

House Engrossed Senate Bill

registrations; observers; counting procedures; verification

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1175

AN ACT

AMENDING SECTIONS 16-168 AND 16-544, ARIZONA REVISED STATUTES; AMENDING SECTION 16-550, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 271, SECTION 2; REPEALING SECTION 16-550, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 358, SECTION 1; AMENDING SECTIONS 16-590, 16-602 AND 16-621, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 10, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-621.01; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-168, Arizona Revised Statutes, is amended to
3 read:

4 16-168. Precinct registers; date of preparation; contents;
5 copies; reports; statewide database; violation;
6 classification

7 A. By the tenth day preceding the primary and general elections the
8 county recorder shall prepare from the original registration forms or from
9 electronic media at least four lists that are printed or typed on paper,
10 or at least two electronic media poll lists, or any combination of both,
11 of all qualified electors in each precinct in the county, and the lists
12 shall be the official precinct registers.

13 B. The official precinct registers for use at the polling place
14 shall contain at least the names in full, party preference, date of
15 registration and residence address of each qualified elector in the
16 respective precincts. The names shall be in alphabetical order and, in a
17 column to the left of the names, shall be numbered consecutively beginning
18 with number 1 in each precinct register.

19 C. For the purposes of transmitting voter registration information
20 as prescribed by this subsection, electronic media shall be the principal
21 media. A county or state chairman who is eligible to receive copies of
22 precinct lists as prescribed by this subsection may request that the
23 recorder provide a paper copy of the precinct lists. In addition to
24 preparing the official precinct lists, the county recorder shall provide a
25 means for electronically reproducing the precinct lists. Unless otherwise
26 agreed, the county recorder shall deliver one electronic media copy of
27 each precinct list in the county without charge and on the same day within
28 eight days after the close of registration for the primary and general
29 elections to the county chairman and one electronic media copy to the
30 state chairman of each party that has at least four candidates other than
31 presidential electors appearing on the ballot in that county at the
32 current election. The secretary of state shall establish a single format
33 that prescribes the manner and template in which all county recorders
34 provide this data to the secretary of state to ensure that the submissions
35 are uniform from all counties in this state, that all submissions are
36 identical in format, including the level of detail for voting history, and
37 that information may readily be combined from two or more counties. The
38 electronic media copies of the precinct lists that are delivered to the
39 party chairmen shall include for each elector the following information:

- 40 1. Name in full and appropriate title.
- 41 2. Party preference.
- 42 3. Date of registration.
- 43 4. Residence address.

- 1 5. Mailing address, if different from residence address.
- 2 6. Zip code.
- 3 7. Telephone number if given.
- 4 8. Birth year.
- 5 9. Occupation if given.
- 6 10. Voting history for all elections in the prior four years and
- 7 any other information regarding registered voters that the county recorder
- 8 or city or town clerk maintains electronically and that is public
- 9 information.

10 11. All data relating to early voters, including ballot requests

11 and ballot returns.

12 D. The names on the precinct lists shall be in alphabetical order

13 and the precinct lists in their entirety, unless otherwise agreed, shall

14 be delivered to each county chairman and each state chairman within ten

15 business days of the close of each date for counting registered voters

16 prescribed by subsection G of this section other than the primary and

17 general election registered voter counts in the same format and media as

18 prescribed by subsection C of this section. During the thirty-three days

19 immediately preceding an election and on request from a county or state

20 chairman, the county recorder shall provide at no cost a daily list of

21 persons who have requested an early ballot and shall provide at no cost a

22 weekly listing of persons who have returned their early ballots. The

23 recorder shall provide the daily and weekly information through the Friday

24 preceding the election. On request from a county chairman or state

25 chairman, the county recorder of a county with a population of more than

26 eight hundred thousand persons shall provide at no cost a daily listing of

27 persons who have returned their early ballots. The daily listing shall be

28 provided Mondays through Fridays, beginning with the first Monday

29 following the start of early voting and ending on the Monday before the

30 election.

31 E. Precinct registers and other lists and information derived from

32 registration forms ~~may be used only for purposes relating to a political~~

33 ~~or political party activity, a political campaign or an election, for~~

34 ~~revising election district boundaries or for any other purpose~~

35 ~~specifically authorized by law and~~ may not be used for a commercial

36 purpose as defined in section 39-121.03. The sale of registers, lists and

37 information derived from registration forms to a candidate or a registered

38 political committee for a use specifically authorized by this subsection

39 does not constitute use for a commercial purpose. The county recorder,

40 the secretary of state and other officers in charge of elections, ~~SHALL~~

41 ~~PROVIDE FOR ELECTRONIC ACCESS TO VOTER REGISTRATION INFORMATION, AND~~ on a

42 request for ~~an authorized~~ A NONCOMMERCIAL use and within thirty days from

43 receipt of the request, shall prepare additional copies of an official

44 precinct list and furnish them to any person ~~requesting them on payment of~~

45 ~~WHO ESTABLISHES AN ELECTRONIC PROFILE WITH THE INFORMATION PROVIDER, WHO~~

1 ATTESTS THAT THE INFORMATION WILL NOT BE USED FOR A COMMERCIAL PURPOSE AND
2 WHO PAYS a fee equal to the following amounts for the following number of
3 voter registration records provided:

4 1. For one to one hundred twenty-four thousand nine hundred
5 ninety-nine records, \$93.75 plus \$0.0005 per record.

6 2. For one hundred twenty-five thousand to two hundred forty-nine
7 thousand nine hundred ninety-nine records, \$156.25 plus \$0.000375 per
8 record.

9 3. For two hundred fifty thousand to four hundred ninety-nine
10 thousand nine hundred ninety-nine records, \$203.13 plus \$0.00025 per
11 record.

