

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SENATE BILL 1623

AN ACT

AMENDING SECTIONS 13-905, 13-906, 13-909, 13-910, 13-912, 16-550, 16-551, 16-602, 16-621 AND 16-1011, ARIZONA REVISED STATUTES; RELATING TO CONDUCT OF ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-905, Arizona Revised Statutes, is amended to
3 read:

4 13-905. Restoration of civil rights; persons completing
5 probation

6 A. EXCEPT AS PROVIDED IN SECTION 13-912, a person who has been
7 convicted of two or more felonies and whose period of probation has been
8 completed may have any civil rights ~~which~~ THAT were lost or suspended by ~~his~~
9 THE felony conviction restored by the judge who discharges ~~him~~ THE PERSON at
10 the end of the term of probation.

11 B. ~~Upon~~ ON proper application, a person who has been discharged from
12 probation either ~~prior to~~ BEFORE or after adoption of this chapter may have
13 any civil rights ~~which~~ THAT were lost or suspended by ~~his~~ THE felony
14 conviction restored by the superior court judge by whom the person was
15 sentenced or ~~his~~ THE JUDGE'S successors in office from the county in which ~~he~~
16 THE PERSON was originally convicted. The clerk of ~~such~~ THE superior court
17 shall ~~have the responsibility for processing~~ PROCESS the application ~~upon~~ ON
18 request of the person involved or ~~his~~ THE PERSON'S attorney. The superior
19 court shall ~~cause~~ SERVE a copy of the application ~~to be served upon~~ ON the
20 county attorney.

21 C. If the person was convicted of a dangerous offense under section
22 13-604, the person may not file for the restoration of ~~his~~ THE right to
23 possess or carry a gun or firearm. If the person was convicted of a serious
24 offense as defined in section 13-604, the person may not file for the
25 restoration of ~~his~~ THE right to possess or carry a gun or firearm for ten
26 years from the date of ~~his~~ THE PERSON'S discharge from probation. If the
27 person was convicted of any other felony offense, the person may not file for
28 the restoration of ~~his~~ THE right to possess or carry a gun or firearm for two
29 years from the date of ~~his~~ THE PERSON'S discharge from probation.

30 Sec. 2. Section 13-906, Arizona Revised Statutes, is amended to read:
31 13-906. Applications by persons discharged from prison

32 A. ~~Upon~~ EXCEPT AS PROVIDED IN SECTION 13-912, ON proper application, a
33 person who has been convicted of two or more felonies and who has received ~~an~~
34 ~~absolute~~ A discharge from imprisonment may have any civil rights ~~which~~ THAT
35 were lost or suspended by ~~his~~ THE conviction restored by the superior court
36 judge by whom the person was sentenced or ~~his~~ THE JUDGE'S successors in
37 office from the county in which ~~he~~ THE PERSON was originally sentenced.

38 B. A person who is subject to ~~the provisions of~~ subsection A of this
39 section may file, no sooner than two years from the date of ~~his absolute~~ THE
40 PERSON'S discharge, an application for restoration of civil rights that shall
41 be accompanied by a certificate of ~~absolute~~ discharge from the director of
42 the state department of corrections. The clerk of the superior court that
43 sentenced the applicant shall ~~have the responsibility for processing~~
44 ~~applications~~ PROCESS THE APPLICATION for restoration of civil rights ~~upon~~ ON
45 request of the person involved, ~~his~~ THE PERSON'S attorney or a representative

1 of the state department of corrections. The superior court shall ~~cause~~ SERVE
2 a copy of the application ~~to be served upon~~ ON the county attorney.

