

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HOUSE BILL 2303

AN ACT

AMENDING SECTIONS 16-168, 16-169, 16-411, 16-511, 16-516, 16-571, 16-579, 16-602 AND 16-615, 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 16-168, Arizona Revised Statutes, is amended to
3 read:

4 16-168. Precinct registers; date of preparation; contents;
5 copies; reports; statewide database; violation;
6 classification

7 A. By the tenth day preceding the primary and general elections the
8 county recorder shall prepare from the original registration forms or from
9 electronic media at least four lists that are printed or typed on paper, **OR**
10 **AT LEAST TWO ELECTRONIC MEDIA POLL LISTS, OR ANY COMBINATION OF BOTH**, of all
11 qualified electors in each precinct in the county, and the lists shall be the
12 official precinct registers.

13 B. The official precinct registers for use at the polling place shall
14 contain at least the names in full, party preference, date of registration
15 and residence address of each qualified elector in the respective precincts.
16 The names shall be in alphabetical order and, in a column to the left of the
17 names, shall be numbered consecutively beginning with number 1 in each
18 precinct register.

19 C. For the purposes of transmitting voter registration information as
20 prescribed by this subsection, electronic media shall be the principal media.
21 A county or state chairman who is eligible to receive copies of precinct
22 lists as prescribed by this subsection may request that the recorder provide
23 a paper copy of the precinct lists. In addition to preparing the official
24 precinct lists, the county recorder shall provide a means for electronically
25 reproducing the precinct lists. Unless otherwise agreed, the county recorder
26 shall deliver one electronic media copy of each precinct list in the county
27 without charge and on the same day within eight days after the close of
28 registration for the primary and general elections to the county chairman and
29 one electronic media copy to the state chairman of each party that has at
30 least four candidates other than presidential electors appearing on the
31 ballot in that county at the current election. The secretary of state shall
32 prescribe the manner, format and template in which all county recorders
33 provide this data to the secretary of state to ensure that the submissions
34 are uniform from all counties in this state. The electronic media copies of
35 the precinct lists that are delivered to the party chairmen shall include for
36 each elector the following information:

- 37 1. Name in full and appropriate title.
- 38 2. Party preference.
- 39 3. Date of registration.
- 40 4. Residence address.
- 41 5. Mailing address, if different from residence address.
- 42 6. Zip code.
- 43 7. Telephone number if given.
- 44 8. Birth year.
- 45 9. Occupation if given.

1 10. Voting history for all elections in the prior four years and any
2 other information regarding registered voters that the county recorder or
3 city or town clerk maintains electronically and that is public information.

4 11. All data relating to permanent early voters and nonpermanent early
5 voters, including ballot requests and ballot returns.

6 D. The names on the precinct lists shall be in alphabetical order and
7 the precinct lists in their entirety, unless otherwise agreed, shall be
8 delivered to each county chairman and each state chairman within ten business
9 days of the close of each date for counting registered voters prescribed by
10 subsection G of this section other than the primary and general election
11 registered voter counts in the same format and media as prescribed by
12 subsection C of this section. During the thirty-three days immediately
13 preceding an election and on request from a county or state chairman, the
14 county recorder shall provide at no cost a daily list of persons who have
15 requested an early ballot and shall provide at no cost a weekly listing of
16 persons who have returned their early ballots. The recorder shall provide
17 the daily and weekly information through the Friday preceding the election.
18 On request from a county chairman or state chairman, the county recorder of a
19 county with a population of more than eight hundred thousand persons shall
20 provide at no cost a daily listing of persons who have returned their early
21 ballots. The daily listing shall be provided Mondays through Fridays,
22 beginning with the first Monday following the start of early voting and
23 ending on the Monday before the election.

24 E. Precinct registers and other lists and information derived from
25 registration forms may be used only for purposes relating to a political or
26 political party activity, a political campaign or an election, for revising
27 election district boundaries or for any other purpose specifically authorized
28 by law and may not be used for a commercial purpose as defined in section
29 39-121.03. The sale of registers, lists and information derived from
30 registration forms to a candidate or a registered political committee for a
31 use specifically authorized by this subsection does not constitute use for a
32 commercial purpose. The county recorder, on a request for an authorized use
33 and within thirty days from receipt of the request, shall prepare additional
34 copies of an official precinct list and furnish them to any person requesting
35 them on payment of a fee equal to five cents for each name appearing on the
36 register for a printed list and one cent for each name for an electronic data
37 medium, plus the cost of the blank computer disk or computer software if
38 furnished by the recorder, for each copy so furnished.

