State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SENATE BILL 1629

AN ACT

AMENDING SECTIONS 16-134, 16-140, 16-166, 16-407, 16-602, 16-625 AND 41-1278, ARIZONA REVISED STATUTES; REPEALING SECTION 41-1279.03, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2021, CHAPTER 405, SECTION 25; AMENDING SECTION 41-1279.03, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 3, SECTION 11; AMENDING SECTION 41-1279.04, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 7, ARTICLE 10.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1279.08; REPEALING SECTION 41-1279.08, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 16-134, Arizona Revised Statutes, is amended to read:

16-134. Return of registrations made outside office of county recorder; incomplete or illegible forms

A. A county recorder shall authorize persons to accept registration forms, shall designate places for receipt of registration forms and shall designate additional locations for distribution of voter registration forms. Public assistance agencies and disabilities agencies as defined in section 16-140 shall return or mail completed voter registrations to the county recorder of the county in which the applicant resides within five days after receipt of those registrations.

B. If the information on the registration form is incomplete or illegible and the county recorder is not able to process the registration form, the county recorder shall notify the applicant within ten business days of receipt of the registration form, shall specify the missing or illegible information and, if the missing or illegible information includes any of the information prescribed by section 16-121.01, subsection A, shall state that the registration cannot be completed until the information is supplied. If the missing or illegible information is supplied before 7:00 p.m. on election day, that person is deemed to have been registered on the date the registration was first received.

C. ADDITIONAL VOTER REGISTRATION VOLUNTEERS AND THOSE PAID AND UNPAID VOTER REGISTRATION COLLECTORS WHO RECEIVE VOTER REGISTRATION FORMS PURSUANT TO SECTION 16-131, SUBSECTION E SHALL RETURN OR MAIL COMPLETED VOTER REGISTRATIONS TO THE COUNTY RECORDER OF THE COUNTY IN WHICH THE APPLICANT RESIDES, TO THE SECRETARY OF STATE OR TO THE COUNTY RECORDER WHO PROVIDED THE VOTER REGISTRATION FORMS WITHIN FIVE DAYS AFTER RECEIVING THOSE REGISTRATIONS OR SHALL RETURN THOSE REGISTRATIONS TO THE APPROPRIATE COUNTY RECORDER SO THAT THEY ARE RECEIVED ON OR BEFORE THE VOTER REGISTRATION DEADLINE FOR THE NEXT UPCOMING ELECTION, WHICHEVER IS EARLIER.

D. In the case of registration by mail, a voter registration is valid for an election if it complies with either of the following:

1. The form is postmarked twenty-nine days or more before an election and is received by the county recorder by 7:00 p.m. on the day of that election.

2. The registration is dated twenty-nine days or more before an election and is received by the county recorder by first class mail within five days after the last day to register to vote in that election.

E. The date of registration entered for registration forms that are received by the county recorder from persons, groups or agencies that are not authorized to accept registrations pursuant to subsection A of this section and that do not bear a legible postmark date or an otherwise
reliable date shall be the date that those forms are received by the
county recorder.

Sec. 2. Section 16-140, Arizona Revised Statutes, is amended to
read:

16-140. Voter registration assistance agencies; registration
collectors; definitions

A. All public assistance agencies and disabilities agencies in this
state shall provide the opportunity to register to vote for those persons
who apply for benefits or appear at the agency to renew, recertify or
change address information. The voter registration form shall be
accompanied by a statement form that includes substantially the following:

1. The statement "If you are not registered to vote where you live
now, would you like to apply to register to vote here today?

   ( ) Yes   ( ) No

   If you do not check either box, you will be considered to have decided not
to register to vote at this time."

2. If the agency provides public assistance, the statement
   "Applying to register or declining to register to vote will not affect the
   amount of assistance that you will be provided by this agency."

3. The statement "If you would like help in filling out the voter
   registration application form, we will help you. The decision to seek or
   accept help is yours. You may fill out the application form in private."

4. The statement "If you believe that someone has interfered with
   your right to register or to decline to register to vote, or your right to
   choose your own political party or other political preference, you may
   file a complaint with the secretary of state." This statement shall be
   followed by the name, address and telephone number of the secretary of
   state.

B. Each public assistance agency or disabilities agency shall
provide to each person who applies for that agency's services the same
degree of assistance for voter registration that it provides for the
completion of the agency's own forms, unless that person refuses
assistance. Each public assistance or disabilities agency shall accept
completed registration forms from persons who receive a registration form
from that office.

C. If a person indicates "no" or fails to indicate either "yes" or
"no" on the form prescribed by subsection A OF THIS SECTION, the form
shall be deemed to indicate a declination to register to vote. All
deciliation forms shall be preserved as a confidential record and shall be
forwarded periodically to the Arizona state library, archives and public
records for retention for two years. Declination forms are exempt from
title 39, chapter 1 and may be disclosed only for voter registration
purposes.
D. Voter registration information that is generated pursuant to this section and that is public information as otherwise provided by law shall not provide any public indication of the source of these registrations. Registration forms may bear a unique, coded marking that does not publicly or readily disclose the voter registration agency or additional voter registration volunteer that was the source of the registration. The coded markings for a form may be translated or otherwise read only by election officials and only for purposes permitted by the national voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; 52 United States Code section 20506).

E. A county recorder may designate additional voter registration volunteers. These additional voter registration volunteers may provide state mail in registration forms to persons who wish to register to vote.

F. ADDITIONAL VOTER REGISTRATION VOLUNTEERS AND THOSE PAID OR UNPAID VOTER REGISTRATION COLLECTORS WHO RECEIVE VOTER REGISTRATION FORMS PURSUANT TO SECTION 16-131, SUBSECTION E MAY BE REQUIRED TO REGISTER WITH THE SECRETARY OF STATE PURSUANT TO SUBSECTION G OF THIS SECTION.

