

REFERENCE TITLE: election laws; revisions; appropriation

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HB 2797

Introduced by
Representative Salman

AN ACT

AMENDING SECTIONS 13-907 AND 16-407, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-407.01; AMENDING TITLE 16, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-446.01; AMENDING SECTIONS 16-449, 16-542, 16-549, 16-550, 16-552, 16-584 AND 16-622, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-907, Arizona Revised Statutes, is amended to
3 read:

4 13-907. Automatic restoration of civil rights; exception;
5 definition

6 A. On final discharge, any person who has ~~not previously~~ been
7 convicted of a felony offense shall automatically be restored any civil
8 rights that were lost or suspended as a result of the conviction if the
9 person pays any victim restitution imposed.

10 B. A person who is entitled to the restoration of any civil rights
11 pursuant to this section is not required to file an application pursuant
12 to section 13-908.

13 C. This section does not apply to a person's right to possess a
14 firearm as defined in section 13-3101. The court may order the
15 restoration of the right to possess a firearm pursuant to section 13-910.

16 D. For the purposes of this section, "final discharge" means the
17 completion of probation or the receipt of an absolute discharge from the
18 state department of corrections or the ~~United States~~ FEDERAL bureau of
19 prisons.

20 Sec. 2. Section 16-407, Arizona Revised Statutes, is amended to
21 read:

22 16-407. Election officers; qualifications; certificates;
23 certification programs; plan; exemption; election
24 training fund

25 A. Except as provided in subsection E of this section, ~~no~~ A person
26 may NOT perform the duties or exercise the authority of an election
27 officer or of the clerk of the board of supervisors or the county recorder
28 in performance of election duties in or on behalf of any county unless the
29 person is the holder of an election officer's certificate issued by the
30 secretary of state before January 1 of each general election year OR, FOR
31 A PERSON ISSUED AN INTERIM CERTIFICATE, AN INTERIM CERTIFICATE ISSUED
32 BEFORE AUGUST 1 OF THE GENERAL ELECTION YEAR.

33 B. The secretary of state shall provide for the examination of
34 applicants for election officer certificates AND INTERIM CERTIFICATES.
35 The secretary of state may not issue a certificate to a person who has not
36 demonstrated to the satisfaction of the secretary of state that the person
37 is competent to perform the work of an election officer or of the clerk of
38 the board of supervisors or the county recorder in the performance of
39 election duties.

40 C. The secretary of state shall provide for election officer
41 certification programs, INCLUDING INTERIM CERTIFICATION PROGRAMS, of which
42 successful completion by a person attests to the attendance at,
43 participation in and completion of a course of instruction in the
44 technical, legal and administrative aspects of conducting elections within
45 this state.

1 D. On or before December 31 of each year of a general election, the
2 secretary of state shall submit an election officer education, training
3 and certification plan to the president of the senate and the speaker of
4 the house of representatives. The plan shall outline the achievements and
5 problems of the previous two year period and specify the expected
6 education, training and certification activities of the coming two year
7 period.

8 E. Subsection A of this section does not apply to elected
9 officials, clerical and secretarial personnel, counting center personnel
10 and precinct election board members and election officials in cities or
11 towns.

12 F. For city and town employees who work on elections, if the city
13 or town chooses to enroll the city or town employees in the certification
14 program prescribed by this section, the city or town shall reimburse the
15 secretary of state for the costs of conducting the training. An election
16 training fund is established consisting of monies received pursuant to
17 this subsection. The secretary of state shall administer the fund.
18 Monies in the fund are continuously appropriated and the secretary of
19 state shall use monies in the fund to pay the costs of training officials
20 from cities and towns pursuant to this subsection.

21 Sec. 3. Title 16, chapter 4, article 1, Arizona Revised Statutes,
22 is amended by adding section 16-407.01, to read:

23 16-407.01. Secretary of state; international observers; notice

24 THE SECRETARY OF STATE SHALL ESTABLISH A SYSTEM TO ISSUE CREDENTIALS
25 TO A LIMITED NUMBER OF INTERNATIONAL OBSERVERS TO OBSERVE ELECTIONS IN
26 THIS STATE. BEFORE ANY ELECTION FOR A STATEWIDE BALLOT MEASURE, FOR A
27 FEDERAL OR STATEWIDE OFFICE OR FOR A MEMBER OF THE LEGISLATURE, THE
28 SECRETARY OF STATE SHALL PROVIDE A LIST OF CREDENTIALLED INTERNATIONAL
29 OBSERVERS TO EVERY COUNTY RECORDER AND OFFICER IN CHARGE OF ELECTIONS.

