

REFERENCE TITLE: **political contributions; limits.**

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2159

Introduced by
Representatives Miranda: Alvarez, Rios P, Tom

AN ACT

AMENDING SECTION 16-905, ARIZONA REVISED STATUTES; RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENSES.

(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. Three hundred dollars from an individual.
9 2. Three hundred dollars from a single political committee, excluding
10 a political party, not certified under subsection I of this section to make
11 contributions at the higher limits prescribed by paragraph 3 of this
12 subsection and subsection B, paragraph 3 of this section.
13 3. One thousand five hundred ten dollars from a single political
14 committee, excluding a political party, certified pursuant to subsection I of
15 this section.
16 B. For an election for a statewide office, a contributor shall not
17 give and an exploratory committee, a candidate or a candidate's committee
18 shall not accept contributions of more than:
19 1. Seven hundred sixty dollars from an individual.
20 2. Seven hundred sixty dollars from a single political committee,
21 excluding a political party, not certified under subsection I of this section
22 to make contributions at the higher limits prescribed by subsection A,
23 paragraph 3 OF THIS SECTION and paragraph 3 of this subsection.
24 3. Three thousand seven hundred ninety dollars from a single political
25 committee excluding political parties certified pursuant to subsection I of
26 this section.
27 C. A candidate shall not accept contributions from all political
28 committees, excluding political parties, combined totaling more than ~~seven~~
29 ~~thousand five hundred sixty~~ THIRTY-TWO THOUSAND EIGHT HUNDRED FORTY-THREE
30 dollars for an office other than a statewide office, or seventy-five thousand
31 six hundred ten dollars for a statewide office.
32 D. A nominee of a political party shall not accept contributions from
33 all political parties or political organizations combined totaling more than
34 seven thousand five hundred sixty dollars for an election for an office other
35 than a statewide office, and seventy-five thousand six hundred ten dollars
36 for an election for a statewide office.
37 E. An individual shall not make contributions totaling more than two
38 thousand eight hundred twenty dollars in a calendar year to state and local
39 candidates, political committees contributing to state or local candidates,
40 and political committees advocating the election or defeat of state or local
41 candidates. Contributions to political parties are exempt from the
42 limitations of this subsection.
43 F. The use of a candidate's personal monies is not subject to the
44 limitations of this section but affects the application of these limitations
45 to the candidate's opponents as follows:

1 1. For a candidate for an office other than a statewide office:

2 (a) If a candidate contributes or promises amounts of more than eleven
3 thousand eight hundred forty dollars of those personal monies, the candidate,
4 within twenty-four hours, excluding Saturdays, Sundays and other legal
5 holidays, shall give written notice by certified mail of the amount
6 contributed or promised as of the date of the notice to all other candidates
7 and the candidates' campaign committees for the same office at the address on
8 file with the filing officer and to the filing officer. Other candidates for
9 the same office and contributors to those candidates are not subject to the
10 limitations of subsections A, C and E of this section after receiving the
11 notice until these candidates receive contributions totaling the amount of
12 personal monies contributed or promised by the candidate giving this notice.

13 (b) For each additional accumulation of contributions or promises of
14 that candidate's personal monies that totals at least five thousand nine
15 hundred twenty dollars, the candidate, within twenty-four hours, excluding
16 Saturdays, Sundays and other legal holidays, shall give written notice by
17 certified mail of the amount contributed or promised as of the date of the
18 notice. The notice shall be given as prescribed in subdivision (a) of this
19 paragraph. Other candidates for the same office and contributors to those
20 candidates are not subject to the limitations of subsections A, C and E of
21 this section after receiving the notice until these candidates receive
22 contributions totaling the amount of personal monies contributed or promised
23 by the candidate giving this notice.

