Financial Disclosure

A Guide for Completing Financial Disclosure Statements

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ABOUT THIS PUBLICATION

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DUTY TO FILE FINANCIAL DISCLOSURE STATEMENT

A. Persons Required to File Financial Disclosure Statements

Two categories of persons are required to file Financial Disclosure Statements:

- Public officers who hold a political or judicial office;[1] and
- Candidates for elective office.[2]

Public officers and candidates file the same Financial Disclosure Statement form; the only difference is the time period covered by the Financial Disclosure Statement.

1. Public Officers

The following public officers must file an annual Financial Disclosure Statement with the Secretary of State's Office if the public officer held office at any time during the past calendar year:

- A statewide public officer, whether elected or appointed;[3]
- A member of the Arizona Legislature, whether elected or appointed;[4]
- A justice or judge of the Arizona Supreme Court, Arizona Court of Appeals or Superior Court, whether elected or appointed;[5] and
- A full-time judge pro tempore, commissioner, or juvenile hearing officer serving the appellate courts or the superior court.[6]

The duty to file a Financial Disclosure Statement applies even if a person did not serve as a public officer during the entire year. A Financial Disclosure Statement must be filed if during the previous year a person:

- Qualified as a public officer but did not yet assume office;[7]
- Was elected or appointed and began serving in office; or
- Served in public office but resigned, retired, or left office for any reason.

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[1] A "public officer" is defined as "a member of the legislature and any judge of the court of appeals or the superior court, or a person holding an elective office the constituency of which embraces the entire geographical limits of this state." A.R.S. § 38-541(8). A "local public officer" is defined as "a person holding an elective office of an incorporated city or town, a county or a groundwater replenishment district established under title 48, chapter 27." A.R.S. § 38-541(6).
[2] A.R.S. § 18-444(D).
[3] A.R.S. § 38-541(8).
[4] A.R.S. § 38-541(8).
[5] A.R.S. § 38-541(8). Supreme Court justices are not expressly mentioned in statute but are required to file Financial Disclosure Statements by virtue of Ariz. Code of Jud. Conduct, Rule 3.15.
[6] Ariz. Supr. Ct. Admin Order 2012-93; Ariz. Code Jud. Admin. § 1-307.
[7] A.R.S. § 18-444(D). For example, a member of the Legislature "qualifies" as a public officer in November of the previous calendar year but does not assume office until January of the following year.

However, an exception exists for a public officer whose final term of office expires less than 31 days into the immediately following calendar year. In this case, a departing public officer may file his or her final Financial Disclosure Statement between January 1st and January 31st of the year in which they leave office instead of waiting for the following year.[8] In other words, for those public officers whose final term will end in January, their annual Financial Disclosure Statement should cover the entire previous calendar year *and* include any financial activity from January 1st of the current year through the date the public officer officially leaves office. This allows departing public officers to take care of all remaining reporting obligations at once.

Local public officers are also required to file Financial Disclosure Statements.[9]

2. Candidates for Elective Office

A candidate for a statewide or legislative office must also file a Financial Disclosure Statement with the Secretary of State at the same time he or she files a nomination paper to run for public office.[10] Federal candidates are exempt from filing a Financial Disclosure Statement with the Secretary of State's Office.[11]

Local candidates (other than precinct committeemen) are also required to file a Financial Disclosure Statement with the appropriate local filing officer.[12]

Filing a candidate-related Financial Disclosure Statement does not obviate the need to also file an annual Financial Disclosure Statement in accordance with the section outlined above.

B. Acquiring an Authorized Financial Disclosure Statement Form

1. Statewide, Legislative and Judicial Public Officers and Candidates Filing with the Secretary of State

The Secretary of State's Office has implemented an online wizard to facilitate completion of the Financial Disclosure form, which allows filer information to be stored from year-to-year for use in future filings. To complete and submit the form via the Secretary of State's Candidate Portal, please visit: https://apps.azsos.gov/apps/election/candidateportal.

Public officers filing with the Secretary of State may reference their historical annual Financial Disclosure Statements here: go.azsos.gov/FDSHistorical.

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[8] A.R.S. § 18-444(D).

[9] State law requires counties and incorporated cities and towns to adopt their own standards for Financial Disclosure Statements.[9] Such jurisdictions may tailor their Financial Disclosure Statements for local needs. A local public officer should check with the clerk or the filing office where candidates file nomination papers in a particular local jurisdiction for more information.

[10] A.R.S. § 16-311(I); A.R.S. § 16-312(C); A.R.S. § 16-341(K); A.R.S. § 38-543.

[11] A.R.S. § 38-541(8).

