

# **EXHIBIT 4**

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ARIZONA HOUSE OF REPRESENTATIVES  
Forty-seventh Legislature – Second Regular Session

**COMMITTEE ON APPROPRIATIONS (P)**

Minutes of Special Meeting  
Tuesday, April 11, 2006  
House Hearing Room 1 -- 1:30 p.m.

Chairman Pearce called the meeting to order at 1:47 p.m. and roll call was taken by the secretary.

**Members Present**

Ms. Aguirre A	Ms. Cajero Bedford	Mr. Lujan
Mr. Biggs	Mr. Farnsworth	Mr. Tom
Mr. Boone	Mrs. Gorman	Mr. Weiers JP
Mr. Brown	Mrs. Groe	Mrs. Mason, Vice-Chairman
Mrs. Burges	Mrs. Knaperek	Mr. Pearce, Chairman

**Committee Action**

S.B. 1057 – DPA (9-4-0-2) – S/E	S.B. 1067 – DISCUSSED & HELD
S.B. 1072 – DPA (13-0-0-2) – S/E	S.B. 1323 – DPA (14-0-0-1) – S/E
S.B. 1497 – HELD	S.B. 1554 – DPA (12-0-1-2) – S/E
S.C.R. 1001 – DPA (9-4-0-2) – S/E	S.C.R. 1006 – HELD
S.C.R. 1013 – DPA (7-3-1-4) – S/E	S.C.R. 1015 – NOT HEARD
S.C.R. 1028 – DISCUSSED & HELD	

**Speakers Present**

Rene Guillen, Majority Assistant Research Analyst, Appropriations (P) Committee  
Ruth McGregor, Chief Justice, Arizona Supreme Court; Arizona Judicial Council  
Kitty Decker, Majority Research Analyst/Senior Economist  
Kathy Senseman, Corporate Public Affairs, Southwest Gas Corporation  
Mike Huckins, Majority Research Analyst, Appropriations (B) and (P) Committees  
Karen Osborne, Elections Director, Maricopa County  
Eric Ehst, Arizona Advocacy Network  
Janet Regner, Lobbyist, The Hopi Tribe  
Bonnie Danowski, Valley Interfaith Project; Arizona Interfaith Network  
Kimmeth Yazzie, Project Program Specialist, Navajo Election Administration, Navajo Nation,  
Window Rock  
Nicole LaSlavic, Majority Intern, Commerce Committee  
Dale Norris, Executive Director, Arizona Police Association  
Chad Nitsch, Majority Assistant Research Analyst, Appropriations (B) Committee  
Donald Stapley, Chairman/Supervisor, Maricopa County Board of Supervisors  
Pete Wertheim, Legislative Liaison, Arizona Department of Health Services  
Steve Moortel, Majority Research Analyst, Government Reform and Government Finance Accountability Committee

Patrick Leavy, Valley Interfaith Project  
Victor Aronow, representing self  
Ralene Whitmer, Majority Assistant Research Analyst, Judiciary Committee  
Representative Rick Murphy, Sponsor of S/E amendment to S.C.R. 1013  
Barbara Lubin, Executive Director, Clean Elections Institute  
Linda Brown, Arizona Advocacy Network  
Elizabeth Hourican, Arizona Interfaith Network  
Sylvia Laughter, Laughter & Associates, representing self  
(Names of persons who did not speak, pages 5, 9, 10, 11, 13, 16, 18 and 19)

## **CONSIDERATION OF BILLS**

### **S.C.R. 1028, Arizona aviation maintenance technician day – DISCUSSED & HELD – S/E** **S/E: judges; justices; Senate confirmation**

**Vice-Chairman Mason moved that S.C.R. 1028 do pass.**

**Vice-Chairman Mason moved that the five-page proposed Pearce S/E amendment to S.C.R. 1028 dated 04/07/2006 1:15 PM (Attachment 1) be adopted.**

Rene Guillen, Majority Assistant Research Analyst, Appropriations (P) Committee, explained that the proposed S/E amendment to S.C.R. 1028 makes changes to Article VI of the Arizona Constitution relating to the merit selection of judges (Summary, Attachment 2).

