



# Ballot Initiative STRATEGY CENTER

## Ballot Initiative Overview

2008 Election

### Arizona

Arizona is among the top five states in overall ballot measure activity, including both citizen petitions and legislative referrals. In 2006 alone voters faced 19 ballot measures, far more than any other state. Much of this activity can be attributed to the state legislature, which has referred 15 measures over the last two election cycles (the only citizen-petitioned measure in 2004, for example, was Proposition 200, the anti-immigration measure). Many of Arizona's ballot initiatives passed by wide margins, with the gay marriage ban and land trust measures, both of which failed, notable exceptions.

Despite this level of activity, an impressive 9 of 10 voters said they were interested in the state's ballot initiatives in 2006 in a post-election survey sponsored by BISC. This included almost two-thirds of voters who were very interested (which is higher than the rest of the five states studied). Furthermore, over half of Arizona voters say the positions of candidates on ballot issues were important in determining their vote. Older voters (39 percent saying 'most important'), voters with a high school education or less (47 percent), voters who attend church once or twice a month (42 percent), and unmarried women (41 percent) are more likely to say that a candidate's position on ballot initiatives is one of the most important criteria in making their voting decisions.

Some of the major themes of contentious ballot measures in recent cycles have been immigration, clean elections, gaming, education, and the environment. Business interests in Arizona have tried to restrict the initiative process, but progressives have resisted those efforts since most of the progressive gains have been made via ballot measures.

Historically, the progressive community has used the Arizona citizens' initiative process to increase state spending on education, healthcare, and conservation, while the conservative legislature has referred divisive social issues to the ballot. Both approaches have had a high degree of success. In recent years, Arizona voters have passed an expansion of Medicaid eligibility, increased funding for Arizona's public schools and, last year, voters instituted the state's first minimum wage. The legislature, in turn, has referred a number of wedge issues,

including four anti-immigrant initiatives in 2006 that passed with more than 70% of the vote. In total, Arizona voters approved 12 of the state's 19 ballot measures during the last cycle.

This year's topics don't differ too much from the past - although the total number of measures is down significantly compared to 2006. Immigration is back on the ballot, as well as a gay marriage referendum. Measures concerning big business-related industry fights also are included on this year's ballot. The payday loan industry is trying to protect its interests in the state through a pre-emptive initiative meant to limit industry abuses. Homebuilders are fighting a consumer protection measure that would institute a ten-year warranty on new homes. Anti-investment sponsors are behind the so-called Majority Rules measure - the most deceptively worded initiative in Arizona this year-which would require that any mandatory tax or spending increase by the state, whether on a business or on an individual, be passed by a majority of the registered voters in a state, not by the majority of those who vote in a given election. Eight measures were on the statewide ballot and two passed.

**Six were citizen-petitioned initiatives.**

**One was referred by the Legislature.**

**One was referred by the Commission on Salaries for Elective State Officers.**

### **3 Constitutional Amendments Qualified**

#### **Proposition 100: Investment/Taxes**

Proposing an Amendment to Article IX of the Arizona Constitution by Adding a New Section 24 Relating to a Prohibition of Any New Real Property Sale or Transfer Tax in Arizona: Prohibits state, county, city, town, municipal or other state political subdivision from imposing any new tax, fee, or other assessment on the sale, purchase, transfer, or other conveyance of any interest in real estate after December 31, 2007.

Proponents: Arizona Association of Realtors, <http://www.protectourhomes.com/home/>

Opponents: No Committee Identified

PASSED 77% - 23%

#### **Proposition 101: Health Care**

Proposing an Amendment to the Constitution of Arizona; Amending Article II of the Arizona Constitution by Adding Section 36 of Article II; Relating to Freedom of Choice in Health Care: Prohibits laws that: restrict person's choice of private health care systems or private plans; interfere with person's or entity's right to pay directly for lawful medical services; impose a penalty or fine for choosing to obtain or decline health care coverage or for participation in any health care system or plan.

