

CEBV 2024 Propositions Guide

In a nutshell: Yes on Prop 139, No on all other statewide measures.



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AUG 18, 2024

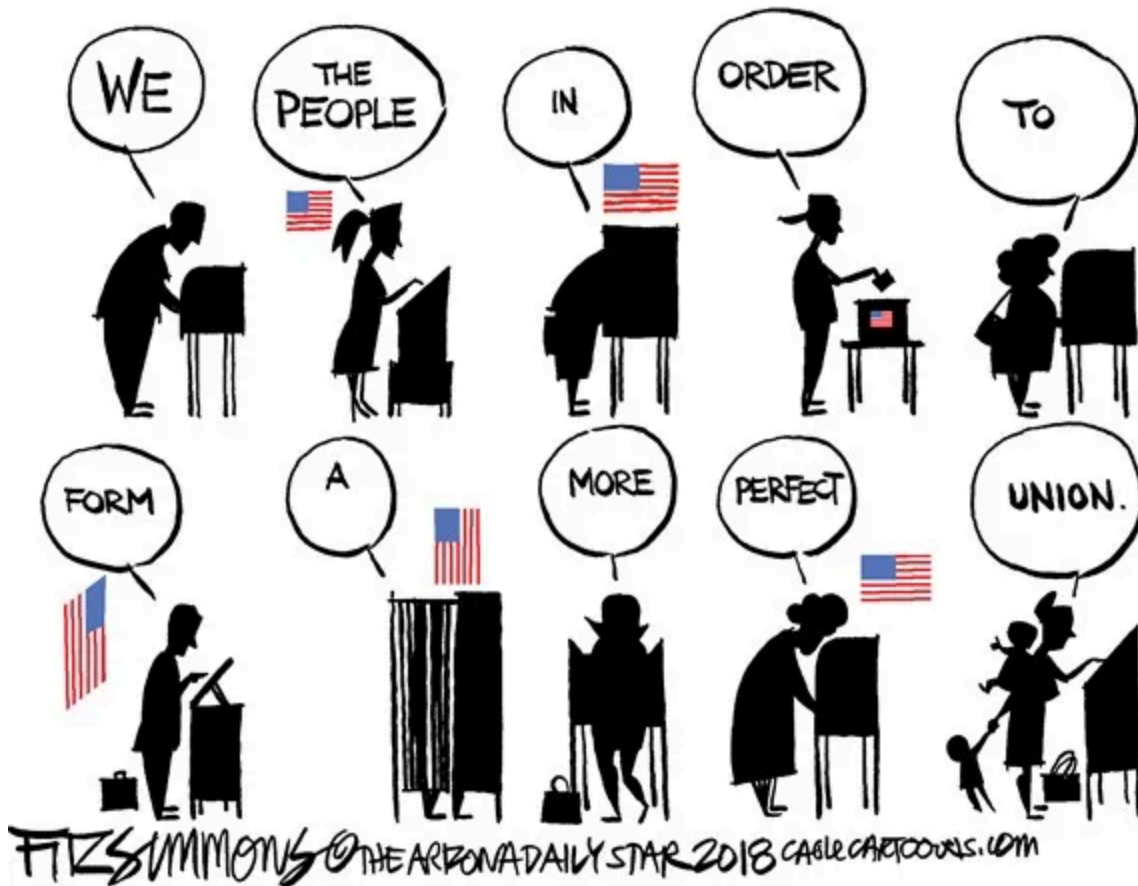
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The 2024 election is coming! You've probably already chosen your candidates, but what about judges, school board candidates, propositions and the rest? Voters who go looking often find conflicting information — or no information at all.



CEBV is here to help! We've spent months compiling data and writing recommendations in order to help you make a more informed decision and vote with

confidence.

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Note: Legal challenges are ongoing, and some information may have changed since this explainer was written.

Prop 133: No

Summary. Prop 133 asks voters to enshrine Arizona's current partisan primary system into the state Constitution.



*"Your approach is perfect for the primaries,
but it could be problematic in the general."*

By extremists, for extremists. Prop 133 cements into the Constitution a system that's designed to ensure that, at least on the Republican side, only the most extreme

candidates can survive. The [extremists like it this way](#); they don't want any challenges to our current system, which allows them to oust principled conservative officials like [Stephen Richer](#) or [Ken Bennett](#) for failing to toe the MAGA line.

Blocks positive reform. Forcing Arizona to continue running its primaries this way is designed to make it difficult to ever institute meaningful reforms such as ranked-choice or top-two primary voting.

Preempts local choice. If voters approve it, Prop 133 would [outlaw ranked-choice voting statewide](#), banning any local attempts to change voting with methods like ranked-choice, and preempting cities from running their own elections the way their residents want.

Unfair to independent voters. Prop 133 cements a system that requires independent voters (but no one else) to proactively select a partisan ballot in order to vote in primary elections, which is fundamentally unfair to those voters and limits their influence.

