest tax dollars is in early childhood development programs. Economists tell us that by investing in early childhood development and health programs, we will increase the number of successful students, reduce dropout rates, welfare families, and subsequently, the crime rate.

We must continue to invest our money in First Things First. In just a few years, it's proven successful with its outcomes and accountability. We must say NO to the politicians who have their eye on this tobacco tax revenue for use to pay bills they created but refused to face. We cannot balance our state budget on the backs of Arizona's youngest children. It's morally wrong and demands a strong response.

Please join me and vote "**No**" on 302.

Eddie Basha, Chandler
Paid for by Save First Things First - No on 302

As a businessperson, I know Arizona needs an educated workforce to compete in the 21st century. As chairman of the board of First Things First, I know how much investment in early childhood development creates educational success all over Arizona. First Things First is a rare entity in government ... something that really works. That's why we must defeat Proposition 302.

I understand why the Legislature wants to abolish First Things First and the core services we provide to children - they want to take our funding. It's that simple. With an annual revenue stream of \$150 million, we're an attractive target. That theft is not only sad, but it absolutely defies the will of the people. Arizona's voters in 2006 - tired of the Legislature's failure to fund services for young children - created a special tax on tobacco to pay for early childhood development. First Things First has efficiently and effectively served kids age 5 and under, and their families, all over the state.

So far we've helped:

- 330,000 children connect to doctors for much-needed care.
- 66,000 children learn in higher-quality childcare environments.
- 70,000 families receive the Arizona Parent Kit with information to help them parent newborns.
- Thousands of families in need, who have benefitted from more than 2 million pounds of emergency food boxes and more than 75,000 diapers and baby products.

For years, the Arizona Legislature has failed our youngest children, resulting in diminished educational achievement, high drop rates and a ready workforce that's too thin for the robust economy Arizona must have. Prop 302 is another legislative failure ... one we must all help defeat.

Vote No On 302. Help protect Arizona's youngest children.

Steven W. Lynn, Vice President, UniSource Energy & Tucson Electric Power, Chair, First Things First Board of Directors, Phoenix
Paid for by Save First Things First - No on 302

When you live 94 years, serve as a prosecutor, a Superior Court Judge and as your state's Governor - and have the good fortune to travel the world extensively - you experience enough to gain some certainty about people. I am sure that an educated mind coupled with perseverance is the key to achievement, and that those two qualities are not the result of luck. They begin in childhood, with engaged, informed parents and with access to the necessities that every youngster needs: nutritious meals, health services, adults who care and quality learning environments.

In Arizona, sadly, those things have for too long been too hard to come by. That's why I support First Things First and why I'm urging you strongly to vote No on Proposition 302.

Our state has done many things well, but showing our dedication to child learners has never been one of them. In 2006, voters made a strong push to change that, setting aside \$150 million annually in tobacco taxes to be deployed directly to children under the age of 6. That message struck a deep chord with me - I credit my own education with every bit of my success - and I was proud again this past May, when those same voters said yes to Proposition 100, again to uplift key service for our kids. To me, Proposition 302 is a step backward, a return to an Arizona that does less than we should for our children and less than we should to secure our state's future success.

I hope Arizona continues to move ahead. I hope we continue to protect our children from the day they're born. I hope you vote No on Proposition 302.

Raul Castro, Governor, 1975-1977, Nogales
Paid for by Save First Things First - No on 302

For 40 years, I've had the privilege of serving Arizona statewide. I've been the Executive Director of Big Brothers Big Sisters of Northern Arizona. I served on the Arizona Board of Regents, hospital boards and worked as a court mediator. I've seen what our taking care of children in childhood means to this state.

That's why I believe voting NO ON 302 is a must. We must defeat 302 and preserve First Things First, a program that is the best chance we have to make a difference in the lives of children.

Not only does First Things First address the importance of early education and healthcare for kids aged 0-5, it empowers new parents with the tools needed to prepare for this next chapter of life. It is crucial that each child's life begins with a solid foundation. By the age 3, more than 85% of a child's core brain structure is formed, making nurturing interaction with parents and/or caregivers essential to positive growth and development. This is why early childhood development programs need to be carefully planned and continually supported.

This investment also makes sense financially: According to the Perry Pre-School Longitudinal Study, every \$1 invested in quality early care and education saves more than \$17 in future costs associated with remedial education, delinquent behavior and public

support services. Eighty-one cents of every dollar from First Things First is used at the local level to provide support to Arizona's families and ensure our state's children get off to a healthy start once they begin school.

That is a wise investment for both our short and long-term success as a state. That is why we need to Save First Things First and vote **No on 302**.

Kay McKay, Flagstaff

Paid for by Save First Things First - No on 302

Every dollar invested in a child is a dollar invested not just in an individual, but in our state as a whole ... our work force, our safety and our future. Carefully investing those dollars where they are most needed means striking a balance between short-term expedience and long-term vision.

That balance and that vision is exactly what Arizona's voters had in mind when they voted yes to Proposition 100 this past May 18th and when they voted to establish First Things First in the fall of 2006. Both times, the voters knew what we were voting for – protecting the health and education of our children. Both times, we sent a clear message, one the state Legislature would do well to heed:

We want to live in a state that does right by its children. A state where a 6.8 percent high school dropout rate is not good enough; where a 73.4 percent four-year graduation rate is cause for redoubled efforts to engage kids early; where ranking 43rd nationally on Education Week's overall "chance-for-success" index is met with not indifference, but with determination to do better.

We can express that determination with one swipe of the pen ... by voting NO ON 302.

Prop 302 is a step backwards for Arizona, yet another example of the Legislature failing children and failing to see the value of tomorrow beyond the knee-jerk reactions of today.

Let's send a clear message AGAIN. Vote No on 302 and protect our children.

Melanie McClintock, Executive Director, Arizona Center for Afterschool Excellence, Phoenix

Paid for by Save First Things First - No on 302

The **Arizona Business & Education Coalition (ABEC)** advocates "**NO**" on **PROP 302**. Arizona needs an infrastructure for a strong workforce and increased quality of life. To achieve increased learning, youngsters must "hit the road, running" in kindergarten to assure reading on grade level by third grade. If they don't, a new Arizona law will require holding third-graders back. First Things First (FTF) ensures Arizona's youngest children begin school healthy and ready to learn, the very foundation for increasing our chances for improving our economy. Eliminating FTF takes away a key tool educators need to ensure success for every child by third grade.

Funded by a tax on tobacco products, local, informed citizens determine how FTF money is spent in their community. FTF is no cost to the state. Conversely, legislators rejected an interest-free, \$300 million loan offer this past session – a compromise that would have helped the state budget AND keep FTF. Instead, legislators want to end the program voters approved in 2006 – but keep the tax – directing the use of the money.

FTF is an investment in our children's future. It strategically invests to ensure kids begin school ready to learn, get access to doctors, better teachers and specialized therapists. It invests in parents, too, by providing information and help they may need.

FTF saves taxpayers money by detecting developmental problems in children, providing quality early education, teaching families about health, and laying a solid foundation for success later in life in order to combat illiteracy, behavioral issues, and child health problems and stop problems before they have a chance to take root.

Dave Howell, Board President, Arizona Business & Education Coalition, Phoenix

Paid for by Save First Things First - No on 302

Susan Carlson, Executive Director, Arizona Business & Education Coalition, Phoenix

I have a doctorate in Educational Psychology and Child Development, and I can say with certainty that a successful child requires an engaging, cognitively stimulating set of childhood experiences. The science of human growth and development tells us high-quality healthcare and adequate nutrition before and after birth are fundamental to promoting healthy development.

As the Dean of the University of Arizona College of Education, I can attest to First Things First's lead role in doing all the above. Knowing that, I believe a **NO VOTE ON PROPOSITION 302** is essential for Arizona's children and our future success.

Since its creation by voters via an 80-cent-a-pack tax on tobacco products in 2006, First Things First has delivered vital early childhood resources, from well care to child care, food to diapers, all over our state. And, rather than simply spending funds with no eye toward return on investment, First Things First stands dedicated to careful measurement of success and accountability standards.

As you read this, I am leading a longitudinal study unlike any research project ever attempted by a state. We're tracking participants in First Things First programs across 20 years. This scientific evaluation will not only ensure that First Things First continues to work, but it will serve as a resource and information hub for Arizona families and children, early childhood service providers, educators, researchers, and the early childhood community nationally and internationally.

The bottom line: Eliminating these core services for children between birth and age 5 would be short-sighted and a shameful waste of the investment made thus far. It will set Arizona back ... and drastically impact the one-half of our state's children who live in or near poverty levels.

Vote no on 302 and protect Arizona's children.

Dr. Ronald Marx, UA College of Education, Tucson

Paid for by Save First Things First - No on 302

Choosing a childcare provider is one of the most important decisions parents and families make. By voting "no" on 302 you're helping to ensure all Arizona's children continue to have the opportunity for high-quality childcare, allowing them to do better in school and develop better language and social skills.

As child care center owner and director and a member of the First Things First all-volunteer Central Pima Council, I have come to understand a sobering fact of life: In our state, more than half of the children under six years old live in families where all the adults work, making quality child care an educational and economic necessity.

First Things First created Quality First to ensure that all Arizona children have access to the quality early learning opportunities that will help them arrive at kindergarten ready to succeed. Many centers in our area benefit from Quality First through expert coaching, literacy support, nurse consultation and enhancement materials and equipment.

In addition, hundreds of early childhood educators are now attending colleges throughout Arizona, learning to be more effective teachers and earning certificates and degrees – paid for by themselves and in combination with First Things First and their child care center employer.

Furthermore, the local Central Pima FTF council provided funding to provide child care for over 1000 children in 2009 and 500 children in 2010-2011. This funding allows children to continue learning and parents to continue working.

We all need to take a stand for children. We know children are our most valuable resource. They are the future of our state. That is why we must vote "no" on 302 and continue the success of First Things First.

Bill Berk, Central Pima Council, Owner/Director, Outer Limits School, Tucson
Paid for by Save First Things First - No on 302

What happens to children and youth in our cities and towns is more than a family or school issue. It is an issue that affects the future of entire communities. For this reason, I urge you to vote No on 302.