30 Sec. 4. Title 16, chapter 4, article 4, Arizona Revised Statutes,
31 is amended by adding section 16-446.01, to read:

32 16-446.01. Specifications for E-pollbooks

33 AN E-POLLBOOK USED IN THIS STATE SHALL COMPLY WITH THE REQUIREMENTS
34 IN THE INSTRUCTIONS AND PROCEDURES MANUAL ADOPTED PURSUANT TO SECTION
35 16-452. THESE REQUIREMENTS SHALL INCLUDE AT LEAST THE FOLLOWING:

36 1. HARDWARE STANDARDS AND REQUIREMENTS, INCLUDING MINIMUM PHYSICAL
37 SECURITY REQUIREMENTS.

38 2. SOFTWARE STANDARDS AND REQUIREMENTS, INCLUDING ENCRYPTION AND
39 AUDIT LOG REQUIREMENTS.

40 Sec. 5. Section 16-449, Arizona Revised Statutes, is amended to
41 read:

42 16-449. Required test of equipment and programs; notice;
43 procedures manual

44 A. Within the period of time before the election day prescribed by
45 the secretary of state in the instructions and procedures manual adopted

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

31 B. Electronic ballot tabulating systems shall be tested for logic
 32 and accuracy within ~~seven~~ TEN days before their use for early balloting
 33 pursuant to the instructions and procedures manual for electronic voting
 34 systems that is adopted by the secretary of state as prescribed by section
 35 16-452. The instructions and procedures manual shall include procedures
 36 for the handling of ballots, the electronic scanning of ballots and any
 37 other matters necessary to ensure the maximum degree of correctness,
 38 impartiality and uniformity in the administration of an electronic ballot
 39 tabulating system.

40 C. Notwithstanding subsections A and B of this section, if a county
 41 uses accessible voting equipment to mark ballots and that accessible
 42 voting equipment does not independently tabulate or tally votes, the
 43 secretary of state in cooperation with the county officer in charge of
 44 elections may designate a single date to test the logic and accuracy of

1 both the accessible voting equipment and electronic ballot tabulating
2 systems.

3 Sec. 6. Section 16-542, Arizona Revised Statutes, is amended to
4 read:

5 16-542. Request for ballot; civil penalties; violation;
6 classification

7 A. Within ninety-three days before any election called pursuant to
8 the laws of this state, an elector may make a verbal or signed request to
9 the county recorder, or other officer in charge of elections for the
10 applicable political subdivision of this state in whose jurisdiction the
11 elector is registered to vote, for an official early ballot. In addition
12 to name and address, the requesting elector shall provide the date of
13 birth and state or country of birth or other information that if compared
14 to the voter registration information on file would confirm the identity
15 of the elector. If the request indicates that the elector needs a primary
16 election ballot and a general election ballot, the county recorder or
17 other officer in charge of elections shall honor the request. For any
18 partisan primary election, if the elector is not registered as a member of
19 a political party that is entitled to continued representation on the
20 ballot pursuant to section 16-804, the elector shall designate the ballot
21 of only one of the political parties that is entitled to continued
22 representation on the ballot and the elector may receive and vote the
23 ballot of only that one political party, which also shall include any
24 nonpartisan offices and ballot questions, or the elector shall designate
25 the ballot for nonpartisan offices and ballot questions only and the
26 elector may receive and vote the ballot that contains only nonpartisan
27 offices and ballot questions. The county recorder or other officer in
28 charge of elections shall process any request for an early ballot for a
29 municipal election pursuant to this subsection. The county recorder ~~may~~
30 **SHALL** establish on-site early voting locations at the recorder's office,
31 which shall be open and available for use beginning the same day that a
32 county begins to send out the early ballots. The county recorder ~~may~~
33 **SHALL** also establish any other early voting locations in the county ~~the~~
34 ~~recorder deems necessary~~ **AS PRESCRIBED IN THE INSTRUCTIONS AND PROCEDURES**
35 **MANUAL ADOPTED PURSUANT TO SECTION 16-452.** Any on-site early voting
36 location or other early voting location shall require each elector to
37 present identification as prescribed in section 16-579 before receiving a
38 ballot. **ON PRESENTATION OF PROPER IDENTIFICATION, FOR AN EARLY BALLOT**
39 **THAT IS ISSUED AT AN EARLY VOTING LOCATION, THE COUNTY RECORDER MAY**
40 **TABULATE THE ELECTOR'S BALLOT WITHOUT CONDUCTING SIGNATURE VERIFICATION ON**
41 **THE BALLOT AFFIDAVIT.** Notwithstanding section 16-579, subsection A,
42 paragraph 2, at any on-site early voting location or other early voting
43 location the county recorder or other officer in charge of elections ~~may~~
44 **SHALL** provide for a qualified elector to update the elector's voter
45 registration information as provided for in the secretary of state's

