



Introduction: The 53rd Legislature Second Regular Session

The Secular Coalition for Arizona (Secular AZ) kicked off our 2018 legislative work mostly diving back into familiar battles, and aiming to match the volume of increasingly aggressive religious conservative voices in at the Capitol.

As the year began, our most outspoken opponents in the Legislature—hardline proponents of faith-based government—had begun singling our organization out to the media as a “hate speech” movement working to stifle the free expression of religion. A new prayer caucus was announced in addition to weekly Bible studies, citing the need to “fight the spiritual forces of evil,” otherwise known to them as secularism, humanism, and atheism. Meanwhile, our Governor’s policy priorities were decidedly ambiguous but his faith was not; Mr. Ducey invoked God six times during his State of the State speech, though to our chagrin declined to take any meaningful position on issues such as water.

The continued amplification of our faction’s voice would be our realistic main goal for 2018’s session; without undue pessimism, we recognized that our main legislative battles this year would be largely symbolic. We would pull no punches on key issues, but were strategic about how we spent our energy on issues we identified mostly as opportunities to grow our constituency and public profile.

Our work began with:

- Making our organization visible at an Opening Day solidarity rally

- Promoting a new phone-based legislative alert system to constituents (which would later be used by constituents to make nearly 700 connections to lawmakers).
- Monitoring over a dozen favorable bills of interest dropped in the opening weeks, including those addressing recurring issues such as medical aid-in-dying, “conversion therapy,” and school-funded religious activities.
- Providing journalists respectful secular perspectives on controversies surrounding religious lawmakers
- Resuming our bipartisan Secular Studies lunchtime discussion program
- Continued partnership with Democrats to arrange secular invocations on the House and Senate floors

We put special emphasis this year on our work on secular invocations, pitching them as an issue with which Democrats could empower themselves despite the Republican trifecta at the Capitol. Secular AZ would go on to arrange eight secular invocations on the House and Senate floors this year.

Along with these opportunities for growth, we would go on to stand against regressive bills aimed at education, women’s reproduction, and religious endorsement in public schools.

While the outcomes of these fights may not all have been in our favor, we were able to use each one to further embolden secular voices, grow our organization, and bring the non-religious viewpoint further into the mainstream. We would remind lawmakers, staff, and

advocacy groups that the secular constituency is alive, well, and represented by a professional organization at the Capitol.

Legislative Session Highlights:

Bills of Interest

Religious Endorsement in Public schools: SB1289

Introduced by Senator Gail Griffin (R-14), SB1289 was one of 2018's most hotly-debated education bills, despite having little impact on the actual quality of education in Arizona. It was the only purely secular debate of the session, and Secular AZ was the only civil rights organization to take on the issue. As a result, it became our cornerstone fight of the year.

Despite there being no statutory prohibition on such, SB1289 permitted schools to display or read the national motto "In God We Trust," as well as the English translation of the Arizona State Motto: *Ditat Deus*, meaning "God Enriches."

The bill was criticized as an attempt by conservative lawmakers to endear themselves to their religious constituencies, a pretense under which the Judeo-Christian God could be endorsed on the walls of public schools. (Debate in the House would make clear the bill did not allow for any religiously-inclusive translations of the word "*deus*;" nor did it allow for teachers to use the motto to initiate lessons about world religion, as some lawmakers claimed to the press.)

Secular AZ objected specifically to the portion of the bill referencing the State Motto, as the national motto had previously been dismissed by courts as "ceremonial deism." We argued that the State Motto lacks this status of rote repetition, and that moreover, an English translation of *Ditat Deus* divorces this phrase from its longstanding historical

usage. (Arizona's motto has been displayed exclusively in its Latin form since its inception in 1863.)

We emphasized that SB1289 was an impermissible establishment of religion; that displays of "God Enriches" would be needlessly divisive, exclusionary, and likely to result in wasteful lawsuits. (The US 9th Circuit Court of Appeals had recently ruled against similar displays after a six-year legal battle in Poway, CA.)