I'm proud to call the City of Chandler home. I've seen my community go through many changes since graduating from Chandler High School. Now, as a Chandler City Councilmember, I'm working to maintain the integrity of the home that I, and so many others, love. It's an honor to represent Chandler on a local, regional, and national level, including my involvement with the National League of Cities' Council on Youth, Education, and Families. As a community leader, I'm aware we must never cease in our efforts to plan for a successful future. That begins with making quality early experiences for children aged 0-5 a top priority. First Things First recognizes key areas helped by high-quality childcare:

- Positive experiences between birth and school entry boost a child's healthy development. Children with a good start are less likely to be held back or get in trouble in school, and more likely to graduate from college.
- Families are more stable when the needs of their young children are met. When children are healthy and in reliable care, their parents are more likely to maintain employment and are more productive workers.
- When children are ready for school, their schools are better able to meet high standards. Successful schools improve a city's livability, and help develop a strong future workforce.

By investing in our children today, we'll see dividends paying well into our future in the form of safe communities and a stronger Arizona.

Trinity Donovan, Chandler City Councilmember & Executive Director, Chandler Christian Community Center, Chandler
Paid for by Save First Things First - No on 302

I ask you to vote NO on Prop 302. We should not betray our children, nor should we betray the voters. In 2006, we passed the First Things First proposition by a wide margin. The proposition was assigned to tax tobacco products for designated programs for children. No one expected that someday people try to use this money for general purposes.

Children shouldn't have to live with promises made by the voters and then have those funds go for a different purpose. Since 2006 when the fund was created, First Things First has been successfully funded. It has not been a drain on the state budget. It saves taxpayer's money by detecting developmental problems in children, providing quality education, teaching families about health and laying a solid foundation for success later in life.

These programs are working. We cannot let the Legislature have its way by stealing the funding out the hands of our children. I urge, please vote NO on Proposition 302.

Andy Mellen, Phoenix
Paid for by Save First Things First - No on 302

Please join me and VOTE NO on Prop. 302. I have a stake in the money involved in this issue. As a smoker, I've been paying the premium placed on tobacco products for the last 4 years to fund First Things First. I didn't vote for it in 2006, but we are a land of laws and when it passed it became necessary for me to pay a higher price for my tobacco products. First Things First has been a very successful program and has raised a lot of money. Now our legislature wants to raid that fund which was dedicated to early childhood development programs. I wasn't for it, but the last thing in the world I want is for the state to grab that money and spend it in any fashion they choose. As we all know, they are not stellar when it comes to spending. If I must be penalized for my tobacco use, at the very least I want to money to go to the dedicated purpose for which it was designed.

Do not give money dedicated to helping the children of Arizona over to the state to squander because they mismanaged what they already had. First Things First was put in place to help children. None of us should want to take that money and throw it in the general fund because our legislators have performed so poorly.

Vote NO on Prop. 302
Joyce E. Downey, Scottsdale
Paid for by Save First Things First - No on 302

Children and their healthy development are critical to our future. We, the people of Arizona, know this to be true. We made our children our priority and, in 2006, voted for the First Things First funding using tobacco tax monies. These funds provide Arizona's youngest children, from birth to 5 years, with specialized health care, early education, and family support to foster healthy development and school readiness. In 2006 we knew that without these funds our future would be in jeopardy. We also knew that we needed to separate and protect these funds for the sake of our children. We acted on our knowledge and protected our children.

Now, four years later and with these hard times, our duty to protect our children has become especially vital. Our future is more in jeopardy than ever before. Because of the poor planning, bad decisions, and desperate acts caused by these times, many valuable and beneficial programs have been abandoned and our children are no longer a priority to our legislators.

Before us, Proposition 302 is asking to repeal our 2006 vote, overturn our promise to our youngest citizens, and surrender First Things First and its statewide, child-focused programs that are continuing to expand and benefit hundreds of thousands of Arizona children. There is too much at stake. Now, more than ever, we must restate our priority. We must reaffirm our promise to protect our future.

Say **NO** to Proposition 302 and to the request to raid these protected funds. Do it for our own good.
Kristina Blackledge, Anthem
Paid for by Save First Things First - No on 302

I urge you to join me in voting NO on Proposition 302. Voting no tells the Legislature that we knew what we were doing in 2006 when we approved creation of First Things First. Voting otherwise would be an admission that the Legislature really needs to direct our votes.

In 2006 we, the people voted to create First Things First because we understood that it would give all of Arizona's youngest children the fair shot they deserve but weren't getting to enter kindergarten healthy and ready to succeed.

Now, they have it. With a voter-approved tobacco tax providing real funding - and therefore concrete results - more than 330,000 Arizona children have directly benefited from the promise we voters made to them. Hundreds of citizen volunteers through-

out Arizona meet in their communities to actually direct where First Things First funding is spent locally, rather than rely on central mandates from distant state legislators.

At a time when anything run by government seems to be broken, First Things First works because it was created and is operated not by legislative edict, but by voter mandate.

A “yes” vote would take all of these advantages back. Mind you, it would NOT eliminate the 80-cent-per-pack tobacco tax. It would simply hand the Legislature that tax to use as they see fit, and break the promise we made in 2006 to Arizona’s kids age 0 to 5. Prop 302 is NOT a citizen’s initiative. It is a question put to us by the Arizona Legislature, and that alone should give all voters pause.

On behalf of my three kids, all of whom are under age 5, and on behalf all Arizona kids their age, I am voting “no” and I strongly urge you to do the same. Their future – and our own – is at stake here.

Paul G. Allvin, Phoenix

Paid for by Save First Things First - No on 302

Proposition 302 is wrong for Arizona. It flies in the face of the voter’s will and common sense. If there is one thing of which we can all be certain no matter our political party or the economic status, it is that Arizona’s children deserve a quality start in life.

A NO VOTE ON PROP. 302 takes a stand for children. It reaffirms the message sent by the voters with the passage of Prop. 100 in May and sends a strong message about the value of First Things First, created by the voters four years ago. First Things First touched every community in our state and made our K-12 education system stronger by strategically investing resources to ensure our kids begin school ready to learn. Anyone who works in the education system will tell you that the best way to combat illiteracy, behavioral issues and child health problems is to stop the problems before they have a chance to take root.

First Things First understands the dire need for early childhood spending. Our state has recently cut \$2.2 billion in services, First Things First is a funding mechanism that invests in our children making sure they have access to doctors and specialized health care. First Things First has helped more than 300,000 young Arizonans.

Please vote against Prop. 302 so we can continue to give our kids the chance they deserve.

Jane Lynch, Phoenix

Paid for by Save First Things First - No on 302

In May of this year, Arizona voters overwhelmingly voted to pass Proposition 100, keeping preserving quality education, public safety and vital health care for thousands of our fellow Arizonans. This isn’t the first time voters came together to support our state’s children and keep intact the safety net for those in need.

In 2006, Arizona voters approved First Things First – an initiative that uses a tax on tobacco products to fund early childhood development and education. Because of First Things First, Arizona’s youngest children begin school healthy and ready to learn. These core services, focused on kids ages 0 to 5, ensure that our kids are set up on a path to becoming well-rounded and successful members of society.

Those vital services, which have already improved the lives of more than 330,000 children, are now in danger. The Arizona Legislature, having spent our state deeply into debt, wants to seize the First Things First revenue stream for their own spending. If they have their way, they’ll put an end to programs that help pre-schoolers with doctor’s visits and early learning; simple things that make a significant impact.

Our children may not be able to vote. You can. Tell our legislators no. Vote No on 302.

Shiree Verdone, Phoenix

Paid for by Save First Things First - No on 302

I ask you to vote “NO” on 302. We must not betray our children and forsake our future. Children should not have to bear the brunt of the mistakes made by the irresponsible adults who populate the Arizona Legislature.

Since 2006 when it was created by voters, First Things First has been funded successfully by taxes on tobacco products. It has not been a drain on the state budget. Instead, First Things First saves taxpayers money by detecting developmental problems in children, providing quality early education, teaching families about health, and laying a solid foundation for success later in life. The mission of this program is absolutely consistent with the priorities expressed by voters not only in 2006, but again this past May, when Proposition 100 was passed by a landslide, protecting education and health care.

Numerous studies show children provided quality education and comprehensive health care stay in school and are less likely to commit crimes. Because of the services First Things First provides, we can be confident Arizona’s youngest citizens will grow into productive members of society and help Arizona become even more prosperous in the future.

This program is working. We cannot let the Legislature have its way, stealing the funding literally out of the hands of children.

I urge you; please vote “NO” on 302.

Lisa Blyth, Avondale

Paid for by Save First Things First - No on 302

As decisive issues abound, there is one commonality: We all want what is best for our children. And, as Americans, Arizonans and adults, we know that what sets us apart from the rest of the world is hope. Though, as of late, it may not seem as if we live in the land of opportunity, the land of prosperity, that place where if you work hard you and your family will flourish. Now more than ever, it is our responsibility to consider how we might best provide that same hope for our children as those before us did. We know we will leave them encumbered, but we can help by providing them with the most important tools they will ever have in their arsenals ... a good start ... education ... the preferred weapons of their century.

Let’s do this together and provide our children with the same opportunity that we were fortunate to know. The “e” in hope may be at the end of the word, but “E”ducation is the precursor to hope.

As smokers, we supported First Things First when it was on the 2006 Ballot. We understood that the additional taxes we would pay would directly benefit children. There was a method to our madness and FTF has done right by our kids and with our trust. But, that is not the case with the Legislature; it wants to abscond with these tax revenues forever ... not temporarily. Where’s the equity in that? If you didn’t hear us then, hear us now: NO ON 302.

**Sandra K. Minckley,
Chandler**

Diana Corinti, Maricopa

Timothy DeGraw, Phoenix

Tammy Fontaine, Chandler

Paid for by Save First Things First - No on 302

Vote NO on Proposition 302

In 2006 the voters approved the First Things First project which funded early childhood development programs in Arizona by taxing tobacco products. It has been in place for the past 4 years and by all accounts has been successful in its goal to help children with health and behavioral problems.

Once again, the legislature wants to ignore the will of the people and use the money in the First Things First fund for other purposes. This is absolutely wrong. The voters gave their approval for First Things First. When the state gets into financial difficulty they should not be allowed to dip their fingers into pots of money that were meant for a purpose the voters decided. The state needs to cut spending in areas that are not dedicated. First Things First is not a piggy-bank to be raided at will.

