



# ARIZONA HOUSE OF REPRESENTATIVES

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## **HCR2013: early ballots; deadlines; foreign money**

**Sponsor: Representative Kolodin, LD 3**

**House Engrossed**

### **Overview**

Modifies the deadlines and methods by which a voter may return their voted early ballot in person and allows for on-site tabulation during the period of early voting, including during the weekend and Monday before the election.

### **History**

#### ***Requests for an Early Ballot***

Arizona law allows voters to make a request to be included on a list of voters to receive a ballot by mail for any election for which the county voter registration roll is used. This list is called the Active Early Voting List (AEVL) and is maintained by the County Recorders. Voters on this list will automatically receive an early ballot for all elections they are eligible to vote in. However, an AEVL participant who fails to cast an early ballot in at least one candidate election over the course of two consecutive election cycles will be removed from the list unless the voter responds to the official notice of removal. An *election cycle*, generally, refers to the two year period beginning on January 1 in the year after a statewide general election ([A.R.S. § 16-544](#)).

In Florida, a request to receive a vote-by-mail ballot is deemed sufficient for that voter to receive a vote-by-mail ballot for all elections through the end of the calendar year of the next regularly scheduled general election. The voter may, however, designate only certain elections during this time period for which the voter would like to receive a vote-by-mail ballot. A Florida voter can make such a request in person, in writing, by telephone or through the county supervisor of election's website ([F.S.A. § 101.62](#)).

#### ***'Late Early' Ballots***

The term '*late early* ballot' refers to instances where a voter returns their mailed early ballot on election day. *Late early* ballots are often processed last by counties since they are subject to signature verification and curing deadlines. Arizona law allows voters to return their voted early ballot to any polling place within their county by 7:00 P.M. on election day. In the 2024 general election, the Secretary of State reported an estimated 264,554 *late early* ballots – or early ballots returned on election day. This number includes 210,039 *late early*s in Maricopa County alone, Arizona's largest voting jurisdiction ([AZ SOS](#)).

Florida law requires vote-by-mail ballots to be received by the election's office by 7:00 P.M. on election day to be counted. A postmark does not extend this deadline. A Florida voter may return their vote-by-mail ballot to a secure ballot drop box at any early voting site during voting hours. However, a voter cannot return their voted mail ballot at an election day polling place. If a voter still has their voted mail ballot on election day, it must be delivered directly to the election's office no later than 7:00 P.M. to be counted (F.S.A. §§ [101.67](#), [101.69](#)).

## Provisions

### *Early Voting Methods and Deadlines*

1. Repeals provisions allowing the Board of Supervisors to authorize County Recorders to use emergency voting centers. (Sec. 2)
2. Requires an early mail voter, regardless of whether the voter is on AEVL, to confirm their address through an affirmative act on the part of the voter:
  - a) every election cycle for counties with a population of 500,000 or more; or
  - b) every four-year period constituting two consecutive election cycles for counties with a population of 500,000 or fewer. (Sec. 5)
3. Provides the County Recorder specified options through which an early mail voter may confirm their address. (Sec. 5)
4. Specifies, if an early mail voter does not confirm or update their address until after the last day to request an early ballot, the County Recorder will process the request for the next election within that election cycle. (Sec. 5)
5. Clarifies the early voting instructions mailed to an early mail voter. (Sec. 6)
6. Establishes the following methods by which a voter may return their voted early ballot:
  - a) mailing the voted early ballot to the County Recorder or officer in charge of elections by 7:00 PM on election day;
  - b) delivering the voted early ballot to the office of the County Recorder or officer in charge of elections by 7:00 PM on election day; or
  - c) depositing the voted early ballot at any voting location in the county by 7:00 PM on the Friday before election day. (Sec. 6)
7. Instructs voters who appear at an early voting location during the period of early voting, including the weekend and Monday before election day, to:
  - a) present valid identification;
  - b) sign the early voter affidavit;
  - c) mark their ballot in a manner that cannot be seen; and
  - d) return the voted ballot to the election official at the early voting location. (Sec. 6)

