



VOTING GUIDE TO ARIZONA BALLOT PROPOSITIONS

November 5, 2024
General Election

A PUBLICATION OF

GOODMAN • SCHWARTZ
PUBLIC AFFAIRS

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This voting guide is intended to educate interested voters about the ballot propositions on the November 2024 General Election ballot in Arizona.

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

Rather, diligent care was taken to objectively describe each ballot proposition and to provide the typical arguments used by proponents and opponents.

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

Ballot Propositions

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

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

A referendum is the method by which voters may seek to reject enacted legislation that has not yet gone into effect by gathering enough qualified signatures from registered voters to place the issue on the ballot. The referendum must file signatures to the Arizona Secretary of State within 90 days of the adjournment of the legislative session in which the law was passed. If enough qualified signatures are submitted, the enacted law will not go into effect and the issue will be placed on the next general election 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. In Arizona, the number of signatures needed to place a measure on the ballot is based on the total number of votes cast for the Governor in the preceding election.

For the 2024 election cycle, initiative measures and constitutional amendments require 255,949 and 383,923 valid signatures, respectively.

For historical perspective, during the 2022 election cycle, initiative measures and constitutional amendments required 237,645 and 356,467 valid signatures, respectively.

The Arizona Secretary of State, in coordination with the County Recorders in each of Arizona's 15 counties, determines whether an initiative qualifies for the ballot.

IMPORTANT DATES

Voter registration closes on

OCTOBER 7TH

(At midnight).

Vote by Mail begins on

OCTOBER 9TH

Last Day to Mail Back

Your Ballot is

OCTOBER 29TH

(Recommended days to mail back a ballot is 7-10 days before the election)

General Election is

NOVEMBER 5TH

How Ballot Propositions Are Numbered

Arizona state law requires that ballot measures be numbered according to four criteria:

- **100 series (Prop. 1XX)** represents constitutional amendments, whether initiated by the people or referred to by the Arizona Legislature.
- **200 series (Prop. 2XX)** represents initiatives pursued by the people to create new state laws or amend existing state statute.
- **300 series (Prop. 3XX)** represents a referral to the ballot by the Arizona Legislature to create new laws or amend existing state statute.
- **400 series (Prop. 4XX)** represents local ballot measures.

DISCLAIMER: The arguments contained in this document, for both the proponents and opponents alike, are the opinions of those that submitted statements to the Secretary of State for publication in the official publicity pamphlet of the 2024 General Election cycle. The views listed in this ballot proposition guide do not necessarily reflect the views of Goodman Schwartz Public Affairs.



PROPOSITION 133

Primary Elections and Eligible Candidates

☐ Yes ☐ No

The Arizona Constitution currently requires the Legislature to enact a direct primary election law for the nomination of candidates for all elective state, county and city offices, including federal congressional offices. The Arizona Constitution also allows a city or town that has adopted a charter form of government to enact and implement laws for the selection of its governing officers that may conflict with the state election laws.

Proposition 133 would amend the Arizona Constitution to:

1. Require that the direct primary election for any partisan office allow each political party that has qualified for representation on the ballot to nominate the same number of candidates for the office as the number of positions to be filled for that office in the next general election.
2. Require that each eligible candidate who is nominated by a political party that has qualified for representation on the ballot in a direct primary election be placed on the official ballot in the next general election.
3. Provide that the state direct primary election law supersedes any city charter, law, ordinance, rule, resolution or policy that is inconsistent with or contrary to the state direct primary election law.

[Analysis provided by the Arizona Legislative Council].

Proponents of Proposition 133

Prop. 133 affirms the ability of voters to have a right to associate with a political party and select their respective nominees in a primary election. Independent voters will also continue to enjoy their constitutional guarantee to participate in whichever party primary election they choose.

Prop. 133 will prevent “jungle primaries” that will only dilute the voice of the electorate and result in an indistinct background noise that entrenched politicians will safely ignore, as there will be no need to be accountable to the political party in which they choose to be affiliated with.

As two-thirds of Arizona residents identify with a political party, Prop 133 will preserve the majority’s preference to have a candidate from their party represented in the general election. Prop 133 maintains choices for Arizona voters.

Opponents of Proposition 133

Prop. 133 protects the extreme candidates from both political parties in an effort to avoid real competition in primary elections.

Prop. 133 will prohibit reforms, such as open primaries (where people of any party can vote in the primaries) or ranked choice voting (a system where you rank the candidates in the order you like them, which has proven to increase voter choice across America).

Prop. 133 gives tremendous power to political parties when a significant number of Arizona’s voters are registered as Independent, and making this change constitutionally will make it very difficult to change primary elections in the future.

PROPOSITION 134

Signature Distribution Requirement for Ballot Propositions

☐ Yes ☐ No

The Arizona Constitution allows qualified electors in this state to place an initiative or referendum measure on the ballot by filing a petition containing the required number of signatures of qualified electors of this state with the Secretary of State. Under current law, the proponents may gather the required signatures from any geographical area or areas within the state.

Currently, the proponents of a statewide initiative must gather signatures from at least 15 percent of the qualified electors statewide for a constitutional amendment and from at least 10 percent of the qualified electors statewide for a statewide statutory measure. For a statewide referendum, the proponents must gather signatures from at least five percent of the qualified electors statewide. The number of “qualified electors” is calculated from the total number of votes cast for all candidates for governor in the most recent election for governor.

Proposition 134 retains the current total signature requirements for initiative and referendum measures, but would amend the Arizona Constitution to:

1. Require proponents of initiatives for constitutional amendments to gather signatures from at least 15 percent of the qualified electors in each of the 30 legislative districts in this state.
2. Require proponents of initiatives for statutory amendments to gather signatures from at least 10 percent of the qualified electors in each of the 30 legislative districts in this state.

