

House Engrossed Senate Bill

public resources; influencing elections; penalties

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SENATE BILL 1036

AN ACT

AMENDING SECTIONS 9-500.14, 11-410, 15-511 AND 16-192, ARIZONA REVISED STATUTES; RELATING TO PUBLIC RESOURCES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-500.14, Arizona Revised Statutes, is amended
3 to read:

4 9-500.14. Use of city or town resources or employees to
5 influence elections; prohibition; civil penalty;
6 definitions

7 A. A city or town shall not spend or use its resources, including
8 the use or expenditure of monies, accounts, credit, facilities, vehicles,
9 postage, telecommunications, computer hardware and software, web pages,
10 personnel, equipment, materials, buildings or any other thing of value of
11 the city or town, for the purpose of influencing the outcomes of
12 elections. Notwithstanding this section, a city or town may distribute
13 informational pamphlets on a proposed bond election as provided in section
14 35-454 if those informational pamphlets present factual information in a
15 neutral manner. ~~Nothing in~~ This section ~~precludes~~ DOES NOT PROHIBIT a
16 city or town from reporting on official actions of the governing body.

17 B. The prohibition on the use of public resources to influence the
18 outcome of bond, budget override and other tax-related elections includes
19 ~~the use of~~ USING city-focused or town-focused promotional expenditures
20 that occur after an election is called and through election day. This
21 prohibition does not include routine city or town communications.

22 C. This section does not prohibit ~~the use of~~ USING city or town
23 resources, including facilities and equipment, for government-sponsored
24 forums or debates if the government sponsor remains impartial and the
25 events are purely informational and provide an equal opportunity to all
26 viewpoints. The rental and use of a public facility by a private person
27 or entity that may lawfully attempt to influence the outcome of an
28 election is ~~permitted~~ ALLOWED if it does not occur at the same time and
29 place as a government-sponsored forum or debate.

30 D. Employees of a city or town shall not use the authority of their
31 positions to influence the vote or political activities of any subordinate
32 employee.

33 E. The attorney general or the county attorney OR A RESIDENT of the
34 county in which an alleged violation of this section occurred may initiate
35 a suit in the superior court in the county in which the city or town is
36 located for the purpose of complying with this section.

37 F. For each violation of this section, the court may impose a civil
38 penalty OF not ~~to exceed five thousand dollars~~ MORE THAN \$5,000 plus any
39 amount of misused ~~funds~~ MONIES subtracted from the city or town budget
40 against a person who knowingly violates or aids another person in
41 violating this section. The person determined to be out of compliance
42 with this section is responsible for ~~the payment of~~ PAYING all penalties
43 and misused ~~funds~~ MONIES. City or town ~~funds~~ MONIES or insurance payments
44 shall not be used to pay these penalties or misused ~~funds~~ MONIES. All

1 misused ~~funds~~ MONIES collected pursuant to this section shall be returned
2 to the city or town whose ~~funds~~ MONIES were misused. THE CIVIL PENALTIES
3 SHALL BE PAID AS FOLLOWS:

4 1. FOR CIVIL PENALTIES ORDERED IN AN ACTION FILED BY THE ATTORNEY
5 GENERAL, TO THE OFFICE OF THE ATTORNEY GENERAL TO DEFRAY THE COSTS OF
6 ENFORCEMENT.

7 2. FOR CIVIL PENALTIES ORDERED IN AN ACTION FILED BY THE COUNTY
8 ATTORNEY, TO THE OFFICE OF THE COUNTY TREASURER FOR DEPOSIT INTO THE
9 GENERAL FUND OF THE COUNTY.

10 3. FOR CIVIL PENALTIES ORDERED IN AN ACTION FILED BY A RESIDENT OF
11 THE JURISDICTION IN VIOLATION, TO THE RESIDENT.

12 G. ~~Nothing contained in~~ This section ~~shall be construed as denying~~
13 DOES NOT DENY the civil and political liberties of any employee as
14 guaranteed by the United States and Arizona Constitutions.

15 H. For the purposes of this section:

16 1. "Government-sponsored forum or debate" means any event, ~~—~~ or part
17 of an event or meeting, ~~—~~ in which the government is an official sponsor,
18 which is open to the public or to invited members of the public, ~~—~~ and
19 whose purpose is to inform the public about an issue or proposition that
20 is before the voters.

