

Issue: Republican insanities

You Can't Make This Up! 2024 Edition

During the 2023 session, Governor Hobbs vetoed a record 143 bills—all of them Republican bills.¹ Some vetoed bills simply represented different policy stances from the Democrats, but many were truly outrageous in their blatant efforts to suppress voting, restrict personal freedoms, threaten teachers with criminal conviction, and criminalize the status of being homeless or a drug user. Similar bills have been proposed in the 2024 session, as well as such pointless proposals as SCM 1003, which would urge the U.S. Congress to disarm the FBI because they have “run amok in recent years.”² In addition, in order to avoid the Governor’s veto, in 2024 Republicans have proposed various right wing “continuing resolutions” which, if passed by both the House and Senate, will be submitted directly to the voters on the November ballot.

Voting and Elections

Below is a shockingly long list of Arizona Republican legislation proposed in 2023 and intended to restrict the right to vote or suppress the outcome of voting. Even more astounding, it is only a subset of all the legislation proposed. Some of these bills died in committee or failed in the legislature, but many would have become law but for the use of the veto by Governor Hobbs. (Throughout this paper it will be stated when a bill was vetoed; all others failed to pass through the Legislature.)

Please also see our 2024 paper entitled “Arizona, Ground Zero of Election Denial.”

Sponsors of these bills claim they are intended to prevent fraud, but they have no evidence to support their allegations that fraud was rampant in recent elections.³ As the Arizona Mirror reported, “Republican-controlled committees in both chambers of the Arizona legislature that were charged with vetting election-reform bills used their time this year to cater to fringe right-wing conspiracy theorists and to approve a plethora of measures that would make big changes to how elections are run in this state.”⁴ Here is a sampling:

- HB 2229 would have banned voting by mail, based on conspiracy theories about election fraud, on the specious grounds that such voting is not guaranteed to be secret unless done in a polling place.
- HB 2231 would have banned absentee (mail in) voting except in cases of disability or actual absence from the voter’s precinct.
- HB 2232 would have required the following:
 1. State issued ID to receive or vote a ballot.
 2. Except for minor allowed use of absentee ballots, (a) All voting to only occur on voting day, and (b) All ballots to be cast in person at the voter’s precinct polling place.
 3. All ballots to be counted by hand and canvassed and the returns sent to the state central processing center within 24 hours after the polls are closed. Election experts said this would be logistically impossible and much less accurate.⁵
- HB 2325 would have required a long list of new requirements for people in detention to exercise their right to vote.

- HB 2415 would have purged voters from the active early voting list if they failed to vote an early ballot in a single election, instead of the current two failures. [Vetoed]
- HB 2613 and SB 1074 would have required 100% of the components of a voting or tabulating machine to be manufactured in the United States. According to the executive director of the Arizona Association of Counties, that type of equipment does not currently exist. Thus, electronic ballot tabulators would have effectively been banned.⁶ [Both vetoed]
- HB 2691 would have created a stricter chain of custody, requiring a signature at each point of contact with the ballot, along with the date and time of the delivery or transfer of ballots. [Vetoed]
- SB 1135, based on a conspiracy theory, would actually have made it harder to detect voter fraud by removing Arizona from an interstate coalition designed to prevent voting in multiple jurisdictions.⁷ [Vetoed]
- SB 1140 would have eliminated vote centers where anyone in the county may vote and instead required voting only at precinct polling places (which would require many more volunteers), caused more confusion about where to vote, and eliminated in person voting prior to election day, as precinct polling places are only open on that day.⁸
- SB 1141 would have required “unnecessary and burdensome” ID when dropping off a mailed ballot in person, “dramatically raising wait times for voters.”⁹ Violation would have constituted a felony.
- SB 1170 would have allowed ballot drop boxes only in polling places and county offices where election officers were present, limiting their use by people without easy access to such places and particularly affecting Native American communities.¹⁰
- SB 1180 would have banned any person from being paid for collecting voter registration forms. [Vetoed]

A number of these bills were proposed again in the 2024 legislative session, though none passed.

- HB 2544 would have had the same effect as 2023’s HB 2229.
- HB 2547 would have had the same effect as 2023’s HB 2232 and SB 1140.
- HB 2851 would have had the same effect as 2023’s HB 2691.
- HB 2876 would have had the same effect as multiple 2023 proposed bills concerning banning or limiting early voting.¹¹

Personal Freedoms

Republicans in the legislature spent a lot of time and energy in 2023 focused on their hysteria about gender expression and drag shows, seeking to prohibit or penalize behavior or status of which they disapprove, without attempting to prove any harm to others from that behavior or status. (See the ACLU of Arizona’s discussion of this issue in 2023.¹²)

- SB 1001 would have prohibited the use in schools of nicknames and pronouns that differ from those assigned at birth without written parental permission. [Vetoed]
- SB 1026 would have banned drag time story hour at public libraries in the state, among other prohibitions on drag shows. [Vetoed]
- SB 1028 would have banned adult cabaret performances, drag shows, and gender fluid expression in public places. [Vetoed]

