

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

SENATE BILL 1340

AN ACT

AMENDING SECTION 16-1005, ARIZONA REVISED STATUTES; RELATING TO ELECTION OFFENSES.

(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 own benefit or for that
7 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. ANY PERSON WHO DELIVERS MORE THAN TEN EARLY BALLOTS TO AN ELECTION
27 OFFICIAL FOR TALLYING SHALL ALSO PROVIDE TO THE ELECTION OFFICIAL A COPY OF
28 THE PERSON'S PHOTO IDENTIFICATION. IF THE PERSON DELIVERING THE BALLOTS DOES
29 NOT PROVIDE A COPY OF THE PERSON'S PHOTO IDENTIFICATION, THE ELECTION
30 OFFICIAL SHALL RECORD THE INFORMATION FROM THE PERSON'S PHOTO IDENTIFICATION
31 AND RETAIN THE INFORMATION AS A PART OF THE RECORDS OF THE VOTING LOCATION AS
32 PRESCRIBED IN PROCEDURES ESTABLISHED BY THE SECRETARY OF STATE IN THE
33 INSTRUCTIONS AND PROCEDURES MANUAL ADOPTED PURSUANT TO SECTION 16-452.
34 WITHIN SIXTY DAYS AFTER THE ELECTION, THE OFFICER IN CHARGE OF THAT ELECTION
35 SHALL SUBMIT TO THE SECRETARY OF STATE THE PHOTOCOPIES OR OTHER ELECTRONIC
36 FACSIMILES OR OTHER INFORMATION SUBMITTED BY THE PERSONS DELIVERING THE EARLY
37 BALLOTS. THE SECRETARY OF STATE SHALL COMPILE A STATEWIDE REPORT ON THE
38 SUBMITTALS AND SHALL MAKE THAT INFORMATION AVAILABLE TO THE PUBLIC ON THE
39 SECRETARY OF STATE'S WEBSITE. THE SECRETARY OF STATE MAY MAKE ANY REFERRALS
40 TO THE APPROPRIATE PROSECUTING AGENCY FOR PURPOSES OF ENFORCING THIS CHAPTER.

41 ~~G.~~ H. A person who engages or participates in a pattern of ballot
42 fraud is guilty of a class 4 felony. For the purposes of this subsection,
43 "pattern of ballot fraud" means the person has offered or provided any
44 consideration to three or more persons to acquire the voted or unvoted ballot
45 of a person.