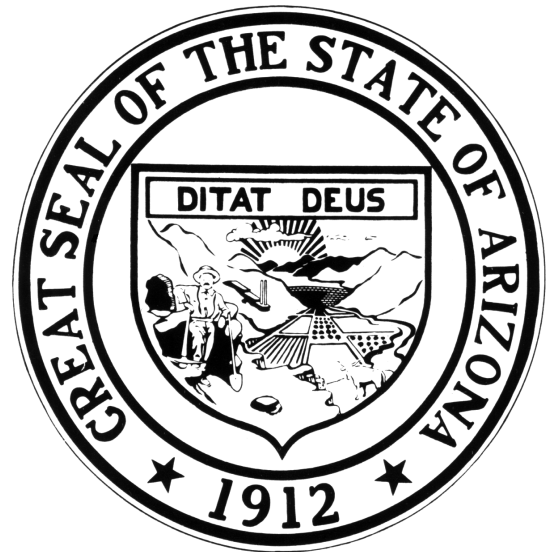


# PUBLICITY PAMPHLET

Issued by  
**Janice K. Brewer**  
Arizona Secretary of State



Ballot Propositions  
&  
Judicial  
Performance  
Review



[www.azsos.gov](http://www.azsos.gov)  
1-877-THE VOTE

**General Election**  
**NOVEMBER 7, 2006**

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For a Spanish version of this publicity pamphlet call toll-free 1-877-THE VOTE (1-877-843-8683)  
Para una versión en español de este folleto informativo, llame gratis al 1-877-THE VOTE (1-877-843-8683).

# Your Utility Bill

can give you the power to vote.



A driver's license isn't the only thing that helps you vote. Just show two valid forms of identification, such as:

- Current utility bill
- Current bank or credit union statement
- Arizona vehicle registration
- Current telephone or cellular phone bill



**For a complete list, visit [azsos.gov](http://azsos.gov) or call 1-877-THE-VOTE.**



Dear Arizona Voters:

Welcome to the 2006 General Election Publicity Pamphlet. The Publicity Pamphlet is one of the most important tools that Arizonans use in deciding how to vote.

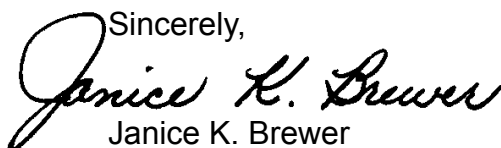
This pamphlet is divided into three parts: (1) general information about voting; (2) information about each proposition, including the actual language of the measure, a description of the measure, and arguments for and against the measure; and (3) the 2006 Judicial Performance Review on the justices/judges that will appear on the ballot.

The following are some important dates to remember:

- **Registration Deadline:** October 9, 2006 at midnight. For information about your voter registration, please call your county recorder's office. The county recorders' contact information can be found on page 11;
- **Early Voting:** October 5 thru October 27, 2006, is the period when ballots will be mailed to registered voters who request early ballots. If you are registered and you would like to receive a ballot in the mail, call your county recorder's office for assistance (page 11); and
- **Election Day:** November 7, 2006 is Election Day – Polling places are open from 6:00 a.m. until 7:00 p.m. If you requested an early ballot, you have until 7:00 p.m., November 7, to return your ballot to your county recorder's office. You may also drop off your ballot at any polling place in your county by 7:00 p.m. on Election Day.

If you are a **military or an overseas citizen**, you may request an early ballot, receive voter registration materials, a Federal Post Card Application and a ballot by visiting my Web site dedicated to military and overseas citizens, [www.azsos.gov/election/military.htm](http://www.azsos.gov/election/military.htm). This information may be requested and received by mail or fax.

I encourage you to visit my Web site, [www.azsos.gov](http://www.azsos.gov), for more information about the 2006 General Election. Thank you for taking the time to study the issues and candidates on the ballot. And, more importantly, thank you for taking the time to make your voice heard by voting.

Sincerely,  
  
Janice K. Brewer  
Secretary of State

**General Information**

Letter from Secretary of State Janice K. Brewer	3
Voter Registration Information, Early Voting	6
Voter Rights	7
Instruction to Voters and Election Officers	7
ID at the Polls	8
Persons with Disabilities	10
County Recorders	11
County Election Directors	12

**Ballot Propositions**

Proposition 100	Proposed amendment to the Arizona Constitution by the legislature relating to bailable offenses	13
	Ballot Format	15
Proposition 101	Proposed amendment to the Arizona Constitution by the legislature relating to property tax levies	16
	Ballot Format	19
Proposition 102	Proposed amendment to the Arizona Constitution by the legislature relating to standing in civil actions	20
	Ballot Format	23
Proposition 103	Proposed amendment to the Arizona Constitution by the legislature relating to English as the official language	24
	Ballot Format	29
Proposition 104	Proposed amendment to the Arizona Constitution by the legislature relating to municipal debt	30
	Ballot Format	36
Proposition 105	Proposed amendment to the Arizona Constitution by the legislature relating to state trust land	37
	Ballot Format	44
Proposition 106	Proposed amendment to the Arizona Constitution by the initiative relating to state trust land	45
	Ballot Format	73
Proposition 107	Proposed amendment to the Arizona Constitution by the initiative relating to marriage	74
	Ballot Format	80
Proposition 200	Proposed by initiative petition relating to voter rewards	81
	Ballot Format	86
Proposition 201	Proposed by initiative petition relating to smoking	87
	Ballot Format	100
Proposition 202	Proposed by initiative petition relating to the minimum wage	101
	Ballot Format	114
Proposition 203	Proposed by initiative petition relating to early childhood education	115
	Ballot Format	132
Proposition 204	Proposed by initiative petition relating to farm animals	133
	Ballot Format	153
Proposition 205	Proposed by initiative petition relating to voting by mail	154
	Ballot Format	159

**Arizona  
2006 Ballot Propositions**

**General Election  
November 7, 2006**

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Proposition 206	Proposed by initiative petition relating to smoking	160
	Ballot Format	176
Proposition 207	Proposed by initiative petition relating to eminent domain	177
	Ballot Format	192
Proposition 300	Referred to the people by the legislature relating to public program eligibility	193
	Ballot Format	201
Proposition 301	Referred to the people by the legislature relating to probation for methamphetamine offenses	202
	Ballot Format	205
Proposition 302	Recommendation of the commission on salaries for elective state officers relating to legislators' salaries	206
	Ballot Format	207
<b>Other Ballot Items</b>		
	Judicial Performance Review	208
<b>Voter's Guide</b>		
	Duplicate Voter's Guide	233
		235

**Published by  
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Phoenix, Arizona 85007-2888**

**The Secretary of State is an equal opportunity employer.**

Cover Photo:  
Taken by Michael Brewer at  
the Arizona State Capitol,  
Phoenix, Arizona.  
*Winged Victory* has adorned the  
copper dome of the Arizona  
State Capitol since the comple-  
tion of the Capitol in 1900.

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## **VOTER REGISTRATION**

### **October 9 is the registration deadline for the 2006 General Election.**

Visit the Secretary of State's Web page at [www.azsos.gov](http://www.azsos.gov) to register to vote. The easiest way to register is through the EZ Voter Program. EZ Voter is a quick four-step process in English or Spanish that allows you to register in just a couple of minutes. You must have an Arizona driver license or nonoperating identification license issued after October 1, 1996, in order to use EZ Voter.

If you do not have an Arizona driver license or nonoperating identification license, the Secretary of State's Web site also provides a voter registration form that can be filled out and printed on a home computer. Once signed, it can be mailed to the Secretary of State's office or the appropriate county recorder. You may also request a voter registration form by calling toll-free within Arizona 1-877-THE VOTE (1-877-843-8683).

Voter registration forms are also available from the county recorder in each county, as well as at government offices and public locations throughout the state. Completed forms can be sent to the appropriate county recorder listed in this publication on page 11.

For those Arizona residents who are temporarily absent from the state, you can register by mailing a registration form to the county recorder in your county of residence.

## **EARLY VOTING**

Any registered voter can vote early in Arizona's 2006 General Election. Between October 5 and October 27, an early ballot will be mailed to registered voters who request one.

Registered voters can request an early ballot by telephone, mail or fax. Such requests must be received by your county recorder before 5 p.m. on October 27, 2006. A written request must include the voter's name and address as registered, date of birth, election for which the ballot is requested, address where the voter is temporarily residing (if applicable), and the signature of the voter. In some cases you may be able to request an early ballot on-line. Check with your county recorder, whose information can be found on page 11.

Ballots MUST be received by the county recorder, either by personal delivery or by mail, or may be dropped off at any polling place in the voter's county of residence no later than 7 p.m. on Election Day.

## **MILITARY AND OVERSEAS VOTERS**

New changes have made it easier for military and overseas personnel to participate in federal and Arizona elections. A special Web site at [www.azsos.gov/election/military.htm](http://www.azsos.gov/election/military.htm) has been set up to facilitate voter registration and early ballot requests for those military and overseas voters. While on-line you may fill out the Federal Postcard Application (FPCA), which serves as both the voter registration and early ballot request form. You can also request the FPCA from your voting assistance officer or by contacting your county recorder directly (see page 11). You can fax back the FPCA request, which will be processed by the appropriate county recorder. Once you have voted your early ballot, you can fax it directly to your county recorder for processing. You may also fax your FPCA request and ballot to the Secretary of State's office at 602-364-2087, which will then be forwarded to the appropriate county recorder. Ballots must be received by 7 p.m. on Election Day.

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## POLL WORKERS NEEDED

The Secretary of State's office is reaching out to corporate and community outreach networks to promote the need for poll workers on Election Day. This important civic responsibility is open to all registered voters in Arizona and citizens who are at least sixteen years of age at the time of the election. Bilingual (Spanish or Native American) speaking poll workers are especially needed. Poll workers are paid for their time and effort. If you are interested, please call your county elections department (see page 12).

## VOTER RIGHTS

Any voter may be accompanied into the voting booth and assisted in casting a ballot by a person of his or her choice or by two (2) poll workers of different political parties. Candidates whose names appear on the ballot (other than precinct committeemen) may not assist voters. In addition, a voter may also be accompanied by a person under the age of 18 pursuant to Arizona's "Youth in the Booth" law. 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.

## INSTRUCTIONS TO VOTERS AND ELECTION OFFICERS

1. The polls are open from 6:00 a.m. until 7:00 p.m.
2. Please give your full name and place of residence and appropriate identification document(s) (see below) to the election officer in charge of the signature roster. The election officer will determine which type of ballot you will use to cast your vote.
3. Once you have received your ballot, go to the next available voting booth to cast your vote. Follow the instructions and mark your ballot opposite the name of each candidate and ballot measure that reflects your choice.
4. If you want to vote for a person who is not printed on the ballot, write that person's name on the lines provided and mark the ballot in the appropriate place next to the name you have written.
5. Ask for assistance if you are physically unable to mark your ballot. An accessible voting device will be available in every polling place. Two election officers from opposing political parties may also accompany you to the voting booth. They will:
  - tell you the names of all candidates for each office on the ballot;
  - tell you the political parties by which the candidates were nominated for each office;
  - read you the text describing the ballot measures;
  - ask the name of the candidates and ballot measures that reflect your choice; and
  - mark your ballot correctly.

Neither of the election officers who assist you with your vote are allowed to influence your vote by recommending or suggesting any candidate, political party or any ballot measure.

6. If you accidentally spoil your ballot, present it to the election judge. Make sure to conceal any votes you have made on the ballot. Either you or the judge will need to mark the ballot as spoiled, and the judge will give you another ballot on which to cast your vote. You are allowed to spoil no more than three ballots.

If you feel that a violation of the Help America Vote Act or other election law has occurred, you may contact:

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

### **ID AT THE POLLS**

The following forms of identification will be sufficient proof of identification at the polls:

Acceptable forms of identification with photograph, name, and address of the elector

- Valid Arizona driver license
- Valid Arizona nonoperating 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.

Acceptable forms of identification without a photograph that bear the name and address of the elector (two required)

- Utility bill of the elector that is dated within ninety 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 ninety 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
- 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

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



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## RIGHT TO VOTE A PROVISIONAL BALLOT

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

- if your name does not appear on the precinct register and you are in the correct polling place
- if you have moved to a new address within the county and have not updated your voter registration
- if you have legally changed your name and have not updated your voter registration
- if you requested an early ballot but did not vote it
- if you have not produced sufficient identification
- if you were challenged as a qualified elector

To vote a provisional ballot:

- present to the election officer an identification stating your given name and surname,
- present to the election officer your complete residence address, or
- sign an affirmation stating that you are a registered voter in this jurisdiction and are eligible to vote.
- if you vote a provisional ballot, the election official will enter your name on the signature roster. You will be asked to provide your signature next to your name.

Once you have voted a provisional ballot, your ballot will be placed in a provisional ballot envelope which you can seal. The election official will ensure that the envelope is sealed. You will then be given a provisional ballot receipt with information on how to verify the status of your provisional ballot. If you are provided a provisional ballot because you did not produce appropriate identification, you will be provided instructions on how and where to produce identification to assure your vote is counted.

## 2006 Citizens Clean Elections Commission Candidate Statements Pamphlet

The 2006 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 number for other Arizona area codes: 1-877-631-8891; Web site address [www.ccec.state.az.us](http://www.ccec.state.az.us); or visit the Commission's office at 1616 W. Adams, Suite 110, Phoenix, Arizona 85007.

## NOTICE

At the time this pamphlet was printed, the verification of initiative petition signatures by the county recorders and court challenges were not yet complete. It is possible that not all of the propositions published in this pamphlet will be on the General Election ballot on November 7, 2006. Please review your ballot carefully before voting.

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

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## PERSONS WITH DISABILITIES

### **This publication is available in alternate formats.**

The 2006 Publicity Pamphlet is available in alternate formats. Arizona residents who need information about the 2006 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.

### **Voter registration assistance**

Arizona residents who need assistance with registering to vote should contact the appropriate county recorder at the number listed on page 11.

You may register to vote on-line through the EZ Voter Program by visiting the Secretary of State's Web site at [www.azsos.gov](http://www.azsos.gov).

You may also register to vote by mail. Forms are available at government offices and public locations throughout the state. Forms may be requested by calling the appropriate county recorder or by calling 1-877-THE VOTE (1-877-843-8683), TDD 602-255-8683 or by visiting the Secretary of State's Web site at [www.azsos.gov](http://www.azsos.gov).

### **Accessibility for voters**

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 places. Accessible voting devices will be available in every polling place. Accessible voting machines create an independent and private voting experience for people with disabilities. Arizona residents who need assistance with voting should contact their county election department at the numbers listed on page 12.

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### Apache County

LeNora Y. Johnson  
P.O. Box 425  
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**PROPOSITION 100**

**OFFICIAL TITLE**

**HOUSE CONCURRENT RESOLUTION 2028**

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, SECTION 22, CONSTITUTION OF ARIZONA; RELATING TO BAILABLE OFFENSES.

**TEXT OF PROPOSED AMENDMENT**

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

1. Article II, section 22, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

22. Bailable offenses

Section 22. A. All persons charged with crime shall be bailable by sufficient sureties, except for:

1. FOR capital offenses, sexual assault, sexual conduct with a minor under fifteen years of age or molestation of a child under fifteen years of age when the proof is evident or the presumption great.
2. FOR felony offenses committed when the person charged is already admitted to bail on a separate felony charge and where the proof is evident or the presumption great as to the present charge.
3. FOR felony offenses if the person charged poses a substantial danger to any other person or the community, if no conditions of release which may be imposed will rea-

sonably assure the safety of the other person or the community and if the proof is evident or the presumption great as to the present charge.

4. FOR SERIOUS FELONY OFFENSES AS PRESCRIBED BY THE LEGISLATURE IF THE PERSON CHARGED HAS ENTERED OR REMAINED IN THE UNITED STATES ILLEGALLY AND IF THE PROOF IS EVIDENT OR THE PRESUMPTION GREAT AS TO THE PRESENT CHARGE.

B. The purposes of bail and any conditions of release that are set by a judicial officer include:

1. Assuring the appearance of the accused.
  2. Protecting against the intimidation of witnesses.
  3. Protecting the safety of the victim, any other person or the community.
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**

The Arizona Constitution provides that all persons who are charged with a crime are eligible for bail, subject to certain exceptions. Bail is not allowed for any person who is charged with a crime if the court finds proof that the person committed the crime is evident or the presumption that the person committed the crime is great and the charged crime is one of the following:

1. A capital offense (an offense punishable by death), sexual assault, sexual conduct with a minor under fifteen years of age or molestation of a child under fifteen years of age.
2. A felony offense committed when the person charged is already admitted to bail on a separate felony charge.
3. A felony offense if the person charged poses a substantial danger to any other person or the community and no condition of release will reasonably assure the safety of the other person or community.

Proposition 100 would amend the Arizona Constitution to additionally prohibit bail for any person who is charged with a serious felony offense (as determined by the Legislature) if the person charged entered or remained in the United States illegally and the court finds proof that the person committed the crime is evident or the presumption that the person committed the crime is great.

In 2006, the Legislature enacted legislation to specify that class 1, 2, 3 and 4 felony offenses would constitute the "serious felony" offenses for which a person who has entered or remained in the United States illegally shall be denied bail. That legislation does not become effective unless Proposition 100 is enacted.

**ARGUMENTS "FOR" PROPOSITION 100**

Ballot argument FOR Proposition 100 (Bailable offenses)

Illegal aliens that commit a crime are an extremely difficult challenge for law enforcement and growing threat to our citizens. Large, well-organized gangs of illegal aliens have flooded many neighborhoods with violence to the point where Arizona now has the highest crime rate in the nation. With few real ties to the community and often completely undocumented by state agencies, many illegal aliens can easily escape prosecution for law breaking simply because they are so difficult to locate. HCR 2028 would deny bail to illegal aliens when there is convincing evidence that they've committed a serious felony, keeping dangerous thugs in jail rather than releasing them onto the streets. Allowing an illegal immigrant to post bail simply gives them time to slip across the border and evade punishment for their crimes. By voting yes for this initiative, we keep more violent criminals in jail, make our homes and communities safer, and send a powerful message to illegal aliens that their crimes will not go unpunished.

The Honorable Russell Pearce, Arizona House of Representatives, Mesa  
*Paid for by "Russell Pearce 2004"*

Illegal immigrants accused of committing serious felonies in Arizona should not be allowed to make bail and flee the country before standing trial for their crimes. That's why I helped draft and strongly support this proposition, which would amend our state constitution to prohibit bail for such offenders.

Far too many illegal immigrants accused of serious crimes have jumped bail and slipped across the border in order to avoid justice in an Arizona courtroom. When and if they do come back to the United States, too often it's not to appear in court, but to commit more crimes.

One example is Oscar Martinez-Garcia. Indicted in 1998 on drug and weapons charges, he posted bail and was released to federal authorities, who then deported him before he could be tried. He returned to Phoenix illegally and was driving a vehicle when Phoenix Police Officer Marc Atkinson pulled him over. One of the passengers in the vehicle

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

*Issued by: Secretary of State Jan Brewer*

**PROPOSITION 100**

shot and killed Officer Atkinson. Martinez-Garcia was convicted of first-degree murder for his participation in this cold-blooded killing, but that won't bring back this fallen officer.

Other examples of illegal immigrants who made bail and avoided prosecution for serious crimes include accused child predators, armed robbers, drug dealers and other accused criminals. The victims of these crimes deserve justice.

Thanks to an amendment approved overwhelmingly by voters in 2002, the Arizona Constitution now denies bail to defendants accused of rape and child molestation. This proposition similarly would deny bail to illegal immigrants who pose a clear danger to society and who too often use our border as an escape route. Our state constitution was not intended to "bail out" illegal immigration. I urge you to vote yes to end this abuse of our criminal justice system.

Andrew Thomas, Maricopa County Attorney, Phoenix

The Arizona Farm Bureau supports proposition 100.

Bail is a judgment that the party is neither a danger to society nor a risk of flight from prosecution. We ask you: When is an undocumented person, who is accused of a serious crime, not a flight risk?

If a person has no legal right to be in this country and commits a serious crime for which they must answer, we do not think bail is a prudent choice.

Comprehensive immigration reform would reduce the criminal element coming into this country. Securing the border coupled with a temporary worker program and identifying the millions of those illegally in this country, would do much to stem the tide of criminal activity.

Kevin Rogers, President, Arizona Farm Bureau,  
Mesa

Jim W. Klinker, Chief Administrative Officer,  
Arizona Farm Bureau, Mesa

*Paid for by "Arizona Farm Bureau"*

I fully support the actions of the State Legislature that placed this measure on the ballot. The citizens of Arizona must be assured that all persons who commit violent criminal acts against society face our system of justice. It is a matter of undeniable fact that a large number of these wanted fugitives from justice are illegal aliens who have fled to their native country as a means of avoiding prosecution and conviction for their crimes. In many of these cases the prosecuting attorneys have asked the court to retain custody of these fugitives because of the flight risk only to have judges ignore that risk and set bail.

This must not be allowed to continue. I commit to you that, as your Governor, I will apply all legal measures to protect and defend Arizonans from the illegal invasion. This Ballot Measure addresses one area that needs to be resolved in this fight to secure our borders and reduce the level of crime in our neighborhoods.

It is embarrassing to have our state lead the nation in crime. Unfortunately, the current governor has vetoed ten separate bills sent to her desk by the legislature that were written to protect you from illegal immigration.

We can do better and I ask you to vote YES on this Ballot Proposition so the citizens of Arizona can have confidence that our criminal justice system works as intended. **\*\*Paid for by Goldwater for Governor Committee.\*\***

Don Goldwater, Goldwater for Governor, Laveen

### **ARGUMENTS "AGAINST" PROPOSITION 100**

Proposition 100 would deny the constitutional right to post bail to people accused of most felony offenses based on nothing more than their inability to prove current immigration status, and not the actual danger they pose to the community. It is wrong.

#### **VOTE NO on Prop 100 because:**

1. This proposition will cost taxpayers an extra \$2,100 per month for each person who is held and denied bail.
2. Our jails are already overcrowded and cost taxpayers millions every year. Arizona cannot afford to hold low-risk persons simply due to their national origin.
3. Bail is a cherished constitutional right. People accused of crimes have not necessarily committed the crimes they are accused of and have the right to post bail.
4. This proposition puts people who overstay a tourist visa or cross the border in the same category as serial murderers.
5. People who pose an actual danger to society are already held without bail under the current law.
6. Prop 100 will do nothing to increase public safety.

#### **More reasons to VOTE NO on Prop 100:**

Under current law, judges set bail to assure appearance at court proceedings and protect public safety. The more serious the crime, the higher the bail that is set. Certain offenses, such as capital murder, are not eligible for bail because they are considered very serious. In contrast, Prop 100 penalizes individuals who are not a danger and who have families and close community ties.

Prop 100 would also create a sub-class of people within the justice system based solely on race or national origin, and unnecessarily penalize people who pose little or no risk to the community.

This proposition would do nothing more than institutionalize bias and discrimination in the justice system, at taxpayer expense.

#### **VOTE NO on Prop 100.**

Jim Fullin, Tucson

Matt Green, Tucson

Margot Veranes, Tucson

*Paid for by "Margot I. Veranes"*

**PROPOSITION 100**

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

**BALLOT FORMAT**

**PROPOSITION 100**

PROPOSED AMENDMENT TO THE CONSTITUTION  
BY THE LEGISLATURE

**OFFICIAL TITLE**

HOUSE CONCURRENT RESOLUTION 2028  
PROPOSING AN AMENDMENT TO THE CONSTITUTION OF  
ARIZONA; AMENDING ARTICLE II, SECTION 22, CONSTITU-  
TION OF ARIZONA; RELATING TO BAILABLE OFFENSES.

**DESCRIPTIVE TITLE**

ADDS TO THE LIST OF NON-BAILABLE OFFENSES SERIOUS  
FELONY OFFENSES PRESCRIBED BY THE LEGISLATURE IF  
THE PERSON CHARGED HAS ENTERED OR REMAINED IN  
THE UNITED STATES ILLEGALLY AND IF THE PROOF IS  
EVIDENT OR THE PRESUMPTION GREAT AS TO THE  
PRESENT CHARGE.

**PROPOSITION 100**

A "yes" vote shall have the effect of denying bail to persons charged with serious felonies as defined by law if the person has entered or remained in the United States illegally.	YES <input type="checkbox"/>
A "no" vote shall have the effect of continuing to allow bail to persons charged with serious felony offenses who enter or remain in the United States illegally, unless the person is charged with an offense for which bail is not permitted under current law.	NO <input type="checkbox"/>

**PROPOSITION 100**

**PROPOSITION 101**

**OFFICIAL TITLE**

**HOUSE CONCURRENT RESOLUTION 2056**

Proposing an amendment to the Constitution of Arizona; amending article IX, section 19, Constitution of Arizona; relating to local property tax levies.

**TEXT OF PROPOSED AMENDMENT**

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

1. Article IX, section 19, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

19. Limitation on annual increases in local ad valorem tax levies; exceptions

Section 19. (1) The maximum amount of ad valorem taxes levied by any county, city, town or community college district shall not exceed an amount two per cent greater than the amount levied in the preceding year.

(2) The limitation prescribed by subsection (1) does not apply to:

(a) Ad valorem taxes or special assessments levied to pay the principal of and the 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 and community college districts.

(c) Ad valorem taxes levied by counties for support of common, high and unified school districts.

(3) This section applies to all tax years beginning after December 31, 1981.

(4) The limitation prescribed by subsection (1) shall be increased each year to the maximum permissible limit, whether or not the political subdivision actually levies ad valorem taxes to such amounts, except that beginning in 2007 the limitation prescribed by subsection (1) shall be computed from the actual tax levy of the county, city, town or community college district in 2005.

(5) The voters, in the manner prescribed by law, may elect to allow ad valorem taxation in excess of the limitation prescribed by this section.

(6) The limitation prescribed by subsection (1) of this section shall be increased by the amount of ad valorem taxes levied against property not subject to taxation in the prior year and shall be decreased by the amount of ad valorem taxes levied against property subject to taxation in the prior year and not subject to taxation in the current year. Such amounts of ad valorem taxes shall be computed using the rate applied to property not subject to this subsection.

(7) The legislature shall provide by law for the implementation of this section.

2. Short title

This measure shall be known as and may be cited as the "2006 Taxpayer Protection 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 limits the amount of primary property tax that a county, city, town or community college district may levy. Each taxing entity's limit was established in 1980, and that limit has increased by 2% each year, plus any new construction. Counties, cities, towns and community college districts not at their levy limit may increase primary property taxes to the maximum levy limit without voter approval.

Proposition 101, known as the "2006 Taxpayer Protection Act", would amend the Arizona Constitution to remove unused taxing capacity and reset each taxing entity's limit to the actual tax levy of that county, city, town or community college district in 2005. Beginning in 2007, the new levy limit would increase by 2% per year, plus any new construction.

**ARGUMENTS "FOR" PROPOSITION 101**

**Limit Property Tax Increases NOW!**

A "Yes" on Proposition 101, the 2006 Taxpayer Protection Act, is a vote to protect Arizona homeowners and property taxpayers from runaway tax increases. Local governments annually raise property taxes without a public vote. These tax increases can be large and difficult for individuals on fixed incomes or small business employers to endure.

This proposition furthers the intent of the voters who passed limits on the annual tax increases of counties, municipalities, and community college districts. Since then these local governments have built up taxing capacity and the potential to levy large property tax increases. Passage of this proposition will reset the system and limit these governments to reasonable annual tax increases unless they obtain voter approval for larger increases. It is critical that this occur now before these taxing entities can take advantage of explosive property tax growth to disguise huge tax increases.

Nothing in this measure will result in cuts to the budgets of counties, cities, or community colleges. Statements claiming otherwise are misleading. The budgets of local governments will continue to grow with the addition of new construction and the annual growth allowed by law. If a critical need arises these jurisdictions retain the right to go to their voters for new tax increases above the voter approved limits.

Furthermore, Arizona employers and commercial landowners are disproportionately threatened by annual property tax increases. It is these businesses that are responsible for Arizona's top ranking for new job creation and for our vibrant economy. The taxes that a business pays to feed the appetite of new spending by local governments are dollars that are unavailable to create new jobs, provide health benefits, or invest in new facilities

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and equipment.

Vote "Yes" on Proposition 101, the 2006 Taxpayer Protection Act.

Tim Lawless, President, Arizona Chapter of  
NAIOP, Phoenix

Fred Stiles, Chair-elect, Arizona Chapter of  
NAIOP, Scottsdale

*Paid for by "Arizona Chapter of NAIOP"*

### Support Reasonable Property Tax Limitations

The Arizona Tax Research Association (ATRA), Arizona's only statewide taxpayer organization, strongly supports Proposition 101. In an effort to ensure that skyrocketing property valuations do not translate into huge property tax increases, Proposition 101 will ensure that reasonable limits are placed on local government property tax levies. The Taxpayer Protection Act of 2006 will limit the growth in annual operating property tax levies of counties, cities, towns, and community college districts to two percent. These jurisdictions would receive growth in excess of two percent for any taxes attributable to new construction.

In 1980, Arizona voters placed constitutional property tax limits on counties, cities, towns, and community colleges of two percent plus any growth in the tax base associated with new construction. For 26 years, these limitations have served taxpayers relatively well. However, for some jurisdictions, their maximum levy limit capacity greatly exceeds their actual operating levies. These jurisdictions currently have the ability to dramatically raise property taxes without the consent of the voters.

The Taxpayer Protection Act of 2006 will ensure that voter approval will be required for any county, city, town, or community college district to raise property taxes in excess of two percent over their levies in 2005. While Proposition 101 will reduce the non-voter approved levy **capacity** of these jurisdictions by \$173 million, it will not force any jurisdiction to reduce taxes below existing levels.

History tells us that when property valuations increase, property taxes often climb along with them. By ensuring that all jurisdictions' levies are capped at their current levels, Proposition 101 will protect property taxpayers when the valuations climb.

Gretchen Kitchel, Chairman, ATRA, Scottsdale

Kevin McCarthy, President, ATRA, Gilbert

*Paid for by "Arizona Tax Research Association"*

The Arizona Cattlemen's Association strongly supports Proposition 101. This measure will help ensure that increasing property valuations do not translate into huge property tax increases. It ensures that we as voters will be granted the opportunity to participate when property taxes are proposed to be raised in excess of 2 percent over their levies in 2005.

It takes large parcels of land to raise food in Arizona – with these large parcels we have great tax exposure and Proposition 101 will protect property taxpayers when the valuations climb.

Bill Brake, ACGA President, Arizona  
Cattlemen's Association, Scottsdale

Scott Shill, ACFA President, Arizona  
Cattlemen's Association, Welton

*Paid for by "Arizona Cattlemen's Association"*

### Vote YES on Proposition 101: Vote to Limit Property Taxes

Escalating property values are great news when you are trying to sell your home or business. However, for individuals, families and businesses that want to stay in Arizona, increased property valuations often mean a higher tax bill. **The Proposition 101: The 2006 Taxpayer Protection Act puts reasonable limits on the ability of local governments to raise taxes.** Proposition 101 fixes an aging property tax system that needs reform and updating.

The current property tax system can hurt taxpayers because it has not kept up with the tremendous growth rates and property valuation increases. Under the current system, the areas of the state that are growing the quickest and that already have higher than normal tax rates have the greatest potential to raise property tax rates even more.

Proposition 101 will provide a measure of restraint and predictability to local property taxes. If passed by the voters, it will reset tax levies to their 2005 levels. By doing so, it will remove much of the excess taxing capacity that certain jurisdictions have accumulated since 1980. By updating the system, local governments will not be able to make substantial increases to property taxes without earning voter approval.

Keeping Arizona businesses competitive, creating good jobs, restraining the growth and appetite of government and making the state a top choice location for starting or expanding a business are priorities for the Arizona Chamber of Commerce and Industry. The 2006 Taxpayer Protection Act is a critical piece of these efforts.

Proposition 101 helps ensure you won't be taken to the cleaners just because property values are going up in your neighborhood. **Vote YES on Proposition 101.**

Steve Twist, Chairman of Board of Directors,  
Arizona Chamber of Commerce and Industry,  
Scottsdale

James J. Apperson, President & CEO, Arizona  
Chamber of Commerce and Industry,  
Scottsdale

*Paid for by "Arizona Chamber of Commerce"*

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*Issued by: Secretary of State Jan Brewer*

I strongly support this Ballot Measure that has been presented to the voters of Arizona by our State Legislature. It has become increasingly apparent that government at all levels has an insatiable appetite for tax dollars. If this greed is not checked by Constitutional Law, the property owners of this state will be at risk of outrageous tax increases. We have a special responsibility to protect our senior citizens who are on a fixed income. Government should not present the primary risk to our greatest generation.

I ask you to vote for this common-sense measure that will protect all Arizona property owners from the government that is supposed to be protecting them. The protection of your rights will be the hallmark of my administration, when you elect me as your next governor. If you have any questions about my position on this and other issues facing Arizona, please go to my website: [www.goldwaterforgovernor.org](http://www.goldwaterforgovernor.org) \*\*Paid for by Goldwater for Governor Committee.\*\*

Don Goldwater, Goldwater for Governor, Laveen

This year, many Arizona residents experienced tremendous property value increases. Unless something is done, these value increases will result in automatic property tax increases.

Many Arizonans, especially those on fixed incomes, could be forced out of their homes if the government is allowed to reap a windfall of higher property taxes just because home values increased. This year, I sponsored property tax reforms, including Proposition 101, to make sure that government cannot increase your property taxes without your permission (a public vote).

Proposition 101 will reset the property tax limits to 2005 (before the latest jump in property values). Prop 101 prevents government from collecting more property taxes just because home values increase.

Government will be required to lower property tax rates by the amount of the property value increase. Under Prop 101, if home values double, the tax rates are REQUIRED to be cut in half; therefore, your tax bill will NOT change.

Government should not profit from automatic higher property taxes just because the value of your property increased. Prop 101 allows for normal inflation, as well as new property to come onto the tax rolls at its appropriate value.

The last time that Arizona enacted this type of property tax reform was 1980. Now, due to the recent tremendous property value increases, it's time to do it again. Don't listen to the scare tactics by opponents of Prop 101. Arizona did not come to a screeching halt after the 1980 property tax reform, and it will not happen now either.

Prop 101 simply prevents government from collecting a windfall of automatic property tax increases. Vote YES on Prop 101 to stop government from raising your property tax bill without your permission.

Sen. Dean Martin, Chairman, Senate Finance Committee, Phoenix

#### **ARGUMENTS "AGAINST" PROPOSITION 101**

The Secretary of State's office did not receive any arguments "against" Proposition 101.

**PROPOSITION 101**

**BALLOT FORMAT**

**PROPOSITION 101**

PROPOSED AMENDMENT TO THE CONSTITUTION  
BY THE LEGISLATURE

**OFFICIAL TITLE**

HOUSE CONCURRENT RESOLUTION 2056  
PROPOSING AN AMENDMENT TO THE CONSTITUTION OF  
ARIZONA; AMENDING ARTICLE IX, SECTION 19, CONSTITU-  
TION OF ARIZONA; RELATING TO LOCAL PROPERTY TAX  
LEVIES.

**DESCRIPTIVE TITLE**

BEGINNING 2007: REMOVES UNUSED TAXING CAPACITY OF  
COUNTIES, CITIES, TOWNS, AND COMMUNITY COLLEGE  
DISTRICTS AND REQUIRES CALCULATION OF PROPERTY  
TAX LEVY LIMITS BASED ON ACTUAL PROPERTY TAX LEV-  
IED IN 2005; NEW LEVY LIMIT INCREASES TWO PERCENT  
PER YEAR, PLUS ANY NEW CONSTRUCTION.

**PROPOSITION 101**

A "yes" vote shall have the effect of requiring counties, cities, towns, and community college districts to calculate property tax levy limits based on the actual property taxes levied in 2005, and beginning in 2007 the new levy limit would increase by two percent per year plus any new construction.	YES <input type="checkbox"/>
A "no" vote shall have the effect of maintaining current property taxing capacity for counties, cities, towns or community college districts.	NO <input type="checkbox"/>

PROPOSITION 101

**PROPOSITION 102**

**OFFICIAL TITLE**

**SENATE CONCURRENT RESOLUTION 1001**

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, CONSTITUTION OF ARIZONA, BY ADDING SECTION 35; RELATING TO STANDING IN CIVIL ACTIONS.

**TEXT OF PROPOSED AMENDMENT**

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

1. Article II, Constitution of Arizona, is proposed to be amended by adding section 35 as follows if approved by the voters and on proclamation of the Governor:

35. Actions by illegal aliens prohibited  
A PERSON WHO IS PRESENT IN THIS STATE IN

VIOLATION OF FEDERAL IMMIGRATION LAW RELATED TO IMPROPER ENTRY BY AN ALIEN SHALL NOT BE AWARDED PUNITIVE DAMAGES IN ANY ACTION IN ANY COURT IN THIS STATE.

2. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article XXI, Constitution of Arizona.

**ANALYSIS BY LEGISLATIVE COUNCIL**

A person who wins a civil lawsuit may receive two types of damages-compensatory and punitive. Compensatory damages are awarded to compensate the injured party for the injuries sustained by making good or replacing the loss caused by the injury. Punitive damages are awarded in excess of compensatory damages to punish the person sued for a serious wrong and to discourage others from engaging in similar wrongful conduct.

Proposition 102 would prohibit a person who wins a civil lawsuit from receiving punitive damages if the person is present in this state in violation of federal immigration law related to improper entry.

**ARGUMENTS "FOR" PROPOSITION 102**

Ballot argument FOR Proposition 102  
(standing in civil actions)

Illegal aliens can not be allowed to exploit our court system. Winners in a civil lawsuit receive two types of rewards: They can be compensated for their losses or they may receive punitive damages in addition to compensation. This referendum properly denies illegal immigrants from receiving punitive damages or rewards in any civil lawsuit. It makes no sense for a person who breaks the law by illegally entering and remaining illegally in the United States to profit from a civil proceeding. Plain and simple: courts of law should not reward lawbreakers. We discourage illegal immigration when it is broadly known that the courts of Arizona will not overlook any person's illegal status. By enacting this referendum we discourage illegal aliens from suing American citizens with the expectation of receiving big rewards.

The Honorable Russell Pearce, Arizona House of Representatives, Mesa  
*Paid for by "Russell Pearce 2004"*

**Vote to Curb Lawsuit Abuse, Vote YES on Proposition 102.**

As the official legal analysis states above, Proposition 102 would only prohibit a person who wins a civil lawsuit from receiving punitive damages if the person is a foreign national who entered the U.S. in violation of federal immigration law. While this proposition does not establish any other limits on lawsuits to recover damages, it is a sensible first step in curbing lawsuit abuse and much more remains to be done to restore fairness to our tort system.

**Proposition 102 is a common sense reform that would start Arizona down the path of a more comprehensive reform of our civil litigation environment and the Arizona Chamber of Commerce and Industry urges Arizonans to vote YES on Proposition 102.**

Steve Twist, Chairman of Board of Director,  
Arizona Chamber of Commerce and Industry,  
Scottsdale  
*Paid for by "Arizona Chamber of Commerce"*

James J. Apperson, President & CEO, Arizona  
Chamber of Commerce and Industry,  
Scottsdale

United States Code Section 1325 states that any person who enters or attempts to enter the United States illegally is in violation of federal law and is subject to prosecution under that law. We have had occasion in this state where an activist judge has taken the private property from a citizen – who took reasonable strong action to protect that property from illegal incursion – and actually given the property to the illegal alien. This type of action by activist judges should be an affront to all Arizonans.

It is obvious that we must enact Constitutional protection against this outrageous judicial action. This ballot measure is a reasonable protection for private property rights in Arizona. With over a million people annually crossing private the private properties of Arizona citizens killing livestock and security animals, damaging water tanks, destroying pristine desert preserves and threatening the safety and security of our citizens, we must make sure that the victim of this onslaught are not further victimized by the black robed arbiters appointed to the court by a liberal governor.

I strongly support this common-sense Ballot Measure referred for your consideration by your elected representatives and senators. I ask you to join me in voting YES on this measure to protect all Arizonans from one

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more of the side effects of illegal immigration. \*\*Paid for by Goldwater for Governor Committee.\*\*

Don Goldwater, Goldwater for Governor, Laveen

### **ARGUMENTS "AGAINST" PROPOSITION 102**

Proposition 102 is misguided and mean spirited. It may sound good at first, but careful review shows its flaw: It would protect wrongdoers, like drunk drivers.

We use punitive damages to send a message that Arizona will not tolerate certain behavior. To that end, judges and juries award punitive damages for two reasons:

- (1) To punish wrongdoers, and
- (2) To discourage others from engaging in the same wrongful conduct.

Proposition 102 misses the mark because it would undermine the purpose of awarding punitive damages by demonizing the victim.

If Proposition 102 passes, a drunk driver with a long history of unsafe driving could hit an undocumented immigrant and essentially get off easy by avoiding punitive damages. The message it would send is that driving drunk isn't so bad as long as the drunk driver hits someone who is here without proper documentation.

That is the wrong message. Drunk driving, and other wrongful conduct, is no less reprehensible just because some people may not like the victim. It poses no less of a risk to the rest of society. Making sure that drunk drivers avoid punitive damages will not make the community safer.

The backers of Proposition 102 are taking the low road. You should kick this measure to the curb and take the high road. Vote NO on Proposition 102.

State Rep. Steve Gallardo, District 13, Phoenix

The Arizona Farm Bureau opposes proposition 102.

We understand and share the mounting frustration Arizona citizens have regarding the failure of the federal government to act in a responsible and comprehensive fashion regarding border security and immigration. We tend to want to lash out and do something.

This measure would block undocumented immigrants from being able to obtain punitive damages. Punitive damages are reserved for gross negligence or willful and malicious conduct. This proposition says that for a certain class of people, gross negligence against them can be excused.

We think most Arizonans would consider that unfair and look beyond their frustration with federal lawmakers that are not adequately dealing with border security, enforcement and visa reform and vote NO on this proposition.

Kevin G. Rogers, President, Arizona Farm Bureau, Mesa

James W. Klinker, Chief Administrative Officer, Arizona Farm Bureau, Mesa

*Paid for by "Arizona Farm Bureau"*

**We urge your NO vote on Proposition 102.** It is unnecessary, discriminatory and designed solely to make victims out of illegal immigrants.

Punitive damages are monetary damages awarded by a jury to a victim in only the most egregious cases, where it is determined that a defendant must be monetarily punished for their wrongful conduct. Punitive damages have the effect of discouraging others from engaging in the same type of wrongful behavior in similar situations. Denying an award of punitive damages to a class of people, based solely on whether a person entered this country legally, is wrong. It is pure discrimination, designed to create victims who will have no remedy.

Prohibiting an award of punitive damages is also unwise because it represents a first step toward the elimination of punitive damages as a whole. The proponents of Proposition 102 are starting with a politically unpopular group. But one has to ask, which group of people are next? Do you want to have your right to civilly punish a drunk driver who kills one of your family members taken away? Certainly not!

**Please vote NO on Proposition 102.**

Jorge Luis Garcia, State Senator, Chairman, Legislative Latino Caucus, Tucson

Ben Miranda, State Representative, Chairman, Legislative Latino Caucus, Phoenix

*Paid for by "Jorge Luis Garcia"*

In Opposition to Proposition 102

Punitive damages are only awarded when the court finds by overwhelming evidence that a person or company "acted with an evil mind, an evil heart and an evil hand". That is the legal standard for awarding punitive damages and is designed to punish only the worst offenders.

Ballot Proposition 102 seeks to change our Constitution to "protect" the citizens of Arizona by making a class of people unable to receive punitive damages. Those it will protect? The worst of the worst, those proven to be acting with an evil heart, mind and hand!

What is happening here? An old saying goes something like this. "Once the nose is under the tent, you will soon be sleeping with the camel." Our Federal and State Constitutions were written to provide us with protections that make our country the envy of the world. "With liberty and justice for all" is not an empty promise, but the true measure of what makes our country great.

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

*Issued by: Secretary of State Jan Brewer*

Many greedy big corporations led by the insurance industry, tobacco companies and other international big businesses think they shouldn't be held accountable for their actions. Their campaign to take away our access to the courts has been ongoing for 20 years. They hate our Constitution because it levels the playing field. They can't use their money and power to get away with what sometimes does amount to murder.

Changing our Constitution to take away anyone's rights is the nose under the tent. Future changes will be argued as "necessary" and will only be "Minor" to protect us from "some people". Someday that could be you!

Our founding fathers made it difficult to change the Constitution by requiring a full vote of the people. Vote "NO" if you value your freedoms.

Jon Hinz, Director, Fairness and Accountability in Insurance Reform,  
Phoenix  
*Paid for by "FAIR"*

We, the members of the Coalition for Latino Political Action hereby ask the voters of Arizona to vote no on Proposition 102, which would create a different justice system for a group of individuals verses another group of individuals.

The laws of this country should be applied equally to all men. Allowing the passage of this proposition is a perversion of the concept of this country that states that all men are created equal.

This proposition is mean-spirited and does nothing but paint a picture that Arizona is a backward state. Arizona is not a backward state.

Vote no on proposition 102.

Lydia Guzman, Chairman, The Coalition for  
Latino Political Action, Glendale  
*Paid for by "Lydia Guzman"*

Delia Torres, Co Chair, The Coalition for Latino  
Political Action, Glendale

The Arizona Advocacy Network urges defeat of this proposition that would make a drastic and harmful change in Arizona's constitution. While proponents might argue that undocumented people should not be assured all the same rights as citizens such as the right to seek punitive damages in personal injury and wrongful death cases, this particular change would only protect the worst kind of defendants in such cases and would do nothing to correct problems caused by illegal immigration.

Punitive damages may be considered by a jury only after the judge first finds that there may be clear and convincing evidence that the harmful conduct was so bad that the defendant should be punished beyond having to pay reasonable compensation, such as where the defendant acted intentionally or in reckless disregard of the safety of others. When a jury finds that such conduct occurred, punitive damages are allowed to punish and make an example of the defendant so that all of us are protected, regardless of our citizenship status. Why give such a wrongdoer an exemption from the constitutional system? Solving immigration problems should not weaken the protections provided to all of us by our State's constitution.

The Arizona Advocacy Network is a non-profit community organization that promotes social justice and increased civic participation. Its mission includes the protection of Arizona's constitution from misguided changes that remove protections for all of us, especially those that protect us from the worst kind of wrongdoing.

Michael J. Valder, President, Arizona Advocacy  
Network, Phoenix  
*Paid for "Arizona Advocacy Network"*

Eric Ehst, Treasurer, Arizona Advocacy  
Network, Phoenix

**BALLOT FORMAT**

**PROPOSITION 102**

PROPOSED AMENDMENT TO THE CONSTITUTION  
BY THE LEGISLATURE

**OFFICIAL TITLE**

SENATE CONCURRENT RESOLUTION 1001  
PROPOSING AN AMENDMENT TO THE CONSTITUTION OF  
ARIZONA; AMENDING ARTICLE II, CONSTITUTION OF ARI-  
ZONA, BY ADDING SECTION 35; RELATING TO STANDING IN  
CIVIL ACTIONS.

**DESCRIPTIVE TITLE**

PROVIDES THAT A PERSON WHO IS PRESENT IN THIS  
STATE IN VIOLATION OF FEDERAL IMMIGRATION LAW  
RELATED TO IMPROPER ENTRY BY AN ALIEN SHALL NOT BE  
AWARDED PUNITIVE DAMAGES IN ANY CIVIL ACTION IN ANY  
COURT IN THIS STATE.

**PROPOSITION 102**

A "yes" vote shall have the effect of denying an award of punitive damages in any civil court action to a person who is present in this state in violation of federal immigration law related to improper entry.	YES <input type="checkbox"/>
A "no" vote shall have the effect of allowing persons present in this state in violation of federal immigration law related to improper entry to receive punitive damage awards.	NO <input type="checkbox"/>

**PROPOSITION 102**

**PROPOSITION 103**

**OFFICIAL TITLE**

**HOUSE CONCURRENT RESOLUTION 2036**

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; REPEALING ARTICLE XXVIII, CONSTITUTION OF ARIZONA; AMENDING THE CONSTITUTION OF ARIZONA BY ADDING A NEW ARTICLE XXVIII; RELATING TO ENGLISH AS THE OFFICIAL LANGUAGE.

**TEXT OF PROPOSED AMENDMENT**

Whereas, the United States is comprised of individuals from diverse ethnic, cultural and linguistic backgrounds, and continues to benefit from this rich diversity; and

Whereas, throughout the history of the United States, the common thread binding individuals of differing backgrounds has been the English language, which has permitted diverse individuals to discuss, debate and come to agreement on contentious issues; and Whereas, in recent years, the role of the English language as a common language has been threatened by governmental actions that either ignore or harm the role of English or that promote the use of languages other than English in official governmental actions, and these governmental actions promote division, confusion, error and inappropriate use of resources; and Whereas, among the powers reserved to the States respectively is the power to establish the English language as the official language of the respective States, and otherwise to promote the English language within the respective States, subject to the prohibitions enumerated in the Constitution of the United States and federal statutes.

Therefore

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

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

Article XXVIII, Constitution of Arizona, relating to English as the official language, is repealed.

2. A new article XXVIII, Constitution of Arizona, is proposed to be added as follows if approved by the voters and on proclamation of the Governor:

ARTICLE XXVIII. ENGLISH AS THE OFFICIAL LANGUAGE

1. Definitions

SECTION 1. IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "GOVERNMENT" INCLUDES ALL LAWS, PUBLIC PROCEEDINGS, RULES, PUBLICATIONS, ORDERS, ACTIONS, PROGRAMS, POLICIES, DEPARTMENTS, BOARDS, AGENCIES, ORGANIZATIONS AND INSTRUMENTALITIES OF THIS STATE OR POLITICAL SUBDIVISIONS OF THIS STATE, AS APPROPRIATE UNDER THE CIRCUMSTANCES TO A PARTICULAR OFFICIAL ACTION.

2. "OFFICIAL ACTION" INCLUDES THE PERFORMANCE OF ANY FUNCTION OR ACTION ON BEHALF OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE OR REQUIRED BY STATE LAW THAT APPEARS TO PRESENT THE VIEWS, POSITION OR IMPRIMATUR OF THE STATE OR POLITICAL SUBDIVISION OR THAT BINDS OR COMMITS THE STATE OR POLITICAL SUBDIVISION, BUT DOES NOT INCLUDE:

(a) THE TEACHING OF OR THE ENCOURAGEMENT OF LEARNING LANGUAGES OTHER THAN ENGLISH.

(b) ACTIONS REQUIRED UNDER THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT OR OTHER FEDERAL LAWS.

(c) ACTIONS, DOCUMENTS OR POLICIES NECESSARY FOR TOURISM, COMMERCE OR INTERNATIONAL TRADE.

(d) ACTIONS OR DOCUMENTS THAT PROTECT THE PUBLIC HEALTH AND SAFETY, INCLUDING LAW ENFORCEMENT AND EMERGENCY SERVICES.

(e) ACTIONS THAT PROTECT THE RIGHTS OF VICTIMS OF CRIMES OR CRIMINAL DEFENDANTS.

(f) USING TERMS OF ART OR PHRASES FROM LANGUAGES OTHER THAN ENGLISH.

(g) USING OR PRESERVING NATIVE AMERICAN LANGUAGES.

(h) PROVIDING ASSISTANCE TO HEARING IMPAIRED OR ILLITERATE PERSONS.

(i) INFORMAL AND NONBINDING TRANSLATIONS OR COMMUNICATIONS AMONG OR BETWEEN REPRESENTATIVES OF GOVERNMENT AND OTHER PERSONS IF THIS ACTIVITY DOES NOT AFFECT OR IMPAIR SUPERVISION, MANAGEMENT, CONDUCT OR EXECUTION OF OFFICIAL ACTIONS AND IF THE REPRESENTATIVES OF GOVERNMENT MAKE CLEAR THAT THESE TRANSLATIONS OR COMMUNICATIONS ARE UNOFFICIAL AND ARE NOT BINDING ON THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE.

(j) ACTIONS NECESSARY TO PRESERVE THE RIGHT TO PETITION FOR THE REDRESS OF GRIEVANCES.

3. "PRESERVE, PROTECT AND ENHANCE THE ROLE OF ENGLISH" INCLUDES:

(a) AVOIDING ANY OFFICIAL ACTIONS THAT IGNORE, HARM OR DIMINISH THE ROLE OF ENGLISH AS THE LANGUAGE OF GOVERNMENT.

(b) PROTECTING THE RIGHTS OF PERSONS IN THIS STATE WHO USE ENGLISH.

(c) ENCOURAGING GREATER OPPORTUNITIES FOR INDIVIDUALS TO LEARN THE ENGLISH LANGUAGE.

(d) TO THE GREATEST EXTENT POSSIBLE UNDER FEDERAL STATUTE, PROVIDING SERVICES, PROGRAMS, PUBLICATIONS, DOCUMENTS AND MATERIALS IN ENGLISH.

4. "REPRESENTATIVES OF GOVERNMENT" INCLUDES ALL INDIVIDUALS OR ENTITIES DURING THE PERFORMANCE OF THE INDIVIDUAL'S OR ENTITY'S OFFICIAL ACTIONS.

2. Official language of Arizona

SECTION 2. THE OFFICIAL LANGUAGE OF THE STATE OF ARIZONA IS ENGLISH.



3. Preserving and enhancing the role of the official language; right to use English  
SECTION 3. A. REPRESENTATIVES OF GOVERNMENT IN THIS STATE SHALL PRESERVE, PROTECT AND ENHANCE THE ROLE OF ENGLISH AS THE OFFICIAL LANGUAGE OF THE GOVERNMENT OF ARIZONA.  
B. A PERSON SHALL NOT BE DISCRIMINATED AGAINST OR PENALIZED IN ANY WAY BECAUSE THE PERSON USES OR ATTEMPTS TO USE ENGLISH IN PUBLIC OR PRIVATE COMMUNICATION.

4. Official actions to be conducted in English  
SECTION 4. OFFICIAL ACTIONS SHALL BE CONDUCTED IN ENGLISH.

5. Rules of construction  
SECTION 5. THIS ARTICLE SHALL NOT BE CONSTRUED TO PROHIBIT ANY REPRESENTATIVE OF GOVERNMENT, INCLUDING A MEMBER OF THE LEGISLATURE, WHILE PERFORMING OFFICIAL DUTIES, FROM COMMUNICATING UNOFFICIALLY THROUGH ANY MEDIUM WITH ANOTHER PERSON IN A LANGUAGE OTHER THAN ENGLISH IF OFFICIAL ACTION IS CONDUCTED IN ENGLISH.

6. Standing; notification of attorney general; recovery of costs  
SECTION 6. A. A PERSON WHO RESIDES OR DOES BUSINESS IN THIS STATE MAY FILE A CIVIL ACTION FOR RELIEF FROM ANY OFFICIAL ACTION THAT VIOLATES THIS ARTICLE IN A MANNER THAT CAUSES INJURY TO THE PERSON.  
B. A PERSON WHO RESIDES OR DOES BUSINESS IN THIS STATE AND WHO CONTENDS THAT THIS ARTICLE IS NOT BEING IMPLEMENTED OR ENFORCED MAY FILE A CIVIL ACTION TO DETER-

MINE IF THE FAILURE OR INACTION COMPLAINED OF IS A VIOLATION OF THIS ARTICLE AND FOR INJUNCTIVE OR MANDATORY RELIEF.  
C. A PERSON SHALL NOT FILE AN ACTION UNDER THIS SECTION UNLESS THE PERSON HAS NOTIFIED THE ATTORNEY GENERAL OF THE ALLEGED VIOLATION AND THE ATTORNEY GENERAL OR OTHER APPROPRIATE REPRESENTATIVE OF GOVERNMENT HAS NOT PROVIDED APPROPRIATE RELIEF WITHIN A REASONABLE TIME UNDER THE CIRCUMSTANCES. AN ACTION FILED UNDER THIS SECTION MAY BE IN ADDITION TO OR IN LIEU OF ANY ACTION BY OFFICERS OF THIS STATE, INCLUDING THE ATTORNEY GENERAL.  
D. A PERSON WHO FILES AND IS SUCCESSFUL IN AN ACTION UNDER THIS SECTION MAY BE AWARDED ALL COSTS EXPENDED OR INCURRED IN THE ACTION, INCLUDING REASONABLE ATTORNEY FEES.  
3. This amendment is intended to be self-executing and does not require implementing legislation, but, subject to the provisions of the amendment if adopted, the legislature may enact any measure designed to further the purposes of the amendment.  
4. If a provision of this amendment or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of the amendment that can be given effect without the invalid provision or application, and to this end the provisions of this amendment are severable.  
5. 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 103 would replace the existing provision of the Constitution of Arizona with a new provision establishing English as the official language of this state. Representatives of the state or a local government would be required to preserve, protect and enhance the role of English as the official language.

Proposition 103 would require that all official actions of the government be conducted in English. Official actions include actions on behalf of the government that appear to present the position of the government or that bind the government. The proposition specifies situations in which state or local government could act in a language other than English, including:

1. When required by federal law or when necessary to preserve the right to petition the government.
2. In teaching languages other than English, or in using or preserving Native American languages.
3. In actions to protect the public health and safety, including law enforcement and emergency services, or to protect the rights of crime victims and criminal defendants.
4. Providing assistance to hearing impaired or illiterate persons.
5. In informal or nonbinding communications or translations among or between government officials and the public.
6. For actions necessary for tourism, commerce or international trade.

Proposition 103 would prohibit discrimination against a person because the person uses English in any public or private communication.

Proposition 103 also would allow a person who resides or does business in Arizona to enforce this new constitutional requirement in court. However, a person shall not file an action under this section unless the person has notified the attorney general of the alleged violation and the attorney general or other appropriate representative of government has not provided appropriate relief within a reasonable time under the circumstances. If the person is successful, they may be awarded costs and reasonable attorney fees.

#### **ARGUMENTS "FOR" PROPOSITION 103**

Ballot argument FOR Proposition 103  
(English as official language)

English must be designated the official language of the state of Arizona. President Theodore Roosevelt made the simple observation that "we have one language here and that is the English language." English has always been the primary means of assimilating millions of immigrants into American society. A common lan-

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

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guage promotes unity and understanding and is as vital to the health of a nation as having a common currency. Had our government catered to each new group of immigrants by using their language instead of English, there would never have been any incentive to truly become Americans. Arizonans must recognize these facts and require that all official government actions be conducted in English. By making English the official language, we also eliminate the wasteful spending used to translate millions of state documents into hundreds of languages, although other languages can still be used in a wide variety of key government functions such as trade and tourism. By making English the official state language we provide an even greater incentive for all immigrants to learn English, become empowered and productive citizens, and participate in society as full Americans.

- Official English promotes unity.
- Official English empowers immigrants.
- Official English is common sense government.

The designation of Official English will eliminate the needless duplication of government services in multiple languages. It is not the responsibility of the taxpayer to provide services in the 329 different languages spoken in the United States.

The Honorable Russell Pearce, Arizona House of Representatives  
*Paid for by "Russell Pearce 2004"*

The Arizona Farm Bureau supports proposition 103.

A measure with some similarities had been approved by the Arizona voters, but was ruled unconstitutional. This measure seeks to avoid such a pitfall by being more of a statement that English is the official language of government – more of a statement of principle.

Some call this divisive and insulting, but what we find troubling is that agreement as to English as a common denominator should be used as a method to unify us and cement shared civic traditions and values – not divide us.

For the economic and civic benefit of all of us, and for safety of workers, we should be promoting English as our official language. It does not exclude or deny other languages or deny anyone their culture, but reinforces that we all have a stake in an American society. It is not a statement of "English only."

This argument has ebbed and flowed since colonial times, but we keep coming back to the fact that we do need a common thread of language if we have any hope of keeping the rope that binds us together strong.

Kevin G. Rogers, President, Arizona Farm Bureau, Mesa  
*Paid for by "Arizona Farm Bureau"*

James. W. Klinker, Chief Administrative Officer,  
Arizona Farm Bureau, Mesa

As a candidate for Peoria School Board, parent, school volunteer, and community activist; I SUPPORT making English our official language. Official English promotes unity and encourages immigrants to learn English, which in turn, will provide them better opportunities. A study published by the U.S. Department of Labor found that immigrants learned English more quickly when there was less native language support around them. Making English our official language applies only to government functions. Language policies in private business will not be affected and private citizens are still free to use any language they wish in their daily lives. Use of foreign languages in public health and safety, tourism, and other common sense situations will still be allowed. 27 states have some form of official English law. It's time to unify our nation. Please join me in voting YES to English as our state's official language.

Debbie Lesko, Community & School Volunteer and Candidate for Peoria School Board, Glendale

This Ballot Measure is very important to ensure that the various state, county and municipal government agencies serve the citizens of Arizona in a fair and impartial manner. The apologists for the illegal invasion of our state try to paint this measure as a racial measure, which is ludicrous. Immigrants who come to this country legally with the intent to become a part of this incredibly successful experiment, called America, are required to learn English as a precursor to applying for citizenship.

It is important to remember that this measure does NOT prevent communication in another language by private citizens or government officials in any way. This measure merely demands that the Official Actions of the government be conducted in English for consistency and efficiency.

It is obvious to even the casual observer that people who are born and raised in American are able to speak English. If legal immigrants must learn to speak English prior to full participation in our society, than the performing of government official functions in another language is being used for those here illegally. It is unconscionable to increase the cost of government to all taxpayers to make it convenient for the lawbreakers who have invaded our state.

I ask you join me in support of this Ballot Measure that protects the Arizona taxpayers from another insulting cost of the illegal invasion of our state. Thank you for your support of this common sense measure presented by your state representatives. \*\*Paid for by Goldwater for Governor Committee.\*\*

Don Goldwater, Goldwater for Governor, Laveen

**ARGUMENTS "AGAINST" PROPOSITION 103**

You must answer an important question. Others will judge Arizona for years to come based on your answer. That important question is: Do Arizonans still believe in the principles on which this country was founded? The United States was founded on the principle that by granting people freedom and opportunity, they will work hard to create a better life for themselves and their families.

I know Arizonans still value this principle and that is why they will see the following flaws in Proposition 103:

- That we need to help people learn English, not grandstand, and
- That Proposition 103 undermines core constitutional First Amendment protections.

Arizonans should learn English. Learning English will help them achieve the American dream. However, at this same election, the legislature hypocritically also asks you to vote on another measure (Proposition 300), which restricts the ability of adults to take classes to learn English. We must oppose efforts to make English the official language when we refuse to help people learn the language.

The Arizona Supreme Court already spoke to this issue in 1998 when it ruled a similar measure unconstitutional.

- The Supreme Court said that declaring English as the state's official language deprives people of their fundamental First Amendment rights to access government and deprives government officials of their rights to free speech.

- Inevitably, someone will challenge Proposition 103, and Arizona taxpayers again will waste money on legal fees.

No one is trying to change the language in Arizona or the United States. English will remain the language spoken here regardless of whether Proposition 103 passes. Proposition 103 only serves to divide.

The answer to my question is that we do still believe in the core principles of opportunity and freedom. Vote NO on Proposition 103.

State Rep. Steve Gallardo, District 13, Phoenix

Fellow Arizonans: Proposition 103, which would make English Arizona's "official" language is unnecessary. When was English declared not to be the official language of Arizona?

As far as we know, all State, County, City or town proceedings and business are conducted in English. The Courts conduct their business in English. Sometimes translators are used in court, but all official court proceedings and records are in English. Our birth, marriage, and death certificates are in English. Even our dreaded tax transactions are in English. This proposal does absolutely nothing to the status quo and we urge you to vote "NO" on this measure.

Proposition 103 supporters posit that not having a law that makes English the "official" language discourages people, particularly immigrants, from learning English. The fact is that English classes in adult education programs are so full that they have to turn people away.

Since there is not a rational basis to make English Arizona's "official" language, we are left to conclude that Proposition 103 is directed at Spanish speakers. Proposition 103 is a measure that **is steeped in hate**. State Representative Russell Pearce, referring to a teenage co-worker, gives a clue as to the real foundation of Proposition 103, when he said: "He couldn't speak English, so me and the other workers made fun of him" (Arizona Republic, February 11, 2005). Representative Pearce and other legislators who support Proposition 103 have continuously blocked attempts to increase funding for English classes through Adult Basic Education, giving the lie to their stated concern for people learning English.

Hate for a language or a people is not a basis for amending Arizona's Constitution.

We ask the diverse and great people of Arizona to **vote "NO" on Proposition 103**.

Jorge Luis Garcia, State Senator, Chairman,  
Legislative Latino Caucus

Ben Miranda, State Representative, Chairman,  
Legislative Latino Caucus

*Paid for by "Jorge Luis Garcia"*

**RESPECT ARIZONA'S HISTORIC VALUES – VOTE NO ON "ENGLISH ONLY"**

HCR2036, originally sponsored by five Maricopa County legislators, is inconsistent with Arizona's historic values and harmful to the State's efforts to attract business development opportunities.

This legislative referral proposes to protect the "rights" of persons who use English without explaining the nature of those rights. It would appear that these are nothing more than the rights to be insular, myopic, unsophisticated, uncultured and undereducated. No vested rights are lost as we proclaim on the State Seal our Latin motto of *Ditat Deus*; may God continue to enrich us as we protect diversity. Rural Arizona has a deep history with other languages, from the Spanish spoken along the border to the Native Americans throughout the State to the small pockets of Basques whose ancestors first came here as shepherds. Faith-based organizations and other non-profit groups have a long tradition of overseas service and acculturation. As we embrace these returning missionaries and volunteers, with their enhanced language skills and respect for others, we should also support those public employees who use their bilingual skills to better serve all Arizona residents.

Some people say that Arizona should follow a business model, and business provides us with a great example here. Arizona companies routinely market their products in a variety of languages to an increasingly diverse population. No law requires (or prevents) a company from reaching out to language minorities – it is simply good business. So it should be with government, to enable non-English speakers to ask all the questions needed, and obtain all the material helpful, towards meeting their obligations as residents: the payment of taxes; the conserva-

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*Issued by: Secretary of State Jan Brewer*

tion of our natural resources; and the participation in all aspects of civic life. Respect Arizona, and vote no.

Gary Restaino, Phoenix

We, the members of the Coalition for Latino Political Action hereby ask the voters of Arizona to vote no on Proposition 103, which would make English Arizona's "official language."

We recognize that English is already the official language of our state and country and this proposition will do nothing to change any language policies, however, we also know that in the past elected and appointed officials in Arizona have taken enforcement of an action beyond its original intent and the passage of this proposition may be misinterpreted in that same fashion.

Immigrants want to learn English and know that learning it would allow them to prosper in this great country. Let's instead work on increasing the infrastructure to allowing this to happen by appropriating more funding in schools for children to learn English and increasing the number of adult English classes. Vote no on proposition 103.

Lydia Guzman, Chairman, Coalition for Latino  
Political Action, Glendale  
*Paid for by "Lydia Guzman"*

Delia Torres, Co Chair, Coalition for Latino  
Political Action, Glendale

It wasn't too long ago that we saw wisdom in enacting policies and practices to make it easier for recent immigrants to assimilate into American life. Those who have seen their immigrant parents or grandparents struggle to learn English understand that allowing them to communicate and interact with their government in their native language is not only humane, it is more efficient. Perhaps if third, fourth and fifth generation Americans could go back in time and experience the difficulty their grandparents and great grand parents had as they tried to learn the language of their new homeland, we would not be considering such a measure.

In proposing this change in Arizona's constitution, the legislature attempted to mitigate this unwise measure by stating that the government should encourage greater opportunities for individuals to learn the English language, something on which we can all agree. However, unless and until we adequately fund classes for English language learners, this recommendation is hollow at best.

Studies of recent census data by the Urban Institute and the Migration Policy Institute have found that Arizona has one of the largest and fastest-growing populations of English-language learners of any state in the country. Approximately 18 percent of US residents speak a language other than English at home, and the numbers are greater in Arizona. If you genuinely wish to help immigrants learn English and assimilate more quickly into American life, this measure is not the answer. In fact, it will further marginalize and isolate immigrants and divide us from one another.

The Arizona Advocacy Network, a non-profit community organization dedicated to good government, asks that you vote NO on Proposition 103.

Michael J. Valder, President, Arizona Advocacy  
Network, Phoenix  
*Paid for by "Arizona Advocacy Network"*

Eric Ehst, Treasurer, Arizona Advocacy  
Network, Phoenix,

**BALLOT FORMAT**

**PROPOSITION 103**

PROPOSED AMENDMENT TO THE CONSTITUTION  
BY THE LEGISLATURE

**OFFICIAL TITLE**

HOUSE CONCURRENT RESOLUTION 2036  
PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; REPEALING ARTICLE XXVIII, CONSTITUTION OF ARIZONA; AMENDING THE CONSTITUTION OF ARIZONA BY ADDING A NEW ARTICLE XXVIII; RELATING TO ENGLISH AS THE OFFICIAL LANGUAGE.

**DESCRIPTIVE TITLE**

REPLACES CURRENT PROVISIONS OF THE ARIZONA CONSTITUTION REGARDING ENGLISH AS ARIZONA'S OFFICIAL LANGUAGE; REQUIRES GOVERNMENT TO PRESERVE, PROTECT, AND ENHANCE ENGLISH AS THE OFFICIAL LANGUAGE; REQUIRES OFFICIAL ACTIONS TO BE CONDUCTED IN ENGLISH; SPECIFIES WHEN GOVERNMENT CAN ACT IN OTHER LANGUAGES; PERMITS PRIVATE LAWSUITS TO ENFORCE THIS LAW.

**PROPOSITION 103**

A "yes" vote shall have the effect of declaring English to be the official language of the State of Arizona, requiring all official actions to be conducted in English, requiring government to preserve, protect and enhance English as the official language, prohibiting discrimination against persons using English, and permitting private lawsuits to enforce the official English amendment to the Arizona Constitution.	YES <input type="checkbox"/>
A "no" vote shall have the effect of retaining the existing provision of the Arizona Constitution regarding the use of English in Arizona government, which was found unconstitutional in 1998; a "no" vote will not affect its unconstitutional status.	NO <input type="checkbox"/>

**PROPOSITION 103**

**PROPOSITION 104**

**OFFICIAL TITLE**

**HOUSE CONCURRENT RESOLUTION 2001**

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IX, SECTION 8, CONSTITUTION OF ARIZONA; RELATING TO MUNICIPAL DEBT.

**TEXT OF PROPOSED AMENDMENT**

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

1. Article IX, section 8, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

8. Local debt limits; assent of taxpayers

Section 8. (1) No county, city, town, school district, or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding six per centum of the taxable property in such county, city, town, school district, or other municipal corporation, without the assent of a majority of the property taxpayers, who must also in all respects be qualified electors, therein voting at an election provided by law to be held for that purpose, the value of the taxable property therein to be ascertained by the last assessment for state and county purposes, previous to incurring such indebtedness; except, that in incorporated cities and towns assessments shall be taken from the last assessment for city or town purposes; provided, that under no circumstances shall any county

or school district become indebted to an amount exceeding fifteen per centum of such taxable property, as shown by the last assessment roll thereof; and provided further, that any incorporated city or town, with such assent, may be allowed to become indebted to a larger amount, but not exceeding twenty per centum additional, for supplying such city or town with water, artificial light, or sewers, when the works for supplying such water, light, or sewers are or shall be owned and controlled by the municipality, and for the acquisition and development by the incorporated city or town of land or interests therein for open space preserves, parks, playgrounds and recreational facilities, PUBLIC SAFETY, LAW ENFORCEMENT, FIRE AND EMERGENCY SERVICES FACILITIES AND STREETS AND TRANSPORTATION FACILITIES.

(2) The provisions of section 18, subsections (3), (4), (5) and (6) of this article shall not apply to this section.  
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**

The Arizona Constitution limits the amount of debt that counties, cities, towns, school districts and other municipal corporations may incur to 6% of the value of the taxable property in the political subdivision unless qualified electors in the political subdivision approve additional indebtedness of up to 15%. In addition, the Constitution permits incorporated cities and towns, with the approval of qualified electors, to incur debt up to 20% of the value of taxable property in the city or town to supply water, light and sewers and to acquire land for parks and preserves.

Proposition 104 would amend the Arizona Constitution to allow incorporated cities and towns to include debt for the acquisition and development of public safety, law enforcement, fire and emergency facilities and streets and transportation facilities in the 20% debt limit, upon voter approval.

**ARGUMENTS "FOR" PROPOSITION 104**

Before 104 was placed on the ballot, it was passed as legislation with a bi-partisan majority of the Arizona Senate and House of Representatives. I introduced this legislation in response to the growing critical needs of both rural and metropolitan communities throughout Arizona.

Public works projects fall into two distinct categories within the Arizona Constitution for purposes of bonding – 6% and a 20% category of assessed valuation of a city or town. 104 does only one thing – it shifts streets and public safety projects out of the 6% and into the existing 20% category. That is all 104 does. 104 simply recognizes that the world has changed dramatically over the last century by matching today's needs for roadways and public safety facilities with a more modern and sound fiscal approach to how we finance them.

104 does not raise taxes, nor does it change the debt limits that cities and towns are currently restricted to under the Arizona Constitution. Voter authorization is still required before bonds can be issued by a community to meet local needs. 104 merely allows for better utilization of the constitutional bonding capacity that already exists.

104 provides a no-cost, no-tax solution to modernizing our state's constitution, while preserving the fiscal limits that were put in place when our state's constitution was ratified nearly a century ago.

Please join me in voting yes for more and improved streets and for giving our state's police and fire personnel the best opportunity to protect our public's safety.

John Nelson, State Representative, District 12, Litchfield Park

Dear Voter:

The Arizona Chapter Associated General Contractors encourage you to vote yes on Proposition 104. Our members build Arizona's infrastructure, but more importantly, they are citizens like you that get groceries, take kids to school and drive to and from work everyday.

Proposition 104 will help achieve these common everyday tasks more efficiently and safely because it will allow cities and counties the authority, WITH VOTER APPROVAL, to make larger investments in roads and law

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

**PROPOSITION 104**

enforcement.

Last session the legislature and Governor Napolitano thought it important to invest a portion of the budget surplus on accelerating Arizona's infrastructure. Proposition 104 is your opportunity to say "let's keep going." Let's make our roads and streets safer by reducing congestion and investing in additional law enforcement.

Please vote YES on Proposition 104.

Dennis Troggio, Chairman, Arizona Chapter  
Associated General Contractors, Chandler

David M. Martin, President, Arizona Chapter  
Associated General Contractors, Phoenix

*Paid for by "Arizona Chapter Associated General Contractors PAC"*

The Greater Phoenix Economic Council (GPEC) is the region's official economic development organization, responsible for attracting quality companies from around the world and supporting foundational improvements that enhance our business climate. As executive officers of GPEC, we would like to convey our support for HCR 2001.

The U.S. Census Bureau has ranked Greater Phoenix the fastest-growing region in the nation, and rapid growth is expected to continue with our population reaching 6.3 million in the next 25 years. In order to achieve sustainable growth, communities must make the necessary investments for public infrastructure and transportation. Ensuring our roads, highways and freeways are sound is key to the region's competitiveness. Transportation assets play a significant role in a company's consideration to locate or expand in Greater Phoenix, as it affects overall business viability. For example, employee accessibility to business operations, especially here, is a widespread issue that can impact quality of life for a company's workforce. In addition, locations with freeway access are most desirable to easily transport the flow of goods in and out of the state.

By shifting the bonding limitation for transportation and public safety projects from the 6% to 20% category, cities and towns can avoid implementing an increase in sales tax that would have otherwise been used to compensate for budget shortfalls. Employing this change also allows communities more economic development tools to fund projects at a local level.

We encourage you to vote in favor of HCR 2001 and enable your community to better utilize its bonding capacity. Public support of this referendum will improve Greater Phoenix as a great place to live and work.

Ken Burns, Chief Financial Officer, Greater  
Phoenix Economic Council, Phoenix

Troy Ignelzi, Vice President, Emerging  
Technologies, Greater Phoenix Economic  
Council, Scottsdale

*Paid for by "Greater Phoenix Economic Council, Inc."*

Support for Proposition 104

The fast growing cities and towns of Arizona need the ability to set priorities for community improvements. Passage of Proposition 104 **will remove artificial barriers to meeting local needs.**

- A YES vote WILL NOT increase public debt.
- A YES vote WILL NOT increase property taxes.
- A YES vote WILL allow communities to decide priorities between streets, public safety facilities, parks and other local improvements.

Currently, state law gives communities more resources to build parks and drainage projects than to build streets and public safety buildings such as fire and police stations. While that may be fine for some areas, it does not meet the need in others. Proposition 104 will give all of them the same criteria for funding, and **let local decisions and local funds meet local needs.**

- A YES vote WILL **improve traffic.**
- A YES vote WILL **improve public safety.**
- A YES vote WILL **let communities decide** what is best in their neighborhood.

Mayor Marie Lopez-Rogers, Avondale  
Mayor Fred Waterman, El Mirage  
Mayor Thomas Schoaf, Litchfield Park  
Mayor Phil Gordon, Phoenix  
Mayor Adolfo Gamez, Tolleson  
Mayor Bryan Hackbarth, Youngtown

Mayor Bobby Bryant, Buckeye  
Mayor Daniel Birchfield, Gila Bend  
Mayor John Keegan, Peoria  
Mayor Joan Shafer, Surprise  
Mayor Ron Badowski, Wickenburg

*Paid for by "John C. Keegan"*

When you call 911 you expect a firefighter or a police officer to come running as quickly as they can. And, you have the same expectations regardless of whether you live in a 50 year-old neighborhood or a brand new subdivision. But often, local government is unable to build the fire stations or police stations as fast as the new development is coming. A fire truck can not get to a heart attack victim as fast as it should when it has to travel several miles down clogged roads to reach a newly developed part of the city.

Proposition 104 will allow local governments to include additional, important public safety projects in their bond programs. Any municipal bond proposals must be approved by local voters and are subject to a city's own bonding limit. This measure simply allows more public safety projects to be eligible for inclusion in bonding programs.

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

*Issued by: Secretary of State Jan Brewer*

Bonding for public safety projects helps expedite building needed public safety projects. It also insures that all local residents will pay their fair share of the project's costs. The alternative is to ask current city residents to pay a little more in taxes today to build a fire station that will serve residents that won't move in until tomorrow.

The Arizona Fire District Association supports Proposition 104. Our State thrives on growth and new residents. But every resident wants that fire truck at their door as fast as possible. Proposition 104 gives local governments another tool to make sure that all city residents are served equally well. Vote Yes on 104.

Jan Hauk, President, AFDA, Buckeye  
*Paid for by "Jan Hauk"*

Thomas Healy, Vice President, AFDA, Phoenix

The residents of our communities consistently cite public safety and transportation issues as their most critical needs. The successful enactment of Proposition 104 will be crucial to addressing these needs in the future.

Passage of this measure will not increase the overall debt limit of cities and towns. However, it will allow municipalities to better meet the needs of its citizens by providing the capacity necessary to issue bonds for the construction of local street and highway improvements and for additional police and fire substations. Without the passage of this measure, our East Valley communities may have to delay the construction of these vital projects and may not be able to keep up with the demands of growth.

As mayors, we understand how important public safety and transportation are in maintaining our high quality of life and in improving our local economies. Please help us to deliver these critical services by voting in support of Proposition 104.

Boyd W. Dunn, Mayor, City of Chandler,  
Chandler

Steve Berman, Mayor, Town of Gilbert, Gilbert

Keno Hawker, Mayor, City of Mesa, Mesa

Mary Manross, Mayor, City of Scottsdale,  
Scottsdale

Hugh Hallman, Mayor, City of Tempe, Tempe

Art Sanders, Mayor, Town of Queen Creek,  
Queen Creek

*Paid for by "Mayor Keno Hawker"*

**WESTMARC strongly urges a YES VOTE on Proposition 104!**

WESTMARC is the regional coalition of business, government, and education that advocates for good public policy. As a partnership between business and government, it is paramount that we thoroughly consider public policy issues and work collaboratively toward public policy that is good for our region and our state.

**WESTMARC has thoroughly reviewed Proposition 104 and believes it will provide local communities another tool in the tool box to address our transportation needs.**

Consider this:

- Arizona's explosive growth can be detrimental to cities and towns that are unable to build the infrastructure necessary to provide vital services to future citizens.
- Rapid population growth often results in deteriorating streets and roadways and traffic congestion.
- Cities are experiencing additional costs for air quality compliance, urban sprawl, high insurance rates and reduced quality of life.
- Dramatic population growth places increased demand on public safety and law enforcement.
- An increased emphasis on homeland security places critical need to upgrade public safety infrastructure.

**If passed, Proposition 104 will:**

- Let communities decide what is best for their neighborhoods.
- Improve police and fire facilities.
- Let communities decide priorities between streets, police and fire facilities and parks.
- Allow more street improvements.

**Proposition 104 will give communities more tools to fund public safety and transportation projects vital to the citizens of West Valley and the state.**

**Vote YES on Proposition 104, and join these and other members of WESTMARC:**

Jay Ellingson, SunCor-Palm Valley

Tyron Ivy, Prism Technology Solutions

Goodyear Mayor James Cavanaugh

Glendale Mayor Elaine Scruggs

Doug Kelsey, Sun City HOA

Chuck Ullman, Sun City PORA

Mike Woodard, Blue Cross/Blue Shield

James Resendez, West Valley Hospital

Arlene Kulzer, Arrowhead Community Bank

Herman Orcutt, Orcutt/Winslow Partnership

Hal DeKeyser, Chairman, WESTMARC, Peoria

Jack W. Lunsford, President & CEO,  
WESTMARC, Phoenix

*Paid for by "WESTMARC"*

The Arizona Constitution sets limits on how much debt a city or town can incur to finance the construction of public facilities. For water, sewer or lighting projects that will be owned by the city or town the limit is an amount equal to 20% of the value of taxable property in that city or town. For all other purposes, the limit is 6% of the taxable property value.

Many cities and towns have been unable to build the necessary public safety facilities they need to serve

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their residents because of the 6% limit. This measure would allow public safety and law enforcement services, fire and emergency services facilities, and transportation facilities to be financed under the 20% cap.

The measure simply adds those new purposes to the higher limit; it would not cause an increase in debt or property taxes unless the voters approve new construction projects.

HCR 2001 recognizes that it is more expensive today for cities and towns to pay for the construction of new public facilities.

This measure will provide the capacity to issue bonds that cities and towns need to construct facilities to provide these vital services, if those bonds are approved by the voters.

Douglas Coleman, President, League of  
Arizona Cities and Towns, Apache Junction  
Boyd W. Dunn, Vice President, League of  
Arizona Cities and Towns, Chandler  
*Paid for by "The League of Arizona Cities & Towns"*

The Arizona Association of Industries and our member companies supported the passage of House Concurrent Resolution 2001, Municipal Debt; Capacity and we are supportive of the passage of Prop 104.

As the largest manufacturing and industrial trade association in Arizona, we represent one of the most powerful economic engines in the state. Manufacturers in the state employ well over 175,000 jobs. Our manufacturing companies are diverse and include companies in traditional manufacturing industries such as plastics, food processing and printing, as well as those that are engaged in breakthrough technologies, like electronics, medical devices and aviation/aerospace.

Over the years we have witnessed a tremendous growth in the state's population. This growth can be attributed to our strong economy and our flourishing job market. As more and more growth comes to Arizona, it is important that local communities be able to invest in their infrastructure by a vote of the people and within the limits established by the local communities. In doing so, we will create and support new investment in the infrastructure required to support all industry sectors including manufacturing.

Proposition 104 is an investment in Arizona's future that will help maintain our strong standing as one of the greatest places to live and work.

Stuart Banks, President, Arizona Association of  
Industries, Anthem  
Jim Norton, Sr. Public Policy Advisor, Arizona  
Association of Industries, Phoenix  
*Paid for by "Arizona Association of Industries"*

As a member of the Arizona State Senate, I supported placing House Concurrent Resolution 2001 on the ballot.

This measure would provide an opportunity for small cities and towns to build important transportation and public safety infrastructure that would otherwise be extremely difficult. Many small cities and towns simply do not have the financial capacity to afford major road or public safety technology projects that are so vital to our economic development. Some of the road projects that would be possible with HCR 2001 would be good for safety, help ease congestion, and help us bring good jobs to many regions throughout the State.

Future generations depend on us to make good decisions about our basic infrastructure. I support providing this option to local elected governments. Some will not need this mechanism, and there is no mandate to use it. But many of our communities in Greater Arizona need this extra tool, and HCR 2001 provides them that flexibility.

Jake Flake, Arizona State Senate, District 5, Snowflake

Support HCR2001

*Investing in Progress – Public Safety and Transportation*

Nowhere are the demands for road improvements and expanded public safety greater than in the East Valley. The 1.5 million people that call this area home and the additional 250,000 that will move here in the next 4 years expect a high level of service from our cities and towns. The passage of HCR2001 (Investing in Progress – Public Safety and Transportation) will ensure that our local officials have the tools necessary to address these important needs in the future.

Passage of this measure will allow municipalities to better meet the needs of its citizens by providing the capacity necessary to issue bonds for the construction of local street and highway improvements and for additional police and fire substations. Without the passage of this measure, our East Valley communities may have to delay the construction of these vital projects and may not be able to keep up with the demands of growth.

Passage of this measure will not increase the overall debt limit of cities and towns. More importantly, passage of this measure will not result in higher taxes.

Please help us to deliver these critical services by voting in support of HCR2001.

Roc Arnett, President, East Valley Partnership,  
Mesa  
David Udall, Immediate Past Chair, East Valley  
Partnership, Mesa  
*Paid for by "East Valley Partnership"*

The 7,000 rank-and-file police officers of the Arizona Police Association (APA) strongly support HCR2001. As law enforcement officers, we have made a commitment to place our lives between the good citizens of this State and those who wish to do them harm. Arizona has the finest police officers in the country, and even in the

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*Issued by: Secretary of State Jan Brewer*

face of a population explosion, the daily sacrifices of these brave men and women have allowed Arizona to remain a safe place to live.

To continue this level of service in the face of continued population growth, the leaders of our towns and cities must have the tools necessary to fund appropriate public safety infrastructure. HCR2001 does not create new taxes or bonds; however, in this day and age of high risks to our citizens, public safety services are critical to growing communities and flourishing economies.

While the federal government cuts local funding for home land security, local elected officials can use the increased bonding capacity to keep their communities safe and protected. With these bonds, they can build police and fire facilities, purchase new or enhance communication and 9-1-1 systems in their communities.

We will always be there when the citizens of Arizona need us, and we want to have the training, equipment and facilities necessary to deliver the service they deserve.

Vote YES on HCR2001!

Jake Jacobsen, Executive Board, Arizona  
Police Association, Scottsdale  
*Paid for by "Arizona Police Association"*

Dale Norris, Executive Director, Arizona Police  
Association, Phoenix

### **Support HCR 2001**

#### **Investing in Progress – Public Safety and Transportation**

##### **The Arizona Fire Chiefs Organization urges you to vote YES on HCR2001.**

The Arizona State Constitution limits bonding for local public works projects to two categories – a 6% category for transportation and public safety projects. The second bonding category of 20% exists for utilities and development of open space preserves, parks, playgrounds and recreational facilities.

HCR 2001 asks voters to amend the Constitution to shift the bonding limitation for transportation and public safety projects from the existing 6% to 20% category for cities and towns.

- This constitutional change is necessary to address the explosive growth we are experiencing in cities and towns that are unable to collect enough revenues to build the infrastructure needed to provide vital services to our citizens.

- The increased emphasis on homeland security creates a critical need to upgrade public safety infrastructure. However, the current limited bonding authority has put public safety projects in a position of competing with other major projects.

##### **Benefits of Expanded Bonding Capacity**

- Bonding for infrastructure ensures that future generations of citizens will help pay their share of the cost for the services they will use.
- Cities will not have to resort to permanent revenue enhancements such as increasing sales tax to offset funding shortfalls for temporary projects.
- Cities will have more tools at the local level to fund projects rather than depend on assistance on the state or regional level.

##### **Examples of Public Safety Projects:**

- Fire & Police Stations
- Public Safety Training Facilities
- Communications Systems
- Enhanced 911 Services

Remember, there is no fiscal impact, and voters must still approve any bond proposals.

Mark Burdick, President, AFCA, Glendale

Larry Rooney, 2nd Vice President, AFCA,  
Peoria

*Paid for by "Miryam Gutier-Brown"*

The Arizona Association of Chiefs of Police requests your support on this proposition. Police departments across our state are dedicated to serve and protect the lives and property of the residents of our communities. Because our communities are growing so rapidly, we as police chiefs constantly struggle to keep response times low, and to maintain the best possible technology and facilities for fighting crime.

We strive to use the latest scientific technology, including DNA, to ensure that the right person is arrested and prosecuted. Many people watch popular crime fighting shows such as CSI, believing that law enforcement agencies in Arizona have this technology readily available to them. However, this is simply not true. The reality is that very few law enforcement agencies have access to these technologies, which are very expensive to purchase and maintain. At the same time many of our radio and computer systems need upgrading or replacement to keep up with these technological advances.

This proposition gives your local government the flexibility to use more of their community's bond capacity to build and equip public safety facilities such as:

- police and fire stations;
- crime laboratories;
- public safety training facilities;
- communications systems; and
- 911 and other emergency systems.

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

Please, help us keep our communities safe by supporting this important measure.

Eric Edwards, Executive Director, AACOP,  
Litchfield Park

Fran Burns, Secretary, AACOP, Mesa

*Paid for by "Arizona Association of Chiefs of Police"*

The greater Phoenix region is a dynamic place to start and grow a business -- that's why we continue to enjoy one of the fastest-growing regional economies in the country. We all benefit from the new jobs, construction, and business diversity that comes from economic growth. But as business leaders, we understand that this growth also can strain existing infrastructure by clogging our streets and freeways, and stretch thin the capabilities of our police, fire, and emergency response systems. Planning and investing for future growth is key to our continued success as a region; therefore, we strongly support Proposition 104.

This measure will allow communities in Arizona to allocate more of their existing resources to pay for critical public infrastructure such as streets, passing lanes, wider intersections, improved traffic signals, new transit routes, enhanced 911 emergency services, fire trucks, fire stations, public safety training facilities, police radios, and police stations. The safety and security of our businesses and employees depends on these kinds of prudent public investments.

A YES vote helps our cities and towns build and improve roads and streets.

A YES vote helps our cities and towns to keep us safe.

Please vote YES on Proposition 104.

José A. Cárdenas, Chairman, Greater Phoenix  
Leadership, Chandler

R. Thomas Browning, President, Greater  
Phoenix Leadership, Scottsdale

*Paid for by "Greater Phoenix Leadership"*

**ARGUMENTS "AGAINST" PROPOSITION 104**

The Secretary of State's office did not receive any arguments "against" Proposition 104.

**BALLOT FORMAT**

**PROPOSITION 104**

PROPOSED AMENDMENT TO THE CONSTITUTION  
BY THE LEGISLATURE

**OFFICIAL TITLE**

HOUSE CONCURRENT RESOLUTION 2001  
PROPOSING AN AMENDMENT TO THE CONSTITUTION OF  
ARIZONA; AMENDING ARTICLE IX, SECTION 8, CONSTITU-  
TION OF ARIZONA; RELATING TO MUNICIPAL DEBT.

**DESCRIPTIVE TITLE**

PERMITS INCORPORATED CITIES AND TOWNS WITH VOTER  
APPROVAL TO INCLUDE DEBT FOR THE ACQUISITION AND  
DEVELOPMENT OF PUBLIC SAFETY, LAW ENFORCEMENT,  
FIRE AND EMERGENCY SERVICES FACILITIES AND  
STREETS AND TRANSPORTATION FACILITIES IN THE 20%  
DEBT LIMIT.

**PROPOSITION 104**

A "yes" vote shall have the effect of permitting  
incorporated cities and towns to include debt for  
the acquisition and development of public safety,  
law enforcement, fire and emergency services  
facilities and streets and transportation facilities in  
the twenty percent debt limit, upon voter approval.

**YES**

A "no" vote shall have the effect of retaining the  
current debt limitations on incorporated cities and  
towns.

**NO**

**PROPOSITION 104**

PROPOSITION 105

OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2045

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE X, SECTIONS 3 AND 4, CONSTITUTION OF ARIZONA; AMENDING ARTICLE X, CONSTITUTION OF ARIZONA, BY ADDING SECTIONS 4.1, 4.2 AND 4.3; RELATING TO STATE TRUST LANDS; PROVIDING FOR CONDITIONAL REPEAL AND CONDITIONAL ENACTMENT.

TEXT OF PROPOSED AMENDMENT

Whereas, the purpose of this proposition is to preserve the mission of the state land trust by ensuring and increasing the economic value of the trust for the benefit of public schools and the other beneficiaries through prudent planning while providing opportunities for conservation consistent with the mission of the state land trust.

Therefore

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

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

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

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

B. Said lands shall not be sold or leased, in whole or in part, except to the highest and best bidder at a public auction to be held at the county seat of the county wherein the lands to be affected, or the major portion thereof, shall lie. ~~Notice of which public THE auction shall first have been duly given by advertisement, which shall set forth the nature, time and place of the transaction to be had, with a full description of the lands to be offered. and THE NOTICE SHALL be:~~

1. POSTED ON THE OFFICIAL WEB SITE FOR AT LEAST THIRTY FIVE DAYS BEFORE THE AUCTION.

2. Published AT LEAST once each week for not less than ~~ten~~ FIVE successive weeks BEFORE THE AUCTION in a newspaper of general circulation published regularly at the state capital, ~~and in that~~ A newspaper of like GENERAL circulation which shall then be regularly published ~~nearest to the location~~ IN THE VICINITY of the lands so offered. ~~nor shall any~~

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

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

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

2. The leasing of any of said lands, in such manner as the legislature may prescribe, whether or not also leased for grazing and agricultural purposes, for mineral purposes, other than for the exploration, development, and production of oil, gas and other hydrocarbon substances, for a term of twenty years or

less, without advertisement, ~~or~~ AUCTION. ;

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

4. GRANTING PUBLIC RIGHTS-OF-WAY AND EASEMENTS TO A FEDERAL, STATE OR LOCAL GOVERNMENTAL ENTITY WITHOUT ADVERTISEMENT OR AUCTION IN A MANNER PRESCRIBED BY LAW.

5. THE DISPOSITION WITHOUT ADVERTISEMENT OR AUCTION OF LANDS THAT ARE DESIGNATED AS SUITABLE FOR CONSERVATION IN A PLAN PREPARED AND APPROVED PURSUANT TO SECTION 4.1 OF THIS ARTICLE.

6. THE DISPOSITION WITHOUT ADVERTISEMENT OR AUCTION OF CONSERVATION LANDS AS PROVIDED BY SECTION 4.2 OR 4.3 OF THIS ARTICLE.

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

4. Sale or other disposal; appraisal; consideration and value

Section 4. A. All lands, ~~lease-holds~~ LEASEHOLDS, timber, ~~and~~ other products of land, before being offered, shall be appraised at their true value. ~~and~~ EXCEPT AS PROVIDED IN THIS ARTICLE, no sale or other disposal thereof shall be made:

1. For a consideration less than the value so ascertained. ~~nor~~

2. In any case less than the minimum price hereinafter fixed. ~~nor~~

3. Upon credit unless accompanied by ample security. ~~and~~

B. The legal title shall not be deemed to have passed until the consideration shall have been paid.

C. RIGHTS-OF-WAY FOR PUBLIC ROADWAYS THAT WERE ESTABLISHED OR MAINTAINED BEFORE JANUARY 1, 1968 AND USED OR MAINTAINED SINCE JANUARY 1, 1968 SHALL BE GRANTED WITHOUT FURTHER CONSIDERATION IN A MANNER PRESCRIBED BY LAW.

3. Article X, Constitution of Arizona, is proposed to be amended by adding sections 4.1 and 4.2 as follows if approved by the voters and on proclamation of the Governor:

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

Issued by: Secretary of State Jan Brewer

PROPOSITION 105

4.1. Planning: definition

SECTION 4.1. A. IN AN URBAN AREA, AS DEFINED IN SECTION 4.2 OF THIS ARTICLE, LAND HELD IN TRUST UNDER THIS ARTICLE MAY BE SUBJECT TO A PLAN FOR THE USE OF THE LAND FOR COMMERCIAL PURPOSES, PREPARED IN CONSULTATION WITH A COUNTY, CITY OR TOWN IN A MANNER PRESCRIBED BY LAW AND PURSUANT TO ORDINANCES, RULES AND REGULATIONS OF THE COUNTY, CITY OR TOWN IN WHICH THE LAND IS LOCATED, IF THOSE ORDINANCES, RULES AND REGULATIONS ARE NOT DISCRIMINATORY AS WRITTEN OR APPLIED TO THE LAND HELD IN TRUST AS COMPARED TO THE TREATMENT OF PRIVATELY OWNED LAND LOCATED IN THE COUNTY, CITY OR TOWN. IF THE PLAN PREPARED FOR THE USE OF THE LAND IS INCOMPATIBLE WITH THE PLAN PREPARED BY THE COUNTY, CITY OR TOWN, THE ELEMENTS OF THE PLANS THAT ARE IN DISPUTE ARE SUBJECT TO RESOLUTION IN A MANNER PRESCRIBED BY LAW.

B. THE PLAN MAY DESIGNATE MORE OF THE LAND AS SUITABLE FOR CONSERVATION THAN WOULD BE AUTHORIZED IN A NONDISCRIMINATORY PLAN, AND THE ADDITIONAL LAND IS SUBJECT TO DISPOSITION, IN A MANNER PRESCRIBED BY LAW, IF:

1. THE DISPOSITION WILL BRING BENEFIT TO OTHER LAND THAT IS HELD IN TRUST AND SUBJECT TO THE PLAN. THE TRUE VALUE OF THE ADDITIONAL LAND DESIGNATED AS SUITABLE FOR CONSERVATION IS THE DIFFERENCE, IF ANY, BETWEEN THE VALUE OF ALL THE LAND THAT IS SUBJECT TO THE PLAN ASSUMING A NONDISCRIMINATORY PLAN AND THE VALUE OF ALL THE LAND THAT IS SUBJECT TO THE PLAN DESIGNATING THE ADDITIONAL LAND AS SUITABLE FOR CONSERVATION, AS DETERMINED BY APPRAISAL. THE AGGREGATE MARKET VALUATION OF ALL LAND THAT IS HELD IN TRUST AND SUBJECT TO THE PLAN MUST NOT BE DIMINISHED DUE TO THE DESIGNATION AND DISPOSITION OF THE LAND AS SUITABLE FOR CONSERVATION.

2. THE ADDITIONAL LAND DESIGNATED AS SUITABLE FOR CONSERVATION IS DISPOSED OF TO THE COUNTY, CITY OR TOWN ON THE COMPLETION OF THE APPRAISAL FOR CONSIDERATION OF NOT LESS THAN THE DETERMINED TRUE VALUE, WHICH MAY BE PROVIDED IN THE FORM OF MONETARY CONSIDERATION OR NONMONETARY CONSIDERATION, OR BOTH, IN A MANNER PRESCRIBED BY LAW.

3. THE PLAN IS THE SUBJECT OF AN AGREEMENT WITH THE COUNTY, CITY OR TOWN THAT ESTABLISHES THE COMMERCIAL PURPOSES OF THE LAND THAT IS NOT DESIGNATED AS SUITABLE FOR CONSERVATION.

4. ALL LAND THAT IS DESIGNATED AS SUITABLE FOR CONSERVATION IS HELD IN TRUST FOR THE SAME PUBLIC BENEFICIARY.

5. IT IS A PERMANENT CONDITION OF ANY DISPOSITION OF LAND DESIGNATED AS SUITABLE FOR CONSERVATION PURSUANT TO THIS SECTION THAT THE LAND WILL BE:

(a) RESTRICTED AGAINST DEVELOPMENT, AS DEFINED IN SECTION 4.2 OF THIS ARTICLE.

(b) MANAGED AND USED IN A MANNER CONSISTENT WITH CONSERVATION, AS DEFINED IN SECTION 4.2 OF THIS ARTICLE.

(c) SUBJECT TO REASONABLE PUBLIC ACCESS.

C. FOR THE PURPOSES OF THIS SECTION, "COMMERCIAL PURPOSES" MEANS THE USE OF THE LAND FOR ANY PURPOSE OTHER THAN AGRICULTURAL OR GRAZING PURPOSES.

4.2. Conservation lands: definitions

SECTION 4.2. A. IN AN URBAN AREA, LANDS THAT, PURSUANT TO LAW, WERE CLASSIFIED AS SUITABLE FOR CONSERVATION PURPOSES BEFORE JANUARY 1, 2005 MAY BE CONVEYED AS CONSERVATION LANDS WITHOUT ADVERTISEMENT OR AUCTION TO THE CITY, TOWN OR COUNTY IN WHICH THEY ARE LOCATED, BUT ONLY IF COMPENSATION IS PROVIDED TO THE RESPECTIVE PERMANENT FUND IN A MANNER PRESCRIBED BY LAW. ANY DISPUTE ARISING UNDER THIS SUBSECTION IS SUBJECT TO RESOLUTION IN A MANNER PRESCRIBED BY LAW.

B. THE LEGISLATURE SHALL PRESCRIBE A PROCESS BY LAW FOR DESIGNATING FOR CONSERVATION PURPOSES LANDS IN AN URBAN AREA THAT WERE SUBMITTED BY APPROPRIATE APPLICATION FOR CLASSIFICATION AS SUITABLE FOR CONSERVATION PURPOSES AND WERE ASSIGNED A VALID FILE NUMBER PURSUANT TO LAW BEFORE JANUARY 1, 2005, BUT THAT WERE NOT CLASSIFIED AS SUITABLE FOR CONSERVATION PURPOSES. ALL LAND THAT IS DESIGNATED FOR CONSERVATION UNDER THIS SUBSECTION MUST BE HELD IN TRUST FOR THE SAME PUBLIC BENEFICIARY. THESE LANDS MAY BE CONVEYED WITHOUT ADVERTISEMENT OR AUCTION TO THE CITY, TOWN OR COUNTY IN WHICH THEY ARE LOCATED, BUT ONLY IF COMPENSATION IS PROVIDED TO THE RESPECTIVE PERMANENT FUND IN A MANNER PRESCRIBED BY LAW. ANY DISPUTE ARISING UNDER THIS SUBSECTION IS SUBJECT TO RESOLUTION IN A MANNER PRESCRIBED BY LAW. NOTWITHSTANDING ARTICLE IV, PART 2, SECTION 19, ANY DESIGNATION OF LANDS PURSUANT TO THIS SUBSECTION MUST BE APPROVED INDIVIDUALLY BY LAW. A LAW TO APPROVE THE DESIGNATION OF CONSERVATION LANDS PURSUANT TO THIS SUBSECTION IS SUBJECT TO THE POWER OF THE REFERENDUM AND IS NOT CONSIDERED TO BE IMMEDIATELY NECESSARY FOR THE PRESERVATION OF THE PUBLIC PEACE, HEALTH OR SAFETY OR FOR THE SUPPORT AND MAINTENANCE OF THE DEPARTMENTS OF STATE GOVERNMENT AND STATE INSTITUTIONS.

C. IT IS A PERMANENT CONDITION OF ANY CONVEYANCE OR DISPOSITION OF CONSERVATION LAND PURSUANT TO SUBSECTION A OR B OF THIS SECTION THAT THE LAND WILL BE:

1. RESTRICTED AGAINST DEVELOPMENT.

2. MANAGED AND USED IN A MANNER CONSISTENT WITH CONSERVATION.

3. SUBJECT TO REASONABLE PUBLIC ACCESS.

D. ANY CONVEYANCE OR OTHER DISPOSITION

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

OF LANDS PURSUANT TO THIS SECTION IS SUBJECT TO THE RESERVATION THAT ALL OIL, GAS, OTHER HYDROCARBON SUBSTANCES, HELIUM OR OTHER SUBSTANCES OF A GASEOUS NATURE, GEOTHERMAL RESOURCES, COAL, METALS, MINERALS, FOSSILS, FERTILIZER OF EVERY DESCRIPTION, URANIUM, THORIUM OR ANY OTHER MATERIAL THAT IS OR MAY BE PECU- LIARLY ESSENTIAL TO THE PRODUCTION OF FIS- SIONABLE MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE, AND THE EXCLUSIVE RIGHT THERETO, ON, IN OR UNDER THE LAND, IS RESERVED IN AND RETAINED BY THE STATE, REGARDLESS OF THE CONVEYANCE AND THE ISSUANCE OF ANY EVIDENCE OF CONVEYANCE. A MINERAL RESERVATION UNDER THIS SUBSEC- TION SHALL NOT INCLUDE COMMON VARIETY MINERALS SUCH AS SAND, GRAVEL OR OTHER AGGREGATE, ROAD BASE MATERIAL, LIMESTONE OR GYPSUM.

E. NOTHING IN THIS SECTION PREVENTS THE CONTINUATION OR RENEWAL OF ANY LEASE, RIGHT-OF-WAY OR OTHER USE OF THE LAND THAT WAS IN EXISTENCE AS OF THE DATE OF CONVEYANCE OR DISPOSITION OF CONSERVA- TION LAND.

F. THE DESIGNATION OR CONVEYANCE OF CON- SERVATION LANDS DOES NOT CREATE OR IMPLY RESTRICTIONS ON THE USE OR MANAGEMENT OF ANY OTHER LAND.

G. FOR THE PURPOSES OF THIS SECTION:

1. "CONSERVATION" MEANS RESTRICTING THE USE OF THE LAND AGAINST DEVELOPMENT.
2. "DEVELOPMENT" MEANS BUILDINGS AND OTHER STRUCTURES FOR RESIDENTIAL, AGRICULTURAL, COMMERCIAL OR PUBLIC USE BUT DOES NOT INCLUDE BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS EXISTING BEFORE JANUARY 1, 2009 OR FENCES, PATHS, TRAILS, TRAILHEADS, ROADWAYS, UTILITY LINES AND ASSOCIATED FACILITIES, FLOOD CONTROL STRUCTURES AND IMPROVEMENTS, CANALS, DRAINAGE IMPROVEMENTS, WELLS, SIGNAGE, RANGE IMPROVEMENTS, HUNTING AND FISHING FACILITIES, COMMUNICATIONS FACILITIES, RESEARCH OR MONITORING STATIONS AND ASSOCIATED EQUIPMENT OR, IN ORDER TO FACILITATE REASONABLE PUBLIC ACCESS, HUNTING AND FISHING, PICNIC, CAMPING, PARK- ING, SECURITY, COMFORT, MAINTENANCE AND SIMILAR FACILITIES THAT ARE COMPATIBLE WITH CONSERVATION.
3. "URBAN AREA" MEANS:
  - (a) WITHIN OR ADJACENT TO THE EXTERIOR CORPORATE BOUNDARIES OF A CITY OR TOWN.
  - (b) WITHIN THREE MILES OUTSIDE THE CORPO- RATE BOUNDARY OF A CITY OR TOWN HAVING A POPULATION OF LESS THAN TEN THOUSAND PERSONS.
  - (c) WITHIN FIVE MILES OUTSIDE THE CORPO- RATE BOUNDARY OF A CITY OR TOWN HAVING A POPULATION OF TEN THOUSAND PERSONS OR MORE.
4. Article X, Constitution of Arizona, is proposed to be amended by adding section 4.3 as follows if approved

by the voters and on proclamation of the Governor:

4.3. Nonurban conservation lands; definitions

SECTION 4.3. A. THE LEGISLATURE SHALL PRE-SCRIBE A PROCESS BY LAW FOR DESIGNATING FOR CONSERVATION PURPOSES UP TO FOUR HUNDRED THOUSAND ACRES OF LAND THAT IS NOT LOCATED IN AN URBAN AREA. ALL LAND THAT IS DESIGNATED FOR CONSERVATION UNDER THIS SUBSECTION MUST BE HELD IN TRUST FOR THE SAME PUBLIC BENEFICIARY. THESE LANDS MAY BE CONVEYED WITHOUT ADVERTISEMENT, AUCTION OR CONSIDERATION TO THE COUNTY IN WHICH THEY ARE LOCATED. NOTWITHSTANDING ARTICLE IV, PART 2, SECTION 19, ANY DESIGNATION OF LANDS PURSUANT TO THIS SUBSECTION MUST BE APPROVED INDIVID- UALLY BY LAW. A LAW TO APPROVE THE DESIG- NATION OF CONSERVATION LANDS PURSUANT TO THIS SUBSECTION IS SUBJECT TO THE POWER OF THE REFERENDUM AND IS NOT CON- sidered TO BE IMMEDIATELY NECESSARY FOR THE PRESERVATION OF THE PUBLIC PEACE, HEALTH OR SAFETY OR FOR THE SUPPORT AND MAINTENANCE OF THE DEPARTMENTS OF STATE GOVERNMENT AND STATE INSTITUTIONS.

