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REFERENCE TITLE: **public resources; influencing elections; penalties**

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

# **SB 1036**

Introduced by  
Senator Kavanagh

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  
45 misused ~~funds~~ MONIES collected pursuant to this section shall be returned

1 to the city or town whose ~~funds~~ MONIES were misused. THE CIVIL PENALTIES  
2 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 G. ~~Nothing contained in~~ This section ~~shall be construed as denying~~  
12 DOES NOT DENY the civil and political liberties of any employee as  
13 guaranteed by the United States and Arizona Constitutions.

14 H. For the purposes of this section:

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

20 2. "Influencing the outcomes of elections" means supporting or  
21 opposing a candidate for nomination or election to public office or the  
22 recall of a public officer or supporting or opposing a ballot measure,  
23 question or proposition, including any bond, budget or override election  
24 and supporting or opposing the circulation of a petition for the recall of  
25 a public officer or a petition for a ballot measure, question or  
26 proposition in any manner that is not impartial or neutral.

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

29 4. "Routine city or town communications" means messages or  
30 advertisements that are germane to the functions of the city or town and  
31 that maintain the frequency, scope and distribution consistent with past  
32 practices or ~~THAT~~ are necessary for public safety.

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

35 11-410. Use of county resources or employees to influence  
36 elections; prohibition; civil penalty; definitions

37 A. A county shall not spend or use its resources, including the use  
38 or 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, for the  
41 purpose of influencing the outcomes of elections. Notwithstanding this  
42 section, a county may distribute informational pamphlets on a proposed  
43 bond election as provided in section 35-454 if those informational  
44 pamphlets present factual information in a neutral manner. ~~Nothing in~~

1 This section ~~precludes~~ DOES NOT PROHIBIT a county from reporting on  
2 official actions of the county board of supervisors.

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

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

16 D. Employees of a county shall not use the authority of their  
17 positions to influence the vote or political activities of any subordinate  
18 employee.

19 E. The attorney general or the county attorney OR A RESIDENT of the  
20 county in which an alleged violation of this section occurred may initiate  
21 a suit in the superior court in the county in which the alleged violation  
22 occurred for the purpose of complying with this section.

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

33 1. FOR CIVIL PENALTIES ORDERED IN AN ACTION FILED BY THE ATTORNEY  
34 GENERAL, TO THE OFFICE OF THE ATTORNEY GENERAL TO DEFRAY THE COSTS OF  
35 ENFORCEMENT.

36 2. FOR CIVIL PENALTIES ORDERED IN AN ACTION FILED BY THE COUNTY  
37 ATTORNEY, TO THE OFFICE OF THE COUNTY TREASURER FOR DEPOSIT INTO THE  
38 GENERAL FUND OF THE COUNTY.

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

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

1       H. For the purposes of this section:

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

7       2. "Influencing the outcomes of elections" means supporting or  
8 opposing a candidate for nomination or election to public office or the  
9 recall of a public officer or supporting or opposing a ballot measure,  
10 question or proposition, including any bond, budget or override election  
11 and supporting or opposing the circulation of a petition for the recall of  
12 a public officer or a petition for a ballot measure, question or  
13 proposition in any manner that is not impartial or neutral.

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

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

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

22       15-511. Use of school district or charter school resources or  
23                    employees to influence elections: prohibition;  
24                    civil penalty; definitions

25       A. A person acting on behalf of a school district or a person who  
26 aids another person acting on behalf of a school district shall not spend  
27 or use school district or charter school resources, including the use or  
28 expenditure of monies, accounts, credit, facilities, vehicles, postage,  
29 telecommunications, computer hardware and software, web pages, personnel,  
30 equipment, materials, buildings or any other thing of value of the school  
31 district or charter school, for the purpose of influencing the outcomes of  
32 elections. Notwithstanding this section, a school district may distribute  
33 informational pamphlets on a proposed budget override election as provided  
34 in section 15-481, subsections B and C or informational pamphlets on a  
35 proposed bond election as provided in section 15-491, subsection D if  
36 those informational pamphlets present factual information in a neutral  
37 manner, except for those arguments presented as prescribed in section  
38 15-481, subsection B, paragraph 9. ~~Nothing in~~ This section ~~precludes~~ DOES  
39 NOT PROHIBIT a school district from reporting on official actions of the  
40 governing board.

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

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

9       D. An employee of a school district or charter school who is acting  
10 as an agent of or working in an official capacity for the school district  
11 or charter school may not give pupils written materials to influence the  
12 outcome of an election or to advocate support for or opposition to pending  
13 or proposed legislation.

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

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

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

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

26      I. The attorney general or the county attorney FOR OR A RESIDENT OF  
27 the county in which an alleged violation of this section occurred may  
28 initiate a suit in the superior court in the county in which the school  
29 district or charter school is located for the purpose of complying with  
30 this section.

