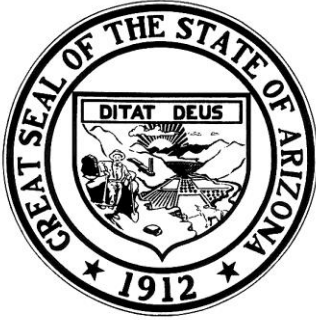


HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **SB 1172**

Kern Floor Amendment

As passed by the Committee on Education, SB 1172 prohibits school districts and charter schools from releasing student information to a person or group for the purposes of engaging in political activity.

Your 3-page Floor Amendment to SB 1172 prohibits an employee of a school district or charter school, acting on the district's or charter school's behalf, from distributing electronic materials to influence the outcome of an election or to advocate support for or opposition to pending or proposed legislation.

Amendment explanation prepared by Michael Madden

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03/26/2015

KERN FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1172

(Reference to Senate engrossed 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, web pages, personnel,
12 equipment, materials, buildings or any other thing of value of the school
13 district or charter school, for the purpose of influencing the outcomes of
14 elections. Notwithstanding this section, a school district may distribute
15 informational reports on a proposed budget override election as provided in
16 section 15-481, subsections B and C or informational reports on a proposed
17 bond election as provided in section 15-491, subsection D if those
18 informational reports present factual information in a neutral manner, except
19 for those arguments presented as prescribed in section 15-481, subsection B,
20 paragraph 9. Nothing in this section precludes a school district from
21 reporting on official actions of the governing board.

22 B. This section does not prohibit the use of school district or
23 charter school resources, including facilities and equipment, for
24 government-sponsored forums or debates if the government sponsor remains
25 impartial and the events are purely informational and provide an equal
26 opportunity to all viewpoints. The rental and use of a public facility by a
27 private person or entity that may lawfully attempt to influence the outcome

1 of an election is permitted if it does not occur at the same time and place
2 as a government-sponsored forum or debate.

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

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

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

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

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

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

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

1 this section shall be returned to the school district or charter school whose
2 funds were misused.

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

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

13 L. For the purposes of this section:

14 1. "Government-sponsored forum or debate" means any event, or part of
15 an event or meeting, in which the government is an official sponsor, which is
16 open to the public or to invited members of the public, and whose purpose is
17 to inform the public about an issue or proposition that is before the voters.

18 2. "Influencing the outcomes of elections" means supporting or
19 opposing a candidate for nomination or election to public office or the
20 recall of a public officer or supporting or opposing a ballot measure,
21 question or proposition, including any bond, budget or override election and
22 supporting or opposing the circulation of a petition for the recall of a
23 public officer or a petition for a ballot measure, question or proposition in
24 any manner that is not impartial or neutral.

25 3. "Misused funds" means school district monies or resources used
26 unlawfully pursuant to this section."

27 Renumber to conform

28 Amend title to conform

ANTHONY KERN

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