Proponents: Medical Choice for Arizona, <http://www.medicalchoiceforaz.com/>

Opponents: No Committee Identified

FAILED 49.8% - 50.2%

#### **Proposition 105: Investment/Taxes**

Majority Rule-Let the People Decide Act Proposing an Amendment to the Constitution of

Arizona: Amending Article IV, Part 1, Constitution of Arizona, by Adding Section 1.1 Relating to Initiative Measures and Requiring that Any Mandatory Tax or Spending Increase Be Enacted by a Majority of Qualified Electors: Requires an initiative measure that establishes, imposes or raises a tax, fee, or other revenue, or mandates a spending obligation, whether on a private person, labor organization, other private legal entity or state, shall not become law unless the measure is approved by a majority of qualified electors registered to vote.

Proponents: Majority Rules - Let the People Decide In Favor of Prop 105

Opponents: The Voters of Arizona - No on Prop 105, <http://www.thevotersofaz.com/prop105/>  
FAILED 34% - 66%

### **3 Statutory Initiatives Qualified**

#### **Proposition 200: Economic Security**

Payday Loan Reform Act: Extends payday licensing program indefinitely; allows electronic debit agreements; prohibits services over 35 days; requires English or Spanish agreements; prohibits certain fees; requires payment plan if requested; prohibits arrangements with customers having outstanding repayment plans; allows licensee to make other loans; requires licensee to maintain minimum and maximum net worth.

Proponents: Arizonans for Financial Reform, <http://www.affr2008.org/>

Opponents: Arizonans for Responsible Lending, No on 200, <http://www.200isNoReform.com>  
FAILED 40% - 60%

#### **Proposition 201: Economic Security**

Homeowners' Bill of Rights: Allows prospective dwelling buyer lawsuit; permitting lawsuits despite alternative dispute resolution agreements; prohibits seller attorney fees; shortens notice and response time; requires seller inspection and licensed contractor; requires seller contract provide 10-year warranty; seller must disclose conflicts; gives buyer cancellation rights; expands time to file improvements suit; expands purchaser remedies.

Proponents: Arizona Homeowners Bill of Rights Committee

Opposition: Arizonans against Lawsuit Abuse, <http://www.stoplawsuitabuseaz.com/>  
FAILED 22% - 78%

#### **Proposition 202: Immigration**

Amending Title 13, Chapter 20, Arizona Revised Statutes, by Amending Sections 13-2008, 13-2009, and 13-2010; and Amending Title 23, Chapter 2, Arizona Revised Statutes, by Amending Section 23-211, 23-212, 23-213, and 23-214, and Adding Section 23-215: Modifies laws that suspend or revoke business licenses for employers who knowingly or intentionally employ an unauthorized alien; increases penalties on identity theft related to employment; adds fines on employers who pay improperly reported cash wages; establishes presumption favoring employer that verifies employee eligibility under federal law.

Proponents: Stop Illegal Hiring, <http://www.stopillegalhiring.com/index.php>

Opponents: No on Prop 202, <http://www.stopproposition202.com>

FAILED 41% - 59%

## **1 Constitutional Amendment Was Referred**

### **Proposition 102: LGBT Equality**

Senate Concurrent Resolution 1042 Proposing an Amendment to the Constitution of Arizona; Amending the Constitution of Arizona, by Adding Article 30; Relating to Marriage: Defines that only a union of one man and one woman shall be valid or recognized as a marriage in this state.

Proponents: Yes for Marriage, <http://www.yesformarriage.com>

Opponents: Arizona Together Opposed to Prop 102, <http://www.AZTogether.org/>

PASSED 56% - 44%

## **1 Constitutional Amendment Was Referred by the Commission on Salaries for Elective State Officer**

### **Proposition 300: Administration of Government**

State Legislators' Salaries: Provides for an increase in the salaries of State Legislators from \$24,000 to \$30,000 per year.

FAILED 35.5% - 64.5%

*For additional information please check with the Arizona Secretary of State:*

*<http://www.azsos.gov/>*