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DISTRICT 25

Arizona House of Representatives
Phoenix, Arizona 85007

March 22, 2021

Via E-mail [AGOpinionRequests@azag.gov]

Beau Roysden
Solicitor General
Office of the Attorney General
2005 N. Central Avenue
Phoenix, AZ 85004

Re: Constitutionality of Phoenix City Code § 12-217

Dear Mr. Roysden:

Section 12-217 of the Phoenix City Code provides, in relevant part, that:

- a. It shall be unlawful for any candidate for nomination or election to any office of the City to receive, either directly or indirectly, from any employee of the City, any money, or other thing of value whatever, for the purpose of defraying the expenses of or furthering such candidate's nomination for or election to any City office.
- b. It shall be unlawful for any employee of the City, with the exception of elected City officials, to take part in the political management or affairs of any candidate's campaign for nomination or election to any City office other than to vote or privately express opinions. Except for City staff that conduct or give advice concerning City elections, privately expressing an opinion includes, but is not limited to, off-duty activities such as signing nominating or recall petitions, posting on personal or nongovernmental social media accounts, displaying a sign on nongovernment property, and communicating with another person or group of people when the employee does not do so in an official capacity.

Pursuant to A.R.S. § 41-193(A)(7), I request a legal opinion on the following question: Does Section 12-217(a)-(b) violate city employees' rights under the federal and state constitutions?

Sincerely,

A handwritten signature in black ink, appearing to be "Michelle Udall".

Michelle Udall
State Representative
Legislative District 25