

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 197

SENATE BILL 1207

AN ACT

AMENDING SECTION 15-1408, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 13, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-1633; RELATING TO USE OF HIGHER EDUCATION RESOURCES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-1408, Arizona Revised Statutes, is amended to
3 read:

4 15-1408. Use of community college district resources or
5 employees to influence elections; prohibition; civil
6 penalty; definition

7 A. ~~A community college district~~ A PERSON ACTING ON BEHALF OF A
8 COMMUNITY COLLEGE DISTRICT OR A PERSON WHO AIDS ANOTHER PERSON ACTING ON
9 BEHALF OF A COMMUNITY COLLEGE DISTRICT shall not use ~~its~~ COMMUNITY COLLEGE
10 DISTRICT personnel, equipment, materials, buildings or other resources for
11 the purpose of influencing the outcomes of elections. Notwithstanding this
12 section, a community college district may distribute informational pamphlets
13 on a proposed bond election as provided in section 35-454. Nothing in this
14 section precludes a community college district from reporting on official
15 actions of the governing board.

16 B. Employees of a community college district may not use the authority
17 of their positions to influence the vote or political activities of any
18 subordinate employee.

19 C. This section does not prohibit community college districts from
20 permitting student political organizations of political parties, including
21 those that are recognized pursuant to sections 16-801, 16-802 and 16-803, to
22 conduct lawful meetings in community college buildings or on community
23 college grounds, except as prescribed in subsection A of this section. Each
24 student political organization that is allowed to conduct lawful meetings on
25 community college property shall have equal access as any other student
26 political organization that is allowed to conduct lawful meetings on
27 community college property.

28 D. Nothing contained in this section shall be construed as denying the
29 civil and political liberties of any ~~employee~~ PERSON as guaranteed by the
30 United States and Arizona Constitutions.

31 E. BY JANUARY 1, 2006, THE ATTORNEY GENERAL SHALL PUBLISH AND
32 DISTRIBUTE TO COMMUNITY COLLEGES A DETAILED GUIDELINE REGARDING ACTIVITIES
33 PROHIBITED UNDER THIS SECTION. THE ATTORNEY GENERAL MAY DISTRIBUTE THESE
34 GUIDELINES THROUGH A WEB SITE OR ELECTRONICALLY.

35 F. THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY FOR THE COUNTY IN WHICH
36 AN ALLEGED VIOLATION OF THIS SECTION OCCURRED MAY SERVE ON THE PERSON AN
37 ORDER REQUIRING COMPLIANCE WITH THIS SECTION AND MAY ASSESS A CIVIL PENALTY
38 OF NOT MORE THAN FIVE HUNDRED DOLLARS PER VIOLATION, PLUS ANY AMOUNT OF
39 MISUSED FUNDS SUBTRACTED FROM THE COMMUNITY COLLEGE DISTRICT BUDGET AGAINST A
40 PERSON WHO VIOLATES OR A PERSON WHO AIDS ANOTHER PERSON IN VIOLATING THIS
41 SECTION. THE PERSON DETERMINED TO BE OUT OF COMPLIANCE WITH THIS SECTION
42 SHALL BE RESPONSIBLE FOR THE PAYMENT OF ALL PENALTIES AND MISUSED FUNDS.
43 COMMUNITY COLLEGE FUNDS OR INSURANCE PAYMENTS SHALL NOT BE USED TO PAY THESE
44 PENALTIES OR MISUSED FUNDS. ALL MISUSED FUNDS COLLECTED PURSUANT TO THIS

1 SECTION SHALL BE RETURNED TO THE COMMUNITY COLLEGE DISTRICT WHOSE FUNDS WERE
2 MISUSED.

3 G. AN ATTORNEY ACTING ON BEHALF OF A COMMUNITY COLLEGE DISTRICT MAY
4 REQUEST A LEGAL OPINION OF THE COUNTY ATTORNEY OR ATTORNEY GENERAL AS TO
5 WHETHER A PROPOSED USE OF COMMUNITY COLLEGE RESOURCES WOULD VIOLATE THIS
6 SECTION.

