

House Engrossed Senate Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 290

SENATE BILL 1138

AN ACT

AMENDING SECTIONS 16-913, 16-941, 16-945 AND 16-958, ARIZONA REVISED STATUTES; RELATING TO CAMPAIGN FINANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 16-913. Campaign finance reports; reporting of receipts and
5 disbursements; exemptions; civil penalty

6 A. Except as provided in subsection K of this section, each political
7 committee shall file campaign finance reports in the format prescribed by the
8 filing officer setting forth the committee's receipts and disbursements
9 according to the schedule prescribed in subsections B and C of this section.

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

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

16 2. A preelection report, which shall be filed not less than ~~twelve~~
17 FOUR days before any election and which shall be complete through the
18 ~~twentieth~~ TWELFTH day before the election.

19 3. A postelection report, which shall be filed not more than thirty
20 days after any election and which shall be complete through the twentieth day
21 after the election.

22 C. In any other calendar year, the political committee shall file a
23 report covering the period beginning twenty-one days after the date of the
24 election in the preceding calendar year through December 31 of the
25 nonelection year filed no later than January 31 of the following calendar
26 year.

27 D. In the event that a political committee receives no contributions
28 and makes no expenditures during a period in which it is required to file a
29 campaign finance report, the committee treasurer or if the treasurer is
30 unavailable the candidate, in lieu of filing a report required by subsection
31 B of this section, may sign and file a form prescribed by the secretary of
32 state indicating no activity during the specific reporting period.

33 E. In lieu of the reports prescribed in subsections B and C of this
34 section, a candidate's political committee that remains active after an
35 election due to outstanding debts may file a document no later than January
36 31 in a form prescribed by the secretary of state that states that the
37 committee does not intend to receive any contributions or make any
38 expenditures during the year. If a candidate's political committee does
39 receive a contribution or make an expenditure during that year, the committee
40 shall report as prescribed by subsection B or C of this section.

41 F. A judge who has filed a declaration of the desire to be retained in
42 office is exempt from filing any report required by this section if the
43 judge, not later than twelve days before the general election, files a
44 statement signed and sworn to by the judge certifying that the judge has
45 received no contributions, has made no expenditures and has no campaign

1 committee and that the judge does not intend to receive contributions, make
2 expenditures or have a campaign committee for the purpose of influencing the
3 result of the vote on the question of the judge's retention. With respect to
4 superior court judges, a statement filed pursuant to this subsection is
5 effective until the earlier of twelve days before the third general election
6 following the filing of this statement or the judge receives contributions,
7 makes expenditures or authorizes a campaign committee. Such a statement
8 filed by a supreme court justice or a court of appeals judge is effective
9 until the earlier of twelve days before the fourth general election following
10 the filing of this statement or the justice or judge receives contributions,
11 makes expenditures or authorizes a campaign committee.

12 G. Reports in connection with special or recall elections shall
13 conform to the filing deadlines set forth in subsection B of this section.

14 H. Except as provided in section 16-916, subsection B and subsection K
15 of this section, a political committee shall comply with the requirements of
16 this section in each jurisdiction in this state in which the committee has
17 filed a statement of organization until the committee terminates pursuant to
18 section 16-914, and its statements, designations and reports shall be filed
19 with each officer with whom it has filed a statement of organization, as
20 appropriate.

21 I. Each report required to be filed pursuant to this section shall be
22 signed by the committee treasurer or the candidate or the designating
23 individual if the treasurer is unavailable and shall contain the
24 certification of the signer under penalty of perjury that the report is true
25 and complete.

26 J. A political committee and the candidate, in the case of a
27 candidate's campaign committee, or the designating individual, in the case of
28 an exploratory committee, who violate this section are subject to the penalty
29 prescribed in section 16-918.

