

## Legislative Session Highlights:

### Bills of Interest

#### **School Vouchers: SB1281, SB1431, HB2394, and HB2456**

Our most notable fight this year was against the annual efforts of the legislature to expand the “Empowerment Scholarship Account” (ESA) program: a siphoning of an estimated \$45.3m in taxpayer funds from public to private schools in the form of vouchers toward tuitions, homeschooling, and college. Previous legislation had confined the program's scope, applying it only to families facing situations such as disability or failing school districts. However, mirror bills dropped in both chambers now sought to extend ESA eligibility to every Arizona household. The bills caught significant media fire this year, rightfully criticized as welfare for the wealthy and a move toward dismantling public education.

Secular Coalition's messaging focused on violations of church/state separation, as the voucher program provided a loophole through which taxpayer money funds private religious schools and homeschooling with little government oversight. From opening day, we began an ongoing blitz of email and social media messaging about the upcoming fight, knowing the Governor, House Speaker, and powerful right wing lobbies had high incentive to pass the legislation this year. We stressed constant readiness yet cautious optimism as ESA bills had been something we and our partners had blocked successfully in the past.

Launching a near-daily action alert campaign, our lobbyist entered her first committee hearing backed by dozens of live testimony requests, with 341 signed into Request to Speak against the Senate bills versus 98 in favor.

The leadership of the Education Committees in both legislative chambers demonstrated a staggering early bias for the bills, staging late-running, belabored sideshow hearings that forced dozens of ESA opponents— including women with children and babies— to wait hours past scheduled end times to speak, and only after hours of straight testimony in favor of the bills. In one egregiously tilted maneuver, private school children were bussed in as props for the bill's proponents. (A stunt illegal and punishable by a \$5,000 fine had they been public school students.)

The bills passed both Senate and House Education Committees by only a single vote each.

The bills halted there between late February and April, thanks to pressure on a small number of moderate conservative holdouts. We continued weekly alerts urging supporter readiness, and made ESAs a cornerstone issue for constituents for Secular Day lobby meetings in the Senate. By the time the bills re-activated, the measures faced fierce public opposition.

As we predicted, the bills reactivated in the Senate with less than a day's warning as Governor Ducey succeeded in making 11<sup>th</sup> hour compromises and turning the vote of conservative holdout Senator Bob Worsley. We and our partners flooded the Capitol the day of their final reading for a heated, well-publicized protest. Ultimately, though, a divided House approved a revival of the legislation 31-28, sending it to the Governor's desk for a late night signature.

While not an ideal outcome, we take some relief in our ability to have mitigated some of the bills' damage. The amendments necessary to pass the bills decreased the total number of eligible students from 1.1 million to 30,000 by 2022. Vouchers were prevented from being used illegally through a college savings loophole, some (albeit minor) standardized test score reporting was required, and the amounts awarded shifted from being based on charter school funding levels to district funding levels.

### **SB1367: Religious Morality at the Beginning of Life**

Written by conservative lobbying juggernaut Center for Arizona Policy, SB1367 attempted to force-mandate— regardless the family's wishes or the futility of doing so— the resuscitation of any fetus demonstrating their definition of life: heartbeat, breathing, voluntary movement, or umbilical pulsation. The bill was meant to “give teeth” to a purposefully vague 40-year-old statute which gave doctors and families the right to decide the futility of medical treatment.

Under the unimpeachable pretense of “saving babies,” 1367's obvious underlying purpose was to throttle abortion providers and women in Arizona by saddling physicians with costly life-saving equipment and neonatologist requirements. However, as the issue developed, the bill's author Cathi Herrod of CAP made it clear (in a moment of noteworthy zealotry) that the bill would apply not only to elective abortions, but also to wanted premature babies suffering fatal illness.

Secular AZ took a two-pronged messaging approach to the bill: 1) the unconstitutional encroachment of subjectively moral religious values into law, and 2) the outright cruelty of forcing mechanical resuscitation attempts on babies known to have zero survival odds. We partnered with neonatology experts from Phoenix Perinatal Associates (themselves joined by AZ AMA and others), adopting their position on “comfort care:” the often-preferable option of allowing a declining baby to die peacefully in the arms of its mother.

Public hearing came in March, after weeks of sending alerts that one was on the horizon. We hoped our followers would be ready to jump on it and were rewarded. We prompted numerous calls to action during the bill's movement, prompting followers to sign into RTS, to leave opposing messages to committee members, their own legislators, and later to key Republicans singled out by our lobbyist. Most effectively, several calls were put out for emotionally-engaging, first-hand testimony about comfort care.