Conflicts with Prop 140. If both Prop 133 and Prop 140 pass in November, whichever one gets the most votes will be enshrined into the state Constitution. **We recommend a NO vote on both.**

Prop 134: No

Summary. [Prop 134](#) asks voters to amend the state Constitution to [restrict Arizona's initiative and referendum process](#) by requiring ballot measures to collect signatures from a percentage of voters in each of Arizona's 30 legislative districts: 10% for initiatives and 15% for a constitutional amendment.



Blocks citizen voices. Prop 134 makes it immensely harder and more expensive for citizens to collect signatures to make their voices heard. Any single district would effectively get veto power over the rest, meaning the most extreme area in the state could veto a measure that has broad support everywhere else. It also would make it simple for well-financed special interest groups to block an initiative they don't like from ever reaching the ballot. All they would have to do is to pour a ton of money into a single small district, empowering a [tiny group of well-funded agitators](#) to harass circulators and discourage citizens from signing.

Politicians making different rules for the people. The Legislature doesn't need a lawmaker from each district to vote for a bill in order to pass it, just a simple majority. Why create one set of rules for politicians and another for the people?

Motivated by extremist frustration. The reason why, of course, is that some politicians don't want us making our own laws. Our MAGA lawmaking majority is [increasingly frustrated](#) that we're going around them to pass laws they don't like. In response, they've been [trying to enact this policy](#) for four straight years.

Part of a national push. Legislators in other red states, like [Missouri](#), [Ohio](#) and [Idaho](#), are attempting similar measures — largely in response to citizens going around them to

enact laws that extremists had long blocked.

Anti-democratic and dangerous. The Brennan Center for Justice [puts it best](#): “State officials’ efforts to thwart citizen initiatives do not take shape in isolation. They are part of a larger anti-democracy blueprint — yet another example of state officials trying to manipulate the rules of elections and obstruct the will of voters.”

Prop 135: No

Summary. Prop 135 asks voters to amend the Arizona Constitution to automatically end the governor's special powers related to an emergency declaration after 30 days unless the Legislature votes to extend them. It would [require lawmakers to come back to work](#), including when out of session, to do this. Fires and floods, which make up the vast majority of emergencies, are excluded.



Endangers federal crisis funding. Arizona currently has 41 open state disaster declarations, which must be in place [before we can receive federal funding](#). The process

of addressing a disaster can take decades: assessing damages, signing contracts for repairs, completing the work (including a required audit), and closing the books. Meanwhile, our out-of-touch legislative majority is [sticking its head in the sand](#). Prop 135 would require fractious legislators to [get together and argue](#) over whether the drought (a declaration [dating to 1999](#)) is real.

Endangers public safety. Emergency declarations are meant to give the governor the ability to quickly respond to a crisis. Removing this ability puts Arizonans in danger. If our communities are in a true state of emergency, we can't wait around for politicians to stop arguing and reach a consensus.

Enables minority rule. Currently, lawmakers need a two-thirds majority vote to call a special session. But Prop 135 [requires only a one-third majority](#) to do so — that's [the same percentage of lawmakers who are election deniers](#). Do we really want to enable these people to call themselves into special session whenever they wish?

Prop 136: No

Summary. [Prop 136](#) asks voters to amend the Arizona Constitution to allow anyone to sue to invalidate a citizen initiative, even before it's been placed on the ballot, on grounds that it is not constitutional. If the plaintiffs can get a judge to agree with them, the initiative would be [thrown off the ballot](#), even if enough voters signed to qualify it.



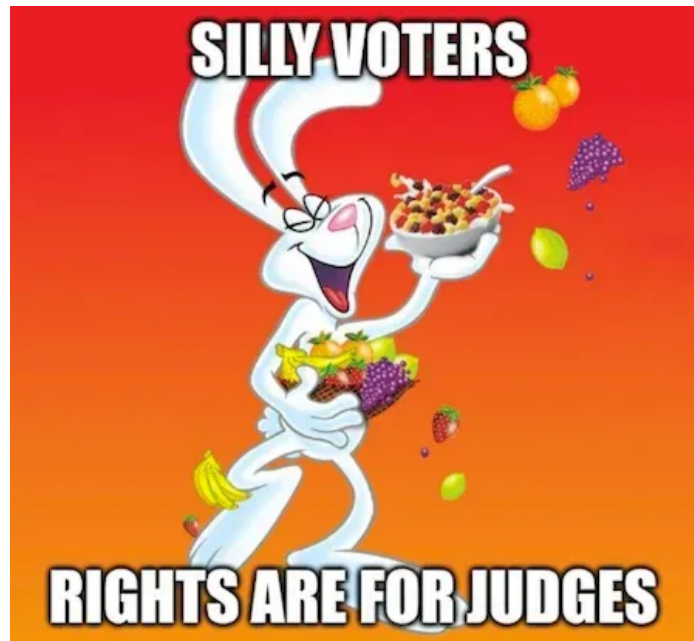
Burdens and targets citizens. With Prop 136, our state lawmakers are asking us to require citizens' groups to fundraise to defend against potential lawsuits before we, the voters, have even had a chance to weigh in. As [one columnist opines](#), "It's as if the people running the Legislature haven't liked the initiative process since 1912, when Arizonans gave women the vote."

