

551.3:P81/1940  
PLEASE READ CAREFULLY 41

STATE OF ARIZONA  
**INITIATIVE AND REFERENDUM  
PUBLICITY PAMPHLET  
1940**

Containing a Copy of the  
**PROPOSED AMENDMENTS TO THE CONSTITUTION**

Proposed by Initiative Petition of the People  
And  
Referred to the People by the Legislature

**REFERENDUM MEASURE**  
Referendum ordered by Petition of the People

**INITIATIVE MEASURES**  
Proposed by Petition of the People  
To be Submitted to the Qualified Electors of the State of Arizona  
for their approval or rejection at the

**REGULAR GENERAL ELECTION**

to be held on  
**THE FIFTH DAY OF NOVEMBER, 1940**

Together with the Arguments filed, favoring and  
opposing certain of said measures.



Compiled and Issued by  
**HARRY M. MOORE**  
Secretary of State

(Publication authorized under Paragraph 1746, Chapter 34, Article 1,  
Revised Code of Arizona, 1928)  
(Amended Chapter 62, Session Laws 1935, Regular Session,  
12th Legislature)



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To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION  
to be held

ON NOVEMBER 5, 1940

Proposed by Initiative Petition of the People and filed in the office of the Secretary of State, on June 19, 1940, and printed in pursuance of Paragraph 1746, Chapter 34, Article I, Revised Code of Arizona, 1928, as amended by Chapter 62, Laws of 1935.

HARRY M. MOORE, Secretary of State.

(On Official Ballot Nos. 100-101)

INITIATIVE PETITION

AMENDMENT TO THE CONSTITUTION BY INITIATIVE PETITION  
PROPOSED AMENDMENT TO THE CONSTITUTION OF THE  
STATE OF ARIZONA

AN ACT

AMENDING ARTICLE IX OF THE CONSTITUTION OF THE STATE OF ARIZONA BY ADDING THERETO ANOTHER SECTION TO BE KNOWN AS SECTION 2a, PROVIDING THAT THERE SHALL BE EXEMPT FROM ALL TAXATION, OTHER THAN SPECIAL ASSESSMENTS FOR BENEFITS, TO EVERY HEAD OF A FAMILY WHO IS A RESIDENT AND CITIZEN OF THE STATE OF ARIZONA, HIS OR HER REAL PROPERTY USED AS A BONA FIDE HOME, INCLUDING THE FURNISHINGS AND HOUSEHOLD FURNITURE THEREIN, UP TO THE TOTAL VALUE OF FIVE THOUSAND DOLLARS AND PROVIDING THAT THE TITLE TO SUCH HOME MAY BE IN SUCH HEAD OF A FAMILY OR HIS LAWFUL WIFE RESIDING THEREON OR IN BOTH AND PROVIDING THAT SAID EXEMPTION SHALL APPLY TO THE EQUITABLE BENEFICIAL TITLE UNDER BONA FIDE CONTRACTS TO PURCHASE AS WELL AS THE LEGAL TITLE, AND THAT THE TERM HEAD OF A FAMILY SHALL INCLUDE BOTH MARRIED AND SINGLE PERSONS WHO ACTUALLY RESIDE ON THE PROPERTY; AND THAT SAID TITLE MAY BE HELD BY THE ENTIRETIES OR JOINTLY OR IN COMMON WITH OTHERS OR AS COMMUNITY PROPERTY AND LIMITING THE VALUATION EXEMPT FROM TAXATION UP TO THE FIRST FIVE THOUSAND DOLLARS TO ANY ONE PERSON OR ON ANY ONE PARCEL OF PROPERTY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

SECTION 1. That Article IX of the Constitution of the State of Arizona shall be and the same is hereby amended by adding thereto a Section to be known as Section 2a to read as follows:

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ARTICLE IX

SECTION 2a. There shall be exempt from all taxation, other than special assessments for benefits, to every head of a family who is a citizen of and resides in the State of Arizona, his or her real property used as a bona fide home, including the furnishings and household furniture therein, up to the total value of the first five thousand dollars; provided however, that the title to said home may be vested in such head of a family or his lawful wife residing upon said property or in both and said exemption shall apply to the equitable beneficial title under bona fide contracts to purchase as well as the legal title, and the term head of a family shall include both married and single persons who actually reside on such property and that the title thereto may be held by the entireties or in common or jointly with others or as community property, but the valuation exempted to any one person or on any one parcel of property shall not exceed the value of five thousand dollars.

The Legislature shall, by appropriate legislation, provide for the carrying into effect of this amendment.

The following is the form and number in which the question will be printed on the Official Ballot:

PROPOSED AMENDMENT TO THE CONSTITUTION  
PROPOSED BY INITIATIVE PETITION

"TAX FREE HOMES"

AMENDING ARTICLE IX OF THE CONSTITUTION OF THE STATE OF ARIZONA BY ADDING THERETO ANOTHER SECTION TO BE KNOWN AS SECTION 2a, PROVIDING THAT THERE SHALL BE EXEMPT FROM ALL TAXATION, OTHER THAN SPECIAL ASSESSMENTS FOR BENEFITS, TO EVERY HEAD OF A FAMILY WHO IS A RESIDENT AND CITIZEN OF THE STATE OF ARIZONA, HIS OR HER REAL PROPERTY USED AS A BONA FIDE HOME, INCLUDING THE FURNISHINGS AND HOUSEHOLD FURNITURE THEREIN, UP TO THE TOTAL VALUE OF FIVE THOUSAND DOLLARS AND PROVIDING THAT THE TITLE TO SUCH HOME MAY BE IN SUCH HEAD OF A FAMILY OR HIS LAWFUL WIFE RESIDING THEREON OR IN BOTH AND PROVIDING THAT SAID EXEMPTION SHALL APPLY TO THE EQUITABLE BENEFICIAL TITLE UNDER BONA FIDE CONTRACTS TO PURCHASE AS WELL AS THE LEGAL TITLE, AND THAT THE TERM HEAD OF A FAMILY SHALL INCLUDE BOTH MARRIED AND SINGLE PERSONS WHO ACTUALLY RESIDE ON THE PROPERTY; AND THAT SAID TITLE MAY BE HELD BY THE ENTIRETIES OR JOINTLY OR IN COMMON WITH OTHERS OR AS COMMUNITY PROPERTY AND LIMITING THE VALUATION EXEMPT FROM TAXATION UP TO THE FIRST FIVE

THOUSAND DOLLARS TO ANY ONE PERSON OR ON ANY ONE PARCEL OF PROPERTY.

If you favor the above law, vote YES; if opposed, vote NO.

100 Yes  51,739

101 No  60,068

PROPOSED AMENDMENT TO THE CONSTITUTION  
PROPOSED BY INITIATIVE PETITION

ARGUMENT  
(Affirmative)

"TAX FREE HOMES"

REASONS FOR TAX FREE HOMES

Careful research has proven beyond any doubt that TAX FREE HOMES will be beneficial to the people of the State of Arizona.

The home produces no revenue and should not be taxed. The State of Arizona does not tax money in the bank, meaning you can have Five Thousand Dollars in the bank and pay no taxes; so therefore there is no moral or righteous reason why a man should be taxed Three or Four Hundred Dollars just because he desires to use that Five Thousand Dollars in the bank to build a home, create work and become a permanent citizen. Homeowners make nations and war would not be today if all people owned their homes.

The United States Government never taxed your home, and inasmuch as the State has sales tax, income tax, luxury tax, and all forms of taxes used by the United States Government the tax on the home should be abolished. The proper method of taxation as employed by the United States government is to tax the income which the property produces and not the capital investment of the property.

VOTE FOR TAX FREE HOMES and Arizona's prosperity. The true American system of democracy provides for ownership of home and inheritance, and we know that true Americans desire home ownership. A YES vote for TAX FREE HOMES is ONE HUNDRED PERCENT true Americanism.

(SIGNED) M. C. REESE

ANY

PROPOSED AMENDMENT TO THE CONSTITUTION  
PROPOSED BY INITIATIVE PETITION

ARGUMENT  
(Negative)

ARGUMENT AGAINST PROPOSITION TO AMEND ARTICLE IX OF THE CONSTITUTION OF ARIZONA TO PROVIDE THAT REAL PROPERTY USED AS A HOME AND HOUSEHOLD FURNISHINGS SHALL BE EXEMPT FROM TAXATION UP TO A VALUE OF \$5,000.

This proposed measure provides, in brief, that there shall be a \$5,000 exemption from taxation upon all homes, without regard to their value.

FLORIDA'S EXPERIENCE. It needs no elaborate set of statistics to advise any person that if this exemption measure is adopted a large proportion of the taxable wealth of the state will disappear from the tax rolls. In 1934 Florida adopted an almost identical measure. What happened? Deficiencies appeared very promptly, and since that time Florida has found it necessary to levy a tax of 1/2 of 1% upon retail sales to save her schools. Florida also has a gasoline tax of 7¢ per gallon, of which 1¢ per gallon is divided between the general fund and the school funds of the state. Not only that, but Florida has an occupational license tax upon practically every occupation in the state, including a tax upon stenographers, tinsmiths, agriculture, agricultural employees, cemeteries, hospitals, insurance agents, etc.

SALES TAX INCREASE. Experience teaches that we cannot expect taxes to be reduced. Tax money must come from some source, and if this measure carries, Arizona will have to follow the example of Florida and increase the present sales tax and gasoline tax and divert a portion of the gasoline tax to such public funds as are depleted by the exemptions. The burden of sales and gasoline taxes falls upon thousands of persons in the state who do not own their own homes. The sales tax, while borne by all, falls most heavily upon the wage earner who is least able to pay, but who must eat and must have clothes.

SCHOOLS WILL BE AFFECTED. With a reduction in the assessed valuation (in some agricultural school districts amounting to 50%) schools will be seriously crippled.

FARMERS TO PAY THE BILL. The effect of this measure, if adopted, will be particularly felt in agricultural counties which are not helped by the assessment of mines and large industrial plants. In such sections its effect will probably be to practically bankrupt the small towns, as well as the school districts. In these sections the farmers will pay the bill.

THE EFFECT IN CITIES AND TOWNS. If this measure prevails, cities and towns must make up their depleted revenues by addi-

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tional taxes and licenses upon the various municipal activities. We can expect a charge for sewage disposal, for sewer connections and sewer maintenance, an increase in water rates, etc.

EQUITABLE TAX COMMITTEE OF ARIZONA,  
By ERNEST R. HALL, Chairman (Signed)  
Residing at Salome, Arizona  
MARGARET ROCKWELL, Secretary (Signed)  
Residing at Phoenix, Arizona.

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION  
to be held

ON NOVEMBER 5, 1940

Referred to the people by the Legislature and filed in the office of the Secretary of State, March 13, 1939, and printed in pursuance of Paragraph 1746, Chapter 34, Article I, Revised Code of Arizona, 1928, as amended by Chapter 62, Laws of 1935.

HARRY M. MOORE, Secretary of State.

