STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 9, 2010

The Honorable Robert Burns
President
Arizona State Senate
1700 West Washington Street
Phoenix, Arizona 85007

Re: Senate Bill 1267 (initiative and referendum)

Dear President Burns:

Today I vetoed Senate Bill 1267. This bill was introduced to require ballot measure numbering to continue from the previous election and not be repeated until all one hundred numbers have been used.

I agree that consecutively numbering ballot measures will help avoid voter confusion in future elections. However, the bill as drafted contains an emergency clause and language in Section 2 that could be interpreted to apply the new numbering system to the May 18, 2010 special election. As you aware, the proposal to temporarily increase the sales tax by one cent for three years to fund public education, public safety and health and human services is numbered Proposition 100. The requirement on page one that "individual numbering shall continue from the last number used in the previous election..." could affect Proposition 100 in the upcoming special election because the bill is an emergency measure and the last election was in 2008.

The last number used for constitutional measures in the 2008 election was Proposition 105. If this law were to be interpreted to apply to the special election, then the measure would have to be renumbered Proposition 106. An attempt may have been made by the Legislature to remedy this situation in the applicability section (Section 2). However, that section does not address the special election, but rather just simply states that the act "applies to the 2010 general election." To address my concerns, Section 2 should have stated the applicability of the bill "starts" with the 2010 general election.

The early ballots and voter publicity pamphlet have been printed and early voting begins in less than two weeks. The campaign in favor of Proposition 100 has printed signs and published advertisements referring to the measure as Proposition 100. The same is true of countless media reports on the election. Although this law will not become effective until it is precleared by the United States Department of Justice, that process could be expedited and make this law effective prior to the May 18, 2010 special election. Any argument that the proposition number should be changed this close to the

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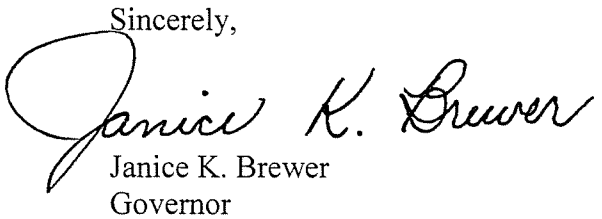
election will cause great voter confusion and could require a legal action to settle the question.

Fortunately, there is still time in the session for the Legislature to send me a bill that allows for consecutive ballot measure numbering for future elections and makes clear that such numbering would begin starting with the 2010 general election.

Sincerely,



Janice K. Brewer
Governor

cc: The Honorable Kirk Adams

Senate Engrossed

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

SENATE BILL 1267

AN ACT

AMENDING SECTION 19-125, ARIZONA REVISED STATUTES; RELATING TO INITIATIVE AND REFERENDUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Passed the House March 29, 2010,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

With Emergency

Speaker of the House

Cheryl Laube

Chief Clerk of the House

Passed the Senate March 1, 2010,

by the following vote: 29 Ayes,

0 Nays, 0 Not Voting

VACANT With Emergency

President of the Senate

Chauncia Bellington

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

5th day of April, 2010,

at 2:10 o'clock P. M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

VETO

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

S.B. 1267