Upon the bill's introduction, our partners at American Atheists and Freedom From Religion Foundation responded quickly with a fact sheet which we disseminated. We prompted numerous rapid-response calls to action during the bill's movement, prompting followers to sign into RTS and leave opposing messages to committee members, their own legislators, and Governor Ducey. Scheduling maneuvers prevented our lobbyist from testifying against the bill in the Senate (a move we positively attributed to conservatives taking increased notice of our presence); we were however successful in meeting with key lawmakers during the bill's debate, including the House Education chairman in an attempt to keep the bill from receiving hearing. Our testimony was later heard in House Education.

We fought SB1289 to the end, and while we were unable to stop it, some silver linings emerged in the struggle. For one, we were successful in convincing all Democratic legislators that the bill was a poor idea, despite some initially planning to vote for it. The debate over SB1289 also received local and national press highlighting Secular AZ and our talking points.

As of this writing, Secular AZ and FFRF have prepared for a future lawsuit over SB1289. Counsel has advised us that legal action would best be filed by a parent following an actual display of "God Enriches" in a public school. Our organization has identified

parents willing to take on the suit, and stands ready to act when this scenario comes to pass.

Government and *in vitro* embryo contracts: SB1393

Written by conservative lobbying juggernaut Center for Arizona Policy (CAP), SB1393 dictates which party during a divorce, separation, or dispute obtains the rights to frozen embryos. Control of disputed embryos would be awarded to the parent most likely to develop them to birth, overriding any pre-existing contracts and ignoring all other objections or concerns.

According to CAP, the bill was inspired by a 2017 ruling wherein a now-sterile cancer survivor was denied control of frozen embryos created with her ex-husband, who no longer wished to be a father. Behind closed doors, CAP assured us the bill was non-political and non-religious in nature. Regardless, we monitored SB1393 closely for signs that it could be used as a gateway to fetal personhood. Following warning signs in the House Judiciary Committee hearing, we decided to oppose the bill on these grounds (though not necessarily going “all-in” as we considered the matter primarily a contract/property issue).

Secular AZ’s messaging focused on the issue of fetal personhood and the unconstitutionality of resolving legal disputes along religiously moral lines. In our lobby efforts, we encouraged conservatives to see the bill as an over-extension of government, an intrusion of the state into private medical, legal, and faith matters.

Our advocates worked behind closed doors to ensure the opposition of Democrats and moderate Republicans who were successfully swayed by their distaste for government overreach. Our constituents were called into action via social media, phone, and email during every stage of the bill’s movement, and the issue received a moderate amount of local press.

Ultimately, as expected, the bill moved relatively unimpeded. SB1393 passed along party lines in the Senate, over the objection of a small number of Republicans in the House, and was signed into law in April.

Abortion Reporting Requirements: SB1394

SB1394 was Center for Arizona Policy's annual "showcase" legislation, an open effort to create new barriers to abortion. It required administering physicians to report a significant amount of new details to the state about the termination of any pregnancy. As introduced, this included an intrusive mandatory questionnaire asking women the reason for their procedure: is the abortion due to economic difficulty, emotional health, rape, incest, domestic abuse, divorce, or does the woman simply wish not to have children at the time?

Secular AZ shared positions with over a dozen civil rights and medical organizations about the bill, espousing concerns that SB1394 served no legitimate health interest. Rather, its only result would be to shame women, obstruct abortion for religious reasons, and bureaucratically burden health care providers. It received a good share of attention from local and national media, and elicited over 190 emails, phone calls, and social media contacts to lawmakers by our own constituents.

The bill and several amendments subsequently introduced were hotly debated in both legislative chambers. It passed the Senate with both a single Democrat and Republican breaking party lines on the vote. The Senate Republican (Senator Brophy McGee, R-28) explained that her mind was changed following a heavy load of phone calls from constituents who were concerned the bill was "anti-woman." (We effectively adopted this framing in our own messaging shortly afterward.)

