

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

## **HOUSE CONCURRENT RESOLUTION 2026**

### A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO  
FUNDING EDUCATION WITH CITIZENS CLEAN ELECTIONS FUND MONIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the  
2 Senate concurring:

3 1. Under the power of the referendum, as vested in the Legislature,  
4 the following measure, relating to funding education from citizens clean  
5 elections fund monies, is enacted to become valid as a law if approved by the  
6 voters and on proclamation of the Governor:

7 AN ACT

8 AMENDING SECTIONS 16-949, 16-954 AND 16-959, ARIZONA REVISED  
9 STATUTES; RELATING TO THE CITIZENS CLEAN ELECTIONS FUND.

10 Be it enacted by the Legislature of the State of Arizona;

11 Section 1. Section 16-949, Arizona Revised Statutes, is  
12 amended to read:

13 16-949. Controls on spending from citizens clean  
14 elections fund

15 ~~A. The commission shall not spend, on all costs incurred~~  
16 ~~under this article during a particular calendar year, more than~~  
17 ~~five dollars times the number of Arizona resident personal~~  
18 ~~income tax returns filed during the previous calendar year. The~~  
19 ~~commission may exceed this limit during a calendar year,~~  
20 ~~provided that it is offset by an equal reduction of the limit~~  
21 ~~during another calendar year during the same four-year period~~  
22 ~~beginning January 1 immediately after a gubernatorial election.~~

23 ~~B. The commission may use up to ten per cent of the~~  
24 ~~amount specified in subsection A of this section for reasonable~~  
25 ~~and necessary expenses of administration and enforcement,~~  
26 ~~including the activities specified in section 16-956, subsection~~  
27 ~~A, paragraphs 3 through 7 and subsections B and C. Any portion~~  
28 ~~of the ten per cent not used for this purpose shall remain in~~  
29 ~~the fund.~~

30 ~~C. The commission may apply up to ten per cent of the~~  
31 ~~amount specified in subsection A of this section for reasonable~~  
32 ~~and necessary expenses associated with public education~~  
33 ~~regarding participation as a candidate or a contributor, or~~  
34 ~~regarding the functions, purpose and technical aspects of the~~  
35 ~~act. Reasonable and necessary expenditures made pursuant to~~  
36 ~~section 16-956 are not included in this subsection.~~

37 ~~D. The commission may spend monies in the fund for the~~  
38 ~~reasonable and necessary expenses to implement the act but shall~~  
39 ~~not use monies in the fund to promote the benefits of the clean~~  
40 ~~elections act. Expenditures made pursuant to subsection C of~~  
41 ~~this section or in section 16-956, subsection A are deemed not~~  
42 ~~to constitute promoting the benefits of the clean elections~~  
43 ~~act. Expenditures pursuant to this subsection shall not be~~  
44 ~~included in the limits prescribed in subsection C of this~~  
45 ~~section.~~

1           ~~E.~~ A. The state treasurer shall administer a citizens  
2 clean elections fund ~~from which costs incurred under this~~  
3 ~~article shall be paid.~~ THE STATE TREASURER SHALL TRANSFER  
4 ANNUALLY THE MONIES IN THE FUND TO THE DEPARTMENT OF EDUCATION  
5 FOR AN EQUITABLE PER PUPIL DISTRIBUTION TO SCHOOL DISTRICTS AND  
6 CHARTER SCHOOLS FOR MAINTENANCE AND OPERATIONS PURPOSES.

7           B. The auditor general shall review the monies in,  
8 payments into and expenditures from the fund no less often than  
9 every four years.

10          Sec. 2. Section 16-954, Arizona Revised Statutes, is  
11 amended to read:

12           16-954. Disposition of excess monies

13           A. Beginning January 1, 1999, an additional surcharge of  
14 ten per cent shall be imposed on all civil and criminal fines  
15 and penalties collected pursuant to section 12-116.01 and shall  
16 be deposited into the fund.