1 ~~instruction~~ INSTRUCTIONS and procedures manual adopted pursuant to section
 2 16-452.

3 B. Notwithstanding subsection A of this section, a request for an
 4 official early ballot from an absent uniformed services voter or overseas
 5 voter as defined in the uniformed and overseas citizens absentee voting
 6 act of 1986 (P.L. 99-410; 52 United States Code section 20310) or a voter
 7 whose information is protected pursuant to section 16-153 that is received
 8 by the county recorder or other officer in charge of elections more than
 9 ninety-three days before the election is valid. If requested by the
 10 absent uniformed services or overseas voter, or a voter whose information
 11 is protected pursuant to section 16-153, the county recorder or other
 12 officer in charge of elections shall provide to the requesting voter early
 13 ballot materials through the next regularly scheduled general election for
 14 federal office immediately following receipt of the request unless a
 15 different period of time, which does not exceed the next two regularly
 16 scheduled general elections for federal office, is designated by the
 17 voter.

18 C. The county recorder or other officer in charge of elections
 19 shall mail the early ballot and the envelope for its return postage
 20 prepaid to the address provided by the requesting elector within five days
 21 after receipt of the official early ballots from the officer charged by
 22 law with the duty of preparing ballots pursuant to section 16-545, except
 23 that early ballot distribution shall not begin more than twenty-seven days
 24 before the election. If an early ballot request is received on or before
 25 the thirty-first day before the election, the early ballot shall be
 26 distributed not earlier than the twenty-seventh day before the election
 27 and not later than the twenty-fourth day before the election.

28 D. Only the elector may be in possession of that elector's unvoted
 29 early ballot. If a complete and correct request is made by the elector
 30 within twenty-seven days before the election, the mailing must be made
 31 within forty-eight hours after receipt of the request. Saturdays, Sundays
 32 and other legal holidays are excluded from the computation of the
 33 ~~forty-eight hour~~ FORTY-EIGHT-HOUR period prescribed by this subsection.
 34 If a complete and correct request is made by an absent uniformed services
 35 voter or an overseas voter before the election, the regular early ballot
 36 shall be transmitted by mail, by fax or by other electronic format
 37 approved by the secretary of state within twenty-four hours after the
 38 early ballots are delivered pursuant to section 16-545, subsection B,
 39 excluding Sundays.

40 E. In order to be complete and correct and to receive an early
 41 ballot by mail, an elector's request that an early ballot be mailed to the
 42 elector's residence or temporary address must include all of the
 43 information prescribed by subsection A of this section and must be
 44 received by the county recorder or other officer in charge of elections ~~no~~
 45 NOT later than ~~5:00 p.m. on~~ the eleventh day preceding the election. An

1 elector who appears personally ~~no~~ NOT later than 5:00 p.m. on the ~~Friday~~
2 ~~MONDAY~~ preceding the election at an on-site early voting location that is
3 established by the county recorder or other officer in charge of elections
4 shall be given a ballot after presenting identification as prescribed in
5 section 16-579 and shall be ~~permitted~~ ALLOWED to vote at the on-site
6 location. Notwithstanding section 16-579, subsection A, paragraph 2, at
7 any on-site early voting location the county recorder or other officer in
8 charge of elections may provide for a qualified elector to update the
9 elector's voter registration information as provided for in the secretary
10 of state's ~~instruction~~ INSTRUCTIONS and procedures manual adopted pursuant
11 to section 16-452. If an elector's request to receive an early ballot is
12 not complete and correct but complies with all other requirements of this
13 section, the county recorder or other officer in charge of elections shall
14 attempt to notify the elector of the deficiency of the request.

