What’s on my Ballot?

Arizona’s General Election Guide

www.azsos.gov
1-877-THE VOTE
(1-877-843-8683)
Arizona Secretary of State’s Office
Election Services Division
1700 W. Washington St., 7th Floor
Phoenix, Arizona 85007

INSIDE:
Important Dates
Registering to Vote
Ballot Propositions
Pro/Con Arguments
Judicial Review

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 9
Last Day to Register to vote in the General Election if not already registered
Go online to www.azsos.gov

Don’t panic. Call 1-877-THE VOTE (1-877-843-8683) early in the day for assistance

October 11
If I want to vote by mail, I can request an early ballot starting today!

Contact your County Recorder listed on page 12

October 26
Don’t forget to request early ballot. I have until 5 p.m. today to request one from county.

Nov. 6 Election Day
Go Vote Today.
Polls open 6 a.m. Be in line before 7 p.m. Look up polling place at Voter View & check later for election results online, www.azsos.gov

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

*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.
Important choices lie ahead. That’s why we prepared Arizona’s General Election Guide. This year Arizona will be conducting our General Election on November 6, and we hope this pamphlet is a helpful tool for your use.

The pamphlet is divided into three parts:

1. General information about voting (Pages 6-11).
2. Information about each proposition that will appear on the ballot, including the actual language of the measure followed by a description of what the measure does and arguments for and against the measure filed by members of the public (Pages 17-121).

3. A judicial performance review, provided by the Arizona Commission on Judicial Performance Review, to assist you in reviewing the judges who will be on the ballot (Pages 122-151).

Please keep the following important dates in mind:

- **Voter Registration Deadline if you are not already registered to vote:** October 9. For information about your registration, please call your County Recorder’s office. A list of contact information for each County Recorder can be found on page 12.

- **Early Voting:** October 11 - October 26. This is the period when early ballots are mailed to registered voters who request one. Contact your County Recorder to receive a ballot in the mail, or to request that your name be placed on the Permanent Early Voting List.

- **Election Day:** November 6. Polling places are open from 6 a.m. - 7 p.m.

If you are either in the military or an Arizona voter living overseas, you can find important voting information on page 7.

Local governments will also be holding elections November 6. State and local elections will be combined on one ballot. Contact your County Elections Department for information about local elections or visit the Secretary of State’s Website – www.azsos.gov – if you have any questions.

Thank you for taking the time to inform yourself and participate in this important Election.

Sincerely,

[Signature]

Ken Bennett
Arizona Secretary of State
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*Arizona’s General Election Guide*  
General Election ~ November 6, 2012

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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 6, 2012, 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.

## Other Ballot Items

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*On the cover:* A breathtaking view of the San Francisco Peaks as seen 12 miles north of Flagstaff, Ariz. off Highway 89 near Sunset Crater. Photo by: Scott Cancelosi

*Published by:* Secretary of State Ken Bennett
Election Services Division
1700 W. Washington St., 7th Floor
Phoenix, AZ 85007-2808

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

DEADLINE: October 9 is the registration deadline for the 2012 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’s 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 5 p.m., Oct. 9, 2012.

ADDITIONAL ONLINE VOTER SERVICES

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
- Check their early ballot status

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

VOTER ACCESSIBILITY

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. 11 - Oct. 26: 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. 26: Last day to request an early ballot from your County Recorder. Requests must be made by 5 p.m.

Nov. 1: Last day to safely submit a voted early ballot by mail.

Nov. 6: Election Day - Your voted early ballot must be received by 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.

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 personnel and voters living overseas are able to conveniently participate in federal and Arizona elections by visiting the Secretary of State online at:


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 the 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 ARIZONA time on Election Day.
ALTernate formats

The 2012 General Election Publicity Pamphlet is available in alternate formats. Arizona residents who need information about the 2012 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
5. Sun Sounds - Voter Information Project, see page 152

Voter 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

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 the next page.
3.) Mark your ballot beside the name of each 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 or the person of your choice 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 85007-2808
1-877-THE VOTE (1-877-843-8683)
www.azsos.gov

Arizona’s General Election Guide
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.

List 1 - Acceptable forms of identification with photograph, name, and address of the elector (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

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

OR

List 2 - Acceptable forms of identification without a photograph that bear the name and address of the elector (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”

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

OR

List 3 - Acceptable forms of identification, one identification with name and photo of the elector accompanied by one non-photo identification with name and address (2 forms of ID 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

Attention:
Every person who comes into a polling place has the right to cast a ballot and cannot be turned away.

In certain situations however, a voter may be required to vote a provisional ballot.

A provisional ballot is a ballot that will only be counted if the County Recorder can determine the voter’s eligibility.

If you cast a provisional ballot, your ballot will be counted ONCE IT HAS BEEN VERIFIED that you have:

1. Voted at the correct polling place,
2. Provided the required identification documents, and
3. Are registered to vote in the county in which you voted.

After the election you can check the status of your provisional ballot by visiting

Voter View, Arizona’s Voter Information Center at:
voter.azsos.gov

BECOME A POLL WORKER

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).
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 6, 2012. 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.

CANDIDATE STATEMENTS PAMPHLET

The 2012 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.

It’s a Matter of Opinion and we want YOURS!

Would you prefer to get the information in this guide online, rather than receiving it by mail?

Please take a short survey on our Website, www.azsos.gov

Our office will use your survey response to consider future delivery methods of Arizona’s General Election Guide.
## County Recorders

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<th>Phone</th>
<th>FAX</th>
<th>TDD</th>
<th>Email</th>
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</thead>
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<tr>
<td>LeNora Y. Fulton</td>
<td>Apache County Recorder</td>
<td>75 West Cleveland</td>
<td>P.O. Box 425</td>
<td>928/337-7514</td>
<td>928/337-7676</td>
<td>928/337-4402</td>
<td><a href="mailto:l.fulton@co.apache.az.us">l.fulton@co.apache.az.us</a></td>
</tr>
<tr>
<td>Berta Manuz</td>
<td>Greenlee County Recorder</td>
<td>253 5th Street</td>
<td>P.O. Box 1625</td>
<td>928/865-2632</td>
<td>928/865-4417</td>
<td>928/865-2632</td>
<td><a href="mailto:bmanuz@co.greenlee.az.us">bmanuz@co.greenlee.az.us</a></td>
</tr>
<tr>
<td>F. Ann Rodriguez</td>
<td>Pima County Recorder</td>
<td>115 North Church Avenue</td>
<td>P.O. Box 3145</td>
<td>520/724-4330</td>
<td>520/623-1785</td>
<td>520/724-4320</td>
<td><a href="mailto:recorder@reconder.pima.gov">recorder@reconder.pima.gov</a></td>
</tr>
<tr>
<td>Christine Rhodes</td>
<td>Cochise County Recorder</td>
<td>1415 West Melody Lane, Bldg B</td>
<td>Bisbee, Arizona 85603</td>
<td>520/432-8354</td>
<td>520/432-8368</td>
<td>520/432-8360</td>
<td><a href="mailto:recorder@cochise.az.gov">recorder@cochise.az.gov</a></td>
</tr>
<tr>
<td>Shelly Baker</td>
<td>La Paz County Recorder</td>
<td>1112 Joshua Avenue, Suite 201</td>
<td>Parker, Arizona 85344-5755</td>
<td>928/669-6136</td>
<td>928/669-5638</td>
<td>928/669-8400</td>
<td><a href="mailto:sbaker@co.la-paz.az.us">sbaker@co.la-paz.az.us</a></td>
</tr>
<tr>
<td>Laura Dean-Lyte</td>
<td>Pinal County Recorder</td>
<td>31 North Pinal Street, Bldg E</td>
<td>Florence, Arizona 85132-0848</td>
<td>520/509-3555</td>
<td>888/431-1311</td>
<td>520/866-6831</td>
<td><a href="mailto:recorder@pinalcounty.az.gov">recorder@pinalcounty.az.gov</a></td>
</tr>
<tr>
<td>Candace D. Owens</td>
<td>Coconino County Recorder</td>
<td>110 East Cherry Avenue</td>
<td>Flagstaff, Arizona 86001-4696</td>
<td>928/679-7860 or 800/793-6181</td>
<td>928/679-7851</td>
<td>928/679-7131</td>
<td><a href="mailto:ccelections@coconino.az.gov">ccelections@coconino.az.gov</a></td>
</tr>
<tr>
<td>Helen Purcell</td>
<td>Maricopa County Recorder</td>
<td>111 South 3rd Avenue, #103</td>
<td>Phoenix, Arizona 85003-2225</td>
<td>602/506-1511</td>
<td>602/506-5112</td>
<td>602/506-2348</td>
<td><a href="mailto:voterinfo@risc.maricopa.gov">voterinfo@risc.maricopa.gov</a></td>
</tr>
<tr>
<td>Suzanne &quot;Suzie&quot; Sainz</td>
<td>Santa Cruz County Recorder</td>
<td>2150 North Congress Drive</td>
<td>Nogales, Arizona 85621-1090</td>
<td>520/375-7990</td>
<td>520/375-7996</td>
<td>520/761-7816</td>
<td><a href="mailto:ssainz@co.santa-cruz.az.us">ssainz@co.santa-cruz.az.us</a></td>
</tr>
<tr>
<td>Sadie Jo Tomerlin</td>
<td>Gila County Recorder</td>
<td>1400 East Ash Street</td>
<td>Globe, Arizona 85501-1496</td>
<td>928/402-8735</td>
<td>928/425-9270</td>
<td>711 (Arizona Relay)</td>
<td><a href="mailto:stomerlin@co.gila.az.us">stomerlin@co.gila.az.us</a></td>
</tr>
<tr>
<td>Carol Meier</td>
<td>Mohave County Recorder</td>
<td>700 West Beale Street (zip: 86401)</td>
<td>Kingman, Arizona 86402-0070</td>
<td>928/753-0767</td>
<td>928/718-4917</td>
<td>928/753-0769</td>
<td><a href="mailto:erma.ellen@mohavecounty.us">erma.ellen@mohavecounty.us</a></td>
</tr>
<tr>
<td>Leslie Hoffman</td>
<td>Yavapai County Recorder</td>
<td>1015 Fair Street, Rm # 228</td>
<td>Prescott, Arizona 86305-1852</td>
<td>928/771-3248</td>
<td>928/771-3446</td>
<td>928/771-3530</td>
<td><a href="mailto:web.voter.registration@yavapai.us">web.voter.registration@yavapai.us</a></td>
</tr>
<tr>
<td>Wendy John</td>
<td>Graham County Recorder</td>
<td>921 Thatcher Boulevard (zip: 85546)</td>
<td>Safford, Arizona 85548</td>
<td>928/428-3560</td>
<td>928/428-8828</td>
<td>928/428-3562</td>
<td><a href="mailto:w.john@graham.az.gov">w.john@graham.az.gov</a></td>
</tr>
<tr>
<td>Laurette Justman</td>
<td>Navajo County Recorder</td>
<td>100 East Code Talkers Drive, South Hwy 77</td>
<td>Holbrook, Arizona 86025-0668</td>
<td>928/524-4192</td>
<td>928/524-4308</td>
<td>928/524-4294</td>
<td><a href="mailto:laurie.justman@navajocountyaz.gov">laurie.justman@navajocountyaz.gov</a></td>
</tr>
<tr>
<td>Robyn Stallworth Pouquet</td>
<td>Yuma County Recorder</td>
<td>410 South Maiden Lane, #B</td>
<td>Yuma, Arizona 85364-2311</td>
<td>928/373-6034</td>
<td>928/373-6024</td>
<td>928/373-6033</td>
<td><a href="mailto:Robyn.Pouquette@yumacountyaz.gov">Robyn.Pouquette@yumacountyaz.gov</a></td>
</tr>
</tbody>
</table>
County Election Directors

Angela Romero, Director
Apache County Elections
Physical: 75 West Cleveland
Mailing: P.O. Box 248
St. Johns, Arizona 85936
Phone 928/337-7537
FAX 928/337-7538
Email aromero@co.apache.az.gov

Yvonne Pearson, Clerk/Director
Greenlee County Elections
Physical: 253 5th Street
Mailing: Clifton, Arizona 85533
Phone 928/865-2072
FAX 928/865-9332
Email ypearson@co.greenlee.az.us

Brad R. Nelson, Director
Pima County Elections
6550 South Country Club
Tucson, Arizona 85756
Phone 520/724-6830
FAX 520/724-6870
Email elections@pima.gov

Juanita Murray, Director
Cochise County Elections
Physical: 100 Clawson Avenue, 3rd Floor
Mailing: P.O. Box 223
Bisbee, Arizona 85603
Phone 520/432-8970
FAX 520/432-8995
Email jmurray@co.cochise.az.gov

Donna J. Hale, Clerk/Director
La Paz County Board of Supervisors
1108 Joshua Avenue
Parker, Arizona 85344
Phone 928/669-6115
FAX 928/669-9709
Email dhale@co.la-paz.az.us

Steve Kizer, Director
Pinal County Elections
Physical: 383 North Main Street
Mailing: P.O. Box 1592
Florence, Arizona 85132-1592
Phone 520/866-7550
FAX 520/866-7551
Email steve.kizer@pinalcountyaz.gov

Patty Hansen, Chief Deputy/Director
Coconino County Elections
110 East Cherry Avenue
Flagstaff, Arizona 86001
Phone 928/679-7860 or 800/793-6181
FAX 928/679-7851
Email ccelections@co.conino.az.gov

Karen Osborne, Director
Maricopa County Elections
111 South 3rd Avenue #102
Phoenix, Arizona 85003
Phone 602/506-1511
FAX 602/506-5112
Email voterinfo@risc.maricopa.gov

Melinda Meek, Clerk/Director
Santa Cruz County Board of Supervisors
2150 North Congress Drive, Suite 119
Nogales, Arizona 85621
Phone 520/375-7808
FAX 520/761-7843
Email mmeeek@co.santa-cruz.az.us

Linda Eastlick, Director
Gila County Elections
5515 South Apache Avenue, Suite 900
Globe, Arizona 85501
Phone 928/402-8708
FAX 928/402-4319
Email leastlick@gilacountyaz.gov

Allen Tempert, Director
Mohave County Elections
Physical: 700 West Beale Street (zip: 86401)
Mailing: P.O. Box 7000
Kingman, Arizona 86402-7000
Phone 928/753-0733
FAX 928/718-4956
Email elections@mohavecounty.us

Lynn Constabile, Director
Yavapai County Elections
1015 Fair Street, Rm #228
Prescott, Arizona 86305
Phone 928/771-3250
FAX 928/771-3446
Email web.elections@co.yavapai.az.us

Judy Dickerson, Deputy Clerk/Director
Graham County Elections
921 Thatcher Boulevard
Safford, Arizona 85546
Phone 928/792-5037
FAX 928/428-5951
Email jdkickerson@graham.az.gov

Johnathan R. Roes, Director
Navajo County Elections
Physical: 100 East Code Talkers Drive, South Hwy 77
Mailing: P.O. Box 668
Holbrook, Arizona 86025
Phone 928/524-4062
FAX 928/524-4088
Email Johnathan.Roes@navajocountyaz.gov

Sue Stallworth Reynolds, Director
Yuma County Elections
198 South Main Street
Yuma, Arizona 85364
Phone 928/373-1014
FAX 928/373-1154
Email Sue.Reynolds@yuma countyaz.gov
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 or pencil 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.

Visit www.azsos.gov or call 1-877-THE VOTE (1-877-843-8683)
A guide to Arizona

Propositions

INITIATIVE AND REFERENDUM MEASURES

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 general election ballot.

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 general election ballot.
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.
PROPOSITION 114

OFFICIAL TITLE
SENATE CONCURRENT RESOLUTION 1020
A CONCURRENT RESOLUTION
PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, SECTION 31 AND ARTICLE XVIII, SECTION 6, CONSTITUTION OF ARIZONA; RELATING TO CRIME VICTIM PROTECTION FROM LIABILITY FOR DAMAGES.

TEXT OF PROPOSED AMENDMENT

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

1. Article II, section 31, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

   31. Damages for death or personal injuries
   Section 31. No law shall be enacted in this state limiting the amount of damages to be recovered for causing the death or injury of any person, EXCEPT THAT A CRIME VICTIM IS NOT SUBJECT TO A CLAIM FOR DAMAGES BY A PERSON WHO IS HARMED WHILE THE PERSON IS ATTEMPTING TO ENGAGE IN, ENGAGING IN OR FLEETING AFTER HAVING ENGAGED IN OR ATTEMPTED TO ENGAGE IN CONDUCT THAT IS CLASSIFIED AS A FELONY OFFENSE.

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

   6. Recovery of damages for injuries
   Section 6. The right of action to recover damages for injuries shall never be abrogated, and the amount recovered shall not be subject to any statutory limitation, EXCEPT THAT A CRIME VICTIM IS NOT SUBJECT TO A CLAIM FOR DAMAGES BY A PERSON WHO IS HARMED WHILE THE PERSON IS ATTEMPTING TO ENGAGE IN, ENGAGING IN OR FLEETING AFTER HAVING ENGAGED IN OR ATTEMPTED TO ENGAGE IN CONDUCT THAT IS CLASSIFIED AS A FELONY OFFENSE.

3. Short title
   This measure may be cited as the "Crime Victims Protection Act of 2012".

4. 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 114 would amend the Arizona Constitution to provide that a crime victim is not liable for damages incurred by a person who was harmed while attempting, engaging in or fleeing from conduct that is classified as a felony offense.

Under current law, Article II, section 31 and Article XVIII, section 6 of the Arizona Constitution generally provide that the right to recover for damages for death or injury may not be limited. Proposition 114 would amend these sections of the Arizona Constitution to provide an exception that a crime victim is not subject to a claim for damages by a person who is harmed while attempting to engage in conduct classified as a felony offense, while engaging in conduct classified as a felony offense or while fleeing from such conduct.

Article II, section 2.1 of the Arizona Constitution provides that a "victim" is a person against whom a criminal offense has been committed, or if that person is killed or incapacitated, that person's spouse, parent, child or other lawful representative.
ARGUMENTS “FOR” PROPOSITION 114

SUPPORT Proposition 114 – The Crime Victims Protection Act of 2102

Here is a simple and good idea. Let’s stop the bad guys from suing their victims. Do you believe a criminal should be able to sue you, after assaulting you, robbing you, and/or raping you? An unrestricted constitutional “right to sue” exists, which even permits criminals to sue those they victimize. “A person’s home is their castle”, however our Arizona Constitution allows anyone to sue for any reason and offers little protection to a property owner who defends his family, or his property from violent criminals (home invasion, burglary, arson, etc.). For example, a burglar breaks into your home and your dog bites him, you can be successfully sued for any injury sustained by the burglar!

Here is one true story - a burglar fell through a kitchen skylight of a home, landing on a knife that was left on the kitchen counter. The burglar impaled himself on the knife, and then sued the homeowner for an “unsafe condition”; the court awarding him damages for his injuries. That is not justice!

Those defending the rights of criminals to sue will argue state statutes already protect property owners from such travesties of justice. If that were true, then why would they try to defeat this Proposition? The fact is the Arizona Court of Appeals has ruled our statutes are insufficient, therefore a constitutional amendment is needed to stop criminals from suing victims of crime. A criminal should not be able to victimize their victim twice and this amendment is necessary to protect victims of crime.

Please vote yes on Proposition 114, the Crime Victims Protection Act, and let’s ensure that a criminal is never able to sue the very person they victimized.

Hon. Russell Pearce, Former President of the Arizona State Senate, Mesa
Paid for by Pearce for Arizona

SUPPORT Proposition 114 – The Crime Victims Protection Act of 2012

The Arizona Constitution protects an unrestricted right to sue for damages, and, for the most part, that’s a good thing. Unfortunately, that protection also allows a criminal to sue you if he gets hurt while committing a crime.

Arizona has a long history of leading the nation in legislative reforms. When we wrote our Constitution, we included the initiative and referendum process so that voters could approve changes to it. In 1990, we became one of only six states to protect the rights of crime victims in our Constitution. Now, we have the opportunity to protect the rights of crime victims again, by voting for Proposition 114, the Crime Victims Protection Act, which would limit the ability of criminals to sue their victims.

The legislature attempted to fix the problem by passing a law protecting crime victims from lawsuits, but the courts have largely nulified it because of the unrestricted right to sue guaranteed by the Constitution. Therefore, the only remedy available to us is to amend the Constitution, through Proposition 114, to protect the rights of crime victims. To allow felons to be able to collect large sums of money from their victims for injuries sustained during the commission of their crimes is not reasonable, and it’s not just.

Help ensure that victims of crime aren’t victimized twice. Join us in supporting Proposition 114, the Crime Victims Protection Act.

Dave Kopp, President, Arizona Citizens Defense League, Inc., Glendale
John Wentling, Vice-President, Arizona Citizens Defense League, Inc., Glendale
Paid for by Arizona Citizens Defense League, Inc.

ARGUMENTS “AGAINST” PROPOSITION 114

There were no arguments “against” Proposition 114.
PROPOSITION 114

PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE RELATING TO CRIME VICTIM PROTECTION FROM LIABILITY FOR DAMAGES
[SCR 1020]

PROPOSED TEXT

PROPOSED AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, SECTION 31 AND ARTICLE XVIII, SECTION 6, CONSTITUTION OF ARIZONA; RELATING TO CRIME VICTIM PROTECTION FROM LIABILITY FOR DAMAGES.

DESCRIPTIVE TITLE

PROTECTS CRIME VICTIMS FROM LIABILITY FOR DAMAGES SUFFERED BY A PERSON WHO WAS INJURED WHILE THAT PERSON COMMITTED OR ATTEMPTED TO COMMIT A FELONY AGAINST THE VICTIM.

A “yes” vote shall have the effect of protecting crime victims from having to pay damages to a person who was injured while that person committed or attempted to commit a felony against the victim.

YES □

A “no” vote shall have the effect of keeping current constitutional law related to liability for damages.

NO □
**PROPOSITION 115**

**OFFICIAL TITLE**

SENATE CONCURRENT RESOLUTION 1001
A CONCURRENT RESOLUTION
PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE VI, SECTIONS 4, 12, 20, 36, 37, 39, 41 AND 42, CONSTITUTION OF ARIZONA; relating to the judicial department.

**TEXT OF PROPOSED AMENDMENT**

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

1. Article VI, sections 4, 12, 20, 36, 37, 39, 41 and 42, Constitution of Arizona, are proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

   4. Supreme court; appellate court; term of office

      Section 4. A. THROUGH DECEMBER 31, 2012, justices of the supreme court shall hold office for a regular term of six years except as provided by this article.

      B. FOR ANY TERM BEGINNING ON OR AFTER JANUARY 1, 2013, JUSTICES OF THE SUPREME COURT AND JUDGES OF ANY INTERMEDIATE APPELLATE COURT SHALL HOLD OFFICE FOR A REGULAR TERM OF EIGHT YEARS EXCEPT AS PROVIDED BY THIS ARTICLE.

   12. Superior court; term of office

      Section 12. A. Judges of the superior court in counties having a population of less than two hundred fifty thousand persons according to the most recent United States census shall be elected by the qualified electors of their counties at the general election. THROUGH DECEMBER 31, 2012, they shall hold office for a regular term of four years except as provided by this section from and after the first Monday in January next succeeding their election, and until their successors are elected and qualify. FOR ANY TERM BEGINNING ON OR AFTER JANUARY 1, 2013, THEY SHALL HOLD OFFICE FOR A REGULAR TERM OF EIGHT YEARS EXCEPT AS PROVIDED BY THIS SECTION FROM AND AFTER THE FIRST MONDAY IN JANUARY NEXT SUCCEEDING THEIR ELECTION, AND UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFY. The names of all candidates for judge of the superior court in such counties shall be placed on the regular ballot without partisan or other designation except the division and title of the office.

      B. The governor shall fill any vacancy in such counties by appointing a person to serve until the election and qualification of a successor. At the next succeeding general election following the appointment of a person to fill a vacancy, a judge shall be elected to serve for the remainder of the unexpired term.

      C. THROUGH DECEMBER 31, 2012, judges of the superior court in counties having a population of two hundred fifty thousand persons or more according to the most recent United States census shall hold office for a regular term of four years except as provided by this article. FOR ANY TERM BEGINNING ON OR AFTER JANUARY 1, 2013, JUDGES OF THE SUPERIOR COURT IN COUNTIES HAVING A POPULATION OF TWO HUNDRED FIFTY THOUSAND PERSONS OR MORE ACCORDING TO THE MOST RECENT UNITED STATES CENSUS SHALL HOLD OFFICE FOR A REGULAR TERM OF EIGHT YEARS EXCEPT AS PROVIDED BY THIS ARTICLE.

   20. Retirement and service of retired justices and judges

      Section 20. A. The legislature shall prescribe by law a plan of retirement for justices and judges of courts of record, including the basis and amount of retirement pay, and requiring except as provided in section 35 of this article, that justices and judges of courts of record be retired upon on reaching the age of seventy, SEVENTY-FIVE YEARS OF AGE.

      B. Any retired justice or judge of any court of record who is drawing retirement pay may serve as a justice or judge of any court. When serving outside his county of residence, any such retired justice or judge shall receive his necessary traveling and subsistence expenses. A retired judge who is temporarily called back to the active duties of a judge is entitled to receive the same compensation and expenses as other like active judges less any amount received for such period in retirement benefits.

   36. Commission on appellate court appointments and terms, appointments and vacancies on commission

      Section 36. A. There shall be a nonpartisan commission on appellate court appointments which shall be composed of the established and consists of the following members:


      2. Five attorney members, who shall be nominated by the board of governors of the state bar of Arizona and appointed by the governor following people with the advice and consent of the senate in the manner prescribed by law: and

      (a) THE GOVERNOR SHALL APPOINT FOUR OF THE MEMBERS.

      (b) THE PRESIDENT OF THE STATE BAR OF ARIZONA SHALL APPOINT ONE OF THE MEMBERS WHO SHALL BE A MEMBER OF THE STATE BAR OF ARIZONA.

      3. Ten nonattorney members who shall be appointed by the governor with the advice and consent of the senate in the manner prescribed by law.

      B. At least ninety days prior to before a term expiring or within twenty-one days of a vacancy occurring for a nonattorney AN ATTORNEY member on the commission for on appellate court appointments, the governor shall appoint a nominating committee of nine members, not more than five of whom may be from the same political party. The makeup of the committee shall, to the extent feasible, reflect the diversity of the population of the state. Members shall not be attorneys and shall not hold any governmental office, elective or appointive, for profit. The committee shall provide public notice that a vacancy exists and shall solicit, review and forward to the governor all along with the committee's recommendations for appointment. STATE BAR OF ARIZONA SHALL SOLICIT, REVIEW AND FORWARD TO THE GOVERNOR ALL APPLICATIONS FOR APPOINTMENT ALONG WITH THE STATE BAR'S RECOMMENDATIONS FOR APPOINTMENT.
C. Attorney members of the commission shall have resided in the state and shall have been admitted to practice before the supreme court for not less than five (5) years, SHALL BE MEMBERS IN GOOD STANDING OF THE STATE BAR OF ARIZONA, SHALL HAVE NO FORMAL DISCIPLINARY COMPLAINTS AND SHALL NOT HAVE EVER BEEN FORMALLY SANCTIONED AS A RESULT OF DISCIPLINARY ACTION. Not more than three attorney members shall be members of the same political party and not more than two attorney members shall be residents of any one county.

D. Nonattorney Members who are nominated pursuant to subsection A, paragraph 3 shall have resided in the state for not less than five years and shall not be judges, retired judges or admitted to practice before the supreme court. Not more than five nonattorney members shall be members of the same political party. Not more than two nonattorney members shall be residents of any one county.

E. The attorney and nonattorney members of the commission shall not hold any governmental office, elective or appointive, for profit, and no attorney member of the commission shall not be eligible for appointment to any judicial office of the state until one year after the attorney member ceases to be a member of the commission.

F. Attorney Members of the commission shall serve staggered four-year terms and nonattorney members shall serve staggered four-year terms. Vacancies shall be filled for the unexpired terms in the same manner as the original appointments.

G. No person other than the judge of the commission shall serve at the same time as a member of more than one judicial appointment commission.

H. In making or confirming appointments to the appellate court commission, the governor, the senate and the president of the state bar shall endeavor to see that the commission reflects the diversity of Arizona’s population.

In the event of the absence or incapacity of the chairman the supreme court shall appoint a justice thereof to serve in his place and stead.

I. Prior to making recommendations to the governor for her/him to provide, the commission shall conduct investigations, hold public hearings and take public testimony. An executive session as prescribed by rule may be held upon a two-thirds vote of the members of the commission in a public hearing. Final decisions as to recommendations shall be made without regard to political affiliation in an impartial and objective manner. The commission shall consider the diversity of the state’s population, however the primary consideration shall be merit. Voting shall be in a public hearing. The expenses of meetings of the commission and the attendance of members thereof for travel and subsistence shall be paid from the general fund of the state as state officials are paid, upon on claims approved by the chairman.

J. After public hearings the supreme court shall adopt rules of procedure for the commission on appellate court appointments.

K. Notwithstanding the provisions of subsection A, paragraph 4, the additional attorney and nonattorney members of the commission may continue to serve until the expiration of their normal terms. All subsequent appointments shall be made as prescribed by this section.

37. Judicial vacancies and appointments; initial terms; residence; age

Section 37. A. Within sixty days from the occurrence of a vacancy in the office of a justice or judge of any court of record, except for vacancies occurring in the office of a judge of the superior court or a judge of a court of record inferior to the superior court the supreme court or an intermediate appellate court of record, the commission on appellate court appointments, if the vacancy is in the supreme court or an intermediate appellate court of record, shall submit to the governor the names of not less than three persons nominated by it to fill each vacancy, no more than two of whom shall be members of the same political party unless there are more than four such nominees, in which event not more than sixty per centum of such nominees shall be members of the same political party, except that on a two-thirds vote, the commission may reject an applicant and submit less than eight names. Any applicant who receives a majority vote of the voting members for nomination shall be nominated for the vacancy. If more than one vacancy exists in the same court at the same time, the commission shall submit the names of not less than six persons nominated by it to fill each vacancy and shall not submit the name of the same person for more than one vacancy.

B. Within sixty days from the occurrence of a vacancy in the office of a judge of the superior court or a judge of a court of record inferior to the superior court except for vacancies occurring in the office of a judge of the superior court or a judge of a court of record inferior to the superior court in a county having a population of less than two hundred fifty thousand persons according to the most recent United States census, the commission on trial court appointments for the county in which the vacancy occurs shall submit to the governor the names of not less than three persons nominated by it to fill such vacancy, no more than two of whom shall be members of the same political party unless there are more than four such nominees, in which event not more than sixty per centum of such nominees shall be members of the same political party, except that on a two-thirds vote, the commission may reject an applicant and submit less than eight names. Any applicant who receives a majority vote of the voting members for nomination shall be nominated for the vacancy. If more than one vacancy exists in the same court at the same time, the commission shall submit the names of not less than six persons nominated by it to fill each vacancy and shall not submit the name of the same person for more than one vacancy. A nominee shall be under sixty-five years of age at the time he or she becomes the name is submitted to the governor. Judges of the superior court shall be subject to retention or rejection by a vote of the qualified electors of the county from which they were appointed at the general election in the manner provided by section 38 of this article.

C. A vacancy in the office of a justice or a judge of a court of record shall be filled by appointment by the governor without regard to political affiliation from one of the nominees whose names shall be submitted to him. The governor as hereinafter provided. If more than one vacancy exists in the same court at the same time, the governor may make an appointment from any of the nominees presented for any of the vacancies in that court. In making the appointment, the governor shall consider the diversity of the state’s population for an appellate court appointment and the diversity of the county’s population for a trial court appointment, however the primary consideration shall be merit. If the governor does not appoint one of such nominees to fill such vacancy within sixty days after their names are submitted to the governor by such commission, the chief justice of the supreme court or the circuit court shall appoint on the basis of merit alone without regard to political affiliation one of such nominees to fill such vacancy. If such commission does not, within sixty days after such vacancy occurs, submit the names of nominees as hereinafter provided, the governor shall have the power to make any qual-
General Election ~ November 6, 2012

...personed to fill such THE vacancy at any time thereafter prior to BEFORE the time the names of the nominees to fill such THE vacancy are submitted to the governor as hereinafore provided.

D. Each APPOINTED justice or judge so appointed shall initially hold office for a term ending sixty days following the next regular general election after the expiration of a term of two years in office. Thereafter, the terms of justices or judges of the supreme court and the superior court shall be as provided by this article.

D. A person appointed to fill a vacancy on an intermediate appellate court or another court of record now existing or hereafter established by law shall have been a resident of the counties or county in which that vacancy exists for at least one year prior to his BEFORE THE PERSON'S appointment, in addition to possessing the other required qualifications. A nominee shall be under sixty-five years of age at the time his THE NOMINEE's name is submitted to the governor.

39. Retirement of justices and judges; vacancies

Section 67 grants the age of seventy SEVENTY-FIVE years OF AGE a justice or judge of a court of record shall retire and his THE JUSTICE'S OR JUDGE'S judicial office shall be vacant, except as otherwise provided in section 35 of this article. In addition to becoming vacant as provided in this section, the office of a justice or judge of any court of record becomes vacant upon his THE JUSTICE'S OR JUDGE'S death, or his voluntary retirement pursuant to statute or his voluntary resignation, and also, as provided in section 38 of this article, upon his THE JUSTICE'S OR JUDGE'S term following a general election at which a majority of those voting on the question of his THE JUSTICE'S OR JUDGE'S retention vote in the negative or for which general election he THE JUSTICE OR JUDGE is required, but fails, to file a declaration of his desire to be retained in office.

This section is alternative to and cumulative with the methods of removal of judges and justices provided in ARTICLE VI.I AND ARTICLE VIII, parts 1 and 2 of article 8 and article 6.1 of this Constitution.

41. Commission on trial court appointments; membership; terms

A. Except as otherwise provided, judges of the superior court in counties having a population of two hundred fifty thousand persons or more according to the most recent United States census shall hold office for a regular term of four years.

B. A. There shall be a nonpartisan commission on trial court appointments for each county having a population of two hundred fifty thousand persons or more according to the most recent United States census which shall be composed of the following members:

1. The chief justice of the supreme court, who shall be the chairman of the commission. In the event of the absence or incapacity of the chairman the supreme court shall appoint a justice thereof to serve in his place and stead.

2. Five attorney members, none of whom shall reside in the same supervisory district and not more than three of whom shall be members of the same political party, who are appointed by the chief justice of the supreme court from a list of nominees submitted by the bar association of the state of Arizona and who shall not have been attorneys at law for more than fifteen years at the time of appointment.

C. At least ninety days prior to BEFORE a term expiring or within twenty-one days of a vacancy occurring for a nonattorney AN ATTORNEY member on the commission for trial court appointments, the member of the board of supervisors from the district in which the vacancy has occurred shall appoint a successor, from a list of nominees submitted by the board of supervisors of the state of Arizona and who shall not have been attorneys at law for more than fifteen years at the time of appointment.

D. Five nonattorney members, no more than two of whom shall reside in the same supervisory district.

E. At least ninety days prior to BEFORE a term expiring or within twenty-one days of a vacancy occurring for a nonattorney AN ATTORNEY member on the commission for trial court appointments, the member of the board of supervisors from the district in which the vacancy has occurred shall appoint a successor, from a list of nominees submitted by the board of supervisors of the state of Arizona and who shall not have been attorneys at law for more than fifteen years at the time of appointment.

F. The committee shall provide public notice that a vacancy exists and shall solicit, review and forward to the governor all applications along with the committee's recommendations for STATE BAR OF ARIZONA SHALL SOLICIT, REVIEW AND FORWARD TO THE GOVERNOR ALL APPLICATIONS FOR APPOINTMENT ALONG WITH THE STATE BAR'S RECOMMENDATIONS FOR APPOINTMENT. The governor shall appoint two persons from each supervisory district who shall not be of the same political party, subject to confirmation by the senate in the manner prescribed by law.

C. In making or confirming appointments to trial court commissions, the governor, the senate and the PRESIDENT OF THE STATE BAR shall endeavor to see that the commission reflects the diversity of the county's population.

E. Members of the commission shall serve staggered four year terms, except that initial appointments for the five additional non attorney and the two additional attorney members of the commission shall be designated by the governor as follows:

1. One appointment for a nonattorney member shall be for a one year term.
2. Two appointments for nonattorney members shall be for a two year term.
3. Two appointments for nonattorney members shall be for a three year term.
4. One appointment for an attorney member shall be for a three year term.

F. One appointment for an attorney member shall be for a two year term.

G. Vacancies shall be filled for the unexpired terms in the same manner as the original appointments.

G. Attorney members of the commission shall have resided in this state and shall have been admitted to practice in this state by the supreme court for at least five TEN years, SHALL BE MEMBERS IN GOOD STANDING OF THE STATE BAR OF ARIZONA, SHALL HAVE NO FORMAL DISCIPLINARY COMPLAINTS, SHALL NOT HAVE EVER BEEN FORMALLY SANCTIONED AS A RESULT OF A DISCIPLINARY ACTION and shall have resided in the supervisory district from which they are appointed for at least one year. Nonattorney members shall have resided in this state for at least five years, shall have resided in the supervisory district for at least one year before being nominated and shall not be judges, retired judges nor admitted to practice before the supreme court. None of the attorney or nonattorney members of the commission shall hold any governmental office, elective or appointive, for profit and no attorney member is eligible for appointment to any judicial office of this state until one year after membership in the commission terminates.

H. No person other than the chief justice shall serve at the same time as a member of more than one judicial appointment commission.

I. The commission shall submit the names of not less than three EIGHT individuals for nomination for the office of the superior court judge pursuant to section 37 of this article.

J. Before making any recommendations to the governor, the commission shall conduct investigations, hold public hearings and take public testimony. An executive session as prescribed by rule may be held upon a two-thirds vote of the members of the commission in a public hearing. Final decisions as to recommendations shall be made without regard to political affiliation in an impartial and objective manner. The commission shall consider the diversity of the county's population and the geographical distribution of the residences of the judges throughout the county, however the primary consideration shall be merit. Voting shall be in a public hearing. The expenses of meetings of the commission and the attendance of members thereof for travel and subsistence shall be paid from the general fund of the state as state officers are paid, upon claims approved by the chairman.

PROPOSITION 115

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K. I. After public hearings the supreme court shall adopt rules of procedure for the commission on trial court appointments.

L. The members of the commission who were appointed pursuant to section 36 of this article prior to the effective date of this section may continue to serve until the expiration of their normal terms. All subsequent appointments shall be made as prescribed by this section.

42. Retention evaluation of justices and judges; electronically accessible information; performance review hearings

A. The supreme court shall adopt, after public hearings, and administer for all justices and judges who file a declaration to be retained in office, a process, established by court rules for evaluating judicial performance. The rules shall include written performance standards and performance reviews which survey opinions of persons who have knowledge of the justice's or judge's performance. The public shall be afforded a full and fair opportunity for participation in the evaluation process through public hearings, dissemination of evaluation reports to voters and any other methods as the court deems advisable.

B. THE SUPREME COURT SHALL MAKE EVERY WRITTEN OPINION OR ORDER THAT IS ISSUED BY A JUDGE OF A COURT OF RECORD, THAT RESOLVES A CONTESTED MATTER OF LAW AND THAT IS NOT SEALED OR CONFIDENTIAL PURSUANT TO LAW ELECTRONICALLY ACCESSIBLE TO THE PUBLIC THROUGH THE SUPREME COURT'S WEBSITE.


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 115 would amend the Arizona Constitution to make the following changes relating to the selection and retention of state judges and justices:

1. The terms of state Superior Court judges would be extended from four years to eight years; the terms of state Court of Appeals judges and state Supreme Court justices would be extended from six years to eight years.

2. The mandatory retirement age for state judges and justices would be extended from seventy to seventy-five.

3. The appointment authority for the five attorney members of each commission that nominates applicants to fill judicial vacancies would be amended as follows:
   (a) The Governor would appoint four attorneys to each nominating commission and the president of the State Bar of Arizona would appoint one attorney to each nominating commission. Currently, the State Bar of Arizona nominates and the Governor appoints all five attorney members of each commission.
   (b) The five attorney members would be required to have resided in and been licensed to practice law for ten years in Arizona and must not have any formal complaints or sanctions with the State Bar of Arizona. Currently, the attorney members must have resided in and been licensed to practice law for five years in Arizona.

4. The minimum number of judicial nominees to be submitted by a nominating commission to the Governor for a judicial vacancy would be increased from three to eight, and the limitations on the number of nominees from a particular political party would be repealed. An applicant who receives a majority vote for nomination shall be nominated for the vacancy. By a two-thirds vote, a nominating commission may reject an applicant and submit fewer than eight nominees for a judicial vacancy.

5. If more than one vacancy exists in the same court at the same time, the nominating commission would be required to submit at least six judicial nominees for each vacancy, and could not submit the same nominee for more than one vacancy. The Governor would be allowed to appoint any of the nominees submitted for any of the vacancies in that court.

6. The Supreme Court would be required to make opinions and orders of state judges and justices available electronically on the Supreme Court website, unless the opinion or order is sealed or confidential pursuant to law.

7. Sixty days before the general election for the retention of state judges and justices, a joint legislative committee would be authorized to meet and take testimony on the state judges and justices who are up for retention. A copy of the judicial performance review of each state judge or justice that is conducted under current law would be required to be transmitted to the Legislature prior to that meeting.
ARGUMENTS “FOR” PROPOSITION 115

Prop. 115 is a consensus measure that strengthens Arizona's method of selecting and retaining judges. The State Bar of Arizona, the Arizona Judicial Council, the Arizona Judges Association, and the Arizona Legislature worked together to craft Prop. 115.

Prop. 115 is designed to make the judicial nomination process turn on the individual merit of the candidates. Ensuring that each and every candidate will be considered on the basis of merit means Arizona will continue to have excellent candidates apply to be judges.

Prop. 115 also extends the terms of sitting judges, and allows judges to serve to the age of 75. Currently, all judges in Arizona must retire at the age of 70. That's way too early. In fact, four of the nine Justices on the United States Supreme Court are already older than 70. Arizona will be well served by allowing judges to serve with excellence beyond the age 70.

Finally, Prop. 115 gives voters more information about the judges that are on the ballot. Everybody wins when voters are equipped with information.

To learn more about Prop. 115 please visit: www.YesOnProp115.com.

Eddie Farnsworth, State Representative, Chairman, Making Merit Selection Stronger, Yes on Prop. 115, Chairman, Judiciary Committee, Arizona House of Representatives, Gilbert

Paid for by Making Merit Selection Stronger, Yes on Prop. 115

State Bar of Arizona’s Ballot Pamphlet Statement in Support of Proposition 115

Fair and impartial courts are necessary to assure liberty and justice for all. Making sure that we have the best judges is a critical part of keeping our courts fair and our scales of justice balanced. In Arizona, judges for superior court are selected through a system that uses elections in smaller counties (where people tend to know the candidates well) and a non-partisan Merit Selection System for larger counties, including Maricopa, Pima and Pinal. Judges for the Supreme Court, as well as the Court of Appeals, also are appointed through Merit Selection.

Because of Arizona’s Merit Selection system our courts are fair and impartial. Our merit selected judges are among the most highly regarded in the United States and around the world.

Since the current Merit Selection system is not broken, the question has arisen: why should we amend our State Constitution to fix it? No system is perfect. There are improvements that could be made. Some provisions of Proposition 115 would make improvements. The retirement age for judges would be increased from 70 to 75, and the term between judicial retention elections would be increased to eight years (from the current four years). Also, while the State Bar would no longer make nominations to the Governor for all attorney members of the Commissions, the State Bar would be given direct authority to select one of the 15 members of each Merit Selection Commission.

In an effort to protect Merit Selection, the State Bar of Arizona supports Proposition 115.

Amelia Craig Cramer, President, State Bar of Arizona, Tucson

John F. Phelps, Executive Director, State Bar of Arizona, Phoenix

Paid for by State Bar of Arizona

The Arizona Judges Association supports a YES vote on Proposition 115. This proposition is a compromise which preserves the essence of Arizona’s Merit Selection and Tenure system for appellate judges and for superior court judges in Maricopa, Pima and Pinal counties.

Arizona’s system of selecting judges has led to a judiciary which is nationally recognized for its excellence. Proposition 115 preserves judicial independence and impartiality while insuring accountability through a Judicial Performance Review System.

Among the benefits of this proposal is the increase of the mandatory retirement age for judges from 70 years of age to 75 years of age.

The Arizona Judges Association joins with the Arizona Judicial Council, the Arizona Bar Association and the Center for Arizona Policy in urging a YES vote on Proposition 115.

Kyle Bryson, President, Arizona Judges Association, Tucson

David Cunanan, Immediate Past President, Arizona Judges Association, Phoenix

Pete Dunn, Esq., Counsel to Arizona Judges Association, Peoria

Paid for by Peter G. Dunn

Dear Voter,

With their rulings and decisions, judges have a direct impact on the lives of Arizonans. For this reason, it is important that the Governor be presented with as many qualified applicants as possible to pick from in making judicial appointments. Similarly, it is critical that voters have adequate access to judges’ decisions and performance ratings in order to make an educated decision about which judges to retain at election.

Proposition 115 accomplishes three important reforms to Arizona’s judicial nominating process. First, it requires more choices and greater transparency regarding the selection and retention of appointed judges. Because the judiciary is the least directly accountable branch of government, it is essential that as many qualified individuals as possible be presented to the Governor for consideration; and you, the voters, should be provided with as much information as possible about those judges in advance of retention elections. Second, it minimizes the influence of the State Bar of Arizona in selecting the lawyer members of the judicial nominating commissions. Third, the retirement age for judges will be increased from 70 to 75, allowing seasoned and experienced judges to remain on the bench and avoid forced retirement.

Proposition 115 is a common sense reform measure jointly supported by the Arizona Judicial Council, the Arizona Legislature, and the State Bar of Arizona. Please add your vote to the diverse list of supporters and make the existing judicial selection and retention process more transparent and effective.

I encourage you to vote YES on Proposition 115.

Jan Brewer, Governor, Phoenix

Arizona’s merit selection system for appointing judges in urban counties is touted as one of the best systems in the country. The United States Chamber of Commerce named it a “best practice” in 2010.

Arizona’s merit selection commissions operate transparently, by doing business in public meetings, posting applications for all candidates online, and soliciting comments from the public. Merit commissions check references and screen candidates extensively.

Spelling, grammar and punctuation were reproduced as submitted in the “for” and “against” arguments.
before nominating applicants to the Governor for appointment. Once appointed by the Governor, merit-selected judges must go through periodic judicial performance evaluations and stand for retention elections.

As with any system, however, there may be room for improvement. Proposition 115 is the result of a compromise that was reached after extensive negotiations among the Governor’s office, the then-Speaker of the House of Representatives and then-President of the Senate, the State Bar of Arizona’s Board of Governors, the Judges Association, and the Arizona Judicial Council.

Changes to the system contained in Proposition 115 will extend the terms of judges to eight years, which will provide greater independence for judges; raise the retirement age of judges to 75, permitting experienced judges to remain on the bench longer; allow the judicial nominating commissions greater flexibility when deciding which applicants to forward to the Governor by not constraining the choices by political party; give the Governor more choices by requiring the commissions to send more names to the Governor for consideration; and provide the State Bar President the unfettered discretion to appoint a representative to sit on each commission.

It is for these reasons that, on balance, the Arizona Judicial Council, the administrative policy board of the Arizona Judicial Branch, has voted to support this measure.

Rebecca White Berch, Chairperson, Arizona Judicial Council, Phoenix
Paid for by Rebecca White Berch

David K. Byers, Council Member, Arizona Judicial Council, Phoenix

Judicial integrity is important to me, and that’s why I support Proposition 115. In Arizona’s largest counties, a system based on merit is used to select superior court judges. Appellate judges go through a similar process aimed at insuring quality for our higher court judges. This system has been in place since 1974, and hasn’t been updated for 20 years. Prop 115 accomplishes a much-needed update of the judicial selection process so that it can better meet the needs of Arizona citizens today.

First and foremost, Prop 115 gives more applicants an opportunity to be considered for judgeships. Currently, there could be dozens of applicants for a single position, yet only 3 names would have to be forwarded to the Governor for consideration. This is an unreasonably low number, and could deter very qualified people from even applying. Prop 115 fixes this problem by increasing the minimum number to 8, giving more applicants an opportunity to be considered.

Prop 115 increases the qualifications for attorney members of nominating commissions; more qualified people screening applicants for judgeships just makes sense. It also requires judicial opinions to be published online, increasing transparency and accountability to the public.

Prop 115 recognizes the value of seasoned jurists by raising the retirement age to 75 years old, instead of the current 70. Judges will have longer terms in office, allowing them to focus on cases in front of them, not elections.

Prop 115 was crafted through a stakeholder process that included legislators, the Center for Arizona Policy, the Arizona Judicial Council, the Arizona State Bar and the Arizona Judges Association. It is a common-sense update to our current judicial merit selection system, I urge you to vote “yes” on Prop 115.

Steve Pierce, President of the Arizona State Senate, Phoenix

Please vote YES to support improvements to our merit selection system.

This merit selection improvement proposal is a well thought out compromise that will bring more openness and accountability to our judicial selection and retention process. It will give the people greater access than ever before to decisions written by our courts of record.

The Governor will have more choices to pick and that will result in more qualified applicants offering themselves to be considered. And the Governor as a consequence will also be more accountable to the people for the appointments that are made.

The people should have more information about the decisions of our courts of record and this amendment will further the goal of transparency by requiring that decisions be published in a more accessible manner.

All these good things are accomplished within the merit selection system. Please support the sensible and fair improvement to our current law.

Please vote YES.

Steve Twist, Scottsdale

Vote “Yes” on Proposition 115! This measure is a step forward to improve the accountability and transparency of how judges are selected in Arizona.

It’s important to note that the measure is supported by judges and attorneys. Proposition 115 is a consensus measure agreed to by judges at every level, the State Bar of Arizona, and legislators from both major political parties. As an attorney and longtime advocate of judicial reform, I support Proposition 115 because it offers reasonable and necessary changes to the current system.

- Proposition 115 improves judicial selection by making these needed changes:
  - Removes the requirement that the judicial nominees be selected according to party affiliation. Party affiliation should not be a factor in evaluating the qualifications of judges. This requirement has often resulted in limiting the number of qualified individuals who apply for and who are nominated for judicial positions.
  - Increases the number of qualified, meritorious judicial nominees sent to the Governor. The current system, whereby the selection commissions often limit the number of nominees to three, unnecessarily limits the nominees available to the Governor who is duly elected by the people. Using commissions to limit those they deem “meritorious” is one of the biggest concerns about the current system. Proposition 115 fixes this issue.
  - Expands the process for nominating attorney members to serve on the commission thereby making the process more accountable to the people.

Whether you favor the current merit selection process, election of judges, or a different federal model to select judges, I urge you to vote YES on 115. For more information on judicial selection in Arizona, visit azvoterguide.com.

Cathi Herrod, Esq., President, Center for Arizona Policy, Phoenix
Paid for by Center for Arizona Policy

When you vote on judges, how do you know if the judges on the ballot have done a good job? Prop. 115 gives you more information about how the judges perform in office so you can make an informed decision when you cast your vote.

As for selecting new judges, competition produces excellence. Prop. 115 improves our system of selecting judges because it presents the Governor with multiple qualified candidates for each appointment. Choosing the men and women who preside in our courts of law is a difficult and important task. The more qualified candidates sent to the Governor the better.

Prop. 115 makes “merit selection” stronger. That is why the State Bar of Arizona, Arizona Judges Association, and the Arizona Judicial Council have endorsed Prop. 115.

Please join me in voting YES on Prop. 115.

Andy M. Tobin, Speaker of the Arizona House of Representatives, Paulden

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Courts of law play an important role in our constitutional system of government. Judges do more than just decide legal disputes between parties. They rule on the constitutionality of the laws your elected representatives enact. And they are sometimes called upon to enforce the separation of powers mandated by our Constitution.

Clearly our method of selecting and retaining judges is very important. That's why when I was Speaker of the Arizona House of Representatives I worked closely with The Arizona Judges Association, the Arizona Judicial Council, the State Bar of Arizona, and other stakeholders, to improve and strengthen the “merit selection” system. Prop. 115 is the result of that cooperative effort. And I'm deeply grateful to all the participants.

Prop. 115 improves the selection process to make sure that each and every judicial vacancy is filled based on merit, not politics. Prop. 115 also empowers you as a voter by giving you more information on the judges on the ballot.

Please consider voting yes of Prop. 115. For more information please visit www.yesonprop115.com.

Kirk Adams, Congressional Candidate, former Speaker of the Arizona House of Representatives, Mesa
ARGUMENTS “AGAINST” PROPOSITION 115

We read and hear of scandals from all over the country involving judges who have violated their public trust. But not from Arizona! We have good, honest, hard-working judges who are independent. That is why we don’t need Proposition 115. No one has shown how Proposition 115 will improve the ranks of our judges, both in the trial courts and the appellate courts.

Proposition 115 is an unnecessary power grab, to give politicians even more to say about the judicial selection process.

I have practiced before Arizona judges for more than 50 years. I worked hard, along with many others, to help bring in the present system and I remember how things were before that. There is nothing wrong with our judicial selection process that will be fixed by Proposition 115. We don’t need it. Vote NO on Proposition 115.

Richard A. Segal, Phoenix

PROPOSITION 115 is basically an extorted plea bargain. It claims “reform” for judicial merit selection – a system having served the Arizona people well since adoption by our citizens in 1974. But it hasn’t always served the Politicians. “Reform” is a gross mis-characterization, instead it gives future Governors and Legislators almost complete control in appointing members to Judicial Nominating Committees (JNCs). We trust voters to see through this attempt to politicize the judiciary and recognize that it introduces political patronage and partisanship into our current system, recognized nationwide as one of the finest. Be assured, this is another example of legislative intrusion into the judicial system. And for what? There is NO PROBLEM with the present system. Prop 115 is a brazen attempt by the other branches to gain control over the judicial branch.

JNCs consist of 10 non-lawyer members (appointed by Governor, confirmed by Senate) and 5 members recommended by the State Bar Association. Involvement of lawyer members has been critical to ascertain competency of names forwarded to the Governor. Prop 115 turns this upside down, allowing the Governor 14 of 15 appointments, markedly reducing the bar’s valuable, professional input. It significantly politicizes the process by expanding the Governor’s power.

Some 115 proponents say they support its passage for fear the legislature plans to obliterate the merit system entirely. Others secretly say they fear reprisal by hindered legislation. People are being ‘blackmailed’ into supporting this for a fear of a worse outcome. The League of Women Voters does not act out of fear. Lady Justice’s blindfold is slipping. Only you as voters can hold it in place.

The League joins former Chief Justices of Arizona Supreme Court, Feldman, Gordon, Ziaket, Jones and McGregor and respected constitutional lawyer Paul Bender, ASU Professor, in urging your ‘NO’ VOTE on PROPOSITION 115.

Barbara Klein, President, League of Women Voters of Arizona, Scottsdale
Robyn Prud’homme-Bauer, 1st Vice President, League of Women Voters of Arizona, Clarkdale
Sandra Goodwin, Impartial Courts Director, Dewey

Paid for by League of Women Voters of Arizona

The Phoenix Law Enforcement Association, with a membership of approximately 2,200 police officers, opposes ballot proposal Proposition 115 for the November 2012 election. Police officers have a personal stake in having a fair, unbiased judiciary, free from the influence of politics. Arizona’s current system of judge selection, “Merit Selection,” allows for non-partisan method of judicial selection that Proposition 115 does not improve: instead, Proposition 115 will undermine the safeguards against partisanship contained in the current “Merit Selection” process.

Joe Clure, President, Phoenix Law Enforcement Association, Glendale

Paid for by No on Proposition 115 - Save Merit Selection

Will Buividas, Treasurer, Phoenix Law Enforcement Association, Phoenix

The Pima County Interfaith Council (PCIC) opposes ballot proposal Proposition 115 for the November 2012 Election. Arizona’s system of “Merit Selection” of judges is working well and should not be changed.

PCIC’s mission is to building organizations that are “universities of public life,” dedicated to developing citizens in the fullest sense: participants in our democracy and agents in the creation of a more just society. The current “Merit Selection” system allows for a non-partisan method of judicial selection that Proposition 115 does not improve. Instead this proposition would politicize the selection of judges. PCIC thus opposes Proposition 115.

Rev. Leah Sandwell-Weiss, Deacon, St Philip's in the Hills Episcopal Church, Leader, Pima County Interfaith Council, Tucson
Ernesto Lujan, Treasurer, Pima County Interfaith Council, Tucson

Paid for by No on Proposition 115 - Save Merit Selection

The Arizona Save the Family Foundation has been serving homeless families and domestic violence victims with children for more than 20 years. Many of the people we serve depend on the justice system for help with landlord-tenant issues, orders of protection, child support enforcement and other remedies.

The Save the Family Foundation opposes the ballot proposal Proposition 115 for the November 2012 Election. Arizona’s system of “Merit Selection” of judges is working well and should not be changed.

The current “Merit Selection” system allows for a method of judicial selection that has produced a judiciary of extremely high quality that groups across the country have praised. In 2010, the Arizona Town Hall said, “The state’s judicial merit selection system and

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the courts’ judicial education program...have combined to give Arizona a court system that is widely praised by litigants and lawyers in Arizona and other observers nationally.”

Proposition 115 does not improve the current system but rather, is an attempt to transfer more power over the courts to the politicians. Save the Family Foundation recommends a “No” vote on Proposition 115.

Jacki Taylor, MAEd, MC, Chief Executive Officer, Save the Family Foundation
Greg Obolewicz, Treasurer, Save the Family Foundation of Arizona, Higley
Paid for by No on Proposition 115 - Save Merit Selection

Proposition 115 would destroy the present merit-selection system for selecting judges and let politicians control the judicial process.

We have each practiced law in Arizona for many years. We each served several years as a justice on the Arizona Supreme Court, including a term as chief justice, and thus chaired many meetings of the commissions that sent names to the Governor for appointment to the trial courts in Pima and Maricopa Counties, the Court of Appeals, and the Arizona Supreme Court.

The Arizona system has worked very well since 1974. While people may disagree about a particular decision, Arizona courts operate independently from the political branches of government, and justice is dispensed without worry about political influence, lobbying, or corruption.

The Arizona system has been praised by Justice Sandra Day O’Connor, and is a model cited by the U.S. Chamber Institute for Legal Reform (part of the U.S. Chamber of Commerce): “Arizona leads the nation with the procedures it has put in place to fulfill the promise of true nonpartisan ‘merit’ selection.”

Proposition 115 will give politicians too much power over the judicial system. It is important that we keep a fair and independent judiciary in this state. Merit selection has no problem that needs fixing, and there is no reason to adopt Proposition 115 except to increase political influence and control of our court system. That is a bad reason, both in the short and long term, no matter whether Republicans or Democrats are in political power.

We strongly recommend a no vote on Proposition 115.

Stanley G. Feldman, Chief Justice (ret.), Arizona Supreme Court, Tucson
Thomas A. Zlaket, Chief Justice (ret.), Arizona Supreme Court, Tucson
Ruth V. McGregor, Chief Justice (ret.), Arizona Supreme Court, Phoenix
Frank X. Gordon, Jr., Chief Justice (ret.), Arizona Supreme Court, Phoenix
Charles E. Jones, Chief Justice (ret.), Arizona Supreme Court, New York, NY
Paid for by No on Proposition 115 - Save Merit Selection

In 1974, Arizona citizens voted decisively to adopt a system for appointing the judges of certain of our courts based on their qualifications. The reasons for adopting merit selection included preventing unqualified persons from becoming judges, keeping politics out of choosing judges, and freeing judges to decide cases fairly without fear of political consequences. Our system isn’t broken and doesn’t need to be fixed by Proposition 115, which would give politicians too much influence in the selection and retention of judges.

In our current system, selection committees made up of fifteen private citizens, ten of whom are not lawyers, conduct extensive background investigations and interview applicants to evaluate their qualifications. Those citizen committees are required to recommend at least three candidates to the Governor for each vacancy on the Arizona Supreme Court, the Arizona Court of Appeals, and the superior courts in Maricopa, Pima and Pinal Counties. The nominees cannot all be members of the same political party. The Governor then appoints one of the nominees. This system has been a nationally recognized success.

Proposition 115 would increase partisan political influence and could reduce the quality of our judges. First, it would increase political control of the appointment of the selection committees by giving the Governor power to appoint fourteen of the fifteen members. Second, its requirement that selection committees nominate at least eight instead of three applicants could result in the appointment of less qualified or unqualified judges. Third, it allows all of the nominees to be members of the same political party. Fourth, it would subject judges to political pressure by allowing the Legislature to conduct hearings on judges who are on the voter retention ballot.

For these reasons, we strongly urge you to vote no on Proposition 115.

Selmer D. Lutey, Past President, State Bar of Arizona 1971-1972, Prescott
Michael R. Murphy, Past President, State Bar of Arizona 1994-1995, Prescott
Pamela Treadwell-Rubin, Past President, State Bar of Arizona 2003-2004, Tucson
Mark I. Harrison, Past President, State Bar of Arizona 1975-1978, Phoenix
Thomas A. Zlaket, Past President, State Bar of Arizona 1988-1989, Tucson
Charles W. Wiker, Past President, State Bar of Arizona 2004-2005, Mesa
Frederick M. Aspey, Past President, State Bar of Arizona 1990-1991, Flagstaff
Helen Perry, Grimwood, Past President, State Bar of Arizona 2005-2006, Phoenix
Don Bivens, Past President, State Bar of Arizona 1999-2000, Paradise Valley
Larry W. Suciu, Past President, State Bar of Arizona 1984-1985, Yuma
Nicholas J. Wallwork, Past President, State Bar of Arizona 2001-2002, Tempe
Paid for by No on Proposition 115 - Save Merit Selection

Since 1974 when the people of Arizona proposed and then voted into our Constitution the merit selection system of judges, our court system has been a model for the rest of the nation and a truly capable, impartial and independent judiciary. Merit selection by the Governor appointing from a list of candidates by Nominating Commissions applies to trial judges in Maricopa and Pima counties and to appellate judges. It has worked very well and no change is required.
Certain members of the Legislature opposed merit selection back in 1974 and ever since have sought to inject politics back into our court system. Numerous Legislators have sought to tinker with the process or to abolish the merit system outright and return us to the elective system where judges were dependent on campaign contributions from the very lawyers appearing before them. Proposition 115 is yet another misguided legislative effort to undermine merit selection. It would emasculate the role of the Bar Association in recommending the five lawyers on each Nominating Commissions (there are also 10 non-lawyers appointed by the Governor to the nominations commission) and 14 for a vacancy be sent to the Governor rather than at least 3 as is now the case, thereby increasing the likelihood of inferior candidates. Finally, it would award the requirement that nominees selected by the Commission could not be all members of the same political party as is the case now. This is pure politics at its worst.

Proposition 115 is truly a wolf in sheep’s clothing and must be defeated. An independent judiciary, which Arizona enjoys now, is a fundamental requirement of a free society. Keep politics out of our court system and vote NO on Proposition 115.

Kenneth J. Shepk, Phoenix

Proposition 115 extends the governor’s control over judicial selection and eliminates important checks and balances that protect judicial independence. Do you trust any governor with such power?

To claim our current system “takes the politics out of judicial selection” overstates its virtues. Judges hold positions of power and public trust. How we choose them is inevitably political. Our merit selection system, however, has checked and balanced judicial selection politics since 1974, and that great achievement is imperiled now.

Three checks currently restrict governors from appointing an unqualified crony, financial benefactor, or ideologically driven judge: (1) Governors must choose among candidates nominated by a commission the Chief Justice chairs. (2) Although the governor appoints that commission’s 10 non-lawyer and 5 lawyer members, the State Bar nominates all 5 lawyers. Bar nomination not only brings professional insight to merit screening; it also assures independent voices on the commission. (3) The commission must send governors politically balanced lists of judicial nominees; it cannot nominate from only one party.

