

Senate Engrossed House Bill
early ballots; deadlines; foreign money

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

HOUSE CONCURRENT RESOLUTION 2013

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 4, ARTICLE 2, ARIZONA REVISED STATUTES, BY
10 ADDING SECTION 16-411.01; AMENDING TITLE 16, CHAPTER 4,
11 ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION
12 16-544.01; AMENDING TITLE 16, CHAPTER 6, ARTICLE 1.2, ARIZONA
13 REVISED STATUTES, BY ADDING SECTION 16-919; RELATING TO
14 ELECTIONS.

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

16 Section 1. Title 16, chapter 4, article 1, Arizona
17 Revised Statutes, is amended by adding sections 16-407.04 and
18 16-407.05, to read:

19 16-407.04. Donations from a foreign source; election
20 administration; certification; quarterly
21 reports; records; violation;
22 classification; definitions

23 A. A GOVERNMENT ENTITY IN THIS STATE MAY NOT USE MONIES
24 OR IN-KIND GOODS OR SERVICES THAT ARE DONATED, DIRECTLY OR
25 INDIRECTLY, BY A FOREIGN GOVERNMENT OR ANY FOREIGN
26 NONGOVERNMENTAL SOURCE FOR ELECTION ADMINISTRATION.

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

42 C. THE SECRETARY OF STATE SHALL REQUIRE GOVERNMENT
43 ENTITIES TO PROVIDE TO THE SECRETARY OF STATE A QUARTERLY
44 REPORT THAT LISTS ANY PERSON OR VENDOR THAT PROVIDES SERVICES
45 TO THAT GOVERNMENT ENTITY FOR ELECTION ADMINISTRATION. THE

1 SECRETARY OF STATE SHALL NOTIFY THE GOVERNMENT ENTITY BY EMAIL
2 IF THE GOVERNMENT ENTITY FAILS TO FILE ITS QUARTERLY REPORT
3 PRESCRIBED BY THIS SUBSECTION AND ADVISE THE GOVERNMENT ENTITY
4 THAT SECTION 16-407.05 PROVIDES FOR POSSIBLE ENFORCEMENT
5 ACTIONS.

6 D. THE SECRETARY OF STATE SHALL MAINTAIN RECORDS OF THE
7 CERTIFICATIONS PRESCRIBED BY THIS SECTION AND SHALL POST THESE
8 CERTIFICATIONS ON THE SECRETARY OF STATE'S WEBSITE.

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

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

18 G. FOR THE PURPOSES OF THIS SECTION:

19 1. "COMMON GOODS" MEANS ITEMS THAT ARE COMMONLY USED
20 ACROSS A WIDE VARIETY OF ORGANIZATIONS AND THAT ARE NOT
21 SPECIFIC TO THE ADMINISTRATION OF ELECTIONS.

22 2. FOREIGN GOVERNMENT DOES NOT INCLUDE FEDERALLY
23 RECOGNIZED SOVEREIGN TRIBAL NATIONS.

24 3. "FOREIGN NONGOVERNMENTAL SOURCE":

25 (a) MEANS AN INDIVIDUAL WHO IS NOT A UNITED STATES
26 CITIZEN OR NATIONAL.

27 (b) DOES NOT INCLUDE FEDERALLY RECOGNIZED SOVEREIGN
28 TRIBAL NATIONS.

29 4. "PERSON":

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

32 (b) DOES NOT INCLUDE POLL WORKERS.

33 16-407.05. Enforcement; attorney general; civil action
34 for damages

35 A. THE ATTORNEY GENERAL MAY FILE AN ACTION REGARDING A
36 KNOWING VIOLATION OF SECTION 16-407.04, SUBSECTION F.

37 B. ANY QUALIFIED ELECTOR MAY BRING A CIVIL ACTION FOR
38 DAMAGES PURSUANT TO SECTION 16-407.04 OR 16-919:

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

40 2. ENFORCING 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 THE CONTRIBUTION THAT
2 SHOULD HAVE BEEN DECLARED. THIS SHALL NOT BE CONSTRUED TO
3 ALLOW MULTIPLE CLAIMANTS TO RECOVER ON THE SAME CLAIM.

