

REFERENCE TITLE: **clean elections commission amendments**

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HB 2575

Introduced by
Representatives Thorpe, Quezada, Steele: Miranda, Orr, Seel, Sherwood

AN ACT

AMENDING SECTIONS 16-905, 16-941 AND 16-951, ARIZONA REVISED STATUTES; REPEALING SECTION 16-952, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 6, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 16-952; AMENDING SECTIONS 16-955, 16-956, 16-958, 16-959, 16-961 AND 41-133, ARIZONA REVISED STATUTES; RELATING TO CLEAN ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-905, Arizona Revised Statutes, is amended to
3 read:

4 16-905. Contribution limitations; civil penalty; complaint

5 A. For an election other than for a statewide office, a contributor
6 shall not give and an exploratory committee, a candidate or a candidate's
7 campaign committee shall not accept contributions of more than:

8 1. For an election for a legislative office, ~~four~~ SIX hundred
9 ~~eighty-eight~~ dollars from an individual.

10 2. For an election other than for a legislative office, ~~three~~ FIVE
11 hundred ~~ninety~~ dollars from an individual.

12 3. For an election for a legislative office, ~~four~~ SIX hundred
13 ~~eighty-eight~~ dollars from a single political committee, excluding a political
14 party, not certified under subsection ~~G~~ F of this section to make
15 contributions at the higher limits prescribed by paragraph 5 of this
16 subsection and subsection B, paragraph 3 of this section.

17 4. For an election other than for a legislative office, ~~three~~ FIVE
18 hundred ~~ninety~~ dollars from a single political committee, excluding a
19 political party, not certified under subsection ~~G~~ F of this section to make
20 contributions at the higher limits prescribed by subsection B, paragraph 3 of
21 this section.

22 5. FOR AN ELECTION OTHER THAN FOR A LEGISLATIVE OFFICE, two thousand
23 dollars from a single political committee, excluding a political party,
24 certified pursuant to subsection ~~G~~ F of this section.

25 6. FOR AN ELECTION FOR A LEGISLATIVE OFFICE, FOUR THOUSAND DOLLARS
26 FROM A SINGLE POLITICAL COMMITTEE, EXCLUDING A POLITICAL PARTY, CERTIFIED
27 PURSUANT TO SUBSECTION F OF THIS SECTION.

28 B. For an election for a statewide office, a contributor shall not
29 give and an exploratory committee, a candidate or a candidate's committee
30 shall not accept contributions of more than:

31 1. ~~One~~ TWO thousand ~~ten~~ dollars from an individual.

32 2. ~~One~~ TWO thousand ~~ten~~ dollars from a single political committee,
33 excluding a political party, not certified under subsection ~~G~~ F of this
34 section to make contributions at the higher limits prescribed by subsection
35 A, ~~paragraph~~ PARAGRAPHS 5 AND 6 of this section and paragraph 3 of this
36 subsection.

37 3. ~~Five~~ EIGHT thousand ~~ten~~ dollars from a single political committee
38 excluding political parties certified pursuant to subsection ~~G~~ F of this
39 section.

40 C. A candidate shall not accept contributions from all political
41 committees, excluding political parties, combined totaling more than:

42 1. For an election for a legislative office, ~~sixteen~~ TWENTY-FIVE
43 thousand ~~one hundred fifty~~ dollars.

44 2. For an office other than a legislative office or a statewide
45 office, ~~ten~~ TWELVE thousand ~~twenty~~ dollars.

1 3. For a statewide office, one hundred FIFTY thousand ~~one hundred ten~~
2 dollars.

3 D. A nominee of a political party shall not accept contributions from
4 all political parties or political organizations combined totaling more than
5 ten thousand twenty dollars for an election for an office other than a
6 statewide office, and one hundred thousand one hundred ten dollars for an
7 election for a statewide office.

8 ~~E. An individual shall not make contributions totaling more than five
9 thousand six hundred ten dollars in a calendar year to state and local
10 candidates and political committees contributing to state or local
11 candidates. Contributions to political parties and contributions to
12 independent expenditure committees are exempt from the limitations of this
13 subsection.~~

14 ~~F.~~ E. A candidate's campaign committee or an individual's exploratory
15 committee shall not make a loan and shall not transfer or contribute money to
16 any other campaign or exploratory committee that is designated pursuant to
17 this chapter or 2 United States Code section 431 except as follows:

18 1. An exploratory committee may transfer monies to a subsequent
19 candidate's campaign committee of the individual designating the exploratory
20 committee, subject to the limits of subsection B of this section.

21 2. A candidate's campaign committee may transfer or contribute monies
22 to another campaign committee designated by the same candidate as follows:

23 (a) Subject to the contribution limits of this section, transfer or
24 contribute monies from one committee to another if both committees have been
25 designated for an election in the same year.

26 (b) Without application of the contribution limits of this section,
27 transfer or contribute monies from one committee to another designated for an
28 election in a subsequent year.

29 ~~G.~~ F. Only political committees that received monies from five
30 hundred or more individuals in amounts of ten dollars or more in the one year
31 period immediately before application to the secretary of state for
32 qualification as a political committee pursuant to this section may make
33 contributions to candidates under subsection A, ~~paragraph~~ PARAGRAPHS 5 AND 6
34 of this section and subsection B, paragraph 3 of this section. The secretary
35 of state shall obtain information necessary to make the determination that a
36 committee meets the requirements of this subsection and shall provide written
37 certification of the fact to the committee. A political committee
38 certification is valid for two years. A candidate's campaign committee shall
39 not accept a contribution pursuant to this subsection unless it is
40 accompanied by a copy of the certification. All political committees that do
41 not meet the requirements of this subsection are subject to the individual
42 campaign contribution limits of subsection A, paragraphs 1 and 2 of this
43 section and subsection B, paragraph 1 of this section.

44 ~~H.~~ G. The secretary of state biennially shall adjust to the nearest
45 ten dollars the amounts in subsections A through ~~E- D~~ of this section by the

1 percentage change in the consumer price index and publish the new amounts for
2 distribution to election officials, candidates and campaign committees. For
3 the purposes of this subsection, "consumer price index" means the consumer
4 price index for all urban consumers, United States city average, that is
5 published by the United States department of labor, bureau of labor
6 statistics.

7 ~~I.~~ H. The following specific limitations and procedures apply:

8 1. The limits of subsections A through ~~E~~ D of this section apply to
9 each election for any office or offices ~~which~~ THAT the candidate seeks.

10 2. The limits of subsections A, B and C of this section apply to the
11 total contributions from all separate segregated funds established, as
12 provided in section 16-920, by a corporation, labor organization, trade
13 association, cooperative or corporation without capital stock.

14 3. A contribution by an unemancipated minor child shall be treated as
15 a contribution by the child's custodial parent or parents for determining
16 compliance with subsection A, paragraphs 1 and 2, ~~AND~~ subsection B,
17 paragraph 1 ~~and subsection E of this section.~~

18 4. A contribution by an individual or a single political committee to
19 two or more candidates in connection with a joint fund-raising effort shall
20 be divided among the candidates in direct proportion to each candidate
21 campaign committee's share of the expenses for the fund-raising effort.

