

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 FORUMS OR  
19 DEBATES IF THE GOVERNMENT SPONSOR REMAINS IMPARTIAL AND THE EVENTS ARE PURELY  
20 INFORMATIONAL AND PROVIDE AN EQUAL OPPORTUNITY TO ALL VIEWPOINTS. THE RENTAL  
21 AND USE OF A PUBLIC FACILITY BY A PRIVATE PERSON OR ENTITY THAT MAY LAWFULLY  
22 ATTEMPT TO INFLUENCE THE OUTCOME OF AN ELECTION IS PERMITTED IF IT DOES NOT  
23 OCCUR AT THE SAME TIME AND PLACE AS A GOVERNMENT-SPONSORED FORUM OR DEBATE.

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 ~~E-~~ 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:

1 1. "GOVERNMENT-SPONSORED FORUM OR DEBATE" MEANS ANY EVENT, OR PART OF  
2 AN EVENT OR MEETING, IN WHICH THE GOVERNMENT IS AN OFFICIAL SPONSOR, WHICH IS  
3 OPEN TO THE PUBLIC OR TO INVITED MEMBERS OF THE PUBLIC, AND WHOSE PURPOSE IS  
4 TO INFORM THE PUBLIC ABOUT AN ISSUE OR PROPOSITION THAT IS BEFORE THE VOTERS.

5 2. "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 3. "MISUSED FUNDS" MEANS CITY OR TOWN MONIES OR RESOURCES USED  
13 UNLAWFULLY AS PROSCRIBED BY THIS SECTION.

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

15 11-410. Use of county resources or employees to influence  
16 elections; prohibition; civil penalty; definitions

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

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

34 ~~B.~~ C. Employees of a county shall not use the authority of their  
35 positions to influence the vote or political activities of any subordinate  
36 employee.

37 D. THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY OF THE COUNTY IN WHICH  
38 AN ALLEGED VIOLATION OF THIS SECTION OCCURRED MAY INITIATE A SUIT IN THE  
39 SUPERIOR COURT IN THE COUNTY IN WHICH THE ALLEGED VIOLATION OCCURRED FOR THE  
40 PURPOSE OF COMPLYING WITH THIS SECTION.

41 E. FOR EACH VIOLATION OF THIS SECTION, THE COURT MAY IMPOSE A CIVIL  
42 PENALTY NOT TO EXCEED FIVE THOUSAND DOLLARS PLUS ANY AMOUNT OF MISUSED FUNDS  
43 SUBTRACTED FROM THE COUNTY BUDGET AGAINST A PERSON WHO KNOWINGLY VIOLATES OR  
44 AIDS ANOTHER PERSON IN VIOLATING THIS SECTION. THE PERSON DETERMINED TO BE

1 OUT OF COMPLIANCE WITH THIS SECTION IS RESPONSIBLE FOR THE PAYMENT OF ALL  
2 PENALTIES AND MISUSED FUNDS. COUNTY FUNDS OR INSURANCE PAYMENTS SHALL NOT BE  
3 USED TO PAY THESE PENALTIES OR MISUSED FUNDS. ALL MISUSED FUNDS COLLECTED  
4 PURSUANT TO THIS SECTION SHALL BE RETURNED TO THE COUNTY WHOSE FUNDS WERE  
5 MISUSED.

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

9 G. FOR THE PURPOSES OF THIS SECTION:

10 1. "GOVERNMENT-SPONSORED FORUM OR DEBATE" MEANS ANY EVENT, OR PART OF  
11 AN EVENT OR MEETING, IN WHICH THE GOVERNMENT IS AN OFFICIAL SPONSOR, WHICH IS  
12 OPEN TO THE PUBLIC OR TO INVITED MEMBERS OF THE PUBLIC, AND WHOSE PURPOSE IS  
13 TO INFORM THE PUBLIC ABOUT AN ISSUE OR PROPOSITION THAT IS BEFORE THE VOTERS.

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

21 3. "MISUSED FUNDS" MEANS COUNTY MONIES OR RESOURCES USED UNLAWFULLY AS  
22 PROSCRIBED BY THIS SECTION.

