

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

# SENATE BILL 1319

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        4. MONEY CONTRIBUTED TO AN OFFICEHOLDER EXPENSE ACCOUNT IN COMPLIANCE  
30 WITH RULES ADOPTED BY THE COMMISSION.

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

34        16-948. Controls on participating candidates' campaign  
35 accounts; violation; classification; definition

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

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

1 C. The candidate or a person authorized under subsection B of this  
2 section shall ~~pay monies from a participating candidate's campaign account~~  
3 ~~directly to the person providing goods or services to the campaign and shall~~  
4 identify, on a report filed pursuant to article 1 of this chapter, the full  
5 name and street address of the person and the nature of the goods ~~and~~ OR  
6 services and compensation for which payment has been made. Notwithstanding  
7 the previous sentence, a campaign committee may establish one or more petty  
8 cash accounts, which in aggregate shall not exceed one thousand dollars at  
9 any time. No single expenditure shall be made from a petty cash account  
10 exceeding one hundred dollars. A PARTICIPATING CANDIDATE WHO PURCHASES GOODS  
11 OR SERVICES SHALL RECEIVE AND RETAIN FROM THE PERSON PROVIDING GOODS OR  
12 SERVICES AN INVOICE FOR THOSE GOODS OR SERVICES THAT SEPARATELY ITEMIZES THE  
13 COSTS OF THE GOODS OR SERVICES PURCHASED BY THAT PARTICIPATING CANDIDATE AND  
14 SHALL NOT DIRECTLY OR INDIRECTLY PAY FOR GOODS OR SERVICES PROVIDED TO ANY  
15 OTHER CANDIDATE. IF A PARTICIPATING CANDIDATE MAKES PAYMENT TO A PERSON  
16 PROVIDING GOODS OR SERVICES FOR SERVICES PROVIDED TO THAT PERSON, THE  
17 CANDIDATE'S CAMPAIGN FINANCE REPORTS SHALL SEPARATELY LIST THE FULL NAME AND  
18 STREET ADDRESS OF THE PERSON AND THE SPECIFIC GOODS OR SERVICES PROVIDED BY A  
19 VENDOR OR SUBVENDOR TO ANY PERSON PROVIDING GOODS OR SERVICES TO THE  
20 CANDIDATE. THE PARTICIPATING CANDIDATE SHALL RECEIVE AND RETAIN ALL INVOICES  
21 FROM VENDORS AND SUBVENDORS THAT SEPARATELY ITEMIZE THE COST OF GOODS OR  
22 SERVICES PURCHASED FOR THAT CANDIDATE. INVOICES FROM A PERSON PROVIDING  
23 GOODS OR SERVICES ARE DEEMED A PORTION OF THE REPORTS REQUIRED TO BE FILED BY  
24 THE CANDIDATE PURSUANT TO SECTION 16-913. A PERSON WHO KNOWINGLY FAILS TO  
25 RECEIVE AND RETAIN INVOICES IN VIOLATION OF THIS SECTION IS GUILTY OF A CLASS  
26 1 MISDEMEANOR.

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

32 E. FOR THE PURPOSES OF THIS SECTION, "VENDOR" OR "SUBVENDOR" MEANS A  
33 PERSON PROVIDING GOODS OR SERVICES TO ANY PERSON PROVIDING GOODS OR SERVICES  
34 TO A PARTICIPATING CANDIDATE.

35 Sec. 3. Requirements for enactment; three-fourths vote

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