3. Require proponents of referendums to gather signatures from at least five percent of the qualified electors in each of the 30 legislative districts in this state.

[Analysis provided by the Arizona Legislative Council].

Proponents of Proposition 134

Current Arizona law allows a proposed initiative to qualify for the ballot without having to receive a single signature from outside Maricopa County. Our state’s current system empowers just one county to have a complete and total monopoly over what measures do and do not make it to the ballot.

Prop. 134 would require all ballot measures to receive a minimum number of signatures from each of the 30 legislative districts in the state to appear on the ballot. Commonly referred to as “geographic distribution,” Prop. 134 would help to ensure that residents across the Arizona have an equal say in what measures get to make the ballot, thus making it more difficult for out of state interests to collect signatures for a ballot measure.

When Arizona was founded as a state, it would have been hard to foresee the outsize impact that Maricopa and Pima Counties would have on the political environment. This concentration of voters within densely populated areas makes signature collection more cost effective, as less populated rural areas, which are more expensive to canvass, can largely be ignored under the current system.

Opponents of Proposition 134

Prop. 134 would make signature collection more difficult for ballot propositions, effectively taking away the right of initiative and referendum guaranteed to Arizona residents under the State Constitution.

Arguably, none of the important ballot measures, such as the Smoke Free Arizona Act, among other education and healthcare initiatives, that the public has supported in our state’s history would ever have been voted on if a geographic distribution requirement had been in effect.

Arizona has had the rights of initiative and referendum



since it became a state in 1912. They were drafted into the first state constitution by Teddy Roosevelt style progressives concerned about the undue influence that special interests had had in the territorial government. Arizona's first governor, George W.P. Hunt said that these provisions are "the most definite expression ever pronounced...of a social and political organization in which every citizen is the equal before the law of every other, and government is truly by consent of the governed."

PROPOSITION 135

Limitations on Emergency Declarations by the Governor

☐ Yes ☐ No

Current law allows the Governor to declare a state of emergency if the Governor finds that a disaster or other extreme peril threatens the safety of the people or property of this state. During a state of emergency, the Governor:

1. Has complete authority over all state agencies and has the right to exercise, within the designated area, all police power vested in this state by law.
2. May direct all state agencies to use and employ state personnel, equipment and facilities to perform activities designed to prevent or alleviate actual or threatened damage caused by the emergency. The Governor may also direct state agencies to provide services and equipment to counties and municipalities in this state to restore any services for the health and safety of the citizens of the affected area.

Proposition 135 would amend the Arizona Constitution to specify that the emergency powers granted to the

Governor during the state of emergency (except for powers related to a state of war emergency or an emergency arising from a flood or fire) terminate 30 days after the date the state of emergency is proclaimed, unless the Legislature extends the Governor's emergency powers by enacting a concurrent resolution. If the Legislature extends the Governor's emergency powers, the Legislature would be allowed to alter or limit the powers by concurrent resolution. If the Legislature does not extend the Governor's emergency powers, the Governor would be prohibited from proclaiming a new state of emergency arising out of the same conditions for which the initial state of emergency was proclaimed.

Proposition 135 also would require the Governor to call a special session to assemble the Legislature if at least one-third of the members of each house sign a petition requesting a special session for the purpose of terminating or altering the Governor's emergency powers. At the special session, only the emergency powers granted to the Governor may be considered. The Governor's emergency powers would terminate if the Legislature enacts a concurrent resolution ending the emergency powers of the Governor. (The Governor's emergency powers would also terminate if the Governor issued a proclamation terminating the state of emergency).

[Analysis provided by the Arizona Legislative Council].

Proponents of Proposition 135

Prop. 135 ensures proper oversight to limit the power of the Governor in order to prevent the Executive from establishing an unreasonable or unnecessary declaration of a state of emergency.

Prop. 135 allows the Arizona Legislature to become a counter-balance to Executive authority in establishing, extending or terminating emergency declarations.

While Prop. 135 maintains a Governor's ability to quickly respond to emergency situations, the measure places limits on the authority of single elected official in making unilateral decisions that can restrict freedom.

Opponents of Proposition 135

The purpose of any state emergency declaration is to allow state executive to implement reasonable measures to quickly respond to emergency situations. Prop. 135 may jeopardize the ability of the Executive to respond during a public health emergency, as the Legislature is not inherently designed to act quickly as it attempts to reach consensus.

Prop. 135 effectively shifts the power to terminate a state emergency or alter the governor's emergency powers from the Governor to the Legislature by automatically terminating the governor's emergency powers after 30 days, unless extended by the Legislature, hinders ongoing response efforts,

PROPOSITION 136

Challenges to Ballot Measures

☐ Yes ☐ No

Under the separation of powers doctrine embodied in Article III of the Arizona Constitution, the courts generally may not adjudicate challenges to the constitutionality of an initiative measure until after the initiative measure is enacted by the voters.

Proposition 136 would amend the Arizona Constitution to allow a person to bring an action in superior court to contest the constitutionality of a statutory initiative measure or a constitutional amendment proposed under the power of initiative at least one hundred days before the date of the election at which the measure or amendment will be voted on. Any party may appeal the superior court's decision to the Arizona Supreme Court within five days after the superior court enters judgment. If a court finds that the proposed statutory initiative measure or proposed constitutional amendment violates the United States Constitution or Arizona Constitution, the Secretary of State or other officer

shall not certify or print the measure or amendment on the official ballot.

[Analysis provided by the Arizona Legislative Council].

Proponents of Proposition 136

Prop. 136 is intended to prevent unconstitutional ballot initiatives from being placed on the ballot following a review by the Supreme Court in which unconstitutionality is determined by the Court itself.

Arizona has become a public policy laboratory for out of state organizations to place propositions on our ballot due to the ease in which our initiative process allows, provided such institutions have the resources to do so. Prop. 136 is a reasonable requirement to test the constitutionality of such measures before they are placed on the ballot.

