

# **Propositioning Arizona:**

A Review of 2008 Statewide Ballot Measures

**Presented by**



The Arizona Advocacy Network Foundation

**Arizona Advocacy Network Foundation**

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A NOTE FROM THE ARIZONA ADVOCACY NETWORK FOUNDATION

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Dear Voter:

In 2008 Arizonans will have the opportunity to decide eight statewide ballot measures, many of which will have long-term consequences for the state. Making sense of ballot measures can be challenging. The brief descriptions printed on the ballots are not always clear, making it difficult for voters to determine whether they support or oppose a particular measure. With eight measures on the 2008 ballot, those entering the voting booth without having educated themselves on each measure will face a daunting task.

The Arizona Advocacy Network Foundation (AzANF) is pleased to present our bi-annual guide to Arizona's ballot measures as a tool voters can use to make informed decisions about how to vote on each measure. This non-partisan guide presents both supporting and opposing arguments so that you, the voter, can decide each issue. For each measure we have summarized:

- Description of the measure; Background of the measure; Impact of the measure; Arguments in favor of and against the measure; Partial list of supporters and opponents of the measure; List of major contributors that gave money to support or oppose the measure; Websites of interest

Voters interested in reading the full text of each measure will find links to each on the Secretary of State's website at:

www.azsos.gov/election/2008/General/ballotmeasures.htm

Between now and November 4th, AzAN is presenting a series of educational forums to discuss the ballot measures. If you would like us to make a presentation to your group, please contact us at 602-297-2500 or Linda@azadvocacy.org.

Sincerely, Linda Brown

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Table with columns YES, NO, and Page. Rows include Proposition 100 (No New Home Tax), Proposition 101 (Freedom of Choice in Health Care), Proposition 102 (Constitutional Ban on Same Sex Marriage), Proposition 105 (Majority Rule - Let the People Decide), Proposition 200 (Payday Loan Reform Act), Proposition 201 (Homeowners' Protection Act), Proposition 202 (Stop Illegal Hiring Act), and Proposition 300 (Legislators' Salary Increase).

If you have difficulty voting at the polls, call 1-866-OUR-VOTE.

# Proposition 100 -- No New Home Tax -- Citizens' Initiative

## What is the measure?

The "No New Home Tax" initiative will amend the Arizona constitution to prohibit the state and any local government from charging any new tax on the sale or transfer of any real property in Arizona.

## Background

Currently Arizona does not impose a tax on the transfer or sale of real property. Such taxes have been proposed or enacted in other states.

## Impact

This constitutional amendment will forever prohibit any taxes on the sale or transfer of any real property. It is not limited to homes, as the title implies, but would apply to all real property transfers.

## Those who support this initiative include the following in their arguments:

1. A real estate sales or transfer tax is both unfair to Arizonans and bad fiscal policy for our economy.
2. Since home and property owners already pay annual property taxes, an additional tax, levied at the time people buy, sell or even transfer ownership of their home into a legal trust or to a family member, would be double taxation.
3. This proposition will protect the equity that people have worked so hard to build in their homes and property, equity that would be reduced by the increased costs associated with a real estate sales or transfer tax.
4. This proposition will also keep housing affordable in Arizona by preventing a rise in closing costs and will allow more Arizonans and their families to purchase a home or property while protecting those living on a fixed or low income.

## Those who oppose this initiative include the following in their arguments:

1. This constitutional amendment is unnecessary and redundant. Imposition of new taxes or fees already requires either a 2/3 majority in both houses of the Legislature or a vote of the people.
2. This real purpose of this proposition is to change the Constitution of Arizona to protect real estate corporations and developers. Changing our constitution to protect wealthy special interests will cripple our state's ability to support the needs of a growing state.
3. Arizona is facing a new reality, one that includes fast-paced growth and a drastic need to expand infrastructure for millions of new residents. The state of Arizona will grow to more than 18 million, from its current population of 6 million, over the next 30 years. No New Home Tax is an attempt to tie the hands of Arizona's elected officials as they determine the best way to provide for Arizona's needs in the future.

## Supporters:

The Realtors Issues Mobilization Fund - \$2.4million \*\*  
Arizona Association of Realtors  
Americans for Prosperity  
Arizona Tax Revolt  
Arizona Farm Bureau  
Arizona Chamber of Commerce & Industry  
Arizona Chapter of Nat'l Assn. of Industrial and Office Properties  
Arizona Contractors Association  
State Senator Barbara Leff  
State Senator Ken Chevront  
State Representative John Nelson

## Opponents:

Arizona Education Association

**\*\* Important Note: Throughout this booklet we have indicated the amount of money contributed in support of or in opposition to each measure. This information was obtained from the Secretary of State's website as of September 13, 2008 and is subject to change at any time as new contributions are added and prior reports are amended.**

# Proposition 101 – Freedom of Choice in Health Care – Citizens’ Initiative

## What Is The Measure?

The “Freedom of Choice in Health Care Act” is a constitutional amendment that claims to preserve and protect the right of individuals to choose their health care and health insurance, or to opt for no insurance at all.

