

State of Arizona  
Senate  
Fifty-second Legislature  
Second Regular Session  
2016

# SENATE BILL 1486

AN ACT

AMENDING SECTIONS 16-168 AND 16-193, ARIZONA REVISED STATUTES; REPEALING SECTIONS 16-241 AND 16-242, ARIZONA REVISED STATUTES; AMENDING SECTION 16-243, ARIZONA REVISED STATUTES; REPEALING SECTIONS 16-244, 16-245, 16-246, 16-247, 16-248, 16-249 AND 16-250, ARIZONA REVISED STATUTES; AMENDING SECTION 16-602, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO THE PRESIDENTIAL PREFERENCE ELECTION.

(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 establish a single format that prescribes the manner and template in which  
33 all county recorders provide this data to the secretary of state to ensure  
34 that the submissions are uniform from all counties in this state, that all  
35 submissions are identical in format, including the level of detail for voting  
36 history, and that information may readily be combined from two or more  
37 counties. The electronic media copies of the precinct lists that are  
38 delivered to the party chairmen shall include for each elector the following  
39 information:

- 40 1. Name in full and appropriate title.
- 41 2. Party preference.
- 42 3. Date of registration.
- 43 4. Residence address.
- 44 5. Mailing address, if different from residence address.
- 45 6. Zip code.

1           7. Telephone number if given.

2           8. Birth year.

3           9. Occupation if given.

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

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

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

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

42           F. Any person in possession of a precinct register or list, in whole  
43 or part, or any reproduction of a precinct register or list, shall not permit  
44 the register or list to be used, bought, sold or otherwise transferred for  
45 any purpose except for uses otherwise authorized by this section. A person

1 in possession of information derived from voter registration forms or  
2 precinct registers shall not distribute, post or otherwise provide access to  
3 any portion of that information through the internet except as authorized by  
4 subsection I of this section. Nothing in this section shall preclude public  
5 inspection of voter registration records at the office of the county recorder  
6 for the purposes prescribed by this section, except that the month and day of  
7 birth date, the social security number or any portion thereof, the driver  
8 license number or nonoperating identification license number, the Indian  
9 census number, the father's name or mother's maiden name, the state or  
10 country of birth and the records containing a voter's signature shall not be  
11 accessible or reproduced by any person other than the voter, by an authorized  
12 government official in the scope of the official's duties, for any purpose by  
13 an entity designated by the secretary of state as a voter registration agency  
14 pursuant to the national voter registration act of 1993 (P.L. 103-31; 107  
15 Stat. 77), for signature verification on petitions and candidate filings, for  
16 election purposes and for news gathering purposes by a person engaged in  
17 newspaper, radio, television or reportorial work, or connected with or  
18 employed by a newspaper, radio or television station or pursuant to a court  
19 order. A person who violates this subsection or subsection E of this section  
20 is guilty of a class 6 felony.

21 G. The county recorder shall count the registered voters by political  
22 party by precinct, legislative district and congressional district as  
23 follows:

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

26 (a) January 1.

27 (b) March 1.

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

30 (d) The last day on which a person may register to be eligible to vote  
31 in the next general election.

32 ~~(e) The last day on which a person may register to be eligible to vote~~  
33 ~~in the next presidential preference election.~~

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

36 (a) January 1.

37 (b) April 1.

38 (c) July 1.

39 (d) October 1.

40 H. The county recorder shall report the totals to the secretary of  
41 state as soon as is practicable following each of the dates prescribed in  
42 subsection G of this section. The report shall include completed  
43 registration forms returned in accordance with section 16-134, subsection B.  
44 The county recorder shall also provide the report in a uniform electronic  
45 computer media format that shall be agreed on between the secretary of state

1 and all county recorders. The secretary of state shall then prepare a  
2 summary report for the state and shall maintain that report as a permanent  
3 record.

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

8 J. The secretary of state shall develop and administer a statewide  
9 database of voter registration information that contains the name and  
10 registration information of every registered voter in this state. The  
11 statewide database is a matter of statewide concern and is not subject to  
12 modification or further regulation by a political subdivision. The database  
13 shall include an identifier that is unique for each individual voter. The  
14 database shall provide for access by voter registration officials and shall  
15 allow expedited entry of voter registration information after it is received  
16 by county recorders. As a part of the statewide voter registration database,  
17 county recorders shall provide for the electronic transmittal of that  
18 information to the secretary of state on a real time basis. The secretary of  
19 state shall provide for maintenance of the database, including provisions  
20 regarding removal of ineligible voters that are consistent with the national  
21 voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; ~~42~~ 52 United  
22 States Code section ~~394~~ 20501) and the help America vote act of 2002  
23 (P.L. 107-252; 116 Stat. 1666; ~~42~~ 52 United States Code sections ~~15301~~ 20901  
24 through ~~15545~~ 21145), provisions regarding removal of duplicate registrations  
25 and provisions to ensure that eligible voters are not removed in error. For  
26 the purpose of maintaining compliance with the help America vote act of 2002,  
27 each county voter registration system is subject to approval by the secretary  
28 of state for compatibility with the statewide voter registration database  
29 system.