G. A PERSON WHO COLLECTS WITHOUT PAY MORE THAN TWENTY-FIVE COMPLETED VOTER REGISTRATION FORMS WITHIN A CALENDAR YEAR AND A PERSON WHO COLLECTS ONE OR MORE COMPLETED VOTER REGISTRATION FORMS FOR PAY SHALL REGISTER WITH THE SECRETARY OF STATE BEFORE SOLICITING, ASSISTING WITH OR COLLECTING VOTER REGISTRATION FORMS IN THIS STATE. THE SECRETARY OF STATE SHALL ESTABLISH IN THE INSTRUCTIONS AND PROCEDURES MANUAL ISSUED PURSUANT TO SECTION 16-452 A PROCEDURE FOR REGISTERING PAID OR UNPAID VOTER REGISTRATION COLLECTORS, INCLUDING REGISTRATION APPLICATIONS, AND SHALL PUBLISH ON A WEBSITE MAINTAINED BY THE SECRETARY OF STATE ALL INFORMATION THAT IS REQUIRED BY THIS SUBSECTION.

H. THE REGISTRATION APPLICATION PRESCRIBED IN SUBSECTION G OF THIS SECTION MUST REQUIRE THE FOLLOWING:

1. THE PERSON'S FULL NAME, RESIDENCE ADDRESS, TELEPHONE NUMBER AND EMAIL ADDRESS.

2. THE NAME, ADDRESS AND TELEPHONE NUMBER OF ANY ENTITY OR ORGANIZATION FOR WHICH THE PERSON IS VOLUNTEERING OR BY WHOM THE PERSON IS PAID.

3. A STATEMENT THAT THE PERSON CONSENTS TO THE JURISDICTION OF THE COURTS OF THIS STATE IN RESOLVING ANY DISPUTES CONCERNING ASSISTING IN, SOLICITING OR COLLECTING VOTER REGISTRATIONS.

4. AN AFFIDAVIT FROM THE PERSON THAT IS SIGNED BEFORE A NOTARY PUBLIC AND THAT INCLUDES THE FOLLOWING DECLARATION:

   I, (PRINT NAME), HEREBY STATE THAT ALL OF THE INFORMATION PROVIDED IS CORRECT TO THE BEST OF MY KNOWLEDGE.

   I. THE SECRETARY OF STATE'S OFFICE SHALL ASSIGN A UNIQUE IDENTIFIER TO EACH PERSON WHO REGISTERS AS AN UNPAID VOTER REGISTRATION COLLECTOR OR AS A PAID VOTER REGISTRATION COLLECTOR, WHICH THAT PERSON MUST PLACE ON
ANY VOTER REGISTRATION FORM THAT THE PERSON SOLICITS, ASSISTS WITH OR COLLECTS.

F. J. For the purposes of this section, unless the context otherwise requires:

1. "Additional voter registration volunteer" means a person, group or entity that is not a public assistance or disabilities agency and that is designated by a county recorder as another voter registration provider pursuant to section 7(a)(3)(A) of the national voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; § 52 United States Code section 20506) and may include governmental, nonprofit or other private organizations.

2. "Disabilities agency" means all offices of an agency in this state that provide state funded programs primarily engaged in providing services to persons with disabilities.

3. "Public assistance agency" means all offices of an agency in this state that provide public assistance.

Sec. 3. Section 16-166, Arizona Revised Statutes, is amended to read:

16-166. Verification of registration

A. Except for the mailing of sample ballots, a county recorder who mails an item to any elector shall send the mailing by nonforwardable first class mail marked with the statement required by the postmaster to receive an address correction notification. If the item is returned undelivered, the county recorder shall send a follow-up notice to that elector within three weeks of receipt of the returned notice. The county recorder shall send the follow-up notice to the address that appears in the general county register or to the forwarding address provided by the United States postal service. The follow-up notice shall include an appropriate internet address for revising voter registration information or a registration form and the information prescribed by section 16-131, subsection C and shall state that if the elector does not complete and return a new registration form with current information to the county recorder or make changes to the elector's voter registration information that is maintained online within thirty-five days, the elector's registration status shall be changed from active to inactive. IF THE UNITED STATES POSTAL SERVICE DESIGNATES THE ELECTOR AS HAVING A:

1. PERMANENT FORWARDING ADDRESS AND PROVIDES TO THE COUNTY RECORDER THE PERMANENT ADDRESS FOR THE VOTER WITHIN TWENTY DAYS BEFORE THE DATE OF THE ELECTION, THE COUNTY RECORDER MAY SEND NOTICE TO THE ELECTOR AT THAT FORWARDING ADDRESS THAT VOTING MATERIALS CANNOT BE FORWARDED TO THAT ADDRESS AND IF THE ELECTOR WISHES TO RECEIVE VOTING MATERIALS AT THAT PERMANENT FORWARDING ADDRESS, THE ELECTOR MUST UPDATE THE ELECTOR'S INFORMATION AND REREGISTER AT THE NEW ADDRESS.
2. TEMPORARY FORWARDING ADDRESS AND PROVIDES TO THE COUNTY RECORDER THE TEMPORARY ADDRESS FOR THE VOTER WITHIN TWENTY DAYS BEFORE THE DATE OF THE ELECTION, THE COUNTY RECORDER MAY SEND NOTICE TO THE ELECTOR AT THAT FORWARDING ADDRESS THAT VOTING MATERIALS CANNOT BE FORWARDED TO THAT ADDRESS UNLESS THE VOTER MAKES A REQUEST PURSUANT TO SECTION 16-542.

B. If the elector provides the county recorder with a new registration form or otherwise revises the elector's information, the county recorder shall change the general register to reflect the changes indicated on the new registration. If the elector indicates a new residence address outside that county, the county recorder shall forward the voter registration form or revised information to the county recorder of the county in which the elector's address is located. If the elector provides a new residence address that is located outside this state, the county recorder shall cancel the elector's registration.

