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DUNN PROPOSED AMENDMENT 2

DATE PREPARED: March 12, 2018

COMPANY: Arizona Corporation Commission (Code of Ethics)

AGENDA ITEM NO.: 24

DOCKET NO: AU-00000E-17-0079

OPEN MEETING DATE: March 13, 2018

Purpose: This amendment requires Commissioners to disclose contributions from parties to Commission proceedings before considering the matter at an open meeting.

Page 6, Line 17
+
DELETE lines 17-28

Page 7, Line 1

DELETE lines 1-5

Page 7, Line 7

INSERT new section:

Arizona Corporation Commission
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AZ CORP COMMISSION
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2018 MAR 12 P 3:21

VI. CAMPAIGN CONTRIBUTIONS

Rule 6.1 Commissioners receiving campaign contributions shall conduct all necessary due diligence to properly and accurately document those contributions, to fully comply with campaign finance reporting laws.

Source: A.R.S. §§ 16-926; 18-444; 38-541; 38-543–38-545; *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010)

Comment: Commissioners who are running for re-election should remain actively involved in financially managing their own campaigns so that contributions can be properly recorded. Commissioners shall make these disclosures available to the public on the Commission website. To avoid any appearance of impropriety or conflict of interest in the Commissioner's official conduct, Commissioners should be particularly mindful of any campaign contributions received from regulated entities, or campaign contributions received from individuals or entities affiliated with regulated entities.

THIS AMENDMENT:

_____ Passed _____ Passed as amended by _____

_____ Failed _____ Not Offered _____ Withdrawn

Commissioners are not expected to know or disclose the funding source of any independent expenditures, unless these funding sources are confirmed by the donors; however, Commissioners must continue to disclose any and all campaign contributions as required by Arizona law. Commissioners should educate themselves on the financial disclosure handbook and be familiar with the law, including any amendments or changes to the law regarding disclosure.

Rule 6.2 A Commissioner shall declare any known contributions to his or her candidate committee received after the effective date of this Code from a party of any proceeding that has been set for open meeting before the Commission. A Commissioner shall file a declaration in the docket for the proceeding as soon as practicable upon the open meeting being noticed and after the Commissioner knows that a declaration is required. The declaration shall identify the donor, the relationship to the party, the amount of the contribution, and note any contributions that were returned to the contributor.

A Commissioner shall also make a verbal declaration at open meeting immediately after the relevant agenda item is introduced for discussion. After a declaration is made at open meeting, any party to the proceeding shall be given the opportunity to be heard on the issue of recusal. Following the opportunity to be heard, recusal is at the discretion of the Commissioner making the declaration. Recusal is also subject to the doctrine of necessity.

Source: A.R.S. §§ 10-140, 16-901, 16-905, 16-911, 16-913, 16-916, 16-918, 16-922, 16-926; A.A.C R14-3-103; *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010)

Comment: For the purposes of this Rule, a contribution means any money, advance, deposit, or other thing of value that is made to a Commissioner's candidate committee for the purpose of influencing an election but does not include contributions that have been returned to the donor. For the purposes of this Rule only, a "party" is defined at A.A.C. R14-3-103 subject to the following: (1) when the party is an entity, the obligations of this Rule extend to the entity, its owners, directors, employees, and any political action committee registered by the entity; and (2) a "party" does not include Commission staff. *See* A.R.S. § 10-140. A contributor's status as an owner, officer, director, or employee is set at the time of making a contribution. This provision does not apply to contributions transferred from a prior candidate committee under A.R.S. § 16-913.

Code of Ethics Appendix

INSERT the statutes attached to this amendment and make conforming changes to the Table of Contents and Bates numbering.

****PLEASE MAKE ALL CONFORMING CHANGES**

Arizona Revised Statutes Annotated
Title 10. Corporations and Associations (Refs & Annos)
Chapter 1. General Provisions (Refs & Annos)
Article 4. Definitions, Notice and Shareholders (Refs & Annos)

A.R.S. § 10-140

§ 10-140. Definitions

Effective: August 9, 2017
Currentness

In chapters 1 through 17 of this title, [1] unless the context otherwise requires:

1. "Acknowledged" or "acknowledgment" means either an acknowledgment pursuant to title 33, chapter 4, article 5 [2] or the signature, without more, of the person or persons signing the instrument, in which case the signature or signatures constitute the affirmation or acknowledgment of the signatory, under penalties of perjury, that the instrument is the act and deed of the signatory and that the facts stated in the instrument are true.

2. "Act of the board of directors" means either:

(a) An act of the majority of the directors present at a duly called meeting at which a quorum is present, unless the act of a greater number is required by chapters 1 through 17 of this title, the articles of incorporation or the bylaws.

(b) Action taken by written consent of the directors in accordance with chapters 1 through 17 of this title.

3. "Act of the shareholders" means either:

(a) An act adopted or rejected by a majority of the votes entitled to be cast by each class of shareholders entitled to vote on the act at a duly called meeting at which a quorum is present, unless a greater number of votes is required by chapters 1 through 17 of this title, the articles of incorporation or the bylaws.

