

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.

1 F. A person who knowingly collects voted or unvoted ballots and who  
2 does not turn those ballots in to an election official, the United States  
3 postal service or any other entity ~~permitted~~ ALLOWED by law to transmit  
4 post is guilty of a class 5 felony.

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

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

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

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

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

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

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

