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## ARIZONA ATTORNEY GENERAL

LETTER

VANLANDINGHAM

December 14, 1959

I Concur

LES HARDY

I Concur

WADE CHURCH

Mr. Marvin S. Cohen  
Chief Civil Deputy County Attorney  
Pima County Courthouse  
Tucson, Arizona

Dear Mr. Cohen:

This will acknowledge your letter of November 2nd in which you present a proposed plan of the Bar Association to handle campaign contributions for judges by having the Bar Association accept all contributions from attorneys secretly and distribute them to the candidates for Superior Court judge equally with the exception of those instances in which the contribution was designated for a particular candidate and request our opinion as to the legality of such a plan under title 16, A.R.S.

We feel that A.R.S. §§ 16-422, 16-425, 16-451, 16-452, 16-453 and 16-401 are particularly pertinent and that they show the general intent of the Legislature to cover the field of campaign contributions and expenditures. We note that no exceptions are made and that particularly A.R.S. § 16-401, definition of a campaign committee, is of sufficient broadness to include a committee of the Bar Association and the plan suggested as outlined above.

The question turns, of course, on what is meant by the word "influence," and we find under the definition of "influence" the phrase - to affect, change or modify. We think that this term in its general sense means to affect a campaign in any way and not the limited sense of trying to swing a campaign a particular way. It is our conclusion that such a plan would affect a campaign, probably in a desirable way. However, the fact that it does affect the campaign would necessitate the committees making the reports required under this title and therefore destroy the purpose of the plan, since full disclosure of contributions received and made would be necessary.

Since the Legislature did not see fit to make exceptions, we think we would be overstepping the bounds of interpretation to interpolate an exception into the statute and, therefore, conclude that although the plan as such would not be illegal

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as long as the proper reports are made, the fact that the reports had to be made could destroy the purpose of the plan.

We have found no Supreme Court cases which deal with this matter, and the rules of interpretation are so generally well understood that we deem it not necessary to make those citations. However, if you feel there are other factors which we have not considered, we would be glad to discuss this matter with you further.

Respectfully submitted,

WADE CHURCH  
The Attorney General

JOHN VANLANDINGHAM  
Assistant Attorney General

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