

Fifty-first Legislature
Second Regular Session

COMMITTEE ON GOVERNMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1293

(Reference to Senate engrossed bill)

1 Page 22, between lines 12 and 13, insert:

2 "Sec. 5. Section 16-912.01, Arizona Revised Statutes, is amended to
3 read:

4 16-912.01. Ballot measure committees; campaign literature and
5 advertising funding; identification; disclosure;
6 civil penalty; definition

7 A. A political committee that makes an expenditure in connection with
8 any literature or advertisement to support or oppose a ballot proposition
9 shall disclose and, after November 2, 2010, shall include on the literature
10 or advertisement the words "paid for by", followed by the name of the
11 committee that appears on its statement of organization or five hundred
12 dollar threshold exemption statement, and shall also include in such
13 literature or advertisement the four largest of its major funding sources as
14 of the time the literature or advertisement is printed, recorded or otherwise
15 produced for dissemination. If a political committee has fewer than four
16 major funding sources, the committee shall disclose all major funding
17 sources.

18 B. For the purposes of this section, a major funding source of a
19 political committee is any contributor that is not an individual person and
20 that has made cumulative contributions of either:

21 1. Ten thousand dollars or more for an expenditure in support of or
22 opposition to a statewide ballot proposition or a ballot proposition of a
23 political subdivision with a population of one hundred thousand persons or
24 more.

25 2. Five thousand dollars or more for an expenditure in support of or
26 opposition to a ballot proposition of a political subdivision with a
27 population of less than one hundred thousand persons.

28 C. If an out-of-state contributor or group of out-of-state
29 contributors is a major funding source to a political committee disclosed
30 pursuant to subsection A of this section, the political committee shall state
31 the contributor is an out-of-state contributor on its literature or
32 advertisement in support of or in opposition to a ballot proposition.

1 D. Contributors that make contributions to more than one political
2 committee that supports or opposes the same ballot proposition shall notify
3 each political committee of the cumulative total of these contributions.
4 Cumulative totals must be disclosed by each political committee that received
5 contributions from the same contributor if the cumulative totals qualify as a
6 major funding source to be disclosed pursuant to subsection A of this
7 section.

8 E. IN ADDITION TO THE DISCLOSURE REQUIRED PURSUANT TO SUBSECTION A OF
9 THIS SECTION, FOR ANY STATUTORY MEASURE, THE LITERATURE OR ADVERTISEMENT
10 SHALL ALSO INCLUDE THE FOLLOWING STATEMENT: "NOTICE: PURSUANT TO
11 PROPOSITION 105 (1998), THIS MEASURE CAN NEVER BE CHANGED IN THE FUTURE IF
12 APPROVED ON THE BALLOT EXCEPT BY A THREE-FOURTHS VOTE OF THE LEGISLATURE AND
13 IF THE CHANGE FURTHERS THE PURPOSE OF THE ORIGINAL BALLOT MEASURE, OR BY
14 REFERRING THE CHANGE TO THE BALLOT."

15 F. Any disclosure statement required by this section shall be
16 printed clearly and legibly in a conspicuous manner. For printed material
17 that is delivered or provided by hand or by mail, the disclosure shall be
18 printed in a clearly legible manner. The disclosure statement shall include
19 the words "paid for by" followed by the name of the entity making the
20 expenditure. Disclosure statements shall also comply with the following:

21 1. If the communication is broadcast on radio, the disclosure shall be
22 spoken at the end of the communication.

23 2. If the communication is broadcast on a telecommunications system,
24 the following apply:

25 (a) The disclosure shall be both written and spoken at the end of the
26 communication, except that if the written disclosure statement is displayed
27 for at least five seconds of a thirty second communications broadcast or ten
28 seconds of a sixty second communications broadcast, a spoken disclosure
29 statement is not required.

30 (b) The written disclosure statement shall be printed in letters that
31 are displayed in a height equal to or greater than four per cent of the
32 vertical picture height.

33 F. G. Subsections A, ~~and~~ E AND F of this section do not apply to
34 bumper stickers, pins, buttons, pens and similar small items on which the
35 statements required in subsections A, ~~and~~ E AND F of this section cannot be
36 conveniently printed or to a communication by an organization solely to its
37 members.

1 G. H. A committee shall change future literature and advertisements
2 to reflect any change in funding sources that must be disclosed pursuant to
3 subsection A of this section.