[12] A.R.S. § 16-311(I); A.R.S. § 16-312(C); A.R.S. § 16-341(K); A.R.S. § 38-543.

2. Local Public Officers and Candidates

Local public officers and candidates should contact the appropriate clerk or election filing office for information on obtaining a local Financial Disclosure Statement form.

C. Deadlines for Filing A Financial Disclosure Statement

1. Public Officers

a. Annual Filing Requirement

A person who served as a public officer at any time during a calendar year must file an annual Financial Disclosure Statement between January 1st and January 31st of the following calendar year.[13]

However, an exception exists for a public officer whose final term of office expires less than 31 days into the immediately following calendar year. In this case, a departing public officer may file his or her final Financial Disclosure Statement between January 1st and January 31st of the year in which they leave office instead of waiting for the following year.[14]

b. Requirement for Newly-Appointed Public Officers

In addition to filing an annual Financial Disclosure Statement, a newly appointed public officer (whether as a judicial official or to fill a vacancy in a statewide or a legislative office) must file a Financial Disclosure Statement within 60 days of the date of assuming office.[15] This Financial Disclosure Statement must cover the previous consecutive 12-month period, ending with the last full month prior to the date of assuming office.

If a public officer was appointed in January, he or she need only file *one* Financial Disclosure Statement because both the previous 12-month and annual reporting obligations will be satisfied. Otherwise, a newly-appointed public officer must file an annual Financial Disclosure Statement in January even if he or she recently filed a Financial Disclosure Statement upon appointment late in the previous calendar year.

2. Candidates for Elective Office

A candidate for elective office (other than a candidate for federal office or precinct committeeman) must file a Financial Disclosure Statement at the same time he or she files a nomination paper.[16] For a candidate seeking nomination through a primary election, the nomination paper typically must be filed between 120 days and 150 days before the election.[17]

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[13] A.R.S. § 18-444(D).
[14] A.R.S. § 18-444(D).
[15] A.R.S. § 18-444(D).
[16] A.R.S. § 16-311(I); A.R.S. § 16-312(C); A.R.S. § 16-341(K); A.R.S. § 38-543.
[17] A.R.S. § 16-311(A); *but see* A.R.S. § 16-312(B) (write-in candidates); A.R.S. § 16-951(B) (statewide and legislative candidates seeking public funding).

A judicial applicant for merit selection to the Superior Court does not need to file a Financial Disclosure Statement in conjunction with such application.

D. Where to File a Financial Disclosure Statement

1. Public Officers

The following public officers must file an annual Financial Disclosure Statement (or a Financial Disclosure Statement within 60 days of being newly appointed as a public office) with the Secretary of State's Office:

- A statewide public officer, whether elected or appointed;[18]
- A member of the Arizona Legislature, whether elected or appointed;[19]
- A justice or judge of the Arizona Supreme Court, Arizona Court of Appeals or Superior Court, whether elected or appointed;[20] and
- A full-time judge pro tempore, commissioner, or juvenile hearing officer serving the appellate courts or the superior court.[21]

A local public officer must file a Financial Disclosure Statement with the filing officer designated by local charter, ordinance, or resolution.

2. Candidates for Elective Office

A statewide or legislative candidate must file a Financial Disclosure Statement with the Secretary of State's Office.[22] A local candidate (other than a candidate for precinct committeeman) must file a Financial Disclosure Statement with the officer in charge of elections with whom nomination papers must be filed for the office in question.[23]

E. Enforcement

Upon referral by the Secretary of State, the Attorney General enforces the filing requirement against statewide, legislative or judicial public officers who fail to file by the statutory deadline.[24] Enforcement may include a civil penalty of $50 for each day the Financial Disclosure Statement is late (up to $500) until the Statement is filed.[25] Failure to file a Financial Disclosure Statement at the local level may result in referral to a local enforcement officer.

In addition, any public officer or candidate found to have knowingly filed an incomplete or a false Financial

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[18] A.R.S. § 38-541(8).
[19] A.R.S. § 38-541(8).
[20] A.R.S. § 38-541(8). Supreme Court justices are not expressly mentioned in statute but are required to file Financial Disclosure Statements by virtue of Ariz. Code of Jud. Conduct, Rule 3.15.
[21] Ariz. Supr. Ct. Admin Order 2012-93; Ariz. Code Jud. Admin. § 1-307.
[22] A.R.S. § 16-311(I).
[23] A.R.S. § 15-393(A)(4), (C)(5); A.R.S. § 15-422(A); A.R.S. § 15-431(B)(6); A.R.S. § 15-1442(A); A.R.S. § 16-311(F).
[24] A.R.S. § 38-544(B) (indicating the violations will be enforced according to the same standards as campaign finance complaints); *see also* A.R.S. §§ 16-937 to 16-938 (campaign finance enforcement provisions).
[25] A.R.S. § 38-544(B).

