



Arizona Legislature Passes Weak Water Bill and Bad Voter Bill



San Pedro River photo courtesy of Robin Silver

April 30, 2021

Hi everyone!

This week the Arizona Legislature did nothing good and advanced a few more harmful bills, including a bill to establish a weak water quality program for Arizona surface waters, one to muck up processes at the Arizona Corporation Commission, and a bill that places an unreasonable limit on how long elections officials have to work with people who forgot to sign their early ballots. SB1485, the bill to purge the Permanent Early Voting List (PEVL) of voters who don't vote early in two election cycles, is still holding for Senator Townsend who is withholding her votes on election bills until the "fraudit" has been conducted.

[HB2691 \(now: ADEQ; water quality program; WOTUS\)](#) passed out of the Senate on Third Read 16-14 along party lines. Please thank your senator for voting no, if they are among the 14 Democrats and express your disappointment if they are not. HB2691 establishes a weak and inadequate water quality program that fails to recognize the need to protect waters for their cultural values, plus leaves out the vast majority of Arizona waters. This is especially concerning as we see more and more impacts from climate change. **While he is unlikely to do so, please ask Governor Ducey to veto it. You can reach him at 602-542-4331.**

[SB1459 \(agency decisions; administrative reviews\)](#) subjects the Arizona Corporation Commission (ACC) to the same type of court review as for state agencies -- the court does not have to rely on the ACC's findings and conclusions

in an action before the court. It is clear that the intent of this bill is to undermine the work of the ACC and treat it like an agency rather than a separate branch of government. **This passed out of the House 31-28-1, the Senate 16-14, and is on the Governor's desk. Please ask Governor Ducey to veto it. You can reach him at 602-542-4331.**

[SB1003 \(early voting; signature required; notice\)](#) limits the amount of time available for county elections officials to allow someone to address a missing signature on an early ballot. It requires it to be done by 7pm on Election Day, so those ballots dropped off without signatures would automatically be disqualified. This will have a disparate impact on Tribal voters, especially in the more remote remote areas of the state. **This passed out of the House 31-29. Please ask Governor Ducey to veto it. You can reach him at 602-542-4331.**

Show your support for the Permanent Early Voting List (PEVL) with a sign or a car magnet. Let me know if you need one or more. [SB1485 \(permanent early voting list; eligibility\)](#) removes voters from the PEVL if they do not vote an early ballot in two consecutive primary and general elections -- even if they actually vote in person during that time. This backdoor way of actually eliminating the PEVL will result in a purge of the list and more than 100,000 voters and is just another way to suppress votes.

[If you have already taken action on SB1485, please share the alert with others and on social media.](#)

[HB2309 \(violent; disorderly assembly; public order\)](#) again did not come to the floor of the Senate this week. This bill targets protesters by increasing the penalties of lower level offenses to a felony if they are part of a gathering that the police have deemed a "violent or disorderly assembly." This will chill actions by protesters and have a disproportionate impact on people of color who are already targeted by law enforcement and will infringe on our First Amendment rights.

[Please call and email your state senator and ask them to vote no on HB2309.](#)

These other anti-democracy bills are still alive in the Legislature:

- [HB2792 \(early ballots; request required\)](#) elections officials from providing an early ballot to someone who did not request it and makes it a class 6 felony to do so. This is ridiculous on so many levels, including that we do not currently allow mailing of ballots to people unless they have requested it. **This awaits Third Read in the Senate and will not likely move until Senator Townsend decides to start voting for election bills.**
- [SB1106 \(S/E registration; permanent early voting list\)](#) removes the requirement that a county recorder try to contact a voter at the voter's new residence address if an election notice is returned undeliverable. It makes it a felony to try and assist any other person that resides in another state in voting, including forwarding an early ballot addressed to the other person. **This bill awaits action in House Committee of the Whole.**
- [SB1531 \(petition signatures; description; invalidity\)](#) voids the signature of any initiative or referendum petition signer that signs the petition without either hearing or reading the description printed on the petition. This is another ridiculous requirement. We do not require people to read anything about candidates before signing their petitions or voting on anything, why to sign an initiative petition? It also says the circulator has to cross out a signature if they think the person did not read or listen to the description. It is just a means of disqualifying more signatures. **It awaits action in the House Committee of the Whole.**
- [SB1713 \(S/E early ballots; identification; mailing\)](#) requires additional ID for early voting and creates a new reason to toss out early ballots if there's an error in writing the date of birth, driver's license number, or voter registration number. There are also issues with access to the appropriate numbers as there are more 66,000 registered voters without a driver's license -- communities of color, Native voters, seniors, young people, and low-income

voters are most likely to be affected by this new requirement. **It awaits action in the House Committee of the Whole.**