VOTE NO ON PROP. 302

Todd A. Bradford, Phoenix

Paid for by Save First Things First - No on 302

Your first thought is probably that this is a good solution. Your second thought needs to be the realization that repealing First Things First means ELIMINATING LOCAL CONTROL over how the money is spent in your community. First Things First is a unique state agency in that they provide the administrative support and oversight, yet it is the local regions, with community input and the direction of committed volunteers, serving 2-4 year terms, who decide how the money is spent. First Things First creates the situation that each Council can make decisions based upon their citizens' needs. This means locally-responsive programs and priorities are selected by local experts from your community, not Phoenix administrators making plans based upon what works in Maricopa County. Let local, committed community members determine priorities and select qualified programs to meet the overwhelming mandate of the voters in 2006 to support early childhood programs. **Vote NO on 302.**

First Things First purposefully built-up a fund to support programming through the ten years of its existence because smoking rates and the rate of population growth have declined. This fund has been offered to the Governor and legislature as a no-interest loan. This cash could support the matching funds that Arizona needs to obtain federal money for health insurance for children. This is a win-win situation. First Things First has been flexible in releasing additional funds to meet the needs of Arizona's youngest citizens and their families as cuts to state agencies have devastated young families. Support First Things First supporting families. First Things First has managed their money well; see for yourself at www.azfff.gov. Don't let the money go into the general fund. **Vote NO on 302.**

Sheryl Gifford, Prescott

ARGUMENTS "AGAINST" PROPOSITION 302



PROPOSITION 302 ~ BALLOT FORMAT



BALLOT FORMAT

PROPOSITION 302

**REFERRED TO THE PEOPLE BY THE LEGISLATURE
RELATING TO EARLY CHILDHOOD DEVELOPMENT AND
HEALTH PROGRAMS [HCR 2001]**

<p><u>A CONCURRENT RESOLUTION</u> ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROGRAMS.</p>
<p><u>DESCRIPTIVE TITLE</u> TERMINATES THE EARLY CHILDHOOD DEVELOPMENT AND HEALTH BOARD AND PROGRAMS ESTABLISHED BY VOTERS IN 2006 AS THE "ARIZONA EARLY CHILDHOOD DEVELOPMENT AND HEALTH INITIATIVE;" REQUIRES MONEY IN THE EARLY CHILDHOOD DEVELOPMENT AND EDUCATION FUND BE DEPOSITED IN THE STATE GENERAL FUND AND USED FOR HEALTH AND HUMAN SERVICES FOR CHILDREN.</p>

<p>A "yes" vote shall have the effect of terminating the Arizona Early Childhood Development and Health Board and programs, which were established by voters in 2006 as part of the "Arizona Early Childhood Development and Health Initiative." It would require the transfer of money remaining in the early childhood development and education fund on December 1, 2010 to be deposited in the state general fund. Thereafter, it would require tobacco tax money collected pursuant to the initiative to be deposited in the state general fund and used for health and human services for children.</p>	<p>YES <input type="checkbox"/></p>
<p>A "no" vote shall have the effect of retaining the Arizona Early Childhood Development and Health Board and programs and keeping any money in the early childhood development and education fund.</p>	<p>NO <input type="checkbox"/></p>

BALLOT FORMAT FOR PROPOSITION 302

JPR ARIZONA COMMISSION ON JUDICIAL PERFORMANCE REVIEW

WHO JUDGES THE JUDGES? YOU DO! WE CAN HELP.

Voters! Finish the Ballot!

Use the following summary and report by the Commission on Judicial Performance Review (JPR) to Finish the Ballot! The JPR Commission was established by voters to evaluate judges' performance during retention elections. While judges initially are appointed, this report can help you decide whether these judges meet judicial performance standards and should be retained. Which judges appear on your ballot depends on your county and the court on which the judge serves. By using this report to finish your ballot, you will help ensure Arizona's strong and impartial judiciary!

Read how some Arizona judges are appointed through Merit Selection and rated by the JPR Commission:

Merit Selection and Retention

In 1974, Arizona voters decided that in counties with populations over 250,000 (currently Maricopa and Pima) and for Arizona's Supreme Court and Courts of Appeals, judges would be appointed by the Governor from a list of qualified candidates. The Arizona Constitution directs commissions to nominate candidates based primarily on their merit, with consideration given to the diversity of Arizona's population. Arizona voters then periodically vote whether to retain these judges as their terms expire. This system is known as Merit Selection and Retention.

JPR Commission Evaluations & Report

Created by a constitutional amendment, the 30-member JPR Commission conducts standards-based performance evaluations of judges and reports these results. Most of the JPR Commission's members are not lawyers or judges. This report provides JPR Commission findings, survey results, and states whether each judge in a retention election "meets" or "fails to meet" judicial performance standards.

Judicial Performance Standards

The JPR Commission evaluates each judge up for retention election to assess whether the judge:

- Administers justice fairly, ethically, uniformly, promptly and efficiently;
- Is free from personal bias when making decisions and decides cases based on the proper application of law;
- Issues prompt rulings that can be understood and makes decisions that demonstrate competent legal analysis;
- Acts with dignity, courtesy and patience; and
- Effectively manages his or her courtroom and the administrative responsibilities of the office.

Public Input Throughout the Process

This year, as every election year, the JPR Commission sought public input and made its decisions using that input. Attorneys, jurors, litigants, witnesses, and other judges returned over 16,000 surveys on judges. The JPR Commission held public hearings open to anyone wishing to speak about the judges up for retention this year. The JPR Commission accepts signed, written comments about merit-appointed judges at any time.

Every voter can take an active role in this judicial review process; use this summary and report to guide your votes for judges up for retention. After reviewing a judge's information, mark "Yes" or "No" next to the judge's name on the Judge Checklist in the back of this pamphlet. Use this checklist to finish your ballot.

Visit www.AZJudges.info for more information.

Contact the Commission on Judicial Performance Review: (602) 452-3311
or email jpr@courts.az.gov

ARIZONA SUPREME COURT AND COURT OF APPEALS DIVISION ONE

RESULTS OF THE COMMISSION’S VOTE ON THE APPELLATE COURT JUSTICES AND JUDGES

THE FOLLOWING JUDGES **DO NOT MEET** JUDICIAL PERFORMANCE STANDARDS:

NONE

THE FOLLOWING JUDGES **MEET** JUDICIAL PERFORMANCE STANDARDS:

ARIZONA SUPREME COURT:

Rebecca White Berch

COURT OF APPEALS DIVISION ONE:

- Daniel A. Barker
- Michael J. Brown
- John C. Gemmill
- Philip L. Hall
- Patrick Irvine
- Jon W. Thompson
- Lawrence F. Winthrop

JUSTICE/JUDGE REVIEWS

ALL ARIZONA VOTERS VOTE ON THE FOLLOWING SUPREME COURT JUSTICE

BERCH, REBECCA WHITE

Chief Justice

Appointed to the Arizona Supreme Court: 2002

**27 Commissioners Voted “Meets”
0 Commissioners Voted “Does Not Meet”**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Chief Judge Responses</u> <i>Surveys Distributed: 47 Surveys Returned: 26</i>	<u>Attorney Responses</u> <i>Surveys Distributed: 601 Surveys Returned: 192</i>	<u>Superior Court Judge Responses</u> <i>Surveys Distributed: 43 Surveys Returned: 18</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	N/A	93%	100%
Integrity	100%	100%	98%
Communication Skills	100%	99%	N/A
Judicial Temperament	100%	100%	N/A
Administrative Performance	100%	100%	100%
Administrative Skills	100%	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge “satisfactory”, “very good”, or “superior” in each of the Commission’s evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes “Yes” or “No” on whether a judge “MEETS” Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court’s website.

MARICOPA COUNTY VOTERS VOTE ON THE FOLLOWING COURT OF APPEALS DIVISION I JUDGES

BARKER, DANIEL A.

Appointed to Court of Appeals Division I: 2001

**27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 1,642 Surveys Returned: 377</i>	<u>Superior Court Judge Responses</u> <i>Surveys Distributed: 394 Surveys Returned: 152</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	90%	93%
Integrity	96%	95%
Communication Skills	99%	N/A
Judicial Temperament	99%	N/A
Administrative Performance	94%	95%
Administrative Skills	N/A	N/A

GEMMILL, JOHN C.

Appointed to Court of Appeals Division I: 2001

**27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 1,207 Surveys Returned: 333</i>	<u>Superior Court Judge Responses</u> <i>Surveys Distributed: 284 Surveys Returned: 100</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	94%	97%
Integrity	99%	100%
Communication Skills	99%	N/A
Judicial Temperament	99%	N/A
Administrative Performance	87%	100%
Administrative Skills	N/A	N/A

IRVINE, PATRICK

Appointed to Court of Appeals Division I: 2002

**27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 1,512 Surveys Returned: 382</i>	<u>Superior Court Judge Responses</u> <i>Surveys Distributed: 370 Surveys Returned: 133</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	89%	100%
Integrity	97%	100%
Communication Skills	99%	N/A
Judicial Temperament	100%	N/A
Administrative Performance	94%	99%
Administrative Skills	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

WINTHROP, LAWRENCE F.

Appointed to Court of Appeals Division I: 2002

27 Commissioners Voted "Meets" 0 Commissioners Voted "Does Not Meet"		
<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 1,625 Surveys Returned: 261</i>	<u>Superior Court Judge Responses</u> <i>Surveys Distributed: 291 Surveys Returned: 101</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	91%	96%
Integrity	99%	97%
Communication Skills	99%	N/A
Judicial Temperament	100%	N/A
Administrative Performance	97%	97%
Administrative Skills	N/A	N/A

APACHE/COCONINO/LA PAZ/MOHAVE/NAVAJO/YAVAPAI/YUMA COUNTY VOTERS VOTE ON THE FOLLOWING COURT OF APPEALS DIVISION I JUDGES

BROWN, MICHAEL J.

Appointed to Court of Appeals Division I: 2007

27 Commissioners Voted "Meets" 0 Commissioners Voted "Does Not Meet"		
<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 625 Surveys Returned: 139</i>	<u>Superior Court Judge Responses</u> <i>Surveys Distributed: 170 Surveys Returned: 60</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	87%	95%
Integrity	97%	97%
Communication Skills	99%	N/A
Judicial Temperament	99%	N/A
Administrative Performance	91%	94%
Administrative Skills	N/A	N/A

HALL, PHILIP L.

Appointed to Court of Appeals Division I: 2001

27 Commissioners Voted "Meets" 0 Commissioners Voted "Does Not Meet"		
<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 1,516 Surveys Returned: 321</i>	<u>Superior Court Judge Responses</u> <i>Surveys Distributed: 377 Surveys Returned: 128</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	92%	95%
Integrity	100%	98%
Communication Skills	99%	N/A
Judicial Temperament	100%	N/A
Administrative Performance	92%	99%
Administrative Skills	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

THOMPSON, JON W.