(On Official Ballot Nos. 102-103)

HOUSE CONCURRENT RESOLUTION NO. 3  
FOURTEENTH LEGISLATURE, REGULAR SESSION  
A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF  
ARIZONA RELATING TO STATE LANDS

BE IT ENACTED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ARIZONA, THE SENATE CONCURRING:

Section 1. That the following amendment of section 3, article X, Constitution of Arizona, is proposed, to become valid as a part of said constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

Section 3. No mortgage or other incumbrance of the said lands, or any part thereof, shall be valid in favor of any person or for any purpose or under any circumstances whatsoever. Said lands shall not be sold or leased, in whole or in part, except to the highest and best bidder at a public auction to be held at the county seat of the county wherein the lands to be affected, or the major portion thereof, shall lie, notice of which public auction shall first have been duly given by advertisement, which shall set forth the nature, time, and place of the transaction to be had, with a full description of the lands to be offered, and be published once each week for not less than ten successive weeks in a newspaper of general circulation published regularly at the state capital, and in that newspaper of like circulation which shall then be regularly published nearest to the

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location of such lands so offered; nor shall any sale or contract for the sale of any timber or other natural product of such lands be made, save at the place, in the manner, and after the notice by publication thus provided for sales and leases of the lands themselves. Nothing herein contained, however, shall prevent the leasing of any of the lands referred to in this article in such manner as the legislature may prescribe, for grazing and agricultural purposes, for a term of ten years or less, nor the leasing of any of said lands, whether also leased for grazing and agricultural purposes or not, for mineral purposes (including exploration for oil and gas and the extraction thereof) for a term of twenty years or less, without advertisement.

Sec. 2. That the proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for such purpose), as provided by article XXI, Constitution of Arizona.

Passed the House, March 9, 1939.  
Passed the Senate, March 11, 1939.  
Approved by the Governor, March 13, 1939.  
Received by the Secretary of State, March 13, 1939.  
HARRY M. MOORE, Secretary of State.

The following is the form and number in which the question will be printed on the Official Ballot:

PROPOSED AMENDMENT TO THE CONSTITUTION  
PROPOSED BY THE LEGISLATURE  
"RELATING TO STATE LANDS"  
PROPOSING AN AMENDMENT TO THE CONSTITUTION OF  
ARIZONA RELATING TO STATE LANDS.

If you favor the above law, vote YES; if opposed, vote NO.

102 Yes  45,228

103 No  39,008

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the  
REGULAR GENERAL ELECTION  
to be held  
ON NOVEMBER 5, 1940

Referred to the people by the Legislature and filed in the office of the Secretary of State, March 14, 1939, and printed in pursuance

of Paragraph 1746, Chapter 34, Article I, Revised Code of Arizona, 1928, as amended by Chapter 62, Laws of 1935.

HARRY M. MOORE, Secretary of State.

(On Official Ballot Nos. 104-105)

HOUSE CONCURRENT RESOLUTION NO. 13  
FOURTEENTH LEGISLATURE, REGULAR SESSION

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF  
ARIZONA RELATING TO PUBLIC SERVICE CORPORATIONS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF  
THE STATE OF ARIZONA, THE SENATE CONCURRING:

1. That the following amendment of section 2, article XV, Constitution of Arizona, is proposed, to become valid as a part of said constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the governor:

Section 2. Except as to public utility services rendered within their corporate limits by municipal corporations, all corporations engaged in carrying persons or property for hire, or in furnishing gas, oil, or electricity for light, fuel, or power, or in furnishing water for irrigation, fire protection, or other public purposes, or in furnishing, for profit, hot or cold air or steam for heating or cooling purposes, or in transmitting messages or furnishing public telegraph or telephone service, and all corporations operating as common carriers, shall be deemed public service corporations.

2. That the proposed amendment (approved by a majority of the members elected to each house of the legislature, and entered upon the respective journals thereof, together with the ayes and nays thereon) shall be by the secretary of state submitted to the qualified electors at the next regular general election (or at a special election called for such purpose), as provided by article XXI, Constitution of Arizona.

Passed by the House February 27, 1939.

Passed by the Senate March 11, 1939.

Received by the Governor March 11, 1939.

Approved by the Governor March 14, 1939.

Received by the Secretary of State March 14, 1939.

HARRY M. MOORE, Secretary of State.

The following is the form and number in which the question will be printed on the Official Ballot:

PROPOSED AMENDMENT TO THE CONSTITUTION  
PROPOSED BY THE LEGISLATURE  
"RELATING TO PUBLIC SERVICE CORPORATIONS"  
PROPOSING AN AMENDMENT TO THE CONSTITUTION OF  
ARIZONA RELATING TO PUBLIC SERVICE CORPORATIONS.

SUBMITTED TO THE ELECTORS OF ARIZONA, NOVEMBER 5, 1940

If you favor the above law, vote YES; if opposed, vote NO.

104 Yes  20,981

105 No  60,531

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION to be held

ON NOVEMBER 5, 1940

Proposed by Initiative Petition of the People and filed in the office of the Secretary of State, July 2, 1940 and printed in pursuance of Paragraph 1746, Chapter 34, Article I, Revised Code of Arizona, 1928, as amended by Chapter 62, Laws of 1935.

HARRY M. MOORE, Secretary of State.

(On Official Ballot Nos. 106-107)

INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION BY INITIATIVE PETITION

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF ARIZONA

AN ACT

AMENDING SECTION 12 OF ARTICLE IX OF THE CONSTITUTION OF THE STATE OF ARIZONA, PRESCRIBING LIMITATIONS UPON THE AUTHORITY TO LEVY AND COLLECT TAXES.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

That Section 12 of Article IX of the Constitution of the State of Arizona be and is hereby amended to read as follows:

Section 12. Subject to the provisions and limitations hereinafter prescribed, the law-making power shall have authority to provide for the assessment, levy and collection of the following taxes, and none other; provided that nothing herein shall prohibit the imposition of other and additional taxes by the Initiative.

1. Ad valorem taxes; provided that there shall be but one valuation annually of the taxable property in the state, and upon such valuation the tax levies for the state and for each and every political subdivision shall be made; and provided further that:

(a) Except to provide for the payment of the principal and interest of general obligation bonds outstanding December 31, 1940, and general obligation serial bonds thereafter authorized by a vote of real property taxpayers, for the payment of which funds are not available from any other source, taxes levied upon real or tangible personal

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property for state purposes shall not exceed 7½ mills per dollar of assessed valuation, and for any county the tax rate shall not exceed by more than 3 mills per dollar of assessed valuation the average rate for such county for general county expenditures for the ten years preceding the effective date of this amendment; provided, that should the total assessed valuation of real and tangible personal property of any county hereafter be decreased below the total assessed valuation of such county at the effective date of this amendment, the taxing authorities for such county may apply a tax rate which will produce a total of property taxes for such county not exceeding an amount which would be obtained by applying the highest tax rate permissible under this article to the total assessed valuation of real and tangible personal property in such county at the effective date of this amendment.

(b) For any year that the total valuation of real and tangible personal property for tax purposes for the state, or for any county, exceeds the total for the year immediately prior to the effective date of this amendment, the taxing authorities for the state, or for any such county, shall apply a tax rate, within the maximum limits fixed by this article, as will produce a total of property taxes for the state, or for such county, not exceeding an amount which would be obtained by applying the highest tax rate permissible under this article for the state, or for such county, to the total assessed valuation of such real and personal property for the year immediately prior to the effective date of this amendment. For the purpose of calculating the number of mills to be levied per dollar of assessed valuation on real and tangible personal property in the state, or in any county, as provided herein, increases in valuations due to previous undervaluations of property as compared with similar property similarly situated during the year immediately prior to the effective date of this amendment, and increases in the total valuation for the state, or for any county, caused by the assessment of new or other property not previously taxed or by the improvement or development of property existing on the effective date of this amendment, shall not be included in the total of values in the state, or in any county, but such increase in valuation shall be taxed at the same rate as is levied on the total valuation used under the provisions hereof to arrive at the number of mills to be levied against real and tangible personal property in the state, or in any county.

(c) Taxes levied upon intangible property shall not exceed annually for all purposes one mill upon each dollar of the assessed valuation thereof; provided that there shall be no tax levied upon money (including all notes and securities of the United States or of other governments payable on demand), deposits, gross credits, bills of exchange, letters of credit, checks, drafts, trade acceptances, and other evidences of the possession, ownership or control of money or its equivalent of a circulating medium or medium of exchange; and pro-

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vided further, that the provisions of this subdivision shall not apply to shares of stock in banking corporations, building and loan corporations or associations, or corporations or associations engaged in the business of using money wherewith to make money, but such shares shall be assessed at the market value thereof and taxed as may be provided by law, but at rates not exceeding those on real and tangible personal property.

(d) A license or privilege tax upon motor and other vehicles, or the owners thereof, for the use of the public highways and streets, provided that in the event any such tax is imposed, the same shall be in lieu of any ad valorem tax upon such vehicles and shall not exceed in any calendar year an amount equal to 30 mills for each dollar of the assessed valuation of such vehicles, determined as the assessed valuation of other tangible personal property is determined, and provided further, that the amount of any such taxes shall be reduced by one-twelfth (1/12) of the amount thereof for each month of the calendar year which shall have expired at the time such vehicles are registered as required by law.

(e) Nothing herein shall prevent the increase of the number of mills of the tax levy for state revenue above limits herein fixed, occasioned by any increased state expenditures and decreased county expenditures for common and high school education; provided that in the event of such increase in state rate, the limitation on county tax rate hereinabove provided shall be lowered as to each county by the number of mills the state rate is increased.

2. A tax upon the privilege to engage in a business activity upon which business activity a like tax is imposed at the time this amendment becomes effective; provided, such tax shall not exceed the tax upon such privilege in effect on the date this amendment takes effect. And provided further that such tax shall be at the same rate upon all those engaged in the same business activity.

3. A tax not exceeding 50 mills per gallon upon motor vehicle fuel used for operating motor vehicles upon public roads and highways. Such taxes shall be in lieu of taxes authorized by the foregoing clause 2.

4. A graduated tax on net incomes; provided that the maximum amount of any such tax levied for any year shall not exceed 25 mills per dollar of all or any part of the first \$3,000 net income, or 50 mills per dollar of all or any part of net income in excess of \$3,000.

5. An estate tax not exceeding that in effect on the date this amendment takes effect.

6. Taxes and licenses upon malt liquors, spirituous liquors, vinous liquors and malt extracts at such rates as the legislature may prescribe; and not to exceed 10 mills per ounce or less upon snuff, chewing, smoking and all cut and granulated tobacco; or 20 mills upon each twenty or less cigars weighing three pounds or less per thousand

and upon each twenty or less cigarettes; or 10 mills upon each three cigars weighing over three pounds per thousand, made of tobacco or any substitute and manufactured to retail at 5 cents or less each, and upon each cigar manufactured to retail at more than 5 cents each.

7. Taxes upon and measured by the gross receipts of express companies from business done within this state, which taxes when levied, shall be in lieu of all other taxes upon the properties, gross receipts or net incomes of such companies.

8. Taxes upon and measured by the gross premiums collected or contracted for in this state by insurance companies; provided that such tax shall be in lieu of all other taxes upon and licenses required of such companies for conducting insurance business within this state, except licenses for agents.

9. Taxes upon employers or employees, with respect to and measured by the amounts of compensation paid by employers to employees; provided that the amount of the tax upon any employer during any year shall not exceed the amount for which the employer may take credit under the Federal Social Security Act on account of contributions to a state unemployment fund, and the amount of the tax upon any employee shall not exceed the amount of the tax required to be paid by the employer with respect to the compensation paid the employee.

10. License taxes upon the privilege to operate motor vehicles upon the public roads and highways, to hunt and take wild game, to fish in any public stream or body of water, and upon peddlers, traveling merchants, commission merchants, wholesale dealers in agricultural products, public theaters, public exhibitions, public places of amusement, circuses, menageries, pawnbrokers, auctioneers, employments agents, contractors, lenders of money at interest in excess of the legal rate, chauffeurs, junk dealers and second-hand dealers, brokers, insurance agents, manufacturers of or dealers in malt liquors, spirituous liquors, vinous liquors, or malt extracts, venders of pyrotechnics and dogs.

