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Prop 400 gridlock spurs possibility of initiative

Camryn Sanchez And Jakob Thorington Arizona Capitol Times//June 14, 2023



Gov. Katie Hobbs and the Legislature are gridlocked over a half-cent sales tax extension in Maricopa County, and regional leaders are saying they want to bring an initiative to voters statewide to bypass lawmakers.

Republicans in the House and Senate passed a controversial partisan proposal to extend the tax that Hobbs said she would veto due to disagreement over light rail funding.

Maricopa County voters first passed the 20-year tax extension, known as Prop 400, in 1984. It passed again in 2004 but it will expire in 2025 if a new plan isn't approved.

The deadline for legislative action to get a proposal on the ballot in 2024 is fast approaching and Republican lawmakers have said they're unwilling to move from their proposal. With time running out, county mayors said in a Tuesday joint statement they have no choice but to pursue another avenue to get a proposal from the Maricopa Association of Governments before voters.

"Unfortunately, a very small group of lawmakers, including legislative leaders in the House and Senate, are refusing to let Maricopa County residents vote on this plan at the ballot box – despite years of public planning and the unanimous endorsement of the region's 32 mayors and tribal leaders," the mayors said in the statement.

The statement was signed by Phoenix Mayor Kate Gallego, Mesa Mayor John Giles, Avondale Mayor Ken Weise, Chandler Mayor Kevin Hartke, Tempe Mayor Corey Woods and Gilbert Mayor Bridgette Peterson.

In earlier plans approved by the Maricopa Association of Governments, about 41% of the tax revenue would go to transit, 37% to freeways and 22% to arterial projects. That plan, or something closely resembling it, is what the governor and legislative Democrats have asked for.

In a Wednesday press conference, Hobbs told reporters her office would support efforts to organize a statewide ballot initiative but did not rule out calling a special session to force legislators back to the negotiating table.


Gov. Katie Hobbs talks about how Arizona will tap the brakes on new development in some parts of Greater Phoenix during a press conference on June 1, 2023. (Photo by Nick Phillips/Arizona Capitol Times)

“We’re certainly looking at all the options … I don’t think [a special session] serves anyone’s purpose if they’re not willing to come to the table and talk about a deal, and that is probably going to require some cooling off,” Hobbs said.

Statewide voter initiatives require 10% of signatures from people who voted in the last gubernatorial election to put an item on the ballot. There were more than 2.5 million votes cast in that 2022 race, and organizers will need to get 255,866 signatures.

This method also would ask voters from across the state to decide if the tax should be extended if it makes it to the ballot. A proposal from the Legislature signed by Hobbs would only ask voters in Maricopa County to decide.

GOP strategist Chuck Coughlin said a ballot initiative is a “long way around the barn” when Democrats could just resolve the issue themselves if they gain control of the House and Senate in 2024 – which he’s expecting.

That approach would still let Prop 400 expire in 2025, but Coughlin said it would only be temporary and a less difficult option than organizing a ballot initiative. He also suggested Hobbs call a special session and force lawmakers to continue negotiations.

“Nothing is undoable — you could still do it. I would just free Maricopa County up and let Maricopa County work with MAG and put it on the ballot,” Coughlin said.

Maricopa County is the only county in the state that needs to get approval from the Legislature to put a transportation tax on the ballot.

Hobbs acknowledged that a statewide initiative effort “is probably not the best option.”

Republicans likewise asked if they could avoid dealing with Hobbs on the issue.

In a Senate Republican caucus meeting on Wednesday, Sen. J.D. Mesnard, R-Chandler, asked if the Legislature can bypass Hobbs by passing a resolution that would go to the statewide ballot for voters to approve instead of the governor.

Deputy Chief of Staff Grant Hanna and Rules Attorney Chris Kleminich confirmed that it's illegal because resolutions from the Legislature have to be about statewide issues, not countywide ones.

The House and Senate adjourned until July 31 after both chambers passed the Republican proposal. Republicans want to allow voters to decide if light rail should receive continued funding by splitting the ballot referendum into two separate questions.

The first question would ask voters to allocate $0.43 of the $.50 sales tax collected by Maricopa County to freeways, arterials and public transportation capital costs, excluding light rail. The second would drop the remaining $.07 for public transit, including light rail. Speaker of the House Ben Toma, R-Peoria, said during Tuesday's vote that splitting the question on the ballot gives voters a "real choice."

"This transparent legislation puts Maricopa County residents first and fulfills our commitment to smart and responsible spending," Toma said.

Legislators could work out another proposal when they return to the Capitol, but Rep. David Livingston, R-Peoria, told other House members on Tuesday that their bill is the "only bill that voters will have the chance to vote on."

"It's this or it expires," Livingston said.

Yellow Sheet Editor Wayne Schutsky contributed reporting to this article.