Vic's Picks ---- 2024

The Vic wants to warn you about this lengthy ballot. TWO pages!!! Be sure to vote all the way down!

Here are the Vic's recommendations on the propositions, judges and selected local races.

The Vic wants to give a shout out to Civic Engagement Beyond Voting. They have done extensive research on these issues. The Vic doesn't agree with all their analyses but has included links to their recommendations.

Careful with voting for School Boards: see the Vic's comment below. The Vic is going with the recommendations of Save Our Schools.

Propositions	**Vote**	**Comments** **CEBV link here**
133: Stop Rank Choice Voting Before it Starts	**NO**	The State Constitution would be amended to require that all local candidates to be elected by party primaries. The MAGAmites at the Legislature want to stop local governments from experimenting with other forms of local elections such as caucuses, New England style town meetings, or rank choice voting and would prevent Tucson from continuing its two tier city council election system.
134: End initiative and Referendum	**NO**	The MAGAmites want to effectively repeal the constitutional right of citizens to put referenda and initiatives on the ballot by amending the state Constitution to require that every single one of the 30 legislative districts meet a signature threshold. This would allow a single legislative district dominated by MAGAmites to block any referendum or initiative petition signed by hundreds of thousands of Arizona voters.

135: Limit Governor's Emergency Powers	**NO**	The governor has broad constitutional and statutory authority to declare emergencies. The law now requires that two-thirds of both houses must ask for a special session to end an emergency. This constitutional amendment would automatically terminate any emergency declaration after thirty days and would enable the legislature, by a one-third vote, to convene a special session to terminate any emergency declaration before the thirty days has expired. This amendment would enable a Republican legislature to end emergency relief programs instituted by a Democratic governor and turn them into campaign issues.
136: Another Amendment to end voter initiatives	**NO**	Right now, voter initiatives can be challenged before getting on the ballot but only on limited grounds such as not having enough valid signatures, including more than one subject, or having inaccurate wording in the description. This MAGAmite measure would allow just one person anywhere in the state to challenge an initiative based on alleged constitutional violations, even before any of the procedural issues are resolved. If that one person can get a judge to agree with them (and there are plenty of judges who would do it, just take a look at the CEBV recommendations on judges), the initiative would be thrown off the ballot, even if enough voters signed to qualify it. For example, one person could challenge the constitutionality of the Abortion Access Act petition on constitutional grounds, and then take appeals through the state and federal court systems up to the US Supreme Court, until the time to put it on the ballot was long past, effectively invalidating every signature of the 823,685 voters who signed it. The Vic notes that this proposition allows challenges only to initiatives proposed by citizens, not propositions proposed by the legislature.
137: The Bolick-King Full Employment Amendment	**NO**	Many voters in Arizona are upset, if not outraged, by the decision of the State Supreme Court to uphold a ban on abortion which had been on the books since 1846, before the end of slavery, before the Civil War, before women had the right to vote and long before Arizona became a state. Two of the authors of that opinion, Justices Clint Bolick and Kathryn King, are now up for re-election. How is the Republican Legislature going to save these two Republican judges? **Step 1:** amend the State Constitution to get rid of judicial elections and make all judicial appointments for life. **Step 2:** make the whole package retroactive, so that neither Bolick nor King can be removed from the bench no matter how many voters reject them this November. **Step 3**: And for a little extra insurance that judges stay in line, upon the written request of one