22 5. A candidate shall sign and file with the candidate's nomination
23 paper a statement that the candidate has read all applicable laws relating to
24 campaign financing and reporting.

25 6. An individual or political committee shall not use economic
26 influence to induce members of an organization to make contributions to a
27 candidate, collect contributions from members of an organization for
28 transmittal to a candidate, make payments to candidates for public
29 appearances or services ~~which~~ THAT are ordinarily uncompensated or use any
30 similar device to circumvent any of the limitations of this section.

31 ~~J.~~ I. A person who violates this section is subject to a civil
32 penalty imposed as prescribed in section 16-924 of three times the amount of
33 money that has been received, expended or promised in violation of this
34 section or three times the value in money for an equivalent of money or other
35 things of value that have been received, expended or promised in violation of
36 this section.

37 ~~K.~~ J. Any qualified elector may file a sworn complaint with the
38 attorney general or the county attorney of the county in which a violation of
39 this section is believed to have occurred, and the attorney general or the
40 county attorney shall investigate the complaint for possible action.

41 ~~L.~~ K. If the filing officer, attorney general or county attorney
42 fails to institute an action within forty-five working days after receiving a
43 complaint under subsection ~~K~~ J of this section, the individual filing the
44 complaint may bring a civil action in the individual's own name and at the
45 individual's own expense, with the same effect as if brought by the filing

1 officer, attorney general or county attorney. The individual shall execute a
2 bond payable to the defendant if the individual fails to prosecute the action
3 successfully. The court shall award to the prevailing party costs and
4 reasonable attorney fees.

5 ~~M-~~ L. If a provision of this section or its application to any person
6 or circumstance is held invalid, the invalidity does not affect other
7 provisions or applications of the section ~~which~~ THAT can be given effect
8 without the invalid provision or application, and to this end the provisions
9 of this section are severable.

10 ~~N-~~ M. The use of a candidate's personal monies, or the use of
11 personal monies by an individual who designates an exploratory committee, is
12 not subject to the limitations of this section.

13 Sec. 2. Subject to the requirements of article IV, part 1, section 1,
14 subsection (6), Constitution of Arizona, section 16-941, Arizona Revised
15 Statutes, is amended to read:

16 16-941. Limits on spending and contributions for political
17 campaigns

18 A. Notwithstanding any law to the contrary, a participating candidate:

19 1. Shall not accept any contributions, other than a limited number of
20 five-dollar qualifying contributions as specified in section 16-946 and early
21 contributions as specified in section 16-945, except in the emergency
22 situation specified in section 16-954, subsection ~~F-~~ D.

23 2. Shall not make expenditures of more than a total of five hundred
24 dollars of the candidate's personal monies for a candidate for the
25 legislature or more than one thousand dollars for a candidate for statewide
26 office.

27 3. Shall not make expenditures in the primary election period in
28 excess of the adjusted primary election spending limit. **ALL EXPENDITURES**
29 **MADE DURING THE PRIMARY ELECTION PERIOD SHALL BE DIRECTED TO AND USED FOR THE**
30 **PRIMARY ELECTION AND SHALL NOT BE USED FOR THE GENERAL ELECTION EXCEPT AS**
31 **SPECIFICALLY PROVIDED BY COMMISSION RULE.**

32 4. Shall not make expenditures in the general election period in
33 excess of the adjusted general election spending limit.

34 5. Shall comply with section 16-948 regarding campaign accounts and
35 section 16-953 regarding returning unused monies to the citizens clean
36 elections fund described in this article.

37 B. Notwithstanding any law to the contrary, a nonparticipating
38 candidate shall not accept contributions in excess of an amount that is
39 twenty per cent less than the limits specified in section 16-905, subsections
40 A through ~~E-~~ D, as adjusted by the secretary of state pursuant to section
41 16-905, ~~subsection H-~~. Any violation of this subsection shall be subject to
42 the civil penalties and procedures set forth in section 16-905, subsections
43 ~~J-~~ I through ~~M-~~ L and section 16-924.

44 C. Notwithstanding any law to the contrary, a candidate, whether
45 participating or nonparticipating:

1 1. If specified in a written agreement signed by the candidate and one
2 or more opposing candidates and filed with the citizens clean elections
3 commission, shall not make any expenditure in the primary or general election
4 period exceeding an agreed-upon amount lower than spending limits otherwise
5 applicable by statute.

6 2. Shall continue to be bound by all other applicable election and
7 campaign finance statutes and rules, with the exception of those provisions
8 in express or clear conflict with this article.

9 D. Notwithstanding any law to the contrary, any person who makes
10 independent expenditures related to a particular office cumulatively
11 exceeding five hundred dollars in an election cycle, with the exception of
12 any expenditure listed in section 16-920 and any independent expenditure by
13 an organization arising from a communication directly to the organization's
14 members, shareholders, employees, affiliated persons and subscribers, shall
15 file reports with the secretary of state in accordance with section 16-958 so
16 indicating, identifying the office and the candidate or group of candidates
17 whose election or defeat is being advocated and stating whether the person is
18 advocating election or advocating defeat.

19 Sec. 3. Subject to the requirements of article IV, part 1, section 1,
20 subsection (6), Constitution of Arizona, section 16-951, Arizona Revised
21 Statutes, is amended to read:

22 16-951. Clean elections funding; definition

23 A. At the beginning of the primary election period, the commission
24 shall pay from the fund to the campaign account of each candidate who
25 qualifies for clean elections funding:

26 1. For a candidate who qualifies for clean elections funding ~~for a~~
27 ~~party primary election~~, an amount equal to the original primary election
28 spending limit.

29 ~~2. For an independent candidate who qualifies for clean elections~~
30 ~~funding, an amount equal to seventy percent of the sum of the original~~
31 ~~primary election spending limit and the original general election spending~~
32 ~~limit.~~

33 ~~3.~~ 2. For a qualified participating candidate who is unopposed for an
34 office in that candidate's primary, in the primary of any other party and by
35 any opposing independent candidate, an amount equal to five dollars times the
36 number of qualifying contributions for that candidate certified by the
37 commission.

38 B. At any time after the first day of January of an election year, any
39 candidate who has met the requirements of section 16-950 may sign and cause
40 to be filed a nomination paper in the form specified by section 16-311,
41 subsection A, with a nominating petition and signatures, instead of filing
42 such papers after the earliest time set for filing specified by that
43 subsection. ~~Upon~~ ON such filing and verification of the signatures, the
44 commission shall pay the amount specified in subsection A of this section

1 immediately, rather than waiting for the beginning of the primary election
2 period.

3 C. At the beginning of the general election period, the commission
4 shall pay from the fund to the campaign account of each candidate who
5 qualifies for clean elections funding for the general election, except those
6 candidates identified in ~~subsection A, paragraph 2 or~~ subsection D of this
7 section, an amount equal to the original general election spending limit.