Proposition 115 eliminates checks 2 and 3. Reducing the Bar to naming 1 commissioner, it empowers the governor to pack the commission by naming 14. Next it frees the governor-packed commission to nominate entirely from the governor’s party.

You’ll hear that the State Bar, Judges Association, and Judicial Council accepted Proposition 115 as a compromise. It was a shotgun compromise. Those bodies, hoping to appease legislators who sought to utterly destroy merit selection, surrendered to a fall-back that guts merit selection. They should have held their ground, fought the good fight, and trusted the voters. Sometimes you’ve got to know when NOT to fold ‘em.

Don’t be fooled. Preserve judicial independence. Vote NO on Proposition 115.

Noel Fidel, Former Chief Judge, Arizona Court of Appeals, Division One, Phoenix

One of the most dangerous changes proposed by Proposition 115 is to essentially eliminate the input of Arizona’s legal profession in that process of judicial selection, in order to increase the governor’s power to choose judges.

I have practiced as a trial lawyer in Arizona for over 25 years. Here’s why it’s so important that Arizona’s legal profession, through the State Bar, continue to appoint 4 of the 15 judicial commission members that nominate our judges. When people want a lawyer, they want the best lawyer they can get; the smartest, most experienced, most successful lawyer. That lawyer’s personal political agenda has little to do with how well that lawyer will represent their client. Similarly, for our clients’ cases, we lawyers want the best judges we can get. That means the smartest, most experienced, fairest judges—judges of the highest quality. Those qualities are never determined by political agenda.

The State Bar of Arizona’s membership includes every kind of lawyer, representing all kinds of clients—individuals, corporations, developers, employers, employees, etc. The lawyers that the State Bar chooses to serve on judicial commissions want the best judges they can get, not judges that will advance some politician’s agenda.

The proof that the current system works is the national recognition Arizona gets for the excellence of its judiciary, from the U.S. Chamber of Commerce to the Arizona Town Hall, to former U.S. Supreme Court Justice Sandra Day O’Connor.

The proponents of Proposition 115 have never shown any specific problem with the system. It is simply a power grab by politicians. Please vote no and preserve the Constitution.

Jocene Mills, Former President, Arizona Association for Justice, Tucson

As the saying goes, if it isn’t broken, don’t fix it. Proposition 115 fits that saying perfectly.

Since a voter-approving measure in 1974, judges for the Supreme Court, Court of Appeals and Superior Courts in Maricopa and Pima counties have gone through a merit selection process, which limits political influence in how Arizona seats judges. Because of population increases, Pinal County would also be under this new scheme. In the 38 years since, judges have been selected fairly, with lesser qualified candidates weeded out of the process.

Prop. 115 wants to change that, by injecting politics into the selection process and allowing candidates with minimal qualifications to advance and possibly find a seat on the bench.

Many attorneys and professionals who deal with the courts agree that politics should be left out of our justice system.

Prop. 115 seeks to give too much power to a Governor. Under the new proposal, a Governor would get to appoint 14 out of the 15 appointments to the Commission on Appellate Court appointments. Current law gives the Governor 10 slots and the State Bar makes 5 attorney nominations. Additionally, the Commission would have to send 8 names to the Governor to fill a judicial vacancy instead of the 3 selected by the Commission under current law. This allows lesser qualified candidates to sneak through the process and gives the Governor more influence in who gets appointed.

If Proposition 115 were to pass, merit selection as Arizonans have known it for a generation would be gutted. For some vacancies in Pima, Pinal and Maricopa counties, the Commission would consist of political appointees and anyone who applied could get forwarded to the Governor for appointment. A candidate who is politically connected but not worthy of sitting on the bench could sail through the new process.

H. Michael Wright, President, Arizona Association for Justice/
Arizona Trial Lawyers Association, Mesa

J. Tyrrell Taber, Secretary, Arizona Association for Justice/
Arizona Trial Lawyers Association, Phoenix

ARIZONA ASSOCIATION OF DEFENSE COUNSEL (AADC)
STATEMENT IN OPPOSITION TO PROPOSITION 115

Arizona’s current judicial merit-selection system is a national model, and provides us with courts free of political influence and outside lobbying. Litigants in Arizona know the judge in their case is not beholden to politicians or financial donors.
### General Election ~ November 6, 2012

The Arizona Association of Defense Counsel (the “AADC”) consists of lawyers practicing primarily in the civil defense area. The AADC is dedicated to the education of its members and the judiciary, as well as to increasing community awareness of the positive aspects of the legal profession. As attorneys practicing in Arizona we see first-hand, every day the high quality of judges our current merit-selection system produces. Why change something that’s worked so well for almost 40 years?

The AADC believes the proposed reforms are unnecessary and will lead to a judiciary that is more politicized and less independent. Merit selection leads to qualified, fair and unbiased judges. Inserting politics into the courts will result in less qualified judges, and less confidence in the judiciary. Arizona should maintain its current system to select judges based on merit not politics.

The AADC strongly recommends a no vote on Proposition 115.

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<tr>
<th>Michael A. Ludwig, President, Arizona Association of Defense Counsel, Phoenix</th>
<th>Barry M. Markson, President-Elect, Arizona Association of Defense Counsel, Scottsdale</th>
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Arizona’s merit selection system for judges is highly respected as a model for the nation. The current system ensures that well-qualified individuals will serve regardless of a governor’s political affiliation. This ballot measure politicizes the entire process of nomination, appointment, and retention. It would create a more partisan nominating commission. Under Prop 115, politicians would also play a greater role in the final selection of judges. Additionally, judges will be required to testify before the legislature about their decisions before their retention election, replacing an independent non-partisan evaluation process. Prop 115 invites political interference in the judicial branch, weakens the separation of powers and threatens judicial independence and impartiality. The legislature referred this ballot measure to the voters hoping to undermine a system that voters adopted to protect the judiciary from partisanship. Arizona Advocacy Network urges you to VOTE NO on Prop 115 to preserve a system that has served our citizens well. Get more information about all the propositions and us at www.AZadvocacy.org.

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<tr>
<th>Doris Marie Provine, President, Arizona Advocacy Network, Tempe</th>
<th>Elizabeth Enright, Secretary, Arizona Advocacy Network, Scottsdale</th>
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### ARGUMENT AGAINST PROPOSITION 115

The Maricopa County Bar Association, a voluntary organization comprised of over 3,000 members of the Maricopa County legal community, urges you to vote NO on Ballot Proposition 115, SCR 1001. As local attorneys, we have daily interaction and experience with state court judges in Maricopa County. We believe the current merit selection system is not broken. Merit selection produces the highest quality judicial officers who provide superior and efficient service to our community. In fact, the Maricopa County judiciary is among the most respected in the country. The proposed changes will neither improve the quality of judges appointed to the bench, nor increase access to justice for residents in our community. Although some aspects of Ballot Proposition 115 do not appear to be objectionable, we oppose any changes that could politicize the selection of judges or erode the separation of powers. Ballot Proposition 115 seeks to increase the role of partisan politics in the judicial selection system and thereby undermines the constitutional goal of creating an independent judiciary staffed by impartial judges. For these reasons, we urge you to vote NO on Ballot Proposition 115.

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<tr>
<th>Jennifer A. Cranston, President, Maricopa County Bar Association, Phoenix</th>
<th>Allen W. Kimbrough, Executive Director, Maricopa County Bar Association, Phoenix</th>
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As a thirty-year law enforcement officer and a three term Judicial Merit Selection Commission member, I oppose ballot proposal Proposition 115 in the November 2012 election. I believe the current selection process has created a bench that is the envy of the county. The current process allows for the non-partisan selection of judges. My personal experience has been that the commission members are representative of Arizonans and that they select the best candidates for consideration by the Governor, regardless of party affiliation. My professional associations across the country have reinforced to me that we have a system that puts the qualifications of candidates ahead of personal connections and politics. The proposed changes would allow the Governor to select candidates that may not be qualified, but who are politically connected. The changes contained in the ballot initiative would destroy the current system, not improve it. Those Arizonans who want the non-partisan selection of judges to continue should vote against Proposition 115.

| John A. Leavitt, Tucson |  |

Vote NO on 115 – Keep Politics Out of the Courts

Los Abogados, Arizona’s Hispanic Bar Association, urges you to Vote NO on Proposition 115. For almost 40 years, Arizona has benefited from a judicial merit selection process, created to provide a barrier between partisan influence and our judges. Today, Prop 115 threatens to breakdown this barrier.

Arizona’s judicial merit selection process provides that a nonpartisan commission exists for appointing justices and judges to the Arizona Supreme Court, Arizona’s Appellate Courts, and Superior Courts in counties with populations above two hundred fifty thousand persons. These nonpartisan commissions are tasked with vetting and recommending viable justices and judges to the Governor for nomination to Arizona’s vacant judicial positions.

Currently, the nonpartisan commissions are composed of five attorney members that are nominated by the State Bar of Arizona, appointed by the Governor, and consented to by the Senate. The State Bar’s nomination of the possible attorney members provides a level of protection against the partisan influences of the Governor and Senate. However, Prop 115 will eliminate this necessary protection by eliminating the State Bar’s ability to nominate the Governor’s appointees. In short, Prop 115 will allow the Governor to appoint 14 members of the 15 member commissions without any nonpartisan protections with the removal of the State Bar’s participation in the process.

Because Arizona’s justices and judges should be able to serve the State free from political influence and accountable only to Arizona’s citizens, Los Abogados asks you to Vote NO on Proposition 115.

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<tr>
<th>Gaetano Testini, President, Los Abogados Hispanic Bar Association, Phoenix</th>
<th>Marian Zapata-Rossa, Vice President, Los Abogados Hispanic Bar Association, Phoenix</th>
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Opposition

The Tucson Community Development/Design Center, Inc. is a non-profit organization that advocates on behalf of low and middle income Arizonans on many issues including law, civil rights, housing, economics, transportation and planning. We strongly urge all Arizonans to vote against Proposition 115.

|  |
|---|---|
|  | Spelling, grammar and punctuation were reproduced as submitted in the “for” and “against” arguments. |
The current Merit Selection process of selecting judges contains too much “merit” for our partisan politicians. These changes would allow any Governor to pick whomever she or he wants. Political favoritism would replace the process that has kept our judgeships from being sold to the insurance companies or other high bidders.

Now that there are no political spending limits on corporations these changes would make certain that our state judges are picked from their list of “friends”. The current “problem” from the Governor’s viewpoint is that the Governor must choose one of only three persons approved by a nomination commission the Governor does not completely control. The “answer” the legislature has proposed to get around this “problem” for the Governor is to enlarge the list of nominees to eight, allow all eight to be from one political party and furthermore to allow the Governor to appoint more of the members of the nominating commission so as to make sure the person she or her corporate friends wants is one of the eight on the list from which she must choose from.

The end result is certain. The insurance company or mining company that puts up the most money to elect the Governor will get their candidate for judge on the eight person list. Merit, like beauty, is in the eye of the beholder. The public will pay the price if the beholdeen Governor gets her pick from a rigged process.

Bill Risner, President, Tucson Community Development/Design Center, Inc., Tucson

Jody Gibbs, Secretary Treasurer, Tucson Community Development/Design Center, Inc., Tucson

Paid for by Tucson Community Development/Design Center, Inc.

Proposition 115 is a grave threat to the integrity of Arizona’s judiciary. Ending the current merit selection process and replacing it with a process controlled by politicians, Proposition 115 opens the door for abuse, allowing judgeships to be handed out as political favors on the basis of cronyism, not on qualifications. Arizonans should vote No on Proposition 115.

In 1974 Arizona voters adopted the merit system of judicial selection. Under the merit system, nominations are forwarded for appointment by nonpartisan Judicial Nominating Commissions. The Judicial Nominating Commissions pick judicial candidates on the basis of legal qualifications, not based on political connections. No system is perfect, but the current merit selection system has produced a judiciary that sets a national standard for its nonpartisanship and impartiality. Thanks to the merit system, Arizona’s judicial system is highly regarded nationally.

Under Proposition 115, the Governor would control the judicial selection process, undermining judicial independence. By turning the Judicial Nominating Commissions into a functional subdivision of the Governor’s Office, governors would have free rein to stack the courts with their political allies. This would do nothing to improve our courts and do everything to inject partisanship into our court system. Make no mistake: Proposition 115 would undermine judicial independence in Arizona.

Our courts are not the place for partisan politics. I urge all Arizona voters to stop this unprecedented power grab by politicians and their accomplices. I urge you to vote No on Proposition 115.

Bill Roe, Chair, Arizona Democratic Party, Tucson

Paid for by Arizona Democratic Party
**PROPOSITION 115 ~ BALLOT FORMAT**

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**PROPOSITION 115**

PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE RELATING TO THE JUDICIAL DEPARTMENT

[SCR 1001]

**PROPOSAL 115**

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE VI, SECTIONS 4, 12, 20, 36, 37, 39, 41 AND 42, CONSTITUTION OF ARIZONA; RELATING TO THE JUDICIAL DEPARTMENT.

**DESCRIPTIVE TITLE**

INCREASES TERM LENGTH AND RAISES THE RETIREMENT AGE FOR JUSTICES AND JUDGES; MODIFIES MEMBERSHIP OF COURT APPOINTMENT COMMISSIONS; REQUIRES ARIZONA SUPREME, APPELLATE, AND SUPERIOR COURTS TO PUBLISH DECISIONS ONLINE AND TO TRANSMIT A COPY OF JUDICIAL PERFORMANCE REVIEWS OF EACH JUDGE UP FOR RETENTION TO THE STATE LEGISLATURE.

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A “yes” vote shall have the effect of (1) increasing the terms of Arizona Supreme Court justices, Appellate and Superior Court judges to eight years; (2) raising the retirement age for justices and judges from seventy to seventy-five; (3) changing membership of commissions on appellate and trial court appointments and procedures for appointing justices and judges; (4) requiring the Supreme, Appellate, and Superior courts to publish decisions online, (5) requiring the Supreme Court to send a copy of the judicial performance review of each justice and judge who is up for retention to the Legislature, and (6) allowing a joint legislative committee to meet and take testimony on justices and judges up for retention.

**YES □**

A “no” vote shall have the effect of keeping current constitutional law related to the courts.

**NO □**

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*BALLOT FORMAT FOR PROPOSITION 115*
PROPOSITION 116

OFFICIAL TITLE
SENATE CONCURRENT RESOLUTION 1012
A CONCURRENT RESOLUTION
PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IX, SECTION 2, CONSTITUTION OF ARIZONA; RELATING TO PROPERTY TAX EXEMPTIONS.

TEXT OF PROPOSED AMENDMENT

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

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

   2. Property subject to taxation; exemptions

   Section 2. (1) There shall be exempt from taxation all federal, state, county and municipal property.

   (2) Property of educational, charitable and religious associations or institutions not used or held for profit may be exempt from taxation by law.

   (3) Public debts, as evidenced by the bonds of Arizona, its counties, municipalities or other subdivisions, shall also be exempt from taxation.

   (4) All household goods owned by the user thereof and used solely for noncommercial purposes shall be exempt from taxation, and such person entitled to such exemption shall not be required to take any affirmative action to receive the benefit of such exemption.

   (5) Stocks of raw or finished materials, unassembled parts, work in process or finished products constituting the inventory of a retailer or wholesaler located within the state and principally engaged in the resale of such materials, parts or products, whether or not for resale to the ultimate consumer, shall be exempt from taxation.

   (6) The legislature may exempt personal property that is used for agricultural purposes or in a trade or business from taxation in a manner provided by law, except that the exemption does not apply to any amount of the full cash value of the personal property of a taxpayer that exceeds:

   (a) An amount that is equal to the annual earnings of fifty workers in this state according to a designated national measure of earnings per employee adjusted annually. The exempt amount allowed under this paragraph applies to the personal property of a taxpayer that is initially acquired, as defined by law, during or after tax year 2013.

   (b) Fifty thousand dollars. The legislature may provide by law to increase the exempt amount according to annual variations in a designated national inflation index. The exempt amount allowed under this paragraph applies to the personal property of a taxpayer that is initially acquired, as defined by law, before tax year 2013.

   (7) The legislature may exempt the property of cemeteries that are set apart and used to inter deceased human beings from taxation in a manner provided by law.

   (8) There shall be further exempt from taxation the property of each honorably discharged airman, soldier, sailor, United States marine, member of revenue marine service, the coast guard, nurse corps or of any predecessor or of the component of auxiliary of any thereof, resident of this state, in the amount of:

   (a) One thousand dollars if the total assessment of such person does not exceed three thousand five hundred dollars.

   (b) One thousand dollars if the total assessment of such person does not exceed four thousand dollars.

   (c) Five hundred dollars if the total assessment of such person does not exceed four thousand five hundred dollars.

   (d) Two hundred fifty dollars if the total assessment of such person does not exceed five thousand dollars.

   (e) No exemption if the total assessment of such person exceeds five thousand dollars.

   No such exemption shall be made for such person unless such person shall have served at least sixty days in the military or naval service of the United States during World War I or prior wars and shall have been a resident of this state prior to September 1, 1945.

   (9) There shall be further exempt from taxation as herein provided the property of any honorably discharged airman, soldier, sailor, United States marine, member of revenue marine service, the coast guard, nurse corps or of any predecessor or of the component of auxiliary of any thereof, resident of this state, where such person has a service-connected disability as determined by the United States veterans administration or its successor. No such exemption shall be made for such person unless he shall have been a resident of this state prior to September 1, 1945 or unless such person shall have been a resident of this state for at least four years prior to his original entry into service as an airman, soldier, sailor, United States marine, member of revenue marine service, the coast guard, nurse corps or of any predecessor or of the component of auxiliary of any thereof. The property of such person having a compensable service-connected disability exempt from taxation as herein provided shall be determined as follows:

   (a) If such person's service-connected disability as determined by the United States veterans administration or its successor is sixty per cent or less, the property of such person exempt from taxation shall be determined by such person's percentage of disability multiplied by the assessment of such person in the amount of:

   (i) One thousand five hundred dollars if the total assessment of such person does not exceed three thousand five hundred dollars.

   (ii) One thousand dollars if the total assessment of such person does not exceed four thousand dollars.

   (iii) Five hundred dollars if the total assessment of such person does not exceed four thousand five hundred dollars.

   (iv) Two hundred fifty dollars if the total assessment of such person does not exceed five thousand dollars.

   (v) No exemption if the total assessment of such person exceeds five thousand dollars.

   (b) If such person's service-connected disability as determined by the United States veterans administration or its successor is more than sixty per cent, the property of such person exempt from taxation shall be in the amount of:
(i) One thousand five hundred dollars if the total assessment of such person does not exceed three thousand five hundred dollars.

(ii) One thousand dollars if the total assessment of such person does not exceed four thousand dollars.

(iii) Five hundred dollars if the total assessment of such person does not exceed four thousand five hundred dollars.

(iv) Two hundred fifty dollars if the total assessment of such person does not exceed five thousand dollars.

(v) No exemption if the total assessment of such person exceeds five thousand dollars.

10. There shall be further exemption from taxation the property of each honorably discharged airman, soldier, sailor, United States marine, member of revenue marine service, the coast guard, nurse corps or of any predecessor or of the component of auxiliary of any thereof, resident of this state, where such person has a nonservice-connected total and permanent disability, physical or mental, as so certified by the United States veterans administration, or its successor, or such other certification as provided by law, in the amount of:

(a) One thousand five hundred dollars if the total assessment of such person does not exceed three thousand five hundred dollars.

(b) One thousand dollars if the total assessment of such person does not exceed four thousand dollars.

(c) Five hundred dollars if the total assessment of such person does not exceed four thousand five hundred dollars.

(d) Two hundred fifty dollars if the total assessment of such person does not exceed five thousand dollars.

(e) No exemption if the total assessment of such person exceeds five thousand dollars.

11. There shall be further exemption from taxation the property of each widow, resident of this state, in the amount of:

(a) One thousand five hundred dollars if the total assessment of such widow does not exceed three thousand five hundred dollars.

(b) One thousand dollars if the total assessment of such widow does not exceed four thousand dollars.

(c) Five hundred dollars if the total assessment of such widow does not exceed four thousand five hundred dollars.

(d) Two hundred fifty dollars if the total assessment of such widow does not exceed five thousand dollars.

(e) No exemption if the total assessment of such widow exceeds five thousand dollars.

In order to qualify for this exemption, the income from all sources of such widow, together with the income from all sources of all children of such widow residing with the widow in her residence in the year immediately preceding the year for which such widow applies for this exemption, shall not exceed:

1. Seven thousand dollars if none of the widow's children under the age of eighteen years resided with her in such widow's residence; or

2. Ten thousand dollars if one or more of the widow's children residing with her in such widow's residence was under the age of eighteen years, or was totally and permanently disabled, physically or mentally, as certified by competent medical authority as provided by law.

Such widow shall have resided with her last spouse in this state at the time of the spouse's death if she was not a widow and a resident of this state prior to January 1, 1969.

12. No property shall be exempt which has been conveyed to evade taxation. The total exemption from taxation granted to the property owned by a person who qualifies for any exemption in accordance with the terms of subsections (8), (9), (10) or (11) shall not exceed one thousand five hundred dollars. The provisions of this section shall be self-executing.

13. All property in the state not exempt under the laws of the United States or under this constitution or exempt by law under the provisions of this section shall be subject to taxation to be ascertained as provided by law.

2. Short title

This measure shall be known as and may be cited as the "Small Business Job Creation Act."

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**

The Arizona Constitution currently provides that all property in Arizona is subject to property taxation unless it is specifically exempted from tax as authorized by the Constitution.

Proposition 116, known as the Small Business Job Creation Act, would amend the Arizona Constitution to allow the state to exempt from taxation the "full cash value" of equipment and machinery or "personal property" used in agriculture or in a trade or business, up to an amount equal to the annual earnings of fifty workers in this state. This exemption would apply to equipment and machinery initially acquired beginning in the 2013 tax year. To determine the amount of the exemption, the state would designate a national measure of employee earnings, which would be adjusted annually.

Under current Arizona law, the first $50,000 of full cash value of a taxpayer's equipment and machinery used in agriculture or in a trade or business is exempt from tax. The amount is adjusted annually for inflation, and is currently set at $68,079. The current exemption would continue to apply to equipment and machinery initially acquired before the 2013 tax year.

"Full cash value" refers to the market value of property unless a specific formula for valuing property for tax purposes is set out in law.

"Personal property" refers to property that is not part of real estate and includes such things as machinery, equipment and store fixtures.
ARGUMENTS "FOR" PROPOSITION 116

Vote YES on 116

Let's bring Arizona out of the recession! History shows that small businesses are the source of two-thirds of all new private sector jobs when we come out of an economic downturn. I believe it's the responsibility of government to do what it can to help our small businesses lead us to growth and prosperity. That doesn't mean government should pick winners and losers and it certainly doesn't mean spending taxpayer dollars on outright subsides. No, our small businesses succeed in spite of government intervention not because of it.

A highlight of my legislative service has been working with small business job creators to write the referendum you see as Proposition 116, the Small Business Job Creation Act. It's a straight-forward proposal designed to get government out of the way by rolling back the unwise policy Arizona adopted a century ago that punishes private sector investment in the equipment and machinery essential to creating jobs. This tax is something small businesses incur the moment they acquire new equipment and machinery and before they hire one worker or make any product to sell.

Proposition 116 will create thousands of new jobs in Arizona by removing one of the heaviest drags on our small businesses. It does so without creating a new bureaucracy or foolishly spending the taxpayers' money. The new investment spurred by passage of Proposition 116 will be 100% financed by the private sector—precisely where it ought to be financed from.

It's a testament to the public policy soundness of Proposition 116 that it was unanimously adopted by our lawmakers who all too often cannot agree on much of anything substantial. I urge you to join me, our small business job creators and leaders from across the political spectrum to vote "yes" on Proposition 116.

Andy Biggs, State Senator, Majority Leader, Arizona State Senate, Gilbert

Paid for by Vote YES on 116 Committee

SCR 1012 (Prop 116) - THCC POSITION: SUPPORT

Statement: The Tucson Hispanic Chamber of Commerce supports the increase of the personal property tax exemption and believes it will encourage businesses to grow and expand. Business owners are slowly recovering from the economic downturn. This is a necessary initiative to stimulate reinvestment in their business machinery for growth.

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

Tannya Gaxiola, Chairwoman, Tucson Hispanic Chamber of Commerce

Paid for by Tucson Hispanic Chamber of Commerce

Vote for JOBS – Vote YES on 116

Proposition 116, the Small Business Job Creation Act, will unleash our small business job creators to not only put Arizona back to work but also forge a stronger, more diversified and growing economy. Proposition 116 will make Arizona better able to compete globally and overcome the uncertainties that still challenge our economic security.

When our small businesses invest in new equipment and machinery they also must hire new workers to operate those machines. The Small Business Job Creation Act rolls back Arizona's heavy equipment and machinery tax that's owed before any new workers are hired or any new production is realized. This burdensome equipment and machinery tax makes it much harder to attract new businesses to Arizona and discourages our home-grown small businesses from taking the risk of expanding and creating more jobs.

Proposition 116 anchors an annual tax exemption on newly-acquired equipment and machinery to the average annual wages of 50 Arizona workers. This means Arizonans can vote with confidence that only those employers who put their money to work building stronger small businesses that create jobs will see a benefit from passage of Proposition 116.

Proposition 116 is championed by the 7,500 small business owners who make up the National Federation of Independent Business in Arizona. Our members tell us that if Proposition 116 passes, 56% would acquire new equipment and machinery and 46% would hire new workers.

In addition to creating jobs, Proposition 116 gets government out of the way and signals to America's entrepreneurs that Arizona is open for business and ready to get back to work.

NFIB, the Voice of Small Business in Arizona, urges you to vote "yes" on Proposition 116.

Vote for JOBS – Vote YES on 116

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

Andy Delph, Leadership Council Chairman, National Federation of Independent Business, Phoenix

Paid for by National Federation of Independent Business Arizona

Farm Bureau Supports a “Yes” Vote on Proposition 116

The Arizona Farm Bureau supports the Small Business Job Creation Act. Farmers and Ranchers are small business owners who create jobs and contribute to the overall economy. In these tough economic times we believe the best public policy is to promote job creation and capital investment.

Prop. 116 reduces one of the barriers for small businesses to invest and purchase equipment necessary to create jobs and put people back to work. Currently Arizona farmers and small businesses incur a heavy tax burden on their equipment and machinery before they harvest their first crop or make their first sale. This mandated tax on equipment is paid on an annual basis regardless of the business' ability to pay or the equipment actually being used. A tax on equipment is a tax on growth and a barrier to producing new jobs.

Making Arizona prosperous begins with getting Arizonans back to work. Vote yes on Prop. 116 and help Arizona’s small businesses get the job engine running again.

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

Dear voters,

I support the Small Business Job Creation Act, Proposition 116

As a small business owner in Arizona for over 20 years, I support the Small Business Job Creation Act. Please vote yes on Proposition 116.

This tax incentive would allow Businesses to upgrade their old equipment, and purchase high tech equipment without paying additional personal property taxes on the new equipment. This incentive creates manufacturing jobs and incentives to lower small business energy costs.

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

Arizona’s General Election Guide

35
General Election ~ November 6, 2012

Please vote yes on Prop 116.
Please sign up to support this at www.YesOn116.org

Thank you,
Mark Lewis, Executive Director, Water Resource Institute, Phoenix
Paid for by Water Resource Institute LLC

Virtually all of the business growth in Arizona comes from small businesses and a long term strategy for economic growth requires us to make more of them successful. Small business is most vulnerable in its first few years of operation. Prop 116 provides a tax break on the purchase of new equipment and machinery that are large upfront costs that often become unbearable for new businesses. Improving the success rate of new businesses is critical to providing the jobs we so badly need.

When I travel the state visiting with business leaders, they commonly cite the high tax rate that small businesses pay on their machinery and equipment as a major challenge to new job creation. With the phased enactment of Proposition 116 by the voters, 95% of all small businesses with fewer than 50 employees will pay no personal property tax.

This will help to give Arizona a competitive advantage for recruiting start-up companies and retaining existing small businesses. Proposition 116 received a bi-partisan endorsement in the Legislature and deserves a similar bi-partisan support at the ballot.

Fred DuVal, Former Commissioner, Arizona Commerce and Economic Development Board, Phoenix

Arizona Chamber of Commerce & Industry Supports Proposition 116

One of Arizona’s great strengths as a state is the entrepreneurial spirit of its citizens. In fact, the Kauffman foundation recently ranked Arizona as the top state for entrepreneurship in the entire country. The tax, legal and regulatory reforms enacted at the state capitol in recent years have created an environment in which these entrepreneurs can succeed. The Arizona Chamber supports Proposition 116 because it continues to improve the tax environment for small businesses and makes it easier for them to grow and create jobs.

Proposition 116 encourages job creation by reducing the tax burden on equipment and machinery. This is especially beneficial to small businesses and startups because the tax on equipment and machinery is owed regardless of profitability or whether a new company has actually sold any products.

The impact of the current policy is that a company’s resources are allocated to a tax on their equipment and machinery rather than being allocated to hiring new workers and making capital investments that will support future growth. By reducing the damaging impact of the current tax, Proposition 116 will further strengthen Arizona’s climate for entrepreneurship by enabling small business owners to allocate more of their resources toward job creation and investment.

We urge voters to support Proposition 116.

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

Ranching Families Support Prop 116

Ranching and raising food is a property intensive business. High personal property taxes force ranch families to continually pay for our fences and equipment once we first purchase them and again each year as government levies its personal property tax on the same items. Proposition 116 will provide for fairness and efficiency by increasing the exemption for personal property taxes on agriculture and business equipment and machinery.

Please vote YES on Proposition 116!

Norman J. Hinz, President, Arizona Cattle Feeders Association, Phoenix
Paid for by Arizona Cattlemen’s Association

I support Proposition 116: Small Business Job Creation Act. As a business woman running a hot air balloon company in the Arizona for 21 years, personal property tax exemption is important. My company, Hot Air Expeditions, is an equipment-based company. I am continuously buying new equipment and machinery. The current heavy tax burden placed on my small business is self-defeating and anti-growth because it punishes the very investment needed to grow the company. Proposition 116 provides for further encouragement to expand the company and hire more employees with a personal property tax exemption for new equipment purchases.

The Proposition 116 referendum seeks to amend the Arizona Constitution to reset the personal property tax exemption for new equipment and machinery purchases to an amount equal to the earnings of 50 Arizona workers, approximately $2.4 million. Personal property purchased on or before December 31, 2012 would remain subject to the current indexed amount which for Tax Year 2012 is $68,079.

I ask for your support. Proposition 116 must garner 50 percent plus one vote of those voting on the measure on or before November 6, 2012 General Election ballot. If passed, the new provisions will affect personal property purchased in 2013 and thereafter. Personal property already on the tax rolls will remain unaffected.

Bipartisan support is the hallmark of the Proposition 116 (Small Business Job Creation Act). It received unanimous bipartisan support from state legislators. The strong support speaks well to the soundness of this public policy proposal that both sides of the aisles voted for it.

Please vote YES on Proposition 116.

Margie Long, President, Hot Air Expeditions, Phoenix
Paid for by Hot Air Expeditions, Inc.

Ramon E. Torres Jr., Corporate Officer, Hot Air Expeditions, Phoenix

Dear Arizona Taxpayer,

Thanks to the trillion-dollar federal "Stimulus" spending programs (paid for with your tax dollars, and with debt imposed on our children and grandchildren), the economy of Washington, DC – the home of Big Government – is booming. In Washington, there is very low unemployment, and there are building cranes as far as the eye can see.

But out here in Arizona, in America's real economy, families and businesses are still hurting and many people are without good jobs. We need to enact smart policies that will help Arizona's economy.

One of the biggest problems facing the Arizona economy is that our current property tax system punishes job creators who would otherwise invest in the equipment and machinery necessary to creating productive and well-paid jobs. Because Arizona's existing tax system punishes small businesses when they acquire new equipment and machinery, many of those businesses choose to locate their new plants in other states.

Spelling, grammar and punctuation were reproduced as submitted in the “for” and “against” arguments.
Proposition 116, the Small Business Job Creation Act, will help to create thousands of new jobs in Arizona – the kind of capital-intensive, highly productive jobs that build our economy and create prosperity for our families.

**PLEASE VOTE YES ON PROP 116.**

For more ideas about state and local tax and budget policy, and to help us enhance freedom and protect free enterprise, contact the Arizona chapter of Americans for Prosperity, at www.aztaxpayers.org, (602) 478-0146, or tjenney@afphq.org.

**Tom Jenney, Phoenix**

**Vote Yes on 116 – Small Business Job Creation Act**

Small businesses need government off our backs so we can do what we do best—create the jobs Arizonans need to secure their families' economic security. Arizona’s small business job creators bear a heavy tax burden whenever we invest in new equipment and machinery—the necessary building blocks for good-paying jobs—and this tax liability is incurred even before we hire a single new worker, make our first sale or see a dime of profit.

As the owner of Arizona Hi-Lift, a Phoenix-based small business that rents and sells aerial, boom and scissor lift equipment, I know firsthand the depth and pervasiveness of this recession. In Maricopa County where 85% of our state’s equipment and machinery is located, we’ve seen a breathtaking 56% drop in new equipment acquisitions. Not coincidently, Arizona has nearly stopped creating good-paying, private sector jobs.

Proposition 116 is written to push back on this unacceptable “new normal”. Arizona’s equipment and machinery tax is a serious impediment to economic growth, investment and job creation. Passing Proposition 116 will reduce this burden and make it easier for local businesses to expand while simultaneously making us far more attractive to employers seeking escape from high-tax and high-regulation states like California.

Proposition 116 will also enable our small businesses to be more competitive in the unforgiving global marketplace. By passing Proposition 116, Arizona will boldly announce to the world that we are open for business and are ready to get to work!

Proposition 116, the Small Business Job Creation Act, will unleash our small business job creators to “do their thing” and build a stronger, more prosperous Arizona in the process. But first it’s up to voters to “do their thing” and **Vote Yes on 116** this November.

**Doug Click, Chairman, Vote Yes on 116 Committee, Phoenix**

Paid for by Vote Yes on 116 Committee

I’m voting “yes” on Proposition 116 (The Small Business Job Creation Act) because its passage will directly and immediately lead to new job creation and stronger small businesses throughout Arizona—small businesses like mine.

EnVision Flexible Packaging produces pre-made pouches for the food, beverage and personal care markets. Currently, our pouches are made in Wisconsin rather than in Arizona. On numerous occasions we have tried to bring home to Arizona our production facilities but have been frustrated by the serious initial costs to doing so prior to even producing one pouch or hiring one new employee.

A major driver of this expense is the heavy equipment and machinery tax liability that comes with such an investment in Arizona. Manufacturing machinery is very expensive and the equipment and machinery tax has made it prohibitively expensive to afford acquiring it while simultaneously being able to afford hiring the people needed to run the machinery.

By passing Proposition 116, EnVision would be able to invest in the necessary new machinery and immediately add about a dozen new, good-paying manufacturing jobs in Arizona. We would then be positioned to create an additional 50 new jobs at a new state-of-the-art pouch filling facility that would make EnVision the only American company able to make and fill the pouches as well as the product. However, without passage of Proposition 116 we may have to go elsewhere due to Arizona’s punishing equipment and machinery tax.

Hundreds, if not thousands, of Arizona small businesses share dreams similar to ours at EnVision for expansion and creating new jobs. Passage of Proposition 116 can help make these dreams a reality for everyone, especially for the Arizonans filling these new jobs.

**Vote Yes on 116**

**Liesl Harder Kiebp, Phoenix**

Paid for by Vote Yes on 116 Committee

The AMIGOS PAC, an association of small and mid-sized Arizona businesses supports proposition 116 for one important reason...jobs. The less Arizona businesses have to spend on taxes on their equipment, the more they can spend buying new equipment and hiring new employees. That creates good jobs for all Arizona families. We urge a YES vote on 116!

**Sydney Hay, Treasurer, AMIGOS PAC, Phoenix**

Paid for by AMIGOS PAC


As an Arizona employer and chairman of the Arizona Manufacturers Council, I hear from employers that Arizona’s annual tax on equipment and machinery is holding back businesses from growing and employing more Arizonans. This annual tax is owed even before a company makes its first sale and even if the company is unprofitable.

A YES vote on Proposition 116 will eliminate this tax on equipment and machinery equal to the annual average wage of 50 Arizona workers. This means companies can more readily afford to buy new equipment, and equally important, hire the people to operate this new equipment.

Because most other states do not tax equipment and machinery as Arizona does, a YES vote on Proposition 116 will act as an incentive for companies to move or expand in Arizona.

Please join me in voting YES on Proposition 116, the Small Business Jobs Creation Act, and please join the Arizona Manufacturers Council in encouraging others to vote YES on Proposition 116.

Proposition 116 means more jobs for Arizona.

**Steve Macias, Phoenix**

Paid for by Vote Yes on 116 Committee

**Vote Yes on 116**

One of my long-term goals as a state legislator has been to rollback the self-defeating equipment and machinery tax that makes it harder for small businesses to expand and hire more workers. That’s why I urge all Arizona voters looking to strengthen our economic recovery to vote “yes” on Proposition 116, the Small Business Job Creation Act.

Proposition 116 will immediately create new jobs in capital-intensive sectors like manufacturing, hi-tech and the biosciences. Such investment will help diversify our economy and stabilize and bolster revenues that fund critical education budgets and social service programs.

**Spelling, grammar and punctuation were reproduced as submitted in the “for” and “against” arguments.**

**Arizona’s General Election Guide**
The equipment and machinery tax is mostly paid by small businesses and unlike income taxes, must be paid regardless of how good or bad a year the employer had. It’s a tax liability owed before a single product is manufactured or sold. It’s essentially a punishment on business owners for investing in the growth of their enterprises and creating more high-paying jobs for Arizonans.

I am proud to have sponsored legislation nearly identical to the Small Business Job Creation Act and was eager to join the unanimous bipartisan coalition that supported putting Proposition 116 on the ballot. Proposition 116 deserves to be supported by Democrats, Republicans and independents alike.

Please join me in voting “yes” on Proposition 116.

Chad Campbell, State Representative, Minority Leader, Arizona House of Representatives, Phoenix
Paid for by Vote YES on 116 Committee

Voting for the Small Business Job Creation Act – Prop 116 – is critical to job creation in Arizona. I believe that my company will be able to hire more people if Prop 116 is approved by Arizona voters. That is why I’m voting YES on Prop 116 and hope you will too.

Every year, our company is charged a tax on the equipment and machinery we use. We pay this tax annually even though we already paid a sales tax when we purchased the equipment. This tax must be paid whether we actually sell anything or make a profit. Arizona is one of the few states with this kind of tax, because other states know that annually taxing equipment and machinery kills jobs.

Please vote YES on Proposition 116, so my firm and others like it can hire more Arizonans.

Alan Heywood, Mesa
Paid for by Vote YES on 116 Committee

ARGUMENTS “AGAINST” PROPOSITION 116

There were no arguments “against” Proposition 116.
PROPOSITION 116

PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE RELATING TO PROPERTY TAX EXEMPTIONS [SCR 1012]

PROPOSITION 116
PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IX, SECTION 2, CONSTITUTION OF ARIZONA; RELATING TO PROPERTY TAX EXEMPTIONS.

DESCRIPTIVE TITLE
SETS THE AMOUNT EXEMPT FROM ANNUAL TAXES ON BUSINESS EQUIPMENT AND MACHINERY PURCHASED AFTER 2012 TO AN AMOUNT EQUAL TO THE COMBINED EARNINGS OF 50 ARIZONA WORKERS.

A “yes” vote shall have the effect of setting the amount exempt from annual taxes on business equipment and machinery purchased after 2012 to an amount equal to the combined earnings of 50 Arizona workers.  

YES ☐

A “no” vote shall have the effect of keeping current constitutional law related to annual taxes on business equipment and machinery.  

NO ☐
PROPOSITION 117

OFFICIAL TITLE
SENATE CONCURRENT RESOLUTION 1025
A CONCURRENT RESOLUTION
PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IX, SECTION 18, CONSTITUTION OF ARIZONA; RELATING TO PROPERTY TAX ASSESSED VALUATION.

TEXT OF PROPOSED AMENDMENT

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

1. Article IX, section 18, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

18. Residential ad valorem tax limits; limit on increase in values; definitions

Section 18. (1) The maximum amount of ad valorem taxes that may be collected from residential property in any tax year shall not exceed one per cent of the property's full cash value as limited by this section.

(2) The limitation provided in subsection (1) does not apply to:

(a) Ad valorem taxes or special assessments levied to pay the principal of and interest and redemption charges on bonded indebtedness or other lawful long-term obligations issued or incurred for a specific purpose.

(b) Ad valorem taxes or assessments levied by or for property improvement assessment districts, improvement districts and other special purpose districts other than counties, cities, towns, school districts and community college districts.

(c) Ad valorem taxes levied pursuant to an election to exceed a budget, expenditure or tax limitation.

(3) Except as otherwise provided by subsections (5), (6) and (7) of this section.

(a) THROUGH TAX YEAR 2014, the value of real property and improvements and the value of mobile homes used for all ad valorem taxes except those specified in subsection (2) shall be the lesser of the full cash value of the property or an amount ten per cent greater than the value of property determined pursuant to this subsection for the prior year or an amount equal to the value of property determined pursuant to this subsection for the prior year plus one-fourth of the difference between such value and the full cash value of the property for the current tax year, whichever is greater.

(b) FOR THE PURPOSES OF TAXES LEVIED BEGINNING IN TAX YEAR 2015, THE VALUE OF REAL PROPERTY AND IMPROVEMENTS, INCLUDING MOBILE HOMES, USED FOR ALL AD VALOREM TAXES SHALL BE THE LESSER OF THE FULL CASH VALUE OF THE PROPERTY OR AN AMOUNT FIVE PER CENT GREATER THAN THE VALUE OF PROPERTY DETERMINED PURSUANT TO THIS SUBSECTION FOR THE PRIOR YEAR.

(4) The legislature shall by law provide a method of determining the value, subject to the provisions of subsection (3), of new property.

(5) The limitation on increases in the value of property prescribed in subsection (3) does not apply to equalization orders that the legislature specifically exempts by law from such limitation.

(6) Subsection (3) does not apply to:

(a) Property used in the business of patented or unpatented producing mines and the mills and the smelters operated in connection with the mines.

(b) Producing oil, gas and geothermal interests.

(c) Real property, improvements thereto and personal property used thereon in the operation of telephone, telegraph, gas, water and electric utility companies.

(d) Aircraft that is regularly scheduled and operated by an airline company for the primary purpose of carrying persons or property for hire in interstate, intrastate or international transportation.

(e) Standing timber.

(f) Property used in the operation of pipelines.

(g) Personal property regardless of use except mobile homes.

(7) A resident of this state who is sixty-five years of age or older may apply to the county assessor for a property valuation protection option on the person's primary residence, including not more than ten acres of undeveloped appurtenant land. To be eligible for the property valuation protection option, the resident shall make application and furnish documentation required by the assessor on or before September 1. If the resident fails to file the application on or before September 1, the assessor shall process the application for the subsequent year. If the resident files an application with the assessor on or before September 1, the assessor shall notify the resident whether the application is accepted or denied on or before December 1. The resident may apply for a property valuation protection option after residing in the primary residence for two years. If one person owns the property, the person's total income from all sources including nontaxable income shall not exceed four hundred per cent of the supplemental security income benefit rate established by section 1611(b)(1) of the social security act. If the property is owned by two or more persons, including a husband and wife, at least one of the owners must be sixty-five years of age or older and the owners' combined total income from all sources including nontaxable income shall not exceed five hundred per cent of the supplemental security income benefit rate established by section 1611(b)(1) of the social security act. The assessor shall review the owner's income qualifications on a triennial basis and shall use the owner's average total income during the previous three years for the review. If the county assessor approves a property valuation protection option, the value of the primary residence shall remain fixed at the full cash value valuation determined pursuant to this subsection, which is equal to the full cash value of the property, except that in the year the property valuation protection option is filed and as long as the owner remains eligible. To remain eligible, the county assessor shall require a qualifying resident to reapply for the property valuation protection option every three years and shall send a notice of reapplication to qualifying residents six months before the three year reapplication requirement. If title to the property is conveyed to any person who does not qualify for the property valuation protection option, the property valuation protection option terminates, and the property shall revert to its current full cash value.

(8) The legislature shall provide by law a system of property taxation consistent with the provisions of this section.

(9) For the purposes of this section:
General Election ~ November 6, 2012

(a) "Owner" means the owner of record of the property and includes a person who owns the majority beneficial interest of a living trust.

(b) "Primary residence" means all owner occupied real property and improvements to that real property in this state that is a single family home, condominium- OR townhouse or an owner occupied mobile home and that is used for residential purposes.

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 117 would amend the Arizona Constitution to cap the annual increase in the value of real property used to calculate property taxes at 5% of the value of the property for the previous year, beginning with the 2015 tax year. Currently, there is no limit on full cash value. This limitation would apply to property values used in determining all property taxes on the real property.

ARGUMENTS “FOR” PROPOSITION 117

Vote YES on Prop 117 – Limit Growth in Property Valuations & Exposure to Tax Increases

The Arizona Tax Research Association (ATRA) urges your support of Prop 117 because it will protect property taxpayers from dramatic increases in property valuations that often lead to significant tax increases. **Prop 117 will limit annual assessed value growth to 5%**.

In addition, Prop 117 will simplify one of the most complicated property tax systems in the country. Currently, property in Arizona is taxed on two values: full cash, or market value (FCV) and the limited property value (LPV). The Constitution requires that FCV represents the market value, which is unlimited in the amount it can increase each year. In contrast, the LPV is required to annually increase by the greater of 10% or 25% of the difference between the current year FCV and the previous year’s LPV. That doesn’t just sound complicated – it is.

Prop 117 eliminates the taxation of property to the LPV and the FCV will no longer be taxable. **Eliminating the tax on market value will prevent a repeat of the dramatic increases in property taxes that occurred between 2004 and 2009 when real estate values skyrocketed.**

ATRA strongly believes that the 5% limit is fair for taxpayers and Arizona state and local governments. A reasonable limit will not only provide greater predictability for taxpayers, it will bring much needed stability to future local government budgets. Had the 5% limit been in place over the last decade, it would have prevented $33 billion in value from being added to the tax rolls that was ultimately removed when the market collapsed.

David L. Minard, Treasurer, Arizona Tax Research Association, Peoria

Kevin J. McCarthy, President, Arizona Tax Research Association, Gilbert

I am in full support of Proposition 117. I have worked in the Assessor’s Office since 1977 and witnessed, first hand, the installation of the current property tax formula in 1980. At the time, it was a welcome relief from the runaway taxation that was occurring due to rising property values. However, the current system is flawed with many complicated formulas that are outdated and no longer are applicable to the times we live in. For many years I have been advocating that the Limited Value formula needed to be simplified and that property taxes needed to be more predictable. This measure does both. Having ad valorem property taxes calculated from the Limited Property Value and simplifying the LPV formula to a simple 5% calculation will greatly assist Arizona assessors in explaining tax bills to the property owner. Please join me and vote Yes on Proposition 117.

Joe Wehrle, Yuma County Assessor, Yuma

Paid for by Committee to Re-elect Joe Wehrle

Proposition 117 is good for the taxpayers of Arizona. It creates a limitation for valuations of locally assessed taxpayers. The provision would not shift tax burdens from commercial properties to residential properties (homeowners). The original two tiered system of Full Cash Value and Limited value was to protect the taxpayers from rising values and uncontrolled spending by the taxing jurisdictions. History has shown that as property tax values grow, the impetus by government to “keep the tax rates steady”, thus generate more revenue, increases. This proposal is timely as in as most areas of the state; Full Cash and Limited Values are identical. Additionally, the administrative and judicial appeal systems will remain intact. I support Proposition 117 to provide more predictability and stability to the taxpayers of Arizona.

James R. Brodnax, Glendale

Farm Bureau Supports a “Yes” Vote on Proposition 117

Prop. 117 seeks to simplify one of the most complex property tax systems in the country and provide stability to property owners and taxing jurisdictions alike. By taxing property owners on one value rather than the current method that uses two different valuations, everyone, including farmers and ranchers, will be better able to predict their property tax burden. In addition, reasonable limits on the growth of property valuations subject to taxation will ensure short term spikes in property value, like those experienced during the housing bubble, do not result in exorbitant, unsustainable tax bills for property owners.

The stability of the property tax system should have a positive impact on the economy as capital thrives on stability and predictability and attracting capital equates to attracting jobs. Passage of proposition 117 would provide clarity, simplicity and predictability for all taxpayers.

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

VOTE YES ON PROP 117 – SIMPLIFY AND LIMIT YOUR PROPERTY TAXES

As the largest commercial real estate trade association in the state with a vital interest in reducing property taxes for all our citizens, we urge your support of Prop 117. Arizona has one of the most complicated property tax systems in the country. We believe this property tax reform proposal will simplify Arizona’s property tax system.

Arizona’s property tax system, which employs multiple sets of taxable values, has been the subject of considerable criticism for decades. The two sets of taxable values (secondary and primary) largely serve to confuse property taxpayers. For the first time in decades, these two taxable values are now almost identical due to the dramatic decline in the real estate market. As a result, Arizona citizens have a rare opportunity to limit the taxation of property to just one value without negatively impacting local government budgets.

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

Arizona’s General Election Guide
Currently, there is no limit on the annual growth in secondary values. The lack of any limit in the growth of secondary values added considerably to the volatility that characterized Arizona’s property tax system over the last decade. Prop 117 will limit the taxation of property to one value (primary), which will be limited to 5% annual growth. This measure will not only increase the stability of Arizona’s property tax system but also provide greater predictability for both government and taxpayers.

We strongly encourage you to take advantage of the opportunity to SIMPLIFY AND LIMIT this system that has been in place since 1980.

Tim Lawless, President, Arizona Chapter of NAIOP, Commercial Real Estate Development Association, Phoenix
Keaton Merrell, Vice Chairman of the Board, Arizona Chapter of NAIOP, Commercial Real Estate Development Association, Phoenix

Paid for by Arizona Chapter of NAIOP Commercial Real Estate Development Association

Keep Your Home Affordable - Yes on 117!

Keeping home prices affordable is essential to the recovery of Arizona’s housing market. A key variable impacting affordability is the property taxes paid by a homeowner. For every dollar of new taxes the ability of a buyer to afford a home is diminished. Prior to the recent downturn, Arizona homeowners experienced dramatic increases in their property tax bills because of the major increases in their property values. Supporting Prop. 117 will prevent these dramatic increases from happening in the future, by placing a reasonable limit on the increase in property value that the government can use, while ensuring the tax revenues are stable for necessary government services. Keeping your property taxes more predictable and stable will help ensure that you will not be taxed out of your current home or priced out of buying your next home.

Please Vote YES on 117!
Connie Wilhelm, President, Home Builders Association of Central Arizona, Phoenix
Spencer Kamps, Vice-President of Legislative Affairs, Home Builders Association of Central Arizona, Phoenix

Paid for by Home Builders Association of Central Arizona

Arizona Chamber of Commerce & Industry Supports Proposition 117

The Arizona Chamber supports a tax system that is globally competitive, fair, consistent, and equitable. Proposition 117 moves Arizona toward such a system by capping the annual growth in locally assessed property values at 5% and simplifying one of the most complicated property tax systems in the country.

The 5% cap will protect taxpayers from dramatic increases in tax bills due to real estate market volatility. This is especially important during a real estate bubble such as the one Arizona experienced during the last decade. Had the 5% cap been in place during that time, over $30 billion in property value that was added during the bubble and subsequently lost during the recession would never have been added to the tax rolls in the first place.

In addition to providing taxpayers with greater property tax stability and predictability, the 5% cap also provides greater stability and predictability to governments. Highly volatile revenue streams make it difficult for elected officials to consistently match revenues with expenditures. Proposition 117 will enhance the ability of governments to confidently budget and plan for the future by increasing the stability of property tax revenues.

Finally, Proposition 117 greatly simplifies Arizona’s property tax system by using one value to calculate all property taxes. Instead of using one value to determine the tax that funds maintenance and operations of local governments and another that funds voter approved bonds and overrides, Proposition 117 creates a system where one value is used for all purposes.

We urge voters to support Proposition 117.

Glenn Hamer, President & CEO, Arizona Chamber of Commerce & Industry, Phoenix
Doug Yonko, Chairman, Arizona Chamber of Commerce & Industry, Phoenix

Paid for by Arizona Chamber of Commerce & Industry

Sensible property tax reform is not a partisan issue

I am proud to have sponsored the legislation, SCR 1025, that referred Proposition 117 to the ballot for consideration by Arizona voters. Furthermore, I was pleased by the bipartisan support the measure received at the Legislature. Legislators from both sides of the political aisle recognized the need to simplify and restrain our current property tax system.

Proposition 117 will have real benefits for Arizona homeowners and businesses. This measure will provide predictability to a system that has been extremely volatile. This volatility has placed significant burdens on homeowners who have experienced significant tax increases and businesses seeking to plan for new investments in hiring and capital. Proposition 117 will also simplify the property tax system by using a single limited value for the calculation of all property taxes. Now is an ideal time to remove some of the unnecessary complexity from our property tax system.

Please join me in supporting Proposition 117.

Thank you,
Steve Yarbrough, State Senator, Arizona State Senate, Chandler

Paid for by Yes on 117 Committee

Agriculture supports a simpler and more stable property tax system

As farmers in Arizona we have enough challenges without having to deal with the rollercoaster ride of our state’s overly complex property tax system. Proposition 117 would simplify our current property tax system and smooth out some of the bumps. Farmers will still have to deal with weather, changing market conditions, and pests; but at least we will know what to expect when it comes to our property taxes.

Proposition 117 will cap annual increases in the assessed value of property to 5% and use just one value for the calculation for all property taxes. These are good things and are welcome changes to our current property tax system.

We are less thing to worry about we can focus more attention on the success of our farms, the people we employ, and the food we bring to your table.

Please support Proposition 117.
Velma Wright Townsend, Yuma

Paid for by Yes on 117 Committee

YOUR PROPERTY TAX IS ABOUT TO SKYROCKET UP, and only you can stop it.

Your property value on average has dropped more than 30 percent. Has your tax dropped that much? No, it has not. Here is why: GOVERNMENT HASN’T GIVEN YOU THE WHOLE TRUTH. Read on... If nothing changes in Arizona tax law and/or government behavior, you can expect another expensive property tax shock on your family home and small business – and very soon.
You haven’t been told the truth about property taxes. Government in Arizona quietly raised the tax rate as values plummeted, taking a higher percentage of your equity. **OUR MIDDLE CLASS FAMILIES** are about to be hit with yet **ANOTHER PROPERTY TAX INCREASE**, one that will pain those on fixed incomes and seniors the most.

As values start rising again, so will your tax bill, and now based on newer rates that in most cases are the highest they have been in years.

We must stop this before our families and in particular seniors once again have to choose between paying rising mortgage costs and daily staples like food and medicine, and the middle class has a greater burden imposed.

**PROPOSITION 117 WOULD PUT A 5% CAP ON THE GROWTH OF LOCALLY ASSESSED PROPERTY.** It would limit government from gorging on property owners in times of rapidly increasing valuations, which we might be facing again. It will limit government to more sustainable growth levels.

If you want predictable, reasonable and limited property tax increases, vote for Proposition 117.

*Sal DiCiccio, Phoenix City Councilman, Phoenix*

*Paid for by Yes on 117 Committee*

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**Please Vote Yes on 117!**

As a homeowner on a fixed income, I can’t wait to vote Yes on 117! When the real estate boom occurred, property values skyrocketed and tax bills increased. When the real estate crash occurred most of us did NOT see a decrease in our property taxes despite considerable reductions in our property value. That’s just not right!!! With the real estate market starting to turnaround, we should not forget the hard lessons learned from the recent recession. We need to protect against unreasonable increases in our property taxes from happening again. As I read it, that’s what Prop. 117 will do – it will protect homeowners from dramatic increases in their tax bills. **Homeowners should vote Yes on Prop. 117!**

*JoAnne Sandquist, Retired, Sierra Vista*

**Vote YES on Prop 117 to Protect Taxpayers**

Prop 117 will protect taxpayers from exorbitant increases in AZ property values. As most tax payers are aware, Arizona’s property tax system is highly complicated for the average property owner. Our government’s tax system uses two sets of values to tax, one is supposedly reflective of the market value of property (full cash value or FCV) and the other value (limited property value or LPV) stems and grows annually from a complicated technical statutory formula, typically no less than 10%.

While property values grow dramatically and local governments keep tax rates the same, taxes increase by the same rate as the growth. This is what happened to a majority of property taxpayers during the 2001-2008 real estate boom. During that time, 150 taxing jurisdictions tricked taxpayers into thinking our government was not increasing taxes because tax rates remained the same. Yet what happened was that as each property value grew the result was a tax increase.

Property values grew nearly 50% in the City of Phoenix between 2001 and 2008, and overall in the state, property taxes collected grew at an even greater rate of more than 60%. Why did the City of Phoenix stick to its policy of continuing the fixed combined tax rate of $1.82 while ignoring the explosive growth in values? Because the City of Phoenix received extra-ordinary cash windfall simply by doing nothing (certainly not protecting the good business sense a city government should have towards its taxpayers). Prop 117 will protect taxpayers against dramatic increases in their property tax bill and require sensibility and business acumen for each jurisdiction entity.

Vote for Prop 117 which will help property owners limit the growth in taxes when they choose to keep tax rates the same during growth times.

*Kurt Schneider, Phoenix*

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**Ranching Families Support Prop 117**

If only nature gave us rain like our government gives us property tax increases-we would be awash in green grass. Ranching families and all property owners should not have to be subject to such wide swings in values from one year to the next. Proposition 117 will provide for a more stable tax system without wide swings in property values from one year to the next. It’s bad enough just waiting for the rain....

Please vote YES on Proposition 117!

*Norman J. Hinz, President, Arizona Cattle Feeder’s Association, Phoenix*  
*Patrick Bray, Executive Vice President, Arizona Cattlemen’s Association, Phoenix*

*Paid for by Arizona Cattlemen’s Association*

(Under Arizona’s complicated property tax system, homeowners have seen unpredictable increases of 95 percent in property taxes between 2004 and 2009. To everyone’s dismay, many of these unexpected increases in property taxes actually occurred during a time when the market value of homes was decreasing. Under Prop 117, the amount that the tax can increase will be limited to 5 percent per year. Tax rates will stabilize. Property tax rates for new construction will be calculated to harmonize with the rates of existing homes. Local governments will be able to reliably anticipate future tax revenue. Taxpayers will be shielded from the alarming increases in property taxes that have occurred in the past with real estate bubbles. There is no effect on state aid to schools. It somewhat limits the bonding capacity of local governments – not a bad thing. There is no downside to Proposition 117. It’s a win-win for everyone.)

**VOTE ‘YES’ ON PROP 117**

*Sylvia Allen, State Senator, Arizona State Senate, Candidate for Navajo County Board of Supervisors District 3, Snowflake*  
*Lester Pearce, Former Justice of the Peace, Candidate for Maricopa County Board of Supervisors District 2, Mesa*

*Paid for by Committee to Elect Lester Pearce*

Arizona’s current property tax system is too complex for the average property owner to understand. An ideal system is one that is simple, predictable and easily understood.

Under our current property tax system, property is taxed on two values: 1) the market value, which is unlimited in the amount it can grow each year, and 2) a statutorily set value that can increase each year based on a complicated formula. Both values are subject to tax and fund a wide variety of government services.

Prop 117 will limit the taxation of property to only one value and that value will be limited in annual growth of 5% (currently there is no limit). No longer will property be taxed at its market value.

Narrowing the taxation of property to one value that has a reasonable limit will simplify Arizona’s property tax system and will provide greater predictability for both government and taxpayers.

*Gary M. Gitlin, Paradise Valley*

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*Spelling, grammar and punctuation were reproduced as submitted in the “for” and “against” arguments.  
Arizona’s General Election Guide*
ARGUMENTS “AGAINST” PROPOSITION 117

Property Tax Assessed Valuation –
Statement: The Tucson Hispanic Chamber of Commerce does not support capping property taxes and further impeding the ability for our elected officials to make fiscally responsible decisions to support core services that should be provided by the state government. Tax reform is necessary in the State of Arizona and the disparity between business and residential property tax limits our state’s ability to attract new business and for existing businesses to grow and attract customers.

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

Tannya Gaxiola, Chairwoman, Tucson Hispanic Chamber of Commerce

Paid for by Tucson Hispanic Chamber of Commerce

Vote NO on Proposition 117, Property Tax Assessed Valuation.
Prop 117 does nothing to limit your property tax bill or annual tax increases.
Prop 117 just pretends to offer property tax relief or reform. It lacks any restraint on tax rate increases so does nothing to curb how much money taxing districts can collect from you. It still allows the addition of new taxing districts, more debt, and higher tax “overrides” to your bill.

The Legislature put Prop 117 on the ballot and at the same time came close to passing HB 2405. Passage would have allowed every school district in the state to double their bond debt capacity which would then double the 2nd largest item on your property tax bill. Many in the Legislature are working to raise your property taxes, not limit them.

Prop 117 is proof that property tax reform won’t come from the Legislature. We must do it ourselves using the initiative process. Prop 13 Arizona, a Citizens Initiative for the 2014 ballot, is the reform we need. It uses purchase price (or decline-in-value provisions) as your tax basis, limits valuation increases to no more than 2% per year, and caps your total tax rate at 0.5% for all residential property or 1% for all other real property. No parcel taxes, overrides or exceptions to the tax caps.

Prop 13 Arizona provides plenty of tax revenue for the government, just not unlimited tax increases as the current system allows. It puts family budgets first, not government’s desire to tax and spend without limit.

Vote NO on Proposition 117. It does nothing to fix our broken tax system.

Lynne Weaver, Chairman, Prop 13 Arizona

Paid for by Prop 13 Arizona

Proposition 117 is confusing and will not prevent tax increases.

Vote no on Prop 117! It does nothing to prevent taxing authorities from raising property taxes.
While Proposition 117 is touted as a truth in taxation measure, the truth is that its affect on the Arizona Constitution is not clear. It adds uncertainty to the taxing process and may cause litigation for proper interpretation.

Proponents of Prop 117, the Arizona Tax Research Association (ATRA), have conceded the fact that municipalities can, and most likely will, raise the tax rate on property owners to offset any loss in tax revenue. All Prop 117 does is reduce the current cap on Limited Property Values (LPV) from 10% to 5%. If the existing Constitutional cap of 10% is not working according to ATRA, why would 5% be effective? This is being marketed as a measure that reduces property taxes, which is not accurate.

However, Prop 117 is a potential inhibitor to community bonding capacity, which affects the ability to provide public services to every community.
One way or another, cities, towns, counties and other municipalities make-up for lost revenues. Prop 117 does not prevent property tax increases.

Constitutional changes must be clean and clear.

Vote no on Prop 117!
T. F. Naifeh, Phoenix

ARGUMENT AGAINST PROP 117

PROP 117 will change the constitution to allow unfair and inequitable taxation. If PROP 117 passes, there will be no cap on tax rates and no cap on government spending – there will only be a cap on appraisal values. The right way is to cap tax rates or cap government budgets. Studies show that appraisal caps are bad public policy – rather than reduce property taxes, they shift property taxes away from developers and large land owners over to owners of houses in medium and low income neighborhoods. This is not even a step in the right direction. Vote NO on PROP 117.

