

PATON FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1087
(Reference to JUD amendment)

1 Page 1, between lines 1 and 2, insert:

2 ''Section 1. Subject to the requirements of article IV, part 1,
3 section 1, Constitution of Arizona, section 16-946, Arizona Revised Statutes,
4 is amended to read:

5 16-946. Qualifying contributions

6 A. During the qualifying period, a participating candidate may collect
7 qualifying contributions, which shall be paid to the fund.

8 B. To qualify as a ~~''qualifying contribution,~~ a contribution must be
9 **ALL OF THE FOLLOWING:**

10 1. Made by a qualified elector as defined in section 16-121, who at
11 the time of the contribution is registered in the electoral district of the
12 office the candidate is seeking and who has not given another qualifying
13 contribution to that candidate during that election cycle. ~~;~~

14 2. Made by a person who is not given anything of value in exchange for
15 the qualifying contribution. ~~;~~

16 3. In the sum of five dollars, exactly. ~~;~~

17 4. Received unsolicited during the qualifying period or solicited
18 during the qualifying period by a person who is not employed or retained by
19 the candidate and who is not compensated to collect contributions by the
20 candidate or on behalf of the candidate. ~~;~~

21 5. If made by check or money order, made payable to the candidate's
22 campaign committee, or if in cash, deposited in the candidate's campaign
23 committee's account. ~~;~~ ~~and~~

24 6. Accompanied by a three-part reporting slip that includes the
25 printed name, registration address, and signature of the contributor, the
26 name of the candidate for whom the contribution is made, the date, ~~;~~ and the
27 printed name and signature of the solicitor, **EXCEPT THAT QUALIFYING**
28 **CONTRIBUTIONS MAY BE OBTAINED USING ELECTRONIC MEANS PURSUANT TO RULES**
29 **ADOPTED BY THE COMMISSION.**

1 C. A copy of the reporting slip shall be given as a receipt to the
2 contributor, and another copy shall be retained by the candidate's campaign
3 committee. Delivery of an original reporting slip to the secretary of state
4 shall excuse the candidate from disclosure of these contributions on campaign
5 finance reports filed under article 1 of this chapter.

6 Sec. 2. Subject to the requirements of article IV, part 1, section 1,
7 Constitution of Arizona, section 16-949, Arizona Revised Statutes, is amended
8 to read:

9 16-949. Caps on spending from citizens clean elections fund

10 A. The commission shall not spend, on all costs incurred under this
11 article during a particular calendar year, more than ~~five~~ NINE dollars times
12 the number of Arizona resident personal income tax returns filed during the
13 previous calendar year. Tax reductions and tax credits awarded to taxpayers
14 pursuant to section 16-954, subsections A and B shall not be considered costs
15 incurred under this article for purposes of this section. The commission may
16 exceed this limit during a calendar year, provided that it is offset by an
17 equal reduction of the limit during another calendar year during the same
18 four-year period beginning January 1 immediately after a gubernatorial
19 election.

20 B. The commission may use up to ten ~~percent~~ PER CENT of the amount
21 specified in subsection A of this section for reasonable and necessary
22 expenses of administration and enforcement, including the activities
23 specified in section 16-956, subsection A, paragraphs 3 through 7 and
24 subsections B and C. Any portion of the ten ~~percent~~ PER CENT not used for
25 this purpose shall remain in the fund.

26 C. The commission shall apply ten ~~percent~~ PER CENT of the amount
27 specified in subsection A of this section for reasonable and necessary
28 expenses associated with voter education, including the activities specified
29 in section 16-956, subsection A.

30 D. The state treasurer shall administer a citizens clean ~~election~~
31 ELECTIONS fund from which costs incurred under this article shall be paid.

1 The auditor general shall review the monies in, payments into, ~~and~~ and
2 expenditures from the fund no less often than every four years.

3 Sec. 3. Subject to the requirements of article IV, part 1, section 1,
4 Constitution of Arizona, section 16-950, Arizona Revised Statutes, is amended
5 to read:

6 16-950. Qualification for clean campaign funding

7 A. A candidate who has made an application for certification may also
8 apply, in accordance with subsection B of this section, to receive funds from
9 the citizens clean elections fund, instead of receiving private
10 contributions.