## Background

This initiative was placed on the ballot by “Medical Choice for Arizona,” an organization focused on protecting the way Arizonans currently obtain private health care coverage by barring alternative systems. The initiative’s chief sponsors include surgeons who are supported by Cancer Treatment Centers of America, a for-profit, private health care company.

## Impact

The “Freedom of Choice in Health Care Act” would dismantle Arizona’s Medicaid system (Arizona Health Care Cost Containment System or AHCCCS) of providing health care for the poor by requiring the state to allow recipients to choose the most costly health care providers instead of those that provide the most cost-effective services. In the interest of protecting health care industry profits, this constitutional amendment would preserve the status quo under which more than one million Arizonans have no health care coverage. The measure also provides legal protections for insurance companies that choose not to provide coverage.

## Those who support the “Freedom of Choice in Health Care Act” include the following in their arguments:

1. This constitutional amendment will keep patients in control of their health and health care and prevent them from having their health care choices dictated by government-appointed bureaucrats.
2. Proposition 101 preserves patients’ rights to seek second opinions and choose alternative care.
3. If patients lose control over their health care decisions, one of our most precious freedoms, then they will no longer be free. They will be hostages of the special interests and their political friends.
4. Seldom do we have the opportunity to protect the ability of patients to be in control of their health and health care and to determine which approaches and treatments are the most appropriate for them.
5. Giving the government complete control over what care you can receive and when, is not the solution. One system does not fit all. No single system should remove your personal freedom to decide which treatment options are best for you and your family.

## Those who oppose the “Freedom of Choice in Health Care Act” include the following in their arguments:

1. The language of Prop. 101 is ambiguous and vague. If passed, costs for the state’s Medicaid plan (AHCCCS) for low-income people could skyrocket and saddle taxpayers with a huge financial burden. The measure would require the state to allow AHCCCS recipients to choose the most expensive health care options available instead of limiting them to providers that deliver the most cost-effective services.
2. This deceptively named amendment will *not* ensure one’s freedom to choose a personal physician. Insurance plans already place limits on patients’ choices of doctors as well as limiting patients’ and doctors’ choices regarding health care decisions.
3. This amendment will permanently allow private insurers to limit services and exclude individuals with pre-existing conditions. The health care industry would forever be able to dictate reimbursement, determine services patients receive, and dictate who will be granted or denied access to care.
4. Because backers have chosen to present this as a constitutional change, the unintended consequences of Prop 101 will plague Arizonans forever.
5. A constitutional amendment limiting future legislation regarding health care is unnecessary and unwise. Until we agree on a solution, no option to resolving health care concerns should be taken off the table.

## Supporters:

Frayda and Ken Levy - \$100K  
Dawson Management Group - \$75K  
The Benjamin Rush League - \$64K  
Jim Click - \$25K  
Charles Burnett III - \$20K  
Paul Clifton / Robert Hansen Family Trust - \$15K  
Norman McClelland - \$15K  
Robert E. Hannay - \$15K  
Cancer Treatment Centers of America - \$10K  
Dr. Ted Diethrich - \$10K  
Dr. Anthony K. Hedley - \$10K  
John Bryan - \$10K  
Core Medical Management - \$10K  
Eric Crown - \$10K

## Opponents:

AARP of Arizona  
Arizona Chapter American Academy of Pediatrics  
Arizona NOW  
Protecting Arizona’s Family Coalition  
Arizona Republican Assembly  
Arizona Advocacy Network  
Physicians for a National Health Program  
Healthy Arizona  
Arizona Coalition for a State and National Health Plan  
Planned Parenthood of Arizona

## Relevant Websites:

<http://www.pnhp.org/>  
<http://www.healthcareforamericanow.org/>  
<http://www.medicalchoiceforaz.com/>

# Proposition 102 - Constitutional Ban on Same Sex Marriage - Referendum

## What is the measure?

This is a proposal referred by the legislature to amend Arizona's constitution to state that only the union of one man and one woman shall be valid or recognized as a marriage in Arizona.

## Background

A referendum similar to this was defeated in 2006. After having voted against this measure repeatedly, the state senate finally voted to refer it to the 2008 ballot in a maneuver that was challenged and brought before the Senate Ethics Committee.

## Impact

This constitutional amendment would not change the definition of marriage in Arizona. Arizona's law defining marriage as being between one man and one woman was enacted in 1996 and has withstood court challenges.