Disclosure Statement may be found guilty of a class 1 misdemeanor.[26]

Please note, the Secretary of State's Office or other local officer in charge of elections may refuse to accept a nomination paper from a candidate who fails to file an accompanying candidate-related Financial Disclosure Statement.[27]

F. Laws Governing Financial Disclosure Statements

Arizona Revised Statutes § 18-444, § 38-541, and §§ 38-543 to 38-545 govern Financial Disclosure Statements for public officers.

The Arizona Code of Judicial Conduct, Rule 3.15, Arizona Code of Judicial Administration, § 1-307, and Arizona Supreme Court Administrative Order 2012-93 govern Financial Disclosure Statements by Arizona justices, judges and full-time judge pro tems, commissioners, and juvenile hearing officers.

Counties, cities, and towns may have additional charter provisions, ordinances, or resolutions that govern the filing of Financial Disclosure Statements by local public officers and candidates.

[26] A.R.S. § 38-544(A).
[27] A.R.S. § 16-311(I)(1).

COMPLETING A FINANCIAL DISCLOSURE STATEMENT

A Financial Disclosure Statement requires the disclosure of your personal and business financial interests. You must answer all the questions on the Financial Disclosure Statement unless the question is inapplicable.

You must not only disclose financial information about yourself, but about your household members' financial interests as well. A member of your household is defined as:

- A spouse who resides in your household; and
- Any children 18 years old and younger who reside in your household (full or part time) and over whom you have joint or sole legal custody.

You are not required to identify your spouse or minor children by name. However, if you do choose to identify household members by name, the Secretary of State (or other local filing officer) will not redact that information in any internet posting or in response to any public request for your Financial Disclosure Statement. All information in a Financial Disclosure Statement is a public record.

A. Personal Financial Interests

1. Sources of Personal Compensation

You must provide the name and address of each employer who paid you or any member of your household more than $1,000 in salary, wages, commissions, tips or other forms of compensation (other than "gifts" discussed further below) during the period covered by the Financial Disclosure Statement. You must also describe the nature of each employer's business and the type of services for which you or a member of your household were compensated.

You must also disclose indirect sources of compensation exceeding $1,000 in cases where a third-party (outside your household) received anything of value for your or a member of your household's use or benefit. For example, if a person was paid by a third-party to be your personal housekeeper, you must identify the name and address of the person that performed the services that benefitted you, describe the nature of that person's services, and provide the name and address of the third-party who paid for the services on your behalf.

However, you need not disclose income of a business in this section, including money you or any member of your household received that constitutes income paid to a business that you or your household member owns or does business as (such as a sole proprietorship). This type of business income will be disclosed in the section relating to Business Financial Interests.[28]

2. Professional, Occupational and Business Licenses

You must disclose all professional, occupational or business licenses held by you or any member of your

[28] This information is disclosed in Question 12 of the Financial Disclosure Statement form.

household at any time during the period covered by the Financial Disclosure Statement. For example, if you hold a law license (whether active or inactive), you must identify the type of license, the person in the household that holds that license, and the jurisdiction or entity that issued the license.

This includes licenses in which you or a member of your household had an "interest," which includes (but is not limited to) any business license held by a "controlled" or "dependent" business as defined in Question 11 below.

3. Personal Creditors

You must disclose the name and address of each creditor to whom you or a member of your household owed a qualifying personal debt over $1,000 during any point during the period covered by the Financial Disclosure Statement. A "qualifying" debt is a personal debt *other than* the following types of debts:

- Debts resulting from the ordinary conduct of a business; [29]
- Debts on any personal residence or recreational property;
- Debts on motor vehicles used primarily for personal (not commercial) purposes;
- Debts secured by cash values on life insurance;
- Debts owed to relatives; or
- Personal credit card transactions or the value of any retail installment contracts you or your household member entered into.

Additionally, if the qualifying personal debt was either incurred for the first time or completely discharged (paid in full) during the period covered by the Financial Disclosure Statement, you must identify the date and disclose whether the debt was incurred or discharged

4. Personal Debtors

You must disclose the name of each debtor who owed you or a member of your household a debt over $1,000 at any time during the period covered by the Financial Disclosure Statement, along with the approximate value of the debt by financial category:

- $1,000 to $25,000;
- $25,001 to $100,000; or
- $100,001 +

Additionally, if the qualifying personal debt was either incurred for the first time or completely discharged (paid in full) during the period covered by the Financial Disclosure Statement, you must identify the date and disclose whether the debt was incurred or discharged.

