



Bill Number: S.C.R. 1027

Rogers Floor Amendment

Reference to: printed resolution

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

1. Expands the list of foreign nationals that are prohibited from contributing to ballot measures to include foreign political parties, entities that are organized under or have a principal place of business in a foreign country, and any U.S. entity that is wholly or majority owned by any foreign national, unless certain exceptions apply.
2. Prohibits foreign nationals from directing, controlling, or directly or indirectly participating in a decision-making process regarding activities that influence the outcome of a ballot initiative or referendum.
3. Requires a person filing campaign finance reports to affirm that each person that contributed to influence the outcome of a ballot measure is not a foreign national and has not knowingly used prohibited foreign contributions exceeding an aggregate of \$100,000 within the four-year period immediately preceding the date the contribution was made.
4. Directs the Secretary of State to require any person, entity or committee that files a statement of organization with intent to influence the outcome of a ballot measure to certify that no preliminary activity was funded by prohibited sources (*preliminary activity* is defined as conducting a poll or focus group, drafting ballot measure language, making telephone calls or travelling).
5. Requires a person who makes outlined contributions or expenditures to provide a sworn certification to the Secretary of State and the applicable person, entity or committee treasurer that the person is not a foreign national and has not knowingly received prohibited monies aggregating more than \$100,000 within the previous 4 years from prohibited sources, unless the person has provided common goods.
6. Defines *common goods* as items that are commonly used across a wide variety of organizations and that are not specific to the administration of elections.
7. Stipulates that a determination that a person required to provide prescribed certifications has accepted prohibited monies from foreign nationals aggregating more than \$100,000 is presumed to have violated prohibitions against such activity.
8. Stipulates that nothing in this legislation shall be deemed to create or eliminate any existing donor disclosure rights or duties beyond those enumerated in this section.

- 9. Requires any person who makes a ballot measure expenditure, and a person, entity or committee that receives such expenditures to keep and preserve a record of the expenditure for at least two years following the end of the applicable election cycle.**
- 10. Modifies definitions and makes technical and conforming changes.**

ROGERS FLOOR AMENDMENT
SENATE AMENDMENTS TO S.C.R. 1027
(Reference to printed resolution)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.

[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<Green strikeout in carets>> indicates a section removed from the bill.

1 The resolution as proposed to be amended is reprinted as follows:

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

5 AN ACT

6 AMENDING TITLE 16, CHAPTER 4, ARTICLE 1, ARIZONA REVISED
7 STATUTES, BY ADDING SECTIONS 16-407.04 AND 16-407.05; AMENDING
8 TITLE 16, CHAPTER 6, ARTICLE 1.2, ARIZONA REVISED STATUTES, BY
9 ADDING SECTION 16-919; AMENDING TITLE 16, CHAPTER 6, ARTICLE
10 13, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-923;
11 RELATING TO 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 national; election
17 administration; certification; quarterly
18 reports; records; violation;
19 classification; definitions

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

25 B. A PERSON OR VENDOR THAT PROVIDES SERVICES TO A
26 GOVERNMENT ENTITY FOR ELECTION ADMINISTRATION SHALL PROVIDE A
27 CERTIFICATION TO THE SECRETARY OF STATE THAT INCLUDES A DATED
28 AND SWORN STATEMENT, UNDER PENALTY OF PERJURY, THAT THE PERSON
29 IS NOT KNOWINGLY THE RECIPIENT, DIRECTLY OR INDIRECTLY, OF

1 DONATIONS FROM A FOREIGN ~~[SOURCE]~~[NATIONAL]. THE PERSON SHALL
2 ANNUALLY UPDATE THE CERTIFICATION. IF THE PERSON OBTAINS
3 INFORMATION ~~[THAT WAS]~~ UNKNOWN AT THE TIME OF THE INITIAL
4 CERTIFICATION, THE PERSON SHALL UPDATE THE INITIAL
5 CERTIFICATION WITHIN FIVE BUSINESS DAYS TO REFLECT THE NEW
6 INFORMATION AND SHALL INCLUDE A NEW STATEMENT THAT THE PERSON
7 IS NOT KNOWINGLY THE RECIPIENT, DIRECTLY OR INDIRECTLY, OF
8 DONATIONS FROM A FOREIGN ~~[SOURCE]~~ [NATIONAL]. THIS SUBSECTION
9 DOES NOT APPLY TO A PERSON OR ORGANIZATION WHEN PROVIDING
10 [COMMON GOODS OR] A FACILITY THAT SERVES AS THE VOTING
11 LOCATION.

