

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HOUSE BILL 2156

AN ACT

AMENDING SECTIONS 9-500.14, 11-410, 15-511, 15-1408 AND 15-1633, ARIZONA REVISED STATUTES; REPEALING SECTION 16-192, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 1.1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 16-192; 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. Section 9-500.14, Arizona Revised Statutes, is amended to
3 read:

4 9-500.14. Use of city or town resources or employees to
5 influence elections: prohibition: civil penalty:
6 definitions

7 A. A city or town shall not SPEND OR use its RESOURCES, INCLUDING THE
8 USE OR EXPENDITURE OF MONIES, ACCOUNTS, CREDIT, FACILITIES, VEHICLES,
9 POSTAGE, TELECOMMUNICATIONS, COMPUTER HARDWARE AND SOFTWARE, WEBPAGES,
10 personnel, equipment, materials, buildings or ~~other resources~~ ANY OTHER THING
11 OF VALUE OF THE CITY OR TOWN, for the purpose of influencing the outcomes of
12 elections. Notwithstanding this section, a city or town may distribute
13 informational ~~reports~~ PAMPHLETS on a proposed bond election as provided in
14 section 35-454 IF THOSE INFORMATIONAL PAMPHLETS PRESENT FACTUAL INFORMATION
15 IN A NEUTRAL MANNER. Nothing in this section precludes a city or town from
16 reporting on official actions of the governing body.

17 B. THIS SECTION DOES NOT PROHIBIT THE USE OF CITY OR TOWN RESOURCES,
18 INCLUDING FACILITIES AND EQUIPMENT, FOR GOVERNMENT SPONSORED MEETINGS, FORUMS
19 OR DEBATES IF THE GOVERNMENT SPONSOR REMAINS IMPARTIAL AND THE EVENTS ARE
20 PURELY INFORMATIONAL AND PROVIDE AN EQUAL OPPORTUNITY TO ALL VIEWPOINTS. THE
21 RENTAL AND USE OF A PUBLIC FACILITY BY A PRIVATE PERSON OR ENTITY THAT MAY
22 LAWFULLY ATTEMPT TO INFLUENCE THE OUTCOME OF AN ELECTION IS PERMITTED IF IT
23 DOES NOT OCCUR AT THE SAME TIME AND PLACE AS A GOVERNMENT SPONSORED EVENT.

24 ~~B.~~ C. Employees of a city or town shall not use the authority of
25 their positions to influence the vote or political activities of any
26 subordinate employee.

27 D. THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY OF THE COUNTY IN WHICH
28 AN ALLEGED VIOLATION OF THIS SECTION OCCURRED MAY INITIATE A SUIT IN THE
29 SUPERIOR COURT IN THE COUNTY IN WHICH THE CITY OR TOWN IS LOCATED FOR THE
30 PURPOSE OF COMPLYING WITH THIS SECTION.

31 E. FOR EACH VIOLATION OF THIS SECTION, THE COURT MAY IMPOSE A CIVIL
32 PENALTY NOT TO EXCEED FIVE THOUSAND DOLLARS PLUS ANY AMOUNT OF MISUSED FUNDS
33 SUBTRACTED FROM THE CITY OR TOWN BUDGET AGAINST A PERSON WHO KNOWINGLY
34 VIOLATES OR AIDS ANOTHER PERSON IN VIOLATING THIS SECTION. THE PERSON
35 DETERMINED TO BE OUT OF COMPLIANCE WITH THIS SECTION IS RESPONSIBLE FOR THE
36 PAYMENT OF ALL PENALTIES AND MISUSED FUNDS. CITY OR TOWN FUNDS OR INSURANCE
37 PAYMENTS SHALL NOT BE USED TO PAY THESE PENALTIES OR MISUSED FUNDS. ALL
38 MISUSED FUNDS COLLECTED PURSUANT TO THIS SECTION SHALL BE RETURNED TO THE
39 CITY OR TOWN WHOSE FUNDS WERE MISUSED.

40 ~~C.~~ F. Nothing contained in this section shall be construed as denying
41 the civil and political liberties of any employee as guaranteed by the United
42 States and Arizona Constitutions.

