

Senate Engrossed House Bill  
elections; option; full hand count

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

# HOUSE BILL 2722

AN ACT

AMENDING SECTION 16-621, ARIZONA REVISED STATUTES; RELATING TO CONDUCT OF ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-621, Arizona Revised Statutes, is amended to  
3 read:

4 16-621. Proceedings at the counting center

5 A. All proceedings at the counting center shall be under the  
6 direction of the board of supervisors or other officer in charge of  
7 elections and shall be conducted in accordance with the approved  
8 instructions and procedures manual issued pursuant to section 16-452 under  
9 the observation of representatives of each political party and the public.  
10 The proceedings at the counting center may also be observed by up to three  
11 additional people representing a candidate for nonpartisan office, or  
12 representing a political committee in support of or in opposition to a  
13 ballot measure, proposition or question. A draw by lot shall determine  
14 which three groups or candidates shall have representatives participate in  
15 the observation at the counting center. Persons representing a candidate  
16 for nonpartisan office or persons or groups representing a political  
17 committee in support of or in opposition to a ballot measure, proposition  
18 or question, who are interested in participating in the observation, shall  
19 notify the officer in charge of elections of their desire to be included  
20 in the draw not later than seventeen days before the election. After the  
21 deadline to receive submissions from the interested persons or groups, but  
22 prior to fourteen days before the election, the county officer in charge  
23 of elections shall draw by lot, from the list of those that expressed  
24 interest, three persons or groups and those selected shall be notified and  
25 allowed to observe the proceedings at the counting center. If a group is  
26 selected the group may alter who represents that group for different days  
27 of observation but on any given observation day a selected group shall not  
28 send more than one observer. A group may rotate an observer throughout  
29 the day. Only those persons who are authorized for the purpose shall  
30 touch any ballot or ballot card or return. All persons who are engaged in  
31 processing and counting of the ballots shall be qualified electors, shall  
32 be deputized in writing and shall take an oath that they will faithfully  
33 perform their assigned duties. There shall be no preferential counting of  
34 ballots for the purpose of projecting the outcome of the election. If any  
35 ballot, including any ballot received from early voting, is damaged or  
36 defective so that it cannot properly be counted by the automatic  
37 tabulating equipment, a true duplicate copy ~~shall be made~~ of the damaged  
38 or defective ballot **SHALL BE MADE** in the presence of witnesses and  
39 substituted for the damaged or defective ballot. All duplicate ballots  
40 created pursuant to this subsection shall be clearly labeled "duplicate"  
41 and shall bear a serial number that shall be recorded on the damaged or  
42 defective ballot.

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

6 1. The electronic vote adjudication feature shall be included in  
7 the tabulation system logic and accuracy testing prescribed by section  
8 16-449.

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

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

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

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

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

29 C. THE COUNTY RECORDER OR ANY PERSON WHO IS DESIGNATED BY THE BOARD  
30 OF SUPERVISORS MAY COUNT BY HAND ALL OR ANY PORTION OF THE BALLOTS IN AN  
31 ELECTION. IF THE HAND COUNT IS FOR LESS THAN ONE HUNDRED PERCENT OF THE  
32 BALLOTS, THE SPECIFIC BALLOTS TO BE COUNTED SHALL BE RANDOMLY  
33 SELECTED. FOR AN ELECTION FOR WHICH THE OFFICER IN CHARGE OF ELECTIONS  
34 CHOOSES TO COUNT WITH TABULATING EQUIPMENT, if for any reason it becomes  
35 impracticable to count all or a part of the ballots with tabulating  
36 equipment, the officer in charge of elections may direct that they be  
37 counted manually, following as far as practicable the provisions governing  
38 the counting of paper ballots.

39 D. For any statewide, county or legislative election, the county  
40 recorder or officer in charge of elections shall provide for a live video  
41 recording of the custody of all ballots while the ballots are present in a  
42 tabulation room in the counting center. The live video recording shall  
43 include date and time indicators and shall be linked to the secretary of  
44 state's website. The secretary of state shall post links to the video  
45 coverage for viewing by the public. The county recorder or officer in

1 charge of elections shall record the video coverage of the ballots at the  
2 counting center and shall retain those recordings as a public record for  
3 at least as long as the challenge period for the general election. If the  
4 live video feed is disrupted or disabled, the recorder or officer in  
5 charge of elections is not liable for the disruption but shall attempt to  
6 reinstate video coverage as soon as is practicable. Any disruption in  
7 video coverage shall not affect or prevent the continued tabulation of  
8 ballots. This subsection is contingent on legislative appropriation.

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

13 Sec. 2. Legislative intent

14 By this act the legislature intends to clarify existing law.