12 C. THE SECRETARY OF STATE SHALL REQUIRE GOVERNMENT
13 ENTITIES TO PROVIDE TO THE SECRETARY OF STATE A QUARTERLY
14 REPORT THAT LISTS ANY PERSON OR VENDOR THAT PROVIDES SERVICES
15 TO THAT GOVERNMENT ENTITY FOR ELECTION ADMINISTRATION. THE
16 SECRETARY OF STATE SHALL NOTIFY THE GOVERNMENT ENTITY BY EMAIL
17 IF THE GOVERNMENT ENTITY FAILS TO FILE ITS QUARTERLY REPORT
18 PRESCRIBED BY THIS SUBSECTION AND ADVISE THE GOVERNMENT ENTITY
19 THAT SECTION 16-407.05 PROVIDES FOR POSSIBLE ENFORCEMENT
20 ACTIONS.

21 D. THE SECRETARY OF STATE SHALL MAINTAIN RECORDS OF THE
22 CERTIFICATIONS PRESCRIBED BY THIS SECTION AND SHALL POST THESE
23 CERTIFICATIONS ON THE SECRETARY OF STATE'S WEBSITE.

24 E. A PERSON OR VENDOR THAT FAILS TO PROVIDE THE
25 CERTIFICATION PRESCRIBED BY THIS SECTION OR THAT PROVIDES AN
26 INACCURATE CERTIFICATION TO THE SECRETARY OF STATE INVALIDATES
27 ANY AGREEMENT WITH THE GOVERNMENT ENTITY, AND THE STATE,
28 COUNTY OR LOCAL GOVERNMENT ENTITY IS BARRED FROM ENTERING INTO
29 OR CONTINUING ANY AGREEMENT WITH THAT PERSON.

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

33 G. FOR THE PURPOSES OF THIS SECTION:

34 [1. "COMMON GOODS" MEANS ITEMS THAT ARE COMMONLY USED
35 ACROSS A WIDE VARIETY OF ORGANIZATIONS AND THAT ARE NOT
36 SPECIFIC TO THE ADMINISTRATION OF ELECTIONS.]

37 ~~[1. "FOREIGN GOVERNMENT" DOES NOT INCLUDE FEDERALLY~~
38 ~~RECOGNIZED SOVEREIGN TRIBAL NATIONS.]~~

39 ~~2. "FOREIGN NONGOVERNMENTAL SOURCE":]~~

40 [2. "FOREIGN NATIONAL":]

41 [(a)] MEANS [ANY]:]

42 [(i) AN] INDIVIDUAL WHO IS NOT A [CITIZEN OR LAWFUL
43 PERMANENT RESIDENT OF THE] UNITED STATES [CITIZEN OR
44 NATIONAL].

1 [(ii) A GOVERNMENT, SUBDIVISION OR MUNICIPALITY OF A
2 FOREIGN COUNTRY.]

3 [(iii) A FOREIGN POLITICAL PARTY.]

4 [(iv) ANY ENTITY AS DEFINED IN SECTION 16-901 THAT IS
5 ORGANIZED UNDER THE LAWS OF OR HAS ITS PRINCIPAL PLACE OF
6 BUSINESS IN A FOREIGN COUNTRY.]

7 [(v) ANY UNITED STATES ENTITY AS DEFINED IN SECTION
8 16-901 THAT IS WHOLLY OR MAJORITY OWNED BY ANY FOREIGN
9 NATIONAL UNLESS ANY CONTRIBUTION OR EXPENDITURE THE ENTITY
10 MAKES DERIVES ENTIRELY FROM MONIES GENERATED BY THE ENTITY'S
11 OPERATIONS IN THE UNITED STATES AND ALL DECISIONS CONCERNING
12 THE CONTRIBUTION OR EXPENDITURE ARE MADE BY INDIVIDUALS WHO
13 ARE UNITED STATES CITIZENS OR PERMANENT RESIDENTS, EXCEPT FOR
14 DECISIONS SETTING OVERALL BUDGET AMOUNTS.]

