

REFERENCE TITLE: clean elections; enforcement; early contributions

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

## **HB 2076**

Introduced by  
Representative Fillmore

AN ACT

AMENDING SECTIONS 16-945 AND 16-956, ARIZONA REVISED STATUTES; RELATING TO  
THE CITIZENS CLEAN ELECTIONS ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Subject to the requirements of article IV, part 1,  
3 section 1, Constitution of Arizona, section 16-945, Arizona Revised  
4 Statutes, is amended to read:

5 16-945. Limits on early contributions

6 A. A participating candidate may accept early contributions only  
7 from individuals and only during the exploratory period and the qualifying  
8 period, subject to the following limitations:

9 1. Notwithstanding any law to the contrary, no contributor shall  
10 give, and no participating candidate shall accept, contributions from a  
11 contributor exceeding ~~one hundred dollars~~ \$100 during an election cycle.

12 2. Notwithstanding any law to the contrary, early contributions to  
13 a participating candidate from all sources for an election cycle shall not  
14 exceed, for a candidate for governor, ~~forty thousand dollars~~ \$40,000 or,  
15 for other candidates, ~~ten per cent~~ FIFTEEN PERCENT of the sum of the  
16 original primary election spending limit and the original general election  
17 spending limit.

18 3. Qualifying contributions specified in section 16-946 shall not  
19 be included in determining whether the limits in this subsection have been  
20 exceeded.

21 B. ~~Early contributions specified in subsection A of this section~~  
22 ~~and~~ The candidate's personal monies specified in section 16-941,  
23 subsection A, paragraph 2 may be spent only during the exploratory period  
24 and the qualifying period. ~~Any early contributions not spent by the end~~  
25 ~~of the qualifying period shall be paid to the fund.~~ EARLY CONTRIBUTIONS  
26 PRESCRIBED BY SUBSECTION A OF THIS SECTION MAY BE SPENT AT ANY TIME DURING  
27 THE CANDIDATE'S CANDIDACY.

28 C. If a participating candidate has a debt from an election campaign  
29 in this state during a previous election cycle in which the candidate was  
30 not a participating candidate, then, during the exploratory period only,  
31 the candidate may accept, in addition to early contributions specified in  
32 subsection A of this section, contributions subject to the limitations in  
33 section 16-941, subsection B, or may exceed the limit on personal monies  
34 in section 16-941, subsection A, paragraph 2, ~~provided that~~ IF such  
35 contributions and monies are used solely to retire such debt.

36 Sec. 2. Subject to the requirements of article IV, part 1,  
37 section 1, Constitution of Arizona, section 16-956, Arizona Revised  
38 Statutes, is amended to read:

39 16-956. Voter education and enforcement duties

40 A. The commission shall:

41 1. Develop a procedure for publishing a document or section of a  
42 document having a space of predefined size for a message chosen by each  
43 candidate. For the document that is delivered before the primary  
44 election, the document shall contain the names of every candidate for  
45 every statewide and legislative district office in that primary election

1 without regard to whether the candidate is a participating candidate or a  
 2 nonparticipating candidate. For the document that is delivered before the  
 3 general election, the document shall contain the names of every candidate  
 4 for every statewide and legislative district office in that general  
 5 election without regard to whether the candidate is a participating  
 6 candidate or a nonparticipating candidate. The commission shall deliver  
 7 one copy of each document to every household that contains a registered  
 8 voter. For the document that is delivered before the primary election,  
 9 the delivery may be made over a period of days but shall be sent in time  
 10 to be delivered to households before the earliest date for receipt by  
 11 registered voters of any requested early ballots for the primary election.  
 12 The commission may deliver the second document over a period of days but  
 13 shall send the second document in order to be delivered to households  
 14 before the earliest date for receipt by registered voters of any requested  
 15 early ballots for the general election. The primary election and general  
 16 election documents published by the commission shall comply with all of  
 17 the following:

18 (a) For any candidate who does not submit a message pursuant to  
 19 this paragraph, the document shall include with the candidate's listing  
 20 the words "no statement submitted".