Different rules for politicians and voters. Prop 136 only impacts citizen-led initiatives, not legislatively referred ones. In other words, politicians are trying to make different rules for us and them — even as they flood the ballot with their own referrals (11 statewide measures for this election cycle alone).

Prop 137: No

Summary. [Prop 137](#) asks voters to amend the Constitution to eliminate [the current retention process for judges](#) in Arizona's 4 most populous counties, along with all appellate and Supreme Court judges. Lawmakers want us to allow these judges to serve until the mandatory retirement age of 70, instead of facing public retention elections every 4-6 years. Retention questions would go to voters only in the most limited cases, such as if a judge is convicted of a felony. This ends a critical part of the process that

former US Supreme Court justice Sandra Day O'Connor championed during her service in the Arizona Senate in the 1970s and actively promoted throughout her life.



Written retroactively. If voters pass Prop 137, the entire judicial retention slate for November would be thrown out, and all the judges would stay in office — even if voters chose not to retain them.

Shields judges from public accountability. We already know what an unaccountable judiciary looks like: the US Supreme Court. In April, our state Supreme Court ruled to [uphold the 1864 near-total abortion ban](#). Two of the justices who voted to do so, [Clint Bolick](#) and [Kathryn King](#), are up for retention this November. If voters approve Prop 137, our votes on whether to retain them would be disregarded. This seeks to insulate judges from meaningful public oversight and shields them from potential consequences for their legal interpretations.

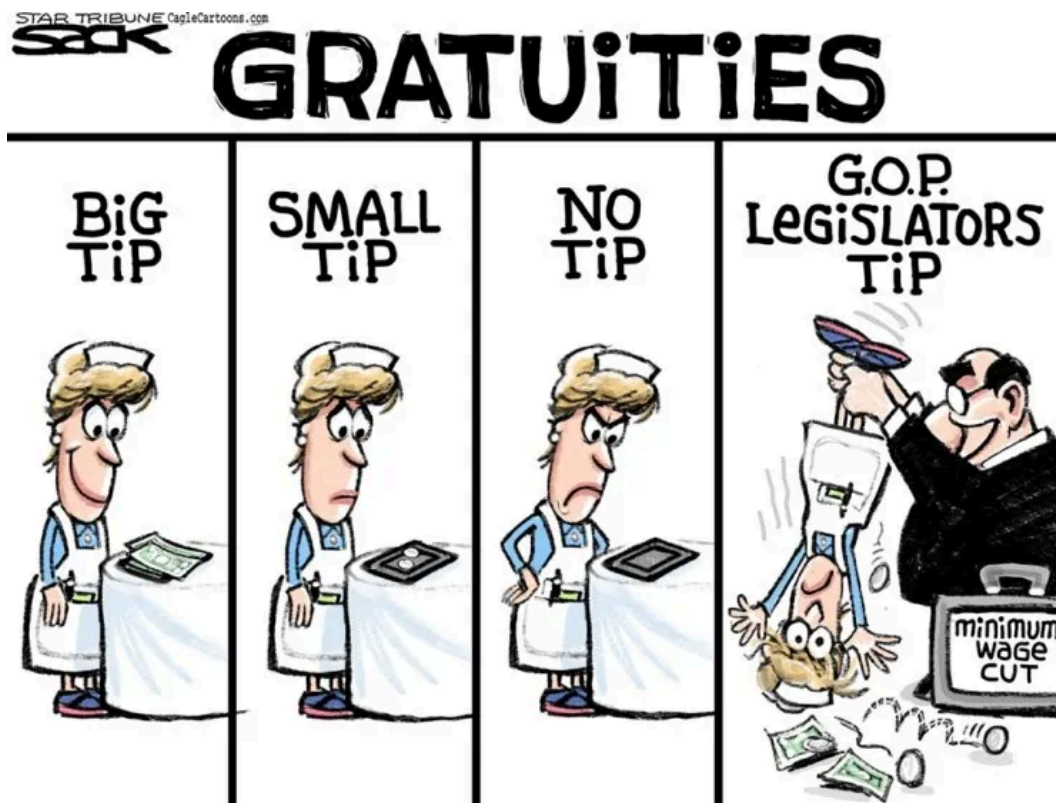
Courts are already heavily politicized. Former Gov. Doug Ducey politicized the Arizona Supreme Court by getting the Republican-controlled Legislature to increase the number of justices from five to seven — [against all five sitting justices' wishes](#) — and then [packed it with his political cronies](#). The move was part of a broader, decades-long [effort by conservatives to reshape the judiciary](#) to counteract national sentiment. Ducey was explicit about the role conservatives should play in the courts: at a Federalist Society

event in 2019, [Ducey said he told co-chair Leonard Leo](#) that “the Federalist Society has now fixed the judicial branch.”

Gives politicians more power. Prop 137 also would, for the first time ever, inject the Legislature into the process of reviewing judicial performance. It would put two legislators on the panel — selected by the majority party — as well as allow lawmakers to force the commission to look into their complaints.

