

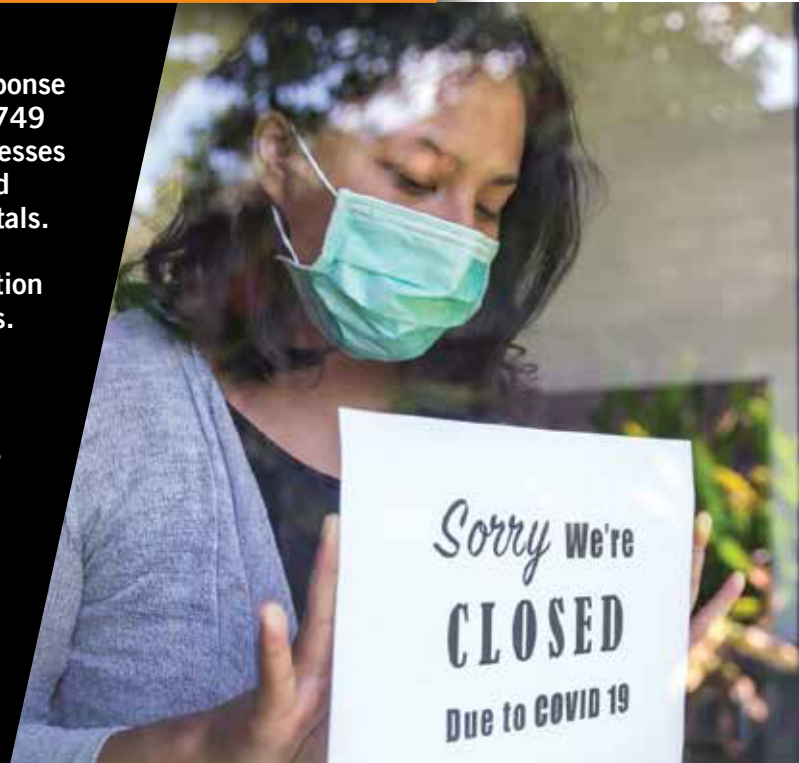
THE PROBLEM :

Abuse of Emergency Powers Declarations



In Arizona, the “state of emergency” declaration in response to COVID was not terminated until March 30th 2022, 749 days after it was first declared. During that time, businesses were closed, students were required to wear masks, and people were prevented from seeing loved ones in hospitals.

Many lawmakers wanted to end the emergency declaration much sooner, but quickly discovered several roadblocks. If they wanted to end the emergency outside of regular session, lawmakers required the signature of 2/3 of the legislators to call a special session. And if the legislature was called into session, they were powerless at stopping local governments and Charter cities like Tucson or Phoenix from declaring their own state of emergency if the statewide emergency was terminated. It was quickly determined that without significant emergency powers reform, our freedoms and liberties will remain under threat from overreaching government.



States Need to Restrict Emergency Powers, and That is What HCR2039 Will Do!

Earlier this year, Justice Gorsuch wrote, “Since March 2020, we may have experienced the greatest intrusion on civil liberties in the peacetime history of this country” and “it is hard not to wonder, too, whether state legislatures might profitably reexamine the proper scope of emergency executive powers at the state level.” Thankfully, that is exactly what our legislature did in passing HCR2039, allowing the people to amend the constitution to ensure no future “emergency” declaration is without end and without a proper check from the legislature.

SUPPORT HCR2039 To Limit Emergency Powers

If passed by the voters in 2024, HCR2039 would constitutionally limit emergency powers of the Governor and provide the legislature with the authority to roll back any emergency declared in the state. HCR2039 would:

- ✓ **Require automatic termination of an emergency declaration by a Governor 30 days after it is declared.**
- ✓ **Empower the legislature to call itself into a special session immediately after an emergency declaration by a Governor with just one third of the body.**
- ✓ **Allow the legislature to alter, limit or roll back an emergency declaration at any time after it is declared.**

WHY WE SHOULD SUPPORT HCR2039:

✓ HCR2039 Restricts Existing Emergency Powers, it Does Not Confer Any New Powers

Some believe that all emergency statutes are unconstitutional in the first place, because they are not enumerated in the state constitution. That's not true, because states have inherent police powers, including for the protection of public health and safety. That is why existing emergency powers statutes in Arizona have largely been upheld by the courts. Whether the Arizona constitution makes mention of "emergency powers" or not, the legislature has the authority to prescribe the powers and duties of the Governor, including the ability to respond to emergencies. In other words, all powers not delegated to the federal government by the Constitution nor prohibited by it to the states under the 10th Amendment, are reserved to the states.

✓ Emergency Powers are Not Unlimited

Real emergencies do exist. Floods destroy bridges. Fires burn down homes. These require swift, executive response. But they are temporary and must be treated as such. Additionally, emergency powers are not without limits and must be consistent with the laws and constitution of the state.

For example, state of emergencies suspending our free speech or 2nd Amendment rights would not be constitutional under current law or with HCR2039 in effect. However, if voters approve HCR2039, future emergency declarations could now be quickly rescinded by the legislature, rather than waiting for a legal challenge that may take weeks, months or even years to resolve.

✓ HCR2039 Is Supported by Conservatives & Opposed by the Radical Left

This pro liberty ballot measure was supported unanimously by conservative lawmakers and has the support of freedom minded groups including the Arizona Free Enterprise Club, Goldwater Institute, Republican Liberty Caucus of Arizona, EZAZ, Heritage Action, and America First Policy Institute. Conversely, it was unanimously opposed by liberal legislators and by pro-lockdown organizations including the Arizona Public Health Association, Civic Engagement Beyond Voting, National Organization for Women, the Sierra Club, and Arizona Center for Economic Progress.

HCR2039 is Supported by:

ARIZONA
free enterprise
CLUB

G GOLDWATER
INSTITUTE

REPUBLICAN
LIBERTY
CAUCUS
of Arizona



HERITAGE
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BEFORE THE NEXT "EMERGENCY"



It's imperative that Arizonans enshrine a strong constitutional limit on the Governor's emergency powers.

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