11 B. To receive any clean campaign funding, the candidate must present
12 to the secretary of state no later than ~~one week after~~ the end of the
13 qualifying period a list of names of persons who have made qualifying
14 contributions pursuant to section 16-946 on behalf of the candidate. The
15 list shall be divided by county. At the same time, the candidate must tender
16 to the secretary of state the original reporting slips identified in section
17 16-946, subsection C for persons on the list and an amount equal to the sum
18 of the qualifying contributions collected. The secretary of state shall
19 deposit the amount into the fund.

20 C. The secretary of state shall select at random a sample of five per
21 cent of the number of non-duplicative names on the list and forward
22 facsimiles of the selected reporting slips to the county recorders for the
23 counties of the addresses specified in the selected slips. Within ten days,
24 the county recorders shall provide a report to the secretary of state
25 identifying as disqualified any slips that are unsigned or undated or that
26 the recorder is unable to verify as matching a person who is registered to
27 vote in the electoral district of the office the candidate is seeking on the
28 date specified on the slip. The secretary of state shall multiply the number
29 of slips not disqualified by twenty, and if the result is greater than one
30 hundred ten per cent of the quantity required, shall approve the candidate
31 for funds, and if the result is less than one hundred ten per cent of the
32 quantity required, the secretary of state shall forward facsimiles of all of

1 the slips to the county recorders for verification, and the county recorders
2 shall check all slips in accordance with the process above. A county
3 recorder shall not check slips already verified. A county recorder shall
4 report verified totals daily to the secretary of state until a determination
5 is made that a sufficient number of verified slips has been submitted. If a
6 sufficient number of verified slips has been submitted to one or more county
7 recorders, the county recorders may stop the verification process.

8 D. To qualify for clean campaign funding, a candidate must have been
9 approved as a participating candidate pursuant to section 16-947 and have
10 obtained the following number of qualifying contributions:

- 11 1. For a candidate for legislature, two hundred.
- 12 2. For candidate for mine inspector, five hundred.
- 13 3. For a candidate for treasurer, superintendent of public instruction
14 or corporation commission, one thousand five hundred.
- 15 4. For a candidate for secretary of state or attorney general, two
16 thousand five hundred.
- 17 5. For a candidate for governor, four thousand.

18 E. To qualify for clean campaign funding, a candidate must have met
19 the requirements of this section and either be an independent candidate or
20 meet the following standards:

- 21 1. To qualify for funding for a party primary election, a candidate
22 must have properly filed nominating papers and nominating petitions with
23 signatures pursuant to chapter 3, articles 2 and 3 of this title in the
24 primary of a political organization entitled to continued representation on
25 the official ballot in accordance with section 16-804.
- 26 2. To qualify for clean campaign funding for a general election, a
27 candidate must be a party nominee of such a political organization.

28 F. A WRITE-IN CANDIDATE IS NOT ELIGIBLE TO RECEIVE CLEAN CAMPAIGN
29 FUNDING FOR A PRIMARY ELECTION BUT IS ELIGIBLE TO RECEIVE CLEAN CAMPAIGN
30 FUNDING FOR THE GENERAL ELECTION IF ALL OF THE FOLLOWING APPLY:

- 31 1. THE WRITE-IN CANDIDATE WINS THE PRIMARY ELECTION FOR THAT OFFICE.
- 32 2. THE WRITE-IN CANDIDATE WILL APPEAR ON THE GENERAL ELECTION BALLOT.

1 3. THE WRITE-IN CANDIDATE COMPLIES WITH ALL OF THE REQUIREMENTS OF
2 THIS ARTICLE.

3 Sec. 4. Subject to the requirements of article IV, part 1, section 1,
4 Constitution of Arizona, section 16-954, Arizona Revised Statutes, is amended
5 to read:

6 16-954. Clean elections tax reduction; return of excess monies

7 A. For tax years beginning on or after January 1, 1998, EXCEPT AS
8 PROVIDED IN SECTION 16-959, a taxpayer who files on a state income tax return
9 form may designate a five-dollar voluntary contribution per taxpayer to the
10 fund by marking an optional check-off box on the first page of the form. A
11 taxpayer who checks this box shall receive a five-dollar reduction in the
12 amount of tax, and five dollars from the amount of taxes paid shall be
13 transferred by the department of revenue to the fund. The department of
14 revenue shall provide check-off boxes, identified as the clean elections fund
15 tax reduction, on the first page of income tax return forms, for designations
16 pursuant to this subsection.

