



League of Women Voters
of Arizona Education Fund

VOTER GUIDE

LET YOUR VOICE BE HEARD ON THESE 2010 BALLOT MEASURES

The ballot issues in 2010 are important. They address medical choices, preferential treatment, the right to a secret ballot, hunting and fishing, state trust lands, Lt. Governor/Secretary of State, initiative petitions, medical marijuana, land conservation fund, and repeal of First Things First fund.

Study this Voter Guide and go to other sources so that you get a complete picture of how these propositions will affect your lives, then vote on November 2nd.

Don't let others decide for you!

ABOUT THIS VOTER GUIDE

The Voter Guide is published by the League of Women Voters Arizona Education Fund. League volunteers work hard to make this guide as informative and impartial as possible.

The League of Women Voters of Arizona Education Fund offers this Voter Guide to assist citizens in meeting their responsibilities in voting.

Each Proposition is summarized and we hope clarified; some pros and cons are outlined. Voters should not rely wholly on this Voter Guide or on any one source, but check with other sources for supplementing and verifying information that they read here. We have made every effort to present information without bias and without error, but errors do happen. The responsibility for using this information wisely and deciding whether or not to support a proposition is in the hands of the Individual.

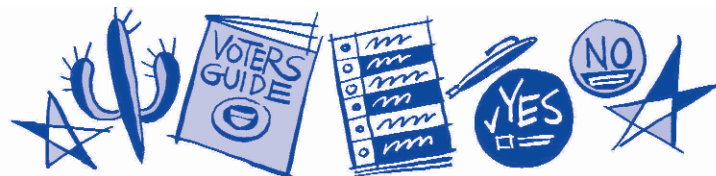
EXPLANATIONS OF THE STATE BALLOT MEASURES

There are TEN ballot measures in all:

**One citizen initiative sent to the ballot
by the people through petition signatures
and nine referred to the ballot by the
State Legislature.**

GENERAL ELECTION

November 2, 2010



OUR APPRECIATION TO DAVID FITZSIMMONS AND THE ARIZONA DAILY STAR FOR CARTOON DRAWINGS

**League of Women Voters of Arizona • 4423 N. 24th Street, Suite 500 • Phoenix, AZ 85016
480.966.9031 • email: lwvaz@lwvaz.org • website: www.lwvaz.org**

ARE YOU REGISTERED TO VOTE?

To vote on November 2, you must be registered by October 4, 2010. Any Arizona citizen (with a few exceptions) who is at least 18 years old and a U.S. citizen may register to vote. You may register at your County recorder's office or by mail any time up through 30 days before the election. You must re-register if you change your name,

home address, mailing address, or political party. You may register online at the Secretary of State's office website: www.azsos.gov.

For more information on where to pick up forms, call your local League of Women Voters at the telephone numbers listed below.

To register, you will need proof of

citizenship which would be a driver's license or non-operative identification dated after October 1, 1996. For other examples of proof, call the recorder's office.

For information on early voting or voting by mail, contact your county elections office listed elsewhere in this Guide.

ELECTION INFORMATION ONLINE

Here are a few internet addresses you may find helpful for information about elections and voting.

- Arizona Secretary of Statewww.azsos.gov
- League of Women Voterswww.lwvaz.org
- Federal Election Commission.....www.fec.gov
- VOTE411www.VOTE411.org

To get information on contributors to the campaigns of each ballot issue, contact the Arizona Secretary of State's web page at www.azsos.gov.

To find out about supporters and opponents of each measure, consult the official Publicity Pamphlet from the Arizona Secretary of State's office mailed to each household with a registered voter and also posted on www.azsos.gov.

NEED INFORMATION ON CANDIDATE FORUMS?

Contact your local League of Women Voters

| | |
|---|--------------|
| Central Yavapai County (Prescott) | 928.445.8511 |
| Cochise County (Sierra Vista) | 520.378.1824 |
| Greater Tucson | 520.327.7652 |
| Metro Phoenix | 480.966.9031 |
| Northwest Maricopa County | 623.546.2514 |
| Sedona/Verde Valley | 928.639.1045 |

If this Voter Guide has been helpful in making decisions on the proposed Ballot Issues and you would like to help the League carry on with their educational projects, please send a contribution to:

League of Women Voters of Arizona, 4423 N. 24th Street, Suite 500, Phoenix, AZ 85016 • 480.966.9031

The League of Women Voters of Arizona is a nonpartisan political organization that encourages the informed and active participation in government and influences public policy through education and advocacy.

NEED INFORMATION ON VOTER REGISTRATION OR EARLY BALLOTING?

| County | County Recorder | Elections Office |
|------------|-----------------|------------------|
| Apache | 928.337.7514 | 928.337.7537 |
| Cochise | 520.432.8354 | 520.432.8970 |
| Coconino | 928.679.7860 | 928.679.7889 |
| Gila | 928.402.8735 | 928.402.8708 |
| Graham | 928.428.3560 | 928.428.5037 |
| Greenlee | 928.865.2632 | 928.865.2072 |
| La Paz | 928.669.6136 | 928.669.6115 |
| Maricopa | 602.506.1511 | 602.506.1511 |
| Mohave | 928.753.0767 | 928.753.0733 |
| Navajo | 978.524.4194 | 928.524.4062 |
| Pima | 520.740.4330 | 520.351.6830 |
| Pinal | 520.866.6830 | 520.866.7550 |
| Santa Cruz | 520.375.7990 | 520.375.7808 |
| Yavapai | 928.771.3248 | 928.771.3250 |
| Yuma | 928.373.1014 | 928.393.1010 |

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PROPOSITION 106

HEALTH CARE SERVICES; DIRECT PURCHASE

Constitutional Amendment

Referred to the Ballot by the State Legislature

SUMMARY

Proposition 106 would amend the state Constitution to allow individuals and employers to pay providers directly for health care without penalty or fine; prohibit any rule or law from compelling individual participation in any particular health care system; allow direct payment to a health provider for any lawful service; provide for purchase and sale of health insurance in private health care systems without prohibition by rule or law.

It would not affect which services providers are required to supply, impact health care services allowed by law; or prohibit care provided by law as it relates to worker's compensation.