## Those who support the referendum include the following in their arguments:

1. This proposal will protect the sanctity of families by preventing judges from overturning Arizona's 1996 state law defining marriage as the union of one man and one woman.
2. Since the beginning of recorded history the foundation of all societies has been the family, defined as a father, a mother, and children.
3. More than 1,049 federal laws in many categories including Social Security, welfare, veterans, taxation, etc. are based on the man-woman marriage relationship. Society has set up our laws to protect children and to provide in the case of the death of one parent or spouse. If same sex marriage were made legal, increased demands would be placed on government and businesses for benefits. Our already overburdened Social Security system could not survive.
4. People may live with whomever they wish regardless of sexual preference. Expanding the definition of marriage, on the other hand, would force all within our society regardless of religious or traditional beliefs to accept radical changes which would have far-reaching consequences; consequences that change the very core of our society and how it functions. The losers would be the children who must endure the selfish desires of adults.
5. Activist judges and a small percentage of Americans have forced the people to use the Constitution to protect marriage and all that it means to society. If ever the family is to be restored and protected, it must start with the very definition of marriage.

## Those oppose the referendum include the following in their arguments:

1. This amendment to the state constitution is unnecessary and redundant. We should be promoting public policy that strengthens families, not passing laws that divide our state.
2. This is the only referendum that the politicians in the legislature chose to place the ballot and it shows how little they think of Arizona voters. They are insulting Arizona voters who already voted NO on this measure in 2006. Even the state legislature rejected it twice. Voters should reject this and tell the legislature not to waste their time by continuing to bring up dead issues.
3. Arizonans value individual freedoms and oppose efforts to curtail them. This measure is contrary to Arizona's spirit of individual freedom.

## Supporters:

Crisis Pregnancy Centers of Greater Phoenix \$100K

David & Nancy LeSueur Family Trust - \$100K

Gary and Lori Wagner Family Trust - \$100K

Jeff and Holly Whiteman - \$100K

Pete King Corporation - \$100K

Wilford and Kathleen Andersen - \$100K

Ruth Maughan - \$50K

Derek and Danielle Wright - \$50K

Donald Hales - \$50K

James King - \$50K

McCrery Family Trust - \$50K

Rex G. Maughan - \$50K

Kristen Cowley - \$40K

Focus on the Family - \$20K

Center for Arizona Policy - \$3K

United Families Arizona

United Families International

*Following a direct appeal from the LDS President and Prophet of God, 168 other individuals made contributions of at least \$10K each.*

## Opponents:

Human Rights Campaign - \$50K

Arizona National Organization for Women

League of Women Voters of Arizona

Arizona Advocacy Network

Equality Arizona

ACLU of Arizona

Arizona Together

State Reps. Sinema, Lujan, Farley, Cajero-Bedford

Chad Campbell, Cloves Campbell

Senators Marsha Arzberger, Ken Chevront

Phoenix Councilmen Greg Stanton, Tom Simplot

Phoenix Mayor Phil Gordon

Planned Parenthood of Arizona

## Relevant Websites:

<https://www.aztogether.org/>

<http://yesformarriage.com/>

# Proposition 105 - Majority Rule—Let the People Decide - Citizens' Initiative

## What is the measure?

Proposition 105 would amend the Arizona Constitution to stipulate that citizen initiatives that either increase state revenues or obligate any spending by anyone (state, local, private individual) could not be enacted through a simple majority vote. Instead, such measures would pass only if they were approved by a majority of *all registered voters*. Voters who don't vote would be counted as NO votes even if they favored an initiative.

## Background

In 1992, Arizonans amended the state constitution to require that any state tax or fee increase be passed by either a 2/3 majority of the Legislature or a vote of the people. It has therefore become impossible as a practical matter for the Legislature to achieve the 2/3 majority necessary to increase state revenues when required and almost all tax measures must now be sent to the ballot for a vote of the people.

## Impact

This measure requires that citizen initiatives that increase state revenue (even if not by increasing taxes, such as the state lottery or Indian gaming) or require spending by anyone be approved by a *majority of all registered voters*, not just those who vote. Because a large percentage of registered voters do not vote, it is likely that such initiatives would need approval by 80 percent or more of the voters who actually vote in any given election. This would effectively put an end to Arizona's constitutional right of citizens to pass laws through initiatives. Only one of 29 initiatives passed since 1974, including many very popular measures, would have passed if Prop 105 had been in effect. This proposal would apply to almost all initiatives. Nearly every initiative requires at least modest funding, even if only to cover small administrative expenses. All registered voters who either do not vote or cannot vote (died, moved) would be counted as automatic "No" votes on citizen initiatives. Measures referred to the ballot by the legislature would be exempt from the requirements of Prop 105.

## Supporters of this initiative include the following in their arguments:

1. This initiative would not affect existing voter-approved spending mandates, but it would raise the bar, making it harder for special interests to enact new spending mandates.
2. This initiative would also make it more difficult for special interests to use ballot initiatives to raise our taxes. Of course, if a super majority of voters want new spending obligations or tax increases, they can still vote for them.
3. In recent years the initiative process has been hijacked by lobbyists and special interest groups whose sole mission is to trample on the many for the benefit of the few, and it has become a plague on Arizona's system of government.
4. With all of the increased spending, Arizona will need to raise taxes to pay for it. We need to require a true majority of tax-paying citizens to approve spending measures. By working together we can change the system and send the special interests packing.

