

REFERENCE TITLE: clean elections; expenditures; invoices; reporting

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1319

Introduced by
Senator Allen

AN ACT

AMENDING SECTIONS 16-941 AND 16-948, ARIZONA REVISED STATUTES; RELATING TO
THE CITIZENS CLEAN ELECTIONS ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Subject to the requirements of article IV, part 1, section
3 1, Constitution of Arizona, section 16-941, Arizona Revised Statutes, is
4 amended to read:

5 16-941. Limits on spending and contributions for political
6 campaigns; violation; classification

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

8 1. Shall not accept any contributions, other than a limited number of
9 five-dollar qualifying contributions as specified in section 16-946 and early
10 contributions as specified in section 16-945, except in the emergency
11 situation specified in section 16-954, subsection F.

12 2. Shall not make expenditures of more than a total of five hundred
13 dollars of the candidate's personal monies for a candidate for **THE**
14 legislature or more than one thousand dollars for a candidate for statewide
15 office.

16 3. Shall not make expenditures in the primary election period in
17 excess of the adjusted primary election spending limit.

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

20 5. Shall comply with section 16-948 regarding campaign accounts and
21 section 16-953 regarding returning unused monies to the citizens clean
22 ~~election~~ **ELECTIONS** fund ~~described in this article~~.

23 B. Notwithstanding any law to the contrary, a nonparticipating
24 candidate:

25 1. Shall not accept contributions in excess of an amount that is
26 twenty ~~percent~~ **PER CENT** less than the limits specified in section 16-905,
27 subsections A through G, as adjusted by the secretary of state pursuant to
28 section 16-905, subsection J. Any violation of this paragraph shall be
29 subject to the civil penalties and procedures set forth in section 16-905,
30 subsections L through P and section 16-924.

31 2. Shall comply with section 16-958 regarding reporting, including
32 filing reports with the secretary of state indicating whenever (A)
33 expenditures other than independent expenditures on behalf of the candidate,
34 from the beginning of the election cycle to any date up to primary election
35 day, exceed seventy ~~percent~~ **PER CENT** of the original primary election
36 spending limit applicable to a participating candidate seeking the same
37 office, or (B) contributions to a candidate, from the beginning of the
38 election cycle to any date during the general election period, less
39 expenditures made from the beginning of the election cycle through primary
40 election day, exceed seventy ~~percent~~ **PER CENT** of the original general
41 election spending limit applicable to a participating candidate seeking the
42 same office.

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

1 1. If ~~and only if~~ specified in a written agreement signed by the
2 candidate and one or more opposing candidates and filed with the citizens
3 clean elections commission, shall not make any expenditure in the primary or
4 general election period exceeding an agreed-upon amount lower than spending
5 limits otherwise 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 ~~the provisions of~~ 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.
16 ~~so indicating, identifying~~ THE REPORTS SHALL INDICATE AND IDENTIFY the
17 office and the candidate or group of candidates whose election or defeat is
18 being advocated, ~~and stating~~ SHALL STATE whether the person is advocating
19 election or advocating defeat.

20 E. ANY PERSON WHO KNOWINGLY MAKES A CONTRIBUTION OF ANYTHING OF VALUE
21 TO A PARTICIPATING CANDIDATE FOR THE PURPOSE OF INFLUENCING THE OUTCOME OF AN
22 ELECTION IS GUILTY OF A CLASS 1 MISDEMEANOR, EXCEPT FOR ANY OF THE FOLLOWING:

23 1. AN EARLY CONTRIBUTION AS PRESCRIBED IN SECTION 16-945 THAT IS
24 PROPERLY REPORTED.

25 2. A QUALIFYING CONTRIBUTION AS PRESCRIBED IN SECTION 16-946 THAT IS
26 PROPERLY REPORTED.

27 3. AN EMERGENCY CONTRIBUTION AS PRESCRIBED IN SECTION 16-954,
28 SUBSECTION F THAT IS PROPERLY REPORTED.

29 Sec. 2. Subject to the requirements of article IV, part 1, section 1,
30 Constitution of Arizona, section 16-948, Arizona Revised Statutes, is amended
31 to read:

32 16-948. Controls on participating candidates' campaign
33 accounts; violation; classification

34 A. A participating candidate shall conduct all financial activity
35 through a single campaign account of the candidate's campaign committee. A
36 participating candidate shall not make any deposits into the campaign account
37 other than those permitted under ~~sections~~ SECTION 16-945 or 16-946.

38 B. A candidate may designate other persons with authority to withdraw
39 funds from the candidate's campaign account. The candidate and any person so
40 designated shall sign a joint statement under oath promising to comply with
41 the requirements of this title.

42 C. The candidate or a person authorized under subsection B of this
43 section shall ~~pay monies from a participating candidate's campaign account~~
44 ~~directly to the person providing goods or services to the campaign and shall~~
45 identify, on a report filed pursuant to article 1 of this chapter, the full

1 name and street address of the person and the nature of the goods and
2 services and compensation for which payment has been made. Notwithstanding
3 the previous sentence, a campaign committee may establish one or more petty
4 cash accounts, which in aggregate shall not exceed one thousand dollars at
5 any time. No single expenditure shall be made from a petty cash account
6 exceeding one hundred dollars. A PARTICIPATING CANDIDATE WHO PURCHASES GOODS
7 OR SERVICES SHALL RECEIVE AND RETAIN FROM THE PROVIDER AN INVOICE FOR THOSE
8 GOODS OR SERVICES THAT SEPARATELY ITEMIZES THE COSTS OF THE GOODS AND
9 SERVICES PURCHASED BY THAT PARTICIPATING CANDIDATE AND SHALL NOT DIRECTLY OR
10 INDIRECTLY PAY FOR GOODS OR SERVICES PROVIDED TO ANY OTHER CANDIDATE. IF A
11 PARTICIPATING CANDIDATE MAKES PAYMENT TO A CONSULTANT OR VENDOR FOR SERVICES
12 PROVIDED TO THAT CONSULTANT OR VENDOR, THE CANDIDATE'S CAMPAIGN FINANCE
13 REPORTS SHALL SEPARATELY LIST THE FULL NAME AND STREET ADDRESS OF THE PERSON
14 AND THE SPECIFIC GOODS OR SERVICES PROVIDED BY A VENDOR OR SUBVENDOR TO ANY
15 VENDOR OR CONSULTANT TO THE CANDIDATE. THE PARTICIPATING CANDIDATE SHALL
16 RECEIVE AND RETAIN ALL INVOICES FROM CONSULTANTS, VENDORS AND SUBVENDORS THAT
17 SEPARATELY ITEMIZE THE COST OF GOODS AND SERVICES PURCHASED FOR THAT
18 CANDIDATE. INVOICES FROM A PROVIDER ARE DEEMED A PORTION OF THE REPORTS
19 REQUIRED TO BE FILED BY THE CANDIDATE PURSUANT TO SECTION 16-913. A PERSON
20 WHO KNOWINGLY FAILS TO RECEIVE AND RETAIN INVOICES IS GUILTY OF A CLASS 1
21 MISDEMEANOR.

22 D. Monies in a participating candidate's campaign account shall not be
23 used to pay fines or civil penalties, for costs or legal fees related to
24 representation before the commission, or for defense of any enforcement
25 action under this chapter. Nothing in this subsection shall prevent a
26 participating candidate from having a legal defense fund.

27 Sec. 3. Requirements for enactment: three-fourths vote

28 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
29 this act is effective only on the affirmative vote of at least three-fourths
30 of the members of each house of the legislature.