

Senate Engrossed House Bill

~~preferential treatment; discrimination; prohibition~~
(now: elections; foreign contributions; donations; certification)

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE CONCURRENT RESOLUTION 2056

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; RELATING TO
ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona,
2 the Senate concurring:

3 1. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to elections, is enacted to become valid
5 as a law if approved by the voters and on proclamation of the Governor:

6 AN ACT

7 AMENDING TITLE 16, CHAPTER 4, ARTICLE 1, ARIZONA REVISED
8 STATUTES, BY ADDING SECTIONS 16-407.04 AND 16-407.05; AMENDING
9 TITLE 16, CHAPTER 6, ARTICLE 1.2, ARIZONA REVISED STATUTES, BY
10 ADDING SECTION 16-919; APPROPRIATING MONIES; RELATING TO
11 ELECTIONS.

12 Be it enacted by the Legislature of the State of Arizona:

13 Section 1. Title 16, chapter 4, article 1, Arizona
14 Revised Statutes, is amended by adding sections 16-407.04 and
15 16-407.05, to read:

16 16-407.04. Donations from a foreign source; election
17 administration; certification; records;
18 reports; violation; classification;
19 definition

20 A. A GOVERNMENT ENTITY IN THIS STATE MAY NOT USE MONIES
21 OR IN-KIND GOODS OR SERVICES DONATED, DIRECTLY OR INDIRECTLY,
22 BY A FOREIGN GOVERNMENT OR ANY FOREIGN NONGOVERNMENTAL SOURCE
23 FOR ELECTION ADMINISTRATION.

24 B. A PERSON OR VENDOR THAT PROVIDES SERVICES TO A
25 GOVERNMENT ENTITY FOR ELECTION ADMINISTRATION SHALL PROVIDE A
26 CERTIFICATION TO THE SECRETARY OF STATE THAT INCLUDES A DATED
27 AND SWORN STATEMENT, UNDER PENALTY OF PERJURY, THAT THE PERSON
28 IS NOT KNOWINGLY THE RECIPIENT, DIRECTLY OR INDIRECTLY, OF
29 DONATIONS FROM A FOREIGN SOURCE. THE PERSON SHALL ANNUALLY
30 UPDATE THE CERTIFICATION. IF THE PERSON OBTAINS INFORMATION
31 UNKNOWN AT THE TIME OF THE INITIAL CERTIFICATION, THE PERSON
32 SHALL UPDATE THE INITIAL CERTIFICATION WITHIN FIVE BUSINESS
33 DAYS TO REFLECT THE NEW INFORMATION AND SHALL INCLUDE A NEW
34 STATEMENT THAT THE PERSON IS NOT KNOWINGLY THE RECIPIENT,
35 DIRECTLY OR INDIRECTLY, OF DONATIONS FROM A FOREIGN
36 SOURCE. THIS PARAGRAPH DOES NOT APPLY TO A PERSON OR
37 ORGANIZATION WHEN PROVIDING A FACILITY THAT SERVES AS THE
38 VOTING LOCATION.

39 C. THE SECRETARY OF STATE SHALL REQUIRE GOVERNMENT
40 ENTITIES TO PROVIDE TO THE SECRETARY OF STATE A QUARTERLY
41 REPORT THAT LISTS ANY PERSON OR VENDOR THAT PROVIDES SERVICES
42 TO THAT GOVERNMENT ENTITY FOR ELECTION ADMINISTRATION. THE
43 SECRETARY OF STATE SHALL NOTIFY THE GOVERNMENT ENTITY BY EMAIL
44 IF THE GOVERNMENT ENTITY FAILS TO FILE ITS QUARTERLY REPORT
45 PRESCRIBED BY THIS SECTION AND ADVISE THE GOVERNMENT ENTITY

1 THAT SECTION 16-407.05 PROVIDES FOR POSSIBLE ENFORCEMENT
2 ACTIONS.

3 D. THE SECRETARY OF STATE SHALL MAINTAIN RECORDS OF THE
4 CERTIFICATIONS PRESCRIBED BY THIS SECTION AND SHALL POST THESE
5 CERTIFICATIONS ON THE SECRETARY OF STATE'S WEBSITE.

6 E. A PERSON OR VENDOR THAT FAILS TO PROVIDE THE
7 CERTIFICATION PRESCRIBED BY THIS SECTION OR THAT PROVIDES AN
8 INACCURATE CERTIFICATION TO THE SECRETARY OF STATE INVALIDATES
9 ANY AGREEMENT WITH THE GOVERNMENT ENTITY, AND THE STATE,
10 COUNTY OR LOCAL GOVERNMENT ENTITY IS BARRED FROM ENTERING INTO
11 OR CONTINUING ANY AGREEMENT WITH THAT PERSON.

12 F. A PERSON OR VENDOR THAT KNOWINGLY FAILS TO PROVIDE
13 AN ACCURATE INITIAL OR UPDATED CERTIFICATION AS PRESCRIBED BY
14 THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR.

