

Arizona Voter's Guide to the 2018 Ballot Measures



Presented by

**The Arizona Advocacy Network Foundation
&
The League of Women Voters Education Fund**

ABOUT THIS VOTER'S GUIDE

The Arizona Advocacy Network Foundation and the League of Women Voters of Arizona Education Fund have jointly prepared this guide to Arizona's 2018 ballot measures.

Voters will be deciding five ballot measures this November. We hope the guide helps you understand them and reach an informed decision about how you wish to vote on each one.

For each measure we have provided:

- a non-partisan, unbiased summary and background;
- a summary of arguments made in support and opposition;
- names of major supporters and opponents;
- major financial contributors and what they have spent**

All statements, pro and con, that were submitted to the Secretary of State for its publicity pamphlet can be read at <https://azsos.gov/elections/initiative-referendum-and-recall>.

The Joint Legislative Budget Committee has complete information about the fiscal impact of each measure at <https://www.azleg.gov/jlbc/18ballot.htm>.

If you are interested in having a speaker talk to your group about the ballot issues, or to obtain copies of the guide, please contact info@azadvocacy.org or lwvarizona@gmail.com.

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****IMPORTANT NOTE: Throughout this booklet we have indicated the amount of money contributed in support of or opposition to each measure. This information was obtained from the Secretary of State's website as of September 15, 2018 and is subject to change as new reports are filed or previous reports are amended. All amounts indicated are rounded. If no amount is listed, no expenditures have been reported to the Secretary of State. ****

ABOUT US

At Arizona Advocacy Network Foundation (AZANF), our vision is a truly representative political system in which all Arizonans make their voices heard. We believe the cornerstones of such a democracy are meaningful voting rights and access to the ballot, political decisions driven by voters instead of money, and a fair and independent judiciary. We work to educate Arizonans about our political system, and the ways they can make their voices heard, including via ballot measures. For more information, please visit azadvocacy.org.

The League of Women Voters, founded in 1920 as a result of the Suffrage movement, is a non-partisan political organization that envisions and encourages a democracy where every person has the desire, right, knowledge and confidence to participate. We have an advocacy arm and an education arm, which NEVER support or oppose any political party or candidate. As an advocacy organization, the League takes a stand on issues. Our current focus on “Making Democracy Work” consists of protecting voting rights, supporting fair and independent redistricting, disclosing money in politics, and passing the National Popular Vote Compact (NPVC). We strive to educate on the issues as fairly and factually as possible, providing all viewpoints. If we have taken a position on a particular ballot measure in this guide, that position is disclosed in the listing of supporters or opponents. For more information about the League of Women Voters of Arizona (LWVAZ), please visit lwwaz.org.

Both AZANF and the LWV Education Fund know that too often the difference between a passive citizen and an engaged activist is simply lack of information. A core component of our work is educating voters across the state on issues affecting the integrity and vibrancy of Arizona’s democracy.

WE NEED YOUR SUPPORT FOR THIS WORK!

The Arizona Advocacy Network Foundation and the League of Women Voters Education Fund rely on donations from supporters like you to produce and distribute materials such as this guide. With your support, we can distribute this information as widely as possible across Arizona.

The AZAN Foundation and League of Women Voters Education Fund are both 501(c)(3) organizations.

Contributions are tax deductible!

Online donations are gratefully accepted at azballotguide.com/donate

WHAT ARE INITIATIVES AND REFERENDUMS?

Since 1912, when Arizona became a state, our constitution has guaranteed the right of everyday citizens to pass laws, veto laws and amend the constitution through ballot measures, or propositions. **Initiatives** and **referendums** are the processes by which these efforts can qualify for a vote.

A proposition initiated by citizens is known as a **citizens' initiative**. To change existing law or enact a new law, supporters must gather valid signatures equal to 10% of votes cast for governor in the last gubernatorial election. For a **constitutional amendment**, supporters must gather valid signatures equal to 15% of votes cast for governor in the last gubernatorial election.

A challenge by citizens to a newly-enacted law before it becomes effective is called a **veto referendum**. The challengers must gather valid signatures equal to 5% of votes cast for governor in the last gubernatorial election. And the signatures must be collected within 90 days of the end of the legislative session when the law was passed.

