

REFERENCE TITLE: **early ballots; delivery; penalties**

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

# **HB 2380**

Introduced by  
Representative Bolick

**AN ACT**

**AMENDING SECTION 16-1005, ARIZONA REVISED STATUTES; RELATING TO EARLY  
BALLOTS.**

(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; definitions

5 A. ~~Any~~ A person who knowingly marks a voted or unvoted ballot or  
6 ballot envelope with the intent to fix an election for that person's own  
7 benefit 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  
9 a 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  
12 in 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  
15 intent to sell the voted or unvoted ballot of another person. A person  
16 who violates this subsection is guilty of a class 5 felony.

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

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

31 H. A person who knowingly collects voted or unvoted early ballots  
32 from another person is guilty of a class ~~6~~ 4 felony. An election  
33 official, a United States postal service worker or any other person who is  
34 allowed by law to transmit United States mail is deemed not to have  
35 collected an early ballot if the official, worker or other person is  
36 engaged in official duties.

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

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

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

43 I. ANY PERSON MAY SUBMIT A COMPLAINT TO THE ELECTION INTEGRITY UNIT  
44 OF THE OFFICE OF THE ATTORNEY GENERAL REGARDING A POSSIBLE VIOLATION OF  
45 SUBSECTION H OF THIS SECTION. ON RECEIPT OF A COMPLAINT, INCLUDING AN

1 ANONYMOUS COMPLAINT, THE ATTORNEY GENERAL MAY INVESTIGATE THE MATTER,  
2 ISSUE SUBPOENAS, CONDUCT OTHER DISCOVERY AS APPROPRIATE AND MAKE FINDINGS  
3 ON THE MATTER, INCLUDING A DETERMINATION ON WHETHER TO FILE CHARGES. THE  
4 ATTORNEY GENERAL SHALL PROVIDE A REPORT ON ITS ACTIVITIES PRESCRIBED BY  
5 THIS SUBSECTION BY FEBRUARY 1 EACH YEAR AND SUBMIT THE REPORT TO THE  
6 PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND  
7 THE GOVERNOR AND SHALL PROVIDE A COPY TO THE OFFICE OF THE SECRETARY OF  
8 STATE.

9 J. For the purposes of this ~~paragraph~~ SECTION:

10 ~~(a)~~ 1. "Caregiver" means a person who provides medical or health  
11 care assistance to the voter in a residence, nursing care institution,  
12 hospice facility, assisted living center, assisted living facility,  
13 assisted living home, residential care institution, adult day health care  
14 facility or adult foster care home.

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

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

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