

# Arizona Ballot Propositions Analysis

**VOTE On Nov. 4, 2014**

by Alan Korwin, Author

[\*The Arizona Gun Owner's Guide\*](#) (and 13 other books)

<http://www.BloomfieldPress.com>

## **DO NOT VOTE EARLY:**

If you do, by election day, new things come up that might change your vote, but you'll be locked out. (Absentee ballots are OK if you're really out of town.)

Plus, by then your candidate may be withdrawn, under indictment, in jail or dead, it's all happened before. Don't screw up. Besides -- the nation is supposed to rise up as one and make a choice on Election Day. The idea of spreading our vote out over months defeats a fundamental element of the United States set up by our Founding Fathers. Don't corrupt our system by voting ahead of election day. (I don't endorse or oppose candidates, only issues.)

**Statewide Props: 122 = Yes; 303 = Yes; 304 = No**

## **PROP 122 "The State Sovereignty Amendment" VOTE YES**

*[Amends the State Constitution; proposed by the legislature]*

**BRIEF:** Prevent the federal government from forcing Arizona to obey unconstitutional dictates.

**ANALYSIS:** An effort to help prevent unlawful action by the federal government, this state constitutional amendment would ban any state or local agency of Arizona from spending money or using personnel to "enforce, administer or cooperate" with any federal action or program that is not consistent with the U.S. Constitution. It's good in principal and demonstrates backbone against federal usurpation, though it's not clear it would work perfectly well.

First, who decides? The state legislature would select items. Federal courts would likely rule against us as soon as a case is brought, so the federalism battle would go to the courts and not to the streets. It seems worth it to me to enact this, by a huge margin, as a statement, and to help forestall open revolt, since the feds are indeed out of control. Because the legislature would have to decide where to apply this power, all the forces of politics would come into play, as controls. With luck, they'll pick a highly defensible, likely winnable, widely popular and obviously tyrannical incursion of illegitimate federal power, for starters, and we'll see how it plays out. Other states have similar measures. We live in interesting times.

## **PROP 303 "The Right To Try Potentially Life-Saving Drugs"**

**VOTE YES**

*[Creates a new law; proposed by the legislature]*

**BRIEF:** Let terminally ill patients try experimental medicine to save their lives without delay.

**ANALYSIS:** Beautifully written by the Goldwater Institute and being introduced in many states, this new law recognizes that terminally ill patients "do not have the luxury of waiting" until the federal government gets around to final approval of an "investigational drug, biological product or medical device" (referred to below as "new medicine") that could save their lives. The FDA can take years, and people die waiting.

With a prescription, written consent and the fully informed advice of their doctors, a person who is certifiably terminal (carefully defined in the law) should have "the right to try" new medicine that has successfully completed Phase I of a clinical trial. (A parent or legal guardian can act for a minor or incompetent.) Manufacturers may, but aren't required to, provide new medicine, and may charge or not, and may require such patients to participate in data collection. Insurers may but do not have to pay, as they see fit. Limited protection is provided for doctors and institutions who act under the new law. It's a class 1 misdemeanor for an agent of the state to prevent an eligible patient from trying new medicine under this law. [That's a "teeth clause" which I have been advocating for years.]

A statement of intent describes the common-sense reasoning behind the right-to-try law, and is a joy to read, considering how ridiculous so many other new laws are. For example, the use of new medicine, "is a decision that should be made by the patient with a terminal illness in consultation with the patient's physician and is not a decision to be made by the government." The pushback against federal overreach is almost reason enough by itself to encourage passage of this important proposal.

In fairness, keep in mind that completion of Phase I clinical trials doesn't mean new medicine is safe, effective or won't do more harm than good, and it could be outrageously expensive yet serve no purpose. Most new drugs turn out to be of little or no value after extensive evaluation. On the other hand, new medicine that really works can take a decade or more to make it to market. Wasn't this more fun to

read than the bureaucratic bafflegab you found elsewhere?