## Opponents of this initiative include the following in their arguments:

1. This misleading and deceptive initiative is intended to take away power from voters in Arizona and further concentrate power into the hands of the legislature. This proposition will make it nearly impossible for civic and community organizations to affect public policy by taking issues to the voters, destroying our citizen initiative process which has been a core constitutional right of Arizonans since statehood in 1912.
2. This so-called "Majority Rule" initiative is wrong and unfair. By counting all non-voters as "No" votes, it isn't fair to who actually make the effort to go to the polls to vote on ballot measures.
3. Requiring approval by a majority of all persons on the voter rolls (including those who have died or moved out of state), is not only undemocratic, but will effectively kill any ballot measure. In a typical Arizona election with a 60 percent voter turnout, only 17 percent of those who vote could kill a measure by voting "no." This is not majority rule; it's minority tyranny.
4. Arizona already has many constitutional and voter protected mechanisms in place to limit and control taxes at all levels of government. Overlaying this initiative on existing taxpayer protections would be devastating to the state's ability to address future funding needs. This initiative would worsen our state budget situation instead of improving it.

## Supporters:

Carl's Junior restaurants - \$630K  
Golden Door Initiative (Carl's Junior) - \$267K  
PDG Trust (Carl's Junior family members) - \$150K  
Services Group of America (Food & Bev. Industry) - \$100K  
TCAG Mgmt. (Jim Click, Auto Dealer) - \$50K  
Beer & Wine Distributors of America - \$25K  
J.W. Teets Enterprises (Developer) - \$25K  
Randy Kendrick, E.G. Kendrick, Jr. - \$25K  
Eric Crown - \$25K  
Anheuser-Busch Companies - \$10K  
Golden Eagle Distributors - \$5K  
Crescent Crown Distributing - \$5K  
Hensley and Company - \$5K  
Arizona Farm Bureau

## Relevant Websites:

<http://www.thevotersofaz.com/>

## Opponents:

Arizona School Boards Association - \$50K  
Professional Fire Fighters of Arizona - \$20K  
Arizona Education Association - \$10K  
Arizona Hospital and Health Care Association - \$5K  
Planned Parenthood of Arizona  
League of Women Voters of Arizona  
Clean Elections Institute  
WESTMARC (Western Maricopa Coalition)  
Sierra Club—Grand Canyon Chapter  
Arizona Advocacy Network  
The Animal Defense League of Arizona  
The Humane Society of the United States  
AARP of Arizona  
Arizona Association of School Business Officials  
American Cancer Society

# Proposition 200 - Payday Loan Reform Act – Citizens’ Initiative

## What is the measure?

This measure would allow the payday lending industry to continue to operate in Arizona after 2010 when its ten-year exemption from Arizona’s 36 percent interest rate limit ends.

## Background

Legislation nearly ten years ago exempted “payday loans” from Arizona’s usury law prohibiting interest rates above 36 percent, but only as an experiment until 2010. When the legislature indicated it would not extend the exemption the industry undertook this initiative to allow continued exemption.

## Impact

This measure would permanently allow the payday lending industry to charge interest rates of up to 391 percent (APR) on short-term loans. If the initiative passes, further changes can only be made by initiative or referendum because under the Voter Protection Act, the legislature could not make changes reducing the interest rates even with a super-majority vote. New provisions would permit the establishment of “ATM” style kiosks, and direct access to customers’ bank accounts, making these high interest loans even more accessible.

## Those who support this initiative include the following in their arguments:

1. Arizonans use payday lending services everyday to meet unforeseen expenses and financial emergencies by providing a simple, convenient, well-regulated, and cost-effective credit option.
2. This measure will bring dramatic consumer reform to payday lending and preserve consumer choice.
3. This measure includes a substantial rate-cut, eliminates rolling over principal to extend a loan, creates a repayment plan at no cost to consumers who can’t meet their obligations, and inhibits a borrower’s ability to obtain more than one loan at a time.
4. Reform is a better idea than eliminating the industry entirely.

