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**ARIZONA SUPERIOR COURT**

**MARICOPA COUNTY**

PROTECT EDUCATION,  
ACCOUNTABILITY NOW COMMITTEE, an  
Arizona political action committee,

Plaintiff,

v.

STEVE MONTENEGRO, in his official  
capacity as Speaker of the Arizona House of  
Representatives; WARREN PETERSEN, in his  
official capacity as President of the Arizona  
Senate; Sen. DENISE “MITZI” EPSTEIN, in  
her official capacity as an Arizona State Senator;  
Sen. DAVID FARNSWORTH, in his official  
capacity as an Arizona State Senator; Sen.  
BRIAN FERNANDEZ, in his official capacity  
as an Arizona State Senator; Sen. JOHN  
KAVANAGH, in his official capacity as an  
Arizona State Senator; Sen. LAUREN KUBY,  
in her official capacity as an Arizona State  
Senator; Sen. ANALISE ORTIZ, in her official  
capacity as an Arizona State Senator; Sen.  
Thomas “T.J.” SHOPE, in his official capacity  
as an Arizona State Senator; Sen. PRIYA  
SUNDARESHAN, in her official capacity as an  
Arizona State Senator; Rep. NEAL CARTER,  
in his official capacity as a member Arizona  
House of Representatives; Rep. OSCAR DE  
LOS SANTOS, in his official capacity as a  
member Arizona House of Representatives;  
Rep. BRIAN GARCIA, in his official capacity

No.

**VERIFIED COMPLAINT FOR  
SPECIAL ACTION, MANDAMUS,  
AND INJUNCTIVE RELIEF**

(Expedited Consideration Requested;  
Election Case Challenging Publicity  
Pamphlet Analyses Pursuant to A.R.S.  
§§ 19-123, 124)

1 as a member Arizona House of Representatives; )  
2 Rep. NANCY GUTIERREZ, in her official )  
3 capacity as a member Arizona House of )  
4 Representatives; Rep. NICK KUPPER, in his )  
5 official capacity as a member Arizona House of )  
6 Representatives; Rep. QUANG NGUYEN, in )  
7 his official capacity as a member Arizona House )  
8 of Representatives; and ADRIAN FONTES, in )  
9 his official capacity as the Secretary of State of )  
10 Arizona, )

11 Defendants. )

12 For its Verified Complaint for Special Action, Mandamus, and Injunctive Relief,  
13 Plaintiff alleges as follows:

### 14 INTRODUCTION

15 1. This case is about whether Arizona voters will receive a fair and neutral  
16 explanation of two measures on the November 2026 General Election ballot, or whether  
17 the Legislative Council (“Council”) will be permitted to tip the scales—*in favor* of the  
18 Legislature’s own referral, House Concurrent Resolution 2048 (“HCR 2048”),  
19 and *against* the citizens’ initiative, the Protect Education Act (“I-09-2026” or the  
20 “Initiative”)—through analyses that are anything but impartial.

21 2. A.R.S. § 19-124(C) requires the Council to prepare “an impartial analysis”  
22 of each measure—one “written in clear and concise terms,” “free from any misleading  
23 tendency, whether of amplification, of omission, or of fallacy,” and not “tinged with  
24 partisan coloring.” *Fairness & Accountability in Ins. Reform v. Greene*, 180 Ariz. 582, 588,  
25 590 (1994) (internal citations and quotations omitted). The analysis must “assist voters in  
26 rationally assessing an initiative proposal by providing a fair, neutral explanation of the  
27 proposal’s contents and the changes it would make if adopted.” *Id.* at 590; *see also Tobin*  
28 *v. Rea*, 231 Ariz. 189, 193, ¶ 10 (2013). “It is not the Council’s function to assist either  
side.” *Ariz. Legis. Council v. Howe*, 192 Ariz. 378, 383, ¶ 13 (1998). Notably, “even  
accurate statements can be misleading, argumentative, ‘tinged with partisan coloring,’ or  
otherwise lack . . . impartiality.” *Tobin*, 231 Ariz. at 196, ¶ 30 (citation omitted).

1           3.       Contrary to this mandate, the Council’s analysis of HCR 2048 misleads by  
2 omission. First, HCR 2048 contains an extraordinary No-Severance Clause that reaches  
3 beyond the measure itself—stripping courts of their power to sever offending portions,  
4 while saving the rest, of any law that may conflict with HCR 2048’s restriction on  
5 “confiscating” military family scholarship funds. The result? The Protect Education Act  
6 itself could be nullified wholesale, including the vast majority of its provisions that have  
7 nothing to do with military family scholarships. Second, HCR 2048 expressly operates  
8 “notwithstanding Article IV” of the Arizona Constitution, the article that houses the  
9 People’s reserved initiative and referendum power and the procedural safeguards  
10 governing how legislation is enacted. The analysis discloses neither of these things. The  
11 result is that voters have no way of understanding that a “yes” vote on HCR 2048 would  
12 effectively nullify their “yes” vote on the Protect Education Act. Based on these omissions  
13 and other defects, the Council’s analysis of HCR 2048 violates § 19-124(C).

14           4.       The Council’s analysis of the Protect Education Act errs in the opposite  
15 direction. It affirmatively misrepresents the Initiative’s provisions and adds extra-textual  
16 language designed to cast the measure in the worst possible light, while also omitting  
17 accurate information that may cast the Initiative in a favorable light. Most egregiously, the  
18 analysis states that the Committee has “the power to sue the families and private schools  
19 that participate in the program”—language that appears nowhere in the Initiative, which  
20 confers *standing* but does not (and cannot) create any private right of action against  
21 program participants. It further inserts extra-textual language not found in the Initiative,  
22 including a sympathetic catalog of Medical Marijuana Fund uses that frames the Initiative  
23 as raiding popular programs and an editorial emphasis on the income cap’s effect on larger  
24 families. The analysis also omits or overstates material provisions: it describes the July 1  
25 recoupment as an annual confiscation of all account funds and misstates the transfer date;  
26 omits the notice-and-hearing safeguard for permanent disqualification; discloses only one  
27 of eleven income-cap exemptions while omitting military families and other categories;

1 and implies that ESA student registration materials become public records when only  
2 school and tutor registrations are covered.

3 5. Read together, the pattern is unmistakable: the Council has systematically  
4 understated HCR 2048’s sweeping scope while overstating the Initiative’s burdens, tilting  
5 the analyses in a single direction—against the Initiative and in favor of the competing  
6 legislative referral. In doing so, the Council has departed from the statutory command that  
7 the analyses be impartial, even-handed, and free from partisan coloring, leaving voters with  
8 a distorted picture of each measure.

9 6. Without this Court’s intervention, Arizona voters will receive a publicity  
10 pamphlet in which the Council has placed its thumb on the electoral scale—exactly the  
11 outcome A.R.S. § 19-124(C) was designed to prevent. Plaintiff requests that this Court  
12 grant special action, mandamus, and injunctive relief compelling the Council to adopt  
13 impartial analyses for HCR 2048 and the Protect Education Act that comply with the law.

14 **PARTIES, VENUE, AND JURISDICTION**

15 7. Plaintiff Protect Education, Accountability Now (the “Committee”) is an  
16 Arizona political action committee registered with the Secretary of State.

17 8. The Committee is the sponsor and proponent of the Protect Education Act,  
18 I-09-2026 (the “Initiative”), a statewide initiative measure.

19 9. Defendants Steve Montenegro, Warren Petersen, Denise “Mitzi” Epstein,  
20 David Farnsworth, Brian Fernandez, John Kavanagh, Lauren Kuby, Analise Ortiz, Thomas  
21 “T.J.” Shope, Priya Sundareshan, Neal Carter, Oscar De Los Santos, Brian Garcia, Nancy  
22 Gutierrez, Nick Kupper, and Quang Nguyen are the members of the Arizona Legislative  
23 Council, a statutory committee of the Legislature chaired in alternate years by the President  
24 of the Senate and the Speaker of the House of Representatives; it also includes six  
25 additional members from each chamber. The Legislative Council met on July 8, 2026 and  
26 approved the HCR 2048 and I-09-2026 analyses to be placed in the publicity pamphlet for  
27  
28

the 2026 General Election under A.R.S. § 19-124(C). The members of the Legislative Council are named in their official capacities.

10. Adrian Fontes is the Secretary of State and is responsible for the printing of the publicity pamphlet for the 2026 General Election. He is named in his official capacity.

11. Venue is proper in this Court under A.R.S. § 12-401.

12. This Court has special action jurisdiction to review publicity pamphlet language prepared by the Legislative Council. *See, e.g., Tobin*, 231 Ariz. at 193, ¶ 8.

## **GENERAL ALLEGATIONS**

### **I. Arizona's ESA Voucher Program**

13. Arizona's ESA program was first enacted in 2011 to provide public school students with disabilities the option to get specialized educational services from private schools and tutors outside of a traditional public-school setting. Senate Bill ("SB") 1553, 2011 Ariz. Sess. Laws, ch. 75, § 2 (1st Reg. Sess.). Over time, the Legislature expanded eligibility to additional targeted groups of students, including children of active-duty military parents or parents killed in the line of duty. A.R.S. § 15-2401(7) (defining "[q]ualified student").

14. In 2017, the Legislature enacted Senate Bill 1431, which would have eventually allowed any student eligible to attend an Arizona public school to receive an ESA voucher. SB 1431, 2017 Ariz. Sess. Laws, ch. 139 (1st Reg. Sess.). However, Arizona citizens successfully referred the legislation to the ballot and voters rejected the ESA expansion by a two-to-one margin in 2018.<sup>1</sup>

15. Nonetheless, in 2022, the Legislature expanded ESA eligibility to any student who is a resident of Arizona and otherwise eligible to attend a public K-12 school.

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<sup>1</sup> 2018 General Election, Official Canvas of Results, Ariz. Sec'y of State, at 13, [https://apps.azsos.gov/election/2018/2018\\_1203\\_signed\\_official\\_statewide\\_canvass.pdf](https://apps.azsos.gov/election/2018/2018_1203_signed_official_statewide_canvass.pdf). This Court may take judicial notice "of public records filed with the Secretary of State." *Leach v. Reagan*, 245 Ariz. 430, 449, ¶ 103 (2018) (Gould, J., concurring in part and dissenting in part); Ariz. R. Evid. 201(b).

2022 Ariz. Sess. Laws, ch. 388 (2nd Reg. Sess.) (codified at A.R.S. §§ 15-2401 *et seq.*). This universal eligibility spurred a rapid increase in enrollment—from roughly 12,000 students before universal expansion to more than 100,000, at an annual cost exceeding \$1 billion.<sup>2</sup> A subset of participants—less than 1%—are eligible based on being children of parents who are serving in active duty or who were killed in the line of duty.<sup>3</sup>

## II. Plaintiff’s Protect Education Act Initiative (I-09-2026)

16. The ESA program’s rapid growth has been accompanied by widely reported concerns about inadequate oversight and misuse of public funds.<sup>4</sup>

17. In response to these and other concerns arising from the program’s rapid expansion, the Committee filed an application with the Secretary of State for a petition serial number for the Protect Education Act, a statewide initiative to improve transparency, accountability, and safety standards in the ESA program while preserving access for students with disabilities, children from military families, and other categories of students the program initially served. A true and correct copy of the application for petition serial number and the title and text of the Initiative is attached as **Exhibit (“Ex.”) 1**.<sup>5</sup>

18. The Initiative would, among other things: (a) require fingerprinting, background checks, and misconduct reporting for participating private schools and

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<sup>2</sup> Ariz. Dep’t of Educ., *Ariz. Empowerment Scholarship Account (ESA) Program, Fiscal Year 2026 Quarter 3 Report Pursuant to A.R.S. § 15-2406*, 2 (May 2026), <https://www.azed.gov/sites/default/files/2026/06/ESA%20FY26%20Q3%20Executive%20%20%20Legislative%20Report.pdf>.

<sup>3</sup> *Id.*

<sup>4</sup> Single Audit Report, Year Ended June 30, 2024, Ariz. Auditor General, at 24-26, [https://www.azauditor.gov/sites/default/files/2026-04/StateofArizonaJune30\\_2024SingleAuditReport.pdf](https://www.azauditor.gov/sites/default/files/2026-04/StateofArizonaJune30_2024SingleAuditReport.pdf) (noting the Department of Education did not subject approximately \$102.1 million in expenses to the majority of its risk-assessment procedures and lacked a comprehensive risk-based approach to reviewing ESA spending—automatically processing nearly 2.3 million transactions of \$2,000 or less, totaling more than \$654 million, without consistent review).

<sup>5</sup> I-9-2026, Application for Serial Number, Ariz. Sec’y of State (Mar. 11, 2026), available at <https://apps.arizona.vote/electioninfo/assets/69/0/BallotMeasures/I-09-2026%20Protect%20Education%20Act.pdf>.

educators; (b) prevent fraud and misuse of taxpayer dollars by restricting ESA spending, including for luxury items or jewelry; (c) impose a \$150,000 annual income cap for eligibility under the 2022 universal expansion, while exempting students with disabilities, children from military families, and other pre-2022 eligibility categories; and (d) require the State Board of Education to adopt rules for student, fire, and site safety at participating private schools.

### III. The Legislature's Enactment of HCR 2048

19. As the 2026 legislative session neared its end, Republican legislators attempted to enact limited reform of the ESA program in exchange for Committee abandoning its effort to qualify the Initiative for the ballot. Within hours of the proposed compromise's defeat, and as a self-described "Plan B," Republican legislators introduced HCR 2048.<sup>6</sup>

20. HCR 2048 was unveiled the evening of June 12, 2026, advanced through a hastily convened Senate Appropriations Committee hearing, passed the Senate within hours, and was among the last items the House voted on before the Legislature adjourned sine die at approximately 4:45 a.m. on June 13, 2026.<sup>7</sup> It was a last-minute "strike everything" to a measure originally relating to "election officials; salary; prohibition" and subsequently changed to "military families; scholarship accounts."<sup>8</sup> A true and correct copy of HCR 2048, as filed with the Secretary of State, is attached as **Ex. 2**.

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<sup>6</sup> On June 24, 2026, the Committee, Save Our Schools Arizona, and Linda May Lyon filed their Verified Complaint for Declaratory and Injunctive Relief challenging HCR 2048 for violating the separate amendment rule in Article XXI, Section 1 and the title requirement in Article IV, Part 2, Section 13 of the Arizona Constitution. *See Protect Education Accountability Now Committee, et al. v. State of Arizona, et al.* CV2026-026062, <https://www.superiorcourt.maricopa.gov/docket/CivilCourtCases/caseInfo.asp?caseNumber=cv2026-026062>

<sup>7</sup> HCR 2048, Bill Overview, Ariz. Leg., (last visited July 9, 2026) <https://apps.azleg.gov/BillStatus/BillOverview/85271>.

<sup>8</sup> Senate Amendments to HCR 2048, Strike Everything, Comm. on Appropriations, Transp., & Tech., <https://www.azleg.gov/legtext/57leg/2R/adopted/S.HCR2048ATT.PDF>.

1           21. HCR 2048 proposes to amend Article XI of the Arizona Constitution by  
2 adding a new Section 12 that contains three operative sections.

3           22. Subsection A provides that “[t]his state may not confiscate monies from any  
4 scholarship account of any student who is a child of a military family” if both of the  
5 following apply: (1) “the scholarship account is established and maintained by the state  
6 pursuant to a program that designates any student who is a child of a military family and  
7 who satisfies enrollment requirements as eligible to receive scholarship monies;” and (2)  
8 “the student may use monies in the scholarship account for tuition or fees at eligible  
9 postsecondary educational institutions.” Subsection A includes the express clarification  
10 that it “does not limit this subsection to scholarship account programs that are established  
11 and maintained by this state for only children of military families.” *Id.*

12           23. Subsection C adds definitions of the terms “child of a military family,”  
13 “confiscate,” and “eligible postsecondary educational institution” for purposes of the  
14 section. *Id.* at 2–3.

15           24. The real import of HCR 2048, however, lies in Subsection B (the “No-  
16 Severance Clause”), which provides: “*Notwithstanding Article IV*, if a bill enacted into law  
17 or a measure approved by the voters on or after November 1, 2026 violates subsection A  
18 of this section, the entire bill or measure is void. *A court may not sever any portion* of a  
19 bill or measure that violates subsection A of this section.” *Id.* at 2 (emphases added).

#### 20           **IV. Failure of a Second Attempt at a “Deal” and the Filing of I-09-2026**

21           25. A second attempt at a “deal” followed the Legislature’s adjournment sine  
22 die. In late June 2026, Republican legislative leaders considered a special session at which  
23 the Legislature would enact a limited package of ESA reforms and withdraw up to three of  
24 its referrals—HCR 2048, HCR 2040, and SCR 1032—in exchange for the Initiative’s  
25  
26  
27  
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proponents abandoning the Initiative before the July 2, 2026 signature deadline.<sup>9</sup> Those negotiations collapsed on June 29, 2026 and no special session was convened.<sup>10</sup>

26. On July 2, 2026, the Committee turned in an estimated 421,451 signatures for the Initiative. A true and correct copy of the July 2, 2026 Letter from State Election Director regarding “I-09-2026 – Initiative Filing Accepted” is attached as **Ex. 3**.