C. The county recorder shall maintain on the inactive voter list the names of electors who have been removed from the general register pursuant to subsection A or E of this section for a period of four years or through the date of the second general election for federal office following the date of the notice from the county recorder that is sent pursuant to subsection E of this section.

D. On notice that a government agency has changed the name of any street, route number, post office box number or other address designation, the county recorder shall revise the registration records and shall send a new verification of registration notice to the electors whose records were changed.

E. EXCEPT FOR MONTHS IN WHICH THE COUNTY RECORDER CONDUCTS AN ELECTION, ON THE FIRST DAY OF EACH MONTH, the county recorder on or before May 1 of each year preceding a state primary and general election or more frequently as the recorder deems necessary may use the change of address information supplied by the postal service through its licensees to identify registrants whose addresses may have changed. If it appears from information provided by the postal service that a registrant has moved to a different residence address in the same county, the county recorder shall change the registration records to reflect the new address and shall send the registrant a notice of the change by forwardable mail and a postage prepaid preaddressed return form or an appropriate internet address for revising voter registration information by which the registrant may verify or correct the registration information. If the registrant fails to revise the information or return the form postmarked not later than thirty-five days after the mailing of the notice, the elector's registration status shall be changed from active to inactive. If the notice sent by the recorder is not returned, the registrant may be required to provide affirmation or confirmation of the registrant's address in order to vote. If the registrant does not vote in an election during the period after the date of the notice from the
recorder through the date of the second general election for federal
office following the date of that notice, the registrant's name shall be
removed from the list of inactive voters. If the registrant has changed
residence to a new county, the county recorder shall provide information
on how the registrant can continue to be eligible to vote.

F. The county recorder shall reject any application for
registration that is not accompanied by satisfactory evidence of United
States citizenship. Satisfactory evidence of citizenship shall include
any of the following:

1. The number of the applicant's driver license or nonoperating
identification license issued after October 1, 1996 by the department of
transportation or the equivalent governmental agency of another state
within the United States if the agency indicates on the applicant's driver
license or nonoperating identification license that the person has
provided satisfactory proof of United States citizenship.

2. A legible photocopy of the applicant's birth certificate that
verifies citizenship to the satisfaction of the county recorder.

3. A legible photocopy of pertinent pages of the applicant's United
States passport identifying the applicant and the applicant's passport
number or presentation to the county recorder of the applicant's United
States passport.

4. A presentation to the county recorder of the applicant's United
States naturalization documents or the number of the certificate of
naturalization. If only the number of the certificate of naturalization
is provided, the applicant shall not be included in the registration rolls
until the number of the certificate of naturalization is verified with the
United States immigration and naturalization service by the county
recorder.

5. Other documents or methods of proof that are established
pursuant to the immigration reform and control act of 1986.

6. The applicant's bureau of Indian affairs card number, tribal
treaty card number or tribal enrollment number.

G. Notwithstanding subsection F of this section, any person who is
registered in this state on the effective date of this amendment to this
section is deemed to have provided satisfactory evidence of citizenship
and shall not be required to resubmit evidence of citizenship unless the
person is changing voter registration from one county to another.

H. For the purposes of this section, proof of voter registration
from another state or county is not satisfactory evidence of citizenship.

I. A person who modifies voter registration records with a new
residence ballot shall not be required to submit evidence of citizenship.
After citizenship has been demonstrated to the county recorder, the person
is not required to resubmit satisfactory evidence of citizenship in that
county.
J. After a person has submitted satisfactory evidence of citizenship, the county recorder shall indicate this information in the person's permanent voter file. After two years the county recorder may destroy all documents that were submitted as evidence of citizenship.

Sec. 4. Section 16-407, Arizona Revised Statutes, is amended to read:

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

A. Except as provided in subsection E of this section, a person may not perform the duties or exercise the authority of an election officer or of the clerk of the board of supervisors or the county recorder in performance of election duties in or on behalf of any county unless the person is the holder of an election officer's certificate issued by the secretary of state before January 1 of each general election year.

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

C. The secretary of state shall provide for election officer certification programs of which successful completion by a person attests to the attendance at, participation in and completion of a course of instruction in the technical, legal and administrative aspects of conducting elections within this state.

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

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

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


Sec. 5. Section 16-602, Arizona Revised Statutes, is amended to read:

16-602. Removal of ballots from ballot boxes; designated margin; hand counts; vote count verification

A. For any primary, special or general election in which the votes are cast on an electronic voting machine or tabulator, the election judge shall compare the number of votes cast as indicated on the machine or tabulator with the number of votes cast as indicated on the poll list and the number of provisional ballots cast and that information shall be noted in a written report prepared and submitted to the officer in charge of elections along with other tally reports.

B. For each countywide primary, special, general and presidential preference election, the county officer in charge of the election shall conduct a hand count at one or more secure facilities. The hand count shall be conducted as prescribed by this section and in accordance with hand count procedures established by the secretary of state in the official instructions and procedures manual adopted pursuant to section 16-452. The hand count is not subject to the live video requirements of section 16-621, subsection D, but the party representatives who are observing the hand count may bring their own video cameras in order to record the hand count. The recording shall not interfere with the conduct of the hand count and the officer in charge of the election may prohibit from recording or remove from the facility persons who are taking actions to disrupt the count. The sole act of recording the hand count does not constitute sufficient grounds for the officer in charge of the election to prohibit observers from recording or to remove them from the facility. The hand count shall be conducted in the following order:

1. At least two percent of the precincts in that county, or two precincts, whichever is greater, shall be selected at random from a pool consisting of every precinct in that county. The county political party chairman for each political party that is entitled to continued
representation on the state ballot or the chairman's designee shall conduct the selection of the precincts to be hand counted. The precincts shall be selected by lot without the use of a computer, and the order of selection by the county political party chairmen shall also be by lot. The selection of the precincts shall not begin until all ballots voted in the precinct polling places have been delivered to the central counting center. The unofficial vote totals from all precincts shall be made public before selecting the precincts to be hand counted. Only the ballots cast in the polling places and ballots from direct recording electronic machines shall be included in the hand counts conducted pursuant to this section. Provisional ballots, conditional provisional ballots and write-in votes shall not be included in the hand counts and the early ballots shall be grouped separately by the officer in charge of elections for purposes of a separate manual audit pursuant to subsection F of this section.

