HOUSE BILL 2560

AN ACT

AMENDING TITLE 16, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-407.04; AMENDING SECTION 16-673, ARIZONA REVISED STATUTES; RELATING TO CONDUCT OF ELECTIONS.

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

Section 1. Title 16, chapter 4, article 1, Arizona Revised Statutes, is amended by adding section 16-407.04, to read:

16-407.04. Voter lists; ballot images; cast vote record; ballot storage; electronic portal; violation; classification; definitions

A. NOTwithstanding any other law:

1. Not later than ten days before each election, the county recorder shall prepare a list of all voters who are registered to vote in the election, including persons who are on the inactive voter list. The list shall be limited to the voters' full registered names, years of birth, street addresses and precinct numbers. For voters who are protected pursuant to sections 11-483 and 11-484 or who are enrolled in the address confidentiality program established pursuant to section 41-162, the list shall include only the total number of voters by precinct numbers. The county recorder shall transmit this information to the secretary of state who shall immediately post the information on a secure website in a convenient downloadable format. The county recorder shall not include any voter's personal identifying information in the transmittal to the secretary of state.

2. After the primary and general election and not later than forty-eight hours after the delivery of the official county canvass, the county recorder or other county officer in charge of elections shall submit to the secretary of state, who shall immediately post the material on a secure website in a convenient downloadable format, all of the following:

(a) A list of all persons who voted in the election. The list shall be limited to the voters' names, years of birth, street addresses and precinct numbers. For voters who are protected pursuant to sections 11-483 and 11-484 or who are enrolled in the address confidentiality program established pursuant to section 41-162, the list shall include only the total number of voters by precinct numbers. The county recorder shall transmit this information to the secretary of state and shall not include any voter's personal identifying information in the transmittal.

(b) Unaltered images of all ballots used in the tabulation of the election, except that images of original large format, braille ballots and ballots received pursuant to the uniformed and overseas citizens absentee voting act (P.L. 99-410; 52 United States Code section 20302) and any summary report for each batch for counties whose election management system does not tie images or electronically adjudicated ballots to underlying original ballot images are not required to be transmitted or posted. If a ballot has been adjudicated or duplicated, the adjudicated or duplicated ballot image shall be transmitted together with the original ballot image. If a ballot was duplicated and an image of the original
BALLOT WAS CREATED DURING THE DUPLICATION PROCESS, THE IMAGE OF THE ORIGINAL BALLOT MUST ALSO BE TRANSMITTED.

(c) THE CAST VOTE RECORD IN A SORTABLE FORMAT.

3. THE COUNTY RECORDER OR OTHER COUNTY OFFICER IN CHARGE OF ELECTIONS SHALL ENSURE THAT PAPER BALLOTS ARE STORED IN A MANNER THAT ALLOWS FOR CONVENIENT RETRIEVAL.

4. A PERSON SHALL NOT USE FOR COMMERCIAL PURPOSES ANY PORTION OF A VOTER LIST OR BALLOT IMAGE THAT IS MADE AVAILABLE PURSUANT TO THIS SECTION. THE TOTAL NUMBER OF PROTECTED VOTERS SHALL BE INCLUDED ON THE LISTS PRESCRIBED BY THIS SECTION WITHOUT INCLUDING ANY NAMES, ADDRESSES OR OTHER INFORMATION FOR THOSE PROTECTED VOTERS AND SHALL SUPPRESS PRECINCT OR PRECINCT SPLIT INFORMATION FOR THOSE PROTECTED VOTERS.

B. FOR PRECINCTS AND PRECINCT SPLITS THAT CONTAIN FEWER THAN TWENTY-FIVE REGISTERED VOTERS, BOTH OF THE FOLLOWING APPLY:

1. FOR VOTER LISTS PRESCRIBED BY SUBSECTION A, PARAGRAPHS 1 AND 2 OF THIS SECTION, ONLY THE TOTAL NUMBER OF VOTERS MAY BE INCLUDED ON THE VOTER LISTS, AND NAMES, ADDRESSES AND ALL OTHER INFORMATION FOR THOSE VOTERS SHALL BE SUPPRESSED.

2. FOR BALLOT IMAGES AND CAST VOTE RECORDS PRESCRIBED BY SUBSECTION A, PARAGRAPH 2 OF THIS SECTION, ONLY THE TOTAL NUMBER OF IMAGES AND THE TOTAL NUMBER OF CAST VOTE RECORDS MAY BE INCLUDED, AND NAMES, ADDRESSES AND ALL OTHER INFORMATION FOR THOSE VOTERS SHALL BE SUPPRESSED.