39 F. Any person in possession of a precinct register or list, in whole
40 or part, or any reproduction of a precinct register or list, shall not permit
41 the register or list to be used, bought, sold or otherwise transferred for
42 any purpose except for uses otherwise authorized by this section. A person
43 in possession of information derived from voter registration forms or
44 precinct registers shall not distribute, post or otherwise provide access to
45 any portion of that information through the internet except as authorized by

1 subsection J of this section. Nothing in this section shall preclude public
2 inspection of voter registration records at the office of the county recorder
3 for the purposes prescribed by this section, except that the month and day of
4 birth date, the social security number or any portion thereof, the driver
5 license number or nonoperating identification license number, the Indian
6 census number, the father's name or mother's maiden name, the state or
7 country of birth and the records containing a voter's signature shall not be
8 accessible or reproduced by any person other than the voter, by an authorized
9 government official in the scope of the official's duties, for signature
10 verification on petitions and candidate filings, for election purposes and
11 for news gathering purposes by a person engaged in newspaper, radio,
12 television or reportorial work, or connected with or employed by a newspaper,
13 radio or television station or pursuant to a court order. A person who
14 violates this subsection or subsection E of this section is guilty of a class
15 6 felony.

16 G. The county recorder shall count the registered voters by political
17 party by precinct, legislative district and congressional district as
18 follows:

19 1. In even numbered years, the county recorder shall count all persons
20 who are registered to vote as of:

21 (a) January 1.

22 (b) March 1.

23 (c) June 1.

24 (d) The last day on which a person may register to be eligible to vote
25 in the next primary election.

26 (e) The last day on which a person may register to be eligible to vote
27 in the next general election.

28 (f) The last day on which a person may register to be eligible to vote
29 in the next presidential preference election.

30 2. In odd numbered years, the county recorder shall count all persons
31 who are registered to vote as of:

32 (a) January 1.

33 (b) April 1.

34 (c) July 1.

35 (d) October 1.

36 H. The county recorder shall report the totals to the secretary of
37 state as soon as is practicable following each of the dates prescribed in
38 subsection G of this section. The report shall include completed
39 registration forms returned in accordance with section 16-134, subsection B.
40 The county recorder shall also provide the report in a uniform electronic
41 computer media format that shall be agreed on between the secretary of state
42 and all county recorders. The secretary of state shall then prepare a
43 summary report for the state and shall maintain that report as a permanent
44 record.

1 I. The county recorder and the secretary of state shall protect access
2 to voter registration information in an auditable format and method specified
3 in the secretary of state's electronic voting system instructions and
4 procedures manual that is adopted pursuant to section 16-452.

5 J. The secretary of state shall develop and administer a statewide
6 database of voter registration information that contains the name and
7 registration information of every registered voter in this state. The
8 statewide database is a matter of statewide concern and is not subject to
9 modification or further regulation by a political subdivision. The database
10 shall include an identifier that is unique for each individual voter. The
11 database shall provide for access by voter registration officials and shall
12 allow expedited entry of voter registration information after it is received
13 by county recorders. As a part of the statewide voter registration database,
14 county recorders shall provide for the electronic transmittal of that
15 information to the secretary of state on a real time basis. The secretary of
16 state shall provide for maintenance of the database, including provisions
17 regarding removal of ineligible voters that are consistent with the national
18 voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; 42 United States
19 Code section 394) and the help America vote act of 2002 (P.L. 107-252; 116
20 Stat. 1666; 42 United States Code sections 15301 through 15545), provisions
21 regarding removal of duplicate registrations and provisions to ensure that
22 eligible voters are not removed in error. For the purpose of maintaining
23 compliance with the help America vote act of 2002, each county voter
24 registration system is subject to approval by the secretary of state for
25 compatibility with the statewide voter registration database system.

26 K. Except as provided in subsection L of this section, for requests
27 for the use of registration forms and access to information as provided in
28 subsections E and F of this section, the county recorder shall receive and
29 respond to requests regarding federal, state and county elections.

30 L. Beginning January 1, 2008, recognized political parties shall
31 request precinct lists and access to information as provided in subsections E
32 and F of this section during the time periods prescribed in subsection C or D
33 of this section and the county recorder shall receive and respond to those
34 requests. If the county recorder does not provide the requested materials
35 within the applicable time prescribed for the county recorder pursuant to
36 subsection C or D of this section, a recognized political party may request
37 that the secretary of state provide precinct lists and access to information
38 as provided in subsections E and F of this section for federal, state and
39 county elections. The secretary of state shall not provide access to
40 precinct lists and information for recognized political parties unless the
41 county recorder has failed or refused to provide the lists and materials as
42 prescribed by this section. The secretary of state may charge the county
43 recorder a fee determined by rule for each name or record produced.

