

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HOUSE BILL 2665

AN ACT

AMENDING SECTIONS 16-901, 16-902, 16-903 AND 16-905, ARIZONA REVISED
STATUTES; RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENSES.

(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. The acquisition or use of campaign assets by a
43 committee that are paid for with the candidate's personal monies, including
44 campaign signs and other similar promotional materials, is a contribution and

1 is reportable by the candidate's campaign committee as a contribution to the
2 campaign.

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

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

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

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

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

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

38 (vi) Independent expenditures.

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

1 the unpaid balance that each endorser or guarantor bears to the total number
2 of endorsers or guarantors, the loan shall be made on a basis that assures
3 repayment, evidenced by a written instrument, shall be subject to a due date
4 or amortization schedule and shall bear the usual and customary interest rate
5 of the lending institution.

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

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

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

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

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

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

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

1 7. "Election" means any election for any initiative, referendum or
2 other measure or proposition or a primary, general, recall, special or runoff
3 election for any office in this state other than the office of precinct
4 committeeman and other than a federal office. ~~For the purposes of sections~~
5 ~~16-903 and 16-905, UNLESS OTHERWISE PROVIDED BY LAW,~~ the general election
6 does not include the primary election.

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

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

20 (b) Nonpartisan activity designed to encourage individuals to vote or
21 to register to vote.

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

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

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

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

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

4 11. "Filing officer" means the office that is designated by section
5 16-916 to conduct the duties prescribed by this chapter.

6 12. "Identification" means:

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

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

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

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

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

33 (b) There is any arrangement, coordination or direction with respect
34 to the expenditure between the candidate or the candidate's agent and the
35 person making the expenditure, including any officer, director, employee or
36 agent of that person. For the purposes of this subdivision, serving on a
37 host committee for a fund-raising event does not presumptively demonstrate
38 any arrangement, coordination or direction.

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

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

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

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

6 15. "In-kind contribution" means a contribution of goods or services or
7 anything of value and not a monetary contribution. The use by a candidate's
8 campaign committee of a distinctive trade name, trademark or trade dress
9 item, including a logo, that is owned by a business or other entity that is
10 owned by that candidate or in which the candidate has a controlling interest
11 is deemed to be an in-kind contribution to the candidate's campaign committee
12 and shall be reported as otherwise prescribed by law.

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

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

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

19 (a) Except as prescribed in paragraph 15 of this section, assets to
20 which the candidate has a legal right of access or control at the time he
21 becomes a candidate and with respect to which the candidate has either legal
22 title or an equitable interest.

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

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

34 (d) Family contributions.

35 19. "Political committee" means a candidate or any association or
36 combination of persons that is organized, conducted or combined for the
37 purpose of influencing the result of any election or to determine whether an
38 individual will become a candidate for election in this state or in any
39 county, city, town, district or precinct in this state, that engages in
40 political activity in behalf of or against a candidate for election or
41 retention or in support of or opposition to an initiative, referendum or
42 recall or any other measure or proposition and that applies for a serial
43 number and circulates petitions and, in the case of a candidate for public
44 office except those exempt pursuant to section 16-903, that receives
45 contributions or makes expenditures of more than two hundred fifty dollars in

1 connection therewith, notwithstanding that the association or combination of
2 persons may be part of a larger association, combination of persons or
3 sponsoring organization not primarily organized, conducted or combined for
4 the purpose of influencing the result of any election in this state or in any
5 county, city, town or precinct in this state. Political committee includes
6 the following types of committees:

7 (a) A candidate's campaign committee.

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

10 (c) A committee acting in support of or opposition to the
11 qualification, passage or defeat of a ballot measure, question or
12 proposition.

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

15 (e) A political party.

16 (f) A committee organized for the purpose of making independent
17 expenditures.

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

20 (h) A political organization.

21 (i) An exploratory committee.

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

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

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

33 23. "Standing political committee" means a political committee that
34 satisfies all of the following:

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

37 (b) Files a statement of organization as prescribed by section
38 16-902.01, subsection E.

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

41 (i) A separate, segregated fund.

42 (ii) A political party.

43 (iii) A committee organized for the purpose of making independent
44 expenditures.

45 (iv) A political organization.

1 24. "Statewide office" means the office of governor, secretary of
2 state, state treasurer, attorney general, superintendent of public
3 instruction, corporation commissioner or mine inspector.

