

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

**CHAPTER 39**  
**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.

APPROVED BY THE GOVERNOR APRIL 1, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 1, 2019.