BACKGROUND AND EXPLANATION

In 2008, a similar proposal, Proposition 101, was on the ballot. It was referred to by its proponents as the "Freedom of Choice in Health Care Act." It failed to pass by 8,687 votes. The supporters started an initiative this year but it was not needed as the Legislature put the amendment back on the ballot for this year.

Under current law, those eligible for government health insurance programs are not required to participate. Should the state choose to do so in the future, this proposition would preclude the state from making enrollment in government health programs mandatory or from requiring individuals to obtain private health insurance. For example, the state would be unable to require mandatory enrollment in AHCCCS. This could limit the pool of those covered so severely as to not have the needed funds to institute a health care program that has universal coverage.

While the proposed amendment is not a reaction to the health-care law passed by the U.S. Congress in March that mandates each individual have health insurance, it would almost directly contradict it.

The protections sought through the ballot measure are already in state statute. In order to authorize Arizona's participation in the multi-state lawsuit against federal health-care reform, lawmakers passed and the governor signed SB 1001, which included the same protections proposed by Proposition 106.

FISCAL IMPACT

The fiscal impact to the General Fund is undetermined at this time. This referendum may have legal consequences and costs of a lengthy litigation could escalate.

SUPPORTERS SAY:

1. This would forbid the State from restricting citizens' choices of private health insurers.
2. The intent is to protect the healthcare rights of Arizonans.
3. Health care reforms are needed, but only after our right to remain in control of our health care is preserved.
4. We need to protect our health care rights from lobbyists, special interests and the Legislature, as well as maintaining the system in a free market rather than edging toward a socialized system.
5. This would not prevent citizens from participating in a government-sponsored plan, but would give them the right to opt out of such a system.

OPPONENTS SAY:

1. Health care does not belong in the Constitution. Because this is a constitutional change, any unintended and negative results could remain with the state indefinitely.
2. This would violate the Patient Protection and Affordable Care Act passed by Congress this year. Federal law supersedes the state Constitution. This makes it unlikely that this state law could defeat the federal health care mandate in that law. Instead, the proposition will likely lead to a lawsuit with the federal government and cost the state in legal fees.

PROPOSITION 106

HEALTH CARE SERVICES; DIRECT PURCHASE

- 3. The proposal is backed by medical providers and insurance companies to protect profits. It would allow these interest to dictate reimbursement, services, access to care and can exclude individuals with pre-existing conditions.
- 4. This is a smoke screen, claiming to protect rights of choice when it is really meant to quash future attempts to provide health care coverage for all Americans.
- 5. Arizona has the fourth highest percentage of uninsured children in the nation. This moves Arizona backwards and away from providing quality, affordable health care to our children.

Supporters: Enhanced Medical Imaging of Milwaukee; Charles Burnett III; The Benjamin Rush League; Robson Communities, Inc; Anthony Hedley, Jeff Yass, U.S. Health Freedom Coalition, Eric Crown, Services Group of America, Arizonans for Health Care Freedom; American Legislative Exchange Council (ALEC); John Bryan, Kerry Welsh, AZ Ophthalmological Society; Jerry Hayden, W.A. Frank, Mark Baldsee, Clarke Lambe, 1371 AZ Orthopaedic PAC; Steven Knope, Gerald Stadler; Beverly Jenkins, National Federation of Independent Business-AZ, Jed Brettschneider; Steven & Becky Knope; Steve Forbes; Rep. John Shadegg

Opponents: AARP, AZ Public Health Assn., National Nurses United, AZ National Organization for Women, Democracy for America, AZ Democratic Party, AZ Green Party, AZ Coalition for a State & National Health Plan (AzC-SNHP); AzAdvocacy Network; Dr. Jonathan Weisbuch, Sarah Fox; Janet Tillotson, The Stahl Family; Democracy for America-Maricopa County, AZ Education Association, Nurses for Real Choice; Leslie Kaminski, M.D.; Mary Ellen Bradshaw, M.D.; George Paulk, M.D.; Raymond Graap, M.D.; Rep. Phil Lopes



League of Women Voters of Arizona

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The League of Women Voters is where hands-on work to safeguard Democracy, leads to civic improvement. Join the League and be directly involved in shaping the important issues in our communities.

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Call us at: 480.966.9031
 E-mail us at: lwwaz@lwwaz.org
 Visit the website at: www.lwwaz.org

Constitutional Amendment

Referred to the Ballot by the State Legislature

SUMMARY

Proposition 107 would amend the Constitution to prohibit affirmative action programs which provide preferential treatment on the basis of race, sex, color ethnicity or national origin in public employment, public education and public contracting. Some programs of affirmative action are exempt from the ban. This would not prohibit action necessary to prevent a loss of federal funding to the state and would not invalidate any existing court orders.

This proposition does not prohibit “bona fide” qualifications based on sex that are reasonably necessary to the normal operation of employment, public education or public contracting.

The remedies for violations of this proposition would be the same as for violations of current antidiscrimination laws. This applies to the state, including school districts, public universities and community college districts.

BACKGROUND AND EXPLANATION

The Civil Rights Act of 1964 enforces the constitutional right to vote, allows the district courts of the US to provide relief against discrimination, authorizes the Attorney General to institute suits to protect constitutional rights in public facilities and education, prevents discrimination in federally assisted programs, and establishes a Commission on Equal Employment Opportunity.

The AZ Civil Rights Act, enacted in 1965, sets forth lawful and unlawful practices regarding voting rights, public accommodations, employment discrimination, fair housing and the free exercise of religion. The AZ Attorney General’s Office operates a Civil Rights Division that is charged with enforcing state and federal statutes that prohibit discrimination in employment, voting, public accommodations, disability, and housing by investigating and litigating civil rights complaints.

The Arizona Civil Rights Initiative (ACRI) requested the state

legislature place this measure on the ballot after failing to get the required number of legally authorized signatures for an initiative on the 2008 ballot.

ACRI was formed being based on the anti-affirmative action proposals funded by California businessman, Ward Connerly, who has spent hundreds of thousands dollars to eliminate affirmative action programs state by state. The language of this proposition is the same as that attempted by the Connerly group in Arizona in 2008.

