

REFERENCE TITLE: clean elections act amendments

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

SB 1266

Introduced by
Senator Kavanagh

AN ACT

AMENDING SECTIONS 16-954, 16-956, 41-133 AND 41-2421, ARIZONA REVISED
STATUTES; RELATING TO THE CITIZENS CLEAN ELECTIONS ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Subject to the requirements of article IV, part 1,
3 section 1, Constitution of Arizona, section 16-954, Arizona Revised Statutes,
4 is amended to read:

5 16-954. Clean elections tax deduction: disposition of excess
6 monies

7 A. A TAXPAYER WHO FILES ON A STATE INCOME TAX RETURN FORM MAY
8 DESIGNATE A FIVE DOLLAR VOLUNTARY CONTRIBUTION PER TAXPAYER TO THE FUND BY
9 MARKING AN OPTIONAL CHECKOFF BOX ON THE FORM. THE DEPARTMENT OF REVENUE
10 SHALL TRANSFER FIVE DOLLARS FROM THE AMOUNT OF TAXES PAID TO THE FUND. THE
11 DEPARTMENT OF REVENUE SHALL PROVIDE CHECKOFF BOXES, IDENTIFIED AS THE CLEAN
12 ELECTIONS FUND TAX DEDUCTION, ON INCOME TAX RETURN FORMS FOR DESIGNATIONS
13 PURSUANT TO THIS SUBSECTION.

14 B. ANY TAXPAYER MAY MAKE A VOLUNTARY DONATION TO THE FUND BY
15 DESIGNATING THE FUND ON AN INCOME TAX RETURN FORM FILED BY THE INDIVIDUAL OR
16 BUSINESS ENTITY OR BY MAKING A PAYMENT DIRECTLY TO THE FUND. ANY TAXPAYER
17 MAKING A DONATION PURSUANT TO THIS SUBSECTION SHALL RECEIVE A TAX DEDUCTION
18 NOT TO EXCEED TWENTY PERCENT OF THE TAX AMOUNT ON THE RETURN OR FIVE HUNDRED
19 DOLLARS PER TAXPAYER, WHICHEVER IS HIGHER. DONATIONS MADE PURSUANT TO THIS
20 SUBSECTION CANNOT BE DESIGNATED AS FOR THE BENEFIT OF A PARTICULAR CANDIDATE,
21 POLITICAL PARTY OR ELECTION CONTEST. THE DEPARTMENT OF REVENUE SHALL
22 TRANSFER TO THE FUND ALL DONATIONS MADE PURSUANT TO THIS SUBSECTION. THE
23 DEPARTMENT OF REVENUE SHALL PROVIDE A SPACE, IDENTIFIED AS THE CLEAN
24 ELECTIONS FUND VOLUNTARY DONATION, ON INCOME TAX RETURN FORMS FOR DONATIONS
25 PURSUANT TO THIS SUBSECTION.

26 ~~A. C. Beginning January 1, 1999,~~ An additional surcharge of ten ~~per~~
27 ~~cent~~ PERCENT shall be imposed on all civil and criminal fines and penalties
28 collected pursuant to section 12-116.01 and shall be deposited into the fund.

29 ~~B. D.~~ At least once per year, the commission shall project the amount
30 of monies that the fund will collect over the next four years and the time
31 such monies shall become available. Whenever the commission determines that
32 the fund contains more monies than the commission determines that it requires
33 to meet current debts plus expected expenses, under the assumption that
34 expected expenses will be at the expenditure limit in section 16-949,
35 subsection A, and taking into account the projections of collections, the
36 commission shall designate such monies as excess monies and so notify the
37 state treasurer, who shall thereupon transfer the excess monies to the
38 general fund. THE COMMISSION SHALL SEPARATELY ACCOUNT FOR MONIES RECEIVED IN
39 DONATIONS PURSUANT TO SUBSECTION B OF THIS SECTION AND SHALL NOT INCLUDE
40 THESE MONIES IN ANY CALCULATION OF OR TRANSFER OF EXCESS MONIES TO THE
41 GENERAL FUND. DISBURSEMENT OF MONIES RECEIVED IN DONATIONS ARE EXEMPT FROM
42 THE EXPENDITURE LIMITATIONS PRESCRIBED IN SECTION 16-949.

