

REFERENCE TITLE: clean elections; primary spending

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2222

Introduced by
Representatives McClure, Pearce, Rios P, Senator Bee: Representatives
Alvarez, Anderson, Barto, Crandall, Gallardo, Konopnicki, Mason, McLain,
Meza, Nelson

AN ACT

AMENDING SECTION 16-952, ARIZONA REVISED STATUTES; RELATING TO THE CITIZENS
CLEAN ELECTIONS ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Subject to the requirements of article IV, part 1, section
3 1, Constitution of Arizona, section 16-952, Arizona Revised Statutes, is
4 amended to read:

5 16-952. Equal funding of candidates

6 A. Whenever during a primary election period a report is filed, or
7 other information comes to the attention of the commission, indicating that a
8 nonparticipating candidate who is not unopposed in that primary has made
9 expenditures during the election cycle to date exceeding the original primary
10 election spending limit, including any previous adjustments, the commission
11 shall immediately pay from the fund to the campaign account of any
12 participating candidate in the same party primary as the nonparticipating
13 candidate an amount equal to any excess of the reported amount over the
14 primary election spending limit, as previously adjusted, and the primary
15 election spending limit for all such participating candidates shall be
16 adjusted by increasing it by the amount that the commission is obligated to
17 pay to a participating candidate.

18 B. Whenever during a general election period a report has been filed,
19 or other information comes to the attention of the commission, indicating
20 that the amount a nonparticipating candidate who is not unopposed has
21 received in contributions during the election cycle to date less the amount
22 of expenditures the nonparticipating candidate made through the end of the
23 primary election period exceeds the original general election spending limit,
24 including any previous adjustments, the commission shall immediately pay from
25 the fund to the campaign account of any participating candidate qualified for
26 the ballot and seeking the same office as the nonparticipating candidate an
27 amount equal to any excess of the reported difference over the general
28 election spending limit, as previously adjusted, and the general election
29 spending limit for all such participating candidates shall be adjusted by
30 increasing it by the amount that the commission is obligated to pay to a
31 participating candidate.

32 C. For purposes of subsections A and B of this section, the following
33 expenditures reported pursuant to this article shall be treated as follows:

34 1. Independent expenditures against a participating candidate shall be
35 treated as expenditures of each opposing candidate, for purpose of subsection
36 A of this section, or contributions to each opposing candidate, ~~or~~ FOR
37 purpose of subsection B of this section.

38 2. Independent expenditures in favor of one or more nonparticipating
39 opponents of a participating candidate shall be treated as expenditures of
40 those nonparticipating candidates, for purpose of subsection A of this
41 section, or contributions to those nonparticipating candidates, for purpose
42 of subsection B of this section.

43 3. Independent expenditures in favor of a participating candidate
44 shall be treated, for every opposing participating candidate, as though the
45 independent expenditures were an expenditure of a nonparticipating opponent,

1 for purpose of subsection A of this section, or a contribution to a
2 nonparticipating opponent, for purpose of subsection B of this section.

3 ~~4. Expenditures made during the primary election period by or on~~
4 ~~behalf of an independent candidate or a nonparticipating candidate who is~~
5 ~~unopposed in a party primary, shall be treated as though made during the~~
6 ~~general election period, and equalizing funds pursuant to subsection B of~~
7 ~~this section shall be paid at the start of the general election period.~~

8 ~~5.~~ 4. Expenditures made before the general election period that
9 consist of a contract, promise, or agreement to make an expenditure during
10 the general election period resulting in an extension of credit shall be
11 treated as though made during the general election period, and equalizing
12 funds pursuant to subsection B of this section shall be paid at the start of
13 the general election period.

14 ~~6.~~ 5. Expenditures for or against a participating candidate promoting
15 or opposing more than one candidate who are not running for the same office
16 shall be allocated by the commission among candidates for different offices
17 based on the relative size or length and relative prominence of the reference
18 to candidates for different offices.

19 D. Upon applying for citizen funding pursuant to section 16-950, a
20 participating candidate for THE legislature in a one-party-dominant
21 legislative district who is qualified for clean campaign funding for the
22 party primary election of the dominant party may choose to reallocate a
23 portion of funds from the general election period to the primary election
24 period. At the beginning of the primary election period, the commission
25 shall pay from the fund to the campaign account of a participating candidate
26 who makes this choice an extra amount equal to fifty ~~percent~~ PER CENT of the
27 original primary election spending limit, and the original primary election
28 spending limit for the candidate who makes this choice shall be increased by
29 the extra amount. For a primary election in which one or more participating
30 candidates have made this choice, funds shall be paid under subsections A and
31 B of this section only to the extent of any excess over the original primary
32 election spending limit as so increased. If a participating candidate who
33 makes this choice becomes qualified for clean campaign funding for the
34 general election, the amount the candidate receives at the beginning of the
35 general election period shall be reduced by the extra amount received at the
36 beginning of the primary election period, and the original general election
37 spending limit for that candidate shall be reduced by the extra amount. For
38 a general election in which a participating candidate has made this choice,
39 funds shall be paid under subsections A and B of this section only to the
40 extent of any excess over the original general election spending limit,
41 without such reduction, unless the candidate who has made this choice is the
42 only participating candidate in the general election, in which case such
43 funds shall be paid to the extent of excess over the original general
44 election spending limit with such reduction. For purpose of this subsection,
45 a one-party-dominant legislative district is a district in which the number

1 of registered voters registered in the party with the highest number of
2 registered voters exceeds the number of registered voters registered to each
3 of the other parties by an amount at least as high as ten ~~percent~~ PER CENT of
4 the total number of voters registered in the district. The status of a
5 district as a one-party-dominant legislative district shall be determined as
6 of the beginning of the qualifying period.

7 E. If an adjusted spending limit reaches three times the original
8 spending limit for a particular election, ~~then~~ the commission shall not pay
9 any further amounts from the fund to the campaign account of any
10 participating candidate, and the spending limit shall not be adjusted
11 further.

12 Sec. 2. Requirements for enactment; three-fourths vote

13 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
14 section 16-952, Arizona Revised Statutes, as amended by this act, is
15 effective only on the affirmative vote of at least three-fourths of the
16 members of each house of the legislature.