43 G. FOR THE PURPOSES OF THIS SECTION:

44 1. "INFLUENCING THE OUTCOMES OF ELECTIONS" MEANS SUPPORTING OR
45 OPPOSING A CANDIDATE FOR NOMINATION OR ELECTION TO PUBLIC OFFICE OR THE

1 RECALL OF A PUBLIC OFFICER OR SUPPORTING OR OPPOSING A BALLOT MEASURE,
2 QUESTION OR PROPOSITION, INCLUDING ANY BOND, BUDGET OR OVERRIDE ELECTION AND
3 SUPPORTING OR OPPOSING THE CIRCULATION OF A PETITION FOR THE RECALL OF A
4 PUBLIC OFFICER OR A PETITION FOR A BALLOT MEASURE, QUESTION OR PROPOSITION IN
5 ANY MANNER THAT IS NOT IMPARTIAL OR NEUTRAL.

6 2. "MISUSED FUNDS" MEANS CITY OR TOWN MONIES OR RESOURCES USED
7 UNLAWFULLY AS PROSCRIBED BY THIS SECTION.

8 Sec. 2. Section 11-410, Arizona Revised Statutes, is amended to read:

9 ~~11-410.~~ Use of county resources or employees to influence
10 elections; prohibition; civil penalty; definitions

11 A. A county shall not SPEND OR use its RESOURCES, INCLUDING THE USE OR
12 EXPENDITURE OF MONIES, ACCOUNTS, CREDIT, FACILITIES, VEHICLES, POSTAGE,
13 TELECOMMUNICATIONS, COMPUTER HARDWARE AND SOFTWARE, WEBPAGES, personnel,
14 equipment, materials, buildings or ~~other resources~~ ANY OTHER THING OF VALUE,
15 for the purpose of influencing the outcomes of elections. Notwithstanding
16 this section, a county may distribute informational ~~reports~~ PAMPHLETS on a
17 proposed bond election as provided in section 35-454 IF THOSE INFORMATIONAL
18 PAMPHLETS PRESENT FACTUAL INFORMATION IN A NEUTRAL MANNER. Nothing in this
19 section precludes a county from reporting on official actions of the county
20 board of supervisors.

21 B. THIS SECTION DOES NOT PROHIBIT THE USE OF COUNTY RESOURCES,
22 INCLUDING FACILITIES AND EQUIPMENT, FOR GOVERNMENT SPONSORED MEETINGS, FORUMS
23 OR DEBATES IF THE GOVERNMENT SPONSOR REMAINS IMPARTIAL AND THE EVENTS ARE
24 PURELY INFORMATIONAL AND PROVIDE AN EQUAL OPPORTUNITY TO ALL VIEWPOINTS. THE
25 RENTAL AND USE OF A PUBLIC FACILITY BY A PRIVATE PERSON OR ENTITY THAT MAY
26 LAWFULLY ATTEMPT TO INFLUENCE THE OUTCOME OF AN ELECTION IS PERMITTED IF IT
27 DOES NOT OCCUR AT THE SAME TIME AND PLACE AS A GOVERNMENT SPONSORED EVENT.

28 ~~B-~~ C. Employees of a county shall not use the authority of their
29 positions to influence the vote or political activities of any subordinate
30 employee.

31 D. THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY OF THE COUNTY IN WHICH
32 AN ALLEGED VIOLATION OF THIS SECTION OCCURRED MAY INITIATE A SUIT IN THE
33 SUPERIOR COURT IN THE COUNTY IN WHICH THE ALLEGED VIOLATION OCCURRED FOR THE
34 PURPOSE OF COMPLYING WITH THIS SECTION.

35 E. FOR EACH VIOLATION OF THIS SECTION, THE COURT MAY IMPOSE A CIVIL
36 PENALTY NOT TO EXCEED FIVE THOUSAND DOLLARS PLUS ANY AMOUNT OF MISUSED FUNDS
37 SUBTRACTED FROM THE COUNTY BUDGET AGAINST A PERSON WHO KNOWINGLY VIOLATES OR
38 AIDS ANOTHER PERSON IN VIOLATING THIS SECTION. THE PERSON DETERMINED TO BE
39 OUT OF COMPLIANCE WITH THIS SECTION IS RESPONSIBLE FOR THE PAYMENT OF ALL
40 PENALTIES AND MISUSED FUNDS. COUNTY FUNDS OR INSURANCE PAYMENTS SHALL NOT BE
41 USED TO PAY THESE PENALTIES OR MISUSED FUNDS. ALL MISUSED FUNDS COLLECTED
42 PURSUANT TO THIS SECTION SHALL BE RETURNED TO THE COUNTY WHOSE FUNDS WERE
43 MISUSED.