43 ~~C. E.~~ At least once per year, the commission shall project the amount
44 of clean elections funding for which all candidates will have qualified
45 pursuant to this article for the following calendar year. By the end of each

1 year, the commission shall announce whether the amount that the commission
 2 plans to spend the following year pursuant to section 16-949, subsection A
 3 exceeds the projected amount of clean elections funding. If the commission
 4 determines that the fund contains insufficient monies or the spending cap
 5 would be exceeded were all candidates' accounts to be fully funded, the
 6 commission may include in the announcement specifications for decreases in
 7 the following parameters, based on the commission's projections of
 8 collections and expenses for the fund, including that the fund will provide
 9 monies under section 16-951 as a fraction of the amounts there specified.

10 ~~D.~~ F. If the commission cannot provide participating candidates with
 11 all monies specified under sections 16-951 and 16-952, as decreased by any
 12 announcement pursuant to subsection ~~C~~ E of this section, the commission
 13 shall allocate any reductions in payments proportionately among candidates
 14 entitled to monies and shall declare an emergency. ~~Upon~~ ON declaration of an
 15 emergency, a participating candidate may accept private contributions to
 16 bring the total monies received by the candidate from the fund and from such
 17 private contributions up to the adjusted spending limits, as decreased by any
 18 announcement made pursuant to subsection ~~C~~ E of this section.

19 G. AT THE DISCRETION OF THE COMMISSION, MONIES RECEIVED PURSUANT TO
 20 SUBSECTIONS A AND B OF THIS SECTION MAY BE TRANSFERRED FOR DEPOSIT TO AN
 21 ELECTION EQUIPMENT REFRESHMENT ACCOUNT IN THE CLEAN ELECTIONS FUND. MONIES
 22 IN THE ELECTION EQUIPMENT REFRESHMENT ACCOUNT MAY BE USED FOR UPDATING AND
 23 REPLACING ELECTION EQUIPMENT USED FOR COUNTY ELECTIONS IN THIS STATE AND MAY
 24 BE DISBURSED FOR THOSE PURPOSES ON EVIDENCE OF COUNTY MATCHING MONIES, WITH A
 25 COUNTY PROVIDING THREE DOLLARS FOR EVERY ONE DOLLAR FROM THE ACCOUNT. MONIES
 26 DISBURSED PURSUANT TO THIS SUBSECTION ARE EXEMPT FROM THE EXPENDITURE
 27 LIMITATIONS PRESCRIBED IN SECTION 16-949.

28 Sec. 2. Subject to the requirements of article IV, part 1, section 1,
 29 Constitution of Arizona, section 16-956, Arizona Revised Statutes, is amended
 30 to read:

31 16-956. Voter education and enforcement duties; officeholder
 32 expense accounts; definition

33 A. The commission shall:

34 1. Develop a procedure for publishing a document or section of a
 35 document having a space of predefined size for a message chosen by each
 36 candidate. For the document that is delivered before the primary election,
 37 the document shall contain the names of every candidate for every statewide
 38 and legislative district office in that primary election without regard to
 39 whether the candidate is a participating candidate or a nonparticipating
 40 candidate. For the document that is delivered before the general election,
 41 the document shall contain the names of every candidate for every statewide
 42 and legislative district office in that general election without regard to
 43 whether the candidate is a participating candidate or a nonparticipating
 44 candidate. The commission shall deliver one copy of each document to every
 45 household that contains a registered voter. For the document that is

1 delivered before the primary election, the delivery may be made over a period
2 of days but shall be sent in time to be delivered to households before the
3 earliest date for receipt by registered voters of any requested early ballots
4 for the primary election. The commission may deliver the second document
5 over a period of days but shall send the second document in order to be
6 delivered to households before the earliest date for receipt by registered
7 voters of any requested early ballots for the general election. The primary
8 election and general election documents published by the commission shall
9 comply with all of the following:

10 (a) For any candidate who does not submit a message pursuant to this
11 paragraph, the document shall include with the candidate's listing the words
12 "no statement submitted".

