

CONFERENCE COMMITTEE AMENDMENTS TO H.B. 2874
(Reference to Senate engrossed House bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[~~GREEN STRIKEOUT IN BRACKETS~~] indicates new text removed from statute or previously enacted session law.

[~~Green strikeout in brackets~~] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<~~Green strikeout in carets~~>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 <<Section 1. Section 16-928, Arizona Revised Statutes, is amended to
3 read:

4 16-928. Filing officer; statements and reports

5 A. A person that is required to file any statements and reports
6 required by this article and articles 1, 1.1, 1.2, 1.3, 1.5, 1.6 and 1.7 of
7 this chapter shall file with the filing officer in charge of that election, as
8 follows:

9 1. The secretary of state is the filing officer for statewide and
10 legislative elections, including retention elections for supreme court
11 justices and court of appeals judges. The secretary of state is also the
12 filing officer for committees that support or oppose a recall election or the
13 circulation of a petition for a recall election for a statewide or legislative
14 officeholder, for committees that support or oppose a statewide initiative or
15 referendum or other statewide ballot measure, question or proposition or the
16 circulation of a petition for a statewide initiative or referendum or other
17 statewide ballot measure, question or proposition.

18 2. The county officer in charge of elections is the filing officer for
19 county, school district, community college district and special taxing
20 district elections, including retention elections for superior court
21 judges. The county officer in charge of elections is also the filing officer
22 for committees that support or oppose a recall election or the circulation of
23 a petition for a recall election for an officeholder of a county office, a
24 school district governing board office, a community college district governing
25 board office or a special taxing district governing board office, for
26 committees that support or oppose a county, school district, community college
27 district or special taxing district initiative or referendum or other ballot
28 measure, question or proposition, including bond, tax, budget and budget
29 override measures or that oppose or support the circulation of a petition for

1 a county, school district, community college district or special taxing
2 district initiative or referendum or other county, school district, community
3 college district or special taxing district ballot measure, question or
4 proposition.

5 3. The city or town clerk is the filing officer for city and town
6 elections. The city or town clerk is also the filing officer for committees
7 that support or oppose a recall election or the circulation of a petition for
8 a recall election for a city or town officeholder, for committees that support
9 or oppose a city or town initiative or referendum or other city or town ballot
10 measure, question or proposition or the circulation of a petition for a city
11 or town initiative or referendum or other city ballot measure, question or
12 proposition.

13 B. Notwithstanding subsection A of this section, a standing committee
14 shall file reports only with the secretary of state.

15 C. A filing officer shall provide the option for electronic filing[.]
16 [and] shall make all statements and reports publicly available on the internet
17 [AND WITHIN FIVE DAYS AFTER THE CLOSING DATE FOR FILING A REPORT SHALL PUBLISH
18 A LISTING OF ALL ACTIVE COMMITTEES THAT OWE PENALTIES FOR LATE FILING OF
19 REPORTS]. A filing officer may comply with this section by opting into the
20 secretary of state's electronic filing system.>>

21 Sec. 2. Section 16-934, Arizona Revised Statutes, is amended to read:

22 16-934. Termination statement; filing; contents

23 A. A committee may terminate only when the committee treasurer files a
24 termination statement with the filing officer with whom the committee's
25 statement of organization was filed.

26 B. In the termination statement, the committee treasurer shall certify
27 under penalty of perjury that ~~at~~ EITHER of the following ~~apply~~ APPLIES:

28 1. THE COMMITTEE RECEIVED NO CONTRIBUTIONS.

29 2. THE COMMITTEE RECEIVED CONTRIBUTIONS AND ALL OF THE FOLLOWING APPLY:

30 ~~1-~~ (a) The committee will no longer receive any contributions or make
31 any disbursements.

32 ~~2-~~ (b) The committee either:

33 ~~(a)~~ (i) Has no outstanding debts[.] [~~or~~] obligations [OR VOID
34 PENALTIES PURSUANT TO SECTION 16-937, SUBSECTION B, PARAGRAPH 1].

