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Senate Engrossed

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

SENATE BILL 1306

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

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 OUTCOME OF AN ELECTION.

11 B. AN EMPLOYEE OF A CITY OR COUNTY SHALL NOT USE THE AUTHORITY OF THE
12 EMPLOYEE'S POSITION TO INFLUENCE THE VOTE OR POLITICAL ACTIVITIES OF ANY
13 SUBORDINATE EMPLOYEE.

14 C. THIS SECTION SHALL NOT BE CONSTRUED TO DENY THE CIVIL AND POLITICAL
15 LIBERTIES OF ANY PERSON AS GUARANTEED BY THE UNITED STATES AND ARIZONA
16 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 OF NOT MORE THAN FIVE HUNDRED DOLLARS PLUS ANY AMOUNT OF MISUSED
23 FUNDS SUBTRACTED FROM THE CITY OR COUNTY BUDGET AGAINST A PERSON WHO
24 KNOWINGLY VIOLATES OR A PERSON WHO KNOWINGLY AIDS ANOTHER PERSON IN VIOLATING
25 THIS SECTION. A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR THE
26 PAYMENT OF ALL PENALTIES AND MISUSED FUNDS. CITY OR COUNTY FUNDS OR
27 INSURANCE PAYMENTS SHALL NOT BE USED TO PAY THESE PENALTIES OR MISUSED
28 FUNDS. ALL MISUSED FUNDS COLLECTED PURSUANT TO THIS SECTION SHALL BE
29 RETURNED TO THE CITY OR COUNTY WHOSE FUNDS WERE MISUSED.

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

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