

REFERENCE TITLE: election equipment; ballots

State of Arizona  
Senate  
Fiftieth Legislature  
Second Regular Session  
2012

# **SB 1512**

Introduced by  
Senator Griffin

AN ACT

AMENDING SECTIONS 16-447, 16-449, 16-464 AND 16-502, ARIZONA REVISED  
STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-447, Arizona Revised Statutes, is amended to  
3 read:

4 16-447. Voting devices; inspection; specifications and number  
5 of booths

6 A. Beginning on January 1, 2006, the board of supervisors shall  
7 provide at each polling place at least one device that complies with the help  
8 America vote act of 2002 (P.L. 107-252) and that is certified by the  
9 secretary of state for use by voters with disabilities.

10 B. Before any election at which electronic voting devices are used,  
11 the board of supervisors or other authority in charge of elections shall have  
12 the voting devices prepared for the election and shall mail a notice to the  
13 chairmen of the county committees of the different political parties, stating  
14 when and where the voting devices may be inspected before they are sealed and  
15 delivered to the polling places.

16 C. The board of supervisors or other authority in charge of elections  
17 shall have delivered to each polling place a sufficient number of voting  
18 booths and voting or marking devices. The voting booths shall be durably  
19 constructed and shall be of sufficient size and so designed as to enable the  
20 voter to mark the voter's ballot in secrecy.

21 D. In any election, the election officer in charge of the election  
22 shall determine the number of voting devices to be used.

23 E. The board of supervisors shall designate a person to observe the  
24 installation and modification of any election management software or computer  
25 programming used for county election administration. The board of  
26 supervisors shall also designate a person to act as a substitute if the  
27 primary designee is unavailable. The persons designated may be county  
28 employees but may not be employed by or under the supervision of the officer  
29 in charge of elections. **THE BOARD OF SUPERVISORS ALSO SHALL NOTIFY THE**  
30 **CHAIRMEN OF THE COUNTY COMMITTEES OF THE DIFFERENT POLITICAL PARTIES**  
31 **REGARDING THE DATE, TIME AND PLACE OF THE INSTALLATION OR MODIFICATION AND**  
32 **SHALL PERMIT THE OBSERVATION OF THE INSTALLATION AND MODIFICATION OF THE**  
33 **SOFTWARE OR PROGRAMMING BY THE DESIGNATED OBSERVERS OF THE POLITICAL PARTIES.**

34 Sec. 2. Section 16-449, Arizona Revised Statutes, is amended to read:

35 16-449. Required test of equipment and programs; notice;  
36 procedures manual; county accuracy certification  
37 boards

38 A. Within the period of time before the election day prescribed by the  
39 secretary of state in the instructions and procedures manual adopted pursuant  
40 to section 16-452, the board of supervisors or other election officer in  
41 charge, or for an election involving state or federal candidates, the  
42 secretary of state, shall have the automatic tabulating equipment and  
43 programs tested to ascertain that the equipment and programs will correctly  
44 count the votes cast for all offices and on all measures. Public notice of  
45 the time and place of the test shall be given at least forty-eight hours

1 prior thereto by publication once in one or more daily or weekly newspapers  
2 published in the town, city or village using such equipment, if a newspaper  
3 is published therein, otherwise in a newspaper of general circulation  
4 therein. The test shall be observed by at least two election inspectors, who  
5 shall not be of the same political party, and shall be open to  
6 representatives of the political parties, candidates, the press and the  
7 public. The test shall be conducted by processing a preaudited group of  
8 ballots so punched or marked as to record a predetermined number of valid  
9 votes for each candidate and on each measure and shall include for each  
10 office one or more ballots that have votes in excess of the number allowed by  
11 law in order to test the ability of the automatic tabulating equipment and  
12 programs to reject such votes. If any error is detected, the cause therefor  
13 shall be ascertained and corrected and an errorless count shall be made  
14 before the automatic tabulating equipment and programs are approved. A copy  
15 of a revised program shall be filed with the secretary of state within  
16 forty-eight hours after the revision is made. If the error was created by  
17 automatic tabulating equipment malfunction, a report shall be filed with the  
18 secretary of state within forty-eight hours after the correction is made,  
19 stating the cause and the corrective action taken. The test shall be  
20 repeated immediately before the start of the official count of the ballots in  
21 the same manner as set forth above. After the completion of the count, the  
22 programs used and the ballots shall be sealed, retained and disposed of as  
23 provided for paper ballots.