4 H. I. This section only applies to advertisements the contents of
5 which are more than fifty per cent devoted to one or more ballot propositions
6 or proposed measures on the same subject.

7 I. J. Any committee that violates this section is liable in a civil
8 action brought by the attorney general, county attorney or city or town
9 attorney, as appropriate, or by any other person for a civil penalty of three
10 times the total cost of the advertisement. A donor who does not accurately
11 disclose its contributions is liable for a civil penalty of three times the
12 amount donated.

13 J. K. For the purposes of this section, "advertisement" means general
14 public advertising through the print and electronic media, signs, billboards
15 and direct mail.

16 Sec. 6. Section 19-123, Arizona Revised Statutes, is amended to read:

17 19-123. Publicity pamphlet; printing; distribution; public
18 hearings

19 A. When the secretary of state is ordered by the legislature, or by
20 petition under the initiative and referendum provisions of the constitution,
21 to submit to the people a measure or proposed amendment to the constitution,
22 the secretary of state shall ~~cause to be printed~~ PRINT, at the expense of the
23 state, except as otherwise provided in this article, a publicity pamphlet,
24 which shall contain:

25 1. A true copy of the title and text of the measure or proposed
26 amendment. Such text shall indicate material deleted, if any, by printing
27 such material with a line drawn through the center of the letters of such
28 material and shall indicate material added or new material by printing the
29 letters of such material in capital letters.

30 2. The form in which the measure or proposed amendment will appear on
31 the ballot, the official title, the descriptive title prepared by the
32 secretary of state and the number by which it will be designated.

33 3. The arguments for and against the measure or amendment.

34 4. For any measure or proposed amendment, a legislative council
35 analysis of the ballot proposal as prescribed by section 19-124.

1 5. The report of the commission on judicial performance review for any
2 justices of the supreme court, judges of the court of appeals and judges of
3 the superior court who are subject to retention.

4 6. The summary of a fiscal impact statement prepared by the joint
5 legislative budget committee staff pursuant to subsection D of this section.

6 7. IMMEDIATELY BELOW THE LEGISLATIVE COUNCIL ANALYSIS, FOR ANY
7 STATUTORY MEASURE, THE FOLLOWING STATEMENT IN BOLD FACED TYPE: "NOTICE:
8 PURSUANT TO PROPOSITION 105 (1998), THIS MEASURE CAN NEVER BE CHANGED IN THE
9 FUTURE IF APPROVED ON THE BALLOT EXCEPT BY A THREE-FOURTHS VOTE OF THE
10 LEGISLATURE AND IF THE CHANGE FURTHERS THE PURPOSE OF THE ORIGINAL BALLOT
11 MEASURE, OR BY REFERRING THE CHANGE TO THE BALLOT."

12 B. The secretary of state shall mail one copy of the publicity
13 pamphlet to every household that contains a registered voter. The mailings
14 may be made over a period of days but shall be mailed in order to be
15 delivered to households before the earliest date for receipt by registered
16 voters of any requested early ballots for the general election.

17 C. Sample ballots for both the primary and general elections shall
18 include a statement that information on how to obtain a publicity pamphlet
19 for the general election ballot propositions is available by calling the
20 secretary of state. The statement shall include a telephone number and
21 mailing address of the secretary of state.

22 D. On certification of an initiative measure as qualified for the
23 ballot, the secretary of state shall hold or cause to be held at least three
24 public meetings on the ballot measure. Hearings shall be held in at least
25 three different counties and shall be held before the date of the election on
26 the measure. The hearings shall provide an opportunity for proponents,
27 opponents and the general public to provide testimony and request
28 information. Hearings may be scheduled to include more than one qualified
29 ballot measure and shall include a fiscal impact presentation on the measure
30 by the joint legislative budget committee staff. The joint legislative
31 budget committee staff shall prepare a summary of the fiscal impact for each
32 ballot measure, not to exceed three hundred words, for publication in the
33 publicity pamphlet."

34 Renumber to conform

1 Page 25, after line 30, insert:

2 "Sec. 11. Severability

3 If a provision of this act or its application to any person or
4 circumstance is held invalid, the invalidity does not affect other provisions
5 or applications of the act that can be given effect without the invalid
6 provision or application, and to this end the provisions of this act are
7 severable."

8 Amend title to conform

and, as so amended, it do pass

MICHELLE UGENTI
Chairman

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