Opponents of Proposition 136

Prop. 136 shifts the balance of power of the electorate to well-financed interests that have the financial resources to file litigation to challenge the constitutionality of a ballot proposition before voters have the opportunity to consider the measure on the ballot.

Prop. 136 increases the barriers faced by citizen-led initiatives and is a blatant attempt to limit the power of voters to enact laws and constitutional amendments.

Under Prop. 136, ballot propositions would require even more burdensome preparation since they would inevitably be challenged, taxing oftentimes under-resourced and understaffed citizen groups. Without any clear benefits, this measure only makes the initiative process more expensive, time-consuming, and confusing for Arizonans who want to exercise this essential democratic right.



PROPOSITION 137

Judicial Accountability Act

☐ Yes ☐ No

The Arizona Constitution currently sets out a merit selection and retention system for justices of the Arizona Supreme Court, judges of the Arizona Court of Appeals, and judges of the Superior Court in counties with a population of 250,000 or more persons. Those appellate and trial court judges and justices are appointed by the Governor from lists of nominees selected by nonpartisan commissions and serve terms (four years for trial court judges and six years for appellate court judges), subject to a vote of the people to determine whether the judge or justice should be retained or removed from office.

The Commission on Judicial Performance Review (JPR Commission), composed of 34 members appointed by the Arizona Supreme Court, evaluates the performance of judges and justices who are up for a retention vote. The Arizona Constitution requires that this judicial performance evaluation process include the opportunity for input from the public and that judicial performance reports be given to the voters before the state's general election.

The Arizona Constitution also provides for the removal of judges and justices pursuant to Article VI.I (a state commission regulating judicial conduct) and Article VIII (recall and impeachment). The Arizona Constitution also establishes a mandatory retirement age of 70 years for judges and justices.

Proposition 137 would amend the Arizona Constitution to provide that judges and justices appointed through the merit selection process would no longer be subject to a set four-year or six-year term of office and an automatic retention vote. Rather, Proposition

137 provides that those judges and justices who have not reached the mandatory retirement age would hold office during good behavior and could only be removed from office through the procedures set out in Article VI.I or VIII or pursuant to a retention election if the judge or justice:

1. Is convicted of a felony offense.
2. Is convicted of a crime involving fraud or dishonesty.
3. Initiates a personal bankruptcy proceeding in which the justice or judge is a debtor.
4. Is a mortgagor of a mortgage that is foreclosed.
5. Is determined to not meet judicial performance standards by a majority of the JPR Commission.

Under Proposition 137, the JPR Commission would evaluate each judge and justice at least once every four years. Membership on the JPR Commission would be expanded to include one member appointed by a majority of the Arizona House of Representatives and one member appointed by a majority of the Arizona State Senate. On the written request of a state legislator, the commission would be required to investigate an allegation that a judge or justice engaged in a pattern of malfeasance in office, and if the commission found that the pattern of malfeasance had occurred, the commission must determine that the judge or justice did not meet judicial performance standards.

Proposition 137 also specifies that the retention vote for a judge of the Court of Appeals would occur on a statewide, rather than regional, basis.

If Proposition 137 is approved by the voters at the November 5, 2024 general election, the results of the retention vote for each judge and justice on the November 5, 2024 ballot will not be included in the official vote count and will not result in the retention or rejection of any judge or justice.

[Analysis provided by the Arizona Legislative Council].

Proponents of Proposition 137

Prop. 137 is intended to focus on whether to retain judges that have established ethical problems or other compromising circumstances, as opposed to the current

inefficient process in which virtually all judges are subject to retention over a period of time.

Prop. 137 removes the politics from judge retention, as judges are currently being targeted for their decisions and constitutional interpretations, thus challenging the impartiality and independence of judges who may factor in the impacts of retention in rendering decisions.

Disagreeing with a court decision is different than a judicial officer engaging in misconduct. Prop. 137 redirects voter attention to real judicial problems and away from long and largely meaningless names of judicial officers that most of the electorate has never heard of before.

Opponents of Proposition 137

As Prop. 137 is retroactive, if enacted, the ballot measure will nullify all of the results of the 2024 judicial retention election, regardless as to whether the electorate voted to remove a judicial officer.

Prop. 137 effectively provides judges with guaranteed positions until they reach mandatory retirement and removes the accountability established in the 1970's with the merit-based retention system.

In 1992, Arizona voters established, by constitutional amendment, the merit-based Judicial Performance Review (JPR). The JPR requires that the performance evaluation process include public input about each judge's performance collected through surveys of jurors, witnesses, litigants, people who represent themselves in court, attorneys and court staff who have observed the judge at work. As such, voters have access to information in which they can make informed decisions about whether or not to retain judicial officers.

PROPOSITION 138

Tipped Workers Protection Act

☐ Yes ☐ No

Current law provides that employers may pay tipped employees up to \$3.00 per hour less than the minimum wage if the employer's records or the employee's declaration for federal insurance contributions act (FICA) establishes that when adding tips or gratuities to wages the tipped employee was paid at least the minimum wage for all hours worked.

Proposition 138 would amend the Arizona Constitution to allow an employer, for any employee who customarily and regularly receives tips or gratuities, to pay up to 25% per hour less than the minimum wage, if the employer can establish that the employee is paid at least the minimum wage plus \$2.00 per hour for all hours worked. This calculation is determined by averaging the employee's tips or gratuities received and wages paid over the course of the employer's payroll period or any other period that complies with state law. The employer would be able to use the employer's records of charged tips or gratuities or the employee's FICA declaration to establish compliance.

[Analysis provided by the Arizona Legislative Council].

Proponents of Proposition 138

Prop. 138 preserves the tip credit and increases the base pay an additional \$2 per hour for tipped employees, helping keep costs under control while increasing the guaranteed pay for our workers. Without the tip credit, restaurants would be forced to raise prices or add service charges, which would fuel inflation and discourage dining out.



