

House Engrossed Senate Bill

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

CHAPTER 158

SENATE BILL 1116

AN ACT

AMENDING SECTION 15-1633, ARIZONA REVISED STATUTES; RELATING TO UNIVERSITY
POLITICAL ACTIVITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-1633, Arizona Revised Statutes, is amended to
3 read:

4 15-1633. Use of university resources or employees to influence
5 elections; prohibition; civil penalty; definition

6 A. A person acting on behalf of a university or a person who aids
7 another person acting on behalf of a university shall not use university
8 personnel, equipment, materials, buildings or other resources for the purpose
9 of influencing the outcomes of elections OR TO ADVOCATE SUPPORT FOR OR
10 OPPOSITION TO PENDING OR PROPOSED LEGISLATION. Notwithstanding this section,
11 a university may distribute informational pamphlets on a proposed bond
12 election as provided in section 35-454. ~~Nothing in This section precludes~~
13 DOES NOT PRECLUDE ANY OF THE FOLLOWING:

14 1. A university from reporting on official actions of the university
15 or the Arizona board of regents.

16 2. A REGISTERED LOBBYIST FROM ADVOCATING ON BEHALF OF THE UNIVERSITY
17 OR THE ARIZONA BOARD OF REGENTS.

18 3. AN EMPLOYEE OF A UNIVERSITY USING PERSONAL TIME AND RESOURCES FROM
19 INFLUENCING THE OUTCOMES OF ELECTIONS OR FROM ADVOCATING SUPPORT FOR OR
20 OPPOSITION TO PENDING OR PROPOSED LEGISLATION IF THE EMPLOYEE DOES NOT USE
21 UNIVERSITY PERSONNEL, EQUIPMENT, MATERIALS, BUILDINGS OR OTHER RESOURCES FOR
22 THESE PURPOSES.

23 4. ANY UNIVERSITY EMPLOYEE FROM PROVIDING CLASSROOM INSTRUCTION ON
24 MATTERS RELATING TO POLITICS, ELECTIONS, LAWS, BALLOT MEASURES, CANDIDATES
25 FOR PUBLIC OFFICE AND PENDING OR PROPOSED LEGISLATION.

26 B. Employees of a university may not use the authority of their
27 positions to influence the vote or political activities of any subordinate
28 employee.

29 C. This section does not prohibit universities from permitting student
30 political organizations of political parties, including those that are
31 recognized pursuant to sections 16-801, 16-802 and 16-803, to conduct lawful
32 meetings in university buildings or on university grounds, except as
33 prescribed in subsection A of this section. Each student political
34 organization that is allowed to conduct lawful meetings on university
35 property shall have equal access as any other student political organization
36 that is allowed to conduct lawful meetings on university property.

37 D. ~~Nothing contained in This section shall NOT be construed as denying~~
38 the civil and political liberties of any person as guaranteed by the United
39 States and Arizona Constitutions.

40 E. EXCEPT AS PROVIDED IN SUBSECTION F OF THIS SECTION, UNIVERSITIES
41 UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS MAY NOT:

42 1. PROVIDE PUBLICLY FUNDED PROGRAMS, SCHOLARSHIPS OR COURSES IF THE
43 PURPOSE OF THE PROGRAM, SCHOLARSHIP OR COURSE IS TO ADVOCATE FOR A SPECIFIED
44 PUBLIC POLICY.

1 2. ALLOW PUBLICLY FUNDED ORGANIZATIONS, INSTITUTES OR CENTERS TO
2 OPERATE ON THE CAMPUS OF THE UNIVERSITY OR ON BEHALF OF OR IN ASSOCIATION
3 WITH THE UNIVERSITY IF THE PURPOSE OF THE ORGANIZATION, INSTITUTE OR CENTER
4 IS TO ADVOCATE FOR A SPECIFIED PUBLIC POLICY.

5 F. SUBSECTION E OF THIS SECTION DOES NOT APPLY TO:

6 1. A REGISTERED LOBBYIST WHO ADVOCATES ON BEHALF OF THE UNIVERSITY OR
7 THE ARIZONA BOARD OF REGENTS AND OTHER EMPLOYEES ASSISTING SUCH LOBBYISTS IN
8 THEIR OFFICIAL CAPACITY.

