PROPOSED
SENATE AMENDMENTS TO H.B. 2289
(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

"Section 1. Title 16, chapter 1.1, article 1, Arizona Revised
Statutes, is amended by adding section 16-194, to read:

16-194. Primary and general elections; requirements

A. NOTWITHSTANDING ANY OTHER LAW, ALL PRIMARY AND GENERAL ELECTIONS
IN THIS STATE SHALL BE CONDUCTED IN STRICT ADHERENCE TO THE FOLLOWING:

1. A VOTER MAY NOT RECEIVE OR VOTE A BALLOT UNLESS THE VOTER HAS
PRESENTED VALID STATE-ISSUED IDENTIFICATION.

2. EXCEPT FOR ABSENTEE BALLOTS AS PRESCRIBED BY SECTION 16-541:
   (a) ALL VOTING SHALL OCCUR ON ELECTION DAY ONLY.
   (b) ALL BALLOTS SHALL BE CAST IN PERSON BY THE VOTER AT THE VOTER'S
ELECTION PRECINCT POLLING PLACE.

3. ALL BALLOTS SHALL BE COUNTED BY HAND AND CANVASSED AND THE
RETURNS MADE WITHIN TWENTY-FOUR HOURS AFTER THE POLLS ARE CLOSED.

B. EXCEPT AS REQUIRED BY SUBSECTION A OF THIS SECTION, ALL PRIMARY
AND GENERAL ELECTIONS SHALL BE CONDUCTED AS OTHERWISE PROVIDED BY LAW.

Sec. 2. Section 16-245, Arizona Revised Statutes, is amended to
read:

16-245. Form and content of ballot

A. Ballots and ballot labels for the presidential preference
election shall be printed on different colored paper or white paper with a
different colored stripe for each party represented on the presidential
preference election ballot. Only one party may be represented on each
ballot. At the top shall be printed "official ballot of the ___________
party, presidential preference election (date), county of ______, state of
Arizona".

B. The order of the names of certified candidates on the ballot
shall be determined by lots drawn at a public meeting called by the
secretary of state for that purpose. Rotation of candidate names is
prohibited. The certified candidates shall be listed under the title
"___________ party candidates for President of the United
States". Immediately below shall be printed "vote for not more than
one". The ballot may also contain printed instructions to voters as
prescribed for other elections.

C. The officer in charge of elections shall provide a sample ballot
proof to the state committee chairman of each qualified candidate's state
committee no NOT later than five days after receipt of RECEIVING the
certification from the secretary of state.

D. The officer in charge of elections shall mail one sample ballot
of each party represented on the presidential preference election ballot to
each household that contains a registered voter of that political party
unless that registered voter is on the active early voting list established
pursuant to section 16-544. The return address on the sample ballot mailer
shall not contain the name of any elected or appointed official, and the
name of an appointed or elected official shall not be used to indicate who
produced the sample ballot.

E. The mailing face of each sample ballot shall be imprinted with
the great seal of the state of Arizona with the words "official voting
materials – presidential preference election". The polling place for that
household may also be designated on the mailing face of the sample ballot.

Sec. 3. Section 16-246, Arizona Revised Statutes, is amended to
read:

16-246. Absentee balloting; satellite locations; special
election boards

A. Within ninety-three days before the presidential preference
election and not later than 5:00 p.m. on the eleventh day preceding the
election, any elector who is eligible to vote in the presidential
preference election may make a verbal or signed, written request for an
official early ballot to the county recorder or other officer in charge of
elections for the county in which the elector is registered to vote. If
the request is verbal, the requesting elector shall provide the date of
birth and birthplace or other information that if compared to the voter
registration records for that elector would confirm the identity of the
elector.

B. Absent uniformed services voters or overseas voters who are
otherwise eligible to vote in the election may vote as prescribed by
sections 16-543 and 16-543.02.

C. The county recorder or other officer in charge of elections
shall send by nonforwardable mail that is marked with the statement
required by the postmaster to receive an address correction notification
any early ABSENTEE ballots that are requested pursuant to subsections
SUBSECTION A AND B of this section and shall include a preaddressed
envelope for the elector to return the completed ballot.

D. The county recorder or other officer in charge of elections
shall provide to each election board an appropriate alphabetized list of
voters who have requested and have been sent an early ABSENTEE ballot. Any
person who is on that list of voters and who was sent an early ABSENTEE
ballot shall not vote at the polling place for that election precinct
except as prescribed by section 16-579, subsection B.

E. The county recorder or other officer in charge of elections
may provide for any of the following SPECIAL ELECTION BOARDS in the same
manner prescribed by law for other elections.
1. **Special election boards.**

2. **Emergency balloting for persons who experience an emergency after 5:00 p.m. on the Friday preceding the presidential preference election and before 5:00 p.m. on the Monday immediately preceding the presidential preference election.** Before receiving a ballot pursuant to this paragraph, a person who experiences an emergency shall provide identification as prescribed in section 16-579 and shall sign a statement under penalty of perjury that states that the person is experiencing or experienced an emergency after 5:00 p.m. on the Friday immediately preceding the election and before 5:00 p.m. on the Monday immediately preceding the election that would prevent the person from voting at the polls. Signed statements received pursuant to this subsection are not subject to inspection pursuant to title 39, chapter 1, article 2.

6. Notwithstanding section 16-579, subsection A, paragraph 2, for emergency balloting pursuant to subsection F, paragraph 2 of this section, the county recorder or other officer in charge of elections may allow a qualified elector to update the elector's voter registration information as provided for in the secretary of state's instructions and procedures manual adopted pursuant to section 16-452.

H. **Sections 16-550, 16-551 and 16-552 govern the use of early balloting for the presidential preference election.**

Sec. 4. **Section 16-343, Arizona Revised Statutes, is amended to read:**

16-343. **Filling vacancy caused by death or incapacity or withdrawal of candidate**

A. A vacancy occurring due to death, mental incapacity or voluntary withdrawal of a candidate after the close of petition filing but before a primary or general election shall be filled by the political party with which the candidate was affiliated as follows:

1. In the case of a United States senator or statewide candidate, the state executive committee of the candidate's political party shall nominate a candidate of the party's choice and shall file a nomination
paper and declaration complying with the requirements for candidates as stated in section 16-311 in order to fill the vacancy.

2. In the case of a vacancy for the office of United States representative or the legislature, the party precinct committeemen of that congressional or legislative district shall nominate a candidate of the party’s choice and shall file a nomination paper and declaration complying with the requirements of section 16-311.

3. In the case of a vacancy for a county or precinct office, the party county committee of counties with a population of less than two hundred fifty thousand persons according to the most recent United States decennial census and, in counties with a population of two hundred fifty thousand persons or more according to the most recent United States decennial census the county officers of the party together with the chairman of the party precinct committeemen in each legislative district of the county, shall nominate a candidate of the party’s choice and shall file a nomination paper and declaration complying with the requirements of section 16-311 to fill such vacancy.

4. If the vacancy occurs in a candidate race for partisan nomination in which at least one candidate of the vacating candidate's political party remains on the ballot for the vacating candidate's office, the vacancy shall not be filled. For an office to which more than one candidate will be elected, the vacancy shall not be filled if at least one candidate of the vacating candidate's political party remains on the ballot for each of the multiple seats for the office sought by the vacating candidate.