5. Gifts

You must disclose the name of any donor who gave you or a member of your household a gift (or an

[29] This information is disclosed in Question 12 of the Financial Disclosure Statement form.

accumulation of gifts) during the preceding calendar year with a cumulative value over $500, subject to the exceptions listed below. A "gift" is defined as a gratuity (tip), special discount, favor, hospitality, service, economic opportunity, loan or other benefit received without adequate consideration or reciprocal value and not provided to members of the public at large. In other words, a gift is a personal benefit you or your household member received without providing an equivalent benefit in return.

You need not disclose the following as gifts:

- Gifts received by will;
- Gift received by intestate succession (in other words, gifts distributed to you or a household member according to Arizona's intestate succession laws, not by will);
- Gift distributed from an *inter vivos* (living) or testamentary (by will) trust established by a spouse or family member;
- Gifts received from any other member of the household;
- Gifts received from parents, grandparents, siblings, children and grandchildren; or
- Political campaign contributions reported on campaign finance reports.

Please note, the concept of a "gift" for purposes of a Financial Disclosure Statement is separate and distinct from the gift restrictions outlined in Arizona's lobbying statutes. Thus, disclosure in a lobbying report does not relieve you or a member of your household's duty to disclose qualifying gifts in this Financial Disclosure Statement.

6. Offices, Positions or Fiduciary Relationships in Businesses, Nonprofit Organizations or Trusts

You must disclose the name and address of each business, organization, trust or nonprofit organization or association in which you or any member of your household held any office, position, or fiduciary relationship during the period covered by the Financial Disclosure Statement, including a description of the office, position or relationship.

7. Ownership or Financial Interests in Businesses, Trusts or Investment Funds

You must disclose the name and address of each business, trust, or investment fund in which you or any member of your household had an ownership or beneficial interest of over $1,000 during the period covered by the Financial Disclosure Statement, along with the approximate value of the interest by financial category:

- $1,000 to $25,000;
- $25,001 to $100,000; or
- $100,001 +

The types of investment funds that must be disclosed include stocks, annuities, mutual funds, or retirement funds. Business investments include any financial interest in a limited liability company, partnership, joint venture, or sole proprietorship.

8. Ownership of Bonds

You must disclose any bonds issued by a state or local government agency worth more than $1,000 that you or a member of your household held during the period covered by the Financial Disclosure Statement, along with the approximate value of the bonds by financial category:

- $1,000 to $25,000;
- $25,001 to $100,000; or
- $100,001 +

Additionally, if the bonds were either acquired for the first time or completely divested (sold in full) during the period covered by the Financial Disclosure Statement, you must identify the date and disclose whether the bonds were first acquired or fully divested.

9. Real Property Ownership

You must disclose any Arizona land and improvements (other than your primary residence or property you use for personal recreation) which was owned by you or a member of your household during the period covered by the Financial Disclosure Statement, along with the approximate value of the land by financial category:

- $1,000 to $25,000;
- $25,001 to $100,000; or
- $100,001 +

You must also describe the property's location (city and state) and its approximate size (acreage or square footage).

Additionally, if the land was either acquired for the first time or completely divested (sold in full) during the period covered by the Financial Disclosure Statement, you must identify the date and disclose whether the land was first acquired or fully divested.

10. Travel Expenses

You must disclose the name and location of each meeting, conference, or other event you traveled to and participated in during the period covered by the Financial Disclosure Statement, if the following conditions were met:

- You participated in the meeting, conference, or other event in your official capacity as a public officer or candidate; and

- At least $1,000 in travel-related expenses were incurred on your behalf, regardless of whether the expenses were directly paid by a third-party or you were reimbursed by a third-party.[30]

Travel-related expenses include airfare, gas, lodging, meals, and other associated fees.

If the travel-related expenses exceeded $1,000 for a particular meeting, conference, or other event, you must disclose the approximate value of the total expenses:

- $1,000 to $25,000;
- $25,001 to $100,000; or
- $100,001 +

You do not need to disclose any personal monies you expended related to travel or any other personal expenses you incurred while traveling.[31]

B. Business Financial Interests

1. Business Names

You must disclose the name of any business under which you or any member of your household owns or did business (including if you or your household member were self-employed) during the period covered by the Financial Disclosure Statement, which includes any corporations, limited liability companies, partnerships, sole proprietorships or any other type of business conducted under a trade name.

You must also disclose whether the named business is "controlled" or "dependent." A business is "controlled" if you or any member of your household (individually or combined) had an ownership interest that amounts to more than 50%. On the other hand, a business is "dependent" if:

- You or any household member (individually or combined) had an ownership interest that amounts more than 10% in the business;
- The business received more than $10,000 from a single source during the period covered by the Financial Disclosure Statement; and
- The $10,000 or more in income from the single source amounted to more than 50% of the business' gross income for the period covered by the Financial Disclosure Statement.

