

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

CHAPTER 296
HOUSE BILL 2613

AN ACT

AMENDING SECTIONS 9-500.14, 11-410, 15-511, 15-1408 AND 16-192, ARIZONA
REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 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, web pages,
10 personnel, equipment, materials, buildings or any other thing of value of the
11 city or town, for the purpose of influencing the outcomes of
12 elections. Notwithstanding this section, a city or town may distribute
13 informational pamphlets on a proposed bond election as provided in section
14 35-454 if those informational pamphlets present factual information in a
15 neutral manner. Nothing in this section precludes a city or town from
16 reporting on official actions of the governing body.
17 B. THE PROHIBITION ON THE USE OF PUBLIC RESOURCES TO INFLUENCE THE
18 OUTCOME OF BOND, BUDGET OVERRIDE AND OTHER TAX-RELATED ELECTIONS INCLUDES THE
19 USE OF CITY-FOCUSED OR TOWN-FOCUSED PROMOTIONAL EXPENDITURES THAT OCCUR AFTER
20 AN ELECTION IS CALLED AND THROUGH ELECTION DAY. THIS PROHIBITION DOES NOT
21 INCLUDE ROUTINE CITY OR TOWN COMMUNICATIONS.
22 ~~B.~~ C. This section does not prohibit the use of city or town
23 resources, including facilities and equipment, for government-sponsored
24 forums or debates if the government sponsor remains impartial and the events
25 are purely informational and provide an equal opportunity to all viewpoints.
26 The rental and use of a public facility by a private person or entity that
27 may lawfully attempt to influence the outcome of an election is permitted if
28 it does not occur at the same time and place as a government-sponsored forum
29 or debate.
30 ~~C.~~ D. Employees of a city or town shall not use the authority of
31 their positions to influence the vote or political activities of any
32 subordinate employee.
33 ~~D.~~ E. The attorney general or the county attorney of the county in
34 which an alleged violation of this section occurred may initiate a suit in
35 the superior court in the county in which the city or town is located for the
36 purpose of complying with this section.
37 ~~E.~~ F. For each violation of this section, the court may impose a
38 civil penalty not to exceed five thousand dollars plus any amount of misused
39 funds subtracted from the city or town budget against a person who knowingly
40 violates or aids another person in violating this section. The person
41 determined to be out of compliance with this section is responsible for the
42 payment of all penalties and misused funds. City or town funds or insurance
43 payments shall not be used to pay these penalties or misused funds. All
44 misused funds collected pursuant to this section shall be returned to the
45 city or town whose funds were misused.

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

4 ~~G.~~ H. For the purposes of this section:

5 1. "Government-sponsored forum or debate" means any event, or part of
6 an event or meeting, in which the government is an official sponsor, which is
7 open to the public or to invited members of the public, and whose purpose is
8 to inform the public about an issue or proposition that is before the voters.

9 2. "Influencing the outcomes of elections" means supporting or
10 opposing a candidate for nomination or election to public office or the
11 recall of a public officer or supporting or opposing a ballot measure,
12 question or proposition, including any bond, budget or override election and
13 supporting or opposing the circulation of a petition for the recall of a
14 public officer or a petition for a ballot measure, question or proposition in
15 any manner that is not impartial or neutral.

16 3. "Misused funds" means city or town monies or resources used
17 unlawfully as proscribed by this section.

18 4. "ROUTINE CITY OR TOWN COMMUNICATIONS" MEANS MESSAGES OR
19 ADVERTISEMENTS THAT ARE GERMANE TO THE FUNCTIONS OF THE CITY OR TOWN AND THAT
20 MAINTAIN THE FREQUENCY, SCOPE AND DISTRIBUTION CONSISTENT WITH PAST PRACTICES
21 OR ARE NECESSARY FOR PUBLIC SAFETY.

