

House Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

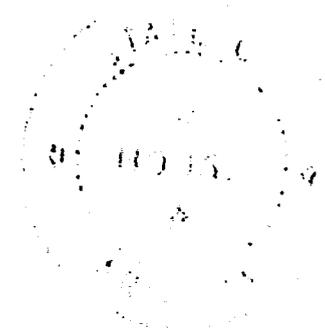
CHAPTER 10

HOUSE BILL 2412

AN ACT

AMENDING SECTIONS 16-912 AND 16-912.01, 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 16-912, Arizona Revised Statutes, is amended to
3 read:

4 16-912. Candidates and independent expenditures; campaign
5 literature and advertisement sponsors;
6 identification; civil penalty

7 A. A political committee that makes an expenditure for campaign
8 literature or advertisements that expressly advocate the election or defeat
9 of any candidate or that make any solicitation of contributions to any
10 political committee shall be registered pursuant to this chapter at the time
11 of distribution, placement or solicitation and shall include on the
12 literature or advertisement the words "paid for by" followed by the name of
13 the committee that appears on its statement of organization or five hundred
14 dollar exemption statement.

15 B. If the expenditure for the campaign literature or advertisements
16 by a political committee is an independent expenditure, the political
17 committee, in addition to the disclosures required by subsection A of this
18 section, shall include on the literature or advertisement the names and
19 telephone numbers of the three political committees making the largest
20 contributions to the political committee making the independent expenditure.
21 If an acronym is used to name any political committee outlined in this
22 section, the name of any sponsoring organization of the political committee
23 shall also be printed or spoken. For purposes of determining the three
24 contributors to be disclosed, the contributions of each ~~individual~~ or
25 political committee to the political committee making the independent
26 expenditure during the one year period before the election being affected are
27 aggregated.

28 C. The provisions of subsection A of this section do not apply to
29 bumper stickers, pins, buttons, pens and similar small items on which the
30 statements required in subsection A of this section cannot be conveniently
31 printed or to signs paid for by a candidate with campaign monies or by a
32 candidate's campaign committee or to a solicitation of contributions by a
33 separate segregated fund from those persons it may solicit pursuant to
34 sections 16-920 and 16-921.

35 D. The disclosures required pursuant to this section shall be printed
36 clearly and legibly in a conspicuous manner or, if the advertisement is
37 broadcast on a telecommunications system, the disclosure shall be spoken.

38 E. A person who violates this section is subject to a civil penalty
39 of up to three times the cost of producing and distributing the literature
40 or advertisement. This civil penalty shall be imposed as prescribed in
41 section 16-924.

1 Sec. 2. Section 16-912.01, Arizona Revised Statutes, is amended to
2 read:

3 16-912.01. Ballot measure committees; campaign literature and
4 advertising funding; identification; disclosure;
5 civil penalty; definition

6 A. A political committee that makes an expenditure in connection with
7 any literature or advertisement to support or oppose a ballot proposition
8 shall disclose in such literature or advertisement the four largest of its
9 major funding sources as of the time the literature or advertisement is
10 printed, recorded or otherwise produced for dissemination. If a political
11 committee has fewer than four major funding sources, the committee shall
12 disclose all major funding sources.

13 B. For purposes of this section, a major funding source of a political
14 committee is any contributor, ~~other than THAT IS NOT~~ an individual person,
15 AND that has made cumulative contributions of either:

16 ~~1. For a political subdivision with a population of one hundred~~
17 ~~thousand persons or more, ten thousand dollars or more to the political~~
18 ~~committee in support of or in opposition to a ballot proposition.~~

19 ~~2. For a political subdivision with a population of less than one~~
20 ~~hundred thousand persons, five thousand dollars or more to the political~~
21 ~~committee in support of or in opposition to a ballot proposition.~~

22 1. TEN THOUSAND DOLLARS OR MORE FOR AN EXPENDITURE IN SUPPORT OF OR
23 OPPOSITION TO A STATEWIDE BALLOT PROPOSITION OR A BALLOT PROPOSITION OF A
24 POLITICAL SUBDIVISION WITH A POPULATION OF ONE HUNDRED THOUSAND PERSONS OR
25 MORE.

26 2. FIVE THOUSAND DOLLARS OR MORE FOR AN EXPENDITURE IN SUPPORT OF OR
27 OPPOSITION TO A BALLOT PROPOSITION OF A POLITICAL SUBDIVISION WITH A
28 POPULATION OF LESS THAN ONE HUNDRED THOUSAND PERSONS.