		single legislator, the judicial review commission would have to investigate a judge. While the Republican Legislature does not want citizens to have a voice in judicial selection, this would give legislators the ability to attack a judge for their decisions, and instigate proceedings to remove them from the bench. So much for the separation of the branches of government and an independent judiciary. This could mean good-bye to all the judges who have stood up to the MAGA election deniers, falsifiers, and long-tongued liars who are trying to destroy America's great experiment in self-government and replace it with the dismal and dark future promoted by Project 2025. **This proposal deserves to be thrown in the trash heap of history. VOTE"NO" on this bottle of snake oil.**
138: Service Worker Minimum Wage Reduction Amendment	**NO**	Here's another gem from the Republican Legislature --a constitutional amendment specifically aimed at service and tipped workers such as restaurant servers. Essentially, this constitutional amendment would allow owners of businesses whose workers are tipped to take a set-off of tips against the minimum wage. Current state law allows restaurants to pay tipped workers $3/hr. less than minimum wage, or $11.35 per hour on the assumption that workers will get up to minimum wage with workers' tips. With current minimum wage set at $14.35, this amendment would bring guaranteed hourly wages down to $10.76 for tipped employees. This means a reduction in the guaranteed minimum wage of 25%. There is no question but that change would financially benefit the restaurant industry. But why make this a constitutional amendment? Because once it is part of the state constitution, it becomes very difficult to remove or amend, so a constitutional amendment guarantees a lower cost line for the "tipped industries" for years to come if it passes.
139: Abortion Access	**YES**	Not much needs to be said about this constitutional amendment to make abortion safe and legal in Arizona. Just get out and vote "YES" and bring your friends and neighbors along with you. We need to get abortion out of the hands of the Legislature and into the state Constitution as a fundamental right. The current line from the GOP is that abortion is now legal in AZ up to 15 weeks so a constitutional amendment is no longer needed. How long do you think that current law will stand if this amendment doesn't pass?

140: Open Primaries	**A Cautious "YES"**	One of two competing propositions to change the way elections are conducted in Arizona. The line-up of supporters and opponents shows some interesting differences of opinion. Supporters include: Rusty Bowers, Terry Goddard, AZ Firefighters Union, Grand Canyon Institute, the Greater Phoenix Urban League. Opponents include the Green Party of AZ, the Republican Party of AZ, AZ Free Enterprise Club, and the AZ League of Women Voters. Basically, this constitutional amendment would: **(1)** Allow any qualified voter to participate in any Congressional, state or county-wide election regardless of party affiliation or non-affiliation (abolish the current closed primary system). Political parties could still support or endorse candidates; **(2)** All candidates would have the same signature requirement to get on the primary ballot, abolishing the current requirement that non-affiliated or minor party candidates obtain about five times as many signatures as partisan candidates; **(3)** Allow the legislature or the Secretary of State to determine how many candidates would advance to the general election; and **(4)** Prohibit the use of public funds for partisan elections except for presidential preference elections. The Vic has mixed feelings about this one, especially entrusting the Legislature to do anything rational or sensible to enlarge the power of voters, but who knows, perhaps a significant number of seats will have new occupants after November 5. Another good reason to get rid of the MAGAmite legislature.
311: More Penalties for Indigent Defendants	**NO**	This proposition would add a $20 surcharge for all criminal convictions in Arizona, ostensibly for the purpose of supporting families of first responders who died in the line of duty. This would give those families $250,000. While the death of any first responder who dies in the line of duty is a tragedy, families of officers who die in the line of duty already receive $422,035 from the Federal Public Safety Officers' Benefits Program as well as 100% of the person's pension if there is a child and 80% if no minor children, as well as educational and other benefits. In Arizona, the average number of convictions statewide about 96,000. At $20 a conviction that would bring in about $1.9M. Under this Proposition, as soon as the fund reaches $2 million, anything over goes into law enforcement 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. This proposition throws a disproportionate burden on low level and often low income families. The Vic says "NO" to Prop. 311.