11. Nothing in this section is intended or shall be construed as in limitation of the authority of the law-making power to provide for the collection of reasonable fees and charges, not in the nature of a license or tax, to be collected by the several departments, offices and agencies of the state, counties and other political subdivisions, for issuing, filing or recording of certificates, permits, authorizations and documents, or the performance of any activity or service required by law to be issued, filed, recorded or performed by any such department, office or agency, or to provide for the regulation of professional pursuits and the collection of reasonable charges and fees in connection therewith.

12. In the event of an actual emergency caused by storm, epidemic, disaster, riot or economic distress the legislature may by a vote

of not less than three-fourths of the members elected to each house of the legislature and approved by the Governor increase the foregoing limitations as to rates but not to exceed 20 per cent of the respective limitations for any designated taxing period not exceeding two consecutive years.

The following is the form and number in which the question will be printed on the Official Ballot:

PROPOSED AMENDMENT TO THE CONSTITUTION  
PROPOSED BY INITIATIVE PETITION

"TAX LIMITATION AMENDMENT"

AMENDING SECTION 12 OF ARTICLE IX OF THE CONSTITUTION OF THE STATE OF ARIZONA, PRESCRIBING LIMITATIONS UPON THE AUTHORITY TO LEVY AND COLLECT TAXES.

If you favor the above law, vote YES; if opposed, vote NO.

106 Yes  41,696

107 No.  42,748

PROPOSED AMENDMENT TO THE CONSTITUTION  
PROPOSED BY INITIATIVE PETITION

ARGUMENT

(Affirmative)

TEXT OF AMENDMENT TO THE CONSTITUTION OF THE STATE OF ARIZONA PREVENTING TAX INCREASES

This is a proposed amendment of Section 12, Article IX of the Constitution of the State of Arizona. The outstanding features of the Act would:

1. Prevent further tax increases on real and tangible personal property, but it does permit decreased taxes on such property.
  - (a) Should valuations be increased, the number of mills levied must be decreased so that there can be no substantial increase in dollars and cents in taxes assessed.
  - (b) The maximum state tax would be 75 cents per \$100 valuation.
  - (c) The maximum for each county would be the average for the past 10 years. This will not work a hardship on any county (See Safety Factors, item 3).
2. All other taxes including gasoline and oil sales (both retail and wholesale), automobile, estate, gross receipts, employer or employee, remain the same, except that a tax of one mill on intangibles and a slight increase in income tax are permitted.

3. No changes from existing laws are made regarding permissive license taxes such as privilege to operate motor vehicle, hunt, fish, etc. and etc.

IT PROHIBITS THE CREATION OF NEW TAXES EXCEPT BY VOTE OF PEOPLE THROUGH THE INITIATIVE

WHAT IT DOES NOT DO

1. It imposes no tax limit on school district, special assessment district or city levies.
2. It will in no way adversely affect the development of the State, Counties, Cities, Schools or industrial enterprises.

SAFETY FACTORS

1. Safeguards the payment of interest and principal on bonded indebtedness now existing, or which may hereafter be created.
2. Permits adoption of school Initiative.
3. Provides a 3 mill per \$1.00 flexibility for county taxes.
4. Provides for additional taxes only by the Initiative.
5. In event of actual emergency the limitations may be increased 20% by vote of 3/4 of the members of the legislature, and on approval of the Governor, but not for more than two successive years.

In drafting this Initiative, the Farm Bureau's Motive has been a non-partisan and non-political attempt to submit a MUCH NEEDED CONSTITUTIONAL AMENDMENT BENEFICIAL TO ALL CITIZENS OF ARIZONA.

ARIZONA FARM BUREAU FEDERATION

Hollis B. Gray, Pres. (signed)  
 Earl Maharg, (signed)  
 Executive Secretary  
 1201 W. Madison St., Phoenix  
 By Cecil H. Miller (signed)  
 Chairman, Tax Division  
 A. M. Creighton, (signed)  
 Treasurer  
 H. H. Wasser (signed)

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION  
to be held  
ON NOVEMBER 5, 1940

Proposed by Initiative Petition of the People and filed in the office of the Secretary of State, July 2, 1940, and printed in pursuance of Paragraph 1746, Chapter 34, Article I, Revised Code of Arizona, 1928, as amended by Chapter 62, Laws of 1935.

HARRY M. MOORE, Secretary of State.

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(On Official Ballot Nos. 108-109)  
INITIATIVE PETITION  
AMENDMENT TO THE CONSTITUTION BY INITIATIVE PETITION  
PROPOSED AMENDMENT TO THE CONSTITUTION  
OF THE STATE OF ARIZONA

AN ACT  
RELATING TO IRRIGATION, POWER, ELECTRICAL, AGRICUL-  
TURAL IMPROVEMENT, DRAINAGE, FLOOD CONTROL, AND  
TAX LEVYING PUBLIC IMPROVEMENT DISTRICTS; FIXING  
THEIR STATUS; PRESCRIBING THEIR RIGHTS, PRIVILEGES,  
BENEFITS, IMMUNITIES AND EXEMPTIONS; AND AMEND-  
ING ARTICLE XIII OF THE CONSTITUTION OF THE STATE  
OF ARIZONA BY ADDING SECTION 7.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

That Article XIII of the Constitution of the State of Arizona be amended by adding a section to be numbered 7 and to read as follows:

"Section 7. Irrigation, power, electrical, agricultural improve-  
ment, drainage, and flood control districts, and tax levying public  
improvement districts, now or hereafter organized pursuant to law,  
shall be political subdivisions of the state, and vested with all the  
rights, privileges and benefits, and entitled to the immunities and  
exemptions granted municipalities and political subdivisions under this  
Constitution or any law of the state or of the United States; but all  
such districts shall be exempt from the provisions of Sections 7 and  
8 of Article IX of this constitution."

The following is the form and number in which the question will  
be printed on the Official Ballot:

PROPOSED AMENDMENT TO THE CONSTITUTION  
PROPOSED BY INITIATIVE PETITION  
"AN ACT RELATING TO AND FIXING THE STATUS OF IRRI-  
GATION AND OTHER TAX LEVYING IMPROVEMENT DISTRICTS."  
RELATING TO IRRIGATION, POWER, ELECTRICAL, AGRICUL-  
TURAL IMPROVEMENT, DRAINAGE, FLOOD CONTROL,  
AND TAX LEVYING PUBLIC IMPROVEMENT DISTRICTS;  
FIXING THEIR STATUS; PRESCRIBING THEIR RIGHTS,  
PRIVILIGES, BENEFITS, IMMUNITIES AND EXEMPTIONS;  
AND AMENDING ARTICLE XIII OF THE CONSTITUTION OF  
THE STATE OF ARIZONA BY ADDING SECTION 7.

If you favor the above law, vote YES; if opposed vote NO.

108 Yes  61,795

109 No  32,646

56  
PROPOSED AMENDMENT TO THE CONSTITUTION  
PROPOSED BY INITIATIVE PETITION

ARGUMENT  
(Affirmative)

ARGUMENT IN SUPPORT OF PROPOSED AMENDMENT TO THE  
CONSTITUTION OF ARIZONA FIXING THE STATUS OF IR-  
RIGATION, POWER, ELECTRICAL, AGRICULTURAL IM-  
PROVEMENT, DRAINAGE, AND SIMILAR DISTRICTS.

The purpose of this proposed constitutional amendment is to fix definitely by the Constitution the status of the districts mentioned in the title by making them political subdivisions with the same rights, immunities and exemptions enjoyed by other political subdivisions and by municipalities. The Legislature has by law provided for the creation of such districts and has given them the power, like school districts and cities, to elect their own officers and to levy taxes solely for district purposes, but the Constitution does not fix or define their rights, privileges and immunities.

Such districts are not organized for the purposes of gain or profit, but are essentially public agencies which use for their operations money raised by taxation on property within their boundaries. Without the aid of such agencies as irrigation, agricultural improvement and similar districts, large masses of otherwise worthless desert land in the State would have remained worthless and would not have been brought under cultivation. The creation of such agencies and the resulting irrigation and cultivation of an extensive acreage of land has contributed very substantially to the wealth and prosperity of the State.

One of the results of the proposed amendment will be to insure that the property of such districts will not be taxed for state, county and other similar purposes. Their property HAS NEVER BEEN TAXED and so the amendment WILL NOT REMOVE from the tax rolls any property which has been heretofore assessed or taxed. On the other hand, the adoption of this amendment will only be following a policy which has been in effect in Arizona since as early as 1889, when the Legislature of the Territory exempted irrigation works from taxation. That act and other acts of similar character were passed by succeeding Legislatures down through the history of the Territory and of the State as late as 1932 when the Legislature reenacted a law providing that such districts should be treated as municipalities.

The policy of exempting irrigation works and property of irrigation and similar districts recognizes that they should be treated as public agencies and that money spent for irrigation works, such as dams, canals, pumps, etc., is reflected in the assessed valuation of the lands served by such works. Without these works the lands would be worthless desert lands; but when irrigated, the lands increase manyfold in value and are assessed on the basis of the increased values. In other words, without the lands the works have no value and without the

works the lands have no particular value. The situation is comparable to a mine operated by deep shafts or long tunnels. A shaft or a tunnel without ore has no value, and an ore body without a shaft or tunnel has no great value because it cannot be removed.

The property of school districts, of cities, and of volunteer fire districts and the like is not taxed, so why should the property of irrigation and similar districts be taxed? They are all created in the public interest.

The Supreme Court of the State recently held (Yuma County vs. Yuma Irrigation District) that the Legislature has no power to declare irrigation districts to be municipal corporations, and therefore such districts are not entitled to the rights, privileges and immunities of municipalities, including exemption from taxation. While the decision did not pass upon the exemption from taxation of operative properties of such districts, viz., dams, reservoirs, pumps, etc., it is necessary once and for all to fix definitely the status of such districts and thereby recognize by constitutional provision that such districts do serve a public purpose and are created for the public welfare.

ASSOCIATED DISTRICTS OF ARIZONA,

By Paul H. Verslius (signed)  
Chairman.

J. H. Moeur (signed)  
Secretary

Lin B. Orme (signed)  
Robert Beardsley (signed)  
Peter H. Ethington (signed)  
W. J. Burns (signed)  
Hugo Farmer (signed)

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the  
REGULAR GENERAL ELECTION  
to be held

ON NOVEMBER 5, 1940

Proposed by Initiative Petition of the People and filed in the office of the Secretary of State, July 2, 1940, and printed in pursuance of Paragraph 1746, Chapter 34, Article I, Revised Code of Arizona, 1928, as amended by Chapter 62, Laws of 1935.

HARRY M. MOORE, Secretary of State.

(On Official Ballot Nos. 110-111)

INITIATIVE PETITION

AMENDMENT TO THE CONSTITUTION BY INITIATIVE PETITION  
PROPOSED AMENDMENT TO THE CONSTITUTION OF THE  
STATE OF ARIZONA

AN ACT

AMENDING SECTION 11 OF ARTICLE IX OF THE CONSTITUTION

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TION OF THE STATE OF ARIZONA RELATING TO THE MANNER, METHOD AND MODE OF ASSESSING, EQUALIZING AND LEVYING TAXES AND IMPOSING A LICENSE TAX ON REGISTERED VEHICLES IN LIEU OF AD VALOREM PROPERTY TAXES.