Similar measures have been approved by voters in four states, rejected in one state and failed to get enough signatures in one other state besides Arizona.

FISCAL IMPACT

This measure would allow recourse to the same remedies as other discrimination suits for violations of current federal equal opportunity laws. Though it is not possible to determine the exact fiscal impact on the state, this may entail added enforcement or court expenses from legal challenges.

SUPPORTERS SAY:

1. This proposition underscores our state’s commitment to fairness and equality for all AZ citizens regardless of their race or gender — everyone is treated equally based on their individual merit.
2. Preferential policies might be justified on the basis of a stated disadvantage or low income, but race and gender are not in themselves disadvantages and should not be the criteria for special treatment
3. Preferential treatment creates resentments and works against creating an environment of fairness that everyone is trying to achieve.
4. It is demeaning to minority groups and women to assume they couldn’t make it on their own without preferential treatment.
5. ‘Affirmative Action’ is a handicap to those who want to be treated equally; women and racial minorities are not subclasses.

OPPONENTS SAY:

1. There should be openness and honesty in the political process and not this overt effort to confuse voters. This is an attempt to dismantle programs that work today and will continue to do so in Arizona.
2. State universities are publicly funded not only for the learning of individuals, but for the benefit of the society as a whole. The talent of many minorities or women would have been lost to the nation if equal opportunity through some affirmative action had not been extended to them.
3. Equality means an equal opportunity to compete and an equal opportunity to succeed. Many programs considered “preferential treatment” by some, are in fact legitimate “compensatory” programs which in fact work to achieve equality of opportunity. The worst forms of historical racial and gender discrimination have been reduced but the effects still exist.
4. Since affirmative action has many forms, just what is banned as “preferential treatment” is not clear. The U.S. Supreme Court has already banned as unfair

some forms, such as quotas based on race and gender, but it has rejected a general ban.

5. While “affirmative action” benefits certain individuals, it’s really about bettering outcomes for the people who have suffered discrimination and, as a result, benefitting the nation as a whole.

Supporters: Rep. Steve Montenegro, Sen. Russell Pearce, Sen. Sylvia Allen, American Civil Rights Coalition, Goldwater Institute

Opponents: Arizona Advocacy Network, Arizona Education Assn., Los Abogados Hispanic Bar Assn., American Association of University Women Arizona, Arizona Public Health Assn., Mayor Phil Gordon, City of Phoenix, We Can! The Equality & Opportunity Commission, Joseph Arroyo, Morton Grayam, Suzanne Kaplan, Amy Martin, Kristin Mayeda, June Webb Vignery, Elizabeth Berer, Barbara Brose, Melanie Emerson, Trudie McEvoy, Amy Mella, Michael Nyman, Protect Arizona’s Freedom, Sarah Luna



PROPOSITION 109

HUNTING AND FISHING; CONSTITUTIONAL RIGHT

Constitutional Amendment

Referred by the State Legislature

SUMMARY

Proposition 109 would amend the Constitution to give Arizona citizens the right to lawfully hunt, fish and harvest the wildlife. It would also give exclusive authority to enact regulating laws in this area to the Legislature which may delegate rule making to a Game and Fish Commission. It prohibits any law or rule from being adopted that unreasonably restricts hunting, fishing and harvesting wildlife or the use of traditional means and methods.

It designates hunting and fishing as the preferred means of managing and controlling wildlife.

It does not modify any common law or statutes relating to trespass or property rights.

BACKGROUND AND EXPLANATION

Arizona laws regarding wildlife are administered by the Game and Fish Department (Department). The control of the Department is vested in the Game and Fish Commission whose members are appointed by the governor. The responsibilities include establishing rules and policies to preserve wildlife, outlining proper methods of taking game and prescribing suitable methods of the importation and exportation of wildlife.

It is unclear that if this proposition is successful, whether it will trump existing law or not regulating hunting, including Arizona's ban on certain kinds of traps.

The National Rifle Association (NRA) was involved in crafting the language of this amendment in response to what members perceive as a possible future threat from groups to impede hunting and fishing. There appears to be no current campaign in Arizona to limit or abolish hunting or fishing.

FISCAL IMPACT

Any fiscal impact is undetermined at this time but there could be litigation in order to resolve interpretation down the line.

SUPPORTERS SAY:

1. Constitutional protection is important because hunting and trapping have been targeted for extinction elsewhere by animal rights extremists and this will protect from emotional and politically motivated attacks.
2. Hunting and fishing are long-standing traditions here in the West and a constitutional amendment protects that heritage.
3. This measure shifts the power to the Legislature as the current authority vested in the governor appointed Commission is inherently political.
4. Game & Fish is supported from revenue from sale of licenses and tags, as well as other related fees. If hunting and fishing were deemed illegal, the need for management would continue, but alternative funding would have to be found.

OPPONENTS SAY:

1. The state Constitution should proclaim rights that guarantee fundamental democratic principles, not provide protection for recreational purposes.
2. This is the Legislature trying to grab more power. This removes the opportunity for any civic group to place a related type initiative on the ballot.
3. Wildlife belongs to the citizens and is held in trust for them by the state. This violates the basic trust responsibility and puts at risk a system that has served Arizona well since 1929.
4. Hunting and fishing should be a privilege, not a right. A privilege needs regulation; this proposition is not clear as to whether a license would be necessary for these activities. The term "harvesting wildlife" is so ill-defined as to open up future activities, some of which may be devastating, and that are not the intentions of this measure.

Supporters: AZ Game & Fish Commission, AZ Wildlife Federation, AZ State National Wild Turkey Federation, National Rifle Assn., AZ Sportsmen for Wildlife, Gov. Jan Brewer

Opponents: Sierra Club, Rep. Nancy Young-Wright, Animal Defense League of AZ, White Mountain Conservation League, Humane Voters of AZ, Stop the AZ Power Grab, The Humane Society of the U.S.

PROPOSITION 110

STATE TRUST LANDS; EXCHANGES

Constitutional Amendment

Referred to the Ballot by the State Legislature

SUMMARY

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

It also establishes a number of provisions that must be met in order to execute a land exchange, including: requiring an exchange be in the state's best interests; ensuring an exchange protects military facilities or provides for the proper management, protection or public use of state lands; requiring two detailed, independent appraisals that serve a variety of purposes; requiring a public hearing and voter approval.