44 M. For municipal registration information in those municipalities in
45 which the county administers the municipal elections, county and state party

1 chairmen shall request and obtain voter registration information and precinct
2 lists from the city or town clerk during the time periods prescribed in
3 subsection C or D of this section. If the city or town clerk does not
4 provide that information within the same time prescribed for county recorders
5 pursuant to subsection C or D of this section, the county or state party
6 chairman may request and obtain the information from the county recorder.
7 The county recorder shall provide the municipal voter registration and
8 precinct lists within the time prescribed in subsection C or D of this
9 section.

10 N. The county recorders and the secretary of state shall not prohibit
11 any person or entity prescribed in subsection C of this section from
12 distributing a precinct list to any person or entity that is deemed to be
13 using the precinct list in a lawful manner as prescribed in subsections E and
14 F of this section.

15 Sec. 2. Section 16-169, Arizona Revised Statutes, is amended to read:
16 16-169. Disposition and use of precinct registers; signature
17 roster; form

18 A. Upon completion of the precinct registers, the county recorder
19 shall certify to their completeness and correctness and shall transmit ~~the~~
20 ~~original and two copies~~ THEM to the ~~several~~ election boards. A copy shall be
21 retained by the county recorder IN EITHER PRINT OR ELECTRONIC MEDIA for
22 verification purposes on election day, and then ~~such~~ THAT copy shall be
23 delivered by the recorder to the early election boards. The board of
24 election shall use the original of the precinct register, which shall be
25 known as the "signature roster", for identifying the electors qualified to
26 vote in the precinct and may use the remaining copies to process voters or
27 may place them in a convenient place outside the poll limits for use by the
28 electors.

29 B. IF PAPER SIGNATURE ROSTERS ARE USED, the signature roster shall be
30 bound with suitable covers and shall bear on the outside front cover the
31 title, "signature roster _____ precinct, _____ county,
32 Arizona." On the cover shall appear, printed or typed, a certificate to be
33 signed by the inspector substantially as follows:

34 I, _____, inspector of the board of election of
35 _____ precinct, _____ county, Arizona hereby certify that
36 the foregoing (excepting signatures in red) are true and correct
37 signatures of all electors who voted in _____ precinct
38 on _____.
39 (date)

40 _____
41 (inspector)

42 C. IF ELECTRONIC MEDIA POLL BOOK SYSTEMS ARE USED FOR SIGNATURE
43 ROSTERS, A SEPARATE AFFIDAVIT SHALL BE SUPPLIED FOR THE INSPECTOR'S SIGNATURE
44 THAT IS IN SUBSTANTIALLY THE SAME FORMAT AS PRESCRIBED IN SUBSECTION B OF
45 THIS SECTION.

1 Sec. 3. Section 16-411, Arizona Revised Statutes, is amended to read:
2 16-411. Designation of election precincts and polling places:
3 voting centers; electioneering; wait times

4 A. Except as prescribed by subsection J of this section, the board of
5 supervisors of each county, on or before December 1 of each year preceding
6 the year of a general election, by an order, shall establish a convenient
7 number of election precincts in the county and define the boundaries of the
8 precincts. Such election precinct boundaries shall be so established as
9 included within election districts prescribed by law for elected officers of
10 the state and its political subdivisions including community college district
11 precincts, except those elected officers provided for in titles 30 and 48.

12 B. Not less than twenty days before a general or primary election, and
13 at least ten days before a special election, the board shall designate one
14 polling place within each precinct where the election shall be held, except
15 that:

16 1. On a specific finding of the board, included in the order or
17 resolution designating polling places pursuant to this subsection, that no
18 suitable polling place is available within a precinct, a polling place for
19 such precinct may be designated within an adjacent precinct.

20 2. Adjacent precincts may be combined if boundaries so established are
21 included in election districts prescribed by law for state elected officials
22 and political subdivisions including community college districts but not
23 including elected officials prescribed by titles 30 and 48. The officer in
24 charge of elections may also split a precinct for administrative purposes.
25 Any such polling places shall be listed in separate sections of the order or
26 resolution.

27 3. On a specific finding of the board that the number of persons who
28 are listed as permanent early voters pursuant to section 16-544 is likely to
29 substantially reduce the number of voters appearing at one or more specific
30 polling places at that election, adjacent precincts may be consolidated by
31 combining polling places and precinct boards for that election. The board of
32 supervisors shall ensure that a reasonable and adequate number of polling
33 places will be designated for that election. Any consolidated polling places
34 shall be listed in separate sections of the order or resolution of the board.