2. The races to be counted on the ballots from the precincts that were selected pursuant to paragraph 1 of this subsection for each primary, special and general election shall include up to five contested races. After the county recorder or other officer in charge of elections separates the primary ballots by political party, the races to be counted shall be determined by selecting by lot without the use of a computer from those ballots as follows:

(a) For a general election, one statewide ballot measure, unless there are no measures on the ballot.

(b) One contested statewide race for statewide office.

(c) One contested race for federal office, either United States senate or United States house of representatives. If the United States house of representatives race is selected, the names of the candidates may vary among the sampled precincts.

(d) One contested race for state legislative office, either state house of representatives or state senate. In either case, the names of the candidates may vary among the sampled precincts.

(e) If there are fewer than four contested races resulting from the selections made pursuant to subdivisions (a) through (d) of this section and if there are additional contested federal, statewide or legislative races or ballot measures, additional contested races shall be selected by lot not using a computer until four races have been selected or until no additional contested federal, statewide or legislative races or ballot measures are available for selection.

(f) If there are no contested races as prescribed by this paragraph, a hand count shall not be conducted for that precinct for that election.

3. For the presidential preference election, select by lot two percent of the polling places designated and used pursuant to section 16-248 and perform the hand count of those ballots.
4. For the purposes of this section, a write-in candidacy in a race does not constitute a contested race.

5. In elections in which there are candidates for president, the presidential race shall be added to the four categories of hand counted races.

6. Each county chairman of a political party that is entitled to continued representation on the state ballot or the chairman's designee shall select by lot the individual races to be hand counted pursuant to this section.

7. The county chairman of each political party shall designate and provide the number of election board members as designated by the county officer in charge of elections who shall perform the hand count under the supervision of the county officer in charge of elections. For each precinct that is to be audited, the county chairman shall designate at least two board workers who are registered members of any or no political party to assist with the audit. Any qualified elector from this state may be a board worker without regard to party designation. The county election officer shall provide for compensation for those board workers, not to include travel, meal or lodging expenses. If there are less than two persons for each audited precinct available to participate on behalf of each recognized political party, the recorder or officer in charge of elections, with the approval of at least two county party chairpersons in the county in which the shortfall occurs, shall substitute additional individual electors who are provided by any political party from anywhere in the state without regard to party designation to conduct the hand count. A county party chairman shall approve only those substitute electors who are provided by the county chairman's political party. The political parties shall provide to the recorder or officer in charge of elections in writing the names of those persons intending to participate in the hand count at the audited precincts not later than 5:00 p.m. on the Tuesday preceding the election. If the total number of board workers provided by all parties is less than four times the number of precincts to be audited, the recorder or officer in charge of elections shall notify the parties of the shortfall by 9:00 a.m. on the Wednesday preceding the election. The hand count shall not proceed unless the political parties provide the recorder or officer in charge of elections, in writing, a sufficient number of persons by 5:00 p.m. on the Thursday preceding the election and a sufficient number of persons, pursuant to this paragraph, arrive to perform the hand count OR UNLESS A SUFFICIENT NUMBER OF PERSONS WHO ARE REGISTERED WITH NO POLITICAL PARTY DESIGNATED ARE AVAILABLE AND ARRIVE TO PERFORM THE HAND COUNT. The recorder or officer in charge of elections may prohibit persons from participating in the hand count if they are taking actions to disrupt the count or are unable to perform the duties as assigned. For the hand count to proceed, not more than
seventy-five percent of the persons performing the hand count shall be from the same political party.

8. If a political party is not represented by a designated chairperson within a county, the state chairperson for that political party, or a person designated by the state chairperson, may perform the actions required by the county chairperson as specified in this section.

C. If the randomly selected races result in a difference in any race that is less than the designated margin when compared to the electronic tabulation of those same ballots, the results of the electronic tabulation constitute the official count for that race. If the randomly selected races result in a difference in any race that is equal to or greater than the designated margin when compared to the electronic tabulation of those same ballots, a second hand count of those same ballots and races shall be performed. If the second hand count results in a difference in any race that is less than the designated margin when compared to the electronic tabulation for those same ballots, the electronic tabulation constitutes the official count for that race. If the second hand count results in a difference in any race that is equal to or greater than the designated margin when compared to the electronic tabulation for those same ballots, the hand count shall be expanded to include a total of twice the original number of randomly selected precincts. Those additional precincts shall be selected by lot without the use of a computer.

D. In any expanded count of randomly selected precincts, if the randomly selected precinct hand counts result in a difference in any race that is equal to or greater than the designated margin when compared to the electronic tabulation of those same ballots, the final hand count shall be extended to include the entire jurisdiction for that race. If the jurisdictional boundary for that race would include any portion of more than one county, the final hand count shall not be extended into the precincts of that race that are outside of the county that is conducting the expanded hand count. If the expanded hand count results in a difference in that race that is less than the designated margin when compared to the electronic tabulation of those same ballots, the electronic tabulation constitutes the official count for that race.

E. If a final hand count is performed for an entire jurisdiction for a race, the final hand count shall be repeated for that race until a hand count for that race for the entire jurisdiction results in a count that is identical to one other hand count for that race for the entire jurisdiction and that hand count constitutes the official count for that race.

