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August 14, 2020

**VIA EMAIL**

Sambo (Bo) Dul  
State Elections Director  
Arizona Secretary of State Katie Hobbs

**Re: 2020 Ballot Initiatives – Ballot Language**

Dear Ms. Dul:

I write in response to your August 12, 2020 correspondence. Thank you for providing the Attorney General's Office ("AGO") with the Secretary of State's ("Secretary") response to the AGO's August 4, 2020 correspondence regarding the proposed ballot language for Propositions 207, 208, and 209. The AGO has had an opportunity to review the Secretary's correspondence reflecting the Secretary's counter-edits to the AGO's approved language. The AGO's response to those counter-edits is below.<sup>1</sup>

**Proposition 207 – Smart and Safe Arizona Act**

- The Secretary and the AGO are in agreement on the ballot language for Proposition 207. A clean copy of the final, approved ballot language is enclosed.

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<sup>1</sup> The AGO provides this letter pursuant to the Attorney General's authority under A.R.S. § 19-125(D). The analysis contained herein has been performed by attorneys with the AGO who are separate from the attorneys who represent and advise the Secretary of State's Office. This is not an attorney-client communication.

**Proposition 208 – Stop Surprise Billing and Protect Patients Act**

- The AGO is in agreement with the proposed changes the Secretary made to the proposed ballot language for Proposition 208. A clean copy of the final, approved ballot language is enclosed.

**Proposition 209 – Second Chances, Rehabilitation, and Public Safety Act**

- The AGO has only one edit to the Secretary's revised language for Proposition 209. We have edited the first provision in the "Yes" description to track the language in the proposed statutory definition of a "nondangerous offense," which will be defined as "any offense that is not" included in the subsequent list of enumerated offenses. [See proposed A.R.S. § 41-1604.07(O).] Clean and redline copies of the proposed ballot language are enclosed. The proposed ballot language for Proposition 209 is approved with the changes as noted.

**Proposition 210 – Invest in Education**

The Secretary has requested that the AGO provide its feedback on the Secretary's proposed ballot language even though the Maricopa County Superior Court removed Proposition 210 from the ballot. (*See Molera, et al. v. Hobbs et al.*, CV2020-007964.) The AGO is aware that the Superior Court's ruling has been appealed and cross-appealed to the Arizona Supreme Court and that both appeals are now fully briefed. The AGO is also cognizant of the deadlines to have the publicity pamphlet printed and the other deadlines for the 2020 general election. Because Proposition 210 remains off the ballot, however, the AGO will not provide its feedback on the Secretary's proposed language at this time, but it will promptly do so should the Arizona Supreme Court place Proposition 210 back on the ballot.

Thank you for your attention to these matters. As you review the proposed changes to Proposition 209, please do not hesitate to reach out to me if you have any questions or concerns.

Sambo Dul, State Elections Director  
August 14, 2020  
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Sincerely,



Michael S. Catlett  
Deputy Solicitor General

MSC

Enclosure

**Proposition 207**

**DESCRIPTIVE TITLE**

THE LAW WOULD ALLOW LIMITED MARIJUANA POSSESSION, USE, AND CULTIVATION BY ADULTS 21 OR OLDER; AMEND CRIMINAL PENALTIES FOR MARIJUANA POSSESSION; BAN SMOKING MARIJUANA IN PUBLIC; IMPOSE A 16% EXCISE TAX ON MARIJUANA SALES TO FUND PUBLIC PROGRAMS; AUTHORIZE STATE/LOCAL REGULATION OF MARIJUANA LICENSEES; AND ALLOW EXPUNGEMENT OF MARIJUANA OFFENSES.

A "Yes" vote shall have the effect of allowing adults 21 years or older to use, possess, or transfer up to one ounce of marijuana and cultivate for personal use not more than six marijuana plants at a primary residence; banning smoking marijuana in public places and open spaces; amending criminal classifications and penalties for marijuana possession and use; allowing the retail sale of marijuana at licensed establishments; imposing a 16% excise tax on marijuana sales to fund community colleges, infrastructure, public safety, and public health programs; authorizing state and local regulation of the sale and production of marijuana by a capped number of licensees; and allowing courts to vacate and expunge certain marijuana arrests, charges, adjudications, convictions or sentences.

A "NO" vote shall have the effect of retaining current law regarding the use of marijuana.