1 ~~C.~~ F. Nothing contained in this section shall be construed as denying
2 the civil and political liberties of any employee as guaranteed by the United
3 States and Arizona Constitutions.

4 G. FOR THE PURPOSES OF THIS SECTION:

5 1. "INFLUENCING THE OUTCOMES OF ELECTIONS" MEANS SUPPORTING OR
6 OPPOSING A CANDIDATE FOR NOMINATION OR ELECTION TO PUBLIC OFFICE OR THE
7 RECALL OF A PUBLIC OFFICER OR SUPPORTING OR OPPOSING A BALLOT MEASURE,
8 QUESTION OR PROPOSITION, INCLUDING ANY BOND, BUDGET OR OVERRIDE ELECTION AND
9 SUPPORTING OR OPPOSING THE CIRCULATION OF A PETITION FOR THE RECALL OF A
10 PUBLIC OFFICER OR A PETITION FOR A BALLOT MEASURE, QUESTION OR PROPOSITION IN
11 ANY MANNER THAT IS NOT IMPARTIAL OR NEUTRAL.

12 2. "MISUSED FUNDS" MEANS COUNTY MONIES OR RESOURCES USED UNLAWFULLY AS
13 PROSCRIBED BY THIS SECTION.

14 Sec. 3. Section 15-511, Arizona Revised Statutes, is amended to read:

15 15-511. Use of school district or charter school resources or
16 employees to influence elections; prohibition; civil
17 penalty; definitions

18 A. A person acting on behalf of a school district or a person who aids
19 another person acting on behalf of a school district shall not SPEND OR use
20 school district or charter school RESOURCES, INCLUDING THE USE OR EXPENDITURE
21 OF MONIES, ACCOUNTS, CREDIT, FACILITIES, VEHICLES, POSTAGE,
22 TELECOMMUNICATIONS, COMPUTER HARDWARE AND SOFTWARE, WEBPAGES, personnel,
23 equipment, materials, buildings or ~~other resources~~ ANY OTHER THING OF VALUE
24 OF THE SCHOOL DISTRICT OR CHARTER SCHOOL for the purpose of influencing the
25 outcomes of elections. Notwithstanding this section, a school district may
26 distribute informational reports on a proposed budget override election as
27 provided in section 15-481, subsections B and C or informational reports on a
28 proposed bond election as provided in section 15-491, subsection D IF THOSE
29 INFORMATIONAL REPORTS PRESENT FACTUAL INFORMATION IN A NEUTRAL MANNER, EXCEPT
30 FOR THOSE ARGUMENTS PRESENTED AS PRESCRIBED IN SECTION 15-481, SUBSECTION B,
31 PARAGRAPH 9. Nothing in this section precludes a school district from
32 reporting on official actions of the governing board.

33 B. THIS SECTION DOES NOT PROHIBIT THE USE OF SCHOOL DISTRICT OR
34 CHARTER SCHOOL RESOURCES, INCLUDING FACILITIES AND EQUIPMENT, FOR GOVERNMENT
35 SPONSORED MEETINGS, FORUMS OR DEBATES IF THE GOVERNMENT SPONSOR REMAINS
36 IMPARTIAL AND THE EVENTS ARE PURELY INFORMATIONAL AND PROVIDE AN EQUAL
37 OPPORTUNITY TO ALL VIEWPOINTS. THE RENTAL AND USE OF A PUBLIC FACILITY BY A
38 PRIVATE PERSON OR ENTITY THAT MAY LAWFULLY ATTEMPT TO INFLUENCE THE OUTCOME
39 OF AN ELECTION IS PERMITTED IF IT DOES NOT OCCUR AT THE SAME TIME AND PLACE
40 AS A GOVERNMENT SPONSORED EVENT.

41 ~~B.~~ C. An employee of a school district or charter school who is
42 acting as an agent of or working in an official capacity for the school
43 district or charter school may not give pupils written materials to influence
44 the outcome of an election or to advocate support for or opposition to
45 pending or proposed legislation.

~~C.~~ D. Employees of a school district or charter school may not use the authority of their positions to influence the vote or political activities of any subordinate employee.

