

REFERENCE TITLE: political "do not call" list

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

SB 1196

Introduced by
Senator Kavanagh

AN ACT

AMENDING TITLE 16, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-926; 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. Title 16, chapter 6, article 1, Arizona Revised Statutes,
3 is amended by adding section 16-926, to read:

4 16-926. Political "do not call" list; robocalls; defense;
5 injunction

6 A. A PERSON MAY NOT INITIATE AN OUTBOUND TELEPHONE CALL TO A PERSON IN
7 THIS STATE IN AN ATTEMPT TO INFLUENCE THE OUTCOME OF AN ELECTION IF:

8 1. THE TELEPHONE CALL INCLUDES A PRERECORDED OR ARTIFICIAL VOICE.

9 2. THE PERSON RECEIVING THE TELEPHONE CALL IS LISTED ON THE STATE
10 POLITICAL "DO NOT CALL" LIST ESTABLISHED PURSUANT TO THIS SECTION.

11 B. THE SECRETARY OF STATE SHALL ESTABLISH AND MAINTAIN THE STATE
12 POLITICAL "DO NOT CALL" LIST THAT SHALL PROVIDE FOR CONVENIENT METHODS FOR
13 PERSONS IN THIS STATE TO REFUSE POLITICAL TELEPHONE CALLS PRESCRIBED IN
14 SUBSECTION A OF THIS SECTION. THE METHODS SHALL INCLUDE A WEBSITE-BASED
15 SYSTEM FOR PERSONS TO BE PLACED ON THE LIST AND A MAIL-IN METHOD FOR PERSONS
16 TO BE PLACED ON THE LIST AND SHALL REQUIRE THE NAME AND ADDRESS OF THE PERSON
17 AND A MINIMUM AMOUNT OF ADDITIONAL IDENTIFYING INFORMATION FROM THE
18 PERSON. THE STATE POLITICAL "DO NOT CALL" LIST IS NOT A PUBLIC RECORD BUT ON
19 REQUEST FROM A PERSON WHO IS A LAWFUL POSSESSOR OF VOTER REGISTRATION
20 INFORMATION AS PRESCRIBED BY SECTION 16-168, SUBSECTION E, THE SECRETARY OF
21 STATE SHALL PROVIDE ONLY THE TELEPHONE NUMBERS ON THE POLITICAL "DO NOT CALL"
22 LIST FOR REDACTION FROM THAT VOTER REGISTRATION INFORMATION. ON REMOVAL OF
23 THOSE TELEPHONE NUMBERS, THE PERSON POSSESSING THE VOTER REGISTRATION
24 INFORMATION MAY NOT ENHANCE OR SUPPLEMENT THE INFORMATION BY ACQUIRING AND
25 USING THOSE TELEPHONE NUMBERS FROM ANY OTHER SOURCE.

26 C. ON RECEIPT OF A LAWFUL REQUEST FOR VOTER REGISTRATION INFORMATION
27 AS PRESCRIBED BY SECTION 16-168, SUBSECTION E AND BEFORE PROVIDING THE
28 INFORMATION, THE COUNTY RECORDER SHALL REVIEW THE STATE POLITICAL "DO NOT
29 CALL" LIST AND REDACT FROM THE VOTER REGISTRATION INFORMATION ANY TELEPHONE
30 NUMBERS FROM THE LIST.

31 D. IF THE SECRETARY OF STATE OR THE ATTORNEY GENERAL HAS REASONABLE
32 CAUSE TO BELIEVE A PERSON HAS VIOLATED SUBSECTION A OF THIS SECTION, THE
33 PERSON IS SUBJECT TO ENFORCEMENT ACTION BY THE ATTORNEY GENERAL. IT IS A
34 DEFENSE TO ANY ENFORCEMENT ACTION UNDER THIS SECTION THAT THE PERSON WHO
35 INITIATED THE OUTBOUND TELEPHONE CALL REVIEWED THE STATE POLITICAL "DO NOT
36 CALL LIST" IMMEDIATELY BEFORE INITIATING THE SERIES OF TELEPHONE CALLS IN
37 WHICH THE ALLEGED VIOLATION OCCURRED AND REMOVED FROM THE CALLER'S RECIPIENT
38 LIST THE TELEPHONE NUMBERS THAT WERE ON THE POLITICAL "DO NOT CALL" LIST ON
39 THE DATE OF REVIEW.

40 E. THE ATTORNEY GENERAL ON REFERRAL FROM THE SECRETARY OF STATE OR ON
41 THE ATTORNEY GENERAL'S OWN DETERMINATION MAY FILE AN ACTION AGAINST A PERSON
42 WHO VIOLATES SUBSECTION A OF THIS SECTION TO ENJOIN FURTHER PLACEMENT OF
43 OUTBOUND TELEPHONE CALLS THAT ARE INTENDED TO INFLUENCE THE OUTCOME OF AN
44 ELECTION BY THAT PERSON OR ANY PERSON UNDER THAT PERSON'S AUTHORITY.