A majority of the legislature can refer a new law to voters for approval through a **referendum**, rather than sending it to the Governor for his approval. Any **constitutional amendment** they propose must also be submitted to voters as a **referendum**. No petitions are circulated when the legislature refers new laws to the voters.

Initiatives and **referendums** from each of these categories appear on this year's ballot.

IMPORTANT VOTING DATES

October 9th	Last day to register for the November 6th election
October 10 th	Early voting begins
October 26 th	Last day to request a vote by mail ballot
October 30 th	Last day to put your early ballot in the mail
November 2 nd	Last day to vote early
November 6 th	GENERAL ELECTION DAY

(Polls are open from 6:00am - 7:00pm. You must be allowed to vote if you are in line at the polling place by 7:00pm.)

Proposition 125 - Related to Public Retirement Systems - Legislative Referral

What is the ballot measure? Proposition 125 will ask voters to approve measures affecting the Correction Officer Retirement Plan (CORP) and Elected Officials Retirement Plan (EORP) by changing the formula for determining annual increases.

Background: The Arizona Constitution states that “public retirement system benefits shall not be diminished or impaired,” except that the legislature may alter benefits for “prospective members of public retirement systems.” Voters can revise the system, by exercising their power to amend the Constitution.

Under current law, CORP and EORP retirees are entitled to permanent annual benefit increases (PBIs) that are tied to returns on investments. Those PBIs may not exceed 4% in any one year.

Provisions:

- Prop 125 would replace the return-on-investments plan with a plan based on an annual cost-of-living adjustment (COLA) determined by changes in the Phoenix-Mesa Consumer Price Index. Those increases cannot exceed 2% in any one year.
- This change would apply to all members of CORP and EORP, including those who have already retired and their survivors.

Impact:

The Joint Legislative Budget Committee estimates that Prop 125 will reduce existing liabilities of these retirement plans by \$275 million, as current debt is paid off in the next 20-30 years, and as the COLA change reduces the cost of future benefits.

This measure would make the Elected Officials' and the Correction Officers' Retirement Plan the same as the Public Safety Personnel Retirement System (PSPRS), which was amended by the voters in 2016.

Arguments For:

- The Act stabilizes and improves Arizona's underfunded pension system.
- The Act replaces a faulty pension formula dependent on market returns with a guaranteed cost-of-living-adjustment that is common to most public pension systems.

- In 2016 voters overwhelmingly approved a similar measure reforming the pension system for police, sheriff’s deputies and firefighters. This Act brings consistency to the public pension system.
- Without this measure, state and local governments may have to cut basic services or raise taxes to cover escalating pension costs, which would harm the state’s economy and future growth.
- Savings under Prop 125 will accrue to all CORP and EORP employers, which include the state, counties and cities and towns. Savings can be used to fund community services families rely on, like public safety, education, parks and libraries, safer roads and infrastructure.

Arguments Against:

- Retirees and their beneficiaries are entitled to benefits that were promised and earned. These benefits were part of a compensation package that recognized difficult working conditions and offset lower salaries.
- It is unfair to reduce benefits retroactively, particularly for retirees on fixed incomes who depend on these payments.
- Qualified candidates will be discouraged from applying for jobs if they lack confidence that future benefits will be paid as agreed.
- Arizona has sufficient revenue to pay the benefits, but would prefer to spend the monies on other programs.

Supporters:

Arizona Chamber of Commerce

Public Safety Personnel Retirement System Board of Trustees

Opponents:

One person submitted an opposing statement to the Secretary of State

Proposition 126 - Protect Arizona Taxpayers Act - Citizens' Initiative

What is the ballot measure?: The Protect Arizona Taxpayers Act would amend the Arizona Constitution to prohibit state or local governments from imposing any new tax on “services” or increasing any existing tax on “services”.

Background: Arizona does not impose a true sales tax on businesses or individuals, but rather a Transaction Privilege Tax (TPT). A TPT differs from a true sales tax because it is imposed on the seller, rather than the buyer. This tax often gets passed on to the buyer as a “sales” tax. Certain businesses such as retail, construction, professional services, and restaurants are required to pay these taxes. Under current law, a portion of state TPT is distributed to cities and counties and is a major source of local government revenue.