3 C. If the person was convicted of a dangerous offense under section
4 13-604, the person may not file for the restoration of ~~his~~ THE right to
5 possess or carry a gun or firearm. If the person was convicted of a serious
6 offense as defined in section 13-604, the person may not file for the
7 restoration of ~~his~~ THE right to possess or carry a gun or firearm for ten
8 years from the date of ~~his-absolute~~ THE PERSON'S discharge from imprisonment.
9 If the person was convicted of any other felony offense, the person may not
10 file for the restoration of ~~his~~ THE right to possess or carry a gun or
11 firearm for two years from the date of ~~his-absolute~~ THE PERSON'S discharge
12 from imprisonment.

13 Sec. 3. Section 13-909, Arizona Revised Statutes, is amended to read:
14 13-909. Restoration of civil rights; persons completing
15 probation for federal offense

16 A. EXCEPT AS PROVIDED IN SECTION 13-912, a person who has been
17 convicted of two or more felonies and whose period of probation has been
18 completed may have any civil rights ~~which~~ THAT were lost or suspended by ~~his~~
19 THE felony conviction in a United States district court restored by the
20 presiding judge of the superior court in the county in which ~~he~~ THE PERSON
21 now resides, ~~upon~~ ON filing of an affidavit of discharge from the judge who
22 discharged ~~him~~ THE PERSON at the end of the term of probation.

23 B. ~~Upon~~ ON proper application, a person who has been discharged from
24 probation either ~~prior to~~ BEFORE or after adoption of this chapter may have
25 any civil rights ~~which~~ THAT were lost or suspended by ~~his~~ THE felony
26 conviction restored by an application filed with the clerk of the superior
27 court in the county in which ~~he~~ THE PERSON now resides. The clerk of the
28 superior court shall process the application ~~upon~~ ON request of the person
29 involved or ~~his~~ THE PERSON'S attorney.

30 C. If the person was convicted of an offense ~~which~~ THAT would be a
31 dangerous offense under section 13-604, the person may not file for the
32 restoration of ~~his~~ THE right to possess or carry a gun or firearm. If the
33 person was convicted of an offense ~~which~~ THAT would be a serious offense as
34 defined in section 13-604, the person may not file for the restoration of ~~his~~
35 THE right to possess or carry a gun or firearm for ten years from the date of
36 ~~his~~ THE PERSON'S discharge from probation. If the person was convicted of
37 any other felony offense, the person may not file for the restoration of ~~his~~
38 THE right to possess or carry a gun or firearm for two years from the date of
39 ~~his~~ THE PERSON'S discharge from probation.

40 Sec. 4. Section 13-910, Arizona Revised Statutes, is amended to read:
41 13-910. Applications by persons discharged from federal prison

42 A. ~~Upon~~ EXCEPT AS PROVIDED IN SECTION 13-912, ON proper application, a
43 person who has been convicted of two or more felonies and who has received ~~an~~
44 ~~absolute~~ A discharge from imprisonment in a federal prison may have any civil
45 rights ~~which~~ THAT were lost or suspended by ~~his~~ THE conviction restored by

1 the presiding judge of the superior court in the county in which ~~he~~ THE
2 PERSON now resides.

3 B. A person who is subject to ~~the provisions of~~ subsection A of this
4 section may file, no sooner than two years from the date of ~~his absolute~~ THE
5 PERSON'S discharge, an application for restoration of civil rights that shall
6 be accompanied by a certificate of ~~absolute~~ discharge from the director of
7 the federal bureau of prisons, unless it is shown to be impossible to obtain
8 ~~such~~ THE certificate. ~~Such~~ THE application shall be filed with the clerk of
9 the superior court in the county in which the person now resides, and ~~such~~
10 THE clerk shall ~~be responsible for processing applications~~ PROCESS THE
11 APPLICATION for restoration of civil rights ~~upon~~ ON request of the person
12 involved or ~~his~~ THE PERSON'S attorney.