B. The nomination paper and declaration required in subsection A of this section shall be filed with the office with which nomination petitions were to be filed at any time before the official ballots are printed.

C. Any meetings for the purpose of filing a nomination paper and declaration provided for in this section shall be called by the chairman of such committee or legislative district, except that in the case of multicounty legislative or congressional districts the party county chairman of the county having the largest geographic area within such
district shall call such meeting. The chairman or in his absence the vice
chairman calling such meeting shall preside. The call to such meeting
shall be mailed or given in person to each person entitled to participate
NOT later than one day before such meeting. A majority of those present
and voting shall be required to fill a vacancy pursuant to this section.

D. A vacancy that is due to voluntary or involuntary withdrawal of
the candidate and that occurs following the printing of official ballots
shall not be filled in accordance with this section, however, prospective
candidates shall comply with section 16-312. A candidate running as a
write-in candidate under this subsection shall file the nomination paper
NOT later than 5:00 p.m. on the fifth day before the election.

E. Candidates nominated pursuant to subsection A of this section or
a candidate running as a write-in candidate under subsection D of this
section may be a candidate who ran in the immediately preceding primary
election for the office and failed to be nominated.

F. If a vacancy occurs as described in subsection A of this section
for a state office, the secretary of state shall notify the various boards
of supervisors as to the vacancy. The boards of supervisors shall notify
the inspectors of the various precinct election boards in the county,
district or precinct where a vacancy occurs. In the case of a city or town
election, the city or town clerk shall notify the appropriate inspectors.
A vacancy that occurs as prescribed in subsection D of this section due to
the death or incapacity of the candidate shall not be filled and the
secretary of state shall notify the appropriate county board of supervisors
to post a notice of the death or incapacity of the candidate in each
polling place along with notice that any votes cast for that candidate will
be tabulated.

G. The inspectors shall post the notice of vacancy in the same
manner as posting official write-in candidates. In the case of a
withdrawal of a candidate that occurs after the printing of official
ballots, the inspectors shall post the notice of withdrawal in a
conspicuous location in each polling place. Notice of withdrawal shall
also be posted at all early voting locations and shall be made available to
early ABSENTEE voters by providing with the early ABSENTEE ballot
instructions a website address at which prompt updates to information
regarding write-in and withdrawn candidates are available.

Sec. 5. Title 16, chapter 4, article 1, Arizona Revised Statutes, is
amended by adding section 16-410.01, to read:

16-410.01. County recorder; duties

NOTWITHSTANDING ANY OTHER LAW, THE COUNTY RECORDER IS RESPONSIBLE
ONLY FOR PROVIDING AN ADEQUATE NUMBER AND TYPE OF BALLOTS, PENS, TABLES AND
OTHER EQUIPMENT AS NECESSARY FOR THE VARIOUS POLLING PLACES LOCATED IN
PRECINCTS AS DETERMINED BY THE NUMBER OF REGISTERED VOTERS IN THE
PRECINCTS. THE COUNTY BOARD OF SUPERVISORS SHALL PERFORM OR SUPERVISE ALL
OTHER ELECTION RELATED DUTIES.

Sec. 6. Section 16-411, Arizona Revised Statutes, is amended to
read:

16-411. Designation of election precincts and polling places;
voting centers; electioneering; wait times

A. The board of supervisors of each county, on or before October 1
of each year preceding the year of a general election, by an order, shall
establish a convenient number of election precincts in the county and
define the boundaries of the precincts. The election precinct boundaries
shall be established so as to be included within election districts
prescribed by law for elected officers of the state and its political
subdivisions including community college district precincts, except those
elected officers provided for in titles 30 and 48. THE BOARD OF
SUPERVISORS MAY NOT ESTABLISH AN ELECTION PRECINCT THAT CONTAINS MORE THAN
ONE THOUSAND FIVE HUNDRED REGISTERED VOTERS ON THE DATE THE ELECTION
PRECINCT’S BOUNDARIES ARE ESTABLISHED.

B. At least twenty days before a general or primary election, and at
least ten days before a special election, the board shall designate one
polling place within each precinct where the election shall be held, except
that:
1. On a specific finding of the board, included in the order or resolution designating polling places pursuant to this subsection, that no suitable polling place is available within a precinct, a polling place for that precinct may be designated within an adjacent precinct.

2. Adjacent precincts may be combined if boundaries so established are included in election districts prescribed by law for state elected officials and political subdivisions including community college districts but not including elected officials prescribed by titles 30 and 48. The officer in charge of elections may also split a precinct for administrative purposes. The polling places shall be listed in separate sections of the order or resolution.

3. On a specific finding of the board that the number of persons who are listed as early voters pursuant to section 16-544 is likely to substantially reduce the number of voters appearing at one or more specific polling places at that election, adjacent precincts may be consolidated by combining polling places and precinct boards for that election. The board of supervisors shall ensure that a reasonable and adequate number of polling places IN EACH PRECINCT will be designated for that election. Any consolidated polling places shall be listed in separate sections of the order or resolution of the board.

4. On a specific resolution of the board, the board may NOT authorize the use of voting centers in place of or in addition to specifically designated polling places. A voting center shall allow any voter in that county to receive the appropriate ballot for that voter on election day after presenting identification as prescribed in section 16-579 and to lawfully cast the ballot. Voting centers may be established in coordination and consultation with the county recorder, at other county offices or at other locations in the county deemed appropriate.

5. On a specific resolution of the board of supervisors that is limited to a specific election date and that is voted on by a recorded vote, the board may authorize the county recorder or other officer in charge of elections to use emergency voting centers as follows:
(a) The board shall specify in the resolution the location and the
hours of operation of the emergency voting centers.

(b) A qualified elector voting at an emergency voting center shall
provide identification as prescribed in section 16-579, except that
notwithstanding section 16-579, subsection A, paragraph 2, for any voting
at an emergency voting center, the county recorder or other officer in
charge of elections may allow a qualified elector to update the elector’s
voter registration information as provided for in the secretary of state’s
instructions and procedures manual adopted pursuant to section 16-452.

(c) If an emergency voting center established pursuant to this
section becomes unavailable and there is not sufficient time for the board
of supervisors to convene to approve an alternate location for that
emergency voting center, the county recorder or other officer in charge of
elections may make changes to the approved emergency voting center location
and shall notify the public and the board of supervisors regarding that
change as soon as practicable. The alternate emergency voting center shall
be as close in proximity to the approved emergency voting center location
as possible.

5. THE BOARD OF SUPERVISORS MAY NOT CHANGE A POLLING PLACE UNLESS
THE VOTERS IN THAT PRECINCT ARE NOTIFIED BY MAIL AT LEAST TWO YEARS IN
ADVANCE THAT THE POLLING PLACE HAS CHANGED.