17           B. At least once per year, the commission shall project  
18 the amount of monies that the fund will collect over the next  
19 four years and the time such monies shall become  
20 available. ~~Whenever the commission determines that the fund~~  
21 ~~contains more monies than the commission determines that it~~  
22 ~~requires to meet current debts plus expected expenses, under the~~  
23 ~~assumption that expected expenses will be at the expenditure~~  
24 ~~limit in section 16-949, subsection A, and taking into account~~  
25 ~~the projections of collections, the commission shall designate~~  
26 ~~such monies as excess monies and so notify the state treasurer,~~  
27 ~~who shall thereupon transfer the excess monies to the general~~  
28 ~~fund.~~

29           C. At least once per year, the commission shall project  
30 the amount of clean elections funding for which all candidates  
31 will have qualified pursuant to this article for the following  
32 calendar year. ~~By the end of each year, the commission shall~~  
33 ~~announce whether the amount that the commission plans to spend~~  
34 ~~the following year pursuant to section 16-949, subsection A~~  
35 ~~exceeds the projected amount of clean elections funding. If the~~  
36 ~~commission determines that the fund contains insufficient monies~~  
37 ~~or the spending cap would be exceeded were all candidates'~~  
38 ~~accounts to be fully funded, the commission may include in the~~  
39 ~~announcement specifications for decreases in the following~~  
40 ~~parameters, based on the commission's projections of collections~~  
41 ~~and expenses for the fund, including that the fund will provide~~  
42 ~~monies under section 16-951 as a fraction of the amounts there~~  
43 ~~specified.~~

44           D. If the commission cannot provide participating  
45 candidates with all monies specified under sections 16-951 and

1 16-952, ~~as decreased by any announcement pursuant to subsection~~  
2 ~~C of this section~~, the commission shall allocate any reductions  
3 in payments proportionately among candidates entitled to monies  
4 and shall declare an emergency. ~~Upon~~ ON declaration of an  
5 emergency, a participating candidate may accept private  
6 contributions to bring the total monies received by the  
7 candidate from the fund and from such private contributions up  
8 to the adjusted spending limits, ~~as decreased by any~~  
9 ~~announcement made pursuant to subsection C of this section.~~

10 Sec. 3. Section 16-959, Arizona Revised Statutes, is  
11 amended to read:

12 16-959. Inflationary and other adjustments of dollar  
13 values

14 A. Every two years, the secretary of state shall modify  
15 the dollar values specified in the following parts of this  
16 article, in the manner specified by section 16-905, subsection  
17 H, to account for inflation: section 16-941, subsection A,  
18 paragraph 2 or subsection D; section 16-942, subsection B;  
19 section 16-945, subsection A, paragraphs 1 and 2; section  
20 16-948, subsection C; section 16-955, subsection G; and section  
21 16-961, subsections G and H. ~~In addition, the secretary of~~  
22 ~~state shall make a similar inflation adjustment by modifying the~~  
23 ~~dollar values in section 16-949, subsection A to reflect~~  
24 ~~cumulative inflation since the enactment of this article.~~ In  
25 addition, every two years, the secretary of state shall change  
26 the dollar values in section 16-961, subsections G and H in  
27 proportion to the change in the number of Arizona resident  
28 personal income tax returns filed during the previous calendar  
29 year.

30 B. Based on the results of the elections in any  
31 quadrennial election after 2002, and within six months after  
32 such election, the commission may adopt rules in a public  
33 meeting reallocating funds available to all candidates between  
34 the primary and general elections by selecting a fraction for  
35 primary election spending limits that is between one-third and  
36 one-half of the spending limits for the election as a whole.  
37 For each office, the primary election spending limit shall be  
38 modified to be the sum of the primary and general spending  
39 limits times the selected fraction, and the general election  
40 spending limit shall be modified to be the same sum times one  
41 less the selected fraction.

42 2. The Secretary of State shall submit this proposition to the voters  
43 at the next general election as provided by article IV, part 1, section 1,  
44 Constitution of Arizona.