B. A PRIORITY FOR CONSIDERING THE DESIGNA- TION OF CONSERVATION LANDS UNDER SUBSEC- TION A OF THIS SECTION IS THE MAINTENANCE OF WILDLIFE MIGRATION CORRIDORS.

C. IT IS A PERMANENT CONDITION OF ANY CON- VEYANCE OR DISPOSITION OF CONSERVATION LAND PURSUANT TO SUBSECTION A OF THIS SECTION THAT THE LAND WILL BE:

1. RESTRICTED AGAINST DEVELOPMENT.
2. MANAGED AND USED IN A MANNER CONSIS- TENT WITH CONSERVATION.
3. SUBJECT TO REASONABLE PUBLIC ACCESS.

D. ANY CONVEYANCE OR OTHER DISPOSITION OF LANDS PURSUANT TO THIS SECTION IS SUB- JECT TO THE RESERVATION THAT ALL OIL, GAS, OTHER HYDROCARBON SUBSTANCES, HELIUM OR OTHER SUBSTANCES OF A GASEOUS NATURE, GEOTHERMAL RESOURCES, COAL, METALS, MINERALS, FOSSILS, FERTILIZER OF EVERY DESCRIPTION, URANIUM, THORIUM OR ANY OTHER MATERIAL THAT IS OR MAY BE PECU- LIARLY ESSENTIAL TO THE PRODUCTION OF FIS- SIONABLE MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE, AND THE EXCLUSIVE RIGHT THERETO, ON, IN OR UNDER THE LAND, IS RESERVED IN AND RETAINED BY THE STATE, REGARDLESS OF THE CONVEYANCE AND THE ISSUANCE OF ANY EVIDENCE OF CONVEYANCE. A MINERAL RESERVATION UNDER THIS SUBSEC- TION SHALL NOT INCLUDE COMMON VARIETY MINERALS SUCH AS SAND, GRAVEL OR OTHER AGGREGATE, ROAD BASE MATERIAL, LIMESTONE OR GYPSUM.

E. NOTHING IN THIS SECTION PREVENTS THE CONTINUATION OR RENEWAL OF ANY LEASE, RIGHT-OF-WAY OR OTHER USE OF THE LAND THAT WAS IN EXISTENCE AS OF THE DATE OF CONVEYANCE OR DISPOSITION OF CONSERVA- TION LAND.

F. THE DESIGNATION OR CONVEYANCE OF CON-

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

SERVATION LANDS DOES NOT CREATE OR IMPLY RESTRICTIONS ON THE USE OR MANAGEMENT OF ANY OTHER LAND.

G. FOR THE PURPOSES OF THIS SECTION:

1. "CONSERVATION" MEANS RESTRICTING THE USE OF THE LAND AGAINST DEVELOPMENT.
2. "DEVELOPMENT" MEANS BUILDINGS AND OTHER STRUCTURES FOR RESIDENTIAL, AGRICULTURAL, COMMERCIAL OR PUBLIC USE BUT DOES NOT INCLUDE BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS EXISTING BEFORE JANUARY 1, 2009 OR FENCES, PATHS, TRAILS, TRAILHEADS, ROADWAYS, UTILITY LINES AND ASSOCIATED FACILITIES, FLOOD CONTROL STRUCTURES AND IMPROVEMENTS, CANALS, DRAINAGE IMPROVEMENTS, WELLS, SIGNAGE, RANGE IMPROVEMENTS, HUNTING AND FISHING FACILITIES, COMMUNICATIONS FACILITIES, RESEARCH OR MONITORING STATIONS AND ASSOCIATED EQUIPMENT OR, IN ORDER TO FACILITATE REASONABLE PUBLIC ACCESS, HUNTING AND FISHING, PICNIC, CAMPING, PARKING, SECURITY, COMFORT, MAINTENANCE AND SIMILAR FACILITIES THAT ARE COMPATIBLE WITH CONSERVATION.
3. "URBAN AREA" MEANS:
  - (a) WITHIN OR ADJACENT TO THE EXTERIOR CORPORATE BOUNDARIES OF A CITY OR TOWN.
  - (b) WITHIN THREE MILES OUTSIDE THE CORPORATE BOUNDARY OF A CITY OR TOWN HAVING A POPULATION OF LESS THAN TEN THOUSAND PERSONS.
  - (c) WITHIN FIVE MILES OUTSIDE THE CORPORATE BOUNDARY OF A CITY OR TOWN HAVING A POPULATION OF TEN THOUSAND PERSONS OR MORE.

5. Conditional repeal

Section 4 of this proposition is repealed if the initiative styled "Conserving Arizona's Future" and designated by the Secretary of State as C 03-2006 is approved by the voters at the general election held November 7, 2006 and becomes effective pursuant to article XXI, Constitution of Arizona.

6. Submission to voters; conditional enactment

A. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article XXI, Constitution of Arizona.

B. Sections 1, 2 and 3 of this proposition are not effective unless on or before December 31, 2008, the Arizona-New Mexico Enabling Act (Act of June 20, 1910; 36 Stat. 557) is amended by Congress and signed into law to authorize the amendment of the Constitution of Arizona as proposed by sections 1 and 2 of this proposition. On or before December 31, 2008, the state land commissioner shall notify the director of the legislative council in writing whether or not this condition occurred and the date the enabling act was amended.

C. Section 4 of this proposition is not effective unless both of the following occur:

1. This proposition is approved and ratified by the voters pursuant to subsection A of this section and the conditional repeal described in section 5 of this proposition does not occur.
2. On or before December 31, 2008, the Arizona-New Mexico Enabling Act (Act of June 20, 1910; 36 Stat. 557) is amended by Congress and signed into law to authorize the amendment of the Constitution of Arizona as proposed by sections 1 and 2 of this proposition. On or before December 31, 2008, the state land commissioner shall notify the director of the legislative council in writing whether or not this condition occurred and the date the enabling act was amended.

**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 10.9 million acres of land, referred to as "state trust land", to be held in trust for the benefit of the named beneficiaries, primarily the public schools, as well as other public institutions (colleges, hospitals, prisons, etc.). Both the Enabling Act and the Arizona Constitution provide that the state can lease or sell trust land, and the natural products (timber, minerals, etc.) of the land, to the "highest and best bidder" at advertised public auction and lands and products offered for sale must be appraised at and sold for not less than "true value".

Proposition 105 would amend the Arizona Constitution to:

1. Allow trust land in urban areas that was classified or eligible for designation as suitable for conservation prior to 2005 to be conveyed to a county, city or town without advertisement or auction upon payment of compensation. Any lease, right-of-way or other use in existence may continue.
2. Require the legislature to create a method for designating up to 400,000 acres of trust land outside of urban areas for conservation purposes and conveying those lands without advertisement, auction or compensation to the county in which the land is located. Any lease, right-of-way or other use in existence may continue.
3. Generally provide that the newspaper advertising period for the public auction of trust lands be reduced from 10 consecutive weeks to 5 consecutive weeks, while adding a new requirement that the auction notice be posted on the State Land Department web site for at least 35 days prior to the auction.
4. Allow the granting of public rights-of-way on trust land to governmental entities without advertisement or auction.
5. Allow trust land to be leased without auction.
6. Require that rights-of-way for public roadways originating before 1968 shall be granted without requiring further payment.

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



7. Generally provide that any trust land designated as conservation land must be held in trust by a governmental entity, be restricted against "development" and be managed in a manner consistent with "conservation", but not required to be accessible to the public unless and until conveyed out of the state land trust, as those terms are defined in this proposal.
8. Require that any commercial land use planning for trust lands in an urban area be prepared in consultation with the county, city or town where the land is located, according to generally applicable regulations that apply equally to similar private property in the jurisdiction. The land use plan, however, may designate a greater portion of trust land as suitable for conservation, and that land may be conveyed to the county, city or town, without advertisement or auction, for money or other forms of value if:
  - a. The disposition of the conservation land brings benefit to other trust land subject to the plan.
  - b. The value of all of the trust land subject to the plan is not diminished.

Section 4 of Proposition 105, relating to nonurban conservation lands, does not become effective if Proposition 106 is enacted by the voters at the November, 2006 election. Proposition 105 does not become fully effective unless the United States Congress amends the Arizona-New Mexico Enabling Act prior to 2009 to authorize the changes contained in this proposal.

**ARGUMENTS "FOR" PROPOSITION 105**

HCR 2045 was created and vetted through a multi hearing and committee review process in the House and the Senate providing opportunities for those on both sides to present their comments.

HCR 2045 preserves the goal of providing the highest and best use and highest and best bid while providing for up to 500,000 acres of rural and urban conservation lands and preservation of game corridors.

HCR 2045 also provides for realistic planning procedures, preservation of existing rights-of-way and an assured process of achieving the highest and best return to the trustees including the largest trustees i.e. the children of our state and their education.

We are not in the business of subsidizing the development community through sale of lands on the basis of future revenues. HCR 2045 requires cash at the time of sale. I support 2045. If you care about educating our youth, you should too.

John Nelson, State Representative, District 12, Litchfield Park

The Arizona Farm Bureau supports proposition 105.

This is a reasonable and non-revolutionary approach to reform of our state trust land process, allowing for the designation of conservation lands, without sacrificing the financial and fiduciary obligations to the many beneficiaries of the trust.

It maintains the clear trustee responsibility of the state, without changing the criteria for management of the assets to the best and highest use. Lastly it does not foreclose options for lessees or the public with continued multiple uses of these lands for hunting, fishing, grazing, camping and other recreational activities.

**Vote YES ON 105 – it represents balanced and fair reform of state trust lands**

**Vote NO ON 106 – is a lemon**

Kevin Rogers, President, Arizona Farm Bureau,  
Mesa

James W. Klinker, Chief Administrative Officer,  
Arizona Farm Bureau, Mesa

*Paid for by "Arizona Farm Bureau"*

**Vote Yes on Proposition 105**

Proposition 105 is the only State Trust Land reform that will provide real benefits for Arizona's wildlife. It does so by stipulating that maintenance of Wildlife Migration Corridors must be given priority when establishing conservation lands in non-urban areas. It also ensures that conservation lands will be open for public access now and in the future.

Designation of wildlife habitat corridors on conservation lands is absolutely essential if we are going to protect precious wildlife habitat from encroachment and development in the rural areas of our state. Loss of antelope habitat and migration corridors is a perfect example as to why this reform is necessary.

It is also essential that conservation lands not only be set aside for their significant natural, cultural or historic asset, they should be set aside to protect the magnificent wildlife species that Arizona is known for and that we have come to enjoy, as sportsmen and women and outdoor enthusiasts.

Please join us in voting YES on Proposition 105. Including wildlife as a priority is a good step forward and one that we must support. Protect wildlife by supporting Proposition 105.

Pete Cimellaro, Executive Director, Arizona  
Sportsmen for Wildlife, Phoenix

Floyd F. Green, Secretary/Treasurer, Arizona  
Sportsmen for Wildlife, Phoenix

*Paid for by "Arizona Sportsmen for Wildlife"*

**ARGUMENTS "AGAINST" PROPOSITION 105**

Anti-Statement – AEA Against HCR 2045

The Arizona Education Association represents over 35,000 teachers and education support professionals in nearly every school district across the state of Arizona. Public schools are the primary beneficiaries of any funding obtained from the sale or lease of state trust lands. We oppose this measure because we believe Arizona can do better for its children, its schools and its citizens.

This initiative conserves only 43,000 acres of land in urban areas, and even then it allows continued development until January of 2009. It grants millions of dollars in rights-of-way without any future payment to the Trust, and constitutionally provides for the renewal of grazing leases on nearly 8 million acres of trust land with little or no review. The measure fails to include a process for public or beneficiary oversight and vests the power to designate future lands for conservation solely in the hands of the Land Commissioner and the state legislature, should they even choose to do so.

As teachers and educators, we believe this initiative jeopardizes the long term health of the trust and the financial benefit to education. It fails to strike the critical balance needed between education and conservation in order to preserve our most cherished urban and rural lands AND financially benefit the Trust. We urge you to VOTE NO on Prop 105. Arizona can do better.

John H. Wright, III, President, Arizona  
Education Association, Phoenix

Andrew Morrill, Vice President, Arizona  
Education Association, Chandler

*Paid for by "Arizona Education Association"*

Vote NO on Second-Rate State Trust Land Reform Measure

HCR 2045 was crammed through the Legislature by special interest groups who do not want to see comprehensive state trust land reform accomplished. Rather than address the many problems which must be resolved through a genuine reform effort, HCR 2045 will continue the status quo and worse, undermine the efforts of the education and conservation communities in promoting genuine state trust land reform through the citizens' initiative process.

HCR 2045 contains no meaningful conservation of ecologically significant state trust lands, does not provide adequate tools for improving the planning and disposition process, and does not address the needs of the education community in providing for the chief beneficiary of state trust land revenues –Arizona's school children. Instead, it protects fewer acres and leaves control of development with the state rather than local communities where it belongs. HCR 2045 will simply give us more of the same poorly planned sprawl that already chokes this state.

After many years of hard work and negotiation with numerous stakeholders, a state trust land reform measure has been created and brought to the ballot through the citizens' initiative process. HCR 2045 is NOT it. Genuine state trust land reform through adoption of *The Conserving Arizona's Future* initiative will bring many positive benefits to Arizona residents as well as provide greater funding for our school children.

We urge Arizona voters not to be misled into believing that the needs of conservation, our public schools, or fast-growing communities are met by HCR 2045. Please vote NO on this second-rate scheme.

Anne Graham Bergin, President, Arizona  
League of Conservation Voters, Tucson

Jessica Catlin, Secretary, Arizona League of  
Conservation Voters, Phoenix

*Paid for by "Arizona League of Conservation Voters"*

Proposition 105 is not what it claims to be. It prevents the land department from maximizing the value of our state trust lands to benefit all of us. It will allow grazing leases on 8.4 million acres of the 9.2 million acres of state trust land -- for 26 cents an acre! This is the lowest return -by far- to our public schools of any other use of state trust lands. Our schools and other beneficiaries deserve better.

It will not protect Arizona's recreation and water resources around our state, like those near Saguaro National Park, the Grand Canyon, and 57 other areas our families enjoy. Proposition 105 will not help our local governments purchase land for open space.

Please vote NO on Proposition 105 and instead join me and the hundreds of thousands of citizens who signed a petition in support of Proposition 106, which will conserve open space, manage growth and protect school funds.

Sincerely,

Representative Olivia Cajero Bedford, Arizona State Legislature, Tucson

Please join the Sonoran Institute in Opposing Proposition 105.

An Arizona-based nonprofit, the Sonoran Institute promotes community decisions that respect the land and people of the West. We believe this is achieved through civil dialogue, broad-based partnerships, and cooperation.

The Sonoran Institute worked with a dedicated and diverse group of citizens from across the state representing the education, business, conservation, and ranching communities, as well as local governments, to create *Conserving Arizona's Future*, Proposition 106, the citizens' initiative for state trust land reform that is also on the ballot and should be supported.

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

PROPOSITION 105

We oppose Proposition 105 because it does not require the land department to plan cooperatively with cities and counties, ignores provisions for the improved management of trust funds for Arizona's schools, and limits up-front conservation of state trust lands to less than 10% of what the citizens' initiative proposes.

Proposition 105 does not provide a comprehensive proposal to protect school funds, manage growth, and conserve open space. It does not well serve the citizens of the great state of Arizona.

Vote NO on Proposition 105.

Luther Propst, Executive Director, Sonoran  
Institute, Tucson

Anna Price, Chair, Board of Directors, Sonoran  
Institute, Tucson

*Paid for by "Sonoran Institute"*

Arizonans Can't Afford Proposition 105.

This costly, short-sighted measure benefits only developers and a few grazing lease holders but does not benefit the majority of Arizonans who are concerned about unsustainable growth and protecting our state trust lands.

Vote NO on Proposition 105.

Michael Finkelstein, Executive Director, Center  
for Biological Diversity, Tucson

Dr. Robin Silver, Board Chair, Center for  
Biological Diversity, Phoenix

*Paid for by "Center for Biological Diversity"*

**It is a question of trust.** Our State Lands have been set aside as a resource to provide for the continued benefit of public education. In 2005, revenue totaling more than eight million dollars was generated for the benefit of our public schools. Arizona's school children benefit from smart management of state trust lands.

Smart management includes adequate funding to run the State Land Department, planning tools that empower local communities to utilize State Trust Lands in their development planning, and a long term investment in what is best for education. Conserving state lands means conserving the financial resources of our state. Once they are gone, they are gone forever.

Who do you trust to lead this effort? We trust the Arizona Educator's Association, and the hundreds of thousands of citizens who signed petitions in favor of true state land reform, "Conserving Arizona's Future." In contrast, special interest groups and their lobbyists created HCR 2045, a bill to benefit the special interests that are already riding for free on state trust lands; a bill to preserve the status quo.

**We urge you to VOTE NO on Proposition 105.** It does not make an investment in education, nor does it serve to safeguard the clean air, water, and open spaces that benefit us all.

Sonja Macys, Executive Director, Tucson  
Audubon Society, Tucson

Christina McVie, Vice President and  
Conservation Chair, Board of Directors, Tucson  
Audubon Society, Tucson

*Paid for by "Tucson Audubon Society"*

**Please oppose Proposition 105.**

**Proposition 105** was referred to the ballot by the Arizona Legislature merely to counter the *Conserving Arizona's Future* Initiative. While the Sierra Club is neutral on the initiative, we do not think it is appropriate for the Legislature to try and confuse voters in order to defeat it. It should pass or fail based on its merits, not on voter confusion.

The first problem with Proposition 105 is that it is being sold as a conservation measure but actually conserves very little land, only 42,511 acres. To conserve any additional land under this proposition, the Legislature first has to establish a process and then has to approve each additional parcel. As this referendum says "up to 400,000 acres" and establishes no minimum conservation requirement, and considering the Arizona Legislature's general hostility to conservation, it is highly unlikely that very much in the way of additional land would ever be conserved.

The second problem is this measure does not adequately protect the lands it does identify for conservation. For example, these lands would still be open to mining activities. They would also be open to further development through 2009. Conservation lands are restricted against development after that, but development only precludes construction of buildings; it does not preclude the construction of roads, canals, power transmission lines, cell phone towers, fencing, trails, etc. Allowing that kind of development could hardly be considered "conserving" the land.

Clearly this proposition is not about conservation. It is about the Legislature continuing to interfere with citizen initiatives. We strongly urge you to oppose Proposition 105.

Ken Langton, Chair, Sierra Club-Grand Canyon  
Chapter, Tucson

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

*Paid for by "Sierra Club Grand Canyon Chapter"*

**BALLOT FORMAT**

**PROPOSITION 105**

**PROPOSED AMENDMENT TO THE CONSTITUTION  
BY THE LEGISLATURE**

**OFFICIAL TITLE**

HOUSE CONCURRENT RESOLUTION 2045  
PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE X, SECTIONS 3 AND 4, CONSTITUTION OF ARIZONA; AMENDING ARTICLE X, CONSTITUTION OF ARIZONA, BY ADDING SECTIONS 4.1, 4.2 AND 4.3; RELATING TO STATE TRUST LANDS; PROVIDING FOR CONDITIONAL REPEAL AND CONDITIONAL ENACTMENT.

**DESCRIPTIVE TITLE**

ALLOWS: GRANTING PUBLIC RIGHTS-OF-WAY AND SALE OF CONSERVATION TRUST LAND TO GOVERNMENTAL ENTITIES WITHOUT AUCTION, SALE OF CERTAIN URBAN LAND FOR CONSERVATION AND CONVEYANCE OF UP TO 400,000 ACRES OF NON-URBAN WITH LEGISLATIVE APPROVAL, LOCAL COORDINATION OF COMMERCIAL TRUST LAND USE; REQUIRES PUBLIC ACCESSIBILITY OF CONSERVATION TRUST LAND; RESTRICTS DEVELOPMENT.

**PROPOSITION 105**

A "yes" vote shall have the effect of allowing the conveyance for compensation of designated urban land and additional urban land as approved by the Legislature for conservation purposes, permitting the Legislature to designate up to 400,000 acres of non-urban trust land for conservation purposes for conveyance without compensation, allowing urban trust land to be conveyed for conservation without auction, reducing the advertising time for state trust land auctions, allowing rights-of-way of trust land to governmental entities without auction, requiring trust lands set aside for conservation be accessible to the public and restricted from development, and allowing local coordination of commercial trust land use.

**YES**

A "no" vote shall have the effect of retaining the current law regarding the sale and use of state trust land.

**NO**

**PROPOSITION 105**

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

**PROPOSITION 106**

**OFFICIAL TITLE**

**AN INITIATIVE MEASURE**

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE X, SECTIONS 1, 3, AND 4, CONSTITUTION OF ARIZONA; AMENDING ARTICLE X, CONSTITUTION OF ARIZONA, BY ADDING SECTIONS 1.1, 1.2, 7.1 AND 12; RELATING TO STATE LANDS.

**TEXT OF PROPOSED AMENDMENT**

Be it enacted by the People of the State of Arizona:

1. Purpose

A. The purpose of this proposition is to permit the state of Arizona to manage state trust land in ways that promote well-planned growth, conservation, and sound stewardship, addressing issues that were not of concern at the time of statehood.

B. In particular, this proposition:

1. Immediately protects and preserves for future generations the significant natural, cultural, and historical assets of certain trust lands by establishing a conservation reserve of approximately 694,000 acres consisting of specified educational reserve lands that will be permanently set aside for research and education purposes, specified permanent reserve lands that will be permanently set aside for conservation purposes, and specified provisional reserve lands that will be set aside for conservation purposes and made available for purchase for a period of time.

2. Promotes well-planned growth on trust lands by requiring trust lands to be planned in conjunction with the general and comprehensive plans of counties, cities, and towns pursuant to their generally applicable ordinances, and allows the disposition of trust lands designated for conservation purposes through this process without advertisement, auction, or further consideration if the trust receives adequate consideration for all of the trust lands subject to the plan, regardless of whether it receives the true value of each individual parcel that is subject to the plan.

3. Provides opportunity for enhanced economic benefit from the disposal of trust land by allowing for the establishment of a method by which the highest and best bid will be determined at auction and allowing for the transfer of title subject to participation in the future gross revenues from the sale or lease of lands.

4. Allows for efficient and beneficial dispositions of rights-of-way by authorizing the disposition of rights-of-way without auction where the trust receives the true value as determined by appraisal and authorizing the receipt of non-monetary consideration for public right-of-ways.

5. Provides funding for effective trust administration by authorizing the allocation of a percentage of trust income to fund trust-related activities.

6. Establishes a board of trustees to review and approve certain of the activities described above where increased oversight and accountability are necessary to safeguard the best interests of the trust.

2. Article X, section 1, Constitution of Arizona, is amended as follows:

Section 1. Acceptance and holding of lands by state in trust; definitions

A. All lands expressly transferred and confirmed to the state by the provisions of the Enabling Act approved June 20, 1910, including all lands granted to the state

and all lands heretofore granted to the Territory of Arizona, and all lands otherwise acquired by the state, shall be by the state accepted and held in trust to be disposed of in whole or in part, only in manner as in the said Enabling Act and in this Constitution provided, and for the several objects specified in the respective granting and confirmatory provisions. The natural products and money proceeds of any of said lands shall be subject to the same trusts as the lands producing the same.

B. IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "BOARD OF TRUSTEES" MEANS THE BOARD OF TRUSTEES ESTABLISHED PURSUANT TO SECTION 1.2 OF THIS ARTICLE.

2. "CONSERVATION" MEANS PRESERVING THE NATURAL, CULTURAL, OR HISTORICAL ASSETS OF LAND, SUCH AS OPEN SPACE, SCENIC BEAUTY, GEOLOGY, ARCHAEOLOGY, PROTECTED PLANTS, WILDLIFE, AND ECOLOGICAL VALUES.

3. "DEVELOPMENT" MEANS BUILDINGS AND OTHER IMPROVEMENTS FOR PUBLIC OR PRIVATE USE NOT IN EXISTENCE AS OF NOVEMBER 2, 2006, BUT DOES NOT INCLUDE FENCES, PATHS, TRAILS, TRAILHEADS, ROADWAYS, UTILITY LINES AND ASSOCIATED FACILITIES, CANALS, DRAINAGE IMPROVEMENTS, WELLS, SIGNAGE, RANGE IMPROVEMENTS, ENVIRONMENTAL EDUCATION FACILITIES, COMMUNICATIONS FACILITIES, RESEARCH OR MONITORING STATIONS AND ASSOCIATED EQUIPMENT OR, IN ORDER TO FACILITATE REASONABLE PUBLIC ACCESS, PICNIC, CAMPING, HUNTING, FISHING, PARKING, SECURITY, COMFORT, MAINTENANCE AND SIMILAR FACILITIES.

4. "NONMONETARY CONSIDERATION" MEANS ANY FORM OF VALUE, RECEIVED AS A RESULT OF OR IN CONNECTION WITH A DISPOSITION OF LAND, THAT CAN BE DEMONSTRATED BY AN APPRAISAL.

5. "QUALIFIED PARTY" MEANS AN AGENCY OR POLITICAL SUBDIVISION OF THIS STATE.

3. Article X, Constitution of Arizona, is amended by adding section 1.1 as follows:

Section 1.1. Conservation reserve; disposition of lands in conservation reserve.

A. A CONSERVATION RESERVE OF APPROXIMATELY 694,000 ACRES IS ESTABLISHED CONSISTING OF THOSE EDUCATIONAL RESERVE LANDS, PERMANENT RESERVE LANDS, AND PROVISIONAL RESERVE LANDS THAT ARE SO DESIGNATED IN SECTION 12 OF THIS ARTICLE. LANDS HELD IN THE CONSERVATION RESERVE SHALL BE RESTRICTED AGAINST DEVELOPMENT, SHALL BE MANAGED IN A MANNER CONSISTENT WITH

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

CONSERVATION AND ARE SUBJECT TO CONVEYANCE, LEASE, REDESIGNATION OR OTHER DISPOSITION ONLY IN A MANNER CONSISTENT WITH THE PROVISIONS OF THIS SECTION, PROVIDED THAT NOTHING IN THIS SECTION SHALL PRECLUDE THE CONTINUATION OF ANY LEASE, RIGHT-OF-WAY, OR OTHER USE OF CONSERVATION RESERVE LANDS THAT WAS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THIS SECTION.

B. EDUCATIONAL RESERVE LANDS MAY BE CONVEYED TO THE ARIZONA BOARD OF REGENTS ON ITS REQUEST FOR RESEARCH AND EDUCATION. NOTWITHSTANDING SUBSECTION F OF THIS SECTION, BUILDINGS AND RELATED INFRASTRUCTURE TO SUPPORT UNIVERSITY PROGRAMS MAY BE CONSTRUCTED ON UP TO FIFTY ACRES OF EDUCATIONAL RESERVE LANDS AT LOCATIONS TO BE IDENTIFIED BY THE BOARD OF REGENTS.

C. WITH THE APPROVAL OF THE BOARD OF TRUSTEES, PERMANENT RESERVE LANDS MAY BE CONVEYED WITHOUT PROVISION OF FURTHER CONSIDERATION OR VALUE TO A COUNTY IF NOT OTHERWISE LEASED FOR GRAZING, TO A CITY, TOWN OR COUNTY IF THE LAND IS LOCATED WITHIN A CITY OR TOWN, OR TO A QUALIFIED PARTY IF THE LAND IS LOCATED IN THE VICINITY OF A STATE PARK OR WILDLIFE AREA AND IS NOT OTHERWISE LEASED FOR GRAZING.

D. WITH THE APPROVAL OF THE BOARD OF TRUSTEES, PROVISIONAL RESERVE LANDS MAY BE CONVEYED TO A QUALIFIED PARTY, AN AGENCY OF THE UNITED STATES, OR TO A NON-PROFIT ORGANIZATION ORGANIZED FOR THE PURPOSES OF CONSERVATION IF THE TRUE VALUE IS PROVIDED THROUGH MONETARY OR NONMONETARY FORMS OF CONSIDERATION, ON TERMS OF UP TO TWENTY-FIVE YEARS, INCLUDING PURSUANT TO A PLAN UNDER SECTION 4, SUBSECTION C OF THIS ARTICLE. IF NO QUALIFIED PARTY ACCEPTS OR OFFERS TO ACQUIRE A PARCEL OF PROVISIONAL RESERVE LAND PRIOR TO THE EXPIRATION OF THE RESERVE PERIOD, THE PARCEL MAY BE REMOVED FROM THE CONSERVATION RESERVE AND MAY BE DISPOSED FOR OTHER PURPOSES.

E. THE RESERVE PERIOD FOR EACH PARCEL OF PROVISIONAL RESERVE LAND COMMENCES ON THE EFFECTIVE DATE OF THIS SECTION AND CONTINUES UNTIL THE EXPIRATION DATE FOR THE PARCEL. THE EXPIRATION DATE SHALL BE AT LEAST FIVE YEARS AFTER THE LAND IS LOCATED IN THE GENERAL LAND USE PLAN AREA OF A CITY OR TOWN OR IS SUBJECT TO A PLAN PREPARED AND APPROVED PURSUANT TO SUBSECTION C OF SECTION 4 OF THIS ARTICLE.

F. UNLESS LANDS ARE ACQUIRED BY THE UNITED STATES FOR CONSERVATION PURPOSES, IT IS A PERMANENT CONDITION OF ANY CONVEYANCE OR DISPOSITION OF EDUCATIONAL RESERVE LAND, PERMANENT RESERVE LAND, AND PROVISIONAL RESERVE LAND THAT THE LAND WILL BE RESTRICTED AGAINST DEVELOPMENT, WILL BE USED IN A MANNER

CONSISTENT WITH CONSERVATION, AND WILL BE SUBJECT TO REASONABLE PUBLIC ACCESS.

G. THE DESIGNATION OF A PARCEL OF LAND AS A PART OF THE CONSERVATION RESERVE SHALL NOT CREATE OR IMPLY A RESTRICTION ON THE USE OR MANAGEMENT OF OTHER LAND.

4. Article X, Constitution of Arizona, is amended by adding section 1.2 as follows:

Section 1.2. Board of trustees

A SEVEN-MEMBER BOARD OF TRUSTEES IS ESTABLISHED. THE MEMBERS SHALL HAVE SUBSTANTIAL EXPERIENCE WITH MATTERS THAT ARE WITHIN THE SCOPE OF THE BOARD'S AUTHORITY, AND A MAJORITY SHALL HAVE SUBSTANTIAL INVOLVEMENT WITH THE PUBLIC SCHOOLS, SUCH AS EXPERIENCE WITH COMMON SCHOOL OR UNIVERSITY GOVERNANCE OR ADMINISTRATION, TEACHING, OR EDUCATION ADVOCACY. THE GOVERNOR SHALL APPOINT THE MEMBERS OF THE BOARD OF TRUSTEES, WITH THE CONSENT OF THE SENATE, FOR STAGGERED TERMS OF UP TO FOUR YEARS IN A MANNER PRESCRIBED BY LAW. THE BOARD OF TRUSTEES SHALL HAVE THE POWERS AND DUTIES PROVIDED BY THIS ARTICLE AND SUCH ADDITIONAL POWERS AND DUTIES RELATED TO THE MANAGEMENT, PLANNING AND DISPOSITION OF SAID LANDS AS MAY BE PRESCRIBED BY LAW.

5. Article X, section 3, Constitution of Arizona, is amended as follows:

Section 3. Mortgage or other encumbrance; sale or lease at public auction; exceptions

A. No mortgage or other encumbrance of the said lands, or any part thereof, shall be valid in favor of any person or for any purpose or under any circumstances whatsoever. Said lands shall not be sold or leased, in whole or in part, except to the highest and best bidder at a public auction to be held at the county seat of the county wherein the lands to be affected, or the major portion thereof, shall lie, notice of which public auction shall first have been duly given by advertisement, which shall set forth the nature, time and place of the transaction to be had, with a full description of the lands to be offered, and be published once each week for not less than ten successive weeks in a newspaper of general circulation published regularly at the state capital, and in that newspaper of like circulation which shall then be regularly published nearest to the location of the lands so offered; nor shall any sale or contract for the sale of any timber or other natural product of such lands be made, save at the place, in the manner, and after the notice by publication provided for sales and leases of the lands themselves, EXCEPT FOR

THE FOLLOWING DISPOSITIONS:

1. PUBLIC OR PRIVATE RIGHTS-OF-WAY ON, OVER, AND ACROSS THE SAID LANDS, INCLUDING FOR ROADWAY, RAILWAY, TRAIL, DRAINAGE, FLOOD CONTROL OR UTILITY PURPOSES.
2. LANDS DESIGNATED AS EDUCATIONAL RESERVE LAND, PERMANENT RESERVE LAND, OR PROVISIONAL RESERVE LAND, OR DESIGNATED FOR CONSERVATION PURPOSES IN A PLAN PREPARED AND APPROVED PURSUANT TO SECTION 4, SUBSECTION C OF THIS ARTICLE.

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

B. Nothing herein, or elsewhere in article X contained, shall prevent:

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

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

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

4. THE BOARD OF TRUSTEES FROM PRESCRIBING A METHOD BY WHICH THE HIGHEST AND BEST BID WILL BE DETERMINED TO SAFEGUARD THE INTERESTS OF THE TRUST.

6. Article X, section 4, Constitution of Arizona, is amended as follows:

Section 4. Sale or other disposal; appraisal; consideration and value

A. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, all lands, lease-holds, timber, and other products of land, before being offered, shall be appraised at their true value, and no sale or other disposal thereof shall be made for a consideration less than the value so ascertained, nor in any case less than the minimum price hereinafter fixed, nor upon credit unless accompanied by ample security. THE, ~~and the~~ legal title shall not be deemed to have passed until the consideration shall have been paid, EXCEPT FOR CONSIDERATION CONSISTING OF A SHARE OF GROSS REVENUES GENERATED BY SUBSEQUENT LEASES OR SALES IF APPROVED BY THE BOARD OF TRUSTEES AND IF THERE IS AMPLE SECURITY FOR THE CONSIDERATION.

B. WITH THE APPROVAL OF THE BOARD OF TRUSTEES, PUBLIC RIGHTS-OF-WAY MAY BE GRANTED ON, OVER AND ACROSS THE SAID LANDS FOR ROADWAY, TRAIL, DRAINAGE, FLOOD CONTROL AND UTILITY PURPOSES FOR NON-MONETARY CONSIDERATION.

C. PLANS FOR THE USE OF THE SAID LANDS SHALL BE PREPARED IN CONJUNCTION WITH THE COUNTY, CITY OR TOWN IN WHICH THEY ARE LOCATED AND PURSUANT TO THE GENERALLY APPLICABLE ORDINANCES, REGULATIONS AND RULES OF SUCH COUNTY, CITY OR TOWN, PROVIDED THAT SUCH ORDINANCES, REGULATIONS AND RULES APPLY EQUALLY TO SIMILARLY-SITUATED PRIVATE PROPERTY. WITH THE

APPROVAL OF THE BOARD OF TRUSTEES, A PLAN MAY DESIGNATE ANY PART OF THE TRUST LAND FOR CONSERVATION PURPOSES, AND THAT PART IS SUBJECT TO DISPOSITION TO A QUALIFIED PARTY WITHOUT FURTHER CONSIDERATION IF THE MONETARY OR NONMONETARY CONSIDERATION THAT HAS BEEN OR WILL BE RECEIVED FOR ALL OF THE TRUST LAND THAT IS SUBJECT TO THE PLAN IS AT LEAST EQUAL TO THE TRUE VALUE OF THAT LAND AS DETERMINED WITHOUT RESPECT TO:

1. THE DESIGNATION OF LAND FOR CONSERVATION BEYOND THAT REQUIRED BY LOCAL ORDINANCES, REGULATIONS AND RULES,

2. ANY CHANGES TO THE PLAN THAT ARE PROPOSED IN CONNECTION WITH THE DESIGNATION OF SUCH LAND FOR CONSERVATION, AND

3. ANY OTHER NONMONETARY CONSIDERATION THAT IS PROVIDED IN CONNECTION WITH THE DESIGNATION OF LAND FOR CONSERVATION.

D. IT MUST BE PERMANENT CONDITIONS OF ANY DISPOSITION OF LAND DESIGNATED FOR CONSERVATION PURPOSES PURSUANT TO SUBSECTION C OF THIS SECTION THAT THE LAND WILL BE PERMANENTLY RESTRICTED AGAINST DEVELOPMENT, WILL BE USED IN A MANNER CONSISTENT WITH CONSERVATION, AND WILL BE SUBJECT TO REASONABLE PUBLIC ACCESS.

7. Article X, Constitution of Arizona, is amended by adding section 7.1 as follows:

Section 7.1 Trust land management fund

A. NOTWITHSTANDING THE REQUIREMENTS OF SECTION 7 OF THIS ARTICLE, WITH THE APPROVAL OF THE BOARD OF TRUSTEES A PORTION OF THE MONEY TO BE DEPOSITED IN THE PERMANENT FUNDS OR TO BE DISTRIBUTED PURSUANT TO SECTION 7 OF THIS ARTICLE MAY BE TRANSFERRED INTO A TRUST LAND MANAGEMENT FUND, AS FOLLOWS:

1. IF THE BOOK VALUE OF THE PERMANENT FUNDS MANAGED BY THE BOARD OF INVESTMENT IS LESS THAN SEVEN BILLION DOLLARS, AN AMOUNT OF UP TO FIVE PER CENT OF THE MONIES THAT WOULD OTHERWISE HAVE BEEN DEPOSITED IN THE PERMANENT FUND PURSUANT TO SECTION 7 OF THIS ARTICLE AVERAGED OVER THE FIVE IMMEDIATELY PRECEDING FISCAL YEARS.

2. IF THE BOOK VALUE OF THE PERMANENT FUNDS MANAGED BY THE BOARD OF INVESTMENT IS MORE THAN FIVE BILLION DOLLARS, UP TO EIGHT PERCENT OF THE MONIES DERIVED FROM RENTALS, INTEREST ON INSTALLMENT SALES, AND DISTRIBUTIONS FROM THE PERMANENT FUND PURSUANT TO SECTION 7 OF THIS ARTICLE AVERAGED OVER THE FIVE IMMEDIATELY PRECEDING FISCAL YEARS.

B. THE MANAGEMENT FUND SHALL ONLY BE USED TO SUPPLEMENT FUNDING FOR THE ADMINISTRATION, MANAGEMENT, PLANNING AND DISPOSITION OF THE SAID LANDS, SUBJECT TO APPROPRIATION BY THE LEGISLATURE. THE MONIES IN THE MANAGEMENT FUND ARE NOT SUBJECT TO ANY PROVISION FOR LAPSING OR REVERSION OF MONIES, EXCEPT THAT IF THE

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

BALANCE IN THE FUND AT THE END OF ANY FISCAL YEAR EXCEEDS TWO TIMES THE TRUST-RELATED OPERATING BUDGET FOR THE NEXT FISCAL YEAR, THE EXCESS AMOUNT SHALL BE CREDITED TO THE SEVERAL PERMANENT FUNDS ESTABLISHED PURSUANT TO THIS ARTICLE. NOTHING IN THIS SECTION SHALL PREVENT THE LEGISLATURE FROM LAWFULLY APPROPRIATING GENERAL FUNDS FOR THE PURPOSES DESCRIBED IN THIS SECTION.

8. Article X, Constitution of Arizona, is amended by adding section 12 as follows:

Section 12. Designated conservation reserve lands for educational reserve, permanent reserve, and provisional reserve.

A. THOSE LANDS HELD IN TRUST BY THE STATE OF ARIZONA PURSUANT TO SECTION 1 OF THIS ARTICLE THAT ARE LOCATED WITHIN THE AREAS DESCRIBED IN THIS SECTION ARE DESIGNATED AS EDUCATIONAL RESERVE LANDS, PERMANENT RESERVE LANDS, OR PROVISIONAL RESERVE LANDS, AS FOLLOWS:

1. APACHE JUNCTION. PROVISIONAL RESERVE: SECTIONS 7-9, N $\frac{1}{2}$  OF SECTION 10, W $\frac{1}{2}$  OF SECTION 14 EXCEPT FOR THE E $\frac{1}{4}$ NW $\frac{1}{4}$ , SECTIONS 23, 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$  OF SECTION 35, T1N R8E, PINAL COUNTY. 2. BADGER PEAK. (A) PERMANENT RESERVE: SECTIONS 1-3, 10, 11, T13N R2W, YAVAPAI COUNTY. (B) PROVISIONAL RESERVE: SECTION 36, T14N R2W, YAVAPAI COUNTY. 3. BLM WILDERNESS INHOLDINGS. PROVISIONAL RESERVE: SECTION 16, T10N R13W; SECTION 16, T8N R11W; SECTION 32, T2N R11W; ALL IN LA PAZ COUNTY. SECTIONS 1-5, T1S R11W, YUMA COUNTY. SECTION 2, T11N R10W; SECTION 16, T11N R9W; N $\frac{1}{2}$  AND NW $\frac{1}{4}$ SW $\frac{1}{4}$  OF SECTION 14, SECTION 29, T9N R3W; ALL IN YAVAPAI COUNTY. SECTIONS 16, 32, T4N R8W, MARICOPA COUNTY. SECTION 36, T11S R19E; SECTIONS 19, 20, 29, 31, T11S R20E; ALL IN GRAHAM COUNTY. 4. BUCKHORN MOUNTAIN STATE PARK. PERMANENT RESERVE: SECTION 23, T13N R20W, MOHAVE COUNTY. 5. BURRO CREEK. PERMANENT RESERVE: SECTIONS 28, 33-35, T16.5N R9W; SECTIONS 5, 7, 8, 18, 19, T16N R9W; ALL IN YAVAPAI COUNTY. 6. CATALINA GALIURO CORRIDOR. PROVISIONAL RESERVE: SECTION 32, T11S R20E, GRAHAM COUNTY. E $\frac{1}{2}$  OF SECTION 1, SECTIONS 12, 13, E $\frac{1}{2}$  AND SW $\frac{1}{4}$  OF SECTION 14, SW $\frac{1}{4}$  OF SECTION 19, S $\frac{1}{2}$ NE $\frac{1}{4}$  AND S $\frac{1}{2}$  OF SECTION 20, S $\frac{1}{2}$ NE $\frac{1}{4}$  AND SE $\frac{1}{4}$  OF SECTION 21, SECTIONS 22-32, 34, 35, T12S R19E; SECTIONS 5-9, 16-18, T12S R20E; SECTIONS 1, 2, NE $\frac{1}{4}$  OF SECTION 3, SECTIONS 5-12, 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$  OF SECTION 15, SECTIONS 16-21, 29, 30, T13S R19E; SECTIONS 5-7, NW $\frac{1}{4}$ SW $\frac{1}{4}$  OF SECTION 8, T13S R20E; ALL IN COCHISE COUNTY. SECTIONS 1, 3-5, 8-16, 21-23, 25-27, T13S R18E, PIMA COUNTY. 7. CATALINA STATE PARK. PROVISIONAL RESERVE: SW $\frac{1}{4}$  OF SECTION 16, SECTIONS 17, 18, 21, S $\frac{1}{2}$  OF SECTION 22, SW $\frac{1}{4}$  OF SECTION 23, T11S R14E, PIMA COUNTY. 8. CAVE CREEK RECREATION AREA. (A) PERMANENT RESERVE: E $\frac{1}{2}$ SE $\frac{1}{4}$  OF SECTION 23, E $\frac{1}{2}$  OF SECTION 26, SECTION 36, T6N R3E, MARICOPA COUNTY. (B) PROVISIONAL RESERVE: SEC-

TIONS 29, 32, T6N R4E, MARICOPA COUNTY. 9. CENTENNIAL FOREST. (A) EDUCATIONAL RESERVE: SECTIONS 21, 22, 26-28, 31-34, T21N R6E; SECTION 2, T21N R8E; SECTIONS 2, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, T20N R5E; SECTIONS 2, 4-6, 8, 10, 17, 18, 20, 28, 30, 32, 34, T20N R6E; SECTION 3, T19N R5E; SECTIONS 5, 6, T19N R6E; ALL IN COCONINO COUNTY. (B) PROVISIONAL RESERVE: SECTIONS 1-4, 9-16, T25N R6E; SECTIONS 1-18, T25N R7E; SECTIONS 4-9, 16-18, T25N R8E; ALL IN COCONINO COUNTY. 10. CIENEGA CREEK. (A) PERMANENT RESERVE: SECTIONS 35, 36, T16S R16E; SW $\frac{1}{4}$  OF SECTION 17, SECTIONS 18-20, S $\frac{1}{2}$  OF SECTION 21, SECTION 25, W $\frac{1}{2}$  OF SECTION 26, SECTIONS 27-33, THOSE PORTIONS OF SECTION 34 LYING NORTH OF INTERSTATE HIGHWAY 10, SECTIONS 35, 36, T16S R17E; SECTION 1, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$  AND E $\frac{1}{2}$ SE $\frac{1}{4}$  OF SECTION 2, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$  AND E $\frac{1}{2}$ SE $\frac{1}{4}$  OF SECTION 12, T17S R16E; THOSE PORTIONS OF SECTIONS 1-3 LYING NORTH OF INTERSTATE HIGHWAY 10, SECTIONS 4-9, 16, E $\frac{1}{2}$  OF SECTION 19, SECTIONS 29-32, T17S R17E; ALL IN PIMA COUNTY. SECTIONS 15, 16, 23, 26, 35, 36, T20S R18E, SANTA CRUZ COUNTY. (B) PROVISIONAL RESERVE: SECTIONS 10-16, E $\frac{1}{2}$  OF SECTION 17, N $\frac{1}{2}$  OF SECTION 21, SECTION 23, E $\frac{1}{2}$  OF SECTION 26, THOSE PORTIONS OF SECTION 34 LYING SOUTH OF INTERSTATE HIGHWAY 10, T16S R17E; THOSE PORTIONS OF SECTIONS 1-3 LYING SOUTH OF INTERSTATE HIGHWAY 10, SECTIONS 10-15, 17, 18, W $\frac{1}{2}$  OF SECTION 19, SECTIONS 20-28, 33-36, T17S R17E; THOSE PORTIONS OF SECTION 4 LYING SOUTH OF INTERSTATE HIGHWAY 10, SECTIONS 5-8, W $\frac{1}{2}$  OF SECTION 14, SECTIONS 15, 17-22, 27-36, T17S R18E; SECTIONS 24-26, 35, 36, T18S R16E; SECTIONS 1-3, 7, 10-16, 20-25, 27-30, 32-34, 36, T18S R17E; SECTIONS 2-11, 14-23, 26, 27, 29-35, T18S R18E; SECTIONS 1, 2, T19S R16E; SECTIONS 1-6, 16, 26, 35, 36, T19S R17E; SECTIONS 2-6, 8-10, 15, 16, 20, 21, 28, 29, 32, T19S R18E; ALL IN PIMA COUNTY. SECTIONS 1-3, 11-14, 23, T20S R17E; THOSE PORTIONS OF SECTION 2 LYING SOUTH OF STATE HIGHWAY 82, SECTIONS 6, 7, 10, 11, 13, 14, 18, 19, 24, 25, T20S R18E; ALL IN SANTA CRUZ COUNTY. 11. CONTINENTAL MOUNTAIN. PERMANENT RESERVE: SECTION 2, T6N R4E, MARICOPA COUNTY. 12. CORONADO NATIONAL MEMORIAL. PROVISIONAL RESERVE: SECTION 16, T24S R21E, COCHISE COUNTY. 13. DAISY MOUNTAIN. PERMANENT RESERVE: W $\frac{1}{2}$ SW $\frac{1}{4}$  OF SECTION 6, W $\frac{1}{2}$  OF SECTION 7, T6N R3E; S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$  AND SE $\frac{1}{4}$  OF SECTION 1, SECTION 12 EXCEPT FOR THE NW $\frac{1}{4}$ NW $\frac{1}{4}$  AND S $\frac{1}{2}$ S $\frac{1}{2}$ , T6N R2E; ALL IN MARICOPA COUNTY. 14. DRAGOON MOUNTAINS WILDLIFE CORRIDOR. PERMANENT RESERVE: SECTION 34, T18S R21E; SECTIONS 1-4, 9-12, 16, T19S R21E; SECTIONS 1-4, 7-12, T19S R22E; SECTIONS 26-28, 33-35, T18S R23E; SECTIONS 3-7, T19S R23E; ALL IN COCHISE COUNTY. 15. GLASSFORD HILL. (A) PERMANENT RESERVE: E $\frac{1}{2}$  OF SECTION 17, N $\frac{1}{2}$  AND N $\frac{1}{2}$ SE $\frac{1}{4}$  OF SECTION 20, T14N R1W, YAVAPAI COUNTY. (B) PROVISIONAL RESERVE: SECTION 8 EXCEPT FOR THE NE $\frac{1}{4}$ , SECTION 16 EXCEPT FOR THE E $\frac{1}{2}$ E $\frac{1}{2}$ ,

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



W $\frac{1}{2}$  OF SECTION 17, SE $\frac{1}{4}$  OF SECTION 18, NE $\frac{1}{4}$  OF SECTION 19, S $\frac{1}{2}$ S $\frac{1}{2}$  OF SECTION 20, T14N R1W, YAVAPAI COUNTY. 16. GOLD CANYON. PERMANENT RESERVE: SECTION 29 EXCEPT FOR THE SW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$  AND N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  OF SECTION 30, T1N R9E, PINAL COUNTY. 17. GRAND CANYON SCENIC CORRIDOR. PERMANENT RESERVE: SECTIONS 14, 23, 24, T28N R2E; SECTION 19, T28N R3E; ALL IN COCONINO COUNTY. 18. HOMOLOVI RUINS STATE PARK. PROVISIONAL RESERVE: SE $\frac{1}{4}$  OF SECTION 30, SECTIONS 32, 34, T20N R16E; SECTION 8, W $\frac{1}{2}$  OF SECTION 10, SECTIONS 16, 22, T19N R16E; ALL IN NAVAJO COUNTY. 19. IRONWOOD NATIONAL MONUMENT. PERMANENT RESERVE: SECTIONS 22-27, 34-36, T10S R8E; SECTIONS 19, 20, T10S R9E; ALL IN PINAL COUNTY. 20. KARTCHNER CAVERNS CORRIDOR. PERMANENT RESERVE: SECTION 36, T18S R19E; SECTION 19, S $\frac{1}{2}$  OF SECTIONS 32-34, T18S R20E; SECTION 1, T19S R19E; S $\frac{1}{2}$  OF SECTIONS 1 AND 2, SECTION 3, N $\frac{1}{2}$  OF SECTIONS 4-6, N $\frac{1}{2}$  OF SECTION 10, SECTIONS 11, 12, T19S R20E; SECTIONS 6, 7, T19S R21E; ALL IN COCHISE COUNTY. 21. KINGMAN. (A) PERMANENT RESERVE: SECTION 2 EXCEPT FOR THE E $\frac{1}{2}$ E $\frac{1}{2}$ , T21N R17W, MOJAVE COUNTY. (B) PROVISIONAL RESERVE: E $\frac{1}{2}$ E $\frac{1}{2}$  OF SECTION 2, T21N R17W, MOJAVE COUNTY. 22. LAKE HAVASU CITY. (A) PERMANENT RESERVE: S $\frac{1}{2}$ NE $\frac{1}{4}$  AND SE $\frac{1}{4}$  OF SECTION 32, T14N R19W; W $\frac{1}{2}$ NW $\frac{1}{4}$  AND SW $\frac{1}{4}$  OF SECTION 4, T13N R19W; ALL IN MOHAVE COUNTY. (B) PROVISIONAL RESERVE: N $\frac{1}{2}$ NW $\frac{1}{4}$  OF SECTION 13, N $\frac{1}{2}$ NE $\frac{1}{4}$  OF SECTION 14, T14N R20W; SW $\frac{1}{4}$  OF SECTION 20, T14N R19W; ALL IN MOJAVE COUNTY. 23. LAKE PLEASANT RECREATION AREA. (A) PERMANENT RESERVE: SECTIONS 35, 36, T7N R1E; SECTIONS 1, 2, N $\frac{1}{2}$  OF SECTIONS 11 AND 12, T6N R1E; ALL IN MARICOPA COUNTY. (B) PROVISIONAL RESERVE: SW $\frac{1}{4}$  OF SECTION 30 EXCEPT FOR THE NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 31 EXCEPT FOR THE S $\frac{1}{2}$ SE $\frac{1}{4}$ , T7N R2E; S $\frac{1}{2}$  OF SECTION 11, N $\frac{1}{2}$  AND N $\frac{1}{2}$ S $\frac{1}{2}$  OF SECTION 14, N $\frac{1}{2}$ SE $\frac{1}{4}$  OF SECTION 15, T6N R1E; ALL IN MARICOPA COUNTY. 24. LESLIE CREEK. PERMANENT RESERVE: SECTION 32, T20S R28E; SECTIONS 10, 13-16, 21-27, T21S R28E; ALL IN COCHISE COUNTY. 25. LITTLE COLORADO RIVER. PERMANENT RESERVE: SECTIONS 13-18, T8N R28E, APACHE COUNTY. 26. LOWER SAN PEDRO. (A) PERMANENT RESERVE: NE $\frac{1}{4}$  OF SECTION 36, T13S R19E; E $\frac{1}{2}$  OF SECTION 4, SW $\frac{1}{4}$  OF SECTION 10, NW $\frac{1}{4}$  OF SECTION 15, SE $\frac{1}{4}$ SW $\frac{1}{4}$  OF SECTION 32, T15S R20E, ALL IN COCHISE COUNTY. E $\frac{1}{2}$  OF SECTION 36, T5S R15E; SECTION 15, NE $\frac{1}{4}$  OF SECTION 16, SE $\frac{1}{4}$  OF SECTION 35, T7S R16E; NE $\frac{1}{4}$ NE $\frac{1}{4}$  OF SECTION 2, E $\frac{1}{2}$ NW $\frac{1}{4}$  AND SE $\frac{1}{4}$ SE $\frac{1}{4}$  OF SECTION 12, T8S R16E; E $\frac{1}{2}$  OF SECTION 32, T8S R17E; SW $\frac{1}{4}$ SW $\frac{1}{4}$  OF SECTION 32, T9S R18E; SECTION 5, W $\frac{1}{2}$ NW $\frac{1}{4}$  OF SECTION 9, SECTION 16, NW $\frac{1}{4}$  SECTION 21, T10S R18E; ALL IN PINAL COUNTY. 27. LYMAN LAKE STATE PARK. PROVISIONAL RESERVE: N $\frac{1}{2}$  OF SECTION 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$  OF SECTION 16, T11N R28E, APACHE COUNTY. 28. MALPAI. (A) PERMANENT RESERVE: SECTIONS 21, 22, 27-29, 33, T20S R30E; SECTIONS 2, 4, 9, 10, 14-16, 22,

25-27, 35, 36, T21S R30E; SECTION 31, T21S R31E; SECTIONS 1-3, 10, 11, T22S R30E; SECTIONS 5-10, 15-18, T22S R31E; E $\frac{1}{2}$  OF SECTION 10, SECTION 15, S $\frac{1}{2}$  OF SECTION 16, SECTIONS 21-24, 26-28, 33, 34, T23S R30E; E $\frac{1}{2}$  OF SECTION 33, SECTIONS 34, 35, T23S R31E; SE $\frac{1}{4}$ SE $\frac{1}{4}$  OF SECTION 1, SECTIONS 4, 7, 8, 15, 16, E $\frac{1}{2}$  OF SECTION 18, W $\frac{1}{2}$ E $\frac{1}{2}$  OF SECTION 19, SECTION 21, T24S R30E; SECTIONS 1-4, SW $\frac{1}{4}$  AND SW $\frac{1}{4}$ SE $\frac{1}{4}$  OF SECTION 6, SECTION 7 EXCEPT FOR THE NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SECTIONS 9-16, 18-24, T24S R31E; SECTIONS 6-8, 17-20, T24S R32E; ALL IN COCHISE COUNTY. (B) PROVISIONAL RESERVE: SECTION 34, T21S R30E; SECTIONS 11, 14, T23S R30E; ALL IN COCHISE COUNTY. 29. MCDOWELL SONORAN PRESERVE. (A) PERMANENT RESERVE: SECTION 1, E $\frac{1}{2}$ E $\frac{1}{2}$  OF SECTION 2, E $\frac{1}{2}$ E $\frac{1}{2}$  OF SECTION 11, SECTIONS 12, 13, E $\frac{1}{2}$ NE $\frac{1}{4}$  AND NE $\frac{1}{4}$ SE $\frac{1}{4}$  OF SECTION 14, E $\frac{1}{2}$  OF SECTION 24, T5N R5E; SECTIONS 1, 2, 11, 12, T3N R5E; ALL IN MARICOPA COUNTY. (B) PROVISIONAL RESERVE: THOSE LANDS LOCATED WITHIN T5N R5E AND T4N R5E, MARICOPA COUNTY, THAT WERE CLASSIFIED AS SUITABLE FOR CONSERVATION PURPOSES BY THE STATE LAND COMMISSIONER PURSUANT TO ORDER NO. 211-97/98 ON JANUARY 21, 1998, ORDER NO. 303-99/00 ON MAY 17, 2000, AND ORDER NO. 078-2001/2002 ON AUGUST 30, 2001, EXCEPTING THE RELEVANT PORTIONS OF APPROXIMATELY 1630 ACRES TO BE SOLD WITHOUT PATENT RESTRICTIONS PURSUANT TO ORDER NO. 078-2001/2002, AND EXCEPTING THOSE LANDS DESIGNATED AS PERMANENT RESERVE LANDS PURSUANT TO THIS PARAGRAPH. 30. MIDDLE VERDE. (A) PERMANENT RESERVE: SECTION 7, SECTION 16 EXCEPT FOR THE W $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$  OF SECTION 18, T16N R4E, YAVAPAI COUNTY; (B) PROVISIONAL RESERVE: E $\frac{1}{2}$ NE $\frac{1}{4}$  AND N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  OF SECTION 32, T15N R4E; E $\frac{1}{2}$ E $\frac{1}{2}$  OF SECTION 2, T14N R4E; NW $\frac{1}{4}$ NE $\frac{1}{4}$  OF SECTION 32, T14N R5E; ALL IN YAVAPAI COUNTY. 31. OBSERVATORY MESA. (A) PERMANENT RESERVE: SECTION 12, T21N R6E; SECTION 18, T21N R7E; ALL IN COCONINO COUNTY. (B) PROVISIONAL RESERVE: SECTIONS 6, 8, T21N R7E, COCONINO COUNTY. 32. ORACLE. (A) PERMANENT RESERVE: SECTIONS 22, 27, 30, 31, 34, T9S R16E; SECTION 24, T10S R14E; SECTIONS 4, 5, S $\frac{1}{2}$ SW $\frac{1}{4}$  AND SW $\frac{1}{4}$ SE $\frac{1}{4}$  OF SECTION 8, SECTIONS 9, 10, 17, T10S R15E; ALL IN PINAL COUNTY. (B) PROVISIONAL RESERVE: SECTIONS 31, 32, SECTION 33 EXCEPT FOR THE NE $\frac{1}{4}$ , SW $\frac{1}{4}$  OF SECTION 34, T9S R15E; SECTION 16, T9S R16E; SECTION 3, T10S R15E; ALL IN PINAL COUNTY. 33. PATAGONIA LAKE STATE PARK. (A) PERMANENT RESERVE: THOSE STATE TRUST LANDS SURROUNDING PATAGONIA LAKE STATE PARK, LYING WITHIN THE LUIS MARIA BACA FLOAT #3 AND THE SAN JOSE DE SONOITA LAND GRANTS, ALL IN SANTA CRUZ COUNTY. 34. PHOENIX SONORAN PRESERVE. (A) PERMANENT RESERVE: N $\frac{1}{2}$  AND SE $\frac{1}{4}$  OF SECTION 7, W $\frac{1}{2}$  OF SECTION 15, NW $\frac{1}{4}$  AND S $\frac{1}{2}$  OF SECTION 16, N $\frac{1}{2}$ NE $\frac{1}{4}$  OF SECTION 17, S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$  AND S $\frac{1}{2}$  OF SECTION 19, SW $\frac{1}{4}$ SW $\frac{1}{4}$  OF SECTION 20, T5N R3E; W $\frac{1}{2}$  OF SECTION 29, T5N R2E; ALL IN MARICOPA

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COUNTY. (B) PROVISIONAL RESERVE: THOSE LANDS LOCATED WITHIN T4N R3E, T5N R2E, T5N R3E, T6N R2E, AND SECTIONS 6 AND 7 OF T5N R4E, MARICOPA COUNTY, THAT WERE CLASSIFIED AS SUITABLE FOR CONSERVATION PURPOSES BY THE STATE LAND COMMISSIONER AS OF JUNE 26, 2002, AS SUCH CLASSIFICATIONS WERE AMENDED BY ORDER NO. 361-2001/2002 ON JUNE 26, 2002, AND EXCEPTING THOSE LANDS DESIGNATED AS PERMANENT RESERVE LANDS PURSUANT TO THIS PARAGRAPH. 35. PICACHO MOUNTAINS. (A) PERMANENT RESERVE: SECTION 36, T6S R9E; SECTIONS 31-33, T6S R10E; SECTIONS 1, 12, 13, 24, 25, THOSE PORTIONS OF SECTION 34 LYING EAST OF THE CAP CANAL, SECTIONS 35, 36, T7S R9E; SECTIONS 4, 9, 16, 19-21, T7S R10E; SECTION 1, THOSE PORTIONS OF SECTION 4 LYING EAST OF THE CAP CANAL, THOSE PORTIONS OF SECTION 9 LYING EAST OF THE CAP CANAL, SECTIONS 12, 13, THOSE PORTIONS OF SECTION 16 LYING EAST OF THE CAP CANAL, THOSE PORTIONS OF SECTION 21 LYING EAST OF THE CAP CANAL, SECTIONS 24, 25, 28, 33-36, T8S R9E; SECTION 3, T9S R9E; ALL IN PINAL COUNTY. 36. PICACHO PEAK STATE PARK. (A) PERMANENT RESERVE: SECTION 4, THOSE PORTIONS OF SECTION 10 LYING NORTH OF INTERSTATE HIGHWAY 10 EXCEPT FOR ANY LANDS UNDER COMMERCIAL LEASE AS OF THE EFFECTIVE DATE OF THIS SECTION 12 OF ARTICLE X, CONSTITUTION OF ARIZONA, SECTION 16, T9S R9E, PINAL COUNTY. (B) PROVISIONAL RESERVE: SECTIONS 5, 8, THOSE PORTIONS OF SECTION 10 LYING SOUTH OF INTERSTATE HIGHWAY 10, SECTIONS 17, 20, T9S R9E, PINAL COUNTY. 37. RAINBOW VALLEY. PROVISIONAL RESERVE: SECTION 13, T2S R1W; SECTIONS 21, 28, T3S R1W; SECTION 2, T4S R1E; ALL IN MARICOPA COUNTY. 38. RINCON VALLEY. (A) PERMANENT RESERVE: SECTIONS 17-20, 28-33, T15S R17E; SECTIONS 5-7, T16S R17E; ALL IN PIMA COUNTY. (B) PROVISIONAL RESERVE: SECTION 7, T15S R17E, PIMA COUNTY. 39. SAGUARO NATIONAL PARK. PROVISIONAL RESERVE: SECTION 36, T12S R11E; SECTION 32, T12S R12E; SECTION 32, T13S R11E; SECTIONS 16, 28, 32, 33, T13S R12E; ALL IN PIMA COUNTY. 40. SAN TAN MOUNTAINS REGIONAL PARK. PERMANENT RESERVE: SECTIONS 10, 15, T3S R7E, PINAL COUNTY. 41. SANTA CRUZ WILDLIFE CORRIDOR. (A) PERMANENT RESERVE: SECTION 36, T19S R13E; SECTION 31, T19S R14E; ALL IN PIMA COUNTY. SECTIONS 1-4, 11, 13, 20, 24, T20S R13E, SANTA CRUZ COUNTY. (B) PROVISIONAL RESERVE: SECTIONS 32-35, T19S R13E, PIMA COUNTY. SECTIONS 10, 14-17, 23, T20S R13E, SANTA CRUZ COUNTY. 42. SANTA RITA EXPERIMENTAL RANGE. (A) EDUCATIONAL RESERVE: SECTIONS 33-36, T17S R14E; SECTIONS 31-35, T17S R15E; SECTIONS 24, 25, T18S R13E; SECTIONS 1-4, 9-16, 21-36, T18S R14E; SECTIONS 3-9, 16-21, 26-34, T18S R15E; SECTIONS 1-6, 9-16, 23, T19S R14E; SECTIONS 3-10, 16-18, T19S R15E; ALL IN PIMA COUNTY. 43. SAWTOOTH. PERMANENT RESERVE: SECTIONS 24, 25, 35, NW¼ AND

W½SW¼ OF SECTION 36, T9S R6E; SECTIONS 2, 10, T10S R6E; ALL IN PINAL COUNTY. 44. SAN PEDRO RIPARIAN NCA. (A) PERMANENT RESERVE: SECTIONS 34-36, T22S R22E; SECTIONS 29, 31, 32, T22S R23E; SECTION 2, T23S R20E; SECTION 23, T23S R22E; ALL IN COCHISE COUNTY. (B) PROVISIONAL RESERVE: SECTIONS 26, 27, 35, T21S R21E; SECTIONS 1, 12, 13, T22S R21E; NE¼SE¼ OF SECTION 3, SECTIONS 10, 16, T22S R22E; SECTION 11, T23S R22E; ALL IN COCHISE COUNTY. 45. SIERRITA MOUNTAINS. PROVISIONAL RESERVE: SECTIONS 32-34, 36, T17S R10E; SECTIONS 2-5, 8-10, 14, 16, 17, 20, 21, 23, 25-29, 32-36, T18S R10E; SECTIONS 19, 26, 28, 29, 31-36, T18S R11E; W½ OF SECTION 30, T18S R12E; SECTIONS 1-5, 8-36, T19S R10E; SECTIONS 2-5, 7-14, 17-36, T19S R11E; SECTIONS 2, 3, S½ OF SECTIONS 4 AND 5, SECTIONS 6-11, 13-20, 22-24, 31, 32, T19S R12E; SECTIONS 6, 7, 18, 19, T19S R13E; SECTIONS 13, 23-25, T20S R9E; SECTIONS 1-9, 11, 12, 14, N½ OF SECTION 17, N½ AND N½SW¼ OF SECTION 18, SECTIONS 21, 23, 26, 27, N½ OF SECTION 31, SECTIONS 33-35, T20S R10E; SECTIONS 2-8, SECTIONS 13, 14, N½ OF SECTIONS 17 AND 18, SECTIONS 22-26, 28, 31-33, 36, T20S R11E; SECTIONS 1-3, 10, 11, W½E½ AND W½ OF SECTION 12, N½ OF SECTION 13, SECTIONS 14, NW¼ AND S½ OF SECTION 18, N½ OF SECTION 19, SECTIONS 20, 21, T21S R10E; SECTIONS 5, 6, T21S R11E; ALL IN PIMA COUNTY. SECTIONS 6, 7, 10, 11, 15-21, W½ OF SECTION 26, SECTIONS 27-33, T20S R12E, SANTA CRUZ COUNTY. 46. SPRINGERVILLE GRASSLANDS. (A) PERMANENT RESERVE: E½ OF SECTION 7, NW¼ OF SECTION 8, SECTION 17, E½ OF SECTION 18, SECTION 19, N½ AND SE¼ OF SECTION 20, T9N R29E; SECTIONS 1, 2, 11-14, T8N R27E; SECTION 1, SECTION 2 EXCEPT FOR THE N 920 FEET AND W 700 FEET OF SW¼SW¼, E½, NW¼ AND N½SW¼ OF SECTION 5, SECTION 6, NE¼ OF SECTION 11, NW¼ OF SECTION 12, T8N R28E; ALL IN APACHE COUNTY. (B) PROVISIONAL RESERVE: SECTIONS 25, 36, T9N R27E; SECTION 19 EXCEPT FOR THE NE¼NW¼ AND W½NW¼, SECTIONS 20, 21, 28-33, T9N R28E; SECTIONS 3, 4, SE¼SW¼ OF SECTION 5, SECTIONS 8-10, T8N R28E; ALL IN APACHE COUNTY. 47. SPUR CROSS RANCH CONSERVATION AREA. (A) PERMANENT RESERVE: SECTION 4, S½NE¼ AND N½SE¼ OF SECTION 7, N½ AND N½NW¼SW¼ OF SECTION 8; N½ AND N½S½ OF SECTION 9, T6N R4E, MARICOPA COUNTY. (B) PROVISIONAL RESERVE: SECTION 1, SE¼ SECTION 2, T6N R3E; S½NW¼SW¼ AND SW¼SW¼ AND NE¼SE¼ SECTION 8, S½S½ OF SECTION 9, SECTION 16, T6N R4E; ALL IN MARICOPA COUNTY. 48. SUPERSTITION MOUNTAINS. (A) PERMANENT RESERVE: SECTIONS 31-36, T1N R10E; SECTIONS 1-6, N½ OF SECTION 8, SECTIONS 9-16, 21-23, 27, E½ OF SECTION 28, NE¼NE¼ OF SECTION 33, NW¼NW¼ OF SECTION 34, T1S R10E; ALL IN PINAL COUNTY. (B) PROVISIONAL RESERVE: N½ OF SECTION 34, SECTIONS 35, 36, T1N R9E, PINAL COUNTY. 49. TORTOLITA FAN. PROVISIONAL RESERVE: SECTIONS 1-3, THOSE PORTIONS OF SECTIONS 4, 9, AND 10 LYING EAST OF THE CAP

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

CANAL, SECTIONS 11-15, THOSE PORTIONS OF SECTIONS 23 AND 24 LYING EAST OF THE CAP CANAL, T11S R11E; SECTIONS 6, 7, 18, 19, N½ AND SW¼ OF SECTION 20, W½ OF SECTION 29, SECTIONS 30, 31, N½ OF SECTIONS 32 AND 33, NW¼ OF SECTION 34, T11S R12E; ALL IN PIMA COUNTY. 50. TORTOLITA MOUNTAIN PARK. (A) PERMANENT RESERVE: E½ AND S½SW¼ OF SECTION 32, SECTION 33, T10S R12E, PINAL COUNTY. SECTIONS 2-5, 8-17, NE¼ OF SECTION 23, SECTION 24, T11S R12E, PIMA COUNTY. (B) PROVISIONAL RESERVE: SECTIONS 1-5, 10-13, 16, T11S R13E, PIMA COUNTY. 51. TUCSON MOUNTAIN PARK. PROVISIONAL RESERVE: SECTION 2, T14S R12E; SECTION 33, T14S R13E; SECTION 11, T15S R13E; ALL IN PIMA COUNTY. 52. TUMAMOC HILL. PROVISIONAL RESERVE: SECTIONS 9, 10, 15, 16, T14S R13E, PIMA COUNTY. 53. UPPER CHINO VALLEY GRASSLANDS. (A) PERMANENT RESERVE: SECTIONS 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, T21N R5W; SECTIONS 20, 28, 30, 32, T21N R4W; SECTIONS 2, 4, 10, 12, 14, 16, 22, 24, 26, ALL OF THE LAND LYING NORTH AND EAST OF THE NWSE DIAGONAL OF SECTION 28, SECTION 36, T20N R5W; SECTIONS 4, 6, 10, 16, 18, 20, 22, 26, 28, 30, 34, 36, T20N R4W; SECTIONS 2, 6, 8, 12, 16, 20, 24, 26, 28, 30, 32, 34, 36, T19N R4W; SECTION 30, T19N R3W; SECTIONS 10, 12, 14, 22, 24, 26, 28, 36, T18N R4W; SECTIONS 6, 14, 18, 24, 28, 30, 32, 34, T18N R3W; SECTION 20, T18N R2W; SECTION 2, T17N R4W; SECTIONS 2, 10, 12, 14, 16, 20, 22, N½ OF SECTIONS 26 AND 28, T17N R3W; SECTIONS 6, 8, 18, T17N R2W; ALL IN YAVAPAI COUNTY. (B) PROVISIONAL RESERVE: SECTIONS 2, 4, E½ OF SECTION 6, SECTIONS 8, 10, 12, T21N R5W; SECTION 18, T19N R4W; SECTIONS 20, 28, 34, T19N R3W; SECTIONS 4, 10, T17N R4W; ALL IN YAVAPAI COUNTY. 54. VERDE HEADWATERS. (A) PERMANENT RESERVE: SECTION 32, T18N R1W; SECTIONS 1, 3, 10, SECTION 11 EXCEPT FOR THE W½NE¼SW¼ AND E½W½SE¼, SECTIONS 12, 14, 23, T17N R2W; SECTIONS 5-7, T17N R1W; ALL IN YAVAPAI COUNTY. (B) PROVISIONAL RESERVE: SECTION 36, T18N R2W; SECTIONS 30, 31, T18N R1W; ALL IN YAVAPAI COUNTY. 55. WALNUT CANYON NATIONAL MONUMENT. (A) PERMANENT RESERVE: SECTIONS 22, 28, T21N R8E, COCONINO COUNTY. (B) PROVISIONAL RESERVE: SECTION 30, T21N R8E, COCONINO COUNTY. 56. WHITE TANKS. (A) PERMANENT RESERVE: SECTION 16, N½ OF SECTION 32, T2N R3W, MARICOPA COUNTY. (B) PROVISIONAL RESERVE: SECTION 36, T4N R4W; SECTION 31, T4N R3W; SECTIONS 1, 2, 11, 14, 23-26, 35, 36, T3N R4W; SECTIONS 1, 2, T2N R3W; ALL IN MARICOPA COUNTY. 57. WICKENBURG. (A) PERMANENT RESERVE: SECTION 32, T7N R4W, MARICOPA COUNTY. (B) PROVISIONAL RESERVE: SECTION 31, T8N R4W; THOSE LANDS LOCATED IN SECTIONS 7, 8, 16 AND 21 CLASSIFIED AS SUITABLE FOR CONSERVATION PURPOSES BY THE STATE LAND COMMISSIONER PURSUANT TO ORDER NO. 184-2001/2002 ON NOVEMBER 28, 2001, SECTIONS 24, 25, SECTION 26 EXCEPT FOR THE N½N½, SECTIONS 35, 36, T7N R5W; N½ OF SECTION 6, SEC-

TIONS 20, 21, T7N R4W; ALL IN MARICOPA COUNTY. 58. WOODY MESA. (A) PERMANENT RESERVE: SECTIONS 14, 22, T20N R6E, COCONINO COUNTY. (B) PROVISIONAL RESERVE: SECTION 12, T20N R6E; SECTION 6, T20N R7E; ALL IN COCONINO COUNTY. 59. WUPATKI NATIONAL MONUMENT. PERMANENT RESERVE: SECTIONS 24, 26, 36, T26N R8E; SECTIONS 20, 22, 26, 28, 30, 34, 36, T26N R9E; SECTION 30, T26N R10E; ALL IN COCONINO COUNTY. BOARD OF TRUSTEES MAY MAKE CORRESPONDING ADJUSTMENTS TO THE LEGAL DESCRIPTIONS OF THE EDUCATIONAL, PERMANENT, AND PROVISIONAL RESERVE LANDS PROVIDED IN THIS SECTION.

9. Maps of conservation reserve lands.

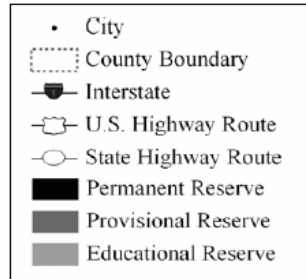
The following maps describe the lands designated as educational reserve lands, permanent reserve lands, and provisional reserve lands pursuant to section 8 of this proposition. These maps are provided for illustrative purposes only and the legal descriptions provided in section 8 of this proposition shall control in the event of any inconsistency.

1. Apache Junction
2. Badger Peak
3. BLM Wilderness Inholdings
4. Buckhorn Mountain State Park
5. Burro Creek
6. Catalina Galiuro Corridor
7. Catalina State Park
8. Cave Creek Recreation Area
9. Centennial Forest
10. Cienega Creek
11. Continental Mountain
12. Coronado National Memorial
13. Daisy Mountain
14. Dragoon Mountains Wildlife Corridor
15. Glassford Hill
16. Gold Canyon
17. Grand Canyon Scenic Corridor
18. Homolovi Ruins State Park
19. Ironwood National Monument
20. Kartchner Caverns Corridor
21. Kingman
22. Lake Havasu City
23. Lake Pleasant Recreation Area
24. Leslie Creek
25. Little Colorado River
26. Lower San Pedro
27. Lyman Lake State Park
28. Malpai
29. McDowell Sonoran Preserve
30. Middle Verde
31. Observatory Mesa
32. Oracle State Park
33. Patagonia Lake State Park
34. Phoenix Sonoran Preserve
35. Picacho Mountains
36. Picacho Peak State Park
37. Rainbow Valley
38. Rincon Valley
39. Saguaro National Park
40. San Tan Mountains Regional Park
41. Santa Cruz Wildlife Corridor

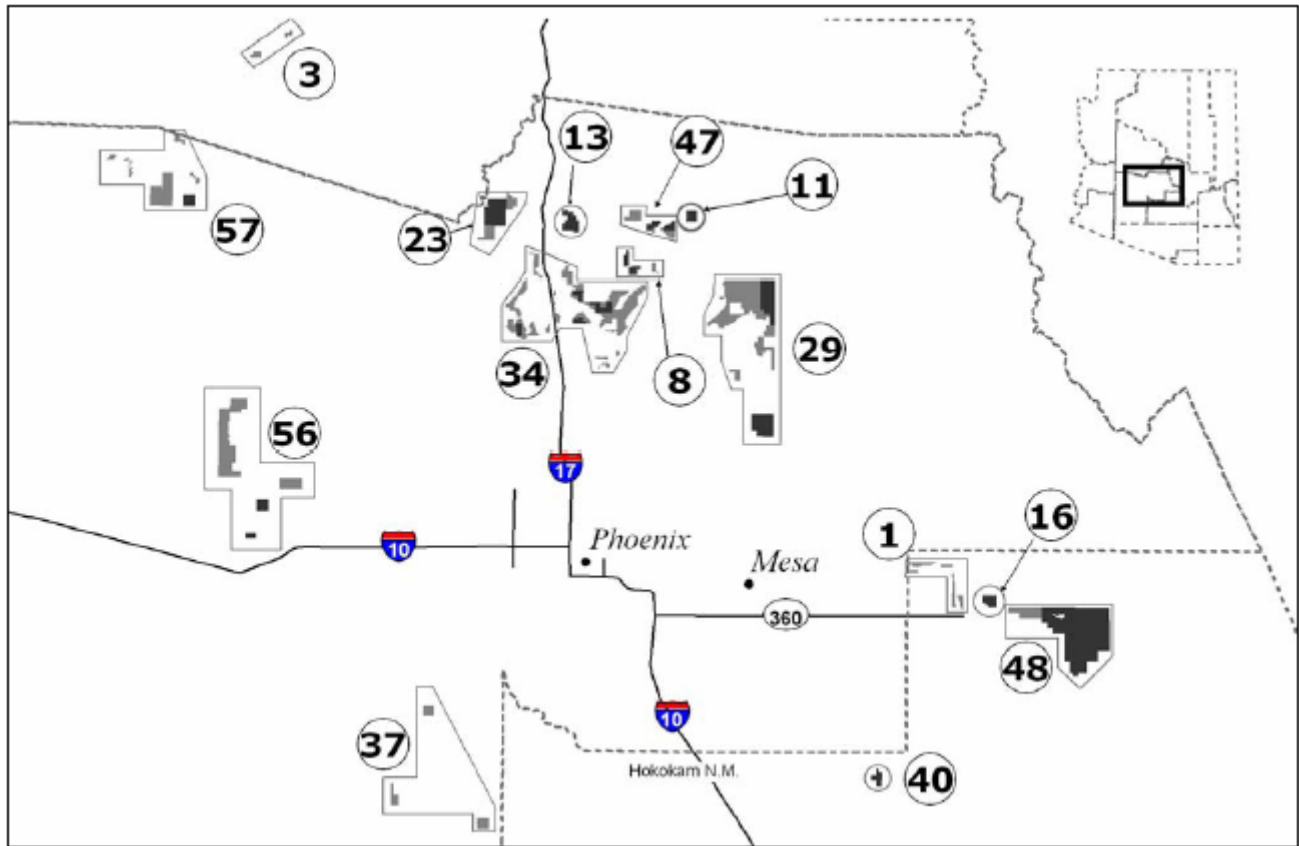
Spelling, grammar and punctuation were reproduced as submitted in the "for" and "against" arguments.

- 42. Santa Rita Experimental Range
- 43. Sawtooth
- 44. San Pedro Riparian NCA
- 45. Sierrita Mountains
- 46. Springerville Grasslands
- 47. Spur Cross Ranch Conservation Area
- 48. Superstition Mountains
- 49. Tortolita Fan
- 50. Tortolita Mountain Park

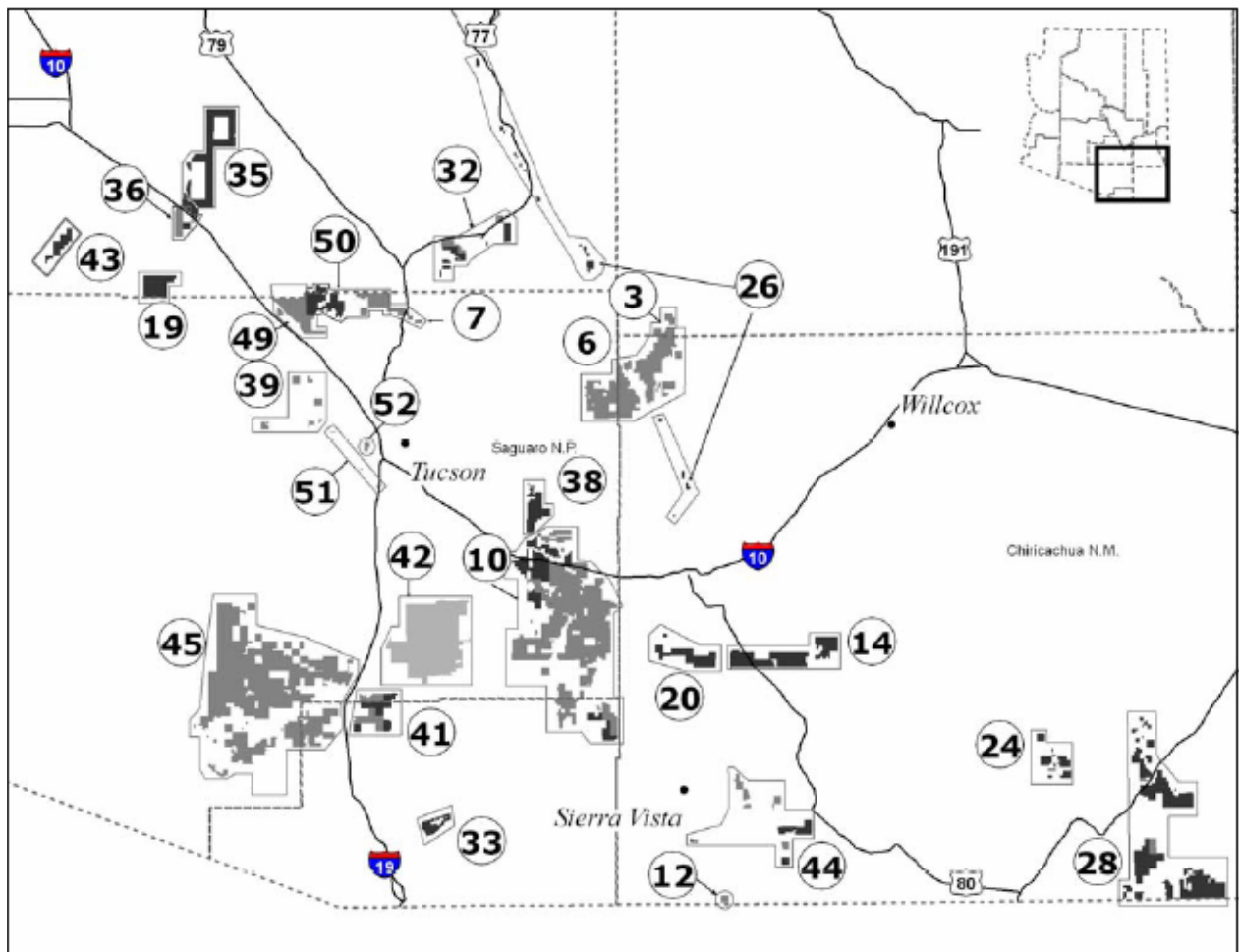
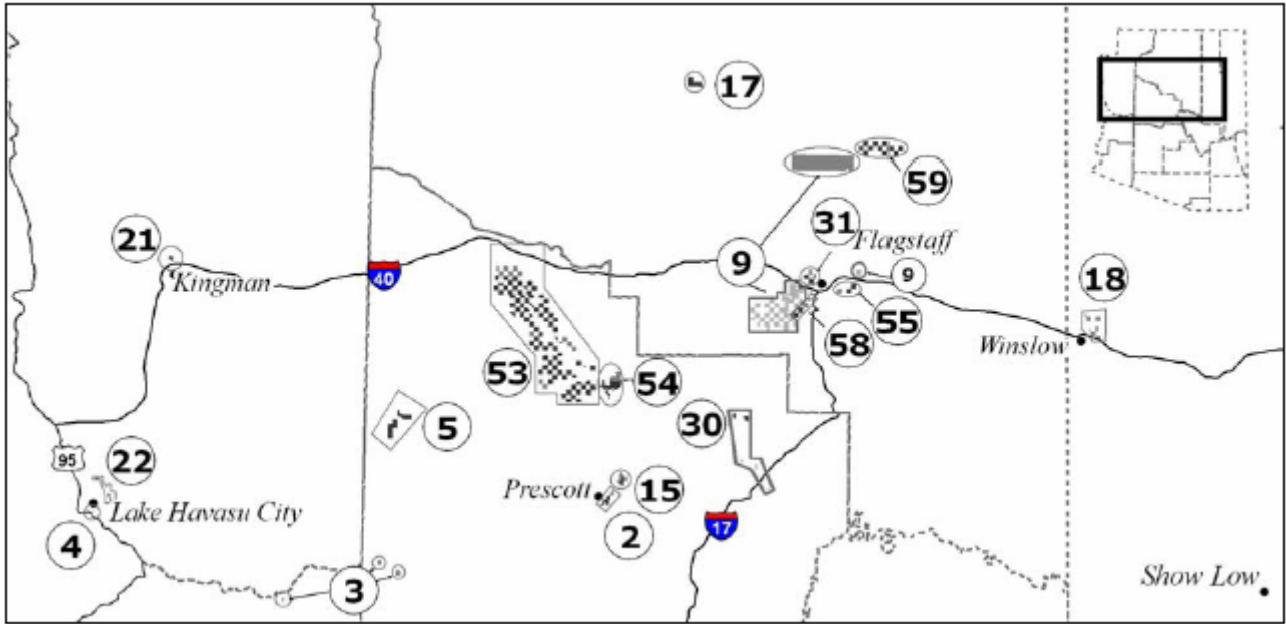
- 51. Tucson Mountain Park
- 52. Tumamoc Hill
- 53. Upper Chino Valley Grasslands
- 54. Verde Headwaters
- 55. Walnut Canyon National Monument
- 56. White Tanks
- 57. Wickenburg
- 58. Woody Mesa
- 59. Wupatki National Monument



PROPOSITION 106



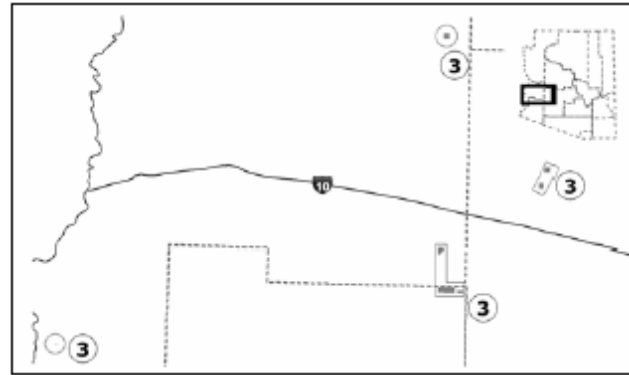
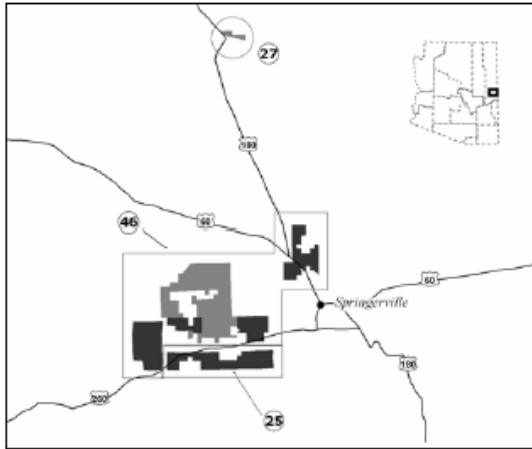
Spelling, grammar and punctuation were reproduced as submitted in the “for” and “against” arguments.



PROPOSITION 106

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

Issued by: Secretary of State Jan Brewer



10. Conditional enactment

This proposition is not effective unless on or before December 31, 2008, sections 20 through 35 of the Arizona-New Mexico Enabling Act (Act of June 20, 1910; 36 Stat. 568 through 579; chapter 310) are amended by Congress and signed into law to authorize the State of Arizona to fully implement and exercise the authorities provided by the amendments to the Constitution of Arizona proposed by sections 1 through 8 of this prop-

osition. On or before December 31, 2008, the state land commissioner shall notify the director of legislative council in writing whether this condition occurred and the date the enabling act was amended.

11. 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.

**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 10.9 million acres of land, referred to as "state trust land", to be held in trust for the benefit of the named beneficiaries, primarily the public schools, as well as other public institutions (colleges, hospitals, prisons, etc.). Both the Enabling Act and the Arizona Constitution provide that the state can lease or sell trust land, and the natural products (timber, minerals, etc.) of the land, to the "highest and best bidder" at advertised public auction and lands and products offered for sale must be appraised at and sold for not less than "true value".

Proposition 106 would amend the Arizona Constitution to:

1. Create a new seven member Board of Trustees appointed by the Governor, with the consent of the State Senate, to plan and dispose of all state trust lands. A majority of the members must have substantial involvement with public schools, such as university governance or administration, teaching or education advocacy. The costs associated with the Board are to be paid with a portion of the proceeds (5% - 8%) derived from the sale or lease of trust lands. Currently, all of the proceeds go to benefit schools and other beneficiaries of the state trust.
2. Create a Conservation Reserve, consisting of approximately 694,000 acres of state trust land, to be managed by a Board of Trustees. This trust land would no longer be available for sale to provide revenue for schools and other public institutions, although some revenue from leasing may be realized.
3. Generally the land in the Conservation Reserve must be restricted against "development" and be managed in a manner consistent with "conservation", but not required to be accessible to the public unless and until conveyed out of the state land trust, as those terms are defined in this proposal, and subject to the following:
  - a. Any lease, right-of-way or other use in existence when this provision is enacted may continue.
  - b. "Educational" reserve land may be conveyed to the Arizona Board of Regents for research and education. Buildings may be constructed on up to 50 acres of educational reserve land to support university programs.
  - c. "Permanent" reserve land may be conveyed by the Trustees to state or local governmental entities without payment, unless the land is leased for grazing.
  - d. "Provisional" reserve land may be conveyed by the Trustees to federal, state or local governmental entities or nonprofit conservation organizations upon payment of the true value of the land. Payment may be made in monetary or other forms of value that can be demonstrated by an appraisal. Provisional reserve lands not conveyed within a specified period of time may be removed from the Conservation Reserve and then treated in the same manner as other state trust land.
4. Allow the Board of Trustees to adopt a method for determining the "highest and best bid" that does not require the highest return to the state trust.

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

5. Provide that the Board of Trustees may convey title to state trust lands in exchange for an agreement to receive a share of anticipated gross revenues generated by the subsequent lease or sale of the land.
6. Allow the Board of Trustees to grant public rights-of-way over state trust land, without conducting an advertised public auction, in exchange for any form of value that can be demonstrated by an appraisal.
7. Require that land use planning for state trust lands be prepared in conjunction with the county, city or town where the land is located, according to generally applicable regulations that apply equally to similar private property in the jurisdiction. If the land use plan designates a part of the trust land for conservation, the Board of Trustees may convey that portion of the land to a state or local governmental entity without compensation, if the total compensation for all of the trust land subject to the plan is or will be at least equal to the "true value" of all of the subject land. The designated conservation land must be restricted against "development" and be managed in a manner consistent with "conservation" but not required to be accessible to the public unless and until conveyed out of the state land trust.
8. Allow the Board of Trustees to set aside a portion of the proceeds generated from state trust lands for the administration, management, planning and disposition of the land.

Proposition 106 does not become fully effective unless the United States Congress amends the Arizona-New Mexico Enabling Act prior to 2009 to authorize the changes contained in this proposal.

**FISCAL IMPACT STATEMENT**

State law requires the Joint Legislative Budget Committee (JLBC) Staff to prepare a summary of the fiscal impact of certain ballot measures. Proposition 106 contains provisions that may increase future revenues to state trust land beneficiaries and other provisions that may reduce revenues that otherwise would have been received by these beneficiaries. The proposition sets aside a percent of the proceeds from the disposition of state trust land for trust land administration. This provision may initially provide up to \$6 million annually from proceeds that would otherwise have been invested for the beneficiaries. The additional administrative funding may permit the state to prepare trust land parcels for sale or lease more quickly, which may accelerate revenues to beneficiaries. The value of land generally appreciates over time. If state trust land is sold earlier under the proposition, the longer term fiscal impact may depend, at least in part, on the rate of investment returns of the accelerated revenue compared to the sale price at a later date.

The proposition would permit certain parcels of trust land to be used for conservation without compensation. In this circumstance, the trust beneficiaries would not receive the proceeds from the sale of this land. The level of foregone revenue is difficult to predict in advance.

**ARGUMENTS "FOR" PROPOSITION 106**

**CONSERVING ARIZONA'S FUTURE  
A WIN-WIN SITUATION**

The Conserving Arizona's Future Initiative is supported by a wide range of Arizonans, including leading conservation organizations, teachers, educators, and both Republican and Democratic leaders. We all back this initiative because it gives us an opportunity to protect 690,000 acres of state trust land, manage the future growth of Arizona, and protect our open space, water and air. And it does all this while increasing essential funding for Arizona's public schools. Now is the time to protect our state trust land. Without this measure, Arizona could soon lose some of our most precious state lands to uncontrolled and unmanaged growth.

For those of us who care about saving Arizona's most beautiful places and making our beautiful State even a better place to live with even better education for our children, this is a win-win initiative. Please join me in voting YES on Conserving Arizona's Future.

Janet Napolitano, Governor, Phoenix

**Improve Trust Land Management – Increase Educational Funding**

Conserving Arizona's Future is a ballot measure that will promote increased funding to education through better management of state trust lands. Right now the state has approximately nine million acres of land that can be sold to benefit education. This land was given to the state by the federal government, and over the years has been used to generate a significant amount of funds for public education. However, the amount of money raised for education could be increased by better management of the sale of trust land. This year, 4% of the Classroom Site Fund came from sales of trust land, but this amount could grow to 25-50% by 2015. With the passage of this ballot measure, the sale of trust lands would provide a stable and significant funding source for classrooms.

Changes that the measure proposes are simply good business strategies. For example, a Board of Trustees will be created to oversee trust management. The Conserving Arizona's Future measure will also help increase the value of trust land by managing growth and preserving some land for conservation efforts. It will create a planning system that includes cities and towns, so that local areas will be involved in the process as well. Any planning conflicts will be resolved through an arbitration process, so that plans may proceed as efficiently as possible. By restructuring the management of trust lands, the state can increase the amount of funding that can be raised for public education.

Please vote your approval to quality education and sound state trust land management.

Phil Gordon, Mayor of Phoenix, Phoenix

*Paid for by "Conserving Arizona's Future"*

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*Issued by: Secretary of State Jan Brewer*

**PROPOSITION 106**



A Vote for a Sustainable Future

Arizona is a rapidly growing state. Some of the most beautiful natural areas are in the path of urban development. Although community growth can be a good thing, it is important that we proceed in a more sustainable manner.

The Conserving Arizona's Future initiative will help ensure that Arizona develops in a responsible and careful manner. This initiative would set aside 690,000 of state trust land for conservation purposes. The land would be split into permanent preserves, provisional preserves, and educational preserves. Over one-third of this land will be set aside for permanent preserves, which means that the land will be protected from development forever as soon as the ballot measure passes. Approximately one-half of the land will be turned into provisional preserves, which means that individuals may buy the land, but only if they agree to use the land for conservation purposes. The remainder of the land will be allocated for education reserves, which means the land will be transferred to universities for conservation and research management. Through this diverse approach, important natural resources in Arizona will be conserved in their natural state and managed through careful conservation and educational means.

Help Arizona grow responsibly by voting YES on Conserving Arizona's Future.

Mayor Mary Manross, City of Scottsdale, Scottsdale

*Paid for by "Conserving Arizona's Future"*

On Behalf of the CAF Committee

The Conserving Arizona's Future coalition is made up of more than 100 organizations and individuals representing thousands of Arizona citizens who worked hard to qualify this measure for the ballot. Over the last five years, leaders of these groups have worked to craft a measure we believe benefits important conservation AND education efforts in Arizona.

This initiative conserves nearly 700,000 acres of natural areas and critical water supplies, manages growth by requiring cooperative planning with local communities, and protects a critical education funding stream that goes directly to our classrooms. We believe better planning, public oversight and conservation of important urban and rural lands will increase the value of the trust and improve the quality of life for all Arizonan's. This initiative achieves all those things.

Eleven million acres of state trust land was granted to Arizona at statehood to be sold or leased for designated beneficiaries. There are thirteen public institutions, the largest one being our K-12 schools that benefit from the investments made off the sale or lease of these lands. We must take stewardship of that trust and of our future seriously. Arizona is a vast and beautiful state, but it is developing at a rapid rate. We can't afford uncontrolled and unplanned development that threatens that beauty, and we must safeguard our education funding in order to provide the best possible education for our children.

The members of the coalition represented by the Nature Conservancy in Arizona, the Sonoran Institute, the Arizona Education Association, Arizona Public Service and Valley Partnership urge you to **vote YES on Conserving Arizona's Future**. We need to act now to conserve land, control development and protect education funding.

John H. Wright, III, Treasurer, Conserving  
Arizona's Future, President, Arizona Education  
Association, Phoenix

Patrick Graham, Chairman, Conserving  
Arizona's Future, Glendale

*Paid for by "Conserving Arizona's Future"*

Pro-Statement – AEA

The Arizona Education Association represents over 35,000 teachers and support professionals statewide. For the past five years we have been engaged in a coalition effort of education, conservation and business interests to provide Arizona the opportunity to conserve and protect nearly 700,000 acres of open space; give communities the power to control growth; and protect funding for public education.

Arizona's founding fathers had the foresight to set aside valuable land primarily to benefit children attending our public schools. Through our vote, we have the power to continue this legacy by ensuring a strong educational system, a healthy environment and responsible growth. This initiative is a win for all of Arizona.

Conserving Arizona's Future is truly about safeguarding the natural beauty of our state and managing our assets responsibly to benefit our public schools. The people of Arizona have a chance to make a difference in our quality of life for generations to come. Vote YES on Conserving Arizona's Future. Our communities, our schools and our children depend upon your support.

John H. Wright, III, President, Arizona  
Education Association, Phoenix

Andrew Morrill, Vice President, Arizona  
Education Association, Chandler

*Paid for by "Arizona Education Association"*

Protecting the Needs of Our Children

Your state fire fighters are committed to the well-being of our state's most precious commodity – our children. Conserving Arizona's Future is truly about protecting the needs of our children for generations to come.

Arizona's founding fathers had the foresight to set aside valuable land to benefit children attending public

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schools. Through our vote, we have the power to continue this legacy by ensuring a strong educational system, a healthy environment and responsible growth.

In addition to protecting 690,000 acres of conserved trust land, the Conserving Arizona's Future efforts will increase funding for our public education system. This funding will provide better resources for the drop-out prevention program, reduce class size and supplement teacher pay in order to attract the most qualified teachers for the benefit of our children.

The protected trust lands will provide recreational opportunities for our families such as hiking, camping, hunting and fishing. This effort also protects land, water and air in Arizona's wildlife areas.

Please vote YES for the Conserving Arizona's Future initiative. Our unique and captivating scenery will be preserved and additional funding for our schools will provide quality educational standards for students of all ages.

Billy Shields, Chairman, United Phoenix Fire  
Fighters, Phoenix

John Teefy, Secretary, United Phoenix Fire  
Fighters, Phoenix

*Paid for by "United Phoenix Firefighters"*

#### Quality of Life Preservation

The Phoenix Law Enforcement Association, representing your Phoenix Police Officers, urges your support for the Conserving Arizona's Future state trust land initiative. This initiative addresses quality of life issues for generations to come.

The sale and leasing of State Trust Lands provides a significant funding source for our students, teachers and classrooms.

Monies distributed from the Classroom Site Fund currently provide \$12.40 per student. Voter approval of the "Conserving Arizona's Future" initiative will assist in increasing these classroom revenues at a greater rate and provide a stable and predictable funding source for years to come. Smaller classrooms, supplemental teacher pay and a strong drop-out prevention program are benefits of the Classroom Site Fund.

Arizona families will be able to enjoy many recreational benefits such as camping and hiking in areas including Catalina State Park, Gold Canyon, Ironwood National Monument, Lake Pleasant, Homolovi Ruins State Park, Picacho Peak State Park, Burro Creek and the Grand Canyon Scenic Corridor.

Further provisions in the "Conserving Arizona's Future" initiative ensures fair market value on trust lands, improves the bidding process and implements an arbitration process for quicker conflict resolution.

Please vote YES for open space preservation and quality education. Vote YES for "Conserving Arizona's Future."

Jake Jacobsen, Chairman, Phoenix Law  
Enforcement Association, Scottsdale

Michelle Monaco, Vice President, Phoenix Law  
Enforcement Association, Peoria

*Paid for by "Phoenix Law Enforcement Association"*

#### Exceptional Education for Arizona's Children

Passing the Conserving Arizona's Future initiative is important for education in Arizona. This measure alone provides the right balance between conserving Arizona's recreational and open spaces for all and generating funds for education as intended by the Arizona Constitution. While protecting 690,000 acres of trust lands, the measure would greatly benefit public education. Trust land controlled by the State of Arizona sold off to raise money for education. This initiative would set aside a sizeable amount of land to preserve for future generations to enjoy, but keep the majority of trust land available for sale.

In addition, the measure would improve how the government handles the sale of trust land for education. By providing better planning and management of trust lands, Arizona will be able to maximize open space as well as funding for public schools.

This additional money will provide crucial educational benefits to students. Money will be given to fund drop-out prevention programs, reduce class size and supplement teacher pay so that we can attract the most qualified individuals for our schools. Previous voter-approved initiatives mandate that this money is to be used to supplement educational funds appropriated by the legislature, and cannot be used by the government for any other purpose. The benefits from this measure are to the environment and education. Both are important for future generations, which explains why so many diverse groups of Arizonans support this measure.

David P. Roberts, Teacher, Phoenix

*Paid for by "Conserving Arizona's Future"*

#### Teachers Support Conserving Arizona's Future

At statehood, Arizona was granted over 9 million acres of State Trust Land. Our public schools are the primary beneficiaries of any funding obtained from the sale or lease of these state trust lands. Each year the State Land Trust generates tens of millions of dollars that is deposited directly into the Classroom Site Fund to supplement teacher pay, fund drop-out prevention programs, and help reduce class size.

As teachers, we helped collect over 280,000 signatures from communities around the state because we believe in protecting this investment in our children's future and ensuring that some of Arizona's parks, natural areas, and water are protected for generations to come.

The Conserving Arizona's Future ballot initiative will conserve and protect 690,000 acres of land, require

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state and local communities to cooperate in planning, improve management of the trust to enhance its value, and protect and guarantee education funding for our public schools.

This initiative provides a win-win situation for our communities, our schools and our children. We have the opportunity to preserve our desert and mountain environments and increase essential classroom funding at the same time. We need to act now to conserve land, control development, and improve education funding.

**Vote yes to "Conserve Arizona's Future!"**

Michael Gordy, Tucson

Herbert N. Weil, III, Glendale

Frank Bing, Chandler

Nidia Lias, Chandler

Judy Moy, Avondale

David R. Wright, Holbrook

William R. Rhodes, Yuma

Janie Hydrick, Chandler

*Paid for by "Arizona Education Association"*

Annie K. Crego, Flagstaff

Jayne Weagle, Phoenix

Nancy Putman, Scottsdale

Michael Conway, Mesa

Moira Greene, Tucson

Robert Garcia, Phoenix

Sarah A. Rosén, Sierra Vista

Conserving Arizona's Future is supported by educators from all across our great state. We understand the importance of conserving our land and water, and making sure Arizona remains a beautiful state to raise our children and grandchildren.

Education Support Professionals are school bus drivers, cafeteria workers, secretaries, technology assistants, teacher's aides and maintenance workers. We help support children every day in our public schools so they can get the quality education they deserve. That's why we support Conserving Arizona's Future. This initiative will conserve nearly 700,000 acres across our state and provide more funding for our schools. We can all be a part of a better future for our kids and our communities. Vote YES on Prop 106, Conserving Arizona's Future.

Andrea Haber, Tucson

Michael L. Still, Glendale

*Paid for by "Arizona Education Association"*

Richard Berumer, Tempe

Debbie A. Montes, Marana

Valley Forward Association strongly supports "Conserving Arizona's Future", a critical state trust land reform package that will preserve our natural resources and increase funding for education.

Our 37-year-old environmental public interest group focuses exclusively on the balance between economic growth and environmental quality, which is the cornerstone of "Conserving Arizona's Future." This important initiative was years in the making and involved input from a broad-based coalition of conservationists, educators and business leaders.

If approved, it would:

- Conserve and protect some 690,000 acres of trust land for immediate or future protection from development;
- Require the State Land Department to cooperate with local communities for planning and conservation of state trust lands, and provide local authorities the power to limit and control development;
- Protect and guarantee an essential classroom funding stream, ensuring better schools for Arizona.

Currently, the state has 9 million acres of trust land that it may someday sell to benefit education. The trust land derives from federal land that was given to Arizona at statehood, with the proviso that it be sold for the "highest and best use" to fund education. That has limited the auction of the land to those who can pay the most.

Existing laws force municipalities and conservation groups to compete with deep-pocket developers for some of the state's most desirable remaining desert. "Conserving Arizona's Future" would allow voters to directly save some of the state's most environmentally significant lands – critical wildlife habitats, geographic formations and scenic vistas – while allowing the majority of trust land to remain available for sale, benefiting educational funding.

Valley Forward urges your "YES" vote on this important measure. Let's make sure the land that now lies in the path of urban sprawl is preserved. Future generations are counting on us!

Joan Eisenhauer, 2006 Chair of the Board,  
Valley Forward, Waddell

Diane Brossart, President, Valley Forward,  
Scottsdale

*Paid for by "Conserving Arizona's Future"*

### **Conserving Arizona's Future Initiative - Pro Statement**

The Conserving Arizona's Future Initiative (CAFI) would increase revenue to public schools, while protecting some of Arizona's most scenic and environmentally important land for future generations.