~~D.~~ E. Notwithstanding section 15-342, paragraph 8, a school district shall not spend monies for membership in an association that attempts to influence the outcome of an election.

~~E.~~ F. Nothing contained in this section shall be construed as denying the civil and political liberties of any person as guaranteed by the United States and Arizona Constitutions.

~~F.~~ G. The attorney general shall publish and distribute to school districts and charter schools a detailed guideline regarding activities prohibited under this section. The attorney general may distribute these guidelines through a website or electronically.

~~G.~~ H. The attorney general or the county attorney for the county in which an alleged violation of this section occurred may initiate a suit in the superior court in the county in which the school district or charter school is located for the purpose of complying with this section.

~~H.~~ I. For each violation of this section, the court may impose a civil penalty not to exceed five ~~hundred~~ THOUSAND dollars plus any amount of misused funds subtracted from the school district budget against a person who knowingly violates or a person who knowingly aids another person in violating this section. The person determined to be out of compliance with this section shall be responsible for the payment of all penalties and misused funds. School district funds or insurance payments shall not be used to pay these penalties or misused funds. All misused funds collected pursuant to this section shall be returned to the school district or charter school whose funds were misused.

~~I.~~ J. An attorney acting on behalf of a public school may request a legal opinion of the county attorney or attorney general as to whether a proposed use of school district resources would violate this section.

~~J.~~ K. All penalties collected by the court for a suit initiated in superior court by the attorney general shall be paid to the office of the attorney general for the use and reimbursement of costs of prosecution pursuant to this section. All penalties collected by the court for a suit initiated in superior court by a county attorney shall be paid to the county treasurer of the county in which the court is held for the use and reimbursement of costs of prosecution pursuant to this section.

~~K.~~ L. For the purposes of this section, ~~—~~:

1. "INFLUENCING THE OUTCOMES OF ELECTIONS" MEANS SUPPORTING OR OPPOSING A CANDIDATE FOR NOMINATION OR ELECTION TO PUBLIC OFFICE OR THE RECALL OF A PUBLIC OFFICER OR SUPPORTING OR OPPOSING A BALLOT MEASURE, QUESTION OR PROPOSITION, INCLUDING ANY BOND, BUDGET OR OVERRIDE ELECTION AND SUPPORTING OR OPPOSING THE CIRCULATION OF A PETITION FOR THE RECALL OF A PUBLIC OFFICER OR A PETITION FOR A BALLOT MEASURE, QUESTION OR PROPOSITION IN ANY MANNER THAT IS NOT IMPARTIAL OR NEUTRAL.

1 2. "Misused funds" means school district monies or resources used
2 UNLAWFULLY pursuant to ~~subsection A of~~ this section.

3 Sec. 4. Section 15-1408, Arizona Revised Statutes, is amended to read:
4 15-1408. Use of community college district resources or
5 employees to influence elections; prohibition; civil
6 penalty; definitions

7 A. A person acting on behalf of a community college district or a
8 person who aids another person acting on behalf of a community college
9 district shall not SPEND OR use community college district RESOURCES,
10 INCLUDING THE USE OR EXPENDITURE OF MONIES, ACCOUNTS, CREDIT, FACILITIES,
11 VEHICLES, POSTAGE, TELECOMMUNICATIONS, COMPUTER HARDWARE AND SOFTWARE,
12 WEBPAGES, personnel, equipment, materials, buildings or ~~other resources~~ ANY
13 OTHER THING OF VALUE OF THE COMMUNITY COLLEGE DISTRICT for the purpose of
14 influencing the outcomes of elections. Notwithstanding this section, a
15 community college district may distribute informational pamphlets on a
16 proposed bond election as provided in section 35-454 IF THOSE INFORMATIONAL
17 REPORTS PRESENT FACTUAL INFORMATION IN A NEUTRAL MANNER. Nothing in this
18 section precludes a community college district from reporting on official
19 actions of the governing board.