BACKGROUND AND EXPLANATION

In 1936, Congress amended the Enabling Act of 1910 to give Arizona more flexibility by allowing the state to exchange trust land for other public or private lands. For several decades, the state exchanged lands – usually with the federal government- to end the “checkerboard” pattern of ownership. Arizona never amended its state Constitution to formally incorporate the enhanced legal authority granted by Congress. In 1990, the AZ Supreme Court declared land exchanges unconstitutional – despite the fact exchanges are permitted by the state's Enabling Act – because such action consti-

tuted a “sale” without a public auction. This brought land exchanges to a halt. This proposition would resolve this issue. Since statehood, AZ has disposed of or exchanged about 1.6 million acres of trust lands, with about 9.2 million acres remaining.

The State Land Department (SLD) acts in the capacity of a trustee for all state trust lands and is intended to produce revenue for these beneficiaries: common schools; legislative and judicial buildings; the state hospital, the miners' hospital; Department of Corrections; Department of Juvenile Corrections; normal schools grant; university land code; University of Arizona; and Arizona Schools for the Deaf and the Blind.

State lands that are held in trust may be disposed of only as allowed by the Arizona Constitution and Enabling Act. This also applies to natural products and monetary proceeds from the lands. The Constitution prohibits sale or disposal of trust lands unless the land is advertised and auctioned for at least the true value of the land, based on an appraisal.

The exchange of trust lands must be conducted without formalities, advertisements for bids or considerations of other offer by other persons. The value of the parcels being exchanged must be substantially the same as determined by an appraisal.

At least five exchange measures have been referred to Arizona voters in recent years and all have been rejected. A 2004 measure that sought to protect Luke Air Force Base – an issue addressed by the current proposition – failed to pass.

FISCAL IMPACT

There is no way of knowing the fiscal impact of the exchange on each county, city, town and school district in which all the lands involved in the exchange are located. However, because there must be two inde-

PROPOSITION 110

STATE TRUST LANDS; EXCHANGES

pendent analyses that detail both the income to the state land trust and the financial/economical, physical and natural impacts of the exchange on each county, city, town and school district in which the lands are located, there will be substantial impact reports available before any exchange.

SUPPORTERS SAY:

1. This provides a way to exchange the state land for federal lands that include accountability and transparency. It will have an open and public process, which identifies all lands that will be exchanged up front so each land change will be considered by the voters on the ballot.
2. This will protect and promote necessary military activity by protecting military installations, ranges, airspace or other lands related to military activity.
3. This would remedy the prohibition on land exchanges that exists currently and would give the State access to a tool that has been unavailable since 1990.

OPPONENTS SAY:

1. While this may be an improvement to the current system, it should not be an amendment to the Constitution. We are amending the Constitution too easily and often.
2. There is not much state land near Luke Air Force base, so exactly how exchanges could be used as a tool to manage and protect the military base is unclear. There is a question whether this proposition would bring any real value or change as compared to simply governing the process through sale to the highest and best bidder, a simple free market philosophy. Additionally, not everyone supports escalation of the military presences as opposed to civilian development.
3. This measure coupled with a proposed sweep of the Land Conservation Fund, Prop 301, is a big concern about land exchanges impacting open space preservation.

Supporters: Sierra Club, AZ Chamber of Commerce & Industry, Support Arizona's Military-Vote Yes, State Land Commission, Nature Conservancy, Governor's Military Affairs Commission, Maria Baier, AZ State Land Commissioner

Opponents: None providing public statement



WOTE!

PROPOSITION 111

LIEUTENANT GOVERNOR

Constitutional Amendment

Referred to the Ballot by the State Legislature

SUMMARY

Proposition 111 would amend the Arizona Constitution to rename the office of Secretary of State (SOS) as the office of Lieutenant Governor, beginning with the term of office that starts in 2015. The Lieutenant Governor, elected in 2014, would handle all the duties currently performed by the SOS, including assuming the position of Governor if that position is vacated during the term of office.

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

BACKGROUND AND EXPLANATION

The Arizona State Constitution Article V, Section 6, states that the Secretary of State (SOS) will serve as successor to the Governor in the event of the death of the Governor, his or her resignation, removal from office, impeachment or permanent disability to discharge the duties of the office. The SOS will assume the duties of the Governor during the Governor's absence from the state or temporary disability to discharge the duties of the office.

As defined by the AZ State Constitution Article V, Section 1, the SOS may hold office for a term of four years, and may not serve more than two consecutive terms. According to the statutes, the SOS shall: Receive bills and resolutions from the Legislature; keep a register of and attest the official acts of the Governor; act as custodian of the great seal

of this state; act as the Chief Election Officer for the state, certifying the validity of elections to the Governor; perform other duties prescribed by law.

Arizonans have voted on a lieutenant governor before. In 1994, Prop 100 sought to establish the office of lieutenant governor separate from the secretary of state. This was defeated with 65% of voters rejecting it. Arizona is only one of five states without a lieutenant governor.

FISCAL IMPACT

This is not projected to be an additional cost, as it does not change the duties of the current Secretary of State's office.

SUPPORTERS SAY:

1. This would clarify the line of succession, should the governor leave office. Voters would more clearly understand the line of succession and role of the office with the title of Lt. Governor.
2. The successor to the Office of Governor would be from the same party as the Governor. Changes to the Governor's office during a term would create less disruption compared to changes when the successor is from another party.
3. There would be no additional budgetary costs in assuming the duties of the Secretary of State.
4. The qualities that would propel a successful candidate solely to the secretary of state's office do not necessarily translate to the skills required to assume leadership as the state's top executive.

OPPONENTS SAY:

1. There should be an office of Lieutenant Governor and a Secretary of State (SOS), as the office of SOS has many duties overseeing elections, business and matters of the state.