21 2. "Influencing the outcomes of elections" MEANS EITHER OF THE
22 FOLLOWING:

23 (a) ~~Means~~ Supporting or opposing a candidate for nomination or
24 election to public office or the recall of a public officer or supporting
25 or opposing a ballot measure, question or proposition, including any bond,
26 budget or override election and supporting or opposing the circulation of
27 a petition for the recall of a public officer or a petition for a ballot
28 measure, question or proposition in any manner that is not impartial or
29 neutral.

30 (b) PRESENTING IN ANY MANNER THAT IS NOT IMPARTIAL OR NEUTRAL ANY
31 INFORMATION RELATED TO AN ELECTION OR TO THE SUBJECT OF AN ELECTION THAT
32 IS CONTEMPLATED WITHIN THE JURISDICTION OF THE CITY OR TOWN.

33 3. "Misused ~~funds~~ MONIES" means city or town monies or resources
34 THAT ARE used unlawfully as proscribed by this section.

35 4. "Routine city or town communications" means messages or
36 advertisements that are germane to the functions of the city or town and
37 that maintain the frequency, scope and distribution consistent with past
38 practices or THAT are necessary for public safety.

39 Sec. 2. Section 11-410, Arizona Revised Statutes, is amended to
40 read:

41 11-410. Use of county resources or employees to influence
42 elections; prohibition; civil penalty; definitions

43 A. A county shall not spend or use its resources, including the use
44 or expenditure of monies, accounts, credit, facilities, vehicles, postage,

1 telecommunications, computer hardware and software, web pages, personnel,
2 equipment, materials, buildings or any other thing of value, for the
3 purpose of influencing the outcomes of elections. Notwithstanding this
4 section, a county may distribute informational pamphlets on a proposed
5 bond election as provided in section 35-454 if those informational
6 pamphlets present factual information in a neutral manner. ~~Nothing in~~
7 This section ~~precludes~~ DOES NOT PROHIBIT a county from reporting on
8 official actions of the county board of supervisors.

9 B. The prohibition on the use of public resources to influence the
10 outcome of bond, budget override and other tax-related elections includes
11 ~~the use of~~ USING county-focused promotional expenditures that occur after
12 an election is called and through election day. This prohibition does not
13 include routine county communications.

14 C. This section does not prohibit ~~the use of~~ USING county
15 resources, including facilities and equipment, for government-sponsored
16 forums or debates if the government sponsor remains impartial and the
17 events are purely informational and provide an equal opportunity to all
18 viewpoints. The rental and use of a public facility by a private person
19 or entity that may lawfully attempt to influence the outcome of an
20 election is ~~permitted~~ ALLOWED if it does not occur at the same time and
21 place as a government-sponsored forum or debate.

22 D. Employees of a county shall not use the authority of their
23 positions to influence the vote or political activities of any subordinate
24 employee.

25 E. The attorney general or the county attorney OR A RESIDENT of the
26 county in which an alleged violation of this section occurred may initiate
27 a suit in the superior court in the county in which the alleged violation
28 occurred for the purpose of complying with this section.

29 F. For each violation of this section, the court may impose a civil
30 penalty OF not ~~to exceed five thousand dollars~~ MORE THAN \$5,000 plus any
31 amount of misused ~~funds~~ MONIES subtracted from the county budget against a
32 person who knowingly violates or aids another person in violating this
33 section. The person determined to be out of compliance with this section
34 is responsible for ~~the payment of~~ PAYING all penalties and misused ~~funds~~
35 MONIES. County ~~funds~~ MONIES or insurance payments shall not be used to
36 pay these penalties or misused ~~funds~~ MONIES. All misused ~~funds~~ MONIES
37 collected pursuant to this section shall be returned to the county whose
38 ~~funds~~ MONIES were misused. THE CIVIL PENALTIES SHALL BE PAID AS FOLLOWS:

39 1. FOR CIVIL PENALTIES ORDERED IN AN ACTION FILED BY THE ATTORNEY
40 GENERAL, TO THE OFFICE OF THE ATTORNEY GENERAL TO DEFRAY THE COSTS OF
41 ENFORCEMENT.