- SB 1030 would have required businesses to be defined as an adult-oriented business, including art galleries, bookstores, and theaters, if they had a “sexually explicit performance,” including drag shows. [Vetoed]
- SB 1146 would have required the State Board of Investment “to create a policy to identify U.S. companies that donate to or invest in organizations that either promote, facilitate, or advocate for abortions for minors, or promote the inclusion of or referral to sexually explicit material in K-12 education” and then the state would have been required to divest from those companies. [Vetoed]¹³
- SB 1696 would have made the referral of students to sexually explicit materials, such as books, a violation for which a teacher or librarian could be punished with two years in prison. [Vetoed]¹⁴
- SB 1698 would have broadened criminal sexual abuse of minors to include exposure to drag shows, making it a class 4 felony and registering an adult as a sex offender “if they allow a minor to view or even be in the same building as a sexually explicit performance.”¹⁵ [Vetoed]

A number of proposed bills posed as efforts to give support to pregnant women, but would have effectively banned abortion by recognizing “fetal personhood”.¹⁶

- HB 2501 would have allowed a child tax credit for pregnancy.
- HB 2502 would have allowed women to collect child support back to the date of a positive pregnancy test. [Vetoed]
- HB 2417 would have allowed pregnant women to drive in the carpool lane.
- HB 2427 would have increased penalties for perpetrators of domestic violence against pregnant victims. [Vetoed]

Republicans also attempted to monitor the behavior of pregnant women:

- HB 2530 would have required additional surveillance and reporting of pregnant persons who have used or are suspected of using alcohol or drugs. [Vetoed]

In 2024 Republican legislators have expanded their attempted restrictions on various types of individual freedoms, including some which are clear violations of the United States Constitution.

- HB 2391 would have mandated that an individual’s sex is that of biological sex at birth, either male or female, that athletics, restrooms, etc., may be restricted by sex at birth, and that all data collection by school and state agencies shall identify all individuals as male or female from birth.
- HB 2843 would have expanded “the Castle Doctrine law” by allowing deadly force if an intruder is either in the shooter’s residence or on his land and the shooter feels threatened, instead of the current requirement that the intruder be in a structure.¹⁷ It would allow a property owner “to kill or threaten to kill people who cross their property to illegally enter the U.S.”¹⁸ [Vetoed]
- SB 1151 would have allowed a teacher or school administrator to read or post the ten commandments, clearly an unconstitutional violation of the First Amendment. [Vetoed]
- SB 1279 would have banned Satanic displays on public property, without prohibiting other religious displays, clearly violating the First Amendment.¹⁹
- SB 1477 would have created a “grade challenge department” within the Board of Regents at all three universities, which would “hear challenges from public university students regarding

grades received in any class or on any assignment if a student alleges a grade was awarded because of political bias.”²⁰

Perhaps most outrageous is the Republicans’ abortion ban. In 2022 SB 1164 was enacted by the Republican legislature and signed by Governor Ducey while the US Supreme Court ruling on *Dobbs v. Jackson Women’s Health Organization* was pending. SB 1164 was very well crafted. It served two purposes prior to the overturn of *Roe v. Wade*: (1) It mirrored the 15-week abortion ban in *Dobbs* in the event that the Court ruled in favor of *Dobbs* but did not overturn *Roe*; and (2) It specifically refers to a 1864 pre-statehood law banning abortion, making it absolutely clear the intent of the Republican-controlled Arizona legislature was to ban and criminalize abortion in Arizona if *Roe v. Wade* was overturned in the *Dobbs* ruling.

Only if the 1864 law was overturned would a ban of abortion after 15 weeks, except for medical emergencies (which is undefined) and with no exceptions for rape or incest, go into effect. The conflict between the older law and the 15-week ban went to the Arizona Supreme Court, which ruled in early April that the state must adhere to the older 1864 law. Arizona Republicans overwhelmingly supported the 1864 abortion ban which also criminalized abortion with a mandatory 2-5 year prison sentence for any physician performing abortions. The backlash which ensued finally caused three Republicans in the Arizona House to vote with the Democrats, on the third attempt, to repeal the 1864 law. Two Republicans in the Senate did the same, sending the repeal bill to Governor Hobbs, which she immediately signed on May 2. However, the repeal does not go into effect until fall 2024, 90 days after the end of the current legislative session. Until then the 1864 absolute ban is in effect, although the Arizona Supreme Court has stayed enforcement until September 26, 2024, at the earliest.

Please see our more detailed 2024 paper entitled “Arizona’s Republicans Overwhelmingly Support the 1864 Pre-Statehood Abortion Ban.”

Criminalization

In 2023 Republicans in the state legislature proposed multiple bills to criminalize being homeless, being addicted to drugs, or teaching sexuality. (See the ACLU of Arizona’s discussion of these issues in 2023.²¹) Those bills failed in committee or were vetoed by the governor but there is no doubt that Republicans will continue to propose these and other bills intended to punish people for circumstances beyond their control or for behavior of which they disapprove.