24 B. Electronic ballot tabulating systems shall be tested for logic and  
25 accuracy within seven days before their use for early balloting pursuant to  
26 the instructions and procedures manual for electronic voting systems that is  
27 adopted by the secretary of state as prescribed by section 16-452. The  
28 instructions and procedures manual shall include procedures for the handling  
29 of ballots, the electronic scanning of ballots and any other matters  
30 necessary to ensure the maximum degree of correctness, impartiality and  
31 uniformity in the administration of an electronic ballot tabulating system.

32 C. Notwithstanding subsections A and B of this section, if a county  
33 uses accessible voting equipment to mark ballots and that accessible voting  
34 equipment does not independently tabulate or tally votes, the secretary of  
35 state in cooperation with the county officer in charge of elections may  
36 designate a single date to test the logic and accuracy of both the accessible  
37 voting equipment and electronic ballot tabulating systems.

38 D. THE OFFICER IN CHARGE OF ELECTIONS IN EACH COUNTY SHALL ESTABLISH A  
39 COUNTY ACCURACY CERTIFICATION BOARD. NOT LATER THAN SIXTY DAYS BEFORE ANY  
40 SPECIAL, PRESIDENTIAL PREFERENCE, PRIMARY OR GENERAL ELECTION, EACH CHAIRMAN  
41 OF A RECOGNIZED POLITICAL PARTY SHALL DESIGNATE IN WRITING TO THE OFFICER IN  
42 CHARGE OF ELECTIONS AT LEAST ONE REPRESENTATIVE TO SERVE ON THE COUNTY  
43 ACCURACY CERTIFICATION BOARD. THE DESIGNATION BY THE POLITICAL PARTIES MAY  
44 BE FOR A STATED TERM. THE MEMBERS OF THE COUNTY ACCURACY CERTIFICATION BOARD  
45 SHALL ALSO SERVE AS THE DESIGNATED POLITICAL PARTY REPRESENTATIVES FOR LOGIC

1 AND ACCURACY TESTING OF ELECTION EQUIPMENT AND SYSTEMS AND FOR OBSERVATION OF  
2 BALLOT TABULATION AS PRESCRIBED IN SECTION 16-621.

3 E. AFTER THE COMPLETION OF TABULATION OF ALL VALID BALLOTS CAST IN THE  
4 ELECTION, THE COUNTY ACCURACY CERTIFICATION BOARD SHALL TEST ALL CENTRAL  
5 COUNT TABULATION MACHINES OR OTHER MACHINES USED TO TABULATE EARLY AND  
6 PROVISIONAL BALLOTS IN THE SAME MANNER PRESCRIBED IN THIS SECTION. AT THE  
7 CONCLUSION OF A SUCCESSFUL TEST, THE COUNTY ACCURACY CERTIFICATION BOARD AND  
8 OFFICER IN CHARGE OF ELECTIONS SHALL SIGN A CERTIFICATION THAT THE TESTED  
9 ELECTION MACHINES FUNCTIONED PROPERLY AND REPORTED RESULTS ACCURATELY.

10 Sec. 3. Section 16-464, Arizona Revised Statutes, is amended to read:

11 16-464. Rotation of names on ballots

12 A. When there are two or more candidates for a nomination, except in  
13 the case of precinct committeemen, the names of all candidates for the  
14 nomination shall be so alternated upon the ballots used in each election  
15 precinct that the name of each candidate shall appear substantially an equal  
16 number of times at the top, at the bottom and in each intermediate place of  
17 the list or group of candidates in which they belong. When there are fewer  
18 than or the same number of candidates seeking office as the number to be  
19 elected, rotation of names is not required and the names shall be placed in  
20 alphabetical order.

21 B. The position of the names of candidates for precinct committeemen  
22 shall be drawn by lot for appearance on the ballot when there are more  
23 candidates than positions available. Such drawing shall take place at a  
24 public meeting called by the board of supervisors for that purpose.

25 ~~C. In elections in which paper ballots are used, the ballots shall be~~  
26 ~~printed and bound so that every ballot in the bound blocks shall have the~~  
27 ~~names in a different and alternating position from the preceding ballot.~~

28 ~~D. The provisions of this section shall not be applied where voting~~  
29 ~~machines are used.~~

30 C. IF IT IS NOT PRACTICABLE TO ROTATE THE NAMES OF THE CANDIDATES ON  
31 THE BALLOTS USED IN ANY ONE PRECINCT, THE OFFICER IN CHARGE OF ELECTIONS MAY  
32 ROTATE NAMES ON BALLOTS AND BALLOT SCREENS THAT ARE TO BE USED IN DIFFERENT  
33 PRECINCTS OR POLLING LOCATIONS SO THAT THE NAME OF EACH CANDIDATE APPEARS A  
34 SUBSTANTIALLY EQUIVALENT NUMBER OF TIMES IN EACH POSITION IN THE APPROPRIATE  
35 LIST OR GROUP OF CANDIDATES THROUGHOUT THE JURISDICTION, WHEN CONSIDERED AS A  
36 WHOLE.