30 K. A standing political committee shall file reports with the
31 secretary of state and is exempt from filing a report with any other
32 jurisdiction in which it is active. The reports shall be in an electronic
33 format as prescribed by the secretary of state or by use of the internet.
34 The secretary of state shall promptly make the reports available to the
35 public on the internet and shall make the reports available by electronic
36 means by request. The standing committee shall file the following reports:

37 1. A preelection report that is due as prescribed by subsection B,
38 paragraph 2 of this section shall be filed for each consolidated election
39 date prescribed by section 16-204.

40 2. A postelection report that is due as prescribed by subsection B,
41 paragraph 3 of this section shall be filed for each consolidated election
42 date prescribed by section 16-204.

43 3. An annual report that is due by January 31 in the year immediately
44 following the calendar year that is the subject of the report.

1 C. Notwithstanding any law to the contrary, a candidate, whether
2 participating or nonparticipating:

3 1. If specified in a written agreement signed by the candidate and one
4 or more opposing candidates and filed with the citizens clean elections
5 commission, shall not make any expenditure in the primary or general election
6 period exceeding an agreed-upon amount lower than spending limits otherwise
7 applicable by statute.

8 2. Shall continue to be bound by all other applicable election and
9 campaign finance statutes and rules, with the exception of those provisions
10 in express or clear conflict with this article.

11 D. Notwithstanding any law to the contrary, any person who makes
12 independent expenditures related to a particular office cumulatively
13 exceeding five hundred dollars in an election cycle, with the exception of
14 any expenditure listed in section 16-920 and any independent expenditure by
15 an organization arising from a communication directly to the organization's
16 members, shareholders, employees, affiliated persons and subscribers, shall
17 file reports with the secretary of state in accordance with section 16-958 so
18 indicating, identifying the office and the candidate or group of candidates
19 whose election or defeat is being advocated and stating whether the person is
20 advocating election or advocating defeat.

21 Sec. 3. Subject to the requirements of article IV, part 1, section 1,
22 Constitution of Arizona, section 16-945, Arizona Revised Statutes, is amended
23 to read:

24 16-945. Limits on early contributions

25 A. A participating candidate may accept early contributions only from
26 individuals and only during the exploratory period and the qualifying period,
27 subject to the following limitations:

28 1. Notwithstanding any law to the contrary, no contributor shall give,
29 and no participating candidate shall accept, contributions from a contributor
30 exceeding one hundred dollars during an election cycle.

31 2. Notwithstanding any law to the contrary, early contributions to a
32 participating candidate from all sources for an election cycle shall not
33 exceed, for a candidate for governor, forty thousand dollars or, for other
34 candidates, ten ~~percent~~ PER CENT of the sum of the original primary election
35 spending limit and the original general election spending limit.

36 3. Qualifying contributions specified in section 16-946 shall not be
37 included in determining whether the limits in this subsection have been
38 exceeded.

39 B. Early contributions specified in subsection A of this section and
40 the candidate's personal monies specified in section 16-941, subsection A,
41 paragraph 2 may be spent only during the exploratory period and the
42 qualifying period. Any early contributions not spent by the end of the
43 qualifying period shall be paid to the fund.

44 C. If a participating candidate has a debt from an election campaign
45 in this state during a previous election cycle in which the candidate was not

1 a participating candidate, then, during the exploratory period only, the
2 candidate may accept, in addition to early contributions specified in
3 subsection A of this section, contributions subject to the limitations in
4 section 16-941, subsection B, ~~paragraph 1~~, or may exceed the limit on
5 personal monies in section 16-941, subsection A, paragraph 2, provided that
6 such contributions and monies are used solely to retire such debt.

7 Sec. 4. Subject to the requirements of article IV, part 1, section 1,
8 Constitution of Arizona, section 16-958, Arizona Revised Statutes, is amended
9 to read:

10 16-958. Manner of filing reports

11 A. Any person who has previously reached the dollar amount specified
12 in section 16-941, subsection D for filing an original report shall file a
13 supplemental report each time previously unreported independent expenditures
14 specified by that subsection exceeds one thousand dollars. ~~Any person who~~
15 ~~has previously reached the dollar amounts specified in section 16-941,~~
16 ~~subsection B, paragraph 2 for filing an original report shall file a~~
17 ~~supplemental report to declare that previously unreported expenditures or~~
18 ~~contributions specified by that paragraph exceed ten per cent of the original~~
19 ~~primary election spending limit or twenty five thousand dollars, whichever is~~
20 ~~lower, before the general election period, or ten per cent of the original~~
21 ~~general election spending limit or twenty five thousand dollars, whichever is~~
22 ~~lower, during the general election period.~~ Such reports shall be filed at
23 the times specified in subsection B of this section and shall identify the
24 dollar amount being reported, the candidate and the date, and no other detail
25 is required in reports made pursuant to this section.

