

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

CHAPTER 88
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:

44 1. "GOVERNMENT-SPONSORED FORUM OR DEBATE" MEANS ANY EVENT, OR PART OF
45 AN EVENT OR MEETING, IN WHICH THE GOVERNMENT IS AN OFFICIAL SPONSOR, WHICH IS

1 OPEN TO THE PUBLIC OR TO INVITED MEMBERS OF THE PUBLIC, AND WHOSE PURPOSE IS
2 TO INFORM THE PUBLIC ABOUT AN ISSUE OR PROPOSITION THAT IS BEFORE THE VOTERS.

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

10 3. "MISUSED FUNDS" MEANS CITY OR TOWN MONIES OR RESOURCES USED
11 UNLAWFULLY AS PROSCRIBED BY THIS SECTION.

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

13 11-410. Use of county resources or employees to influence
14 elections; prohibition; civil penalty; definitions

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

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

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

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

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

1 PURSUANT TO THIS SECTION SHALL BE RETURNED TO THE COUNTY WHOSE FUNDS WERE
2 MISUSED.

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

6 G. FOR THE PURPOSES OF THIS SECTION:

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

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

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

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

21 15-511. Use of school district or charter school resources or
22 employees to influence elections; prohibition; civil
23 penalty; definitions

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

39 B. THIS SECTION DOES NOT PROHIBIT THE USE OF SCHOOL DISTRICT OR
40 CHARTER SCHOOL RESOURCES, INCLUDING FACILITIES AND EQUIPMENT, FOR
41 GOVERNMENT-SPONSORED FORUMS OR DEBATES IF THE GOVERNMENT SPONSOR REMAINS
42 IMPARTIAL AND THE EVENTS ARE PURELY INFORMATIONAL AND PROVIDE AN EQUAL
43 OPPORTUNITY TO ALL VIEWPOINTS. THE RENTAL AND USE OF A PUBLIC FACILITY BY A
44 PRIVATE PERSON OR ENTITY THAT MAY LAWFULLY ATTEMPT TO INFLUENCE THE OUTCOME

1 OF AN ELECTION IS PERMITTED IF IT DOES NOT OCCUR AT THE SAME TIME AND PLACE
2 AS A GOVERNMENT-SPONSORED FORUM OR DEBATE.

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

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

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

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

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

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

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

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

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

45 ~~K.~~ L. 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 school district monies or resources used
13 UNLAWFULLY pursuant to ~~subsection A of~~ this section.

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

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

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

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

42 ~~C.~~ D. This section does not prohibit community college districts from
43 permitting student political organizations of political parties, including
44 those that are recognized pursuant to sections 16-801, 16-802 and 16-803, to
45 conduct lawful meetings in community college buildings or on community

1 college grounds, except as prescribed in subsection A of this section. Each
2 student political organization that is allowed to conduct lawful meetings on
3 community college property shall have equal access as any other student
4 political organization that is allowed to conduct lawful meetings on
5 community college property.

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

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

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

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

29 ~~H.~~ I. All penalties collected by the court for a suit initiated in
30 superior court by the attorney general shall be paid to the office of the
31 attorney general for the use and reimbursement of costs of prosecution
32 pursuant to this section. All penalties collected by the court for a suit
33 initiated in superior court by a county attorney shall be paid to the county
34 treasurer of the county in which the court is held for the use and
35 reimbursement of costs of prosecution pursuant to this section.

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

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

41 2. "INFLUENCING THE OUTCOMES OF ELECTIONS" MEANS SUPPORTING OR
42 OPPOSING A CANDIDATE FOR NOMINATION OR ELECTION TO PUBLIC OFFICE OR THE
43 RECALL OF A PUBLIC OFFICER OR SUPPORTING OR OPPOSING A BALLOT MEASURE,
44 QUESTION OR PROPOSITION, INCLUDING ANY BOND, BUDGET OR OVERRIDE ELECTION AND
45 SUPPORTING OR OPPOSING THE CIRCULATION OF A PETITION FOR THE RECALL OF A

1 PUBLIC OFFICER OR A PETITION FOR A BALLOT MEASURE, QUESTION OR PROPOSITION IN
2 ANY MANNER THAT IS NOT IMPARTIAL OR NEUTRAL.

