

COMMITTEE ON JUDICIARY

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.

29 ~~B-~~ C. An employee of a school district or charter school who is
30 acting as an agent of or working in an official capacity for the school
31 district or charter school may not give pupils written materials to influence
32 the outcome of an election or to advocate support for or opposition to
33 pending or proposed legislation.

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

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

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

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

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

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

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

31 ~~J.~~ K. All penalties collected by the court for a suit initiated in
32 superior court by the attorney general shall be paid to the office of the
33 attorney general for the use and reimbursement of costs of prosecution
34 pursuant to this section. All penalties collected by the court for a suit
35 initiated in superior court by a county attorney shall be paid to the county
36 treasurer of the county in which the court is held for the use and
37 reimbursement of costs of prosecution pursuant to this section.

~~K.~~ L. 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 school district monies or resources used UNLAWFULLY pursuant to ~~subsection A of~~ this section.

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

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

A. A person acting on behalf of a community college district or a person who aids another person acting on behalf of a community college district shall not SPEND OR use community college district RESOURCES, INCLUDING THE USE OR EXPENDITURE OF MONIES, ACCOUNTS, CREDIT, FACILITIES, VEHICLES, POSTAGE, TELECOMMUNICATIONS, COMPUTER HARDWARE AND SOFTWARE, WEBPAGES, personnel, equipment, materials, buildings or ~~other resources~~ ANY OTHER THING OF VALUE OF THE COMMUNITY COLLEGE DISTRICT for the purpose of influencing the outcomes of elections. Notwithstanding this section, a community college district may distribute informational pamphlets on a proposed bond election as provided in section 35-454 IF THOSE INFORMATIONAL REPORTS PRESENT FACTUAL INFORMATION IN A NEUTRAL MANNER. Nothing in this section precludes a community college district from reporting on official actions of the governing board.

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

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

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

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

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

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

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

36 ~~H.~~ I. All penalties collected by the court for a suit initiated in
37 superior court by the attorney general shall be paid to the office of the

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

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

7 1. "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 AND
11 SUPPORTING OR OPPOSING THE CIRCULATION OF A PETITION FOR THE RECALL OF A
12 PUBLIC OFFICER OR A PETITION FOR A BALLOT MEASURE, QUESTION OR PROPOSITION IN
13 ANY MANNER THAT IS NOT IMPARTIAL OR NEUTRAL.

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

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

17 15-1633. Use of university resources or employees to influence
18 elections; prohibition; civil penalty; definitions

19 A. A person acting on behalf of a university or a person who aids
20 another person acting on behalf of a university shall not SPEND OR use
21 university RESOURCES, INCLUDING THE USE OR EXPENDITURE OR MONIES, ACCOUNTS,
22 CREDIT, FACILITIES, VEHICLES, POSTAGE, TELECOMMUNICATIONS, COMPUTER HARDWARE
23 AND SOFTWARE, WEBPAGES, personnel, equipment, materials, buildings or ~~other~~
24 ~~resources~~ ANY OTHER THING OF VALUE OF THE UNIVERSITY for the purpose of
25 influencing the outcomes of elections or to advocate support for or
26 opposition to pending or proposed legislation. Notwithstanding this section,
27 a university may distribute informational pamphlets on a proposed bond
28 election as provided in section 35-454 IF THOSE INFORMATIONAL PAMPHLETS
29 PRESENT FACTUAL INFORMATION IN A NEUTRAL MANNER. This section does not
30 preclude any of the following:

31 1. A university from reporting on official actions of the university
32 or the Arizona board of regents.

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

35 3. An employee of a university using personal time and resources from
36 influencing the outcomes of elections or from advocating support for or
37 opposition to pending or proposed legislation if the employee does not use

1 university personnel, equipment, materials, buildings or other resources for
2 these purposes.

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

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

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

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

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

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

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

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

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

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

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

7 3. Print or electronic media produced by students who are enrolled at
8 a university.

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

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

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

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

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

20 G. The attorney general shall publish and distribute to the Arizona
21 board of regents a detailed guideline regarding activities prohibited under
22 this section. The attorney general may distribute these guidelines through a
23 website or electronically.

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

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

J. All penalties collected by the court for a suit initiated in 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

and, as so amended, it do pass

EDWIN W. FARNSWORTH
Chairman

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