

# ARIZONA BALLOT INITIATIVES VOTING GUIDE

General Election | November 8, 2016

## BALLOT PROPOSITIONS

Under the Arizona Constitution, the Arizona Legislature and residents have the right to place propositions on the General Election ballot in order to make changes to either the Arizona Constitution or Arizona Revised Statutes.

A referendum is a ballot proposition that has been placed on the ballot by the Arizona Legislature. Unlike other legislation, a referendum does not go to the Governor for approval or veto. Rather, if a majority of the Arizona House of Representatives and Arizona State Senate pass the legislation, the measure is automatically placed on the ballot.

An initiative gives residents the same right as the Arizona Legislature to place an issue on the ballot, provided that the citizens collect enough valid signatures from registered voters to qualify.

The Arizona Secretary of State, in coordination with the County Recorders in each of Arizona's 15 counties, determines whether an initiative has enough valid signatures to qualify for the ballot.

## IMPORTANT DATES

**October 10<sup>th</sup>**  
Voter registration closes

**October 12<sup>th</sup>**  
Vote by mail begins

**November 8<sup>th</sup>**

## ABOUT THIS GUIDE

This voting guide is intended to educate interested voters on the ballot propositions to be placed on the November 8, 2016 General Election ballot in Arizona.

Nothing in this document should be construed as an endorsement or opposition to any particular ballot proposition.

Rather, careful consideration was given to objectively describe each ballot proposition and to provide the typical arguments used by proponents and opponents, respectively.

In the unlikely event there is a discrepancy between the actual ballot proposition and the information contained in this guide, the actual ballot language shall take precedence.



## PROPOSITION 205

Yes     No

### REGULATION AND TAXATION OF MARIJUANA ACT

Allows a person who is at least 21 years of age to lawfully possess and use one ounce or less of marijuana (including not more than five grams of hashish).

Creates a Department of Marijuana Licenses and Control (DMLC) to regulate the production, distribution and sale of marijuana in this state. The director of the department and the seven-member Marijuana Commission would be appointed by the Governor.

Imposes an additional 15% tax on the retail sale of marijuana and marijuana products.

Directs that monies from application, licensing and other administrative fees, fines, civil penalties and additional taxes related to marijuana production, distribution and sales be deposited in a Marijuana Fund to be used first to pay for the costs of regulating and enforcing marijuana production, distribution and sales laws. Then, 50% of the license fees collected from each marijuana-related business would be distributed quarterly to the city, town or county where the marijuana-related business is located. Finally, all of the remaining monies in the Marijuana Fund would be distributed quarterly as follows:

1. 40% to school districts and charter schools for education-related expenses.
2. 40% to school districts and charter schools for full-day kindergarten instruction.
3. 20% to the Arizona Department of Health Services for public education campaigns regarding the relative harms of alcohol, marijuana and other substances.

Under Proposition 205, a person who is at least 21 years of age could lawfully possess and use one ounce or less of marijuana and could possess up to six marijuana plants.

The person could also transfer one ounce or less to another person who is at least 21 years of age if the transfer is without remuneration (Compensation).

By its terms, Proposition 205 would not authorize a person to:

1. Operate any motorized form of transport or machinery while impaired by marijuana.
2. Consume marijuana while operating any motorized form of transport or machinery.
3. Consume marijuana in a passenger compartment that is not isolated from the operator of any motorized form of transport or machinery.
4. Provide marijuana to a person who is under 21 years of age.
5. Possess or use marijuana on the grounds of a correctional facility.
6. Possess or use marijuana on the grounds of a public or private preschool or K-12 school, or on a school bus or vehicle.
7. Perform any task while impaired by marijuana that would constitute negligence or professional malpractice.

A person could not be denied custody, visitation or parenting time, and could not be presumed guilty of neglect or child endangerment, solely for conduct allowed by Proposition 205. A person could not be penalized for an action taken while under the influence of marijuana solely because of the presence of metabolites or components of marijuana in the person's body, urine, blood, saliva, hair or other tissue or fluid. (Under current state statute, a person violates the DUI statute when any drug or its metabolite is present in the person's body.)

