

REFERENCE TITLE: foreign donations; election administration; certification

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1374

Introduced by
Senators Bolick: Borrelli, Farnsworth, Gowan, Hoffman, Kavanagh;
Representatives Jones, McGarr, Montenegro, Parker J, Wilmeth

AN ACT

AMENDING TITLE 16, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTIONS 16-407.04 AND 16-407.05; RELATING TO CONDUCT OF ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 16-407.04. Foreign donations; election administration;
5 certification; records; reports; violation;
6 classification; definition

7 A. AT LEAST TEN BUSINESS DAYS BEFORE ANY PERSON OTHER THAN A
8 GOVERNMENT ENTITY ENTERS INTO ANY AGREEMENT, MEMBERSHIP OR PROGRAM WITH
9 ANY GOVERNMENT ENTITY TO PROVIDE MONIES OR IN-KIND GOODS OR SERVICES FOR
10 ELECTION ADMINISTRATION, THE PERSON SHALL PROVIDE A CERTIFICATION TO THE
11 SECRETARY OF STATE THAT INCLUDES A DATED AND SWORN STATEMENT, UNDER
12 PENALTY OF PERJURY, THAT THE PERSON IS NOT KNOWINGLY THE RECIPIENT,
13 DIRECTLY OR INDIRECTLY, OF FOREIGN DONATIONS. THE PERSON SHALL ANNUALLY
14 UPDATE THE CERTIFICATION. IF THE PERSON OBTAINS INFORMATION UNKNOWN AT
15 THE TIME OF THE INITIAL CERTIFICATION, THE PERSON SHALL UPDATE THE INITIAL
16 CERTIFICATION WITHIN FIVE BUSINESS DAYS TO REFLECT THE NEW INFORMATION AND
17 SHALL INCLUDE A NEW STATEMENT THAT THE PERSON IS NOT KNOWINGLY THE
18 RECIPIENT, DIRECTLY OR INDIRECTLY, OF FOREIGN DONATIONS.

19 B. THE SECRETARY OF STATE SHALL MAINTAIN RECORDS OF THE
20 CERTIFICATIONS PRESCRIBED BY THIS SECTION AND SHALL POST THESE
21 CERTIFICATIONS ON THE SECRETARY OF STATE'S WEBSITE.

22 C. THE SECRETARY OF STATE SHALL REQUIRE GOVERNMENT ENTITIES TO
23 PROVIDE TO THE SECRETARY OF STATE A QUARTERLY REPORT THAT LISTS ANY PERSON
24 WHO PROVIDES MONIES OR IN-KIND GOODS OR SERVICES TO THAT GOVERNMENT ENTITY
25 FOR ELECTION ADMINISTRATION. THE SECRETARY OF STATE SHALL AUDIT THE
26 QUARTERLY REPORTS PERIODICALLY TO ENSURE COMPLIANCE WITH THE CERTIFICATION
27 REQUIREMENT.

28 D. THE FAILURE TO PROVIDE THE CERTIFICATION PRESCRIBED BY THIS
29 SECTION OR PROVIDING AN INACCURATE CERTIFICATION TO THE SECRETARY OF STATE
30 BEFORE ENTERING INTO AN AGREEMENT OR MEMBERSHIP OR PARTICIPATING IN A
31 PROGRAM WITH A STATE, COUNTY OR LOCAL GOVERNMENT ENTITY INVALIDATES ANY
32 AGREEMENT, MEMBERSHIP OR PROGRAM PARTICIPATION AND BARS THE STATE, COUNTY
33 OR LOCAL GOVERNMENT ENTITY FROM ENTERING INTO OR CONTINUING ANY AGREEMENT,
34 MEMBERSHIP OR PROGRAM PARTICIPATION WITH THE PERSON.

35 E. A PERSON WHO KNOWINGLY FAILS TO PROVIDE AN ACCURATE INITIAL OR
36 UPDATED CERTIFICATION AS PRESCRIBED BY THIS SECTION IS GUILTY OF A CLASS 1
37 MISDEMEANOR.

38 F. FOR THE PURPOSES OF THIS SECTION, "PERSON" MEANS AN INDIVIDUAL
39 OR A CANDIDATE, CORPORATION OR OTHER ENTITY OR A COMMITTEE AS DEFINED IN
40 SECTION 16-901.

41 16-407.05. Enforcement; attorney general; private right of
42 action

43 A. THE ATTORNEY GENERAL MAY FILE AN ACTION REGARDING A KNOWING
44 VIOLATION OF SECTION 16-407.04. THE ACTION MAY INCLUDE A REQUEST FOR AN
45 INJUNCTION, DAMAGES OF AT LEAST \$5,000 FOR EACH KNOWING VIOLATION AND

1 OTHER RELIEF THAT THE COURT MAY PROVIDE. IN ADDITION TO THE PENALTIES
2 PRESCRIBED BY THIS SECTION, ANY PERSON THAT VIOLATES SECTION 16-407.04 IS
3 SUBJECT TO ALL OF THE PENALTIES PRESCRIBED IN SECTION 16-407.04.
4 B. ANY QUALIFIED ELECTOR AND ANY STATE OFFICER MAY BRING A CIVIL
5 ACTION TO DO ANY OR ALL OF THE FOLLOWING:
6 1. ENJOIN A VIOLATION OF SECTION 16-407.04.
7 2. ENFORCE ANY PROVISION OF SECTION 16-407.04.
8 C. IF THE CLAIMANT PREVAILS IN AN ACTION BROUGHT UNDER SUBSECTION B
9 OF THIS SECTION, THE COURT SHALL AWARD:
10 1. INJUNCTIVE RELIEF SUFFICIENT TO PREVENT THE DEFENDANT FROM
11 VIOLATING SECTION 16-407.04 OR ENGAGING IN ACTS THAT AID OR ABET
12 VIOLATIONS OF SECTION 16-407.04.
13 2. DAMAGES IN THE AMOUNT OF \$1,000 PER DAY FROM THE DATE OF
14 NONCOMPLIANCE UNTIL THE DEFENDANT COMES INTO COMPLIANCE.
15 3. COSTS AND ATTORNEY FEES.
16 D. THE REMEDIES, DUTIES, PROHIBITIONS AND PENALTIES PRESCRIBED BY
17 THIS SECTION AND SECTION 16-407.04 ARE IN ADDITION TO ALL OTHER CAUSES OF
18 ACTION, REMEDIES AND PENALTIES PROVIDED BY LAW.