

REFERENCE TITLE: contribution limits; clean elections authority

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

SB 1344

Introduced by
Senators Pierce: Biggs

AN ACT

AMENDING SECTION 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 16-905, Arizona Revised Statutes, is amended to
3 read:

4 16-905. Contribution limitations: civil penalty: complaint:
5 reductions

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

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

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

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

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

22 5. Five thousand dollars from a single political committee, excluding
23 a political party, certified pursuant to subsection G of this section.

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

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

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

32 3. Five thousand ten dollars from a single political committee
33 excluding political parties certified pursuant to subsection G of this
34 section.

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

39 D. A nominee of a political party shall not accept contributions from
40 all political parties or political organizations combined totaling more than
41 ten thousand twenty dollars for an election for an office other than a
42 statewide office, and one hundred thousand one hundred ten dollars for an
43 election for a statewide office.

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

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

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

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

13 (a) Subject to the contribution limits of this section, transfer or
14 contribute monies from one committee to another if both committees have been
15 designated for an election in the same year.

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

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

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

42 I. The following specific limitations and procedures apply:

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

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

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

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

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

16 6. An individual or political committee shall not use economic
17 influence to induce members of an organization to make contributions to a
18 candidate, collect contributions from members of an organization for
19 transmittal to a candidate, make payments to candidates for public
20 appearances or services that are ordinarily uncompensated or use any similar
21 device to circumvent any of the limitations of this section.

22 J. A person who violates this section is subject to a civil penalty
23 imposed as prescribed in section 16-924 of three times the amount of money
24 that has been received, expended or promised in violation of this section or
25 three times the value in money for an equivalent of money or other things of
26 value that have been received, expended or promised in violation of this
27 section.

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

32 L. If the filing officer, attorney general or county attorney fails to
33 institute an action within forty-five working days after receiving a
34 complaint under subsection K of this section, the individual filing the
35 complaint may bring a civil action in the individual's own name and at the
36 individual's own expense, with the same effect as if brought by the filing
37 officer, attorney general or county attorney. The individual shall execute a
38 bond payable to the defendant if the individual fails to prosecute the action
39 successfully. The court shall award to the prevailing party costs and
40 reasonable attorney fees.

41 M. If a provision of this section or its application to any person or
42 circumstance is held invalid, the invalidity does not affect other provisions
43 or applications of the section that can be given effect without the invalid
44 provision or application, and to this end the provisions of this section are
45 severable.

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

4 O. FOR ANY STATEWIDE OR LEGISLATIVE CANDIDATE WHO IS NOT PARTICIPATING
5 IN THE CITIZENS CLEAN ELECTIONS ACT FUNDING SYSTEM ESTABLISHED PURSUANT TO
6 ARTICLE 2 OF THIS CHAPTER:

7 1. COMPLAINTS AND INVESTIGATIONS RELATING TO AN ALLEGED VIOLATION OF
8 THIS CHAPTER ARE SUBJECT ONLY TO THE JURISDICTION, PENALTIES AND PROCEDURES
9 ESTABLISHED PURSUANT TO THIS ARTICLE AND THE ENFORCEMENT AND INVESTIGATIVE
10 AUTHORITY OF THE SECRETARY OF STATE AND ATTORNEY GENERAL.

11 2. THE CITIZENS CLEAN ELECTIONS COMMISSION HAS NO AUTHORITY TO ACCEPT,
12 INVESTIGATE OR OTHERWISE ACT ON ANY COMPLAINT INVOLVING AN ALLEGED VIOLATION
13 OF THIS ARTICLE.