13 (b) The document shall have printed on its cover the words "citizens
14 clean elections commission voter education guide" and the words "primary
15 election" or "general election" and the applicable year. The document shall
16 also contain at or near the bottom of the document cover in type that is no
17 larger than one-half the size of the type used for "citizens clean elections
18 commission voter education guide" the words "paid for by the citizens clean
19 elections fund".

20 (c) In order to prevent voter confusion, the document shall be easily
21 distinguishable from the publicity pamphlet that is required to be produced
22 by the secretary of state pursuant to section 19-123.

23 2. Sponsor debates among candidates, in such manner as determined by
24 the commission. The commission shall require participating candidates to
25 attend and participate in debates and may specify by rule penalties for
26 nonparticipation. The commission shall invite and permit nonparticipating
27 candidates to participate in debates.

28 3. Prescribe forms for reports, statements, notices and other
29 documents required by this article. The commission shall not require a
30 candidate to use a reporting system other than the reporting system jointly
31 approved by the commission and the office of the secretary of state.

32 4. Prepare and publish instructions setting forth methods of
33 bookkeeping and preservation of records to facilitate compliance with this
34 article and explaining the duties of persons and committees under this
35 article.

36 5. Produce a yearly report describing the commission's activities and
37 any recommendations for changes of law, administration or funding amounts and
38 accounting for monies in the fund.

39 6. Adopt rules to implement the reporting requirements of section
40 16-958, subsections D and E.

41 7. Enforce this article, ensure that money from the fund is placed in
42 candidate campaign accounts or otherwise spent as specified in this article
43 and not otherwise, monitor reports filed pursuant to this chapter and
44 financial records of candidates as needed and ensure that money required by
45 this article to be paid to the fund is deposited in the fund. The commission

1 shall not take action on any external complaint that is filed more than
2 ninety days after the postelection report is filed or ninety days after the
3 completion of the canvass of the election to which the complaint relates,
4 whichever is later.

5 B. The commission may subpoena witnesses, compel their attendance and
6 testimony, administer oaths and affirmations, take evidence and require by
7 subpoena the production of any books, papers, records or other items material
8 to the performance of the commission's duties or the exercise of its powers.

9 C. The commission may adopt rules to carry out the purposes of this
10 article and to govern procedures of the commission. Commission rule making
11 is exempt from title 41, chapter 6, article 3. The commission shall propose
12 and adopt rules in public meetings, with at least sixty days allowed for
13 interested parties to comment after the rules are proposed. The commission
14 shall also file a notice of exempt rule making and the proposed rule in the
15 format prescribed in section 41-1022 with the secretary of state's office for
16 publication in the Arizona administrative register. After consideration of
17 the comments received in the sixty day comment period, the commission may
18 adopt the rule in an open meeting. Any rules given final approval in an open
19 meeting shall be filed in the format prescribed in section 41-1022 with the
20 secretary of state's office for publication in the Arizona administrative
21 register. Any rules adopted by the commission shall only be applied
22 prospectively from the date the rule was adopted.

23 D. Rules adopted by the commission are not effective until January 1
24 in the year following the adoption of the rule, except that rules adopted by
25 unanimous vote of the commission may be made immediately effective and
26 enforceable.