This yielded the ultimate face of our campaign, Maureen, who— during an emotional House Judiciary and Public Safety testimony— relayed how SB1367 would have changed the final moments of her 23-week daughter's life. Maureen was forced to make the difficult decision to terminate her wanted pregnancy when her baby Zoey was diagnosed with liver tumors, half a vertebrae, and water on the brain.

[#hearherstory](#) and [Listen to Maureen](#) were the centerpieces of our efforts after the bill advanced committee 6-3, spawning a shareable Youtube video of the testimony and literature distributed to lawmakers on our Capitol Day. A second significant testimony surfaced soon after, that of an AnMarie, who talked about the painful, “most loving” decision” to “let go” of premature her baby Trevor— born with a heartbeat but facing either a painful death or lifetime of disabilities if resuscitation was attempted.

As the bill moved, our lobbyist Ms. Roberg navigated fierce opposition obtaining appointments with key Republicans while directing conversations toward the heart-wrenching human story behind late-term abortions.

The bill stalled briefly, partly owed to our traction inside and outside the Legislature with the Maureen story. While we fought the measure to the end, we count it as a small victory that the bill was finally sent to the governor greatly compromised: amendments limited the bill's scope only to elective abortions not facing fatal illness. The law consequently now impacts less than a quarter of all premature births/abortions in Arizona. While SB1367 achieves its agenda of economically throttling abortion, it will at least fail to inflict the large amount of collateral misery that made it particularly heinous.

### **SB1439: Religious Morality at the End of Life**

SB1439 was 1367's counterpart at the opposite end of the life cycle, a pre-emptive CAP swipe at any future Right-to-Die legislation that may one day pass in Arizona. Its aim: allowing religious physicians to refuse to administer life-ending procedures (i.e. Medical Aid in Dying) should the practices ever become legal in Arizona in the future.

Annually for the past two decades, Medical Aid in Dying (MAID) legislation had been introduced in Arizona but received no hearing. Secular AZ saw SB1439 as an opportunity to jump-start a comprehensive discussion about MAID, pushing it into the public sphere and pointing out the hypocrisy of conservative lawmakers who— to appease CAP— insisted on only having a one-sided conversation about the issue.

The bill received a significant amount of attention from our lobbyist and in our written calls to action. Arguments against SB1439 included its potential impact on future Right to Die, potential immediate impact on advance directives, and its confusing nature as a law that regulates a non-existent scenario. We folded all three arguments into our messaging, tied together by our position that this was another bill attempting to legislate by subjective religious morality.

Ultimately, despite 558 signed in to RTS against the bill versus 68 for, the measure easily moved through the Legislature and into law as expected. We were, however, successful in gaining some media traction with the topic. We partnered with advocates Compassion & Choices and Death With Dignity, several news outlets joined us on the front lawn for a life choices rally and press conference, and the issue received editorial attention statewide and nationally.

### **SB2258: Junk Science Warning Labels**

A striker amendment on SB2258 attempted to require warning labels on medical cannabis products and classroom marijuana education based on information from “mainstream websites.” Due to marijuana's federally illegal status, little peer-reviewed data is available in legitimate scientific journals about its possible medical dangers. As a result, the architects of the proposed mandates would have been permitted to use pseudo-science published on commercial websites as the basis for their warnings. We successfully lobbied against this bill in the Senate Appropriations Committee, where it died with a 4-4 party line vote.

## **Anti-Democracy Bills**

While not overtly secular in nature, SCAZ played a small role this year in advocating against a smattering of bills which attempted to subvert the democratic process in Arizona. As these bills had potential impact on all future ballot initiatives or public demonstration— secular or otherwise— we found it prudent to include them in our action alerts.

The legislature passed several bills designed to hinder citizens attempting to pass law by initiative through (to name just a few methods) banning “per signature” pay for petition circulators, requiring prohibitively costly bonds, repealing the Voter Protection Act, and enforcing strict adherence to trivial paperwork filing guidelines.

Critics (including Secular AZ) considered these moves to be blatant retaliation against popular Arizona programs passed by voters and rejected by lawmakers, including First Things First, Arizona Medical Marijuana Act, the Voter Protection Act, Clean Elections, and last year's minimum wage increase. Several of these bills— to much public controversy— were signed into law by Governor Ducey.

SB1142 sought to crack down on protests before they happen, allowing organizers of peaceful rallies to be slapped with felony racketeering charges if unintended property damage occurred or was even suspected of occurring during a protest. The measure was largely viewed as an attack on Right to Organize, and died in the House following intense public and media blowback.