Arizona holds more than nine million acres of land in trust, primarily for the benefit of public schools. Yet the state does not receive an adequate stream of income from the land because it lacks the tools and resources to manage and market the land effectively. CAFI would improve the way state trust lands are managed by requiring that the lands be planned in conjunction with the land use plans of local governments. It would create a Board of Trustees, whose members would have substantial involvement in public education, with new powers and funding to manage the lands. At the same time, CAFI would protect approximately 694,000 acres of land trust land from

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development, something that is not currently permitted. Much of this land is located near state and national parks, monuments, and preserves.

The legislature has put its own rival State Land Trust Reform referendum on the ballot. If passed this law would give the state legislature, instead of a Board of Trustees, the power over how much land is sold and/or set aside for conservation. Initially, only 43,000 acres would be set aside now and no more than 400,000 could be set aside in the future. It would not improve the funding inadequacies of the State Land Department.

The League of Women Voters of Arizona urges all citizens to vote for the Conserving Arizona's Future Initiative instead of the legislature's proposition. CAFI is more likely to ensure a steady flow of funding to our schools and to protect more of our most beautiful land.

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

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

*Paid for by "League of Women Voters of Arizona"*

#### Protect Arizona's Natural Beauty

Arizonans statewide have the unique opportunity to preserve a network of important natural areas—precious forests, deserts, mountains and rivers—that will help secure our water future and be available to us for all time. For generations to come, Arizona families will enjoy hiking, camping and fishing in these beautiful surroundings.

The *Conserving Arizona's Future* citizens initiative protects 694,000 acres of critical lands across our state—charismatic places like the McDowell Mountains and Phoenix Sonoran Preserve in Maricopa County, the Tortolita Mountains and Rincon Valley in Pima County, the Big Chino grasslands in Yavapai County, and the lands around some of our state's most important parks and natural areas such as Patagonia Lake State Park, Picacho Peak State Park, Superstition Vistas, Walnut Canyon National Monument and the Grand Canyon Scenic Corridor. The measure also takes an important step in securing our natural sources of water—the Verde, San Pedro and Little Colorado rivers.

*Conserving Arizona's Future* provides for more effective management of state trust lands, allowing our communities to better plan for growth. Additionally, it increases the vital funding stream that flows into public school classrooms throughout the state.

The health of our land and water is essential to the quality of life we enjoy in Arizona. Show your support for balancing the need to save our natural areas with the responsibility to continue the state trust land mission of educating our children. Join us in voting YES on the *Conserving Arizona's Future* initiative. Thank you for choosing conservation and education!

John Graham, Chair, Board of Trustees, The Nature Conservancy Arizona Chapter, Paradise Valley

Patrick Graham, Executive Director, The Nature Conservancy Arizona Chapter, Glendale

*Paid for by "The Nature Conservancy"*

#### Help protect Arizona's trails by voting YES on Proposition 106

Proposition 106 will reform state trust land management and will make sure that mountain biking continues in great places across the state. Arizona is full of ideal mountain biking opportunities and home to one of the strongest outdoor economies in the country. With unique terrain ranging from desert to loamy soil, we've got a lot to protect! *Conserving Arizona's Future* will protect our current opportunities plus enable us as a state to assure our outdoor wonderland will be in tact and available for future generations to pedal and play upon.

*Conserving Arizona's Future* is crucial when considering the fate of Arizona's open space.

Please vote YES on proposition 106. This is the only state trust land proposition on the ballot that deserves a YES vote.

Todd Sadow, Executive Director, Epic Rides, Tucson

Richard DeBernardis, Board Member, Epic Rides, Tucson

*Paid for by "Epic Rides"*

#### Help protect Arizona's Sonoran Desert and high desert grasslands by voting YES on Proposition 106

Proposition 106 will protect key areas identified in Pima County's Sonoran Desert Conservation Plan from future development, including areas within or adjacent to the following parks and other environmentally significant landscapes:

Catalina State Park  
Saguaro National Park  
Cienega Creek  
Tumamoc Hill  
Tortolita Mountain Park  
Tucson Mountain Park  
Ironwood Forest National Monument  
San Pedro River  
Picacho Peak  
Rincon Valley

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Patagonia Lake State Park  
Tumacácori/Santa Cruz River area  
Malpai ranching lands  
Santa Rita Experimental Range  
Kartchner Caverns State Park  
and many more areas...

These are areas we enjoy for hiking, camping, biking, hunting, fishing, horse-back riding and bird-watching! Conserving Arizona's Future will require the Arizona State Land Department to plan cooperatively with Pima County and other jurisdictions — respecting local rules and regulations to maintain the character and quality of our community. It also provides a working Board, made up of various interests (including conservation), to help manage our state lands in cooperation with the Director. If we do not pass this reform there is no way to protect even a single acre from development, and no way to influence how these lands get leased and sold.

Please vote YES on proposition 106. This is the only state trust land proposition on the ballot that deserves a YES vote.

Michael Finkelstein, Executive Director, Center for Biological Diversity, Tucson

Sue Clark, President, Pima Trails Association, Tucson

Michelle Zimmerman, Executive Director, Rincon Institute, Tucson

Katie Dusenberry, Board Vice President, Rincon Institute, Tucson

Nancy Zierenberg, Executive Officer, Sky Island Alliance, Tucson

Anna Price, Chair, Board of Directors, Sonoran Institute, Tucson

Christina McVie, Vice President and Conservation Chair, Board of Directors, Tucson Audubon Society, Tucson

Margaret Livingston, Ph.D., President, Board of Directors, Tucson Botanical Gardens, Tucson  
*Paid for by "Sonoran Institute"*

Dr. Robin Silver, Board Chair, Center for Biological Diversity, Phoenix

Don Scheer, Treasurer, Pima Trails Association, Tucson

Mary Elizabeth Pollard, Board President, Rincon Institute, Tucson

Matt Skroch, Executive Director, Sky Island Alliance, Tucson

Luther Propst, Executive Director, Sonoran Institute, Tucson

Sonja Macys, Executive Director, Tucson Audubon Society, Tucson

Nancy R. Laney, Executive Director, Tucson Botanical Gardens, Tucson

**PROPOSITION 106**

*Conserving Arizona's Future* deserves a "YES" vote.

Arizona is a magical state. Its rivers, deserts, forests, mountains, canyons and wildlife reflect our highest values. As citizens of the American West, we believe this natural beauty must be preserved and protected

At the same time, we must acknowledge that Arizona is one of the country's fastest growing states. So our challenge is to find a way to balance the needs of our people and our mandate for environmental protection. *Conserving Arizona's Future* provides that reasonable and sensible balance.

I want my children, grandchildren and future generations to enjoy the best of Arizona that all of us have come to know and love. *Conserving Arizona's Future* is the right plan to accomplish that goal. It has my full support.

I hope you will join me in helping this worthy plan become a reality.

Robert E. Walkup, Mayor, City of Tucson, Tucson  
*Paid for by "Conserving Arizona's Future"*

Please vote YES on Proposition 106 to Conserve the Best of Arizona for Future Generations!

Proposition 106 is a thoroughly thought out and broadly supported initiative that will help to make sure that many of Arizona's most treasured and threatened lands are protected for future generations. In fact, by voting YES, you help to protect 690,000 acres of important state lands from development.

In addition to conserving lands that we as Arizona citizens cherish, this initiative will protect and guarantee essential classroom funding for Arizona's schools. This initiative is supported by many of Arizona's conservation, education and business groups – because it's good for conservation and for education.

Arizona is expected to more than triple its population by 2050 – with an expected population of 16 million people. Growth won't wait and we as citizens cannot afford to either.

We must act immediately to protect lands critical to our air and water supply, wildlife habitat and outdoor enjoyment and recreation.

As Arizona citizens, we all treasure the Phoenix Sonoran Preserve, the San Pedro River, Verde Headwaters, Grand Canyon scenic corridor, Superstition Mountains, Kartchner Caverns State Park and Walnut Canyon National Monument.

By voting YES, you help to make sure that these and many other special areas are protected so that your grandchildren can experience the beautiful and diverse Arizona that you enjoy today.

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Let's Conserve Arizona's Future!  
Vote YES on Proposition 106!

Becky Daggett, Executive Director, Friends of  
Flagstaff's Future, Flagstaff

*Paid for by "Friends of Flagstaff's Future"*

Susie Garretson, President, Friends of  
Flagstaff's Future, Flagstaff

Vote YES on Proposition 106 to Protect Valuable Open Space Lands!

Proposition 106, Conserving Arizona's Future, will protect 690,000 acres of prime state lands that must be preserved against future development, including lands along the Grand Canyon scenic corridor, lands neighboring Wupatki National Monument, Walnut Canyon National Monument, Observatory Mesa, Dry Lake and Rogers Lake.

Conservation efforts are extremely important for our state. Many people move to Arizona each year and our cities are expanding at a very rapid pace. Although Arizona has plenty of room to grow, we need to maintain the high quality of life that attracts these new residents in the first place.

There are 59 special areas identified statewide for protection. These areas include land adjacent to or within existing parks and preserves, such as the Picacho Mountains, Phoenix Sonoran Preserver, San Pedro River, Verde Headwaters, Grand Canyon scenic corridor, Kartchner Caverns State Park, Superstition Mountains, Lake Patagonia and Saguaro National Park.

Conserving land is important, but conserving the *right* land is crucial. Conserving Arizona's Future will protect 690,000 acres of trust land that benefit air and water quality, wildlife, ecosystems and recreation. This conservation effort balances the best ecological practices with the recreational interests of Arizonans.

Help support responsible conservation practices by voting YES for Conserving Arizona's Future.

Vote YES on Proposition 106!

Nikolai Ramsey, Program Director, Grand  
Canyon Trust, Flagstaff

*Paid for by "Grand Canyon Trust"*

Darcy Allen, Director of Administration, Grand  
Canyon Trust, Flagstaff

Conserve and Protect Our State's Many Wonders

The Arizona Parks and Recreation Association strongly supports all provisions in the *Conserving Arizona's Future* initiative.

Arizona is a state of truly diverse and beautiful landscapes that you truly have to see to believe! The red rocks of Sedona, the varied hues of the Painted Desert, the natural wonders of the Grand Canyon, Monument Valley and the Kartchner Caverns are almost indescribable.

Voter passage of *Conserving Arizona's Future* will protect 59 special areas across the entire state so that Arizona families can continue to enjoy these breathtaking lands for hiking, biking, hunting, fishing and camping. These lands include Saguaro National Park, McDowell Mountains, Kartchner Caverns, Phoenix Mountains, Centennial Forest, San Pedro River, Verde Headwaters, Grand Canyon, the Picacho and Superstition Mountains and Lake Patagonia.

APRA is a non-profit, professional organization designed to operate for the promotion, broadening and improvement of parks and recreation in Arizona; and to offer services which help members become the best parks and recreation services providers.

Help conserve and protect the many wonders of our state. Please VOTE YES on the *Conserve Arizona's Future* initiative!

Ira M. Rubins, CAE, Executive Director, Arizona  
Parks & Recreation Association, Tempe

*Paid for by "Arizona Parks & Recreations Assoc."*

Ainsley Reeder, CPRP, 2006 President,  
Arizona Parks & Recreation Association, Oro  
Valley

**Increase Teacher's Union Power by Supporting Prop. 106**

Arizona has over 9 million acres of state trust land, land that is used to pay for Arizona schools, and yet we don't have any union representation of the land. Teachers have as much right to the land as the students, and that is why we must support Proposition 106. Proposition 106 would create a Board of Trustees to oversee the management and disbursement of the trust land, and would give the board the power to disperse the funds from the trust as they see fit.

Another great facet to Proposition 106 is that it will allow the Teacher's Board to give the land away to conservationists and other non profit organizations, groups that will curtail unnecessary public access to the lands.

The bottom line is unions and conservation groups need to increase their authority in the state, and the best way to do this is through Proposition 106. Please join me in voting YES on Proposition 106.

Chad Harper, Gilbert

**Protect Teacher Unions and Developers by Voting Yes on Proposition 106**

I urge every Arizonan to support Proposition 106. Proposition 106 will improve the management of our trust lands by creating a Board of Trustees, comprised primarily of teacher union members and school administrators,

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to manage the trust land. The best part about the board is that every member is appointed, so decisions can be made without fear of a possible backlash from the voting public.

Plus, Proposition 106 contains a provision that allows developers to enter into special partnerships with the Teacher's Board to purchase large sections of trust land at below market value in order to create extensive new developments throughout the state. Not only will these agreements increase profits for the Teacher's Board and home builders, but will expedite development of Anthem-style master planned communities in both rural and urban Arizona.

The problem with past state land initiatives is that teachers and developers were denied the power required to properly manage our trust lands. Fortunately, Proposition 106 does just that.

Come November, please join me in supporting Proposition 106.

David L. Snyder, Mesa

**The Arizona State Horsemen's Association feels "It's Up to Us Now" to support Proposition 106**

Let's be clear about our state's future growth and quality of life. It is up to all of us to make the move now to conserve and develop our State Trust Lands in a responsible way for the 21st Century. Arizona won't reach its 100th birthday until 2012, and yet here we are, a relatively young, booming state still operating under aged mandates that choke the funding to our schools and allow rampaging development open access to some of our state's most valuable natural resources. Caring, concerned, and responsible Arizonans have worked many years to help us craft the planning tools we now need to help guide and manage our State Land Department. We all need to do the right things, now, to help protect and maximize our state's education funding and, at the same time, conserve our magnificent natural resources. Your support of "Conserving Arizona's Future" will make you part of the legacy that helped save Arizona's future.

Nancy Monsour, Treasurer, Arizona State  
Horsemen's Assoc., Buckeye

Charles B. Lefkowitz, Vice President, Arizona  
State Horsemen's Assoc., Scottsdale

Linda Ann Slay, Secretary, Arizona State  
Horsemen's Assoc. Phoenix

*Paid for by "ASHA-The Arizona State Horsemen's Assoc."*

**Audubon Arizona**

**The Right Balance: Preservation of Funding for Public Schools While Preserving and Protecting Our Wildlife and Recreational Opportunities**

Arizonans have a chance to help protect our quality of life by voting for the Conserving Arizona's Future ballot measure. This measure would not only result in increased funding for public schools, but it would turn 690,000 acres of state trust land into permanent preserves protected from encroaching development.

Right now we enjoy many recreational opportunities, such as camping, biking, picnicking, bird watching, horseback riding and hiking, on undeveloped State land. Residents can enjoy these activities in locations across the State, including the Cave Creek Recreation Area, Burro Creek, Catalina State Park, Coronado National Memorial, Gold Canyon, the Grand Canyon Scenic Corridor, Lake Pleasant Recreation Area, Lyman Lake State Park, Ironwood National Monument, Homolovi Ruins State Park, Picacho Peak State Park, and Saguaro National Park. These and other areas not only provide recreation but also habitat for wildlife. The Conserving Arizona's Future ballot measure would prevent development that would destroy the State land for both purposes.

Plans for the protected trust land cover a diversity of ecological systems, from forests to grasslands to desert areas. These lands are important for the wildlife habitats of plants and animals, which would otherwise be endangered by the threat of future development. Conserving Arizona's Future will do just that--protect the land, water, air, plants and animals that are native to Arizona. Because Audubon's mission is to help protect and preserve our natural wildlife and their habitats, we endorse this initiative and urge you to vote YES. By doing so, you ensure that all Arizonans, both now and in the future, will be able to continue to enjoy a wide range of recreational opportunities and preserve the natural places that wildlife call home.

Ray Hunter, Chair, Board of Directors, Audubon  
Arizona, Phoenix

Sam Kathryn Campana, Vice President &  
Executive Director, Audubon Arizona,  
Scottsdale

Tice Supplee, Director of Bird Conservation,  
Audubon Arizona, Phoenix

Roger Ferland, Chair, Public Policy Committee,  
Audubon Arizona, Scottsdale

*Paid for by "Audubon Arizona"*

Vote YES on Conserving Arizona's Future to Preserve Our Natural Treasures

The *Conserving Arizona's Future* initiative will protect 690,000 acres of state trust lands ensuring that some of our natural treasures surrounding Arizona's parks and monuments will be preserved for the enjoyment of future generations. It will also increase cooperation between local communities and the State Land Department in planning for the disposition of state trust lands. A Board of Trustees will be created to ensure oversight of the management of these assets for the benefit of school children.

The *Conserving Arizona's Future* initiative is the culmination of many years of work involving education, conservation and business leaders to develop (1) a comprehensive reform measure to manage Arizona's state trust

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lands; (2) provide for the protection of critical lands for habitat and open space and (3) ensure that the proceeds from the sale of state trust lands benefit Arizona's school children. State trust lands were granted to Arizona at statehood to benefit public schools through their sale or lease. As our communities continue to grow at such a rapid pace, our quality of life is thrown into jeopardy by haphazard, poorly planned development, and outdated land use policies.

Arizona has changed a great deal since statehood, but our tools for managing state trust lands have not kept pace with our changing circumstances and high growth. We must do a better job of managing state trust lands and provide for the appropriate management of ecologically sensitive lands. The *Conserving Arizona's Future* initiative will accomplish these important goals.

In reforming state trust land management, we must balance the needs of many stakeholders – communities and local governments, school children, development interests – and also protect Arizona's stunning landscapes, wildlife habitat, and scenic beauty for future generations. *Conserving Arizona's Future* does this – please vote YES.

Anne Graham Bergin, President, Arizona  
League of Conservation Voters, Tucson

Jessica Catlin, Secretary, Arizona League of  
Conservation Voters, Phoenix

*Paid for by "Arizona League of Conservation Voters"*

On behalf of nearly 600 businesses, organizations and municipalities who are members of Valley Partnership and employ tens of thousands of Arizonans, we encourage you to vote YES on Conserving Arizona's Future.

There are approximately 73 million acres of land in Arizona. More than 9 million acres of it are State Trust land, including vast holdings in and around Metropolitan Phoenix, Tucson and Flagstaff. What happens with these lands is of critical importance to our future, particularly since their primary purpose is to generate income for public schools.

Conserving Arizona's Future is a visionary measure that provides a framework for better management of these lands that balances the best interests of education, conservation, business and the economy. Its provisions include the following:

- Conservation of up to 700,000 acres of Arizona's signature landscapes and important natural areas.
- Means to generate significantly greater revenues for the Classroom Site Fund, which is used to increase teachers' salaries, reduce class sizes, and prevent drop-outs in Arizona's public schools;
- Modified planning processes and tools that dovetail with city and county planning, which will create more orderly growth and greater economic promise; and
- A citizen board to oversee critical decisions made about State Trust land; and

**Most important to note, however, is that the mandate on the Trustees and the Trust to generate maximum revenue for the schools and other beneficiaries is kept intact.**

Conserving Arizona's Future is an across-the-board "win" for every citizen of the State of Arizona because it is the product of five years of debate with stakeholders from every sector of the community.

Please vote YES to ensure we do the right thing for our State.

Charley Freericks, Chairman of the Board,  
Scottsdale

Richard R. Hubbard, President & CEO, Phoenix

*Paid for by "Valley Partnership"*

Yes on 106

I support the Conserving Arizona's Future Initiative because it is in the best interests of the Citizens of the State of Arizona, The State Trust Lands, and the State Land Beneficiaries – Schools. This measure will preserve more open space and bring in more dollars for education in our schools. In addition, it addresses the need for obtaining rights of way for transportation routes, and establishes a Board of Trustees to approve major decisions in land use dictated by the proposed sale of State Trust Land.

State Trust Land constitutes one-third of the total land in Pinal County. The very future of our county will be impacted by the how State Land is managed. This measure requires that the State Land Department follow the comprehensive plans of the counties and cities which have been developed in conjunction with citizen input. Also addressed in this initiative is the ability to preserve open spaces for our children and their children – future citizens of Arizona.

Sandie Smith, Pinal County Supervisor, District Two, Gold Canyon

#### Vote Yes For Our Future

Some of the most beautiful natural areas in Arizona are located on "State Trust Land" – land that was granted to our state by the federal government in 1910 with the intent that the majority of the monies from the sale or lease of these lands would produce revenue for our state-wide school system.

While some monies for education are generated, the 1912 laws which govern the program are antiquated and do not allow the program to maximize the funds possible for the education system nor care properly for the health of these lands. They do not provide for the preservation of any of the more sensitive and ecologically critical state lands nor do they facilitate good planning which can result in smarter growth for Arizona.

Conserving Arizona's Future will protect 690,000 acres of sensitive lands statewide, improve planning and management standards to ensure smarter growth with provisions for additional protected open space and

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*Issued by: Secretary of State Jan Brewer*

increase income for our woefully underfunded school system.

Some of the beautiful lands that would be preserved immediately include areas in the McDowell Mountains, the White Tank and Superstition Mountains, the Cave Creek Regional Park, the Phoenix Sonoran Preserve, Catalina State Park, the Grand Canyon Scenic Corridor and the headwaters of the Verde River.

**Many of these irreplaceable lands are in the direct path of urban growth and this is the last opportunity we have left to protect them.**

This initiative provides a win-win situation as voters are provided with the opportunity to preserve our desert and mountain environments, ensure better planning for appropriate growth and increase essential classroom funding at the same time.

Please vote yes to "Conserve Arizona's Future!"

Maureen Berkner, Desert Foothills Land Trust,  
New River

Melinda Gulick, Chairman, McDowell Sonoran  
Conservancy, Scottsdale

Rosemary Shearer, Chairman, Superstition  
Area Land Trust, Apache Junction

*Paid for by "McDowell Sonoran Land Trust"*

Michael Rigney, Executive Director, Desert  
Foothills Land Trust, Cave Creek

Carla, Executive Director, McDowell Sonoran  
Conservancy, Scottsdale

Anne E. Coe, President, Superstition Area Land  
Trust, Apache Junction

Please join ranching families and others in support of Proposition 106

Arizona has changed significantly since the framers of the Arizona Constitution in 1912 structured the state trust land. The Arizona of 1912 was a place of spectacular landscapes, blue skies and just a few people. Today our landscapes are still largely intact, and our skies are still blue, but we are home to nearly six million people. Just as Arizona has evolved from a state dominated by cotton, copper and cattle to one of advanced biotechnology and knowledge, the way we manage and protect our state trust lands must also evolve.

As many of you know, I grew up on a ranch and have a deep appreciation for the land. You care about keeping as much open space as you can to preserve our Arizona heritage. *Conserving Arizona's Future* is the only state trust land ballot measure that will give the state land department the ability to work with local jurisdictions to do planning in the urban area for conservation and development opportunities. Arizona has two things to lose – our heritage and our natural environment (the desert and mountains). What we want is to preserve our environment as well as protect our economic interests. It is all about a long-term vision for future generations.

Please support Proposition 106.

Ann Day, Pima County Supervisor, Tucson

Please vote **YES** on the Conserving Arizona's Future ballot measure. Supported by both the education community and conservationists, this measure will result in increased funding for K-12 public education, and provide the opportunity to permanently protect over 690,000 acres of state trust land from development. Many of these lands are near or within state parks and encompass beautiful mountains and the diminished Sonoran desert, the most biologically diverse desert on the planet. Arizonans already enjoy these lands for a multitude of recreational opportunities such as camping, bicycling, hiking, bird-watching, hunting, fishing, and boating. These areas can be found around the entire state and in almost every county.

In addition to recreation for all Arizonans and visitors from around the world, these lands also provide habitat for the wildlife that we enjoy through watching, hunting and fishing. These habitats are diverse, ranging from grasslands to riparian areas to deserts (all of which are some of the most imperiled habitats in Arizona) to forests.

Conserving Arizona's Future requires the State Land Department to make plans for these lands in cooperation with the plans of cities, towns, and counties. Thus, the character of our communities and quality of life can be maintained as determined at the local level. Without this reform, Arizonans will be unable to influence how state trust lands are leased or sold, and they will be unable to protect any of these lands for future generations.

Please vote **YES** on Conserving Arizona's Future, the only state trust land proposition worthy of a YES vote.

Karen W. O'Neil, President, Presocct

Christina McVie, Secretary, Tucson

*Paid for by "Arizona Audubon Council"*

The Arizona Planning Association advocates for wise and balanced land use planning throughout the State and we ask you to vote yes on Proposition 106. Now is the time to reform the management of the Arizona State Trust Lands. This Proposition will help achieve reform by increasing revenues for the public schools and other beneficiaries while protecting nearly 694,000 acres of some of the most important natural areas in our state from development. Who could be against helping the future of Arizona? The education of our children and protection of our environment will only make Arizona stronger.

Yet there is much more that will help Arizona in this initiative. It will strengthen the role of the Arizona State Lands Department and local government in deciding how these lands are developed. "Making great communities happen" is the motto of the American Planning Association (APA). As the Arizona chapter of APA, we believe this reform proposal will go a long way to make the great communities of Arizona happen! Building a great community begins at the local level. This Proposition includes legislation that will require Arizona State Trust Lands to be planned in conjunction with the county, city or town in which they are located pursuant to the

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local ordinances and regulations of the county, city or town (as long as the same applies to private lands).  
Now is the time. Please vote yes on Proposition 106.

Alan Stephenson, Vice President for Legislative Affairs, Arizona Planning Association, Phoenix  
Jill Kusy, AICP, President-Elect, Arizona Planning Association, Scottsdale  
*Paid for by "Alan S. Stephenson"*

Ballot Statement in support of the "Conserving Arizona's Future: Ballot Initiative  
**Where Will YOU Live, Work, and Play in 10 Years?**

Now it's up to you. We can let things continue just as they have been for over 90 years, or we can support "Conserving Arizona's Future" and take important steps to maximize our state's educational funding and, at the same time, dramatically improve the conservation of our state's magnificent natural resources. Your support of "Conserving Arizona's Future" will give the State Land Department the planning tools it needs to maximize the value of land to be auctioned for sale. This type of responsible planning helps our state grow without losing the natural resources that could have been conserved. If you enjoy the quality-of-life Arizona offers now, think about how your vote of support could help keep it that way in the future.

Diana Lee Brooks, Chairperson Phoenix Parks and Recreation Board, Phoenix  
Flo Eckstein, Publisher, Jewish News of Greater Phoenix and Former Member and Chair of Phoenix Parks and Recreation Board, Phoenix

*Paid for by "Diana L. Brooks"*

**VERDE VALLEY LAND PRESERVATION INSTITUTE URGES A "YES" VOTE**

This Conserving Arizona's Future ballot issue holds the promise that Arizonan's are wise enough to want to savor and enjoy the things we treasure most about our State, the variety of recreation opportunities, the lovely places for solitude, the precious streams and rivers and the best education possible. Everyone benefits from this Initiative to allow conservation protection within State Trust Lands: -those who value recreation; -those who value clean air, water, and rivers; -those who value the scenic mountains and vistas; -those who love the scenic open spaces of our beautiful state. So much of our State Trust Land's 9.2 million acres is placed in areas worthy of all these designations. Never before have the voters had the opportunity to update the rules and guidelines for how the State Land Department functions so that the educational community that benefits from the Trust can realize more dollars than ever before.

Beware of the opposing referendum put there by the home-builders and cattlemen. It is put there to confuse you, the voter. Vote "no" on it. Every acre proposed to be set aside for conservation via this referendum would have to be approved by the legislature who refused last year to pass a bill similar to "Conserving Az's Future". Their referendum would also permit leasing of land for grazing and agriculture without an auction; and would permit mining and grazing on preserve land that has been set aside for conservation protection. They will make it sound appealing, but it does not serve the citizens of this state.

We should all vote yes on "Conserving Arizona's Future"!

Bob Rothrock, President, Cottonwood  
Marybeth Carlile, Secretary, Sedona  
*Paid for by "Verde Valley Land Preservation Institute"*

Yes on 106 (CAF)

State Trust Land is one of Arizona's most important assets. We hold about nine million acres in trust for the express purpose of earning money to benefit our public schools. Some of this land is extraordinarily valuable for development, and some of it is best left alone. Unfortunately, for the last thirty years, this land has too often been treated as a political football to be fought over, rather than a resource to be managed.

This year's ballot unfortunately continues a heritage of divisive squabbling. Two measures on this ballot deal with trust land--Prop 106, "Conserving Arizona's Future"; and Prop 105, "HB 2045." I hope Arizonans will resist the instinct to vote "no" on both because they seem confusing. Proposition 106 is by far the better choice.

We must do three important things with this land: make a lot of money for our schools; conserve important open space; release land to the market in a careful manner to achieve more sustainable development. Prop 106 was crafted by a broad based coalition of environmental, educational and business interests to achieve those goals.

106 is better than 105. First, it immediately preserves far more land as open space, and an additional open space can be identified and preserved by working with local communities. 105 requires individual actions by the legislature to conserve any land. Second, 106 creates a Board of Trustees to oversee the State Land Department, insulating it from political and legislative interference in management that has plagued past decisions. Third, 106 provides a dedicated funding source for the Department from the revenues it earns.

As voters, we don't often get to make truly critical, long-term decisions about the future quality of life in our state. This year, we do. Vote yes on 106.

Grady Gammage, Jr., Phoenix

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*Issued by: Secretary of State Jan Brewer*

Help protect Arizona's treasures by voting YES on Proposition 106.

For more than ten years the citizens of Arizona have worked diligently to protect open space and reform the antiquated procedures of disposition of state land. The Conserving Arizona's Future ballot initiative was successfully placed on the November ballot by a statewide coalition of volunteers who collected over 300,000 signatures from Arizona voters. Voter approval of the ballot initiative will update procedures for disposition of state lands. The new procedure will direct that decisions be expanded to the responsibility of a board of trustees rather than the current single responsibility of the Land Commissioner. This initiative also provides funding for the land department to better manage trust lands. Through the Initiative, citizens will join the effort to plan better for Arizona's growth, protect natural resources such as water, and balance growth impact so that it sustains our land and water. Diverse special areas across the state will be protected from development, including Badger Peak, Glassford Hill, Upper Chino Valley Grasslands and the Verde Headwaters all in Yavapai County. These natural treasures will be preserved for future generations to experience and enjoy.

Please vote YES on proposition 106. This is the only state trust land proposition on the ballot that deserves a YES vote.

Thomas L. Pettit, Ph.D., President, Prescott  
*Paid for by "Open Space Alliance"*

Ashley Fine, Treasurer, Prescott

### **ARGUMENTS "AGAINST" PROPOSITION 106**

Our forefathers provided Arizona with land to be held in trust to fund education for our public school children. These lands, and the proceeds from sold land, are constitutionally held in trust forever so that each and every public school child reaps the benefit. The Arizona School Boards Association opposes Conserving Arizona's Future, as it gives away 300,000 acres of land that could be sold to support our public school children and allows another 400,000 acres of land to waive the auction process, where best value can be obtained. Further, Conserving Arizona's Future puts in jeopardy the sale of state trust lands, and the additional dollars for Arizona classrooms they generate, with incomplete Constitutional language as to the process to which lands can be sold.

The Arizona School Boards Association was at the table in collaboration with all parties to create trust land reform; Conserving Arizona's Future is not the product of these discussions. To change the Constitution that protects trust lands for the benefit of our public school children should only be done if that product enhances educational funding. Conserving Arizona's Future does not do this; there is a better way.

Rae Waters, President Arizona School Boards Association, Chandler  
*Paid for by "Arizona School Boards Association"*

Panfilo H. Contreras, Executive Director,  
Arizona School Boards Association, Chandler

Proposition 106 is a lemon – appealing on the outside, but sour on the inside.

Since when do Arizonans believe it is fair for representatives of one beneficiary of a multi-billion dollar trust to make all of the decisions for the other beneficiaries? This initiative places education's bureaucracies and unions in charge of your state trust lands to benefit their own interests. Trusts are designed to be fair to all beneficiaries, with an independent trustee managing the assets.

Please remember, these are not public lands, they are trust lands to be managed to their highest return.

The definition of "conservation" in this initiative alone should make taxpayers pucker from the lawsuits that will sprout from its ambiguity. Recreation, hiking, camping, fishing, hunting and grazing uses may all be jeopardy on your trust lands.

Arizonans recognize land grabs by now. This proposition is a lemon and there is no amount of sugar to make it go down easier for voters and taxpayers.

Vote NO on 106 - it is a lemon.

**Vote YES on 105 – it represents balanced and fair reform of state trust lands.**

Kevin Rogers, President, Arizona Farm Bureau, Mesa  
*Paid for by "Arizona Farm Bureau"*

James W. Klinker, Chief Administrative Officer,  
Arizona Farm Bureau, Mesa

### **Don't Give Away our State Trust Lands**

I am absolutely opposed to Proposition 106. Our state lands are one of our most precious resources, land that serves multiple uses and helps fund our public schools. Yet instead of protecting these lands, Proposition 106 would:

Allow private groups to obtain the land without requiring payment for the land or its upkeep.

- Put in charge a politically appointed board with no real estate or land use experience to manage 9 million acres of state trust land.

- Cut funding for schools because of the reduction in land sales and values.
- Steal millions of dollars worth of land from our public universities, disabled hospitals, and the school for the deaf and blind.

Proposition 106 is a direct assault on our public education system! Any changes made to the management of our state lands must focus on protecting the future of Arizona's children, not the needs of special interest groups. When you go to the polls, please vote no on Proposition 106.

Luke Wilcox, Gilbert

*Paid for by "Arizonans for Responsible Planning"*

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**ARGUMENT AGAINST PROPOSITION 106**

Proposition 106 is another special interest proposal to amend Arizona's Constitution. It contains some of the same bad ideas which have caused forest management to decline. Our forests are burning and we cannot properly manage them because of these same environmental ideas.

Proposition 106 calls for us to give some School Trust Lands back to the federal government! Why would we want to give the federal government some of our School Lands? We need them to make money for our schools.

Proposition 106 is a bad idea!

Vote NO on Proposition 106.

Jean McGrath, Glendale

*Paid for by "Arizonans for Responsible Planning"*

**Why would anyone pay to maintain land that they cannot enjoy?**

I'm sick of special interests using taxpayer dollars for their pet projects! The authors of Proposition 106 think it is reasonable to let conservationists keep Arizona's citizens off of the land that these same taxpayers are paying to maintain.

Anyone, any where can designate land for conservation and then Arizonans are denied access. Proposition 106 allows environmental groups to designate land for conservation. Proposition 106 never requires them to pay for maintaining the land. This means that the State Land Department pays to maintain the land with our hard earned tax dollars. Yet, there is nothing that requires them to allow us to use and enjoy the land as we do now.

**Vote NO on Proposition 106! It hurts Arizona's taxpayers!**

Davey Kerr, Buckeye

*Paid for by "Arizonans for Responsible Planning"*

**Proposition 106 goes too far!**

Vote NO on Proposition 106! It goes too far by allowing for a politically appointed board with no experience to determine the value of State Trust Land. It will prohibit the construction of roads, trails, parking, and other recreational facilities on the Land, making it difficult for citizens to see the land. It will allow the monies that now go to our schools to be diverted by the government to any purpose they see fit.

**Proposition 106 is a big government initiative that is bad for Arizona's schools, students, and taxpayers. Vote NO on Proposition 106!**

Robert Knorr, Maricopa

*Paid for by "Arizonans for Responsible Planning"*

**Proposition 106 diverts money from education to special interests.**

This proposition was drafted by interest groups intent on grabbing state trust land that doesn't belong to them. State trust land was intended to benefit future generations of Arizona students. But this dishonest proposition would divert millions from our schools as state land is handed over to so-called "conservation groups" or local governments without payment to the state permanent trust fund.

Revenue from state lands goes directly to our classrooms and to increasing teacher pay. The amount grows every year – like a savings account for our kids. The Constitution guarantees that the trust fund receives the true value for this precious asset through public bidding. But if Proposition 106 passes, that revenue stream would be diminished as land is handed over to special interests without an open public process.

Instead, the Constitutional guarantee is replaced by a politically-appointed Board of Trustees with the power to give special favors to well-connected applicants; like utility companies seeking a right-of-way without bidding, or local politicians seeking land without paying for it. What's more, the Board of Trustees can make deals with favored developers to provide state land for little or no money, in exchange for "profit sharing" after the land is developed.

These groups even wrote a provision into Proposition 107 that would divert revenue from land sales or leases to cover bureaucratic expenses rather than deposit it in the permanent fund for schools.

Susan Krentz, Douglas

*Paid for by "Arizonans for Responsible Planning"*

**Proposition 106 hurts Arizona ranch families**

Generations of ranch families have been careful stewards of state lands. In exchange for forage through leases on state land, ranchers pay fees directly to the state permanent fund to benefit Arizona schools.

In addition to paying lease fees, ranchers must maintain, and preserve state land as a condition of these leases. Arizona ranchers are the biggest conservation program of all – caring for and improving millions of acres of state land for future generations.

Proposition 106 will give so-called "conservation groups" the ability to designate land for conservation where ranchers have long operated. But unlike ranchers, these special interest groups won't take ownership of the land and won't be responsible for maintenance and upkeep: they would have the state trust pay for upkeep instead of sending money to our schools!

And under their extreme definition of "conservation land" this dishonest amendment would prevent ranchers from making improvements that protect the land we lease and improve it for the future. Water sources used by

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wildlife and livestock, fencing, anti-erosion, trails, roads and everything else would be prohibited.

We agree with conservation of trust land because we do it everyday. But this proposition is a land grab by special interests that will not care for the land and would stick others with the cost for their scheme.

**Please help preserve our ranching way of life by voting NO on Proposition 106**

Bill Brake, President (Elgin), Arizona Cattle  
Growers Association, Scottsdale

Tom Chilton, Vice President (Arivaca), Arizona  
Cattle Growers Association, Tucson

*Paid for by "Arizonans for Responsible Planning"*

**ARGUMENT AGAINST PROPOSITION 106**

Proposition 106 is an unfair and ill-conceived attempt to amend Arizona's Constitution. Our Constitution is a sacred document that should not be amended so that the State Land Department can enter into questionable land deals with big developers. It will create a big government board controlled by special interests with no experience in managing lands.

Proposition 106 threatens the future of leases held by ranching families, it removes the opportunity for ranch families to improve State Lands and threatens the maintenance and management of these lands in rural Arizona.

Vote NO on Proposition 106.

Bill McGibbon, Rancher, Green Valley

*Paid for by "Arizonans for Responsible Planning"*

**ARGUMENT AGAINST PROPOSITION 106**

Proposition 106 is bad for rural Arizona. It ignores the needs of our rural counties and their citizens. It will hurt our schools, teachers and land planning efforts. These are our State Lands and we should not let special interest groups amend our Constitution in a way that hurts schools and rural Arizona.

Some of these special interest groups have used the same tricks to stop activities in our forests. These same methods they want to apply to our State Lands. Our forests are burning and we do not need the same to happen to our State Lands. We should not allow special interest groups to use money and buy their way to a Constitutional amendment. Vote NO on Proposition 106.

J.R. DeSpain, Joseph City

*Paid for by "Arizonans for Responsible Planning"*

**ARGUMENT AGAINST PROPOSITION 106**

Proposition 106 is bad for our schools, teachers and rural Arizona! It is another big government land grab by special interest groups in Arizona. Voters need to be very careful about how we amend the Constitution. Proposition 106 contains 5 pages of Constitutional amendments that were drafted in secret by special interest groups. We should reject special interest groups when they try to amend our Constitution.

Proposition 106 proposes massive changes to our Constitution by creating a government appointed board that will be ripe for political cronyism, allows these special interest appointees to raid funds that should go to teacher salaries and schools, and lets special interest groups designate State lands for their own purposes.

Vote NO on Proposition 106.

Gail Griffin, Sierra Vista

*Paid for by "Arizonans for Responsible Planning"*

**ARGUMENT AGAINST PROPOSITION 106**

As a career and technical education teacher and program director I know that Proposition 106 will hurt our schools, teacher salaries and the children we are preparing for tomorrow's work force. It will severely diminish the earnings of our School Trust Fund – a fund that our Constitution set up for our children, schools and other beneficiaries.

Proposition 106 calls for non-monetary compensation for our School Lands! Non-monetary means – no money – shouldn't we receive money for the payment on our school lands if special interest groups want it? Proposition 106 states that the Federal Government can get some of our school lands for free – doesn't the Federal Government have enough money to pay for our school lands?

Protect our schools make special interest groups and the Federal Government pay for our school lands. Vote NO on Proposition 106.

Arlene McLaughlin, Palo Verde

*Paid for by "Arizonans for Responsible Planning"*

**ARGUMENT AGAINST PROPOSITION 106**

Proposition 106 is bad for our schools, teacher salaries and the future of our State School Lands. That's why I as a school board member and the Arizona School Boards Association opposes it. It is a special interest land grab at some of our school trust lands.

It proposes to amend our Constitution allowing for risky land deals with speculators, it proposes to create a government appointed board made up of special interests and it proposes to allow those special interests to raid a portion of our School Trust Fund monies.

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Proposition 106 is a bad idea! Vote NO on Proposition 106.

Andrew Groseta, Cottonwood

*Paid for by "Arizonans for Responsible Planning"*

**Vote NO on "Conserve Arizona's Future." It is bad for our Schools!**

The State Trust Lands are essentially real estate holdings, held in trust, that belong to our Arizona Public Schools. Our children today and in the future deserve to "inherit" what is rightfully theirs through the value of this trust, which was set up for them by our forefathers. The land is not "public" nor is it "protected open space" as some would have you believe. The proceeds from the sale of the land directly benefit schools. That is the sole purpose of these land holdings.

This initiative, created by a handful of people behind closed doors, seeks to undermine the value of the trust by taking away the sales-price protections currently in our Arizona Constitution. Our forefathers recognized the value of a solid education and intentionally designed the State Trust Land policies to reap the greatest profit for the school children.

The initiative takes away those protections and puts decisions in the hands of a few unelected and unaccountable folks. Do you know who sits on the various boards in the state that are appointed to their positions? These people will not even go through an election process to keep them accountable to you. They will be able to carry out their agenda unnoticed. This allows them to enter into secret agreements with developers, which can't be a good idea.

Hunters and ranchers will be hurt by this initiative! Land that is currently available to ranchers and hunters could become off limits. Also, camping and hiking activities may be cut off. Construction of trails, parking, roads and other facilities that our citizens enjoy could come to a halt if this passes.

Please vote "NO" on this initiative. It is bad for our schools and for our state.

State Representative Pamela Gorman, Anthem

*Paid for by "Arizonans for Responsible Planning"*

**Argument Against Proposition 106**

Proposition 106 is bad for Arizona's schools! It allows for a politically appointed Board of Trustees with no real estate or development experience to determine how to maximize the value of the State Trust Land while also allowing the government to divert the monies that now go into our school system to any purpose they see fit. This diversion of money will cause school programs to be cut due to lower revenues.

Proposition 106 creates more big government and lets private special interest groups designate lands for conservation without paying for the land or its upkeep. Proposition 106 will diminish the value of the State Trust Land and be detrimental to our schools.

**Vote NO on Proposition 106 - it is bad for teachers, students, and schools**

Rebecca Hardesty, Teacher, Tucson

*Paid for by "Arizonans for Responsible Planning"*

**ARGUMENT AGAINST PROPOSITION 106**

Proposition 106 will hurt rural Arizona's ranching families. It is an unfair measure which will prohibit us from enhancing improvements on these State School Lease lands. Many of the same special interest groups that have stopped management efforts on our forests want to do the same with our State School Lands.

Creating a government appointed board, raiding funds that should go to teacher salaries and schools, letting special interest groups designate State lands and allowing risky joint venture deals with land speculators are all bad ideas!

Vote NO on Proposition 106.

Senator Jake Flake, Snowflake

*Paid for by "Arizonans for Responsible Planning"*

The cornerstone of any republic is accountability. I encourage all Arizonans to reject Proposition 106 because it takes accountability in state land sales away from the executive and legislative branches and gives it to an unelected board which never has to answer to the voters of this state.

Much of our funding for education in Arizona comes from the sale of state land. If there is a problem or a scandal as a result of a land sale shouldn't the people of Arizona be able to oppose those responsible with their vote? This proposition takes all of that away and gives it to a group of people who do not have to have any experience in trust management, land use or even conservation. Putting fiduciary responsibility for our children's future into the hands of those who have no experience or accountability is one reason why school boards across Arizona oppose this measure.

The board it creates has the power to siphon off millions of dollars from the education communities revenues to fund this new bureaucracy for the State Land Department. And the initiative states, that if they run short on revenues they can increase the amount of money they get from the sale or lease of state lands so that they never run short of money regardless of what it is used for.

A large bureaucracy, enormous power and millions of dollars with no accountability puts the land we hold in trust for our children's future at risk.

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*Issued by: Secretary of State Jan Brewer*

Please join me in voting NO on another failed government program. Vote No on Prop 106.

Jonathan Paton, State Representative, Legislative District 30, Tucson  
*Paid for by "Arizonans for Responsible Planning"*

Arizona ranches protect open space. Ranchers own and maintain the vast majority of water sources wildlife depend upon. Ranchers kept vast numbers of wildlife alive during this extreme drought.

Proposition 106 eliminates existing provisions for grazing lease renewals. Without grazing leases, private ranch lands will be subdivided. Wildlife will die cruelly of thirst. Further, Proposition 106 allows development in the core habitat of the waning Silverbell Desert Bighorn Sheep herd while squeezing developers out of poorer wildlife habitats. Vote NO on Proposition 106.

Cindy Coping, Malpais Ranch, Silverbell Mountains, Director for Pima County, Arizona Cattle Growers Association, Tucson  
*Paid for by "Arizonans for Responsible Planning"*

Proposition 106 is another bad idea that goes to far. It treats my family unfairly. It will freeze the State Land we have cared for and leased for decades. It will damage my family's ability to manage these State Lands by not allowing us to enhance the improvements for water and fencing.

Proposititon 106 will allow special interest groups to designate State Lands for their own purposes, it will create a politically appointed board, dominated by special interest groups with no citizen oversight, it will allow monies that would normally go to our schools to be diverted by the government and it will allow private special interest groups to designate State Trust Lands for their own purposes while ignoring those of us who work and live in rural Arizona – Proposition 106 is a bad idea!

Vote NO on Proposition 106.

Steve Pierce, Prescott  
Joan Pierce, Prescott  
*Paid for by "Arizonans for Responsible Planning"*

Proposition 106 is another idea that special interest groups want to use to designate State Lands for their own purposes. Arizona's urban areas have become home to many new comers from around the United States. They have no concept of the issue of State Lands and how the proposition will affect taxes for Arizonans as well as leaving rural communities holding the bag.

This measure will create a politically appointed Board that will have no experience at managing land and will allow no oversight by Arizona citizens. We do not need special interest groups raiding a portion of the Trust Fund revenues.

Vote NO on Proposition 106.

Janice Bryson, Arizona State Cowbells, Buckeye  
*Paid for by "Arizonans for Responsible Planning"*

#### **We need better planning of state trust land, not Proposition 106**

One thing we all agree on is that the needs of our schools, the need for conservation of sensitive state lands, and the needs of Arizonans for housing and jobs must be balanced.

For over two years, a coalition of educators, planners, conservationists and public officials met to seek such a balance. Together, we sought to answer big questions about state lands:

Which land is right for conservation and which land is suitable for development? How should it be preserved and how can public access be guaranteed? How can we conserve this land and still assure that our schools receive the true value for it? How can we coordinate state lands with local community plans? How can we plan for future land use? What about necessary infrastructure like roads, water, schools and utilities?

All of these questions have answers that make sense. Unfortunately, the authors of Proposition 106 walked away from these discussions and sought to force their more extreme views on Arizona. The result would be an unprecedented raid on assets belonging to our schools, a politicized land planning process, and a clever scheme to frustrate good planning for the future.

Proposition 106 is a one-sided scheme written by a small group of people with their own narrow agenda.

**Arizonans for Responsible Planning urges you to vote NO. It goes too far.**

Kim Owens, Chairman, Goodyear  
*Paid for by "Arizonans for Responsible Planning"*

#### **ARGUMENT AGAINST PROPOSITION 106**

Proposition 106 contains massive constitutional amendments which are unfair to Arizona's ranching families. These ill-conceived constitutional amendments will create a big government board controlled by special interests with no experience in managing lands. The Board does not have any citizen oversight to protect our School Trust Lands from risky land deals and special interest influence.

Proposition 106 threatens ranching leases, removes the opportunity for ranch families to improve State Lands and threatens the maintenance and management of these lands in rural Arizona.

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Say NO on Proposition 106.

Dwayne Dobson, Chandler

*Paid for by "Arizonans for Responsible Planning"*

As a teacher I know that Proposition 106 is bad for our schools and teacher salaries. As a sportsman I know that Proposition 106 hurts my ability to hunt & fish on State Trust Lands. It is just bad!

Proposition 106 proposes massive changes to our Constitution and is full of bad ideas. It is a bad idea to let special interest groups designate State School Lands, it is a bad idea to let special interest groups take monies away from our School Trust Fund for their pet projects, it is a bad idea to let the Land Department do risky land deals with speculators, it is a bad idea to give a government appointed board constitutional authority to determine the value of our State School Lands – it is just bad!

Proposition 106 is a bad idea – Vote NO!

Dan Bauer, Buckeye

Proposition 106 is another bad idea that goes to far. We are all for setting aside State Trust Lands for multiple use management. However, history has shown that "preservation" of public lands tends to exclude motorized recreation. Many people, including many senior citizens and those who are otherwise unable to walk great distances, use low impact motorized vehicles on State Trust Lands for sightseeing. As outdoor enthusiasts who enjoy Arizona's wide open spaces we oppose Proposition 106 because it fails to protect public access to open space, it is a bad deal for recreationists in general and would unfairly penalize our schools. It is another one-sided maneuver by environmentalists to remove human uses on our State Trust Lands.

Proposition 106 will have many unintended consequences. It will jeopardize our ability to recreate and hunt on hundreds of thousands of acres State Trust Lands. Proposition 106 will allow special interests groups to designate State Trust Lands off limits to currently allowed uses. These are Arizona's School Trust Lands – not the dominion of special interests groups like the Sierra Club, Wildlands Project and Center for Biological Diversity, all of whom would strive to dominate the Trustee Board that would be created by this Proposition, to the detriment of the recreating public.

Vote NO on Proposition 106.

Sanford B. Cohen, Trails Enthusiast, Prescott

#### **Conserving Arizona's Future is a Bureaucratic Nightmare**

There is a time tested proverb that one would be wise to use when considering the Conserving Arizona's Future Initiative. It is "Don't judge a book by its cover" - or in this case - 'Don't judge an Initiative by its name.' This Conserving Arizona's Future Initiative does everything but look out for the interests of you and I.

Currently the State Land Department is entrusted with disposing of the trust land in a manner that is best for the State of Arizona. But here is a short list of why this Initiative should be renamed. When bureaucrats in the State Land Department are free to use revenue from the sale of trust land for any purpose they see fit – that worries me. When ranchers can't improve the land they lease for their cattle by putting up fences and water systems – something is wrong. When bureaucrats in the State Land Department are allowed to use revenue from the sale of trust land for any purpose they see fit – that smells of favoritism. When roads, trails, parking and other facilities are prohibited from being built on State Trust Land so that we can enjoy them to their fullest – that smacks of government 'overstep'.

Arizona, please join me in voting against this initiative – we can do better.

Doug Clark, Anthem

As a school teacher and a registered Democrat who supports Governor Napolitano I adamantly oppose Proposition 106. Proposition 106 will hurt education, our schools and teacher salaries. It will severely diminish the earnings of our School Trust Fund – a fund that our Constitution set up for our children, schools and other beneficiaries.

If special interest groups want our school land they should pay for it... if special interest groups want to take monies from our Trust Fund for their own benefit they should be stopped... if land speculators want to make risky deals with our land we should tell them no!

We don't need to amend our Constitution in order to conserve State School Lands – we can do that now. Protect teacher salaries – Vote NO on Proposition 106.

Jennie (Gina) Ragsdale, Buckeye

#### **Proposition 106 is an Insult to Arizona Voters**

It seems like every time we go to the polls, there is some new group trying to tinker with how Arizona's state trust lands are managed. Under our current system, the state trust provides ranchers with land to graze, citizens with land to visit and enjoy, and public schools with a permanent and increasing revenue source. The system appears to work, yet now we have Proposition 106, which would prevent improvements from being made to the land (such as trails, ramada's, and campsites), would prevent people from accessing the land and enjoying our states beauty, and would reduce revenues to our public schools.

On top of this, Proposition 106 is complicated, convoluted, and will likely tie our court system up in litigation for decades, undoubtedly costing taxpayers millions. Arizona voters need to continue to do what they have done the last ten years to every other state land reform proposal and vote NO on proposition 106.

Nate Porter, Chandler

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*Issued by: Secretary of State Jan Brewer*

**Arizonan's must oppose Proposition 106**

It's perfectly clear that the environmentalist were up to their old tricks again when they drafted Proposition 106. Giving away 700,000 valuable acres without any payment to our public schools? What a rip-off!

Also, once this land is set aside, who exactly is going to take care of it? No where in Proposition 106 does it require that special interest groups actually take care of the land after they receive it. Taxpayers shouldn't be required to pay to maintain lands that special interests groups decide to have set aside. State lands should be paid for like any other piece of land, and shouldn't be stolen from the school children.

**Everyone needs to Vote No on this bad idea.**

Jayson Clausen, Gilbert

**Proposition 106 is a give away to Developers**

Arizona has over 10 million acres of state trust lands, yet Proposition 106 is only setting aside 700,000 acres? Every day our wildlife is being put at risk by the never ending encroachment of wildcat development. We need a solution that will stop the growth and protect our fragile water supply.

Instead, Conserve Arizona's Future will inexplicably allow the state to sell our most precious open space to developers and builders at below market value! If this was really about conserving Arizona's future, we wouldn't be giving land away to fat cat developers. Proposition 106 is a deal where only the rich win and Arizona loses.

**When going to the polls, vote no on Proposition 106.**

Josh Stockton, Gilbert

The Arizona Tax Research Association (ATRA) opposes Proposition 106. In an effort to set aside certain lands in the state land trust, as well as dramatically change the current management of our state land trust, this initiative implements two policies which ATRA opposes.

**Transfer of major public policy power to an appointed board**

In an effort to dramatically change the current management structure of the state land trust, Proposition 106 creates a seven member Board of Trustees. These individuals, who would be appointed by the Governor, would be given sweeping authority over the 9.3 million acres of state land trust, as well as the distribution of lands in the Conservation Reserve. In addition, this appointed Board would have the authority to transfer state land trust monies primarily used for the benefit of public schools to a new Trust Land Management Fund.

**Earmarking Revenue Outside The Budgeting Process**

For decades, ATRA has expressed concerns about earmarking revenues outside the appropriations process through what is commonly referred to as "ballot-box budgeting."

Proposition 106 is another in a long line of initiatives that have been placed before Arizona voters in an attempt to guarantee funding for a program, agency, or special interest group. Clearly, every group that receives annual State General fund appropriations would opt to receive guaranteed funding from sources other than the state General Fund. However, earmarking revenue and creating dedicated funding mechanisms does significant damage to the state's ability to do comprehensive budgeting and handcuffs state policymakers' ability to readjust budget priorities over time.

ATRA encourages Arizona voters to reject a proposal that would give an appointed board sweeping powers over the state land trust, as well as the authority to transfer monies from the permanent fund.

Gretchen Kitchel, ATRA Chairman, Scottsdale      Kevin McCarthy, President, Gilbert

*Paid for by "Arizona Tax Research Association"*

**Proposition 106 does nothing to protect Arizona's Wildlife**

Look carefully at Proposition 106 and you'll see that wildlife was given little to no consideration in its drafting. In fact wildlife is mentioned one time, in the definition of conservation. But don't be fooled, their definition of conservation says that lands will be "preserved" not "conserved". As the first true conservationists, sportsmen and women all know the difference between preservation and conservation. We understand the difference between maintaining and enhancing wildlife habitat as compared to merely setting land aside in order to inhibit its use by the general public.

Sportsmen and women also know the importance of protecting Wildlife Migration Corridors to ensure the safe passage of our wildlife from one area to another. Proposition 106 contains no provision for the maintenance of critical wildlife migration corridors. Wildlife corridors are not even mentioned, though there is a lot of verbiage about preserving land for certain uses. There is nothing about providing safe passage for Arizona's wildlife by giving priority to wildlife when conservation lands are designated.

If wildlife conservation was a true consideration when Proposition 106 was being drafted, Arizona's Game & Fish Department and sportsmen would have been invited to the table for their knowledge and commitment to conserving Arizona's wildlife, but they were not. Don't be fooled, Proposition 106 is more about setting land aside for the sake of preservation, not for the benefit of Arizona's wildlife.

Pete Cimellaro, Executive Director, Arizona  
Sportsmen for Wildlife, Phoenix

Floyd F. Green, Secretary/Treasurer, Arizona  
Sportsmen for Wildlife, Phoenix

*Paid for by "Arizona Sportsmen for Wildlife"*

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**BALLOT FORMAT**

**PROPOSITION 106**

**PROPOSED AMENDMENT TO THE CONSTITUTION  
BY INITIATIVE PETITION**

**OFFICIAL TITLE**

AN INITIATIVE MEASURE  
PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE X, SECTIONS 1, 3, AND 4, CONSTITUTION OF ARIZONA; AMENDING ARTICLE X, CONSTITUTION OF ARIZONA, BY ADDING SECTIONS 1.1, 1.2, 7.1 AND 12; RELATING TO STATE LANDS.

**DESCRIPTIVE TITLE**

SETS ASIDE 694,000 ACRES OF STATE TRUST LAND IN CONSERVATION RESERVE; ALLOWS CONVEYANCE OF CONSERVATION LAND AND RIGHTS-OF-WAY WITHOUT AUCTION AND CERTAIN LAND WITHOUT COMPENSATION; ESTABLISHES BOARD TO PLAN AND DISPOSE; ALLOWS LAND TRANSFER BEFORE REVENUE SHARING PAYMENT AND USE OF SOME REVENUES FOR ADMINISTRATION; REQUIRES STATE AND LOCAL COORDINATION.

**PROPOSITION 106**

<p>A "yes" vote shall have the effect of setting aside 694,000 acres of state trust land for conservation, permitting the conveyance of Educational and Permanent Reserve lands without auction or compensation, permitting the conveyance of Provisional Reserve lands without auction, requiring local coordination of trust land planning in conjunction with the state, establishing a board of trustees to manage and dispose of state trust land, allowing public rights-of-way over trust land without auction at appraised value, allowing transfer of trust land before revenue-sharing payment and use of some revenues for trust administration.</p>	<p><b>YES</b> <input type="checkbox"/></p>
<p>A "no" vote shall have the effect of retaining the current law regarding the sale and use of state trust land.</p>	<p><b>NO</b> <input type="checkbox"/></p>

**PROPOSITION 106**

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**PROPOSITION 107**

**OFFICIAL TITLE**

**AN INITIATIVE MEASURE**

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

**TEXT OF PROPOSED AMENDMENT**

Be it enacted by the People of Arizona:

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

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

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

2. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article XXI, Constitution of Arizona.

**ANALYSIS BY LEGISLATIVE COUNCIL**

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

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

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

**FISCAL IMPACT STATEMENT**

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

**ARGUMENTS "FOR" PROPOSITION 107**

**Protect Marriage Arizona's Statement**

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

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

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

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

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

Larry Hall, Chair, Protect Marriage Arizona, Phoenix

*Paid for by "Protect Marriage Arizona"*

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

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

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

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

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PROPOSITION 107

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

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

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

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

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

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

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

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

**Myth:** Private contracts will be voided.

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

**Myth:** Domestic-violence laws will be voided.

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

**Myth:** Inheritance rights will be voided.

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

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

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

**Myth:** Blocking recognition of marriage counterfeits is unusual.

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

THE CENTER FOR ARIZONA POLICY

Cathi Herrod, Interim President, The Center for Arizona Policy, Scottsdale      Peter Gentala, General Counsel, The Center for Arizona Policy, Gilbert

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

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

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

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

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

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

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

Carol Soelberg, President, United Families Arizona, Mesa

Sharon Slater, President, United Families International, Gilbert

Nancy Salmon, Community Outreach Director, United Families Arizona, Mesa

Julie Walker, Executive Director, United Families International, Gilbert

*Paid for by "United Families International"*

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*Issued by: Secretary of State Jan Brewer*

Vote Yes to protect marriage in Arizona!

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

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

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

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

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

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

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

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

### Ballot Pamphlet Argument in Favor of Protect Marriage Arizona

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

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

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

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

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

Tom Barnett, Phoenix

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

John Rang, Kachina Automotive, Gilbert

Ross Farnsworth, Farnsworth Webb & Greer  
Insurance, Tempe

Dennis Barney, Landmark Interiors, Mesa

Chris Danielson, 90.3 Family Life Radio,  
Phoenix

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

*Paid for by "Protect Marriage Arizona"*

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

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

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

Don Goldwater, Goldwater for Governor, Laveen

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**ARGUMENTS "AGAINST" PROPOSITION 107**

**PROTECT MARRIAGE ARIZONA Amendment - Con statement**

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

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

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

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

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

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

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

*Paid for by "League of Women Voters of Arizona"*

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

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

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

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

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

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

*Paid for by "Arizona NOW"*

Arizona Green Party urges a NO vote on marriage initiative.

We want to protect religious freedom.

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

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

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

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

We're against government telling faith communities how to limit Marriage. Read more about this, and other ballot issues, at [www.azgp.org](http://www.azgp.org).

Protect freedom of religion. Protect Marriage. Vote NO.

Robert Neal, Treasurer, Arizona Green Party, Tempe

*Paid for by "Arizona Green Party"*

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

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

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

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

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

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

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

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

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

Thank you for considering a no vote on Proposition 107.

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

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

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

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

Maxine Piatt, Tucson

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**BALLOT FORMAT**

**PROPOSITION 107**

PROPOSED AMENDMENT TO THE CONSTITUTION  
BY INITIATIVE PETITION

**OFFICIAL TITLE**

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

**DESCRIPTIVE TITLE**

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

**PROPOSITION 107**

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

**YES**

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

**NO**

**PROPOSITION 107**

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



**PROPOSITION 200**

**OFFICIAL TITLE**

**AN INITIATIVE MEASURE**

CREATING THE ARIZONA VOTER REWARD ACT AND AMENDING ARIZONA REVISED STATUTES SECTIONS 5-518 AND 5-522 RELATING TO THE ARIZONA LOTTERY COMMISSION.

**TEXT OF PROPOSED AMENDMENT**

*Be it enacted by the voters of the State of Arizona:*

SECTION 1. In title 16, add new Chapter 9:

ARTICLE I. ARIZONA VOTER REWARD ACT

Section 16-1201. INTENT

A. The people of Arizona declare our intent to create a reward system that will improve the public participation in Arizona state government by encouraging citizen participation in the political process, and particularly voting at elections.

B. The intent of the Arizona Voter Reward Act is to increase voter turnout at the state primary and general elections. Only eligible voters who vote at an eligible election shall be eligible to participate. Only voters who consent to participate may receive a reward. The winner of the reward shall be determined by lot.

C. Notwithstanding any other provisions of law to the contrary, it shall be lawful for the Arizona Voter Reward Commission to offer the reward to electors as an inducement to vote.

D. The Arizona Voter Reward is open to all Arizona qualified electors at no cost.

Section 16-1202. DEFINITIONS

A. In this Chapter, unless the context otherwise requires:

- (1) "ACT" means the Arizona Voter Reward Act.
- (2) "ARIZONA VOTER REWARD FUND" shall consist of monies and other items of value received by the Arizona Voter Reward Commission for the purpose of making rewards to eligible voters under this Act.
- (3) "COMMISSION" means the "Arizona Voter Reward Commission."
- (4) "COUNTY OFFICER" means the county recorder or the county officer in charge of elections.
- (5) "ELIGIBLE ELECTION" means the Arizona biennial primary and general election as established by A.R.S. §16-201 and A.R.S. §16-211 as may be hereafter amended.
- (6) "ELIGIBLE VOTER" means a qualified Arizona elector pursuant to A.R.S. Section 16-121 who has cast a lawful ballot at an eligible election whether by early ballot; by mail, or in person.
- (7) "FUND" means the "Arizona Voter Reward Fund."
- (8) "NUMBER" or "VOTER REWARD NUMBER" means the unique number assigned to each eligible voter at an eligible election which is created by the Commission or created in coordination with county election officers.
- (9) "REWARD" means the reward provided for in this Act.
- (10) "VOTER" means "Qualified Elector" under A.R.S. § 16-121.

Section 16-1203. ARIZONA VOTER REWARD COMMISSION

A. There is established an "Arizona Voter Reward Commission" consisting of the members of the Arizona State Lottery Commission. If the Arizona State Lottery Commission is abolished or otherwise prevented from

performing the duties required by this Act the Arizona Citizens Clean Elections Commission shall be the successor.

B. The Governor may select another state agency to fulfill the provisions of this Chapter should the Lottery Commission and Citizens Clean Elections Commission be unable to act.

C. The Chairman of the Arizona State Lottery Commission shall be the Chairman of the Arizona Voter Reward Commission.

D. The executive director of the State Lottery shall be the Administrator of the Arizona Voter Reward Commission.

E. The administrative expenses of the Commission shall be paid from the Fund. Such expenses shall not exceed seven per cent of the total annual receipts of the Fund.

Section 16-1204. ELIGIBILITY FOR REWARD

To qualify to receive a reward, a voter must be an eligible voter who consents to participate in an eligible election. The appearance of the voter's name upon a precinct roll used at an eligible election together with his/her signature thereon shall prima facie be proof of the voter's eligible status.

Section 16-1205. ARIZONA VOTER REWARD FUND

A. The Arizona Voter Reward Fund is created and it shall be held and administered by the Commission and shall consist of the monies and other items of value received by the fund or Commission on behalf of the fund.

B. The legislature may appropriate additional funds if revenues from other sources are inadequate.

Section 16-1206. MANNER OF SELECTION OF VOTER REWARD NUMBER

A. The county officer, in coordination with the Commission, shall assign unique numbers to eligible voters who cast lawful ballots in each primary and general election and deliver the lists of numbers and corresponding names of voters to the Commission within 30 days after final canvass of the general election. The lists shall be accompanied by the transmitting officers' attestation that each such voter on the list is an eligible voter who cast a ballot at the immediately preceding primary or general election. If a voter casts a vote in both the primary and general elections, he or she will be assigned two unique numbers.

B. The county officer shall prepare an additional list which identifies the voter assigned to each number, except that the secrecy of names of confidential voters under A.R.S. § 16-153 shall be maintained. Should a number be selected as a winner which is assigned to a confidential voter, the Commission shall contact the county officer who shall privately contact the voter concerning the reward. Unless the winner declines the reward, the Commission shall require the public disclosure of the name of a winning voter but not the address.

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

C. The Commission shall prescribe the format of the voter number assigned by each county officer so that the numbers are compatible with a lottery-type game and are not duplicative of any other numbers.

D. The Commission shall determine the manner in which numbers will be selected for second rewards.

Section 16-1207. SELECTION OF WINNERS

A. The Commission shall select the winner of the rewards by a lottery drawing. Drawings shall be public. The Commission may adopt such other procedures as are appropriate to publicize and promote the drawings.

B. Prior to announcement of the name of a reward winner, the Commission shall verify the eligible status of the winner.

C. A reward is not transferable except in the event of death of the winner prior to the drawing. In such event, the reward shall go to the heir or heirs of the deceased.

D. Proof of a fraudulent voter registration shall disqualify any winner and the Commission shall seek to recover the prize awarded, if any.

E. The date of the drawing shall be established by the Commission after receipt of voter reward numbers from all the lists from the county officers.

Section 16-1208. DETERMINATION OF REWARD AMOUNT

A. Subject to the availability of funds, a First Reward of one million dollars (\$1,000,000.00) or more, adjusted for inflation, shall be awarded at each drawing.

B. The Commission may establish as many second rewards as feasible. Second rewards may consist of money or anything of value received by the Commission for the purpose of the Act.

C. Procedures for payments to winners from the Arizona Voter Reward Fund shall be established by rule or order of the Commission. Notwithstanding any other statute, monies in the Arizona Voter Reward Fund are not subject to appropriation by the legislature. Monies in the fund shall be exempt from the lapsing provisions of A.R.S. § 35-190.

Section 16-1209. CRIMINAL VIOLATIONS AND PENALTIES

A. A person who knowingly violates any provision of this Article is guilty of a class 1 misdemeanor.

B. Any person who knowingly receives a prize when ineligible to vote by reason of conviction of a felony that has not been expunged or voting rights have not been restored or by lack of United States citizenship is guilty of a Class 6 felony.

Section 16-1210. DUTIES OF THE COMMISSION

A. The Commission shall:

1. Develop, in coordination with the county officers, a procedure for including, with ballots mailed to electors casting early ballots pursuant to section 16-542, subsection c and with the sample ballots mailed to other electors pursuant to section 16-461, subsection d and section 16-510, subsection c, informational messages concerning the rewards under the Act. The county board of supervisors shall present to the Commission a certified claim for the actual cost of including the messages in such mailings in accordance with the procedure developed, and the Commission shall direct payment of the claims from the fund.

2. Sponsor nonpartisan events in such manner as determined by the Commission for the purpose of pro-

moting voter registration and turnout. The Commission may specify by rule the details of such events.

3. Prescribe forms for reports, statements, notices, and other documents required by this article.

4. Prepare and publish instructions concerning methods of bookkeeping and preservation of records to facilitate compliance with this article.

5. Prescribe powers and duties for staff persons and committees created by the Commission in carrying out the purposes of the Act.

6. Produce a yearly report to the Governor describing the Commission's activities, any recommendations for changes of law, administration, or funding amounts, and accounting for monies in the fund.

7. The Commission may adopt rules to carry out the purposes and provisions of this article and to govern procedures of the Commission.

8. Prescribe procedures for the acceptance of donation of monies or items of value from the public.

9. Otherwise enforce the provisions of this Act.

Section 16-1211. CONSTRUCTION AND SEVERABILITY

This Act shall be liberally construed so as to effectuate the intent and purposes stated herein. The provisions of this Act shall be severable and if any phrase, clause, sentence or provision of this compact is held or declared to be invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of the Act are severable.

In any court challenge to the validity of this article, the Commission and Arizonans For Voter Rewards shall have standing to intervene.

SECTION 2.

In title 5, Chapter 5, Article 1, the following amendments shall be made:

§5-518. DISPOSITION OF UNCLAIMED PRIZE MONEY

Unclaimed prize money for the prize on a winning ticket or share shall be retained for the person entitled to the prize for one hundred eighty days after the drawing in which the prize was won in the case of a drawing prize and for one hundred eighty days after the announced end of the game in question in the case of a prize determined in any manner other than by means of a drawing. If a claim is not made for the money within the applicable period, TWENTY PER CENT OF THE PRIZE MONEY SHALL BE TRANSFERRED MONTHLY TO THE ARIZONA VOTER REWARD FUND, FIFTY ~~seventy~~ per cent of the prize money shall be held in the state lottery prize fund for use as additional prizes in future games and thirty per cent shall be transferred monthly to the court appointed special advocate fund established by section 8-524. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, THE ARIZONA STATE LOTTERY COMMISSION SHALL, AS A HIGHEST ORDER, PAY TO THE ARIZONA VOTER REWARD FUND, FROM THE UNCLAIMED PRIZE MONEY, THE SUM OF FIVE HUNDRED THOUSAND DOLLARS, AND ANOTHER FIVE HUNDRED THOUSAND DOLLARS ONE YEAR LATER.

SECTION 3.

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

In title 5, Chapter 5, Article 1, the following amendments shall be made:

**§5-522. USE OF MONIES IN STATE LOTTERY FUND**

A. The monies in the state lottery fund shall be expended only for the following purposes and in the order provided:

1. For the expenses of the commission incurred in carrying out its powers and duties and in the operation of the lottery AND THE ARIZONA VOTER REWARD ACT.
  2. For payment to the commerce and economic development commission fund established by section 41-1505.10 of not less than twenty-one and one-half per cent of the revenues received from the sale of two special lottery games conducted for the benefit of economic development.
  3. Except as provided in subsection F of this section, for payment to the local transportation assistance fund established by section 28-8101 of not less than twenty-nine per cent of the revenues received from the sale of multistate lottery games, up to a maximum of eighteen million dollars each fiscal year.
  4. For payment to the state general fund of not less than twenty-one and one-half per cent of the revenues received from the sale of any instant bingo games conducted by the state lottery and not less than twenty-nine per cent of the revenues received from the sale of any on-line three-number games conducted by the state lottery, up to a maximum of ten million dollars each fiscal year, except that if on or before June 1 of each fiscal year the state lottery director determines that monies available to the Arizona state parks board heritage fund under subsection D of this section may not equal ten million dollars in that fiscal year or that the monies available to the Arizona game and fish commission heritage fund under subsection D of this section may not equal ten million dollars in that fiscal year, or both, the director shall authorize deposits to the Arizona state parks board heritage fund in an amount so that the total monies in that fund in that fiscal year equal ten million dollars or to the Arizona game and fish commission heritage fund in an amount so that the total monies in that fund in that fiscal year equal ten million dollars, or both. The state lottery director shall not make any deposits pursuant to this paragraph until after the director's determination each fiscal year.
  5. Of the monies remaining in the state lottery fund from the sale of instant bingo games and on-line three-number games each fiscal year, thirty per cent shall be allocated to the funds and programs described in subsection E of this section and seventy per cent shall be deposited in the local transportation assistance fund established by section 28-8101. The director shall not allocate more than the amount specified in subsection E of this section for each fiscal year to the funds and programs described in subsection E of this section from the state lottery fund pursuant to this paragraph and subsection E of this section. A maximum of eighteen million dollars may be deposited in the local transportation assistance fund each fiscal year from the state lottery fund pursuant to this paragraph and paragraph 3 of this subsection.
- B. Of the monies remaining in the state lottery fund

after the appropriations authorized in subsection A of this section seventy-five per cent up to a maximum of twenty-three million dollars each fiscal year shall be deposited in the local transportation assistance fund established pursuant to section 28-8101 and twenty-five per cent up to a maximum of seven million six hundred fifty thousand dollars each fiscal year shall be deposited in the county assistance fund established pursuant to section 41-175. Monies distributed pursuant to this subsection shall be in addition to monies distributed pursuant to subsection A, paragraphs 3 and 5 of this section.

C. Notwithstanding subsection B of this section, if the state lottery director determines at the beginning of any fiscal year that monies available to cities, towns and counties under this section may not equal thirty million six hundred fifty thousand dollars, the director shall not authorize deposits to the county assistance fund until the deposits to the local transportation assistance fund equal twenty-three million dollars.

D. Of the monies remaining in the state lottery fund each fiscal year after appropriations and deposits authorized in subsections A, B and C of this section, ten million dollars shall be deposited in the Arizona state parks board heritage fund established pursuant to section 41-502 and ten million dollars shall be deposited in the Arizona game and fish commission heritage fund established pursuant to section 17-297.

E. Of the monies remaining in the state lottery fund each fiscal year after appropriations and deposits authorized in subsections A, B, C and D of this section, and appropriations and deposits to the local transportation assistance fund authorized by this section, five million dollars shall be allocated to the department of economic security for the healthy families program established by section 8-701, four million dollars shall be allocated to the Arizona board of regents for the Arizona area health education system established by section 15-1643, three million dollars shall be allocated to the department of health services to fund the teenage pregnancy prevention programs established in Laws 1995, chapter 190, sections 2 and 3, two million dollars shall be allocated to the department of health services for the health start program established by section 36-697, two million dollars shall be deposited in the disease control research fund established by section 36-274 and one million dollars shall be allocated to the department of health services for the federal women, infants and children food program. The allocations in this subsection shall be adjusted annually according to changes in the GDP price deflator as defined in section 41-563 and the allocations are exempt from the provisions of section 35-190, relating to lapsing of appropriations. If there are not sufficient monies available pursuant to this subsection, the allocation of monies for each program shall be reduced on a pro rata basis.

F. Notwithstanding subsection A, paragraph 3 of this section, if the state lottery director determines that monies available to the state general fund from the sale of multistate lottery games may not equal thirty-one million dollars in a fiscal year, the director shall not authorize deposits to the local transportation assistance fund pursuant to subsection A, paragraph 3 of this section until the deposits to the state general fund from the sale of multistate lottery games equal thirty-

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

one million dollars in a fiscal year.

G. All monies remaining in the state lottery fund after the appropriations and deposits authorized in this section shall be deposited in the state general fund.

H. Except for monies expended for prizes as provided in section 5-504, subsection H and section 41-1505.10, monies expended under subsection A of this section shall be subject to legislative appropriation.

**SECTION 4. RETROACTIVITY**

This Act shall be retroactively applied to voters who voted at the primary and general elections in the year 2006. The winners shall be selected from the county lists of voters who voted at the elections. For the year 2006 elections only, the Commission shall publicize to the public that voters who elect to not participate in the voter reward drawing must contact the Commission, at least ten days prior to the drawing, requesting that their names be removed.

**ANALYSIS BY LEGISLATIVE COUNCIL**

Proposition 200 would establish a \$1,000,000 prize to be awarded to a randomly selected person who voted in the primary or general election. Anyone who voted in the primary or general election would be automatically entered in the drawing for the prize money, and if a person voted in both the primary and the general election, that person's name would be entered twice in the drawing.

Proposition 200 would provide money for the cash prize by transferring unclaimed lottery winnings into a separate Voter Reward Fund, to be overseen by the Arizona State Lottery Commission. Money would be awarded every two years, after each statewide general election is held. If there is sufficient money, the commission could establish additional prizes for the drawings.

Under Proposition 200, county voter registration and election officials would provide a list of numbers for the drawing with each number designating a person who voted in the primary or general election. The drawing would be conducted in public, with only the name of the winner disclosed. The winner could also refuse the prize money, and no name would be disclosed.

Proposition 200 would apply for statewide primary and general elections held in 2006 and later.

**FISCAL IMPACT STATEMENT**

State law requires the Joint Legislative Budget Committee (JLBC) Staff to prepare a summary of the fiscal impact of certain ballot measures. The Voter Reward Fund would receive 20% of unclaimed lottery prizes under Proposition 200. Based on a 5-year average, this amount is estimated to be approximately \$1.5 million per fiscal year. The unclaimed prize monies are otherwise used to supplement prizes paid to winners of Arizona Lottery games. Up to 7% of the Voter Reward Fund is available for administration.

**ARGUMENTS "FOR" PROPOSITION 200**

Some criticize "Voter Rewards" as being morally wrong. If that might be the case, we should look to the ultimate authority on morals and ethics. What does God say? Do what you are supposed to do and I will REWARD you with eternal life in heaven. What are we saying? Do what you are supposed to do, vote, and we will REWARD you with a chance to win a million dollars. If incentives are good enough for God, they are good enough for the voters of Arizona!

There are opponents that say we are "bribing" people to vote. No, bribery is when money is given to politicians to buy influence. We are using a capitalist incentive to reward citizens for exercising their patriotic duty. Why did capitalism win out over communism? Because capitalism has incentives built into the system and communism doesn't. We incentivize high school students to study diligently with college scholarships. We incentivize employees to work hard with commissions, pay raises, bonuses and promotions. Lets do the same thing with voting.

The complaint is made that the million dollar incentive will bring out the wrong people or uneducated voters. Democracy is meant to be government of ALL the people without any qualifiers such as race, creed, literacy, IQ, party affiliation or political correctness. We want every eligible citizen to vote; period! Currently, many millions of dollars are wasted on minimally effective Get-Out-The-Vote (GOTV) efforts. With one million dollars, which comes from the unclaimed prize fund of the Arizona Lottery, we can get everyone to the polls and all the saved GOTV money can be used to educate those voters. We will have everyone voting and educated about the issues and candidates. A true Win-Win result.

Mark Osterloh, MD, JD, Chairman, Arizonans for Voter Rewards, Tucson

*Paid for by "Arizonans for Voter Rewards"*

**ARGUMENTS "AGAINST" PROPOSITION 200**

The Arizona Farm Bureau opposes proposition 200.

Voting is a right and a privilege – not a chance at the lottery.

The prospects of a million dollar prize for voting may entice more voters to the polls, but our democracy deserves more. It requires an informed citizenry, rather than people voting only to possibly win a lottery. For all who have sacrificed, so that we might enjoy the blessings of liberty, we believe it sullies the process to lure voters with financial rewards.

Kevin G. Rogers, President, Arizona Farm Bureau, Mesa

James W. Klinker, Chief Administrative Officer, Arizona Farm Bureau, Mesa

*Paid for by "Arizona Farm Bureau"*

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

As a candidate for Peoria School Board, voter registration volunteer, and an American citizen, I OPPOSE this proposition. I certainly don't want someone voting on important issues that affect our children and community, when their only motivation is to win \$1 Million! Don't get me wrong; I'm in favor of getting more people to vote. In fact, I volunteer many hours throughout the year registering voters. But, do we really want someone whose only motivation to vote is winning \$1 Million making important decisions for the rest of us? I don't think so. Please join me in voting NO.

Debbie Lesko, Voter Registration Volunteer and Candidate for Peoria School Board, Glendale

**Vote NO on Proposition 200: Protect the Integrity and Security of Arizona's Elections**

Encouraging more Arizonans to fulfill their civic duty of voting is a noble endeavor. However, enticing residents to vote that would otherwise not do so with the prospect of winning a million dollars does nothing to further our democracy and will encourage voter fraud.

Our system of government becomes stronger when voters choose to become informed about the issues and the candidates on the ballot so that they can make wise choices. This initiative encourages people to cast a ballot even if they are completely uninformed and uninterested.

Throughout our country's history, disenfranchised groups – from women to racial minorities – have fought for the right to vote. The fact that the debate over fair and accurate elections continues to this day is testament to the value Americans place on the voting process.

Voter lotteries are untried in other states. Arizona would be the first state to implement such a radical and frivolous system if this initiative passes. Proposition 200: is truly a gamble for our state that will encourage some to commit voter fraud.

Voting is both a privilege and a responsibility of citizenship. Let's not belittle it by turning it into a game. There are far better ways to increase voter participation and motivate citizens to become involved in the political process. **The Arizona Chamber of Commerce and Industry urges Arizonans to vote NO on 200 as a way to show we take our voting rights seriously. A NO vote on Proposition 200 also prevents the devaluing of votes of informed voters with a system that entices potential voters to the polls who really do not care about the issues.**

Let's maintain the integrity and security of Arizona's elections, vote **NO on Proposition 200.**

Steve Twist, Chairman of Board of Directors,  
Arizona Chamber of Commerce and Industry,  
Scottsdale

James J. Apperson, President & CEO, Arizona  
Chamber of Commerce and Industry,  
Scottsdale

*Paid for by "Arizona Chamber of Commerce and Industry"*

**BALLOT FORMAT**

**PROPOSITION 200**

PROPOSED AMENDMENT BY INITIATIVE PETITION

**OFFICIAL TITLE**

AN INITIATIVE MEASURE  
CREATING THE ARIZONA VOTER REWARD ACT AND AMENDING ARIZONA REVISED STATUTES SECTIONS 5-518 AND 5-522 RELATING TO THE ARIZONA LOTTERY COMMISSION.

**DESCRIPTIVE TITLE**

ESTABLISHES \$1,000,000 PRIZE FOR RANDOMLY SELECTED VOTER WHO VOTES IN PRIMARY OR GENERAL ELECTION; ESTABLISHES FUNDING SOURCE OF 20% OF UNCLAIMED LOTTERY PRIZE MONEY; CREATES ARIZONA VOTER REWARD COMMISSION AND FUND AND CRITERIA FOR SELECTING WINNERS IN A PUBLIC DRAWING; REQUIRES COMMISSION SPONSORSHIP OF NONPARTISAN VOTER REGISTRATION AND TURNOUT EVENTS.

**PROPOSITION 200**

A "yes" vote shall have the effect of establishing a \$1,000,000 lottery for voters who vote in the primary or general elections that would be funded by a percentage of unclaimed state lottery prize money and creating the Arizona Voter Reward Commission and Fund.

**YES**

A "no" vote shall have the effect of retaining the current laws regarding voting.

**NO**

**PROPOSITION 200**

**PROPOSITION 201**

**OFFICIAL TITLE**

**AN INITIATIVE MEASURE**

REPEALING SECTIONS 36-601.01 AND 36-601.02, AMENDING BY ADDING NEW SECTION 36-601.01 AND AMENDING SECTION 42-3251.02 ARIZONA REVISED STATUTES; RELATING TO THE SMOKE-FREE ARIZONA ACT

**TEXT OF PROPOSED AMENDMENT**

Be it enacted by the People of the State of Arizona:  
Section 1. Title  
This measure shall be known as the "Smoke-Free Arizona Act."  
Section 2. Findings and Declaration of Purpose  
WHEREAS, an estimated 3,000 lung cancer deaths and more than 35,000 coronary heart disease deaths occur annually among adult nonsmokers in the United States as a result of exposure to secondhand smoke. CDC. Annual smoking-attributable mortality, years of potential life lost, and economic costs. (United States, 1995-1999 Morbidity and Mortality Weekly Report 2002;51(14):300-303.)  
WHEREAS, secondhand smoke has been classified by the Environmental Protection Agency (EPA) as a Group A carcinogen. This classification is reserved for chemicals or compounds which have been shown to cause cancer in humans such as asbestos and benzene. (United States Environmental Protection Agency, January 1993. Respiratory Effects of Passive Smoking.)  
WHEREAS, secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer. (California Environmental Protection Agency (CAL EPA), "Health effects of exposure to environmental tobacco smoke," Tobacco Control 6(4): 346-353, Winter, 1997.)  
WHEREAS, numerous economic analyses examining restaurant and hotel receipts and controlling for economic variables have shown either no difference or a positive economic impact after enactment of laws requiring workplaces to be smoke-free. Creation of smoke-free workplaces is sound economic policy and provides the maximum level of employee health and safety. (Glantz, S.A. & Smith, L. "The effect of ordinances requiring smoke-free restaurants on restaurant sales in the United States." American Journal of Public Health 87:1687-1693, 1997); Colman, R; Urbanas, C.M, "The economic impact of smoke-free workplaces: an assessment for Nova Scotia, prepared for Tobacco Control Unit, Nova Scotia Department of Health," GPI Atlantic, September 2001.)  
THEREFORE, The people of Arizona declare that everyone has the right to breathe clean indoor air in public places and at work, and that the health of Arizonans will be improved by prohibiting smoking in enclosed public places and places of employment. It is the intent of this Proposition to protect patrons, employees and people who may be particularly vulnerable to the health risks of breathing secondhand tobacco smoke including children, seniors and people

with existing health problems.  
Section 3. Sections 36-601.01 AND 36-601.02 Arizona Revised Statutes are repealed.  
Section 4. Title 36, Article 6, Chapter 6 Article 1 is amended by adding a new 36-601.01 to read:  
36-601.01 SMOKE-FREE ARIZONA ACT  
A. DEFINITIONS. THE FOLLOWING WORDS AND PHRASES, WHENEVER USED IN THIS SECTION, SHALL BE CONSTRUED AS DEFINED IN THIS SECTION:  
1. "EMPLOYEE" MEANS ANY PERSON WHO PERFORMS ANY SERVICE ON A FULL-TIME, PART-TIME OR CONTRACTED BASIS WHETHER OR NOT THE PERSON IS DENOMINATED AN EMPLOYEE, INDEPENDENT CONTRACTOR OR OTHERWISE AND WHETHER OR NOT THE PERSON IS COMPENSATED OR IS A VOLUNTEER.  
2. "EMPLOYER" MEANS A PERSON, BUSINESS, PARTNERSHIP, ASSOCIATION, THE STATE OF ARIZONA AND ITS POLITICAL SUBDIVISIONS, CORPORATIONS, INCLUDING A MUNICIPAL CORPORATIONS, TRUST, OR NON-PROFIT ENTITY THAT EMPLOYS THE SERVICES OF ONE OR MORE INDIVIDUAL PERSONS.  
3. "ENCLOSED AREA" MEANS ALL SPACE BETWEEN A FLOOR AND CEILING THAT IS ENCLOSED ON ALL SIDES BY PERMANENT OR TEMPORARY WALLS OR WINDOWS (EXCLUSIVE OF DOORWAYS), WHICH EXTEND FROM THE FLOOR TO THE CEILING. ENCLOSED AREA INCLUDES A REASONABLE DISTANCE FROM ANY ENTRANCES, WINDOWS AND VENTILATION SYSTEMS SO THAT PERSONS ENTERING OR LEAVING THE BUILDING OR FACILITY SHALL NOT BE SUBJECTED TO BREATHING TOBACCO SMOKE AND SO THAT TOBACCO SMOKE DOES NOT ENTER THE BUILDING OR FACILITY THROUGH ENTRANCES, WINDOWS, VENTILATION SYSTEMS OR ANY OTHER MEANS.  
4. "HEALTH CARE FACILITY" MEANS ANY ENCLOSED AREA UTILIZED BY ANY HEALTH CARE INSTITUTION LICENSED ACCORDING TO TITLE 36 CHAPTER 4, CHAPTER 6 ARTICLE 7, OR CHAPTER 17, OR ANY HEALTH CARE PROFESSIONAL LICENSED ACCORDING TO TITLE 32 CHAPTERS 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 21, 25, 28, 29, 33, 34, 35, 39, 41, OR 42.  
5. "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION, LIMITED LIABILITY COMPANY, ENTITY, ASSOCIATION, GOVERNMENTAL SUBDIVISION OR UNIT OF A GOVERNMENTAL SUBDIVISION, OR A PUBLIC OR PRIVATE ORGANIZATION OF ANY CHARACTER.  
6. "PHYSICALLY SEPARATED" MEANS ALL SPACE BETWEEN A FLOOR AND CEILING WHICH IS ENCLOSED ON ALL SIDES BY SOLID WALLS OR

**PROPOSITION 201**

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

WINDOWS (EXCLUSIVE OF DOOR OR PASSAGEWAY) AND INDEPENDENTLY VENTILATED FROM SMOKE-FREE AREAS, SO THAT AIR WITHIN PERMITTED SMOKING AREAS DOES NOT DRIFT OR GET VENTED INTO SMOKE-FREE AREAS.

7. "PLACES OF EMPLOYMENT" MEANS AN ENCLOSED AREA UNDER THE CONTROL OF A PUBLIC OR PRIVATE EMPLOYER THAT EMPLOYEES NORMALLY FREQUENT DURING THE COURSE OF EMPLOYMENT, INCLUDING OFFICE BUILDINGS, WORK AREAS, AUDITORIUMS, EMPLOYEE LOUNGES, RESTROOMS, CONFERENCE ROOMS, MEETING ROOMS, CLASSROOMS, CAFETERIAS, HALLWAYS, STAIRS, ELEVATORS, HEALTH CARE FACILITIES, PRIVATE OFFICES AND VEHICLES OWNED AND OPERATED BY THE EMPLOYER DURING WORKING HOURS WHEN THE VEHICLE IS OCCUPIED BY MORE THAN ONE PERSON. A PRIVATE RESIDENCE IS NOT A "PLACE OF EMPLOYMENT" UNLESS IT IS USED AS A CHILD CARE, ADULT DAY CARE, OR HEALTH CARE FACILITY.

8. "VETERAN AND FRATERNAL CLUBS" MEANS A CLUB AS DEFINED IN A.R.S. 4-101(7)(A)(B) OR (C).

9. "PUBLIC PLACE" MEANS ANY ENCLOSED AREA TO WHICH THE PUBLIC IS INVITED OR IN WHICH THE PUBLIC IS PERMITTED, INCLUDING AIRPORTS, BANKS, BARS, COMMON AREAS OF APARTMENT BUILDINGS, CONDOMINIUMS OR OTHER MULTIFAMILY HOUSING FACILITIES, EDUCATIONAL FACILITIES, ENTERTAINMENT FACILITIES OR VENUES, HEALTH CARE FACILITIES, HOTEL AND MOTEL COMMON AREAS, LAUNDROMATS, PUBLIC TRANSPORTATION FACILITIES, RECEPTION AREAS, RESTAURANTS, RETAIL FOOD PRODUCTION AND MARKETING ESTABLISHMENTS, RETAIL SERVICE ESTABLISHMENTS, RETAIL STORES, SHOPPING MALLS, SPORTS FACILITIES, THEATERS, AND WAITING ROOMS. A PRIVATE RESIDENCE IS NOT A "PUBLIC PLACE" UNLESS IT IS USED AS A CHILD CARE, ADULT DAY CARE, OR HEALTH CARE FACILITY.

10. "RETAIL TOBACCO STORE" MEANS A RETAIL STORE THAT DERIVES THE MAJORITY OF ITS SALES FROM TOBACCO PRODUCTS AND ACCESSORIES.

11. "SMOKING" MEANS INHALING, EXHALING, BURNING, OR CARRYING OR POSSESSING ANY LIGHTED TOBACCO PRODUCT, INCLUDING CIGARS, CIGARETTES, PIPE TOBACCO AND ANY OTHER LIGHTED TOBACCO PRODUCT.

12. "SPORTS FACILITIES" MEANS ENCLOSED AREAS OF SPORTS PAVILIONS, STADIUMS, GYMNASIUMS, HEALTH SPAS, BOXING ARENAS, SWIMMING POOLS, ROLLER AND ICE RINKS, BILLIARD HALLS, BOWLING ALLEYS, AND OTHER SIMILAR PLACES WHERE MEMBERS OF THE GENERAL PUBLIC ASSEMBLE TO ENGAGE IN PHYSICAL EXERCISE, PARTICIPATE IN ATHLETIC COMPETITION, OR WITNESS SPORTING EVENTS.

B. SMOKING IS PROHIBITED IN ALL PUBLIC PLACES AND PLACES OF EMPLOYMENT WITHIN THE STATE OF ARIZONA, EXCEPT THE FOLLOWING:

1. PRIVATE RESIDENCES, EXCEPT WHEN USED

AS A LICENSED CHILD CARE, ADULT DAY CARE, OR HEALTH CARE FACILITY.

2. HOTEL AND MOTEL ROOMS THAT ARE RENTED TO GUESTS AND ARE DESIGNATED AS SMOKING ROOMS; PROVIDED, HOWEVER, THAT NOT MORE THAN FIFTY PERCENT OF ROOMS RENTED TO GUESTS IN A HOTEL OR MOTEL ARE SO DESIGNATED.

3. RETAIL TOBACCO STORES THAT ARE PHYSICALLY SEPARATED SO THAT SMOKE FROM RETAIL TOBACCO STORES DOES NOT INFILTRATE INTO AREAS WHERE SMOKING IS PROHIBITED UNDER THE PROVISIONS OF THIS SECTION.

4. VETERANS AND FRATERNAL CLUBS WHEN THEY ARE NOT OPEN TO THE GENERAL PUBLIC.

5. SMOKING WHEN ASSOCIATED WITH A RELIGIOUS CEREMONY PRACTICED PURSUANT TO THE AMERICAN INDIAN RELIGIOUS FREEDOM ACT OF 1978.

6. OUTDOOR PATIOS SO LONG AS TOBACCO SMOKE DOES NOT ENTER AREAS WHERE SMOKING IS PROHIBITED THROUGH ENTRANCES, WINDOWS, VENTILATION SYSTEMS, OR OTHER MEANS.

7. A THEATRICAL PERFORMANCE UPON A STAGE OR IN THE COURSE OF A FILM OR TELEVISION PRODUCTION IF THE SMOKING IS PART OF THE PERFORMANCE OR PRODUCTION.

C. THE PROHIBITION ON SMOKING IN PLACES OF EMPLOYMENT SHALL BE COMMUNICATED TO ALL EXISTING EMPLOYEES BY THE EFFECTIVE DATE OF THIS SECTION AND TO ALL PROSPECTIVE EMPLOYEES UPON THEIR APPLICATION FOR EMPLOYMENT.

D. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, AN OWNER, OPERATOR, MANAGER, OR OTHER PERSON OR ENTITY IN CONTROL OF AN ESTABLISHMENT, FACILITY, OR OUTDOOR AREA MAY DECLARE THAT ENTIRE ESTABLISHMENT, FACILITY, OR OUTDOOR AREA AS A NONSMOKING PLACE.

E. POSTING OF SIGNS AND ASHTRAY REMOVAL. 1. "NO SMOKING" SIGNS OR THE INTERNATIONAL "NO SMOKING" SYMBOL (CONSISTING OF A PICTORIAL REPRESENTATION OF A BURNING CIGARETTE ENCLOSED IN A RED CIRCLE WITH A RED BAR ACROSS IT) SHALL BE CLEARLY AND CONSPICUOUSLY POSTED BY THE OWNER, OPERATOR, MANAGER, OR OTHER PERSON IN CONTROL OF THAT PLACE IDENTIFYING WHERE SMOKING IS PROHIBITED BY THIS SECTION AND WHERE COMPLAINTS REGARDING VIOLATIONS MAY BE REGISTERED.

2. EVERY PUBLIC PLACE AND PLACE OF EMPLOYMENT WHERE SMOKING IS PROHIBITED BY THIS SECTION SHALL HAVE POSTED AT EVERY ENTRANCE A CONSPICUOUS SIGN CLEARLY STATING THAT SMOKING IS PROHIBITED.

3. ALL ASHTRAYS SHALL BE REMOVED FROM ANY AREA WHERE SMOKING IS PROHIBITED BY THIS SECTION BY THE OWNER, OPERATOR, MANAGER, OR OTHER PERSON HAVING CONTROL OF THE AREA.

F. NO EMPLOYER MAY DISCHARGE OR RETALI-

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ATE AGAINST AN EMPLOYEE BECAUSE THAT EMPLOYEE EXERCISES ANY RIGHTS AFFORDED BY THIS SECTION OR REPORTS OR ATTEMPTS TO PROSECUTE A VIOLATION OF THIS SECTION. G. THE LAW SHALL BE IMPLEMENTED AND ENFORCED BY THE DEPARTMENT OF HEALTH SERVICES AS FOLLOWS:

1. THE DEPARTMENT SHALL DESIGN AND IMPLEMENT A PROGRAM, INCLUDING THE ESTABLISHMENT OF AN INTERNET WEBSITE, TO EDUCATE THE PUBLIC REGARDING THE PROVISIONS OF THIS LAW.
2. THE DEPARTMENT SHALL INFORM PERSONS WHO OWN, MANAGE, OPERATE OR OTHERWISE CONTROL A PUBLIC PLACE OR PLACE OF EMPLOYMENT OF THE REQUIREMENTS OF THIS LAW AND HOW TO COMPLY WITH ITS PROVISIONS INCLUDING MAKING INFORMATION AVAILABLE AND PROVIDING A TOLL-FREE TELEPHONE NUMBER AND E-MAIL ADDRESS TO BE USED EXCLUSIVELY FOR THIS PURPOSE.
3. ANY MEMBER OF THE PUBLIC MAY REPORT A VIOLATION OF THIS LAW TO THE DEPARTMENT. THE DEPARTMENT SHALL ACCEPT ORAL AND WRITTEN REPORTS OF VIOLATION AND ESTABLISH AN E-MAIL ADDRESS(ES) AND TOLL-FREE TELEPHONE NUMBER(S) TO BE USED EXCLUSIVELY FOR THE PURPOSE OF REPORTING VIOLATIONS. A PERSON SHALL NOT BE REQUIRED TO DISCLOSE THE PERSON'S IDENTITY WHEN REPORTING A VIOLATION.
4. IF THE DEPARTMENT HAS REASON TO BELIEVE A VIOLATION OF THIS LAW EXISTS, THE DEPARTMENT MAY ENTER UPON AND INTO ANY PUBLIC PLACE OR PLACE OF EMPLOYMENT FOR PURPOSES OF DETERMINING COMPLIANCE WITH THIS LAW. HOWEVER, THE DEPARTMENT MAY INSPECT PUBLIC PLACES WHERE FOOD OR ALCOHOL IS SERVED AT ANY TIME TO DETERMINE COMPLIANCE WITH THIS LAW.
5. IF THE DEPARTMENT DETERMINES THAT A VIOLATION OF THIS LAW EXISTS AT A PUBLIC PLACE OR PLACE OF EMPLOYMENT, THE DEPARTMENT SHALL ISSUE A NOTICE OF VIOLATION TO THE PERSON WHO OWNS, MANAGES, OPERATES OR OTHERWISE CONTROLS THE PUBLIC PLACE OR PLACE OF EMPLOYMENT. THE NOTICE SHALL INCLUDE THE NATURE OF EACH VIOLATION, DATE AND TIME EACH VIOLATION OCCURRED, AND DEPARTMENT CONTACT PERSON.
6. THE DEPARTMENT SHALL IMPOSE A CIVIL PENALTY ON THE PERSON IN AN AMOUNT OF NOT LESS THAN \$100, BUT NOT MORE THAN \$500 FOR EACH VIOLATION. IN CONSIDERING WHETHER TO IMPOSE A FINE AND THE AMOUNT OF THE FINE, THE DEPARTMENT MAY CONSIDER WHETHER THE PERSON HAS BEEN CITED PREVIOUSLY AND WHAT EFFORTS THE PERSON HAS TAKEN TO PREVENT OR CURE THE VIOLATION INCLUDING REPORTING THE VIOLATION OR TAKING ACTION UNDER SUBSECTION J. EACH DAY THAT A VIOLATION OCCURS CONSTITUTES A SEPARATE VIOLATION. THE DIRECTOR MAY ISSUE A NOTICE THAT INCLUDES THE PROPOSED AMOUNT OF THE CIVIL PENALTY ASSESSMENT. A PERSON MAY

APPEAL THE ASSESSMENT OF A CIVIL PENALTY BY REQUESTING A HEARING. IF A PERSON REQUESTS A HEARING TO APPEAL AN ASSESSMENT, THE DIRECTOR SHALL NOT TAKE FURTHER ACTION TO ENFORCE AND COLLECT THE ASSESSMENT UNTIL THE HEARING PROCESS IS COMPLETE. THE DIRECTOR SHALL IMPOSE A CIVIL PENALTY ONLY FOR THOSE DAYS ON WHICH THE VIOLATION HAS BEEN DOCUMENTED BY THE DEPARTMENT.

7. IF A CIVIL PENALTY IMPOSED BY THIS SECTION IS NOT PAID, THE ATTORNEY GENERAL OR A COUNTY ATTORNEY SHALL FILE AN ACTION TO COLLECT THE CIVIL PENALTY IN A JUSTICE COURT OR THE SUPERIOR COURT IN THE COUNTY IN WHICH THE VIOLATION OCCURRED.

8. THE DEPARTMENT MAY APPLY FOR INJUNCTIVE RELIEF TO ENFORCE THESE PROVISIONS IN THE SUPERIOR COURT IN THE COUNTY IN WHICH THE VIOLATION OCCURRED. THE COURT MAY IMPOSE APPROPRIATE INJUNCTIVE RELIEF AND IMPOSE A PENALTY OF NOT LESS THAN \$100 BUT NOT MORE THAN \$500 FOR EACH VIOLATION. EACH DAY THAT A VIOLATION OCCURS CONSTITUTES A SEPARATE VIOLATION. IF THE SUPERIOR COURT FINDS THE VIOLATIONS ARE WILLFUL OR EVIDENCE A PATTERN OF NONCOMPLIANCE, THE COURT MAY IMPOSE A FINE UP TO \$5000 PER VIOLATION.

9. THE DEPARTMENT MAY CONTRACT WITH A THIRD PARTY TO DETERMINE COMPLIANCE WITH THIS LAW.

10. THE DEPARTMENT MAY DELEGATE TO A STATE AGENCY OR POLITICAL SUBDIVISION OF THIS STATE ANY FUNCTIONS, POWERS OR DUTIES UNDER THIS LAW.

11. THE DIRECTOR OF THE DEPARTMENT MAY PROMULGATE RULES FOR THE IMPLEMENTATION AND ENFORCEMENT OF THIS LAW. THE DEPARTMENT IS EXEMPT FROM THE RULEMAKING PROCEDURES IN A.R.S. § TITLE 41, CHAPTER 6 EXCEPT THE DEPARTMENT SHALL PUBLISH DRAFT RULES AND THEREAFTER TAKE PUBLIC INPUT INCLUDING HOLD AT LEAST TWO PUBLIC HEARINGS PRIOR TO IMPLEMENTING THE RULES. THIS EXEMPTION EXPIRES MAY 1, 2007.

H. BEGINNING ON JUNE 1, 2008 AND EVERY OTHER JUNE 1 THEREAFTER, THE DIRECTOR OF THE ARIZONA DEPARTMENT OF HEALTH SERVICES SHALL ISSUE A REPORT ANALYZING ITS ACTIVITIES TO ENFORCE THIS LAW, INCLUDING THE ACTIVITIES OF ALL OF THE STATE AGENCIES OR POLITICAL SUBDIVISIONS TO WHOM THE DEPARTMENT HAS DELEGATED RESPONSIBILITY UNDER THIS LAW.

I. AN OWNER, MANAGER, OPERATOR OR EMPLOYEE OF PLACE REGULATED BY THIS LAW SHALL INFORM ANY PERSON WHO IS SMOKING IN VIOLATION OF THIS LAW THAT SMOKING IS ILLEGAL AND REQUEST THAT THE ILLEGAL SMOKING STOP IMMEDIATELY.

J. THIS LAW DOES NOT CREATE ANY NEW PRIVATE RIGHT OF ACTION NOR DOES IT EXTINGUISH ANY EXISTING COMMON LAW CAUSES OF ACTION.

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

K. A PERSON WHO SMOKES WHERE SMOKING IS PROHIBITED IS GUILTY OF A PETTY OFFENSE WITH A FINE OF NOT LESS THAN FIFTY DOLLARS AND NOT MORE THAN THREE HUNDRED DOLLARS.

L. SMOKE-FREE ARIZONA FUND

1. THE SMOKE-FREE ARIZONA FUND IS ESTABLISHED CONSISTING OF ALL REVENUES DEPOSITED IN THE FUND PURSUANT TO §42-3251.02 AND INTEREST EARNED ON THOSE MONIES. THE ARIZONA DEPARTMENT OF HEALTH SERVICES SHALL ADMINISTER THE FUND. ON NOTICE FROM THE DEPARTMENT, THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED BY §35-313 AND MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

2. ALL MONEY IN THE SMOKE-FREE ARIZONA FUND SHALL BE USED TO ENFORCE THE PROVISIONS OF THIS SECTION PROVIDED HOWEVER THAT IF THERE IS MONEY REMAINING AFTER THE DEPARTMENT HAS MET ITS ENFORCEMENT OBLIGATIONS, THAT REMAINING MONEY SHALL BE DEPOSITED IN THE TOBACCO PRODUCTS TAX FUND AND USED FOR EDUCATION PROGRAMS TO REDUCE AND ELIMINATE TOBACCO USE AND FOR NO OTHER PURPOSE.

3. MONIES IN THIS FUND ARE CONTINUOUSLY APPROPRIATED, ARE NOT SUBJECT TO FURTHER APPROVAL, DO NOT REVERT TO THE GENERAL FUND AND ARE EXEMPT FROM THE PROVISIONS OF §36-190 RELATING TO THE LAPSING OF APPROPRIATIONS.

M. THIS SECTION DOES NOT PREVENT A POLITI-

CAL SUBDIVISION OF THE STATE FROM ADOPTING ORDINANCES OR REGULATIONS THAT ARE MORE RESTRICTIVE THAN THIS SECTION NOR DOES THIS SECTION REPEAL ANY EXISTING ORDINANCE OR REGULATION THAT IS MORE RESTRICTIVE THAN THIS SECTION.

N. TRIBAL SOVEREIGNTY - THIS SECTION HAS NO APPLICATION ON INDIAN RESERVATIONS AS DEFINED IN ARS 42-3301(2).

Section 5. Title 42, Chapter 3, Article 6, Arizona Revised Statutes is amended by adding section 42-3251.02 to read:

42-3251.02. LEVY AND COLLECTION OF TOBACCO TAX FOR SMOKE-FREE ARIZONA FUND.

A. IN ADDITION TO THE TAXES IMPOSED BY 42-3251(1), THERE IS LEVIED AND SHALL BE COLLECTED AN ADDITIONAL TAX OF ONE TENTH OF ONE CENT ON EACH CIGARETTE.

B. MONIES COLLECTED PURSUANT TO THIS SECTION SHALL BE DEPOSITED, PURSUANT TO §§ 35-146 AND 35-147, IN THE SMOKE-FREE ARIZONA FUND ESTABLISHED BY §36-601.01.

Section 6.