27 E. If, in the view of the commission, the action of a particular
28 candidate or committee requires immediate change to a commission rule, a
29 unanimous vote of the commission is required. Any rule change made pursuant
30 to this subsection that is enacted with less than a unanimous vote takes
31 effect for the next election cycle.

32 F. AS PART OF THE COMMISSION'S VOTER EDUCATION FUNCTIONS, THE
33 COMMISSION MAY EXPEND VOTER EDUCATION MONIES TO:

34 1. PROVIDE FOR THE PUBLICATION OF CANDIDATE STATEMENTS FOR FEDERAL,
35 STATE AND COUNTY CANDIDATES. CANDIDATE STATEMENTS MUST BE LIMITED TO TWO
36 HUNDRED FIFTY WORDS AND MAY INCLUDE A PHOTOGRAPH OF THE CANDIDATE.

37 2. ENGAGE IN VOTER EDUCATION REGARDING JUDICIAL RETENTION ELECTIONS.

38 3. ENGAGE IN VOTER EDUCATION REGARDING STATEWIDE BALLOT MEASURES,
39 INCLUDING THE DEVELOPMENT OF EDUCATIONAL MATERIALS FOR VOTERS.

40 4. BEGINNING JANUARY 1, 2016, ANNUALLY FUND OFFICEHOLDER EXPENSE
41 ACCOUNTS ESTABLISHED PURSUANT TO THIS SECTION. FOR PAYMENTS BEGINNING IN
42 JANUARY 2017 AND LATER, IF THE COMMISSION DETERMINES BY DECEMBER THAT MONIES
43 AVAILABLE FOR OFFICEHOLDER EXPENSE ACCOUNT PURPOSES IN THE FOLLOWING YEAR ARE
44 LESS THAN FIVE MILLION DOLLARS, THE COMMISSION SHALL REDUCE THE OFFICEHOLDER
45 EXPENSE ACCOUNT PAYMENTS ON A PRO RATA BASIS, BASED ON THE PERCENTAGE

1 REDUCTION IN THE AMOUNT OF MONIES AVAILABLE. THE OFFICEHOLDER EXPENSE
2 ACCOUNT ANNUAL AMOUNTS ARE AS FOLLOWS, AND SHALL BE ADJUSTED BY THE SECRETARY
3 OF STATE BIENNIALLY AS PRESCRIBED IN SECTION 16-905:

4 (a) FOR GOVERNOR, FORTY-NINE THOUSAND ONE HUNDRED EIGHTY DOLLARS.

5 (b) FOR SECRETARY OF STATE AND ATTORNEY GENERAL, TWENTY-FIVE THOUSAND
6 EIGHT HUNDRED FORTY DOLLARS.

7 (c) FOR ALL OTHER STATEWIDE OFFICEHOLDERS, TWELVE THOUSAND NINE
8 HUNDRED TWENTY DOLLARS.

9 (d) FOR LEGISLATORS, FOUR THOUSAND NINE HUNDRED DOLLARS.

10 G. FOR OFFICEHOLDERS WHO CHOOSE TO RECEIVE CITIZENS CLEAN ELECTIONS
11 FUND MONIES FOR OFFICEHOLDER EXPENSE ACCOUNTS PURSUANT TO THIS SECTION, THE
12 FOLLOWING APPLY:

13 1. THE CITIZENS CLEAN ELECTIONS COMMISSION SHALL PAY THESE MONIES IN
14 AMOUNTS AS PRESCRIBED IN THIS SECTION AND SHALL PRESCRIBE FORMS AND
15 PROCEDURES TO BE USED TO ADMINISTER MONIES RECEIVED FOR THESE PURPOSES.

16 2. FOR AN OFFICEHOLDER'S FUTURE CAMPAIGN, MONIES RECEIVED DO NOT
17 CONSTITUTE A CONTRIBUTION AS DEFINED IN SECTION 16-901 IF THE MONIES ARE
18 RECEIVED, EXPENDED AND REPORTED AS PRESCRIBED IN THIS SECTION.