8 D. At the beginning of the general election period, the commission
9 shall pay from the fund to the campaign account of a qualified participating
10 candidate who has not received funds pursuant to subsection A, paragraph ~~3- 2~~
11 of this section and who is unopposed by any other party nominee or any
12 opposing independent candidate an amount equal to five dollars times the
13 number of qualifying contributions for that candidate certified by the
14 commission.

15 E. The special original general election spending limit, for a
16 candidate who has received funds pursuant to subsection A, ~~paragraphs~~
17 ~~PARAGRAPH 2 or 3~~ or subsection D of this section, shall be equal to the
18 amount that the commission is obligated to pay to that PARTICIPATING
19 candidate.

20 F. ON APPLYING FOR CITIZEN FUNDING PURSUANT TO SECTION 16-950, A
21 PARTICIPATING CANDIDATE FOR THE LEGISLATURE IN A ONE-PARTY-DOMINANT
22 LEGISLATIVE DISTRICT WHO IS QUALIFIED FOR CLEAN ELECTIONS FUNDING FOR THE
23 PARTY PRIMARY ELECTION OF THE DOMINANT PARTY MAY CHOOSE TO REALLOCATE A
24 PORTION OF FUNDS FROM THE GENERAL ELECTION PERIOD TO THE PRIMARY ELECTION
25 PERIOD. AT THE BEGINNING OF THE PRIMARY ELECTION PERIOD, THE COMMISSION
26 SHALL PAY FROM THE FUND TO THE CAMPAIGN ACCOUNT OF A PARTICIPATING CANDIDATE
27 WHO MAKES THIS CHOICE AN EXTRA AMOUNT EQUAL TO FIFTY PER CENT OF THE ORIGINAL
28 PRIMARY ELECTION SPENDING LIMIT, AND THE ORIGINAL PRIMARY ELECTION SPENDING
29 LIMIT FOR THE CANDIDATE WHO MAKES THIS CHOICE SHALL BE INCREASED BY THE EXTRA
30 AMOUNT. FOR A PRIMARY ELECTION IN WHICH ONE OR MORE PARTICIPATING CANDIDATES
31 HAVE MADE THIS CHOICE, FUNDS SHALL BE PAID UNDER SUBSECTIONS A AND B OF THIS
32 SECTION ONLY TO THE EXTENT OF ANY EXCESS OVER THE ORIGINAL PRIMARY ELECTION
33 SPENDING LIMIT AS SO INCREASED. IF A PARTICIPATING CANDIDATE WHO MAKES THIS
34 CHOICE BECOMES QUALIFIED FOR CLEAN ELECTIONS FUNDING FOR THE GENERAL
35 ELECTION, THE AMOUNT THE CANDIDATE RECEIVES AT THE BEGINNING OF THE GENERAL
36 ELECTION PERIOD SHALL BE REDUCED BY THE EXTRA AMOUNT RECEIVED AT THE
37 BEGINNING OF THE PRIMARY ELECTION PERIOD, AND THE ORIGINAL GENERAL ELECTION
38 SPENDING LIMIT FOR THAT CANDIDATE SHALL BE REDUCED BY THE EXTRA AMOUNT.

39 G. FOR A GENERAL ELECTION IN WHICH A PARTICIPATING CANDIDATE HAS MADE
40 THE CHOICE TO REALLOCATE, FUNDS SHALL BE PAID UNDER SUBSECTIONS A AND B OF
41 THIS SECTION ONLY TO THE EXTENT OF ANY EXCESS OVER THE ORIGINAL GENERAL
42 ELECTION SPENDING LIMIT, WITHOUT ANY REDUCTION, UNLESS THE CANDIDATE WHO HAS
43 MADE THIS CHOICE IS THE ONLY PARTICIPATING CANDIDATE IN THE GENERAL ELECTION.
44 IF SO, SUCH FUNDS SHALL BE PAID TO THE EXTENT OF ANY EXCESS OVER THE ORIGINAL
45 GENERAL ELECTION SPENDING LIMIT WITH SUCH REDUCTION. THE STATUS OF A

1 DISTRICT AS A ONE-PARTY-DOMINANT LEGISLATIVE DISTRICT SHALL BE DETERMINED AS
2 OF THE BEGINNING OF THE QUALIFYING PERIOD.

3 H. FOR THE PURPOSES OF THIS SECTION, A ONE-PARTY-DOMINANT LEGISLATIVE
4 DISTRICT IS A DISTRICT IN WHICH THE NUMBER OF REGISTERED VOTERS REGISTERED IN
5 THE PARTY WITH THE HIGHEST NUMBER OF REGISTERED VOTERS EXCEEDS THE NUMBER OF
6 REGISTERED VOTERS REGISTERED TO EACH OF THE OTHER PARTIES BY AN AMOUNT AT
7 LEAST AS HIGH AS TEN PER CENT OF THE TOTAL NUMBER OF VOTERS REGISTERED IN THE
8 DISTRICT.

9 Sec. 4. Repeal

10 Section 16-952, Arizona Revised Statutes, is repealed.

11 Sec. 5. Title 16, chapter 6, article 2, Arizona Revised Statutes, is
12 amended by adding a new section 16-952, to read:

13 16-952. Voter involvement program

14 A. PARTICIPATING CANDIDATES WHO SEEK TO SUPPLEMENT THE FUNDING
15 AVAILABLE TO THEM PURSUANT TO SECTION 16-951 MAY PARTICIPATE IN THE VOTER
16 INVOLVEMENT PROGRAM. THE VOTER INVOLVEMENT PROGRAM ENABLES CANDIDATES TO
17 OBTAIN CIVIC ENGAGEMENT CREDITS FROM REGISTERED VOTERS IN THE CANDIDATE'S
18 DISTRICT THAT MAY BE USED TO OBTAIN SUPPLEMENTAL CLEAN ELECTIONS FUNDING FROM
19 THE CLEAN ELECTIONS FUND DURING THE PRIMARY ELECTION PERIOD AND THE GENERAL
20 ELECTION PERIOD AS FOLLOW:

21 1. PARTICIPATING CANDIDATES MAY SOLICIT FROM REGISTERED VOTERS AND
22 REGISTERED VOTERS MAY AWARD TO A PARTICIPATING CANDIDATE FOR WHOM THEY ARE
23 ELIGIBLE TO VOTE IN THAT ELECTION CIVIC ENGAGEMENT CREDITS UNDER RULES
24 ESTABLISHED BY THE COMMISSION.

25 2. REGISTERED VOTERS MAY ALLOCATE THEIR CIVIC ENGAGEMENT CREDITS AS AN
26 INDICATION OF SUPPORT OF THAT PARTICIPATING CANDIDATE AND MAY ALLOCATE ONLY
27 ONE CIVIC ENGAGEMENT CREDIT PER OFFICE TO BE ELECTED FOR WHICH THERE ARE
28 PARTICIPATING CANDIDATES, BUT ARE NOT REQUIRED TO ISSUE A CIVIC ENGAGEMENT
29 CREDIT TO ANY PARTICIPATING CANDIDATE.