1. If any provision, clause, sentence, or paragraph of this Act or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

2. §36-601.01(M) and §42-3251.02 becomes effective on the date of enactment. The remaining provisions of this Act become effective on May 1, 2007.

#### **ANALYSIS BY LEGISLATIVE COUNCIL**

Currently, state statutes provide that smoking tobacco is prohibited in certain areas and most state buildings. A person who smokes where smoking is prohibited is guilty of a petty offense. Several cities and towns also have restrictions on smoking in public places.

Proposition 201 would prohibit smoking in all public places and places of employment, except as provided by the proposition. These exceptions include:

1. Retail tobacco stores that are physically separated and independently ventilated.
2. Veterans and fraternal clubs when they are not open to the public.
3. Hotel rooms designated as smoking rooms.
4. Outdoor patios.

Proposition 201 would increase the state tax on cigarettes from \$1.18 per pack to \$1.20 per pack. Taxes on cigars and other tobacco products would not be increased by this proposition. Revenues collected from this tax would be deposited in a new Smoke-Free Arizona Fund to be administered by the Department of Health Services (DHS) to pay for enforcement and education costs.

Proposition 201 also would prescribe notice and other requirements for operating establishments to implement the smoking restrictions. In addition, an employer could not retaliate against an employee for exercising any rights provided by the proposition.

A person who smokes where smoking is prohibited would be guilty of a petty offense.

Under the proposition, DHS would implement and enforce these smoking restrictions. DHS would be required to design and implement a program to educate the public and business owners about the smoking restrictions. DHS would also be authorized to accept complaints about and investigate violations of the smoking restrictions. Proposition 201 would also require DHS to assess a civil penalty of at least \$100 but less than \$500 for each violation.

Proposition 201 would not prohibit or repeal more restrictive city, town or county laws.

#### **FISCAL IMPACT STATEMENT**

State law requires the Joint Legislative Budget Committee (JLBC) Staff to prepare a summary of the fiscal impact of certain ballot measures. Proposition 201 increases the tax on cigarettes by 2 cents a pack and allocates the monies to the Department of Health Services for enforcement and education provisions. State and local governments may receive additional revenues in the form of civil penalties, fines and penalty assessments from

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violators of the provisions of the proposition. The total amount of these collections will depend on the level of compliance, which is difficult to predict in advance.

The tax increase is estimated to generate \$4.7 million in new revenue for the state in its first full year. Because some individuals may reduce their tobacco consumption when the price of tobacco increases, the state's existing tobacco tax collections may decrease. At 2 cents per pack, the impact of the tax on existing collections is projected to be minimal. The existing tobacco tax goes to health programs, prisons and the State General Fund.

### **ARGUMENTS "FOR" PROPOSITION 201**

#### **Smoke-Free Arizona**

You are sitting in a restaurant enjoying a meal. You didn't see the smoker when you sat down, but you can smell the smoke now. How annoying is that? It's annoying all right, but that's the least of your worries. Second-hand smoke actually hurts you. It contains more than 4,000 chemicals and 43 cancer-causing agents, and is responsible for much death and disease in Arizona. Most importantly, this exposure will be a thing of the past if voters pass the Smoke-Free Arizona initiative in November.

The Smoke-Free Arizona initiative will prohibit smoking in indoor public places and workplaces. The Smoke-Free Arizona initiative will dramatically reduce our exposure to secondhand smoke and protect the health of all Arizonans especially those who may be most vulnerable: children, seniors and people with existing health problems.

Leading the campaign are the American Cancer Society, American Heart Association, American Lung Association and the Arizona Hospital and Healthcare Association. More than 100 community, health and business organizations, including the Campaign for Tobacco Free Kids, the AARP of Arizona, and the March of Dimes, have endorsed the measure.

This initiative is about giving the people of Arizona a say in the protection of their health. While cigarette manufacturers continue to deny the damaging health effects of secondhand smoke, Arizonans continue to be exposed to dangerous toxins and chemicals in secondhand smoke.

Everyone deserves the right to breathe clean air. You can support smoke-free workplaces in Arizona by getting involved in the campaign. Please call (602) 414-5339 or check out [www.SmokefreeArizona.org](http://www.SmokefreeArizona.org).

Bill J. Pfeifer, Chairman, Smoke-Free Arizona, Tempe

*Paid for by "Smoke-Free Arizona Campaign"*

Church Women United urges a YES vote on the "Smoke-Free Arizona Act" initiative, funded by nonprofit charities with a true interest in your health, and, at the same, time urges a NO vote on the competing initiative, funded by the tobacco industry.

We have, from the adoption of policy statements as early as 1946, advocated for the health and well being of families. In Arizona, we were major advocates for the redefinition of eligibility for AHCCCS healthcare, to include the working poor, both in 1996 and 2000. But prevention is better than cure, so our concern has expanded to include telling the plain truth about tobacco addiction, and to having the tobacco industry assume responsibility for its product.

We have also been concerned about working conditions, especially for women, and about access to public places for persons with disabilities, including respiratory illnesses.

Church Women United supports a Smoke-Free Arizona. Please vote YES.  
Church Women United in Arizona

Pennie Doss, Treasurer, Church Women United  
in Arizona, Glendale

Martha B. Hollcroft, Finance Chair, Church  
Women United in Arizona, Phoenix

*Paid for by "Church Women United in Arizona"*

#### **BAN, BABY, BAN!**

Attention Voters of Arizona:

What right does anyone have to pollute my air and make me smell stinky? If I don't like something, I am going to do everything within my power to get rid of it.

#### **That's the power of a Government Ban.**

I don't like the smell from smoke, except smoked salmon cooking on my barbeque. I should not have to smell smoke and that's why I am all for a government ban. In fact, I think it should be illegal for people to smoke in their cars. We should have the government issue "DWS" tickets and make people pay huge fines.

Publicity, and fighting for a person's right to smoke makes it harder for us who are trying to rid our society of other bad things such as alcohol, tobacco, and worse, caffeine, artificial sweeteners, and Hydrogenated oils.

**I think this is the appropriate step in our march towards a cleaner, healthier society.** Next stop, we can start targeting the other vendors and citizens using things that are bad for us:

- Caffeine
- Fast Food
- NutraSweet

America is made up of a bunch of addicted fatties. We need the government to step in and help us get back on the right track. Just like parents step in when their children are out of control, the government needs to slap America's hand out of the cookie jar.

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*Issued by: Secretary of State Jan Brewer*

Anyone who smokes should be ashamed of themselves. Your days are numbered. It is time to destinkify the air we breathe.

Join me in supporting a total Government Ban.

Bob Roberts, Scottsdale

**Former U.S. Surgeon General, C. EVERETT KOOP says:  
"Everyone wins when Arizona is a smoke-free state".**

As chair of the Yes on Prop 201 campaign I am delighted we are endorsed by former U.S. Surgeon General, C. Everett Koop. He clearly expresses the danger and hazard of second-hand smoke:

"The evidence about second-hand smoke is clear and convincing: second-hand smoke is a dangerous and deadly presence in enclosed indoor work places. No one should have to endure it to hold a job, patronize a business, or enjoy a meal in a restaurant. Experiences in other parts of our country have shown the fears of some that business would be adversely affected were all ill founded."

"When I was Surgeon General, I never led the people of America astray when I talked to them about their health and I'm certainly not going to change at this late date when I say that everyone wins when Arizona is a smoke-free state."

You too can join Surgeon General C. Everett Koop in creating a healthier Arizona for all of us.

Visit [www.smokefreearizona.org](http://www.smokefreearizona.org) today and vote Yes on Prop 201.

Sincerely,

Bill J. Pfeifer, Chairman, Smoke-Free Arizona, Tempe

*Paid for by "Smoke-Free Arizona Campaign"*

Every day, our doctors and nurses treat patients who are afflicted with terrible smoking-related diseases. We see the toll that cancer, heart disease and constant respiratory infections take on patients and on families.

It's especially sad to us when people who have never smoked a day in their lives, but who have worked in smoke-filled establishments, need treatment.

Secondhand smoke affects our patients in so many devastating ways:

- It increases the risk of both lung and nasal cancer.
- It increases the risk of cardiovascular disease, which afflicts one in five Americans.
- It triggers asthma, creating difficulty breathing, wheezing and coughing, particularly in children.

The Environmental Protection Agency has declared secondhand smoke as a Group A carcinogen. Federal officials have identified more than 50 hazardous chemicals in the smoke.

We know that we can prevent tragic and unnecessary deaths related to tobacco use. We urge you to vote for the Smoke-free Arizona initiative.

Sincerely,

John R. Rivers, President and CEO, Arizona  
Hospital and Healthcare Association, Paradise  
Valley

Adda Alexander, Executive Vice President,  
Arizona Hospital and Healthcare Association,  
Glendale

*Paid for by "Arizona Hospital & Healthcare Association"*

Every year, the American Cancer Society helps thousands of people deal with the devastating news that they or a loved one have cancer. As the largest voluntary health organization committed to eliminating cancer, it is our responsibility to ensure we do all we can to educate Arizonans on the risks like secondhand smoke that cause this terrible disease. Smoke-Free Arizona is a common sense public health policy that will help us achieve our goal to eliminate cancer as a major public health problem.

Lung cancer is the most common cancer-related death in both men and women and cigarette smoking is by far the most important risk factor for lung cancer. Secondhand smoke also plays a contributing role in the development of lung cancer and is responsible for 3000 lung cancer deaths every year in nonsmokers. Some studies have also suggested that secondhand smoke may be linked to an increased risk of breast cancer. The California Environmental Protection Agency recently concluded that secondhand smoke causes breast cancer in younger women. The U.S. Surgeon General is currently reviewing the evidence on this link. Smoke-Free Arizona is an important public health policy that will help the American Cancer Society achieve its goal to eliminate cancer death and suffering.

Arizona has always been a leader in the fight against cancer and we all know someone that has faced a cancer diagnosis. You can help today by voting "yes" on Smoke-Free Arizona and ensuring that all Arizonans are protected from the harmful effects of secondhand smoke.

Sincerely,

Pameal K. Meyerhoffer, Member, Great West  
Division Board of Directors, American Cancer  
Society, Litchfield Park

Van Wolf, Treasurer, National Board of  
Directors, American Cancer Society, Phoenix

*Paid for by "American Cancer Society"*

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

The National Organization for Women (NOW) encourages your YES vote on the "Smoke-Free Arizona" ballot measure, Proposition 201.

We support this initiative for a number of reasons:

1. We care about safe workplace conditions; in this instance, for young women who work hard offering wait service in restaurants, bars and taverns. They are entitled to a decent, smoke-free workplace.

2. We care about accessibility of public places, where folks can eat, drink and relax, for Arizona's disabled residents, including those with respiratory disabilities. They can't breathe hard enough to escape the noxious fumes, and we all shudder at the matches and butts next to their oxygen tanks. They are entitled to an easy breathing, smoke-free meal or drink.

3. We care about people struggling with addictions, who have been taught to associate tobacco use with alcohol, and who would like to enjoy meeting friends in public places, without having smoke blown into their faces. We recognize that it is particularly hard for women to overcome tobacco addictions. They are entitled to smoke-free public accommodations.

4. We care about accountability. The tobacco industry has carefully designed their marketing campaigns to ensnare women, inventing the bizarre notion of a "woman's cigarette". But they haven't conned us into thinking that we have to have our public places polluted, just because it suits their bottom line. We are entitled to a smoke-free Arizona.

5. We'd just like to have our clothes and hair stop stinking from contamination with that nasty acrid stench. We'd like to walk in or out of a business without pushing past the stuff. Wouldn't you?

Arizona NOW supports a Smoke-Free Arizona, and encourages you to vote YES on Proposition 201.

Karen Van Hooft, State Coordinator, Policy/  
Spokesperson, Arizona NOW, Scottsdale  
*Paid for by "Arizona NOW"*

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

Dear Fellow Arizonan:

Do you think anyone has the right to force you to smoke? Some people do, but not the backers of Proposition 201.

That is why I support Proposition 201 for a Smoke-Free Arizona.

But wait, there is another alternative supported by the tobacco industry. Their Proposition 206 sounds like it's about smoke, and it really is. It's blowing smoke in our face. Because 206 will not allow smoking in some public places most of the time, but some of the time and in some places it will all of the time. It's not just confusing, either. It misrepresents it's true purpose which is, to be sure, to keep on smoking! Nor does 206 provide any revenue stream for enforcement so Arizona taxpayers will foot the burden of enforcing 206, contrary to their statement that it won't increase taxes. I, for one, do not appreciate new laws that have hidden costs like 206 will impose.

A punch to the nose hurts. A smoking punch to the lungs can kill. That's not just my opinion but that of the most recent and definitive studies of the U.S. Surgeon General.

Proposition 201 does not divide our community into lung punching zones. If it's a public place, Proposition 201 will ensure that you have the right not to smoke that is enforced and paid for with additional taxes on cigarette sales so that those that want to smoke pay for the smoke.

Don't get any smoke in your eyes on election day. Vote for Proposition 201 and let's all clear the air on smoking in Arizona.

Dick Foreman, Tempe

**Arizona Medical Association in favor of Smoke-Free Arizona: Vote Yes on 201**

The Smoke-Free Arizona initiative is a historic endeavor that would ensure that all Arizonans have the opportunity to live in a state where they are protected from the dangers of secondhand smoke. The initiative ensures that all offices, healthcare facilities, retail stores, licensed childcare facilities, sport arenas, hotel and motels, restaurants, bars and bowling alleys are smoke-free. The American Cancer Society, American Heart Association, American Lung Association and Arizona Hospital and Healthcare Association have organized Smoke-Free Arizona to actively support the statewide initiative. This initiative will protect children, patrons and employees from secondhand smoke by prohibiting smoking in enclosed public places and workplaces.

Each year over 52,000 Americans die from secondhand smoke and it remains a leading cause of preventable death in the United States. Secondhand smoke is known to cause heart disease, respiratory illness, cancer and chronic lung disease in adults. There is no safe level of exposure to secondhand smoke and there should be no compromise when dealing with the dangerous side effects of second hand smoke. This initiative takes a step in protecting the health of all people, especially those most vulnerable to secondhand smoke: seniors, children and people with existing health problems. It is commonly known that exposure to this toxic, poisonous substance can lead to several health problems including retarded fetal growth, heart disease, lung and nasal cancer, asthma, and lower respiratory infections.

I encourage you to support the Smoke-Free Arizona initiative and vote yes. This initiative improves the quality of life and protects the health of all Arizonans.

Chic Older, Executive Vice President, Arizona  
Medical Association, Phoenix

David Landrith, Vice President of Policy &  
Political Affairs, Arizona Medical Association,  
Phoenix

*Paid for by "The Arizona Medical Association, Inc."*

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

*Issued by: Secretary of State Jan Brewer*

**ER DOCTOR SAYS "YES FOR SMOKE-FREE ARIZONA"**

As a practicing emergency physician, I unfortunately see the health effects of smoking and second-hand smoke: heart attacks, cancer, pneumonia, asthma attacks, - the list goes on and on. All Arizonans deserve the right to enjoy a restaurant, bar, or bowling alley without increasing their risk of having a heart attack or developing cancer. And all employees deserve the right to earn a paycheck without having to inhale poison.

Smoke-Free Arizona gives us the chance to join some 18 other states in protecting the health of our citizens. Vote "Yes on 201," the one choice for a Smoke-Free Arizona.

Keith Kaback, M.D., Emergency Physician, Tucson

Please join the thousands of organizations and individuals in supporting Smoke-Free Arizona - including:

Councilmember Betty S. Lynch, Avondale	Councilmember Kara Kelty, Flagstaff
Councilmember Brenda Holland, Goodyear	Mayor Keno Hawker, Mesa
Councilmember Carol West, Tucson	Councilmember Kris Sippel, Apache Junction
Vice Mayor Claudia Walters, Mesa	Mayor Mary Manross, Scottsdale
Councilmember Donna Wallace, Chandler	Vice Mayor Phillip Westbrook, Chandler
Councilmember Ginny Dickey, Fountain Hills	Councilmember Richard Monzon, El Mirage
Councilmember Greg Stanton, Phoenix	Vice Mayor Steve Leal, Tucson
Councilmember James Norris, Casa Grande	Mayor Steven Berman, Gilbert
Councilmember Jini Simpson, Paradise Valley	Councilmember Steven Frate, Glendale
Mayor Joan Shafer, Surprise	Councilmember Tom Simplot, Phoenix
Councilmember Joe Severs, Apache Junction	Mayor Wallace Nichols, Fountain Hills

(Partial List) \* For Identification Purposes Only

Bill J. Pfeifer, Chairman, Smoke-Free Arizona, Tempe  
*Paid for by "Smoke-Free Arizona Campaign"*

Please join the thousands of organizations and individuals in supporting Smoke-Free Arizona - including:

Dukes Sports Bar and Grill	Frank Kush
Elephant Bar Restaurant	Midwestern University
Mrs. Whites Golden Rule Café	Midwestern University, Oncology Club
Randy's Restaurant and Ice Cream	Sierra Club, Grand Canyon Chapter
Teakwoods Tavern & Grill	Axis Sports & Apparel
AARP Arizona	Carol & Bill Bombeck
Catholic Healthcare West	Charli Turner Thorne
Richard Schroder	Colby and Company CPA's PLC
Southwest Ambulance	Colby Management, Inc.
Southwest Gas	CPC Construction, Inc.
Chinese Chamber of Commerce	Dana Tire Company
Half Moon Sports Grill	Doug Holloway, State Farm Insurance
Riester~Robb	East Valley NAACP Branch
Schaller Anderson, Inc.	Fred Unger
Southwest Valley Chamber of Commerce	Lyndon W. Sanders
Translational Genomics Research Institute (TGen)	Messinger Mortuary & Chapel, Inc.
Campaign for Tobacco Free Kids	MyBizNow.com
Children's Action Alliance	Q Design
Arizona SADD	Robson Communities Inc.
Asian Pacific Community in Action	United Studios of Self Defense
Centro de Amistad, Incorporated	Hopi Tribal Council
A.T. Still University - Mesa Campus	Asian American Times

(Partial List) \* For Identification Purposes Only

Bill J. Pfeifer, Chairman, Smoke-Free Arizona, Tempe  
*Paid for by "Smoke-Free Arizona Campaign"*

Please join the thousands of organizations and individuals in supporting Smoke-Free Arizona - including:

Accurate Oxygen and Medical Supplies	Arizona Asthma Coalition
Allergy & Asthma Network Mothers of Asthmatics	Arizona Dental Association
American Academy of Pediatrics - Arizona Chapter	Arizona Heart Institute
American Cancer Society	Arizona Hospital and Healthcare Association
American College of Cardiology	Arizona Latin American Medical Association

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**Arizona  
2006 Ballot Propositions**

**General Election  
November 7, 2006**

American College of Chest Physicians - Arizona Chapter  
American College of Emergency Physicians - Arizona Chapter  
American College of Physicians - Arizona Chapter  
American Diabetes Association  
American Heart Association  
American Lung Association of Arizona  
Annual Arizona Red Ribbon Campaign  
Arizona Academy of Family Physicians  
Arizona Addiction Treatment Programs  
Arizona Allergy and Asthma Society  
Arizona Association of Community Health Centers  
Arizonans Concerned About Smoking

Arizona Medical Association (ArMA)  
Arizona Nurses Association  
  
Arizona Osteopathic Medical Association  
Arizona Pharmacy Alliance  
Arizona Public Health Association  
Arizona Rural Health Association  
Arizona School of Dentistry & Oral Health  
Arizona Society for Respiratory Care  
Arizona Surgical Specialists Center  
Arizona Thoracic Society  
Arizona Urological Society  
Arizonans for Drug Free Youth & Communities

(Partial List) \* For Identification Purposes Only

Bill J. Pfeifer, Chairman, Smoke-Free Arizona, Tempe  
*Paid for by "Smoke-Free Arizona Campaign"*

Please join the thousands of organizations and individuals in supporting Smoke-Free Arizona - including:

Art Mollen, D.O.  
C. Everett Koop, M.D., Sc.D.  
Dale Webb, M.D.  
Dental Team Council of the Arizona Dental Association  
Dr. Bruce Miller, MD  
Dynamic Chiropractic Acupuncture Clinic, P.C.  
Family Assistance Program Y Su Clinica  
Gary Rostan, D.O.  
Gretchen K. Henson, DDS  
HealthCare Connect  
Healthy Arizona  
Hopi Health Advisory Council

Maricopa County Asthma Coalition  
Maricopa County Medical Society  
Mayo Clinic Arizona  
Medical Staff, Banner Desert Medical Center

Hospice of the Valley  
John C. Lincoln Health Network

Merlin K. DuVal, M.D.  
Northern Arizona Nurse Practitioner Group  
Paul Steingard, D.O.  
Phoenix Children's Hospital  
Pima County Medical Society  
Praxair Healthcare Services  
Scottsdale Healthcare  
Southwest Autism Research & Resource Center  
Sun Health  
Sun Health La Loma Senior Living Services, Inc.  
West Valley Hospital  
Yuma County Medical Association  
Yuma Regional Medical Center

La Loma Village  
Las Fuentes Health Clinic  
March of Dimes - Arizona Chapter

(Partial List) \* For Identification Purposes Only

Bill J. Pfeifer, Chairman, Smoke-Free Arizona, Tempe  
*Paid for by "Smoke-Free Arizona Campaign"*

My Job Was Ruining My Health – Yes on 201  
You have my vote  
Smoke-Free Arizona  
Bonnie Starr

Being a musician had been my dream since I was a child. I pursued my passion, went to music school, and started my musical group. I love to bring joy to my crowd through my music. My nightly performances were in venues throughout Cochise County. Yet I did not know that my job was ruining my health.

Throughout the course of my employment, I became ill several times with severe throat infections. It became clear to me that exposure to secondhand smoke was directly affecting my health. My throat was frequently sore and my voice became raspy. I would come home from work every night reeking of cigarettes and coughing. I complained several times to my employers. My illness made it hard for me to perform and surgery was eventually necessary. My throat surgery left me with months of recovery and financial hardship due to the fact that I could not sing to make my living. Musicians should not have to cough, choke or suffer in silence. I don't think I should have to risk my health to make a living, it doesn't seem fair.

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

*Issued by: Secretary of State Jan Brewer*

**PROPOSITION 201**

Until now, Arizona has had no serious plan to address the issue of secondhand smoke. Led by the American Cancer Society, American Heart Association, American Lung Association and the Arizona Hospital and Healthcare Association, the Smoke-Free Arizona initiative prohibits smoking in enclosed public places and all workplaces. Currently, 15 states, 5 countries and numerous communities throughout Arizona enjoy the benefits of smoke-free laws. It is time for Arizona to protect the health of the workforce, please support the Smoke-Free Arizona initiative.

Sincerely a Health friendly musician,

Bonnie Starr, Sierra Vista

Secondhand smoke and heart disease  
Smoke-Free Arizona

The exposure of Arizona citizens to secondhand smoke is unnecessary. Secondhand smoke is the single largest contributor to indoor air pollution. Earlier in the year, the Surgeon General's report about tobacco health provided irrefutable scientific evidence that secondhand smoke is a major risk factor for cardiovascular diseases – the nation's No. 1 killer. According to the Center of Disease Control, more than 35,000 nonsmokers die each year from coronary heart disease as a result of exposure from secondhand smoke.

These deaths are preventable. Last year the Center for Disease Control issued a warning that people with an increased risk of coronary heart disease or with known coronary artery disease should be advised to avoid all indoor environments that permit smoking. The bottom line is that secondhand smoke has negative affects on the heart and circulatory system.

By working together we can prevent illness and death related to exposure to secondhand smoke. The passage of the Smoke-free initiative, led by the America Heart Association, American Cancer Society, America Lung Association and the Arizona Hospital and Healthcare Association, will prohibit smoking in all public places and limit exposure to poisonous secondhand smoke. People who have chosen to abstain from tobacco use and its negative health effects should not be forced to breathe air polluted by secondhand smoke. We all deserve to breathe clean air and protect the health of our loved ones. It is time to take all citizens health seriously by adopting clean air policies. Please join us by supporting the Smoke-Free Arizona initiative.

Sincerely,

Susan Edwards, Chairman, Phoenix Metro  
Board, American Heart Association, Phoenix

Nathan Laufer, M.D., President, Phoenix Metro  
Board, American Heart Association, Paradise  
Valley

*Paid for by "American Heart Association"*

Every year thousands receive devastating news. They or someone they love has lung cancer or heart disease. While cancer first comes to mind with smoking and "secondhand" smoke, many more heart attack deaths are associated with such exposure. "The Health Consequences of Involuntary Smoking" (U.S. Surgeon General's 1986 Report) focused on cancer. More recent research finds such "exposure causes other major disease, particularly heart disease." (Health Effects of Exposure to Environmental Tobacco Smoke, National Institutes of Health & California Environmental Protection Agency, 1999)

As little as "30 minutes of exposure to secondhand smoke will double your risk of heart attack for 48 hours." (Science of Secondhand Smoke, Richard Sargent, MD) and "Of smoke from one cigarette smoked in a room, 84% of the smoke (827 mg.) is sidestream smoke from the lit end of the cigarette, while only 16% (119 mg) is mainstream smoke exhaled by the smoker. Over 4/5 of the smoke ends up in the room for all to breathe! (Chemistry of Cigarette Smoke, Philip Morris Research Center, Document #2024947175, Minnesota Tobacco Trial)

Arizonans deserve smoke-free environments. All workers deserve a smoke-free workplace. Just as we must provide safe food and water for all, we must educate all about negative health effects of "secondhand" smoke, containing over 50 toxic chemicals first identified by Philip Morris Research, as well as federal agencies. It's time for Arizonans to act by passing the Smoke-Free Arizona initiative. Currently, 14 states, 5 countries and numerous Arizona communities enjoy health benefits of such laws. Protect your health and those you love. Support the American Cancer Society, American Lung Association, American Heart Association and Arizona Hospital & Healthcare Association's true health initiative, not just another tobacco industry ploy!

Leland L. Fairbanks, M.D., President,  
Arizonans Concerned About Smoking, Mesa

Donald N. Morris, Ed.D., Executive Director,  
Arizonans Concerned About Smoking,  
Scottsdale

*Paid for by "Arizonans Concerned About Smoking"*

As a pediatrician, I stress prevention to my patients and their families. The scientific evidence is clear that exposure to second hand smoke can cause chronic lung problems later in life. This was confirmed in the recent Surgeon General report published July 2006. Children are even more vulnerable to second hand smoke. Lets pass a strong initiative that bans smoking in all public places and protect our children!

Vote Yes on Prop. 201

Sincerely,

Eve Shapiro, MD, MPH, Tucson

*Paid for by "Smoke-Free Arizona Campaign"*

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



**American Lung Association Says YES on Proposition 201**

More than 124,000 children and 282,000 adults in Arizona suffer from chronic asthma. Secondhand smoke, as was recently reaffirmed by the US Surgeon General, is known to cause asthma attacks and can increase the severity of those attacks. Additionally, secondhand smoke causes both children and adults who suffer from asthma to cough, wheeze and have difficulty breathing. It is time to take the necessary steps to ensure that all adults and children who suffer from asthma breathe clean indoor air free of tobacco smoke. The Smoke-Free Arizona initiative aims to protect the health of all Arizonans, both adults and children, and especially those who are vulnerable to exposure to secondhand smoke including those who suffer from asthma, children, seniors and those who have existing health problems.

The Smoke-Free Arizona initiative will prohibit smoking in all enclosed public places and workplaces. Those who suffer from asthma will be able to enjoy local restaurants, bars, and other establishments without having to risk the onset of an asthma attack. Adults who suffer from asthma will even have the opportunity to work in a bar or restaurant without sacrificing their health. The bottom line is that the Smoke-Free Arizona initiative protects our families and Arizona citizens from the dangerous effects of secondhand smoke. By supporting this initiative, you are supporting the health of every person and their right to breathe clean air. Please join the American Lung Association of Arizona, American Cancer Society, American Heart Association and the Arizona Hospital and Healthcare Association in supporting this important initiative.

YES for Smoke-Free Arizona!

Charles Finch, D.O., Co-Chair, Arizona Board,  
American Lung Association of Arizona,  
Scottsdale

Keith Kaback, M.D., Co-Chair, Arizona Board,  
American Lung Association of Arizona, Tucson

*Paid for by "American Lung Association"*

Vote Yes on Smoke-Free Arizona for our children.  
Vote Yes on Proposition 201

"The debate is over. The science is clear. Secondhand smoke is not a mere annoyance but a serious health hazard." (U.S. Surgeon General Richard Carmona) Research shows that second hand smoke, even brief exposure, can trigger asthma attacks and can increase the severity of the attacks. Asthma attacks triggered by second hand smoke can be life threatening causing asthmatic children to cough, wheeze and have difficulty breathing. Children exposed to second hand smoke are more apt to develop severe respiratory issues including asthma.

More than 5 million children suffer from asthma in the US. 82,635 Maricopa County children have active asthma symptoms and 600,000 (2004) Arizonans live with asthma according to Department of Health statistics. Remember breathing is not optional. It is time to take the steps to ensure that all people with asthma can breathe the clean air that they deserve. The Smoke-Free Arizona initiative aims to protect the health of all Arizonans, especially those who are vulnerable to exposure to secondhand smoke including asthmatics, children, seniors and people with existing health problems.

The Smoke-Free Arizona initiative will prohibit smoking in all enclosed public places and workplaces. Asthmatics will be able to enjoy local restaurants, bars, bowling alleys and other establishments without having to risk the onset of an asthma episode.

Smoke-Free Arizona initiative is the one initiative that will protect our families and Arizona citizens from the dangerous effects of secondhand smoke. By supporting this initiative, you are supporting the health of every person and their right to breathe clean air. Please join the Arizona Cancer Society, American Heart Association, American Lung Association and the Arizona Hospital and Healthcare Association in supporting this initiative.

Joseph Yusin, MD, Chairman, Maricopa County  
Asthma Coalition, Phoenix

Hazel Chandler, Program Manager, Maricopa  
County Asthma Coalition, Phoenix

*Paid for by "Hazel Chandler"*

**Mayor Mary Manross: Yes on 201**

I am extremely proud of the fact that Scottsdale is one of the nation's most livable cities. Our residents' health and well-being is our number one priority. That is why I support the one statewide smoke-free initiative that applies to all workplaces and public places in Arizona: Smoke-Free Arizona. Through a statewide law, all businesses will be treated fairly and no business would gain a competitive advantage. Also, good health for our citizens and our visitors must not be compromised by false claims that a smoke-free law would hurt local businesses and our local or state economy. A statewide smoke-free law in all enclosed public places and workplaces is among the most important ways we can ensure that our residents and visitors benefit from a healthy environment and businesses are protected. The evidence from across the country, where smoke-free policies have been adopted, shows that a smoke free Arizona is good for health and good for business. Please join me and vote "yes" on Smoke-Free Arizona.

Sincerely,

Mary Manross, City of Scottsdale Mayor, Scottsdale

*Paid for by "Smoke-Free Arizona Campaign"*

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*Issued by: Secretary of State Jan Brewer*

PROPOSITION 201

**ARGUMENTS "AGAINST" PROPOSITION 201**

**Proposition 201 will hurt businesses!**

**VOTE NO.**

Dear Arizona Voter,

I used to own the Dirty Drummer in Tempe. I can tell you that, despite what the proponents of Proposition 201 want you to believe, a total ban on smoking in Tempe put me out of business.

They love to point to the Tempe example as a place that banning worked, but it didn't for me and my clientele, and it put us out of business. The fact that I was unable to serve my clientele and offer them what they wanted is what forced us to close our doors.

If 201 passes, a significant number of other places will go out of business. Just like I saw in Tempe, other owners will lose a significant portion of their clientele. Proposition 201 does not look out for everyone's best interests or protect workers; it looks to put people out of a job.

I understand the needs to protect non-smokers and minors, but I also believe that property owners should have the right to serve their adult customers as they see fit.

Don't believe them when they say that smoking bans had no impact in Tempe.

Vote NO on 201!

Dave Werner, Scottsdale

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Arizona Voter,

I love the fact that the hotels, restaurants, and bars cater to the needs of everyone in the community. The business community does a great job to make Arizona a great place to live and work. The state serves as a great tourist destination. That means the sales tax dollars are benefiting our community.

I recognize the need for a reasonable smoking law that protects people from the harms of secondhand smoke. But I also recognize that adults should be able to choose what kind of establishment they want to frequent.

Nearly a million people live within 5 miles of an Indian Casino. They wouldn't be impacted by this law. I bet if 201 passes we will sit by and watch all the patrons run to the casinos on the reservation.

Please vote NO on 201.

Randall C. Travers, Ernie's Inn, Scottsdale

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Arizona Voter,

I am a non-smoker and I am voting NO on 201 to protect my freedom of choice. There will be people out there that will try to cloud this issue. They will say a lot of things in an attempt to rationalize taking away your right to choose. No matter how you look at it, this ban will be a chip away at the rights that we hold so dear.

If we allow such heinous infringements on our rights to continue unchecked, there is no telling what someone might try next. If 201 passes, it will prevent people from doing something in a particular place that is legal everywhere else. Does that make any sense? Next time, what will be keeping special interests from taking away your rights?

That is why we need to stop all this nonsense here and now. We need to protect our freedom of choice! Vote NO on 201.

Alfonso Larriva, Phoenix

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Arizona Voter,

I am voting NO on 201 because the answers are simple.

Should other people be able to tell me what I can and can't do?

**No.**

Should government infringe of my freedom of choice?

**No.**

Will 201 preserve choice?

**No.**

Should we raise taxes on tobacco to fund some sort of smoking police?

**No.**

Do these groups need an addition \$5 million on top of the money they already get from the government?

**No.**

Should we put all local bars at a disadvantage to the Indian Casinos that would still be able to allow smoking?

**No.**

Should we tell adults what they can and can't do?

**No.**

Smoking is a legal activity. In fact, lots of programs depend on the taxes that tobacco brings in. I understand the need to protect non-smokers, but Proposition 201 goes too far.

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

Join me in voting NO on 201.

Robert Maggs, Phoenix

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Arizona Voter,

I have studied the smoking laws from other cities around the state, and I think you need to know how this oppressive ban will impact our current smoking laws. Proposition 201 does not fix the checkerboard laws that are in place throughout the state. It creates a minimum of a total indoor smoking ban, but it doesn't prevent any local government from going even further.

Basically, Proposition 201 will ban smoking everywhere. This ban goes too far. We don't need to ban smoking everywhere; rather, we should only protect the places that truly need to be smoke free – places where non-smokers and children have to go. Places where only adults are allowed should be able to make a choice.

Proposition 201 goes too far.

Randy L. Kadavy, Glendale

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Arizona Voter,

I know that when I go to the bars in Arizona, there will be some people smoking. If the smoking bothered me, I would go somewhere else. Truth be told, there are a lot more non-smoking places than places that allow smoking. That means there are plenty of options for those who don't like smoking. Everyone should be able maintain his or her ability to choose.

If this anti-choice smoking ban goes into effect, I can guarantee that it will have a negative impact on my business and my clientele.

If you want to have a smoke-free evening, I suggest that you choose a place that doesn't allow smoking. Make the choice for yourself, not for me, and especially not for everyone in Arizona.

Please join me in voting No on 201.

Stephen English, Mesa

*Paid for by "Arizona Non-Smoker Protection Committee"*

**BALLOT FORMAT**

**PROPOSITION 201**

PROPOSED AMENDMENT BY INITIATIVE PETITION

**OFFICIAL TITLE**

AN INITIATIVE MEASURE  
REPEALING SECTIONS 36-601.01 AND 36-601.02, AMENDING  
BY ADDING NEW SECTION 36-601.01 AND AMENDING SEC-  
TION 42-3251.02 ARIZONA REVISED STATUTES; RELATING  
TO THE SMOKE-FREE ARIZONA ACT

**DESCRIPTIVE TITLE**

PROHIBITS SMOKING IN ALL PUBLIC PLACES AND PLACES  
OF EMPLOYMENT; EXEMPTS PRIVATE RESIDENCES,  
TOBACCO STORES, DESIGNATED HOTEL/MOTEL ROOMS,  
VETERANS AND FRATERNAL CLUBS, NATIVE AMERICAN  
RELIGIOUS CEREMONIES, AND OUTDOOR PATIOS;  
REQUIRES POSTING OF NO SMOKING SIGNS; IMPOSES  
TWO CENT/PACK TAX ON CIGARETTES FOR ENFORCEMENT;  
VIOLATIONS CONSIDERED PETTY OFFENSE.

**PROPOSITION 201**

A "yes" vote shall have the effect of prohibiting  
smoking in all public places and places of employ-  
ment while exempting private residences, tobacco  
stores, designated hotel/motel rooms, veterans  
and fraternal clubs, Native American religious cer-  
emonies, and outdoor patios and requiring no  
smoking signs be posted where smoking is pro-  
hibited, imposing a tax of two cents per cigarette  
pack, continuing to allow additional regulation by  
cities, towns and counties, and providing for  
enforcement by the Department of Health Ser-  
vices.

**YES**

A "no" vote shall have the effect of retaining the  
current laws regarding smoking in public places  
and places of employment and leaving current  
municipal smoking regulations in place.

**NO**

**PROPOSITION 201**

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

**PROPOSITION 202**

**OFFICIAL TITLE**

**AN INITIATIVE MEASURE**

REPEALING SECTION 23-362, AMENDING BY ADDING NEW SECTION 23-362 RELATING TO THE ARIZONA MINIMUM WAGE ACT

**TEXT OF PROPOSED AMENDMENT**

Section 1. This act may be cited as the "Raise the Minimum Wage for Working Arizonans Act"

Section 2. Purpose and intent

The People of the State of Arizona hereby make the following findings and declare their purpose in enacting this Act is as follows:

Article 8. Minimum Wage

The People of the State of Arizona hereby make the following findings and declare their purpose in enacting this Act is as follows:

1. All working Arizonans deserve to be paid a minimum wage that is sufficient to give them a fighting chance to provide for their families.
2. 70% of Arizona workers earning the minimum wage are adults.
3. More than 145,000 working Arizonans will benefit by increasing the minimum wage, half of whom are working women struggling to live on less than \$11,000 per year.
4. Increasing the minimum wage reduces dependency on taxpayer-funded public services

23-362. DEFINITIONS

AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

A. "EMPLOYEE" MEANS ANY PERSON WHO IS OR WAS EMPLOYED BY AN EMPLOYER BUT DOES NOT INCLUDE ANY PERSON WHO IS EMPLOYED BY A PARENT OR A SIBLING, OR WHO IS EMPLOYED PERFORMING BABYSITTING SERVICES IN THE EMPLOYER'S HOME ON A CASUAL BASIS.

B. "EMPLOYER" INCLUDES ANY CORPORATION, PROPRIETORSHIP, PARTNERSHIP, JOINT VENTURE, LIMITED LIABILITY COMPANY, TRUST, ASSOCIATION, POLITICAL SUBDIVISION OF THE STATE, INDIVIDUAL OR OTHER ENTITY ACTING DIRECTLY OR INDIRECTLY IN THE INTEREST OF AN EMPLOYER IN RELATION TO AN EMPLOYEE, BUT DOES NOT INCLUDE THE STATE OF ARIZONA, THE UNITED STATES, OR A SMALL BUSINESS.

C. "SMALL BUSINESS" MEANS ANY CORPORATION, PROPRIETORSHIP, PARTNERSHIP, JOINT VENTURE, LIMITED LIABILITY COMPANY, TRUST, OR ASSOCIATION THAT HAS LESS THAN FIVE HUNDRED THOUSAND DOLLARS IN GROSS ANNUAL REVENUE AND THAT IS EXEMPT FROM HAVING TO PAY A MINIMUM WAGE UNDER SECTION 206(A) OF TITLE 29 OF THE UNITED STATES CODE.

D. "EMPLOY" INCLUDES TO SUFFER OR PERMIT TO WORK; WHETHER A PERSON IS AN INDEPENDENT CONTRACTOR OR AN EMPLOYEE SHALL BE DETERMINED ACCORDING TO THE STANDARDS OF THE FEDERAL FAIR LABOR STANDARDS ACT, BUT THE BURDEN OF PROOF SHALL BE UPON THE PARTY FOR WHOM THE WORK IS PER-

FORMED TO SHOW INDEPENDENT CONTRACTOR STATUS BY CLEAR AND CONVINCING EVIDENCE.

E. "WAGE" MEANS MONETARY COMPENSATION DUE TO AN EMPLOYEE BY REASON OF EMPLOYMENT, INCLUDING AN EMPLOYEE'S COMMISSIONS, BUT NOT TIPS OR GRATUITIES.

F. "LAW ENFORCEMENT OFFICER" MEANS THE ATTORNEY GENERAL, A CITY ATTORNEY, A COUNTY ATTORNEY OR A TOWN ATTORNEY.

G. "COMMISSION" MEANS THE INDUSTRIAL COMMISSION OF ARIZONA, ANY SUCCESSOR AGENCY, OR SUCH OTHER AGENCY AS THE GOVERNOR SHALL DESIGNATE TO IMPLEMENT THIS ARTICLE.

23-363. MINIMUM WAGE

A. EMPLOYERS SHALL PAY EMPLOYEES NO LESS THAN THE MINIMUM WAGE, WHICH SHALL BE SIX DOLLARS AND SEVENTY-FIVE CENTS (\$6.75) AN HOUR BEGINNING ON JANUARY 1, 2007.

B. THE MINIMUM WAGE SHALL BE INCREASED ON JANUARY 1, 2008 AND ON JANUARY 1 OF SUCCESSIVE YEARS BY THE INCREASE IN THE COST OF LIVING. THE INCREASE IN THE COST OF LIVING SHALL BE MEASURED BY THE PERCENTAGE INCREASE AS OF AUGUST OF THE IMMEDIATELY PRECEDING YEAR OVER THE LEVEL AS OF AUGUST OF THE PREVIOUS YEAR OF THE CONSUMER PRICE INDEX (ALL URBAN CONSUMERS, U.S. CITY AVERAGE FOR ALL ITEMS) OR ITS SUCCESSOR INDEX AS PUBLISHED BY THE U.S. DEPARTMENT OF LABOR OR ITS SUCCESSOR AGENCY, WITH THE AMOUNT OF THE MINIMUM WAGE INCREASE ROUNDED TO THE NEAREST MULTIPLE OF FIVE CENTS.

C. FOR ANY EMPLOYEE WHO CUSTOMARILY AND REGULARLY RECEIVES TIPS OR GRATUITIES FROM PATRONS OR OTHERS, THE EMPLOYER MAY PAY A WAGE UP TO \$3.00 PER HOUR LESS THAN THE MINIMUM WAGE IF THE EMPLOYER CAN ESTABLISH BY ITS RECORDS OF CHARGED TIPS OR BY THE EMPLOYEE'S DECLARATION FOR FEDERAL INSURANCE CONTRIBUTIONS ACT (FICA) PURPOSES THAT FOR EACH WEEK, WHEN ADDING TIPS RECEIVED TO WAGES PAID, THE EMPLOYEE RECEIVED NOT LESS THAN THE MINIMUM WAGE FOR ALL HOURS WORKED. COMPLIANCE WITH THIS PROVISION WILL BE DETERMINED BY AVERAGING TIPS RECEIVED BY THE EMPLOYEE OVER THE COURSE OF THE EMPLOYER'S PAYROLL PERIOD OR ANY OTHER PERIOD SELECTED BY THE EMPLOYER THAT COMPLIES WITH REGULATIONS ADOPTED BY THE COMMISSION.

23-364. ENFORCEMENT

A. THE COMMISSION IS AUTHORIZED TO ENFORCE AND IMPLEMENT THIS ARTICLE AND

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

MAY PROMULGATE REGULATIONS CONSISTENT WITH THIS ARTICLE TO DO SO.

B. NO EMPLOYER OR OTHER PERSON SHALL DISCHARGE OR TAKE ANY OTHER ADVERSE ACTION AGAINST ANY PERSON IN RETALIATION FOR ASSERTING ANY CLAIM OR RIGHT UNDER THIS ARTICLE, FOR ASSISTING ANY OTHER PERSON IN DOING SO, OR FOR INFORMING ANY PERSON ABOUT THEIR RIGHTS. TAKING ADVERSE ACTION AGAINST A PERSON WITHIN NINETY DAYS OF A PERSON'S ENGAGING IN THE FOREGOING ACTIVITIES SHALL RAISE A PRESUMPTION THAT SUCH ACTION WAS RETALIATION, WHICH MAY BE REBUTTED BY CLEAR AND CONVINCING EVIDENCE THAT SUCH ACTION WAS TAKEN FOR OTHER PERMISSIBLE REASONS.

C. ANY PERSON OR ORGANIZATION MAY FILE AN ADMINISTRATIVE COMPLAINT WITH THE COMMISSION CHARGING THAT AN EMPLOYER HAS VIOLATED THIS ARTICLE AS TO ANY EMPLOYEE OR OTHER PERSON. WHEN THE COMMISSION RECEIVES A COMPLAINT, THE COMMISSION MAY REVIEW RECORDS REGARDING ALL EMPLOYEES AT THE EMPLOYER'S WORKSITE IN ORDER TO PROTECT THE IDENTITY OF ANY EMPLOYEE IDENTIFIED IN THE COMPLAINT AND TO DETERMINE WHETHER A PATTERN OF VIOLATIONS HAS OCCURRED. THE NAME OF ANY EMPLOYEE IDENTIFIED IN A COMPLAINT TO THE COMMISSION SHALL BE KEPT CONFIDENTIAL AS LONG AS POSSIBLE. WHERE THE COMMISSION DETERMINES THAT AN EMPLOYEE'S NAME MUST BE DISCLOSED IN ORDER TO INVESTIGATE A COMPLAINT FURTHER, IT MAY SO DO ONLY WITH THE EMPLOYEE'S CONSENT.

D. EMPLOYERS SHALL POST NOTICES IN THE WORKPLACE, IN SUCH FORMAT SPECIFIED BY THE COMMISSION, NOTIFYING EMPLOYEES OF THEIR RIGHTS UNDER THIS ARTICLE. EMPLOYERS SHALL PROVIDE THEIR BUSINESS NAME, ADDRESS, AND TELEPHONE NUMBER IN WRITING TO EMPLOYEES UPON HIRE. EMPLOYERS SHALL MAINTAIN PAYROLL RECORDS SHOWING THE HOURS WORKED FOR EACH DAY WORKED, AND THE WAGES PAID TO ALL EMPLOYEES FOR A PERIOD OF FOUR YEARS. FAILURE TO DO SO SHALL RAISE A REBUTTABLE PRESUMPTION THAT THE EMPLOYER DID NOT PAY THE REQUIRED MINIMUM WAGE RATE. THE COMMISSION MAY BY REGULATION REDUCE OR WAIVE THE RECORDKEEPING AND POSTING REQUIREMENTS HEREIN FOR ANY CATEGORIES OF SMALL EMPLOYERS WHOM IT FINDS WOULD BE UNREASONABLY BURDENED BY SUCH REQUIREMENTS. EMPLOYERS SHALL PERMIT THE COMMISSION OR A LAW ENFORCEMENT OFFICER TO INSPECT AND COPY PAYROLL OR OTHER BUSINESS RECORDS, SHALL PERMIT THEM TO INTERVIEW EMPLOYEES AWAY FROM THE WORKSITE, AND SHALL NOT HINDER ANY INVESTIGATION. SUCH INFORMATION PROVIDED SHALL KEEP CONFIDENTIAL EXCEPT AS IS REQUIRED TO PROSECUTE VIOLATIONS OF THIS ARTICLE. EMPLOYERS SHALL PERMIT AN EMPLOYEE OR HIS OR HER DESIGNATED REPRESENTATIVE TO

INSPECT AND COPY PAYROLL RECORDS PERTAINING TO THAT EMPLOYEE.

E. A CIVIL ACTION TO ENFORCE THIS ARTICLE MAY BE MAINTAINED IN A COURT OF COMPETENT JURISDICTION BY A LAW ENFORCEMENT OFFICER OR BY ANY PRIVATE PARTY INJURED BY A VIOLATION OF THIS ARTICLE.

F. ANY EMPLOYER WHO VIOLATES RECORDKEEPING, POSTING, OR OTHER REQUIREMENTS THAT THE COMMISSION MAY ESTABLISH UNDER THIS ARTICLE SHALL BE SUBJECT TO A CIVIL PENALTY OF AT LEAST \$250 DOLLARS FOR A FIRST VIOLATION, AND AT LEAST \$1000 DOLLARS FOR EACH SUBSEQUENT OR WILLFUL VIOLATION AND MAY, IF THE COMMISSION OR COURT DETERMINES APPROPRIATE, BE SUBJECT TO SPECIAL MONITORING AND INSPECTIONS.

G. ANY EMPLOYER WHO FAILS TO PAY THE WAGES REQUIRED UNDER THIS ARTICLE SHALL BE REQUIRED TO PAY THE EMPLOYEE THE BALANCE OF THE WAGES OWED, INCLUDING INTEREST THEREON, AND AN ADDITIONAL AMOUNT EQUAL TO TWICE THE UNDERPAID WAGES. ANY EMPLOYER WHO RETALIATES AGAINST AN EMPLOYEE OR OTHER PERSON IN VIOLATION OF THIS ARTICLE SHALL BE REQUIRED TO PAY THE EMPLOYEE AN AMOUNT SET BY THE COMMISSION OR A COURT SUFFICIENT TO COMPENSATE THE EMPLOYEE AND DETER FUTURE VIOLATIONS, BUT NOT LESS THAN ONE HUNDRED FIFTY DOLLARS FOR EACH DAY THAT THE VIOLATION CONTINUED OR UNTIL LEGAL JUDGMENT IS FINAL. THE COMMISSION AND THE COURTS SHALL HAVE THE AUTHORITY TO ORDER PAYMENT OF SUCH UNPAID WAGES, OTHER AMOUNTS, AND CIVIL PENALTIES AND TO ORDER ANY OTHER APPROPRIATE LEGAL OR EQUITABLE RELIEF FOR VIOLATIONS OF THIS ARTICLE. CIVIL PENALTIES SHALL BE RETAINED BY THE AGENCY THAT RECOVERED THEM AND USED TO FINANCE ACTIVITIES TO ENFORCE THIS ARTICLE. A PREVAILING PLAINTIFF SHALL BE ENTITLED TO REASONABLE ATTORNEY'S FEES AND COSTS OF SUIT.

H. A CIVIL ACTION TO ENFORCE THIS ARTICLE MAY BE COMMENCED NO LATER THAN TWO YEARS AFTER A VIOLATION LAST OCCURS, OR THREE YEARS IN THE CASE OF A WILLFUL VIOLATION, AND MAY ENCOMPASS ALL VIOLATIONS THAT OCCURRED AS PART OF A CONTINUING COURSE OF EMPLOYER CONDUCT REGARDLESS OF THEIR DATE. THE STATUTE OF LIMITATIONS SHALL BE TOLLED DURING ANY INVESTIGATION OF AN EMPLOYER BY THE COMMISSION OR OTHER LAW ENFORCEMENT OFFICER, BUT SUCH INVESTIGATION SHALL NOT BAR A PERSON FROM BRINGING A CIVIL ACTION UNDER THIS ARTICLE. NO VERBAL OR WRITTEN AGREEMENT OR EMPLOYMENT CONTRACT MAY WAIVE ANY RIGHTS UNDER THIS ARTICLE.

I. THE LEGISLATURE MAY BY STATUTE RAISE THE MINIMUM WAGE ESTABLISHED UNDER THIS ARTICLE, EXTEND COVERAGE, OR INCREASE PENALTIES. A COUNTY, CITY, OR TOWN MAY BY ORDINANCE REGULATE MINIMUM WAGES AND

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

BENEFITS WITHIN ITS GEOGRAPHIC BOUNDARIES BUT MAY NOT PROVIDE FOR A MINIMUM WAGE LOWER THAN THAT PRESCRIBED IN THIS ARTICLE. STATE AGENCIES, COUNTIES, CITIES, TOWNS AND OTHER POLITICAL SUBDIVISIONS OF THE STATE MAY CONSIDER VIOLATIONS OF THIS ARTICLE IN DETERMINING WHETHER EMPLOYERS MAY RECEIVE OR RENEW PUBLIC CONTRACTS, FINANCIAL ASSISTANCE OR LICENSES. THIS ARTICLE SHALL BE LIBERALLY CONSTRUED IN FAVOR OF ITS PURPOSES AND SHALL NOT LIMIT THE AUTHORITY OF THE LEGISLATURE OR ANY OTHER BODY TO ADOPT ANY LAW OR POLICY THAT REQUIRES PAYMENT OF HIGHER OR

SUPPLEMENTAL WAGES OR BENEFITS, OR THAT EXTENDS SUCH PROTECTIONS TO EMPLOYERS OR EMPLOYEES NOT COVERED BY THIS ARTICLE.

Section 4. Severability

If any part of this law, or the application of the law to any person or circumstance, is held invalid, the remainder of this law, including the application of such part to other persons or circumstances, shall not be affected by such a holding and shall continue in full force and effect. To this end, the parts of this law are severable.

Section 5. Effective Date

This article shall take effect January 1, 2007.

**ANALYSIS BY LEGISLATIVE COUNCIL**

Based on the federal law, the current minimum wage in Arizona is \$5.15 per hour.

Proposition 202 would establish a state minimum wage law and raise the minimum wage to \$6.75 per hour beginning January 1, 2007. The state minimum wage would be increased each January 1 for changes in the cost of living.

The new state minimum wage law would apply to all employers except:

1. Any person who is employed by a parent or a sibling.
2. A person who is employed performing babysitting services in the employer's home on a casual basis.
3. Employees who regularly receive tips and who are otherwise exempt under federal minimum wage law.
4. The State of Arizona government. But political subdivisions of this state would have to comply with the state minimum wage law.
5. The United States government.
6. A business that has less than \$500,000 in gross annual revenue and that is exempt from having to pay a minimum wage under federal law.

Proposition 202 also contains employer notice and record keeping requirements and enforcement and civil penalty provisions. The Legislature, a county, a city or a town may enact a law providing for a higher minimum wage than established by this proposition.

**FISCAL IMPACT STATEMENT**

State law requires the Joint Legislative Budget Committee (JLBC) Staff to prepare a summary of the fiscal impact of certain ballot measures. The State may receive additional revenues in the form of civil penalties from violators of the provisions of Proposition 202. The state Industrial Commission will have responsibility to enforce these provisions. The civil penalties may be retained by the agency that recovered them and used to finance enforcement of the proposition. The total amount of civil penalties will depend on the level of compliance, which is difficult to predict in advance.

An increase in wages may also have an economic impact on state and local revenue collections and state spending. By increasing wages and business costs, the proposition may affect individual income tax, corporate income tax and sale tax collections. In addition, a minimum wage increase may affect participation in, and the cost of, public assistance programs. It is difficult to predict the impacts of the proposition on either state revenues or spending in advance.

**ARGUMENTS "FOR" PROPOSITION 202**

Raise the Minimum Wage and Reward Hard Work

The Raise the Minimum Wage Act for Working Arizonans increases the Minimum Wage to \$6.75 and will be adjusted one time each year to keep pace with the cost of living. Arizonans value hard work. It's simple....If you work 40 hours a week, 52 weeks a year you should not live in poverty. The minimum wage is supposed to assure "the maintenance of the minimum standard of living necessary for health, efficiency, and general well being of workers." No one can say our current minimum wage of \$5.15 an hour does this. A full time worker, who makes \$5.15 an hour, earns \$10,712 annually, which is significantly below the poverty line. We want low wage workers in our state to have a fighting chance to take care of themselves and their families. Raising the minimum wage to \$6.75 per hour with a yearly modest cost of living adjustment will increase a full time workers' salary to \$14,040.

74.4% of minimum wage workers are 20 and older. Women represent 57.8% of minimum wage workers. 33% are the primary wage earners for their families. These workers are often doing some of the most important work in our society, working in nursing homes, teachers' assistants and child care workers. Congress has refused to raise the Minimum Wage since 1996 and the Arizona Legislature has refused to have hearings on the issue. In response, the Arizona Minimum Wage Coalition and over 200,000 citizens have brought the issue to you. The 145,000 families who would currently receive the increased Minimum Wage on January 1, 2007, are asking you to do the right thing and show that Arizonans value hard work by voting yes on Proposition 202.

Rebekah Friend, Chair, Arizona Minimum Wage Coalition, Mesa

Sarah Markey, Treasurer, Arizona Minimum Wage Coalition, Phoenix

*Paid for by "Arizona Minimum Wage Coalition"*

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*Issued by: Secretary of State Jan Brewer*

Church Women United urges a YES vote on the "Raise the Minimum Wage for Working Arizonans" act . Although this measure does not provide a living wage, which would be higher, it does, at least, provide an improved minimum wage.

Church Women United was founded in 1941, and within four years, we were calling for a raise of the minimum wage-- to 65c and hour! In 1945 we said "The achievement of a minimum decent standard of living for all citizens is an objective consistent with the principals of Christianity and democracy." As family incomes fell behind, again and again, CWU consistently fought for fair increases, explaining in a 1965 policy statement that "minimum wage legislation, federal and state, should be supported as a practical and proven means to assure at least a minimum standard of living necessary for the maintenance of health and decency for family living." Practical and proven.

Will we be back, addressing this issue again? In the past, the battle for minimum protection of workers and families had to be fought every time the balance was tipped against them. But this ballot measure includes a mechanism to keep pace! Not as good as the pay raise mechanism that Congress has for itself, perhaps, but a real improvement over what exists now. Please vote YES.

Church Women United in Arizona

Pennie Doss, Treasurer, Glendale

Martha B. Hollcroft, Finance Chair, Phoenix

*Paid for by "Church Women United in Arizona"*

Imagine yourself working full time for an annual salary of about \$10,000. With that \$10,000 you have to pay for rent, transportation, food, medicine, clothing, and everything else necessary to live. Then imagine that your employer, like many nowadays only allows its employees to work 28-30 hours a week. That \$10,000 is now down to \$7,500. Could you make it on that salary? Could you make ends meet working two jobs? Three jobs? Lastly, imagine that you also have to care for one or more children on that income. Most of the people stuck in minimum wage jobs are women, and many of them have children to support.

It's time for a raise. Arizona's minimum wage workers haven't had one in almost 9 years. Anyone who works full time, and who works as hard as most minimum wage earners are required to do, should take home enough money to actually be able to live without being homeless, hungry, and without health care.

Don't listen to the scare stories. Other states have raised their minimum wage without losing jobs or putting small businesses into bankruptcy. The Arizona National Organization for Women (NOW) urges you to bring thousands of our children out of poverty by **voting Yes on I-13-2006**.

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

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

*Paid for by "Arizona NOW"*

**Vote "YES" on Proposition 202 to increase the minimum wage for hard-working Arizonans and establish a State minimum wage.** Federal law sets the floor on the minimum wage at \$5.15 per hour, but individual states can enact legislation to pay a higher minimum wage. The U. S. Department of Labor reports that 17 states pay a minimum wage higher than the \$5.15 under the federal law. We urge Arizonans to make our state the 18th to do so. Since September 1, 1997, the federal minimum wage has not increased and Arizona's families cannot afford to wait for Congress to approve an increase. Proposition 202 sets the minimum wage at \$6.75 an hour, certainly not a liveable wage but much better than what exists today.

We have an opportunity to improve the lives of fellow Arizonans, to help people out of poverty, to decrease the welfare rolls, and improve Arizona's economy by increasing our state's minimum wage. The wages of hard working Arizonans have not increased, but their living expenses, housing expenses, and medical costs have continued to rise at an astronomical rate. Due to low wages, many Arizonans cannot adequately provide for their families, have experienced the loss of their family home, and cannot buy the necessary medication for an illness. Also, with gas prices at \$3 per gallon, who can afford to work for \$5.15!

We urge all of you to prove the validity of the NAU poll conducted March 15, 2006, that indicated that 81% of Arizona registered voters would vote "YES" to increase the minimum wage. By increasing our state's minimum wage, we have an opportunity to better the lives of many families throughout Arizona.

Proposition 202 represents sound and responsible public policy for Arizona and we ask that you **VOTE 'YES'**.

Jorge Luis Garcia, State Senator, Chairman,  
Legislative Latino Caucus, Tucson

Ben Miranda, State Representative, Chairman,  
Legislative Latino Caucus, Phoenix

*Paid for by "Jorge Luis Garcia"*

The Unitarian Universalist Church of Southeastern Arizona is in full support of the ballot measure to raise the minimum wage in Arizona.

The plight of minimum-wage earners in Arizona has become an emergency. As the Federal minimum wage has not been raised for over nine years, the value of \$5.15 an hour has dropped precipitously, leaving many individuals and families, though employed, with incomes below the poverty line. Raising the wage to \$6.75 would be a good first step in addressing this problem and would better reflect the moral and just society which we seek to create and sustain.

Furthermore, the built-in cost of living adjustments each year, far from being guaranteed "raises" that should

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be based on merit as some have suggested, are simply a way of ensuring that the minimum wage remains at an amount that approaches its true value in the marketplace. We are committed to building a society where it is expected that full-time workers earn enough to meet the necessities of food, clothing, and shelter. For an eye-opening comparison, in the last nine years in which the minimum wage has remained at \$5.15 (\$10,700 a year at full-time), annual Congressional pay has *increased* by \$31,000. And though we support this issue on the basis of our commitment to justice and equity within our communities, we approach it also with clear-eyed realism. Will raising the minimum wage create unforeseen challenges? Are there problems inherent in any such change in the economic landscape of our society? Of course! But it's time that we stop seeking solutions by demanding sacrifices exclusively from the poorest and most vulnerable members of our society. The challenges we face belong to all of us...together.

Ellen Taylor, President, Board of Trustees,  
Sierra Vista

Patricia Gerrodette, Treasurer, Sierra Vista

*Paid for by "Unitarian Universalist Church of Southeastern Arizona"*

As a candidate for the State Legislature in Legislative District 17, I fully support raising the minimum wage immediately. Currently, a full-time worker earning minimum wage is living under the poverty level. We should not expect our citizens to support their families on less than \$11,000 a year. Parents are forced to work two jobs to keep a roof over their heads and food on the table. Who is there to raise their children, help with homework, and be an involved parent? Raising the minimum wage is a moral issue, one that has been ignored for long enough.

The minimum wage has not been raised since 1996. Imagine not getting a raise for 10 years – this is a reality for many of our hard-working citizens. I have worked at several minimum-wage jobs, and was a waitress as a second job until I was 30. Food servers make \$2.13/hour. Imagine having to raise your family and feed your children on that, hoping that your patrons are generous enough that evening so you can average a decent salary. Please think about that the next time you go out for dinner.

Raising the minimum wage will not cause our state to suffer a significant negative economic impact. Evidence from past minimum wage hikes at the federal level indicates that there were no conclusive negative effects of raising the minimum wage. Fourteen states and the District of Columbia have minimum wages higher than the federal standard. Many of these increases were passed overwhelmingly by citizen initiatives. That is what I am asking of you – please vote "yes" on this initiative. We must continue to move Arizona forward, and fair wages for hard work is a huge step in the right direction. For more information about my campaign, please go to [www.angiecrouse.com](http://www.angiecrouse.com), or call 480-897-9444.

Angie Crouse, Chairman, Crouse for the House, Tempe

**Vote "YES" on Proposition 202 to raise the minimum wage and reduce poverty.**

No one who works full-time should get a wage so low that they still live in poverty. This is something I believe strongly in and as a Representative in the Arizona State House I fought hard to raise the Arizona minimum wage. Unfortunately, some of the leadership in the state house did not agree with me and consequently my legislation was never allowed to be voted on.

Fortunately, the voters of Arizona have an opportunity to stand up for the workers of this great state by voting to raise the minimum wage to \$6.75 and showing that we value hard-work and applaud self-sufficiency.

At the present minimum wage of \$5.15, a worker in our state that is supporting a family and working 40 hours a week, every week of the year, will earn less than \$11,000 a year. \$11,000 a year is hardly enough to support an individual, let alone a family. This financial strain almost always forces workers to get two or more jobs and work long shifts, often late into the evenings. These working poor rarely get the chance to see their family, yet day in and day out they work hard and strive to provide more for themselves and their loved-ones.

Currently, 15% of Arizona families live in poverty compared to 10% nationally, and 23% of Arizona children are living in poverty. The minimum wage must be raised to help these Arizona families work their way out of poverty. Raising the minimum wage to \$6.75 is a necessary step not only to help minimum wage workers get out of poverty but also ensure Arizona's children have an opportunity to get ahead too.

**Vote "YES" on Proposition 202.**

Submitted by the Arizona Minimum Wage Coalition.

State Representative Steve Gallardo, Honorary Co-Chair, Arizona Minimum Wage Coalition,  
Phoenix

*Paid for by "Arizona Minimum Wage Coalition"*

**ARIZONA'S FIREFIGHTERS ARE VOTING "YES" ON PROPOSITION 202.**

The Professional Fire Fighters of Arizona urge a "YES" vote on Proposition 202 to raise Arizona's minimum wage to \$6.75. Arizona's minimum wage has been frozen at \$5.15 for over a decade, while the costs of food, gas, and utilities continue to rise.

Someone working full-time shouldn't have to struggle just to keep the lights or air conditioning on in their home, but it happens. Hard-working Arizonans earning the current minimum wage often have to choose between food and electricity. Arizona's Fire Fighters are forced to respond to fires caused by candles being used in place of lights and to help heatstroke victims who couldn't afford to have air conditioning during the summer's heat.

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

*Issued by: Secretary of State Jan Brewer*

Voting "YES" on Proposition 202 will help hard-working citizens earn a fair wage to cover the most basic of needs. A "YES" vote will show that Arizonans value hard-work and believe that someone who works hard and plays by the rules deserves to earn a fair wage.

**Vote "YES" on Proposition 202**

Tim Hill, President, Professional Fire Fighters of  
Arizona, Phoenix

Bill Whitaker, Director of Political Affairs,  
Professional Fire Fighters of Arizona, Phoenix

*Paid for by "William G. Whitaker"*

It's time...it's time to raise the Minimum Wage.

This November voters have an opportunity, to strengthen Arizona families and reward the value of hard work. By raising the minimum wage we go well beyond helping just those individuals who benefit directly. We benefit all of Arizona's working families.

In Arizona, we can agree on two things; People who work hard and play by the rules should not be forced to live in poverty, and; We should not be have to shoulder unreasonable burden of paying for public services that should be the responsibility of the corporations that fight this initiative. Yet, these same corporations think nothing of the outrageous compensation of their CEO's. **For instance, it would take a minimum wage worker at Taco Bell more than 826 years of full time work to equal the 2004 compensation of its parent company CEO! At Home Depot, a minimum wage worker would have to work 3357 years to equal its CEO!** (source: Corporate Library)

According to CNN ("Mind the Gap"-01-27-2006), Arizona currently leads the nation in income gap between the rich and poor. This widening gap creates an increasing burden to the working people of Arizona who pay a disproportionate amount for public services, such as health care and food inspection. CNN continues to cite "a stagnant minimum wage as...disproportionately hurting the earnings of low and middle income households...which leads to increased rates of personal bankruptcy and higher divorce rates."

The unions of the Arizona AFL-CIO are proud to be leading the fight to accomplish what the Arizona Legislature has refused to do. We ask that all Arizonans join us in assuring that hard working Arizonans are given a hand up in the fight for economic justice.

Vote yes on Proposition 202!

Michael E. McGrath, Secretary/Treasurer,  
Arizona AFL-CIO, Tucson

Rebekah Friend, President, Arizona Arizona  
AFL-CIO, Mesa

*Paid for by "Arizona AFL-CIO"*

**VOTE YES ON PROPOSITION 202**

The Arizona United Food and Commercial Workers strongly urge a "yes" vote on Proposition 202 to increase the minimum wage to \$6.75 an hour.

Under Arizona's current minimum wage, a full-time employee, working 40 hours a week, earns less than \$11,000 a year in Arizona -- just \$11,000 a year to provide shelter, food, and clothes for themselves and their family. At Arizona's current minimum wage, most minimum wage workers struggle to make ends meet, often having to work 80 hours or more a week, leaving little time for family.

Arizona's minimum wage workers are single-parents struggling to put food on the table, senior citizens scraping by to cover the cost of their medicine, and first-generation university scholars working to pay for their tuition. These are hard working citizens who deserve a fair wage.

This is not a hand-out; it is simply paying a fair wage to those who work hard.

Raising Arizona's minimum wage to \$6.75 will show that we as Arizona's value hard work and believe that an honest day's work deserves an honest day's pay.

Arizona's United Food and Commercial Workers agree with the business owners, community leaders, religious leaders, elected officials, workers, and concerned Arizonans who believe that people who work hard deserve a fair wage.

**VOTE YES ON PROPOSITION 202**

Jim McLaughlin, President, UFCW Local 99,  
Gilbert

Mike Vespoli, Recorder, UFCW Local 99,  
Glendale

*Paid for by "UFCW"*

The minimum wage has been a key part of our nation's economy for over six decades. As a critical safeguard for America's low-wage workers, it has served as a basic statement of how we value work in this country. Stuck at \$5.15 an hour -- just \$10,712 a year - for almost a decade, the value of the minimum wage is now at its lowest point in 50 years. The decline of the minimum wage has been a major factor in the growth of income inequality in recent decades. As a recent letter signed by over 550 economists supporting an increase in the minimum wage stated, it "is causing hardship for low-wage workers and their families." The erosion of the wage floor has also helped fuel the proliferation of the low-wage, no benefits, high-turnover business model creating an irresistible incentive for employers to cut corners on labor costs rather than investing in a well-trained, stable workforce. In response, 20 states have already raised minimum wages above that of the federal standard, and over a dozen are currently considering such proposals.

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

This proposal simply aims to restore a portion of the value that the minimum wage has lost over time because it has not kept up with the rising cost of living. The minimum wage has lost value every year since it was last increased and is now only 37 percent of the median hourly wage in Arizona. When the minimum wage was last increased in 1997, it was 52 percent of the state median wage. Setting a new minimum wage of \$6.75 an hour would help restore some of the buying power to this important wage floor. Indexing the minimum wage to inflation will protect our low wage workforce from losing ground each year as inflation eats away at their paychecks.

Alicia Russel, Phoenix ACORN, Phoenix  
*Paid for by "AZ ACORN Statewide"*

**Minimum Wage Ballot Initiative Faith Response**

There are many sound economic reasons to raise the minimum wage, but for persons of faith, it is a moral issue. Every religion tells its followers to pay workers fairly. Every religion warns against the exploitation of others for economic gain. Back in 1938, faithful citizens established the Fair Labor Standards Act, which included an hourly minimum wage for working people. The amount was based on how much it would cost to sustain the basic needs of a full time worker and his or her family. It wasn't about luxury but decency. It still is today. A nineteenth century visitor to the United States described us as "a nation with the soul of a church." The faith of the people he met here was publicly expressed in concern for the common good, including "the least among us." Helping others lift themselves out of poverty through an increase in the minimum wage is current proof that the faith our forebears is still with us today.

Rev. Trina Zelle, Interfaith Worker Justice of Arizona, Tempe  
*Paid for by "Arizona Minimum Wage Coalition"*

**I am a small business owner and I am voting "YES" on Proposition 202 to raise Arizona's minimum wage.**

As a small business owner, I recognize the difficulties many small businesses face to stay afloat and profitable, but I know that raising the minimum wage will not adversely affect the success of a business. In fact, recent studies have shown that raising the minimum wage improves the standard of living of families without hurting businesses. (State Minimum Wages and Employment in Small Business, Fiscal Policy Institute, 4/21/04, www.fiscalpolicy.org)

Raising the minimum wage to \$6.75 would directly benefit 145,000 Arizonans and indirectly benefit hundreds of thousands more Arizonans as additional wages are increased.

The majority of workers who will benefit from this minimum wage increase are adults, mostly women, who are trying to support themselves and their families. In fact, nearly 25% of all minimum wage workers are single mothers, 74% of minimum wage workers are over the age of 20, and nearly two-thirds are women.

This initiative will not just benefit teenage workers who are getting their first job, this initiative will help everyday working men and women just trying to get by and often working paycheck to paycheck. Raising the minimum wage helps all Arizonans.

**Vote "YES" on Proposition 202. Raise Arizona's Minimum Wage.**

Richard Shapiro, Shapiro and Associates, Scottsdale  
*Paid for by "Arizona Minimum Wage Coalition"*

**Raising the Minimum Wage Benefits Retirees**

The Arizona Alliance for Retired Americans supports the Minimum Wage Coalition in urging the voters of Arizona to raise the minimum wage from \$5.15 an hour to \$6.75 an hour, adjusted annually for inflation. Like all Arizonans, the Alliance values hard work and the pursuit of economic viability for all workers so that they and their families may enjoy lives of dignity, fulfillment, and security. Many minimum-wage workers care for the elderly, the very young, the sick and disabled in our state, and it is crucial that employees receive fair compensation to restore the sense of pride in their work for these indispensable workers.

Additionally, a growing trend is that many senior citizens are now among the minimum-wage workers. Senior citizens are returning to the workforce at a record pace to combat the rising cost of health care, to pay for basics like groceries and housing, or because their retirement benefits are not keeping up with the cost of living. In fact, working seniors, women (especially single mothers), rural workers, African Americans and Latinos are all groups with much higher proportions of minimum-wage workers than the general populace.

By voting yes on Proposition 202, we show that we truly value the hard work performed by Arizonans by increasing the minimum wage so that workers in our state will have the economic resources to take care of their families.

Doug Hart, President, Arizona Alliance for  
Retired Americans, Tempe  
*Paid for by "Michelle Davidson"*

John Campbell, Vice President, Arizona  
Alliance for Retired Americans, Glendale

A majority of peer-reviewed studies - as well as evidence from the 20 states that have already raised their minimum wage - prove that modest increases in the minimum wage substantially benefit low-income workers and families without causing job loss or business flight. For example, recent studies have found that states that

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have higher than federal minimum wages continue to experience strong growth in employment, even in low-wage service sector industries. A study released this spring by the Fiscal Policy Institute found that states with minimum wages higher than the federal minimum wage had faster small business and retail job growth than states with minimum wages set the same as the federal.

When low wage workers get a raise, they spend that money in the local economy, providing an economic stimulus. Research and evidence from cities and states that have enacted wage increases indicates that increasing pay can also lead to reduced absenteeism and employee turnover as well as increased worker productivity. In the end, both workers and businesses stand to gain from modest minimum wage increases.

Nancy Cantor, Phoenix ACORN, Scottsdale

*Paid for by "AZ ACORN Statewide"*

Members of the Monsignor Edward J. Ryle Fund Committee urge Arizonans to support the ballot measure to establish a minimum wage in Arizona of \$6.75 per hour in 2007 with subsequent annual inflation adjustments. The federal standard of \$5.15 per hour that Arizona follows has not changed in nine years.

If you work, then you shouldn't be poor. When a worker earns the minimum wage, he or she is still below the federal poverty level with an annual income under \$11,000. A majority of minimum-wage earners are women. At this level, a family must struggle to meet even basic needs of food, shelter, transportation or clothing. Often, the family will be forced to seek state or federal subsidized services for health care, food, child care or rent assistance, to be certain there is food on the table or immunizations for the children. Establishing the minimum wage of a modest \$6.75 per hour in Arizona is necessary and the fair thing to do.

A local study conducted in 2002 by researchers from the University of Washington, found that two adult wage earners in a family of four each had to earn at least \$9 an hour in rural Arizona or at least \$12 an hour in the Phoenix metro area to be free of publicly funded services. Hopes that a vibrant economy would allow families to achieve this goal have not borne out. Many Arizona families remain in poverty, and household incomes have fallen since 2000. After nine years of a fixed minimum wage, it is time to raise it.

If you value those who work, play by the rules, and seek to be self-sufficient, we urge you to vote YES on the Arizona minimum wage ballot initiative.

Joe Anderson Chairman and CEO, Schaller  
Anderson, Inc., Monsignor Edward J. Ryle Fund  
Committee Member and Fund Advisor, Phoenix

Guy Mikkelsen, President and CEO,  
Foundation for Senior Living, Monsignor  
Edward J. Ryle Fund Committee Member and  
Fund Advisor, Phoenix

Eddie Sissons, Research Advisory Services,  
Monsignor Edward J. Ryle Fund Committee  
Member, Phoenix  
*Paid for by "Arizona Minimum Wage Coalition"*

Argument FOR Ballot Measure I-13-2006

A full time worker making the current minimum wage of \$5.15 only earns \$10, 712 per year – more than \$3,000 below the poverty line for a family of three. Today's minimum wage of \$5.15 is lower than the minimum wage of 1950, which would be \$6.30 in 2006 dollars. It would take \$9.31 today to match the buying power of the minimum wage of 1968. Every day without a minimum wage raise means another day choosing between rent and health care, putting food in the refrigerator or gas in the car. For every hour worked, a person making \$5.15 per hour can only afford 1 ¼ gallons of gas...that means that a minimum wage worker today has to work at least 1 hour each day to pay for their transportation.

Faith-based organizations and charities are straining to serve escalating requests for emergency food from their pantries and soup kitchens, especially from working people...Increasing the minimum wage by one dollar and sixty cents to \$6.75 per hour would mean an additional \$3,328.00 per year for full-time workers—money that could buy groceries, pay, rent, or otherwise help low-income workers in need.

The minimum wage is a bedrock moral value. It is immoral that workers who care for children, the ill and the elderly struggle to care for their own families. It's immoral that the minimum wage keeps people in poverty instead of out of poverty. A job should keep you out of poverty, not keep you in it.

We strongly encourage you to vote FOR an increase in the Arizona Minimum Wage – IT IS JUST THE RIGHT THING TO DO. Working should NEVER equal poverty!!

Tamera Zivic, PhD, WHEAT Executive Director,  
Phoenix  
*Paid for by "WHEAT"*

Cheryl Thompson, Chair, WHEAT Board of  
Directors, Phoenix

Too many working families in Arizona struggle to provide the basic necessities for themselves and their families. Over 14 percent of Arizonans live in poverty, and almost 13 percent are hungry or at risk of hunger. A low minimum wage is a key part of this problem. Congress and our state elected officials have failed to raise the minimum wage in almost a decade; in the same time period, Congress has received a raise 9 times. The result is that even full time low wage workers are working harder for less and struggling to get by. We can do better.

Most of the workers who would benefit from the proposed minimum wage increase are adults earning the

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majority of their family's income. 74 percent of Arizona's workers earning less than \$7.00 an hour are 20 years and older. These workers do some of the hardest and most essential jobs that help keep our state's economy going. They care for our children and our elderly, serve our food, secure our buildings and clean our streets and offices. With a small adjustment to the minimum wage, Arizona can send a message that its citizens value work - and begin to ensure that those who work hard everyday and play by the rules are able to provide an adequate standard of living for themselves and their families. An estimated 303,000 Arizona workers would be affected by increasing the minimum wage to \$6.75 with an annual cost of living increase.

Lana Cudmore, Mesa ACORN, Mesa  
*Paid for by "AZ ACORN Statewide"*

Arizona Green Party urges a YES vote on the minimum wage initiative.

There is nothing sacred about the relationship between an American worker and her boss. It is pure contract. And the state does have a role to play in contract law. That role is to assure fair play. And to look out for the future. Arizona Green Party has Future Focus as a key value, and we are very concerned about the direction that future has been heading. (Read more about Arizona Green Party values at [www.azgp.org](http://www.azgp.org).)

Because of decisions, made by politicians bought off by PACs, wealth has become too concentrated in the hands of the few, the rich, the crony. Which means less money in the pockets of the working poor, and the shrinking middle class. This has not happened by chance, but by deliberate political choices.

Among these decisions was allowing the minimum wage to dwindle, well below a living wage. And then, to insult the workers who are left with less, to imply that they live off of others. Teens at home, old folks on pensions, housewives looking for pin money, say the disparagers. Think about it. Folks struggling on inadequate, and shamefully low, wages, are forced to figure out how to get by. And then blamed and shamed for the decisions they make in getting by.

Next we're told that a decent minimum wage will "ruin the economy." Well "the economy" was in pretty good shape when the minimum wage was gauged to actually support working folks. Remember? For the Arizona Green Party position on other ballot issues please go to: [www.azgp.org](http://www.azgp.org).

Ignore the nonsense. Stand up for decency. Vote YES.

Robert Neal, Treasurer, Arizona Green Party, Tempe  
*Paid for by "Arizona Green Party State Committee"*

### **ARGUMENTS "AGAINST" PROPOSITION 202**

Argument AGAINST Proposition 202

Fellow Arizonans join me in voting no on Proposition 202. Setting a state minimum wage at a rate that is almost 28% higher than the federal minimum wage and increasing it every year by indexing it to the cost of living is bad public policy. It will have severe damaging unintended consequences that our state cannot afford.

Most importantly it will make our already intolerable illegal alien crisis even worse. We will be providing the worst of both worlds in creating economic incentives that will only serve to further attract more illegal aliens.

On one hand many employers will find themselves forced to cut back on employment in order to accommodate the minimum wage. Unscrupulous employers will opt for employing illegals off the books at below minimum wage to maintain their business operations. This will be taking jobs away from our own citizens, promoting an expanded underground economy and depriving our state of tax revenue.

Just as important on the other hand is the enhancement to illegal employers to risk the consequences hiring of illegal aliens. By setting an artificially high minimum wage illegal aliens will now have a greater incentive to enter our country and enjoy even higher rewards for being here.

Making our state even more attractive to illegal immigration is something that makes no sense. Rather than creating more incentives for illegal aliens through the creation of an artificially high state minimum wage we should be pursuing policies to reduce the economic incentives for illegal aliens. What should be done is reduce government burden on small businesses and allow free-market concepts to work. That is what made America so great.

I urge fellow Arizonans to vote no on Proposition 202.

Representative Russell Pearce, Arizona House of Representative, Mesa  
*Paid for by "Russell Pearce 2004"*

The Arizona Farm Bureau opposes proposition 202.

Minimum wage jobs are for part-time, very basic entry-level and transition positions.

From our review of the economic literature and research, minimum wage increases may create more pay for given parties, but it certainly reduces the creation of new jobs. Arbitrarily driving up wages also results in higher consumer prices that affect the poor and those on fixed incomes disproportionately.

Arizona voters should consider this perspective before automatically approving a measure that might seem intuitively appropriate on the surface.

Kevin G. Rogers, President, Arizona Farm  
Bureau, Mesa  
*Paid for by "Arizona Farm Bureau Federation"*

James W. Klinker, Chief Administrative Officer,  
Arizona Farm Bureau, Mesa

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The Arizona Tourism Alliance is opposed to the establishment of a state minimum wage law. Arizona's tourism and visitor industry is particularly vulnerable to the negative affects should this proposition pass and the resulting impact on Arizona's economy.

Setting a state minimum wage that is almost 28% higher than the federal level and indexing it to increase each year based on the cost of living is just not good public policy. It will raise labor costs in our industry and subject us to a competitive disadvantage with other states whose tourism and visitor industries are not subject to a state minimum wage.

Many Arizonans seek employment in the tourism and visitor industry as entry level and supplemental opportunities. Frequently our workforce represents individuals who are enrolled in school are single parents or other part time workers. By raising our costs of labor there would be pressure to eliminate these minimum compensation jobs thus depriving these people of much needed employment.

In addition the smallest of businesses that exceed the \$500,000 threshold could be placed in the position of adjusting their overall labor costs by cutting employee related expenses such as health care or pension benefits or rolling back the services they provide.

This combination of reduced jobs and potential lowering of benefits will have a negative affect on our industries and the people who work for us. That combination does not bode well for an industry that provides one of the top two economic engines in Arizona.

We urge its defeat.

Jody Harwood, President, Arizona Tourism Alliance, Phoenix

Karen Churchard, Executive Director, Arizona Tourism Alliance, Phoenix

*Paid for by "Arizona Tourism Alliance"*

Proposition 202 creating a minimum wage in Arizona at a level significantly above the federal minimum wage and indexing it to the cost of living is not in the best interest of jobs, the price of goods and services or the Arizona economy and should be defeated in November.

There is one thing we have learned throughout the history of our economic experience it is that wage and price regulation does not work to achieve the desired ends and invariably creates unintended consequences that damage the very people that the regulations were designed to protect.

By creating an artificially high minimum wage the state will be forcing businesses into making basic economic decisions that are not good for workers and not good for consumers. When the cost of producing goods and services is increased employers must compensate to maintain their businesses viability.

Those who believe that establishing a high state minimum wage will benefit workers in the lowest rung of jobs in Arizona are wrong. Creating a state minimum wage will put pressure on employers that will result in a reduction in the job pool, elimination of employee benefits and a softening of the economy in key employment areas like tourism, agriculture and construction.

Further the creation of a state minimum wage is bad for consumers. Artificially raising employer payroll expenses will result in higher prices of the impacted goods and services.

For these reasons I urge my fellow Arizonans to vote against Proposition 202.

Barry M. Aarons, Senior Fellow, Americans for Tax Reform, Phoenix

"Help wanted." The signs are plentiful, which is a great indication that Arizona's economy is doing well and that job seekers and employees are in an enviable position. Employers need to attract new employees and retain the current workforce. Employers are competing for employees and a very valuable tool in that competition is wage. Retailers, with very few exceptions, pay higher than minimum wage. But what will happen if the economy doesn't continue to keep the current pace? Under the current scenario employers have options, but certain operating expenses can only be marginally controlled. Retailers have adapted to the federal minimum wage, but other expenses have been increasing beyond any forecasting - gasoline costs, which increase the wholesale and transportation cost of goods, healthcare costs, energy costs to heat, cool and light facilities, and increasing competition from Internet sales. All these factors continue to chip away at the profitability of retailers and therefore reduce the options when the economy takes a turn for the worse. The minimum wage initiative will automatically increase wages on an annual basis and therefore add to the factors that retailers can only marginally control. The options left to businesses are to reduce payroll hours and/or reduce benefits. The Proponents of the minimum wage increase would not embrace either of these options. Regardless of the unintended consequences, the proponents want to encourage government intervention and increase demands on businesses.

Vote no on the minimum wage initiative and allow businesses to respond to the needs of employees.

Richard B. Mazzoni, President, Arizona Retailers Association, Scottsdale

Michelle A. Ahlmer, Secretary, Arizona Retailers Association, Mesa

*Paid for by "Arizona Retailers Association"*

The only relevant question when considering a wage hike is: will it work? In other words, will its benefits outweigh the costs? A brief examination proves the answer to be a resounding "no."

To begin with, the majority of the benefits would go to employees who are not poor. According to U.S. Census data, only 15% of minimum wage recipients are raising a family on the minimum wage. The remaining 85% are teenagers living with their working parents, adults living alone, or dual-earner married couples. U.S. Census

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data show that the average family income of a minimum wage recipient is almost \$46,000 a year.

Consequently, attempting to target poor families by manipulating wages is an inefficient means of addressing the problem.

Advocates supporting a minimum wage increase insist that millions of minimum wage employees have not received a raise since 1997. But research from Miami University of Ohio and Florida State University shows that every year nearly two-thirds of minimum wage employees receive an increase in pay.

Not only will a wage hike be inefficient, it will be downright harmful. Decades of economic research prove that employers will cut employment in response to a minimum wage increase. Researchers at Cornell University found that vulnerable groups of young adults without a high school degree and young black adults and teenagers suffered significantly more employment loss as a result of a minimum wage increase.

To maintain profits, employers cut entry-level positions, where employees are able to gain the skills necessary to improve their future earnings. Without this vital gateway into the labor force, these individuals will be deprived of future economic success. In this way, the employees the minimum wage is designed to help—the least skilled—are the ones it hurts the most.

Donald H. Ellis, Chairman of the Board, Mesa      Michael Head, Secretary, Scottsdale  
*Paid for by "Arizona Restaurant & Hospitality Association"*

Decades of economic research prove that employers will cut employment in response to a minimum wage increase. In addition, employers will take the following steps, none of which is beneficial to low-skill employees:

**Hire skilled applicants with more experience**, rather than taking a chance on individuals with little education or experience. The displacement of these less-skilled employees is seen in the higher employment loss for vulnerable groups such as teens, minority teens, and adults without a high school diploma.

**Automate services once performed by entry-level employees.** Self-service gas stations, automated phone systems, automatic teller machines, self-service soda fountains, and self-checkout lanes at grocery stores are all examples of the automation of jobs that were once held by low-skilled, entry-level individuals. In these positions, employees were able to gain the skills necessary to improve their future earnings. Without this vital gateway into the labor force, these individuals will be deprived of future economic success.

**Cut back on customer service.**

It has become quite common for customers at fast-food restaurants to bus their own tables. Baggers at many grocery stores have been eliminated. Forced to pay high mandated wages, employers are choosing to cut back on services rather than raise prices.

This results in fewer opportunities for low-skilled Americans.

This clearly demonstrates why a mandated minimum wage increase with automatic annual increases isn't the answer to an employee's compensation.

Steve Chucuri, Chairman, Jobs First Against I-13-2006, Mesa  
*Paid for by "Jobs First Against I-13-2006"*

The Arizona Chamber of Commerce and Industry urges Arizona voters to reject the creation of a reckless and job-killing state minimum wage and vote NO on Proposition 202.

Proposition 202 is reckless not only because it establishes an uncompetitive minimum wage rate but because it threatens to undermine worker benefits, especially health care coverage. With its passage, small businesses will be forced to cut costs by scaling back or, more likely, eliminating expensive employer benefits. With Arizona's large number of uninsured, coupled with double-digit annual increases in the cost of health care coverage, Proposition 202 recklessly threatens the health and welfare of our workers and their families.

Moreover, Proposition 202 is a job-killer, targeting our least-skilled and most vulnerable workers. Now Arizona employers can recruit workers at the beginning of their careers, before they have acquired the skills and experience to command higher wages and salaries. Most often these workers are young people just entering the workforce. Proposition 202 will make it harder for small businesses to hire these workers especially during any future downturn in our economy. Government should not be in the business of setting wages.

**Proposition 202's creation of a much higher minimum wage seems like an attractive idea, but there will be a cost that regrettably will be borne by the very workers it's promised to benefit.** That is why the Arizona Chamber of Commerce and Industry recommends a NO vote on Proposition 202.

Steve Twist, Chairman of Board of Directors,      James J. Apperson, President & CEO, Arizona  
Arizona Chamber of Commerce and Industry,      Chamber of Commerce and Industry,  
Scottsdale      Scottsdale  
*Paid for by "Arizona Chamber of Commerce"*

Minimum wage laws are a primary reason for the demise of rural and inner city communities. These are low rent areas where the cost of living can be ten to twenty times less than expensive city areas.

The low cost areas began to fail with the advent of minimum wage. The slow paced stores, cafes, gas stations closed. These communities unraveled as businesses and job mentors left. Learning a work ethic was lost as the young were unable to find entry level jobs. Vandalism and crime followed. Tens of thousands of businesses and homes were boarded up or bulldozed. Government spent billions trying to revitalize inner cities.

Rural dwellers that once drove five miles to shop, must now drive fifty or more. The poor and the young lack

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transportation to jobs and shopping.

Imagine having a home that rents for \$300 in a country town with a nearby easy-going job. It's possible without minimum wage. Walmart aggressively supports minimum wage increases, which suppress community stores with lower revenue.

The stores, motels, and hotels that survive have become havens for hard-working Asian families. The children and the elderly pitch in with stocking and cleaning without pay. Cultural groups without these values get edged out, creating tensions. Stereotyping and classification result.

Having thousands of mom and pop businesses over a diverse area provided shopping and services to bus travelers. Bus stations closed.

Inner city areas and small towns had character and personality. Big box stores and corporate chains are the same everywhere. They're impersonal, abusive to employees, and move us to foreign products over U.S. manufacturing.

Minimum wage laws disproportionately hurt the poor, create waste and reliance on automobiles and foreign goods, divide cultural groups, and interfere with natural entry level job training. No to minimum wage!

David Weary, Tempe

There is no quicker way to increase poverty, cut health benefits for workers, and chop employment opportunities than to increase the minimum wage. But this ballot initiative goes a big step farther in making the pain permanent, by linking all future increases to rises in the Consumer Price Index. When voters in Washington state did this in 1998, Ohio University Professors Richard Vedder and Lowell Galloway found four years later that it had increased poverty, not alleviated it. In their report, *The Economic Impact of Washington's Minimum Wage Law*, the professors found that the CPI linkage increased poverty by "largely creating unemployment and reduced hours for workers ... Some occupations relying heavily on relatively less-skilled labor were particularly impacted." Despite its media portrayal, the minimum-wage rate is an entry-level wage, not a living- or family-sustaining wage. As the U.S. Bureau of Labor Statistics puts it in its *Characteristics of Minimum Wage Workers 2003* study, "Minimum-wage workers tend to be young. Slightly over half of workers earning \$5.15 or less were under age 25, and about one-fourth were age 16-19 ... Never-married workers, who also tend to be quite young, were more likely to earn the minimum wage than persons who are married." As Lawrence McQuillan of the Pacific Research Institute wrote, "Businesses offer the mix of wages and benefits necessary to attract an optimal workforce. After a minimum-wage hike, many businesses cut training, health care benefits, and other perks for low-income workers to offset the mandated pay increase. Although many of these workers might prefer health insurance to more pay, they have no say in the matter since businesses must pay the legal minimum." This is a bad initiative for every Arizonan. Vote no.

Michelle Bolton, State Director of the National Federation of Independent Business, Phoenix

I ask you to join me in voting AGAINST this initiative that would create a harmful effect on the small business owners, entry level workers and the economy of our state. We are now experiencing an economic boom due in large part to the actions of our Republican Legislature who battled with the current government to force a reduction in taxes. Their refusal to implement another series of new programs proposed by Napolitano has limited future tax increases and allowed employers to plan expansion with comfort.

Now the friends of the governor – the lobbyists and labor bosses who are her main supporters – have decided to take another swipe at the entrepreneurial spirit of our state with this ill conceived measure. It is established without doubt that the success of our nation and state is the economic model that is founded on the free enterprise system. Whenever government injects itself into that model with intrusive regulations and rules, the economic life blood is harmed.

I call on you to defeat this attack on the small business owners that provide eighty percent of all new jobs. The governor and her friends would do better to reform our education system so that we are graduating students to meet the modern work force needs. Passage of this measure would drastically harm the ability of our state to attract new businesses to relocate or start up in our state.

I ask you to join me in voting AGAINST this measure and vote FOR a more vibrant economy. \*\*Paid for by Goldwater for Governor Committee.\*\*

Don Goldwater, Goldwater for Governor, Laveen

This proposition should be called the "Illegal Immigration Incentive and Rewards Act."

Arizona is on the frontlines of illegal immigration. We have hundreds of miles of lightly guarded border; thousands of illegals cross daily, most of whom continue on to other parts of the country.

However, if Prop 202 passes, that will change. Rather than following federal minimum wage law, Arizona will rocket to one of the highest in the nation. Illegals will have a strong financial reason to stay here.

After 2007, no other border state will pay as much as Arizona. Illegals will have to travel 1,000 miles to Washington State or 2,000 miles to Vermont to find a job that pays more than Arizona. Why would they?

Arizona will become an even greater magnet for illegal immigration.

Unscrupulous people will pay illegals "cash under the table" to avoid the minimum wage. But illegals will still be paid more than surrounding states. This law will provide an even greater incentive to hire illegals, especially with little enforcement.

But wait, there's more...

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Amazingly, this proposition says every PERSON shall receive a minimum wage, not just citizens. If an illegal is ever fired (i.e. if Arizona finally cracks down on illegal immigration) this proposition allows the illegal to sue or force the state to sue on their behalf (at taxpayers' expense), and the court is REQUIRED to award them 2-3 times their total pay at Arizona's higher minimum wage. This is the new Global Communism.

Why would an illegal ever go anywhere else for a job? In Arizona they'll get a bonus if they get caught!

Let's get our priorities straight: enforce our border, and don't give benefits to lawbreakers. Vote NO on Prop 202.

Sen. Dean Martin, Chairman, Senate Finance Committee, Phoenix

**BALLOT FORMAT**

**PROPOSITION 202**

PROPOSED AMENDMENT BY INITIATIVE PETITION

**OFFICIAL TITLE**

AN INITIATIVE MEASURE  
REPEALING SECTION 23-362, AMENDING BY ADDING NEW  
SECTION 23-362 RELATING TO THE ARIZONA MINIMUM  
WAGE ACT

**DESCRIPTIVE TITLE**

RAISES MINIMUM WAGE TO \$6.75 PER HOUR BEGINNING  
JANUARY 1, 2007, WITH CERTAIN EXCEPTIONS; PROVIDES  
YEARLY ANNUAL COST OF LIVING INCREASES; REQUIRES  
THAT EMPLOYERS POST NOTICE ABOUT EMPLOYEE  
RIGHTS; ESTABLISHES PENALTIES AND PERMITS PRIVATE  
LAWSUITS AND ENFORCEMENT BY THE INDUSTRIAL COM-  
MISSION.

**PROPOSITION 202**

A "yes" vote shall have the effect of raising the  
minimum wage to \$6.75 per hour with certain  
exceptions beginning January 1, 2007, providing  
for yearly minimum wage cost of living increases,  
requiring employers to post notice about  
employee minimum wage rights, establishing pen-  
alties for violations of the law and permitting pri-  
vate lawsuits to enforce the law.

**YES**

A "no" vote shall have the effect of continuing to  
follow existing federal minimum wage laws, which  
currently provide a minimum wage of \$5.15 per  
hour.

**NO**

**PROPOSITION 202**

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**PROPOSITION 203**

**OFFICIAL TITLE**

**AN INITIATIVE MEASURE**

**ARIZONA EARLY CHILDHOOD DEVELOPMENT AND HEALTH INITIATIVE**

PROPOSING AMENDMENTS TO TITLE 8, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 13; AMENDING TITLE 42, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 9; AND PROVIDING FOR INITIAL FUNDING AND INITIAL TERMS OF BOARD AND REGIONAL COUNCIL MEMBERS; RELATING TO FUNDING FOR EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROGRAMS.

**TEXT OF PROPOSED AMENDMENT**

**Be it enacted by the People of the State of Arizona:**

**Section 1. Popular Title.**

This measure shall be known as the "Arizona Early Childhood Development and Health Initiative."

**Section 2. Title 8, Arizona Revised Statutes, is amended by adding chapter 13, to read:**

**CHAPTER 13. EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROGRAMS**

**ARTICLE 1. GENERAL PROVISIONS**

8-1151. FINDINGS AND DECLARATIONS

A. THE PEOPLE OF ARIZONA FIND THAT:

1. EARLY LEARNING EXPERIENCES DIRECTLY IMPACT A CHILD'S LONG-TERM EDUCATIONAL SUCCESS. RESEARCH SHOWS THAT THAT THE MAJORITY OF A CHILD'S BRAIN STRUCTURE IS FORMED BEFORE AGE THREE AND THAT THE YEARS BETWEEN BIRTH AND KINDERGARTEN ARE WHEN CHILDREN DEVELOP MANY OF THEIR LANGUAGE SKILLS, THOUGHT PROCESSES, SELF-CONFIDENCE, DISCIPLINE AND VALUES.
2. HEALTH, VISION AND DENTAL SCREENINGS THAT DETECT CHILDREN'S HEALTH PROBLEMS EARLY ENABLE THEM TO RECEIVE THE CARE THEY NEED TO GROW AND THRIVE.
3. CHILDREN ENTERING SCHOOL WHO HAVE HAD HIGH-QUALITY EARLY CHILDHOOD DEVELOPMENTAL EXPERIENCES, INSIDE THE HOME OR IN OTHER SETTINGS OF THEIR PARENTS' CHOICE, ARE BETTER ABLE TO SUCCEED ACADEMICALLY AND HAVE GREATER OPPORTUNITIES.
4. ALL ARIZONANS BENEFIT FROM PROVIDING EARLY CHILDHOOD DEVELOPMENT OPPORTUNITIES FOR OUR CHILDREN. FOR CHILDREN, SUCH EFFORTS GIVE THEM A HEALTHY START AND AN OPPORTUNITY TO SUCCEED. FOR PARENTS, THE AVAILABILITY AND AFFORDABILITY OF QUALITY EARLY CHILDHOOD DEVELOPMENT PROGRAMS HELPS THEM RETAIN JOBS AND EARN HIGHER INCOMES. FOR TAXPAYERS, EARLY DEVELOPMENT PROGRAMS SAVE TAX DOLLARS BY LOWERING DROP-OUT RATES, REDUCING CRIME AND CUTTING THE COST OF SOCIAL SERVICES.
5. ALL ARIZONA CHILDREN SHOULD BEGIN SCHOOL WITH THE SKILLS THEY NEED FOR LONG-TERM EDUCATIONAL AND PERSONAL SUCCESS.
6. FOR THESE REASONS, THE PEOPLE OF ARIZONA FIND THAT PROVIDING DEDICATED FUNDING TO IMPROVE THE QUALITY, ACCESSIBILITY AND AFFORDABILITY OF EARLY CHILDHOOD DEVELOPMENT OPPORTUNITIES IN THE SETTING OF THE PARENTS' CHOICE SHOULD BE ONE OF

THE STATE'S TOP PRIORITIES.

B. THE PEOPLE OF ARIZONA THEREFORE DECLARE OUR INTENT TO PROVIDE THE NECESSARY COORDINATION AND FUNDING FOR EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROGRAMS IN ARIZONA THAT WILL:

1. WORK WITH PARENTS, COMMUNITY LEADERS, LOCAL GOVERNMENTS, PUBLIC AND PRIVATE ENTITIES AND FAITH-BASED GROUPS TO IMPROVE THE QUALITY OF AND INCREASE ACCESS TO EARLY CHILDHOOD DEVELOPMENT PROGRAMS IN COMMUNITIES THROUGHOUT THE STATE.
2. INCREASE ACCESS TO PREVENTIVE HEALTH PROGRAMS AND HEALTH SCREENINGS.
3. OFFER PARENTS AND FAMILIES SUPPORT AND EDUCATION ABOUT EARLY CHILD DEVELOPMENT AND LITERACY.
4. RECOGNIZE THE DIVERSITY OF ARIZONA COMMUNITIES AND GIVE THEM A VOICE IN IDENTIFYING PROGRAMS TO ADDRESS THEIR PARTICULAR NEEDS.
5. PROVIDE TRAINING AND SUPPORT TO EARLY CHILDHOOD DEVELOPMENT PROVIDERS.
6. BE SUBJECT TO ACCOUNTABILITY AND AUDIT REQUIREMENTS, INCLUDING REQUIREMENTS THAT THE SUCCESS OF THE BOARD AND REGIONAL PARTNERSHIPS, AS WELL AS THE PROGRAMS THEY UNDERTAKE AND FUND, BE MEASURED BY OUTCOMES FOR CHILDREN AND FAMILIES.

**8-1152. DEFINITIONS**

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "BOARD" MEANS THE ARIZONA EARLY CHILDHOOD DEVELOPMENT AND HEALTH BOARD ESTABLISHED BY THIS CHAPTER.
2. "EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROGRAMS" MEANS PROGRAMS AND SERVICES PROVIDED TO CHILDREN PRIOR TO KINDERGARTEN AND THEIR FAMILIES FOR THE PURPOSE OF ASSISTING CHILD DEVELOPMENT BY PROVIDING EDUCATION AND OTHER SUPPORT, INCLUDING PARENT AND FAMILY SUPPORT PROGRAMS, CHILD CARE, PRESCHOOL, HEALTH SCREENINGS AND ACCESS TO PREVENTIVE HEALTH SERVICES.

**ARTICLE 2. REGIONAL PARTNERSHIPS**

8-1161. **RESPONSIBILITIES OF REGIONAL PARTNERSHIP COUNCILS**

- A. EACH REGIONAL PARTNERSHIP COUNCIL SHALL IDENTIFY THE ASSETS AVAILABLE FOR EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROGRAMS IN ITS REGION, INCLUDING OPPOR-

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TUNITIES FOR COORDINATION AND USE OF OTHER AVAILABLE FUNDING SOURCES.

B. BASED ON THAT INFORMATION, EACH REGIONAL PARTNERSHIP COUNCIL SHALL IDENTIFY AND PRIORITIZE THE UNMET NEED FOR EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROGRAMS IN ITS REGION.

C. EACH REGIONAL PARTNERSHIP COUNCIL SHALL SUBMIT A REPORT DETAILING ASSETS, COORDINATION OPPORTUNITIES AND UNMET NEEDS TO THE BOARD BIANNUALLY. THE REGIONAL PARTNERSHIP COUNCIL'S NEEDS AND ASSETS ASSESSMENT SHALL BE FORWARDED TO THE BOARD FOR FINAL APPROVAL NO LATER THAN SEPTEMBER 1 OF EACH EVEN-NUMBERED YEAR, BEGINNING IN 2008. THE BOARD SHALL HAVE DISCRETION TO APPROVE OR REJECT A COUNCIL'S ASSESSMENT IN WHOLE OR IN PART OR TO REQUIRE REVISIONS. THE BOARD SHALL ACT ON ALL NEEDS AND ASSETS ASSESSMENTS NO LATER THAN OCTOBER 1 OF EACH EVEN-NUMBERED YEAR, BEGINNING IN 2008.

D. EACH REGIONAL PARTNERSHIP COUNCIL SHALL ANNUALLY DEVELOP A REGIONAL PLAN FOR THE EXPENDITURE, DURING THE NEXT FISCAL YEAR, OF FUNDS BUDGETED BY THE BOARD PURSUANT TO 8-1184 TO MEET THE NEEDS IDENTIFIED IN ITS REGION.

1. A REGIONAL FUNDING PLAN MAY INCLUDE PROGRAMS AND SERVICES TO BE CONDUCTED BY THE COUNCIL DIRECTLY AS WELL AS PROGRAMS AND SERVICES TO BE PROVIDED BY PRIVATE, PUBLIC, GOVERNMENTAL AND FAITH-BASED ORGANIZATIONS THROUGH FUNDING GRANTS.

2. A REGIONAL FUNDING PLAN SHALL INCLUDE AMOUNTS REQUESTED, IF ANY, TO COMPLETE THE REGIONAL NEEDS AND ASSETS ASSESSMENTS REQUIRED BY THIS SECTION. THESE NEEDS AND ASSETS ASSESSMENTS MAY BE FUNDED WITH MONIES FROM THE PROGRAM ACCOUNT ESTABLISHED PURSUANT TO SECTION 8-1181.

3. EACH REGIONAL PARTNERSHIP COUNCIL SHALL SUBMIT ITS ANNUAL REGIONAL FUNDING PLAN TO THE BOARD FOR APPROVAL NO LATER THAN JANUARY 1 OF EACH YEAR, BEGINNING IN 2009. THE BOARD SHALL HAVE DISCRETION TO APPROVE OR REJECT A COUNCIL'S PLAN IN WHOLE OR IN PART OR TO REQUIRE REVISIONS. THE BOARD SHALL ACT ON ALL REGIONAL FUNDING PLANS NO LATER THAN FEBRUARY 1 OF EACH YEAR, BEGINNING IN 2009.

E. AFTER ITS REGIONAL PLAN HAS BEEN APPROVED BY THE BOARD, EACH REGIONAL PARTNERSHIP COUNCIL SHALL CONDUCT THE APPROVED PROGRAMS DIRECTLY AND/OR MAKE THE APPROVED GRANTS PURSUANT TO SECTION 8-1173.

F. THE BOARD MAY, ON A FINDING OF GOOD CAUSE, APPROVE NEEDS AND ASSETS ASSESSMENTS AND REGIONAL FUNDING PLANS RECEIVED AFTER THE DEADLINES SET FORTH IN THIS SECTION, INCLUDING REVISED ASSESSMENTS OR PLANS RE-SUBMITTED IN RESPONSE

TO BOARD ACTION REVISING OR REJECTING A SUBMITTED ASSESSMENT OR PLAN.

G. EACH REGIONAL PARTNERSHIP COUNCIL SHALL INCREASE PARENTS' AND PROVIDERS' ACCESS TO INFORMATION ABOUT EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROGRAMS. METHODS FOR MEETING THIS REQUIREMENT INCLUDE:

1. PROVIDING INFORMATION ABOUT THE PROGRAMS AND SERVICES PROVIDED BY THE BOARD, THE COUNCIL AND GRANT RECIPIENTS.

2. PROVIDING INFORMATION ABOUT EXISTING FEDERAL, STATE, LOCAL AND PRIVATE SOURCES OF FUNDING AVAILABLE TO IMPROVE THE QUALITY OF AND ACCESS TO EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROGRAMS.

