

REFERENCE TITLE: elections; foreign contributions; donations;
certification

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HCR 2040

Introduced by
Representative Montenegro

A CONCURRENT RESOLUTION

**ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE 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; RELATING TO ELECTIONS.

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

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

15 16-407.04. Donations from a foreign source; election
16 administration; certification; reports;
17 posting requirement; violation;
18 classification; definitions

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

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

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

16 1. FOREIGN GOVERNMENT DOES NOT INCLUDE A FEDERALLY
17 RECOGNIZED SOVEREIGN TRIBAL NATION.

18 2. "FOREIGN NONGOVERNMENTAL SOURCE":

19 (a) MEANS ANY INDIVIDUAL WHO IS NOT A UNITED STATES
20 CITIZEN OR NATIONAL.

21 (b) DOES NOT INCLUDE A FEDERALLY RECOGNIZED SOVEREIGN
22 TRIBAL NATION.

23 3. "PERSON":

24 (a) MEANS AN INDIVIDUAL, CORPORATION OR ENTITY AS
25 DEFINED IN SECTION 16-901.

26 (b) DOES NOT INCLUDE A POLL WORKER.

27 16-407.05. Enforcement; attorney general; private right
28 of action

29 A. THE ATTORNEY GENERAL MAY FILE AN ACTION REGARDING A
30 KNOWING VIOLATION OF SECTION 16-407.04. THE ACTION MAY
31 INCLUDE A REQUEST FOR AN INJUNCTION, DAMAGES OF AT LEAST
32 \$5,000 FOR EACH KNOWING VIOLATION AND OTHER RELIEF THAT THE
33 COURT MAY PROVIDE. IN ADDITION TO THE PENALTIES PRESCRIBED BY
34 THIS SECTION, ANY PERSON THAT VIOLATES SECTION 16-407.04 IS
35 SUBJECT TO ALL OF THE PENALTIES PRESCRIBED IN SECTION
36 16-407.04.

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

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

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

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

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

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

4 3. COSTS AND ATTORNEY FEES.

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

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

12 16-919. Foreign contributions prohibited; ballot
13 measures; certification; definition

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

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

25 C. FOR THE PURPOSES OF THIS SECTION:

26 1. FOREIGN GOVERNMENT DOES NOT INCLUDE FEDERALLY
27 RECOGNIZED SOVEREIGN TRIBAL NATIONS.

28 2. "FOREIGN NONGOVERNMENTAL SOURCE":

29 (a) MEANS ANY INDIVIDUAL WHO IS NOT A UNITED STATES
30 CITIZEN OR NATIONAL.

31 (b) DOES NOT INCLUDE FEDERALLY RECOGNIZED SOVEREIGN
32 TRIBAL NATIONS.

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