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

23 11-410. Use of county resources or employees to influence
24 elections; prohibition; civil penalty; definitions

25 A. A county shall not spend or use its resources, including the use or
26 expenditure of monies, accounts, credit, facilities, vehicles, postage,
27 telecommunications, computer hardware and software, web pages, personnel,
28 equipment, materials, buildings or any other thing of value, for the purpose
29 of influencing the outcomes of elections. Notwithstanding this section, a
30 county may distribute informational pamphlets on a proposed bond election as
31 provided in section 35-454 if those informational pamphlets present factual
32 information in a neutral manner. Nothing in this section precludes a county
33 from reporting on official actions of the county board of supervisors.

34 B. THE PROHIBITION ON THE USE OF PUBLIC RESOURCES TO INFLUENCE THE
35 OUTCOME OF BOND, BUDGET OVERRIDE AND OTHER TAX-RELATED ELECTIONS INCLUDES THE
36 USE OF COUNTY-FOCUSED PROMOTIONAL EXPENDITURES THAT OCCUR AFTER AN ELECTION
37 IS CALLED AND THROUGH ELECTION DAY. THIS PROHIBITION DOES NOT INCLUDE
38 ROUTINE COUNTY COMMUNICATIONS.

39 ~~B.~~ C. This section does not prohibit the use of county resources,
40 including facilities and equipment, for government-sponsored forums or
41 debates if the government sponsor remains impartial and the events are purely
42 informational and provide an equal opportunity to all viewpoints. The rental
43 and use of a public facility by a private person or entity that may lawfully
44 attempt to influence the outcome of an election is permitted if it does not
45 occur at the same time and place as a government-sponsored forum or debate.

1 ~~C.~~ D. Employees of a county shall not use the authority of their
2 positions to influence the vote or political activities of any subordinate
3 employee.

4 ~~D.~~ E. The attorney general or the county attorney of the county in
5 which an alleged violation of this section occurred may initiate a suit in
6 the superior court in the county in which the alleged violation occurred for
7 the purpose of complying with this section.

8 ~~E.~~ F. For each violation of this section, the court may impose a
9 civil penalty not to exceed five thousand dollars plus any amount of misused
10 funds subtracted from the county budget against a person who knowingly
11 violates or aids another person in violating this section. The person
12 determined to be out of compliance with this section is responsible for the
13 payment of all penalties and misused funds. County funds or insurance
14 payments shall not be used to pay these penalties or misused funds. All
15 misused funds collected pursuant to this section shall be returned to the
16 county whose funds were misused.

17 ~~F.~~ G. Nothing contained in this section shall be construed as denying
18 the civil and political liberties of any employee as guaranteed by the United
19 States and Arizona Constitutions.

20 ~~G.~~ H. For the purposes of this section:

21 1. "Government-sponsored forum or debate" means any event, or part of
22 an event or meeting, in which the government is an official sponsor, which is
23 open to the public or to invited members of the public, and whose purpose is
24 to inform the public about an issue or proposition that is before the voters.

25 2. "Influencing the outcomes of elections" means supporting or
26 opposing a candidate for nomination or election to public office or the
27 recall of a public officer or supporting or opposing a ballot measure,
28 question or proposition, including any bond, budget or override election and
29 supporting or opposing the circulation of a petition for the recall of a
30 public officer or a petition for a ballot measure, question or proposition in
31 any manner that is not impartial or neutral.

32 3. "Misused funds" means county monies or resources used unlawfully as
33 proscribed by this section.

34 4. "ROUTINE COUNTY COMMUNICATIONS" MEANS MESSAGES OR ADVERTISEMENTS
35 THAT ARE GERMANE TO THE FUNCTIONS OF THE COUNTY AND THAT MAINTAIN THE
36 FREQUENCY, SCOPE AND DISTRIBUTION CONSISTENT WITH PAST PRACTICES OR ARE
37 NECESSARY FOR PUBLIC SAFETY.

