



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.B. 1629

registration; verification; images; audits; boxes

Purpose

Outlines requirements for election integrity audits by the Office of the Auditor General (OAG), the posting of digital ballot images, registration of voter registration collectors with the Secretary of State (SOS), voter list maintenance procedures, signature verification training and testing and hand count audits. Appropriates \$_____ from the state General Fund (state GF) in FY 2023 to the SOS and appropriates \$3,980,000 and 29.25 full-time equivalent positions (FTEs) from the state GF in FY 2023 to the OAG.

Background

The OAG is charged with several powers and duties, including: 1) preparing an audit plan for approval by Joint Legislative Audit Committee (JLAC); 2) conducting audits relating to the finances and performance of state agencies, government functions and school districts; 3) performing performance audits, special audits and investigations of state agencies as requested by JLAC; and 4) reporting the results of each audit, investigation or review to JLAC ([A.R.S. § 41-1279.03](#)).

The officer in charge of elections must ensure that electronic or digital ballot images are protected from physical or electronic access, including unauthorized copying or transferring, and that all security measures are at least as protective as those for paper ballots ([A.R.S. § 16-625](#)).

A county recorder must authorize persons to accept registration forms, designate place for receipt of registration forms and designate additional locations for distribution of voter registration forms. Public assistance agencies and disabilities agencies must return or mail completed voter registrations to the county recorder or the applicable county within five days of receipt of registrations ([A.R.S. § 16-134](#)).

The county officer in charge of elections must conduct a hand count audit for each countywide primary, special, general and presidential preference election. The county chair of each political party must designate and provide the number of election board members designated by the county officer in charge of elections who perform the hand count under the supervision of the county officer in charge of elections. The county chair must designate at least two election board workers for each precinct that is to be audited and provide the persons' names to the county recorder or officer in charge of elections by 5:00 p.m. on the Tuesday before the election. ([A.R.S. § 16-602](#)).

S.B. 1629 appropriates \$_____ from the state GF in FY 2023 to the SOS and appropriates \$3,980,000 and 29.25 FTEs from the state GF in FY 2023. According to the Joint Legislative Budget Committee fiscal note, the SOS believes that the digital ballot database will have a fiscal impact and is working to determine a potential cost. Additionally, the SOS anticipates a state GF cost of \$15,000 every other year related to the signature training verification requirements and a fiscal impact related to the registration of voter registration collectors, which has not yet been quantified ([JLBC fiscal note](#)).

Provisions

Digital Ballot Images

1. Requires an officer in charge of elections to ensure that electronic data from and electronic and digital images of ballots are secured in the county treasurer's facility, rather than protected from physical and electronic access in a manner that is at least as protective as for paper ballots.
2. Requires an officer in charge of elections, for any primary, general or special election for which there is a federal race on the ballot and within 48 hours after delivery of the official canvass, to make an online digital copy of ballot images available to the public by way of a central database.
3. Requires online digital copies of ballots to:
 - a) include the copies of the ballots that were tabulated and that correspond with the final results included in the official canvass;
 - b) be searchable by precinct; and
 - c) remain available online for 24 months.
4. Asserts that the SOS, a county recorder or other officer in charge of elections is not liable for any personally identifying information, handwritten statements or other notations made or provided by a voter that is included on digital ballot images.
5. Appropriates \$_____ from the state GF in FY 2023 to the SOS to create and maintain a ballot image portal and exempts the appropriation from lapsing.
6. Allows any person to view or print one or more online digital copies of ballot images.
7. Prohibits any person from destroying, degrading or otherwise altering an image in the central database of online digital copies of ballots.
8. Classifies, as a class 2 misdemeanor, destroying, degrading or otherwise altering digital ballot images.
9. Exempts elections held by special taxing districts for the purpose of protecting or providing services to agricultural lands or crops from digital ballot image requirements.

Election Integrity Audits

10. Requires the OAG to establish an audit team to perform election integrity process audits of county recorders' offices and county elections departments.