Be it enacted by the people of the State of Arizona:

That Section 11 of Article IX of the Constitution of the State of Arizona be and is hereby amended to read as follows:

SECTION 11. The manner, method and mode of assessing, equalizing and levying taxes in the State of Arizona shall be such as is prescribed by law.

Beginning January 1, 1941, a license tax is hereby imposed on vehicles registered for operation upon the highways in Arizona, which license tax shall be in lieu of all ad valorem property taxes on any vehicle subject to such license tax. Such license tax shall be collected annually by the registering officer at the time of application for and before registration of the vehicle each year and shall be (a) at a rate equal to the average ad valorem rate for all purposes in the several taxing districts of the state for the preceding year, but in no event to exceed a rate of four dollars on each one hundred dollars in value, and (b) during the first calendar year of the life of the vehicle upon a value equal to sixty per cent of the manufacturer's list price of such vehicle, and during each succeeding calendar year upon a value twenty-five per cent less than the value for the preceding calendar year.

In the event application is made after the beginning of the registration year for registration of a vehicle not previously registered in the state, the license tax for such year on such vehicle shall be reduced by one-twelfth for each full month of the registration year already expired.

The legislature shall provide for the distribution of the proceeds from such license tax to the state, counties, school districts, cities and towns.

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The following is the form and number in which the question will be printed on the Official Ballot:

PROPOSED AMENDMENT TO THE CONSTITUTION  
PROPOSED BY INITIATIVE PETITION

"UNIFORM AUTO LIEU TAX"

AMENDING SECTION 11 OF ARTICLE IX OF THE CONSTITUTION OF THE STATE OF ARIZONA RELATING TO THE MANNER, METHOD AND MODE OF ASSESSING, EQUALIZING AND LEVYING TAXES AND IMPOSING A LICENSE

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TAX ON REGISTERED VEHICLES IN LIEU OF AD VALOREM  
PROPERTY TAXES.

If you favor the above law, vote YES; if opposed, vote NO.

110 Yes  53,124

111 No.  37,856

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To be submitted to the qualified electors of the State of Arizona for  
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REGULAR GENERAL ELECTION

to be held

ON NOVEMBER 5, 1940

Referendum ordered by Petition of the People and filed in the  
office of the Secretary of State, May 26, 1939, at 10:30 a. m., and  
printed in pursuance of Paragraph 1746, Chapter 34, Article I, Revised  
Code of Arizona, 1928, as amended by Chapter 62, Laws of 1935.

HARRY M. MOORE, Secretary of State

(On Official Ballot Nos. 300-301)

REFERENDUM ORDERED BY PETITION OF THE PEOPLE

"AN ACT RELATING TO DENTISTRY, AND AMENDING SEC-  
TION 20, CHAPTER 24, SESSION LAWS OF 1935 REGULAR  
SESSION,"

passed by the Fourteenth Session of said Legislature of the State of  
Arizona, at the general session of said Legislature, shall be referred  
to a vote of the qualified electors of the State for their approval or  
rejection, at the next regular general election; said Parts 7, 8, 9, 10,  
11 and 12 of said sub-section 6 are as follows:

"6. For unprofessional conduct. Unprofessional conduct means:

- 7. advertising professional superiority or the perform-  
ance of professional services in a superior manner; 8. advertising  
prices, credit, or terms of credit for professional service or mate-  
rials; 9. advertising by means of any large display or glaring light  
sign, containing as a part thereof the representation of a tooth,  
teeth, bridge work or any portion of the human head; 10. em-  
ploying or making use of advertising solicitors or free publicity  
press agents; 11. advertising any free dental work or free ex-  
amination, or 12. advertising to guarantee any dental service, or  
to perform any dental operation painlessly.

The following is the form and number in which the question will  
be printed on the Official Ballot:

REFERENDUM ORDERED BY PETITION OF THE PEOPLE  
"REGULATING DENTAL ADVERTISING"

“AN ACT RELATING TO DENTISTRY, AND AMENDING SECTION 20, CHAPTER 24, SESSION LAWS 1935 REGULAR SESSION.”

If you favor the above law, vote YES; if opposed, vote NO.

300 Yes  33,511

301 No  67,404

REFERENDUM ORDERED BY PETITION OF THE PEOPLE  
“REGULATING DENTAL ADVERTISING”

ARGUMENT  
(Affirmative)

PURPOSE (1) To protect the public health against deceptive “lure” and “bait” dental advertising. (2) To maintain in Arizona standards of dentistry as high as those of 36 other states having similar laws.

REGULATES - DOES NOT PROHIBIT. Outlaws seven specific practices commonly employed by a few dentists as “bait” to lure patients into office. (See text of bill.) Dentists can still advertise, and DO in states where similar laws are in effect. (PROOF: Copies of dental ads now appearing in such states, and statistics showing increase in dental advertising, available for public inspection.)

REASONS FOR REGULATION. Dentistry is a public health service, not a business run for profit. Dental health cannot be produced on the assembly line or sold at “bargain prices.” Mass production methods are out of place. A dentist should stand or fall on his ability AS A DENTIST—not his skill in advertising lure.

CONSTITUTIONALITY of the Oregon law already upheld by U. S. Supreme Court. Proposition 300-301 is closely patterned after the Oregon Law.

WHO IS BACKING PROPOSITION 300-301? The one hundred members of the Arizona State Dental Society originally sponsored it. Overwhelming majorities of House and Senate, representing the people of Arizona, voted for it. Governor R. T. Jones signed it.

WHO IS OPPOSING IT? Principally, (1) the several Phoenix dentists who employ “lure” and “bait” advertising, and (2) the two Phoenix newspapers which carry this same advertising.

DENTAL HEALTH EDUCATION—NOT ADVERTISING LURE—is the aim of this proposition. No issue of “free press”, low prices, or prohibiting advertising is involved. The proposition has no connection whatsoever with any advertising except dental advertising. Opposition arguments are as misleading as “lure” and “bait” dental ads themselves—and come from the same source. If you favor honest,

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constructive, educational dental advertising, health protection and progress, VOTE YES.

ARIZONA STATE DENTAL SOCIETY

By: W. R. Pinkerton (signed)  
President

Melvin Saxman (signed)  
Secretary-Treasurer

ARGUMENT

Opposing enactment of Legislation restricting  
the use of Honest Advertising

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Parts of House Bill No. 103 passed by the last legislature at the request of a group of Arizona dentists are against public interest and are not public health measures. Instead this is an effort on the part of these dentists to increase their business and to increase the prices of dental work by eliminating the competition of those dentists who through clean and honest advertising have built large practices, and do work at low prices.

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There is no public interest served by this part of the law. Existing laws are ample to regulate the practice of dentistry in the state of Arizona. The present law enacted in 1935, and amended by Section 1 of Chapter 54 of the 1939 Session Laws, except that portion against which the referendum is invoked, is a good one. In it are provided ample provisions for the Dental Board to revoke the licenses of those practicing contrary to the general rules of the profession, public health or public safety.

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The laws now on the books don't need the part of the amendment you are now to vote on, for it is already Arizona law that:

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Dentists' licenses may be revoked for:

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Physical and mental incompetency to practice his profession.

Fraud or misrepresentation in securing a license.

Gross immorality.

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Habitual use of intoxicating liquors or drugs to such an extent as to render him unfit for practice.

Commission of a felony or any crime involving moral turpitude, either before or after conviction in the court.

Unprofessional conduct.

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Employing persons known as "cappers" or "steerers" to obtain business.

Obtaining a fee by fraud or misrepresentation.

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Wilfully betraying professional secrets.

Employing directly or indirectly any student or any suspended or unlicensed dentist to perform operations of any kind, to treat lesions of the human tooth or jaw, or to correct malimposed formations thereof.

Practicing dentistry under a trade or corporate name, false or assumed name other than a partnership name containing the name of one or more of the partners.

Making use of any advertising statements of a character tending to deceive or mislead the public.

All of these things may be necessary to protect the public, and certainly give more than ample authority to the Dental Board to revoke the license of dentists for any unprofessional conduct or for dishonest advertising. Nothing else is needed.

This referendum against parts of House Bill No. 103 appearing on the ballot as referendum measure number 301, in no way affects any of these clauses in the present law, but only pertains to other provisions that are wanted by this group of Arizona dentists for "business" reasons.

Additional causes to revoke a dentist's license now wanted by this group and the only parts against which the referendum is invoked have nothing to do with the mental, moral or physical ability of a dentist to practice his profession, and are in no way related to public health.

These additional unneeded and unnecessary clauses provide that: Dentist's license may be revoked for:

Advertising professional superiority or the performance of professional services in a superior manner.

Do you know any reason why a dentist's license should be revoked because he honestly advertises to the public facts regarding his professional ability, education, experience, or the manner in which he performs professional services? The public is entitled to know these things.

Advertising prices.

Do you know why a dentist should not be permitted to advertise the prices that he charges when those are the prices that he actually charges? Don't you think the public is entitled to know what dental work costs, or do you think that this should be a secret until you get the dentist's bill for whatever amount he cares to charge?

Advertising credit or terms of credit, for professional service or materials.

Do you think a dentist should lose his license just because he advertises the fact that you may have credit or terms of credit that he extends to you? Most dentists extend credit to their patients, but now a group wants to revoke the license of a dentist if he advertises this fact.

Advertising by means of any large display or glaring light signs containing as a part thereof the representation of a tooth, teeth, bridgework or any portion of the human

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head. This is only a means of identifying a dentist's loca- tion. Certainly the use of such a sign has nothing to do with public health, nor a dentist's ability to practice. How could the public be benefited by the elimination of a few signs, such as are used by all other legitimate businesses.

Employing or making use of advertising solicitors or free publicity press agents.

Do you think that a dentist's license should be revoked because he employs someone to prepare material used to educate the public on the proper care of their teeth and the reasons why their teeth should be regularly cared for?

Advertising any free dental work or free examination.

Why should a dentist have his license revoked if he ad- vertises free examination and actually gives free examina- tion? The public is certainly entitled to this service, and there is no reason why these facts should not be made known to them.

Advertising to guarantee any dental service.

Why shouldn't dentists guarantee their dental work? The public pays to have work properly done and may it not be entitled to the protection of a guarantee? Dentists and others must stand behind such guarantees when pub- licly made. Should not dentists be held responsible for the work they do?

Advertising to perform any dental operation painlessly.

Much dental work can now be done painlessly. Why shouldn't the public know this? If a dentist misrepresents regarding painless dentistry, the Dental Board under the existing law already has ample authority to revoke his license. Why should a Board be empowered to revoke his license if he honestly advertises painless dentistry?

In addition to the Dental Code, Section 4817 of the 1928 Revised Code gives the Dental Board or anyone else in Arizona sufficient legisla- tion to stop false advertising. This section provides severe penalties to punish those who make false, fraudulent, or misleading representations in respect to any service. Should the Dental Board have knowledge of any dentist making such statements in his advertising, they already have this law, which provides both fines and imprisonment.

A dentist's ability, education, equipment, materials used, and the examination he passes are certainly sufficient safeguards for the public. The test of a dentist's ability is the examination he passes, his educa- tion, experience, moral character, and not whether or not he advertises. Dentists advertise for the same reason that other people advertise. Advertising creates more business and as a result they use all of their time. This permits them to charge lower prices and the public benefits. Advertising thereby becomes a real aid to public health.

It is a real service to the people of Arizona to be able to procure dental work at low prices. Thousands of people are not financially able to pay high prices charged by the non-advertising dentist. They must neglect their teeth, unless they can obtain dental services at a price within their reach. Through advertising this service is made available to thousands of people and helps them in protecting their health.