27. To qualify for the November 2026 ballot, the Initiative requires 255,949 valid signatures. As of the filing of this Complaint, the Secretary of State’s processing and review of the submitted petition sheets and signatures remain ongoing.

#### **V. Legislative Council’s July 8 Meeting and Adopted Analyses**

28. Under Arizona law, the Secretary of State must prepare and print a publicity pamphlet for each statewide election containing ballot measures, including the full text of each measure, its official ballot form, arguments for and against, and the Legislative Council’s analysis of each measure. A.R.S. § 19-123.

29. The Secretary must mail a copy of the publicity pamphlet to every household with a registered voter. *Id.* The publicity pamphlet is intended to be a comprehensive, official source of information on ballot measures. Because the pamphlet reaches virtually every voting household in the State, the impartiality of its analysis is an important safeguard of the democratic process: if that analysis is inaccurate, slanted, incomplete, or misleading, the distortion reaches Arizona voters as if it carried the State’s own imprimatur of neutrality.

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<sup>9</sup> See Sarah Kezele, *Special Session Could Be Called for ESA Reforms, Repeal of Ballot Measures*, ABC15 (June 25, 2026), <https://www.abc15.com/news/state/special-session-could-be-called-for-esa-reforms-repeal-of-ballot-measures>.

<sup>10</sup> See Manuelita Beck and Garrett Archer, *Deal to Reform ESA School Vouchers in Special Session Falls Apart*, ABC15 (June 29, 2026), <https://www.abc15.com/news/education/deal-to-reform-esa-school-vouchers-in-special-session-falls-apart>.

30. On July 8, 2026, the Legislative Council met to approve publicity pamphlet analyses for the Initiative, HCR 2048, and the Legislature’s other referrals of proposed constitutional and statutory amendments (the “July 8 Meeting”).<sup>11</sup>

31. Before the July 8 Meeting, Legislative Council Staff prepared draft publicity pamphlet analyses for both I-09-2026 (“I-09-2026 Staff Draft”) and HCR2048 (“HCR2048 Staff Draft”) for the Legislative Council’s consideration. True and correct copies of the Staff Drafts are attached as **Exs. 4 and 5**, respectively.

32. At the July 8 Meeting, Democratic members made repeated efforts to amend the analyses of both HCR 2048 and I-09-2026 to give Arizona voters the complete and accurate information that A.R.S. § 19-124 requires. Each effort was voted down by the majority—which then approved other amendments to both draft analyses that only exacerbated the problems.

**A. The HCR 2048 Analysis Violates A.R.S. § 19-124.**

33. *Inadequate Description of Subsection B (No-Severance Clause).* The discussion at the July 8 Meeting began with the HCR 2048 Staff Draft. The HCR 2048 Staff Draft described Subsection B of the measure as follows:

[The measure] would also provide that if any law is enacted as a bill by the legislature or as a ballot measure by the voters on or after November 1, 2026 and that law violates the military families scholarship account provisions described above, the entire bill or ballot measure is void.

*See Ex. 5.*

34. However, Subsection B actually reads:

NOTWITHSTANDING ARTICLE IV, IF A BILL ENACTED INTO LAW  
OR A MEASURE APPROVED BY THE VOTERS ON OR AFTER  
NOVEMBER 1, 2026 VIOLATES SUBSECTION A OF THIS SECTION,

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<sup>11</sup> Legislative Council’s Interim Meeting Notice for the July 8 Meeting is available at <https://www.azleg.gov/iagenda/House/07082026legislativecouncil.1.2r.docx.htm>. The video of the Legislative Council meeting is available at the following link, beginning at 4:06:33 <https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2026071001> (“July 8 Meeting Video”).

1 THE ENTIRE BILL OR MEASURE IS VOID. A COURT MAY NOT SEVER  
2 ANY PORTION OF A BILL OR MEASURE THAT VIOLATES SUBSECTION  
3 A OF THIS SECTION.

4 **Ex. 2** (HCR 2048) at page 2, § 12(B) (emphasis added).

5 35. The practical effect of Subsection B is that if any law or measure (including  
6 the Protect Education Act) reduces even a single dollar of a military family’s ESA account,  
7 Subsection B would invalidate the whole measure—even those parts that have no bearing  
8 on the scholarship accounts of military families.

9 36. As counsel for the Committee sponsoring the Initiative, Jim Barton, noted at  
10 the July 8 Meeting, the HCR 2048 Staff Draft made no mention of the No-Severance Clause  
11 in Subsection B of the measure— a provision he described as giving the measure its “heft.”  
12 *Compare Ex. 2* (HCR 2048 Underlying Measure) at page 2, § 12(B) *with Ex. 5* (HCR 2048  
13 Staff Draft); *see also* July 8 Meeting Video at 4:08. He proposed adding a provision making  
14 clear that “the proposition would prohibit a court from severing any valid provision of a  
15 conflicting bill or measure so that the entire law would be void, including the provisions  
16 that do not conflict with or have nothing to do with the protections for military families.”  
17 *Id.* at 4:09.

18 37. Representative Gutierrez similarly proposed adding language making clear  
19 that the No-Severance Clause meant that any law violating HCR 2048’s military family  
20 scholarship provision would be void in its entirety, which included the Protect Education  
21 Act, a citizen initiative appearing on the same ballot. *See id.* at 4:12-13 (“Voters need to  
22 know that by voting yes on [HCR 2048] they are negating the votes for a citizen’s  
23 initiative.”).

24 38. Senator Sundareshan reinforced the point, arguing that the omission of  
25 Subsection B did “a huge disservice to the voters” by concealing a provision that implicates  
26 the separation of powers by stripping courts of the ability to sever any portion of a  
27 conflicting law. *Id.* at 4:15.  
28

39. Representative De Los Santos characterized the omission as “earth shattering” from a constitutional perspective, noting that the analysis failed to disclose both that the measure operates “notwithstanding Article IV” of the Arizona Constitution and that it eliminates the judiciary’s severance authority. *Id.* at 4:16-4:17. He proposed adding language to the analysis expressly referring to the No-Severance Clause, but the Council voted the proposal down. *Id.* at 4:18

40. Relatedly, Representative Gutierrez moved to make clear in the text of the analysis that enactment of HCR 2048 would void the Initiative in its entirety. *See* July 8 Meeting Video at 4:10-11. But the Republican majority again voted the proposal down, and the language remained out. *Id.* at 4:12.

41. But shortly thereafter, the Republican majority *approved* an amendment to the I-09-2026 Staff Draft *emphasizing* a severability clause there (the “Severability Clause”), inserting the following language:

Proposition \_\_\_ would also:

...|

2. Require that if any portion of the measure is deemed invalid, the remainder of the proposition shall be unaffected, and the invalid provisions shall be interpreted to the greatest extent possible allowed under the law.

42. Senator Sundareshan called this addition “infuriating.” *Id.* at 5:15. Just moments earlier, the Council refused to disclose HCR 2048’s No-Severance Clause—which eliminates courts’ power to sever offending portions of a conflicting law while preserving the remainder—mandating invalidation of entire laws, including the Initiative. Yet the majority then chose to *spotlight* the Initiative’s Severability Clause, a standard provision in Arizona ballot measures and legislation. Highlighting the Initiative’s Severability Clause while omitting any reference to HCR 2048’s No-Severance Clause is misleading because it conceals from voters that the No-Severance Clause would in effect override the Initiative’s Severability Clause that the analysis highlights.

43. This asymmetry is all the more egregious because it is the undisclosed No-Severance Clause, not the disclosed Severability Clause, that carries extraordinary consequences for voters. By burying one and amplifying the other, the Legislative Council deprived voters of a fact critical to their decision: that a “yes” vote on HCR 2048 could well nullify a “yes” vote for the Initiative on the very same ballot. Voters will have no way of knowing that one is designed to override the other.

44. ***Omission of the Express Anti-Limitation Clause.*** The HCR 2048 analysis describes the measure as applying to a program that “at least in part, designates any student who is a child of a military family” as eligible. Ex. 7 at 1, ¶ 3, item 1. The measure’s text states expressly: “THIS PARAGRAPH DOES NOT LIMIT THIS SUBSECTION TO SCHOLARSHIP ACCOUNT PROGRAMS THAT ARE ESTABLISHED AND MAINTAINED BY THIS STATE FOR ONLY CHILDREN OF MILITARY FAMILIES.” The analysis’s description buries rather than states the provision’s plain function: to sweep in any state scholarship program that includes military children among its eligible population, regardless of the broader reach or primary purpose. Combined with the No-Severance Clause’s total-voidance command, the practical effect is that any reform that could result in the State recouping a single dollar from a single military family’s scholarship account is void in its entirety, including provisions with no impact on military families.

45. ***Overstatement of the “Illegal Activity” Exception.*** The HCR 2048 analysis states that “scholarship account closures based on illegal activity” are not considered confiscation. Ex. 7 at 1, ¶ 5. The analysis omits that HCR 2048’s text applies this exception only where the account holder is found “PERSONALLY RESPONSIBLE” for illegal activity “IN A PROCEEDING IN WHICH THE STUDENT OR ACCOUNT HOLDER RECEIVES INDIVIDUALIZED DUE PROCESS OF LAW,” and that even this narrow exception reaches only acts related to full account closure—not the seizure, transfer, or clawback of funds short of closure, all of which remain prohibited “confiscations” under

1 the measure's express definition. **Ex. 2** at 1-2. These omissions convert a narrow and  
2 heavily conditioned exception into a broader-seeming fraud carve-out, misleading voters  
3 about the measure's substantial constraint on the State's ability to police misuse of ESA  
4 funds.

5 **B. The I-09-2026 Analysis Violates A.R.S. § 19-124.**

6 46. The Democratic members and Mr. Barton then turned to the I-09-2026  
7 analysis, where they made several proposals—both to correct a false description of the  
8 Protect Education Act's standing clause and to provide voters with relevant context about  
9 the Initiative. All were rejected by the Council's majority.

10 47. ***False Description of the Standing Clause.*** Most egregiously, the Council  
11 approved language characterizing the Initiative's run of the mill standing provision (§ 13)  
12 as granting "the political action committee that sponsored the proposition" the "power to  
13 sue the families and private schools that participate in the program for any violations of the  
14 proposition." **Ex. 6** at 1 (Final I-9-2026 Analysis). This is blatantly false and finds no  
15 support in the Initiative's text or Arizona law. Moreover, the Committee affirmatively  
16 disavows any such authority or intent.

17 48. The Initiative's standing provision states, in its entirety:

18 The People of the State of Arizona desire that this measure, if approved by the voters  
19 and thereafter challenged in court, be defended by the State of Arizona. The political  
20 action committee that sponsored this measure, or its designee, shall have standing  
to initiate or intervene in any action or proceeding to enforce or defend this measure.

21 **Ex. 1** (I-09-2026 Underlying Measure), § 13.

22 49. Read in context, as Arizona law requires, this language does not (and cannot)  
23 deputize the Committee to enforce the law against families and private schools. The  
24 preamble expresses the People's desire "that this measure, if approved by the voters and  
25 thereafter challenged in court, be defended by the State of Arizona." The second sentence  
26 then grants the sponsoring political action committee standing "to initiate or intervene in  
27 any action or proceeding to enforce or defend this measure." Read together, the second  
28

1 sentence operates within the framework established by the first: it ensures the Committee  
2 may participate in litigation where the measure’s validity, implementation, or  
3 constitutionality is at issue—for example, by intervening in a lawsuit brought by opponents  
4 seeking to invalidate the measure, or by initiating a mandamus action to compel  
5 government officials to implement it. No court has ever interpreted an initiative standing  
6 provision as creating a private right of action authorizing a PAC to sue private parties  
7 participating in a government program.

8         50. The Council’s characterization of the standing clause is an affirmatively false  
9 description of its operative effect. The provision confers only *standing*; it creates no cause  
10 of action and does not identify families or private schools as potential targets. The  
11 Council’s statement is irreconcilable with Arizona law’s distinction between standing and  
12 a private right of action. *See, e.g., McNamara v. Citizens Protecting Tax Payers*, 236 Ariz.  
13 192, 196, n.3 (Ct. App. 2014) (declining to resolve separate standing issues after  
14 determining that no private right of action existed). A voter reading this statement would  
15 wrongly conclude that the Initiative exposes ESA families and schools to suit by the  
16 Initiative’s sponsors—a conclusion with no basis in the Initiative’s text or Arizona law.

17         51. The Initiative’s own enforcement scheme makes this clear: it vests  
18 enforcement power exclusively in the Attorney General. *See Ex. 1* (I-09-2026 Underlying  
19 Measure) at page 8 (amending A.R.S. § 15-2402 to add a subsection (U) providing that  
20 the “Attorney General shall enforce this Section . . . .). And, as the Legislative Council well  
21 knows, virtually identical standing provisions appear throughout Arizona law, including  
22 A.R.S. § 43-1013 and Article 2, § 8.1 of the Arizona Constitution, and none has been read  
23 to authorize private suits against individuals subject to the statutory scheme.

24         52. As Representative Gutierrez noted at the July 8 Meeting, the Council’s  
25 characterization of the Initiative’s standing provision was “intended to be inflammatory  
26 and clearly advocacy oriented” and is “nowhere within the language of the Initiative itself.”  
27 *See* July 8 Meeting Video at 5:06. In violation of § 19-124, the Council adopted the false  
28

1 and inflammatory language nonetheless—and its effect will be to manufacture baseless  
2 fear among voters that they and their families will be personally targeted by the Initiative’s  
3 sponsors.

4       53.     ***Biased Characterization of the Income Cap.*** On the income cap, the I-09-  
5 2026 Staff Draft stated that the Initiative would “limit” enrollment eligibility for children  
6 whose annual family income exceeds \$150,000. The Council substantially amended the  
7 Staff Draft, changing the phrase “would limit enrollment eligibility” to “*exclude* from  
8 eligibility,” and adding that the income cap would apply “regardless of the number of  
9 children in a family.” *See* Ex. 6 at 1. The I-09-2026 Final Analysis now reads as follows  
10 (with deleted Staff Draft language stricken and added language in **bold**):

11           Beginning in the 2027-2028 school year, [the Initiative] ~~would limit enrollment~~  
12 ~~eligibility in the Arizona empowerment scholarship account program (program) to~~  
13 ~~children whose annual family income does not exceed \$150,000 adjusted annually~~  
14 ~~or a lesser amount determined by the legislature. The family income limit would not~~  
15 ~~apply to children who would have been eligible to enroll in the program before~~  
16 ~~2022, including children with disabilities~~ **exclude from eligibility in the Arizona**  
17 **empowerment scholarship account program (program) children who would**  
18 **qualify under this existing program but whose annual family income exceeds**  
19 **\$150,000, adjusted annually or a lesser amount determined by the legislature.**  
20 **The family income limit would apply regardless of the number of children in a**  
21 **family, but it would not apply to children who would have been eligible to enroll**  
22 **in the program before 2022, including children with disabilities.”**

23 *Compare* Ex. 4 (I-09-2026 Staff Draft) *with* Ex. 6 (I-09-2026 Final Analysis).

24       54.     As Representative Gutierrez observed, substituting “exclude” for “limit” was  
25 “advocacy-based explanation . . . [and] is not what we’re supposed to be here doing.” July  
26 8 Meeting Video at 4:49. And while the statement that the “[t]he family income limit would  
27 apply regardless of the number of children in a family” is not inaccurate standing alone, its  
28 inclusion becomes unmistakably partisan when viewed against what the majority refused  
to include moments earlier: that the income cap *does not apply* to children of military

families, foster children, children on tribal lands, or children zoned for D or F-rated public schools.

55. As Mr. Barton pointed out, the I-09-2026 Staff Draft failed to make clear that the Initiative’s \$150,000 family income cap applied only to recipients of the post-2022 universal voucher program, not to students who qualified under the pre-existing eligibility categories (including the children of active-duty military or those killed in the line of duty). *Id.* at 4:26-4:28; *compare* **Ex. 1** (I-09-2026 Underlying Measure) *with* **Ex. 4** (I-09-2026 Staff Draft).

56. Representative Garcia proposed amending the analysis to identify the other categories of students *expressly exempt* from the income cap: children of active-duty service members or those killed in the line of duty, wards of the state, students on tribal lands, and students zoned for failing schools. *Id.* at 4:29. Representative Gutierrez agreed, stating that voters should know “very, very clearly” that these categories are exempt. She stated: “I’m not sure why this would be offensive to add, because it’s just stating who is exempt from this income cap. I think it’s absolutely vital to add this language.” *Id.*

57. While the Council’s majority was willing to add context highlighting a perceived burden of the income cap, it was unwilling to disclose the very exemptions that limit that burden. That selective framing—amplifying a provision’s reach while concealing its carve-outs—is precisely the kind of “partisan coloring” that § 19-124(C) forbids. *See Tobin*, 231 Ariz. at 196, ¶ 30. As Senator Sundareshan observed:

Certainly . . . you’re describing impacts . . . to voters that you are wanting to clarify and add context to with that additional language, but in every other instance we have discussed today where we wanted to add context to other ballot analysis drafts . . . to highlight the impacts, you have rejected those amendments . . . it is just mind boggling[.]