Appointed to Court of Appeals Division I: 1995

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 1,449 Surveys Returned: 341</i>	<u>Superior Court Judge Responses</u> <i>Surveys Distributed: 377 Surveys Returned: 143</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	82%	99%
Integrity	96%	100%
Communication Skills	97%	N/A
Judicial Temperament	98%	N/A
Administrative Performance	86%	98%
Administrative Skills	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

PIMA COUNTY SUPERIOR COURT – PIMA COUNTY VOTERS ONLY

**RESULTS OF THE COMMISSION’S VOTE ON THE
PIMA COUNTY SUPERIOR COURT JUDGES**

THE FOLLOWING JUDGES *DO NOT MEET* JUDICIAL PERFORMANCE STANDARDS:

NONE

THE FOLLOWING JUDGES *MEET* JUDICIAL PERFORMANCE STANDARDS:

- Borek, Ted B.
- Browning, Christopher C.
- Campoy, Hector E.
- Chandler, Terry
- Chon-Lopez, Javier
- Cruikshank, Michael
- Harrington, Charles V.
- Nichols, Richard D.

JUDICIAL PERFORMANCE REVIEW

PIMA COUNTY JUDGE REVIEWS

BOREK, TED B.

Assignment During Survey Period: Civil
Appointed to Pima County Superior Court: 2000

**26 Commissioners Voted “Meets”
0 Commissioners Voted “Does Not Meet”**

Note: Judge Borek is a member of the JPR Commission who could not vote on his own performance finding.

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 219 Surveys Returned: 53</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 35 Surveys Returned: 6</i>	<u>Juror Responses</u> <i>Surveys Distributed: 35 Surveys Returned: 13</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	97%	N/A	N/A
Integrity	99%	100%	100%
Communication Skills	97%	100%	100%
Judicial Temperament	97%	100%	100%
Administrative Performance	100%	100%	100%
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge “satisfactory”, “very good”, or “superior” in each of the Commission’s evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes “Yes” or “No” on whether a judge “MEETS” Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court’s website.

BROWNING, CHRISTOPHER C.

Assignment During Survey Period: Criminal
Appointed to Pima County Superior Court: 1998

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 203 Surveys Returned: 51</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 140 Surveys Returned: 32</i>	<u>Juror Responses</u> <i>Surveys Distributed: 45 Surveys Returned: 19</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	94%	N/A	N/A
Integrity	97%	100%	100%
Communication Skills	96%	100%	100%
Judicial Temperament	96%	99%	100%
Administrative Performance	100%	100%	100%
Settlement Activities	86%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

CAMPOY, HECTOR E.

Assignment During Survey Period: Juvenile
Appointed to Pima County Superior Court: 2000

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 109 Surveys Returned: 21</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 423 Surveys Returned: 67</i>	<u>Juror Responses</u> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	100%	N/A	N/A
Integrity	96%	99%	N/A
Communication Skills	98%	97%	N/A
Judicial Temperament	91%	99%	N/A
Administrative Performance	100%	99%	N/A
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

CHANDLER, TERRY

Assignment During Survey Period: Criminal
Appointed to Pima County Superior Court: 2004

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 169 Surveys Returned: 36</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 137 Surveys Returned: 31</i>	<u>Juror Responses</u> <i>Surveys Distributed: 99 Surveys Returned: 29</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	94%	N/A	N/A
Integrity	98%	97%	100%
Communication Skills	96%	98%	100%
Judicial Temperament	96%	99%	100%
Administrative Performance	94%	97%	100%
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

JUDICIAL PERFORMANCE REVIEW

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

CHON-LOPEZ, JAVIER

Assignment During Survey Period: Juvenile
Appointed to Pima County Superior Court: 2007

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

Judicial Performance Standards Evaluation Categories	Attorney Responses <i>Surveys Distributed: 113 Surveys Returned: 28</i>	Litigant, Witness, ProPer Responses <i>Surveys Distributed: 204 Surveys Returned: 44</i>	Juror Responses <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	Score (See Footnote)	Score (See Footnote)	Score (See Footnote)
Legal Ability	94%	N/A	N/A
Integrity	96%	98%	N/A
Communication Skills	94%	88%	N/A
Judicial Temperament	96%	97%	N/A
Administrative Performance	95%	98%	N/A
Settlement Activities	88%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

CRUIKSHANK, MICHAEL

Assignment During Survey Period: Presiding Family
Appointed to Pima County Superior Court: 1998

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

Judicial Performance Standards Evaluation Categories	Presiding Judge Responses <i>Surveys Distributed: 53 Surveys Returned: 26</i>	Attorney Responses <i>Surveys Distributed: 125 Surveys Returned: 45</i>	Litigant, Witness, ProPer Responses <i>Surveys Distributed: 143 Surveys Returned: 15</i>	Juror Responses <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	Score (See Footnote)	Score (See Footnote)	Score (See Footnote)	Score (See Footnote)
Legal Ability	N/A	96%	N/A	N/A
Integrity	100%	99%	88%	N/A
Communication Skills	100%	99%	88%	N/A
Judicial Temperament	100%	100%	85%	N/A
Administrative Performance	97%	100%	91%	N/A
Settlement Activities	N/A	100%	N/A	N/A
Administrative Skills	95%	N/A	N/A	N/A

HARRINGTON, CHARLES V.

Assignment During Survey Period: Civil
Appointed to Pima County Superior Court: 1999

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

Judicial Performance Standards Evaluation Categories	Attorney Responses <i>Surveys Distributed: 181 Surveys Returned: 76</i>	Litigant, Witness, ProPer Responses <i>Surveys Distributed: 146 Surveys Returned: 42</i>	Juror Responses <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	Score (See Footnote)	Score (See Footnote)	Score (See Footnote)
Legal Ability	98%	N/A	N/A
Integrity	99%	99%	N/A
Communication Skills	98%	100%	N/A
Judicial Temperament	98%	99%	N/A
Administrative Performance	98%	100%	N/A
Settlement Activities	95%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

JUDICIAL PERFORMANCE REVIEW

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

NICHOLS, RICHARD D.

Assignment During Survey Period: Criminal
 Appointed to Pima County Superior Court: 1995

27 Commissioners Voted "Meets"
 0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 207 Surveys Returned: 53</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 115 Surveys Returned: 29</i>	<u>Juror Responses</u> <i>Surveys Distributed: 56 Surveys Returned: 26</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	99%	N/A	N/A
Integrity	100%	100%	100%
Communication Skills	98%	100%	100%
Judicial Temperament	99%	100%	100%
Administrative Performance	100%	100%	99%
Settlement Activities	95%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

JUDICIAL PERFORMANCE REVIEW

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

MARICOPA COUNTY SUPERIOR COURT – MARICOPA COUNTY VOTERS ONLY

**RESULTS OF THE COMMISSION’S VOTE ON THE
MARICOPA COUNTY SUPERIOR COURT JUDGES**

THE FOLLOWING JUDGES *DO NOT MEET* JUDICIAL PERFORMANCE STANDARDS:

NONE

THE FOLLOWING JUDGES *MEET* JUDICIAL PERFORMANCE STANDARDS:

- | | | |
|------------------------|----------------------|-----------------------|
| Aceto, Mark F. | Foster, George H. | Martin, Daniel G. |
| Anderson, Aimee L. | Gaines, Pendleton | Mroz, Rosa P. |
| Anderson, Arthur T. | Gama, J. Richard | Myers, Samuel J. |
| Barton, Janet E. | Grant, Larry | Norris, Benjamin R. |
| Bassett, Edward W. | Granville, Warren J. | O’Connor, Karen L. |
| Bergin, Dawn M. | Hauser, Brian R. | Pineda, Susanna C. |
| Brodman, Roger E. | Hegy, Hugh E. | Rayes, Douglas L. |
| Brotherton, William L. | Heilman, Joseph B. | Rea, John C. |
| Budoff, Robert | Hicks, Bethany G. | Reinstein, Peter C. |
| Burke, Edward O. | Hoag, M. Jean | Ronan, Emmet J. |
| Chavez, Harriett E. | Hyatt, Carey S. | Talamante, David M. |
| Davis, Norman J. | Ishikawa, Brian K. | Thumma, Samuel J. |
| Donahoe, Gary E. | Jones, Michael D. | Verdin, Maria del Mar |
| Duncan, Sally S. | Kreamer, Joseph C. | Warner, Randall H. |
| Fenzel, Alfred M. | Lee, Raymond | Welty, Joseph C. |
| Fink, Dean M. | Mangum, J. Kenneth | Willett, Eileen S. |

JUDICIAL PERFORMANCE REVIEW

MARICOPA COUNTY JUDGE REVIEWS

ACETO, MARK F.

Assignment During Survey Period: Juvenile
Appointed to Maricopa County Superior Court: 1995

**27 Commissioners Voted “Meets”
0 Commissioners Voted “Does Not Meet”**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 114 Surveys Returned: 28</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 137 Surveys Returned: 26</i>	<u>Juror Responses</u> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	93%	N/A	N/A
Integrity	94%	99%	N/A
Communication Skills	86%	100%	N/A
Judicial Temperament	79%	96%	N/A
Administrative Performance	90%	99%	N/A
Settlement Activities	80%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge “satisfactory”, “very good”, or “superior” in each of the Commission’s evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes “Yes” or “No” on whether a judge “MEETS” Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court’s website.

ANDERSON, AIMEE L.

Assignment During Survey Period: Juvenile
Appointed to Maricopa County Superior Court: 2007

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 134 Surveys Returned: 39</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 380 Surveys Returned: 18</i>	<u>Juror Responses</u> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	98%	N/A	N/A
Integrity	94%	100%	N/A
Communication Skills	94%	100%	N/A
Judicial Temperament	85%	100%	N/A
Administrative Performance	98%	100%	N/A
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

ANDERSON, ARTHUR T.

Assignment During Survey Period: Criminal
Appointed to Maricopa County Superior Court: 1999

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 169 Surveys Returned: 23</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 89 Surveys Returned: 9</i>	<u>Juror Responses</u> <i>Surveys Distributed: 42 Surveys Returned: 29</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	96%	N/A	N/A
Integrity	99%	100%	100%
Communication Skills	94%	100%	100%
Judicial Temperament	93%	100%	100%
Administrative Performance	96%	100%	100%
Settlement Activities	93%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

BARTON, JANET E.