(b) An action taken by written consent of the shareholders in accordance with chapters 1 through 17 of this title.

4. "Address" means a mailing address.

5. "Affiliate" means a person that directly or indirectly, through one or more intermediaries controls, is controlled by or is under common control with the person specified.

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6. "Articles of incorporation" means the original or restated articles of incorporation or articles of merger and all amendments to the articles of incorporation or merger and includes amended and restated articles of incorporation and articles of amendment and merger.

7. "Authorized shares" means the shares of all classes that a domestic or foreign corporation is authorized to issue.

8. "Board of directors" means the group of persons vested with the management of the affairs of the corporation irrespective of the name by which the group is designated and includes the governing body or bodies of a water users' association if the articles of incorporation of such water users' association provide for a governing body or bodies denominated other than as a board of directors.

9. "Business day" means a day that is not a Saturday, a Sunday or any other legal holiday in this state.

10. "Bylaws" means the code of rules adopted for the regulation or management of the affairs of the corporation irrespective of the name by which those rules are designated.

11. "Certificate of disclosure" means the certificate of disclosure described in § 10-202.

12. "Commission" means the Arizona corporation commission.

13. "Conspicuous" means so written that a reasonable person against whom the writing is to operate should have noticed it. For example, printing in italics, boldface or contrasting color or typing in capitals or underlined is conspicuous.

14. "Corporation" or "domestic corporation" means a corporation for profit that is not a foreign corporation and that is incorporated under or subject to chapters 1 through 17 of this title.

15. "Court" means the superior court of this state.

16. "Deliver" includes sending by mail, private courier, fax or electronic transmission.

17. "Delivery" means actual receipt by the person or entity to which directed and for electronic transmissions means receipt as described in § 44-7015, subsection B.

18. "Dissolved" means the status of a corporation on either:

(a) Effectiveness of articles of dissolution pursuant to § 10-1403, subsection B or § 10-1421, subsection B.

(b) A decree pursuant to § 10-1433, subsection B becoming final.

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19. "Distribution" means a direct or indirect transfer of money or other property, except its own shares, or incurrence of indebtedness by a corporation to or for the benefit of its shareholders in respect of any of its shares. A distribution may be in the form of any of the following:

(a) A declaration or payment of a dividend.

(b) Any purchase, redemption or other acquisition of shares.

(c) A distribution of indebtedness.

(d) Otherwise.

20. "Effective date of notice" is as prescribed in § 10-141.

21. "Electronic transmission" means an electronic record as defined in § 44-7002 that is sent pursuant to § 44-7015.

22. "Employee" includes an officer but not a director. A director may accept duties that make the director also an employee.

23. "Entity" includes a corporation, foreign corporation, not for profit corporation, profit and not for profit unincorporated association, nonprofit corporation, close corporation, corporation sole or limited liability company, a professional corporation, association or limited liability company, a business trust, estate, partnership, registered limited liability partnership, trust or joint venture, two or more persons having a joint or common economic interest, any person other than an individual and a state, the United States and a foreign government.

24. "Executed by the corporation" means executed by manual or facsimile signature on behalf of the corporation by a duly authorized officer or, if the corporation is in the hands of a receiver or trustee, by the receiver or trustee.

25. "Filing" means the commission completing the following procedure with respect to any document delivered for that purpose:

(a) Determining that the filing fee requirements of § 10-122 have been satisfied.

(b) Determining that the document appears in all respects to conform to the requirements of chapters 1 through 17 of this title.

(c) On making the determinations, endorsement of the word "filed" with the applicable date on or attached to the document and the return of notice of the filing to the person who delivered the document or the person's representative.

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26. "Foreign corporation" means a corporation for profit that is incorporated under a law other than the law of this state.

27. "Governmental subdivision" includes an authority, county, district, municipality and political subdivision.

28. "Includes" and "including" denotes a partial definition.

29. "Individual" includes the estate of an incompetent or deceased individual.

30. "Insolvent" means inability of a corporation to pay its debts as they become due in the usual course of its business.

31. "Known place of business" means the known place of business required to be maintained pursuant to § 10-501.

32. "Liquidate its assets and business" includes the distribution of assets, the payment of obligations and debts, the discontinuance of business or any one or more of the distribution, payment or discontinuance.

33. "Mail", "to mail" or "have mailed" means to deposit or have deposited a communication in the United States mail with first class or airmail postage prepaid.

34. "Means" denotes an exhaustive definition.

35. "Newspaper" has the meaning set forth in § 39-201.

36. "Notice" and "notify" are as prescribed in § 10-141.

37. "Person" includes an individual and entity.

38. "President" means that officer designated as the president in the articles of incorporation or bylaws or, if not so designated, that officer authorized in the articles of incorporation, bylaws or otherwise to perform the functions of the chief executive officer, irrespective of the name by which designated.

39. "Principal office" means the office, in or out of this state, so designated in the annual report where the principal executive offices of a domestic or foreign corporation are located or in any other document executed by the corporation by an officer and delivered to the commission for filing. If an office has not been so designated, principal office means the known place of business of the corporation.

