

Senate Engrossed
FILED

MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

CHAPTER 264
SENATE BILL 1370

AN ACT

AMENDING SECTION 16-1016, ARIZONA REVISED STATUTES; RELATING TO UNLAWFUL VOTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-1016, Arizona Revised Statutes, is amended to
3 read:

4 16-1016. Illegal voting; pollution of ballot box; removal or
5 destruction of ballot box, poll lists or ballots;
6 classification

7 A person is guilty of a class 5 felony who:

8 1. Not being entitled to vote, knowingly votes.

9 2. Knowingly votes more than once at any election.

10 3. KNOWINGLY VOTES IN TWO OR MORE JURISDICTIONS IN THIS STATE FOR
11 WHICH RESIDENCY IS REQUIRED FOR LAWFUL VOTING AND THE PERSON IS NOT A
12 RESIDENT OF ALL JURISDICTIONS IN WHICH THE PERSON VOTED. FOR THE PURPOSES
13 OF THIS PARAGRAPH, A PERSON HAS ONLY ONE RESIDENCE FOR THE PURPOSE OF
14 VOTING.

15 4. KNOWINGLY VOTES IN THIS STATE IN AN ELECTION IN WHICH A FEDERAL
16 OFFICE APPEARS ON THE BALLOT AND VOTES IN ANOTHER STATE IN AN ELECTION IN
17 WHICH A FEDERAL OFFICE APPEARS ON THE BALLOT AND THE ELECTION DAY FOR BOTH
18 STATES IS THE SAME DATE.

19 ~~5.~~ 5. Knowingly gives to an election official two or more ballots
20 folded together.

21 ~~4.~~ 6. Knowingly changes or destroys a ballot after it has been
22 deposited in the ballot box.

23 ~~5.~~ 7. Knowingly adds a ballot to those legally cast at any
24 election, by fraudulently introducing the ballot into the ballot box
25 either before or after the ballots therein have been counted.

26 ~~6.~~ 8. Knowingly adds to or mixes with ballots lawfully cast, other
27 ballots, while they are being canvassed or counted, with intent to affect
28 the result of the election, or to exhibit the ballots as evidence on the
29 trial of an election contest.

30 ~~7.~~ 9. Knowingly and unlawfully carries away, conceals or removes a
31 poll list, ballot or ballot box from the polling place, or from possession
32 of the person authorized by law to have custody thereof.

33 ~~8.~~ 10. Knowingly destroys a polling list, ballot or ballot box
34 with the intent to interrupt or invalidate the election.

35 ~~9.~~ 11. Knowingly detains, alters, mutilates or destroys ballots or
36 election returns.

37 Sec. 2. Legislative intent; voting in more than one
38 jurisdiction illegal

39 A. It is the intent of the legislature by this act, after careful
40 consideration of the case, to overrule State v. Hannah, 1 CA-CR 14-0424,
41 filed July 28, 2015 (Ct. App. 2015) and to find, confirm and clarify that
42 all of the following have been and continue to be the law of this state:

43 1. A voter has only one residence at a time for purposes of
44 residency-based voting.

1 2. A person may not lawfully be registered to vote in this state
2 and another state.

3 3. For the purposes of determining whether a person has unlawfully
4 voted more than once in any election, elections held on the same day in
5 differing jurisdictions constitute the same election.

6 4. It is a criminal violation to knowingly vote unlawfully in more
7 than one election held at the same time and it is a criminal violation
8 without regard to whether one of the elections at issue is being held in
9 another state.

10 B. It is the further intent of the legislature to confirm and
11 clarify that:

12 1. One of the purposes of section 16-1016, subsection A, paragraph
13 2, Arizona Revised Statutes, has always been to prevent the dilution of
14 votes by penalizing persons who unlawfully and knowingly vote
15 simultaneously in more than one jurisdiction.

16 2. There is a conclusive presumption that unlawfully voting
17 simultaneously in more than one jurisdiction dilutes the vote of lawful
18 voters even if there are no shared candidates or issues on the ballots and
19 even if some of those voters are in another state, and preventing the
20 dilution of lawful votes by actions in this state is an important aspect
21 of this state's election laws and is required under the Constitution of
22 the United States.

APPROVED BY THE GOVERNOR MAY 2, 2017.

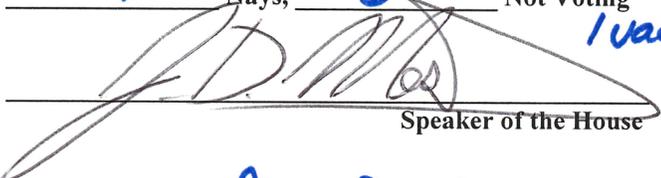
FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 2, 2017.

Passed the House April 25, 2017,

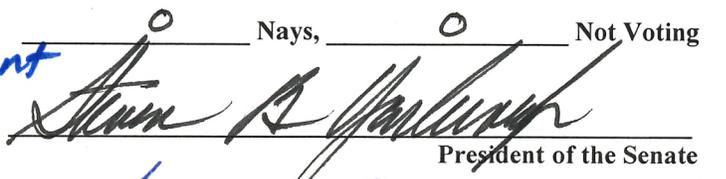
Passed the Senate February 21, 2017,

by the following vote: 52 Ayes,

by the following vote: 30 Ayes,

4 Nays, 3 Not Voting
1 vacant

Speaker of the House

Chief Clerk of the House

0 Nays, 0 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

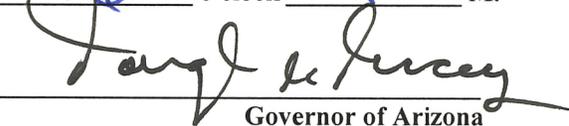
This Bill was received by the Governor this
26th day of April, 2017,

at 10.30 o'clock A. M.


Secretary to the Governor

Approved this 2nd day of
May, 2017,

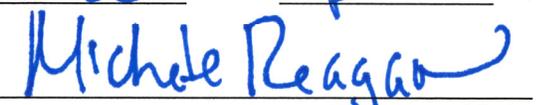
at 9:10 o'clock A. M.


Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 2 day of May, 2017,

at 12:35 o'clock P. M.


Secretary of State

S.B. 1370