312: Property owner's Pot O' Gold(water)	**NO**	This proposition, sponsored by the Goldwater Institute, creates a system for property owners to reap pots of gold from the presence of homeless people who are just trying to get by. The Vic recognizes that clean and well-maintained property is an asset in any neighborhood and that property owners have a right to protect their investment, but this proposition is a pot of Goldwater for people who want to profit off the misfortunes of others at public expense. Any property owner who is offended by homeless people creating a "public nuisance," can submit a "documented" claim to the city for the loss of value of their property or expenses to maintain their property. Claims are to be paid out of real estate taxes. If a claim is paid, then the city budget takes a hit; funds will have to be taken from other sources, such a public safety, roads, and so forth. If the city rejects the claim due to inadequate documentation or an unreasonable claim, the property owner can sue the city. If the city wins, the city gets nothing. If the property owner wins, they get costs and attorney's fees. Because the refund comes out of general revenues, it is even less likely that the city will have funds for starting projects for safe and sanitary low-income housing, or clean and efficient public toilets, or assistance and training for employment. It is easy to see how this proposition, if passed, could wreck a city budget, stop municipal movement toward alleviating local homeless issues, and in the end, reap a pot of gold for Goldwater lawyers and their clients. **The Vic recommends a "NO" vote on this one.**
313: Life Sentences for Sex Traffickers	**NO**	Most people, rightly so, are appalled by child sex trafficking. The Vic is no exception. This proposed statute mandates life in prison without parole for anyone who engages in child sex trafficking. Currently they can receive up to 24 years in prison. It makes no exception for children who solicit others while they themselves are victims of solicitation **Federal sex trafficking law says that victims should never be prosecuted for crimes they commit while trafficked.** Legislators in both the House and Senate warned lawmakers that victims would be harmed by this proposition and asked them to put in exemptions. They refused. **The Vic urges a "NO" vote on Proposition 313**.
314: Joe Arpaio and His Posse Come	**NO**	Well, folks, here we go again. The MAGAmites have breathed new life into Joe Arpiao, his vigilante posse, old Proposition 1070 (which has cost taxpayers tens of millions of dollars) and the enshrinement of racial profiling as the official policy of our state. If you feel that

Back - racial profiling and arrest without cause.		you have been on this merry-ground of illegality before, you are right, so let's take a look at Proposition 314. This Proposition allows local police to arrest a person suspected of being in the United States without having gone through a port of entry. A "law enforcement officer" may arrest a person if the officer has "probable cause" to suspect that the person has entered the United States unlawfully if the officer (1) saw it happen; (2) has a recording of it happening; or (3) there is "any other constitutionally sufficient indicia of probable cause." Well, right away we have a problem. Does "constitutionally sufficient indicia" still mean, as it did in Arpiao's day, having a dangly thing hanging from your front mirror, or having three dark skinned short guys speaking Spanish in the back of your pick-up truck, or having a cut open tennis ball on your trailer hitch? Situations such as these were adequate grounds for investigatory stops, racial profiling, and harassment in Arpiao's day and they will be again if this proposition passes. But **there's an even more serious problem in this proposition**. Part of this statute grants **absolute immunity** for any state or local official for any injury when the official is enforcing the provisions of the new law. This means that a deputy sheriff, member of a volunteer sheriff's posse, local police officer, or even a private security guard at some government office, can with impunity seriously injure or even fatally harm someone suspected of having failed to enter Arizona without passing through a port of entry. There is no requirement that the official have acted in "good faith" to raise the defense. It is a "get out of jail" card to anyone who has some degree of official duty and who just wants to intimidate and injure people. Finally, leave it to the Republican Legislature to introduce a proposition that is unconstitutional on its face. The last time the Vic checked, which was this morning, exclusive control over immigration was still granted to Congress by the Constitution. For the MAGAmites who carry the Constitution around with them but never read it, check out sections 8 and 9 of Article 1. Of course, with the US Supreme Court what it is these days, perhaps the MAGAmites want an opportunity to let the Supreme Court diminish the powers of Congress even further. **This insidious proposition, disguised as a device to control fentanyl smuggling, should also be consigned to the trash bin of history with a solid "NO" vote**. But of course, the Vic is holding back here, so don't get him started.

