

## Transit bill's description to change

by [Glen Creno](#) - Aug. 2, 2008 12:00 AM  
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The group pushing for a \$42.6 billion statewide transportation-improvement measure won a court squabble Friday over how the plan would be described to voters.

Judge Edward Burke of Maricopa County Superior Court said the Legislative Council, in charge of writing impartial ballot measure descriptions, tried to give it a negative slant and ruled that it be rewritten.

The initiative has yet to qualify for the ballot, but signatures have been submitted to the Secretary of State's Office for approval. The proposal calls for a 1 cent-per-dollar tax increase that would pay for a 30-year program of roadway and transit improvements statewide.

The measure's wording has been the focus of a legal fight between the council and a collection of business groups, the TIME Coalition.

The council stated that the measure, called the TIME Act, would increase the state sales tax from 5.5 to 6.6 cents per dollar, then included, in parentheses, "a 17.8 percent tax increase." The argument was over including

the percentage.

The TIME Coalition claimed in a legal challenge that including the percentage would mislead voters.

"The method was deliberately chosen to stack the deck against this proposition," TIME attorney Paul Eckstein said at Friday's hearing.

The defense argued the description was supposed to alleviate any confusion. The judge disagreed, saying the language is "drafted to exaggerate the tax increase and confuse voters in order to affect the outcome of the public vote." He ordered that a new description be written.



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