Prop 138: No

Summary. [Prop 138](#) asks voters to amend the Arizona Constitution to create a [sub-minimum hourly wage for tipped employees](#) that is up to 25% lower than the current minimum wage, as long as they make at least \$2/hr over minimum wage once tips are included.



Hurts tipped workers. Current state law allows restaurants to pay tipped workers \$3/hr less than minimum wage, assuming that workers will get up to minimum wage with workers' tips. With current minimum wage set at \$14.35, that would [bring hourly wages](#)

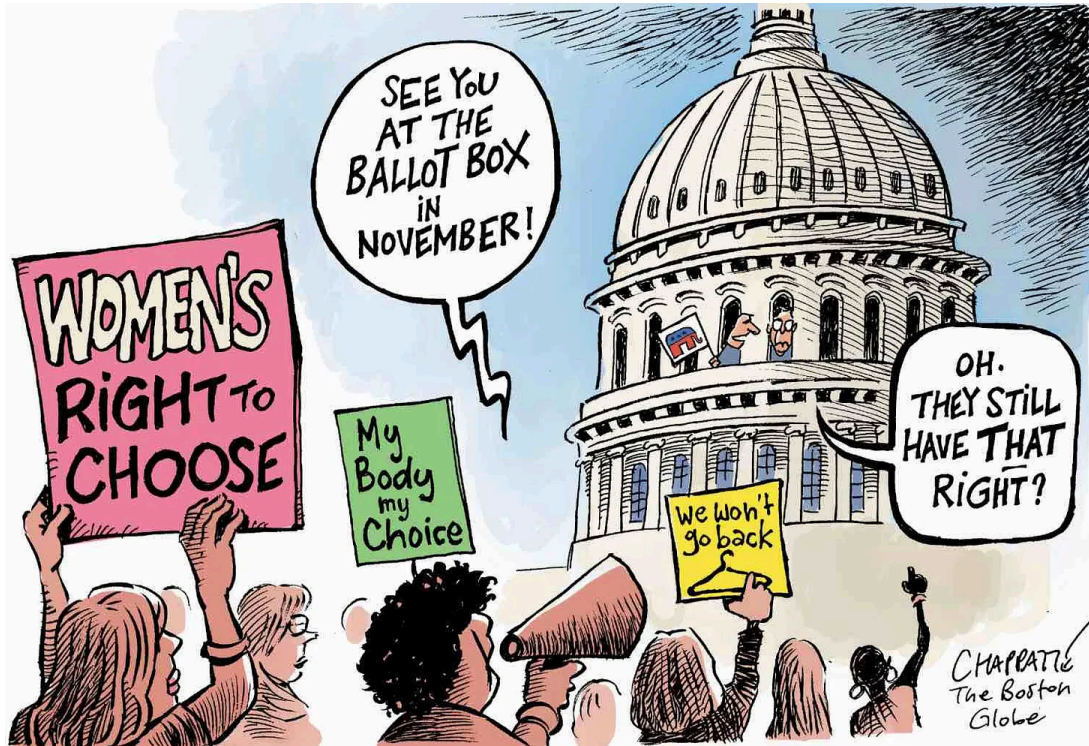
down to \$10.76 for tipped employees, less than the \$11.35 per hour they currently receive. There is no question but that change [would financially benefit the restaurants](#). Unbelievably, the lawmakers behind this measure have dubbed it the "Tipped Workers Protection Act."

Backed by restaurant industry lobbyists. Prop 138 was pushed through the legislature by [lobbyists for the restaurant industry](#), who also [oppose minimum wage and sick leave protections](#) for restaurant staff. The Arizona Restaurant Association even [created a fake grassroots organization](#) to lobby for the measure.

Lawsuits. Opponents of Prop 138 [filed a lawsuit](#) claiming that the title of the ballot measure is misleading, as it does nothing to protect tipped workers, making it unconstitutional. A Superior Court judge [rejected the suit](#); an [appeal](#) is pending.

Prop 139, Arizona Abortion Access Act: Yes

Summary. The Arizona Abortion Access Act would restore the rights that generations of women had under *Roe v. Wade* by amending the state Constitution to guarantee a fundamental right to receive abortion care until the fetus is viable outside the uterus (up to 24 weeks), with exceptions after that point if a health care provider deems it necessary to preserve the life, physical or mental health of their patient.



Protects us from present and future extremists. Embedding this right in the state Constitution will ensure that future legislatures can't further restrict abortion care without getting voter approval. Given the extreme lengths to which our legislature has gone to keep Arizonans from exercising our reproductive freedom — from the [current 15-week ban](#) with no exceptions for rape or incest to [waiting periods](#), [mandatory ultrasounds](#), and [mandatory counseling](#) that is designed to change patients' minds — this is critical.