315: Make Arizona Unsafe for Everyone Except Profiteers	**NO**	Here's a proposition that is in everyone's interest to defeat. This proposition essentially wants to go back to the 1880's by making new regulations subject to review by the Legislature. The proposition would allow **any person** who might be affected by a proposed rule or any legislator to refer the proposed rule to the Office of Economic Opportunity for review. If the OEO finds that the cost of the proposed rule was over $500,000 within five years of enactment, the proposed regulation could not be approved by the regulatory agency until approved by the Legislature. If the Legislature fails to approve the regulation within its regular session, the proposed regulation is dead. This proposition is a gift for developers who want to evade new water use regulations, mining companies who want to evade possible regulation of land use and destruction of Indigenous religious sites, and crypto currency "miners" who want to use enormous amounts of electricity and water for pure profit. The ability of a **single person** to stop regulatory development is a threat to the safety and well-being of every one of us and can have repercussions for years to come. Not surprisingly, this proposition is opposed by the Arizona AFL-CIO, the Arizona Public Health Association, and the Arizona Coalition for Working Families. **The Vic recommends a "NO" vote on this piece of legislative overreaching.**

The Judges

For the details on these recommendations, go to the CEBV Gavel Watch website HERE

Some Honorable Mentions:

If you don't remember any of the judges and their recommendations, please vote **"YES"** on the following judges for their stalwart defense of the right to vote, democracy, and opposition to the endless challenges by the MAGAmites and the election deniers who, armed with hundreds of thousands of dollars from people like Mike "Pillow Man" Lindell, and with the covert acquiescence of a Bar Association that refused to impose sanctions on attorney's filing frivolous and baseless claims, have sown deep seeds of doubt about the continuance of our elective democracy.

Hon. Scott Blaney, Maricopa County

Hon. Peter Thompson, Maricopa County

Hon. John Hannah, Maricopa County

Hon. Michael Kemp, Maricopa County

Hon. Casey McGinley, Cochise County The Vic has the story on all of these judges, but it is too long to put here. [If you want the story behind the story, check on vicspicksaz.org after October 1, 2024.]		
AZ Supreme Court		
Justice Clint Bolick	**NO**	Appointed to the State Supreme Court in 2016 after former governor Ducey increased the number of judges so his hand-picked selections would support his own political agenda even though the sitting justices on the Supreme Court were unanimously against "court packing." Justice Bolick has consistently held a very conservative position, most notoriously in the recent decision upholding an 1864 law which made obtaining an abortion a criminal offense. He had no judicial experience prior to his appointment. He previously worked as the vice president of litigation for the Goldwater Institute and served on Ducey's transition team. He chairs the Maricopa County Commission on Judicial Nominations, the first step to becoming a superior court judge. At the present time, there are four independents, four Republicans, three Democrats, and three vacancies on the Commission. If you want to get in on the ground floor on new judges in any of the "retention" counties, and sit on the Commission, good luck. The Vic is still trying to find out how to do that.
Kathryn King	**NO**	Justice Kathyrn King joined the majority in finding that the 1864 law was still enforceable. Although she has never held a judicial position, she clerked for Arizona Supreme Court Justice Michael D. Ryan and then went to work for several firms which specialized in employer oriented labor relations, a euphemism for firms that try to prevent unions from organizing or limit the power of existing unions. In 2015, she became deputy general counsel to Governor Ducey, and in March 2020, Ducey appointed King to the Arizona Board of Regents. She resigned from the Board in 2021, and in July 2021, she was appointed to the Arizona Supreme Court. She is a member of the Federalist Society, a right-wing legal organization which has had great influence in US Supreme Court appointments under Republican presidents. Six out of the nine members of the United States Supreme Court are members of the Federalist Society, and the Society lobbied the Republican Congress strongly in support of their nominations. Ironically, she was also a member of the Arizona Advisory Civil Rights Board for four years. Nonetheless, the Vic believes every "Federalist" judge who promotes this phony "originalism" should be rejected.
Maricopa County Superior Court		
Hon. Stasy Avelar	**NO**	CEBV recommended Judge Avelara "Yes with Reservations". The reservations are based on her low scores by Litigants, Witnesses, and Pro Per parties on integrity (22%), communications (24%), temperament (30%),

