

# Clean Elections.

**Do contributors who wish to give an early contribution have to live within the district?**

A person who wishes to give an early contribution does not have to reside in the same district. Early contributions can come from any individual who legally is a permanent resident of the United States. There is an exception for lobbyists, however. Lobbyists may not make campaign contributions of any sort to a member of the legislature while the legislature is in regular session. Lobbyists also may not make campaign contributions of any sort to the governor while the legislature is in regular session, or while regular session is pending the governor's approval or veto. This includes qualifying contributions for a participating candidate. See *Arizona Attorney General Opinion, Ariz. Op. Atty. Gen. No. 102-001* (2002).

**Can a person with a green card give an early contribution?**

Yes. As long as a person is a permanent legal resident of the United States per 8 U.S.C § 1101(20), she may make an early contribution to a candidate.

**What specific offices are eligible for participation in Clean Elections?**

Clean Elections funding is available to qualifying candidates running for any of the following offices:

- Governor
- Secretary of State
- Attorney General
- State Treasurer
- Superintendent of Public Instruction
- Corporation Commissioner
- Mine Inspector
- State Senate
- State House of Representatives

**Can a write-in candidate receive Clean Elections funding?**

No. A candidate must have their name on the ballot in order to qualify for clean elections funding. A.R.S. § 16-950(E)(1). A write-in candidate who receives enough votes in the primary election will be placed on the general election ballot. A.R.S. §§ 16-311, 16-341. At this point, a candidate who has both qualified to be on the general election ballot and complied with the spending limits set out for a participating candidate in A.R.S. § 16-941 may apply for Clean Elections Funding. This means that a write-in candidate for a legislative seat may not spend more than \$610 of personal funds, and may not spend more than \$3230 during the primary cycle. Moreover, by statute, this money cannot be spent or collected after the end of the Qualifying Period. The 2008 Qualifying Period ends August 21, 2008.

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**Can a participating candidate pay another candidate for their portion of a joint mailer?**

No. A participating candidate may work with another candidate and make joint expenditures, but each candidate must pay the vendor from their own campaign fund. This is because clean election funds may only be used for expenses directly related to the campaign of the participating candidate, and must be paid directly to the person providing the goods or services. A.R.S. § 19-948(C). Paying into another candidate's campaign fund is not a direct expense, even if those funds are earmarked for a specific use. Furthermore, if the other candidate is also a participating candidate, he may only use his funds to pay expenditures of their own campaign. *See A.A.C. R2-20-701*

**Will a \$5 qualifying contribution be valid, if the address provided is in the district, but does not match the voter registration address which is also in the district?**

Qualifying Contributions are verified by the recorder in the county indicated on the contribution form. To verify that the person making the qualifying contribution is a registered voter, the recorder will attempt to match the signature on the qualifying contribution slip with the signature on the voter rolls for the voter listed at the address given. If the address on the slip does not match the registration records, the recorder may be unable to make that verification. The recorder can examine the rolls to see if there is a name match at another address in the district, and if those signatures match, the recorder will be able to verify the contribution. *See A.A.C. R2-20-105(D)*.

However, the recorder examines the name and address that is on the records on the date the qualifying contribution form was signed. If one of your qualifying contributors has moved since signing the form, and has updated their registration information as well, the county recorder will use the registration address as of the date the form was signed. A.R.S. § 16-950(C)

While having the same address would assist the county recorder in indentifying the contributor, the address on file does not have to match the address on the form. The county recorder is verifying that the individual signing is/was registered in the district at the time of signing.

**Will Clean Elections funding still be available if the legislature does not pass a budget by July 1?**

Yes. The Citizens Clean Election Commission is not funded from the general treasury, but has its own separate fund. In 1988 the Arizona Attorney General issued an opinion stating that "if payment is authorized to be made only from a special fund that is limited" the appropriation would be valid. Ariz.Op.Atty.Gen. No. 188-075. Therefore funds from the Clean Elections Commission will still be available and candidates will be fully funded.

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