

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2156

(Reference to printed bill)

1 Page 1, between lines 1 and 2, 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 aids  
8 another person acting on behalf of a school district shall not SPEND OR use  
9 school district or charter school RESOURCES, INCLUDING THE USE OR EXPENDITURE  
10 OF MONIES, ACCOUNTS, CREDIT, FACILITIES, VEHICLES, POSTAGE,  
11 TELECOMMUNICATIONS, COMPUTER HARDWARE AND SOFTWARE, WEBPAGES, personnel,  
12 equipment, materials, buildings or ~~other resources~~ ANY OTHER THING OF VALUE  
13 OF THE SCHOOL DISTRICT OR CHARTER SCHOOL for the purpose of influencing the  
14 outcomes of elections. Notwithstanding this section, a school district may  
15 distribute informational reports on a proposed budget override election as  
16 provided in section 15-481, subsections B and C or informational reports on a  
17 proposed bond election as provided in section 15-491, subsection D IF THOSE  
18 INFORMATIONAL REPORTS PRESENT FACTUAL INFORMATION IN A NEUTRAL MANNER.  
19 Nothing in this section precludes a school district from reporting on  
20 official actions of the governing board.

21 B. THIS SECTION DOES NOT PROHIBIT THE USE OF SCHOOL DISTRICT OR  
22 CHARTER SCHOOL RESOURCES, INCLUDING FACILITIES AND EQUIPMENT, FOR GOVERNMENT  
23 SPONSORED MEETINGS, FORUMS OR DEBATES IF THE GOVERNMENT SPONSOR REMAINS  
24 IMPARTIAL AND THE EVENTS ARE PURELY INFORMATIONAL AND PROVIDE AN EQUAL  
25 OPPORTUNITY TO ALL VIEWPOINTS. THE RENTAL AND USE OF A PUBLIC FACILITY BY A  
26 PRIVATE PERSON OR ENTITY THAT MAY LAWFULLY ATTEMPT TO INFLUENCE THE OUTCOME  
27 OF AN ELECTION IS PERMITTED IF IT DOES NOT OCCUR AT THE SAME TIME AND PLACE  
28 AS A GOVERNMENT SPONSORED EVENT.

1           ~~B.~~ C. An employee of a school district or charter school who is  
2 acting as an agent of or working in an official capacity for the school  
3 district or charter school may not give pupils written materials to influence  
4 the outcome of an election or to advocate support for or opposition to  
5 pending or proposed legislation.

6           ~~G.~~ D. Employees of a school district or charter school may not use  
7 the authority of their positions to influence the vote or political  
8 activities of any subordinate employee.

9           ~~D.~~ E. Notwithstanding section 15-342, paragraph 8, a school district  
10 shall not spend monies for membership in an association that attempts to  
11 influence the outcome of an election.

12           ~~E.~~ F. Nothing contained in this section shall be construed as denying  
13 the civil and political liberties of any person as guaranteed by the United  
14 States and Arizona Constitutions.

15           ~~F.~~ G. The attorney general shall publish and distribute to school  
16 districts and charter schools a detailed guideline regarding activities  
17 prohibited under this section. The attorney general may distribute these  
18 guidelines through a website or electronically.

19           ~~G.~~ H. The attorney general or the county attorney for the county in  
20 which an alleged violation of this section occurred may initiate a suit in  
21 the superior court in the county in which the school district or charter  
22 school is located for the purpose of complying with this section.

23           ~~H.~~ I. For each violation of this section, the court may impose a  
24 civil penalty not to exceed five ~~hundred~~ THOUSAND dollars plus any amount of  
25 misused funds subtracted from the school district budget against a person who  
26 knowingly violates or a person who knowingly aids another person in violating  
27 this section. The person determined to be out of compliance with this  
28 section shall be responsible for the payment of all penalties and misused  
29 funds. School district funds or insurance payments shall not be used to pay  
30 these penalties or misused funds. All misused funds collected pursuant to  
31 this section shall be returned to the school district or charter school whose  
32 funds were misused.

1           ~~I.~~ J. An attorney acting on behalf of a public school may request a  
2           legal opinion of the county attorney or attorney general as to whether a  
3           proposed use of school district resources would violate this section.