42 2. FOR CIVIL PENALTIES ORDERED IN AN ACTION FILED BY THE COUNTY
43 ATTORNEY, TO THE OFFICE OF THE COUNTY TREASURER FOR DEPOSIT INTO THE
44 GENERAL FUND OF THE COUNTY.

1 3. FOR CIVIL PENALTIES ORDERED IN AN ACTION FILED BY A RESIDENT OF
2 THE JURISDICTION IN VIOLATION, TO THE RESIDENT.

3 G. ~~Nothing contained in~~ This section ~~shall be construed as denying~~
4 DOES NOT DENY the civil and political liberties of any employee as
5 guaranteed by the United States and Arizona Constitutions.

6 H. For the purposes of this section:

7 1. "Government-sponsored forum or debate" means any event, ~~—~~ or part
8 of an event or meeting, ~~—~~ in which the government is an official sponsor,
9 which is open to the public or to invited members of the public, ~~—~~ and
10 whose purpose is to inform the public about an issue or proposition that
11 is before the voters.

12 2. "Influencing the outcomes of elections" MEANS EITHER OF THE
13 FOLLOWING:

14 (a) ~~Means~~ Supporting or opposing a candidate for nomination or
15 election to public office or the recall of a public officer or supporting
16 or opposing a ballot measure, question or proposition, including any bond,
17 budget or override election and supporting or opposing the circulation of
18 a petition for the recall of a public officer or a petition for a ballot
19 measure, question or proposition in any manner that is not impartial or
20 neutral.

21 (b) PRESENTING IN ANY MANNER THAT IS NOT IMPARTIAL OR NEUTRAL ANY
22 INFORMATION RELATED TO AN ELECTION OR TO THE SUBJECT OF AN ELECTION THAT
23 IS CONTEMPLATED WITHIN THE JURISDICTION OF THE COUNTY.

24 3. "Misused ~~funds~~ MONIES" means county monies or resources THAT ARE
25 used unlawfully as proscribed by this section.

26 4. "Routine county communications" means messages or advertisements
27 that are germane to the functions of the county and that maintain the
28 frequency, scope and distribution consistent with past practices or THAT
29 are necessary for public safety.

30 Sec. 3. Section 15-511, Arizona Revised Statutes, is amended to
31 read:

32 15-511. Use of school district or charter school resources or
33 employees to influence elections; prohibition;
34 civil penalty; definitions

35 A. A person acting on behalf of a school district or a person who
36 aids another person acting on behalf of a school district shall not spend
37 or use school district or charter school resources, including the use or
38 expenditure of monies, accounts, credit, facilities, vehicles, postage,
39 telecommunications, computer hardware and software, web pages, personnel,
40 equipment, materials, buildings or any other thing of value of the school
41 district or charter school, for the purpose of influencing the outcomes of
42 elections. Notwithstanding this section, a school district may distribute
43 informational pamphlets on a proposed budget override election as provided
44 in section 15-481, subsections B and C or informational pamphlets on a

1 proposed bond election as provided in section 15-491, subsection D if
2 those informational pamphlets present factual information in a neutral
3 manner, except for those arguments presented as prescribed in section
4 15-481, subsection B, paragraph 9. ~~Nothing in~~ This section ~~precludes~~ DOES
5 NOT PROHIBIT a school district from reporting on official actions of the
6 governing board.

7 B. The prohibition on the use of public resources to influence the
8 outcome of bond, budget override and other tax-related elections includes
9 ~~the use of~~ USING school district-focused promotional expenditures that
10 occur after an election is called and through election day. This
11 prohibition does not include routine school district communications.

12 C. This section does not prohibit the use of school district or
13 charter school resources, including facilities and equipment, for
14 government-sponsored forums or debates if the government sponsor remains
15 impartial and the events are purely informational and provide an equal
16 opportunity to all viewpoints. The rental and use of a public facility by
17 a private person or entity that may lawfully attempt to influence the
18 outcome of an election is permitted if it does not occur at the same time
19 and place as a government-sponsored forum or debate.

20 D. An employee of a school district or charter school who is acting
21 as an agent of or working in an official capacity for the school district
22 or charter school may not give pupils written materials to influence the
23 outcome of an election or to advocate support for or opposition to pending
24 or proposed legislation.

