

Senate Engrossed
plenary legislative authority; elections

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SENATE CONCURRENT RESOLUTION 1032

A CONCURRENT RESOLUTION

REAFFIRMING THE LEGISLATURE'S PLENARY POWER WITH RESPECT TO 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, rare exceptions in the Constitution, such as the Elections
7 Clause, the Fifteenth Amendment, the Nineteenth Amendment, the
8 Twenty-fourth Amendment and the Twenty-sixth Amendment, do not extinguish
9 the constitutional presumption that states have the constitutional power
10 to set the terms of administering the election, designating electors and
11 establishing other laws and protocols related to the election; and

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

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

17 Whereas, it is the constitutional and legal obligation of the
18 Legislature of the State of Arizona to ensure that this state's
19 presidential electors truly represent the will of Arizona voters; and

20 Whereas, the United States Supreme Court and other courts have
21 explained that when a state legislature directs the manner of appointing
22 electors, it does so pursuant to a grant of authority from the United
23 States Constitution rather than by reason of any state constitutional or
24 other legal provisions, that this authority may be exercised by the
25 legislature alone without other aspects of the normal lawmaking process
26 and that the state legislature's authority over the appointment of
27 presidential electors is plenary.

28 Therefore

29 Be it resolved by the Senate of the State of Arizona, the House of
30 Representatives concurring:

31 That the Members of the Legislature reaffirm the Legislature's
32 plenary power with respect to elections and oppose any attempt by the
33 federal government to usurp or otherwise interfere with the state
34 legislative sovereign authority over the management, control and
35 administration of elections.