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

7 Sec. 2. Section 16-902, Arizona Revised Statutes, is amended to read:

8 16-902. Organization of political committees; accounting

9 A. Each political committee shall have a chairman and treasurer. The
10 position of chairman and treasurer of a single political committee may not be
11 held by the same individual, except that a candidate may be chairman and
12 treasurer of his own campaign committee.

13 B. The name of each political committee shall include the name of any
14 sponsoring organization, and, in the case of a candidate's campaign
15 committee, the committee's name shall include the name of the candidate, or,
16 if for an exploratory committee, the individual, who designated the committee
17 pursuant to section 16-903.

18 C. Before a political committee accepts a contribution or makes an
19 expenditure it shall designate one or more state banks, federally chartered
20 depository institutions or depository institutions the deposits or accounts
21 of which are insured by the federal deposit insurance corporation or the
22 national credit union administration as its campaign depository or
23 depositories. The political committee shall notify the filing officer of the
24 designation of the financial institution either at the time of filing the
25 statement of organization pursuant to section 16-902.01 or within five
26 business days after opening an account. All withdrawals or disbursements
27 from these accounts require the signature of the treasurer or a designated
28 agent of the political committee.

29 D. IF A COMMITTEE RECEIVES CONTRIBUTIONS DESIGNATED FOR USE IN THE
30 GENERAL ELECTION BEFORE THE PRIMARY ELECTION, THE COMMITTEE MUST USE AN
31 ACCEPTABLE ACCOUNTING METHOD TO DISTINGUISH BETWEEN CONTRIBUTIONS RECEIVED
32 FOR THE PRIMARY ELECTION AND CONTRIBUTIONS RECEIVED FOR THE GENERAL ELECTION.
33 ACCEPTABLE ACCOUNTING METHODS INCLUDE DESIGNATING SEPARATE ACCOUNTS FOR EACH
34 ELECTION OR ESTABLISHING SEPARATE BOOKS AND RECORDS FOR EACH ELECTION.

35 Sec. 3. Section 16-903, Arizona Revised Statutes, is amended to read:

36 16-903. Candidate's campaign committees; exploratory
37 committees; designation; candidate as agent; civil
38 penalty

39 A. Each candidate who intends to receive contributions or make
40 expenditures of more than five hundred dollars in connection with a campaign
41 for office shall designate in the format prescribed by the filing officer a
42 political committee for each election to serve as the candidate's campaign
43 committee. SUBJECT TO SECTION 16-902, SUBSECTION D, A CANDIDATE SHALL ONLY
44 DESIGNATE A SINGLE CANDIDATE CAMPAIGN COMMITTEE THAT APPLIES TO BOTH THE
45 PRIMARY ELECTION AND THE GENERAL ELECTION FOR THAT DESIGNATED OFFICE. The

1 candidate shall make the designation pursuant to this subsection by filing a
2 statement of organization before making any expenditures, accepting any
3 contributions, distributing any campaign literature or circulating any
4 petitions. Each candidate who intends to receive contributions or make
5 expenditures of five hundred dollars or less shall file a signed exemption
6 statement in the format prescribed by the filing officer that states that
7 intention before making any expenditures, accepting any contributions,
8 distributing any campaign literature or circulating petitions. If a
9 candidate who has filed a five hundred dollar exemption statement receives
10 contributions or makes expenditures of more than five hundred dollars, that
11 candidate shall file a statement of organization with the filing officer
12 within five business days after exceeding the five hundred dollar limit.

13 B. An individual who receives contributions or makes expenditures of
14 more than five hundred dollars for the purpose of determining whether the
15 individual will become a candidate for election to an office in this state
16 shall designate in the format prescribed by the filing officer a political
17 committee to serve as the individual's exploratory committee. The individual
18 shall make the designation pursuant to this subsection before making any
19 expenditures, accepting any contributions, circulating any petitions or
20 distributing any campaign literature. IF AN INDIVIDUAL'S EXPLORATORY
21 COMMITTEE RECEIVES CONTRIBUTIONS DESIGNATED FOR USE IN THE GENERAL ELECTION
22 BEFORE THE PRIMARY ELECTION, THE COMMITTEE MUST USE AN ACCEPTABLE ACCOUNTING
23 METHOD TO DISTINGUISH BETWEEN CONTRIBUTIONS RECEIVED FOR THE PRIMARY ELECTION
24 AND CONTRIBUTIONS RECEIVED FOR THE GENERAL ELECTION. ACCEPTABLE ACCOUNTING
25 METHODS INCLUDE DESIGNATING SEPARATE ACCOUNTS FOR EACH ELECTION OR
26 ESTABLISHING SEPARATE BOOKS AND RECORDS FOR EACH ELECTION.