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

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

1 prescribed by this section. The secretary of state may charge the county  
2 recorder a fee determined by rule for each name or record produced.

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

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

19 Sec. 2. Section 16-193, Arizona Revised Statutes, is amended to read:

20 16-193. Active registered voters; applicability

21 The terms "registered voters", "persons who are registered to vote",  
22 "registered electors" and "voters registered" as used in the following  
23 sections include only active registered voters for purposes of the following:

24 1. Calculating petition signature requirements pursuant to sections  
25 11-133, 16-322, 16-341, 45-415, 45-433, 48-4433 and 48-4832.

26 2. Mailing and distributing election-related notices, pamphlets or  
27 ballots pursuant to sections 11-137, 15-905.01, ~~16-245~~, 16-412, 16-461,  
28 16-510, 19-123, 19-141, 35-454, 41-563.02, 42-6109.01, 42-17057, 42-17107,  
29 48-620, 48-4021, 48-4236, 48-5314, 48-6432 and 48-6433.

30 3. Providing voting machines pursuant to section 16-430.

31 4. Furnishing ballots pursuant to sections 16-508 and 48-685.

32 5. Determining qualification for political parties' continued  
33 representation on the ballot pursuant to ~~sections 16-244 and~~ SECTION 16-804.

34 6. Choosing political party officers pursuant to sections 16-821 and  
35 16-823.

36 Sec. 3. Heading change

37 The article heading of title 16, chapter 2, article 4, Arizona Revised  
38 Statutes, is changed from "PRESIDENTIAL PREFERENCE ELECTION" to "NATIONAL  
39 POLITICAL PARTY PRESIDENTIAL CANDIDATES".

40 Sec. 4. Repeal

41 Sections ~~16-241~~ and ~~16-242~~, Arizona Revised Statutes, are repealed.

1           Sec. 5. Section 16-243, Arizona Revised Statutes, is amended to read:  
2           16-243. National convention delegates; political party  
3                                   presidential nominees; exemption

4           A. The selection of delegates to the political party national  
5 conventions shall be as provided in the bylaws of each state party.

6           ~~B. At the political party national convention, each delegate to the  
7 national convention shall vote for the party's presidential nominee candidate  
8 who received the greatest number of votes in the presidential preference  
9 election until the candidate is nominated for the office of President of the  
10 United States by the convention, until the candidate releases the delegate  
11 from the delegate's obligation, until a candidate withdraws from the race or  
12 until one convention nominating ballot has been taken. After a candidate is  
13 nominated, withdraws from the race, delegates are released or one ballot is  
14 taken, each delegate is free to vote as the delegate chooses, and no rule may  
15 be adopted by a delegation requiring the delegation to vote as a body or  
16 causing the vote of any delegate to go uncounted or unreported.~~

17           B. ON COMPLETION OF A POLITICAL PARTY NATIONAL CONVENTION AND THE  
18 NOMINATION OF ITS CANDIDATES FOR PRESIDENT AND VICE-PRESIDENT, THE CHAIRMAN  
19 OF THE NATIONAL POLITICAL PARTY SHALL PROVIDE TO THE SECRETARY OF STATE NOT  
20 LATER THAN SEPTEMBER 1 IN THE PRESIDENTIAL ELECTION YEAR THE FOLLOWING:

- 21           1. EACH NOMINEE'S NAME, RESIDENCE ADDRESS AND MAILING ADDRESS.  
22           2. THE NAME OF THE POLITICAL PARTY THAT NOMINATED THE NOMINEES.  
23           3. THE EXACT MANNER FOR PRINTING THE NOMINEES' NAMES ON THE BALLOT  
24 PURSUANT TO SECTION 16-311.

25           C. SECTION 16-501 DOES NOT APPLY TO POLITICAL PARTY NOMINEES FOR  
26 PRESIDENT AND VICE-PRESIDENT.

27           Sec. 6. Repeal

28           Sections 16-244, 16-245, 16-246, 16-247, 16-248, 16-249 and 16-250,  
29 Arizona Revised Statutes, are repealed.

30           Sec. 7. Section 16-602, Arizona Revised Statutes, is amended to read:  
31           16-602. Removal of ballots from ballot boxes; disposition of  
32                                   ballots folded together or excessive ballots;  
33                                   designated margin; hand counts; vote count  
34                                   verification committee

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

42           B. For each countywide primary, special, ~~AND~~ general ~~and presidential~~  
43 ~~preference~~ election, the county officer in charge of the election shall  
44 conduct a hand count at one or more secure facilities. The hand count shall  
45 be conducted as prescribed by this section and in accordance with hand count

1 procedures established by the secretary of state in the official instructions  
2 and procedures manual adopted pursuant to section 16-452. The hand count is  
3 not subject to the live video requirements of section 16-621, subsection C,  
4 but the party representatives who are observing the hand count may bring  
5 their own video cameras in order to record the hand count. The recording  
6 shall not interfere with the conduct of the hand count and the officer in  
7 charge of the election may prohibit from recording or remove from the  
8 facility persons who are taking actions to disrupt the count. The sole act  
9 of recording the hand count does not constitute sufficient grounds for the  
10 officer in charge of the election to prohibit observers from recording or to  
11 remove them from the facility. The hand count shall be conducted in the  
12 following order:

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

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

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

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

40 (c) One contested race for federal office, either United States senate  
41 or United States house of representatives. If the United States house of  
42 representatives race is selected, the names of the candidates may vary among  
43 the sampled precincts.

