



**CITY OF TUCSON  
2013 PRIMARY AND GENERAL ELECTIONS  
CAMPAIGN FINANCE ADMINISTRATION**

**INFORMATION UPDATE 2013-10**

**TO:** Candidates, Political Parties and Political Committees

**FROM:**   
Roger W. Randolph, City Clerk/Campaign Finance Administrator

**DATE:** September 26, 2013

From time to time, this office distributes information regarding campaign finance and other election related issues that may be of interest to you. We encourage you to contact the City Clerk's Office with any questions you have regarding these issues.

**CONTRIBUTION LIMITS AND REPORTING REQUIREMENTS**

A number of questions have been asked concerning the new State law which raised the allowable dollar limits for contributions to candidates, potentially including local candidates. In response to these questions, and with the assistance of the City Attorney's Office, we have reviewed the provisions of both the Tucson Charter and State law as they pertain specifically to campaign contribution limits for the current candidates for City office, all of whom have signed campaign contracts and are therefore public funding candidates.

We have concluded that:

- (1) There is a conflict between the Tucson Charter and State law regarding the applicable campaign contribution limits;
- (2) For public funding candidates, the Charter's contribution limits supersede State law and control, for both of the following reasons:
  - (a). As a matter of law, the Charter supersedes conflicting state law and controls with respect to local election matters such as contribution limits for local candidates, a matter of purely local concern under the Arizona Constitution;
  - (b). The Charter's automatic legal precedence aside, public funding candidates specifically agree in Section 3.0 of their campaign finance contracts with the City to "abide by limitations on CANDIDATE'S contributions...as specified in Subchapter A...of Chapter XVI of the Tucson Charter...in exchange for public matching funds from the CITY during the Campaign Period." According to Subsection 9.1 of the campaign finance contract, "[A] CANDIDATE who knowingly or intentionally refuses or fails to comply with the requirements of [ ] Subchapter A... of Chapter XVI of the Tucson Charter is guilty of a misdemeanor, and CANDIDATE'S name shall not appear upon the ballot." Subsection 9.2 of the Campaign Finance Contract then goes on to say that "In addition to other penalties provided for by law, if CANDIDATE fails to

comply with the requirements of Subchapter A...of Chapter XVI of the Tucson Charter CANDIDATE shall be ineligible further funds until in compliance.”

(3) Thus, pursuant to Chapter XVI § 2 (a) and (b) of the Charter, the contribution limit for public funding candidates is \$500.00 from individuals and \$1,000.00 from any political committees, including those political committees qualifying as “Super PACs” under A.R.S. § 16-905(G).

Accordingly, effective September 13, 2013, candidates who signed campaign finance contracts may accept up to \$500.00 from individual contributors. Once the candidate has established eligibility for public matching funds, those contributions will be matched. Candidates may also accept up to \$1,000.00 from political committees as defined in Arizona Revised Statutes § 16-901(19), including those political committees qualifying as Super PACs under A.R.S. § 16-905(G). Contributions from political committees will not be matched with public matching funds. Committees that have received contributions from any Super PAC(s) that exceed \$1,000.00 will be required to refund the amount in excess of the limit to the Super PAC(s). The refund(s) should be reported on Schedule F-2 “Offsets to Contributions Received.”

Additionally, a new state law adds additional reporting requirements by candidates less than twenty (20) days before the day of the election. In addition to other campaign finance report filings required by Arizona Revised Statutes § 16-913, candidates or a candidate’s campaign committee must notify the City Clerk if they receive a contribution of \$1,000.00 or more from a single source less than twenty (20) days before the day of the election. For City of Tucson candidates, this would apply only to contributions from political committees. Less than twenty days before the day of the November 5, 2013 General Election would be October 15 – November 5.

The notice must be filed within 72 hours after receipt of the contribution and shall include the date of receipt, the name of the contributor, and the amount of the contribution.

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Should you have any questions regarding the information contained in this update, please contact me or Suzanne Mesich, Assistant City Clerk, at 791-4213 or e-mail [cityclerk@tucsonaz.gov](mailto:cityclerk@tucsonaz.gov).