Inflation has wreaked havoc on businesses across Arizona. This is particularly true of the restaurant industry, which has seen substantial layoffs and closures over the past few years. The Tipped Workers Protection Act helps alleviate this problem by lowering costs for Arizona restaurants, while ensuring that restaurant servers still make more than the state's minimum wage.

Prop. 138 helps businesses manage labor costs effectively, promoting job retention and growth. The hospitality and service industries, which heavily rely on tipped employees, can better sustain their operations and continue providing jobs that are vital to our local economy. This measure strikes the right balance between fair wages for employees and economic viability for businesses.

Opponents of Proposition 138

Prop. 138 is yet another attempt to undermine the Fair Wages and Healthy Families Initiative passed by nearly 60% of voters in 2016.

Prop. 138 reduces the already sub-minimum wage for tipped employees and would further diminish the ability for food service workers to keep pace with the increases in the cost of living.

While tipping culture is common in the world, the United States is the most severe. Because of this, it is normalized to pay people in the service industry less wages, with the assumption that they will receive at least a 10-15% tip per customer interaction. The onus is left to the individual server to rely on the customer's honoring of this expectation, regardless of any other extenuating circumstances. Prop 138 would make this "honor system" a state constitutionally protected right and void any future attempts to raise wages for services workers.

PROPOSITION 139 –

Arizona Abortion Access Act

☐ Yes ☐ No

Current state law prohibits a physician from performing an abortion if the probable gestational age of the unborn human being is more than 15 weeks, except when a pregnant woman's medical condition necessitates an immediate abortion to avert the pregnant woman's death or for which a delay creates a serious risk of substantial and irreversible impairment of a major bodily function.

Proposition 139 would amend the Arizona Constitution to:

1. Expressly state that every individual has a fundamental right to abortion.
2. Prohibit this state, any agency of this state or any political subdivision of this state from enacting, adopting or enforcing any law, regulation, policy or practice that would do any of the following:
 - (a) Deny, restrict or interfere with the fundamental right to abortion before fetal viability (the point in pregnancy when, in the good faith judgment of a treating health care professional and based on the particular facts of the case, there is a significant likelihood of the fetus's sustained survival outside the uterus without the use of extraordinary medical measures) unless justified by a compelling state interest that is achieved by the least restrictive means. The measure defines "compelling state interest" as a law, regulation, policy or practice that is enacted or adopted for the limited purpose of improving or maintaining the health of an individual seeking an abortion consistent with clinical practice standards and evidence-based medicine and that does not infringe on that individual's autonomous decision-making.
 - (b) Deny, restrict or interfere with an abortion after fetal viability that, in the good faith judgment of

a treating health care professional, is necessary to protect the life or physical or mental health of the pregnant individual.

- (c) Penalize any individual or entity for aiding or assisting a pregnant individual in exercising the pregnant individual's right to abortion as provided in the measure.

[Analysis provided by the Arizona Legislative Council].

Proponents of Proposition 139

Without a citizen ballot initiative which will supersede any legislative attempts at removing a woman's right to make decisions about what happens to their own bodies, there is a risk that a future Legislature will continue to pursue laws meant to impede a woman's very personal and often difficult choice to terminate a pregnancy.

Prop. 139 ensures that private, personal decisions around abortion can be made by patients, their families, and their trusted healthcare providers and avoids political interference in health care decisions.

Prop. 139 ensures access to evidence-based, confidential and equitable reproductive healthcare should be available to all Arizonians. Lack of access to this care adversely affects the health and wellbeing of women and their families.

Opponents of Proposition 139

Prop. 139 would make existing laws and other safety regulations unenforceable, putting women at greater risk. Existing laws represent commonsense precautions that not only reflect the values of Arizonans but put their health and safety above the expansion of abortion beyond the point at which most Arizonans are comfortable.

Prop. 139 removes commonsense safety regulations for facilities performing abortions. Making something legal does not make it safe. Legal abortion clinics can be just as dangerous as illegal clinics.

What matters is how courts will interpret the language, not what Arizonans think it says or what proponents claim. Legal analysis finds that the vague language and

broad exemptions of Prop. 139 will lead to unlimited, unregulated abortion in Arizona. These are the results of using undefined, broad terms, such as "health," "necessity," and "good faith judgement." These are all subjective terms that will be used to justify a radical abortion landscape in this state.

PROPOSITION 140

Make Elections Fair Initiative

☐ Yes ☐ No

The Arizona Constitution currently requires the Legislature to enact a direct primary election law for the nomination of candidates for all elective state, county and city offices, including federal congressional offices. The candidates from each political party who advance from the primary election then face each other in the general election, where the candidate receiving the highest number of legal votes is declared elected.

Proposition 140 would amend the Arizona Constitution to:

1. Allow for the use of voter rankings at all elections held in this state to determine which candidate received the highest number of legal votes (see also paragraph 4 below).
2. Revise the primary election procedures as follows:
 - (a) All candidates who qualify for election to an office would be placed on the same primary election ballot regardless of each candidate's political party affiliation or nonaffiliation. Each of the candidates would have the same signature requirement to qualify for the primary election ballot. A qualified elector would be allowed to sign a candidate nomination petition without regard to the political party affiliation or nonaffiliation of the qualified elector or the candidate.
 - (b) All qualified electors eligible to vote for an office would be allowed to vote in the primary elec-



tion, regardless of the political party affiliation or nonaffiliation of the qualified elector or the candidate.

(c) A political party may endorse or otherwise support a candidate as provided by law. If an applicable law allows a candidate's political party affiliation to be listed on the ballot next to the candidate's name, the ballot must include a statement that the listed affiliation is not an indication that the candidate has been nominated or endorsed by the listed political party.