13 C. If the person was convicted of an offense ~~which~~ THAT would be a
14 dangerous offense under section 13-604, the person may not file for the
15 restoration of ~~his~~ THE right to possess or carry a gun or firearm. If the
16 person was convicted of an offense ~~which~~ THAT would be a serious offense as
17 defined in section 13-604, the person may not file for the restoration of ~~his~~
18 THE right to possess or carry a gun or firearm for ten years from the date of
19 ~~his absolute~~ THE PERSON'S discharge from imprisonment. If the person was
20 convicted of any other felony offense, the person may not file for the
21 restoration of ~~his~~ THE right to possess or carry a gun or firearm for two
22 years from the date of ~~his absolute~~ THE PERSON'S discharge from imprisonment.

23 Sec. 5. Section 13-912, Arizona Revised Statutes, is amended to read:
24 13-912. Automatic restoration of civil rights; exception

25 A. Any person who has not previously been convicted of any other
26 felony shall automatically be restored any civil rights that were lost or
27 suspended by the conviction if the person both:

28 1. Completes a term of probation or receives ~~an absolute~~ A discharge
29 from imprisonment.

30 2. Pays any fine or restitution imposed.

31 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, ANY PERSON WHO HAS
32 BEEN CONVICTED OF ONE OR MORE FELONIES SHALL AUTOMATICALLY BE RESTORED THE
33 RIGHT TO VOTE THAT WAS LOST OR SUSPENDED BY THE CONVICTION ON COMPLETION OF
34 PROBATION OR DISCHARGE FROM IMPRISONMENT. TO BE ELIGIBLE TO VOTE IN ANY
35 ELECTION, THE PERSON SHALL REGISTER TO VOTE.

36 ~~B-~~ C. This section does not apply to a person's right to possess
37 weapons as defined in section 13-3101 unless the person applies to a court
38 pursuant to section 13-905 or 13-906.

39 Sec. 6. Section 16-550, Arizona Revised Statutes, is amended to read:
40 16-550. Receipt of voter's ballot

41 A. Upon receipt of the envelope containing the early ballot and the
42 completed affidavit, the county recorder or other officer in charge of
43 elections shall compare the signatures thereon with the signature of the
44 elector on his registration form. If satisfied that the signatures

1 correspond, the recorder or other officer in charge of elections shall hold
2 them unopened in accordance with the rules of the secretary of state.

3 B. The recorder or other officer in charge of elections shall
4 thereafter safely keep the affidavits and early ballots in his office until
5 delivered pursuant to section 16-551 **AND TALLYING OF BALLOTS SHALL NOT BEGIN**
6 **ANY EARLIER THAN SEVEN DAYS BEFORE ELECTION DAY.**

7 C. The county recorder shall send a list of all voters who were issued
8 early ballots to the election board of the precinct in which the voter is
9 registered.

10 Sec. 7. Section 16-551, Arizona Revised Statutes, is amended to read:
11 16-551. Early election board; classification

12 A. The board of supervisors or the governing body of the political
13 subdivision shall appoint one or more early election boards to serve at
14 places to be designated by the board of supervisors or the governing body to
15 canvass and tally early election ballots. Members of early election boards
16 shall be selected in accordance with the provisions for selecting members of
17 regular election boards as provided in section 16-531.

18 B. If an electronic voting system is in use for early voting, the
19 early election board shall consist of at least one inspector and two judges
20 who shall perform the processing requirements in accordance with the rules
21 issued by the secretary of state. The inspector and judges shall be
22 appointed in the same manner by party as provided in section 16-531.

23 C. All early ballots received by the county recorder or other officer
24 in charge of elections before 7:00 p.m. on election day and the original
25 affidavit of the voter shall be delivered to the early election boards for
26 processing as provided in the rules of the secretary of state. The office of
27 the county recorder or other officer in charge of elections shall remain open
28 until 7:00 p.m. on election day for the purpose of receiving early ballots.
29 In no event shall partial or complete tallies of the early election board be
30 released or divulged before all precincts have reported or one hour after the
31 closing of the polls on election day, whichever occurs first, **AND ANY PERSON**
32 **WHO UNLAWFULLY RELEASES INFORMATION REGARDING VOTE TALLIES OR WHO POSSESSES A**
33 **TALLY SHEET OR SUMMARY WITHOUT AUTHORIZATION FROM THE OFFICER IN CHARGE OF**
34 **ELECTIONS IS GUILTY OF A CLASS 6 FELONY.**