21 (b) The document shall have printed on its cover the words  
 22 "citizens clean elections commission voter education guide" and the words  
 23 "primary election" or "general election" and the applicable year. The  
 24 document shall also contain at or near the bottom of the document cover in  
 25 type that is no larger than one-half the size of the type used for  
 26 "citizens clean elections commission voter education guide" the words  
 27 "paid for by the citizens clean elections fund".

28 (c) In order to prevent voter confusion, the document shall be  
 29 easily distinguishable from the publicity pamphlet that is required to be  
 30 produced by the secretary of state pursuant to section 19-123.

31 2. Sponsor debates among candidates, in such manner as determined  
 32 by the commission. The commission shall require participating candidates  
 33 to attend and participate in debates and may specify by rule penalties for  
 34 nonparticipation. The commission shall invite and permit nonparticipating  
 35 candidates to participate in debates.

36 3. Prescribe forms for reports, statements, notices and other  
 37 documents required by this article. The commission shall not require a  
 38 candidate to use a reporting system other than the reporting system  
 39 jointly approved by the commission and the office of the secretary of  
 40 state.

41 4. Prepare and publish instructions setting forth methods of  
 42 bookkeeping and preservation of records to facilitate compliance with this  
 43 article and explaining the duties of persons and committees under this  
 44 article.

1           5. Produce a yearly report describing the commission's activities  
2 and any recommendations for changes of law, administration or funding  
3 amounts and accounting for monies in the fund.

4           6. Adopt rules to implement the reporting requirements of section  
5 16-958, subsections D and E.

6           7. Enforce this article, **INCLUDING THE CONTRIBUTION LIMITS ON**  
7 **NONPARTICIPATING CANDIDATES**, ensure that money from the fund is placed in  
8 candidate campaign accounts or otherwise spent as specified in this  
9 article and not otherwise, monitor reports filed pursuant to this chapter  
10 and financial records of **PARTICIPATING AND NONPARTICIPATING** candidates as  
11 needed and ensure that money required by this article to be paid to the  
12 fund is deposited in the fund. The commission shall not take action on  
13 any external complaint that is filed more than ninety days after the  
14 postelection report is filed or ninety days after the completion of the  
15 canvass of the election to which the complaint relates, whichever is  
16 later.

17           B. The commission may subpoena witnesses, compel their attendance  
18 and testimony, administer oaths and affirmations, take evidence and  
19 require by subpoena the production of any books, papers, records or other  
20 items material to the performance of the commission's duties or the  
21 exercise of its powers.

22           C. The commission may adopt rules to carry out the purposes of this  
23 article and to govern procedures of the commission. The commission shall  
24 propose and adopt rules in public meetings, with at least sixty days  
25 allowed for interested parties to comment after the rules are proposed.  
26 The commission shall also file the proposed rule in the format prescribed  
27 in section 41-1022 with the secretary of state's office for publication in  
28 the Arizona administrative register. After consideration of the comments  
29 received in the sixty day comment period, the commission may adopt the  
30 rule in an open meeting. Any rules given final approval in an open  
31 meeting shall be filed in the format prescribed in section 41-1022 with  
32 the secretary of state's office for publication in the Arizona  
33 administrative register. Any rules adopted by the commission shall only  
34 be applied prospectively from the date the rule was adopted.

35           D. Rules adopted by the commission are not effective until January  
36 1 in the year following the adoption of the rule, except that rules  
37 adopted by unanimous vote of the commission may be made immediately  
38 effective and enforceable.

39           E. If, in the view of the commission, the action of a particular  
40 candidate or committee requires immediate change to a commission rule, a  
41 unanimous vote of the commission is required. Any rule change made  
42 pursuant to this subsection that is enacted with less than a unanimous  
43 vote takes effect for the next election cycle.

44           F. Based on the results of the elections in any quadrennial  
45 election after 2002, and within six months after such election, the

1 commission may adopt rules changing the number of qualifying contributions  
2 required for any office from those listed in section 16-950, subsection D  
3 by no more than twenty percent of the number applicable for the preceding  
4 election.

5 Sec. 3. Requirements for enactment; three-fourths vote

6 Pursuant to article IV, part 1, section 1, Constitution of Arizona,  
7 sections 16-945 and 16-956, Arizona Revised Statutes, as amended by this  
8 act, are effective only on the affirmative vote of at least three-fourths  
9 of the members of each house of the legislature.