15 [(b)] DOES NOT INCLUDE FEDERALLY RECOGNIZED SOVEREIGN
16 TRIBAL NATIONS.

17 [3.] "PERSON":

18 (a) MEANS AN INDIVIDUAL OR A CORPORATION OR OTHER
19 ENTITY AS DEFINED IN SECTION 16-901.

20 (b) DOES NOT INCLUDE POLL WORKERS.

21 16-407.05. Enforcement; attorney general; civil action
22 for damages

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

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

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

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

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

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

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

43 3. COSTS AND ATTORNEY FEES.

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

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

8 16-919. Foreign contributions prohibited; ballot
9 measures; certification; definitions

10 A. A FOREIGN ~~[GOVERNMENT]~~ ~~[NATIONAL]~~ SHALL NOT ~~[GIVE~~
11 ~~AND A]~~ ~~[DIRECT, DICTATE, CONTROL OR DIRECTLY OR INDIRECTLY~~
12 ~~PARTICIPATE IN THE DECISION-MAKING PROCESS OF ANY]~~ PERSON,
13 ENTITY OR COMMITTEE ~~[WITH REGARD TO THAT PERSON'S, ENTITY'S OR~~
14 ~~COMMITTEE'S ACTIVITIES TO INFLUENCE THE OUTCOME OF A BALLOT~~
15 ~~INITIATIVE OR REFERENDUM.~~

16 B. A PERSON, ENTITY OR COMMITTEE] SHALL NOT ~~[KNOWINGLY~~
17 ~~OR WILFULLY RECEIVE, SOLICIT,]~~ ACCEPT OR USE ~~[MONIES]~~
18 ~~[CONTRIBUTIONS, EXPENDITURES]~~ OR IN-KIND GOODS OR SERVICES
19 THAT ARE CONTRIBUTED ~~[DIRECTLY OR INDIRECTLY]~~ BY A FOREIGN
20 ~~[GOVERNMENT OR A FOREIGN NONGOVERNMENTAL SOURCE]~~ ~~[NATIONAL]~~ TO
21 INFLUENCE THE OUTCOME OF AN ELECTION ON A BALLOT MEASURE.

22 ~~[B.]~~ ~~[C.]~~ A PERSON, ENTITY OR COMMITTEE THAT IS
23 REQUIRED TO FILE CAMPAIGN FINANCE REPORTS PURSUANT TO SECTION
24 16-926 SHALL~~[:~~

25 1.] CERTIFY UNDER PENALTY OF PERJURY IN THOSE REPORTS
26 THAT THE PERSON, ENTITY OR COMMITTEE HAS NOT ~~[KNOWINGLY OR~~
27 ~~WILFULLY RECEIVED, SOLICITED,]~~ ACCEPTED OR USED ~~[MONIES]~~
28 ~~[CONTRIBUTIONS, EXPENDITURES]~~ OR IN-KIND GOODS OR SERVICES IN
29 VIOLATION OF SUBSECTION ~~[A-]~~ ~~[B]~~ OF THIS SECTION.

30 [2. AFFIRM THAT EACH PERSON THAT CONTRIBUTED TO
31 INFLUENCE THE OUTCOME OF AN ELECTION ON A BALLOT MEASURE IS
32 NOT A FOREIGN NATIONAL AND HAS NOT KNOWINGLY OR WILFULLY
33 RECEIVED, SOLICITED OR ACCEPTED, WHETHER DIRECTLY OR
34 INDIRECTLY, CONTRIBUTIONS, EXPENDITURES OR IN-KIND GOODS OR
35 SERVICES FROM ONE OR MORE PROHIBITED SOURCES AGGREGATING MORE
36 THAN \$100,000 WITHIN THE FOUR-YEAR PERIOD IMMEDIATELY
37 PRECEDING THE DATE ON WHICH THE CONTRIBUTION IS MADE.

38 D. THE SECRETARY OF STATE SHALL REQUIRE ANY PERSON,
39 ENTITY OR COMMITTEE THAT FILES A STATEMENT OF ORGANIZATION
40 PURSUANT TO SECTION 16-906 WITH THE INTENT OR PURPOSE OF
41 INFLUENCING THE OUTCOME OF AN ELECTION ON A BALLOT MEASURE TO
42 CERTIFY THAT NO PRELIMINARY ACTIVITY WAS FUNDED BY PROHIBITED
43 SOURCES, WHETHER DIRECTLY OR INDIRECTLY.