Chris Gildewell, Mesa

ARGUMENT AGAINST PROP 117

For 100 years the Arizona constitution has required that all property’s taxes “be uniform upon the same class of property” to ensure equitable taxation. Passage of PROP 117 changes the constitution to allow unfair and inequitable taxation. PROP 117 also makes the tax laws more complex and less understandable. There is a loophole in PROP 117. If PROP 117 passes it only caps appraisal values. Therefore, governmental bodies can merely increase the tax rates to make up the difference – they have done it to you before. Because the implementation of appraisal caps always shifts taxation away from higher appreciating property to lower appreciating property, developers and large land owners will have some of their tax burden shifted over to owners of houses in medium and low income neighborhoods.

Arizona citizens deserve better. The right way to limit Arizona property taxes is to cap tax rates or cap government budgets – not pass PROP 117 with all of its flaws instead. Studies show that appraisal caps are bad public policy. “House Committee on Local Government Ways & Means, Interim Report 2004”, “Study of Alternative Tax Plans for Public Education in Texas,” Texas A&M Real Estate Center, “Appraisal Limits: A Wrong Turn on the Road to Property Tax Relief?” Moak Casey & Associates, The Myth of Property Value Caps: Do They Really Control Taxes?” Foy Mitchell; Chief Appraiser; Dallas Central Appraisal District. And remember, its best to not change the constitution unless you fully understand and agree with the change. Vote NO on PROP 117. If you let them change the constitution you will legalize unfair and inequitable taxation.

Daniel T. Garrett, J.D., C.P.A, Former Arizona Department of Revenue General Counsel, Former Chief Tax Administrative Law Judge – City of Phoenix, Mesa
PROPOSITION 117

PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE RELATING TO PROPERTY TAX ASSESSED VALUATION
[SCR 1025]

**PROPOSITION 117**

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IX, SECTION 18, CONSTITUTION OF ARIZONA; RELATING TO PROPERTY TAX ASSESSED VALUATION.

**DESCRIPTIVE TITLE**

BEGINNING IN 2014, SETS A LIMIT ON THE ANNUAL PERCENTAGE INCREASE IN PROPERTY VALUES USED TO DETERMINE PROPERTY TAXES TO NO MORE THAN 5% ABOVE THE PREVIOUS YEAR, AND ESTABLISHES A SINGLE LIMITED PROPERTY VALUE AS THE BASIS FOR DETERMINING ALL PROPERTY TAXES ON REAL PROPERTY.

<table>
<thead>
<tr>
<th>YES □</th>
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<td>A “yes” vote shall have the effect of setting a limit on the annual percentage increase in property values used to determine property taxes to no more than 5% above the previous year, and establishes a single limited property value as the basis for determining all property taxes on real property, beginning in 2014.</td>
<td>A “no” vote shall have the effect of keeping current constitutional law related to calculating property values and taxes.</td>
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PROPOSITION 118

OFFICIAL TITLE
HOUSE CONCURRENT RESOLUTION 2056
A CONCURRENT RESOLUTION
PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE X, SECTION 7, CONSTITUTION OF ARIZONA; RELATING TO THE ESTABLISHMENT OF PERMANENT FUNDS.

TEXT OF PROPOSED AMENDMENT

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:
1. Article X, section 7, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:
7. Establishment of permanent funds; segregation, investment and distribution of monies
   Section 7. A. A separate permanent fund shall be established for each of the several objects for which the said grants are made and confirmed by the enabling act to the state, and whenever any monies shall be in any manner derived from any of said lands, the same shall be deposited by the state treasurer in the permanent fund corresponding to the grant under which the particular land producing such monies was, by the enabling act, conveyed or confirmed.
   B. No monies shall ever be taken from one permanent fund for deposit in any other, or for any object other than that for which the land producing the same was granted or confirmed.
   C. All such monies shall be invested in safe interest-bearing securities and prudent equity securities consistent with the requirements of this section.
   D. The legislature shall establish a board of investment to serve as trustees of the permanent funds. The board shall provide for the management of the assets of the funds consistent with the following conditions:
      1. Not more than sixty per cent of a fund at cost may be invested in equities at any time.
      2. Equities that are eligible for purchase are restricted to stocks listed on any national stock exchange or eligible for trading through the United States national association of securities dealers automated quotation system, or successor institutions, except as may be prohibited by general criteria or by a restriction on investment in a specific security adopted pursuant to this subsection.
      3. Not more than five per cent of all of the funds combined at cost may be invested in equity securities issued by the same institution, agency or corporation, other than securities issued as direct obligations of and fully guaranteed by the United States government.
      E. In making investments under this section the state treasurer and trustees shall exercise the judgment and care under the prevailing circumstances that an institutional investor of ordinary prudence, discretion and intelligence exercises in managing large investments entrusted to it, not in regard to speculation, but in regard to the permanent disposition of monies, considering the probable safety of capital as well as the probable total rate of return over extended periods of time.
      F. The earnings, interest, dividends and realized capital gains and losses from investment of a permanent fund, shall be credited to that fund.
   G. The board of investment shall determine the amount of the annual distributions required by this section and allocate distributions pursuant to law. Beginning July 1, 2000 and except as otherwise provided in this section, the amount of the annual distribution from a permanent fund established pursuant to this section is the amount determined by multiplying the following factors:
      1. The average of the annual total rate of return for the immediately preceding five complete fiscal years less the average of the annual percentage change in the GDP price deflator, or a successor index, for the immediately preceding five complete fiscal years. For the purposes of this paragraph:
         (a) "Annual total rate of return" means the quotient obtained by dividing the amount credited to a fund pursuant to subsection F for a complete fiscal year, plus unrealized capital gains and losses, by the average monthly market value of the fund for that year.
         (b) "GDP price deflator" means the gross domestic price deflator reported by the United States department of commerce, bureau of economic analysis, or its successor agency.
      2. The average of the monthly market values of the fund for the immediately preceding five complete fiscal years.
   H. Notwithstanding any other provision of this section, the annual distribution from the permanent funds for fiscal years 1999-2000 through 2002-2003 2012-2013 THROUGH 2020-2021 shall be as follows: TWO AND ONE-HALF PER CENT OF THE AVERAGE MONTHLY MARKET VALUES OF THE FUND FOR THE IMMEDIATELY PRECEDING FIVE CALENDAR YEARS.
      2. For fiscal years 2000-2001 through 2002-2003, the greater of the average of the actual annual distributions for the immediately preceding five complete fiscal years or the amount of the distribution required by subsection G.
      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

In 1910, the United States Congress passed the Arizona-New Mexico Enabling Act, allowing Arizona to become a state and granting Arizona approximately 10.9 million acres of land, referred to as "state trust land". The state land trust produces revenue for various public institutions in this state (schools, colleges, prisons, etc.). Proposition 118 would amend the Arizona Constitution to provide that for fiscal years 2012-2013 through 2020-2021, the annual distribution from the state trust land permanent funds to the various public institutions would be 2.5% of the average market values of the fund for the immediately preceding five calendar years. After fiscal year 2020-2021, the distribution formula would return to the current formula set out in the Arizona Constitution: average total rate of return for the previous five fiscal years, less percentage change in inflation, multiplied by the average market value over the previous five years.
ARGUMENTS “FOR” PROPOSITION 118

Prop 118 allows us to simplify the formula for education funding, ensuring that money will be distributed to support K-12 education each year from Arizona’s Permanent Land Endowment Trust Fund. Best of all, it accomplishes this with NO new taxes and NO additional general fund spending.

Right now there are about 8.1 million acres in the state’s trust fund for K-12 education. Every time the state sells a piece of state land, those proceeds are deposited into the State Treasurer’s Office to be managed into perpetuity. Today the market value of the Permanent Land Endowment Trust Fund is more than $3.4 billion. If that were a college endowment, it would be the twenty-first largest endowment in the country.

Upon review of an asset allocation study for the fund, it became clear that the formula used to distribute earnings was critically flawed. Its complications have resulted in uneven and unpredictable outcomes – including a year when ZERO dollars were distributed for K-12 education. If left unchanged, this current formula would likely result in several additional years – over the next decade – of zero dollar distributions. This is unacceptable, and must be fixed. An endowment this large should never have years of zero dollars available to benefit Arizona’s children and teachers.

Prop 118 fixes the formula and ensures consistent, reliable distributions that will protect the principal and never result in a zero dollar distribution. Prop 118 achieves this with no new taxes and no additional obligations for new spending.

As members of Arizona’s Board of Investment we support this improved formula and encourage you to vote “YES” on Prop 118. I strongly support Prop 118.

There is a special relationship between Arizona’s education community, the State Treasurer’s Office, and the State Land Department. Public education is by far the largest beneficiary of State Trust Land managed by the State Land Department. Revenues derived from the sale of State Trust Land, as well as the sale of natural products (such as sand, gravel, water and fuel wood), and royalties from mineral materials are deposited in the Permanent Land Endowment Fund managed by the State Treasurer’s Office. Today, the State Land Department manages 8.1 million acres of land on behalf of K-12 education, and the Permanent Land Endowment Trust Fund is worth more than $3.5 billion.

Earning money for Arizona’s public schools is the primary mission of the Trust’s management. In 2010 the State Land Department deposited $91.7 million in the Endowment. Because of the inadequacy of the current formula used to distribute earnings from the Endowment, K-12 education received no money in 2010. Prop 118 fixes that inadequate formula. Had the new formula been in place in 2010, public education would have received $48 million from the Permanent Land Endowment Trust Fund.

Vote “Yes” on Prop 118.

Maria Baier, Arizona State Land Commissioner, Phoenix

Prop 118 Provides Reliable Education Funding in Arizona

The Friends of the Arizona School Boards Association urges your support of Prop. 118. It’s a win-win proposal – providing Arizona’s classrooms with more reliable funding and doing so through a formula change that still protects the underlying value of the account which has been derived from state trust land sales – the State Land Trust Permanent Endowment fund.

There are over nine million acres of state trust land, with Arizona’s public schools being the largest beneficiary, holding 87% of these lands. The interest earned off the sale of trust lands is deposited in the State Land Trust Permanent Endowment fund. Arizona’s classrooms are direct recipients of the interest earned from this Endowment fund.

Over a decade ago, an interest distribution formula was put in place to help curb volatility and to protect our public schools asset from inflation. Unfortunately, the formula has not smoothed out distribution volatility, making it difficult for our public schools to budget.

Prop. 118 fixes this by establishing a new flat distribution percentage to allow for consistent distributions while still protecting the fund from inflationary effects.

Please vote YES ON 118 to enhance education funding to Arizona’s public schools.

Dee Navarro, President, Friends of the Arizona School Boards Association, Phoenix Dr. Tim Ogle, Executive Director, Friends of the Arizona School Boards Association, Phoenix

Paid for by The Friends of the Arizona School Boards Association, Inc.

Dear Voter,

I encourage your “YES” vote on Proposition 118. This measure is a positive change for the distribution formula of state trust funds for education.

There is currently $3.2 billion set aside in the Trust Fund to benefit education. In some years, the distribution has been as high as $80 million, and in other years there has been no funding at all. This type of swing in distribution based on the size of the fund and the current formula makes it more difficult for our schools to plan and spend accordingly. As taxpayers, we demand that schools budget efficiently and use their resources wisely to educate our children. This proposal will make that easier by ensuring that the annual Trust Fund allocation to Arizona schools is smooth, even and predictable.

A “Yes” vote on Proposition 118 is a win for our children and teachers. A “Yes” vote on Proposition 118 is a win for taxpayers and advocates of good government.

Jan Brewer, Governor, Phoenix

Arizona Chamber of Commerce and Industry supports Proposition 118

The Arizona Chamber has a longstanding position of developing a school financing system and educational structure that improves learning outcomes in a financially responsible manner. Proposition 118 is a simple yet important change that will significantly impact K-12 funding in a way that is financially responsible and consistent with the Chamber’s education goals. This measure will result in more reliable and consistent K-12 education funding with no new taxes and no new spending from the General Fund.

Proposition 118 will restructure the distribution formula for the Permanent Land Endowment Fund, whose largest beneficiary is K-12 education. Because of the complexity of the current funding formula, the distribution of dollars is uneven and unpredictable. In

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

Arizona’s General Election Guide
fact, there are some years when there are zero dollars distributed to K-12 from this fund. The Chamber supports Proposition 118 because of its fiscally responsible and stable approach to helping fund K-12 education.

We urge voters to support Proposition 118.

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

Doug Yonko, Chairman, Arizona Chamber of Commerce & Industry, Phoenix

Paid for by Arizona Chamber of Commerce & Industry

Vote YES on Prop 118 to help support Arizona public education, teachers and children. Prop 118 fixes and improves the Arizona State Endowment distribution formula providing a safer and more reliable source of funding for education and other beneficiaries. Prop 118 protects the principle of the Trust from inflation, stabilizes distributions to beneficiaries including public education. Prop 118 will protect the trust and its beneficiaries from wild market fluctuations and guarantees there will not be another year resulting in zero dollars going to education over the next decade.

The current formula was approved over a decade ago when the Endowment was given the ability to invest in stocks. Although written with the best of intentions the old formula was never tested for the economic volatility of the past several years. Simply stated, the formula did not work properly and education funding suffered.

After the urging of current and former State Treasurers, The Arizona State Board of Investment commissioned an independent Asset Allocation Study (available online at www.aztreasury.gov) to suggest positive change to Arizona’s Constitution. The result is Prop 118.

Arizona can be proud that our State Land Endowment has been protected while many other western states have squandered theirs. Prop 118 continues in this tradition by further protecting the Trust and providing needed stability for education funding. The Arizona State Endowment is a permanent endowment and deserves a solution that will provide permanent, long term stability for Arizona’s future.

As current and former members of the Arizona Board of Investment, we support Prop 118 and encourage all Arizona citizens to do the same. This change of the formula is good financial management. Vote YES on Prop 118.

Hon. Dean Martin, Former Arizona State Treasurer, Chairman, Arizona Board of Investment, Phoenix

Hon. Carol Springer, Former Arizona State Treasurer, Chairman, Arizona Board of Investment, Prescott

Hon. Tony West, Former Arizona State Treasurer, Chairman, Arizona Board of Investment, Phoenix

Paid for by Yes on 118 Committee

As Arizona’s Superintendent of Public Instruction, I support Prop. 118 because it will bring predictability to the distribution of revenue from Arizona’s state land trust fund. The land trust fund provides vital revenue for Arizona’s public schools, and the current complex formula means that we have no way of predicting how much money will be available in future years. A predictable distribution from the trust fund will enable the state to budget its general fund dollars more responsibly, because it is less likely that we will over- or underestimate the distribution from the trust, and appropriate too many or too few state dollars.

Under the current system, we feast when times are good, and starve when times are bad. The method proposed by Prop. 118 will allow the trust to grow substantially when times are good, leaving plenty of savings to help fund our school system through difficult economic times in the future.

Please join me in voting “yes” for proposition 118, to put state land trust revenues to work for our most valuable resource, Arizona’s children.

Sincerely,

John Huppenthal, Superintendent of Public Instruction, Phoenix

Paid for by Yes on 118 Committee

Arizona’s education community supports Prop 118. It is a good fix that helps better fund public schools. It is not the silver bullet that will solve all the problems in our state as it relates to education, but more reliable funding from the State Land Trust Fund is a step in the right direction.

In 2000, Arizona voters created the Classroom Site Fund. This fund was established to direct money to teachers’ salaries, classroom size reduction and dropout prevention programs. The Classroom Site Fund is supported by the revenue generated from the State Land Trust Fund and the State Land Department. The first $72.3 million is used in the general funding formula. Any money in excess of $72.3 million each year is deposited into the Classroom Site Fund. In 2010 and 2011, no money was deposited into the Classroom Site Fund. Had the new distribution formula being proposed in Prop 118 been in place, the fund would have received $38 million over the course of those two years.

AEA has worked closely with the State Treasurer’s Office and the State Land Department to make sure this proposition is in the best interest of Arizona’s teachers and students. Prop 118 guarantees money will be available each and every year. If it passes in November, Arizona public schools will receive more than $62 million. If Prop 118 is defeated and the current distribution formula stays in place, education will receive approximately $50 million. With the cuts that public education has endured, those additional funds can go a long way.

Arizona schools need this simplified formula.

Joseph H. Thomas, Vice President, Arizona Education Association, Phoenix

Nidia C. Issa, Treasurer, Arizona Education Association, Phoenix

Paid for by AEA Education Improvement Fund

Dear Arizona Taxpayer,

Prop 118 is a fair and practical way to smooth out earnings distributions from Arizona’s $3.4 billion Land Endowment. By avoiding the usual boom-and-bust distribution cycle, Prop 118 will help the beneficiaries of the State Land Trust Fund (mainly public education) to achieve a more predictable income stream year after year. At the same time, smoother budgeting over the business cycle will help beneficiaries during boom years to avoid developing unreasonable expectations about future spending growth.

This is a common sense solution to a problematic funding formula.

Prop 118 is a rare event in Arizona politics: it’s a win-win for all of the stakeholders, whether those stakeholders are government employees providing education services, or taxpayers working hard to support our schools and build our economy.

PLEASE VOTE YES ON PROP 118.

For more ideas about state and local tax and budget policy, and to help us enhance freedom and protect free enterprise, contact the Arizona chapter of Americans for Prosperity, at www.aztaxpayers.org, (602) 478-0146, or tjenny@afphq.org.

Tom Jenney, Phoenix

Spelling, grammar and punctuation were reproduced as submitted in the “for” and “against” arguments.
ARGUMENTS “AGAINST” PROPOSITION 118

There were no arguments “against” Proposition 118.
PROPOSITION 118

PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE RELATING TO THE ESTABLISHMENT OF PERMANENT FUNDS [HCR 2056]

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<td>PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE X, SECTION 7, CONSTITUTION OF ARIZONA; RELATING TO THE ESTABLISHMENT OF PERMANENT FUNDS.</td>
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<td>CHANGES THE DISTRIBUTION FORMULA FOR THE STATE LAND TRUST PERMANENT ENDOWMENT FUND, WHICH FUNDS VARIOUS PUBLIC INSTITUTIONS, INCLUDING SCHOOLS, TO BE 2.5% OF THE AVERAGE MONTHLY MARKET VALUES OF THE FUND FOR THE IMMEDIATELY PRECEDING FIVE CALENDAR YEARS.</td>
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A “yes” vote shall have the effect of changing the distribution formula for the State Land Trust Permanent Endowment Fund, which funds various public institutions, including schools, to be 2.5% of the average monthly market values of the Fund for the immediately preceding five calendar years. The change would affect fiscal years 2013 through 2021.

A “no” vote shall have the effect of keeping current constitutional law related to the distribution formula of the State Land Trust Permanent Endowment Fund.

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PROPOSITION 119

OFFICIAL TITLE
SENATE CONCURRENT RESOLUTION 1001
A CONCURRENT RESOLUTION
PROPOSING AN AMENDMENT TO THE 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, 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:

SECTION 12. A. THE LEGISLATURE SHALL PROVIDE A PROCESS BY LAW FOR EXCHANGING LANDS GRANTED OR CONFIRMED BY THE ENABLING ACT FOR PUBLIC LANDS IN THIS STATE 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. TO IMPROVE THE MANAGEMENT OF STATE LANDS FOR THE PURPOSE OF SALE OR LEASE 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.
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 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.

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

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 119 would amend the Arizona Constitution to allow the state to exchange state trust land for other public land in this state if the following requirements are met:
1. The exchange must be in the best interest of the state land trust.
2. The purpose of the exchange must be to either assist in preserving and protecting military facilities in this state from encroaching development or to improve the management of state lands for the purpose of sale or lease, or conversion of state land to public use.
3. 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 also must 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
ARGUMENTS "FOR" PROPOSITION 119

Support State Trust Land Accountability and Transparency

Vote "Yes" on Proposition 119

Proposition 119 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: improving the management of the state lands for the purpose of sale or lease or conversion to public use or for the protecting military facilities.

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 regarding which 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, Arizona State Senate, Legislative District 12, Litchfield Park

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

Paid for by Yes on Prop 119 Committee

SCR 1001 (Prop 119) - THCC POSITION: SUPPORT

Statement: The Tucson Hispanic Chamber of Commerce supports Prop 119 and believes it is the best interest of the community to allow the state to exchange land to protect the corridors surrounding our military installations. The military provides a huge economic impact on Tucson, Phoenix and Sierra Vista and we encourage the further development of each military base. The exchange of land allows the military to be sensitive to neighborhood concerns regarding noise and traffic and provides a win-win for the citizens of our state.

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

Tannya Gaxiola, Chairwoman, Tucson Hispanic Chamber of Commerce, Tucson

Paid for by Tucson Hispanic Chamber of Commerce

YES ON PROPOSITION 119

Proposition 119 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 119.

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 119 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 119, and am pleased to say it honors private property rights, including our precious water rights, through independent appraisals and public hearings. Another significant benefit of Proposition 119 is that it requires all parties involved to engage in thorough and transparent public processes and hearings before any land exchange is undertaken. It is also 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 119. It will lead to great things for Arizona.

Marla Baier, Arizona State Land Commissioner, Phoenix

ARGUMENTS "FOR" PROPOSITION 1.19

Valley Partnership strongly supports a “Yes” vote on Proposition 119, 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 our 25 year history, Valley Partnership has been active on issues related to Arizona State Trust Land.

There are over 9 million acres of Arizona 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 119 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 119 would ensure we have the tools to maintain those bases long into our future.

Arizonaans recognize and respect the natural beauty of our State. Proposition 119 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 119.

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

Rick Hearn, Chair of the Board of Directors, Valley Partnership, Phoenix

Paid for by Valley Partnership
Why you should vote YES:

1. It will HELP OUR MILITARY BASES in Arizona. This year I sponsored legislation that reinforced the legislature’s support of Luke Air Force Base and its efforts to obtain the F-35 fighter mission. It had unanimous legislative support and was recorded as part of the official public record submitted to the military. At many of the meetings I heard the same message...we need to protect the base from encroachment so that the military can do its job. This initiative will provide the necessary tools needed to protect our military bases and facilities throughout the state.

2. The military not only safeguards our state and Country, but it provides a HUGE ECONOMIC BENEFIT to our state. The military facilities in our state provide a positive economic impact of $9.1 Billion and more than 96,000 jobs.

3. Vote YES. You can help Arizona and you can help America. All it takes is your vote.

Debbie Lesko, State Representative, House Majority Whip, Arizona House of Representatives, Glendale

Paid for by Re-Elect Debbie Lesko

The Coalition for Sonoran Desert Protection urges you to VOTE YES on Proposition 119.

This proposition seeks to provide a means to conserve Arizona State Trust lands and create open space buffers around military bases. It includes an amendment to the state constitution to allow land exchanges of State Trust land in order to protect military facilities and properly manage, protect, and use State Trust lands.

Proposition 119 provides an avenue for accountability and transparency to the exchange process, a critical condition to ensure that the citizens of Arizona have a voice in the process. These measures include two independent analyses of lands for exchange, public hearings regarding the exchange, and a statewide vote during general election concerning any proposed exchanges.

When Arizona became a state 100 years ago, the federal government gave Arizona over 10 million acres of land for the benefit of public schools and 13 other state institutions. According to the current Arizona constitution, State Trust land must be leased or sold to the highest bidder, leaving few other opportunities for State Trust lands. Most State Trust land is currently under lease (commercial, grazing, agriculture, or mineral), although to date over one million acres have been sold and developed.

Proposition 119 is a good first step to modernize the methods for planning and disposition of State Trust lands. For years, conservationists across the state have been searching for meaningful State Trust Land reform, with the goal of protecting a small sub-set of lands that contain important wildlife habitat, creeks and streams, open space, and recreational and scenic values. This proposition makes a welcomed change to the current method of State Trust land disposal and allows for a continuing discussion regarding how Arizona can best address its land ownership.

We encourage you to VOTE YES on Proposition 119.

Carolyn Campbell, Executive Director, Coalition for Sonoran Desert Protection, Tucson

Paid for by Sky Island Alliance Coalition for Sonoran Desert Protection

The Wilderness Society supports Proposition 119, relating to State Trust Lands.

Since statehood, Arizona has managed land held in trust by the State for the benefit of various public institutions, including public schools and colleges. The State generates revenue for the Trust beneficiaries from lease or sale of State Trust lands at public auction. Consequences of the historical allocation of State Trust land have been a checkerboard of land tenure, and some parcels being more or less attractive for both the financing of the State Trust as well as for other useful and valuable public purposes. Exchanging parcels of State Trust land for other private or public lands may offer many public benefits but is prohibited by Arizona’s Constitution.

Proposition 119 amends Arizona’s Constitution to provide for exchange of State Trust land for three purposes: to protect military facilities from encroaching development; to improve the management of State lands for the purpose of sale or lease; or to convert State land to public use.

United States military bases in Arizona provide for our national security, provide for economic security to nearby communities and the State, and often provide for our ecological security through open space and habitat conservation measures. Proposition 119 is a useful tool for assuring the continued viability of military bases in Arizona and the benefits they provide. At the same time, safeguards are established through transparent public processes and the required approval of Arizona voters to assure such land exchanges are both useful and in the best interest of Arizonans.

The Wilderness Society recommends a “YES” vote on Proposition 119.

Mike Quigley, Arizona Representative, The Wilderness Society, Tucson

Jeremy Garncarz, Senior Director, The Wilderness Society, Durango, CO

Paid for by The Wilderness Society

Vote “Yes” on Proposition 119

Proposition 119 provides a means to exchange certain state trust lands for public lands in specific instances that benefit the state land trust and public interest. All exchanges are required to serve one of only two important purposes: 1) to protect military facilities or 2) to improve the management of the state lands for the purpose of sale or lease or conversion to public use.

The McDowell Sonoran Conservancy supports a “Yes” vote on Proposition 119. We believe Proposition 119 includes appropriate checks and balances that assure accountability and transparency. The exchange process must be open and public, with all lands to be exchanged fully identified up front. A minimum of two independent appraisals of the exchange lands, along with a minimum of two independent analyses of the impact of the exchange, and two public meetings are required. All of these steps must take place prior to any proposed exchange moving forward. Each proposed land exchange must then go to the voters, so the voters have the final say and validate that the proposed exchange is truly in the public’s interest.

Proposition 119 is a sensible approach to the exchange of state trust lands when it serves the best interest of the public. We encourage you to vote “Yes” on Proposition 119.

Tom Headley, Chairman, Board of Directors, McDowell Sonoran Conservancy, Scottsdale

Mike Nolan, Executive Director, McDowell Sonoran Conservancy, Scottsdale

Paid for by McDowell Sonoran Conservancy

Protect State Trust Lands!

Vote YES on Proposition 119

There are over 9 million acres of state trust land in Arizona and many of them are among the most scenic and environmentally important places in the state. Many of those acres are in a “checkerboard” pattern of alternating ownership, creating very difficult land management issues. Proposition 119 amends the Arizona Constitution to allow the exchange of state trust lands for other public

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

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lands with the intention of either protecting military facilities in Arizona by buffering them from development or converting the exchanged lands to public use. This last purpose would help achieve conservation goals such as removing state lands from within national monuments.

With Proposition 119, voters finally have an opportunity to implement a process whereby state trust lands can be exchanged for federal lands in a manner that ensures accountability and transparency. The exchange process will have an open and public process that identifies all lands that will be exchanged; requires two land appraisals; includes an analysis of the impacts; and requires two public meetings.

Each land exchange must also go to the voters, so the voters have the final say to ensure that an exchange is truly in the public’s interests. This will also help limit the number of exchange proposals.

The Grand Canyon Trust supports this proposal because it is good for conservation and in the best interest of the schools and other beneficiaries of the state land trust.

The Grand Canyon Trust urges you to vote YES on Proposition 119!

Nikolai Lash, Program Director, Grand Canyon Trust, Flagstaff

Rick Moore, Senior Director of Programs, Grand Canyon Trust, Flagstaff

Paid for by Grand Canyon Trust

Support Open and Accountable State Trust Land Exchanges
Vote “Yes” on Proposition 119

Proposition 119 provides an opportunity for exchanging certain state trust lands for federal lands that is both transparent and accountable to the public. Exchanges will have an open and public process that identifies all lands that will be exchanged. Exchanges require two land appraisals, an analysis of the impacts, and two public meetings. This all must happen prior to any exchange moving forward. This helps limit backroom deals that have been a problem with some past exchanges and also helps to ensure that the public interest is in the best interest of the trust.

Each land exchange must also go to the voters. Voters provide a final screen for limiting exchanges to those that are truly in the public’s interest. This will also help to limit the number of exchange proposals overall.

Exchanges could only be for two purposes – to improve the management of the state lands for the purpose of sale or lease or conversion to public use or for the protection of military facilities. This can help conserve lands in areas such as those near the San Pedro River and Ft. Huachuca, as well as lands that are near or in national monuments and other priority conservation areas.

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

We urge your support of Proposition 119.

Ken Langton, Chairperson, Sierra Club – Grand Canyon Chapter, Tucson

Don Steuter, Conservation Chair, Sierra Club – Grand Canyon Chapter, Phoenix

Paid for by Sierra Club Grand Canyon Chapter

SUPPORT Proposition 119 — Conserve State Trust Lands Responsibly

The Tucson Audubon Society is a non-profit organization devoted to promoting the protection and stewardship of southern Arizona’s biological diversity through the study and enjoyment of birds and the places they live. For years our state has struggled to find a way to conserve the most culturally and biologically significant state lands for future generations. Proposition 119 is nearly identical to the 2010 Proposition 110 which lost by less than one percent of the vote.

Now, in 2012, we have chance to get it right and reform the way we do business so that we, the taxpayers, can participate in an open and transparent public process.

Under Proposition 119, lands subject to exchange must either improve the management of state lands for the purposes of sale or lease or conversion to public use or protect military facilities, such as National Guard installations, Davis Monthan or Luke Air Force Bases, or Fort Huachuca.

All lands to be exchanged will be identified up front; will require two land appraisals; will include an analysis of the impacts; and will require two public meetings. And ALL of this must happen prior to any exchange moving forward. Finally, any exchange must go before the voters for approval.

The Tucson Audubon Society supports transparency and accountability in government and the conservation of State Trust Lands in order to best benefit the 13 trust beneficiaries, including public schools, supported by the State Lands Trust and for the benefit of the public, both now and in the future.

By supporting Proposition 119 you will support education, jobs and a vibrant economy, and create a better future for all the citizens of Arizona. We encourage you to VOTE YES on PROP 119!

Dr. Paul Green, Executive Director, Tucson Audubon Society, Tucson

Ruth Russell, Secretary to the Board, Tucson Audubon Society, Tucson

Paid for by Tucson Audubon Society

Arizona Chamber of Commerce and Industry supports Proposition 119

Few industries have as strong of a positive impact on Arizona’s economy as defense and aerospace. A 2010 Arizona Chamber of Commerce and Industry report found that military and aerospace manufacturing firms account for 37,000 direct jobs that pay average annual salaries of $85,000 (see www.azchamber.com/policy/foundation). 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 over 96,000 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 250,000 jobs since the beginning of the Great Recession. Although improving, the economy is still fragile. Proposition 119 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 119 will ensure they are able to complete their critical missions and remain an integral part of Arizona’s economy for decades to come.

We urge voters to support Proposition 119.

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

Doug Yonko, Chairman, Arizona Chamber of Commerce & Industry, Phoenix

Paid for by Arizona Chamber of Commerce & Industry
Tucson Metro Chamber SUPPORTS Proposition 119

The Tucson Metro Chamber is a membership-based business advocacy organization that represents more than 1350 businesses in Tucson and Pima County. Small business makes up approximately 85 percent of Chamber membership, reflecting the overall business community.

The Chamber works to develop a climate in which businesses can create jobs in a robust economy. The Chamber supports ballot measures such as Prop 119 that will promote economic development and environmental protection. As Arizona grows, it is imperative that our State has the authority to exchange state trust lands to preserve open space, avoid encroachment on military installations and continue to benefit public education.

The diverse military facilities in Arizona operate within a physical environment uniquely suited to their mission objectives. Combined, they represent a critical component of our nation’s defense. Likewise, Arizona’s military and defense industry generates tens of 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 this employment and tax base is indispensable to the fiscal health of the State of Arizona.

Prop 119 provides for a fair and open process to evaluate which state trust lands are going to be put before the voters for exchange and preserves a narrow provision of state trust lands subject to this authority. The proposition ensures that the result of any recommended exchange shall continue to benefit public education without any diminution of value.

This measure has broad support from environmental organizations, economic development groups and other business advocacy groups.

Please join us in voting YES on Proposition 119.
Bruce L. Dusenberry, Chair of the Board, Tucson Metro Chamber, Tucson
Michael Varney, Chief Executive Officer, Tucson Metro Chamber, Tucson

WESTMARC, the Western Maricopa Coalition, encourages voters to vote YES in support of Proposition 119 to support and protect Arizona’s military bases.

Proposition 119 would make vital changes to the Arizona Constitution that would allow for value equal, publically approved land exchanges designed to maintain needed airspace and appropriate military clearance levels. This is important to all Arizonans as our military bases are major sources of pride for our communities and are one of the largest economic drivers for our state, providing hundreds of thousands of jobs and tens of billions of dollars in economic impact. Any exchange authorized under the new law, would require public hearings and a vote by the citizens of the state before being authorized. The West Valley stands united in its support of our military at the home of Luke Air Force Base. As the West Valley’s public-private sector organization supporting economic development and quality of life in our region, WESTMARC encourages voters to vote YES on Proposition 119.

Michelle Rider, President & CEO, WESTMARC, Peoria
Bill Sheldon, Chairman of the Board, WESTMARC, Phoenix

Proposition 119 creates a constitutional framework to provide future generations of Arizonans to protect the value of state trust lands and to protect Arizona’s valuable military bases from encroaching development.

Voting “Yes” will amend the Arizona Constitution to create a narrow process for state trust land exchanges only if the result of doing so would 1) provide a buffer for military installations from encroachment development; and/or 2) convert the land to public use or if the swap would improve land management, to help sell or lease trust lands.

Proposition 119 protects local communities and state land by ensuring that these land exchanges take place in an open, public and participative environment and one that requires the vote of the people.

Nicole W. Stickler, Phoenix

Statement in Support – Proposition 119

This statement in strong support of Proposition 119 is submitted on behalf of Arizona’s cities and towns, proud partners of the U.S. military and advocates of its presence in our strategically critical state.

Arizona’s cities and towns recognize the vital contributions that our major military installations make to the state and local economies. These installations create and support over 100,000 jobs in Arizona and are responsible for nearly $10 billion in total economic output every year. Additionally, Arizona’s military industry generates some $400 million in tax revenues annually.

Even more critical than their economic impact is the role these installations play in maintaining our national security. Our unique facilities provide for unparalleled training, testing and readiness opportunities. Ensuring the mission viability of the state’s military installations remains a top priority for Arizona’s Mayors and City/Town Council members.

The long-term mission viability of a base is one of the most critical factors that the Department of Defense considers when deciding whether to preserve, expand or close a military installation. Proposition 119 helps protect the strength 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 119 also establishes 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.

The League of Arizona Cities and Towns encourages all voters to support Proposition 119.

Doug Von Gausig, President, League of Arizona Cities and Towns, Clarkdale
Mark Mitchell, Vice President, League of Arizona Cities and Towns, Tempe

PROP 119 authorizes State Trust land exchanges for lands managed by other government agencies of equal value. Prop 119 requires that each individual exchange is approved by voters. Ultimately, these exchanges could increase the value of the inventory of State Trust lands, most of which help to generate funding for Arizona’s public schools.

PROP 119 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 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 119.
Joseph H. Thomas, Vice President, Arizona Education Association, Phoenix

Spelling, grammar and punctuation were reproduced as submitted in the “for” and “against” arguments.
State and federal land is checker-boarded throughout our state in a manner that is not always ideal for land management. Proposition 119 provides an avenue to improve the management of state and federal lands in Arizona by allowing for exchanges to improve the management of these lands or to provide open space buffers around military bases in our state.

We know that the similar initiatives in the past that did not mandate the transparency and accountability to the people of Arizona that proposition 119 does. In this measure, land proposed for exchange will require at least two independent and public appraisals of the land, two independent analyses of the exchange, public hearings on the subject and finally a vote of the people of Arizona to approve the proposal.

We applaud the authors of this measure for proposing this methodical and thoughtful framework and for taking in to account the will of the people of Arizona in the land exchange process.

We hope all Arizonans vote YES on proposition 119.

Steve Arment, Chairman, AZ League of Conservation Voters Committee For the Environment, Tucson
Paid for by AZ League of Conservation Voters Committee

Vote YES on Proposition 119
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 119 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 119 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 119.

Lisa A. Atkins, Co-Chair, Military Affairs Commission, Litchfield Park
Paid for by Thomas M. Finnegan

Support the Airmen, Soldiers and Marines Who Protect Our Freedom
We are collectively urging you to support Proposition 119 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 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.

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

Please join us in voting YES on Proposition 119.

Ron Sites, President, Fighter Country Partnership, Goodyear
Mike Grassinger, President, DM-50, Tucson
Kevin Peterson, President, Huachuca 50, Sierra Vista
Paid for by Yes on Prop 119 Committee

The SONORAN INSTITUTE SUPPORTS PROPOSITION 119
Proposition 119 is needed to help secure Arizona's valuable role in America's defense. It also allows for the conversion of state trust lands to public use, which encourages conservation of public lands, promotes more efficient community development, and increases revenue from the sale of state trust lands for our schools.

The Arizona State Land Department (ASLD) manages our state trust lands and is required by the Arizona Constitution to earn maximum revenue from these lands for the beneficiaries, primarily public schools. The scattered distribution of trust lands throughout the state hampers ASLD's ability to manage the lands and otherwise enhance the security of the state's military bases, community and economic development, conservation efforts, and education funding.

Arizona's growth over the past decades creates challenges for the readiness of the state's military bases and ranges, fragments wildlife habitat and open space, contributes to inefficient “leap frog” development, and undermines funding for education.

Vote yes to approve an amendment to the Arizona Constitution that will give the ASLD authority to exchange lands with the federal government to address these problems.

Prop 119 is the answer.

It is a widely-supported, common-sense step that will allow state trust land to be exchanged for local, state or federal land to protect military installations or for public use. We are pleased that Prop 119 also includes a full suite of protections to ensure that exchanges serve the public interest.

Please join us in supporting Prop 119.

Luther Propst, Executive Director, Sonoran Institute, Tucson
Dave Richins, Policy Director, Sonoran Institute, Mesa
Paid for by Yes on Prop 119 Committee

Cochise County, the City of Sierra Vista and the Town of Huachuca City Urge You to Vote “YES” on Proposition 119
We are the home of Fort Huachuca's family of more than 25,000 Soldiers, civilians, contractors and their families. We, and the entire state, benefit directly from the more than $2B in economic activity generated by the Fort. Over the years, we have used all of the tools available to us to help protect the base from encroachment. Proposition 119 will provide us with yet another tool to protect Fort Huachuca's vital missions.
The long-term mission viability of a military installation is one of the most critical factors that the Department of Defense considers when deciding whether a base is preserved, receives new missions or closes. Proposition 119 helps protect the viability of military bases in Arizona by authorizing the State Land Department to participate in land exchanges to prevent encroachment on military operations without harming private property rights. Proposition 119 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.

We urge you to vote “yes” on Proposition 119.

**Rick Mueller, Mayor, City of Sierra Vista, Sierra Vista**
**Pat Call, District 1 Supervisor, Cochise County, Bisbee**
**Byron Robertson, Mayor, Town of Huachuca City, Huachuca City**

Paid for by Yes on Prop 119 Committee

The Nature Conservancy in Arizona supports Prop 119 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.

Prop 119 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 119 on November 6th 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 119.

**Patrick Graham, State Director, The Nature Conservancy, Phoenix**

**Bruce Williams, Treasurer, The Nature Conservancy, Phoenix**

Paid for by Yes on Prop 119 Committee

Vote Yes on Proposition 119

It will provide an important tool to support our national security, preserve our military bases as important economic engines, and achieve important land and water conservation objectives by securing healthy buffers around our military bases and ranges. This is a winning situation for all Arizonans.

Critical military testing and training facilities have been in operation in Southern Arizona and Tucson for decades. They have helped make our soldiers, sailors, airmen and Marines the best trained, best equipped, best led and most respected military force in the World. Protecting our ability to conduct military training and testing in Southern Arizona is in our national interest and vital to our national security.

Military assets in Arizona provide an economic impact of over $9 Billion annually and over 96,000 jobs within our State. Preserving the military installations and ranges in Arizona is an essential part of our State economy.

Environmental preservation is fostered through appropriate use of land as a buffer around our military bases and ranges. Additionally, this proposal includes the kind of transparency and accountability that is necessary to ensure that land exchanges are in the best interest of the State trust and the larger public.

Prop 119 provides a fair and open process to evaluate what state trust lands can be exchanged. It requires public involvement and review as well as public support via a vote prior to any exchange.

We are individually and collectively urging you to support Proposition 119 on the November ballot.

**Eugene D. Santarelli, Lieutenant General, General (Retired), USAF, President, S’rell Consulting, LLC, Tucson**

**Robert Johnston, Lieutenant General (Retired) USMC, Tucson**

**Ronald E. Shoopman, President, Southern Arizona Leadership Council, Tucson**

Paid for by Yes on Prop 119 Committee

Vote Yes on Prop 119

Arizona is uniquely situated because of the network of military installations and ranges that provide necessary training assets for every branch of our military. Arizona has also recognized the stable economic value of the network of military installations in our State of more than $9 billion annually. Arizona’s communities and policy leaders have invested a significant amount of time and effort in adopting policies that protect and enhance military missions so vital to our national defense.

Continued viability of the installations is largely dependent on the ability of the installations to continue without encroachment. Equally important are the test and training ranges, and the access to those ranges.

It is in Arizona’s best interests to keep the missions and installations in Arizona. The best way to protect the network of Arizona military installations and test and training ranges is by passing Proposition 119 to enable the State to use state and federal assets to protect the state and federal assets of the military installations.

**R. Thomas Browning, Brigadier General, USAF (Ret’d), Scottsdale**

Paid for by Yes on Prop 119 Committee

Sierra Vista Area Chamber Supports Proposition 119

The Sierra Vista Area Chamber of Commerce strongly supports Proposition 119 and the protection of Arizona’s military installations.

The defense industry contributes more than $9.1 billion to the State’s economy and is responsible for more than 96,000 jobs. Fort Huachuca alone is responsible for $2.4 billion in Cochise County’s economy and 27,000 jobs.

If our economy is to prosper and grow, military facilities must be protected from developments that could be detrimental to their missions, national security and the livelihoods of thousands of people and their families.

Proposition 119, through an open and transparent system of land exchange, will help to secure the future of Arizona’s major military installations.
The importance of the defense industry to our local and State communities in terms of economic stability cannot be overstated and we urge you to vote YES on Proposition 119.

Amanda Ballile, Executive Director, Sierra Vista Area Chamber, Sierra Vista

East Valley Partnership encourages Arizonans to vote YES on Prop 119 to ensure that we have the ability to protect and preserve the military installations in our state from encroachment and potential closure. These bases and military installations provide nearly $10 billion of economic impact to our state’s economy and nearly 100,000 jobs.

Through our efforts as a pro-business partnership working to encourage economic development and entice new industry and businesses to our state, we know first-hand the important and critical nature of creating and maintaining our current employment centers. Arizona’s history as a location for military training facilities is world recognized and must be maintained.

As more and more people move here to enjoy all we have to offer, Arizona’s bases, testing and training facilities are impacted by urban encroachment which threatens their ability to function appropriately. This path will lead to closure by the federal government. Proposition 119 would make important changes to our state’s Constitution that would allow for value equal, publicly approved land exchanges designed to maintain needed airspace and appropriate military clearance levels.

The public trust and interest of our state lands are fully protected in this process. Any exchange authorized under the new law, would require public hearings and a vote by the citizens of the state before being authorized.

Please join the East Valley Partnership and other statewide business leaders in supporting and protecting our military bases by voting YES on Prop 119.

ARGUMENTS “AGAINST” PROPOSITION 119

There were no arguments “against” Proposition 119.
## PROPOSITION 119

PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE RELATING TO STATE TRUST LANDS
[SCR 1001]

| PROPOSITION 119 |
| PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE X, CONSTITUTION OF ARIZONA, BY ADDING SECTION 12; RELATING TO STATE TRUST LANDS. |

| DESCRIPTIVE TITLE |
| AUTHORIZES THE EXCHANGE OF STATE TRUST LANDS IF THE EXCHANGE IS RELATED TO PROTECTING MILITARY FACILITIES OR IMPROVING THE MANAGEMENT OF STATE TRUST LANDS; OUTLINES THE PROCESS FOR EXCHANGES, INCLUDING INDEPENDENT APPRAISALS AND ANALYSES, PUBLIC HEARINGS, AND APPROVAL BY PUBLIC VOTE. |

| YES | A “yes” vote shall have the effect of authorizing the exchange of state trust lands if the exchange is related to either protecting military facilities or improving the management of state trust lands and prescribes the process for such exchanges. This process includes two independent appraisals and analyses, public hearings, and approval by public vote. |

| NO | A “no” vote shall have the effect of keeping current constitutional law related to state trust lands. |
PROPOSITION 120

OFFICIAL TITLE
HOUSE CONCURRENT RESOLUTION 2004
A CONCURRENT RESOLUTION
PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING THE CONSTITUTION OF ARIZONA BY ADDING ARTICLE II.I; AMENDING ARTICLE XX, PARAGRAPHS 4 AND 12, CONSTITUTION OF ARIZONA; RELATING TO STATE SOVEREIGNTY.

TEXT OF PROPOSED AMENDMENT

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

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

   ARTICLE II.I. DECLARATION OF STATE SOVEREIGNTY
   1. Declaration of sovereignty

   SECTION 1. A. EACH STATE OF THE UNION POSSESSSES FULL ATTRIBUTES OF SOVEREIGNTY ON AN EQUAL FOOTING WITH ALL OTHER STATES, THE RETENTION OF WHICH IS RECOGNIZED, ACKNOWLEDGED AND GUARANTEED BY THE CONSTITUTION OF THE UNITED STATES.
   B. STATE SOVEREIGNTY IS FUNDAMENTAL TO THE SECURITY OF INDIVIDUAL RIGHTS, THE PERPETUITY OF FREE GOVERNMENT AND THE INHERENT POLITICAL POWER OF THE PEOPLE.
   C. THE STATE OF ARIZONA DECLARES ITS SOVEREIGN AND EXCLUSIVE AUTHORITY AND JURISDICTION OVER THE AIR, WATER, PUBLIC LANDS, MINERALS, WILDLIFE AND OTHER NATURAL RESOURCES WITHIN ITS BOUNDARIES EXCEPT FOR:
      1. TERRITORY ESTABLISHED AS INDIAN RESERVATIONS BY THE GOVERNMENT OF THE UNITED STATES.
      2. LANDS OF THE UNITED STATES OR LANDS OVER WHICH JURISDICTION HAS BEEN CEDED, IN A MANNER PRESCRIBED BY LAW, TO THE UNITED STATES PURSUANT TO ARTICLE I, SECTION 8, CLAUSE 17, CONSTITUTION OF THE UNITED STATES.
   2. Article XX, paragraphs 4 and 12, Constitution of Arizona, are proposed to be amended as follows if approved by the voters and on proclamation of the Governor:
      Fourth. Public lands; Indian lands
      Twelfth. Lands granted to state

   Fourth. The people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof and to all lands lying within said THE boundaries OF THIS STATE owned or held by any Indian or Indian tribes, the right or title to which shall have been acquired through or from the United States or any prior sovereignty, and that, until the title of such Indian or Indian tribes shall have been extinguished, the same shall be, and remain, subject to the disposition and under the absolute jurisdiction and control of the Congress of the United States.
      Twelfth. Lands granted to state
      Twelfth. The state of Arizona and its people hereby consent to all and singular the provisions of the enabling act approved June 20, 1910, concerning the lands thereby granted or confirmed to the state, EXCEPT FOR the terms and conditions upon which said grants and confirmations are made, and the means and manner of enforcing such terms and conditions, all in every respect and particular as in the aforesaid enabling act provided AND THE TERMS AND CONDITIONS FOR THE USE AND DISPOSSESSION OF THE LANDS.

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 also granted Arizona approximately 10.9 million acres of state trust land, subject to certain terms for the management, operation, use and disposition of those trust lands.

Proposition 120 would amend the Arizona Constitution to declare Arizona's sovereign and exclusive authority and jurisdiction over the air, water, public lands, minerals, wildlife and other natural resources within the state's boundaries. Specifically excluded from this declaration are Indian reservations, lands of the United States and federal "forts, magazines, arsenals, dock-yards, and other needful buildings" obtained for federal government purposes, as required by Article I, section 8, clause 17 of the United States Constitution.

Proposition 120 also would amend the Arizona Constitution to repeal Arizona's disclaimer of all right and title to public lands within the state (except Indian reservations) and to repeal Arizona's consent to provisions of the Enabling Act.

Proposition 120 would declare that each state possesses full attributes of sovereignty on an equal footing with all other states, as provided by the United States Constitution, and that state sovereignty is fundamental to the security of individual rights, free government and the inherent political power of the people.
ARGUMENTS “FOR” PROPOSITION 120

(I support Proposition 120. When the western territories became states, the federal government violated the enabling acts that incorporated them and retained land within each of the western states in violation of federal law. Federal retention of that land hurts the economy of the western states and leaves them struggling to adequately fund public education, nurture their economies, and manage their forests and natural resources. Simply put, federal control and interference in state affairs inhibits Arizona’s ability to provide for the welfare, health and safety of our people.

The EPA threatens to close coal-generating power plants with excessive regulations. Closing these plants will result in higher utility costs for everyone.

We can’t build a bridge or perform needed flood control activities because of interference from numerous federal agencies.

We experience catastrophic forest fires, loss of wildlife habitat, threats to community watersheds, and loss of jobs, all of which affect the economy everywhere in the state. When the federal government mismanages our forestlands, the state cannot intervene.

Roads are being closed and citizens denied access across federal lands.

It takes years to obtain mining permits from the federal government, and some areas are closed to mining all together. As a result, Arizona loses billions of dollars that could be used to fund education and address other budget concerns.

Meanwhile, our abundant natural resources remain under the control of unelected federal bureaucrats.

Arizona is a sovereign state, and we have a right to control the air, water, public lands, minerals, wildlife, and other natural resources within our boundaries. Passing Prop 120 would be a small but important step in asserting our state rights and a rejection of the archaic colonial control by the federal government. I SUPPORT PROP 120.)

Sylvia Allen, State Senator, Arizona State Senate, Candidate for Navajo County Board of Supervisors, District 3, Snowflake

Paid for by Sylvia Allen Committee 2012

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Proposition 120/HCR 2004

“...and they [Congress] may so exercise this power as entirely to annihilate all the state governments, and reduce this country to one single government. And if they may do it, it is pretty certain they will; for it will be found that the power retained by individual states, small as it is, will be a clog upon the wheels of the government of the United States; the latter therefore will be naturally inclined to remove it out of the way.”

This “conspiracy theory” is not from talk radio. It was written, presumably by Robert Yates in October of 1787 as part of an effort to convince Americans that this newly written document could be abused.

The Constitution of the United States allows for certain proprieties for the federal government.

(1) To establish Post Offices and post roads (I, §8, Clause 7), (2) the Seat of Government (3) and to exercise like Authority over all Places purchased by the Consent of the Legislature (4) for the Erection of Forts, (5) Magazines, (6) arsenals, (7) dock-Yards, and (8) other needful Buildings (i.e. Court buildings).

Article IV, § 3, Clause 2 and the Fifth Amendment referring to “public purposes” apply ONLY to those ends. The Fifth Amendment was never meant for States, counties or cities to steal private land from one for the private benefit of another. Congress has NO authority to establish a National Forest Service or National Park Service and all land inside Arizona belongs to the citizens of Arizona.

While I urge people to take back our land and vote YES on this proposition, I also urge that citizens recoil from the selling of the forests and lands around our Grand Canyon State Park and other parks to private interest.

Glen C. Davis, Williams

Farm Bureau Supports a “Yes” Vote on Proposition 120

Arizona Farm Bureau supports Proposition 120. Farmers and ranchers understand both stewardship and productivity of the land and our natural resources. In the last ten years, we have had devastating forest fires, followed by damaging floods. The machinery of federal bureaucracy slows and in some cases stops recovery and re-use.

Our members, along with many others have become frustrated and inflamed over the federal mis-management of our public lands. Proposition 120 draws a line and throws an anchor out to exhibit we are at wits end. It begins with our forests and federal stewardship and runs to how the government functions as a landlord. Certainly, Proposition 120 requires further action by Congress, but so does any other measure necessary for course correction. We hope this message ignites and sustains a dialogue to lead to meaningful reform in federal policies and programs.

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

Freedom requires being sovereign. Our federal Constitution established two systems for separation of powers to preserve our liberty. Unfortunately only the separation of the three branches of government is reported. Equally important is the separation of powers between federal government and sovereign states. States gave limited authority for the federal government under our Constitution. All powers not specifically granted to the federal government are reserved for the states and the people.

Prop. 120 is an Arizona constitutional amendment to re-establish this necessary constitutional separation/balance of power to protect our liberty and civil rights. It declares our public lands and natural resources, are under our sovereign control, as provided in the NW Ordinance of 1787 and SW Ordinance of 1790 for the admission of states, excluding Indian lands and lands under Article I, Section 8 of the Constitution.

Over the last century, the separation between federal and state powers has been eviscerated. Without Senate accountability to our legislatures we are the recipients of unfunded federal mandates and restrictions which take our civil constitutionally guaranteed rights under the guise of giving us a faux benefit we can’t pay for. This abuse is demonstrated by: the denial of century old water rights for Tombstone; denial for Arizona to manage Arizona forest lands resulting in devastating fires; denial of Arizonans to commercially and environmentally regulate our own natural resources; and denial to protect our citizens at the border. In 2009 we caught 29,000 illegals from terrorist designated countries! What better stewards are there of our land and safety, than the citizens that live with their decisions? When the Feds screw up – they have no consequences – but we do!

The feds propose “anti-bully” rules for our schools but what we need is an anti-federal bully rule. We the people Vote for Prop 120!

William Sandry, Mesa

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

Arizona’s General Election Guide
Proposition 120: A measure to establish Arizona’s Sovereignty over its natural resources

If passed, this proposition will provide Arizona with the same authority over its own natural resources enjoyed by other states. It will grant the state the ability to more effectively protect and harness the economic potential stored in the air, water, public lands, minerals, wildlife and other natural resources within the state.

Proposition 120 will increase Arizona’s ability to use federally held land: Currently, Arizona exercises control of only 29% of the land held in our state. This puts the state at a disadvantage compared to other states as we seek to fund public services that are essential to ensuring our economic solvency and infrastructure needs. The proposition contains a declaration of full sovereignty over lands and resources within Arizona as a new section to the Arizona Constitution, on the basis of maintaining “Equal Footing” with other states.

Proposition 120 will allow the state to improve the management of Arizona’s natural resources: Since 2001, over two million acres of Arizona’s forests have burned due to irresponsible federal management. (Recently, federal land management has threatened the future water supply and very existence of the historic town of Tombstone.) The proposition gives Arizona exclusive sovereignty over all state territories and resources, except for Indian reservations and lands ceded to the United States, such as military forts and installations.

As Arizona’s population continues to grow, it is imperative that the state be allowed to manage its own land and benefit from the wealth of its resources. The continued vitality of our state will depend heavily on our ability to exercise our authority over the natural wealth currently being denied us.

Chester Crandell, State Representative, Arizona House of Representatives, Heber

Ranching Families Support Prop 120

The federal government has already failed Arizona...if the catastrophic forest fires have not been enough....Just watch what they have planned for the water in Arizona. The federal government claims jurisdiction over everything it desires in Arizona - the animals, the water, and the lands. Proposition 120 provides all of Arizona’s citizens the opportunity to assert their opinion of whether or not we in Arizona or the federal government bureaucrats in Washington care more about our animals, water and lands. The fact is – we in Arizona care more.

Please vote YES on Proposition 120!

Norman J. Hinz, President, Arizona Cattle Feeders' Association, Phoenix

Patrick Bray, Executive Vice President, Arizona Cattlemen's Association, Phoenix

Paid for by Arizona Cattlemen’s Association
ARGUMENTS “AGAINST” PROPOSITION 120

The Arizona Wilderness Coalition is a statewide non-profit organization dedicated to the protection and restoration of Arizona’s wildlands and free-flowing rivers.

Proposition 120 destroys Arizona's iconic public lands heritage. The Legislature not only wants to grab “exclusive authority” over all parks, forests and public lands— including Grand Canyon and Saguaro National Parks, Superstition Wilderness Area, and millions of acres that Arizonans cherish and enjoy — it has indicated that once it has them, it will sell them off to private interests. Our public lands are Arizona’s heritage. They provide us with clean water, clean air, wildlife habitat and unsurpassed recreation opportunities. The Legislature wants to sell our freedom to hike, camp, hunt, fish, view wildlife and enjoy unsurpassed scenery to whomever they wish, for whatever reason.

Proposition 120 is a budget disaster. Until the state manages to auction off your lands — and in a century they’ve managed to sell less than 10% of lands it already owns — Arizonans will pay to manage them. All Americans now pay that bill. Proposition 120 puts the entire bill on the tab of Arizona taxpayers. You are being asked to pay more for what you already have.

The recent State of the Rockies Project’s non-partisan poll found that Arizonans across the political spectrum – from supporters of the Tea Party to Occupy Wall Street and voters in-between — view parks and public lands “as essential to our state’s economy (90%).”

Our public lands embody our freedom and are essential to the quality of life we enjoy. Please - let’s come together in telling the legislature that our parks, forests, and public lands are not for sale. Vote NO on Proposition 120.

Michael Quinlan, Vice President, Arizona Wilderness Coalition, Kelly Burke, Treasurer, Arizona Wilderness Coalition, Flagstaff
Tempe
Paid for by Arizona Wilderness Coalition

The Coalition for Sonoran Desert Protection urges you to VOTE NO on Proposition 120.

This proposition was referred to you, the voters, by the Arizona Legislature, and would amend the Arizona constitution to assert state sovereignty over federal public lands in Arizona. As if this attempted legislative land grab were not enough, the proposition would also establish that the state has exclusive authority and jurisdiction over air, water, minerals, wildlife, and other natural resources in the state.

The goal is to assert state control of public lands of national importance – forests, parks, monuments, wilderness areas, wildlife refuges and more — lands that are a defining feature of Arizona, which fuel our economy, support our wildlife heritage, and sustain our quality of life. Federal laws providing for critical environmental protections would also be undermined — laws like the Clean Air Act, the Endangered Species Act, and the Clean Water Act.

For years now, our state parks have struggled to stay afloat, relying on the generosity and stewardship of communities for support rather than the state. How can we expect our legislature to care for vast public lands such as the Grand Canyon and Saguaro National Park when they can hardly take care of their own?

Furthermore, this proposition is unconstitutional. When we became a state 100 years ago, we made a contractual obligation with the rest of the nation regarding these federal public lands. These lands belong to all Americans.

Here in Pima County, as throughout the rest of this great state, we are surrounded by a mosaic of lands: federal, state, tribal, local, and private. It is this diversity of lands that provides vitality for both people and wildlife.

We encourage you to VOTE NO on Proposition 120.

Carolyn Campbell, Executive Director, Coalition for Sonoran Desert Protection, Tucson
Trevor Hare, Conservation Science Chair, Coalition for Sonoran Desert Protection, Tucson

Paid for by Sky Island Alliance Coalition for Sonoran Desert Protection

The Wilderness Society opposes Proposition 120.

This measure has been labeled a state sovereignty measure when it is actually an attempt to seize control of federal public lands and eliminate the application of many environmental preservation and health protection laws. As a bill previously passed by the State legislature, this bad idea was vetoed by Governor Brewer, who noted its "significant and unaccounted for fiscal impact" and the potential liability and compliance costs that would become Arizona’s burden.

Approximately 25 million acres of federal public land—land that is currently available and particularly good for recreation, hunting, spiritual renewal, and species and habitat protection—would be put at risk. Lands that currently draw more than 5 million tourist visitors—and their dollars—to Arizona each year, and that provide direct payments from the federal government to Arizona counties ("payments in lieu of taxes") in excess of $3.1 million, would have ownership demanded transferred to the State. Arizona has proven itself unable and unwilling to properly steward the land we already control — having closed State Parks and underfunded and environmental preservation agencies of the State government. On must ask how Arizona would handle the increased burden of an additional 25 million acres of land to manage and properly steward. Rather than emphasize Arizona’s sovereignty, Proposition 120 would take public lands that provide for the enjoyment of all Americans and make them vulnerable to sale and exploitation for private gain.

The Wilderness Society recommends a "NO" vote on Proposition 120.

Mike Quigley, Arizona Representative, The Wilderness Society, Durango, CO

Paid for by The Wilderness Society

Save Grand Canyon from the Arizona Legislature

Vote NO on Proposition 120

The Grand Canyon Trust urges you to vote NO on Proposition 120, an unconstitutional measure that would give Arizona sovereignty over federal public lands in Arizona, including Grand Canyon National Park. Its intent is to gain state control over national parks, forests, monuments, and wildlife refuges in Arizona, get rid of the federal land managing agencies, and undermine protections provided by federal laws that guide public land management.

Asserting state sovereignty over federal lands makes no sense. Foremost, it could be a massive waste of Arizona taxpayer dollars given that the American people and the federal government are not simply going to allow lands they currently own be taken away by Arizona. The state has already invested millions of dollars into its own state park system and managing state trust lands, let alone trying to pay for management and care of all of the federal lands within its borders. And finally, the ownership of lands within the state by the federal government was part of the legislation allowing Arizona to become a state. Reneging on that promise could cause a cascade of unknown legal issues, having the potential to affect virtually every local government in the state.

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

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This proposition is fatally flawed. We ask you to please vote NO on Proposition 120!

Nikolai Lash, Program Director, Grand Canyon Trust, Flagstaff
Rick Moore, Senior Director of Programs, Grand Canyon Trust, Flagstaff

Paid for by Grand Canyon Trust

Stop Legislative Land Grab
Protect Grand Canyon and other Public Lands
Vote "No" on Proposition 120

Proposition 120 is a proposed constitutional amendment referred to the ballot by the Arizona Legislature. It asserts state sovereignty over federal public lands in Arizona and establishes that the state has exclusive authority and jurisdiction over air, water, public lands, minerals, wildlife, and other natural resources in the state. The intent is to gain control of national parks, forests, monuments, and wildlife refuges in Arizona and undermine protections provided by federal laws, such as the Clean Air Act, the Endangered Species Act, and the Clean Water Act.

The state cannot properly fund and care for its own state park system. Several parks have had to close in recent years. It has not adequately funded the State Land Department to manage state trust lands, so how could it even consider managing federal public lands? The fiscal impact to the state and the tax burden on state taxpayers would be enormous.

How could we trust the Arizona Legislature with Grand Canyon National Park?
Our national parks, forests, and monuments belong to all Americans. The Legislature’s attempt to grab these public lands violates Arizona’s Constitution, and the U.S. Constitution. It also violates the law that granted Arizona Statehood, the Arizona-New Mexico Enabling Act.

Finally, the Arizona Legislature through Proposition 120 is actually seeking to repeal the consent given by people of Arizona to the provisions under which Arizona became a state. This would bring into question Arizona’s status as a state, and as part of the United States of America. That is extreme and irresponsible.

We urge all Arizonans to vote no on Proposition 120.
Ken Langton, Chairperson, Sierra Club – Grand Canyon
Chapter, Tucson

Don Steuter, Conservation Chair, Sierra Club – Grand Canyon
Chapter, Phoenix

Paid for by Sierra Club Grand Canyon Chapter

Proposition 120 — Just say NO!
The Tucson Audubon Society, a non-profit group that represents around 5000 households, promotes the protection and stewardship of southern Arizona’s biological diversity through the study and enjoyment of birds and the places they live.