30 3. REGISTERED VOTERS MAY ALLOCATE CREDITS IN THE PRIMARY ELECTION AND
31 AGAIN IN THE GENERAL ELECTION.

32 4. ANY CIVIC ENGAGEMENT CREDITS ISSUED IN EXCESS OF A REGISTERED
33 VOTER'S ALLOTTED AMOUNT ARE OF NO EFFECT.

34 5. VIOLATIONS OF THIS SECTION BY CANDIDATES ARE SUBJECT TO ALL
35 ENFORCEMENT ACTIONS AND PENALTIES PRESCRIBED IN THIS ARTICLE, INCLUDING THOSE
36 PRESCRIBED BY SECTION 16-942.

37 B. IF A REPORT IS FILED PURSUANT TO SECTION 16-958, SUBSECTION C
38 INDICATING THAT A PARTICIPATING CANDIDATE WHO HAS QUALIFIED FOR FUNDING HAS
39 RECEIVED ONE OR MORE CIVIC ENGAGEMENT CREDITS PURSUANT TO SUBSECTION A OF
40 THIS SECTION AND AFTER THE CIVIC ENGAGEMENT CREDIT FORMS ARE VERIFIED
41 PURSUANT TO THIS SECTION, THE COMMISSION SHALL PAY FROM THE CLEAN ELECTIONS
42 FUND TO THE CAMPAIGN ACCOUNT OF THAT PARTICIPATING CANDIDATE AN AMOUNT EQUAL
43 TO THREE HUNDRED DOLLARS FOR STATEWIDE CANDIDATES AND FIFTY DOLLARS FOR
44 LEGISLATIVE CANDIDATES FOR EACH REPORTED AND VERIFIED CIVIC ENGAGEMENT
45 CREDIT. THE SPENDING LIMIT FOR ALL SUCH PARTICIPATING CANDIDATES SHALL BE

1 INCREASED BY THE AMOUNT THAT THE COMMISSION PAYS TO THAT PARTICIPATING
2 CANDIDATE'S CAMPAIGN ACCOUNT.

3 C. CIVIC ENGAGEMENT CREDIT FORMS SUBMITTED TO THE COMMISSION SHALL BE
4 IN A FORMAT PRESCRIBED BY THE COMMISSION AND SHALL INCLUDE THE PRINTED NAME,
5 REGISTRATION ADDRESS, LEGISLATIVE DISTRICT AND SIGNATURE OF THE VOTER WHO IS
6 ASSIGNING THE CIVIC ENGAGEMENT CREDIT, THE NAME OF THE CANDIDATE TO WHOM THE
7 CIVIC ENGAGEMENT CREDIT IS ASSIGNED, THE OFFICE THE CANDIDATE IS SEEKING AND
8 THE DATE. THE CANDIDATE SHALL PROVIDE A RECEIPT TO THE REGISTERED VOTER THAT
9 INDICATES THAT THE VOTER MAY NOT ASSIGN MORE THAN ONE CIVIC ENGAGEMENT CREDIT
10 PER PARTICIPATING CANDIDATE PER RACE AND FOR NO MORE THAN THE NUMBER OF SEATS
11 TO BE FILLED AT THAT ELECTION.

12 D. CIVIC ENGAGEMENT CREDITS ARE STATEMENTS OF SUPPORT BUT ARE NOT
13 CONSIDERED TO BE CONTRIBUTIONS OR EXPENDITURES PURSUANT TO THIS ARTICLE. NO
14 PAYMENT OR ANYTHING OF VALUE MAY BE GIVEN TO THE ASSIGNING VOTER IN EXCHANGE
15 FOR THE CIVIC ENGAGEMENT CREDIT, OR TO THE PERSON SOLICITING THE CIVIC
16 ENGAGEMENT CREDIT. CIVIC ENGAGEMENT CREDITS MAY NOT BE ISSUED BY THE
17 CANDIDATE OR THE CANDIDATE'S FAMILY MEMBERS.

18 E. ALL CIVIC ENGAGEMENT CREDIT FORMS SHALL CONFORM TO THE FOLLOWING
19 REQUIREMENTS:

20 1. THE SOLICITOR SHALL SIGN THE FORM.

21 2. THE SOLICITOR CANNOT BE PAID OR OTHERWISE COMPENSATED FOR OBTAINING
22 CIVIC ENGAGEMENT CREDITS. THIS PARAGRAPH DOES NOT PRECLUDE A PAID CAMPAIGN
23 EMPLOYEE FROM COLLECTING CIVIC ENGAGEMENT CREDIT FORMS IF THE EMPLOYEE IS NOT
24 PAID ON THE BASIS OF THE NUMBER OF FORMS COLLECTED AND IF THE MAJORITY OF
25 THAT EMPLOYEE'S CAMPAIGN TIME IS NOT SPENT COLLECTING OR SOLICITING THE
26 FORMS.

27 3. THE SOLICITOR SHALL BE REGISTERED TO VOTE IN THIS STATE.

28 4. THE SOLICITOR'S NAME SHALL BE TYPED OR PRINTED UNDER THAT PERSON'S
29 SIGNATURE.

30 5. THE SOLICITOR SHALL INCLUDE THE SOLICITOR'S VOTER REGISTRATION
31 RESIDENCE ADDRESS ON THE FORM.

32 F. IF A CIVIC ENGAGEMENT CREDIT IS SUBMITTED WITHOUT A SOLICITOR, IT
33 SHALL BE DISQUALIFIED. SOLICITORS ARE RESPONSIBLE FOR THE ACCURACY OF THE
34 INFORMATION PROVIDED.

35 G. IN ORDER TO RECEIVE SUPPLEMENTAL FUNDING, CANDIDATES SHALL FILE A
36 REPORT PRESCRIBED BY SECTION 16-958, SUBSECTION C WITH THE ORIGINAL FORM FOR
37 ALL SUBMITTED CIVIC ENGAGEMENT CREDITS PURSUANT TO COMMISSION RULES. THIS
38 REPORT SHALL INCLUDE THE LIST OF NAMES AND VOTER IDENTIFICATION NUMBERS OF
39 PERSONS WHO HAVE ASSIGNED THEIR CIVIC ENGAGEMENT CREDITS TO THAT CANDIDATE.
40 THE LIST SHALL BE DIVIDED BY COUNTY. THE COMMISSION SHALL VERIFY THE
41 INFORMATION ON THE FORMS, THE ELIGIBILITY OF THE PERSON TO ASSIGN A CREDIT TO
42 A CANDIDATE AND THE CANDIDATE'S COMPLIANCE WITH ALL APPLICABLE PROCEDURES.
43 THE COMMISSION MAY ADOPT RULES THAT IDENTIFY THE APPROPRIATE LEGISLATIVE
44 DISTRICTS TO USE WHEN CREDITS ARE COLLECTED OR SUBMITTED DURING A PENDING
45 REDISTRICTING PROCESS. IN ORDER TO FACILITATE SUBMISSION OF VOTER

1 IDENTIFICATION NUMBERS AS REQUIRED, COUNTY RECORDERS SHALL PROVIDE
2 IDENTIFICATION NUMBERS UNDER THE SAME TERMS AS PROVIDED TO RECOGNIZED
3 POLITICAL PARTIES, TO UNRECOGNIZED PARTIES AND TO INDEPENDENT CANDIDATES.
4 COUNTY RECORDERS AND OFFICERS IN CHARGE OF ELECTIONS SHALL COOPERATE WITH AND
5 PROVIDE THE COMMISSION WITH ACCESS TO ALL INFORMATION NECESSARY TO VERIFY THE
6 ACCURACY OF INFORMATION SUBMITTED WITH THE FORMS EITHER BY PROVIDING ACCESS
7 TO COUNTY DATABASES OR BY PROVIDING THE NECESSARY INFORMATION DIRECTLY TO THE
8 COMMISSION.