If a business is both "controlled" and "dependent," it should be classified as such in the Financial Disclosure Statement.

Please note, the remaining questions in the Business Financial Interests section of the Financial Disclosure Statement only relate to controlled and dependent businesses. If you disclosed the name of a business interest in Question 12 but that business is neither "controlled" nor "dependent," the remaining questions in the Financial Disclosure Statement need not be answered.

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[30] A meeting, conference, or other event qualifies for potential disclosure regardless of whether the travel-related expenses were paid by an interest group, lobbyist, association, or the public officer's or candidate's own employer.

[31] A public officer or candidate who was accompanied by a protective security detail at government expense need not disclose any travel-related expenses for the security detail.

2. Controlled Business Information

If you designated a business as "controlled" in Question 12 of the Financial Disclosure Statement, you must disclose the goods or services provided by the controlled business.

You must also disclose whether the controlled business has a "major client," which applies if the following conditions are met:

- A single client or customer (whether a person or business) that accounted for more than $10,000 in income during the period covered by the Financial Disclosure Statement; and
- The business income received from a single client or customer constitutes at least 25% of the controlled business' gross income during the period covered by the Financial Disclosure Statement.

If the controlled business' client or customer is deemed a "major client," you must describe what services your controlled business provided to the major client (but you need not identify the major client by name). If the major client is a business, you must also describe the major client's type of business activities.

3. Dependent Business Information

If you designated a business as "dependent" in Question 12 of the Financial Disclosure Statement, you must disclose the goods or services provided by the dependent business.

You must also disclose whether the dependent business has a "major client," which applies if the following conditions are met:

- A single client or customer (whether a person or business) that accounted for more than $10,000 in income during the period covered by the Financial Disclosure Statement; and
- The business income received from a single client or customer constituted at least 25% of the dependent business' gross income during the period covered by the Financial Disclosure Statement.

If the dependent business' client or customer is deemed a "major client," you must describe what services your dependent business provided to the major client (but you need not identify the major client by name). If the major client is a business, you must also describe the major client's type of business activities.

4. Real Property Owned by a Controlled or Dependent Business

You must disclose any Arizona land, and improvements to this land, which was owned by a controlled or dependent business during the period covered by the Financial Disclosure Statement, along with the approximate value of the land by financial category:

- $1,000 to $25,000;
- $25,001 to $100,000; or
- $100,001 + [32]

[32] If the business is one that primarily deals in real property and improvements, you should select the category that corresponds to the aggregate value of all parcels held by the business during the period covered by the Financial Disclosure Statement.

You must also describe the property's location (city and state) and its approximate size (acreage or square footage).

Additionally, if the land was either acquired for the first time or completely divested (sold in full) during the period covered by the Financial Disclosure Statement, you must identify the date and disclose whether the land was first acquired or fully divested.

5. Controlled or Dependent Business' Creditors

You must disclose whether a controlled or dependent business has a "major creditor," which applies if the following conditions are met:

- The controlled or dependent business owed a debt of more than $10,000 to a single creditor (whether a person or business) during the period covered by the Financial Disclosure Statement; and
- The debt owed by a controlled or dependent business to a single creditor constituted at least 30% of the controlled or dependent business' total indebtedness at any time during the period covered by the Financial Disclosure Statement.

If the controlled or dependent business' creditor is deemed a "major creditor," you must disclose the name and address of the creditor.

Additionally, if the debt was either incurred for the first time or completely discharged (paid in full) during the period covered by the Financial Disclosure Statement, you must identify the date and disclose whether the debt was incurred or discharged.

6. Controlled or Dependent Business' Debtors

You must disclose whether a controlled or dependent business has a "major debtor," which applies if the following conditions are met:

- The controlled or dependent business is owed a debt of more than $10,000 by a single debtor (whether a person or business) during the period covered by the Financial Disclosure Statement; and
- The debt owed to a controlled or dependent business by a single debtor constituted at least 30% of the total indebtedness owed to the controlled or dependent business at any time during the period covered by the Financial Disclosure Statement.

If the controlled or dependent business' debtor is deemed a "major debtor," you must disclose the name of the debtor, along with the approximate value of the debt by financial category:

- $1,000 to $25,000;
- $25,001 to $100,000; or
- $100,001 +

Additionally, if the debt was either incurred for the first time or completely discharged (paid in full) during the period covered by the Financial Disclosure Statement, you must identify the date and disclose whether the debt was incurred or discharged.