7 H. ALL PENALTIES COLLECTED BY THE COURT FOR A SUIT INITIATED IN
8 SUPERIOR COURT BY THE ATTORNEY GENERAL SHALL BE PAID TO THE OFFICE OF THE
9 ATTORNEY GENERAL FOR THE USE AND REIMBURSEMENT OF COSTS OF PROSECUTION
10 PURSUANT TO THIS SECTION. ALL PENALTIES COLLECTED BY THE COURT FOR A SUIT
11 INITIATED IN SUPERIOR COURT BY A COUNTY ATTORNEY SHALL BE PAID TO THE COUNTY
12 TREASURER OF THE COUNTY IN WHICH THE COURT IS HELD FOR THE USE AND
13 REIMBURSEMENT OF COSTS OF PROSECUTION PURSUANT TO THIS SECTION.

14 I. FOR THE PURPOSES OF THIS SECTION, "MISUSED FUNDS" MEANS COMMUNITY
15 COLLEGE DISTRICT MONIES OR RESOURCES USED PURSUANT TO SUBSECTION A OF THIS
16 SECTION.

17 Sec. 2. Title 15, chapter 13, article 2, Arizona Revised Statutes, is
18 amended by adding section 15-1633, to read:

19 15-1633. Use of university resources or employees to influence
20 elections; prohibition; civil penalty; definition

21 A. A PERSON ACTING ON BEHALF OF A UNIVERSITY OR A PERSON WHO AIDS
22 ANOTHER PERSON ACTING ON BEHALF OF A UNIVERSITY SHALL NOT USE UNIVERSITY
23 PERSONNEL, EQUIPMENT, MATERIALS, BUILDINGS OR OTHER RESOURCES FOR THE PURPOSE
24 OF INFLUENCING THE OUTCOMES OF ELECTIONS. NOTWITHSTANDING THIS SECTION, A
25 UNIVERSITY MAY DISTRIBUTE INFORMATIONAL PAMPHLETS ON A PROPOSED BOND ELECTION
26 AS PROVIDED IN SECTION 35-454. NOTHING IN THIS SECTION PRECLUDES A
27 UNIVERSITY FROM REPORTING ON OFFICIAL ACTIONS OF THE UNIVERSITY OR THE
28 ARIZONA BOARD OF REGENTS.

29 B. EMPLOYEES OF A UNIVERSITY MAY NOT USE THE AUTHORITY OF THEIR
30 POSITIONS TO INFLUENCE THE VOTE OR POLITICAL ACTIVITIES OF ANY SUBORDINATE
31 EMPLOYEE.

32 C. THIS SECTION DOES NOT PROHIBIT UNIVERSITIES FROM PERMITTING STUDENT
33 POLITICAL ORGANIZATIONS OF POLITICAL PARTIES, INCLUDING THOSE THAT ARE
34 RECOGNIZED PURSUANT TO SECTIONS 16-801, 16-802 AND 16-803, TO CONDUCT LAWFUL
35 MEETINGS IN UNIVERSITY BUILDINGS OR ON UNIVERSITY GROUNDS, EXCEPT AS
36 PRESCRIBED IN SUBSECTION A OF THIS SECTION. EACH STUDENT POLITICAL
37 ORGANIZATION THAT IS ALLOWED TO CONDUCT LAWFUL MEETINGS ON UNIVERSITY
38 PROPERTY SHALL HAVE EQUAL ACCESS AS ANY OTHER STUDENT POLITICAL ORGANIZATION
39 THAT IS ALLOWED TO CONDUCT LAWFUL MEETINGS ON UNIVERSITY PROPERTY.

40 D. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED AS DENYING THE
41 CIVIL AND POLITICAL LIBERTIES OF ANY PERSON AS GUARANTEED BY THE UNITED
42 STATES AND ARIZONA CONSTITUTIONS.

43 E. BY JANUARY 1, 2006, THE ATTORNEY GENERAL SHALL PUBLISH AND
44 DISTRIBUTE TO THE ARIZONA BOARD OF REGENTS A DETAILED GUIDELINE REGARDING

1 ACTIVITIES PROHIBITED UNDER THIS SECTION. THE ATTORNEY GENERAL MAY
2 DISTRIBUTE THESE GUIDELINES THROUGH A WEB SITE OR ELECTRONICALLY.