**STOP SURPRISE BILLING AND PROTECT PATIENTS ACT (I-24-2020)  
(TENTATIVE) PROPOSITION 208**

**DESCRIPTIVE TITLE**

THE LAW WOULD PROHIBIT HEALTH INSURERS FROM DENYING COVERAGE BASED ON PRE-EXISTING CONDITIONS; RESTRICT HEALTH INSURERS TO FOUR STATUTORY FACTORS WHEN CHARGING PREMIUMS; CAP SURPRISE OUT-OF-NETWORK MEDICAL AND AMBULANCE BILLS; SET WAGE INCREASES AND “MINIMUM WAGES” FOR PRIVATE HOSPITAL WORKERS; AND REQUIRE PRIVATE HOSPITALS TO MEET NATIONAL SAFETY STANDARDS.

A “YES” vote shall have the effect of prohibiting health insurers from denying coverage based on pre-existing conditions; restricting health insurers to four factors when charging premiums (individual or family coverage, age, geography, and tobacco use); establishing a cap on certain surprise out-of-network medical bills and prohibiting balance billing for ambulance services; amending the surprise out-of-network bill dispute process; requiring wage increases and setting new “minimum wages” for workers at private hospitals; requiring private hospitals to meet national safety standards for preventing hospital-acquired infections; and establishing a fund for administration and enforcement of the infection standards with fees paid by private hospitals.

A “NO” vote shall have the effect of retaining existing law relating to health insurance and hospitals.

**SECONDS CHANCES, REHABILITATION, AND PUBLIC SAFETY ACT (I-32-  
2020)  
(TENTATIVE) PROPOSITION 209**

**DESCRIPTIVE TITLE**

THE LAW WOULD EXPAND THE EARNED RELEASE CREDITS PROGRAM TO ALLOW THOSE CONVICTED OF STATUTORILY-DEFINED “NONDANGEROUS OFFENSES” TO REDUCE PRISON TIME BY UP TO 50%; AUTHORIZE JUDGES TO IMPOSE LOWER SENTENCES FOR “NON DANGEROUS OFFENSES” WHEN IN THE INTEREST OF JUSTICE; AND ESTABLISH A FUND FOR VICTIMS/FIRST RESPONDERS.

A “YES” vote shall have the effect of defining a nondangerous offense ~~to exclude any as any offense that is not a~~ crime determined by the jury or court to be a dangerous offense, molestation of a child, a dangerous crimes against children, first or second degree murder, or sexual assault; expanding the current earned release credit program to require the Arizona Department of Corrections, Rehabilitation and Reentry to grant earned release credits to those incarcerated for a nondangerous offense to reduce prison time by up to 50% pursuant to requirements adopted by the director; allowing a judge, when imposing a sentence for a nondangerous offense, to impose a sentence less than the statutory minimum or no prison sentence if the judge finds it is in the interest of justice, considering factors such as the input of victims, family members, and experts; changing the circumstances under which earned release credits can be taken away; limiting prior convictions considered for sentencing enhancements to those that occurred prior to the present offense; eliminating the literacy requirement to be eligible for early release; and establishing a new fund for services for crime victims and first responders by transferring funds from the Medical Marijuana Fund.

A “NO” vote shall have the effect of retaining existing law relating to early prison release and criminal sentencing.

**SECONDS CHANCES, REHABILITATION, AND PUBLIC SAFETY ACT (I-32-  
2020)  
(TENTATIVE) PROPOSITION 209**

**DESCRIPTIVE TITLE**

THE LAW WOULD EXPAND THE EARNED RELEASE CREDITS PROGRAM TO ALLOW THOSE CONVICTED OF STATUTORILY-DEFINED “NONDANGEROUS OFFENSES” TO REDUCE PRISON TIME BY UP TO 50%; AUTHORIZE JUDGES TO IMPOSE LOWER SENTENCES FOR “NON DANGEROUS OFFENSES” WHEN IN THE INTEREST OF JUSTICE; AND ESTABLISH A FUND FOR VICTIMS/FIRST RESPONDERS.

A “YES” vote shall have the effect of defining a nondangerous offense as any offense that is not a crime determined by the jury or court to be a dangerous offense, molestation of a child, a dangerous crime against children, first or second degree murder, or sexual assault; expanding the current earned release credit program to require the Arizona Department of Corrections, Rehabilitation and Reentry to grant earned release credits to those incarcerated for a nondangerous offense to reduce prison time by up to 50% pursuant to requirements adopted by the director; allowing a judge, when imposing a sentence for a nondangerous offense, to impose a sentence less than the statutory minimum or no prison sentence if the judge finds it is in the interest of justice, considering factors such as the input of victims, family members, and experts; changing the circumstances under which earned release credits can be taken away; limiting prior convictions considered for sentencing enhancements to those that occurred prior to the present offense; eliminating the literacy requirement to be eligible for early release; and establishing a new fund for services for crime victims and first responders by transferring funds from the Medical Marijuana Fund.

A “NO” vote shall have the effect of retaining existing law relating to early prison release and criminal sentencing.