

Arguments “Against” Proposition 135

Arizona’s Emergency Response at Risk

Vote NO on Proposition 135

Voting for this would add bureaucratic red tape and delay Arizona’s emergency response. The legislature wants you to give them even more power over the executive branch (Governor, Secretary of State, and state agencies) by slowing or stopping the response to a declared state of emergency after only 30 days.

The state legislature is already set up to micromanage executive branch public health emergency responses. A 2022 law, passed after the COVID-19 pandemic, puts a 120-day limit on public health emergency declarations. After the first 120 days, the legislature must approve extensions of the emergency.

The purpose of any state emergency declaration is to allow state agencies to implement reasonable measures to help quickly respond to disasters. For example, during a declared public health emergency the governor and director of the state health department can temporarily:

- Fast-track the purchase of antiviral medications or vaccines & prioritize their distribution to high-risk populations.
- Provide transportation for medical support personnel and ill and exposed persons.
- Quickly set up testing stations.
- Establish temporary control measures for hazardous highly infectious diseases – whether due to bioterrorism or not.

Without the governor having that extra temporary statutory authority during a public health emergency we’re in danger of losing the ability to quickly respond. And when people and communities are in a state of emergency, the last thing they need to do is wait for the legislature to come to a consensus.

Future public health disasters will be more likely to spin out of control and cause great harm because of fractured and acrimonious meddling by the legislature if Proposition 135 passes.

Don’t take the bait. Vote NO on Proposition 135.

Will Humble, Executive Director, Arizona Public Health Association, Phoenix

Bureaucratic Delays Put Public Safety at Risk - Vote NO on Proposition 135

The Arizona Alliance for Community Health Centers strongly opposes Proposition 135. It undermines the governor's ability to respond effectively to emergencies, putting Arizonans at risk.

Bureaucratic Delays: Proposition 135 adds bureaucratic red tape and delays Arizona's emergency response. Emergencies demand swift action, not bureaucratic delays. This requirement could slow down essential decisions, jeopardizing public safety.

Existing Legislative Control: The state legislature already has significant control over public health emergency responses. A 2022 law limits public health emergency declarations to 120 days, requiring legislative approval for extensions. Adding further restrictions is redundant and harmful.

Loss of Rapid Response: Automatically terminating the governor's emergency powers after 30 days, unless extended by the legislature, hinders ongoing response efforts. Emergencies often last longer. Requiring repeated legislative approval can prevent timely actions. When communities face emergencies, waiting for the legislature to reach a consensus is not an option.

Political Gridlock Jeopardizing Public Safety: Future public health disasters could spiral out of control due to legislative interference if Proposition 135 passes. Restricting the governor's ability to re-declare emergencies under similar conditions undermines necessary flexibility. This resolution risks politicizing emergency management, allowing political considerations to influence crucial responses rather than prioritizing public safety and expert recommendations.

Therefore, the Arizona Alliance for Community Health Centers urges voters to vote NO on Proposition 135.

Jessica Yanow, Chief Executive Officer, Arizona Alliance for Community Health Centers, Phoenix

Sponsored by Arizona Alliance for Community Health Centers

They are lying to you with this proposition. The governor has no constitutional authority to declare a state of emergency now. Titles 26 and 36 in the statutes are unconstitutional and if they are serious about following the constitutions, the legislature would strike these laws granting authority to the governor, they should not be there. This entire proposition violates our Representative form of Government. This would grant the governor power to make law, enforce law, and govern through proclamation. This violates our state constitution under Article 4, Part I, Section I, "All legislative power shall be vested in the legislature." It violates Article 4, Section 4 of the US Constitution; "The United States shall guarantee to every State a Republican form of Government". Finally, Article 4, Part 2, Section 25, is the only section that mentions "in emergency". It says, "Continuity of Government operations in emergency". The only authority granted to the legislature, NOT the governor, is to establish a system that maintains government service during enemy attack! This system is only to delegate duties to another department if unable to continue, and/or appoint a new director if killed or missing. There is no authority over the people! This proposition destroys a representative form of government and makes the governor a dictator. There is no "limiting" the powers of the governor because it doesn't exist now. They are asking you to grant this power, claiming it is a limitation. Even if the legislature is called, they still have to vote a majority. How convenient this is, playing into the WHO' desire to claim control over independent sovereigns and decide what is a health emergency and what we are to obey. It is all about money and controls.

Do not fall for this lie. Vote NO.

Randy Miller, Founder, Your American Sheriffs, Sun City

ballot measure is unconstitutional.