19 3. AN OFFICEHOLDER SHALL ESTABLISH A SEPARATE ACCOUNT FOR OFFICEHOLDER
20 EXPENSES, WHICH SHALL BE SEPARATE FROM ANY CANDIDATE CAMPAIGN ACCOUNT. THE
21 OFFICEHOLDER SHALL FILE A STATEMENT OF ORGANIZATION FOR THE ACCOUNT
22 DESIGNATED AS AN OFFICEHOLDER EXPENSE ACCOUNT. MONIES RAISED OR SPENT FOR
23 OFFICEHOLDER EXPENSES SHALL BE REPORTED UNDER CAMPAIGN FINANCE REPORTING
24 REQUIREMENTS PURSUANT TO CHAPTER 6, ARTICLE 1 OF THIS TITLE.

25 4. AN OFFICEHOLDER SHALL NOT USE MONIES IN THE OFFICEHOLDER ACCOUNT
26 FOR CAMPAIGN PURPOSES. PERMISSIBLE USES OF MONIES IN AN OFFICEHOLDER ACCOUNT
27 INCLUDE THE FOLLOWING:

28 (a) OFFICE EQUIPMENT AND SUPPLIES.

29 (b) TRAVEL RELATED TO THE OFFICEHOLDER'S DUTIES.

30 (c) MEETING OR COMMUNICATING WITH CONSTITUENTS.

31 (d) EXPENSES FOR INFORMATIONAL AND EDUCATIONAL PURPOSES, INCLUDING
32 SUBSCRIPTIONS TO NEWSPAPERS, MAGAZINES OR OTHER PERIODICALS OR WEBSITES OR
33 OTHER INFORMATIONAL SERVICES, MEMBERSHIP OR PARTICIPATION IN COMMUNITY,
34 PROFESSIONAL OR FRATERNAL ORGANIZATIONS AND PARTICIPATION IN CONFERENCES AND
35 SEMINARS.

36 5. AN OFFICEHOLDER SHALL NOT RECEIVE OR SPEND MONIES FROM THE
37 OFFICEHOLDER ACCOUNT DURING THE PERIOD BEGINNING NINETY DAYS BEFORE THE
38 PRIMARY ELECTION, SHALL COMPLETE THE PURCHASE OR OTHERWISE USE THE ITEM
39 BEFORE NINETY DAYS BEFORE THE PRIMARY ELECTION AND SHALL NOT SPEND THOSE
40 MONIES UNTIL AFTER THE DAY OF THE GENERAL ELECTION.

41 6. ANY MONIES REMAINING IN THE OFFICEHOLDER EXPENSE ACCOUNT BEGINNING
42 NINETY DAYS BEFORE THE PRIMARY ELECTION SHALL NOT BE USED AND SHALL BE
43 RETURNED TO THE CITIZENS CLEAN ELECTIONS FUND NOT LATER THAN SIXTY DAYS
44 BEFORE THE PRIMARY ELECTION DAY. FOR GOOD CAUSE SHOWN, THE COMMISSION MAY
45 GRANT AN EXTENSION OF THE DEADLINE TO RETURN THOSE MONIES TO THE FUND.

1 7. AN OFFICEHOLDER SHALL NOT TRANSFER OFFICEHOLDER EXPENSE ACCOUNT
2 MONIES TO ANY OTHER ACCOUNT OR COMMITTEE EXCEPT FOR ANOTHER OFFICEHOLDER
3 EXPENSE ACCOUNT FOR THAT SAME OFFICEHOLDER.

4 8. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF
5 THREE TIMES ANY AMOUNT IMPROPERLY RECEIVED, SPENT OR REPORTED, WHICH SHALL BE
6 ASSESSED PURSUANT TO SUBSECTION A, PARAGRAPH 7 OF THIS SECTION AND SECTION
7 16-957.

