

State of Arizona  
Senate  
Fifty-first Legislature  
First Regular Session  
2013

# SENATE BILL 1454

AN ACT

AMENDING SECTIONS 16-901, 16-912, 16-948 AND 16-1019, 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 16-901, Arizona Revised Statutes, is amended to  
3 read:

4 16-901. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Agent" means, with respect to any person other than a candidate,  
7 any person who has oral or written authority, either express or implied, to  
8 make or authorize the making of expenditures as defined in this section on  
9 behalf of a candidate, any person who has been authorized by the treasurer of  
10 a political committee to make or authorize the making of expenditures or a  
11 political consultant for a candidate or political committee.

12 2. "Candidate" means an individual who receives or gives consent for  
13 receipt of a contribution for his nomination for or election to any office in  
14 this state other than a federal office.

15 3. "Candidate's campaign committee" means a political committee  
16 designated and authorized by a candidate.

17 4. "Clearly identified candidate" means that the name, a photograph or  
18 a drawing of the candidate appears or the identity of the candidate is  
19 otherwise apparent by unambiguous reference.

20 5. "Contribution" means any gift, subscription, loan, advance or  
21 deposit of money or anything of value made for the purpose of influencing an  
22 election including supporting or opposing the recall of a public officer or  
23 supporting or opposing the circulation of a petition for a ballot measure,  
24 question or proposition or the recall of a public officer and:

25 (a) Includes all of the following:

26 (i) A contribution made to retire campaign debt.

27 (ii) Money or the fair market value of anything directly or indirectly  
28 given or loaned to an elected official for the purpose of defraying the  
29 expense of communications with constituents, regardless of whether the  
30 elected official has declared his candidacy.

31 (iii) The entire amount paid to a political committee to attend a  
32 fund-raising or other political event and the entire amount paid to a  
33 political committee as the purchase price for a fund-raising meal or item,  
34 except that no contribution results if the actual cost of the meal or  
35 fund-raising item, based on the amount charged to the committee by the  
36 vendor, constitutes the entire amount paid by the purchaser for the meal or  
37 item, the meal or item is for the purchaser's personal use and not for resale  
38 and the actual cost is the entire amount paid by the purchaser in connection  
39 with the event. This exception does not apply to auction items.

40 (iv) Unless specifically exempted, the provision of goods or services  
41 without charge or at a charge that is less than the usual and normal charge  
42 for such goods and services.

1 (b) Does not include any of the following:

2 (i) The value of services provided without compensation by any  
3 individual who volunteers on behalf of a candidate, a candidate's campaign  
4 committee or any other political committee.

5 (ii) Money or the value of anything directly or indirectly provided to  
6 defray the expense of an elected official meeting with constituents if the  
7 elected official is engaged in the performance of the duties of his office or  
8 provided by the state or a political subdivision to an elected official for  
9 communication with constituents if the elected official is engaged in the  
10 performance of the duties of his office.

11 (iii) The use of real or personal property, including a church or  
12 community room used on a regular basis by members of a community for  
13 noncommercial purposes, that is obtained by an individual in the course of  
14 volunteering personal services to any candidate, candidate's committee or  
15 political party, and the cost of invitations, food and beverages voluntarily  
16 provided by an individual to any candidate, candidate's campaign committee or  
17 political party in rendering voluntary personal services on the individual's  
18 residential premises or in the church or community room for candidate-related  
19 or political party-related activities, to the extent that the cumulative  
20 value of the invitations, food and beverages provided by the individual on  
21 behalf of any single candidate does not exceed one hundred dollars with  
22 respect to any single election.

23 (iv) Any unreimbursed payment for personal travel expenses made by an  
24 individual who on his own behalf volunteers his personal services to a  
25 candidate.

26 (v) The payment by a political party for party operating expenses,  
27 party staff and personnel, party newsletters and reports, voter registration  
28 and efforts to increase voter turnout, party organization building and  
29 maintenance and printing and postage expenses for slate cards, sample  
30 ballots, other written materials that substantially promote three or more  
31 nominees of the party for public office and other election activities not  
32 related to a specific candidate, except that this item does not apply to  
33 costs incurred with respect to a display of the listing of candidates made on  
34 telecommunications systems or in newspapers, magazines or similar types of  
35 general circulation advertising.

36 (vi) Independent expenditures.