12 4. For five hundred thousand to nine hundred ninety-nine thousand
13 nine hundred ninety-nine records, \$265.63 plus \$0.000125 per record.

14 5. For one million or more records, \$328.13 plus \$0.0000625 per
15 record.

16 F. ~~Any person in possession of a precinct register or list, in~~
17 ~~whole or part, or any reproduction of a precinct register or list, shall~~
18 ~~not permit the register or list to be used, bought, sold or otherwise~~
19 ~~transferred for any purpose except for uses otherwise authorized by this~~
20 ~~section. A person in possession of information derived from voter~~
21 ~~registration forms or precinct registers shall not distribute, post or~~
22 ~~otherwise provide access to any portion of that information through the~~
23 ~~internet except as authorized by subsection I of this section. Nothing in~~
24 This section shall DOES NOT preclude public inspection POSTING of voter
25 registration records ~~at the office of the county recorder for the purposes~~
26 ~~prescribed by this section~~, except that the month and day of birth date,
27 the social security number or any portion thereof, the driver license
28 number or nonoperating identification license number, the Indian census
29 number, the father's name or mother's maiden name, the state or country of
30 birth and the records containing a voter's signature and a voter's ~~e-mail~~
31 EMAIL address shall not be accessible or reproduced by any person other
32 than the voter, by an authorized government official in the scope of the
33 official's duties, for any purpose by an entity designated by the
34 secretary of state as a voter registration agency pursuant to the national
35 voter registration act of 1993 (P.L. 103-31; 107 Stat. 77), for signature
36 verification on petitions and candidate filings, for election purposes and
37 for news gathering purposes by a person engaged in newspaper, radio,
38 television or reportorial work, or connected with or employed by a
39 newspaper, radio or television station or pursuant to a court order.
40 Notwithstanding any other law, a voter's ~~e-mail~~ EMAIL address may not be
41 released for any purpose. A person who violates this subsection or
42 subsection E of this section is guilty of a class 6 felony.

1 G. The county recorder shall count the registered voters by
2 political party by precinct, legislative district and congressional
3 district as follows:

4 1. In even numbered years, the county recorder shall count all
5 persons who are registered to vote as of:

6 (a) January 2.

7 (b) April 1.

8 (c) The last day on which a person may register to be eligible to
9 vote in the next primary election.

10 (d) The last day on which a person may register to be eligible to
11 vote in the next general election.

12 (e) The last day on which a person may register to be eligible to
13 vote in the next presidential preference election.

14 2. In odd numbered years, the county recorder shall count all
15 persons who are registered to vote as of:

16 (a) January 2.

17 (b) April 1.

18 (c) July 1.

19 (d) October 1.

20 H. The county recorder shall report the totals to the secretary of
21 state as soon as is practicable following each of the dates prescribed in
22 subsection G of this section. The report shall include completed
23 registration forms returned in accordance with section 16-134,
24 subsection B. The county recorder shall also provide the report in a
25 uniform electronic computer media format that shall be agreed on between
26 the secretary of state and all county recorders. The secretary of state
27 shall then prepare a summary report for the state and shall maintain that
28 report as a permanent record.

29 I. The county recorder and the secretary of state shall protect
30 access to voter registration information in an auditable format and method
31 specified in the secretary of state's electronic voting system
32 instructions and procedures manual that is adopted pursuant to section
33 16-452.

34 J. The secretary of state shall develop and administer a statewide
35 database of voter registration information that contains the name and
36 registration information of every registered voter in this state. The
37 statewide database is a matter of statewide concern and is not subject to
38 modification or further regulation by a political subdivision. The
39 database shall include an identifier that is unique for each individual
40 voter. The database shall provide for access by voter registration
41 officials and shall allow expedited entry of voter registration
42 information after it is received by county recorders. As a part of the
43 statewide voter registration database, county recorders shall provide for
44 the electronic transmittal of that information to the secretary of state
45 on a real time basis. The secretary of state shall provide for

1 maintenance of the database, including provisions regarding removal of
2 ineligible voters that are consistent with the national voter registration
3 act of 1993 (P.L. 103-31; 107 Stat. 77; 52 United States Code sections
4 20501 through 20511) and the help America vote act of 2002 (P.L. 107-252;
5 116 Stat. 1666; 52 United States Code sections 20901 through 21145),
6 provisions regarding removal of duplicate registrations and provisions to
7 ensure that eligible voters are not removed in error. For the purpose of
8 maintaining compliance with the help America vote act of 2002, each county
9 voter registration system is subject to approval by the secretary of state
10 for compatibility with the statewide voter registration database system.

11 K. Except as provided in subsection L of this section, for requests
12 for the use of registration forms and access to information as provided in
13 subsections E and F of this section, the county recorder shall receive and
14 respond to requests regarding federal, state and county elections.

15 L. Beginning January 1, 2008, recognized political parties shall
16 request precinct lists and access to information as provided in
17 subsections E and F of this section during the time periods prescribed in
18 subsection C or D of this section and the county recorder shall receive
19 and respond to those requests. If the county recorder does not provide
20 the requested materials within the applicable time prescribed for the
21 county recorder pursuant to subsection C or D of this section, a
22 recognized political party may request that the secretary of state provide
23 precinct lists and access to information as provided in subsections E and
24 F of this section for federal, state and county elections. The secretary
25 of state shall not provide access to precinct lists and information for
26 recognized political parties unless the county recorder has failed or
27 refused to provide the lists and materials as prescribed by this section.
28 The secretary of state may charge the county recorder a fee determined by
29 rule for each name or record produced.