17 B. Any taxpayer may make a voluntary donation to the fund by
18 designating the fund on an income tax return form filed by the individual or
19 business entity or by making a payment directly to the fund. Any taxpayer
20 making a donation pursuant to this subsection shall receive a
21 dollar-for-dollar tax credit not to exceed twenty ~~percent~~ PER CENT of the tax
22 amount on the return or five hundred dollars per taxpayer, whichever is
23 higher. Donations made pursuant to this section are otherwise not tax
24 deductible and cannot be designated ~~as~~ for the benefit of a particular
25 candidate, political party,~~—~~ or election contest. The department of revenue
26 shall transfer to the fund all donations made pursuant to this subsection.
27 The department of revenue shall provide a space, identified as the clean
28 elections fund tax credit, on the first page of income tax return forms,~~—~~ for
29 donations pursuant to this subsection.

30 C. Beginning January 1, 1999, an additional surcharge of ten ~~percent~~
31 PER CENT shall be imposed on all civil and criminal fines and penalties
32 collected pursuant to section 12-116.01 and shall be deposited into the fund.

1 D. At least once per year, the commission shall project the amount of
2 monies that the fund will collect over the next four years and the time such
3 monies shall become available. Whenever the commission determines that the
4 fund contains more monies than the commission determines that it requires to
5 meet current debts plus expected expenses, under the assumption that expected
6 expenses will be at the expenditure limit in section 16-949, subsection A,
7 and taking into account the projections of collections, the commission shall
8 designate such monies as excess monies and so notify the state treasurer, who
9 shall thereupon return the excess monies to the general fund.

10 E. At least once per year, the commission shall project the amount of
11 citizen funding for which all candidates will have qualified pursuant to this
12 article for the following calendar year. By the end of each year, the
13 commission shall announce whether the amount that the commission plans to
14 spend the following year pursuant to section 16-949, subsection A exceeds the
15 projected amount of citizen funding. If the commission determines that the
16 fund contains insufficient monies or the spending cap would be exceeded were
17 all ~~candidate's~~ CANDIDATES' accounts to be fully funded, ~~then~~ the commission
18 may include in the announcement specifications for decreases in the following
19 parameters, based on the commission's projections of collections and expenses
20 for the fund, made in the following order:

21 1. First, the commission may announce a decrease in the matching cap
22 under section 16-952, subsection E from three times to an amount between
23 three and one times.

24 2. Next, the commission may announce that the fund will provide
25 equalization monies under section 16-952, subsections A and B as a fraction
26 of the amounts there specified.

27 3. Finally, the commission may announce that the fund will provide
28 monies under section 16-951 as a fraction of the amounts there specified.

29 F. If the commission cannot provide participating candidates with all
30 monies specified under sections 16-951 and 16-952, as decreased by any
31 announcement pursuant to subsection E of this section, ~~then~~ the commission
32 shall allocate any reductions in payments proportionately among candidates

1 entitled to monies and shall declare an emergency. Upon declaration of an
2 emergency, a participating candidate may accept private contributions to
3 bring the total monies received by the candidate from the fund and from such
4 private contributions up to the adjusted spending limits, as decreased by any
5 announcement made pursuant to subsection E of this section.

6 Sec. 5. Subject to the requirements of article IV, part 1, section 1,
7 Constitution of Arizona, section 16-955, Arizona Revised Statutes, is amended
8 to read:

9 16-955. Citizens clean election commission; structure

10 A. The citizens clean elections commission is established consisting
11 of five members. No more than two members of the commission shall be members
12 of the same political party. No more than two members of the commission
13 shall be residents of the same county. No one shall be appointed as a member
14 who does not have a registration pursuant to chapter 1 of this title that has
15 been continuously recorded for at least five years immediately preceding
16 appointment with the same political party or as an independent.

17 B. The candidates for vacant commissioner positions shall be persons
18 who are committed to enforcing this article in an honest, independent and
19 impartial fashion and to seeking to uphold public confidence in the integrity
20 of the electoral system. Each candidate shall be a qualified elector who has
21 not, in the previous five years in this state, been appointed to, been
22 elected to or run for any public office, including precinct committeeman, or
23 served as an officer of a political party.

