

## AZ Propositions 2024

### **Prop 133: Require Partisan Primaries and Prohibit Primaries Where Candidates Compete Regardless of Party Affiliation Amendment**

Referred by: AZ Legislature

Impact: Constitutional Amendment

#### Overview:

The constitutional amendment would require partisan primaries for partisan offices, meaning that members of political parties nominate their own candidates at primaries for general elections. This is the current practice in Arizona; the constitutional amendment would add this practice to the constitution, prohibiting future changes without another [constitutional amendment](#).<sup>[1]</sup> In Arizona, unaffiliated voters can also [choose to vote](#) in a party's primary election—something that the amendment would not change.<sup>[2]</sup>

The constitutional amendment would also provide that the state's *direct primary election law* supersedes local laws, charters, ordinances, and rules that are inconsistent with that law

This would not eliminate ranked choice voting, but would prohibit top-two, four or five primaries.

### **Prop 134: Signature Distribution Requirement for Initiatives Amendment**

Referred by: AZ Legislature

Impact: Constitutional Amendment

#### Overview:

The constitutional amendment would require that a percentage of signatures for initiative petitions come from *each legislative district* in Arizona. This is known as a [signature distribution requirement](#). The current signature requirement to get an initiative petition on the ballot in Arizona is equal to 10% or 15% of qualified electors in the state for state statutes and constitutional amendments, respectively.<sup>[1]</sup>

If approved, the amendment would provide that the initiative signature requirement would be 10% of votes cast for governor in each legislative district to qualify initiated state statutes for the ballot, and 15% of votes cast for governor in each legislative district to qualify initiated constitutional amendments for the ballot.

### **Prop 135: Emergency Declarations Amendment**

Referred by: AZ Legislature

Impact: Constitutional Amendment

#### Overview:

This amendment would provide for the legislature to terminate a state of emergency or alter the emergency powers of the governor during the state of emergency. The legislature would need to provide a petition containing the signatures of at least one third of the members of each house to the governor in order to request a special session to terminate or alter the powers of the governor

during a state of emergency. Under this measure, the governor would have to call the special session on the date specified.<sup>[1]</sup>

The amendment would also provide for any emergency powers granted to the governor to automatically terminate 30 days after the state of emergency is proclaimed, unless the state legislature extends the emergency powers granted to the governor, except in cases for a state of war emergency or an emergency arising from a flood or a fire. Under this measure, the governor would not be able to proclaim a new state of emergency arising from the same conditions by which the state of emergency was proclaimed. The measure would also provide that if the state legislature does extend the state of emergency, they may also alter the governor's powers granted during the state of emergency.

### **Prop 136: Legal Challenges to Constitutionality of Initiative Amendment**

Referred by: AZ Legislature

Impact: Constitutional Amendment

#### Overview:

This measure would amend the state constitution to introduce new provisions regarding challenges to the constitutionality of proposed constitutional amendments or initiative measures. The amendment would allow any person to file a legal challenge in the superior court regarding the constitutionality of a proposed constitutional amendment or initiative measure at least one hundred days before the date of the election where the measure or amendment is scheduled to be voted on. For measures on a November general election ballot, this 100-day timeline would mean challenges could be filed up until the end of July. Challenges could be filed on the grounds that the proposed measure or amendment, if enacted, would violate either the United States Constitution or the state constitution.

Any party could appeal the superior court's decision to the state supreme court within five calendar days after the superior court renders its judgment. If a court rules that a proposed measure is unconstitutional, then the secretary of state or other appropriate election officer would be instructed not to include the measure on the official ballot.

#### Opposition:

In opposition to the measure, State Rep. Laura Terech (D-4) said, "This is going to astronomically raise the cost of running these initiatives and I find it deeply, deeply undemocratic.

### **Prop 137: End Term Limits and Retention Elections for Supreme Court Justices and Superior Court Judges Amendment**

Referred by: AZ Legislature

Impact: Constitutional Amendment

#### Overview:

The amendment would end term limits for state supreme court justices and superior court judges, replacing them with *terms of good behavior* unless decided otherwise by a judicial review commission. It would also end retention elections at the end of judicial terms, providing these

elections under certain circumstances, including: when a judge or justice being convicted of a felony, or a crime involving fraud and dishonesty, or when a judge or justice has a declaration of bankruptcy or foreclosure. Retention elections could also occur by a determination of the Commission on Judicial Performance Review.<sup>[1]</sup>

Currently, in Arizona, state supreme court justices have terms of six years, while superior court judges have four year terms

#### Opposition:

In opposition to the amendment, Catherine Sigmon, co-founder of Civic Engagement Beyond Voting, said, "The merit system of judicial selection was instituted in Arizona in 1974 by a civilian initiative. It was put on the ballot and voted for by the people of Arizona. It was improved and reinforced in the 1990s. So we have had this system of judicial retention, which is truly the gold standard in the nation. The merit selection process includes a bipartisan commission which recommends three or more justices to the governor to appoint. And then it also has a retention system that, that is a very important part of the whole process to allow the citizens of Arizona to also weigh in after a period of time on the bench.

