

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HOUSE BILL 2026

AN ACT

AMENDING SECTIONS 9-500.14, 11-410 AND 15-511, 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 if it does not occur at the same time and place as a
29 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 of the county in
34 which an alleged violation of this section occurred OR ANY RESIDENT OF THE
35 JURISDICTION THAT IS ALLEGED TO HAVE COMMITTED A VIOLATION OF THIS SECTION
36 may initiate a suit in the superior court in the county in which the city
37 or town is located for the purpose of complying with this section.

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

1 collected pursuant to this section shall be returned to the city or town
2 whose ~~funds~~ MONIES were misused. THE CIVIL PENALTIES SHALL BE PAID AS
3 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~~ THAT 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 supporting or
22 opposing a candidate for nomination or election to public office or the
23 recall of a public officer or supporting or opposing a ballot measure,
24 question or proposition, including any bond, budget or override election
25 and supporting or opposing the circulation of a petition for the recall of
26 a public officer or a petition for a ballot measure, question or
27 proposition in any manner that is not impartial or neutral.

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

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

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

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

38 A. A county shall not spend or use its resources, including the use
39 or expenditure of monies, accounts, credit, facilities, vehicles, postage,
40 telecommunications, computer hardware and software, web pages, personnel,
41 equipment, materials, buildings or any other thing of value, for the
42 purpose of influencing the outcomes of elections. Notwithstanding this
43 section, a county may distribute informational pamphlets on a proposed
44 bond election as provided in section 35-454 if those informational
45 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 if it does not occur at the same time and place as a
15 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 of the county in
20 which an alleged violation of this section occurred OR ANY RESIDENT OF THE
21 JURISDICTION THAT IS ALLEGED TO HAVE COMMITTED A VIOLATION OF THIS SECTION
22 may initiate a suit in the superior court in the county in which the
23 alleged violation occurred for the purpose of complying with this section.

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

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

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

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

42 G. ~~Nothing contained in~~ This section ~~shall be construed as denying~~
43 DOES NOT DENY the civil and political liberties of any employee as
44 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~~ THAT 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 the county in
27 which an alleged violation of this section occurred OR ANY RESIDENT OF THE
28 JURISDICTION THAT IS ALLEGED TO HAVE COMMITTED A VIOLATION OF THIS SECTION
29 may initiate a suit in the superior court in the county in which the
30 school district or charter school is located for the purpose of complying
31 with this section.

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

43 K. An attorney acting on behalf of a public school may request a
44 legal opinion of the county attorney or attorney general as to whether a
45 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~~ THAT 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.