31      J. For each violation of this section, the court may impose a civil  
32 penalty OF not ~~to exceed five thousand dollars~~ MORE THAN \$5,000 plus any  
33 amount of misused funds MONIES subtracted from the school district budget  
34 against a person who knowingly violates or a person who knowingly aids  
35 another person in violating this section. The person determined to be out  
36 of compliance with this section ~~shall be~~ IS responsible for ~~the payment of~~  
37 PAYING all penalties and misused funds MONIES. School district funds  
38 MONIES or insurance payments shall not be used to pay these penalties or  
39 misused funds MONIES. All misused funds MONIES collected pursuant to this  
40 section shall be returned to the school district or charter school whose  
41 funds MONIES were misused.

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

1       L. All penalties collected by the court for a suit initiated in  
2 superior court by the attorney general shall be paid to the office of the  
3 attorney general for the use and reimbursement of costs of prosecution  
4 pursuant to this section. All penalties collected by the court for a suit  
5 initiated in superior court by a county attorney shall be paid to the  
6 county treasurer of the county in which the court is held for the use and  
7 reimbursement of costs of prosecution pursuant to this section. **ALL  
8 PENALTIES COLLECTED BY THE COURT FOR A SUIT INITIATED IN SUPERIOR COURT BY  
9 A RESIDENT OF THE JURISDICTION IN VIOLATION SHALL BE PAID TO THE RESIDENT.**

10     M. For the purposes of this section:

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

16     2. "Influencing the outcomes of elections" means supporting or  
17 opposing a candidate for nomination or election to public office or the  
18 recall of a public officer or supporting or opposing a ballot measure,  
19 question or proposition, including any bond, budget or override election  
20 and supporting or opposing the circulation of a petition for the recall of  
21 a public officer or a petition for a ballot measure, question or  
22 proposition in any manner that is not impartial or neutral.

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

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

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

31      16-192. Use of state, special taxing district resources to  
32                   influence elections: prohibition; civil penalties;  
33                   definitions

34      A. Notwithstanding any other law, this state and special taxing  
35 districts and any public agency, department, board, commission, committee,  
36 council or authority shall not spend or use public resources to influence  
37 an election, including the use or expenditure of monies, accounts, credit,  
38 materials, equipment, buildings, facilities, vehicles, postage,  
39 telecommunications, computer hardware and software, web pages and  
40 personnel and any other thing of value of the public entity.

41      B. The prohibition on the use of public resources to influence the  
42 outcome of bond, budget override and other tax-related elections includes  
43 the use of special taxing district-focused promotional expenditures that  
44 occur after an election is called and through election day. This

1 prohibition does not include routine special taxing district  
2 communications.

3 C. This section does not prohibit:

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

12 2. The presentation of factual information in a neutral manner for  
13 the purposes of educating and informing voters as otherwise provided by  
14 law, including information on a bond, budget, override, candidate or other  
15 type of election and including publications and activities otherwise  
16 prescribed by chapter 6, article 2 of this title for the citizens clean  
17 elections commission.

18 D. The attorney general, ~~OR~~ the county attorney ~~FOR OR A RESIDENT~~  
19 ~~OF~~ the county in which an alleged violation of this section occurs ~~OR ANY~~  
20 ~~resident of the jurisdiction that is alleged to have committed a violation~~  
21 ~~of this section~~ may file an action in the superior court to enforce this  
22 section.

23 E. Any person or public entity that knowingly violates this section  
24 or that knowingly aids another person or public entity in violating this  
25 section is liable for a civil penalty of not more than ~~five thousand~~  
26 ~~dollars~~ \$5,000 for each violation. The court also may order the person or  
27 public entity in violation to pay an additional penalty in an amount that  
28 equals the value of the public resources unlawfully used. The civil  
29 penalties shall be paid as follows:

30 1. For civil penalties ordered in an action filed by the attorney  
31 general, to the office of the attorney general to defray the costs of  
32 enforcement.

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

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

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

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

43 H. For the purposes of this section:

44 1. "Government-sponsored forum or debate" means any event, or part  
45 of an event or meeting, in which the government is an official sponsor,

1 which is open to the public or to invited members of the public, and whose  
2 purpose is to inform the public about an issue or proposition that is  
3 before the voters.

4 2. "Influence an election" means supporting or opposing a candidate  
5 for nomination or election to public office or the recall of a public  
6 officer or supporting or opposing a ballot measure, question or  
7 proposition, including any bond, budget or override election and  
8 supporting or opposing the circulation of a petition for the recall of a  
9 public officer or a petition for a ballot measure, question or proposition  
10 in any manner that is not impartial or neutral.

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