11. Requires the OAG, each federal election cycle, to randomly choose two counties with a population of fewer than 1,000,000 persons and perform an election integrity audit and requires the OAG to examine at least one of the following:
 - a) voter registration maintenance, maintenance of voter registration rolls and maintenance of the Active Early Voting List (AEVL);
 - b) early ballot processing and signature verification processing, including the separation of early ballots into batches or other groupings, ballot drop box security and early ballot election processing boards;
 - c) tabulation of ballots, including ballot adjudication and duplication, security issues while tabulating and logic and accuracy testing and administration; and
 - d) polling place administration, voting center administration, central counting center administration and chain of custody of ballots, equipment and removable storage devices.
12. Requires the OAG, each federal election cycle, to perform an election integrity audit of each county with a population of 1,000,000 or more persons and requires at least one of the following topics to be examined on a rotating basis:
 - a) voter registration maintenance, maintenance of voter registration rolls and maintenance of the AEVL;
 - b) early ballot processing and signature verification processing, including the separation of early ballots into batches or other groupings, ballot drop box security and early ballot election processing boards;
 - c) tabulation of ballots, including ballot adjudication and duplication, security issues while tabulating and logic and accuracy testing and administration; or
 - d) polling place administration, voting center administration, central counting center administration and chain of custody of ballots, equipment and removable storage devices.
13. Appropriates \$3,980,000 and 29.25 FTE positions from the state GF in FY 2023 to the OAG for election integrity audits.
14. Exempts the appropriation from lapsing.
15. Allows the OAG to make recommendations to counties, the SOS and the Legislature to address findings identified in election integrity audits.
16. Requires a county subject to an election integrity audit to notify the OAG in writing whether the county Board of Supervisors or county recorder agree or disagree with the findings of an election integrity audit and will implement election integrity audit recommendations, implement modifications to the recommendations or refuse to implement the recommendations.
17. Requires a county to submit written status reports on the implementation of election integrity audit recommendations at the request of the OAG within the two-year period following the issuance of the election integrity audit.
18. Requires the OAG to review a county's progress toward implementing election integrity audit recommendations for up to two years.

19. Allows the OAG to review a county's progress towards implementing election integrity audit recommendations that have not yet been implemented beyond the two-year period.
20. Requires the OAG to report any election integrity audit findings and recommendations and the status of a county's progress towards implementation to the President of the Senate, Speaker of the House of Representatives, JLAC, the Governor, SOS and Attorney General (AG).
21. Requires a county subject to an election integrity audit to:
 - a) post the election integrity audit report and implementation status report on the county website; and
 - b) participate in any hearing related to the election integrity audit scheduled by JLAC.
22. Requires the OAG and the OAG's authorized representatives, for the purpose of election integrity audits, to have access to:
 - a) any personnel and data from a county recorder's office and any county elections department, ADOT and the SOS, including access to electronic data or data and property from a third party that the OAG deems necessary to perform election integrity audit duties, including voter registration data; and
 - b) polling places, voting centers and central counting centers.
23. Requires data required by the OAG for election integrity audits to be provided in the manner and format prescribed by the OAG.
24. Defines *election integrity audit*.
25. Repeals statutory authorization for election integrity audits on January 1, 2030.

Auditor General

26. Requires the OAG to conduct annual, rather than biennial, financial and compliance audits of financial transactions and accounts kept by state agencies subject to federal single-audit requirements.
27. Requires school districts to submit a written status report on the implementation of OAG performance audit recommendations upon request of the OAG, rather than every six months within the two-year period following the audit.
28. Requires the recipient of a transportation excise tax, in addition to the Arizona Department of Transportation (ADOT), to:
 - a) cooperate with and provide necessary information to the OAG; and
 - b) reimburse the OAG for the cost of conducting studies or hiring a consultant to conduct studies relating to county transportation excise tax monies.
29. Grants the OAG, in the performance of official duties, access to employees of state agencies, boards and commissions or political subdivisions of the state.
30. Requires the OAG to comply with statutory requirements relating to criminal history information.

31. Allows the OAG or the OAG's authorized representative to attend executive sessions, in the performance of any official duties, rather than only duties relating to special research requests, special audits, assignments designated by JLAC, performance audits and school district audits.
32. Allows the OAG, in the performance of official duties, to attend executive sessions of any entity subject to Arizona open meeting law, rather than only state agencies and school districts.
33. Requires officers of the state or a political subdivision to:
 - a) provide reasonable and needed facilities for OAG staff; and
 - b) make records available to OAG staff.
34. Requires the AG to supervise the prosecution of all individuals who violate statutory requirements for OAG access to executive sessions, records and information.
35. Classifies, as a class 6 felony, knowingly obstructing or misleading the OAG in the execution of the OAG's duties.
36. Increases, from a class 2 misdemeanor to a class 6 felony, the classification for a failure to provide access and examination to the OAG by a person or officer.

Voter Registration Collectors

37. Requires an unpaid person who collects more than 25 completed voter registration forms and a paid person who collects 1 or more registration forms within a calendar year to register with the SOS before soliciting, assisting with or collecting voter registration forms.
38. Requires the SOS to establish a procedure for registering paid or unpaid voter registration collectors, including registration applications, in the EPM and publish all information required for registration on the SOS's website.
39. Requires a registration application to require:
 - a) the person's full name, residence address, telephone number and email address;
 - b) the name, address and telephone number of any entity or organization for which the person is volunteering or by whom the person is paid;
 - c) a statement that the person consents to the jurisdiction of Arizona courts in resolving any disputes concerning assisting in, soliciting or collecting voter registrations; and
 - d) an affidavit signed before a notary by the person that includes a prescribed declaration.
40. Requires the SOS's office to assign a unique identifier to each person who registers as an unpaid or paid voter registration collector.
41. Requires a registered voter registration collector to place the collector's unique identifier on any voter registration form that the person solicits, assists with or collects.
42. Requires additional voter registration volunteers and paid or unpaid voter registration collectors who receive voter registration forms to provide completed registration forms to the appropriate elections official, as follows:
 - a) return or mail the completed form to the appropriate county recorder or the SOS within five days after receipt of the registrations; or
 - b) return completed registration forms to the appropriate county recorder so that they are received by the voter registration deadline for the upcoming election, whichever is earlier.