37 (vii) Monies loaned by a state bank, a federally chartered depository  
38 institution or a depository institution the deposits or accounts of which are  
39 insured by the federal deposit insurance corporation or the national credit  
40 union administration, other than an overdraft made with respect to a checking  
41 or savings account, that is made in accordance with applicable law and in the  
42 ordinary course of business. In order for this exemption to apply, this loan  
43 shall be deemed a loan by each endorser or guarantor, in that proportion of  
44 the unpaid balance that each endorser or guarantor bears to the total number  
45 of endorsers or guarantors, the loan shall be made on a basis that assures

1 repayment, evidenced by a written instrument, shall be subject to a due date  
2 or amortization schedule and shall bear the usual and customary interest rate  
3 of the lending institution.

4 (viii) A gift, subscription, loan, advance or deposit of money or  
5 anything of value to a national or a state committee of a political party  
6 specifically designated to defray any cost for the construction or purchase  
7 of an office facility not acquired for the purpose of influencing the  
8 election of a candidate in any particular election.

9 (ix) Legal or accounting services rendered to or on behalf of a  
10 political committee or a candidate, if the only person paying for the  
11 services is the regular employer of the individual rendering the services and  
12 if the services are solely for the purpose of compliance with this title.

13 (x) The payment by a political party of the costs of campaign  
14 materials, including pins, bumper stickers, handbills, brochures, posters,  
15 party tabloids and yard signs, used by the party in connection with volunteer  
16 activities on behalf of any nominee of the party or the payment by a state or  
17 local committee of a political party of the costs of voter registration and  
18 get-out-the-vote activities conducted by the committee if the payments are  
19 not for the costs of campaign materials or activities used in connection with  
20 any telecommunication, newspaper, magazine, billboard, direct mail or similar  
21 type of general public communication or political advertising.

22 (xi) Transfers between political committees to distribute monies  
23 raised through a joint fund-raising effort in the same proportion to each  
24 committee's share of the fund-raising expenses and payments from one  
25 political committee to another in reimbursement of a committee's  
26 proportionate share of its expenses in connection with a joint fund-raising  
27 effort.

28 (xii) An extension of credit for goods and services made in the  
29 ordinary course of the creditor's business if the terms are substantially  
30 similar to extensions of credit to nonpolitical debtors that are of similar  
31 risk and size of obligation and if the creditor makes a commercially  
32 reasonable attempt to collect the debt, except that any extension of credit  
33 under this item made for the purpose of influencing an election that remains  
34 unsatisfied by the candidate after six months, notwithstanding good faith  
35 collection efforts by the creditor, shall be deemed receipt of a contribution  
36 by the candidate but not a contribution by the creditor.

37 (xiii) Interest or dividends earned by a political committee on any  
38 bank accounts, deposits or other investments of the political committee.

39 6. "Earmarked" means a designation, instruction or encumbrance that  
40 results in all or any part of a contribution or expenditure being made to, or  
41 expended on behalf of, a clearly identified candidate or a candidate's  
42 campaign committee.

43 7. "Election" means any election for any initiative, referendum or  
44 other measure or proposition or a primary, general, recall, special or runoff  
45 election for any office in this state other than the office of precinct

1 committeeman and other than a federal office. For THE purposes of sections  
2 16-903 and 16-905, the general election includes the primary election.

3 8. "Expenditures" includes any purchase, payment, distribution, loan,  
4 advance, deposit or gift of money or anything of value made by a person for  
5 the purpose of influencing an election in this state including supporting or  
6 opposing the recall of a public officer or supporting or opposing the  
7 circulation of a petition for a ballot measure, question or proposition or  
8 the recall of a public officer and a contract, promise or agreement to make  
9 an expenditure resulting in an extension of credit and the value of any  
10 in-kind contribution received. Expenditure does not include any of the  
11 following:

12 (a) A news story, commentary or editorial distributed through the  
13 facilities of any telecommunications system, newspaper, magazine or other  
14 periodical publication, unless the facilities are owned or controlled by a  
15 political committee, political party or candidate.

16 (b) Nonpartisan activity designed to encourage individuals to vote or  
17 to register to vote.

18 (c) The payment by a political party of the costs of preparation,  
19 display, mailing or other distribution incurred by the party with respect to  
20 any printed slate card, sample ballot or other printed listing of three or  
21 more candidates for any public office for which an election is held, except  
22 that this subdivision does not apply to costs incurred by the party with  
23 respect to a display of any listing of candidates made on any  
24 telecommunications system or in newspapers, magazines or similar types of  
25 general public political advertising.

