

REFERENCE TITLE: ballot delivery; collection.

State of Arizona
House of Representatives
Fifty-seventh Legislature
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HB 2534

Introduced by
Representatives Austin: Abeytia, Aguilar, Cavero, Contreras L, Contreras
P, Crews, Garcia, Gutierrez, Liguori, Luna-Nájera, Mathis, Sandoval,
Simacek, Stahl Hamilton, Tsosie, Villegas

AN ACT

AMENDING SECTIONS 16-513, 16-547 AND 16-1005, ARIZONA REVISED STATUTES;
RELATING TO BALLOT COLLECTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 16-513, Arizona Revised Statutes, is amended to read:

16-513. Instructions for voters and election officers; overvote notice

A. The board of supervisors shall prepare instructions for the guidance of voters and election officers at the election, according to which the election shall be conducted and which shall govern the voters and election officers as provided in the secretary of state's instructions and procedures manual. The board of supervisors shall furnish to the inspector in each election precinct at least two instruction cards, at the time and in the same manner as the printed ballots are furnished.

B. If the voting equipment used for the election provides for the rejection of overvoted ballots or ballots that contain other irregularities, the board of supervisors shall provide for a written notice advising the voter that if the voter chooses to override the overvoted office or measure or override any other ballot irregularity, the voter's vote for that office or measure will not be tallied. The notice shall be posted on or near the voting equipment so that the voter has a clear view of the notice.

~~C. The instructions prescribed by subsection A of this section shall also include the following information regarding section 16-1005, subsections H and I in substantially the following form:~~

~~A person may only handle or return their own ballot or the ballot of family members, household members or persons for whom they are a caregiver. It is unlawful under section 16-1005 to handle or return the ballot of any other person.~~

Sec. 2. Section 16-547, Arizona Revised Statutes, is amended to read:

16-547. Mail affidavit; form

A. The early ballot shall be accompanied by an envelope bearing on the front the name, official title and post office address of the recorder or other officer in charge of elections and on the other side a printed affidavit in substantially the following form:

I declare the following under penalty of perjury: I am a registered voter in _____ county Arizona, I have not voted and will not vote in this election in any other county or state, I understand that knowingly voting more than once in any election is a class 5 felony and I voted the enclosed ballot and signed this MAIL affidavit personally unless noted below.

If the voter was assisted by another person in marking the ballot, complete the following:

I declare the following under penalty of perjury: At the registered voter's request I assisted the voter identified

in this MAIL affidavit with marking the voter's ballot, I marked the ballot as directly instructed by the voter, I provided the assistance because the voter was physically unable to mark the ballot solely due to illness, injury or physical limitation and I understand that there is no power of attorney for voting and that the voter must be able to make the voter's selection even if the voter cannot physically mark the ballot.

Name of voter assistant: _____

Address of voter assistant: _____

B. The face of each envelope in which a ballot is sent to a federal postcard applicant or in which a ballot is returned by the applicant to the recorder or other officer in charge of elections shall be in the form prescribed in accordance with the uniformed and overseas citizens absentee voting act (P.L. 99-410; 52 United States Code section 20301). Otherwise, the envelopes shall be the same as those used to send ballots to, or receive ballots from, other early voters.

C. The officer charged by law with the duty of preparing ballots at any election shall ensure that the early ballot is sent in an envelope that states substantially the following:

If the addressee does not reside at this address, mark the unopened envelope "return to sender" and deposit it in the United States mail.

D. The county recorder or other officer in charge of elections shall supply printed instructions to early voters that direct them to sign the MAIL affidavit, mark the ballot and return both in the enclosed self-addressed envelope that complies with section 16-545, and:

1. Through 2025, the instructions shall include the following statement:

In order to be valid and counted, the ballot and mail affidavit must be delivered to the office of the county recorder or other officer in charge of elections or may be deposited at any polling place in the county not later than 7:00 p.m. on election day. The ballot will not be counted without the voter's signature on the envelope.

(WARNING – It is a felony to offer or receive any compensation for a ballot.)