		and administration of the court (20%). The Vic believes that respect for the courts and the law are the basis for a democracy, but that the public won't have respect for the courts unless the courts have respect for litigants and their lawyers. Vote NO.
Hon. Scott Blaney	**Yes, with Reservation**	Judge Scott Blaney has been one of the stalwart defenders against the baseless and continuing assaults on the election system in Arizona by Kari Lake, Abe Hamada, and all the others MAGAmites trying to overturn democracy and the right to vote. CEBV recommended Judge Blaney "Yes with Reservations" based on his ruling against Governor Hobbs concerning the appointment of interim department heads to serve more than a year after the MGAmite State Senate refused to confirm any of her department appointees. CEBV also has reservations based on reports that Judge Blaney, when serving as a JAG officer in the military, did not take adequate and effective action to investigate reports that members of the National Guard were harassing and intimidating homeless people from the official vehicles. **Despite these reservations, the Vic says 'Yes" because of his defense of our election system**.
Hon. Christopher Coury	**NO**	CEBV hit this one right on the head. Judge Coury ruled on the 2020 Invest in Ed initiative with a decision which was disdainful, contemptuous, and unprofessional, and which set such strict initiative petition requirements that even the State Supreme Court felt compelled to reverse him. He also presided over some of the Cyber Ninja proceedings and demanded that the Democratic Party post an unreasonable $1million bond.
Hon. David Garbarino	**NO**	CEBV recommended Judge Garbarino a "Yes with Reservations", the reservations based on his scores by Litigants, Witnesses, and Pro Per parties of 25% or below approvals on integrity, communications, temperament, and administration of the court. The public will have respect for the law and the legal system only of the legal system treats them with respect as well.
Hon. Michael Mandell	**NO**	CEBV recommended Judge Mandell a "Yes with Reservations" based on his low scores by attorneys for legal ability, communications, and administration. None of these combined scores were above 21% approval. See the Vic's comments about respect for litigants.
Hon. Keith Miller	**NO**	CEBV recommended Judge Miller a "Yes with Reservations" based on his scores by Litigants, Witnesses, and Pro Per parties of 23% or below on communications and temperament as well as low scores by attorneys for communications. Judge Miller was former Assistant Legal Counsel for Hillsdale College, a right-wing Christian college in Michigan (Full disclosure: the Vic subscribes to and reads their monthly publication.) Judge Miller also worked within AG Bronovich's "Federalism Unit" to resist the Obama administration. We don't need more "originalist" judges.

Hon. Timothy Ryan	**NO**	CEBV recommended Judge Ryan a "Yes with Reservations" based on his scores by Litigants, Witnesses, and Pro Per parties of 21% on Integrity and 36% on temperament. See the Vic's comment on respect for the public.
Hon. Scott Minder	**NO**	CEBV gave Judge Minder a "YES," but the Vic disagrees, based on his recent ruling on a challenge to Proposition 314 by several Hispanic organizations on the grounds that the proposition violated the "single subject" rule in the State Constitution. Four provisions deal with "illegal entry" in the state, a fifth one deals with penalties for fentanyl based crimes. Judge Minder used the Legislature's "findings," which are not part of the proposition, to bind them all together into a single purpose. The Vic takes the position that using a "finding" to join together different subjects sets a dangerous precedent because all the Legislature needs to do in the future is just add some "finding" language that ties everything up and the proposition will pass judicial scrutiny. For the full story, go to the Arizona Mirror July 13, 2024 HERE.
Hon. Patricia Starr	**NO**	CEBV recommended Judge Starr a "Yes with Reservations" based on a 2020 appearance as a guest speaker at a Federalist Society function sponsored by the Goldwater Institute to discuss the overturn of the Chevron Deference Doctrine, one of the goals of Project 2025. The Vic believes every "Federalist" judge who promotes this phony "originalism" should be rejected.
Hon. Michael Valenzuela	**NO**	CEBV recommended Judge Valenzuela a "Yes with Reservations", the reservations based on his scores by Litigants, Witnesses, and Pro Per parties of 25% or below approvals on integrity, communications, temperament. See the Vic's comment on respect for the public.
Pima County Superior Court		
Hon. Kellie Johnson	**NO**	In Sept. 2022, Judge Johnson ruled that the 1864 anti-abortion law codified in 1901, superseded the 15-week ban passed by the Legislature earlier that year. One day before the 15-week ban was to go into effect, Judge Johnson, relying on the US Supreme Court decision overturning Roe v Wade, lifted an injunction on the 1901 law which had been in effect since 1973., which essentially nullified the more recent action by the Legislature.
Hon. Scott McDonald	**NO**	CEBV recommended Judge McDonald a "Yes with Reservations" based his appearance as a panel moderator at a Federalist Society function and his appearance as a featured guest at a Federalist Society mixer in 2018. The Vic believes every "Federalist" judge who promotes this phony "originalism" should be rejected.
Hon. D. Greg Sakall	**NO**	CEBV recommended Judge Sakall a "Yes with Reservations" based his appearance as a guest speaker at a Federalist Society in 2022. The Vic believes every "Federalist" judge who promotes this phony "originalism" should be rejected.