Chairman Pearce related to Mrs. Knaperek that judges are currently appointed and no confirmation is involved. A committee submits a limited number of names to the Governor who selects the judges. There is a retention process that almost becomes a lifetime appointment as was the case with Judge Marquardt who was involved in drug trafficking but not removed. The other 15 counties hold elections every four years for judges. Some people would like to do the same in Maricopa and Pima counties, but this is a compromise brought forth by Speaker Jim Weiers so there is some oversight on judges like the federal system where the President chooses, the Senate confirms, and there is some involvement with the body. The Appellate Court terms are six years and Superior Court terms are four years.

Chairman Pearce indicated to Vice-Chairman Mason that the proposed S/E amendment applies to the appellate courts and the Supreme Court, which are not county courts. It would not affect the process in place today for Superior Court judges.

Ruth McGregor, Chief Justice, Arizona Supreme Court; Arizona Judicial Council, agreed that the proposed S/E amendment to S.C.R. 1028 applies only to the Court of Appeals and the Supreme Court. She conveyed that currently every appellate judge stands for a retention election at the end of a six-year term. Under this proposal, every appellate judge must be not only confirmed upon appointment, but reconfirmed by the Senate every four years. There are a number of substantive and procedural problems with the measure:

- A justice or judge is retained on the Court of Appeals only if a majority of the voters vote to retain them. Under the proposed S/E amendment, the Senate, by majority, would have to reconfirm the judges and justices on the Supreme Court in four years, but if the Senate does not do so, it is very unclear what would happen, whether a vacancy would occur or not. If a vacancy would occur, she is not sure how a judge would be replaced. The timing is also problematic because of the four-year reconfirmation and the six-year terms for appellate judges.
- If there is the possibility of being turned out of judicial office after an attorney gives up a private practice to become a judge because it is not possible to do both, the likelihood of obtaining lawyers from private practice would become very limited. It would also be more difficult to recruit good trial judges for the appellate court. The proposed S/E amendment does not apply confirmation and reconfirmation to trial judges, so it is unlikely that someone would leave a trial clerk position to have to go through Senate reconfirmation every four years. As far as the initial Senate confirmation, Supreme Court justices are retained through a statewide election. Voters

Aaron Jahneke, representing self  
Jeff Schlegel, Southwest Energy Efficiency Project  
Sandy Bahr, Conservation Director, Sierra Club - Grand Canyon Chapter  
Bill Murphy, Vice President, Distributed Energy Association of Arizona  
Kristen Boilini, Lobbyist, Southwest Gas

**Vice-Chairman Mason moved that the three-line proposed Mason amendment to the proposed S/E amendment to S.B. 1323 dated 4/11/06 1:13 PM (Attachment 5) be adopted.**

Ms. Decker explained that since the credits are only in effect for two years, the tax credits are on the review schedule for 2009. The proposed S/E amendment accidentally included the tax credits on the review schedule for 2011, so the proposed amendment to the proposed S/E amendment removes the tax credits from the review schedule in 2011 (Attachment 5).

**Question was called on the motion that the three-line proposed Mason amendment to the proposed S/E amendment to S.B. 1323 dated 4/11/06 1:13 PM (Attachment 5) be adopted. The motion carried.**

**Vice-Chairman Mason moved that the six-page proposed Mason S/E amendment to S.B. 1323 dated 4/7/06 11:49 AM (Attachment 3) as amended be adopted. The motion carried.**

**Vice-Chairman Mason moved that S.B. 1323 as amended do pass. The motion carried by a roll call vote of 14-0-0-1 (Attachment 6).**

**S.B. 1067, income tax credit review committee – DISCUSSED & HELD**  
**S/E: voter identification; early ballots**

**Vice-Chairman Mason moved that S.B. 1067 do pass.**

**Vice-Chairman Mason moved that the four-page proposed Pearce S/E amendment to S.B. 1067 dated 3/23/06 1:10 PM (Attachment 7) be adopted.**

Mike Huckins, Majority Research Analyst, Appropriations (B) and (P) Committees, explained that the proposed S/E amendment to S.B. 1067 requires early voters to provide a photocopy of identification (ID) that would otherwise have to be presented at the polls if the voter had appeared to vote in person (Summary, Attachment 8).