Honest advertising such as is used by reputable advertising dentists and the only kind that CAN be done in this State under present laws, is of much benefit to the general public and brings dental service to them at prices they can afford to pay. This work is performed by good dentists, all of whom have passed exactly the same examination, practice under the same rules and requirements, have the same equipment, use the same materials and have the same educational background as those who do not advertise.

Attacks such as this, started by small groups in Europe, have resulted in the loss of liberty by those people. In the United States we still have a free press and free speech, and any person should have the right to express himself. No group should be permitted to prohibit anyone by law from saying or printing what he wishes. Restrictions of this kind started in a small way will eventually lead to other legislation which may destroy the freedom of the press and free speech. It may be all right in Europe to tell a man what he can or can not say, whether he be dentist or otherwise, but certainly restrictions are not wanted in this country that will prohibit anyone from expressing his views.

Help maintain the freedom of the press, free speech and low cost dental service for the great mass of people in Arizona, by voting "No" on referendum measure number 301.

PEOPLES DEFENSE COMMITTEE  
Of the Arizona Newspapers Association  
(signed) W. P. Stuart, President  
(signed) Geo. W. Chambers, Secy-Treas.

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON NOVEMBER 5, 1940

Proposed by Initiative Petition of the People and filed in the office of the Secretary of State, June 4, 1940, and printed in pursuance of Paragraph 1746, Chapter 34, Article I, Revised Code of Arizona, 1928, as amended by Chapter 62, Laws of 1935.

HARRY M. MOORE, Secretary of State.

(On Official Ballot Nos. 302-303)

INITIATIVE PETITION  
PROPOSED BY INITIATIVE PETITION

AN ACT

PERMITTING AND AUTHORIZING THE LICENSING AND OPERATING AND REGULATING OF GAMES OF CHANCE, GAMBLING DEVICES, AND GAMBLING GAMES; PROVIDING FOR CERTAIN FEES AND FOR THE DIVISION OF THE REVENUES OF THIS ACT BETWEEN THE STATE, THE SEVERAL COUNTIES OF THE STATE, AND THE INCORPORATED MUNICIPALITIES OF THE STATE; PROVIDING FOR THE CREATION OF THE DEPARTMENT OF GAMING CONTROL AND PROVIDING FOR A DIRECTOR THEREOF; PROVIDING FOR AN APPROPRIATION FOR THE ADMINISTRATION OF SUCH DEPARTMENT; PROHIBITING MINORS FROM PLAYING SUCH GAMES; PROVIDING PENALTIES FOR VIOLATION OF THE PROVISIONS OF THIS ACT; REPEALING ALL ACTS AND PARTS OF ACTS CONFLICTING WITH THE PURPOSES AND PROVISIONS OF THIS ACT; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATIVE THERETO:

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Section 1. The following words, terms and phrases when used in this act have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

- a. "Person" means individual, firm, co-partnership, joint adventure, association, corporation, estate, trust, business trust, receiver, syndicate, or any corporation or combination acting as a unit, and the plural as well as the singular number.
- b. "Director" means the Director of Gaming Control.
- c. "Licensee" means any person holding a license issued by the Director of Gaming Control.
- d. "Slot machine" includes "card machine" and means any contrivance, appliance, or mechanical device, upon the result of action of which, money or other valuable thing is staked or hazarded, and which is operated or played by placing or depositing therein any coins, checks, slugs, balls, or other articles or devices, or in any other manner or by means whereof, or as the result of the operation of which, any merchandise, money, representative or articles of value, checks, or tokens redeemable in or exchangeable for money or other thing of value is won or lost or taken from or obtained from such machine, contrivance, or mechanical device dependent upon hazard or chance.
- e. "Slot machine license" means a license issued to a person for the operation and/or ownership of one hundred (100) slot machines.
- f. "Permit" means authority issued to any person to operate

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or conduct, or maintain in his place of business, a slot machine, in conjunction with a slot machine license.

g. "Casino" means an establishment or business primarily maintained for the purpose of conducting all forms of gaming, and which is not limited to the operation and maintenance of those games mentioned in sub-divisions a, b, and c of Section 7 of this act, and which is not limited to the number of those games, or any games that may be maintained in such establishment or business.

h. "Gross receipts" means the amount of money derived as net profit from all games conducted under a casino license before any deductions for operation of the casino are made.

Section 2. There is hereby created the Department of Gaming Control and the office of Director of such department.

a. The Governor shall appoint the director of the Department of Gaming Control for a term which shall end on December 15, 1946, and on December 15 of each sixth year thereafter. Should the Governor remove the director, his action may be reviewed by the Superior Court of Maricopa County in a trial de novo before said court in a proper proceeding instituted within thirty (30) days after such removal.

b. The director shall receive a salary of Four Hundred (\$400.00) Dollars per month. He shall give a surety bond to be approved by the State Treasurer, in the sum of Fifty Thousand (\$50,000.00) Dollars, conditioned upon the faithful performance of his duty.

c. Neither the director nor any employee of the director shall serve on any committee of any political party, nor engage in any political activities other than voting.

Section 3. a. The director of gaming control shall administer and enforce the provisions of this act.

b. The director shall have power: 1. To prescribe necessary rules and regulations: (1a) for carrying out the provisions of this act; (1b) for the proper conduct of the business to be carried on under each specific type of gaming license; (1c) to collect all license fees, permit fees and percentages imposed in connection with gaming as herein provided; and (1d) to procure full compliance by licensees in the conduct of their business, with all laws; 2. to prescribe forms for applications and licenses, and such other forms as may be necessary under this act; 3. to examine books, records and papers of any licensee or permittee; 4. to hear and determine complaints against any licensee or permittee; 5. to issue subpoenas and other necessary process to procure the presence of persons and the production of papers; 6. to administer oaths, to take testimony, and punish for contempt, and; 7. to employ necessary deputies and assistants and pay their compensation and other expenses of administering this act.

c. Not later than the 15th day of each month the director shall submit a detailed financial report of his activities during the preceding calendar month to the Governor and the State Treasurer.

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Section 4. The decision of the director shall be final in any matter relative to the issuance, renewal, suspension or revocation of a license; unless, the person aggrieved, within ten (10) days after the date of the decision, files an appeal with the Superior Court of Maricopa County. In such appeal, the court shall hear and determine the matter de novo, not more than ten (10) days after the date of filing the appeal. Pending determination of the appeal, the decision and order of the director shall remain in full force and effect, and may not be superseded.

Section 5. a. Any person who shall deal, carry on, maintain or conduct, either as owner or employee, whether for hire or not, any banking or percentage game, or game of chance whatsoever, whether played with cards, dice, or any machine or device whatsoever, for money, checks, credit, or other representative of value, or anything of value, without having first procured a license or permit therefor, as herein provided, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in the sum of not more than Three Hundred (\$300.00) Dollars, or shall be imprisoned in the County jail for a term of not more than six (6) months, or both.

b. Any person who shall have under his control or in his possession, either as owner, lessee, agent, employee, mortgagee, or otherwise, or who shall permit to be placed, maintained, or kept in any room, space, inclosure or building owned, leased, or occupied by him, or under his management or control, any slot machine, contrivance, or mechanical device upon the result of which, money, checks, credit, or other representative of value, or other valuable thing is staked or hazarded, unless such machine, contrivance, or appliance shall have first been licensed by the director as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in the sum of not more than Three Hundred (\$300.00) Dollars, or shall be imprisoned in the County jail for a term of not more than six (6) months, or both. This section shall not apply to any person whose possession or control of any such machine, contrivance or device, or whose permitting it to be placed, maintained or kept in any premises owned, leased or occupied by him, or under his management or control, is for a purpose incident to its manufacture, sale, distribution, or upkeep, provided such person does not expose such machine, contrivance, or device for play.

Section 6. a. To obtain a license or permit under this act, application therefor, verified under oath, accompanied by a fee or proper bond therefor, must be made to the director upon a form prescribed by the director. The application must contain the name of the applicant, and in the case of a co-partnership, the names of the individual partners; in the case of a corporation the principal officers and directors, the location of the premises for which a license or permit is applied, and such other information as the director may require to assist him in determining whether the applicant or the

premises qualify for a license or permit, and in addition each application shall contain a statement to the effect that the applicant has not been convicted of a felony, and has not violated, and will not violate, or cause or permit to be violated, any of the provisions hereof, or any regulation of the director applicable to applicant. And in the event such applicant cannot make such statement, then such statement shall contain a statement of the violation if any, or reasons which prevent the applicant from being able to comply with such requirements with respect to such statement. In the case of a co-partnership, the application shall be verified by each of the co-partners, and in case of a corporation, by an officer and under the seal of the corporation. Upon the receipt of an application for a license or permit and the proper fee or bond, the director shall make a thorough investigation to determine whether the applicant and the premises for which a license or permit is applied qualify for a license or permit.

b. The director must deny an application for a license or permit if either the applicant or the premises for which the license or permit is applied do not qualify for a license or permit under this act. If an application is denied, the director shall return the fee to the applicant.

c. All licenses or permits issued hereunder shall automatically expire at midnight on the last day of the term for which they were issued.

d. Each license or permit issued hereunder shall be issued to a person and for a specific location, the principal address of which shall be indicated on the license.

e. No license or permit issued by the director under this act shall apply to any premises other than those specified in such license or permit.

f. A license or permit issued by the director under the provisions of this act shall entitle and authorize the licensee or permittee to whom it is issued, or his employee or employees, agent, or agents, to deal, conduct, or maintain the specific game or games for which said license or permit is issued, in the particular room or premises described therein, for the duration of the term for which said license or permit shall have been issued.

g. All licenses for games and devices of every character and description shall be posted in a conspicuous place where such games and devices are installed.

h. All games and devices found to be operating illegally under this section, or any section of this act, shall be seized by the director and may be destroyed or may be sold at public auction.

Section 7. The following are the kinds of licenses to be issued under this act, and the fees to be charged therefor:

a. Card games, that is, stud and draw poker, bridge, whist, solo, and panguingue for money shall be licensed at the rate of the Twenty-five (\$25.00) Dollars per table per month, payable three months in advance.

b. Trade stimulators, grab bags, tip books, punch boards, or any substitute thereof, or any similar device, One Hundred and Twenty (\$120.00) Dollars per year, per each business place, payable annually in advance.

c. Before any person may operate, or cause to be operated, any slot machine, marble machine, digger machine, or any similar device or machine, he shall be required to pay the department of gaming control for the State of Arizona, the sum of One Thousand (\$1,000.00) Dollars for each one hundred slot machines and similar mechanical devices, or any fraction thereof, payable in advance, as a license fee for a period of one year; and in addition thereto he shall be required to obtain a permit by paying the sum of Ten (\$10.00) Dollars per month, per slot on each slot machine or mechanical device, payable quarterly in advance.

d. For each casino, the casino licensee shall pay, on or before the 5th day of each calendar month, to the Director of Gaming Control, a sum of money equal to eight (8) percentum of the gross receipts received in the preceding month, of all games of chance conducted in such casino; and such eight (8) per centum shall be in lieu of any and all excise revenues and license fees. However, nothing in this act shall prohibit a casino licensee from operating those games or devices specifically mentioned in sub-divisions a, b, and c of Section 7, in such casino, and should he operate such games or machines, he shall pay the fees provided for in those subdivisions, which fees shall be in lieu of the aforementioned percentum fees, as to those games mentioned in sub-divisions a, b, and c of Section 7, and no casino license shall issue until the casino licensee shall give a good and sufficient bond in the sum of One Hundred Thousand (\$100,000.00) Dollars, to the State of Arizona, for the faithful performance of the provisions of this act, to be approved by the director, and such a casino license issued by the director under the provisions of this act shall entitle and authorize the licensee to whom it is issued, or his agent or agents, to conduct a casino for a period of five (5) years.

