

INDEPENDENT EXPENDITURES

BY CORPORATIONS, LLCS, AND LABOR ORGANIZATIONS
(CANDIDATES, NOT BALLOT MEASURES)

A PUBLICATION OF
THE ARIZONA SECRETARY OF STATE'S OFFICE
ELECTION SERVICES DIVISION

CONTACT US

Office of the Secretary of State

1700 W. Washington Street, 7th Floor
Phoenix, Arizona 85007
Telephone:
(602) 542-4285
Toll-free (in Arizona)
1-877-THE VOTE
TDD: (602) 255-8683

Election Services

Telephone:
(602) 542-8683
Facsimile number:
(602) 542-6172
e-mail address:
elections@azsos.gov

For additional copies of this booklet
send your request to:
Secretary of State
Attention: Election Services Division
1700 W. Washington Street, 7th Floor
Phoenix, Arizona 85007

Visit us on the World Wide Web at
www.azsos.gov

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INTRODUCTION

The Citizens United v. FEC decision, ___ U.S. ___, 130 S.Ct. 876, 175 L.Ed.2d 753 (2010), recognized new First Amendment rights for corporations and labor organizations. At the same time, the Supreme Court recognized that disclosure of who is speaking is a key component to this right. The Court also upheld the prohibition of corporate and labor organization contributions to candidates, while allowing political speech at arms' length via independent expenditures. Like individuals, corporations and labor organizations cannot be prohibited from spending general treasury money to make independent expenditures to support or oppose candidates. Unlike individuals, corporations and labor organizations can be required to disclose that they paid for the independent expenditure.

With enactment of House Bill 2788 Arizona codified Citizens United, which dealt specifically with corporations and labor organizations making expenditures. See A.R.S. §§ 16-914.02, 16-919, 16-920. Subsequent amendments have additionally clarified that corporations, limited liability companies and labor organizations may contribute directly to independent expenditure committees in addition to spending money for independent expenditures on their own.

The next few steps will guide you through the process of entering your Corporation, LLC, or Labor Organization information into the Secretary of State's web-based registration system, printing your Registration, and creating user names and passwords for the people you authorize to use this system.

SETUP OF REGISTRATION AND NOTIFICATION SYSTEM FOR CORPORATIONS, LLC'S AND LABOR ORGANIZATIONS

Log on to Arizona Secretary of State Website www.azsos.gov

Click on:

- Elections
- Campaign Finance

Registration and Notification System for Corporations, LLCs and Labor Organizations

- Click on: **Create a new Corporation, LLC or Labor Organization reporting account**
- Enter your existing **User Name** and **Password** to login

The screenshot shows the Arizona Secretary of State website interface. At the top, there is a banner for Secretary of State Ken Bennett and the Arizona Department of State Office of the Secretary of State. The AZ.GOV logo is also present. A search bar is located in the top right corner. The main content area is titled "Campaign Finance - Log In" and contains a login form with the following elements:

- Login** heading
- Enter User Name:
- Enter Password:
- Login** button
- [Create a new Corporation, LLC, or Labor Organization reporting account](#)
- [Forgot User Name or Password](#)
- Version: 2.0

The left navigation menu includes: Home, Office of the Secretary, Elections, Lobbyists, Business Filings, Notary / Apostilles, Advance Directives, Publications, Rules Filings, Legislative Filings, News Room, Kids Page, and Library, Archives, & Public Records. At the bottom of the page, there are links for Privacy Policy, Acceptable Use Policy, Contact Us, and Email our Webmaster, along with the copyright notice: ©2010 Arizona Secretary of State, All Rights Reserved.

BUSINESS SETUP

Campaign Finance - Business Setup

Corp/LLC/Labor Org. Name: CORPORATION NAME

Physical Address: Street: 1700 WEST WASHINGTON

City: PHOENIX State: AZ Zip: 85007

Phone Number: 602-555-5555

Next >> Cancel

Business information

❖ In each field, enter the name address and phone number of the entity.

❖ Click 

Campaign Finance - Business Member Setup

Responsible Party: 

<< Back Cancel User Setup >>

Version: 2.0

Responsible Party information

The following steps will guide you through entering the Responsible Party's information.

❖ Click on 

Search for a Name

Last Name:

Zip Code:

Search Cancel

The **Search for a Name** window will appear.

