



City of Peoria • 8401 West Monroe Street • Peoria, Arizona 85345
OFFICE OF THE CITY ATTORNEY

CIVIL
PROSECUTOR
FACSIMILE

602-412-7330
602-412-7335
602-412-7043

OPINION NO. 99-07

TO: Janice L. Graziano, City Clerk
FROM: Stephen M. Kemp, City Attorney
DATE: April 15, 1999
SUBJECT: Recall Election Campaign Contributions

QUESTION:

You have inquired as to whether:

1. Can a local political committee make a campaign contribution to a candidate.
2. Is a candidate required to include the "paid for by" disclosure on a "request for early ballot form" that was prepared by or for the candidate, if the candidate's name is included on any part of the request form.

OPINION:

Contributions by local political committees are governed under A.R.S. §15-915.01. Disposal of Surplus Monies. Under this statute, a political committee, such as a recall committee may make a contribution not exceeding the limitations contained in A.R.S. §16-905 to another political committee.

The maximum limitation contained in A.R.S. §16-905 is \$300.00, unless one meets the requirements of a "super political committee" in which case the limit is \$1,510.00. Assuming the recall committee is not a "super political committee" the maximum contribution under the law from the recall committee to the candidate's committee is \$300.00.

An early ballot request form is campaign literature or advertising if the material advocates the election or defeat of any candidate or solicits contributions to a candidate. A.R.S. §16-912. A common sense meaning of this provision is that if the candidate's name is contained on the request form, or if it is to be mailed to the candidate's campaign, then the purpose is to advocate the election of a candidate. In such case the literature must contain the disclosure required by statute.

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In conclusion, unless the Recall Committee is a Super Political Committee it may contribute up to \$300.00 to the candidate's campaign. All early ballot mail forms that contain the candidate's name or are being mailed to a candidate's campaign must contain the required disclosure under A.R.S. §16-912. If you should have any further questions, please contact me.

cc: Honorable Mayor and Council
Terry Ellis, City Manager

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