35 4. ON A SPECIFIC RESOLUTION OF THE BOARD, THE BOARD MAY AUTHORIZE THE
36 USE OF VOTING CENTERS IN PLACE OF OR IN ADDITION TO SPECIFICALLY DESIGNATED
37 POLLING PLACES. A VOTING CENTER SHALL ALLOW ANY VOTER IN THAT COUNTY TO
38 RECEIVE THE APPROPRIATE BALLOT FOR THAT VOTER ON ELECTION DAY AND LAWFULLY
39 CAST THE BALLOT. VOTING CENTERS MAY BE ESTABLISHED IN COORDINATION AND
40 CONSULTATION WITH THE COUNTY RECORDER, AT OTHER COUNTY OFFICES OR AT OTHER
41 LOCATIONS IN THE COUNTY DEEMED APPROPRIATE.

42 C. If the board fails to designate the place for holding the election,
43 or if it cannot be held at or about the place designated, the justice of the
44 peace in the precinct, two days before the election, by an order, copies of
45 which the justice of the peace shall immediately post in three public places

1 in the precinct, shall designate the place within the precinct for holding
2 the election. If there is no justice of the peace in the precinct, or if the
3 justice of the peace fails to do so, the election board of the precinct shall
4 designate and give notice of the place within the precinct of holding the
5 election. For any election in which there are no candidates for elected
6 office appearing on the ballot, the board may consolidate polling places and
7 precinct boards and may consolidate the tabulation of results for that
8 election if all of the following apply:

9 1. All affected voters are notified by mail of the change at least
10 thirty-three days before the election.

11 2. Notice of the change in polling places includes notice of the new
12 voting location, notice of the hours for voting on election day and notice of
13 the telephone number to call for voter assistance.

14 3. All affected voters receive information on early voting that
15 includes the application used to request an early voting ballot.

16 D. The board is not required to designate a polling place for special
17 district mail ballot elections held pursuant to article 8.1 of this chapter,
18 but the board may designate one or more sites for voters to deposit marked
19 ballots until 7:00 p.m. on the day of the election.

20 E. Except as provided in subsection F of this section, a public school
21 shall provide sufficient space for use as a polling place for any city,
22 county or state election when requested by the officer in charge of
23 elections.

24 F. The principal of the school may deny a request to provide space for
25 use as a polling place for any city, county or state election if, within two
26 weeks after a request has been made, the principal provides a written
27 statement indicating a reason the election cannot be held in the school,
28 including any of the following:

29 1. Space is not available at the school.

30 2. The safety or welfare of the children would be jeopardized.

31 G. The board shall make available to the public as a public record a
32 list of the polling places for all precincts in which the election is to be
33 held including identification of polling place changes that were submitted to
34 the United States department of justice for approval.

35 H. Except in the case of an emergency, any facility that is used as a
36 polling place on election day shall allow persons to electioneer and engage
37 in other political activity outside of the seventy-five foot limit prescribed
38 by section 16-515 in public areas and parking lots used by voters. This
39 subsection shall not be construed to permit the temporary or permanent
40 construction of structures in public areas and parking lots or the blocking
41 or other impairment of access to parking spaces for voters.

42 I. The secretary of state shall provide through the instructions and
43 procedures manual adopted pursuant to section 16-452 the maximum allowable
44 wait time for any election that is subject to section 16-204 and provide for
45 a method to reduce voter wait time at the polls in the primary and general

1 elections. The method shall consider at least all of the following for
2 primary and general elections in each precinct:

3 1. The number of ballots voted in the prior primary and general
4 elections.

5 2. The number of registered voters who voted early in the prior
6 primary and general elections.

7 3. The number of registered voters and the number of registered voters
8 who cast an early ballot for the current primary or general election.

9 4. The number of election board members and clerks and the number of
10 rosters that will reduce voter wait time at the polls.

11 J. The board of supervisors of a county shall not change precinct
12 lines during the period after July 31, 2008 and before January 1, 2011. The
13 board of supervisors may subdivide an election precinct for administrative
14 purposes or may provide for more than one polling place within the boundaries
15 of the election precincts established for use in voting in elections held
16 after July 31, 2008 and before January 1, 2011. In providing for multiple
17 polling places within a precinct, the board of supervisors shall consider the
18 particular population characteristics of each precinct in order to provide
19 the voters the most reasonable access to the polls possible.