❖ Enter the Last Name in the field

❖ Enter the Zip Code

❖ Click Search

Search for a Name

Last Name: joe

Zip Code: 85007

Search Cancel

None found!

Can't find your name in the list? [Click here to add a new name.](#)

If the name is not found, click on the link **Click here to add a new name**

Search for a Name

Add A Name

Last Name: DOE

First Name: JOHN

Middle Name:

Suffix:

Title:

Employer: ARIZONA SECRETARY OF

Address: 1700 W WASHINGTON

City: PHOENIX

State: AZ

Zip Code: 85007

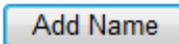
Email Address: JOHN.DOE@EMAIL.COM

Phone #: 602-555-5555

Fax #:

Add Name Cancel

❖ The **Add a Name** window appears. To add a name, complete the required information, pressing the TAB key between fields.

❖ Click on 

- ❖ A Responsible Party screen with the added party will appear
- ❖ Click **User Setup** 

User Setup

As you begin User Setup, there must be at least one user with administrative privileges; a warning message will appear if none are chosen.

To add users:

- ❖ Click on 

You must first select a privilege level.

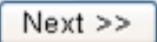
- ❖ Choose the Privilege Level from the pull down menu
(REMEMBER - THERE MUST BE AT LEAST ONE **ADMINISTRATIVE USER**)

- ❖ Click on **Select User**

The **Search for a Name** window will appear for selecting the new user

- ✓ Follow the instructions on page 6 on how to **Search for a Name**

- ❖ The **User Setup** screen will be displayed with the user's information
- ❖ In the **User Name** field, enter a User Name that is at least 6 characters long
- ❖ In the **Password** field, enter a password that is at least 6 characters long
- ❖ In **Confirm Password**, re-type your password correctly
- ❖ Select **OK**

- ❖ The screen with the added users now appears
- ❖ Continue to add new users, if needed
- ❖ When done, select  to continue to the next step



- ❖ Click on view and print the registration form
- ❖ After printing the form, close the PDF window and the campaign finance system will log you out.
- ❖ Obtain signatures of the responsible party

Submit **the signed, original** printout of the registration form, either by mail or in person, to:

Arizona Secretary of State
Election Services Division
1700 West Washington, 7th floor
Phoenix, AZ 85007-2888

Data entry of Independent Expenditure (IE)

- ❖ Enter (IE) **Expenses** > Independent Expenditure
- ❖ Enter expense > Identify For/Against candidate
- ❖ Complete data entry > Press submit to save



Filing Notification information

- ❖ After data entry of Independent Expenditure is complete
- ❖ Click on **Reports** > Press Auto File to submit the notification to SOS





**STATE OF ARIZONA
STATEMENT OF REGISTRATION FOR
CORPORATIONS, LLCS, OR LABOR ORGANIZATIONS
MAKING INDEPENDENT EXPENDITURES**

Initial Registration
 Amended Registration

Arizona Revised Statutes §16-914.02

FILER ID NUMBER
201000556

NAME OF CORPORATION, LLC, OR LABOR ORGANIZATION CORPORATION NAME		DATE 08/23/2010	
CORPORATION, LLC, OR LABOR ORGANIZATION ADDRESS 1700 WEST WASHINGTON		CITY PHOENIX	STATE ZIP AZ 85007
CORPORATION, LLC, OR LABOR ORGANIZATION TELEPHONE # (602) 555-5555			
EACH CORPORATION, LLC, OR LABOR ORGANIZATION SHALL DESIGNATE A PERSON AUTHORIZED TO MAKE INDEPENDENT EXPENDITURES. A.R.S. § 16-914.02(C).			
NAME OF RESPONSIBLE PARTY JOHN DOE		TITLE OF RESPONSIBLE PARTY	
RESPONSIBLE PARTY'S TELEPHONE # (602) 555-5555		RESPONSIBLE PARTY'S EMAIL ADDRESS JOHN.DOE@EMAIL.COM	

YOUR APPLICATION IS NOT COMPLETE WITHOUT THE REQUIRED SIGNATURE AND NOTARIZATION BELOW

RESPONSIBLE PARTY'S STATEMENT: I, the undersigned, have examined the information contained in this statement of registration and, to the best of our knowledge and belief, it is true, correct and complete.