24 C. ~~Initially, the commission on appellate court appointments shall~~
25 ~~nominate five slates, each having three candidates, before January 1, 1999.~~
26 ~~No later than February 1, 1999, the governor shall select one candidate from~~
27 ~~one of the slates to serve on the commission for a term ending January 31,~~
28 ~~2004. Next, the highest-ranking official holding a statewide office who is~~
29 ~~not a member of the same political party as the governor shall select one~~
30 ~~candidate from another one of the slates to serve on the commission for a~~
31 ~~term ending January 31, 2003. Next, the second-highest-ranking official~~
32 ~~holding a statewide office who is a member of the same political party as the~~

~~governor shall select one candidate from one of the three remaining slates to serve on the commission for a term ending January 31, 2002. Next, the second-highest-ranking official holding a statewide office who is not a member of the same political party as the governor shall select one candidate from one of the two remaining slates to serve on the commission for a term ending January 31, 2001. Finally, the third-highest-ranking official holding a statewide office who is a member of the same political party as the governor shall elect one candidate from the last slate to serve on the commission for a term ending January 31, 2000.~~

SELECTIONS OF COMMISSIONERS SHALL ALTERNATE BETWEEN THE GOVERNOR AND THE HIGHEST-RANKING STATEWIDE OFFICEHOLDER WHO IS NOT A MEMBER OF THE SAME POLITICAL PARTY AS THE GOVERNOR. IN ALL CIRCUMSTANCES, CONSECUTIVE SELECTIONS SHALL NOT BE MADE BY OFFICEHOLDERS OF THE SAME PARTY AND THE SUBSEQUENT SELECTION SHALL BE MADE BY THE HIGHEST-RANKING OFFICEHOLDER WHO IS NOT A MEMBER OF THE SAME PARTY AS THE OFFICEHOLDER WHO MADE THE PRECEDING APPOINTMENT. For the purposes of this section, the ranking of officials holding statewide office shall be governor, secretary of state, attorney general, treasurer, superintendent of public instruction, corporation commissioners in order of seniority, mine inspector, senate majority and minority leaders and house majority and minority leaders.

D. One commissioner shall be appointed for a five-year term beginning February 1 of every year beginning with the year 2000. Before February 1 of each year beginning in the year 2000, the governor and the highest-ranking official holding a statewide office who is not a member of the same political party as the governor shall alternate filling such vacancies. The vacancy in the year 2000 shall be filled by the governor.

E. Members of the commission may be removed by the governor, with concurrence of the senate, for substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office or violation of this section, after written notice and opportunity for a response.

F. If a commissioner does not complete the commissioner's term of office for any reason, a replacement shall be selected within thirty days

1 after the vacancy occurs. The highest-ranking official holding a statewide
2 office who is a member of the political party of the official who nominated
3 the commissioner who vacated office shall nominate the replacement, who shall
4 serve as commissioner for the unexpired portion of the term. A vacancy or
5 vacancies shall not impair the right of the remaining members to exercise all
6 of the powers of the board.

7 G. Commissioners are eligible to receive compensation in an amount of
8 two hundred dollars for each day on which the commission meets and
9 reimbursement of expenses pursuant to title 38, chapter 4, article 2.

10 H. The commissioners shall elect a chair to serve for each
11 calendar-year period from among their members whose terms expire after the
12 conclusion of that year. Three commissioners shall constitute a quorum.

13 I. A member of the commission shall serve no more than one term and is
14 not eligible for reappointment. No commissioner, during the commissioner's
15 tenure or for three years thereafter, shall seek or hold any other public
16 office, serve as an officer of any political committee or employ or be
17 employed as a lobbyist.

18 J. The commission shall appoint an executive director who shall not be
19 a member of the commission and who shall serve at the pleasure of the
20 commission. The executive director is eligible to receive compensation set
21 by the board within the range determined under section 38-611. The executive
22 director, subject to title 41, chapter 4, articles 5 and 6, shall employ,
23 determine the conditions of employment and specify the duties of
24 administrative, secretarial and clerical employees as the director deems
25 necessary.

