

REFERENCE TITLE: early ballot collection; limitations; repeal

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2118

Introduced by
Representatives Salman: Aguilar, De Los Santos, Ortiz, Sandoval

AN ACT

AMENDING SECTION 16-1005, ARIZONA REVISED STATUTES; RELATING TO BALLOT ABUSE.

(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

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 felony. An election official,~~
33 ~~a United States postal service worker or any other person who is allowed~~
34 ~~by law to transmit United States mail is deemed not to have collected an~~
35 ~~early ballot if the official, worker or other person is engaged in~~
36 ~~official duties.~~

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

38 ~~1. An election held by a special taxing district formed pursuant to~~
39 ~~title 48 for the purpose of protecting or providing services to~~
40 ~~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 ~~For the purposes of this paragraph:~~

- 1 ~~(a) "Caregiver" means a person who provides medical or health care~~
2 ~~assistance to the voter in a residence, nursing care institution, hospice~~
3 ~~facility, assisted living center, assisted living facility, assisted~~
4 ~~living home, residential care institution, adult day health care facility~~
5 ~~or adult foster care home.~~
6 ~~(b) "Collects" means to gain possession or control of an early~~
7 ~~ballot.~~
8 ~~(c) "Family member" means a person who is related to the voter by~~
9 ~~blood, marriage, adoption or legal guardianship.~~
10 ~~(d) "Household member" means a person who resides at the same~~
11 ~~residence as the voter.~~