2. Since the SOS also oversees elections, there is a high potential for conflict of interest by having the LT. Gov. overseeing elections for his/her boss.
3. Around the country there are movements to create a non-partisan position for the SOS, an office which oversees elections. This movement toward transparency was not considered, but should have been. This constitutional amendment is an incomplete solution to an important situation.
4. Having a separate primary to choose the Lt. Gov could put together incompatible running mates and create unnecessary tensions in the executive branch. Addi-

tionally, there is no preparation for the possibility of an independent candidate (despite the ever growing number of voters in AZ registered as 'independent' or 'PND – Party Not Declared'). This missing element could present legal challenges.

Supporters: Former Sen. Jonathan Paton (R-30) and unanimous Senate; AZ Chamber of Commerce & Industry (ACCI), all but nine Republicans in the House, The O'Connor House, Sen. Robert Burns

Opponents: Rep. Chris Deschene, AZ Farm Bureau



Constitutional Amendment

Referred to the Ballot by the State Legislature

SUMMARY

Proposition 112 would amend the Constitution to require that initiative petitions be filed at least six months before the date on which the measure will be voted on. Under current law, initiative petitions must be filed at least four months before the date on which the measure will be voted on. The beginning date allowed for signature collection would not change so the process would be reduced by two months.

BACKGROUND AND EXPLANATION

Article 4, Part 1, Sec. 1 of the Constitution outlines the powers of initiative and referendum and states that “the people reserve the power to propose laws and amendments to the Constitution and to enact or reject such laws and amendments at the polls.” Initiatives are ballot measures that are proposed by the people (after gaining the signatures of at least 10% of the qualified electorate or, for an amendment to the Arizona Constitution, at least 15%).

In addition to initiatives, there are ‘referendums’: Two types of referendums exist – legislative referendums and referendums by petition. Legislative referendums are proposals which the legislature puts on the ballot for a vote by the people. Referendums by petition are ballot measures that are proposed by the people (after gaining the signatures of at least 5% of the qualified electors) for the purpose of repealing a specific act of the legislature before the effective date of the legislation.

Currently, initiative petitions must be filed with the Secretary of State (SOS) no less than four months preceding the date of the election. Referendum petitions must be filed with the SOS no more than 90 days after the final adjournment of the legislative session in which the measure the referendum applies to is passed. Initiatives and referendums are enacted if they are approved by a

majority of the votes that are cast at the polls. The Governor does not have the power to veto ballot measures, and the Legislature cannot amend ballot measures unless there is a three-fourths majority in both houses and amending the measure “furthers the purpose” of the measure.

Arizona is one of 24 states that allows for citizen initiatives and ranks near the top for use. This proposition will not be the first time voters have weighed in on changing the timeframes for filing petitions. In 1984, Prop 100 sought to change the deadline to six months, just as Prop 112 does. Voters rejected it, however, with 60% voting no. In 2004, Prop 104 proposed changing deadline to seven months out. Again, voters said no, with 68% rejecting it.

FISCAL IMPACT

There is no anticipated fiscal impact to the state General Fund.

SUPPORTERS SAY:

1. The current filing date does not leave enough administrative time to count and certify the petition signatures, for opponents to review the petitions and file a challenge, for court action on challenges, or for supporters and opponents to know what will be on the ballot before the deadline for submitting arguments to the voter information pamphlet.
2. With the increasing number of petition signatures required and the large average number of initiatives filed, the Secretary of State and county recorders are overwhelmed by the workload required to meet the mid-August deadline for printing the ballots. There have been a number of cases where challenges were denied or court decisions were hurried due to the need to meet the deadline.

PROPOSITION 112

INITIATIVE PETITIONS; FILING DEADLINE

OPPONENTS SAY:

1. The large number of petition signatures required to qualify an initiative has already squeezed grassroots groups out of the process. It now requires a large amount of money to be able to pay professional signature gatherers in order to qualify an initiative. If the time frame for collecting the signatures is so drastically cut, so should the number of necessary signatures be reduced.
2. Moving the deadline forward by two months will exacerbate the problem, making qualifications harder and shifting the advantage even further to groups that have access to the ever larger amounts of special interest money necessary to pay professional signa-

ture gatherers in order to qualify an initiative. This will reduce the number of initiatives that qualify for the ballot and move the people further from the “citizens’ initiative” process and more to a process that allows a “big pocketbook” to buy ballot access.

Supporters: Former Sen. Jonathan Paton (R-30), Rep. John McCormish (R-20), Rep. Andy Biggs (R-22), Rep. Chad Campbell (D-14), Kyrsten Sinema (D-15), AZ Chamber of Commerce & Industry as well as the majority of the House and Senate, AZ Farm Bureau, The O’Connor House, Sen. Robert Burns (R-9)

Opponents: None providing public statement



PROPOSITION 113

SECRET BALLOT FOR UNION ELECTIONS

Constitutional Amendment

Referred to the Ballot by the State Legislature during special session

SUMMARY

Proposition 113 would amend the Arizona Constitution to guarantee the fundamental right to vote by secret ballot where a local, state or federal law permits or requires an election, designation or authorization for employee representation.

BACKGROUND AND EXPLANATION

The Employee Free Choice Act (Act), informally known as the Card Check bill, is a proposed federal law that would change how unions may organize workers. The Act was introduced in Congress in 2005, 2007 and on March 10, 2009.

Currently, workers vote for or against unionization in a secret ballot election that is federally supervised by the National Labor Relations Board (NLRB). If at least 30% of employees sign petition cards requesting the right to organize, the cards are submitted to the NLRB for a secret ballot election. Then, if more than 50% of employees certify their desire for representation, a union may choose to form using card check procedures. An employer is not bound to recognize the card check petition and can require a secret ballot vote overseen by the NLRB.

A petition card, or “card check,” is a method of labor organization in which employers enter into an agreement to recognize the unionization of employees if a majority of employees in a bargaining unit sign authorization forms, or “cards”. The proposed card check method specifies that if more than 50% of workers at a facility sign a card, the NLRB would be required to certify the union and a secret ballot election would be prohibited.

FISCAL IMPACT

There is no anticipated fiscal impact to the state General fund, although there is the possibility that it would be challenged in court.

SUPPORTERS SAY:

1. This measure is needed to protect businesses from heavy-handed union organizing.
2. One reason that ‘receipts’ are not issued for our secret ballots in municipal elections is to avoid anyone ‘selling their vote’ (and then showing proof of it). This should not be different for unions.
3. It is a pre-emptive strike against the possibility that Congress will pass a “card check” law.
4. A card check would increase private sector unionization in small establishments where unionization could wreck the businesses.