Proposition 120, a Constitutional Amendment, seeks to give our State Legislature exclusive sovereignty over all air, land and water control of federal public lands and waters, plus supersede federal laws protecting public health and safety, such as the Clean Air and Water Acts, and the management of public lands. We oppose Proposition 120 and encourage all Arizonans to VOTE NO!

The Clean Water Act recognizes that clean water is of national importance. Before passage of the Clean Water Act little had been achieved by relying on states to keep our water clean. Proposition 120 could expose our wetlands and river systems to polluters and developers. Do we really want to return to the days of the Love Canal, when our rivers were on fire?

The Clean Air Act, through regulating smokestack emissions, protects us and our wildlife from acid rain, and mercury in our fish and fish-eating birds.

Proposition 120 would endanger the air we breathe, the water we drink, and the wildlife and lands we all cherish.

All Americans have an interest in the national parks, forests, and monuments within Arizona. Our state legislature has demonstrated how it is unable to manage the resources currently under its jurisdiction for the public benefit in a fiscally responsible manner. How would it manage and care for all of federal lands within its borders?
Do you trust the future of our birds, wildlife, and natural areas to the Arizona Legislature? We do not and we urge you to please vote no on Proposition 120.

Dr. Paul Green, Executive Director, Tucson Audubon Society,
Tucson

Ruth Russell, Secretary to the Board, Tucson Audubon Society,
Tucson

Paid for by Tucson Audubon Society

Prop. 120
Vote "No" on Proposition 120
Protect the Sonoran Desert National Monument and America’s Other Public Lands in Arizona

Proposition 120 would amend the Arizona Constitution to declare Arizona’s sovereign and exclusive authority and jurisdiction over the air, water, public lands, minerals, wildlife and other natural resources within the Arizona’s boundaries.

The objective of Proposition 120 is to attain exclusive control of federal public land, i.e. national parks, forests, monuments, and wildlife refuges in Arizona and undermine protections provided by federal laws, such as the Antiquities Act, Clean Air Act, the Endangered Species Act, and the Clean Water Act.

Arizona is not adequately funding and caring for its own state lands. Many state parks have closed and there are plans to privatize others. The land department is miserably under-funded, so how can we state possibly manage federal public lands?

All Americans have an interest in the national parks, forests, and monuments, including the Sonoran Desert National Monument, belong to all Americans. The Legislature’s attempt to grab these public lands violates both the Arizona Constitution and the U.S. Constitution. Proposition 120 also violates the Arizona-New Mexico Enabling Act, the law that granted Arizona Statehood in 1912.

Stand up for our public land. Vote No on Proposition 120!

Laine Seaton, President, Friends of the Sonoran Desert National Monument, Phoenix

Thomas Hulen, Executive Director, Friends of the Sonoran Desert National Monument,
Tempe

Paid for by Friends of the Sonoran Desert National Monument

Vote “NO” on Prop 120!

Arizona is already struggling to manage its natural resources in the wake of budget cuts to agencies charged with oversight of our public lands, wildlife, air quality and water. To suggest that we disregard federal environmental laws is not only unconstitutional, it’s unconscionable.

Our Legislature is asking us to amend the state constitution to give Arizona exclusive authority over its natural resources. Legislators seek to eliminate environmental protections provided by federal laws and thus negate the Clean Air Act, Endangered Species Act, and Clean Water Act.

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

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Valley Forward strongly opposes Prop. 120 and encourages your “NO” vote on this misguided measure. Our 43-year-old, non-profit business-based organization represents a diverse membership of public and private sector entities sharing a mission to improve Arizona’s environment and sustainability.

Arizona is not in a position to ensure the environmental safety and protection of residents on its own, plain and simple. The legislature has gutted funding for the Arizona Department of Environmental Quality, Arizona Department of Water Resources, Arizona State Parks, and countless other agencies. We can barely enforce our existing laws, manage our parks system and safeguard the health and well-being of our citizenry.

Prop. 120 is wrong on many levels, not the least of which is that it seems to directly violate the U.S. Constitution and is contrary to our state’s Enabling Act. In Arizona’s centennial year, this measure explicitly disregards the very act that allowed our state to enter the union.

Let’s not set ourselves up for more inevitable lawsuits at taxpayers’ expense. We can ill afford it. Our monies would be far better spent on education, transportation, and the protection of Arizona’s natural assets.

Vote “NO” vote on Prop. 120.

Diane Brossart, President & CEO, Valley Forward Association, Phoenix
Paid for by Valley Forward Association

North Country Conservancy (NCC) is a non-profit land trust dedicated to preserving natural resources primarily in Arizona for the enjoyment of current and future generations.

NCC opposes Proposition 120 which would give “exclusive authority” over all parks, forests and public lands – including Grand Canyon National Park, Agua Fria National Monument, and millions of acres that Arizonans enjoy. Legislators have indicated that once Arizona has all these lands, it will sell them off to private interests. Our public lands are not only Arizona’s; they belong to ALL citizens of the United States. These lands provide us with clean water, clean air, wildlife habitat, and unsupervised recreation opportunities. Trying to assert control of them would be stealing from the American people and future generations.

The state cannot fund and care for its state park system or state trust lands. Where are the funds and staff to take control of and even consider managing federal public lands?

Additionally, the impact on individuals and corporations that have leases on these lands has not been considered and could be devastating.

This proposition appears to conflict with the US Constitution and the Arizona Enabling Act. The court costs to defend this measure will be enormous. How would Arizona pay for that?

Additionally, Arizona would lose the Payments in Lieu of Taxes that Arizona currently receives from the public lands managed federal government with no responsibility for management, protection, law enforcement, etc. In Fiscal Year 2011, Arizona received $31,546,890 in Payments in Lieu of Taxes payments.

We urge all Arizonans to vote no on Proposition 120.

Sara Vannucci, President, North Country Conservancy, Cave Creek
Ann Hutchinson, Executive Vice President & Secretary, North Country Conservancy, Phoenix
Paid for by No on Prop 120 Committee

The Arizona League of Conservation Voters is a non-partisan organization working to mobilize voters, endorse and elect leaders, advocate on behalf of conservation measures, hold elected officials accountable and ensure a sustainable and high quality of life for all Arizonans.

Proposition 120 is bad for Arizona and bad for our nation. This proposition, referred to the voters by the Arizona State Legislature, would amend the Arizona constitution to assert state sovereignty over Arizona’s air, water, wildlife and natural resources in our state. What the legislature will not tell you is that this initiative undermines landmark and bi-partisan environmental laws like the Clean Air Act, the Clean Water Act and the Endangered Species Act. These critical protections have brought back dozens of species like the Florida Panther, the Bald Eagle and the California Condor from the brink of extinction and ensure that our water is free from pollutants and our air is healthy for all Americans to breathe. These standards simply must be implemented nationwide rather than piecemeal by the states as air, water and endangered species do not recognize state boundaries.

Proposition 120 is simply unworkable. Our state has struggled in recent years to balance our budget and our state land department simply does not have the resources to care for the existing lands that it manages much less managing the vast tracts of federal land in our state.

Proposition 120 is unconstitutional. This measure, if implemented, is bad for Arizona but primarily it is a waste of time for our state lawmakers to try to renegotiate a century old agreement regarding federal lands when they should be concentrating on solving Arizona’s problems.

The Arizona League of Conservation Voters opposed this resolution in the Legislature and we continue to oppose it on the ballot.

Vote NO on proposition 120.

Steve Arnaquist, Chairman, AZ League of Conservation Voters Committee For the Environment, Tucson
Paid for by AZ League of Conservation Voters Committee For the Environment

Local Arizona communities have long battled the federal government regarding management of our public lands. The Arizona Legislature is now unwise adding fuel to this long-smoldering fire with a scheme to seize control of Grand Canyon National Park and other public lands in Arizona. They call it Prop 120.

Governor Jan Brewer prudently vetoed the bill that accompanied Prop 120, but the legislature nevertheless is putting this measure before the voters. Prop 120 is not an Arizona crafted solution to Arizona challenges, but rather a measure created in Washington D.C. by the special interest group American Legislative Exchange Council (ALEC), which spoon fed it to the Arizona Legislature.

ALEC doesn’t understand the needs of Arizona. In recent years, the Arizona Legislature shuttered many of our state parks. Now, ALEC wants that same legislature to control the Grand Canyon, Sonoran Desert National Monument, Saguaro National Park, and our other beloved national forests and public lands. Although we occasionally chafe at federal oversight of Arizona’s public lands, the rangers, foresters, and other public land managers are better equipped to care for our natural and cultural treasures. Additionally, an already underfunded state does not have the resources to take on the responsibility of managing these lands.

The Sonoran Institute is inspired by the premise that conserving these iconic places provides enduring prosperity to Arizona and improves the quality of life of residents. We believe that Arizona communities should have a more active voice in decisions affecting public lands. Prop 120 would undermine the voice Arizona communities have in the management of these lands and leave our most treasured places vulnerable to distant special interest groups.

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Arizona’s General Election Guide
Say NO to this Legislature’s Public Land Grab – Vote NO On Proposition 120!

Prop 120 is before you today because our state Legislature has gone too far. They are asking you, the voters of this great state, to tell the rest of the nation that federal public lands in Arizona are solely Arizonans’. **They want you to say, “Sorry my fellow Americans, lands that you have enjoyed since before Arizona was even a state are now ours, and ours alone.” How preposterous is this?**

As if this request were not ridiculous enough, the state Legislature also wants to declare its sovereign and exclusive authority and jurisdiction over the air, water, minerals, wildlife and other natural resources of this state. If actually implemented, this would put federal environmental protections – laws like the Clean Air Act, the Endangered Species Act, and the Clean Water Act – in serious jeopardy!

**This proposition is clearly unconstitutional.** When Arizona became a state 100 years ago, we made a contractual obligation with the rest of the nation regarding these lands and resources. How far does our Legislature want to go to undo the conditions we accepted when we became a state?

These public lands of national importance – forests, parks, monuments, wilderness areas, wildlife refuges and more – fuel our economy, support our wildlife heritage, and sustain our quality of life.

It’s ludicrous to think that our state could properly manage these vast public lands. For years now, the state has been slashing funding for state parks; **would they close the Grand Canyon when times got tough?**

**We urge you to VOTE NO on Proposition 120 – Stop this Legislature’s Land Grab!**

Carolyn Campbell, Chair, No on Prop 120 – Stop Legislature’s Land Grab, Tucson

Paid for by No on Prop 120 Committee
**PROPOSITION 120 **

PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE RELATING TO STATE SOVEREIGNTY
[HCR 2004]

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<th>PROPOSITION 120</th>
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<td>DESCRIPTIVE TITLE</td>
<td>REPEALS ARIZONA'S DISCLAIMER OF ALL RIGHT AND TITLE TO FEDERAL PUBLIC LANDS WITHIN THE STATE AND DECLARES ARIZONA'S SOVEREIGNTY OVER PUBLIC LANDS AND ALL NATURAL RESOURCES WITHIN ITS BOUNDARIES.</td>
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A “yes” vote shall have the effect of repealing Arizona’s disclaimer of all right and title to federal public lands within the state and declaring Arizona’s sovereignty over public lands and all natural resources within its boundaries. This excludes Indian reservations, lands of the United States, and lands over which jurisdiction has been ceded by the state of Arizona.

A “no” vote shall have the effect of keeping current constitutional law related to public lands and natural resources within Arizona’s boundaries.
**PROPOSITION 121**

**OFFICIAL TITLE**
AN INITIATIVE MEASURE
CREATING AN OPEN PRIMARY GIVING ALL QUALIFIED VOTERS THE RIGHT TO VOTE FOR THE CANDIDATES OF THEIR CHOICE, PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE VII OF THE CONSTITUTION OF ARIZONA RELATING TO DIRECT PRIMARY ELECTION LAW

**TEXT OF PROPOSED AMENDMENT**
Be it enacted by the People of the State of Arizona:

Section 1. Title. This initiative amendment shall be known as the “Open Elections/Open Government Act.”

Section 2. Purpose.
A. This initiative will ensure that every person qualified to vote, including those not affiliated with any political party, has the right to vote at any election for any candidate, regardless of the voter’s or the candidate’s party affiliation or lack of party affiliation.
B. To provide more choice to the voters and candidates of Arizona, this proposition:
(1) Abolishes the existing system of taxpayer-funded primary elections to select nominees for political parties,
(2) Creates in its place an Open “Top Two” Primary Election, in which all candidates running for an office appear together on the same ballot and all qualified voters (regardless of party affiliation or lack thereof) are able to vote for the candidate of their choice. The two candidates receiving the highest vote totals for each office would then go on to face each other in the general election.
C. This proposition applies to all Arizona elections in which a candidate’s party affiliation, registration, or preference may appear on the ballot. It does not apply to elections in which no party affiliation, registration, or preference appears on the ballot, and it also does not apply to the system for the election of President and Vice President of the United States.

Section 3. Article VII of the Constitution of Arizona, is amended by repealing section 10 and replacing it as follows:

§ 10. Direct primary election law
Section 10. The Legislature shall enact a direct primary election law, which shall provide for the nomination of candidates for all elective State, county, and city offices, including candidates for United States Senator and for Representative in Congress. Any person who is registered as no party preference or independent as the party preference or who is registered with a political party that is not qualified for representation on the ballot may vote in the primary election of any one of the political parties that is qualified for the ballot.

§ 10. OPEN TOP TWO PRIMARY
A. APPLICABILITY. THIS SECTION SHALL APPLY TO THE ELECTION OF CANDIDATES FOR ALL FEDERAL, STATE, COUNTY, AND LOCAL ELECTIVE OFFICES EXCEPT (1) THOSE IN WHICH NO PARTY AFFILIATION, REGISTRATION, OR PREFERENCE MAY APPEAR ON THE ELECTION BALLOT AND (2) THE SYSTEM FOR THE ELECTION OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES.
B. RIGHTS OF VOTERS. ALL QUALIFIED VOTERS SHALL BE GUARANTEED THE UNRESTRICTED RIGHT TO VOTE FOR THE QUALIFIED CANDIDATE OF THEIR CHOICE IN ALL ELECTIONS. NO VOTER SHALL BE DENIED THE RIGHT TO VOTE FOR THE QUALIFIED CANDIDATE OF HIS OR HER CHOICE IN A PRIMARY OR GENERAL ELECTION BASED UPON HIS OR HER PARTY AFFILIATION OR LACK THEREOF. VOTERS SHALL BE PERMITTED TO STATE THEIR PARTY PREFERENCE (IF ANY) IN THEIR OWN WORDS ON THEIR VOTER REGISTRATION FORM, AND SHALL NOT BE LIMITED TO SELECTING FROM A LIST OF RECOGNIZED PARTIES OR AFFILIATIONS.
C. PROCEDURE. FOR OFFICES TO WHICH THIS SECTION APPLIES, AN OPEN PRIMARY ELECTION SHALL BE CONDUCTED TO SELECT THE CANDIDATES WHO COMPETE IN THE GENERAL ELECTION. ALL REGISTERED VOTERS MAY VOTE IN THE OPEN PRIMARY ELECTION FOR ANY QUALIFIED CANDIDATE, PROVIDED THAT THE VOTER IS OTHERWISE QUALIFIED TO VOTE FOR CANDIDATES FOR THE OFFICE IN QUESTION. THE TWO CANDIDATES WHO RECEIVE THE MOST VOTES IN THE PRIMARY ELECTION SHALL COMPETE IN THE GENERAL ELECTION; EXCEPT THAT, FOR ANY OFFICE TO WHICH MORE THAN ONE CANDIDATE WILL BE ELECTED, THE NUMBER OF CANDIDATES WHO WILL COMPETE IN THE GENERAL ELECTION SHALL BE THE NUMBER OF CANDIDATES TO BE ELECTED TIMES TWO. THIS SECTION DOES NOT PROHIBIT WRITE-IN VOTING IN EITHER THE PRIMARY OR GENERAL ELECTION AS OTHERWISE PRESCRIBED BY LAW.
D. FILING REQUIREMENT. ALL CANDIDATES WISHING TO RUN FOR AN ELECTIVE OFFICE TO WHICH THIS SECTION APPLIES SHALL FILE, WITH THE APPROPRIATE ELECTIONS OFFICER, PETITIONS CONTAINING THE SIGNATURES OF REGISTERED VOTERS IN AN AMOUNT TO BE ESTABLISHED BY LAW. THE SIGNATURE REQUIREMENTS ESTABLISHED PURSUANT TO THIS SECTION SHALL BE BASED ON THE TOTAL VOTES CAST FOR THAT OFFICE IN THE PREVIOUS GENERAL ELECTION AND SHALL BE THE SAME FOR ALL CANDIDATES FOR THAT OFFICE, REGARDLESS OF PARTY AFFILIATION OR LACK THEREOF.
E. RIGHTS OF CANDIDATES. AT THE TIME THEY FILE TO RUN FOR PUBLIC OFFICE, EVERY CANDIDATE SHALL HAVE THE CHOICE TO DECLARE HIS OR HER PARTY PREFERENCE (IF ANY) AS IT IS STATED ON THEIR VOTER REGISTRATION FORM, UP TO A MAXIMUM OF 20 CHARACTERS. THAT PARTY PREFERENCE (IF ANY) SHALL APPEAR ON THE CANDIDATE’S NOMINATION PETITIONS AND ON THE PRIMARY AND GENERAL ELECTION BALLOTS USING THE PHRASE “REGISTERED AS” FOLLOWED BY THE PARTIES’ NAME AS THEY ARE LISTED ON THE BALLOTS. THE WORDS “REGISTERED AS” MAY BE USED IN A COLUMN HEADING OR OTHER PREATORY TEXT RATHER THAN BEING REPEATED NEXT TO THE PARTY PREFERENCE OF EACH CANDIDATE, SO LONG AS THE WORDS “REGISTERED AS” REMAIN PROMINENTLY STATED AND CLEAR TO THE READER. IF NO PARTY PREFERENCE IS STATED ON A CANDIDATE’S VOTER REGISTRATION FORM, THEN NO DESIGNATION SHALL APPEAR ON THE NOMINATION PETITIONS OR BALLOT WITH THE CANDIDATE’S NAME.
F. BALLOT LANGUAGE. IN ALL GOVERNMENT-ISSUED VOTER EDUCATION MATERIALS THAT CONTAIN A LIST OF CANDIDATES STANDING FOR ELECTION AND ON EVERY PRIMARY AND GENERAL ELECTION BALLOT, THE FOLLOWING LANGUAGE SHALL BE PROMINENTLY DISPLAYED: “THE PARTY REGISTRATION (IF ANY) STATED WITH THE CANDIDATES’ NAMES ON THIS BALLOT IS NOT AN INDI-
CATION THAT A CANDIDATE HAS BEEN NOMINATED OR ENDORSED BY THAT PARTY, BUT ONLY REFLECTS THE PARTY REGISTRATION (IF ANY) OF THE CANDIDATE."

G. RIGHTS OF POLITICAL PARTIES. NOTHING IN THIS SECTION SHALL RESTRICT THE RIGHT OF INDIVIDUALS TO JOIN OR ORGANIZE INTO POLITICAL PARTIES OR IN ANY WAY RESTRICT THE RIGHT OF PRIVATE ASSOCIATION OF POLITICAL PARTIES. NOTHING IN THIS SECTION SHALL RESTRICT THE PARTIES’ RIGHT TO CONTRIBUTE TO, ENDORSE, OR OTHERWISE SUPPORT OR OPPOSE CANDIDATES FOR ELECTIVE OFFICE. POLITICAL PARTIES MAY ESTABLISH SUCH PROCEDURES AS THEY SEE FIT TO ELECT PARTY OFFICERS, ENDORSE OR SUPPORT CANDIDATES, OR OTHERWISE PARTICIPATE IN ALL ELECTIONS, BUT NO SUCH PROCEDURES SHALL BE PAID FOR OR SUBSIDIZED USING PUBLIC FUNDS.

H. LEVEL PLAYING FIELD. ALL QUALIFIED VOTERS AND CANDIDATES SHALL BE TREATED EQUALLY BY STATUTES AND REGULATIONS GOVERNING ELECTIONS REGARDLESS OF THEIR PARTY AFFILIATION OR LACK THEREOF. TO THE EXTENT THAT ANY PRIVILEGES OR PROCEDURES ARE MADE AVAILABLE TO CANDIDATES OR POLITICAL PARTIES, THEY SHALL BE MADE EQUALLY AVAILABLE TO ALL CANDIDATES OR POLITICAL PARTIES, REGARDLESS OF PARTY AFFILIATION, RECOGNITION, OR LACK THEREOF.

Section 4. Severability
If any provision of this initiative is held invalid for any reason, the remaining portions of this initiative will be severed from the void portion and given the fullest possible force and application. The people of Arizona declare their intention that the provisions of this initiative are severable.

Section 5. Submission to voters
The Secretary of State shall submit this proposition to the voters at the next general election as provided by Article XXI, Section 1, Constitution of Arizona.

Section 6. Effective date and implementation by Legislature
If approved by the voters, this Constitutional Amendment shall apply to all elections occurring after January 1, 2014, and shall supersede any existing state statutes, regulations, and elections procedures to the extent that they are inconsistent with this Constitutional Amendment. The Legislature, Secretary of State and local officials shall promptly make such changes in and additions to state statutes, regulations, and elections procedures as are necessary to fully implement the provisions of this Constitutional Amendment in time for the open primary election in 2014 and for every open primary and general election thereafter. Legislation, regulations, and elections procedures implementing this amendment must be consistent with and further the purpose of this amendment to permit and encourage all qualified voters in Arizona to vote in primary and general elections for the candidates of their choice, regardless of the political affiliation of voters and candidates.

ANALYSIS BY LEGISLATIVE COUNCIL

Beginning with the 2014 elections, Proposition 121 would amend the Arizona Constitution by eliminating the longstanding primary election that allows each recognized political party in Arizona to select its own nominee for the general election. In its place would be a primary election system in which registered voters may vote for candidates regardless of political affiliation. A funding source has not been identified that will pay the cost of the open top two primary election that will replace the current system. Additionally, the number of candidates who appear on the general election ballot would be limited to only the two who receive the most votes and any qualified write-in candidates, except that, for any office to which more than one candidate shall be elected, the number of candidates who will compete in the general election shall be the number of candidates to be elected times two. Currently, all candidates who receive the most votes in their party primary appear on the general election ballot. This often results in more than two candidates appearing on the general election ballot.

Proposition 121 would not apply to the election of United States President, nor to any office for which political party affiliation may not appear on the ballot.

Under Proposition 121, the signature requirement for candidates wishing to run in the open primary election for an office would be based on the total votes cast for all candidates for that office at the previous general election and would be the same for all candidates regardless of party affiliation or lack of affiliation. Each candidate who declared a party preference on their voter registration form would be listed on the petition and on the primary and general election ballots. If no party preference is declared on a candidate's registration form, no preference would be listed on the petition and ballots. All government-issued voter education materials and ballots would contain a notice that any political party registration listed for a candidate is not an indication that the candidate has been nominated or endorsed by that political party.

Proposition 121 provides that individuals may organize or join political parties and that political parties may elect party officers, support or oppose candidates and otherwise participate in all elections, if the party activity is not paid for or subsidized using public funds. All voters, candidates and political parties must be treated equally, regardless of party affiliation or lack of affiliation. When registering to vote, voters would be allowed to state any party preference in their own words and would not be limited to selecting from a list of recognized political parties or affiliations.

The proposition leaves to future Legislatures and governing bodies a number of issues, including who will have access to the statewide voter database, how vacancies will be handled, what percentage of votes will be set each year as the number of petition signatures required by each candidate for each office to qualify for the ballot, how to pay for the two tier election and how to pay for the cost of implementation and conforming legislation. The Department of Justice must pre-clear any changes.

ANALYSIS BY THE JOINT LEGISLATIVE BUDGET COMMITTEE

State law requires the Joint Legislative Budget Committee Staff to prepare a summary of the fiscal impact of certain ballot measures. Proposition 121 would replace the partisan primary election with an open “top two” primary election. The state government is currently responsible for the cost of sample ballots sent to voters. By consolidating the different types of party sample ballots, Proposition 121 is projected to reduce printing costs and result in a state government savings of $(165,000) to $(278,000).

Local governments currently pay the other primary election expenses. Proposition 121 is expected to increase these expenses due to greater production and mailing of ballots primarily to independent voters on the early voting list who do not currently receive a primary ballot. The open primary may also increase the number of ballot pages. The additional local government cost is projected to range from $440,000 to $2 million.
ARGUMENTS "FOR" PROPOSITION 121

Prop 121: Allowing Every Voter the Right to Vote in Every Election

The Open Elections Open Government system allows all Arizonans to vote in an open primary for the candidate of their choice, regardless of their party affiliation. It ends the current system of taxpayer-funded partisan primaries, and gives independent voters and candidates equal voice in the election process.

Under Open Elections all candidates for an office run on the same ballot in an August Primary. All voters can vote in this primary election. Then the top two vote getters face each other in a runoff election.

Under the existing taxpayer-funded partisan primaries, small minorities of voters select candidates who often represent the ideological extremes of the parties. Under the current system, independent voters, who are the fastest growing category of voters in Arizona and the U.S., have little or no role in the process. In fact, in Arizona 26 out of 30 legislative districts are gerrymandered, or "safe" districts and thus the voters have no choice in the general election. The true majority of voters are cut out of the process.

Allowing every voter the right to vote in every election will result in elected officials who have to be accessible to all voters and not just a powerful few. It will encourage elected officials to be more respectful and listen to the views of others for the public good.

Join the thousands of Arizonans who have worked to support this election reform initiative by voting yes on the Open Elections Initiative.

Paul Johnson, Chairman, Open Government Committee, Phoenix
Paid for by Open Government Committee

Vote Yes on Prop 121 – Open Elections Open Government

Greater Phoenix Leadership (GPL) is a non-profit organization whose members represent a broad range of the Phoenix Region’s largest employers and our philanthropic community. Our focus and purpose is to improve the economic vitality and quality of life in the greater Phoenix region and the State of Arizona by bringing together talent, resources and leadership to create results on priority issues.

Public policy decisions at every level of government in Arizona impact the quality of life of all Arizonans, as well as the strength and vitality of our businesses and our State’s economy. Insuring a quality education system, strong workforce development, an environment in which businesses of all sizes can grow and provide jobs, and sound fiscal policies in our State, county and local governments are all critical public policy decisions. Elections provide a unique opportunity for every voter to impact public policy at all levels of government, and is a responsibility that determines our future.

GPL believes in a representative democracy, and that every voice is important. At a time when the majority of elections are being determined by a minority of voters, GPL sees this as an opportunity to re-engage the electorate.

Please join GPL members in voting YES on Proposition 121.

J. Doug Pruitt, Chairman of the Board, Greater Phoenix Leadership, Phoenix
Thomas R. Franz, President & CEO, Greater Phoenix Leadership, Phoenix
Paid for by Greater Phoenix Leadership

Southern Arizona Leadership Council Supports Open Elections

After a careful and thorough evaluation of the Open Elections Open Government Initiative, the Southern Arizona Leadership Council has chosen to endorse this significant election reform measure on the 2012 ballot. The Southern Arizona Leadership Council is an organization of business leaders, but it is not simply a business organization. It is a community organization.

Central to SALC’s operations is the belief that a successful community relies and builds upon all of its resources—civic leaders, government officials, engaged citizens and business officials. SALC believes there is a shared responsibility for creating an economically vibrant region in which to live and work.

As an organization we feel that our region and Arizona as a whole need our elected leaders to represent all of the people of our state. With Open Elections all citizens will be allowed to vote in all elections. This means that candidates will be encouraged to campaign and discuss the significant issues facing Arizona, not to a select few in partisan primaries, but to members of all political parties and to the growing number of Independents also. Typically one party or another dominates a legislative district which means that for all practical purposes whoever wins the partisan primary will be victorious in the general election. Open Elections changes that dynamic in a positive way with all voters choosing among all candidates in a primary and the top two moving on to a runoff general election. Every voter is involved in every step of the election process.

Open Elections is a win/win for the state. More citizens will become involved in the election process, and more candidates will communicate to a broader range of voters.

The Southern Arizona Leadership Council urges you to vote yes on Prop 121.

Michael Hammond, Board Chair, Southern AZ Leadership Council, Tucson
Roger Vogel, Board Vice Chair, Southern AZ Leadership Council, Tucson
Ken Abrahams, Board Treasurer, Southern AZ Leadership Council, Tucson
Lisa Lovallo, Board Secretary, Southern AZ Leadership Council, Tucson
Ronald Shoopman, President, Southern Arizona Leadership Council, Tucson

Paid for by Southern Arizona Leadership Council

Please join me, Scottsdale City Councilman Bob Littlefield, in voting YES on Proposition 121, the Open Elections Open Government Initiative.

In the ten years I have served on the Scottsdale City Council I have run in three municipal elections. The great thing about our nonpartisan municipal elections is every voter, regardless of party registration, has the choice to vote for any candidate in the primary and general elections, regardless of the candidate’s party affiliation. This gives Scottsdale voters the maximum opportunity to vote for the people they believe will best represent them on the City Council.

The Open Elections Open Government Initiative would extend that high level of voter choice to our elections for state offices. Currently, voters are limited because they can only cast ballots in primary elections for candidates from one party. For example, currently, voters who believe the best candidates for the two House seats in their legislative district are from different parties can vote for only one of those candidates in the primary election. This initiative will fix that problem.

The current system also makes it much harder for independent candidates to run for office, again limiting voter choice. This initiative would level the playing field for independent candidates.

Spelling, grammar and punctuation were reproduced as submitted in the "for" and "against" arguments.
This initiative would still allow candidates to identify their party affiliation on the ballot if they wish, and political parties would continue to be able to promote the candidates and issues of their choice. Also, “straight ticket” voters who want to support only candidates from a particular political party would still be free to do so. But, for the ever-increasing number of voters who want the option to vote for the candidates they believe will best represent them, regardless of party affiliation, in every election, the Open Elections Open Government Initiative would give them that choice.

Bob Littlefield, Scottsdale City Councilman, Scottsdale

C-03-2012 – THCC POSITION: SUPPORT
Description: Open Elections / Open Government
Statement: Like much of the nation, Tucson Hispanic Chamber members have been discouraged by the divisiveness of our local, state and federal politics. We believe the Open Elections initiative will provide more opportunities for moderate pro-business candidates within any party. It should encourage a more civil tone to Arizona politics and less conflict over ideological differences.

Lea Marquez Peterson, President & CEO, Tucson Hispanic Chamber of Commerce, Tucson
Paid for by Tucson Hispanic Chamber of Commerce

Jon Hulburd for Prop 121
The open primary favors no particular party and gives every voter the right to vote in every election. In order to win public office, candidates would be forced to talk to all voters instead of only the most partisan ones. That means more democracy and more accountability, and it’s the reason to support Prop 121.
As a small businessman, I know we must increase participation, open up the system, and put control back in the hands of voters. Partisan primaries in Arizona actually limit participation and empower the ideological few. The result is that we have a government run by people with a narrow political agenda, where special interest money rules. And—once in office—these extremists have actually worked to undermine the ability of voters to hold them accountable.

The majority party in the legislature tried to remove the chairwoman of the voter-approved Independent Redistricting Commission because they wanted total control of the elections process. In the wake of repeated scandals, they refused to ban gifts to themselves from lobbyists. Instead, their energy went into an attempt to sweep voter-approved funding from education and children’s healthcare to pay for their own priorities.

We need state government to be focused on strengthening the economy and helping to create jobs instead of questioning the citizenship status of the President of the United States. We need them focused on funding good schools that will prepare our children to succeed, not talking about putting guns on school campuses.

In a democracy, every citizen who registers to vote and participates should have an equal voice in choosing elected representatives. Every step away from that simple policy is a step away from democracy. Please support open and accountable government by voting in favor of Prop 121.

Jon Hulburd, Phoenix

Why Should Taxpayers Pay for Partisan Primaries? Vote Yes on Prop 121
With more and more voters in Arizona identifying themselves as Independent, it no longer makes sense for taxpayers to have to pay millions of dollars each election cycle for Democratic and Republican primary elections. In fact, there are more Independent voters in Arizona than Democrats, and it is projected that very soon there will be more Independent voters than Republicans as well.

With the Open Elections Initiative, a candidate can still run as a Republican or Democrat or Libertarian, and the political party designation can still be on the ballot. But all voters will get to choose from all candidates, and then there will be a runoff of the top two vote getters. That makes sense. This way the candidates will all run together and be forced to campaign to all voters—not just a select few voting in a primary. This will open up the system and foster better communication between those running and those voting.

Political parties can still nominate candidates to run if they wish. So a candidate could be the “official” nominee of a political party—but not at taxpayer expense. There is nothing wrong with political parties or candidates running under the banner of a political party—but just not at my expense. There is nothing in the Constitution about political parties, and yet they have a lot of control over the election system.

That is why I am supporting and voting for the Open Elections Initiative. Better elections, better government.

Carolyn S. Allen, Former State Senator, Arizona State Senate, Scottsdale

The Business Community Supports Open Elections Open Government
Arizona was once known for its ability to tackle major issues through cooperative efforts for the common good. How else could you explain scratchng the fifth/sixth largest city in the country in a desert that has an annual rainfall of 7”? Well, where has the “common good” gone? It is lost in the modern day political arena of republicans vs. democrats that has not only polarized our state but our nation as well.

Currently we elect along party lines, and the primary is at the heart of the matter. The current primary system seems to bring about extreme candidates, who often get elected and go to represent their party instead of the people. Once elected, grandstanding takes the place of problem solving, and towing the party line is the order of the day. We need to return to the days when we elected “statesmen” that went to the capital and worked through the issues for the common good.

The Buckeye Valley Chamber of Commerce feels that the changes the Open Elections initiative proposes will benefit the State of Arizona and allow small businesses greater influence in the process of who is elected. The election will no longer be about party affiliation, but about who are the best overall candidates, and loosen the political stranglehold that the two-party system has on our state/country.

If this proposition passes in November, all voters will be allowed to vote in all elections, regardless of party affiliation. We support this change and believe that it will move us back towards the goal of the founding fathers that Abraham Lincoln so eloquently coined in the Gettysburg Address as a “government of the people, by the people, for the people, shall not perish from the earth.”

Kevin Johnson, Chairman of the Board, Buckeye Valley Chamber of Commerce, Buckeye
Deanna K. Kupcik, President & CEO, Buckeye Valley Chamber of Commerce, Buckeye
Paid for by Open Government Committee

Prop. 121 Allows Elected Officials to Work Together Regardless of Parties
The Open Elections Open Government Act is nothing new to Arizona. It is a commonsense approach that has been used by cities and towns throughout our state for decades! Today, of the 91 cities in Arizona, 90 use this system.

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

Arizona’s General Election Guide
Opponents of this act sometimes point to other states and warn that Open Elections is a new system and untested. In truth, several states have successfully enacted Open Elections and Arizona already has Open Elections in its cities and towns. The level of government that is the closest to the people has always functioned best. Local government (which provides services such as police and fire protection, public utilities, streets, parks, senior services, etc...) has never had room for partisan politics and has never been dominated by partisan primaries or political parties. A May 2012 poll, commissioned by the League of Arizona Cities and Towns, found that voters increasingly trust cities and towns most with taxpayer dollars.

With that track record, why do we allow other levels of government to be so partisan? Arizonans are increasingly registering as Independents and moving away from the parties. Although public opinion tells us that people value a spirit of cooperation from politicians regardless of party affiliation, elected officials in our legislature are often punished by their own party leadership when they reach across the aisle.

Each of us has served in public office under a non-partisan system. Although we do have party affiliations (as both registered Democrats and Republicans) we were never beholden to the political parties because in non-partisan elections we answered to all the voters we represented. We were able to work together because we weren’t controlled by a partisan primary system.

Please join us and vote YES ON PROP. 121!

Alan Kennedy, Former Phoenix City Council-member, Phoenix
Craig Tribken, Former Phoenix City Council-member, Phoenix
Doug Lingner, Former Phoenix City Council-member, Phoenix
Peggy Bilsten, Former Phoenix City Council-member, Phoenix
Dave Siebert, Former Phoenix City Council-member, Glendale

CPLC Supports Open Elections
Chicanos Por La Causa recognizes the enormous responsibility it bears as the only community development corporation in Arizona to offer extensive services in both urban and rural communities with a focus on four major areas:

- Economic Development
- Education
- Housing
- Social Services

CPLC believes that providing these services is not a partisan issue. And that in light of the critical issues Arizona currently faces, our political leaders must likewise be committed to problem solving, not partisan agendas. An environment that encourages elected leaders to concentrate on solutions for the common good fosters a better and more inclusive government for all.

It is in this spirit that CPLC wholeheartedly supports “Open Elections Open Government”. Any political reform that seeks less partisanship, more openness, more cooperation, more involvement, and less control by special interest will hold our shared commitment to the future.

In order for communities to prosper, we must have an economy that produces jobs. And for the economy to produce jobs, we must have a quality education system where students learn and prepare for the growing demands of the 21st century. For this to happen, our elected leaders must work together to meet the ever increasing challenges that face Arizona as well as the nation at large.

It is for these reasons CPLC recommends a “Yes” vote on Open Elections Open Government.

Martin Quintana, Chief Operations Officer, Chicanos Por La Causa, Inc., Phoenix
Max Gonzales, Vice President of Administration, Chicanos Por La Causa, Inc., Phoenix

ARGUMENTS “FOR” PROPOSITION 121

Working Together...

Arrowhead Health Centers is a sponsor of The Open Elections Initiative. We support this measure because of our deep concern about the damage being done to our state and our nation by the current level of acrimony in the partisan process.

It seems that partisan politics has become nothing more than a team sport. Politicians seem more concerned about the needs of their party, the red team or the blue team, than they are about the state or our country. All that matters is how do they get a majority or keep a majority.

We face big challenges in the economy, education, health care and maintaining our economic position in the world. There are no easy answers, but we can’t fix them without both sides working together.

To build an economy focused on high-end jobs, we have to abandon the politics of the right and the left and empower the private sector forces of innovation and creation, while investing in education to build the intellectual capital of a knowledge economy. This will only happen if we support a broader political view than our narrow primary system has fostered.

The Open Election Open Government Act, while not a panacea, would allow EVERY voter the right to vote in EVERY election. Elected officials would no longer be able to win by addressing narrow minority groups inside partisan primaries. To win they would be required to talk to people in the other party as well as independents. To get these crossover votes they are incentivized to work with all sides. It is a system that has worked well in our cities.

We encourage you to cast your vote for the Open Elections Open Government Initiative.

David Berg, CEO, Arrowhead Health Centers, Glendale

The Grand Canyon Institute Recommends YES on Prop. 121

The current partisan process through which we elect our Arizona legislature has had significant negative economic consequences. Politicians elected through partisan primaries have created an environment where Arizona’s economy is held captive to elected officials who frequently use ideology without regard to economic repercussions.

In the past two years, during the toughest economy in Arizona’s history, legislators responded with actions that harmed, rather than assisted, Arizona’s economy. Arizona’s brand has been damaged leading Arizona to be unfairly labeled as a racist, backwards state. Legislators sharply curtailed state investments in education, while enacting corporate tax breaks without sufficient accountability on economic returns. Because of an extreme ideology, they rejected federal dollars that would have come at no cost to Arizona taxpayers, rejecting federal money for extended unemployment insurance and again with Medicaid, even when the matching dollars were offered by hospitals.

The Arizona’s General Election Guide

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Spelling, grammar and punctuation were reproduced as submitted in the “for” and “against” arguments.
The Open Election Open Government Act, while not a panacea, allows every voter the right to vote in every election. Winning politicians, instead of addressing narrow ideological groups inside partisan primaries, will be required to talk to people in the other party as well as independents. This should moderate Arizona's politics.

To build an economy focused on high-end jobs, we have to empower private sector forces of innovation and creation, while investing in an educational system that provides a solid workforce and environment that advances the intellectual capital of a knowledge economy. This will only happen if we support a broader political view than our partisan system has fostered.

For this reason, the Grand Canyon Institute recommends the Open Elections Open Government initiative to voters. Carolyn Allen, Vice-Chair, Grand Canyon Institute, Scottsdale Jack August, Secretary, Grand Canyon Institute, Prescott

Paid for by Grand Canyon Institute, Inc.

Open Elections Will Lead to Better Government
I have lived in Tucson for more than 50 years. Arizona is a great state with wonderful people. But I am increasingly disillusioned by public officials, who primarily seem to represent the narrow interests of the base of their political party. Politicians are caught in a political system that encourages partisanship over cooperation. The desire to achieve consensus and the willingness to compromise are traits looked down upon by many elected officials. This conflict-driven atmosphere starts with our partisan "invitation only" primary system – where only a small minority of people bother to vote. Independents, which make up about one third of the state, are just about left out of the primary system and find it difficult to run for office.

The Open Elections Initiative is a "game changer". The basic concept has already been adopted in Washington and California. The new system does away with partisan primaries and requires all candidates to run together – meaning everyone is allowed to vote, even Independents. The two candidates with the most votes then face each other in a runoff election. All the candidates run together and all the people get to vote. The candidates will have to campaign and communicate with all the voters, not just the members of their own party.

This Initiative will lead to meaningful and lasting election reform and better government.

S. L. Schorr, Tucson

Open Elections/Open Government
Elections should be about the choices made by citizens – voters – about who they want to represent them, not about the partisan agendas of political parties. Our current system, on the other hand, disenfranchises much of the electorate, increases partisanship and tends to elect ideological extremists who have no interest in compromise. This proposition will help correct the problems.

Here are three simple reasons why this proposition is a good idea:

1. Under the current election system, Independents are shut out of being candidates. Currently a Republican or Democrat running for statewide office needs about 5000 signatures; a Libertarian needs a little over 100; a Green Party member needs nearly 1000. But an Independent needs more than 31,000. This is ludicrous and discriminatory. The proposition would level the playing field and require everyone to obtain the same number of signatures.

2. Currently, Arizona system elects people who do not represent the state’s population. One third of the electorate is now registered as Independent. Republicans and Democrats split the other 2/3, with somewhat more Republicans. But only about 25% of registered party members vote in primaries. That means that less than 10% of the electorate is choosing the two candidates who make it to the general election, where one party generally tends to dominate. As more people leave the parties in disgust and register as Independents, a smaller and smaller number are left choosing who runs the state.

3. Under our current system, taxpayers are paying for political parties to select their own candidates. Why should taxpayers who are not members of these “clubs” foot the bill for a private selection process? The proposition would allow the parties to choose “officially endorsed” candidates and publicize that choice at party expense.

Grady Gammage, Jr., Phoenix

LET'S ALL GET TO VOTE
What's Important to the Vitality of the State of Arizona:

- Education
- Jobs & Economic Diversification
- Energy & Water Conservation
- A sound economic policy addressing taxes & spending

What's Not Important to the Vitality of the State of Arizona:

- Guns on the University Campus
- Justifying the birth place of the President
- Promises never to raise taxes under any circumstances

In Arizona under the present system there are only party primaries. In most legislative districts there is only one predominant party of registered voters. Therefore the candidates from that party are effectively elected at the primary, not at the general election.

When we have a system of elections where only a few elect our representatives because only a few vote in a primary, not only do we disenfranchise our citizens, but we elect representatives who support What's Not Important for Arizona's Vitality.

A small number of voters who support a single issue, often with extreme views, are able to control a primary election and then walk away with the general election.

If we are to address What's Important, we need to enfranchise all of the voters, not just those whose positions are at the far extremes or who are limited to either party.

Instead of special interest groups controlling our elections, we will attract voters who represent a broader interest in areas that are Important to the Vitality of Arizona.

That's why I am supporting the Open Electives/Open Government initiative.

Larry S. Lazarus, Phoenix

Paid for by Lazarus & Associates, P.C.

This year, we are celebrating Arizona's Centennial--a time we can be proud of our journey from a rough frontier territory to a modern, diverse state.

Yet this year has also been a time of sadness and shame for Arizonans when we consider the condition of our civic life. Several members of our Legislature have resigned in disgrace. Other public officials have been investigated for corruption. And too many of our politicians, rather than working together on issues that are important to Arizona's families (like jobs, education, and protecting our beautiful environment) instead spend their time on divisive fringe issues.

Spelling, grammar and punctuation were reproduced as submitted in the “for” and “against” arguments.
General Election ~ November 6, 2012

If you are happy with the work being done by Congress and the Arizona Legislature, then you probably should vote “No” on the Open Elections/Open Government Initiative, because the goal of this initiative is to change the status quo and elect new and different people to office. Instead of continuing the system of partisan primaries, where a small minority of voters elect candidates who often cater to the extremes of both major parties, all Arizona voters would be able to choose from all candidates running for an office in an open primary. The two candidates with the most votes (regardless of party affiliation) would then face each other in the general election. For the first time in Arizona, we would have a simple, fair election system with a level playing field for all voters and all candidates.

The supporters of the Open Elections/Open Government Initiative want to elect candidates who will put patriotism ahead of partisanship. If you agree, please vote “Yes” on Prop. 121.

Karen L. Schroeder, Phoenix

Extreme political partisanship is a disease that has infected our political system. The disease is systemic and is causing moderate voters to disengage from the political process because they believe government is broken and no longer represents them. Indeed, more than 1/3 of Arizona voters are registered independents, by far the fastest growing segment of voters. Yet not a single independent sits in the Arizona legislature. Instead, we are governed by extremists on both the right and the left, who are more concerned about imposing a political ideology than in improving our state.

But it is not government that is broken; our political primary system is the problem. Ideological purity is enforced by the political parties targeting in the next primary election any member who shows moderate or pragmatic tendencies. As a result, the political parties are becoming more ideological and less able or willing to develop and elect leaders who can effectively deal with our problems.

The Open Elections – Open Government Initiative will replace the current Primary system in which only a limited number of voters now participate and are only permitted to cast ballots for the partisan candidates from one party. In its place there will be a Primary election open to ALL voters and ALL candidates. The top two candidates from that election—regardless of political party—will then face off in the November election.

Under the current Primary system, candidates are rewarded for appealing only to the ideological purists in their party who vote in primary elections. The Initiative will reform the primary system by rewarding a candidate who appeals to a wider and more moderate swath of voters.

Don’t give up on our government. Make it better by voting for the Open Elections-Open Government Initiative.

Ted H. Hendersen, Tucson

Open Elections will moderate the extreme politics in the state; votes yes on Prop 121

Disillusionment with our political representatives has never been higher. As a result, a significant rise in independents and non-partisan voters has emerged state-wide and across the nation. An Open Elections law will give a voice to these disenfranchised voters in primary elections.

We do not elect our political leaders to score ideological points or play rhetorical games with the vital issues of our state. We elect them to represent us – ALL of us – and to use a sober and prudent judgment in balancing our concerns. But closed primary elections give undue influence and power to the extremes of faction. Because of that influence Arizona politics and politicians have become objects of national derision.

The current primary process disadvantages moderates and independents inevitably forcing an unwilling electorate to choose between tweedle-dee and tweedle-dumdee. Once in the state house these ideologies construct a funhouse of irrelevant and divisive issues - legislating on matters far removed from the average voters concerns. They call it “principle” and refuse to compromise on any point but it is a wretched principle that would allow the state to founder on a narrow partisanship.

I enthusiastically endorse an Open Elections process that will hold politicians accountable to the entire electorate and not just a small cadre of partisans and fanatics.

Bill Bergemann, Mesa
Paid for by Open Government Committee

It really doesn’t matter to me what political party a candidate comes from, I vote for the person, not the party.

That’s one reason I support Proposition 121, the Open Elections/Open Government initiative. It gives us broader choices when we vote. If you went to the grocery store, and the grocer only had one brand of product on the shelves, you’d probably find another place to shop. Why should our choice at the ballot box be limited to one brand? Or only the brands offered by two companies?

More choices usually mean better options. And in politics, it means that more people will elect whomever it is we choose to serve us in government. Gone will be the days of one party dominating a district, county, or state and controlling our General Election options. Party political primaries that give us the candidate with the most extreme partisan appeal – Democrat or Republican – will be eliminated.

Under the proposed system, everyone runs in the primary and the top two finishers move on to the General Election – regardless of party. We all vote in the same primary – regardless of party.

It’s a game changer. Candidates have to worry about all of us, rather than a special interest class of voters within one political party. And the winning candidates will be forced to appeal to the interests of all of us, rather than being beholden to a small segment of their own political party.

Prop 121 forces accountability and competition – the very things that make our country great.

Let’s change the rules in politics. Let’s create a new standard: candidates who have to serve all of us, rather than a select few.

Open elections will open government. Vote Yes on Prop 121.

Jay Thorne, Phoenix

WHY I SUPPORT THE OPEN ELECTIONS/OPEN GOVERNMENT INITIATIVE

Nothing is more important to a vibrant democracy than citizen participation! And the most basic level of participation is when candidates are being chosen to run for office - that is, a primary election. For too long decisions on candidates have been made by a handful of voters who are party stalwarts, who may have parochial or pet issues as their primary motivation and not the general welfare of their state or district. Some states have already recognized the need to open primary elections to all voters, regardless of party registration and it is heartening that now we in Arizona have the opportunity to do so as well. As the Staff Director of the Delaware House of Representatives (before my move to Arizona), I witnessed several examples of situations where an election was decided by a small minority of voters who lived in districts where only one party ever even nominated a candidate for the State Legislature. This is a situation which is not only bad for democracy but is demoralizing for residents of the district, who often simply give up trying to participate in their own governance.

Some might argue that under the proposed new system it would be possible for two candidates from the same party to run against each other in the general election, but my answer to that is SQBET! Voters have had the opportunity to look at ALL individu-

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as desiring an office and to judge them on their merits. If the majority of ALL voters in a district (regardless of party) choose to support two similar nominees, then the people have spoken. The individual and not the party becomes most important and even those who are independent in their thinking have a voice in the process.
Paula Shulak, Mesa
Paid for by Open Government Committee

Vote YES on Prop 121
I am a life-long Democrat, and have worked on political issues and campaigns in Arizona for over 30 years. So, many were surprised when I joined the effort to change Arizona’s primary elections from partisan elections, in which less that 10% of eligible voters decide the outcome, to a more open top-two primary, where every voter can vote for any candidate, regardless of party affiliation.
I believe that political parties are useful and necessary in our democratic system, but I also see that hyper-partisan politics have paralyzed our state and country. Elected officials no longer work in concert to do what is right or best for our country. Instead, they posture for sound bites and pander to the extreme factions of their own political parties, because they know their re-elections will be determined by these extreme voters under the current partisan primary elections.
We must do something to moderate the extremism that currently dominates policy making, and to inform and involve more citizens in the voting process. Is this initiative a “silver bullet” that will solve all of our political woes—No. Will there be unintended consequences—Probably. But, do I believe this system is an improvement over our current situation—ABSOLUTELY.
Lucia Fakonas Howard, Paradise Valley

Vote yes on Prop 121 to promote a government that will work together
I would like politicians who are willing to put the good of the country and their constituents ahead of the interests of their own party, who are willing to listen to the viewpoints that are contrary to their own, who are willing to work with their colleagues of the opposite party, who will COMPROMISE with the opposite party and are capable of sacrificing some of what they want in order to achieve something good for the electorate. A perfect example is the Bowies Simpson Commission deficit reduction recommendations, which were supported by moderates but extremists of both parties were unwilling to give an inch on their views. These recommendations would have required a little pain for everyone and reduced the deficit by 4 trillion plus. Instead we are headed to financial Armageddon because right and left wing politicians are unwilling to COMPROMISE. I would like politicians who are not being bought by Super Pacs and are willing to discuss the issues of the country and the state instead of the incessant negative campaigning. I believe the vast majority of Americans agree with the above. The current primary system is irretrievably broken.
Glen Streitmatter, Scottsdale
Paid for by Open Government Committee

ARIZONANS DESERVE BETTER LEADERS & HEADLINES

✓ WHY are nationally formed and funded political parties in control of our local government?
✓ WHY are Arizona voters limited to party-affiliated candidate choices in the Primary Election?
✓ WHY can’t we encourage unaligned, locally focused, and moderate candidates?
✓ WHY should you and I fund the current party-controlled primary?

WHAT WOULD AN OPEN PRIMARY DO FOR YOU?
✓ Non-aligned or not nationally controlled candidates would better represent OUR unique Arizona needs.
✓ Extreme thinking candidates who freeze government action and fail to compromise “with the other side” lack commitment to Arizona issues and won’t be elected.
✓ Candidates would think twice before signing any national party pledge to do....[whatever] when it negatively impacts Arizonans
✓ Today one-third (and increasing) AZ voters are Independents and deserve a vote and voice.
✓ All voters should be allowed to vote in all elections.
✓ Quality leadership is rewarded when the top two Primary candidates move to November instead of one “person” from each political party.
Sonnie Kirtley, Scottsdale

Vote yes on Prop 121 to promote majority rule
Elected officials should be accountable to all of their constituents. Under the current partisan primary system, however, voter statistics ensure that approximately 2/3rds of our elected representatives to the Arizona Legislature and the U.S. Congress are actually chosen in restricted partisan primaries. Due to the typically low, and highly partisan, turnout for primary elections this means that more than 65% of our officials are typically elected by approximately 15% of the most ardent voters. The will of the remaining 85% of voters in those districts can be, and routinely is, ignored without consequence. The result is effective rule of the minority.
Under Open Elections, Open Government, successful candidates would no longer have the option of serving only the most devout members of their own party, but would be accountable to all of their constituents. At a minimum, an open primary system would give all registered voters a real voice in who speaks for them in the Legislature and Congress. If you believe that the basis of our American Democracy is that every vote should matter, and every voice should be heard, I urge you to vote “Yes” for Open Elections, Open Government
Angela Cotera, Ph.D., Avondale
Paid for by Open Government Committee

We Need A Change
Vote YES on Proposition 121
We need leaders who dedicate themselves to serving all of our state and all of our residents. We need leaders who know how to bridge economic, cultural and political divides and create common ground. I don’t care whose political philosophy is better. I’m not interested in seeing my personal political philosophy win or any one political party “take over” our state. I recognize that we are too diverse to expect the majority of our residents and leaders to agree on many of the controversial issues that divide us. I am looking for a legislature that reflects the diversity of our state and leaders who strive to broadly engage all Arizonans to participate in governing our state. I am looking for leaders who will commit to the hard work of compromising, to finding sufficient common ground for us to move forward and face our challenges. We need leaders who will lead. We need elected officials who will help us take advantage of our opportunities and invest in our future.

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Arizona’s General Election Guide
Our current system is broken. The open primary – open government initiative offers the best option we have to begin making changes – to begin pushing back against the partisan, divisive and ineffective politics that have overtaken our state. I support the open elections / open government citizens’ initiative; please join me in voting for this critical change.

Jim Holway, Phoenix

Yes on Prop 121 – Elected Officials Should be Respectful and Listen to the Views of Others

The Open Elections Initiative will provide an important election reform. Already passed in a number of states, Open Elections will allow all voters to vote in all elections. Considering the growing number of Independent voters in Arizona, who now make up one third of the electorate, it makes sense to abolish partisan primaries that are paid for by all the taxpayers of Arizona.

With partisan primaries gone, candidates running for office will be forced to speak to all the voters, not just those people in their particular political party. This will create positive change in the way campaigns are run. Currently, many legislative districts and congressional districts are non-competitive, meaning that they are dominated by the voters of one political party. In that common situation, the candidates from the dominant party campaign solely to their own party members, since they know whoever wins their party’s primary will win the general election. This results in a closed system where so many voters are left out of the process.

If states run together and all of the voters get to vote in every election, we will have a much more open debate and a more open government system on all levels – from state to federal. Candidates will have to consider the views of Independent voters. This is a very significant change in the way elections will be held in Arizona. This Initiative is a promise for a more open government, which will better represent people across the state.

Gary Kaasa, Phoenix

Holding our elected officials accountable begins by expanding the franchise so all voters can vote on all candidates and the top two vote-getters advance to the general election. We will be better represented by the increased competition.

Linda Binder, Former State Senator, Arizona State Senate, Lake Havasu City

Argument in Support of Proposition 121

Top Two Open Primary

Sometimes the most complicated things turn out to be simple, if you peel away all that seems complex. Like those times when you feel angry at your husband and you think he doesn't understand you. Then you realize he told you he'd take the car to have the oil changed but forgot, and that's the reason you're angry. You don't have to rethink the marriage. You just have to get him to have the oil changed.

The same is true for Top Two Open Primary. Proposition 121, which asks the voters (you!) to change the system of primary voting from a system based on the political parties to a system based on the voters - all voters - whether they're in a party or not.

There are complicated arguments being made on all sides. The parties - Democrat, Republican, Green, Libertarian – and almost all the politicians don't like the change. Independents (maybe you're one since 30% of Arizonans are) and nonpartisan Democrats and Republicans favor it. You will hear many analyses of the impact, the positives, the negatives, the motives, who it will help, who it will hurt, etc. It will get pretty complex.

But it's really pretty simple when you get down to it. I say this as the leader of Independent Voting.org, a broad movement of independent voters and a supporter of nonpartisan elections. Proposition 121 is heathier for the democratic process because all voters get to vote and all candidates compete against each other and must make their case to all the voters. Proposition 121 is like an oil change in that it greases the wheels of democracy. It puts everyone on equal footing and creates a positive environment for coalition building. That's pretty simple, it seems to me. And sometimes something simple can make a big difference!

Jacqueline Salt, President, IndependentVoting.org, New York, NY

Paid for by IndependentVoting.org

Submitted by: Alliance of Arizona Nonprofits

Statement:

The Alliance of Arizona Nonprofits supports the Open Government Initiative as a way to promote civic engagement and actively include all voters in all stages of the election process. The engagement of citizens in their communities, especially their civic life, is a core purpose of nonprofit organizations, which exist to build and sustain communities. It is therefore in the interest of the communities served by nonprofits that their citizens are active participants in the key public decisions that affect their lives. Under Arizona’s current primary election law, it is very difficult for voters who are not registered in one of the two largest political parties to fully participate in primary elections. The Open Government Initiative would allow all voters to actively participate in the primary election. This is becoming even more important as Independents are the fastest growing bloc of registered voters. All citizens should be voters and all voters should be encouraged to participate in the primary election. The Open Government Initiative would achieve those ends and foster the same civic engagement that is the fabric of our communities.

Rhonda Bannard, Chair, Board of Trustees, Alliance of Arizona Nonprofits

Pam Gaber, Treasurer, Alliance of Arizona Nonprofits

Paid for by Alliance of Arizona Nonprofits

I support the Open Elections initiative. It has many outcomes that make it worthy of yours:

1. It creates an incentive for candidates in the General election to moderate their views from which a bipartisan governing majority might take hold.
2. It creates more opportunities for Independents to participate in the Primary election process.
3. As a result, less traditional candidates who come from other walks of life than politics will seek public office.
4. It aids the weaker party in the state as and such, has the effect of simultaneously making the system more open and strengthening the two party system.
5. It opens up the races – and who is elected - in ways that weaken the role of party caucuses at the Legislature that maintain control with straight party votes.
6. It instills much needed confidence in a political system that has left most voters feeling unheard and unrepresented.

As the former Chair of the Arizona Board of Regents, I have observed too many Legislative fights that had little to do with the merits of the issue – or the critical need we have to invest in and improve our states education system. Legislative party caucus politics made meaningful debate - and progress for Arizona - impossible. The cuts to education, and the inability of our legislative leadership to even fund the accountability measure they themselves passed, is evidence of this dysfunction. We need the change and the new leadership Open Elections will provide.

Fred DuVal, Former Chair, Arizona Board of Regents

Paid for by Alliance of Arizona Nonprofits

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Arizona’s General Election Guide
Tired Of Arizona’s Politics As Usual? Vote Yes to Open Elections!

Einstein defined insanity as doing the same thing over and over again and expecting different results. For decades, Arizona’s closed primary system has given us partisan politics controlled by party bosses, lobbyists, and Big Money. We keep electing the same partisan people who keep ignoring the very issues we want them to fix:

- Repairing the Arizona economy, balancing the state’s budget, making our communities safer places in which to live, creating better schools and universities, and making Arizona a better prepared for the future.
- We need problem solvers. We need Proposition 121, the Open Elections-Open Government initiative.
- Closed political primaries shut out independents and severely reduce your options. By contrast, the new open system created by Proposition 121 will give you a choice regardless of your party affiliation. **In open primaries, voters of any party or no party may vote for any candidate.** The two leading vote-getters then advance to a November one-on-one run-off.
- Those who benefit from partisan politics support the status quo. They are the political party extremists, lobbyists, and special interests who donate huge amounts of cash.
- Who supports Proposition 121? Nurses, police officers, the statewide business community, fire fighters, and everyone from CEOs to workers on the frontlines want a process that elects responsible people. We believe it’s time for a new system, one that gives our state new leaders with a renewed focus on what’s important to Arizona and our future. It’s time we end elections controlled by the few who then shortchange the many. It’s time for a more open system.

Please vote yes on Proposition 121. We must break the cycle of partisan politics as usual. We must fix what ails Arizona.

Pete Gorraiz, President, United Phoenix Firefighters
Steve Beuerlein, Executive Vice President, United Phoenix Firefighters Association, Glendale

**Hows That Two-Party Thing Working Out For You?**

Things change. That’s why Constitutions can be amended in the first place. The Founding Fathers were able to anticipate at least that much, acknowledging that they would have no idea what those changes might need to be.

In our republican form of government, it strikes me as unconscionable to pretend to govern under a two-party primary system when the largest (or soon to be) body of voters do not identify with either of the major parties (nor any of the others for that matter). Under current law, the only way that an Independent can vote in a primary is to “pick” one of the parties. Independents have already made it clear that they don’t pick ANY of the parties. That’s why they have registered as “Independents”.

OpenGovernment/OpenElections does nothing to disenfranchise those who want to support candidates from their party. What it DOES do is enfranchise that one-third of the registered voters who up till now have been forced to vote in a party primary, or not vote at all.

Founding Fathers could not have anticipated that Independents would ever comprise such a large block of the electorate. But they did provide for a way to adjust our election system to be as fair and as competitive as possible.

The top-two primary system will restore that fairness. I urge you to vote yes on Prop 121 and allow ALL Arizona voters a more equal voice.

Judith E. Allen, Phoenix

**Vote Yes on 121**

121 is the first step in making sure more Arizonans are involved in the election process. The naked partisanship that is now a traditional part of our process discourages far too many voters and results in our legislators being elected by a tiny minority of voters. This is especially true in primary elections in which the voter registration is so lopsided for one party or the other there is no real competition and no point in voting in an election in which the outcome is very nearly predetermined. We now know, for example, that in our primary elections; State Representatives are elected by a scant 9% of the electorate and our State Senators are elected by only 13% of eligible voters. That is hardly representative government by any standard.

The Open Elections Open Government initiative will cause all candidates to appeal to all voters which will encourage greater turnout in elections that should become more competitive. More voters will get involved and participate in the process and candidates will have to stop their narrow, partisan appeals to a very small segment of the voting population.

If we truly want more people to be involved and help restore confidence in and the integrity of our elections, this is an outstanding way to begin.

Please join us and support 121 and start Arizona on the road to real elections requiring our candidates to appeal to more voters and giving voters the confidence that their needs and issues are also being addressed.

Michael A. Colletto, Glendale

**Yes on Prop 121 to bring the parties back to the voters**

When people ask me what party I belong to, I sometimes find it difficult to say that I’m a Republican. Even though I’ve been registered in the Republican Party ever since I registered to vote, I find that the title no longer seems to represent me accurately. It’s not that I’ve changed my views; my opinions are the same as they’ve ever been. The party, however, has changed so much that it’s hardly recognizable.

The radical folks in our legislature keep getting re-elected because of a system that encourages unrelenting partisanship, and when they get to office, they are so entrenched in their own party rhetoric that they can’t even discuss important issues with the other side. Many radicals are elected by a small fraction of the voters in the primary and go on to win in the general election in districts with a strong majority of the voters registered to one party or the other. We end up with ineffective government, and all because politicians have no accountability to the majority of their constituents or to those on the other side of the issues.