### **PROP 304 "Pay Raise for State Legislators" VOTE NO**

*[Amends existing law, proposed by the [Arizona Commission on Salaries for Elective State Officers](#)]*

**BRIEF:** Add \$11,000 to state legislator salaries to bring them to \$35,000 a year.

**ANALYSIS:** Legislators officially serve in Arizona from mid-January to between April to June (100 days, but they run over sometimes). Most people don't run for these offices for the salary. They typically spend much more money just to get in, than they get paid for a bunch of terms. It's not the salary they're after, it's the perks and power, and the chance to "serve." Why spend more tax money on pay, they typically end up doing all right in the long run. Why an \$11K raise? Former senator Karen Johnson pointed out we're already in the midrange for pay, 17 states pay less than \$20K, and NY and CA, which pay \$79.5K and \$90.5K have terrible government -- higher pay doesn't mean better results. New Mexico pays nothing, it's a public service, not a job.

### **RETENTION OF JUDGES VOTE "NO" TO ALL**

*[An up-or-down vote to keep our state judges on the bench]*

**BRIEF:** Arizonans get to vote whether all or any of our judges should retain their seats as judges.

**ANALYSIS:** In selected election cycles we get a list of our state judges, with recommendations from the Judicial Performance Commission on whether to retain our state judges. These appear in the back of the election booklet registered voters get by mail. The reviews from attorneys and people who've appeared before the judges are typically 100% positive, or nearly so, and voters simply mark "yes" or "no" down the entire list without rhyme or reason.

Because the judiciary doesn't support Fully Informed Juries, what they smear by calling "jury nullification," I believe they should all be removed in protest.

Fully Informed Juries are the last best hope for protecting the Republic, stopping an out-of-control legislature, and saving the lives and fortunes of people charged with crimes that should not be crimes. Look up Fully Informed Juries -- it's illegal to even bring it up in front of a jury -- you can be charged with

contempt for even mentioning it. That's just flat out wrong, and the system needs to be changed. A no-confidence vote, by voting no to all judges, is a start. Vote "NO" on all the judges.

In case you disagree, note that three judges got weak scores (Astrowsky, Porter, Woods), and one, Benjamin Norris, got a terrible score, with only 3 "Meets" judicial standards, and 25 "Does Not Meet" judicial standards. Choose wisely.

### **PROP 487 (Phoenix only, but signs posted all over)**

*[Amendment to Phoenix City Charter]*

**BRIEF:** Change the City of Phoenix pension system

**ANALYSIS:** The arguments for and against are caustic and outrageous, diametrically opposed, and since the results might not be known for a decade, I cannot tell with any certainty what the actual outcome will be, despite a hard look at details. I have detected lies in the arguments, and the *Arizona Republic* seems more focused on who is funding the campaigns than what is in the campaigns (because they can't pierce the veil of privacy and that ticks them off). I am much more aligned with Vote Yes supporters than Vote No people, and unions want it defeated, other than that, you choose. The current pension system is deeply in red ink, and pension spiking is a huge abuse, Yes should fix that. Ballotpedia has a pretty thorough analysis, take a look.

**NOTES:** 19 other measures did not make the ballot, dealing with marijuana, marriage, taxes, law enforcement, health care, transportation, term limits, genetically engineered food labeling, initiatives, elections and more. Details:

[http://ballotpedia.org/Arizona\\_2014\\_ballot\\_measures](http://ballotpedia.org/Arizona_2014_ballot_measures)

You think this is helpful? You should see what's going on at Page Nine, my Uninvited Ombudsman Report. Read it here: <http://www.GunLaws.com>. Stay safe.

If you have gun and think you might ever use it, you have to read this book to help protect yourself: **After You Shoot: Your gun's hot. The perp's not. Now what?** At least look. Thanks for supporting my work! <http://www.gunlaws.com/AYS.htm>

If you are thinking of getting a gun, be smart about it and get this to start: **Your First Gun: Should you get one and join 60 million safely armed American homes?** <http://www.gunlaws.com/YourFirstGun.htm>