Assignment During Survey Period: Criminal
Appointed to Maricopa County Superior Court: 2000

26 Commissioners Voted "Meets"
1 Commissioner Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 204 Surveys Returned: 43</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 42 Surveys Returned: 6</i>	<u>Juror Responses</u> <i>Surveys Distributed: 34 Surveys Returned: 18</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	76%	N/A	N/A
Integrity	93%	100%	100%
Communication Skills	80%	100%	100%
Judicial Temperament	74%	80%	100%
Administrative Performance	96%	94%	100%
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

JUDICIAL PERFORMANCE REVIEW

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

BASSETT, EDWARD W.

Assignment During Survey Period: Family
Appointed to Maricopa County Superior Court: 2008

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 162 Surveys Returned: 45</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 369 Surveys Returned: 25</i>	<u>Juror Responses</u> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	94%	N/A	N/A
Integrity	95%	89%	N/A
Communication Skills	93%	80%	N/A
Judicial Temperament	91%	76%	N/A
Administrative Performance	97%	86%	N/A
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

BERGIN, DAWN M.

Assignment During Survey Period: Juvenile
Appointed to Maricopa County Superior Court: 2007

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 148 Surveys Returned: 40</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 96 Surveys Returned: 17</i>	<u>Juror Responses</u> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	88%	N/A	N/A
Integrity	95%	99%	N/A
Communication Skills	94%	94%	N/A
Judicial Temperament	82%	96%	N/A
Administrative Performance	94%	96%	N/A
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

BRODMAN, ROGER E.

Assignment During Survey Period: Juvenile
Appointed to Maricopa County Superior Court: 2007

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 149 Surveys Returned: 43</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 522 Surveys Returned: 59</i>	<u>Juror Responses</u> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	95%	N/A	N/A
Integrity	98%	98%	N/A
Communication Skills	97%	92%	N/A
Judicial Temperament	99%	98%	N/A
Administrative Performance	88%	94%	N/A
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

BROTHERTON, WILLIAM L.

Assignment During Survey Period: Family
Appointed to Maricopa County Superior Court: 2007

26 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"
1 Commissioner Voted "Not Voting"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 112 Surveys Returned: 36</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 439 Surveys Returned: 35</i>	<u>Juror Responses</u> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	94%	N/A	N/A
Integrity	95%	84%	N/A
Communication Skills	90%	79%	N/A
Judicial Temperament	83%	78%	N/A
Administrative Performance	94%	85%	N/A
Settlement Activities	87%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

BUDOFF, ROBERT

Assignment During Survey Period: Civil
Appointed to Maricopa County Superior Court: 2000

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 329 Surveys Returned: 97</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 77 Surveys Returned: 17</i>	<u>Juror Responses</u> <i>Surveys Distributed: 27 Surveys Returned: 20</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	95%	N/A	N/A
Integrity	98%	100%	100%
Communication Skills	96%	100%	100%
Judicial Temperament	98%	100%	100%
Administrative Performance	100%	100%	100%
Settlement Activities	93%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

BURKE, EDWARD O.

Assignment During Survey Period: Civil
Appointed to Maricopa County Superior Court: 1999

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 313 Surveys Returned: 72</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 35 Surveys Returned: 2</i>	<u>Juror Responses</u> <i>Surveys Distributed: 113 Surveys Returned: 28</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	96%	N/A	N/A
Integrity	99%	100%	100%
Communication Skills	95%	100%	99%
Judicial Temperament	94%	100%	100%
Administrative Performance	99%	100%	98%
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

JUDICIAL PERFORMANCE REVIEW

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

CHAVEZ, HARRIETT E.

Assignment During Survey Period: Civil; NW Presiding
Appointed to Maricopa County Superior Court: 2003

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

Judicial Performance Standards Evaluation Categories	Presiding Judge Responses <i>Surveys Distributed: 4 Surveys Returned: 2</i>	Attorney Responses <i>Surveys Distributed: 182 Surveys Returned: 56</i>	Litigant, Witness, ProPer Responses <i>Surveys Distributed: 205 Surveys Returned: 31</i>	Juror Responses <i>Surveys Distributed: 27 Surveys Returned: 25</i>
	Score (See Footnote)	Score (See Footnote)	Score (See Footnote)	Score (See Footnote)
Legal Ability	N/A	93%	N/A	N/A
Integrity	100%	99%	98%	100%
Communication Skills	100%	93%	94%	99%
Judicial Temperament	100%	96%	94%	100%
Administrative Performance	100%	97%	95%	99%
Settlement Activities	N/A	100%	N/A	N/A
Administrative Skills	100%	N/A	N/A	N/A

DAVIS, NORMAN J.

Assignment During Survey Period: Juvenile; Associate Presiding
Appointed to Maricopa County Superior Court: 1995

26 Commissioners Voted "Meets"
1 Commissioner Voted "Does Not Meet"

Judicial Performance Standards Evaluation Categories	Presiding Judge Responses <i>Surveys Distributed: 151 Surveys Returned: 63</i>	Attorney Responses <i>Surveys Distributed: 42 Surveys Returned: 7</i>	Litigant, Witness, ProPer Responses <i>Surveys Distributed: 54 Surveys Returned: 2</i>	Juror Responses <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	Score (See Footnote)	Score (See Footnote)	Score (See Footnote)	Score (See Footnote)
Legal Ability	N/A	100%	N/A	N/A
Integrity	100%	100%	100%	N/A
Communication Skills	100%	100%	50%	N/A
Judicial Temperament	100%	100%	100%	N/A
Administrative Performance	100%	100%	83%	N/A
Settlement Activities	N/A	100%	N/A	N/A
Administrative Skills	100%	N/A	N/A	N/A

DONAHOE, GARY E.

Assignment During Survey Period: Criminal Presiding
Appointed to Maricopa County Superior Court: 2000

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

Judicial Performance Standards Evaluation Categories	Presiding Judge Responses <i>Surveys Distributed: 57 Surveys Returned: 27</i>	Attorney Responses <i>Surveys Distributed: 29 Surveys Returned: 7</i>	Litigant, Witness, ProPer Responses <i>Surveys Distributed: 11 Surveys Returned: 8</i>	Juror Responses <i>Surveys Distributed: 104 Surveys Returned: 23</i>
	Score (See Footnote)	Score (See Footnote)	Score (See Footnote)	Score (See Footnote)
Legal Ability	N/A	67%	N/A	N/A
Integrity	96%	80%	100%	97%
Communication Skills	97%	67%	100%	100%
Judicial Temperament	97%	67%	100%	99%
Administrative Performance	98%	83%	100%	99%
Settlement Activities	N/A	50%	N/A	N/A
Administrative Skills	97%	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

DUNCAN, SALLY S.

Assignment During Survey Period: Criminal
Appointed to Maricopa County Superior Court: 2004

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 240 Surveys Returned: 60</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 61 Surveys Returned: 10</i>	<u>Juror Responses</u> <i>Surveys Distributed: 58 Surveys Returned: 23</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	90%	N/A	N/A
Integrity	96%	98%	100%
Communication Skills	89%	73%	100%
Judicial Temperament	87%	84%	100%
Administrative Performance	96%	88%	100%
Settlement Activities	89%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

FENZEL, ALFRED M.

Assignment During Survey Period: Family
Appointed to Maricopa County Superior Court: 1999

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 172 Surveys Returned: 67</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 423 Surveys Returned: 33</i>	<u>Juror Responses</u> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	89%	N/A	N/A
Integrity	95%	84%	N/A
Communication Skills	88%	80%	N/A
Judicial Temperament	89%	76%	N/A
Administrative Performance	91%	85%	N/A
Settlement Activities	91%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

FINK, DEAN M.

Assignment During Survey Period: Civil
Appointed to Maricopa County Superior Court: 2007

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 191 Surveys Returned: 50</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 24 Surveys Returned: 8</i>	<u>Juror Responses</u> <i>Surveys Distributed: 9 Surveys Returned: 5</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	94%	N/A	N/A
Integrity	97%	100%	76%
Communication Skills	94%	100%	80%
Judicial Temperament	95%	100%	80%
Administrative Performance	99%	100%	80%
Settlement Activities	93%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

JUDICIAL PERFORMANCE REVIEW

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

FOSTER, GEORGE H.

Assignment During Survey Period: Criminal
Appointed to Maricopa County Superior Court: 2003

26 Commissioners Voted "Meets"
1 Commissioner Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 175 Surveys Returned: 37</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 54 Surveys Returned: 3</i>	<u>Juror Responses</u> <i>Surveys Distributed: 81 Surveys Returned: 55</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	79%	N/A	N/A
Integrity	94%	100%	100%
Communication Skills	78%	100%	96%
Judicial Temperament	81%	100%	100%
Administrative Performance	92%	100%	96%
Settlement Activities	69%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

GAINES, PENDLETON

Assignment During Survey Period: Criminal
Appointed to Maricopa County Superior Court: 1999

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 192 Surveys Returned: 41</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 78 Surveys Returned: 5</i>	<u>Juror Responses</u> <i>Surveys Distributed: 93 Surveys Returned: 55</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	96%	N/A	N/A
Integrity	99%	100%	100%
Communication Skills	88%	100%	100%
Judicial Temperament	86%	100%	100%
Administrative Performance	99%	100%	100%
Settlement Activities	89%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

GAMA, J. RICHARD

Assignment During Survey Period: Presiding Civil
Appointed to Maricopa County Superior Court: 2000

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Presiding Judge Responses</u> <i>Surveys Distributed: 31 Surveys Returned: 11</i>	<u>Attorney Responses</u> <i>Surveys Distributed: 130 Surveys Returned: 19</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 7 Surveys Returned: 1</i>	<u>Juror Responses</u> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	N/A	81%	N/A	N/A
Integrity	100%	100%	100%	N/A
Communication Skills	100%	88%	100%	N/A
Judicial Temperament	100%	98%	100%	N/A
Administrative Performance	95%	94%	100%	N/A
Settlement Activities	N/A	100%	N/A	N/A
Administrative Skills	98%	N/A	N/A	N/A

JUDICIAL PERFORMANCE REVIEW

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

GRANT, LARRY

Assignment During Survey Period: Civil
Appointed to Maricopa County Superior Court: 2003

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 348 Surveys Returned: 84</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 58 Surveys Returned: 11</i>	<u>Juror Responses</u> <i>Surveys Distributed: 20 Surveys Returned: 16</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	81%	N/A	N/A
Integrity	94%	90%	100%
Communication Skills	83%	90%	100%
Judicial Temperament	92%	91%	100%
Administrative Performance	89%	88%	100%
Settlement Activities	74%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

GRANVILLE, WARREN J.