26 (d) The payment by a political party of the costs of campaign  
27 materials, including pins, bumper stickers, handbills, brochures, posters,  
28 party tabloids and yard signs, used by the party in connection with volunteer  
29 activities on behalf of any nominee of the party or the payment by a state or  
30 local committee of a political party of the costs of voter registration and  
31 get-out-the-vote activities conducted by the committee if the payments are  
32 not for the costs of campaign materials or activities used in connection with  
33 any telecommunications system, newspaper, magazine, billboard, direct mail or  
34 similar type of general public communication or political advertising.

35 (e) Any deposit or other payment filed with the secretary of state or  
36 any other similar officer to pay any portion of the cost of printing an  
37 argument in a publicity pamphlet advocating or opposing a ballot measure.

38 9. "Exploratory committee" means a political committee that is formed  
39 for the purpose of determining whether an individual will become a candidate  
40 and that receives contributions or makes expenditures of more than five  
41 hundred dollars in connection with that purpose.

42 10. "Family contribution" means any contribution that is provided to a  
43 candidate's campaign committee by a parent, grandparent, spouse, child or  
44 sibling of the candidate or a parent or spouse of any of those persons.

1           11. "Filing officer" means the office that is designated by section  
2 16-916 to conduct the duties prescribed by this chapter.

3           12. "Identification" means:

4           (a) For an individual, his name and mailing address, his occupation  
5 and the name of his employer.

6           (b) For any other person, including a political committee, the full  
7 name and mailing address of the person. For a political committee,  
8 identification includes the identification number issued on the filing of a  
9 statement of organization pursuant to section 16-902.01.

10          13. "Incomplete contribution" means any contribution received by a  
11 political committee for which the contributor's mailing address, occupation,  
12 employer or identification number has not been obtained and is not in the  
13 possession of the political committee.

14          14. "Independent expenditure" means an expenditure by a person or  
15 political committee, other than a candidate's campaign committee, that  
16 expressly advocates the election or defeat of a clearly identified candidate,  
17 that is made without cooperation or consultation with any candidate or  
18 committee or agent of the candidate and that is not made in concert with or  
19 at the request or suggestion of a candidate, or any committee or agent of the  
20 candidate. Independent expenditure includes an expenditure that is subject  
21 to the requirements of section 16-917, which requires a copy of campaign  
22 literature or advertisement to be sent to a candidate named or otherwise  
23 referred to in the literature or advertisement. An expenditure is not an  
24 independent expenditure if any of the following applies:

25          (a) Any officer, member, employee or agent of the political committee  
26 making the expenditure is also an officer, member, employee or agent of the  
27 committee of the candidate whose election or whose opponent's defeat is being  
28 advocated by the expenditure or an agent of the candidate whose election or  
29 whose opponent's defeat is being advocated by the expenditure.

30          (b) There is any arrangement, coordination or direction with respect  
31 to the expenditure between the candidate or the candidate's agent and the  
32 person making the expenditure, including any officer, director, employee or  
33 agent of that person.

34          (c) In the same election the person making the expenditure, including  
35 any officer, director, employee or agent of that person, is or has been:

36           (i) Authorized to raise or expend monies on behalf of the candidate or  
37 the candidate's authorized committees.

38           (ii) Receiving any form of compensation or reimbursement from the  
39 candidate, the candidate's committees or the candidate's agent.

40          (d) The expenditure is based on information about the candidate's  
41 plans, projects or needs, or those of his campaign committee, provided to the  
42 expending person by the candidate or by the candidate's agents or any  
43 officer, member or employee of the candidate's campaign committee with a view  
44 toward having the expenditure made.

1           15. "In-kind contribution" means a contribution of goods or services or  
2 anything of value and not a monetary contribution. **THE USE BY A CANDIDATE'S**  
3 **CAMPAIGN COMMITTEE OF A DISTINCTIVE TRADE NAME, TRADEMARK OR TRADE DRESS**  
4 **ITEM, INCLUDING A LOGO, THAT IS OWNED BY A BUSINESS OR OTHER ENTITY THAT IS**  
5 **OWNED BY THAT CANDIDATE OR IN WHICH THE CANDIDATE HAS A CONTROLLING INTEREST**  
6 **IS DEEMED TO BE AN IN-KIND CONTRIBUTION TO THE CANDIDATE'S CAMPAIGN COMMITTEE**  
7 **AND SHALL BE REPORTED AS OTHERWISE PRESCRIBED BY LAW.**

8           16. "Itemized" means that each contribution received or expenditure  
9 made is set forth separately.