30 M. For municipal registration information in those municipalities
31 in which the county administers the municipal elections, county and state
32 party chairmen shall request and obtain voter registration information and
33 precinct lists from the city or town clerk during the time periods
34 prescribed in subsection C or D of this section. If the city or town
35 clerk does not provide that information within the same time prescribed
36 for county recorders pursuant to subsection C or D of this section, the
37 county or state party chairman may request and obtain the information from
38 the county recorder. The county recorder shall provide the municipal
39 voter registration and precinct lists within the time prescribed in
40 subsection C or D of this section.

41 N. The county recorders and the secretary of state shall not
42 prohibit any person or entity prescribed in subsection C of this section
43 from distributing a precinct list to any person or entity that is deemed
44 to be using the precinct list in a lawful manner as prescribed in
45 subsections E and F of this section.

1 Sec. 2. Section 16-544, Arizona Revised Statutes, is amended to
2 read:

3 16-544. Active early voting list; civil penalty; violation;
4 classification; definition

5 A. Any voter may request to be included on a list of voters to
6 receive an early ballot by mail for any election for which the county
7 voter registration roll is used to prepare the election register. The
8 county recorder of each county shall maintain the active early voting list
9 as part of the voter registration roll.

10 B. In order to be included on the active early voting list, the
11 voter shall make a written request specifically requesting that the
12 voter's name be added to the active early voting list for all elections in
13 which the applicant is eligible to vote. An early voter request form
14 shall conform to requirements prescribed in the instructions and
15 procedures manual issued pursuant to section 16-452. The application
16 shall allow for the voter to provide the voter's name, residence address,
17 mailing address in the voter's county of residence, date of birth and
18 signature and shall state that the voter is attesting that the voter is a
19 registered voter who is eligible to vote in the county of residence. The
20 voter shall not list a mailing address that is outside of this state for
21 the purpose of the active early voting list unless the voter is an absent
22 uniformed services voter or overseas voter as defined in the uniformed and
23 overseas citizens absentee voting act ~~of 1986~~ (P.L. 99-410; 52 United
24 States Code section 20310). In lieu of the application, the applicant may
25 submit a written request that contains the required information.

26 C. On receipt of a request to be included on the active early
27 voting list, the county recorder or other officer in charge of elections
28 shall compare the signature on the request form with the voter's signature
29 on the voter's registration form and, if the request is from the voter,
30 shall mark the voter's registration file as an active early ballot
31 request.

32 D. Not less than ninety days before any polling place election
33 scheduled in March or August, the county recorder or other officer in
34 charge of elections shall mail to all voters who are eligible for the
35 election and who are included on the active early voting list an election
36 notice by nonforwardable mail that is marked with the statement required
37 by the postmaster to receive an address correction notification. If an
38 election is not formally called by a jurisdiction by the one hundred
39 twentieth day before the election, the recorder or other officer in charge
40 of elections is not required to send the election notice. The notice
41 shall include the dates of the elections that are the subject of the
42 notice, the dates that the voter's ballot is expected to be mailed and the
43 address where the ballot will be mailed. If the upcoming election is a
44 partisan open primary election and the voter is not registered as a member
45 of one of the political parties that is recognized for purposes of that

1 primary, the notice shall include information on the procedure for the
2 voter to designate a political party ballot. The notice shall be
3 delivered with return postage prepaid and shall also include a means for
4 the voter to do any of the following:

5 1. Change the mailing address for the voter's ballot to another
6 location in the voter's county of residence.

7 2. Update the voter's residence address in the voter's county of
8 residence.

9 3. Request that the voter not be sent a ballot for the upcoming
10 election or elections indicated on the notice.

11 E. If the notice that is mailed to the voter is returned
12 undeliverable by the postal service, the county recorder or other officer
13 in charge of elections shall take the necessary steps to contact the voter
14 at the voter's new residence address in order to update that voter's
15 address or to move the voter to inactive status as prescribed in section
16 16-166, subsection A. If a voter is moved to inactive status, the voter
17 shall be removed from the active early voting list. If the voter is
18 removed from the active early voting list, the voter shall only be added
19 to the active early voting list again if the voter submits a new request
20 pursuant to this section.

21 F. Not later than the first day of early voting, the county
22 recorder or other officer in charge of elections shall mail an early
23 ballot to all eligible voters included on the active early voting list in
24 the same manner prescribed in section 16-542, subsection C. If the voter
25 has not returned the notice or otherwise notified the election officer
26 within forty-five days before the election that the voter does not wish to
27 receive an early ballot by mail for the election or elections indicated,
28 the ballot shall automatically be scheduled for mailing.

29 G. If a voter who is on the active early voting list is not
30 registered as a member of a recognized political party and fails to notify
31 the county recorder of the voter's choice for political party ballot
32 within forty-five days before a partisan open primary election, the
33 following apply:

34 1. The voter shall not automatically be sent a ballot for that
35 partisan open primary election only and the voter's name shall remain on
36 the active early voting list for future elections.

37 2. To receive an early ballot for the primary election, the voter
38 shall submit the voter's choice for political party ballot to the county
39 recorder.

40 H. After a voter has requested to be included on the active early
41 voting list, the voter shall be sent an early ballot by mail automatically
42 for any election at which a voter at that residence address is eligible to
43 vote until any of the following occurs:

1 1. The voter requests in writing to be removed from the active
2 early voting list **OR MAKES A VERBAL REQUEST THAT INCLUDES INFORMATION**
3 **SUFFICIENT TO VERIFY THE VOTER'S IDENTITY.**

4 2. The voter's registration or eligibility for registration is
5 moved to inactive status or canceled as otherwise provided by law.