## Those who oppose this initiative include the following in their arguments:

1. The predatory lending industry is spending millions of dollars on campaign messages that are lies. They are deliberately deceiving voters by pitching this as a “reform,” but their true interest is in protecting their loan-shark level profits at the expense of hardworking families who are willing to risk extreme interest rates to solve urgent cash needs.
2. This initiative would permanently establish legalized loan-sharking in Arizona. The legal cap on interest rates on payday loans would permanently jump from a maximum of 36 percent to nearly 400 percent. The average Arizona payday loan customer pays back \$800 on a \$300 payday loan, after several loan renewals, often getting stuck in a Debt Trap for months or years.
3. The establishment of “ATM” style kiosks for instant borrowing will attract additional borrowers that previously would not have gone into payday lending stores.
4. More than \$150 million in usurious fees is being stripped each year from financially distressed Arizonans and transferred into the coffers of unscrupulous corporate loan sharks.
5. Research shows that the “reform” measures in this initiative do nothing to eliminate the payday loan Debt Trap. In states that have tried these so-called “reforms,” 90 percent of industry revenues still come from trapped borrowers.
6. So far, twelve states and the District of Columbia have completely outlawed payday loans that exceed a reasonable annual interest rate, usually 36 percent, saving residents in those states over \$1.5 billion a year. The U.S. Congress also has outlawed such loans to active duty members of the military and their families. If a 36 percent interest rate cap is fair for our soldiers and sailors, it is fair for all Arizonans.
7. Borrowers have alternatives. Credit Unions are now offering short-term loan products that fill this need without charging more than the state’s usury limit of 36 percent.

## Supporters:

Arizona Community Financial Svcs. Assoc. - \$11.4million  
(Payday lending industry)  
Stan Barnes, lobbyist for the industry  
Jonathan Paton, Republican State Representative  
Consumer Rights League  
(Payday lending industry)  
Arizonans for Financial Reform

## Opponents

Arizona Professional Firefighters - \$10K  
Service Employees International Union -\$10K  
United Food & Commercial Workers Local 99 - \$10K  
Alice and Bill Roe - \$10K  
Center for Responsible Lending - \$5K  
Farmers Investment Company - \$5K  
The Pederson Group - \$5K  
AARP Arizona - \$4K plus in-kind contributions  
Greater Phoenix Chamber of Commerce  
Arizona Community Action Association  
Protecting Arizona’s Family Coalition  
Arizona Advocacy Network  
Arizona Consumer’s Council  
Society of St. Vincent De Paul  
Arizona Education Association  
Children’s Action Alliance  
Valley of the Sun United Way  
Attorney General Terry Goddard  
Arizona Ecumenical Council

## Relevant Websites:

[www.afr2008.org/](http://www.afr2008.org/)  
[www.200isnoreform.com/](http://www.200isnoreform.com/)  
[www.responsiblelending.org/](http://www.responsiblelending.org/)

# Proposition 201 – Homeowners’ Bill of Rights – Citizens’ Initiative

## What is the measure?

The Homeowners’ Bill of Rights initiative would provide a variety of legal remedies and rights to purchasers of new homes including a ten-year warranty on new home workmanship and materials; giving homeowners the right to demand compensation or correction of construction defects; removing the threat of homeowners being charged for builders’ attorneys’ fees if they lose a court action; requiring that all features and equipment shown in model homes be included as standard in purchased homes; and protecting buyers from deceptive mortgage practices. The measure also gives homebuyers additional rights, such as the right to choose among three contractors with complaint-free records to fix any repairs that might be needed in the home. Currently, the builder chooses who makes the repairs for the home. This measure extends the statute of limitations for bringing a court action from eight years to ten.

## Background

The creators of this initiative claim that current law favors builders and lenders at the expense of homebuyers, leaving buyers susceptible to shoddy workmanship and deceptive sales practices.

## Impact

This measure could increase homebuyers’ confidence in the quality of their homes by providing them with additional legal remedies and protections. It may result in an increase in the price of new homes because builders may choose to invest more in making sure each home is fully compliant with the warranty before being sold.

## Supporters of the initiative include the following in their arguments:

1. New home buyers should have a reasonable expectation that the construction on their home is sound and the house is safe for their families. This proposition will protect homebuyers from the worst actors in the home building industry and hold the builders accountable for the quality of their work. Builders that produce well-made homes will not be affected.
2. This measure has become necessary because too many contractors emphasize profitability over quality, cutting corners to reduce construction costs and increase profits. As a result, vast tracts of homes suffer from construction defects caused by substandard construction practices. Buyers of defective homes are left with the grim reality of pursuing a potentially cost prohibitive lawsuit in which the deck is stacked against them, or facing substantial repair costs and unreasonable maintenance burdens on new homes. People buy new homes because they don’t want to worry about coming up with the cash for costly repairs. Builders should be held accountable for the quality of their construction.
3. This will greatly discourage deceptive sales practices. Currently, the state’s laws are entirely "pro-home-builder." This law would shift the state toward being "pro-home-buyer."

## Those who oppose the initiative include the following in their arguments:

1. This proposed “litigation only” solution to problem solving does nothing more than line the pockets of attorneys and delay homeowners from getting problems addressed.
2. This proposition will prevent homebuilders from working with their customers to resolve problems. Instead of using alternative dispute processes such as arbitration, every disgruntled homeowner will file a lawsuit.
3. This proposition will harm our economy and new home buyers by increasing the cost of housing. The current problems with housing affordability in Arizona will drastically increase.