### *On-Site Tabulation of Early Ballots*

8. Allows the County Recorder or officer in charge of elections to provide for on-site tabulation at any time during the period of early voting. (Sec. 9)
9. Allows a county that provides for on-site tabulation to conduct logic and accuracy testing of the equipment to be used within 50 days before election day. (Sec. 3)
10. Specifies, if a county provides for on-site tabulation during the weekend and Monday before the election:
  - a) the early voter must appear personally at the on-site tabulation location and submit the voter's early ballot and affidavit; and
  - b) the election official must allow the early voter to tabulate their early ballot on-site as prescribed by law. (Sec. 7)
11. Requires the chain of custody procedures for early ballots cast in person to be identical to the requirements prescribed for in-person election day voting. (Sec. 6)

***Prohibition on Foreign Monies in Election Administration***

12. Prohibits an Arizona government entity from using monies or in-kind goods or services donated, either directly or indirectly, by a foreign government or a *foreign nongovernmental source* for election administration. (Sec. 1)
13. Instructs a person or vendor that provides services to a government entity for election administration purposes to submit a certification to the Secretary of State that includes a dated, sworn statement, under penalty of perjury, that the person is not knowingly the recipient of donations from a foreign source. (Sec. 1)
14. Specifies, if a person obtains information that was unknown to them at the time of the initial certification, the person must update the initial certification within five business days to reflect the new information and submit a new sworn statement. (Sec. 1)
15. Specifies that a person who is required to submit a certification to the Secretary of State must update the certification annually. (Sec. 1)
16. Clarifies that this prohibition and certification requirement does not apply to an organization or person who is providing a facility for use as a voting location. (Sec 1)
17. Instructs Arizona's government entities to prepare, and the Secretary of State to report, a quarterly list of any person or vendor that provides election administration services to that government entity. (Sec. 1)
18. Directs the Secretary of State to notify any government entity that fails to file a required quarterly report by email and inform that entity about possible enforcement actions. (Sec. 1)
19. Directs the Secretary of State to maintain records of all sworn certifications and to publicly post the certifications on their website. (Sec. 1)
20. Prohibits a government entity from entering into or continuing an agreement with a person or vendor who fails to submit a required certification or submits an inaccurate certification to the Secretary of State. (Sec. 1)
21. Specifies an agreement between a person or vendor and a government entity is invalidated if the person or vendor fails to submit a required certification or submits an inaccurate certification to the Secretary of State. (Sec. 1)
22. Makes a person or entity liable for a civil penalty, to be paid to the first successful litigant, in the amount of three times the money paid or contracted to be paid by the government entity when the person or vendor knowingly fails to provide an accurate initial or updated certification. (Sec. 1)
23. Specifies that the controlling person of any vendor is jointly and severally liable for any civil penalty for failure to knowingly provide an accurate initial or updated certification. (Sec. 1)
24. Entitles a qualified elector of Arizona or any state officer acting in their official capacity to bring a civil action to enjoin a violation of the prohibition on foreign contributions in elections provisions or to enforce such provisions. (Sec. 1)
25. Entitles a prevailing claimant in a civil action described above to injunctive relief, specifies damages and costs and attorney fees. (Sec. 1)

26. Clarifies that the remedies, duties, prohibitions and penalties prescribed by this measure are in addition to all other causes of action, remedies and penalties prescribed by law. (Sec. 1)
27. Clarifies that a foreign government, for the purposes of this measure, does not include federally recognized sovereign tribal nations. (Sec. 1)
28. Exempts *common goods* from the provisions relating to foreign monies in election administration. (Sec. 1)
29. Defines *common goods*. (Sec. 1)
30. Defines *foreign nongovernmental source* and *person*. (Sec. 1)

***Miscellaneous***

31. Removes provisions allowing the principal of a school to deny a request to serve as a polling place when requested to do so by the officer in charge of elections. (Sec. 1)
32. Requires schools to provide sufficient space for use as any voting location, rather than polling place.
33. Contains a legislative findings clause. (Sec. 12)
34. Contains a severability clause. (Sec. 11)
35. Entitles this act as the *Arizona Free and Fair Elections Act*. (Sec. 13)
36. Makes technical and conforming changes.