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

D. THE SECRETARY OF STATE SHALL ESTABLISH AND ADMINISTER AN ELECTRONIC PORTAL TO RECEIVE REQUESTS FOR ACCESS TO THE MATERIALS PRESCRIBED BY THIS SECTION. THE SECRETARY OF STATE SHALL REQUIRE THE FOLLOWING FROM ANY PERSON REQUESTING ACCESS:

1. THE NAME, ADDRESS, EMAIL ADDRESS, TELEPHONE NUMBER AND PROOF OF IDENTITY OF THE PERSON.

2. A DECLARATION SIGNED BY THE PERSON STATING THAT THE PERSON WILL NOT DO ANY OF THE FOLLOWING:
   (a) USE THE MATERIAL FOR A COMMERCIAL PURPOSE AS PRESCRIBED BY SECTION 39-121.03.
   (b) ALTER THE IMAGES OR INFORMATION IN ANY MANNER.
   (c) USE THE INFORMATION OR IMAGES FOR VOTER INTIMIDATION AS PRESCRIBED BY SECTIONS 16-1012 AND 16-1013.

E. ANY PERSON WHO USES FOR A COMMERCIAL PURPOSE ANY PORTION OF A VOTER LIST OR BALLOT IMAGE PRESCRIBED BY THIS SECTION OR WHO INTENTIONALLY ALTERS ANY INFORMATION OR IMAGES RECEIVED PURSUANT TO THIS SECTION IS GUILTY OF A CLASS 5 FELONY.
F. THE SECRETARY OF STATE, COUNTY RECORDER AND OTHER COUNTY OFFICER
IN CHARGE OF ELECTIONS SHALL NOT ALTER OR ADD ANY VOTER DATA AS PART OF
ANY SECURITY MEASURE USED IN IMPLEMENTING THIS SECTION.

G. FOR THE PURPOSES OF THIS SECTION:
1. "CAST VOTE RECORD" MEANS THE ELECTRONIC RECORDS AVAILABLE WITHIN
AN ELECTION MANAGEMENT SYSTEM THAT SHOW HOW THE VOTES WERE CAST ON EACH
ANONYMOUS BALLOT FOR EACH RACE AND THAT ALLOW FOR VERIFICATION OF THE
ACCUMULATED VOTE TOTALS FOR EACH CANDIDATE OR ISSUE TOGETHER WITH A
SUMMARY REPORT FOR EACH BATCH FOR COUNTIES WHOSE ELECTION MANAGEMENT
SYSTEM DOES NOT TIE IMAGES OF ELECTRONICALLY ADJUDICATED BALLOTS TO
UNDERLYING ORIGINAL BALLOT IMAGES.

2. "PERSONAL IDENTIFYING INFORMATION" MEANS THE VOTER'S MONTH AND
DAY OF BIRTH, DRIVER LICENSE NUMBER, NONOPERATING IDENTIFICATION LICENSE
NUMBER, SOCIAL SECURITY NUMBER OR PORTION OF THAT NUMBER, INDIAN CENSUS
NUMBER, FATHER'S NAME, MOTHER'S MAIDEN NAME AND STATE AND COUNTY OF BIRTH,
THE RECORDS THAT CONTAIN A VOTER'S SIGNATURE AND THE VOTER'S EMAIL
ADDRESS.

Sec. 2. Section 16-673, Arizona Revised Statutes, is amended to
read:

16-673. Statement of contest; verification; filing

A. The elector contesting a state election shall, within five SEVEN
days after completion of the canvass of the election and declaration of
the result thereof by the secretary of state or by the governor, file in the court in which the contest is commenced a statement in writing
setting forth:

1. The name and residence of the party PERSON contesting the
election, and that he THE PERSON is an elector of the state and county in
which he THE PERSON resides.

2. The name of the person whose right to the office is contested,
or the title of the measure, or constitutional amendment, or other
proposition as it appeared upon ON the official ballot.

3. The office the election to which is contested.

4. The particular grounds of the contest.

B. The statement shall be verified by the affidavit of the
contester that he THE CONTESTOR believes the matters and things therein
contained IN THE STATEMENT are true.