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

24 15-511. Use of school district or charter school resources or  
25 employees to influence elections: prohibition: civil  
26 penalty: definitions

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

42 B. THIS SECTION DOES NOT PROHIBIT THE USE OF SCHOOL DISTRICT OR  
43 CHARTER SCHOOL RESOURCES, INCLUDING FACILITIES AND EQUIPMENT, FOR  
44 GOVERNMENT-SPONSORED FORUMS OR DEBATES IF THE GOVERNMENT SPONSOR REMAINS

1 IMPARTIAL AND THE EVENTS ARE PURELY INFORMATIONAL AND PROVIDE AN EQUAL  
2 OPPORTUNITY TO ALL VIEWPOINTS. THE RENTAL AND USE OF A PUBLIC FACILITY BY A  
3 PRIVATE PERSON OR ENTITY THAT MAY LAWFULLY ATTEMPT TO INFLUENCE THE OUTCOME  
4 OF AN ELECTION IS PERMITTED IF IT DOES NOT OCCUR AT THE SAME TIME AND PLACE  
5 AS A GOVERNMENT-SPONSORED FORUM OR DEBATE.

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

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

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

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

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

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

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

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

41 ~~J.~~ K. 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

1 initiated in superior court by a county attorney shall be paid to the county  
2 treasurer of the county in which the court is held for the use and  
3 reimbursement of costs of prosecution pursuant to this section.

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

5 1. "GOVERNMENT-SPONSORED FORUM OR DEBATE" MEANS ANY EVENT, OR PART OF  
6 AN EVENT OR MEETING, IN WHICH THE GOVERNMENT IS AN OFFICIAL SPONSOR, WHICH IS  
7 OPEN TO THE PUBLIC OR TO INVITED MEMBERS OF THE PUBLIC, AND WHOSE PURPOSE IS  
8 TO INFORM THE PUBLIC ABOUT AN ISSUE OR PROPOSITION THAT IS BEFORE THE VOTERS.

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

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

18 Sec. 4. Section 15-1408, Arizona Revised Statutes, is amended to read:

19 15-1408. Use of community college district resources or  
20 employees to influence elections; prohibition; civil  
21 penalty; definitions

22 A. A person acting on behalf of a community college district or a  
23 person who aids another person acting on behalf of a community college  
24 district shall not SPEND OR use community college district RESOURCES,  
25 INCLUDING THE USE OR EXPENDITURE OF MONIES, ACCOUNTS, CREDIT, FACILITIES,  
26 VEHICLES, POSTAGE, TELECOMMUNICATIONS, COMPUTER HARDWARE AND SOFTWARE,  
27 WEBPAGES, personnel, equipment, materials, buildings or ~~other resources~~ ANY  
28 OTHER THING OF VALUE OF THE COMMUNITY COLLEGE DISTRICT for the purpose of  
29 influencing the outcomes of elections. Notwithstanding this section, a  
30 community college district may distribute informational pamphlets on a  
31 proposed bond election as provided in section 35-454 IF THOSE INFORMATIONAL  
32 REPORTS PRESENT FACTUAL INFORMATION IN A NEUTRAL MANNER. Nothing in this  
33 section precludes a community college district from reporting on official  
34 actions of the governing board.

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

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

4           ~~C.~~ D. This section does not prohibit community college districts from  
5 permitting student political organizations of political parties, including  
6 those that are recognized pursuant to sections 16-801, 16-802 and 16-803, to  
7 conduct lawful meetings in community college buildings or on community  
8 college grounds, except as prescribed in subsection A of this section. Each  
9 student political organization that is allowed to conduct lawful meetings on  
10 community college property shall have equal access as any other student  
11 political organization that is allowed to conduct lawful meetings on  
12 community college property.

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

16           ~~E.~~ F. ~~By January 1, 2006,~~ The attorney general shall publish and  
17 distribute to community colleges a detailed guideline regarding activities  
18 prohibited under this section. The attorney general may distribute these  
19 guidelines through a web site or electronically.

