



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

House: MOE DP 6-4-0-0

HB 2307: elections; hand counting; machines; prohibition
Sponsor: Representative McGarr, LD 17
Caucus & COW

Overview

Requires all votes be tabulated by hand in city, town and county elections.

History

Help America Vote Act of 2002

[U.S. Const., Art. I § 4](#) delegates the power to establish *the times, places and manner of elections* to the states, while reserving the power to make or alter those regulations for Congress. In 2002, Congress passed the Help America Vote Act (HAVA) which established minimum requirements for voting systems used in elections for federal offices and authorized the Attorney General to bring civil action against any state or jurisdiction for specified instances of noncompliance ([P.L. 107-252](#)).

Voting Equipment

[Laws 2003, Chapter 260](#) adjusted Arizona's voting laws to comply with HAVA. As part of this law, Boards of Supervisors were required to provide at least one voting device that complies with HAVA and is certified by the Secretary of State at each polling place by January 1, 2006. Arizona law still requires the allocation of at least one voting device at each polling place. The officer in charge of elections may allocate additional voting devices at their discretion. The machines or devices used at any election for federal, state or county offices are required to comply with HAVA and be tested and approved by a laboratory that is accredited under HAVA ([A.R.S. § 16-447](#)).

Municipal Elections

The conduct of elections for a city or town must conform as nearly as possible to the provisions of law relating to the general election of county officers. Duties delegated to the Secretary of State in other elections are delegated to the mayor or similar governing officer, board or commission in city or town elections. Similarly, duties prescribed for the Clerk of the Board of Supervisors are delegated to the city or town clerk (A.R.S. §§ [9-891](#), [16-403](#)).

Provisions

1. Requires all votes to be tabulated by hand for any city, town or county election. (Sec. 1)
2. Prohibits the use of tabulating machines to count votes in any city, town or county election. (Sec. 1)
3. Contains a conforming legislation clause. (Sec. 2)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input checked="" type="checkbox"/> Fiscal Note
--	--	---	---