35 D. The necessary printed blanks for poll lists, tally lists, lists of
36 voters, ballots, oaths and returns, together with envelopes in which to
37 enclose the returns, shall be furnished by the board of supervisors or the
38 governing body of the political subdivision to the early election board for
39 each election precinct at the expense of the county or the political
40 subdivision.

1 Sec. 8. Section 16-602, Arizona Revised Statutes, is amended to read:

2 16-602. Removal of ballots from ballot boxes; disposition of
3 ballots folded together or excessive ballots;
4 designated margin; hand counts; vote count
5 verification committee

6 A. The ballots cast in the election shall first be removed from the
7 ballot box and counted without being opened, except as may be necessary to
8 ascertain that the number of ballots cast corresponds with the number of
9 names on the poll lists.

10 B. If two or more ballots are found folded together appearing as a
11 single ballot, they shall be laid aside until the count of the ballots is
12 completed. If it then appears by comparison of the count with the number of
13 names on the poll lists that the ballots thus folded together were cast by
14 one elector, they shall be destroyed. If the ballots in the box are still
15 found to exceed in number the names on the poll lists, the ballots, except
16 those destroyed, shall be replaced in the box, and one of the judges, without
17 looking in the box, shall draw therefrom, one at a time, and destroy
18 unopened, a number of ballots equal to the excess, and the election board
19 shall record on the poll lists the number of ballots so destroyed and shall
20 then sign the poll list.

21 C. For each countywide primary, general and presidential preference
22 election, the county officer in charge of the election shall conduct a hand
23 count at the central counting center ~~of~~ **IN THE FOLLOWING ORDER:**

24 1. At least two per cent of the precincts in that county, or two
25 precincts, whichever is greater, **SHALL BE SELECTED AT RANDOM FROM A POOL**
26 **CONSISTING OF EVERY PRECINCT IN THAT COUNTY.** The county political party
27 chairman for each political party that is entitled to continued
28 representation on the state ballot or the chairman's designee shall conduct
29 the selection of the precincts to be hand counted. The precincts shall be
30 selected by lot without the use of a computer, and the order of selection by
31 the county political party chairmen shall also be by lot. The selection of
32 the precincts shall not begin until all ballots voted in the precinct polling
33 places have been delivered to the central counting center. The unofficial
34 vote totals from all precincts shall be made public before selecting the
35 precincts to be hand counted. Only the ballots cast in the polling places
36 and ballots from direct recording electronic machines shall be included in
37 the hand counts conducted pursuant to this section. Provisional ballots,
38 conditional provisional ballots and write-in votes shall not be included in
39 the hand counts and the early ballots shall be grouped separately by the
40 officer in charge of elections for purposes of a separate manual audit
41 pursuant to subsection G **OF THIS SECTION.**

42 2. The races to be counted **ON THE BALLOTS FROM THE PRECINCTS THAT WERE**
43 **SELECTED PURSUANT TO PARAGRAPH 1 OF THIS SUBSECTION FOR EACH PRIMARY AND**
44 **GENERAL ELECTION** shall include ~~at least four~~ **UP TO FIVE** contested races.
45 ~~, and~~ **AFTER THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS**

1 SEPARATES THE PRIMARY BALLOTS BY POLITICAL PARTY, THE RACES TO BE COUNTED
2 shall ~~include one federal race, one statewide candidate race, one ballot~~
3 ~~measure and one legislative race on those ballots.~~ BE DETERMINED BY SELECTING
4 BY LOT WITHOUT THE USE OF A COMPUTER FROM THOSE BALLOTS AS FOLLOWS:

5 (a) FOR A GENERAL ELECTION, ONE STATEWIDE BALLOT MEASURE, UNLESS THERE
6 ARE NO MEASURES ON THE BALLOT.