F. After the electronic tabulation of early ballots and at one or more times selected by the chairman of the political parties entitled to continued representation on the ballot or the chairman's designee, the chairmen or the chairmen's designees shall randomly select one or more
batches of early ballots that have been tabulated to include at least one
batch from each machine used for tabulating early ballots and those
ballots shall be securely sequestered by the county recorder or officer in
charge of elections along with their unofficial tally reports for a
postelection manual audit. The chairmen or the chairmen's designees shall
randomly select from those sequestered early ballots a number equal to one
percent of the total number of early ballots cast or five thousand early
ballots, whichever is less. From those randomly selected early ballots,
the county officer in charge of elections shall conduct a manual audit of
the same races that are being hand counted pursuant to subsection B of
this section. If the manual audit of the early ballots results in a
difference in any race that is equal to or greater than the designated
margin when compared to the electronically tabulated results for those
same early ballots, the manual audit shall be repeated for those same
early ballots. If the second manual audit results in a difference in that
race that is equal to or greater than the designated margin when compared
to the electronically tabulated results for those same early ballots, the
manual audit shall be expanded only for that race to a number of
additional early ballots equal to one percent of the total early ballots
cast or an additional five thousand ballots, whichever is less, to be
randomly selected from the batch or batches of sequestered early
ballots. If the expanded early ballot manual audit results in a
difference for that race that is equal to or greater than the designated
margin when compared to any of the earlier manual counts for that race,
the manual counts shall be repeated for that race until a manual count
results in a difference in that race that is less than the designated
margin. If at any point in the manual audit of early ballots the
difference between any manual count of early ballots is less than the
designated margin when compared to the electronic tabulation of those
ballots, the electronic tabulation shall be included in the canvass and no
further manual audit of the early ballots shall be conducted.

G. During any hand count of early ballots, the county officer in
charge of elections and election board workers shall attempt to determine
the intent of the voter in casting the ballot.

H. Notwithstanding any other law, the county officer in charge of
elections shall retain custody of the ballots for purposes of performing
any required hand counts and the officer shall provide for security for
those ballots.

I. The hand counts prescribed by this section shall begin within
twenty-four hours after the closing of the polls and shall be completed
before the canvassing of the election for that county. The results of
those hand counts shall be provided to the secretary of state, who shall
make those results publicly available on the secretary of state's website.

J. For any county in which a hand count has been expanded to all
precincts in the jurisdiction, the secretary of state shall make available
the escrowed source code for that county to the superior court. The
superior court shall appoint a special master to review the computer
software. The special master shall have expertise in software
ing engineering, shall not be affiliated with an election software vendor nor
with a candidate, shall sign and be bound by a nondisclosure agreement
regarding the source code itself and shall issue a public report to the
court and to the secretary of state regarding the special master's
findings on the reasons for the discrepancies. The secretary of state
shall consider the reports for purposes of reviewing the certification of
that equipment and software for use in this state.

K. The vote count verification committee is established in the
office of the secretary of state and all of the following apply:
1. At least thirty days before the 2006 primary election, the
secretary of state shall appoint seven persons to the committee, not more
than three of whom are members of the same political party.
2. Members of the committee shall have expertise in any two or more
of the areas of advanced mathematics, statistics, random selection
methods, systems operations or voting systems.
3. A person is not eligible to be a committee member if that person
has been affiliated with or received any income in the preceding five
years from any person or entity that provides election equipment or
services in this state.
4. The vote count verification committee shall meet and establish
one or more designated margins to be used in reviewing the hand counting
of votes as required pursuant to this section. The committee shall review
and consider revising the designated margins every two years for use in
the applicable elections. The committee shall provide the designated
margins to the secretary of state at least ten days before the primary
election and at least ten days before the general election, and the
secretary of state shall make that information publicly available on the
secretary of state's website.
5. Members of the vote count verification committee are not
eligible to receive compensation but are eligible for reimbursement of
expenses pursuant to title 38, chapter 4, article 2. The committee is a
public body and its meetings are subject to title 38, chapter 3, article
3.1 and its reports and records are subject to title 39, chapter 1.
Sec. 6. Section 16-625, Arizona Revised Statutes, is amended to
read:

16-625. Electronic data and digital images; ballots;
security; violation; classification; exemption
A. The officer in charge of elections shall DO THE FOLLOWING:
1. Ensure that electronic data from and electronic or digital
images of ballots are protected from physical and electronic access;
including unauthorized copying or transfer, and that all security measures
are at least as protective as those prescribed for paper ballots SECURED
IN THE COUNTY TREASURER'S FACILITY PURSUANT TO SECTION 16-624.

2. FOR ANY PRIMARY, GENERAL OR SPECIAL ELECTION FOR WHICH THERE IS
A FEDERAL RACE ON THE BALLOT AND WITHIN FORTY-EIGHT HOURS AFTER DELIVERY
OF THE OFFICIAL CANVASS AS PRESCRIBED IN SECTION 16-646, MAKE AVAILABLE TO
THE PUBLIC BY WAY OF A CENTRAL DATABASE AN ONLINE DIGITAL COPY OF THE
BALLOT IMAGES. THE ONLINE DIGITAL COPIES OF BALLOT IMAGES SHALL:
(a) INCLUDE THE COPIES OF THE BALLOTS THAT WERE TABULATED AND THAT
CORRESPOND WITH THE FINAL RESULTS THAT ARE INCLUDED IN THE OFFICIAL
CANVASS PURSUANT TO SECTION 16-645.
(b) BE SEARCHABLE BY PRECINCT.
(c) REMAIN AVAILABLE ONLINE FOR TWENTY-FOUR MONTHS.

B. THE SECRETARY OF STATE, COUNTY RECORDER OR OTHER OFFICER IN
CHARGE OF ELECTIONS IS NOT LIABLE FOR ANY PERSONAL IDENTIFYING
INFORMATION, HANDWRITTEN STATEMENTS OR OTHER NOTATIONS MADE OR PROVIDED BY
THE VOTER THAT ARE INCLUDED IN THE BALLOT IMAGES.