9 H. IF AN ADJUSTED SPENDING LIMIT IS INCREASED TO THREE TIMES THE
10 ORIGINAL SPENDING LIMIT FOR A PARTICIPATING CANDIDATE'S CAMPAIGN, THE
11 COMMISSION SHALL NOT PAY ANY FURTHER AMOUNTS FROM THE FUND TO THE CAMPAIGN
12 ACCOUNT OF ANY PARTICIPATING CANDIDATE, AND THE SPENDING LIMIT SHALL NOT BE
13 ADJUSTED FURTHER.

14 I. BEFORE THE QUALIFYING PERIOD OF AN ELECTION CYCLE BEGINS, THE
15 COMMISSION SHALL DETERMINE WHETHER ENOUGH MONEY IS IN THE FUND TO FULLY
16 SUPPORT THE VOTER INVOLVEMENT PROGRAM FOR THE ELECTION CYCLE. IF THE
17 COMMISSION DETERMINES THAT THE FUND IS INSUFFICIENT, THE COMMISSION MAY
18 SPECIFY REDUCTIONS IN THE VOTER INVOLVEMENT PROGRAM FOR THAT CYCLE IN THE
19 FOLLOWING ORDER:

20 1. THE COMMISSION MAY REDUCE THE MAXIMUM FUNDS AVAILABLE TO CANDIDATES
21 ON AN OFFICE BY OFFICE BASIS.

22 2. THE COMMISSION MAY DETERMINE THAT NO FUNDS UNDER THE VOTER
23 INVOLVEMENT PROGRAM MAY BE AWARDED THIS CYCLE.

24 J. IF THE FUND IS DETERMINED TO BE INSUFFICIENT AS PRESCRIBED BY
25 SUBSECTION I OF THIS SECTION, PARTICIPATING CANDIDATES MAY SOLICIT
26 CONTRIBUTIONS UP TO THE AMOUNTS PRESCRIBED BY SUBSECTION B OF THIS SECTION
27 FROM VOTERS ELIGIBLE TO VOTE FOR THEM IN THAT ELECTION.

28 K. CIVIC ENGAGEMENT CREDITS HAVE NO CASH VALUE AND CANNOT BE SOLD OR
29 OTHERWISE TRANSFERRED, EXCEPT PURSUANT TO COMMISSION RULES. VOTERS CANNOT BE
30 COMPENSATED FOR ISSUANCE OF A CIVIC ENGAGEMENT CREDIT AND SOLICITORS CANNOT
31 BE COMPENSATED FOR OBTAINING A CIVIC ENGAGEMENT CREDIT.

32 Sec. 6. Subject to the requirements of article IV, part 1, section 1,
33 subsection (6), Constitution of Arizona, section 16-955, Arizona Revised
34 Statutes, is amended to read:

35 16-955. Citizens clean election commission; structure

36 A. The citizens clean elections commission is established consisting
37 of five members. No more than two members of the commission shall be members
38 of the same political party. No more than two members of the commission
39 shall be residents of the same county. No one shall be appointed as a member
40 who does not have a registration pursuant to chapter 1 of this title that has
41 been continuously recorded for at least five years immediately preceding
42 appointment with the same political party or as an independent.

43 B. The candidates for vacant commissioner positions shall be persons
44 who are committed to enforcing this article in an honest, independent and
45 impartial fashion and to seeking to uphold public confidence in the integrity

1 of the electoral system. Each candidate shall be a qualified elector who ~~has~~
 2 ~~not~~, in the previous five years in this state, HAS NOT been appointed to,
 3 been elected to or run for any public office, including precinct
 4 committeeman, or served as an officer of a political party.

5 ~~C. Initially, the commission on appellate court appointments shall~~
 6 ~~nominate five slates, each having three candidates, before January 1, 1999.~~
 7 ~~No later than February 1, 1999, the governor shall select one candidate from~~
 8 ~~one of the slates to serve on the commission for a term ending January 31,~~
 9 ~~2004. Next, the highest ranking official holding a statewide office who is~~
 10 ~~not a member of the same political party as the governor shall select one~~
 11 ~~candidate from another one of the slates to serve on the commission for a~~
 12 ~~term ending January 31, 2003. Next, the second highest ranking official~~
 13 ~~holding a statewide office who is a member of the same political party as the~~
 14 ~~governor shall select one candidate from one of the three remaining slates to~~
 15 ~~serve on the commission for a term ending January 31, 2002. Next, the~~
 16 ~~second highest ranking official holding a statewide office who is not a~~
 17 ~~member of the same political party as the governor shall select one candidate~~
 18 ~~from one of the two remaining slates to serve on the commission for a term~~
 19 ~~ending January 31, 2001. Finally, the third highest ranking official holding~~
 20 ~~a statewide office who is a member of the same political party as the~~
 21 ~~governor shall elect one candidate from the last slate to serve on the~~
 22 ~~commission for a term ending January 31, 2000. For the purposes of this~~
 23 ~~section, the ranking of officials holding statewide office shall be governor,~~
 24 ~~secretary of state, attorney general, treasurer, superintendent of public~~
 25 ~~instruction, corporation commissioners in order of seniority, mine inspector,~~
 26 ~~senate majority and minority leaders and house majority and minority leaders.~~

27 ~~D.~~ C. One commissioner shall be appointed for a five-year term
 28 beginning February 1 of every year beginning with the year 2000. Before
 29 February 1 of each year beginning in the year 2000, the governor and the
 30 highest-ranking official holding a statewide office who is not a member of
 31 the same political party as the governor shall alternate filling such
 32 vacancies. The vacancy in the year 2000 shall be filled by the governor.

33 ~~E.~~ D. Members of the commission may be removed by the governor, with
 34 concurrence of the senate, for substantial neglect of duty, gross misconduct
 35 in office, inability to discharge the powers and duties of office or
 36 violation of this section, after written notice and opportunity for a
 37 response.

