House Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

CHAPTER 159

HOUSE BILL 2157

AN ACT

AMENDING SECTIONS 16-903 AND 38-296, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 16-903, Arizona Revised Statutes, is amended to read:

16-903. Candidate's campaign committees; exploratory committees; designation; candidate as agent; civil penalty

A. Each candidate who intends to receive contributions or make expenditures of more than five hundred dollars in connection with a campaign for office shall designate in the format prescribed by the filing officer a political committee for each election to serve as the candidate's campaign committee. The candidate shall make the designation pursuant to this subsection by filing a statement of organization before making any expenditures, accepting any contributions, distributing any campaign literature or circulating any petitions. Each candidate who intends to receive contributions or make expenditures of five hundred dollars or less shall file a signed exemption statement in the format prescribed by the filing officer that states that intention before making any expenditures, accepting any contributions, distributing any campaign literature or circulating petitions. If a candidate who has filed a five hundred dollar exemption statement receives contributions or makes expenditures of more than five hundred dollars, that candidate shall file a statement of organization with the filing officer within five business days after exceeding the five hundred dollar limit.

B. An individual who receives contributions or makes expenditures of more than five hundred dollars for the purpose of determining whether the individual will become a candidate for election to an office in this state shall designate in the format prescribed by the filing officer a political committee to serve as the individual's exploratory committee. The individual shall make the designation pursuant to this subsection before making any expenditures, accepting any contributions, circulating any petitions or distributing any campaign literature.

C. An individual may have only one exploratory committee in existence at one time. A candidate may have only one campaign committee designated for each election, but a candidate may have more than one campaign committee simultaneously in existence.

D. A political committee that supports or has supported another candidate or more than one candidate may not be designated as a candidate's campaign committee.

E. Any candidate who receives a contribution or any loan for use in connection with the campaign of that candidate for election or who makes a disbursement in connection with that campaign shall be deemed as having received the contribution or loan or as having made the disbursement as an agent of the candidate's campaign committee for purposes of this article.

F. An elected official is not deemed to have offered himself for nomination or election to an office ~~or to have made a formal, public declaration of candidacy~~ within the meaning of section 38-296 solely by his designation of a candidate campaign committee.

G. After designating an exploratory committee, a candidate may lawfully collect signatures on nomination petitions and receive contributions.

H. A person who violates this section is subject to a civil penalty imposed as prescribed in section 16-924 of up to three times the amount of money that has been received, expended or promised in violation of this section or up to three times the value in money for an equivalent of money or other things of value that have been received, expended or promised in violation of this section.

Sec. 2. Section 38-296, Arizona Revised Statutes, is amended to read:

38-296. Limitation on filing for election by incumbent of elective office

A. Except during the final year of the term being served, no incumbent of a salaried elective office, whether holding by election or appointment, may offer himself for nomination or election to any salaried local, state or federal office.

B. An incumbent of a salaried elected office shall be deemed to have offered himself for nomination or election to a salaried local, state or federal office ~~upon~~ ON the filing of a nomination paper pursuant to section 16-311, subsection A ~~or formal public declaration of candidacy for such office whichever occurs first~~. AN INCUMBENT OF A SALARIED ELECTED OFFICE IS NOT DEEMED TO HAVE OFFERED HIMSELF FOR NOMINATION OR ELECTION TO AN OFFICE BY MAKING A FORMAL DECLARATION OF CANDIDACY FOR THE OFFICE.

C. The resignation of the incumbent elective officer duly filed in writing with the officer, board or commission having jurisdiction of the office ~~shall~~, if not accepted within ten days, SHALL be deemed to have become effective as of the date of filing.

D. This section shall not be construed to prohibit a person whose resignation from office has become effective from qualifying as a candidate for another office during the unexpired portion of the term affected by the resignation, nor shall it apply to any incumbent elective officer who seeks ~~re-election~~ REELECTION to the same office or to any other public office during the final year of the term to which ~~he~~ THE PERSON has been so elected.

E. A person violating any provision of this section is guilty of misfeasance in office, and the office held by such person shall be declared vacant.

APPROVED BY THE GOVERNOR APRIL 30, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2013.

Passed the House March 4, 2013

by the following vote: 40 Ayes,

19 Nays, 1 Not Voting

Speaker of the House

Pro Tempore

Cheryl Laube

Chief Clerk of the House

Passed the Senate April 16, 2013

by the following vote: 20 Ayes,

10 Nays, 0 Not Voting

President of the Senate

Charmin Billington

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

25 day of April, 2013

at 3:30 o'clock P M.

Mikhaila Howard

Secretary to the Governor

Approved this 30th day of

April

at 1:43 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 1st day of May, 2013

at 9:02 o'clock a M.

Jim Drake

Acting Secretary of State

H.B. 2157