

REFERENCE TITLE: voting equipment; requirements; records; origin

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

SB 1465

Introduced by
Senator Rogers

AN ACT

AMENDING SECTION 16-442, ARIZONA REVISED STATUTES; RELATING TO VOTING
EQUIPMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 16-442, Arizona Revised Statutes, is amended to read:

16-442. Committee approval; adoption of vote tabulating equipment; experimental use; emergency

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 AND AT LEAST ONE OF WHOM HOLDS AN INDUSTRY-RECOGNIZED CYBERSECURITY CERTIFICATION. The committee shall investigate and test the various types of vote recording or tabulating machines or devices that may be used under this article AND REVIEW REPORTS THAT SHOW COMPLIANCE WITH AN OPEN WEB APPLICATION SECURITY VERIFICATION STANDARD LEVEL 3 AND WITH AN APPROPRIATE CENTER FOR INTERNET SECURITY LEVEL 2 BENCHMARKS. 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.

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~~ ALLOWS 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.

1 2. The person or firm uses or includes hardware, firmware or
2 software in a version that is not certified for use or approved for
3 experimental use pursuant to this section in a certified voting system or
4 device.

5 E. The governing body of a city or town or the board of directors
6 of an agricultural improvement district may adopt for use in elections any
7 kind of electronic voting system or vote tabulating device approved by the
8 secretary of state, and thereupon the voting or marking device and vote
9 tabulating equipment may be used at any or all elections for voting,
10 recording and counting votes cast at an election.

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

15 G. NOT LATER THAN THE DATE OF THE AUGUST 2024 PRIMARY ELECTION, THE
16 SECRETARY OF STATE SHALL REVOKE THE CERTIFICATION FOR VOTE RECORDING, VOTE
17 AGGREGATION AND VOTE TABULATING MACHINES AND DEVICES USED FOR ELECTIONS
18 FOR FEDERAL, STATE OR COUNTY OFFICES UNLESS THE MACHINES AND DEVICES
19 COMPLY WITH THIS SUBSECTION. THE VOTE RECORDING AND VOTE TABULATING
20 MACHINES AND DEVICES SHALL:

21 1. BE MANUFACTURED IN THE UNITED STATES.

22 2. HAVE ALL SOFTWARE FULLY MEET THE THEN CURRENT OPEN WEB
23 APPLICATION SECURITY PROJECT APPLICATION SECURITY VERIFICATION STANDARD
24 LEVEL 3 REQUIREMENTS, OR THE EQUIVALENT STANDARD IF THE APPLICATION
25 SECURITY VERIFICATION STANDARD CEASES TO BE MAINTAINED, AS DETERMINED BY A
26 COMPANY BASED IN THIS COUNTRY THAT PERFORMS MORE THAN \$500,000 ANNUALLY IN
27 APPLICATION SECURITY SPECIFIC WORK AND THAT USES ONLY UNITED STATES
28 CITIZENS TO PERFORM THE ASSESSMENT.

29 3. HAVE ALL OPERATING SYSTEMS AND SOFTWARE BE CONFIGURED TO THE
30 APPROPRIATE CENTER FOR INTERNET SECURITY LEVEL 2 BENCHMARKS, OR EQUIVALENT
31 STANDARDS, WITH ANY REQUIRED VARIATIONS ONLY ON APPROVAL OF THE SECRETARY
32 OF STATE.

33 4. NOT HAVE HARDWARE INSTALLED THAT SUPPORTS INTERNET CONNECTIVITY
34 OR ANY OTHER FORM OF ACCESS THAT DOES NOT REQUIRE PHYSICALLY BEING IN
35 FRONT OF THE DEVICE.

36 5. SUPPORT THE USAGE AND TRACKING OF USER ACCOUNTS ATTRIBUTABLE TO
37 A SPECIFIC INDIVIDUAL FOR ALL ADMINISTRATIVE, MAINTENANCE OR POLL WORKER
38 ACTIONS.

39 6. MAINTAIN FOR TWENTY-TWO MONTHS AN INTERNAL RECORD OF ALL OF THE
40 FOLLOWING ELECTION DATA:

41 (a) EVERY INSERTION AND REMOVAL OF A MASS STORAGE DEVICE.

42 (b) EVERY CREATION, DELETION OR MOVEMENT OF A FILE.

43 (c) ALL ADMINISTRATIVE, MAINTENANCE OR POLL WORKER LOGIN OR OTHER
44 ACTIONS.

1 (d) EVERY UPDATE TO SOFTWARE, INCLUDING THE DATE AND TIME AND ANY
2 CONNECTION TO THE INTERNET.

3 (e) EVERY KEY STROKE OR SCREEN TOUCH MADE, EXCLUDING THE ENTERING
4 OF A PASSWORD.

5 7. FOR VOTE RECORDING MACHINES AND DEVICES, PROVIDE A PRINTED
6 RECORD OF THE VOTER'S CHOICES IN A HUMAN-DISCERNIBLE FORMAT.

7 8. FOR VOTE TABULATING DEVICES, BASED ON AN IDENTIFYING MARK ON
8 EACH BALLOT, MAINTAIN AN INTERNAL RECORD OF THE BALLOTS INSERTED OR
9 SCANNED AND THE NUMBER TABULATED, INCLUDING ANY BALLOTS THAT ARE
10 RESCANNED.

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