State of Arizona)
County of _____) ss.
_____)

Responsible Party's signature _____

SUBSCRIBED AND SWORN (OR AFFIRM) TO before me this _____ day
of _____ 20____

Notary Public _____ My Commission Expires _____

THE ORIGINAL OF THIS FORM MUST BE RECEIVED BY THE SECRETARY OF STATE WITHIN FIVE DAYS OF MAKING AN INITIAL INDEPENDENT EXPENDITURE.

Mail to:
ARIZONA SECRETARY OF STATE
ATTN: CAMPAIGN FINANCE
1700 W. WASHINGTON, 7TH FLOOR
PHOENIX AZ 85007:

Please refer to Arizona Revised Statutes A.R.S. § 16-914.02 for complete details of the requirements for a Corporation, LLC, or Labor Organization making candidate independent expenditures in Arizona.

CORPORATIONS, LLC AND UNION ORGANIZATIONS REGISTRATION AND NOTIFICATION THRESHOLDS^{1, 2}

2011-2012 ELECTION CYCLE

THRESHOLDS ESTABLISHED PURSUANT TO A.R.S. § 16-914.02

Cumulative Independent Expenditures ² for or against candidates by corporations, LLC, or labor organizations	NON-STATEWIDE OFFICES		STATEWIDE OFFICES
	THRESHOLD		THRESHOLD
	LOCAL 16-914.02(A)(1)	LEGISLATIVE 16-914.02(A)(2)	STATEWIDE 16-914.02(A)(3)
Corporation - Independent Expenditure for/against candidate	\$1,000	\$2,500	\$5,000
Limited Liability Company - Independent Expenditure for/against candidate	\$1,000	\$2,500	\$5,000
Labor Organization – Independent Expenditure for/against candidate	\$1,000	\$2,500	\$5,000

¹ *Corporation, Limited Liability Company or Labor Organization must register with and notify the appropriate filing agency once the threshold of cumulative independent expenditures has exceeded the threshold pursuant to 16-901(14).*

² *Independent Expenditure definition* 16-901(14). "Independent expenditure" means an expenditure by a person or political committee, other than a candidate's campaign committee, that expressly advocates the election or defeat of a clearly identified candidate, that is made without cooperation or consultation with any candidate or committee or agent of the candidate and that is not made in concert with or at the request or suggestion of a candidate, or any committee or agent of the candidate. Independent expenditure includes an expenditure that is subject to the requirements of section 16-917 which requires a copy of campaign literature or advertisement to be sent to a candidate named or otherwise referred to in the literature or advertisement.

FREQUENTLY ASKED QUESTIONS

1. “Does the next day reporting apply to independent expenditures for ballot measures?”

No. Only independent expenditures made by corporations, limited liability companies and labor organization that are associated with *candidates* are subject to next day reporting.

2. “My corporation, LLC or union accepts donations for doing an independent expenditure. Do I have to follow this law or organize as a political committee?”

If the corporation, LLC or union is organized *primarily* for influencing elections then you must file as a political committee, however, if the corporation is not organized *primarily* for influencing elections then 16-914.02 applies.

3. “If my group is an I.R.S. 501c organization, do I need to form a political committee or may we file under 16-914.02?”

Form a political committee if the 501c organization is primarily organized for the purpose of influencing an election *and* accepts contributions or consists of a combination of corporations, LLC’s or unions.

4. “Does my corporation, LLC or union need to file as a political committee or an Independent Expenditure entity under 16-914.02?”

If the corporation, LLC or union is primarily organized for the purpose of influencing an election, you must organize as a political committee.

5. “I think there has been a violation of 16-914.02 in a municipal race, what do I do?”

Until November 27, 2012, you should file a written complaint with the municipality, which will forward your complaint and other materials, if any, to the Secretary of State’s office. After November 27, 2012 you should still file initially with the municipality, however, the municipality may forward the complaint to the Secretary of State or the municipality may investigate the matter on its own.

6. “Does my corporation, LLC or union have to preregister before making an independent expenditure?”

No. You can make an independent expenditure without filing any paperwork, however, the next day you must file with our office. Additionally, if you anticipate making an independent expenditure in the future our office recommends registering in advance as it may be easier.

7. “My corporation, LLC or union spent \$2,300 on an independent expenditure in a legislative race and an additional \$950 for an independent expenditure in a municipal race, do we need to file?”

No. The limits are essentially based on a particular jurisdiction and in this case both expenditures fall below the reporting thresholds for the legislative races and the municipal races.