- HB 2226 would have created a special fund to target persons addicted to fentanyl for prosecution.
- HB 2802 and SB 1027 would have sharply increased prison sentences for the possession, transport, and transfer of small amounts of fentanyl and related drugs, greatly increasing Arizona’s prison population.²² [Vetoed]
- SB 1024 would have banned camping in public, criminalizing the act of being unhoused.²³ [Vetoed]
- SB 1064 would have re-criminalized marijuana in “drug-free neighborhood zones” in contravention to the recently approved marijuana legalization initiative.
- SB 1408 would have prohibited the use of cellular phones and other electronic devices when assisting in “the smuggling of human beings,” directed at those providing assistance to

migrants. As the ACLU has said, “SB1408 would have criminalized volunteers providing humanitarian aid at the border.”²⁴ [Vetoed]

- SB 1413 would have made it a crime to live in a homeless encampment with a tent or other equipment in any public or private area and would have required cities to confiscate the belongings of homeless persons. [Vetoed]
- SB 1696 would have made it a Class 5 felony for any teacher to expose any person under the age of 18 to any materials that contained textual, visual or audio descriptions of sexual conduct, sexual contact, or intercourse. The ACLU points out that it effectively “would have banned movies such as Schindler’s List and the works of Shakespeare from public schools.”²⁵ [Vetoed]

Conclusion

It is clear that Arizona Republican legislators are going to continue to draft, and attempt to impose on all state residents, laws to restrict voting rights, greatly infringe on personal freedoms, and criminalize behavior and status on right wing “moral” grounds. The only thing currently standing in their way is the power of the veto by a Democratic governor. In order for Arizonans to maintain their current personal freedoms and rights, while enabling the Legislature and Governor to actually govern, they must elect Democrats into the majority in both the Senate and the House.

¹ <https://azcapitoltimes.com/news/2023/08/25/hobbs-vetoes-record-143-gop-bills/>

² <https://www.azleg.gov/legtext/56leg/2R/bills/SCM1003P.htm>

³ <https://www.courthousenews.com/a-slew-of-election-bills-sent-to-arizona-house-floor/>

⁴ <https://azmirror.com/2023/04/05/legislative-election-committees-catered-to-conspiracy-theorists/>

⁵ <https://apnews.com/article/2022-midterm-elections-nevada-83f8f680cfaf96adce39bcbdd8e4610a;>
<https://azmirror.com/2023/02/02/republicans-try-again-to-force-impossible-hand-counts-of-elections-and-a-return-to-precinct-voting/>

⁶ <https://www.democracydocket.com/analysis/arizona-gov-katie-hobbs-has-vetoed-over-20-election-bills-so-far/>

⁷ “Hobbs prevented Arizona from exiting the Electronic Registration Information Center (ERIC), an opt-in coalition of states that share information to help maintain accurate voter rolls. In recent months, there has been an exodus of eight Republican-controlled states from ERIC amid unfounded conspiracy theories.”
<https://www.democracydocket.com/analysis/arizona-gov-katie-hobbs-has-vetoed-over-20-election-bills-so-far/>

⁸ <https://www.courthousenews.com/arizona-senate-committee-approves-bill-to-ban-voting-centers/>

⁹ <https://www.acluaz.org/en/2023-legislative-session-recap>

¹⁰ <https://www.acluaz.org/en/2023-legislative-session-recap>

¹¹ <https://azmirror.com/2024/03/01/more-than-75-of-voters-use-early-ballots-every-az-house-republican-voted-to-take-that-away/>

¹² <https://www.acluaz.org/en/2023-legislative-session-recap>

¹³ <https://fastdemocracy.com/bill-search/az/56th-1st-regular/bills/AZB00015207/>

¹⁴ <https://azmirror.com/2023/06/05/katie-hobbs-vetoes-gop-bills-criminalizing-homelessness-ranked-choice-voting/>

¹⁵ <https://azmirror.com/briefs/bill-criminalizing-drag-shows-for-children-one-vote-away-from-hobbs-desk/>

¹⁶ [https://azmirror.com/briefs/house-republicans-pass-bill-that-could-codify-fetal-personhood/;](https://azmirror.com/briefs/house-republicans-pass-bill-that-could-codify-fetal-personhood/)
<https://azmirror.com/2023/02/06/gop-proposals-to-help-pregnant-women-are-really-aimed-at-ending-abortion-critics-say/>

¹⁷ <https://azmirror.com/2024/02/23/republican-bill-would-let-az-ranchers-shoot-and-kill-border-crossers-on-their-property/>

¹⁸ <https://www.nbcnews.com/news/latino/arizona-bill-shoot-kill-migrants-property-trespass-border-rcna141147>

¹⁹ <https://azmirror.com/2024/02/07/freedom-caucus-leader-wants-to-limit-religious-freedom-by-barring-satanic-displays-in-arizona/>

²⁰ <https://azmirror.com/2024/03/05/gop-bill-would-let-college-students-challenge-grades-based-on-political-bias-of-professors/>

²¹ <https://www.acluaz.org/en/2023-legislative-session-recap>

²² <https://www.acluaz.org/en/2023-legislative-session-recap>

²³ <https://www.acluaz.org/en/2023-legislative-session-recap>

²⁴ <https://www.acluaz.org/en/2023-legislative-session-recap>

²⁵ <https://www.acluaz.org/en/2023-legislative-session-recap>