July 8 Meeting Video at 4:48.

58. ***Context about the Classroom Site Fund.*** The Initiative requires the Arizona Department of Education to recoup unspent ESA money into the “classroom site fund” created by the Legislature in 2000 to provide additional funding to school districts. *See*

1 A.R.S. § 15-977; *see also Reeves v. Barlow*, 227 Ariz. 38, 40 (App. 2011) (describing  
2 classroom site fund). At the July 8 Meeting, Representative Garcia proposed adding a  
3 description of what the “classroom site fund” actually is—money allocated to school  
4 districts for teacher compensation, class size reduction, and student support services—so  
5 voters would understand where recouped ESA monies would go. *See* July 8 Meeting Video  
6 at 4:30. Senator Sundareshan agreed that the term was not readily understood and moved,  
7 at minimum, to add the phrase “for use in public schools.” *Id.* at 4:32.

8         **59. Examples of Spending Abuses.** Senator Sundareshan moved to include  
9 specific examples of noneducational items and luxury goods—*listed in the text of the*  
10 *Initiative itself*, including out-of-state travel, amusement park tickets, lingerie, and  
11 jewelry—to inform voters about the spending abuses the Initiative was designed to curb.  
12 *Id.* at 4:40-4:41.

13         **60. Additional Information about Registration Requirements.** Senator  
14 Sundareshan moved to add context that the registration requirements for qualified schools  
15 would be “aligned to public school requirements,” and that tutors and teachers under the  
16 Initiative must be at least eighteen years old and hold at least a high school diploma. *Id.* at  
17 4:38-4:41.

18         61. Each of the above proposals was rejected by the Council’s majority. Then,  
19 as discussed below, the Council proceeded to approve multiple amendments to the Final I-  
20 09-2026 Analysis aimed at casting the Initiative in the most unfavorable light possible.

21         **62. Medical Marijuana Fund.** The Council next turned to the Initiative’s  
22 provision transferring \$1,750,000 from the medical marijuana fund to state agencies for  
23 implementation costs. The I-09-2026 Staff Draft stated, accurately and impartially, that  
24 “[o]n the proposition’s effective date, transfer a total of \$1,750,000 from the medical  
25 Proposition would also:

26                 1. On the proposition’s effective date, transfer a total of \$1,750,000 from the medical  
27 marijuana fund, which has been used to fund clinical research, the Arizona teachers academy, |  
28 public health initiatives, substance abuse prevention, and administrative costs, to ADE, SBE, the  
department of public safety and the attorney general for mandatory administrative expenditures  
of state revenues required by the proposition.

1 marijuana fund to ADE, SBE, the department of public safety and the attorney general for  
2 mandatory expenditures of state revenues required by the proposition.” *See Ex. 4* at page  
3 3:4-6. The Council successfully moved to insert the following language:

4 **Ex. 6** (Final Analysis) at 3.

5         63.     None of this language appears in the Initiative, yet its purpose is transparent:  
6 to suggest that the Protect Education Act would divert money away from sympathetic  
7 public programs to be used for bureaucratic bloat. To be clear, the statement about the  
8 Medical Marijuana Fund’s prior uses may well be accurate. But accuracy is not the  
9 standard; impartiality is. *Tobin*, 231 Ariz. at 196, ¶ 30. Certain contextual background,  
10 standing alone, may not violate the impartiality requirement of § 19-124, but the  
11 impartiality requirement *is* violated by selectively including context that serves one side  
12 while omitting equally important context that would serve the other. *See id.* at 197, ¶ 32.

13         64.     That is exactly what happened here: only minutes earlier, the Council refused  
14 to incorporate critical context about the Initiative pulled directly from the text of the  
15 measure (*i.e.*, the kinds of improper expenditures prohibited, the income cap exemptions,  
16 the definition of “classroom site fund”), while subsequently inserting non-textual  
17 background information aimed at casting the Initiative in a negative light. Representative  
18 De Los Santos stated it best: “It’s . . . curious to me that the [marijuana fund clause] is likely  
19 to be allowed to have a descriptive clause. And yet, the classroom site fund is not going to  
20 [be allowed] to have descriptive clauses . . . it’s puzzling and head-scratching.” *See* July 8  
21 Video at 4:33.

22         65.     Representative De Los Santos’ diplomatic characterization aside, the purpose  
23 of the asymmetry was clear: the Council would prefer that Arizona voters have information  
24 about what they view as the potential downsides of the Initiative, without providing voters  
25  
26  
27  
28

with context that may reveal its upsides. It is this discrepancy, more than any insertion or omission in isolation, that violates the impartiality mandate.<sup>12</sup>

66. ***Overbroad Description of the Public-Records Provision.*** The I-09-2026 analysis states that, under the measure, “all registration forms and supporting documents are public records.” Ex. 6 at 3, item 9. The analysis does not specify that this provision applies only to registrations of qualified schools, qualified tutors, and qualified tutoring service providers. The unqualified phrasing misleadingly implies that student and family registration materials for the ESA program itself may also become public records—an implication unsupported by the Initiative’s text, in violation of § 19-124.

67. ***Omission of Notice-and-Hearing Safeguard for Permanent Disqualification.*** The I-09-2026 analysis states that the measure would “[p]ermanently disqualify a parent, qualified student or account holder who is found to have intentionally misspent monies in an ESA from participating in the program.” Ex. 6 at 1, ¶ 3, item 3. The Analysis omits that disqualification may occur only after the individual is provided notice and an opportunity to be heard pursuant to rules established by the State Board of Education. This omission of the due-process safeguards makes the penalty appear summary and more severe than the measure provides, in violation of § 19-124.

68. ***Inaccurate Description of the July 1 Recoupment and Transfer.*** The I-09-2026 analysis states that ADE shall, “[o]n July 1 of each year, require the Arizona Department of Education (ADE) to take all ESA monies remaining in a qualified student’s account as of that date and transfer 90 percent to the classroom site fund.” Ex. 6 at 1, ¶ 3,

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<sup>12</sup> At the July 8 Meeting, the Council also replaced the Initiative’s own term, “recoup,” with the word “take” to describe the return of unspent ESA monies to the state. *See* July 8 Meeting Video at 4:56-4:57. Representative Gutierrez objected that the Initiative itself uses “recoup,” as was abundantly clear to the 420,000 voters who signed the Protect Education Act initiative petition. *Id.* at 4:57. Senator Sundareshan added that the word “take” carried a negative connotation (*i.e.*, “steal”) that the word “recoup” did not. The Council adopted the change nonetheless, effectively inserting into a purportedly impartial analysis the insinuation that the Initiative would seize money from children. *Id.* at 4:59-5:00.

1 item 2. This single sentence contains two independent errors. First, the Initiative recaptures  
2 only monies that remain *unspent and unencumbered* on July 1 and that were *allocated in a*  
3 *prior fiscal year*—not “all ESA monies remaining” in the account. By omitting both  
4 qualifiers, the analysis converts a rollover-recapture provision into an apparent annual  
5 confiscation of the entire account, overstating the provision’s scope. Second, July 1 is the  
6 recoupment date under § 15-2402(O); the transfer to the classroom site fund is required by  
7 September 1 under § 15-2402(T), not on July 1 as stated. These errors overstate the severity  
8 of the provision and render the analysis inaccurate in violation of § 19-124.

9 **COUNT I**

10 **(HCR 2048 - SPECIAL ACTION)**

11 69. The Committee incorporates all prior allegations by reference.

12 70. A.R.S. § 19-124(C) requires the Legislative Council to “prepare and file with  
13 the Secretary of State an impartial analysis of the provisions of each ballot proposal of a  
14 measure or proposed amendment. The analysis shall include a description of the measure  
15 and shall be written in clear and concise terms avoiding technical terms wherever possible.  
16 The analysis may contain background information, including the effect of the measure on  
17 existing law, or any legislative enactment suspended by referendum, if the measure or  
18 referendum is approved or rejected.”

19 71. “[T]he purpose of the required analysis is to assist voters in rationally  
20 assessing an initiative proposal by providing a fair, neutral explanation of the proposal’s  
21 contents and the changes it would make if adopted.” *Tobin*, 231 Ariz. at 193, ¶ 10 (citation  
22 omitted). “It is not the Council’s function to assist either side,” and “[t]he Council’s  
23 objective, neutral role differs greatly from that of a measure’s proponents and opponents,  
24 who will of course ‘advocate with arguments that, needless to say, may be anything but  
25 neutral expositions.’” *Id.* (citations omitted).

26 72. A.R.S. § 19-124(C) thus “requires the legislative council to produce a neutral  
27 explanation of initiative proposals, avoiding argument or advocacy, and describing the  
28

1 meaning of the measure, the changes it makes, and its effect if adopted.” *Id.* at 194, ¶ 12  
2 (citation omitted).

3 73. “An impartial analysis and description . . . requires the legislative council to  
4 eschew advocacy and to adopt, instead, an evenhanded assessment that neither omits,  
5 exaggerates, nor understates material provisions of an initiative measure.” *Id.* (citation  
6 omitted). In addition, the language used in the Legislative Council’s analysis “must be free  
7 from any misleading tendency, whether of amplification, of omission, or of fallacy, and it  
8 must not be tinged with partisan coloring.” *Id.*, ¶ 13 (citation omitted). “[E]ven accurate  
9 statements can be misleading, argumentative, ‘tinged with partisan coloring,’ or otherwise  
10 lack . . . impartiality[.]” *Id.* at 196, ¶ 30 (citation omitted). Additionally, employing  
11 “rhetorical strategy” in crafting the wording of an analysis “is not compatible with the  
12 statute’s impartiality requirement.” *Id.* at 194, ¶ 13; *see also Citizens for Growth Mgmt. v.*  
13 *Groscost*, 199 Ariz. 71, 73, ¶ 6 (2000).

14 74. The Arizona Supreme Court has prohibited several categories of conduct that  
15 violate the impartiality requirement. First, an analysis may not depart from, inaccurately  
16 describe, or misrepresent the text of the measure or existing law.  
17 *Greene*, 180 Ariz. at 587; *see also Groscost*, 199 Ariz. at 72–73, ¶¶ 6–8.

18 75. Second, although the Council is not statutorily required to include  
19 “background information” in its analysis, A.R.S. § 19-124(C), the omission of significant  
20 contextual information may itself be misleading and thus violate the statute. *See Tobin*, 231  
21 Ariz. at 195, ¶¶ 18–19; *Groscost*, 199 Ariz. at 73, ¶ 10.

22 76. Third, the selective inclusion of contextual information—providing  
23 information that casts the measure in a negative light while concurrently omitting accurate  
24 information that may spur votes in favor of the measure—is itself a form of partisan  
25 coloring. *See Tobin*, 231 Ariz. at 196–97, ¶¶ 29–32; *Groscost*, 199 Ariz. at 72, ¶ 6.

1           77. Finally, if “an initiative amends a small number of distinct constitutional  
2 provisions, an impartial analysis and description must include some reference to each of  
3 the affected provisions.” *Greene*, 180 Ariz. at 592.

4           78. The Final HCR2048 Analysis violates these principles and A.R.S. § 19-  
5 124(C) by: (a) reducing Subsection B’s sweeping constitutional override to a single  
6 sentence, omitting the anti-severance command, any explanation of the “Notwithstanding  
7 Article IV” clause, and the retroactive reach to competing measures on the same ballot; (2)  
8 burying the measure’s express anti-limitation clause—which sweeps in any scholarship-  
9 account program that includes military children, regardless of the program’s other  
10 purposes; (3) overstating the “illegal activity” exception by omitting its personal-  
11 responsibility and individualized-due-process requirements and failing to explain that the  
12 exception does not cover seizures or claw-backs.

13           79. The Committee is entitled to special action relief requiring Legislative  
14 Council to amend ¶ 2 of the Final HCR 2048 Analysis (Ex. 7) to add the bold, underlined  
15 text as follows or comparable text:

16           Proposition \_\_ would also provide that if any law is enacted as a bill by the  
17 legislature or as a ballot measure by the voters on or after November 1, 2026 and  
18 that law violates the military families scholarship account provisions described  
19 above, the entire bill or ballot measure is void (notwithstanding Article IV of the  
20 Arizona Constitution, which includes provisions governing the legislative,  
21 initiative, and referendum powers). The proposition would also prohibit a  
22 court from severing any valid portion of a conflicting bill or measure so that  
23 the entire law would be void, including provisions that do not conflict with or  
24 that have nothing to do with the protections for military families. Because the  
25 November 1, 2026 date precedes the November 3, 2026 General Election at  
26 which this proposition will appear on the ballot, a competing measure  
27 approved by voters at the same election (including the Protect Education Act)  
28 could be invalidated entirely.

80. The Committee is entitled to special action relief requiring Legislative  
Council to amend the Final HCR 2048 Analysis to add the following sentence or  
comparable text after ¶ 1, item 2:

**Under the proposition, the prohibition on confiscation would apply to any state  
scholarship account program that includes children of military families among**

1        **its eligible population, even if the program is not established exclusively for**  
2        **children of military families.**

3        81.     The Committee is entitled to special action relief requiring Legislative  
4        Council to amend ¶ 3 of the Final HCR 2048 Analysis to add the bold, underlined text as  
5        follows or comparable text:

6        Proposition \_\_ would specify that scholarship account closures based on illegal  
7        activity, ~~voluntary closure or nonrenewal, graduation from a~~ **is not considered**  
8        **confiscation in violation of this measure if the student or account holder is**  
9        **found personally responsible for illegal activity in a proceeding providing**  
10       **individualized due process of law, or if the account is voluntarily closed, the**  
11       **student graduates, or the student does not enroll in an eligible** postsecondary  
12       educational institution ~~or nonenrollment in a postsecondary educational institution~~  
13       for at least four years after graduating from high school ~~are not considered to be a~~  
14       ~~confiscation in violation of this section of the Arizona Constitution.~~

15       **The exception for illegal activity applies only to acts related to the full closure**  
16       **of a scholarship account; the seizure, transfer, or other taking of funds from**  
17       **an account short of closure would remain prohibited under the proposition's**  
18       **definition of confiscation even if it was based on illegal activity.**

## 19        COUNT II

### 20        (HCR 2048 – MANDAMUS PURSUANT TO A.R.S. § 12-2021)

21        82.     The Committee incorporates all prior allegations by reference.

22        83.     Under A.R.S. § 19-124(C), the Legislative Council must prepare “an  
23        impartial analysis of the provisions of each ballot proposal of a measure or proposed  
24        amendment.”

25        84.     The Legislative Council has a duty to comply with A.R.S. § 19-124(C), but  
26        it failed to adopt impartial language in the ballot measure analysis for HCR 2048. As a  
27        result, Arizona voters will not be provided with an impartial description of the referral and  
28        will be improperly persuaded to vote for the measure. *See* Rule 3, Ariz. R. P. S. A.

85.     The Committee has no plain, adequate, and speedy remedy at law to compel  
Defendants to comply with Arizona law.

86. The Committee is entitled to and requests this Court issue a writ of mandamus under A.R.S. § 12-2021 to require Defendants to adopt an impartial analysis of HCR 2048.

### COUNT III

**(HCR 2048 – INJUNCTION PURSUANT TO A.R.S. § 12-1801)**

87. The Committee incorporates all prior allegations by reference.

88. The Committee is entitled to an impartial Legislative Council analysis of HCR 2048 published in the publicity pamphlet. *See* A.R.S. § 19-124(C).

89. The Committee has no plain, adequate, and speedy remedy at law to compel Defendants to comply with Arizona law.

90. The Committee requests that this Court enjoin the Secretary of State from including the defective Final HCR 2048 Analysis in the publicity pamphlet under A.R.S. § 12-1801.

## COUNT IV

**(I-09-2026 - SPECIAL ACTION)**

91. The Committee incorporates all prior allegations by reference.

92. The Final I-09-2026 Analysis violates the impartiality principles set forth in A.R.S. § 19-124(C), as well as in the binding Arizona case law described *supra*.

93. The Legislative Council mischaracterized the Initiative’s run of the mill standing provision as somehow granting political action committees the power to sue the families and private schools that participate in the program — a blatantly false characterization of what is, read in context, a defense-and-participation provision. *See In re Riggins*, 257 Ariz. at 31, ¶ 12. This language constitutes the “provocative phrasing” that “belie[s] neutrality and impermissibly advocate[s] against the measure.” *Tobin*, 231 Ariz. at 197, ¶ 33.

94. The Legislative Council also added language to Final I-09-2026 Analysis emphasizing that the income cap applies “regardless of the number of children in a family,”

1 while refusing to add critical context *from the text of the underlying measure* clarifying that  
2 the income cap provision applies only to students qualifying under the 2022 universal  
3 expansion, and *expressly exempts* eleven categories of vulnerable children, including the  
4 children of active-duty military or those killed in the line of duty.

5 95. The Legislative Council also added language to Final I-09-2026 Analysis  
6 about the medical marijuana fund's prior uses (language that appears nowhere in the  
7 Initiative), yet concurrently refused to add critical context *from the text of the underlying*  
8 *measure* about the Initiative's classroom site fund and teacher qualification provisions.