LAWS GOVERNING FINANCIAL DISCLOSURE

A. Arizona Revised Statutes

A.R.S. § 18-444. Duty to file financial disclosure statement; contents; exceptions

A. In addition to other statements and reports required by law, every public officer, as a matter of public record, shall file with the secretary of state on a form prescribed by the secretary of state a verified financial disclosure statement covering the preceding calendar year. The statement shall disclose:

1. The name and home or work address of the public officer, whether the public officer's spouse is a member of the public officer's household, the number of minor children who are members of the public officer's household and all names and addresses under which each does business. If disclosure of the identity of the public officer's spouse or minor child would otherwise be required, a public officer may comply with the identification requirement by using the term "spouse" or "minor child", as applicable.

2. The name and address of each employer and of each other source of compensation other than gifts amounting to more than one thousand dollars received during the preceding calendar year by the public officer and members of his household in their own names, or by any other person for the use or benefit of the public officer or members of his household, a description of the services for which the compensation was received and the nature of the employer's business. This paragraph shall not be construed to require the disclosure of individual items of compensation that constituted a portion of the gross income of the business from which the public officer or members of his household derived compensation.

3. For a controlled business, a description of the goods or services provided by the business, and if any single source of compensation to the business during the preceding calendar year amounts to more than ten thousand dollars and is more than twenty-five percent of the gross income of the business, the disclosure shall also include a description of the goods or services provided to the source of compensation. For a dependent business the statement shall disclose a description of the goods or services provided by the business and a description of the goods or services provided to the source of compensation from which the dependent business derived the amount of gross income described in § 38-541, paragraph 4. If the source of compensation for a controlled or dependent business is a business, the statement shall disclose a description of the business activities engaged in by the source of compensation.

4. The names and addresses of all businesses and trusts in which the public officer or members of his household, or any other person for the use or benefit of the public officer or members of his household, had an ownership or beneficial interest of over one thousand dollars at any time during the preceding calendar year, and the names and addresses of all businesses and trusts in which the public officer or any member of his household held any office or had a fiduciary relationship at any time during the preceding calendar year, together with the amount or value of the interest and a description of the interest, office or relationship.

5. All Arizona real property interests and real property improvements, including specific location and approximate size, in which the public officer, any member of his household or a controlled or dependent business held legal title or a beneficial interest at any time during the preceding calendar year, and the value of any such interest, except that this paragraph does not apply to a real property interest and improvements

thereon used as the primary personal residence or for the personal recreational use of the public officer. If a public officer, any member of his household or a controlled or dependent business acquired or divested any such interest during the preceding calendar year, he shall also disclose that the transaction was made and the date it occurred. If the controlled or dependent business is in the business of dealing in real property interests or improvements, disclosure need not include individual parcels or transactions as long as the aggregate value of all parcels of such property is reported.

6. The names and addresses of all creditors to whom the public officer or members of his household, in their own names or in the name of any other person, owed a debt of more than one thousand dollars or to whom a controlled business or a dependent business owed a debt of more than ten thousand dollars which was also more than thirty percent of the total business indebtedness at any time during the preceding calendar year, listing each such creditor. This paragraph shall not be construed to require the disclosure of debts owed by the public officer or any member of his household resulting from the ordinary conduct of a business other than a controlled or dependent business nor shall disclosure be required of credit card transactions, retail installment contracts, debts on residences or recreational property exempt from disclosure under paragraph 5 of this subsection, debts on motor vehicles not used for commercial purposes, debts secured by cash values on life insurance or debts owed to relatives. It is sufficient disclosure of a creditor if the name and address of a person to whom payments are made is disclosed. If the public officer, any member of his household or a controlled or dependent business incurred or discharged a debt which is reportable under this subsection during the preceding calendar year, the report shall disclose that the transaction was made and the date it occurred.

7. The identification and amount of each debt exceeding one thousand dollars owed at any time during the preceding calendar year to the public officer and members of his household in their own names, or to any other person for the use or benefit of the public officer or any member of his household. The disclosure shall include the identification and amount of each debt exceeding ten thousand dollars to a controlled business or dependent business which was also more than thirty percent of the total indebtedness to the business at any time during the preceding calendar year. This paragraph shall not be construed to require the disclosure of debts from the ordinary conduct of a business other than a controlled or dependent business. If the public officer, any member of his household or a controlled or dependent business incurred or discharged a debt which is reportable under this subsection during the preceding year, the report shall disclose that the transaction was made and the date it occurred.