24 2. For a candidate for a statewide office:

25 (a) If a candidate contributes or promises amounts of more than
26 twenty-three thousand six hundred seventy dollars of those personal monies,
27 the candidate, within twenty-four hours, excluding Saturdays, Sundays and
28 other legal holidays, shall give written notice by certified mail of the
29 amount contributed or promised as of the date of the notice to all other
30 candidates and the candidates' campaign committees for the same office at the
31 address on file with the filing officer and to the secretary of state. Other
32 candidates for the same office and contributors to those candidates are not
33 subject to the limitations of subsections B, C and E of this section after
34 receiving the notice until these candidates receive contributions totaling
35 the amount of personal monies contributed or promised by the candidate giving
36 this notice.

37 (b) For each additional accumulation of contributions or promises of
38 that candidate's personal monies that totals at least eleven thousand eight
39 hundred forty dollars, the candidate, within twenty-four hours, excluding
40 Saturdays, Sundays and other legal holidays, shall give written notice of the
41 amount contributed or promised as of the date of the notice. The notice
42 shall be given as prescribed in subdivision (a) of this paragraph. Other
43 candidates for the same office and contributors to those candidates are not
44 subject to the limitations of subsections B, C and E of this section after
45 receiving the notice until these candidates receive contributions totaling

1 the amount of personal monies contributed or promised by the candidate giving
2 this notice.

3 3. If any notice prescribed by this subsection is not timely given the
4 other candidates are not subject to the limitations of subsections A, B and C
5 of this section for an additional five hundred ninety dollars for each day
6 the notice was delinquent.

7 4. Notwithstanding any other provision of this subsection, the amount
8 of contributions that a candidate may receive and that is not subject to the
9 limitations of subsections A, B and C of this section shall not be greater
10 than the largest amount of personal contributions, plus any additional
11 amounts due to delinquent notices, made by any other single candidate for the
12 same office.

13 G. The use of personal monies by an individual who designates an
14 exploratory committee is not subject to the limitations of this section but
15 is subject to the following:

16 1. If an individual who has designated a committee for other than
17 statewide office contributes or promises to the committee an amount of
18 personal monies that is more than eleven thousand eight hundred forty
19 dollars, the individual, within twenty-four hours excluding Saturdays,
20 Sundays and other legal holidays, shall give written notice by certified mail
21 of the amount contributed or promised as of the date of the notice to the
22 filing officer.

23 2. For each additional accumulation of contributions or promises of
24 the designating individual's personal monies that totals at least six
25 thousand dollars, the individual, within twenty-four hours, excluding
26 Saturdays, Sundays and other legal holidays, shall give written notice by
27 certified mail of the amount contributed or promised as of the date of the
28 notice to the filing officer.

29 3. If an individual who has designated a committee for statewide
30 office contributes or promises to the committee an amount of personal monies
31 that is more than twenty-three thousand six hundred seventy dollars, the
32 individual, within twenty-four hours, excluding Saturdays, Sundays and other
33 legal holidays, shall give written notice by certified mail of the amount
34 contributed or promised as of the date of the notice to the filing officer.

35 4. For each additional accumulation of contributions or promises of
36 the designating individual's personal monies that totals at least twelve
37 thousand dollars, the individual, within twenty-four hours, excluding
38 Saturdays, Sundays and other legal holidays, shall give written notice by
39 certified mail of the amount contributed or promised as of the date of the
40 notice to the filing officer.

41 H. A candidate's campaign committee or an individual's exploratory
42 committee shall not make a loan and shall not transfer or contribute money to
43 any other campaign or exploratory committee that is designated pursuant to
44 this chapter or 2 United States Code section 431 except as follows:

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

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

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

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

12 I. Only political committees that received monies from five hundred or
13 more individuals in amounts of ten dollars or more in the one year period
14 immediately before application to the secretary of state for qualification as
15 a political committee pursuant to this section may make contributions to
16 candidates under subsection A, paragraph 3 of this section and subsection B,
17 paragraph 3 of this section. The secretary of state shall obtain information
18 necessary to make the determination that a committee meets the requirements
19 of this subsection and shall provide written certification of the fact to the
20 committee. A political committee certification is valid for two years. A
21 candidate's campaign committee shall not accept a contribution pursuant to
22 this subsection unless it is accompanied by a copy of the certification. All
23 political committees that do not meet the requirements of this subsection are
24 subject to the individual campaign contribution limits of subsection A,
25 paragraph 1 of this section and subsection B, paragraph 1 of this section.