7 (b) ONE CONTESTED STATEWIDE RACE FOR STATEWIDE OFFICE. IF THERE IS NO
8 CONTESTED STATEWIDE RACE FOR A STATEWIDE OFFICE ON THE BALLOT, SELECT BY LOT
9 NOT USING A COMPUTER THE CONTESTED STATE HOUSE OF REPRESENTATIVES RACE OR THE
10 CONTESTED STATE SENATE RACE AND COUNT THAT RACE FOR EACH BALLOT.

11 (c) ONE CONTESTED RACE FOR FEDERAL OFFICE, EITHER UNITED STATES SENATE
12 OR UNITED STATES HOUSE OF REPRESENTATIVES. IF THE UNITED STATES HOUSE OF
13 REPRESENTATIVES RACE IS SELECTED, THE NAMES OF THE CANDIDATES MAY VARY AMONG
14 THE SAMPLED PRECINCTS.

15 (d) ONE CONTESTED RACE FOR STATE LEGISLATIVE OFFICE, EITHER STATE
16 HOUSE OF REPRESENTATIVES OR STATE SENATE. IN EITHER CASE, THE NAMES OF THE
17 CANDIDATES MAY VARY AMONG THE SAMPLED PRECINCTS.

18 (e) IF THERE ARE FEWER THAN FOUR CONTESTED RACES RESULTING FROM THE
19 SELECTIONS MADE PURSUANT TO SUBDIVISIONS (a) THROUGH (d) AND IF THERE ARE
20 ADDITIONAL CONTESTED FEDERAL, STATEWIDE OR LEGISLATIVE RACES OR BALLOT
21 MEASURES, ADDITIONAL CONTESTED RACES SHALL BE SELECTED BY LOT NOT USING A
22 COMPUTER UNTIL FOUR RACES HAVE BEEN SELECTED OR UNTIL NO ADDITIONAL CONTESTED
23 FEDERAL, STATEWIDE OR LEGISLATIVE RACES OR BALLOT MEASURES ARE AVAILABLE FOR
24 SELECTION.

25 (f) IF THERE ARE NO CONTESTED RACES AS PRESCRIBED BY THIS PARAGRAPH, A
26 HAND COUNT SHALL NOT BE CONDUCTED FOR THAT ELECTION.

27 3. FOR THE PRESIDENTIAL PREFERENCE ELECTION, SELECT BY LOT TWO PER
28 CENT OF THE POLLING PLACES DESIGNATED AND USED PURSUANT TO SECTION 16-248 AND
29 PERFORM THE HAND COUNT OF THOSE BALLOTS.

30 4. For the purposes of this section, a write-in candidacy in a race
31 does not constitute a contested race.

32 5. In elections in which there are candidates for president, the
33 presidential race shall be added to the four categories of hand counted
34 races.

35 6. Each county chairman of a political party that is entitled to
36 continued representation on the state ballot or the chairman's designee shall
37 select by lot the individual races to be hand counted **PURSUANT TO THIS**
38 **SECTION.**

39 7. The county chairman of each political party shall designate and
40 provide the number of election board members as designated by the county
41 officer in charge of elections who shall perform the hand count under the
42 supervision of the county officer in charge of elections. For each precinct
43 that is to be audited, the county chairmen shall designate at least ~~three~~ **TWO**
44 board workers who are registered members of any or no political party, ~~and TO~~
45 **ASSIST WITH THE AUDIT. ANY QUALIFIED ELECTOR FROM THIS STATE MAY BE A BOARD**