9 96. In short, the Legislative Council engaged in precisely the selective  
10 amplification that *Groscost* prohibits. In every instance, the Council supplied context only  
11 in ways calculated to undermine support for the Initiative and withheld it when it would  
12 have informed voters of the Initiative's voter-friendly provisions — the opposite of an  
13 “evenhanded assessment that neither omits, exaggerates, nor understates material  
14 provisions.” *Greene*, 180 Ariz. at 593.

15 97. To add insult to injury, the Council replaced certain impartial words with  
16 partisan-tinged ones (“take” instead of “recoup” and “exclude” instead of “limit”), all of  
17 which were aimed at creating the impression that the Initiative was stealing from vulnerable  
18 children. *Tobin*, 231 Ariz. at 194, ¶ 13 (such “rhetorical strategy” is “not compatible with  
19 the statute's impartiality requirement”).

20 98. As a result, the Legislative Council violated A.R.S. § 19-124(C), and the  
21 Committee is entitled to special action relief requiring Legislative Council to amend the  
22 Final I-09-2026 Analysis, **Ex. 6**, as follows:

23 A. On page 1, ¶ 3, item 2, delete the false statement that “the political  
24 action committee that sponsored the proposition has the power to sue the families and  
25 private schools that participate in the program for any violations of the proposition.”

26 B. On page 1, ¶ 3, amend item 2, to delete the stricken text and add the  
27 bold, undermined text (or comparable text) as follows:  
28

2. On July 1 of each year, require the Arizona Department of Education (ADE) to ~~take-recoup~~ all ESA monies remaining in a qualified student's account ~~that were~~ **allocated in the prior fiscal year and remains unspent and unencumbered** as of that date and transfer 90 percent to the classroom site fund **by September 1** (except that ESA monies remaining in the ESA of a qualified student with a disability shall be ~~taken-recouped~~ and transferred every two years); a portion of transferred ESA monies shall be transferred to ADE or the State Board of Education (SBE) to implement and enforce the proposition; ~~and the political action committee that sponsored the proposition has the power to sue the families and private schools that participate in the program for any violations of the proposition.~~

C. On page 1, ¶ 2, amend the text to delete the stricken text and add the bold, underlined text (or comparable text) as follows:

Beginning in the 2027-2028 school year, Proposition \_\_\_ would ~~exclude from~~ **limit enrollment** eligibility in the Arizona empowerment scholarship account program (program) ~~to children who would qualify under this existing program but whose~~ annual family income **does not exceed** exceeds \$150,000, adjusted annually or a lesser amount determined by the legislature. The family income limit would apply regardless of the number of children in a family, but it would not apply to children who would have been eligible to enroll in the program before 2022, including children with disabilities, **children with a parent who is an active duty member of the U.S. armed forces or was killed in the line of duty, wards of the State, students on tribal lands, students at D- or F-rated schools, prior ESA students, siblings of a current, former, or new ESA student, or children of a parent who is legally blind, deaf, or hard of hearing.**

D. On page 1, ¶ 3, item 3, add the bold, underlined sentence at the end of the item:

3. Permanently disqualify a parent, qualified student or account holder who is found to have intentionally misspent monies in an ESA from participating in the program and require ADE to close the ESA at issue and return any ESA monies remaining in the ESA to this state in the same manner as the monies described above. **ADE may only permanently disqualify a parent, qualified student, or account holder after notice and an opportunity to be heard pursuant to rules established by the State Board of Education.**

E. On page 3, ¶ 2, item 1, delete “which has been used to fund clinical research, the Arizona teachers academy, public health initiatives, substance abuse prevention, and administrative costs” from the discussion of the medical marijuana fund.

F. On page 3, ¶ 1, amend item 9 to add the bold, underlined text as follows:

9. Provide that all **qualified school, qualified tutor, and qualified tutoring service provider** registration forms and supporting documents are public records.

1 **COUNT V**

2 **(I-09-2026 – MANDAMUS PURSUANT TO A.R.S. § 12-2021)**

3 99. The Committee incorporates all prior allegations by reference.

4 100. Under A.R.S. § 19-124(C), the Legislative Council must prepare “an  
5 impartial analysis of the provisions of each ballot proposal of a measure or proposed  
6 amendment.”

7 101. The Legislative Council has a duty to comply with A.R.S. § 19-124(C), but  
8 it failed to adopt impartial language in the ballot measure analysis for the Initiative (I-09-  
9 2026). As a result, Arizona voters will not be provided with an impartial description of the  
10 Initiative and will be improperly persuaded to vote against the measure. *See* Rule 3, Ariz.  
11 R. P. S. A.

12 102. The Committee has no plain, adequate, and speedy remedy at law to compel  
13 Defendants to comply with Arizona law.

14 103. The Committee is entitled to and requests this Court issue a writ of  
15 mandamus under A.R.S. § 12-2021 to require Defendants to adopt an impartial analysis of  
16 the Initiative, as described above.

17 **COUNT VI**

18 **(I-09-2026 – INJUNCTION PURSUANT TO A.R.S. § 12-1801)**

19 104. The Committee incorporates all prior allegations by reference.

20 105. The Committee is entitled to an impartial Legislative Council analysis of the  
21 Initiative (I-09-2026) published in the publicity pamphlet. *See* A.R.S. § 19-124(C).

22 106. The Committee has no plain, adequate, and speedy remedy at law to compel  
23 Defendants to comply with Arizona law.

24 107. The Committee requests that this Court enjoin the Secretary of State from  
25 including the defective Final Analysis of the Initiative (I-09-2026) in the publicity  
26 pamphlet under A.R.S. § 12-1801.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, the Committee prays for:

3 A. A declaration that the Legislative Council's Final Analysis of HCR 2048  
4 violates A.R.S. § 19-124(C).

5 B. An injunction prohibiting the Secretary of State from including the  
6 Legislative Council's Final Analysis of HCR 2048 in the publicity pamphlet for the 2026  
7 General Election.

8 C. An order requiring the Secretary of State and Legislative Council to include  
9 an impartial analysis of HCR 2048 in the publicity pamphlet.

10 D. A writ of mandamus compelling Defendants to include an impartial  
11 description of HCR 2048 in the publicity pamphlet.

12 E. A declaration that the Legislative Council's Final Analysis of the Initiative  
13 (I-09-2026) violates A.R.S. § 19-124(C).

14 F. An injunction prohibiting the Secretary of State from including the  
15 Legislative Council's Final Analysis of the Initiative (I-09-2026) in the publicity pamphlet  
16 for the 2026 General Election.

17 G. An order requiring the Secretary of State and Legislative Council to include  
18 an impartial analysis of the Initiative (I-09-2026) in the publicity pamphlet.

19 H. A writ of mandamus compelling Defendants to include an impartial  
20 description of the Initiative (I-09-2026) in the publicity pamphlet.

21 I. An order awarding the Committee's attorneys' fees incurred in this action  
22 under A.R.S. § 12-2030(A) and the Private Attorney General Doctrine as established in  
23 *Arnold v. Ariz. Dep't of Health Servs.*, 160 Ariz. 593 (1989).

24 J. An order awarding the Committee its costs.

25 K. An order awarding the Committee such other and further relief as may be  
26 appropriate.

1 RESPECTFULLY SUBMITTED this 15th day of July, 2026.

2 **COPPERSMITH BROCKELMAN PLC**

3 By: \_\_\_\_\_  
4 Sambo (Bo) Dul  
5 Malvika A. Sinha

6 **BARTON MENDEZ SOTO PLLC**

7 By: \_\_\_\_\_  
8 James E. Barton

9 *Attorneys for Plaintiff*

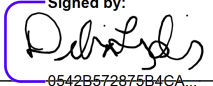
### Verification

I, Delia Lyding, declare under penalty of perjury and as permitted by Arizona Rule of Civil Procedure 80(c) as follows:

1. I am the Chair for Plaintiff Protect Education Accountability Now Committee (the “Committee”) and am authorized to sign this Verification on the Committee’s behalf.
2. I have read the foregoing Verified Complaint for Special Action, Mandamus, and Injunctive Relief and know the contents thereof.
3. To the best of my knowledge, information, and belief, the statements made therein are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15th day of July, 2026.

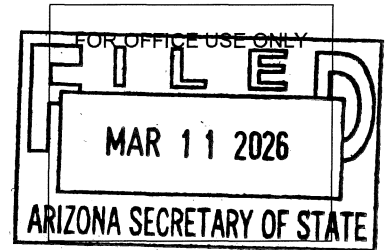
Signed by:  
  
0542B572875B4CA...  
Delia Lyding

# **EXHIBIT 1**



STATE OF ARIZONA

Application for Serial Number  
Initiative Petition  
A.R.S. § 19-111



The undersigned intends to circulate and file an initiative petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Attached hereto is the full title and text, in no less than eight-point type of the measure or constitutional amendment intended to be initiated at the next general election.

☒ **Statutory Measure**

☐ **Constitutional Amendment**

Date of Application

03/11/2026

Signatures Required

255,949

Deadline for Filing

07/02/2026

Serial Number Issued

I-09-2026

Strengthens transparency, accountability, and safety in Empowerment Scholarship Account (ESA) program (commonly called "vouchers"), while protecting access for students with disabilities and other pre-2022 eligibility categories. Limits eligibility under 2022 expansion to families with annual income of \$150,000 or less (adjusted annually). Further restricts use of "Arizona ESA monies" (as defined), including for luxury items. "Qualified tutors" and personnel at "qualified schools" and "qualified tutoring service providers" (QTSP) (as defined) need valid fingerprint clearance and are subject to State Board of Education (SBE) discipline. SBE must adopt implementing rules (exempt from formal rulemaking requirements), including for safety. Qualified schools, QTSPs, and qualified tutors must pay fee and register annually with Department of Education (ADE) to receive ESA monies. Qualified schools must be accredited or administer state assessments (except for students with disabilities). ADE must report ESA-related information. Prescribes disqualification grounds, expands grounds for recouping unspent funds, allocates recouped funds (including to classroom site fund). Requires Attorney General enforcement. Lets legislature impose additional ESA program requirements. Funded by transfer from medical marijuana fund, registration fees, and recouped funds. Defines terms. Removes state's heightened legal burden to justify ESA requirements. Allows specified state oversight over nonpublic schools receiving ESA monies.

Delia Lyding

Name of Applicant

6625 South Rural Road, Suite 111

Address

Tempe AZ 85283

City

State

Zip

(602) 616-0535

Telephone Number

james@bartonmendezsoto.com

E-mail Address

Protect Education, Accountability Now

Committee Name

102119

Committee ID No.

Delia Lyding

Chairperson

Dacey Montoya

Treasurer

6625 South Rural Road, Suite 111

Committee Address

Tempe AZ 85283

City

State

Zip

602-616-0535

Committee Telephone Number

dacey@tmwcompliance.com

Committee E-mail Address

By submitting this Application for Serial Number and checking all boxes below, I acknowledge the following:

☐ That I have received and will review the accompanying Instructions for Statewide Initiatives, including the Secretary of State's recommended best practices for printing copies of the Statewide Initiative Petition to be circulated.

☐ That at the time of filing, I was provided instructions regarding accurate completion of the electronic Statewide Initiative Petition form.

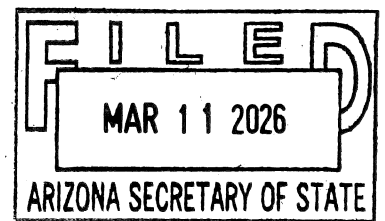
*Delia Lyding*  
Applicant Signature

03/11/2026

Date

Office of the Secretary of State  
1700 W. Washington Street  
Phoenix, Arizona 85007

Rev. 12/17/2025



OFFICIAL TITLE

AN INITIATIVE MEASURE

AMENDING SECTIONS 15-161, 15-2401, 15-2401.01 AND 15-2402, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 19, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-2403.01; AMENDING SECTIONS 15-2404 AND 15-2405, ARIZONA REVISED STATUTES; RELATING TO ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNTS; APPROPRIATING MONIES.

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

Section 1. Short title

This Act may be cited as the “Protect Education Act”.

Sec. 2. Findings and declaration of purpose

The People of the State of Arizona find and declare as follows:

1. Arizona’s Empowerment Scholarship Accounts (ESA) program—colloquially referred to as “school vouchers”—began in 2011 as a targeted program for students with disabilities. Over time, the Legislature expanded eligibility to additional targeted categories of students. In 2022, the Legislature enacted a broad expansion of school vouchers, including to all students eligible to enroll in kindergarten to twelfth grade in a public school. Since then, the ESA voucher program has grown rapidly and is expected to exceed \$1 billion in taxpayer monies in the 2025-2026 school year. Meanwhile, the lack of sufficient oversight and accountability in the program has resulted in waste and misuse of taxpayer monies, including on items like bounce houses, commercial appliances, jewelry, lingerie and more.

2. Standards of transparency, oversight and responsible use of public monies should apply to all recipients of state education funds. This Act is intended to enhance student safety and promote transparency, accountability and fiscal responsibility in Arizona’s ESA program while preserving flexibility for students with disabilities. This Act imposes an income limit for ESA voucher eligibility under the broad expansion enacted in 2022. This Act does not impose an income limit for students who qualify for ESAs under the eligibility categories that existed before 2022, including students with disabilities and children of members of the armed forces.

3. This Act does not limit further regulation of the ESA voucher program if such regulation furthers the purpose and spirit of the Act as stated above and as embodied in the Act’s amendments, consistent with the Arizona Constitution.

4. This Act should be liberally construed to effectuate the purposes set forth in the declarations and findings above.

Sec. 3. Section 15-161, Arizona Revised Statutes, is amended to read:

15-161. State control over private schools

~~Nothing in this~~ THIS title ~~shall be construed to~~ DOES NOT provide the state board of education or the governing boards of school districts WITH control or supervision over private schools EXCEPT AS PROVIDED IN CHAPTER 19 OF THIS TITLE IF THE SCHOOL RECEIVES ARIZONA ESA MONIES.

Sec. 4. Section 15-2401, Arizona Revised Statutes, is amended to read:

15-2401. Definitions

In this chapter, unless the context otherwise requires:

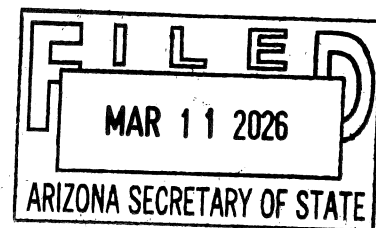
1. “Annual education plan” means an initial individualized evaluation and subsequent annual reviews that are developed for a qualified student who meets the criteria specified in paragraph 7-10, subdivision (a), item (i), (ii) or (iii) of this section to determine ongoing annual eligibility through the school year in which the qualified student reaches twenty-two years of age and whether the student may be eligible pursuant to ~~section 36-2981~~ TITLE 36, CHAPTER 29, ARTICLE 4 and should be referred for eligibility determination.

2. “ANNUAL FAMILY INCOME” MEANS THE FEDERAL ADJUSTED GROSS INCOME, AS DEFINED IN SECTION 43-1001, OF THE PARENT OR PARENTS WITH FINANCIAL RESPONSIBILITY FOR THE QUALIFIED STUDENT FOR THE MOST RECENT TAXABLE YEAR IN WHICH THE PARENT OR PARENTS FILED TAX RETURNS, DETERMINED AS FOLLOWS AND PURSUANT TO RULES ADOPTED BY THE STATE BOARD OF EDUCATION:

(a) IF THE QUALIFIED STUDENT’S PARENTS FILED A JOINT STATE OR FEDERAL INCOME TAX RETURN, THE FEDERAL ADJUSTED GROSS INCOME REPORTED ON THAT RETURN.

(b) IF THE QUALIFIED STUDENT’S PARENTS FILED SEPARATE STATE OR FEDERAL INCOME TAX RETURNS, THE COMBINED FEDERAL ADJUSTED GROSS INCOME REPORTED ON BOTH PARENTS’ RETURNS.

(c) IF ONLY ONE PARENT HAS FINANCIAL RESPONSIBILITY FOR THE QUALIFIED STUDENT, THE FEDERAL ADJUSTED GROSS INCOME REPORTED ON THAT PARENT’S RETURN.



3. "ARIZONA ESA MONIES":

(a) MEANS ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNTS AND ANY PUBLIC MONIES PROVIDED BY THE STATE TO A PARENT, A QUALIFIED STUDENT, A NONPUBLIC SCHOOL OR ANY OTHER PERSON OR ENTITY FOR THE PURPOSE OF OBTAINING A NONPUBLIC EDUCATION, NONPUBLIC EDUCATIONAL SERVICES OR RELATED EDUCATIONAL MATERIALS FOR A STUDENT ELIGIBLE TO ENROLL IN A PUBLIC SCHOOL IN THIS STATE IN A KINDERGARTEN PROGRAM OR ANY OF GRADES ONE THROUGH TWELVE.

(b) DOES NOT INCLUDE MONIES PROVIDED THROUGH THE SPECIAL EDUCATION PROGRAMS ESTABLISHED PURSUANT TO CHAPTER 10, ARTICLES 6 AND 7 OF THIS TITLE OR TITLE 43, CHAPTERS 15 AND 16 OR ANY OTHER STATUTORILY CREATED PROGRAM IN EXISTENCE AS OF JANUARY 1, 2026 OTHER THAN THE ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNT PROGRAM.

