



ARIZONA STATE SENATE
Fifty-Fourth Legislature, Second Regular Session

FACT SHEET FOR S.B. 1135

elections; counting center; electronic adjudication

Purpose

An emergency measure that establishes requirements for the use of ballot tabulation equipment that uses an electronic adjudication feature.

Background

All proceedings at a counting center for an election are under the direction of the county board of supervisors (county BOS) or other officer in charge of elections ([A.R.S. § 16-621](#)). A *counting center* is a location selected by the county BOS for the automatic counting of ballots ([A.R.S. § 16-444](#)).

When any ballot, including an early ballot, is damaged or defective so that it cannot be read by a tabulation machine, it must be duplicated by a ballot duplication board and the duplicated ballot must be tabulated in place of the damaged ballot. The ballot duplication board duplicates ballots that cannot be read by the tabulation machine but on which the voter has clearly indicated their intent to vote on a particular race or ballot measure. Each ballot duplication board is comprised of at least two members who are registered voters of different political parties and who are appointed by the officer in charge of elections. All duplicate ballots must be clearly labeled *duplicate* and must contain a serial number that is recorded on the damaged or defective ballot ([2019 Elections Procedure Manual, p. 201-202](#)).

Generally, only Uniformed and Overseas Citizens Absentee Voting Act ballots, early ballots and ballots cast at voting locations without a tabulation machine on-site are duplicated at central counting facilities. Voters who vote at a voting location with a tabulation machine on-site feed their voted ballots directly into the tabulation machine and may correct an unreadable ballot or a ballot read as overvoted or blank ([2019 Elections Procedure Manual, p. 201-202](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Authorizes the use of, and establishes requirements for, counting center automatic tabulating equipment that includes an electronic vote adjudication feature.
2. Requires the electronic vote adjudication feature to be certified for use according to statute and authorized by the county BOS or officer in charge of elections.
3. Requires the electronic vote adjudication feature to be included in the tabulation system logic and accuracy testing.

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4. Requires, in order to utilize the electronic vote adjudication feature, that the county BOS or officer in charge of elections appoint an electronic vote adjudication board (board) that adjudicates and submits ballots for tabulation that are read by the tabulation machine as:
 - a) blank, in order to determine if voter intent is clear on a portion or all of the ballot;
 - b) an over-vote on any portion or all of the ballot; or
 - c) write-in choices, as prescribed in statute.
5. Requires the board to consist of two judges who are equally divided between the two largest political parties and who are overseen by an inspector.
6. Requires the board to provide for:
 - a) a method to track and account for the original ballot and the digital duplicate of the ballot created by the electronic vote adjudication feature that includes a serial number on the digital image that can be used to track board actions;
 - b) the creation and retention of comprehensive logs of all digital duplication and adjudication actions performed by the board; and
 - c) the retention of the original ballot and the digital duplicate of the ballot.
7. Makes technical and conforming changes.
8. Becomes effective on signature of the Governor, if the emergency clause is enacted.

Prepared by Senate Research

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