8 ~~F.~~ H. Based on the results of the elections in any quadrennial
9 election after 2002, and within six months after such election, the
10 commission may adopt rules changing the number of qualifying contributions
11 required for any office from those listed in section 16-950, subsection D, by
12 no more than twenty ~~per-cent~~ PERCENT of the number applicable for the
13 preceding election.

14 I. FOR THE PURPOSES OF THIS SECTION, "OFFICEHOLDER" MEANS A PERSON WHO
15 HOLDS AN ELECTED STATEWIDE PUBLIC OFFICE OR A LEGISLATIVE OFFICE IN THIS
16 STATE, WHETHER BY ELECTION OR APPOINTMENT.

17 Sec. 3. Section 41-133, Arizona Revised Statutes, is amended to read:

18 41-133. Officeholder expenses; account; reporting; limitations;
19 civil penalty; definition

20 A. Any person who holds elected statewide public office or a
21 legislative office in this state, whether by election or appointment, may
22 receive or spend monies to defray the costs of performing officeholder
23 duties. THE OFFICEHOLDER MAY CHOOSE TO RECEIVE OFFICEHOLDER EXPENSE MONIES
24 FROM THE CITIZENS CLEAN ELECTIONS COMMISSION PURSUANT TO SECTION 16-956 OR
25 MAY CHOOSE TO RECEIVE OFFICEHOLDER EXPENSE MONIES FROM INDIVIDUAL
26 CONTRIBUTORS AS PRESCRIBED BY THIS SECTION, BUT NOT BOTH. FOR AN
27 OFFICEHOLDER WHO CHOOSES TO RECEIVE INDIVIDUAL CONTRIBUTIONS, MONIES MAY BE
28 RECEIVED as follows:

29 1. An officeholder may receive contributions pursuant to this section
30 only from individuals, and the maximum amount that may be received from an
31 individual during an election cycle is one hundred fifty dollars.

32 2. The total amount that an officeholder may receive or spend pursuant
33 to this section during an election cycle is ninety-eight thousand three
34 hundred sixty dollars for the governor, fifty-one thousand six hundred eighty
35 dollars for the secretary of state and the attorney general, twenty-five
36 thousand eight hundred forty dollars for all other statewide officeholders
37 and nine thousand eight hundred dollars for a legislator, which may include
38 personal monies as prescribed by paragraph 3 of this subsection. The
39 secretary of state shall adjust this amount biennially as prescribed in
40 section 16-905, subsection H.

41 3. An officeholder may contribute up to thirty ~~per-cent~~ PERCENT of the
42 limits as prescribed by paragraph 2 of this subsection of the officeholder's
43 personal monies to the officeholder's expense account.

1 B. For an officeholder's future campaign, monies received do not
2 constitute a contribution as defined in section 16-901 if the monies are
3 received, expended and reported as prescribed in this section.

4 C. An officeholder shall establish a separate account for officeholder
5 expenses, which shall be separate from any candidate campaign, account. The
6 officeholder shall file a statement of organization for the account
7 designated as an officeholder expense account. Monies raised or spent for
8 officeholder expenses shall be reported under campaign finance reporting
9 requirements pursuant to title 16, chapter 6, article 1.

10 D. An officeholder shall not use monies in the officeholder account
11 for campaign purposes. Permissible uses of monies in an officeholder account
12 include the following:

- 13 1. Office equipment and supplies.
- 14 2. Travel related to the officeholder's duties.
- 15 3. Meeting or communicating with constituents.
- 16 4. Expenses for informational and educational purposes, including
17 subscriptions to newspapers, magazines or other periodicals or websites or
18 other informational services, membership or participation in community,
19 professional or fraternal organizations and participation in conferences and
20 seminars.