~~2-4.~~ "Curriculum" means a course of study for content areas or grade levels, including any supplemental materials required or recommended by the curriculum, approved by the department. SUPPLEMENTAL MATERIALS MUST BE DIRECTLY AND SUBSTANTIALLY RELATED TO CURRICULAR CONTENT AND USED TO TEACH OR ENHANCE AN APPROVED CURRICULUM.

~~3-5.~~ "Department" means the department of education.

4-6. "Eligible postsecondary institution" means a community college as defined in section 15-1401, a university under the jurisdiction of the Arizona board of regents or an accredited private postsecondary institution.

5-7. "Parent" means a resident of this state who is the parent, stepparent or legal guardian of a qualified student.

8. "PROTECT EDUCATION ACT" MEANS THE AMENDMENTS APPROVED BY THE PEOPLE OF THIS STATE PURSUANT TO THIS ACT AT THE NOVEMBER 2026 GENERAL ELECTION.

~~6-9.~~ "Qualified school" means a ~~nongovernmental~~ NONPUBLIC primary or secondary school or a preschool for pupils with disabilities that MEETS ALL OF THE FOLLOWING REQUIREMENTS:

(a) ~~is~~ located in this state or, for qualified students who reside within the boundaries of an Indian reservation in this state, that is located in an adjacent state and that is within two miles of the border of the state in which the qualified student resides, ~~and that~~.

(b) ~~Does not~~ discriminate on the basis of race, color or national origin.

(c) UNLESS THE SCHOOL SERVES ONLY QUALIFIED STUDENTS WHO MEET ANY OF THE CRITERIA SPECIFIED IN SECTION 15-2401, PARAGRAPH 10, SUBDIVISION (a), ITEM (i), (ii) OR (iii), EITHER:

(i) IS ACCREDITED BY A REGIONALLY OR NATIONALLY RECOGNIZED ACCREDITING ORGANIZATION.

(ii) PAYS FOR AND ADMINISTERS TO ALL QUALIFIED STUDENTS AN ASSESSMENT ADOPTED BY THE STATE BOARD OF EDUCATION FOR USE IN PUBLIC SCHOOLS PURSUANT TO TITLE 15, CHAPTER 7, ARTICLE 3, EXCEPT THAT, TO QUALIFY UNDER THIS ITEM, THE SCHOOL IS NOT REQUIRED TO ADMINISTER AN ASSESSMENT TO QUALIFIED STUDENTS WHO MEET ANY OF THE CRITERIA SPECIFIED IN PARAGRAPH 10, SUBDIVISION (a), ITEM (i), (ii) OR (iii) OF THIS SECTION.

(d) ANY ADDITIONAL REQUIREMENTS ENACTED BY THE LEGISLATURE.

7-10. "Qualified student" means a resident of this state who:

(a) Is any of the following:

(i) Identified as having a disability under section 504 of the rehabilitation act of 1973 (29 United States Code section 794).

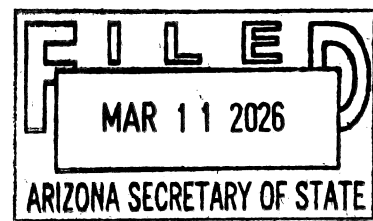
(ii) Identified by a school district or by an independent third party pursuant to section 15-2403, subsection J as a child with a disability as defined in section 15-731 or 15-761.

(iii) A child with a disability who is eligible to receive services from a school district under section 15-763.

(iv) Attending a school or school district that was assigned a letter grade of D or F pursuant to section 15-241 for the most recent year in which letter grades were assigned or is currently eligible to attend kindergarten and resides within the attendance boundary of a school that was assigned a letter grade of D or F pursuant to section 15-241 for the most recent year in which letter grades were assigned. A child who meets the requirements of this item and who meets the income eligibility requirements for free and reduced-price lunches under the national school lunch and child nutrition acts (42 United States Code sections 1751 through 1793) is not subject to subdivision (b) of this paragraph.

(v) A previous recipient of a scholarship issued pursuant to this section, unless the qualified student's parent has been removed from eligibility in the program for failure to comply pursuant to section 15-2403, subsection C.

(vi) A child of a parent who is a member of the armed forces of the United States and who is on active duty or was killed in the line of duty. A child who meets the requirements of this item is not subject to subdivision (b) of this paragraph.



(vii) A child who is a ward of the juvenile court and who is residing with a prospective permanent placement pursuant to section 8-862 and the case plan is adoption or permanent guardianship.

(viii) A child who was a ward of the juvenile court and who achieved permanency through adoption or permanent guardianship.

(ix) A child who is the sibling of a current or previous Arizona empowerment scholarship account recipient PURSUANT TO THIS SECTION, or of an eligible qualified student PURSUANT TO THIS SECTION who accepts the terms of and enrolls in an Arizona empowerment scholarship account.

(x) A child who resides within the boundaries of an Indian reservation in this state as determined by the department of education or a tribal government.

(xi) A child of a parent who is legally blind or deaf or hard of hearing as defined in section 36-1941.

(b) And, except as provided in subdivision (a), items (iv) and (vi) of this paragraph, who meets any of the following requirements:

(i) Attended a governmental primary or secondary school as a full-time student as defined in section 15-901 for at least forty-five days of the current or prior fiscal year and who transferred from a governmental primary or secondary school under a contract to participate in an Arizona empowerment scholarship account. Kindergarten students who are enrolled in Arizona online instruction must receive one hundred hours of logged instruction to be eligible pursuant to this item. First, second and third grade students who are enrolled in Arizona online instruction must receive two hundred hours of logged instruction to be eligible pursuant to this item. Fourth, fifth and sixth grade students who are enrolled in Arizona online instruction must receive two hundred fifty hours of logged instruction to be eligible pursuant to this item. Seventh and eighth grade students who are enrolled in Arizona online instruction must receive two hundred seventy-five hours of logged instruction to be eligible pursuant to this item. High school students who are enrolled in Arizona online instruction must receive two hundred fifty hours of logged instruction to be eligible pursuant to this item.

(ii) Previously participated in an Arizona empowerment scholarship account PURSUANT TO THIS SECTION.

(iii) Received a scholarship under section 43-1505 and who continues to attend a qualified school if the student attended a governmental primary or secondary school as a full-time student as defined in section 15-901 for at least ninety days of the prior fiscal year or one full semester before attending a qualified school.

(iv) Was eligible for an Arizona scholarship for pupils with disabilities and received monies from a school tuition organization pursuant to section 43-1505 or received an Arizona scholarship for pupils with disabilities but did not receive monies from a school tuition organization pursuant to section 43-1505 and who continues to attend a qualified school if the student attended a governmental primary or secondary school as a full-time student as defined in section 15-901 for at least ninety days of the prior fiscal year or one full semester before attending a qualified school.

(v) Attended a nonpublic school for pupils with disabilities in the prior year if placement at the school was approved by the department of education and contracted for by a public school district.

(vi) Has not previously attended a governmental primary or secondary school but is currently eligible to enroll in a kindergarten program in a school district or charter school in this state or attended a program for preschool children with disabilities. For the purposes of this item, a child is eligible to enroll in a kindergarten program if the child is at least five years of age on January 1 of the current school year, is under seven years of age, has not already completed a kindergarten program and is not enrolled in grade one of a private or governmental school in the current year.

(vii) Has not previously attended a governmental primary or secondary school but is currently eligible to enroll in a program for preschool children with disabilities in this state.

11. "QUALIFIED TUTOR" MEANS AN INDIVIDUAL WHO PROVIDES EDUCATIONAL TUTORING OR TEACHING SERVICES AND WHO MEETS ALL OF THE FOLLOWING REQUIREMENTS:

(a) IS AT LEAST EIGHTEEN YEARS OF AGE.

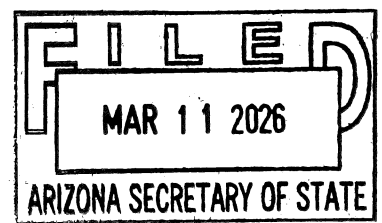
(b) HAS GRADUATED FROM HIGH SCHOOL OR OBTAINED A GENERAL EQUIVALENCY DIPLOMA OR, IF REQUIRED BY THE LEGISLATURE, HAS A HIGHER DEGREE.

(c) HAS OBTAINED AND MAINTAINS A VALID FINGERPRINT CLEARANCE CARD PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

(d) ANY ADDITIONAL REQUIREMENTS ENACTED BY THE LEGISLATURE.

12. "QUALIFIED TUTORING SERVICE PROVIDER" MEANS A BUSINESS OR FACILITY THAT EMPLOYS QUALIFIED TUTORS TO PROVIDE EDUCATIONAL, TUTORING OR SUPPLEMENTARY SERVICES TO QUALIFIED STUDENTS AND THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

(a) REQUIRES ALL PERSONNEL WHO HAVE CONTACT WITH QUALIFIED STUDENTS THAT IS NOT SUPERVISED AS DEFINED IN SECTION 15-505 TO OBTAIN AND MAINTAIN A VALID FINGERPRINT CLEARANCE CARD PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.



(b) ANY ADDITIONAL REQUIREMENTS ENACTED BY THE LEGISLATURE.

8-13. “Treasurer” means the office of the state treasurer.

**Sec. 5.** Section 15-2401.01, Arizona Revised Statutes, is amended to read:

15-2401.01. Definition of qualified student for Arizona empowerment scholarship accounts; expansion; INCOME LIMIT

A. ~~Notwithstanding~~ IN ADDITION TO THE DEFINITION OF “QUALIFIED STUDENT” IN section 15-2401, ~~beginning in the 2022-2023 school year,~~ in this chapter, unless the context otherwise requires, “qualified student” includes a resident of this state who ~~both~~ MEETS ALL OF THE FOLLOWING REQUIREMENTS:

1. Is eligible to enroll in a public school in this state in any of the following:

(a) A preschool program for children with disabilities.

(b) A kindergarten program.

(c) Any of grades one through twelve.

2. BEGINNING IN THE 2027-2028 SCHOOL YEAR, HAS AN ANNUAL FAMILY INCOME AT OR BELOW THE LESSER OF THE FOLLOWING BASED ON EITHER A COPY OF THE MOST RECENT STATE OR FEDERAL INCOME TAX RETURN OR RETURNS NECESSARY TO DETERMINE THE ANNUAL FAMILY INCOME OR PROOF OF CURRENT ENROLLMENT IN A PROGRAM ADMINISTERED BY THIS STATE THAT HAS AN INCOME ELIGIBILITY REQUIREMENT AT OR BELOW THE INCOME LIMIT PRESCRIBED BY THIS PARAGRAPH:

(a) \$150,000, ADJUSTED ANNUALLY BY EITHER TWO PERCENT OR THE ANNUAL PERCENTAGE CHANGE IN THE GDP PRICE DEFLATOR AS DEFINED IN SECTION 15-901, WHICHEVER IS LESS.

(b) AN AMOUNT ESTABLISHED BY THE LEGISLATURE.

2 3. Does not otherwise qualify for an Arizona empowerment scholarship account pursuant to ~~this chapter~~ THE DEFINITION OF “QUALIFIED STUDENT” IN SECTION 15-2401.

4. ANY ADDITIONAL REQUIREMENTS ENACTED BY THE LEGISLATURE.

B. THE INCOME LIMIT PRESCRIBED BY SUBSECTION A, PARAGRAPH 2 OF THIS SECTION DOES NOT APPLY TO STUDENTS WHO ARE ELIGIBLE FOR AN ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNT PURSUANT TO THE DEFINITION OF “QUALIFIED STUDENT” IN SECTION 15-2401, INCLUDING STUDENTS WITH A DISABILITY WHO MEET ANY OF THE CRITERIA SPECIFIED IN SECTION 15-2401, PARAGRAPH 10, SUBDIVISION (a), ITEM (i), (ii) or (iii).

**Sec. 6.** Section 15-2402, Arizona Revised Statutes, is amended to read:

15-2402. Arizona empowerment scholarship accounts; funds; REGISTRATION; QUARTERLY REPORTS; ENFORCEMENT

A. Arizona empowerment scholarship accounts are established to provide options for the education of QUALIFIED students in this state.

B. To enroll a qualified student for an Arizona empowerment scholarship account, the parent of the qualified student must sign an agreement to do all of the following:

1. Use a portion of the Arizona ~~empowerment scholarship account~~ ESA monies allocated annually to provide an education for the qualified student in at least the subjects of reading, grammar, mathematics, social studies and science, unless the Arizona empowerment scholarship account is allocated monies according to a transfer schedule other than quarterly transfers pursuant to section 15-2403, subsection G.

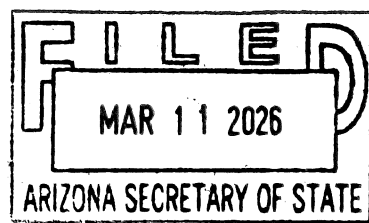
2. Not enroll the qualified student in a school district or charter school and release the school district from all obligations to educate the qualified student. This paragraph does not:

(a) Relieve the school district or charter school that the qualified student previously attended from the obligation to conduct an evaluation pursuant to section 15-766.

(b) Require the qualified student to withdraw from a school district or charter school before enrolling for an Arizona empowerment scholarship account if the qualified student withdraws from the school district or charter school before receiving any monies in the qualified student’s Arizona empowerment scholarship account.

(c) Prevent the qualified student from applying in advance for an Arizona empowerment scholarship account to be funded beginning the following school year, subject to section 15-2403, subsection H.

3. Not accept a scholarship from a school tuition organization pursuant to title 43 concurrently with an Arizona empowerment scholarship account for the qualified student in the same year a parent signs the agreement pursuant to this section.



4. Use monies deposited in the qualified student's Arizona empowerment scholarship account OR ANY OTHER ARIZONA ESA MONIES only for the following expenses of the qualified student:

(a) Tuition or fees at a qualified school that ~~requires all teaching staff and personnel who have unsupervised contact with students to be fingerprinted.~~ MEETS ALL OF THE FOLLOWING REQUIREMENTS:

(i) IS REGISTERED WITH THE DEPARTMENT PURSUANT TO SUBSECTIONS P AND Q OF THIS SECTION.

(ii) REQUIRES ALL TEACHING STAFF AND SCHOOL PERSONNEL WHO HAVE CONTACT WITH STUDENTS THAT IS NOT SUPERVISED AS DEFINED IN SECTION 15-505 TO OBTAIN AND MAINTAIN A VALID FINGERPRINT CLEARANCE CARD PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

(iii) IF THE QUALIFIED SCHOOL CHOOSES TO ADMINISTER AN ASSESSMENT PURSUANT TO SECTION 15-2401, PARAGRAPH 9, SUBDIVISION (c), ITEM (ii), MAKES AGGREGATED TEST SCORES PUBLICLY AVAILABLE ON AN ANNUAL BASIS, INCLUDING ON THE QUALIFIED SCHOOL'S WEBSITE. THE DISCLOSURE OF AGGREGATED TEST SCORES SHALL COMPLY WITH APPLICABLE LAW, INCLUDING RESTRICTIONS IN 20 UNITED STATES CODE SECTION 1232g.

(iv) ANY ADDITIONAL REQUIREMENTS ENACTED BY THE LEGISLATURE.

(b) Textbooks required by a qualified school.

(c) If the qualified student meets any of the criteria specified in section 15-2401, paragraph 7-10, subdivision (a), item (i), (ii) or (iii) as determined by a school district or by an independent third party pursuant to section 15-2403, subsection J, the qualified student may use the following additional services:

(i) Educational therapies from a licensed or accredited practitioner or provider, including and up to any amount not covered by insurance if the expense is partially paid by a health insurance policy for the qualified student.

(ii) A licensed or accredited paraprofessional or educational aide.

(iii) Tuition for vocational and life skills education approved by the department.

(iv) Associated goods and services that include educational and psychological evaluations, assistive technology rentals and braille translation goods and services approved by the department.

(d) Tutoring or teaching services provided by an individual who IS A QUALIFIED TUTOR, WHETHER INDIVIDUALLY OR THROUGH A QUALIFIED SCHOOL OR QUALIFIED TUTORING SERVICE PROVIDER, PROVIDED THAT THE QUALIFIED TUTOR MEETS ALL OF THE FOLLOWING REQUIREMENTS:

(i) IS REGISTERED WITH THE DEPARTMENT PURSUANT TO SUBSECTIONS P AND Q OF THIS SECTION OR PROVIDES SERVICES THROUGH A QUALIFIED SCHOOL OR QUALIFIED TUTORING SERVICE PROVIDER THAT IS REGISTERED PURSUANT TO SUBSECTIONS P AND Q OF THIS SECTION.

(ii) is not subject to disciplinary action by the state board of education for immoral or unprofessional conduct pursuant to section 15-505 or 15-534.04 or a facility, INCLUDING A QUALIFIED SCHOOL OR QUALIFIED TUTORING SERVICE PROVIDER, that is accredited by a state, regional or national accrediting organization. The department shall ensure THAT any individual QUALIFIED TUTOR who provides tutoring or teaching services to one or more qualified students pursuant to this subdivision is not subject to disciplinary action by the state board of education. The department shall also remove any individual QUALIFIED TUTOR who is subject to disciplinary action by the state board of education from all platforms that the department provides to parents and qualified students for the purchase of goods or educational services using ~~account~~ ARIZONA ESA monies.