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

39 15-511. Use of school district or charter school resources or
40 employees to influence elections; prohibition; civil
41 penalty; definitions

42 A. A person acting on behalf of a school district or a person who aids
43 another person acting on behalf of a school district shall not spend or use
44 school district or charter school resources, including the use or expenditure
45 of monies, accounts, credit, facilities, vehicles, postage,
46 telecommunications, computer hardware and software, web pages, personnel,

1 equipment, materials, buildings or any other thing of value of the school
2 district or charter school, for the purpose of influencing the outcomes of
3 elections. Notwithstanding this section, a school district may distribute
4 informational reports on a proposed budget override election as provided in
5 section 15-481, subsections B and C or informational reports on a proposed
6 bond election as provided in section 15-491, subsection D if those
7 informational reports present factual information in a neutral manner, except
8 for those arguments presented as prescribed in section 15-481, subsection B,
9 paragraph 9. Nothing in this section precludes a school district from
10 reporting on official actions of the governing board.

11 **B. THE PROHIBITION ON THE USE OF PUBLIC RESOURCES TO INFLUENCE THE**
12 **OUTCOME OF BOND, BUDGET OVERRIDE AND OTHER TAX-RELATED ELECTIONS INCLUDES THE**
13 **USE OF SCHOOL DISTRICT-FOCUSED PROMOTIONAL EXPENDITURES THAT OCCUR AFTER AN**
14 **ELECTION IS CALLED AND THROUGH ELECTION DAY. THIS PROHIBITION DOES NOT**
15 **INCLUDE ROUTINE SCHOOL DISTRICT COMMUNICATIONS.**

16 ~~B.~~ **C.** This section does not prohibit the use of school district or
17 charter school resources, including facilities and equipment, for
18 government-sponsored forums or debates if the government sponsor remains
19 impartial and the events are purely informational and provide an equal
20 opportunity to all viewpoints. The rental and use of a public facility by a
21 private person or entity that may lawfully attempt to influence the outcome
22 of an election is permitted if it does not occur at the same time and place
23 as a government-sponsored forum or debate.

24 ~~C.~~ **D.** An employee of a school district or charter school who is
25 acting as an agent of or working in an official capacity for the school
26 district or charter school may not give pupils written materials to influence
27 the outcome of an election or to advocate support for or opposition to
28 pending or proposed legislation.

29 ~~D.~~ **E.** Employees of a school district or charter school may not use
30 the authority of their positions to influence the vote or political
31 activities of any subordinate employee.

32 ~~E.~~ **F.** Notwithstanding section 15-342, paragraph 8, a school district
33 shall not spend monies for membership in an association that attempts to
34 influence the outcome of an election.

35 ~~F.~~ **G.** Nothing contained in this section shall be construed as denying
36 the civil and political liberties of any person as guaranteed by the United
37 States and Arizona Constitutions.

38 ~~G.~~ **H.** The attorney general shall publish and distribute to school
39 districts and charter schools a detailed guideline regarding activities
40 prohibited under this section. The attorney general may distribute these
41 guidelines through a website or electronically.

42 ~~H.~~ **I.** The attorney general or the county attorney for the county in
43 which an alleged violation of this section occurred may initiate a suit in
44 the superior court in the county in which the school district or charter
45 school is located for the purpose of complying with this section.

1 ~~I.~~ J. For each violation of this section, the court may impose a
2 civil penalty not to exceed five thousand dollars plus any amount of misused
3 funds subtracted from the school district budget against a person who
4 knowingly violates or a person who knowingly aids another person in violating
5 this section. The person determined to be out of compliance with this
6 section shall be responsible for the payment of all penalties and misused
7 funds. School district funds or insurance payments shall not be used to pay
8 these penalties or misused funds. All misused funds collected pursuant to
9 this section shall be returned to the school district or charter school whose
10 funds were misused.

11 ~~J.~~ K. An attorney acting on behalf of a public school may request a
12 legal opinion of the county attorney or attorney general as to whether a
13 proposed use of school district resources would violate this section.