This means that voters like me are left voiceless. I support the Open Elections Open Government initiative, because it will give me back my representation. Anyone who feels that the parties are on a rampage will finally have the ability to vote for the candidate who actually represents them, and not the candidate who managed to attract the most extreme voters in order to get onto the ballot.

Harry Papp, Paradise Valley

**The Professional Fire Fighters of Arizona Support Prop 121**

The Professional Fire Fighters of Arizona, a statewide organization representing first responders, believes that Open Elections Open Government is an important proposition affecting our voting rights.

Arizona’s need for an efficient and effective open and honest government to meet the challenges facing our state. Creating jobs, supporting public safety, maintaining a quality education system, providing healthcare for children living in poverty along with many other issues, need our elected officials working together and with business and community leaders to provide the quality of life we all value and expect.
General Election ~ November 6, 2012

The premise of Open Election Open Government is quite simple. Every Arizona voter gets to vote in every election. No longer will candidates just campaign to a narrow segment of the voting population in taxpayer funded partisan primaries. With Open Elections Open Government all candidates, regardless of party registration, will run on one ballot and all voters will be allowed to vote. Then there will be a runoff election of the top vote getters for each office.

We know that Fire Fighters come in all political stripes. Some are Republican, some are Democrats and many are registered Independents. We want all Arizonans, including Fire Fighters, to become involved in our democratic process from the local to the federal level. And they are more likely to do that if the system is less exclusionary and more open to all voters, regardless of their party affiliation.

Our mission is to protect families across the state. We take that mission very seriously and are dedicated to the safety of the people we serve. And as public servants we value the most open and effective local, state and federal government possible. That is why we so strongly endorse Open Elections Open Government.

Tim Hill, President, Professional Fire Fighters of Arizona, Glendale
Paid for by Professional Fire Fighters of Arizona

Phoenix Law Enforcement Association Supports Open Elections Open Government and Encourages the Passage of Prop 121
Phoenix Law Enforcement Association (PLEA) works to promote the positive role of the police profession and to secure professional relationships with the community and local, state and national governments.

PLEA believes that political support of public safety overrides partisanship whether it is at the local, state or federal level and it is for that reason PLEA is in support of the Open Elections Open Government initiative which will face voters on November’s ballot. Open Elections Arizona will allow voters to vote in every election contrary to the closed primary system which results in a smaller percentage of voters actually participating and deciding elections. Those primary elections typically determine who the winner will be in the general elections.

Currently Independents, who make up one third of the state’s electorate, are subjected to an onerous process to vote in primary elections which has a chilling effect on their participation in the voting process. Independent candidates likewise believe the process of running for office equally challenging and often do not run for elected office for that reason.

Like the people of Arizona that they protect, public safety professionals come from many political ideologies and believe that the people we so proudly safeguard should have full access to the ballot in every election. It is the American way and as such we support the Open Elections Open Government initiative.

William Buividas, Treasurer, Phoenix Law Enforcement Association, Phoenix
Paid for by Phoenix Law Enforcement Association PAC

JON YOUR FIRE FIGHTERS AND VOTE YES ON PROPOSITION 121
Arizona needs leaders driven by solutions not partisanship. The Open Elections/Open Government initiative will give us those leaders. That's why you should vote "YES" on Proposition 121.

The Open Elections/Open Government initiative is simple: In the new open primary system, voters of any party and independents will have the opportunity to vote for any candidate. The two top vote-getters will advance to a November run-off election.

This simple change will reduce the influence of political parties and lobbyists, meanwhile encouraging more independent, solution-minded candidates to seek office. Proposition 121 will empower voters, giving us more and better choices and a louder voice in the election process. No more will partisan primaries - paid for by taxpayers and dominated by handpicked candidates from one party - cater to a small group of voters who pick a winner while shutting out independents and the rest of us.

Think about that: Fewer extremists, more choices. That's why Proposition 121 is worthy of your support.

Please join your Fire Fighters and vote "YES" on Proposition 121. It's time to elect Arizona leaders focused on making Arizona better and solving problems, instead of focusing on their own partisan victories.

Bill Whitaker, Chairman, Arizona's Fire Fighters, Phoenix
Paid for by Arizona's Fire Fighters

Tucson Metro Chamber Supports Prop 121 Open Elections Open Government
The Tucson Metro Chamber is a membership-based business advocacy organization that represents more than 1000 businesses in Tucson and Pima County. Small business makes up approximately 85 percent of Chamber membership, which reflects the overall Tucson area business community.

The Tucson Metro Chamber works to develop a climate in which businesses can create jobs and succeed in a robust economy. The Chamber represents business interests of its members with all levels of government and supports candidates and business-friendly ballot measures such as the Open Elections Open Government Initiative.

Open Elections Open Government will open up the election process by allowing every voter to cast a ballot in every election. Candidates will have an incentive to appeal to a wider range of voter concerns, instead of concentrating only on the concerns of certain factions of the candidate’s political party. The Chamber’s expectation is that the Initiative will encourage our elected officials to work collaboratively instead of in a partisan manner and to focus on important challenges confronting the Arizona economy and business community, rather than on distractive wedge issues.

We believe Tucson in particular will benefit from this election reform since it is the only municipality in Arizona with partisan elections.
Because the Tucson Metro Chamber understands the critical relationship between the political environment and the economy we wholeheartedly support this initiative and urge all the voters of Pima County to vote yes on this significant ballot measure. 

Bruce L. Dusenberry, Chair of the Board, Tucson Metro Chamber, Tucson  
Paid for by Tucson Metropolitan Chamber of Commerce

Michael Varney, Chief Executive Officer, Tucson Metro Chamber, Tucson

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Dear Voter,

I urge you to vote YES on Prop 121 which would allow all Arizona voters, regardless of party affiliation, to engage equally in our primary elections (only exception is the Presidential primary). It’s a good step in the right direction. Here are some reasons to support Prop 121:

- Once passed there will be less confusion and more engagement in our election system – something we truly need.
- Taxpayers would no longer have to foot the bill for partisan primaries.
- Currently more than 30% of all voters – independents or those without party affiliation – are virtually locked out of deciding who will be on the General Election ballot in November.
- Even after redistricting most districts have such lopsided party registration that voters in the "minority" party in that district effectively have no voice.
- With Top Two primaries there’s a better chance to elect a more reasonable candidate who would be willing to work with colleagues to make things happen rather than refuse to work with the other party and further solidify the partisan divide.

We’ve all heard how more and more people feel disenfranchised by government leaders who let partisan politics guide their decisions rather than working together for the benefit of the people.

This proposition would go a long way to rectify that and will certainly help MAKE EVERY VOTE COUNT. Please be sure to exercise your vote on November 6th and make your future votes more relevant by voting YES on Prop 121.

Respectfully,

Brenda Sperduti, Former Candidate, Phoenix City Council, Phoenix

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Arizona voters have long been displeased with their government officials and how they are elected. We tried term limits to bring in fresh blood, public financing to limit the influence of lobbyists, and an independent redistricting commission to create more competitive races. We frequently overrule the state legislature by changing tax rates and altering the budget through initiatives.

Voters are again signaling their discontent by abandoning the two major parties in droves and declining to participate in partisan primaries. Those few who vote in primaries often select the candidate with the most extreme views. The result is elected officials who too often put partisan politics ahead of good government.

Previous efforts to improve elections focused on the candidates, but Proposition 121 empowers the voters. All voters, regardless of party affiliation, will be able to vote in an open primary for any candidate they prefer. Candidates will have to appeal to everyone that they seek to represent, not just the party faithful, giving more reasonable people a chance to win elected office.

Gary C. Woodard, Tucson

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Ultimately this Top 2 initiative is about openness. It opens the selection and election of candidates to the people; it gets political parties out of the formal election process; it prevents political parties giving us "their" candidates and ballots. With the Top 2 initiative, one size fits all. It allows voters to select the top vote getting candidates and have the top 2 face off in the final election. Such is a radical initiative ONLY for those who fear the choices of the Arizona electorate. Vote YES.

Barry M. Dank, PhD, Sociologist, Tubac

Paid for by Arizonans For a Top Two Primary

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In America, it's supposed to be one Person - one vote, NOT one Party - one vote.

Prop 121 restores our Constitutional priorities - individual voters come first, before candidates and political parties.

AzTop2.com for more.

Ted Downing, Former State Legislator, Arizona State Legislature, Tucson

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In support of the Top-Two Primary Initiative
An open primary, as proposed by the Top-Two Primary Initiative, would yield a government that is closer to being "of the people, by the people and for the people".

1) Of the people: An open primary would produce elected officials, who are directly responsible to the voters and not to the parties; thus, a trustworthy government.

2) By the people: An open primary would bring a fuller voter participation in our democratic process by empowering all voters, especially those in the minority living in any of the one-party secured districts; thus, a true participatory democracy.

3) For the people: An open primary would filter out partisan candidates, who hold non-negotiable agendas as their unmoving beliefs; thus a functional government working for the common good.

Ke Chiang Hsieh, Tucson

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Open Elections/Open Government
The Protecting Arizona’s Family Coalition and the PAFCO Education Fund strongly support the Open Elections/Open Government ballot measure.

We believe this election reform will contribute to more open government and less extremist and more moderate legislative candidates and legislators.

- This reform will promote open government and encourage the election of candidates who will work together for the good of the state.

- The purpose of this proposition is to promote open government, to protect and preserve the right of every Arizonan to vote in all elections, and to encourage the election of candidates who better represent all the people of Arizona rather than political parties and special interests.

- With Independents making up one third of the electorate taxpayers should not be forced to pay for political party primaries. OE/OG will make it easier for Independents to seek office.

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

Arizona’s General Election Guide
General Election ~ November 6, 2012

- Arizonans should be able to vote for anyone regardless of their political party and all voters should have the right to vote in all elections.
- Arizona needs to reduce the control of extremists on the right and left and with OE/OG elected officials will focus more on good public policy and less on pandering to extremists on the right and left.
- Combined with competitive districts and clean elections, Arizona can have a legislature that is responsive to the people.

Ann Rider, Vice Chair, Protecting Arizona Family Coalition
Education Fund, Phoenix
Paid for by Open Government Committee

Business Leaders Support Prop. 121

The current process by which we elect our Arizona legislature has created significant negative economic consequences on Arizona. Partisan primaries with limited participation have allowed an extreme minority agenda to direct our state’s actions.

In the past two years, during the toughest economy in our history, Arizona’s brand has been damaged by these partisan extremists who have labeled Arizona, unfairly as a racist, backwards state - guns on school campuses, questioning the President’s nationality, state’s rights and secession while ignoring real issues of the economy and education.

Because of this extreme ideology, they rejected federal dollars that would have come at no cost to Arizona taxpayers, rejecting federal money for unemployment and Medicaid even when the matching dollars were offered by hospitals. Estimates of direct job losses are in the tens of thousands.

Open elections would allow EVERY voter the right to vote in EVERY election. Elected officials would no longer be able to win by addressing narrow minority groups inside partisan primaries. They would be required to talk to people in the other party as well as independents.

To build an economy focused on high-end jobs, we have to abandon the politics of the right and the left and empower private sector forces of innovation and creation, while investing in an education system that provides a solid work force and environment that advances the intellectual capital of a knowledge economy. This will only happen if we support a broader political view than our narrow primary system has fostered.

The Open Elections Open Government initiative has been endorsed by over 50 state business leaders and business organizations including Greater Phoenix Leadership, Southern Arizona Leadership, the Flagstaff 40, the Tucson Metro Chamber, Tucson Hispanic Chamber and other business organizations.

Please join us by voting YES.

Bill Post, Paradise Valley
Paid for by Open Government Committee

Phil Francis, Paradise Valley

Arizona Voters Deserve a Stronger Voice

Arizona is limited to voting only for the major party candidates in state and federal primary elections. In many districts, this practice allows incumbent candidates in non-competitive races to win their office without going to the general election, and disenfranchises thousands of citizens from the process.

Major party candidates in Arizona also have some advantages over independent and minority party candidates to qualify for primary ballots. Elections qualifications need to be the same for everyone running in a primary. Anything less is unfair and against the values of our nation.

Why shouldn’t all Arizonans be allowed to vote for whomever they feel best represents their interests? The elections system needs to be reformed and we have that opportunity with Open Elections Open Government Initiative.

Let’s open up the election system to everyone. Let’s let all voters vote in all elections. And lets make it easier, not harder, for all people to run for office. Vote Yes on Proposition 121.

Larry A. Sakin, Tucson
Paid for by Larry A. Sakin

Dr. Allison M. Pritchard, NMD, Tucson

We can trace part of the extreme partisanship playing out in Arizona politics to issues inherent with our primary election system. If we choose a closed primary system shuts out too many of our citizens, including the growing number of independents who have not signed on to any party platform.

In today’s environment, many of us are looking for community leaders who are willing to place the people of Arizona above any party rhetoric or political maneuvering. Our current partisan primary system often works against finding the best candidate over the best-connected insider who has been courted by PACS and political chairpersons. Elections that begin this way often produce elected officials who are more beholden to party ideology than their constituents—and this is undermining our communities.

While this open primary law won’t fix all of the electoral issues that frustrates us today, this initiative will help ensure that candidates are accountable to ALL of their constituents right from the start—not just the party loyalists and power brokers.

Linda S. Gee, Tucson Realtor, Tucson
Paid for by Larry A. Sakin

Regardless of political party registration, the majority of Arizonans voters do not believe state government and its leaders are representing their moderate interests.

“The Legislature, governor and other top state leaders pride themselves on their conservative politics, but nearly six in 10 Republicans said they would prefer more moderate elected officials. In fact, the vast majority of Arizona voters (67%) – regardless of party – share that sentiment. Arizona Indicators by Morrison Institute (September 2010) poll by: Knowledge Networks Poll.

The Top Two Initiative is designed to meet the majority Arizona voters’ desire to have more moderate elected officials represent them.

Kimberly Ferreira, Arizona Voter, Tucson
Paid for by Larry A. Sakin

Get the Facts about Prop 121 at AzOpenGov.Org

Vote Yes for Open Elections/Open Government

You can tell a great deal about a ballot measure by who is supporting it and who is opposing it.

On the preceding pages you found businesses, community organizations, and community leaders supporting Open Elections/Open Government. Their motivation is simple - a desire to change our current election process that seems to yield little these days beyond partisan sniping and gridlock. Starting out with a small group of volunteers and the goal of opening all elections to all candi-
dates and all voters, they were ultimately joined by a record number of Arizonans—365,486—who signed the petition to place the Open Elections/Open Government initiative on the ballot.

Now turn this page to see who is opposing Open Elections/Open Government. No surprise - - - the politicians who like things just the way they are, the lobbyists who help them control the agenda, and partisan organizations that encourage hyper-partisanship and don’t believe in compromise in order to get things done.

Unable to prevent the measure from going to the ballot, and even seeking to put a competing measure on the ballot to confuse us, politicians and lobbyists now resort to scare tactics and untruths with arguments that just don’t hold water.

So by all means, turn the page and read on. Then get the facts about Prop 121, including detailed responses to each of the opponent’s arguments on the following pages, by visiting AzOpenGov.Org.

This year, Arizona celebrates its Centennial. There is no better time to change the direction we are heading and to take on the partisan political bosses and special interests.

Visit AzOpenGov.Org to find out how you can help make it a reality.

Vote YES on Prop 121.

Joseph F. Yuhas, Open Elections/Open Government Committee, Phoenix
ARGUMENTS “AGAINST” PROPOSITION 121

The Maricopa County Republican Party, through its elected leadership, formally opposes the Open Elections/Open Government initiative. The Open Elections/Open Government initiative would effectively abolish political parties in Arizona by prohibiting them from organizing and nominating candidates for virtually all public offices.

By preventing political parties from presenting their duly nominated candidates to the voters at election time, this initiative undermines freedom of choice for the voters and freedom of association for the people of Arizona.

The Republican Party does not agree with all the principles of minority parties such as the Libertarian and Green Parties, yet believes that their voices are important and if this initiative became law, minor party candidates would not finish in the top two positions and would clearly be cut out of the election process.

The Open Elections/Open Government initiative will make it more difficult to determine a candidate’s position because of the lack of party affiliation and is widely viewed as an incumbency protection act.

Open primaries in other states did not live up to their promises and, in fact, lowered voter turnout, and other feel-good initiatives such as the Independent Redistricting Commission in Arizona have not taken politics out of redistricting as promised, but vastly increased the political partisanship, gamesmanship and bureaucracy.

A general election with two candidates from the same faction with similarly held beliefs would diminish voter turnout through lack of interest. We urge all voters who value choice and diverse points of view at election time to vote against this initiative.

Robert B. Haney, Chairman, Maricopa County Republican Committee, Phoenix

Paid for by Maricopa County Republican Committee

ARGUMENTS “AGAINST” PROPOSITION 121

Dear Voter,

I urge you to vote NO on Proposition 121. The proponents would have you believe that Arizona does not currently have an “open primary” system. This is categorically false. The truth is, independent voters in Arizona have the right to vote at any election for any candidate by choosing a party ballot in a primary election. Proposition 121 repeals that important piece of our Constitution, passed by the voters in law in several areas. As an example, any candidate, under this initiative, is at liberty to identify themselves (within 20 characters) as “whatever” he or she chooses. I find no restrictions for a candidate from not registering as “Endorsed by God” or some other misleading 20 character listing ... this in itself will encourage and lead to an inappropriate drive by a candidate(s) to list themselves as “whatever it takes” to get the vote. I would suggest that this initiative must not have been written by an individual(s) who considered all of the ramifications nor did they have the best interest for the citizens of this great State of Arizona in mind. I strongly encourage you to research the problems that other States have had who implemented such an initiative, read the language of this initiative, freedom of choice for any candidate to freely be a candidate to be listed in public and most of all, understand and evaluate what the consequences may be.

My 30 years in the military defending our great Nation and what it stands for which includes our rights to have a civilizing voting procedure is in jeopardy by this initiative - VOTE NO!

Jan Brewer, Governor, Phoenix

FAIRNESS? If you embrace fairness do NOT vote for this initiative. Top-2 (so-called ‘Open Primaries’) has been strongly opposed in Washington, Oregon and California by many Independents, Democrats, Republicans, Libertarians, Greens and other smaller parties. Some may benefit strategically, but not most of us.

Major parties - Top-2 can create ONE-PARTY controlled general ballots (November election) with only one party represented on the ballot. In the primary, the major parties have suffered in other states from ‘spoiler effect’ by running multiple candidates (splitting votes). To avoid this they have pressured candidates not to run, thereby reducing our choices. Big parties can totally lose their big voice after primaries.

Small parties lose ANY platform to voice their opinions and advance their ideas in the general election. In Washington State smaller parties (and larger) are suing over this issue, claiming it will (or has) almost destroy(ed) their party.

Independents will not make it onto the general ballot (except possibly if they are very wealthy). More money will be needed in the primary than ever before and they are without financial support from a party. As Top-2 has been described as an ‘incumbency protection plan’, Independents are still left out. Arizona should simply ease the ridiculously unfair burden on independents for ballot access (such as reducing the required-signatures needed).

The current system has flaws but Top-2 is even worse. Luckily, there are REAL SOLUTIONS to problems posed by promoters.

In contrast to Top-2, Ranked Choice Voting (RCV) would elect the overall favorite of the people, treating all equally. RCV eliminates spoiler effects, tends to increase turnout and it encourages less polarization. RCV treats everyone fairly and can be used either in primaries or to REPLACE primaries (ultimately saving money).

Consider BETTER SOLUTIONS and REJECT TOP-2. Join FairVote AZ in voting ‘NO.’

Barbara Klein, Chairman, FairVote Arizona, Scottsdale

Joe Cobb, Treasurer, FairVote Arizona, Glendale

Linda Macias, Secretary, FairVote Arizona, Mesa

As a 30 year retired military veteran followed by almost 20 years in the private sector with my wife’s successful business, I feel the necessity to take the time and highly encourage each and everyone one to VOTE NO on initiative known as the “Open Elections/Open Government Act.” As a former Inspector General for our Department of Defense and after reading the initiative many times, I find this initiative flawed in several areas. As an example, any candidate, under this initiative is at liberty to identify themselves (within 20 characters) as “whatever” he or she chooses. I find no restrictions for a candidate from not registering as “Endorsed by God” or some other misleading “20 character” listing ... this in itself will encourage and lead to an inappropriate drive by a candidate(s) to list themselves as “whatever it takes” to get the vote. I would suggest that this initiative must not have been written by an individual(s) who considered all of the ramifications nor did they have the best interest for the citizens of this great State of Arizona in mind. I strongly encourage you to research the problems that other States have had who implemented such an initiative, read the language of this initiative, freedom of choice for any candidate to freely be a candidate to be listed in public and most of all, understand and evaluate what the consequences may be.

My 30 years in the military defending our great Nation and what it stands for which includes our rights to have a civilizing voting procedure is in jeopardy by this initiative - VOTE NO!

Harold B. Richards, Sun City

Frustration. This proposition has sprung up from frustration over ‘extreme’, embarrassing or ineffectual government. Many well-meaning Arizonans support ‘Top-2’ (labeled ‘open primaries’) as an answer, stating it will elect more ‘moderates’ but what we need is government representing MORE people and removing stumbling blocks to civil cooperation.

Joseph B. Dunning, FairVote Arizona

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

Arizona’s General Election Guide
Frustrations are understandable, but NOT this Top-2 answer. Better answers exist. Negative results are a sure-thing and claimed promises have not materialized in other states. Some major concerns are below (background report at www.lwwaz.org).

1. General elections in some areas will have NO CHOICE of a different party – meaning ONE PARTY control.
2. Top-2 will keep all minor party candidates (and probably Independents) off the general election ballot – no voice, no platform to even discuss ideas.
3. Voter turnout will DECREASE for November election – especially with only ONE PARTY options. Supporters suggest it will increase turnout in primary, but the first California Top-2 primary in June showed the opposite, resulting in dismal turnout (worst presidential primary since early 1950s).
4. The Arizona proposal is the worst of available models. It is not a true ‘open primary,’ which might have some advantages.
5. The ‘spoiler effect’ remains. Supporters claim having only two candidates advance to the general election; ensures a majority vote without spoiler effect from third candidates. However, as the California election just showed, ‘spoiler effect’ in the primary would be alive and well – and devastating.
6. There ARE solutions to election structure in Arizona. Just not this! Some might include: easing independent-candidate ballot access; repealing ‘sore loser’ laws; allowing cross-filing, a true open primary, and ultimately using Ranked Choice Voting (RCV) as our election system. RCV solves many of the stated problems and gives voters more voice – instead of less.

Vote NO on this painfully WRONG APPROACH.

Barbara Klein, President, League of Women Voters of Arizona, Scottsdale
Paid for by League of Women Voters of Arizona

Open Elections/Open Government has good intentions, in the minds of its proponents, but has too many unintended negative consequences for this voter to support it.

Under our current primary and general election system, the election departments of county government handle balloting and counting with no direct charge to the participating political parties in the primaries.

With OE/OG, the government is not allowed to assist with those party primary elections at any net cost to the taxpayers. It remains to be seen whether the parties can contract with the county elections offices to provide ballots and counting due to the outright ban in the proposition language, including any form of subsidy (such as use of high speed ballot scanners).

That really bothers me because it leaves parties to figure out how to nominate their candidates, and without the readily available tools at county election departments to do it fairly and above suspicion. At the May 2012 Arizona Republican Party state convention, balloting for delegates to the Republican National Convention was a disgrace, with all kinds of irregularities, and they did not even complete the election of National Committeewoman. Maybe they’d eventually get their act together, but recent performance is not encouraging. For that reason alone, I oppose OE/OG.

In my opinion, it is also unfair to a party that does conduct its own nominating process that someone who did not win the party’s nomination can still run in the open primary as a member of that party, despite not being that party’s chosen nominee. That is too confusing to voters in the primary.

Scott H. O’Connor, Paradise Valley

The fact that the Arizona Republic has unleashed its liberal brigade in a united effort to obstruct voter’s choices is the clearest indicator of the importance of this initiative to the left. It is, in fact, a very bad idea. We recommend a NO vote.

The country is suffering through one of the greatest Constitutional crises in our history because our representatives in congress passed the Health Care Act while not knowing what was in it. This initiative is similar in that regard.

A great number of United States citizens call ourselves political conservatives because we believe in preserving that which is good in our culture and welcoming the new when we are convinced that the new policy will truly advance the common good for all citizens.

That is why we cherish our Constitution so greatly and are dismayed at how ill-conceived new ideas have so disabled the founding principles our forefathers enshrined in the Constitution to direct us. Likewise, we are gravely concerned about the problems inherent in this initiative. For example, how will partisan precinct committee members be elected in non-partisan elections? Will another unelected committee decide?

The game is in the initiative’s name ‘Open Election/Open Government.” Names chosen for their appeal to focus groups i.e.: Independent Redistricting, Judicial Merit Selection and Clean Elections, do not consider the electorate’s best interest - rather theponent’s special interests. Our free and Constitutional elections should not be undermined by zealots seeking to ream the process put in place by our nation’s Founders.

We have an excellent system now for electing our candidates which has stood the test of time for a hundred and fifty years. It would be foolish to throw it all away on a whim from someone’s political grab bag. Please vote NO.

Rob Haney, Precinct Committeeeman, Phoenix
Mary Haney, Precinct Committeeeman, Phoenix

Why you should vote NO:

1. Under this initiative, candidates will be able to SCAM the voters. Long-time election officials confirmed to me that if this ballot measure passes, a candidate can register with any 20 character description and it will have to be printed on the ballot. A liberal candidate could identify themselves as “Reagan Republican” in a Republican-leaning district and a conservative candidate could identify themselves as “Endorsed by Gabby” in a Democrat-leaning district. A candidate could even identify themselves as “Veteran” or “Fire-fighter” even if they aren’t.

2. This initiative could PREVENT whole blocks of voters from voting for someone from their own party in the general election. Many legislative districts are heavy Republican or Democrat leaning. In a heavy Republican-dominant district it is likely a registered Democrat wouldn’t even make it to the General election. Conversely, a registered Republican likely won’t make it to the General election in a Democrat-dominant district, leaving thousands of voters with no one from their party to vote for in the general election.

3. Third party candidates, like Libertarians and Green Party candidates, won’t even have a chance. Now at least, they make it to the general election ballot.

4. The non-partisan Joint Legislative Budget Committee has determined that, if passed, this ballot measure will cost the counties an additional $440,000 to $2 Million. That means counties will likely have to raise taxes or cut services to pay for it.

5. This proposal hasn’t worked well in any state where it has been tried. Which leads me to wonder why the backers of this initiative spent nearly $1 million just to get it on the ballot and will likely spend millions more just to convince you this is a good idea.

Debbie Lesko, State Representative, Arizona House of Representatives, Glendale

Paid for by Re Elect Debbie Lesko

Spelling, grammar and punctuation were reproduced as submitted in the “for” and “against” arguments.
General Election ~ November 6, 2012

While Arizona Advocacy Network agrees with the authors of this proposition that Arizona’s election system should be reformed, this constitutional amendment has serious flaws. First, it could lead to general elections that narrow the options of voters to 2 candidates of the same party. Imagine a general election featuring only two Democrats in East Mesa or only two Republicans in Tucson. This type of scenario has happened in California, which passed a similar measure in 2010. Under this system, voters are less likely to find independent candidates on the general election ballot, thus reducing public debate and voter choice. This system will also protect incumbents because they have the advantage of high name recognition and fundraising contacts. Campaigns will rely more heavily on big money interests and might lead to a less accountable and less responsive government for the people. There are better ways to improve our primary elections without reducing voter choice in the general election for our federal, state, county and local officials. Arizona Advocacy Network urges you to VOTE NO on this ballot measure to preserve voter choice and to work with us to reform our electoral system for the benefit of you, the voter. Get more information about all the propositions and us at www.AZadvocacy.org.

Doris Marie Provine, President, Arizona Advocacy Network,
Tempe
Paid for by Arizona Advocacy Network

Elizabeth Enright, Secretary, Arizona Advocacy Network,
Scottsdale

Vote No on the Prop 121 – Open Government

The Home Builders Association of Central Arizona respects the opportunities for all the citizens of Arizona to engage in the political process which encourages participation by the voters of Arizona. This encourages a debate that ensures that issues that are important to the citizens of Arizona are addressed through their informed vote at the ballot box.

Unfortunately, we believe Prop 121 may have the opposite effect.

Prop 121 will allow all Arizonans, regardless of party affiliate, to vote in a single primary election for the candidates of their choice with the top two vote getters advancing to the general election. This ballot measure eliminates the current system of party affiliation and leaves third party candidates struggling to compete with major party candidates to advance to the general election. Candidates may chose to leave their party affiliation off the ballot leaving the voters unformed as to a candidate’s basic fundamental beliefs. This may result in candidates who voters know little about with respect to their underlying beliefs or agendas advancing to the General.

Arizona has had a number of ideas over the years that will “fix” our political problems like clean elections, restricting contribution limits, and redistricting, yet we still have them. Prop 121 is another ill advised political experiment that will damage Arizona and further reduce voter turnout.

Vote No on Prop 121

Connie Wilhelm, President, Home Builders Association of Central Arizona, Phoenix
Paid for by Home Builders Association of Central Arizona

Spencer Kamps, Vice President of Legislative Affairs, Home Builders Association of Central Arizona, Phoenix

I have run for public office five times in Arizona. Each time I have run as a third party candidate with very little chance of being elected to office. Yet I have run. Why? Because the election process isn’t just about winning and losing office. It’s about a marketplace for ideas. In each of those elections I have debated my opponents, both Republicans and Democrats. In those debates my opponents have been observant. They’ve used the public response to new ideas. When I have proposed new ideas that voters have responded favorably to, my opponents have taken notice. Next thing you know, those ideas have been picked up and included in their platforms.

That’s the way the process works. Third-party candidates insert different and sometimes better ideas into the political debate. This process is not bad. It’s good. This is a fusion of ideas. All of the ideas come together. This is what Libertarians and Greens and other third party candidates consider winning. The election process is a marketplace of ideas; and winning is about more than just being elected to office.

The adoption of the proposed initiative would effectively eliminate third-party – Libertarian, Green, and Americans Elect – participation in this fusion process. It would be the worst thing that could happen to the incorporation of new ideas and solutions into the political process.

Warren Severin, Phoenix

The Maricopa County Libertarian Party opposes this proposed Amendment to the Constitution of Arizona. Enactment of this act will not provide the voter with more choices in the general election. In fact, the only choices in the general election will be two choices for each vacant seat.

It also does not abolish taxpayer funded primary elections. The taxpayers will still be paying for a primary election. The only difference is that there will be a maximum of two parties represented in the general election.

This could, and probably will in some cases, result in 2 candidates of the same political party opposing each other in a general election. Under the current system the number of choices in the general election is only restricted by the candidates that win in the primary election of each recognized political party, and “independents” who qualify for the general election by collecting enough valid signatures.

Bill Barker, 1st Vice-chairman, Maricopa County Libertarian Party, Phoenix
Paid for by Maricopa County Libertarian Party

Joe Cobb, Treasurer, Maricopa County Libertarian Party, Phoenix

"Open Government Initiative" is nothing of the sort. If truth-in-labeling were required, "Incumbent Protection Act" might be a proper title, and fewer choices for Arizona voters will be its effect. After all, who but those who wish to reduce your choices would spend over half-a-million to pull this bait-and-switch on the voters? The public won’t be told who actually paid for this, because vast majority of the spent money has been borrowed, and the required campaign finance disclosures won’t tell you in time who is actually paying the way – but you can bank on the fact that they are NOT doing it so that you will have more say in government. Once again, heads, they win, tails, you lose. Vote NO on limiting your general election choices!

Warren Severin, Chairman, Arizona Libertarian Party, Scottsdale
Paid for by Arizona Libertarian Party

Joe Cobb, Treasurer, Arizona Libertarian Party, Scottsdale

"TOP 2" PRIMARY: HARMFUL TO THE FUTURE OF ARIZONA’S ELECTORAL PROCESS

If passed, the “Top 2” Primary will adversely and irreparably alter Arizona’s electoral process to the detriment of the citizens of our state.

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

Arizona’s General Election Guide
It will limit choices. Under the current system, political parties are free to field as many candidates as they wish with the understanding that only one of them will proceed to the general election. Under the new system, only one candidate will be nominated for fear that support would be split preventing any of their candidates from making it to the general. This will effectively exclude a significant amount of potential candidates from seeking public office which will leave voters with fewer options when selecting their representatives.

It will hurt ethnic minorities. Under the current system, Arizona’s ethnic minority voters may join whatever party best represents their political leanings, thus assuring representation in the general election. Under the proposed system, minority voters will be at a disadvantage when trying to advance their candidate of choice to the top two. In Arizona, the effect will be an institutionalized suppression of Latino candidates and votes.

It will decrease voter turnout. As we saw the “Top 2” Primary dramatically reduce voter efficacy in California, it has been proven that this system yields a remarkably lower turnout. This makes logical sense as the first and second finishers are likely to have similar or even indiscernible political platforms. With no significant policy or philosophically based differences between the two candidates, the desire of voters to participate in the general election will be considerably diminished.

Respectfully submitted by:
Reymundo Jiménez Torres, President, The Arizona Latino Republican Association (ALRA), Mesa
Jose N. Borrajero, Communications Director, The Arizona Latino Republican Association (ALRA), Mesa
Paid for by The Arizona Latino Republican Association

The supporters of Prop 121 say that this initiative will solve all of Arizona’s political problems. Here’s what they won’t tell you: Prop 121 gives power to political operatives and special interests
Because Prop 121 sends the top two vote recipients to a general election, political operatives and special interests will likely run “sham” candidates to split the other candidates’ votes.
Prop 121 limits your choices
Prop 121 would allow a political party with a small number of voters in a legislative district to win a seat by running one candidate while the other parties run several, splitting their party’s vote. Thus, a heavily Republican district would be represented by a Democrat, or vice versa.
It disenfranchises voters
Prop 121 removes the statutory requirement that legislative vacancies be filled with a member of the same political party, disenfranchising those voters who successfully elected a member of their preferred political party.
It creates opportunities for identity theft
Prop 121 will make your personal voter registration information available to anyone.
It increases the likelihood of election fraud
Prop 121 allows polls to be staffed by one party only, making it easier for that party to tamper with ballots or election results.
Andy Biggs, State Senator, Majority Leader, Arizona State Senate, Gilbert

DO NOT BE MISLED!
This proposal has many very bad consequences:
1. It greatly limits your choice of candidates. In some districts Republicans will either have to vote for one of two Democrats or not vote in a race at all and vice versa. Third party candidates will be shut out of the general election process entirely.
2. Campaigns will be longer and more expensive because this proposal effectively requires candidates to run in a preliminary general election to be one of the top two to run in the regular general election.
3. “Ringer” or “spoiler candidates” will be used by political insiders in order to split the other party’s vote in the primary and manipulate the election outcome.
4. Because the proposal is not an open primary, back room party endorsements and big money donors will have greater influence over candidates who will need more money to run.
5. If this passes, the requirement that vacancies in state and legislative offices be filled by a person of the same party will be gone.
6. ID theft is likely to increase because personal voter registration list information will no longer be limited to recognized political parties. Anyone will be able to get it.
7. For many years Arizona election law has wisely required that both major political parties be represented by poll workers and election observers in order to avoid election fraud. If this proposal passes that requirement is gone.
8. A decrease in voter turnout has resulted in the two states that have recently adopted this proposal and Louisiana is the only state to use this approach for more than a few years.
Steve Pierce, President of the Arizona State Senate, Phoenix

Join Arizona Voters and SAVE OUR VOTE! VOTE NO on the Top Two/Jungle Primary Initiative!
Seems ironic that the Top Two Primary initiative is being promoted as Open Government/Open Elections. Who doesn’t want Open Government and Open Elections? But like many initiatives, titles are chosen carefully to confuse and deceive voters and this title does just that.
Here are some things you need to consider. The initiative states...
• It will provide “more choice to all voters.” FALSE. It actually decreases YOUR choice. The two top vote getters in the primary will advance to the general election regardless of party affiliation. So in the general your choice may be between two Republicans or two Democrats. This limits the debate of ideas and disenfranchises voters.
• Will increase voter turnout. FALSE. States that have implemented this have actually seen a DECREASE in voter turnout.
• Will not diminish our current political parties. FALSE. Candidates would be permitted to list ANY description of their choosing as their official party, which would be very confusing to voters.
• Will make it easier to vote out incumbents. FALSE. In states that have the top two structure incumbents are rarely replaced.
General Election ~ November 6, 2012

• It’s a grassroots effort. **FALSE**, Special interests have spent nearly $1 Million to gather the signatures to get this initiative on the ballot.

When failed politicians and special interest can’t win at the ballot box they work the system to try and change it to their advantage. This is exactly what this group is trying accomplish. It’s up to us, the voters of Arizona, to say NO we will not tolerate these types of shenanigans.

**SAVE OUR VOTE. VOTE NO!** Visit www.SaveOurVoteAZ.com and www.StopTopTwo.org for more information.

Lisa Gray, Chairman, Legislative District 21 Republican Committee, Sun City
Paid for by LD21 Republican Committee

The Open Primary Initiative is an open invitation to disaster. It will not do what it promises, but will, instead, make matters worse. First, we are told it will increase voter participation. **False.** No state with an open primary has seen increased voter turnout because of open primaries and who are they to tell me how or when to exercise my right to vote? Second, we are told we will see better candidates to choose from in a General Election. That has not proved true. In Egypt, extremist candidates from the Muslim Brotherhood and a former official from the last dictator’s regime made it to the General Election out of an Open Primary. Think it can’t happen here? In Louisiana, voters got to choose between a Grand Wizard of the KKK and a crook later indicted for racketeering. So much for the wonders of an Open Primary. What this will do is take away our right to vote for whom we want in a General Election. It guarantees third party candidates and Independents will never appear on a General Election Ballot because the initiative mandates that only two candidates can appear on the ballot. What we will see is the cost of a primary campaign go up because candidates will have to send mail or make phone calls to every voter and not those who share their philosophy of government in their particular political party. When costs to campaigns go up, who gets to choose who the candidates are? - Those who have the money and the organization to influence voters. Yet we are being told that this initiative will reduce the influence of special groups. Even though it will also make it easier for incumbent officials to win, I’m still voting NO and encourage you to do the same.

Bill Montgomery, Maricopa County Attorney, Gilbert

Please vote NO to stop the so called “Open Primary.”

Proponents have promised more moderation in our elected officials, less influence of money, including “special interest” money, and more participation by voters.

None of these things are likely to occur; indeed it is likely just the opposite will occur. Indeed, our politics will be more fractured as only the most strident voices will be likely to capture the intensity of their committed voters in multiple candidate elections. Think Italy, Greece, and Egypt.

As candidates are forced to run election campaigns that require messages to the whole body of voters twice, a premium will be put on fundraising to finance the higher number of voter communications. This will increase, not decrease, the influence of those with money.

As party identification becomes less important, fewer people will be engaged in a process of government that has served as a force for stability in our country since its founding. Indeed, lower turnouts have in fact been witnessed in jungle primary states.

This time please tell the “reformers” NO: our country and our state don’t need more polarization, more special interest money, and fewer incentives to participate in our election process.

Please vote NO.

Steve Twist, Scottsdale

**SAY NO TO TOP TWO!**

Arizona’s democracy is under attack by the so-called “Open Elections/Open Government” initiative, sometimes called the “Top Two Primary.” The fact is that this initiative is just another political scheme calculated to take over Arizona government by making it harder and, for voters in many areas, impossible to elect the candidates of their choice.

This initiative will turn Arizona’s elections inside out by requiring candidates to run in third-world style “jungle primaries.” This system will wreak havoc on Arizona voters. For example:

**The most extreme candidates (left and right) will win.** Under this system, voters in Louisiana sent former Ku Klux Klansman David Duke to the general election. Political parties, candidates, and special interests will run sham candidates to help elect extremists.

• **Independents and third parties will be statistically prevented from advancing to the general election.** Current law allows independents and third parties to appear on the general election ballot. Because political parties will dominate the “jungle primary,” independents, libertarians, greens, and other third parties will most likely never advance to the general election. Voters will have fewer choices in the general election!

• **Minorities will lose the right to elect minority candidates.** Fifty years of progress under the Voting Rights Act will evaporate under this proposal. It will be harder for voters in minority districts to elect minorities to office because several minority candidates will dilute and split the vote, allowing one or two non-minorities to advance.

The Top Two “jungle” primary will result in fewer choices where it matters the most, in general elections, and allow the most extreme candidates to win. **Say no to this election scheme. Vote NO on Top Two!**

Michael T. Liburdi, Attorney, Scottsdale

Electoral science has mathematically proven – and real-world experience has confirmed - that our current voting system, plurality voting, is a very poor way for voters to choose representatives. It gives us few choices and often allows less-preferred candidates to be elected over more-preferred ones. However, Top-Two Runoff is not the reform we are looking for. It doesn’t fix the worst problems of plurality voting and it has theoretical problems of its own. Much more robust voting systems have been discovered, including Approval Voting, Score Voting, Majority Judgment, and Condorcet Voting. We recommend voting against Top-Two Runoff and instead working toward the day we can implement a modern election method that is truly a step forward.

There is one interesting side effect of this act. The way it is written, it eliminates the constitutional requirement for every election to have a primary and replaces it with a primary structure only for partisan primaries. This would mean that cities would, for the first time, be constitutionally permitted to try one-round election systems such as Approval Voting, Score Voting, Majority Judgment, Condorcet Voting, and Instant Runoff in local, nonpartisan elections. While this would be a very positive development, we do not believe that passing Top-Two Runoff is the ideal way to achieve it.

Andre Jennings, Mesa
Drexen Davis, Mesa
Kory Langhofer, Phoenix

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

Arizona’s General Election Guide
the “Playoff” for the General Election “Championship”. This change to the Arizona State Constitution would replace our political “Playoff” system with the equivalent of the BCS System, a step backwards!

Furthermore, the General Election would offer ONLY two candidates; all others will be EXCLUDED! Wealthy donors will back the two most similar candidates from the dominant party in the new Open (Primary) Election, leaving voters without any choice of meaningful distinction in the General Election. For Example, a dominant Republican district (like CD6) would promote David Schweikert and Ben Quayle to the top two positions for the General Election. How will Democrats feel, if they have only two Republicans from which to choose and no Democrat? Similarly, if David Shapira and Kyrsten Sinema are promoted to the General Election, how will Republicans in that District feel about their lack of choice? Other parties, such as Libertarians and the Green Party will NEVER see one of their candidates emerge as a choice; whereas, candidates from EVERY Party may appear in our current General Election!

Freedom of Choice. It’s what Americans possess in abundance over every other nation on earth. We have more TV Channels, more brands of cars, Fast-food restaurants, and even catsup anywhere than anywhere else.

Why would anyone want to change our AZ Constitution to REDUCE our number of choices at the Ballot box?

Please vote NO on this most UN-Democratic of measures!

Daniel J. Grimm, Mesa

“Open Primary” guarantees a “closed” General Election

The Arizona Green Party (AZGP) recommends a “NO” vote on the “Open Elections/Open Government Act”, an initiative that amends the state constitution. We have partisan primaries here in Arizona so that party members may elect candidates they believe will best represent their interests/values in the General Election. And, Arizona’s Open Primary Law allows registered Independents/Party Not Designated voters and members of a party without ballot recognition to vote in the partisan Primary Election of their choice (the exception being the Libertarian Party, which has a closed Primary). Since the majority of Legislative Districts (28 out of 30) and Congressional Districts (8 out of 9) are either “majority-Democrat” or “majority-Republican”, this initiative cannot guarantee “a level playing field for all voters and candidates”. In those “majority” districts, the top 2 candidates moving on to the General Election could be from the same political party. Alternative party (Americans Elect, Constitution, Green & Libertarian) and Independent candidates would essentially be eliminated from the General Election. Historically, voter turnout is generally higher in the General Election than in the Primaries, yet this initiative reduces the choices that voters have in the General Election to only the “Top Two”. This initiative will not save taxpayer dollars, since there will still be a Primary Election. This initiative cannot guarantee that only “moderate” candidates will move on to the General Election. Similar laws already exist in California, Louisiana & Washington State with no evidence of a moderating influence. Arizona voters deserve more choices, more options during the General Election, not fewer. Vote NO on the “Open Elections/Open Government Act”. Visit http://azgp.org, to learn more about the Arizona Green Party, and our position on other ballot measures. Thank you.

Angel Torres, State Co-Chair, Arizona Green Party, Phoenix

Linda Macias, 2nd Vice Co-Chair & Assistant Treasurer, Arizona Green Party, Mesa

Paid for by The Arizona Green Party

Ranching Families Oppose Proposition 121

Proposition 121 is another failed election reform. It will require Arizona to conduct elections like they do in California. It will remove your opportunity to vote in your selected primary for your selected candidate. In rural Arizona we work hard for the leaders we support – no matter which political party they belong to. Our current election system only needs more active and hardworking voters it does not need another failed California reform.

Please vote NO on Proposition 121!

Norman J. Hinz, President, Arizona Cattle Feeders’ Association, Phoenix

Patrick Bray, Executive Vice President, Arizona Cattlemen’s Association, Phoenix

Paid for by Arizona Cattlemen’s Association

“Open Elections” is Anything But

Another quick-fix scheme for everything that supposedly ails us is on this year’s ballot. Its proponents call it “Open Elections.” Detractors call it the “jungle primary,” because it’s dark, scary, and dangerous.

Unfortunately, we don’t have to guess at the consequences. California adopted this scheme and had its first “open primary” this spring. It was a disaster. California’s experience suggests that a more truthful name for this proposition would be:

The Choice Suppression Act: In the general election, voters get only two choices, no matter how many candidates want to run. Many times they will be from the same party. In California this November, in one of every five elections both candidates come from the same party, meaning no real choice for voters.

The Incumbent Protection Act: No surprise that incumbents with high name identification fare well in the first round. As a result, in California every single incumbent advanced to the November election, all but four placing first in the opening round.

The Abolish Independents and Third Parties Act: Only 7 candidates who are not Democrats or Republicans will be on the California ballot this fall—compared to 125 two years ago. Want to vote for an independent, Libertarian, or Green Party candidate? Forget it.

The Political Manipulation Act: Powerful and well-funded candidates scam the system by aiding the primary candidate who will be their weakest opponent in the general election.

No one loves our current electoral system. But everyone treasures our democracy and the fact that every November, in most elections we have a choice among Democrats, Republicans, independents, and third-party candidates. If we junk that system in favor of this latest utopian scheme, we will regret it. Let’s keep this bad idea on the California side of the border: vote no.

Clint Bolick, Goldwater Institute, Phoenix

Paid for by Goldwater Institute

Arizona’s General Election Guide
This amendment would encourage mischief by allowing candidates to hide their position on the issues from the public, ruining every voter’s chance to learn more about candidates they prefer. And candidates could potentially switch parties at the last minute, or even conceal their party affiliation, further alienating voters. This proposal demeans the rights of people to associate with and select candidates who share their views, and tramples upon the rights of all voters to nominate the leaders of their choice.

Tom Morrissey, Chairman, Arizona Republican Party, Phoenix
Paid for by Arizona Republican Party

I urge voters to see through the myths of the so-called Open Elections, Open Government or “Top-Two” measure. It’s more accurately described as creating a “Jungle Primary.” Focus on the facts. The facts are that the Jungle Primary initiative is nothing more than a series of empty promises that will decrease voter choice and increase the influence of special interests, among other devastating and even unknown consequences.

Myth: Jungle Primary will increase voter turnout.
Fact: The 2012 California election with the same open primary system resulted in the lowest voter turnout in decades. To claim Jungle Primary will increase voter turnout is simply not true.

Myth: Jungle Primary will increase voter choice.
Fact: In California’s Congressional District 31, a district where Democrats hold a voter registration advantage, the recent primary election saw four Democrats and two Republicans on the ballot. The result? The four Democrats split the Democratic vote and the two Republicans advanced to the General Election. The Jungle Primary actually limited voter choice because two Republicans will be the only choice in the General Election. Many voters in that district won’t have the choice to vote for someone who shares their values. Jungle Primary is no choice at all.

Arizonans are smart enough to see through the empty promises of Jungle Primary. Say NO to Jungle Primaries. For more information, visit avoteerguide.com.

Cathie Herrold, Esq., President, Center for Arizona Policy, Phoenix
Paid for by Center for Arizona Policy

VOTE NO on Open Elections/Open Government

My Father used to say, "Don't fix what's not broken". Bad legislation and bad initiatives often masquerade under the banner of a noble cause. This extreme initiative is called Open Elections, Open Government and sounds so good. But it's NOT. Those in favor of this proposal suggest that under our current system independent voters are disenfranchised. They are NOT. In fact, independent voters enthusiastically vote in Arizona primary elections. According to the Arizona Secretary of State's 2010 Primary Election Official Canvass, independent voters cast their ball in the party of their choice.

This initiative weakens and destroys Arizona's third parties and unfairly limits voter choices to only two candidates in the general election. For Open Government, this proposition falsely leads one to believe it will affect the way government operates; it has no effect on governmental operations. Misleading? You bet.

VOTE NO - don’t be fooled by this tricky proposition or extreme marketing techniques. Visit: www.notoptwo.com for more details.

Ronald Ludders, Chairman, Safeguard Arizona's Future, Phoenix
Paid for by Safeguard Arizona's Future

DON'T BE Fooled by “OPEN GOVERNMENT/OPEN ELECTIONS” TERMINOLOGY!

You will fall for the falsehoods promoted by the proponents of this initiative if you don’t look further. What this scheme really does is eliminate the current successful primary system we've used for decades.

The current system allows like-minded people to unite behind candidates which best represent the voters point-of-view most effectively. It also allows for an effective vetting process and critical support system for the selected candidate. Under the current system, voters have multiple choices during the general election. These many candidates represent a wide variety of political opinions. (THIS INITIATIVE CHOKES VOTERS DOWN TO ONLY ONE OR TWO POINTS-OF-VIEW!)

The proposed initiative eliminates our vetting process in place and would be the death-knell for all but the two largest parties. This would eliminate the voice of everyone else. This questionable initiative shifts political power from the hands of the voter to those candidates who cater to big business. Because of the funding, big business decides which two candidates advance to the general election.

The two-top tier candidates could even be from the same political party, eliminating your freedom of choice and association! PLEASE VOTE NO and visit www.notoptwo.com for details.

Bob Stannard, Chairman, Southwest Solutions, Phoenix
Paid for by Southwest Solutions

NOT GOOD FOR ARIZONA

THIS IS NOT A GRASS ROOTS EFFORT but rather politics as usual by those that can’t win straight-up elections, so they resort to manipulating the system. With nearly one million dollars spent gathering signatures by paid out-of-state solicitors, please don’t tell voters this is a grass roots initiative. In fact, big business, big labor, academia, and big money injected huge amounts of cash into this effort with plenty more on the way.

In 2008, in the heavily Democrat State of Oregon, voters soundly REJECTED their own top-two initiative 66% to 34% because the truth was revealed by the media. With an initiative so soundly defeated in Oregon why would big business, big labor, academia, and big money even try to introduce it in Arizona? Interesting question, interesting answer... follow the money.

VOTE NO to big money interests.

Beth Jamison, Chairperson, Arizona Citizens for Honest Elections, Phoenix
Paid for by Arizona Citizens for Honest Elections

The title is very deceptive. So who/what's behind a Top-Two primary system?

Donors and backers look like the Who's Who of the Arizona elite. Those with money and those in power are changing the election system to manipulate the outcome of our elections to keep themselves in power. It’s an attempt to diminish the average citizen's voice in choosing candidates to represent them in all levels of Arizona and AZ representation in the federal government.

Just look at the results in states that have already implemented this system. In Louisiana, the state with the longest top-two record, the voters have only been able to unseat 1 incumbent under top-two. For a brief time they discontinued the use of top-two and when voters unseated 5 incumbents the legislators quickly put top-two back into place in fear of their own election defeat. The Washington State Democrat chairman says he has to talk to candidates to convince them NOT to run in order to increase the chances of
democrats appearing on the general election ballot. Most recently in California the number of voters turning out for the primary election actually decreased, rather than increase as the initiative promised.

And that may be the key. It isn’t the voting system that’s broken; it’s the lack of discussion between candidates that fails to energize voters to get to the polls. The elitists know this. In a promise to produce more “moderate” candidates, what will motivate voters to actually get out to vote. Nothing! If electing candidate A over candidate B produces the same type of results then it doesn’t matter which candidate gets more votes, the voters end up with the same politician that won’t truly represent them in government.

To keep your voice in elections, vote NO.

John Hedgmeth, Chairman, Arizona Teachers Association, Phoenix
Paid for by Arizona Teachers Association

Here’s a preview of the “new and better” way to conduct primary elections in Arizona. This same scheme of primary elections has been tried in various states with the same disastrous outcome - confusion, exclusivity and failure.

In California, the initiative was recently passed and employed for the first time in 2010. The outcome was 6% of the ballots cast were disqualified because voters were confused with the process. California experienced the lowest voter turnout in its’ entire history.

Washington state has fallen prey to this gimmick and has resulted in the transformation into the second most partisan election in the country - second only to California! In Washington, as a result of (123) state legislative races, (8) state office races, and (8) U.S. House races, only (1) incumbent lost!

Oregon has also dabbled with the prospect of this shrewd destroyer of popular vote, but the voters refused to be duped and DEFEATED the ballot measure.

Given the startling outcome of this contorted scheme in ALL other jurisdiction in which it was instituted, can it not be fairly inferred that the same tragic outcome awaits Arizona if it adopts this system? Is it not a telling story that all of the former candidates who have shoveled huge sums of money into this disaster in the making have, in fact, LOST an election under the current system? Apparently, they feel if you can’t win the elections governed by current rules - CHANGE the RULES!

I could go on endlessly about the travesty which this un-needed change promises to bring to the great state of Arizona, but it is clear from the tried-and-failed history of this system that it should be STOPPED in order to ensure that fair and legal election procedures continue to be followed here.

Roger Hesketh, Arizona Vietnam Veteran, Scottsdale

Open Primary: The Wolf In Sheep’s Clothing
The claims sound appealing but let’s check under the hood before we buy.
The legislative analysis C-03-2012 is revealing. (http://azleg.gov/alispdfs/Council/2012BallotMeasures/Adopted_C03-2012.pdf)
The number of candidates who appear on the general election ballot would be limited to the two who receive the most votes. In order to win, candidates would have to put forward only those views that appeal to the middle of the road voter. Candidates representing a wide spectrum of ideas enrich the American political debate and the all deserve representation in the general election. The Top Two system denies these candidates a place in the general election, diluting the promise of free speech for all.

A funding source hasn’t been identified. States using this system have experienced increased cost for primary elections.

If no party preference is declared on a candidates registration form, no preference would be listed on the petition and ballots. Party preference may or may not appear on the ballot. Party affiliation tells us something about the candidate; voters deserve to have this information.

When registering to vote, voters would be allowed to state any party preference in their own words and would not be limited to selecting from a list of recognized political parties or affiliations. This is a recipe for chaos! If we make a change let’s be sure it’s for the better.

The proposition leaves to future Legislatures and governing bodies a number of issues, i.e. access to the voter database, handling vacancies, percentage of votes that will determine the number of petition signatures required to qualify for the ballot. These items need to be settled before we vote on it.

The Department of Justice must pre-clear any changes. “We the people” would not have much power to change the system once in place.

Cherie Scott, Avondale

OPPOSE Proposition 121 The so-called “Open Elections/Open Government Act” Initiative
Don’t be fooled. This initiative effectively blocks candidates who are not Republican or Democrat from making it onto your General Election ballot. Smaller parties and Independent candidates will not have the votes needed to make the “top two” and will not have the opportunity to win. Even worse, they won’t even have the opportunity to try to win. Americans love choices and we ought to have lots of them, especially in our politics and candidates. Telling Arizonans that they are only allowed to have two candidates to choose from is un-American. This initiative discriminates against smaller parties and Independents. It actually will discriminate against Republicans and Democrats too. Because most districts are very Republican or very Democrat, voters in those districts will have two candidates from the same party to choose from. In roughly 20 of Arizona’s 30 legislative district, you won’t even have two parties to choose from, so Democrats in Republican districts will only have two Republicans to choose from and Republicans in Democrat districts will only have two Democrats to choose from.

This initiative will decrease voter turnout. Arizona already has very high turnout relative to other states. Arizona’s 2010 primary turnout was more than 30% while California’s first primary under these new rules was 15%. And it makes sense. If you offer voters fewer choices they will be less interested. Our system is not perfect, but it is far superior to this new scheme. Supporters of this initiative say they want to change the rules because they want to change the type of candidate who wins, but rigging the rules to ensure that only a specific type of candidate can win is un-American and very dangerous for Arizona.

Hon. Russell Pearce, Former President of the Arizona State Senate, Mesa
Paid for by Pearce for Arizona

(This proposition was brought to the ballot by those who are frustrated by the outcome of past elections. They think if they can change the system, they can manipulate voters into electing candidates more to their liking.

This is an attempt to deceive voters and cause chaos. Backers of this proposition want to make it more difficult for voters to determine which candidate they politically and philosophically align with. All non-party-designated voters in Arizona can already vote in the Primary by requesting the ballot they want.)

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

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ARGUMENTS “AGAINST” PROPOSITION 121
This proposition will weaken parties because it will obscure party affiliation and candidate values. The purpose of the primary is for people with common philosophies to come together and elect their choice of candidate for the general election. This results in a general election that offers a variety of candidates with different philosophies. But with a wide-open primary, you could very well end up with candidates from the same party and the same ideology, leaving no choice for the voter.

The main claim of proponents is that this would take the politics out of the process. That’s what they said about the Independent Redistricting Commission, and how has that turned out?

A nonpartisan primary system has been tried in only a few states and has not demonstrated any substantial success as a way of electing good candidates for office. It has, however, achieved low voter turnout. What this proposition guarantees is that the candidate with the biggest political machine behind them will be the winner. **I OPPOSE THIS PROPOSITION.**

**Sylvia Allen, State Senator, Arizona State Senate, Candidate for Navajo County, Board of Supervisors District 3, Snowflake**

**Paid for by Sylvia Allen Committee 2012**

**Argument in Opposition of “Open Elections / Open Government”**

**Democracy is two wolves and a sheep voting on what’s for dinner.**

Do not be dazzled by its purposely deceptive name, “Open Elections/Open Government” does not promote either statement; it creates a pure Democracy. We already have a General election that “allows all Arizonans, regardless of party, to vote for the candidate of their choice.” This intuitive merely prevents voters the ability to FREELY ASSOCIATE within their own parties to elect a Primary candidate who will then represent them in a General election.

In a Democrat dominate district, this would prevent Republicans from getting into office. In a Republican dominate district, this would prevent Democrats from getting into office. In ALL districts this system would not only prevent third parties from getting into office; but it would virtually eliminate their member’s ability to be heard at all.

I want to hear what the Democrats have to say from their own elected Candidate, what the Republicans have to say from theirs, what the Libertarian, Green Party and Independents have to say, etc... Everyone brings important ideas to the table, NOT just the top two vote getters.

Don’t want mutton for dinner every night? Vote NO for Open Elections.

**Sarah Coleman, Citizen, Voter and Republican Candidate for Arizona Senate LD27, Phoenix**

**Paid for by Vote for Sarah Coleman**

As a Republican who has proudly represented both Democrat and Republican constituents for many years, it is my urgent plea that voters reject Prop 121.

For generations, America has been well served by our current system, which allows voters of the same political party to choose who will represent them in a general election. A vast majority of Americans belong to a political party, which gives them a voice in their party platform and a vote in local and national policymaking.

Prop 121 eliminates this longstanding method of governance and replaces it with an open-primary system similar to what is used in Europe, where parliaments and presidents change so frequently it’s hard to keep track of who is in charge.

For me and other lawmakers, this is not about holding onto power. For years, I was elected in a Democrat district, even though I am a Republican. I want voters to know my party registration so they can make an informed decision about who best represents their interests.

This initiative will confuse voters by making it more difficult, not less, to know where a candidate stands and what they believe in. I stand for openness, transparency, and the American-style of elections that has served us well for generations.

Please vote NO on Prop 121.

**Gail Griffin, State Senator, Arizona State Senate, District 25, Phoenix**

Fewer choices. Less access. Sham candidates. That’s what Arizona Voters can expect if the so called “Open Government” proposition passes.

Voters will have fewer choices because only the top two vote getters advance to the general election ballot. Currently it’s possible for an Independent, Libertarian, or third party candidate to qualify for the general election ballot. A top-two system means the day of an Independent candidate appearing on the general election ballot are over.

Voters will have less access and less connection to their government because the top-two system discourages voter participation. In the states that have the top-two system voter turnout has not gone up, it has gone down.

Finally, sham candidates will become the norm. Recently, there’s been media coverage of sham candidates appearing on the ballot in cynical attempts to draw votes from other candidates. This measure makes it a constitutional right for any individual to self-describe themselves on the ballot. Think about that. An arch-liberal will be able to claim they are a Republican, and that designation will appear on the ballot. The possibilities for fraud on the voters are endless.

I hope you will join me in voting NO on this ill-conceived proposition.

**Andy M. Tobin, Speaker of the Arizona House of Representatives, Paulden**
PROPOSITION 121

PROPOSED AMENDMENT TO THE CONSTITUTION BY THE INITIATIVE RELATING TO DIRECT PRIMARY ELECTION LAW
[C-03-2012]

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<thead>
<tr>
<th>PROPOSITION 121</th>
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<td>CREATING AN OPEN PRIMARY GIVING ALL QUALIFIED VOTERS THE RIGHT TO VOTE FOR THE CANDIDATES OF THEIR CHOICE, PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE VII OF THE CONSTITUTION OF ARIZONA RELATING TO DIRECT PRIMARY ELECTION LAW</td>
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<th>DESCRIPTIVE TITLE</th>
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<td>REPLACES THE CURRENT PARTY PRIMARY ELECTION WITH A &quot;TOP-TWO&quot; PRIMARY ELECTION IN WHICH ALL VOTERS, REGARDLESS OF PARTY AFFILIATION, VOTE IN A SINGLE, COMBINED PRIMARY AND THE TOP TWO VOTE-GETTERS FOR EACH SEAT ADVANCE TO THE GENERAL ELECTION BALLOT.</td>
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A “yes” vote shall have the effect of replacing the current party primary election with a “top-two” primary election in which all voters, regardless of party affiliation, vote in a single, combined primary, and the top two vote-getters for each seat advance to the general election ballot. This “top-two” primary will not apply to the election of the U.S. President or to elections in which no party affiliation appears on the ballot.

A “no” vote shall have the effect of keeping the current party primary election in which each recognized political party selects a candidate to appear on the general election ballot.
PROPOSITION 204

OFFICIAL TITLE
AMENDING SECTION 15-901.01, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 9, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 15-981 AND 15-982; AMENDING SECTION 15-1472, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 13, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-1642.01; AMENDING SECTIONS 28-5808 AND 28-6533, ARIZONA REVISED STATUTES; AMENDING TITLE 28, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 28; AMENDING SECTION 36-2995, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-113; AMENDING SECTION 42-5010, ARIZONA REVISED STATUTES; AMENDING TITLE 42, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 42-5029.02; AMENDING SECTION 42-5155, ARIZONA REVISED STATUTES; RELATING TO TAXATION.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of the State of Arizona:
Section 1. Section 15-901.01, Arizona Revised Statutes, is amended to read:

15-901.01. Inflation adjustments; prohibited funding reductions
A. If approved by the qualified electors voting at a statewide general election, for fiscal years 2001-2002 through 2005-2006, the legislature shall increase the base level or other components of the revenue control limit by two per cent. For fiscal year 2006-2007 through 2013-2014 and each fiscal year thereafter, the legislature shall increase the base level or other components of the revenue control limit by a minimum growth rate of either two per cent or the change in the GDP price deflator, as defined in section 41-563, from the second preceding calendar year to the calendar year immediately preceding the budget year, whichever is less, except that NEITHER the base level NOR THE AMOUNT APPROPRIATED FOR EQUALIZATION ASSISTANCE PURSUANT TO SECTION 15-971 shall ever be reduced below the base level established OR THE AMOUNT APPROPRIATED FOR EQUALIZATION ASSISTANCE for fiscal year 2001-2002 OR FISCAL YEAR 2012-2013, WHICHEVER IS GREATER.