Assignment During Survey Period: Criminal
Appointed to Maricopa County Superior Court: 2000

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 244 Surveys Returned: 62</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 56 Surveys Returned: 7</i>	<u>Juror Responses</u> <i>Surveys Distributed: 68 Surveys Returned: 27</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	96%	N/A	N/A
Integrity	99%	95%	100%
Communication Skills	93%	100%	100%
Judicial Temperament	97%	100%	100%
Administrative Performance	97%	100%	100%
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

HAUSER, BRIAN R.

Assignment During Survey Period: Civil
Appointed to Maricopa County Superior Court: 1991

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 236 Surveys Returned: 46</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 45 Surveys Returned: 3</i>	<u>Juror Responses</u> <i>Surveys Distributed: 18 Surveys Returned: 10</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	98%	N/A	N/A
Integrity	100%	100%	100%
Communication Skills	98%	100%	100%
Judicial Temperament	98%	100%	100%
Administrative Performance	100%	100%	100%
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

JUDICIAL PERFORMANCE REVIEW

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

HEGYI, HUGH E.

Assignment During Survey Period: Civil
Appointed to Maricopa County Superior Court: 2007

26 Commissioners Voted "Meets"
1 Commissioner Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 197 Surveys Returned: 53</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 22 Surveys Returned: 3</i>	<u>Juror Responses</u> <i>Surveys Distributed: 10 Surveys Returned: 6</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	95%	N/A	N/A
Integrity	98%	76%	100%
Communication Skills	97%	50%	100%
Judicial Temperament	99%	67%	100%
Administrative Performance	99%	78%	100%
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

HEILMAN, JOSEPH B.

Assignment During Survey Period: Civil
Appointed to Maricopa County Superior Court: 1999

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 199 Surveys Returned: 45</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 36 Surveys Returned: 5</i>	<u>Juror Responses</u> <i>Surveys Distributed: 32 Surveys Returned: 10</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	85%	N/A	N/A
Integrity	97%	72%	100%
Communication Skills	82%	78%	100%
Judicial Temperament	96%	80%	100%
Administrative Performance	81%	80%	100%
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

HICKS, BETHANY G.

Assignment During Survey Period: Civil
Appointed to Maricopa County Superior Court: 1999

15 Commissioners Voted "Meets"
12 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 453 Surveys Returned: 126</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 69 Surveys Returned: 11</i>	<u>Juror Responses</u> <i>Surveys Distributed: 37 Surveys Returned: 13</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	81%	N/A	N/A
Integrity	95%	91%	100%
Communication Skills	82%	94%	100%
Judicial Temperament	89%	87%	100%
Administrative Performance	90%	94%	100%
Settlement Activities	84%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

HOAG, M. JEAN

Assignment During Survey Period: Family
Appointed to Maricopa County Superior Court: 1996

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 115 Surveys Returned: 38</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 389 Surveys Returned: 41</i>	<u>Juror Responses</u> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	95%	N/A	N/A
Integrity	94%	92%	N/A
Communication Skills	93%	88%	N/A
Judicial Temperament	91%	87%	N/A
Administrative Performance	96%	92%	N/A
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

HYATT, CAREY S.

Assignment During Survey Period: Family
Appointed to Maricopa County Superior Court: 2000

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 89 Surveys Returned: 34</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 349 Surveys Returned: 28</i>	<u>Juror Responses</u> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	98%	N/A	N/A
Integrity	98%	86%	N/A
Communication Skills	97%	84%	N/A
Judicial Temperament	95%	83%	N/A
Administrative Performance	99%	87%	N/A
Settlement Activities	95%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

ISHIKAWA, BRIAN K.

Assignment During Survey Period: Assoc. Presiding Juvenile
Appointed to Maricopa County Superior Court: 1995

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Presiding Judge Responses</u> <i>Surveys Distributed: 22 Surveys Returned: 15</i>	<u>Attorney Responses</u> <i>Surveys Distributed: 108 Surveys Returned: 33</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 435 Surveys Returned: 63</i>	<u>Juror Responses</u> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	N/A	100%	N/A	N/A
Integrity	100%	100%	98%	N/A
Communication Skills	100%	99%	97%	N/A
Judicial Temperament	100%	100%	99%	N/A
Administrative Performance	100%	99%	98%	N/A
Settlement Activities	N/A	93%	N/A	N/A
Administrative Skills	100%	N/A	N/A	N/A

JUDICIAL PERFORMANCE REVIEW

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

JONES, MICHAEL D.

Assignment During Survey Period: Criminal
Appointed to Maricopa County Superior Court: 1995

**27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 192 Surveys Returned: 47</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 57 Surveys Returned: 11</i>	<u>Juror Responses</u> <i>Surveys Distributed: 12 Surveys Returned: 11</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	94%	N/A	N/A
Integrity	99%	100%	100%
Communication Skills	98%	100%	100%
Judicial Temperament	100%	100%	100%
Administrative Performance	99%	100%	100%
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

KREAMER, JOSEPH C.

Assignment During Survey Period: Criminal
Appointed to Maricopa County Superior Court: 2007

**27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 244 Surveys Returned: 71</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 52 Surveys Returned: 9</i>	<u>Juror Responses</u> <i>Surveys Distributed: 47 Surveys Returned: 25</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	100%	N/A	N/A
Integrity	99%	100%	100%
Communication Skills	100%	100%	100%
Judicial Temperament	99%	100%	100%
Administrative Performance	100%	100%	100%
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

LEE, RAYMOND

Assignment During Survey Period: Juvenile
Appointed to Maricopa County Superior Court: 2003

**22 Commissioners Voted "Meets"
5 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 96 Surveys Returned: 25</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 102 Surveys Returned: 9</i>	<u>Juror Responses</u> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	99%	N/A	N/A
Integrity	100%	100%	N/A
Communication Skills	97%	100%	N/A
Judicial Temperament	99%	100%	N/A
Administrative Performance	71%	96%	N/A
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

JUDICIAL PERFORMANCE REVIEW

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

MANGUM, J. KENNETH

Assignment During Survey Period: Civil
Appointed to Maricopa County Superior Court: 1991

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 207 Surveys Returned: 64</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 46 Surveys Returned: 9</i>	<u>Juror Responses</u> <i>Surveys Distributed: 16 Surveys Returned: 5</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	97%	N/A	N/A
Integrity	96%	79%	100%
Communication Skills	96%	88%	100%
Judicial Temperament	98%	95%	100%
Administrative Performance	95%	96%	100%
Settlement Activities	92%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

MARTIN, DANIEL G.

Assignment During Survey Period: Criminal
Appointed to Maricopa County Superior Court: 2007

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 94 Surveys Returned: 26</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 235 Surveys Returned: 37</i>	<u>Juror Responses</u> <i>Surveys Distributed: 35 Surveys Returned: 9</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	93%	N/A	N/A
Integrity	98%	95%	100%
Communication Skills	97%	92%	100%
Judicial Temperament	94%	93%	100%
Administrative Performance	93%	97%	100%
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

MROZ, ROSA P.

Assignment During Survey Period: Criminal
Appointed to Maricopa County Superior Court: 2004

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 139 Surveys Returned: 29</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 65 Surveys Returned: 21</i>	<u>Juror Responses</u> <i>Surveys Distributed: 36 Surveys Returned: 23</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	96%	N/A	N/A
Integrity	99%	100%	99%
Communication Skills	97%	100%	100%
Judicial Temperament	96%	100%	100%
Administrative Performance	98%	100%	97%
Settlement Activities	89%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

JUDICIAL PERFORMANCE REVIEW

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

MYERS, SAMUEL J.

Assignment During Survey Period: Civil
Appointed to Maricopa County Superior Court: 2007

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

Judicial Performance Standards Evaluation Categories	Attorney Responses <i>Surveys Distributed: 166 Surveys Returned: 48</i>	Litigant, Witness, ProPer Responses <i>Surveys Distributed: 94 Surveys Returned: 23</i>	Juror Responses <i>Surveys Distributed: 55 Surveys Returned: 55</i>
	Score (See Footnote)	Score (See Footnote)	Score (See Footnote)
Legal Ability	97%	N/A	N/A
Integrity	100%	100%	100%
Communication Skills	97%	92%	100%
Judicial Temperament	100%	95%	100%
Administrative Performance	99%	100%	100%
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

NORRIS, BENJAMIN R.

Assignment During Survey Period: Juvenile
Appointed to Maricopa County Superior Court: 2008

24 Commissioners Voted "Meets"
3 Commissioners Voted "Does Not Meet"

Judicial Performance Standards Evaluation Categories	Attorney Responses <i>Surveys Distributed: 130 Surveys Returned: 34</i>	Litigant, Witness, ProPer Responses <i>Surveys Distributed: 279 Surveys Returned: 18</i>	Juror Responses <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	Score (See Footnote)	Score (See Footnote)	Score (See Footnote)
Legal Ability	85%	N/A	N/A
Integrity	98%	100%	N/A
Communication Skills	91%	94%	N/A
Judicial Temperament	91%	97%	N/A
Administrative Performance	75%	96%	N/A
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

O'CONNOR, KAREN L.

Assignment During Survey Period: Presiding Probate
Appointed to Maricopa County Superior Court: 2000

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

Judicial Performance Standards Evaluation Categories	Presiding Judge Responses <i>Surveys Distributed: 5 Surveys Returned: 2</i>	Attorney Responses <i>Surveys Distributed: 54 Surveys Returned: 18</i>	Litigant, Witness, ProPer Responses <i>Surveys Distributed: 74 Surveys Returned: 17</i>	Juror Responses <i>Surveys Distributed: 36 Surveys Returned: 17</i>
	Score (See Footnote)	Score (See Footnote)	Score (See Footnote)	Score (See Footnote)
Legal Ability	N/A	90%	N/A	N/A
Integrity	100%	99%	97%	100%
Communication Skills	100%	98%	96%	100%
Judicial Temperament	100%	100%	92%	100%
Administrative Performance	100%	99%	98%	100%
Settlement Activities	N/A	100%	N/A	N/A
Administrative Skills	100%	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

PINEDA, SUSANNA C.