John Fifer, Wickenburg and Treva Fifer, Wickenburg

Well-intentioned or not, Proposition 135 is a Trojan Horse you need to reject. In the guise of limiting a governor's dictatorial powers, Prop 135 actually grants him those very powers.

In 2021, during COVID, the Legislature introduced ARS 26-303(G) and (H), our state's historically first grant of "emergency powers" directly over citizens, to the governor. Unfortunately, these clauses were (and still are) prima facie unconstitutional.

The Arizona Constitution specifies that no "department" (branch) of government may exercise the powers of another. It nowhere grants the governor any power to create edicts to be enforced directly upon the citizenry -- those are called laws, and must be passed by the Legislature. All emergency powers authorized in the state constitution are granted strictly to the legislature, and affect government employees only -- to manage funding and crucial staffing to ensure the continuation of government services during times of catastrophe.

The constitutionally correct course is for the legislature to solve the problem they themselves created, in the proper manner -- by repealing the unconstitutional clauses (G) and (H) of ARS 26-303. Instead, they are now doubling down on their error and asking you to "paper it over" by amending the constitution itself to approve new language -- language that when added, will actually grant a governor the precise dictatorial powers that they claim they are "limiting."

Do not approve the introduction of one-person rule into the Arizona Constitution. Reserve our precious separation of powers.

Vote NO on Proposition 135.

C Tavares, Morristown

My argument AGAINST HCR 2039. This is the constitutional amendment making the governor a king/queen, allowing them to make laws through proclamations and declarations, taking your freedoms away like they did during COVID. This is all a lie, that they want to limit the authority of the governor. The governor has no authority to declare a state of emergency now. The legislature has no authority to do so. The laws on the books in title 26 and 36 that give these powers to the governor are all unconstitutional.

Tonya Berg, Wickenburg

Don't be misled or scared into thinking that HCR 2039 (Prop 135) is a good idea, that it will restrict emergency powers by a certain number of days, or that it is "supported by Conservatives and opposed by the Radical Left" according to the AZ Free Enterprise Club. I am a long-time conservative Precinct Committeeperson (PC) serving Legislative District 27 in northern Glendale. At our Maricopa County Republican Committee Meeting in January 2024, HCR 2039 was rejected overwhelmingly by the conservative PCs of the 30 Legislative Districts in Maricopa County. They voted NOT to support HCR 2039!

This constitutional Amendment will insert emergency powers into our AZ Constitution and will give these powers to one person – the AZ Governor – with some time and procedural restrictions. This violates Article 3 of our AZ Constitution's separation of powers by giving the Governor the authority to make laws thus creating a dictatorship even though it may be limited to "a number of days". The Governor should never have a totalitarian type of authority even for one minute!

"On March 11, 2020, Governor Ducey declared a state of emergency in Arizona and subsequently issued executive orders containing restrictions that severely harmed small businesses across the state. To do this, he relied on the "Emergency Management" statute (A.R.S. 26-303), under which the legislature gave him lawmaking power which our AZ Constitution is designed to forbid". (Per Amicus Brief from the New Civil Liberties Alliance)

These emergency powers in the Arizona Revised Statutes must be repealed, NOT added to the AZ Constitution with some arbitrary restrictions under this bogus proposition!

HCR 2039 (Prop 135) strikes at the very heart of our rights and freedoms as Arizona citizens. PROTECT OUR CURRENT AZ CONSTITUTION and vote NO to this amendment!

Mary Platt, LD 27 Precinct Committeeperson, Republican Party, Glendale

The League of Women Voters of Arizona opposes Proposition 135, which amends the Arizona Constitution to shift the power to terminate a state emergency or alter the governor's emergency powers from the governor to the legislature. The proposition would require the governor to seek legislative approval to extend an emergency declaration every 30 days. This proposition would also amend the Arizona Constitution to reduce the percentage of legislators required to call a special session to extend the emergency declaration from 66% to 33%.

Effective emergency management involves both response and recovery phases. Response includes activities such as rescue and the work directly related to rescue, such as clearing roads. Recovery, which takes longer, involves repairing the damage caused by the emergency.

By empowering the legislators to dilute the governor's emergency powers, this constitutional amendment would undermine the governor's ability to effectively manage ongoing crisis situations. Requiring legislative approval to extend an emergency declaration every 30 days is impractical and will create unnecessary delays that could worsen the crisis. During a crisis, Arizona needs swift action, not the cumbersome and potentially partisan delays introduced by Proposition 135.

THE LEAGUE OF WOMEN VOTERS OF ARIZONA URGES YOU TO VOTE NO.

Pinny Sheoran, President, League of Women Voters of Arizona, Scottsdale
Sponsored by League of Women Voters of Arizona