

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 198

HOUSE BILL 2609

AN ACT

AMENDING TITLE 41, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-133; RELATING TO PUBLIC OFFICEHOLDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 41, chapter 1, article 2, Arizona Revised Statutes,
3 is amended by adding section 41-133, to read:

4 41-133. Officeholder expenses; account; reporting; limitations;
5 civil penalty; definition

6 A. ANY PERSON WHO HOLDS ELECTED STATEWIDE PUBLIC OFFICE OR A
7 LEGISLATIVE OFFICE IN THIS STATE, WHETHER BY ELECTION OR APPOINTMENT, MAY
8 RECEIVE OR SPEND MONIES TO DEFRAY THE COSTS OF PERFORMING OFFICEHOLDER DUTIES
9 AS FOLLOWS:

10 1. AN OFFICEHOLDER MAY RECEIVE CONTRIBUTIONS PURSUANT TO THIS SECTION
11 ONLY FROM INDIVIDUALS, AND THE MAXIMUM AMOUNT THAT MAY BE RECEIVED FROM AN
12 INDIVIDUAL DURING AN ELECTION CYCLE IS ONE HUNDRED FIFTY DOLLARS.

13 2. THE TOTAL AMOUNT THAT AN OFFICEHOLDER MAY RECEIVE OR SPEND PURSUANT
14 TO THIS SECTION DURING AN ELECTION CYCLE IS NINETY-EIGHT THOUSAND THREE
15 HUNDRED SIXTY DOLLARS FOR THE GOVERNOR, FIFTY-ONE THOUSAND SIX HUNDRED EIGHTY
16 DOLLARS FOR THE SECRETARY OF STATE AND THE ATTORNEY GENERAL, TWENTY-FIVE
17 THOUSAND EIGHT HUNDRED FORTY DOLLARS FOR ALL OTHER STATEWIDE OFFICEHOLDERS
18 AND NINE THOUSAND EIGHT HUNDRED DOLLARS FOR A LEGISLATOR, WHICH MAY INCLUDE
19 PERSONAL MONIES AS PRESCRIBED BY PARAGRAPH 3 OF THIS SUBSECTION. THE
20 SECRETARY OF STATE SHALL ADJUST THIS AMOUNT BIENNIALY AS PRESCRIBED IN
21 SECTION 16-905, SUBSECTION H.

22 3. AN OFFICEHOLDER MAY CONTRIBUTE UP TO THIRTY PER CENT OF THE LIMITS
23 AS PRESCRIBED BY PARAGRAPH 2 OF THIS SUBSECTION OF THE OFFICEHOLDER'S
24 PERSONAL MONIES TO THE OFFICEHOLDER'S EXPENSE ACCOUNT.

25 B. FOR AN OFFICEHOLDER'S FUTURE CAMPAIGN MONIES RECEIVED DO NOT
26 CONSTITUTE A CONTRIBUTION AS DEFINED IN SECTION 16-901 IF THE MONIES ARE
27 RECEIVED, EXPENDED AND REPORTED AS PRESCRIBED IN THIS SECTION.

28 C. AN OFFICEHOLDER SHALL ESTABLISH A SEPARATE ACCOUNT FOR OFFICEHOLDER
29 EXPENSES, WHICH SHALL BE SEPARATE FROM ANY CANDIDATE CAMPAIGN ACCOUNT. THE
30 OFFICEHOLDER SHALL FILE A STATEMENT OF ORGANIZATION FOR THE ACCOUNT
31 DESIGNATED AS AN OFFICEHOLDER EXPENSE ACCOUNT. MONIES RAISED OR SPENT FOR
32 OFFICEHOLDER EXPENSES SHALL BE REPORTED UNDER CAMPAIGN FINANCE REPORTING
33 REQUIREMENTS PURSUANT TO TITLE 16, CHAPTER 6, ARTICLE 1.

34 D. AN OFFICEHOLDER SHALL NOT USE MONIES IN THE OFFICEHOLDER ACCOUNT
35 FOR CAMPAIGN PURPOSES. PERMISSIBLE USES OF MONIES IN AN OFFICEHOLDER ACCOUNT
36 INCLUDE THE FOLLOWING:

37 1. OFFICE EQUIPMENT AND SUPPLIES.

38 2. TRAVEL RELATED TO THE OFFICEHOLDER'S DUTIES.

39 3. MEETING OR COMMUNICATING WITH CONSTITUENTS.

40 4. EXPENSES FOR INFORMATIONAL AND EDUCATIONAL PURPOSES, INCLUDING
41 SUBSCRIPTIONS TO NEWSPAPERS, MAGAZINES OR OTHER PERIODICALS OR WEBSITES OR
42 OTHER INFORMATIONAL SERVICES, MEMBERSHIP OR PARTICIPATION IN COMMUNITY,
43 PROFESSIONAL OR FRATERNAL ORGANIZATIONS AND PARTICIPATION IN CONFERENCES AND
44 SEMINARS.