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

11          ~~K.~~ L. For the purposes of this section~~,—~~:

12           1. "INFLUENCING THE OUTCOMES OF ELECTIONS" MEANS SUPPORTING OR  
13           OPPOSING A CANDIDATE FOR NOMINATION OR ELECTION TO PUBLIC OFFICE OR THE  
14           RECALL OF A PUBLIC OFFICER OR SUPPORTING OR OPPOSING A BALLOT MEASURE,  
15           QUESTION OR PROPOSITION, INCLUDING ANY BOND, BUDGET OR OVERRIDE ELECTION AND  
16           SUPPORTING OR OPPOSING THE CIRCULATION OF A PETITION FOR THE RECALL OF A  
17           PUBLIC OFFICER OR A PETITION FOR A BALLOT MEASURE, QUESTION OR PROPOSITION IN  
18           ANY MANNER THAT IS NOT IMPARTIAL OR NEUTRAL.

19           2. "Misused funds" means school district monies or resources used  
20           UNLAWFULLY pursuant to ~~subsection A of~~ this section.

21           Sec. 2. Section 15-1408, Arizona Revised Statutes, is amended to read:

22           15-1408. Use of community college district resources or  
23                           employees to influence elections; prohibition; civil  
24                           penalty; definitions

25           A. A person acting on behalf of a community college district or a  
26           person who aids another person acting on behalf of a community college  
27           district shall not SPEND OR use community college district RESOURCES,  
28           INCLUDING THE USE OR EXPENDITURE OF MONIES, ACCOUNTS, CREDIT, FACILITIES,  
29           VEHICLES, POSTAGE, TELECOMMUNICATIONS, COMPUTER HARDWARE AND SOFTWARE,  
30           WEBPAGES, personnel, equipment, materials, buildings or ~~other resources~~ ANY  
31           OTHER THING OF VALUE OF THE COMMUNITY COLLEGE DISTRICT for the purpose of  
32           influencing the outcomes of elections. Notwithstanding this section, a  
33           community college district may distribute informational pamphlets on a

1 proposed bond election as provided in section 35-454 IF THOSE INFORMATIONAL  
2 REPORTS PRESENT FACTUAL INFORMATION IN A NEUTRAL MANNER. Nothing in this  
3 section precludes a community college district from reporting on official  
4 actions of the governing board.

5 B. THIS SECTION DOES NOT PROHIBIT THE USE OF COMMUNITY COLLEGE  
6 RESOURCES, INCLUDING FACILITIES AND EQUIPMENT, FOR GOVERNMENT SPONSORED  
7 MEETINGS, FORUMS OR DEBATES IF THE GOVERNMENT SPONSOR REMAINS IMPARTIAL AND  
8 THE EVENTS ARE PURELY INFORMATIONAL AND PROVIDE AN EQUAL OPPORTUNITY TO ALL  
9 VIEWPOINTS. THE RENTAL AND USE OF A COMMUNITY COLLEGE DISTRICT FACILITY BY A  
10 PRIVATE PERSON OR ENTITY THAT MAY LAWFULLY ATTEMPT TO INFLUENCE THE OUTCOME  
11 OF AN ELECTION IS PERMITTED IF IT DOES NOT OCCUR AT THE SAME TIME AND PLACE  
12 AS A GOVERNMENT SPONSORED EVENT.

13 ~~B.~~ C. Employees of a community college district may not use the  
14 authority of their positions to influence the vote or political activities of  
15 any subordinate employee.

16 ~~C.~~ D. This section does not prohibit community college districts from  
17 permitting student political organizations of political parties, including  
18 those that are recognized pursuant to sections 16-801, 16-802 and 16-803, to  
19 conduct lawful meetings in community college buildings or on community  
20 college grounds, except as prescribed in subsection A of this section. Each  
21 student political organization that is allowed to conduct lawful meetings on  
22 community college property shall have equal access as any other student  
23 political organization that is allowed to conduct lawful meetings on  
24 community college property.

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

28 ~~E.~~ F. ~~By January 1, 2006,~~ The attorney general shall publish and  
29 distribute to community colleges a detailed guideline regarding activities  
30 prohibited under this section. The attorney general may distribute these  
31 guidelines through a web site or electronically.

32 ~~F.~~ G. The attorney general or the county attorney for the county in  
33 which an alleged violation of this section occurred may serve on the person

1 an order requiring compliance with this section and may assess a civil  
2 penalty of not more than five ~~hundred~~ THOUSAND dollars per violation, plus  
3 any amount of misused funds subtracted from the community college district  
4 budget against a person who violates or a person who aids another person in  
5 violating this section. The person determined to be out of compliance with  
6 this section shall be responsible for the payment of all penalties and  
7 misused funds. Community college funds or insurance payments shall not be  
8 used to pay these penalties or misused funds. All misused funds collected  
9 pursuant to this section shall be returned to the community college district  
10 whose funds were misused.

11 ~~G.~~ H. An attorney acting on behalf of a community college district  
12 may request a legal opinion of the county attorney or attorney general as to  
13 whether a proposed use of community college resources would violate this  
14 section.