9 2. ANY UNIVERSITY EMPLOYEE WHO EXPRESSES A PERSONAL OPINION ON A
10 POLITICAL OR POLICY ISSUE, REGARDLESS OF WHETHER THAT OPINION IS EXPRESSED
11 INSIDE OR OUTSIDE THE CLASSROOM.

12 3. PRINT OR ELECTRONIC MEDIA PRODUCED BY STUDENTS WHO ARE ENROLLED AT
13 A UNIVERSITY.

14 4. A RECOGNIZED STUDENT GOVERNMENT, CLUB OR ORGANIZATION OF STUDENTS
15 WHO ARE ENROLLED AT A UNIVERSITY.

16 5. ANY UNIVERSITY EMPLOYEE WHO IS APPOINTED TO A GOVERNMENT BOARD,
17 COMMISSION OR ADVISORY PANEL WHO PROVIDES EXPERT TESTIMONY OR GUIDANCE ON
18 PUBLIC POLICY.

19 6. THE PUBLICATION OF REPORTS OR THE HOSTING OF SEMINARS OR GUEST
20 SPEAKERS BY THE UNIVERSITY THAT RECOMMENDS PUBLIC POLICY.

21 7. RESEARCHING, TEACHING AND SERVICE ACTIVITIES OF UNIVERSITY
22 EMPLOYEES THAT INVOLVE THE STUDY, DISCUSSION, INTELLECTUAL EXERCISE, DEBATE
23 OR PRESENTATION OF INFORMATION THAT RECOMMENDS PUBLIC POLICY.

24 8. ANY OTHER TYPE OF ADVOCACY THAT IS ALLOWED BY LAW.

25 ~~E. G. By January 1, 2006,~~ The attorney general shall publish and
26 distribute to the Arizona board of regents a detailed guideline regarding
27 activities prohibited under this section. The attorney general may
28 distribute these guidelines through a ~~web-site~~ WEBSITE or electronically.

29 ~~F.~~ H. The attorney general or the county attorney for the county in
30 which an alleged violation of this section occurred may serve on the person
31 an order requiring compliance with this section and may assess a civil
32 penalty of not more than five hundred dollars per violation, plus any amount
33 of misused funds subtracted from the university budget against a person who
34 violates or a person who aids another person in violating this section. The
35 person determined to be out of compliance with this section shall be
36 responsible for the payment of all penalties and misused funds. University
37 funds or insurance payments shall not be used to pay these penalties or
38 misused funds. All misused funds collected pursuant to this section shall be
39 returned to the university whose funds were misused.

40 ~~G.~~ I. An attorney acting on behalf of a university may request a
41 legal opinion of the attorney general as to whether a proposed use of
42 university resources would violate this section.

43 ~~H.~~ J. All penalties collected by the court for a suit initiated in
44 superior court by the attorney general shall be paid to the office of the
45 attorney general for the use and reimbursement of costs of prosecution

1 pursuant to this section. All penalties collected by the court for a suit
2 initiated in superior court by a county attorney shall be paid to the county
3 treasurer of the county in which the court is held for the use and
4 reimbursement of costs of prosecution pursuant to this section.

5 ~~+~~ K. For the purposes of this section, "misused funds" means
6 university monies or resources used pursuant to subsection A of this section.

7 Sec. 2. Intent

8 This act is not intended to prevent or restrict any of the following:

- 9 1. Individual freedom of speech.
10 2. Universities from conducting or presenting research.
11 3. The publication of information on public policy.

APPROVED BY THE GOVERNOR APRIL 18, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2011.

Passed the House April 12, 2011,

by the following vote: 38 Ayes,

21 Nays, 1 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate February 28, 2011,

by the following vote: 19 Ayes,

9 Nays, 2 Not Voting

[Signature]
President of the Senate

Charmain Bellinger
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. 1116

**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 13, 20 11

by the following vote: 21 Ayes,

9 Nays, 0 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

13 day of April, 20 11

at 4:25 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 18th day of

April

at 3:50 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 18th day of April, 20 11

S.B. 1116

at 5:04 o'clock P. M.

[Signature]
Secretary of State