20           ~~F.~~ G. The attorney general or the county attorney for the county in  
21 which an alleged violation of this section occurred may serve on the person  
22 an order requiring compliance with this section and may assess a civil  
23 penalty of not more than five ~~hundred~~ THOUSAND dollars per violation, plus  
24 any amount of misused funds subtracted from the community college district  
25 budget against a person who violates or a person who aids another person in  
26 violating this section. The person determined to be out of compliance with  
27 this section shall be responsible for the payment of all penalties and  
28 misused funds. Community college funds or insurance payments shall not be  
29 used to pay these penalties or misused funds. All misused funds collected  
30 pursuant to this section shall be returned to the community college district  
31 whose funds were misused.

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

36           ~~H.~~ I. All penalties collected by the court for a suit initiated in  
37 superior court by the attorney general shall be paid to the office of the  
38 attorney general for the use and reimbursement of costs of prosecution  
39 pursuant to this section. All penalties collected by the court for a suit  
40 initiated in superior court by a county attorney shall be paid to the county  
41 treasurer of the county in which the court is held for the use and  
42 reimbursement of costs of prosecution pursuant to this section.

43           ~~I.~~ J. For the purposes of this section, ~~;~~:

1           1. "GOVERNMENT-SPONSORED FORUM OR DEBATE" MEANS ANY EVENT, OR PART OF  
2 AN EVENT OR MEETING, IN WHICH THE GOVERNMENT IS AN OFFICIAL SPONSOR, WHICH IS  
3 OPEN TO THE PUBLIC OR TO INVITED MEMBERS OF THE PUBLIC, AND WHOSE PURPOSE IS  
4 TO INFORM THE PUBLIC ABOUT AN ISSUE OR PROPOSITION THAT IS BEFORE THE VOTERS.

5           2. "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           3. "Misused funds" means community college district monies or  
13 resources used UNLAWFULLY pursuant to ~~subsection A of~~ this section.

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

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

17           A. A person acting on behalf of a university or a person who aids  
18 another person acting on behalf of a university shall not SPEND OR use  
19 university RESOURCES, INCLUDING THE USE OR EXPENDITURE OF MONIES, ACCOUNTS,  
20 CREDIT, FACILITIES, VEHICLES, POSTAGE, TELECOMMUNICATIONS, COMPUTER HARDWARE  
21 AND SOFTWARE, WEBPAGES, personnel, equipment, materials, buildings or ~~other~~  
22 ~~resources~~ ANY OTHER THING OF VALUE OF THE UNIVERSITY for the purpose of  
23 influencing the outcomes of elections or to advocate support for or  
24 opposition to pending or proposed legislation. Notwithstanding this section,  
25 a university may distribute informational pamphlets on a proposed bond  
26 election as provided in section 35-454 IF THOSE INFORMATIONAL PAMPHLETS  
27 PRESENT FACTUAL INFORMATION IN A NEUTRAL MANNER. This section does not  
28 preclude any of the following:

29           1. A university from reporting on official actions of the university  
30 or the Arizona board of regents.

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

33           3. An employee of a university using personal time and resources from  
34 influencing the outcomes of elections or from advocating support for or  
35 opposition to pending or proposed legislation if the employee does not use  
36 university personnel, equipment, materials, buildings or other resources for  
37 these purposes.

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

41           5. THE USE OF UNIVERSITY RESOURCES, INCLUDING FACILITIES AND  
42 EQUIPMENT, FOR GOVERNMENT-SPONSORED FORUMS OR DEBATES IF THE SPONSOR REMAINS  
43 IMPARTIAL AND THE EVENTS ARE PURELY INFORMATIONAL AND PROVIDE AN EQUAL  
44 OPPORTUNITY TO ALL VIEWPOINTS. THE RENTAL AND USE OF A UNIVERSITY FACILITY

1 BY A PRIVATE PERSON OR ENTITY THAT MAY LAWFULLY ATTEMPT TO INFLUENCE THE  
2 OUTCOME OF AN ELECTION IS PERMITTED IF IT DOES NOT OCCUR AT THE SAME TIME AND  
3 PLACE AS A GOVERNMENT-SPONSORED FORUM OR DEBATE.

4 B. Employees of a university may not use the authority of their  
5 positions to influence the vote or political activities of any subordinate  
6 employee.