15 ~~H.~~ I. All penalties collected by the court for a suit initiated in  
16 superior court by the attorney general shall be paid to the office of the  
17 attorney general for the use and reimbursement of costs of prosecution  
18 pursuant to this section. All penalties collected by the court for a suit  
19 initiated in superior court by a county attorney shall be paid to the county  
20 treasurer of the county in which the court is held for the use and  
21 reimbursement of costs of prosecution pursuant to this section.

22 ~~I.~~ J. For the purposes of this section, ~~—~~:

23 1. "INFLUENCING THE OUTCOMES OF ELECTIONS" MEANS SUPPORTING OR  
24 OPPOSING A CANDIDATE FOR NOMINATION OR ELECTION TO PUBLIC OFFICE OR THE  
25 RECALL OF A PUBLIC OFFICER OR SUPPORTING OR OPPOSING A BALLOT MEASURE,  
26 QUESTION OR PROPOSITION, INCLUDING ANY BOND, BUDGET OR OVERRIDE ELECTION AND  
27 SUPPORTING OR OPPOSING THE CIRCULATION OF A PETITION FOR THE RECALL OF A  
28 PUBLIC OFFICER OR A PETITION FOR A BALLOT MEASURE, QUESTION OR PROPOSITION IN  
29 ANY MANNER THAT IS NOT IMPARTIAL OR NEUTRAL.

30 2. "Misused funds" means community college district monies or  
31 resources used UNLAWFULLY pursuant to ~~subsection A of~~ this section.

1           Sec. 3. Section 15-1633, Arizona Revised Statutes, is amended to read:

2           15-1633. Use of university resources or employees to influence  
3           elections; prohibition; civil penalty; definitions

4           A. A person acting on behalf of a university or a person who aids  
5 another person acting on behalf of a university shall not SPEND OR use  
6 university RESOURCES, INCLUDING THE USE OR EXPENDITURE OR MONIES, ACCOUNTS,  
7 CREDIT, FACILITIES, VEHICLES, POSTAGE, TELECOMMUNICATIONS, COMPUTER HARDWARE  
8 AND SOFTWARE, WEBPAGES, personnel, equipment, materials, buildings or ~~other~~  
9 ~~resources~~ ANY OTHER THING OF VALUE OF THE UNIVERSITY for the purpose of  
10 influencing the outcomes of elections or to advocate support for or  
11 opposition to pending or proposed legislation. Notwithstanding this section,  
12 a university may distribute informational pamphlets on a proposed bond  
13 election as provided in section 35-454 IF THOSE INFORMATIONAL PAMPHLETS  
14 PRESENT FACTUAL INFORMATION IN A NEUTRAL MANNER. This section does not  
15 preclude any of the following:

16           1. A university from reporting on official actions of the university  
17 or the Arizona board of regents.

18           2. A registered lobbyist from advocating on behalf of the university  
19 or the Arizona board of regents.

20           3. An employee of a university using personal time and resources from  
21 influencing the outcomes of elections or from advocating support for or  
22 opposition to pending or proposed legislation if the employee does not use  
23 university personnel, equipment, materials, buildings or other resources for  
24 these purposes.

25           4. Any university employee from providing classroom instruction on  
26 matters relating to politics, elections, laws, ballot measures, candidates  
27 for public office and pending or proposed legislation.

28           5. THE USE OF UNIVERSITY RESOURCES, INCLUDING FACILITIES AND  
29 EQUIPMENT, FOR GOVERNMENT SPONSORED MEETINGS, FORUMS OR DEBATES IF THE  
30 SPONSOR REMAINS IMPARTIAL AND THE EVENTS ARE PURELY INFORMATIONAL AND PROVIDE  
31 AN EQUAL OPPORTUNITY TO ALL VIEWPOINTS. THE RENTAL AND USE OF A UNIVERSITY  
32 FACILITY BY A PRIVATE PERSON OR ENTITY THAT MAY LAWFULLY ATTEMPT TO INFLUENCE

1 THE OUTCOME OF AN ELECTION IS PERMITTED IF IT DOES NOT OCCUR AT THE SAME TIME  
2 AND PLACE AS A GOVERNMENT SPONSORED EVENT.

3 B. Employees of a university may not use the authority of their  
4 positions to influence the vote or political activities of any subordinate  
5 employee.

6 C. This section does not prohibit universities from permitting student  
7 political organizations of political parties, including those that are  
8 recognized pursuant to sections 16-801, 16-802 and 16-803, to conduct lawful  
9 meetings in university buildings or on university grounds, except as  
10 prescribed in subsection A of this section. Each student political  
11 organization that is allowed to conduct lawful meetings on university  
12 property shall have equal access as any other student political organization  
13 that is allowed to conduct lawful meetings on university property.