20 B. THIS SECTION DOES NOT PROHIBIT THE USE OF COMMUNITY COLLEGE
21 RESOURCES, INCLUDING FACILITIES AND EQUIPMENT, FOR GOVERNMENT SPONSORED
22 MEETINGS, FORUMS OR DEBATES IF THE GOVERNMENT SPONSOR REMAINS IMPARTIAL AND
23 THE EVENTS ARE PURELY INFORMATIONAL AND PROVIDE AN EQUAL OPPORTUNITY TO ALL
24 VIEWPOINTS. THE RENTAL AND USE OF A COMMUNITY COLLEGE DISTRICT FACILITY BY A
25 PRIVATE PERSON OR ENTITY THAT MAY LAWFULLY ATTEMPT TO INFLUENCE THE OUTCOME
26 OF AN ELECTION IS PERMITTED IF IT DOES NOT OCCUR AT THE SAME TIME AND PLACE
27 AS A GOVERNMENT SPONSORED EVENT.

28 ~~B.~~ C. Employees of a community college district may not use the
29 authority of their positions to influence the vote or political activities of
30 any subordinate employee.

31 ~~C.~~ D. This section does not prohibit community college districts from
32 permitting student political organizations of political parties, including
33 those that are recognized pursuant to sections 16-801, 16-802 and 16-803, to
34 conduct lawful meetings in community college buildings or on community
35 college grounds, except as prescribed in subsection A of this section. Each
36 student political organization that is allowed to conduct lawful meetings on
37 community college property shall have equal access as any other student
38 political organization that is allowed to conduct lawful meetings on
39 community college property.

40 ~~D.~~ E. Nothing contained in this section shall be construed as denying
41 the civil and political liberties of any person as guaranteed by the United
42 States and Arizona Constitutions.

43 ~~E.~~ F. ~~By January 1, 2006,~~ The attorney general shall publish and
44 distribute to community colleges a detailed guideline regarding activities

1 prohibited under this section. The attorney general may distribute these
2 guidelines through a web site or electronically.

3 ~~F.~~ G. The attorney general or the county attorney for the county in
4 which an alleged violation of this section occurred may serve on the person
5 an order requiring compliance with this section and may assess a civil
6 penalty of not more than five ~~hundred~~ THOUSAND dollars per violation, plus
7 any amount of misused funds subtracted from the community college district
8 budget against a person who violates or a person who aids another person in
9 violating this section. The person determined to be out of compliance with
10 this section shall be responsible for the payment of all penalties and
11 misused funds. Community college funds or insurance payments shall not be
12 used to pay these penalties or misused funds. All misused funds collected
13 pursuant to this section shall be returned to the community college district
14 whose funds were misused.

15 ~~G.~~ H. An attorney acting on behalf of a community college district
16 may request a legal opinion of the county attorney or attorney general as to
17 whether a proposed use of community college resources would violate this
18 section.

19 ~~H.~~ I. All penalties collected by the court for a suit initiated in
20 superior court by the attorney general shall be paid to the office of the
21 attorney general for the use and reimbursement of costs of prosecution
22 pursuant to this section. All penalties collected by the court for a suit
23 initiated in superior court by a county attorney shall be paid to the county
24 treasurer of the county in which the court is held for the use and
25 reimbursement of costs of prosecution pursuant to this section.

26 ~~I.~~ J. For the purposes of this section, ~~—~~:

27 1. "INFLUENCING THE OUTCOMES OF ELECTIONS" MEANS SUPPORTING OR
28 OPPOSING A CANDIDATE FOR NOMINATION OR ELECTION TO PUBLIC OFFICE OR THE
29 RECALL OF A PUBLIC OFFICER OR SUPPORTING OR OPPOSING A BALLOT MEASURE,
30 QUESTION OR PROPOSITION, INCLUDING ANY BOND, BUDGET OR OVERRIDE ELECTION AND
31 SUPPORTING OR OPPOSING THE CIRCULATION OF A PETITION FOR THE RECALL OF A
32 PUBLIC OFFICER OR A PETITION FOR A BALLOT MEASURE, QUESTION OR PROPOSITION IN
33 ANY MANNER THAT IS NOT IMPARTIAL OR NEUTRAL.

34 2. "Misused funds" means community college district monies or
35 resources used UNLAWFULLY pursuant to ~~subsection A of~~ this section.