Section 8. a. No permit or license shall be issued under provisions of sub-sections a, b, and c of Section 7, to anyone who is not maintaining an established business.

b. Permits will not be issued for more than three (3) devices included within provisions of sub-section c of Section 7, nor shall a total of more than six (6) of any of the devices or games described under sub-sections a, b, and c of Section 7, be permitted or licensed in any one established place of business.

c. The director shall not issue a casino license (1) for the operation and maintenance of more than one casino within counties having a population of less than 100,000; (2) for the operation and maintenance of more than two casinos within counties having a population of 100,000 or more.

d. The director is specifically authorized to refuse the issuance of a license or permit for premises located within the immediate vicinity of churches, hospitals, schools, childrens' playgrounds, and such other locations as in the judgment of the director may be inimical to public welfare.

e. No license shall be issued under this act to any person who is not a citizen of the United States and a bona fide citizen of the State of Arizona, and where a corporation, co-partnership or other business association is the applicant, no such license shall be issued to it unless the majority of the board of directors and all of its officers who are charged with the duties of managing, directing or conducting the activity licensed, are citizens of the United States.

Section 9. a. For the purpose of carrying out the provisions of this act there is hereby appropriated for use by the director an amount not to exceed three and one-half (3½%) per cent of all revenues collected hereunder, which appropriation shall be credited by the State Treasurer to a special fund to be known as "Games Administration Fund".

Claims for expenditures under this act shall be approved by the Director and paid from the appropriation herein provided, in the manner provided by law for the payment of other claims against the State.

b. After deducting the appropriation herein made as provided in sub-section a of this section, the State Treasurer shall allocate to the credit of the State Board of Social Security and Welfare, an amount sufficient and adequate for the payment of all old age pensions, and in arriving at the amount necessary for such purpose, the State Treasurer, with the advice of the State Auditor and the State Board of Social Security and Welfare, shall, on or about the first Monday in July of each year, estimate the amount necessary and sufficient to pay all old age pensions, and allocate such estimated amount to the credit of the State Board of Social Security and Welfare for that purpose.

If the amount which was estimated for the preceding year is not adequate to pay all old age pensions for such preceding year, then the difference between such estimate and the amount actually expended shall be added to the estimate of the current year and the total so found shall be deemed to be the amount of money to be allocated for such current year to the State Board of Social Security and Welfare for old age pensions as aforesaid.

If the estimated amount for the preceding year was in excess of the amount actually paid for all old age pensions for such preceding year, then the difference between such estimates and the amount actually expended shall be deducted from the estimate of the current year, and the remainder so found shall be deemed to be the amount of money to be allocated for such current year to the State Board of Social Security and Welfare for such purpose as aforesaid.

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c. After making the deductions specified in sub-sections a and b. of this section, the State Treasurer shall, semi-annually, distribute the remainder of said revenues to the several county treasurers of the state in proportions that the population of the county bears to the total population of the State.

d. The county treasurer shall place in a special fund, designated "Municipalities Fund," that proportion of the moneys received under the provisions of this act, which the population of all incorporated cities and towns within such county bears to the total population of the county, and shall immediately distribute to each such municipalities that proportion of the municipalities fund which the population of each municipality bears to the combined population of all incorporated municipalities in the county.

e. All moneys accruing to any county under the provisions of this act shall be used, in the order named: 1. in the payment of principal and interest due on any bonds issued by the county; 2. in the payment of principal and interest due on outstanding warrants issued in years preceding the year in which the money is received, and, 3. the balance remaining shall be credited to the county general fund.

f. All moneys accruing to any incorporated city or town under the provisions of this act shall be used, in the order named: 1. in the payment of principal and interest due on any bonds issued by such city or town; 2. in the payment of principal and interest due outstanding warrants issued by such city or town in years preceding the year in which the money is received, and; 3. the balance remaining shall be credited to the general fund of the city or town.

g. For the purposes of this act the United States decennial census shall be deemed to be the population of the State and of the counties, cities and towns affected.

h. On or before the first Monday in July, of each year the State Treasurer, with the advice of the director, shall estimate the amount payable to each county under the provisions of this act during the ensuing year, and shall forthwith transmit such estimates to the respective county treasurers. In the preparation of the annual county budget the board of supervisors shall include that proportion of the estimate accruing to the counties for county purposes in its estimate of receipts from sources other than property taxes. No debt, obligation or liability for an item not included in the annual budget or which is not specific in amount shall be paid out of moneys received by any county under the provisions of this act. If, in preparing the annual budget, the amount estimated to be paid under the provisions of this act to any county in any fiscal year, is less than the amount which was estimated for the preceding year, for the purpose of determining the amount which may be levied under the provisions of Section 3100, Revised Code of 1928, the difference in said estimate may be added to the amount levied for the preceding year and the total so found shall be deemed to be the amount levied for such year. Any moneys paid

to a county under the provisions of this act in any fiscal year which are in excess of the amount estimated in the budget for that year shall be kept in a special fund and included in the estimate of receipts from sources other than property taxes for the next fiscal year. If the amount of money received by any county under the provisions of this act in any fiscal year shall be less than the amount estimated for such year by the director, and by reason thereof there shall be outstanding unpaid warrants, the State Tax Commission shall, upon application, authorize such county to levy, in the following fiscal year, as and when other taxes are levied, ad valorem taxes in an amount sufficient to pay said outstanding warrants, but in no event in an amount greater than the difference between the amount so estimated to be received and the amount actually received.

i. The budget provisions relating to counties contained in subsection h. shall apply to incorporated cities and towns.

j. The moneys accruing and paid to the incorporated cities and towns under this act shall be in lieu of any license fee which might otherwise be charged by such city or town for the licensing of such activity, game or device except purely nominal fees or fees usually charged in respect of other businesses and in the event this provision should be nullified in any manner in respect of any city or town the revenue otherwise payable to such municipality shall be paid into the general fund of the State.

k. All fees, fines, and proceeds of the sale of seized equipment constitute the revenues under this act.

Section 10. a. It shall be unlawful to conduct, carry on, operate, deal or allow to be conducted, carried on, operated or dealt any cheating or thieving game or device, or to deal, conduct, carry on, operate or expose for play any game or games played with cards, dice, or any mechanical device, or any combination of the same, which may have in any manner been marked or tampered with, or equipped with electrical or other device whatsoever which might render the game more liable to win or lose. The use of marked cards, loaded dice, plugged or tampered with machines or devices is expressly made unlawful. Any violation of the provisions of this section shall be deemed a misdemeanor, punishable by a fine of not more than Three Hundred (\$300.00) Dollars, and/or six (6) months in jail, and/or revocation of license or permit.

b. Any licensee or permittee, or his employee, operating or conducting any game, machine or device licensed hereunder, who shall permit any person under the age of twenty-one years to play at such game or device shall be guilty of a misdemeanor, and any minor who participates, either directly or indirectly, in any form of gaming mentioned in this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by fine of not more than Three Hundred Dollars (\$300.00), or imprisonment in the county jail for a term of not more than six (6) months, or both.

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Section 11. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 12. If any provisions of this act shall be held invalid, it shall not be construed to invalidate any of the other provisions of this act.

The following is the form and number in which the question will be printed on the Official Ballot:

PROPOSED BY INITIATIVE PETITION  
"LEGALIZED GAMBLING"

PERMITTING AND AUTHORIZING THE LICENSING AND OPERATING AND REGULATING OF GAMES OF CHANCE, GAMBLING DEVICES, AND GAMBLING GAMES; PROVIDING FOR CERTAIN FEES AND FOR THE DIVISION OF THE REVENUES OF THIS ACT BETWEEN THE STATE, THE SEVERAL COUNTIES OF THE STATE, AND THE INCORPORATED MUNICIPALITIES OF THE STATE; PROVIDING FOR THE CREATION OF THE DEPARTMENT OF GAMING CONTROL AND PROVIDING FOR A DIRECTOR THEREOF; PROVIDING FOR AN APPROPRIATION FOR THE ADMINISTRATION OF SUCH DEPARTMENT; PROHIBITING MINORS FROM PLAYING SUCH GAMES; PROVIDING PENALTIES FOR VIOLATION OF THE PROVISIONS OF THIS ACT; REPEALING ALL ACTS AND PARTS OF ACTS CONFLICTING WITH THE PURPOSES AND PROVISIONS OF THIS ACT; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATIVE THERETO.

If you favor the above law, vote YES; if opposed, vote NO.

302 Yes  43,502

303 No  70,154

PROPOSED BY INITIATIVE PETITION

ARGUMENT  
(Affirmative)

"LEGALIZED GAMBLING"

Why not tax gambling? The taxpayer in Arizona carries an unusually heavy burden, largely because the state and federal governments own three-quarters of the state's land area, which is, therefore, not taxable. This presents an unusual condition, vastly different from that in any of its sister states. As a result Arizona citizens are subjected to practically every form of taxation—income, inheritance, property, clothing, liquor, tobacco, amusement and others too numerous

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to mention. With all this, our nation must now receive additional revenue for our national defense program—this will call for more taxes.

Arizona looks more and more to its tourist trade as a principal source of revenue. Any new means of attracting tourists is, therefore desirable. Many states have legalized forms of gambling, including New York, the nation's largest. Other states and countries are attracting visitors by protected and legalized forms of gambling. With the assurance of state protection, those tourists who can well afford this type of pleasure, will come to Arizona.

We are not voting on gambling as a moral issue. That question is properly confined to the home and to the church. Character of people with respect to gambling, like everything else, is molded by moral teaching and cannot be changed by any legislative act.

We citizens of Arizona now have the opportunity to bring out into the open for public regulation, that which has been a breeding ground for graft, corruption and filth. Gambling exists all over the state today and always will. We have spent too much of the taxpayers' money already trying to prosecute gamblers and it has availed us nothing.

Naturally this bill is opposed by those illegally conducting gambling and those participating in the graft that necessarily goes with it. State-controlled and taxed gambling, conducted by businessmen under bond, and not by tin-horns in back rooms, will furnish much needed tourist attraction and diversion.

HELP THE TAXPAYER BY TAXING GAMBLING.

JOHN L. SULLIVAN (Signed)

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION  
to be held

ON NOVEMBER 5, 1940

Proposed by Initiative Petition of the People and filed in the office of the Secretary of State, June 28, 1940, and printed in pursuance of Paragraph 1746, Chapter 34, Article I, Revised Code of Arizona, 1928, as amended by Chapter 62, Laws of 1935.

HARRY M. MOORE, Secretary of State.