B. If approved by the qualified electors voting at a statewide general election, for fiscal year 2012-2013 and each fiscal year thereafter, the base support level prescribed in Section 15-943, the maximum indebtedness allowed for school district bonds and the maximum allowed for school district budget overrides shall not be reduced below that amount allowed by law on January 1, 2012.

Sec. 2. Title 15, chapter 9, article 5, Arizona Revised Statutes, is amended by adding sections 15-981 and 15-982, to read:

15-981. Quality education and performance fund
A. The quality education and performance fund is established consisting of monies distributed pursuant to Section 42-5029.02, the department shall administer the fund.

B. Monies in the fund shall be distributed to school districts and charter schools based on the percentage of statewide unweighted student count served by each school. For the purposes of this section, student count shall have the meaning prescribed in Section 15-901, subsection A, paragraph 13, and shall include any nonresident pupils who attend school in the school district.

C. School districts and charter schools receiving monies pursuant to this section may use the monies for school operations, including the following:

1. To assist school districts and charter schools to comply with increased assessment and accountability requirements, including state academic standards such as the common core state standards initiative.

2. To provide new teacher and principal evaluation systems that require thirty-three to fifty per cent of a teacher’s or principal’s evaluation to be based on student academic achievement pursuant to Section 15-203, subsection A, paragraph 3.

3. To provide for school accountability and for improvement plans for failing schools pursuant to Section 15-241.

4. To improve reading proficiency of pupils with reading deficiencies before the end of grade three under Section 15-701.

5. To implement the board examination system and the award of Grand Canyon Diplomas pursuant to Sections 15-792, 15-792.01, 15-792.02 and 15-792.03.

15-982. Education accountability and improvement fund; statewide performance measurements
A. The education accountability and improvement fund is established consisting of monies distributed pursuant to Section 42-5029.02. The department shall administer the fund. Beginning in fiscal year 2015-2016, monies in the fund shall be used to provide performance funding to school districts and charter schools based on the actual performance of schools in this state and shall be distributed on a per pupil basis. The state board of education shall adopt statewide performance measurements and annually allocate distributions based on the statewide overall improvement in the performance measurements under subsection B of this section. The department may retain up to one million dollars, adjusted annually for inflation, of the monies in the fund to develop the measures and administer the fund. Beginning in fiscal year 2017-2018, unencumbered monies that remain in the fund at the end of three consecutive fiscal years shall be transferred to the school facilities board and shall be used to reduce principal on outstanding debt unless the reduction of principal would result in a prepayment penalty. If no outstanding debt exists or a prepayment penalty would be incurred, monies transferred to the school facilities board pursuant to this subsection shall be used for the construction or repair of school buildings.
B. THE STATEWIDE PERFORMANCE MEASUREMENTS ADOPTED PURSUANT TO THIS SECTION SHALL CONSIST OF THE FOLLOWING MEASURES:

1. FIFTY PER CENT OF THE PERFORMANCE MEASUREMENTS SHALL CONSIST OF MEASURES OF ACADEMIC PROGRESS INCLUDING THE STATEWIDE PERCENTAGE OF THIRD-GRADE STUDENTS MEETING STATE READING STANDARDS PRESCRIBED PURSUANT TO SECTION 15-701. STATEWIDE GRADUATION AND DROPOUT RATES AND STATEWIDE PERFORMANCE ON NATIONALLY ADMINISTERED NORM-REFERENCED ASSESSMENTS SUCH AS THE NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS AND NATIONALLY ADMINISTERED COLLEGE PLACEMENT AND ADMISSION EXAMINATIONS.

2. TWENTY-FIVE PER CENT OF THE PERFORMANCE MEASUREMENTS SHALL BE BASED ON MEASURES OF PARENTAL SATISFACTION.

3. TWENTY-FIVE PER CENT OF THE PERFORMANCE MEASUREMENTS SHALL BE BASED ON STUDENT ENGAGEMENT.

C. BEGINNING IN FISCAL YEAR 2013-2014, MONIES DISTRIBUTED PURSUANT TO THIS SECTION MAY BE USED, IN THE DEPARTMENT'S DISCRETION, TO TRAIN TEACHERS AND FOR TECHNOLOGY NECESSARY TO IMPLEMENT THE 2010 ACADEMIC STANDARDS AND THE NEWLY ALIGNED STATEWIDE ASSESSMENTS.

Sec. 3. Section 15-1472, Arizona Revised Statutes, is amended to read:

15-1472. Community college district workforce development accounts; reports

A. Each community college district, PROVISIONAL COMMUNITY COLLEGE DISTRICT AND INDIAN TRIBAL POSTSECONDARY EDUCATIONAL INSTITUTION shall establish a separate workforce development account to receive only tax revenues authorized pursuant to section 42-5029, subsection E, paragraph 3 AND SECTION 42-5029.02. Each community college AND PROVISIONAL COMMUNITY COLLEGE board AND INDIAN TRIBAL POSTSECONDARY EDUCATIONAL INSTITUTION shall approve the expenditure of these monies in accordance with section 15-1461 and consistent with subsection B of this section.

B. Monies received pursuant to subsection A of this section shall be expended for workforce development and job training purposes. These expenditures may include:

1. Partnerships with businesses and educational institutions.
2. Additional faculty for improved and expanded classroom instruction and course offerings.
3. Technology, equipment and technology infrastructure for advanced teaching and learning in classrooms or laboratories.
4. Student services such as assessment, advisement and counseling for new and expanded job opportunities.
5. The purchase, lease or lease-purchase of real property, for new construction, remodeling or repair of buildings or facilities on real property AND ACQUIRING, REMODELING OR REPAIRING MOBILE TEACHING FACILITIES.
C. The state treasurer shall transfer monies under this section into each district's or INSTITUTION’S workforce development account by the fifteenth day of each month. The state treasurer shall also allocate and distribute any pooled interest earnings earned from revenues authorized in section 42-5029, subsection E, paragraph 3 to each district in accordance with the method prescribed in subsection D, paragraph 2 of this section.

D. Revenues authorized for community college districts in section 42-5029, subsection E, paragraph 3 shall be distributed by the state in the following manner:

1. For thirteen fiscal years beginning in fiscal year 2001-2002 the state treasurer shall allocate one million dollars per fiscal year for the purpose of bringing this state into compliance with the matching capital requirements prescribed in section 15-1463.
2. The state treasurer shall distribute the monies authorized in this subsection to each district in the order in which each campus qualified for funding pursuant to section 15-1463.

3. After the monies have been paid each year to the eligible districts pursuant to paragraph 1 of this subsection, the state treasurer shall distribute monies from the workforce development fund to each community college district in the following manner:

   (a) Each district shall receive the sum of two hundred thousand dollars.
   (b) After each district has received the payments prescribed in subdivision (a), the remainder of monies in the fund shall be distributed to each district according to each district's full-time equivalent student enrollment percentage of the total statewide audited full-time equivalent student enrollment in the preceding fiscal year prescribed in section 15-1466.01. For the purposes of this subdivision, the full-time equivalent student enrollment of a provisional community college district shall be added to the full-time equivalent student enrollment of the community college district that contracts with that district pursuant to section 15-1402, subdivision 1, and that portion of the monies distributed to that community college district shall be used to provide services to students enrolled in that provisional community college district as approved by the provisional community college district's governing board as part of the annual budget process pursuant to section 15-1461. The percentage distribution under this subdivision shall be adjusted annually on October 1 of each year. For the purposes of this subdivision, the following distribution procedures apply:

      (i) If a community college district established pursuant to section 15-1402.01 contracts with another community college district pursuant to section 15-1402.01, subsection B, the full-time equivalent student enrollment of that district shall be added to the full-time equivalent student enrollment of the other community college district that contracts with that district pursuant to section 15-1402.01, subsection B, and that portion of the monies distributed under this subdivision to the other community college district shall be used to provide services to students enrolled in the community college district established pursuant to section 15-1402.01 as approved by that district's governing board as part of the annual budget process pursuant to section 15-1461.
      (ii) If a community college district established pursuant to section 15-1402.01, subsection B, that community college district shall receive monies as provided in the subdivision according to its full-time equivalent student enrollment.
   E. Revenues received by community college districts AND INDIAN TRIBAL POSTSECONDARY EDUCATIONAL INSTITUTIONS shall not be used by the legislature to supplant or reduce any state aid authorized in this chapter or supplant any proceeds from the sale of bonds authorized in this article and article 5 of this chapter.

F. Monies received under this section shall not be considered to be local revenues for purposes of article IX, section 21, Constitution of Arizona.

G. Each community college district or community college that is owned, operated or chartered by a qualifying Indian tribe on its own Indian reservation shall submit a report once every two years of its workforce development plan activities and the expenditures authorized in this section to the governor, president of the senate, speaker of the house of representatives, joint legislative budget committee and department of commerce by December of every even-numbered year. The report shall include the purpose and goals for which the workforce development monies were expended by each district or community college together with a general accounting of the expenditures authorized in subsection B of this section. A copy of the final report shall also be provided to the secretary of state. For the purposes of this subsection, "qualifying Indian tribe" has the same meaning prescribed in section 42-5031.01.

Sec. 4. Title 15, chapter 13, article 2, Arizona Revised Statutes, is amended by adding section 15-1642.01, to read:
A. THE ARIZONA BOARD OF REGENTS SHALL ESTABLISH THE UNIVERSITY SCHOLARSHIP, OPERATIONS AND INFRASTRUCTURE FUND FOR THE PURPOSES OF PROVIDING SCHOLARSHIPS TO STUDENTS AND MONIES TO THE THREE STATE UNIVERSITIES FOR OPERATING AND INFRASTRUCTURE EXPENSES. THE FUND CONSISTS OF MONIES TRANSFERRED TO THE FUND PURSUANT TO SECTION 42-5029.02.

B. THE BOARD SHALL ADOPT RULES TO GOVERN THE ADMINISTRATION OF THE UNIVERSITY SCHOLARSHIP, OPERATIONS AND INFRASTRUCTURE FUND. THE BOARD SHALL ALLOCATE AN AMOUNT NOT LESS THAN FIFTY PER CENT NOR MORE THAN SIXTY PER CENT OF THE MONIES RECEIVED TO THE FUND EACH YEAR TO PROVIDE SCHOLARSHIPS TO RESIDENT STUDENTS BASED ON FINANCIAL NEED OR ACADEMIC ACHIEVEMENT. THIS AMOUNT SHALL BE IN ADDITION TO ANY FINANCIAL AID THAT IS AWARDED BY THE UNIVERSITIES PURSUANT TO ANY BOARD-ESTABLISHED TUITION SET-ASIDE PROGRAM. THE REMAINING MONIES SHALL BE ALLOCATED BASED ON PERFORMANCE IN MEETING GOALS SET BY THE BOARD.


Sec. 5. Section 28-5808, Arizona Revised Statutes, is amended to read:

28-5808. Vehicle license tax distribution

A. Except as provided in subsection D of this section, the director shall distribute monies collected by the director pursuant to section 28-5801, except monies deposited in the state general fund, on the first and fifteenth calendar day of each month as follows:

1. On the first calendar day, the director shall deposit, pursuant to sections 35-146 and 35-147, all of the Arizona highway user revenue fund monies received from the first through the fifteenth calendar day of the preceding month in the Arizona highway user revenue fund, except that on the first calendar day the director shall deposit, pursuant to sections 35-146 and 35-147, in the parity compensation fund established by section 41-1720, 1.51 per cent of the portion of vehicle license tax revenues that otherwise would be deposited in the state highway fund from the first through the fifteenth calendar day of the preceding month.

2. On the fifteenth calendar day, the director shall deposit, pursuant to sections 35-146 and 35-147, all of the Arizona highway user revenue fund monies received from the sixteenth through the last day of the preceding month in the Arizona highway user revenue fund, except that on the fifteenth calendar day, the director shall deposit, pursuant to sections 35-146 and 35-147, in the parity compensation fund established by section 41-1720, 1.51 per cent of the portion of vehicle license tax revenues that otherwise would be deposited in the state highway fund from the sixteenth through the last day of the preceding month. On the fifteenth calendar day, the director shall distribute or deposit all other monies received during the entire preceding month as follows:

(a) The county general fund monies to the county general fund.

(b) The county transportation monies to the state treasurer to be apportioned among the counties for any purposes related to transportation, as determined by the state auditor, on the basis that the population of the unincorporated areas of each county bears to the population of the incorporated areas of all counties in this state.

(c) The incorporated cities and towns monies to the incorporated cities and towns of the county in proportion to the population of each.

3. The deposit of the monies in the parity compensation fund pursuant to paragraphs 1 and 2 of this subsection shall not impact the distribution of vehicle license tax revenues to the state general fund and to cities, towns and counties pursuant to this section.

B. The director shall distribute monies collected by the director pursuant to sections 28-5804, 28-5805, 28-5806 and 28-5810, except monies deposited in the state general fund, on the first and fifteenth calendar day of each month as follows:

1. On the first calendar day, the director shall deposit, pursuant to sections 35-146 and 35-147, 37.61 per cent of all monies received from the first through the fifteenth calendar day of the preceding month in the highway user revenue fund.

2. On the fifteenth calendar day, the director shall deposit, pursuant to sections 35-146 and 35-147, 37.61 per cent of all monies received from the sixteenth through the last day of the preceding month in the highway user revenue fund and distribute or deposit the following amounts as a percentage of all monies received pursuant to sections 28-5804, 28-5805, 28-5806 and 28-5810 during the entire preceding month as follows:

(a) 20.45 per cent to the county general fund.

(b) 4.91 per cent to the county treasurer to be apportioned among the counties for any purposes related to transportation, as determined by the state auditor, on the basis that the population of the unincorporated areas of each county bears to the population of the incorporated areas of all counties in this state.

(c) 20.45 per cent to the incorporated cities and towns of the county in proportion to the population of each.

(d) 1.64 per cent, pursuant to sections 35-146 and 35-147, in the state highway fund established by section 28-6991.

(e) 4.09 per cent in the state highway fund established by section 28-6991.

(f) 10.85 per cent, pursuant to sections 35-146 and 35-147, in the state general fund to aid school financial assistance.

C. For purposes of this section, the population of a county, city or town shall be determined as provided by section 28-6523 or 42-5033.01. If an incorporated city or town has had no federal enumeration of population, the supervisors shall both:

1. Appoint a qualified person to take an accurate census of the incorporated city or town.

2. Certify the results to the county treasurer, and the incorporated city or town shall share in the distribution as provided by this section.

D. On the fifteenth calendar day of each month, the director shall transfer to the state general fund from the portion of vehicle license tax revenues that otherwise would be deposited in the state highway fund pursuant to section 28-6538, subsection A, paragraph 1 the difference between the actual amount of the vehicle license tax revenue collected as a result of registration of vehicles pursuant to the section 28-6538 in the preceding month for a five year registration period and the amount that would have been collected if those same vehicles had been registered for a two year vehicle registration period.

E. NOTWITHSTANDING ANY OTHER LAW, VEHICLE LICENSE TAX MONIES SHALL BE DEPOSITED AND DISTRIBUTED PURSUANT TO THIS SECTION. VEHICLE LICENSE TAX MONIES SHALL NOT BE SUBJECT TO REVERSION, FUND SWEEP OR TRANSFER TO ANY OTHER FUND BY THE LEGISLATURE.

Sec. 6. Section 28-6533, Arizona Revised Statutes, is amended to read:

28-6533. Arizona highway user revenue fund
A. The officer collecting all highway user revenues, as defined in section 28-6501 and in article IX, section 14, Constitution of Arizona, and all fees, penalties and fines collected under sections 28-1101, 28-1103, 28-1105 and 28-1521 shall transfer the revenues to the department. After the deduction of all exemptions and refunds and after taking actions required under subsection C of this section, the department shall immediately deposit, pursuant to sections 35-146 and 35-147, the revenues in a fund designated as the Arizona highway user revenue fund.

B. The revenues in the Arizona highway user revenue fund shall only be spent for the purposes prescribed in article IX, section 14, Constitution of Arizona. Counties and incorporated cities and towns shall not spend highway user revenue fund monies distributed to them pursuant to this article for enforcement of traffic laws or administration of traffic safety programs. If the auditor general reports to the state treasurer after conducting a performance audit pursuant to section 41-1279.03, subsection A, paragraph 7 that a jurisdiction has not used revenues as required by this subsection, the state treasurer shall withhold the noncomplying jurisdiction’s revenues until the noncomplying jurisdiction presents evidence that is satisfactory to the auditor general and that shows that the jurisdiction has spent monies for purposes prescribed in this subsection from another general revenue source equal to the amount of the revenues diverted from the uses prescribed in this subsection.

C. If there is any default, the department shall deduct all amounts required by law or any resolution authorizing the issuance of bonds of the board to be placed in the principal funds, interest funds, reserve funds or sinking funds or any other funds established to service bonds issued or to be issued by the board before the revenues are deposited in the Arizona highway user revenue fund.

D. NOTWITHSTANDING ANY OTHER LAW, MONIES IN THE ARIZONA HIGHWAY USER REVENUE FUND ARE NOT SUBJECT TO REVERSION, FUND SWEEP OR TRANSFER TO ANY OTHER FUND BY THE LEGISLATURE, BUT THE MONIES MAY BE USED TO FUND THE HIGHWAY PATROL DIVISION.

Sec. 7. Title 28, Arizona Revised Statutes, is amended by adding chapter 28, to read:

CHAPTER 28
STATE INFRASTRUCTURE FUNDING

ARTICLE 1. ADDITIONAL FUNDING FOR STATE INFRASTRUCTURE

28-9301. State infrastructure fund

A. THE STATE INFRASTRUCTURE FUND IS ESTABLISHED CONSISTING OF LEGISLATIVE APPROPRIATIONS, FEDERAL MONIES, PRIVATE GRANTS, GIFTS, CONTRIBUTIONS, DEVISES AND MONIES DEPOSITED IN THE FUND PURSUANT TO SECTION 42-5029.02. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR THE PURPOSES PRESCRIBED IN THIS SECTION AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

B. THE DIRECTOR SHALL ADMINISTER THE FUND AND, WITH THE APPROVAL OF THE TRANSPORTATION BOARD, SHALL USE AND DISTRIBUTE THE MONIES IN THE FUND SOLELY FOR THE PURPOSES SET FORTH IN THIS SECTION. NOTWITHSTANDING ANY OTHER LAW, MONIES HELD IN THE FUND AND ANY INTEREST THAT IS CREDITED TO THE FUND SHALL NOT BE SUBJECT TO REVERSION, FUND SWEEP OR TRANSFER BY THE LEGISLATURE. ON NOTICE FROM THE DIRECTOR, THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED IN SECTION 35-313, AND MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

C. FUND MONIES MAY BE USED FOR ANY OF THE FOLLOWING:

1. The costs associated with the planning, designing, engineering, constructing, improving, financing or maintaining of the following:
   (a) State highways, rest stops, state routes and interstate highways.
   (b) Streets, bridges, roadways and parking facilities, including all areas for vehicular use for travel, ingress, egress and parking.
   (c) Public transportation and passenger rail systems.
   (d) Areas for pedestrian, bicycle or other nonmotor vehicle use for travel, ingress, egress and parking.
   (e) Landscaping for streets or highways, including earthworks, structures, lakes and other water features, plants, trees and related water delivery systems.
   (f) Buildings and facilities.
   (g) Lighting systems, communication facilities, energy conservation systems and other systems that enhance public safety.
   (h) Traffic control systems and devices, including signals, controls, markings and signage.
   (i) Land clearance activities, demolition of public and private buildings and facilities and environmental remediation.
   (j) Equipment, vehicles, furnishings and other personnel related to the items listed in this paragraph.

2. To accelerate state highways, state routes and interstate improvement projects.
3. To make payments in connection with public-private partnerships relating to transportation projects.
4. To pay for other incidental costs associated with highway projects.
5. To fund environmentally sensitive designs.
6. To fund wildlife improvement projects that are disrupted by transportation projects.
7. To pay principal, interest and premium on bonds and other financial obligations for transportation projects, including costs of issuance.

28-9302. Additional bonding authority

IN ADDITION TO ANY OTHER AUTHORITY FOR THE ISSUANCE OF BONDS UNDER THIS TITLE, THE DIRECTOR, WITH THE APPROVAL OF THE BOARD, IS AUTHORIZED TO ISSUE BONDS NECESSARY TO PAY FOR ANY OF THE TRANSPORTATION-RELATED PROJECTS AUTHORIZED IN SECTION 28-9301, SUBSECTION C. MONIES IN THE STATE INFRASTRUCTURE FUND ESTABLISHED BY SECTION 28-9301 OR MONIES TO BE DEPOSITED INTO THAT FUND MAY BE USED TO SECURE THE BONDS AND TO PROVIDE FOR ANY PAYMENT NECESSARY TO CARRY OUT THE PURPOSES OF THIS SECTION.

Sec. 8. Section 36-2995, Arizona Revised Statutes, is amended to read:

36-2995. Children's health insurance program fund; sources of monies; use; reversion; claims

A. The children’s health insurance program fund is established. The administration shall administer the fund and shall use fund monies to pay administrative and program costs associated with the operation of the program established by this article.

B. Separate accounting shall be made for each source of monies received pursuant to subsection C of this section for expenses and income with activities associated with the program established pursuant to this article.

C. Monies in the fund are comprised consist of:

1. Federal monies available to this state for the operation of the program.
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2. Tobacco tax and state general fund monies appropriated as state matching monies.
3. Gifts, donations and grants from any source.
4. Interest paid on monies deposited in the fund.
5. Third party
6. MONIES DISTRIBUTED PURSUANT TO SECTION 42-5029.02.
D. If a gift, a donation or a grant of over ten thousand dollars received from any private source contains a condition, the administration shall first meet with the joint legislative study committee on the integration of health care services to review the condition before it spends that gift, donation or grant.
E. All monies in the fund other than monies appropriated by this section do not lapse.
F. Monies appropriated from the medically needy account of the tobacco tax and health care fund are exempt from section 35-191 relating to lapsing of appropriations. Notwithstanding section 35-191, subsection B, the period for administrative adjustments extends for only six months for appropriations made for administration covered services.
G. Notwithstanding sections 35-190 and 35-191, all approved claims for system covered services presented after the end of the fiscal year in which they were incurred shall be paid either in accordance with this section or in the current fiscal year with the monies available in the funds established by this section.
H. Claims for covered services that are determined to be valid by the director and the grievance and appeal procedure shall be paid from the children's health insurance program fund.
I. All payments for claims from the children's health insurance program fund shall be accounted for by the administration by the fiscal year in which the claims were incurred, regardless of the fiscal year in which the payments were made.
J. Notwithstanding any other law, county owned or contracted providers and special health care district owned or contracted providers are subject to all claims processing and payment requirements or limitations of this chapter that are applicable to noncounty providers.

Sec. 9. Title 41, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 41-113, to read:

41-113. Family stability and self-sufficiency fund: report; nonlapsing definition
A. THE HUMAN SERVICES SELF-SUFFICIENCY FUND IS ESTABLISHED CONSISTING OF DONATIONS FROM ANY PUBLIC OR PRIVATE SOURCE AND MONIES DISTRIBUTED PURSUANT TO SECTION 42-5029.02. THE GOVERNOR'S OFFICE SHALL ADMINISTER THE FUND AND EACH YEAR MAY USE UP TO ONE PER CENT OF THE MONIES IN THE FUND FOR ADMINISTRATIVE COSTS. THE GOVERNOR'S OFFICE SHALL ANNUALLY ALLOCATE THE MONIES IN THE FUND TO STATE AGENCIES OR AWARD MONIES IN THE FUND TO PRIVATE NONPROFIT ENTITIES TO PROVIDE SERVICES FOR THE BASIC NEEDS OF CHILDREN AND VULNERABLE ADULTS WHOSE HOUSEHOLD INCOME IS LESS THAN TWO HUNDRED PER CENT OF THE FEDERAL POVERTY LEVEL. MONIES IN THE FUND SHALL BE USED TO THE EXTENT PRACTICABLE TO MATCH FEDERAL FUNDS.
B. ALL MONIES RECEIVED UNDER THIS SECTION SHALL BE USED TO SUPPLEMENT AND NOT SUPPLANT EXISTING AND FUTURE APPROPRIATIONS FOR THE PURPOSES DESCRIBED IN THIS SECTION. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO THE LAPSING OF APPROPRIATIONS.
D. FOR THE PURPOSES OF THIS SECTION, "BASIC NEEDS" INCLUDES PREVENTING HUNGER, HOMELESSNESS AND FAMILY AND DOMESTIC VIOLENCE AND PROVIDING CHILD CARE AND OTHER COMMUNITY AND SOCIAL SERVICES THAT LEAD TO FAMILY STABILITY AND SELF-SUFFICIENCY.

Sec. 10. Section 42-5010, Arizona Revised Statutes, is amended to read:

42-5010. Rates; distribution base
A. The tax imposed by this article is levied and shall be collected at the following rates:
1. Five per cent of the tax base as computed for the business of every person engaging or continuing in this state in the following business classifications described in article 2 of this chapter:
(a) Transporting classification.
(b) Utilities classification.
(c) Telecommunications classification.
(d) Pipeline classification.
(e) Private car line classification.
(f) Publication classification.
(g) Job printing classification.
(h) Prime contracting classification.
(i) Owner builder sales classification.
(j) Amusement classification.
(k) Restaurant classification.
(l) Personal property rental classification.
(m) Retail classification.
2. Five and one-half per cent of the tax base as computed for the business of every person engaging or continuing in this state in the transient lodging classification described in section 42-5070.
3. Three and one-eighth per cent of the tax base as computed for the business of every person engaging or continuing in this state in the mining classification described in section 42-5072.
4. Zero per cent of the tax base as computed for the business of every person engaging or continuing in this state in the commercial lease classification described in section 42-5069.
B. The two per cent of the tax revenues collected at the rate prescribed by subsection A, paragraph 1 of this section from persons on account of engaging in business under the business classifications listed in subsection A, paragraph 1, subdivisions (a) through (i) of this section is designated as distribution base for purposes of section 42-5029.
C. Forty per cent of the tax revenues collected at the rate prescribed by subsection A, paragraph 1 of this section from persons on account of engaging in business under the business classifications listed in subsection A, paragraph 1, subdivisions (j) through (m) of this section is designated as distribution base for purposes of section 42-5029.
D. Thirty-two per cent of the tax revenues collected from persons on account of engaging in business under the business classification listed in subsection A, paragraph 3 of this section is designated as distribution base for purposes of section 42-5029.

E. Fifty-three and one-third per cent of the tax revenues collected from persons on account of engaging in business under the business classification listed in subsection A, paragraph 4 of this section is designated as distribution base for purposes of section 42-5029.

F. Fifty per cent of the tax revenues collected from persons on account of engaging in business under the business classification listed in subsection A, paragraph 2 of this section is designated as distribution base for purposes of section 42-5029.

G. In addition to the rates prescribed by subsection A of this section, if approved by the qualified electors voting at a statewide general election, an additional rate increment is imposed and shall be collected through June 30, 2021. The taxpayer shall pay taxes pursuant to this subsection at the same time and in the same manner as under subsection A of this section. The department shall separately account for the revenues collected with respect to the rates imposed pursuant to this subsection and the state treasurer shall distribute all of those revenues in the manner prescribed by section 42-5029, subsection E. The rates imposed pursuant to this subsection shall not be considered local revenues for purposes of article IX, section 21, Constitution of Arizona. The additional tax rate increment is levied at the rate of six-tenths of one percent of the tax base of every person engaging or continuing in this state in a business classification listed in subsection A, paragraph 1 of this section.

H. IN ADDITION TO THE RATES PRESCRIBED BY SUBSECTION A OF THIS SECTION, IF APPROVED BY THE QUALIFIED ELECTORS VOTING AT A STATEWIDE GENERAL ELECTION, AN ADDITIONAL RATE INCREMENT IS IMPOSED AND SHALL BE COLLECTED BEGINNING FROM AND AFTER MAY 31, 2013. THE TAXPAYER SHALL PAY TAXES PURSUANT TO THIS SUBSECTION AT THE SAME TIME AND IN THE SAME MANNER AS UNDER SUBSECTION A OF THIS SECTION. THE DEPARTMENT SHALL SEPARATELY ACCOUNT FOR THE REVENUES COLLECTED WITH RESPECT TO THE RATES IMPOSED PURSUANT TO THIS SUBSECTION, AND THE STATE TREASURER SHALL DISTRIBUTE ALL OF THOSE REVENUES IN THE MANNER PRESCRIBED BY SECTION 42-5029.02. THE RATES IMPOSED PURSUANT TO THIS SUBSECTION SHALL NOT BE CONSIDERED LOCAL REVENUES FOR THE PURPOSES OF ARTICLE IX, SECTION 21, CONSTITUTION OF ARIZONA. THE ADDITIONAL TAX RATE INCREMENT IS LEVIED AT THE RATE OF ONE PER CENT OF THE TAX BASE OF EVERY PERSON ENGAGING OR CONTINUING IN THIS STATE IN A BUSINESS CLASSIFICATION LISTED IN SUBSECTION A, PARAGRAPH 1 OF THIS SECTION.

I. Any increase in the rate of tax that is imposed by this chapter and that is enacted by the legislature or by a vote of the people does not apply with respect to contracts entered into by prime contractors or pursuant to written bids made by prime contractors on or before the effective date of the legislation or the date of the election enacting the increase. To qualify for the exemption under this subsection, the prime contractor must maintain sufficient documentation, in a manner and form prescribed by the department, to verify the contract or written bid.

J. For taxpayers taxable under this chapter other than prime contractors taxable pursuant to section 42-5075:

1. Any increase in the rate of tax that is levied by this article or article 2 of this chapter enacted by the legislature or by a vote of the people does not apply for a period of one hundred twenty days from the date of the tax rate increase to the gross proceeds of sales or gross income from the business of the taxpayer with respect to written contracts entered into before the effective date of the tax rate increase unless the taxpayer has entered into a contract that contains a provision that entitles the taxpayer to recover from the purchaser the amount of the additional tax levied.

2. The provisions of this subsection apply without regard to the accounting method used by the taxpayer to report the taxes imposed under article 2 of this chapter.

3. The provisions of this subsection shall not be considered in determining the rate of tax imposed under chapter 6, article 3 of this title.

Sec. 11. Title 42, chapter 5, article 3, Arizona Revised Statutes, is amended by adding section 42-5029.02, to read:

A. IF APPROVED BY THE QUALIFIED ELECTORS VOTING AT A STATEWIDE GENERAL ELECTION, ALL MONIES COLLECTED PURSUANT TO SECTION 42-5010, SUBSECTION H AND SECTION 42-5155, SUBSECTION E SHALL BE DISTRIBUTED PURSUANT TO THIS SUBSECTION.

B. OF THE FIRST ONE BILLION DOLLARS COLLECTED PURSUANT TO SECTION 42-5010, SUBSECTION H AND SECTION 42-5155, SUBSECTION E, THE MONIES SHALL BE DISTRIBUTED BEGINNING IN FISCAL YEAR 2013-2014 AS FOLLOWS:

1. ONE HUNDRED MILLION DOLLARS PLUS ANY REMAINDER AMOUNT UNDER PARAGRAPH 9 OF THIS SUBSECTION IS APPROPRIATED EACH FISCAL YEAR, TO BE IN MONTHLY INSTALLMENTS, TO THE QUALITY EDUCATION AND PERFORMANCE FUND ESTABLISHED BY SECTION 15-981.

2. AFTER TRANSFERRING MONIES PURSUANT TO PARAGRAPH 1 OF THIS SUBSECTION, TEN MILLION DOLLARS IS APPROPRIATED EACH FISCAL YEAR, TO BE IN MONTHLY INSTALLMENTS, TO THE EDUCATION LEARNING AND ACCOUNTABILITY FUND ESTABLISHED BY SECTION 15-249.02. NOTWITHSTANDING SUBSECTION D OF THIS SECTION, IF THE MONIES IN THE EDUCATION LEARNING AND ACCOUNTABILITY FUND ESTABLISHED BY SECTION 15-249.02 ARE NO LONGER NECESSARY FOR THE PURPOSES OF SECTION 15-249, ANY OR ALL OF THE MONIES APPROPRIATED UNDER THIS PARAGRAPH SHALL BE APPROPRIATED TO THE EDUCATION ACCOUNTABILITY AND IMPROVEMENT FUND ESTABLISHED BY SECTION 15-982.

3. AFTER TRANSFERRING MONIES PURSUANT TO PARAGRAPHS 1 AND 2 OF THIS SUBSECTION, NINETY MILLION DOLLARS IS APPROPRIATED EACH FISCAL YEAR, TO BE IN MONTHLY INSTALLMENTS, TO THE EDUCATION ACCOUNTABILITY AND IMPROVEMENT FUND ESTABLISHED BY SECTION 15-982.

4. AFTER TRANSFERRING MONIES PURSUANT TO PARAGRAPHS 1, 2 AND 3 OF THIS SUBSECTION, ONE HUNDRED MILLION DOLLARS IS APPROPRIATED EACH FISCAL YEAR, TO BE IN MONTHLY INSTALLMENTS, TO THE STATE INFRASTRUCTURE FUND ESTABLISHED BY SECTION 28-9301.

5. AFTER TRANSFERRING MONIES PURSUANT TO PARAGRAPHS 1 THROUGH 4 OF THIS SUBSECTION, TWENTY-FIVE MILLION DOLLARS IS APPROPRIATED EACH FISCAL YEAR, TO BE IN MONTHLY INSTALLMENTS, TO THE CHILDREN’S HEALTH INSURANCE PROGRAM FUND ESTABLISHED BY SECTION 36-2995. NOTWITHSTANDING SUBSECTION D OF THIS SECTION, THE MONIES APPROPRIATED UNDER THIS PARAGRAPH MAY BE REDUCED OR ELIMINATED IF EITHER OF THE FOLLOWING APPLIES AND THE AMOUNT APPROPRIATED UNDER THIS PARAGRAPH SHALL BE APPROPRIATED TO THE FAMILY STABILITY AND SELF-SUFFICIENCY FUND ESTABLISHED BY SECTION 41-113:

(a) THE FEDERAL GOVERNMENT PROVIDES FUNDING FOR THE CHILDREN’S HEALTH INSURANCE PROGRAM AND THAT FUNDING SUPERSEDES STATE FUNDING FOR THE PROGRAM.

(b) THE DIRECTOR OF THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION DETERMINES THAT A PRIVATE OR NONPROFIT ENTITY HAS PROVIDED FUNDING FOR THE CHILDREN’S HEALTH INSURANCE PROGRAM.
6. AFTER TRANSFERRING MONIES PURSUANT TO PARAGRAPHS 1 THROUGH 5 OF THIS SUBSECTION, ONE HUNDRED MILLION DOLLARS IS APPROPRIATED EACH FISCAL YEAR, TO BE PAID IN MONTHLY INSTALLMENTS, TO THE FAMILY STABILITY AND SELF-SUFFICIENCY FUND ESTABLISHED BY SECTION 41-113.

7. AFTER TRANSFERRING MONIES PURSUANT TO PARAGRAPHS 1 THROUGH 6 OF THIS SUBSECTION, FIFTY MILLION DOLLARS SHALL BE TRANSFERRED EACH FISCAL YEAR, TO BE PAID IN MONTHLY INSTALLMENTS, TO THE UNIVERSITY SCHOLARSHIP, OPERATIONS AND INFRASTRUCTURE FUND ESTABLISHED PURSUANT TO SECTION 15-1642.01.

8. AFTER TRANSFERRING MONIES PURSUANT TO PARAGRAPHS 1 THROUGH 7 OF THIS SUBSECTION, FOR FISCAL YEARS 2013-2014 AND BEYOND, AN AMOUNT SUFFICIENT TO FUND THE INFLATIONARY ADJUSTMENT REQUIRED BY SECTION 15-901.01, SUBSECTION A SHALL BE TRANSFERRED TO THE STATE GENERAL FUND. NO MORE THAN ONE HUNDRED TWENTY-FIVE MILLION DOLLARS SHALL BE TRANSFERRED PURSUANT TO THIS PARAGRAPH, IF THE AMOUNT TRANSFERRED PURSUANT TO THIS PARAGRAPH DOES NOT FULLY FUND THE INFLATIONARY ADJUSTMENT REQUIRED BY SECTION 15-901.01, AN ADDITIONAL AMOUNT SUFFICIENT TO FULLY FUND THE INFLATIONARY ADJUSTMENT SHALL BE TRANSFERRED TO THE STATE GENERAL FUND DIRECTLY FROM THE QUALITY EDUCATION AND PERFORMANCE FUND ESTABLISHED BY SECTION 15-981.

9. AFTER TRANSFERRING MONIES PURSUANT TO PARAGRAPH 8 OF THIS SUBSECTION, ANY REMAINDER AMOUNT NOT NECESSARY TO FULLY FUND THE INFLATIONARY ADJUSTMENT REQUIRED BY SECTION 15-901.01 SHALL BE TRANSFERRED PURSUANT TO PARAGRAPH 1 OF THIS SUBSECTION.

AFTER TRANSFERRING THE MONIES PURSUANT TO SUBSECTION B OF THIS SECTION, ANY AMOUNT COLLECTED IN ANY FISCAL YEAR PURSUANT TO SECTION 42-5010, SUBSECTION H AND SECTION 42-5155, SUBSECTION E THAT EXCEEDS ONE BILLION DOLLARS SHALL BE TRANSFERRED IN MONTHLY INSTALLMENTS FOR THE REMAINING MONTHS OF THE FISCAL YEAR AS FOLLOWS:

1. THIRTY-THREE PER CENT SHALL BE TRANSFERRED TO SCHOOL DISTRICTS AND CHARTER SCHOOLS IN PROPORTION TO THE NUMBER OF STUDENTS IN SCHOOL WHO QUALIFY FOR THE FREE AND REDUCED PRICE MEAL PROGRAM AS DETERMINED BY THE FEDERAL ACTS (42 UNITED STATES CODE SECTIONS 1751 THROUGH 1785) AS A PERCENTAGE OF THE TOTAL NUMBER OF STUDENTS WHO QUALIFY FOR FREE OR REDUCED PRICE LUNCHES IN THIS STATE, EXCEPT THAT THE AMOUNT UNDER THIS PARAGRAPH SHALL NOT EXCEED ONE HUNDRED MILLION DOLLARS IN ANY FISCAL YEAR UNLESS AN ADDITIONAL AMOUNT IS AVAILABLE AND TRANSFERRED PURSUANT TO PARAGRAPH 8, SUBDIVISION (b) OF THIS SUBSECTION. SCHOOL DISTRICTS AND CHARTER SCHOOLS MAY USE THE MONIES TRANSFERRED UNDER THIS PARAGRAPH TO IMPROVE STUDENT ACHIEVEMENT, AND MAY USE THE MONIES TO QUALIFY FOR FREE OR REDUCED PRICE LUNCHES AND TO PROVIDE INSTRUCTION IN VOLUNTARY PRESCHOOL PROGRAMS.

2. TWENTY-TWO AND ONE-HALF PER CENT SHALL BE TRANSFERRED TO COMMUNITY COLLEGE AND PROVISIONAL COMMUNITY COLLEGE DISTRICTS AND INDIAN TRIBAL POSTSECONDARY EDUCATIONAL INSTITUTIONS FOR DEPOSIT INTO THEIR WORKFORCE DEVELOPMENT ACCOUNTS ESTABLISHED PURSUANT TO SECTION 15-1472 TO SUPPORT COMMUNITY COLLEGE SCHOLARSHIPS AND CAREER AND TECHNICAL TRAINING PROGRAMS, EXCEPT THAT THE AMOUNT UNDER THIS PARAGRAPH SHALL NOT EXCEED SIXTY-SIX MILLION DOLLARS IN ANY FISCAL YEAR UNLESS AN ADDITIONAL AMOUNT IS AVAILABLE AND TRANSFERRED PURSUANT TO PARAGRAPH 8, SUBDIVISION (b) OF THIS SUBSECTION. EIGHTY-FIVE PER CENT OF THE MONIES TRANSFERRED PURSUANT TO THIS PARAGRAPH SHALL BE ALLOCATED AMONG COMMUNITY COLLEGE AND PROVISIONAL COMMUNITY COLLEGE DISTRICTS AND INDIAN TRIBAL POSTSECONDARY EDUCATIONAL INSTITUTIONS BASED ON THE FULL-TIME STUDENT EQUIVALENT COUNT SERVED BY EACH DISTRICT OR INSTITUTION. FIFTEEN PER CENT OF THE MONIES DISTRIBUTED PURSUANT TO THIS PARAGRAPH SHALL BE ALLOCATED BASED ON PERFORMANCE STANDARDS TO BE DEVELOPED BY AGREEMENT AMONG THE COMMUNITY COLLEGE AND PROVISIONAL COMMUNITY COLLEGE DISTRICTS AND INDIAN TRIBAL POSTSECONDARY EDUCATIONAL INSTITUTIONS ELIGIBLE TO RECEIVE MONIES PURSUANT TO THIS PARAGRAPH.

3. NINE PER CENT SHALL BE TRANSFERRED TO JOINT TECHNICAL EDUCATION DISTRICTS TO SUPPORT CAREER AND VOCATIONAL TRAINING, INCLUDING TO INCREASE STUDENT ENROLLMENT AND TO PROVIDE STATE-OF-THE-ART TECHNICAL EQUIPMENT, EXCEPT THAT THE AMOUNT UNDER THIS PARAGRAPH SHALL NOT EXCEED TWENTY-NINE MILLION DOLLARS IN ANY FISCAL YEAR UNLESS AN ADDITIONAL AMOUNT IS AVAILABLE AND TRANSFERRED PURSUANT TO PARAGRAPH 8, SUBDIVISION (b) OF THIS SUBSECTION. THIS PARAGRAPH SHALL BE DISTRIBUTED BASED ON THE FULL-TIME STUDENT EQUIVALENT COUNT SERVED BY EACH DISTRICT. FIFTEEN PER CENT OF THE MONIES DISTRIBUTED PURSUANT TO THIS PARAGRAPH SHALL BE DISTRIBUTED BASED ON PERFORMANCE METRICS DETERMINED BY THE DEPARTMENT OF EDUCATION.

4. TWO PER CENT SHALL BE TRANSFERRED TO THE DEPARTMENT OF EDUCATION TO FUND ADULT EDUCATION PROGRAMS, EXCEPT THAT THE AMOUNT UNDER THIS PARAGRAPH SHALL NOT EXCEED FIVE MILLION DOLLARS IN ANY FISCAL YEAR.

5. TWENTY-TWO AND ONE-HALF PER CENT SHALL BE TRANSFERRED TO THE UNIVERSITY SCHOLARSHIP, OPERATIONS AND INFRASTRUCTURE FUND ESTABLISHED PURSUANT TO SECTION 15-1642.01, EXCEPT THAT THE AMOUNT UNDER THIS PARAGRAPH SHALL NOT EXCEED TWO HUNDRED FIFTY MILLION DOLLARS IN ANY FISCAL YEAR UNLESS AN ADDITIONAL AMOUNT IS AVAILABLE AND TRANSFERRED PURSUANT TO PARAGRAPH 8, SUBDIVISION (d) OF THIS SUBSECTION.

6. ELEVEN PER CENT OF THE REMAINING MONIES COLLECTED SHALL BE TRANSFERRED TO THE STATE INFRASTRUCTURE FUND ESTABLISHED BY SECTION 28-9301, EXCEPT THAT THE AMOUNT UNDER THIS PARAGRAPH SHALL NOT EXCEED ONE HUNDRED MILLION DOLLARS IN ANY FISCAL YEAR UNLESS AN ADDITIONAL AMOUNT IS AVAILABLE AND TRANSFERRED PURSUANT TO PARAGRAPH 8, SUBDIVISION (c) OF THIS SUBSECTION.

7. AFTER TRANSFERRING MONIES PURSUANT TO PARAGRAPHS 1 THROUGH 6 OF THIS SUBSECTION, ANY REMAINING MONIES SHALL BE TRANSFERRED AS FOLLOWS:

(a) TWO THIRDS OF ANY REMAINING MONIES SHALL BE TRANSFERRED TO THE UNIVERSITY SCHOLARSHIP, OPERATIONS AND INFRASTRUCTURE FUND ESTABLISHED PURSUANT TO SECTION 15-1642.01, EXCEPT THAT THE TOTAL TRANSFERS MADE PURSUANT TO THIS PARAGRAPH AND PARAGRAPH 5 OF THIS SUBSECTION SHALL NOT EXCEED TWO HUNDRED FIFTY MILLION DOLLARS IN ANY FISCAL YEAR, UNLESS AN ADDITIONAL AMOUNT IS AVAILABLE AND TRANSFERRED PURSUANT TO PARAGRAPH 8, SUBDIVISION (d) OF THIS SUBSECTION.

(b) ONE THIRD OF ANY REMAINING MONIES SHALL BE TRANSFERRED TO THE STATE INFRASTRUCTURE FUND ESTABLISHED BY SECTION 28-9301, EXCEPT THAT THE TOTAL TRANSFERS MADE PURSUANT TO THIS PARAGRAPH AND PARAGRAPH 6 OF THIS SUBSECTION SHALL NOT EXCEED ONE HUNDRED MILLION DOLLARS IN ANY FISCAL YEAR, UNLESS AN
ADDITIONAL AMOUNT IS AVAILABLE AND TRANSFERRED PURSUANT TO PARAGRAPH 8, SUBDIVISION (c) OF THIS SUBSECTION.

8. AFTER TRANSFERRING MONIES PURSUANT TO PARAGRAPHS 1 THROUGH 7 OF THIS SUBSECTION, ANY REMAINING MONIES SHALL BE TRANSFERRED AS FOLLOWS:

(a) FORTY PER CENT OF THESE REMAINING MONIES SHALL BE TRANSFERRED TO THE QUALITY EDUCATION AND PERFORMANCE FUND ESTABLISHED BY SECTION 15-981.

(b) THIRTY PER CENT OF THESE REMAINING MONIES SHALL BE TRANSFERRED AND DISTRIBUTED TO SCHOOL DISTRICTS AND CHARTER SCHOOLS PURSUANT TO THE FORMULA SET FORTH IN PARAGRAPH 1 OF THIS SUBSECTION.

(c) TEN PER CENT OF THESE REMAINING MONIES SHALL BE TRANSFERRED TO THE STATE INFRASTRUCTURE FUND ESTABLISHED BY SECTION 28-930.

(d) SEVEN AND ONE-HALF PER CENT OF THESE REMAINING MONIES SHALL BE TRANSFERRED TO THE UNIVERSITY SCHOLARSHIP, OPERATIONS AND INFRASTRUCTURE FUND ESTABLISHED PURSUANT TO SECTION 14-1642.01.

(e) TWO AND ONE-HALF PER CENT OF THESE REMAINING MONIES SHALL BE TRANSFERRED TO COMMUNITY COLLEGE AND PROVISIONAL COMMUNITY COLLEGE DISTRICTS AND INDIAN TRIBAL POSTSECONDARY EDUCATIONAL INSTITUTIONS PURSUANT TO THE FORMULA ESTABLISHED BY PARAGRAPH 2 OF THIS SUBSECTION.

(f) TWO AND ONE-HALF PER CENT OF THESE REMAINING MONIES SHALL BE TRANSFERRED TO JOINT TECHNICAL EDUCATION DISTRICTS PURSUANT TO THE FORMULA ESTABLISHED BY PARAGRAPH 3 OF THIS SUBSECTION.

(g) SEVEN AND ONE-HALF PER CENT OF THESE REMAINING MONIES SHALL BE TRANSFERRED TO THE EDUCATION ACCOUNTABILITY AND IMPROVEMENT FUND ESTABLISHED BY SECTION 15-982.

D. ALL MONIES TRANSFERRED PURSUANT TO THIS SECTION SHALL BE USED TO SUPPLEMENT AND NOT SUPPLANT EXISTING AND FUTURE APPROPRIATIONS FOR THE PURPOSES DESCRIBED IN THIS SECTION. MONIES TRANSFERRED PURSUANT TO THIS SECTION ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190. THE LAWS APPLICABLE TO FINANCE IS THE LAWS APPLICABLE TO THE ADMINISTRATION OF THIS SECTION.

E. IF, IN ANY FISCAL YEAR, LESS THAN ONE BILLION DOLLARS IS COLLECTED PURSUANT TO SECTION 42-5010, SUBSECTION H AND SECTION 42-5155, SUBSECTION E, THE AMOUNTS DISTRIBUTED UNDER SUBSECTION B OF THIS SECTION SHALL BE PROPORTIONATELY REDUCED.

F. NOTWITHSTANDING ANY OTHER LAW, MONIES COLLECTED PURSUANT TO SECTION 42-5010, SUBSECTION H AND SECTION 42-5155, SUBSECTION E AND DISTRIBUTED UNDER THIS SECTION ARE NOT SUBJECT TO ANY APPROPRIATION OR EXPIRATION. THE LIMITATION ON THE LIMITATION ENACTED BEFORE JANUARY 1, 2012.

G. THE TAX BASE UNDER THIS TITLE SHALL NOT BE ADJUSTED IN ANY MANNER THAT CAUSES A REDUCTION TO THE ANNUAL AMOUNT COLLECTED AND DISTRIBUTED UNDER THIS SECTION TO BE LESS THAN THE AMOUNT THAT WAS COLLECTED AND DISTRIBUTED IN THE PRIOR FISCAL YEAR INCREASED BY SIX PER CENT UNLESS THE REDUCTION IN THE TAX BASE IS OFFSET BY A CORRESPONDING CHANGE IN THE TAX BASE THAT EFFECTIVELY RESULTS EITHER IN NO CHANGE IN THE ANNUAL AMOUNT COLLECTED OR AN INCREASE IN THE AMOUNT COLLECTED. ON WRITTEN REQUEST BY A LEGISLATOR, THE DEPARTMENT SHALL PROVIDE AN ESTIMATE OF THE CHANGES OR ADJUSTMENTS TO THE TAX BASE THAT IS CONTAINED IN PROPOSED LEGISLATION THAT IS SCHEDULED FOR A COMMITTEE HEARING. THE DEPARTMENT SHALL ELECTRONICALLY PROVIDE THE ESTIMATE TO ALL LEGISLATORS.

H. IF A COURT OF COMPETENT JURISDICTION FINALLY DETERMINES THAT TAX MONIES DISTRIBUTED PURSUANT TO THIS SECTION WERE ILLEGALLY COLLECTED UNDER THIS ARTICLE OR ARTICLES 5 AND 8 OF THIS CHAPTER AND ORDERS THE MONIES TO BE REFUNDED TO THE TAXPAYER, THE DEPARTMENT SHALL COMPUTE THE AMOUNT OF SUCH MONIES THAT WERE DISTRIBUTED TO EACH ENTITY OR FUND PURSUANT TO THIS SECTION. THE DEPARTMENT SHALL NOTIFY THE STATE TREASURER OF THAT AMOUNT PLUS THE PROPORTIONATE SHARE OF ADDITIONAL ALLOCATED COSTS REQUIRED TO BE PAID TO THE TAXPAYER. EACH ENTITY’S OR FUND’S PROPORTIONATE SHARE OF THE COSTS SHALL BE BASED ON THE AMOUNT OF THE ORIGINAL DISTRIBUTION THAT ENTITY OR FUND RECEIVED PURSUANT TO THIS SECTION. EACH MONTH THE STATE TREASURER SHALL REDUCE THE AMOUNT OTHERWISE DISTRIBUTABLE TO EACH ENTITY OR FUND BY AN AMOUNT EQUAL TO THE AMOUNT OF ANY DISTRIBUTION THAT ENTITY OR FUND RECEIVED DURING A CALENDAR MONTH AFTER THE FINAL DISPOSITION OF THE CASE AND SHALL CONTINUE UNTIL THE TOTAL AMOUNT, INCLUDING INTEREST AND COSTS, HAS BEEN RECOVERED.

I. A PERFORMANCE AUDIT OF THE MONIES DISTRIBUTED PURSUANT TO THIS SECTION SHALL BE CONDUCTED EVERY FIVE YEARS. THE PERFORMANCE AUDIT SHALL BE CONDUCTED BY AN INDEPENDENT, THIRD-PARTY AUDITOR AND NOT BY ANY STATE AGENCY. THE PERFORMANCE AUDIT REQUIRED BY THIS SUBSECTION SHALL DETERMINE THE AMOUNT OF MONIES DISTRIBUTED, THE PURPOSES FOR WHICH THOSE FUNDS WERE USED, AND THE EFFECTS OR OUTCOMES OF THE EXPENDITURES MADE WITH THOSE MONIES, INCLUDING ANY EFFECTS OR OUTCOMES ON THE PERFORMANCE MEASURES REFERENCED IN THIS SECTION AND IN SECTION 15-982.

J. THE AUDIT REQUIRED BY PARAGRAPH I OF THIS SECTION SHALL BE PROCURED AND FUNDED AS FOLLOWS:

(a) FOR ALL MONIES DISTRIBUTED TO SCHOOL DISTRICTS, CHARTER SCHOOLS, AND JOINT TECHNICAL EDUCATION DISTRICTS, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL PROCUREMENT THE AUDIT REQUIRED BY SUBSECTION I AND MAY USE THE MONIES APPROPRIATED BY SUBSECTION B, PARAGRAPH 2 OF THIS SECTION TO PAY ANY COSTS OF THE AUDIT.

(b) FOR ALL MONIES DISTRIBUTED TO THE STATE INFRASTRUCTURE FUND, THE ARIZONA DEPARTMENT OF TRANSPORTATION SHALL PROCUREMENT THE AUDIT REQUIRED BY SUBSECTION I AND MAY USE THE MONIES APPROPRIATED BY THIS SECTION TO THE STATE INFRASTRUCTURE FUND TO PAY ANY COSTS OF THE AUDIT.

(c) FOR ALL MONIES DISTRIBUTED TO THE UNIVERSITY SCHOLARSHIP, OPERATIONS AND INFRASTRUCTURE FUND, THE ARIZONA BOARD OF REGENTS SHALL PROCUREMENT THE AUDIT REQUIRED BY SUBSECTION I AND MAY USE THE MONIES APPROPRIATED BY THIS SECTION TO THE UNIVERSITY SCHOLARSHIP, OPERATIONS AND INFRASTRUCTURE FUND TO PAY ANY COSTS OF THE AUDIT.

(d) FOR ALL MONIES DISTRIBUTED TO COMMUNITY COLLEGE AND PROVISIONAL COMMUNITY COLLEGE DISTRICTS, THE DISTRICT RECEIVING THE FUNDS SHALL PROCUREMENT THE AUDIT REQUIRED BY SUBSECTION I AND MAY USE THE MONIES APPROPRIATED BY THIS SECTION TO THE DISTRICT’S OR INSTITUTION’S WORKFORCE DEVELOPMENT ACCOUNT TO PAY ANY COSTS OF THE AUDIT.

K. THE REQUIREMENTS OF SUBSECTION I DO NOT APPLY TO MONIES TRANSFERRED PURSUANT TO THIS STATUTE TO THE CHILDREN’S HEALTH INSURANCE PROGRAM FUND, TO THE FAMILY STABILITY AND SELF-SUFFICIENCY FUND, TO THE STATE GENERAL FUND, OR TO INDIAN TRIBAL POSTSECONDARY EDUCATIONAL INSTITUTIONS.
General Election ~ November 6, 2012

Sec. 12. Section 42-5155, Arizona Revised Statutes, is amended to read:

42-5155. Levy of tax; tax rate; purchaser's liability
A. There is levied and imposed an excise tax on the storage, use or consumption in this state of tangible personal property purchased from a retailer or utility business, as a percentage of the sales price. A manufactured building purchased outside this state and sold in this state is subject to tax under this section and in this case the RATE IS A percentage of sixty-five per cent of the sales price.
B. The tax imposed by this section applies to any purchaser which purchased tangible personal property for resale but subsequently uses or consumes the property.
C. The tax rate shall equal the rate of tax prescribed by section 42-5010, subsection A as applied to retailers and utility businesses according to the respective classification under articles 1 and 2 of this chapter for the same type of transaction or business activity.
D. In addition to the rate prescribed by subsection C of this section, if approved by the qualified voters voting at a statewide general election, an additional rate increment of six-tenths of one per cent is imposed and shall be collected through June 30, 2021. The taxpayer shall pay taxes pursuant to this subsection at the same time and in the same manner as under subsection C of this section. The department shall separately account for the revenues collected with respect to the rate imposed pursuant to this subsection, and the state treasurer shall pay all of those revenues in the manner prescribed by section 42-5029, subsection E.
E. In addition to the rate prescribed by subsection C of this section if approved by the qualified electors voting at a statewide general election, an additional rate increment of one per cent is imposed and shall be collected beginning from and after May 31, 2013. The taxpayer shall pay taxes pursuant to this subsection at the same time and in the same manner as under subsection C of this section. The department shall separately account for the revenues collected with respect to the rate imposed pursuant to this subsection, and the state treasurer shall pay all of those revenues in the manner prescribed by section 42-5029.02.
F. Every person storing, using or consuming in this state tangible personal property purchased from a retailer or utility business is liable for the tax. The person's liability is not extinguished until the tax has been paid to this state.
G. A receipt from a retailer or utility business that maintains a place of business in this state or from a retailer or utility business that is authorized by the department to collect the tax, under such rules as it may prescribe, and that is for the purposes of this article regarded as a retailer or utility business maintaining a place of business in this state, given to the purchaser as provided in section 42-5161 is sufficient to relieve the purchaser from further liability for the tax to which the receipt refers.
Sec. 13. Conforming legislation
A. The legislative council staff shall prepare proposed legislation conforming the Arizona Revised Statutes to the provisions of this measure for consideration in the fifty-first legislature, second regular session.
B. Notwithstanding subsection A of this section, the executive director of legislative council may blend nonconflicting changes made by the legislature with the changes in the measure.
C. The legislature may make technical and conforming changes to any section of this measure, subject to article IV, part 1, section 1, Constitution of Arizona.
Sec. 14. Initial performance audit
Notwithstanding section 42-5029.02, subsection I, as added by this initiative measure, the first performance audit required by section 42-5029.02, subsection I shall be prepared by December 31, 2016 and shall cover the period from the effective date of this initiative measure through the end of fiscal year 2015-2016. Further audits shall be conducted every five subsequent years pursuant to section 42-5029.02, subsection I, as added by this initiative measure.
Sec. 15. 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.
Sec. 16. Short title
This measure shall be cited as the “Quality Education and Jobs Act”.

ANALYSIS BY LEGISLATIVE COUNCIL

The temporary state sales tax rate of 6.6 percent enacted on May 28, 2010 expires on May 31, 2013, resulting in a decrease of the sales tax rate to 5.6 percent. Proposition 204 would permanently increase the state sales tax rate by one cent per dollar beginning June 1, 2013, to a rate of 6.6 percent. The proposition anticipates the tax increase to generate at least one billion dollars. The monies collected from the tax increase would be used for educational programs, public transportation infrastructure projects and human services programs as summarized below. Proposition 204 also would require the Legislature to annually increase specific components of the school finance formula. In addition, Proposition 204 would provide that the specified funding levels for the state's kindergarten-through-twelfth-grade and state university systems cannot be reduced below the levels for fiscal year 2011-2012 or 2012-2013, whichever is greater, that limits on school district bonds and overrides cannot be below those in effect for 2012, that vehicle license tax and related highway user revenues cannot be diverted for any other purpose and that the sales tax base applicable to the proposed one cent sales tax increase cannot be adjusted in a way that causes the amount of sales tax collected to be less than the amount collected in the prior year, plus six percent, unless there is a corresponding change in the tax base that results in no reduction in the amount of sales tax collected. The Legislature would not have the ability to adjust the new tax increase disbursements under any circumstances.

Proposition 204 would annually distribute the first one billion dollars of additional sales tax as follows, or, if one billion dollars is not collected, the money would be proportionally distributed as follows:

1. Five hundred million dollars into the "quality education and performance fund", to be used to assist school districts and charter schools to comply with assessment and accountability requirements, including improvement plans for failing schools, to provide teacher and principal evaluation systems based in part on student achievement, to improve pupil reading proficiency by the end of third grade and to implement a system of testing and awarding Grand Canyon diplomas to high school students who demonstrate readiness for college level math and English.

2. Ten million dollars into the "education learning and accountability fund", to be used by the state Department of Education to maintain a system for compiling longitudinal student level data and school finance data to meet state and federal reporting requirements.

3. Ninety million dollars into the "education accountability and improvement fund" to provide performance funding to school districts and charter schools based on performance measures to be adopted by the State Board of Education relating to academic...
progress, parental satisfaction and student engagement, to provide teacher training and for technology necessary to implement state-wide academic standards and assessments. Monies in this fund that remain unspent for three consecutive years would be transferred to the School Facilities Board, first to pay down existing school construction debt and then to fund construction or repair of school buildings.

4. One hundred million dollars into the "state infrastructure fund", to be used by the state Department of Transportation for costs associated with a variety of transportation infrastructure projects, the acceleration of highway improvement projects, for public-private partnerships relating to transportation projects, to fund environmentally sensitive designs and to fund transportation-related wildlife improvement projects and pay for bonding and other finance costs related to transportation projects.

5. Twenty-five million dollars into the "children's health insurance program fund", to be used for costs associated with the current publicly funded health care program for children under nineteen years of age whose household income is at or below two hundred per cent of the federal poverty level.

6. One hundred million dollars into the "family stability and self-sufficiency fund", to be distributed by the Governor's office to state agencies and private nonprofit entities as a match for federal funds for programs that provide for the basic needs of children, families and vulnerable adults whose household income is below two hundred per cent of the federal poverty level.

7. Fifty million dollars into the "university scholarship, operations and infrastructure fund", to be distributed according to rules adopted by the Board of Regents. Between fifty and sixty per cent of the fund monies must be used to provide university scholarships to resident students based on financial need or academic achievement, and the remaining fund monies would be allocated to the three state universities for operating and infrastructure expenses based on performance in meeting goals set by the Board of Regents.

8. Up to one hundred twenty-five million dollars to the state general fund to fund the required inflationary adjustment for the kindergarten-through-twelfth-grade school system.

Proposition 204 would annually distribute the amount of additional sales tax over one billion dollars as follows:

1. Thirty-three per cent to school districts and charter schools, based on the proportion of students participating in the federal free or reduced lunch program, to improve student achievement for those participating students and to provide voluntary preschool programs.
2. Twenty-two and one-half per cent to community college districts, provisional community college districts and Indian tribal postsecondary institutions to support scholarship and career and technical training programs.
3. Nine per cent to joint technical education districts to support career and vocational training.
4. Two per cent to the state Department of Education to fund adult education programs.
5. Twenty-two and one-half per cent to the "university scholarship, operations and infrastructure fund".
6. Eleven per cent to the "state infrastructure fund".

Proposition 204 would also require that an independent third-party audit of fund distributions be conducted every five years for all distributions, except there is no state audit required for the children's health insurance program fund, the family stability and self-sufficiency fund, the state general fund and to Indian tribal postsecondary educational institutions.

**ANALYSIS BY THE JOINT LEGISLATIVE BUDGET COMMITTEE**

State law requires the Joint Legislative Budget Committee Staff to prepare a summary of the fiscal impact of certain ballot measures. Proposition 204 would enact a 1 cent per dollar transaction privilege and use tax ("sales tax") and allocate those monies to specified programs.

The 1 cent tax is projected to generate $971 million in revenue in its first year. Of that amount, $753 million would be distributed to education, $97 million to transportation and $121 million to human service programs.