6 3. The notice sent by the county recorder or other officer in
7 charge of elections is returned undeliverable and the county recorder or
8 officer in charge of elections is unable to contact the voter to determine
9 the voter's continued desire to remain on the list.

10 4. The voter fails to vote an early ballot in all elections for two
11 consecutive election cycles. For the purposes of this paragraph,
12 "election" means any regular primary or regular general election for which
13 there was a federal race on the ballot or for which a city or town
14 candidate primary or first election or city or town candidate second,
15 general or runoff election was on the ballot. This paragraph does not
16 apply to:

17 (a) A special taxing district that is authorized pursuant to
18 section 16-191 to conduct its own elections.

19 (b) A special district mail ballot election that is conducted
20 pursuant to article 8.1 of this chapter.

21 I. A voter may make a written request at any time to be removed
22 from the active early voting list. The request shall include the voter's
23 name, residence address, date of birth and signature. On receipt of a
24 completed request to remove a voter from the active early voting list, the
25 county recorder or other officer in charge of elections shall remove the
26 voter's name from the list as soon as practicable.

27 J. An absent uniformed services voter or overseas voter as defined
28 in the uniformed and overseas citizens absentee voting act ~~of 1986~~
29 (P.L. 99-410; 52 United States Code section 20310) is eligible to be
30 placed on the active early voting list pursuant to this section.

31 K. A voter's failure to vote an early ballot once received does not
32 constitute grounds to remove the voter from the active early voting list,
33 except that a county recorder shall remove a voter from the active early
34 voting list if both of the following apply:

35 1. The county recorder or other officer in charge of elections
36 complies with subsection M of this section.

37 2. The voter fails to vote using an early ballot in all of the
38 following elections for two consecutive election cycles:

39 (a) A regular primary and regular general election for which there
40 was a federal race on the ballot.

41 (b) A city or town candidate primary or first election and a city
42 or town candidate second, general or runoff election.

43 L. On or before January 15 of each odd-numbered year, the county
44 recorder or other officer in charge of elections shall send a notice to
45 each voter who is on the active early voting list and who did not vote an

1 early ballot in all elections for two consecutive election cycles as
2 prescribed by subsection K of this section. If the voter has provided the
3 voter's telephone or mobile phone number or email address to the county
4 recorder, the county recorder may additionally provide the notice to the
5 voter by telephone call, text message or email. The notice shall inform
6 the voter that if the voter wishes to remain on the active early voting
7 list, the voter shall do both of the following with the notice received:

8 1. Confirm in writing the voter's desire to remain on the active
9 early voting list.

10 2. Return the completed notice to the county recorder or other
11 officer in charge of elections within ninety days after the notice is sent
12 to the voter. The notice shall be signed by the voter and shall contain
13 the voter's address and date of birth.

14 M. If a voter receives a notice as prescribed by subsection L of
15 this section and the voter fails to respond within the ninety-day period,
16 the county recorder or other officer in charge of elections shall remove
17 the voter's name from the active early voting list.

18 N. A candidate, political committee or other organization may
19 distribute active early voting list request forms to voters. If the
20 active early voting list request forms include a printed address for
21 return, that address shall be the political subdivision that will conduct
22 the election. Failure to use the political subdivision as the return
23 addressee is punishable by a civil penalty of up to three times the cost
24 of the production and distribution of the active early voting list
25 request.

26 O. All original and completed active early voting list request
27 forms that are received by a candidate, political committee or other
28 organization shall be submitted within six business days after receipt by
29 a candidate or political committee or eleven days before the election day,
30 whichever is earlier, to the political subdivision that will conduct the
31 election. Any person, political committee or other organization that
32 fails to submit a completed active early voting list request form within
33 the prescribed time is subject to a civil penalty of up to \$25 per day for
34 each completed form withheld from submittal. Any person who knowingly
35 fails to submit a completed active early voting list request form before
36 the submission deadline for the election immediately following the
37 completion of the form is guilty of a class 6 felony.

38 P. For the purposes of this section, "election cycle" means the
39 two-year period beginning on January 1 in the year after a statewide
40 general election or, for cities and towns, the two-year period beginning
41 on the first day of the calendar quarter after the calendar quarter in
42 which the city's or town's second, runoff or general election is scheduled
43 and ending on the last day of the calendar quarter in which the city's or
44 town's immediately following second, runoff or general election is
45 scheduled, however that election is designated by the city or town.

1 ~~D.~~ E. This section does not apply to:

2 1. A special taxing district that is authorized pursuant to section
3 16-191 to conduct its own elections.

4 2. A special district mail ballot election that is conducted
5 pursuant to article 8.1 of this chapter.

6 Sec. 4. Repeal

7 Section 16-550, Arizona Revised Statutes, as amended by Laws 2022,
8 chapter 358, section 1, is repealed.

9 Sec. 5. Section 16-590, Arizona Revised Statutes, is amended to
10 read:

11 16-590. Appointment of challengers and party representatives

12 A. The county ~~chairman~~ CHAIRPERSON of each party may~~,~~ for each
13 precinct~~,~~ by written appointment addressed to the election
14 board~~,~~ designate a party agent or representative and alternates for a
15 polling place in the precinct, A VOTING CENTER IN THE PRECINCT OR A
16 LOCATION AT WHICH ELECTRONIC PROCESSING OF BALLOTS OCCURS who may act as
17 challengers for the party ~~which~~ THAT appointed ~~him~~ THEM. IF THE COUNTY
18 PARTY CHAIRPERSON FAILS TO APPOINT A PARTY AGENT OR REPRESENTATIVE FOR A
19 LOCATION, THE STATE PARTY CHAIRPERSON MAY MAKE THOSE APPOINTMENTS, AND IF
20 THE STATE PARTY CHAIRPERSON FAILS TO APPOINT A PARTY AGENT OR
21 REPRESENTATIVE, THE LEGISLATIVE DISTRICT CHAIRPERSON IN THE AREA IN WHICH
22 THE POLLING PLACE, VOTING CENTER OR OTHER LOCATION IS LOCATED MAY MAKE
23 THOSE APPOINTMENTS FOR A LOCATION.