27 C. An individual may have only one exploratory committee in existence
28 at one time. A candidate may have only one campaign committee designated for
29 each election, but a candidate may have more than one campaign committee
30 simultaneously in existence.

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

34 E. Any candidate who receives a contribution or any loan for use in
35 connection with the campaign of that candidate for election or who makes a
36 disbursement in connection with that campaign shall be deemed as having
37 received the contribution or loan or as having made the disbursement as an
38 agent of the candidate's campaign committee for purposes of this article.

39 F. An elected official is not deemed to have offered himself for
40 nomination or election to an office within the meaning of section 38-296
41 solely by his designation of a candidate campaign committee.

42 G. After designating an exploratory committee, a candidate may
43 lawfully collect signatures on nomination petitions and receive
44 contributions.

1 H. A person who violates this section is subject to a civil penalty
2 imposed as prescribed in section 16-924 of up to three times the amount of
3 money that has been received, expended or promised in violation of this
4 section or up to three times the value in money for an equivalent of money or
5 other things of value that have been received, expended or promised in
6 violation of this section.

7 Sec. 4. Section 16-905, Arizona Revised Statutes, is amended to read:
8 16-905. Contribution limitations; civil penalty; complaint

9 A. For an election other than for a statewide office, a contributor
10 shall not give and an exploratory committee, a candidate or a candidate's
11 campaign committee shall not accept contributions of more than:

12 1. For an election for a legislative office, two thousand five hundred
13 dollars from an individual.

14 2. For an election other than for a legislative office, two thousand
15 five hundred dollars from an individual.

16 3. For an election for a legislative office, two thousand five hundred
17 dollars from a single political committee, excluding a political party, not
18 certified under subsection G of this section to make contributions at the
19 higher limits prescribed by paragraph 5 of this subsection and subsection B,
20 paragraph 3 of this section.

21 4. For an election other than for a legislative office, two thousand
22 five hundred dollars from a single political committee, excluding a political
23 party, not certified under subsection G of this section to make contributions
24 at the higher limits prescribed by subsection B, paragraph 3 of this section.

25 5. Five thousand dollars from a single political committee, ~~excluding~~
26 ~~a political party~~, THAT IS certified pursuant to subsection G of this
27 section, EXCLUDING A POLITICAL PARTY.

28 B. For an election for a statewide office, a contributor shall not
29 give and an exploratory committee, a candidate or a candidate's committee
30 shall not accept contributions of more than:

31 1. Two thousand five hundred dollars from an individual.

32 2. Two thousand five hundred dollars from a single political
33 committee, excluding a political party, not certified under subsection G of
34 this section to make contributions at the higher limits prescribed by
35 subsection A, paragraph 5 of this section and paragraph 3 of this subsection.

36 3. Five thousand ten dollars from a single political committee
37 ~~excluding political parties~~ THAT IS certified pursuant to subsection G of
38 this section, EXCLUDING A POLITICAL PARTY.

39 C. A candidate may accept contributions from political committees,
40 excluding political parties, as otherwise prescribed in this section and a
41 candidate is not restricted as to the aggregate total that a candidate may
42 lawfully receive from all political committees, excluding political parties.

43 D. A nominee of a political party shall not accept contributions from
44 all political parties or political organizations combined totaling more than
45 ten thousand twenty dollars for an election for an office other than a

1 statewide office, and one hundred thousand one hundred ten dollars for an
2 election for a statewide office.

3 E. An individual may make contributions as otherwise prescribed by
4 this section, and an individual is not restricted as to the aggregate total
5 that an individual may give.

6 F. A candidate's campaign committee or an individual's exploratory
7 committee shall not make a loan and shall not transfer or contribute money to
8 any other campaign or exploratory committee that is designated pursuant to
9 this chapter or 2 United States Code section 431 except as follows:

10 1. An exploratory committee may transfer monies to a subsequent
11 candidate's campaign committee of the individual designating the exploratory
12 committee, subject to the limits of subsection B of this section.

13 2. A candidate's campaign committee may transfer or contribute monies
14 to another campaign committee designated by the same candidate as follows:

15 (a) Subject to the contribution limits of this section PER
16 CONTRIBUTOR, transfer or contribute monies IN THE AGGREGATE from one
17 committee to another if both committees have been designated for an election
18 in the same year INCLUDING TO A COMMITTEE FOR ANOTHER OFFICE OR IN ANOTHER
19 JURISDICTION.

20 (b) Without application of the contribution limits of this section,
21 transfer or contribute monies from one committee to another designated for an
22 election in a subsequent year.

