

REFERENCE TITLE: delivery; early ballots; limitation

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HB 2023

Introduced by
Representative Ugenti-Rita

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 WHO KNOWINGLY COLLECTS VOTED OR UNVOTED EARLY BALLOTS FROM
31 ANOTHER PERSON IS GUILTY OF A CLASS 6 FELONY. AN ELECTION OFFICIAL, A UNITED
32 STATES POSTAL SERVICE WORKER OR ANY OTHER PERSON WHO IS ALLOWED BY LAW TO
33 TRANSMIT UNITED STATES MAIL IS DEEMED NOT TO HAVE COLLECTED AN EARLY BALLOT
34 IF THE OFFICIAL, WORKER OR OTHER PERSON IS ENGAGED IN OFFICIAL DUTIES. THIS
35 SUBSECTION DOES NOT PRECLUDE A SPECIAL TAXING DISTRICT FROM ADOPTING AND
36 USING AN ACREAGE SYSTEM OF VOTING AS PRESCRIBED IN TITLE 48 OR APPLY TO A
37 FAMILY MEMBER, HOUSEHOLD MEMBER OR CAREGIVER OF THE VOTER. FOR THE PURPOSES
38 OF THIS SUBSECTION:

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

- 1 2. "COLLECTS" MEANS TO GAIN POSSESSION OR CONTROL OF AN EARLY BALLOT.
- 2 3. "FAMILY MEMBER" MEANS A PERSON WHO IS RELATED TO THE VOTER BY
- 3 BLOOD, MARRIAGE, ADOPTION OR LEGAL GUARDIANSHIP.
- 4 4. "HOUSEHOLD MEMBER" MEANS A PERSON WHO RESIDES AT THE SAME RESIDENCE
- 5 AS THE VOTER.