C. ANY PERSON MAY VIEW OR PRINT ONE OR MORE ONLINE DIGITAL COPIES
OF BALLOT IMAGES BUT SHALL NOT DESTROY, DEGRADE OR OTHERWISE ALTER AN
IMAGE FROM THE DATABASE. A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY
OF A CLASS 2 MISDEMEANOR.

D. THIS SECTION DOES NOT APPLY TO AN ELECTION HELD BY A SPECIAL
TAXING DISTRICT FORMED PURSUANT TO TITLE 48 FOR THE PURPOSE OF PROTECTING
OR PROVIDING SERVICES TO AGRICULTURAL LANDS OR CROPS AND THAT IS
AUTHORIZED TO CONDUCT ELECTIONS PURSUANT TO TITLE 48.

Sec. 7. Section 41-1278, Arizona Revised Statutes, is amended to
read:

41-1278. Definitions
In this article, unless the context otherwise requires:
1. "Committee" means the joint legislative audit committee.
2. "ELECTION INTEGRITY AUDIT" MEANS AN AUDIT OF LIMITED SCOPE FOR
THE PURPOSE OF ENSURING THE ACCURACY AND RELIABILITY OF SPECIFIC ELECTIONS
PROCESSES, INCLUDING REVIEW OF PREELECTION AND POSTELECTION ACTIVITIES FOR
ELECTIONS CONDUCTED PURSUANT TO TITLE 16 AND EXCLUDING ELECTIONS HELD BY A
SPECIAL TAXING DISTRICT THAT IS ESTABLISHED PURSUANT TO TITLE 48 FOR THE
PURPOSE OF PROTECTING OR PROVIDING SERVICES TO AGRICULTURAL LANDS OR CROPS
AND THAT IS AUTHORIZED TO CONDUCT ELECTIONS PURSUANT TO TITLE 48.
3. "Investigation" means an inquiry into specified acts or
allegations of impropriety, malfeasance or nonfeasance in the obligation,
expenditure, receipt or use of public funds MONIES of this state or into
specified financial transactions or practices which THAT may involve such
impropriety, malfeasance or nonfeasance.
4. "Performance audit" means an audit which THAT determines
with regard to the purpose, functions and duties of the audited agency all
of the following:
(a) Whether the audited agency is managing or utilizing its resources, including public funds of this state, personnel, property, equipment and space, in an economical and efficient manner.

(b) Causes of inefficiencies or uneconomical practices, including inadequacies in management information systems, internal and administrative procedures, organizational structure, use of resources, allocation of personnel, purchasing policies and equipment.

(c) Whether the desired results are being achieved.

(d) Whether objectives established by the legislature or other authorizing body are being met.

5. "Special audit" means an audit of limited scope.

6. "Special research request" means research and analysis of issues or questions that are designated as a special research request by the committee, but does not include a performance audit, financial audit, compliance audit, procedural review, special audit, investigation or evaluation required by law.

6. "State agency" means all departments, agencies, boards, commissions, institutions and instrumentalities of this state.

6. Repeal

Section 41-1279.03, Arizona Revised Statutes, as amended by Laws 2021, chapter 405, section 25, is repealed.

Sec. 9. Section 41-1279.03, Arizona Revised Statutes, as amended by Laws 2019, chapter 3, section 11, is amended to read:

41-1279.03. Powers and duties

A. The auditor general shall:

1. Prepare an audit plan for approval by the committee and report to the committee the results of each audit and investigation and other reviews conducted by the auditor general.

2. Conduct or cause to be conducted annual financial and compliance audits of financial transactions and accounts kept by or for all state agencies subject to the FEDERAL single audit act of 1984 (P.L. 98-502) REQUIREMENTS. The audits shall be conducted in accordance with generally accepted governmental auditing standards and accordingly shall include tests of the accounting records and other auditing procedures as may be considered necessary in the circumstances. The audits shall include the issuance of suitable reports as required by the FEDERAL single audit act of 1984 (P.L. 98-502) REQUIREMENTS so that the legislature, the federal government and others will be informed as to whether this state has complied with laws and regulations that may have a material effect on the financial statements and on major federal assistance programs.
3. Perform procedural reviews for all state agencies at times
determined by the auditor general. These reviews may include evaluation
of administrative and accounting internal controls and reports on these
reviews.

4. Perform special research requests, special audits and related
assignments as designated by the committee and conduct performance audits,
special audits, special research requests and investigations of any state
agency, whether created by the constitution or otherwise, as may be
requested by the committee.

5. Annually on or before the fourth Monday of December, prepare a
written report to the governor and to the committee that contains a
summary of activities for the previous fiscal year.

6. In the tenth year and in each fifth year thereafter in which a
transportation excise tax is in effect in a county as provided in section
42-6106 or 42-6107, conduct a performance audit that:

(a) Reviews past expenditures and future planned expenditures of
the transportation excise revenues and determines the impact of the
expenditures in solving transportation problems within the county and, for
a transportation excise tax in effect in a county as provided in section
42-6107, determines whether the expenditures of the transportation excise
revenues comply with section 28-6392, subsection B.

(b) Reviews projects completed to date and projects to be completed
during the remaining years in which a transportation excise tax is in
effect. Within six months after each review period, the auditor general
shall present a report to the speaker of the house of representatives and
the president of the senate detailing findings and making recommendations.

(c) Reviews, determines, reports and makes recommendations to the
speaker of the house of representatives and the president of the senate
whether the distribution of ARIZONA highway user revenues complies with
title 28, chapter 18, article 2.

7. If requested by the committee, conduct performance audits of
counties and incorporated cities and towns receiving ARIZONA highway user
revenue fund monies pursuant to title 28, chapter 18, article 2 to
determine whether the monies are being spent as provided in section
28-6533, subsection B.

8. Perform special audits designated pursuant to law if the auditor
general determines that there are adequate monies appropriated for the
auditor general to complete the audit. If the auditor general determines
the appropriated monies are inadequate, the auditor general shall notify
the committee.