(d) A candidate for an office that has a primary election may only appear on the general election ballot if the candidate qualifies through the primary election or fills a vacancy caused by the death or withdrawal of a candidate who was nominated at the primary election. (A candidate for an office that has a primary election would no longer be able to appear as a "write in" candidate for the general election).

3. Provide a range of the number of candidates that may advance from the primary election to the general election, subject to a determination or amendment by the Legislature, the Secretary of State or the qualified electors, as follows:

(a) If one candidate for an office is to be elected in the general election, two to five candidates may advance from the primary election. If two candidates for an office are to be elected in the general election, four to seven candidates may advance from the primary election. If three candidates for an office are to be elected in the general election, six to eight candidates may advance from the primary election. A candidate's political party affiliation or nonaffiliation cannot be considered in determining which or how many candidates advance from the primary election.

(a) Within those ranges, the Legislature may enact a law to determine the actual number of candidates that would advance. The number of candidates advancing may differ for each specific office. If the Legislature does not enact a law that is operative on or before November 1, 2025, the Secretary of State shall determine

the actual number of candidates that would advance. After the initial determination is made by the Legislature or the Secretary of State, the Legislature may enact a law to amend the actual numbers not more than once every six years. The qualified electors, however, may amend the actual numbers through the existing initiative or referendum process at each general election.

4. Revise the general election procedures as follows:

(a) If two candidates advance to the general election for an office to which one will be elected, the candidate who receives the majority of votes cast is elected.

(a) If three or more candidates advance to the general election for an office to which one will be elected, voter rankings shall be used to determine which candidate is elected.

(a) The Legislature may enact a law to determine the process to be used for voter rankings. If the Legislature does not enact a law on voter rankings, the Secretary of State shall determine the process to be used for voter rankings. At a minimum, the voter rankings process must allow a voter to rank all candidates for an office in order of the voter's preference.

5. Prohibit the use of any public monies to administer political party elections (including precinct committee officer elections and partisan primary elections), except that public monies may be used to administer a presidential preference election if all persons who are registered as "no party preference" or independent, or who are registered with a political party that is not qualified for representation on the ballot, may vote in the presidential preference election of any one of the parties that is qualified for representation on the ballot.

6. Provide that the right of a United States citizen to vote and hold office in this state shall not be denied or diminished because of political party affiliation or nonaffiliation.

7. Provide that a person shall not be denied a ballot or be restricted from selecting a candidate based on the person's political party affiliation or nonaffiliation.

If approved by the voters, Proposition 140 would apply to elections occurring after July 1, 2026.

[Analysis provided by the Arizona Legislative Council].

Proponents of Proposition 140

Prop. 140 creates an open, nonpartisan primary election, where all candidates can compete regardless of party ties, every voter has the right to choose whomever they like, and candidates must secure a majority vote in the general election to win. Partisan primary elections, where candidates must appeal to the extremes of their party to secure nominations, discourages moderation and bipartisanship, which ultimately leads to a more divided and less effective government.

Under Prop. 140, all candidates will be listed on a single ballot regardless of their party affiliation and all voters will be able to vote for the candidate of their choice. Independent or unaffiliated candidates face prohibitive barriers to run for office. They must collect up to six times as many signatures as major party candidates. This is unfair and further marginalizes more than one third of Arizona's registered voters.

Today, unaffiliated voters make up about 34% of the electorate, more than Democrats and nearly as large as Republicans. From a purely philosophical perspective, our democracy should represent all voters and candidates equally, regardless of their political affiliation. By participating in open primaries, individuals can be informed of different political views. This encourages a healthy democracy and removes existing barriers that prevent everyone from easily voting in the primaries.

Opponents of Proposition 140

Prop. 140 imports a California election scheme into Arizona that will confuse voters, make ballots longer, delay tabulation results for several weeks, and will result in votes being tossed out due to simple errors.

Ranked-choice voting is also more likely to lead to errors on the ballot, which creates systematic unfairness in the election. It also has been shown to delay the vote tabulation process increasing the potential for

fraud. Under Prop. 140, ranked choice voting results are derived from complex algorithms that cannot be audited.

Prop 140 may lead to candidates from only one party appearing on the ballot, leaving voters with no real choice in that election. The result would be an election that reduces transparency, delays results and disenfranchises voters, particularly those registered as independents.

PROPOSITION 311

Back the Blue Act

☐ Yes ☐ No

Proposition 311 would establish a new state death benefit of \$250,000 to the surviving spouse or children of a first responder who is killed in the line of duty as the result of another person's criminal act. Proposition 311 would establish a \$20 penalty fee on every criminal conviction to provide funding for the new state death benefit. The new state death benefit and penalty fee would begin on July 1, 2025. The state death benefit and penalty fee would be repealed on January 1, 2033.

Beginning on July 1, 2025, the state treasurer would be required to pay the \$250,000 benefit to the surviving spouse of a first responder who is killed in the line of duty within 30 days after being notified of the death by the first responder's employer. If the first responder does not have a surviving spouse, the death benefit would be divided equally among the first responder's children. The state supplemental benefit fund would be established for the penalty fees and administered by the state treasurer. If the monies in the fund exceed \$2,000,000, the Legislature would be allowed to appropriate those excess monies for peace officer training, equipment and other benefits, including assistance to first responders who are seriously injured in the line of duty and the first responder's family. A first responder



for purposes of the new state death benefit would be a peace officer, firefighter, fire marshal, fire inspector, emergency medical care technician, paramedic, tribal police officer, national guard member who is on state active duty in Arizona, and correctional officer who is employed by the Arizona Department of Corrections.