## Supporters

The Sheet Metal Workers’ International Assn. - \$349K  
Sheet Metal Workers Local 359 Youth to Youth Fund \$10K  
United Assoc. Plumbers and Pipefitters Local 469 - \$5K  
Coalition for Better Construction  
Arizona Alliance for Retired Americans  
AFL-CIO  
Interfaith Worker Justice of Arizona  
Air Conditioning Excellence Coalition  
Arizona Advocacy Network

## Opponents

Home Builders Assn. of Central Arizona - \$85K  
Meritage Homes - \$49K  
Standard Pacific Homes - \$37K  
Toll Brothers Inc. \$15K  
Southern Arizona Issues Fund PAC \$13.5K  
Arizona Contractors Association  
WESTMARC (Western Maricopa Coalition)  
State Senator Barbara Leff  
Southern Arizona Home Builders Association  
Professional Fire Fighters of Arizona  
Arizona Chamber of Commerce

## Relevant Websites:

<http://www.poorlybuiltbypulte.info/>  
<http://voteyesonprop201.com>

## Proposition 202 – Stop Illegal Hiring Act – Citizens’ Initiative

### What is the measure?

The “Stop Illegal Hiring Act” is an initiative designed to modify Arizona’s employer sanctions Law that revokes a business license the second time an employer is found to have knowingly and intentionally hired an undocumented worker. The measure bars anonymous complaints against employers. Employers’ use of the federal “E-Verify” system to check a potential employee’s legal status would shift from mandatory to voluntary.

### Background

Some business leaders believe that the current employer sanctions law does not provide adequate protections for employers that unwittingly hire undocumented workers. They lobbied the legislature to modify that law, but they were unsatisfied with the changes, so they launched a drive to place this initiative on the ballot.

### Impact

This initiative will revoke the business licenses of employers only if they knowingly or intentionally hire undocumented workers. The initiative also increases penalties for identity theft. Fines collected from employers violating this law will be distributed equally to the Arizona Department of Education and the Arizona Department of Health Services.

### Those who support the Stop Illegal Hiring Act include the following in their arguments:

1. This proposition is the toughest law allowed by the Constitution. Importantly, it is also enforceable and fair.
2. This proposition is tough because it gives law enforcement the tools needed to target the underground, black market cash economy; removes undocumented immigrants’ ability to conceal their status by strengthening identity theft penalties; and continues the two-strike penalty that puts employers out of business if they knowingly and intentionally hire undocumented immigrants.
3. This law allows police to arrest employers who knowingly accept false or stolen identification documents from any person seeking employment.
4. This proposition is fair because it does not mandate the use of flawed databases.
5. Prop 202 ensures a fair complaint process and protects law-abiding businesses and their employees.

### Those who oppose the Stop Illegal Hiring Act include the following in their arguments:

1. Instead of stopping illegal hiring, this proposition will actually gut the existing employer sanctions law passed by the Arizona Legislature. Eliminating the requirement that employers check a potential employee’s status through the federal “E-Verify” system takes the teeth out of the current law. The result will be amnesty for employers.
2. American citizens could lose their jobs because their employer hired an undocumented worker, resulting in the closure of the entire business.
3. The law does not adequately protect potential employees from being discriminated against on the basis of race, ethnicity, or national origin. Employers could begin excluding from their hiring pool anyone they perceive may look like an undocumented worker.
4. The law shifts the penalties away from employers and onto undocumented workers by making it a felony to accept the use of another person’s identity for the sole purpose of obtaining or continuing employment.
5. Anonymous complaints are necessary to ensure that employers comply with the law.

### Supporters:

Wake Up Arizona - \$375K  
Western Growers - \$25K  
Pepsi-Cola of Tucson - \$10K  
Arizona McDonald’s Operators Assoc. - \$10K  
Mac Magruder, Owner McDonald’s Franchises - \$10K  
Carl’s Jr. - \$10K  
Gerald & Joan Colangelo Trust - \$10K  
Mortgages LTD. - \$10K  
Pivotal Capitol Corporation - \$10K  
The Room Store - \$10K  
Arizona Farm Bureau  
WESTMARC (Western Maricopa Coalition)

### Opponents:

State Representative Russell Pearce  
Don Goldwater  
Riders United for a Sovereign America  
Thomas F. Husband, Maricopa County Republicans

### Relevant Websites:

<http://stopillegalhiring.com/>  
<http://www.justiceforimmigrants.org/>  
<http://www.wecanstopthehate.org/>

## Proposition 300 -- Legislators' Salary Increase -- Referred by Salary Commission

### What is the measure?

This referendum would increase the yearly salaries of legislators from \$24,000 to \$30,000.

