

REFERENCE TITLE: clean elections; false claims; fees

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
Second Regular Session  
2010

# HB 2589

Introduced by  
Representatives Quelland: Ash, Lesko, Murphy

AN ACT

AMENDING SECTION 16-957, 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 16-957, Arizona Revised Statutes,  
4 is amended to read:

5 16-957. Enforcement procedure

6 A. If the commission finds that there is reason to believe that a  
7 person has violated any provision of this article, the commission shall serve  
8 on that person an order stating with reasonable particularity the nature of  
9 the violation and requiring compliance within fourteen days. During that  
10 period, the alleged violator may provide any explanation to the commission,  
11 comply with the order, ~~or~~ or enter into a public administrative settlement with  
12 the commission.

13 B. ~~Upon~~ ON expiration of the fourteen days, if the commission finds  
14 that the alleged violator remains out of compliance, the commission shall  
15 make a public finding to that effect and issue an order assessing a civil  
16 penalty in accordance with section 16-942, unless the commission publishes  
17 findings of fact and conclusions of law expressing good cause for reducing or  
18 excusing the penalty. The violator has fourteen days from the date of  
19 issuance of the order assessing the penalty to appeal to the superior court  
20 as provided in title 12, chapter 7, article 6.

21 C. Any candidate in a particular election contest who believes that  
22 any opposing candidate has violated this article for that election may file a  
23 complaint with the commission requesting that action be taken pursuant to  
24 this section. If the commission fails to make a finding under subsection A  
25 of this section within thirty days after the filing of such a complaint, the  
26 candidate may bring a civil action in the superior court to impose the civil  
27 penalties prescribed in this section.

28 D. IF THE COMMISSION FINDS ANY COMPLAINT TO BE FALSE OR IF ANY  
29 EVIDENCE SUBMITTED BY A COMPLAINANT IS DETERMINED TO BE FRAUDULENT, THE  
30 COMMISSION SHALL ASSESS THE COMPLAINANT THE COMMISSION'S ATTORNEY FEES AND  
31 COSTS AND THE RESPONDING CANDIDATE'S ATTORNEY FEES AND COSTS AND MAY FILE A  
32 CIVIL ACTION AGAINST THE COMPLAINANT TO COLLECT THOSE ASSESSED FEES AND  
33 COSTS.

34 Sec. 2. Requirements for enactment; three-fourths vote

35 Pursuant to article IV, part 1, section 1, Constitution of Arizona,  
36 section 16-957, Arizona Revised Statutes, as amended by this act, is  
37 effective only on the affirmative vote of at least three-fourths of the  
38 members of each house of the legislature.