40. "Proceeding" includes a civil suit and a criminal, administrative and investigatory action.

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41. "Publish" means to publish in a newspaper of general circulation in the county of the known place of business for three consecutive publications.

42. "Record date" means the date established under chapter 6 or 7 of this title [3] on which a corporation determines the identity of its shareholders and their shareholdings for purposes of chapters 1 through 17 of this title. The determinations shall be made as of the close of business on the record date unless another time for doing so is specified when the record date is fixed.

43. "Secretary" means that officer designated as the secretary in the articles of incorporation or bylaws or that officer authorized in the articles of incorporation, the bylaws or otherwise to perform the functions of secretary, irrespective of the name by which designated.

44. "Shareholder" means the person in whose name shares are registered in the records of a corporation or the beneficial owner of shares to the extent of the rights granted by a nominee certificate on file with a corporation.

45. "Shares" means the units into which the proprietary interests in a corporation are divided.

46. "State", if referring to a part of the United States, includes a state and commonwealth and their agencies and governmental subdivisions and a territory and insular possession of the United States and their agencies and governmental subdivisions.

47. "Subscriber" means a person who subscribes for shares in a corporation, whether before or after incorporation.

48. "Treasurer" means that officer designated as the treasurer in the articles of incorporation or bylaws or that officer authorized in the articles of incorporation or bylaws or otherwise to perform the functions of treasurer, irrespective of the name by which designated.

49. "United States" includes a district, authority, bureau, commission and department and any other agency of the United States.

50. "Vice-president" means an officer designated as the vice-president in the articles of incorporation or bylaws or an officer authorized in the articles of incorporation, the bylaws or otherwise to perform the functions of a vice-president, irrespective of the name by which designated.

51. "Voting group" means all shares of one or more classes or series that under the articles of incorporation or chapters 1 through 17 of this title are entitled to vote and be counted together collectively on a matter at a meeting of shareholders. All shares entitled by the articles of incorporation or chapters 1 through 17 of this title to vote generally on the matter are for that purpose a single voting group.

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52. "Water users' association" means a corporation that operates a federal reclamation project pursuant to a contract with the United States.

Credits

Added by Laws 1994, Ch. 223, § 4, eff. Jan. 1, 1996. Amended by Laws 1995, Ch. 69, § 4, eff. Jan. 1, 1996; Laws 1999, Ch. 297, § 3, eff. May 18, 1999; Laws 2016, Ch. 354, § 1; Laws 2017, Ch. 18, § 4.

Footnotes

1 Section 10-120 et seq.

2 Section 33-501 et seq.

3 Sections 10-601 et seq.; 10-701 et seq.

A. R. S. § 10-140, AZ ST § 10-140

Current through the First Regular Session of the Fifty-Third Legislature (2017)

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Arizona Revised Statutes Annotated
Title 16. Elections and Electors (Refs & Annos)
Chapter 6. Campaign Contributions and Expenses (Refs & Annos)
Article 1. General Provisions (Refs & Annos)

A.R.S. § 16-901

§ 16-901. Definitions

Effective: May 1, 2017
Currentness

In this chapter, unless the context otherwise requires:

1. "Advertisement" means information or materials, other than nonpaid social media messages, that are mailed, e-mailed, posted, distributed, published, displayed, delivered, broadcasted or placed in a communication medium and that are for the purpose of influencing an election.

2. "Affiliate" means any organization that controls, is controlled by or is under common control with a corporation, limited liability company or labor organization.

3. "Agent" means any person who has actual authority, either express or implied, to represent or make decisions on behalf of another person.

4. "Ballot measure expenditure" means an expenditure made by a person that expressly advocates the support or opposition of a clearly identified ballot measure.

5. "Best effort" means that a committee treasurer or treasurer's agent makes at least one written effort, including an attempt by e-mail, text message, private message through social media or other similar communication, or at least one oral effort that is documented in writing to identify the contributor of an incomplete contribution.

6. "Calendar quarter" means a period of three consecutive calendar months ending on March 31, June 30, September 30 or December 31.

7. "Candidate" means an individual who receives contributions or makes expenditures or who gives consent to another person to receive contributions or make expenditures on behalf of that individual in connection with the candidate's nomination, election or retention for any public office.

8. "Candidate committee" includes the candidate.

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9. "Clearly identified candidate" means that the name or a description, image, photograph or drawing of the candidate appears or the identity of the candidate is otherwise apparent by unambiguous reference.

10. "Committee" means a candidate committee, a political action committee or a political party.

11. "Contribution" means any money, advance, deposit or other thing of value that is made to a person for the purpose of influencing an election. Contribution includes:

(a) A contribution that is made to retire campaign debt from a previous election cycle.

(b) Money or the fair market value of anything that is directly or indirectly provided to an elected official for the specific purpose of defraying the expense of communications with constituents.

(c) The full purchase price of any item from a committee.

(d) A loan that is made to a committee for the purpose of influencing an election, to the extent the loan remains outstanding.

