

2011 Legislative Summary

Protecting the Family, Preserving Our Future.

Thanks to the generous support of our loyal partners, Center for Arizona Policy (CAP) experienced an extraordinarily successful legislative session for Arizona families. The impact of this session will be felt throughout the state for years to come and makes Arizona a leader in promoting and defending the foundational values we share. This summary provides an outline of those achievements. For more details, please visit our website at www.azpolicy.org.

Featured Victory: Judicial Reform

Bringing Transparency and Accountability to Arizona's Courts

One of the greatest challenges in promoting and defending life, marriage and family, and religious liberty through public policy has been court decisions. Judges throughout the state and country have enacted public policy from the bench that ignores the will of the people and the role of the legislative branch to enact laws. Judicial activism has impacted every CAP issue. For years, one of CAP's primary goals has been to bring true reform to how judges are selected and retained in Arizona. This year, we made considerable progress.

Three ground-breaking measures passed the Arizona Legislature.

Two measures signed into law address Arizona's retention election system. Every election cycle, CAP receives countless calls from frustrated citizens seeking answers about the judges up for retention. The lack of useful information rendered these elections meaningless to the voters.

Under SB 1472 and SB 1482, the state will make available more information about appellate court judges up for retention. The information will include a listing of rulings the judges have made in which they declared a statute constitutional or unconstitutional and the basis for their decision. This key provision will give voters insight into the judges' judicial philosophy and bring a new level of transparency to the system.

The legislature also referred SCR 1001 to the 2012 ballot. If approved by the voters, this reform will bring much needed change to the state's merit selection system. Merit selection was sold to the voters as a method that takes the politics out of selecting judges. Instead, merit selection continues to carry significant political dynamics with less accountability to the public.

If enacted by the voters, SCR 1001 will:

- Require the merit selection commissions to send more names to the Governor for judicial vacancies, thus opening up the commissions' control on judges appointed by the Governor.
- Require the State Bar of Arizona to send all attorney applications for four Commission spots to the Governor, thus changing the significant influence the Bar has had in selecting commissioners.
- Eliminate constitutional requirements regarding the political affiliation of the judicial candidates nominated to the Governor.

These measures take important steps towards minimizing the influence of commissioners and improving merit selection of judges.

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Protecting the Sanctity of Life

5 bills signed into law

The abortion industry has shown a complete disregard for the health and safety of women facing unplanned pregnancies, even though testimony and research shows the devastating physical and emotional toll of abortion. A key example of this disregard has been the industry's push to have non-doctors perform surgical abortions and prescribe medication abortions. The five CAP-supported bills passed and signed by Governor Brewer include provisions to ensure women receive the highest standard of care, thereby protecting women and their preborn children.



- HB 2416: Requires an ultrasound before an abortion, bans telemedicine, creates health and safety guidelines for clinics that dispense abortion medication.
- HB 2384: Ensures that no taxpayer dollars or student tuition and fees at our public universities are used for abortion training. Also disqualifies donations to organizations that provide, promote, pay for, or provide referrals for abortion from being eligible for the working poor tax credit.
- HB 2443: Bans race-selection and sex-selection abortions.
- SB 1030: Clarifies that physician assistants cannot prescribe medication intended to perform an abortion.
- SB 1169: Clarifies that the board of nursing does not have the authority to allow nurse practitioners to perform surgical abortions.
- SCR 2034/HCR 1017 (Resolution): Acknowledges the life-affirming work of the pregnancy care centers throughout the state.

President's Note: Arizona continues to set the bar for pro-life legislation. HB 2416 made Arizona the first state in the nation to ban abortion via webcam, known as telemedicine abortion.

Strengthening Marriage & Family

7 bills signed into law; 2 bills vetoed

This was a breakthrough session for a number of important bills to strengthen marriage and family. The legislature also passed critical legislation to improve school choice in the state, in the wake of the favorable U.S. Supreme Court decision affirming Arizona's dollar-for-dollar tax credit program.



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- SB 1188: Requires marital status to be considered in adoption placements and establishes a preference for children to be adopted by a married man and woman when all other relevant factors are equal.
- SB 1187: Adds information about the impact of divorce on adults and children to the mandatory parenting education classes for divorcing parents of minor children; allows couples to ask for additional time to reconcile before a divorce is finalized.
- SB 1553: Establishes Empowerment Scholarship Accounts that provide parents of children with special needs the opportunity to redirect state funds for the education and educational services that best meet their children's needs.
- SB 1152: Defines a homeschool as a nonpublic school.
- SB 1453: Provides for parents' rights in charter schools and requires parental permission for audio, video, or electronic materials that are not age-appropriate.
- SB 1298: Requires parental consent before pharmacists can administer immunizations to children.
- HB 2411: Strengthens Arizona law to require harsher punishment for predators who engage in child prostitution.
- HB 2581 (Vetoed): Raises the amount of the dollar-for-dollar tax credit you can receive for donations to school tuition organizations providing scholarships to Arizona families.
- SB 1186 (Vetoed): Raises the amount of the dollar-for-dollar tax credit you can receive for donations to school tuition organizations providing scholarships to students from low-income families or with special needs.

President's Note: *It's not an old-fashioned notion that what's best for kids is to have a married mom and dad. SB 1188 gives adoptive children this opportunity.*

Defending Religious Liberty

2 bills signed into law; 1 bill vetoed

The U.S. Constitution provides broad protection for our religious liberty, yet the courts and government officials consistently try to limit the free exercise of religious beliefs. CAP supported three measures this session to protect our religious freedoms. Two were signed into law, and one was vetoed.



- SB 1282: Safeguards churches from being forced to register as a political campaign when they speak out on issues or ballot measures.
- HB 2565: Protects freedom of religion and freedom of speech for university students and university student groups.
- SB 1288 (Vetoed): Protects professionals from losing their state licenses for practicing their faith.

President's Note: *Pastors should be empowered to speak into the critical issues of our time. SB 1282 ensures that our religious leaders and churches can speak boldly about political issues and ballot measures without having to register with the state as campaign committees.*

“In my nine years as a legislator I can confidently say Center for Arizona Policy and its team are the most effective pro-family voice in Arizona. Whether it is research, drafting, or encouraging votes, they are simply the best. We are blessed to have them.”

– Arizona Senator Steve Yarbrough

A Special Thank You

“Coming into this session, we knew that we'd face many challenges and unprecedented opportunities. In what was one of the most dynamic legislative agendas in CAP's history, we took on issues that only a few years ago seemed like lost causes to many. God's unending grace and mercy and along with your support and prayers continue to amaze and inspire us to press on to take back territory and turn this moment into an enduring movement for Arizona families.”

– Cathi Herrod, President, Center for Arizona Policy