Reverses bad law. Current Arizona law is draconian. Doctors who provide abortion care beyond 15 weeks for any reason other than to prevent a patient's death or the "substantial and irreversible impairment" of a major bodily function could be jailed: the [class 6 felony penalty carries a potential prison sentence](#) of up to 2 years. Many pregnancy complications are not detectable until around 20 weeks. This law puts doctors in difficult situations, forcing them to weigh prison time and revoked licenses against what they know is best for a patient.

Improves health outcomes. A [large body of evidence](#) shows that restricting reproductive health care [results in harmful health outcomes](#), from [a rise in infant deaths](#) to [women left on the brink of death](#) because doctors are uncertain about the politically motivated ramifications of needed medical care. Solutions like Prop 139 are essential to

keep state lawmakers out of private and personal health care decisions. A doctor should never have to [wonder how close to death a woman has to be](#) before they can provide care.

Lawsuits. Proponents [sued](#) to force lawmakers to remove a biased description from the official description used in the statewide ballot pamphlet. The description uses the phrase "unborn human being" instead of the medically correct "fetus." A judge agreed; however [on August 14 the AZ Supreme Court](#) (with Justice Bolick recused and replaced by retired Justice John Pelander) reversed that ruling and will allow the prejudicial descriptor to stay. Chief Justice Ann Scott Timmer and Justice James Beene dissented. Justice Bill Montgomery refused to recuse despite multiple previous public anti-abortion comments.

Prop 140: No

Summary. [Prop 140](#) would amend the Arizona Constitution to [open primaries to all voters](#), regardless of party affiliation. All candidates would appear on the same ballot, which would be sent to all registered voters. The measure also makes a number of smaller changes, such as prohibiting public monies from being spent to run "political party elections." (This change may also [eliminate the role of elected precinct committee members](#) in nominating replacements for legislators who leave office between elections.)



Lets politicians decide too much. Proponents of Prop 140 say it will "moderate the extremism that's been stifling progress" on popular issues like school funding, voucher accountability, abortion care, affordable housing, water and environmental policy. But Prop 140 has a fatal flaw: instead of setting a firm number for how many candidates to advance from the primary to the general election, it says our politicians must pass laws deciding how many candidates to advance.

Putting their thumbs on the scale. In multi-seat races — for instance, the Arizona House of Representatives, with two elected officials per district — Prop 140 allows the legislature to choose between 4 and 7 candidates to advance to the general election. It also allows them to change the number of candidates who advance from the primary "for an office" every six years, which could be twisted to match whichever way they feel the wind is blowing politically at that time. Although a voter ranking is "taken into account" for single-seat elections, there is no requirement that voter rankings must apply to multi-seat elections.

Gives one person too much power. If state lawmakers fail to act, the Secretary of State gets to choose how this works. Yes, all by him- or herself. That's far too much power to

be concentrated in the hands of a single partisan politician. And Prop 140's creators are well aware of this flaw. As the measure's main spokesman [said](#), incredibly: "We don't really care what they do, because anything is better than the current system." We don't agree.

Too risky. It appears Prop 140 is trying to force our legislature to be sensible. This is a fool's errand and opens the door to meddling. Over the years, we've seen too much meddling come out of our legislature to give our state lawmakers the benefit of the doubt. Handing the details of our elections over to a legislature — especially one that looks anything like our current one — is a recipe for chaos.

We recommend a NO vote. CEBV believes the flaws of this measure outweigh its intentions. Though CEBV is open to reform of Arizona's current primary system, Prop 140 – well-intentioned though it may be – has the potential to be considerably worse than what we have now.

Conflicts with Prop 133. If both Prop 133 and Prop 140 pass in November, whichever one gets the most votes will be enshrined into the state constitution. **We recommend a NO vote on both measures.**

Lawsuits. Prop 140 is involved in multiple lawsuits. Two which seek to knock it off the ballot, one [challenging signature validity](#) and another [on single-subject constitutional grounds](#), are in the appeals process. A third, also in the [appeals](#) process, seeks to [force Legislative Council to rewrite its description](#) of the measure. Court challenges [must be resolved by August 22](#) to meet the deadline for preparing the November ballot.

Prop 311: No

Summary. Prop 311 would add a \$20 fee to every criminal conviction to give to spouses or children of police officers and first responders (firefighters, fire marshals or inspectors, EMTs, paramedics, tribal police officers) who are killed in the line of duty. If approved, the family of a killed first responder or officer would receive \$250,000.

Duplicative. Prop 311 would [add to the considerable sums](#) the families of fallen officers already receive from the federal government, state pension plan, individual agencies

that provide life insurance to their members, and private entities like the [100 Club](#). A federal program already gives \$422,035 to the families of police officers who die while working. The Arizona pension system gives a benefit to the surviving family members of police officers, firefighters and corrections officers. Families are [eligible for other very generous benefits](#), including tuition waivers, health insurance, funeral expenses, and other forms of one-time and ongoing assistance. This money would come in addition to those benefits.