37 Sec. 4. Section 16-502, Arizona Revised Statutes, is amended to read:

38 16-502. Form and contents of ballot

39 A. Ballots shall be printed with black ink on white paper of  
40 sufficient thickness to prevent the printing thereon from being discernible  
41 from the back, and the same type shall be used for the names of all  
42 candidates. The ballots shall be headed "official ballot" in bold-faced  
43 plain letters, with a heavy rule above and below the heading. Immediately  
44 below shall be placed the words "type of election, (date of election)" and  
45 the name of the county and state in which the election is held. The name or

1 number of the precinct in which the election is held shall be placed on the  
2 ballot in a uniform location for all ballots. IN ADDITION, THE ELECTION  
3 OFFICIAL MAY PROVIDE FOR PROVISIONAL BALLOTS TO BE PRINTED WITH A DISTINCTIVE  
4 PRECINCT OR POLLING LOCATION NUMBER OR OTHER IDENTIFICATION THAT WOULD  
5 PREVENT THE PROVISIONAL BALLOT FROM BEING ACCEPTED AND COUNTED IN THE  
6 PRECINCT OR POLLING LOCATION VOTING MACHINE, IF THE ADDITIONAL MATERIAL DOES  
7 NOT INTERFERE WITH THE BALLOT BEING PROPERLY TABULATED AFTER VERIFICATION AS  
8 PRESCRIBED BY SECTION 16-584. No other matter shall be placed or printed at  
9 the head of any ballot, except above the heading there may be a stub that  
10 contains the words "stub no. \_\_\_\_\_, register no. \_\_\_\_\_, to be torn off by  
11 inspector." The stub shall be separated from the ballot by a perforated  
12 line, so that it may be easily detached from the ballot. Instructions to the  
13 voter on marking the ballot may be printed below the heading. The official  
14 ballots shall be bound together in blocks of not less than five nor more than  
15 one hundred.

16 B. Immediately below the ballot heading shall be placed the following:

17 ~~---~~Section One

18 Partisan Ballot

19 1. Put a mark according to the instructions next to the  
20 name of each candidate for each partisan office for whom you  
21 wish to vote.

22 2. If you wish to vote for a person whose name is not  
23 printed on the ballot, write such name in the blank space  
24 provided on the ballot or write-in envelope and put a mark  
25 according to the instructions next to the name so written. ~~---~~

26 C. Immediately below the instructions for voting in section one there  
27 shall be placed in columns the names of the candidates of the several  
28 political parties. Next to each candidate's name there shall be printed in  
29 bold-faced letters the name of the political party. At the head of each  
30 column shall be printed the names of the offices to be filled with the name  
31 of each office being of uniform type size. At the head of each column shall  
32 be printed in the following order the names of candidates for:

33 1. President and vice-president. The indicator for the selection of a  
34 candidate shall be next to the name of the candidate for president, and the  
35 vice-presidential candidate's name shall be listed immediately below that of  
36 the presidential candidate.

37 2. Presidential electors.

38 3. United States senator.

39 4. Representatives in Congress.

40 5. The several state offices.

41 6. The several county and precinct offices.

42 D. The names of candidates for the offices of state senator and state  
43 representative along with the district number shall be placed within the  
44 heading of each column to the right of the office name for state offices and  
45 immediately below the candidates for the office of governor. The number of

1 the supervisorial district of which a candidate is a nominee shall be printed  
2 within the heading of each column to the right of the name of the office.

3 E. The lists of the candidates of the several parties shall be  
4 arranged with the names of the parties in descending order according to the  
5 votes cast for governor for that county in the most recent general election  
6 for the office of governor, commencing with the left-hand column. In the  
7 case of political parties which did not have candidates on the ballot in the  
8 last general election, such parties shall be listed in alphabetical order  
9 below the parties which did have candidates on the ballot in the last general  
10 election. The names of all candidates nominated under section 16-341 shall  
11 be placed in a single column below that of the recognized parties. Next to  
12 the name of each candidate, in parentheses, shall be printed a three-letter  
13 abbreviation that is taken from the three words prescribed in the candidate's  
14 certificate of nomination.