The proposition would also have the following fiscal impacts:

1) Specified funding levels for the state's kindergarten through 12th grade and state university systems cannot be reduced below the levels for fiscal year 2011-2012 or 2012-2013, whichever is greater.

2) Specific components of the K-12 school finance formula would be annually adjusted for inflation. This increase would initially be paid from the 1 cent sales tax. Given the proposition's allocation formula, the 1 cent sales tax is projected to fully cover the cost of the cumulative increases through approximately 2018 and partially cover the cumulative cost after that time.

3) The limits on school district bonds and overrides cannot be below those in effect for 2012.

4) Vehicle license tax and related highway user revenues cannot be transferred to any other fund. Highway user revenues may continue to fund the Department of Public Safety's Highway Patrol.

5) The sales tax base cannot be adjusted in a way that causes the amount of sales tax collected to be less than the amount collected in the prior year, plus six per cent, unless there is a corresponding change in the tax base that results in no reduction in the amount of sales tax collected.
ARGUMENTS “FOR” PROPOSITION 204

PROP. 204: MAKE QUALITY EDUCATION AND JOBS A REALITY

Rarely do Arizonans have the opportunity — with a single vote — to create a better future for our state’s 1 million schoolchildren, improve the state’s economy and redirect Arizona down a more positive path.

The Quality Education and Jobs initiative allows Arizonans to exercise our Constitutional right to determine exactly how we want our own tax dollars spent.

Special-interest lobbyists and anti-education politicians fear this type of direct democracy. They worked hard to try to keep this initiative off the ballot. They would rather dole out favors with your tax dollars than actually fund core state needs, such as education.

The Quality Education and Jobs initiative prevents legislators from using the one-cent sales tax renewal as they wish. Legislators’ hands will be tied — by you, the Arizona taxpayers. Every dollar must be spent as you designate, with 80% of the funding benefiting education across the spectrum: K-12, vocational education, community colleges, universities and GED programs. To protect your investment, the Legislature will be prohibited from cutting K-12 funding.

Arizona must invest in education, not only to protect schoolchildren but to protect the state’s economy. When companies decide to relocate or remain in Arizona, they base that decision on whether Arizona has a highly skilled, well-educated workforce.

By failing to invest in education, anti-education politicians have put a “Closed For Business” sign in front of our state, robbing us all of the opportunity for prosperity.

In Arizona’s 100th year, we have the opportunity to exercise the rights given to us by our state’s founders.

Let’s exercise that constitutional right of direct democracy to benefit Arizona’s children, Arizona’s economy and Arizona’s future.

VOTE YES FOR PROP. 204.

Ann-Eve Pedersen, Chair, Quality Education and Jobs Committee, Phoenix

Paid for by Quality Education and Jobs Committee

Argument “FOR” the Quality Education and Jobs Initiative

The Arizona Child Care Association encourages Arizonans to vote “YES” on the Quality Education and Jobs ballot initiative. The initiative extends the current one-cent sales tax previously approved by voters and establishes a long-term, stable, and protected, revenue source with 80% of the funds dedicated to education.

Quality Education and Jobs also funds children’s health and allows a portion of the critical basic needs services that have been cut to be restored. A Family Stability and Self-Sufficiency Fund will support essential services for low income families including preventing hunger, homelessness, and domestic violence, and providing child care.

Children must be safe and stable to learn and succeed in school. Spells of unemployment, missed rent payments, utility shutoffs, food insecurity, unstable or unsafe child care arrangements, and inadequate access to health care create hardship and a home environment detrimental to children’s success in school. Research has consistently shown that ongoing exposure to economic stress and hardship harms children and puts them at risk of school failure. Investment in families suffering economic hardship has big payoffs for kids’ academic achievement.

Education does not exist in a vacuum; for education to succeed, children and families must have enough food to eat, a stable and safe roof over their heads, and they must be healthy and free from harm. Such investments are smart for kids and good for Arizona. As private businesses, non-profits, and faith based organizations that provide early care and education throughout Arizona, we understand the value of investments in our children’s minds and the dividends they pay for society. We urge all Arizonans to vote YES on Quality Education and Jobs. Let’s keep a current revenue source and dedicate it for children, education, and our future.

Bruce Liggett, Executive Director, Arizona Child Care Association, Phoenix

James Emch, President, Arizona Child Care Association, Phoenix

Don DeWitt, Secretary, Arizona Child Care Association, Phoenix

Paid for by Arizona Child Care Association

The backbone of Arizona’s economic health is a strong education system. As the CEOs of some of Arizona’s largest employers, we know that the quality of education affects our ability to keep and recruit excellent employees, as well as recruit new companies with good-paying jobs. We depend on our state’s educators to graduate students with the skills necessary to succeed in our rapidly changing job market so that Arizona remains competitively nationally and internationally. The Quality Education and Jobs initiative provides the investment in education that Arizona needs to thrive economically.

The initiative directs dollars to help teachers and students succeed as Arizona schools implement a series of reforms and accountability measures over the next two years. Arizona is one of 45 states that have adopted a new, more rigorous curriculum called the Common Core and a new test tied to the new standards that will replace AIMS. In addition, teachers and principals will have one-third to one-half of their evaluations tied directly to how well their students perform. Schools and districts will receive new A-F rankings that require them to move up their lowest performers or risk receiving a bad grade. And third-grade students must be reading at grade level or be held back a grade.

We are raising the bar for our educators and students and we must invest in education at this critical time to ensure that our teachers in the classroom have the resources they need to help our state’s 1 million school children succeed.

The initiative also guarantees state investment in Arizona’s transportation infrastructure, which also is critical to Arizona’s economic health. Arizona must have safe and efficient highways, roads and transit for Arizona to keep the job-creating businesses it has and recruit new ones to the state.

J. Doug Pruitt, Chairman of the Board, Greater Phoenix Leadership, Phoenix

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

Paid for by Greater Phoenix Leadership

The League of Women Voters of Arizona stands for quality education for all students in our public education system. We believe this can only be carried out through adequate funding. The passage of the “Quality Education and Jobs Initiative” will be a major step forward in carrying out this goal.

The initiative will continue the one-cent sales tax for education that was passed by 64.3% of the voters in 2010. While the League opposes a sales tax because it is the most volatile and regressive way to generate funding for education, under Arizona’s present tax structure it is the only option.

The best feature of this initiative is that it directs how this tax will be spent. With the potential of an additional one billion dollars, it will provide a minimum funding level that cannot be reduced by the legislature. Funding will be available to support teachers in car-
ry out more rigorous education standards. An accountability structure will be implemented and an improved communication system (through a statewide database) will be available for teachers and parents.

By restoring funding for KidsCare, it ensures children of lower-income families will be healthy and ready to learn.

In addition, there will be funding for students to implement and continue their career and technical education through scholarships and increased funding for universities, community colleges and Joint Technical Education Districts (JTEDs).

The funding for roads and transportation projects addresses the need for the availability of jobs for students when they graduate. This initiative is a very ambitious effort to correct the funding cuts imposed by the Legislature upon the states’ population. It isn’t a cure-all, but it is a positive and necessary step in the right direction.

The League of Women Voters URGES you to vote YES for Education and Jobs.

Barbara Klein, President, League of Women Voters of Arizona, Scottsdale

Robyn Prud’homme-Bauer, 1st Vice President, League of Women Voters of Arizona, Clarkdale

Marion Pickens, Education Director, Tucson

Paid for by League of Women Voters of Arizona

The Southern Arizona Leadership Council (SALC) enthusiastically endorses the Quality Education and Jobs Initiative, Proposition 204, on this year’s general election ballot.

In 2010, SALC urged voters to make a choice between continuing funding education or allowing Draconian budget cuts to take place. As a State, we came together to approve Proposition 100, agreeing to a temporary one cent sales tax increase. That sales tax is set to expire in the coming year, and now is the time for us to make a more permanent commitment to education funding and to improve upon how that funding is spent.

Increasingly, Arizona finds itself competing on not just a national level, but on a global level as well. In order for us to be able to meet the challenges of this new century, we must commit the necessary resources toward making sure our children are well educated and ready for success in the new American economy.

Similarly, our infrastructure is the backbone upon which our State’s commerce depends. To meet the demands of the coming century and to remain an international hub for trade and ideas, our streets and highways must be maintained and improved. Proposition 204 will protect the funds needed to do this.

Voting YES for Proposition 204 will send a message that we, as Arizonans, say YES to a better future for all Arizonans. In fact, a YES vote may be the best investment we can make in the economic future of this state.

In 2010, Arizonans sent a message that we take seriously the growth and direction our state’s economy. Now, we urge the people of Arizona to renew and extend that support by passing Proposition 204.

Michael Hammond, Board Chair, Southern Arizona Leadership Council, Tucson

Ronald Shoopman, President, Southern Arizona Leadership Council, Tucson

Paid for by Southern Arizona Leadership Council

Submitted by: Alliance of Arizona Nonprofits

Statement:
The Alliance of Arizona Nonprofits supports the Quality & Education Jobs Initiative as a critical step to ensure the continuation of services that our communities rely upon. The funding for education, health and human services programs embedded in this Initiative are important sources of support for many nonprofit organizations in our communities. Without these funding sources, many nonprofits would be unable to sustain their work, leaving residents without critical services. The individuals, foundations and businesses which also support these programs cannot possibly raise their levels of contributions adequately to cover these lost public resources. Therefore, passage of the Quality & Education Jobs Initiative would renew the voters’ commitment to these programs and ensure that our communities are well served.

Rhonda Bannard, Chair, Board of Trustees, Alliance of Arizona Nonprofits, Phoenix

Pam Gabel, Treasurer, Alliance of Arizona Nonprofits, Phoenix

Paid for by Alliance of Arizona Nonprofits

Contractors Support Proposition 204

Since the peak of construction in 2006, the construction industry has lost over 100,000 jobs. State, county and city infrastructure budgets have been severely cut because politicians fail to recognize the need and importance of investing in infrastructure. In fact, they have raised over $1.5 billion from highway funds to balance the state general fund. Proposition 204 will help Arizona’s ailing economy by investing much needed revenue into an already neglected freeway, street and public transit system and will make it illegal for the legislature to raid your transportation funding. Over 28,000 jobs are created by investing $1 billion in public infrastructure. Public infrastructure also improves our quality of life by improving air quality and reducing congestion. For the first time, the Arizona Department of Transportation will be given the authority to invest in a comprehensive multi-modal statewide plan that will include light rail, heavy rail and other transportation modes.

Proposition 204 is a smart solution to re-invigorating our economy. Many industries understand the link between quality education and a reliable transportation system. Both attract business to our state. Whether it’s the company relocating to Arizona looking at our transportation system or their employees interested in ensuring their children receive a quality education, they know what’s important to them. Proposition 204 brings both of these important components together in one initiative. An initiative supported by more than 290,000 signatures from citizens like you.

As an organization that has been a part of Arizona since 1934, the Arizona Chapter Associated General Contractors encourages you to vote yes on Proposition 204.

David M. Martin, President, Arizona Chapter Associated General Contractors, Phoenix

Amanda McGennis, Sr. Vice President, Arizona Chapter Associated General Contractors, Phoenix

Paid for by Arizona Chapter Associated General Contractors

Prop 204 Supports Quality Education in Arizona

Arizona is a leader in implementing school reform measures aimed at boosting student achievement; however, our legislature hasn’t provided the financial resources needed to achieve the desired results. Prop. 204 fixes this problem by creating a stable, dedicated revenue source for education that will help create highly educated and skilled students. That’s why voters and the Friends of the Arizona School Boards Association strongly support Proposition 204.

Since 2010, Arizona has made massive changes to our public education system: creating significant improvements in how we hold schools and districts accountable; using data as a key component in how teachers and principals are evaluated; and ensuring
every 3rd grader is reading at grade level before being promoted. Many of these changes were modeled after successful reforms occurring in the state of Florida. But where Florida provided resources to ensure successful implementation of the reforms, Arizona has not. Prop 204 fixes this fundamental flaw.

At the same time, Arizona has been grappling with poor economic times. For K-12 education, this has meant nearly one-fifth of funding cut from our public schools in the past four years – the second biggest cut in education funding among all the states. Rather than investing in Arizona’s and our students’ future, our legislature created mandates without, the resources to ensure they are successful.

Prop. 204 is an investment in our children’s future, as well as in the future of Arizona. We simply cannot wait to make the needed investments in education while our children hang in the balance. The time to invest is now.

Please vote YES ON 204 and invest in quality education and jobs in Arizona.

Dee Navaarro, President, Friends of the Arizona School Boards Association, Phoenix

Dr. Tim Ogle, Executive Director, Friends of the Arizona School Boards Association, Phoenix

Paid for by Friends of the Arizona School Boards Association, Inc.

**Proposition 204 is Vital to Our Future**

Sundt Construction, the 45th largest construction company in America and now in its 122nd year of operation, supports Proposition 204 and encourages Arizona voters to back this measure.

As employers in Arizona, we look ahead a year, or two or 10, and worry about several things that will affect us and everyone in the state.

- We compete against companies from other states and in foreign countries, and we don’t know where well-educated, well-qualified workers will come from to combat us in that competition.
- We are the fastest growing state in the nation, but our transportation infrastructure is not keeping up with our growth.
- Our state lawmakers are unable or unwilling to think long term and commit our tax dollars to education and infrastructure.

Proposition 204 would address all of those concerns:

- It requires that taxes already being collected will go where the voters want them – in education and infrastructure investments.
- It invests in vocational and GED programs and all public schools, including charter schools.
- It holds student, teachers, schools and school districts accountable for progress.
- It creates a state infrastructure fund to help build road, rail and transit projects in all our communities.
- It prevents the state legislature from cutting school funding and transportation investments in the future.

While we do not favor raising taxes, this initiative merely continues an existing one-cent tax; but, more importantly, it dedicates the funds raised to two critical state needs:

- Improving our schools so our children will be able to compete for jobs in a global economy.
- Ensuring that Highway User Revenue Fund (HURF) money actually pays for repairing and building roads and other transportation projects.

David S. Crawford, President & CEO, Sundt Construction, Inc., Tempe

R. Randall Nye, Sr. VP & General Counsel, Sundt Construction, Inc., Tempe

Paid for by Sundt Construction, Inc.

Our experience in public education totals more than 60 years. During our careers, we watched a continuous eroding of funding for Arizona’s public schools, and specifically, the Paradise Valley School District in which we were employed. The decline in financing Arizona’s public schools, other than for two short lived increases, has been continuous since 1985. Exacerbated by our recent depression, the Arizona Legislature has continuously chosen lowering taxes rather than maintaining or improving our education system. Nationally, as a result, Arizona now ranks dead last in per pupil expenditure for K-12 Education. It is now time for the citizens of Arizona to use their constitutional right of initiative to wrestle financial control from a Legislature that places lower taxes ahead of educating Arizona’s children.

The Quality Education and Jobs Initiative is designed to set a guaranteed baseline for funding Arizona’s schools. Without an educated populace, our state will no longer be able to attract 21st century high tech businesses. Incomes and tax revenues will decline and our state, which is already one of the poorest in America, will decline even further.

The Quality Education and Jobs Initiative will require the state to spend funds on specific areas as listed in the Initiative: education, infrastructure, children’s health care and public safety. The funding cannot be supplanted by the Arizona Legislature as they have done with previous legislation created by them. A Department of Education Accountability database will be created to track student and teacher performance.

The Quality Education and Jobs Initiative is not a panacea. It will not solve all of Arizona’s education problems. However, it will be a strong beginning to place us back on the proper track for success.

Laurence R. Wittig, Phoenix

Connie P. Wittig, Phoenix

The Quality Education and Jobs Initiative is projected to generate as much as $1 billion in sales tax revenue in its first year (2013-14), with revenue rising to nearly $2 billion by 2024-25.

The first $1 billion per year in tax revenue will be distributed monthly, split proportionately between K-12 schools, universities, and funds for children’s health insurance, family stability, and infrastructure and will begin flowing to these recipients as soon as the measure takes effect. Tax revenue over the first $1 billion per year will be distributed to K-12 schools, community colleges, technical schools, adult education programs, state universities, and infrastructure through a formula that splits the revenue among these recipients as it becomes available. The Legislature will not be able to change the way the revenues are distributed or take the revenues and use them to offset its own obligations or special projects - the money will automatically flow to schools, families, and communities without Legislative interference or permission.

All of this revenue is available simply by renewing an existing sales tax at the same rate - one cent per dollar that was approved by the voters in 2010 to fund education and health programs. Without a yes vote on the Quality Education and Jobs Initiative, the tax approved in 2010 will expire on May 31, 2013 and this revenue will be lost to our schools and communities.

George Cunningham, Treasurer, Quality Education and Jobs, Former Governor’s Deputy Chief of Staff for Finance and Budget, Tucson

Paid for by Quality Education and Jobs Committee

It is time for Arizonans to come together to support Quality Education and Jobs by voting YES on Proposition 204. As a former member of the Arizona Board of Regents, I have seen Arizona education go through tough times due to economic conditions, this
however is unlike anything I have ever witnessed. The deep cuts made over the past three years have left us with an education system that has been continually defunded.

When we came together in 2010 to pass the one-cent sales tax, we were promised by the governor that the money would go towards education to prevent losing any funding for schools during the recession. What actually happened, we now see, has been sadly different. Now it is time for Arizonans to come to the polls again, this time with a VOTER crafted initiative, that will protect the revenue coming in so that it will be spent making up for the disastrous cuts the legislature has pursued. If we allow the one cent sales tax to expire, the situation will get even worse for our schools, our infrastructure, and public safety. Arizona stands at a turning point now, where we can prevent hurling off a fiscal cliff, or set ourselves back on track to keep Arizona a great place to work, live, and raise a family.

I know that Arizona voters support education. Now we just need to make the legislature recognize that we do. Please vote YES on Proposition 204.

**PROP. 204: MAKE CHILDREN THE WINNERS**

As parents with young children, we see up close the effects of the Legislature’s four consecutive years of devastating cuts to public education.

- Ballooning class sizes.
- All-day Kindergarten – defunded.
- Promising teachers fired.
- Schools closed.
- No money for basics, like paper, pens, pencils, paper towels, etc.
- P.E., the arts, librarians, counselors – eliminated

Any Arizona politician who tells you they have invested adequately in education is not being truthful. Instead, Arizona led the nation in cuts to education at 24 percent, despite being one of the lowest per-pupil funded states in the country.

Rather than give up, we had to find a positive solution outside the state Capitol – where special-interest lobbyists and their politician- allieys clearly are not looking out for the state’s 1 million schoolchildren or our economy.

That's why our parent-led, non-partisan organization, the Arizona Education Parent Network, decided to spearhead the Prop. 204 citizens' initiative to provide permanent revenue for education that the Legislature can’t cut.

Anti-education lobbyists and politicians squawk at the thought of Arizonans actually determining how their tax-dollars are spent. But Arizona's constitution gives citizens the right to direct democracy through the initiative process when our elected officials are failing us.

Education and the economy are Arizonans' top concerns and Prop. 204 gives us a chance to boost both. Since immersing ourselves in this effort, we have witnessed the underbelly of the state's political system. The anti-education, special-interest lobbyists and politicians will stop at nothing to thwart this citizen-led grassroots movement, which threatens their power.

If you hear something negative about Prop. 204, consider the source. Then consider who's paying the source. Guaranteed it is someone who stands to win by making children the losers.

**DONT LET SPECIAL-INTEREST GROUPS WIN.**

**MAKE CHILDREN THE WINNERS.**

**VOTE YES ON PROP. 204**

**Jennifer Darland, Vice-president, Arizona Education Parent Network, Tucson**

**Lisa Ferko, Vice-president, Arizona Education Parent Network, Oro Valley**

**Paid for by Arizona Education Network**

Vote yes on Prop 204.

The Arizona Students' Association (ASA), which represents the 130,000 Arizona public university students, supports Proposition 204. Costs to attend one of Arizona’s once-affordable universities have skyrocketed because of budget cuts. Arizona saw the largest tuition increases in the nation in recent years, only overshadowed by California. Proposition 204 is a common sense solution that will ensure more Arizona students have the opportunity to earn a college education.

As it stands now, state-based financial aid only accounts for one percent of the total aid awarded to students, which means students disproportionately turn to student loans. It is not uncommon for students to leave school with $25,000, $50,000 or even $100,000 in student loan debt. Such debt burdens mean students will have to delay major life decisions like buying a house or a car, which negatively affects the Arizona economy as a whole.

Arizona must invest in higher education to secure the state’s climb back to economic health. We can’t afford to keep cutting programs like the AIMS scholarship. Arizona needs more highly educated graduates to work the jobs of the future. Education fuels economic growth, but Arizona’s lack of investment in higher education may mean that we will fall short.

Prop. 204 brings something monumental – $150 million worth of financial aid that goes directly to students. This means students will finally get the resources they need to earn a higher education without crushing student debt.

Too many Arizonans have shied away from a college education because of cost. Too many students suffer from student debt they will struggle to pay off for the rest of their lives. Arizona can’t afford to have a public university system that’s out of reach to so many.

Join us in voting yes on Prop 204.

**Danielle Bryant, Secretary, The Arizona Students' Association, Phoenix**

**Robyn Nebrich, Executive Director, The Arizona Students' Association, Glendale**

**Paid for by Arizona Students' Association**

I encourage you to join me and other concerned Arizonans in voting yes on Proposition 204. Chicanos Por La Causa (CPLC) is a statewide community development organization committed to building stronger, healthier communities across the state of Arizona. Our programs and experience have been recognized nationally to help develop strong social and economic development programs.

We witness on a daily basis how this current economy continues to impact so many Arizona families. The economic downturn has also created significant stress on non-profit organizations, such as CPLC, who serve Arizona’s most vulnerable communities. We all continue to be impacted by these economic challenges and that’s why we encourage you to vote yes on Proposition 204.

Your vote in support of Proposition 204 will create a dedicated revenue source for education programs and fund other job investment programs that allow Arizona’s families to achieve a brighter future. Your vote will restore funding for the KidsCare program,
fund merit and needs-based scholarships for Arizona students as well as a family stability fund to target Arizona families in need. Arizona’s non-profit social service providers will continue to do their important work across the state. We encourage you to show your support for Arizona families by voting Yes on Proposition 204.

**Martin Quintana, Chief Operations Officer, Chicanos Por La Causa, Inc., Phoenix**

**Max Gonzales, Vice President of Administration, Chicanos Por La Causa, Inc., Phoenix**

Paid for by Chicanos Por La Causa, Inc.

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**MYTHBUSTERS, PART ONE: DON’T BELIEVE WHAT EDUCATION ENEMIES TELL YOU**

Groups that oppose public education will try to confuse you this election season by spreading misinformation about the Quality Education and Jobs Initiative, so, as a parent group, we want you to be armed with the facts.

**MYTHBUSTER #1: Administrative costs**

Education opponents regularly misstate what Arizona spends on school administrative costs.

**THE TRUTH:** Arizona spends less on school administrative costs than any other state in the U.S.

Arizona regularly spends the lowest amount per child in the nation on administrative costs – $420 per child, well below the national average of $774.

(Source: U.S. Census Bureau report released on June 21, 2012. For more information go to www.qualityeducationandjobs.com.)

**MYTHBUSTER #2: Classroom expenses**

Education opponents also misrepresent the amount of funding spent in classrooms, citing the state Auditor General’s report.

**THE TRUTH:** The state does not include critical positions in the classroom expenditure category, such as counselors, nurses, speech pathologists, reading specialists, audiologists, psychologists and social workers.

The state Auditor General’s Office annual report as to classroom expenses is misleading because it fails to reflect that positions it designates as “non-classroom” are actually critical to student learning.

**MYTHBUSTER #3: Connection between education funding and student performance**

**THE TRUTH:** There is a direct connection between education funding and student performance.

While education opponents argue that money doesn’t matter, data shows otherwise. On the whole, the states that prioritize and adequately fund education are the states that have the best student performance. It just stands to reason. If students do not have access to books, paper, pencils, etc., how can they be expected to learn? Because of repeated funding cuts in Arizona, some schools must resort to fundraising just to pay for basics.

**Ann-Eve Pedersen, Tucson**

Paid for by Quality Education and Jobs Committee

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**MYTHBUSTERS PART TWO: DON’T BELIEVE SPECIAL-INTEREST GROUP LOBBYISTS**

Sad as it may seem, there are special-interest group lobbyists who are actively working against our children by spreading misinformation about the Quality Education and Jobs Initiative (Prop. 204).

These education enemies operate in the land of untruths and will try to confuse you during this campaign with misrepresentations. As a non-partisan parent group, it has been eye-opening to witness how these special-interest lobbyists control the state Capitol. They don’t want you to lose the power to determine how your tax dollars are spent. While education is Arizona voters’ top funding priority, it is not the top priority of their monied clients.

Here’s how they’ll try and fool you:

**MYTH #4: Accountability and Performance**

**THE TRUTH:** The Quality Education and Jobs Initiative has numerous accountability and performance requirements. A percentage of funding is only released if performance improves statewide on measurements including improving graduation rates, increasing the number of third-graders reading at grade level and better scores on the ACT and SAT. In addition, Prop. 204 will fully fund an accountability statewide database that the Governor and Superintendent of Public Instruction have argued is necessary for tracking student, principal, teacher, school and district performance. It will also provide more immediate feedback to parents and teachers as to student performance on statewide assessments.

**MYTH #5: Charter schools**

**THE TRUTH:** The initiative prevents any further cuts to funding for both charter schools and district schools. Education enemies are cynically trying to drive a wedge between the charter school and district school communities by making misstatements about funding for charter schools. As parents, we made sure the initiative made investments in both charter and district schools and protected both from further legislative cuts.

**Ann-Eve Pedersen, Tucson**

Paid for by Quality Education and Jobs Committee

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The Protecting Arizona’s Family Coalition and The PAFCO Education Fund strongly support the Quality Education and Jobs Act citizen’s initiative. We support the renewal of the one cent sales tax and allocation of funds for public education and universities as well as for children’s health and the Family Stability and Self Sufficiency Fund in the proposed law.

We strongly support the proposed Family Stability and Self-Sufficiency Fund section to be administered by the Governor’s Office to provide grants to help reduce hunger, homelessness, family violence and provide child care. We also strongly support the section to fund KidsCare, children’s health care fund. Arizona needs an adequate tax base to support its children and families.

Education and education achievement do not exist in a vacuum. For education to succeed, children and families must have enough food to eat, a stable and safe roof over their heads, and they must be healthy and free from harm. It is critical to help struggling families make ends meet by restoring and strengthening programs that provide basic needs, promote self-sufficiency, offset the high cost of child care, and provide health insurance coverage for children.

When compared to poor children, children in stable families with sufficient income through employment: have improved school readiness, higher levels of reading and math skills, more pro-social and less problem behavior, higher rates of high school completion and educational attainment, work more and earn more.

The investments proposed in the Quality Education and Jobs initiative are investments that are smart for children and families and good for Arizona.

**Ann Rider, Vice Chair, Protecting Arizona’s Family Coalition**

Education Fund, Phoenix

Paid for by Quality Education and Jobs Committee

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**Spelling, grammar and punctuation were reproduced as submitted in the “for” and “against” arguments.**

**Arizona’s General Election Guide**
Arizona Parent Teacher Association (Arizona PTA) members are cautious about taxes and passionate about helping all children meet their full potential. Arizona PTA Board supports this initiative because it provides

- No new taxes;
- Accountability to the taxpayer;
- Dedicated funding for quality K-12 education, college scholarships, and job training.

A YES vote for Quality Education and Jobs means YES for accountability.

Accountability laws that OEI will help fund:

- **“Move on When Reading”** students reading by 3rd grade
- **Teacher and Principal Evaluations** based 30-50% on their students’ test scores. New tests and other innovations need to be developed to assure that every student has a highly qualified teacher, while assuring that our teachers are respected and supported as professionals.

Plus, OEI will add

- **New audits** of K-12 schools and colleges. Every 5 years, audits will check that the monies collected were used to improve education and job preparation.

26% cut. From 2007 to 2012, state K-12 education funding has been cut by 26% per pupil.

Arizona PTA members report:

- **Cut**: math and literacy coaches
- **Class sizes are too high.**
- **Cut**: art, music, PE, languages classes
- **Cut**: anti-bullying programs, college advisors, vocational training
- **No state funding for buildings.**

Throwing money at the problem will not help, but applying money to specific practices will help Arizona be competitive globally.

**This initiative will NOT be enough to replace the 26% cut.** But it’s the right direction.

PTA® is the largest volunteer child advocacy association worldwide.

Today’s children will determine our future as our doctors, car mechanics, political decision-makers, etc.

For a bright future, we must assure quality education for all children.

Please **Vote YES!**

Rochelle Wells, President, Arizona PTA, Tempe

Mitzi Epstein, Legislative Issues Chair, Arizona PTA, Tempe

Paid for by Arizona Congress of Parents and Teachers

Literacy Connects’ vision is that our community will thrive when all of its members are literate and active participants in our schools, workplaces, homes and government.

In recent years, funding for education for all ages from preschool to adults has been significantly reduced. Making certain that the revenues generated by continuing the one-cent sales tax actually go to improve the educational opportunities in our state is essential for economic recovery and improving the quality of life in our communities.

The initiative includes important support for learners of all ages that will not be able to be redirected to non-educational expenses by the legislature.

The initiative also includes important accountability measures to ensure that this money will be spent wisely. The Board of Literacy Connects endorses Proposition 204 and urges Arizona voters to vote yes for Proposition 204.

Jeanne Taylor, Business Manager, CDG Architects, Ltd., Literacy Connects, Tucson

Sylvia Lee, Retired - Former President, Pima College

Community Campus, Literacy Connects, Tucson

Paid for by Quality Education and Jobs Committee

Vote Yes on Proposition 204

Proposition 204, the Quality Education and Jobs Act, is absolutely vital to the future of education in the state of Arizona. Unprecedented cuts by the state Legislature over the past five years have devastated public education in Arizona. The Legislature’s passage of numerous educational initiatives in combination with these cuts, without additional funding, will make them nearly impossible to execute.

Proposition 204 will establish a dedicated funding source for public education in Arizona and will provide accountability standards and performance requirements vital to the implementation of the laws passed by the Legislature.

As a parent of public school children, I witness the dedication of public school employees daily and I believe it is time for us, as parents and community members, to define how education funding is provided. There has been consistent support by voters in this state for education but our Legislature has routinely ignored the will of the voters by passing unfunded mandates and cutting virtually all aspects of public education.

I urge you to join me in supporting Proposition 204. Make your vote count by voting “Yes” on November 6th.

Julie Bacon, Parent, Scottsdale

The Grand Canyon Institute Recommends YES on Prop. 204

To build an economy focused on high-end jobs, we have to empower private sector forces of innovation and creation, while investing in an educational system that provides a solid workforce and environment that advances the intellectual capital of a knowledge economy.

That’s not going to happen without your support for the Quality Education and Jobs Initiative. The initiative maintains the current one cent sales tax passed by voters in May 2010 to support education and improves upon it.

The initiative creates the foundation for educational innovation and success by requiring the State Board of Education to set goals and assess progress statewide in student achievement, parent satisfaction and student engagement. These public goals will create the conversation Arizona needs regarding what works best in education.

Quality education will be critical toward attracting high-end jobs, as employers want a quality workforce and the confidence in education to send their own children to public schools.

It’s also comprehensive, applying to both charter and traditional public schools. It funds vocational education as well as scholarships to universities.

Healthy kids are ready to learn. Prop. 204 addresses a key omission of the legislature, a failure to fully fund KidsCare, health insurance for lower income children who are not otherwise eligible for Medicaid. Plus, Arizona will receive the two to one matching federal dollars that accompany it.

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Arizona’s General Election Guide
The leadership of the Arizona Coalition to End Homelessness, a statewide advocacy group consisting of homeless practitioners and stakeholders, supports the Quality Education and Jobs Initiative. While the economy may be rebounding, families, individuals, and veterans who have been left crippled by a job loss, a mortgage foreclosure, or a health crisis, have exhausted their family and social supports and are now showing up at emergency shelters throughout the state. What’s more, economic and demographic indicators linked to homelessness continue to worsen. Resources provided by the federal stimulus have run out in many communities, and the past several years of the state budget crisis have flattened any new resources to programs providing aid to those experiencing homelessness. These are the reasons the Coalition’s leadership supports the continuation of the temporary one-cent sales tax passed in 2010. Among the initiative’s many benefits – protecting K-12 funding from future legislative cuts and restoring KidsCare healthcare funding for children living in poverty – the initiative creates a Family Stability and Self-Sufficiency Fund to provide grants to help reduce hunger, homelessness, family violence and to provide childcare. The Family Stability and Self-Sufficiency Fund would be administered by the Governor’s office, which would annually allocate monies to nonprofits to provide services for the basic needs of children, families, and vulnerable adults whose incomes are less than 200 percent of the federal poverty level.

A yes vote to the Quality Education and Jobs Initiative would not increase taxes, but continue an existing tax. Arizona voters understand the importance of highly educated and skilled citizens and the need to support programs that aid children and disadvantaged families. The Arizona Coalition to End Homelessness requests that you vote YES on the Quality Education and Jobs Initiative.

Maggie Lord, Board Member, Arizona Coalition to End Homelessness, Phoenix

Nichole Stevens, Board Member, Arizona Coalition to End Homelessness, Phoenix

ARGUMENTS “FOR” PROPOSITION 204

WHAT MAKES a country great are its citizens. What KEEPES a country great are its children. Children cannot vote in the coming election and are total victims when it comes to their education. If our country is to grow and prosper, we must educate ALL our children to the best of our ability. In Arizona we are not doing that and children are suffering because of it.

The state of Arizona already ranks at the bottom in educational funding. Students are in large classes without the programmatic support they need to succeed. Yet our legislature keeps putting additional demands on teachers and principals to do more and more with less and less. It has become impossible to do.

Within the last five years our legislature has cut an additional 26% from an already under funded educational budget. Our children do not deserve this. If we want children to become productive citizens, we owe them the education they deserve including programs that meet individual needs (e.g. reading, math and language support). Our children also deserve music, art and P.E. All these programs have been cut because there is no money to fund them.

Passing Prop 204 is the first step in correcting this wrong and supporting our children. By passing this initiative we will guarantee that money we have allocated for education GOES to education. Our children deserve nothing less.

Vote YES on Prop 204.

Jane Klipp, EdD, Educator, Tucson

Following years of an uncertain economy, the state budget has been routinely balanced on the backs of the most vulnerable: children. KidsCare, a program that bridges the gap for families who earn too much to qualify for AHCCCS (Arizona Health Care Cost Containment System) but still earn too little to afford insurance for their children, has absorbed substantial cuts, denying tens of thousands of children access to adequate routine medical care. These same children attend public schools across the state, the same public schools that have had their funding slashed, inflicting double damage on the young lives our state should be protecting.

The Quality Education and Jobs Initiative—Proposition 204—will provide $25 million for children’s healthcare within the first year. Without Prop 204, KidsCare will no longer exist by next year, and children will go without the healthcare they need to grow into educated, contributing members of our communities.

Further, Prop 204 provides stable funding for our state’s public education system, funds additional resources for those children who face educational challenges brought on by poverty, as well as invests in career and technical programs, which provide skills and training necessary for an improving state economy.

It is important for us to support Prop 204 to protect each and every child’s future and, consequently, the future of our state. A healthy child makes for a healthy student read and able to take advantage of the educational opportunities this Proposition will ensure for them.

Vote YES for healthy students. Vote YES on Prop 204.

Barbara H. Warren, MD, MPH, Chair, Board of Directors, Physicians for Social Responsibility AZ, Tucson

Eve Shapiro, MD, MPH, Member, Board of Directors, Physicians for Social Responsibility AZ, Tucson

ARGUMENTS “AGAINST” PROPOSITION 204

Education is important to the families in our communities. We want a good, quality education for our children not only as parents, but because we know they are the future of our community.

This measure supports working class families by providing a stable funding source for our public schools. We know that a good education means a better chance for our children to go to college and a more quality workforce.

This measure will help make education more affordable for our families by including scholarships to attend university or community college. It strengthens community colleges and universities in Arizona by providing funds for operations as well as for the scholarships.

Our state legislature has been cutting funds to public education year after year and it has to stop now. This measure is a way for the people to take responsibility for funding schools into our own hands and ensuring that our children’s schools are adequately funded.

Support Arizona’s future, support Prop 204.

Dawn Marie-Rutkowski Koberstein, Past-President, Chandler Education Association, Tempe

LeAnna Farmer, President, Chandler Education Association, Chandler

Susan Cormier, President, KEA, Tempe

Katie Barnes, President, Tempe Elementary Education Association, Chandler

Support Arizona’s future, support Prop 204.

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As mayor of Arizona’s second largest city, I recognize that improving Arizona’s education system is the key to a healthy economy. That’s why I support the Quality Education and Jobs Initiative, Prop. 204. This initiative will create no new taxes. However, by extending the current one-cent sales tax, it will provide a permanent, dedicated revenue source for education. Turning Arizona into a state where education funding is guaranteed will help our communities attract and retain high-paying employers, who need highly skilled employees.

This support for education comes at a critical time for district and charter schools in our communities. Recent cuts to education have caused much larger classroom sizes, the loss of qualified teachers, school closures and the lack of funds for basic supplies. Arizona is one of the lowest-funded education systems in the country and we have the poor outcomes to show for it.

Especially troubling is the fact that only 26 percent of fourth graders are reading at grade level. One in six children who don’t read well by third grade drop out or don’t graduate from high school on time. Prop. 204 will provide funds to help our schools meet the new requirement that third-graders be reading at grade level.

While 80 percent of the funds will help education, Prop. 204 also benefits transportation. The Legislature’s diversion of transportation dollars into the general fund has hurt our communities. We have had to shift resources away from priorities, such as police, fire, parks and libraries to pay for road repair. Prop. 204 prevents future legislative raids and creates a fund that will help build and repair road, rail and transit projects in our communities.

Vote YES for Prop. 204: Quality Education and Jobs.

Jonathan Rothschild, Mayor of Tucson, Tucson

As our schools go, so goes the future of our cities and our economy. As a mayor, I know our communities compete in a global economy, and the best way to give our children a competitive advantage is to advance education in Arizona. In fact, it’s the only way.

That’s why I support Proposition 204, the Quality Education and Jobs Initiative. The initiative maintains the existing sales tax rate, and provides a permanent, dedicated revenue source for education. Not only will this help prepare our kids for the future, it sends a message that we are serious about education and will immediately help with recruiting the right kind of employers and high wage jobs to our state.

Thank you for joining me in voting yes on Prop. 204, Quality Education and Jobs.

Greg Stanton, Mayor of Phoenix, Phoenix

Valley of the Sun United Way Argument in Favor of the Quality Education and Jobs Initiative

Valley of the Sun United Way believes that resources should be invested toward education and jobs to ensure our state’s future. In 2010, Arizona voters and Valley of the Sun United Way agreed with Governor Brewer’s proposal to implement a temporary one-cent sales tax to support education and other critical services. While this provided a critical temporary resource, it is imperative that a permanent funding solution be established to support education and jobs. The Quality Education and Job Initiative will set forth specific funding for K-12 education, post-secondary education, vocational training and jobs. Accordingly, VSUW supports this initiative.

All agree that providing a better educated workforce is vital to increasing productivity and fostering innovation. When business and industry leaders convene in Arizona, it’s common to hear discussions about the need to enhance our state’s economic competitiveness and calls for a better-prepared and competitive workforce. Therefore, it is critical for Arizona to step up and support programs that will prepare youth for success in school, career and the workplace.

Since 1925, VSUW has developed and funded programs proven to help children enter school healthy and ready to learn, which arms youth with a solid foundation for lifelong learning. Quality education will set the course toward financial and personal independence for Arizona’s youth.

Working to educate, provide healthy family environments, and financial independence are priorities for VSUW and the community, and as always, United Way is ready to move forward and work alongside fellow citizens that hold Arizona’s best interest in mind.

Please vote in favor of the Quality Education and Jobs Initiative.

Respectfully,

Meri E. Waschler, President & CEO, Valley of the Sun United Way, Phoenix

Katherine Cecala, Chief Operating Officer, Valley of the Sun United Way, Phoenix

Paid for by Valley of the Sun United Way

Valley Interfaith Project (VIP) supports the Quality Education and Jobs Initiative and asks its constituents and all voters to vote “Yes” on Prop 204. Prop 204 is very important to our families. VIP is a broad-based organization that includes congregations, schools, unions and other non-profits. For too long, we have neglected to fund education in our state at the level where our children can succeed. Continuing the one cent sales tax will provide a dedicated revenue source that will strengthen education and prevent K - 12 cuts. It will also restore the affordable health insurance program, KidsCare. Our children must be healthy and prepared for the jobs of the future. All of the requirements for a strong educational system from kindergarten to college are immense but crucial for the future of our fast growing state. Prop. 204 requires accountability through performance standards, student accountability, graduation rates and percentage of children reading at third grade levels.

David Ryan, Vice President, Valley Interfaith Project, Phoenix

Jozef de Groot, Treasurer, Valley Interfaith Project, Scottsdale

Paid for by Valley Interfaith Project

Dignity Health Arizona stands as the leading not-for-profit healthcare system in the western United States with 38 hospitals in Arizona, California and Nevada. We provide a wide range of health, social and support services, with special advocacy for the poor and underserved.

We support Proposition 204 because it is vital for our communities and the future of our children.

Polls have shown that Arizona residents instinctively understand how important education is to everyone, today, as well as in the future, and Dignity Health agrees. Proposition 204 provides additional funding for education that will help grow the next Arizona physician, nurse, or x-ray technician, as well as the next researcher and inventor for new healthcare providers. A strong educational base creates the future workforce that Dignity Health needs to provide the best possible care to our patients. In addition, by investing in technical and career programs, students may be shown opportunities in healthcare that they otherwise would not have thought possible.

We believe that Proposition 204 passes the test of fairness and long-term vision that we in Arizona need today.

This initiative does all of the following:

- It invests in vocational and GED programs and all public schools, including charter schools.

- It creates resources for Career and Technical Education programs as well as community college scholarships.

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- It holds students, teachers, schools and school districts accountable for progress.
- It requires that taxes already being collected go where the voters want them — into education and infrastructure investments.

We urge our fellow citizens to support a better future for all of us and vote for Proposition 204.

Linda Hunt, Senior VP of Operations, President & CEO, Dignity Health Arizona, Phoenix
Paid for by Quality Education and Jobs Committee

John Peters, Service Area Chief Financial Officer, Dignity Health Arizona, Phoenix

Dear Arizona Families,
These past few years have been difficult times for everyone. While told that tough choices and cuts have been needed, these cuts hit hard on those who cannot, and should not, shoulder the burden of hunger or illness. I am talking about the children of Arizona most in need — those who are hungry, ill and homeless. These children did not cause the current budget situation we are in, and it is outrageous that they should suffer for it. Prop 204 will not only improve and protect education funding for the State of Arizona, it will also protect funding for the programs children and families rely upon. That is why the Association for Supportive Child Care supports this proposition.

In 2010, the child healthcare program - KidsCare - which provides health care for children not eligible for AHCCCS yet still needing assistance was ended. Thanks to the support of organizations and local hospitals, KidsCare II was started up to help these children once again. Unfortunately, if this proposition does not pass, KidsCare II will no longer be able to assist children in need by the end of this year.

We cannot allow the children of this state in need of help go without assistance, anymore. Prop 204 will not only restore funding to Kids Care, it will create an additional funding for families in need for services to help families. Combined, these funds will total $125 million dollars to support families and their children when they need help the most. Give them a helping hand to get out of poverty. Please join me in supporting Prop 204 by voting YES for Arizona’s children.

Susan (Wilkins) Jacobs, Executive Director, Association for Supportive Child Care, Tempe
Paid for by Association for Supportive Child Care

Elizabeth Blue Swadener, Board Member, Association for Supportive Child Care, Tempe

It is time to stand up for education; education is the solution for jobs, careers and a healthy economic/business community. Politicians say they are for education but have made severe cuts to education. The time is now; it is up to us, the citizens, the voters, to act. We need to find a way to improve education in Arizona and the time is now. The studies have been done and we know that increased funding for education means jobs for Arizona. Our students have been neglected long enough. We are not just throwing money at education. A plan, limitation and requirements are in place for the use of these funds. As a community college board member I promise to do my job to ensure my commitment to good stewardship and student success.

The Quality Education and Jobs Act, otherwise known as Proposition 204, is so vitaly important for the State of Arizona. After trying to put good faith in the ability of the state legislature to fund education adequately, Arizona citizens have come together to do the job themselves. Proposition 204 will allow dedicated revenue to flow into education. Voting YES for Proposition 204 will put Arizona, our cities, our neighborhoods, and our communities back on the right track.

We stand at a crossroads now as the people of Arizona. Together, we can create a stronger future for Arizona. Please join us in supporting Proposition 204.

Randolph Lumm, Board Member, Maricopa County Community College District, Litchfield Park
Paid for by Quality Education and Jobs Committee

Esther Durán Lumm, Community Activist, Litchfield Park

Proposition 204 Prepares Arizona for the Future
The Tucson Utility Contractors Association supports Proposition 204 to prepare our future workers, protect the Highway User Revenue Fund (HURF) and create a statewide infrastructure fund to help build road, rail and transit projects in our communities.

For too long — and long before the recession hit — state legislators in Arizona have used the HURF as a slush fund to promote other projects rather than devoting it to paying for the transportation projects that help Arizona grow and create new jobs — its intended purpose.

Arizona has been the fastest growing state in the nation. As it grows, the state needs its roads and transit projects to keep pace. It also needs jobs for its growing population.

But more than 43,000 jobs in Arizona have been lost already due to raiding of Highway User Revenue Funds.

Proposition 204:

- Ensures adequate funding for schools to prepare the next generation of workers for a competitive global economy.
- Prevents legislative raids on the HURF so that our cities and counties do not have resources diverted away in order to fund road repair and construction.
- Creates a state fund dedicated to ensuring that our modes of transporting goods and people are safe and high-functioning. As an association representing Arizona employers, we are pleased that this initiative will not raise taxes. It simply extends the existing one-cent tax for education that is due to expire and allocates a fraction of it to transportation projects.

Proposition 204 will stop the misuse of the HURF. We support it. We ask our fellow citizens to support it as well.

Ramon Gaanderse, Executive Director, Tucson Utility Contractors Association, Tucson
Paid for by Quality Education and Jobs Committee

Chris Albright, Chairman, Tucson Utility Contractors Association, Tucson

Sun Devils, please join me in supporting Prop. 204. Arizona is at a crossroads. For too many years, our state hasn’t prioritized higher education. As a Sun Devil, a student leader, and an Arizonan, I support Prop. 204 because I know it will revitalize our economy and ensure that more Arizonans can have access to a college education.

Arizona lacks a state-based financial aid system. This, combined with rising tuition and fees, has meant that students turn to student loans to pay for their education. Students aren’t taking out a small amount of debt; the average in-state undergraduate leaves school with more than $25,000 in student debt. Debt isn’t just a problem that affects students - graduates with overwhelming debt burdens delay major life decision like buying a house or starting a family, which negatively impacts the entire economy.

Prop. 204 is the solution we have been waiting for. When passed, Prop. 204 will provide $150 million worth of financial aid that goes directly to students. Education drives economic growth, and Prop. 204 is how we are going to get our economy back on track.

Mark Naufel, Student Body President, Arizona State University for the Undergraduate Student Government at Tempe, Tempe
Paid for by Arizona Students’ Association

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As Student Body President at the University of Arizona join me in supporting Proposition 204. I am supporting this proposition because it offers unprecedented opportunities for student success in this state. Education is essential for economic growth, and as a student leader I am committed to ensuring that we are doing everything possible to preserve the strength of Arizona’s future.

This is a pressing issue for students because the cost to attend the University of Arizona has grown beyond the means of too many students and families. Financial aid hasn’t caught up to tuition costs, and only one percent of the total financial aid Arizona students receive comes from state-based financial aid. Because of this, I have had to witness numerous students and families be forced to turn to costly student loans to cover the total cost of attendance.

Prop. 204 provides $150 million a year for financial aid that goes directly to Arizona university students. This means that students will have a sustainable source of financial aid and won’t have to scramble to find a way to pay for college. This initiative has the ability to provide these students with better access and affordability than ever before, while protecting them from the consequences of too much debt.

When we stand united as a community and state, only then can we work to achieve real progress. Cost has kept too many qualified students from becoming engineers, teachers or scientists, and above all, prevented them from pursuing their passions. Arizona can’t afford to limit access to our universities. We know Prop. 204 will get us on the right track – let’s bear down and make this a reality.

Vote yes on Prop. 204 to grow opportunities for our students, our community, and our economy.

Kathleen Murray, Student Body President, Associated Students of the University of Arizona, Tucson
Paid for by Arizona Students’ Association

Argument to Vote YES on Prop 204, Quality Education and Jobs Act

The Arizona State University Graduate and Professional Student Association proudly supports Proposition 204. This ballot measure asks voters to continue the one-cent sales tax approved through Proposition 100 in May 2010. Proposition 204 establishes specific guidelines dictating that the revenue will be used to support education, infrastructure, children’s health care, and public safety. We support this grassroots initiative because 80% of the funding goes directly toward funding education. Our top priority is to ensure that our public universities continue to provide an accessible, affordable, and quality education. These institutions have seen over $400 million cut from their budgets since 2008, which has resulted in increased tuition costs and rising student debt. Over the last 5 years, undergraduate debt has increased 17.4%, from $18,029 to $21,158 and graduate debt has increased 25.2% from $35,880 to $44,918, a report from the Arizona Board of Regents shows. Proposition 204 provides $150 million a year for state-based financial aid to Arizona university students, which means more students will graduate without crushing student debt.

When Proposition 204 is passed, voters will see an immediate return on this investment. Nearly $1 billion was infused into the Arizona economy as a direct result of research at our public universities, according to ABOR. Education drives economic growth - in 2010, individuals who were awarded an undergraduate or graduate degree between 1990 and 2010 earned nearly $11.1 billion in wages and paid approximately $788 million in state and local taxes, according to ABOR. Investing in quality education and jobs is investing in a better Arizona with high quality jobs today and a more educated and prepared workforce tomorrow. Please vote YES on Proposition 204.

Rhian Stotts, President, Graduate and Professional Student Association at Arizona State University, Tempe
Megan Fisk, Vice President of Professional Development, Graduate and Professional Student Association at Arizona State University, Gilbert
Paid for by Graduate and Professional Student Association

Many rural communities in Arizona suffered deep losses during the recession. We have some of the highest rates of unemployment in the state and with cuts to public education and transportation many of our school buildings and roads are in rough shape.

This initiative will invest directly in our classrooms, allowing for reductions in class sizes, replacing ageing infrastructures, installing state-of-the-art improvements, and retaining high-quality teachers with competitive pay and benefits.

This initiative will create new jobs by protecting state road funds for local communities, stopping legislative raids so that cities and towns don’t have to divert funds away from police and fire stations to fund costly repairs.

Things may be turning around for the rest of the nation, but the recovery process will be slower in rural Arizona and this initiative can help our rural communities get back on their feet faster.

Support our rural communities, vote Yes on Prop 204.

C.M. Thompson, Chinde Education Association, Chinde
Paid for by Quality Education and Jobs Committee

The students of Northern Arizona University overwhelmingly support Proposition 204. Lumberjacks support this proposition knowing that it is the best way to get Arizona’s higher education system back on track. It is fact that education fuels economic growth, and Prop. 204 will allow education in Arizona to grow.

Tuition and fees at the universities have skyrocketed and Lumberjacks know that Arizona is lacking a viable form of state-based financial aid. Students are disproportionately turning to student loans to finance their education. Students are leaving the school with high student loan debt that is often impossible to pay off. Student loan debt is not just a problem for the individual student; it is a problem for the entire economy.

Proposition 204 will bring viable relief to Arizona students and families - it will provide $150 million a year toward state-based student financial aid. With the passing of Prop. 204, students will have a place to turn to other than loans to fund their education.

Vote yes on Prop 204 to support students and grow our economy.

Samantha Smart, Student Body President, Associated Students of Northern Arizona University, Peoria
Paid for by Arizona Students’ Association

Great schools build great communities. The kind of businesses that move here, the quality of health care that our senior citizens receive, the ability of our graduates to find jobs in the communities they grew up in are all impacted by having top rate schools.

In the past four years, we have been going in the wrong direction. Since 2008, the Arizona State Legislature has cut over 25% of school budgets across the state, resulting in public and charter schools increasing class sizes. Kindergarten through third grades are critical years. This is when students learn the building blocks of reading and math. Across the state, K-3 class sizes have swelled to 30 or more students, denying children a chance to learn and teachers a chance to be effective.

95% of Arizona students are enrolled in public and charter schools, if we want a school system that ensures a high quality education, attracts and grows businesses, allows us to compete on a global level, we have to invest where the students are.

The Quality Education and Jobs Initiative protects and stabilizes our education funding from the whims of politicians.

We will never have a great state without this investment. Every Arizona resident is impacted by the quality of our schools. Voices for Education urges you to vote “YES” on 204.

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Great communities build great schools.  
Robin Hiller, Executive Director, Voices for Education, Tucson

I am proud to support Proposition 204, also known as the Quality Education and Jobs Citizens Initiative.  
Arizona needs to plan for the future now to create a stronger economy. Proposition 204 will improve the quality of Arizona’s education system by providing dedicated funding for schools and classrooms. Strengthening education will make our state more competitive when it comes to attracting and keeping high wage jobs. Proposition 204 will create a funding floor that allows us to grow our education system and make it capable of producing students ready to tackle the challenges and demands of the workforce of the 21st century.

In addition to supporting public education, Proposition 204 will prohibit the Legislature from their continual raids of the Highway User Revenue Funds, forcing city councils and boards of supervisors to divert funding to pay for infrastructure projects, and away from public safety and other city services. Prop 204 will create a “State Infrastructure Fund” that may be used for road, rail, transit, and other improvements, helping to increase and ensure the quality of life Arizona residents deserve.

Please join with me in voting YES for Proposition 204, vote YES for better schools, stronger infrastructure, and a brighter future for Arizona.

Charles Vierhout, Avondale City Councilman, Avondale

As former Chairman of the Arizona Board of Regents I have observed the painful impacts of the last four years of historic and destabilizing budget cuts to our schools. Our policy makers have had to navigate a recession, but the cuts were deeper than they needed to be. And they were in violation of the moral commitment to the Arizona voters who passed Prop 100 four years ago believing that this money would go to schools—only to see it committed to other priorities.

But there can be no priority greater than education in our knowledge based economy. Our competitors are making massive commitments to education and increasing the educational quality of their students and output of their education systems. Meanwhile, the United States has fallen behind, and Arizona is among the bottom of the states.

History is replete with examples of societies who have lead—then withered when unable to adapt to changes in the economy. The reality is that we can’t compete with most of the world on cost so we must compete on value, by producing the ideas, goods and services the rest of the world will buy. This takes an educated workforce and that’s why much of the world has decided to make that policy choice, and investment.

The Quality Education and Jobs Initiative makes the financial investment and assures the necessary standards and accountability for the results we need in Arizona. That it also invests in badly needed college financial aid for the smartest students who otherwise can’t afford to improve their skills, and in the infrastructure that will create jobs and make Arizona more competitive—are additional compelling reasons for an affirmative vote.

Fred DuVal, Former Chairman, Arizona Board of Regents, Member, Greater Phoenix Leadership, Former Commissioner, Arizona Commerce and Economic Development Commission, Phoenix

As real estate agents and Arizona homeowners, we support the Quality Education and Jobs Initiative because there is a direct connection between quality public schools and neighborhood property values. This initiative gives us all an opportunity to strengthen and refocus our investment in our most tangible community asset—our property values, our workforce and our local economy.

In our profession, we have seen families reluctant to move to Arizona because they have heard about our declining investment in our schools. Our national reputation in this area is costing us—not only in our home values, but also in our ability to attract and retain businesses and top-quality professional services.

With a full 25% of the population in Arizona under the age of 18, a lack of investment in education will continue to plague Arizona and hinder its economic and real estate recovery. We have relied on Arizona’s past growth to keep our real estate market sound in the past, but this era is behind us. It is time to make a positive investment in our kids, our neighborhoods and our economic future.

Linda S. Gee, Tucson Realtor, Tucson

Yes on Proposition 204!

The Arizona Chapter of the National Association of Social Workers (NASW) is the largest professional association of social workers in Arizona. NASW advocates for policies and practices that ensure vulnerable populations receive necessary and appropriate support services, including adequate health care. NASW promotes the passage of the Quality Education and Jobs voter initiative—Proposition 204.

Human service professionals know that children must have good health and live in a safe home environment to succeed in school. One barrier to good health is access to health care services, which is compounded by the method of health care coverage in the United States. Private, employment-based insurance and publicly funded programs (i.e. Medicaid) provide the bulk of coverage. Children in modest-income working families, however, are not adequately served by this approach. Proposition 204 provides $25 million yearly to fund the Children’s Health Insurance Program (CHIP), allowing more children to access the health care services they need to live healthy lives. Proposition 204 also provides $100 million to the Family Stability and Self-Sufficiency Fund. This provides for essential services to children and their families including meals and services to increase the stability of home environments.

Arizona needs to rebuild programs serving our vulnerable children. Proposition 204 funded programs and services is a step in the right direction, and crucial to Arizona’s future.

Suzanne Schunk, LCSW, President, National Association of Social Workers Arizona Chapter, Tempe

The last few years have shown the real colors of our cowardly State Legislature. Facing challenges unprecedented in state history, those who are supposedly elected to represent us choose cowardice, not leadership. Instead of making tough choices and leading our state out of this crisis, the legislature cuts programs, placing the burden of economic catastrophe on the backs of this State’s poor.

Instead of working to make Arizona a state that will attract business and prosperity, they have made us a national joke that is more concerned with fiddling around while the State burns, chasing after undocumented workers instead of chasing after job creation.

Jeremy D. Arp, MSW, Executive Director, National Association of Social Workers Arizona Chapter, Tempe

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Proposition 204 will be a good first step in taking back control. Arizona’s education system has been made close to inadequate because of years of cuts to the system, tying the hands of teachers and letting our students down. Now it is high time for us to tie the hands of the legislature, by funding education the way we see fit. Prop 204 will allow Arizona’s schools to have a dedicated source of revenue, while preventing legislature cuts to classroom spending.

Join me in standing up and showing the leadership this State deserves, and our legislature is unable to provide, by voting YES for Quality Education and Jobs, vote YES for Proposition 204.

Lydia Guzman, Community Advocate, Glendale
Paid for by Quality Education and Jobs Committee

We support Prop 204 because we believe education is key to our state’s economic recovery. Our state’s leaders have been making drastic cuts to our public schools since the recession began, so it isn’t surprising that Arizona’s recovery has been slow.

This proposal will create a source of funding for our public schools that the state legislature cannot touch. By adequately funding public education we are putting more money back into our communities and Arizona’s economic recovery.

Strong schools that are properly funded will create a strong educated labor force. This means more companies will look at locating here in our state and bring more money into our economy.

Even before the recession hit, Arizona was last in the nation when it came to per pupil spending. We are competing in a global economy now and we cannot afford to fall behind by limiting resources to our future workers.

Support Prop 204 and invest in the future of Arizona.

Teri Laguna, President, FWEA, Tucson
Paid for by Quality Education and Jobs Committee

Former Teacher Supports Prop 204 Education Funding
I am a former teacher. Being in the classroom for more than 25 years taught me firsthand the importance of adequate school staffing, class size, school facilities, teacher training and evaluation, technical support, curriculum development, and supplies. All of these elements to an education system cost money, so it is absolutely galling to me that the Arizona legislature is allocating funds for K-12 education at a per pupil rate that is at the bottom of the 50 states.

The legislature has cut one billion dollars in education funding over the past four years. And the legislators wonder why parents, teachers, and business leaders support a citizens’ initiative to stabilize school funding. If the legislature does not understand the importance of public education, then the citizens of the state will take the matter into their own hands.

Common sense should tell us all that quality education is critical for the state's economy and quality of life. Arizona will not produce quality jobs without a well-educated population. The future of Arizona will be much brighter with the Quality Education and Jobs Initiative.

Connie Kaasa, Phoenix

Ballot Argument – Quality Education and Jobs Voter Initiative
Since 1981, Southwest Human Development has strive to give children throughout central and northern Arizona an optimal start in life by establishing a strong foundation for their future development. As Arizona’s largest nonprofit provider of early childhood programs and services that serves 135,000 children and families each year, we have seen a steady decrease in funding for critical state-level programs that our children need.

We greatly support the upcoming Quality Education and Jobs voter initiative—Proposition 204. Without raising taxes and by using 2010 voter-approved revenues for programs like KidsCare and other early childhood support services, we will start to rebuild these important programs that have seen funding cuts since 2008, or have even been eliminated altogether.

In order to be ready to learn and succeed in school, children need good health, nutrition and a safe, nurturing home environment. This initiative will bring in $25 million annually to help fund the Children’s Health Insurance Program, providing more children with the adequate health care they need to live healthy, productive lives. Additionally, it will provide $100 million to the Family Stability and Self-Sufficiency Fund, ensuring children and their families have the support they need to put food on the table and live in a stable home environment.

Please join us in supporting the Quality Education and Jobs initiative. These much-needed programs and services are vital to the success of children throughout our communities.

Ginger Ward, Founder & CEO, Southwest Human Development, Phoenix
Paid for by Quality Education and Jobs Committee
Suzanne Schunk, Director, Southwest Human Development, Phoenix

As Arizonans have struggled with poor economic conditions these past few years, the need for healthcare and social services has risen dramatically. Unfortunately, the care needed by many of our children has been significantly cut back in the face of budget cuts. Here at Empowerment Systems we see families everyday who face serious challenges accessing even basic services. We support Quality Education and Jobs, or Proposition 204, because this initiative will establish secure funding for programs such as KidsCare. It will help individuals and families access the kinds of education, health and employment opportunities that offer the best chance for them to lead dignified, independent lives, instead of continuing to rely on government support. If we fail in getting this voter initiative through now, programs like KidsCare will be phased out, leaving thousands of children without the preventative checkups, immunizations and healthcare that they need. Sadly, even though the program would be gone, the health issues of these children will not. Without assistance, these families will be burdened further, resulting in higher costs for all of us as they turn to Emergency Rooms for any health concerns. Let’s not leave this State’s children behind. Support Proposition 204 by voting YES for the health of our kids.

Jack Beveridge, President & CEO, Empowerment Systems, Inc., Apache Junction
Ruthanne Wahlin, Chief Operating Officer, Empowerment Systems, Inc., Apache Junction
Paid for by Empowerment Systems, Inc.

I am a parent and work every day in a Mesa public school. As a skilled craftsman, I do work on every campus in the district. I am proud to support Proposition 204 because I witness the great work being done in these schools every day. My work is meaningful to me because education is a priority to me. I believe that ensuring every child gets the education they need to become responsible and productive members of society is a value all American citizens hold. That’s why it’s important to pass Proposition 204 and assume or civic responsibility for our public schools. Together we can create bigger brighter futures for our children.

Richard Berumen, Mesa
Paid for by Quality Education and Jobs Committee

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

Arizona’s General Election Guide
Protect Arizona’s Future, Invest in Educating Children

Unfortunately, our state legislature does not make public education a priority, which is why, we, as voters, need to stand up for children and pass the Quality Education and Jobs initiative.

Despite Proposition 100’s passage to protect public education in May 2010, since 2009, base per pupil funding for K-12 education has not increased. In addition, this year’s budget had $50 million for new prisons and $0 for new schools. The legislature funded only $12 million of $240 million for school repairs, which is causing many districts to pull classroom funds to pay for repairing or replacing items like air conditioners. We also remain the only state in the country not fully funding Children’s health insurance (KidsCare), despite a 2 to 1 federal match.