14 ~~K.~~ L. All penalties collected by the court for a suit initiated in
15 superior court by the attorney general shall be paid to the office of the
16 attorney general for the use and reimbursement of costs of prosecution
17 pursuant to this section. All penalties collected by the court for a suit
18 initiated in superior court by a county attorney shall be paid to the county
19 treasurer of the county in which the court is held for the use and
20 reimbursement of costs of prosecution pursuant to this section.

21 ~~L.~~ M. For the purposes of this section:

22 1. "Government-sponsored forum or debate" means any event, or part of
23 an event or meeting, in which the government is an official sponsor, which is
24 open to the public or to invited members of the public, and whose purpose is
25 to inform the public about an issue or proposition that is before the voters.

26 2. "Influencing the outcomes of elections" means supporting or
27 opposing a candidate for nomination or election to public office or the
28 recall of a public officer or supporting or opposing a ballot measure,
29 question or proposition, including any bond, budget or override election and
30 supporting or opposing the circulation of a petition for the recall of a
31 public officer or a petition for a ballot measure, question or proposition in
32 any manner that is not impartial or neutral.

33 3. "Misused funds" means school district monies or resources used
34 unlawfully pursuant to this section.

35 4. "ROUTINE SCHOOL DISTRICT COMMUNICATIONS" MEANS MESSAGES OR
36 ADVERTISEMENTS THAT ARE GERMANE TO THE FUNCTIONS OF THE SCHOOL DISTRICT AND
37 THAT MAINTAIN THE FREQUENCY, SCOPE AND DISTRIBUTION CONSISTENT WITH PAST
38 PRACTICES OR ARE NECESSARY FOR PUBLIC SAFETY.

1 Sec. 4. Section 15-1408, Arizona Revised Statutes, is amended to read:
2 15-1408. Use of community college district resources or
3 employees to influence elections; prohibition; civil
4 penalty; definitions

5 A. A person acting on behalf of a community college district or a
6 person who aids another person acting on behalf of a community college
7 district shall not spend or use community college district, resources,
8 including the use or expenditure of monies, accounts, credit, facilities,
9 vehicles, postage, telecommunications, computer hardware and software, web
10 pages, personnel, equipment, materials, buildings or any other thing of value
11 of the community college district, for the purpose of influencing the
12 outcomes of elections. Notwithstanding this section, a community college
13 district may distribute informational pamphlets on a proposed bond election
14 as provided in section 35-454 if those informational ~~reports~~ PAMPHLETS
15 present factual information in a neutral manner. Nothing in this section
16 precludes a community college district from reporting on official actions of
17 the governing board.

18 B. THE PROHIBITION ON THE USE OF PUBLIC RESOURCES TO INFLUENCE THE
19 OUTCOME OF BOND, BUDGET OVERRIDE AND OTHER TAX-RELATED ELECTIONS INCLUDES THE
20 USE OF COMMUNITY COLLEGE DISTRICT-FOCUSED PROMOTIONAL EXPENDITURES THAT OCCUR
21 AFTER AN ELECTION IS CALLED AND THROUGH ELECTION DAY. THIS PROHIBITION DOES
22 NOT INCLUDE ROUTINE COMMUNITY COLLEGE DISTRICT COMMUNICATIONS.

23 ~~B.~~ C. This section does not prohibit the use of community college
24 resources, including facilities and equipment, for government-sponsored
25 forums or debates if the government sponsor remains impartial and the events
26 are purely informational and provide an equal opportunity to all viewpoints.
27 The rental and use of a community college district facility by a private
28 person or entity that may lawfully attempt to influence the outcome of an
29 election is permitted if it does not occur at the same time and place as a
30 government-sponsored forum or debate.

31 ~~C.~~ D. Employees of a community college district may not use the
32 authority of their positions to influence the vote or political activities of
33 any subordinate employee.

