

House Engrossed

election procedures manual; statutory conflict

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2379

AN ACT

AMENDING SECTION 16-452, ARIZONA REVISED STATUTES; RELATING TO THE 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 16-452, Arizona Revised Statutes, is amended to
3 read:

4 16-452. Rules; instructions and procedures manual; approval
5 of manual; field check and review of systems;
6 violation; classification

7 A. After consultation with each county board of supervisors or
8 other officer in charge of elections, the secretary of state shall
9 prescribe rules to achieve and maintain the maximum degree of correctness,
10 impartiality, uniformity and efficiency on the procedures for early voting
11 and voting, and of producing, distributing, collecting, counting,
12 tabulating and storing ballots. The secretary of state shall also adopt
13 rules regarding fax transmittal of unvoted ballots, ballot requests, voted
14 ballots and other election materials to and from absent uniformed and
15 overseas citizens and shall adopt rules regarding internet receipt of
16 requests for federal postcard applications prescribed by section 16-543.

17 B. The rules shall be prescribed in an official instructions and
18 procedures manual to be issued not later than December 31 of each
19 odd-numbered year immediately preceding the general election. Before its
20 issuance, the manual shall be approved by the governor and the attorney
21 general. The secretary of state shall submit the manual to the governor
22 and the attorney general not later than October 1 of the year before each
23 general election.

24 C. THE INSTRUCTIONS AND PROCEDURES MANUAL SHALL PROVIDE FOR
25 TRANSPARENCY AND ELECTION SECURITY TO THE MAXIMUM EXTENT ALLOWED BY LAW.
26 IF ANY PROVISION OF THE INSTRUCTIONS AND PROCEDURES MANUAL CONFLICTS WITH
27 ANY STATUTE, THE PROVISION OF THE INSTRUCTIONS AND PROCEDURES MANUAL IS
28 UNENFORCEABLE AND THE STATUTE PREVAILS.

29 ~~C.~~ D. A person who violates any rule adopted pursuant to this
30 section is guilty of a class 2 misdemeanor.

31 ~~D.~~ E. The secretary of state AND THE LEGISLATURE shall provide
32 personnel who are experts in electronic voting systems and procedures and
33 in electronic voting system security to field check and review electronic
34 voting systems and recommend needed statutory and procedural changes,
35 INCLUDING CHANGES IN THE INSTRUCTIONS AND PROCEDURES MANUAL.