

REFERENCE TITLE: clean elections; due process; discovery

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HB 2592

Introduced by
Representatives Quelland: Ash, Lesko, Murphy

AN ACT

AMENDING SECTION 16-957, 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,
3 section 1, Constitution of Arizona, section 16-957, Arizona Revised Statutes,
4 is amended to read:

5 16-957. Enforcement procedure

6 A. If the commission finds that there is reason to believe that a
7 person has violated any provision of this article, the commission shall serve
8 on that person an order stating with reasonable particularity the nature of
9 the violation and requiring compliance within fourteen days. During that
10 period, the alleged violator may provide any explanation to the commission,
11 comply with the order, ~~or~~ or enter into a public administrative settlement with
12 the commission.

13 B. ~~Upon~~ ON expiration of the fourteen days, if the commission finds
14 that the alleged violator remains out of compliance, the commission shall
15 make a public finding to that effect and issue an order assessing a civil
16 penalty in accordance with section 16-942, unless the commission publishes
17 findings of fact and conclusions of law expressing good cause for reducing or
18 excusing the penalty. The violator has fourteen days from the date of
19 issuance of the order assessing the penalty to appeal to the superior court
20 as provided in title 12, chapter 7, article 6.

21 C. Any candidate in a particular election contest who believes that
22 any opposing candidate has violated this article for that election may file a
23 complaint with the commission requesting that action be taken pursuant to
24 this section. If the commission fails to make a finding under subsection A
25 of this section within thirty days after the filing of such a complaint, the
26 candidate may bring a civil action in the superior court to impose the civil
27 penalties prescribed in this section.

28 D. IN ANY ENFORCEMENT ACTION BY THE COMMISSION AGAINST A PARTICIPATING
29 CANDIDATE, THE PARTICIPATING CANDIDATE IS ENTITLED TO DUE PROCESS OF LAW AND
30 FULL RIGHTS OF DISCOVERY AS IF THE ARIZONA RULES OF CIVIL PROCEDURE APPLIED
31 TO THE ENFORCEMENT ACTION.

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

33 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
34 section 16-957, Arizona Revised Statutes, as amended by this act, is
35 effective only on the affirmative vote of at least three-fourths of the
36 members of each house of the legislature.