

State of Arizona  
Senate  
Forty-second Legislature  
Second Regular Session  
1996

**FILED**

**Jane Dee Hull  
Secretary of State**

CHAPTER 314

**SENATE BILL 1104**

AN ACT

AMENDING SECTION 16-913, ARIZONA REVISED STATUTES; REPEALING SECTION 16-918, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 16-918; RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENSES.

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

Section 1. Section 16-913, Arizona Revised Statutes, is amended to read:

16-913. Campaign finance reports; reporting of receipts and disbursements; exemptions; civil penalty

A. Each political committee shall file campaign finance reports setting forth the committee's receipts and disbursements according to the schedule prescribed in subsections B and C of this section.

B. In any calendar year during which there is a regularly scheduled election at which any candidates, measures, questions or propositions appear or may appear on the ballot, the political committee shall file each of the following campaign finance reports:

1. A report covering the period beginning January 1 through May 31, filed no later than June 30.

2. A pre-election report, which shall be filed not less than twelve days before or mailed by certified mail not less than fifteen days before any election and which shall be complete through the twentieth day before the election.

3. A post-election report, which shall be filed not less than thirty days after any election and which shall be complete through the twentieth day after the election.

C. In any other calendar year, the political committee shall file a report covering the period beginning twenty-one days after the date of the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

1 election in the preceding calendar year through December 31 of the  
2 nonelection year filed no later than January 31 of the following calendar  
3 year.

4 D. In the event that a political committee receives no contributions  
5 and makes no expenditures during a period in which it is required to file a  
6 campaign finance report, the committee treasurer or if the treasurer is  
7 unavailable the candidate may, in lieu of filing a report required by  
8 subsection B of this section, sign and file a notarized form prescribed by  
9 the secretary of state indicating no activity during the specific reporting  
10 period.

11 E. In lieu of the reports prescribed in subsections B and C of this  
12 section, a candidate's political committee that remains active after an  
13 election due to outstanding debts may file a notarized document no later than  
14 January 31 in a form prescribed by the secretary of state that states that  
15 the committee does not intend to receive any contributions or make any  
16 expenditures during the year. If a candidate's political committee does  
17 receive a contribution or make an expenditure during that year, the committee  
18 shall report as prescribed by subsection B or C of this section.

19 F. A judge who has filed a declaration of his desire to be retained  
20 in office is exempt from filing any report required by this section if the  
21 judge, not later than twelve days before the general election, files a  
22 statement signed and sworn to by him certifying that he has received no  
23 contributions, has made no expenditures and has no campaign committee and  
24 that he does not intend to receive contributions, make expenditures or have  
25 a campaign committee for the purpose of influencing the result of the vote  
26 on the question of his retention. With respect to superior court judges, a  
27 statement filed pursuant to this subsection is effective until the earlier  
28 of twelve days before the third general election following the filing of this  
29 statement or the judge receives contributions, makes expenditures or  
30 authorizes a campaign committee. Such a statement filed by a supreme court  
31 justice or a court of appeals judge is effective until the earlier of twelve  
32 days before the fourth general election following the filing of this  
33 statement or the justice or judge receives contributions, makes expenditures  
34 or authorizes a campaign committee.

35 G. Reports in connection with special, recall or runoff elections  
36 shall conform to the filing deadlines set forth in subsection B of this  
37 section.

38 H. Except as provided in section 16-916, subsection B, a political  
39 committee shall comply with the requirements of this section in each  
40 jurisdiction in this state in which the committee has filed a statement of  
41 organization until the committee terminates pursuant to section 16-914, and  
42 its statements, designations and reports shall be filed with each officer  
43 with whom it has filed a statement of organization, as appropriate.

1           1. Each report required to be filed pursuant to this section shall be  
2 signed by the committee treasurer or the candidate if the treasurer is  
3 unavailable and shall contain the certification of the signer under penalty  
4 of perjury that the report is true and complete.

5           ~~J. A person who violates this section is subject to a civil penalty~~  
6 ~~of fifty dollars for each day of violation not to exceed one thousand~~  
7 ~~dollars.~~

8           J. A POLITICAL COMMITTEE AND THE CANDIDATE, IN THE CASE OF A  
9 CANDIDATE'S CAMPAIGN COMMITTEE, WHO VIOLATE THIS SECTION ARE SUBJECT TO THE  
10 PENALTY PRESCRIBED IN SECTION 16-918.