- [HCR2001 \(initiatives; single subject; title\)](#) refers to the ballot a measure that narrows what can be included in a ballot measure and requires every subject to be in the title. This would make it impossible to place something on the ballot that is comprehensive, and again, would provide another reason to toss out a ballot measure on a technicality. **This awaits action in the Senate Rules Committee.**
- [HCR2016 \(initiatives; supermajority vote requirement\)](#) refers to the ballot a measure that would require a super-majority or 55% approval rather than a simple majority approval for all ballot measures. This is a difficult threshold and will limit opportunities to address important environmental, animal, and social justice issues. **It awaits action in the Senate Rules Committee.**
- [SCR1024 \(initiatives; tax increases; vote requirement\)](#) refers to the ballot a requirement that initiatives and referenda that include taxes have a two-thirds vote from voters. This is an extremely high bar for these ballot measures. **It awaits action in the House Committee of the Whole.**
- [SCR1034 \(voter protection act; court determinations\)](#) refers to the ballot a measure to allow the Legislature to amend, supersede or appropriate or divert funds created by an initiative or referendum measure approved by the voters if the measure is found to contain any illegal or unconstitutional language by the Arizona or US Supreme Court. This would allow the legislature to throw out an entire measure, even if a small part was successfully challenged and would blow a big hole in the Voter Protection Act. **It awaits action in the House Caucuses.**

[HB2248 \(corporation commission; electric generation resources\)](#) is staying on our watch list until the session ends. This bill infringes on the powers of the Arizona Corporation Commission (ACC) and seeks to derail clean energy rules, policies, and other important actions by the ACC. It broadly preempts the Commission from directly or indirectly regulating carbon emissions.

The Clean Energy Rules are on the ACC Agenda for May 4th. Also on the ACC agenda is the Just and Equitable Transition docket to provide transition funding for coal-impacted communities.

Tuesday, May 4th at 9:00 AM

Watch live stream [here](#)

Call in to comment here: 1-866-705-2554 Passcode to Speak: 241497

It would be helpful to have a few people call in to comment in support of the ACC moving forward now to adopt the clean energy rules that include a carbon emissions standard and interim standards, an energy efficiency standard, provisions to promote distributed storage, and more transparent and accountable planning **without any substantive amendments**. If they make any major amendments, then the rulemaking process has to restart.

Also on the agenda is consideration of extending the deadline for ACC staff recommendations on transition for coal-impacted communities. **You can send a message encouraging them to move quickly to ensure that utilities provide an economic just and equitable transition in communities where coal plants are being retired. To send a written or recorded message go to [Empowered Transition](#) now.**

Stop the attack on right to protest!

[You can see bills we are tracking here.](#)

If you don't know who your legislators are, just use this [Find My Legislator link](#) and enter your address to find your district, then go to [Members](#) to see who represents your district. You will find their phone numbers and email addresses there as well.

Thank you for all that you do!



Sandy Bahr
Chapter Director
Sierra Club - Grand Canyon Chapter



Coming Up This Week at the Arizona Corporation Commission and Legislature

The House and Senate will primarily be engaged in Floor actions. You can watch the Floor action in the Arizona House and Senate by using this [link](#).

Tuesday, May 4th at 9:00 AM

[Arizona Corporation Commission Open Meeting](#)

(The following items will happen late in the day or possibly even on May 5th, so let us know if you would like us to text you when they get to these items.)

21. Tucson Electric Power Company (E-01933A-19-0028) Arizona Corporation Commission – Coal Impacted Communities (E-00000A-21-0010) – In the Matter of Impact of the Closures of Fossil-Based Generation Plant on Impacted Communities.

23. Arizona Corporation Commission – Energy Rules (RU-00000A-18-0284) – Commission Discussion, Consideration, and Possible Vote in the Matter of Possible Modifications to the Arizona Corporation Commission's Energy Rules, including to Approve, Deny, or Modify the Recommended Opinion and Order of the Hearing Division filed on April 19, 2021.



Saguaro top courtesy of Sandy Bahr