20 Sec. 4. Section 16-511, Arizona Revised Statutes, is amended to read:

21 16-511. Duty of board of supervisors to furnish election
22 supplies to precinct officers

23 A. IF PAPER SIGNATURE ROSTERS ARE USED IN A POLLING PLACE, the
24 necessary printed blanks for poll lists, tally lists, lists of voters,
25 ballots, oath and returns, together with envelopes in which to enclose the
26 returns, shall be furnished by the board of supervisors to the officers of
27 each election precinct at the expense of the county. For those elections
28 over which the board of supervisors has no responsibility, the governing body
29 of each election district is responsible for furnishing the necessary
30 supplies for elections which it calls.

31 B. IF ELECTRONIC POLL BOOK SYSTEMS ARE USED IN A PRECINCT, THE BOARD
32 OF SUPERVISORS SHALL FURNISH AT LEAST TWO ELECTRONIC POLL BOOK SYSTEMS FOR
33 EACH POLLING PLACE, EACH OF WHICH SHALL BE CAPABLE OF PRINTING POLL LISTS,
34 TALLY LISTS AND LISTS OF VOTERS.

35 C. FOR ANY ELECTION THAT IS NOT HELD UNDER THE SUPERVISION OF THE
36 BOARD OF SUPERVISORS, THE GOVERNING BODY OF EACH ELECTION DISTRICT IS
37 RESPONSIBLE FOR FURNISHING THE NECESSARY SUPPLIES FOR THAT ELECTION.

38 Sec. 5. Section 16-516, Arizona Revised Statutes, is amended to read:

39 16-516. Form of poll lists

40 A. The following form of poll lists shall be kept by boards and clerks
41 of election:

42 "Poll lists.

43 Of the election held in the precinct of _____ in the
44 county of _____ on the _____ day of _____
45 ~~nineteen hundred~~ _____, ~~A.B., C.D. and E.F., judges, and~~

1 ~~G.H. and J.K., clerks~~ THE OFFICERS of the election, were
2 respectively sworn or affirmed, as the law directs, previous to
3 their entering on the duties of their respective offices, and
4 the following is the number and name of electors voting:

5 _____

6 _____

7 Ballot stub	Register	Name
8 No.		No.
9 _____		
10 _____		
11 _____		

12 We hereby certify that the number of electors voting at this
13 election was

14 _____

15 _____

16 _____

17 Clerks

18 _____

19 _____

20 _____

21 Board of election."

22 B. The paper used for poll lists is exempt from the paper size
23 restrictions prescribed by section 39-103.

24 Sec. 6. Section 16-571, Arizona Revised Statutes, is amended to read:
25 16-571. Poll lists to be kept by election clerk; posting

26 A. IN PRECINCTS IN WHICH ELECTRONIC POLL BOOK SYSTEMS ARE NOT USED, at
27 least one election board clerk shall keep a list in duplicate of persons
28 voting, and the name of each person who votes shall be entered thereon and
29 numbered in the order of voting.

30 B. IN PRECINCTS IN WHICH ELECTRONIC POLL BOOK SYSTEMS ARE NOT USED,
31 the poll list as prescribed in section 16-516 shall be written on one side
32 only, and the copies thereof shall be legible triplicate copies. Immediately
33 upon the completion of each page of the poll list one copy shall, upon
34 request, be given to a representative designated by each major political
35 party. In an election with nonpartisan candidates or ballot issues, the
36 officer in charge of the jurisdiction that is conducting the election may
37 designate who is to receive copies of the poll lists. For the purposes of
38 this subsection, "major political party" means the two parties receiving the
39 highest number of votes for governor or presidential electors at the last
40 election.

41 C. IN PRECINCTS IN WHICH ELECTRONIC POLL BOOK SYSTEMS ARE USED, AT
42 LEAST ONE LIST OF PERSONS VOTING SHALL BE AVAILABLE BY PRINTED OR ELECTRONIC
43 MEDIA. THE LIST SHALL BE IN SUBSTANTIALLY THE SAME FORMAT AS PRESCRIBED IN
44 SECTION 16-516 AND ON REQUEST SHALL BE GIVEN TO A REPRESENTATIVE DESIGNATED
45 BY EACH MAJOR POLITICAL PARTY. THE INFORMATION CONTAINED IN THE LIST ALSO

1 MAY BE PROVIDED ELECTRONICALLY TO A REPRESENTATIVE DESIGNATED BY EACH MAJOR
2 POLITICAL PARTY BY WAY OF A SECURE ELECTRONIC FILE TRANSMITTAL FORMAT AS
3 PRESCRIBED BY THE SECRETARY OF STATE.