### **Prop 138: Wages for Tipped Workers Amendment**

Referred by: AZ Legislature

Impact: Constitutional Amendment

#### Overview:

The amendment would allow for tipped workers to be paid 25% less per hour than the minimum wage if any tips received by the employee were not less than the minimum wage plus \$2 for all hours worked. Currently, businesses in Arizona can pay tipped workers \$11.35, which is \$3 less than the current minimum wage of \$14.35, as long as their take-home pay, including tips, amounts to the minimum wage. Under this new amendment, businesses would be able to pay workers \$3.58 (25%) less than the current minimum wage of \$14.35, which is \$10.77, provided that the total take-home pay of each worker is at least the hourly minimum wage plus \$2 for each hour worked.

#### Opposition:

In opposition to the measure, Jim Barton, attorney for One Fair Wage AZ, said, "If they're saying that the restaurants need to use the tips that the servers earn to cover their responsibility to pay the worker, then that restaurant's not a very good business ... Businesses can afford to pay their workers a fair share. And there is no reason why the boss should get to take credit for the tip that the server earns."

### **Prop 139: Right to Abortion Initiative**

Referred by: citizen-initiated

Impact: Constitutional Amendment

#### Overview:

This measure would amend the Arizona Constitution to establish the *fundamental right to abortion* that the state of Arizona may not interfere with before the point of *fetal viability*. *Fetal viability* is defined in the measure as the point of pregnancy when there is significant chance of

the survival of the fetus outside of the uterus without the application of extraordinary medical measures. This right would not be interfered with unless justified by a compelling state interest. In the measure, a compelling state interest is defined as a law or regulation enacted for the limited purpose of improving or maintaining the health of the individual seeking abortion care that does not infringe on that individual's autonomous decision making.

**Prop 140: Eliminate Partisan Primaries Amendment**

Referred by: citizen-initiated

Impact: Constitutional Amendment

Overview:

This amendment would eliminate partisan primaries and replace them with an electoral system where individuals may vote for the candidate of their choice, regardless of the party affiliation of the voter or the candidate. It would place all primary candidates on the same ballot, regardless of political party. The amendment would allow for the state legislature to choose on how many candidates would advance from the primary to the general election. For one-winner races, it would provide for two to five candidates to advance to the general election. If three or more candidates advance in one-winner races, ranked-choice voting will be used in the general election

**Prop 311: Criminal Conviction Fee for First Responder Death Financial Benefit Measure**

Referred by: AZ Legislature

Impact: Amend State Statute

Overview:

This ballot measure would establish a \$20 penalty fee for each criminal conviction in the state of Arizona. The fees would go to a newly created state supplemental benefit fund. Under this measure, a surviving spouse or children of a first responder would receive a benefit of \$250,000 from the fund if the first responder is killed in the line of duty.<sup>[1]</sup>

Fees collected by courts would be submitted to the county treasurer or municipal treasurer, who would then submit these fees to the state treasurer. The state treasurer would deposit these fees into the benefit fund.<sup>[1]</sup> If the benefit fund exceeds \$2 million, the state legislature, under this measure, may appropriate those funds to officer training, equipment, and other uses.

**Prop 312: Property Tax Refund for Non-Enforcement of Public Nuisance Laws Measure**

Referred by: AZ Legislature

Impact: Amend State Statute

Overview:

This measure would allow for property owners to apply for a property tax refund in certain circumstances, including in instances if the city or locality in which the property is located does not enforce laws regarding illegal camping, loitering, obstructing public thoroughfares, panhandling, public urination or defecation, public consumption of alcoholic beverages, and possession or use of illegal substances.