### Background

The Commission on Salaries for Elective State Offices has recommended unanimously that legislators' salaries be raised to \$30,000. The commission is bi-partisan, authorized by the state Constitution, and is charged with recommending pay levels "appropriate to the duties and responsibilities of the respective offices and positions subject to review." There has been no change in legislators' pay for ten years. Recommendations for a larger raise, to \$36,000, were on the ballot in 2002, 2004, and 2006 but did not pass. Legislative sessions frequently last five to six months during which senators and representatives work long hours. In addition, nearly every year the legislature is called back for special sessions.

### Impact

With 90 legislators, this would cost taxpayers \$540,000 plus associated payroll tax increases. It is also likely to open up the possibility of choosing to serve in the legislature among people who cannot support their families on the current \$24,000 a year salary.

### Those who support Proposition 300 include the following in their arguments:

1. Concerns about the quality of legislators' work should not cloud the reality that adequate compensation is a question of justice and fairness, and citizens have a strong interest in having qualified people serving in public office. An annual salary of only \$24,000 is not nearly competitive enough to attract the best and the brightest candidates. At the current salary, the pool of citizens willing and able to serve is limited.
2. \$24,000 per year is barely above the poverty level for a family of four. This limits the pool of potential legislators to those with personal wealth, those whose employers can tolerate such a long absence, or those who may receive additional "work" from special interests that have business pending before the legislature.
3. This pay raise will broaden the range of people that will be able to run for legislative positions. We need citizen legislators who can be paid enough in salary so they don't depend on special interests to supplement their incomes.
4. Constituents expect their legislators to be available to them at any time and keep up on developments in state public policy when the legislature is not in session.

### Those who oppose Proposition 300 include the following in their arguments:

1. Serving in the Arizona Legislature is only a part time job and it should be simple: Pass an annual budget and go home in less than 100 days.
2. Serving in the legislature should be a civic minded contribution, not a career.

### Supporters:

Commission on Salaries for Elective State Officers  
Arizona Advocacy Network

### Opponents:

Powell Gammill

***Help AzANF get In the vote in 2008. Call NOW to volunteer at 602-297-2500.***

***NOTE: We are particularly interested in recruiting young people (age 16 and up) who can serve as paid poll workers on November 4th.***

- \* This will be Arizona's first presidential election with Voter ID requirements in place.
- \* It will likely be the highest turnout election on record.
- \* Elections officials are telling people to brace for long lines at the polls.
- \* In 2006, AzANF conservatively estimates that in Maricopa County alone 28,000 registered voters went to the polls and were unable to vote.

### **Here is what volunteers will be doing:**

- \* Recruit and provide supplemental training to Poll Workers so that they are equipped to address and resolve the primary causes of disenfranchisement at the polls.
- \* Alert all stakeholders to make sure they tell their voters to VOTE BY MAIL or risk not voting at all. Help make that a reality by phone banking to sign up people to Vote By Mail.
- \* Publicize the 1-866-OUR-VOTE hotline widely so that voters have access to attorneys who can help them if they are wrongly denied the right to vote on election day.
- \* Recruit and train volunteers to be outside high-traffic polling places with cellphones ready to call the hotline to aid disenfranchised voters.

## Background on Initiatives and Referenda

When Arizona became a state in 1912, the populist movement to exercise more direct power by citizens was in full swing. The right of citizens to pass laws and amend the constitution via initiative and referendum (I & R) was written into our constitution. Arizona is one of 24 states with some form of I&R. Statutory initiatives require signatures from ten percent of voters in the last gubernatorial election. Constitutional amendments require signatures from 15 percent of voters in the last gubernatorial election. A legislative referendum is placed on the ballot by a simple majority vote of both houses of the legislature and cannot be vetoed by the governor. A voter referendum may also occur if the legislature passes a law to which voters object. Citizens can use the petition process to block the law from taking effect by referring it the ballot for voter approval or rejection. On average, Arizonans vote on fifteen initiatives and referenda every two years.

Counties and other entities such as special taxing districts are subdivisions of state government and cannot do certain things (mostly financial) without legislative approval. This is why in earlier years the legislature placed local issues such as the Maricopa County Transportation Tax, County Hospital District, and the Bank One Ballpark on the ballot.

State legislators frequently see the initiative process as a threat to their power, and seek to limit the power of citizens to pass legislation and constitutional amendments or question actions by the legislature. After the first initiative, women's suffrage, passed in 1912, the legislature wasted no time in attempting to limit citizens' rights to initiative and referendum. Until a few years ago, the Arizona legislature frequently passed laws to modify or gut measures passed by citizens. Voters responded by passing the Voter Protection Act in 1998, limiting the ability of the legislature to repeal or change measures passed by the voters.

In 1992 voters passed an anti-tax measure requiring a two-thirds vote in the legislature to increase revenues. Given that the legislature rarely musters a two-thirds majority for any bill, this has forced all revenue increase requests to the ballot. In 2004, legislators referred to the voters a referendum stipulating that all citizen initiatives requiring funding include a dedicated funding source other than the general fund. This tug of war between voters and the legislature will likely continue. At nearly every legislative session legislators attempt to enact measures that would make it more difficult for citizens to place initiatives on the ballot.