29 C. If an out-of-state contributor or group of out-of-state
30 contributors is a major funding source to a political committee disclosed
31 pursuant to subsection A, the political committee shall state the contributor
32 is an out-of-state contributor on its literature or advertisement in support
33 of or in opposition to a ballot proposition.

34 D. Contributors that make contributions to more than one political
35 committee that supports or opposes the same ballot proposition shall notify
36 each political committee of the cumulative total of these contributions.
37 Cumulative totals must be disclosed by each political committee that received
38 contributions from the same contributor if the cumulative totals qualify as
39 a major funding source to be disclosed pursuant to subsection A.

40 E. Any disclosure statement required by this section shall be printed
41 clearly and legibly in a conspicuous manner in type at least as large as the
42 majority of the printed text. If the communication is broadcast on radio,
43 the information shall be spoken at the end of the communication. If the
44 communication is broadcast on a telecommunications system, the information
45 shall be both written and spoken at the end of the communication, except that

1 if the disclosure statement is written for at least five seconds of a thirty
2 second advertisement broadcast or ten seconds of a sixty second advertisement
3 broadcast, a spoken disclosure statement is not required. If the
4 communication is broadcast on a telecommunications system, the written
5 disclosure statement shall be printed in letters equal to or larger than four
6 per cent of the vertical picture height.

7 F. Subsection A does not apply to bumper stickers, pins, buttons, pens
8 and similar small items on which the statements required in subsection A
9 cannot be conveniently printed or to a communication by an organization
10 solely to its members.

11 G. A committee shall change future literature and advertisements to
12 reflect any change in funding sources that must be disclosed pursuant to
13 subsection A.

14 H. This section only applies to advertisements the contents of which
15 are more than fifty per cent devoted to one or more ballot propositions or
16 proposed measures on the same subject.

17 I. Any committee that violates this section is liable in a civil
18 action brought by the attorney general, county attorney or city or town
19 attorney, as appropriate, or by any other person for a civil penalty of three
20 times the total cost of the advertisement. A donor who does not accurately
21 disclose its contributions is liable for a civil penalty of three times the
22 amount donated.

23 J. For purposes of this section "advertisement" means general public
24 advertising through the print and electronic media, signs, billboards and
25 direct mail.

26 Sec. 3. Emergency

27 This act is an emergency measure that is necessary to preserve the
28 public peace, health or safety and is operative immediately as provided by
29 law.

APPROVED BY THE GOVERNOR APRIL 8, 2002.

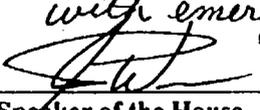
FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 8, 2002.

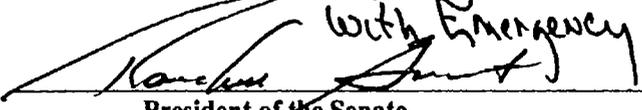
Passed the House February 12, 2002,

Passed the Senate April 2, 2002,

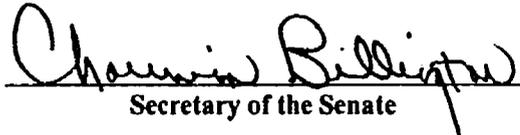
by the following vote: 44 Ayes,

by the following vote: 26 Ayes,

15 Nays, 1 Not Voting
with emergency

Speaker of the House

0 Nays, 4 Not Voting
with emergency

President of the Senate


Chief Clerk of the House


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

5 day of April, 2002,

at 3:46 o'clock P M.


Secretary to the Governor

Approved this 8 day of

April, 2002,

at 10:45 o'clock A M.


Governor of Arizona

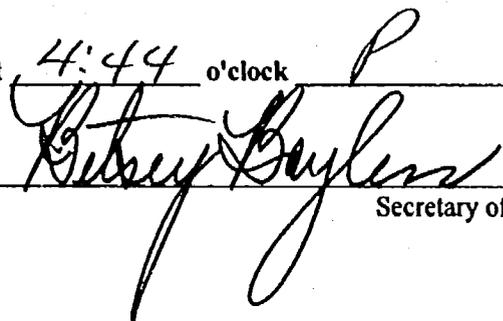
H.B. 2412

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 8th day of April, 2002,

at 4:44 o'clock P M.


Secretary of State