15 F. Unless an elector specifies that the address to which an early
16 ballot is to be sent is a temporary address, the recorder may use the
17 information from an early ballot request form to update voter registration
18 records.

19 G. The county recorder or other officer in charge of early
20 balloting shall provide an alphabetized list of all voters in the precinct
21 who have requested and have been sent an early ballot to the election
22 board of the precinct in which the voter is registered not later than the
23 day before the election.

24 ~~H. As a result of experiencing an emergency between 5:00 p.m. on~~
25 ~~the Friday preceding the election and 5:00 p.m. on the Monday preceding~~
26 ~~the election, qualified electors may request to vote in the manner~~
27 ~~prescribed by the board of supervisors of their respective county. Before~~
28 ~~voting pursuant to this subsection, an elector who experiences an~~
29 ~~emergency shall provide identification as prescribed in section 16-579 and~~
30 ~~shall sign a statement under penalty of perjury that states that the~~
31 ~~person is experiencing or experienced an emergency after 5:00 p.m. on the~~
32 ~~Friday immediately preceding the election and before 5:00 p.m. on the~~
33 ~~Monday immediately preceding the election that would prevent the person~~
34 ~~from voting at the polls. Signed statements received pursuant to this~~
35 ~~subsection are not subject to inspection pursuant to title 39, chapter 1,~~
36 ~~article 2. For the purposes of this subsection, "emergency" means any~~
37 ~~unforeseen circumstances that would prevent the elector from voting at the~~
38 ~~polls.~~

39 ~~I. Notwithstanding section 16-579, subsection A, paragraph 2, for~~
40 ~~any voting pursuant to subsection H of this section, the county recorder~~
41 ~~or other officer in charge of elections may allow a qualified elector to~~
42 ~~update the elector's voter registration information as provided for in the~~
43 ~~secretary of state's instructions and procedures manual adopted pursuant~~
44 ~~to section 16-452.~~

1 ~~J~~ H. A candidate, political committee or other organization may
2 distribute early ballot request forms to voters. If the early ballot
3 request forms include a printed address for return, the addressee shall be
4 the political subdivision that will conduct the election. Failure to use
5 the political subdivision as the return addressee is punishable by a civil
6 penalty of up to three times the cost of the production and distribution
7 of the request.

8 ~~K~~ I. All original and completed early ballot request forms that
9 are received by a candidate, political committee or other organization
10 shall be submitted within six business days after receipt by a candidate,
11 political committee or other organization or eleven days before the
12 election day, whichever is earlier, to the political subdivision that will
13 conduct the election. Any person, political committee or other
14 organization that fails to submit a completed early ballot request form
15 within the prescribed time is subject to a civil penalty of up to \$25 per
16 day for each completed form withheld from submittal. Any person who
17 knowingly fails to submit a completed early ballot request form before the
18 submission deadline for the election immediately following the completion
19 of the form is guilty of a class 6 felony.

20 Sec. 7. Section 16-549, Arizona Revised Statutes, is amended to
21 read:

22 16-549. Special election boards; expenses; voting procedure
23 for ill or confined electors or electors with
24 disabilities

25 A. The county recorder or other officer in charge of elections, for
26 the purpose of making it possible for qualified electors who are ill, ARE
27 PHYSICALLY CONFINED or have a disability to vote, may appoint such number
28 of special election boards as needed. In a partisan election, each such
29 board shall consist of two members, one from each of the two political
30 parties that cast the highest number of votes in the state in the last
31 preceding general election. The county chairman of each such party shall
32 furnish, within sixty days before the election day, the county recorder or
33 other officer in charge of elections with a list of names of qualified
34 electors within the chairman's political party, and such additional lists
35 as may be required, from which the county recorder or other officer in
36 charge of elections shall appoint members to such special election
37 boards. The county recorder or other officer in charge of elections may
38 refuse for cause to appoint or may for cause remove a member of this
39 board. A person who is a candidate for an office other than precinct
40 committeeman is not eligible to serve on the special election board for
41 that election.