14 D. This section shall not be construed as denying the civil and  
15 political liberties of any person as guaranteed by the United States and  
16 Arizona Constitutions.

17 E. Except as provided in subsection F of this section, universities  
18 under the jurisdiction of the Arizona board of regents may not:

19 1. Provide publicly funded programs, scholarships or courses if the  
20 purpose of the program, scholarship or course is to advocate for a specified  
21 public policy.

22 2. Allow publicly funded organizations, institutes or centers to  
23 operate on the campus of the university or on behalf of or in association  
24 with the university if the purpose of the organization, institute or center  
25 is to advocate for a specified public policy.

26 F. Subsection E of this section does not apply to:

27 1. A registered lobbyist who advocates on behalf of the university or  
28 the Arizona board of regents and other employees assisting such lobbyists in  
29 their official capacity.

30 2. Any university employee who expresses a personal opinion on a  
31 political or policy issue, regardless of whether that opinion is expressed  
32 inside or outside the classroom.

1           3. Print or electronic media produced by students who are enrolled at  
2 a university.

3           4. A recognized student government, club or organization of students  
4 who are enrolled at a university.

5           5. Any university employee who is appointed to a government board,  
6 commission or advisory panel who provides expert testimony or guidance on  
7 public policy.

8           6. The publication of reports or the hosting of seminars or guest  
9 speakers by the university that recommends public policy.

10          7. Researching, teaching and service activities of university  
11 employees that involve the study, discussion, intellectual exercise, debate  
12 or presentation of information that recommends public policy.

13          8. Any other type of advocacy that is allowed by law.

14          G. The attorney general shall publish and distribute to the Arizona  
15 board of regents a detailed guideline regarding activities prohibited under  
16 this section. The attorney general may distribute these guidelines through a  
17 website or electronically.

18          H. The attorney general or the county attorney for the county in which  
19 an alleged violation of this section occurred may serve on the person an  
20 order requiring compliance with this section and may assess a civil penalty  
21 of not more than five ~~hundred~~ THOUSAND dollars per violation, plus any amount  
22 of misused funds subtracted from the university budget against a person who  
23 violates or a person who aids another person in violating this section. The  
24 person determined to be out of compliance with this section shall be  
25 responsible for the payment of all penalties and misused funds. University  
26 funds or insurance payments shall not be used to pay these penalties or  
27 misused funds. All misused funds collected pursuant to this section shall be  
28 returned to the university whose funds were misused.

29          I. An attorney acting on behalf of a university may request a legal  
30 opinion of the attorney general as to whether a proposed use of university  
31 resources would violate this section.

32          J. All penalties collected by the court for a suit initiated in  
33 superior court by the attorney general shall be paid to the office of the



attorney general for the use and reimbursement of costs of prosecution pursuant to this section. All penalties collected by the court for a suit initiated in superior court by a county attorney shall be paid to the county treasurer of the county in which the court is held for the use and reimbursement of costs of prosecution pursuant to this section.

K. For the purposes of this section, ~~—~~:

1. "INFLUENCING THE OUTCOMES OF ELECTIONS" MEANS SUPPORTING OR OPPOSING A CANDIDATE FOR NOMINATION OR ELECTION TO PUBLIC OFFICE OR THE RECALL OF A PUBLIC OFFICER OR SUPPORTING OR OPPOSING A BALLOT MEASURE, QUESTION OR PROPOSITION, INCLUDING ANY BOND, BUDGET OR OVERRIDE ELECTION AND SUPPORTING OR OPPOSING THE CIRCULATION OF A PETITION FOR THE RECALL OF A PUBLIC OFFICER OR A PETITION FOR A BALLOT MEASURE, QUESTION OR PROPOSITION IN ANY MANNER THAT IS NOT IMPARTIAL OR NEUTRAL.

2. "Misused funds" means university monies or resources used UNLAWFULLY pursuant to ~~subsection A of~~ this section."

Renumber to conform

Page 1, line 8, strike "ALL POLITICAL"

Line 9, strike "SUBDIVISIONS OF THIS STATE, INCLUDING"; after "COUNTIES" strike the comma insert "AND"

Line 10, strike ", SCHOOLS OR CHARTER SCHOOLS"

Page 2, line 9, after "PROPOSITION" insert "IN ANY MANNER THAT IS NOT IMPARTIAL OR NEUTRAL"

Amend title to conform

EDWIN W. FARNSWORTH

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