C. If the board fails to designate the place for holding the
election, or if it cannot be held at or about the place designated, the
justice of the peace in the precinct, two days before the election, by an
order, copies of which the justice of the peace shall immediately post in
three public places in the precinct, shall designate the place within the
precinct for holding the election. If there is no justice of the peace in
the precinct, or if the justice of the peace fails to do so, the election
board of the precinct shall designate and give notice of the place within
the precinct of holding the election. For any election in which there are
no candidates for elected office appearing on the ballot, the board may
consolidate polling places and precinct boards and may consolidate the
tabulation of results for that election if all of the following apply:

1. All affected voters are notified by mail of the change at least
thirty-three days before the election.

2. Notice of the change in polling places includes notice of the new
voting location, notice of the hours for voting on election day and notice
of the telephone number to call for voter assistance.

3. All affected voters receive information on early voting that
includes the application used to request an early voting ballot.

D. The board is not required to designate a polling place for
special district mail ballot elections held pursuant to article 8.1 of this
chapter, but the board may designate one or more sites for voters to
deposit marked ballots until 7:00 p.m. on the day of the election.

E. Except as provided in subsection F of this section, a public
school shall provide sufficient space for use as a polling place for any
city, county or state election when requested by the officer in charge of
elections.

1. The principal of the school may deny a request to provide space
for use as a polling place for any city, county or state election if,
within two weeks after a request has been made, the principal provides a
written statement indicating a reason the election cannot be held in the
school, including any of the following:

1. Space is not available at the school.

2. The safety or welfare of the children would be jeopardized.

E. Whenever possible, the board of supervisors shall use public
schools and governmental offices as polling places. On request, school
district governing board members, principals and managers of governmental
offices shall allow their sites to be used as polling places.

F. The board shall make available to the public as a public
record a list of the polling places for all precincts in which the election
is to be held.
H. G. Except in the case of an emergency, any facility that is used as a polling place on election day or that is used as an early voting site during the period of early voting shall allow persons to electioneer and engage in other political activity outside of the seventy-five foot limit prescribed by section 16-515 in public areas and parking lots used by voters. This subsection does not allow the temporary or permanent construction of structures in public areas and parking lots or the blocking or other impairment of access to parking spaces for voters. The county recorder or other officer in charge of elections shall post on its website at least two weeks before election day a list of those polling places in which emergency conditions prevent electioneering and shall specify the reason the emergency designation was granted and the number of attempts that were made to find a polling place before granting an emergency designation. If the polling place is not on the website list of polling places with emergency designations, electioneering and other political activity shall be allowed outside of the seventy-five foot limit. If an emergency arises after the county recorder or other officer in charge of elections' initial website posting, the county recorder or other officer in charge of elections shall update the website as soon as is practicable to include any new polling places, shall highlight the polling place location on the website and shall specify the reason the emergency designation was granted and the number of attempts that were made to find a polling place before granting an emergency designation.

H. For the purposes of this section, a county recorder or other officer in charge of elections shall designate a polling place as an emergency polling place and thus prohibit persons from electioneering and engaging in other political activity outside of the seventy-five foot limit prescribed by section 16-515 but inside the property of the facility that is hosting the polling place if any of the following occurs:

1. an act of God renders a previously set polling place as unusable.
2. A county recorder or other officer in charge of elections has exhausted all options and there are no suitable facilities in a precinct
that are willing to be a polling place unless a facility can be given an emergency designation.

j. The secretary of state shall provide through the instructions and procedures manual adopted pursuant to section 16-452 the maximum allowable wait time for any election that is subject to section 16-204 and provide for a method to reduce voter wait time at the polls in the primary and general elections. The method shall consider at least all of the following for primary and general elections in each precinct:

1. The number of ballots voted in the prior primary and general elections.

2. The number of registered voters who voted early in the prior primary and general elections.

3. The number of registered voters and the number of registered voters who cast an early ballot for the current primary or general election.

4. The number of election board members and clerks and the number of rosters that will reduce voter wait time at the polls.

Sec. 7. Section 16-442, Arizona Revised Statutes, is amended to read:

16-442. Committee approval

A. The secretary of state shall appoint a committee of three persons, to consist of a member of the engineering college at one of the universities, a member of the state bar of Arizona and one person familiar with voting processes in the state, no NOT more than two of whom shall be of the same political party, and at least one of whom shall have at least five years of experience with and shall be able to render an opinion based on knowledge of, training in or education in electronic voting systems, procedures and security. The committee shall investigate and test the various types of vote recording or tabulating machines or devices that may be used under this article. The committee shall submit its recommendations to the secretary of state who shall make final adoption of the type or
types, make or makes, model or models to be certified for use in this state. The committee shall serve without compensation.

B. Machines or devices used at any election for federal, state or county offices may only be certified for use in this state and may only be used in this state if they comply with the help America vote act of 2002, and if those machines or devices have been tested and approved by a laboratory that is accredited pursuant to the help America vote act of 2002 AND IF THEY ARE TO BE USED TO COMPLY WITH THE ACCESSIBILITY REQUIREMENTS PRESCRIBED BY SECTION 16-442.01. EXCEPT AS REQUIRED TO COMPLY WITH SECTION 16-442.01, THE SECRETARY OF STATE MAY NOT APPROVE FOR GENERAL USE ELECTRONIC VOTING MACHINES AND ELECTRONIC TABULATING MACHINES.

C. After consultation with the committee prescribed by subsection A of this section, the secretary of state shall adopt standards that specify the criteria for loss of certification for equipment that was used at any election for federal, state or county offices and that was previously certified for use in this state. On loss of certification, machines or devices used at any election may not be used for any election for federal, state or county offices in this state unless recertified for use in this state.

D. The secretary of state may revoke the certification of any voting system or device for use in a federal, state or county election in this state or may prohibit for up to five years the purchase, lease or use of any voting system or device leased, installed or used by a person or firm in connection with a federal, state or county election in this state, or both, if either of the following occurs:

1. The person or firm installs, uses or permits the use of a voting system or device that is not certified for use or approved for experimental use in this state pursuant to this section.

2. The person or firm uses or includes hardware, firmware or software in a version that is not certified for use or approved for experimental use pursuant to this section in a certified voting system or device.
E. The governing body of a city or town or the board of directors of an agricultural improvement district may adopt for use in elections any kind of electronic voting system or vote tabulating device approved by the secretary of state, and thereupon the voting or marking device and vote tabulating equipment may be used at any or all elections for voting, recording and counting votes cast at an election.

F. The secretary of state or the governing body may provide for the experimental use of a voting system or device without a final adoption of the voting system or device, and its use at the election is as valid as if the machines had been permanently adopted.

G. After consultation with the committee prescribed by subsection A of this section, the secretary of state may approve for emergency use an upgrade or modification to a voting system or device that is certified for use in this state if the governing body establishes in an open meeting that the election cannot be conducted without the emergency certification. Any emergency certification shall be limited to no more than six months. At the conclusion of the certification period the voting system or device shall be decertified and unavailable for future use unless certified in accordance with this section.

Sec. 8. Section 16-442.01, Arizona Revised Statutes, is amended to read:

16-442.01. Accessible voting technology; recommendations; certification; applicability

A. On completion of the certification process pursuant to this section and section 16-442, the secretary of state shall require that voting systems that are used by entities that are governed by section 16-204, but not including cities and towns with a population of less than twenty thousand persons, provide persons who are blind or visually impaired with access to voting that is equivalent to that provided to persons who are not blind or visually impaired.
B. For the purposes of this section:

1. A voting system that provides the voter with the ability to cast and verify by both visual and nonvisual methods all of the selections that were made by that voter is deemed to provide equivalent access.