In spite of its challenges, the I & R process is necessary to governance in Arizona. It is the only method by which we can amend the constitution. It has become necessary for dealing with state finances. And when the legislature won't take action because an issue is too politically volatile, they refer it to the ballot and let the voters decide.

The Arizona legislature has long been more conservative than the electorate. As a consequence, the initiative process has been the only way by which citizens can pass popular laws, such as the Martin Luther King Holiday, the Heritage Fund, the Clean Elections system, Healthy Arizona, and the Independent Redistricting Commission.

In 2008 voters will decide eight ballot measures, including one called Majority Rule that would likely put an end to Arizonan's ability to enact laws through the citizens' initiative process.

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### IMPORTANT VOTING INFORMATION

**Early voting begins on October 2, 2008.** Request an early ballot now! Go to [www.azsos.gov/election/county.htm](http://www.azsos.gov/election/county.htm) and click on the link for your county recorder. Or you may call your county recorder and request an early ballot request form.

**The last day to register to vote for the November 4<sup>th</sup> election is October 6, 2008.** You can register online at <http://servicearizona.com/webapp/evoter/> or contact your county recorder and request a registration form.

#### **Making sure your vote counts:**

Arizona's new voter identification laws make voting at the polls difficult for many people. The Arizona Advocacy Network Foundation encourages you to vote by mail if possible. If you vote by mail, you will avoid the identification requirements at the polls that will likely disenfranchise many voters in November.

**ID at the polls:** If you plan to vote at the polls rather than by mail, make sure you bring with you either a valid Arizona driver's license or non-operating identification card showing the address you listed when you registered to vote, or a tribal identification. OR you may choose to bring two of the following documents, provided they list your name and address as they appear on the voter rolls: recent utility bills, recent bank statements, vehicle registration or insurance card, property tax statement, voter registration card, polling place notification card, or tribal identification card.

***If you have difficulty voting at the polls, please call 1-866-OUR-VOTE.***

## **We Need Your Support for This Work!**

The Arizona Advocacy Network Foundation relies entirely on donations from supporters like you to produce and distribute materials such as this guide. With your support, we can distribute this booklet as widely as possible across the state. Please give as generously as you can.

The Arizona Advocacy Network Foundation is a 501(c)(3) organization. Contributions are tax deductible. Online donations are gratefully accepted at [www.azanfoundation.org](http://www.azanfoundation.org). Contributions may be mailed to the address below.

**Please mail your check to the Arizona Advocacy Network Foundation today to:**

Arizona Advocacy Network Foundation  
1616 E. Indian School Road, Suite 340  
Phoenix, AZ 85016  
602-297-2500

## **About the Arizona Advocacy Network Foundation**

### **Mission**

The Arizona Advocacy Network Foundation (AzANF) promotes social, economic, racial and environmental justice by connecting and building power among activists and leaders in those fields, and by leading efforts for electoral justice and increased civic participation.

### **Scope of Work**

AzANF works directly to promote electoral justice and full civic participation by protecting and improving citizen access to voting. AzANF does so currently by:

- Organizing Federal court litigation (The Intertribal Council of Arizona, Arizona Advocacy Network and others are plaintiffs) that seeks to overturn provisions of Proposition 200 (2004) that unconstitutionally limit and restrict voter registration and unreasonably require identification documents by voters at polling places that are not required by voters using mail ballots.
- Leading a statewide Election Protection program to ensure that voters who make the effort to vote can cast a ballot when they go to the polls.
- Supporting and promoting public financing of campaigns for political office at all levels of government.
- Working to protect citizens' rights under the Arizona constitution to enact or oppose legislation through initiative and referendum. AzANF's Ballot Measure Education Campaign, including this Voter Guide, assists voters in making informed decisions on proposals to change state law or amend the state's constitution.

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## **About the Arizona Advocacy Network**

The Arizona Advocacy Network (AzAN) is 501(c)(4) organization affiliated with USAction, a national network of state organizations that monitors and advocates for progressive federal policy. In partnership with USAction, AzAN supports bringing an end the Iraq war so that Congress can *Invest in America's Future* through quality education, energy independence, and quality, affordable health care for all. *Donations to AzAN are not tax deductible as they may be used to influence legislation.*

### **Recent AzAN Forums**

When Secretaries of State go Bad: Eliminating Partisanship in Elections Administration  
The Long Shadow of Jim Crow: Voter Suppression and Intimidation in the 21st Century  
Voting By Mail: Convenience or Invitation to Fraud?  
Getting *In* the Vote: Election Protection in 2008  
Should Politicians Take Over Arizona's Courts? (with the Honorable Ruth McGregor)

[www.azadvocacy.org](http://www.azadvocacy.org)