Most businesses that provide services (except utilities, telecommunications, lodging) do not pay the TPT, although there is no formal definition of what constitutes a “service” in state law. The Dept. of Revenue has considered health care, education, finance and personal care as “services” when analyzing how much potential tax revenue is “lost” by not taxing them.

Provisions:

- The state, counties, cities, towns, and other local governments could not increase any current tax rate being applied to services as of December 2017, and could not add any new tax on services. The amendment applies to all local governments including charter cities.

Impact: There is no way to estimate the amount of revenue that would be lost to the state/local governments because of this ballot measure, because at present there are no proposed measures with any details about what services would be taxed and at what rate.

However, in 2017 the Department of Revenue estimated the state could be missing out on \$5.2 billion by not taxing services. Furthermore the state is currently imposing sales taxes on some businesses that could be considered services (i.e utilities, telecommunications, lodging). It is unclear how these businesses would be impacted by Prop 126.

Arguments For:

- Sales taxes on services are regressive and would hit low-and middle-income families (to include senior citizens, the disabled and others on fixed incomes) the hardest. It is almost

impossible for families not to use services such as haircuts, doctor visits, child care, vet services, car repairs, etc.

- A service tax makes Arizona less appealing for commercial recruitment. Low taxation has allowed Arizona to maintain a competitive advantage over other states, creating more job opportunities.
- Prop 126 would preserve the status quo on service taxes - so there would be no impact on Arizona's consumers and businesses.

Arguments Against:

- The state has a significant revenue challenge. Elected officials and policymakers need flexibility to evaluate revenue options in order to meet the needs of our state, counties and cities. Therefore, tax policy should not be written into the Constitution, which is very difficult and time consuming to change. Tax policy should be created by laws.
- Arizona already has adequate safeguards to prevent a rush to impose sales taxes on services. Raising taxes requires a two-thirds vote from both chambers of the legislature and the governor's signature OR a legislative referral or citizen initiative sent to voters.
- When the government decides that certain businesses don't need to pay taxes for any reason, winners and losers are often chosen based on their political power and influence.
- Our modern economy is becoming a service-based economy, meaning there are fewer and fewer "goods" to tax. So unless we allow the possibility of taxing at least some service categories to raise additional revenue as sales taxes on "goods" decline, governments won't be able to pay for many things we now take for granted such as transportation, police, fire, public schools, etc.
- By taxing some services it will be possible to lower the state's sales tax rate. Otherwise, there will be ever-increasing sales taxes on life's necessities (goods) while services for middle class and working families are cut.
- This amendment is primarily being funded by an association of realtors, trying to get themselves a permanent exemption from taxation, at the expense of the rest of us.

Supporters:

Relators Issues Mobilization Fund - *\$5.1 Million*
National Association of Realtors - *\$1 Million*
Arizona Retailers Association
National Federation of Independent Businesses

Opponents:

Grand Canyon Institute
Arizona Chapter, Americans for Prosperity

What is the ballot measure? The Clean Energy for a Healthy Arizona Act would amend the Arizona Constitution to require private utilities (those that are regulated by the Corporation Commission) to obtain 50% of their power from renewable resources by 2030. The measure would define renewable energy to include solar, wind, biomass, certain hydropower, geothermal, and landfill gas energies; it excludes nuclear fuel.

Background: In 2006, the Arizona Corporation Commission (ACC) approved standards requiring regulated utilities to obtain 15% of their power from renewable sources by 2025. Those standards also established reporting requirements for utilities to demonstrate compliance with the standard. The regulation made Arizona one of 29 states with a percentage-based renewable energy requirement for utilities. At the end of 2017, regulated utilities (such as APS and TEP) were getting 10% to 13% of their energy from qualifying renewable energy resources.

Provisions:

- Would require that private utilities obtain a progressively increasing percentage of their power from renewable energy resources each year, with an ultimate standard of 50% in 2030 and beyond.
- Would also require that private utilities obtain a progressively increasing percentage of their power from distributed renewable energy resources each year, with an ultimate standard of 10% by 2030 and beyond. This would be energy produced at a customer's premises (such as rooftop solar electricity) for their own use, or to sell directly to a utility.
- Would track the renewable energy and distributed renewable energy requirements above in the form of one credit for each kilowatt hour (KWH) of energy produced from renewable sources. These credits could be transferred to another utility or between utilities, to help them meet their annual percentage requirement of KWH produced from renewable energy sources.