12. "Control" means to possess, directly or indirectly, the power to direct or to cause the direction of the management or policies of another organization, whether through voting power, ownership, contract or otherwise.

13. "Coordinate", "coordinated" or "coordination" means the coordination of an expenditure as prescribed by § 16-922.

14. "Coordinated party expenditures" means expenditures that are made by a political party to directly pay for goods or services on behalf of its nominee.

15. "District office" means an elected office established or organized pursuant to title 15 or 48. [1]

16. "Earmarked" means a designation, instruction or encumbrance between the transferor of a contribution and a transferee that requires the transferee to make a contribution to a clearly identified candidate.

17. "Election" means any election for any ballot measure in this state or any candidate election during a primary, general, recall, special or runoff election for any office in this state other than a federal office and a political party office prescribed by chapter 5, article 2 of this title. [2]

18. "Election cycle" means the two-year period beginning on January 1 in the year after a statewide general election and ending on December 31 in the year of a statewide general election or, for cities and towns, the two-year period beginning on the first day of the calendar quarter after the calendar quarter in which the city's or town's second, runoff or general election is scheduled and ending on the last day of the calendar quarter in which the city's or town's immediately

following second, runoff or general election is scheduled, however that election is designated by the city or town. For the purposes of a:

(a) Recall election, "election cycle" means the period between issuance of a recall petition serial number and the latest of the following:

(i) The date of the recall election that is called pursuant to § 19-209.

(ii) The date that a resignation is accepted pursuant to § 19-208.

(iii) The date that the receiving officer provides notice pursuant to § 19-208.01 that the number of signatures is insufficient.

(b) Special election, "election cycle" means the period between the date of issuance of a proclamation or order calling the special election and the last day of the calendar quarter in which the special election is held.

19. "Employee" means an individual who is entitled to compensation for labor or services performed for the individual's employer.

20. "Employer" means any person that pays compensation to and directs the labor or services of any individual in the course of employment.

21. "Enforcement officer" means the attorney general or the county, city or town attorney with authority to collect fines or issue penalties with respect to a given election pursuant to § 16-938.

22. "Entity" means a corporation, limited liability company, labor organization, partnership, trust, association, organization, joint venture, cooperative, unincorporated organization or association or other organized group that consists of more than one individual.

23. "Excess contribution" means a contribution that exceeds the applicable contribution limits for a particular election.

24. "Exclusive insurance contract" means an insurance producer's contract with an insurer that does either of the following:

(a) Prohibits the producer from soliciting insurance business for any other insurer.

(b) Requires a right of first refusal on all lines of insurance business written by the insurer and solicited by the producer.

25. "Expenditure" means any purchase, payment or other thing of value that is made by a person for the purpose of influencing an election.

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26. "Family contribution" means any contribution that is provided to a candidate's committee by the parent, grandparent, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members, regardless of whether the relation is established by marriage or adoption.

27. "Filing officer" means the secretary of state or the county, city or town officer in charge of elections for that jurisdiction who accepts statements and reports for those elections pursuant to § 16-928.

28. "Firewall" means a written policy that precludes one person from sharing information with another person.

29. "Identification" or "identify" means:

(a) For an individual, the individual's first and last name, residence location or street address and occupation and the name of the individual's primary employer.

(b) For any other person, the person's full name and physical location or street address.

30. "Incomplete contribution" means any contribution that is received by a committee for which the contributor's complete identification has not been obtained.

31. "Independent expenditure" means an expenditure by a person, other than a candidate committee, that complies with both of the following:

(a) Expressly advocates the election or defeat of a clearly identified candidate.

(b) Is not made in cooperation or consultation with or at the request or suggestion of the candidate or the candidate's agent.

32. "In-kind contribution" means a contribution of goods, services or anything of value that is provided without charge or at less than the usual and normal charge.

33. "Insurance producer" means a person that:

(a) Is required to be licensed to sell, solicit or negotiate insurance.

(b) Has an exclusive insurance contract with an insurer.

34. "Itemized" means that each contribution received or expenditure made is set forth separately.

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35. "Labor organization" means any employee representation organization that exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.

36. "Legislative office" means the office of representative in the state house of representatives or senator in the state senate.

37. "Mega PAC status" means official recognition that a political action committee has received contributions from five hundred or more individuals in amounts of ten dollars or more in the four-year period immediately before application to the secretary of state.

38. "Nominee" means a candidate who prevails in a primary election for partisan office and includes the nominee's candidate committee.

39. "Person" means an individual or a candidate, nominee, committee, corporation, limited liability company, labor organization, partnership, trust, association, organization, joint venture, cooperative or unincorporated organization or association.

40. "Personal monies" means any of the following:

(a) Assets to which the individual or individual's spouse has either legal title or an equitable interest.

(b) Salary and other earned income from bona fide employment of the individual or individual's spouse.

(c) Dividends and proceeds from the sale of investments of the individual or individual's spouse.

(d) Bequests to the individual or individual's spouse.