3 F. THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY FOR THE COUNTY IN WHICH
4 AN ALLEGED VIOLATION OF THIS SECTION OCCURRED MAY SERVE ON THE PERSON AN
5 ORDER REQUIRING COMPLIANCE WITH THIS SECTION AND MAY ASSESS A CIVIL PENALTY
6 OF NOT MORE THAN FIVE HUNDRED DOLLARS PER VIOLATION, PLUS ANY AMOUNT OF
7 MISUSED FUNDS SUBTRACTED FROM THE UNIVERSITY BUDGET AGAINST A PERSON WHO
8 VIOLATES OR A PERSON WHO AIDS ANOTHER PERSON IN VIOLATING THIS SECTION. THE
9 PERSON DETERMINED TO BE OUT OF COMPLIANCE WITH THIS SECTION SHALL BE
10 RESPONSIBLE FOR THE PAYMENT OF ALL PENALTIES AND MISUSED FUNDS. UNIVERSITY
11 FUNDS OR INSURANCE PAYMENTS SHALL NOT BE USED TO PAY THESE PENALTIES OR
12 MISUSED FUNDS. ALL MISUSED FUNDS COLLECTED PURSUANT TO THIS SECTION SHALL BE
13 RETURNED TO THE UNIVERSITY WHOSE FUNDS WERE MISUSED.

14 G. AN ATTORNEY ACTING ON BEHALF OF A UNIVERSITY MAY REQUEST A LEGAL
15 OPINION OF THE ATTORNEY GENERAL AS TO WHETHER A PROPOSED USE OF UNIVERSITY
16 RESOURCES WOULD VIOLATE THIS SECTION.

17 H. ALL PENALTIES COLLECTED BY THE COURT FOR A SUIT INITIATED IN
18 SUPERIOR COURT BY THE ATTORNEY GENERAL SHALL BE PAID TO THE OFFICE OF THE
19 ATTORNEY GENERAL FOR THE USE AND REIMBURSEMENT OF COSTS OF PROSECUTION
20 PURSUANT TO THIS SECTION. ALL PENALTIES COLLECTED BY THE COURT FOR A SUIT
21 INITIATED IN SUPERIOR COURT BY A COUNTY ATTORNEY SHALL BE PAID TO THE COUNTY
22 TREASURER OF THE COUNTY IN WHICH THE COURT IS HELD FOR THE USE AND
23 REIMBURSEMENT OF COSTS OF PROSECUTION PURSUANT TO THIS SECTION.

24 I. FOR THE PURPOSES OF THIS SECTION, "MISUSED FUNDS" MEANS UNIVERSITY
25 MONIES OR RESOURCES USED PURSUANT TO SUBSECTION A OF THIS SECTION.

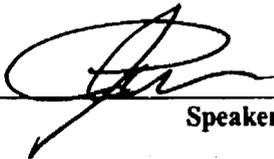
APPROVED BY THE GOVERNOR APRIL 25, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 25, 2005.

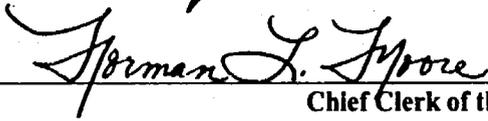
Passed the House April 13, 2005,

by the following vote: 47 Ayes,

11 Nays, 2 Not Voting



Speaker of the House

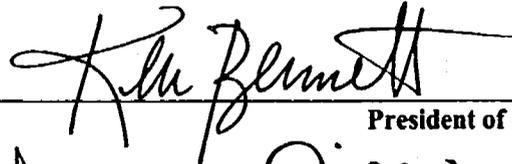


Chief Clerk of the House

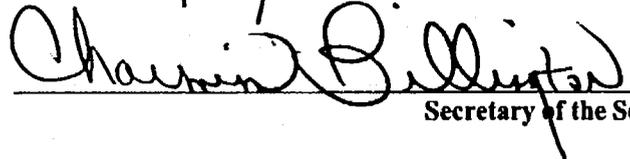
Passed the Senate March 10, 2005,

by the following vote: 28 Ayes,

1 Nays, 1 Not Voting



President of the Senate



Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

S.B. 1207

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate April 19, 2005,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

Ken Bennett
President of the Senate
Charmine Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

19th day of April, 2005

at 3:41 o'clock P. M.

Winnifer Lpharra
Secretary to the Governor

Approved this 25 day of

April, 2005,

at 7:45 o'clock A. M.

Jon Rynall
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 25 day of April, 2005,

at 4:33 o'clock P. M.

Janice K. Brewer
Secretary of State

S.B. 1207