SB1393 provided several earned media opportunities for Secular AZ and its legislative allies, including national press and editorial opportunities for secular lawmakers. Our organization— alongside numerous women and health organizations— participated in a press conference prior to the bill’s hearing before a packed House Judiciary Committee, where our Government Affairs Director spoke. The overall outcry prompted co-sponsor Rep. Eddie Farnsworth (R-12) to amend the bill in committee, striking the controversial questionnaire.

The debate gave momentary opportunity for our allied lawmakers to initiate debates on secular issues. Rep. Hernandez (D-14) offered an amendment adding “inadequate access” to contraception or sex education as potential survey responses. Rep. Salman (D-26) also suggested adding reporting and accountability requirements for faith-based “crisis pregnancy centers,” known for providing intentionally misleading abortion information to women. Both amendments were quickly rejected, though the hypocrisy they exposed among supposed “pro-health” lawmakers supporting SB1394 received welcome national media exposure.

During this process, Secular AZ continued to oppose the amended bill on the grounds that it still bureaucratically encumbered abortion providers for religious reasons. We would regularly call our supporters to action in speaking out against the bill while it remained in the House. We were wary during this time that the original questionnaire could still be added back into the bill before final vote in the Senate. Our suspicions were justified when Rep. Farnsworth successfully re-introduced this section (albeit in a slightly mitigated form) as a floor amendment closed to public comment. SB1394 came to a final vote in the House that same afternoon, was transmitted to the Senate and signed by Governor Ducey behind closed doors.

Regrettably, the final version of SB1367 achieves CAP's goals of yet again encumbering doctors with paperwork, and asks women to select whether their abortion is due to factors such as rape, incest, or abuse. In a slight mitigation of damage, however, the amended law no longer asks women two questions seen as the most "shaming:" whether an abortion is due to the financial inability or simple unwillingness to raise a child.

Expansion of Private School Credits: SB1467

The legislature revisited its annual efforts to channel more money into private education with SB1467, an expansion of AZ's school tuition tax credit program. Under the program, parents who pay tuition at a non-profit parochial school can deduct this expense from their taxes as a charitable contribution.

SB1467— introduced by Senate President and private school Executive Director Steve Yarbrough— expanded these tax credits by annually increasing scholarship amounts and raising caps on qualifying donations. The bill also expanded eligibility to home-schooled and out-of-state students who have never set foot in public schools, and facilitated easier transition for families between tax credits and Arizona's school voucher program.

SB1467 was criticized as part of Ducey Republicans' continued plan to dismantle public education, and for its blatant self-dealing (Mr. Yarbrough effectively pays his executive salary through school vouchers). The bill also had a high projected financial impact to the state: it was estimated to increase general fund costs by \$2 million over three years, partly due to providing parents financial incentive to switch from tax credits to the ESA program.

Secular AZ opposed SB1467 on the grounds that these tax credits funnel public tax dollars into private religious

schools, including schools that discriminate against students on the basis of theological beliefs, sexual orientation, gender, and more. SB1467 was brought to our attention mid-session by a Secular AZ board member tracking the issue, and it was included in subsequent action alerts to our constituency as the bill moved. Our supporters signed into RTS and made several dozen contacts to committee members and their own lawmakers to oppose the legislation.

Following public outcry, floor amendments eliminated provisions in S1467 increasing tax credit caps, and clarified that school tuition organizations (STOs) cannot demand a good or service in exchange for awarding a scholarship. The bill was held in the House in late March.

Our lobbyist kept close eye on floor activity the final day of session, heeding rumors that 1467 would be brought up for an 11th-hour vote. We also held watch for suspected efforts to kill a referendum on last year's school voucher expansion, a program we vigorously opposed throughout 2017.

Fortunately, public pressure over education issues this year seemed to ensure that both measures died by the time the Legislature held its last vote on May 3rd.