8. “My corporation, LLC or union spent \$950 for an independent expenditure in a council race in Tempe and \$950 for an independent expenditure in a council race in Mesa and \$950 for an independent expenditure in a council race in Queen Creek, do we need to file?”

No. The expenditures fall below the reporting threshold and they were made in different jurisdictions.

9. “My corporation, LLC or union spent \$950 for an independent expenditure in a council race in Tempe and another \$950 for an independent expenditure for a different seat in a council race in Tempe, do we need to file?”

Yes. Since you spent, in aggregate, more than \$1,000 in a single city you must file.

10. “My corporation, LLC or union plans to file an independent expenditure report (trigger report) to fulfill the requirements of the Clean Elections statutes; do we need to file pursuant to 16-914.02 too?”

The 16-914.02 filing program is independent of any obligations you may have with the Clean Elections Commission and we suggest that you contact the Commission for additional guidance.

11. “My corporation, LLC or union spent above the limit in a county race, do we need to file the next day (excluding Saturdays, Sundays and other legal holidays)?”

Yes. A.R.S. § 16-914.02(D) requires the expenditure notification to be filed on or before the day after making the independent expenditure irrespective of the jurisdiction.

12. “My corporation, LLC or union spent \$2,300 in LD 9 and another \$2,300 in LD 17, do we need to file?”

Yes. The legislative race expenditures are cumulative and do NOT require that the expenditures be within the same jurisdiction (legislative district) like the county, city, town or other local races.

13. “May corporations, limited liability companies and labor organizations contribute directly to independent expenditure committees in addition to spending money for independent expenditures on their own?”

Yes. Corporations, limited liability companies and labor organizations may contribute to I.E. committees.

16-914.02. Reporting independent expenditures of corporations, limited liability companies and labor organizations; statement; disclaimer and disclosure; civil action; civil penalty; violation; classification; definitions

A. Any corporation, limited liability company or labor organization that makes cumulative independent expenditures in an attempt to influence the outcome of a candidate election and in at least the following amounts in an election cycle shall register and notify the appropriate filing officer not later than one day after making that expenditure, excluding Saturdays, Sundays and other legal holidays:

1. An aggregate of five thousand dollars or more in one or more statewide races.
2. An aggregate of two thousand five hundred dollars or more in one or more legislative races.
3. One thousand dollars or more in one or more county, city, town or other local races if the one thousand dollars is aggregated in races in a single county, city, town or other local jurisdiction.

B. The secretary of state is the filing officer for registrations and notifications for independent expenditures in statewide and legislative elections. City, town or county filing officers are the filing officers for notifications in a city, town, county or other local election as provided in section 16-916. The corporation, limited liability company or labor organization also shall notify the filing officer within the same time limit prescribed in subsection A of this section of each additional accumulation of expenditures that exceeds the threshold amount prescribed in subsection A of this section but is not required to register again during that election cycle after the initial registration. A corporation, limited liability company or labor organization may register with the filing officer and provide a notarized, sworn statement of authority in advance of the expenditure in anticipation of making an independent expenditure. The secretary of state shall provide for electronic filing for registrations and notifications and shall provide for

website access to the information for the public. Filings at the secretary of state's office shall be in the form prescribed by the secretary of state. Other filing officers shall prescribe the format for filing registrations and notifications and shall provide for public access to that information. On or after November 27, 2012 and at the request of the local election filing officer, the secretary of state may provide for electronic filing pursuant to this section for local elections.

C. The registration shall include all of the following:

1. The name and address of the corporation, limited liability company or labor organization.
2. The name, title, electronic mail address and telephone number of the person authorizing the independent expenditure.

D. Each notification shall include all of the following:

1. The name and address of the corporation, limited liability company or labor organization making the independent expenditure.
2. The amount of the expenditure and the name of the vendor or other payee receiving the expenditure.
3. The name of the candidate and race in which the expenditure was made and whether the expenditure was in support of or opposition to the candidate.
4. The communication medium and description of what was purchased with the expenditure.
5. The date of the expenditure.