26 B. Any person who must file an original report pursuant to section
27 16-941, ~~subsection B, paragraph 2 or~~ subsection D or who must file a
28 supplemental report for previously unreported amounts pursuant to subsection
29 A of this section shall file as follows:

30 1. Before the beginning of the primary election period, the person
31 shall file a report on the first of each month, unless the person has not
32 reached the dollar amount for filing an original or supplemental report on
33 that date.

34 2. Thereafter, except as stated in paragraph 3 of this subsection, the
35 person shall file a report on any Tuesday by which the person has reached the
36 dollar amount for filing an original or supplemental report.

37 3. During the last two weeks before the primary election and the last
38 two weeks before the general election, the person shall file a report within
39 one business day of reaching the dollar amount for filing an original or
40 supplemental report.

41 C. Any filing under this article on behalf of a candidate may be made
42 by the candidate's campaign committee. All candidates shall deposit any
43 check received by and intended for the campaign and made payable to the
44 candidate or the candidate's campaign committee, and all cash received by and
45 intended for the campaign, in the candidate's campaign account before the due

1 date of the next report specified in subsection B of this section. No
2 candidate or person acting on behalf of a candidate shall conspire with a
3 donor to postpone delivery of a donation to the campaign for the purpose of
4 postponing the reporting of the donation in any subsequent report.

5 D. The secretary of state shall immediately notify the commission of
6 the filing of each report under this section and deliver a copy of the report
7 to the commission, and the commission shall promptly mail or otherwise
8 deliver a copy of each report filed pursuant to this section to all
9 participating candidates opposing the candidate identified in section 16-941,
10 ~~subsection B, paragraph 2 or~~ subsection D.

11 E. Any report filed pursuant to this section or section 16-916,
12 subsection A, paragraph 1 or subsection B shall be filed in electronic
13 format. The secretary of state shall distribute computer software to
14 political committees to accommodate such electronic filing.

15 F. During the primary election period and the general election period,
16 all candidates shall make available for public inspection all bank accounts,
17 campaign finance reports and financial records relating to the candidate's
18 campaign, either by immediate disclosure through electronic means or at the
19 candidate's campaign headquarters, in accordance with rules adopted by the
20 commission.

21 Sec. 5. Requirements for enactment: three-fourths vote

22 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
23 sections 16-941, 16-945 and 16-958, Arizona Revised Statutes, as amended by
24 this act, are effective only on the affirmative vote of at least
25 three-fourths of the members of each house of the legislature.

26 Sec. 6. 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 MAY 7, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 8, 2012.

Passed the House April 3, 2012

Passed the Senate March 5, 2012

by the following vote: 58 Ayes,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting
Pursuant to Article IV, Part 1, section 1 AZ Const. with emergency

0 Nays, 2 Not Voting
With Art. IV, part 1, sec. 1 AZ Const.

[Signature]
Speaker of the House
Cheryl Laube
Chief Clerk of the House

[Signature]
President of the Senate
Charmion Billington
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. 1138

~~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 24, 20 12

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting
Art. IV, sec. 1 Sec. 234 only With Emergency
Steve Wilson LV

President of the Senate

Charmine Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

1 day of May, 20 12

at 9:30 o'clock A M.

Robert
Secretary to the Governor

Approved this 7th day of

May

at 4:00 o'clock P M.

Janice K. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 8th day of May, 20 12

at 8:25 o'clock a M.

Klu Blumeth
Secretary of State

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