36 Sec. 5. Section 15-1633, Arizona Revised Statutes, is amended to read:

37 15-1633. Use of university resources or employees to influence
38 elections; prohibition; civil penalty; definitions

39 A. A person acting on behalf of a university or a person who aids
40 another person acting on behalf of a university shall not SPEND OR use
41 university RESOURCES, INCLUDING THE USE OR EXPENDITURE OF MONIES, ACCOUNTS,
42 CREDIT, FACILITIES, VEHICLES, POSTAGE, TELECOMMUNICATIONS, COMPUTER HARDWARE
43 AND SOFTWARE, WEBPAGES, personnel, equipment, materials, buildings or ~~other~~
44 ~~resources~~ ANY OTHER THING OF VALUE OF THE UNIVERSITY for the purpose of
45 influencing the outcomes of elections or to advocate support for or

1 opposition to pending or proposed legislation. Notwithstanding this section,
2 a university may distribute informational pamphlets on a proposed bond
3 election as provided in section 35-454 IF THOSE INFORMATIONAL PAMPHLETS
4 PRESENT FACTUAL INFORMATION IN A NEUTRAL MANNER. This section does not
5 preclude any of the following:

6 1. A university from reporting on official actions of the university
7 or the Arizona board of regents.

8 2. A registered lobbyist from advocating on behalf of the university
9 or the Arizona board of regents.

10 3. An employee of a university using personal time and resources from
11 influencing the outcomes of elections or from advocating support for or
12 opposition to pending or proposed legislation if the employee does not use
13 university personnel, equipment, materials, buildings or other resources for
14 these purposes.

15 4. Any university employee from providing classroom instruction on
16 matters relating to politics, elections, laws, ballot measures, candidates
17 for public office and pending or proposed legislation.

18 5. THE USE OF UNIVERSITY RESOURCES, INCLUDING FACILITIES AND
19 EQUIPMENT, FOR GOVERNMENT SPONSORED MEETINGS, FORUMS OR DEBATES IF THE
20 SPONSOR REMAINS IMPARTIAL AND THE EVENTS ARE PURELY INFORMATIONAL AND PROVIDE
21 AN EQUAL OPPORTUNITY TO ALL VIEWPOINTS. THE RENTAL AND USE OF A UNIVERSITY
22 FACILITY BY A PRIVATE PERSON OR ENTITY THAT MAY LAWFULLY ATTEMPT TO INFLUENCE
23 THE OUTCOME OF AN ELECTION IS PERMITTED IF IT DOES NOT OCCUR AT THE SAME TIME
24 AND PLACE AS A GOVERNMENT SPONSORED EVENT.

25 B. Employees of a university may not use the authority of their
26 positions to influence the vote or political activities of any subordinate
27 employee.

28 C. This section does not prohibit universities from permitting student
29 political organizations of political parties, including those that are
30 recognized pursuant to sections 16-801, 16-802 and 16-803, to conduct lawful
31 meetings in university buildings or on university grounds, except as
32 prescribed in subsection A of this section. Each student political
33 organization that is allowed to conduct lawful meetings on university
34 property shall have equal access as any other student political organization
35 that is allowed to conduct lawful meetings on university property.

36 D. This section shall not be construed as denying the civil and
37 political liberties of any person as guaranteed by the United States and
38 Arizona Constitutions.

39 E. Except as provided in subsection F of this section, universities
40 under the jurisdiction of the Arizona board of regents may not:

41 1. Provide publicly funded programs, scholarships or courses if the
42 purpose of the program, scholarship or course is to advocate for a specified
43 public policy.

44 2. Allow publicly funded organizations, institutes or centers to
45 operate on the campus of the university or on behalf of or in association

1 with the university if the purpose of the organization, institute or center
2 is to advocate for a specified public policy.

3 F. Subsection E of this section does not apply to:

4 1. A registered lobbyist who advocates on behalf of the university or
5 the Arizona board of regents and other employees assisting such lobbyists in
6 their official capacity.

7 2. Any university employee who expresses a personal opinion on a
8 political or policy issue, regardless of whether that opinion is expressed
9 inside or outside the classroom.

10 3. Print or electronic media produced by students who are enrolled at
11 a university.

12 4. A recognized student government, club or organization of students
13 who are enrolled at a university.

14 5. Any university employee who is appointed to a government board,
15 commission or advisory panel who provides expert testimony or guidance on
16 public policy.

17 6. The publication of reports or the hosting of seminars or guest
18 speakers by the university that recommends public policy.

19 7. Researching, teaching and service activities of university
20 employees that involve the study, discussion, intellectual exercise, debate
21 or presentation of information that recommends public policy.

22 8. Any other type of advocacy that is allowed by law.