(e) Income to the individual or individual's spouse from revocable trusts for which the individual or individual's spouse is a beneficiary.

(f) Gifts of a personal nature to the individual or individual's spouse that would have been given regardless of whether the individual became a candidate or accepted a contribution.

(g) The proceeds of loans obtained by the individual or individual's spouse that are secured by collateral or security provided by the individual or individual's spouse.

(h) Family contributions.

41. "Political action committee" means an entity that is required to register as a political action committee pursuant to § 16-905.

42. "Political party" means a committee that meets the requirements for recognition as a political party pursuant to chapter 5 of this title.

43. "Primary purpose" means an entity's predominant purpose. Notwithstanding any other law or rule, an entity is not organized for the primary purpose of influencing an election if all of the following apply at the time the contribution or expenditure is made:

(a) The entity has tax exempt status under section 501(a) of the internal revenue code. [3]

(b) Except for a religious organization, assembly or institution, the entity has properly filed a form 1023 or form 1024 with the internal revenue service or the equivalent successor form designated by the internal revenue service.

(c) The entity's tax exempt status has not been denied or revoked by the internal revenue service.

(d) The entity remains in good standing with the corporation commission.

(e) The entity has properly filed a form 990 with the internal revenue service or the equivalent successor form designated by the internal revenue service in compliance with the most recent filing deadline established by internal revenue service regulations or policies.

44. "Retention" means the election process by which a superior court judge, appellate court judge or supreme court justice is retained in office as prescribed by article VI, section 38 or 40, Constitution of Arizona.

45. "Separate segregated fund" means a fund established by a corporation, limited liability company, labor organization or partnership that is required to register as a political action committee.

46. "Social media messages" means forms of communication, including internet sites for social networking or blogging, through which users create a personal profile and participate in online communities to share information, ideas and personal messages.

47. "Sponsor" means any person that establishes, administers or contributes financial support to the administration of a political action committee or that has common or overlapping membership or officers with that political action committee.

48. "Standing committee" means a political action committee or political party that is active in more than one reporting jurisdiction in this state and that files a statement of organization in a format prescribed by the secretary of state.

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49. "Statewide office" means the office of governor, secretary of state, state treasurer, attorney general, superintendent of public instruction, corporation commissioner or mine inspector.

50. "Surplus monies" means those monies of a terminating committee that remain after all of the committee's expenditures have been made, all debts have been extinguished and the committee ceases accepting contributions.

Credits

Added by Laws 2016, Ch. 79, § 11, eff. Nov. 5, 2016. Amended by Laws 2016, Ch. 347, § 2, eff. Nov. 5, 2016; Laws 2017, Ch. 233, § 1, eff. May 1, 2017.

<For disposition of the subject matter or derivation of sections repealed, added, or transferred and renumbered by Laws 1979, Ch. 209, §§ 2 to 5, effective January 1, 1980, see Disposition and Derivation Tables preceding Chapter 1.>

Footnotes

1 Section 15-101 et seq. or 48-101 et seq.

2 Section 16-821 et seq.

3 Internal Revenue Code sections may be found in Title 26 of U.S.C.A.

A. R. S. § 16-901, AZ ST § 16-901

Current through the First Regular Session of the Fifty-Third Legislature (2017)

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Arizona Revised Statutes Annotated
Title 16. Elections and Electors (Refs & Annos)
Chapter 6. Campaign Contributions and Expenses (Refs & Annos)
Article 1.1. Establishment of Committee (Refs & Annos)

A.R.S. § 16-905

§ 16-905. Committee qualification; requirements; exemption; adjustments

Effective: November 5, 2016
Currentness

A. A candidate for election or retention shall register as a candidate committee if the candidate receives contributions or makes expenditures, in any combination, of at least one thousand dollars in connection with that candidacy.

B. An entity shall register as a political action committee if both of the following apply:

1. The entity is organized for the primary purpose of influencing the result of an election.

2. The entity knowingly receives contributions or makes expenditures, in any combination, of at least one thousand dollars in connection with any election during a calendar year.

C. A filing officer or enforcement officer shall make a rebuttable presumption that an entity is organized for the primary purpose of influencing the result of an election if the entity meets any of the following:

1. Except for a religious organization, assembly or institution, claims tax exempt status but had not filed form 1023 or form 1024 with the internal revenue service, or the equivalent successor form designated by the internal revenue service, before making a contribution or expenditure.

2. Made a contribution or expenditure and at that time had its tax exempt status revoked by the internal revenue service.

3. Made a contribution or expenditure and at that time failed to file form 990 with the internal revenue service, or the equivalent successor form designated by the internal revenue service, if required by law.

4. At the time of making a contribution or expenditure was not registered with the corporation commission if required by law.

5. At the time of making a contribution or expenditure was registered with the corporation commission but was not in good standing.

D. A fund that is established by a corporation, limited liability company, labor organization or partnership for the purpose of influencing the result of an election shall register as a political action committee.