9. Establish a schoolwide audit team in the office of the auditor
general to conduct performance audits and monitor school districts to
determine the percentage of every dollar spent in the classroom by the
school district. Each school district shall prominently post on its
website home page a copy of its profile pages that displays the percentage
of every dollar spent in the classroom by that school district from the
most recent status report issued by the auditor general pursuant to this
paragraph. The performance audits shall determine whether school
districts that receive monies from the Arizona English language learner
fund established by section 15-756.04 and the statewide compensatory
instruction fund established by section 15-756.11 comply with title 15,
chapter 7, article 3.1. The auditor general shall determine, through
random selection, the school districts to be audited each year, subject to
review by the joint legislative audit committee. A school district that
is subject to an audit pursuant to this paragraph shall notify the auditor
general in writing whether the school district agrees or disagrees with
the findings and recommendations of the audit and whether the school
district will implement the findings and recommendations, implement
modifications to the findings and recommendations or refuse to implement
the findings and recommendations. The school district shall submit to the
auditor general a written status report on the implementation of the audit
findings and recommendations every six months for two years after AT THE
REQUEST OF THE AUDITOR GENERAL WITHIN THE TWO-YEAR PERIOD FOLLOWING THE
ISSUANCE OF an audit conducted pursuant to this paragraph. The auditor
general shall review the school district's progress toward implementing
the findings and recommendations of the audit every six months after
receipt of the district's status report for two years AND PROVIDE STATUS
REPORTS OF THESE REVIEWS TO THE JOINT LEGISLATIVE AUDIT COMMITTEE DURING
THIS TWO-YEAR PERIOD. The auditor general may review a school district's
progress beyond this two-year period for recommendations that have not yet
been implemented by the school district. The auditor general shall
provide a status report of these reviews to the joint legislative audit
committee. The school district shall participate in any hearing scheduled
during this review period by the joint legislative audit committee or by
any other legislative committee designated by the joint legislative audit
committee.

10. Annually review per diem compensation and reimbursement of
expenses for employees of this state and members of a state board,
commission, council or advisory committee by judgmentally selecting
samples and evaluating the propriety of per diem compensation and expense
reimbursements.

11. PERFORM ELECTION INTEGRITY AUDITS AS PRESCRIBED IN SECTION
41-1279.08.

B. The auditor general may:
1. Subject to approval by the committee, adopt rules necessary to
administer the duties of the office.
2. Hire consultants to conduct the studies required by subsection
A, paragraphs 6 and 7 of this section.
C. If approved by the committee, the auditor general may charge a
reasonable fee for the cost of performing audits or providing accounting
services for auditing federal funds, special audits or special services requested by political subdivisions of this state. Monies collected pursuant to this subsection shall be deposited in the audit services revolving fund.

D. The department of transportation, THE TRANSPORTATION EXCISE TAX RECIPIENT AND the board of supervisors of a county that has approved a county transportation excise tax as provided in section 42-6106 or 42-6107 and the governing bodies of counties, cities and towns receiving ARIZONA highway user revenue fund monies shall cooperate with and provide necessary information to the auditor general or the auditor general's consultant.

E. The department of transportation OR THE TRANSPORTATION EXCISE TAX RECIPIENT shall reimburse the auditor general as follows, and the auditor general shall deposit the reimbursed monies in the audit services revolving fund:

1. For the cost of conducting the studies or hiring a consultant to conduct the studies required by subsection A, paragraph 6, subdivisions (a) and (b) of this section, from monies collected pursuant to a county transportation excise tax levied pursuant to section 42-6106 or 42-6107.

2. For the cost of conducting the studies or hiring a consultant pursuant to subsection A, paragraph 6, subdivision (c) and paragraph 7 of this section, from the Arizona highway user revenue fund.

Sec. 10. Section 41-1279.04, Arizona Revised Statutes, is amended to read:

41-1279.04. Authority to examine records; violation; classification

A. The auditor general or the auditor general's authorized representatives, in the performance of official duties, shall have access to, and authority to examine, any and all books, accounts, reports, vouchers, correspondence files and other records, bank accounts, criminal history record information as defined in section 41-1701 AND IN ACCORDANCE WITH SECTION 41-1750, money and other property of any state agency, board, commission, department, institution, program, advisory council or committee or political subdivision of this state, whether created by the constitution or otherwise, or such documents and property of a contractor relating to a contract with this state pursuant to the provisions of section 35-214. It is the duty of Any officer or employee of any such agency or political subdivision, having such records under the officer's or employee's control, to permit SHALL ALLOW access to and examination of the records on the request of the auditor general or the auditor general's authorized representative.

B. For the purpose of complying with section 41-1279.03, subsection A, paragraphs 4 and 9, The auditor general or the auditor general's authorized representative, in the performance of official duties, may attend executive sessions of the governing body of any state
agency or school district ENTITY in this state THAT IS SUBJECT TO
TITLE 38, CHAPTER 3, ARTICLE 3.1.

C. For the purpose of auditing the department of revenue, the
auditor general and the auditor general's authorized representatives have
access to state tax returns, except that a report of the auditor general
shall not violate the confidentiality of state tax laws.

D. FOR THE PURPOSE OF ELECTION INTEGRITY AUDITS, THE AUDITOR
GENERAL AND THE AUDITOR GENERAL'S AUTHORIZED REPRESENTATIVES SHALL HAVE
ACCESS TO BOTH OF THE FOLLOWING:

1. ANY PERSONNEL AND DATA FROM THE COUNTY RECORDER'S OFFICE AND ANY
   COUNTY ELECTIONS DEPARTMENT, THE DEPARTMENT OF TRANSPORTATION AND THE
   SECRETARY OF STATE, WHICH SHALL INCLUDE ACCESS TO ELECTRONIC DATA OR ANY
   SUCH DATA AND PROPERTY FROM A THIRD PARTY, THAT THE AUDITOR GENERAL DEEMS
   NECESSARY TO PERFORM THE DUTIES PRESCRIBED IN SECTION 41-1279.08,
   INCLUDING VOTER REGISTRATION DATA. THIS DATA SHALL BE PROVIDED IN THE
   MANNER AND FORMAT PRESCRIBED BY THE AUDITOR GENERAL.