(On Official Ballot Nos. 304-305)

INITIATIVE PETITION

PROPOSED BY INITIATIVE PETITION

AN ACT

RELATING TO MOTOR VEHICLE FUEL TAX, FIXING THE TAX AND THE DISTRIBUTION AND USE THEREOF, AND AMENDING SECTION 1673, REVISED CODE OF ARIZONA OF 1928, AS AMENDED.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Section 1. Section 1673, Revised Code of Arizona of 1928, as amended, is amended to read:

1673. AMOUNT OF TAX, WHEN PAYABLE, DISTRIBUTION AND USE. Every distributor of motor vehicle fuel shall pay to the State, in addition to all other taxes provided by law, a license tax of five cents (5c) for each gallon of any such fuel possessed, refined, manufactured, produced, blended or compounded in this State, or imported by such distributor, whether in the original package or container in which it was imported, or otherwise. In the computation of the tax one per cent (1%) of the gross amount shall be deducted for shrinkage. The tax shall be paid to the vehicle superintendent on or before the 15th day of each calendar month for the preceding calendar month, and shall be disbursed by him in the manner following, to-wit:

During the fiscal year 1941-1942 he shall deduct, monthly, five per cent (5%) of all such license taxes received, for payment by him to the incorporated municipalities of the State; during the fiscal year 1942-1943 he shall deduct, monthly, ten per cent (10%) of all such license taxes received, for payment by him to said incorporated municipalities of the State; during the fiscal year 1943-1944, and all subsequent years thereafter, he shall deduct monthly, fifteen per cent (15%) of all such license taxes received, for payment by him to said incorporated municipalities of the State. The treasurers of said respective incorporated municipalities and towns of the State shall be paid, monthly, their respective proportionate share of said directed deductions, in the ratio that the population of each of said respective incorporated cities and towns bears to the total population of all of the incorporated cities and towns of the State, as shown by the last United States census preceding the collection of said tax.

After said deduction for the benefit of said incorporated municipalities and incorporated towns has been made, and until otherwise provided by the State Legislature, the balance of said tax shall be distributed in the manner following, to-wit:

The vehicle superintendent shall promptly pay seven-tenths (7/10) of all such remaining money to the State Treasurer, who shall deposit the same in the State Highway Fund, and three-tenths (3/10) of all such remaining money to the several County Treasurers of the State, in the proportion that the sales of motor vehicle fuel in such County shall bear to the total sales of motor vehicles fuel throughout the State.

Such tax accruing to the County shall be used by the Counties, as may be determined by the Board of Supervisors thereof, for the construction, improvement or maintenance of County highways or bridges, or administrative expenses in connection therewith, and for the retirement of outstanding County highway bonds, or the payment of interest thereon.

Such tax accruing to the municipalities and towns shall be used

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by the municipalities and towns, as may be determined by their respective governing bodies, for the construction, reconstruction, improvement, maintenance, repair or widening of public streets and thoroughfares, administrative expenses in connection therewith, and for the retirement of outstanding street improvement bonds and all bonds issued for street improvement purposes, or the payment of interest thereon, and may further be used for the acquisition of necessary right-of-ways for public street purposes.

The vehicle superintendent shall deduct all exemptions and refunds from the said tax before making a division between the State, counties, municipalities and towns.

The following is the form and number in which the question will be printed on the Official Ballot:

PROPOSED BY INITIATIVE PETITION  
"DIVISION OF THE GASOLINE TAX REVENUES  
WITH THE CITIES".

AN ACT  
RELATING TO MOTOR VEHICLE FUEL TAX, FIXING THE TAX  
AND THE DISTRIBUTION AND USE THEREOF, AND  
AMENDING SECTION 1673, REVISED CODE OF ARIZONA  
OF 1928, AS AMENDED.

If you favor the above law, vote YES; if opposed, vote NO.

304 Yes  37,203

305 No  52,257

PROPOSED BY INITIATIVE PETITION

ARGUMENT  
(Affirmative)

"GAS TAX DIVISION BILL"

YES 304

The purpose of this measure is to allocate to the cities a small share of the gasoline tax now being earned upon city streets. Although one-third of all the gasoline consumed in Arizona is burned on city streets, no money is given to the cities to repair or widen their street systems.

The result is that city dwellers pay the original cost of their streets through paving assessments and are then assessed property taxes to maintain these streets. When the streets are finally worn out by automobile traffic, there is no way of replacing them except by another assessment against the property.

This measure provides that only 5% of the gas tax money will be allocated to the cities in the first year, 10% the second and 15% thereafter. The gas tax is increasing at the rate of about 8% each year, so this measure will never decrease the amount of money available to the Highway Department or to the counties.

The distribution of funds to the cities is on a basis of population so that, regardless of the size of the town, all will share alike.

No loss of Federal highway aid is possible under this measure. Even though the term "diversion" be applied to the use of the money by the cities, this "diversion" cannot imperil Federal aid, since the law specifically provides that unless the amounts available for matching by U. S. funds fall below the 1935 level, no penalty may accrue.

The heaviest automobile traffic in the State occurs on the city streets. The greatest number of accidents and the high death rate are also within the cities. Traffic congestion—the stop and go driving—cause the greatest loss of time and extra cost to the motorist. The only solution for this is the improvement of the city street systems—to widen the streets, provide for the free flow of traffic and at the same time reduce the accident loss. It is impossible to do this work by means of assessments against the adjoining property. The purpose of the gasoline tax is to provide the streets upon which the automobile traffic moves. Division of the gasoline tax with the cities will accomplish this.

The gas tax division bill is sound, fair and essentially American.  
VOTE YES 304.

ARIZONA MUNICIPAL LEAGUE,  
By Walter Ingalls, President (signed)  
James Girand, Secretary (signed)  
Arthur Cristini, Treasurer (signed)

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To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the  
REGULAR GENERAL ELECTION  
to be held

ON NOVEMBER 5, 1940

Proposed by Initiative Petition of the People and filed in the office of the Secretary of State, July 1, 1940, and printed in pursuance of Paragraph 1746, Chapter 34, Article I, Revised Code of Arizona, 1928, as amended by Chapter 62, Laws of 1935.

HARRY M. MOORE, Secretary of State.

(On Official Ballot Nos. 306-307)

INITIATIVE PETITION  
PROPOSED BY INITIATIVE PETITION

AN ACT

RELATING TO EDUCATION; PRESCRIBING THE STATE LEVY FOR COMMON AND HIGH SCHOOL PURPOSES, AND AMENDING SECTION 1088, REVISED CODE OF 1928, AS AMENDED.

Be it enacted by the people of the state of Arizona:

SECTION 1. Sec. 1088, Revised Code of 1928, as amended, is amended to read:

1088. STATE LEVY FOR COMMON AND HIGH SCHOOLS.

(a) The legislature shall appropriate not less than sixty-five dollars for common school education, and not less than ninety-five dollars for high school education, per capita per annum, computed according to average daily attendance in common and high schools during the previous year as shown by the records of the superintendent of public instruction, which shall constitute the aggregate sum to be raised by state taxation for the support of common and high school education. The legislature may designate the source of the revenue and prescribe a method of apportionment.

(b) In the event the legislature fails to make the appropriation prescribed by subsection (a), the state board of equalization, when determining the annual tax levy for state purposes, shall include a sum sufficient to meet the minimum requirements thereof, and the minimum requirements of subsection (a) shall be deemed to constitute a continuing annual appropriation thereof.

(c) All moneys appropriated pursuant to subsections (a) and (b), and in addition thereto, all income derived from the permanent fund for the benefit of common and high school education, and receipts for such purpose from any other source, shall be placed in the state school fund to the credit of the state board of education and disbursed as provided by law. Not more than twenty-five per cent of state moneys apportioned to common and high schools shall be used for other than administrative and instructional costs, as defined by the state board of education.

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The following is the form and number in which the question will be printed on the Official Ballot.

PROPOSED BY INITIATIVE PETITION  
"STATE AID FOR PUBLIC EDUCATION"

"RELATING TO EDUCATION: PRESCRIBING THE STATE LEVY FOR COMMON AND HIGH SCHOOL PURPOSES, AND AMENDING SECTION 1088, REVISED CODE OF 1928, AS AMENDED."

If you favor the above law, vote YES; if opposed, vote NO.

306 Yes  58,149

307 No  41,215

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ARGUMENT  
(Affirmative)

PROPOSED BY INITIATIVE PETITION  
"STATE AID FOR PUBLIC EDUCATION"

RELATING TO EDUCATION: PRESCRIBING THE STATE LEVY FOR COMMON AND HIGH SCHOOL PURPOSES, AND AMENDING SECTION 1088, REVISED CODE OF 1928, AS AMENDED.

This measure proposes to equalize educational opportunities of the children of the state.

Under the present system of taxation in Arizona it is impossible to equalize educational opportunities without placing an undue tax burden upon the people in poor school districts and poor counties. For example, at the present time one school district can raise as much money by a one cent tax rate as another district can raise by a tax rate of \$7.80 per hundred dollars in assessed valuation. At the present time, school costs average approximately \$80 per elementary and \$153 per high school pupil per year, toward which the state contributes \$25 per pupil. The remainder is raised by county and school district levies.

This measure does not propose to increase the total amount to be spent for education.

By the adoption of this measure the more populous counties and also those counties having a very low total assessed valuation will enjoy an appreciable reduction in the tax rate. This is true because the county school levy can then be eliminated as well as a portion of the school district levy.

To summarize:

1. This measure is democratic, because it proposes to tax the wealth wherever the wealth is and to educate the children wherever they may reside.
2. This measure will insure the financial integrity of the school system because it places the major responsibility for school support upon the entire state.
3. This measure will not increase the total amount expended for education.
4. This measure will decrease the tax rate for most of the property owners in the state.

## ARIZONA EDUCATION ASSOCIATION

Alice Vail, President (signed)  
 Dr. R. J. Hannelly, Vice-president (signed)  
 T. D. Romero, Treasurer (signed)  
 J. J. Clark, Past President (signed)

By N. D. Pulliam (signed)  
 Executive Secretary  
 E. M. Andres (signed)  
 Chairman, Initiative Committee

ARGUMENT  
 (Negative)

## PROPOSED BY INITIATIVE PETITION

"RELATING TO EDUCATION; PRESCRIBING THE STATE LEVY FOR COMMON AND HIGH SCHOOL PURPOSES, AND AMENDING SECTION 1088, REVISED CODE OF 1928, AS AMENDED."

Under the provisions of Section 1088, Revised Code of Arizona, 1928, as amended, \$25 per capita or per student, as shown by the average daily attendance of the preceding year in the schools, is contributed to the common and high school fund by a state levy.

Section 1090 of the 1928 Code, as amended, provides for a mandatory levy by the counties of not less than \$25 nor more than \$40 per student capita for the support of common and high schools.

The proposed measure being sponsored by the Arizona Education Association provides that the state levy for not less than \$65 for capita for grammar schools and not less than \$95 per capita for high schools. The effect of the proposed measure will be to increase the state school levy almost three-fold, and the general state rate will be increased by approximately \$1 per \$100 of valuation. If the measure had been in effect this year with a state rate of \$1.25 per \$100 valuation, the rate would have been \$2.30. The measure does not, in any wise, repeal, modify or change Section 1090, as amended, and as the law now is, it is mandatory upon each county to levy the minimum of \$25 per stu-

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dent capita; this levy in Maricopa County, for instance, where there are 35,304 students, means taxes to the extent of \$882,600, in addition to the increased state levy, and school districts will still have the right to levy special taxes.

Based upon 1939-40 school attendance computations, the following shows the amount raised under the present law, the amount which will be raised under the proposed law, and the amount of increase, in each county:

County	Under Present Law	Under Proposed Law	Amount of Increase
Apache	\$ 43,075.00	\$ 122,375.00	\$ 79,300.00
Cochise	175,125.00	498,495.00	323,370.00
Coconino	55,625.00	158,125.00	102,500.00
Gila	112,700.00	321,850.00	209,150.00
Graham	77,000.00	221,560.00	144,560.00
Greenlee	55,975.00	160,715.00	104,740.00
Maricopa	882,600.00	2,521,350.00	1,638,750.00
Mohave	32,900.00	92,500.00	59,600.00
Navajo	75,850.00	216,650.00	140,800.00
Pima	314,250.00	875,490.00	561,240.00
Pinal	138,200.00	384,400.00	246,200.00
Santa Cruz	49,575.00	139,005.00	89,430.00
Yavapai	123,825.00	353,655.00	229,830.00
Yuma	90,925.00	257,315.00	166,390.00

Arizona's present system of taxation for school purposes has worked out well. With a pledge of \$25 per capita from the State and with the flexibility permitted by the limits of county taxation between \$25 and \$40 per capita, and the existing authority of districts to make special levies, the financing of schools has been successful, not only in the interest of the schools themselves, but in the interest of the taxpayers who furnish the money. Each district has been able to adapt its demands to its needs without injury or undue burden upon the taxpayers and the schools have functioned successfully.