Impact: Models compiled from a study commissioned by the Natural Resources Defense Council, suggest that Clean Energy for a Healthy Arizona standards would reduce energy costs by \$4 billion between 2020 and 2040 while decreasing pollution and associated health and environmental hazards. This would occur whether Arizona's Palo Verde nuclear power plant continued to operate at its current capacity, or whether it closed.

Arizona Public Service Co. (APS) funded a study by Timothy James, an ASU professor with the W.P. Carey School of Business, which concluded, in a non-peer-reviewed study using a model not available for independent analysis, that the state would lose \$1.8 billion in state and \$1.2 billion in local taxes, in addition to 7,000 jobs by 2060 under the measure's standards. This study assumed the closure of the Palo Verde Nuclear Generating Station in its models.

Arguments For:

- According to a study solicited by The Natural Resources Defense Council, electricity bills would be 3% cheaper in 2030 under the renewable energy future compared with the currently-planned gas-fired future. The cost of solar power has fallen 86% over the past eight years, and cost of wind power has fallen 67%. The cost of energy storage has fallen 79% since 2010.
- By reducing carbon emissions from power plants that use fossil fuels, we help control exposure to dangerously unhealthy ground-level ozone.
- The American Lung Association has found that Arizona cities and counties have some of the nation's dirtiest air, and one in twelve Arizona children suffer from asthma. Prop 127 will dramatically reduce the rates of asthma attacks, heart disease, lung disease and some cancers.
- We have a moral obligation to help our kids and others inherit a healthy natural environment, which once gone cannot be replaced.
- We need to compete with our neighboring states, which are building clean energy economies quickly. Over the last five years, solar energy-related jobs grew nine times faster than the overall economy, but Arizona actually lost solar jobs.

Arguments Against:

- This Amendment will increase the cost of doing business in Arizona by increasing the cost of energy. Wind and solar power are much more expensive than conventional power. The latest data show wind power is 50% more expensive than conventional power, and solar power is triple the cost of conventional power.
- If approved, these costly and restrictive regulations will drive up housing costs and electricity prices – doubling the monthly energy bill for the average Arizona household.
- Energy policy should not be set by an amendment to the Arizona Constitution because it will be nearly impossible to modify in the future.
- Rural and economically depressed communities, which often obtain their power from electric distribution cooperatives, will be impacted the most by these increased costs. It is estimated that electric bills for these consumers may increase by \$45 to \$65 per month.

- The 2030 deadline is much too short for such a major change. A hastened implementation of the referendum would lead to chaos in providing necessary energy for Arizona.
- Palo Verde is the country’s largest supplier of carbon-free energy and employs over 3,000 Arizona workers, but its contributions to Arizona’s energy portfolio would not count toward the initiative’s proposed mandates.

Support:

Advocacy Groups:

NextGen Climate Action – *\$8 Million*

Arizona Asthma Coalition, Arizona Faith Network, CHISPA AZ, Citizens Climate Lobby, Conservative Alliance for Solar Energy, Elders Climate Action, Energy Future Project, Kids Climate Action Network, Mi Familia Vota, Mountain Park Health Center, Natural Resources Defense Council, Physicians for Social Responsibility, Sierra Club Grand Canyon Chapter, Santa Cruz Valley Climate Coalition, Technicians for Sustainability

Unions and Trade Associations:

Arizona Building and Construction Trade Council, Arizona Public Health Association

Oppose:

Corporations:

Pinnacle West Capital Corp – *\$11 Million*

Trade Associations:

Aerospace Arizona Association, Arizona Bankers Association, Arizona Cattle Feeders' Association, Arizona Chamber of Commerce, Arizona Cotton Growers Association, Arizona Farm Bureau Federation, Arizona Manufacturers Council, Arizona Mining Association, Arizona Regional Economic Development Foundation, Arizona Rock Products Association, also includes twenty-four local/regional chamber of commerce associations

Advocacy Groups:

Americans for Prosperity, AMIGOS, Arizona Free Enterprise Club, Arizona Tax Research Association, Chicanos por la Causa, Goldwater Institute, Greater Phoenix Urban League, La Paz Economic Development Corporation, Navopache Electric Cooperative, Southern Arizona Leadership Council, Sun City Homeowners Assoc., Valley Partnership, Western Maricopa Coalition