2. Nonvisual methods for casting and verifying a selection made on a voting system include the use of synthesized speech, braille and other output methods that do not require sight.

3. ANY ELECTRONIC VOTING SYSTEMS AUTHORIZED BY THIS SECTION MAY NOT BE APPROVED FOR OR PROVIDED FOR GENERAL USE.

C. The secretary of state shall consult with and obtain recommendations regarding voting systems from nonprofit organizations that represent persons who are blind or visually impaired, persons with expertise in accessible software, hardware and other technology, county and local election officials and other persons deemed appropriate by the secretary of state. After receiving recommendations, the secretary of state shall submit to the committee established pursuant to section 16-442 one or more voting systems that provide equivalent access pursuant to this section for possible certification for use in this state.

D. Subsection A of this section applies to voting systems that are purchased or upgraded on or after January 1, 2006.

Sec. 9. Section 16-443, Arizona Revised Statutes, is amended to read:

16-443. Authorization of use at all elections

At all state, county, city or town elections, agricultural improvement district elections and primary AND GENERAL elections, ballots or votes may be cast, recorded and counted by voting or marking devices and vote tabulating devices as provided in this article, EXCEPT THAT ELECTRONIC VOTING AND ELECTRONIC OR OTHER TABULATING DEVICES MAY ONLY BE USED TO COMPLY WITH SECTION 16-442.01. FOR ALL OTHER USES, FOR STATE, COUNTY, CITY OR TOWN ELECTIONS, ONLY PAPER BALLOTS MAY BE USED AND BALLOTS SHALL BE TABULATED BY HAND.
Sec. 10. Section 16-444, Arizona Revised Statutes, is amended to read:

16-444. Definitions
A. In this article, unless the context otherwise requires:
1. "Ballot" means a paper ballot on which votes are recorded.
2. "Computer program" includes all programs and documentation adequate to process the ballots at an equivalent counting center.
3. "Counting center" means POLLING PLACES AND one or more locations selected by the board of supervisors for the automatic counting of ABSENTEE ballots.
4. "Electronic voting system" means a system in which ABSENTEE votes are recorded on a paper ballot by means of marking, and such ABSENTEE votes are subsequently counted and tabulated by vote tabulating equipment at one or more COUNTY ABSENTEE BALLOT counting centers CENTER.
5. "E-pollbook" means an electronic system in which a voter is checked in and through which a voter's signature is recorded to indicate that the voter has voted.
6. "Instructions and procedures manual" means the manual prepared for use as a guide for the conduct of elections by an approved electronic voting system, including, but not limited to, detailed instructions for the performance of each task relating to the collection of ballots and the counting of votes in a manner that will provide maximum security, efficiency and accuracy.
7. "Vote tabulating equipment" includes apparatus necessary to automatically examine and count votes as designated on ABSENTEE ballots and tabulate the results.
8. "Voting device" means an apparatus that the voter uses to record the voter's votes by marking a paper ballot, which votes are subsequently counted by electronic tabulating equipment HAND.

B. The provisions of all state laws relating to elections not inconsistent with this article apply to all elections where electronic tabulating devices are used. Any provision of law that conflicts with this
article does not apply to the elections in which electronic tabulating devices are used.

Sec. 11. Repeal

Section 16-445, Arizona Revised Statutes, is repealed.

Sec. 12. Section 16-446, Arizona Revised Statutes, is amended to read:

16-446. Specifications of electronic voting system

A. An electronic voting system consisting of a voting or marking device in combination with vote tabulating equipment THAT IS USED AS PRESCRIBED IN SECTION 16-442.01 shall provide facilities for voting for candidates at both primary and general elections.

B. An electronic voting system shall:

1. Provide for voting in secrecy when used with voting booths.

2. Permit ALLOW each elector to vote at any election for any person for any office whether or not nominated as a candidate, to vote for as many persons for an office as the elector is entitled to vote for and to vote for or against any question on which the elector is entitled to vote, and the vote tabulating equipment shall reject choices recorded on the elector's ballot if the number of choices exceeds the number that the elector is entitled to vote for the office or on the measure.

3. Prevent the elector from voting for the same person more than once for the same office.

4. Be suitably designed for the purpose used and be of durable construction, and may be used safely, efficiently and accurately in the conduct of elections and counting ballots.

5. Be provided with means for sealing the voting or marking device against any further voting after the close of the polls and the last voter has voted.

6. When properly operated, record correctly and count accurately every vote cast.

7. Provide a durable paper document that visually indicates the voter's selections, that the voter may use to verify the voter's choices,
that may be spoiled by the voter if it fails to reflect the voter's choices and that permits the voter to cast a new ballot. This paper document shall be used in manual audits and recounts.

8. To the extent practicable, provide for the ballot layout to be in the same order of arrangement, including rotation, as provided for paper ballots, except that information may be printed in vertical or horizontal rows, or in a number of separate pages or screens that are placed or displayed on the voting device. The titles of offices may be arranged in vertical columns or in a series of separate pages or screens and shall be printed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected. If there are more candidates for an office than can be printed in one column or on one ballot page or screen, the ballot shall be clearly marked that the list of candidates is continued on the following column, page or screen, and to the extent practicable, the same number of names shall be printed on each column, page or screen.

9. Provide for a color designation for use in the primary election for each political party represented.

Sec. 13. Section 16-448, Arizona Revised Statutes, is amended to read:

16-448. Write-in votes; instructions
Whenever ballots are to be counted by electronic data processing equipment, all write-in votes for candidates, shall be marked by the voter in the space provided opposite the names of the write-in candidates. The instructions to voters printed on the ballots shall instruct the voter that the vote will not be counted unless the voter properly marks the ballot when writing in a candidate's name.

Sec. 14. Section 16-449, Arizona Revised Statutes, is amended to read:

16-449. Required test of equipment and programs; notice
A. Within the period of time before the election day prescribed by the secretary of state in the instructions and procedures manual adopted
pursuant to section 16-452. The board of supervisors or other election
officer in charge of elections, or for an election involving state or
federal candidates, the secretary of state, shall have test the automatic
tabulating equipment and programs tested used for absentee ballots to
ascertain that the equipment and programs will correctly mark and count the
votes cast for all offices and on all measures. Public notice of the time
and place of the test shall be given at least forty-eight hours prior
tereto before the test by publication once in one or more daily or weekly
newspapers published in the town, city or village using such equipment, if
a newspaper is published therein in the city, town or village, otherwise in
a newspaper of general circulation therein. The test shall be observed by
at least two election inspectors, who shall not be of the same political
party, and shall be open to representatives of all of the political
parties, candidates, the press and the public. The test shall be conducted
by processing a preaudited group of absentee ballots so marked as to record
a predetermined number of valid votes for each candidate and on each
measure and shall include for each office one or more ballots that have
votes in excess of the number allowed by law in order to test the ability
of the automatic tabulating equipment and programs to reject such
votes. If any error is detected, the cause therefor for the error shall be
ascertained and corrected and an errorless count shall be made before the
automatic tabulating equipment and programs are is approved. A copy of a
revised program shall be filed with the secretary of state within
forty-eight hours after the revision is made. If the error was created by
automatic tabulating equipment malfunction, a report shall be filed with
the secretary of state within forty-eight hours after the correction is
made, stating the cause and the corrective action taken. The test shall be
repeated immediately before the start of the official count of the ballots
in the same manner as set forth above. After the completion of the count,
the programs used and the ballots shall be sealed, retained and disposed of
as provided for paper ballots.
B. Electronic ballot tabulating systems THAT ARE USED ONLY FOR TABULATING ABSENTEE BALLOTS shall be tested for logic and accuracy within seven days before their use for early balloting pursuant to the instructions and procedures manual for electronic voting systems that is adopted by the secretary of state as prescribed by section 16-452. The instructions and procedures manual shall include procedures for the handling of ballots, the electronic scanning of ballots and any other matters necessary to ensure the maximum degree of correctness, impartiality and uniformity in the administration of an electronic ballot tabulating system.