3. PROVIDING SUPPORT AND TRAINING FOR EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROVIDERS.

4. INFORMING PROVIDERS AND PARENTS ABOUT LICENSING AND OTHER REQUIREMENTS FOR EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROVIDERS.

5. FOSTERING COOPERATION AMONG EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROVIDERS IN ORDER TO INCREASE THE NUMBER OF CHILDREN AND FAMILIES SERVED AND IMPROVE OUTCOMES FOR CHILDREN AND FAMILIES SERVED.

H. EACH REGIONAL PARTNERSHIP COUNCIL MAY SOLICIT PRIVATE FUNDS FROM INDIVIDUALS, CORPORATIONS AND FOUNDATIONS TO SUPPORT ITS EFFORTS TO IMPROVE THE QUALITY OF AND ACCESS TO EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROGRAMS IN ITS REGION. THE BOARD MUST APPROVE ANY GIFTS RECEIVED IN RESPONSE TO COUNCIL SOLICITATIONS. APPROVED GIFTS SHALL BE DEPOSITED INTO THE PRIVATE GIFTS ACCOUNT OF THE EARLY CHILDHOOD DEVELOPMENT AND HEALTH FUND PURSUANT TO SECTION 8-1182.

8-1162. COMPOSITION OF REGIONAL PARTNERSHIP COUNCILS; REIMBURSEMENT OF EXPENSES; IMMUNITY

A. EACH REGIONAL PARTNERSHIP COUNCIL SHALL BE MADE UP OF ELEVEN MEMBERS WHO RESIDE OR WORK IN THE REGION, INCLUDING AT LEAST:

1. ONE PARENT OF A CHILD AGED FIVE OR YOUNGER AT THE TIME OF THEIR APPOINTMENT TO THE COUNCIL.

2. ONE CHILD CARE PROVIDER.

3. ONE HEALTH SERVICES PROVIDER.

4. ONE PUBLIC SCHOOL ADMINISTRATOR. FOR THE PURPOSES OF THIS REQUIREMENT, CHARTER SCHOOLS ESTABLISHED PURSUANT TO TITLE 15 ARE CONSIDERED PUBLIC SCHOOLS.

5. ONE EARLY CHILDHOOD EDUCATOR.

6. ONE MEMBER OF THE BUSINESS COMMUNITY.

7. ONE REPRESENTATIVE OF THE FAITH COMMUNITY.

8. ONE REPRESENTATIVE OF A PHILANTHROPIC ORGANIZATION.

9. IF AN INDIAN TRIBE IS LOCATED IN THE

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REGION, ONE PUBLIC OFFICIAL OR EMPLOYEE OR A TRIBAL GOVERNMENT.

B. MEMBERS OF THE REGIONAL PARTNERSHIP COUNCILS SHALL BE APPOINTED BY THE BOARD AFTER A PUBLIC APPLICATION PROCESS AND WITH THE INPUT OF THE REGIONAL PARTNERSHIP COUNCIL.

C. MEMBERS OF THE REGIONAL PARTNERSHIP COUNCILS SHALL SERVE FOUR YEAR TERMS, TO BEGIN AND END JULY 1.

D. MEMBERS OF THE REGIONAL PARTNERSHIP COUNCIL WHO MISS MORE THAN THREE MEETINGS WITHOUT EXCUSE OR RESIGN THEIR MEMBERSHIP SHALL BE REPLACED BY THE BOARD AFTER A PUBLIC APPLICATION PROCESS AND WITH THE INPUT OF THE REGIONAL PARTNERSHIP COUNCIL.

E. COUNCIL MEMBERS ARE NOT ELIGIBLE TO RECEIVE COMPENSATION, THEY ARE ELIGIBLE FOR TRAVEL EXPENSES AND REIMBURSEMENT FOR SUBSISTENCE PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2. REIMBURSEMENT SHALL BE PAID FROM THE ADMINISTRATIVE COSTS ACCOUNT OF THE EARLY CHILDHOOD DEVELOPMENT AND HEALTH FUND ESTABLISHED BY SECTION 8-1181 ON CLAIMS APPROVED BY THE EXECUTIVE DIRECTOR.

F. MEMBERS OF THE COUNCIL ARE IMMUNE FROM PERSONAL LIABILITY WITH RESPECT TO ALL ACTS DONE AND ACTIONS TAKEN IN GOOD FAITH WITHIN THE SCOPE OF THEIR AUTHORITY DURING DULY CONSTITUTED REGULAR AND SPECIAL MEETINGS WITH APPROVAL OF A MAJORITY OF THE COUNCIL.

8-1163. STAFF SUPPORT FOR REGIONAL PARTNERSHIP COUNCILS

A. THE EXECUTIVE DIRECTOR OF THE BOARD SHALL HIRE REGIONAL DIRECTORS TO PROVIDE SUPPORT TO REGIONAL PARTNERSHIP COUNCILS IN MEETING THEIR RESPONSIBILITIES.

B. WITH THE APPROVAL OF THE BOARD, THE EXECUTIVE DIRECTOR MAY ALSO HIRE ADDITIONAL REGIONAL STAFF TO SUPPORT THE REGIONAL PARTNERSHIP COUNCILS.

C. A REGIONAL DIRECTOR MAY BE RESPONSIBLE FOR MORE THAN ONE REGION AND A REGION MAY BE ASSIGNED MORE THAN ONE STAFF PERSON IN ADDITION TO ITS DIRECTOR.

8-1164. DESIGNATION OF REGIONS

A. THE BOARD SHALL DESIGNATE REGIONS COVERING THE ENTIRE STATE, EACH OF WHICH SHALL HAVE A REGIONAL PARTNERSHIP COUNCIL AS PROVIDED BY THIS ARTICLE.

B. WHEN DESIGNATING REGIONS, THE BOARD SHALL CONSIDER EXISTING REGIONAL BOUNDARIES AND ORGANIZATIONS, DISTRIBUTION OF POPULATIONS AND SERVICES AND OTHER FACTORS DEMONSTRATING RELATIONSHIP OR COHESION OF PERSONS AND ORGANIZATIONS WITHIN A REGION.

C. THE BOARD SHALL MAKE INITIAL REGIONAL DESIGNATIONS NO LATER THAN DECEMBER 1, 2007. THE BOARD MAY REDESIGNATE REGIONS IN ITS DISCRETION NO LATER THAN JANUARY 15 OF ANY EVEN-NUMBERED YEAR, BEGINNING IN

2010.

D. INDIAN TRIBES RECOGNIZED BY THE FEDERAL GOVERNMENT WITH TRIBAL LANDS LOCATED IN THE STATE OF ARIZONA MAY

1. PARTICIPATE IN THE DESIGNATED GEOGRAPHICAL REGION OR REGIONS IN WHICH THEIR TRIBAL LANDS ARE LOCATED.

2. ELECT TO HAVE ITS TRIBAL LANDS TREATED AS A SEPARATE REGION BY THE BOARD. IF A TRIBE SO ELECTS, IT SHALL INFORM THE BOARD BY MARCH 1 OF ANY EVEN-NUMBERED YEAR, BEGINNING IN 2008, THAT IT WISHES TO BE TREATED AS A SEPARATE REGION FOR THE NEXT TWO FISCAL YEARS.

**ARTICLE 3. PROGRAMS TO INCREASE THE QUALITY OF AND ACCESS TO EARLY CHILDHOOD DEVELOPMENT AND HEALTH SERVICES**

8-1171. REGIONAL AND STATEWIDE DIRECT AND GRANT PROGRAM REQUIREMENTS; PERMITTED OBJECTIVES

PROGRAMS UNDERTAKEN BY THE BOARD AND THE REGIONAL PARTNERSHIP COUNCILS, EITHER DIRECTLY OR THROUGH THE AWARD OF GRANTS, SHALL ACCOMPLISH ONE OR MORE OF THE FOLLOWING OBJECTIVES:

1. IMPROVING THE QUALITY OF EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROGRAMS.

2. INCREASING ACCESS TO QUALITY EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROGRAMS.

3. INCREASING ACCESS TO PREVENTIVE HEALTH CARE AND HEALTH SCREENINGS FOR CHILDREN THROUGH AGE FIVE.

4. OFFERING PARENT AND FAMILY SUPPORT AND EDUCATION CONCERNING EARLY CHILD DEVELOPMENT AND LITERACY.

5. PROVIDING PROFESSIONAL DEVELOPMENT AND TRAINING FOR EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROVIDERS.

6. INCREASING COORDINATION OF EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROGRAMS AND PUBLIC INFORMATION ABOUT THE IMPORTANCE OF EARLY CHILDHOOD DEVELOPMENT AND HEALTH.

8-1172. PROGRAM AND GRANT PROPOSAL REQUIREMENTS

GRANT PROPOSALS SEEKING FUNDING FROM EITHER THE BOARD OR A REGIONAL PARTNERSHIP COUNCIL AND PROPOSALS FOR PROGRAMS TO BE CONDUCTED DIRECTLY BY A REGIONAL PARTNERSHIP COUNCIL MUST INCLUDE:

A. A DETAILED DESCRIPTION OF HOW THE FUNDS WILL BE USED.

B. AN EXPLANATION OF HOW THE PROGRAM WILL MEET ONE OR MORE OF THE OBJECTIVES PERMITTED BY SECTION 8.1171.

C. AN EXPLANATION OF HOW THE PROGRAM WILL MEET THE NEEDS IDENTIFIED IN THE MOST RECENT STATEWIDE OR REGIONAL NEEDS AND ASSETS ASSESSMENT PREPARED PURSUANT TO SECTION 8-1192 or 8-1161.

D. AN EXPLANATION OF HOW THE PROGRAM HAS MADE OR WILL MAKE USE OF OTHER AVAILABLE RESOURCES, INCLUDING FEDERAL, STATE,

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LOCAL AND PRIVATE MONIES, TO ACHIEVE ITS OBJECTIVES.

E. A DESCRIPTION OF THE FINANCIAL CONTROLS AND ACCOUNTABILITY MEASURES THE PROGRAM WILL EMPLOY.

F. A DESCRIPTION OF HOW THE PROGRAM WILL EVALUATE ITS SUCCESS IN MEETING THE IDENTIFIED OBJECTIVES AND OBTAINING OUTCOMES FOR CHILDREN AND FAMILIES.

8-1173. PROCEDURES FOR THE AWARD OF REGIONAL GRANTS

A. UPON APPROVAL OF ITS REGIONAL FUNDING PLAN BY THE BOARD, EACH REGIONAL PARTNERSHIP COUNCIL SHALL PUBLICIZE THE GRANTS PERMITTED BY THE PLAN IN THE COMMUNITY AND ENCOURAGE THE SUBMISSION OF GRANT PROPOSALS FROM PUBLIC AND PRIVATE ENTITIES IN THE REGION FOR PROGRAMS TO ACHIEVE THE GOALS OF THE AUTHORIZED GRANTS.

B. EACH REGIONAL PARTNERSHIP COUNCIL SHALL REVIEW GRANT PROPOSALS FOR COMPLIANCE WITH THE REQUIREMENTS OF SECTION 8-1172 AND SHALL SELECT GRANTEEES TO RECOMMEND TO THE BOARD.

C. IN ADDITION TO COMPLYING WITH THE CONFLICT OF INTEREST PROVISIONS OF TITLE 38, CHAPTER 3, ARTICLE 8, NO REGIONAL PARTNERSHIP COUNCIL MEMBER SHALL VOTE ON, OR PARTICIPATE IN THE DISCUSSION OF, ANY GRANT PROPOSAL IN WHICH ANY ENTITY BY WHICH THEY ARE EMPLOYED OR ON WHOSE BOARD THEY SERVE HAS A SUBSTANTIAL INTEREST, AS DEFINED BY SECTION 38-502.

D. EACH REGIONAL PARTNERSHIP COUNCIL SHALL FORWARD TO THE BOARD ALL OF THE GRANT PROPOSALS IT HAS RECEIVED, ALONG WITH ITS RECOMMENDATIONS FOR WHICH GRANTS SHOULD BE AWARDED AND AN EXPLANATION OF HOW THOSE GRANT PROPOSALS WILL COMPLY WITH THE APPROVED REGIONAL FUNDING PLAN. REGIONAL RECOMMENDATIONS MUST BE FORWARDED TO THE BOARD NO LATER THAN MAY 15 OF EACH YEAR, BEGINNING IN 2009.

E. THE BOARD SHALL HAVE DISCRETION TO APPROVE OR REJECT A REGIONAL PARTNERSHIP COUNCIL'S RECOMMENDATIONS, IN WHOLE OR IN PART. THE BOARD SHALL ACT ON ALL REGIONAL GRANT PROPOSALS NO LATER THAN JUNE 15 OF EACH YEAR, BEGINNING IN 2009.

F. THE BOARD MAY, ON A FINDING OF GOOD CAUSE, APPROVE THE FUNDING OF GRANT PROPOSALS RECEIVED FROM A COUNCIL AFTER THE DEADLINES SET FORTH IN THIS SECTION, INCLUDING REVISED RECOMMENDATIONS RESUBMITTED IN RESPONSE TO BOARD ACTION REVISING OR REJECTING A GRANT RECOMMENDATION.

G. IN EVALUATING DIRECT PROGRAM AND GRANT PROGRAM PROPOSALS, THE REGIONAL PARTNERSHIP COUNCIL AND BOARD MUST CONSIDER:

1. THE EXTENT TO WHICH THE PROGRAM WILL MEET NEEDS IDENTIFIED IN THE MOST REGIONAL AND/OR STATEWIDE NEEDS AND

ASSETS ASSESSMENT.

2. THE EXTENT TO WHICH THE PROGRAM HAS MADE OR WILL MAKE USE OF OTHER EXISTING RESOURCES, INCLUDING FEDERAL, STATE AND PRIVATE FUNDS, TO ACHIEVE ITS OBJECTIVES.

3. THE OVERALL NEEDS OF THE REGION AND THE STATE, AS IDENTIFIED IN THE REGIONAL AND STATEWIDE NEEDS AND ASSETS ASSESSMENTS.

4. THE ADEQUACY OF THE MEANS BY WHICH THE APPLICANT PROPOSES TO EVALUATE THE SUCCESS OF THE PROGRAM.

5. THE ADEQUACY OF THE FINANCIAL CONTROLS AND ACCOUNTABILITY MEASURES PROPOSED BY THE APPLICANT.

8-1174. PROGRAM AND GRANTEE ACCOUNTABILITY

A. WITHIN 45 DAYS OF THE END OF THE PROGRAM FUNDING OR GRANT PERIOD, ALL REGIONAL PARTNERSHIP COUNCILS CONDUCTING PROGRAMS DIRECTLY AND ALL GRANT RECIPIENTS MUST PROVIDE THE FOLLOWING INFORMATION IN A FORM PRESCRIBED BY THE BOARD:

1. A DESCRIPTION OF THE USE OF FUNDS.

2. THE NUMBER OF CHILDREN AND FAMILIES SERVED BY THE PROGRAM.

3. THE PERCENTAGE OF CHILDREN AND FAMILIES SERVED BY THE PROGRAM WHOSE FAMILY INCOMES ARE NO MORE THAN 100 PERCENT OF THE FEDERAL POVERTY GUIDELINES AS DEFINED BY SECTION 46-801(9).

4. A DETAILED ACCOUNTING OF FUNDS.

5. AN ASSESSMENT OF THE SUCCESS OF THE PROGRAM IN MEETING THE IDENTIFIED OBJECTIVES AND OBTAINING OUTCOMES FOR CHILDREN USING THE MEASURES DESCRIBED IN THE PROGRAM OR GRANT APPLICATION PURSUANT TO SECTION 8-1172.

B. REGIONAL GRANT RECIPIENTS SHALL PROVIDE THE REQUIRED INFORMATION TO THE REGIONAL PARTNERSHIP COUNCIL IN THEIR REGION; THE REGIONAL PARTNERSHIP COUNCIL SHALL FORWARD THAT INFORMATION TO THE BOARD. STATE GRANT RECIPIENTS AND REGIONAL PARTNERSHIP COUNCILS CONDUCTING PROGRAMS DIRECTLY SHALL PROVIDE THE REQUIRED INFORMATION DIRECTLY TO THE BOARD.

C. THE BOARD MAY, AT ITS DISCRETION, REQUEST ADDITIONAL INFORMATION FROM REGIONAL PARTNERSHIP COUNCILS OR GRANT RECIPIENTS ABOUT THE FUNDED PROGRAMS. IN ADDITION, ALL REGIONAL PARTNERSHIP COUNCIL PROGRAM RECORDS AND GRANTEE RECORDS, INCLUDING FINANCIAL RECORDS, ARE SUBJECT TO REVIEW BY THE BOARD AT ITS DISCRETION AT ANY TIME DURING THE PERIOD THAT FUNDING IS PROVIDED AND FOR FIVE YEARS AFTER THE FUNDING OR GRANT PERIOD HAS ENDED.

D. REGIONAL PARTNERSHIP COUNCIL PROGRAMS AND GRANT RECIPIENTS ARE SUBJECT TO AN INDEPENDENT AUDIT AT THE DISCRETION OF THE BOARD AT ANY TIME DURING THE

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PERIOD FUNDING IS PROVIDED AND FOR FIVE YEARS AFTER THE FUNDING OR GRANT PERIOD HAS ENDED.

**ARTICLE 4. FUNDING SOURCES AND ADMINISTRATION**

**8-1181. EARLY CHILDHOOD DEVELOPMENT AND HEALTH FUND**

A. THE EARLY CHILDHOOD DEVELOPMENT AND HEALTH FUND IS ESTABLISHED CONSISTING OF FUNDS TRANSFERRED PURSUANT TO SUBSECTION D; FEDERAL, STATE, LOCAL AND PRIVATE FUNDS ACCEPTED BY THE BOARD PURSUANT TO 8-1182; AND ANY MONIES APPROPRIATED TO THE BOARD BY THE LEGISLATURE. THE BOARD SHALL ADMINISTER THE FUND.

B. THE EARLY CHILDHOOD DEVELOPMENT AND HEALTH FUND IS DIVIDED INTO THE FOLLOWING ACCOUNTS: THE PROGRAM ACCOUNT, THE ADMINISTRATIVE COSTS ACCOUNT, THE PRIVATE GIFTS ACCOUNT, THE GRANT MONIES ACCOUNT AND THE LEGISLATIVE APPROPRIATIONS ACCOUNT.

C. MONIES IN THE PROGRAM, ADMINISTRATIVE COSTS, PRIVATE GIFTS AND GRANT MONIES ACCOUNTS OF THE FUND ARE NOT SUBJECT TO LEGISLATIVE APPROPRIATION AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

D. NINETY PERCENT OF THE MONIES DEPOSITED INTO THE EARLY CHILDHOOD DEVELOPMENT AND HEALTH FUND PURSUANT TO SECTION 42-3373 SHALL BE DEPOSITED INTO THE PROGRAM ACCOUNT AND TEN PERCENT OF THE MONIES SHALL BE DEPOSITED INTO THE ADMINISTRATIVE COSTS ACCOUNT. ADMINISTRATIVE COSTS OF THE BOARD, INCLUDING STAFF COMPENSATION, MAY ONLY BE PAID FROM THE ADMINISTRATIVE COSTS ACCOUNT. FUNDS MAY BE TRANSFERRED BY THE BOARD FROM THE ADMINISTRATIVE COSTS ACCOUNT TO THE PROGRAM ACCOUNT, BUT FUNDS MAY NOT BE TRANSFERRED FROM THE PROGRAM ACCOUNT TO THE ADMINISTRATIVE COSTS ACCOUNT. FUNDS MAY BE TRANSFERRED BY THE BOARD FROM THE PRIVATE GIFTS ACCOUNT AND THE GRANT MONIES ACCOUNT TO THE ADMINISTRATIVE COSTS ACCOUNT TO COVER THE ADMINISTRATIVE COSTS OF PROGRAMS AND ACTIVITIES UNDERTAKEN USING GIFT OR GRANT MONIES.

E. THE BOARD MAY INVEST ANY UNEXPENDED MONIES IN THE FUND AS PROVIDED IN TITLE 35, CHAPTER 2. INTEREST AND OTHER INCOME FROM INVESTMENTS OF MONIES IN ANY ACCOUNT SHALL BE CREDITED TO THAT ACCOUNT EXCEPT AS OTHERWISE PROVIDED BY LAW.

**8-1182. ACCEPTANCE OF GIFTS AND GRANTS; ACCEPTANCE OF FEDERAL, STATE AND LOCAL MONIES; USE**

A. THE BOARD MAY ACCEPT AND SPEND FEDERAL, STATE AND LOCAL MONIES AND PRIVATE GRANTS, GIFTS, CONTRIBUTIONS AND DEVICES TO ASSIST IN CARRYING OUT THE PURPOSES OF THIS CHAPTER.

B. FEDERAL, STATE, OR LOCAL MONIES

RECEIVED PURSUANT TO THIS SECTION SHALL BE DEPOSITED IN THE GRANT MONIES ACCOUNT ESTABLISHED BY SECTION 8-1181 AND SHALL BE USED IN ACCORDANCE WITH THE CONDITIONS PLACED ON THOSE MONIES BY THE GOVERNMENT MAKING THE GRANT OF FUNDS.

C. PRIVATE GRANTS, GIFTS, CONTRIBUTIONS AND DEVICES SHALL BE DEPOSITED IN THE PRIVATE GIFTS ACCOUNT ESTABLISHED BY SECTION 8-1181 AND SHALL BE USED IN ACCORDANCE WITH THE PERMISSIBLE CONDITIONS, IF ANY, PLACED ON THE USE OF THOSE MONIES BY THE GOVERNMENT DONOR.

**8-1183. PROHIBITION ON SUPPLANTATION OF STATE FUNDS; ADDITIONAL LEGISLATIVE APPROPRIATIONS**

PROGRAM AND GRANT FUNDS DISTRIBUTED UNDER THIS CHAPTER AND OTHER EXPENDITURES BY THE BOARD PURSUANT TO SECTION 8-1192 SHALL SUPPLEMENT, NOT SUPPLANT, OTHER STATE EXPENDITURES ON, AND FEDERAL MONIES RECEIVED FOR, EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROGRAMS. THIS SECTION SHALL NOT PROHIBIT THE LEGISLATURE FROM APPROPRIATING MONEY TO BOARD PROGRAMS OR VESTING THE BOARD WITH AUTHORITY TO SPEND ADDITIONAL, LEGISLATIVELY APPROPRIATED FUNDS ON EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROGRAMS.

**8-1184. BUDGET AND FUNDING PROCESS**

A. UPON RECEIPT AND APPROVAL OF THE REGIONAL PARTNERSHIP COUNCILS' NEEDS AND ASSETS ASSESSMENTS PURSUANT TO SECTION 8-1161, THE BOARD SHALL BEGIN ITS ANNUAL BUDGETING PROCESS.

B. BEGINNING IN 2008, ON OR BEFORE NOVEMBER 1 OF EACH YEAR THE BOARD SHALL HOLD A PUBLIC HEARING TO ADOPT A BUDGET FOR THE NEXT FISCAL YEAR THAT INCLUDES:

1. RECEIPTS DURING THE PAST FISCAL YEAR AND CURRENT FISCAL YEAR TO DATE.
2. EXPENDITURES DURING THE PAST FISCAL YEAR AND CURRENT FISCAL YEAR TO DATE.
3. ESTIMATES OF AMOUNTS NECESSARY FOR EXPENSES DURING THE NEXT FISCAL YEAR INCLUDING AMOUNTS PROPOSED FOR:
  - (A) FUNDING OF REGIONAL PLANS PURSUANT TO SECTIONS 8-1161 AND 8-1173.
  - (B) STATEWIDE GRANTS PURSUANT TO SECTION 8-1192.
  - (C) STATEWIDE AND REGIONAL PROGRAMMATIC AND EDUCATIONAL ACTIVITIES OF THE BOARD PURSUANT TO SECTIONS 8-1192 AND 8-1161.
  - (D) ADMINISTRATIVE COSTS OF THE BOARD AND THE REGIONAL PARTNERSHIP COUNCILS.
  - (E) EXPENDITURE OF FUNDS FROM FEDERAL, STATE, OR LOCAL GRANTS AND/OR PRIVATE GIFTS, IF ANY.
4. ANTICIPATED REVENUE TO THE BOARD FROM EACH SOURCE AVAILABLE FOR EXPENDITURE IN THE NEXT FISCAL YEAR.
5. A COMPLETE ASSET AND LIABILITY STATEMENT.
6. CASH ON HAND AS OF THE DATE THE BUDGET IS ADOPTED AND THE ANTICIPATED BAL-

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ANCE AT THE END OF THE CURRENT FISCAL YEAR.

7. AN ITEMIZED STATEMENT OF COMMITMENTS, RESERVES AND ANTICIPATED OBLIGATIONS FOR THE NEXT FISCAL YEAR.

A. THE BOARD MAY AMEND THE BUDGET ON A FINDING OF GOOD CAUSE.

8-1185. ALLOCATION OF FUNDS

A. OF THE MONIES EXPENDED IN A FISCAL YEAR FROM THE PROGRAM ACCOUNT OF THE EARLY CHILDHOOD DEVELOPMENT AND HEALTH FUND ESTABLISHED BY SECTION 8-1181, NO MORE THAN TEN PERCENT MAY BE USED TO FUND STATEWIDE GRANTS OR PROGRAMS UNDERTAKEN DIRECTLY BY THE BOARD PURSUANT TO SECTION 8-1192.

B. OF THE MONIES IN THE PROGRAM ACCOUNT USED TO FUND APPROVED REGIONAL PLANS IN A FISCAL YEAR, THIRTY-FIVE PERCENT MUST BE PROVIDED TO FUND REGIONAL PLANS BASED ON THE POPULATION OF CHILDREN AGED FIVE AND YOUNGER IN THE REGION. FORTY PERCENT MUST BE PROVIDED TO FUND REGIONAL PLANS BASED ON THE POPULATION OF CHILDREN AGED FIVE AND YOUNGER IN THE REGION WHOSE FAMILY INCOME DOES NOT EXCEED ONE HUNDRED PERCENT OF THE FEDERAL POVERTY GUIDELINES AS DEFINED BY SECTION 46-801(9). THE REMAINING TWENTY-FIVE PERCENT MAY BE USED TO FUND REGIONAL PROGRAMS WITHOUT CONSIDERATION OF REGIONAL POPULATION. FOR THE PURPOSE OF THIS SECTION, THE BOARD SHALL ESTIMATE POPULATION BASED ON AVAILABLE INFORMATION AND USING A METHOD CHOSEN AT ITS DISCRETION.

8-1186. ANNUAL AUDIT

A. THE BOARD SHALL CAUSE AN ANNUAL FINANCIAL AUDIT TO BE CONDUCTED OF EACH OF THE BOARD'S FUNDS, ACCOUNTS AND SUB-ACCOUNTS BY AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT WITHIN ONE HUNDRED TWENTY DAYS AFTER THE END OF THE FISCAL YEAR.

B. THE BOARD SHALL IMMEDIATELY FILE A CERTIFIED COPY OF THE AUDIT WITH THE AUDITOR GENERAL. THE AUDITOR GENERAL MAY MAKE SUCH FURTHER AUDITS AND EXAMINATIONS AS NECESSARY AND MAY TAKE APPROPRIATE ACTION RELATING TO THE AUDIT OR EXAMINATION PURSUANT TO TITLE 41, CHAPTER 7, ARTICLE 10.1. IF THE AUDITOR GENERAL TAKES NO FURTHER ACTION WITHIN THIRTY DAYS AFTER THE AUDIT IS FILED, THE AUDIT IS CONSIDERED TO BE SUFFICIENT.

C. THE BOARD SHALL PAY NEGOTIATED AND APPROVED FEES AND COSTS OF THE CERTIFIED PUBLIC ACCOUNTANT AND AUDITOR GENERAL UNDER THIS SECTION FROM THE ADMINISTRATIVE COSTS ACCOUNT OF THE EARLY CHILDHOOD DEVELOPMENT AND HEALTH FUND ESTABLISHED BY SECTION 8-1181.

**ARTICLE 5. EARLY CHILDHOOD DEVELOPMENT AND HEALTH BOARD**

8-1191. MEMBERS; APPOINTMENT; TERMS; OATH; IMMUNITY

A. THE ARIZONA EARLY CHILDHOOD DEVELOPMENT AND HEALTH BOARD CONSISTS OF NINE APPOINTED MEMBERS AND, AS NON-VOTING EX OFFICIO MEMBERS, THE SUPERINTENDENT OF PUBLIC INSTRUCTION, THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES AND THE DIRECTOR OF THE DEPARTMENT OF ECONOMIC SECURITY. THE NON-VOTING EX OFFICIO MEMBERS MAY DESIGNATE A MEMBER OF THEIR DEPARTMENTAL STAFF RESPONSIBLE FOR EARLY CHILDHOOD DEVELOPMENT AND HEALTH ISSUES TO PARTICIPATE AS THEIR REPRESENTATIVE.

B. APPOINTED MEMBERS SHALL BE APPOINTED BY THE GOVERNOR PURSUANT TO SECTION 38-211. THE TERM OF EACH APPOINTED MEMBER IS SIX YEARS, TO BEGIN AND END ON THE THIRD MONDAY IN JANUARY.

C. APPOINTMENTS TO THE BOARD SHALL MEET THE FOLLOWING CRITERIA:

1. APPOINTED MEMBERS SHALL HAVE DEMONSTRATED INTEREST AND/OR EXPERIENCE IN EARLY CHILDHOOD DEVELOPMENT AND HEALTH.

2. THE APPOINTED MEMBERS OF THE BOARD SHALL INCLUDE RESIDENTS OF AT LEAST FOUR DIFFERENT COUNTIES.

3. NO MORE THAN FOUR APPOINTED MEMBERS OF THE BOARD MAY BE RESIDENTS OF THE SAME COUNTY.

4. NO MORE THAN FOUR APPOINTED MEMBERS OF THE BOARD MAY BE REGISTERED MEMBERS OF THE SAME POLITICAL PARTY.

5. NO APPOINTED MEMBERS OF THE BOARD MAY HAVE A SUBSTANTIAL INTEREST IN THE PROVISION OF EARLY CHILDHOOD EDUCATION SERVICES, AS THAT TERM IS DEFINED BY ARIZONA'S CONFLICT OF INTEREST LAW, SECTION 38-502.

D. EACH APPOINTED MEMBER OF THE BOARD SHALL TAKE THE OATH OF OFFICE BEFORE ENTERING UPON THE DUTIES OF THE MEMBER'S OFFICE.

E. MEMBERS OF THE BOARD ARE IMMUNE FROM PERSONAL LIABILITY WITH RESPECT TO ALL ACTS DONE AND ACTIONS TAKEN IN GOOD FAITH WITHIN THE SCOPE OF THEIR AUTHORITY DURING DULY CONSTITUTED REGULAR AND SPECIAL MEETINGS WITH APPROVAL OF A MAJORITY OF THE BOARD.

8-1192. POWERS AND DUTIES

A. THE EARLY CHILDHOOD DEVELOPMENT AND HEALTH BOARD SHALL:

1. CONDUCT A BIENNIAL ASSESSMENT OF EXISTING EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROGRAMS IN THE STATE OF ARIZONA, INCLUDING AN ANALYSIS OF ANY UNMET EARLY CHILDHOOD DEVELOPMENT AND HEALTH NEEDS OF ARIZONA CHILDREN; UTILIZATION OF AVAILABLE FEDERAL, STATE AND PRIVATE FUNDS; SUGGESTIONS FOR IMPROVED PROGRAM COORDINATION; AND OUTCOMES FOR CHILDREN AND FAMILIES. THE BOARD SHALL SUBMIT A REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF

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



THE HOUSE OF REPRESENTATIVES ON OR BEFORE DECEMBER 15 OF EVERY ODD-NUMBERED YEAR BEGINNING IN 2007 AND SHALL PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF STATE AND THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS. THE REPORT SHALL BE DISTRIBUTED IN ACCORDANCE WITH SECTION 41-4153.

2. REVIEW AND APPROVE THE BIENNIAL REGIONAL NEEDS AND ASSETS ASSESSMENTS PREPARED PURSUANT TO SECTION 8-1161.

3. ADMINISTER THE DISTRIBUTION OF FUNDS FROM THE EARLY CHILDHOOD DEVELOPMENT AND HEALTH FUND ESTABLISHED BY SECTION 8-1181 FOR PROGRAMS AND GRANTS IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 8-1161 AND 8-1173.

4. PREPARE AN ANNUAL REPORT DESCRIBING THE ACTIVITIES OF THE BOARD, INCLUDING A DESCRIPTION OF FUNDS DISTRIBUTED AND SPENT PURSUANT TO SECTIONS 8-1161, 8-1173 AND 8-1192 AND A DESCRIPTION OF THE OUTCOMES FOR CHILDREN AND FAMILIES ACHIEVED BY THE BOARD, THE REGIONAL PARTNERSHIP COUNCILS, AND THE GRANT RECIPIENTS. THE BOARD SHALL SUBMIT THE REPORT TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES ON OR BEFORE SEPTEMBER 15 OF EACH YEAR, BEGINNING IN 2008, AND SHALL PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF STATE AND THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS. THE REPORT SHALL BE DISTRIBUTED IN ACCORDANCE WITH SECTION 41-4153.

5. SOLICIT PRIVATE FUNDS FROM INDIVIDUALS, CORPORATIONS AND FOUNDATIONS TO SUPPORT IMPROVING QUALITY OF AND ACCESS TO EARLY CHILDHOOD DEVELOPMENT AND HEALTH OPPORTUNITIES FOR ARIZONA CHILDREN. SOLICITED FUNDS SHALL BE DEPOSITED INTO THE PRIVATE GIFTS ACCOUNT OF THE EARLY CHILDHOOD DEVELOPMENT AND HEALTH FUND PURSUANT TO SECTION 8-1182 AND MAY BE SPENT ON STATEWIDE OR REGIONAL GRANTS OR DIRECT PROGRAMS.

6. KEEP A RECORD OF ITS OWN PROCEEDINGS.

7. ADOPT PROCEDURES FOR ITS MEETINGS AND ELECT OFFICERS.

8. COORDINATE WITH OTHER AGENCIES INVOLVED WITH EARLY CHILDHOOD DEVELOPMENT AND HEALTH ISSUES.

B. THE EARLY CHILDHOOD DEVELOPMENT AND HEALTH BOARD MAY:

1. AUTHORIZE EXPENDITURE OF FUNDS FROM THE EARLY CHILDHOOD DEVELOPMENT AND HEALTH FUND ESTABLISHED BY SECTION 8-1181 FOR PROGRAMS AND SERVICES TO ENHANCE THE QUALITY OF OR ACCESS TO EARLY CHILDHOOD DEVELOPMENT AND HEALTH OPPORTUNITIES FOR ARIZONA CHILDREN. THESE FUNDS MAY BE USED TO OPERATE PROGRAMS AND SERVICES PROVIDED DIRECTLY BY THE BOARD, TO FUND STATEWIDE GRANT PROGRAMS, OR TO FUND REGIONAL OR LOCAL GRANTS TO TEST

INNOVATIVE EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROGRAMS.

2. AUTHORIZE EXPENDITURE OF FUNDS FROM THE GRANT MONIES AND PRIVATE GIFTS ACCOUNTS FOR PROGRAMS AND SERVICES TO ENHANCE THE QUALITY OF OR ACCESS TO EARLY CHILDHOOD DEVELOPMENT AND HEALTH OPPORTUNITIES FOR ARIZONA CHILDREN.

3. ADOPT RULES PURSUANT TO TITLE 41, CHAPTER 6 TO CARRY OUT THIS CHAPTER.

4. CONTRACT WITH ANY PRIVATE PARTY AND ENTER INTO INTERAGENCY AND INTERGOVERNMENTAL AGREEMENTS PURSUANT TO TITLE 11, CHAPTER 7, ARTICLE 3 WITH ANY PUBLIC AGENCY.

5. SUE AND BE SUED.

6. HIRE STAFF AND CONSULTANTS, INCLUDING LEGAL COUNSEL.

8-1193. PUBLIC RECORD, OPEN MEETING, AND CONFLICT OF INTEREST LAWS

THE ARIZONA EARLY CHILDHOOD DEVELOPMENT AND HEALTH BOARD AND THE REGIONAL PARTNERSHIP COUNCILS ARE PUBLIC AGENCIES. THEY ARE THEREFORE SUBJECT TO:

1. THE OPEN MEETING LAW, TITLE 38, CHAPTER 3, ARTICLE 3.1

2. THE PUBLIC RECORDS LAW, TITLE 39, CHAPTER 1.

3. THE CONFLICT OF INTEREST LAW, TITLE 38, CHAPTER 3, ARTICLE 8.

8-1193. MEETINGS; TRAVEL EXPENSES

A. THE BOARD SHALL HOLD AT LEAST SIX REGULAR MEETINGS ANNUALLY AT TIMES IT DIRECTS. SPECIAL MEETINGS MAY BE HELD ON THE CALL OF THE PRESIDING OFFICER.

B. MEMBERS OF THE BOARD ARE NOT ELIGIBLE TO RECEIVE COMPENSATION BUT ARE ELIGIBLE FOR TRAVEL EXPENSES AND REIMBURSEMENT FOR SUBSISTENCE PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2. REIMBURSEMENT SHALL BE PAID ON CLAIMS APPROVED BY THE EXECUTIVE DIRECTOR FROM THE ADMINISTRATIVE COSTS ACCOUNT OF THE EARLY CHILDHOOD DEVELOPMENT AND HEALTH FUND ESTABLISHED BY SECTION 8-1181.

8-1195. EXECUTIVE DIRECTOR COMPENSATION; DUTIES; REGIONAL AND BOARD STAFF; CENTRAL OFFICE; EXPENDITURE OF FUNDS

A. THE BOARD SHALL APPOINT AND SET THE COMPENSATION OF THE EXECUTIVE DIRECTOR.

B. THE EXECUTIVE DIRECTOR IS RESPONSIBLE FOR MANAGING, ADMINISTERING AND SUPERVISING THE ACTIVITIES OF THE BOARD'S STAFF, INCLUDING REGIONAL DIRECTORS AND STAFF HIRED PURSUANT TO SECTION 8-1163.

C. THE EXECUTIVE DIRECTOR SHALL APPOINT AND SET THE COMPENSATION OF:

1. REGIONAL DIRECTORS AND STAFF AS AUTHORIZED BY THE BOARD PURSUANT TO SECTION 8-1163.

2. ADDITIONAL BOARD STAFF NECESSARY TO PERFORM THE DUTIES SPECIFIED BY THIS CHAPTER.

D. THE EXECUTIVE DIRECTOR, REGIONAL

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DIRECTORS, REGIONAL STAFF AND OTHER BOARD STAFF ARE ELIGIBLE TO RECEIVE COMPENSATION PURSUANT TO SECTION 38-611 AND ARE PUBLIC EMPLOYEES FOR PURPOSES OF TITLE 38. THEIR COMPENSATION MAY ONLY BE PAID FROM THE ADMINISTRATIVE COSTS ACCOUNT ESTABLISHED BY SECTION 8-1181.

E. THE EXECUTIVE DIRECTOR SHALL ESTABLISH, EQUIP AND MAINTAIN A CENTRAL OFFICE AND SUCH FIELD OFFICES AS THE EXECUTIVE DIRECTOR DEEMS NECESSARY.

F. THE EXECUTIVE DIRECTOR OR HIS DESIGNEE SHALL AUTHORIZE ALL EXPENDITURES OF MONEY UNDER THIS CHAPTER, WHICH SHALL BE PAID AS OTHER CLAIMS AGAINST THIS STATE OUT OF THE EARLY CHILDHOOD DEVELOPMENT AND HEALTH FUND ESTABLISHED BY SECTION 8-1181.

**Section 3. Title 42, chapter 3, Arizona Revised Statutes, is amended by adding article 9, to read:**  
**ARTICLE 9. TOBACCO TAX FOR EARLY CHILDHOOD DEVELOPMENT AND HEALTH**

**42-3371. LEVY AND COLLECTION OF TAX ON CIGARETTES, CIGARS, AND OTHER FORMS OF TOBACCO.**

IN ADDITION TO ALL OTHER TAXES, THERE IS LEVIED AND SHALL BE COLLECTED BY THE DEPARTMENT IN THE MANNER PROVIDED BY THIS CHAPTER, ON ALL CIGARETTES, CIGARS, SMOKING TOBACCO, PLUG TOBACCO, SNUFF AND OTHER FORMS OF TOBACCO THE FOLLOWING TAX:

1. ON EACH CIGARETTE, FOUR CENTS.
2. ON SMOKING TOBACCO, SNUFF, FINE CUT CHEWING TOBACCO, CUT AND GRANULATED TOBACCO, SHORTS AND REFUSE OF FINE CUT CHEWING TOBACCO, AND REFUSE, SCRUBS, CLIPPINGS, CUTTINGS AND SWEEPINGS OF TOBACCO, EXCLUDING TOBACCO POWDER OR TOBACCO PRODUCTS USED EXCLUSIVELY FOR AGRICULTURAL OR HORTICULTURAL PURPOSES AND UNFIT FOR HUMAN CONSUMPTION, 9 CENTS PER OUNCE OR MAJOR FRACTION OF AN OUNCE.
3. ON ALL CAVENDISH, PLUG OR TWIST TOBACCO, 2.2 CENTS PER OUNCE OR FRACTIONAL PART OF AN OUNCE.
4. ON EACH TWENTY SMALL CIGARS OR FRACTIONAL PART WEIGHING NOT MORE THAN THREE POUNDS PER THOUSAND, 17.8 CENTS.
5. ON CIGARS OF ALL DESCRIPTIONS EXCEPT THOSE INCLUDED IN PARAGRAPH 4, MADE OF TOBACCO OR ANY TOBACCO SUBSTITUTE:  
(A) IF MANUFACTURED TO RETAIL AT NOT MORE THAN FIVE CENTS EACH, 8.8 CENTS ON EACH THREE CIGARS.  
(B) IF MANUFACTURED TO RETAIL AT MORE THAN FIVE CENTS EACH, 8.8 CENTS ON EACH CIGAR.

42-3372. DISPOSITION OF MONIES  
NOTWITHSTANDING SECTION 42-3102, THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, MONIES LEVIED AND COLLECTED PURSUANT TO THIS ARTICLE IN THE EARLY CHILDHOOD DEVELOPMENT AND EDUCATION FUND ESTABLISHED BY SECTION 8-

1181 FOR USE AS PRESCRIBED BY TITLE 8, CHAPTER 13.

**Section 4. Initial activities of Board during development phase, use of funds for administrative costs, use of funds for statewide and Board programs and grants**

A. In order to provide for start-up costs of the Arizona Early Childhood Development Board, notwithstanding section 8-1181(D), Arizona Revised Statutes, as added by this initiative measure:

1. All funds deposited on or before June 30, 2007, into the early childhood development and education fund pursuant to section 42-3372, Arizona Revised Statutes, as added by this section shall be deposited into the administrative costs account established by 8-1181(B).
2. The Arizona Early Childhood Development and Health Board may transfer funds deposited in the administrative costs account pursuant to this section to the program account established by 8-1181(B).
3. The director shall thereafter make all subsequent transfers as prescribed by statute.

B. In order to permit the Arizona Early Childhood Development and Health Board to begin increasing access to and quality of early childhood development and health programs in Arizona during the time needed to set regions, appoint regional councils, assess needs and assets, and complete regional plans, notwithstanding sections 8-1184 and 8-1185, Arizona Revised Statutes, as added by this measure:

1. The Board shall conduct direct programs and/or award grants pursuant to section 8-1192, Arizona Revised Statutes, as added by this measure, for the fiscal years beginning July 1, 2007 and July 1, 2008.
2. The expenditures authorized by this section may include expenditures for the purpose of completing statewide and/or regional needs and assets assessments. These expenditures may be made from the program account established by section 8-1181.
3. The Board may, in its discretion, conduct regional programs or award regional grants pursuant to this section.

**Section 5. Initial terms of members of Arizona Early Childhood Development and Health Board**

A. Notwithstanding section 8-1191, Arizona Revised Statutes, as added by this initiative measure, the initial terms of members are:

1. Three terms ending the third Monday in January, 2009.
2. Three terms ending the third Monday in January, 2011.
3. Three terms ending the third Monday in January, 2013.

B. The Governor shall make all subsequent appointments as prescribed by statute.

**Section 6. Initial terms of members of Regional Partnership Councils**

A. Notwithstanding section 8-1162, Arizona Revised Statutes, as added by this initiative measure, the initial terms of members of each Regional Partnership Council are:

1. Five terms beginning April 1, 2008 and ending July 1, 2010.
2. Six terms beginning April 1, 2008 and ending July 1, 2012.

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B. Notwithstanding section 8-1162, Arizona Revised Statutes, as added by this measure, the Arizona Early Childhood Development and Health Board may in its discretion, appoint temporary regional partnership council members to serve terms beginning on the date of appointment and ending on April 1, 2008.

C. The Arizona Early Childhood Development and Health Board shall make all subsequent appointments

as prescribed by statute.

**Section 7. Severability**

If any provision of this initiative measure is declared invalid, such invalidity shall not affect other provisions of this initiative measure that can be given effect without the invalid provision. To this end, the provisions of this initiative measure are declared to be severable.

**ANALYSIS BY LEGISLATIVE COUNCIL**

Proposition 203 would establish an Early Childhood Development and Health Fund, consisting of revenues generated by an increase in the state tax on tobacco products, donations and state appropriations. The state tax on cigarettes would increase from \$1.18 per pack to \$1.98 per pack, and the tax on other types of tobacco products would be increased by a similar amount.

The Early Childhood Development and Health Fund would be administered by the new Arizona Early Childhood Development and Health Board (Board) appointed by the Governor, with the consent of the State Senate. 10% of the monies would be used for administrative costs and 90% would be used for program costs. No more than 10% of the program monies could be used to fund statewide grants or programs undertaken directly by the Board. The Board would distribute the remainder of the program monies in the following manner:

1. At least 35% would be spent on regional plans based on the population of children up to five years of age in the region.
2. At least 40% would be spent on regional plans based on the population of children up to five years of age in the region whose family income does not exceed one hundred per cent of the federal poverty guidelines.
3. Up to 25% of the monies could be used to fund regional programs without consideration of regional population.

Proposition 203 would prescribe requirements for programs and grants that increase the quality of and access to early childhood development and health services for children up to five years of age and their families.

Under Proposition 203, the Board would divide the state into an undetermined number of regions and would establish a regional partnership council for each region. The Board would appoint and set the compensation of the executive director. The executive director would hire regional directors and set the compensation of the regional directors. The councils would identify childhood development and health services needs and assets at a local level and spend monies that were budgeted annually by the Board.

**FISCAL IMPACT STATEMENT**

State law requires the Joint Legislative Budget Committee (JLBC) Staff to prepare a summary of the fiscal impact of certain ballot measures. Proposition 203 increases the tax on cigarettes and other tobacco products and allocates the monies generated by the tax increase to various early childhood development and health care programs. The state tax on cigarettes would increase by 80 cents per pack and the tax on other types of tobacco products would be increased by a similar amount.

The tax increase is estimated to generate \$188 million in new revenue for early childhood development and health care programs during its first full year. Of this amount, at least 90% of the funds, an estimated \$169.2 million, would be used for program costs and up to 10% of the funds, an estimated \$18.8 million, would be used for administrative costs. Because some individuals may reduce their tobacco consumption when the price of tobacco increases, the state's existing tobacco tax collections may decrease. The existing tobacco tax goes for health programs, prisons and the State General Fund. The existing tobacco tax collections may decrease by \$23 million in the first full year of the tax increase.

**ARGUMENTS "FOR" PROPOSITION 203**

Dear Fellow Arizonans,

Please vote yes on the First Things First Initiative to ensure that every child in Arizona is given the fair opportunity to start school healthy and ready to learn.

Through an increased tax on tobacco, the First Things First Initiative will raise \$150 million annually to fund voluntary early health screenings and education programs for children zero to five years old throughout our state. The foundation for a child's ability to grow healthy and succeed is laid long before a child enters a classroom. Innovative new science has shown that 90% of a child's brain is developed in the first three years of life when most of their skills, thought processes, self-confidence, discipline and values are formed. Investing early is the best and most responsible use of our resources.

Specifically, First Things First will:

1. Fund quality health and early childhood educational programs that will help children start on equal footing and strengthen K-12 education in Arizona.
2. Provide resources for health, vision and dental screenings as well as screenings to detect early learning problems. This early investment and detection will help us save on costly intervention and remediation that is often necessary down the line.

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3. Require annual audits to ensure money is spent as promised and requires that at least 90% of funding be spent directly on programs for young children.

Arizona is poised to become a national leader in ensuring that every child lines up at the same starting line of life with the opportunity to reach their full potential. We need your help, make children the priority and please vote YES on the First Things First initiative!

Nadine Mathis Basha, Chair of the First Things First Campaign, Chandler

Church Women United urges a YES vote on the "First Things First" initiative. We have, from our earliest days as an organization promoted the welfare of families and recognized the need to nurture children well. In a policy statement of 1985 we clarified that "their future lies in how we nurture them, protect their rights, and maintain a safe world for them." When we betray this basic trust, and fail our children, "...the longterm costs of remedial services... prove to be prohibitive." And our care for them does not end in our own individual homes. Taking political action on behalf of our children is "as much a part of child rearing as changing diapers and drying tears."

The good work of early childhood education that this ballot measure will provide comes, appropriately, at the expense of the tobacco industry, in a kind of penance for past acts of exploiting children into addiction during their vulnerable adolescence.

Please vote YES.

Church Women United in Arizona

Pennie Doss, Treasurer, Glendale

Martha B. Hollcroft, Finance Chair, Phoenix

*Paid for by "Church Women United in Arizona"*

Nothing is more important than our children. They are the future. The biggest part of our state budget is spent educating them. The second largest part of our budget is spent keeping them in prison when we fail.

Numerous studies have shown that the most critical time in a child's development is the first three years. Yet, this is where we currently do nothing. First Things First will provide comprehensive healthcare and development programs for our young children to give them the best possible start in life. This will insure that they're healthy and prepared to start school and better able to succeed once there.

This is not a "Big Brother" program of state-imposed uniformity and mediocrity. It will be overseen by regional volunteer councils with broad-based representation. Even better, it will be funded by a dedicated tax on tobacco products and will not be a drain on the existing state budget.

The Arizona National Organization for Women (NOW) urges you to support our children by **voting Yes on I-16-2006**.

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

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

*Paid for by "Arizona NOW"*

Dear Voters:

Voting yes for the First Things First Initiative is the most important thing that you can do for Arizona. I say this as a lifelong resident who deeply cares about our State and its children. I have worked to make Arizona's education system better for more than 30 years. I have served on the Chandler School Board, the State Board of Education and the Arizona Board of Regents. As a businessman, I understand a strong education system means a strong economy and a better state. Thinking back on my years of service, I now realize that we have failed to build a strong foundation for our youngest children. First Things First will create that critical foundation so all children have a fair start and that they are ready for success.

I also know that studies show that the best place for the public to invest tax dollars is in early childhood development programs. Economists tell us that by investing in early childhood development and health programs we will increase the number of successful students, reduce drop-out rates, welfare families, and subsequently the crime rate. We need to put our money in programs with accountable and successful outcomes. Early childhood development programs like First Things First have worked in other states and will work in Arizona.

This is exactly why so many people from across Arizona support First Things First. We are pleased to have the support of business leaders like **Mary Lou and Ira Fulton, Ross Farnsworth, Jerry Bisgrove, Bill Post, Bob Delgado, Jim Click and Herman Chanen**. Bi-partisan leaders like **Congressman Ed Pastor and Rick Renzi, Tucson Mayor Bob Walkup and Phoenix Mayor Phil Gordon** also support First Things First. Please join us and vote "Yes" on the First Things First Initiative.

Eddie Basha, Chandler

Dear Voter,

I am passionate about passing First Things First. It will give young parents in big cities and small towns across Arizona new tools to ensure their children are healthy, strong and well cared for during their first years.

Because nearly all brain development in a person's lifetime occurs by age 3, children need healthy bodies and proper stimulation to develop to their fullest potential. First Things First will deliver community services for parents to ensure their kids get them.

I was born and raised in Globe, Arizona, and I spent more than 50 years in the service of this state. In my

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lifetime, I have not encountered a proposal as smart or overdue as First Things First. States that have adopted similar programs have raised childhood literacy and health standards dramatically. Nobel Prize winners, economists and child development experts all agree that this is one of the smartest things a state can do to strengthen its families and its economy alike. If it's good enough for those experts, it's good enough for me.

Let's all remember how bright futures are built. Vote YES on Proposition 203.

Hon. Rose Mofford, Governor of Arizona 1988-1991, Phoenix

Dear Voter,

Research has shown that the quality of the first five years of a child's life can determine whether that child will learn to read, graduate high school, and succeed later in life. The First Things First Initiative calls for grass roots programs addressing the school readiness needs of very young children.

The initiative requires that all created dedicated funding go to the children who need it most. Annual audits included in this initiative will ensure that generated funds will be spent exactly as promised. Working daily with Arizona's most needy, the members of the Society of St. Vincent de Paul appreciate the intrinsic value of investing in the early childhood education and health of our youngest and most vulnerable citizens. At St. Vincent de Paul, we see everyday the direct link between lack of education and poverty. We believe First Things First can ensure a brighter future for Arizona's children.

Please support First Things First.

Stephen J. Jenkins, President, Phoenix  
Diocesan Council, Society of St. Vincent de  
Paul, Phoenix

Oscar Quadros, Treasurer, Phoenix Diocesan  
Council, Society of St. Vincent de Paul,  
Paradise Valley

*Paid for by "Arizonans For A Fair Beginning"*

Dear Voter,

Ask anyone who works in the education system and they will tell you the best way to combat illiteracy, behavioral problems, and child health problems is to stop the problems before they have a chance to take root. This is why the School Boards Association strongly supports the First Things First initiative which will direct \$150 million dollars annually to early childhood education and healthcare. By giving the best resources and attention to children in their first five years we begin to build the foundation for their success in the future. Ninety percent of child's brain is formed by the age of five and by making these years as rich in learning and experience as possible we ensure a better student and person later in life. This initiative understands the dire need for early childhood spending, and sees how it affects all Arizonans. Please help Arizona's children and vote yes on Prop 203.

Rae Waters, President, Arizona School Boards  
Association, Chandler

Panfilo H. Contreras, Executive Director,  
Arizona School Boards Association, Chandler

*Paid for by "Arizonans For A Fair Beginning"*

Dear Voter,

Working in the education field we see how easy it is for a child to fall behind early in his or her education and never be able to catch up. First Things First addresses this problem by directing funding to the first five years of a child's life, which are the most critical for building the foundation for a strong education. We support this initiative and believe by passing it that we will strengthen the entire education system in Arizona. Please join us in voting **YES** for Proposition 203. This is our best chance to make a difference.

John Wright, President, Arizona Education  
Association, Phoenix

Timothy McCluskey, Executive Director, Arizona  
Education Association, Phoenix

*Paid for by "Arizonans For A Fair Beginning"*

Dear Voter,

When it comes to supporting the education and health of Arizona's young children, there is no room for mistakes. First Things First understands the crucial planning that must go into securing funds for Arizona's children. This is why of the \$150 million dollars collected annually for the First things First Initiative, 90% will go directly to the children who need it the most. In addition to securing funds for these programs that are in desperate need of them, the initiative will also fund programs that educate the public about the importance of early childhood development and health. It is crucial that each child's life begins with a solid foundation. This is why early childhood development programs need to be carefully planned and supported. First Things First understands the importance of investing early with accountability. We strongly urge you to support the First Things First Initiative.

R. Thomas Browning, President, Greater Phoenix Leadership, Scottsdale

*Paid for by "Arizonans For A Fair Beginning"*

Dear Voter,

Private licensed non-profit and proprietary centers understand that the early years are critical to children's learning. And they also understand the cost of providing a high quality early childhood development program. Unfortunately, that cost is beyond what most working parents can afford. Parents who rely on child care need access to affordable and enriching early care and education programs. First Things First will provide needed

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resources to expand the availability, increase the quality and improve the affordability of child care. The funds generated through the First Things First initiative can be used to meet the varying needs of children throughout the state and will allow child care providers to address teacher wages and benefits, training, classroom curriculum materials, books, supplies, equipment or facility improvements. Every child deserves quality care, and a fair start in life. Help Arizona children and families and please vote yes on First Things First.

Bruce Liggett, Executive Director, Arizona Child Care Association, Tempe  
*Paid for by "Arizonans For A Fair Beginning"*

Dear Voter:

When it comes to early childhood education and health no corners can be cut, and more importantly there must be no exclusion, because every child deserves access to quality child care and health screenings. First Things First sees this overwhelming need and will work with local communities to provide funding to all segments of the community, including faith-based, private, and public early child care and development experts. All Arizona children deserve a good quality of care, because investing in our children now creates a successful future for them and our state.

Please support all of Arizona's children by supporting the First Things First Initiative.

Susan Wilkins, Executive Director, Association for Supportive Child Care, Chandler  
*Paid for by "Arizonans For A Fair Beginning"*

Dear Voter,

Cultivating strong healthy children and families helps us all to prosper. Taking the time and applying the resources to educate our youngest children about health, safety and preventative measures benefits us all in the long run. In fact, numerous studies have shown that kids who are exposed to quality early programs are more likely to finish school and less likely to commit a crime. As the President of the United Phoenix Fire Fighters, I support the First Things First Initiative which will apply \$150 million dollars to early childhood spending every year. Vote to support this wise measure.

Billy Shields, President, United Phoenix Firefighters Association, Phoenix  
*Paid for by "Arizonans For A Fair Beginning"*

Dear Voter,

Arizona is a strong and vibrant state that continues to thrive economically. Unfortunately, despite our ongoing success, Arizona also continues to rank poorly when it comes to taking care of our children. In fact, many of Arizona's children are not receiving the support they need to be healthy, safe and enter school ready to succeed. Research indicates that ages 0-6 are the most critical in a child's development. Children who are exposed to quality learning experiences are more likely to read at grade level, graduate and stay out of trouble with the law.

Valley of the Sun United Way has a long-standing commitment to the success of our youngest children and their families. Thus, we proudly endorse the First Things First Initiative.

The First Things First Initiative will provide additional funds for quality childcare and health programs which will assist with the development of our youngest and most vulnerable children. Every one of our children deserves an equal opportunity to be successful. We ask that you please join us in supporting our children by voting for First Things First.

Paul J. Luna, President, United Way, Phoenix  
*Paid for by "Arizonans For A Fair Beginning"*

Brian F. Spicker, Sr. Vice President, Community Impact, United Way, Scottsdale

Dear Voter,

Education is one of the few tools we can give to our children that no one can take away. By passing the First Things First Initiative we will fund early childhood education and health programs that take place in the crucial first five years of a child's life. First Things First will set the stage for the success of all of Arizona's children, regardless of socioeconomic status. That is why the \$150 million dollars a year for early childhood development by this initiative will be carefully overseen by and Arizona Early Childhood development and Health Board, with nine members appointed by the Governor and confirmed by the State Senate. By making sure the first years of a child's life are healthy and productive, Arizona is doing its part to ensure the continuing success of our state and its citizens. Please vote to support the First Things First Initiative--

Bob Walkup, Mayor, City of Tucson, Tucson  
*Paid for by "Arizonans For A Fair Beginning"*

Dear Voter,

Many times the needs of Arizona's children are overlooked because they can not speak up for themselves. However, with the help of concerned citizens and an Initiative like First Things First the needs of Arizona youngest are being heard and counted. First Things First invests in the health and education of our children and is the best way to ensure a healthy future for Arizona. By identifying and acknowledging the need for quality early childhood education we provide the best possible chance for the success of every child in Arizona. Please help us

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give Arizona's children a voice and a fair opportunity to grow and thrive. Please vote for the First Things First Initiative today.

Carol Kamin, Ph.D., President/CEO, Children's Action Alliance, Phoenix  
*Paid for by "Arizonans For A Fair Beginning"*

David Bodney, Chairman of the Board, Children's Action Alliance, Phoenix

Dear Voter,

Supporting the First Things First Initiative is important to the future health and prosperity of Arizona. The impact of high quality early childhood development and health programs directly benefits children and enhances Arizona's short and long-term economic vitality.

Substantial research has provided evidence of the link between positive early learning experiences, success later in life and overall economic benefits. Work by Nobel Prize winners, Federal Reserve economists, research from numerous national and state entities, as well as longitudinal studies spanning 40 years, demonstrate a noteworthy return on investment for high quality early childhood education. Please join us in supporting First Things First and vote yes.

Ron Shoopman, BG, USAF(retired), President, Southern Arizona Leadership Council, Tucson

John J. Pedicone, Ph.D., Vice President, Southern Arizona Leadership Council, Oro Valley

*Paid for by "Arizonans For A Fair Beginning"*

Dear Voter,

We know from decades of research that the healthy development of children is critical for their success in school and later in life. Children who receive prenatal care, immunizations and well-baby check-ups are more likely to stay healthy and are less likely to need costly emergency room services.

First Things First will ensure the healthy development of children by funding access to health screenings, home visiting nurses in rural Arizona and health care consultants in child care centers.

At Tucson Medical Center, we see the results in our emergency room when infants and toddlers are unable to access the preventative health care they need. As Arizona voters we have a chance to ensure that all children start life safe, healthy and ready to succeed. Please join us in supporting First Things First.

Sincerely,

Frank D. Alvarez, President & CEO, TMC Healthcare, Tucson

Jack B. Jewett, Senior Vice President, Public Policy, TMC Healthcare, Tucson

*Paid for by "Arizonans For A Fair Beginning"*

Dear Voter,

Research has shown that children who receive early medical screenings and appropriate health care are better prepared to have a successful life. The First Things First Initiative will provide many of Arizona's most vulnerable children access to this important health screening and preventative measures. The initiative also provides a stable source of funding for decades to come and will provide us the opportunity to improve our education system by sending children to school who are ready to be successful.

Many of Arizona's youngest children do not receive the critical immunizations and health screenings they need because of lack of access or financial strain. The First Things First initiative funds additional health, vision, and dental screenings to detect children's health problems earlier, when preventative measures can still be taken.

Please Vote yes to support the First Things First Initiative.

Sincerely,

Sue Braga, Executive Director, American Academy of Pediatrics, Arizona Chapter, Scottsdale

*Paid for by "Arizonans For A Fair Beginning"*

Dear Voter,

Second hand smoke is very dangerous to our health and that of our children. This fact has been proven by studies and reiterated by our Surgeon General. The First Things First Initiative will benefit Arizonans' and address this issue in two ways. Historically we have learned that increasing the cost of tobacco products tends to dramatically curb their use. Secondly, these tax revenues will be used to fund much needed health screenings for children. First Things First will work with families and our youngest children to prevent health complications that are often preventable and ultimately costly to us all down the line. Early intervention is the difference between years of health impediments and the ability for a child to focus, learn and thrive to their potential.

Support a healthy Arizona and our youngest children by voting to support First Things First.

Andrew Nava, M.D., Family Practice, Phoenix

*Paid for by "Arizonans For A Fair Beginning"*

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*Issued by: Secretary of State Jan Brewer*

Dear Voter,

Positive early life experiences set in motion a chain of events, beginning with the immediate improvement of children's health and development and ending with unprecedented economic gain for the state.

Numerous studies have documented that high quality early childhood development programs prepare young children to succeed in school and decrease the need for special education and remediation in K-12 education.

The First Things First Initiative evolved out of longitudinal studies spanning 40 years and the latest brain science that shows a child's brain is 90% developed by age three. Investing in quality early learning, health and education programs will help Arizona be a great state to grow-up in and create the human capital necessary to sustain the state's growing and vibrant economy.

Sincerely,

Edmund B. Parker, President and CEO, United  
Way of Tucson and Southern Arizona, Tucson

Neal Eckel, Board Secretary, United Way of  
Tucson and Southern Arizona, Tucson

*Paid for by "Arizonans For A Fair Beginning"*

The strongest long term public investment our state can make is ensuring our children begin their formal education healthy and ready to learn. A Yes vote on The First Things First Initiative, will ensure our children have the best chance at long term success.

Research shows that within three years a child's brain is 90% developed. A child's thought process, language skills, values, self-confidence and discipline are much developed in the child's first five years. Thus, ensuring all children have access to high quality child care, early childhood education and health programs is critical to accomplish our community goals.

First Things First will fund children's health screenings, high quality child care and early childhood education programs through an 80 cent per pack tobacco tax. It provides our best chance to ensure that all children in Arizona come to school ready to learn. It is the best investment we can make in our future.

Please support the First Things First Initiative.

Greg Stanton, Phoenix City Council Member, State School Readiness Board, Phoenix

*Paid for by "Arizonans For A Fair Beginning"*

Dear Voter,

Early childhood health, literacy and education programs have proven to be the most effective way to create a healthy and educated student later on down the line. With the money collected by the First Things First Initiative, \$150 million dollars will be provided annually to create and develop early childhood development and health programs statewide. This initiative has a built in safety net because it includes outcome standards to ensure that funded programs are meeting goals for success. This means that the appropriation of funds collected will go directly to the children who need it the most. Common sense will tell anyone that setting a child on the path to success begins as soon as they take their first breath. First Things First realizes this and is taking the necessary steps to make sure every child receives fair and equal treatment in Arizona. Please vote to support the First Things First Initiative.

Sincerely,

Harold W. Porter, ASA Executive Director,  
Emeritus, Litchfield Park

Dr. Roger Short, ASA Executive Director,  
Phoenix

*Paid for by "Arizonans For A Fair Beginning"*

Dear Voter,

In today's complex world, children are bombarded by more pressures and expectations than ever before. Yet, over the years we have done less to give all children the foundation and tools they need to be successful later in life.

First Things First will engage communities and families so that every child has the opportunity to reach their potential academically and personally. We owe it to our youngest children, regardless of background, the opportunity to start school healthy and ready to participate in the classroom experience. This is a citizen's initiative that is designed to offer children and families the extra help they need to be productive, thriving members of our society. Please make children the priority and vote yes for First Things First.

Martha Rothman, Tucson

*Paid for by "Arizonans For A Fair Beginning"*

Dear Voter:

Numerous studies have shown that funds for vision screenings and dental preventative care will help substantially with the early detection of health issues and learning problems that often require extensive intervention and remediation down the line. "First Things First" will help us address many problems before they take root, while we can still make a positive impact. Investing in the early health and development of our youngest children will give them and their families the tools needed to live productive lives physically and mentally. Please support our children and vote for "First Things First."

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Sincerely,

Jacqueline Forsythe, Vice President of Development, Delta Dental of Arizona Foundation,  
Scottsdale

**WESTMARC strongly urges a YES VOTE on Proposition 203!**

WESTMARC is the regional coalition of business, government, and education that advocates for good public policy. As a partnership between business and government, it is paramount that we thoroughly consider public policy issues and work collaboratively toward public policy that is good for our region and our state.

**WESTMARC has thoroughly reviewed Proposition 203 and believes in the importance of giving all children a solid foundation in which to learn.**

Research tells us over and over that the first five years of a child's life is the critical time in which the foundation for their future is formed. It is the time when their brains grow and develop and, correspondingly, it is the time in which we should invest in the virtual foundation of our children's lives.

We are also aware that early childhood programs help give all children an equal start at the beginning of their academic lives. Studies have consistently shown that children that have access to quality early childhood literacy, health and development programs provide an unparalleled return on our investment. A little invested in early childhood development can save a tremendous amount of money in remedial education, counseling, or possible incarceration.

**WESTMARC believes that The First Things First Initiative is the next endowment for the investment in our children's future.**

**We ask that you join WESTMARC in supporting the First Things First Initiative and urge you to vote YES on Proposition 203!**

Hal DeKeyser, Chairman, WESTMARC, Peoria      Jack W. Lunsford, President & CEO,  
WESTMARC, Phoenix

*Paid for by "WESTMARC"*

Yuma County Interfaith Supports the Arizona Early Childhood Development and Health Initiative: First Things First for Arizona's Children

Studies in neuroscience reveal that 90 percent of brain development occurs between birth and age three; Yuma County Interfaith agrees that every opportunity to grow and learn should be provided to our young children.

This measure has strong accountability and would create regional oversight for funding decisions, allowing our local community to identify the highest needs. In addition, no more than 10% will fund administration, ensuring these funds go directly to our children.

This initiative is a solid investment for our community. Yuma County would be able to generate a 3 to 1 return for every dollar invested on well-designed programs for our children. Children that are better prepared are better citizens, cost less to educate, commit fewer crimes, and are less likely to drop out of school.

Yuma County will gain more productive adults who will contribute to the growth and economic well-being of our community.

Msgr. Richard O'Keeffe, Co-Chair, Yuma      Mercedes Ruiz, Board Member, Yuma County  
County Interfaith, Yuma      Interfaith, Somerton

*Paid for by "Yuma County Interfaith"*

**Valley Interfaith Project urges a yes vote on Prop 203, the Arizona Early Childhood Development and Health Initiative: "First Things First".**

Valley Interfaith Project's 60 member institutions have for 17 years supported efforts to improve education and strengthen families.

Given that most brain development occurs prior to kindergarten age and that this initiative would generate an estimated \$150 million/year for early childhood development programs, "First Things First" is clearly a sound investment in the future of our children.

A vote for this proposition is a vote to better prepare our children for their future leadership roles in our society and will inarguably improve the health and welfare of the families of Arizona.

Marcie Escobedo, Chair, Valley Interfaith      Dan Sagramoso, Treasurer, Valley Interfaith  
Project, Phoenix      Project, Phoenix

*Paid for by "Valley Interfaith Project"*

**Arizona Early Childhood Development and Health Initiative: First Things First—Prop. 203**

Current studies in neuroscience reveal that 90 percent of brain development occurs between birth and age three. Every child needs to have every opportunity to grow and learn and thrive. Good nutrition and early childhood education is especially critical for children of families living in poverty, who need extra support in preparing for academic success.

**Compelling reasons to vote YES on the "First Things First" Initiative:**

- Due to federal cutbacks and declining funding, children from low income working families are losing

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*Issued by: Secretary of State Jan Brewer*

ground. The cost of childcare is unaffordable for many families, yet childcare subsidy funds have also been cut.

- A tobacco tax is a reasonable revenue source because it taxes a discretionary purchase that includes all income levels.
- This source would provide an estimated \$150 million per year for early childhood development programs, making a profound difference in children's lives.
- The measure would create a statewide board and a regional system to let communities decide which early-childhood programs are needed in their areas. Ninety percent of the money would be used for programs, with only 10 percent going to the state board's administrative costs.
- The development programs would provide direct services to our most vulnerable children, which will raise the level of achievement in kindergarten classrooms, benefiting all children.

"First Things First" is a remarkably good financial investment for Arizona communities. Well designed early childhood programs generate at least a 3 to 1 return on every dollar invested. These returns are possible because better prepared children cost less to educate, are less likely to need special help, commit crimes, or drop out of school. Instead, they will be more productive adults who contribute to the economic growth of our communities.

BethAnn Monier Johnson, Member, Pima  
County Interfaith Council, Tucson  
Ernesto Lujan, Treasurer, Pima County  
Interfaith Council, Tucson

Andrea Robson, Co-chair, Pima County  
Interfaith Council, Tucson

*Paid for by "Pima County Interfaith Council"*

### **ARGUMENTS "AGAINST" PROPOSITION 203**

Who wouldn't want full day pre-school for all children? It certainly sounds good! Good intentions were indeed the impetus behind the original pre-school program, "Head Start." While that \$44 billion experiment began with great expectations, however, it turned out to be little more than an expensive babysitting program. Unfortunately, "First Things First" is just a fresh label on a tired old dream—a nice-sounding idea that fell well short of expectations.

To be certain, pre-school does help certain segments of society. It helps single working mothers and working couples who want free child care. It also provides jobs for teachers, principals, administrators, curriculum specialists, transportation companies, food service providers, school psychologists, the construction companies that build the schools, the custodians who take care of them, etc. But this shouldn't be about jobs; it should be about children. Research shows that disadvantaged children receive a fleeting boost in academic and social skills with pre-school programs, but that achievement fades after two years. By third grade, disadvantaged children who attended pre-school score the same as disadvantaged children who did not. Worse yet, these well-intended programs may actually have detrimental effects in the long run. Putting too much pressure on young children, and prematurely taking them out of a secure environment (the home) may damage them psychologically, emotionally, socially, and intellectually.

"First Things First" fails to promote academic excellence; rather, it promotes the agenda of far-left "social planners" at the expense of taxpayers. The truth is, it doesn't take a village to raise a child – it takes a mother and a father. Vote NO on "First Things First." Let's fund programs that work.

Senator Karen Johnson, Mesa

The Arizona Tax Research Association (ATRA), Arizona's only statewide taxpayer organization, opposes Proposition 203. The effort on the part of special interest groups to use the initiative process to receive guaranteed and permanent funding for their programs is bad public policy and should be rejected.

Arizona's state budget problems have been well documented over the last decade. The challenge state policymakers face developing an annual budget is significant. The budgeting process has been complicated by the effect of previous initiatives that earmark funding to special interests and tie up revenues that would otherwise be used to fund our K-12 schools, universities or other state programs. Further, earmarked funding escapes the annual scrutiny of the budget process.

Proposition 203 earmarks the new revenue directly to an appointed board who will exercise sole authority to appropriate the monies to "regional partnership councils."

The proponents suggest that their dramatic tax increase will raise roughly \$150 million to fund new programs. What they do not disclose is the negative impact this huge tax increase will have on existing programs that currently receive funding from existing tobacco tax collections. The following recipients of tobacco tax revenues will most assuredly see real losses in funding: State General Fund; Corrections Fund; Health Care for Medically Needy; Health Education and Research for Tobacco Prevention. In fact, state general fund revenues from tobacco taxes have declined 20 percent since Arizona's first major tobacco tax increase in 1994.

If successful, Proposition 203 will propel Arizona tobacco taxes to the fourth highest in the nation. At a tax rate of \$1.98 per pack, the incentive for smokers to evade this tax through purchases on the Internet or the black market will increase substantially and lead to further declines in **taxable** cigarette sales.

Gretchen Kitchel, ATRA Chairman, Scottsdale  
*Paid for by "Arizona Tax Research Association"*

Kevin McCarthy, ATRA President, Gilbert

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

Argument against "First Things First for Arizona's Children"  
(Tobacco Tax for Early Childhood Education)

Ballot Number: 203

Identifier: I-16-2006

Early childhood education is one of any number of good causes that would like extra funding. It is unfair to try and fund such a cause by deliberately targeting an unrelated, unpopular minority – in this case, smokers.

Note that this initiative is not asking for funding through adding a tax, such as a sales tax, that would be spread more equally. The backers of this initiative understand that such a tax is not likely to pass. They have calculated that their best chance is to ask you to vote for smokers, an unpopular minority, to pay a tax instead. Don't forget that the proposed tax is 80 cents a pack which would will cost the pack-a-day smoker about \$300 a year! That's a huge tax on smokers, who are often low-income themselves.

Most smokers have little choice as they are addicts. Many struggle each year to break this addiction but most attempts are unsuccessful. This would be a fairer initiative if the money from this extra tobacco tax went to help people stop smoking, and not to an unrelated cause like early childhood education.

In June 2006, the Arizona Legislature approved \$160M of our tax dollars to be spent on all-day kindergarten over the next 2 years. This is fair in that we all pay towards that. A majority vote that would force only the smokers to pay up for the early childhood education initiative on the ballot today is unfair and seems like bullying.

Vote against this initiative.

John Keenan (independent ex-smoker), Phoenix

Proposition 203 is bad public policy on many levels. It should not be allowed to pass.

The issues in question aren't early childhood development services rather taxation and appropriation that violates and goes far beyond the principles of our representative democracy. Proposition 203 would increase in perpetuity the sales tax on tobacco products and allow an appointed unelected council to determine the expenditure of \$150 million of state tax revenue without any legislative oversight and without any allowance for legislative adjustment of the taxes or the expenditures.

Large permanent tax increases by plebiscite on any product – regardless of how much in disfavor that product may be - is ill conceived. The legislature should have the ability to reduce or eliminate taxes when a specific tax may no longer be necessary.

Tobacco is a product that is falling in use in America. As such the tax support for this program will be based on a potentially declining source of revenue. That will place undo pressure on the legislative process to identify additional sources of revenue to continue the program in the future perhaps hindering the funding of other essential government services.

Creating a limited program by initiative will create expectations from the public to increase, expand and fund the programs in the future. So much of Arizona's revenues are already dedicated to spending from previous ballot propositions that we have created significant hardships on legislative appropriations process especially during times when the economy is down.

Just as with K-12 and higher education early childhood development services should be developed, funded, administered and adjusted regularly by our elected officials. Doing so permanently through a ballot initiative is a subterfuge that Arizona voters should reject.

Barry M. Aarons, Senior Fellow, Americans for Tax Reform, Phoenix

Voting "yes" on this tax is voting "yes" to creating a huge new bureaucracy to control taxpayer money, with the activity of this bureaucracy having no direct oversight from or accountability to the legislature or the Governor. This proposal **establishes a statewide board and an unlimited number of unelected regional councils to distribute tax money to communities however they see fit without any direction** from the officials we elected to represent taxpayers' interests. This is a massive tax increase, and **NONE of these tax dollars will be dedicated to our K-12 education system.** And though all of this money will be collected from smokers, NONE of this money is dedicated to smoking prevention or cessation.

Without direct oversight from the legislature and Governor, it will be difficult to coordinate this program with other taxpayer-funded programs, which could lead to duplication and wasted taxpayer dollars. These **unelected bureaucrats will spend over half a billion dollars in less than four years** if the new tax meets revenue projections, yet this proposal is vague about the specific programs that will be funded and does not establish clear guidelines for eligibility to receive these taxpayer funds. There is nothing to say that these tax dollars won't go to some of the richest regions in the state.

A program like this would continue to grow with time and demand more revenue to sustain itself. Relying on a declining revenue source such as a cigarette tax to sustain and grow a program will ultimately force these unelected regional councils to look for even more money down the road.

Vote "no" to this huge bureaucracy and don't let unelected councils spend millions of taxpayer dollars without accountability to the rest of the state and without giving a dime to our K-12 education system.

Theodore L. Jones, Senior Account Manager,

Philip Morris USA, Scottsdale

*Paid for by "Philip Morris USA"*

Charles R. Wenzler, Senior Account Manager,

Philip Morris USA, Scottsdale

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*Issued by: Secretary of State Jan Brewer*

**BALLOT FORMAT**

**PROPOSITION 203**

PROPOSED AMENDMENT BY INITIATIVE PETITION

**OFFICIAL TITLE**

AN INITIATIVE MEASURE  
PROPOSING AMENDMENTS TO TITLE 8, ARIZONA REVISED  
STATUTES, BY ADDING CHAPTER 13; AMENDING TITLE 42,  
CHAPTER 3, ARIZONA REVISED STATUES, BY ADDING ARTI-  
CLE 9; AND PROVIDING FOR INITIAL FUNDING AND INITIAL  
TERMS OF BOARD AND REGIONAL COUNCIL MEMBERS;  
RELATING TO FUNDING FOR EARLY CHILDHOOD DEVELOP-  
MENT AND HEALTH PROGRAMS.

**DESCRIPTIVE TITLE**

ESTABLISHES EARLY CHILDHOOD DEVELOPMENT AND  
HEALTH BOARD AND FUND BY INCREASING THE STATE TAX  
ON TOBACCO PRODUCTS; MONIES DISTRIBUTED LOCALLY  
TO BENEFIT CHILDREN UP TO FIVE YEARS OF AGE AND  
THEIR FAMILIES; CREATES REGIONAL PARTNERSHIP COUN-  
CILS TO IDENTIFY LOCAL NEEDS AND DISTRIBUTES MONIES  
BASED ON REGION, POPULATION, AND INCOME.

**PROPOSITION 203**

A "yes" vote shall have the effect of [1] establish-  
ing an early childhood development health care  
board and fund, [2] increasing the state tax on cig-  
arettes (.80 cents/pack), cigars and other tobacco  
products, [3] establishing regional partnership  
councils throughout the state to identify childhood  
development and health services needs at the  
local level and [4] distributing monies and grants  
to eligible programs that serve children up to five  
years of age and their families.

**YES**

A "no" vote shall have the effect of retaining the  
current laws regarding early childhood education  
and taxation on tobacco products.

**NO**

**PROPOSITION 203**

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**PROPOSITION 204**

**OFFICIAL TITLE**

**AN INITIATIVE MEASURE**

PROPOSING AMENDMENT TO TITLE 13, CHAPTER 29, ARIZONA REVISED STATUTES BY ADDING SECTION 13-2910.07; RELATING TO CRUEL AND INHUMANE CONFINEMENT OF ANIMALS.

**TEXT OF PROPOSED AMENDMENT**

Be it enacted by the People of the State of Arizona:

Sec. 1. Title

This measure shall be known as the Humane Treatment of Farm Animals Act.

Sec. 2. Title 13, Chapter 29 is amended by adding a new section 13-2910.07 as follows: 13-2910.07.

**CRUEL AND INHUMANE CONFINEMENT OF A PIG DURING PREGNANCY OR OF A CALF RAISED FOR VEAL**

A. NOTWITHSTANDING ANY OTHER PROVISION OF TITLE 3 OR TITLE 13, A PERSON SHALL NOT TETHER OR CONFINED ANY PIG DURING PREGNANCY OR ANY CALF RAISED FOR VEAL, ON A FARM, FOR ALL OR THE MAJORITY OF ANY DAY, IN A MANNER THAT PREVENTS SUCH ANIMAL FROM:

1. LYING DOWN AND FULLY EXTENDING HIS OR HER LIMBS; OR

2. TURNING AROUND FREELY.

B. THIS SECTION SHALL NOT APPLY TO:

1. PIGS OR CALVES DURING TRANSPORTATION.

2. PIGS OR CALVES IN RODEO EXHIBITIONS, STATE OR COUNTY FAIR EXHIBITIONS, OR OTHER SIMILAR EXHIBITIONS.

3. THE KILLING OF PIGS OR CALVES ACCORDING TO THE PROVISIONS OF CHAPTER 13, TITLE 3 AND OTHER APPLICABLE LAW AND REGULATIONS.

4. PIGS OR CALVES INVOLVED IN LAWFUL SCIENTIFIC OR AGRICULTURAL RESEARCH.

5. PIGS OR CALVES WHILE UNDERGOING AN EXAMINATION, TEST, TREATMENT OR OPERATION FOR VETERINARY PURPOSES.

6. A PIG DURING THE SEVEN DAY PERIOD PRIOR TO THE PIG'S EXPECTED DATE OF GIVING BIRTH.

C. A PERSON WHO VIOLATES THIS SECTIONS IS GUILTY OF A CLASS 1 MISDEMEANOR.

D. THE FOLLOWING DEFINITIONS SHALL GOVERN THIS SECTION:

1. "CALF" MEANS A CALF OF THE BOVINE SPECIES.

2. "CALF RAISED FOR VEAL" MEANS A CALF RAISED WITH THE INTENT OF SELLING, MARKETING OR DISTRIBUTING THE MEAT, ORGANS OR ANY PART OF SUCH CALF AS A FOOD PRODUCT DESCRIBED AS "VEAL."

3. "FARM" MEANS THE LAND, BUILDING, SUPPORT FACILITIES, AND OTHER EQUIPMENT THAT IS WHOLLY OR PARTIALLY USED FOR THE PRODUCTION OF ANIMALS FOR FOOD OR FIBER.

4. "PIG" MEANS ANY ANIMAL OF THE PORCINE SPECIES.

5. "TURNING AROUND FREELY" MEANS HAVING THE ABILITY TO TURN AROUND IN A COMPLETE CIRCLE WITHOUT ANY IMPEDIMENT, INCLUDING A TETHER, OR, IN THE CASE OF AN ENCLOSURE (INCLUDING WHAT IS COMMONLY DESCRIBED AS

A "GESTATION CRATE" FOR PIGS AND A "VEAL CRATE" FOR CALVES) WITHOUT TOUCHING ANY SIDE OF THE ENCLOSURE.

Sec. 3. Effective Date

This initiative measure shall take effect December 31, 2012.

Sec. 4. Severability

Each section, subsection, sentence, clause, phrase or other portion of this initiative measure as adopted shall be deemed to be a separate, distinct and independent provision. If any portion thereof is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the holding shall not affect the validity or constitutionality of any other portion of this initiative measure, which can be given effect without the invalid provision. To this end, the provisions of this initiative measure are declared to be severable.

Sec. 5. No Mandatory Expenditures

Nothing in this initiative measure proposes a mandatory expenditure of state revenues for any purpose, establishes a fund for any specific purpose, or allocates funding for any specific purpose.

Sec. 6. Conditional Funding Source

Subject to Section 7 of this initiative measure, Title 13, Chapter 29 is amended by adding a new section 13-2910.08 as follows:

**13-2910.08. THE HUMANE TREATMENT OF FARM ANIMALS FUND**

THE "HUMANE TREATMENT OF FARM ANIMALS FUND" IS HEREBY ESTABLISHED TO BE ADMINISTERED BY THE ATTORNEY GENERAL UNDER THE CONDITIONS AND FOR THE PURPOSES PROVIDED BY THIS SECTION. UPON RECEIPT, THE ATTORNEY GENERAL SHALL DEPOSIT IN THE FUND ANY MONIES RECEIVED FOR THE STATE AS A RESULT OF ENFORCEMENT OF THE HUMANE TREATMENT OF FARM ANIMALS ACT AND ANY MONIES RECEIVED BY THE ATTORNEY GENERAL AS A MONEY DONATION TO THE FUND FROM ANY PUBLIC OR PRIVATE GROUP, SOCIETY, ASSOCIATION OR INDIVIDUAL. THE MONIES IN THE FUND SHALL BE USED ONLY FOR MANDATORY EXPENDITURES, IF ANY, REQUIRED BY THE HUMANE TREATMENT OF FARM ANIMALS ACT AND ADMINISTRATION OF THE FUND. MONIES IN THE FUND ARE NOT SUBJECT TO LEGISLATIVE APPROPRIATION. THE FUND IS EXEMPT FROM STATUTORY PROVISIONS RELATING TO LAPSING OF APPROPRIATIONS AND SHALL NOT REVERT TO THE GENERAL FUND.

Sec. 7. Conditional Enactment

Section 13-2910.08 does not become effective unless a court of competent jurisdiction holds that section 13-2910.07 proposes a mandatory expenditure of state revenues for any purpose, establishes a fund for any specific purpose, or allocates funding for any specific purpose.

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**ANALYSIS BY LEGISLATIVE COUNCIL**

Beginning January 1, 2013, Proposition 204 would amend the Arizona criminal code to make it a class 1 misdemeanor to tether or confine a pig during pregnancy or a calf raised for veal on a farm for all or the majority of a day in a manner that prevents the animal from lying down and fully extending its limbs or turning around freely. The law would not apply to:

1. Pigs or calves during transportation.
2. Pigs or calves in rodeo exhibitions, state or county fair exhibitions or other similar exhibitions.
3. The lawful slaughter of pigs or calves.
4. Pigs or calves involved in lawful scientific or agricultural research.
5. Pigs or calves while undergoing an examination, test, treatment or operation for veterinary purposes.
6. A pig during the seven day period before the pig's expected date of giving birth.

Proposition 204 would tentatively establish an enforcement and administration fund consisting of fines, penalties and other monies generated by the enforcement of this proposition and donations made to the fund. This fund would only be fully implemented if a court ultimately determined that creation of this fund is required by a separate state law dealing with the funding of programs created by a vote of the people.

**FISCAL IMPACT STATEMENT**

State law requires the Joint Legislative Budget Committee (JLBC) Staff to prepare a summary of the fiscal impact of certain ballot measures. State and local governments may receive additional revenues in the form of fines and penalty assessments from violators of provisions of Proposition 204. The language of the proposition states that the measure does not impose mandatory expenditure of state revenues for any purpose. If, however, a court rules that the proposition results in mandatory expenditure of state revenue, a Humane Treatment of Farm Animals Fund is established and funded through enforcement related revenue and donations. The total amount of fines will depend on the level of compliance, which is difficult to predict in advance.

**ARGUMENTS "FOR" PROPOSITION 204**

**VOTE "YES" ON PROPOSITION 204  
END THE INHUMANE TREATMENT OF FARM ANIMALS**

Arizonans for Humane Farms is a coalition of animal welfare organizations, veterinarians, and conservationists.

**The Problem:**

- In Arizona, 20,000+ breeding pigs are housed in 2' x 7' metal "gestation crates." Sows are kept immobile for most of their lives and suffer from muscle atrophy, pressure sores, joint maladies, and immense frustration.
- **Family farming operations are threatened, and often put out of business, by these hog factories which refuse to treat animals humanely.**
- Disease and ground water contamination can result from the massive waste produced in these operations.

**The Solution:**

- **This initiative ONLY requires a larger PEN SIZE** or access to pasture, allowing pigs during pregnancy and calves raised for veal to turn around and fully stretch their limbs.
- **Family farms do not use gestation and veal crates – they are therefore PROTECTED.**
- Crates are still allowed after pregnancy to protect the sow from crushing her offspring, and during medical procedures or transport.
- Rodeos, 4-H and county fairs are exempt from these provisions.
- **There is no cost to taxpayers.**
- **Only one large hog factory farm, an out-of-state Delaware Limited Liability Company, accounts for almost all of the factory-farmed pigs in Arizona** – Arizona does not yet have a meaningful veal industry – however, vote "YES" to discourage large factory farms from coming into our state.
- **Any producer, even the Delaware-based corporation, will have 6 years – until 2013 – to phase in more humane housing methods under the provisions of the Humane Farming Act.**
- **This initiative has nothing to do with your choice to eat meat** – it simply establishes a standard that animals raised for food are humanely treated.

A "YES" vote will result in more humane care for factory-farmed animals.

Cheryl Naumann, Chairwoman, Arizonans for Humane Farms, Phoenix

*Paid for by "Arizonans for Humane Farms"*

Being a veterinarian and having family involved with pork production, I would like to share my perspective on the Humane Treatment of Farm Animals Act. I have seen the two-foot-wide crates that 450-pound sows are forced to spend pregnancy after pregnancy in. Hormel may trot out their well-paid industry vets to try to convince you that never being able to turn around and lie down with limbs extended is no hardship. They may even try to tell you these pigs are comfortable, but the truth is they are frustrated and scared. Their muscles are weak from inactivity making them prone to injury. Their joints are stiff from lack of use. Behavioral changes such as increased aggression are associated with this confinement. These animals are anguished from never being able to act on a single natural impulse

I would like to make this prediction: Because conditions at Arizona's Hormel factory farm are so horrendous, they will never allow reporters inside. Hormel's PR firm will try to convince you that they care about animals, they care about farmers, and they care about you, and they'll spend a lot of money doing so, but they'll never show

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how they are treating animals.

98% of the pigs in Arizona are inside of Hormel's plant. You'll hear about small farmers, but to Hormel they are just competition. Every time Hormel cuts another corner, Arizona farmers have to follow suit or go out of business. I have seen this happen with my relatives and it is happening to farmers here in Arizona. This measure will mean that animals have a basic minimum of room and that the playing field has been leveled for real farmers and corporate agri-business. A vote for this measure will be a vote for both animals and family farms.

Janet M. Forrer, DVM, Tucson

We, the undersigned members of Arizona's veterinary community, endorse the Humane Treatment of Farms Animals Act and urge you to vote "yes" on this important measure. Room for veal calves and pregnant sows to turn around, lie down, and extend their limbs is a modest and reasonable proposal. Farm animals deserve at least this minimum standard of care.

Amy Afek, DVM, Phoenix	Warren H. Ahnell, DVM, Tucson	Lynda Beaver, DVM, Gilbert
Nancy Beeuna, DVM, Tucson	Christina L. Bejarano, DVM, Tucson	Kellee J. Blackwell, DVM, Glendale
Bert Blumenfeld, DVM, Tucson	James Boulay, DVM, MS, DACVS, Tucson	John S. Brett, DVM, Tucson
Holly S. Burgess, DVM, Tucson	Fred Bush, DVM, Flagstaff	Corissa Canny, DVM, Tucson
Pam Clark, DVM, Tucson	Bernard N. Cohen, DVM, Tucson	Edward Cohen, DVM, Phoenix
Walter Cole, DVM, Tucson	Kelly Collins, DVM, Scottsdale	Heather E. Connally, DVM, Tucson
Kayomee Darowalla, DVM, Tucson	Ruth Ann DeCou, DVM, Flagstaff	Todd Driggers, DVM, Gilbert
Randall J. Eberhard, DVM, Tucson	S. Evans-Linsell, DVM, Tucson	Christine A. Farrar, DVM, Mesa
Janice L. Flack, DVM, Scottsdale	T.D. Flack, DVM, Scottsdale	Jim Flegenheimer, DVM, Chandler
Lori A. Forgues, DVM, Tucson	Janet M. Forrer, DVM, Tucson	Desiree Garthe, DVM, Phoenix
Anthony J. Gilchrist, DVM, Scottsdale	Barbe Glenn, DVM, Tucson	Barbara R. Gores, DVM, DACVS, Tucson
Christina Guerrero, DVM, Fountain Hills	Ken Halbach, DVM, Tucson	Steven Hall, DVM, Scottsdale
Mark S. Halver, DVM, Phoenix	Kenneth Harding, DVM, Cave Creek	Havah Haskell, DVM, Tucson
Douglas W. Hauser, DVM, Sun City	Danielle Hettler, DVM, BS, Payson	Suzanne M. Higgins, DVM, Phoenix
Andrea Hilden, DVM, Tucson	Lynne Hoban, DVM, Fountain Hills	Bruce P. Hull, DVM, Phoenix
Duane Hunt, DVM, Mesa	Pollyann P. Johnson, DVM, Sun City	Sharmie Johnson, DVM, Peoria
Harold M. Klein, DVM, Tempe	Jill C. Lang, DVM, Phoenix	Tanya Lopez, DVM, Scottsdale
Linda J. Lueth, DVM, Tucson	Rodolfo Manriquez, CVT, Phoenix	Jennifer Marshall, DVM, Surprise
Michael E. Matz, DVM, Tucson	Melissa McGinnis, DVM, Tempe	Margo McKinney, DVM, Tucson
Karen McWhirter, DVM, Tucson	Laura L. Millikan, DVM, Yuma	Marilyn W. Millman, DVM, Scottsdale
Richard W. Morehouse, DVM, Tucson	Kristen L. Nelson, DVM, Scottsdale	Benjamin Nigg, DVM, Peoria
Gene T. Nightengale, DVM, Tucson	Melanie Olson, DVM, Tucson	Caroline Oreel, DVM, Sedona
Heather Oyan, DVM, Glendale	Judith A. Parker, DVM, Tucson	Robin Paterson, DVM, Kingman

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Beryl Patterson, CVT, Litchfield Park	Mary L. Pencin, DVM, Willcox	Sally Rademaker, DVM, Tucson
Jessica Reed, DVM, Glendale	Tom Remmler, DVM, Sedona	Elizabeth Reno, DVM, Tucson
Celeste Roy, DVM, Tucson	J.R. Sampson, DVM, Phoenix	Kathryn Schulze, DVM, Tucson
Brian Sessink, DVM, Mesa	Paul Silvagni, DVM, Flagstaff	Leigh Ann Stastny, DVM, Glendale
Richard Stolper, DVM, Scottsdale	Carin Sunderman, DVM, Phoenix	Jennifer Tave, DVM, Phoenix
Rachel Temkin, DVM, Tucson	Tara Lyn A. Temple, DVM, Scottsdale	Gregg A. Townsley, DVM, Scottsdale
Bob Vasilopoulos, DVM, DACVS, Tucson	Bonnie L. Walker, DVM, Cave Creek	William F. Wallace, DVM, Tucson
Charlotte Lee Watson, DVM, Gilbert	Elizabeth Weintraub, VMD, Tucson	Linda Rae Westbrook, DVM, Flagstaff
Teri D. Wiblin, DVM, Phoenix <i>Paid for by "Janet M. Forrer"</i>	Tayna Wyman, DVM, Phoenix	

#### ARIZONA HUMANE SOCIETY ASKS YOU TO VOTE "YES" ON PROPOSITION 204

Arizona Humane Society, the state's largest nonprofit animal welfare organization, is asking you to help alleviate animal suffering by voting "YES" on Proposition 204, the "Humane Treatment of Farm Animals Act."

Since 1957, we have served Arizona residents through our programs including adoptions, spaying and neutering, humane education, disaster response, animal rescue and cruelty investigation services. We are concerned about alleviating the suffering of ALL animals, regardless of their species. We believe that in a civilized society, **even animals raised for food should receive the most basic types of humane care.**

Currently, in our state, over 20,000 breeding pigs are kept in horrendous conditions by large, corporate "factory farms" – during the entirety of their short lives, **they are forced to lie in their own filth and are kept in pens so small that they can never turn around or fully extend their limbs.**

Although there is no significant veal industry in Arizona yet, we must deter profit-motivated operators from moving into our state. Veal calves are kept in narrow pens, typically tethered at the neck, and are never allowed outside. **When taken to slaughter at 16 weeks of age, most must be dragged because their muscles are so weak they are unable to stand.**

Our state has a rich tradition of family farming, where animals are not treated this way – **family farms are protected by this proposition.** We are proud of our citizens, who year after year have made their voice heard at the polls – unnecessary animal suffering will not be tolerated in Arizona! **Voting "YES" will not cost Arizona taxpayers a dime!** As voters, you have the power to address the horrors of factory farming by your "YES" vote on Proposition 204 - thank you.

Cheryl Naumann, President and CEO, Arizona Humane Society, Phoenix

*Paid for by "Arizona Humane Society"*

Ann Harwood, Esq., Chairman of the Board, Arizona Humane Society, Phoenix

#### SHERIFF JOE URGES YES ON THE HUMANE FARMING PROPOSITION

As Sheriff of Maricopa County, I fight crime and do my best to make our communities in Arizona safe.

But there's another aspect of my work that you may know less about.

I have a heart for animals, and I despise cruelty in any form. I have fought for stronger laws to crack down on animal cruelty. The serious abuse of animals is a felony in Arizona. And when our deputies find people breaking laws against animal cruelty, there is always room for them in my jails.

All animals deserve to be treated with respect, and that's why I am supporting the Humane Treatment of Farm Animals Act on the state-wide ballot this November.

I am a meat eater, and I enjoy a good steak as much as the next guy. But I believe that even animals raised for food deserve a decent life and a merciful death.

It's wrong to put a pig or a veal calf in a crate so small that the animal cannot even turn around. And they are in these crates almost all the time. When I think of their misery, it just makes me sick.

It's one thing for a criminal to be housed in confinement. They deserve to be incarcerated. But the animals didn't do anything wrong, yet they get a life sentence of harsh and constant confinement.

So I say, we have to raise animals for food, but we have to do it the honorable way. Let's not allow people to treat them in a way that causes them to suffer. Join me in voting YES on The Humane Farming Proposition.

Joseph M. Arpaio, Sheriff, Maricopa County Sheriff's Office, Phoenix

*Paid for by "Arizona Humane Society"*

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VOTE YES ON 204

IT IS TIME TO STOP KILLING ANIMALS!  
IT IS TIME TO STOP KILLING ANIMALS FOR MEAT!  
IT IS TIME TO STOP KILLING AND HUNTING ANIMALS!  
IT IS TIME TO STOP FARMERS AND RANCHERS FROM KILLING THESE ANIMALS FOR MEAT.  
THEIR SLAUGHTERING OF ANIMALS IS CAUSING SUFFERING.

THEIR PRODUCTION OF MEAT AND MEAT PRODUCTS IS A CRUEL AND BARBARIC PROCESS.

IT IS TIME TO STOP KILLING ANIMALS FOR MEAT. IT IS TIME TO STOP KILLING ANIMALS PERIOD!  
LET'S STOP THIS MADNESS OF KILLING OR HUNTING ANIMALS – PROP 204 IS A GOOD PLACE TO START!

Jackie Winsor, Phoenix

**Please vote yes on Proposition 204.**

There are serious negative environmental impacts from large Concentrated Animal Feeding Operations (CAFOs) where thousands of animals are confined in one facility. These facilities are not only inhumane, but they also produce enormous amounts of animal waste. This waste can leak into our rivers and streams contaminating our drinking water and spreading disease. According to the Environmental Protection Agency, hog, chicken and cattle waste has polluted 35,000 miles of rivers in 22 states and contaminated groundwater in 17 states.

Factory farms negatively affect air quality as well. They are the largest source of toxic ammonia air pollution in the U.S., plus the air around factory farms is contaminated with suspended dust particles. These particles can trigger asthma attacks and cause other respiratory problems.

Proposition 204 deals with one aspect of factory farms by ensuring that the animals have more space to turn around and that they are not tethered in a manner that restricts their ability to move around.

Currently, Arizona has relatively few of these operations. We should keep it that way. Proposition 204 moves Arizona another step in the right direction. Please support Proposition 204.

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

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

*Paid for by "Sierra Club Grand Canyon Chapter"*

I strongly support Proposition 204 Here's why.

I was raised on our family farm in North Dakota that has been in my family since 1896. My father was a traditional farmer who practiced responsible sustainable farming practices and took pride in being a steward of the land.

In 2003 we learned that a huge hog operation was being planned a little over a mile from our family farm. Due to the size of this operation we had concerns on how this operation could impact our community; what we found was very disturbing. These operations can have devastating effects on the soil, water quality, and surrounding community. Studies show that living by one of these operations creates health risks and decreases property value. These farms operate under unrestricted agricultural laws when in fact they're industrial. The particular operation by our farm was permitted for 20,900 hogs that would "turn over" 3 times a year. Their terminology is "growing" pigs rather than "raising" them. The term used for factory farms is CAFOs, Confined Animal Feeding Operations, and the "confined" aspect of this industry is what Arizonans for Humane Farms takes issue with.

You don't have to be an "animal rights radical" to have concerns about factory farming, especially when you see hogs packed into metal crates so small they can't turn around. They're fed "specialized diets" with growth hormones and antibiotics. Antibiotics --to help avoid disease among so many animals in confined spaces, and growth hormones because the faster they grow, the faster they can be "turned around". Unfortunately, the term "turned around" only applies to marketing and not to humane treatment.

Arizonans should support family farmers and ranchers and vote yes on the Humane Farming Initiative.

Candace Jackson, Born and Raised in North Dakota (not grown), Mesa

*Paid for by "Arizonans for Humane Farms"*

**PEOPLE OF FAITH SUPPORT HUMANE TREATMENT OF ALL GOD'S CREATURES**

As pastor of the Corpus Christi Parish, I'm heartened by the presence of the Humane Treatment of Farm Animals Act on the ballot, and I encourage voters to support this important initiative.

One of our greatest duties is to be good stewards of the Lord's creation, including the animals with whom we share this planet. Unfortunately, on today's factory farms, good stewardship is sorely absent. Mother pigs are confined in crates too narrow for them to turn around, while calves raised for veal are chained by the neck inside similarly restrictive crates, barely able to move for months on end. These animals are abused in ways that would shock and caring person of faith.

God created these animals with the need to move about. When it comes to their intensive confinement inside tiny crates, little could be a greater perversion of God's will.

Pope Benedict XVI put it best when discussing factory farming, asserting that "this degrading of living creatures to a commodity seems to me in fact to contradict the relationship of mutuality that comes across in the Bible."

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*Issued by: Secretary of State Jan Brewer*

**PROPOSITION 204**

While God has given us dominion, that is not a license for ruthless domination of animals, especially those we raise for food. We take so much from these creatures; offering a small amount of common decency in return is truly the very least we owe them.

Catholics, and all people of faith, should support offering the mere ability to turn around and extend all limbs to pigs and calves. Abusing these animals in the ways we commonly do on factory farms is sinful, and we can take a modest step toward reducing our abuse of power over them by voting YES on the Humane Treatment of Farm Animals Act.

Father Albert Francis Hoorman, Pastor of Corpus Christi Catholic Church, Phoenix

*Paid for by "Karen Michael"*

The Animal Defense League of Arizona urges you to vote yes on Proposition 204.

Farm animals have the least legal protection of all animals in our state. They deserve the modest protection that would be given, if voters approve the Humane Farming Initiative.

Here is what Proposition 204 does

- Applies only to pregnant pigs and calves raised for veal
- Requires that these animals be given enough room to lie down, turn around and fully extend their limbs
- Gives farms plenty of time—until 2013-- to comply with the new law
- Allows rodeos, county fairs, 4-H and similar events to go on as usual
- Preserves family farms

To clear up misconceptions, Proposition 204

- Does NOT restrict the sale or consumption of meat
- Does NOT change how animals are transported
- Does NOT ban research on animals
- Does NOT cost taxpayers any money
- Does NOT change the methods of slaughter of animals for food

Industrialized, factory farms owned by huge agricultural companies are sweeping across the country and coming to Arizona. They use cruel and inhumane methods to confine livestock. They treat pregnant pigs and calves raised for veal like inanimate production units, rather than thinking, feeling animals. They place them in enclosures so small that they can't move, lie down, turn around or even fully extend their limbs. Sows are kept constantly pregnant, and held in these tiny crates 24 hours a day seven days a week, for almost their entire lives. It is a horrible existence, and it is happening here in Arizona.

**To stop cruel and inhumane treatment of farm animals, Vote YES on Proposition 204.**

Stephanie Nichols-Young, President, Phoenix

Karen Michael, Secretary, Peoria

*Paid for by "Animal Defense League of AZ"*

On today's industrialized farms, many pigs are confined in "gestation crates" just two feet wide and calves are tethered in "veal crates" where they can barely move, a source of pain and suffering.

Voting yes on the Humane Treatment of Farm Animals Act upholds the traditional standards of farming by providing these animals with the most basic humane consideration. The proposal simply requires that calves and pigs be given adequate space to turn around and stretch their limbs.

While protecting animals from cruel and relentless confinement, this measure will also help protect the environment from the massive runoff of waste from confined animal feeding operations. And it will help protect family farms and rural communities from the harms of industrialized animal agriculture.

Having cared for farm animals for the past twenty years and holding a masters degree in agricultural economics from Cornell University, I have great respect for family farmers and the values they live by. At their best, they live by the values of personal responsibility, integrity, and compassion.

We oppose factory farming because it is a betrayal of traditional farming values. It puts efficiency above everything, forgetting the duty to treat animals decently. I agree with the Iowa hog farmer who said of factory farmers, "They treat the animal like a machine. But it's not a machine. It's an animal, and it needs care."

Farmers have raised pigs and calves for ages without confining them in narrow crates and treating them as unfeeling units of production. These devices are an insult to honorable farming traditions, and the law should set a higher standard. With the Humane Treatment of Farm Animals Act, Arizona voters have a chance to relieve many animals of needless misery, and to show that cruelty to animals is not an Arizona value.

Gene Bauston, President, Watkins Glen

Holly McNulty, Secretary/Treasurer, Watkins  
Glen

*Paid for by "Farm Sanctuary, Inc."*

Adapted from Arizona Republic column, February 2006:

"... Pork producers figured out some years ago that if they packed the maximum number of pigs into the minimum space, if they pinned the creatures down into fit-to-size iron crates and turned the 'farm' into a sunless hell of metal and concrete, it made everything so much more efficient. . . . As for veal, it is by definition the product of a sick, anemic, deliberately malnourished calf, a newborn dragged away from his mother in the first hours of life. . . .

"Over the years, one miserly deprivation led to another, ever harsher methods were applied to force costs lower and lower, and so on until the animals ceased to be understood as living creatures at all. . . . 'Cost-saver' in

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industrial livestock agriculture usually means 'moral shortcut.' For all of its "science-based" pretensions, factory farming is really just an elaborate, endless series of evasions from the most elementary duties of honest animal husbandry. . . . To the factory farmer, in contrast to the traditional farmer with his sense of honor and obligation, the animals are 'production units,' and accorded all the sympathy that term suggests. . . .

" . . . In the quiet of the voting booth, ask yourself why any creature of God, however humble, should be made to endure the dark, lonely, tortured existence of the factory farm. The answer will send an unequivocal message, to factory farmers here and to all concerned, that unbridled arrogance, bad faith, and rank cruelty are not Arizona values."