1 WORKER WITHOUT REGARD TO PARTY DESIGNATION. The county election officer
2 shall provide for compensation for those board workers. ~~If the board workers~~
3 ~~selected by the county chairmen fail to appear and perform the hand count~~
4 ~~pursuant to this subsection, no hand count will be conducted and the~~
5 ~~electronic tabulation is deemed the official count.~~ IF THERE ARE LESS THAN
6 TWO PERSONS FOR EACH AUDITED PRECINCT AVAILABLE TO PARTICIPATE ON BEHALF OF
7 EACH RECOGNIZED POLITICAL PARTY, THE RECORDER OR OFFICER IN CHARGE OF
8 ELECTIONS MAY SUBSTITUTE ADDITIONAL INDIVIDUAL ELECTORS WHO ARE PROVIDED BY
9 ANY POLITICAL PARTY FROM ANYWHERE IN THE STATE WITHOUT REGARD TO PARTY
10 DESIGNATION TO CONDUCT THE HAND COUNT. THE POLITICAL PARTIES SHALL PROVIDE
11 TO THE RECORDER IN WRITING THE NAMES OF THOSE PERSONS INTENDING TO
12 PARTICIPATE IN THE HAND COUNT AT THE AUDITED PRECINCTS NOT LATER THAN
13 5:00 P.M. ON THE THURSDAY PRECEDING THE ELECTION. IF THE TOTAL NUMBER OF
14 BOARD WORKERS PROVIDED BY ALL PARTIES IS LESS THAN FOUR TIMES THE NUMBER OF
15 PRECINCTS TO BE AUDITED, THE HAND COUNT WILL NOT PROCEED.

16 D. If the randomly selected races result in a difference in any race
17 that is less than the designated margin when compared to the electronic
18 tabulation of those same ballots, the results of the electronic tabulation
19 constitute the official count for that race. If the randomly selected races
20 result in a difference in any race that is equal to or greater than the
21 designated margin when compared to the electronic tabulation of those same
22 ballots, a second hand count of those same ballots and races shall be
23 performed. If the second hand count results in a difference in any race that
24 is less than the designated margin when compared to the electronic tabulation
25 for those same ballots, THE electronic tabulation constitutes the official
26 count for that race. If the second hand count results in a difference in any
27 race that is equal to or greater than the designated margin when compared to
28 the electronic tabulation for those same ballots, the hand count shall be
29 expanded to include a total of twice the original number of randomly selected
30 precincts. Those additional precincts shall be selected by lot without the
31 use of a computer.

32 E. In any expanded count of randomly selected precincts, if the
33 randomly selected precinct hand counts result in a difference in any race
34 that is equal to or greater than the designated margin when compared to the
35 electronic tabulation of those same ballots, the final hand count shall be
36 extended to include the entire jurisdiction for that race. If the
37 jurisdictional boundary for that race would include any portion of more than
38 one county, the final hand count shall not be extended into the precincts of
39 that race that are outside of the county that is conducting the expanded hand
40 count. If the expanded hand count results in a difference in that race that
41 is less than the designated margin when compared to the electronic tabulation
42 of those same ballots, the electronic tabulation constitutes the official
43 count for that race.

44 F. If a final hand count is performed for an entire jurisdiction for a
45 race, the final hand count shall be repeated for that race until a hand count

1 for that race for the entire jurisdiction results in a count that is
2 identical to one other hand count for that race for the entire jurisdiction
3 and that hand count constitutes the official count for that race.

