



Greater Phoenix
Chamber of
Commerce

SCR 1009 – Repeal of Clean Elections Introduced by Sen. Jonathan Paton

Background:

Overview: **Arizona’s Citizens’ Clean Elections Act** was approved by Arizona voters in the November 1998 general election. The Act established a finance system for elections, including limits on campaign spending and fundraising for political candidates in statewide and legislative elections. In particular, the system introduced a new candidate category: “participating” Clean Elections candidates. Those candidates wishing to be “participating” candidates can receive public financing for their election or reelection campaigns.

Funding: The Act is funded by a ten percent surcharge on certain civil penalties, criminal fines and by any other person who donates to pay for public financing of candidates. Taxpayers who donate are eligible for a tax credit in the amount of the donation up to \$500 or 20 percent of the taxpayer’s total tax owed, whichever is more. The monies are deposited into a Clean Elections Fund administered by the State Treasurer.

The Commission may use up to ten percent of the monies for reasonable and necessary administration and enforcement expenses. Additionally, the Commission must apply ten percent of the monies towards voter education, including a voter education guide and sponsoring debates.

Prior attempts to change the Act: For the November 2004 ballot initiatives, Proposition 106 sought to accomplish two tasks:

1. Eliminate the dedicated funding source for the Clean Elections Commission. The defunding of the Commission would have prevented it from regulating campaign finance laws, holding debates and publishing voter guides.
2. Require that all surcharges, penalties and other money in the Clean Elections Fund would be deposited in the state General Fund.

In August 2004, the Arizona Supreme Court upheld a superior court ruling to remove Proposition 106 from the ballot because it violated the “separate amendment rule.” Under Arizona’s Constitution, a ballot measure to further amend the Constitution may only contain one subject. The Supreme Court agreed with the lower court that a voter might reasonably agree with one part of the initiative, such as eliminating publicly financed political campaigns, but might support the Commission’s other duties unrelated to public campaign financing that would be dependent on legislative appropriation due to the transfer of monies into the General Fund.

SCR 1009 – as introduced by Sen. Jonathan Paton:

If passed by a majority of the Senate and House of Representatives this legislative session, voters would be asked in the November 2010 elections to disallow taxpayer money from being used to fund any candidate or campaign for statewide or legislative office.