

REFERENCE TITLE: school district monies; associations; elections

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HB 2002

Introduced by
Representative Kavanagh

AN ACT

AMENDING SECTION 15-511, ARIZONA REVISED STATUTES; RELATING TO SCHOOL DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-511, Arizona Revised Statutes, is amended to
3 read:

4 15-511. Use of school district or charter school resources or
5 employees to influence elections: prohibition: civil
6 penalty: definition

7 A. A person acting on behalf of a school district or a person who aids
8 another person acting on behalf of a school district shall not use school
9 district or charter school personnel, equipment, materials, buildings or
10 other resources for the purpose of influencing the outcomes of elections.
11 Notwithstanding this section, a school district may distribute informational
12 reports on a proposed budget override election as provided in section 15-481,
13 subsections B and C or informational reports on a proposed bond election as
14 provided in section 15-491, subsection D. Nothing in this section precludes
15 a school district from reporting on official actions of the governing board.

16 B. An employee of a school district or charter school who is acting as
17 an agent of or working in an official capacity for the school district or
18 charter school may not give pupils written materials to influence the outcome
19 of an election or to advocate support for or opposition to pending or
20 proposed legislation.

21 C. Employees of a school district or charter school may not use the
22 authority of their positions to influence the vote or political activities of
23 any subordinate employee.

24 **D. NOTWITHSTANDING SECTION 15-342, PARAGRAPH 8, A SCHOOL DISTRICT**
25 **SHALL NOT SPEND MONIES FOR MEMBERSHIP IN AN ASSOCIATION THAT ATTEMPTS TO**
26 **INFLUENCE THE OUTCOME OF AN ELECTION OR THAT ADVOCATES SUPPORT FOR OR**
27 **OPPOSITION TO PENDING OR PROPOSED LEGISLATION.**

28 ~~D.~~ E. Nothing contained in this section shall be construed as denying
29 the civil and political liberties of any person as guaranteed by the United
30 States and Arizona Constitutions.

31 ~~E.~~ F. ~~By January 1, 2004,~~ The attorney general shall publish and
32 distribute to school districts and charter schools a detailed guideline
33 regarding activities prohibited under this section. The attorney general may
34 distribute these guidelines through a ~~web-site~~ WEBSITE or electronically.

35 ~~F.~~ G. The attorney general or the county attorney for the county in
36 which an alleged violation of this section occurred may initiate a suit in
37 the superior court in the county in which the school district or charter
38 school is located for the purpose of complying with this section.

39 ~~G.~~ H. For each violation of this section, the court may impose a
40 civil penalty not to exceed five hundred dollars plus any amount of misused
41 funds subtracted from the school district budget against a person who
42 knowingly violates or a person who knowingly aids another person in violating
43 this section. The person determined to be out of compliance with this
44 section shall be responsible for the payment of all penalties and misused
45 funds. School district funds or insurance payments shall not be used to pay

1 these penalties or misused funds. All misused funds collected pursuant to
2 this section shall be returned to the school district or charter school whose
3 funds were misused.

4 ~~H.~~ I. An attorney acting on behalf of a public school may request a
5 legal opinion of the county attorney or attorney general as to whether a
6 proposed use of school district resources would violate this section.

7 ~~I.~~ J. All penalties collected by the court for a suit initiated in
8 superior court by the attorney general shall be paid to the office of the
9 attorney general for the use and reimbursement of costs of prosecution
10 pursuant to this section. All penalties collected by the court for a suit
11 initiated in superior court by a county attorney shall be paid to the county
12 treasurer of the county in which the court is held for the use and
13 reimbursement of costs of prosecution pursuant to this section.

14 ~~J.~~ K. For the purposes of this section, "misused funds" means school
15 district monies or resources used pursuant to subsection A of this section.