(Matthew Scully worked for Arizona governors Mecham, Mofford, and Symington. A former special assistant and speechwriter for President Bush, he is author of *Dominion: The Power of Man, the Suffering of Animals, and the Call to Mercy*.)

Matthew Scully, Los Angeles

*Paid for by "Arizona Humane Society"*

As a conservative, fifth-generation Arizonan and mother of four children, I support the Humane Treatment of Farm Animals Act.

I believe we owe a duty of stewardship to the farm animals we raise for food. We fail in that duty when we allow those animals—be they pigs or calves—to be confined day after day in cramped spaces too small for them to even turn around or lie down and extend their legs. The Humane Treatment of Farm Animals Act is a measured and reasonable provision that allows Arizona's industrial farm operations several years to adjust their confinement practices. This measure will have no effect on Arizona's traditional farmers or traditional farming practices and will be of no cost to the taxpayers.

As Arizonans, we should honor our conservative heritage and live up to our stewardship.

I urge you to vote YES on the Humane Treatment of Farm Animals Act.

Julie Dana Young, Phoenix

RE: Arguement FOR Humane Farming ballot proposition

The voters of Arizona now are presented with the grandest opportunity to share in helping animals who are defenseless against acts of cruelty imposed on them. The general public through information and education have come to realize the intense cruelty suffered by pregnant sows and veal calves in that they cannot move their bodies including their limbs while crammed into crates. These acts of cruelty are happening on industrialized animal production facilities commonly known as "factory farms".

Arizona has a high volume factory farm which utilizes about 20,000 sow gestation crates. The sows up to the time of birthing cannot move within these crates. The Humane Farming initiative will permit by act of law the sows to at least be able to stand up, extend their limbs, and turn around. This act will also apply to confined veal calves. The owners of these production facilities, large agri corporations, have until the end of 2012 to comply with the requirements of the law. Thus the costs to expand the crate sizes over a period of 6 years will be very minimal.

The issue of cruelty to animals as addressed in this initiative is a moral one. We the voters of Arizona must take the high road through our hearts to diminish the inhumane treatment of veal calves and pregnant sows. We are their only voices.

Arizonans have already shared their humane hearts in that over 1000 volunteer signature gatherers and 218,000 signers paved the way to place the Humane Farming initiative on the November 2006 ballot. They are all to be congratulated and so shall Arizona voters who will make our State a shining example of treating all animals with humane respect.

Jim Shea, Phoenix

I support Proposition 204, the Humane Farming Initiative, and I grew up on a small farm (which my family still owns) where I participated in the raising and slaughter of pigs and cows for years.

When this initiative was first proposed, the large factory farm lobby started a campaign of name-calling and scare-tactics, claiming that those who supported the Humane Farming Initiative were "radicals" with an "anti-meat" agenda. This is not the case.

The initiative language simply seeks to prevent a pig or calf from being confined so tightly that it cannot lie down or turn around for the majority of a day. This is not a radical or anti-meat concept. At no time were any of the animals on our family farm ever constrained to the point that they could not lie down or turn around for an entire day. I cannot think of a legitimate reason to treat a farm animal so poorly and neither can the large factory farm lobby - - which is why they have decided to launch a campaign against the Initiative's supporters while ignoring the Initiative's true purpose.

Please do not be fooled by the political tactics of big business and vote **YES** on Proposition 204, the Humane Farming Initiative. We CAN farm animals humanely.

Sherry R. Scott, Scottsdale

The Second Chance Center for Animals in Flagstaff encourages Arizona voters to vote "YES" on Proposition 204, "Arizonans for Humane Farms."

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*Issued by: Secretary of State Jan Brewer*

PROPOSITION 204

As the largest animal welfare organization in the Northern Arizona region, we have had the pleasure of seeing the care and concern that residents of our community, and the other rural communities in our area, have for animals. Many farming and ranching operations dot the countryside of Northern Arizona – cattle and other livestock can be seen grazing over thousands of acres along interstate highways and country roadsides. This is farming and ranching as it was meant to be, as many of us experienced as children, and how some in the “industrial farming” world would have us believe is still the norm. Sadly, these pastoral scenes are becoming a “vanishing resource” and are coming under greater threat of large-scale factory farms who have little regard for animals as anything more than “production units” designed to put money into corporate pockets.

Our organization was founded out of a deep sense of obligation to alleviate the suffering of animals in the northern Arizona community. As a compassionate people, we as citizens of Arizona must speak out against the horrible suffering endured by animals raised in industrialized factory farms. This proposition does not prohibit animal slaughter or restrict the consumption of meat products, as opponents would like to have you think. It is about one thing only – pen size. Who would seek to deny an animal the simple freedoms of laying down, stretching out, and turning around? We must demand basic decency and the reduction of unnecessary suffering from all animals in our great state.

Please join the Second Chance Center for Animals, and our rural neighbors, in voting “YES” for Proposition 204, and setting the standard for humane care for all animals.

Robert W. Koons, President, Board of Directors,  
Second Chance Center for Animals, Flagstaff

Richard F. Wilson, Treasurer, Board of Directors  
and Founder, Second Chance Center for  
Animals, Flagstaff

*Paid for by “Second Chance Center for Animals”*

As scientists, we are concerned about the serious danger that factory farming presents to public health.

Over half of U.S. farm animals are now concentrated on 5 percent of livestock farms. As these concentrated animal feeding operations (CAFOs) grow, so do health concerns.

CAFOs generate an estimated 2 trillion pounds of animal manure yearly. Stored in open air lagoons, manure wastes generate organic dust, molds, toxic bacteria, and volatile gases such as ammonia and hydrogen sulfide.

Researchers from the Centers for Disease Control, the University of Iowa and Iowa State all agree that CAFO emissions may in fact constitute a hazard to public and worker health, finding increased incidents of headaches, brain damage, gastrointestinal illnesses and even life-threatening pulmonary edema.

Moreover, children who attend school near large-scale livestock farms may be at higher risk for asthma, according to a study in the Journal of the American College of Chest Physicians (June 2006).

To sustain animals in the crowded and unnatural conditions of industrial farming, antibiotics and related drugs are used in massive quantities. This produces antibiotic-resistant bacteria, which can render drugs ineffective in protecting and saving human lives. Children especially are at high risk of infections with drug-resistant organisms linked directly to the agricultural use of antimicrobials. According to a peer-reviewed study by researchers at Johns Hopkins University, inhaling air from industrial hog farms can serve as another pathway for antibiotic-resistant bacteria. Hundreds of organizations, including the American Medical Association, oppose the routine use of antibiotics as feed additives.

The American Public Health Association has issued a call for local, state, and federal officials to enact a moratorium on any new factory farms because of their devastating effects on human health and the environment. Your YES vote on the Humane Farm Act is a crucial step in the right direction.

Cynthia J. Jacquemart, MD, Pediatrics, Phoenix

Jeffrey L. Maxcy, MD, Pediatrics, Glendale

Nolawi M. Mengesha, Internal Medicine,  
Phoenix

Sangeeta N. Ojha, MD, Pediatrics, Phoenix

Robin Silver, MD, Emergency Medicine,  
Phoenix

Deborah Wilson, MD, Gynecology, Advanced  
Laparoscopic Surgery, Paradise Valley

*Paid for by “The Law Office of Stephanie Nichols-Young”*

Heather Lane, CPNP, Pediatrics, Glendale

Mary J. McGee, MD, Pediatrics, Waddell

Cecil F. Michael, Jr., MD, Pediatrics, Peoria

Krystal Palmer, Pediatrics, Peoria

Carrie L. Walters, Neurosurgery, Phoenix

The Humane Treatment of Farm Animals Act is a chance for Arizonans of every background – from conservative Republican to liberal Democrat – to join in agreement that abusing helpless animals is wrong.

Consider what some noted conservatives have recently had to say about factory farming.

Veteran conservative columnist George F. Will wrote of the “intrinsic evil” of cruelty to animals, citing the “pain-inflicting confinements and mutilations” of factory farming that make it a “serious issue of public policy.”

Conservative Fred Barnes, a Fox commentator, observed in The Wall Street Journal: “On the old family farms, pigs and cattle and chickens were raised for food, but they were free for a time. . . They had a life. On industrial farms they don’t.”

Conservative author Andrew Ferguson wrote in Bloomberg News about the attitude that views farm animals

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as “mere production units.” Gestation crates that prevent pigs from even turning around are, he observed, “just one of the cruel innovations the modern industrial farm depends upon.”

Conservative Jeffrey Hart of National Review defined factory farming as “the horrific treatment of millions of farm animals.” And Father Richard John Neuhaus of National Review wrote of “the horrors perpetuated against pigs on industrial farms.” The facts of industrial farming, said Father Neuhaus, constitute “a prima facie case that such methods entail cruelty to animals that warrants public and governmental attention.”

Charles Colson, the Christian author, urged his fellow conservatives to find out “the cattle of the earth are treated on factory farms,” because “we have a duty to prevent the needless torment of animals.”

On Election Day, that’s what the Humane Treatment of Farm Animals really comes down to – our duty to prevent cruelty and needless animal suffering. And Arizonans can affirm that simple moral principle with a resounding “Yes” for humane farms.

The Honorable Kathleen Dunbar, Former  
Arizona State Representative, Legislative  
District 13, Tucson

The Honorable Barbara Leff, Arizona State  
Senator, Legislative District 11, Paradise Valley

The Honorable Carolyn S. Allen, Arizona State  
Senator, Legislative District 8, Scottsdale

The Honorable Toni Hellon, Arizona State  
Senator, Legislative District 13, Tucson

*Paid for by “Arizona Humane Society”*

The Humane Society of Southern Arizona, an organization dedicated to rescuing, protecting and saving the lives of animals for over sixty years, strongly endorses a “yes” vote on Proposition 204, “Arizonans for Humane Farms.” This ballot initiative will outlaw the cruel and intensive confinement of pregnant pigs and veal calves on factory farms.

For decades, Arizona’s farmers raised animals in a humane manner – allowing them to go outdoors and engage in other natural behaviors. Today, many family farmers have been displaced by corporate farming interests that show little concern for basic animal husbandry standards. Instead, they raise animals in intensive confinement – in conditions so severe that the animals cannot even turn around in their cages or crates. The extreme overcrowded conditions cause suffering for the animals while polluting the air, contaminating groundwater and threatening human health. This proposition will restore Arizona’s tradition of humane farming and protect animals, the environment and human health.

This proposition simply states that calves raised for veal and pregnant pigs should not be confined in a manner that prevents them from lying down and fully extending their limbs, or from being able to turn around freely. It would continue to allow the use of pig farrowing crates, which are commonly used during the time of birthing when the young pigs are most at risk from injury. It would, however, eliminate a cruel practice that has no place in this state.

This is not a radical proposition; even those animals raised for slaughter deserve to be treated decently and humanely. This proposition is about setting clear and ethical standards of animal husbandry within our state, and defining the limits of acceptable treatment to animals raised for food. It bars the worst cruelties of factory farming, and puts the law on the side of compassion.

Susan Wilson, President/CEO, Humane  
Society of Southern Arizona, Tucson

M. Jo Smith, Chair Board of Directors, Humane  
Society of Southern Arizona, Tucson

*Paid for by “The Humane Society of Southern Arizona, Inc.”*

As a fourth generation rancher, I urge you to support the Humane Farming Initiative.

Several large housed hog factories were planned and developed near my family’s ranch in northeastern Colorado. As I saw what was involved by the sheer number of hogs and volume of waste, I became very concerned about the Ogallala Aquifer which is the sole source of water for our community and other impact to our way of life. I soon realized that these operations would do more to destroy and devastate rural communities and our way of life than enhance it.

I helped build support for a grassroots citizens’ initiative in the state of Colorado in 1998. We placed an initiative on the ballot that voters approved by 63% to regulate big hog factories. Amendment 14 set-out protections for air standards and water regulations on the waste from large commercial hog operations, in an attempt to keep these industrialized facilities from adversely affecting Colorado’s valuable water, air, and land.

This fight is being waged all over the country on many fronts, pitting small ranchers and farmers and their rural lifestyle against the industrial animal factories, many of which are owned by large, out of state corporations. They tend to divide the communities they locate in and tear the social fabric often beyond repair.

I live near these sites and have first-hand experience on how small, rural communities are affected. Industrialized animal factories also use what I believe to be cruel animal husbandry practices which most traditional family farmers and ranchers do not condone. That’s why I support the efforts of Arizonans for Humane Farms.

Don’t be fooled, in my opinion and experience, Big Agribusiness does not represent the position of family ranchers and farmers.

Sue Jarrett, Wray

*Paid for by Karen Michael*

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*Issued by: Secretary of State Jan Brewer*

Dear fellow Arizonans,

I'm an Arizona resident and I grew up on a small family farm, so I understand what family farming is all about. I'm also aware of what's happened to small family farmers and the environment in our neighbor state of Utah since a mega-factory pork operation opened up in the mid-1990s. I strongly encourage my fellow Arizonans to vote YES on the Humane Treatment of Farm Animals Act.

In Utah, when a mega-factory pork producer opened up just over a decade ago, it severely harmed the local farming families. The number of small pig farmers in the state has dwindled since the opening of this factory farm, but the number of pigs raised in the state has skyrocketed. In just a three-year period, the number of Utah pig farms fell from 800 to 500, while pork production increased nearly seven-fold: from 44,000 to 295,000 pigs. In addition, the Utah operation had several large "spills" of contaminated waste, resulting in fines and severely harming the environment.

Don't be fooled by the opposition to this initiative. The Humane Farming Act IS about protecting small family farms and the environment. We shouldn't allow Arizona to become like Utah. A YES vote is the right thing for Arizona and it's of no cost to the taxpayer. For the sake of our state's small family farmers and our environment, please VOTE YES on The Humane Treatment of Farm Animals Act.

Kelly Cooney, Queen Creek

The twentieth century has witnessed the rise of industrialized, confinement animal agriculture, a different approach from the traditional animal husbandry eloquently described in the 23rd Psalm, which approach created a fair, symbiotic, mutually beneficial and ancient contract between humans and animals.

In my opinion, as author of books on farm animal welfare and teacher of animal science, veterinary, and philosophy classes, sow stalls represent confinement practices at their worst. Given the natural behavior of sows, involving extensive foraging on soft loam and building nests on hillsides for excreta to run off, and their high intelligence, confining them in small enclosure typically measuring 2' X 7' by 3', called gestation crates, for most of their productive lives is morally unacceptable. No sows can turn around in these crates, and many cannot stand up or scratch; some cannot lie down with their body fully extended. Behavioral anomalies, signs of unmitigated stress, and "production disease" problems arise; not a major problem in extensive situations.

The industrialization of swine production has caused other societal problems. These include the loss of small producers (Between 1974 and 1996 numbers of producers declined from 750,000 to 157,000). Between 1994 and 1996, one out of every four hog producers left the business. This in turn led to loss and devitalization of rural communities based in hog production. In addition, "pig-smart" workers have been replaced by unskilled, minimum-wage labor in many industrial operations. The concentration of hogs in large numbers in confinement operations leads to air and water pollution, problems of waste disposal, odor problems, decline in property values, problems of sustainability and issues of worker health, as well as problems of "political health", with large operations exerting unhealthy influence on the political process. We must recall Jefferson's dictum that small, independent farmers are the backbone of democracy.

Bernard Rollin, Fort Collins

*Paid for by "Arizona Humane Society"*

As the nation's largest animal welfare group with more than 9.5 million supporters—including 188,000 who live in Arizona, 1 in every 27 state residents—The Humane Society of the United States urges a "Yes" vote on the Humane Treatment of Farm Animals Act.

- **All animals deserve humane treatment, including those animals raised for food.** Farm animals should not be subjected to cruel and intensive confinement that prevents even the most basic movement. Unrelieved confinement causes their muscles to weaken, joints to stiffen, bones to become brittle and break, and causes the animals undue stress and immense frustration.

- **Leading farm animal welfare scientists oppose these cruel crates.** Farm animal expert Dr. Temple Grandin states, "Gestation crates for pigs are a real problem...Basically, you're asking a sow to live in an airline seat...I think it's something that needs to be phased out."

- **This measure protects traditional farms and their ethic of common sense animal husbandry.** Family farmers have a proud tradition of ensuring that their animals have decent lives. Arizona's pig farms never resembled industrial hog factories, where the animals live their entire lives in crates and never feel the sun or the soil.

- **Just as animals deserve a merciful death, they deserve a merciful life.** There is a law requiring humane slaughter of farm animals, but no laws to require humane treatment while they are being reared.

- **This measure will prevent massive new corporate hog farms from taking root in Arizona.** In Utah, a corporate farm, housing nearly 1 million pigs, set up operation in the Utah desert, with detrimental effects on animals, groundwater, and local communities.

- **Giving animals enough space to turn around and fully extend their limbs is just common sense and common decency.**

Wayne Pacelle, President and CEO, Bethesda

David Wiebers, M.D., Chair, Board of Directors,  
Rochester

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

I have devoted my life to studying animals in the wild, and now I am attempting to use my experience and understanding of animals to advocate for their well-being. I am proud to join my friends at the Arizona Humane

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Society and the Humane Society of the United States in supporting the Humane Treatment of Farm Animals Act.

All animals deserve humane treatment, including those raised for food. On factory farms, animals are treated as mere machines. Two of the most notorious factory farming practices are the confinement of pigs and calves in restrictive crates, which this measure seeks to change:

- Pigs are highly intelligent—as intelligent as dogs. Yet sows kept for breeding on factory farms are confined in tiny individual crates so narrow they cannot even turn around. Deprived of nearly all opportunity to express their natural behavior, they bite at anything they can reach. Then they give up, become listless, and behave as though they are in mourning – with head lowered and eyes glazed.

- Most calves raised for veal are chained by the neck inside of similarly restrictive crates. They cannot lie in comfort. They cannot even turn around. At the end, after four months of suffering, they are dragged from their prisons, their legs so weak that they can barely walk.

Not only is this mistreatment of animals unconscionable and inhumane, the future of small family farmers hangs in the balance as more and more traditional farmers give up, unable to compete with the corporate factory farms whose sole aim is to make as much profit per animal as possible.

Anyone concerned about the humane treatment of animals or the viability of small family farms should vote yes on Measure 204, and approve the Humane Treatment of Farm Animals Act.

Jane Goodall, PhD, DBE, Founder, Arlington

William Johnston, President, Arlington

*Paid for by "The Jane Goodall Institute"*

### **ARGUMENTS "AGAINST" PROPOSITION 204**

VOTE NO on the Humane Treatment of Farm Animals Act.

While the Act on the surface is benign, it represents the beginning of a campaign by Animal Rights – Animal Worshipers to force us to become vegetarians.

- New Zealand has banned cooking live lobsters in boiling water alleging that it is painful for the lobsters. A restaurant in Italy was fined for displaying live lobsters on ice alleging that it was painful. In Norway they tried to have the Government ban the use of worms as fish bait on the grounds that it was painful for the worms. Invertebrates such as lobsters and worms can not feel pain.

- In the U.K they are trying to have angling (sports fishing) banned on the grounds that the fish feel pain when caught on a fishhook. There is no evidence that fish consciously feel pain.

- They are trying to have the Kosher slaughter of cows banned in the United States. It is banned in Germany, Norway, Switzerland, and New Zealand. One of the first actions Nazi Germany took against the Jews was to ban the Kosher slaughter of animals.

- Extremist Animal Rights – Animal Worshipers have burned down animal slaughter plants.

- They have demanded that the University of Arizona shut down its Animal Sciences Program. (Arizona Daily Wildcat, April 22, 2003: p. 1)

- They are opposed to the mutilation of cockroaches (Science, May 19, 2006: p. 979)

Stop this Nonsense Now. Vote No on the Humane Treatment of Farm Animals Act.

Alfred Levinson, Tucson

### **VOTE NO on Prop 204**

It's a sad day when out-of-state, anti-meat, anti-science based interest groups can come to Arizona from back East to push their cruel and inhumane agenda on Arizona's farm families.

They paid petition signature gatherers to spread false-hoods and distort modern, humane and science-based agricultural practices.

The U.S. is already becoming a net importer of agriculture this year.

**Vote 'NO' and let the liberal Farm Sanctuary and the other outside backers know that their agenda won't fly in Arizona!**

Chris Udall, Executive Director

Agri-Business Council of Arizona, Inc.

N.W. "Bill" Plummer, Secretary

Agri-Business Council of Arizona, Inc.

Chris Udall, Executive Director, Agri-Business Council of Arizona, Inc., Mesa

N.W. "Bill" Plummer, Secretary, Agri-Business Council of Arizona, Inc., Scottsdale

*Paid for by "Agri-Business Council of Arizona, Inc."*

As a small family producer of pork products and a third generation born and raised Arizonan, I am very concerned of an initiative that will be presented to the Arizona voters by out of state special interest groups in an attempt to place unnecessary regulations on Arizona's pork producers.

Arizona pork producers follow industry guidelines, which are tested, researched, and approved by the American Veterinary Medical Association. A stress free environment is critical to all pork production operations as well as fresh water and nutritious feed. Our herd is fed a fresh ration that is ground on site from corn, soybean, minerals and vitamins. No hormones, old or spoiled products are ever added to our feed.

Arizona pork producers work many long hours from the break of day, feeding and caring for the herd to all hours of the night as sows farrow bringing the next generation into the world. These tasks are necessary to bring the pork product to harvest in State and Federally inspected processing plants.

Many Arizona jobs are dependant on the production of pork in Arizona. Placing impractical restrictions will

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*Issued by: Secretary of State Jan Brewer*

PROPOSITION 204

effect the production and inevitability put the family farm out of business. This will in turn have the "trickle down" effect with loss of jobs in many other supporting industries that employ Arizona citizens. Arizona we must vote **NO!**

Vicki Trump, Arizona Berkshires, Buckeye

As a small producer of pork products, we ask that the Arizona voters are informed of an initiative that will be presented by out of state special interest groups like HSUS (Humane Society of the United States) Farm Sanctuary, PETA, and others as an attempt to place regulations on Arizona's pork producers.

As an Arizona pork producer for 35 years, we use industry accepted methods in our swine production. Agriculture is an important part of Arizona history as well as its future and feeding Arizonan's is the goal of the pork producer. An environment with the least amount of stress to ensure top quality product for the consumer is imperative to a successful harvest.

Many jobs in Arizona are dependent on Agriculture; initiatives like Proposition 204 will put many Arizona jobs in jeopardy including the occupation of the small pig farmer. We will Vote **NO** on this Proposition.

Pam Fiakas, PamLann Farms, Litchfield Park      Lanny Fahs, PamLann Farms, Litchfield Park

**I am a contributor to the Arizona Humane Society and I do not support this initiative.**

We all have a moral obligation to respect and treat animals humanely. That is why we have laws dealing with cruelty. Farmers and Ranchers go beyond their moral obligation and care for their animals because of the products they produce. Animals that are treated poorly do not produce as well as the animals that are cared for using today's modern, safe, and sanitary practices. Today's food products from these animals are safe, wholesome and affordable.

I hope voters see this initiative for what it is. It was brought to Arizona by two out-of-state animal rights groups with their pro-vegetarian, and anti-meat agendas.

**Farmers and ranchers take very good care of their animals as though their family's livelihood depends on it. To say otherwise is HOGWASH.**

**Please vote NO.**

Cecil H. Miller, Jr., Litchfield Park

**Out-of State Anti-Farm Groups Target Arizona Farmers and Ranchers.**

I am a teacher, counselor and a small family farmer. These out-of-state animal rights groups, Farm Sanctuary and Humane Society of the U.S. shut down two family farm operations in Florida with this same initiative. Now they are here in Arizona with their anti-farm agenda.

**I know Arizona farmers large and small treat their animals humanely.** I have Christian values that include respecting and caring for God's creations.

Farmers have an additional reason to give proper care and attention to farm animals. Animals that are not treated with proper care do not produce the food products we enjoy at our dinner table.

**I hope voters will join me and vote NO on Proposition 204.**

Sherry Saylor, Buckeye

PETA and PETA Wannabes Do Not Speak for Arizona.

PETA activists are responsible for burning down buildings, vandalizing businesses and harassing citizens with their pro-vegan, anti-meat, anti-fur, anti-research and anti-farm agenda. Their New York and Washington D.C. based kissing cousins, Farm Sanctuary and Humane Society of the U.S. are telling Arizona voters that Arizona farmers treat their pigs and veal calves inhumanely.

**First**, we do not raise veal in Arizona so that is their first **lie** to voters.

**Second**, our one large hog operation that these radicals have targeted, has a clean bill of health from our own Environmental Department. So, that is **lie** number two when they say we are polluting the air and water.

**Third**, this modern livestock facility provides a safe and sanitary environment that reduces stress on the animals. Their statements that pigs are being treated cruelly and are under stress, is **lie** number three. The American Veterinarian Medical Association says these modern facilities cause no more stress on the animal than do other types of pens.

**Fourth**, the hogs can lie down and stretch their legs. Their **lie** number four says they cannot.

Their **fifth lie** is that they are protecting the small farmer. These radical groups successfully ran this same initiative in Florida and the result was that the two small family operations that were in Florida are no longer raising hogs.

Their arguments in Arizona are **HOGWASH**. If some of them hold water in other states, they should take the initiative there. Arizona farmers and ranchers should not be saddled with criminal offenses for a problem that does not exist here.

**Vote NO on Proposition 204.**

Elizabeth Foster, Gilbert

Proposition 204 is **HOGWASH!**

The Humane Society of the United States and Farm Sanctuary, the out-of-state backers of this initiative,

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have an extremist agenda of eliminating livestock agriculture and meat consumption in this country. They are not friends of farmers. They are not friends of consumers. Their agenda for you is anti-choice. Their agenda for Arizona farmers is anti-meat and anti-science.

Modern agriculture is humane and science based - just ask the American Veterinarian Medical Association. These out-of-state radicals challenge the morality and ethics of farmers at the same time saying they are defending the family farm. This same initiative by these same groups put Florida family hog farmers out of business in 2002. Now they have come to Arizona.

They are defenders only of their extremist agenda, and we hope Arizona voters see through the "hogwash" they serve up - let's label their message "return to sender".

**Vote NO on 204. It is HOGWASH!**

Kevin G. Rogers, President, Arizona Farm  
Bureau, Mesa

James W. Klinker, Chief Administrative Officer,  
Arizona Farm Bureau, Mesa

*Paid for by "Arizona Farm Bureau"*

Vote NO on Proposition 204

As a practicing Veterinarian and life long caretaker of animals - I ask you to join me in voting NO on Proposition 204. It does not provide for a single measure that will actually improve the care or lives of hogs and calves. It ignores decades of animal husbandry and animal science practices which have proven to increase the care and health of these animals.

Most of the animals I see everyday in my veterinary practice are better cared for when they are confined in ways to reduce the stress and competition created by grouping animals of different sizes and ages. Today's modern producer understands the needs and provides the expertise - gained by the experience of watching their animals each and everyday - necessary for their comfort, care and performance.

As a professional veterinarian, I have taken and uphold my medical oath to care for the animals I treat and diagnose. Arizona's livestock producing families follow a strong ethical and economical model when taking care of their animals.

These are practices - which out-of-state animal rights groups neither care to learn or take the time to understand - that make each day with nutritious feed and professional care the best they can get. Not once have any of these out-of-state groups asked me for my professional expertise about improving animal care.

Please join this veterinarian in voting NO on Proposition 204.

Jerry Biwer, DVM, Casa Grande

Out-of-state animal rights groups are coming to Arizona in an effort to give our livestock producers a black eye. Don't fall for their tactics and let's send them back East by voting NO on Proposition 204.

The Flake family has been raising livestock in Arizona longer than animal rights organizations like PETA and Farm Sanctuary have been in business. We know livestock care - we know animal husbandry - and we know it is impossible to make a profit running our businesses if we do not provide the proper care for the animals we produce.

Arizona's livestock producing families have strong ethical, regulatory and economic incentives in place to ensure the proper treatment of the animals under their care and Proposition 204 does not provide a single measure to improve the care of livestock.

I have been in the Legislature for a long time and neither PETA nor the Farm Sanctuary has ever come to see me about livestock care. Not once have they ever asked to visit my ranch or understand what it takes to produce food for families. Proposition 204 and its heavy handed regulatory process will ultimately lead to moving pork production to other places like Mexico and South America. Now I have nothing against those places - but I like the food we produce in the United States just fine. Join me in keeping our jobs and food production in Arizona. Vote NO on Proposition 204.

Senator Jake Flake, Arizona State Senate, Snowflake

The Arizona Cattle Growers Association strongly opposes Proposition 204. Arizona's ranch families continue to practice and support all of those who participate in new and scientifically proven animal husbandry. It is our duty and responsibility to treat our animals with care in order to produce beef as safely as possible to ensure a healthy product for consumers. The association has developed Beef Quality Assurance Guidelines to help ranch families ensure a quality product for all to enjoy.

Proposition 204 goes beyond expanding the stalls of sows and calves; the out-of-state animal rights groups who brought it to our state have a hidden agenda to end all animal agriculture. Producing livestock is more than a job here in Arizona, for many of us it is family tradition to put food on the table of Arizona's families. Do not allow these out-of-state animal rights groups to end these family traditions for those who have worked so hard to keep it alive.

**Vote no on Prop. 204.**

Bill Brake, President, Arizona Cattle Growers  
Association, Scottsdale

Tom Chilton, Vice President, Arizona Cattle  
Growers Association, Tucson

*Paid for by "Arizona Cattle Growers Association"*

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*Issued by: Secretary of State Jan Brewer*

**PROPOSITION 204**

**Arizona's Livestock Producers Care for Their Animals!**

Please join Arizona's livestock producing families in voting NO on Proposition 204. It is a false choice! It is a measure brought to Arizona by out-of-state animal rights groups that disagree with animal agriculture.

Arizona's livestock producing families provide the best of care for their animals. All of our animals receive professional veterinary care. Each and every day we provide them with nutritious feed, vitamins and water – while they provide us with our livelihoods. We never have had a PETA person assist us in feeding these animals when it was 110 degrees outside. We have never found them assisting us when we were knee deep in mud fixing one of the water lines to quench our animals thirst.

Animal husbandry is what we know, what we practice and what we employ when producing food for Arizona's dinner tables. We follow nature's law – we take care of our animals and our animals take care of us.

When we have challenged these groups to join us in providing additional resources for animal health research, animal welfare studies and expanded education efforts – they have been silent. When we explained that the criminal code and jails do nothing for educating or improving animal husbandry – we were ignored. When we have asked them to assist us in overcoming the challenges of producing highly nutritious meals for Arizona's nearly 7 million consumers – they were out protesting. They have not helped.

We join Arizona's voters in seeking to improve animal care – however, Proposition 204 will hurt – not help us in achieving that goal.

Vote NO on 204.

Scott Shill, President, Arizona Cattle Feeders' Association, Welton

Jerry Kennedy, Board Member, Arizona Cattle Feeders' Association, Casa Grande

*Paid for by "Arizona Cattle Feeders' Association"*

**ARGUMENT AGAINST PROP 204**

**Proposition 204 is an attack on Arizona's Farm and Ranch families. Out-of-state animal rights groups want you to cast a vote against our farm and ranch families. Don't be fooled!**

**Proposition 204 is about a choice --- You can vote for Arizona's Farm and Ranch Families.....or you can vote for out-of-state animal rights groups.**

**Vote NO on Proposition 204.**

William L. Sawyer, Maricopa

**ARGUMENT AGAINST PROPOSITION 204**

**Radical out-of-state animal rights groups are coming to our great state with yet another anti-farm and anti-meat agenda. Proposition 204 will increase the cost of producing meat in our state by ignoring historically recognized farm animal welfare practices.**

**Proposition 204 will drive the production of pork to other states and even other countries like Mexico. The Farm Sanctuary ran a similar proposition in Florida which caused the only two family pork farms in Florida to shut down – we don't want this to happen in Arizona. Proposition 204 is about eliminating our choices as consumers. Don't let the Farm Sanctuary take away your choice as a consumer.**

**Vote NO on Proposition 204.**

Norman J. Hinz, Jr., Maricopa

**Say NO to the Out-of-State Animal Rights Agenda**

**The Arizona Chamber of Commerce and Industry urges Arizonans to vote NO on Proposition 204 because it is unnecessary and its passage will spur other campaigns that threaten one industry after another and the jobs they provide.**

Proposition 204 is a government infringement on the rights of Arizona farmers to conduct their operations according to customary industry standards.

Agriculture has long been a foundation of the Arizona economy, and remains so today. This measure singles out hog and veal farming, but could well be extended to other agricultural operations if it passes. Ironically, Arizona has only one hog operation in the state and no veal industry. This begs the question of why they are seeking to put this new law on the books.

The Arizona Republic reported on July 10th ("**Initiatives Attracting Big Money - Out-Of-State Donations at Issue**") that out-of-state animal rights groups have, to that date, funneled \$325,000 into this initiative. Their time and money would have been better spent focusing their efforts on market reforms that rely on free consumer choice rather than government coercion. This same group backed a similar ballot measure in Florida using government coercion which has bankrupted that state's only two hog farms

Arizona voters must stay firm in rejecting the use of our initiative process to target unreasonably specific industries and businesses. **That is why the Arizona Chamber of Commerce and Industry urges Arizonans to vote NO on Proposition 204.**

Steve Twist, Chairman of Board of Directors, Arizona Chamber of Commerce and Industry, Scottsdale

James J. Apperson, President & CEO, Arizona Chamber of Commerce and Industry, Scottsdale

*Paid for by "Arizona Chamber of Commerce"*

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PROPOSITION 204

**Prop 204 is HOGWASH !**

Arizona's farmers and ranchers strongly oppose Proposition 204 and ask Arizona voters to do the same.

The initiative is created and funded by out-of-state animal rights organizations as a part of their national political agenda to end meat production in the United States.

Prop 204 sets groundbreaking criminal penalties for farm practices that are veterinarian approved and have been in place for generations.

Indeed, should 204 be approved, farmers and ranchers in Arizona could go to jail and pay thousands of dollars in fines.

Prop 204 would pile unnecessary regulations on Arizona farmers and ranchers with no positive result for farm animals. **These regulations will lead to higher costs and even more pressure to relocate the raising of animals for food to other states, maybe even other countries.**

We don't want to see the U.S. dependent on foreign food like we are dependent on foreign oil.

This proposition is a ridiculous over-reaching political effort by out-of-state extremists.

**1. Extreme animal rights agenda.**

**2. Higher costs for food.**

**3. Farm operations leaving Arizona.**

Proposition 204 is hogwash.

Jim Klinker, Chairman, Campaign for Arizona Farmers and Ranchers

Robert Schuler, Treasurer, Campaign for Arizona Farmers and Ranchers

Jim Klinker, Chairman, Campaign for Arizona  
Farmers and Ranchers, Mesa

Robert Schuler, Treasurer, Campaign for  
Arizona Farmers and Ranchers, Scottsdale

*Paid for by "Campaign for Arizona Farmers and Ranchers"*

**New Criminal Penalties for Farmers and Ranchers?**

Prop 204 would create a new law in Arizona's 'CRIMINAL CODE' that could put farmers and ranchers in prison for 6 months and fine them \$20,000 -- All for raising farm animals as they have for generations.

Why on earth is anyone proposing to turn our farmers and ranchers into criminals?

**Vote 'NO' on Prop 204.**

Alice Lara, Phoenix

Alice Lara, Phoenix

**Hamburger meat from Mexico?**

The Prop 204/Hogwash initiative will cause our food to come from foreign countries.

And, those countries **don't necessarily have the same health and safety regulations** as the United States.

We can't continue to run farmers and ranchers out of business and expect our food production to stay in America.

**Prop 204? I'm voting 'NO' on Nov. 7!**

Faith Willman, Phoenix

Faith Willman, Phoenix

**Veterinarians Oppose Prop 204**

As professional veterinarians doing business here in Arizona, we all stand in opposition to this ballot measure. It is misguided, unnecessary and not based on sound science or research.

We urge you to vote 'NO'.

Kathryn J. Beers, DVM, Chandler

Alan B. Herring, DVM, Chandler

Stephen A. Smalley, VMD, Chandler

Bruce Ericsson, DVM, Chandler

Marjorie LiNard, DVM, Chandler

Neil B. Holmes, DVM, Buckeye

Niles R. Jennett, Chandler,

**Tucson Veterinarian Urges 'NO' on 204**

Professionals involved in swine health and production continually evaluate methods of housing and caring for pigs.

**Animals that are comfortable and well cared for are more productive.**

Good animal care practices are generally appreciated by consumer groups.

A study based on sound scientific investigation was conducted by the American Veterinary Medical Association and resulted in a position statement which concludes that individual husbandry is more important than housing method and indicates that open housing and gestation stalls can be equally acceptable if properly used.

Sound governance would benefit from regulations based on sound science and professional experience rather than **political agendas** that use innuendo and attempt to falsely influence those who have no swine care experience.

Uninformed interference with sound management practices will ultimately result in less available and more expensive food products.

**VOTE NO.**

Bob Glock, Veterinarian, Tucson

Bob Glock, Veterinarian, Tucson

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*Issued by: Secretary of State Jan Brewer*

**Veterinarian Says Vote 'NO'**

This is a cynical attempt by those outside Arizona to denigrate the good work of Arizona farmers and ranchers who raise animals humanely for the production of food.

I am a veterinarian, with a Masters degree in swine production and medicine, and manager of a hog farm in northeastern Arizona. **I and more than 100 highly trained employees have dedicated ourselves to raising animals humanely.** For us, the humane treatment of animals is fundamental to our livelihoods.

We provide our animals nutritious diets of corn, soybeans and vitamins, as well as access to fresh water at all times. We keep them in barns that are specially designed to allow sunlight and fresh air in, while protecting them from extreme heat and cold, snow and rain. We also take steps to protect them from illness and injuries, and we provide prompt medical attention when needed. Consistent with sound scientific data and many years of real world experience, our practices and policies promote the welfare of our animals.

**As a veterinarian, I took an oath to protect animal health and relieve animal suffering, which I don't take lightly.** As a farm manager, I have a duty to raise animals effectively – and humanely – in order to be successful in the marketplace. These are responsibilities that do not conflict. Indeed, they go hand in hand.

I urge Arizonans to **VOTE 'NO'**.

Don Davidson, Veterinarian, Pinetop

Don Davidson, Veterinarian, Pinetop

**Arizona Veterinarian Opposes Initiative**

As a veterinarian, I have sworn to protect animal health and relieve animal suffering. **Every day, my work is focused on providing effective – and humane – care to the animals in my charge.**

As an Arizona hog producer, who also holds a Masters degree in swine production and medicine, I understand and accept my responsibility to promote the welfare of animals raised for the production of food. They have free access to fresh water and receive nutritious diets of corn, soybeans and vitamins designed by expert nutritionists. The animals are kept in specially designed barns that protect them from extreme heat and cold, snow and rain, while allowing sunlight and fresh air in. They are protected from illness and injuries that often occur among herds and receive prompt medical attention when needed. Employees who provide hands-on, day-to-day care are highly trained and certified under scientifically based programs developed by leading experts.

I grew up on a farm and, like many other veterinarians, developed a deep respect for livestock early in life.

**That respect for animal welfare provided the motivation for a career in veterinary medicine.**

At the same time, I have an obligation to consumers to produce safe, high quality pork.

Those of us who raise pigs in Arizona are living proof that it is indeed possible to meet the expectations of the marketplace and society's demand for the humane treatment of farm animals.

**I urge Arizonans to VOTE NO.**

Mike Terrill, Veterinarian, Pinetop

Mike Terrill, Veterinarian, Pinetop

The success of Arizona livestock producers is dependent upon their ability to produce healthy animals. For generations, farmers and ranchers have prided themselves on providing their animals effective – and humane – care, the result of which is safe, high quality products for consumers.

Arizona hog farmers house their animals in specially designed barns that protect them from extreme temperatures, rain, and snow. Curtain-sided barns allow natural light and fresh air in while also protecting animals from harmful UV rays. The animals are fed nutritious diets of corn, soybeans and vitamins designed by expert nutritionists.

Breeding sows, the female animals that produce the pigs which are sold at market, are kept in group pens and individual stalls, both commonly used and humane methods of housing. Animals kept in stalls during gestation are able to move forward and back, lie down comfortably and fully extend their limbs.

Approved by leading veterinary groups, including the American Veterinary Medical Association and the American Association of Swine Veterinarians, stalls reduce competition for food and minimize aggression that often occur in groups. Stalls also enable caregivers to effectively monitor the medical conditions of animals and provide individualized care efficiently, minimizing occurrences of disease among sows.

More important than housing, however, is the stockmanship of caregivers. Veterinarians, who have sworn to protect animal health and relieve suffering, oversee the care of our animals. Day-to-day care is delivered by highly trained farm employees who receive ongoing education under science-based initiatives designed to promote animal welfare. By providing the tools and expertise to their employees and applying the learnings gained over decades of real life experience, Arizona hog farmers demonstrate their commitment to raising animals humanely and producing safe, nutritious pork products for consumers.

We urge a no vote.

Michael D. Terrill, D.V.M, President, Arizona  
Pork Council, Pinetop

*Paid for by "Arizona Pork Council"*

Tom Miller, Executive Director, Arizona Pork  
Council, Casa Grande

The United Dairymen of Arizona is a milk marketing cooperative whose members produce approximately 85% of the milk in the state of Arizona. Our organization represents small, medium and large dairies, all of

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which are family run businesses. Many of them represent generations of dairy farmers. We are opposed to this initiative for three reasons. First, we know that in order to thrive, livestock operations (whether they are dairy, beef cattle, poultry or swine) must treat their animals humanely. If we don't we can't stay in business. The measure is fundamentally unnecessary. Second, we resent the fact that organizations and individuals with no commitment to Arizona, who have no experience of animal husbandry, and who have nothing to lose in this fight, have stepped in to manipulate the voters of Arizona. Finally, the initiative is NOT about stall size. It's about radical vegans who want to impose their values and beliefs on the rest of the country, one state at a time. This is a tofu-wolf in sheep's clothing, and we urge Arizona voters to vote no on this measure.

Jim Boyle, President, United Dairywomen of  
Arizona, Mesa  
*Paid for by "United Dairywomen of Arizona"*

Keith Murfield, CEO, United Dairywomen of  
Arizona, Chandler

### Beware of the Con

Arizonans should not confuse our local Humane Societies with the Humane Society of the U.S. The HSUS is not affiliated with, nor is it a parent organization for local humane societies, animal shelters or animal care and control agencies. Despite the dogs and cats pictured in its fundraising materials, it doesn't take in stray, neglected or abused pets, nor does it run spay/neuter programs. The HSUS does not operate or have direct control over any animal shelter. It has taken advantage of the common image of animal protection agencies dedicated to **animal welfare** to become the wealthiest **animal rights** organization on earth. With an operating budget of \$95 million in 2005, the HSUS could build and operate an animal shelter facility in every state in the country.

HSUS is related to other animal rights groups in a way similar to a mugger is related to a con man. Both will rob you: they use different tactics, have different timetables, but the result is still the same. The con man may even criticize the mugger for using confrontational tactics and giving all thieves a bad name, but your money is still gone. HSUS preys on the emotional connection that many of us have for animals, and transforms compassionate contributions into campaign after campaign to impose their values (vegan diet, no pets, no animal research, etc.) on all of us.

HSUS is currently under investigation in Louisiana for its activities related to fundraising for Katrina pet rescue efforts. It spent roughly \$6 million of the \$29 million it raised to assist in that effort. Wonder where the other \$23 million went... maybe to help underwrite voter manipulation efforts like the one we're experiencing here in Arizona.

Vote no on 204.

Frances Lechner, Phoenix

As a fourth generation dairy farmer in Arizona, I am outraged that this initiative has attempted to dupe Arizona voters into thinking the goal is to help animals. This campaign is a slap in the face to Arizona farmers and ranchers who have always treated our livestock humanely. To say this is a measure to help family farms is a joke. Just ask the two family-owned pork farms in Florida who were forced to shut down after this same kind of campaign won in 2002. Don't believe their ads; they are just part of a long, well-funded campaign by people who want to dictate our animal raising ethics.

Henry Kibler, Jr., Casa Grande

Voters should not be confused by the apparently tame language of this initiative. This is part of a long, expensive, state-by-state process to eliminate the livestock industry. As a long time dairy farmer, I am one of John "J.P." Goodwin's targets. Goodwin, originally from Tennessee, founded the Coalition Against Fur Trade, and was a spokesman for the Animal Liberation Front. "J.P." dropped out of high school to participate in animal rights protests, has been arrested multiple times for criminal acts and was found guilty of vandalizing fur stores. Now on staff at HSUS, J.P. has a huge budget to pursue his goal: **"The abolition of all animal agriculture."** This is the same philosophy of Dan Mathews, a vice president at PETA: "We're at war, and we'll do what we need to win. **If we got rid of the slave trade, we can get rid of the beef industry.**" If you eat meat or eggs, if you like ice cream, or cheese on your pizza, if pork sausage is a breakfast treat for you, or if you think others have the right to make these food choices even if they're not your preference, then vote **NO** on this initiative.

Dennis Dugan, Casa Grande

Voters should be asking WHO is behind this campaign, because it will tell them lots more about WHAT this is all about. The two large, deep-pocket organizations behind this campaign share the same philosophy and goals as radical groups like Animal Liberation Front and PETA. Bruce Freidrich, President and Co-founder of PETA says it nicely: "I think it would be great if all of the fast-food outlets, slaughterhouses, these laboratories and the banks who fund them exploded tomorrow. I think it's perfectly appropriate for people to take bricks and toss them through windows. If we really believe that animals do have the same right to be free from pain and suffering at our hands, then of course we're going to be, as a movement, blowing stuff up and smashing windows. For the record, I don't do this stuff, but I do advocate it." Or how about fellow co-founder, Ingrid Newkirk: "Animal liberationists do not separate out the human animal, so there is no rational basis for saying that a human being has special rights. A rat is a pig is a dog is a boy. They're all mammals." She adds that "Even if animal research pro-

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*Issued by: Secretary of State Jan Brewer*

duced a cure for AIDS, we'd be against it." And Gary Yourofsky, a national lecturer: "What we must do is start viewing every cow, pig, chicken, monkey, rabbit, mouse and pigeon as our family members." And from HSUS, the folks who helped to fund this campaign, Michael Fox a senior scholar says "The life of an ant and that of my child should be granted equal consideration." Is this who we want dictating how food is produced in this country? Not on my watch, thanks. Vote NO on this initiative.

Hector Stechnij, Owner, Mesa

I think people should be highly suspect of deep pocketed out-of-state organizations with hidden agendas, who play on the good people of Arizona's emotions in relation to animals. Apparently they know more about animal husbandry in agriculture operations than all the professionals in the business. I guess we should no longer use or trust years of University research or veterinary experience. We can just let the out-of-state organizations do our thinking for us.

Mike Billotte, Tempe

I am going to vote NO on the Prop 204/Hogwash proposition. My husband and I are former pork producers in Arizona. He spent many years in the national leadership of the pork industry. As a result we have known pork producers in most every state. The nations pork producers are very conscious of their animal's welfare and producing a quality product for consumption by consumers. Arizona pork producers are no different. The out of state activist's who are behind this proposition are all part of the animal rights, anti meat movement that includes HSUS, PETA, Farm Sanctuary and Animal Liberation Front plus others. All nice sounding names but all have the agenda to stop meat animal production and force us to a vegan diet.

The production methods used in Arizona have been in place for over 10 years and have been tested and researched. They are pork industry and American Veterinary Medical Association approved. There has never been one complaint here until these out of state activists came to Arizona after they were successful with a similar campaign of lies in Florida and put family farmers out of business there. They have come to Arizona to do the same thing.

I urge you to just think for a minute and ask yourself would a farmer raise livestock and intentionally put them in a stressful environment? Absolutely not!! This would cause the animals to be non-productive and he would have a losing business.

Don't let these outsiders spread their lies and disrupt good honest agriculture business' and put good hard working families out of work. Vote NO on the HOGWASH initiative.

Jana Miller, Casa Grande

I will vote NO on the Hogwash initiative.

I raise pigs in the Wickenburg area and have for many years. The thought that out of state groups, Humane Society of the United States and Farm Sanctuary, both animal rights activists can come into our state with the agenda of disrupting animal agriculture in Arizona really irritates me. They did almost the exact thing in Florida and put family farmers out of business. Any person raising livestock does so humanely. Anything less would be raising animals under stress and therefore not being productive. Arizona farmers are no different. They follow procedures and use equipment that has been researched and tested for years and is approved by the industry experts and the veterinary associations.

This proposition is Hogwash so please vote NO!!

Elijah Hopkins, Hopkins Ranches, Wickenburg

*Paid for by "Hopkins Ranches"*

The Hogwash Proposition will get my NO vote. I have been involved in agriculture for 37 years. I have raised pigs and other livestock and have known many people who also raised livestock. I have not known one of these people who would subject their animals to any inhuman or stress conditions. To do this would make absolutely no sense because the farm would be non-productive. Modern livestock production techniques have been tested for many years by research specialists and have their approval as well as veterinary associations. For the sponsors of this proposition to say otherwise tells me they know nothing about livestock production, have a hidden agenda or both. We don't need out of state activists telling our farmers how to run their business.

HSUS, PETA, ALF and Farm Sanctuary and others are groups that go around the country financing initiatives like this. Records show most of the financing for this campaign is coming in from these types of groups. I don't like the fact they can come in here and try to disrupt agriculture operations that have been in business and operating according to industry standards for well over ten years.

This is HOGWASH and I will vote 'NO'.

Leroy Unrast, Willcox

#### **Vote 'NO' on Prop 204**

I have been a pork producer in Arizona since I was a child. This totals to more than 44 years. I am on the Board of Directors of the Arizona Pork Council. Producers in this state use only humane methods to raise their animals. To do otherwise, as is being alleged in this proposition would be going against all business sense for running a efficient operation. Livestock producers do not use inhumane methods. If a person just stops and thinks about it, even some on not acquainted with farming would conclude it would make no sense to put you animals under stress.

I know the people involved with the one Arizona operation targeted by this proposition and they run a farm that houses well cared for animals that are fed a nutritious diet of corn, soybeans and vitamins, under the care of trained

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personal and staff veterinarians. The facilities are kept very clean. They are stewards of the land and environment as well.

The movement for this proposition began when the likes of out of state animal activists groups like PETA, Farm Sanctuary, Animal Liberation Front came to Arizona and duped people here to sponsor their anti-meat, anti-farming agenda.

We don't need out of state groups influencing how our farmers run their business.  
Vote NO on the HOGWASH proposition.

Larry Beck, Cochise

#### **Vote No on Prop 204**

I will vote NO on the Hogwash initiative. This measure is the result of out of state groups, Humane Society of the United States and Farm Sanctuary, both animal rights activists with the agenda of disrupting animal agriculture in Arizona. They spread their lies in Florida and the result was family farmers being put out of business.

Any person raising livestock does so humanely. Anything less would be raising animals under stress and not being productive. Arizona farmers are no different. They follow procedures and use equipment that has been researched and tested many times and is approved by the industry experts and the veterinary associations.

We do not need extremist's organizations such as PETA, Animal Liberation Front, Farm Sanctuary and others coming to Arizona spreading lies and trying to put Arizona's livestock industry out of business.

Vote NO on the HOGWASH initiative.

Shea Nieto, Casa Grande

The Hogwash/204 proposition gets my NO vote.

I am not a farmer but I have watched as groups like Humane Society of the United States, PETA, Farm Sanctuary and other animal rights goof balls try to make us believe animals are like humans. They show up in states and try to scream their message of lies and lead us to a vegetarian diet.

Now they are here in Arizona trying to make us believe farmers who are raising livestock are treating their animals inhumanely. That is HOGWASH. I have known farmers and to think they would treat animals cruelly that they are raising to support their families is totally ridiculous.

I say to these activists groups, "Go home and leave us alone. Go peddle your lies somewhere else". That is why I am voting NO to their HOGWASH.

Jerry Seppanen, Scottsdale

#### **Farmers Oppose Prop 204**

As employees of an Arizona livestock farm, we know first-hand the **high level of humane care** provided to pigs raised in our state.

Our animals are kept in special barns that **protect** them from very high and very low temperatures. The design of the barns also protects them from injuries and the competition for food that happens among pigs kept in herds. When illnesses occur, we treat our animals quickly under the **close supervision of the farm's veterinarians**. The animals are also fed **nutritious diets** of soybeans, corn and vitamins and have access to **fresh water** whenever they want it.

The farm's managers provide regular training and education to those of us who care for the animals day to day and ensure that we have the tools to do our jobs effectively.

**We're proud of what we do** to raise livestock in Arizona humanely and help to provide consumers the safe, healthy pork products they expect to find on grocery store shelves.

Please **VOTE NO** on Prop 204.

Gordon B. Lawler, Lakeside  
Janet Magill, Snowflake  
Jerry McGraw, Snowflake  
William Tate, Snowflake  
Doug Johnson, Snowflake  
Delbert Begay, Indian Wells

Susan Howard, Snowflake  
Jim Mortensen, Snowflake  
Cody Maennche, Taylor  
Robert Alter, Snowflake  
Guillermo Anchondo, Snowflake  
Donald Winder, Snowflake

#### **Needless Regulation**

Do we really need a new law to tell Arizona farmers and ranchers how to take care of their animals?  
Proposition 204 is ridiculous.

Trevor Hardy, Mesa

#### **VOTE NO ON PROP 204**

Don't let out-of-state animal rights activists dictate to Arizonans what Arizona law should be.

We in Arizona have a long and proud history of doing things our own way.

That's why we have grown and prospered.

That's why new Arizonans arrive everyday.

People come to Arizona to enjoy the Arizona way of living.

**Don't let activists who have decided not to live here tell us how to live our lives.**

Robert Shuler, Scottsdale

Robert Shuler, Scottsdale

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*Issued by: Secretary of State Jan Brewer*

**Arizona Agriculture Is United Against Prop 204**

All of Arizona agriculture stands united against the out-of-state animal rights groups. Their emotional arguments are based on junk science and most have never set foot on a farm or ranch, let alone in Arizona.

Farming and ranching is serious business. Food, climate, temperature, veterinary care, water, health, safety, bio-security. Nothing is left to chance. Everything is calculated and accounted for or else the farm or ranch can't operate.

Farmers and ranchers take extremely seriously the trust and confidence that consumers have placed in us to provide them with safe, healthy and affordable food.

We hope you won't let the animal rights activists fool you.

**Vote 'NO' on Prop 204.**

Clint Hickman, President, Arizona Poultry Federation

Jennifer Hickman, Secretary, Arizona Poultry Federation

Clint Hickman, President, Arizona Poultry Federation, Goodyear

Jennifer Hickman, Secretary, Arizona Poultry Federation, Goodyear

**Snowflake Businesses Say Vote 'NO' on Prop. 204**

Farming and ranching are a way of life in Arizona and in northeastern Arizona we are privileged to have responsible livestock producers as friends and neighbors.

Our livestock producers are conscientious citizens, valued employers and responsible stewards of their animals. They are respected throughout the local business community for their commitment to their employees and their families, business partners and others whose livelihoods are tied to animal agriculture.

Our local pork producer has taken considerable steps over the years to promote the welfare of its animals, which is critical to its business success. Their farm provides employees the tools and training to **effectively care for their animals** under the close supervision of veterinarians. It utilizes the best science available and decades of experience to **raise pigs humanely**. The result is safe, high quality and affordable pork for consumers.

We have seen firsthand what a responsible and respected livestock producer brings to a community like ours. That's why we're urging Arizonans to stand up for our farmers and ranchers, not outside interests who merely want to use our great state as a stepping stone to achieving their anti-farming agenda.

Vote NO on 204.

Greg Hudson, Executive Director Snowflake Taylor Chamber of Commerce, Snowflake

Keith Baldwin, Treasurer, Snowflake Taylor Chamber of Commerce, Taylor

*Paid for by "Snowflake/Taylor Chamber of Commerce"*

Livestock production is integral to the way of life for many residents of northern Arizona communities. For generations, families have raised animals for the production of food and the livelihoods of many others have been dependent on animal agriculture.

For those of us in Snowflake, Arizona, hog production, in particular, plays an important and positive role in our community. Our pork producer is a valued employer, productive business partner and respected civic member. It is a responsible steward of the environment and a trusted caretaker of its animals.

Those who work in hog production in Snowflake understand and accept their responsibilities as livestock producers. They combine a keen understanding of animal science with decades of real life experience to promote the welfare of their animals, treating them with great care and respect throughout their lives. Ultimately, the care they provide their animals results in the production of safe, wholesome pork products for consumers.

We take pride in the way our friends and neighbors raise pigs in Snowflake and it is our hope that Arizonans across the state will likewise stand up for Arizona's farmers and ranchers in November.

Mayor Kelly S. Willis, For the Snowflake Town Council, Snowflake

**GET REAL**

I cannot believe we're wasting space on the ballot with a ridiculous question like Prop 204.

Little by little we're allowing the crazy minority to push their extreme agenda on the rest of us. I for one am tired of it.

The out-of-state animal rights zealots who fund this effort don't speak for me or for any other Arizonan with an ounce of sense.

All it takes is one visit to any fringe animal rights organization website to see these people have a national political agenda to end the raising of pigs, cows, chickens and fish for food.

And to think they have the gall to push their real agenda under the guise of wanting better treatment of pigs.

**Get real!**

A NO vote on 204 will show the rest of the nation that Arizonans can still tell the difference between a pig and a poke.

Lisa Barnes, Mesa

PROPOSITION 204

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**BALLOT FORMAT**

**PROPOSITION 204**

PROPOSED AMENDMENT BY INITIATIVE PETITION

**OFFICIAL TITLE**

AN INITIATIVE MEASURE  
PROPOSING AMENDMENT TO TITLE 13, CHAPTER 29, ARIZONA REVISED STATUTES BY ADDING SECTION 13-2910.07; RELATING TO CRUEL AND INHUMANE CONFINEMENT OF ANIMALS.

**DESCRIPTIVE TITLE**

PROHIBITS CONFINING PREGNANT PIG OR CALF RAISED FOR VEAL FOR ALL OR MAJORITY OF A DAY IN A MANNER THAT PREVENTS LYING DOWN AND FULLY EXTENDING LIMBS OR TURNING AROUND; PROVIDES EXCEPTIONS, INCLUDING TRANSPORTATION, RODEOS/FAIRS, LAWFUL SLAUGHTER AND RESEARCH, VETERINARY PURPOSES; ESTABLISHES MISDEMEANOR PENALTIES AND FUNDING FROM FINES.

**PROPOSITION 204**

A "yes" vote shall have the effect of establishing misdemeanor fines and penalties for tethering or confining a pregnant pig or a calf raised for veal for all or a majority of the day in a manner that prevents the animal from lying down and fully extending its limbs or turning around freely but excepts transportation of the animal, rodeo and fair exhibitions, lawful slaughters, research, veterinary purposes and the seven day period before a pig's expected date of giving birth.	<b>YES</b> <input type="checkbox"/>
A "no" vote shall have the effect of not changing the existing laws regarding the manner in which pigs and calves are raised.	<b>NO</b> <input type="checkbox"/>

**PROPOSITION 204**

PROPOSITION 205

OFFICIAL TITLE

AN INIATIVE MEASURE

PROPOSING AMENDMENTS TO TITLE 16, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY REPEALING SECTION 16-248, ARIZONA REVISED STATUTES; PROPOSING AMENDMENTS TO TITLE 16, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY REPEALING SECTION 16-404, ARIZONA REVISED STATUTES AND ADDING A NEW SECTION 16-404, ARIZONA REVISED STATUTES; PROPOSING AMENDMENTS TO TITLE 16, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES BY AMENDING SECTION 16-411, ARIZONA REVISED STATUTES; PROPOSING AMENDMENTS TO TITLE 16, CHAPTER 4, ARTICLE 5, ARIZONA REVISED STATUTES, BY AMENDING SECTION 16-461, ARIZONA REVISED STATUTES; PROPOSING AMENDMENTS TO TITLE 16, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY REPEALING SECTION 16-510, ARIZONA REVISED STATUTES AND ADDING A NEW SECTION 16-510, ARIZONA REVISED STATUTES.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of the State of Arizona:

Sec. 1. Title

This measure shall be known as the "Your Right to Vote by Mail Act."

Sec. 2. Declaration of Purpose

It is the purpose of this measure to increase voting in Arizona. For many Arizonans, the physical act of going to their polling place on election day is an impediment to their ability to vote. There are countless reasons causing voters to unwillingly stay away from the polls, ranging from physical disability to last minute personal emergencies on election day. This measure eliminates impediments to voting and provides unlimited access to voting by registered voters, thereby increasing voting. Under present Arizona law, any registered voter may request an early ballot for voting. The early ballot can be returned timely by mail or hand delivered to election officials. This early voting by mail process is working well as the percentage of early ballots has been increasing over the course of recent elections.

To fully maximize the ability and opportunity for all of Arizona's registered voters to vote, this measure proposes to institute a vote by mail election process in Arizona. This new election process will establish voting by mail as the standard election process and provide equal access to voting.

The present laws for voter registration will not be changed by this measure. The state's early voting option will continue under this measure. The present laws for properly verifying a mailed in ballot will be adhered to under this measure. To save tax dollars, sample ballots will no longer be mailed to each household where a registered voter resides, because a ballot will be sent automatically to each registered voter. On election day, voters will still be able to vote at a limited number of county-wide polling places or deliver their ballots at the offices of election officials. This election day voting option ensures that those voters who prefer or need to vote in person, for whatever reason, may do so.

Sec. 3. Repeal

Section 16-248, Arizona Revised Statutes, is repealed.

Sec. 4. Repeal

Section 16-404, Arizona Revised Statutes, is repealed.

Sec. 5. Title 16, Chapter 4, Article 1, Arizona Revised Statutes, is amended by adding a new

Section 16-404, to read:

16-404. Elections by mail; minimum number of polling places

NOTWITHSTANDING ANY OTHER LAW OR ANY CHARTER OR ORDINANCE OF ANY COUNTY, CITY

OR TOWN TO THE CONTRARY, ANY ELECTION CALLED PURSUANT TO THE LAWS OF THIS STATE SHALL BE CONDUCTED BY MAIL. THE USE OF POLLING PLACES FOR VOTING IN THIS STATE SHALL BE RESTRICTED TO AN ABSOLUTE MINIMUM OF COUNTY WIDE AND NOT PRECINCT SPECIFIC POLLING PLACES THAT ARE DEEMED ESSENTIAL BY COUNTY RECORDERS AND ELECTION OFFICIALS. SCHOOL BUILDINGS SHALL BE PROHIBITED AS POLLING PLACES. THE COUNTY BOARDS OF SUPERVISORS SHALL ONLY APPOINT AND FURNISH ELECTIONS MATERIALS TO ELECTION BOARDS, TALLY BOARDS, INSPECTORS, MARSHALLS, JUDGES AND CLERKS OF ELECTIONS TO SERVE IN COUNTY WIDE POLLING PLACES AND NOT IN EACH PRECINCT. EARLY VOTING BY MAIL, ON-SITE EARLY VOTING AT THE COUNTY RECORDER'S OFFICE OR OTHER ELECTION OFFICIAL'S OFFICE AND ON-SITE ELECTION DAY VOTING AT THE COUNTY RECORDER'S OFFICE OR OTHER ELECTIONS OFFICIAL'S OFFICE SHALL CONTINUE.

Sec. 6. Section 16-411, Arizona Revised Statutes, is amended to read:

16-411. Designation of election precincts and polling places; electioneering

A- The board of supervisors of each county shall, on or before December 1 of each year preceding the year of a general election, by an order, establish a convenient number of election precincts in the county and define the boundaries thereof. Such election precinct boundaries shall be so established as included within election districts prescribed by law for elected officers of the state and its political subdivisions including community college district precincts, except those elected officers provided for in titles 30 and 48.

B- ~~Not less than twenty days before a general or primary election, and at least ten days before a special election, the board shall designate one polling place within each precinct where the election shall be held. Upon a specific finding of the board, included in the order or resolution designating polling places pursuant to this subsection, that no suitable polling place is available within a precinct, a polling place for such precinct may be designated within an adjacent precinct. Adjacent precincts may be combined if boundaries so established are included in election districts prescribed by law for state elected officials and political subdivisions including community college districts but not including elected officials prescribed by titles 30 and 48. The officer in charge of elections may also split a precinct for~~

PROPOSITION 205

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administrative purposes. Any such polling places shall be listed in separate sections of the order or resolution. C. If the board fails to designate the place for holding the election, or if it cannot be held at or about the place designated, the justice of the peace in the precinct shall, two days before the election, by an order, copies of which he shall immediately post in three public places in the precinct, designate the place within the precinct for holding the election. If there is no justice of the peace in the precinct, or if the justice of the peace fails to do so, the election board of the precinct shall designate and give notice of the place within the precinct of holding the election. For any election in which there are no candidates for elected office appearing on the ballot, the board may consolidate polling places and precinct boards and may consolidate the tabulation of results for that election if all of the following apply:

1. All affected voters are notified by mail of the change at least thirty three days before the election.
  2. Notice of the change in polling places includes notice of the new voting location, notice of the hours for voting on election day and notice of the telephone number to call for voter assistance.
  3. All affected voters receive information on early voting that includes the application used to request an early voting ballot.
- D. The board is not required to designate a polling place for special district mail ballot elections held pursuant to article 8.1 of this chapter, but the board may designate one or more sites for voters to deposit marked ballots until 7:00 p.m. on the day of the election.
- E. Except as provided in subsection F, a public school shall provide sufficient space for use as a polling place for any city, county or state election when requested by the officer in charge of elections.
- F. The principal of the school may deny a request to provide space for use as a polling place for any city, county or state election if, within two weeks after a request has been made, he provides a written statement indicating a reason the election cannot be held in the school, including any of the following:
1. Space is not available at the school.
  2. The safety or welfare of the children would be jeopardized.

G. The board shall make available to the public as a public record a list of the polling places for all precincts in which the election is to be held including identification of polling place changes that were submitted to the United States department of justice for approval.

H. B. Except in the case of an emergency, any facility that is used as a polling place on election day shall allow electioneering and other political activity outside of the seventy-five foot limit prescribed by section 16-515 in public areas and parking lots used by voters.

Sec. 7. Section 16-461, Arizona Revised Statutes, is amended to read:

16-461. Sample primary election ballots; submission to party chairmen for examination; preparation, printing and distribution of sample ballot

- A. At least forty five days before a primary election, the officer in charge of that election shall:
1. Prepare a proof of a sample ballot.
  2. Submit the sample ballot proof of each party to the county chairman or in city or town primaries to the city or town chairman.
  3. Mail a sample ballot proof to each candidate for whom a nomination paper and petitions have been filed.

B. Within five days after receipt of the sample ballot, the county chairman of each political party shall suggest to the election officer any change the officer considers should be made in the officer's party ballot, and if upon examination the election officer finds an error or omission in the ballot the officer shall correct it. The election officer shall cause the sample ballots to be printed and distributed as required by law, shall maintain a copy of each sample ballot and shall post a notice indicating that sample ballots are available on request. The official sample ballot shall be printed on colored paper. For voters who are not registered with a party that is entitled to continued representation on the ballot pursuant to section 16 804, the election officer may print and distribute the required sample ballots in an alternative format, including a reduced size format.

C. Not later than forty days before a primary election, the county chairman of a political party may request one sample primary election ballot of the chairman's party for each election precinct.

D. The board of supervisors shall have printed mailer type sample ballots for a primary election and shall mail at least eleven days prior to the election one sample ballot of a political party to each household containing a registered voter of that political party. A certified claim shall be presented to the secretary of state by the board of supervisors for the actual cost of printing, labeling and postage of each sample ballot actually mailed, and the secretary of state shall direct payment of the authenticated claim from funds of the secretary of state's office.

E. For city and town elections, the governing body of a city or town may have printed mailer type sample ballots for a primary election. If the city or town has printed such sample ballots, the city or town shall provide for the distribution of such ballots and shall bear the expense of printing and distribution of such sample ballots.

F. The return address on the mailer type sample ballots shall not contain the name of an appointed or elected public officer nor may the name of an appointed or elected public officer be used to indicate who produced the sample ballot.

G. The great seal of the state of Arizona shall be imprinted along with the words "official voting materials" on the mailing face of each sample ballot. In county, city or town elections the seal of such jurisdiction shall be substituted for the state seal.

Sec. 8. Repeal

Section 16-510, Arizona Revised Statutes, is repealed. Sec.9. Title 16, Chapter 4, Article 6, Arizona Revised Statutes, is amended by adding a new Section 16-510, to read:

16-510. Ballots to be mailed

A. THE COUNTY RECORDER OR THE GOVERNING BODY OF EACH ELECTION DISTRICT IS RESPONSIBLE FOR CONDUCTING ALL ELECTIONS BY MAIL. NOT MORE THAN THIRTY THREE DAYS BEFORE THE ELECTION AND NOT FEWER THAN FIFTEEN DAYS BEFORE THE ELECTION THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS FOR THE ELECTION DISTRICT SHALL SEND BY FIRST CLASS MAIL ALL OFFICIAL BALLOTS WITH PRINTED INSTRUCTIONS AND A RETURN ENVELOPE BEARING A PRINTED BALLOT AFFIDAVIT AS DESCRIBED IN §16-547 TO EACH QUALIFIED ELECTOR ENTITLED TO VOTE IN THE ELECTION. THE ENVELOPE IN WHICH THE BALLOT IS MAILED SHALL BE CLEARLY MARKED, "DO NOT

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

FORWARD. RETURN TO SENDER. RETURN POSTAGE GUARANTEED. ADDRESS CORRECTION REQUESTED." THE COUNTY RECORDER OR ELECTION DISTRICT GOVERNING BOARD SHALL PAY FOR FIRST CLASS POSTAGE FOR THE RETURN BY MAIL OF ELECTORS' MARKED BALLOTS. AN ELECTOR WHO VOTES BY MAIL BALLOT SHALL RETURN THE ELECTORS' MARKED BALLOT TO THE COUNTY RECORDER'S OFFICE OR OTHER OFFICER IN

CHARGE OF THE ELECTION NO LATER THAN 7:00 P.M. ON THE DAY OF ELECTION.  
B. THE COUNTY RECORDER OR GOVERNING BODY OF EACH ELECTION DISTRICT SHALL BE RESPONSIBLE FOR RECEIVING AND PROCESSING MAIL BALLOTS AND SHALL FOLLOW THE SAME PROCEDURES AS SET FORTH FOR THE RECEIPT, PROCESSING AND CHALLENGES OF EARLY BALLOTS PURSUANT TO §16-550A, §16-551 AND §16-552.

**ANALYSIS BY LEGISLATIVE COUNCIL**

Proposition 205 would require every state, county and local election to be conducted by mail-in ballots, while allowing an absolute minimum number of countywide polling places to be used as well. Each registered voter would automatically be mailed a ballot not fewer than 15 days before the election, along with a pre-paid, stamped envelope for the return of the voted ballot. All ballots sent to voters would be by non-forwardable mail, with address correction requested. Voters would be instructed to return their ballots no later than the close of the election on election day.

Proposition 205 would require elections officials to maintain only the absolute minimum number of polling places, each of which would be open to any voter in the county, instead of being limited to voters in that election precinct. These countywide polling places could be located in election offices or other locations, other than school buildings. Existing provisions for voting by mail and on-site early voting remain unchanged.

Proposition 205 would repeal the existing requirement to mail sample ballots to voters.

**FISCAL IMPACT STATEMENT**

State law requires the Joint Legislative Budget Committee (JLBC) Staff to prepare a summary of the fiscal impact of certain ballot measures. Each household with a registered voter currently receives a sample ballot prior to state, county and local elections. These sample ballots may not be used for voting. Proposition 205 eliminates the requirement to provide sample ballots to households and instead requires mailing a regular ballot to each registered voter. As the sample ballot mailing is a state cost, elimination of that requirement may save the state approximately \$1.7 million in election years. Since counties and local governments would have to mail regular ballots to each individual registered voter, their mailing costs are projected to be higher than the current cost of mailing the sample ballot to households. The counties and local governments, however, may reduce some of their other expenses. The counties and local governments are currently responsible for the cost of polling places. Since Proposition 205 would require an absolute minimum number of polling places, county and local government may experience savings depending on the revised number of polling places. The net fiscal impact on county and local governments is difficult to determine in advance and will depend, at least in part, on their higher costs to mail ballots to registered voters compared to the savings from a reduced number of polling places.

**ARGUMENTS "FOR" PROPOSITION 205**

**Vote By Mail Initiative - Pro Statement**

By allowing only mail-in ballots, the Vote By Mail Initiative would increase voter turnout. Elderly people and the physically handicapped often find it challenging to go to the polls. During national elections, in particular, more people go to the polls to cast their ballots. Long lines form. Waiting time lengthens, thus making it ever more onerous for the disabled and elderly to vote. Inclement weather can be another obstacle to a high voter turnout. If long lines extend beyond the indoor polling place, the poorly motivated voters are likely to remain at home.

The Vote By Mail Initiative would allow citizens to be better-educated and better-prepared voters. In order to cast intelligent votes, the voters need to be well informed, especially about ballot propositions. By casting votes in comfort and privacy, the voters can study the issues and vote in a leisurely manner, rather than in the rush of the voting booth. Arizona often has nearly twenty complicated ballot issues, a daunting number on which to vote in a matter of minutes.

The Vote By Mail Initiative would allow a paper trail, which could facilitate recounts and ensure accuracy.

Only two states use the vote-by-mail process exclusively, Washington and Oregon. Opinion polls indicate that residents of both states like the vote-by-mail process and would not rescind it. Voting participation in both states has increased since vote-by-mail was instituted.

The League of Women Voters of Arizona urges all citizens to support the Vote by Mail Initiative in order to increase voter turnout, allow voters sufficient time to learn about and vote on ballot issues, and ensure accurate vote counting.

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

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

*Paid for by "League of Women Voters of AZ"*

Proposition 205 will guarantee that every registered voter receives a ballot in the mail for every election. The 60 percent of Arizona voters who already vote by mail will no longer have to submit a request form. The ballot will be sent automatically. Better yet, it will be postpaid.

Results of a similar system in Oregon have proven that mail balloting significantly increases voter participation. We will no longer have primary elections where only 20 percent of voters determine our candidates, or city bond elections where only six percent of voters decide how much our property taxes will be.

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

**PROPOSITION 205**

This system will save us tax dollars. Mail balloting is cheaper and easier to conduct than traditional elections. We won't have to pay for all those polling places and poll workers.

It is more secure than polling place voting. The signature on every ballot return envelope is checked before the ballot is counted.

If you really like going to the polls, don't worry; there will still be some polling places open where you can go to vote the old fashioned way or to drop off your mail ballot on elections day.

Proposition 205 is a winner for everybody. You get to vote at home, taking as much time as you need, not waiting in a long polling place line, or having to show the ID you forgot at home.

The Arizona Advocacy Network (AzAN), an Arizona non-profit corporation, is dedicated to increasing citizen participation in the political process.

Michael J. Valder, President, Arizona Advocacy Network, Phoenix

Eric Ehst, Treasurer, Arizona Advocacy Network, Phoenix

*Paid for by "Arizona Advocacy Network"*

### **ARGUMENTS "AGAINST" PROPOSITION 205**

Are you nuts? This is the "Let's Destroy America" proposal.

The nation is supposed to rise up as a whole, and make decisions all at once, on election day, IN PERSON. It's traditional, historic, part of our very fabric. It helps make America great. The body politic acts, live, at the polls. America invented this. It's not delivery work for the Post Office.

Closing polling places for mailed elections makes fraud easy -- did the Post Office deliver your signed ballot? You won't know. Did you even get one in time? Did someone else gets yours... or two? Did you vote early, and now your candidate is... dead? Under investigation? In prison? Imagine the lines with most polls closed.

Voting is a sacred right of liberty. It requires a little effort folks. You have to find out who's running and what the issues are. Then you have to get off your lazy keester, go to a polling place with your neighbors and cast your vote. If that's too much, then you personally are letting precious freedom die. This isn't about the disabled or absentees - it's about citizenship.

Iraqi people went out to vote, under threat of murder. Americans have given their lives, for centuries, so you could go vote. Honor them. Don't sell out for a lazy, corruptible mail-order substitute.

Next thing you know, they'll offer lotteries to get your vote. Then, people who know nothing and simply want a loser's chance to win money will mail in chances to win. What's that -- someone's already proposing cash giveaways?

Preserve freedom. Defeat the Vote by Mail Act. And get more news authorities hide from you at PageNine.org, or for real freedom issues, check out The Liberty Poll at GunLaws.com.

Alan Korwin, Author  
Gun Laws of America  
alan@bloomfieldpress.com

Alan Korwin, Author, Gun Laws of America, Scottsdale

I STRONGLY OPPOSE this proposition and encourage you to vote NO. The writers of this proposition are trying to falsely influence you with the title "Your Right to Vote by Mail Act". All voters ALREADY have the right to vote by mail, PLUS we now have the right to vote at a polling location in our local neighborhood. If this proposition passes, our right to vote at our local polling places will be taken away and only a small number of polling locations throughout the state will be open on election day. As an involved political and community volunteer, I have seen first hand the major problems caused by miscounting of mail-in ballots in the 2004 elections in Legislative District 20. More than 400 extra votes appeared out of nowhere in a second count. Mail-in ballots leave open the door to increased fraud. The major supporter of this proposition lost his U.S. Congressional election in 2004. I can only guess his motives. This is a VERY BAD idea.

Please Join me in Voting No.

Debbie Lesko, Political & Community Volunteer, Candidate for Peoria School Board, Glendale

### **Prevent Election Fraud – Vote NO on Proposition 205**

Proponents of Proposition 205 purport that it will increase voter turnout by forcing all Arizona voters to use a vote-by-mail system. Arizona voters would no longer have the option of going to the polling station in their own precinct on Election Day.

Oregon has conducted elections solely by mail for several years with relatively little impact on voter participation rates. There is no reliable evidence to suggest that an entirely vote-by-mail system would improve participation in Arizona. According to the National Commission on Electoral Reform (2005), "Voting by mail is not a panacea for declining participation and should not be adopted solely for this reason." Moreover, hundreds of thousands of Arizonans already vote -by-mail.

What problem is this initiative trying to solve? What is the real agenda?

**The Arizona Chamber of Commerce and Industry is most concerned about the potential for voter fraud, bad faith legal challenges and coercion associated with the entirely vote-by-mail system mandated by Proposition 205.**

Concerns over mandating voters exclusively cast ballots by mail range from the possibility of those ballots being intercepted before they reach the registrar, to voting by ineligible individuals, to casting of multiple ballots by the

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*Issued by: Secretary of State Jan Brewer*

same person, to the buying of votes. Additional problems may occur for voters who temporarily have their mail forwarded to a different location, as they may not receive their ballots. Also, will special interest groups allow registration rolls to be updated and cleaned up periodically to ensure only registered voters get to vote? Lastly, how will voter eligibility be verified to ensure only U.S. citizens are voting?

Arizona's current election system provides choices to voters to ensure maximum voter participation. Don't limit your options for voting. **Vote NO on Proposition 205.**

Steve Twist, Chairman of Board of Directors,  
Arizona Chamber of Commerce and Industry,  
Scottsdale

James J. Apperson, President & CEO, Arizona  
Chamber of Commerce and Industry, Scottsdale

*Paid for by "Arizona Chamber of Commerce"*

Proposition 205 is a well-intentioned idea. But good intentions often lead to bad results.

Proposition 205 is unnecessary; it is anti-choice; and it will lead to a greater incidence of voter fraud.

Proposition 205 is unnecessary. Anyone who now wishes to vote by mail may already do so.

Proposition 205 is anti-choice. It would force nearly every voter in Arizona to vote by mail. It would also shut down the vast majority of polling places in Arizona. Why deny Arizonans the right to cast their ballots at a polling place with other civic-minded citizens? Why not allow voters the choice of exercising their sacred franchise in public places?

Why force citizens to forgo a time-honored ritual at the polls – a ritual which enhances community ties and teaches our children the value of civic participation? Going to the polls is immensely valuable as a public display of the sort of civic virtue required by a self-governing people.

In shutting down all but a few polling places, Proposition 205 would further shrink the public square, diminishing our communities in the process.

Lastly, forcing Arizonans to vote by mail will inevitably increase the incidence of voter fraud. Is this what we want for Arizona?

Please join me in voting "no" on Proposition 205.

State Representative Bob Stump, District 9, Peoria

I am strongly AGAINST this Ballot Measure as it would create two negative impacts to our voting process. First, it would reduce the already limited methods to prevent voter fraud. Second, it would enable special interest groups to manipulate the outcome of elections to a greater extent and create untold consequences.

I ask you to join me in voting AGAINST this Ballot Measure. **\*\*Paid for by Goldwater for Governor Committee.\*\***

Don Goldwater, Goldwater for Governor, Laveen

Do not let the government close your local polling place! Don't let government stop checking ID at the polls.

Right now we have the best system, with the most opportunities for everyone to vote. Everyone has the option to either request an early ballot, or go to the polls on Election Day.

This proposition would close your local polling place.

You would no longer have the option to go to the polls. Every person registered would be mailed a ballot, whether they requested it or not, even if they have moved! In Arizona people are constantly moving, but this bill does not require anyone to notify elections if they do.

Imagine thousands of ballots circulating for people who no longer live in that district, city, or state! The possibilities for voter fraud are overwhelming. This proposition circumvents Arizona's voter ID requirements. Anyone can just fill out the ballot and send it in; no one will be checking ID anymore.

Arizona leads the nation in identity theft and mail theft. Ballot security is compromised with so many ballots being mailed to old or inaccurate addresses. Steal enough ballots, and you can steal an election.

Without a local and convenient polling location, voters will have fewer chances to vote. Right now anyone can request an early ballot or go to the polls. But under Prop 205 if you lose it or spoil your ballot you can't just drive to your local polling location on Election Day. You have to drive to the Elections Office. This is an unnecessary hardship to both rural and urban voters.

Don't close our local polling location; don't open up Arizona to voter fraud. **KEEP VOTER IDENTIFICATION AT THE POLLS. Vote NO on Prop 205!**

Anthony Smitherman, Phoenix

**PROPOSITION 205**

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**BALLOT FORMAT**

**PROPOSITION 205**

PROPOSED AMENDMENT BY INITIATIVE PETITION

**OFFICIAL TITLE**

AN INIATIVE MEASURE  
PROPOSING AMENDMENTS TO TITLE 16, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY REPEALING SECTION 16-248, ARIZONA REVISED STATUTES; PROPOSING AMENDMENTS TO TITLE 16, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY REPEALING SECTION 16-404, ARIZONA REVISED STATUTES AND ADDING A NEW SECTION 16-404, ARIZONA REVISED STATUTES; PROPOSING AMENDMENTS TO TITLE 16, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES BY AMENDING SECTION 16-411, ARIZONA REVISED STATUTES; PROPOSING AMENDMENTS TO TITLE 16, CHAPTER 4, ARTICLE 5, ARIZONA REVISED STATUTES, BY AMENDING SECTION 16-461, ARIZONA REVISED STATUTES; PROPOSING AMENDMENTS TO TITLE 16, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY REPEALING SECTION 16-510, ARIZONA REVISED STATUTES AND ADDING A NEW SECTION 16-510, ARIZONA REVISED STATUTES.

**DESCRIPTIVE TITLE**

REQUIRES BALLOTS BE MAILED TO EVERY VOTER AUTOMATICALLY AND ALL ELECTIONS BE CONDUCTED BY MAIL; ELIMINATES POLLING PLACES IN EACH PRECINCT; RESTRICTS USE OF POLLING PLACES TO MINIMUM NUMBER OF COUNTYWIDE LOCATIONS OTHER THAN SCHOOL BUILDINGS; PROVIDES BALLOTS BE MAILED WITH PREPAID ENVELOPES; REPEALS SAMPLE BALLOTS; RETAINS EARLY VOTING LAWS.

**PROPOSITION 205**

A "yes" vote shall have the effect of requiring a ballot be mailed to every registered voter and all elections be conducted by mail-in ballot, eliminating polling places in each precinct, restricting the use of polling places to a minimum number of countywide locations other than school buildings, and repealing the sample ballot requirement while retaining current early ballot laws.	<b>YES</b> <input type="checkbox"/>
A "no" vote shall have the effect of retaining the current laws regarding mail-in ballots and precinct-based polling places.	<b>NO</b> <input type="checkbox"/>

**PROPOSITION 205**

**PROPOSITION 206**

**OFFICIAL TITLE**

**AN INITIATIVE MEASURE**

AMENDING TITLE 36, CHAPTER 6, ARIZONA REVISED STATUTES BY REPEALING SECTIONS 36-601.01 AND 36-601.02; ADDING NEW SECTION 36-601.01; RELATING TO SMOKING

**TEXT OF PROPOSED AMENDMENT**

Sec 1. Title

This act may be cited as the "Arizona Non-Smoker Protection Act."

Sec. 2. Purpose and Intent

In order to protect children, patrons, employees, veterans, jobs, tourism and private property rights, the people of Arizona declare their intent to enact the Arizona Non-Smoker Protection Act to ban smoking in all public places and places of employment with exceptions including bars and tobacco shops.

Sec. 3. Sections 36-601.01 and 36-601.02 Arizona Revised Statutes are repealed.

Sec. 4. Title 36, Chapter 6, Article 1 is amended by adding section 36-601.01 to read:

36-601.01 Smoking in public places and places of employment: exceptions

A. DEFINITIONS. THE FOLLOWING WORDS AND PHRASES, WHENEVER USED IN THIS SECTION, SHALL BE CONSTRUED AS DEFINED IN THIS SECTION:

1. "EMPLOYEE" MEANS ANY PERSON WHO PERFORMS ANY SERVICE ON A FULL-TIME, PART-TIME OR CONTRACTED BASIS WHETHER OR NOT THE PERSON IS DENOMINATED AN EMPLOYEE, INDEPENDENT CONTRACTOR OR OTHERWISE AND WHETHER OR NOT THE PERSON IS COMPENSATED OR IS A VOLUNTEER.

2. "EMPLOYER" MEANS A PERSON, BUSINESS, PARTNERSHIP, ASSOCIATION, THE STATE OF ARIZONA AND ITS POLITICAL SUBDIVISIONS, CORPORATIONS, INCLUDING A MUNICIPAL CORPORATIONS, TRUST, OR NON-PROFIT ENTITY THAT EMPLOYS THE SERVICES OF ONE OR MORE INDIVIDUAL PERSONS.

3. "ENCLOSED AREA" MEANS ALL SPACE BETWEEN A FLOOR AND CEILING THAT IS ENCLOSED ON ALL SIDES BY PERMANENT OR TEMPORARY WALLS OR WINDOWS (EXCLUSIVE OF DOORWAYS), WHICH EXTEND FROM THE FLOOR TO THE CEILING, ENCLOSED AREA INCLUDES A REASONABLE DISTANCE FROM ANY ENTRANCES, WINDOWS AND VENTILATION SYSTEMS SO THAT PERSONS ENTERING OR LEAVING THE BUILDING OF FACILITY SHALL NOT BE SUBJECT TO BREATHING TOBACCO SMOKE AND SO THAT TOBACCO SMOKE DOES NOT ENTER THE BUILDING OR FACILITY THROUGH ENTRANCES, WINDOWS, VENTILATION SYSTEMS OR ANY OTHER MEANS.

4. "HEALTH CARE FACILITY" MEANS ANY ENCLOSED AREA UTILIZED BY ANY HEALTH CARE INSTITUTION LICENSED ACCORDING TO TITLE 36 CHAPTER 4, CHAPTER 6 ARTICLE 7, OR CHAPTER 17, OR ANY HEALTH CARE PROFESSIONAL LICENSED ACCORDING TO TITLE 32 CHAPTERS 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 21, 25, 28, 29, 33, 34, 35, 39, 41, OR 42.

5. "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION, LIMITED LIABILITY COMPANY, ENTITY, ASSOCIATION, GOVERNMENTAL SUBDIVISION OR UNIT OF A GOVERNMENTAL SUBDIVISION, OR A PUBLIC OR PRIVATE ORGANIZATION OF ANY CHARACTER.

6. "PHYSICALLY SEPARATED" MEANS ALL SPACE BETWEEN A FLOOR AND CEILING WHICH IS ENCLOSED ON ALL SIDES BY SOLID WALLS OR WINDOWS (EXCLUSIVE OF DOOR OR PASSAGEWAY) AND INDEPENDENTLY VENTILATED FROM SMOKE-FREE AREAS, SO THAT AIR WITHIN PERMITTED SMOKING AREAS DOES NOT DRIFT OR GET VENTED INTO SMOKE-FREE AREAS.

7. "PLACES OF EMPLOYMENT" MEANS AN ENCLOSED AREA UNDER THE CONTROL OF A PUBLIC OR PRIVATE EMPLOYER THAT EMPLOYEES NORMALLY FREQUENT DURING THE COURSE OF EMPLOYMENT, INCLUDING OFFICE BUILDINGS, WORK AREAS, AUDITORIUMS, EMPLOYEE LOUNGES, RESTROOMS, CONFERENCE ROOMS, MEETING ROOMS, CLASSROOMS, CAFETERIAS, HALLWAYS, STAIRS, ELEVATORS, HEALTH CARE FACILITIES, PRIVATE OFFICES AND VEHICLES OWNED AND OPERATED BY THE EMPLOYER DURING WORKING HOURS WHEN THE VEHICLE IS OCCUPIED BY MORE THAN ONE PERSON. A PRIVATE RESIDENCE IS NOT A "PLACE OF EMPLOYMENT" UNLESS IT IS USED AS A CHILD CARE, ADULT DAY CARE, OR HEALTH CARE FACILITY.

8. "VETERAN AND FRATERNAL CLUBS" MEANS A CLUB AS DEFINED IN A.R.S. 4-101(7)(A)(B) OR (C).

9. "PUBLIC PLACE" MEANS ANY ENCLOSED AREA TO WHICH THE PUBLIC IS INVITED OR IN WHICH THE PUBLIC IS PERMITTED, INCLUDING AIRPORTS, BANKS, BARS, COMMON AREAS OF APARTMENT BUILDINGS, CONDOMINIUMS OR OTHER MULTIFAMILY HOUSING FACILITIES, EDUCATIONAL FACILITIES, ENTERTAINMENT FACILITIES OR VENUES, HEALTH CARE FACILITIES, HOTEL AND MOTEL COMMON AREAS, LAUNDROMATS, PUBLIC TRANSPORTATION FACILITIES, RECEPTION AREAS, RESTAURANTS, RETAIL FOOD PRODUCTION AND MARKETING ESTABLISHMENTS, RETAIL SERVICE ESTABLISHMENTS, RETAIL STORES, SHOPPING MALLS, SPORTS FACILITIES, THEATERS, AND WAITING ROOMS. A PRIVATE RESIDENCE IS NOT A "PUBLIC PLACE" UNLESS IT IS USED AS A CHILD CARE, ADULT DAY CARE, OR HEALTH CARE FACILITY.

10. "RETAIL TOBACCO STORE" MEANS A RETAIL STORE THAT DERIVES THE MAJORITY OF ITS SALES FROM TOBACCO PRODUCTS AND ACCESSORIES. "RETAIL TOBACCO STORE" DOES NOT INCLUDE GROCERY STORES, CONVENIENCE STORES, GAS STATIONS, GENERAL RETAILERS

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



OR SIMILAR RETAIL ESTABLISHMENTS

11. "SMOKING" MEANS INHALING, EXHALING, BURNING, OR CARRYING OR POSSESSING ANY LIGHTED TOBACCO PRODUCT, INCLUDING CIGARS, CIGARETTES, PIPE TOBACCO AND ANY OTHER LIGHTED TOBACCO PRODUCT.

12. "SPORTS FACILITIES" MEANS ENCLOSED AREAS OF SPORTS PAVILIONS, STADIUMS, GYMNASIUMS, HEALTH SPAS, BOXING ARENAS, SWIMMING POOLS, ROLLER AND ICE RINKS, BILLIARD HALLS, BOWLING ALLEYS, AND OTHER SIMILAR PLACES WHERE MEMBERS OF THE GENERAL PUBLIC ASSEMBLE TO ENGAGE IN PHYSICAL EXERCISE, PARTICIPATE IN ATHLETIC COMPETITION, OR WITNESS SPORTING EVENTS.

13. "BAR" MEANS AN ENCLOSED ESTABLISHMENT WHERE THE PRIMARY PURPOSE IS THE SALE, SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES. "BAR" ALSO INCLUDES A SEPARATE, ENCLOSED PART OF A LARGER ESTABLISHMENT, SUCH AS A HOTEL, POOL HALL, PRIVATE, VETERANS' OR SERVICE CLUB, RACE TRACK, RESTAURANT, OR OTHER SIMILAR ESTABLISHMENT, IF (1) THE PRIMARY PURPOSE OF THAT SEPARATE, ENCLOSED PART OF THE LARGER ESTABLISHMENT IS THE SALE, SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES; AND (2) THAT PART OF THE LARGER ESTABLISHMENT IS PHYSICALLY SEPARATED FROM THE REMAINDER OF THE LARGER ESTABLISHMENT BY FLOOR TO CEILING PARTITIONS AND HAS A SEPARATE VENTILATION SYSTEM.

B. SMOKING IS PROHIBITED IN ALL PUBLIC PLACES AND PLACES OF EMPLOYMENT WITHIN THE STATE OF ARIZONA, EXCEPT THE FOLLOWING:

1. PRIVATE RESIDENCES, EXCEPT WHEN USED AS A LICENSED CHILD CARE, ADULT DAY CARE, OR HEALTH CARE FACILITY.
2. HOTEL AND MOTEL ROOMS THAT ARE RENTED TO GUESTS AND ARE DESIGNATED AS SMOKING ROOMS; PROVIDED, HOWEVER, THAT NOT MORE THAN FIFTY PERCENT OF ROOMS RENTED TO GUESTS IN A HOTEL OR MOTEL ARE SO DESIGNATED.
3. RETAIL TOBACCO STORES THAT PROHIBIT MINORS FROM ENTERING OR REMAINING ON THE PREMISES AND THAT ARE PHYSICALLY SEPARATED FROM SURROUNDING AREAS BY FLOOR TO CEILING PARTITIONS AND HAVE A SEPARATE VENTILATION SYSTEM.
4. VETERANS AND FRATERNAL CLUBS WHEN THEY ARE NOT OPEN TO THE GENERAL PUBLIC.
5. SMOKING WHEN ASSOCIATED WITH A RELIGIOUS CEREMONY PRACTICED PURSUANT TO THE AMERICAN INDIAN RELIGIOUS FREEDOM ACT OF 1978.
6. OUTDOOR PATIOS SO LONG AS TOBACCO SMOKE DOES NOT ENTER AREAS WHERE SMOKING IS PROHIBITED THROUGH ENTRANCES, WINDOWS, VENTILATION SYSTEMS, OR OTHER MEANS.
7. A THEATRICAL PERFORMANCE UPON A STAGE OR IN THE COURSE OF A FILM OR TELEVISION PRODUCTION IF THE SMOKING IS PART OF THE

PERFORMANCE OR PRODUCTION.

8. BARS AS PROVIDED IN SUBSECTION C.

C. A PERSON WHO OWNS A BAR MAY PERMIT THE SMOKING OF TOBACCO IN ALL OR PART OF THE BAR ONLY AS PROVIDED IN THIS SUBSECTION, A SUBJECT TO THE FOLLOWING:.

1. A PERSON WHO OWNS A BAR THAT PERMITS SMOKING IN ANY PART OF THE BAR SHALL NOT PERMIT A MINOR TO ENTER OR REMAIN IN THE BAR.

2. A PERSON WHO OWNS A BAR THAT PERMITS SMOKING IN ANY PART OF THE BAR SHALL POST A CONSPICUOUS SIGN AT EACH ENTRANCE TO THE BAR ADVISING PATRONS AND EMPLOYEES THAT SMOKING IS PERMITTED IN PART OR ALL OF THE BAR.

3. A PERSON WHO OWNS A BAR WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS THREE MISDEMEANOR.

D. TO PROTECT THE PRIVATE PROPERTY RIGHTS OF ALL PERSONS WHO OWN BARS AND RETAIL TOBACCO STORES IN THIS STATE, THE PEOPLE OF ARIZONA FIND AND DETERMINE A SINGLE STATEWIDE STANDARD FOR SMOKING IN BARS AND TOBACCO SHOPS TO BE A MATTER OF STATEWIDE CONCERN. IT IS DECLARED THAT THIS SECTION PREEMPTS ALL MUNICIPAL AND COUNTY LAWS, CHARTERS, ORDINANCES, RULES AND REGULATIONS RELATING TO SMOKING IN BARS AND RETAIL TOBACCO STORES.

E. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, AN OWNER, OPERATOR, MANAGER, OR OTHER PERSON OR ENTITY IN CONTROL OF AN ESTABLISHMENT, FACILITY, OR OUTDOOR AREA MAY DECLARE THAT ENTIRE ESTABLISHMENT, FACILITY, OR OUTDOOR AREA AS A NONSMOKING PLACE.

F. POSTING OF SIGNS AND ASHTRAY REMOVAL.

1. "NO SMOKING" SIGNS OR THE INTERNATIONAL "NO SMOKING" SYMBOL (CONSISTING OF A PICTORIAL REPRESENTATION OF A BURNING CIGARETTE ENCLOSED IN A RED CIRCLE WITH A RED BAR ACROSS IT) SHALL BE CLEARLY AND CONSPICUOUSLY POSTED BY THE OWNER, OPERATOR, MANAGER, OR OTHER PERSON IN CONTROL OF THAT PLACE IDENTIFYING WHERE SMOKING IS PROHIBITED BY THIS SECTION AND WHERE COMPLAINTS REGARDING VIOLATIONS MAY BE REGISTERED.

2. EVERY PUBLIC PLACE AND PLACE OF EMPLOYMENT WHERE SMOKING IS PROHIBITED BY THIS SECTION SHALL HAVE POSTED AT EVERY ENTRANCE A CONSPICUOUS SIGN CLEARLY STATING THAT SMOKING IS PROHIBITED.

3. ALL ASHTRAYS SHALL BE REMOVED FROM ANY AREA WHERE SMOKING IS PROHIBITED BY THIS SECTION BY THE OWNER, OPERATOR, MANAGER, OR OTHER PERSON HAVING CONTROL OF THE AREA.

G. NO EMPLOYER MAY DISCHARGE OR RETALIATE AGAINST AN EMPLOYEE BECAUSE THAT EMPLOYEE EXERCISED ANY RIGHTS AFFORDED BY THIS SECTION OR REPORTS OR ATTEMPTS TO PROSECUTE A VIOLATION OF THIS SECTION.

H. AN OWNER, MANAGER, OPERATOR OR

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

EMPLOYEE OF PLACE REGULATED BY THIS LAW SHALL INFORM ANY PERSON WHO IS SMOKING IN VIOLATION OF THIS LAW THAT SMOKING IS ILLEGAL AND REQUEST THAT THE ILLEGAL SMOKING STOP IMMEDIATELY.

I. THIS LAW DOES NOT CREATE ANY NEW PRIVATE RIGHT OF ACTION NOR DOES IT EXTINGUISH ANY EXISTING COMMON LAW CAUSES OF ACTION.

J. A PERSON WHO SMOKE WHERE SMOKING IS PROHIBITED IS GUILTY OF A PETTY OFFENSE WITH A FINE OF NOT LESS THAN FIFTY DOLLARS AND NOT MORE THAN THREE HUNDRED DOL-

LARS.

K. TRIBAL SOVEREIGNTY - THIS SECTION HAS NO APPLICATION ON INDIAN RESERVATIONS AS DEFINED IN ARS 42-3301(2).

Sec. 5. Severability

If any provision, clause, sentence or paragraph of this Act or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

### **ANALYSIS BY LEGISLATIVE COUNCIL**

Currently, state statutes provide that smoking tobacco is prohibited in certain areas and most state buildings. A person who smokes where smoking is prohibited is guilty of a petty offense. Several cities and towns also have restrictions on smoking in public places.

Proposition 206 would prohibit smoking in all public places and places of employment, except as provided by the proposition. These exceptions include:

1. Bars, including parts of restaurants, hotels and other establishments that sell alcoholic beverages and are physically separated with a separate ventilation system.
2. Retail tobacco stores that are physically separated and independently ventilated.
3. Veterans and fraternal clubs when they are not open to the public.
4. Hotel rooms designated as smoking rooms.
5. Outdoor patios.

Proposition 206 would prohibit a minor from entering a bar that permits smoking.

Proposition 206 also would prescribe notice and other requirements for operating establishments to implement the smoking restrictions. In addition, an employer could not retaliate against an employee for exercising any rights provided by the proposition.

A bar owner who violated the proposition would be guilty of a class 3 misdemeanor. Any other violation would be a petty offense.

Proposition 206 would preempt all city, town and county laws relating to smoking in bars and retail tobacco stores.

### **FISCAL IMPACT STATEMENT**

State law requires the Joint Legislative Budget Committee (JLBC) Staff to prepare a summary of the fiscal impact of certain ballot measures. State and local governments may receive additional revenues in the form of fines and penalty assessments from violators of the provisions of Proposition 206. The total amount of fines and assessments will depend on the level of compliance, which is difficult to predict in advance.

### **ARGUMENTS "FOR" PROPOSITION 206**

*Vote Yes on the Arizona Non-Smoker Protection Act.*

Dear Voters,

The Arizona Non-Smoker Protection Act protects non-smokers with a balanced, reasonable, consistent, statewide non-smoking law. The act prevents minors from entering any establishment that allows smoking and places signs at any bar or tobacco shop that allows smoking to protect non-smokers from entering unknowingly.

This is a responsible way to preserve individual freedom and responsibility, and easily accommodate those who prefer to stay as far away from smoke as they choose.

What is really at stake here? Freedom.

On one hand you have a radical, over the top smoking ban that would likely destroy a number of small businesses often patronized by smokers. On the other hand, you have a statewide ban on smoking, but with common-sense exceptions for separately ventilated bars and tobacco shops.

Adults should be able to decide on what kind of bar they want to frequent and small business owners should have the right to run their business as they see fit. **No one is forcing anyone to come into an establishment or to work there.**

No one likes being told what to do and when to do it, especially when you are in the minority. Non-smokers have rights, but those rights do not include the right to demand that smokers stay home. It's un-American.

Americans, and especially Arizonans, should be proud of our heritage of self-restraint, limited government and reliance on personal responsibility. That heritage includes resisting the temptation to over-regulate the lives of others, and not create new burdens on small businesses or their customers. The Arizona Non-Smoker Protect Act gives informed voters a chance to be responsible: to preserve the freedom of smokers, non-smokers and the businesses that serve both.

Please join us in Voting YES!

Mark Anthony Desimone, Chairman, Phoenix

*Paid for by "Arizona Non-Smoker Protection Committee"*

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Tempe Smoking Ban Hurt Business  
Dear Voters,

I am a former business owner in Tempe. I can tell you that, despite what the proponents of a complete smoking ban want you to believe, a total ban on smoking in Tempe put me out of business.

I understand the needs to protect non-smokers and minors, but I also believe that property owners should have the right to serve their adult customers as they see fit. The fact that I was unable to serve my clientele and offer them what they wanted is what forced us to close our doors.

That is why I am supporting Proposition 206. The Arizona Non-Smoker Protection Act protects non-smokers while preserving private property rights. This initiative would prohibit smoking in enclosed public spaces and places of employment with a few sensible exceptions such as tobacco shops and bars. This is a simple, honest, and tolerant law that takes into account those who do not want to be impacted by secondhand smoke and the businesses that rely on a smoking clientele to stay open.

**This issue comes down to a choice.**

- Patrons have choice. Any bar can cater to its clientele by choosing to remain non-smoking if that is what their adult patrons want.

- Employees have choice. They can choose to work in a bar which allows smoking, or in a bar which prohibits smoking. Small business owners should have the ability to preserve their investments and protect our private property rights.

Please join me in voting YES on Proposition 206!

Dave Werner, Scottsdale

*Paid for by "Arizona Non-Smoker Protection Committee"*

I support passage of the Arizona Non-Smoker Protection Act.

As Governor of Arizona during the largest economic growth period in our state's history, I am convinced that a low-tax and business-friendly environment are responsible for that growth. That success promises to continue, but not if misguided and extreme public policies, like a complete smoking ban, do harm to our economic potential. We should not try to create a world of over-regulation of private businesses where bar owners are needlessly forced to turn many of their customers away. That's not fair.

Fortunately, there is a balanced solution. A reasonable compromise between smokers and non-smokers is the Arizona Non-Smoker Protection Act, which would ban smoking statewide but exclude bars that choose to allow patrons to smoke. Non-smokers would be protected from a smoking environment by the owners of the bar that choose to disallow it. And smokers would have their right to choose to smoke respected by bars that allow it.

It's business owners, not government, who are best-suited to make decisions about making their hard work and investment in their businesses worthwhile and beneficial to their customers and the public.

Arizona has a long tradition of protecting individual rights and allowing businesses to thrive under their own management and decision-making, not that of the government. In fact, business owners are held even more accountable by their customers than government ever could, which makes heavy-handed government restrictions on businesses completely unnecessary. Let's let business owners offer their customers the choice.

Whether you are a smoker or not, for your own sake and to support the freedom of choice in Arizona, please vote in favor of the Non-Smoker Protection Act.

Fife Symington

Former Governor of Arizona

Fife Symington, Former Governor of Arizona, Phoenix

*Paid for by "Arizona Non-Smoker Protection Committee"*

The most basic tenant of being a 'free' people is to respect all others as long as they don't harm anyone's person, property or the exercise of their individual rights. All-too-often there are special interests, government administrators looking for another 'revenue stream' or just plain busybodies who want tell us how to live, as if they had a better 'plan' for your life. Are you as sick of them as I am? I hope so, and that's why I'm asking you to support "The Arizona Non-Smoker Protection Act".

There are two other propositions on the ballot for your consideration and I'm asking you to reject them because they are the handiwork of people who think you need another law to tell you how to live—and they want more of your money. On the other hand, I actually trust YOU to be courteous, respectful and mindful of your fellow Arizonans.

It's not hard to figure out the mindset of those who would attempt to con you into helping them legitimize the use of brute government force to outright ban a totally legal activity or to impose a tax on a specific group of people.

"The Arizona Non-Smoker Protection Act" respects the rights of the individual to a smoke-free public sector, while respecting the property rights of private business owners to decide whether or not they will offer smoking permitted accommodations to their customers. It's both fair and practical, and it doesn't require more of your money.

Please join me in supporting "The Arizona Non-Smoker Protection Act". Stand up for our individual rights and

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*Issued by: Secretary of State Jan Brewer*

PROPOSITION 206

liberties by rejecting the other two propositions that only do violence to the very notion of 'freedom'.

Barry Hess, Libertarian Candidate to Replace the Governor, [www.HessForGovernor.Com](http://www.HessForGovernor.Com).

Glendale

*Paid for by "Arizona Non-Smoker Protection Committee"*

### Businesses Should Have the Right to Choose

Dear Voter,

I believe that a business owner should have the right to serve the customers of his or her own choosing. Adults should be able to decide on what kind of place they want to frequent and small business owners should have the right to run their business as they see fit. No one is forcing anyone to come into any establishment or to work there.

That is why I am supporting the Arizona Non-Smoker Protection Act. It is the only one that protects non-smokers while preserving private property rights.

The Non-Smoker Protection Act is a balanced, reasonable, consistent, statewide non-smoking law. The act prevents minors from entering any establishment that allows smoking – while preserving the adult choice to decide on what kind of establishment they want to frequent.

**Patrons have choice.** Any bar can cater to its clientele by choosing to remain non-smoking if that is what their adult patrons want.

**Employees have choice.** They can choose to work in a bar which allows smoking, or in a bar which prohibits smoking. Either way, they will know in advance whether smoking is going to be allowed.

This act creates a fair statewide standard which protects small businesses, jobs, and one of Arizona's largest industries, tourism while protecting minors and non-smokers.

Please join me in supporting the Arizona Non-Smoker Protection Act.