Proposition 305 - Save Our Schools Arizona - Citizens' Referendum

What is the ballot measure? Proposition 305 would approve Senate Bill 1431, a bill passed by the legislature in 2017. This bill expands the state Empowerment Scholarship Accounts (ESAs) program to all public school students, allowing any student enrolled in K-12 education to apply for an ESA. **A “NO” vote would stop Senate Bill 1431, which was signed by the Governor, from going into effect.**

Background: In 2009, the Arizona Supreme Court ruled that a state school voucher program was unconstitutional because it caused public funds to go to private religious schools. In response, the state established the ESA program in 2011. ESAs provide public funds directly to parents of qualifying students -- not directly to schools -- to purchase educational services, including paying private and religious school tuition. Initially, eligibility for the program was limited to children with disabilities. In 2017, the state legislature passed SB 1431 to expand ESA eligibility to all K-12 students in Arizona. Perceiving a threat to public education, a coalition of education advocates called Save our Schools Arizona, organized a veto referendum (Prop 305), which by voting 'no' will veto SB 1431.

Impact: If passed, Prop 305 would allow for the expansion of the ESA program to all K-12 students in Arizona, up to a cap of 30,000 students, allowing them to receive educational services outside the public school system, including at private or religious schools, while being publicly funded at 90% of what the state would have allocated for them at a district or charter school.

Arguments For:

- Proposition 305 gives financial help to families who might otherwise be unable to afford private or religious schools or other education options outside the public school system.
- It gives families more flexibility to find an education that addresses the particular, sometimes unique, needs of their child.
- Students using ESAs receive only 90% of the funding a student in public school receives; so ESAs save money for Arizona taxpayers.
- Funds for schooling should belong to the child, not the state.

Arguments Against:

- Public funds are intended for public schools, not private or religious schools. Expanding ESAs would further reduce money available for public schools, which are already underfunded and are where 95% of Arizona students get their education.

- Every tax dollar spent on an ESA is a tax dollar taken out of our neighborhood public schools. In 2018, \$253 million public tax dollars went toward ESAs and tax credits for private and religious schools. The cost to taxpayers will rise as the number of ESAs expands, in phases, until the 2020 school year.
- Three out of every four ESA dollars are subsidies for wealthy families, who can already afford private school. Meanwhile, because ESAs rarely cover the full cost of a private school, middle, and lower income families will still be shut out because they can't afford the balance of the cost.
- The expansion will crowd out students originally targeted for ESAs as enrollment will be on a first-come, first-served basis for a limited number of ESAs.
- Private schools can and often do discriminate in the students they accept, and therefore should not be receiving public funds. Public schools take in all who come.
- In contrast to public schools, Prop 305 requires less accountability from recipients -- whether they are for-profit schools, religious schools or individual families -- on where the money goes, how it is spent, or what their educational outcomes are.

Proponents:

Arizona Free Enterprise Club
 Bishops of the Arizona Catholic Conference
 Center for Arizona Policy
 Goldwater Institute

Opponents:

Save Our Schools Arizona Coalition \$65K

Arizona PTA
 Greater Phoenix Leadership
 League of Women Voters of Arizona
 Secular Coalition for Arizona
 Southern Arizona Leadership Council
 Stand for Children
 Voices for Education

What is the ballot measure? Prop 306 would amend the Clean Elections Act (passed by the voters in 1998) in two main ways: 1) It would prohibit candidates participating in the Clean Elections program from making payments to a political party or non-profits that work to influence an election for services of any kind; and 2) it would eliminate the Clean Elections Commission's independence in rulemaking, instead subjecting their rules to review by the Governor's Regulatory Review Council (GRRC).

Background: As part of the Clean Elections Act, voters created the Citizens' Clean Elections Commission. The Commission is responsible for auditing campaign finance reports, enforcing campaign finance laws, providing public campaign funding to qualifying candidates, and providing all of Arizona's voters with information, tools, and resources to vote informed. As designed in 1998, the Commission is independent of the executive branch, and its rules are not subject to the standard agency review process by the GRRC.

GRRC is a board with members appointed and removable by the Governor. For several years, GRRC has been requesting the Commission to repeal various rules about "independent expenditures" (campaign spending by groups other than candidates) and reporting required of privately-funded candidates.