OPPONENTS SAY:

1. This is a premature move that tries to fix something that is not broken.
2. This will probably be challenged in court because it would pre-empt federal authority over labor law.
3. What card check would do is eliminate the employer harassment of workers who want to form unions.
4. There are already enough constitutional amendments that are narrow subjects and this is not needed in or appropriate for the constitution.

Supporters: AZ Farm Bureau, AZ Chamber of Commerce & Industry, most AZ Chambers of Commerce, Gov. Jan Brewer, Save Our Secret Ballot, Inc., David Utzinger, Tom Stabler, Gerald Lewis, Edward Mangotich, Tom Barnett, John McGee, Leonard Teicher, Nancy Markley, William Pilcher, Jean Mortimer, J.Scott Hamilton, Jon Underwood, Isabel Perry, Melissa Gelber, Jerry Craer, John Engberg, Charles Pabst, John Roberts, Jr., Larry Cocharan, Geraldine Jurisson, William Grimes, Darlene Shriver, Maria Tachampel, Wilma Babcock, Joyce Halligan, Kenneth Bell, Jerry Cole, David Daehler, and more.

Opponents: AZ Advocacy Network, AZ Education Assn., all unions

PROPOSITION 203

ARIZONA MEDICAL MARIJUANA ACT

Statute

Brought to the Ballot by Citizen Initiative

SUMMARY

Proposition 203 would require the Arizona Department of Health Services (DHS) to organize and regulate a system of non-profits to maintain and distribute marijuana for medical purposes, as well as a registration system for patients to receive it and a certification system for doctors to recommend it.

The proposition would permit the department to set licensing fees, but limits the maximum amount that could be assessed for license and renewal fees for dispensary facilities. It does not limit the fee that the department may charge to dispensary agents, patients and designated caregivers. It would amend a previous statute to include non-profit medical dispensaries as exempt from state income taxes.

It thus decriminalizes the distribution and use of medical marijuana.

BACKGROUND AND EXPLANATION

The Arizona Medical Marijuana Policy Project, a grassroots organization funded and assisted by the national organization, the Marijuana Policy Project, sponsored this citizen initiative on legalizing medical marijuana.

Beginning no later than March 2011, DHS would begin to license nonprofit medical marijuana dispensaries and register dispensary agents, patients and their caregivers. This is projected to have a 3 year phase-in period. Prior to 100% funding in FY 2013, program expenditures would be 20% of this level in FY 2011 and 50% in 2012.

In 1996, Arizona and California passed the nation's first medical marijuana laws. Arizona's measure allowed doctors to prescribe marijuana to treat diseases or to relieve the symptoms of seriously ill or terminally ill patients. It also reduced criminal penalties for non-violent offenders arrested for possession of marijuana. However, the AZ Leg-

islature referred the initiative to the 1998 general election ballot, hoping to repeal the law. The effort failed, but the 1996 law never became fully functional, largely because it called for a doctor's "prescription" and federal law prohibits physicians from prescribing marijuana. In 2002 AZ voters defeated a separate measure that would have decriminalized the possession of two ounces or less of marijuana and required the AZ Dept of Public Safety to provide marijuana free to persons qualified to use marijuana for medical purposes.

Proposition 203 would specifically:

- Limit the medical use of marijuana to 2.5 oz every two weeks;
- Limit the number of dispensaries in the state to 120;
- Mandate the AZ Department of Health Services (DHS) to regulate the dispensing, qualifying of patients and doctor certification and recommendation of marijuana. (Note: recommendation is different from prescription);
- Limit the debilitating medical conditions covered and offer a process for adding medical conditions in the future;
- Prohibit employers, landlords or schools from firing or rejecting qualified medical marijuana users for having traces in their blood;
- Require users to follow the regulations: no use on the job, in a public place, on school grounds or public transportation, or use on private property where owner does not allow it. One cannot drive under the influence,;
- Not stop a health facility or senior home from reasonable restrictions on provision, storage or use of marijuana by patients.

FISCAL IMPACT

The Joint Legislative Budget Committee (JLBC) in Arizona has estimated the program will cost the AZ Department of Health Services (DHS) \$600,000 in the first year, \$1.5 million in the second year and \$3.1 million yearly thereafter, to regulate the dispensing and the use of medical marijuana.

PROPOSITION 203

ARIZONA MEDICAL MARIJUANA ACT

This proposition requires the medical marijuana program to be self-supporting through application and renewal fees, civil penalties and private donations. It does not set maximum amounts for all fees.

The AZ Senate has already passed a tax on medical marijuana sales to go into effect should the proposition pass. The JLBC estimates this could generate about \$1 million for the General Fund in 2012.

SUPPORTERS SAY:

1. Studies have increasingly shown that marijuana helps to relieve pain and symptoms of debilitating diseases. Alternatives strong enough to control this kind of chronic pain would be more addictive,
2. Patients who are suffering ought not to be at risk of arrest and serving jail time merely for trying to alleviate their pain.
3. Fourteen states have legalized medical marijuana and even the federal government has agreed not to prosecute medical marijuana users if they abide by the regulations in those states that permit the use.
4. Statistics show that medical marijuana obtained from illicit means can cost more to the state in enforcement and litigation than allowing a regulated and taxed use. This program may be self-sustaining within a few years.
5. This provides restrictions and strict regulations to insure that distribution will be done in a controlled manner.

OPPONENTS SAY:

1. Marijuana harms a person's health. It has been shown to reduce short term memory and slow mental processes especially when used over time.
2. Legalizing medical marijuana would lead to a slippery slope of legalizing marijuana for recreational use and that would result in massive increases of usage, especially among our youth. It sends a bad message that we do not need to worry about drugs.
3. The use of medical marijuana is not part of any conventional plan to manage pain and that is a concern. The FDA doesn't recognize smoking marijuana as a treatment for any medical condition. The national and professional health organizations such as the American Medical Assn. and the American Cancer Society have not endorsed this.
4. The measure does not offer any specific provisions on the legal standards of intoxication as it would relate to medical marijuana.
5. A state like Arizona that faces a financial crisis, will likely not be able to afford to implement the strict regulations that would be required. Additionally, the state may be faced with lawsuits over the legalization as has happened in California.

