



**ARIZONA STATE SENATE**  
*Fifty-Seventh Legislature, First Regular Session*

FACT SHEET FOR H.C.R. 2013

early ballots; deadlines; foreign money

Purpose

Subject to voter approval, statutorily prohibits the use of monies or in-kind goods or services donated by a foreign source for election administration purposes and prohibits a person, entity or committee from accepting or using monies or in-kind goods or services contributed by a foreign source to influence the outcome of a ballot measure. Requires a voted early ballot that is deposited at a voting location to be received by the voting location not later than 7:00 p.m. on the Friday before election day in order to be counted and valid. Allows county recorders to provide for on-site tabulation of early ballots at any time during the period of early voting, rather than only on election day.

Background

Any election called pursuant to Arizona law must provide for early voting, including accessible voting by U.S. mail for persons who are blind or have a visual impairment. Any qualified elector may vote by early ballot by making a request for a one-time early ballot as provided by statute or by requesting to be on the Active Early Voter List (AEVL) which allows a voter to vote by early mail ballot until the voter fails to vote an early ballot for two consecutive election cycles (A.R.S. §§ [16-541](#) and [16-544](#)). Statute requires early voters to secure their ballot in a provided envelope, together with the prescribed affidavit, and either deliver or mail the secured ballot to the appropriate county recorder or deposit the secured ballot at any polling place in the county. In order to be counted and valid, the ballot must be received by the county recorder or other officer in charge of elections no later than 7:00 p.m. on election day, or deposited by the voter or the voter's agent at any polling place in the county no later than 7:00 p.m. on election day ([A.R.S. § 16-548](#)). A voter may also choose to vote early in-person at any on-site early voting location up to 27 days before the election and until 7:00 p.m. on the Friday before the election ([A.R.S. § 16-542](#)). Before receiving a ballot at any on-site early voting location, a voter must provide identification as prescribed by statute ([A.R.S. § 16-579](#)).

Upon receipt of a voted early ballot and completed affidavit, the county recorder or other officer in charge of elections must compare the signature on the affidavit with the voter's signature in the voter's registration record. If satisfied that the signatures were made by the same person, the county recorder must place a distinguishing mark on the unopened affidavit envelope to indicate that the signature is sufficient, and the ballot is ready for further processing and tabulation ([A.R.S. § 16-550](#)). Beginning in 2026, an early voter may also present their voted ballot along with prescribed forms of voter identification and, upon confirming that the name and address on the voter's identification appear to match the information shown on the voter's registration record, the election official must stamp the signed affidavit with a stamp that reads *ID verified*, thereby allowing the ballot to bypass additional signature verification ([A.R.S. § 16-579](#)).

Statute delegates the authority to establish emergency voting centers to the county board of supervisors ([A.R.S. § 16-411](#)). If a voter experiences an emergency between 7:00 p.m. on the Friday preceding the election and 5:00 p.m. on the Monday preceding the election, the voter may request to vote at an emergency voting center. The voter must present valid voter identification and sign a statement under penalty of perjury that the person is experiencing an emergency that would prevent the person from voting at the polls ([A.R.S. § 16-542](#)).

The Federal Election Campaign Act of 1971 (Act) prohibits a foreign national from directly or indirectly participating in the decision making process regarding a person's federal or nonfederal election related activities, including by way of: 1) a contribution or donation of money or other thing of value in connection with a federal, state or local election; 2) a contribution or donation to a committee of a political party; or 3) an expenditure, independent expenditure or disbursement for electioneering communication. In 2021, the Federal Elections Commission determined that spending specifically related to ballot initiatives is generally outside the purview of the Act because such spending is not in connection with elections as defined by the Act ([52 U.S.C. 30121; FEC](#)).

Statute prohibits the state or a city, town, county, school district or other public body that conducts or administers elections from receiving or expending private monies for the purpose of preparing for, administering or conducting an election, including to register voters ([A.R.S. § 16-407.01](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

### Provisions

#### ***Early Voting Deadlines and Procedures***

1. Requires a voted early ballot that is deposited at a voting location to be received by the voting location not later than 7:00 p.m. on the Friday before election day, rather than 7:00 p.m. on election day, in order to be valid and counted.
2. Specifies that voted early ballots may still be delivered or mailed to the office of the county recorder not later than 7:00 p.m. on election day in order to be valid and counted.
3. Allows county recorders to provide for on-site tabulation of early ballots at any time during the period of early voting, rather than only on election day.
4. Extends on-site early voting from the Friday before election day to the Saturday, Sunday and Monday before election day.
5. Eliminates emergency voting between 7:00 p.m. on the Friday before election day and 5:00 p.m. on the Monday before election day, and repeals statute delegating the authority to establish emergency voting centers to the county board of supervisors.
6. Requires in-person early voters who appear at an on-site tabulation location in a county that provides for such locations during the Saturday, Sunday and Monday immediately preceding election day to submit the voter's early ballot and affidavit in order to tabulate the early ballot on-site according to prescribed procedures.