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. THE EXPRESS PROVISION OF A CIVIL RIGHT OF
9 ACTION IN THIS SECTION IS NOT INTENDED TO DENY OR DISPARAGE
10 THE AVAILABILITY OF SPECIAL ACTION RELIEF WITH RESPECT TO THIS
11 OR ANY OTHER LAW.

12 Sec. 2. Title 16, chapter 4, article 2, Arizona Revised
13 Statutes, is amended by adding section 16-411.01, to read:

14 16-411.01. Voting locations; public buildings

15 NOTWITHSTANDING SECTION 16-411, SUBSECTION F, ALL
16 BUILDINGS THAT ARE OWNED BY A POLITICAL SUBDIVISION OF THIS
17 STATE SHALL BE MADE AVAILABLE FOR VOTING LOCATIONS IF
18 REQUESTED BY THE OFFICER IN CHARGE OF ELECTIONS.

19 Sec. 3. Title 16, chapter 4, article 8, Arizona Revised
20 Statutes, is amended by adding section 16-544.01, to read:

21 16-544.01. Early mail voting; address verification;
22 definition

23 A. IF EARLY MAIL VOTING IS AUTHORIZED BY LAW, A COUNTY
24 WITH A POPULATION OF FIVE HUNDRED THOUSAND PERSONS OR MORE
25 SHALL REQUIRE THE EARLY MAIL VOTER, THROUGH AN AFFIRMATIVE ACT
26 ON THE PART OF THE EARLY MAIL VOTER, TO CONFIRM THE EARLY MAIL
27 VOTER'S ADDRESS PURSUANT TO THIS SECTION EACH ELECTION CYCLE
28 BEFORE RECEIVING AN EARLY BALLOT BY MAIL REGARDLESS OF WHETHER
29 THE EARLY MAIL VOTER IS ON THE ACTIVE EARLY VOTING LIST.
30 UNLESS MORE FREQUENTLY REQUIRED BY OTHER LAW, A COUNTY WITH A
31 POPULATION OF FEWER THAN FIVE HUNDRED THOUSAND PERSONS SHALL
32 REQUIRE AN EARLY MAIL VOTER, THROUGH AN AFFIRMATIVE ACT ON THE
33 PART OF THE EARLY MAIL VOTER, TO CONFIRM THE EARLY MAIL
34 VOTER'S ADDRESS PURSUANT TO THIS SECTION DURING THE FOUR-YEAR
35 PERIOD THAT CONSTITUTES TWO CONSECUTIVE ELECTION CYCLES BEFORE
36 RECEIVING AN EARLY BALLOT BY MAIL REGARDLESS OF WHETHER THE
37 EARLY MAIL VOTER IS ON THE ACTIVE EARLY VOTING LIST.

38 B. IF EARLY MAIL VOTING IS AUTHORIZED BY LAW, THE
39 COUNTY RECORDER SHALL ALLOW THE EARLY MAIL VOTER TO PERFORM AN
40 AFFIRMATIVE ACT TO CONFIRM THE EARLY MAIL VOTER'S ADDRESS BY
41 ANY ONE OR MORE OF THE FOLLOWING METHODS:

42 1. MAILING THE EARLY MAIL VOTER A NOTICE TO CONFIRM OR
43 UPDATE THE EARLY MAIL VOTER'S ADDRESS.