35 ~~(b)~~ (ii) Has outstanding debts or obligations, or both, that are all
36 more than five years old, and that the committee's creditors have agreed to
37 discharge the debts and obligations and have agreed to the termination of the
38 committee.

39 ~~3-~~ (c) Any surplus monies have been disposed of and that the committee
40 has no cash on hand.

41 ~~4-~~ (d) All contributions and expenditures have been reported,
42 including any disposal of surplus monies.

43 C. A filing officer may reject the termination statement if it appears
44 to the filing officer that the requirements in subsection B of this section
45 have not been satisfied.

46 D. After a termination statement is filed, a committee:

47 1. Is not required to file any subsequent campaign finance reports.

48 2. Shall have no further receipts or disbursements without filing a new
49 statement of organization.

1 E. A standing committee may terminate its activities in a particular
2 reporting jurisdiction, and remain active in other reporting jurisdictions, by
3 filing a statement of that intent with the filing officer in each reporting
4 jurisdiction.

5 Sec. 3. Section 16-937, Arizona Revised Statutes, is amended to read:

6 16-937. Failure to file; penalties; notice; suspension

7 A. If a committee fails to timely file a complete report as prescribed
8 by articles 1, 1.1, 1.2, 1.3, 1.4, 1.5 and 1.6 of this chapter, the filing
9 officer shall send a written notice by ~~e-mail~~ EMAIL to the committee within
10 five days after the filing deadline that identifies the late report, describes
11 how fines accrue and identifies methods of payment.

12 B. A committee that fails to timely file a report shall pay the filing
13 officer a penalty of ~~ten dollars~~ \$10 for each day that the filing is late
14 during the first fifteen days after the filing deadline and ~~twenty-five~~
15 ~~dollars~~ \$25 for each subsequent day that the filing is late. Penalties accrue
16 until the late report is filed, EXCEPT THAT[:

17 1.] PENALTIES SHALL NOT BE ASSESSED AND ANY ACCRUED PENALTIES ARE VOID
18 IF THE COMMITTEE [AT ANY TIME] CERTIFIES THAT IT RECEIVED NO CONTRIBUTIONS AND
19 MADE NO EXPENDITURES DURING THE REPORTING PERIOD TO WHICH THE UNTIMELY REPORT
20 CORRESPONDS [AND FILES A TERMINATION STATEMENT PURSUANT TO SECTION 16-934.
21 SUBSECTION B].

22 [2. BEGINNING JULY 1, 2026, THE MAXIMUM AMOUNT OF PENALTIES THAT A
23 COMMITTEE MAY ACCRUE FOR EACH LATE REPORT IS \$5,000.]

24 C. If a committee fails to file a complete report within thirty days
25 after the filing deadline and after providing notice pursuant to subsection A
26 of this section, the filing officer may notify the appropriate enforcement
27 officer prescribed in this article.

28 D. For any political action committee or political party that fails to
29 file three consecutive complete reports, the filing officer shall send by
30 ~~e-mail~~ EMAIL to the committee a notice of temporary suspension and the
31 following apply:

32 1. On receipt, the committee's authority to operate in the jurisdiction
33 is temporarily suspended.

34 2. The notice shall state that failure to comply with all filing and
35 payment requirements within thirty days after the date of the notice shall
36 result in permanent suspension of the committee's authority to operate in that
37 jurisdiction.

38 E. After compliance with subsection D of this section, the filing
39 officer may permanently suspend the committee and shall notify the committee
40 by ~~e-mail~~ EMAIL and is not required to provide any further notice. Permanent
41 or temporary suspension does not eliminate a committee's continuing obligation
42 to file reports and pay any outstanding and accruing penalties provided by
43 law.

1 F. FOR A COMMITTEE THAT FILES A TERMINATION STATEMENT AS PRESCRIBED BY
2 SECTION 16-934, SUBSECTION B, PARAGRAPH 1 THAT STATES THAT THE COMMITTEE
3 RECEIVED NO CONTRIBUTIONS, THE FOLLOWING APPLY:

4 1. PENALTIES MAY NOT BE ASSESSED AGAINST AND MAY NOT ACCRUE AGAINST THE
5 COMMITTEE.

