



2013 LEGISLATIVE REPORT

When Arizona's 51st Legislature finally adjourned in the earliest hours of June 14th, the outcome for civil liberties was significantly better than in recent years, although some setbacks were unavoidable. This legislative session we tracked the following bills reflecting ACLU of Arizona issues and priorities.

Separation of church and state

Arizona has proven fertile ground for some of the nation's worst encroachments upon our constitutional right to be free from established religion. Unfortunately, these encroachments have typically come at the expense of some of our most vulnerable populations, such as the LGBT community. In response to the Phoenix City Council's brave decision to expand its anti-discrimination ordinance to cover LGBT individuals, legislators tried to criminalize the use of public restrooms by transgender individuals. When that failed, lawmakers instead tried to override the city council's decision by making the use of public restrooms a matter of statewide concern, which would trump any municipal protection for transgender Arizonans. This endeavor backfired spectacularly and the bill did not proceed. Similarly, lawmakers passed a so-called **"religious freedom" bill that was simply a means by which to legalize discrimination against the LGBT community** under the guise of religious liberty. Working with other legislative advocates and the Governor's Office, we made an excellent case for a veto. ***Because of our efforts, including member calls, Governor Brewer did indeed veto this highly dangerous bill.***

Reproductive freedom

Despite a court ruling declaring that Arizona cannot eliminate qualified medical providers from Medicaid simply because they perform abortions, anti-choice forces tried to use Medicaid expansion discussions to de-fund those providers and eliminate them from Medicaid. The same forces also pushed legislation to allow unannounced, warrantless inspections of health facilities that provide abortion care. These efforts, much like those before them, were designed for one purpose—to limit women's access to safe abortion care and sound medical treatment. ***Our recent legislative and legal advocacy in this area helped stop these latest bills in their tracks.*** The governor had no interest in pursuing unlawful policies and legislators did not move these proposals forward.

Medical marijuana

We were also especially successful this session in halting efforts to undermine our state's medical marijuana program. When opponents of the program could not invalidate it in the courts, they tried legislation instead. Working with other advocates, ***we killed a bill that would have required law enforcement to destroy all seized medical marijuana*** after completing an investigation, even if the seized product was lawfully owned. This bill directly violates the state constitution and represents a backdoor effort to eliminate a program that the voters of Arizona have approved three times. We also played a role in defeating a bill that would have burdened responsible dispensary owners with ineffective, nonsensical, and onerous labeling requirements.

Voting rights

One area of grave concern this session was voting rights. During the final hours of the session, lawmakers first defeated, then revived and passed, a very troubling elections bill. This legislation will enable county elections officials to purge voters from the state's Permanent Early Voting List (PEVL) if voters do not comply with new requirements. Additionally, this legislation prohibits volunteers from any group, including voter advocacy and community groups, from collecting

completed early ballots from voters and submitting the ballots for them. The PEVL and volunteer assistance enabled many people to vote in last year’s election and this new law will significantly impede the voting rights of minority, disabled, and elderly voters. **While there were clearly serious problems during last year’s election and changes were necessary, ACLU-AZ firmly believes that elections reforms should never burden our right to vote.**

In addition to the issues noted above, the following chart lists the bills we tracked this session and includes a brief description of the bill, as well as the bill’s official title, the ACLU of Arizona’s position, and the final status of each bill.

Bill	Description	Final Status
DISABILITY RIGHTS		
HB 2066 (Support)	Eliminates archaic, offensive language regarding the mentally ill from state laws	Signed by governor
HB 2476 (Neutral)	Directs school governing boards to develop policies relating to confinement of students in isolation	Signed by governor
IMMIGRANTS’ RIGHTS		
HB 2032 (Neutral)	Would help eligible DREAMers get state driver licenses	Discussed in committee; no further action
HB 2283 (Oppose)	Requires most public documents to be published in English only	Passed out of committee; no further action
LGBT RIGHTS		
HB 2218 (Neutral)	Criminalizes intentional sexual exposure to HIV or an STD by someone infected with the virus or disease	Held in committee; no further action
SB 1045 (Oppose)	Prevents local governments from enacting non-discrimination policies regarding the use of public restrooms, showers, locker rooms, etc., by transgender Arizonans	Passed out of committee; no further action
SB 1178 (Oppose) (Also see RELIGION AND BELIEF)	Expands state definition of “exercise of religion” to allow private conduct that would otherwise violate local and state laws	VETOED
MEDICAL MARIJUANA		
SB 1098 (Neutral)	Allows county zoning ordinances to apply to cultivation of marijuana	Signed by governor
SB 1440 (Oppose)	Requires dispensaries to comply with vague and onerous labeling requirements or face immediate revocation of registration certification	Held in House; no further action
SB 1441 (Oppose)	Requires destruction of medical marijuana seized by law enforcement after a completed investigation	Held in House; no further action

SB 1442 (Neutral)	Transfers current law prohibiting use or possession of medical marijuana in child care facilities to another section of state law	Held in House; no further action
SB 1443 (Neutral)	Allows public universities, colleges, community colleges, and postsecondary education institutions to conduct medical research regarding marijuana	Signed by governor
PRIVACY RIGHTS		
HB 2165 (Support)	Updates state laws protecting privacy of library users' records	Signed by governor
HB 2269 (Neutral)	Establishes an interim legislative committee to study drones	Held in Senate; no further action
HB 2574 (Neutral)	Limits ability of law enforcement to use drones to gather, store, or collect evidence	Held in committee; no further action
SB 1055 (Support)/ SB 1441 (Support)	Restricts an employer's ability to demand access to employees' online personal accounts	Held in committee; no further action
SB 1087 (Oppose)	Requires taxi drivers to submit to mandatory pre-employment drug testing and annual random drug testing	Signed by governor
RELIGION AND BELIEF		
HB 2458 (Neutral)	Outlines fraud prevention policies regarding empowerment scholarship accounts	Signed by governor
SB 1178 (Oppose) (Also see LGBT RIGHTS)	Expands state definition of "exercise of religion" to allow private conduct that would otherwise violate local and state laws	VETOED
SB 1363 (Oppose)	Expands eligibility and funding for empowerment scholarship accounts	Signed by governor
VOTING RIGHTS		
HB 2305 (includes provisions from SB 1003 and SB 1261)	Multiple-provision bill that criminalizes efforts by community and voter advocacy groups to collect and deliver early ballots and allows county elections officials to remove voters from Permanent Early Voting List if voters do not indicate their desire to remain on the PEVL as required by stated procedures	Signed by governor
HB 2568 (Oppose)	Allows voters to be removed from the Permanent Early Voting List without their consent and without meaningful notice	Held in committee; no further action

SB 1003 (Oppose)	Criminalizes efforts by community and voter advocacy groups to collect and deliver early ballots	Held in House; no further action
SB 1261 (Oppose)	Allows county elections officials to remove voters from Permanent Early Voting List if voters do not indicate their desire to remain on the PEVL as required by stated procedures	Held in House; no further action
SB 1274 (Oppose)	Moves up deadline for voters to return early ballots and prohibits voters from turning in early ballots at any county polling place	Held in committee; no further action
SB 1493 (Oppose)	Combines provisions of previously stalled elections bills, such as SB 1003 and SB 1261	Held in committee; no further action