Karen Osborne, Elections Director, Maricopa County, opposed the proposed S/E amendment to S.B. 1067, noting that the early ballot has always had to have ID because the signature of each and every early ballot is checked before it is considered for tabulation. Proposition 200 leveled the playing field because ID is now required by people at the polls.

If this proposed

S/E amendment becomes law, two forms of ID would be required for the person who votes early, so each voter's signature would have to be compared and the ID looked at.

She related that on election day in Maricopa County, 50,000 ballots were dropped off at the polling places. Anyone who dropped off ballots that day and did not get the word would not be able to return and vote a provisional ballot, so their ability to vote would be lost. Additionally, in Maricopa County, some tribal units on reservations do not have ID or electricity to be able to have a Xerox machine to copy a driver's license or other form of ID to send in. She fears those people would lose their votes and it would not be possible to get them back. The current system is safe, secure and every single signature is checked.

Mrs. Knaperek noted that there is no way of knowing that a ballot was received and asked if the signature on the envelope is compared to the voter registration. Ms. Osborne replied that people can phone the call center to see if a

ballot has been received. In most of the counties, the county recorder can be called. When a ballot is received, the bar code on the envelope is scanned, which brings up the individual's signature from the voter registration file and it can be made as large as necessary to make a direct comparison. It is not accessible to the general public. She clarified that people cannot register to vote over the Internet.

Mrs. Knaperek stated that she was not aware that everybody's signature is on file. Ms. Osborne related that there are more than 2,000,000 images because there are 1,600,000 active registered voters and about 600,000 inactive registered voters (addresses are inactive) so a dual comparison can be made. If the signature does not match, the individual will be called or someone will go to their house. Few signatures do not match.

Eric Ehst, Arizona Advocacy Network, echoed Ms. Osborne's comments. He added that the proposed S/E amendment to S.B. 1067 places an unfunded mandate on the county recorders by requiring IDs to be checked in two ways. Money will have to be spent to check IDs people send in, but no funds are appropriated. The current system is safe, secure and verifies everyone's ID. The only one who would benefit is the photocopy industry. This would also be an invitation to identify theft because tens of thousands of voters would be forced to go to Kinko's or elsewhere and plop their driver's license or other form of ID on a public machine in full view of everyone else. This measure is unnecessary.

Janet Regner, Lobbyist, The Hopi Tribe, said the Hopi reservation is in a very remote part of the state, and early balloting is one vehicle by which people in remote areas can and will vote. If this measure passes, it would stifle voting on the Hopi reservation. First, many tribal IDs, if not most, are not photo IDs. Second, there are very few, if any, photocopy services on the Hopi reservation. Third, the Hopi elderly will not vote if a photo ID has to be found, copied and sent in with an early ballot. For those reasons and others stated in prior testimony, on behalf of Chairman Ivan Sidney and the Hopi Tribe, she asked that the Members oppose the proposed S/E amendment.

Bonnie Danowski, Valley Interfaith Project; Arizona Interfaith Network, stated that 10 of the 11 bills being offered today are S/E, which is supposed to be a rare occurrence. The Chairman seems to have chosen to employ the strikers as a means of advancing pet projects that cannot stand the scrutiny of consideration by other House Committees.

Chairman Pearce pointed out that this is not his S/E amendment and she is out of line to make those kinds of accusations. He is hearing this measure as a favor to the Sponsor of the bill. It takes a majority of votes to pass legislation. Strikers are debated and this has already been debated in the Senate. If she wants to talk about the merits of the bill, she may do so.

Ms. Danowski testified that at a time when people are being encouraged to vote, this measure disenfranchises people like her husband, Jim, who has had multiple sclerosis since he was 31. He is now 67. He let his driver's license lapse a few years ago because he could no longer drive and he votes absentee every election. He and other people who are homebound, in nursing homes, the elderly in Sun City (who vote a lot), and people in rural areas who find it very difficult to get out to vote will also find it very difficult to obtain copies of photo ID, if they have them. This appears to be a poll tax because people will have to pay to have IDs copied and mailed. She questioned why something that is not broken needs to be fixed when there are so many things that are broken that need to be fixed.

