

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2612

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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

4 16-1005. Ballot abuse; ineligibility; violation;
5 classification; definitions

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

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

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

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

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

23 F. A person who knowingly collects voted or unvoted ballots and who
24 does not turn those ballots in to an election official, the United States

1 postal service or any other entity ~~permitted~~ ALLOWED by law to transmit
2 post is guilty of a class 5 felony.

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

8 H. A person who knowingly collects voted or unvoted early ballots
9 from another person is guilty of a class 6 felony. An election official, a
10 United States postal service worker or any other person who is allowed by
11 law to transmit United States mail is deemed not to have collected an early
12 ballot if the official, worker or other person is engaged in official
13 duties. A PERSON WHO IS CONVICTED OF A VIOLATION OF SECTION 16-1005 IS NOT
14 ELIGIBLE FOR NOMINATION OR ELECTION TO AND IS NOT ELIGIBLE TO HOLD AN
15 ELECTED PUBLIC OFFICE IN THIS STATE, AND IF HOLDING OFFICE WHEN CONVICTED,
16 SHALL RESIGN FROM OFFICE AND THE OFFICE SHALL BE DEEMED VACANT BY OPERATION
17 OF LAW.

18 ~~I. Subsection H of~~ This ~~section~~ SUBSECTION does not apply to:

19 1. An election held by a special taxing district THAT IS formed
20 pursuant to title 48 for the purpose of protecting or providing services to
21 agricultural lands or crops and that is authorized to conduct elections
22 pursuant to title 48.

23 2. A family member, household member or caregiver of the voter.

24 I. For the purposes of this ~~paragraph~~ SECTION:

25 ~~(a)~~ 1. "Caregiver" means a person who provides medical or health
26 care assistance to the voter in a residence, nursing care institution,
27 hospice facility, assisted living center, assisted living facility,
28 assisted living home, residential care institution, adult day health care
29 facility or adult foster care home.

30 ~~(b)~~ 2. "Collects" means to gain possession or control of an early
31 ballot.

1 ~~(c)~~ 3. "Family member" means a person who is related to the voter
2 by blood, marriage, adoption or legal guardianship.

3 ~~(d)~~ 4. "Household member" means a person who resides at the same
4 residence as the voter.

5 Sec. 2. Title 38, chapter 2, article 6, Arizona Revised Statutes, is
6 amended by adding section 38-296.02, to read:

7 38-296.02. Ineligibility for office: ballot collection
8 conviction: plea: vacancy

9 A PERSON WHO IS CONVICTED OF A VIOLATION OF SECTION 16-1005 IS NOT
10 ELIGIBLE FOR NOMINATION OR ELECTION TO AND IS NOT ELIGIBLE TO HOLD AN
11 ELECTED PUBLIC OFFICE IN THIS STATE, AND IF HOLDING OFFICE WHEN CONVICTED,
12 SHALL RESIGN FROM OFFICE AND THE OFFICE SHALL BE DEEMED VACANT BY OPERATION
13 OF LAW."

14 Amend title to conform

TIM DUNN

2612DUNN SE.docx
02/12/2024
03:57 PM
H: SJ/1s