E. If the corporation, limited liability company or labor organization did not register and provide a notarized sworn statement in advance of the expenditure as prescribed by this section, the corporation, limited liability company or labor organization shall file with the secretary of state or other appropriate filing officer within five days after an initial threshold expenditure as prescribed in subsection A of this section a notarized sworn statement that the person, agent or officer filing the registration and notice had authority to make that expenditure on behalf of the corporation, limited liability company or labor organization. Until the secretary of state or other filing officer receives the notarized sworn statement, the filing officer shall categorize the notification as unverified. If the secretary of state or other filing officer does not receive the notarized sworn statement within the required five day time frame, the notification shall be categorized as both unverified and delinquent. The filing officer shall make reasonable efforts to contact the entity that made the expenditure and remove the notification from public view within a reasonable time if unable to verify that the entity made the expenditure and all penalties prescribed in this section apply.

F. Any literature or advertisement that is purchased with monies from a corporation, limited liability company or labor organization making an independent expenditure in an attempt to influence the outcome of a candidate election shall disclose the name of the corporation, limited liability company or labor organization making the expenditure. Any disclosure statement required by this section shall be printed clearly and legibly in a conspicuous manner. If the communication is broadcast on radio, the information shall be spoken at the end of the communication. If the communication is broadcast on a telecommunications system, the information shall be both written and spoken at the end of the communication, except that if the disclosure statement is written for at least five seconds of a thirty second advertisement broadcast or ten seconds of a sixty second advertisement broadcast, a spoken disclosure statement is not required. If the communication is broadcast on a telecommunications system, the written disclosure statement shall be printed in letters equal to or larger than four per cent of the vertical picture height. The literature or advertisement shall include the words "paid for by" in the disclosure followed by the name of the entity making the expenditure and shall also state that it is not authorized by any candidate or candidate's campaign committee.

G. Subsection F of this section does not apply to bumper stickers, pins, buttons, pens and similar small items on which the statements required in subsection F of this section cannot be conveniently printed or to a communication by an organization solely to its members.

H. Any corporation, limited liability company or labor organization that fails to register, notify or disclose as required by this section is liable in a civil action pursuant to section 16-924 brought by the attorney general, county attorney or city or town attorney, as appropriate, for a civil penalty of up to three times the total amount of the expenditure.

I. Any person who makes a knowingly false filing relating to an independent expenditure pursuant to this section is guilty of a class 1 misdemeanor.

J. For violations that occur before November 27, 2012, a reasonable cause determination for a violation of this section may only be made by the secretary of state's office and not by any other filing officer. On or after November 27, 2012, the local election jurisdiction and filing officers may make their own reasonable cause determinations for violations of this section or may elect to continue to have the office of the secretary of state make those reasonable cause determinations on their behalf. A civil or criminal enforcement action may not be filed until after the issuance of a reasonable cause determination.

K. Any entity that makes an independent expenditure and that is organized primarily for the purpose of influencing an election and that is a combination of corporations, limited liability companies or labor organizations or that is a corporation, limited liability company or labor organization that accepts donations or contributions shall file with the filing officer as a political committee as otherwise provided by law.

L. For the purposes of this section, an expenditure occurs on the date on which literature or advertisements are deposited at the post office for mailing, submitted to a communications system for broadcast or submitted to a newspaper or similar print medium for printing and, with respect to an expenditure for signs, the date on which a sign is first posted.

M. For the purposes of this section:

1. "Independent expenditure" has the same meaning prescribed in section 16-901, except that it is made by a corporation, a limited liability company or a labor organization and except as prescribed in subsection L of this section.
2. "Local election" means an election in a county, city, town, school district or special district.

[16-919. Prohibition of contributions by corporations, limited liability companies or labor organizations; exemption; classification; definitions](#)

A. Except as provided in section **16-914.02**, it is unlawful for a corporation or a limited liability company to make an expenditure or any contribution of money or anything of value for the purpose of influencing an election, and it is unlawful for the designating individual who formed an exploratory committee, an exploratory committee, a candidate or a candidate's campaign committee to accept any contribution of money or anything of value from a corporation or a limited liability company for the purpose of influencing an election. This subsection does not apply to political committees that are incorporated pursuant to title 10, chapters 24 through 40 and political committees that are organized as limited liability companies.

B. Except as provided in section **16-914.02**, it is unlawful for a labor organization to make an expenditure or any contribution of money or anything of value for the purpose of influencing an election.

C. Notwithstanding subsections A and B of this section, a corporation, limited liability company or labor organization may contribute to an independent expenditure committee.

D. A corporation, limited liability company or labor organization that violates this section is guilty of a class 2 misdemeanor.