10          17. "Literature or advertisement" means information or materials that  
11 are mailed, distributed or placed in some medium of communication for the  
12 purpose of influencing the outcome of an election.

13          18. "Personal monies" means any of the following:

14           (a) **EXCEPT AS PRESCRIBED IN PARAGRAPH 15 OF THIS SECTION**, assets to  
15 which the candidate has a legal right of access or control at the time he  
16 becomes a candidate and with respect to which the candidate has either legal  
17 title or an equitable interest.

18           (b) Salary and other earned income from bona fide employment of the  
19 candidate, dividends and proceeds from the sale of the stocks or investments  
20 of the candidate, bequests to the candidate, income to the candidate from  
21 trusts established before candidacy, income to the candidate from trusts  
22 established by bequest after candidacy of which the candidate is a  
23 beneficiary, gifts to the candidate of a personal nature that have been  
24 customarily received before the candidacy and proceeds received by the  
25 candidate from lotteries and other legal games of chance.

26           (c) The proceeds of loans obtained by the candidate that are not  
27 contributions and for which the collateral or security is covered by  
28 subdivision (a) or (b) of this paragraph.

29           (d) Family contributions.

30          19. "Political committee" means a candidate or any association or  
31 combination of persons that is organized, conducted or combined for the  
32 purpose of influencing the result of any election or to determine whether an  
33 individual will become a candidate for election in this state or in any  
34 county, city, town, district or precinct in this state, that engages in  
35 political activity in behalf of or against a candidate for election or  
36 retention or in support of or opposition to an initiative, referendum or  
37 recall or any other measure or proposition and that applies for a serial  
38 number and circulates petitions and, in the case of a candidate for public  
39 office except those exempt pursuant to section 16-903, that receives  
40 contributions or makes expenditures of more than two hundred fifty dollars in  
41 connection therewith, notwithstanding that the association or combination of  
42 persons may be part of a larger association, combination of persons or  
43 sponsoring organization not primarily organized, conducted or combined for  
44 the purpose of influencing the result of any election in this state or in any

1 county, city, town or precinct in this state. Political committee includes  
2 the following types of committees:

3 (a) A candidate's campaign committee.

4 (b) A separate, segregated fund established by a corporation or labor  
5 organization pursuant to section 16-920, subsection A, paragraph 3.

6 (c) A committee acting in support of or opposition to the  
7 qualification, passage or defeat of a ballot measure, question or  
8 proposition.

9 (d) A committee organized to circulate or oppose a recall petition or  
10 to influence the result of a recall election.

11 (e) A political party.

12 (f) A committee organized for the purpose of making independent  
13 expenditures.

14 (g) A committee organized in support of or opposition to one or more  
15 candidates.

16 (h) A political organization.

17 (i) An exploratory committee.

18 20. "Political organization" means an organization that is formally  
19 affiliated with and recognized by a political party including a district  
20 committee organized pursuant to section 16-823.

21 21. "Political party" means the state committee as prescribed by  
22 section 16-825 or the county committee as prescribed by section 16-821 of an  
23 organization that meets the requirements for recognition as a political party  
24 pursuant to section 16-801 or section 16-804, subsection A.

25 22. "Sponsoring organization" means any organization that establishes,  
26 administers or contributes financial support to the administration of, or  
27 that has common or overlapping membership or officers with, a political  
28 committee other than a candidate's campaign committee.

29 23. "Standing political committee" means a political committee that  
30 satisfies all of the following:

31 (a) Is active in more than one reporting jurisdiction in this state  
32 for more than one year.

33 (b) Files a statement of organization as prescribed by section  
34 16-902.01, subsection E.

35 (c) Is any of the following as defined by paragraph 19 of this  
36 section:

37 (i) A separate, segregated fund.

38 (ii) A political party.

39 (iii) A committee organized for the purpose of making independent  
40 expenditures.

41 (iv) A political organization.

42 24. "Statewide office" means the office of governor, secretary of  
43 state, state treasurer, attorney general, superintendent of public  
44 instruction, corporation commissioner or mine inspector.

1           25. "Surplus monies" means those monies of a political committee  
2 remaining after all of the committee's expenditures have been made and its  
3 debts have been extinguished.

4           Sec. 2. Section 16-912, Arizona Revised Statutes, is amended to read:

5           16-912. Candidates and independent expenditures; campaign  
6                 literature and advertisement sponsors;  
7                 identification; civil penalty

8           A. A political committee that makes an expenditure for campaign  
9 literature or advertisements that expressly advocate the election or defeat  
10 of any candidate or that make any solicitation of contributions to any  
11 political committee shall be registered pursuant to this chapter at the time  
12 of distribution, placement or solicitation and shall include on the  
13 literature or advertisement the words "paid for by" followed by the name of  
14 the committee that appears on its statement of organization or five hundred  
15 dollar exemption statement.