Carol Springer, Yavapai County Supervisor, Prescott

*Paid for by "Arizona Non-Smoker Protection Committee"*

### Argument FOR Arizona Non-Smoker Protection Act

Dear Voters,

I am not a smoker. However, I think that these issues have more to do with the proper role of government than they do about smoking.

I am a supporter of individual choice and a limited government that protects our freedoms and respects personal responsibility. I believe that there is a responsible way to preserve individual freedom and responsibility, while accommodating non-smokers who prefer to stay far away from smoke.

The Arizona Non-Smoker Protection Act is the better smoking law because it preserves the freedom of non-smokers, smokers and private property owners. It protects non-smokers with a balanced, reasonable, consistent, statewide non-smoking law. The act prevents minors from entering any establishment that allows smoking and places signs at any bar or tobacco shop that allows smoking to protect non-smokers from entering unknowingly.

The government should not be in the business of telling private property owners how to run their business if they choose to allow a legal activity such as smoking. The choice should be left to the business owner who will let the market decide.

Adults should have the right to decide on what kind of establishment they want to frequent. **No one is forcing anyone to come into an establishment or to work there.**

It is a reasonable law that allows for choice.

Please join me in voting Yes.

Representative Russell Pearce, Arizona House of Representatives, Mesa

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Arizona Voters:

One of the many benefits of living in a democracy is our ability to participate in the political process and freely make our views known in a way that impacts public policy.

As executive vice president of R.J. Reynolds Tobacco Company, one public policy issue I am increasingly concerned about is the proliferation of smoking bans that make no exceptions for adult-only venues like bars.

We urge those who share our concern to support Proposition 206, an act that is a common-sense approach. Proposition 206 provides significant protection for non-smokers while allowing smoking in a limited number of venues such as bars, tobacco shops and private clubs. It's a fair, reasonable, and tolerant statewide law.

In many cities where comprehensive smoking bans have become law, they have led to business, revenue and job losses. In our view, business owners, who serve only adult customers, should be free to establish their own smoking policies.

Just as adult customers are free to make a decision about entering establishments that allow smoking, employees can also decide whether they want to work around smokers. Those who are concerned about the potential health impact of secondhand smoke are free to seek employment in any of the thousands of restaurants and bars that voluntarily ban smoking on their own.

The bottom line is Proposition 206 is a common sense solution that will protect non-smokers, children, smok-

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ers, and small businesses. On November 7, vote yes on proposition 206...it's the best choice for Arizona.

Tommy J. Payne, Executive Vice President, External Relations, R.J. Reynolds Tobacco Company,  
Winston-Salem

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Voters,

We are writing you today to encourage you to support Proposition 206, a simple, honest, fair, tolerant, and reasonable smoking plan that balances the rights of non-smokers with the rights of private property owners. It's a better choice that allows adults to make adult decisions while protecting children.

Arizona Licensed Beverage Association (ALBA), the State trade association for liquor retailers, represents the entire range of retail liquor licensees, including bars, restaurants, service and veterans clubs and anyone else who sells liquor to consumers. Most of our members are small, independent business people, hoping to make a living and leave something to their kids. We remain steadfast in our belief that property owners and business people should have a right to control their property and their business.

We certainly understand that many non-smokers simply do not want to be around smoking because they find it offensive or they have concerns about secondhand smoke. We respect the rights of these people, and we support those business owners, including many of our members, who choose to distinguish themselves from others by catering to a non-smoking clientele. Taking away this ability to decide how to serve your customers harms all business owners.

That is why we strongly support Proposition 206. Proposition 206 is a uniform statewide smoking ban that bans smoking where children are permitted, while allowing bar owners, where kids aren't allowed, to choose whether they will allow smoking in their bar. Proposition 206 does not increase taxes and does not increase the size of government.

We believe that Proposition 206 is a better law that allows for choice. Please join us and the small businesses that we represent in voting YES on 206.

Bill Weigele, President, Arizona Licensed Beverage Association, Tempe

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Voter,

One of the most polarizing debates in America today is that between smokers and non-smokers. There are many arguments for one side or another on this issue, but I think a common ground can be found that will be acceptable to everyone.

I am a non smoker. I don't like to smell smoke and I don't like to be around it. However, I think that there should be a common ground solution that is in line with the American spirit of compromise and takes into account the realities of life in Arizona.

A common sense policy is exactly what is offered in Proposition 206. The Arizona Non-Smoker Protection Act allows the majority of the population to have the non-smoking environment that health concerns demand. The act is aptly named because it achieves the dual goal of protecting the health of citizens who do not wish to be exposed to tobacco smoke while allowing smokers a public place to peaceably assemble.

It should provide meaningful solutions that are acceptable to both sides of the debate.

I honestly think that this policy would be best for all of Arizona. Please join me in voting YES.

Raymond L. "Skip" Graham, Dewey

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Voter,

I am life-long Arizona resident concerned about the direction of our state and how our government is taking too much control of our individual rights and freedoms. That is why I have made an important decision to support the Arizona Non Smoker Protection Act.

I believe it is vital we maintain right of individuals and small businesses to make an honest living. To me it is not a smoking or non-smoking issue, it is about personal choice. I have managed to raise 6 children and live 75 years without the aid of government. I do not choose to have them overseeing my basic rights as a citizen at this point in my life.

The small business owner should have the same ability as has always been, to reserve the right to refuse service to anyone. "No shirts, no shoes, no service", is a phrase we are all familiar with. That was the decision of the individual business owner, not the government and it's worked so far.

Arizona has an obligation to its citizens to act in EVERYONE'S best interests, not just some. Arizona has always been the trailblazer, independent thinker, and our state is regarded for that. Californians voted to allow their government to oversee their health, and maybe that's working for them. Arizona is not, and doesn't want to be the next California, that's why we need to maintain our own voice.

The Non Smoking Protection Act will keep our freedoms intact by offering a reasonable smoking policy for all Arizonans. It is important for us to maintain our basic freedom of choice and protect small business owners by voting YES on the Arizona Non Smoking Protection Act.

Linda January, Phoenix

*Paid for by "Arizona Non-Smoker Protection Committee"*

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*Issued by: Secretary of State Jan Brewer*

**Protecting Freedom for Veterans and Everyone else**

Dear Voters of Arizona,

James Madison once said, "I believe there are more instances of the abridgement of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations."

As a Veteran, I fought for freedom and liberty. However, I now see that here at home, we are now under threat of Government restrictions of freedom through the gradual regulation of behavior.

We don't need the government to tell adults what they can and can't do. I fought for the right to make choices for myself.

This issue is about choice even for bar employees. Just like a person chooses to be a firefighter, a coal miner, a delivery driver, construction worker, or my own personal choice to be in the military – there are factors that need to be considered when you are taking the job.

Ultimately, workers can choose to work in a bar which allows smoking, or in a bar which prohibits smoking. Either way, they will know in advance whether smoking is going to be allowed. If a worker does not want to work in an establishment that allows smoking, they have the right to find another job. In the same way, a bar owner should have the right to operate their business as they see fit.

So, please join my in preserving freedom by voting YES on the Arizona Non Smoking Protection Act.

Dennis McCorry, Sun City

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Arizona Voter,

As a Veteran, I encourage you to support the Arizona Non-Smoker Protection Act to preserve adult choice. We as adults should have the right to decide on what kind of establishment we want to frequent.

Solving the public smoking issue with a sensible plan is the American way. We must protect the rights on non-smokers, but make room for sensible polices which allow adult smokers some limited freedom too.

This is the kind of freedom that I fought for.

The Arizona Non Smoker Protection Act preserves private property rights, allowing the establishments to make the choice on whether they want to permit or prohibit smoking.

We as Arizonans need to resist the temptation to put restraints on the lives of others and not create new burdens.

The Arizona Non-Smoker Protection Act gives voters a chance to be responsible by preserving the freedom of smokers, non-smokers, and the establishments that serve both. Join me in supporting a fair statewide standard that protects our rights and freedoms.

Art Grosch, Phoenix

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Voter:

I write to you today on a matter of sincere concern for my community and the whole state of Arizona. As a small business owner, I am well aware of the pressing need to respect the wishes and interests of all my customers. These concerns are never more prevalent than the debate on smoking bans.

As a former elected public official, I recognize that this issue is a heated one and that a lot of talk will not win anyone over. That is why I support a common sense approach to the issue; an approach offered in the Arizona Non-Smoker Protection Act. I support this measure because it is a real and effective change that preserves freedom and adult choice while addressing the concerns of those opposed to the use of tobacco products.

In brief, this group's proposed initiative would ban smoking in public places with the exception of bars and tobacco shops. Only bars which are closed off from other areas, and have a separate ventilation system, would be able to allow smoking.

Under this measure,

Patrons have a choice. Any bar can cater to its clientele by choosing to remain non-smoking, if that is what their adult patrons' desire; and

Employees have a choice. They can choose to work in a bar which allows smoking, or in one that prohibits smoking. Either way, they will know in advance whether smoking is allowed or prohibited before accepting employment.

Again, I support this common sense approach to establishing a smoking policy in Arizona.

Pat Conner, Yuma

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Voter,

When it comes to freedom, I have some pretty strong opinions. As far as I'm concerned, a blatant smoking ban is a violation of some of the basic freedoms that Americans hold dear.

As a Veteran, I made a commitment to defend freedom and preserve the American way. I am doing that again today by supporting The Arizona Non Smoking Protection Act.

The Arizona Non-Smoker Protection act is a rational, common sense smoking policy. What they want to do is put in place a smoking ban for all public places, but still allows a highly selective group of places like bars to choose to allow smoking. It's a smart way to give non-smokers what they want while defending freedom and

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preserving adult choice.

That's what I fought for!

The Arizona Non Smoker Protection Act is a clear and reasonable solution for the people of Arizona.

Scott Ogborn, Tonopah

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Arizona Voter:

I am pleased to announce my support of the Arizona Non-Smoking Protection Act because it will work on behalf of small business owners to preserve our investments and protect our private property rights.

It is reasonable to believe we would all want a reasonable law prohibiting smoking in all places where individuals and minors are able to go, while preserving the right of bar and tobacco shop owners to provide separately ventilated and walled off smoking areas if they so choose.

This is a realistic approach to the problem. The Arizona Non-Smoking Protection Act would prohibit smoking in nearly all public places, but takes the common sense approach of allowing bars and tobacco shops to allow smoking areas where minors are not allowed.

This is a smart plan that protects minors, non-smokers, business owners, and most importantly, it will respect the rights of all individuals in our state.

Please vote yes!

John W. Dawson, Chairman & CEO, The Scottsdale Plaza Resort, Scottsdale

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Voters of Arizona,

As small business owners, we have learned over time to allow the market and our customers to dictate the kind of business and amenities we offer. We have allowed trends to determine how we serve our clientele.

We should have the choice to continue making these decisions into the future –especially when it comes to smoking. That is why we are supporting the Arizona Non Smoker Protection Act to preserve choice.

There are two main reasons I support this:

1. Patrons should have a choice. Any bar can cater to its clientele by choosing to remain non-smoking if that is what their adult patrons want.
2. Owners and Employees should also have a choice. They can choose to own or work in a bar which allows smoking, or a bar which prohibits smoking.

We do not need the government to tell adults what they can and can't do. Let's allow people to make the choice for themselves. As long as tobacco is a legal substance the choice should be ours. Help protect everyone's private property rights.

Mary Kaffer, Co-owner of Sage and Sand, Yuma

*Paid for by "Arizona Non-Smoker Protection Committee"*

Support Reasonable Laws that Don't Hurt My Business

Dear Voters of Arizona,

I am supporting Proposition 206 because it's a reasonable law that allows adults to make adult decisions. I am not a smoker, but I understand that a significant portion of my clientele does and I need to make sure that I can cater to them.

As part of our weekly schedule, we currently hold a Poker tournament. It is a chance to people to get together to play cards, drink, and smoke. Poker is very popular right now, and it has made Monday nights one of the most successful nights of my week. Proposition 206 will allow me to keep this night intact and allow me to continue my business.

On the other hand, if we pass a comprehensive ban such as the one posed by Smoke-Free Arizona, I will see all my business leave for the Indian Casinos where these smoking laws will not apply. Nearly a million people in Arizona live within 5 miles of an Indian Casino – the fact that they will still be able to allow smoking will definitely hurt businesses across the state.

Our businesses do not need to be hurt any worse than they already are. It's a fact that the last thing businesses like bars in our community need is another thing to keep customers away.

Proposition 206 is what is best for our town, its businesses, and all of Arizona. Please join me in supporting the reasonable and fair choice.

Randy L. Kadavy, Glendale

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Arizona Voters,

I am a non-smoker and I am voting YES on Proposition 206 to protect my freedom of choice. There will be people out there that will try to cloud this issue. They will say a lot of things in an attempt to rationalize taking away your right to choose. No matter how you look at it, a prohibitive ban will be a chip away at the rights that we hold so dear.

That is why we must preserve choice by voting Yes on 206.

The other smoking law is a complete ban that is un-American and limits people's right to choose. If we allow

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*Issued by: Secretary of State Jan Brewer*

such heinous infringements on our rights to continue unchecked, there is no telling what someone might try next. Next time, what will be keeping special interests from taking away your rights?

I don't smoke, so I will stay away from bars that have smoking. It's as simple as that. I will know where they are because of the signage, and I will be able to make the choice for myself and my family.

That is why we need to stop all this nonsense here and now and make a rational choice that is fair to everyone. We need to protect our freedom of choice! Vote YES ON 206.

Keri Roth, Tempe

*Paid for by "Arizona Non-Smoker Protection Committee"*

**Stand up for Freedom!**

Voters of Arizona:

The people of Arizona need to know that when it comes to a smoking ban it doesn't have to be all or none. Groups like Smoke-Free Arizona have pushed a blatant ban for all of Arizona. But that's not the way we do things around here.

Having Freedom and Choice is part of what it means to be an American.

I'm the owner of the Six Shooters Sports Bars and a small business owner. I don't make people come into my bar, and I don't make people work here. So why should someone else tell me what kind of establishment I should run?

It's about time that Arizona takes a common sense approach to its smoking policy. A blatant ban will not respect the rights of all Arizonans and would jeopardize hundreds of small businesses.

There is an alternative.

The Arizona Non-Smoker Protection Act is offering a reasonable smoking policy on the ballot this November. Only bars which are closed off from other areas, and have a separate ventilation system would be able to allow smoking. It is a reasonable, common sense approach. I encourage all Arizonans to vote YES on the Non Smoker Protection Act.

Rick Forbes, Scottsdale

*Paid for by "Arizona Non-Smoker Protection Committee"*

**This is About Freedom!**

Dear Voter,

I am proud to live in America where we are free to do what we want as long as we aren't hurting others.

That is why I support the Arizona Non-Smoker Protection Act. It is a comprehensive and clear policy for the whole state that bans smoking in public places, but still permits smoking in a few limited places where minors are not allowed to go.

There is no doubt that smoking in Arizona is a big deal. When it comes to this election, however, the choice isn't really about smoking, but rather about Freedom. On this upcoming question, you will have the choice between a blatant ban and a reasonable restriction.

Arizona needs a common sense smoking policy that gives people a place to smoke, while protecting the rights of the majority of us non-smokers. That policy is The Arizona Non-Smoker Protection Act.

Hut Hutson, Tempe

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Voter,

I have been following closely the hotly debated issue on smoking in public places. As a worker in a smoking environment, I am very concerned that my ability to choose where I work will be taken away from me through more government intervention. I am relieved to know that the Arizona Non Smoker Protection Act will allow individuals like myself the freedom to decide where I want to work.

The Arizona Non Smoker Protection Act will allow individuals like myself the choice to work in either a smoking or non-smoking environment. It is the type of flexibility workers and small business owners need to continue to make a living and contribute back to our community. It is a reasonable approach to providing options for all Arizonans.

Whether you are a smoker or non-smoker, the Arizona Non Smoker Protection Act is our best option when it comes to protecting our individual rights and the rights of the small business owner.

I strongly urge everyone to Vote YES on the Non Smoker Protection Act.

Gloria McGovern, Lake Havasu City

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Arizona Voters,

It is understandable that I get up in arms when people start talking about passing blatant smoking bans in Arizona. My customers aren't shy about their opinions on any smoking ban that would prevent them from having the freedom to make a choice on the kind of establishment they want to frequent.

What Arizona needs is a common sense approach to the issue of smoking, one that will respect the right of all smoking and non-smoking Arizonans, while providing an ample amount of choice in our local economy.

That's where the Arizona Non-Smoker Protection Act comes in. What they propose is a smoking ban in pub-

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lic places but provides highly limited exceptions for places like tobacco shops and bars.

I strongly support this group and recognize that its efforts are in the best interest of Arizonans. The Non-Smoker Protection Act is a balanced, reasonable, consistent, statewide non-smoking law. The act prevents minors from entering any establishment that allows smoking – while preserving the adult choice to decide on what kind of establishment they want to frequent.

It's a good plan for everyone. Join me in voting YES!

Donna Rumfola, Flagstaff

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Voter,

As a member of the hospitality industry and the owner of a restaurant and bar in Safford, I am encouraging you to vote YES on the Arizona Non Smoker Protection Act.

The Arizona Non-Smoker Protection Act protects non-smokers while preserving private property rights. This initiative would prohibit smoking in enclosed public places and places of employment with a few sensible exceptions such as tobacco shops and bars.

I am part of the coalition of organizations and small businesses in Arizona who want to establish a common sense and widely acceptable smoking policy. While I think that we should protect minors and non-smokers, I also believe that it is imperative that we preserve adult choice. Adults should have the right to decide on what kind of establishment they want to frequent.

The Non-Smoker Protection Act is a balanced, reasonable, consistent, statewide non-smoking law. Please join me in voting YES!

Robin Cantrell, Thatcher

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Voters,

I work in a bar. It's a good profession and I like the people I work with and the people I meet. I know what kind of environment I work in, and I knew about it when I started there.

If I wanted or needed to work in a smoke-free workplace, I would have chosen a non-smoking restaurant/bar. There are plenty of them around. When people walk into the bar, they know the environment that they are entering. More importantly, they choose to be in that environment.

Proposition 206 allows adults to make that choice while protecting non-smokers and children. Proposition 206 is a uniform statewide smoking ban that allows adults to make adult decisions.

I understand that people don't want to be around smoke, and they don't want to be near second hand smoke. There should be places for those people, but there should also be places where smokers can go and I think that giving bars a choice is a reasonable and tolerant solution.

Please join me in voting Yes on 206.

Chelsea Ridout, Phoenix

*Paid for by "Arizona Non-Smoker Protection Committee"*

*Let's use some common sense.*

Dear Editor,

Arizona desperately needs a common sense approach to a smoking ban. We need a fair, balanced, reasonable solution. As someone personally and financially interested in these matters, I think we need a more reasonable approach.

The Non-Smoker Protection Act is a balanced, reasonable, consistent, statewide non-smoking law. Only bars which are closed off from other areas, and have a separate ventilation system would be able to allow smoking. *A bar is not required to change from non-smoking to smoking – and no customer is forced to enter a smoking establishment.*

The issue comes down to **Adult Choice**. Adults choose what they eat, what they wear, where they work, and what they want to do with their time. They should have a choice as patrons about what kind of place they want to go. Any bar can cater to its clientele by choosing to remain non-smoking if that is what their adult patrons want.

As the owner of the Empty Pockets Saloon, I strongly support the Arizona Non Smoker Protection Act. They are compelling and account for the realities of business in Arizona.

Robert Adley Smith, Holbrook

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Voter,

A small business owner faces many challenges every day. From what I should serve, to the events my customers want, I am always looking for the best way to serve my clientele.

No matter how you feel about it personally, it cannot be denied that the people in Arizona who do smoke make up an important part of my customer base. I depend upon their business to keep my business going and because of that I know that the last thing they want is to not be able to smoke in my bar.

Smoking bans do not just affect the business outlook for members of Arizona's bars, but they also directly

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question the owner's rights to run a business and serve his or her customers. A complete smoking ban in Arizona would be devastating to my business. The smokers would simply leave my establishment and head out to the Indian Reservation to smoke in their bars and casinos.

We need a compromise that balances the rights of non-smokers and smokers. That's where the Arizona Non-Smoker Protection Act comes in. It is smoking policy that bans smoking from all public places, but allows for reasonable exceptions like bars and tobacco shops. This plan protects children and non-smokers while allowing adults to make up their own minds.

For the future of my business, please join me in Voting Yes on Prop 206.

David Wimberley, Phoenix

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Arizona Voters,

I am a non-smoker, and want my children to sit in a smoke free restaurant for dinner, but I also like my freedoms as an American. NO ONE has to go to a bar, and children are not even allowed to in there, so why not allow smoking? If I don't want to be in that environment, there are plenty of places that I can go where I don't have to breathe in smoke.

What if someone was allergic to perfumes? Would the government ban them? How about someone allergic to peanuts, should we halt all peanut production? The answer is NO!

We have something FREEDOM in the country. I am free to pick where I want to go. No one in the government needs to help me make that choice by restricting other people's FREEDOMS. Too much time and effort is spent on these trivialities.

Prop 206 does enough to protect children and non-smokers. It's a sensible plan that we all should support.

Robert R. Dwyer, Scottsdale

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Voter,

I am not a fan of smoking laws. Prohibitions usually fail to recognize the serious concerns of business owners, their workers, and the preferences of their customers. However, I am also realistic and I know that a smoking law will be adopted this upcoming election.

That being the case, I am supporting the Arizona Non Smoker Protection Act because it does the best job of preserving freedom while protecting the folks that don't want to smoke.

In general, smoking bans ignore and abuse the rights of business owners and their patrons. However, I have found that the Arizona Non Smoker Protection Act stands up for the jobs and rights of Arizona small business owners and workers. It is a plan that prohibits smoking without abusing the rights of businesses and ignoring the realities that exist.

My interest in this matter comes from my position as a worker in a bar. I know firsthand that customers like mine will either not go out or do so less often if they can not smoke. I also know that I am not alone; many other businesses like mine would face similar hardships if a total smoking ban goes into effect. I made the adult choice to work in a place, and I don't need the government to tell them how to run their business to protect me.

Employees have choice. They can choose to work in a bar which allows smoking, or in a bar which prohibits smoking. Either way, they will know in advance whether smoking is going to be allowed.

Please join me in voting YES on the Arizona Non Smoking Protection Act

Marlene Gastineau, Tucson

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Voter,

Smoking is a big deal and sometimes it is hard for people to talk about it. As a bar worker I know this from first hand experience. I don't know how many times I've tried to talk to my customers about it, and everyone has their own opinion.

I am well aware of the concerns about smoking and so are my fellow employees. We've made the adult decision to work in a bar and so our customers have made a similar decision when it comes to the choice to smoke. It's a reality of where we work that customers who smoke are a vital part of business.

The best option for Arizona is that proposed in the Arizona Non Smoker Protection Act. We need a reasonable smoking policy for all of Arizona. It would prevent smoking in all public places, yet would take into account the realities of life by making exceptions for places like a bar.

I really want everybody out there reading this to take the time to think about what makes the most sense for everyone involved. I'm certain that the Arizona Non Smoking Protection Act is the best answer for Arizona.

Paula Johnson, Tucson

*Paid for by "Arizona Non-Smoker Protection Committee"*

To: Interested Voters

Freedom of Choice is an American privilege, so intended by the founders of our great country. That is the purpose for which so many of our people have fought and died over the past two hundred thirty years. Usage of tobacco, which is a legal substance, is not the issue in this statement. Individual rights are being infringed upon

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and that is a frightfully serious charge to every citizen of our country. The non-smokers are being protected under current laws and regulations. Those who wish to smoke are already informed of all the necessary cautions and warnings, and have designated areas for that activity. However, any one who wishes to smoke should have the freedom to so choose and is entitled to the space in which to indulge in their choice. Non-smokers are entitled to their decision and can choose whether they wish to frequent the space designated for the smokers. Extended laws are not needed, and government interference in the rights of our citizens is not necessary to secure the freedoms we are privileged to have and fight and die to retain. Vote YES on this proposition and NO! NO! NO! on the Smoke-free.

Lois Richards, Scottsdale

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Arizona Voter,

As a Veteran and a longtime citizen of Arizona, I support the Arizona Non Smoker Protection Act to preserve private property rights while protecting non-smokers. The proposition is a reasonable and consistent statewide non-smoking law that preserves adult choice.

I fought for my country to preserve freedom and make sure that everyone would be able to make choices for themselves. I did not fight to support government bans and restrictions on freedoms.

The act protects minors by preventing them from entering any establishment that allows smoking. The act protects non-smokers by only allowing smoking in bars where there is a designated smoking area with a separate ventilation system. The act gives future employees the choice on whether to work in a bar which permits smoking or in a bar which prohibits smoking.

Giving people options and reasonable regulation is what our government is about. We fought and died to protect these rights.

I encourage all Arizonans to support the Arizona Non-Smoker Protection Act to preserve our freedoms. Vote YES for Freedom!

Bill Burke, MSGT/USAF, Peoria

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Arizona Voters,

I own a Bar/Nightclub in Arizona with smoking patrons. Hundreds of other family owned bars have the same situation.

- We pay taxes.
- We invested hard earned dollars in our businesses.
- We depend on customer's discretionary dollars to survive or lose business with possible bankruptcy.
- We desire a business environment allowing customer choices.
- Outdoor Smoking areas may not be feasible logistically.

My concern is understandable when people talk about passing blatant smoking bans. My customers also aren't shy about their opinions on smoking bans preventing them the freedom to make choices on establishments they want to frequent.

Arizona needs a common sense approach to the smoking issue, one respecting the rights of Arizonans, while providing adult choices. Arizona's Non-Smoker Protection Act proposes smoking bans in public places but provides highly limited exceptions for places like tobacco shops and my bar.

**This is a good, fair act for businesses catering to adults.**

Acknowledging:

- Smoking is legal.
- Businesses with adult clientele choose to be a non-smoking or smoking establishment. Business economics and **FREE** enterprise dictate this.
- Adults choose businesses they patronize.
- Employees choose working in non-smoking/smoking establishments.
- America: **FREEDOM** of running my private business, protected by the constitution, without private interest groups/individuals enforcing personal views.

I strongly support this Act and recognize its efforts are in the best interest of all smoking/non-smoking consumers and businesses. The Non-Smoker Protection Act is a balanced, reasonable, consistent, statewide non-smoking law. The act prevents minors from entering establishments that allow smoking – while preserving adult choices on establishments they frequent.

It's a good plan for everyone. It protects **FREEDOM** for individuals and businesses alike to make choices. Join me in voting YES!

Marcia Wahlgren, a non-smoker, Peoria

*Paid for by "Arizona Non-Smoker Protection Committee"*

To the voters of Arizona,

I am in support of the non-smokers protection act for numerous reasons, none the least of which is the manner in which each person can decide for themselves if they want to patronize a smoking establishment or not, a fundamental right of our free society guaranteed in our constitution.

The initiative allows for those establishments to enact non-smoking sanctions thus ensuring their own per-

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centage of increased patronage as those who don't want to be around smoking will enjoy those places of business smoke free.

This act further blankets the state in a uniform rule governing smoking and eliminates the need for conflicting local regulations and therefore less cost to the taxpayer for enforcement.

Lastly, not only are property rights protected ( as the individual business owner can be free to wall off designated smoking/non-smoking areas as clientele demands) but allows the individual worker to decide where he wants to work and under what conditions; a right protected by our constitution.

I urge all voters to join me in voting for the non-smokers protection act as the best and only right method to protect all citizens whether for or against smoking.

Susan E. Compton, Tucson

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Arizona Voters and Veterans,

I remember not too long ago when it was perfectly legal to go and smoke just about anywhere but in a hospital. Back when I was in the military, the Government used to give me cigarettes in my rations. Well, those days are rapidly ending.

And you know what? I am okay with that. I accept that there are some places that should be no-smoking because it is a common place shared by non-smokers, minors, and other people.

However, I think there are some places that should be allowed to preserve the right to choose. I fought for that right, and I think I deserve a few places that I can go to enjoy a beer and an occasional cigarette if I so choose.

Bars seem to be the last refuge for people who smoke in public and the appropriate place to preserve this choice. That's why I am supporting the Arizona Non Smoking Protection Act.

This act creates a fair statewide standard which protects small businesses, jobs, and one of Arizona's largest industries, tourism while protecting minors and non-smokers. It's a smart choice that preserves the public places that everyone uses, while giving me a place to go.

Richard Park, Glendale

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Voter,

Arizona politics is an interesting and bizarre thing. As the worker in a bar there are certain matters of politics that I can't help but be interested. One of those issues is smoking.

Smokers make up an invaluable part of my customer base. I am keenly aware of their interests and the portion of my overall clientele that they represent. I choose to work in this establishment, and I know the ramifications of making this choice.

I could choose to work in a non-smoking bar if I wanted to. However, I am free to make this choice, and I think people should be free to make the choice to smoke, if they want.

I work in a bar, not some place full of kids. I serve adults who can make adult decisions. The Arizona Non Smoking Protection Act helps protect kids and non-smokers by prohibiting smoking in enclosed public places and places of employment with a few sensible exceptions such as tobacco shops and bars.

To those people trying to make the government look out for me and my safety: Thanks but no thanks. I am an adult and I can make my own choices. Other people should too! Vote Yes.

Denise Bauldry, Sun City

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Voter,

I have been a bartender for several years. When I went into this profession, I knew the kind of environment that I would be working in. I recognized the fact that smoking patrons may come along with the territory. I chose to work in this environment. If I had everything to do over, I would still choose to work in this environment.

If I wanted or needed to work in a smoke-free workplace, I would have chosen a non-smoking bar. I work at the place I work because it has an eclectic mix of customers that keep the bar interesting. We have a great core of customers that come from the locals and people visiting the area. When people walk into the bar, they know the environment that they are entering. More importantly, they choose to be in that environment.

The Arizona Non Smoking Protection Act preserves that choice while protecting the rights of Non-Smokers. A total ban will hurt me more than it could ever help me. It is bad for me. It is bad for my customers. Please Vote YES on the Arizona Non Smoker Protection Act. Also, I am a former smoker.

Laura Anderson, Phoenix

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Voter,

I own a tobacco shop. I serve my adult clientele by offering them the legal products that they want to purchase. I don't force anyone to enter my store and I don't force anyone to use tobacco.

The most important aspect of being an American is having the freedom of choice to engage in legal behavior in public places. The great State of Arizona has a long and proud history of respecting the rights of all individu-

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als, both smokers and non-smokers alike. I also respect the rights of all individuals and I believe that rather than banning smoking everywhere we should all have the freedom to choose whether or not to patronize an establishment that allows smoking.

Proposition 206 is a balanced law that protects non-smokers and children by banning smoking in most public places with a few exceptions, including bars and tobacco shops. It is a uniform statewide standard.

Proposition 206 is smart and reasonable. It takes a good idea and makes it practical.  
Please VOTE YES.

Bart Gerber, Phoenix

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Voters,

People in Arizona need to make sure they get their facts straight on the smoking initiatives that will be on the upcoming ballot. One of the laws is a blatant outright ban, which restricts freedom and eliminates choice. There is a better choice for voters this November.

The better choice is the Arizona Non Smoking Protection Act. It will prohibit smoking in enclosed public places and places of employment with a few sensible exceptions such as tobacco shops and bars.

The Arizona Non Smoking Protection Act is a smoking law that actually makes sense. It's a plan that would replace the patchwork series of smoking policies in Arizona and set a single standard for the whole state. It also provides choice.

Workers and patrons can choose to be in a bar which allows smoking, or in a bar that prohibits smoking. Either way, they will know in advance whether smoking is going to be allowed while respecting the rights of each individual.

This just plain makes sense.

I hope you will join me and hundreds of other small business owners in voting YES.

Mario Lizarraga, Florence

*Paid for by "Arizona Non-Smoker Protection Committee"*

**We should protect choice!**

People in Arizona still smoke. It seems like this shouldn't need to be stated, but I write today because I fear that such common knowledge is simply being ignored. As the owner of the Margarita Bay Bar, I'm telling you it's true.

When people go to bars and clubs they like to smoke. Not everyone does, but that isn't the point. The reality of the situation is that a comprehensive smoking ban would severely hurt the hospitality industry, its many employees in the state of Arizona, and the families of those people.

What's needed is a smoking policy that takes these realities into account and makes sense; a policy that bans smoking in public places, but makes the necessary and appropriate exemptions for bars and tobacco shops.

The best choice for this is the policy put forth by Arizona Non-Smoker Protection Committee. It's a common sense approach that effectively prohibits smoking while accounting for the realities of life in Arizona.

I ask that all of my fellow Arizonans take the interests and good of the hospitality industry in mind as well as the need for a common sense approach on this issue when considering any possible smoking policy for Arizona.

There are numerous bars in a variety of venues that do not allow smoking so non-smokers can enjoy a drink in a smoke free environment. As for the issue of smoke in the work place, my non-smoking employees are aware of the so called hazards of second hand smoke yet choose to work here and are supportive of this policy.

Another concern of mine is that I don't have the option of building an outdoor patio to accommodate smokers as many other bars are doing. This puts me at competitive disadvantage.

join me in voting YES

Dennis Murphy, Margarita Bay Inc., Tucson

*Paid for by "Arizona Non-Smoker Protection Committee"*

**ARGUMENTS "AGAINST" PROPOSITION 206**

ER DOCTOR SAYS "NO ON 206"

The health risks of exposure to second-hand smoke have been proven by hundreds of scientific studies over the past 20 years. So you would think that an initiative that would restrict smoking in restaurants would promote our health. But the so-called Arizona Nonsmokers Protection Act is a wolf in sheep's clothing, and would be better entitled "The Tobacco Industry's Heart Attack and Cancer Promotion Act."

This weak act, funded by the tobacco industry, has four major problems. First, it allows smoking in "separately ventilated" sections of restaurants. Ventilation does not protect workers in such areas (as documented recently by the American Society of Heating, Refrigeration, and Air Conditioning Engineers) and will not prevent toxic smoke from drifting into the "nonsmoking" sections. Second, it allows smoking in bars, endangering both patrons and employees. Third, this act has no method of funding or provision for enforcement, allowing for non-compliance without penalty. Fourth, this initiative contains a preemption clause that rescinds portions of smoke-free laws already in place in several local communities.

In recent years, the citizens of some 18 states have won true protection from second-hand smoke. The peo-

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ple of Arizona deserve the same. Unfortunately, the Arizona Nonsmokers Protection Act fails to protect our health and should be defeated.

Keith Kaback, M.D., Emergency Physician, Tucson

**American Lung Association of Arizona Says Vote “NO” on Proposition 206**

For years, the tobacco industry has attempted to mislead Americans. Now, tobacco giant RJ Reynolds is specifically targeting Arizonans with a watered-down, deceptively-titled initiative called the Arizona Non-Smoker Protection Act. Their concern is not the welfare of Arizonans, but rather their own bottom line.

What RJ Reynolds vigorously tries to keep out of the public forum are the facts about the dangers of second-hand smoke:

- Waiters and waitresses have almost twice the risk of lung cancer due to involuntary exposure to environmental tobacco smoke (ETS).
- Secondhand smoke is associated with serious health effects including retarded fetal growth, asthma, lower respiratory infections, lung and nasal cancer, and heart disease.
- Each year environmental tobacco smoke (ETS) kills approximately 53,000 Americans.
- Secondhand smoke exposure increases the risk of bronchitis and pneumonia in children. The Environmental Protection Agency (EPA) estimates that between 150,000 and 300,000 of these cases in infants and young children are attributable to exposure to secondhand smoke every year.
- 17% of lung cancers among adult nonsmokers can be attributed to high levels of secondhand smoke during childhood and adolescence.

After looking at the facts, we know that there is no safe level of exposure to a Group A carcinogen such as secondhand smoke. By opposing this initiative, you will support the right of all Arizonans to breathe clean air and lead longer, healthier lives. Please join the American Lung Association of Arizona, American Cancer Society, American Heart Association and the Arizona Hospital and Healthcare Association in OPOSSING this harmful initiative.

Charles Finch, D.O., Co-Chair, Arizona Board,  
American Lung Association of Arizona,  
Scottsdale

Keith Kaback, M.D., Co-Chair, Arizona Board,  
American Lung Association of Arizona, Tucson

*Paid for by “American Lung Association of Arizona/New Mexico”*

**Health Groups Say Vote “NO” on Proposition 206**

As the largest voluntary health organizations committed to eliminating heart disease, cancer and respiratory illness, the American Cancer Society, American Lung Association, American Heart Association as well as the Arizona Hospital and Healthcare Association are adamantly opposed to Proposition 206, RJ Reynolds’s Non Smokers Protection Act. We ask you to join with our thousands of volunteers and supporters in Arizona and vote “NO” on this proposition.

Proposition 206 is a self-interested, loophole riddled initiative funded by the tobacco industry. This measure won’t protect nonsmokers or our health, but rather protect the profits of the tobacco companies. Smoke-Free Arizona is the only measure that would create smoke-free workplaces for every Arizonan and ensure a healthy future for our children. The goal of Proposition 206 is to keep Arizonans smoking in restaurants, bars and other workplaces. It’s about tobacco company profits, not the protecting the public’s health.

This misleading initiative would actually:

- Allow smoking in parts of restaurants, bowling alleys and hotels where alcohol is sold as well as in bars.
- Rollback existing smoking protections in communities throughout Arizona including Tempe, Prescott, Flagstaff and Sedona.
- Provide for no designated enforcement agency for implementing and enforcing the law.
- Prevent local communities from passing future health protections against secondhand smoke.

The science is clear: There is no safe level of exposure to secondhand smoke. The American Cancer Society, the American Lung Association, the American Heart Association, the U.S. Surgeon General, the U.S. Centers for Disease Control and Prevention as well as countless other health groups all agree that separating smokers and nonsmokers in the same airspace is not effective. Please don’t be misled by this deceptive initiative. Vote “NO” Proposition 206.

Sincerely,

Bill J. Pfeifer, Chairman, Smoke-Free Arizona, Tempe

*Paid for by “Smoke Free Arizona Campaign”*

**American Cancer Society Urges “NO” Vote**

Secondhand smoke is a public health hazard that causes cancer, heart disease and respiratory illness. Proposition 206 claims it removes secondhand smoke by using ventilation instead of prohibiting smoking in restaurants, bowling alleys and other establishments where alcohol is sold. The tobacco industry sponsor of Proposition 206 knows that ventilation technologies do not protect patrons against the harmful effects of breathing secondhand smoke. They are only interested in confusing voters about the measure that truly will protect us, Smoke-Free Arizona. The truth is the only way to keep smoke out of nonsmoking sections is to completely eliminate smoking indoors.

The evidence shows that ventilation is ineffective and costly. No U.S. science agency has found that ventilation systems reduce secondhand smoke exposure on-the-job to an acceptable level. Even manufacturers and sellers of air

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filtration technologies admit that their products do not protect consumers from the health risks imposed by secondhand smoke. Estimates for creating dual ventilation systems to separate smoking areas as required by Proposition 206 are from \$30,000 to \$50,000. How many small businesses can afford that? Proposition 206 does not protect the rights of nonsmokers but rather will continue to allow for smoking in our restaurants, bowling alleys, pool halls and bars.

The American Cancer Society believes that all Arizonans have the right to breathe smoke-free air. History has shown us that smoke does not know to stay in a "designated smoking section" and simply separating smokers from nonsmokers does not work. Please vote "NO" on Proposition 206.

John Craft, Vice President of Prevention & Early Detection, American Cancer Society, Great West Division, Fountain Hills

Sharlene R. Bozack, Vice President of Government Relations, American Cancer Society, Great West Division, Tempe

*Paid for by "American Cancer Society"*

**Argument against Proposition 206  
Economic Impact**

The tobacco industry and other supporters of Proposition 206 claim by exempting bars they are protecting these businesses from the economic impact of going smoke-free. This is a false argument. NO state and municipality that has passed a smoke-free air law has seen a negative economic impact as a result of the law. In fact, *no scientifically valid study has proven that smoke-free laws negatively affect the bar industry.* In New York, the number of bars in the state increased by 3.5% after their smoke-free law went into effect. In California, restaurant and bar receipts have increased each year since its smoke-free law was enacted in 1997.

One look at the details of Proposition 206 and it is clear why RJ Reynolds, one of the largest tobacco companies in the world, is spending hundreds of thousands of dollars to support its passage.

The reason the tobacco industry is fighting a strong law and supporting Prop. 206 is based on a different but completely valid economic truth - when strong smoke-free laws are passed, people smoke fewer cigarettes. That hurts the tobacco industry's bottom line. In other words, Proposition 206, if passed, would protect the tobacco industry's profits while continuing to allow workers and the public to be exposed to the deadly chemicals in second-hand smoke.

The American Heart Association knows Arizonans will see through RJ Reynolds' smokescreen and support the one initiative - Proposition 201 - which protects all Arizonans from secondhand smoke. Proposition 201 is the only initiative supported by the American Heart Association, American Cancer Society, the American Lung Association and the Arizona Hospital and Healthcare Association. Vote No on Proposition 206, and Yes on Proposition 201.

Sincerely,

Karen LaPolice Cummins, Senior Vice President of Phoenix, Denver, Hawaii, American Heart Association, Scottsdale  
*Paid for by "American Heart Association, Inc."*

Mary Lee Hyatt, Vice President, Heart and Stroke Initiatives, American Heart Association, Phoenix

**BALLOT FORMAT**

**PROPOSITION 206**

PROPOSED AMENDMENT BY INITIATIVE PETITION

**OFFICIAL TITLE**

AN INITIATIVE MEASURE  
AMENDING TITLE 36, CHAPTER 6, ARIZONA REVISED STATUTES BY REPEALING SECTIONS 36-601.01 AND 36-601.02; ADDING NEW SECTION 36-601.01; RELATING TO SMOKING

**DESCRIPTIVE TITLE**

PROHIBITS SMOKING IN ALL PUBLIC PLACES AND PLACES OF EMPLOYMENT; EXEMPTS BARS WITH SEPARATE VENTILATION SYSTEMS THAT PROHIBIT MINORS, PRIVATE RESIDENCES, TOBACCO STORES, DESIGNATED HOTEL/MOTEL ROOMS, VETERANS/FRATERNAL CLUBS, NATIVE AMERICAN CEREMONIES, AND OUTDOOR PATIOS; REQUIRES NO SMOKING SIGNS; PREEMPTS LOCAL REGULATIONS; ESTABLISHES PENALTIES FOR VIOLATIONS.

**PROPOSITION 206**

**PROPOSITION 206**

A "yes" vote shall have the effect of prohibiting smoking in all public places and places of employment while exempting bars that prohibit minors and have separate ventilation systems, private residences, tobacco stores, designated hotel/motel rooms, veterans and fraternal clubs, Native American religious ceremonies, and outdoor patios, and will prohibit minors in bars that allow smoking and will require no smoking signs be posted where smoking is prohibited.	<b>YES</b> <input type="checkbox"/>
A "no" vote shall have the effect of retaining the current laws regarding smoking in public places and places of employment and leaving current municipal smoking regulations in place.	<b>NO</b> <input type="checkbox"/>

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**PROPOSITION 207**

**OFFICIAL TITLE**

**AN INITIATIVE MEASURE**

AMENDING TITLE 12, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2.1; RELATING TO THE PRIVATE PROPERTY RIGHTS PROTECTION ACT.

**TEXT OF PROPOSED AMENDMENT**

Be it enacted by the People of the State of Arizona:

Section 1. Short title

This act may be cited as the "Private Property Rights Protection Act".

Sec. 2. Findings and declarations

A. The people of Arizona find and declare:

1. Article 2, section 17 of our State Constitution declares in no uncertain terms that private property shall not be taken for private use.
2. Our Constitution further provides that no person shall be deprived of property without due process of law.
3. Finally, our Constitution does not permit property to be taken or damaged without just compensation having first been made.
4. Notwithstanding these clear constitutional rights, the state and municipal governments of Arizona consistently encroach on the rights of private citizens to own and use their property, requiring the people of this State to seek redress in our state and federal courts which have not always adequately protected private property rights as demanded by the State and Federal Constitutions. For example:
  - (a) A recent United States Supreme Court ruling, *Kelo v. City of New London*, allowed a city to exercise its power of eminent domain to take a citizen's home for the purpose of transferring control of the land to a private commercial developer.
  - (b) The City of Mesa used eminent domain to acquire and bulldoze homes for a redevelopment project that included a hotel and water park. After the developer's financing fell through the project was abandoned and the property left vacant.
  - (c) The City of Mesa filed condemnation actions against Randy Bailey, to take his family-owned brake shop, and Patrick Dennis, to take his auto-body shop, so that local business owners could relocate and expand a hardware store and an appliance store.
  - (d) The City of Tempe instituted an eminent domain action to condemn the home of Kenneth and Mary Ann Pillow in order to transfer their property to a private developer who planned to build upscale townhomes.
  - (e) The City of Chandler filed a condemnation action against a fast food restaurant in order to replace the fast-food restaurant with upscale dining and retail uses.
  - (f) In the wake of the *Kelo* ruling, the City of Tempe recently sought to condemn property in an industrial park in order to make way for an enormous retail shopping mall.
  - (g) The City of Tempe told the owners of an Apache Boulevard bowling alley that the City intended to condemn their property and specifically instructed them not to make further improvements to the land. Heeding Tempe's advice, the owners made no further improvements and ultimately lost bowling league contracts and went out of business. The Arizona Court of Appeals refused the owners' request for just compensation.

(h) Courts have also allowed state and local governments to impose significant prohibitions and restrictions on the use of private property without compensating the owner for the economic loss of value to that property.

5. For home owners in designated slum or blighted areas, the compensation received when a primary residence is seized is not truly just as required by our state constitution.

6. Furthermore, even when property is taken for a valid public use, the judicial processes available to property owners to obtain just compensation are burdensome, costly and unfair.

B. Having made the above findings, the people of Arizona declare that all property rights are fundamental rights and that all people have inalienable rights including the right to acquire, possess, control and protect property. Therefore the citizens of the State of Arizona hereby adopt the Private Property Rights Protection Act to ensure that Arizona citizens do not lose their home or property or lose the value of their home or property without just compensation. Whenever state and local governments take or diminish the value of private property, it is the intent of this act that the owner will receive just compensation, either by negotiation or by an efficient and fair judicial process.

Sec. 3. Title 12, chapter 8, Arizona Revised Statutes, is amended by adding article 2.1, to read:

Article 2.1. PRIVATE PROPERTY RIGHTS PROTECTION ACT

12-1131. PROPERTY MAY BE TAKEN ONLY FOR PUBLIC USE CONSISTENT WITH THIS ARTICLE  
EMINENT DOMAIN MAY BE EXERCISED ONLY IF THE USE OF EMINENT DOMAIN IS AUTHORIZED BY THIS STATE, WHETHER BY STATUTE OR OTHERWISE, AND FOR A PUBLIC USE AS DEFINED BY THIS ARTICLE.

12-1132. BURDEN OF PROOF

A. IN ALL EMINENT DOMAIN ACTIONS THE JUDICIARY SHALL COMPLY WITH THE STATE CONSTITUTION'S MANDATE THAT WHENEVER AN ATTEMPT IS MADE TO TAKE PRIVATE PROPERTY FOR A USE ALLEGED TO BE PUBLIC, THE QUESTION WHETHER THE CONTEMPLATED USE BE REALLY PUBLIC SHALL BE A JUDICIAL QUESTION, AND DETERMINED AS SUCH WITHOUT REGARD TO ANY LEGISLATIVE ASSERTION THAT THE USE IS PUBLIC.

B. IN ANY EMINENT DOMAIN ACTION FOR THE PURPOSE OF SLUM CLEARANCE AND REDEVELOPMENT, THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE SHALL ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THAT EACH PARCEL IS NECESSARY TO ELIMINATE A DIRECT THREAT TO PUBLIC HEALTH OR SAFETY CAUSED BY THE PROPERTY IN ITS CURRENT CONDITION, INCLUDING THE REMOVAL OF STRUCTURES THAT ARE

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BEYOND REPAIR OR UNFIT FOR HUMAN HABITATION OR USE, OR TO ACQUIRE ABANDONED PROPERTY AND THAT NO REASONABLE ALTERNATIVE TO CONDEMNATION EXISTS.  
12-1133. JUST COMPENSATION; SLUM CLEARANCE AND REDEVELOPMENT

IN ANY EMINENT DOMAIN ACTION FOR THE PURPOSE OF SLUM CLEARANCE AND REDEVELOPMENT, IF PRIVATE PROPERTY CONSISTING OF AN INDIVIDUAL'S PRINCIPAL RESIDENCE IS TAKEN, THE OCCUPANTS SHALL BE PROVIDED A COMPARABLE REPLACEMENT DWELLING THAT IS DECENT, SAFE, AND SANITARY AS DEFINED IN THE STATE AND FEDERAL RELOCATION LAWS, SECTION 11-961 ET SEQ. AND 42 USC 4601 ET SEQ., AND THE REGULATIONS PROMULGATED THEREUNDER. AT THE OWNER'S ELECTION, IF MONETARY COMPENSATION IS DESIRED IN LIEU OF A REPLACEMENT DWELLING, THE AMOUNT OF JUST COMPENSATION THAT IS MADE AND DETERMINED FOR THAT TAKING SHALL NOT BE LESS THAN THE SUM OF MONEY THAT WOULD BE NECESSARY TO PURCHASE A COMPARABLE REPLACEMENT DWELLING THAT IS DECENT, SAFE, AND SANITARY AS DEFINED IN THE STATE AND FEDERAL RELOCATION LAWS AND REGULATIONS.

12-1134. DIMINUTION IN VALUE; JUST COMPENSATION

A. IF THE EXISTING RIGHTS TO USE, DIVIDE, SELL OR POSSESS PRIVATE REAL PROPERTY ARE REDUCED BY THE ENACTMENT OR APPLICABILITY OF ANY LAND USE LAW ENACTED AFTER THE DATE THE PROPERTY IS TRANSFERRED TO THE OWNER AND SUCH ACTION REDUCES THE FAIR MARKET VALUE OF THE PROPERTY THE OWNER IS ENTITLED TO JUST COMPENSATION FROM THIS STATE OR THE POLITICAL SUBDIVISION OF THIS STATE THAT ENACTED THE LAND USE LAW.  
B. THIS SECTION DOES NOT APPLY TO LAND USE LAWS THAT:

1. LIMIT OR PROHIBIT A USE OR DIVISION OF REAL PROPERTY FOR THE PROTECTION OF THE PUBLIC'S HEALTH AND SAFETY, INCLUDING RULES AND REGULATIONS RELATING TO FIRE AND BUILDING CODES, HEALTH AND SANITATION, TRANSPORTATION OR TRAFFIC CONTROL, SOLID OR HAZARDOUS WASTE, AND POLLUTION CONTROL;
2. LIMIT OR PROHIBIT THE USE OR DIVISION OF REAL PROPERTY COMMONLY AND HISTORICALLY RECOGNIZED AS A PUBLIC NUISANCE UNDER COMMON LAW;
3. ARE REQUIRED BY FEDERAL LAW;
4. LIMIT OR PROHIBIT THE USE OR DIVISION OF A PROPERTY FOR THE PURPOSE OF HOUSING SEX OFFENDERS, SELLING ILLEGAL DRUGS, LIQUOR CONTROL, OR PORNOGRAPHY, OBSCENITY, NUDE OR TOPLESS DANCING, AND OTHER ADULT ORIENTED BUSINESSES IF THE LAND USE LAWS ARE CONSISTENT WITH THE CONSTITUTIONS OF THIS STATE AND THE UNITED STATES;
5. ESTABLISH LOCATIONS FOR UTILITY FACILITIES;
6. DO NOT DIRECTLY REGULATE AN OWNER'S

LAND; OR

7. WERE ENACTED BEFORE THE EFFECTIVE DATE OF THIS SECTION.

C. THIS STATE OR THE POLITICAL SUBDIVISION OF THIS STATE THAT ENACTED THE LAND USE LAW HAS THE BURDEN OF DEMONSTRATING THAT THE LAND USE LAW IS EXEMPT PURSUANT TO SUBSECTION B.

D. THE OWNER SHALL NOT BE REQUIRED TO FIRST SUBMIT A LAND USE APPLICATION TO REMOVE, MODIFY, VARY OR OTHERWISE ALTER THE APPLICATION OF THE LAND USE LAW TO THE OWNER'S PROPERTY AS A PREREQUISITE TO DEMANDING OR RECEIVING JUST COMPENSATION PURSUANT TO THIS SECTION.

E. IF A LAND USE LAW CONTINUES TO APPLY TO PRIVATE REAL PROPERTY MORE THAN NINETY DAYS AFTER THE OWNER OF THE PROPERTY MAKES A WRITTEN DEMAND IN A SPECIFIC AMOUNT FOR JUST COMPENSATION TO THIS STATE OR THE POLITICAL SUBDIVISION OF THIS STATE THAT ENACTED THE LAND USE LAW, THE OWNER HAS A CAUSE OF ACTION FOR JUST COMPENSATION IN A COURT IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED, UNLESS THIS STATE OR POLITICAL SUBDIVISION OF THIS STATE AND THE OWNER REACH AN AGREEMENT ON THE AMOUNT OF JUST COMPENSATION TO BE PAID, OR UNLESS THIS STATE OR POLITICAL SUBDIVISION OF THIS STATE AMENDS, REPEALS, OR ISSUES TO THE LANDOWNER A BINDING WAIVER OF ENFORCEMENT OF THE LAND USE LAW ON THE OWNER'S SPECIFIC PARCEL.

F. ANY DEMAND FOR LANDOWNER RELIEF OR ANY WAIVER THAT IS GRANTED IN LIEU OF COMPENSATION RUNS WITH THE LAND.

G. AN ACTION FOR JUST COMPENSATION BASED ON DIMINUTION IN VALUE MUST BE MADE OR FOREVER BARRED WITHIN THREE YEARS OF THE EFFECTIVE DATE OF THE LAND USE LAW, OR OF THE FIRST DATE THE REDUCTION OF THE EXISTING RIGHTS TO USE, DIVIDE, SELL OR POSSESS PROPERTY APPLIES TO THE OWNER'S PARCEL, WHICHEVER IS LATER.

H. THE REMEDY CREATED BY THIS SECTION IS IN ADDITION TO ANY OTHER REMEDY THAT IS PROVIDED BY THE LAWS AND CONSTITUTION OF THIS STATE OR THE UNITED STATES AND IS NOT INTENDED TO MODIFY OR REPLACE ANY OTHER REMEDY.

I. NOTHING IN THIS SECTION PROHIBITS THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE FROM REACHING AN AGREEMENT WITH A PRIVATE PROPERTY OWNER TO WAIVE A CLAIM FOR DIMINUTION IN VALUE REGARDING ANY PROPOSED ACTION BY THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE OR ACTION REQUESTED BY THE PROPERTY OWNER.

12-1135. ATTORNEY FEES AND COSTS

A. A PROPERTY OWNER IS NOT LIABLE TO THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE FOR ATTORNEY FEES OR COSTS IN ANY EMINENT DOMAIN ACTION OR IN ANY ACTION FOR DIMINUTION IN VALUE.

B. A PROPERTY OWNER SHALL BE AWARDED

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REASONABLE ATTORNEY FEES, COSTS AND EXPENSES IN EVERY EMINENT DOMAIN ACTION IN WHICH THE TAKING IS FOUND TO BE NOT FOR A PUBLIC USE.

C. IN ANY EMINENT DOMAIN ACTION FOR THE PURPOSE OF SLUM CLEARANCE AND REDEVELOPMENT, A PROPERTY OWNER SHALL BE AWARDED REASONABLE ATTORNEY FEES IN EVERY CASE IN WHICH THE FINAL AMOUNT OFFERED BY THE MUNICIPALITY WAS LESS THAN THE AMOUNT ASCERTAINED BY A JURY OR THE COURT IF A JURY IS WAIVED BY THE PROPERTY OWNER.

D. A PREVAILING PLAINTIFF IN AN ACTION FOR JUST COMPENSATION THAT IS BASED ON DIMINUTION IN VALUE PURSUANT TO SECTION 12-1134 MAY BE AWARDED COSTS, EXPENSES AND REASONABLE ATTORNEY FEES.

**12-1136. DEFINITIONS**

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "FAIR MARKET VALUE" MEANS THE MOST LIKELY PRICE ESTIMATED IN TERMS OF MONEY WHICH THE LAND WOULD BRING IF EXPOSED FOR SALE IN THE OPEN MARKET, WITH REASONABLE TIME ALLOWED IN WHICH TO FIND A PURCHASER, BUYING WITH KNOWLEDGE OF ALL THE USES AND PURPOSES TO WHICH IT IS ADAPTED AND FOR WHICH IT IS CAPABLE.

2. "JUST COMPENSATION" FOR PURPOSES OF AN ACTION FOR DIMINUTION IN VALUE MEANS THE SUM OF MONEY THAT IS EQUAL TO THE REDUCTION IN FAIR MARKET VALUE OF THE PROPERTY RESULTING FROM THE ENACTMENT OF THE LAND USE LAW AS OF THE DATE OF ENACTMENT OF THE LAND USE LAW.

3. "LAND USE LAW" MEANS ANY STATUTE, RULE, ORDINANCE, RESOLUTION OR LAW ENACTED BY THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE THAT REGULATES THE USE OR DIVISION OF LAND OR ANY INTEREST IN LAND OR

THAT REGULATES ACCEPTED FARMING OR FORESTRY PRACTICES.

4. "OWNER" MEANS THE HOLDER OF FEE TITLE TO THE SUBJECT REAL PROPERTY.

5. "PUBLIC USE":

(a) MEANS ANY OF THE FOLLOWING:

(i) THE POSSESSION, OCCUPATION, AND ENJOYMENT OF THE LAND BY THE GENERAL PUBLIC, OR BY PUBLIC AGENCIES;

(ii) THE USE OF LAND FOR THE CREATION OR FUNCTIONING OF UTILITIES;

(iii) THE ACQUISITION OF PROPERTY TO ELIMINATE A DIRECT THREAT TO PUBLIC HEALTH OR SAFETY CAUSED BY THE PROPERTY IN ITS CURRENT CONDITION, INCLUDING THE REMOVAL OF A STRUCTURE THAT IS BEYOND REPAIR OR UNFIT FOR HUMAN HABITATION OR USE; OR (iv) THE ACQUISITION OF ABANDONED PROPERTY.

(b) DOES NOT INCLUDE THE PUBLIC BENEFITS OF ECONOMIC DEVELOPMENT, INCLUDING AN INCREASE IN TAX BASE, TAX REVENUES, EMPLOYMENT OR GENERAL ECONOMIC HEALTH. 6. "TAKEN" AND "TAKING" MEAN THE TRANSFER OF OWNERSHIP OR USE FROM A PRIVATE PROPERTY OWNER TO THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE OR TO ANY PERSON OTHER THAN THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE.

**12-1137. APPLICABILITY**

IF A CONFLICT BETWEEN THIS ARTICLE AND ANY OTHER LAW ARISES, THIS ARTICLE CONTROLS.

**12-1138. SEVERABILITY**

IF ANY PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID THAT INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THE ACT THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ACT ARE SEVERABLE.

**ANALYSIS BY LEGISLATIVE COUNCIL**

Eminent domain is the power of the government to take private property for public use. Proposition 207 sets forth the rights of a property owner when the state or a local government exercises the power of eminent domain. (These rights are in addition to the current statutory and constitutional rights.)

Proposition 207 would limit the use of eminent domain to situations where eminent domain is authorized by the state and the property taken is put to a public use. The proposition defines "public use" to include:

1. The use of land by the general public or by public agencies.
2. The use of land for utilities.
3. The acquisition of property to eliminate a direct threat to the public health or safety caused by the current condition of the property.
4. The acquisition of abandoned property.

Proposition 207 excludes from the definition of public use the public benefits of economic development.

The Arizona constitution prohibits a government from taking private property, unless the government provides just compensation to the property owner. Proposition 207 provides that as just compensation when a person's primary residence is taken by the government, the person must be provided a comparable replacement dwelling that is decent, safe and sanitary. The property owner may choose to receive money compensation instead of the replacement dwelling.

Proposition 207 also provides that a property owner is entitled to just compensation if the value of a person's property is reduced by the enactment of a land use law. A land use law is defined as a law that regulates the use or division of land, such as municipal zoning laws, or regulates accepted farming or forestry practices. The proposition sets out seven types of land use laws that are exempt from the compensation requirement.

If a property owner were successful in an eminent domain law suit, Proposition 207 would require the government to pay the land owner's attorney fees and costs. If a property owner were successful in a law suit for reduction in the property's value, the court could award attorney fees and costs.

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**FISCAL IMPACT STATEMENT**

State law requires the Joint Legislative Budget Committee (JLBC) Staff to prepare a summary of the fiscal impact of certain ballot measures. Proposition 207 may increase the cost to state and local government to acquire private property for public use in some circumstances. The proposition also requires a property owner to be compensated, including reasonable attorney fees, if the value of a person's property is reduced by the enactment of a land use law.

The proposition also prohibits the use of eminent domain for economic development. If state and local governments reduce their use of eminent domain as a result, their compensation costs may decline.

The overall fiscal impact will be affected by how the proposition affects the level of economic development in a community.

**ARGUMENTS "FOR" PROPOSITION 207**

Last year, the U.S. Supreme Court sanctioned eminent domain abuse with its controversial decision, *Kelo v. New London*, which said that governments can take private property for third-party private development. Since then, private property rights have literally been bulldozed across the country, with reports of eminent domain abuse skyrocketing since last year.

In November, Arizonans will have the chance to vote their property rights back into existence with Proposition 207. This proposition, the Arizona HomeOwners Protection Effort (HOPE), will return airtight property rights protection to our state.

Proposition 207 addresses government property takings, whether by eminent domain or by uncompensated regulation. Right now in Arizona, your property value can be erased with the stroke of a bureaucrat's pen—and under our current law, no compensation is required. Local governments can also take your property through eminent domain, and your only recourse would be to battle it out in the courts. We need a law on the books to protect Arizonans from these kinds of abuses. That's why we need Proposition 207.

Proposition 207 will prevent Arizonans' private property from being taken unjustly (for private development and higher tax revenue) and it will require that property owners be justly compensated if there is a taking. It's that simple. It's the right thing to do.

No one's home is safe from government seizure while these takings—both from eminent domain and uncompensated regulation—are allowed to continue. Thousands of people across the state have already joined together to end unjust government takings in Arizona—the HOPE committee submitted nearly 225,000 signatures to qualify the measure for the ballot.

If you value your property rights, join us. Vote yes on Proposition 207 in November.

Carol Springer, Chairman, Arizona HOPE, Prescott,  
*Paid for by "Arizona Home Owners Protection Effort"*

The Arizona Farm Bureau supports proposition 207.

This proposition amends the Arizona constitution to reinforce that definitions of "public use" in the eminent domain process are truly the province of the judicial system and not cities, counties or state government. It also sets up more clarity and process so that slum clearance is truly warranted, rather than an effort masquerading as an attempt to "upgrade" private property from one private hand to another, rather than legitimate and limited public needs.

This proposition also addresses the area of "takings", i.e. reduction in fair market value due to the enactment of any land use law.

With the uncertainty created by the U.S. Supreme Court in the *Kelo* decision, which forces property owners to look over their shoulders and be wary of government, this proposition dampens the enthusiasm of local governments to use eminent domain for anything they wish.

Our institutions (U.S. and Arizona Constitutions, and the Bill of Rights) were designed to protect private property. The *Kelo* decision undermined those institutions. We should not fear our government as private property owners. This proposition strengthens our Constitution on property rights.

Vote **YES** on Proposition 207

Kevin G. Rogers, President, Arizona Farm  
Bureau, Mesa  
*Paid for by "Arizona Farm Bureau"*

James W. Klinker, Chief Administrative Officer,  
Arizona Farm Bureau, Mesa

I proudly served as a U.S. Air Force policeman, a City of Flagstaff Deputy City Attorney (prosecutor), and a Deputy Maricopa County Attorney (felony prosecutor). In those government positions I was taught to seek and pursue justice—not just arrests or convictions. I appreciated that abuse of governmental power was an evil that must be avoided.

In 2002, I discovered that we have many government officials who never learned this lesson. I witnessed the outrageous arrogance, and abuse of power, by officials in my hometown. In the case of City of Tempe vs. Pillow, the city "redevelopment thugs" (i.e., our mayor, city counsel members, redevelopment staff, and city attorneys) abused their eminent domain power by trying to take the home of an elderly couple. The city had made a deal with a developer to declare the area a redevelopment zone, and literally bullied most of the area property owners into selling for a mere fraction of the fair value. The city made the developers a sweat heart deal just to increase

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PROPOSITION 207

tax revenues and build town houses. As a trial lawyer, I was proud to represent Mr. and Mrs. Pillow in their successful fight to save their home.

Article 2, Section 17, of the Arizona Constitution and the Bailey Brake case are not enough. When the city “redevelopment thugs” come calling, property owners need more legal weapons to “slay the evil dragon of government abuse.” This Proposition gives you some of those weapons. I strongly urge you to vote yes.

Timothy L. Moulton, Attorney at Law, Tempe

On June 23, 2005 the U.S. Supreme Court dealt a cruel blow to property owners by allowing the City of New London, Connecticut to take peoples’ homes along the waterfront and give them to a private developer in order for the City to realize higher tax revenues. This is the Kelo case and it sparked a nationwide movement to defend the homes and businesses of property owners.

But in Arizona, private property protections failed when Governor Napolitano vetoed House Bill 2675, which would have blocked eminent domain abuses. Some property rights protections passed the State Senate, but stalled in the House. Thankfully the Arizona Home Owners Protection Effort (HOPE) is taking property rights protections directly to the voters.

Proposition 207 addresses government takings, whether by eminent domain or regulation. It prevents the government from taking private property for third-party private development merely to increase tax revenue, and ensures just compensation for property owners in public use takings and when governmental regulation devalues property.

Under current law, and especially after Kelo, no home or business is safe from government seizure. The courts can’t be trusted to protect us and Arizonans need to be protected by the law. Proposition 207 will give Arizonans the property rights protections we deserve.

On November 7, 2006 we have a choice. We can continue to allow government to give our homes and business to others for their gain, or we can secure once again our rights to the fruits of our labors and secure for our children those same rights for generations to come.

I support Arizona HOPE’s initiative, I’m glad to see Proposition 207 on the ballot. Join us in ending property rights abuses in Arizona—vote YES on Proposition 207 this November.

Senator Chuck Gray, Mesa

Property Rights, Stewardship and Freedom cannot be separated. Arizona’s cattle producing families understand property rights – it is the foundation by which we produce food for our tables, it is the foundation for how we raise our families, it is the foundation by which we apply conservation so that our children may continue to steward and shepherd the land for the benefits of future generations.

Property rights means more than the freedom to use one’s property in a legal fashion – it means bountiful rewards, it means passing it on from one generation to the next and it provides the basis for making proper decisions today because of the assurance we will have the ability to reap its rewards tomorrow. Whether it is our home, the open spaces where we raise our cattle or our livestock – it is all property worth protecting.

Individual rights are inseparable from property rights. We live in the most prosperous nation on the planet because the land contains abundant natural resources and the people have been free to produce from these lands to create wealth and bountiful supplies.

The principle that an individual be free to reap the fruits of his labor, or suffer loss from imprudent action, is fundamental, and provides economic incentive for a property owner to use his property wisely. But to use property wisely, the owner must be confident that the government, or judicial system, will protect his rights.

The protection of property rights is fundamental to the preservation of civil liberties.

Please join us in voting YES on Proposition 207.

Bill Brake, ACGA President, Arizona

Scott Shill, ACFA President, Arizona

Cattlemen’s Association, Scottsdale

Cattlemen’s Association, Welton

*Paid for by “Arizona Cattlemen’s Association”*

Several years ago, my business partners and I invested in property in Pima County that was zoned for retail business use. The County Board of Supervisors, however, quickly down-zoned the land after we purchased it---and now it’s worth a fraction of what we paid.

We spent a lot of time and resources seeking justice, and the courts just ruled against us for the fourth time. We are tired, frustrated, and, simply stuck. A cabal of local bureaucrats have eliminated our property rights.

This is why I support Proposition 207, the Arizona HomeOwners Protection Effort (HOPE). Kelo paved the way for bulldozed property rights nationwide, and Arizona is no exception. Under current law, the government can seize private property for private purposes with eminent domain. It is also not required to compensate property owners when regulations devalue their land. Arizona needs real property rights protection.

Proposition 207 will do just that. It prohibits the government from taking private property for third-party private development and it ensures just compensation for property owners when government regulations diminish property value.

Those who say we can rely on the courts to protect our property rights are dead wrong. The courts are often the problem, not the solution. My business partners and I were fortunate enough to have had the resources to try to fight our case. Most people don’t, however—and they will lose every time. Citizens shouldn’t have to waste

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time and money fighting for their most basic right—our property rights must be protected by the law.

Proposition 207 will give Arizona the airtight property rights protection laws it needs to stop these abuses—vote YES in November.

Emmet McLoughlin, Tucson

As a homeowner, parent, neighborhood leader, and school volunteer, I SUPPORT this proposition. Owning our homes and small businesses is part of the American Dream. We cannot allow cities and states to take them away from us just because they want to build a more profitable shopping center. We cannot stand silent. We must protect our country and its individual freedoms. In the recent U.S. Supreme Court case of Kelo vs. New London, Ms. Kelo's small private home was taken away from her in order to replace it with a development including a resort hotel and conference center. This proposition will exclude from the definition of public use, the public benefits of economic development. We must stop this insanity.

Please vote YES.

Debbie Lesko, Glendale Neighborhood Leader and Candidate for Peoria School Board, Glendale

Arizona Needs eminent domain reform. The Governor vetoed the eminent domain reforms adopted by the Legislature this year, but you, the voter, now have the opportunity to clearly define and strictly limit this despotic power. Together, we will ensure that government can't take away our homes and businesses for the benefit of private developers.

Many remember Randy Bailey's fight to protect his family-owned brake shop from Mesa's attempt to bulldoze it so a local developer could relocate and expand his ACE Hardware store. Our state Court of Appeals blocked this naked transfer of land to private interests, but Arizona's Supreme Court has said similar condemnations may be permissible if cities first declare the area "blighted." Frighteningly, our state courts routinely rubber stamp municipal declarations of "blight," even bogus blight, and then allow cities to take and demolish safe and clean properties if the property is located in a so-called "redevelopment area." That means no matter how well you maintain your home or business it is not safe from local governments' efforts to seize property for private commercial development.

The League of Arizona Cities and Towns has already asked the Arizona Supreme Court to reject the Bailey case and to adopt the "anything goes" standard announced by the U.S. Supreme Court in its infamous Kelo v. City of New London decision, which said that the U.S. Constitution does not prohibit taking private property for private use. Rather than wait and see if the Arizona Supreme Court abandons its responsibility to protect our homes by applying Kelo in Arizona, you can prevent future abuse of eminent domain by voting for Proposition 207, the Private Property Rights Protection Act.

Tim Keller, Executive Director, Institute for  
Justice Arizona Chapter, Chandler  
*Paid for by "Institute for Justice"*

William H. Mellor, President and General  
Counsel, Institute for Justice, Falls Church

Regulatory Justice

After struggling with cancer and spousal abuse, Rita Ulsheimer bought a humble home in Apache Junction and planned to retire there. She particularly liked the awning next to the house that would cover her car from the scorching Arizona sun. But city inspectors demanded she tear down the awning because it violated the city code; on top of that they wanted her to pay to tear it down.

If Ms. Ulsheimer had built her awning knowing it violated the city code, it should have been removed. But she was innocent; the awning was there when she bought her home. Voting Yes for the Private Property Rights Protection Act will empower people like Rita Ulsheimer to get compensation for the reduction in their property's value caused by unnecessary regulations.

The Act will not restrict cities' ability to protect the health and safety of the people. If a city shows that a zoning rule relates to pollution, building codes, fire danger, or a long list of other concerns, the city does not have to pay property owners for the cost of the regulation. Instead, the Act puts citizens on equal footing with the city when it comes to enforcement of zoning rules that have nothing to do with health or safety.

As long as cities pass unnecessary zoning regulations, the only fair solution is a regulatory takings law that balances the zoning needs of the community with the rights of the people. A Yes vote on Prop. 207 means a balanced approach to property rights and a step toward fairness in zoning decisions.

For more information about eminent domain and regulatory takings visit [www.hopeforarizona.com](http://www.hopeforarizona.com).

Jim Manley, Tempe  
Jennifer Perkins, Attorney-at-Law, Mesa  
*Paid for by "Jim Manly"*

Tim Keller, Attorney-at-Law, Chandler

This November, there will be a measure on the ballot that will protect one of our most essential freedoms: private property rights. Proposition 207, the Arizona Home Owners Protection Effort (HOPE), will protect Arizonans from the rampant eminent domain abuse sanctioned by the Kelo decision.

Last June, the U.S. Supreme Court ruled that governments could take property using eminent domain for purposes other than "public use"—namely, economic development that boosts their tax rolls. Kelo illustrated that no property owner's rights are safe from bureaucratic bulldozing, and it has sparked a national movement to

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save private property rights.

Thankfully, we have a chance to stop these injustices in Arizona. It is imperative that Arizonans take advantage of the chance to define our state government's boundaries this November.

Proposition 207 will do just that, stopping abusive government takings once and for all. It clearly defines acceptable uses of eminent domain for true public use, and it gives Arizonans the real property rights protection they need. Proposition 207 will stop the government from taking private property for third-party private development simply to increase tax revenue, and it will ensure that property owners are justly compensated when governmental regulations devalue their property, or when their property is needed for legitimate public use.

It's simple. It's common sense. It's the sound property rights protection Arizona needs.

City planning has been happening for hundreds of years, and it will continue without abuses of governmental power. Private property rights are embedded in the American Dream; they are one of our most basic freedoms—and Proposition 207 will protect private property rights in Arizona.

Please vote YES on Proposition 207.

Lori Klein, Anthem

Last June, the U.S. Supreme Court sanctioned eminent domain abuse with the controversial *Kelo v. New London* decision, in which they ruled that the government could take private property for private development.

However, the effects of the *Kelo* decision reached much farther than New London, Connecticut. Across the country, Americans' property rights have been trampled by big money and special interests. *Kelo* sparked a nationwide reaction from citizens who joined together to defend their property rights. Now, in November, Arizonans can vote to restore our property rights with Proposition 207.

Proposition 207 addresses government takings, whether by eminent domain or by regulatory takings. It prevents the government from seizing private property for third-party private development and it ensures that property owners are justly compensated when the government takes private property for true public purpose and when governmental regulation diminishes their property value.

It's simple: vote yes on Proposition 207 and reverse the injustice created by *Kelo*. Proposition 207 will give Arizonans the property rights we deserve.

*Kelo* proved that we can't trust the courts to protect our property rights. Across the country, courts have ruled in favor of bureaucrats and tax dollars instead of property owners. Furthermore, citizens can't afford to spend the time, emotion, and resources to fight in court every time the government abuses its power with eminent domain. We need our property rights protected by the law.

Proposition 207 will do exactly that—and my vote in November will be a resounding YES. Please join me, and restore property rights to Arizonans.

Joyce E. Downey, Scottsdale

*Paid for by "Arizona Home Owners Protection Effort"*

This summer, the Arizona HomeOwners Protection Effort (HOPE) submitted nearly 225,000 signatures from people across the state who supported their property rights protection initiative. Now—luckily for Arizona property owners—that initiative, now Proposition 207, is headed for the November ballot. To put an end to the eminent domain abuse that strips Arizonans of their most basic freedom, vote YES on Proposition 207 this fall.

Proposition 207 will reverse the takings abuse that became acceptable after the *Kelo* decision, giving Arizonans airtight property rights protection. Currently, bureaucrats can seize your home or business to hand over to a private developer simply to increase tax revenue. In the name of the almighty dollar, unfair government takings have become commonplace because of *Kelo*.

But in November, Arizonans can put their foot down to end this injustice in their state.

Proposition 207 eliminates unjust government takings, whether by eminent domain or regulation. Not only does it stop bureaucrats from taking private property for private development, but it also requires that property owners are justly compensated in valid takings for public good and when governmental regulation devalues their property.

It's simple: Proposition 207 restores private property rights to Arizonans, protecting them from powerful special interests and politicians who abuse their power. No one should argue with that.

I fully support Proposition 207 and in November, I'll be voting YES for Arizona property rights. Please join me.

John Norton, Paradise Valley

*Paid for by "Arizona Home Owners Protection Effort"*

A property rights revolution has been sweeping the country every since last June, when the U.S. Supreme Court ruled that the government could take private property for third-party private development in the *Kelo v. New London* decision. In response, citizens have joined together to enact sound property rights protection in their states.

In November, Arizonans will have a chance to stop the government takings abuse in our own state with Proposition 207.

Proposition 207 stops the government from seizing private property for private development just to boost tax revenue, and it also requires that property owners be justly compensated in justifiable eminent domain takings

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**PROPOSITION 207**

and when governmental regulation devalues their property.

In short, Proposition 207 protects Arizonans from unjust government takings, and it gives us the property rights protection that we have needed since Kelo.

No one's property is safe while takings abuse is allowed to continue across the country. Kelo made it painfully clear that we can't trust the courts to give us the property rights protection that we're entitled to. Property rights are one of our most essential freedoms—they're embedded in the American Dream. Proposition 207 will protect that, and prevent governmental takings abuse in Arizona.

I wholeheartedly support Proposition 207, and in November I'll be voting YES for it. Please join me, and help protect Arizonans' property rights.

Becky Fenger, Phoenix

*Paid for by "Arizona Home Owners Protection Effort"*

**"The specter of condemnation hangs over all property. Nothing is to prevent the State from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory."**

So wrote Arizona's own Justice Sandra Day O'Connor in her strong dissent in the controversial Kelo v. New London case. Many believe that case calls into question constitutionally protected property rights all across America. One positive outcome of that controversial case was the recognition of a clear path that Congress and/or the states can follow to protect their homeowners and small businesses.

Proposition 207 is Arizona's opportunity to remove any ambiguity and loopholes in Arizona law that would allow for unfair and unjust private property takings through the otherwise legitimate power of eminent domain.

**The Arizona Chamber of Commerce and Industry urges Arizona voters to vote YES on Proposition 207 to protect homes and businesses from egregious over-reaching by government.**

Eminent domain is the awesome power of the government to take private property for public use with just compensation for the targeted property owner. Our Founding Fathers enshrined this principle in our Bill of Rights with the Fifth Amendment to the U.S. Constitution.

If passed, Proposition 207 would limit the use of eminent domain to situations where it fits strict pro-property-owner restrictions found in the proposition. They include banning efforts to replace one property owner with another for no other reason than economic development to increase the tax base. Proposition 207 also protects private property owners from the loss of property value from a downgrading of a property by government.

For these and other sound public policy reasons, the Arizona Chamber of Commerce and Industry recommends Arizonans vote YES on Proposition 207, the Private Property Protection Act.

Steve Twist, Chairman of Board of Directors,  
Arizona Chamber of Commerce and Industry,  
Scottsdale

James J. Apperson, President & CEO, Arizona  
Chamber of Commerce and Industry,  
Scottsdale

*Paid for by "Arizona Chamber of Commerce and Industry"*

One of the most important liberties of the American republic is private property rights. In response to the recent Kelo decision by the U.S. Supreme Court, many states and localities have taken legislative action to further protect property owners from big government and big business attempts to condemn private property for use in private development activities.

Five years ago the City of Mesa tried to 'take' Randy Bailey's family-owned brake shop because they wanted to help a developer relocate and expand his ACE Hardware store. Luckily the Arizona Court of Appeals put a stop to this theft. More recently the City of Tempe tried to do the same thing when it attempted to condemn 13 businesses so it could make way for a massive new retail project. Not to be outdone, the City of Scottsdale, through its regulatory authority, in 1993 declared its downtown a slum so it could make way for condemnation. That was the same year Scottsdale won the U.S. Conference of Mayors "Most Livable Cities" award.

Proposition 207 is Arizona's answer to this growing problem. Legislative action was blocked by powerful local government interests who want to benefit from the ability to force people to sell their property against their will. Proposition 207 limits and tightens the government's ability to effectively 'take' your property by placing unfair and unreasonable regulations on it.

It is important for Arizona to compete effectively in attracting and retaining businesses. One of the ways to do that is to protect the investments we make in our homes and businesses from unwarranted seizure and restriction.

The Arizona Free Enterprise Club urges a Yes vote on Proposition 207.

Dean Riesen, Chairman, Arizona Free  
Enterprise Club, Phoenix

Steve Voeller, President, Arizona Free  
Enterprise Club, Cave Creek

*Paid for by "Arizona Free Enterprise Club"*



**ARGUMENTS "AGAINST" PROPOSITION 207**

**AGAINST**

This Initiative has been funded almost entirely by the Illinois-based group Americans for Limited Government. It should be called the **Anti-Neighborhood Preservation and Conservation Act** rather than the Private Property Rights Protection Act.

Section 12-1135. Diminution In Value: Just compensation of this Initiative reads almost exactly as provisions of SCR 1019 and HCR 2031 which were defeated this past session of your State Legislature. This section permits property owners to claim compensation for alleged reduction in fair market value from enactment or enforcement of any land use law passed after acquisition. It has **NOTHING** to do with Eminent Domain and could require municipalities to compensate property owners for every zoning or land use decision they make.

Examples of actions that could trigger lawsuits and payments:

- Change from commercial residential or industrial use, or changes in density
- Approval or disapproval of building height limits
- Approval or disapproval of liquor licenses
- Approval or disapproval of historic overlay zoning
- Approval or disapproval of neighborhood – developed special planning districts
- Enforcement or enactment of neighborhood preservation codes
- Regulation of business hours or building design standards

This initiative will cost taxpayers millions, encourage speculative land deals and frivolous litigation.

If municipalities are discouraged from making land use decisions for fear of creating a right of compensation, neighborhoods will suffer.

We have been working for 15 years on issues related to neighborhood preservation. This Initiative will seriously impair our future efforts. Don't let outsiders hurt our neighborhoods. Eminent Domain can be handled next year in the Legislature as a SEPARATE issue.

Vote NO on the Private Property Rights Protection Act.

B. Paul Barnes, President, Neighborhood  
Coalition of Greater Phoenix, Phoenix

Patty Prince, V.P., Neighborhood Coalition of  
Greater Phoenix, Phoenix

*Paid for by "B. Paul Barnes"*

**Oppose Proposition 207**

**Proposition 207 is bad for Arizona** and bad for America's defense.

This scheme is being **promoted by wealthy out-of-state interests**. They hired high-priced lobbyists who tried every thing possible to force the legislature to foist this on Arizona. After months and months of trying to fix one problem after another with this proposition, the legislature realized that this was **unworkable and unfixable** and ultimately voted it down.

- This proposition would **halt local governments' efforts to protect military bases** in Arizona.
- It would strangle the largest employer in Arizona, the Department of Defense.
- It would put a boot on the throat of the biggest factor of Arizona's economy.
- The fuzzy language of this proposition will make it very **difficult or impossible** to build necessary facilities such as water and wastewater plants; protect historic districts; **regulate how close bars are to schools; improve neighborhood standards**; or promote economic development.

- If this is passed by a vote of the people, **it can never be changed by the legislature.**

Tell out-of-state interests to take their bad ideas home. **Vote NO on Proposition 207.**

John Keegan, Luke West Valley Council, Co-Chair, Mayor of Peoria, Peoria

The Arizona League of Conservation Voters urges Arizonans who care about conserving our natural heritage to vote no on the Arizona Home Owners Protection Effort. Despite its noble-sounding title, the initiative would jeopardize Arizona's natural environment by depriving state and local governments the ability to pass reasonable land use and conservation requirements.

Part of the measure calls for limiting use of eminent domain for redevelopment purposes, and the League takes no position on that. Our concerns are with other provisions that would deprive Arizona of the tools we need to properly balance conservation and growth. The initiative would subject communities to potential litigation every time they enacted new land use regulations, regardless of their good faith efforts to balance public and private land use interests. Any time property owners claimed a new conservation regulation impacted, even slightly, the maximum value of their property, they could sue.

Arizona's conservation policy shouldn't be driven by threats of litigation.

How would this measure hurt? For one example, in much of Arizona groundwater pumping is drying up rivers and aquifers. When voluntary efforts fail, regulation is necessary. A community's right to protect its water shouldn't be held hostage to a developer's lawsuit. Local governments can't work to conserve our natural resources if they're spending all their time fighting developer lawsuits. In Oregon, a similar measure has prompted thousands of suits and paralyzed state government.

Property owners who face unreasonable "regulatory takings" already have remedies under the state and federal constitutions. Tell the out-of-state "think tanks" that dreamed up this lousy initiative that Arizona law works

just fine as it is. Vote NO.

Anne Graham Bergin, President, Arizona  
League of Conservation Voters, Tucson

Jessica Catlin, Secretary, Arizona League of  
Conservation Voters, Phoenix

*Paid for by "Arizona League of Conservation Voters"*

WESTMARC strongly urges voters to **VOTE NO** on **Proposition 207!**

WESTMARC is the regional coalition of business, government, and education that advocates for good public policy. As a partnership between business and government, it is paramount that we thoroughly consider public policy issues and work collaboratively toward public policy that is good for our region and our state.

WESTMARC has thoroughly considered Proposition 207 and believes it is bad for Arizona!

**We believe:**

- citizens want and deserve strict limits on government power.
- government condemnation should be limited only to those instances that clearly justify a public purpose.
- in just compensation for property owners when property transferred to government for the public good.

**We also believe that Proposition 207 goes too far!**

**If passed, Proposition 207:**

- **will severely impact Luke AFB**, negating the land use protections that we have worked so hard to establish. Without these protections, the future of Luke AFB is in question and the valley will suffer future economic harm.

- **will eliminate cities' ability to address slum and blight in neighborhoods.**
- **will result in expensive litigation, with all costs being born by taxpayers.**
- **cannot be changed by the legislature, then only to make it better, whatever "better is".**

**WESTMARC doesn't believe any good for Arizona can come from this fuzzy language, which is sponsored by wealthy out-of-state interests who have little or no interest in Arizona!**

**Vote NO on Proposition 207, and join these and other members of WESTMARC:**

Jay Ellingson, SunCor-Palm Valley

Tyron Ivy, Prism Technology Solutions

Goodyear Mayor James Cavanaugh

Glendale Mayor Elaine Scruggs

Doug Kelsey, Sun City HOA

Chuck Ullman, Sun City PORA

Mike Woodard, Blue Cross/Blue Shield

James Resendez, West Valley Hospital

Arlene Kulzer, Arrowhead Community Bank

Herman Orcutt, Orcutt/Winslow Partnership

Hal DeKeyser, Chairman, WESTMARC, Peoria

Jack W. Lunsford, President & CEO,  
WESTMARC, Phoenix

*Paid for by "WESTMARC"*

On behalf of nearly 600 businesses, organizations and municipalities who are members of Valley Partnership, many of whom own private property, and employ tens of thousands of Arizonans, we encourage you to vote NO on Private Property Protection Act.

Since our forefathers signed the Constitution, private property owners have been protected from government unlawfully seizing their property without public purpose and without just compensation. Current Arizona law is recognized nationally as ensuring that private landowners have the utmost protection from government abusing their limited power to take lands. In Arizona, most governments use the power to acquire private property responsibly and constitutionally.

The Act is an overreaction to a Supreme Court decision in a Connecticut case. Existing Arizona laws severely limit government ability to take property, so the case probably will have little or no impact in Arizona. However, if the Act is passed, a system of cumbersome procedures and expensive and time consuming lawsuits will prevent governments from efficiently building freeways, roads, firehouses, parks, trails and other public amenities and infrastructure. Community projects planned to improve the quality of life would be delayed or terminated. The Act will spawn numerous unnecessary lawsuits and public money would be used to pay lawyers to fight them.

Arizona governments have historically acted properly when exercising the limited power to acquire private property for public purposes. The state, counties, cities and towns operate under a current system of laws that protects the rights of the private property owner while allowing the government to use their resources to create better communities. There is no reason to make changes to the system that would foster lawsuits and require governments to spend more public money.

Please vote NO on the Private Property Protection Act.

Charley Freericks, Chairman of the Board,  
Scottsdale

Richard R. Hubbard, President & CEO, Phoenix

*Paid for by "Valley Partnership"*

**WE STRONGLY URGE THE VOTERS OF ARIZONA TO VOTE "NO" ON PROPOSITION 207**

The military bases in this State are key to a strong national defense and contribute to a strong and stable economy.

The City of Yuma and Yuma County are home to three military facilities:

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- The **Marine Corps Air Station**, which is one of the Marine Corps' premier aviation training bases.
- The **Yuma Army Proving Ground**, which has the size to allow Army weapon systems to fully exercise their capabilities without endangering the public.
- The **Barry M. Goldwater Range**, which is the prime air space testing area for Luke Air Force Base and the Marine Corps Air Station.
- The Yuma community fully supports the men and women stationed at these facilities who serve to protect our country. However, Proposition 207 will jeopardize the mission viability of these military facilities.

**A "NO VOTE ON Proposition 207 will:**

- Allow adjustments to land use plans and existing zoning restrictions to ensure the viability of our bases and to protect our resources;
- Ensure development surrounding our military facilities will be compatible with military operations;
- Ensure existing land uses that are compatible military will remain compatible;
- Ensure a continued healthy economy, and
- Avoid future threats of base closures due to Base Realignment and Closure (BRAC).

**PLEASE VOTE "NO" ON PROPOSITION 207.**

Lawrence K. Nelson, Yuma  
Ema Lea Shoop, Yuma

Ross J. Hieb, Yuma

*Paid for by "Larry Nelson"*

The Neighborhood Coalition of Greater Tucson opposes this initiative because it has stealth provisions that would devastate the ability of local government to adopt regulations that protect our neighborhoods, the environment, and the historic and cultural values of our communities. Developers, billboard companies, and other special interests with deep enough pockets could challenge virtually any zoning or sign regulation that does not suit their needs with the claim that property rights never previously recognized would now be affected. The real motivation, however, is to run roughshod over local community desires for the sake of maximum profits and financial windfalls.

Please vote NO on the (so-called) Private Property Rights Protection Act.  
Neighborhood Coalition of Greater Tucson  
PO Box 43097  
Tucson AZ 85733

Sharon Chadwick, Co-Chair, Tucson

Mark Mayer, Co-Treasurer, Tucson

*Paid for by "Neighborhood Coalition of Greater Tucson"*

Proposition 207 limits local and state governments' ability to protect our environment and the quality of life for which our state and communities are justly famous.

For example, under Proposition 207, local and state governments would be severely limited in their ability to enact ordinances or regulations to preserve riparian areas and hillsides, or create buffers from development to protect wildlife habitat.

As an Arizona-based nonprofit, the Sonoran Institute promotes community decisions that respect the land and people of the West. We believe this is achieved through civil dialogue, broad-based partnerships, and cooperation and not by a small group of primarily out-of-state special interests trying to impose their values on all Arizonans like Proposition 207 does.

Proposition 207 will force taxpayers to pay certain developers to further protect our land, water, and scenic vistas—environmental values that are prized by all Arizonans. Such payments would be made even if a developer stands to benefit financially from their development project.

Local families and business people who pay local taxes would feel the brunt of this radical, new "pay or waive" system. In the face of the resulting budget stress, elected officials would have to cut services or allow new development to degrade quality of life and the environment, and deplete government's capacity to deliver other public services.

Arizonans have been united in opposing a measure similar to this in the past. Let's work together to defeat it again. Please oppose Proposition 207.

Luther Propst, Executive Director, Sonoran  
Institute, Tucson

Denny A. Minano, Board Member, Sonoran  
Institute, Tucson

*Paid for by "Sonoran Institute"*

**Please vote no on Proposition 207.**

Proposition 207 is being promoted by an out-of-state organization that will not have to live with the consequences of this costly and unwise initiative. In the last few weeks before the signatures were due, this Illinois-based organization pumped nearly a million dollars into the campaign to buy the signatures to get on the ballot.

If adopted, this measure would either cost taxpayers plenty, draining funds from important public services, or, more likely result in no enforcement of laws which protect property values and communities. The current zoning in our communities would be effectively frozen, preventing government from responding to future concerns.

Examples of actions that would be limited by this proposition are:

- Approval of wash or hillside protection ordinances.
- Application of historic overlay zoning.

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- Enactment of neighborhood preservation measures.
- Adoption of wildlife habitat preservation measures.
- Approval of buffer areas near preserves or important wildlife habitat areas.

This measure opens the door for anyone with the speculative hope—or a lawyer—to make an argument that there has been some reduction in property value and to file a claim for compensation with their local government. That means we, the taxpayers, have to foot the bill for the private demands of land speculators. The Arizona Legislature has attempted to win passage of takings measures in the past; legislators have rejected most of these measures and the Arizona voters overwhelmingly rejected the one that was referred to the ballot by citizens who opposed it. There is no reason to take a different approach now, please reject this ill-conceived and extreme measure. Please vote no on Proposition 207.

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

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

*Paid for by "Sierra Club Grand Canyon Chapter"*

This measure would limit the ability of the state, counties, cities and towns to implement land use regulations that might have the impact of reducing property values. This would include land use classifications, lot sizes, setbacks and buffering, zoning codes, building height restrictions, noise impact zones and other community standards that protect neighboring properties.

The measure would require payment by the state, counties, cities and towns if property value is reduced, even to the smallest extent, as a result of enactment or enforcement of a land use law. The result of this will be that public bodies will not impose land use laws that benefit the community as a whole if there is the chance that the regulation will impact property values, since public funds, needed for police, fire and other needs, would have to be used to defend those actions.

A property owner could submit a claim for payment from the public body without providing any documented proof of the claimed reduction in value. The reasonable expectation of the property owner when the property was acquired is not considered.

The impact on the public treasury would be devastating by having to defend against the claims property owners could make. The ability to plan communities with public input would be severely limited due to fears of claims, whether justified or not, that someone's property values would be diminished.

In addition, even though Arizona law already provides greater protections to private property owners than the US Constitution, this measure places greater limits on the ability of public agencies to accomplish slum clearance and to implement redevelopment projects.

Douglas Coleman, President, Apache Junction

Boyd W. Dunn, Vice President, Chandler

*Paid for by "The League of Arizona Cities & Towns"*

Please vote against Proposition 207, the Homeowners Protection Effort. There is nothing wrong with government taking your private property in areas that are blighted and giving the property to a private entity or developer who will increase the cities tax rolls. Government knows better than the property owner the best and highest use of your land, home or business.

City planners have every right to rezone your property and pay you less after they've diminished the value of your home or business if it is for the public good.

Government and developers must work together to enhance our cities and improve all our lives.

Vote NO on Proposition 207.

Lynn Hoebing, Scottsdale

The handful of wealthy landowners who paid to put Prop. 207 on the ballot are trying a classic bait and switch on Arizona voters. The bait is they want you to believe Prop. 207 is about eminent domain. The trap is in the fine print – which includes a far-reaching section unrelated to eminent domain that would lead to huge new costs for all Arizona taxpayers.

Prop. 207 would change Arizona's laws to allow large landowners and corporations to demand huge payouts from state and local taxpayers just by claiming a law has harmed the value of their property or business – no matter how important the law may be or how far-fetched the claim.

Here's one example of how the "taxpayer trap" would place taxpayers in a LOSE-LOSE situation: Suppose local voters pass a measure limiting new developments to 500 houses. Under Prop. 207 a developer who wants to build 2,000 houses could demand payment for the value of the remaining 1,500 houses. If the community cannot pay the developer, they would have to allow him to build the extra 1500 houses - even if local community services and infrastructure would be strained by the larger development. We all pay, while large landowners and corporations reap windfall payouts.

Prop. 207 also traps taxpayers into signing a blank check - with no limit on the total costs. The initiative will drown government services in red tape, tie up our courts with lawsuits, and create a massive new bureaucracy to deal with the thousands of claims for money. The cost of lawsuits and payouts will rob local communities of billions of dollars now used to fund fire and police protection, paramedic response, schools, traffic congestion relief and other vital services.

Say NO to the TAXPAYER TRAP.

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Vote NO on PROPOSITION 207.

Rodger Schlickeisen, President, Washington

Eva Lee Sargent, Ph.D., Director, Southwest  
Program, Tucson

*Paid for by "Defenders of Wildlife"*

**On behalf of the Fort Huachuca 50, vote "NO" on Proposition 207.** This ballot initiative is funded by out of state interests and will severely undermine efforts by Arizonans to preserve and enhance Fort Huachuca, a major military installation and home to the US Army Intelligence Center and School. Fort Huachuca provides an annual fiscal impact to the State of Arizona that is upwards of \$2.5 billion.

**We oppose 207 because it could result in the elimination of existing military missions and derail continued development of Fort Huachuca.** This ballot initiative provides that any refusal by a city or county to grant residential zoning within the vicinity of a military airport would be subject to a demand for compensation. Further, it provides for a "right to compensation" when a zoning authority takes no action if the owner can show that the inaction reduces the value of his property. No input was sought or permitted from the military installations or planning and zoning authorities regarding the unintended impacts of this language.

**The Department of Defense is currently realigning military forces throughout the United States. If this legislation passes, it will encourage bases outside of Arizona to attempt to "pick off" various military missions in order to protect their continued existence. For these reasons, we believe that 207 threatens the future of Fort Huachuca and all of the military installations throughout Arizona.**

The Fort Huachuca 50 is a local organization in Cochise County that exists to support the continued development of Fort Huachuca. Many of our citizens invested considerable private funds through this organization to protect Fort Huachuca during the recent Base Realignment and Closure (BRAC) process. We plan to be involved in future BRAC efforts to protect Fort Huachuca.

**Please vote "NO" on 207. Protect Arizona's military missions and bases.**

Thomas Finnegan, President, Fort Huachuca  
50, Sierra Vista

Peter Huisling, Secretary, Fort Huachuca 50,  
Sierra Vista

*Paid for by "Thomas M. Finnegan"*

As Chair of the House Counties, Municipalities and Military Affairs Committee, I strongly urge your "no" vote on PROP 207.

I have worked tirelessly over the years in support of our state's military facilities. Our military statewide contribute over \$1.4 billion annually to Arizona's economy. They collectively play a critical role in our nation's defense and in fighting terrorism worldwide. I have personally sponsored several legislative bills and have acted to support dozens of others to help preserve the long-term mission viability of our states military.

If passed, PROP 207 would seriously undermine the zoning protections that have been put in place to ensure safe training areas and compatible development around military facilities. Furthermore, it would make our military bases vulnerable to future base realignments and closures.

All of the issues are not resolved around our military installations and this simply complicates the process because it is not well thought out. An example of a problem is the Corps of Engineers and the pace at which they are moving.

Please join me in all of our active duty, retired military and their families and military support groups that oppose this legislation and vote "NO" on PROP 207.

John Nelson, State Representative, District 12, Litchfield Park

We urge Arizonans to vote no on the Arizona Home Owners Protection Effort. We don't often raise our profile on campaign issues like these and are not taking a position on issues related to the use of eminent domain for redevelopment purposes, but other parts of this measure are too flawed for us to remain silent.

The Nature Conservancy is a land owner and knows the importance of private property rights. While we do not support government taking of private property rights where there is not a genuine public good to be served, this initiative would also deprive Arizona communities of the ability to enact reasonable land use regulations. This initiative would deter Arizona governments from developing the tools they need to balance water and development. It would do that by creating a new right to sue public bodies making good faith attempts to balance public and private land use interests.

That's good for lawyers, bad for Arizona.

For instance, in many parts of Arizona, excessive water use is causing rivers and aquifers to run dry. The Conservancy has led voluntary efforts to solve competing demands for these resources. If diverse interests can't reach agreement on how to conserve water to the benefit of all, government needs to be able to step in with a fair and balanced law. Regulation isn't always the answer, but sometimes it is. Local communities can't afford to fight a lawsuit every time they try to do the right thing for Arizona communities.

The state and federal constitutions already protect property owners from unreasonable "regulatory takings." This initiative isn't about fixing past wrongs. It's about a few special interests trying to deprive the government of

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the ability to help preserve our natural heritage. Vote no on this initiative.

Pat Graham, State Director, Glendale

John Graham, Chair, Board of Trustees,  
Paradise Valley

*Paid for by "The Nature Conservancy"*

The Arizona Preservation Foundation asks you to vote no on Proposition 207. It goes far beyond the issue of government condemning private land for another's private use. While the Arizona Preservation Foundation recognizes that the record of governments using eminent domain is not perfect and it supports eminent domain reform, this initiative is not the solution. Proposition 207 would seriously cripple local historic preservation efforts and it jeopardizes the ability of local government to make land use and zoning decisions. For example, many Arizona communities place significant historic properties and neighborhoods on historic registers to recognize past accomplishments.

The proposition language on "diminution of value" opens the door for frivolous lawsuits and guarantees that any land use action, including historic recognition, could be subject to litigation and be charged with diminishing property values. In fact there have been many studies showing that designating properties as historic increases, not decreases, property values. Even though there is ample documentation to support this argument, any government action related to historic preservation could be subject to owners demanding compensation for alleged diminished value. The "diminish in value" language in Proposition 207 is a fatal flaw.

There are also already regulations providing for just compensation for eminent domain. The proposition goes far beyond the constitutional just compensation requirements and raises taxpayer expenses for creating historic districts or other special overlays. What Proposition 207 really does is it hinders the ability of elected officials to make decisions or to establish historic preservation programs with incentives for assisting owners. Many decisions by local elected officials, following a public hearing, have broad public support. Should an owner be paid taxpayer money for government actions with broad community support? No. Vote no on Proposition 207.

Vince Murray, President, Tempe

Donald H. Meserve, Secretary, Scottsdale

*Paid for by "Arizona Preservation Foundation"*

An Illinois-based organization created and promoted this proposal, which would cost Arizona taxpayers dearly and would trample on the property rights of Arizonans who live or own property near a land speculator who wishes to take advantage of it. City, town and county governments would have to divert their tax revenue from legitimate public needs such as health care, public safety, transportation, and parks to compensate land speculators who claim a government land-use decision reduced the value of their land. Many land-use decisions protect the property value, safety and aesthetic enjoyment of existing residents against objectionable proposals of developers and speculators. This residential neighborhood viability, wildlife habitat, flood plains, and buffers between conflicting land uses. Your local tax money has better purposes than paying for the lawyers and land speculators who would benefit from enactment of this measure. I urge you to vote "NO" on Proposition 207.

Richard Elías, Chairman, Pima County Board of Supervisors, Tucson

*Paid for by "Richard Elías For Supervisor"*

While there have been abuses of eminent domain in Arizona, the Private Property Protection Act goes too far in attempting to limit government regulation of private property. In particular, this Initiative not only would impose limits on the ability of public bodies to condemn private property but would also make the state, counties, cities and towns potentially liable for damages based on an individual land owner's claimed reduction in value where non-discriminatory land-use regulations affecting entire communities or larger land areas are put into effect, even where the majority of the affected land owners are in favor of the regulation. As just one example, if residents of an area that has developed as residential subdivisions petition their city or town to establish a zoning overlay to protect the character of the area, just one disgruntled land owner could potentially thwart that action by claiming damages due to a claimed reduction in value, thereby exposing the municipality to potential damages if the overlay is granted. Over the last 20 years, Arizona communities have grown at an incredible pace and that growth continues today. We need to preserve sufficient flexibility to allow our public bodies to adopt regulations that accommodate the ever-changing circumstances presented by growth at that unprecedented rate. To date, while not perfect, Arizona's framework of state and local land-use regulations has generally managed to do a reasonable job of balancing the interests of individual property owners against the needs and interests of the larger community. We do not need this kind of sledgehammer approach to land-use regulation in Arizona.

Rebecca Lynne Burnham, Phoenix

Vote No on Proposition 207

Proposition 207 goes too far. If passed, Proposition 207 will cost taxpayers millions of dollars and create thousands of frivolous lawsuits. That's because virtually anyone will have the ability to sue, claiming a new zoning regulation has affected their property values, all at the expense of other taxpayers.

Prop 207 subjects government takings to judicial review. This cost, including plaintiff and defendant fees as well as any award, will be borne by taxpayers. Spending extensive money on unnecessary legal costs will drain the financial resources available to cities to provide important public services, including jeopardizing police and fire staffing.

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

Local communities would no longer be able to decide what types of projects get built in their neighborhood. Neighborhoods need to keep the right to have a say in the decisions on what type of projects are placed in their area. Proposition 207 would take away your right to influence decisions that could benefit your neighborhood, your investment in your home and the quality of life enjoyed by you and your children.

I urge you to vote NO on Proposition 207. It's just too extreme.

Larry Landry, Phoenix

Vote NO on Proposition 207 because it will cost taxpayers millions of dollars that could be spent on necessary public services such as police and fire. This initiative masquerades as eminent domain reform, but it will really force neighborhoods to accept development that they do not want. **For example** if a city or county decides that 50 homes can be built on a parcel of land and the developer believes that the property could hold 200 homes—your **tax dollars** would be used to **pay** the developer for the perceived lost 150 homes.

It will result in the use of your tax dollars to pay for denied rezoning requests, building height limits or other new regulations and all associated court costs even if the case is frivolous. A NO vote will maintain local decision making authority on the following:

- Land use laws governing the use of property;
- Limits on building height, building setbacks, or increased landscape setbacks;
- Locally created design standards that build community character;
- Modifications and updates to General Plans;
- Land use protections for military installations such as Luke and Davis-Monthan Air Force bases and

Marine Corps Air Station Yuma;

- Preservation of historic buildings, and neighborhood-developed area plans;
- Regulation of building design standards; and
- Enactment or enforcement of future property maintenance requirements.

Approval of this proposition will cost Arizona taxpayers millions of dollars, will negatively impact the economic vitality of the State, will be detrimental to the environment and will negatively impact your neighborhood and your larger community. The Arizona Planning Association advocates for wise and balanced land use planning throughout the State of Arizona and as such we urge you to vote NO on Proposition 207.

Alan Stephenson, Vice-President for Legislative Affairs, Arizona Planning Association, Phoenix      Jill Kusy, AICP, President-Elect, Arizona Planning Association, Scottsdale

*Paid for by "Alan Stephenson"*

Fighter Country Partnership urges the voters of Arizona to vote "**NO**" on PROP 207.

Luke Air Force Base is recognized and valued as the premier location to conduct flight training, and trains 95% of all F-16 fighter pilots. The preservation of Luke's ability to perform its training mission is critical in today's Global War on Terrorism.

Fighter Country Partnership is a community-based organization whose sole purpose is to support the Luke men and women who serve our country, and to protect and enhance the long-term viability of the Luke Air Force Base mission – training the world's best F-16 fighter pilots and maintainers.

Our members are a diverse group of citizens, business people, elected officials, veterans and military retirees who support Luke Air Force Base and want to ensure its future in Arizona.

**A "NO" vote on PROP 207 will make sure that:**

- Appropriate land use zoning can continue to ensure that development surrounding Luke AFB remains compatible with Luke's military mission and operations.
- Local governments continue to have the ability to adjust existing zoning restrictions to protect existing military missions as well as entice future missions to Arizona's military bases such as training for the next generation of war-fighters, the Joint Striker Fighter Wing.
- A strong message is sent to special interest groups from outside of Arizona that try and dictate what's best for the communities surrounding Luke Air Force Base.
- Future Base Realignment and Closure (BRAC) Commissions will recognize that Arizona continues to lead the nation in its support of our military and their training installations, thereby helping ensure Luke's long-term mission viability, training the world's best fighter pilots.

Lisa A. Atkins, President, Fighter Country Partnership, Litchfield Park

Steve Yamamori, Executive Director, Fighter Country Partnership, Goodyear

*Paid for by "Fighter Country Partnership"*

**BALLOT FORMAT**

**PROPOSITION 207**

PROPOSED AMENDMENT BY INITIATIVE PETITION

**OFFICIAL TITLE**

AN INITIATIVE MEASURE  
AMENDING TITLE 12, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2.1; RELATING TO THE PRIVATE PROPERTY RIGHTS PROTECTION ACT.

**DESCRIPTIVE TITLE**

ESTABLISHES RIGHTS WHEN GOVERNMENT TAKES PROPERTY FOR PUBLIC USE (EMINENT DOMAIN); DEFINES "PUBLIC USE" TO INCLUDE PUBLIC AND PUBLIC AGENCY USE, UTILITIES, ACQUIRING ABANDONED AND HAZARDOUS PROPERTY; PROHIBITS TAKING PROPERTY FOR ECONOMIC DEVELOPMENT; REQUIRES COMPARABLE REPLACEMENT OF PRIMARY RESIDENCES; REQUIRES COMPENSATION FOR DECREASED PROPERTY VALUE RESULTING FROM LAND USE LAWS.