Supporters: AZ Marijuana Policy Project, Ken Kulbow, Elvis Satoum

Opponents: Journey Healing Center; Doug Hebert, Dept. of Health Services, Max Fose, Keep AZ Drug Free, Center for Arizona Policy, AZ Dept. of Health Services

THE LEAGUE IS WHERE HANDS-ON
WORK TO SAFEGUARD DEMOCRACY
LEADS TO CIVIC IMPROVEMENT.

Statute

Referred to the Ballot by the State Legislature

SUMMARY

The Land Conservation Fund consists of monies appropriated from the state general fund and monies received as donations. \$20 million was appropriated annually for 11 years from the general fund. The final appropriation is scheduled in fiscal year 2010-2011. Monies in the fund must be used to award grants to: 1.) acquire and conserve state trust land or development rights in state trust land and 2.) implement conservation based management or reduce production on state lands leased for agricultural purposes.

Proposition 301 would transfer the remaining balance of approximately \$123 million to the general fund to be used to help balance the state's budget.

This would result in the elimination of the grant program to preserve land near urban areas.

BACKGROUND AND EXPLANATION

A law in 1998 established the Growing Smarter Act, consisting of comprehensive municipal, county and State Land Department planning zoning reform. The legislation required voter approval through ballot Proposition 303, asking the voters to fund grants of money from existing state revenues to conserve open spaces in or near urban areas and other areas experiencing high growth demands. Proposition 303 created the Land Conservation Fund, comprised of the Public Conservation Account and the Conservation Donation Account.

Dollars in this Fund provide a match for communities to acquire state trust lands for conservation, including lands that are part of the Pima County Sonoran Desert Conservation Plan, the Scottsdale McDowell Sonoran Preserve, the Flagstaff Open Space Plan, lands near Prescott, and more. Dollars from the Fund go into the Trust to benefit the Trust beneficiaries and the primary beneficiary is public education.

AZ Revised statutes require the state to annually appropriate \$20 million from the state general fund to the Fund's Public Conservation Account from FY 2001 through 2011.

Because this Land Conservation Fund initiative was approved by the voters, it is exempt from the Legislature taking direct action to sweep the fund. This is due to a previous successful voter initiative to limit legislative interference, so it is legally "protected" from legislative modification. To sweep the funds and end the program, the Legislature must receive voter permission.

FISCAL IMPACT

The proposition would transfer all money from the Land Conservation Fund into the state's general fund. The enacted FY 2011 budget assumes that passage of this proposition would generate approximately \$123,538,600 in revenues to the general fund in FY 2011, including the \$20,000,000 FY 2011 appropriation.

The City of Phoenix, the City of Scottsdale and Coconino County have applied to purchase State Trust Land for land preservation, which could result in drawing down the fund balance. These requests, if approved by the State Parks Board, could reduce the fund balance by up to \$50,000,000.

SUPPORTERS SAY:

1. If the proposition does not pass, a \$123 million hole opens up in the current-year budget.
2. The state no longer has the money necessary to provide for all the programs it has funded in the past.
3. These dollars spent on land in certain areas will not benefit all Arizonans equally as much as if they were in the general fund.
4. The fund's \$20 million allocation was set to cease after FY2011 anyway. So the sweep is ending a sun-setting program one year early in transferring unused funds to meet the budget deficit.

OPPONENTS SAY:

1. This proposes to raid a Voter Protected Fund for land conservation and sweep it into the General Fund, where the Legislature will determine how it is appropriated.
2. After 2010-2011, the Legislature will not have to put any more money into the fund. The remaining fund money will then be spent only on open space protection.
3. By diverting the dollars from this Fund, the Legislature hurts both conservation efforts and education as dollars from the Fund go to benefit public education.

4. If the Legislature wants to balance the state's budget, let them consider other means (even a small, temporary tax) as the budget problems are temporary and the land purchases are permanent. Later these lands will bring in tourism money.

Supporters: AZ Tax Research Assn.

Opponents: AZ Education Assn., The Sonoran Institute, Sierra Club, Coalition for Sonoran Desert Protection, McDowell Sonoran Conservancy



PROPOSITION 302

“FIRST THINGS FIRST”; REPEAL

Statute

Referred to the Ballot by the State Legislature

SUMMARY

Proposition 302 would repeal the voter-initiated Early Childhood Development and Health Program (First Things First) and redirect its tobacco-tax funding to the state general fund, to be used for health and human services for children. It would transfer any remaining uncommitted monies to the state general fund on December 1, 2010. The program’s Board of Directors would be terminated on that same date and the program statutes repealed on June 1, 2011.

This measure is a part of efforts to balance the State budget.

BACKGROUND AND EXPLANATION

In 2006, voters approved citizen-initiated Ballot Proposition 203 (First Things First for Arizona’s Children), establishing a separately funded State entity, the Early Childhood Development and Health Board, to coordinate and fund early childhood (up to age 5) education and health services throughout the state. This was funded by a tax increase on cigarettes and other tobacco products as well as donations and state appropriations.

Services include education, parent and family support programs, child care, preschool, health screenings, and access to preventive health services. At least 40% of spending on early childhood development is provided to families with incomes that are less than 100% of the federal poverty level. No more than 10% of program funds may be allocated for administrative costs, with the remaining 90% for program costs.

The Legislature was prevented by court action from sweeping unspent monies from this program while addressing the budget crisis in 2009 and 2010, and is now asking the voters to approve termination of the First Things First program in order to reduce the budget shortfall.

This was created by a citizen initiative in 2006, making it voter protected. Therefore, voter approval is needed to dismantle it.

FISCAL IMPACT

This fund receives tax revenues of 80 cents per pack of cigarettes and similar amounts for other tobacco products. This revenue, plus remaining unspent monies in the Fund, an estimated \$345 million, will be deposited in the general fund if the proposition passes. The enacted FY 2011 budget assumes that passage would generate approximately \$345 million in revenues to the general fund in FY 2011. This proposition directs that these funds be appropriated for health and human services for children. In addition, the FY 2011 budget appropriates \$40 million from the general fund to the Department of Economic Security if this proposition is approved. The estimated net gain in new tax revenue to the general fund would be \$20 million in FY 2011 and \$80 million in FY 2012 and beyond.