(iii) ANY ADDITIONAL REQUIREMENTS ENACTED BY THE LEGISLATURE.

(e) Curricula, ~~and supplementary~~ SUPPLEMENTAL materials AND REASONABLE SCHOOL SUPPLIES, INCLUDING PENS, PENCILS, AND NOTEBOOKS. SUPPLEMENTAL MATERIALS MUST BE REQUIRED OR RECOMMENDED BY THE CURRICULUM APPROVED BY THE DEPARTMENT, DIRECTLY AND SUBSTANTIALLY RELATED TO CURRICULAR CONTENT AND USED TO TEACH OR ENHANCE AN APPROVED CURRICULUM.

(f) Tuition or fees for a nonpublic online learning program.

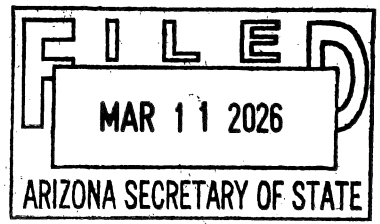
(g) Fees for a nationally standardized norm-referenced achievement test, an advanced placement examination or any exams related to college or university admission.

(h) Tuition or fees at an eligible postsecondary institution.

(i) Textbooks required by an eligible postsecondary institution.

(j) Fees to manage the Arizona empowerment scholarship account.

(k) Services provided by a public school, including individual classes and extracurricular programs.



(l) Insurance or surety bond payments.

(m) Uniforms purchased from or through a qualified school.

(n) If the qualified student meets the criteria specified in section 15-2401, paragraph 7-10, subdivision (a), item (i), (ii) or (iii) and if the qualified student is in the second year ~~prior to~~ BEFORE the final year of a contract executed pursuant to this article, costs associated with an annual education plan conducted by an independent evaluation team. The department shall prescribe minimum qualifications for independent evaluation teams pursuant to this subdivision and factors that teams must use to determine whether the qualified student shall be eligible to continue to receive monies pursuant to this article through the school year in which the qualified student reaches twenty-two years of age. An independent evaluation team that provides an annual education plan pursuant to this subdivision shall submit a written report that summarizes the results of the evaluation to the parent of the qualified student and to the department on or before July 31. The written report submitted by the independent evaluation team is valid for one year. If the department determines that the qualified student meets the eligibility criteria prescribed in the annual education plan, the qualified student is eligible to continue to receive monies pursuant to this article until the qualified student reaches twenty-two years of age, subject to annual review. A parent may appeal the department's decision pursuant to title 41, chapter 6, article 10. As an addendum to a qualified student's final-year contract, the department shall provide the following written information to the parent of the qualified student:

(i) That the qualified student will not be eligible to continue to receive monies pursuant to this article unless the results of an annual education plan conducted pursuant to this subdivision demonstrate that the qualified student meets the eligibility criteria prescribed in the annual education plan.

(ii) That the parent is entitled to obtain an annual education plan pursuant to this subdivision to determine whether the qualified student meets the eligibility criteria prescribed in the annual education plan.

(iii) A list of independent evaluation teams that meet the minimum qualifications prescribed by the department pursuant to this subdivision.

(o) Public transportation services in this state, including a commuter pass for the qualified student, or transportation network services as defined in section 28-9551 between the qualified student's residence and a qualified school in which the qualified student is enrolled.

(p) Computer hardware and technological devices primarily used for an educational purpose. For the purposes of this subdivision, "computer hardware and technological devices":

(i) Includes calculators, personal computers, laptops, tablet devices, microscopes, telescopes and printers.

(ii) Does not include entertainment and other primarily noneducational devices, including televisions, telephones, video game consoles and accessories, and home theatre and audio equipment.

5. Not file an affidavit of intent to homeschool pursuant to section 15-802, subsection B, paragraph 2 or 3.

6. Not use monies deposited in the qualified student's account for any of the following:

(a) Computer hardware or other technological devices, except as otherwise allowed under paragraph 4, subdivision (c) or (p) of this subsection.

(b) Transportation of the pupil, except for transportation services described in paragraph 4, subdivision (o) of this subsection.

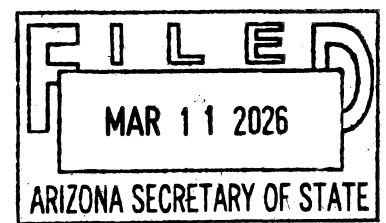
(c) NONEDUCATIONAL ITEMS OR LUXURY GOODS, INCLUDING HOUSEHOLD FURNITURE, FIXTURES OR ITEMS NOT PRIMARILY USED FOR EDUCATIONAL PURPOSES, COMMERCIAL OR HOUSEHOLD APPLIANCES OR MACHINERY, HOME OR PROPERTY IMPROVEMENTS, JEWELRY, LINGERIE, ADMISSION TO WATER PARKS OR AMUSEMENT PARKS, HOME SWIMMING POOLS, HOT TUBS, SAUNAS, GIFT CARDS OR GIFT CERTIFICATES, OUT-OF-STATE OR INTERNATIONAL TRAVEL, OUT-OF-STATE OR INTERNATIONAL MUSEUMS OR EXCURSIONS, CHILD CARE OR BABYSITTING, RESTAURANT DINING, HOTELS OR LODGING, BOUNCE HOUSES, WATER SLIDES OR MOTOR-OPERATED VEHICLES OR WATERCRAFT.

(d) NOTWITHSTANDING ANY OTHER LAW, PAYING A MEMBER OF THE FAMILY, AS DEFINED IN SECTION 15-1871, OF THE QUALIFIED STUDENT UNLESS THE QUALIFIED STUDENT MEETS THE CRITERIA SPECIFIED IN SECTION 15-2401, PARAGRAPH 10, SUBDIVISION (a), ITEM (i), (ii) or (iii).

(e) ANY ADDITIONAL PROHIBITIONS ENACTED BY THE LEGISLATURE.

C. In exchange for the parent's agreement pursuant to subsection B of this section, the department shall transfer from the monies that would otherwise be allocated to a recipient's prior school district, or if the child is currently eligible to attend a preschool program for children with disabilities, a kindergarten program or any of grades one through twelve, the monies that the department determines would otherwise be allocated to a recipient's expected school district of attendance, to the treasurer for deposit into an Arizona empowerment scholarship account an amount that is equivalent to ninety percent of the sum of the base support level and additional assistance prescribed in sections 15-185 and 15-943 for that particular student if that student were attending a charter school.

D. The department of education empowerment scholarship account fund is established consisting of monies appropriated by the legislature. The department shall administer the fund. Monies in the fund are subject to legislative appropriation. Monies in the fund shall be used for the department's costs in administering Arizona empowerment scholarship accounts under this chapter. Monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations. If the number of Arizona empowerment scholarship accounts



significantly increases after fiscal year 2020-2021, the department may request an increase in the amount appropriated to the fund in any subsequent fiscal year in the budget estimate submitted pursuant to section 35-113. The department shall list monies in the fund as a separate line item in its budget estimate.

E. The state treasurer empowerment scholarship account fund is established consisting of monies appropriated by the legislature. The state treasurer shall administer the fund. Monies in the fund shall be used for the state treasurer's costs in administering the Arizona empowerment scholarship accounts under this chapter. If the number of Arizona empowerment scholarship accounts significantly increases after fiscal year 2020-2021, the state treasurer may request an increase in the amount appropriated to the fund in any subsequent fiscal year in the budget estimate submitted pursuant to section 35-113. Monies in the fund are subject to legislative appropriation. Monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations. The state treasurer shall list monies in the fund as a separate line item in its budget estimate.

F. A parent must renew the qualified student's Arizona empowerment scholarship account on an annual basis. The department of education shall verify that the parent's child is a qualified student as defined in section 15-2401 or 15-2401.01 in the year for which the parent seeks to renew the Arizona empowerment scholarship account. This subsection does not require the department to annually verify the child's disability for the purpose of section 15-2401, paragraph 7-10, subdivision (a), item (i), (ii) or (iii), if applicable.

G. Notwithstanding any changes to the student's multidisciplinary evaluation team plan, a student who has previously qualified for an Arizona empowerment scholarship account remains eligible to apply for renewal until the student finishes high school.

H. If a parent does not renew the qualified student's Arizona empowerment scholarship account for a period of ~~three~~ ONE academic years YEAR, the department shall notify the parent that the qualified student's account will be closed in sixty calendar days. The notification must be sent ~~through~~ BY certified mail, email and telephone, if applicable. The parent has sixty calendar days to renew the qualified student's Arizona empowerment scholarship account. If the parent chooses not to renew or does not respond ~~in~~ WITHIN sixty calendar days, the department shall close the account and any remaining monies shall be returned to ~~the~~ THIS state.

I. A signed agreement under this section constitutes school attendance required by section 15-802.

J. A qualified school or a provider of services purchased pursuant to subsection B, paragraph 4 of this section may not share, refund or rebate any Arizona empowerment scholarship account monies with the parent or qualified student in any manner.

K. Notwithstanding subsection H of this section, on the qualified student's graduation from a postsecondary institution or after any period of four consecutive years after high school graduation in which the student is not enrolled in an eligible postsecondary institution, but not before this time as long as the account holder continues using a portion of account monies for allowable expenses each year and is in good standing, the qualified student's Arizona empowerment scholarship account shall be closed and any remaining monies shall be returned to ~~the~~ THIS state.

L. Monies received pursuant to this article do not constitute taxable income to the parent of the qualified student.

M. THE DEPARTMENT SHALL NOT REIMBURSE OR OTHERWISE PROVIDE ARIZONA ESA MONIES TO A QUALIFIED STUDENT, PARENT OR ACCOUNT HOLDER OR A NONPUBLIC SCHOOL OR ANY OTHER PERSON OR ENTITY EXCEPT AS PRESCRIBED BY THIS SECTION. THE DEPARTMENT SHALL TAKE REASONABLE STEPS TO ENSURE THAT ARIZONA ESA MONIES ARE NOT USED IN VIOLATION OF THIS SECTION.

N. A QUALIFIED STUDENT, PARENT OR ACCOUNT HOLDER WHO IS FOUND TO HAVE INTENTIONALLY SPENT ARIZONA ESA MONIES IN VIOLATION OF THIS SECTION AFTER BEING PROVIDED NOTICE AND AN OPPORTUNITY TO BE HEARD PURSUANT TO RULES ESTABLISHED BY THE STATE BOARD OF EDUCATION IS PERMANENTLY DISQUALIFIED FROM THE ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNT PROGRAM. THE DEPARTMENT SHALL CLOSE THE ACCOUNT AT ISSUE, AND ANY REMAINING MONIES SHALL BE RECOUPED BY THE DEPARTMENT AND RETURNED TO THIS STATE.

O. NOTWITHSTANDING ANY OTHER LAW:

1. EXCEPT AS PROVIDED BY PARAGRAPH 2 OF THIS SUBSECTION, ALL ARIZONA ESA MONIES THAT REMAIN UNSPENT AND UNENCUMBERED ON JULY 1 OF EACH YEAR AND THAT WERE ALLOCATED FOR A QUALIFIED STUDENT IN ANY PRIOR FISCAL YEAR SHALL BE RECOUPED BY THE DEPARTMENT AND RETURNED TO THIS STATE.

2. IF THE QUALIFIED STUDENT MEETS ANY OF THE CRITERIA SPECIFIED IN SECTION 15-2401, PARAGRAPH 10, SUBDIVISION (a), ITEM (i), (ii) OR (iii), ALL ARIZONA ESA MONIES THAT REMAIN UNSPENT AND UNENCUMBERED ON JULY 1 OF EACH YEAR AND THAT WERE ALLOCATED FOR THE QUALIFIED STUDENT IN ANY FISCAL YEAR PRECEDING THE PRIOR FISCAL YEAR SHALL BE RECOUPED BY THE DEPARTMENT AND RETURNED TO THIS STATE.

P. BEGINNING JULY 1, 2027, TO BE ELIGIBLE TO RECEIVE ARIZONA ESA MONIES OR FOR PAYMENTS TO THE QUALIFIED SCHOOL, QUALIFIED TUTORING SERVICE PROVIDER OR QUALIFIED TUTOR TO BE REIMBURSABLE WITH ARIZONA ESA MONIES, A QUALIFIED SCHOOL, QUALIFIED TUTORING SERVICE PROVIDER OR QUALIFIED TUTOR SHALL BE REGISTERED WITH THE DEPARTMENT AND BE INCLUDED ON ANY PLATFORM THAT THE DEPARTMENT PROVIDES TO PARENTS AND QUALIFIED STUDENTS FOR THE PURCHASE OF GOODS OR EDUCATIONAL SERVICES USING ARIZONA ESA MONIES AND SHALL PAY AN ANNUAL REGISTRATION FEE ESTABLISHED PURSUANT TO SECTION 15-2403.01, EXCEPT THAT A QUALIFIED TUTOR IS NOT REQUIRED TO SEPARATELY REGISTER WITH THE DEPARTMENT IF ALL ARIZONA ESA MONIES PAID FOR THE QUALIFIED TUTOR'S SERVICES ARE PAID TO A REGISTERED QUALIFIED SCHOOL OR REGISTERED

QUALIFIED TUTORING SERVICE PROVIDER AND NOT TO THE QUALIFIED TUTOR DIRECTLY. TO REGISTER WITH THE DEPARTMENT:

1. A QUALIFIED SCHOOL MUST SUBMIT EVIDENCE THAT IT MEETS THE REQUIREMENTS OF SECTION 15-2401, PARAGRAPH 9 AND CERTIFY THAT THE QUALIFIED SCHOOL IS IN COMPLIANCE WITH STUDENT AND SITE SAFETY RULES ADOPTED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 15-2403.01. AN ENTITY THAT OPERATES MULTIPLE CAMPUSES OR LOCATIONS SHALL REGISTER EACH CAMPUS OR LOCATION AS A SEPARATE QUALIFIED SCHOOL.

2. A QUALIFIED TUTORING SERVICE PROVIDER MUST CERTIFY THAT IT MEETS THE REQUIREMENTS OF SECTION 15-2401, PARAGRAPH 12. AN ENTITY THAT OPERATES MULTIPLE LOCATIONS SHALL REGISTER EACH LOCATION AS A SEPARATE QUALIFIED TUTORING SERVICE PROVIDER.

3. A QUALIFIED TUTOR MUST SUBMIT A COPY OF THE QUALIFIED TUTOR'S FINGERPRINT CLEARANCE CARD AND CERTIFY THAT THE QUALIFIED TUTOR IS NOT SUBJECT TO DISCIPLINARY ACTION BY THE STATE BOARD OF EDUCATION FOR IMMORAL OR UNPROFESSIONAL CONDUCT PURSUANT TO SECTION 15-505 OR 15-534.04 OR BY A FACILITY THAT IS ACCREDITED BY A STATE, REGIONAL OR NATIONAL ACCREDITING ORGANIZATION.

Q. REGISTRATION PURSUANT TO SUBSECTION P OF THIS SECTION SHALL BE RENEWED ON AN ANNUAL BASIS. THE REGISTRATION FORM AND SUPPORTING DOCUMENTS SUBMITTED BY QUALIFIED SCHOOLS, QUALIFIED TUTORING SERVICE PROVIDERS AND QUALIFIED TUTORS ARE PUBLIC RECORDS. THE DEPARTMENT SHALL NOTIFY REGISTERED QUALIFIED SCHOOLS, REGISTERED QUALIFIED TUTORING SERVICE PROVIDERS AND REGISTERED QUALIFIED TUTORS OF THE REQUIREMENTS THAT APPLY TO THOSE PERSONS OR ENTITIES PURSUANT TO THIS CHAPTER.

R. NOTWITHSTANDING ANY OTHER LAW:

1. A QUALIFIED SCHOOL OR QUALIFIED TUTORING SERVICE PROVIDER THAT REGISTERS TO RECEIVE ARIZONA ESA MONIES IS SUBJECT TO SECTIONS 15-350, 15-505, 15-534.04 AND 15-550 IN THE SAME MANNER AS SCHOOLS AND SCHOOL DISTRICTS UNDER THOSE SECTIONS.

2. A QUALIFIED TUTOR WHO REGISTERS WITH THE DEPARTMENT TO RECEIVE ARIZONA ESA MONIES, OR WHO PROVIDES TUTORING OR TEACHING SERVICES TO A QUALIFIED STUDENT THROUGH A REGISTERED QUALIFIED TUTORING SERVICE PROVIDER OR REGISTERED QUALIFIED SCHOOL, AND WHO IS NOT CERTIFICATED PURSUANT TO SECTION 15-501.01 AND SUBJECT TO THE DISCIPLINARY AUTHORITY OF THE STATE BOARD OF EDUCATION PURSUANT TO THAT CERTIFICATION, IS SUBJECT TO SECTIONS 15-350, 15-505, 15-534.04 AND 15-550 IN THE SAME MANNER AS A NONCERTIFICATED PERSON WHO IS EMPLOYED BY A PUBLIC SCHOOL.