Proposition 311 also would increase criminal punishment for committing an aggravated assault against peace officers and would add other first responders as possible victims of this crime. A first responder, for purposes of the increased punishment, would be a peace officer, firefighter, fire marshal, fire inspector, emergency medical care technician or paramedic who is engaged in the execution of any official duties. First responders would also include tribal police officers. If the person knows or has reason to know that the victim of an aggravated assault is a first responder or a person summoned and directed by the first responder, the classification of the crime would increase from a class 5 felony to a class 4 felony. If the aggravated assault results in any physical injury to the first responder, the classification of the crime would increase from a class 4 felony to a class 3 felony. The increased criminal punishment would be repealed on January 1, 2033.

[Analysis provided by the Arizona Legislative Council].

Proponents of Proposition 311

Prop. 311 is a demonstration of the important role that first responders play in our community and the value that Arizona residents place on their service.

Prop. 311 both increases criminal penalties on those who attack first responders, and also gives first responders peace of mind knowing that their families would be taken care of should something deadly occur in the line of duty.

Opponents of Proposition 311

Prop. 311 mistakenly shifts away some of the solemn responsibility we owe to fallen first responders by mandating that convicted criminals pay into a death benefit fund.

Prop. 311 has a provision that allows the collected

funds to be diverted to other uses under certain circumstances. The Arizona Legislature has demonstrated far too frequently that they can make a million good-sounding reasons why such monies should be redirected to some new urgent issue.

The families of first responders killed while working on our behalf should not rely on the criminal class to help meet their financial needs. Asking the families of fallen first responders to accept money from criminals is disconcerting.

PROPOSITION 312

Property Tax Refund When Local Governments Do Not Enforce Nuisances

☐ Yes ☐ No

Beginning in tax year 2025 through tax year 2035, Proposition 312 would allow a property owner to apply for a refund once per tax year of the documented, reasonable expenses incurred to mitigate the effects of a city, town or county:

1. Maintaining a public nuisance on the property owner's real property or
2. Adopting and following a policy, pattern or practice that declines to enforce existing laws prohibiting illegal camping, obstructing a public thoroughfare, loitering, panhandling, urinating or defecating in public, consuming alcoholic beverages in public or possessing or using illegal substances and the property owner incurs documented expenses to mitigate the effects of the policy, pattern, practice or public nuisance on their real property.

Proposition 312 would require a property owner to apply to the Arizona Department of Revenue to initiate the refund process. The property owner would be eligible for a refund from the city or town in which their real property is located or from the county in which their real property is located if the real property is located in the unincorporated area of the county. After receiving the refund application, the department would notify the appropriate city, town or county, which would accept or reject the refund. If the refund is accepted or unacknowledged for at least 30 days, the department would pay the refund. If the refund is rejected, the property owner would be eligible to file a cause of action for a court to determine whether the property owner is entitled to the refund and whether the amount of the refund is reasonable.

Proposition 312 would set the refund amount as the documented, reasonable expenses that the property owner incurred to mitigate the effects of the policy, pattern or practice or the public nuisance on their real property. However, if the refund amount is more than the amount the property owner paid in primary property taxes on the real property for the prior tax year, the refund for that tax year would be limited to the amount paid in primary property taxes to the city, town or county, and the property owner must reapply in subsequent tax years to receive the remaining balance of the refund. Additionally, if a public nuisance or policy, pattern or practice remains in place, the property owner would be eligible to apply for another refund in a subsequent tax year, unless the property owner entered into a settlement with the city, town or county.

Proposition 312 would require the state treasurer to withhold the refund amount from monies otherwise due to the appropriate city, town or county from transaction privilege tax revenues and credit that amount to the Department of Revenue as reimbursement for the refunds issued.

A property owner who receives a refund would waive their rights under the Private Property Rights Protection Act, which prohibits a government from taking private property without just compensation, but the property owner could pursue other remedies provided in Arizona law, the Arizona Constitution or the United States Constitution.

Finally, refunds would not apply to case-by-case, published decisions of city, town or county authorities that exercise prosecutorial discretion not to prosecute alleged offenders, acts of executive clemency, acts or omissions taken during a state of emergency or acts or omissions required by federal law.

[Analysis provided by the Arizona Legislative Council].

Proponents of Proposition 312

Cities, towns, and counties across the state are failing or refusing to enforce their own ordinances to protect our communities from the health and safety threats posed by homeless encampments and other public nuisances. Prop 312 is a common sense, practical solution that helps businesses and property owners at a time when they desperately need it. Due to local government failure, many property and business owners have been left to take matters into their own hands to keep their employees safe, keep their doors open, or simply to keep their homes and businesses clean.

Property taxes are intended to fund essential services, including law enforcement, which plays a crucial role in safeguarding communities from crime and degradation. When cities fail to fulfill their duty to uphold ordinances and maintain public order, they essentially breach their contract with taxpayers. As a result, property owners are left to fend for themselves against the adverse effects of neglected encampments and nuisances. By offering property tax refunds to affected property owners, Prop. 312 not only provides relief to those who bear the brunt of city negligence but also serves as a mechanism to hold municipalities accountable.

Under Prop. 312, a property owner can apply for a tax refund if the government fails to enforce basic laws regarding illegal camping, obstructing public thoroughfares, loitering, panhandling, public urination, and possessions of illegal substances. As such property owners and business owners have been saddled with the enormous financial burden of paying for repairs to property, replacement costs of stolen goods and higher costs of goods and services. These expenses



also include costs to upgrade surveillance systems, fencing and even hiring private security.

Opponents of Proposition 312

Prop. 312 would further reduce the availability of services that support our unhoused neighbors getting back on their feet.

Punishing local government financially when the courts are stopping them from enforcing local laws would lead to a cycle of diminished revenue, making it even harder to assist or relocate the homeless, not to mention the impact on other local services and law enforcement.

Prop. 312 would allow individual taxpayers to request property tax refunds if property owners believe the value of their property was reduced, or if they had to pay to address any public “nuisance issues” from people experiencing homelessness. It is intended to focus on “enforcement” of laws that are currently barred under court injunctions and orders.

