PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1340
(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

"Section 1. Section 16-1005, Arizona Revised Statutes, is amended to read:

16-1005. Ballot abuse; violation; classification

A. Any person who knowingly marks a voted or unvoted ballot or ballot envelope with the intent to fix an election for his 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 does not turn those ballots in to an election official, the United States postal service or any other entity permitted 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 consideration to three or more persons to acquire the voted or unvoted ballot of a person.
H. A PERSON MAY DESIGNATE AN IMMEDIATE FAMILY MEMBER, A CANDIDATE OR A CANDIDATE'S SPOUSE TO RETURN THE PERSON'S VOTED EARLY BALLOT TO THE ELECTION OFFICIAL FROM WHOM IT CAME OR TO THE PRECINCT ELECTION BOARD AT A POLLING PLACE WITHIN THE COUNTY. FOR THE PURPOSES OF THIS SUBSECTION, "IMMEDIATE FAMILY MEMBER" MEANS A SPOUSE, CHILD, SIBLING, PARENT, GRANDPARENT, GRANDCHILD, STEPPARENT, STEPCHELD OR STEPSIBLING, WHETHER RELATED BY BLOOD OR ADOPTION.

I. EXCEPT AS PRESCRIBED IN SUBSECTION H OF THIS SECTION, A PERSON SHALL NOT COLLECT, POSSESS OR RETURN ANOTHER PERSON'S VOTED EARLY BALLOT IF THE PERSON COLLECTING, POSSESSING OR RETURNING THE VOTED BALLOT IS ANY OF THE FOLLOWING:

1. A PAID OR VOLUNTEER WORKER FOR ANY POLITICAL COMMITTEE AS DEFINED BY SECTION 16-901, OTHER THAN A CANDIDATE OR CANDIDATE'S SPOUSE.

2. A PAID OR VOLUNTEER WORKER WHO COLLECTS, POSSESSES OR RETURNS THE BALLOT AND WHO ACTS AT THE BEHEST OF ANY OTHER ORGANIZATION THAT IS NOT A POLITICAL COMMITTEE.

J. SUBSECTION I OF THIS SECTION DOES NOT APPLY TO A PERSON WHO COLLECTS OR RETURNS AN EARLY BALLOT AND WHO IS ACTING WITHOUT DIRECTION FROM A POLITICAL COMMITTEE OR ORGANIZATION.

K. ANY PERSON WHO KNOWINGLY VIOLATES SUBSECTION I OF THIS SECTION IS GUILTY OF A CLASS 5 FELONY."