

REFERENCE TITLE: elections; state authority; infringement; opposition

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
First Regular Session  
2021

## **HCR 2023**

Introduced by

Representatives Hoffman: Barton, Biasiucci, Blackman, Bolick, Bowers,  
Borges, Carroll, Chaplik, Cobb, Cook, Dunn, Fillmore, Finchem, Grantham,  
Griffin, John, Kaiser, Kavanagh, Nguyen, Nutt, Osborne, Parker, Payne,  
Pingerelli, Roberts, Toma, Weninger, Wilmeth, Senators Barto, Gowan,  
Leach, Livingston, Pace, Petersen, Rogers, Townsend

### **A CONCURRENT RESOLUTION**

**DECLARING THE STATE OF ARIZONA'S OPPOSITION TO ANY FEDERAL ACTION  
INFRINGING ON ARIZONA'S CONSTITUTIONAL POWER TO MANAGE, CONTROL AND  
ADMINISTER ELECTIONS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1           Whereas, the Constitution of the United States vests power in the  
2 states to manage, control and administer each state's own election laws;  
3 and

4           Whereas, the power over elections was preserved explicitly for the  
5 states by the Constitution; and

6           Whereas, this power was not delegated to the states by the federal  
7 government; and

8           Whereas, rare exceptions in the Constitution, such as the Elections  
9 Clause, the Fifteenth Amendment, the Nineteenth Amendment, the  
10 Twenty-fourth Amendment and the Twenty-sixth Amendment, do not extinguish  
11 the constitutional presumption that states have the constitutional power  
12 to set the terms of administering the election, designating electors and  
13 establishing other laws and protocols related to the election; and

14           Whereas, the Elections Clause of the Constitution was intended to  
15 prevent the states from suffocating the existence of the government of the  
16 United States, and no such contemplated effort has occurred; and

17           Whereas, the Elections Clause was to be sparingly used to intrude on  
18 state power to manage, control and administer state elections; and

19           Whereas, House Resolution 1 (H.R. 1), a bill introduced in the  
20 United States Congress, would obliterate the constitutional arrangement  
21 between the states and the government of the United States by usurping the  
22 constitutional power of states to manage, control and administer state  
23 elections by prohibiting various practices and mandating others such as  
24 forcing states to conduct an election over an extended period of time,  
25 prohibiting states from maintaining voter rolls free from error and  
26 obsolete information and forcing states to accept an elector who does not  
27 register to vote in advance, mandates related to mail voting, prohibitions  
28 against regulating ballot harvesting and scores of other intrusions into  
29 the power of states to manage, control and administer their elections; and

30           Whereas, H.R. 1 strikes at the very heart of the arrangement that  
31 gave rise to this nation, namely that states are sovereign and free from  
32 interference and the intrusion of power from the government of the United  
33 States absent clear constitutional authorization.

34 Therefore

35 Be it resolved by the House of Representatives of the State of Arizona,  
36 the Senate concurring:

37           1. That the Members of the Legislature oppose any attempt by the  
38 federal government to usurp, or otherwise interfere with, the state  
39 legislative sovereign authority over the management, control and  
40 administration of elections.

41           2. That the Members of the Legislature oppose H.R. 1 and any  
42 subsequent enactment of the terms of this proposal and implore the Members  
43 of the United States House of Representatives and the United States Senate  
44 to oppose the same.

1           3. That the Secretary of State of the State of Arizona transmit a  
2 copy of this Resolution to the President of the United States Senate, the  
3 Speaker of the United States House of Representatives, each Member of  
4 Congress from the State of Arizona and each Speaker of the House of  
5 Representatives and each President of the Senate of the other state  
6 legislatures.