

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

SENATE CONCURRENT RESOLUTION 1001

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO
THE CITIZENS CLEAN ELECTIONS ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of
2 Representatives concurring:

3 1. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to the citizens clean elections act, is
5 enacted to become valid as a law if approved by the voters and on
6 proclamation of the Governor:

7 AN ACT

8 REPEALING SECTIONS 16-901.01, 16-940, 16-941, 16-942, 16-943,
9 16-945, 16-946, 16-947 AND 16-948, ARIZONA REVISED STATUTES;
10 PROVIDING FOR RENUMBERING; AMENDING SECTION 16-941, ARIZONA
11 REVISED STATUTES, AS RENUMBERED; REPEALING SECTIONS 16-950,
12 16-951, 16-952 AND 16-953, ARIZONA REVISED STATUTES; AMENDING
13 SECTION 16-942, ARIZONA REVISED STATUTES, AS RENUMBERED;
14 REPEALING SECTIONS 16-955, 16-956, 16-957, 16-958, 16-959,
15 16-960 AND 16-961, ARIZONA REVISED STATUTES; RELATING TO THE
16 CITIZENS CLEAN ELECTIONS ACT.

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

18 Section 1. Heading change

19 The article heading of title 16, chapter 6, article 2,
20 Arizona Revised Statutes, is changed from "CITIZENS CLEAN
21 ELECTIONS ACT" to "CITIZENS CLEAN ELECTIONS FUND".

22 Sec. 2. Repeal

23 Sections 16-901.01, 16-940, 16-941, 16-942, 16-943,
24 16-945, 16-946, 16-947 and 16-948, Arizona Revised Statutes, are
25 repealed.

26 Sec. 3. Section 16-949, Arizona Revised Statutes, is
27 renumbered as section 16-941, and as so renumbered, is amended
28 to read:

29 16-941. Citizens clean elections fund

30 ~~A. The commission shall not spend, on all costs incurred~~
31 ~~under this article during a particular calendar year, more than~~
32 ~~five dollars times the number of Arizona resident personal~~
33 ~~income tax returns filed during the previous calendar year. The~~
34 ~~commission may exceed this limit during a calendar year,~~
35 ~~provided that it is offset by an equal reduction of the limit~~
36 ~~during another calendar year during the same four-year period~~
37 ~~beginning January 1 immediately after a gubernatorial election.~~

38 ~~B. The commission may use up to ten per cent of the~~
39 ~~amount specified in subsection A of this section for reasonable~~
40 ~~and necessary expenses of administration and enforcement,~~
41 ~~including the activities specified in section 16-956, subsection~~
42 ~~A, paragraphs 3 through 7 and subsections B and C. Any portion~~
43 ~~of the ten per cent not used for this purpose shall remain in~~
44 ~~the fund.~~

1 ~~C. The commission may apply up to ten per cent of the~~
2 ~~amount specified in subsection A of this section for reasonable~~
3 ~~and necessary expenses associated with public education~~
4 ~~regarding participation as a candidate or a contributor, or~~
5 ~~regarding the functions, purpose and technical aspects of the~~
6 ~~act. Reasonable and necessary expenditures made pursuant to~~
7 ~~section 16-956 are not included in this subsection.~~

8 ~~D. The commission may spend monies in the fund for the~~
9 ~~reasonable and necessary expenses to implement the act but shall~~
10 ~~not use monies in the fund to promote the benefits of the clean~~
11 ~~elections act. Expenditures made pursuant to subsection C of~~
12 ~~this section or in section 16-956, subsection A are deemed not~~
13 ~~to constitute promoting the benefits of the clean elections act.~~
14 ~~Expenditures pursuant to this subsection shall not be included~~
15 ~~in the limits prescribed in subsection C of this section.~~

16 ~~E.~~ A. The state treasurer shall administer a citizens
17 clean elections fund ~~from which costs incurred under this~~
18 ~~article shall be paid.~~ THE STATE TREASURER SHALL TRANSFER
19 ANNUALLY THE MONIES IN THE FUND TO THE DEPARTMENT OF EDUCATION
20 FOR AN EQUITABLE PER PUPIL DISTRIBUTION TO SCHOOL DISTRICTS AND
21 CHARTER SCHOOLS FOR MAINTENANCE AND OPERATION PURPOSES.

22 B. The auditor general shall review the monies in,
23 payments into and expenditures from the fund no less often than
24 every four years.

25 Sec. 4. Repeal

26 Sections 16-950, 16-951, 16-952 and 16-953, Arizona
27 Revised Statutes, are repealed.

28 Sec. 5. Section 16-954, Arizona Revised Statutes, is
29 renumbered as section 16-942, and as so renumbered, is amended
30 to read:

31 16-942. Surcharge

32 ~~A. Beginning January 1, 1999,~~ An additional surcharge of
33 ten ~~per cent~~ PERCENT shall be imposed on all civil and criminal
34 fines and penalties collected pursuant to section 12-116.01 and
35 shall be deposited into the CITIZENS CLEAN ELECTIONS fund
36 ESTABLISHED BY SECTION 16-941.

37 ~~B. At least once per year, the commission shall project~~
38 ~~the amount of monies that the fund will collect over the next~~
39 ~~four years and the time such monies shall become available.~~
40 ~~Whenever the commission determines that the fund contains more~~
41 ~~monies than the commission determines that it requires to meet~~
42 ~~current debts plus expected expenses, under the assumption that~~
43 ~~expected expenses will be at the expenditure limit in section~~
44 ~~16-949, subsection A, and taking into account the projections of~~
45 ~~collections, the commission shall designate such monies as~~

1 ~~excess monies and so notify the state treasurer, who shall~~
2 ~~thereupon transfer the excess monies to the general fund.~~

3 ~~C. At least once per year, the commission shall project~~
4 ~~the amount of clean elections funding for which all candidates~~
5 ~~will have qualified pursuant to this article for the following~~
6 ~~calendar year. By the end of each year, the commission shall~~
7 ~~announce whether the amount that the commission plans to spend~~
8 ~~the following year pursuant to section 16-949, subsection A~~
9 ~~exceeds the projected amount of clean elections funding. If the~~
10 ~~commission determines that the fund contains insufficient monies~~
11 ~~or the spending cap would be exceeded were all candidates'~~
12 ~~accounts to be fully funded, the commission may include in the~~
13 ~~announcement specifications for decreases in the following~~
14 ~~parameters, based on the commission's projections of collections~~
15 ~~and expenses for the fund, including that the fund will provide~~
16 ~~monies under section 16-951 as a fraction of the amounts there~~
17 ~~specified.~~

18 ~~D. If the commission cannot provide participating~~
19 ~~candidates with all monies specified under sections 16-951 and~~
20 ~~16-952, as decreased by any announcement pursuant to subsection~~
21 ~~C of this section, the commission shall allocate any reductions~~
22 ~~in payments proportionately among candidates entitled to monies~~
23 ~~and shall declare an emergency. Upon declaration of an~~
24 ~~emergency, a participating candidate may accept private~~
25 ~~contributions to bring the total monies received by the~~
26 ~~candidate from the fund and from such private contributions up~~
27 ~~to the adjusted spending limits, as decreased by any~~
28 ~~announcement made pursuant to subsection C of this section.~~

29 Sec. 6. Repeal

30 Sections 16-955, 16-956, 16-957, 16-958, 16-959, 16-960
31 and 16-961, Arizona Revised Statutes, are repealed.

32 2. The Secretary of State shall submit this proposition to the voters
33 at the next general election as provided by article IV, part 1, section 1,
34 Constitution of Arizona.