

REFERENCE TITLE: clean elections; expenses; qualifying contributions

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

HB 2223

Introduced by
Representative McClure, Senator Bee: Representatives Alvarez, Anderson,
Barto, Crandall, Gallardo, Kavanagh, Konopnicki, Mason, McLain, Meza,
Nelson, Pearce, Rios P

AN ACT

AMENDING SECTION 16-952, 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 16-952, Arizona Revised Statutes, is
4 amended to read:

5 16-952. Equal funding of candidates

6 A. Whenever during a primary election period a report is filed, or
7 other information comes to the attention of the commission, indicating that a
8 nonparticipating candidate who is not unopposed in that primary has made
9 expenditures during the election cycle to date exceeding the original primary
10 election spending limit, including any previous adjustments, the commission
11 shall immediately pay from the fund to the campaign account of any
12 participating candidate in the same party primary as the nonparticipating
13 candidate an amount equal to any excess of the reported amount over the
14 primary election spending limit, as previously adjusted, ~~and~~ **LESS THE AMOUNT**
15 **OF EARLY CONTRIBUTIONS THAT WOULD BE ALLOWABLE FOR THAT PARTICIPATING**
16 **CANDIDATE FOR THAT OFFICE AS PRESCRIBED BY SECTION 16-945.** The primary
17 election spending limit for all such participating candidates shall be
18 adjusted by increasing it by the amount that the commission is obligated to
19 pay to a participating candidate.

20 B. Whenever during a general election period a report has been filed,
21 or other information comes to the attention of the commission, indicating
22 that the amount a nonparticipating candidate who is not unopposed has
23 received in contributions during the election cycle to date less the amount
24 of expenditures the nonparticipating candidate made through the end of the
25 primary election period exceeds the original general election spending limit,
26 including any previous adjustments, the commission shall immediately pay from
27 the fund to the campaign account of any participating candidate qualified for
28 the ballot and seeking the same office as the nonparticipating candidate an
29 amount equal to any excess of the reported difference over the general
30 election spending limit, as previously adjusted, ~~and~~ **LESS THE AMOUNT OF EARLY**
31 **CONTRIBUTIONS THAT WOULD BE ALLOWABLE FOR THAT PARTICIPATING CANDIDATE FOR**
32 **THAT OFFICE AS PRESCRIBED BY SECTION 16-945.** The general election spending
33 limit for all such participating candidates shall be adjusted by increasing
34 it by the amount that the commission is obligated to pay to a participating
35 candidate.

36 C. For purposes of subsections A and B of this section, the following
37 expenditures reported pursuant to this article shall be treated as follows:

38 1. Independent expenditures against a participating candidate shall be
39 treated as expenditures of each opposing candidate, for purpose of subsection
40 A of this section, or contributions to each opposing candidate, ~~or~~ **FOR**
41 purpose of subsection B of this section.

42 2. Independent expenditures in favor of one or more nonparticipating
43 opponents of a participating candidate shall be treated as expenditures of
44 those nonparticipating candidates, for purpose of subsection A of this

1 section, or contributions to those nonparticipating candidates, for purpose
2 of subsection B of this section.

3 3. Independent expenditures in favor of a participating candidate
4 shall be treated, for every opposing participating candidate, as though the
5 independent expenditures were an expenditure of a nonparticipating opponent,
6 for purpose of subsection A of this section, or a contribution to a
7 nonparticipating opponent, for purpose of subsection B of this section.

8 4. Expenditures made during the primary election period by or on
9 behalf of an independent candidate or a nonparticipating candidate who is
10 unopposed in a party primary, ~~shall~~ shall be treated as though made during the
11 general election period, and equalizing funds pursuant to subsection B of
12 this section shall be paid at the start of the general election period.

13 5. Expenditures made before the general election period that consist
14 of a contract, promise, ~~or~~ or agreement to make an expenditure during the
15 general election period resulting in an extension of credit shall be treated
16 as though made during the general election period, and equalizing funds
17 pursuant to subsection B of this section shall be paid at the start of the
18 general election period.

19 6. Expenditures for or against a participating candidate promoting or
20 opposing more than one candidate who are not running for the same office
21 shall be allocated by the commission among candidates for different offices
22 based on the relative size or length and relative prominence of the reference
23 to candidates for different offices.

24 D. Upon applying for citizen funding pursuant to section 16-950, a
25 participating candidate for THE legislature in a one-party-dominant
26 legislative district who is qualified for clean campaign funding for the
27 party primary election of the dominant party may choose to reallocate a
28 portion of funds from the general election period to the primary election
29 period. At the beginning of the primary election period, the commission
30 shall pay from the fund to the campaign account of a participating candidate
31 who makes this choice an extra amount equal to fifty ~~percent~~ PER CENT of the
32 original primary election spending limit, and the original primary election
33 spending limit for the candidate who makes this choice shall be increased by
34 the extra amount. For a primary election in which one or more participating
35 candidates have made this choice, funds shall be paid under subsections A and
36 B of this section only to the extent of any excess over the original primary
37 election spending limit as so increased. If a participating candidate who
38 makes this choice becomes qualified for clean campaign funding for the
39 general election, the amount the candidate receives at the beginning of the
40 general election period shall be reduced by the extra amount received at the
41 beginning of the primary election period, and the original general election
42 spending limit for that candidate shall be reduced by the extra amount. For
43 a general election in which a participating candidate has made this choice,
44 funds shall be paid under subsections A and B of this section only to the
45 extent of any excess over the original general election spending limit,

1 without such reduction, unless the candidate who has made this choice is the
2 only participating candidate in the general election, in which case such
3 funds shall be paid to the extent of excess over the original general
4 election spending limit with such reduction. For purpose of this subsection,
5 a one-party-dominant legislative district is a district in which the number
6 of registered voters registered in the party with the highest number of
7 registered voters exceeds the number of registered voters registered to each
8 of the other parties by an amount at least as high as ten ~~percent~~ PER CENT of
9 the total number of voters registered in the district. The status of a
10 district as a one-party-dominant legislative district shall be determined as
11 of the beginning of the qualifying period.

12 E. If an adjusted spending limit reaches three times the original
13 spending limit for a particular election, ~~then~~ the commission shall not pay
14 any further amounts from the fund to the campaign account of any
15 participating candidate, and the spending limit shall not be adjusted
16 further.

17 Sec. 2. Requirements for enactment; three-fourths vote

18 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
19 section 16-952, Arizona Revised Statutes, as amended by this act, is
20 effective only on the affirmative vote of at least three-fourths of the
21 members of each house of the legislature.