34 ~~D.~~ E. This section does not prohibit community college districts from
35 permitting student political organizations of political parties, including
36 those that are recognized pursuant to sections 16-801, 16-802 and 16-803, to
37 conduct lawful meetings in community college buildings or on community
38 college grounds, except as prescribed in subsection A of this section. Each
39 student political organization that is allowed to conduct lawful meetings on
40 community college property shall have equal access as any other student
41 political organization that is allowed to conduct lawful meetings on
42 community college property.

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

1 ~~F.~~ G. The attorney general shall publish and distribute to community
2 colleges a detailed guideline regarding activities prohibited under this
3 section. The attorney general may distribute these guidelines through a web
4 site or electronically.

5 ~~G.~~ H. The attorney general or the county attorney for the county in
6 which an alleged violation of this section occurred may serve on the person
7 an order requiring compliance with this section and may assess a civil
8 penalty of not more than five thousand dollars per violation, plus any amount
9 of misused funds subtracted from the community college district budget
10 against a person who violates or a person who aids another person in
11 violating this section. The person determined to be out of compliance with
12 this section shall be responsible for the payment of all penalties and
13 misused funds. Community college funds or insurance payments shall not be
14 used to pay these penalties or misused funds. All misused funds collected
15 pursuant to this section shall be returned to the community college district
16 whose funds were misused.

17 ~~H.~~ I. An attorney acting on behalf of a community college district
18 may request a legal opinion of the county attorney or attorney general as to
19 whether a proposed use of community college resources would violate this
20 section.

21 ~~I.~~ J. All penalties collected by the court for a suit initiated in
22 superior court by the attorney general shall be paid to the office of the
23 attorney general for the use and reimbursement of costs of prosecution
24 pursuant to this section. All penalties collected by the court for a suit
25 initiated in superior court by a county attorney shall be paid to the county
26 treasurer of the county in which the court is held for the use and
27 reimbursement of costs of prosecution pursuant to this section.

28 ~~J.~~ K For the purposes of this section:

29 1. "Government-sponsored forum or debate" means any event, or part of
30 an event or meeting, in which the government is an official sponsor, which is
31 open to the public or to invited members of the public, and whose purpose is
32 to inform the public about an issue or proposition that is before the voters.

33 2. "Influencing the outcomes of elections" means supporting or
34 opposing a candidate for nomination or election to public office or the
35 recall of a public officer or supporting or opposing a ballot measure,
36 question or proposition, including any bond, budget or override election and
37 supporting or opposing the circulation of a petition for the recall of a
38 public officer or a petition for a ballot measure, question or proposition in
39 any manner that is not impartial or neutral.

40 3. "Misused funds" means community college district monies or
41 resources used unlawfully pursuant to this section.

42 4. "ROUTINE COMMUNITY COLLEGE DISTRICT COMMUNICATIONS" MEANS MESSAGES
43 OR ADVERTISEMENTS THAT ARE GERMANE TO THE FUNCTIONS OF THE COMMUNITY COLLEGE
44 DISTRICT AND THAT MAINTAIN THE FREQUENCY, SCOPE AND DISTRIBUTION CONSISTENT
45 WITH PAST PRACTICES OR ARE NECESSARY FOR PUBLIC SAFETY.

1 Sec. 5. Section 16-192, Arizona Revised Statutes, is amended to read:
2 16-192. Use of state, special taxing district resources to
3 influence elections; prohibition; civil penalties;
4 definitions

5 A. Notwithstanding any other law, this state and special taxing
6 districts and any public agency, department, board, commission, committee,
7 council or authority shall not spend or use public resources to influence an
8 election, including the use or expenditure of monies, accounts, credit,
9 materials, equipment, buildings, facilities, vehicles, postage,
10 telecommunications, computer hardware and software, web pages and personnel
11 and any other thing of value of the public entity.