The proposed hike in the state contribution has no elasticity. It is a rigid requirement that \$65 per capita for the grammar schools and \$95 per capita for the high schools be raised, irrespective of their needs. This measure is not well grounded and should be defeated.

ARIZONA EDUCATIONAL PROTECTIVE ASSOCIATION.

By Jos. H. Fairbanks (signed)

President

Residing at Morenci, Arizona

Viola M. Johnson (signed)

Secretary

Residing at Naco, Arizona

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON NOVEMBER 5, 1940

Proposed by Initiative Petition of the People and filed in the office of the Secretary of State, July 2, 1940, and printed in pursuance of Paragraph 1746, Chapter 34, Article I, Revised Code of Arizona, 1928, as amended by Chapter 62, Laws of 1935.

HARRY M. MOORE, Secretary of State.

(On Official Ballot Nos. 308-309)

INITIATIVE PETITION

PROPOSED BY INITIATIVE PETITION

AN ACT

RELATING TO PROHIBITION, AND PROVIDING FOR LOCAL OPTION ELECTION. A MEASURE PROVIDING FOR AN ELECTION IN ANY COUNTY, JUSTICE PRECINCT, SUBDIVISION OF COUNTY, OR INCORPORATED CITY OR TOWN, AT THE ORDER OF THE BOARD OF SUPERVISORS OF SUCH COUNTY; WHENEVER SAID BOARD OF SUPERVISORS DEEMS EXPEDIENT OR WHENEVER PETITIONED BY THE VOTERS WITHIN SUCH PRESCRIBED LIMITS TO DETERMINE WHETHER OR NOT THE SALE OF ALCOHOLIC BEVERAGES SHALL BE PROHIBITED; PROVIDING METHODS OF HOLDING SUCH ELECTIONS; FORM OF BALLOTS AND METHOD OF DECLARING RESULTS OF SUCH ELECTIONS; ISSUING ORDERS FOR PROHIBITING OR PERMITTING SALE OF ALCOHOLIC BEVERAGES; PRESCRIBING LENGTH OF PERIOD BETWEEN ELECTIONS; AND DEFINING ALCOHOLIC BEVERAGE, MAKING VIOLATIONS THEREOF A MISDEMEANOR AND PROVIDING EXCEPTIONS OF WINE FOR SACRAMENTAL PURPOSES AND ALCOHOL FOR SCIENTIFIC PURPOSES UNDER PRESCRIBED CONDITIONS.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

SECTION 1. The following definitions of words and terms apply as used in this act: "Board" shall mean the Board of Supervisors of any county. "Alcoholic beverage" shall mean alcohol and any beverage containing more than one-half of one per cent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

SECTION 2. PROHIBITION ELECTION ON MOTION OF BOARD. Whenever the board of supervisors of any county deems it

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expedient, it may order an election to be held by the qualified voters of said county, or of any justice's precinct, or of such subdivision of the county outside of an incorporated city or town as the board may designate, or of any incorporated city or town therein, to determine whether or not the sale of alcoholic beverages shall be prohibited in said county, justice's precinct, or subdivision, or in such incorporated city or town.

SECTION 3. PETITION FOR ELECTION OUTSIDE OF INCORPORATED CITY OR TOWN. It shall be the duty of the board to order an election whenever petition to do so by not less than 15 per cent of the qualified electors in any county, residing without incorporated cities or towns, or not less than 15 per cent of the qualified electors in any justice's precinct, or in such subdivision of the county as may be designated by the board, but in no case less than 50 voters, not residents of any incorporated city or town; and in case an election is asked for a subdivision of the county, the petition shall describe such subdivision by metes and bounds, which shall include no part of an incorporated city or town, and the said petition and description shall be recorded in full in the minutes of the board, and said description shall be embraced in the notice given for such election.

SECTION 4. PETITION FOR ELECTION IN INCORPORATED CITY OR TOWN. It shall also be the duty of the board to order an election for the purpose as set forth in Section 1, within any incorporated city or town in such county, when a petition for same shall be signed by not less than 15 per cent of the qualified voters of such city or town. The whole number of votes cast for all candidates for the office, the candidates for which received the highest number of votes at the last preceding election in the county, city or town, as the case may be, shall be the basis upon which the percentages of qualified electors required by this section to sign petitions shall be computed. No election shall be held under the provisions of this act within the same prescribed limits within less than two years after such an election has been held therein.

SECTION 5. ORDER FOR ELECTION. When the board of supervisors of its own motion, or upon a petition of voters, shall order the election as herein provided, it shall be the duty of said board to order such election to be held at the regular voting place or places within the proposed limits upon a day not less than 15 nor more than 30 days from the date of said order, and the order thus made shall express the object of such election and shall be held to be prima facie evidence that all the provisions necessary to give it validity, or to clothe the board with jurisdiction to make it, have been fully complied with. If there is no regular voting place within the proposed limits of a subdivision less than a justice's or voting precinct, then the board shall designate some suitable place within said subdivision where the election shall be held, and such place shall be named in the notices of

elections, and the board shall appoint such officers to hold such election as are required to hold general elections.

**SECTION 6. POSTING OF NOTICES.** The clerk of the board of supervisors shall post or cause to be posted at least five copies of said order at different places within the proposed limits, for at least 12 days prior to the day of election, which election shall be held, the votes counted, and the returns made in conformity with the provisions of the general election laws, and by the officers of election appointed and qualified under such laws.

**SECTION 7. BALLOTS.** At such election the ballots shall have printed on them the words "for prohibition" and "against prohibition," and opposite each such line a square in which the voter may indicate his preference by making a cross.

**SECTION 8. HOLDING OF ELECTION.** The board shall hold a special session on the eleventh day after the holding of such election, or as soon thereafter as practicable, for the purpose of opening the returns and canvassing the same, and if a majority of the votes favor prohibition the board shall immediately make an order declaring the result of said election and prohibiting the sale of alcoholic beverages within the prescribed limits, except as otherwise provided in this act. Said order shall be held to be prima facie evidence that all the provisions of law have been complied with in giving notice of and holding said election, and in counting and returning the votes and declaring the result thereof.

**SECTION 9. RESULTS OF ELECTION.** If said election has been held in a county or justice's precinct or other subdivision of said county that embraces within its limits an incorporated city or town, the provisions of this title shall not affect said incorporated city or town unless a majority of the votes cast within the corporate limits of said incorporated city or town are for prohibition. If said election shall have been held in a county or justice's precinct or other subdivision of the county that embraces within its limits an incorporated city or town, and a majority of the votes cast in said county or justice's precinct or other subdivision of the county outside of the corporate limits of said incorporated city or town are for prohibition, and a majority of the votes cast within the corporate limits of said incorporated city or town are against prohibition, then the said board of supervisors shall immediately make an order declaring the result of said vote and prohibiting the sale of alcoholic beverages within the limits of said county, justice's precinct, or other subdivision of said outside of the limits of said incorporated city or town.

**SECTION 10. ORDER PROHIBITING SALE OF ALCOHOLIC BEVERAGES.** The said order declaring the result of such election and prohibiting the sale of alcoholic beverages shall be entered in the minutes of the board and shall be published four successive weeks in

the official newspaper of the county. An entry thus made or a copy thereof certified under the hand and seal of the clerk of the board shall be held sufficient evidence of such fact or publication.

**SECTION 11. ORDER DECLARING AGAINST PROHIBITION.** If a majority voting at such election vote against prohibition, the board shall make an order declaring the result, and have the same entered of record in the office of the clerk.

**SECTION 12. NO SECOND ELECTION IN LESS THAN TWO YEARS.** When prohibition has been carried or has failed to carry in the entire county outside of any incorporated city or town, at an election ordered for the entire county, no action on the question of prohibition or no prohibition shall be thereafter ordered in any subdivision or subdivisions of said county outside of any incorporated city and town for a period of two years.

**SECTION 13. SETTING ASIDE ORDER ENFORCING PROHIBITION.** When any such election results against prohibition, the board of supervisors shall enter an order setting aside the previous order, if any, enforcing prohibition, and shall officially announce and publish the same as provided where the election results in prohibition.

**SECTION 14. VIOLATION A MISDEMEANOR.** When any such election has been held and has resulted in favor of prohibition, and the board has made an order declaring the result and the order of prohibition, and has caused the same to be published as aforesaid, any person who shall thereafter, within the prescribed bounds of a prohibition district, sell, exchange or give away, with the purpose of evading the provisions of this act, any alcoholic beverages whatsoever, or in any way violate any of the provisions of the act, shall be deemed guilty of a misdemeanor.

**SECTION 15. EXCEPTION.** It shall be lawful for any regularly ordained priest or clergyman of an established church to receive, transport and possess, wine to be used only for sacramental purposes, and it shall be lawful for institutions of research and learning to introduce, receive, transport and possess grain alcohol for scientific uses. And provided further that nothing herein shall prevent the introduction, transportation and possession of denatured alcohol.

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The following is the form and number in which the question will be printed on the Official Ballot:

PROPOSED BY INITIATIVE PETITION

"LOCAL OPTION"

AN ACT

RELATING TO PROHIBITION, AND PROVIDING FOR LOCAL OPTION ELECTION. A MEASURE PROVIDING FOR AN ELECTION IN ANY COUNTY, JUSTICE PRECINCT, SUBDIVISION OF COUNTY, OR INCORPORATED CITY OR TOWN, AT THE ORDER OF THE BOARD OF SUPERVISORS OF SUCH COUNTY; WHENEVER SAID BOARD OF SUPERVISORS DEEMS EXPEDIENT OR WHENEVER PETITIONED BY THE VOTERS WITHIN SUCH PRESCRIBED LIMITS TO DETERMINE WHETHER OR NOT THE SALE OF ALCOHOLIC BEVERAGES SHALL BE PROHIBITED; PROVIDING METHODS OF HOLDING SUCH ELECTIONS; FORM OF BALLOTS AND METHOD OF DECLARING RESULTS OF SUCH ELECTIONS; ISSUING ORDERS FOR PROHIBITING OR PERMITTING SALE OF ALCOHOLIC BEVERAGES; PRESCRIBING LENGTH OF PERIOD BETWEEN ELECTIONS; AND DEFINING ALCOHOLIC BEVERAGE, MAKING VIOLATIONS THEREOF A MISDEMEANOR AND PROVIDING EXCEPTIONS OF WINE FOR SACRAMENTAL PURPOSES AND ALCOHOL FOR SCIENTIFIC PURPOSES UNDER PRESCRIBED CONDITIONS.

If you favor the above law, vote YES; if opposed, vote NO.

308 Yes

309 No

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NOTE—There are a few misspelled words and errors in punctuation in the body of this volume, which originated in the original Measures filed in this Department and which had to be duplicated herein so as to conform to such original copies.

HARRY M. MOORE, Secretary of State

## Proposed Constitutional Amendments, Initiative and Referendum Measures.

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Compiled and Issued by  
HARRY M. MOORE, Secretary of State

\* Passed Nov. 1940