2. Beginning in 2026, the instructions shall include the following statement:

In order to be valid and counted, the mail affidavit that contains the mail ballot must have the voter's signature on the envelope and must be returned to the office of the county recorder by any one of the following methods:

(a) Delivering it to the office of the county recorder or other officer in charge of elections not later than 7:00 p.m. on election day.

(b) Depositing it at any polling place in the county not later than 7:00 p.m. on election day.

(c) Bringing the ballot to any polling place in the county not later than 7:00 p.m. on election day and choosing to present valid identification that complies with section 16-579, subsection A, paragraph 1, Arizona Revised Statutes.

(WARNING – It is a felony to offer or receive any compensation for a ballot.)

~~E. The printed instructions prescribed by subsection D of this section shall also include the following information regarding section 16-1005, subsections H and I in substantially the following form:~~

~~A person may only handle or return their own ballot or the ballot of family members, household members or persons for whom they are a caregiver. It is unlawful under section 16-1005 to handle or return the ballot of any other person.~~

Sec. 3. Section 16-1005, Arizona Revised Statutes, is amended to read:

16-1005. Ballot abuse; violation; classification; definitions

A. ~~Any~~ A person who knowingly marks a voted or unvoted ballot or ballot envelope with the intent to fix an election for that person's own benefit or for that of another person is guilty of a class 5 felony.

B. It is unlawful to offer or provide any consideration to acquire a voted or unvoted early ballot. A person who violates this subsection is guilty of a class 5 felony.

C. It is unlawful to receive or agree to receive any consideration in exchange for a voted or unvoted ballot. A person who violates this subsection is guilty of a class 5 felony.

D. It is unlawful to possess a voted or unvoted ballot with the intent to sell the voted or unvoted ballot of another person. A person who violates this subsection is guilty of a class 5 felony.

E. A person or entity that knowingly solicits the collection of voted or unvoted ballots by misrepresenting itself as an election official or as an official ballot repository or is found to be serving as a ballot drop off site, other than those established and staffed by election officials, is guilty of a class 5 felony.

F. A person who knowingly collects voted or unvoted ballots and who does not turn those ballots in to an election official, the United States postal service or any other entity ~~permitted~~ ALLOWED by law to transmit post is guilty of a class 5 felony.

G. A person who engages or participates in a pattern of ballot fraud is guilty of a class 4 felony. For the purposes of this subsection, "pattern of ballot fraud" means the person has offered or provided any

1 consideration to three or more persons to acquire the voted or unvoted
2 ballot of a person.

3 H. A person who knowingly collects ~~voted or~~ unvoted early ballots
4 from another person is guilty of a class 6 felony. An election official,
5 a United States postal service worker or any other person who is allowed
6 by law to transmit United States mail is deemed not to have collected an
7 early ballot if the official, worker or other person is engaged in
8 official duties. A VOTER MAY GIVE THE VOTER'S VOTED EARLY BALLOT TO
9 ANOTHER PERSON TO DELIVER TO A POLLING PLACE, A BALLOT DROP BOX, AN
10 ELECTION OFFICIAL, THE UNITED STATES POSTAL SERVICE OR ANY OTHER ENTITY
11 ALLOWED BY LAW TO TRANSMIT POST.

12 I. THE PROHIBITION ON COLLECTING UNVOTED EARLY BALLOTS IN
13 subsection H of this section does not apply to:

14 1. An election held by a special taxing district THAT IS formed
15 pursuant to title 48 for the purpose of protecting or providing services
16 to agricultural lands or crops and that is authorized to conduct elections
17 pursuant to title 48.

18 2. A family member, household member or caregiver of the voter.

19 J. For the purposes of this ~~paragraph~~ SECTION:

20 ~~(a)~~ 1. "Caregiver" means a person who provides medical or health
21 care assistance to the voter in a residence, nursing care institution,
22 hospice facility, assisted living center, assisted living facility,
23 assisted living home, residential care institution, adult day health care
24 facility or adult foster care home.

25 ~~(b)~~ 2. "Collects" means to gain possession or control of an early
26 ballot.

27 ~~(c)~~ 3. "Family member" means a person who is related to the voter
28 by blood, marriage, adoption or legal guardianship.

29 ~~(d)~~ 4. "Household member" means a person who resides at the same
30 residence as the voter.