24 B. At each voting place, one challenger for each political party
25 may be present and act, but ~~no~~ A challenger may NOT enter a voting booth
26 except to mark ~~his~~ THAT CHALLENGER'S ballot.

27 C. Not more than the number of party representatives for each party
28 ~~which~~ WHO were mutually agreed ~~upon~~ ON by each political party represented
29 on the ballot shall be in the polling place OR VOTING CENTER at one time.
30 If ~~such~~ AN agreement cannot be reached, the number of representatives
31 shall be limited to one in the polling place at one time for each
32 political party.

33 D. A challenger or party representative shall be a resident of this
34 state and registered to vote in this state.

35 Sec. 6. Section 16-602, Arizona Revised Statutes, is amended to
36 read:

37 16-602. Removal of ballots from ballot boxes; designated
38 margin; hand counts; vote count verification
39 committee

40 A. For any primary, special or general election in which the votes
41 are cast on an electronic voting machine or tabulator, the election judge
42 shall compare the number of votes cast as indicated on the machine or
43 tabulator with the number of votes cast as indicated on the poll list and
44 the number of provisional ballots cast and that information shall be noted

1 in a written report prepared and submitted to the officer in charge of
2 elections along with other tally reports.

3 B. For each countywide primary, special, general and presidential
4 preference election, the county officer in charge of the election shall
5 conduct a hand count at one or more secure facilities. The hand count
6 shall be conducted as prescribed by this section and in accordance with
7 hand count procedures established by the secretary of state in the
8 official instructions and procedures manual adopted pursuant to section
9 16-452. THE COUNTY OFFICER IN CHARGE OF THE ELECTION SHALL PUBLISH THE
10 PROCEDURES FOR THE HAND COUNT, INCLUDING THE TIMES AND LOCATIONS, ON THE
11 COUNTY'S WEBSITE NOT LATER THAN THE TUESDAY BEFORE ELECTION DAY. THE
12 COUNTY OFFICER IN CHARGE OF ELECTIONS SHALL NOT HAVE THE AUTHORITY TO
13 CREATE PROCEDURES NOT EXPRESSLY AUTHORIZED BY STATUTE. The hand count is
14 ~~not~~ subject to the live video requirements of section 16-621, subsection
15 D, ~~but~~ AND the party representatives who are observing the hand count may
16 bring their own video cameras in order to record the hand count. The
17 recording shall not interfere with the conduct of the hand count and the
18 officer in charge of the election may prohibit from recording or remove
19 from the facility persons who are taking actions to disrupt the count.
20 The sole act of recording the hand count does not constitute sufficient
21 grounds for the officer in charge of the election to prohibit observers
22 from recording or to remove them from the facility. The hand count shall
23 be conducted in the following order:

24 1. At least two percent of the precincts in that county, or two
25 precincts, whichever is greater, shall be selected at random from a pool
26 consisting of every precinct in that county. The county political party
27 ~~chairman~~ CHAIRPERSON for each political party that is entitled to
28 continued representation on the state ballot or the ~~chairman's~~
29 CHAIRPERSON'S designee shall conduct the selection of the precincts to be
30 hand counted. The precincts shall be selected by lot without the use of a
31 computer, and the order of selection by the county political party
32 ~~chairmen~~ CHAIRPERSONS shall also be by lot. The selection of the
33 precincts shall not begin until all ballots voted in the precinct polling
34 places have been delivered to the central counting center. The unofficial
35 vote totals from all precincts shall be made public before selecting the
36 precincts to be hand counted. Only the ballots cast in the polling places
37 and ballots from direct recording electronic machines shall be included in
38 the hand counts conducted pursuant to this section. Provisional ballots,
39 conditional provisional ballots and write-in votes shall not be included
40 in the hand counts and the early ballots shall be grouped separately by
41 the officer in charge of elections for purposes of a separate manual audit
42 pursuant to subsection F of this section.

43 2. The races to be counted on the ballots from the precincts that
44 were selected pursuant to paragraph 1 of this subsection for each primary,
45 special and general election shall include up to five contested races.

1 After the county recorder or other officer in charge of elections
2 separates the primary ballots by political party, the races to be counted
3 shall be determined by selecting by lot without the use of a computer from
4 those ballots as follows:

5 (a) For a general election, one statewide ballot measure, unless
6 there are no measures on the ballot.

7 (b) One contested statewide race for statewide office.

8 (c) One contested race for federal office, either United States
9 senate or United States house of representatives. If the United States
10 house of representatives race is selected, the names of the candidates may
11 vary among the sampled precincts.

12 (d) One contested race for state legislative office, either state
13 house of representatives or state senate. In either case, the names of
14 the candidates may vary among the sampled precincts.

15 (e) If there are fewer than four contested races resulting from the
16 selections made pursuant to subdivisions (a) through (d) of this ~~section~~
17 ~~PARAGRAPH~~ and if there are additional contested federal, statewide or
18 legislative races or ballot measures, additional contested races shall be
19 selected by lot not using a computer until four races have been selected
20 or until no additional contested federal, statewide or legislative races
21 or ballot measures are available for selection.

22 (f) If there are no contested races as prescribed by this
23 paragraph, a hand count shall not be conducted for that precinct for that
24 election.