16           B. If the expenditure for the campaign literature or advertisements by  
17 a political committee is an independent expenditure, the political committee,  
18 in addition to the disclosures required by subsection A of this section,  
19 shall include on the literature or advertisement the names and telephone  
20 numbers of the three political committees making the largest contributions to  
21 the political committee making the independent expenditure. If an acronym is  
22 used to name any political committee outlined in this section, the name of  
23 any sponsoring organization of the political committee shall also be printed  
24 or spoken. For THE purposes of determining the three contributors to be  
25 disclosed, the contributions of each political committee to the political  
26 committee making the independent expenditure during the one year period  
27 before the election being affected are aggregated.

28           C. Subsection A of this section does not apply to bumper stickers,  
29 pins, buttons, pens and similar small items on which the statements required  
30 in subsection A of this section cannot be conveniently printed ~~or to signs~~  
31 ~~paid for by a candidate with campaign monies or by a candidate's campaign~~  
32 ~~committee~~ or to a solicitation of contributions by a separate segregated fund  
33 from those persons it may solicit pursuant to sections 16-920 and 16-921.

34           D. The disclosures required pursuant to this section shall be printed  
35 clearly and legibly in a conspicuous manner or, if the advertisement is  
36 broadcast on a telecommunications system, the disclosure shall be spoken.  
37 For printed material that is delivered or provided by hand or by mail, the  
38 disclosure shall be printed in a font that is at least 3/32 inches tall in  
39 dark type on light background surrounded by a dark box. For communications  
40 that are broadcast on a telecommunications system or other medium that can  
41 provide a viewable disclosure and a spoken disclosure, the disclosure may be  
42 made in printed format only and a spoken disclosure is not required.

43           E. A person who violates this section is subject to a civil penalty of  
44 up to three times the cost of producing and distributing the literature or

1 advertisement. This civil penalty shall be imposed as prescribed in section  
2 16-924.

3 Sec. 3. Subject to the requirements of article IV, part 1, section 1,  
4 Constitution of Arizona, section 16-948, Arizona Revised Statutes, is amended  
5 to read:

6 16-948. Controls on participating candidates' campaign accounts

7 A. A participating candidate shall conduct all financial activity  
8 through a single campaign account of the candidate's campaign committee. A  
9 participating candidate shall not make any deposits into the campaign account  
10 other than those permitted under ~~sections~~ SECTION 16-945 or 16-946.

11 B. A candidate may designate other persons with authority to withdraw  
12 funds from the candidate's campaign account. The candidate and any person so  
13 designated shall sign a joint statement under oath promising to comply with  
14 the requirements of this title.

15 C. The candidate or a person authorized under subsection B of this  
16 section shall pay monies from a participating candidate's campaign account  
17 directly to the person providing goods or services to the campaign and shall  
18 identify, on a report filed pursuant to article 1 of this chapter, the full  
19 name and street address of the person and the nature of the goods and  
20 services and compensation for which payment has been made. Notwithstanding  
21 the previous sentence, a campaign committee may establish one or more petty  
22 cash accounts, which in aggregate shall not exceed one thousand dollars at  
23 any time. No single expenditure shall be made from a petty cash account  
24 exceeding one hundred dollars.

25 D. Monies in a participating candidate's campaign account shall not be  
26 used to pay fines or civil penalties, for costs or legal fees related to  
27 representation before the commission, or for defense of any enforcement  
28 action under this chapter. Nothing in this subsection shall prevent a  
29 participating candidate from having a legal defense fund.

30 E. A PARTICIPATING CANDIDATE SHALL NOT USE CLEAN ELECTIONS MONIES TO  
31 PURCHASE GOODS OR SERVICES THAT BEAR A DISTINCTIVE TRADE NAME, TRADEMARK OR  
32 TRADE DRESS ITEM, INCLUDING A LOGO, THAT IS OWNED BY A BUSINESS OR OTHER  
33 ENTITY THAT IS OWNED BY THAT PARTICIPATING CANDIDATE OR IN WHICH THE  
34 CANDIDATE HAS A CONTROLLING INTEREST. THE USE OF GOODS OR SERVICES THAT ARE  
35 PROHIBITED BY THIS SUBSECTION IS DEEMED TO BE AN UNLAWFUL IN-KIND  
36 CONTRIBUTION TO THE PARTICIPATING CANDIDATE.

