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***We the People* Deserve Transparency, Not Ballot Manipulation**

Frank Carroll – Opinion Contributor

We the People – the powerful words that begin our state constitution, to represent a promise, that citizens have a voice in shaping our government. In Arizona, our carefully crafted constitution protects that promise, by granting the people the right to make laws through the initiative and referendum process. Unfortunately, that right is being distorted by some cities, municipalities, and special interest groups, that are using the ballot to pass the heat on contentious administrative decisions, not with the intent to empower voters, but to avoid responsibility and advance political agendas.

Arizona's constitution, specifically, Article IV, Part 1, Section 1, reserves the initiative and referendum process for legislative actions. But what some local governments and out-of-state special interest groups are doing, is placing administrative decisions and procedural matters on the ballot. These are not decisions appropriate for a public vote. This isn't just a question of bad policy, its a question of it being unconstitutional.

Arizona courts have clarified that legislative acts establish new policy, create laws, or change existing laws - while administrative acts implement existing policies or manage operations. For instance, in the case of *Wennerstrom v. The City of Mesa*, the court held that several referendum petitions were administrative in nature, and therefore not subject to referendum. The court's decision highlights that when a city is applying existing policy to a specific situation, rather than creating new, it is performing an administrative action. This ruling established a strong legal precedent: ballot referrals must be legislative, not administrative.

When evaluating whether something is legislative or administrative, the courts may ask: does the action establish a new policy or law? If so, it may be legislative. But if it simply implements existing rules, applies policy to a specific situation, or manages day-to-day operations, its administrative and not eligible for referral to the ballot.

The line is more than legal technicality, it's a safeguard for how our government functions. Administrative decisions require expertise and context. Asking voters to decide on internal operations often leads to confusion, poor outcomes, and the politization of routine governance. Worse still, some municipalities use taxpayer dollars to promote these ballot measures, campaigning with public funds – an ethical breach that further erodes trust.

What's happening now is not genuine citizen participation - Its ballot manipulation. Out-of-state labor unions are fueling controversial decisions, like the development of AXONS global headquarters, by using backdoor negotiations and funding to place decisions in front of voters. Not because its legally appropriate, but because they want political cover over their unionized attacks. They are leading people astray, hiding behind ballot boxes, relying on paid signatures to deliver the volcanic explosions that place handcuffs on our economic growth.

We the people deserve better. We deserve a government that respects the constitution, not just when it's convenient, but always. We deserve a ballot process that reflects true legislative decision-making, not internal government operations, or outside special interest groups, dressed up as democracy. We deserve leaders who understand that their job is to govern, not to pass the buck to voters every time a decision gets tough.

The legislature makes laws, the executive branch enforces laws, and the judicial branch is responsible for interpreting laws. The Arizona constitution is clear, and the courts have agreed time and time again. It's time for local governments and out-of-state special interests, to stop misleading the public and start respecting the rule of law. If we want to protect the power of the people, we must first protect the integrity of the process.

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