11           Sec. 2. Repeal

12           Section 16-918, Arizona Revised Statutes, is repealed.

13           Sec. 3. Title 16, chapter 6, article 1, Arizona Revised Statutes, is  
14 amended by adding a new section 16-918, to read:

15           16-918. Contribution and expenditure reports; liability; civil  
16 penalty; written notifications; defense

17           A. A POLITICAL COMMITTEE IS LIABLE FOR A CIVIL PENALTY OF TWENTY-FIVE  
18 DOLLARS FOR EACH DAY AFTER COMMITTING A KNOWING REFUSAL OR FAILURE TO MAKE  
19 AND FILE A CAMPAIGN FINANCE REPORT REQUIRED PURSUANT TO THIS ARTICLE UP TO  
20 A MAXIMUM OF ONE THOUSAND DOLLARS. IF THE POLITICAL COMMITTEE IS A  
21 CANDIDATE'S CAMPAIGN COMMITTEE, THE CANDIDATE IS JOINTLY AND SEVERALLY LIABLE  
22 FOR THE PENALTY WITH THE COMMITTEE. THE PENALTY SHALL BE ASSESSED BY:

23           1. THE ATTORNEY GENERAL FOR A STATEWIDE OR LEGISLATIVE OFFICE OR FOR  
24 A STATEWIDE REFERENDUM OR INITIATIVE.

25           2. THE COUNTY ATTORNEY FOR A COUNTY OFFICE OR A COUNTY REFERENDUM OR  
26 INITIATIVE.

27           3. THE CITY OR TOWN ATTORNEY FOR A CITY OR TOWN OFFICE OR REFERENDUM  
28 OR INITIATIVE.

29           B. THE CIVIL PENALTY PRESCRIBED BY SUBSECTION A OF THIS SECTION MAY  
30 BE WAIVED OR REDUCED IF THE CAMPAIGN FINANCE REPORT IS FILED WITHIN FIFTEEN  
31 DAYS AFTER THE RECEIPT OF THE SECOND WRITTEN NOTIFICATION PURSUANT TO  
32 SUBSECTION F OF THIS SECTION. THE CIVIL PENALTY IS IN ADDITION TO ANY OTHER  
33 PENALTY AUTHORIZED BY LAW. MONIES COLLECTED AS CIVIL PENALTIES SHALL BE  
34 TRANSMITTED TO THE STATE, COUNTY OR CITY OR TOWN GENERAL FUND, AS  
35 APPROPRIATE.

36           C. A PARTY WHO IS ASSESSED A CIVIL PENALTY PURSUANT TO SUBSECTION A  
37 OF THIS SECTION MAY REQUEST A HEARING BEFORE THE OFFICER IMPOSING THE PENALTY  
38 PURSUANT TO TITLE 41, CHAPTER 6 WITHIN THIRTY DAYS AFTER THE DATE OF THE  
39 ISSUANCE OF THE ORDER THAT ASSESSES THE PENALTY. AN ADMINISTRATIVE DECISION  
40 ON A CIVIL PENALTY IS APPEALABLE TO THE SUPERIOR COURT PURSUANT TO TITLE 12,  
41 CHAPTER 7, ARTICLE 6.

42           D. A PERSON WHO WAS A CANDIDATE FOR NOMINATION OR ELECTION TO ANY  
43 SALARIED LOCAL OR STATE OFFICE AND COMMITTED A KNOWING REFUSAL OR FAILURE TO  
44 MAKE AND FILE A CAMPAIGN FINANCE REPORT REQUIRED PURSUANT TO THIS ARTICLE

1 SHALL NOT BE ELIGIBLE TO BECOME A CANDIDATE FOR NOMINATION OR ELECTION TO ANY  
2 SALARIED LOCAL OR STATE OFFICE FOR FIVE YEARS AFTER THE LAST KNOWING REFUSAL  
3 OR FAILURE TO MAKE AND FILE A CAMPAIGN FINANCE REPORT OCCURRED.

4 E. FOR PURPOSES OF THIS SECTION, THERE IS A REFUSAL OR FAILURE TO MAKE  
5 AND FILE A CAMPAIGN FINANCE REPORT BY THE TREASURER, THE POLITICAL COMMITTEE  
6 AND THE CANDIDATE IF THE COMMITTEE IS A CANDIDATE'S CAMPAIGN COMMITTEE, IF  
7 ANY OF THE FOLLOWING OCCUR:

8 1. THE REPORT IS NOT FILED IN A TIMELY MANNER AS PRESCRIBED BY SECTION  
9 16-913.