12 B. THE PROHIBITION ON THE USE OF PUBLIC RESOURCES TO INFLUENCE THE
13 OUTCOME OF BOND, BUDGET OVERRIDE AND OTHER TAX-RELATED ELECTIONS INCLUDES THE
14 USE OF SPECIAL TAXING DISTRICT-FOCUSED PROMOTIONAL EXPENDITURES THAT OCCUR
15 AFTER AN ELECTION IS CALLED AND THROUGH ELECTION DAY. THIS PROHIBITION DOES
16 NOT INCLUDE ROUTINE SPECIAL TAXING DISTRICT COMMUNICATIONS.

17 ~~B.~~ C. This section does not prohibit:

18 1. The use of public resources, including facilities and equipment,
19 for government-sponsored forums or debates if the government sponsor remains
20 impartial and the events are purely informational and provide an equal
21 opportunity to all viewpoints. The rental and use of a public facility by a
22 private person or entity that may lawfully attempt to influence the outcome
23 of an election is permitted if it does not occur at the same time and place
24 as a government-sponsored forum or debate.

25 2. The presentation of factual information in a neutral manner for the
26 purposes of educating and informing voters as otherwise provided by law,
27 including information on a bond, budget, override, candidate or other type of
28 election and including publications and activities otherwise prescribed by
29 chapter 6, article 2 of this title for the citizens clean elections
30 commission.

31 ~~C.~~ D. The attorney general, the county attorney for the county in
32 which an alleged violation of this section occurs or any resident of the
33 jurisdiction that is alleged to have committed a violation of this section
34 may file an action in the superior court to enforce this section.

35 ~~D.~~ E. Any person or public entity that knowingly violates this
36 section or that knowingly aids another person or public entity in violating
37 this section is liable for a civil penalty of not more than five thousand
38 dollars for each violation. The court also may order the person or public
39 entity in violation to pay an additional penalty in an amount that equals the
40 value of the public resources unlawfully used. The civil penalties shall be
41 paid as follows:

42 1. For civil penalties ordered in an action filed by the attorney
43 general, to the office of the attorney general to defray the costs of
44 enforcement.

1 2. For civil penalties ordered in an action filed by the county
2 attorney, to the office of the county treasurer for deposit into the general
3 fund of the county.

4 3. For civil penalties ordered in an action filed by a resident of the
5 jurisdiction in violation, to the resident.

6 ~~E.~~ F. This section does not deny the civil and political liberties of
7 any person as guaranteed by the United States and Arizona Constitutions.

8 ~~F.~~ G. With respect to special taxing districts, this section applies
9 only to those special taxing districts that are organized pursuant to title
10 48, chapters 5, 6, 8, 10, 13, 14, 15 and 16.

11 ~~G.~~ H. For the purposes of this section:

12 1. "Government-sponsored forum or debate" means any event, or part of
13 an event or meeting, in which the government is an official sponsor, which is
14 open to the public or to invited members of the public, and whose purpose is
15 to inform the public about an issue or proposition that is before the voters.

16 2. "Influence an election" means supporting or opposing a candidate
17 for nomination or election to public office or the recall of a public officer
18 or supporting or opposing a ballot measure, question or proposition,
19 including any bond, budget or override election and supporting or opposing
20 the circulation of a petition for the recall of a public officer or a
21 petition for a ballot measure, question or proposition in any manner that is
22 not impartial or neutral.

23 3. "ROUTINE SPECIAL TAXING DISTRICT COMMUNICATIONS" MEANS MESSAGES OR
24 ADVERTISEMENTS THAT ARE GERMANE TO THE FUNCTIONS OF THE SPECIAL DISTRICT AND
25 THAT MAINTAIN THE FREQUENCY, SCOPE AND DISTRIBUTION CONSISTENT WITH PAST
26 PRACTICES OR ARE NECESSARY FOR PUBLIC SAFETY.

APPROVED BY THE GOVERNOR APRIL 13, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2015.