

House Engrossed

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

HOUSE BILL 2157

AN ACT

AMENDING SECTIONS 16-903 AND 38-296, ARIZONA REVISED STATUTES; 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 16-903, Arizona Revised Statutes, is amended to
3 read:

4 16-903. Candidate's campaign committees: exploratory
5 committees: designation: candidate as agent: civil
6 penalty

7 A. Each candidate who intends to receive contributions or make
8 expenditures of more than five hundred dollars in connection with a campaign
9 for office shall designate in the format prescribed by the filing officer a
10 political committee for each election to serve as the candidate's campaign
11 committee. The candidate shall make the designation pursuant to this
12 subsection by filing a statement of organization before making any
13 expenditures, accepting any contributions, distributing any campaign
14 literature or circulating any petitions. Each candidate who intends to
15 receive contributions or make expenditures of five hundred dollars or less
16 shall file a signed exemption statement in the format prescribed by the
17 filing officer that states that intention before making any expenditures,
18 accepting any contributions, distributing any campaign literature or
19 circulating petitions. If a candidate who has filed a five hundred dollar
20 exemption statement receives contributions or makes expenditures of more than
21 five hundred dollars, that candidate shall file a statement of organization
22 with the filing officer within five business days after exceeding the five
23 hundred dollar limit.

24 B. An individual who receives contributions or makes expenditures of
25 more than five hundred dollars for the purpose of determining whether the
26 individual will become a candidate for election to an office in this state
27 shall designate in the format prescribed by the filing officer a political
28 committee to serve as the individual's exploratory committee. The individual
29 shall make the designation pursuant to this subsection before making any
30 expenditures, accepting any contributions, circulating any petitions or
31 distributing any campaign literature.

32 C. An individual may have only one exploratory committee in existence
33 at one time. A candidate may have only one campaign committee designated for
34 each election, but a candidate may have more than one campaign committee
35 simultaneously in existence.

36 D. A political committee that supports or has supported another
37 candidate or more than one candidate may not be designated as a candidate's
38 campaign committee.

39 E. Any candidate who receives a contribution or any loan for use in
40 connection with the campaign of that candidate for election or who makes a
41 disbursement in connection with that campaign shall be deemed as having
42 received the contribution or loan or as having made the disbursement as an
43 agent of the candidate's campaign committee for purposes of this article.

1 F. An elected official is not deemed to have offered himself for
2 nomination or election to an office ~~or to have made a formal, public~~
3 ~~declaration of candidacy~~ within the meaning of section 38-296 solely by his
4 designation of a candidate campaign committee.

5 G. After designating an exploratory committee, a candidate may
6 lawfully collect signatures on nomination petitions and receive
7 contributions.

8 H. A person who violates this section is subject to a civil penalty
9 imposed as prescribed in section 16-924 of up to three times the amount of
10 money that has been received, expended or promised in violation of this
11 section or up to three times the value in money for an equivalent of money or
12 other things of value that have been received, expended or promised in
13 violation of this section.

14 Sec. 2. Section 38-296, Arizona Revised Statutes, is amended to read:
15 38-296. Limitation on filing for election by incumbent of
16 elective office

17 A. Except during the final year of the term being served, no incumbent
18 of a salaried elective office, whether holding by election or appointment,
19 may offer himself for nomination or election to any salaried local, state or
20 federal office.

21 B. An incumbent of a salaried elected office shall be deemed to have
22 offered himself for nomination or election to a salaried local, state or
23 federal office ~~upon~~ ON the filing of a nomination paper pursuant to section
24 16-311, subsection A ~~or formal public declaration of candidacy for such~~
25 ~~office whichever occurs first.~~ AN INCUMBENT OF A SALARIED ELECTED OFFICE IS
26 NOT DEEMED TO HAVE OFFERED HIMSELF FOR NOMINATION OR ELECTION TO AN OFFICE BY
27 MAKING A FORMAL DECLARATION OF CANDIDACY FOR THE OFFICE.

28 C. The resignation of the incumbent elective officer duly filed in
29 writing with the officer, board or commission having jurisdiction of the
30 office ~~shall~~, if not accepted within ten days, SHALL be deemed to have become
31 effective as of the date of filing.

32 D. This section shall not be construed to prohibit a person whose
33 resignation from office has become effective from qualifying as a candidate
34 for another office during the unexpired portion of the term affected by the
35 resignation, nor shall it apply to any incumbent elective officer who seeks
36 ~~re-election~~ REELECTION to the same office or to any other public office
37 during the final year of the term to which ~~he~~ THE PERSON has been so elected.

38 E. A person violating any provision of this section is guilty of
39 misfeasance in office, and the office held by such person shall be declared
40 vacant.