

COMMITTEE ON APPROPRIATIONS  
SENATE AMENDMENTS TO H.B. 2032  
(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

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; definitions

7 A. A person acting on behalf of a school district or a person who  
8 aids another person acting on behalf of a school district shall not spend  
9 or use school district or charter school resources, including the use or  
10 expenditure of monies, accounts, credit, facilities, vehicles, postage,  
11 telecommunications, computer hardware and software, web pages, personnel,  
12 equipment, materials, buildings or any other thing of value of the school  
13 district or charter school, for the purpose of influencing the outcomes of  
14 elections. **A PERSON ACTING ON BEHALF OF A SCHOOL DISTRICT OR CHARTER**  
15 **SCHOOL OR A PERSON WHO AIDS ANOTHER PERSON ACTING ON BEHALF OF A SCHOOL**  
16 **DISTRICT OR CHARTER SCHOOL SHALL NOT USE SPEECH OR CURRICULA DURING SCHOOL**  
17 **TIME WITH THE INTENT OF INFLUENCING OR CHANGING A STUDENT'S POLITICAL**  
18 **IDEOLOGY OR RELIGIOUS BELIEF.** Notwithstanding this section, a school  
19 district may distribute informational pamphlets on a proposed budget  
20 override election as provided in section 15-481, subsections B and C or  
21 informational pamphlets on a proposed bond election as provided in section  
22 15-491, subsection D if those informational pamphlets present factual  
23 information in a neutral manner, except for those arguments presented as  
24 prescribed in section 15-481, subsection B, paragraph 9. ~~Nothing in~~ This

1 section ~~precludes~~ DOES NOT PROHIBIT a school district from reporting on  
2 official actions of the governing board.

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

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

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

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

24 F. 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.

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

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

1 I. The attorney general or the county attorney for the county in  
2 which an alleged violation of this section occurred may initiate a suit in  
3 the superior court in the county in which the school district or charter  
4 school is located for the purpose of complying with this section.

5 J. For each violation of this section, the court may impose a civil  
6 penalty not to exceed ~~five thousand dollars~~ \$5,000 plus any amount of  
7 misused ~~funds~~ MONIES subtracted from the school district budget against a  
8 person who knowingly violates or a person who knowingly aids another person  
9 in violating this section. The person determined to be out of compliance  
10 with this section shall be responsible for ~~the payment of~~ PAYING all  
11 penalties and misused ~~funds~~ MONIES. School district ~~funds~~ MONIES or  
12 insurance payments shall not be used to pay these penalties or misused  
13 ~~funds~~ MONIES. All misused ~~funds~~ MONIES collected pursuant to this section  
14 shall be returned to the school district or charter school whose ~~funds~~  
15 MONIES were misused.

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

19 L. All penalties collected by the court for a suit initiated in  
20 superior court by the attorney general shall be paid to the office of the  
21 attorney general for the use and reimbursement of costs of prosecution  
22 pursuant to this section. All penalties collected by the court for a suit  
23 initiated in superior court by a county attorney shall be paid to the  
24 county treasurer of the county in which the court is held for the use and  
25 reimbursement of costs of prosecution pursuant to this section.

26 M. For the purposes of this section:

27 1. "Government-sponsored forum or debate" means any event,~~—~~ or part  
28 of an event or meeting,~~—~~ in which the government is an official sponsor,  
29 ~~which~~ THAT is open to the public or to invited members of the public,~~—~~ and  
30 whose purpose is to inform the public about an issue or proposition that is  
31 before the voters.

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

8           3. "Misused ~~funds~~ MONIES" means school district monies or resources  
9           used unlawfully pursuant to this section.

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

14 Amend title to conform

2032APPROP  
03/29/2019  
1:30 PM  
C: TDB