The Quality Education and Jobs Initiative does not change your taxes; it continues the one cent sales tax approved in 2010. But, unlike Prop. 100, citizens wrote it, not the legislature, so it has far better protections:

1. It mandates adequate education funding to base K-12 funding levels.
2. It mandates annually increasing education funding by inflation or two percent, whichever is lower.
3. The initiative’s revenues supplement base funding levels. The legislature cannot use this funding to replace base funding amounts.
4. It requires the State Board of Education to set goals and assess progress statewide in student achievement, parent satisfaction and student engagement.
5. It funds all public schools, including charter schools.
6. It creates more university scholarships.
7. It provides career and vocational educational funding.
8. And, it assures Arizona funds KidsCare.

Please join me in supporting the Quality Education and Jobs Initiative!

Dave Wells, Parent, Tempe Union Governing Board Candidate, Tempe
Paid for by Friends of Dave Wells

As a parent and a teacher my children are my number one priority. I want what is best for them, which means strong schools with high standards, effective teachers, and a safe and supportive learning environment. Prop 204 will provide our schools, our teachers, and our children with the support they need to be successful.

Jessica Mahan, Peoria
Paid for by Quality Education and Jobs Committee

Gallego Ballot Argument

As a state legislator, I have fought hard to protect education. However, my legislative colleagues have fallen short time and time again, so I need you to support Proposition 204, otherwise known as the Quality Education and Jobs Act, which will create protected funding for our schools and roads without increasing taxes. For far too long, money that should go to education has been used for other purposes. These cuts hurt the children of our state. Schools across Arizona suffer from not enough resources and crowded classrooms. This initiative will not just safeguard funding for our schools, it will send a clear message to the legislature that Arizonans support public education. The time is now for us to take a stand.

Infrastructure will also receive dedicated funding through this measure. In doing so, we will create much needed jobs in construction through the building up of our infrastructure. If we allow our roads to become neglected, employers will be unwilling to come to this State, or stay, if our infrastructure is crumbling or non-existent.

We need to invest in our highways, our roads, support better schools for our children, as well as create jobs to get our State working again. Arizona’s future is in hands. I am proud to support the Quality Education & Jobs Act. Please join me in voting YES for Proposition 204.

Ruben Gallego, State Representative, Arizona House of Representatives, District 27, Phoenix
Paid for by Quality Education and Jobs Committee

Pro argument, Quality Education & Jobs

Arizona has been relying on such means as tax abatements that basically force companies to subsidize their competitors, which is wrong. What employers, especially high-tech employers, want is an educated work force. This proposition makes funds available for elementary and secondary schools, public and charter, with accountability, as well as for colleges, universities, and career education. There are also funds allocated for highways and bridges, health care and other assistance for those in poverty, and to retain and pay DPS officers. Such countries as Taiwan and South Korea have found that investment in education makes the economy stronger, and I am confident it will do so in Arizona as well.

Albert H. Wigbert, Phoenix
Paid for by Quality Education and Jobs Committee

I support Prop 204 because it’s the right thing to do. Year after the year the Arizona Legislature has cut education funding. This initiative will not only provide funding to our schools, but it also protects that funding from legislative cuts. Arizona citizens know investing in public education is important even if our legislators do not.

Esmeralda Bates, San Tan Valley
Paid for by Quality Education and Jobs Committee

Quality Education and Jobs Ballot Argument

I am a teacher in the Tucson Unified School District and I support Prop 204 because it will ensure that Arizona students get the quality education they deserve. I take the responsibility of educating my students very seriously and welcome the opportunity this initiative provides to hold all teachers accountable for the academic success of their students and it provides the funding to make sure teachers have the tools and resources they need to get the job done right.

Jason Freed, Tucson
Paid for by Quality Education and Jobs Committee

When voters unanimously approved the temporary one cent sales tax in 2010, they did so because of their commitment to fund education in this state and prevent more drastic cuts to our schools. Voter initiative Proposition 204 will make sure that the money raised by the one cent sales tax can only be spent on education and infrastructure. This means within a year of voter approval, our education system will receive funding dedicated for its use, and our road construction and repair will be funded to make sure that our Arizona’s highways remain safe and in good condition.
Under Prop 204, all of this is done WITHOUT raising any taxes. It takes the revenue that is already coming in and puts it aside in special funds which cannot be touched or used for other projects. This will allow us to create a much stronger funding base to grow and develop our education system into the coming future.

This isn’t a silver bullet. Education still has a long way to go to put us on a competitive edge in this global economy. But it is a strong step forward to making Arizona into a destination for jobs and talent. Arizona ranks at the bottom of classroom spending in the nation. Proposition 204 will put more money back into the classroom, ensuring that Arizona’s students will have the resources to become the leaders of tomorrow.

A brighter future for our state without raising taxes—that’s a win for Arizona. Join us in voting YES on Proposition 204.

Paid for by Quality Education and Jobs Committee

As members of an organization composed of retired public school employees from all across the state of Arizona, AEA-Retired members are uniquely qualified to know the needs of Arizona’s students. We have seen the catastrophic results for students of huge budget cuts to education. Class sizes have ballooned, classroom resources have dwindled, and programs that enrich students’ lives, such as music and art, have been eliminated. As retirees, we know the importance of a well educated workforce in the economic development of our state. As professional educators, we know the vital role that funding plays in providing a quality education for all students.

Over the past few years, the Arizona Legislature has cut billions of dollars from K-12 and higher education in our state, resulting in huge class sizes, lack of resources for the classroom, and higher tuition for college students. The only bright spot has been the temporary one-cent sales tax for education that the voters approved in 2010. Unfortunately, that tax is due to expire in 2014, and if we do nothing to help public education, we will see even more Draconian cuts that will be devastating to our students and our state. That is why AEA-Retired is supporting the Quality Education and Jobs Act. The QEJ extends the one-cent sales tax indefinitely and ensures that the Legislature must use those funds only for public education (K-12 and Higher Ed), children’s health care, and investing in Arizona’s infrastructure.

Arizona’s already demonstrated their support for our public schools by approving the temporary one-cent tax. We, the retired teachers and school employees, urge you to continue your support for our public schools and the students that they serve. Invest in the future of our children and the future of our state. Vote “YES” on Prop 204.

Paid for by Quality Education and Jobs Committee

As leaders of public school parent organizations, we have committed many volunteer hours to helping schools in our respective districts. In this front-line role, it is abundantly clear to us that public education in Arizona is insufficiently funded. We submit that any citizen who becomes educated on this issue will find it is an unimpeachable fact there is a lack of stable state funding for our public schools. Education funding in Arizona must change for the system to improve and adapt to the needs of students in the 21st century. This citizen-initiated proposition, to continue the current one-cent sales tax, will do for Arizona what our state legislature has not done — invest in public education.

For Arizona to be competitive, a high quality public education system is essential to attract and retain desirable employers. Currently, the lack of commitment to education in Arizona is a substantial deterrent to the much-needed business investment, which is vital to the future of our state. Proposition 204 is a crucial investment in education.

Public education is vital to the 80% of all students in Arizona who attend public schools and serves all of these students regardless of their abilities. High quality public education is fundamental to any vibrant state. Continuing this one-cent sales tax, which will establish baseline funding at current levels, for our public education system will benefit all Arizonans and will result in an impressive return on our investment.

As parents, citizens, and taxpayers, we know ensuring quality education and jobs is the key to prosperity. Join us in voting yes on Proposition 204.

Paid for by Quality Education and Jobs Committee

Education is a number one priority in our community and we are tired of seeing our legislators not supporting what we value the most. The time to support our public schools is now and if our elected leaders won’t fund public education, then we the citizens must take on this responsibility.

This initiative will ensure a stable funding source for our public schools. One that the legislature cannot cut. The legislature has cut one billion dollars in school funding over the past four years and passing this initiative will stop the legislature from making further cuts.

So many people in our community have lost their jobs and homes, but the one thing we won’t lose is our value in a good education for our children.

There are a number of new unfunded education reforms to ensure accountability. This initiative will fund some of those reforms and provide support to teachers in the classroom to improve student success.

We care about our students and our communities and that’s why we are asking for your support. Vote yes on Prop 204.

Support Arizona’s children, support Prop 204. This economic recession and the cuts to healthcare and education funding have hit hardest on our state’s most vulnerable population - our children.

With the cuts to KidsCare we have seen many students in Phoenix school districts lose access to healthcare. This initiative will protect the health of children living in poverty so they can succeed in school by providing funds for KidsCare, which offers health care and nutrition for disadvantaged children. Children can’t learn if they are sick or hungry and this initiative will help children in need focus on being successful in the classroom.

Spelling, grammar and punctuation were reproduced as submitted in the “for” and “against” arguments.
We know early childhood education builds a foundation for education excellence in our students. This initiative will also provide funds allowing public and charter schools to offer voluntary preschool programs for low-income students.

The initiative will help children be ready to learn by creating a Family Stability and Self-Sufficiency Fund to provide grants to help reduce hunger, homelessness, and family violence. In addition, the initiative will provide childcare for some low-income working families and single parents.

I urge you to vote YES on Prop 204.

Lindsay Farr, Vice President, Madison District CTA, Phoenix

Thomas Roy Oviatt Jr., President, PUHSP CEA, Peoria

Paid for by Quality Education and Jobs Committee

Arizonaans recognize that quality education is the key to our collective future.

They know that education is not only critical to our children and their success, but is equally key to all of us as we train Arizona’s future workforce.

Unfortunately, education has not been the priority of our elected leaders. For the past decade, the Legislature has failed to make the kinds investment in education Arizona needs to compete with not just other states, but other countries in this global economy.

That’s why a number of groups representing various business, parent and education community perspectives have come together to place the Quality Education and Jobs initiative on the ballot.

On the previous pages, you have read statements by many of the initiative supporters. But this is just a fraction of the organizations that have endorsed Quality Education and Jobs citizen initiative, which includes, among others:

Greater Phoenix Leadership
Southern Arizona Leadership Council
Arizona Chapter, Associated General Contractors of America
League of Women Voters of Arizona
Arizona Hispanic Community Forum
Association for Supportive Child Care
Children’s Action Alliance
Arizona Builders Alliance
Tucson Utility Contractors Association
Friends of the Arizona School Board Association
Arizona PTA
National Utility Contractors Association of Arizona
American Council of Engineering Companies of Arizona
Associated Minority Contractors of America
Chicanos por la Causa
Dignity Healthcare
Arizona Education Parent Network
Arizona Education Association
Arizona Students Association
Arizona School Retirees Association
Metropolitan Education Commission
Peoria United Parents Council
Support Our Schools-Arizona
The Navajo Nation
Arizona Community Action Association
Arizona Council of Human Service Providers
Arizona Child Care Association
For a more complete list, visit the campaign Website at QualityEducationAndJobs.com.

Thank you.

Adam Lopez-Falk, Campaign Manager, Quality Education and Jobs, Phoenix
ARGUMENTS “AGAINST” PROPOSITION 204

TEMPORARY-def: not permanent, lasting for a limited time. Arizona voters approved an additional 1% temporary sales tax to end in 2013. At that time, there was a state financial crisis caused by such factors as a lackluster economy, falling tax revenues, a weak-willed legislature and spendthrift governor. The crisis is over. An improving economy with a more fiscally responsible legislature & governor have even created a budget surplus or rainy-day fund. Continuing this tax is unnecessary & potentially damaging to the economy.

1. A sales tax of any sort is regressive hurting those with lower, middle or fixed incomes.
2. High sales taxes stifle “big ticket” discretionary spending. Currently, Arizona has the 10th highest state sales tax, and 11th highest state/local sales tax average.
3. High sales taxes encourage out-of-state & internet purchases resulting in zero-tax revenue.
4. This measure earmarks half of the first half-billion collected to fund education (without strings)?? Other funds are earmarked for roads, universities, and misc. construction. We have a voter elected legislature to determine spending priorities as they are needed. Saddling ourselves to a rigid pre-determined spending policy could have dire consequences in the future.

Finally, keep in mind that many in government, construction & education are licking their chops at the prospect of this multi-billion dollar windfall. Let’s keep some control of the state’s purse strings in our hands, as well as more money in our pockets. VOTE NO ON THIS IRRESponsible TAX INCREASE.

Tom Vana, Tucson

Farm Bureau Supports a “NO” Vote on Quality Jobs and Education Act

Arizona does not need more budgeting by the ballot box, nor do we need to further hamstring our legislature. We will hold them accountable at the ballot box. Our governor and legislature are constitutionally required to balance the budget. Every permanent earmark makes that job harder.

AZFB supported the temporary [emphasis on “temporary”] sales tax as an emergency measure, but the time for the sales tax increase has passed and it is time for the legislature to continue to do the things necessary to get our state’s fiscal house in order. The twelve earmarks are more like the twelve days of Christmas...year after year after year.

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

Paid for by Arizona Farm Bureau Federation

Dear Voter,

I urge you to vote No on Proposition 204. We don’t need this type of California, union-style budgeting in Arizona.

Two years ago - during some of our state’s toughest times - Arizona voters overwhelmingly passed Proposition 100, a three-year tax increase needed to stave off drastic cuts to education. I was proud to lead that effort, and I have continued to fight for measures that provide additional funding for critical education reforms that increase student achievement.

Unfortunately, Proposition 204 is not one of those.

Proposition 204 only pretends to fund the reforms we desperately need. Proponents of this measure, mostly unions and their supporters, want you to commit to permanently pay 18% more in state sales taxes - without requiring any reforms or guaranteeing any results. And all of this before the current sales tax has even expired!

They want to treat failing schools the same as successful schools. They want to claim that funds will be used to increase teacher pay and implement higher academic standards while, in fact, neither of those things is actually required.

Proposition 204 is overly-complicated and confusing. Even experts cannot agree what happens to the tax dollars collected. A school funding proposal shouldn’t require a degree in high finance in order to follow the money.

We can do better than Proposition 204. Let’s fund the results we want, starting with the resources we have. Let’s couple any new revenues with meaningful reforms that will actually improve student achievement and graduation rates. Let’s reward our star teachers and principals with pay that recognizes their outstanding performance.

Otherwise, we will look back and see billions more of our tax dollars spent without any clear improvements for our children.

Be wise with your money and vote No on Proposition 204!

Jan Brewer, Governor, Phoenix

Why you should vote NO:

1. The citizens of Arizona were PROMISED that the sales tax increase would be TEMPORARY, NOT PERMANENT.
2. The Governor and legislature have ALREADY SET $450 MILLION ASIDE, just in case we need it when the temporary tax expires.
3. Citizens CAN’T AFFORD this. Combined sales tax rates in many Arizona cities are already HIGHER than in New York City and Los Angeles. The current combined sales tax rate in Phoenix is 9.3%; Glendale’s is 10.2%, and Buckeye is at 10.3%.
4. This initiative has DEVASTATING consequences. It will effectively STRIP AWAY the right of Arizona Citizens to provide input on future budget decisions. Right now the state legislature and Governor are required to balance the state budget. The public and agencies are able to testify and give public input. Instead of public input, this initiative puts huge portions of the state budget on auto-pilot driven by formulas. Between this and the Feds forcing us to spend more and more on free healthcare, our state will have little to no money left over for other important services to our public. Agencies, like state parks, may very well be left to hang out and dry.
5. Just like other well-meaning initiatives in the past, this initiative will COST TAXPAYERS EVEN MORE MONEY than the sales tax increase. The nonpartisan Joint Legislative Budget Committee estimates the sales tax increase from this initiative will cover the automatic inflation index tied to it until 2018. Where are we going to get the extra money needed to fund this thing in 7 years and beyond?

Debbie Lesko, State Representative, Majority Whip, Arizona House of Representatives, Glendale

Paid for by Re-Elect Debbie Lesko

Education sales tax - Vote NO

The legislature will not adequately fund public education. Unfortunately they have the votes to cut taxes on those most able to pay and to increase vouchers and tax credits for private schools if we impose an education sales tax.
The legislature made revenue cuts as soon as the last temporary education tax passed. This time they promised to cut income taxes by an amount equal to the revenue from the sales tax if it passes. And they will give other tax breaks to the wealthy and divert more money to private schools.

BEWARE! Tax cuts would be forever because it requires a super majority to impose taxes.

Passing this sales tax would shift taxes from those most able to pay to a regressive sales tax that hurts low-income people. Higher sales taxes cut retail sales that are vital for our economic recovery.

If we refuse to bail out the legislature with this sales tax, they will have to face the public outrage (and not be elected) if they make destructive cuts in education funding.

The revenue would not cover all critical education needs. Unfortunately the proposition dictates which items to fund. This would prevent using the money for more critical needs that are not on the list. Voters are not qualified to decide how to allocate all this money.

Many supporters admit that they do not understand the important details of this proposition. So they depend on what the promoters say. Before you vote, meet with others who want quality education and are willing to pay for it with appropriate taxes. Study the issues. Listen to arguments for and against this tax.

Millions of these education dollars would be diverted to fund Arizona roads. Outrageous!

Ruth Stokes, Tucson

Vote No on Prop 204 – The Quality Education and Jobs Act

The Home Builders Association of Central Arizona has supported the funding of Arizona’s education system to ensure that we have an educated and qualified workforce to ensure a vibrant economy for Arizona. Unfortunately, Proposition 204 does nothing to achieve those goals. We oppose Prop 204 for the following reasons:

• It is a permanent one percent sales tax increase that is not a comprehensive approach to improving education in Arizona.
• It lacks the ability to change the use of the funds if Arizona’s priority changes.
• It allows for rewards to be distributed to schools regardless of performance level without specifying new programs or alternatives for failing schools to improve.

• Was drafted in secret without public input or discussion with those who were elected by the voters to decide how the state budget is funded.

• Allows a few groups to determine how funding for education, healthcare and transportation are determined while tying the hands of those who were elected to make such decisions.

Let the temporary sales tax expire as the voters desired when they approved the tax increase in 2010. Now is not the time to raise taxes as mandated by this ill advised plan.

Vote No on Prop 204

Connie Wilhelm, President, Home Builders Association of Central Arizona, Phoenix

Spencer Kamps, Vice President of Legislative Affairs, Home Builders Association of Central Arizona, Phoenix

Paid for by Home Builders Association of Central Arizona

I strongly oppose Prop. 204. Placing a permanent tax on a state still under economic duress is not good public policy. While it may sound like a solution for funding education and creating jobs, it circumvents the mechanisms that the public relies on to ensure that their hard earned dollars are well spent.

This sales tax will hinder job creation. With the temporary tax in place, impact studies found that in the private sector, over 4,000 jobs were lost. Multiplier effects estimate a reduction of approximately 7,383 jobs. The unemployment rate in this state has not dropped significantly to demonstrate a strengthened economy. The rate has only decreased 2% in two years. That is hardly encouraging.

This proposed tax, coupled with freezing the current tax rate, is a job killer. The tax can never be lowered. Any effort to reduce it is virtually impossible. Consumer confidence has guided our recovery, and in my estimation, they are not buying it. We are not there yet.

Hiding behind its title, Prop. 204 creates new funds for infrastructure, healthcare and welfare. There is no spending flexibility whatsoever. While the proponents could have given excess revenue back to the citizens, they chose not to. That is simply offensive.

Funding education is a wise investment. However, when it goes unchecked, and there are schools that do not perform to a competitive standard, the people will have no input. Like the sales tax, funding is frozen in time. There can be no change in spending priorities.

You can’t be all things to all people. Prop. 204 attempts to do so by casting a large net to lure in more votes. It will fail the public by overreaching in its mission and not allowing any budgetary discretion. Please oppose Prop. 204.

Steve Pierce, President of the Arizona State Senate, Phoenix

Arizona Chamber of Commerce and Industry opposes Proposition 204

The Arizona Chamber has long championed the development of an education system that prepares our state’s workforce for tomorrow’s economy. Such a system may require increased funding, but it also needs greater accountability, more tools to help struggling schools and students, and clear, measurable goals. Unfortunately, Proposition 204 fails in this regard.

In recent years, the Chamber supported reforms that help get more science, technology, engineering and mathematics educators into the classroom; increase accountability measures to ensure better school performance; assign easy-to-understand letter grade assessments of schools; increase school choice; increase funding to ensure third graders can read; and allow high achieving students to get a jump start on their college careers.

The Chamber recognizes that a high-performing education system requires the financial resources necessary to produce a highly qualified workforce. To that end, the Chamber strongly supported Proposition 100 in 2010, which established a temporary one cent per dollar sales tax that, among other things, helped prevent deep cuts to the K-12 system during the economic downturn.

Despite what proponents of Proposition 204 might say, it is not an extension of the current sales tax that is set to expire on May 31, 2013. This is an entirely new permanent tax with new implications for policymakers and our state.

This new permanent tax does not increase accountability nor does it demand increased achievement from our education system. Arizona voters, who will commit around one billion dollars annually, deserve more.

We urge voters to oppose Proposition 204.

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

Doug Yonko, Chairman, Arizona Chamber of Commerce & Industry, Phoenix

Paid for by Arizona Chamber of Commerce & Industry

Arizona’s General Election Guide
Proposition 204 (1-16-2012) – Earmarking at its worst
The Arizona Tax Research Association (ATRA) encourages a NO vote on Proposition 204 (1-16-2012). ATRA has long opposed ballot-box budgeting, where special interests use the initiative process to earmark revenues outside the state’s budgeting process. This initiative is arguably the most egregious earmarking effort ever placed before Arizona voters and it should be rejected.
This permanent sales tax increase locks in place an estimated $25 billion in spending over the next 17 years that can never be changed. Regardless of one’s perspective on the adequacy of education or transportation funding, putting spending for 12 different earmarks on auto-pilot is simply irresponsible. The Great Recession taught us a number of lessons regarding budgeting mistakes that aggravated Arizona’s chronic budget deficits. The biggest lesson was to avoid making permanent budget decisions that tie up billions of taxpayer dollars on the belief that neither the economy nor the state’s priorities will ever change.
In addition to a permanent sales tax rate increase in a state with the second highest combined rates in the nation, the initiative also takes the extraordinary step of freezing the current sales tax base. Freezing the sales tax base will undermine the growing momentum to reform Arizona’s antiquated state and local sales tax code and demonstrates not even a modicum of consideration for the taxpayers saddled with complying with this tax increase.
Lastly, funding for K-12 schools has always been the largest state expenditure. K-12 appropriations are driven by many complicated formulas that account for differences across Arizona schools. Prop 204 (1-16-2012) handcuffs policymakers’ ability to change these funding formulas. Presuming there will never be a legitimate reason to modify these statutes is shortsighted and an abuse of the initiative process.

Kevin J. McCarthy, President, Arizona Tax Research Association
Lori Daniels, Board Member, Arizona Tax Research Association, Chandler
Paid for by Arizona Tax Research Association

Ranching Families Oppose Proposition 204
Proposition 204 is a bureaucratic boondoggle. It is a permanent tax for a temporary problem. It is an inflexible program that increases taxes forever and ties the hands of any future policies to properly adjust Arizona’s Sales Tax Code. It just doesn’t work and we will not be able to fix it.
Our schools in rural Arizona are very important to us – but our children and our future are even more important. Proposition 204 pretends to know and direct the needs of our schools tomorrow through a flawed policy they present to us today. We support education and the continued funding of our schools – we just need to make sure we can adjust and direct these resources to better learning priorities in the future. Proposition 204 ties our hands and will not allow us to adjust the spending of these tax dollars to the learning priorities of parents and children in the future.
Please vote NO on Proposition 204!

Norman J. Hinz, President, Arizona Cattle Feeders’ Association, Phoenix
Patrick Bray, Executive Vice President, Arizona Cattlemen’s Association, Phoenix
Paid for by Arizona Cattlemen’s Association

Vote “No” on the Quality Education and Jobs Act
The Quality Education and Jobs Act will raise your taxes without a plan to improve our schools.
1. The Quality Education and Jobs Act does not provide a roadmap for better schools, just a higher sales tax. $500 million will be awarded to schools without any new requirements to increase test scores, make sure children graduate from high school, or reduce class sizes. Another $100 million will go to schools based on unclear guidelines including parent and student “engagement.” The other $400 million will be spent on highways and a mix of special programs.
2. There is no guarantee this money will be used in the classroom. The initiative does not promise that the money will make it into the classroom. We’ve seen this before. Twelve years ago we raised the sales tax to fund schools and taxpayers promised the money would be spent in the classroom. Earlier this year, the state auditor said only 55 cents of every education tax dollar makes it to the classroom. Since 2004, the percentage of education dollars spent in the classroom has decreased each year.
3. More money will not improve learning. Arizona has doubled inflation-adjusted school spending in the last 40 years, but student test scores have stayed the same. In Washington, D.C. and New York taxpayers spend double and triple what Arizona spends. Yet Arizona students outperform students in Washington, D.C. in math and reading, and perform as well as New York students in math—all for less money.
Every Arizona child should attend a school that challenges him and prepares him for the future. Simply spending more without requiring that schools improve won’t work. We need reforms that lead to achievement, not higher taxes to pay for the same system.

Jonathan Butcher, Goldwater Institute, Phoenix
Paid for by Goldwater Institute

Statement in Opposition - Quality Education and Jobs Initiative
Arizona’s elected Mayors and city/town council members care deeply about the quality of our school system and they understand how important a good education is to the future of our children and the success of our communities and state. Education is so important that many cities contribute significant local tax revenues to pay for school facilities, resources and activities such as after-school programs.
Local officials recognize that educational standards need to be high, that teachers should be well-trained and that schools need to be funded appropriately.
Unfortunately, the League of Arizona Cities and Towns does not believe the Quality Education and Jobs initiative is the right mechanism to accomplish those goals.
While well-meaning in its intent, the ballot proposition has a number of flaws that make it the wrong tool to accomplish education reform and improvement, and the wrong way to make tax policy.
The proposition:
• Permanently locks in an additional one-cent state sales tax, making Arizona’s sales tax one of the highest in the nation. The combined rate in many parts of the state will be well above 10%, potentially discouraging retail sales and hurting our already-fragile economy.
• It effectively closes down a city’s ability to use future local sales taxes, limiting their capacity to provide vital local services to citizens.
• Does not maintain the distribution of sales tax shared revenue funds to cities and towns, a longstanding principle authorized by Arizona voters.

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

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- Dedicates only small percentages of total proceeds to higher education and transportation “infrastructure.” These amounts do not come close to meeting current and future needs, but give the impression that funding is “taken care of” in those areas.

The League of Arizona Cities and Towns strongly urges a NO vote on the Quality Education and Jobs initiative.

**Doug Von Gausig, President, League of Arizona Cities and Towns, Clarkdale**

**Mark Mitchell, Vice President, League of Arizona Cities and Towns, Tempe**

Paid for by The League of Arizona Cities & Towns

I-16-2012 Quality Education and Jobs Act 201200362

As President of the Arizona Senate I made sure we balanced Arizona’s budget and we did it the right way – in accordance with our Constitution, by holding the line on spending, and without tax increases. Why? Because that was our job and that was the right way to do it. Our families and our businesses cannot spend more than they have, and while the Federal Government can just print money to pay its bills, the state of Arizona cannot. Plus, our families and businesses are already overtaxed, and increasing taxes will only hurt our economy and cost us more jobs.

In 2010 the voters of Arizona supported a TEMPORARY sales tax increase that the politicians and groups supporting it promised would be temporary. They gave their word. That three-year long tax increase has not even expired yet and they are already breaking their promise. Shame on them!

Enough is enough. I hope that the taxpayers and freedom loving citizens of this great state will make themselves heard loud and clear. A deal is a deal, a promise is a promise, and No New Taxes!

Government already takes too much, and in these tough times we must reduce the burden that taxes place on working families. We have 17 million Americans out of work, record foreclosures and yet the special interests want even more of your money to pay for their pet projects.

This same idea was defeated in California. If even California can figure out that it is a bad idea, then I trust the message will be sent loud and clear from the good citizens of this state. Vote No on this permanent, job-killing, multi-billion dollar tax increase!

**Hon. Russell Pearce, Former President of the Arizona State Senate, Mesa**

Paid for by Pearce for Arizona

Proposition 204 bad for Arizona’s Economy and Fiscal Health

The proponents of this initiative would like you to believe that this proposal is a simple extension of the sales tax increase passed in 2010. Nothing could be further from the truth! In fact, this initiative is a stealth proposal that will make it impossible to balance our state budget without massive tax increases or draconian cuts to other vital services.

How does Proposition 204 do this? The drafters included language that prevents future adjustments to spending levels for education, even if the money is being wasted or misspent. Even worse, it locks in automatic increases for future spending, regardless of whether the money is available or not. As experience has taught us, Arizona needs the ability to manage its budget during hard times, and this initiative takes that away. It does away with transparency and accountability of billions in taxpayer dollars.

Everyone supports education, but guaranteeing an endless stream of revenue will be a disaster for our budget and for Arizona. We just got done navigating through our last fiscal crisis, yet if Prop 204 passes this will put us right back in our budget mess.

Please vote NO on Prop 204.

**Gary Pasquinelli, Yuma**

Vote NO on Proposition 204

If it passes, Proposition 204 will go down as one of the most destructive initiatives in Arizona history. For starters, the proposition PERMANENTLY increases the state sales tax to among the highest in the country. When the sales tax was increased less than two years ago, voters were promised that it was a temporary increase to deal with the economic crisis our state was facing. It was never meant to be a permanent tax hike, and now the proponents of Proposition 204 are hoping voters have short memories.

But the permanent tax increase is only half the story. If passed, this proposition will trigger an additional massive tax increase the next time there’s a downturn in the economy. Why will this happen? Because when the proponents drafted Proposition 204 in secret, they included language that locked in current levels of spending and earmarked the sales tax increase for new programs. There is no ability to make adjustments in the budget, even if we experience another economic downturn. The only option will be massive tax hikes to cover the difference.

Whether you supported the increase or not, the tax hike was suppose to be temporary. This initiative, however, makes the tax increase permanent and locks in permanent increases in spending; the proverbial double-whammy. The added revenues from the tax hike will only go to certain programs with little accountability and can never be altered. This is not the way to balance a budget. This is not the way to run a state. Vote NO on Proposition 204.

**Steve Virkler, Chairman, Arizonans for a Responsible Budget, Phoenix**

**Scot Mussi, Treasurer, Arizonans for a Responsible Budget, Phoenix**

Paid for by Arizonans for a Responsible Budget

ARGUMENTS “AGAINST” PROPOSITION 204

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

Arizona’s General Election Guide
PROPOSITION 204
PROPOSED BY INITIATIVE PETITION RELATING TO TAXATION.
[I-16-2012]

PROPOSITION 204
AMENDING SECTION 15-901.01, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 9, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 15-981 AND 15-982; AMENDING SECTION 15-1472, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 13, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-1642.01; AMENDING SECTIONS 28-5808 AND 28-6533, ARIZONA REVISED STATUTES; AMENDING TITLE 28, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 28; AMENDING SECTION 36-2995, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-113; AMENDING SECTION 42-5010, ARIZONA REVISED STATUTES; AMENDING TITLE 42, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 42-5029.02; AMENDING SECTION 42-5155, ARIZONA REVISED STATUTES; RELATING TO TAXATION.

DESCRIPTIVE TITLE
EFFECTIVE JUNE 1, 2013, PERMANENTLY INCREASES THE STATE SALES TAX BY ONE CENT PER DOLLAR FOR THE PURPOSE OF FUNDING EDUCATIONAL PROGRAMS, PUBLIC TRANSPORTATION INFRASTRUCTURE PROJECTS, AND HUMAN SERVICES; FORBIDS REDUCTIONS TO CURRENT K-12 AND UNIVERSITY FUNDING LEVELS; AND FORBIDS REDUCTIONS TO THE CURRENT STATE SALES TAX BASE.

A “yes” vote shall have the effect of permanently increasing the state sales tax by one cent per dollar, effective June 1, 2013, for the purpose of funding educational programs, public transportation infrastructure projects, and human services. It forbids reductions to current K-12 and university funding levels and forbids reductions to the current state sales tax base.

A “no” vote shall have the effect of not increasing the state sales tax by one cent per one dollar, beginning June 1, 2013.
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!

Some Arizona judges are appointed through Merit Selection and rated by the JPR Commission.

Merit Selection and Retention
In 1974, Arizona voters decided that for Arizona’s Supreme Court, Courts of Appeals, and Superior Courts in counties with populations over 250,000 (currently Maricopa, Pima, and Pinal) 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. Most of the JPR Commissioners are public members, not lawyers or judges. JPR reports its results to the public. 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 from citizens who have had direct experience with judges and made its decisions using that input. In 2011, 67,000 surveys on judges were distributed to attorneys, jurors, litigants and witnesses. 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.

Use JPR Results and Checklist
Every voter can take an active role in this judicial review process. Use this JPR 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 Judges Checklist tear-off back cover of this pamphlet. Refer to your 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

Report of the Arizona Commission on Judicial Performance Review
Arizona 2012 Judicial Performance Review
ARIZONA SUPREME COURT, COURT OF APPEALS DIVISION ONE AND COURT OF APPEALS DIVISION TWO

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:
A. John Pelander, III

COURT OF APPEALS DIVISION ONE:
Margaret H. Downie
Donn G. Kessler
Patricia K. Norris
Maurice Portley
Peter B. Swann

COURT OF APPEALS DIVISION TWO:
Peter J. Eckerstrom
Philip G. Espinosa
Virginia C. Kelly
Joseph W. Howard

JUSTICE/JUDGE REVIEWS

ALL ARIZONA VOTERS VOTE ON THE FOLLOWING SUPREME COURT JUSTICE

PELANDER, III, A. JOHN
Justice
Appointed to the Arizona Supreme Court: 2009

<table>
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<th>Judicial Performance Standards Evaluation Categories</th>
<th>Attorney Responses</th>
<th>Superior Court Judge Responses</th>
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<td>Administrative Skills</td>
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30 Commissioners Voted “Meets” 0 Commissioners Voted “Does Not Meet”

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.

Report of the Arizona Commission on Judicial Performance Review

Arizona 2012 Judicial Performance Review
### MARICOPA COUNTY VOTERS VOTE ON THE FOLLOWING COURT OF APPEALS DIVISION I JUDGES

#### DOWNIE, MARGARET H.
Appointed to Court of Appeals Division I: 2008

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#### KESSLER, DONN G.
Appointed to Court of Appeals Division I: 2003

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#### NORRIS, PATRICIA K.
Appointed to Court of Appeals Division I: 2003

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<tr>
<td>99%</td>
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</table>

Note: Judge Norris is a member of the JPR Commission who could not vote on her own performance finding.

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.
### 29 Commissioners Voted “Meets”
1 Commissioner Voted “Does Not Meet”

<table>
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<tr>
<th>Judicial Performance Standards Evaluation Categories</th>
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### SWANN, PETER B.
Appointed to Court of Appeals Division I: 2008

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### PIMA COUNTY VOTERS VOTE ON THE FOLLOWING COURT OF APPEALS DIVISION II JUDGES

### ECKERSTROM, PETER J.
Appointed to Court of Appeals Division II: 2003

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<td>Administrative Skills</td>
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**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.

*Report of the Arizona Commission on Judicial Performance Review*

*Arizona 2012 Judicial Performance Review*
### ESPINOSA, PHILIP G.
Appointed to Court of Appeals Division II: 1992

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### KELLY, VIRGINIA C.
Appointed to Court of Appeals Division II: 2009

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### COCHISE/GILA/GRAHAM/GREENLEE/PINAL/SANTA CRUZ COUNTY VOTERS VOTE ON THE FOLLOWING COURT OF APPEALS DIVISION II JUDGE

### HOWARD, JOSEPH W.
Appointed to Court of Appeals Division II: 1997

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**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.
**PINAL COUNTY SUPERIOR COURT – PINAL COUNTY VOTERS ONLY**

**RESULTS OF THE COMMISSION’S VOTE ON THE PINAL COUNTY SUPERIOR COURT JUDGES**

THE FOLLOWING JUDGES **DO NOT MEET** JUDICIAL PERFORMANCE STANDARDS:

NONE

THE FOLLOWING JUDGES **MEET** JUDICIAL PERFORMANCE STANDARDS:

J. Rudy Georgini  
Boyd T. Johnson  
Stephen F. McCarville  
Robert Carter Olson

**GEORGINI, J. RUDY**
Assignment During Survey Period: Civil/Criminal  
Elected to Pinal County Superior Court: 2006

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<td>Administrative Skills</td>
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</table>

30 Commissioners Voted “Meets”  
0 Commissioners Voted “Does Not Meet”

**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.

*Report of the Arizona Commission on Judicial Performance Review*

Arizona 2012 Judicial Performance Review
<table>
<thead>
<tr>
<th>JOHNSON, BOYD T.</th>
<th>30 Commissioners Voted “Meets”</th>
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Note: Judge Olson is a member of the JPR Commission who could not vote on his own performance finding.

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:

<table>
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<th>Judge Name</th>
<th>Performance Standards</th>
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<tr>
<td>Karen S. Adam</td>
<td>Jan E. Kearney</td>
</tr>
<tr>
<td>Gus Aragon, Jr.</td>
<td>Kenneth Lee</td>
</tr>
<tr>
<td>Deborah Bernini</td>
<td>Leslie B. Miller</td>
</tr>
<tr>
<td>Kyle A. Bryson</td>
<td>Michael Miller</td>
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<tr>
<td>Carmine Cornielo</td>
<td>Scott H. Rash</td>
</tr>
<tr>
<td>Jane L. Eikleberry</td>
<td>Sarah R. Simmons</td>
</tr>
<tr>
<td>Richard S. Fields</td>
<td>Christopher P. Staring</td>
</tr>
<tr>
<td>Richard Gordon</td>
<td>Paul E. Tang</td>
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<tr>
<td>Howard Hantman</td>
<td>Stephen C. Villarreal</td>
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PIMA COUNTY JUDGE REVIEWS

ADAM, KAREN S.
Assignment During Survey Period: Juvenile Presiding
Appointed to Pima County Superior Court: 2010

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<th>Judicial Performance Standards Evaluation Categories</th>
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</table>

**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.

Report of the Arizona Commission on Judicial Performance Review

Arizona 2012 Judicial Performance Review

129
### ARAGON, JR., GUS
Assignment During Survey Period: Juvenile
Appointed to Pima County Superior Court: 2006

<table>
<thead>
<tr>
<th>Judicial Performance Standards Evaluation Categories</th>
<th>Attorney Responses</th>
<th>Litigant, Witness, ProPer Responses</th>
<th>Juror Responses</th>
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<tr>
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30 Commissioners Voted “Meets”
0 Commissioners Voted “Does Not Meet”

### BERNINI, DEBORAH
Assignment During Survey Period: Criminal
Appointed to Pima County Superior Court: 1997

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<th>Judicial Performance Standards Evaluation Categories</th>
<th>Attorney Responses</th>
<th>Litigant, Witness, ProPer Responses</th>
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30 Commissioners Voted “Meets”
0 Commissioners Voted “Does Not Meet”

### BRYSON, KYLE A.
Assignment During Survey Period: Civil
Appointed to Pima County Superior Court: 2010

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<th>Attorney Responses</th>
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29 Commissioners Voted “Meets”
0 Commissioners Voted “Does Not Meet”

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### CORNELIO, CARMINE
Assignment During Survey Period: Family
Appointed to Pima County Superior Court: 2002

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### EIKLEBERRY, JANE L.
Assignment During Survey Period: Criminal
Appointed to Pima County Superior Court: 2001

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### FIELDS, RICHARD S.
Assignment During Survey Period: Criminal Presiding
Appointed to Pima County Superior Court: 1997

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<th>Judicial Performance Standards Evaluation Categories</th>
<th>Presiding Judge Responses</th>
<th>Attorney Responses</th>
<th>Litigant, Witness, ProPer Responses</th>
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### 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.
### GORDON, RICHARD
Assignment During Survey Period: Civil Presiding
Appointed to Pima County Superior Court: 2009

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<th>Attorney Responses</th>
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</table>

**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.

### HANTMAN, HOWARD
Assignment During Survey Period: Family
Appointed to Pima County Superior Court: 1994

<table>
<thead>
<tr>
<th>Judicial Performance Standards Evaluation Categories</th>
<th>Attorney Responses</th>
<th>Litigant, Witness, ProPer Responses</th>
<th>Juror Responses</th>
</tr>
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<tbody>
<tr>
<td>Legal Ability</td>
<td>Score (See Footnote)</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Integrity</td>
<td>98%</td>
<td>82%</td>
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<tr>
<td>Communication Skills</td>
<td>93%</td>
<td>68%</td>
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<td>93%</td>
<td>70%</td>
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<td>79%</td>
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<td>Settlement Activities</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Administrative Skills</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
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</table>

### KEARNEY, JAN E.
Assignment During Survey Period: Civil
Appointed to Pima County Superior Court: 2001

<table>
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<th>Judicial Performance Standards Evaluation Categories</th>
<th>Attorney Responses</th>
<th>Litigant, Witness, ProPer Responses</th>
<th>Juror Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Ability</td>
<td>Score (See Footnote)</td>
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<td>N/A</td>
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<tr>
<td>Integrity</td>
<td>98%</td>
<td>96%</td>
<td>100%</td>
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<td>97%</td>
<td>100%</td>
</tr>
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<td>Judicial Temperament</td>
<td>98%</td>
<td>96%</td>
<td>100%</td>
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<tr>
<td>Administrative Performance</td>
<td>100%</td>
<td>95%</td>
<td>100%</td>
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<tr>
<td>Settlement Activities</td>
<td>99%</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Administrative Skills</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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### LEE, KENNETH
Assignment During Survey Period: Civil Presiding
Appointed to Pima County Superior Court: 1997

<table>
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<th>Judicial Performance Standards Evaluation Categories</th>
<th>Presiding Judge Responses</th>
<th>Attorney Responses</th>
<th>Litigant, Witness, ProPer Responses</th>
<th>Juror Responses</th>
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<td>Score (See Footnote)</td>
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<td>Integrity</td>
<td>100%</td>
<td>98%</td>
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<td>98%</td>
<td>93%</td>
<td>100%</td>
<td>99%</td>
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<td>Administrative Skills</td>
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<td>N/A</td>
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30 Commissioners Voted “Meets”
0 Commissioners Voted “Does Not Meet”

### MILLER, LESLIE B
Assignment During Survey Period: Juvenile
Appointed to Pima County Superior Court: 1985

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<th>Litigant, Witness, ProPer Responses</th>
<th>Juror Responses</th>
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<td>Score (See Footnote)</td>
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23 Commissioners Voted “Meets”
7 Commissioners Voted “Does Not Meet”

### MILLER, MICHAEL
Assignment During Survey Period: Criminal
Appointed to Pima County Superior Court: 2002

<table>
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<th>Judicial Performance Standards Evaluation Categories</th>
<th>Attorney Responses</th>
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<th>Juror Responses</th>
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<td>100%</td>
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<td>100%</td>
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<tr>
<td>Administrative Performance</td>
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<td>97%</td>
<td>99%</td>
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<td>Settlement Activities</td>
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<td>Administrative Skills</td>
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<td>N/A</td>
<td>N/A</td>
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</table>

30 Commissioners Voted “Meets”
0 Commissioners Voted “Does Not Meet”

---

**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.
### RASH, SCOTT H.
Assignment During Survey Period: Civil  
Appointed to Pima County Superior Court: 2010

<table>
<thead>
<tr>
<th>Judicial Performance Standards Evaluation Categories</th>
<th>Attorney Responses</th>
<th>Litigant, Witness, ProPer Responses</th>
<th>Juror Responses</th>
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<td>97%</td>
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<td>N/A</td>
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<td>Administrative Performance</td>
<td>99%</td>
<td>100%</td>
<td>100%</td>
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<td>Administrative Skills</td>
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### SIMMONS, SARAH R.
Assignment During Survey Period: Pima County Presiding Judge  
Appointed to Pima County Superior Court: 2006

<table>
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<th>Judicial Performance Standards Evaluation Categories</th>
<th>Presiding Judge Responses</th>
<th>Attorney Responses</th>
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<th>Juror Responses</th>
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<td>Communication Skills</td>
<td>99%</td>
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<td>Judicial Temperament</td>
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<td>Administrative Performance</td>
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### STARING, CHRISTOPHER P.
Assignment During Survey Period: Juvenile  
Appointed to Pima County Superior Court: 2010

<table>
<thead>
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<th>Judicial Performance Standards Evaluation Categories</th>
<th>Attorney Responses</th>
<th>Litigant, Witness, ProPer Responses</th>
<th>Juror Responses</th>
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<td>94%</td>
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<td>Administrative Skills</td>
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</table>

**Note:** Judge Staring is a member of the JPR Commission who could not vote on his own performance finding.

**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.
### TANG, PAUL E.
Assignee During Survey Period: Criminal
Appointed to Pima County Superior Court: 2001

<table>
<thead>
<tr>
<th>Judicial Performance Standards Evaluation Categories</th>
<th>Attorney Responses</th>
<th>Litigant, Witness, ProPer Responses</th>
<th>Juror Responses</th>
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<td>Administrative Skills</td>
<td>N/A</td>
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<td>N/A</td>
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29 Commissioners Voted “Meets”
1 Commissioner Voted “Does Not Meet”

### VILLARREAL, STEPHEN C.
Assignee During Survey Period: Civil
Appointed to Pima County Superior Court: 1998

<table>
<thead>
<tr>
<th>Judicial Performance Standards Evaluation Categories</th>
<th>Attorney Responses</th>
<th>Litigant, Witness, ProPer Responses</th>
<th>Juror Responses</th>
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<td>100%</td>
<td>100%</td>
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<td>Administrative Skills</td>
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</table>

30 Commissioners Voted “Meets”
0 Commissioners Voted “Does Not Meet”

---

**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.

Report of the Arizona Commission on Judicial Performance Review

Arizona 2012 Judicial Performance Review
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:

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<thead>
<tr>
<th>Name</th>
<th>Name</th>
<th>Name</th>
</tr>
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<tr>
<td>Helene F. Abrams</td>
<td>Michael D. Gordon</td>
<td>Jose S. Padilla</td>
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<td>James P. Beene</td>
<td>Cari A. Harrison</td>
<td>Karen A. Potts</td>
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<td>A. Craig Blakey, II</td>
<td>Kristin Hoffman</td>
<td>Timothy J. Ryan</td>
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<td>Susan M. Brnovich</td>
<td>Michael Kemp</td>
<td>Teresa A. Sanders</td>
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<td>John A. Buttrick</td>
<td>Daniel J. Kiley</td>
<td>Roland J. Steinle, III</td>
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<tr>
<td>Bruce R. Cohen</td>
<td>Andrew G. Klein</td>
<td>Sherry K. Stephens</td>
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<td>Thomas L. LeClair</td>
<td>Peter A. Thompson</td>
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<td>Margaret R. Mahoney</td>
<td>David K. Udall</td>
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<td>Crane McIlvain</td>
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<td>John R. Ditsworth</td>
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<td>Paul J. McMurder</td>
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<td>Jeanne M. Garcia</td>
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<td>Douglas Gerlach</td>
<td>Robert H. Oberbillig</td>
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MARICOPA COUNTY JUDGE REVIEWS

ABRAMS, HELENE F.
Assignment During Survey Period: Juvenile
Appointed to Maricopa County Superior Court: 2005

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<th>Juror Responses</th>
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<tr>
<td>Administrative Skills</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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</table>

30 Commissioners Voted “Meets”
0 Commissioners Voted “Does Not Meet”

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.
### BALLINGER, JR., EDWARD P.

Assignment During Survey Period: Juvenile Presiding
Appointed to Maricopa County Superior Court: 1998

29 Commissioners Voted “Meets”
0 Commissioners Voted “Does Not Meet”

Note: Judge Ballinger is a member of the JPR Commission who could not vote on his own performance finding.

<table>
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<th>Judicial Performance Standards Evaluation Categories</th>
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<th>Litigant, Witness, ProPer Responses</th>
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### BEENE, JAMES P.

Assignment During Survey Period: Family
Appointed to Maricopa County Superior Court: 2009

30 Commissioners Voted “Meets”
0 Commissioners Voted “Does Not Meet”

<table>
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### BLAKEY, II, A. CRAIG

Assignment During Survey Period: Juvenile
Appointed to Maricopa County Superior Court: 2002

30 Commissioners Voted “Meets”
0 Commissioners Voted “Does Not Meet”

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**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.

Report of the Arizona Commission on Judicial Performance Review

Arizona 2012 Judicial Performance Review

137
### BRNOVICH, SUSAN M.
Assignment During Survey Period: Criminal
Appointed to Maricopa County Superior Court: 2009

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### BUTTRICK, JOHN A.
Assignment During Survey Period: Civil
Appointed to Maricopa County Superior Court: 2001

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### COHEN, BRUCE R.
Assignment During Survey Period: Criminal
Appointed to Maricopa County Superior Court: 2005

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Report of the Arizona Commission on Judicial Performance Review

Arizona 2012 Judicial Performance Review
**CONTE, CONNIE**  
Assignment During Survey Period: Criminal  
Appointed to Maricopa County Superior Court: 2002  

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**COURY, CHRISTOPHER A.**  
Assignment During Survey Period: Juvenile  
Appointed to Maricopa County Superior Court: 2010  

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**DAVIS, GLENN**  
Assignment During Survey Period: Family  
Appointed to Maricopa County Superior Court: 2006  

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**DITSWORTH, JOHN R.**  
Assignment During Survey Period: Civil  
Appointed to Maricopa County Superior Court: 2001

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**FLORES, LISA**  
Assignment During Survey Period: Criminal  
Appointed to Maricopa County Superior Court: 2005

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**GARCIA, JEANNE M.**  
Assignment During Survey Period: Criminal  
Appointed to Maricopa County Superior Court: 2005

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### GASS, DAVID B.
Assignment During Survey Period: Family
Appointed to Maricopa County Superior Court: 2009

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<th>Litigant, Witness, ProPer Responses</th>
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### GATES, PAMELA
Assignment During Survey Period: Family
Appointed to Maricopa County Superior Court: 2009

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### GENTRY-LEWIS, JO LYNN
Assignment During Survey Period: Juvenile
Appointed to Maricopa County Superior Court: 2005

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**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.
**GERLACH, DOUGLAS**  
Assignment During Survey Period: Family  
Appointed to Maricopa County Superior Court: 2010

29 Commissioners Voted “Meets”  
0 Commissioners Voted “Does Not Meet”

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<th>Judicial Performance Standards Evaluation Categories</th>
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Note: Judge Gerlach is a member of the JPR Commission who could not vote on his own performance finding.

**GORDON, MICHAEL D.**  
Assignment During Survey Period: Family  
Appointed to Maricopa County Superior Court: 2005

29 Commissioners Voted “Meets”  
0 Commissioners Voted “Does Not Meet”  
1 Commissioner Voted “Not Voting”

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**HANNAH, JR., JOHN R.**  
Assignment During Survey Period: Family  
Appointed to Maricopa County Superior Court: 2005

20 Commissioners Voted “Meets”  
10 Commissioners Voted “Does Not Meet”

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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.
**HARRISON, CARI A.**
Assignment During Survey Period: Criminal
Appointed to Maricopa County Superior Court: 2001

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**HOFFMAN, KRISTIN**
Assignment During Survey Period: Criminal
Appointed to Maricopa County Superior Court: 2006

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**KEMP, MICHAEL**
Assignment During Survey Period: Family
Appointed to Maricopa County Superior Court: 2005

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## Kiley, Daniel J.
Assignment During Survey Period: Family
Appointed to Maricopa County Superior Court: 2010

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## Klein, Andrew G.
Assignment During Survey Period: Civil
Appointed to Maricopa County Superior Court: 2001

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## LeClaire, Thomas L.
Assignment During Survey Period: Family
Appointed to Maricopa County Superior Court: 2010

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</table>

**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.
### MAHONEY, MARGARET R.
Assignment During Survey Period: Juvenile
Appointed to Maricopa County Superior Court: 2002

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### MCCLENNEN, CRANE
Assignment During Survey Period: Civil
Appointed to Maricopa County Superior Court: 1997

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### MCCOY, M. SCOTT
Assignment During Survey Period: Family
Appointed to Maricopa County Superior Court: 2009

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### 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.

Report of the Arizona Commission on Judicial Performance Review

Arizona 2012 Judicial Performance Review 145
### MCMURDIE, PAUL J.
Assignment During Survey Period: Criminal
Appointed to Maricopa County Superior Court: 2006

<table>
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30 Commissioners Voted “Meets”
0 Commissioners Voted “Does Not Meet”

### MCNALLY, COLLEEN A.
Assignment During Survey Period: Juvenile
Appointed to Maricopa County Superior Court: 2001

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30 Commissioners Voted “Meets”
0 Commissioners Voted “Does Not Meet”

### MCVY, MICHAEL R.
Assignment During Survey Period: Civil
Appointed to Maricopa County Superior Court: 1993

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30 Commissioners Voted “Meets”
0 Commissioners Voted “Does Not Meet”

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**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.
<table>
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<th>Judicial Performance Standards Evaluation Categories</th>
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**MILES, LINDA H.**
Assignment During Survey Period: Civil
Appointed to Maricopa County Superior Court: 2001

**MILES, ROBERT E.**
Assignment During Survey Period: Criminal
Appointed to Maricopa County Superior Court: 2005

**OBERBILLIG, ROBERT H.**
Assignment During Survey Period: Civil Presiding
Appointed to Maricopa County Superior Court: 1998

**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.
### PADILLA, JOSE S.
Assignment During Survey Period: Civil
Appointed to Maricopa County Superior Court: 2005

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### PALMER, DAVID J.
Assignment During Survey Period: Family
Appointed to Maricopa County Superior Court: 2009

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### POTTS, KAREN A.
Assignment During Survey Period: Civil
Appointed to Maricopa County Superior Court: 2006

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<td>Administrative Skills</td>
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**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.

Report of the Arizona Commission on Judicial Performance Review

Arizona 2012 Judicial Performance Review
### RYAN, TIMOTHY J.
Assignment During Survey Period: Family
Appointed to Maricopa County Superior Court: 2005

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29 Commissioners Voted “Meets”
0 Commissioners Voted “Does Not Meet”
1 Commissioner Voted “Not Voting”

### SANDERS, TERESA A.
Assignment During Survey Period: Family
Appointed to Maricopa County Superior Court: 2001

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</table>

30 Commissioners Voted “Meets”
0 Commissioners Voted “Does Not Meet”

### STEINLE, III, ROLAND J.
Assignment During Survey Period: Juvenile
Appointed to Maricopa County Superior Court: 2001

<table>
<thead>
<tr>
<th>Judicial Performance Standards Evaluation Categories</th>
<th>Attorney Responses</th>
<th>Litigant, Witness, ProPer Responses</th>
<th>Juror Responses</th>
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<td>Score (See Footnote)</td>
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<td>Administrative Performance</td>
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<td>Settlement Activities</td>
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<td>Administrative Skills</td>
<td>N/A</td>
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</table>

30 Commissioners Voted “Meets”
0 Commissioners Voted “Does Not Meet”

**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.
### STEPHENS, SHERRY K.
Assignment During Survey Period: Criminal
Appointed to Maricopa County Superior Court: 2001

<table>
<thead>
<tr>
<th>Judicial Performance Standards Evaluation Categories</th>
<th>Attorney Responses</th>
<th>Litigant, Witness, ProPer Responses</th>
<th>Juror Responses</th>
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<td>Score (See Footnote)</td>
<td>Score (See Footnote)</td>
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<td>100%</td>
<td>99%</td>
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<tr>
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<td>96%</td>
<td>96%</td>
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<tr>
<td>Judicial Temperament</td>
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<td>99%</td>
<td>100%</td>
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<tr>
<td>Administrative Performance</td>
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<td>98%</td>
<td>96%</td>
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<td>Settlement Activities</td>
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<td>N/A</td>
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<tr>
<td>Administrative Skills</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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</table>

30 Commissioners Voted “Meets”
0 Commissioners Voted “Does Not Meet”

### THOMPSON, PETER A.
Assignment During Survey Period: Juvenile
Appointed to Maricopa County Superior Court: 2010

<table>
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<tr>
<th>Judicial Performance Standards Evaluation Categories</th>
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<td>Administrative Skills</td>
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<td>N/A</td>
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30 Commissioners Voted “Meets”
0 Commissioners Voted “Does Not Meet”

### UDALL, DAVID K.
Assignment During Survey Period: Juvenile
Appointed to Maricopa County Superior Court: 2001

<table>
<thead>
<tr>
<th>Judicial Performance Standards Evaluation Categories</th>
<th>Attorney Responses</th>
<th>Litigant, Witness, ProPer Responses</th>
<th>Juror Responses</th>
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<td>Score (See Footnote)</td>
<td>Score (See Footnote)</td>
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<td>N/A</td>
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<td>Judicial Temperament</td>
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<td>N/A</td>
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<tr>
<td>Administrative Performance</td>
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<td>98%</td>
<td>N/A</td>
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<td>Settlement Activities</td>
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<td>N/A</td>
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<tr>
<td>Administrative Skills</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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30 Commissioners Voted “Meets”
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**WHITTEN, CHRISTOPHER T.**  
Assignment During Survey Period: Family  
Appointed to Maricopa County Superior Court: 2006

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<tr>
<th>Judicial Performance Standards Evaluation Categories</th>
<th>Attorney Responses</th>
<th>Litigant, Witness, ProPer Responses</th>
<th>Juror Responses</th>
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<tr>
<td>- Legal Ability</td>
<td>Score (See Footnote)</td>
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<tr>
<td>- Integrity</td>
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<td>100%</td>
<td>N/A</td>
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<tr>
<td>- Communication Skills</td>
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<td>95%</td>
<td>N/A</td>
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<td>- Judicial Temperament</td>
<td>97%</td>
<td>100%</td>
<td>N/A</td>
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<td>- Administrative Performance</td>
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<td>98%</td>
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<tr>
<td>- Settlement Activities</td>
<td>100%</td>
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<td>N/A</td>
</tr>
<tr>
<td>- Administrative Skills</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

30 Commissioners Voted “Meets”  
0 Commissioners Voted “Does Not Meet”
Is printed material difficult to read?
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presents the Voter Information Project (VIP).
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LOG ON to sunsounds.org/sundial2/vip
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GENERAL ELECTION
November 6, 2012

Visit www.azsos.gov/election/pollworker
or call
1-877-THE VOTE
(1-877-843-8683)
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voter registration status?
early ballot status?

or

find your polling location?

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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 6, 2012, to assist you in voting your ballot.

<table>
<thead>
<tr>
<th>Proposition</th>
<th>Description</th>
<th>YES</th>
<th>NO</th>
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</thead>
<tbody>
<tr>
<td>Proposition 114</td>
<td>Proposed amendment to the constitution by the legislature relating to crime victim protection from liability for damages</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Proposition 115</td>
<td>Proposed amendment to the constitution by the legislature relating to the judicial department</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Proposition 116</td>
<td>Proposed amendment to the constitution by the legislature relating to property tax exemptions</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Proposition 117</td>
<td>Proposed amendment to the constitution by the legislature relating to property tax assessed valuation</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Proposition 118</td>
<td>Proposed amendment to the constitution by the legislature relating to the establishment of permanent funds</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Proposition 119</td>
<td>Proposed amendment to the constitution by the legislature relating to state trust lands</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Proposition 120</td>
<td>Proposed amendment to the constitution by the legislature relating to state sovereignty</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Proposition 121</td>
<td>Proposed amendment to the constitution by the initiative relating to direct primary election law</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Proposition 204</td>
<td>Proposed by initiative petition relating to taxation</td>
<td>YES</td>
<td>NO</td>
</tr>
</tbody>
</table>

Date of General Election: November 6, 2012
The polls will be open from 6 a.m. - 7 p.m. on Election Day

For questions, contact the Arizona Secretary of State Election Services Division
Telephone: 1-877-THE VOTE (1-877-843-8683) or (602) 542-8683
# JUDICIAL PERFORMANCE REVIEW JUDGE CHECKLIST

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.

<table>
<thead>
<tr>
<th>Arizona Supreme Court (All Voters)</th>
<th>Maricopa County Superior Court (Maricopa County Voters)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pelander, Ill, A John</td>
<td>Abrams, Helene F.</td>
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<td>Ballinger, Jr., Edward P.</td>
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<td></td>
<td>Beene, James P.</td>
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<td>Downie, Margaret H.</td>
<td>Blakey, II, A. Craig</td>
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<td>Kessler, Donn G.</td>
<td>Brnovich, Susan M.</td>
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<td>Norris, Patricia K.</td>
<td>Buttrick, John A.</td>
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<td>Portley, Maurice</td>
<td>Cohen, Bruce R.</td>
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<td>Swann, Peter B.</td>
<td>Contes, Connie</td>
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<td>Coury, Christopher A.</td>
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<td>Hoffman, Kristin</td>
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<td>McMurdie, Paul J.</td>
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<td>Sanders, Teresa A.</td>
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<td>Steinle, III, Roland J.</td>
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<td>Stephens, Sherry K.</td>
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<td>Thompson, Peter A.</td>
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<td>Udall, David K.</td>
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<td>Whitten, Christopher T.</td>
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<table>
<thead>
<tr>
<th>Pinal County Superior Court</th>
<th>Pima County Superior Court (Pima County Voters)</th>
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<td>McCarville, Stephen F.</td>
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<td>Villarreal, Stephen C.</td>
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| Proposition 114 – Proposed amendment to the constitution by the legislature relating to crime victim protection from liability for damages | ☐ YES ☐ NO |
| Proposition 115 – Proposed amendment to the constitution by the legislature relating to the judicial department | ☐ YES ☐ NO |
| Proposition 116 – Proposed amendment to the constitution by the legislature relating to property tax exemptions | ☐ YES ☐ NO |
| Proposition 117 – Proposed amendment to the constitution by the legislature relating to property tax assessed valuation | ☐ YES ☐ NO |
| Proposition 118 – Proposed amendment to the constitution by the legislature relating to the establishment of permanent funds | ☐ YES ☐ NO |
| Proposition 119 – Proposed amendment to the constitution by the legislature relating to state trust lands | ☐ YES ☐ NO |
| Proposition 120 – Proposed amendment to the constitution by the legislature relating to state sovereignty | ☐ YES ☐ NO |
| Proposition 121 – Proposed amendment to the constitution by the initiative relating to direct primary election law | ☐ YES ☐ NO |
| Proposition 204 – Proposed by initiative petition relating to taxation | ☐ YES ☐ NO |

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<td>Pelander, Ill., A. John</td>
<td>Abrams, Helene F.</td>
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<td>Ballinger, Jr., Eddward P.</td>
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<td>Sanders, Teresa A.</td>
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<td>Steinele, III, Roland J.</td>
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<tr>
<th>Court of Appeals Division I (Maricopa County Voters)</th>
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<tr>
<td>Downie, Margaret H.</td>
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<td>Kessler, Donn G.</td>
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<th>Court of Appeals Division II (Pima County Voters)</th>
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<tr>
<td>Eckerstrom, Peter J.</td>
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<td>Espinosa, Philip G.</td>
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<tr>
<th>Court of Appeals Division II (Cochise/Gila/Graham/Greenlee/Pinal/Santa Cruz County Voters)</th>
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<td>Howard, Joseph W.</td>
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<th>Pinal County Superior Court (Pinal County Voters)</th>
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<tr>
<td>Georgini, J. Rudy</td>
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<td>Johnson, Boyd T.</td>
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<td>Adam, Karen S.</td>
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<td>Simmons, Sarah R.</td>
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<td>Tang, Paul E.</td>
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<td>Villarreal, Stephen C.</td>
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Arizona’s General Election 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

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

Note: In all cases, IDs are considered “valid” unless expired.

Visit www.azsos.gov or call 1-877-THE VOTE (1-877-843-8683)
Do you know a family member or friend in the military living overseas?

HELP US HELP THEM TO VOTE!

Military and overseas personnel can register online, request an early ballot online and submit their ballot electronically. It’s a service offered just to them as our way of saying “thanks” for protecting our freedoms.

Simply let them know these services are available at www.azsos.gov under EZ Online Services. See page 7 or call (602) 542-8683 for more information.