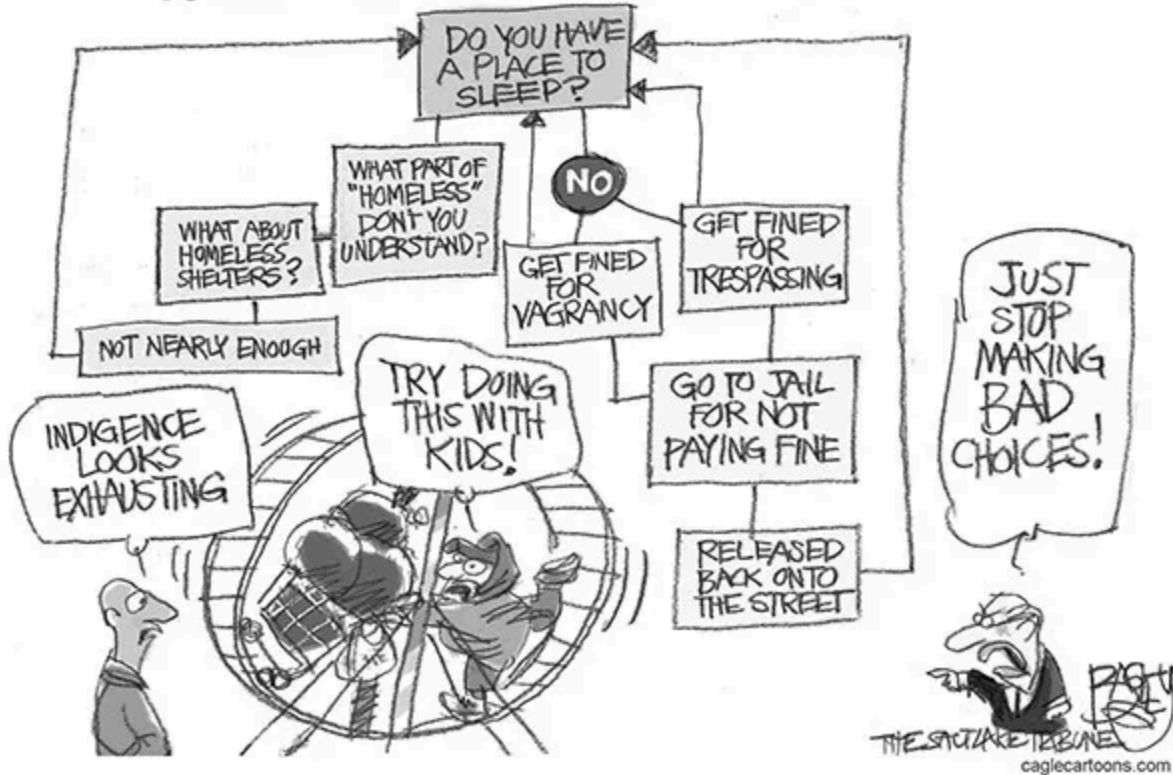
Penalizes defendants. Lawmakers from both parties opposed the measure, saying it was unfair to pile more fees onto the already high surcharges added to the fines of people convicted of criminal offenses, most of which are misdemeanors. Democratic state Sen. Lela Alston [said](#) the measure "creates another fine that is disproportionate to certain members of our population." The measure also boosts criminal penalties for assaulting a first responder. These inflexible and harsh sentencing laws raise incarceration costs for taxpayers, remove judicial discretion and [widen racial disparities](#), while failing to deter crime or increase public safety.

Help during life, not in death. The time to help officers is while they are alive, by providing fair wages and robust benefits like child care assistance, parental and family leave, tuition reimbursement, and mental health support. An estimated 30 percent of first responders develop behavioral health conditions such as depression and post-traumatic stress disorder. A [2023 bill that provides 911 dispatchers with paid counseling](#) after assisting with a traumatic event is a perfect example of what we should be doing to help first responders.

Prop 312: No

Summary. [Prop 312](#) would ask voters to require cities and counties to give property owners tax refunds if the county or city "declines to enforce" existing laws that [criminalize common activities for people experiencing homelessness](#). These activities include illegal camping, obstructing public thoroughfares, loitering and panhandling.

HOMELESS FLOWCHART



Doesn't fix homelessness. The libertarian [Goldwater Institute](#) designed Prop 312 to penalize cities financially. This tactic [will not fix homelessness](#) or make encampments go away.

Raises taxes. If Prop 312 becomes law, cities would be forced to give some taxpayers refunds, pushing their tax burden onto the rest of us (who don't get refunds).

A moot point. Cities have constrained their actions on urban camping because of a [2019 court decision](#) that found crackdowns unconstitutional. (Phoenix, for example, [filed a brief](#) saying the decision limited their ability to address encampments.) However, the Supreme Court [recently overturned that ruling](#). Their decision destroys the entire rationale behind Prop 312. Cities like Phoenix [can now legally enforce their existing urban camping bans](#). So why exactly do we need this measure?

Prop 313: No

Summary. [Prop 313](#) would require those convicted of sex trafficking of minors to spend life in prison with no chance of ever being released. The measure was [inspired by a film](#)

with ties to QAnon conspiracy theories.