An employer would not be required to allow the possession or consumption of marijuana in the workplace. (Under the current drug-free workplace laws, an employer may discipline or terminate an employee based on the employee's positive drug test for marijuana, even if the employee consumed the marijuana outside the workplace.) A person who owns, manages or leases a property could prohibit or regulate the smoking, production, processing, manufacture or sale of marijuana on the property and could prohibit or regulate possession or consumption on the property if the property is a public building or if the person would otherwise be subject to the loss of a monetary or licensing benefit under federal laws or regulations.

Proposition 205 would legalize the sale of marijuana by marijuana retailers beginning March 1, 2018. Until September 1, 2021, the number of marijuana retailer licenses would be capped at one marijuana retailer license for every ten liquor store licenses issued by the Arizona Department of Liquor Licenses and Control. Beginning September 1, 2021, the DMLC could issue additional retailer licenses if the department determines that additional licenses are desirable to do any of the following:

1. Minimize the illegal market for marijuana.
2. Efficiently meet the demand for marijuana.
3. Provide for reasonable access to marijuana retailers in rural areas.

The rules allowing the marketing, display and advertising of marijuana must restrict marketing or advertising that appeals to children.

The voters of a city, town or county may enact a measure at a November general election that prohibits one or more types of marijuana establishments in the locality, except that if the voters enact a measure to prohibit the operation of a marijuana retailer, product manufacturer or cultivator, a reorganized marijuana business could still operate that type of establishment in an area zoned to allow the operation of a nonprofit medical marijuana dispensary within that locality.

The city, town or county could enact reasonable ordinances or rules that generally govern the time, place and manner of marijuana establishment operations, subject to certain limitations, including:

1. The locality could not limit the number of marijuana retailers, product manufacturers or cultivators to a number fewer than the number of locations where nonprofit medical marijuana dispensaries are engaged in the same type of conduct in the locality.
2. Zoning could not prohibit a marijuana establishment from operating in an area within the locality zoned for the operation of a nonprofit medical marijuana dispensary or medical marijuana cultivation facility.

Proposition 205 would establish petty offenses punishable by a maximum fine of \$300 and community restitution, including:

1. Smoking or using marijuana in a public place.
2. Underage use.
3. Unauthorized production (including growing marijuana plants subject to public view without the use of optical aids).
4. Possession of more than one ounce but not more than 2.5 ounces of marijuana.

[Analysis provided by the Arizona Legislative Council – edited due to space limitations.]

## PROponents OF PROPOSITION 205

Proponents assert that the government prohibition on marijuana has not been effective, resulting in an underground market operated by criminal elements. As the initiative provides for a 15% sales tax on marijuana, this will cover the cost of enforcing regulations and generate tens of millions of dollars annually for full-day kindergarten and Arizona schools. According to some proponents, there has never been a recorded death caused by marijuana ingestion. Yet, cigarette and alcohol consumption result in thousands of deaths every year.

According to the Arizona Public Health Association, the legalization of marijuana provides public health benefits by regulating production, potency, testing and labeling marijuana before being sold to the public.

## OPponents OF PROPOSITION 205

Opponents assert that medical journals are increasingly finding that today's high potency marijuana is a drug that specifically harms the teen and adolescent brain. Teenagers who use marijuana are 60 percent less likely to finish high school. The measure will allow big marijuana companies to manufacture and sell marijuana-laced candies, cookies, drinks, and ice-cream. Since Colorado legalized recreational marijuana in 2012, Colorado now leads the nation in youth use of marijuana and all illicit drugs – 74% higher than the rest of the nation. According to the Arizona Public Health Association, the public health risks include the potential for increased access to marijuana among adolescents, accidental marijuana ingestion among young children, increased potential for abuse among adults and risks to the public from impaired driving and workplace accidents.

## PROPOSITION 206

Yes  No

## ARIZONA'S MINIMUM WAGE & EARNED PAID SICK TIME BENEFITS

Currently, the state minimum wage is \$8.05 per hour. Proposition 206 would establish a new state minimum wage of \$10.00 in 2017, \$10.50 in 2018, \$11.00 in 2019 and \$12.00 in 2020.