C. Notwithstanding subsections A and B of this section, if a county uses accessible voting equipment to mark ballots and that accessible voting equipment does not independently tabulate or tally votes, the secretary of state in cooperation with the county officer in charge of elections may designate a single date to test the logic and accuracy of both the accessible voting equipment and electronic ballot tabulating systems ANY OTHER EQUIPMENT OR DEVICES USED TO MARK THE BALLOTS.

Sec. 15. Repeal
Sections 16-450, 16-451 and 16-452, Arizona Revised Statutes, are repealed.

Sec. 16. Section 16-461, Arizona Revised Statutes, is amended to read:

16-461. Sample primary election ballots; submission to party chairmen for examination; preparation, printing and distribution of ballot

A. At least forty-five days before a primary election, the officer in charge of that election shall:

1. Prepare a proof of a sample ballot.
2. Submit the sample ballot proof of each party to the county chairman or in city or town primaries to the city or town chairman.
3. Mail a sample ballot proof to each candidate for whom a nomination paper and petitions have been filed.
B. Within five days after receipt of the sample ballot, the county chairman of each political party shall suggest to the election officer any change the chairman considers should be made in the chairman's party ballot, and if on examination the election officer finds an error or omission in the ballot the officer shall correct it. The election officer shall cause PRINT AND DISTRIBUTE the sample ballots to be printed and distributed as required by law, shall maintain a copy of each sample ballot and shall post a notice indicating that sample ballots are available on request. The official sample ballot shall be printed on colored paper or white paper with a different colored stripe for each party that is represented on that ballot. For voters who are not registered with a party that is entitled to continued representation on the ballot pursuant to section 16-804, the election officer may print and distribute the required sample ballots in an alternative format, including a reduced size format.

C. Not later than forty days before a primary election, the county chairman of a political party may request one sample primary election ballot of the chairman's party for each election precinct.

D. The board of supervisors shall have printed mailer-type sample ballots for a primary election and shall mail at least eleven days before the election one sample ballot of a political party to each household containing a registered voter of that political party unless that registered voter is on the active early voting list established pursuant to section 16-544. Each sample ballot shall contain the following statement: "This is a sample ballot and cannot be used as an official ballot under any circumstances". A certified claim shall be presented to the secretary of state by the board of supervisors for the actual cost of printing, labeling and postage of each sample ballot actually mailed, and the secretary of state shall direct payment of the authenticated claim from funds of the secretary of state's office.

E. For city and town elections, the governing body of a city or town may have printed mailer-type sample ballots for a primary election. If the city or town has printed such sample ballots, the city or town shall
provide for the distribution of such ballots and shall bear the expense of printing and distributing of such sample ballots.

F. The return address on the mailer-type sample ballots shall not contain the name of an appointed or elected public officer nor may the name of an appointed or elected public officer be used to indicate who produced the sample ballot.

G. The great seal of the state of Arizona shall be imprinted along with the words "official voting materials" on the mailing face of each sample ballot. In county, city or town elections the seal of such jurisdiction shall be substituted for the state seal.

Sec. 17. Repeal

Sections 16-468 and 16-504, Arizona Revised Statutes, are repealed.

Sec. 18. Title 16, chapter 4, article 6, Arizona Revised Statutes, is amended by adding a new section 16-504, to read:

16-504. Anti-fraud ballot paper

FOR THE REGULAR PRIMARY AND GENERAL ELECTIONS, THE BOARD OF SUPERVISORS SHALL USE BALLOT PAPER THAT INCLUDES A HOLOGRAM, AN IDENTIFIABLE SEQUENCE MARKING OR ANOTHER SIMILAR SYSTEM FOR PREVENTING FRAUD AND THAT ALLOWS A VOTER TO RECEIVE A UNIQUELY MARKED OR NUMBERED BALLOT.

Sec. 19. Section 16-510, Arizona Revised Statutes, is amended to read:

16-510. Sample ballots; preparation and distribution

A. Before printing the sample ballots for the general election the board of supervisors shall send to each candidate whose name did not appear on the preceding primary election ballot a ballot proof of the sample ballot for the candidate's review.

B. The board of supervisors shall print and distribute, for the information of voters at each polling place, a number of sample ballots as it deems necessary.

C. The board of supervisors shall have printed mailer-type sample ballots for a general election and shall mail at least eleven days before
the election one such sample ballot to each household in the county containing a registered voter unless that registered voter is on the active early voting list established pursuant to section 16-544. Each sample ballot shall contain the following statement: "This is a sample ballot and cannot be used as an official ballot under any circumstances". A certified claim shall be presented to the secretary of state by the board of supervisors for the actual cost of printing, labeling and postage of each sample ballot actually mailed, and the secretary of state shall direct payment of the authenticated claim from funds of the secretary of state's office.

D. For city and town elections, the governing body of a city or town may have printed mailer-type sample ballots for a general election. If the city or town has printed such sample ballots, the city or town shall provide for the distribution of such ballots and shall bear the expense of printing and distributing such sample ballots.

E. For special district elections, the governing body of a special district may have printed mailer-type sample ballots. If the special district has printed such sample ballots, the special district shall provide for the distribution of such ballots and shall bear the expense of printing and distributing such sample ballots.

Sec. 20. Section 16-515, Arizona Revised Statutes, is amended to read:

16-515. "Seventy-five foot limit" notices; posting; violation; classification

A. Except as prescribed in this section and section 16-580, a person shall not be allowed to remain inside the seventy-five foot limit while the polls are open, except for the purpose of voting, and except the election officials, one representative at any one time of each political party represented on the ballot who has been appointed by the county chairman of that political party and the challengers allowed by law, and no electioneering may NOT occur within the seventy-five foot limit. Voters
having cast their ballots shall promptly move outside the seventy-five foot limit.

B. The board of supervisors shall furnish, with the ballots for each polling place, three notices, printed in letters not less than two inches high, with the heading: "Seventy-five foot limit" and underneath that heading the following:

No person shall be allowed to remain inside these limits while the polls are open, except for the purpose of voting, and except the election officials, one representative at any one time of each political party represented on the ballot who has been appointed by the county chairman of such political party, and the challengers allowed by law. Voters having cast their ballots shall at once retire without the seventy-five foot limit. A person violating any provision of this notice is guilty of a class 2 misdemeanor.