4 Sec. 7. Section 16-579, Arizona Revised Statutes, is amended to read:
5 16-579. Procedure for obtaining ballot by elector

6 A. Every qualified elector, before receiving a ballot, shall announce
7 the elector's name and place of residence in a clear, audible tone of voice
8 to the election official in charge of the signature roster or present the
9 elector's name and residence in writing. The election official in charge of
10 the signature roster shall comply with the following and the qualified
11 elector shall be allowed within the voting area:

12 1. The elector shall present any of the following:

13 (a) A valid form of identification that bears the photograph, name and
14 address of the elector that reasonably ~~appears~~ APPEAR to be the same as the
15 name and address in the precinct register, including an Arizona driver
16 license, an Arizona nonoperating identification license, a tribal enrollment
17 card or other form of tribal identification or a United States federal, state
18 or local government issued identification. Identification is deemed valid
19 unless it can be determined on its face that it has expired.

20 (b) Two different items that contain the name and address of the
21 elector that reasonably ~~appears~~ APPEAR to be the same as the name and address
22 in the precinct register, including a utility bill, a bank or credit union
23 statement that is dated within ninety days of the date of the election, a
24 valid Arizona vehicle registration, an Arizona vehicle insurance card, AN
25 Indian census card, tribal enrollment card or other form of tribal
26 identification, a property tax statement, a recorder's certificate, a voter
27 registration card, a valid United States federal, state or local government
28 issued identification or any mailing that is LABELED AS "official election
29 material". Identification is deemed valid unless it can be determined on its
30 face that it has expired.

31 (c) A valid form of identification that bears the photograph, name and
32 address of the elector except that if the address on the identification does
33 not reasonably appear to be the same as the address in the precinct register
34 or the identification is a valid United States military identification card
35 or a valid United States passport and does not bear an address, the
36 identification must be accompanied by one of the items listed in subdivision
37 (b) of this paragraph.

38 2. If the elector does not present identification that complies with
39 paragraph 1 of this subsection, the elector is only eligible to vote a
40 provisional ballot as prescribed by section 16-584 or a conditional
41 provisional ballot as provided for in the secretary of state's instruction
42 and procedures manual adopted pursuant to section 16-452.

1 B. Any qualified elector who is listed as having applied for an early
2 ballot but who states that the elector has not voted and will not vote an
3 early ballot for this election or surrenders the early ballot to the precinct
4 inspector on election day shall be allowed to vote pursuant to the procedure
5 set forth in section 16-584.

6 C. Each qualified elector's name shall be numbered consecutively by
7 the clerks, ~~with the number on the stub of the ballot delivered to the~~
8 ~~elector,~~ and in the order of applications for ballots. ~~The election judge~~
9 ~~having charge of the ballots shall also write the elector's initials on the~~
10 ~~stub and the number of the qualified elector as it appears on the precinct~~
11 ~~register.~~ The judge shall give the qualified elector only one ballot, and
12 the elector's name shall be immediately checked on the precinct register.

13 D. FOR PRECINCTS IN WHICH A PAPER SIGNATURE ROSTER IS USED, each
14 qualified elector shall sign the elector's name in the signature roster prior
15 to receiving a ballot, but an inspector or judge may sign the roster for an
16 elector who is unable to sign because of physical disability, and in that
17 event the name of the elector shall be written with red ink, and no
18 attestation or other proof shall be necessary. The provisions of this
19 subsection relating to signing the signature roster shall not apply to
20 electors casting a ballot using early voting procedures.

21 E. FOR PRECINCTS IN WHICH AN ELECTRONIC POLL BOOK SYSTEM IS USED, EACH
22 QUALIFIED ELECTOR SHALL SIGN THE ELECTOR'S NAME AS PRESCRIBED IN THE
23 INSTRUCTIONS AND PROCEDURES MANUAL ADOPTED BY THE SECRETARY OF STATE PURSUANT
24 TO SECTION 16-452 BEFORE RECEIVING A BALLOT, BUT AN INSPECTOR OR JUDGE MAY
25 SIGN THE ROSTER FOR AN ELECTOR WHO IS UNABLE TO SIGN BECAUSE OF PHYSICAL
26 DISABILITY, AND IN THAT EVENT THE NAME OF THE ELECTOR SHALL BE WRITTEN WITH
27 THE INSPECTOR'S OR JUDGE'S ATTESTATION ON THE SAME SIGNATURE LINE.

28 ~~E.~~ F. A person offering to vote at a special district election for
29 which no special district register has been supplied shall sign an affidavit
30 stating the person's address and that the person resides within the district
31 boundaries or proposed district boundaries and swearing that the person is a
32 qualified elector and has not already voted at the election being held.