E. The person through whom the violation is effected is guilty of a class 6 felony.

F. Notwithstanding subsection A of this section, a political committee that is incorporated only for the purposes of liability limitation may make contributions for the purpose of influencing an election. Notwithstanding the corporate status of a political committee, the chairman and treasurer of an incorporated political committee remain personally responsible for carrying out their respective duties under this article.

G. For the purposes of this section:

1. "Election" means any election to any political office, any election to any political convention or caucus or any primary election held for the purpose of selecting any candidate, political committee or other person for any political office, convention or caucus.

2. "Employee" includes any employee, is not limited to the employees of a particular employer and includes any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice.

3. "Employer" includes any person acting as an agent of an employer, directly or indirectly.

4. "Labor organization" means any organization of any kind or any agency or employee representation committee or plan in which employees participate and that exists for the purpose in whole or in part of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.

16-920. [Permitted expenditures by corporations and labor organizations](#)

A. Expenditures for the following purposes shall not be construed to be political contributions prohibited by law:

1. Communications by a corporation to its stockholders and executive or administrative personnel and their families, or by a labor organization to its members and their families, on any subject.

2. Nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and executive or administrative personnel and their families or by a labor organization aimed at its members and their families.

3. The establishment, administration and solicitation of voluntary contributions to a separate segregated fund to be utilized for political purposes by a corporation, labor organization, membership organization, trade association, cooperative or corporation without capital stock.

4. The establishment, administration and solicitation of voluntary contributions from employees of a corporation or limited liability company, including contributions made by payroll deduction, deposit or transfer or other similar method, and that are made directly to a separate segregated fund that is used for political purposes by a trade association of which the employing corporation or limited liability company is a member. Contributions received under this subsection shall be reported pursuant to section 16-915, subsection A, paragraph 2, subdivision (a) or subsection E.

5. Contributions for use to support or oppose an initiative or referendum measure or amendment to the constitution.
6. Independent expenditures and contributions to independent expenditure committees made pursuant to section **16-914.02**.
 - B. A membership organization, trade association, cooperative or corporation without capital stock may engage in the activities permitted in subsection A, paragraphs 1 and 2 of this section if such activities are directed toward its members, stockholders or members of its members, its and its members' executive or administrative personnel and their families.

State of Arizona



Independent Expenditure Notification

Phone: _____ Filer #: _____

2011 IE Corp LLC Labor Notification

Election Cycle: 2011-2012
 Date Filed: October 28, 2011
 Reporting Period: November 23, 2010-October 27, 2011

Report ID: _____

201200232 Campaign Money Watch

IE Corp LLC Labor Notification

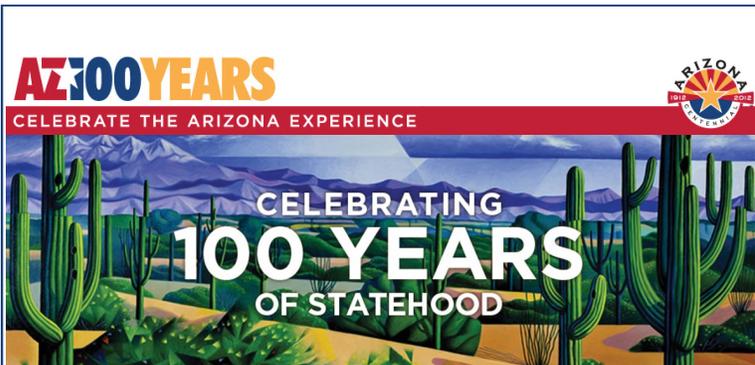
Covers 11/23/2010 to 10/27/2011

Transaction Date	Benefits or Opposes	Committee ID - Name	Amount
10/27/2011	Advocating Defeat	_____	\$5,878.67
Category:	Communications - Mailings		



Arizona Secretary of State
1700 W. Washington Street, Fl. 7
Phoenix, Arizona 85007-2808

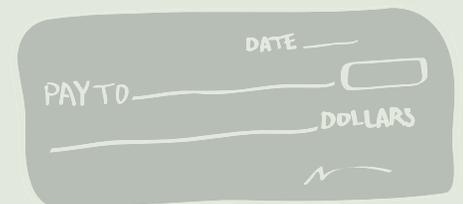
TO:



SAVE THE DATE.
LET'S CELEBRATE!
FEBRUARY 14, 2012

For more information visit: www.arizona100.org

ARIZONA



INDEPENDENT EXPENDITURES
An Election Services Division Publication

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