38 ~~F.~~ E. If a commissioner does not complete the commissioner's term of
 39 office for any reason, a replacement shall be selected within thirty days
 40 after the vacancy occurs. The highest-ranking official holding a statewide
 41 office who is a member of the political party of the official who nominated
 42 the commissioner who vacated office shall nominate the replacement, who shall
 43 serve as commissioner for the unexpired portion of the term. A vacancy or
 44 vacancies shall not impair the right of the remaining members to exercise all
 45 of the powers of the board.

1 ~~G.~~ F. Commissioners are eligible to receive compensation in an amount
2 of two hundred dollars for each day on which the commission meets and
3 reimbursement of expenses pursuant to title 38, chapter 4, article 2.

4 ~~H.~~ G. The commissioners shall elect a chair to serve for each
5 calendar-year period from among their members whose terms expire after the
6 conclusion of that year. Three commissioners shall constitute a quorum.

7 ~~I.~~ H. A member of the commission shall serve no more than one term
8 and is not eligible for reappointment. No commissioner, during the
9 commissioner's tenure or for three years thereafter, shall seek or hold any
10 other public office, serve as an officer of any political committee or employ
11 or be employed as a lobbyist.

12 ~~J.~~ I. The commission shall appoint an executive director who shall
13 not be a member of the commission and who shall serve at the pleasure of the
14 commission. The executive director is eligible to receive compensation set
15 by the board within the range determined under section 38-611. The executive
16 director, subject to title 41, chapter 4, articles 5 and 6, shall employ,
17 determine the conditions of employment and specify the duties of
18 administrative, secretarial and clerical employees as the director deems
19 necessary.

20 Sec. 7. Subject to the requirements of article IV, part 1, section 1,
21 subsection (6), Constitution of Arizona, section 16-956, Arizona Revised
22 Statutes, is amended to read:

23 16-956. Voter education and enforcement duties

24 A. The commission shall:

25 1. Develop a procedure for publishing a document or section of a
26 document having a space of predefined size for a message chosen by each
27 candidate. For the document that is delivered before the primary election,
28 the document shall contain the names of every candidate for every statewide
29 and legislative district office in that primary election without regard to
30 whether the candidate is a participating candidate or a nonparticipating
31 candidate. For the document that is delivered before the general election,
32 the document shall contain the names of every candidate for every statewide
33 and legislative district office in that general election without regard to
34 whether the candidate is a participating candidate or a nonparticipating
35 candidate. The commission shall deliver one copy of each document to every
36 household that contains a registered voter. For the document that is
37 delivered before the primary election, the delivery may be made over a period
38 of days but shall be sent in time to be delivered to households before the
39 earliest date for receipt by registered voters of any requested early ballots
40 for the primary election. The commission may deliver the second document
41 over a period of days but shall send the second document in order to be
42 delivered to households before the earliest date for receipt by registered
43 voters of any requested early ballots for the general election. The primary
44 election and general election documents published by the commission shall
45 comply with all of the following:

1 (a) For any candidate who does not submit a message pursuant to this
2 paragraph, the document shall include with the candidate's listing the words
3 "no statement submitted".

4 (b) The document shall have printed on its cover the words "citizens
5 clean elections commission voter education guide" and the words "primary
6 election" or "general election" and the applicable year. The document shall
7 also contain at or near the bottom of the document cover in type that is no
8 larger than one-half the size of the type used for "citizens clean elections
9 commission voter education guide" the words "paid for by the citizens clean
10 elections fund".

11 (c) In order to prevent voter confusion, the document shall be easily
12 distinguishable from the publicity pamphlet that is required to be produced
13 by the secretary of state pursuant to section 19-123.

14 2. Sponsor debates among candidates, in such manner as determined by
15 the commission. The commission shall require participating candidates to
16 attend and participate in debates and may specify by rule penalties for
17 nonparticipation. The commission shall invite and permit nonparticipating
18 candidates to participate in debates.

19 3. Prescribe forms for reports, statements, notices and other
20 documents required by this article. The commission shall not require a
21 candidate to use a reporting system other than the reporting system jointly
22 approved by the commission and the office of the secretary of state.

23 4. Prepare and publish instructions setting forth methods of
24 bookkeeping and preservation of records to facilitate compliance with this
25 article and explaining the duties of persons and committees under this
26 article.

27 5. Produce a yearly report describing the commission's activities and
28 any recommendations for changes of law, administration or funding amounts and
29 accounting for monies in the fund.

30 6. Adopt rules to implement the reporting requirements of section
31 16-958, ~~subsections D and E.~~

32 7. Enforce this article, ensure that money from the fund is placed in
33 candidate campaign accounts or otherwise spent as specified in this article
34 and not otherwise, monitor reports filed pursuant to this chapter and
35 financial records of candidates as needed and ensure that money required by
36 this article to be paid to the fund is deposited in the fund. The commission
37 shall not take action on any external complaint that is filed more than
38 ninety days after the postelection report is filed or ninety days after the
39 completion of the canvass of the election to which the complaint relates,
40 whichever is later.

41 B. The commission may subpoena witnesses, compel their attendance and
42 testimony, administer oaths and affirmations, take evidence and require by
43 subpoena the production of any books, papers, records or other items material
44 to the performance of the commission's duties or the exercise of its powers.

1 C. The commission may adopt rules to carry out the purposes of this
2 article and to govern procedures of the commission. Commission rule making
3 is exempt from title 41, chapter 6, article 3. The commission shall propose
4 and adopt rules in public meetings, with at least sixty days allowed for
5 interested parties to comment after the rules are proposed. The commission
6 shall also file a notice of exempt rule making and the proposed rule in the
7 format prescribed in section 41-1022 with the secretary of state's office for
8 publication in the Arizona administrative register. After consideration of
9 the comments received in the sixty day comment period, the commission may
10 adopt the rule in an open meeting. Any rules given final approval in an open
11 meeting shall be filed in the format prescribed in section 41-1022 with the
12 secretary of state's office for publication in the Arizona administrative
13 register. Any rules adopted by the commission shall only be applied
14 prospectively from the date the rule was adopted.

15 D. Rules adopted by the commission are not effective until January 1
16 in the year following the adoption of the rule, except that rules adopted by
17 unanimous vote of the commission may be made immediately effective and
18 enforceable.

19 E. If, in the view of the commission, the action of a particular
20 candidate or committee requires immediate change to a commission rule, a
21 unanimous vote of the commission is required. Any rule change made pursuant
22 to this subsection that is enacted with less than a unanimous vote takes
23 effect for the next election cycle.

24 F. Based on the results of the elections in any quadrennial election
25 after 2002, and within six months after such election, the commission may
26 adopt rules changing the number of qualifying contributions required for any
27 office from those listed in section 16-950, subsection D, ~~by~~ by no more than
28 twenty per cent of the number applicable for the preceding election.

