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State Voters Will Decide Fate Of 11 Measures At General Election

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By Tammy Gray-Searles

Although focus on local candidates will likely dominate the Primary Election on Sept. 2, several ballot initiatives will vie for voter attention and approval at the General Election on Nov. 4.

There are 11 measures expected to appear on the November ballot, nine of which are citizens' initiatives and two referred by the legislature to the voters. The initiatives include:

- * **TIME:** A one-percent sales tax increase to fund transportation costs.
- * **Majority Rules:** Amending the percentage of votes required to pass changes in state taxes to include registered voters who did not vote.
- * **Marriage:** Banning of same-sex marriage.
- * **Stop Illegal Hiring:** Changes to the state's employer sanction law to put a greater burden of proof on prosecutors.
- * **Arizona Civil Rights:** Banning of racial and gender-based preference programs.
- * **Conserving Arizona's Water and Land:** Designation of 570,000 acres of state trust land for permanent conservation.
- * **Homeowners' Bill of Rights:** Creation of rights for purchasers of new homes that are poorly built.
- * **Arizonans for Financial Reform:** Adding new regulations for the payday loan industry that would reduce certain charges.
- * **No New Home Tax:** Preventing tax on the sale or transfer of homes.
- * **Medical Choice for Arizona:** Preventing the government from restricting health care insurance choices.
- * **Salaries for Elective State Officers:** Increasing the salaries of legislators.

TIME

Of all the proposals, TIME, which stands for Transportation and Infrastructure Moving Arizona's Economy, seems to have generated the most controversy and concern.

Proponents of the plan, which calls for a one-percent increase in state sales tax, say that the measure is necessary to raise the funds needed to improve the state's transportation system. If approved by voters, the new tax is expected to generate \$42 billion dollars over the next 30 years, and the majority of that funding would help update the state's aging transportation system.

Opponents of the measure argue that the cost outweighs the benefits for most Arizona cities and counties, since Maricopa County is slated to receive 60 percent of all revenue. In addition, Navajo County would receive less than half the sales tax revenue generated in this area back for transportation improvements. Individuals opposed to the measure have also pointed out that a one-percent increase would raise sales tax in communities like Holbrook and Winslow to 10.1 percent, some of the highest rates in the nation. Snowflake and Taylor sales tax rates would not be far behind at 9.1 percent if the initiative passes.

The measure has already been the subject of considerable controversy, with questions raised about campaign contributions, money designated for environmental organizations, deals brokered with major homebuilders and lack of coordination with the Arizona Department of Transportation's regional framework studies. On July 11, a lawsuit was filed by the proponents of TIME, asking a judge to change the language describing the proposition in a guide that will be distributed to all voters. They want the language stating that the tax increase is 17.8 percent removed from the pamphlet.

Majority Rules

The Majority Rules initiative, if passed, would change the way votes are counted on measures affecting state taxes and fees. Under current law, the number of "yes" votes is simply counted against the number of "no" votes in determining whether a measure receives enough votes to pass. For example, most initiatives require 50-percent, plus one vote, to pass, so if there are 100 ballots cast and 51 are "yes" votes, and 49 are "no" votes, the measure passes, regardless of how many registered voters chose

not to vote.

Under the proposal, for any proposition that would change state taxes or fees, the percentage of votes required to pass a measure would be based on the total number of registered voters, not the number of votes actually cast. For example, if there were 500 registered voters in a district, and only 100 voted, the measure could not pass even if all 100 voted “yes,” because the number of “yes” votes required for the measure to pass would be 251, or 50-percent plus one of all registered voters. In other words, registered voters who did not go to the polls would essentially be casting a “no” vote on a proposition, because the number of “yes” votes would have to surpass 50-percent of the number of registered voters.

The voter turnout rate for most Arizona elections is between 45 and 65 percent.

Marriage

One of the two initiatives referred to the ballot by state lawmakers, rather than being proposed by citizens, the Marriage initiative would ban same-sex marriage by changing the state constitution to define marriage as being between one man and one woman.

The proposal came at the end of the fourth-longest legislative session in Arizona history, and reportedly escalated the already intense battle between the Democrat and Republican parties. Some Democrats walked out of the session over the proposal.

