

Senate Engrossed House Bill  
elections; early ballot drop boxes

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

# HOUSE BILL 2591

AN ACT

AMENDING TITLE 16, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 16-546; AMENDING SECTION 16-1005, ARIZONA REVISED STATUTES;  
RELATING TO EARLY VOTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 16, chapter 4, article 8, Arizona Revised  
3 Statutes, is amended by adding section 16-546, to read:

4 16-546. Early ballot drop boxes; locations; recording

5 NOTWITHSTANDING ANY OTHER LAW, ALL BALLOT DROP BOXES USED IN THIS  
6 STATE TO RECEIVE VOTED EARLY BALLOTS MUST:

7 1. BE LOCATED INSIDE A COUNTY BUILDING, EXCEPT THAT A DROP BOX MAY  
8 BE LOCATED OUTSIDE OF A BUILDING IF THE BALLOT DROP BOX IS SECURED TO A  
9 BUILDING OR FOOTING.

10 2. BE USABLE ONLY ON MONDAY THROUGH FRIDAY FROM 8:00 A.M. TO  
11 5:00 P.M. IF A BALLOT DROP BOX IS LOCATED OUTSIDE OF A BUILDING, THE  
12 BALLOT DROP BOX MUST BE LOCKED IN A MANNER THAT PREVENTS THE DEPOSIT OF  
13 BALLOTS DURING ANY TIME OTHER THAN MONDAY THROUGH FRIDAY FROM 8:00 A.M. TO  
14 5:00 P.M.

15 3. INCLUDE A FUNCTIONING CAMERA OR VIDEO RECORDER THAT PHOTOGRAPHS  
16 OR VIDEO RECORDS AND STORES THE IMAGES OF EACH PERSON WHO DEPOSITS ONE OR  
17 MORE EARLY BALLOTS. THE CAMERA OR VIDEO RECORDER MAY BE MOTION ACTIVATED.

18 Sec. 2. Section 16-1005, Arizona Revised Statutes, is amended to  
19 read:

20 16-1005. Ballot abuse; violation; classification; definitions

21 A. ~~Any~~ A person who knowingly marks a voted or unvoted ballot or  
22 ballot envelope with the intent to fix an election for that person's own  
23 benefit or for that of another person is guilty of a class 5 felony **AND IS**  
24 **SUBJECT TO A FINE OF \$1,000 FOR EACH BALLOT.**

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

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

31 D. It is unlawful to possess a voted or unvoted ballot with the  
32 intent to sell the voted or unvoted ballot of another person. A person  
33 who violates this subsection is guilty of a class 5 felony **AND IS LIABLE**  
34 **FOR A FINE OF \$1,000 FOR EACH BALLOT.**

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

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

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

6 H. A person who knowingly collects voted or unvoted early ballots  
7 from another person is guilty of a class 6 felony. An election official,  
8 a United States postal service worker or any other person who is allowed  
9 by law to transmit United States mail is deemed not to have collected an  
10 early ballot if the official, worker or other person is engaged in  
11 official duties. A PERSON WHO VIOLATES THIS SUBSECTION IS SUBJECT TO A  
12 FINE OF \$100 FOR EACH BALLOT UNLAWFULLY COLLECTED FROM A VOTER OR  
13 UNLAWFULLY DELIVERED TO A BALLOT DROP BOX.

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

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

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

20 I. For the purposes of this paragraph SECTION:

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

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

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

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

32 Sec. 3. Legislative intent

33 This act is not intended to authorize the use of drop boxes, which  
34 is already prohibited by existing law.