8. The name of each source of any gift, or accumulated gifts from a single source, of more than five hundred dollars received by the public officer and members of his household in their own names during the preceding calendar year, or by any other person for the use or benefit of the public officer or any member of his household except gifts received by will or by virtue of intestate succession, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor, or gifts received from any other member of the household or relatives to the second degree of consanguinity.

9. A list of all business licenses issued to, held by or in which the public officer or any member of his household had an interest at any time during the preceding calendar year, including the name in which the license was issued, the type of business and its location.

10. A list of all bonds, together with their value, issued by this state or any political subdivision of this state and held at any time during the preceding calendar year by the public officer or any member of his household, which bonds issued by a single entity had a value in excess of one thousand dollars. If the public officer or any

member of his household acquired or divested any bonds during the preceding calendar year which are reportable under this paragraph, the fact that the transaction occurred and the date shall also be shown.

11. The name of each meeting, conference or other event where the public officer is participating in the public officer's official capacity if travel-related expenses of one thousand dollars or more were incurred on behalf of the public officer and the travel-related expenses are not paid by the public officer.

B. If an amount or value is required to be reported pursuant to this section, it is sufficient to report whether the amount or value of the equity interest falls within:

1. Category 1, one thousand dollars to twenty-five thousand dollars.

2. Category 2, more than twenty-five thousand dollars to one hundred thousand dollars.

3. Category 3, more than one hundred thousand dollars.

C. This section does not require the disclosure of any information that is privileged by law.

D. The statement required to be filed pursuant to subsection A shall be filed by all persons who qualified as public officers at any time during the preceding calendar year on or before January 31 of each year with the exceptions that a public officer appointed to fill a vacancy shall, within sixty days following his taking of such office, file a financial disclosure statement covering as his annual period the twelve month period ending with the last full month prior to the date of his taking office, and a public officer whose final term expires less than thirty-one days into the immediately following calendar year may file the public officer's final financial disclosure at the same time as the disclosure for the last immediately preceding year.

E. The secretary of state shall prepare written guidelines, forms and samples for completing the financial disclosure statement required by this section. A copy of the guidelines, forms and samples shall be distributed to each public officer and shall be made available to each candidate required to file a financial disclosure statement pursuant to § 38-543.

F. Beginning January 1, 2017, the statement required to be filed in subsection D of this section may be filed by the public officer in a form prescribed by the secretary of state that includes authorization for future filings to be submitted in an electronic format. Any subsequent filings required to be filed in subsection D of this section may be filed in an electronic format as prescribed by the secretary of state. Beginning January 1, 2017, any statements that are required to be filed by a local public officer pursuant to an ordinance, rule, resolution or regulation adopted pursuant to § 38-545 may be filed in an electronic format as prescribed by the secretary of state.

A.R.S. § 38-541. Definitions

In this chapter, unless the context otherwise requires:

1. "Business" includes any enterprise, organization, trade, occupation or profession, whether or not operated as a legal entity or for profit, including any business trust, corporation, partnership, joint venture or sole proprietorship.

2. "Compensation" means anything of value or advantage, present or prospective, including the forgiveness of debt.

3. "Controlled business" means any business in which the public officer or any member of his household has an ownership or beneficial interest, individually or combined, amounting to more than a fifty percent interest.

4. "Dependent business" means any business in which the public officer or any member of his household has an ownership or beneficial interest, individually or combined, amounting to more than a ten percent interest, and during the preceding calendar year the business received from a single source more than ten thousand dollars and more than fifty percent of its gross income.

5. "Gift" includes any gratuity, special discount, favor, hospitality, service, economic opportunity, loan or other benefit received without equivalent consideration and not provided to members of the public at large. Gift does not include:

(a) Travel-related expenses that are publicly reported pursuant to this article.

(b) Political campaign contributions that are publicly reported pursuant to title 16, chapter 6.

6. "Local public officer" means a person holding an elective office of an incorporated city or town, a county or a groundwater replenishment district established under title 48, chapter 27.[1]

7. "Member of household" means a public officer's spouse and any minor child of whom the public officer has legal custody.

8. "Public officer" means a member of the legislature and any judge of the court of appeals or the superior court, or a person holding an elective office the constituency of which embraces the entire geographical limits of this state. Members of Congress are not public officers as defined in this paragraph.

9. "Travel-related expenses" means any costs associated with transportation, food, lodging and registration fees and other expenses directly related to travel to or from a meeting, conference or other event where the public officer is participating in the public officer's official capacity.

A.R.S. § 38-543. Duty to file financial disclosure statement by candidate for public office

A candidate for public office as specified in § 38-541, paragraph 8 shall file a financial disclosure statement covering the preceding twelve-month period and containing the information described in § 18-444 on a form prescribed by the secretary of state at the time of filing of nomination papers.