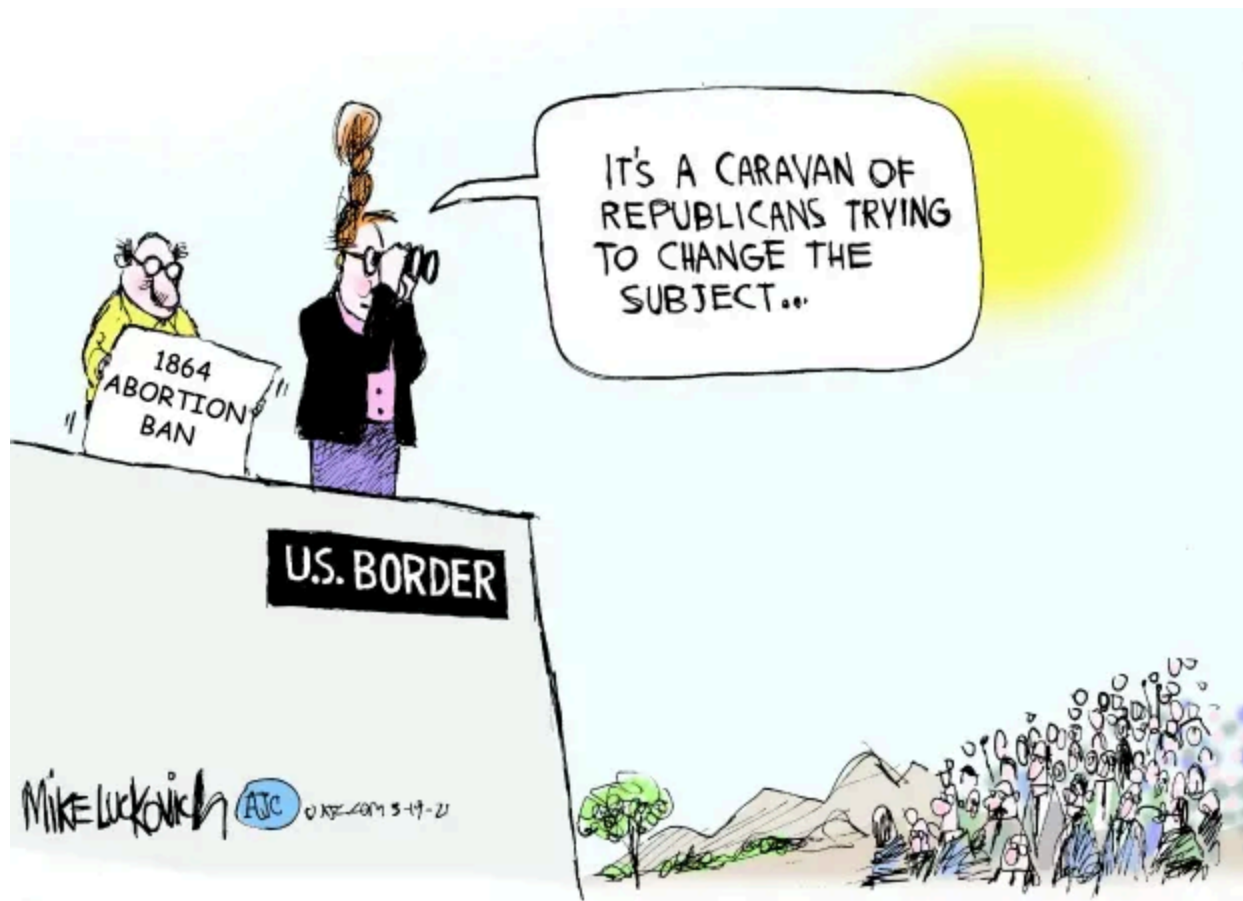
Unnecessary. Current law already allows courts to impose very harsh sentences for sex trafficking. A single conviction under the state's sex trafficking law carries a presumptive 20-year sentence. What's more, prosecutors can bring multiple charges that allow judges to "stack" sentences to be served consecutively, so that they are essentially life terms.

Sloppy language harms trafficking victims. Prop 313 would allow prosecutors to bring similar charges — with similar punishment — against anyone who pays for sex with a minor. This would apply even for a police decoy, when no sex actually occurs. Police sometimes ask former victims to act as decoys in order to catch the people who trafficked them. Prop 313 would close that avenue, instead wrapping up sex trafficking victims themselves in the proposed law's sweeping mandate for a life term, with no chance of getting out.

Prop 314: No

Summary. Prop 314 is a sweeping ballot measure that asks voters to make it a state crime to cross a federal border without documentation and give local police immunity to arrest those they simply suspect of crossing the border illegally, enabling racial profiling without consequences. The measure makes it a class 6 felony to use false

documentation to apply for employment or public benefits, and also makes it a class 2 felony to knowingly sell fentanyl that leads to the death of another person.



Does nothing to address immigration or "the border." The harsh measure, modeled after a Texas law that is currently tied up in the courts, would criminalize crossing Arizona's southern border anywhere except at a port of entry. Every police officer in the state would be empowered to arrest people they suspect crossed the border illegally, with no parameters for how that would happen and no requirement that officers actually witness the border crossing. The measure doesn't add new Border Patrol agents or immigration judges, and doesn't address the asylum system.