E. An entity may register as a political party committee only as prescribed in chapter 5 of this title. [1]

F. A committee is not subject to state income tax and is not required to file a state income tax return.

G. The dollar amounts prescribed by this section shall be increased every two years pursuant to § 16-931.

Credits
Added by Laws 2016, Ch. 79, § 12, eff. Nov. 5, 2016.

Footnotes
1 Section 16-801 et seq.
A. R. S. § 16-905, AZ ST § 16-905
Current through the First Regular Session of the Fifty-Third Legislature (2017)

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Arizona Revised Statutes Annotated
Title 16. Elections and Electors (Refs & Annos)
Chapter 6. Campaign Contributions and Expenses (Refs & Annos)
Article 1.2. Contributions (Refs & Annos)

A.R.S. § 16-911

§ 16-911. Exemption from definition of contribution

Effective: November 5, 2016
Currentness

A. A person may make any contribution not otherwise prohibited by law.

B. The following are not contributions:

1. The value of an individual's volunteer services or expenses that are provided without compensation or reimbursement, including the individual's:

(a) Travel expenses.

(b) Use of real or personal property.

(c) Cost of invitations, food or beverages.

(d) Use of e-mail, internet activity or social media messages, only if the individual's use is not paid for by the individual or any other person and if the e-mails, social media messages or other internet activities do not contain or include transmittal of a paid advertisement or paid fund-raising solicitation.

2. The costs incurred for covering or carrying a news story, commentary or editorial by a broadcasting station or cable television operator, an internet website, a newspaper or another periodical publication, including an internet-based or electronic publication, if the cost for the news story, commentary or editorial is not paid for by and the medium is not owned or under the control of a candidate or committee.

3. Any payment to defray the expense of an elected official meeting with constituents or attending an informational tour, conference, seminar or presentation, if the payor or the elected official does not attempt to influence the result of an election and the payment is reported if required pursuant to title 38, chapter 3.1 or title 41, chapter 7, article 8.1, [1] or both.

4. The payment by a political party to support its nominee, including:

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(a) The printing or distribution of, or postage expenses for, voter guides, sample ballots, pins, bumper stickers, handbills, brochures, posters, yard signs and other similar materials distributed through the party.

(b) Coordinated political party expenditures.

5. The payment by any person to defray a political party's operating expenses or party-building activities, including:

(a) Party staff and personnel.

(b) Studies and reports.

(c) Voter registration, recruitment, polling and turnout efforts.

(d) Party conventions and party meetings.

(e) Construction, purchase or lease of party buildings or facilities.

6. The value of any of the following to a committee:

(a) Interest earned on the committee's deposits or investments.

(b) Transfers between committees to reimburse expenses and distribute monies raised through a joint fund-raising effort, if the transfers comply with an agreement to reimburse and distribute monies that was executed before the joint fund-raising effort occurred.

(c) Payment of a committee's legal or accounting expenses by any person.

(d) An extension of credit for goods and services on a committee's behalf by a creditor if the terms are substantially similar to extensions of credit to nonpolitical debtors that are of similar risk and size of obligation. The creditor must make a commercially reasonable attempt to collect the debt, except that if an extension of credit remains unsatisfied by the committee after six months the committee is deemed to have received a contribution but the creditor is not deemed to have made a contribution.

7. The value of nonpartisan communications that are intended to encourage voter registration and turnout efforts.

8. Any payment to a filing officer for arguments in a publicity pamphlet.

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9. The payment by any sponsor or its affiliate for the costs of establishing, administering and soliciting contributions from its employees, members, executives, stockholders and retirees and their families to the sponsor's separate segregated fund.

10. Any payment by any entity for the costs of communicating with its employees, members, executives, stockholders and retirees and their families about any subject, without regard to whether those communications are made in coordination with any candidate or candidate's agent.

11. The value of allowing a candidate or a committee's representative to appear at any private residence or at the facilities of any entity to speak about the candidate's campaign or about a ballot measure, if the venue is furnished by the venue's owner, is not paid for by a third party and is not a sports stadium, coliseum, convention center, hotel ballroom, concert hall or other similar arena that is generally open to the public.

12. The costs of hosting a debate or candidates' forum, if at least two opposing candidates, with respect to any given office sought, or representatives of at least two opposing ballot measure campaigns, with respect to any measure on the ballot, are invited with the same or similar advance notice and method of invitation.

13. The preparation and distribution of voter guides, subject to the following:

(a) A featured candidate or ballot measure shall not receive greater prominence or substantially more space in the voter guide than any other candidate or ballot measure.

(b) The voter guide shall not include any message that constitutes express advocacy.

14. Monies that are loaned by a financial institution in the ordinary course of business and not for the purpose of influencing the results of an election, except that the loan is deemed a pro rata contribution by any endorser or guarantor, other than the candidate's spouse.

15. The costs of publishing a book or producing a documentary, if the publication and production are for distribution to the general public through traditional distribution mechanisms or a fee is obtained for the purchase of the publication or viewing of the documentary.

C. This section does not imply that any transactions that are not specifically listed in subsection B of this section are contributions unless those transactions otherwise meet the definition of contribution as defined in § 16-901.

