

REFERENCE TITLE: ballot delivery; collection

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1437

Introduced by
Senators Sundareshan: Diaz, Hernandez, Mendez, Terán; Representative
Travers

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; 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 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. A VOTER MAY GIVE THE VOTER'S VOTED EARLY BALLOT TO
37 ANOTHER PERSON TO DELIVER TO A POLLING PLACE, A BALLOT DROP BOX, AN
38 ELECTION OFFICIAL, THE UNITED STATES POSTAL SERVICE OR ANY OTHER ENTITY
39 ALLOWED BY LAW TO TRANSMIT POST.

40 I. THE PROHIBITION ON COLLECTING UNVOTED EARLY BALLOTS IN
41 subsection H of this section does not apply to:

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

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

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

3 ~~(a)~~ 1. "Caregiver" means a person who provides medical or health
4 care assistance to the voter in a residence, nursing care institution,
5 hospice facility, assisted living center, assisted living facility,
6 assisted living home, residential care institution, adult day health care
7 facility or adult foster care home.

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

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

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