1 E. A PERSON THAT MAKES A CONTRIBUTION TO A PERSON,
2 ENTITY OR COMMITTEE THAT IS REQUIRED TO FILE A CAMPAIGN
3 FINANCE REPORT PURSUANT TO SECTION 16-926 FOR INFLUENCING THE
4 OUTCOME OF AN ELECTION ON A BALLOT MEASURE OR A PERSON THAT
5 MAKES A BALLOT MEASURE EXPENDITURE THAT IS REQUIRED TO BE
6 REPORTED UNDER SECTION 16-926 SHALL PROVIDE WITHIN FORTY-EIGHT
7 HOURS AFTER MAKING THAT CONTRIBUTION OR EXPENDITURE A
8 CERTIFICATION TO THE PERSON, THE ENTITY OR THE COMMITTEE
9 TREASURER, IF APPLICABLE, AND THE SECRETARY OF STATE THAT
10 INCLUDES A DATED AND SWORN STATEMENT UNDER PENALTY OF PERJURY
11 THAT THE PERSON IS NOT A FOREIGN NATIONAL, THAT THE PERSON HAS
12 NOT KNOWINGLY OR WILFULLY RECEIVED, SOLICITED OR ACCEPTED,
13 WHETHER DIRECTLY OR INDIRECTLY, CONTRIBUTIONS, EXPENDITURES OR
14 IN-KIND GOODS OR SERVICES FROM ONE OR MORE PROHIBITED SOURCES
15 AGGREGATING MORE THAN \$100,000 WITHIN THE FOUR-YEAR PERIOD
16 IMMEDIATELY PRECEDING THE DATE ON WHICH THE CONTRIBUTION OR
17 EXPENDITURE IS MADE AND THAT THE PERSON WILL NOT ACCEPT
18 CONTRIBUTIONS, EXPENDITURES OR IN-KIND GOODS OR SERVICES FROM
19 A FOREIGN NATIONAL UNTIL AFTER THE DATE OF THE ELECTION IN
20 WHICH THE BALLOT MEASURE WILL APPEAR ON THE BALLOT. THIS
21 SUBSECTION DOES NOT APPLY TO A PERSON OR ORGANIZATION WHEN
22 PROVIDING COMMON GOODS.

23 F. THE CERTIFICATIONS PRESCRIBED BY THIS SECTION ARE IN
24 ADDITION TO ANY REPORTS REQUIRED BY SECTION 16-926.

25 G. NOTHING IN THIS SECTION SHALL BE DEEMED TO CREATE OR
26 ELIMINATE ANY EXISTING DONOR DISCLOSURE RIGHTS OR DUTIES
27 BEYOND THOSE ENUMERATED IN THIS SECTION.

28 H. A DETERMINATION THAT A PERSON REQUIRED TO PROVIDE
29 THE CERTIFICATION PRESCRIBED BY THIS SECTION HAS ACCEPTED
30 CONTRIBUTIONS, EXPENDITURES OR IN-KIND GOODS OR SERVICES FROM
31 FOREIGN NATIONALS IN AN AGGREGATE AMOUNT OF MORE THAN \$100,000
32 WITHIN THE APPLICABLE FOUR-YEAR PERIOD CREATES A PRESUMPTION
33 THAT THE PERSON IS IN VIOLATION OF THIS SECTION.

34 ~~[C.]~~ [I.] FOR THE PURPOSES OF THIS SECTION:

35 [1. "COMMON GOODS" MEANS ITEMS THAT ARE COMMONLY USED
36 ACROSS A WIDE VARIETY OF ORGANIZATIONS AND THAT ARE NOT
37 SPECIFIC TO INFLUENCING THE OUTCOME OF AN ELECTION ON A BALLOT
38 MEASURE.]

39 ~~[1. FOREIGN GOVERNMENT DOES NOT INCLUDE FEDERALLY~~
40 ~~RECOGNIZED SOVEREIGN TRIBAL NATIONS.~~

41 ~~2. "FOREIGN NONGOVERNMENTAL SOURCE":~~

42 ~~(a) MEANS ANY INDIVIDUAL WHO IS NOT A UNITED STATES~~
43 ~~CITIZEN OR NATIONAL.]~~

44 [2. "CONTRIBUTION" HAS THE SAME MEANING PRESCRIBED IN
45 SECTION 16-901.