S. BEGINNING OCTOBER 1, 2028, AND QUARTERLY THEREAFTER, THE DEPARTMENT SHALL REPORT THE FOLLOWING INFORMATION FOR THE PRECEDING QUARTER TO THE ATTORNEY GENERAL AND SHALL MAKE ANY REPORTS AVAILABLE ON THE DEPARTMENT'S WEBSITE:

1. THE TOTAL AMOUNT OF ARIZONA ESA MONIES RECEIVED BY OR REIMBURSED FOR PAYMENTS TO EACH REGISTERED QUALIFIED SCHOOL, REGISTERED QUALIFIED TUTORING SERVICE PROVIDER AND REGISTERED QUALIFIED TUTOR.

2. THE TOTAL NUMBER OF QUALIFIED STUDENTS FOR WHOM EACH REGISTERED QUALIFIED SCHOOL, REGISTERED QUALIFIED TUTORING SERVICE PROVIDER AND REGISTERED QUALIFIED TUTOR RECEIVED ARIZONA ESA MONIES.

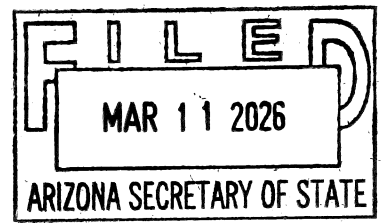
3. THE TOTAL NUMBER OF ACCOUNT HOLDERS DISQUALIFIED FROM THE ARIZONA ESA PROGRAM PURSUANT TO SUBSECTION N OF THIS SECTION.

4. THE AMOUNTS TRANSFERRED PURSUANT TO SUBSECTIONS H, K, N, O AND T OF THIS SECTION TO THIS STATE, THE CLASSROOM SITE FUND ESTABLISHED BY SECTION 15-977, THE FUND ESTABLISHED PURSUANT TO SUBSECTION D OF THIS SECTION AND THE STATE BOARD OF EDUCATION.

T. NOTWITHSTANDING ANY OTHER LAW, NINETY PERCENT OF ARIZONA ESA MONIES THAT ARE RECOUPED BY THE DEPARTMENT PURSUANT TO SUBSECTIONS N AND O OF THIS SECTION SHALL BE TRANSFERRED BY SEPTEMBER 1 OF EACH YEAR TO THE CLASSROOM SITE FUND ESTABLISHED BY SECTION 15-977, EXCEPT THAT A PORTION OF THOSE MONIES ALLOCATED FOR THE CLASSROOM SITE FUND SHALL BE TRANSFERRED BY SEPTEMBER 1 OF EACH YEAR TO THE FUND ESTABLISHED BY SUBSECTION D OF THIS SECTION OR THE STATE BOARD OF EDUCATION FOR THE ACTUAL REASONABLE COSTS INCURRED BY OR REASONABLY ESTIMATED TO BE NECESSARY FOR THE DEPARTMENT OR THE STATE BOARD OF EDUCATION, RESPECTIVELY, TO IMPLEMENT, CARRY OUT AND ENFORCE THE PROVISIONS OF THE PROTECT EDUCATION ACT AND THE RULES ADOPTED PURSUANT TO THE ACT.

U. THE ATTORNEY GENERAL SHALL ENFORCE THIS SECTION AND MAY:

1. ISSUE CIVIL INVESTIGATIVE DEMANDS SEEKING RELEVANT INFORMATION AND DOCUMENTS FROM ANY PERSON TO INVESTIGATE ANY PERSON'S COMPLIANCE WITH THIS SECTION.



2. FILE A CIVIL ACTION AGAINST ANY PERSON FOR VIOLATING THIS SECTION AND SEEK, AS APPROPRIATE, INJUNCTIVE RELIEF, DECLARATORY RELIEF OR RESTITUTION TO THIS STATE. AS THE PREVAILING PARTY, THE ATTORNEY GENERAL MAY SEEK, AND THE COURT MAY AWARD, REASONABLE ATTORNEY FEES AND COSTS INCURRED IN INVESTIGATING AND BRINGING THE CIVIL ACTION. ALL MONIES RECOVERED AS RESTITUTION SHALL BE DEPOSITED IN THE CLASSROOM SITE FUND ESTABLISHED BY SECTION 15-977.

**Sec. 7.** Title 15, chapter 19, article 1, Arizona Revised Statutes, is amended by adding section 15-2403.01 to read:

15-2403.01. Arizona ESA monies; safety and transparency; rulemaking

A. WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE STATE BOARD OF EDUCATION SHALL ADOPT RULES:

1. PRESCRIBING REQUIREMENTS FOR STUDENT AND SITE SAFETY FOR ALL QUALIFIED SCHOOLS, INCLUDING REQUIREMENTS FOR COMPLIANCE WITH LOCAL FIRE AND SAFETY CODES, BACKGROUND CHECKS, SECURING HEAVY MACHINERY, TOOLS AND WEAPONS ON THE PREMISES, POOL FENCES, DRUGS AND ALCOHOL ON THE PREMISES, FOOD SAFETY, SANITATION AND ANY OTHER MATTER NECESSARY TO ENHANCE STUDENT AND SITE SAFETY, PROVIDED THAT SUCH REQUIREMENTS ARE SUBSTANTIALLY SIMILAR TO THOSE REQUIRED FOR STUDENT AND SITE SAFETY AT DISTRICT OR CHARTER SCHOOLS.

2. REASONABLY NECESSARY TO EFFECTIVELY IMPLEMENT AND ENFORCE SECTION 15-2402, INCLUDING ESTABLISHING REASONABLE SPENDING AND OTHER LIMITS FOR CERTAIN CATEGORIES OF GOODS AND SERVICES PURCHASED WITH ARIZONA ESA MONIES.

3. REASONABLY NECESSARY TO EFFECTIVELY IMPLEMENT THE ACCREDITATION AND TESTING OPTIONS IN SECTION 15-2401, PARAGRAPH 9, SUBDIVISION (c).

4. REASONABLY NECESSARY TO EFFECTIVELY IMPLEMENT THE INCOME LIMIT FOR ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNT ELIGIBILITY PURSUANT TO SECTION 15-2401.01, SUBSECTION A, PARAGRAPH 2, INCLUDING RULES TO VERIFY THE ANNUAL FAMILY INCOME IF EITHER OR BOTH OF THE PARENTS WITH FINANCIAL RESPONSIBILITY FOR THE QUALIFIED STUDENT DID NOT FILE TAX RETURNS IN THE TWO PRIOR TAXABLE YEARS.

5. REASONABLY NECESSARY TO EFFECTIVELY IMPLEMENT THE REGISTRATION PROCESS REQUIRED IN SECTION 15-2402, SUBSECTIONS P AND Q AND TO SET THE REGISTRATION FEE REQUIRED PURSUANT TO SECTION 15-2402, SUBSECTION P IN AN AMOUNT THAT IS REASONABLE AND RELATED TO THE ACTUAL COST OF ESTABLISHING AND MAINTAINING THE REGISTRATION PLATFORM AND PROCESSING REGISTRATIONS.

**Sec. 8.** Section 15-2404, Arizona Revised Statutes, is amended to read:

15-2404. State control over nonpublic schools; prohibition; application

A. This chapter does not ~~permit~~-ALLOW any government agency to exercise control or supervision over any nonpublic school or homeschool, EXCEPT AS PROVIDED IN THIS CHAPTER IF IT RECEIVES ARIZONA ESA MONIES.

B. A qualified school that accepts a payment from a parent pursuant to this chapter is not an agent of the state or federal government.

C. A qualified school shall not be required to alter its creed, practices, admissions policy or curriculum in order to accept students whose parents pay tuition or fees from an ARIZONA empowerment scholarship account pursuant to this chapter in order to participate as a qualified school.

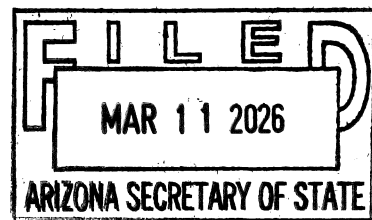
~~D. In any legal proceeding challenging the application of this chapter to a qualified school, the state bears the burden of establishing that the law is necessary and does not impose any undue burden on qualified schools.~~

**Sec. 9.** Section 15-2405, Arizona Revised Statutes, is amended to read:

15-2405. Arizona empowerment scholarship accounts parent oversight committee; membership; duties

A. The Arizona empowerment scholarship accounts parent oversight committee is established consisting of six members who are parents of qualified students who receive Arizona ~~empowerment scholarship account~~ ESA monies under this chapter. The members shall be appointed as follows:

1. One member who is appointed by the president of the senate.
2. One member who is appointed by the speaker of the house of representatives.
3. One member who is appointed by the minority leader of the senate.
4. One member who is appointed by the minority leader of the house of representatives.
5. Two members who are appointed by the governor.



B. At a minimum, the members appointed pursuant to subsection A, paragraphs 1, 2, 3 and 4 of this section shall be parents of qualified students who both:

1. Meet any of the criteria specified in section 15-2401, paragraph 7-10, subdivision (a), item (i), (ii) or (iii) as determined by an independent third party pursuant to section 15-2403, subsection I-J.

2. Use monies deposited in the qualified student's Arizona empowerment scholarship account for expenses as prescribed in section 15-2402, subsection B, paragraph 4, subdivision (c).

C. The members of the committee shall annually elect a chairperson from among its members.

D. The committee shall meet at least once each calendar quarter. A majority of the membership constitutes a quorum for the transaction of business.

E. The committee shall collaborate and interact with the department, the state board of education, the attorney general and, as appropriate, the auditor general to review all of the following:

1. The implementation of policies and procedures relating to the Arizona empowerment scholarship account program under this chapter and the program's effectiveness.

2. The concerns of parents of qualified students who receive Arizona ~~empowerment scholarship account~~ ESA monies under this chapter.

3. The work of the ombudsman-citizens aide on complaints associated with administering the Arizona empowerment scholarship account program.

F. A parent may not serve on the committee if any of the following applies:

1. The parent is an employee or the relative of an employee of the department.

2. The parent receives monies or compensation from or is otherwise associated in any manner with a lobbyist organization, a school choice advocacy group or a private financial management firm that manages Arizona empowerment scholarship accounts pursuant to section 15-2403, subsection A.

3. The parent provides goods or services to qualified students that are purchased pursuant to section 15-2402, subsection B, paragraph 4.

#### Sec. 10. Limited exemption from rulemaking requirements

Notwithstanding any other law, for the purposes of this Act and for eight months after the effective date of this Act, the state board of education is exempt from the rulemaking requirements of title 41, chapters 6 and 6.1, Arizona Revised Statutes and any executive order or other directive purporting to limit or restrict the ability to adopt new rules, except that the state board of education shall provide the public with a reasonable opportunity to comment on proposed rules and shall publish otherwise exempted rules.

#### Sec. 11. Transfer of monies

Notwithstanding any other law, on the effective date of the Protect Education Act, the director of the department of health services shall transfer the following sums from the medical marijuana fund established by section 36-2817 to be used for any mandatory expenditure of state revenues required by the Protect Education Act:

1. \$500,000 to the department of education.

2. \$500,000 to the state board of education.

3. \$500,000 to the department of public safety.

4. \$250,000 to the attorney general.

#### Sec. 12. Severability

The provisions of this Act are severable. If any provision of this measure or its application to any person or circumstance is held to be unconstitutional or otherwise invalid, the remainder of this Act and the application of the provisions to any person or circumstance shall not be affected by the holding. The invalidated provision or provisions shall be interpreted to the greatest extent possible to conform to applicable law and to give maximum effect to the intent of this Act.

#### Sec. 13. Standing

The People of the State of Arizona desire that this measure, if approved by the voters and thereafter challenged in court, be defended by the State of Arizona. The political action committee that sponsored this measure, or its designee, shall have standing to initiate or intervene in any action or proceeding to enforce or defend this measure.



# **EXHIBIT 2**

Senate Engrossed

~~elected officials; salary; prohibition~~  
(now: military families; scholarship accounts)

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
Second Regular Session  
2026

## HOUSE CONCURRENT RESOLUTION 2048

### A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE XI,  
CONSTITUTION OF ARIZONA, BY ADDING SECTION 12; RELATING TO EDUCATION  
SCHOLARSHIPS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the  
2 Senate concurring:

3 1. Article XI, Constitution of Arizona, is proposed to be amended by  
4 adding section 12 as follows if approved by the voters and on proclamation  
5 of the Governor:

6 12. Scholarship accounts; confiscation of monies  
7 prohibited; voidability of future bills or  
8 measures; definitions

9 SECTION 12. A. THIS STATE MAY NOT CONFISCATE MONIES FROM  
10 ANY SCHOLARSHIP ACCOUNT OF ANY STUDENT WHO IS A CHILD OF A  
11 MILITARY FAMILY IF BOTH OF THE FOLLOWING APPLY:

12 1. THE SCHOLARSHIP ACCOUNT IS ESTABLISHED AND MAINTAINED  
13 BY THIS STATE PURSUANT TO A PROGRAM THAT DESIGNATES ANY STUDENT  
14 WHO IS A CHILD OF A MILITARY FAMILY AND WHO SATISFIES ENROLLMENT  
15 REQUIREMENTS AS ELIGIBLE TO RECEIVE SCHOLARSHIP MONIES. THIS  
16 PARAGRAPH DOES NOT LIMIT THIS SUBSECTION TO SCHOLARSHIP ACCOUNT  
17 PROGRAMS THAT ARE ESTABLISHED AND MAINTAINED BY THIS STATE FOR  
18 ONLY CHILDREN OF MILITARY FAMILIES.

19 2. THE STUDENT MAY USE MONIES IN THE SCHOLARSHIP ACCOUNT  
20 FOR TUITION OR FEES AT ELIGIBLE POSTSECONDARY EDUCATIONAL  
21 INSTITUTIONS.

22 B. NOTWITHSTANDING ARTICLE IV, IF A BILL ENACTED INTO  
23 LAW OR A MEASURE APPROVED BY THE VOTERS ON OR AFTER NOVEMBER 1,  
24 2026 VIOLATES SUBSECTION A OF THIS SECTION, THE ENTIRE BILL OR  
25 MEASURE IS VOID. A COURT MAY NOT SEVER ANY PORTION OF A BILL OR  
26 MEASURE THAT VIOLATES SUBSECTION A OF THIS SECTION.

27 C. FOR THE PURPOSES OF THIS SECTION:

28 1. "CHILD OF A MILITARY FAMILY" MEANS A STUDENT WHO IS A  
29 CHILD OF A PERSON WHO MEETS ANY OF THE FOLLOWING:

30 (a) IS SERVING ON ACTIVE DUTY AS A MEMBER OF THE ARMED  
31 FORCES OF THE UNITED STATES.

32 (b) WAS SERVING ON ACTIVE DUTY AS A MEMBER OF THE ARMED  
33 FORCES OF THE UNITED STATES WHEN THE STUDENT'S ELIGIBILITY WAS  
34 INITIALLY DETERMINED.

35 (c) WAS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES  
36 WHO WAS KILLED IN THE LINE OF DUTY.

37 2. "CONFISCATE":

38 (a) INCLUDES SEIZING, TRANSFERRING OR OTHERWISE TAKING  
39 MONIES FROM A SCHOLARSHIP ACCOUNT.

40 (b) DOES NOT INCLUDE ACTS RELATED TO THE CLOSURE OF A  
41 SCHOLARSHIP ACCOUNT IF ANY OF THE FOLLOWING APPLIES:

42 (i) THE STUDENT OR ACCOUNT HOLDER IS FOUND PERSONALLY  
43 RESPONSIBLE FOR ILLEGAL ACTIVITY OR WRONGDOING IN A PROCEEDING  
44 IN WHICH THE STUDENT OR ACCOUNT HOLDER RECEIVES INDIVIDUALIZED

1 DUE PROCESS OF LAW.

2 (ii) THE STUDENT OR ACCOUNT HOLDER VOLUNTARILY CLOSES OR  
3 FAILS TO RENEW A SCHOLARSHIP ACCOUNT.

4 (iii) THE STUDENT GRADUATES FROM AN ELIGIBLE  
5 POSTSECONDARY EDUCATIONAL INSTITUTION.

6 (iv) THE STUDENT IS INELIGIBLE TO MAINTAIN A SCHOLARSHIP  
7 ACCOUNT UNDER A SCHOLARSHIP PROGRAM BECAUSE THE STUDENT DID NOT  
8 ENROLL IN AN ELIGIBLE POSTSECONDARY EDUCATIONAL INSTITUTION FOR  
9 A PERIOD OF AT LEAST FOUR CONSECUTIVE YEARS AFTER GRADUATING  
10 FROM HIGH SCHOOL.

11 3. "ELIGIBLE POSTSECONDARY EDUCATIONAL INSTITUTION"  
12 MEANS:

13 (a) A UNIVERSITY THAT IS ESTABLISHED PURSUANT TO SECTION  
14 1 OF THIS ARTICLE.

15 (b) A COMMUNITY COLLEGE DISTRICT IN THIS STATE.

16 (c) AN ACCREDITED PRIVATE POSTSECONDARY EDUCATIONAL  
17 INSTITUTION.