7 C. This section does not prohibit universities from permitting student  
8 political organizations of political parties, including those that are  
9 recognized pursuant to sections 16-801, 16-802 and 16-803, to conduct lawful  
10 meetings in university buildings or on university grounds, except as  
11 prescribed in subsection A of this section. Each student political  
12 organization that is allowed to conduct lawful meetings on university  
13 property shall have equal access as any other student political organization  
14 that is allowed to conduct lawful meetings on university property.

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

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

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

23 2. Allow publicly funded organizations, institutes or centers to  
24 operate on the campus of the university or on behalf of or in association  
25 with the university if the purpose of the organization, institute or center  
26 is to advocate for a specified public policy.

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

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

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

34 3. Print or electronic media produced by students who are enrolled at  
35 a university.

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

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

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

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

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

5           G. The attorney general shall publish and distribute to the Arizona  
6 board of regents a detailed guideline regarding activities prohibited under  
7 this section. The attorney general may distribute these guidelines through a  
8 website or electronically.

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

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

23           J. All penalties collected by the court for a suit initiated in  
24 superior court by the attorney general shall be paid to the office of the  
25 attorney general for the use and reimbursement of costs of prosecution  
26 pursuant to this section. All penalties collected by the court for a suit  
27 initiated in superior court by a county attorney shall be paid to the county  
28 treasurer of the county in which the court is held for the use and  
29 reimbursement of costs of prosecution pursuant to this section.

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

31           1. "GOVERNMENT-SPONSORED FORUM OR DEBATE" MEANS ANY EVENT, OR PART OF  
32 AN EVENT OR MEETING, IN WHICH THE GOVERNMENT IS AN OFFICIAL SPONSOR, WHICH IS  
33 OPEN TO THE PUBLIC OR TO INVITED MEMBERS OF THE PUBLIC, AND WHOSE PURPOSE IS  
34 TO INFORM THE PUBLIC ABOUT AN ISSUE OR PROPOSITION THAT IS BEFORE THE VOTERS.

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

42           3. "Misused funds" means university monies or resources used  
43 UNLAWFULLY pursuant to ~~subsection A of~~ this section.