C. A minor voting in a simulated election at a polling place is subject to the same seventy-five foot limit restrictions prescribed for a voter. Persons supervising or working in a simulated election in which minors vote may remain within the seventy-five foot limit of the polling place. The inspector for the polling place shall exercise authority over all election and simulated election related activities at the polling place.

D. For an election that is held by an Indian tribe and that is held at a polling place at the same time and on the same date as any other election, the following apply:

1. A person who is voting is subject to the same seventy-five foot limit restrictions prescribed for other voters.

2. An election official for the tribal election may remain within the seventy-five foot limit for the polling place.
E. With the permission of the voter, a minor may enter and remain within the seventy-five foot limit in order to accompany a voter into a polling place, an on-site early voting facility and a voting booth while the voter is voting.

F. Notwithstanding any other law, an election official, a representative of a political party who has been appointed by the county chairman of that political party or a challenger who is authorized by law to be within the seventy-five foot limit as prescribed by this section shall not wear, carry or display materials that identify or express support for or opposition to a candidate, a political party or organization, a ballot question or any other political issue and shall not electioneer within the seventy-five foot limit of a polling place.

G. Notwithstanding section 16-1018, a person may not take photographs or videos while within the seventy-five foot limit.

H. Any person violating this section is guilty of a class 2 misdemeanor.

I. For the purposes of this section, electioneering occurs when an individual knowingly, intentionally, by verbal expression and in order to induce or compel another person to vote in a particular manner or to refrain from voting expresses support for or opposition to a candidate who appears on the ballot in that election, a ballot question that appears on the ballot in that election or a political party with one or more candidates who appear on the ballot in that election.

Sec. 21. Section 16-541, Arizona Revised Statutes, is amended to read:

16-541. Absentee voting; voter eligibility

A. Any election called pursuant to the laws of this state shall provide for early absentee voting. Any qualified elector who meets the criteria established by this section may vote by early absentee ballot.

B. A voter shall be allowed to vote by absentee ballot for any one or more of the following reasons:
1. THE VOTER EXPECTS TO BE OUTSIDE THIS STATE AT THE TIME OF THE ELECTION.

2. THE VOTER IS PHYSICALLY UNABLE TO GO TO THE POLLS BECAUSE THE VOTER IS HOSPITALIZED OR IN A NURSING HOME.

3. THE VOTER HAS A VISUAL IMPAIRMENT.

4. THE VOTER IS AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER AS DEFINED IN THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT (P.L. 99-410; 52 UNITED STATES CODE SECTION 20310) OR A SPOUSE OR HOUSEHOLD MEMBER OF THE ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER.

B. C. A qualified elector VOTER of a special district organized pursuant to title 48 shall be permitted to vote early in any special district mail ballot election as provided in article 8.1 of this chapter.

Sec. 22. Section 16-542, Arizona Revised Statutes, is amended to read:

16-542. Request for ballot; violation; classification

A. Within ninety-three days before any election called pursuant to the laws of this state, an elector ELIGIBLE VOTER AS PRESCRIBED BY SECTION 16-541 may make a verbal or signed request to the county recorder, or other officer in charge of elections for the applicable political subdivision of this state in whose jurisdiction the elector VOTER is registered to vote, for an official early ABSENTEE ballot. In addition to name and address, the requesting elector VOTER shall provide the date of birth and state or country of birth or other information that if compared to the voter registration information on file would confirm the identity of the elector VOTER and shall specify one of the reasons for voting absentee prescribed by section 16-541. If the request indicates that the elector VOTER needs a primary election ballot and a general election ballot, the county recorder or other officer in charge of elections shall honor the request. For any partisan primary election, if the elector VOTER is not registered as a member of a political party that is entitled to continued representation on the ballot pursuant to section 16-804, the elector VOTER shall designate the ballot of only one of the political parties that is entitled to
continued representation on the ballot and the elector VOTER may receive
and vote the ballot of only that one political party, which also shall
include any nonpartisan offices and ballot questions, or the elector VOTER
shall designate the ballot for nonpartisan offices and ballot questions
only and the elector VOTER may receive and vote the ballot that contains
only nonpartisan offices and ballot questions. The county recorder or
other officer in charge of elections shall process any request for an early
ABSENTEE ballot for a municipal election pursuant to this subsection. The
county recorder may establish on-site early voting locations at the
recorder's office, which shall be open and available for use beginning the
same day that a county begins to send out the early ballots. The county
recorder may also establish any other early voting locations in the county
the recorder deems necessary. Any on-site early voting location or other
early voting location shall require each elector to present identification
as prescribed in section 16-579 before receiving a ballot. Notwithstanding
section 16-579, subsection A, paragraph 2, at any on-site early voting
location or other early voting location the county recorder or other
officer in charge of elections may provide for a qualified elector to
update the elector’s voter registration information as provided for in the
secretary of state’s instructions and procedures manual adopted pursuant to
section 16-452.

B. Notwithstanding subsection A of this section, a request for an
official early ABSENTEE ballot from an absent uniformed services voter or
overseas voter as defined in the uniformed and overseas citizens absentee
voting act of 1986 (P.L. 99-410; 52 United States Code section 20310) or a
voter whose information is protected pursuant to section 16-153 that is
received by the county recorder or other officer in charge of elections
more than ninety-three days before the election is valid. If requested by
the absent uniformed services or overseas voter, or a voter whose
information is protected pursuant to section 16-153, the county recorder or
other officer in charge of elections shall provide to the requesting voter
early ballot materials through the next regularly scheduled general
Senate Amendments to H.B. 2289

election for federal office immediately following receipt of the request
unless a different period of time, which does not exceed the next two
regularly scheduled general elections for federal office, is designated by
the voter.

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

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

E. In order to be complete and correct and to receive an early
ABSENTEE ballot by mail, an elector's request that an early
ABSENTEE ballot be mailed to the elector's residence or temporary
address must include all of the information prescribed by subsection A of
this section and must be received by the county recorder or other officer
in charge of elections no NOT later than 5:00 p.m. on the eleventh day
preceding the election. An elector who appears personally no later than
5:00 p.m. on the Friday preceding the election at an on-site early voting
location that is established by the county recorder or other officer in
charge of elections shall be given a ballot after presenting identification
as prescribed in section 16-579 and shall be permitted to vote at the
on-site location. Notwithstanding section 16-579, subsection A, paragraph
2, at any on-site early voting location the county recorder or other
officer in charge of elections may provide for a qualified elector to
update the elector's voter registration information as provided for in the
secretary of state's instructions and procedures manual adopted pursuant to
section 16-452. If an elector's request to receive an early absentee ballot is not complete and correct but complies with all other
requirements of this section, the county recorder or other officer in
charge of elections shall attempt to notify the elector of the
deficiency of the request.