18 2. Short title

19 This act may be cited as the "Military Families College  
20 Savings and Scholarship Protection Act".

21 3. The Secretary of State shall submit this proposition to the voters  
22 at the next general election as provided by article XXI, Constitution of  
23 Arizona.

PASSED BY THE HOUSE MARCH 2, 2026.

PASSED BY THE SENATE JUNE 13, 2026.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 15, 2026.

# **EXHIBIT 3**



July 2, 2026

Protect Education, Accountability Now  
6625 South Rural Road, Suite 111  
Tempe, AZ 85283  
[james@bartonmendezsoto.com](mailto:james@bartonmendezsoto.com)

**Re: I-09-2026 – Initiative Filing Accepted**

Dear Protect Education, Accountability Now:

On July 2, 2026, Protect Education, Accountability Now filed a reported total of 46,828 sheets containing what purport to be 421,451 signatures for initiative petition I-09-2026.

The Arizona Constitution requires a minimum of 255,949 signatures for an initiative. Ariz. Const. Art. IV, pt. 1 § 1(2). Because the purported total number of signatures meets the minimum constitutional requirement, the Secretary of State's Office has accepted your filing.

At this time, the initiative petition is considered filed and no additional pages may be submitted. A.R.S. § 19-121(B). Prior to intake, your Committee gave the Secretary of State's Office permission to recycle the title and text documents attached to the petition sheets.

This letter serves as a preliminary receipt and does not constitute the official number of valid signatures or sheets for this initiative. The Secretary of State's Office will issue a preliminary receipt with the number of signatures eligible for verification after its initial review. Please contact me if you have any questions.

Sincerely,

Lisa A. Marra  
State Election Director  
Arizona Secretary of State's Office  
[lmarra@azsos.gov](mailto:lmarra@azsos.gov)  
(602) 542-1717

Initiative Receipt received by:

James E. Barton II JAMES E. BARTON II, Counsel  
Committee Representative, Name and Title

Election Services Division  
Office of the Secretary of State  
1700 W. Washington St., FL 7  
Phoenix, AZ 85007-2808  
Telephone: (602) 542-8683 Fax: (602) 542-6172  
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[www.azsos.gov](http://www.azsos.gov)

# **EXHIBIT 4**

**PROPOSITION \_\_\_\_**  
**[I-09-2026]**

**Protect Education Act**

**ANALYSIS BY LEGISLATIVE COUNCIL**

**Legislative Council Staff Draft**

1 Proposition \_\_ would define Arizona ESA monies (ESA monies) to include both current  
2 empowerment scholarship accounts (ESA) and any other public monies that may be provided by  
3 this state for the purpose of obtaining a nonpublic education, nonpublic educational services or  
4 related educational materials for a student eligible to enroll in a public school, with some  
5 exceptions.

6 Beginning in the 2027-2028 school year, Proposition \_\_ would limit enrollment eligibility  
7 in the Arizona empowerment scholarship account program (program) to children whose annual  
8 family income does not exceed \$150,000 adjusted annually or a lesser amount determined by the  
9 legislature. The family income limit would not apply to children who would have been eligible to  
10 enroll in the program before 2022, including children with disabilities.

11 Proposition \_\_\_\_ would also:

12 1. Reduce the number of school years that an ESA will remain open, from three school  
13 years to one school year, if the qualified student's parent fails to renew the ESA contract.

14 2. On July 1 of each year, require the Arizona Department of Education (ADE) to recoup  
15 all ESA monies remaining in a qualified student's account as of that date and transfer 90 percent  
16 to the classroom site fund (except that ESA monies remaining in the ESA of a qualified student  
17 with a disability would be recouped and transferred only every two years); a portion of transferred  
18 ESA monies would be transferred to ADE or the State Board of Education (SBE) to implement  
19 and enforce the proposition.

20 3. Permanently disqualify a parent, qualified student or account holder who is found to  
21 have intentionally misspent monies in an ESA from participating in the program and require ADE  
22 to close the ESA at issue and return any ESA monies remaining in the ESA to this state in the same  
23 manner as the monies described above.

24 4. Require ADE to submit quarterly reports to the attorney general and to post each report  
25 on ADE's website. Additionally, the attorney general would enforce requirements for ESA monies  
26 and monies recovered as restitution would be deposited in the classroom site fund.

27 5. Repeal the requirement under current law that, in a legal proceeding challenging the  
28 application of state laws establishing the program to a qualified school, this state must prove that  
29 the challenged law is necessary and does not impose any undue burden on qualified schools.

30 Proposition \_\_\_\_ would make the following changes to how monies in a qualified student's  
31 ESA and any other ESA monies may be used:

32 1. Limit the qualified schools at which a qualified student or parent may use ESA monies  
33 to pay tuition and fees to only those qualified schools that register with ADE and meet certain  
34 requirements, including fingerprinting of teaching and other school personnel who have  
35 unsupervised contact with students and testing disclosure.

1           2. Limit the tutoring and teaching services that may be purchased using ESA monies to  
2 only those services that are provided either by a qualified tutor who is registered with ADE and  
3 who meets certain prescribed qualifications, including fingerprinting, or by a qualified tutor  
4 through a qualified school, business or facility that is accredited by a state, regional or national  
5 accrediting organization and is at a location or campus that is registered with ADE.

6           3. Modify the supplemental materials that a qualified student or parent may purchase using  
7 ESA monies.

8           4. Prohibit qualified students and parents from using ESA monies to pay for items  
9 designated as noneducational items or luxury goods.

10          5. If a qualified student is not a child with a disability, prohibit the qualified student or  
11 parent from using ESA monies to pay a member of the qualified student's family.

12          Beginning July 1, 2027, Proposition \_\_\_\_\_ would:

13          1. Require a qualified school to annually register with ADE each campus that is operated  
14 by the qualified school in order to receive ESA monies. To register, the qualified school would  
15 pay an annual registration fee and submit evidence that the qualified school complies with student  
16 and site safety rules adopted by SBE and satisfies requirements related to location and  
17 nondiscrimination. A qualified school must also be accredited, implement specified testing or  
18 serve only children with disabilities.

19          2. Require an accredited business or facility that provides tutoring or teaching services to  
20 annually register with ADE each location that is operated by the qualified tutoring service provider  
21 in order to receive ESA monies. To register, the qualified tutoring service provider would pay an  
22 annual registration fee and certify that the qualified tutoring service provider employs qualified  
23 tutors and requires all personnel who have unsupervised contact with students to have valid  
24 fingerprint clearance cards.

25          3. Provide that all qualified schools and qualified tutoring service providers are subject to  
26 specific laws relating to employment by public schools in this state, including laws relating to the  
27 investigation of and discipline for acts of immoral or unprofessional conduct that are committed  
28 by school employees.

29          4. Require a qualified tutor who provides tutoring and teaching services outside of a  
30 qualified school or qualified tutoring service provider to annually register with ADE to receive  
31 ESA monies. To register, the qualified tutor would pay an annual registration fee, submit a copy  
32 of the qualified tutor's fingerprint clearance card and certify that the qualified tutor is not subject  
33 to disciplinary action by SBE or by a facility that is accredited by a state, regional or national  
34 accrediting organization.

35          5. Provide that all qualified tutors who do not have a valid teaching certificate issued by  
36 SBE are subject to specific laws relating to employment of noncertificated personnel by public  
37 schools in this state, including laws relating to the investigation of and discipline for acts of  
38 immoral or unprofessional conduct that are committed by noncertificated school employees.

39          6. Require ADE to notify each qualified school, qualified tutoring service provider and  
40 qualified tutor that registers with ADE of all program requirements under state law.

41          7. Provide that a qualified student or parent may not be reimbursed from the qualified  
42 student's ESA for payments made to a qualified school, qualified tutoring service provider or  
43 qualified tutor that is not registered with ADE.

44          8. Require each qualified school, qualified tutoring service provider and qualified tutor,  
45 before receiving any ESA monies, to be registered with ADE and be included on any platform  
46 that ADE provides to qualified students and parents for the purchase of goods or educational

1 services using ESA monies.

2 9. Provide that all registration forms and supporting documents are public records.

3 Proposition \_\_\_\_ would also:

4 1. On the proposition's effective date, transfer a total of \$1,750,000 from the medical  
5 marijuana fund to ADE, SBE, the department of public safety and the attorney general for  
6 mandatory expenditures of state revenues required by the proposition.

7 2. Designate this proposition as the "Protect Education Act."

# **EXHIBIT 5**

**PROPOSITION \_\_\_\_**  
**[HCR 2048 - 2026]**

**military families; scholarship accounts**

**ANALYSIS BY LEGISLATIVE COUNCIL**

**Legislative Council Staff Draft**

1            Proposition \_\_\_\_ would amend the Arizona Constitution to prohibit this state from  
2    confiscating (seizing, transferring or otherwise taking) monies from the scholarship account of a  
3    child of a military family (the child of a person who is or was serving on active duty or who was  
4    killed in the line of duty) if the scholarship account program:

5            1. Is operated by this state and, at least in part, designates any student who is a child of a  
6    military family and who satisfies enrollment requirements as being eligible to receive scholarship  
7    monies.

8            2. Allows the student to use the scholarship account monies for tuition or fees at state  
9    universities, community colleges or other postsecondary educational institutions that are private  
10   and accredited.

11          Proposition \_\_\_\_ would also provide that if any law is enacted as a bill by the legislature or  
12   as a ballot measure by the voters on or after November 1, 2026 and that law violates the military  
13   families scholarship account provisions described above, the entire bill or ballot measure is void.

14          Proposition \_\_\_\_ would specify that scholarship account closures based on illegal activity,  
15   voluntary closure or nonrenewal, graduation from a postsecondary educational institution or  
16   nonenrollment in a postsecondary educational institution for at least four years after graduating  
17   from high school are not considered to be a confiscation in violation of this section of the Arizona  
18   Constitution.

19          Proposition \_\_\_\_ would designate this proposition as the "Military Families College Savings  
20   and Scholarship Protection Act."

# **EXHIBIT 6**

**PROPOSITION \_\_\_\_**  
**[I-09-2026]**

**Protect Education Act**

**ANALYSIS BY LEGISLATIVE COUNCIL**

Proposition \_\_ would define Arizona ESA monies (ESA monies) to include both current empowerment scholarship accounts (ESA) and any other public monies that may be provided by this state for the purpose of obtaining a nonpublic education, nonpublic educational services or related educational materials for a student eligible to enroll in a public school, with some exceptions.

Beginning in the 2027-2028 school year, Proposition \_\_\_\_ would exclude from eligibility in the Arizona empowerment scholarship account program (program) children who would qualify under this existing program but whose annual family income exceeds \$150,000, adjusted annually or a lesser amount determined by the legislature. The family income limit would apply regardless of the number of children in a family, but it would not apply to children who would have been eligible to enroll in the program before 2022, including children with disabilities.

Proposition \_\_\_\_ would also:

1. Reduce the number of school years that an ESA will remain open, from three school years to one school year, if the qualified student's parent fails to renew the ESA contract.

2. On July 1 of each year, require the Arizona Department of Education (ADE) to take all ESA monies remaining in a qualified student's account as of that date and transfer 90 percent to the classroom site fund (except that ESA monies remaining in the ESA of a qualified student with a disability shall be taken and transferred every two years); a portion of transferred ESA monies shall be transferred to ADE or the State Board of Education (SBE) to implement and enforce the proposition; and the political action committee that sponsored the proposition has the power to sue the families and private schools that participate in the program for any violations of the proposition.

3. Permanently disqualify a parent, qualified student or account holder who is found to have intentionally misspent monies in an ESA from participating in the program and require ADE to close the ESA at issue and return any ESA monies remaining in the ESA to this state in the same manner as the monies described above.

4. Require ADE to submit quarterly reports to the attorney general and to post each report on ADE's website. Additionally, the attorney general would enforce requirements for ESA monies and monies recovered as restitution would be deposited in the classroom site fund.

5. Repeal the requirement under current law that, in a legal proceeding challenging the application of state laws establishing the program to a qualified school, this state must prove that the challenged law is necessary and does not impose any undue burden on qualified schools.

Proposition \_\_\_\_ would make the following changes to how monies in a qualified student's ESA and any other ESA monies may be used:

1. Limit the qualified schools at which a qualified student or parent may use ESA monies to pay tuition and fees to only those qualified schools that register with ADE and meet certain requirements, including fingerprinting of teaching and other school personnel who have unsupervised contact with students and testing disclosure.

2. Limit the tutoring and teaching services that may be purchased using ESA monies to only those services that are provided either by a qualified tutor who is registered with ADE and who meets certain prescribed qualifications, including fingerprinting, or by a qualified tutor through a qualified school, business or facility that is accredited by a state, regional or national accrediting organization and is at a location or campus that is registered with ADE.

3. Modify the supplemental materials that a qualified student or parent may purchase using ESA monies.

4. Prohibit qualified students and parents from using ESA monies to pay for items designated as noneducational items or luxury goods.

5. If a qualified student is not a child with a disability, prohibit the qualified student or parent from using ESA monies to pay a member of the qualified student's family.

Beginning July 1, 2027, Proposition \_\_\_\_\_ would:

1. Require a qualified school to annually register with ADE each campus that is operated by the qualified school in order to receive ESA monies. To register, the qualified school would pay an annual registration fee and submit evidence that the qualified school complies with student and site safety rules adopted by SBE and satisfies requirements related to location and nondiscrimination. A qualified school must also be accredited, implement specified testing or serve only children with disabilities.

2. Require an accredited business or facility that provides tutoring or teaching services to annually register with ADE each location that is operated by the qualified tutoring service provider in order to receive ESA monies. To register, the qualified tutoring service provider would pay an annual registration fee and certify that the qualified tutoring service provider employs qualified tutors and requires all personnel who have unsupervised contact with students to have valid fingerprint clearance cards.

3. Provide that all qualified schools and qualified tutoring service providers are subject to specific laws relating to employment by public schools in this state, including laws relating to the investigation of and discipline for acts of immoral or unprofessional conduct that are committed by school employees.

4. Require a qualified tutor who provides tutoring and teaching services outside of a qualified school or qualified tutoring service provider to annually register with ADE to receive ESA monies. To register, the qualified tutor would pay an annual registration fee, submit a copy of the qualified tutor's fingerprint clearance card and certify that the qualified tutor is not subject to disciplinary action by SBE or by a facility that is accredited by a state, regional or national accrediting organization.

5. Provide that all qualified tutors who do not have a valid teaching certificate issued by SBE are subject to specific laws relating to employment of noncertificated personnel by public schools in this state, including laws relating to the investigation of and discipline for acts of immoral or unprofessional conduct that are committed by noncertificated school employees.

6. Require ADE to notify each qualified school, qualified tutoring service provider and qualified tutor that registers with ADE of all program requirements under state law.

7. Provide that a qualified student or parent may not be reimbursed from the qualified student's ESA for payments made to a qualified school, qualified tutoring service provider or qualified tutor that is not registered with ADE.

8. Require each qualified school, qualified tutoring service provider and qualified tutor, before receiving any ESA monies, to be registered with ADE and be included on any platform that ADE provides to qualified students and parents for the purchase of goods or educational

services using ESA monies.

9. Provide that all registration forms and supporting documents are public records.

Proposition \_\_\_\_ would also:

1. On the proposition's effective date, transfer a total of \$1,750,000 from the medical marijuana fund, which has been used to fund clinical research, the Arizona teachers academy, public health initiatives, substance abuse prevention, and administrative costs, to ADE, SBE, the department of public safety and the attorney general for mandatory administrative expenditures of state revenues required by the proposition.

2. Require that if any portion of the measure is deemed invalid, the remainder of the proposition shall be unaffected, and the invalid provisions shall be interpreted to the greatest extent possible allowed under the law.

3. Designate this proposition as the "Protect Education Act."

# **EXHIBIT 7**

**PROPOSITION \_\_\_\_**  
**[HCR 2048 - 2026]**

**military families; scholarship accounts**

**ANALYSIS BY LEGISLATIVE COUNCIL**

Proposition \_\_\_\_ would amend the Arizona Constitution to prohibit this state from confiscating (seizing, transferring or otherwise taking) monies from the scholarship account of a child of a military family (the child of a person who is or was serving on active duty or who was killed in the line of duty) if the scholarship account program:

1. Is operated by this state and, at least in part, designates any student who is a child of a military family and who satisfies enrollment requirements as being eligible to receive scholarship monies.

2. Allows the student to use the scholarship account monies for tuition or fees at state universities, community colleges or other postsecondary educational institutions that are private and accredited.

Proposition \_\_\_\_ would also provide that if any law is enacted as a bill by the legislature or as a ballot measure by the voters on or after November 1, 2026 and that law violates the military families scholarship account provisions described above, the entire bill or ballot measure is void.

Proposition \_\_\_\_ would specify that scholarship account closures based on illegal activity, voluntary closure or nonrenewal, graduation from a postsecondary educational institution or nonenrollment in a postsecondary educational institution for at least four years after graduating from high school are not considered to be a confiscation in violation of this section of the Arizona Constitution.

Proposition \_\_\_\_ would designate this proposition as the "Military Families College Savings and Scholarship Protection Act."