42 B. Members of special election boards appointed under this section
43 shall be reimbursed for travel expenses in the manner provided by law and
44 shall also receive such compensation as the board of supervisors or the

1 governing body prescribes, all of which shall be paid by the county or
 2 other political subdivision.

3 C. In lieu of the mailed early ballot procedure, any qualified
 4 elector who is confined as the result of a continuing illness, ~~or~~ physical
 5 disability **OR PRETRIAL DETENTION** and is, ~~therefore,~~ not able to go to
 6 the polls on the day of the next election and who does not wish to vote by
 7 the mailed early ballot procedure, may make a verbal or a signed written
 8 request to the county recorder or other officer in charge of elections to
 9 have a ballot personally delivered to the elector by the special election
 10 board at the elector's place of confinement within the county or other
 11 political subdivision. The ballot shall be delivered to the elector in
 12 person by a special election board as provided in this section. Such
 13 requests must be made by 5:00 p.m. on the second Friday before the
 14 election.

15 D. Qualified electors who become ill **OR PHYSICALLY CONFINED** or **WHO**
 16 become a person with a disability after the second Friday before the
 17 election may nevertheless request personal ballot delivery pursuant to
 18 this section, and the county recorder or other officer in charge of
 19 elections shall when possible honor such requests up to and including the
 20 last day before the election. Qualified electors who are admitted to a
 21 hospital **OR WHO BECOME PHYSICALLY CONFINED** after 5:00 p.m. on the second
 22 Friday preceding the election and before 5:00 p.m. on election day may
 23 request the county recorder or other officer in charge of elections to
 24 provide a special election board with a ballot at the elector's place of
 25 confinement. If the county recorder or other officer in charge of
 26 elections is able to accommodate the request, the voted ballot of the
 27 elector shall be sealed in an envelope and shall be processed as a
 28 provisional ballot pursuant to section 16-584. Before receiving a ballot
 29 pursuant to this subsection, a qualified elector shall provide
 30 identification as prescribed in section 16-579 and shall sign a statement
 31 under penalty of perjury that states that the person is experiencing or
 32 experienced an emergency after 5:00 p.m. on the second Friday preceding
 33 the election and before 5:00 p.m. on the Monday immediately preceding the
 34 election that would prevent the person from voting at the polls. Signed
 35 statements received pursuant to this subsection are not subject to
 36 inspection pursuant to title 39, chapter 1, article 2.

37 E. The manner and procedure of voting shall be as provided in
 38 section 16-548, except that the marked ballot in the sealed envelope shall
 39 be handed by the elector to the special election board and shall be
 40 delivered by the board to the county recorder or other officer in charge
 41 of elections.

1 Sec. 8. Section 16-550, Arizona Revised Statutes, is amended to
2 read:

3 16-550. Receipt of voter's ballot; cure period

4 A. On receipt of the envelope containing the early ballot and the
5 ballot affidavit, the county recorder or other officer in charge of
6 elections shall compare the signatures thereon with the signature of the
7 elector on the elector's registration record. If the signature is
8 inconsistent with the elector's signature on the elector's registration
9 record **OR THE SIGNATURE IS MISSING**, the county recorder or other officer
10 in charge of elections shall make reasonable efforts to contact the voter,
11 advise the voter of the inconsistent **OR MISSING** signature and allow the
12 voter to **SIGN THE BALLOT AFFIDAVIT OR TO** correct or the county to confirm
13 the inconsistent signature. The county recorder or other officer in
14 charge of elections shall allow signatures to be corrected **AND BALLOT**
15 **AFFIDAVITS TO BE SIGNED** not later than the fifth business day after a
16 primary, general or special election that includes a federal office or the
17 third business day after any other election. If satisfied that the
18 signatures correspond, the recorder or other officer in charge of
19 elections shall hold the envelope containing the early ballot and the
20 completed affidavit unopened in accordance with the rules of the secretary
21 of state.

22 B. The recorder or other officer in charge of elections shall
23 thereafter safely keep the affidavits and early ballots in the recorder's
24 or other officer's office until delivered pursuant to section 16-551 and
25 tallying of ballots shall not begin any earlier than fourteen days before
26 election day.

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

30 D. This section does not apply to:

31 1. A special taxing district that is authorized pursuant to section
32 16-191 to conduct its own elections.