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

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

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

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

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

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

...H. Except for a voter who is on the active early voting list prescribed by section 16-544, a voter who requests a onetime early ABSENTEE ballot pursuant to THIS section 16-542 or for an election conducted pursuant to section 16-409 or article 8.1 of this chapter, a county recorder, city or town clerk or other election officer may not deliver or mail an early ABSENTEE ballot to a person who has not requested an early ABSENTEE ballot for that election. An election officer who knowingly violates this subsection is guilty of a class 5 felony.

Sec. 23. Repeal
Section 16-544, Arizona Revised Statutes, is repealed.
Sec. 24. Section 16-547, Arizona Revised Statutes, is amended to read:

16-547. Ballot affidavit; form
A. The early ABSENTEE ballot shall be accompanied by an envelope bearing on the front the name, official title and post office address of the recorder or other officer in charge of elections and on the other side a printed affidavit in substantially the following form:

I declare the following under penalty of perjury: I am a registered voter in _________ county Arizona, AND I EXPECT TO BE ABSENT FROM THIS STATE AT THE TIME OF THE ELECTION OR I AM PHYSICALLY UNABLE TO GO TO THE POLLS BECAUSE I AM IN THE HOSPITAL OR A NURSING HOME OR BECAUSE I AM VISUALLY IMPAIRED OR I AM AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER, AND I have not voted and will not vote in this election in any other county or state. I understand that knowingly voting more than once in any election is a class 5 felony and I voted the enclosed ballot and signed this affidavit personally unless noted below.

If the voter was assisted by another person in marking the ballot, complete the following:

I declare the following under penalty of perjury: At the registered voter's request I assisted the voter identified in
this affidavit with marking the voter's ballot. I marked the ballot as directly instructed by the voter, I provided the assistance because the voter was physically unable to mark the ballot solely due to illness, injury or physical limitation and I understand that there is no power of attorney for voting and that the voter must be able to make the voter's selection even if they THE VOTER cannot physically mark the ballot.

Name of voter assistant: _____________________________
Address of voter assistant: __________________________

B. The face of each envelope in which a ballot is sent to a federal postcard applicant or in which a ballot is returned by the applicant to the recorder or other officer in charge of elections shall be in the form prescribed in accordance with the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 52 United States Code section 20301). Otherwise, the envelopes shall be the same as those used to send ballots to, or receive ballots from, other early ABSENTEE voters.

C. The officer charged by law with the duty of preparing ballots at any election shall ensure that the early ABSENTEE ballot is sent in an envelope that states substantially the following:

If the addressee does not reside at this address, mark the unopened envelope "return to sender" and deposit it in the United States mail.

D. The county recorder or other officer in charge of elections shall supply printed instructions to early ABSENTEE voters that direct them to sign the affidavit, mark the ballot and return both in the enclosed self-addressed envelope that complies with section 16-545. The instructions shall include the following statement:

In order to be valid and counted, the ballot and affidavit must be delivered to the office of the county recorder or other officer in charge of elections or may be deposited at any polling place in the county NOT later than
7:00 p.m. on election day. The ballot will not be counted without the voter's signature on the envelope.

(WARNING—It is a felony to offer or receive any compensation for a ballot.)

Sec. 25. Section 16-558.02, Arizona Revised Statutes, is amended to read:

16-558.02. Replacement ballots

A. The county recorder or other officer in charge of elections shall determine a central location in the district and shall provide for a ballot replacement center that is as near to that location as is practicable for ELIGIBLE electors to obtain a replacement ballot. The location shall be open from 6:00 a.m. until 7:00 p.m. of the day of the election. An elector may obtain a replacement ballot until 7:00 p.m. on the day of the election on presenting a signed, sworn statement that the ABSENTEE ballot was lost, spoiled, destroyed or not received.

B. The recorder or other officer in charge of elections shall keep a record of each replacement ballot provided pursuant to this section.

C. If an elector to whom a replacement ballot is issued votes more than once, only the first ballot received shall be counted.

Sec. 26. Title 16, chapter 4, article 9, Arizona Revised Statutes, is amended by adding section 16-575, to read:

16-575. Mask mandate; vaccination; testing prohibition

THE BOARD OF SUPERVISORS, COUNTY RECORDER AND OFFICER IN CHARGE OF ELECTIONS MAY NOT REQUIRE THAT A VOTER, A BOARD WORKER OR ANY OTHER PERSON WEAR A FACIAL MASK AT A POLLING PLACE OR OTHER VOTING OR TABULATING LOCATION OR BE VACCINATED AGAINST OR TESTED FOR A VIRUS AS A CONDITION OF ENTERING A POLLING PLACE OR OTHER VOTING OR TABULATING LOCATION.

Sec. 27. Section 16-602, Arizona Revised Statutes, is amended to read:

16-602. Paper ballots; report

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 FROM THE PAPER BALLOTS 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. ALL BALLOTS SHALL BE COUNTED BY HAND.

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 16-240 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 chairmen 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.
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 shortage 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. 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.

6. 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.

B. 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.

6. 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.
Senate Amendments to H.B. 2289

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 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. 28. Section 16-621, Arizona Revised Statutes, is amended to read:

16-621. Proceedings at the counting center

A. All proceedings at the counting center shall be under the direction of the board of supervisors or other officer in charge of elections and shall be conducted in accordance with the approved instructions and procedures manual issued pursuant to section 16-452 under the observation of representatives of each political party and the public. The proceedings at the counting center may also be observed by up to three additional people representing a candidate for nonpartisan office, or representing a political committee in support of or in opposition to a ballot measure, proposition or question. A draw by lot shall determine which three groups or candidates shall have representatives participate in the observation at the counting center. Persons representing a candidate for nonpartisan office or persons or groups representing a political committee in support of or in opposition to a ballot measure, proposition or question, who are interested in participating in the observation, shall notify the officer in charge of elections of their desire to be included in the draw not later than seventeen days before the election. After the deadline to receive submissions from the interested persons or groups, but prior to fourteen days before the election, the county officer in charge of
Senate Amendments to H.B. 2289

elections shall draw by lot, from the list of those that expressed interest, three persons or groups and those selected shall be notified and allowed to observe the proceedings at the counting center. If a group is selected the group may alter who represents that group for different days of observation but on any given observation day a selected group shall not send more than one observer. A group may rotate an observer throughout the day. Only those persons who are authorized for the purpose shall touch any ballot or ballot card or return. All persons who are engaged in processing and counting of the ballots shall be qualified electors, shall be deputized in writing and shall take an oath that they will faithfully perform their assigned duties. There shall be no preferential counting of ballots for the purpose of projecting the outcome of the election. THE BOARD OF SUPERVISORS OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL NOT ALLOW THE USE OF ELECTRONIC OR OTHER TABULATING EQUIPMENT AND ALL COUNTING SHALL BE DONE BY HAND. BALLOTS SHALL BE ORGANIZED AND REMAIN SEGREGATED BY PRECINCT, BOTH BEFORE AND AFTER COUNTING. If any ballot, including any ballot received from early voting, is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged or defective ballot in the presence of witnesses and substituted for the damaged or defective ballot. All duplicate ballots created pursuant to this subsection shall be clearly labeled “duplicate” and shall bear a serial number that shall be recorded on the damaged or defective ballot.