33 Sec. 8. Section 16-602, Arizona Revised Statutes, is amended to read:
34 16-602. Removal of ballots from ballot boxes; disposition of
35 ballots folded together or excessive ballots;
36 designated margin; hand counts; vote count
37 verification committee

38 A. For any primary or general election in which the votes are cast on
39 an electronic voting machine or tabulator, the election judge shall compare
40 the number of votes cast as indicated on the machine or tabulator with the
41 number of votes cast as indicated on the poll list and the number of
42 provisional ballots cast and that information shall be noted in a written
43 report prepared and submitted to the officer in charge of elections along
44 with other tally reports.

1 B. For each countywide primary, general and presidential preference
2 election, the county officer in charge of the election shall conduct a hand
3 count at one or more secure facilities. **THE HAND COUNT SHALL BE CONDUCTED AS**
4 **PRESCRIBED BY THIS SECTION AND IN ACCORDANCE WITH HAND COUNT PROCEDURES**
5 **ESTABLISHED BY THE SECRETARY OF STATE IN THE OFFICIAL INSTRUCTIONS AND**
6 **PROCEDURES MANUAL ADOPTED PURSUANT TO SECTION 16-452.** The hand count is not
7 subject to the live video requirements of section 16-621, subsection C, but
8 the party representatives who are observing the hand count may bring their
9 own video cameras in order to record the hand count. The recording shall not
10 interfere with the conduct of the hand count and the officer in charge of the
11 election may prohibit from recording or remove from the facility persons who
12 are taking actions to disrupt the count. The sole act of recording the hand
13 count does not constitute sufficient grounds for the officer in charge of the
14 election to prohibit observers from recording or to remove them from the
15 facility. The hand count shall be conducted in the following order:

16 1. At least two per cent of the precincts in that county, or two
17 precincts, whichever is greater, shall be selected at random from a pool
18 consisting of every precinct in that county. The county political party
19 chairman for each political party that is entitled to continued
20 representation on the state ballot or the chairman's designee shall conduct
21 the selection of the precincts to be hand counted. The precincts shall be
22 selected by lot without the use of a computer, and the order of selection by
23 the county political party chairmen shall also be by lot. The selection of
24 the precincts shall not begin until all ballots voted in the precinct polling
25 places have been delivered to the central counting center. The unofficial
26 vote totals from all precincts shall be made public before selecting the
27 precincts to be hand counted. Only the ballots cast in the polling places
28 and ballots from direct recording electronic machines shall be included in
29 the hand counts conducted pursuant to this section. Provisional ballots,
30 conditional provisional ballots and write-in votes shall not be included in
31 the hand counts and the early ballots shall be grouped separately by the
32 officer in charge of elections for purposes of a separate manual audit
33 pursuant to subsection F of this section.

34 2. The races to be counted on the ballots from the precincts that were
35 selected pursuant to paragraph 1 of this subsection for each primary and
36 general election shall include up to five contested races. After the county
37 recorder or other officer in charge of elections separates the primary
38 ballots by political party, the races to be counted shall be determined by
39 selecting by lot without the use of a computer from those ballots as follows:

40 (a) For a general election, one statewide ballot measure, unless there
41 are no measures on the ballot.

42 (b) One contested statewide race for statewide office.

43 (c) One contested race for federal office, either United States senate
44 or United States house of representatives. If the United States house of

1 representatives race is selected, the names of the candidates may vary among
2 the sampled precincts.

3 (d) One contested race for state legislative office, either state
4 house of representatives or state senate. In either case, the names of the
5 candidates may vary among the sampled precincts.

6 (e) If there are fewer than four contested races resulting from the
7 selections made pursuant to subdivisions (a) through (d) and if there are
8 additional contested federal, statewide or legislative races or ballot
9 measures, additional contested races shall be selected by lot not using a
10 computer until four races have been selected or until no additional contested
11 federal, statewide or legislative races or ballot measures are available for
12 selection.

13 (f) If there are no contested races as prescribed by this paragraph, a
14 hand count shall not be conducted for that precinct for that election.

15 3. For the presidential preference election, select by lot two per
16 cent of the polling places designated and used pursuant to section 16-248 and
17 perform the hand count of those ballots.

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

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

23 6. Each county chairman of a political party that is entitled to
24 continued representation on the state ballot or the chairman's designee shall
25 select by lot the individual races to be hand counted pursuant to this
26 section.