4 G. After the electronic tabulation of early ballots and at one or more
5 times selected by the chairman of the political parties entitled to continued
6 representation on the ballot or the chairman's designee, the ~~county officer~~
7 ~~in charge of elections~~ CHAIRMEN OR THE CHAIRMEN'S DESIGNEES shall randomly
8 select one or more batches of early ballots that have been tabulated to
9 include at least one batch from each machine used for tabulating early
10 ballots and shall securely sequester those ballots along with their
11 unofficial tally reports for a postelection manual audit. The ~~county officer~~
12 ~~in charge of elections~~ CHAIRMEN OR THE CHAIRMEN'S DESIGNEES shall randomly
13 select from those sequestered early ballots a number equal to one per cent of
14 the total number of early ballots cast or five thousand early ballots,
15 whichever is less. From those randomly selected early ballots, the county
16 officer in charge of elections shall conduct a manual audit of the same races
17 that are being hand counted pursuant to subsection C OF THIS SECTION. If the
18 manual audit of the early ballots results in a difference in any race that is
19 equal to or greater than the designated margin when compared to the
20 electronically tabulated results for those same early ballots, the manual
21 audit shall be repeated for those same early ballots. If the second manual
22 audit results in a difference in that race that is equal to or greater than
23 the designated margin when compared to the electronically tabulated results
24 for those same early ballots, the manual audit shall be expanded only for
25 that race to a number of additional early ballots equal to one per cent of
26 the total early ballots cast or an additional five thousand ballots,
27 whichever is less, to be randomly selected from the batch or batches of
28 sequestered early ballots. If the expanded early ballot manual audit results
29 in a difference for that race that is equal to or greater than the designated
30 margin when compared to any of the earlier manual counts for that race, the
31 manual counts shall be repeated for that race until a manual count results in
32 a difference in that race that is less than the designated margin. If at any
33 point in the manual audit of early ballots the difference between any manual
34 count of early ballots is less than the designated margin when compared to
35 the electronic tabulation of those ballots, the electronic tabulation shall
36 be included in the canvass and no further manual audit of the early ballots
37 shall be conducted.

38 H. During any hand count of early ballots, the county officer in
39 charge of elections and election board workers shall attempt to determine the
40 intent of the voter in casting the ballot.

41 I. Notwithstanding any other law, the county officer in charge of
42 elections shall retain custody of the ballots for purposes of performing any
43 required hand counts and the officer shall provide for security for those
44 ballots.

1 J. The hand counts prescribed by this section shall begin within
2 twenty-four hours after the closing of the polls and shall be completed
3 before the canvassing of the election for that county. The results of those
4 hand counts shall be provided to the secretary of state, who shall make those
5 results publicly available on the secretary of state's web site.

6 K. For any county in which a hand count has been expanded to all
7 precincts in the jurisdiction, the secretary of state shall make available
8 the escrowed source code for that county to the superior court. The superior
9 court shall appoint a special master to review the computer software. The
10 special master shall have expertise in software engineering and shall not be
11 affiliated with an election software vendor nor with a candidate and shall
12 sign and be bound by a nondisclosure agreement regarding the source code
13 itself, and shall issue a public report to the court and to the secretary of
14 state regarding the special master's findings on the reasons for the
15 discrepancies. The secretary of state shall consider the reports for
16 purposes of reviewing the certification of that equipment and software for
17 use in this state.

18 L. The vote count verification committee is established in the office
19 of the secretary of state and all of the following apply:

20 1. At least thirty days before the 2006 primary election, the
21 secretary of state shall appoint seven persons to the committee, no more than
22 three of whom are members of the same political party.

23 2. Members of the committee shall have expertise in any two or more of
24 the areas of advanced mathematics, statistics, random selection methods,
25 systems operations or voting systems.

26 3. A person is not eligible to be a committee member if that person
27 has been affiliated with or received any income in the preceding five years
28 from any person or entity that provides election equipment or services in
29 this state.

30 4. The vote count verification committee shall meet and establish one
31 or more designated margins to be used in reviewing the hand counting of votes
32 as required pursuant to this section. The committee shall review and
33 consider revising the designated margins every two years for use in the
34 applicable elections. The committee shall provide the designated margins to
35 the secretary of state at least ten days before the primary election and at
36 least ten days before the general election, and the secretary of state shall
37 make that information publicly available on the secretary of state's web
38 site.