Chairman Pearce stated that during the last election articles appeared in the paper every day regarding allegations of voter fraud all over the country. Protecting the integrity of elections is paramount. Voting is being made so easy that fraud is rampant. When people had to take an ID to the polls to vote, there was a better turnout and better elections because an effort had to be made to vote. Creating an environment where people can vote is good for everyone, but creating an environment that preserves the integrity of the system is also the legislators' duty. Testimony and debate take place in order to avoid any unintended consequences.

Mr. Tom indicated that he does not appreciate the time limit that is being placed on people who testify. Chairman Pearce responded that this meeting would not be necessary if the Democrats had not left at the last meeting so there was not a quorum. He will try to hear everybody reasonably, but will set time limits.

Kimmeth Yazzie, Project Program Specialist, Navajo Election Administration, Navajo Nation, Window Rock, spoke in

opposition to the proposed S/E amendment to S.B. 1067. He related that requiring a Navajo elector to provide a copy of ID to mail in with a ballot is not practical. Because of the lack of technology available on the Navajo Nation, the distances to travel in order to make copies, and the likelihood that a Navajo Nation member will not possess the required ID, the Navajo Nation believes that requiring ID for mail-in ballots will impact the ability of Navajo voters to participate in elections and serve as a barrier to electors who wish to vote by mail. Unlike other areas of the state, access to photocopying services is very limited, if available at all, in communities of the Navajo Nation (Written testimony, Attachment 9, Exhibit "A").

**Chairman Pearce stated that S.B. 1067 will be held.**

Mr. Biggs commented that S/E amendments are part of the normal process, and any that are offered have to be sponsored by a Member of the Committee whose name is placed on the S/E amendment. It does not mean that Member is the Sponsor. It is sad that someone cast aspersion on the Chairman, which was not appropriate.

Mr. Yazzie related that he has not been contacted by the Sponsor, Senator Dean Martin, nor did he contact Senator Martin about this proposal.

Ms. Aguirre thanked the people who testified and noted that she received hundreds of emails and phone calls from La Paz and Yuma counties opposing this measure. She thanked Chairman Pearce for holding the bill, which she hopes will not be seen again.

Chairman Pearce said he believes the legislation is well-intended. There is a lot of voting fraud throughout the nation, but the Sponsor is not present to talk about changes that need to be made to make sure there are no unintended consequences. He appreciates Ms. Osborne's testimony and believes the present system is decent, but there are problems. He is concerned especially after what happened at the last election with hundreds of thousands of suspected fraudulent voter registrations. At the march yesterday, people were asked to sign up to vote and one person did not care if the people were legal or not. It is important to make sure elections are honest and fair.

Mr. Lujan remarked that he was present yesterday when Ms. Osborne spoke to the people registering to vote in the morning before the rally, and she made it clear four or five times that anyone who registers to vote must be a citizen.

Persons opposed to the proposed S/E amendment to S.B. 1067:

Jennifer Daily, Lobbyist, Arizona Education Association  
Gini McGirr, President, League of Women Voters of Arizona, representing self  
Ann Eschinger, Legislative Action, League of Women Voters of Arizona  
John Wayne Gonzales, Legislative Liaison, City of Phoenix  
Genevra Richardson, Senior Associate, Salt River Pima-Maricopa Indian Community Ron Lee, Navajo Nation  
Telecommunication Regulatory Commission, representing self  
Stephanie Prybyl, Intergovernmental Affairs Manager, City of Avondale  
Dick White, Co-Chair, East Valley Interfaith; Arizona Interfaith Network  
Patrick Leavy, representing self  
Patty Ferguson, Attorney, Ak-Chin Indian Community  
Rebecca Blackburn, Government Affairs Director, Arizona Association of Counties Katosha Nakai,  
Government Relations, Navajo Nation  
Milton Bluehouse, Legislative Liaison, Navajo Nation  
Lydia Guzman, Outreach Director, Clean Elections Institute; The Coalition for Latino Political Action  
Helen Purcell, County Recorder, Maricopa County  
Robert Reveles, representing self  
Brent Stoddard, Legislative Coordinator, City of Glendale  
Tara Plese, Arizona Assoc. of Community Health Centers, representing self

**S.B. 1072, standard income tax deduction; amounts – DO PASS AMENDED – S/E**  
**S/E: peace officers; police tools; presumptions**