15 G. FOR THE PURPOSES OF THIS SECTION, "PERSON" MEANS AN
16 INDIVIDUAL OR A CORPORATION OR OTHER ENTITY AS DEFINED IN
17 SECTION 16-901, BUT DOES NOT INCLUDE POLL WORKERS.

18 H. FOR THE PURPOSES OF THIS SECTION:

19 1. "FOREIGN NONGOVERNMENTAL SOURCE" IS ANY INDIVIDUAL
20 WHO IS NOT A UNITED STATES CITIZEN OR NATIONAL.

21 2. "FOREIGN GOVERNMENT" OR "FOREIGN NONGOVERNMENTAL
22 SOURCE" DOES NOT INCLUDE FEDERALLY RECOGNIZED SOVEREIGN TRIBAL
23 NATIONS.

24 16-407.05. Enforcement; attorney general; private right
25 of action

26 A. THE ATTORNEY GENERAL MAY FILE AN ACTION REGARDING A
27 KNOWING VIOLATION OF SECTION 16-407.04. THE ACTION MAY
28 INCLUDE A REQUEST FOR AN INJUNCTION, DAMAGES OF AT LEAST
29 \$5,000 FOR EACH KNOWING VIOLATION AND OTHER RELIEF THAT THE
30 COURT MAY PROVIDE. IN ADDITION TO THE PENALTIES PRESCRIBED BY
31 THIS SECTION, ANY PERSON THAT VIOLATES SECTION 16-407.04 IS
32 SUBJECT TO ALL OF THE PENALTIES PRESCRIBED IN SECTION
33 16-407.04.

34 B. ANY QUALIFIED ELECTOR AND ANY STATE OFFICER MAY
35 BRING A CIVIL ACTION TO DO ANY OR ALL OF THE FOLLOWING:

36 1. ENJOIN A VIOLATION OF SECTION 16-407.04.

37 2. ENFORCE ANY PROVISION OF SECTION 16-407.04.

38 C. IF THE CLAIMANT PREVAILS IN AN ACTION BROUGHT UNDER
39 SUBSECTION B OF THIS SECTION, THE COURT SHALL AWARD:

40 1. INJUNCTIVE RELIEF SUFFICIENT TO PREVENT THE
41 DEFENDANT FROM VIOLATING SECTION 16-407.04 OR ENGAGING IN ACTS
42 THAT AID OR ABET VIOLATIONS OF SECTION 16-407.04.

43 2. DAMAGES IN THE AMOUNT OF \$1,000 PER DAY FROM THE
44 DATE OF NONCOMPLIANCE UNTIL THE DEFENDANT COMES INTO
45 COMPLIANCE.

1 3. COSTS AND ATTORNEY FEES.

2 D. THE REMEDIES, DUTIES, PROHIBITIONS AND PENALTIES
3 PRESCRIBED BY THIS SECTION AND SECTION 16-407.04 ARE IN
4 ADDITION TO ALL OTHER CAUSES OF ACTION, REMEDIES AND PENALTIES
5 PROVIDED BY LAW.

6 Sec. 2. Title 16, chapter 6, article 1.2, Arizona
7 Revised Statutes, is amended by adding section 16-919, to
8 read:

9 16-919. Foreign contributions prohibited; ballot
10 measures; certification

11 A. A FOREIGN GOVERNMENT SHALL NOT GIVE AND A PERSON,
12 ENTITY OR COMMITTEE SHALL NOT ACCEPT OR USE MONIES OR IN-KIND
13 GOODS OR SERVICES CONTRIBUTED BY A FOREIGN GOVERNMENT OR A
14 FOREIGN NONGOVERNMENTAL SOURCE TO INFLUENCE THE OUTCOME OF AN
15 ELECTION ON A BALLOT MEASURE.

16 B. A PERSON, ENTITY OR COMMITTEE THAT IS REQUIRED TO
17 FILE CAMPAIGN FINANCE REPORTS PURSUANT TO SECTION 16-926 SHALL
18 CERTIFY UNDER PENALTY OF PERJURY IN THOSE REPORTS THAT THE
19 PERSON, ENTITY OR COMMITTEE HAS NOT ACCEPTED OR USED MONIES OR
20 IN-KIND GOODS OR SERVICES IN VIOLATION OF SUBSECTION A OF THIS
21 SECTION.

22 C. FOR THE PURPOSES OF THIS SECTION:

23 1. "FOREIGN NONGOVERNMENTAL SOURCE" IS ANY INDIVIDUAL
24 WHO IS NOT A UNITED STATES CITIZEN OR NATIONAL.

25 2. "FOREIGN GOVERNMENT" OR "FOREIGN NONGOVERNMENTAL
26 SOURCE" DOES NOT INCLUDE FEDERALLY RECOGNIZED SOVEREIGN TRIBAL
27 NATIONS.

28 2. The Secretary of State shall submit this proposition to the
29 voters at the next general election as provided by article IV, part 1,
30 section 1, Constitution of Arizona.