29 Sec. 8. Subject to the requirements of article IV, part 1, section 1,
30 subsection (6), Constitution of Arizona, section 16-958, Arizona Revised
31 Statutes, is amended to read:

32 16-958. Manner of filing reports

33 A. Any person who has previously reached the dollar amount specified
34 in section 16-941, subsection D for filing an original report shall file a
35 supplemental report each time previously unreported independent expenditures
36 specified by that subsection exceeds one thousand dollars. Such reports
37 shall be filed at the times specified in subsection B of this section and
38 shall identify the dollar amount being reported, the candidate and the date,
39 and no other detail is required in reports made pursuant to this section.

40 B. Any person who must file an original report pursuant to section
41 16-941, subsection D or who must file a supplemental report for previously
42 unreported amounts pursuant to subsection A of this section shall file as
43 follows:

1 1. Before the beginning of the primary election period, the person
2 shall file a report on the first of each month, unless the person has not
3 reached the dollar amount for filing an original or supplemental report on
4 that date.

5 2. Thereafter, except as stated in paragraph 3 of this subsection, the
6 person shall file a report on any Tuesday by which the person has reached the
7 dollar amount for filing an original or supplemental report.

8 3. During the last two weeks before the primary election and the last
9 two weeks before the general election, the person shall file a report within
10 one business day of reaching the dollar amount for filing an original or
11 supplemental report.

12 C. A PARTICIPATING CANDIDATE MAY FILE A CIVIC ENGAGEMENT CREDIT REPORT
13 WITH THE COMMISSION TO INITIATE THE CALCULATION OF SUPPLEMENTAL FUNDING.
14 SUPPLEMENTAL FUNDING WILL BE ISSUED ON WEDNESDAYS FOR THOSE CIVIC ENGAGEMENT
15 CREDIT REPORTS THAT HAVE BEEN SUBMITTED AND VERIFIED BY THE IMMEDIATELY
16 PRECEDING MONDAY, AND ON FRIDAYS FOR CIVIC ENGAGEMENT CREDIT REPORTS THAT
17 HAVE BEEN SUBMITTED AND VERIFIED BY THE IMMEDIATELY PRECEDING WEDNESDAY. THE
18 COMMISSION SHALL NOT ACCEPT FOR FILING ANY CIVIC ENGAGEMENT CREDIT REPORTS
19 WITHIN THE SEVEN DAYS IMMEDIATELY PRECEDING AN ELECTION DAY.

20 ~~E.~~ D. Any filing under this article on behalf of a candidate may be
21 made by the candidate's campaign committee. All candidates shall deposit any
22 check received by and intended for the campaign and made payable to the
23 candidate or the candidate's campaign committee, and all cash received by and
24 intended for the campaign, in the candidate's campaign account before the due
25 date of the next report specified in subsection B of this section. No
26 candidate or person acting on behalf of a candidate shall conspire with a
27 donor to postpone delivery of a donation to the campaign for the purpose of
28 postponing the reporting of the donation in any subsequent report.

29 ~~D.~~ E. The secretary of state shall immediately notify the commission
30 of the filing of each report under this section and deliver a copy of the
31 report to the commission, and the commission shall promptly mail or otherwise
32 deliver a copy of each report filed pursuant to this section to all
33 participating candidates opposing the candidate identified in section 16-941,
34 subsection D.

35 ~~E.~~ F. Any report filed pursuant to this section or section 16-916,
36 subsection A, paragraph 1 or subsection B shall be filed in electronic
37 format. The secretary of state shall distribute computer software to
38 political committees to accommodate such electronic filing.

39 ~~F.~~ G. During the primary election period and the general election
40 period, all candidates shall make available for public inspection all bank
41 accounts, campaign finance reports and financial records relating to the
42 candidate's campaign, either by immediate disclosure through electronic means
43 or at the candidate's campaign headquarters, in accordance with rules adopted
44 by the commission.

1 Sec. 9. Subject to the requirements of article IV, part 1, section 1,
2 subsection (6), Constitution of Arizona, section 16-959, Arizona Revised
3 Statutes, is amended to read:

4 16-959. Inflationary and other adjustments of dollar values

5 A. Every two years, the secretary of state shall modify the dollar
6 values specified in the following parts of this article, in the manner
7 specified by section 16-905, ~~subsection H~~, to account for inflation: section
8 16-941, subsection A, paragraph 2 or subsection D; section 16-942, subsection
9 B; section 16-945, subsection A, paragraphs 1 and 2; section 16-948,
10 subsection C; SECTION 16-952, SUBSECTION B; section 16-955, subsection ~~G~~ F;
11 and section 16-961, subsections G and H. In addition, the secretary of state
12 shall make a similar inflation adjustment by modifying the dollar values in
13 section 16-949, subsection A to reflect cumulative inflation since the
14 enactment of this article. In addition, every two years, the secretary of
15 state shall change the dollar values in section 16-961, subsections G and H
16 in proportion to the change in the number of Arizona resident personal income
17 tax returns filed during the previous calendar year.

18 B. Based on the results of the elections in any quadrennial election
19 after 2002, and within six months after such election, the commission may
20 adopt rules in a public meeting reallocating funds available to all
21 candidates between the primary and general elections by selecting a fraction
22 for primary election spending limits that is between one-third and one-half
23 of the spending limits for the election as a whole. For each office, the
24 primary election spending limit shall be modified to be the sum of the
25 primary and general spending limits times the selected fraction, and the
26 general election spending limit shall be modified to be the same sum times
27 one less the selected fraction.

28 Sec. 10. Subject to the requirements of article IV, part 1, section 1,
29 subsection (6), Constitution of Arizona, section 16-961, Arizona Revised
30 Statutes, is amended to read:

31 16-961. Definitions

32 A. The terms "candidate's campaign committee," "contribution,"
33 "expenditures," "exploratory committee," "independent expenditure," "personal
34 monies," "political committee" and "statewide office" are defined in section
35 16-901.

36 B. 1. "Election cycle" means the period between successive general
37 elections for a particular office.

38 2. "Exploratory period" means the period beginning on the day after a
39 general election and ending the day before the start of the qualifying
40 period.

41 3. "Qualifying period" means the period beginning on the first day of
42 August in a year preceding an election and ending one week before the primary
43 election.

44 4. "Primary election period" means the nine-week period ending on the
45 day of the primary election.

1 5. "General election period" means the period beginning on the day
2 after the primary election and ending on the day of the general election.

3 6. For any recall election, the qualifying period shall begin when the
4 election is called and last for thirty days, there shall be no primary
5 election period and the general election period shall extend from the day
6 after the end of the qualifying period to the day of the recall election.
7 For recall elections, any reference to "general election" in this article
8 shall be treated as if referring to the recall election.

9 C. 1. "Participating candidate" means a candidate who becomes
10 certified as a participating candidate pursuant to section 16-947.

11 2. "Nonparticipating candidate" means a candidate who does not become
12 certified as a participating candidate pursuant to section 16-947.

13 3. Any limitation of this article that is applicable to a
14 participating candidate or a nonparticipating candidate shall also apply to
15 that candidate's campaign committee or exploratory committee.

