



Arizona Proposition 314, “Secure the Border Act”: Summary

On November 5, 2024, Arizona voters will decide on Proposition 314, known as the “[Secure the Border Act](#).” This initiative represents a significant effort to increase state and local authorities’ involvement in carrying out immigration enforcement responsibilities, echoing the [controversial SB 1070](#) law passed in 2010 and subsequently [mostly struck down](#) by the courts. Proposition 314 was placed on the ballot by the Arizona legislature after Governor Katie Hobbs (D-Arizona) [vetoed](#) a similar measure in March 2024. A September 2024 [survey](#) of registered Arizona voters found that 63% were in favor of the proposition.

What would Proposition 314 do?

Proposition 314 would considerably expand the role of state and local authorities in immigration enforcement. The measure would make certain actions by non-citizens [criminal offenses](#) at the state level, increase penalties relating to the sale of illicit fentanyl, and broaden the responsibilities of state agencies in verifying immigration status.

If approved by voters, Proposition 314 would:

- Make it a state crime for non-citizens to enter Arizona at any location other than an official port of entry.
- Give state courts the authority to issue deportation orders, shifting various longstanding federal immigration enforcement powers to state authorities.
- Allow state and local law enforcement to arrest individuals for unlawful border crossings, further involving local authorities in immigration enforcement.
- Categorize the sale of imported illicit fentanyl as a Class 2 felony with penalties increased by five years, where a person knowingly sells illicit fentanyl and it results in the death of another person.

Additionally, Proposition 314 would:

- Require employers and public agencies to use the [E-Verify system](#) to check eligibility for public benefits and employment.
- Criminalize the use of false documents to apply for public benefits.
- Mandate that state agencies use a federal database to verify that ineligible non-citizens do not receive benefits.

To protect state and local law enforcement from legal challenges, Proposition 314 would also:

- Shield law enforcement officers from civil lawsuits, including claims of racial profiling.

Why is Proposition 314 controversial?

Proponents argue that the measure is necessary, given high levels of migrant apprehensions at the U.S.-Mexico border and perceived inaction by the federal government on border security. The proposal has demonstrated strong support in public opinion polling, [particularly the provisions](#) that would increase criminal penalties for drug dealers who sell fentanyl leading to someone’s death and would require employers to verify the immigration status of workers.

Proposition 314 follows recent legislative activity seen in [Texas](#) and [elsewhere](#), asserting state authority to enforce federal immigration policies. In many ways, Proposition 314 echoes Arizona’s own SB 1070, which triggered national [protests](#) and was mostly [struck down](#) by the U.S. Supreme Court for being preempted by the federal government’s authority over immigration enforcement. Legal experts have similarly raised constitutional [concerns](#) about the

measure, noting that the federal government has had exclusive authority over the admission and removal of non-citizens for over 150 years.

Gov. Hobbs [warned](#) that Proposition 314 “will put Arizona in the worst national spotlight” and could lead to negative [economic consequences](#) for the state. A decade ago, SB 1070 [negatively impacted](#) the state economy before most of it was struck down.

The bill will also strain limited law enforcement resources, shifting the financial burden of immigration enforcement to Arizona [taxpayers and placing pressure on local law enforcement agencies already facing budget constraints](#). The measure also [threatens to undermine community trust](#), [instilling](#) fear in immigrant communities and potentially discouraging them from cooperating with state and local law enforcement.