23 G. Only political committees that received monies from five hundred or
24 more individuals in amounts of ten dollars or more in the two year period
25 immediately before application to the secretary of state for qualification as
26 a political committee pursuant to this section may make contributions to
27 candidates under subsection A, paragraph 5 of this section and subsection B,
28 paragraph 3 of this section. The secretary of state shall obtain information
29 necessary to make the determination that a committee meets the requirements
30 of this subsection and shall provide written certification of the fact to the
31 committee. A political committee certification is valid for four years. A
32 candidate's campaign committee shall not accept a contribution pursuant to
33 this subsection unless it is accompanied by a copy of the certification. All
34 political committees that do not meet the requirements of this subsection are
35 subject to the individual campaign contribution limits of subsection A,
36 paragraphs 1 and 2 of this section and subsection B, paragraph 1 of this
37 section.

38 H. The secretary of state biennially shall adjust to the nearest ten
39 dollars the amounts in subsections A through E of this section by the
40 percentage change in the consumer price index and publish the new amounts for
41 distribution to election officials, candidates and campaign committees. For
42 the purposes of this subsection, "consumer price index" means the consumer
43 price index for all urban consumers, United States city average, that is
44 published by the United States department of labor, bureau of labor
45 statistics.

1 I. The following specific limitations and procedures apply:

2 1. The limits of subsections A through E of this section apply to each
3 election for any office or offices that the candidate seeks.

4 2. The limits of subsections A and B of this section apply to the
5 total contributions from all separate segregated funds established, as
6 provided in section 16-920, by a corporation, labor organization, trade
7 association, cooperative or corporation without capital stock.

8 3. A contribution by an unemancipated minor child shall be treated as
9 a contribution by the child's custodial parent or parents for determining
10 compliance with subsection A, paragraphs 1 and 2, subsection B, paragraph 1
11 and subsection E of this section.

12 4. A contribution by an individual or a single political committee to
13 two or more candidates in connection with a joint fund-raising effort shall
14 be divided among the candidates in direct proportion to each candidate
15 campaign committee's share of the expenses for the fund-raising effort.

16 5. A candidate shall sign and file with the candidate's nomination
17 paper a statement that the candidate has read all applicable laws relating to
18 campaign financing and reporting.

19 6. A CONTRIBUTION TO A CANDIDATE'S EXPLORATORY OR CAMPAIGN COMMITTEE
20 SHALL BE APPLIED TO THE PRIMARY ELECTION UNLESS:

21 (a) THE CONTRIBUTOR HAS DESIGNATED OTHERWISE.

22 (b) THAT APPLICATION WOULD RESULT IN EXCEEDING A CONTRIBUTION LIMIT.
23 IN THAT EVENT, THE COMMITTEE MAY:

24 (i) APPLY THAT PORTION OF THE CONTRIBUTION THAT EXCEEDS THE LIMIT TO
25 THE GENERAL ELECTION. ANY PORTION APPLIED TO THE GENERAL ELECTION IS SUBJECT
26 TO THE CONTRIBUTION LIMITS FOR THAT ELECTION AND FOR THAT CONTRIBUTOR.

27 (ii) REFUND THE EXCESS AMOUNT.

28 (c) THE CONTRIBUTION WAS RECEIVED AFTER THE PRIMARY ELECTION AND THE
29 CONTRIBUTION WAS NOT BEING USED TO RETIRE PRIMARY ELECTION DEBT. IN THAT
30 EVENT, THE CONTRIBUTION SHALL BE APPLIED TO THE GENERAL ELECTION SUBJECT TO
31 THE CONTRIBUTION LIMITS FOR THAT ELECTION AND FOR THAT CONTRIBUTOR.

32 7. CONTRIBUTIONS MADE TO THE CANDIDATE FOR THE GENERAL ELECTION ARE
33 SOLELY FOR INFLUENCING THE GENERAL ELECTION. IF THE CANDIDATE PREVAILED IN
34 THE PRIMARY ELECTION OR IF THE CANDIDATE FILED PURSUANT TO SECTION 16-341,
35 UNEXPENDED OR UNENCUMBERED PRIMARY ELECTION CONTRIBUTIONS MAY BE COMBINED
36 AFTER THE PRIMARY ELECTION WITH ALL OF THE GENERAL ELECTION CONTRIBUTIONS
37 THAT WERE RECEIVED FOR USE IN THE GENERAL ELECTION. AFTER THE GENERAL
38 ELECTION, ALL CONTRIBUTIONS MAY BE COMBINED FOR USE IN A SUBSEQUENT ELECTION.