Coconino County Superior Court		
Hon. Cathleen Brown-Nichols	**YES with reservation**	CEBV gives Judge Brown-Nichols a straight up "NO" because in July 2022, she was reprimanded twice for violating Arizona's Code of Judicial Conduct. While the Vic doesn't take violations of the Code lightly, one reprimand was for failing to sign and file court orders in a timely manner as required by court rules which she said resulted from inability to fully staff her office. The other reprimand was for entering an order directing that a man who was to be released from custody because there were no charges filed against him was instead sent to a psychiatric facility in another county without notifying his attorney. While no judge has the right just to lock someone up in a pysch ward, **the full story shows that she made a real effort to get this person help** that he obviously needed. Here's the full story. https://arizonadailyindependent.com/2022/07/19/two-public-reprimands-this-year-for-coconino-county-judge/
Pinal County Superior Court All "Yes		
Court of Appeals Div 1		
Justice Angela Paton	**NO**	Appointed by Governor Ducey. Paton was featured at a Federalist Society symposium on Originalism and the Arizona Constitution in 2022. Her appointment was highly controversial since her husband, lobbyist Jonathan Paton sits on the Appellate Court Judicial Nominating Commission. Her husband Jonathan was hired by the Arizona Judges Association help write and pass Proposition 137 (see above) which will eliminate judicial retention elections, give sitting judges, including Clint Bolick and Kathryn King lifetime appointments made retroactive, and create a mechanism for any legislator to instigate an investigation of any judge whose opinions the legislator doesn't like. The Vic believes every "Federalist" judge who promotes this phony "originalism" should be rejected.
Court of Appeals Div II All "Yes"		
School Boards	**VOTE CAREFULLY**	School Boards are non-partisan races, so you really need to know about each individual candidate. This year, many of the right-wing candidates are hiding from the voters. For example, if asked by constituents about their view on banned books or health education for middle schoolers or voucher programs, several have been known to say something like: good question. Let's have coffee and talk about that! **Click here to see candidates endorsed by Save Our Schools.**
Two Maricopa County Races to Watch		

MARICOPA COUNTY RECORDER		**Vote YES for Democrat Tim Stringham**. Tim is a veteran of the Army and Navy who wants to preserve early voting, mail-in ballots, and electronic vote counting. **His opponent,** Justin Heap**,** is a member of the Legislature who wants to go back to hand counted ballots and abolish mail-in and early voting.
MARICOPA COUNTY SHERIFF		**Vote YES for Democrat Tyler Kamp.** He is a retired Phoenix Police Department detective **His opponent**, Jerry Sheridan, a former chief deputy under Joe Arpaio and self-proclaimed "constitutional sheriff" who believes that the county sheriff has to power to ignore and not enforce court orders, laws, ordinances, decisions from the board of supervisors, and any other law or regulation that he personally considers to be "unconstitutional."