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REFERENCE TITLE: elections; cities; counties; influence; prohibition

State of Arizona
Senate
Forty-sixth Legislature
Second Regular Session
2004

SB 1306

Introduced by
Senators Weiers: Allen

AN ACT

AMENDING TITLE 16, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-410; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 16, chapter 4, article 1, Arizona Revised Statutes,
3 is amended by adding section 16-410, to read:

4 16-410. Use of city or county resources or employees to
5 influence elections; prohibition; civil penalty;
6 definition

7 A. A PERSON ACTING ON BEHALF OF A CITY OR COUNTY OR A PERSON WHO AIDS
8 ANOTHER PERSON ACTING ON BEHALF OF A CITY OR COUNTY SHALL NOT USE CITY OR
9 COUNTY PERSONNEL, EQUIPMENT, MATERIALS, BUILDINGS OR OTHER RESOURCES FOR THE
10 PURPOSE OF INFLUENCING THE OUTCOMES OF ELECTIONS.

11 B. EMPLOYEES OF A CITY OR COUNTY MAY NOT USE THE AUTHORITY OF THEIR
12 POSITIONS TO INFLUENCE THE VOTE OR POLITICAL ACTIVITIES OF ANY SUBORDINATE
13 EMPLOYEE.

14 C. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED AS DENYING THE
15 CIVIL AND POLITICAL LIBERTIES OF ANY PERSON AS GUARANTEED BY THE UNITED
16 STATES AND ARIZONA CONSTITUTIONS.

17 D. THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY FOR THE COUNTY IN WHICH
18 AN ALLEGED VIOLATION OF THIS SECTION OCCURRED MAY INITIATE A SUIT IN THE
19 SUPERIOR COURT IN THE COUNTY IN WHICH THE ALLEGED VIOLATION OCCURRED FOR THE
20 PURPOSE OF COMPLYING WITH THIS SECTION.

21 E. FOR EACH VIOLATION OF THIS SECTION, THE COURT MAY IMPOSE A CIVIL
22 PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS PLUS ANY AMOUNT OF MISUSED FUNDS
23 SUBTRACTED FROM THE CITY OR COUNTY BUDGET AGAINST A PERSON WHO KNOWINGLY
24 VIOLATES OR A PERSON WHO KNOWINGLY AIDS ANOTHER PERSON IN VIOLATING THIS
25 SECTION. THE PERSON DETERMINED TO BE OUT OF COMPLIANCE WITH THIS SECTION
26 SHALL BE RESPONSIBLE FOR THE PAYMENT OF ALL PENALTIES AND MISUSED
27 FUNDS. CITY OR COUNTY FUNDS OR INSURANCE PAYMENTS SHALL NOT BE USED TO PAY
28 THESE PENALTIES OR MISUSED FUNDS. ALL MISUSED FUNDS COLLECTED PURSUANT TO
29 THIS SECTION SHALL BE RETURNED TO THE CITY OR COUNTY WHOSE FUNDS WERE
30 MISUSED.

31 F. ALL PENALTIES COLLECTED BY THE COURT FOR A SUIT INITIATED IN
32 SUPERIOR COURT BY THE ATTORNEY GENERAL SHALL BE PAID TO THE OFFICE OF THE
33 ATTORNEY GENERAL FOR THE USE AND REIMBURSEMENT OF COSTS OF PROSECUTION
34 PURSUANT TO THIS SECTION. ALL PENALTIES COLLECTED BY THE COURT FOR A SUIT
35 INITIATED IN SUPERIOR COURT BY A COUNTY ATTORNEY SHALL BE PAID TO THE COUNTY
36 TREASURER OF THE COUNTY IN WHICH THE COURT IS HELD FOR THE USE AND
37 REIMBURSEMENT OF COSTS OF PROSECUTION PURSUANT TO THIS SECTION.

38 G. FOR THE PURPOSES OF THIS SECTION, "MISUSED FUNDS" MEANS CITY OR
39 COUNTY MONIES OR RESOURCES USED PURSUANT TO SUBSECTION A OF THIS SECTION.