33 2. A special district mail ballot election that is conducted
34 pursuant to article 8.1 of this chapter.

35 3. **AN EARLY BALLOT THAT IS ISSUED AND CAST IN PERSON AT AN EARLY**
36 **VOTING LOCATION THAT REQUIRES EACH ELECTOR TO PRESENT IDENTIFICATION AS**
37 **PRESCRIBED IN SECTION 16-579 BEFORE RECEIVING A BALLOT.**

38 Sec. 9. Section 16-552, Arizona Revised Statutes, is amended to
39 read:

40 16-552. Early ballots; processing; challenges

41 A. In a jurisdiction that uses optical scan ballots, the officer in
42 charge of elections may use the procedure prescribed by this section or
43 may request approval from the secretary of state for a different method
44 for processing early ballots. The request shall be made in writing at
45 least ninety days before the election for which the procedure is intended

1 to be used. After the election official has confirmed with the secretary
 2 of state that all election equipment passes the logic and accuracy test,
 3 the election official may begin to count early ballots. No early ballot
 4 results may be released except as prescribed by section 16-551.

5 B. The early election board shall check the voter's affidavit on
 6 the envelope containing the early ballot. If it is found to be
 7 sufficient, the vote shall be allowed. If the affidavit is insufficient,
 8 the vote shall not be allowed.

9 C. The county chairman of each political party represented on the
 10 ballot, by written appointment addressed to the early election board, may
 11 designate party representatives and alternates to act as early ballot
 12 challengers for the party. No party may have more than the number of such
 13 representatives or alternates that were mutually agreed on by each
 14 political party to be present at one time. If such agreement cannot be
 15 reached, the number of representatives shall be limited to one for each
 16 political party.

17 D. An early ballot may be challenged on any grounds set forth in
 18 section 16-591. All challenges shall be made in writing with a brief
 19 statement of the grounds before the early ballot is placed in the ballot
 20 box. A record of all challenges and resulting proceedings shall be kept
 21 in substantially the same manner as provided in section 16-594. If an
 22 early ballot is challenged, it shall be set aside and retained in the
 23 possession of the early election board or other officer in charge of early
 24 ballot processing until a time that the early election board sets for
 25 determination of the challenge, subject to the procedure in subsection E
 26 of this section, at which time the early election board shall hear the
 27 grounds for the challenge and shall decide what disposition shall be made
 28 of the early ballot by majority vote. If the early ballot is not allowed,
 29 it shall be handled pursuant to subsection G of this section.

30 E. Within twenty-four hours of receipt of a challenge, the early
 31 election board or other officer in charge of early ballot processing shall
 32 mail, by first class mail, a notice of the challenge including a copy of
 33 the written challenge, and also including the time and place at which the
 34 voter may appear to defend the challenge, to the voter at the mailing
 35 address shown on the request for an early ballot or, if none was provided,
 36 to the mailing address shown on the registration rolls. Notice shall also
 37 be mailed to the challenger at the address listed on the written challenge
 38 and provided to the county chairman of each political party represented on
 39 the ballot. The board shall meet to determine the challenge at the time
 40 specified by the notice but, in any event, not earlier than ninety-six
 41 hours after the notice is mailed, or forty-eight hours if the notifying
 42 party chooses to deliver the notice by overnight or hand delivery, and not
 43 later than 5:00 p.m. on the Monday following the election. The board
 44 shall provide the voter with an informal opportunity to make, or to
 45 submit, brief statements regarding the challenge. The board may decline

1 to permit comments, either in person or in writing, by anyone other than
2 the voter, the challenger and the party representatives. The burden of
3 proof is on the challenger to show why the voter should not be permitted
4 to vote. The fact that the voter fails to appear shall not be deemed to
5 be an admission of the validity of the challenge. The early election
6 board or other officer in charge of early ballot processing is not
7 required to provide the notices described in this subsection if the
8 written challenge fails to set forth at least one of the grounds listed in
9 section 16-591 as a basis for the challenge. In that event, the challenge
10 will be summarily rejected at the meeting of the board. Except for
11 election contests pursuant to section 16-672, the board's decision is
12 final and may not be appealed.