A.R.S. § 38-544. Violation; classification

A. Any public officer, local public officer or candidate who knowingly fails to file a financial disclosure statement required pursuant to § 18-444, 38-543 or 38-545, who knowingly files an incomplete financial disclosure statement or who knowingly files a false financial disclosure statement is guilty of a class 1 misdemeanor.

B. Any public officer, local public officer or candidate who violates this chapter is subject to a civil penalty of fifty dollars for each day of noncompliance but not more than five hundred dollars that may be imposed as prescribed in §§ 16-937 and 16-938.

A.R.S. § 38-545. Local public officers financial disclosure

Notwithstanding the provisions of any law, charter or ordinance to the contrary, every incorporated city or town or county shall by ordinance, rule, resolution or regulation adopt standards of financial disclosure consistent with the provisions of this chapter applicable to local public officers.

B. Arizona Supreme Court Administrative Orders

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:	)	
	)	
ARIZONA CODE OF JUDICIAL	)	Administrative Order
ADMINISTRATION § 1-307:	)	No. 2012 - 93
SPECIAL JUDICIAL OFFICER	)	
FINANCIAL DISCLOSURE	)	
	)	

The above-captioned provision implements the recommendations of the Presiding Judges and the Committee on Superior Court to uniformly apply to judges pro tempore, commissioners, and juvenile hearing officers the duty to file financial disclosure statements as provided by A.R.S. § 35-542 consistent with the purposes of financial disclosure statutes and the Code of Judicial Conduct. The above-captioned provision having come before the Arizona Judicial Council on June 18, 2012, and having been approved and recommended for adoption,

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the above-captioned provision, attached hereto, is adopted as a section of the Arizona Code of Judicial Administration, effective January 1, 2013.

Dated this 5th day of December, 2012.

REBECCA WHITE BERCH
Chief Justice

C. Arizona Code of Judicial Administration

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 1: Judicial Branch Administration
Chapter 3: Judicial Officers and Employees
Section 1-307: Special Judicial Officer Financial Disclosure

A. Definitions. In this section the following definitions apply:

"Commissioner" means a person appointed pursuant to A.R.S. § 12-213.

"Judge pro tempore" means a person appointed pursuant to Article 6, § 3 of the Arizona Constitution and A.R.S. §§ 12-141 or 12-145.

"Juvenile hearing officer" means a person appointed pursuant to A.R.S. § 8-323.

B. Applicability. All judges pro tempore serving an appellate court or the superior court and all commissioners and juvenile hearing officers serving the superior court on a full time basis.

C. Purpose. To uniformly apply the duty to file financial disclosure statements as provided by A.R.S. § 38-541 et. seq. to full time judges pro tempore, commissioners and juvenile hearing officers consistent with the purposes of the financial disclosure statutes and Rule 3.15 of the Code of Judicial Conduct.

D. Reporting Procedures.

1. Full time judges pro tempore, commissioners and juvenile hearing officers shall file a financial disclosure statement as provided by A.R.S. § 38-541 et. seq. upon appointment and annually. Financial disclosure statements cover the entire year served, January 1 through December 31, even if service was for only one day.

2. Pursuant to A.R.S. § 38-542(E), financial disclosure statements shall be filed between January 1 and January 31 and delivered or mailed to Arizona Secretary of State, Attn: Election Services Division, 1700 West Washington Street, 7th Floor, Phoenix, Arizona 85007.

3. Financial disclosure packets may be obtained from the presiding judge or court administrator or upon request from the Secretary of State Election Services. Printable versions are available through the Secretary of State web site www.azsos.gov.

D. Arizona Code of Judicial Conduct

Rule 3.15. Financial Reporting Requirements

(A) A judge shall file annually the financial disclosure statement required by A.R.S. § 38-542 or other applicable law. The completion and filing of the annual financial disclosure statement fulfills the reporting requirements set forth in this code.

(B) Reports made in compliance with this rule shall be filed as public documents in the office designated by law.

COMMENT

1. The information required to be reported by Rules 3.12, 3.13, and 3.14 is a portion of the information that must be included on the annual financial disclosure statement mandated by A.R.S. § 38-542 or other applicable law. A judge is obligated to disclose fully and accurately all information requested on the annual disclosure statement and does not fulfill the statutory obligation by reporting only the information required by Rules 3.12, 3.13, and 3.14. Applicable law requires sufficient disclosure of the financial interests of and gifts to a judge and members of his or her household to promote judicial accountability and integrity.

2. To avoid needless repetition of disclosure requirements, the Arizona judiciary deems compliance with the substantive legal requirement as sufficient to meet the ethical obligations of a judge and thus incorporates them in this code.