2. POLLING PLACES, VOTING CENTERS AND CENTRAL COUNTING CENTERS.

E. ALL OFFICERS OF ANY STATE AGENCY, BOARD, COMMISSION, DEPARTMENT,
INSTITUTION, PROGRAM, ADVISORY COUNCIL OR COMMITTEE OR POLITICAL
SUBDIVISION OF THIS STATE SHALL PROVIDE REASONABLE AND NEEDED FACILITIES
FOR AUDITOR GENERAL STAFF AND SHALL MAKE RECORDS AVAILABLE IN THE FORM AND
AT THE TIME PRESCRIBED.

F. Any officer or person who knowingly fails or refuses to
permit such ALLOW access and examination PURSUANT TO THIS SECTION OR WHO
OTHERWISE KNOWINGLY OBSTRUCTS OR MISLEADS THE AUDITOR GENERAL IN THE
EXECUTION OF THE AUDITOR GENERAL'S DUTIES is guilty of a class
misdemeanor 6 FELONY.

G. THE ATTORNEY GENERAL SHALL SUPERVISE THE PROSECUTION OF ALL
OFFENDERS UNDER THIS SECTION.

Sec. 11. Title 41, chapter 7, article 10.1, Arizona Revised
Statutes, is amended by adding section 41-1279.08, to read:

41-1279.08. Auditor general; election integrity audits;
duties

A. THE AUDITOR GENERAL SHALL ESTABLISH AN AUDIT TEAM TO PERFORM
ELECTION INTEGRITY PROCESS AUDITS OF COUNTY RECORDERS' OFFICES AND COUNTY
ELECTIONS DEPARTMENTS.

B. EACH FEDERAL ELECTION CYCLE, THE AUDITOR GENERAL SHALL CHOOSE
THROUGH RANDOM SELECTION TWO COUNTIES THAT HAVE A POPULATION OF LESS THAN
ONE MILLION PERSONS AND PERFORM AN ELECTION INTEGRITY AUDIT ON THOSE
COUNTIES. THE ELECTION INTEGRITY AUDIT FOR THOSE COUNTIES SHALL EXAMINE
AT LEAST ONE OF THE FOLLOWING:

1. VOTER REGISTRATION, MAINTENANCE OF VOTER REGISTRATION ROLLS AND
   MAINTENANCE OF THE ACTIVE EARLY VOTING LIST.
2. Early ballot processing and signature verification processing, including the separation of early ballots into batches or other groupings, ballot drop box security and early ballot election processing boards.

3. Tabulation of ballots, including ballot adjudication and duplication, security issues while tabulating and logic and accuracy testing and administration.

4. Polling place administration, voting center administration, central counting center administration and chain of custody of ballots, equipment and removable storage devices.

C. The auditor general shall perform an election integrity audit of each county with a population of one million or more persons each federal election cycle and each federal election cycle shall examine at least one of the following topics on a rotating basis:

1. Voter registration, maintenance of voter registration rolls and maintenance of the active early voting list.
2. Early ballot processing and signature verification processing, including the separation of early ballots into batches or other groupings, ballot drop box security and early ballot election processing boards.
3. Tabulation of ballots, including ballot adjudication and duplication, security issues while tabulating and logic and accuracy testing and administration.
4. Polling place administration, voting center administration, central counting center administration and chain of custody of ballots, equipment and removable storage devices.

D. The auditor general may make recommendations to the counties, the secretary of state and the legislature to address findings identified in the election integrity audits.

E. A county subject to an election integrity audit pursuant to this section shall notify the auditor general in writing whether the county board of supervisors or county recorder, or both, agree or disagree with the findings of the election integrity audit and whether the county board of supervisors or county recorder, or both, will implement the recommendations, implement modifications to the recommendations or refuse to implement the recommendations. The county shall submit to the auditor general written status reports on the implementation of the election integrity audit recommendations at the request of the auditor general within the two-year period following the issuance of the election integrity audit pursuant to this section. The auditor general shall review the county's progress toward implementing the recommendations of the election integrity audit for up to two years. The auditor general may review the county's progress beyond this two-year period for recommendations that have not yet been implemented.

G. A COUNTY SUBJECT TO AN ELECTION INTEGRITY AUDIT SHALL POST THE AUDIT REPORT AND STATUS REPORT OF PROGRESS TOWARD IMPLEMENTING RECOMMENDATIONS ON ITS WEBSITE FOR TWENTY-FOUR MONTHS AND SHALL PARTICIPATE IN ANY HEARING RELATED TO THE ELECTION INTEGRITY AUDIT SCHEDULED BY THE JOINT LEGISLATIVE AUDIT COMMITTEE.

Sec. 12. Delayed repeal
Section 41-1279.08, Arizona Revised Statutes, as added by this act, is repealed from and after December 31, 2029.

Sec. 13. Appropriation; secretary of state; ballot image portal; exemption
A. The sum of $____________ is appropriated from the state general fund in fiscal year 2022-2023 to the secretary of state to create and maintain a ballot image portal as prescribed in section 16-625, Arizona Revised Statutes, as amended by this act.

B. The appropriation made in subsection A of this section is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of appropriations.

Sec. 14. Appropriation; auditor general; election integrity audits; exemption
A. The sum of $3,938,865 and 29.25 FTE positions are appropriated from the state general fund in fiscal year 2022-2023 to the auditor general for election integrity audits as prescribed in section 41-1279.08, Arizona Revised Statutes, as added by this act.

B. The appropriation made in subsection A of this section is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of appropriations.