10 2. THE REPORT IS NOT SIGNED IN ACCORDANCE WITH SECTION 16-913,  
11 SUBSECTION I.

12 3. A GOOD FAITH EFFORT TO SUBSTANTIALLY COMPLETE THE REPORT AS  
13 PRESCRIBED BY SECTION 16-915 IS NOT MADE.

14 F. THE OFFICER WITH WHOM THE CAMPAIGN FINANCE REPORT IS TO BE FILED  
15 SHALL SEND THE FIRST WRITTEN NOTIFICATION TO THE POLITICAL COMMITTEE WITHIN  
16 FIFTEEN DAYS AFTER THE OFFICER DETERMINES THERE MAY BE A REFUSAL OR FAILURE  
17 TO MAKE AND FILE A CAMPAIGN FINANCE REPORT. THE FIRST WRITTEN NOTIFICATION  
18 SHALL INCLUDE NOTICE OF THE FAILURE TO FILE THE REPORT AND A STATEMENT OF THE  
19 PENALTIES PROVIDED IN THIS SECTION. IF THE POLITICAL COMMITTEE DOES NOT  
20 COMPLY WITHIN THIRTY DAYS AFTER THE FIRST WRITTEN NOTIFICATION, THE OFFICER  
21 SHALL SEND A SECOND WRITTEN NOTIFICATION TO THE POLITICAL COMMITTEE AND THE  
22 CANDIDATE, IN THE CASE OF A CANDIDATE'S CAMPAIGN COMMITTEE. THE SECOND  
23 WRITTEN NOTIFICATION SHALL INCLUDE NOTICE OF THE FAILURE TO FILE THE REPORT,  
24 A STATEMENT OF THE PENALTIES PROVIDED IN THIS SECTION AND THAT THE PERSON HAS  
25 A RIGHT TO REQUEST A HEARING PURSUANT TO SUBSECTION C OF THIS SECTION. THE  
26 SECOND WRITTEN NOTIFICATION SHALL BE HAND DELIVERED OR SENT BY CERTIFIED  
27 MAIL, RETURN RECEIPT REQUESTED. THE FIRST AND SECOND WRITTEN NOTIFICATIONS  
28 SHALL BE ADDRESSED TO THE POLITICAL COMMITTEE'S MOST RECENT ADDRESS ON FILE  
29 WITH THE OFFICER WITH WHOM THE REPORTS ARE FILED.

30 G. FOR PURPOSES OF THIS SECTION, THE REFUSAL OR FAILURE TO MAKE AND  
31 FILE A CAMPAIGN FINANCE REPORT WITHIN FIVE DAYS AFTER RECEIVING THE SECOND  
32 WRITTEN NOTIFICATION PRESCRIBED BY SUBSECTION F OF THIS SECTION BY THE  
33 OFFICER WITH WHOM THE CAMPAIGN FINANCE REPORT IS TO BE FILED IS DEEMED A  
34 KNOWING REFUSAL OR FAILURE TO MAKE AND FILE A CAMPAIGN FINANCE REPORT.

35 H. IT IS A DEFENSE TO AN ENFORCEMENT ACTION BROUGHT PURSUANT TO THIS  
36 SECTION IF GOOD CAUSE IS SHOWN BY THE POLITICAL COMMITTEE OR CANDIDATE FOR  
37 THE KNOWING REFUSAL OR FAILURE TO MAKE AND FILE A CAMPAIGN FINANCE REPORT.  
38 FOR PURPOSES OF THIS SECTION, GOOD CAUSE INCLUDES AN ILLNESS OR ABSENCE FROM  
39 THE JURISDICTION AT THE TIME THE CAMPAIGN FINANCE REPORT WAS DUE OR THE  
40 WRITTEN NOTIFICATIONS WERE DELIVERED AND THE ILLNESS OR ABSENCE REASONABLY  
41 PREVENTED THE POLITICAL COMMITTEE OR CANDIDATE FROM FILING THE REPORT OR  
42 RECEIVING THE WRITTEN NOTIFICATIONS.

APPROVED BY THE GOVERNOR MAY 1, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 1996