15 F. Immediately below the designation of the office to be voted for  
16 shall appear the words: "Vote for not more than \_\_\_\_\_" (insert the number  
17 to be elected).

18 G. In each column at the right of the name of each candidate and on  
19 the same line there shall be a place for the voter to put a mark. Below the  
20 name of the last named candidate for each office there shall be as many blank  
21 lines as there are offices of the same title to be filled, with a place for  
22 the voter to put a mark unless write-in envelopes are provided for that  
23 purpose. Upon the blank line the voter may write the name of any person for  
24 whom he desires to vote whose name is not printed, and next to the name so  
25 written he shall designate his choice by a mark as in the case of printed  
26 names.

27 H. When there are two or more candidates of the same political party  
28 for the same office, or more than one candidate for a judicial office, the  
29 names of all such candidates shall be so alternated on the ballots used in  
30 each election district that the name of each candidate shall appear  
31 substantially an equal number of times in each possible location. If there  
32 are fewer or the same number of candidates seeking office than the number to  
33 be elected, the rotation of names is not required and the names shall be  
34 placed in alphabetical order.

35 I. Immediately below section one of the ballot shall be placed the  
36 following:

37 ~~---~~Section Two  
38 Nonpartisan Ballot

39 1. Put a mark according to the instructions next to the  
40 name of each candidate for each nonpartisan office for whom you  
41 wish to vote.

42 2. If you wish to vote for a person whose name is not  
43 printed on the ballot, write such name in the blank space  
44 provided on the ballot or write-in envelope and put a mark  
45 according to the instructions next to the name so written.

1           3. Put a mark according to the instructions next to the  
2 word 'yes' (or for) for each proposition or question you wish to  
3 be adopted. Put a mark according to the instructions next to  
4 the word 'no' (or against) for each proposition or question you  
5 wish not to be adopted."~~—~~

6           J. Immediately below the instructions for voting in section two shall  
7 be placed the names of the candidates for judges of the superior court  
8 standing for election pursuant to article VI, section 12, Constitution of  
9 Arizona, school district officials, justices of the supreme court, judges of  
10 the court of appeals, judges of the superior court standing for retention or  
11 rejection pursuant to article VI, section 38, Constitution of Arizona, and  
12 other nonpartisan officials in a column or in columns without partisan or  
13 other designation except the title of office in an order determined by the  
14 officer in charge of the election.

15           K. Immediately below the offices listed in subsection J of this  
16 section, the ballot shall contain a separate heading of any nonpartisan  
17 office for a vacant unexpired term and shall include the expiration date of  
18 the term of the vacated office.

19           L. All proposed constitutional amendments and other propositions or  
20 questions to be submitted to the voters shall be printed immediately below  
21 the names of candidates for nonpartisan positions in such order as the  
22 secretary of state, or if a city or town election, the city or town clerk,  
23 designates. Placement of county and local charter amendments, propositions  
24 or questions shall be determined by the officer in charge of the election.  
25 Except as provided by section 19-125, each proposition or question shall be  
26 followed by the words "yes" and "no" or "for \_\_\_\_\_" and "against \_\_\_\_\_" as  
27 the nature of the proposition or question requires, and at the right of and  
28 next to each of such words shall be a place for the voter to put a mark  
29 according to the instructions that is similar in size to those places  
30 appearing opposite the names of the candidates, in which the voter may  
31 indicate his vote for or against such proposition or question by a mark as  
32 defined in section 16-400.

33           M. Instead of printing the official and descriptive titles or the full  
34 text of each measure or question on the official ballot, the officer in  
35 charge of elections may print phrases on the official ballot that contain all  
36 of the following:

37           1. The number of the measure in reverse type and at least twelve point  
38 type.

39           2. The designation of the measure as prescribed by section 19-125,  
40 subsection C or as a question, proposition or charter amendment, followed by  
41 the words "relating to..." and inserting the subject.

42           3. Either the statement prescribed by section 19-125, subsection D  
43 that describes the effects of a "yes" vote and a "no" vote or, for other  
44 measures, the text of the question or proposition.

1           4. The words "yes" and "no" or "for" and "against", as may be  
2 appropriate and a place for the voter to put a mark.  
3           N. For any ballot printed pursuant to subsection M of this section,  
4 the instructions on the official ballot shall direct the voter to the full  
5 text of the official and descriptive titles and the questions and  
6 propositions as printed on the sample ballot and posted in the polling place.  
7           Sec. 5. Conforming legislation  
8           The legislative council staff shall prepare proposed legislation  
9 conforming the Arizona Revised Statutes to the provisions of this act for  
10 consideration in the fifty-first legislature, first regular session.