## Secular Legislative Invocations

Building on the success of the last three years since proud atheist Rep Juan Mendez delivered Arizona's first secular prayer, we were able to facilitate five articulate and thoughtful secular invocations at the legislature. Three guest invocations were given by Humanist and Buddhist leaders (guests of Christian Representatives Mark Cardenas and Dr. Randall Friese), and two by legislators themselves (Reps Mendez and Athena Salman.) A sixth invocation by a secular Jewish rabbi was arranged by Rep. Powers Hannley, though cancelled due to a death in the rabbi's family. (Rep Powers Hannley substituted a non-theistic Bible quote for the invocation following the cancellation.)

Secularist lawmakers, however, received considerable conservative blowback this year about invocations, prompting swift action from Secular AZ. In February, Majority Leader John Allen (R) issued informal prayer guidelines, including an insistence that all prayers be delivered in English and to a “higher power.” We immediately penned a response letter though after careful consideration opted to wait before sending it, giving time to test the waters first with a new invocation delivered by a Representative that specifically did not invoke any higher power.

During the two months the issue idled, religious conservative representatives twice issued offensive repudiations of secular prayer leaders on the floor, most notable Rep. Mark Finchem insisting on a “do-over” prayer in response to a nontheistic invocation, asking Jesus' forgiveness for his colleagues' "arrogance."

This last matter led to a heated floor debate on the topic of the prayer, with two conservative lawmakers and the House Speaker insisting that invocator Rep Salman had violated House Rule 7 by leading a prayer to no deity. (“The goodness of humanity is my higher power,” clarified Rep Salman about her prayer afterward, to mostly deaf ears.)

The episode prompted immediate public action by Secular Arizona and its skilled legal team, which supported Rep Salman in the form of written public statement, online media, a call to distribute February's letter, legal support for her official protest, and organizational support for an interfaith solidarity rally. As of the time of this writing, Rep Salman is also exploring a lawsuit with the support of Secular AZ's legal professionals.

As Secular Arizona's is the first state ever to have a legislator give a secular prayer, we consider ourselves uniquely on the front lines of this particular issue. We will continue to support all elected officials who take this unique opportunity, while building relationships with more lawmakers to deliver meaningful secular invocations in the future.

### **Secular Studies Program**

We consider it a critical part of our ongoing responsibility to our liaised organizations, allies, constituents and the public in general to provide ongoing education about matters of interest to the secular community. Our activities include an ongoing "Secular Studies" program for lawmakers at the Capitol: a bipartisan lunchtime discussion group featuring guest speakers, covering a wide variety of topics important to lawmakers.

Topics covered during these sessions included:

- Evolution and Biology
- Prison reform
- Tax cuts
- Charter Schools
- Homelessness
- Economic prosperity and quality of life

A variety of expert speakers joined us for these talks, including Dr. Melissa Wilson Sayres and Dr. David Berliner of ASU, Dr. Amanda Burke of Lattie Coor organization, Meghan Arrigo of Children's Action Alliance, local attorney Diane Post, and Joanne Serviss of Arizona Coalition to End Homelessness.

30 legislators from both chambers joined us for at least one lunch this session, including four Republicans. Typical attendance ranged from 7-15 lawmakers each session.

### **Secular Day at the Capitol**

Part of Secular Coalition for America's mission is to help better involve the general public in the legislative process, lobbying and grassroots advocacy.

In March, over 150 blue-clad secular Arizonans turned out for our Annual Secular Day at the Capitol: a free grassroots lobbying event featuring booths by liaised organizations, public speakers, lobby appointments with lawmakers, fellowship, rally, and educational events.

Our day-long agenda included:

- Speeches by SCAZ Executive Director Zenaïdo Quintana, House Minority Leader Rebecca Rios, Attorney Robert J. McWhirter, and SCA Executive Director Larry Decker

- Legislation overview by Government Affairs Director Tory Roberg
- Partner panel discussions by ACLU, Planned Parenthood, and Compassion & Choices
- Capitol tours led by legislators
- Rally for secularism
- Introductions from the House and Senate floors
- Members-only happy hour featuring Larry Decker and lawmakers

The day featured a Call to Action our most critical bills: SB1367, SB1439, and the ESA bills. Secular AZ Government Affairs scheduled lobby meetings for 108 constituents, who were given talking points, literature, and training to advocate for our issues. Constituents were encouraged to write impassioned letters to Governor Ducey about the bills, flooding his and other lawmakers' offices with colored postcards about Maureen and protecting our public schools.

House Minority Leader Rebecca Rios summarized well our ongoing impact at the capitol during her address at the event, giving her insiders' perspective that our "presence is noted" at the Capitol, and that while bipartisan relations may appear to be happening slowly, "We only change hearts and minds one person at time. But it's working."