Proposition 313 would require a person who is convicted of a class 2 felony for any child sex trafficking offense to serve a prison sentence for the remainder of the person’s natural life and make the person ineligible for any form of release.

[Analysis provided by the Arizona Legislative Council].

Proponents of Proposition 313

The sheriffs across Arizona fully support the simplicity of Prop. 313 – convicted of 2nd-degree felony child sex trafficking and face a lifetime in an Arizona prison cell with no opportunity for an early release. Natural life behind bars for a conviction on child sex trafficking charges means just that.

Arizonans have no greater collective duty than to protect the most vulnerable. Crimes against children should result in penalties appropriate to the offense. Child sex trafficking is inarguably one of the worst possible human rights abuses and is a growing problem. Predators are increasingly using social media to more easily identify potential child victims to abduct for prostitution and child pornography. Along with this, the crisis of unaccompanied minors crossing our southern border has intensified the already urgent need to protect children.

Several states have enacted laws allowing for life sentences for individuals found guilty of trafficking minors, reflecting the severity of the crime and their commitment to combating human trafficking.

Opponents of Proposition 313

Prop 313 is an extreme measure based on an emotional and unscientific response to a situation rather than developing an evidence-based plan to protect the most vulnerable among us.

Arizona already has severe punishments for such crimes involving many years in prison, making lifetime punishment unnecessary. In addition, the deterrent value of such stiff punishment has long been doubted. The federal government’s National Institute of Justice has found that severe punishment has only limited effectiveness in discouraging crime since those who

PROPOSITION 313

Increased Punishment for Child Sex Trafficking

☐ Yes ☐ No

Under current law, child sex trafficking is classified as a class 2 or a class 5 felony. Depending on the age of the victim, the nature of the offense and whether a person has previously been convicted of child sex trafficking or certain other felonies, a person who is convicted of a class 2 felony for child sex trafficking may serve a sentence that ranges from a minimum of seven years in prison to the remainder of the person’s natural life without any form of release.

commit offenses do not know, let alone keep in mind, the penalties for specific offenses.

Prop. 313 creates mandatory minimum sentencing, advocating for judges to have discretion to consider individual circumstances such as role in the offense, mental health, remorse, addiction, and background. In cases such as child sex trafficking, victims of sex trafficking are often charged with trafficking offenses due to coercion by their abusers. We cannot codify a law that would subject victims to mandatory minimum sentences.

PROPOSITION 314 –

Secure Border Act

☐ Yes ☐ No

Proposition 314 would establish criminal penalties against a person who is not lawfully present in the United States and who submits false documentation when both applying for public benefits and during the employment eligibility verification process. An entity that accepts public benefits applications would have to verify the person's identity by using a federal verification database. Proposition 314 would make it a class 2 felony for a person to knowingly sell fentanyl if the person knows that the drug being sold contains fentanyl, that the fentanyl was not lawfully manufactured or imported into the United States and that the drug caused the death of another person. Proposition 314 would establish state crimes related to entering this state from a location that is not a lawful port of entry or not complying with an order to leave this state.

More specifically, Proposition 314 would:

1. Create a new state crime that prohibits a natural person who is not lawfully present in the United States from knowingly submitting false documentation when applying for a federal, state or local public

benefit. The crime would be a class 6 felony. In order to verify the validity of the applicant's documents and eligibility for benefits, the agency or political subdivision of this state that administers the public benefit would be required to use the federal government's systematic alien verification for entitlements program or a successor program if the applicant is not a citizen or national of the United States.

2. Create a new state crime that prohibits a natural person who is not lawfully present in the United States from knowingly submitting false information or documents to an employer to evade detection of employment eligibility under the E-Verify program. Current law requires certain employers to use the E-Verify program to determine if a person is eligible to be employed in this state. The crime would be a class 1 misdemeanor, except that it would be a class 6 felony if the person has previously been convicted of submitting false information or documents to an employer. A person convicted of this crime would be required to be incarcerated for a period of time as determined by the court before the person could be released on probation or any other type of release.
3. Create a new state crime that prohibits a person who is at least 18 years of age from knowingly selling fentanyl in violation of the current drug laws if the person knows the drug sold contains fentanyl and the fentanyl causes the death of another person. The crime would be a class 2 felony and would require that any prison sentence imposed on the person be increased by five years. It would be an affirmative defense to a prosecution of this crime if the fentanyl and the fentanyl's precursor chemicals were manufactured in the United States or were lawfully imported into the United States.
4. Create a new state crime that prohibits a person who is an alien from entering or attempting to enter this state directly from a foreign nation at any location that is not a lawful port of entry. There are affirmative defenses that would apply to aliens who have been granted asylum or lawful presence in the United States or that would apply if the alien's conduct is not a violation of federal immigration laws. The crime would be a class 1 misdemeanor, except



that it would be a class 6 felony if the person has been previously convicted of this crime. A person convicted of this crime would be required to be incarcerated for a period of time as determined by the court before the person could be released on probation or any other type of release. Proposition 314 would also create a new state crime for an alien who enters this state at a location other than a lawful port of entry and refuses to comply with an order to return to a foreign nation or the alien's nation of origin. The crime would be a class 4 felony. Proposition 314 would allow a court to dismiss a criminal charge against an alien if the alien agrees to return to the foreign nation from which the alien entered or attempted to enter the United States or to their nation of origin and meets other conditions. An alien could not be prosecuted for any of these crimes until a similar law in the state of Texas or a similar law in any other state has been in effect for at least 60 consecutive days after Proposition 314 is approved by voters and becomes effective. The new crimes related to an alien who enters or attempts to enter this state from a location that is not a lawful port of entry do not apply to a person who entered this state before the new crimes become enforceable. Proposition 314 would also provide that a state or local government entity, official, employee or contractor has civil immunity under state law for an action taken to enforce the laws that prohibit an alien from entering this state from a location that is not a lawful port of entry. If a county or local law enforcement agency does not have the capacity to hold a person who is arrested or convicted under this new law, Proposition 314 would require the Arizona Department of Corrections to accept the arrested or convicted person at any facility in this state that has available room for the person.