21 E. An officeholder shall not receive or spend monies from the
22 officeholder account during the period beginning ~~April 30 in an election year~~
23 **NINETY DAYS BEFORE THE PRIMARY ELECTION**, shall complete the purchase or
24 otherwise use the item before ~~April 30 in an election year~~ **NINETY DAYS BEFORE**
25 **THE PRIMARY ELECTION** and shall not spend those monies until after the day of
26 the general election. Any monies remaining in the officeholder expense
27 account beginning ~~April 30 in an election year~~ **NINETY DAYS BEFORE THE PRIMARY**
28 **ELECTION** may not be used except as follows:

- 29 1. Paid to the state general fund.
- 30 2. For a person who continues to hold office as prescribed in this
31 section, carried forward to an officeholder expense account for another
32 office or term of office, subject to the limitations prescribed by this
33 section.
- 34 3. Donated to a political committee other than a person's exploratory
35 committee or a candidate's campaign committee, unless the officeholder
36 continues to hold office as prescribed in this section or the officeholder
37 holds any other elected office immediately following completion of the
38 officeholder's term.
- 39 4. Donated to an organization that qualifies under section 501(c)(4)
40 of the United States internal revenue code, unless the officeholder continues
41 to hold office as prescribed in this section or the officeholder holds any
42 other elected office immediately following completion of the officeholder's
43 term.

44 F. Except as prescribed in subsection E of this section, an
45 officeholder shall not transfer officeholder account monies to any other

1 account or committee except for another officeholder account for that same
2 officeholder.

3 G. Section 41-1234.01 applies to **INDIVIDUAL** contributions **MADE**
4 **PURSUANT TO THIS SECTION** to an officeholder account for legislators.

5 H. A person who violates this section is subject to a civil penalty of
6 three times any amount improperly received, spent or reported.

7 I. Section 16-924 applies for the implementation and enforcement of
8 this section.

9 ~~J. Any monies held by an officeholder pursuant to the officeholder
10 expense account rules established by the citizens clean elections commission
11 are subject to this section, and the citizens clean elections commission has
12 no further authority with respect to those monies.~~

13 ~~K.~~ J. For the purposes of this section, "officeholder" means a person
14 who holds an elected statewide public office or a legislative office in this
15 state, whether by election or appointment.

16 Sec. 4. Section 41-2421, Arizona Revised Statutes, is amended to read:
17 41-2421. Enhanced collections; allocation of monies; criminal
18 justice entities

19 A. Notwithstanding any other law and except as provided in subsection
20 J of this section, five per cent of any monies collected by the supreme court
21 and the court of appeals for the payment of filing fees, including clerk
22 fees, diversion fees, fines, penalties, surcharges, sanctions and
23 forfeitures, shall be deposited, pursuant to sections 35-146 and 35-147, and
24 allocated pursuant to the formula in subsection B of this section. This
25 subsection does not apply to monies collected by the courts pursuant to
26 section 16-954, ~~subsection A~~, or for child support, restitution or exonerated
27 bonds.

28 B. The monies deposited pursuant to subsection A of this section shall
29 be allocated according to the following formula:

30 1. 21.61 per cent to the state aid to county attorneys fund
31 established by section 11-539.

32 2. 20.53 per cent to the state aid to indigent defense fund
33 established by section 11-588.

34 3. 57.37 per cent to the state aid to the courts fund established by
35 section 12-102.02.

36 4. 0.49 per cent to the department of law for the processing of
37 criminal cases.

38 C. Notwithstanding any other law and except as provided in subsection
39 J of this section, five per cent of any monies collected by the superior
40 court, including the clerk of the court and the justice courts in each county
41 for the payment of filing fees, including clerk fees, diversion fees, adult
42 and juvenile probation fees, juvenile monetary assessments, fines, penalties,
43 surcharges, sanctions and forfeitures, shall be transmitted to the county
44 treasurer for allocation pursuant to subsections E, F, G and H of this
45 section. This subsection does not apply to monies collected by the courts

1 pursuant to section 16-954, ~~subsection A~~ or for child support, restitution or
2 exonerated bonds.