39 5. Members of the vote count verification committee are not eligible
40 to receive compensation but are eligible for reimbursement of expenses
41 pursuant to title 38, chapter 4, article 2. The committee is a public body
42 and its meetings are subject to title 38, chapter 3, article 3.1 and its
43 reports and records are subject to title 39, chapter 1.

1 Sec. 9. Section 16-621, Arizona Revised Statutes, is amended to read:
2 16-621. Proceedings at the counting center

3 A. All proceedings at the counting center shall be under the direction
4 of the board of supervisors or other officer in charge of elections and shall
5 be conducted in accordance with the approved instructions and procedures
6 manual provided for in section 16-452 under the observation of
7 representatives of each political party and the public, but no persons except
8 those authorized for the purpose shall touch any ballot or ballot card or
9 return. All persons who are engaged in processing and counting of the
10 ballots **SHALL BE QUALIFIED ELECTORS**, shall be deputized in writing and take
11 an oath that they will faithfully perform their assigned duties. There shall
12 be no preferential counting of ballots for the purpose of projecting the
13 outcome of the election. If any ballot is damaged or defective so that it
14 cannot properly be counted by the automatic tabulating equipment, a true
15 duplicate copy shall be made of the damaged ballot in the presence of
16 witnesses and substituted for the damaged ballot. All duplicate ballots
17 shall be clearly labeled "duplicate" and shall bear a serial number which
18 shall be recorded on the damaged or defective ballot.

19 B. If for any reason it becomes impracticable to count all or a part
20 of the ballots with tabulating equipment, the officer in charge of elections
21 may direct that they be counted manually, following as far as practicable the
22 provisions governing the counting of paper ballots.

23 **C. FOR ANY STATEWIDE, COUNTY OR LEGISLATIVE ELECTION, THE OFFICER IN**
24 **CHARGE OF ELECTIONS SHALL PROVIDE FOR A LIVE VIDEO RECORDING OF THE CUSTODY**
25 **OF ALL BALLOTS THAT ARE LOCATED IN THE COUNTING CENTER FROM THE TIME THAT**
26 **THOSE BALLOTS ARE RECEIVED FOR COUNTING UNTIL ALL BALLOTS ARE TABULATED. THE**
27 **LIVE VIDEO RECORDING SHALL BE LINKED TO THE SECRETARY OF STATE'S WEBSITE AND**
28 **THE SECRETARY OF STATE SHALL POST THE VIDEO COVERAGE FOR VIEWING BY THE**
29 **PUBLIC. THE OFFICER IN CHARGE OF ELECTIONS SHALL RECORD THE VIDEO COVERAGE**
30 **OF THE BALLOTS AT THE COUNTING CENTER AND SHALL RETAIN THOSE RECORDINGS AS A**
31 **PUBLIC RECORD.**

32 Sec. 10. Section 16-1011, Arizona Revised Statutes, is amended to
33 read:

34 16-1011. Counterfeiting election returns; classification

35 A. A person who knowingly forges or counterfeits returns of an
36 election purporting to have been held at a precinct or place where no
37 election was in fact held, or who knowingly substitutes, forges or
38 counterfeits returns of election instead of the true returns for a precinct
39 or place where an election was actually held, is guilty of a class ~~4~~ 3
40 felony.

1 B. A PERSON WHO KNOWINGLY SUBSTITUTES, FORGES, COUNTERFEITS, CHANGES
2 OR MANIPULATES BALLOT TABULATIONS OR TOTALS OR ELECTION RESULTS BY ELECTRONIC
3 MEANS OR THROUGH THE USE OF A COMPUTER, MACHINE OR OTHER DEVICE IS GUILTY OF
4 A CLASS 3 FELONY.

5 C. NOTWITHSTANDING SECTIONS 13-905, 13-906 AND 13-912, A PERSON
6 CONVICTED UNDER THIS SECTION SHALL NOT BE AUTOMATICALLY RESTORED THE RIGHT TO
7 VOTE.