6 2. ANY PENALTIES THAT ARE ASSESSED OR THAT ACCRUE AGAINST A COMMITTEE
7 THAT SUBSEQUENTLY FILES A TERMINATION STATEMENT PURSUANT TO SECTION 16-934,
8 SUBSECTION B, PARAGRAPH 1 ARE DEEMED VOID RETROACTIVELY.

9 3. FOR ANY ENFORCEMENT ACTION INITIATED BY THE ENFORCEMENT OFFICER
10 AGAINST A COMMITTEE THAT SUBSEQUENTLY FILES A TERMINATION STATEMENT PURSUANT
11 TO SECTION 16-934, SUBSECTION B, PARAGRAPH 1, THE ENFORCEMENT OFFICER IS
12 DEEMED WITHOUT JURISDICTION AND IF THE MATTER IS BEFORE A COURT, THE COURT
13 SHALL DISMISS THE MATTER PROMPTLY.

14 G. FOR A COMMITTEE THAT [FILES A TERMINATION STATEMENT PURSUANT TO
15 SECTION 16-934, SUBSECTION B, PARAGRAPH 2 AND THAT] HAS ACCRUED PENALTIES FOR
16 UNTIMELY REPORTS CORRESPONDING TO REPORTING PERIODS DURING WHICH THE COMMITTEE
17 RECEIVED NO CONTRIBUTIONS AND MADE NO EXPENDITURES, THE FOLLOWING APPLY:

18 1. PENALTIES MAY NOT BE ASSESSED AGAINST AND MAY NOT ACCRUE AGAINST THE
19 COMMITTEE IN CONNECTION WITH THOSE REPORTS.

20 2. ANY PENALTIES THAT ARE ASSESSED OR THAT ACCRUE AGAINST THE COMMITTEE
21 IN CONNECTION WITH THOSE REPORTS ARE DEEMED VOID RETROACTIVELY.

22 3. FOR ANY ENFORCEMENT ACTION INITIATED BY THE ENFORCEMENT OFFICER
23 AGAINST THE COMMITTEE IN CONNECTION WITH THOSE REPORTS, THE ENFORCEMENT
24 OFFICER IS DEEMED WITHOUT JURISDICTION AND IF THE MATTER IS BEFORE A COURT,
25 THE COURT SHALL DISMISS THE MATTER PROMPTLY.

26 <<Sec. 4. Committees; untimely reports; termination statement

27 [Notwithstanding section 16-937, Arizona Revised Statutes, as amended by
28 this act, and notwithstanding any other law, for a committee that accrues
29 penalties for filing untimely reports required by title 16, chapter 6,
30 articles 1, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6 and 1.7, Arizona Revised Statutes,
31 the penalties may not be assessed against that committee for the untimely
32 reports and any penalties that do accrue against that committee are void if
33 both of the following apply:

34 1. The penalties were accrued during a reporting period for which the
35 committee certifies and files complete reports that the committee received no
36 contributions and made no expenditures during the reporting period and if the
37 committee subsequently receives contributions and makes expenditures, the
38 committee files complete reports for the reporting periods.

39 2. The committee files a termination statement on or before December
40 31, 2026.]>>

41 Sec. 5. Retroactivity

42 This act applies retroactively to from and after [December 31, 2021]
43 [July 5, 2016].

44 [~~(ENACTED WITHOUT THE EMERGENCY)~~]

45 <<~~Sec. 5~~ Emergency

46 This act is an emergency measure that is necessary to preserve the
47 public peace, health or safety and is operative immediately as provided by
48 law.>>

1 <<Sec. 6. Emergency
2 [This act is an emergency measure that is necessary to preserve the
3 public peace, health or safety and is operative immediately as provided by
4 law.]>>

5 Enroll and engross to conform
6 Amend title to conform

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