43. Asserts that additional voter registration volunteers and paid and unpaid registration collectors may be required to register with the SOS.

Voter Registration List Maintenance

44. Requires, rather than allows, a county recorder to use the National Change of Address (NCOA) information provided by the U.S. Postal Service (USPS) to identify registrants whose address may have changed.
45. Requires the NCOA registrant check to occur on the first day of each month, except for months in which the county recorder conducts an election, rather than requiring a county recorder that opts to perform an NCOA registrant check to do so by May 1 of the year preceding a state primary or general election.
46. Requires a registrant to provide, rather than allowing a county recorder to require a registrant to provide, affirmation or confirmation of the registrant's address in order to vote if an NCOA registrant check indicates that the registrant has moved to a different residence address in the same county.
47. Allows a county recorder, if the USPS designates an elector as having a permanent or temporary forwarding address and provides the address to the county recorder within 20 days of the date of the election, to send notice to the elector with a:
- a) permanent forwarding address informing the elector that voting materials cannot be forwarded to that address and if the elector wishes to receive voting materials at that address, the elector must update the elector's registration information and re-register at the new address; or
 - b) temporary forwarding address informing the elector that voting materials cannot be forwarded to that address unless the voter makes a request for voting materials at that address.

Signature Verification Training and Testing

48. Requires the SOS to establish and administer training or create a training module for signature verification as a separate course of instruction and a signature verification test for election officers whose duties include verifying signatures on early ballots.
49. Requires the signature verification training to be based on the handwriting verification guidelines established by the Federal Bureau of Investigation.
50. Allows the separate course of instruction for signature verification to be provided as part of the training for election officer's certification.

Hand Count Audits

51. Allows, if an insufficient number of persons are provided by political parties, the hand count audit to be conducted with a sufficient number of persons that are available and arrive to perform the hand count who are registered with no political party designation.

Miscellaneous

52. Makes technical and conforming changes.
53. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Removes requirements related to the placement, use and security of ballot drop boxes.
2. Appropriates \$4,622,000 and 35.25 full-time equivalent positions from the state GF in FY 2023 to the OAG for election integrity audits and exempts the appropriation from lapsing.
3. Classifies, as a class 2 misdemeanor, destroying, degrading or otherwise altering digital ballot images.
4. Exempts elections held by special taxing districts for the purpose of protecting or providing services to agricultural lands or crops from requirements relating to posting of digital ballot images.
5. Allows a county recorder, if the USPS designates an elector as having a permanent or temporary forwarding address and provides the address to the county recorder within 11 days of the date of the election, to send notice to the elector including prescribed information.
6. Specifies that election integrity audits must only be performed each federal election cycle.
7. Increases, from a class 2 misdemeanor to a class 6 felony, the classification for:
 - a) a failure to provide access and examination to the OAG by a person or officer; or
 - b) knowingly misleading or obstructing the OAG in the execution of the OAG's official duties.
8. Requires paid and volunteer voter registration collectors, if the voter registration deadline is earlier than five days after receipt of the collected forms, to return completed registration forms to the appropriate county recorder so that they are received by the voter registration deadline for the upcoming election.
9. Exempts months that a county recorder is conducting an election from the requirement that a county recorder perform a monthly NCOA registrant check.
10. Removes the ability of employees of a county recorder or other officer in charge of elections to perform a hand count audit.
11. Allows the SOS to create a training module for signature verification, rather than establish and administer training for signature verification.
12. Makes technical and conforming changes.

Amendments Adopted by Committee of the Whole

1. Decreases, from \$4,622,000 and 35.25 FTEs to \$3,980,000 and 29.25 FTEs, the appropriation from the state GF in FY 2023 to the OAG for election integrity audits.
2. Requires the OAG, each federal election cycle, to conduct an election integrity audit examining at least one of four prescribed elections categories, rather than all four of the prescribed elections categories.
3. Clarifies that the SOS, a county recorder or other officer in charge of elections are not liable for any personal identifying information, handwritten statements or other notations made or provided by a voter that is included on digital ballot images.
4. Removes the requirement that a county subject to an election integrity audit participate in any hearing related to the audit scheduled by a legislative committee designated by the JLAC.
5. Allows a county recorder to send a notice to a voter with a permanent or temporary forwarding address, if the forwarding address is provided by the USPS 20 days, rather than 11 days, before an election.
6. Modifies the definition of *election integrity audit* to exempt elections held by a special taxing district formed for the purpose of protecting or providing services to agricultural lands or crops.
7. Makes technical and conforming changes.

Senate Action

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Prepared by Senate Research

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