

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

SENATE BILL 1339

AN ACT

AMENDING SECTION 16-1005, ARIZONA REVISED STATUTES; RELATING TO BALLOT ABUSE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 16-1005. Ballot abuse: violation: classification

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

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

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

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

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

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

26 G. A person who engages or participates in a pattern of ballot fraud
27 is guilty of a class 4 felony. For the purposes of this subsection, "pattern
28 of ballot fraud" means the person has offered or provided any consideration
29 to three or more persons to acquire the voted or unvoted ballot of a person.

30 H. A PERSON MAY NOT COLLECT MORE THAN TWO VOTED OR UNVOTED EARLY
31 BALLOTS FROM ANOTHER PERSON DURING ANY TWO-YEAR ELECTION CYCLE. THIS
32 SUBSECTION DOES NOT APPLY TO A FAMILY MEMBER, HOUSEHOLD MEMBER OR CAREGIVER
33 OF THE VOTER OR TO A CANDIDATE OR A CANDIDATE'S SPOUSE. FOR THE PURPOSES OF
34 THIS SUBSECTION:

35 1. "CANDIDATE" MEANS AN INDIVIDUAL WHO RECEIVES OR GIVES CONSENT FOR
36 RECEIPT OF A CONTRIBUTION, INCLUDING A QUALIFYING CONTRIBUTION, FOR THAT
37 INDIVIDUAL'S NOMINATION FOR OR ELECTION TO AN OFFICE THAT APPEARS ON THE
38 EARLY BALLOT THAT IS BEING COLLECTED OR AN INDIVIDUAL RUNNING FOR PRECINCT
39 COMMITTEEMAN.

40 2. "CAREGIVER" MEANS A PERSON WHO PROVIDES MEDICAL OR HEALTH CARE
41 ASSISTANCE TO THE VOTER IN A RESIDENCE, NURSING CARE INSTITUTION, HOSPICE
42 FACILITY, ASSISTED LIVING CENTER, ASSISTED LIVING FACILITY, ASSISTED LIVING
43 HOME, RESIDENTIAL CARE INSTITUTION, ADULT DAY HEALTH CARE FACILITY OR ADULT
44 FOSTER CARE HOME.

1 3. "COLLECT" MEANS TO GAIN POSSESSION OR CONTROL OF AN EARLY BALLOT.

2 4. "FAMILY MEMBER" MEANS A PERSON WHO IS RELATED TO THE VOTER BY
3 BLOOD, MARRIAGE, ADOPTION OR LEGAL GUARDIANSHIP.

4 5. "HOUSEHOLD MEMBER" MEANS A PERSON WHO RESIDES AT THE SAME RESIDENCE
5 AS THE VOTER.

6 I. FOR THE PURPOSES OF SUBSECTION H OF THIS SECTION, AN ELECTION
7 OFFICIAL, A UNITED STATES POSTAL SERVICE WORKER OR ANY OTHER PERSON WHO IS
8 ALLOWED BY LAW TO TRANSMIT UNITED STATES MAIL IS DEEMED NOT TO HAVE COLLECTED
9 AN EARLY BALLOT IF THE OFFICIAL, WORKER OR OTHER PERSON IS ENGAGED IN
10 OFFICIAL DUTIES.

11 J. ANY PERSON WHO KNOWINGLY VIOLATES SUBSECTION H OF THIS SECTION IS
12 GUILTY OF A CLASS 6 FELONY. SUBSECTION H OF THIS SECTION DOES NOT PRECLUDE A
13 SPECIAL TAXING DISTRICT FROM ADOPTING AND USING AN ACREAGE SYSTEM OF VOTING
14 AS PRESCRIBED IN TITLE 48.