1 2. CALLING THE EARLY MAIL VOTER OR NOTIFYING THE EARLY
2 MAIL VOTER TO CALL THE COUNTY RECORDER TO CONFIRM OR UPDATE
3 THE EARLY MAIL VOTER'S ADDRESS.
4 3. ALLOWING THE EARLY MAIL VOTER TO CONFIRM OR UPDATE
5 THE EARLY MAIL VOTER'S ADDRESS BY WAY OF A COUNTY WEBSITE
6 PORTAL. A COUNTY WEBSITE PORTAL FOR THIS PURPOSE SHALL PROMPT
7 THE EARLY MAIL VOTER TO CONFIRM OR UPDATE THE EARLY MAIL
8 VOTER'S ADDRESS EACH TIME THE EARLY MAIL VOTER LOGS IN IF THE
9 ADDRESS HAS NOT YET BEEN CONFIRMED FOR THAT ELECTION CYCLE.
10 C. A NOTICE SENT TO A VOTER TO CONFIRM THE VOTER'S
11 ADDRESS PURSUANT TO SUBSECTION B, PARAGRAPH 1 OF THIS SECTION
12 SHALL BE IN THE FOLLOWING FORM AND INCLUDE CHECK BOXES:
13 [CHECK BOX] I AFFIRM THAT I HAVE NOT MOVED AND MY
14 ADDRESS IS THE SAME AS THE ADDRESS INDICATED ON THE FRONT OF
15 THE ENVELOPE.
16 [CHECK BOX] MY ADDRESS HAS CHANGED AND I WOULD LIKE TO
17 UPDATE MY ADDRESS:
18 D. ADDRESS CONFIRMATION RECEIVED AFTER THE LAST DAY TO
19 REQUEST AN EARLY BALLOT WILL BE PROCESSED FOR THE NEXT
20 UPCOMING ELECTION FOR WHICH THE EARLY MAIL VOTER IS ELIGIBLE
21 IN THE CURRENT ELECTION CYCLE.
22 E. IN THE EVENT OF A CONFLICT BETWEEN THE PROVISIONS OF
23 THIS SECTION AND OTHER APPLICABLE LAW, THIS SECTION SHALL
24 CONTROL.
25 F. FOR THE PURPOSES OF THIS SECTION, THE TERM "EARLY
26 MAIL VOTER" INCLUDES VOTERS ON THE ACTIVE EARLY VOTING LIST
27 AND VOTERS WHO REQUEST A ONE TIME BALLOT BY MAIL.
28 Sec. 4. Title 16, chapter 6, article 1.2, Arizona
29 Revised Statutes, is amended by adding section 16-919, to
30 read:
31 16-919. Foreign contributions prohibited; ballot
32 measures; certification; definition
33 A. A FOREIGN GOVERNMENT SHALL NOT GIVE AND A PERSON,
34 ENTITY OR COMMITTEE SHALL NOT ACCEPT OR USE MONIES OR IN-KIND
35 GOODS OR SERVICES THAT ARE CONTRIBUTED BY A FOREIGN GOVERNMENT
36 OR A FOREIGN NONGOVERNMENTAL SOURCE TO INFLUENCE THE OUTCOME
37 OF AN ELECTION ON A BALLOT MEASURE.
38 B. A PERSON, ENTITY OR COMMITTEE THAT IS REQUIRED TO
39 FILE CAMPAIGN FINANCE REPORTS PURSUANT TO SECTION 16-926 SHALL
40 CERTIFY UNDER PENALTY OF PERJURY IN THOSE REPORTS THAT THE
41 PERSON, ENTITY OR COMMITTEE HAS NOT ACCEPTED OR USED MONIES OR
42 IN-KIND GOODS OR SERVICES IN VIOLATION OF SUBSECTION A OF THIS
43 SECTION.
44 C. FOR THE PURPOSES OF THIS SECTION:

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

3 2. "FOREIGN NONGOVERNMENTAL SOURCE":

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

6 (b) DOES NOT INCLUDE FEDERALLY RECOGNIZED SOVEREIGN
7 TRIBAL NATIONS.

8 Sec. 5. Severability

9 If a provision of this act or its application to any
10 person or circumstance is held invalid, the invalidity does
11 not affect other provisions or applications of the act that
12 can be given effect without the invalid provision or
13 application, and to this end the provisions of this act are
14 severable.

15 Sec. 6. Short title

16 This act may be cited as the "Arizona Free and Fair
17 Elections Act".

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