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**OFFICE OF THE CITY ATTORNEY**

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**OPINION NO. 95-04**

**TO:** Janice L. Graziano, City Clerk  
**FROM:** Stephen M. Kemp, City Attorney  
**DATE:** February 11, 1995  
**SUBJECT:** Campaign Contributions

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**QUESTION:**

(a) Are the expenses incurred for challenge of a candidate's nomination petitions required to be reported on the applicable campaign finance report.

(b) Are contributions received to assist in the challenge of a candidate's nomination petitions required to be reported on the applicable campaign finance report.

**OPINION:**

A.R.S. §16-901 defines the types of expenditures that must be reported.<sup>1</sup> If challenge of a candidate's nomination petition falls within the definitions contained in the statute, then the expenses incurred and contributions received must be reported.

Expenditures are defined as . . . "anything of value made by a person for the purpose of influencing an election in this state" . . . The question becomes is a challenge of a candidate's

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<sup>1</sup>See, A.R.S. §16-901.7; 8 and 15

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nomination petition an act to influence an election. It is the opinion of this office that such challenges are for the purpose of influencing an election.

This opinion is based on several factors. First, the basis for such challenges is found in Title 16, Arizona Revised Statutes. If a challenge were not intended to be an election related proceeding, the legislature could have placed the statutes in Title 12, where other statutes creating legal actions are placed.

Second, a challenge, directly impacts the result of the election process by removing a candidate from the ballot. Finally, the challenge only occurs after all parties have pulled their packets and submitted enough petition signatures to apparently become candidates for nomination.

Therefore, based on all of the above reasons, it is the opinion of this office that all expenditures pertaining to the challenge of a candidate's nomination petition and all contributions received to finance such a challenge are subject to reporting under the Arizona Campaign finance Law.

I trust that this answers your questions. If you should have any questions, please do not hesitate to contact me.

cc: Honorable Mayor and Council