Assignment During Survey Period: Criminal
Appointed to Maricopa County Superior Court: 2007

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 138 Surveys Returned: 37</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 170 Surveys Returned: 20</i>	<u>Juror Responses</u> <i>Surveys Distributed: 24 Surveys Returned: 3</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	94%	N/A	N/A
Integrity	98%	89%	100%
Communication Skills	94%	84%	89%
Judicial Temperament	97%	87%	100%
Administrative Performance	98%	86%	89%
Settlement Activities	89%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

RAYES, DOUGLAS L.

Assignment During Survey Period: Civil
Appointed to Maricopa County Superior Court: 2000

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 457 Surveys Returned: 109</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 74 Surveys Returned: 5</i>	<u>Juror Responses</u> <i>Surveys Distributed: 8 Surveys Returned: 8</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	96%	N/A	N/A
Integrity	97%	100%	100%
Communication Skills	95%	100%	100%
Judicial Temperament	96%	100%	100%
Administrative Performance	99%	100%	100%
Settlement Activities	94%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

REA, JOHN C.

Assignment During Survey Period: Civil
Appointed to Maricopa County Superior Court: 2004

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 281 Surveys Returned: 63</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 48 Surveys Returned: 7</i>	<u>Juror Responses</u> <i>Surveys Distributed: 46 Surveys Returned: 32</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	94%	N/A	N/A
Integrity	99%	100%	100%
Communication Skills	96%	100%	100%
Judicial Temperament	98%	100%	100%
Administrative Performance	96%	100%	100%
Settlement Activities	91%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

REINSTEIN, PETER C.

Assignment During Survey Period: Family
Appointed to Maricopa County Superior Court: 1999

26 Commissioners Voted "Meets"
1 Commissioner Voted "Does Not Meet"

Judicial Performance Standards Evaluation Categories	Attorney Responses <i>Surveys Distributed: 169 Surveys Returned: 41</i>	Litigant, Witness, ProPer Responses <i>Surveys Distributed: 388 Surveys Returned: 19</i>	Juror Responses <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	Score (See Footnote)	Score (See Footnote)	Score (See Footnote)
Legal Ability	94%	N/A	N/A
Integrity	97%	87%	N/A
Communication Skills	88%	64%	N/A
Judicial Temperament	79%	65%	N/A
Administrative Performance	97%	78%	N/A
Settlement Activities	87%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

RONAN, EMMET J.

Assignment During Survey Period: Civil
Appointed to Maricopa County Superior Court: 2000

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

Judicial Performance Standards Evaluation Categories	Attorney Responses <i>Surveys Distributed: 169 Surveys Returned: 38</i>	Litigant, Witness, ProPer Responses <i>Surveys Distributed: 77 Surveys Returned: 11</i>	Juror Responses <i>Surveys Distributed: 65 Surveys Returned: 23</i>
	Score (See Footnote)	Score (See Footnote)	Score (See Footnote)
Legal Ability	96%	N/A	N/A
Integrity	97%	100%	94%
Communication Skills	96%	100%	94%
Judicial Temperament	98%	100%	96%
Administrative Performance	95%	100%	96%
Settlement Activities	95%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

TALAMANTE, DAVID M.

Assignment During Survey Period: Family; SE Presiding
Appointed to Maricopa County Superior Court: 1999

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

Judicial Performance Standards Evaluation Categories	Presiding Judge Responses <i>Surveys Distributed: 17 Surveys Returned: 7</i>	Attorney Responses <i>Surveys Distributed: 180 Surveys Returned: 45</i>	Litigant, Witness, ProPer Responses <i>Surveys Distributed: 254 Surveys Returned: 32</i>	Juror Responses <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	Score (See Footnote)	Score (See Footnote)	Score (See Footnote)	Score (See Footnote)
Legal Ability	N/A	100%	N/A	N/A
Integrity	100%	99%	96%	N/A
Communication Skills	100%	100%	96%	N/A
Judicial Temperament	100%	99%	95%	N/A
Administrative Performance	100%	100%	97%	N/A
Settlement Activities	N/A	96%	N/A	N/A
Administrative Skills	100%	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

THUMMA, SAMUEL A.

Assignment During Survey Period: Juvenile
Appointed to Maricopa County Superior Court: 2007

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 138 Surveys Returned: 37</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 246 Surveys Returned: 50</i>	<u>Juror Responses</u> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	100%	N/A	N/A
Integrity	99%	100%	N/A
Communication Skills	99%	93%	N/A
Judicial Temperament	98%	100%	N/A
Administrative Performance	99%	96%	N/A
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

VERDIN, MARIA DEL MAR

Assignment During Survey Period: Criminal
Appointed to Maricopa County Superior Court: 1999

26 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

Note: Judge Verdin is a member of the JPR Commission who could not vote on her own performance finding.			
<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 155 Surveys Returned: 38</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 134 Surveys Returned: 18</i>	<u>Juror Responses</u> <i>Surveys Distributed: 56 Surveys Returned: 16</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	95%	N/A	N/A
Integrity	95%	99%	100%
Communication Skills	97%	100%	98%
Judicial Temperament	92%	97%	100%
Administrative Performance	96%	100%	100%
Settlement Activities	95%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

WARNER, RANDALL H.

Assignment During Survey Period: Associate Presiding Family
Appointed to Maricopa County Superior Court: 2007

27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Presiding Judge Responses</u> <i>Surveys Distributed: 37 Surveys Returned: 15</i>	<u>Attorney Responses</u> <i>Surveys Distributed: 139 Surveys Returned: 52</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 262 Surveys Returned: 14</i>	<u>Juror Responses</u> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	N/A	96%	N/A	N/A
Integrity	100%	100%	95%	N/A
Communication Skills	100%	97%	85%	N/A
Judicial Temperament	100%	96%	92%	N/A
Administrative Performance	100%	99%	92%	N/A
Settlement Activities	N/A	97%	N/A	N/A
Administrative Skills	100%	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

WELTY, JOSEPH C.

Assignment During Survey Period: Criminal
Appointed to Maricopa County Superior Court: 2007

**27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 241 Surveys Returned: 49</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 140 Surveys Returned: 12</i>	<u>Juror Responses</u> <i>Surveys Distributed: 65 Surveys Returned: 39</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	97%	N/A	N/A
Integrity	98%	100%	100%
Communication Skills	96%	95%	100%
Judicial Temperament	95%	98%	100%
Administrative Performance	100%	94%	99%
Settlement Activities	97%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

WILLETT, EILEEN S.

Assignment During Survey Period: Civil
Appointed to Maricopa County Superior Court: 1999

**27 Commissioners Voted "Meets"
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 167 Surveys Returned: 46</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 42 Surveys Returned: 6</i>	<u>Juror Responses</u> <i>Surveys Distributed: 48 Surveys Returned: 22</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	84%	N/A	N/A
Integrity	98%	100%	100%
Communication Skills	90%	100%	100%
Judicial Temperament	97%	100%	100%
Administrative Performance	91%	89%	100%
Settlement Activities	75%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

JUDICIAL PERFORMANCE REVIEW

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GENERAL ELECTION
November 2, 2010

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VOTER VIEW

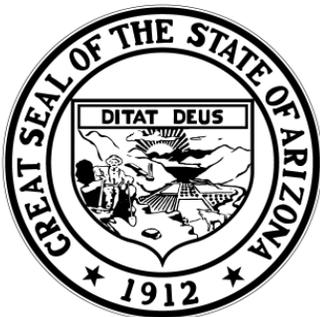
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KEN BENNETT
SECRETARY OF STATE





Ballot Proposition Voter's Guide



This page is provided for your convenience to mark your choice after studying each proposition.
It may be detached from this booklet and taken to the polling place on
General Election Day, November 2, 2010,
to assist you in voting your ballot.

Proposition 106 – Proposed amendment to the constitution by the legislature relating to health care services	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Proposition 107 – Proposed amendment to the constitution by the legislature relating to preferential treatment or discrimination prohibition	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Proposition 109 – Proposed amendment to the constitution by the legislature relating to hunting and fishing	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Proposition 110 – Proposed amendment to the constitution by the legislature relating to state trust lands	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Proposition 111 – Proposed amendment to the constitution by the legislature relating to the executive department	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Proposition 112 – Proposed amendment to the constitution by the legislature relating to initiative petitions	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Proposition 113 – Proposed amendment to the constitution by the legislature relating to the right to vote a secret ballot regarding employee representation	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Proposition 203 – Proposed by initiative petition relating to the medical use of marijuana	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Proposition 301 – Referred to the people by the legislature relating to the land conservation fund	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Proposition 302 – Referred to the people by the legislature relating to early childhood development and health programs	<input type="checkbox"/> YES	<input type="checkbox"/> NO

Date of General Election: November 2, 2010
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Removable Voter's Guide