Costly and ineffective. Enforcing Prop 314 could cost Arizona taxpayers at least [\\$325 million a year](#). The bill's [fiscal note](#) includes estimates of \$41 million a year to state and local police; new incarceration costs spiraling to \$178 million by FY29; increased spending on public attorneys, judicial proceedings, interpreter services, courtroom maintenance and public benefits administration; and a drop in revenues via state and

local tax collections. The measure does not include any funding for any of these costs, though Arizona has had to [cut programs due to a fiscal deficit](#) and the law enforcement agencies who will have to enforce the measure are [already financially strained](#). During the bill's passage, Republican lawmakers [dismissed concerns over its expense](#), saying they "will always fund public safety, obviously" and that "we are going to save money by creating a deterrent." (We'll just point out that, due to [massive underfunding by state lawmakers](#), DPS staffing is already so low that 13 of Arizona's 15 counties have [no one patrolling the roads after sundown](#).)

Opposed by county attorneys. The attorneys [responsible for prosecuting public offenses](#) and defending the county in court [strongly oppose Prop 314](#) due to "the burden on local agencies and their already strained resources." One county attorney said the "criminal provisions are unenforceable, bad public policy, and embarrassing for this state" — strong words worth heeding. Even Yavapai County Sheriff David Rhodes, who supported the measure, said the bill would force law enforcement to hire more personnel and [asked, "Where is the money going to come from?"](#)

Opposed by business. The measure has prompted wide opposition from the business community. [Greater Phoenix Leadership](#) calls Prop 314 "an unworkable response to a federal problem with unknown consequences" and "an unfunded mandate on local law enforcement." The [Greater Phoenix Economic Council](#) cites the "potential hardship for our state's economy and our residents." Even the right-leaning [Arizona Chamber of Commerce](#) opposes the measure, warning, "Arizona businesses will pay the price."

Likely unconstitutional. Prop 314 isn't just unconstitutional; it appears to be triply so. First, our state constitution [restricts bills to a single subject](#), whereas Prop 314 covers everything from immigration to public benefits and fentanyl smuggling. Second, the Arizona Constitution requires that ballot referrals that cost the state money [must identify a funding source](#) other than the general fund that is "sufficient to cover the entire immediate and future costs." It's clear that Prop 314 carries a multitude of new, uncovered costs to the state. Third, the [Supremacy Clause](#) of the US Constitution says federal law takes precedence over state law in the case of a conflict. In 2012, the US Supreme Court [ruled Arizona has no right](#) to enforce federal immigration laws, meaning Prop 314 is probably [federally unconstitutional](#) as well.

Lawsuits. A lawsuit filed on the single-subject issue was [dismissed](#) in mid-July; plaintiffs are appealing. The justices have not [said](#) when they will rule, but they need to act soon, as counties begin printing ballots around the third week of August. Lawsuits cannot be filed on the other issues unless the measure goes into effect.

Prop 315: No

Summary. [Prop 315](#) would ask voters to block Arizona agencies from creating rules that would increase regulatory costs by more than \$500,000 over 5 years. The Legislature would instead be required to enact legislation to ratify the proposed rule into law.



Ties regulators' hands. Prop 315 would kneecap our state government's ability to regulate spending, from the unaccountable and wasteful (like [Arizona's universal ESA voucher program](#)) to needed line items for public health and safety. This shortsighted measure would force lengthy delays for updating regulations — it takes months, sometimes years, for our fractured legislature to pass laws.

Harms vulnerable Arizonans. A [detailed Arizona Republic investigation](#) found many senior living facilities in Arizona are plagued with alarming levels of elder abuse, neglect

and inadequate care. In addition to numerous other unknown implications, Prop 315 will harm vulnerable Arizonans by stifling the regulatory development that's crucial for maintaining and improving care standards in assisted living and nursing homes.

Upends the balance of power. Like the US Supreme Court's recent alarming decision to torpedo "[Chevron deference](#)" and allow inept judges to overrule expert regulators, Prop 315 poses a significant risk to effective governance and public safety. This carries profound consequences not only for the rule of law, but also for how agencies (which protect us against everything from pollution and contaminated food to workplace hazards and rising drug prices) function. That is a recipe for chaos.

What about judges?

Judges file to confirm that they will run for retention in the first week of September. We will release our 2024 Gavel Watch in full (and update this ballot guide) as soon as the information is ready.

What about school boards?

School boards are the new front line for attacks on our social norms. It can be very hard to find information about this part of your ballot. Fortunately, any candidate sporting [Save Our Schools Arizona's Public School Proud seal](#) is worth an enthusiastic vote. These candidates have pledged to advocate for public education, to oppose privatization schemes that drain funding away from community schools into private pockets every single year, and to support the diverse needs of their students.

Find a statewide list of [#PublicSchoolProud](#) school board candidates [here](#).

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