HB 2369

Introduced by
Representative Payne

AN ACT

AMENDING SECTIONS 16-547, 16-548 AND 16-1005, ARIZONA REVISED STATUTES; RELATING TO CONDUCT OF ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 16-547, Arizona Revised Statutes, is amended to read:

16-547. Ballot affidavit; form

A. The early ballot shall be accompanied by an envelope bearing on the front the name, official title and post office address of the recorder or other officer in charge of elections and on the other side a printed affidavit in substantially the following form:

I declare the following under penalty of perjury: I am a registered voter in ___________ county Arizona, I have not voted and will not vote in this election in any other county or state. I understand that knowingly voting more than once in any election is a class 5 felony and I voted the enclosed ballot and signed this affidavit personally unless noted below.

If the voter was assisted by another person in marking the ballot, complete the following:

I declare the following under penalty of perjury: At the registered voter's request I assisted the voter identified in this affidavit with marking the voter's ballot, I marked the ballot as directly instructed by the voter, I provided the assistance because the voter was physically unable to mark the ballot solely due to illness, injury or physical limitation and I understand that there is no power of attorney for voting and that the voter must be able to make their selection even if they cannot physically mark the ballot.

Name of voter assistant: _____________________________
Address of voter assistant: __________________________

B. The affidavit on the envelope requires that the voter's signature be notarized or that the signature of the person signing the affidavit on behalf of and at the direction of the voter be notarized.

C. The face of each envelope in which a ballot is sent to a federal postcard applicant or in which a ballot is returned by such the applicant to the recorder or other officer in charge of elections shall be in the form prescribed in accordance with the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 52 United States Code section 1973ff 20301). Otherwise, the envelopes shall be the same as those used to send ballots to, or receive ballots from, other early voters.

D. The county recorder or other officer in charge of elections shall supply printed instructions to early voters that direct them to sign the affidavit in front of a notary public, mark the ballot and return both in the enclosed self-addressed envelope that complies with section 16-545. The instructions shall include the following statement:

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 7:00 p.m. on election day.

WARNING-It is a felony to offer or receive any compensation for a ballot.

Sec. 2. Section 16-548, Arizona Revised Statutes, is amended to read:

16-548. Preparation and transmission of ballot
A. The early voter shall make and sign the affidavit IN FRONT OF A NOTARY PUBLIC and shall then mark his THE ballot in such a manner that his THE VOTER'S vote cannot be seen. The early voter shall fold the ballot, if a paper ballot, so as to conceal the vote and deposit the voted ballot in the envelope provided for that purpose, which shall be securely sealed and, together with the affidavit, delivered or mailed to the county recorder or other officer in charge of elections of the political subdivision in which the elector is registered or deposited by the voter or the voter's agent at any polling place in the county.

FOR A BALLOT THAT IS DELIVERED TO A POLLING PLACE OR OTHER LOCATION THAT IS DESIGNATED TO RECEIVE VOTED EARLY BALLOTS, THE VOTER SHALL PRESENT IDENTIFICATION TO THE ELECTION BOARD WORKER AS PRESCRIBED BY SECTION 16-579, SUBSECTION A. IF DELIVERY BY A VOTER'S AGENT IS ALLOWED PURSUANT TO SECTION 16-1005, THE VOTER'S AGENT SHALL PRESENT TO THE ELECTION BOARD WORKER THE AGENT'S IDENTIFICATION THAT COMPLIES WITH SECTION 16-579, SUBSECTION A. In order to be counted and valid, the ballot must be received BY MAIL by the county recorder or other officer in charge of elections or deposited at DELIVERED TO any polling place in the county no later than 7:00 p.m. on election day, AND IF DELIVERED, MAY ONLY BE ACCEPTED IF THE VOTER OR VOTER'S AGENT PROVIDES PROPER IDENTIFICATION.

B. If the early voter is an overseas citizen, a qualified elector absent from the United States or in the United States service, a spouse or dependent residing with the early voter or a qualified elector of a special district mail ballot election as provided in article 8.1 of this chapter, the early voter may subscribe to the affidavit before and obtain the signature and military identification number or passport number, if available, of any person who is a United States citizen eighteen years of age or older.

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

16-1005. Ballot abuse; violation; classification; definitions
A. Any A person who knowingly marks a voted or unvoted ballot or ballot envelope with the intent to fix an election for that person's 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 who 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 who knowingly collects voted or unvoted early ballots from another person is guilty of a class 6 felony. An election official, a United States postal service worker or any other person who is allowed by law to transmit United States mail is deemed not to have collected an early ballot if the official, worker or other person is engaged in official duties.

I. Subsection H ofThis section does not apply to:
1. An election held by a special taxing district formed pursuant to title 48 for the purpose of protecting or providing services to agricultural lands or crops and that is authorized to conduct elections pursuant to title 48.
2. A family member, household member or caregiver of the voter.

I. For the purposes of this paragraph:
(a) "Caregiver" means a person who provides medical or health care assistance to the voter in a residence, nursing care institution, hospice facility, assisted living center, assisted living facility, assisted living home, residential care institution, adult day health care facility or adult foster care home.
(b) "Collects" means to gain possession or control of an early ballot.
(c) "Family member" means a person who is related to the voter by blood, marriage, adoption or legal guardianship.
(d) "Household member" means a person who resides at the same residence as the voter.