

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

SENATE BILL 1054

AN ACT

AMENDING SECTIONS 16-445, 16-550 AND 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 16-445, Arizona Revised Statutes, is amended to
3 read:

4 16-445. Filing of computer election programs with secretary
5 of state

6 A. For any state, county, school district, special district, city
7 or town election, including primary elections, ~~utilizing~~ THAT USES vote
8 tabulating devices as provided in this article, there shall be filed with
9 the secretary of state at least ~~ten~~ SEVENTEEN days before the date of the
10 election a copy of each computer program for each election. The secretary
11 of state shall hold all computer program software filed pursuant to this
12 section in escrow for three years. The secretary of state shall securely
13 destroy the software filed pursuant to this section on the expiration of
14 the ~~three-year~~ THREE-YEAR period.

15 B. A copy of any subsequent revision of the computer program shall
16 be filed in the same manner within forty-eight hours following the
17 revision.

18 C. Any tape or disc used in the programming or operation of a vote
19 tabulating device ~~upon~~ ON which votes are counted and any tape used in
20 compiling vote totals shall be kept under lock and seal, and if there is a
21 retally of votes, the officer entrusted with the tapes or discs shall
22 submit ~~his~~ THE OFFICER'S affidavit stating that they are the tapes or
23 discs, or both, used in the election and have not been altered.

24 D. All materials submitted to the secretary of state shall be used
25 by the secretary of state or attorney general to preclude fraud or any
26 unlawful act under the laws of this title and title 19 and shall not be
27 disclosed or used for any other purpose.

28 Sec. 2. Section 16-550, Arizona Revised Statutes, is amended to
29 read:

30 16-550. Receipt of voter's ballot; cure period

31 A. ~~upon~~ ON receipt of the envelope containing the early ballot and
32 the ~~completed~~ BALLOT affidavit, the county recorder or other officer in
33 charge of elections shall compare the signatures thereon with the
34 signature of the elector on ~~his~~ THE ELECTOR'S registration ~~form~~ RECORD.
35 IF THE SIGNATURE IS INCONSISTENT WITH THE ELECTOR'S SIGNATURE ON THE
36 ELECTOR'S REGISTRATION RECORD, THE COUNTY RECORDER OR OTHER OFFICER IN
37 CHARGE OF ELECTIONS SHALL MAKE REASONABLE EFFORTS TO CONTACT THE VOTER,
38 ADVISE THE VOTER OF THE INCONSISTENT SIGNATURE AND ALLOW THE VOTER TO
39 CORRECT OR THE COUNTY TO CONFIRM THE INCONSISTENT SIGNATURE. THE COUNTY
40 RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL ALLOW SIGNATURES TO
41 BE CORRECTED NOT LATER THAN THE FIFTH BUSINESS DAY AFTER A PRIMARY,
42 GENERAL OR SPECIAL ELECTION THAT INCLUDES A FEDERAL OFFICE OR THE THIRD
43 BUSINESS DAY AFTER ANY OTHER ELECTION. If satisfied that the signatures
44 correspond, the recorder or other officer in charge of elections shall

1 hold ~~them~~ THE ENVELOPE CONTAINING THE EARLY BALLOT AND THE COMPLETED
2 AFFIDAVIT unopened in accordance with the rules of the secretary of state.

3 B. The recorder or other officer in charge of elections shall
4 thereafter safely keep the affidavits and early ballots in ~~his~~ THE
5 RECORDER'S OR OTHER OFFICER'S office until delivered pursuant to section
6 16-551 and tallying of ballots shall not begin any earlier than ~~seven~~
7 FOURTEEN days before election day.

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

11 D. THIS SECTION DOES NOT APPLY TO:

12 1. A SPECIAL TAXING DISTRICT THAT IS AUTHORIZED PURSUANT TO SECTION
13 16-191 TO CONDUCT ITS OWN ELECTIONS.

14 2. A SPECIAL DISTRICT MAIL BALLOT ELECTION THAT IS CONDUCTED
15 PURSUANT TO ARTICLE 8.1 OF THIS CHAPTER.

16 Sec. 3. Section 16-621, Arizona Revised Statutes, is amended to
17 read:

18 16-621. Proceedings at the counting center

19 A. All proceedings at the counting center shall be under the
20 direction of the board of supervisors or other officer in charge of
21 elections and shall be conducted in accordance with the approved
22 instructions and procedures manual provided for in section 16-452 under
23 the observation of representatives of each political party and the public.
24 The proceedings at the counting center may also be observed by up to three
25 additional people representing a candidate for nonpartisan office, or
26 representing a political committee in support of or in opposition to a
27 ballot measure, proposition or question. A draw by lot shall determine
28 which three groups or candidates shall have representatives participate in
29 the observation at the counting center. Persons representing a candidate
30 for nonpartisan office or persons or groups representing a political
31 committee in support of or in opposition to a ballot measure, proposition
32 or question, who are interested in participating in the observation, shall
33 notify the officer in charge of elections of their desire to be included
34 in the draw ~~no~~ NOT later than ~~ten~~ SEVENTEEN days before the election.
35 After the deadline to receive submissions from the interested persons or
36 groups, but prior to ~~seven~~ FOURTEEN days before the election, the county
37 officer in charge of elections shall draw by lot, from the list of those
38 ~~who~~ THAT expressed interest, three persons or groups and those selected
39 shall be notified and allowed to observe the proceedings at the counting
40 center. If a group is selected ~~they~~ THE GROUP may alter who represents
41 that group for different days of observation but on any given observation
42 day a selected group shall not send more than one observer. A group may
43 rotate an observer throughout the day. No persons except those authorized
44 for the purpose shall touch any ballot or ballot card or return. All
45 persons who are engaged in processing and counting of the ballots shall be

1 qualified electors, shall be deputized in writing and shall take an oath
2 that they will faithfully perform their assigned duties. There shall be
3 no preferential counting of ballots for the purpose of projecting the
4 outcome of the election. If any ballot, including any ballot received
5 from early voting, is damaged or defective so that it cannot properly be
6 counted by the automatic tabulating equipment, a true duplicate copy shall
7 be made of the damaged ballot in the presence of witnesses and substituted
8 for the damaged ballot. All duplicate ballots shall be clearly labeled
9 "duplicate" and shall bear a serial number ~~which~~ THAT shall be recorded on
10 the damaged or defective ballot.

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

15 C. For any statewide, county or legislative election, the county
16 recorder or officer in charge of elections shall provide for a live video
17 recording of the custody of all ballots while the ballots are present in a
18 tabulation room in the counting center. The live video recording shall
19 include date and time indicators and shall be linked to the secretary of
20 state's website. The secretary of state shall post links to the video
21 coverage for viewing by the public. The county recorder or officer in
22 charge of elections shall record the video coverage of the ballots at the
23 counting center and shall retain those recordings as a public record for
24 at least as long as the challenge period for the general election. If the
25 live video feed is disrupted or disabled, the recorder or officer in
26 charge of elections is not liable for the disruption but shall attempt to
27 reinstate video coverage as soon as is practicable. Any disruption in
28 video coverage shall not affect or prevent the continued tabulation of
29 ballots. This subsection is contingent on legislative appropriation.

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