25 3. For the presidential preference election, select by lot two
26 percent of the polling places designated and used pursuant to section
27 16-248 and perform the hand count of those ballots.

28 4. For the purposes of this section, a write-in candidacy in a race
29 does not constitute a contested race.

30 5. In elections in which there are candidates for president, the
31 presidential race shall be added to the four categories of hand counted
32 races.

33 6. Each county ~~chairman~~ CHAIRPERSON of a political party that is
34 entitled to continued representation on the state ballot or the ~~chairman's~~
35 CHAIRPERSON'S designee shall select by lot the individual races to be hand
36 counted pursuant to this section.

37 ~~7. The county chairman of each political party shall designate and~~
38 ~~provide the number of election board members as designated by the county~~
39 ~~officer in charge of elections who shall perform the hand count under the~~
40 ~~supervision of the county officer in charge of elections. For each~~
41 ~~precinct that is to be audited, the county chairmen shall designate at~~
42 ~~least two board workers who are registered members of any or no political~~
43 ~~party to assist with the audit. Any qualified elector from this state may~~
44 ~~be a board worker without regard to party designation. The county~~
45 ~~election officer shall provide for compensation for those board workers,~~

1 ~~not to include travel, meal or lodging expenses. If there are less than~~
2 ~~two persons for each audited precinct available to participate on behalf~~
3 ~~of each recognized political party, the recorder or officer in charge of~~
4 ~~elections, with the approval of at least two county party chairpersons in~~
5 ~~the county in which the shortfall occurs, shall substitute additional~~
6 ~~individual electors who are provided by any political party from anywhere~~
7 ~~in the state without regard to party designation to conduct the hand~~
8 ~~count. A county party chairman shall approve only those substitute~~
9 ~~electors who are provided by the county chairman's political party. The~~
10 ~~political parties shall provide to the recorder or officer in charge of~~
11 ~~elections in writing the names of those persons intending to participate~~
12 ~~in the hand count at the audited precincts not later than 5:00 p.m. on the~~
13 ~~Tuesday preceding the election. If the total number of board workers~~
14 ~~provided by all parties is less than four times the number of precincts to~~
15 ~~be audited, the recorder or officer in charge of elections shall notify~~
16 ~~the parties of the shortage by 9:00 a.m. on the Wednesday preceding the~~
17 ~~election. The hand count shall not proceed unless the political parties~~
18 ~~provide the recorder or officer in charge of elections, in writing, a~~
19 ~~sufficient number of persons by 5:00 p.m. on the Thursday preceding the~~
20 ~~election and a sufficient number of persons, pursuant to this paragraph,~~
21 ~~arrive to perform the hand count. The recorder or officer in charge of~~
22 ~~elections may prohibit persons from participating in the hand count if~~
23 ~~they are taking actions to disrupt the count or are unable to perform the~~
24 ~~duties as assigned. For the hand count to proceed, not more than~~
25 ~~seventy-five percent of the persons performing the hand count shall be~~
26 ~~from the same political party.~~

27 7. POLITICAL PARTY DESIGNEES SELECTED PURSUANT TO THIS PARAGRAPH
28 SHALL PERFORM THE HAND COUNT UNDER THE SUPERVISION OF THE COUNTY OFFICER
29 IN CHARGE OF ELECTIONS. THE COUNTY OFFICER IN CHARGE OF ELECTIONS SHALL
30 PROVIDE COMPENSATION FOR THOSE SELECTED TO PERFORM THE HAND COUNT, NOT TO
31 INCLUDE TRAVEL, MEAL OR LODGING EXPENSES. THE HAND COUNT SHALL NOT
32 PROCEED UNLESS THE POLITICAL PARTIES PROVIDE THE OFFICER IN CHARGE OF
33 ELECTIONS, IN WRITING, A SUFFICIENT NUMBER OF PERSONS PURSUANT TO THIS
34 PARAGRAPH BY 5:00 P.M. ON THE THURSDAY PRECEDING THE ELECTION AND A
35 SUFFICIENT NUMBER OF PERSONS, PURSUANT TO THIS PARAGRAPH, ARRIVE TO
36 PERFORM THE HAND COUNT. POLITICAL PARTY DESIGNEES SHALL BE SELECTED TO
37 PERFORM THE HAND COUNT AS FOLLOWS:

38 (a) THE COUNTY CHAIRPERSON OF EACH POLITICAL PARTY SHALL DESIGNATE
39 AND PROVIDE, TO BOTH THE COUNTY OFFICER IN CHARGE OF ELECTIONS AND THE
40 STATE PARTY CHAIRPERSON, THE NUMBER OF ELECTION BOARD MEMBERS AS
41 DESIGNATED BY THE COUNTY OFFICER IN CHARGE OF ELECTIONS. IF THE COUNTY
42 PARTY CHAIRPERSON FAILS TO DESIGNATE A SUFFICIENT NUMBER OF BOARD WORKERS,
43 THE STATE PARTY CHAIRPERSON SHALL DESIGNATE QUALIFIED ELECTORS TO BE BOARD
44 WORKERS.

1 (b) THE POLITICAL PARTIES SHALL PROVIDE TO THE RECORDER OR OFFICER
2 IN CHARGE OF ELECTIONS IN WRITING THE NAMES OF THOSE PERSONS INTENDING TO
3 PARTICIPATE IN THE HAND COUNT AT THE AUDITED PRECINCTS NOT LATER THAN 5:00
4 P.M. ON THE SECOND TUESDAY PRECEDING THE ELECTION.

