



ARIZONA STATE SENATE
Fifty-Second Legislature, Second Regular Session

FINAL REVISED
FACT SHEET FOR H.B. 2023

delivery; early ballots; limitations

Purpose

Stipulates eligibility for collection of early ballots and makes it a class 6 felony for an ineligible person to knowingly collect early ballots from another person.

Background

Any election called in this state must also make early voting available to any qualified elector (A.R.S. §16-541). Pursuant to A.R.S. § 16-542, an early ballot may be requested by a qualified elector through a verbal or signed request to the county recorder or other officer in charge of elections within 93 days of the election that the voter wishes to participate in. Similarly, statute provides that any voter is permitted to make a written request to be included on a permanent early voting list (PEVL) in order to receive an early ballot for any election in which the voter is eligible to vote and that uses the county voter registration roll to prepare the election register. The county recorder of each county is required to maintain the PEVL as part of the voter registration roll (A.R.S. § 16-544).

The elections officer is required to supply printed instructions to early voters that direct them to sign an affidavit, mark the ballot and return both in the enclosed self-addressed envelope. The instructions must state that, in order to be valid and counted, the ballot and 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 no later than 7 p.m. on election day (A.R.S. § 16-547).

Statute makes certain acts connected to ballot violations a class 5 felony, including: 1) to knowingly mark a voted or unvoted ballot or ballot envelope to fix an election; 2) to provide consideration to acquire a voted or unvoted early ballot; 3) to receive or agree to receive any consideration in exchange for a voted or unvoted ballot; 4) to possess a voted or unvoted ballot with the intent to sell; 5) a person or entity that knowingly misrepresents itself as an election official, official ballot repository or drop off site for the collection of voted or unvoted ballots; and 6) a person who knowingly collects voted or unvoted ballots and does not turn the ballots in to an election official, the United States Postal Service or other entity permitted by law to transmit post. A person who participates in a pattern of ballot fraud is guilty of a class 4 felony (A.R.S. § 16-1005).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Stipulates a person who knowingly collects early ballots from another person is guilty of a class 6 felony. Exempts each of the following:
 - a) election officials, United States Postal Service workers or another person authorized to carry United States mail engaged in official duties;
 - b) elections held by special taxing districts formed to provide services to agricultural lands or crops;
 - c) a caregiver who provides medical or health care assistance to the voter;
 - d) a family member who is related to the voter by blood, marriage, adoption or legal guardianship; or
 - e) a member of the household who resides at the same residence as the voter.
2. Defines *collects* as gaining possession or control of an early ballot.
3. Becomes effective on the general effective date.

House Action

Senate Action

ELECT	1/25/16	DP	4-2-0-1	GOV	2/24/16	DP	4-3-0-0
3 rd Read	2/4/16		34-23-3-0	3 rd Read	3/9/16		17-12-1-0

Signed by the Governor 3/9/16

Chapter 5

Prepared by Senate Research

March 22, 2016

RH/rf