**PROPOSITION 207**

A "yes" vote shall have the effect of [1] establishing additional rights for individuals whose property is taken by the government for public use (eminent domain), [2] defining "public use," [3] prohibiting the taking of property for economic development, [4] requiring primary residences taken by eminent domain be replaced by a comparable dwelling, [5] requiring compensation for property values reduced by land use laws, [6] requiring attorneys fees' in eminent domain lawsuits, and [7] allowing attorneys' fees in property value reduction lawsuits.

**YES**

A "no" vote shall have the effect of retaining the current eminent domain law.

**NO**

**PROPOSITION 207**

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



**PROPOSITION 300**

**OFFICIAL TITLE**

**SENATE CONCURRENT RESOLUTION 1031**

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO PUBLIC PROGRAM ELIGIBILITY.

**TEXT OF PROPOSED AMENDMENT**

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

1. Under the power of the referendum, as vested in the Legislature, the following measure, relating to public program eligibility, is enacted to become valid as a law if approved by the voters and on proclamation of the Governor:

AN ACT

AMENDING SECTIONS 15-191.01, 15-232, 15-1803, 46-801 AND 46-803, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 14, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-1825; RELATING TO PUBLIC PROGRAM ELIGIBILITY.

Be it enacted by the Legislature of the State of Arizona: Section 1. Section 15-191.01, Arizona Revised Statutes, is amended to read:

15-191.01. Family literacy program; procedures; curriculum; eligibility plan

A. The family literacy program is established in the state board of education through the division of early childhood education programs to increase the basic academic and literacy skills of eligible parents and their preschool children in accordance with this article. The state board of education shall establish family literacy projects as part of the overall program at locations where there is a high incidence of economic and educational disadvantage as determined by the state board of education in consultation with the department of economic security and, as appropriate, other state agencies.

B. The state board of education shall adopt procedures necessary to implement the family literacy program.

C. The state board of education shall establish guidelines for requiring family literacy program participants to engage in community service activities in exchange for benefits received from the program. Participants shall be allowed to choose from a variety of community and faith based service providers that are under contract with the department to provide community service opportunities or program services. Participants shall be allowed and encouraged to engage in community services within their own communities. Participants shall be allowed to fulfill the requirements of this subsection by providing community services to the program from which they received services.

D. The state board of education shall submit an annual report by December 31 to the governor, the speaker of the house of representatives and the president of the senate regarding the community service activities of family literacy program participants pursuant to subsection C, including information on the number of participants, the types of community service performed and the number of hours spent in community service activities.

E. Local education agencies and adult education pro-

grams funded by the department of education are eligible for grants if the state board of education determines that a high percentage of adults in the county, the local school district or the targeted local school service area have not graduated from high school. Selection criteria for grant awards shall include at a minimum the educational needs of the adult population, the incidence of unemployment in the county, district or local targeted school service area, the degree to which community collaboration and partnership demonstrate the ability to bring additional resources to the program and the readiness and likelihood of the proposing organizations to establish a successful family literacy project.

F. Each project team shall include representatives from each of the following:

1. One or more local school districts or the county school superintendent's office.

2. An adult education provider funded by the division of adult education or a provider that complies with the policies, academic standards, performance outcomes, assessment and data collection requirements of adult education as prescribed by the division of adult education.

3. A private or public early childhood education provider.

4. Any other social service, governmental or private agency that may provide assistance for the planning and operation of the project.

G. In addition to the grants prescribed in subsection H, the state board of education shall authorize two grants to existing literacy programs in this state that can offer training and serve as models and training resources for the establishment and expansion of other programs throughout this state. Existing literacy programs shall submit a grant application to the state board of education in the same manner as prescribed in subsection K.

H. The state board of education shall authorize additional grants through the division of early childhood education programs in areas of educational and economic need.

I. Selected projects shall use either:

1. A nationally recognized family literacy model such as models developed by the national center for family literacy or its successor.

2. A model that, in the determination of the project team and the state board of education, is superior to a nationally recognized family literacy model.

J. Eligible parents shall be instructed in adult basic education and general educational development. Preschool children shall receive instruction in developmentally appropriate early childhood programs. Other planned, structured activities involving parents and children in learning activities may be established as a part of the curriculum.

K. Each grant application shall include a plan to address at least the following:

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

1. Identification and recruitment of eligible parents and children.
2. Screening and preparation of parents and children for participation in the family literacy program.
3. Instructional programs and assessment practices that promote academic and literacy skills and that equip parents to provide needed support for the educational growth and success of their children.
4. A determination that at least ten but no more than twenty parents with children will be eligible for and be enrolled in the family literacy program at all times, or that the family literacy programs shall document efforts to continually recruit eligible families.
5. Provision of child care through either private or public providers.
6. A transportation plan for participants.
7. An organizational partnership involving at a minimum a common school, a private or publicly funded preschool provider and an adult education program funded by the department of education or by an outside funding source.

L. THIS SECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE, RELIGION, GENDER, ETHNICITY OR NATIONAL ORIGIN.

M. THE STATE BOARD OF EDUCATION SHALL REPORT ON DECEMBER 31 AND JUNE 30 OF EACH YEAR TO THE JOINT LEGISLATIVE BUDGET COMMITTEE THE TOTAL NUMBER OF PARENTS WHO APPLIED TO PARTICIPATE IN A PROGRAM UNDER THIS ARTICLE AND THE TOTAL NUMBER OF PARENTS WHO WERE NOT ELIGIBLE UNDER THIS ARTICLE BECAUSE THE PARENT WAS NOT AN ELIGIBLE PARENT AS DEFINED IN SECTION 15-191, PARAGRAPH 1, SUBDIVISION (c).

Sec. 2. Section 15-232, Arizona Revised Statutes, is amended to read:

15-232. Division of adult education; duties

A. There is established a division of adult education within the department of education, under the jurisdiction of the state board for vocational and technological OF education, which shall:

1. Prescribe a course of study for adult education in school districts.
2. Make available and supervise the program of adult education in other institutions and agencies of this state.
3. Adopt rules for the establishment and conduct of classes for immigrant and adult education, including the teaching of English to foreigners, in school districts.
4. Devise plans for establishment and maintenance of classes for immigrant and adult education, including the teaching of English to foreigners, stimulate and correlate the Americanization work of various agencies, including governmental, and perform such other duties as may be prescribed by the state board of education and the superintendent of public instruction.
5. Prescribe a course of study to provide training for adults to continue their basic education to the degree of passing a general equivalency diploma test or an equivalency test approved by the state board of education.

B. THE DEPARTMENT OF EDUCATION SHALL PROVIDE CLASSES UNDER THIS SECTION ONLY TO ADULTS WHO ARE CITIZENS OR LEGAL RESIDENTS OF THE UNITED STATES OR ARE OTHER-

WISE LAWFULLY PRESENT IN THE UNITED STATES. THIS SUBSECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE, RELIGION, GENDER, ETHNICITY OR NATIONAL ORIGIN. C. THE DEPARTMENT OF EDUCATION SHALL REPORT ON DECEMBER 31 AND JUNE 30 OF EACH YEAR TO THE JOINT LEGISLATIVE BUDGET COMMITTEE THE TOTAL NUMBER OF ADULTS WHO APPLIED FOR INSTRUCTION AND THE TOTAL NUMBER OF ADULTS WHO WERE DENIED INSTRUCTION UNDER THIS SECTION BECAUSE THE APPLICANT WAS NOT A CITIZEN OR LEGAL RESIDENT OF THE UNITED STATES OR WAS NOT OTHERWISE LAWFULLY PRESENT IN THE UNITED STATES.

Sec. 3. Section 15-1803, Arizona Revised Statutes, is amended to read:

15-1803. Alien in-state student status

A. An alien is entitled to classification as an in-state refugee student if such person has been granted refugee status in accordance with all applicable laws of the United States and has met all other requirements for domicile.

B. IN ACCORDANCE WITH THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996 (P.L. 104-208; 110 STAT. 3009), A PERSON WHO WAS NOT A CITIZEN OR LEGAL RESIDENT OF THE UNITED STATES OR WHO IS WITHOUT LAWFUL IMMIGRATION STATUS IS NOT ENTITLED TO CLASSIFICATION AS AN IN-STATE STUDENT PURSUANT TO SECTION 15-1802 OR ENTITLED TO CLASSIFICATION AS A COUNTY RESIDENT PURSUANT TO SECTION 15-1802.01.

C. EACH COMMUNITY COLLEGE AND UNIVERSITY SHALL REPORT ON DECEMBER 31 AND JUNE 30 OF EACH YEAR TO THE JOINT LEGISLATIVE BUDGET COMMITTEE THE TOTAL NUMBER OF STUDENTS WHO WERE ENTITLED TO CLASSIFICATION AS AN IN-STATE STUDENT AND THE TOTAL NUMBER OF STUDENTS WHO WERE NOT ENTITLED TO CLASSIFICATION AS AN IN-STATE STUDENT UNDER THIS SECTION BECAUSE THE STUDENT WAS NOT A CITIZEN OR LEGAL RESIDENT OF THE UNITED STATES OR IS WITHOUT LAWFUL IMMIGRATION STATUS.

Sec. 4. Title 15, chapter 14, article 2, Arizona Revised Statutes, is amended by adding section 15-1825, to read:

15-1825. Prohibited financial assistance; report

A. A PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES, WHO IS WITHOUT LAWFUL IMMIGRATION STATUS AND WHO IS ENROLLED AS A STUDENT AT ANY UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS OR AT ANY COMMUNITY COLLEGE UNDER THE JURISDICTION OF A COMMUNITY COLLEGE DISTRICT IN THIS STATE IS NOT ENTITLED TO TUITION WAIVERS, FEE WAIVERS, GRANTS, SCHOLARSHIP ASSISTANCE, FINANCIAL AID, TUITION ASSISTANCE OR ANY OTHER TYPE OF FINANCIAL ASSISTANCE THAT IS SUBSIDIZED OR PAID IN WHOLE OR IN PART WITH STATE MONIES.

B. EACH COMMUNITY COLLEGE AND UNIVERSITY SHALL REPORT ON DECEMBER 31 AND

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

JUNE 30 OF EACH YEAR TO THE JOINT LEGISLATIVE BUDGET COMMITTEE THE TOTAL NUMBER OF STUDENTS WHO APPLIED AND THE TOTAL NUMBER OF STUDENTS WHO WERE NOT ENTITLED TO TUITION WAIVERS, FEE WAIVERS, GRANTS, SCHOLARSHIP ASSISTANCE, FINANCIAL AID, TUITION ASSISTANCE OR ANY OTHER TYPE OF FINANCIAL ASSISTANCE THAT IS SUBSIDIZED OR PAID IN WHOLE OR IN PART WITH STATE MONIES UNDER THIS SECTION BECAUSE THE STUDENT WAS NOT A CITIZEN OR LEGAL RESIDENT OF THE UNITED STATES OR NOT LAWFULLY PRESENT IN THE UNITED STATES.

C. THIS SECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE, RELIGION, GENDER, ETHNICITY OR NATIONAL ORIGIN.

Sec. 5. Section 46-801, Arizona Revised Statutes, is amended to read:

46-801. Definitions

In this chapter, unless the context otherwise requires:

1. "Caretaker relative" means a relative who exercises responsibility for the day-to-day physical care, guidance and support of a child who physically resides with the relative and who is by affinity or consanguinity or by court decree a grandparent, great-grandparent, sibling of the whole or half blood, stepbrother, stepsister, aunt, uncle, great-aunt, great-uncle or first cousin.
2. "Cash assistance" has the same meaning prescribed in section 46-101.
3. "Child" means a person who is under thirteen years of age.
4. "Child care" means the compensated service that is provided to a child who is unaccompanied by a parent or guardian during a portion of a twenty-four hour day.
5. "Child care assistance" means any money payments for child care services that are paid by the department and that are paid for the benefit of an eligible family.
6. "Child care home provider" means a person who is at least eighteen years of age, who is not the parent, guardian, caretaker relative or noncertified relative provider of a child needing child care and who is certified by the department to care for four or fewer children for compensation with child care assistance monies.
7. "Child care providers" means child care facilities licensed pursuant to title 36, chapter 7.1, article 1, child care group homes certified pursuant to title 36, chapter 7.1, article 4, child care home providers, in-home providers, noncertified relative providers and regulated child care on military installations or for federally recognized Indian tribes.
8. "Eligible family" means CITIZENS OR LEGAL RESIDENTS OF THE UNITED STATES OR INDIVIDUALS WHO ARE OTHERWISE LAWFULLY PRESENT IN THE UNITED STATES AND WHO ARE parents, legal guardians or caretaker relatives with legal residence in this state and children in their care who meet the eligibility requirements for child care assistance.
9. "Federal poverty level" means the poverty guidelines that are issued by the United States department of health and human services pursuant to section 673(2) of the omnibus budget reconciliation act of 1981 and that are reported annually in the federal register.
10. "In-home provider" means a provider who is certified by the department to care for a child of an eligible

family in the child's own home and is compensated with child care assistance monies.

11. "Noncertified relative provider" means a person who is at least eighteen years of age, who provides child care services to an eligible child, who is by affinity or consanguinity or by court decree the grandparent, great-grandparent, sibling not residing in the same household, aunt, great-aunt, uncle or great-uncle of the eligible child and who meets the department's requirements to be a noncertified relative provider.

12. "Parent" or "parents" means the natural or adoptive parents of a child.

Sec. 6. Section 46-803, Arizona Revised Statutes, is amended to read:

46-803. Eligibility for child care assistance

A. The department shall provide child care assistance to eligible families who are attempting to achieve independence from the cash assistance program and who need child care assistance in support of and as specified in their personal responsibility agreement pursuant to chapters 1 and 2 of this title.

B. The department shall provide child care assistance to eligible families who are transitioning off of cash assistance due to increased earnings or child support income in order to accept or maintain employment. Eligible families must request this assistance within six months after the cash assistance case closure. Child care assistance may be provided for up to twenty-four months after the case closure and shall cease whenever the family income exceeds one hundred sixty-five per cent of the federal poverty level.

C. The department shall provide child care assistance to eligible families who are diverted from cash assistance pursuant to section 46-298 in order to obtain or maintain employment. Child care assistance may be provided for up to twenty-four months after the case closure and shall cease whenever the family income exceeds one hundred sixty-five per cent of the federal poverty level.

D. The department may provide child care assistance to support eligible families with incomes of one hundred sixty-five per cent or less of the federal poverty level to accept or maintain employment. Priority for this child care assistance shall be given to families with incomes of one hundred per cent or less of the federal poverty level.

E. The department may provide child care assistance to families referred by child protective services and to children in foster care pursuant to title 8, chapter 5 to support child protection.

F. The department may provide child care assistance to special circumstance families whose incomes are one hundred sixty-five per cent or less of the federal poverty level and who are unable to provide child care for a portion of a twenty-four hour day due to a crisis situation of domestic violence or homelessness, or a physical, mental, emotional or medical condition, participation in a drug treatment or drug rehabilitation program or court ordered community restitution. Priority for this child care assistance shall be given to families with incomes of one hundred per cent or less of the federal poverty level.

G. In lieu of the employment activity required in subsection B, C or D of this section, the department may allow eligible families with teenaged custodial parents

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under twenty years of age to complete a high school diploma or its equivalent or engage in remedial education activities reasonably related to employment goals. H. The department may provide supplemental child care assistance for department approved education and training activities if the eligible parent, legal guardian or caretaker relative is working at least a monthly average of twenty hours per week and this education and training are reasonably related to employment goals. The eligible parent, legal guardian or caretaker relative must demonstrate satisfactory progress in the education or training activity.

I. Beginning March 12, 2003, the department shall establish waiting lists for child care assistance and prioritize child care assistance for different eligibility categories in order to manage within appropriated and available monies. Priority of children on the waiting list shall start with those families at one hundred per cent of the federal poverty level and continue with each successive ten per cent increase in the federal poverty level until the maximum allowable federal poverty level of one hundred sixty-five per cent. Priority shall be given regardless of time spent on the waiting list.

J. The department shall establish criteria for denying, reducing or terminating child care assistance that include:

1. Whether there is a parent, legal guardian or caretaker relative available to care for the child.
2. Financial or programmatic eligibility changes or ineligibility.
3. Failure to cooperate with the requirements of the department to determine or redetermine eligibility.
4. Hours of child care need that fall within the child's compulsory academic school hours.
5. Reasonably accessible and available publicly funded early childhood education programs.
6. Whether an otherwise eligible family has been sanctioned and cash assistance has been terminated pursuant to chapter 2 of this title.
7. Other circumstances of a similar nature.
8. Whether sufficient monies exist for the assistance.

K. Families receiving child care assistance under subsection D or F of this section are also subject to the following requirements for such child care assistance:

1. Each child is limited to no more than sixty cumulative months of child care assistance. The department may provide an extension if the family can prove that the family is making efforts to improve skills and move towards self-sufficiency.

2. Families are limited to no more than six children receiving child care assistance.

3. Copayments shall be imposed for all children receiving child care assistance. Copayments for each child may be higher for the first child in child care than for additional children in child care.

L. The department shall review each case at least once a year to evaluate eligibility for child care assistance.

M. THE DEPARTMENT SHALL REPORT ON DECEMBER 31 AND JUNE 30 OF EACH YEAR TO THE JOINT LEGISLATIVE BUDGET COMMITTEE THE TOTAL NUMBER OF FAMILIES WHO APPLIED FOR CHILD CARE ASSISTANCE AND THE TOTAL NUMBER OF FAMILIES WHO WERE DENIED ASSISTANCE UNDER THIS SECTION BECAUSE THE PARENTS, LEGAL GUARDIANS OR CARETAKER RELATIVES WHO APPLIED FOR ASSISTANCE WERE NOT CITIZENS OR LEGAL RESIDENTS OF THE UNITED STATES OR WERE NOT OTHERWISE LAWFULLY PRESENT IN THE UNITED STATES.

N. THIS SECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE, RELIGION, GENDER, ETHNICITY OR NATIONAL ORIGIN.

~~M.~~ O. Notwithstanding section 35-173, monies appropriated for the purposes of this section shall not be used for any other purpose without the approval of the joint legislative budget committee.

~~N.~~ P. The department shall refer all child care subsidy recipients to child support enforcement and to local workforce services and provide information on the earned income tax credit.

2. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article IV, part 1, section 1, Constitution of Arizona.

#### **ANALYSIS BY LEGISLATIVE COUNCIL**

Proposition 300 would make the following changes related to eligibility, enforcement and reporting for certain state funded services:

1. Provides that only United States citizens, legal residents or persons otherwise lawfully present in this country are eligible to participate in adult education classes offered by the Arizona Department of Education.
2. Provides that in accordance with the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996, a person who is not a United States citizen or legal resident and who does not otherwise possess lawful immigration status in this country may not be classified as an in-state student or county resident for community college or state university tuition purposes.
3. Provides that a state university or community college student who is not a United States citizen and who does not otherwise possess lawful immigration status in this country is not entitled to waivers, grants or any other financial assistance paid in whole or part with state funds.
4. Restricts eligibility for child care assistance from the Arizona Department of Economic Security to parents, guardians and caretakers who are United States citizens, legal residents or persons otherwise lawfully present in this country.
5. Requires that the family literacy program, the adult education class requirements, the state university and community college financial assistance requirements and the child care assistance program be enforced without regard to race, religion, gender, ethnicity or national origin.

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

6. Requires that the state agencies administering the provisions of Proposition 300 report statistics regarding the number of persons denied participation in the above described programs due to citizenship or immigration status.

**ARGUMENTS "FOR" PROPOSITION 300**

Arizona is currently giving away millions of your tax dollars as subsidies to illegals. Vote YES on Prop 300 to end illegal taxpayer subsidies.

Arizona colleges and universities have seen large tuition increases over the last few years. US citizens from other states attending Arizona schools have to pay the full cost of tuition. However, citizens of foreign countries, who break the law to enter Arizona illegally, are given taxpayer subsidized tuition.

It's not fair; it's not right. Vote YES on Prop 300 to save taxpayers millions in subsidies for illegals.

A US citizen, single mother, and Arizona resident who needs help with child care costs may not get help and have to go on a waiting list because the program is full of illegals. Taxpayers are funding free daycare for illegals so they can work at a job that's illegal for them to have.

2004's "Protect Arizona Now" was supposed to end these kinds of public benefits to illegals. However, Attorney General Goddard and Governor Napolitano craftily created loopholes to allow illegals to continue to receive taxpayer funded services. The people spoke loudly, clearly, and were ignored.

Last year, we passed a bill to close these loopholes, and Governor Napolitano promptly VETOED it (HB2030). Now you have a chance to override the Governor's veto.

We have many needs in Arizona; if we end taxpayer subsidies for illegals, we will save millions of tax dollars that could benefit US citizens.

How can we expect anyone to follow immigration law if Arizona keeps giving away the benefits of citizenship and legal migration to those who ignore our laws? It's time to stop spending our tax dollars subsidizing illegal behavior. Close the loopholes, vote YES on Prop 300.

Sen. Dean Martin, Sponsor, Prop 300, Phoenix

Ballot argument FOR Proposition 300  
(public program eligibility)

State programs in adult education and welfare are designed to help Arizonans who are struggling to develop their job skills or support their families. These assistance programs are provided by the state using millions of tax dollars from hard-working men and women who want their taxes spent on improving their communities. These programs, however, should not be made available to those who are not legal residents of Arizona or who are not citizens of the United States. This referendum prohibits the state government from offering adult education classes, tuition waivers, or childcare assistance to illegal aliens. By offering these services to illegal aliens, it increases the burden on our state programs and robs our own citizens of services they've paid for with their taxes. Above all, free state services for all takes away the incentive for illegal aliens to become full citizens and legitimate members of American society. It is vital that we spend our tax dollars on helping Arizonans and not aid and abet illegal aliens.

The Honorable Russell Pearce, Arizona House of Representatives, Mesa  
*Paid for by "Russell Pearce 2004"*

I am a staunch proponent of this Ballot Measure. It is only reasonable to clarify that the tax dollars of our citizens and legal residents should not be used to support those who have chosen to violate our laws and our sovereignty.

It is indefensible that we should be charging students who come to Arizona for education from other states a large amount of money more than we charge students who have defied our laws by their illegal presence in our state.

The American sense of fairness dictates that we should not be subsidizing students who are here illegally in college level and adult education programs at the expense of the taxpayers of Arizona.

I ask you to join me in voting FOR this measure that restores a sense of fairness in this area. \*\*Paid for by Goldwater for Governor Committee.\*\*

Don Goldwater, Goldwater for Governor, Laveen

**ARGUMENTS "AGAINST" PROPOSITION 300**

The Arizona Farm Bureau opposes proposition 300.

This proposition comes from the frustration over the failure of the federal government to act responsibly and comprehensively on securing our border and reforming the immigration system. But the fallacy of this measure is the same as when politicians call for penalties on employers who unknowingly hire workers who are not work authorized. Employers are required to obtain forms of identification when hiring. They are not allowed under federal law to question documents. Discrimination charges come from the U.S. Justice Department if they do.

Some would like for employers to become immigration policemen without legal and reliable methods to determine the validity of documents. This proposition wants state and school personnel making clerical decisions to become immigration police, without the proper tools.

This proposition is not the answer. Securing the border, reforming work visa permits and identifying the mil-

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lions of those in this country without proper documentation is what will eliminate the frustration for both employers and the public.

Kevin Rogers, President, Arizona Farm Bureau,  
Mesa

James W. Klinker, Chief Administrative Officer,  
Arizona Farm Bureau, Mesa

*Paid for by "Arizona Farm Bureau"*

The Arizona chapter of the National Organization for Women (NOW) supports equality and fairness for all people. We believe it is time for Arizonans to face the reality that, no matter what some may wish, those who are not in our country legally are not going to disappear if we deny them education or other benefits enjoyed by our citizens, as proposed by Proposition 300.

The provisions relating to education, which would deny adult education classes to those not here legally and prohibit colleges and community colleges from giving resident status, scholarship assistance, and the like to such students, fly in the face of our state's need for an educated workforce to attract new jobs and lay the foundation of our economic future. Denying an education to *any* group guarantees that we will continue to witness the growth of a permanent underclass that will ultimately sap our economic strength.

Students who have succeeded academically and qualify to attend an institution of higher education should be assisted in this endeavor, not punished for their immigration status (which is often not their own doing). We should welcome their potential contributions to our state. The benefits of such a policy are exemplified by the robotics team at Carl Hayden High School, which in 2004 took first place in a prestigious competition, ahead of MIT, and this year placed second.

Similarly, the provision that would prohibit parents or other caretakers who are not legal residents or citizens from obtaining childcare assistance, presumably so they can work or attend school, relegates these parents and their children to a permanently disadvantaged status. This is punitive and illogical and will drain our resources in ways that are much more damaging.

Arizona NOW urges you to vote for Arizona's future and therefore to **vote No on Proposition 300.**

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

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

*Paid for by "Arizona NOW"*

**We urge your NO vote on Proposition 300.** In the struggle for survival, some immigrant parents bring their children to the U. S. and the children are here without legal documents. The U. S. Supreme Court has held that these children shall not be denied a public education. Some of these immigrant children have advanced to a Community College or University. The mean spirited proponents of Proposition 300 want to end the ability of these children to progress in Arizona's public higher education system. Proposition 300 will prohibit the granting of in-state resident tuition status to any such person at a Community College or University. A Senate compromise allowing undocumented children to be granted in-state tuition status if the student had been in Arizona for at least six years and if the parents had filed income taxes for those six years was removed in the House. The proponents have no interest in sound public policy, but rather to be mean spirited because they can.

Proposition 300 also denies Adult Education classes to immigrants without legal status. The parents of American citizens will be barred from attending adult literacy classes that not only benefit them, but benefit all of us. By improving their language and work skills, they are able to climb the ladder of success to better positions at their work.

The proposal is wrought with biases and prejudices that should not be allowed to continue in Arizona. A resounding "NO" on this proposal is needed to maintain civility and justice in our state.

We urge Arizona voters to maintain their sensibilities and not allow another divisive and destructive measure to be added to our statutes.

**Please vote "NO" on Proposition 300.**

Jorge Luis Garcia, State Senator, Chairman,  
Legislative Latino Caucus, Tucson

Ben Miranda, State Representative, Chairman,  
Legislative Latino Caucus, Phoenix

*Paid for by Jorge Luis Garcia*

NAIC Opposes Prop 300

The Northern Arizona Interfaith Council believes that Proposition 300 (Public Program Eligibility) does not serve the best interest of families and communities in Northern Arizona. We oppose Prop 300 because passage will undermine our efforts to expand childcare for working families, encourage our school age children to attend college and teach English to those wanting to learn.

Prop 300 misses the mark if it intends to help with the illegal immigration problem. In fact, because it makes learning English less accessible to motivated adults, Prop 300 moves our communities in the wrong direction.

We are especially disturbed by the potential of this proposition to negatively impact children and youth. Increasing the availability of childcare in our area is very important to businesses as well as individual families. Prop 300 moves us in the wrong direction by restricting access to childcare for many Northern Arizona Families.

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

NAIC asks that you vote "No" on 300.

Linda Martinez, Co-Chair, Northern Arizona  
Interfaith Council, Sedona

Lucas Gomez, Treasurer, Northern Arizona  
Interfaith Council, Sedona

*Paid for by "Linda M. Martinez"*

**Yuma County Interfaith Opposes Proposition 300**

**Proposition 300 will deny successful youth access to education**

• Current law already requires that children must be citizens to receive a childcare subsidy. This proposal will strip American children of their rights.

**Proposition 300 will deny successful youth access to higher education preventing them from contributing to the economic growth of Yuma County**

• In Yuma County, only 14% of high school graduates continue to some form of higher education. This proposition will create even more barriers to developing a strong workforce.

• Our children and youth in Yuma County will suffer by the unintended consequences of being denied access to education.

**Proposition 300 will deny hard working adults access to basic education programs**

• Stripping funding from Adult Education programs will prevent adults interested in a higher quality of life from going to school. This will negatively impact the future financial health of Yuma County.

Vote NO on Proposition 300.

Msgr. Richard O'Keeffe, Yuma County Interfaith  
Co-Chair, Yuma

Mercedes Ruiz, Board Member, Yuma County  
Interfaith, Somerton

*Paid for by "Yuma County Interfaith Sponsoring Committee"*

**Valley Interfaith Project urges you to vote NO on Prop 300**

**Prop 300 is damaging to young children, college-bound students and hard-working Arizonans.**

**Prop 300 places additional roadblocks to higher education for successful students.**

• Many talented and promising students would be denied in-state tuition status at universities and community colleges, even if they have lived most of their lives in Arizona and their parents are tax-paying residents of this state.

• This proposition claims to save state funds by denying access to financial aid to those without legal status, even though the vast majority of financial aid already requires students to prove their legal status.

**Prop 300 denies childcare benefits to children who are American citizens.**

• Arizona law already requires that children must be citizens to receive a childcare subsidy. Prop 300 denies even American children of their rights based on their parents' legal status.

**Prop 300 shuts out hard working adults from basic education programs.**

• Denies many immigrant parents the opportunity to learn English, which they know is essential for full participation in American society.

• Most of the 35,000 people that benefit from adult education programs in Arizona are employed, pay taxes, and are the parents of American citizens. Adult basic education is an investment in our economy: it improves our current workforce and helps parents help their children, especially English-learners, succeed in school.

**Prop 300 imposes unfunded mandates on service providers.**

• It requires taxing reporting procedures from all the agencies affected by this proposition, driving up costs for additional staffing and document storage.

• This unfunded mandate will divert state funds from valuable education and harm all students.

Marcie Escobedo, Chair, Phoenix

Richard White, Co-chair, Scottsdale

*Paid for by "Valley Interfaith Project"*

The Arizona Interfaith Network opposes Proposition 300 (Public Program Eligibility) and we urge you to vote "No" on 300.

AIN is an organization of 170 churches, schools, non-profits, businesses and unions throughout Arizona. We are Catholic, Protestant, Evangelical, Jewish and Muslim. We have researched Proposition 300 and discovered that it will hurt families, especially families with children. Proposition 300, if passed, will create problems for many families and communities while solving none.

Proposition 300 will, if passed:

- Roadblock many families needing childcare;
- Deny individuals seeking self-improvement the opportunity to learn English;
- Derail the ambitions of many high school students seeking higher education.

Proposition 300 will, if passed:

- Punish children, including citizen children;
- Hurt families, including families with citizen children;
- Undermine communities, including communities promoting use of the English language.

Prop 300 violates our belief that childcare for working families is better than leaving children home alone; that talented high school age youth getting to college is a good thing; and that adults learning English is good for themselves, their families and their communities.

Some advocates claim this proposition will help with the "illegal immigration problem". Our research has proven this is false.

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

We respectfully ask that you read Prop 300 carefully and discuss it with others. If you do so, I believe that you will join us in voting "No" on 300.

Thank you for your thoughtful consideration of this matter.

Richard H. White, President, Scottsdale  
*Paid for by "Arizona Interfaith Network"*

Bonnie Danowski, Secretary, Scottsdale

We, the members of the Coalition for Latino Political Action hereby ask the voters of Arizona to vote no on Proposition 300, which denies equal access to education for immigrants; many of which were brought to this country as children.

Many children of immigrants have had no other life but here in the United States and having been in this education system their whole lives are fluent in English. If this ugly proposition passes, they will be turned away from equally attaining a higher education.

We are losing out on the possibilities that these children can flourish in our society as nurses, doctors, lawyers and scientist. They are bright and eager to go to school. Let's not deny them this opportunity and vote no against this mean-spirited proposition.

Vote no on proposition 300.

Lydia Guzman, Chairman, The Coalition for  
Latino Political Action, Glendale

Delia Torres, Co-Chair, The Coalition for Latino  
Political Action, Glendale

*Paid for by "Lydia Guzman"*

***If Prop. 300 passes, children, youth and hard-working Arizonans will suffer.***

**Prop. 300 would deny childcare to children who are American citizens.**

• Current law already requires that children must be citizens to receive a childcare subsidy. This proposal would strip American children of their rights.

**Prop. 300 would deny access to higher education to successful youth who could contribute to the economic growth of our state.**

• Even if students have lived in Arizona most of their lives and graduated from Arizona high schools, they would be denied in-state university tuition, making higher education beyond the reach of many deserving students.

• The vast majority of financial aid is federal and already requires students to give their social security or eligible non-citizen identification numbers to prove their legal status.

• The cumbersome reporting requirements of this bill would increase staffing and storage costs at community colleges and universities. This is an unfunded mandate that will divert funds from instruction and harm all students.

**Prop. 300 would deny hard working adults access to basic education programs.**

• Adult education programs throughout the state serve 35,000 people. Most adult education students are employed, are paying taxes, and are the parents of American citizens. Adult basic education is critical for developing the adult workforce and preparing parents to better help their children succeed in school.

• This bill would prohibit many immigrant parents from learning English, which they know is essential for full participation in American society.

• By restricting parents' access to English language learning opportunities, SCR 1031 dramatically undermines Arizona's substantial financial commitment to help Arizona's 160,000 non-English speaking children in K-12 learn English.

Andrea Robson, Co-chair, Tucson

Ernesto Lujan, Treasurer, Tucson

*Paid for by "Pima County Interfaith Council"*



**BALLOT FORMAT**

**PROPOSITION 300**

REFERRED TO THE PEOPLE BY THE LEGISLATURE

**OFFICIAL TITLE**

SENATE CONCURRENT RESOLUTION 1031  
ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO PUBLIC PROGRAM ELIGIBILITY.

**DESCRIPTIVE TITLE**

PROVIDES ONLY CITIZENS OR LEGAL RESIDENTS OF THE UNITED STATES: ARE ENTITLED TO IN-STATE STUDENT OR COUNTY RESIDENT CLASSIFICATIONS FOR COMMUNITY COLLEGE AND UNIVERSITY PURPOSES; ARE ENTITLED TO TUITION/FEE WAIVERS OR FINANCIAL ASSISTANCE AND CHILD CARE ASSISTANCE; MAY PARTICIPATE IN FAMILY LITERACY PROGRAMS, IMMIGRANT AND ADULT EDUCATION CLASSES.

**PROPOSITION 300**

A "yes" vote shall have the effect of making only citizens or legal residents of the United States eligible to [1] participate in state subsidized immigrant and adult education classes, [2] receive in-state student or county residency status for community college and university purposes, [3] receive state subsidized tuition/fee waivers and financial assistance, [4] receive state subsidized child care assistance, [5] participate in state sponsored family literacy programs; and requiring the Board of Education, community colleges and universities, and the Department of Economic Security to report the number of ineligible persons applying for these programs and assistance.	<b>YES</b> <input type="checkbox"/>
A "no" vote shall have the effect of retaining the current laws regarding state sponsored family literacy programs, state subsidized immigrant and adult education classes, community college and university residency requirements, state subsidized tuition/fee waivers and financial assistance, and child care assistance.	<b>NO</b> <input type="checkbox"/>

**PROPOSITION 300**

**PROPOSITION 301**

**OFFICIAL TITLE**

**SENATE CONCURRENT RESOLUTION 1033**

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO PROBATION FOR METHAMPHETAMINE OFFENSES.

**TEXT OF PROPOSED AMENDMENT**

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

1. Under the power of the referendum, as vested in the Legislature, the following measure, relating to probation for methamphetamine offenses, is enacted to become valid as a law if approved by the voters and on proclamation of the Governor:

AN ACT

AMENDING SECTION 13-901.01, ARIZONA REVISED STATUTES; RELATING TO PROBATION.

Be it enacted by the Legislature of the State of Arizona: Section 1. Section 13-901.01, Arizona Revised Statutes, is amended to read:

13-901.01. Probation for persons convicted of possession or use of controlled substances or drug paraphernalia; treatment; prevention; education; exceptions; definition

A. Notwithstanding any law to the contrary, any person who is convicted of the personal possession or use of a controlled substance or drug paraphernalia is eligible for probation. The court shall suspend the imposition or execution of sentence and place the person on probation.

B. Any person who has been convicted of or indicted for a violent crime as defined in section 13-604.04 is not eligible for probation as provided for in this section but instead shall be sentenced pursuant to chapter 34 of this title.

C. Personal possession or use of a controlled substance pursuant to this section shall not include possession for sale, production, manufacturing or transportation for sale of any controlled substance.

D. If a person is convicted of personal possession or use of a controlled substance or drug paraphernalia, as a condition of probation, the court shall require participation in an appropriate drug treatment or education program administered by a qualified agency or organization that provides such programs to persons who abuse controlled substances. Each person who is enrolled in a drug treatment or education program shall be required to pay for participation in the program to the extent of the person's financial ability.

E. A person who has been placed on probation pursuant to this section and who is determined by the court to be in violation of probation shall have new conditions of probation established by the court. The court shall

select the additional conditions it deems necessary, including intensified drug treatment, community restitution, intensive probation, home arrest or any other sanctions except that the court shall not impose a term of incarceration unless the court determines that the person violated probation by committing an offense listed in chapter 34 or 34.1 of this title or an act in violation of an order of the court relating to drug treatment.

F. If a person is convicted a second time of personal possession or use of a controlled substance or drug paraphernalia, the court may include additional conditions of probation it deems necessary, including intensified drug treatment, community restitution, intensive probation, home arrest or any other action within the jurisdiction of the court.

G. At any time while the defendant is on probation, if after having a reasonable opportunity to do so the defendant fails or refuses to participate in drug treatment, the probation department or the prosecutor may petition the court to revoke the defendant's probation. If the court finds that the defendant refused to participate in drug treatment, the defendant shall no longer be eligible for probation under this section but instead shall be sentenced pursuant to chapter 34 of this title.

H. A person is not eligible for probation under this section but instead shall be sentenced pursuant to chapter 34 of this title if the court finds the person either:

1. Had been convicted three times of personal possession of a controlled substance or drug paraphernalia.
2. Refused drug treatment as a term of probation.
3. Rejected probation.

4. WAS CONVICTED OF THE PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE OR DRUG PARAPHERNALIA AND THE OFFENSE INVOLVED METHAMPHETAMINE.

I. Subsections G and H of this section do not prohibit the defendant from being placed on probation pursuant to section 13 901 if the defendant otherwise qualifies for probation under that section.

J. For the purposes of this section, "controlled substance" has the same meaning prescribed in section 36 2501.

2. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article IV, part 1, section 1, Constitution of Arizona.

**ANALYSIS BY LEGISLATIVE COUNCIL**

In 1996, the voters passed the Drug Medicalization, Prevention and Control Act of 1996. This law states that in most cases, a person who is convicted for the first or second time of personal possession or use of a controlled substance, including methamphetamine, is eligible for probation and cannot be sentenced to a term in jail or prison. Only when a person has been convicted three times of personal possession or use of a controlled substance, including methamphetamine, can that person be sentenced to jail or prison. However, that person may be eligible for probation pursuant to the general probation laws for convicted persons.

Proposition 301 would amend the current law so that a person who is convicted for the first or second time of personal possession or use of methamphetamine can be sentenced to a term in jail or prison.

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

This change in the law will allow judges to use a jail term as a condition of probation to force methamphetamine users to comply with court mandated drug treatment and rehabilitation.

**ARGUMENTS “FOR” PROPOSITION 301**

Passage of this proposition is essential for the fight against meth. I've been an early and active supporter of this ballot measure because methamphetamines pose a greater danger to our community today than any other drug. Meth is highly addictive and destructive. There is a strong connection between meth abuse and identity theft. Maricopa County police agencies report that in 90 percent of the cases in which they serve warrants for suspected identity theft, they find meth on the premises. Phoenix has the second highest rate of methamphetamine abuse of all the nation's cities, as evidenced by drug tests done on arrestees.

Meth is also a “parent snatcher” for children whose parents become addicted. Meth robs children of their parents and often makes their childhood a chaotic, horrible experience.

This proposition will change the law so that people arrested for possession of meth can be sentenced to jail or prison after their first conviction for drug possession. Currently, meth users can be incarcerated only after their second or third conviction for drug possession, or if they refuse to participate in treatment.

Time in jail is often the only thing that offers meth addicts a secure, drug-free environment and an opportunity to reflect on their situation. In 2003, researchers at Arizona State University conducted a study of Maricopa County's Drug Courts. They found that drug offenders who were sentenced to a term in jail were almost twice as likely to complete a drug treatment program successfully than were offenders who received no jail time (40 percent compared to 22 percent).

To turn the tide against meth, we must give prosecutors and judges the tools necessary to deter meth use and to ensure meaningful opportunities for treatment. I urge you to vote yes.

Andrew Thomas, Maricopa County Attorney, Phoenix

**ARGUMENTS “AGAINST” PROPOSITION 301**

Proposition 301 could deny thousands of people the opportunity for cost effective drug treatment, clogging our prisons with more non-violent addicts and potentially costing taxpayers millions of dollars.

The voters of Arizona made it clear that they believe in treatment for drug users by voting for the Drug Medicalization, Prevention, and Control Act of 1996. Through programs like Drug Court, that law provides probation and treatment for low-level drug offenders—those convicted of simple possession and personal use. The program saved taxpayers over \$12 million in 2004. Unlike prison, these probation programs are no free ride. Participants must pay for their treatment. They work, pay taxes, and support their families while in treatment. If they don't comply with treatment, the judge can sentence them to jail. But Proposition 301 would gut this very successful program, replacing it with costly prison sentences.

Everyone agrees that methamphetamine use is a serious problem in our community. If we want people to stop using drugs, the obvious solution is to provide treatment. Research shows that people addicted to methamphetamine can be treated as successfully as any other addict. But this proposition could send all of them to prison, further stretching our state budget.

VOTE NO on Proposition 301 because:

- Voters already decided that low-level drug users should be put on probation and receive treatment instead of being sent to prison.
- This proposition will cost taxpayers, at minimum, an extra \$2,843 for each drug offender it sends to prison and would be less effective than the cheaper treatment alternatives already in place.
- This proposition would not affect violent criminals, drug dealers, or people who manufacture methamphetamine because they are already subject to stiff sentences under Arizona law.

Arizona voters got it right the first time. VOTE NO on Proposition 301.

Caroline Isaacs, Program Director, American Friends Service Committee, Arizona Area Program, Tucson

Matthew Lowen, Program Coordinator, American Friends Service Committee, Arizona Area Program, Tucson

*Paid for by “American Friends Service Committee”*

**COMMON SENSE REQUIRES A “NO” VOTE**

Most people in the therapeutic and criminal justice community strongly disagree with this proposition. Incarcerating thousands of drug users, at huge taxpayer expense, will have extreme negative social and economic consequences.

In 1996, the voters overwhelmingly supported Proposition 200, described as “treatment not prison for drug offenders.” Under Prop 200, a person charged with simple possession of drugs (not including drug sales) who has no history of violent offenses and who desires treatment must get an opportunity on probation. Probationers are required to attend drug treatment and counseling and to drug test regularly as conditions of probation, and if probation is violated only then does jail or prison become an option.

Over ten years, drug court programs have been successful in helping many thousands kick drug addiction where jail and prison sentences have failed. Because the stated purpose of Arizona's penal code is to punish rather than reform, the Arizona Department of Corrections devotes little or no resources to drug rehabilitation. The result is that after a meth user finishes his prison sentence he's released to the community to continue his

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

*Issued by: Secretary of State Jan Brewer*

**PROPOSITION 301**

drug use.

Methamphetamine is indeed a dangerous drug used disproportionately by the poor. But crack cocaine, ecstasy, and heroin are all similarly dangerous.

Methamphetamine is a political football. Politicians looking for an easy sound bite are jumping on the "tough on meth" bandwagon. Prison however is not the correct medical or social solution to this problem.

If this measure passes, then our prisons will be further overcrowded, our courts will be further clogged with drug cases instead of cases involving violent or property crime, and drug addicts will receive no treatment.

Proposition 301 will create far more harm than good for Arizona. Vote NO on November 7.

Robert Hooker

Pima County Public Defender

Robert Hooker, Pima County Public Defender, Tucson

*Paid for by "David J. Euchner"*

**PROPOSITION 301**

**BALLOT FORMAT**

**PROPOSITION 301**

REFERRED TO THE PEOPLE BY THE LEGISLATURE

**OFFICIAL TITLE**

SENATE CONCURRENT RESOLUTION 1033  
ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO PROBATION FOR METHAMPHETAMINE OFFENSES.

**DESCRIPTIVE TITLE**

AMENDS CURRENT LAW TO MAKE A PERSON INELIGIBLE FOR MANDATORY PROBATION IF THE PERSON IS CONVICTED OF THE PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE OR DRUG PARAPHERNALIA AND THE OFFENSE INVOLVED METHAMPHETAMINE.

**PROPOSITION 301**

A "yes" vote shall have the effect of making a person ineligible for mandatory probation if the person is convicted of an offense involving the personal use or possession of methamphetamine.	YES <input type="checkbox"/>
A "no" vote shall have the effect of retaining the current law requiring mandatory probation to a person convicted for a first or second offense for the use or possession of methamphetamine, unless the person has been convicted three or more times of personal possession or use of a controlled substance or drug paraphernalia, refused drug treatment as a condition of probation, or rejected probation.	NO <input type="checkbox"/>

**PROPOSITION 301**

**PROPOSITION 302**

RECOMMENDATION OF THE COMMISSION ON SALARIES FOR ELECTIVE STATE OFFICERS AS TO LEGISLATIVE SALARIES HAS BEEN CERTIFIED TO THE SECRETARY OF STATE AND IS HEREBY SUBMITTED TO THE QUALIFIED ELECTORS FOR THEIR APPROVAL OR REJECTION.

"SHALL THE RECOMMENDATION OF THE COMMISSION ON SALARIES FOR ELECTIVE STATE OFFICERS CONCERNING LEGISLATIVE SALARIES BE ACCEPTED?" YES NO

RECOMMENDATIONS, IF APPROVED BY THE ELECTORS, SHALL BECOME EFFECTIVE AT THE BEGINNING OF THE NEXT REGULAR LEGISLATIVE SESSION WITHOUT ANY OTHER AUTHORIZING LEGISLATION.

CURRENT SALARY .....\$24,000  
PROPOSED SALARY .....\$36,000

**ARGUMENTS "FOR" PROPOSITION 302**

**The Arizona Chamber of Commerce and Industry urges a YES vote on Proposition 302 to increase state legislators' annual salary to \$36,000 from the current \$24,000.**

Arizona's 30 state senators and 60 state representatives are often subjected to cynical cheap shots from critics and seldom get the credit they deserve for doing a difficult and oftentimes thankless job. Annually, our lawmakers must decide how to spend over \$10 billion on crucial state programs like education, health care, public safety and environmental protection. They are charged with providing for an effective education system that prepares our children to succeed in a very competitive global economy. They are called upon to be good stewards of state lands and assets for the benefit of all Arizonans. They also are given the enormous power to tax.

Since we give these 90 men and women so much responsibility and authority, we must do everything we can to attract the best and brightest to legislative service.

Though the Arizona Legislature meets in regular session for only five or six months each year, our lawmakers serve their districts in the off-session period by providing important constituent services and through special legislative committee hearings. Moreover, they are often called into special sessions by the Governor. The demands on their time make it difficult to describe accurately the job of legislator as anything but full-time.

The Arizona Chamber agrees with the Commission on Salaries for Elective State Officers that our hard-working lawmakers deserve higher compensation for all the time and effort they contribute to their constituents and the State of Arizona. **THE ARIZONA CHAMBER OF COMMERCE AND INDUSTRY URGES VOTERS TO VOTE YES ON PROPOSITION 302.**

Steve Twist, Chairman of Board of Directors,  
Arizona Chamber of Commerce and Industry,  
Scottsdale

James J. Apperson, President & CEO, Arizona  
Chamber of Commerce and Industry,  
Scottsdale

*Paid for by "Arizona Chamber of Commerce"*

I am in support of the raising of our legislative salaries to a more reasonable rate. I am somewhat amazed that we have city council members being paid at a rate of more than double the salaries we pay our legislators.

Many of our legislators drive hundreds of miles each direction weekly in order to serve the citizens of Arizona. This burden of time and energy expended in travel, that is not borne by city officials, is in addition to the long hours in committee, on the floor, corresponding with their constituents, attending meetings at the Capitol as well as in their home districts.

Many times legislative districts cover hundreds of miles from one end to the other and requires an enormous amount of travel in addition to the travel back and forth to Phoenix. If the voters want to have high quality candidates on the ballot it is time to offer a salary that is consistent with the performance we expect.

Please join me in SUPPORT of this Ballot Measure that has been recommended by Commission on Salaries for State Elected Officers. \*\*Paid for by Goldwater for Governor Committee.\*\*

Don Goldwater, Goldwater for Governor, Laveen

**ARGUMENTS "AGAINST" PROPOSITION 302**

The Secretary of State's office did not receive any arguments "against" Proposition 302.

**PROPOSITION 302**

**BALLOT FORMAT**

**PROPOSITION 302**

RECOMMENDATION OF THE COMMISSION ON SALARIES FOR ELECTIVE STATE OFFICERS AS TO LEGISLATIVE SALARIES HAS BEEN CERTIFIED TO THE SECRETARY OF STATE AND IS HEREBY SUBMITTED TO THE QUALIFIED ELECTORS FOR THEIR APPROVAL OR REJECTION.

<p><b>DESCRIPTIVE TITLE</b>                  PROVIDES FOR AN INCREASE IN THE SALARIES OF STATE LEGISLATORS FROM \$24,000 TO \$36,000 PER YEAR.</p>
<p>"SHALL THE RECOMMENDATION OF THE COMMISSION ON SALARIES FOR ELECTIVE STATE OFFICERS CONCERNING LEGISLATIVE SALARIES BE ACCEPTED?" <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>RECOMMENDATIONS, IF APPROVED BY THE ELECTORS, SHALL BECOME EFFECTIVE AT THE BEGINNING OF THE NEXT REGULAR LEGISLATIVE SESSION WITHOUT ANY OTHER AUTHORIZING LEGISLATION.</p> <p>CURRENT SALARY .....\$24,000                  PROPOSED SALARY .....\$36,000</p>

**PROPOSITION 302**

A "yes" vote shall have the effect of raising State Legislators' salaries to \$36,000 per year.	<b>YES</b> <input type="checkbox"/>
A "no" vote shall have the effect of keeping State Legislators' salaries at \$24,000 per year.	<b>NO</b> <input type="checkbox"/>

**PROPOSITION 302**



## 2006 REVIEW OF JUDGES' PERFORMANCE

The information in this pamphlet is provided to help you decide how you want to vote on the judges listed on the 2006 ballot.

- Information on the Arizona Supreme Court justices and Court of Appeals judges begins on Page 209.
- Information on the Pima County Superior Court judges begins on Page 213.
- Information on the Maricopa County Superior Court judges begins on Page 217.
- A JUDGE CHECKLIST is provided on the back inside cover of the pamphlet, Page 234 & 236.
- After reviewing a judge's information, mark "Yes" or "No" next to the judge's name on the checklist.
- Use the checklist when marking your ballot.
- For more information about the judge review process or the JPR Commission, please contact:

Arizona Commission on Judicial Performance Review  
1501 West Washington Street  
Suite 227  
Phoenix, Arizona 85007-3231

E-mail: [jpr@courts.az.gov](mailto:jpr@courts.az.gov)

Internet: [www.azjudges.info](http://www.azjudges.info) or [www.azjudgereviews.info](http://www.azjudgereviews.info)

Telephone: (602) 364-0098 or (602) 452-3098

*This publication can be provided in alternative formats upon request.*



**ARIZONA SUPREME COURT, COURT OF APPEALS DIVISION ONE,  
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:

Hurwitz, Andrew D.

McGregor, Ruth V.

COURT OF APPEALS DIVISION ONE:

Kessler, Donn G.

Norris, Patricia K.

Portley, Maurice

COURT OF APPEALS DIVISION TWO:

Brammer, Jr., J. William

Eckerstrom, Peter J.

Espinosa, Philip G.

Howard, Joseph W.

**JUSTICE/JUDGE REVIEWS**

**ALL ARIZONA VOTERS VOTE ON THE  
FOLLOWING SUPREME COURT JUSTICES**

**HURWITZ, ANDREW D.**

Appointed to the Arizona Supreme Court: 2003

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b>28 Commissioners Voted "Meets" 0 Commissioners Voted "Does Not Meet"</b>	
	<b><u>Attorney Responses</u></b>	<b><u>Superior Court Judge Responses</u></b>
	<i>Surveys Distributed: 291</i>	<i>Surveys Distributed: 34</i>
	<i>Surveys Returned: 117</i>	<i>Surveys Returned: 14</i>
	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>
<b>Legal Ability</b>	<b>97%</b>	<b>100%</b>
<b>Integrity</b>	<b>97%</b>	<b>100%</b>
<b>Communication Skills</b>	<b>97%</b>	<b>N/A</b>
<b>Judicial Temperament</b>	<b>97%</b>	<b>N/A</b>
<b>Administrative Performance</b>	<b>98%</b>	<b>100%</b>
<b>Administrative Skills</b>	<b>N/A</b>	<b>N/A</b>

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.

**McGREGOR, RUTH V.**

Chief Justice  
Appointed to the Arizona Supreme Court: 1998

28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards</u> <u>Evaluation Categories</u>	<u>Chief Judge</u> <u>Responses</u>	<u>Attorney</u> <u>Responses</u>	<u>Superior Court Judge</u> <u>Responses</u>
	<i>Surveys Distributed: 54</i> <i>Surveys Returned: 30</i>	<i>Surveys Distributed: 685</i> <i>Surveys Returned: 364</i>	<i>Surveys Distributed: 124</i> <i>Surveys Returned: 44</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	N/A	92%	100%
Integrity	99%	100%	100%
Communication Skills	99%	98%	N/A
Judicial Temperament	96%	99%	N/A
Administrative Performance	98%	99%	97%
Administrative Skills	99%	N/A	N/A

MARICOPA COUNTY VOTERS VOTE ON THE  
FOLLOWING COURT OF APPEALS DIVISION I JUDGES

**KESSLER, DONN G.**

Appointed to Court of Appeals Division I: 2003

28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards</u> <u>Evaluation Categories</u>	<u>Attorney</u> <u>Responses</u>	<u>Superior Court Judge</u> <u>Responses</u>
	<i>Surveys Distributed: 629</i> <i>Surveys Returned: 144</i>	<i>Surveys Distributed: 167</i> <i>Surveys Returned: 36</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	95%	100%
Integrity	100%	100%
Communication Skills	98%	N/A
Judicial Temperament	97%	N/A
Administrative Performance	97%	100%
Administrative Skills	N/A	N/A

**NORRIS, PATRICIA K.**

Appointed to Court of Appeals Division I: 2003

28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"

<u>Judicial Performance Standards</u> <u>Evaluation Categories</u>	<u>Attorney</u> <u>Responses</u>	<u>Superior Court Judge</u> <u>Responses</u>
	<i>Surveys Distributed: 463</i> <i>Surveys Returned: 100</i>	<i>Surveys Distributed: 123</i> <i>Surveys Returned: 39</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	88%	97%
Integrity	99%	100%
Communication Skills	98%	N/A
Judicial Temperament	99%	N/A
Administrative Performance	97%	93%
Administrative Skills	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

**PORTLEY, MAURICE.**

Appointed to Court of Appeals Division I: 2003

28 Commissioners Voted "Meets" 0 Commissioners Voted "Does Not Meet"		
<u>Judicial Performance Standards</u> <u>Evaluation Categories</u>	<u>Attorney Responses</u>  <i>Surveys Distributed: 663</i> <i>Surveys Returned: 187</i> <u>Score (See Footnote)</u>	<u>Superior Court Judge Responses</u>  <i>Surveys Distributed: 174</i> <i>Surveys Returned: 75</i> <u>Score (See Footnote)</u>
Legal Ability	91%	97%
Integrity	98%	100%
Communication Skills	100%	N/A
Judicial Temperament	99%	N/A
Administrative Performance	95%	98%
Administrative Skills	N/A	N/A

**PIMA COUNTY VOTERS VOTE ON THE  
FOLLOWING COURT OF APPEALS DIVISION II JUDGES**

**BRAMMER, JR., J. WILLIAM**

Appointed to Court of Appeals Division II: 1997

28 Commissioners Voted "Meets" 0 Commissioners Voted "Does Not Meet"		
<u>Judicial Performance Standards</u> <u>Evaluation Categories</u>	<u>Attorney Responses</u>  <i>Surveys Distributed: 525</i> <i>Surveys Returned: 406</i> <u>Score (See Footnote)</u>	<u>Superior Court Judge Responses</u>  <i>Surveys Distributed: 186</i> <i>Surveys Returned: 155</i> <u>Score (See Footnote)</u>
Legal Ability	89%	99%
Integrity	97%	100%
Communication Skills	97%	N/A
Judicial Temperament	96%	N/A
Administrative Performance	96%	96%
Administrative Skills	N/A	N/A

**ECKERSTROM, PETER J.**

Appointed to Court of Appeals Division II: 2003

28 Commissioners Voted "Meets" 0 Commissioners Voted "Does Not Meet"		
<u>Judicial Performance Standards</u> <u>Evaluation Categories</u>	<u>Attorney Responses</u>  <i>Surveys Distributed: 157</i> <i>Surveys Returned: 56</i> <u>Score (See Footnote)</u>	<u>Superior Court Judge Responses</u>  <i>Surveys Distributed: 18</i> <i>Surveys Returned: 6</i> <u>Score (See Footnote)</u>
Legal Ability	90%	88%
Integrity	99%	100%
Communication Skills	100%	N/A
Judicial Temperament	100%	N/A
Administrative Performance	100%	100%
Administrative Skills	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

**ESPINOSA, PHILIP G.**

Appointed to Court of Appeals Division II: 1992

28 Commissioners Voted "Meets" 0 Commissioners Voted "Does Not Meet"		
<u>Judicial Performance Standards</u> <u>Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 454</i> <i>Surveys Returned: 318</i>	<u>Superior Court Judge Responses</u> <i>Surveys Distributed: 175</i> <i>Surveys Returned: 116</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	88%	94%
Integrity	96%	99%
Communication Skills	98%	N/A
Judicial Temperament	98%	N/A
Administrative Performance	88%	94%
Administrative Skills	N/A	N/A

**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

28 Commissioners Voted "Meets" 0 Commissioners Voted "Does Not Meet"		
<u>Judicial Performance Standards</u> <u>Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 438</i> <i>Surveys Returned: 356</i>	<u>Superior Court Judge Responses</u> <i>Surveys Distributed: 193</i> <i>Surveys Returned: 137</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	87%	99%
Integrity	98%	100%
Communication Skills	97%	N/A
Judicial Temperament	96%	N/A
Administrative Performance	96%	97%
Administrative Skills	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

**PIMA COUNTY SUPERIOR COURT - PIMA COUNTY VOTERS ONLY**

THE FOLLOWING JUDGES ***DO NOT MEET*** JUDICIAL PERFORMANCE STANDARDS:

NONE

THE FOLLOWING JUDGES ***MEET*** JUDICIAL PERFORMANCE STANDARDS:

Alfred, Michael D.  
Borek, Ted B.  
Browning, Christopher C.  
Campoy, Hector E.  
Chandler, Terry  
Cruikshank, Michael  
Davis, John E.  
Harrington, Charles V.  
Kelly, John F.  
Nichols, Richard D.

**PIMA JUDGE REVIEWS**

**ALFRED, MICHAEL D.**

Assignment During Survey Period: Civil  
Appointed to Pima County Superior Court: 1992

28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"

<b><u>Judicial Performance Standards</u></b> <b><u>Evaluation Categories</u></b>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 142</i> <i>Surveys Returned: 51</i> <b><u>Score (See Footnote)</u></b>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 32</i> <i>Surveys Returned: 2</i> <b><u>Score (See Footnote)</u></b>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 17</i> <i>Surveys Returned: 5</i> <b><u>Score (See Footnote)</u></b>
Legal Ability	98%	N/A	N/A
Integrity	100%	89%	100%
Communication Skills	96%	100%	100%
Judicial Temperament	98%	83%	100%
Administrative Performance	99%	83%	100%
Settlement Activities	88%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

**BOREK, TED B.**

Assignment During Survey Period: Criminal  
Appointed to Pima County Superior Court: 2000

**27 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

***NOTE: Judge Borek is a member of the JPR Commission who could not vote on his own performance finding.***

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 185 Surveys Returned: 39</i> <u>Score (See Footnote)</u>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 118 Surveys Returned: 41</i> <u>Score (See Footnote)</u>	<u>Juror Responses</u> <i>Surveys Distributed: 117 Surveys Returned: 43</i> <u>Score (See Footnote)</u>
Legal Ability	98%	N/A	N/A
Integrity	99%	97%	100%
Communication Skills	95%	100%	100%
Judicial Temperament	99%	99%	99%
Administrative Performance	99%	100%	100%
Settlement Activities	98%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**BROWNING, CHRISTOPHER C.**

Assignment During Survey Period: Criminal  
Appointed to Pima County Superior Court: 1998

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 193 Surveys Returned: 26</i> <u>Score (See Footnote)</u>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 70 Surveys Returned: 11</i> <u>Score (See Footnote)</u>	<u>Juror Responses</u> <i>Surveys Distributed: 16 Surveys Returned: 10</i> <u>Score (See Footnote)</u>
Legal Ability	94%	N/A	N/A
Integrity	99%	89%	100%
Communication Skills	100%	90%	100%
Judicial Temperament	96%	90%	100%
Administrative Performance	99%	97%	100%
Settlement Activities	92%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**CAMPOY, HECTOR E.**

Assignment During Survey Period: Criminal  
Appointed to Pima County Superior Court: 2000

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 168 Surveys Returned: 41</i> <u>Score (See Footnote)</u>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 198 Surveys Returned: 53</i> <u>Score (See Footnote)</u>	<u>Juror Responses</u> <i>Surveys Distributed: 90 Surveys Returned: 34</i> <u>Score (See Footnote)</u>
Legal Ability	99%	N/A	N/A
Integrity	100%	100%	100%
Communication Skills	100%	100%	100%
Judicial Temperament	100%	100%	100%
Administrative Performance	100%	99%	99%
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

**Arizona  
Judicial Performance Review**

**General Election  
November 7, 2006**

**JUDICIAL PERFORMANCE REVIEW**

**CHANDLER, TERRY**

Assignment During Survey Period: Juvenile  
Appointed to Pima County Superior Court: 2004

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 98 Surveys Returned: 34</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 578 Surveys Returned: 119</i>	<u>Juror Responses</u> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	100%	N/A	N/A
Integrity	99%	99%	N/A
Communication Skills	100%	97%	N/A
Judicial Temperament	99%	98%	N/A
Administrative Performance	100%	100%	N/A
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**CRUIKSHANK, MICHAEL**

Assignment During Survey Period: Criminal, Presiding Judge -  
Criminal Department  
Appointed to Pima County Superior Court: 1998

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Presiding Judge Responses</u> <i>Surveys Distributed: 13 Surveys Returned: 12</i>	<u>Attorney Responses</u> <i>Surveys Distributed: 220 Surveys Returned: 45</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 142 Surveys Returned: 44</i>	<u>Juror Responses</u> <i>Surveys Distributed: 87 Surveys Returned: 33</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	N/A	96%	N/A	N/A
Integrity	100%	97%	99%	100%
Communication Skills	100%	93%	98%	99%
Judicial Temperament	100%	95%	98%	100%
Administrative Performance	95%	100%	98%	99%
Settlement Activities	N/A	94%	N/A	N/A
Administrative Skills	98%	N/A	N/A	N/A

**DAVIS, JOHN E.**

Assignment During Survey Period: Civil  
Appointed to Pima County Superior Court: 1996

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 240 Surveys Returned: 73</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 52 Surveys Returned: 5</i>	<u>Juror Responses</u> <i>Surveys Distributed: 18 Surveys Returned: 6</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	95%	N/A	N/A
Integrity	100%	97%	100%
Communication Skills	95%	100%	100%
Judicial Temperament	100%	94%	100%
Administrative Performance	100%	85%	100%
Settlement Activities	95%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

**HARRINGTON, CHARLES V.**

Assignment During Survey Period: Civil, Presiding Judge –  
Civil Department  
Appointed to Pima County Superior Court: 1999

**28 Commissioners Voted “Meets”  
0 Commissioners Voted “Does Not Meet”**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Presiding Judge Responses</u></b> <i>Surveys Distributed: 8 Surveys Returned: 5</i>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 207 Surveys Returned: 68</i>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 56 Surveys Returned: 14</i>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 17 Surveys Returned: 6</i>
	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>
Legal Ability	N/A	100%	N/A	N/A
Integrity	100%	100%	100%	100%
Communication Skills	100%	95%	100%	100%
Judicial Temperament	100%	94%	100%	100%
Administrative Performance	100%	99%	100%	100%
Settlement Activities	N/A	100%	N/A	N/A
Administrative Skills	100%	N/A	N/A	N/A

**KELLY, JOHN F.**

Assignment During Survey Period: Civil  
Appointed to Pima County Superior Court: 1988

**28 Commissioners Voted “Meets”  
0 Commissioners Voted “Does Not Meet”**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 181 Surveys Returned: 57</i>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 46 Surveys Returned: 14</i>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 9 Surveys Returned: 2</i>
	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>
Legal Ability	92%	N/A	N/A
Integrity	99%	100%	100%
Communication Skills	96%	100%	100%
Judicial Temperament	99%	100%	100%
Administrative Performance	100%	100%	100%
Settlement Activities	82%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**NICHOLS, RICHARD D.**

Assignment During Survey Period: Family  
Appointed to Pima County Superior Court: 1995

**28 Commissioners Voted “Meets”  
0 Commissioners Voted “Does Not Meet”**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 121 Surveys Returned: 33</i>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 154 Surveys Returned: 21</i>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>
Legal Ability	94%	N/A	N/A
Integrity	99%	97%	N/A
Communication Skills	92%	95%	N/A
Judicial Temperament	95%	98%	N/A
Administrative Performance	94%	100%	N/A
Settlement Activities	91%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.



**MARICOPA COUNTY SUPERIOR COURT - MARICOPA COUNTY VOTERS ONLY**

**RESULTS OF THE COMMISSION'S VOTE ON THE  
MARICOPA COUNTY SUPERIOR COURT JUDGES**

THE FOLLOWING JUDGES **DO NOT MEET** JUDICIAL PERFORMANCE:

NONE

THE FOLLOWING JUDGES **MEET** JUDICIAL PERFORMANCE STANDARDS:

Aceto, Mark F.	Anderson, Arthur T.	Barton, Janet E.	Budoff, Robert
Burke, Edward O.	Chavez, Harriett E.	Dairman, Dennis W.	Davis, Norman J.
Donahoe, Gary E.	Downie, Margaret H.	Duncan, Sally S.	Fenzel, Alfred M.
Foster, George H.	Gaines, Pendleton	Gama, J. Richard	Gaylord, John M.
Grant, Larry	Granville, Warren J.	Hauser, Brian R.	Heilman, Joseph B.
Hicks, Bethany G.	Hoag, M. Jean	Holt, Cathy M.	Hotham, Jeffrey A.
Houser, Robert C.	Hyatt, Carey S.	Ishikawa, Brian K.	Jones, Michael D.
Keppel, James H.	Lee, Raymond	Mangum, J. Kenneth	Mroz, Rosa P.
Mundell, Barbara R.	O'Connor, Karen L.	O'Toole, Thomas W	Rayes, Douglas L.
Rea, John C.	Reinstein, Peter C.	Ronan, Emmet J.	Schwartz, Jonathan H.
Swann, Peter B.	Talamante, David M.	Verdin, Maria del Mar	Wilkinson, Michael O.
Willett, Eileen S.			

**MARICOPA JUDGE REVIEWS**

**ACETO, MARK F.**

Assignment During Survey Period: Civil

Appointed to Maricopa County Superior Court: 1995

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 182 Surveys Returned: 47</i>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 45 Surveys Returned: 12</i>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 35 Surveys Returned: 17</i>
	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>
<b>Legal Ability</b>	<b>98%</b>	<b>N/A</b>	<b>N/A</b>
<b>Integrity</b>	<b>99%</b>	<b>100%</b>	<b>100%</b>
<b>Communication Skills</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>Judicial Temperament</b>	<b>98%</b>	<b>100%</b>	<b>100%</b>
<b>Administrative Performance</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>Settlement Activities</b>	<b>100%</b>	<b>N/A</b>	<b>N/A</b>
<b>Administrative Skills</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

**ANDERSON, ARTHUR T.**

Assignment During Survey Period: Family  
Appointed to Maricopa County Superior Court: 1999

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards</u> <u>Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 152</i> <i>Surveys Returned: 53</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 356</i> <i>Surveys Returned: 35</i>	<u>Juror Responses</u> <i>Surveys Distributed: 0</i> <i>Surveys Returned: 0</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	96%	N/A	N/A
Integrity	97%	89%	N/A
Communication Skills	95%	88%	N/A
Judicial Temperament	98%	88%	N/A
Administrative Performance	95%	92%	N/A
Settlement Activities	94%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**BARTON, JANET E.**

Assignment During Survey Period: Civil  
Appointed to Maricopa County Superior Court: 2000

**26 Commissioners Voted "Meets"  
2 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards</u> <u>Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 256</i> <i>Surveys Returned: 58</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 69</i> <i>Surveys Returned: 12</i>	<u>Juror Responses</u> <i>Surveys Distributed: 42</i> <i>Surveys Returned: 20</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	90%	N/A	N/A
Integrity	94%	96%	100%
Communication Skills	88%	100%	99%
Judicial Temperament	78%	96%	100%
Administrative Performance	97%	100%	100%
Settlement Activities	89%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**BUDOFF, ROBERT**

Assignment During Survey Period: Family  
Appointed to Maricopa County Superior Court: 2000

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards</u> <u>Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 124</i> <i>Surveys Returned: 47</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 347</i> <i>Surveys Returned: 48</i>	<u>Juror Responses</u> <i>Surveys Distributed: 0</i> <i>Surveys Returned: 0</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	100%	N/A	N/A
Integrity	99%	97%	N/A
Communication Skills	99%	95%	N/A
Judicial Temperament	99%	96%	N/A
Administrative Performance	100%	98%	N/A
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

**BURKE, EDWARD O.**

Assignment During Survey Period: Criminal  
Appointed to Maricopa County Superior Court: 1999

**26 Commissioners Voted "Meets"  
2 Commissioners Voted "Does Not Meet"**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 167 Surveys Returned: 36</i>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 96 Surveys Returned: 8</i>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 105 Surveys Returned: 40</i>
	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>
Legal Ability	81%	N/A	N/A
Integrity	96%	97%	100%
Communication Skills	90%	100%	99%
Judicial Temperament	85%	94%	100%
Administrative Performance	92%	95%	99%
Settlement Activities	94%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**CHAVEZ, HARRIETT E.**

Assignment During Survey Period: Civil/Family/Probate  
Appointed to Maricopa County Superior Court: 2003

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 118 Surveys Returned: 40</i>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 350 Surveys Returned: 53</i>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>
Legal Ability	96%	N/A	N/A
Integrity	99%	89%	N/A
Communication Skills	95%	90%	N/A
Judicial Temperament	99%	88%	N/A
Administrative Performance	97%	89%	N/A
Settlement Activities	99%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**DAIRMAN, DENNIS W.**

Assignment During Survey Period: Criminal  
Appointed to Maricopa County Superior Court: 1992

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 127 Surveys Returned: 19</i>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 58 Surveys Returned: 5</i>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 53 Surveys Returned: 13</i>
	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>
Legal Ability	93%	N/A	N/A
Integrity	98%	97%	100%
Communication Skills	86%	100%	95%
Judicial Temperament	95%	95%	96%
Administrative Performance	87%	100%	97%
Settlement Activities	93%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

**DAVIS, NORMAN J.**

Assignment During Survey Period: Family, Presiding Judge –  
Family Department  
Appointed to Maricopa County Superior Court: 1995

**28 Commissioners Voted “Meets”  
0 Commissioners Voted “Does Not Meet”**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Presiding Judge Responses</u></b> <i>Surveys Distributed: 38 Surveys Returned: 15</i>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 27 Surveys Returned: 7</i>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 122 Surveys Returned: 16</i>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>
Legal Ability	N/A	100%	N/A	N/A
Integrity	100%	100%	100%	N/A
Communication Skills	100%	100%	100%	N/A
Judicial Temperament	100%	100%	100%	N/A
Administrative Performance	100%	100%	100%	N/A
Settlement Activities	N/A	100%	N/A	N/A
Administrative Skills	100%	N/A	N/A	N/A

**DONAHOE, GARY E.**

Assignment During Survey Period: Criminal  
Appointed to Maricopa County Superior Court: 2000

**28 Commissioners Voted “Meets”  
0 Commissioners Voted “Does Not Meet”**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 140 Surveys Returned: 38</i>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 88 Surveys Returned: 20</i>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 83 Surveys Returned: 46</i>
	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>
Legal Ability	95%	N/A	N/A
Integrity	98%	100%	100%
Communication Skills	96%	100%	100%
Judicial Temperament	94%	100%	100%
Administrative Performance	100%	98%	100%
Settlement Activities	98%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**DOWNIE, MARGARET H.**

Assignment During Survey Period: Associate Presiding Judge  
Appointed to Maricopa County Superior Court: 1999

**28 Commissioners Voted “Meets”  
0 Commissioners Voted “Does Not Meet”**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Presiding Judge Responses</u></b> <i>Surveys Distributed: 133 Surveys Returned: 59</i>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 134 Surveys Returned: 35</i>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 14 Surveys Returned: 1</i>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>
Legal Ability	N/A	97%	N/A	N/A
Integrity	100%	96%	No Ratings	N/A
Communication Skills	98%	96%	100%	N/A
Judicial Temperament	100%	97%	100%	N/A
Administrative Performance	97%	99%	100%	N/A
Settlement Activities	N/A	100%	N/A	N/A
Administrative Skills	97%	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

**DUNCAN, SALLY S.**

Assignment During Survey Period: Family  
Appointed to Maricopa County Superior Court: 2004

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 210 Surveys Returned: 64</i> <b><u>Score (See Footnote)</u></b>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 242 Surveys Returned: 21</i> <b><u>Score (See Footnote)</u></b>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 0 Surveys Returned: 0</i> <b><u>Score (See Footnote)</u></b>
Legal Ability	95%	N/A	N/A
Integrity	95%	97%	N/A
Communication Skills	93%	95%	N/A
Judicial Temperament	92%	95%	N/A
Administrative Performance	96%	98%	N/A
Settlement Activities	91%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**FENZEL, ALFRED M.**

Assignment During Survey Period: Juvenile  
Appointed to Maricopa County Superior Court: 1999

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 90 Surveys Returned: 18</i> <b><u>Score (See Footnote)</u></b>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 114 Surveys Returned: 13</i> <b><u>Score (See Footnote)</u></b>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 0 Surveys Returned: 0</i> <b><u>Score (See Footnote)</u></b>
Legal Ability	100%	N/A	N/A
Integrity	100%	100%	N/A
Communication Skills	100%	100%	N/A
Judicial Temperament	100%	100%	N/A
Administrative Performance	99%	95%	N/A
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**FOSTER, GEORGE H.**

Assignment During Survey Period: Family  
Appointed to Maricopa County Superior Court: 2003

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 109 Surveys Returned: 28</i> <b><u>Score (See Footnote)</u></b>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 272 Surveys Returned: 45</i> <b><u>Score (See Footnote)</u></b>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 0 Surveys Returned: 0</i> <b><u>Score (See Footnote)</u></b>
Legal Ability	92%	N/A	N/A
Integrity	100%	99%	N/A
Communication Skills	89%	96%	N/A
Judicial Temperament	100%	97%	N/A
Administrative Performance	93%	93%	N/A
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

**GAINES, PENDLETON**

Assignment During Survey Period: Civil  
Appointed to Maricopa County Superior Court: 1999

**27 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

**NOTE: Judge Gaines is a member of the JPR Commission who could not vote on his own performance finding.**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 342 Surveys Returned: 120</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 112 Surveys Returned: 23</i>	<u>Juror Responses</u> <i>Surveys Distributed: 46 Surveys Returned: 20</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	98%	N/A	N/A
Integrity	97%	99%	100%
Communication Skills	98%	96%	100%
Judicial Temperament	96%	99%	100%
Administrative Performance	99%	100%	100%
Settlement Activities	96%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**GAMA, J. RICHARD**

Assignment During Survey Period: Criminal  
Appointed to Maricopa County Superior Court: 2000

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 263 Surveys Returned: 48</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 43 Surveys Returned: 7</i>	<u>Juror Responses</u> <i>Surveys Distributed: 64 Surveys Returned: 44</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	98%	N/A	N/A
Integrity	100%	97%	100%
Communication Skills	95%	83%	100%
Judicial Temperament	100%	100%	100%
Administrative Performance	98%	100%	98%
Settlement Activities	99%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**GAYLORD, JOHN M.**

Assignment During Survey Period: Juvenile  
Appointed to Maricopa County Superior Court: 2000

**27 Commissioners Voted "Meets"  
1 Commissioner Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 91 Surveys Returned: 23</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 681 Surveys Returned: 103</i>	<u>Juror Responses</u> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	91%	N/A	N/A
Integrity	94%	95%	N/A
Communication Skills	94%	91%	N/A
Judicial Temperament	92%	90%	N/A
Administrative Performance	95%	91%	N/A
Settlement Activities	98%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

**GRANT, LARRY**

Assignment During Survey Period: Family  
Appointed to Maricopa County Superior Court: 2003

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 129 Surveys Returned: 40</i>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 337 Surveys Returned: 34</i>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>
Legal Ability	91%	N/A	N/A
Integrity	98%	93%	N/A
Communication Skills	85%	91%	N/A
Judicial Temperament	96%	90%	N/A
Administrative Performance	90%	96%	N/A
Settlement Activities	92%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**GRANVILLE, WARREN J.**

Assignment During Survey Period: Criminal  
Appointed to Maricopa County Superior Court: 2000

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 138 Surveys Returned: 36</i>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 44 Surveys Returned: 6</i>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 44 Surveys Returned: 23</i>
	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>
Legal Ability	100%	N/A	N/A
Integrity	96%	100%	100%
Communication Skills	100%	100%	100%
Judicial Temperament	96%	100%	100%
Administrative Performance	99%	100%	100%
Settlement Activities	91%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**HAUSER, BRIAN R.**

Assignment During Survey Period: Criminal  
Appointed to Maricopa County Superior Court: 1991

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 179 Surveys Returned: 32</i>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 93 Surveys Returned: 10</i>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 75 Surveys Returned: 22</i>
	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>
Legal Ability	97%	N/A	N/A
Integrity	100%	100%	100%
Communication Skills	100%	100%	99%
Judicial Temperament	98%	100%	100%
Administrative Performance	100%	100%	97%
Settlement Activities	97%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

**HEILMAN, JOSEPH B.**

Assignment During Survey Period: Civil/Family/Probate  
Appointed to Maricopa County Superior Court: 1999

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 71 Surveys Returned: 27</i> <u>Score (See Footnote)</u>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 292 Surveys Returned: 20</i> <u>Score (See Footnote)</u>	<u>Juror Responses</u> <i>Surveys Distributed: 0 Surveys Returned: 0</i> <u>Score (See Footnote)</u>
Legal Ability	95%	N/A	N/A
Integrity	93%	90%	N/A
Communication Skills	96%	95%	N/A
Judicial Temperament	92%	85%	N/A
Administrative Performance	96%	95%	N/A
Settlement Activities	94%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**HICKS, BETHANY G.**

Assignment During Survey Period: Criminal  
Appointed to Maricopa County Superior Court: 1999

**27 Commissioners Voted "Meets"  
1 Commissioner Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 236 Surveys Returned: 41</i> <u>Score (See Footnote)</u>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 83 Surveys Returned: 2</i> <u>Score (See Footnote)</u>	<u>Juror Responses</u> <i>Surveys Distributed: 92 Surveys Returned: 53</i> <u>Score (See Footnote)</u>
Legal Ability	62%	N/A	N/A
Integrity	94%	100%	100%
Communication Skills	73%	100%	100%
Judicial Temperament	82%	100%	100%
Administrative Performance	87%	100%	100%
Settlement Activities	77%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**HOAG, M. JEAN**

Assignment During Survey Period: Juvenile  
Appointed to Maricopa County Superior Court: 1996

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 94 Surveys Returned: 23</i> <u>Score (See Footnote)</u>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 136 Surveys Returned: 29</i> <u>Score (See Footnote)</u>	<u>Juror Responses</u> <i>Surveys Distributed: 0 Surveys Returned: 0</i> <u>Score (See Footnote)</u>
Legal Ability	100%	N/A	N/A
Integrity	100%	100%	N/A
Communication Skills	100%	100%	N/A
Judicial Temperament	100%	99%	N/A
Administrative Performance	98%	95%	N/A
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.



**HOLT, CATHY M.**

Assignment During Survey Period: Criminal  
Appointed to Maricopa County Superior Court: 1999

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 215 Surveys Returned: 33</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 41 Surveys Returned: 2</i>	<u>Juror Responses</u> <i>Surveys Distributed: 80 Surveys Returned: 31</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	94%	N/A	N/A
Integrity	100%	100%	100%
Communication Skills	97%	100%	95%
Judicial Temperament	98%	100%	100%
Administrative Performance	99%	100%	95%
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**HOTHAM, JEFFREY A.**

Assignment During Survey Period: Family  
Appointed to Maricopa County Superior Court: 1987

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 173 Surveys Returned: 42</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 306 Surveys Returned: 31</i>	<u>Juror Responses</u> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	93%	N/A	N/A
Integrity	92%	92%	N/A
Communication Skills	97%	93%	N/A
Judicial Temperament	90%	90%	N/A
Administrative Performance	96%	95%	N/A
Settlement Activities	89%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**HOUSER, ROBERT C.**

Assignment During Survey Period: Civil  
Appointed to Maricopa County Superior Court: 2002

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 325 Surveys Returned: 78</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 95 Surveys Returned: 24</i>	<u>Juror Responses</u> <i>Surveys Distributed: 17 Surveys Returned: 10</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	99%	N/A	N/A
Integrity	99%	96%	100%
Communication Skills	97%	92%	100%
Judicial Temperament	98%	91%	100%
Administrative Performance	99%	97%	100%
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

**HYATT, CAREY S.**

Assignment During Survey Period: Criminal  
Appointed to Maricopa County Superior Court: 2000

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 20 Surveys Returned: 5</i> <b><u>Score (See Footnote)</u></b>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 426 Surveys Returned: 49</i> <b><u>Score (See Footnote)</u></b>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 0 Surveys Returned: 0</i> <b><u>Score (See Footnote)</u></b>
Legal Ability	90%	N/A	N/A
Integrity	96%	90%	N/A
Communication Skills	100%	92%	N/A
Judicial Temperament	80%	88%	N/A
Administrative Performance	83%	90%	N/A
Settlement Activities	75%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**ISHIKAWA, BRIAN K.**

Assignment During Survey Period: Civil  
Appointed to Maricopa County Superior Court: 1995

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 260 Surveys Returned: 61</i> <b><u>Score (See Footnote)</u></b>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 24 Surveys Returned: 5</i> <b><u>Score (See Footnote)</u></b>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 46 Surveys Returned: 15</i> <b><u>Score (See Footnote)</u></b>
Legal Ability	98%	N/A	N/A
Integrity	97%	100%	100%
Communication Skills	98%	100%	100%
Judicial Temperament	99%	100%	100%
Administrative Performance	100%	91%	100%
Settlement Activities	98%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**JONES, MICHAEL D.**

Assignment During Survey Period: Civil  
Appointed to Maricopa County Superior Court: 1995

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 150 Surveys Returned: 37</i> <b><u>Score (See Footnote)</u></b>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 58 Surveys Returned: 12</i> <b><u>Score (See Footnote)</u></b>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 19 Surveys Returned: 11</i> <b><u>Score (See Footnote)</u></b>
Legal Ability	99%	N/A	N/A
Integrity	99%	96%	98%
Communication Skills	95%	92%	91%
Judicial Temperament	100%	91%	98%
Administrative Performance	96%	88%	94%
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

**Arizona  
Judicial Performance Review**

**General Election  
November 7, 2006**

**JUDICIAL PERFORMANCE REVIEW**

**KEPPEL, JAMES H.**

Assignment During Survey Period: Criminal, Presiding Judge –  
Criminal Department  
Appointed to Maricopa County Superior Court: 1996

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Presiding Judge Responses</u></b> <i>Surveys Distributed: 50 Surveys Returned: 22</i>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 206 Surveys Returned: 53</i>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 6 Surveys Returned: 1</i>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 148 Surveys Returned: 21</i>
	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>
Legal Ability	N/A	100%	N/A	N/A
Integrity	100%	100%	100%	100%
Communication Skills	99%	100%	100%	99%
Judicial Temperament	100%	100%	100%	100%
Administrative Performance	98%	100%	100%	100%
Settlement Activities	N/A	96%	N/A	N/A
Administrative Skills	97%	N/A	N/A	N/A

**LEE, RAYMOND**

Assignment During Survey Period: Family  
Appointed to Maricopa County Superior Court: 2003

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 173 Surveys Returned: 61</i>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 451 Surveys Returned: 76</i>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>
Legal Ability	99%	N/A	N/A
Integrity	98%	99%	N/A
Communication Skills	94%	97%	N/A
Judicial Temperament	96%	97%	N/A
Administrative Performance	99%	98%	N/A
Settlement Activities	97%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**MANGUM, J. KENNETH**

Assignment During Survey Period: Juvenile  
Appointed to Maricopa County Superior Court: 1990

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 98 Surveys Returned: 26</i>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 230 Surveys Returned: 29</i>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>
Legal Ability	100%	N/A	N/A
Integrity	100%	100%	N/A
Communication Skills	100%	100%	N/A
Judicial Temperament	100%	100%	N/A
Administrative Performance	100%	100%	N/A
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

**MROZ, ROSA P.**

Assignment During Survey Period: Family  
Appointed to Maricopa County Superior Court: 2004

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 143 Surveys Returned: 43</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 351 Surveys Returned: 45</i>	<u>Juror Responses</u> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	96%	N/A	N/A
Integrity	96%	96%	N/A
Communication Skills	97%	93%	N/A
Judicial Temperament	96%	95%	N/A
Administrative Performance	97%	97%	N/A
Settlement Activities	95%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**MUNDELL, BARBARA RODRIGUEZ**

Assignment During Survey Period: Presiding Judge  
Appointed to Maricopa County Superior Court: 1991

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Presiding Judge Responses</u> <i>Surveys Distributed: 237 Surveys Returned: 88</i>	<u>Attorney Responses</u> <i>Surveys Distributed: 9 Surveys Returned: 1</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 34 Surveys Returned: 1</i>	<u>Juror Responses</u> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	N/A	100%	N/A	N/A
Integrity	96%	100%	100%	N/A
Communication Skills	95%	100%	100%	N/A
Judicial Temperament	96%	100%	100%	N/A
Administrative Performance	95%	100%	100%	N/A
Settlement Activities	N/A	100%	N/A	N/A
Administrative Skills	94%	N/A	N/A	N/A

**O'CONNOR, KAREN L.**

Assignment During Survey Period: Civil, Presiding Judge –  
Probate/Mental Health Department  
Appointed to Maricopa County Superior Court: 2000

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Presiding Judge Responses</u> <i>Surveys Distributed: 14 Surveys Returned: 11</i>	<u>Attorney Responses</u> <i>Surveys Distributed: 72 Surveys Returned: 25</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 88 Surveys Returned: 13</i>	<u>Juror Responses</u> <i>Surveys Distributed: 27 Surveys Returned: 8</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	N/A	86%	N/A	N/A
Integrity	100%	91%	99%	100%
Communication Skills	100%	86%	100%	100%
Judicial Temperament	100%	94%	100%	100%
Administrative Performance	100%	93%	100%	100%
Settlement Activities	N/A	93%	N/A	N/A
Administrative Skills	100%	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

**O'TOOLE, THOMAS W.**

Assignment During Survey Period: Criminal  
Appointed to Maricopa County Superior Court: 1984

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 201 Surveys Returned: 34</i>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 68 Surveys Returned: 5</i>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 78 Surveys Returned: 35</i>
	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>
Legal Ability	100%	N/A	N/A
Integrity	100%	100%	100%
Communication Skills	100%	100%	98%
Judicial Temperament	95%	100%	99%
Administrative Performance	100%	100%	95%
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**RAYES, DOUGLAS L.**

Assignment During Survey Period: Criminal  
Appointed to Maricopa County Superior Court: 2000

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 204 Surveys Returned: 50</i>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 92 Surveys Returned: 10</i>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 56 Surveys Returned: 13</i>
	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>
Legal Ability	98%	N/A	N/A
Integrity	100%	100%	100%
Communication Skills	100%	100%	100%
Judicial Temperament	100%	100%	100%
Administrative Performance	97%	100%	100%
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**REA, JOHN C.**

Assignment During Survey Period: Family  
Appointed to Maricopa County Superior Court: 2004

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 194 Surveys Returned: 57</i>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 501 Surveys Returned: 48</i>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>	<b><u>Score (See Footnote)</u></b>
Legal Ability	99%	N/A	N/A
Integrity	99%	90%	N/A
Communication Skills	99%	89%	N/A
Judicial Temperament	100%	92%	N/A
Administrative Performance	99%	90%	N/A
Settlement Activities	99%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

**REINSTEIN, PETER C.**

Assignment During Survey Period: Family  
Appointed to Maricopa County Superior Court: 1998

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 246 Surveys Returned: 69</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 58 Surveys Returned: 7</i>	<u>Juror Responses</u> <i>Surveys Distributed: 17 Surveys Returned: 7</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	91%	N/A	N/A
Integrity	96%	100%	100%
Communication Skills	90%	100%	100%
Judicial Temperament	92%	100%	100%
Administrative Performance	97%	94%	100%
Settlement Activities	87%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**RONAN, EMMET J.**

Assignment During Survey Period: Juvenile, Presiding Judge –  
Juvenile Department  
Appointed to Maricopa County Superior Court: 2000

**28 Commissioners Voted Yes  
0 Commissioners Voted No**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Presiding Judge Responses</u> <i>Surveys Distributed: 20 Surveys Returned: 9</i>	<u>Attorney Responses</u> <i>Surveys Distributed: 49 Surveys Returned: 11</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 146 Surveys Returned: 24</i>	<u>Juror Responses</u> <i>Surveys Distributed: 9 Surveys Returned: 2</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	N/A	100%	N/A	N/A
Integrity	100%	100%	100%	100%
Communication Skills	87%	100%	100%	90%
Judicial Temperament	97%	100%	99%	100%
Administrative Performance	92%	94%	99%	100%
Settlement Activities	N/A	100%	N/A	N/A
Administrative Skills	97%	N/A	N/A	N/A

**SCHWARTZ, JONATHAN H.**

Assignment During Survey Period: Juvenile  
Appointed to Maricopa County Superior Court: 1991

**26 Commissioners Voted "Meets"  
2 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 126 Surveys Returned: 29</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 120 Surveys Returned: 13</i>	<u>Juror Responses</u> <i>Surveys Distributed: 9 Surveys Returned: 4</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	86%	N/A	N/A
Integrity	94%	99%	100%
Communication Skills	89%	100%	100%
Judicial Temperament	71%	94%	100%
Administrative Performance	77%	97%	92%
Settlement Activities	90%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

**SWANN, PETER B.**

Assignment During Survey Period: Civil  
Appointed to Maricopa County Superior Court: 2003

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 284 Surveys Returned: 84</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 46 Surveys Returned: 10</i>	<u>Juror Responses</u> <i>Surveys Distributed: 18 Surveys Returned: 12</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	99%	N/A	N/A
Integrity	100%	100%	100%
Communication Skills	99%	100%	100%
Judicial Temperament	100%	98%	100%
Administrative Performance	99%	96%	100%
Settlement Activities	99%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**TALAMANTE, DAVID M.**

Assignment During Survey Period: Criminal  
Appointed to Maricopa County Superior Court: 1999

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 206 Surveys Returned: 34</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 101 Surveys Returned: 14</i>	<u>Juror Responses</u> <i>Surveys Distributed: 95 Surveys Returned: 33</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	96%	N/A	N/A
Integrity	98%	100%	100%
Communication Skills	98%	93%	100%
Judicial Temperament	99%	98%	100%
Administrative Performance	93%	94%	97%
Settlement Activities	99%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**VERDIN, MARIA DEL MAR**

Assignment During Survey Period: Juvenile  
Appointed to Maricopa County Superior Court: 1999

**27 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

***NOTE: Judge Verdin is a member of the JPR Commission who could not vote on her own performance finding.***

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u> <i>Surveys Distributed: 99 Surveys Returned: 19</i>	<u>Litigant, Witness, ProPer Responses</u> <i>Surveys Distributed: 303 Surveys Returned: 34</i>	<u>Juror Responses</u> <i>Surveys Distributed: 0 Surveys Returned: 0</i>
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	100%	N/A	N/A
Integrity	99%	98%	N/A
Communication Skills	100%	100%	N/A
Judicial Temperament	100%	100%	N/A
Administrative Performance	97%	94%	N/A
Settlement Activities	100%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.

**WILKINSON, MICHAEL O.**

Assignment During Survey Period: Family  
Appointed to Maricopa County Superior Court: 1987

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 142 Surveys Returned: 33</i> <b><u>Score (See Footnote)</u></b>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 421 Surveys Returned: 32</i> <b><u>Score (See Footnote)</u></b>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 0 Surveys Returned: 0</i> <b><u>Score (See Footnote)</u></b>
Legal Ability	100%	N/A	N/A
Integrity	100%	95%	N/A
Communication Skills	96%	94%	N/A
Judicial Temperament	97%	93%	N/A
Administrative Performance	99%	96%	N/A
Settlement Activities	94%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

**WILLETT, EILEEN S.**

Assignment During Survey Period: Family  
Appointed to Maricopa County Superior Court: 1999

**28 Commissioners Voted "Meets"  
0 Commissioners Voted "Does Not Meet"**

<b><u>Judicial Performance Standards Evaluation Categories</u></b>	<b><u>Attorney Responses</u></b> <i>Surveys Distributed: 139 Surveys Returned: 44</i> <b><u>Score (See Footnote)</u></b>	<b><u>Litigant, Witness, ProPer Responses</u></b> <i>Surveys Distributed: 249 Surveys Returned: 24</i> <b><u>Score (See Footnote)</u></b>	<b><u>Juror Responses</u></b> <i>Surveys Distributed: 0 Surveys Returned: 0</i> <b><u>Score (See Footnote)</u></b>
Legal Ability	91%	N/A	N/A
Integrity	96%	98%	N/A
Communication Skills	93%	96%	N/A
Judicial Temperament	94%	95%	N/A
Administrative Performance	93%	95%	N/A
Settlement Activities	90%	N/A	N/A
Administrative Skills	N/A	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.



**BALLOT PROPOSITION VOTER'S GUIDE**

This page is provided for your convenience to mark your choices after studying the propositions. It may be detached from this booklet and taken to the polling place on General Election Day, November 7, 2006, to assist you in voting your ballot

Proposition 100 – Proposed amendment to the Arizona Constitution by the legislature relating to bailable offenses	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Proposition 101 – Proposed amendment to the Arizona Constitution by the legislature relating to property tax levies	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Proposition 102 – Proposed amendment to the Arizona Constitution by the legislature relating to standing in civil actions	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Proposition 103 – Proposed amendment to the Arizona Constitution by the legislature relating to English as the official language	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Proposition 104 – Proposed amendment to the Arizona Constitution by the legislature relating to municipal debt	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Proposition 105 – Proposed amendment to the Arizona Constitution by the legislature relating to state trust land	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Proposition 106 – Proposed amendment to the Arizona Constitution by the initiative relating to state trust land	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Proposition 107 – Proposed amendment to the Arizona Constitution by the initiative relating to marriage	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Proposition 200 – Proposed by initiative petition relating to voter rewards	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Proposition 201 – Proposed by initiative petition relating to smoking	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Proposition 202 – Proposed by initiative petition relating to the minimum wage	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Proposition 203 – Proposed by initiative petition relating to early childhood education	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Proposition 204 – Proposed by initiative petition relating to farm animals	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Proposition 205 – Proposed by initiative petition relating to voting by mail	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Proposition 206 – Proposed by initiative petition relating to smoking	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Proposition 207 – Proposed by initiative petition relating to eminent domain	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Proposition 300 – Referred to the people by the legislature relating to public program eligibility	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Proposition 301 – Referred to the people by the legislature relating to probation for methamphetamine offenses	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Proposition 302 – Recommendation of the commission on salaries for elective state officers relating to legislators' salaries	YES <input type="checkbox"/>	NO <input type="checkbox"/>



**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.

**REMOVABLE VOTER'S GUIDE**

<b>ARIZONA SUPREME COURT (All Voters)</b>			<b>MARICOPA COUNTY SUPERIOR COURT (Maricopa County Voters) Continued</b>		
Hurwitz, Andrew D.	Yes ___	No ___	Donahoe, Gary E.	Yes ___	No ___
McGregor, Ruth V.	Yes ___	No ___	Downie, Margaret H.	Yes ___	No ___
<b>COURT OF APPEALS DIVISION I (Maricopa County Voters)</b>			Duncan, Sally S.	Yes ___	No ___
Kessler, Donn G.	Yes ___	No ___	Fenzel, Alfred M.	Yes ___	No ___
Norris, Patricia K.	Yes ___	No ___	Foster, George H.	Yes ___	No ___
Portley, Maurice	Yes ___	No ___	Gaines, Pendleton	Yes ___	No ___
<b>COURT OF APPEALS DIVISION II (Pima County Voters)</b>			Gama, J. Richard	Yes ___	No ___
Brammer, Jr., J. William	Yes ___	No ___	Gaylord, John M.	Yes ___	No ___
Eckerstrom, Peter J.	Yes ___	No ___	Grant, Larry	Yes ___	No ___
Espinosa, Philip G.	Yes ___	No ___	Granville, Warren J.	Yes ___	No ___
<b>(Cochise/Gila/Graham/Greenlee/Pinal/Santa Cruz County Voters)</b>			Hauser, Brian R.	Yes ___	No ___
Howard, Joseph W.	Yes ___	No ___	Heilman, Joseph B.	Yes ___	No ___
			Hicks, Bethany G.	Yes ___	No ___
<b>PIMA COUNTY SUPERIOR COURT (Pima County Voters)</b>			Hoag, M. Jean	Yes ___	No ___
Alfred, Michael D.	Yes ___	No ___	Holt, Cathy M	Yes ___	No ___
Borek, Ted B.	Yes ___	No ___	Hotham, Jeffrey A.	Yes ___	No ___
Browning, Christopher C.	Yes ___	No ___	Houser, Robert C.	Yes ___	No ___
Campoy, Hector E.	Yes ___	No ___	Hyatt, Carey S.	Yes ___	No ___
Chandler, Terry	Yes ___	No ___	Ishikawa, Brian K.	Yes ___	No ___
Cruikshank, Michael	Yes ___	No ___	Jones, Michael D.	Yes ___	No ___
Davis, John E.	Yes ___	No ___	Keppel, James H.	Yes ___	No ___
Harrington, Charles V.	Yes ___	No ___	Lee, Raymond	Yes ___	No ___
Kelly, John F.	Yes ___	No ___	Magnum, J. Kenneth	Yes ___	No ___
Nichols, Richard D.	Yes ___	No ___	Mroz, Rosa P.	Yes ___	No ___
<b>MARICOPA COUNTY SUPERIOR COURT (Maricopa County Voters)</b>			Mundell, Barbara Rodriguez	Yes ___	No ___
			O'Connor, Karen L.	Yes ___	No ___
			O'Toole, Thomas W.	Yes ___	No ___
			Rayes, Douglas L.	Yes ___	No ___
			Rea, John C.	Yes ___	No ___
Aceto, Mark F.	Yes ___	No ___	Reinstein, Peter C.	Yes ___	No ___
Anderson, Arthur T.	Yes ___	No ___	Ronan, Emmet J.	Yes ___	No ___
Barton, Janet E.	Yes ___	No ___	Schwartz, Jonathan H.	Yes ___	No ___
Budoff, Robert	Yes ___	No ___	Swann, Peter B.	Yes ___	No ___
Burke, Edward O.	Yes ___	No ___	Talamante, David M.	Yes ___	No ___
Chavez, Harriett E.	Yes ___	No ___	Verdin, Maria del Mar	Yes ___	No ___
Dairman, Dennis W.	Yes ___	No ___	Wilkinson, Michael O.	Yes ___	No ___
Davis, Norman J.	Yes ___	No ___	Willett, Eileen S.	Yes ___	No ___

**BALLOT PROPOSITION VOTER'S GUIDE**

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DUPLICATE REMOVABLE VOTER'S GUIDE

<b>ARIZONA SUPREME COURT</b> <i>(All Voters)</i>			<b>MARICOPA COUNTY SUPERIOR COURT</b> <i>(Maricopa County Voters) Continued</i>		
Hurwitz, Andrew D.	Yes ___	No ___	Donahoe, Gary E.	Yes ___	No ___
McGregor, Ruth V.	Yes ___	No ___	Downie, Margaret H.	Yes ___	No ___
<b>COURT OF APPEALS DIVISION I</b> <i>(Maricopa County Voters)</i>			Duncan, Sally S.	Yes ___	No ___
Kessler, Donn G.	Yes ___	No ___	Fenzel, Alfred M.	Yes ___	No ___
Norris, Patricia K.	Yes ___	No ___	Foster, George H.	Yes ___	No ___
Portley, Maurice	Yes ___	No ___	Gaines, Pendleton	Yes ___	No ___
<b>COURT OF APPEALS DIVISION II</b> <i>(Pima County Voters)</i>			Gama, J. Richard	Yes ___	No ___
Brammer, Jr., J. William	Yes ___	No ___	Gaylord, John M.	Yes ___	No ___
Eckerstrom, Peter J.	Yes ___	No ___	Grant, Larry	Yes ___	No ___
Espinosa, Philip G.	Yes ___	No ___	Granville, Warren J.	Yes ___	No ___
<i>(Cochise/Gila/Graham/Greenlee/Pinal/Santa Cruz County Voters)</i>			Hauser, Brian R.	Yes ___	No ___
Howard, Joseph W.	Yes ___	No ___	Heilman, Joseph B.	Yes ___	No ___
<b>PIMA COUNTY SUPERIOR COURT</b> <i>(Pima County Voters)</i>			Hicks, Bethany G.	Yes ___	No ___
Alfred, Michael D.	Yes ___	No ___	Hoag, M. Jean	Yes ___	No ___
Borek, Ted B.	Yes ___	No ___	Holt, Cathy M	Yes ___	No ___
Browning, Christopher C.	Yes ___	No ___	<b>MARICOPA COUNTY SUPERIOR COURT</b> <i>(Maricopa County Voters)</i>		
Campoy, Hector E.	Yes ___	No ___	Rayes, Douglas L.	Yes ___	No ___
Chandler, Terry	Yes ___	No ___	Rea, John C.	Yes ___	No ___
Cruikshank, Michael	Yes ___	No ___	Reinstein, Peter C.	Yes ___	No ___
Davis, John E.	Yes ___	No ___	Ronan, Emmet J.	Yes ___	No ___
Harrington, Charles V.	Yes ___	No ___	Schwartz, Jonathan H.	Yes ___	No ___
Kelly, John F.	Yes ___	No ___	Swann, Peter B.	Yes ___	No ___
Nichols, Richard D.	Yes ___	No ___	Talamante, David M.	Yes ___	No ___
			Verdin, Maria del Mar	Yes ___	No ___
			Wilkinson, Michael O.	Yes ___	No ___
			Willet, Eileen S.	Yes ___	No ___

# Here's how to be brilliant at the polls.

Voting is not only an important right you have as a resident of Arizona, but it is an easy one to exercise. Just follow these simple instructions to “know before you go,” and happy voting!

As an Arizona voter, you should be able to show proof of identity at the polling place before receiving your ballot. When you arrive, simply give your name and place of residence to the election official, then present one (1) form of identification that bears your name, address and photograph OR two (2) different forms of identification that bear your name and address.

**Acceptable forms of ID with photograph, name, and address of the voter (1 required):**

- Valid Arizona driver license
- Valid Arizona nonoperating 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 above, simply bring any two acceptable forms of identification that do not require a photo.

**Acceptable forms of ID without a photograph that bear the name and address of the voter (2 required):**

- Utility bill of the voter dated within 90 days of the date of election (a utility bill may be for electric, gas, water, solid waste, sewer, telephone, cellular phone or cable TV)
- Bank or credit union statement dated within 90 days of the date of 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.

Note: In all cases, an identification will be considered “valid” unless it can be determined on its face that it has expired.

**Visit [azsos.gov](http://azsos.gov) or  
call 1-877-THE-VOTE.**

# 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

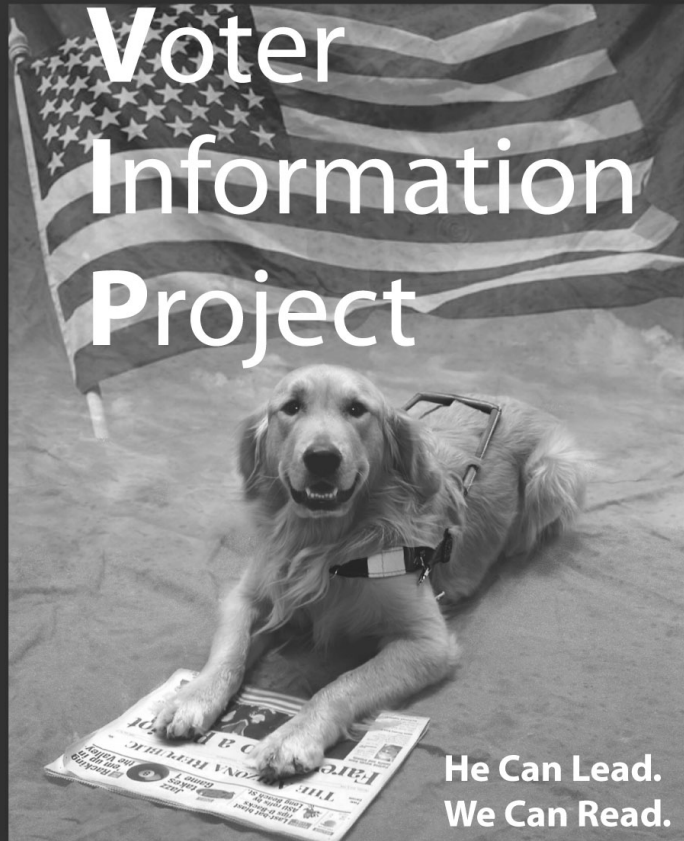


Visit [azsos.gov](http://azsos.gov) or call 1-877-THE-VOTE.

# Let Us Read This Book to You.

## 2 Ways to listen

The Sun Sounds Voter Information Project (VIP) provides two ways to access printed election materials for voters, who cannot read due to a physical or visual disability, via a Sun Sounds service called "Sun Dial". Prior to the elections V.I.P.'s can listen:



**Sun Sounds of Arizona**  
*The New Sound of Information Access*

1. On the Phone - **877-517-8711**
2. On the Web - (screen reader software required) **[sunsounds.org/sundial/voter.htm](http://sunsounds.org/sundial/voter.htm)**



Let us read to you all year long,  
apply for service today!

For more information call 1-866-967-8300

# VOTER ELECTION MATERIAL



State of Arizona

## Ballot Propositions & Judicial Performance Review

November 7, 2006  
General Election

For a Spanish version of this publicity pamphlet call toll-free

1-877-THE VOTE (1-877-843-8683); or write

Secretary of State Janice K. Brewer

1700 West Washington Street, 7<sup>th</sup> Floor

Phoenix, Arizona 85007.

Para una versión en español de este folleto informativo,

llame gratis al 1-877-THE VOTE (1-877-843-8683); o

escriba a Secretary of State Janice K. Brewer

1700 West Washington Street, 7<sup>th</sup> Floor

Phoenix, Arizona 85007.



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Phoenix, AZ 85007