B. If the counting center automatic tabulating equipment includes an electronic vote adjudication feature that has been certified for use as prescribed by section 16-442 and the board of supervisors or officer in charge of elections authorizes the use of this feature at the counting center, all of the following apply:

1. The electronic vote adjudication feature shall be included in the tabulation system logic and accuracy testing prescribed by section 16-449.

2. The board of supervisors or officer in charge of elections shall appoint an electronic vote adjudication board that consists of two judges
who are overseen by an inspector, with the two judges equally divided
between the two largest political parties as prescribed by section 16-531,
subsection D to adjudicate and submit for tabulation a ballot that is read
by the tabulation machine as blank in order to determine if voter intent is
clear on a portion or all of the ballot, or any portion of any ballot as
prescribed by section 16-610 or 16-611, or to tally write-in choices as
prescribed by section 16-612.

3. The electronic vote adjudication process used by the electronic
vote adjudication board shall provide for:

(a) A method to track and account for the original ballot and the
digital duplicate of the ballot created by the electronic vote adjudication
feature that includes a serial number on the digital image that can be used
to track electronic vote adjudication board actions.

(b) The creation and retention of comprehensive logs of all digital
duplication and adjudication actions performed by an electronic vote
adjudication board.

(c) The retention of the original ballot and the digital duplicate
of the ballot.

6. If for any reason it becomes impracticable to count all or a part
of the ballots with tabulating equipment, the officer in charge of
elections may direct that they be counted manually, following as far as
practicable the provisions governing the counting of paper ballots.

B. For any statewide, county or legislative election, the county
recorder or officer in charge of elections shall provide for a live video
recording of the custody of all ballots while the ballots are present in a
tabulation room in the counting center. The live video recording shall
include date and time indicators and shall be linked to the secretary of
state's website. The secretary of state shall post links to the video
coverage for viewing by the public. The county recorder or officer in
charge of elections shall record the video coverage of the ballots at the
counting center and shall retain those recordings as a public record for at
least as long as the challenge period for the general election. If the
live video feed is disrupted or disabled, the recorder or officer in charge of elections is not liable for the disruption but shall attempt to reinstate video coverage as soon as is practicable. Any disruption in video coverage shall not affect or prevent the continued tabulation of ballots. This subsection is contingent on legislative appropriation.

E. The county recorder or other officer in charge of elections shall maintain records that record the chain of custody for all election equipment and ballots during early ABSENTEE voting through the completion of provisional voting tabulation.

Sec. 29. Section 16-663, Arizona Revised Statutes, is amended to read:

16-663. Recount of votes

A. The superior court to which the facts requiring a recount are certified shall forthwith PROMPTLY make and enter an order requiring a recount of the votes cast for such office, measure or proposal. The recount shall be conducted in accordance with the laws pertaining to contests of elections.

B. When the court orders a recount of votes which were cast and tabulated on electronic voting equipment, such recount shall be pursuant to section 16-664. On completion of the recount, and for legislative, statewide and federal candidate races only, the county chairmen of the political parties entitled to continued representation on the ballot or the chairman's designee shall select at random without the use of a computer five per cent of the precincts for the recounted race for a hand count, and if the results of that hand count when compared to the electronic tabulation of that same race are less than the designated margins calculated pursuant to section 16-602, the recount is complete and the electronic tabulation is the official result. If the hand count results in a difference that is equal to or greater than the designated margin for that race, the procedure established in section 16-602, subsections C, D, E and F applies.
Sec. 30. Repeal
Section 16-664, Arizona Revised Statutes, is repealed.

Sec. 31. Section 16-1011, Arizona Revised Statutes, is amended to read:

16-1011. Counterfeiting election returns; violation; classification

A. A person who knowingly forges or counterfeits returns of an election purporting to have been held at a precinct or place where no election was in fact held, or who knowingly substitutes, forges or counterfeits returns of election instead of the true returns for a precinct or place where an election was actually held, is guilty of a class 3 felony.

B. A person who knowingly substitutes, forges, counterfeits or tampers with ballot tabulations or totals or election results by electronic means or through the use of a computer, machine or other device is guilty of a class 3 felony. This subsection does not apply to the casting or tallying of ballots as provided by law or to the substitution or duplication of ballots as prescribed by sections 16-573, AND 16-574 AND 16-621.

C. Notwithstanding sections 13-907 and 13-908, a person who is convicted under this section shall not be automatically restored the right to vote.

Sec. 32. Section 16-1017, Arizona Revised Statutes, is amended to read:

16-1017. Unlawful acts by voters with respect to voting; classification

A voter who knowingly commits any of the following acts is guilty of a class 2 misdemeanor:

1. Makes a false statement as to the voter's inability to mark a ballot.

2. Interferes with a voter within the seventy-five foot limit of the polling place as posted by the election marshal or within seventy-five feet
of the main outside entrance to an on-site *early* voting location

3. Endeavors while within the seventy-five foot limit for a polling
place or on-site *early* voting location to induce a voter to vote for or
against a particular candidate or issue.

4. **Prior to BEFORE** the close of an election defaces or destroys a
sample ballot posted by election officers, or defaces, tears down, removes
or destroys a card of instructions posted for the instruction of voters.

5. Removes or destroys supplies or conveniences furnished to enable
a voter to prepare the voter's ballot.

6. Hinders the voting of others.

7. Votes in a county in which the voter no longer resides, except as
provided in section 16-125.

Sec. 33. Section 16-1018, Arizona Revised Statutes, is amended to
read:

16-1018. **Additional unlawful acts by persons with respect to**
>voting; classification

A person who commits any of the following acts is guilty of a class 2
misdemeanor:

1. Knowingly electioneers on election day within a polling place or
in a public manner within seventy-five feet of the main outside entrance of
a polling place or on-site *early* voting location *established by a county
recorder pursuant to section 16-542, subsection A.*

2. Intentionally disables or removes from the polling place, on-site
*early* voting location or custody of an election official a voting machine
or a voting record.

3. Knowingly removes an official ballot from a polling place OR
ON-SITE VOTING LOCATION before closing the polls.

4. Shows another voter's ballot to any person after it is prepared
for voting in such a manner as to reveal the contents, except to an
authorized person lawfully assisting the voter. A voter who makes
available an image of the voter's own ballot by posting on the internet or
in some other electronic medium is deemed to have consented to
retransmittal of that image and that retransmittal does not constitute a
violation of this section.

5. Knowingly solicits a voter to show the voter's ballot, or
receives from a voter a ballot prepared for voting, unless the person is an
election official or unless otherwise authorized by law.

6. Knowingly receives an official ballot from a person other than an
election official having charge of the ballots.

7. Knowingly delivers an official ballot to a voter, unless the
voter is an election official.

8. Except for a completed ballot transmitted by an elector by fax or
other electronic format pursuant to section 16-543, knowingly places a mark
on the voter's ballot by which it can be identified as the one voted by the
voter.

9. After having received a ballot as a voter, knowingly fails to
return the ballot to the election official before leaving the polling place
or on-site early voting location.

Sec. 34. Conforming legislation

The legislative council staff shall prepare proposed legislation
conforming the Arizona Revised Statutes to the provisions of this act for
consideration in the fifty-sixth legislature, first regular session."

Amend title to conform