Credits

Added by Laws 2016, Ch. 79, § 12, eff. Nov. 5, 2016. Amended by Laws 2016, Ch. 346, § 1, eff. Nov. 5, 2016.

Footnotes

1 Section 38-541 et seq. or 41-1231 et seq.

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Arizona Revised Statutes Annotated
Title 16. Elections and Electors (Refs & Annos)
Chapter 6. Campaign Contributions and Expenses (Refs & Annos)
Article 1.2. Contributions (Refs & Annos)

A.R.S. § 16-913

§ 16-913. Candidate committee contribution limits; requirements

Effective: November 5, 2016
Currentness

A. A candidate committee shall not make contributions to a candidate committee for another candidate.

B. A candidate committee may transfer unlimited contributions to any one or more other candidate committees for that same candidate under the following conditions:

1. A candidate committee for a city or town candidate shall not transfer contributions to that same candidate's committee for a statewide or legislative office.

2. If a candidate committee for a city or town office transfers contributions to a candidate committee for a county office for that same candidate, the candidate committee for the county office shall not transfer contributions to a statewide or legislative candidate committee for that same candidate during the twenty-four months immediately following that transfer of contributions to the county candidate committee.

3. Contributions originally made to the transferring candidate committee are deemed to be contributions to the receiving candidate committee. On transfer, an individual's aggregate contributions to both candidate committees during the election cycle shall not exceed the individual's contribution limit for that candidate.

C. A candidate committee shall not knowingly accept contributions in excess of the contribution limits prescribed by law. A candidate committee that unknowingly accepts an excess contribution shall refund or reattribute any excess contribution within sixty days after receipt of the contribution. A candidate committee may reattribute an excess contribution only if both of the following apply:

1. The excess contribution was received from an individual contributor.

2. The individual contributor authorizes the candidate committee to reattribute the excess amount to another individual who was identified as a joint account holder in the original instrument used to make the excess contribution.

D. A candidate committee may accept contributions only from an individual, a partnership, a candidate committee, a political action committee or a political party.

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E. A candidate committee may make unlimited contributions to a person other than a candidate's committee.

F. A candidate may contribute unlimited personal monies to the candidate's own candidate committee.

Credits

Added by Laws 2016, Ch. 79, § 12, eff. Nov. 5, 2016. Amended by Laws 2016, Ch. 347, § 5, eff. Nov. 5, 2016.

A. R. S. § 16-913, AZ ST § 16-913
Current through the First Regular Session of the Fifty-Third Legislature (2017)

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Arizona Revised Statutes Annotated
Title 16. Elections and Electors (Refs & Annos)
Chapter 6. Campaign Contributions and Expenses (Refs & Annos)
Article 1.2. Contributions (Refs & Annos)

A.R.S. § 16-916

§ 16-916. Corporation, limited liability company and labor organization contributions; separate segregated fund; limits; requirements

Effective: November 5, 2016
Currentness

A. A corporation, limited liability company or labor organization shall not make contributions to a candidate committee.

B. A corporation, limited liability company or labor organization may make unlimited contributions to persons other than candidate committees.

C. A corporation, limited liability company or labor organization may sponsor a separate segregated fund. Employees, members, executives, stockholders and retirees and their families of a corporation, limited liability company or labor organization and any subsidiary or affiliate of a corporation, limited liability company or labor organization may make contributions to the separate segregated fund, subject to the following:

1. The separate segregated fund must register as a political action committee.

2. The sponsor or its affiliate may pay the administrative, personnel and fund-raising expenses of its separate segregated fund, which shall not be deemed contributions to the fund.

3. The sponsor or its separate segregated fund may solicit contributions from the sponsor's, sponsor's affiliates' or sponsor's subsidiaries' employees, members, executives, stockholders and retirees and their families. The following additional restrictions apply:

(a) With respect to an insurer, an insurer or its separate segregated fund may also solicit contributions from an insurance producer's employees, members, executives, stockholders and retirees and their families.

(b) With respect to a trade association or membership organization, the association or organization may solicit contributions from its members' employees, executives, stockholders, subsidiaries and retirees and their families.

4. A sponsor or its affiliate or a trade association or membership organization may facilitate the making of contributions to its separate segregated fund by establishing a payroll deduction system or other similar payment transfer method.

5. A sponsor, trade association, membership organization or separate segregated fund may rely on the federal election commission's written guidance interpreting 52 United States Code § 30118(b) and rules adopted under that section when interpreting this subsection, if otherwise consistent with this article and articles 1, 1.1, 1.3, 1.4, 1.5, 1.6 and 1.7 of this chapter. [1]

Credits

Added by Laws 2016, Ch. 79, § 12, eff. Nov. 5, 2016.

Footnotes

1 Sections 16-901 et seq.; 16-905 et seq.; 16-921 et seq.; 16-925 et seq.; 16-931 et seq.; 16-933 et seq.; 16-937 et seq.

