



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR H.B. 2612

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

Purpose

Stipulates that a person convicted of ballot abuse is ineligible for elected public office in the State of Arizona and requires the person to resign from office.

Background

Statute prescribes certain conditions in which a person commits a ballot abuse violation, which range from a class 6 felony to a class 4 felony, including if the person: 1) knowingly marks a voted or unvoted ballot or ballot envelope with the intent to fix an election; 2) offers to acquire or agrees to receive any consideration in exchange for a voted or unvoted ballot; 3) poses with the intent to sell a voted or unvoted ballot of another person; 4) knowingly solicits the collection of or collects voted or unvoted ballots as prescribed; or 5) participates in a pattern of ballot fraud. A family member, household member or caregiver is exempt from the ballot abuse classification if the person is collecting the ballot of a family or household member to assist the voter in depositing the ballot ([A.R.S. § 16-1005](#)).

To be eligible for elective public office in the state, a person must be a qualified elector of the political subdivision in which the person is seeking election. Any person convicted of treason or a felony may not be considered a qualified elector in the state and is ineligible for public office, unless the person has been restored to civil rights. A person seeking candidacy for a political party at the primary election is not eligible for nomination if the person is liable for an aggregate amount of \$1,000 or more in fines, penalties, late fees, administrative or civil judgements or any related interests or costs incurred from the enforcement of statute governing campaign finance and contributions, except in cases where the liability is being appealed (Ariz. Const. art. 7 §§ [2](#) and [15](#); [A.R.S. § 16-311](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Stipulates that a person is ineligible to hold public office and for nomination or election to public office in the State of Arizona if the person is convicted of ballot abuse.
2. Requires a person holding public office to resign from office upon receiving a conviction of ballot abuse and deems the office vacant.
3. Makes technical and conforming changes.

4. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Makes technical changes.

House Action

GOV 2/15/24 DPA/SE 7-1-1-0
3rd Read 2/29/24 32-27-0-0-1

Senate Action

ELEC 3/18/24 DPA 4-3-1-0

Prepared by Senate Research

March 19, 2024

AN/KS/cs