

Senate Engrossed House Bill

~~technical correction; waste; enforcement; venue~~
(now: ballot collection conviction; public office)

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2612

AN ACT

AMENDING SECTION 16-1005, ARIZONA REVISED STATUTES; AMENDING TITLE 38,
CHAPTER 2, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION
38-296.02; RELATING TO ELECTION PENAL PROVISIONS.

(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; 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
10 a 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
17 who 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.

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

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

32 H. A person who knowingly collects voted or unvoted early ballots
33 from another person is guilty of a class 6 felony. An election official,
34 a United States postal service worker or any other person who is allowed
35 by law to transmit United States mail is deemed not to have collected an
36 early ballot if the official, worker or other person is engaged in
37 official duties. **A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION
38 IS NOT ELIGIBLE FOR NOMINATION OR ELECTION TO AND IS NOT ELIGIBLE TO HOLD
39 AN ELECTED PUBLIC OFFICE IN THIS STATE, AND IF HOLDING OFFICE WHEN
40 CONVICTED, SHALL RESIGN FROM OFFICE AND THE OFFICE SHALL BE DEEMED VACANT
41 BY OPERATION OF LAW.**

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

43 1. An election held by a special taxing district **THAT IS** formed
44 pursuant to title 48 for the purpose of protecting or providing services

1 to agricultural lands or crops and that is authorized to conduct elections
2 pursuant to title 48.

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

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

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

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

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

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

16 Sec. 2. Title 38, chapter 2, article 6, Arizona Revised Statutes,
17 is amended by adding section 38-296.02, to read:

18 38-296.02. Ineligibility for office; ballot collection
19 conviction; plea; vacancy

20 A PERSON WHO IS CONVICTED OF A VIOLATION OF SECTION 16-1005 IS NOT
21 ELIGIBLE FOR NOMINATION OR ELECTION TO AND IS NOT ELIGIBLE TO HOLD AN
22 ELECTED PUBLIC OFFICE IN THIS STATE, AND IF HOLDING OFFICE WHEN CONVICTED,
23 SHALL RESIGN FROM OFFICE AND THE OFFICE SHALL BE DEEMED VACANT BY
24 OPERATION OF LAW.