5 (c) IF THE TOTAL NUMBER OF BOARD WORKERS PROVIDED BY ALL PARTIES IS
6 LESS THAN THE NUMBER DESIGNATED BY THE COUNTY OFFICER IN CHARGE OF
7 ELECTIONS, THE OFFICER IN CHARGE OF ELECTIONS SHALL NOTIFY THE PARTIES OF
8 THE SHORTAGE NOT LATER THAN 9:00 A.M. ON THE SECOND WEDNESDAY PRECEDING
9 THE ELECTION AND THE POLITICAL PARTIES HAVE UNTIL 9:00 A.M. ON THE SECOND
10 THURSDAY PRECEDING THE ELECTION TO PROVIDE THE COUNTY OFFICER IN CHARGE OF
11 ELECTIONS WITH AN ADDITIONAL LIST OF QUALIFIED ELECTORS WHO ARE WILLING TO
12 PARTICIPATE IN THE HAND COUNT.

13 (d) THE COUNTY OFFICER IN CHARGE OF ELECTIONS SHALL DISTRIBUTE THE
14 LIST PROVIDED PURSUANT TO SUBDIVISION (c) OF THIS PARAGRAPH TO THE COUNTY
15 CHAIRPERSON AND STATE CHAIRPERSON OF EACH RECOGNIZED POLITICAL PARTY IN
16 THE COUNTY AND STATE NOT LATER THAN 5:00 P.M. ON THE SECOND FRIDAY
17 PRECEDING THE ELECTION.

18 (e) TO THE EXTENT PRACTICABLE, THE SELECTION OF PERSONS TO PERFORM
19 THE HAND COUNT SHALL ENSURE THAT NOT MORE THAN SEVENTY-FIVE PERCENT OF THE
20 PERSONS CONDUCTING THE HAND COUNT ARE MEMBERS OF THE SAME POLITICAL PARTY,
21 EXCEPT THAT IF A RECOGNIZED POLITICAL PARTY PROVIDES AN INSUFFICIENT
22 NUMBER OF QUALIFIED ELECTORS OR NO QUALIFIED ELECTORS AS DETERMINED BY THE
23 OFFICER IN CHARGE OF ELECTIONS BY 5:00 P.M. ON THE THURSDAY PRECEDING THE
24 ELECTION, THE HAND COUNT MAY PROCEED USING DESIGNEES FROM OTHER POLITICAL
25 PARTIES WITHOUT REGARD TO THE POLITICAL PARTY AFFILIATIONS OF THE
26 QUALIFIED ELECTORS CONDUCTING THE HAND COUNT.

27 8. If a political party is not represented by a designated
28 chairperson within a county, the state chairperson for that political
29 party, or a person designated by the state chairperson, may perform the
30 actions required by the county chairperson as specified in this section.

31 C. If the randomly selected races result in a difference in any
32 race that is less than the designated margin when compared to the
33 electronic tabulation of those same ballots, the results of the electronic
34 tabulation constitute the official count for that race. If the randomly
35 selected races result in a difference in any race that is equal to or
36 greater than the designated margin when compared to the electronic
37 tabulation of those same ballots, a second hand count of those same
38 ballots and races shall be performed. If the second hand count results in
39 a difference in any race that is less than the designated margin when
40 compared to the electronic tabulation for those same ballots, the
41 electronic tabulation constitutes the official count for that race. If
42 the second hand count results in a difference in any race that is equal to
43 or greater than the designated margin when compared to the electronic
44 tabulation for those same ballots, the hand count shall be expanded to
45 include a total of twice the original number of randomly selected

1 precincts. Those additional precincts shall be selected by lot without
2 the use of a computer.

3 D. In any expanded count of randomly selected precincts, if the
4 randomly selected precinct hand counts result in a difference in any race
5 that is equal to or greater than the designated margin when compared to
6 the electronic tabulation of those same ballots, the final hand count
7 shall be extended to include the entire jurisdiction for that race. If
8 the jurisdictional boundary for that race would include any portion of
9 more than one county, the final hand count shall not be extended into the
10 precincts of that race that are outside of the county that is conducting
11 the expanded hand count. If the expanded hand count results in a
12 difference in that race that is less than the designated margin when
13 compared to the electronic tabulation of those same ballots, the
14 electronic tabulation constitutes the official count for that race.

15 E. If a final hand count is performed for an entire jurisdiction
16 for a race, the final hand count shall be repeated for that race until a
17 hand count for that race for the entire jurisdiction results in a count
18 that is identical to one other hand count for that race for the entire
19 jurisdiction and that hand count constitutes the official count for that
20 race.

21 F. After the electronic tabulation of early ballots and at one or
22 more times selected by the ~~chairman~~ CHAIRPERSON of the political parties
23 entitled to continued representation on the ballot or the ~~chairman's~~
24 CHAIRPERSON'S designee, the ~~chairmen~~ CHAIRPERSONS or the ~~chairmen's~~
25 CHAIRPERSONS' designees shall randomly select one or more batches of early
26 ballots that have been tabulated to include at least one batch from each
27 machine used for tabulating early ballots and those ballots shall be
28 securely sequestered by the county recorder or officer in charge of
29 elections along with their unofficial tally reports for a postelection
30 manual audit. The ~~chairmen~~ CHAIRPERSONS or the ~~chairmen's~~ CHAIRPERSONS'
31 designees shall randomly select from those sequestered early ballots a
32 number equal to one percent of the total number of early ballots cast or
33 five thousand early ballots, whichever is less. From those randomly
34 selected early ballots, the county officer in charge of elections shall
35 conduct a manual audit of the same races that are being hand counted
36 pursuant to subsection B of this section. If the manual audit of the
37 early ballots results in a difference in any race that is equal to or
38 greater than the designated margin when compared to the electronically
39 tabulated results for those same early ballots, the manual audit shall be
40 repeated for those same early ballots. If the second manual audit results
41 in a difference in that race that is equal to or greater than the
42 designated margin when compared to the electronically tabulated results
43 for those same early ballots, the manual audit shall be expanded only for
44 that race to a number of additional early ballots equal to one percent of
45 the total early ballots cast or an additional five thousand ballots,