26 Sec. 6. Subject to the requirements of article IV, part 1, section 1,
27 Constitution of Arizona, section 16-959, Arizona Revised Statutes, is amended
28 to read:

29 16-959. Inflationary and other adjustments of dollar values

30 A. Every two years, the secretary of state shall modify the dollar
31 values specified in the following parts of this article, in the manner
32 specified by section 16-905, subsection J, to account for inflation: section

1 16-941, subsection A, paragraph 2 or subsection D; section 16-942, subsection
2 B; section 16-945, subsection A, paragraphs 1 and 2; section 16-948,
3 subsection C; section 16-954, subsection B; section 16-955, subsection G; and
4 section 16-961, subsections G and H. In addition, the secretary of state
5 shall make a similar inflation adjustment by modifying the dollar values in
6 section 16-949, subsection A ~~and section 16-954, subsection A~~ to the nearest
7 dollar **TO ACCOUNT FOR CUMULATIVE INFLATION SINCE 1998. IF THE SECRETARY OF**
8 **STATE DETERMINES THAT INFLATION SINCE 1998 HAS DECREASED THE VALUE OF THE**
9 **DOLLAR BY ONE-HALF, THE SECRETARY OF STATE SHALL ADJUST THE DOLLAR VALUE IN**
10 **SECTION 16-954, SUBSECTION A TO TEN DOLLARS.** In addition, every two years,
11 the secretary of state shall change the dollar values in section 16-961,
12 subsections G and H in proportion to the change in the number of Arizona
13 resident personal income tax returns filed during the previous calendar year.

14 B. Based on the results of the elections in the year 2002 or any
15 quadrennial election thereafter, and within six months after such election,
16 the commission may adopt rules in a public meeting reallocating funds
17 available to all candidates between the primary and general elections by
18 selecting a fraction for primary election spending limits that is between
19 one-third and one-half of the spending limits for the election as a whole.
20 For each office, the primary election spending limit shall be modified to be
21 the sum of the primary and general spending limits times the selected
22 fraction, and the general election spending limit shall be modified to be the
23 same sum times one less the selected fraction."

24 Renumber to conform

25 Page 1, line 2, strike the quotation marks

26 Lines 11 and 13, strike "_____" insert "six hundred fifteen"

27 Line 15, strike "one thousand twenty-five" insert "six hundred fifteen"

28 Line 19, strike "one thousand"

29 Line 20, strike "twenty-five" insert "six hundred fifteen"

30 Strike lines 23, 24 and 25

31 Page 2, line 1, strike "_____", insert "One thousand six hundred eighty"

1 Page 2, line 2, strike "Two" insert "One"; strike "one" insert "six"; after
2 "hundred" insert "eighty"
3 Strike lines 6, 7 and 8
4 Line 12, strike "thirty-three" insert "twenty-six"
5 Line 13, strike "six" insert "nine"; strike "sixty" insert "seventy-eight"
6 Line 15, strike "twenty-five" insert "twenty"; strike "fifty-six" insert "eight
7 hundred eighty"
8 Line 16, strike "two" insert "one"; strike "eight" insert "sixty-six"; strike
9 "six" insert "eight"
10 Line 17, strike "twenty" insert "ninety-six"
11 Strike lines 18 through 23
12 Renumber to conform
13 Line 25, strike "shall not make" insert "is not limited in the amount of"; after
14 "contributions" strike remainder of line
15 Line 26, strike "fourteen thousand six hundred twenty-five dollars" insert "that
16 may be made"
17 Line 29, after the period strike remainder of line
18 Strike line 30
19 Page 3, line 8, after "is" insert ":"
20 Strike lines 9 and 10, insert:
21 "(a) For governor, one million four hundred fourteen thousand eight
22 hundred ninety-four dollars.
23 (b) For secretary of state and attorney general, four hundred
24 fifty-eight thousand two hundred seventy-seven dollars.
25 (c) For state treasurer, superintendent of public instruction and
26 corporation commission, one hundred eighty-three thousand two hundred ninety
27 dollars.
28 (d) For state mine inspector, ninety-one thousand six hundred
29 seventy-six dollars."
30 Strike line 13, insert "twenty-one thousand four hundred seventy-eight dollars."
31 Line 16, after "hundred" insert "fifteen"
32 Line 24, after "shall" insert "begin on August 1, 2009 and"

Senate Amendments to S.B. 1087

1 Page 3, strike line 29, insert "Sections 7 and 8 of this act, relating to
2 candidates for elections in 2010, are repealed on December 31, 2011."

3 Page 4, line 4, strike the quotation marks

4 Between lines 4 and 5, insert:

5 "Sec. 11. Emergency

6 This act is an emergency measure that is necessary to preserve the
7 public peace, health or safety and is operative immediately as provided by
8 law.'" "

9 Amend title to conform

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