13 F. If the vote is allowed, the board shall open the envelope
14 containing the ballot in such a manner that the affidavit thereon is not
15 destroyed, take out the ballot without unfolding it or permitting it to be
16 opened or examined and show by the records of the election that the
17 elector has voted.

18 G. If the vote is not allowed, the affidavit envelope containing
19 the early ballot shall not be opened and the board shall mark across the
20 face of such envelope the grounds for rejection. The affidavit envelope
21 and its contents shall then be deposited with the opened affidavit
22 envelopes and shall be preserved with official returns. If the voter does
23 not enter an appearance, the board shall send the voter a notice stating
24 whether the early ballot was disallowed and, if disallowed, providing the
25 grounds for the determination. The notice shall be mailed by first class
26 mail to the voter's mailing address as shown on the registration rolls
27 within three days after the board's determination.

28 H. Party representatives and alternates may be appointed as
29 provided in subsection C of this section to be present and to challenge
30 the verification of questioned ballots pursuant to section 16-584 on any
31 grounds ~~permitted~~ ALLOWED by this section. Questioned ballots that are
32 challenged shall be presented to the early election board for decision
33 under the provisions of this section.

34 I. THIS SECTION DOES NOT APPLY TO AN EARLY BALLOT THAT IS ISSUED
35 AND CAST IN PERSON AT AN EARLY VOTING LOCATION THAT REQUIRES EACH ELECTOR
36 TO PRESENT IDENTIFICATION AS PRESCRIBED IN SECTION 16-579 BEFORE RECEIVING
37 A BALLOT.

38 Sec. 10. Section 16-584, Arizona Revised Statutes, is amended to
39 read:

40 16-584. Qualified elector not on precinct register;
41 recorder's certificate; verified ballot; procedure

42 A. A qualified elector whose name is not on the precinct register
43 and who presents a certificate from the county recorder showing that the
44 elector is entitled by law to vote in the precinct shall be entered on the
45 signature roster on the blank following the last printed name and shall be

1 given the next consecutive register number, and the qualified elector
 2 shall sign in the space provided.

3 B. A qualified elector whose name is not on the precinct register,
 4 on presentation of identification verifying the identity of the elector
 5 that includes the voter's given name and surname and the complete
 6 residence address that is verified by the election board to be in the
 7 precinct or on signing an affirmation that states that the elector is a
 8 registered voter in that jurisdiction and is eligible to vote in that
 9 jurisdiction, shall be allowed to vote a provisional ballot.

10 C. If a voter has moved to a new address within the county and has
 11 not notified the county recorder of the change of address before the date
 12 of an election, the voter shall be ~~permitted~~ ALLOWED to correct the voting
 13 records for purposes of voting in future elections at the appropriate
 14 polling place for the voter's new address. The voter shall be ~~permitted~~
 15 ALLOWED to vote a provisional ballot. The voter shall present a form of
 16 identification that includes the voter's given name and surname and the
 17 voter's complete residence address. The residence address must be within
 18 the precinct in which the voter is attempting to vote, and the voter shall
 19 affirm in writing that the voter is registered in that jurisdiction and is
 20 eligible to vote in that jurisdiction.

21 D. On completion of the ballot, the election official shall place
 22 the ballot in a provisional ballot envelope and shall deposit the envelope
 23 in the ballot box. Within ten calendar days after a general election that
 24 includes an election for a federal office and within five business days
 25 after any other election or ~~no~~ NOT later than the time at which challenged
 26 early voting ballots are resolved, the signature shall be compared to the
 27 precinct signature roster of the former precinct where the voter was
 28 registered. If the voter's name is not signed on the roster and if there
 29 is no indication that the voter voted an early ballot, the provisional
 30 ballot envelope shall be opened and the ballot shall be counted. If there
 31 is information showing the person did vote, the provisional ballot shall
 32 remain unopened and shall not be counted. When provisional ballots are
 33 confirmed for counting, the county recorder shall use the information
 34 supplied on the provisional ballot envelope to correct the address record
 35 of the voter.