1 whichever is less, to be randomly selected from the batch or batches of
2 sequestered early ballots. If the expanded early ballot manual audit
3 results in a difference for that race that is equal to or greater than the
4 designated margin when compared to any of the earlier manual counts for
5 that race, the manual counts shall be repeated for that race until a
6 manual count results in a difference in that race that is less than the
7 designated margin. If at any point in the manual audit of early ballots
8 the difference between any manual count of early ballots is less than the
9 designated margin when compared to the electronic tabulation of those
10 ballots, the electronic tabulation shall be included in the canvass and no
11 further manual audit of the early ballots shall be conducted.

12 G. During any hand count of early ballots, the county officer in
13 charge of elections and election board workers shall attempt to determine
14 the intent of the voter in casting the ballot.

15 H. Notwithstanding any other law, the county officer in charge of
16 elections shall retain custody of the ballots for purposes of performing
17 any required hand counts and the officer shall provide for security for
18 those ballots.

19 I. The hand counts prescribed by this section shall begin within
20 twenty-four hours after the closing of the polls and shall be completed
21 before the canvassing of the election for that county. **THE COUNTY SHALL**
22 **MAKE AVAILABLE ON THE COUNTY'S WEBSITE** the results of those hand counts
23 **AND** shall ~~be provided~~ **PROVIDE THEM** to the secretary of state, who shall
24 make those results publicly available on the secretary of state's website.

25 J. For any county in which a hand count has been expanded to all
26 precincts in the jurisdiction, the secretary of state shall make available
27 the escrowed source code for that county to the superior court. The
28 superior court shall appoint a special master to review the computer
29 software. The special master shall have expertise in software
30 engineering, shall not be affiliated with an election software vendor nor
31 with a candidate, shall sign and be bound by a nondisclosure agreement
32 regarding the source code itself and shall issue a public report to the
33 court and to the secretary of state regarding the special master's
34 findings on the reasons for the discrepancies. The secretary of state
35 shall consider the reports for purposes of reviewing the certification of
36 that equipment and software for use in this state.

37 K. The vote count verification committee is established in the
38 office of the secretary of state and all of the following apply:

39 1. At least thirty days before the 2006 primary election, the
40 secretary of state shall appoint seven persons to the committee, not more
41 than three of whom are members of the same political party.

42 2. Members of the committee shall have expertise in any two or more
43 of the areas of advanced mathematics, statistics, random selection
44 methods, systems operations or voting systems.

1 **COUNT LOCATIONS.** If a group is selected the group may alter who
2 represents that group for different days of observation but on any given
3 observation day a selected group shall not send more than one observer. A
4 group may rotate an observer throughout the day. Only those persons who
5 are authorized for the purpose shall touch any ballot or ballot card or
6 return. All persons who are engaged in processing and counting of the
7 ballots shall be qualified electors, shall be deputized in writing and
8 shall take an oath that they will faithfully perform their assigned
9 duties. There shall be no preferential counting of ballots for the
10 purpose of projecting the outcome of the election. If any ballot,
11 including any ballot received from early voting, is damaged or defective
12 so that it cannot properly be counted by the automatic tabulating
13 equipment, a true duplicate copy ~~shall be made~~
14 **SHALL BE MADE** in the presence of witnesses and substituted for the
15 damaged or defective ballot. All duplicate ballots created pursuant to
16 this subsection shall be clearly labeled "duplicate" and shall bear a
17 serial number that shall be recorded on the damaged or defective ballot.

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

23 1. The electronic vote adjudication feature shall be included in
24 the tabulation system logic and accuracy testing prescribed by section
25 16-449.

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

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

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

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

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

1 (d) THE OBSERVATION OF THE ELECTRONIC VOTE ADJUDICATION BOARD'S
2 ACTIVITIES BY OBSERVERS AS PRESCRIBED IN THIS SECTION.

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

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

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

26 Sec. 8. Title 16, chapter 4, article 10, Arizona Revised Statutes,
27 is amended by adding section 16-621.01, to read:

28 16-621.01. Affidavit envelope processing centers; observers

29 THE COUNTY CHAIRMAN OF EACH PARTY, BY WRITTEN APPOINTMENT ADDRESSED
30 TO THE COUNTY OFFICER IN CHARGE OF ELECTIONS, MAY DESIGNATE A PARTY
31 REPRESENTATIVE TO OBSERVE THE PROCEEDINGS AT A THIRD-PARTY VENDOR THAT
32 PROCESSES RETURNED AFFIDAVIT ENVELOPES ON BEHALF OF A COUNTY. THE COUNTY
33 OFFICER IN CHARGE OF ELECTIONS SHALL FORWARD THAT INFORMATION TO THE
34 VENDOR. IF MORE THAN ONE COUNTY CONTRACTS WITH THE SAME VENDOR OR IF THE
35 COUNTY PARTY CHAIRMAN DOES NOT APPOINT A PARTY REPRESENTATIVE, THE STATE
36 PARTY CHAIRMAN MAY MAKE THE DESIGNATION.

37 Sec. 9. Effective date

38 Section 16-550, Arizona Revised Statutes, as amended by Laws 2022,
39 chapter 271, section 2 and this act, and section 16-550, Arizona Revised
40 Statutes, as amended by Laws 2022, chapter 358, section 1 and repealed by
41 this act, are effective from and after December 31, 2023.