7. Modifies early voting instructions that must be used beginning in 2026 to indicate that voters must:
  - a) mail their ballot to the county recorder, where it must be received no later than 7:00 p.m. on election day;
  - b) hand deliver their ballot to the county recorder no later than 7:00 p.m. on election day; or
  - c) deposit their ballot at any voting location in the county by 7:00 p.m. on the Friday before election day either:
    - i. after 7:00 p.m. on the Friday before election day, for counties that do provide for on-site tabulation, bring the ballot to any voting location in the county and submit it to election officials for separation from the envelope and further processing; or
    - ii. after 7:00 p.m. on the Friday before election day, for counties that do not provide for on-site tabulation, bring the ballot to any polling place in the county and present acceptable identification.
8. Requires early mail voters to confirm their address before receiving an early ballot by mail, regardless of whether the early mail voter is on AEVL, either:
  - a) each election cycle if the voter lives in a county with 500,000 persons or more; or
  - b) every four-year period that constitutes two consecutive election cycles, if the voter lives in a county with fewer than 500,000 persons.
9. Requires the county recorder to allow an early mail voter to confirm their address by way of mail notification, telephone call or through a county website portal.
10. Requires the county website portal to prompt an early mail voter to confirm or update their address each time they log in if the address has not yet been confirmed for that election cycle.
11. Outlines formatting requirements for the notification sent to early mail voters.
12. Stipulates that an address confirmation received after the last day to request an early ballot will be processed for the next upcoming election for which the early mail voter is eligible in the current election cycle.
13. Removes the requirement for a county recorder to take necessary steps to contact a voter at their new address if an early voting notice is returned undeliverable.
14. Removes the ability for a school principal to deny a request from the officer in charge of elections to provide space for use as a polling place for an election.
15. Requires the county board of supervisors or other officer in charge of elections in a county that provides for on-site tabulation to test electronic ballot tabulating equipment for logic and accuracy within 50 days before the election day.
16. Specifies that this 50-day deadline does not impact deadlines for performing logic and accuracy testing on other equipment.

17. Requires the officer in charge of elections to ensure that chain of custody procedures for early ballots cast in person are identical to those prescribed for in-person election day voting.
18. Removes the requirement for county recorders to count the number of early ballots returned at voting locations on election day and post the count on its website with unofficial election night results.

***Prohibited Donations for Election Administration and Ballot Measures***

19. Prohibits a government entity in Arizona from using monies or in-kind goods or services donated, directly or indirectly, by a foreign government or any foreign nongovernmental source for election administration.
20. Requires a person or vendor that provides services to a government entity for election administration to provide a certification (foreign donation certification) to the Secretary of State (SOS) that includes a dated and sworn statement, under penalty of perjury, that the person is not knowingly the direct or indirect recipient of donations from a foreign source.
21. Specifies that the foreign donation certification requirements do not apply to a person or organization when providing common goods or a facility that serves as a voting location.
22. Requires the person to update the foreign donation certification annually.
23. Requires a person, if the person obtains information unknown at the time of initial certification, to update the initial certification within five business days to reflect the new information and to include a new statement that the person is not knowingly the direct or indirect recipient of foreign donations.
24. Requires the SOS to:
  - a) maintain records of submitted foreign donation certifications and to post the foreign donation certifications on the SOS's website;
  - b) require government entities to provide the SOS a quarterly report of all persons or vendors that provide services for election administration to the government entity; and
  - c) notify a government entity by email if the government entity fails to file a quarterly report as outlined, and to advise the government entity of possible enforcement actions.
25. Stipulates that a person's or vendor's failure to provide an accurate foreign donation certification:
  - a) invalidates any agreement between the person and a government entity; and
  - b) bars a state, county or local government entity from entering into or continuing any agreement with the person.
26. Classifies knowingly failing to provide an accurate initial or updated foreign donation certification to the SOS as a class 1 misdemeanor.
27. Allows the Attorney General to file an action regarding a person's knowing violation of the foreign donation prohibition or certification requirement.

28. Allows any qualified elector to initiate a civil action to enjoin a foreign donation violation or enforce any requirement relating to disclosure of foreign donations.
29. Requires the court to award a prevailing civil claimant:
  - a) injunctive relief sufficient to prevent the defendant from violations or engaging in, acts that aid or abet foreign donation violations;
  - b) damages in the amount of the contribution that should have been declared, except that this must not be construed to allow multiple claimants to recover on the same claim; and
  - c) costs and attorney fees.
30. Specifies that the remedies, duties, prohibitions and penalties associated with foreign donation violations are in addition to all other causes of action, remedies or penalties as provided by law.
31. Specifies that the express provision of a civil right of action is not intended to deny or disparage the availability of special action relief with respect to this legislation or any other law.
32. Prohibits a foreign government from giving, and a person, entity or committee from accepting or using, monies or in-kind goods or services contributed by a foreign government or a foreign nongovernmental source to influence the outcome of an election on a ballot measure.
33. Requires a person, entity or committee that is required to file campaign finance reports to certify in the reports, under penalty of perjury, that the person, entity or committee has not accepted or used prohibited foreign monies or in-kind goods or services.
34. Defines *person* as an individual or a candidate, nominee, committee, corporation, limited liability company, labor organization, partnership, trust, association, organization, joint venture, cooperative or unincorporated organization or association and excludes poll workers.
35. 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.
36. Defines *foreign nongovernmental source* as any individual who is not a United States Citizen or national.
37. Specifies that a foreign government or foreign nongovernmental source does not include federally recognized sovereign tribal nations.

#### *Miscellaneous*

38. Contains a severability clause.
39. Contains a legislative findings clause.
40. Cites this legislation as the *Arizona Free and Fair Elections Act*.
41. Makes technical and conforming changes.
42. Requires the SOS to submit the proposition to the voters at the next general election.

43. Becomes effective if approved by the voters and on proclamation of the Governor.

House Action

FMAE	1/29/25	DPA	4-3-0-0
3 <sup>rd</sup> Read	2/17/25		33-26-1

Prepared by Senate Research  
March 3, 2025  
ZD/ci