

REFERENCE TITLE: **postelection equipment testing**

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
Second Regular Session  
2020

# **HB 2272**

Introduced by  
Representative Thorpe

**AN ACT**

**AMENDING SECTION 16-449, 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 16-449, Arizona Revised Statutes, is amended to  
3 read:

4 16-449. Required test of equipment and programs: notice:  
5 procedures manual

6 A. Within the period of time before the election day prescribed by  
7 the secretary of state in the instructions and procedures manual adopted  
8 pursuant to section 16-452, the board of supervisors or other election  
9 officer in charge, or for an election involving state or federal  
10 candidates, the secretary of state, shall have the automatic tabulating  
11 equipment and programs tested to ascertain that the equipment and programs  
12 will correctly count the votes cast for all offices and on all measures.  
13 Public notice of the time and place of the test shall be given at least  
14 forty-eight hours ~~prior thereto~~ BEFORE THE TEST by publication once in one  
15 or more daily or weekly newspapers published in the town, city or village  
16 using such equipment, if a newspaper is published therein, otherwise in a  
17 newspaper of general circulation therein. The test shall be observed by  
18 at least two election inspectors, who shall not be of the same political  
19 party, and shall be open to representatives of the political parties,  
20 candidates, the press and the public. The test shall be conducted by  
21 processing a preaudited group of ballots so marked as to record a  
22 predetermined number of valid votes for each candidate and on each measure  
23 and shall include for each office one or more ballots that have votes in  
24 excess of the number allowed by law in order to test the ability of the  
25 automatic tabulating equipment and programs to reject such votes. If any  
26 error is detected, the cause therefor shall be ascertained and corrected  
27 and an errorless count shall be made before the automatic tabulating  
28 equipment and programs are approved. A copy of a revised program shall be  
29 filed with the secretary of state within forty-eight hours after the  
30 revision is made. If the error was created by automatic tabulating  
31 equipment malfunction, a report shall be filed with the secretary of state  
32 within forty-eight hours after the correction is made, stating the cause  
33 and the corrective action taken. The test shall be repeated immediately  
34 before the start of the official count of the ballots in the same manner  
35 as set forth above. After the completion of the count, the programs used  
36 and the ballots shall be sealed, retained and disposed of as provided for  
37 paper ballots.

38 B. Electronic ballot tabulating systems shall be tested for logic  
39 and accuracy within seven days before their use for early balloting  
40 pursuant to the instructions and procedures manual for electronic voting  
41 systems that is adopted by the secretary of state as prescribed by section  
42 16-452. The instructions and procedures manual shall include procedures  
43 for the handling of ballots, the electronic scanning of ballots and any  
44 other matters necessary to ensure the maximum degree of correctness,

1 impartiality and uniformity in the administration of an electronic ballot  
2 tabulating system.

3 C. Notwithstanding subsections A and B of this section, if a county  
4 uses accessible voting equipment to mark ballots and that accessible  
5 voting equipment does not independently tabulate or tally votes, the  
6 secretary of state in cooperation with the county officer in charge of  
7 elections may designate a single date to test the logic and accuracy of  
8 both the accessible voting equipment and electronic ballot tabulating  
9 systems.

10 D. ON COMPLETION AND ISSUANCE OF THE UNOFFICIAL RESULTS OF THE  
11 ELECTION AS PRESCRIBED BY SECTION 16-622 AND BEFORE CERTIFICATION OF THE  
12 OFFICIAL CANVASS OF THOSE RESULTS, THE SAME OFFICER WHO PERFORMED THE  
13 LOGIC AND ACCURACY TESTING BEFORE THAT ELECTION AS PRESCRIBED IN  
14 SUBSECTION B OF THIS SECTION SHALL CONDUCT LOGIC AND ACCURACY TESTING FOR  
15 THE AUTOMATIC TABULATING EQUIPMENT, ELECTRONIC BALLOT TABULATING SYSTEMS  
16 AND PROGRAMS TO ASCERTAIN THAT THE EQUIPMENT, SYSTEMS AND PROGRAMS  
17 CONTINUE TO CORRECTLY COUNT THE VOTES CAST FOR ALL OFFICES AND ON ALL  
18 MEASURES. THE TESTING SHALL BE PERFORMED AS PRESCRIBED IN SUBSECTIONS A  
19 AND B OF THIS SECTION.