Recent court rulings in other states have overturned same-sex marriage bans, and Arizona voters turned down a similar proposal at the polls just two years ago.

Stop Illegal Hiring

The Stop Illegal Hiring measure is a proposal that would change the requirements for prosecuting business owners who hire illegal immigrants. Under the current employer sanctions law, prosecutors must only show “constructive knowledge” that an employer reasonably should or could have known that an employee did not have the legal right to work. The measure, if approved by voters, would change that standard to “actual knowledge,” or that an employer had direct knowledge that an employee was not a legal worker.

Proponents say the measure will protect legal employees who could be put out of work if a business owner mistakenly hires an illegal worker. Opponents of the proposal say it would undermine the purpose of the employer sanctions law and would result in illegal hiring.

Arizona Civil Rights

The Arizona Civil Rights measure calls for a prohibition on racial and gender-based preference programs. The proposal has already raised tensions, with the signatures being filed quietly in order to avoid protestors. One group of opponents of the initiative has already prepared a lawsuit in hopes of preventing it from appearing on the ballot.

Those in favor of the proposal claim that it will provide equal civil rights for everyone, and those against the measure argue that it is a blow to civil rights. The measure addresses all racial and gender-based preference programs, from education to small business assistance.

Conserving Arizona’s Water and Land

The initiative called Conserving Arizona’s Water and Land seeks to change the way state trust land is managed. If passed by voters, the measure would set aside 570,000 acres of state trust land for permanent conservation, give local governments the ability to buy state land for conservation purposes without going through the bidding process and allow the State Land Department to keep a percentage of the sale price.

Supporters hope that more open land will be conserved, that it will increase property values for land bordering a permanent conservation area, and the sale of the higher valued land will help state programs and fund education. Critics say it will mean less money for Arizona schools since the percentage the State Land Department will be allowed to keep is not clearly outlined.

Homeowners’ Bill of Rights

The Homeowners’ Bill of Rights includes language that would require a 10-year warranty be provided on all new homes. It would also limit the ability of homebuilders to collect attorney’s fees from purchasers who sued and lost.

The measure is strongly supported by the AFL-CIO union, which says that the proposal is a way to

hold homebuilders accountable for poorly built homes. The Homebuilders Association of Central Arizona argues that the initiative is not about protecting homebuyers, but is a reaction to their refusal to force heating and cooling subcontractors to unionize. The Homebuilders Association filed a suit July 22 to try to block the provision from reaching the ballot.

Arizonans for Financial Reform

A proposition called Arizonans for Financial Reform is actually targeted at the payday loan industry. The measure seeks to create new restrictions on the business of payday loans, including lowering fees and banning costly loan rollovers. The measure is backed by the payday loan industry and includes fewer re-restrictions than an alternate proposal that didn't make it to the ballot.

Some critics say that the measure is only an attempt at an end-run around proposed legislation that would end the practice of payday loans. Supporters argue that the restrictions are designed to eliminate unscrupulous payday lenders and keep legitimate lenders in business.

No New Home Tax

The No New Home Tax initiative would prevent taxes from being assessed on the sale or transfer of homes and businesses. Currently, the state does not assess such taxes, but recent proposals to charge tax on home sales prompted a group to work to get the initiative preventing those taxes on the ballot.

No groups have come forward to oppose the measure, and proponents say that it will help protect homeowners and homebuyers, and prevent more damage to an already struggling housing market.

Medical Choice for Arizona

Backed by surgeons Dr. Eric Novack and Dr. Jeffrey Singer, the Medical Choice for Arizona proposal would prevent the state from limiting the choice of private health-care insurers for residents.

Billed as preventive legislation against special interests, the initiative seeks to establish and protect the right of patients to make their own choices regarding healthcare.

Salaries for Elective State Officers

What has become a standard measure on Arizona ballots, the Salaries for Elective State Officers seeks to raise the salary of legislators from \$24,000 to \$30,000 per year.

The same measure to raise salaries for state elected officials to \$30,000 appeared on the 2002, 2004 and 2006 ballots.

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