

REFERENCE TITLE: **voted ballots; access; citizen suit**

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HB 2485

Introduced by
Representative Seel

AN ACT

AMENDING SECTION 16-621, 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 16-621, Arizona Revised Statutes, is amended to
3 read:

4 16-621. Proceedings at the counting center; access

5 A. All proceedings at the counting center shall be under the direction
6 of the board of supervisors or other officer in charge of elections and shall
7 be conducted in accordance with the approved instructions and procedures
8 manual provided for in section 16-452 under the observation of
9 representatives of each political party and the public. The proceedings at
10 the counting center may also be observed by up to three additional people
11 representing a candidate for nonpartisan office, or representing a political
12 committee in support of or in opposition to a ballot measure, proposition or
13 question. A draw by lot shall determine which three groups or candidates
14 shall have representatives participate in the observation at the counting
15 center. Persons representing a candidate for nonpartisan office or persons
16 or groups representing a political committee in support of or in opposition
17 to a ballot measure, proposition or question, who are interested in
18 participating in the observation, shall notify the officer in charge of
19 elections of their desire to be included in the draw no later than ten days
20 before the election. After the deadline to receive submissions from the
21 interested persons or groups, but prior to seven days before the election,
22 the county officer in charge of elections shall draw by lot, from the list of
23 those who expressed interest, three persons or groups and those selected
24 shall be notified and allowed to observe the proceedings at the counting
25 center. If a group is selected they may alter who represents that group for
26 different days of observation but on any given observation day a selected
27 group shall not send more than one observer. A group may rotate an observer
28 throughout the day. No persons except those authorized for the purpose shall
29 touch any ballot or ballot card or return. All persons who are engaged in
30 processing and counting of the ballots shall be qualified electors, shall be
31 deputized in writing and shall take an oath that they will faithfully perform
32 their assigned duties. There shall be no preferential counting of ballots
33 for the purpose of projecting the outcome of the election. If any ballot,
34 including any ballot received from early voting, is damaged or defective so
35 that it cannot properly be counted by the automatic tabulating equipment, a
36 true duplicate copy shall be made of the damaged ballot in the presence of
37 witnesses and substituted for the damaged ballot. All duplicate ballots
38 shall be clearly labeled "duplicate" and shall bear a serial number which
39 shall be recorded on the damaged or defective ballot.

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

1 C. For any statewide, county or legislative election, the county
2 recorder or officer in charge of elections shall provide for a live video
3 recording of the custody of all ballots while the ballots are present in a
4 tabulation room in the counting center. The live video recording shall
5 include date and time indicators and shall be linked to the secretary of
6 state's website. The secretary of state shall post links to the video
7 coverage for viewing by the public. The county recorder or officer in charge
8 of elections shall record the video coverage of the ballots at the counting
9 center and shall retain those recordings as a public record for at least as
10 long as the challenge period for the general election. If the live video
11 feed is disrupted or disabled, the recorder or officer in charge of elections
12 is not liable for the disruption but shall attempt to reinstate video
13 coverage as soon as is practicable. Any disruption in video coverage shall
14 not affect or prevent the continued tabulation of ballots. This subsection
15 is contingent on legislative appropriation.

16 D. The county recorder or other officer in charge of elections shall
17 maintain records that record the chain of custody for all election equipment
18 and ballots during early voting through the completion of provisional voting
19 tabulation.

20 E. ON COMPLETION OF THE COUNT, ANY PERSON MAY INSPECT THE VOTED
21 BALLOTS DURING NORMAL BUSINESS HOURS ON REQUEST TO THE COUNTY RECORDER OR
22 OFFICER IN CHARGE OF ELECTIONS. A PERSON WHO HAS BEEN DENIED REASONABLE
23 ACCESS TO VOTED BALLOTS AFTER A REQUEST MAY FILE AN ACTION IN SUPERIOR COURT
24 TO COMPEL ACCESS TO THE BALLOTS PURSUANT TO THIS SECTION.