[Analysis provided by the Arizona Legislative Council].

Proponents of Proposition 314

Arizona spends \$2.3 billion a year on expenditures on illegal immigration, according to an estimate from the Federation for American Immigration Reform. Prop 314 would limit this strain on social services by ensuring that public benefits are only utilized by those who are lawfully present in the United States.

Prop. 314 draws inspiration from Texas' SB 4 and empowers state law enforcement to detain and initiate deportation proceedings for those who enter Arizona illegally. This approach not only alleviates pressure on local resources but also serves as a deterrent, sending a clear message that illegal entry will face consequences.

Prop. 314 is essential for restoring order and security along Arizona's border. It establishes a legal framework that enables state authorities to protect their communities, uphold the rule of law, and mitigate the detrimental effects of uncontrolled immigration and drug trafficking.

Opponents of Proposition 314

Prop 314 threatens the well-being and economic stability of Arizona. While it claims to address "border security" and the fentanyl crisis, it fails to address the root issues in public health, and instead targets vulnerable populations and businesses crucial to our state, likely triggering circumstances of racial profiling.

Arizona's agriculture heavily relies on seasonal and migrant labor. Strict verification requirements could lead to severe labor shortages, increased operational costs, and potential crop losses. Arizona businesses depend on a diverse workforce, including the labor and buying power of the immigrant community.

Prop. 314 may deepen existing divides and foster discrimination within our society. The broad definition of probable cause provides no meaningful limitation on who may be stopped or arrested for suspected unlawful entry. This jeopardizes Arizona's Dreamers and long-term undocumented families.

PROPOSITION 315

Legislative Ratification of Administrative Rulemaking by State Agencies

☐ Yes ☐ No

Current law outlines the process in which state agencies adopt rules. A state agency seeking to propose a rule must open a rulemaking docket to provide notice to the public of the proposed rulemaking. The state agency is required to accept comments on the proposed rule for at least 30 days before submitting the final rule to the Governor's Regulatory Review Council (GRRC) for approval.

The Administrative Rules Oversight Committee (AROC) may also review any rulemaking action to ensure conformity with statute and legislative intent. AROC may comment and designate a representative to testify to GRRC on whether the rule is consistent with statute or legislative intent. GRRC is required to consider the comments and testimony AROC and may review and approve the rule or return the rule.

Proposition 315 would require a state agency to submit to the Office of Economic Opportunity (OEO) for review a proposed rule that is estimated to increase regulatory costs in Arizona by more than \$100,000 within five years after implementation. If OEO finds that the proposed rule is estimated to increase regulatory costs in Arizona by more than \$500,000 within five years after implementation, the proposed rule would not become effective until legislation is enacted to ratify the proposed rule. After completing the review, OEO would be required to submit the proposed rule to AROC at least 30 days before the start of the next

legislative session. AROC would be required to submit the proposed rule to the Legislature as soon as practicable. Any member of the Legislature would be allowed to introduce legislation to ratify the proposed rule and the proposed rule would be exempt from the statutory time frames and submission requirements. If the Legislature does not ratify the proposed rule during the current legislative session, the state agency would be required to terminate the proposed rulemaking by publishing a notice of termination.

Proposition 315 would also:

1. Allow a legislator or a person who is regulated by a state agency that is proposing a rule to request OEO to review a proposed rule.
2. Exempt any emergency rules from legislative ratification requirements.
3. Beginning on the effective date of this measure, provide that any new rule that is subject to the regulatory cost review process is void and unenforceable unless the Legislature ratified the rule.

Proposition 315 would not apply to the Corporation Commission.

[Analysis provided by the Arizona Legislative Council].

Proponents of Proposition 315

Prop. 315 benefits all of us by bringing checks and balances to the state's administrative rulemaking process, as it makes agency rulemaking consistent with virtually every other government function.

By making proposed agency rules that have been identified as having an adverse economic impact on the economy subject to legislative approval, Prop. 315 can prevent unfair and onerous regulations from going into effect.

As we elect state legislators to make laws, the administrative rules that flow from such enacted laws should also have a legislative review process to ensure consistency, especially if those rules are costly to small business and individuals.



Opponents of Proposition 315

Prop. 315 is unnecessary as a law already exists for this purpose: That is, Arizona law already mandates that state agencies have statutory authority with guardrails before they enact regulations. Additionally, all final proposed state agency rules must receive final approval from the Governor's Regulatory Review Council. This existing oversight ensures that any new regulations are carefully vetted and justified, balancing regulatory needs with public interests.

Prop. 315, will give the Arizona Legislature the power to interfere with the rule-making authority of the state's regulatory agencies. The measure undermines the autonomy of state agencies by shifting accountability for spending from the governor's and state attorney's offices to the legislature.

State agencies need the authority to operate effectively based on their specific roles, responsibilities, and budgets. Regulatory agencies have a level of subject matter expertise and familiarity with the regulatory environment lacking in the Legislature.

DISCLAIMER: *The arguments contained in this document, for both the proponents and opponents alike, are the opinions of those that submitted statements to the Secretary of State for publication in the official publicity pamphlet of the 2024 General Election cycle. The views listed in this ballot proposition guide do not necessarily reflect the views of Goodman Schwartz Public Affairs.*

HOW TO REGISTER TO VOTE

Register to vote on-line at:

www.servicearizona.com/webapp/evoter/

ADDITIONAL RESOURCES

For full text of the propositions, the analysis provided by the Arizona Legislative Council and a complete listing of all submitted arguments for and against a proposition, please go to the Arizona Secretary of State's [website](#).