JUDICIAL PERFORMANCE REVIEW JUDGE CHECKLIST

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Removable Voter's Guide

<p style="text-align: center;">Arizona Supreme Court (All Voters)</p> <p>Berch, Rebecca White Yes ___ No ___</p>	<p style="text-align: center;">Maricopa County Superior Court (Maricopa County Voters)</p> <p>Aceto, Mark F. Yes ___ No ___</p> <p>Anderson, Aimee L. Yes ___ No ___</p> <p>Anderson, Arthur T. Yes ___ No ___</p> <p>Barton, Janet E. Yes ___ No ___</p> <p>Bassett, Edward W. Yes ___ No ___</p> <p>Bergin, Dawn M. Yes ___ No ___</p> <p>Brodman, Roger E. Yes ___ No ___</p> <p>Brotherton, William L. Yes ___ No ___</p> <p>Budoff, Robert Yes ___ No ___</p> <p>Burke, Edward O. Yes ___ No ___</p> <p>Chavez, Harriett E. Yes ___ No ___</p> <p>Davis, Norman J. Yes ___ No ___</p> <p>Donahoe, Gary E. Yes ___ No ___</p> <p>Duncan, Sally S. Yes ___ No ___</p> <p>Fenzel, Alfred M. Yes ___ No ___</p> <p>Fink, Dean M. Yes ___ No ___</p> <p>Foster, George H. Yes ___ No ___</p> <p>Gaines, Pendleton Yes ___ No ___</p> <p>Gama, J. Richard Yes ___ No ___</p> <p>Grant, Larry Yes ___ No ___</p> <p>Granville, Warren J. Yes ___ No ___</p> <p>Hauser, Brian R. Yes ___ No ___</p> <p>Hegy, Hugh E. Yes ___ No ___</p> <p>Heilman, Joseph B. Yes ___ No ___</p> <p>Hicks, Bethany G. Yes ___ No ___</p> <p>Hoag, M. Jean. Yes ___ No ___</p> <p>Hyatt, Carey S. Yes ___ No ___</p> <p>Ishikawa, Brian K. Yes ___ No ___</p> <p>Jones, Michael D. Yes ___ No ___</p> <p>Kreamer, Joseph C. Yes ___ No ___</p> <p>Lee, Raymond Yes ___ No ___</p> <p>Mangum, J. Kenneth Yes ___ No ___</p> <p>Martin, Daniel G. Yes ___ No ___</p> <p>Mroz, Rosa P. Yes ___ No ___</p> <p>Myers, Samuel J. Yes ___ No ___</p> <p>Norris, Benjamin R. Yes ___ No ___</p> <p>O'Connor, Karen L. Yes ___ No ___</p> <p>Pineda, Susanna C. Yes ___ No ___</p> <p>Rayes, Douglas L. Yes ___ No ___</p> <p>Rea, John C. Yes ___ No ___</p> <p>Reinstein, Peter C. Yes ___ No ___</p> <p>Ronan, Emmet J. Yes ___ No ___</p> <p>Talamante, David M. Yes ___ No ___</p> <p>Thumma, Samuel J. Yes ___ No ___</p> <p>Verdin, Maria del Mar Yes ___ No ___</p> <p>Warner, Randall H. Yes ___ No ___</p> <p>Welty, Joseph C. Yes ___ No ___</p> <p>Willett, Eileen S. Yes ___ No ___</p>
<p style="text-align: center;">Court of Appeals Division I (Maricopa County Voters)</p> <p>Barker, Daniel A. Yes ___ No ___</p> <p>Gemmill, John C. Yes ___ No ___</p> <p>Irvine, Patrick Yes ___ No ___</p> <p>Winthrop, Lawrence F. Yes ___ No ___</p>	
<p style="text-align: center;">Court of Appeals, Division I (Apache/Coconino/La Paz/Mohave/Navajo/ Yavapai/Yuma County Voters)</p> <p>Brown, Michael J. Yes ___ No ___</p> <p>Hall, Philip L. Yes ___ No ___</p> <p>Thompson, Jon W. Yes ___ No ___</p>	
<p style="text-align: center;">Pima County Superior Court (Pima County Voters)</p> <p>Borek, Ted B. Yes ___ No ___</p> <p>Browning, Christopher C. Yes ___ No ___</p> <p>Campoy, Hector E. Yes ___ No ___</p> <p>Chandler, Terry Yes ___ No ___</p> <p>Chon-Lopez, Javier Yes ___ No ___</p> <p>Cruikshank, Michael Yes ___ No ___</p> <p>Harrington, Charles V. Yes ___ No ___</p> <p>Nichols, Richard D. Yes ___ No ___</p>	



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Duplicate Removable Voter's Guide



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This page is provided to assist you when voting on the judges and justices standing for retention. Remove the sheet from your pamphlet, mark your vote on the checklist, and take the checklist with you when voting.

<p style="text-align: center;">Arizona Supreme Court (All Voters)</p> <p>Berch, Rebecca White Yes ___ No ___</p>	<p style="text-align: center;">Maricopa County Superior Court (Maricopa County Voters)</p> <p>Aceto, Mark F. Yes ___ No ___</p> <p>Anderson, Aimee L. Yes ___ No ___</p> <p>Anderson, Arthur T. Yes ___ No ___</p> <p>Barton, Janet E. Yes ___ No ___</p> <p>Bassett, Edward W. Yes ___ No ___</p> <p>Bergin, Dawn M. Yes ___ No ___</p> <p>Brodman, Roger E. Yes ___ No ___</p> <p>Brotherton, William L. Yes ___ No ___</p> <p>Budoff, Robert Yes ___ No ___</p> <p>Burke, Edward O. Yes ___ No ___</p> <p>Chavez, Harriett E. Yes ___ No ___</p> <p>Davis, Norman J. Yes ___ No ___</p> <p>Donahoe, Gary E. Yes ___ No ___</p> <p>Duncan, Sally S. Yes ___ No ___</p> <p>Fenzel, Alfred M. Yes ___ No ___</p> <p>Fink, Dean M. Yes ___ No ___</p> <p>Foster, George H. Yes ___ No ___</p> <p>Gaines, Pendleton Yes ___ No ___</p> <p>Gama, J. Richard Yes ___ No ___</p> <p>Grant, Larry Yes ___ No ___</p> <p>Granville, Warren J. Yes ___ No ___</p> <p>Hauser, Brian R. Yes ___ No ___</p> <p>Hegy, Hugh E. Yes ___ No ___</p> <p>Heilman, Joseph B. Yes ___ No ___</p> <p>Hicks, Bethany G. Yes ___ No ___</p> <p>Hoag, M. Jean. Yes ___ No ___</p> <p>Hyatt, Carey S. Yes ___ No ___</p> <p>Ishikawa, Brian K. Yes ___ No ___</p> <p>Jones, Michael D. Yes ___ No ___</p> <p>Kreamer, Joseph C. Yes ___ No ___</p> <p>Lee, Raymond Yes ___ No ___</p> <p>Mangum, J. Kenneth Yes ___ No ___</p> <p>Martin, Daniel G. Yes ___ No ___</p> <p>Mroz, Rosa P. Yes ___ No ___</p> <p>Myers, Samuel J. Yes ___ No ___</p> <p>Norris, Benjamin R. Yes ___ No ___</p> <p>O'Connor, Karen L. Yes ___ No ___</p> <p>Pineda, Susanna C. Yes ___ No ___</p> <p>Rayes, Douglas L. Yes ___ No ___</p> <p>Rea, John C. Yes ___ No ___</p> <p>Reinstein, Peter C. Yes ___ No ___</p> <p>Ronan, Emmet J. Yes ___ No ___</p> <p>Talamante, David M. Yes ___ No ___</p> <p>Thumma, Samuel J. Yes ___ No ___</p> <p>Verdin, Maria del Mar Yes ___ No ___</p> <p>Warner, Randall H. Yes ___ No ___</p> <p>Welty, Joseph C. Yes ___ No ___</p> <p>Willett, Eileen S. Yes ___ No ___</p>
<p style="text-align: center;">Court of Appeals Division I (Maricopa County Voters)</p> <p>Barker, Daniel A. Yes ___ No ___</p> <p>Gemmill, John C. Yes ___ No ___</p> <p>Irvine, Patrick Yes ___ No ___</p> <p>Winthrop, Lawrence F. Yes ___ No ___</p>	
<p style="text-align: center;">Court of Appeals, Division I (Apache/Coconino/La Paz/Mohave/Navajo/ Yavapai/Yuma County Voters)</p> <p>Brown, Michael J. Yes ___ No ___</p> <p>Hall, Philip L. Yes ___ No ___</p> <p>Thompson, Jon W. Yes ___ No ___</p>	
<p style="text-align: center;">Pima County Superior Court (Pima County Voters)</p> <p>Borek, Ted B. Yes ___ No ___</p> <p>Browning, Christopher C. Yes ___ No ___</p> <p>Campoy, Hector E. Yes ___ No ___</p> <p>Chandler, Terry Yes ___ No ___</p> <p>Chon-Lopez, Javier Yes ___ No ___</p> <p>Cruikshank, Michael Yes ___ No ___</p> <p>Harrington, Charles V. Yes ___ No ___</p> <p>Nichols, Richard D. Yes ___ No ___</p>	

Duplicate Removable Voter's Guide

Be Brilliant At The Polls.



Voting is not only an important right but an easy one to exercise.

Just follow these simple instructions to “know before you go,” and happy voting!

As an Arizona voter, you should bring proof of identity to your polling place. When you arrive, simply give your name and place of residence to the election official, then present one form of identification that has your name, address and photograph, or two forms of ID that show your name and address.

Acceptable IDs with your photograph, name, and address (1 needed):

- Valid Arizona driver license
- Valid Arizona non-operating identification license
- Tribal enrollment card or other form of tribal identification
- Valid United States federal, state or local government issued identification



Note: In all cases, IDs are considered “valid” unless expired.

Visit azsos.gov or call 1-877-THE-VOTE

If you don’t have one of the former, simply bring any two acceptable forms of identification that do not require a photo.

Acceptable IDs (no photograph) with your name and address (2 needed):

- Utility bill of the voter that is dated within 90 days of the date of the election (may be for electric, gas, water, solid waste, sewer, telephone, cellular phone or cable TV)
- Bank or credit union statement that is dated within 90 days of the date of the election
- Valid Arizona Vehicle Registration
- Indian census card
- Property tax statement of the voter’s residence
- Tribal enrollment card or other form of tribal identification
- Recorder’s Certificate
- Valid United States federal, state or local government issued identification, including a voter registration card issued by the county recorder
- Any mailing to the elector marked “Official Election Material”

Acceptable forms of ID, one with photo and one without (2 needed):

- Any valid photo identification from the first list in which the address does not match the precinct register accompanied by one valid form of non-photo identification
- U.S. Passport and one valid form of non-photo identification
- U.S. Military ID and one valid form of non-photo identification



Arizona Secretary of State Ken Bennett
Election Services Division
1700 W. Washington St., 7th Floor
Phoenix, AZ 85007-2888

GENERAL ELECTION ~ NOV. 2, 2010
BALLOT PROPOSITION GUIDE
PUBLICITY PAMPHLET &
JUDICIAL PERFORMANCE REVIEW

NON PROFIT ORG
U.S. POSTAGE
PAID
AZ SECRETARY OF STATE

OFFICIAL ELECTION MATERIALS

MATERIALES OFICIALES PARA LA ELECCIÓN

NOTICE: Every qualified voter is required to show proof of identity at the polling place before receiving a ballot.

AVISO: Se requiere que todo votante calificado muestre comprobante de identidad en el lugar de votación antes de recibir una boleta electoral.



- ▶ Only one informational pamphlet has been mailed to each household containing a registered voter. Please make it available to all registered voters in the household.
- ▶ Sólo se ha enviado por correo un folleto informativo a cada hogar conteniendo a un elector registrado. Por favor póngalo a la disposición de todos los electores registrado en el hogar.

What's on your to-do list?

Nov. 2 Election
Go Vote. Day

Polls open 6 a.m.
Be in line before 7 p.m.

Don't Forget
my ID

Look up polling place at
Voter View, www.azsos.gov

**For a complete election
calendar, see page 2**

Arizona Secretary of State Ken Bennett