1 3. "DIRECTLY OR INDIRECTLY" MEANS ACTING EITHER ALONE
2 OR JOINTLY WITH, THROUGH OR ON BEHALF OF ANY OTHER INDIVIDUAL,
3 PERSON, COMMITTEE OR ENTITY.

4 4. "EXPENDITURE" HAS THE SAME MEANING PRESCRIBED IN
5 SECTION 16-901.

6 5. "FOREIGN NATIONAL" MEANS:

7 (a) AN INDIVIDUAL WHO IS NOT A CITIZEN OR LAWFUL
8 PERMANENT RESIDENT OF THE UNITED STATES.

9 (b) A GOVERNMENT, SUBDIVISION OR MUNICIPALITY OF A
10 FOREIGN COUNTRY.

11 (c) A FOREIGN POLITICAL PARTY.

12 (d) ANY ENTITY AS DEFINED IN SECTION 16-901 THAT IS
13 ORGANIZED UNDER THE LAWS OF OR HAS ITS PRINCIPAL PLACE OF
14 BUSINESS IN A FOREIGN COUNTRY.

15 (e) ANY UNITED STATES ENTITY AS DEFINED IN SECTION
16 16-901 THAT IS WHOLLY OR MAJORITY OWNED BY ANY FOREIGN
17 NATIONAL UNLESS ALL OF THE FOLLOWING APPLY:

18 (i) ANY CONTRIBUTION OR EXPENDITURE IT MAKES DERIVES
19 ENTIRELY FROM MONIES GENERATED BY THE ENTITY'S OPERATIONS IN
20 THE UNITED STATES.

21 (ii) ALL DECISIONS CONCERNING THE CONTRIBUTION OR
22 EXPENDITURE ARE MADE BY INDIVIDUALS WHO ARE UNITED STATES
23 CITIZENS OR PERMANENT RESIDENTS, EXCEPT FOR DECISIONS SETTING
24 OVERALL BUDGET AMOUNTS.]

25 ~~[(b)]~~ [(f)] DOES NOT INCLUDE FEDERALLY RECOGNIZED
26 SOVEREIGN TRIBAL NATIONS.

27 6. "PERSON" MEANS AN INDIVIDUAL OR A CORPORATION OR
28 OTHER ENTITY AS DEFINED IN SECTION 16-901.

29 7. "PRELIMINARY ACTIVITY" INCLUDES CONDUCTING A POLL OR
30 FOCUS GROUP, DRAFTING BALLOT MEASURE LANGUAGE, MAKING
31 TELEPHONE CALLS OR TRAVELING.

32 8. "PROHIBITED SOURCES" MEANS CONTRIBUTIONS, IN-KIND
33 GOODS OR SERVICES OR EXPENDITURES BY A FOREIGN NATIONAL.]

34 <<Sec. 3. Title 16, chapter 6, article 1.3, Arizona
35 Revised Statutes, is amended by adding section 16-923, to
36 read:

37 16-923. Ballot measure expenditures: recordkeeping

38 A. ANY PERSON WHO MAKES A BALLOT MEASURE EXPENDITURE
39 SHALL KEEP AND PRESERVE A RECORD OF THE EXPENDITURE FOR TWO
40 YEARS FOLLOWING THE END OF THE ELECTION CYCLE DURING WHICH THE
41 EXPENDITURE WAS MADE.

42 B. A PERSON, ENTITY OR COMMITTEE THAT IS REQUIRED TO
43 FILE CAMPAIGN FINANCE REPORTS PURSUANT TO SECTION 16-926 AND
44 THAT RECEIVES A BALLOT MEASURE EXPENDITURE SHALL KEEP AND
45 PRESERVE A RECORD OF THE EXPENDITURE FOR TWO YEARS FOLLOWING

1 THE END OF THE ELECTION CYCLE IN WHICH THE BALLOT MEASURE
2 EXPENDITURE WAS RECEIVED.]>>

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

6 Enroll and engross to conform

7 Amend title to conform

WENDY ROGERS

SCR1027FloorROGERS

02/27/2025

8:37 AM

C: MR