Beginning 2021, the state minimum wage would increase each year by the cost of living. (Employers would still be permitted to pay employees who receive tips up to \$3.00 per hour less than the minimum wage, as is currently the law.)

Proposition 206 would also require employers to provide employees with "earned paid sick time" (sick time) for an employee's medical care or mental or physical illness, injury or condition, an employee's need to care for a family member with a mental or physical illness, injury or condition or a family member who needs medical care, a public health emergency or an absence due to abuse of a child or vulnerable adult, domestic violence, sexual violence or stalking.

A small business currently exempt under the state minimum wage law would be covered as an employer for the purposes of the sick time requirements. A person receiving public benefits who is engaged in work activity as a condition of receiving public assistance would be covered as an employee for purposes of the sick time requirements. (A person who is employed by a parent or a sibling or who is employed

performing babysitting services in the employer's home on a casual basis would not be covered as an employee.)

Beginning July 1, 2017, employees would earn at least one hour of sick time for each 30 hours worked; employees in companies with fewer than 15 employees would not be entitled to accrue or use more than 24 hours of sick time each year and employees in companies with 15 or more employees would not be entitled to accrue or use more than 40 hours of sick time each year. An employer may select higher limits for accruing or using sick time. An employee may use sick time as it accrues, except that an employer may require an employee hired after July 1, 2017 to initially wait 90 days before using accrued sick time. Unused sick time would carry forward to the following year. The employer could elect to pay the employee for the unused sick time at the end of the year and provide the employee with the required amount of sick time for use in the following year. An employee would not be entitled to payment for unused sick time upon leaving employment.

The employee could not be required to find a replacement worker to cover the hours for which sick time is taken. The employer could require reasonable documentation for three or more consecutive days of sick time.

An employer would not be allowed to interfere with, restrain or deny any rights protected under Proposition 206, nor could an employer retaliate or discriminate against an employee because the employee exercised those rights.

A local government would not be prohibited from enacting a law providing for greater paid sick time rights than established by Proposition 206. An employer could adopt a more generous sick time policy than established by Proposition 206. The sick time requirements would not apply to employees covered by a current collective bargaining agreement or to a valid collective bargaining agreement if the requirements are expressly waived in the agreement.

[Analysis provided by the Arizona Legislative Council – edited due to space limitations.]

## PROPOSERS OF PROPOSITION 206

Proponents assert that the current minimum wage is inadequate to support families. Fairer wages will save many businesses time and money through better employee performance and retention. The measure also expands businesses' customer base because when employees have more disposable income, they invest those dollars back into the economy.

As earned sick days is a public health issue, when parents cannot afford to take time off to care for their sick children, children go to school, making it harder to learn and easier to spread illness. Lack of access to paid sick leave drives our state's productivity and economic output down and nobody benefits.

## OPPOSERS OF PROPOSITION 206

Opponents assert that the measure dramatically raises the minimum wage by nearly 50 percent. Businesses faced with the extreme hike in costs and new workplace mandates will be left with bad options. Employers could cut, lay off employees, raise prices, institute hiring freezes, invest in automation, or even close up shop. These new costs will be particularly difficult for small businesses to absorb. Minimum wage laws have negative economic consequences and often hurt those most that they are intended to help -- typically having no net effect on low-income families and do little, if anything, to reduce poverty rates.

## ADDITIONAL RESOURCES

For the full text of the propositions, the analysis provided by the Arizona Legislative Council and the Joint Legislative Budget Committee and a complete listing of all submitted arguments for and against a proposition, please go to the Arizona Secretary of State's website at:

[www.azsos.gov/election/UpcomingElections.htm](http://www.azsos.gov/election/UpcomingElections.htm)  
Click on: "General Election Information"

To locate your polling place visit:

[voter.azsos.gov/VoterView/PollingPlaceSearch.do](http://voter.azsos.gov/VoterView/PollingPlaceSearch.do)