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

5 Sec. 5. Section 15-1633, Arizona Revised Statutes, is amended to read:
6 15-1633. Use of university resources or employees to influence
7 elections; prohibition; civil penalty; definitions

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

20 1. A university from reporting on official actions of the university
21 or the Arizona board of regents.

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

24 3. An employee of a university using personal time and resources from
25 influencing the outcomes of elections or from advocating support for or
26 opposition to pending or proposed legislation if the employee does not use
27 university personnel, equipment, materials, buildings or other resources for
28 these purposes.

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

32 5. THE USE OF UNIVERSITY RESOURCES, INCLUDING FACILITIES AND
33 EQUIPMENT, FOR GOVERNMENT-SPONSORED FORUMS OR DEBATES IF THE SPONSOR REMAINS
34 IMPARTIAL AND THE EVENTS ARE PURELY INFORMATIONAL AND PROVIDE AN EQUAL
35 OPPORTUNITY TO ALL VIEWPOINTS. THE RENTAL AND USE OF A UNIVERSITY FACILITY
36 BY A PRIVATE PERSON OR ENTITY THAT MAY LAWFULLY ATTEMPT TO INFLUENCE THE
37 OUTCOME OF AN ELECTION IS PERMITTED IF IT DOES NOT OCCUR AT THE SAME TIME AND
38 PLACE AS A GOVERNMENT-SPONSORED FORUM OR DEBATE.

39 B. Employees of a university may not use the authority of their
40 positions to influence the vote or political activities of any subordinate
41 employee.

42 C. This section does not prohibit universities from permitting student
43 political organizations of political parties, including those that are
44 recognized pursuant to sections 16-801, 16-802 and 16-803, to conduct lawful
45 meetings in university buildings or on university grounds, except as

1 prescribed in subsection A of this section. Each student political
2 organization that is allowed to conduct lawful meetings on university
3 property shall have equal access as any other student political organization
4 that is allowed to conduct lawful meetings on university property.

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

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

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

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

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

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

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

24 3. Print or electronic media produced by students who are enrolled at
25 a university.

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

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

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

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

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

37 G. The attorney general shall publish and distribute to the Arizona
38 board of regents a detailed guideline regarding activities prohibited under
39 this section. The attorney general may distribute these guidelines through a
40 website or electronically.

41 H. The attorney general or the county attorney for the county in which
42 an alleged violation of this section occurred may serve on the person an
43 order requiring compliance with this section and may assess a civil penalty
44 of not more than five ~~hundred~~ THOUSAND dollars per violation, plus any amount
45 of misused funds subtracted from the university budget against a person who

1 violates or a person who aids another person in violating this section. The
2 person determined to be out of compliance with this section shall be
3 responsible for the payment of all penalties and misused funds. University
4 funds or insurance payments shall not be used to pay these penalties or
5 misused funds. All misused funds collected pursuant to this section shall be
6 returned to the university whose funds were misused.

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

10 J. All penalties collected by the court for a suit initiated in
11 superior court by the attorney general shall be paid to the office of the
12 attorney general for the use and reimbursement of costs of prosecution
13 pursuant to this section. All penalties collected by the court for a suit
14 initiated in superior court by a county attorney shall be paid to the county
15 treasurer of the county in which the court is held for the use and
16 reimbursement of costs of prosecution pursuant to this section.