23 G. The attorney general shall publish and distribute to the Arizona
24 board of regents a detailed guideline regarding activities prohibited under
25 this section. The attorney general may distribute these guidelines through a
26 website or electronically.

27 H. The attorney general or the county attorney for the county in which
28 an alleged violation of this section occurred may serve on the person an
29 order requiring compliance with this section and may assess a civil penalty
30 of not more than five ~~hundred~~ THOUSAND dollars per violation, plus any amount
31 of misused funds subtracted from the university budget against a person who
32 violates or a person who aids another person in violating this section. The
33 person determined to be out of compliance with this section shall be
34 responsible for the payment of all penalties and misused funds. University
35 funds or insurance payments shall not be used to pay these penalties or
36 misused funds. All misused funds collected pursuant to this section shall be
37 returned to the university whose funds were misused.

38 I. An attorney acting on behalf of a university may request a legal
39 opinion of the attorney general as to whether a proposed use of university
40 resources would violate this section.

41 J. All penalties collected by the court for a suit initiated in
42 superior court by the attorney general shall be paid to the office of the
43 attorney general for the use and reimbursement of costs of prosecution
44 pursuant to this section. All penalties collected by the court for a suit
45 initiated in superior court by a county attorney shall be paid to the county

1 treasurer of the county in which the court is held for the use and
2 reimbursement of costs of prosecution pursuant to this section.

3 K. For the purposes of this section, ~~—~~:

4 1. "INFLUENCING THE OUTCOMES OF ELECTIONS" MEANS SUPPORTING OR
5 OPPOSING A CANDIDATE FOR NOMINATION OR ELECTION TO PUBLIC OFFICE OR THE
6 RECALL OF A PUBLIC OFFICER OR SUPPORTING OR OPPOSING A BALLOT MEASURE,
7 QUESTION OR PROPOSITION, INCLUDING ANY BOND, BUDGET OR OVERRIDE ELECTION AND
8 SUPPORTING OR OPPOSING THE CIRCULATION OF A PETITION FOR THE RECALL OF A
9 PUBLIC OFFICER OR A PETITION FOR A BALLOT MEASURE, QUESTION OR PROPOSITION IN
10 ANY MANNER THAT IS NOT IMPARTIAL OR NEUTRAL.

11 2. "Misused funds" means university monies or resources used
12 UNLAWFULLY pursuant to ~~subsection A of~~ this section.

13 Sec. 6. Repeal

14 Section 16-192, Arizona Revised Statutes, is repealed.

15 Sec. 7. Title 16, chapter 1.1, article 1, Arizona Revised Statutes, is
16 amended by adding a new section 16-192, to read:

17 16-192. Use of state, special district resources to influence
18 elections; prohibition; civil penalties; definition

19 A. NOTWITHSTANDING ANY OTHER LAW, THIS STATE AND SPECIAL TAXING
20 DISTRICTS AND ANY PUBLIC AGENCY, DEPARTMENT, BOARD, COMMISSION, COMMITTEE,
21 COUNCIL OR AUTHORITY SHALL NOT SPEND OR USE PUBLIC RESOURCES TO INFLUENCE AN
22 ELECTION, INCLUDING THE USE OR EXPENDITURE OF MONIES, ACCOUNTS, CREDIT,
23 MATERIALS, EQUIPMENT, BUILDINGS, FACILITIES, VEHICLES, POSTAGE,
24 TELECOMMUNICATIONS, COMPUTER HARDWARE AND SOFTWARE, WEBPAGES AND PERSONNEL
25 AND ANY OTHER THING OF VALUE OF THE PUBLIC ENTITY.

26 B. THIS SECTION DOES NOT PROHIBIT:

27 1. THE USE OF PUBLIC RESOURCES, INCLUDING FACILITIES AND EQUIPMENT,
28 FOR GOVERNMENT SPONSORED MEETINGS, FORUMS OR DEBATES IF THE GOVERNMENT
29 SPONSOR REMAINS IMPARTIAL AND THE EVENTS ARE PURELY INFORMATIONAL AND PROVIDE
30 AN EQUAL OPPORTUNITY TO ALL VIEWPOINTS. THE RENTAL AND USE OF A PUBLIC
31 FACILITY BY A PRIVATE PERSON OR ENTITY THAT MAY LAWFULLY ATTEMPT TO INFLUENCE
32 THE OUTCOME OF AN ELECTION IS PERMITTED IF IT DOES NOT OCCUR AT THE SAME TIME
33 AND PLACE AS A GOVERNMENT SPONSORED EVENT.

