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

Section 1. Section 16-445, Arizona Revised Statutes, is amended to read:

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

A. For any state, county, school district, special district, city or town election, including primary elections, utilizing vote tabulating devices as provided in this article, there shall be filed with the secretary of state at least seventeen days before the date of the election a copy of each computer program for each election. The secretary of state shall hold all computer program software filed pursuant to this section in escrow for three years. The secretary of state shall securely destroy the software filed pursuant to this section on the expiration of the three-year period.

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

C. Any tape or disc used in the programming or operation of a vote tabulating device upon which votes are counted and any tape used in compiling vote totals shall be kept under lock and seal, and if there is a retally of votes, the officer entrusted with the tapes or discs shall submit the officer’s affidavit stating that they are the tapes or discs, or both, used in the election and have not been altered.

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

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

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

A. Upon receipt of the envelope containing the early ballot and the completed BALLOT affidavit, the county recorder or other officer in charge of elections shall compare the signatures thereon with the signature of the elector on his registration record. If the signature is inconsistent with the elector’s signature on the elector's registration record, the county recorder or other officer in charge of elections shall make reasonable efforts to contact the voter, advise the voter of the inconsistent signature and allow the voter to correct or the county to confirm the inconsistent signature. The county recorder or other officer in charge of elections shall allow signatures to be corrected not later than the fifth business day after a primary, general or special election that includes a federal office or the third business day after any other election. If satisfied that the signatures correspond, the recorder or other officer in charge of elections shall
hold them THE ENVELOPE CONTAINING THE EARLY BALLOT AND THE COMPLETED AFFIDAVIT unopened in accordance with the rules of the secretary of state. B. The recorder or other officer in charge of elections shall thereafter safely keep the affidavits and early ballots in his THE RECORDER'S OR OTHER OFFICER'S office until delivered pursuant to section 16-551 and tallying of ballots shall not begin any earlier than seven FOURTEEN days before election day.

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

D. THIS SECTION DOES NOT APPLY TO:
   1. A SPECIAL TAXING DISTRICT THAT IS AUTHORIZED PURSUANT TO SECTION 16-191 TO CONDUCT ITS OWN ELECTIONS.
   2. A SPECIAL DISTRICT MAIL BALLOT ELECTION THAT IS CONDUCTED PURSUANT TO ARTICLE 8.1 OF THIS CHAPTER.

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

16-621. Proceedings at the counting center
   A. All proceedings at the counting center shall be under the direction of the board of supervisors or other officer in charge of elections and shall be conducted in accordance with the approved instructions and procedures manual provided for in section 16-452 under the observation of representatives of each political party and the public. The proceedings at the counting center may also be observed by up to three additional people representing a candidate for nonpartisan office, or representing a political committee in support of or in opposition to a ballot measure, proposition or question. A draw by lot shall determine which three groups or candidates shall have representatives participate in the observation at the counting center. Persons representing a candidate for nonpartisan office or persons or groups representing a political committee in support of or in opposition to a ballot measure, proposition or question, who are interested in participating in the observation, shall notify the officer in charge of elections of their desire to be included in the draw no NOT later than ten SEVENTEEN days before the election. After the deadline to receive submissions from the interested persons or groups, but prior to seven FOURTEEN days before the election, the county officer in charge of elections shall draw by lot, from the list of those who expressed interest, three persons or groups and those selected shall be notified and allowed to observe the proceedings at the counting center. If a group is selected they THE GROUP may alter who represents that group for different days of observation but on any given observation day a selected group shall not send more than one observer. A group may rotate an observer throughout the day. No persons except those authorized for the purpose shall touch any ballot or ballot card or return. All persons who are engaged in processing and counting of the ballots shall be
qualified electors, shall be deputized in writing and shall take an oath that they will faithfully perform their assigned duties. There shall be no preferential counting of ballots for the purpose of projecting the outcome of the election. If any ballot, including any ballot received from early voting, is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. All duplicate ballots shall be clearly labeled “duplicate” and shall bear a serial number which shall be recorded on the damaged or defective ballot.

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

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

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

APPROVED BY THE GOVERNOR APRIL 1, 2019.