17 K. For the purposes of this section, ~~:-~~:

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

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

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

31 Sec. 6. Repeal

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

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

35 16-192. Use of state, special district resources to influence
36 elections; prohibition; civil penalties; definition

37 A. NOTWITHSTANDING ANY OTHER LAW, THIS STATE AND SPECIAL TAXING
38 DISTRICTS AND ANY PUBLIC AGENCY, DEPARTMENT, BOARD, COMMISSION, COMMITTEE,
39 COUNCIL OR AUTHORITY SHALL NOT SPEND OR USE PUBLIC RESOURCES TO INFLUENCE AN
40 ELECTION, INCLUDING THE USE OR EXPENDITURE OF MONIES, ACCOUNTS, CREDIT,
41 MATERIALS, EQUIPMENT, BUILDINGS, FACILITIES, VEHICLES, POSTAGE,
42 TELECOMMUNICATIONS, COMPUTER HARDWARE AND SOFTWARE, WEBPAGES AND PERSONNEL
43 AND ANY OTHER THING OF VALUE OF THE PUBLIC ENTITY.

44 B. THIS SECTION DOES NOT PROHIBIT:

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

8 2. THE PRESENTATION OF FACTUAL INFORMATION IN A NEUTRAL MANNER FOR THE
9 PURPOSES OF EDUCATING AND INFORMING VOTERS AS OTHERWISE PROVIDED BY LAW,
10 INCLUDING INFORMATION ON A BOND, BUDGET, OVERRIDE, CANDIDATE OR OTHER TYPE OF
11 ELECTION AND INCLUDING PUBLICATIONS AND ACTIVITIES OTHERWISE PRESCRIBED BY
12 CHAPTER 6, ARTICLE 2 OF THIS TITLE FOR THE CITIZENS CLEAN ELECTIONS
13 COMMISSION.

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

18 D. ANY PERSON OR PUBLIC ENTITY THAT KNOWINGLY VIOLATES THIS SECTION OR
19 THAT KNOWINGLY AIDS ANOTHER PERSON OR PUBLIC ENTITY IN VIOLATING THIS SECTION
20 IS LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN FIVE THOUSAND DOLLARS FOR EACH
21 VIOLATION. THE COURT ALSO MAY ORDER THE PERSON OR PUBLIC ENTITY IN VIOLATION
22 TO PAY AN ADDITIONAL PENALTY IN AN AMOUNT THAT EQUALS THE VALUE OF THE PUBLIC
23 RESOURCES UNLAWFULLY USED. THE CIVIL PENALTIES SHALL BE PAID AS FOLLOWS:

24 1. FOR CIVIL PENALTIES ORDERED IN AN ACTION FILED BY THE ATTORNEY
25 GENERAL, TO THE OFFICE OF THE ATTORNEY GENERAL TO DEFRAY THE COSTS OF
26 ENFORCEMENT.

27 2. FOR CIVIL PENALTIES ORDERED IN AN ACTION FILED BY THE COUNTY
28 ATTORNEY, TO THE OFFICE OF THE COUNTY TREASURER FOR DEPOSIT INTO THE GENERAL
29 FUND OF THE COUNTY.

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

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

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

37 G. FOR THE PURPOSES OF THIS SECTION:

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

42 2. "INFLUENCE AN ELECTION" MEANS SUPPORTING OR OPPOSING A CANDIDATE
43 FOR NOMINATION OR ELECTION TO PUBLIC OFFICE OR THE RECALL OF A PUBLIC OFFICER
44 OR SUPPORTING OR OPPOSING A BALLOT MEASURE, QUESTION OR PROPOSITION,
45 INCLUDING ANY BOND, BUDGET OR OVERRIDE ELECTION AND SUPPORTING OR OPPOSING

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1 THE CIRCULATION OF A PETITION FOR THE RECALL OF A PUBLIC OFFICER OR A
2 PETITION FOR A BALLOT MEASURE, QUESTION OR PROPOSITION IN ANY MANNER THAT IS
3 NOT IMPARTIAL OR NEUTRAL.

APPROVED BY THE GOVERNOR APRIL 11, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2013.