1 E. AN OFFICEHOLDER SHALL NOT RECEIVE OR SPEND MONIES FROM THE
2 OFFICEHOLDER ACCOUNT DURING THE PERIOD BEGINNING APRIL 30 IN AN ELECTION
3 YEAR, SHALL COMPLETE THE PURCHASE OR OTHERWISE USE THE ITEM BEFORE APRIL 30
4 IN AN ELECTION YEAR AND SHALL NOT SPEND THOSE MONIES UNTIL AFTER THE DAY OF
5 THE GENERAL ELECTION. ANY MONIES REMAINING IN THE OFFICEHOLDER EXPENSE
6 ACCOUNT BEGINNING APRIL 30 IN AN ELECTION YEAR MAY NOT BE USED EXCEPT AS
7 FOLLOWS:

8 1. PAID TO THE STATE GENERAL FUND.

9 2. FOR A PERSON WHO CONTINUES TO HOLD OFFICE AS PRESCRIBED IN THIS
10 SECTION, CARRIED FORWARD TO AN OFFICEHOLDER EXPENSE ACCOUNT FOR ANOTHER
11 OFFICE OR TERM OF OFFICE, SUBJECT TO THE LIMITATIONS PRESCRIBED BY THIS
12 SECTION.

13 F. AN OFFICEHOLDER SHALL NOT TRANSFER OFFICEHOLDER ACCOUNT MONIES TO
14 ANY OTHER ACCOUNT OR COMMITTEE EXCEPT FOR ANOTHER OFFICEHOLDER ACCOUNT FOR
15 THAT SAME OFFICEHOLDER.

16 G. SECTION 41-1234.01 APPLIES TO CONTRIBUTIONS TO AN OFFICEHOLDER
17 ACCOUNT FOR LEGISLATORS.

18 H. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF
19 THREE TIMES ANY AMOUNT IMPROPERLY RECEIVED, SPENT OR REPORTED.

20 I. SECTION 16-924 APPLIES FOR THE IMPLEMENTATION AND ENFORCEMENT OF
21 THIS SECTION.

22 J. ANY MONIES HELD BY AN OFFICEHOLDER PURSUANT TO THE OFFICEHOLDER
23 EXPENSE ACCOUNT RULES ESTABLISHED BY THE CITIZENS CLEAN ELECTIONS COMMISSION
24 ARE SUBJECT TO THIS SECTION, AND THE CITIZENS CLEAN ELECTIONS COMMISSION HAS
25 NO FURTHER AUTHORITY WITH RESPECT TO THOSE MONIES.

26 K. FOR THE PURPOSES OF THIS SECTION, "OFFICEHOLDER" MEANS A PERSON WHO
27 HOLDS AN ELECTED STATEWIDE PUBLIC OFFICE OR A LEGISLATIVE OFFICE IN THIS
28 STATE, WHETHER BY ELECTION OR APPOINTMENT.

29 Sec. 2. Officeholder expense accounts pursuant to citizens
30 clean elections commission rule

31 Any officeholder with an officeholder expense account established
32 pursuant to rules adopted by the citizens clean elections commission may
33 lawfully continue to keep the same officeholder expense account after
34 expiration of those rules and before the effective date of this act. On the
35 effective date of this act, any person with an officeholder expense account
36 established pursuant to the citizens clean elections commission rules shall
37 comply with this act except that the secretary of state may not take action
38 regarding possible violations that took place under citizens clean elections
39 commission rules.

40 Sec. 3. Emergency

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

APPROVED BY THE GOVERNOR APRIL 28, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2010.

Passed the House March 24, 2010

Passed the Senate April 26, 2010

by the following vote: 52 Ayes,

by the following vote: 26 Ayes,

2 Nays, 6 Not Voting
with emergency

2 Nays, 2 Not Voting
with Emergency

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Cheryl Laube
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

 day of , 20

at o'clock M.

Secretary to the Governor

Approved this day of

at o'clock M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this day of , 20

at o'clock M.

Secretary of State

H.B. 2609

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 27, 2010,

by the following vote: 51 Ayes,

6 Nays, 3 Not Voting
With Emergency
Alan B. Jacobson
Speaker of the House
Cheryl Laube
Pro Tempore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

27 day of April, 2010

at 4:15 o'clock P. M.

Michelle Bendie
Secretary to the Governor

Approved this 28th day of

April, 2010,

at 1:51 o'clock P. M.

Janice Brewer
Governor of Arizona

H.B. 2609

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 28th day of April, 2010,

at 4:29 o'clock P. M.

Ken Blumett
Secretary of State