16 D. "Commission" means the citizens clean elections commission
17 established pursuant to section 16-955.

18 E. "Fund" means the citizens clean elections fund defined by this
19 article.

20 F. 1. "Party nominee" means a person who has been nominated by a
21 political party pursuant to section 16-301 or 16-343.

22 2. "Independent candidate" means a candidate who has properly filed
23 nominating papers and nominating petitions with signatures pursuant to
24 section 16-341.

25 3. "Unopposed" means with reference to an election for:

26 (a) A member of the house of representatives, opposed by no more than
27 one other candidate who has qualified for the ballot and who is running in
28 the same district.

29 (b) A member of the corporation commission, opposed by a number of
30 candidates who have qualified for the ballot that is fewer than the number of
31 corporation commission seats open at that election and for which the term of
32 office ends on the same date.

33 (c) All other offices, opposed by no other candidate who has qualified
34 for the ballot and who is running in that district or running for that same
35 office and term.

36 G. "Primary election spending limits" means:

37 1. For a candidate for the legislature, ~~twelve~~ FIFTEEN thousand ~~nine~~
38 ~~hundred~~ twenty-one dollars.

39 2. For a candidate for mine inspector, ~~forty-one~~ FIFTY-TWO thousand
40 ~~three hundred forty-nine~~ dollars.

41 3. For a candidate for treasurer, superintendent of public instruction
42 or the corporation commission, ~~eighty-two~~ ONE HUNDRED thousand ~~six hundred~~
43 ~~eighty~~ dollars.

44 4. For a candidate for secretary of state or attorney general, ~~one~~ TWO
45 hundred ~~sixty-five~~ thousand ~~three hundred seventy-eight~~ dollars.

1 officeholder expenses shall be reported under campaign finance reporting
2 requirements pursuant to title 16, chapter 6, article 1.

3 D. An officeholder shall not use monies in the officeholder account
4 for campaign purposes. Permissible uses of monies in an officeholder account
5 include the following:

- 6 1. Office equipment and supplies.
- 7 2. Travel related to the officeholder's duties.
- 8 3. Meeting or communicating with constituents.
- 9 4. Expenses for informational and educational purposes, including
10 subscriptions to newspapers, magazines or other periodicals or websites or
11 other informational services, membership or participation in community,
12 professional or fraternal organizations and participation in conferences and
13 seminars.

14 E. An officeholder shall not receive or spend monies from the
15 officeholder account during the period beginning ~~April 30 in an election year~~
16 **NINETY DAYS BEFORE THE PRIMARY ELECTION**, shall complete the purchase or
17 otherwise use the item before ~~April 30 in an election year~~ **NINETY DAYS BEFORE**
18 **THE PRIMARY ELECTION** and shall not spend those monies until after the day of
19 the general election. Any monies remaining in the officeholder expense
20 account beginning ~~April 30 in an election year~~ **NINETY DAYS BEFORE THE PRIMARY**
21 **ELECTION** may not be used **AND SHALL BE RETURNED TO THE CITIZENS CLEAN**
22 **ELECTIONS COMMISSION NOT LATER THAN SIXTY DAYS BEFORE THE PRIMARY ELECTION**
23 **DAY. FOR GOOD CAUSE SHOWN, THE COMMISSION MAY GRANT AN EXTENSION OF THE**
24 **DEADLINE TO RETURN THOSE MONIES TO THE COMMISSION. ~~except as follows:~~**

- 25 ~~1. Paid to the state general fund.~~
- 26 ~~2. For a person who continues to hold office as prescribed in this~~
27 ~~section, carried forward to an officeholder expense account for another~~
28 ~~office or term of office, subject to the limitations prescribed by this~~
29 ~~section.~~

30 F. An officeholder shall not transfer officeholder account monies to
31 any other account or committee except for another officeholder account for
32 that same officeholder.

33 ~~G. Section 41-1234.01 applies to contributions to an officeholder~~
34 ~~account for legislators.~~

35 G. AS PART OF ITS DUTIES UNDER SECTION 16-954, SUBSECTION D, THE
36 COMMISSION SHALL DETERMINE WHETHER ADEQUATE MONIES WILL BE AVAILABLE TO
37 PROVIDE FUNDING PURSUANT TO THIS SECTION. IF THE COMMISSION DETERMINES THAT
38 THERE ARE NOT ADEQUATE MONIES AVAILABLE TO PROVIDE FUNDING PURSUANT TO THIS
39 SECTION FOR THE FOLLOWING YEAR, THE COMMISSION MAY SUSPEND THE PROGRAM IN
40 WHOLE OR IN PART FOR THE SUBSEQUENT ELECTION CYCLE AND ALLOW OFFICEHOLDERS
41 WHO WOULD HAVE RECEIVED MONIES PURSUANT TO THIS SECTION TO RECEIVE
42 CONTRIBUTIONS FOR THEIR OFFICEHOLDER EXPENSE ACCOUNTS. AN OFFICEHOLDER MAY
43 RECEIVE CONTRIBUTIONS PURSUANT TO THIS SUBSECTION ONLY FROM INDIVIDUALS, AND
44 THE MAXIMUM AMOUNT THAT MAY BE RECEIVED FROM ANY ONE INDIVIDUAL DURING AN
45 ELECTION CYCLE IS ONE HUNDRED FIFTY DOLLARS. IF THE COMMISSION DETERMINES

1 THAT THERE ARE ADEQUATE MONIES AVAILABLE TO PROVIDE PARTIAL FUNDING PURSUANT
2 TO THIS SECTION, THE COMMISSION SHALL SUSPEND THE PROGRAM FOR STATEWIDE
3 OFFICEHOLDERS AND SHALL FUND THE PROGRAM PRESCRIBED BY THIS SUBSECTION FOR
4 ALL LEGISLATIVE OFFICEHOLDERS.

5 H. A person who violates this section is subject to a civil penalty of
6 three times any amount improperly received, spent or reported.

7 ~~I. Section 16-924 applies for the implementation and enforcement of~~
8 ~~this section.~~

9 ~~J. Any monies held by an officeholder pursuant to the officeholder~~
10 ~~expense account rules established by the citizens clean elections commission~~
11 ~~are subject to this section, and the citizens clean elections commission has~~
12 ~~no further authority with respect to those monies.~~

13 I. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO THE PENALTIES
14 PRESCRIBED IN TITLE 16, CHAPTER 6, ARTICLE 2.

15 ~~K.~~ J. For the purposes of this section, "officeholder" means a person
16 who holds an elected statewide public office or a legislative office in this
17 state, whether by election or appointment.

18 Sec. 12. Requirements for enactment: three-fourths vote

19 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
20 sections 16-941, 16-951, 16-955, 16-956, 16-958, 16-959 and 16-961, Arizona
21 Revised Statutes, as amended by this act, section 16-952, Arizona Revised
22 Statutes, as repealed by this act and title 16, chapter 6, article 2, Arizona
23 Revised Statutes, as amended by this act by adding a new section 16-952 are
24 effective only on the affirmative vote of at least three-fourths of the
25 members of each house of the legislature.