The Commission has not complied with these requests because it maintains that their rules are lawful and GRRC does not have the authority to overrule them. Furthermore, in 2017, the Commission adopted new rules restricting payments by candidates to political parties and non-profits, and requiring more transparency of those payments.

Provisions:

- Would prohibit candidates participating in the Clean Elections program from making any payment to a political party or any non-profit allowed to conduct election activity, regardless of whether they follow the rules related to such payments as determined by the Commission in 2017;
- Would make the Clean Elections Commission subject to the Administrative Procedures Act, including requiring the GRRC's final approval or disapproval of all Commission rules.

Impact: If Prop 306 passes, GRRC would have final say on Commission rules for enforcing campaign finance laws. Furthermore, this would bar Clean Elections candidates from purchasing services from

political parties such as trainings, help with crafting campaign literature, support with canvassing, and identifying who are registered voters.

Arguments For:

- Prop 306 will rein in the Clean Elections Commission, a body of unelected bureaucrats that needs more transparency.
- Clean Elections candidates are funded by taxpayer dollars and should not be able to give taxpayer dollars to a political party.
- The Clean Elections Commission should be subject to the Administrative Procedures Act just like most other agencies in the state.

Arguments Against:

- Voters have a right to know who is spending money in Arizona elections. When voters created Clean Elections in 1998, Arizona became a national leader in fighting the corrupting influence of money in politics. We, the voters, created the Clean Elections Commission to be a nonpartisan watchdog, safeguarding Arizona’s democracy from those corrupting interests who try to buy our elections.
- Prop 306 is an attack on Clean Elections and is promoted by greedy special interests, corporate lobbyists, and the politicians they buy with “dark money” political spending. If Prop 306 passes, dark money-backed politicians will win, and Arizonans will once again be left in the dark.
- Prop 306 would further discourage candidates from participating in Clean Elections by severely limiting their options in how they choose to run their campaigns. Privately funded candidates would not face these same limitations.
- All but one of the GRRC members is a current or former lobbyist. Prop 306 would put politicians and a board of lobbyists hand-picked by the Governor in charge of Clean Elections, which could then also impact on the Commission's ability to conduct non-partisan voter education and outreach.

Supporters:

Americans for Prosperity
Arizona Free Enterprise Club

Opponents:

Arizona Advocacy Network
League of Conservation Voters - CHISPA AZ
League of Women Voters of Arizona
Our Voice Our Vote Arizona
Sierra Club Grand Canyon Chapter

Make a Plan to Vote!

October 9, 2018 is the last day to register for the November 6th election.

Register to vote at: <https://servicearizona.com/webapp/evoter/register?execution=e3s1>

You can also update your address, legal name, or party affiliation here.

Sign up to vote by mail: <https://servicearizona.com/webapp/evoter/register?execution=e3s1>

If you sign up for the Permanent Early Voting List (PEVL), you will receive your ballot by mail, several weeks before election day. You can vote from home and return your ballot in a pre-paid envelope.

<https://voter.azsos.gov/VoterView/Home.do>

Early Voting: Early voting by mail or in person starts on **October 10th**. You do not need an ID to vote early, either by mail or in person. <https://www.azcleaselections.gov/en/how-to-vote/early-voting/in-person>

Locate your polling place: If you plan to vote in person, or if you need to deliver your early ballot to a polling place, check here. Polls are open from 6 am – 7 pm.

<https://www.azcleaselections.gov/en/how-to-vote/election-day/polling-place>

ID at the Polls: If you choose to vote on Election Day, you will need a current photo ID (valid AZ driver's license or non-operating ID card; tribal ID card; valid government issued ID) or two pieces of non-photo ID, such as a recent bank statement or utility bill. You DO NOT need these IDs to vote early. Check the lists to be sure you bring sufficient ID: <https://www.azcleaselections.gov/en/how-to-vote/what-id-do-i-need-at-the-polls>

Voters with a Disability: Options and resources are available to assist voters who have disabilities, hearing or visual impairments, or mobility concerns: <https://www.azcleaselections.gov/how-to-vote/voters-with-a-disability>

**IF YOU HAVE DIFFICULTY VOTING ON ELECTION DAY,
PLEASE CALL 1-800-OUR-VOTE**