27 7. The county chairman of each political party shall designate and
28 provide the number of election board members as designated by the county
29 officer in charge of elections who shall perform the hand count under the
30 supervision of the county officer in charge of elections. For each precinct
31 that is to be audited, the county chairmen shall designate at least two board
32 workers who are registered members of any or no political party to assist
33 with the audit. Any qualified elector from this state may be a board worker
34 without regard to party designation. The county election officer shall
35 provide for compensation for those board workers, not to include travel, meal
36 or lodging expenses. If there are less than two persons for each audited
37 precinct available to participate on behalf of each recognized political
38 party, the recorder or officer in charge of elections, with the approval of
39 at least two county party chairpersons in the county in which the shortfall
40 occurs, shall substitute additional individual electors who are provided by
41 any political party from anywhere in the state without regard to party
42 designation to conduct the hand count. A county party chairman shall approve
43 only those substitute electors who are provided by the county chairman's
44 political party. The political parties shall provide to the recorder or
45 officer in charge of elections in writing the names of those persons

1 intending to participate in the hand count at the audited precincts not later
2 than 5:00 p.m. on the Tuesday preceding the election. If the total number of
3 board workers provided by all parties is less than four times the number of
4 precincts to be audited, the recorder or officer in charge of elections shall
5 notify the parties of the shortage by 9:00 a.m. on the Wednesday preceding
6 the election. The hand count shall not proceed unless the political parties
7 provide the recorder or officer in charge of elections, in writing, a
8 sufficient number of persons by 5:00 p.m. on the Thursday preceding the
9 election and a sufficient number of persons, pursuant to this paragraph,
10 arrive to perform the hand count. The recorder or officer in charge of
11 elections may prohibit persons from participating in the hand count if they
12 are taking actions to disrupt the count or are unable to perform the duties
13 as assigned. For the hand count to proceed, no more than seventy-five per
14 cent of the persons performing the hand count shall be from the same
15 political party.

16 8. If a political party is not represented by a designated chairperson
17 within a county, the state chairperson for that political party, or a person
18 designated by the state chairperson, may perform the actions required by the
19 county chairperson as specified in this section.

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

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

1 of those same ballots, the electronic tabulation constitutes the official
2 count for that race.

3 E. If a final hand count is performed for an entire jurisdiction for a
4 race, the final hand count shall be repeated for that race until a hand count
5 for that race for the entire jurisdiction results in a count that is
6 identical to one other hand count for that race for the entire jurisdiction
7 and that hand count constitutes the official count for that race.

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

42 G. During any hand count of early ballots, the county officer in
43 charge of elections and election board workers shall attempt to determine the
44 intent of the voter in casting the ballot.

1 H. Notwithstanding any other law, the county officer in charge of
2 elections shall retain custody of the ballots for purposes of performing any
3 required hand counts and the officer shall provide for security for those
4 ballots.

5 I. The hand counts prescribed by this section shall begin within
6 twenty-four hours after the closing of the polls and shall be completed
7 before the canvassing of the election for that county. The results of those
8 hand counts shall be provided to the secretary of state, who shall make those
9 results publicly available on the secretary of state's ~~web-site~~ WEBSITE.

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

22 K. The vote count verification committee is established in the office
23 of the secretary of state and all of the following apply:

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

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

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

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

43 5. Members of the vote count verification committee are not eligible
44 to receive compensation but are eligible for reimbursement of expenses
45 pursuant to title 38, chapter 4, article 2. The committee is a public body

1 and its meetings are subject to title 38, chapter 3, article 3.1 and its
2 reports and records are subject to title 39, chapter 1.

3 Sec. 9. Section 16-615, Arizona Revised Statutes, is amended to read:
4 16-615. Delivery of returns

5 A. Before it adjourns, the election board or tally board shall enclose
6 and seal in a strong envelope provided for that purpose one of the poll lists
7 and one of the tally lists, signed as required, ~~and the stubs of the voted~~
8 ~~ballots and shall direct it to the board of supervisors.~~

9 B. The envelope containing the poll list, ~~AND~~ the tally list ~~and the~~
10 ~~stubs of the voted ballots~~ shall constitute the official returns of the
11 election and shall, together with the envelope containing the voted ballots,
12 be delivered to one of the members of the election board or tally board,
13 previously determined by lot, unless otherwise agreed upon, and such member
14 shall by himself, or by an agent agreed upon by the board and sworn by a
15 member thereof, in the presence of the board to faithfully perform the duties
16 of election messenger, without delay, and by the most expeditious means and
17 route, deliver the packages and envelopes, without opening them, to the
18 officer in charge of the election at his office, or to the nearest postmaster
19 or sworn express agent, who shall endorse on the packages and envelopes the
20 name of the person delivering them, and the hour and date of the delivery,
21 and forward the packages and envelopes by the first mail or express to the
22 officer in charge of the election at the county seat.