Opposition: In opposition to the measure, Jane Ahern, lobbyist for the League of Arizona Cities and Towns, said, "This bill is going to put cities in an impossible legal position ... Instead of addressing the shortage of shelter capacity, this bill simply threatens to drain much needed resources and expose cities to further litigation

### **Prop 313: Life Imprisonment for Sex Trafficking of a Child Measure**

Referred by: AZ Legislature

Impact: Amend State Statute

#### Overview:

The measure would establish a life sentence for anyone convicted of a Class 2 felony for child sex trafficking pursuant to Section 13-3212 of the Arizona Revised Statutes. Arizona law defines sex trafficking of a child as using a minor for the purposes of prostitution, or causing a minor to be used in prostitution, including transporting, recruiting, or providing for a minor to engage in prostitution or any sexually explicit performance.<sup>[1]</sup>

Currently in Arizona, a person who is found guilty of sex trafficking a child who is 15, 16, or 17 years of age can receive up to 10 to 24 years for a first time offense. A person who is found guilty of sex trafficking a child under 15 is punished under ARS 13-705, the *dangerous crimes against children* sentencing statute (or DCAC), and a first time offender will receive a minimum of 13 years in prison.

#### Opposition:

In opposition to the measure, State Rep. [Mitzi Epstein](#) (D-12) said, "This would send teenagers to prison for life. It could be fixed to not harm the victims. Instead, we have a very extreme version that could send teenagers to prison for life who have already been sex trafficked themselves. They are the victims of this crime. They have been coerced, and they are teenagers and this would be sending them to prison themselves."

### **Prop 314: Immigration and Boarder Law Enforcement Measure**

Referred by: AZ Legislature

Impact: Amend State Statute

#### Overview:

This measure, HCR 2060, would make it a state crime for noncitizens to enter the state directly from a foreign nation other than the official ports of entry, and allow for state and local police to arrest noncitizens who cross the border unlawfully. Under this measure, a person may not be arrested without probable cause, which includes a law enforcement officer witnessing the violation or a technological recording of the violation. The measure would also allow for state judges to order deportations.<sup>[1]</sup>

The measure would require the use of the E-Verify program in order to determine the immigration status of individuals before the enrollment in a financial aid or public welfare program. Under this measure, it would be a Class 6 felony for individuals who submit false information or documents to an employer to evade detection of employment eligibility under the E-verify program, or to apply for public benefits.<sup>[1]</sup>

This measure would make the sale of fentanyl a Class 2 felony if the person knowingly sells fentanyl and it results in the death of another person.

#### Opposition:

Gov. [Katie Hobbs](#) (D), who opposes the measure, said, "HCR 2060 will hurt Arizona businesses, send jobs out of state, make it more difficult for law enforcement to do their jobs, and bust the state's budget. It will not secure our border. Despite strong opposition from business leaders, border law enforcement, and bipartisan local leaders throughout the state, extremists in the legislature have chosen to prioritize their political agendas over finding real solutions." U.S. Rep. [Ruben Gallego](#) (D) said, "Politicians are refusing to address our border crisis and dragging us backwards to a horrible time. In order to truly secure our border and keep Arizonans safe, we need to hire more border patrol agents, deliver crucial resources to our frontline border communities, and fix our broken asylum system. This bill does none of that."

### **Prop 315: Legislative Ratification of State Agency Rules that Increase Regulatory Costs Measure**

Referred by: AZ Legislature

Impact: Amend State Statute

#### Overview:

The measure would require that any proposed rule projected to increase regulatory costs in the state by over \$100,000 within five years of implementation to be submitted to the Office of Economic Opportunity for review. The legislature, or any person who is regulated by an agency proposing a rule, may also request proposed rules to be sent to the Office of Economic Opportunity for review.<sup>[1]</sup>

If the Office of Economic Opportunity finds that a proposed rule will increase regulatory costs by more than \$500,000 within five years, the rule could not become effective unless ratified by the legislature through specific legislation.<sup>[1]</sup>

The Office of Economic Opportunity would be required to submit qualifying proposed rules to the Administrative Rules Oversight Committee at least thirty days before the next regular legislative session and must submit the proposals to the full legislature.<sup>[1]</sup>

Any member of the legislature could introduce legislation to ratify a proposed rule. Rules subject to this process are exempt from automatic adoption and require affirmative legislative approval before they can be finalized by the agency and filed with the Secretary of State. If the legislature does not enact legislation to ratify a proposed rule during the current legislative session, the agency must terminate the rulemaking process by publishing a notice of termination in the official register.<sup>[1]</sup>

The changes would not apply to emergency rulemaking, when an agency makes a rule that it finds necessary as an emergency measure that is approved by the attorney general and filed with the secretary of state. The changes would also not apply to the Arizona Corporation Commission, which is responsible for regulating public utilities.