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

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

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

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

16 ~~4.~~ 3. For the purposes of this section, a write-in candidacy in a  
17 race does not constitute a contested race.

18 ~~5.~~ 4. In elections in which there are candidates for president, the  
19 presidential race shall be added to the four categories of hand counted  
20 races.

21 ~~6.~~ 5. Each county chairman of a political party that is entitled to  
22 continued representation on the state ballot or the chairman's designee shall  
23 select by lot the individual races to be hand counted pursuant to this  
24 section.

25 ~~7.~~ 6. The county chairman of each political party shall designate and  
26 provide the number of election board members as designated by the county  
27 officer in charge of elections who shall perform the hand count under the  
28 supervision of the county officer in charge of elections. For each precinct  
29 that is to be audited, the county chairmen shall designate at least two board  
30 workers who are registered members of any or no political party to assist  
31 with the audit. Any qualified elector from this state may be a board worker  
32 without regard to party designation. The county election officer shall  
33 provide for compensation for those board workers, not to include travel, meal  
34 or lodging expenses. If there are less than two persons for each audited  
35 precinct available to participate on behalf of each recognized political  
36 party, the recorder or officer in charge of elections, with the approval of  
37 at least two county party chairpersons in the county in which the shortfall  
38 occurs, shall substitute additional individual electors who are provided by  
39 any political party from anywhere in the state without regard to party  
40 designation to conduct the hand count. A county party chairman shall approve  
41 only those substitute electors who are provided by the county chairman's  
42 political party. The political parties shall provide to the recorder or  
43 officer in charge of elections in writing the names of those persons  
44 intending to participate in the hand count at the audited precincts not later  
45 than 5:00 p.m. on the Tuesday preceding the election. If the total number of

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

14 ~~8-~~ 7. If a political party is not represented by a designated  
15 chairperson within a county, the state chairperson for that political party,  
16 or a person designated by the state chairperson, may perform the actions  
17 required by the county chairperson as specified in this section.

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

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

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

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

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

43 H. Notwithstanding any other law, the county officer in charge of  
44 elections shall retain custody of the ballots for purposes of performing any

1 required hand counts and the officer shall provide for security for those  
2 ballots.

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

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

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

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

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

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

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

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. 8. Supplemental appropriation: secretary of state:  
2                                   presidential preference election: report

3           A. In addition to monies appropriated pursuant to Laws 2015, chapter  
4 8, section 95, the sum of \$6,096,767 is appropriated from the state general  
5 fund in fiscal year 2015-2016 to the secretary of state for the purpose of  
6 reimbursing expenses incurred by counties for administration of the 2016  
7 presidential preference election.

8           B. The secretary of state shall reimburse counties based on the number  
9 of active registered voters in that county on January 1, 2016 as follows:

10           1. For counties with an official active voter registration total of  
11 four hundred fifty thousand persons or more, in the amount of the actual  
12 expenses incurred up to the amount of the estimated cost that was provided by  
13 the county to the secretary of state on or before October 30, 2015 or two  
14 dollars fifty cents for each active registered voter in the county, whichever  
15 is less.

16           2. For counties with an official active voter registration total of  
17 thirty-five thousand persons or more and less than four hundred fifty  
18 thousand persons, in the amount of the actual expenses incurred up to the  
19 amount of the estimated cost that was provided by the county to the secretary  
20 of state on or before October 30, 2015 or three dollars for each active  
21 registered voter, whichever is less.

22           3. For counties with an official active voter registration total of  
23 less than thirty-five thousand persons, in the amount of the actual expenses  
24 incurred up to the amount of the estimated cost that was provided by the  
25 county to the secretary of state on or before October 30, 2015 or three  
26 dollars fifty cents for each active registered voter, whichever is less.

27           C. A county shall submit its certified claims to the secretary of  
28 state not later than June 1, 2016.

29           D. If reimbursing for actual expenses incurred as prescribed in  
30 subsection B of this section, the secretary of state shall not reimburse  
31 counties for the following:

32           1. Regular pay and associated employer related expenses for permanent  
33 county employees.

34           2. Maintenance of infrastructure, machinery and equipment.

35           3. Any expenditure that is not reimbursable as prescribed by the state  
36 of Arizona accounting manual issued by the department of administration  
37 general accounting office and in effect on January 1, 2016.

38           E. The secretary of state shall submit a report by October 1, 2016 to  
39 the joint legislative budget committee and the office of strategic planning  
40 and budgeting regarding reimbursements made pursuant to this section.