26 J. The secretary of state ~~shall, biennially,~~ **SHALL** adjust to the
27 nearest ten dollars the amounts in subsections A through G of this section by
28 the percentage change in the consumer price index and publish the new amounts
29 for distribution to election officials, candidates and campaign committees.
30 ~~It~~ **FOR THE PURPOSES OF** this subsection, "consumer price index" means the
31 consumer price index for all urban consumers, United States city average,
32 that is published by the United States department of labor, bureau of labor
33 statistics.

34 K. The following specific limitations and procedures apply:

35 1. The limits of subsections A through D, F and G of this section
36 apply to each election for any office or offices which the candidate seeks.

37 2. The limits of subsections A, ~~through~~ **B AND** C of this section apply
38 to the total contributions from all separate segregated funds established, as
39 provided in section 16-920, by a corporation, labor organization, trade
40 association, cooperative or corporation without capital stock.

41 3. A contribution by an unemancipated minor child shall be treated as
42 a contribution by ~~his~~ **THE CHILD'S** custodial parent or parents for determining
43 compliance with subsection A, paragraph 1, subsection B, paragraph 1, ~~and~~
44 subsection E of this section.

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

5 5. A candidate shall sign and file with ~~his~~ THE CANDIDATE'S nomination
6 paper a statement that ~~he~~ THE CANDIDATE has read all applicable laws relating
7 to campaign financing and reporting.

8 6. An individual or political committee shall not use economic
9 influence to induce members of an organization to make contributions to a
10 candidate, collect contributions from members of an organization for
11 transmittal to a candidate, make payments to candidates for public
12 appearances or services which are ordinarily uncompensated or use any similar
13 device to circumvent any of the limitations of this section.

14 L. A person who violates this section is subject to a civil penalty
15 imposed as prescribed in section 16-924 of three times the amount of money
16 that has been received, expended or promised in violation of this section or
17 three times the value in money for an equivalent of money or other things of
18 value that have been received, expended or promised in violation of this
19 section.

20 M. Any qualified elector may file a sworn complaint with the attorney
21 general or the county attorney of the county in which a violation of this
22 section is believed to have occurred, and the attorney general or the county
23 attorney shall investigate the complaint for possible action.

24 N. If the filing officer, attorney general or county attorney fails to
25 institute an action within forty-five working days after receiving a
26 complaint under subsection M of this section, ~~then~~ the individual filing the
27 complaint may bring a civil action in ~~his~~ THE INDIVIDUAL'S own name and at
28 ~~his~~ THE INDIVIDUAL'S own expense, with the same effect as if brought by the
29 filing officer, attorney general or county attorney. The individual shall
30 execute a bond payable to the defendant if the individual fails to prosecute
31 the action successfully. The court shall award to the prevailing party costs
32 and reasonable attorney fees.

33 O. If a provision of this section or its application to any person or
34 circumstance is held invalid, the invalidity does not affect other provisions
35 or applications of the section which can be given effect without the invalid
36 provision or application, and to this end the provisions of this section are
37 severable.

38 P. If any notice prescribed by subsection F or G of this section is
39 not given in a timely manner, the designating individual, in the case of an
40 exploratory committee, or the candidate, in the case of a candidate's
41 campaign committee, is subject to a civil penalty of three times the amount
42 of personal monies that were contributed, expended or promised in violation.
43 The civil penalty shall be imposed as prescribed by section 16-924.