37 Sec. 4. Section 16-1019, Arizona Revised Statutes, is amended to read:

38 16-1019. Political signs; printed materials; tampering;  
39 classification

40 A. It is a class 2 misdemeanor for any person to knowingly remove,  
41 alter, deface or cover any political sign of any candidate for public office  
42 or knowingly remove, alter or deface any political mailers, handouts, flyers  
43 or other printed materials of a candidate that are delivered by hand to a  
44 residence for the period commencing forty-five days before a primary election  
45 and ending seven days after the general election.

1           B. This section does not apply to the removal, alteration, defacing or  
2 covering of a political sign or other printed materials by the candidate or  
3 the authorized agent of the candidate in support of whose election the sign  
4 ~~was~~ OR MATERIALS WERE placed, by the owner or authorized agent of the owner  
5 of private property on which such signs OR PRINTED MATERIALS are placed with  
6 or without permission of the owner or placed in violation of state law or  
7 county, city or town ordinance or regulation.

8           C. Notwithstanding any other statute, ordinance or regulation, a city,  
9 town or county of this state shall not remove, alter, deface or cover any  
10 political sign if the following conditions are met:

11           1. The sign is placed in a public right-of-way that is owned or  
12 controlled by that jurisdiction.

13           2. The sign supports or opposes a candidate for public office or it  
14 supports or opposes a ballot measure.

15           3. The sign is not placed in a location that is hazardous to public  
16 safety, obstructs clear vision in the area or interferes with the  
17 requirements of the Americans with disabilities act (42 United States Code  
18 sections 12101 through 12213 and 47 United States Code sections 225 and 611).

19           4. The sign has a maximum area of sixteen square feet, if the sign is  
20 located in an area zoned for residential use, or a maximum area of thirty-two  
21 square feet if the sign is located in any other area.

22           5. The sign contains the name and telephone number OR WEBSITE ADDRESS  
23 of the candidate or campaign committee contact person.

24           D. If the city, town or county deems that the placement of a political  
25 sign constitutes an emergency, the jurisdiction may immediately relocate the  
26 sign. The jurisdiction shall notify the candidate or campaign committee that  
27 placed the sign within twenty-four hours after the relocation. If a sign is  
28 placed in violation of subsection C and the placement is not deemed to  
29 constitute an emergency, the city, town or county may notify the candidate or  
30 campaign committee that placed the sign of the violation. If the sign  
31 remains in violation at least twenty-four hours after the jurisdiction  
32 notified the candidate or campaign committee, the jurisdiction may remove the  
33 sign. The jurisdiction shall contact the candidate or campaign committee  
34 contact and shall retain the sign for at least ten business days to allow the  
35 candidate or campaign committee to retrieve the sign without penalty.

36           E. A city, town or county employee acting within the scope of the  
37 employee's employment is not liable for an injury caused by the failure to  
38 remove a sign pursuant to subsection D unless the employee intended to cause  
39 injury or was grossly negligent.

40           F. Subsection C does not apply to commercial tourism, commercial  
41 resort and hotel sign free zones as those zones are designated by  
42 municipalities. The total area of those zones shall not be larger than three  
43 square miles, and each zone shall be identified as a specific contiguous area  
44 where, by resolution of the municipal governing body, the municipality has  
45 determined that based on a predominance of commercial tourism, resort and

1 hotel uses within the zone the placement of political signs within the  
2 rights-of-way in the zone will detract from the scenic and aesthetic appeal  
3 of the area within the zone and deter its appeal to tourists. Not more than  
4 two zones may be identified within a municipality.

5 G. A city, town or county may prohibit the installation of a sign on  
6 any structure owned by the jurisdiction.

7 H. Subsection C applies only during the period commencing sixty days  
8 before a primary election and ending fifteen days after the general election,  
9 except that for a sign for a candidate in a primary election who does not  
10 advance to the general election, the period ends fifteen days after the  
11 primary election.

12 I. This section does not apply to state highways or routes, or  
13 overpasses over those state highways or routes.

14 Sec. 5. Requirements for enactment; three-fourths vote

15 Pursuant to article IV, part 1, section 1, Constitution of Arizona,  
16 section 16-948, Arizona Revised Statutes, as amended by this act, is  
17 effective only on the affirmative vote of at least three-fourths of the  
18 members of each house of the legislature.