25 E. Employees of a school district or charter school may not use the
26 authority of their positions to influence the vote or political activities
27 of any subordinate employee.

28 F. Notwithstanding section 15-342, paragraph 8, a school district
29 shall not spend monies for membership in an association that attempts to
30 influence the outcome of an election.

31 G. This section does not deny the civil and political liberties of
32 any person as guaranteed by the United States and Arizona Constitutions.

33 H. The attorney general shall publish and distribute to school
34 districts and charter schools a detailed guideline regarding activities
35 THAT ARE prohibited under this section. The attorney general may
36 distribute these guidelines through a website or electronically.

37 I. The attorney general or the county attorney ~~FOR~~ OR A RESIDENT OF
38 the county in which an alleged violation of this section occurred may
39 initiate a suit in the superior court in the county in which the school
40 district or charter school is located for the purpose of complying with
41 this section.

42 J. For each violation of this section, the court may impose a civil
43 penalty OF not ~~to exceed five thousand dollars MORE THAN \$5,000~~ plus any
44 amount of misused ~~funds~~ MONIES subtracted from the school district budget

1 against a person who knowingly violates or a person who knowingly aids
2 another person in violating this section. The person determined to be out
3 of compliance with this section ~~shall be~~ IS responsible for ~~the payment of~~
4 PAYING all penalties and misused ~~funds~~ MONIES. School district ~~funds~~
5 MONIES or insurance payments shall not be used to pay these penalties or
6 misused ~~funds~~ MONIES. All misused ~~funds~~ MONIES collected pursuant to this
7 section shall be returned to the school district or charter school whose
8 ~~funds~~ MONIES were misused.

9 K. An attorney acting on behalf of a public school may request a
10 legal opinion of the county attorney or attorney general as to whether a
11 proposed use of school district resources would violate this section.

12 L. All penalties collected by the court for a suit initiated in
13 superior court by the attorney general shall be paid to the office of the
14 attorney general for the use and reimbursement of costs of prosecution
15 pursuant to this section. All penalties collected by the court for a suit
16 initiated in superior court by a county attorney shall be paid to the
17 county treasurer of the county in which the court is held for the use and
18 reimbursement of costs of prosecution pursuant to this section. ALL
19 PENALTIES COLLECTED BY THE COURT FOR A SUIT INITIATED IN SUPERIOR COURT BY
20 A RESIDENT OF THE JURISDICTION IN VIOLATION SHALL BE PAID TO THE RESIDENT.

21 M. For the purposes of this section:

22 1. "Government-sponsored forum or debate" means any event, ~~—~~ or part
23 of an event or meeting, ~~—~~ in which the government is an official sponsor,
24 which is open to the public or to invited members of the public, ~~—~~ and
25 whose purpose is to inform the public about an issue or proposition that
26 is before the voters.

27 2. "Influencing the outcomes of elections" MEANS EITHER OF THE
28 FOLLOWING:

29 (a) ~~Means~~ Supporting or opposing a candidate for nomination or
30 election to public office or the recall of a public officer or supporting
31 or opposing a ballot measure, question or proposition, including any bond,
32 budget or override election and supporting or opposing the circulation of
33 a petition for the recall of a public officer or a petition for a ballot
34 measure, question or proposition in any manner that is not impartial or
35 neutral.

36 (b) PRESENTING IN ANY MANNER THAT IS NOT IMPARTIAL OR NEUTRAL ANY
37 INFORMATION RELATED TO AN ELECTION OR TO THE SUBJECT OF AN ELECTION THAT
38 IS CONTEMPLATED WITHIN THE JURISDICTION OF THE SCHOOL DISTRICT.

39 3. "Misused ~~funds~~ MONIES" means school district monies or resources
40 THAT ARE used unlawfully pursuant to this section.

41 4. "Routine school district communications" means messages or
42 advertisements that are germane to the functions of the school district
43 and that maintain the frequency, scope and distribution consistent with
44 past practices or THAT are necessary for public safety.

1 Sec. 4. Section 16-192, Arizona Revised Statutes, is amended to
2 read:

3 16-192. Use of state, special taxing district resources to
4 influence elections; prohibition; civil penalties;
5 definitions

6 A. Notwithstanding any other law, this state and special taxing
7 districts and any public agency, department, board, commission, committee,
8 council or authority shall not spend or use public resources to influence
9 an election, including the use or expenditure of monies, accounts, credit,
10 materials, equipment, buildings, facilities, vehicles, postage,
11 telecommunications, computer hardware and software, web pages and
12 personnel and any other thing of value of the public entity.