A. R. S. § 16-916, AZ ST § 16-916

Current through the First Regular Session of the Fifty-Third Legislature (2017)

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Arizona Revised Statutes Annotated
Title 16. Elections and Electors (Refs & Annos)
Chapter 6. Campaign Contributions and Expenses (Refs & Annos)
Article 1.2. Contributions (Refs & Annos)

A.R.S. § 16-918

§ 16-918. Earmarking prohibited

Effective: November 5, 2016
Currentness

A contributor shall not give and a committee shall not accept a contribution that has been earmarked for a candidate.

Credits
Added by Laws 2016, Ch. 79, § 12, eff. Nov. 5, 2016.

A. R. S. § 16-918, AZ ST § 16-918
Current through the First Regular Session of the Fifty-Third Legislature (2017)

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Arizona Revised Statutes Annotated
Title 16. Elections and Electors (Refs & Annos)
Chapter 6. Campaign Contributions and Expenses (Refs & Annos)
Article 1.3. Expenditures (Refs & Annos)

A.R.S. § 16-922

§ 16-922. Independent and coordinated expenditures

Effective: November 5, 2016
Currentness

A. Any person may make independent expenditures.

B. An expenditure is not an independent expenditure if either of the following applies:

1. There is actual coordination with respect to an expenditure between a candidate or candidate's agent and the person making the expenditure or that person's agent.

2. Both of the following apply:

(a) The expenditure is based on nonpublic information about a candidate's or candidate committee's plans or needs that the candidate or candidate's agent provides to the person making the expenditure or that person's agent.

(b) The candidate or candidate's agent provides the nonpublic information with an intent toward having the expenditure made.

C. In evaluating whether an expenditure is an independent expenditure, a filing officer or enforcement officer may consider the following to be rebuttable evidence of coordination:

1. Any agent of the person making the expenditure is also an agent of the candidate whose election or whose opponent's defeat is being advocated by the expenditure.

2. In the same election cycle, the person making the expenditure or that person's agent is or has been authorized to raise or spend monies on the candidate's behalf.

3. In the same election cycle, the candidate is or has been authorized to raise money or solicit contributions on behalf of the person making the expenditure.

D. Notwithstanding subsection C of this section, coordination does not exist under either of the following:

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1. If the person making the expenditure maintains a firewall between the person and that person's agent in compliance with all of the following:

(a) The person's agent did not participate in deciding to make the expenditure or in deciding the content, timing or targeting of the expenditure.

(b) The person making the expenditure has a written policy establishing the firewall and its requirements.

(c) The person making the expenditure and the person's agent followed the written policy regarding the firewall.

2. Solely because an agent of a person making the expenditure serves or has served on a candidate's host committee for a fund-raising event.

E. An expenditure that is coordinated with a candidate, other than a coordinated party expenditure, is deemed an in-kind contribution to the candidate.

F. An entity that makes an independent expenditure, other than an individual or a committee, shall file independent expenditure reports pursuant to § 16-926, subsection H.

Credits
Added by Laws 2016, Ch. 79, § 12, eff. Nov. 5, 2016. Amended by Laws 2016, Ch. 346, § 3, eff. Nov. 5, 2016.

A. R. S. § 16-922, AZ ST § 16-922
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Arizona Administrative Code
Title 14. Public Service Corporations; Corporations and Associations; Securities Regulation
Chapter 3. Corporation Commission - Rules of Practice and Procedure
Article 1. Rules of Practice and Procedure Before the Corporation Commission (Refs & Annos)

A.A.C. R14-3-103

R14-3-103. Parties

Currentness

A. **Classification of parties. Parties to any proceeding before the Commission shall consist of and shall be designated "Applicant", "Complainant", "Respondent", "Intervenor", or "Protestant" according to the nature of the proceedings and the relationship of the party thereto.**

B. **Applicant. Any person requesting a certificate, permit, other authority or any affirmative relief other than a complainant shall be designated "Applicant".**

C. **Complainant. Any person complaining pursuant to any statute or any rule or order of the Commission shall be designated "Complainant".**

D. **Respondent. Any person against whom a complaint or petition is filed or any person who may be subject to having any schedule, rate or tariff forfeited or revoked by the Commission, shall be designated as "Respondent".**

E. **Intervenor. Any person permitted to intervene in any proceeding shall be designated "Intervenor".**

F. **Protestant. Any person permitted to protest in any proceeding shall be designated "Protestant".**

G. **Two or more complainants. Two or more complainants may join in one complaint if their respective complaints are against the same respondent or respondents and involve substantially the same matter or thing and a like state of facts.**

H. **Multiple respondents. If complaint be made of tariffs, rates, fares, charges, regulations or practices involving more than one public service corporation, all such public service corporations shall be made respondents.**

I. **Receivers and trustees. The receiver or trustee of any person subject to the orders of this Commission shall be a party in any proceeding affecting such person and shall be designated as herein provided.**

Credits
Former Section R14-3-103 repealed, new Section R14-3-103 adopted effective December 17, 1975 (Supp. 75-2).

Current through rules published in Arizona Administrative Register Volume 23, Issue 52, December 29, 2017.

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