34 2. THE PRESENTATION OF FACTUAL INFORMATION IN A NEUTRAL MANNER FOR THE
35 PURPOSES OF EDUCATING AND INFORMING VOTERS AS OTHERWISE PROVIDED BY LAW,
36 INCLUDING INFORMATION ON A BOND, BUDGET, OVERRIDE, CANDIDATE OR OTHER TYPE OF
37 ELECTION AND INCLUDING PUBLICATIONS AND ACTIVITIES OTHERWISE PRESCRIBED BY
38 CHAPTER 6, ARTICLE 2 OF THIS TITLE FOR THE CITIZENS CLEAN ELECTIONS
39 COMMISSION.

40 C. THE ATTORNEY GENERAL, THE COUNTY ATTORNEY FOR THE COUNTY IN WHICH
41 AN ALLEGED VIOLATION OF THIS SECTION OCCURS OR ANY RESIDENT OF THE
42 JURISDICTION THAT IS ALLEGED TO HAVE COMMITTED A VIOLATION OF THIS SECTION
43 MAY FILE AN ACTION IN THE SUPERIOR COURT TO ENFORCE THIS SECTION.

44 D. ANY PERSON OR PUBLIC ENTITY THAT KNOWINGLY VIOLATES THIS SECTION OR
45 THAT KNOWINGLY AIDS ANOTHER PERSON OR PUBLIC ENTITY IN VIOLATING THIS SECTION

1 IS LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN FIVE THOUSAND DOLLARS FOR EACH
2 VIOLATION. THE COURT ALSO MAY ORDER THE PERSON OR PUBLIC ENTITY IN VIOLATION
3 TO PAY AN ADDITIONAL PENALTY IN AN AMOUNT THAT EQUALS THE VALUE OF THE PUBLIC
4 RESOURCES UNLAWFULLY USED. THE CIVIL PENALTIES SHALL BE PAID AS FOLLOWS:

5 1. FOR CIVIL PENALTIES ORDERED IN AN ACTION FILED BY THE ATTORNEY
6 GENERAL, TO THE OFFICE OF THE ATTORNEY GENERAL TO DEFRAY THE COSTS OF
7 ENFORCEMENT.

8 2. FOR CIVIL PENALTIES ORDERED IN AN ACTION FILED BY THE COUNTY
9 ATTORNEY, TO THE OFFICE OF THE COUNTY TREASURER FOR DEPOSIT INTO THE GENERAL
10 FUND OF THE COUNTY.

11 3. FOR CIVIL PENALTIES ORDERED IN AN ACTION FILED BY A RESIDENT OF THE
12 JURISDICTION IN VIOLATION, TO THE RESIDENT.

13 E. THIS SECTION DOES NOT DENY THE CIVIL AND POLITICAL LIBERTIES OF ANY
14 PERSON AS GUARANTEED BY THE UNITED STATES AND ARIZONA CONSTITUTIONS.

15 F. WITH RESPECT TO SPECIAL TAXING DISTRICTS, THIS SECTION APPLIES ONLY
16 TO THOSE SPECIAL TAXING DISTRICTS THAT ARE ORGANIZED PURSUANT TO TITLE 48,
17 CHAPTERS 5, 6, 8, 10, 13, 14, 15 AND 16.

18 G. FOR THE PURPOSES OF THIS SECTION, "INFLUENCE AN ELECTION" MEANS
19 SUPPORTING OR OPPOSING A CANDIDATE FOR NOMINATION OR ELECTION TO PUBLIC
20 OFFICE OR THE RECALL OF A PUBLIC OFFICER OR SUPPORTING OR OPPOSING A BALLOT
21 MEASURE, QUESTION OR PROPOSITION, INCLUDING ANY BOND, BUDGET OR OVERRIDE
22 ELECTION AND SUPPORTING OR OPPOSING THE CIRCULATION OF A PETITION FOR THE
23 RECALL OF A PUBLIC OFFICER OR A PETITION FOR A BALLOT MEASURE, QUESTION OR
24 PROPOSITION IN ANY MANNER THAT IS NOT IMPARTIAL OR NEUTRAL.