39 ~~6-~~ 8. An individual or political committee shall not use economic
40 influence to induce members of an organization to make contributions to a
41 candidate, collect contributions from members of an organization for
42 transmittal to a candidate, make payments to candidates for public
43 appearances or services that are ordinarily uncompensated or use any similar
44 device to circumvent any of the limitations of this section.

1 J. A person who violates this section is subject to a civil penalty
2 imposed as prescribed in section 16-924 of three times the amount of money
3 that has been received, expended or promised in violation of this section or
4 three times the value in money for an equivalent of money or other things of
5 value that have been received, expended or promised in violation of this
6 section.

7 K. Any qualified elector may file a sworn complaint with the attorney
8 general or the county attorney of the county in which a violation of this
9 section is believed to have occurred, and the attorney general or the county
10 attorney shall investigate the complaint for possible action.

11 L. If the filing officer, attorney general or county attorney fails to
12 institute an action within forty-five working days after receiving a
13 complaint under subsection K of this section, the individual filing the
14 complaint may bring a civil action in the individual's own name and at the
15 individual's own expense, with the same effect as if brought by the filing
16 officer, attorney general or county attorney. The individual shall execute a
17 bond payable to the defendant if the individual fails to prosecute the action
18 successfully. The court shall award to the prevailing party costs and
19 reasonable attorney fees.

20 M. If a provision of this section or its application to any person or
21 circumstance is held invalid, the invalidity does not affect other provisions
22 or applications of the section that can be given effect without the invalid
23 provision or application, and to this end the provisions of this section are
24 severable.

25 N. The use of a candidate's personal monies, or the use of personal
26 monies by an individual who designates an exploratory committee, is not
27 subject to the limitations of this section.

28 Sec. 5. Retroactivity

29 A. Sections 16-901, 16-902, 16-903 and 16-905, Arizona Revised
30 Statutes, as amended by this act, apply retroactively to from and after
31 September 12, 2013.

32 B. Section 16-905, subsection C, Arizona Revised Statutes, applies
33 retroactively to all contributions made for an election in the 2014 election
34 cycle.

35 Sec. 6. Applicability; separate committees; allocations

36 For the 2014 primary and general elections:

37 1. A person is not required and shall not be required to have separate
38 political committees for the primary election and the general election in
39 order to receive a contribution for either of those elections if the person
40 has established at least one candidate committee or exploratory committee for
41 an election in the 2014 election cycle.

42 2. Candidates who had monies remaining from the 2012 election or
43 earlier may allocate those monies or portions of those monies to either a
44 primary election or a general election without limitation.

1 3. Notwithstanding section 16-905, subsection F, paragraph 2,
2 subdivision (a), Arizona Revised Statutes, as amended by this act, unless the
3 contributor specified otherwise, candidates who received contributions from
4 individuals or committees between September 13, 2013 and the effective date
5 of this act and who allocated those contributions to the general election may
6 reallocate to the primary election up to an amount that does not violate the
7 contribution limits prescribed in section 16-905, Arizona Revised Statutes,
8 as amended by this act. Contributions allocated in this manner may not be
9 credited to another individual contributor or committee.

10 Sec. 7. Secretary of state; campaign finance reporting system

11 As soon as is practicable but not later than April 30, 2014, the office
12 of the secretary of state shall modify the electronic campaign finance
13 reporting system operated by that office to incorporate the amendments made
14 to this state's campaign finance laws by this act and shall combine separate
15 committees created for the primary and general elections into one committee
16 for the 2014 election cycle.

17 Sec. 8. Legislative intent; contribution limitations; Arizona
18 Citizens Clean Elections Commission v. Brain

19 It is the intent of the legislature by this act to confirm that
20 amendments to campaign contribution limits made to sections 16-901 and
21 16-905, Arizona Revised Statutes, as amended by Laws 2013, chapter 98, that
22 were reinstated by order of the Arizona supreme court filed December 17, 2013
23 in Arizona Citizens Clean Elections Commission v. Brain, CV-13-0341-PR, are
24 effective beginning from and after September 12, 2013 and are and have been
25 applicable continuously since that date and that contributions that are made
26 after September 13, 2013 and that are in compliance with Laws 2013, chapter
27 98 are lawful without regard to whether the contributions were made before or
28 after the December 17, 2013 order.

29 Sec. 9. Emergency

30 This act is an emergency measure that is necessary to preserve the
31 public peace, health or safety and is operative immediately as provided by
32 law.