Even if this money is swept and the FTF program ends, the budget crisis is not solved. The Joint Legislative Budget Committee released up- dated estimates of the budget deficit and noted that even if both this and the Land Conservation Fund are swept, there is still a possible revenue shortfall of \$225 million.

SUPPORTERS SAY:

1. When enacted in 2006, an early childhood program with a dedicated stream of revenue seemed like a good thing for the children of Arizona. But the current economic crisis has made it necessary to severely cut state spending across the board. The voters should decide if this program is important enough to continue or whether we should use the monies for other purposes that serve more people.
2. The use of the initiative process to obtain guaranteed funding for selected programs is bad public policy. This earmarking complicates the budget process, ties up funding that could be for more important programs and prevents legislative scrutiny during the budget process.
3. The FY 2011 budget already assumes that this funding will be restored to the general fund; if it is not, savings will have to be sought elsewhere through cuts in other areas. These cuts likely will occur in education, health care and other social services; state parks, and the state government payroll.

PROPOSITION 302

“FIRST THINGS FIRST”; REPEAL

4. The state needs to reprioritize its funding. If this measure fails, it could result in FEWER funds available for health care and human services for AZ children.
5. Recent doubts have arisen about proper handling of the monies accumulated for this program and conflicts of interest.

OPPONENTS SAY:

1. The impact of high quality early childhood development directly benefits children and enhances Arizona’s short and long-term economic vitality. Research has found evidence of links between early learning experiences, success later in life and overall economic benefits.
2. First Things First is geared to seek out and help our youngest and most vulnerable children, providing them with early access to intellectual, social and health opportunities that they all need to be successful once their school years begin.
3. Already, First Things First has allocated nearly \$300 million that has improved the lives of more than 330,000 children across Arizona, including in tribal areas. It has already made a difference and should be protected even more fiercely during these hard economic times.
4. It was inappropriate for the Legislature to include in the budget an assumption that voters will choose to eliminate this voter-approved program. They also refused to use the known name of ‘First Things First’

for this measure (which confiscates the program funds) as there has been great support for this self-funded program. In 2006, it was specifically stipulated that its separate funding was not to be used for any other state government services.

5. There is no guarantee that the transferred funds will be used for children’s health and human services. Those services have already been cut and chances are that more reductions will ensue. The program’s Board did offer the state a 6-year, interest-free loan of \$300 million from its funding but that offer was refused by the Legislature, although approved by the governor.

Supporters: Arizona Chamber of Commerce and Industry, Rep John Kavanagh, Rep Rick Murphy; Treas. Dean Martin, AZ Farm Bureau

Opponents: AZ Public Schools, AZ Education Assn., Stand for Children AZ, AZ Dental Assn., AZ Child Care Assn., AZ Children’s Assn., Former Gov. Rose Mofford, Former Gov. Raul Castro, AZ Public Health Assn, Edward Basha, AZ School Boards Assn., APS, Lois Miller, Karen Ponder, Josh Allen, Lois Miller, Karen Pouder, Josh Allen, Anne Mitchell, Krista Perkins, Barbara Milner, Julianne Hartzell, Helen McCabe, Abigale Hensley, Billie Young, James Hibbs, Michelle Katana, Naomi Karp, James Hunt, Palmer Evans, Herman Chanen, Edward Eisele, Ralph Hughes, Rep Krysten Sinema, Rep Chad Campbell, Rep David Lujan; Rhuan Evan Alvin; Bob England



ABOUT THE LEAGUE OF WOMEN VOTERS

The League of Women Voters is a nonpartisan organization. We do not support candidates or parties. Our mission is to encourage citizen participation in the political process and promote informed voting. To that end, our all-volunteer organization sponsors candidate forums, ballot proposition forums and a nonpartisan Voters Guide before certain elections. Our membership, which includes men and women, is also encouraged to participate in the political process. We do not ask or know their party affiliation. We have informational meetings related to governmental issues which are open to the public and provide information for the public. We have always been held in high esteem because of our nonpartisan efforts.

To get information on contributors of each Ballot measure, contact the Arizona Secretary of State's web page at www.azsos.gov. To find out about supporters and opponents of each measure, consult the Official Publicity Pamphlet from the Secretary of State's office to be mailed to each household with a registered voter.

PROPOSITION VOTE REMINDER SHEET

Now that you are educated on all the Propositions, fill out this list below and take it with you on NOVEMBER 2nd to be sure your vote gets heard.

| PROPOSITION NUMBER AND NAME | vote YES | vote NO |
|---|--------------------------|--------------------------|
| 106 HEALTH CARE SERVICES | <input type="checkbox"/> | <input type="checkbox"/> |
| 107 PREFERENTIAL TREATMENT/DISCRIMINATION | <input type="checkbox"/> | <input type="checkbox"/> |
| 109 HUNTING AND FISHING, CONSTITUTIONAL RIGHT | <input type="checkbox"/> | <input type="checkbox"/> |
| 110 STATE TRUST LANDS; EXCHANGES | <input type="checkbox"/> | <input type="checkbox"/> |
| 111 LIEUTENANT GOVERNOR | <input type="checkbox"/> | <input type="checkbox"/> |
| 112 INITIATIVE PETITIONS; FILING DEADLINE | <input type="checkbox"/> | <input type="checkbox"/> |
| 113 SECRET BALLOT FOR UNION ELECTIONS | <input type="checkbox"/> | <input type="checkbox"/> |
| 203 AZ MEDICAL MARIJUANA ACT | <input type="checkbox"/> | <input type="checkbox"/> |
| 301 "GROWING SMARTER"; FUND SWEEP | <input type="checkbox"/> | <input type="checkbox"/> |
| 302 "FIRST THINGS FIRST"; REPEAL | <input type="checkbox"/> | <input type="checkbox"/> |

✂ Cut this out and take it with you on November 2nd.



LEAGUE OF
WOMEN VOTERS®

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