3 D. The supreme court shall adopt guidelines regarding the collection
4 of revenues pursuant to subsections A and C of this section.

5 E. The county treasurer shall allocate the monies deposited pursuant
6 to subsection C of this section according to the following formula:

7 1. 21.61 per cent for the purposes specified in section 11-539.

8 2. 20.53 per cent for the purposes specified in section 11-588.

9 3. 57.37 per cent to the local courts assistance fund established by
10 section 12-102.03.

11 4. 0.49 per cent to the state treasurer for transmittal to the
12 department of law for the processing of criminal cases.

13 F. The board of supervisors in each county shall separately account
14 for all monies received pursuant to subsections C and E of this section and
15 expenditures of these monies may be made only after the requirements of
16 subsections G and H of this section have been met.

17 G. By December 1 of each year each county board of supervisors shall
18 certify if the total revenues received by the justice courts and the superior
19 court, including the clerk of the superior court, exceed the amount received
20 in fiscal year 1997-1998. If the board so certifies, then the board shall
21 distribute the lesser of either:

22 1. The total amount deposited pursuant to subsection C of this
23 section.

24 2. The amount collected and deposited pursuant to subsection C of this
25 section that exceeds the base year collections of fiscal year 1997-1998.
26 These monies shall be distributed according to the formula specified in
27 subsection E of this section. Any monies remaining after this allocation
28 shall be transmitted as otherwise provided by law.

29 H. If a county board of supervisors determines that the total revenues
30 transmitted by the superior court, including the clerk of the superior court
31 and the justice courts in the county, do not equal the base year collections
32 transmitted in fiscal year 1997-1998 the monies specified in subsection C of
33 this section shall be transmitted by the county treasurer as otherwise
34 provided by law.

35 I. For the purposes of this section, base year collections shall be
36 those collections specified in subsection C of this section.

37 J. Monies collected pursuant to section 12-116.01, subsection B shall
38 be allocated as follows:

39 1. 15.44 per cent to the state aid to county attorneys fund
40 established by section 11-539.

41 2. 14.66 per cent to the state aid to indigent defense fund
42 established by section 11-588.

43 3. 40.97 per cent to the state aid to the courts fund established by
44 section 12-102.02.

1 4. 0.35 per cent to the department of law for the processing of
2 criminal cases.

3 5. 14.29 per cent to the Arizona criminal justice commission for
4 distribution to state, county and municipal law enforcement full service
5 forensic crime laboratories pursuant to rules adopted by the Arizona criminal
6 justice commission.

7 6. 14.29 per cent to the supreme court for allocation to the municipal
8 courts pursuant to subsection K of this section.

9 K. The supreme court shall administer and allocate the monies received
10 pursuant to subsection J, paragraph 6 of this section to the municipal courts
11 based on the total amount of surcharges transmitted pursuant to section
12 12-116.01 by that jurisdiction's city treasurer to the state treasurer for
13 the prior fiscal year divided by the total amount of surcharges transmitted
14 to the state treasurer pursuant to section 12-116.01 by all city treasurers
15 statewide for the prior fiscal year. The municipal court shall use the
16 monies received to improve, maintain and enhance the ability to collect and
17 manage monies assessed or received by the courts, to improve court automation
18 and to improve case processing or the administration of justice. The
19 municipal court shall submit a plan to the supreme court and the supreme
20 court shall approve the plan before the municipal court begins to spend these
21 allocated monies.

22 Sec. 5. Nonseverability

23 If any portion of this act is finally adjudicated invalid, the entire
24 act is void.

25 Sec. 6. Requirements for enactment; three-fourths vote

26 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
27 sections 16-954 and 16-956, Arizona Revised Statutes, as amended by this act,
28 are effective only on the affirmative vote of at least three-fourths of the
29 members of each house of the legislature.

30 Sec. 7. Emergency

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