13 B. The prohibition on the use of public resources to influence the
14 outcome of bond, budget override and other tax-related elections includes
15 the use of special taxing district-focused promotional expenditures that
16 occur after an election is called and through election day. This
17 prohibition does not include routine special taxing district
18 communications.

19 C. This section does not prohibit:

20 1. The use of public resources, including facilities and equipment,
21 for government-sponsored forums or debates if the government sponsor
22 remains impartial and the events are purely informational and provide an
23 equal opportunity to all viewpoints. The rental and use of a public
24 facility by a private person or entity that may lawfully attempt to
25 influence the outcome of an election is ~~permitted~~ ALLOWED if it does not
26 occur at the same time and place as a government-sponsored forum or
27 debate.

28 2. The presentation of factual information in a neutral manner for
29 the purposes of educating and informing voters as otherwise provided by
30 law, including information on a bond, budget, override, candidate or other
31 type of election and including publications and activities otherwise
32 prescribed by chapter 6, article 2 of this title for the citizens clean
33 elections commission.

34 D. The attorney general, ~~OR~~ the county attorney ~~for~~ OR A RESIDENT
35 OF the county in which an alleged violation of this section occurs ~~or any~~
~~resident of the jurisdiction that is alleged to have committed a violation~~
~~of this section~~ may file an action in the superior court to enforce this
38 section.

39 E. Any person or public entity that knowingly violates this section
40 or that knowingly aids another person or public entity in violating this
41 section is liable for a civil penalty of not more than ~~five thousand~~
42 ~~dollars~~ \$5,000 for each violation. The court also may order the person or
43 public entity in violation to pay an additional penalty in an amount that

1 equals the value of the public resources unlawfully used. The civil
2 penalties shall be paid as follows:

3 1. For civil penalties ordered in an action filed by the attorney
4 general, to the office of the attorney general to defray the costs of
5 enforcement.

6 2. For civil penalties ordered in an action filed by the county
7 attorney, to the office of the county treasurer for deposit into the
8 general fund of the county.

9 3. For civil penalties ordered in an action filed by a resident of
10 the jurisdiction in violation, to the resident.

11 F. This section does not deny the civil and political liberties of
12 any person as guaranteed by the United States and Arizona Constitutions.

13 G. With respect to special taxing districts, this section applies
14 only to those special taxing districts that are organized pursuant to
15 title 48, chapters 5, 6, 8, 10, 13, 14, 15 and 16.

16 H. For the purposes of this section:

17 1. "Government-sponsored forum or debate" means any event, or part
18 of an event or meeting, in which the government is an official sponsor,
19 which is open to the public or to invited members of the public, and whose
20 purpose is to inform the public about an issue or proposition that is
21 before the voters.

22 2. "Influence an election" MEANS EITHER OF THE FOLLOWING:

23 (a) ~~Means~~ Supporting or opposing a candidate for nomination or
24 election to public office or the recall of a public officer or supporting
25 or opposing a ballot measure, question or proposition, including any bond,
26 budget or override election and supporting or opposing the circulation of
27 a petition for the recall of a public officer or a petition for a ballot
28 measure, question or proposition in any manner that is not impartial or
29 neutral.

30 (b) PRESENTING IN ANY MANNER THAT IS NOT IMPARTIAL OR NEUTRAL ANY
31 INFORMATION RELATED TO AN ELECTION OR TO THE SUBJECT OF AN ELECTION THAT
32 IS CONTEMPLATED WITHIN THE JURISDICTION OF THIS STATE, A SPECIAL TAXING
33 DISTRICT OR ANY PUBLIC AGENCY, DEPARTMENT, BOARD, COMMISSION, COMMITTEE,
34 COUNCIL OR AUTHORITY THAT IS PRESCRIBED BY SUBSECTION A OF THIS SECTION.

35 3. "Routine special taxing district communications" means messages
36 or advertisements that are germane to the functions of the special district
37 and that maintain the frequency, scope and distribution consistent with
38 past practices or are necessary for public safety.