36 E. When a voter is allowed to vote a provisional ballot, the
 37 elector's name shall be entered on a separate signature roster page at the
 38 end of the signature roster. Voters' names shall be numbered
 39 consecutively beginning with the number V-1. The elector shall sign in
 40 the space provided. The ballot shall be placed in a separate envelope,
 41 the outside of which shall contain the precinct name or number, a sworn or
 42 attested statement of the elector that the elector resides in the
 43 precinct, is eligible to vote in the election and has not previously voted
 44 in the election, the signature of the elector and the voter registration
 45 number of the elector, if available. The ballot shall be verified for

1 proper registration of the elector by the county recorder before being
2 counted. The verification shall be made by the county recorder within ten
3 calendar days after a general election that includes an election for a
4 federal office and within five business days following any other
5 election. Verified ballots shall be counted by depositing the ballot in
6 the ballot box and showing on the records of the election that the elector
7 has voted. If registration is not verified the ballot shall remain
8 unopened and shall be retained in the same manner as voted ballots.

9 F. IF THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS
10 DETERMINES THAT A PROVISIONAL BALLOT VOTER IS NOT PROPERLY REGISTERED TO
11 VOTE, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL
12 USE THE INFORMATION FROM THE PROVISIONAL BALLOT ENVELOPE TO REGISTER THE
13 PERSON TO VOTE FOR SUBSEQUENT ELECTIONS. PROVISIONAL BALLOT ENVELOPES
14 SHALL REQUEST ALL OF THE INFORMATION NECESSARY TO REGISTER TO VOTE.

15 ~~F.~~ G. For any person who votes a provisional ballot, the county
16 recorder or other officer in charge of elections shall provide for a
17 method of notifying the provisional ballot voter at no cost to the voter
18 whether the voter's ballot was verified and counted and, if not counted,
19 the reason for not counting the ballot. The notification may be in the
20 form of notice by mail to the voter, establishment of a toll free
21 telephone number, internet access or other similar method to allow the
22 voter to have access to this information. The method of notification
23 shall provide reasonable restrictions that are designed to limit
24 transmittal of the information only to the voter.

25 Sec. 11. Section 16-622, Arizona Revised Statutes, is amended to
26 read:

27 16-622. Official canvass; unofficial results

28 A. At any time following the close of the polls, except as provided
29 in section 16-551, subsection C, unofficial returns may be released during
30 the counting of the ballots by vote tabulating equipment, and ~~upon~~ ON
31 completion of the count the unofficial results shall be open to the
32 public. The result printed by the vote tabulating equipment, to which have
33 been added write-in and early votes, ~~shall~~, when certified by the board of
34 supervisors or other officer in charge, SHALL constitute the official
35 canvass of each precinct or election district.

36 B. In any election for a federal office, a statewide office or a
37 member of the legislature or in any election for a statewide ballot
38 measure: ~~;~~

39 1. All unofficial returns that are released during the counting of
40 the ballots and all unofficial results that are open to the public shall
41 when released to the public be transmitted by telephone, by ~~telefacsimile~~
42 FAX or by other electronic means to the secretary of state.

43 2. ALL UNOFFICIAL RETURNS THAT ARE TRANSMITTED TO THE SECRETARY OF
44 STATE SHALL INCLUDE AN ESTIMATE OF THE NUMBER OF EARLY, ELECTION DAY AND
45 PROVISIONAL BALLOTS THAT REMAIN UNCOUNTED.

1 Sec. 12. Appropriations; secretary of state; risk-limiting
2 audits; report; exemption

3 A. The sum of \$100,000 is appropriated from the state general fund
4 in each of fiscal years 2021-2022 and 2022-2023 to the secretary of state
5 to provide risk-limiting audit grants to officers in charge of elections
6 to conduct risk-limiting audits. On or before March 31, 2022, the
7 secretary of state shall report to the joint legislative budget committee
8 on its plan for distributing these grants.

9 B. Notwithstanding any other statute, for the 2022 general
10 election, an officer in charge of elections may conduct a risk-limiting
11 audit instead of a hand count audit prescribed by section 16-602, Arizona
12 Revised Statutes, as provided for in the secretary of state's instructions
13 and procedures manual adopted pursuant to section 16-452, Arizona Revised
14 Statutes.

15 C. On or before March 31, 2023, the secretary of state shall report
16 to the president of the senate and the speaker of the house of
17 representatives on any findings and recommendations related to the use of
18 risk-limiting audits.

19 D. The appropriations made in subsection A of this section are
20 exempt from the provisions of section 35-190, Arizona Revised Statutes,
21 relating to lapsing of appropriations.