1           Sec. 6. Repeal  
2           Section 16-192, Arizona Revised Statutes, is repealed.  
3           Sec. 7. Title 16, chapter 1.1, article 1, Arizona Revised Statutes, is  
4 amended by adding a new section 16-192, to read:  
5           16-192. Use of state, special district resources to influence  
6                   elections; prohibition; civil penalties; definition  
7           A. NOTWITHSTANDING ANY OTHER LAW, THIS STATE AND SPECIAL TAXING  
8 DISTRICTS AND ANY PUBLIC AGENCY, DEPARTMENT, BOARD, COMMISSION, COMMITTEE,  
9 COUNCIL OR AUTHORITY SHALL NOT SPEND OR USE PUBLIC RESOURCES TO INFLUENCE AN  
10 ELECTION, INCLUDING THE USE OR EXPENDITURE OF MONIES, ACCOUNTS, CREDIT,  
11 MATERIALS, EQUIPMENT, BUILDINGS, FACILITIES, VEHICLES, POSTAGE,  
12 TELECOMMUNICATIONS, COMPUTER HARDWARE AND SOFTWARE, WEBPAGES AND PERSONNEL  
13 AND ANY OTHER THING OF VALUE OF THE PUBLIC ENTITY.  
14           B. THIS SECTION DOES NOT PROHIBIT:  
15           1. THE USE OF PUBLIC RESOURCES, INCLUDING FACILITIES AND EQUIPMENT,  
16 FOR GOVERNMENT-SPONSORED FORUMS OR DEBATES IF THE GOVERNMENT SPONSOR REMAINS  
17 IMPARTIAL AND THE EVENTS ARE PURELY INFORMATIONAL AND PROVIDE AN EQUAL  
18 OPPORTUNITY TO ALL VIEWPOINTS. THE RENTAL AND USE OF A PUBLIC FACILITY BY A  
19 PRIVATE PERSON OR ENTITY THAT MAY LAWFULLY ATTEMPT TO INFLUENCE THE OUTCOME  
20 OF AN ELECTION IS PERMITTED IF IT DOES NOT OCCUR AT THE SAME TIME AND PLACE  
21 AS A GOVERNMENT-SPONSORED FORUM OR DEBATE.  
22           2. THE PRESENTATION OF FACTUAL INFORMATION IN A NEUTRAL MANNER FOR THE  
23 PURPOSES OF EDUCATING AND INFORMING VOTERS AS OTHERWISE PROVIDED BY LAW,  
24 INCLUDING INFORMATION ON A BOND, BUDGET, OVERRIDE, CANDIDATE OR OTHER TYPE OF  
25 ELECTION AND INCLUDING PUBLICATIONS AND ACTIVITIES OTHERWISE PRESCRIBED BY  
26 CHAPTER 6, ARTICLE 2 OF THIS TITLE FOR THE CITIZENS CLEAN ELECTIONS  
27 COMMISSION.  
28           C. THE ATTORNEY GENERAL, THE COUNTY ATTORNEY FOR THE COUNTY IN WHICH  
29 AN ALLEGED VIOLATION OF THIS SECTION OCCURS OR ANY RESIDENT OF THE  
30 JURISDICTION THAT IS ALLEGED TO HAVE COMMITTED A VIOLATION OF THIS SECTION  
31 MAY FILE AN ACTION IN THE SUPERIOR COURT TO ENFORCE THIS SECTION.  
32           D. ANY PERSON OR PUBLIC ENTITY THAT KNOWINGLY VIOLATES THIS SECTION OR  
33 THAT KNOWINGLY AIDS ANOTHER PERSON OR PUBLIC ENTITY IN VIOLATING THIS SECTION  
34 IS LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN FIVE THOUSAND DOLLARS FOR EACH  
35 VIOLATION. THE COURT ALSO MAY ORDER THE PERSON OR PUBLIC ENTITY IN VIOLATION  
36 TO PAY AN ADDITIONAL PENALTY IN AN AMOUNT THAT EQUALS THE VALUE OF THE PUBLIC  
37 RESOURCES UNLAWFULLY USED. THE CIVIL PENALTIES SHALL BE PAID AS FOLLOWS:  
38           1. FOR CIVIL PENALTIES ORDERED IN AN ACTION FILED BY THE ATTORNEY  
39 GENERAL, TO THE OFFICE OF THE ATTORNEY GENERAL TO DEFRAY THE COSTS OF  
40 ENFORCEMENT.  
41           2. FOR CIVIL PENALTIES ORDERED IN AN ACTION FILED BY THE COUNTY  
42 ATTORNEY, TO THE OFFICE OF THE COUNTY TREASURER FOR DEPOSIT INTO THE GENERAL  
43 FUND OF THE COUNTY.

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

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

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

8           G. FOR THE PURPOSES OF THIS SECTION:

9           1. "GOVERNMENT-SPONSORED FORUM OR DEBATE" MEANS ANY EVENT, OR PART OF  
10 AN EVENT OR MEETING, IN WHICH THE GOVERNMENT IS AN OFFICIAL SPONSOR, WHICH IS  
11 OPEN TO THE PUBLIC OR TO INVITED MEMBERS OF THE PUBLIC, AND WHOSE PURPOSE IS  
12 TO INFORM THE PUBLIC ABOUT AN ISSUE OR PROPOSITION THAT IS BEFORE THE VOTERS.

13           2. "INFLUENCE AN ELECTION" MEANS SUPPORTING OR OPPOSING A CANDIDATE  
14 FOR NOMINATION OR ELECTION TO PUBLIC OFFICE OR THE RECALL OF A PUBLIC OFFICER  
15 OR SUPPORTING OR OPPOSING A BALLOT MEASURE, QUESTION OR PROPOSITION,  
16 INCLUDING ANY BOND, BUDGET OR OVERRIDE ELECTION AND SUPPORTING OR OPPOSING  
17 THE CIRCULATION OF A PETITION FOR THE RECALL OF A PUBLIC OFFICER OR A  
18 PETITION FOR A BALLOT MEASURE, QUESTION OR PROPOSITION IN ANY MANNER THAT IS  
19 NOT IMPARTIAL OR NEUTRAL.