

ARIZONA STATE SENATE

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DATE: February 9, 2023

SUBJECT: Strike everything amendment to 1074, relating to electronic voting systems

Purpose

Prohibits the use of electronic voting equipment as the primary method for tabulating votes in any city, town, county, state or federal election unless the outlined requirements are met and prescribes requirements relating to the source codes for electronic voting equipment.

Background

All components of a voting system must be certified by the Secretary of State (SOS) prior to use in any election for federal, state or county office. The SOS must appoint a three-member committee to investigate and test various types of vote recording and tabulating machines or devices that may be used for elections. The committee must submit recommendations to the SOS, who makes final adoption of the types, makes and models of elections machines and devices to be certified for use in Arizona. After consultation with the committee, the SOS must adopt standards for the loss of certification for elections machines and devices. The SOS may revoke the certification of any voting system or device if the person or firm: 1) installs, uses or allows the use of a voting system or device that is not certified for use or approved for experimental use in Arizona; or 2) uses or includes hardware, firmware or software in a version that is not certified for use or approved for experimental use in a certified voting system or device. Elections machines and devices may only be used in Arizona at any federal, state or county office if the machines and devices have been tested and approved by a laboratory that is accredited pursuant to the Help America Vote Act of 2002 ([A.R.S. § 16- 442](#)).

The Auditor General is charged with several powers and duties, including: 1) preparing an audit plan for approval by the Joint Legislative Audit Committee (JLAC); 2) conducting audits relating to the finances and performance of state agencies, government functions and school districts; 3) performing performance audits, special audits and investigations of state agencies as requested by JLAC; and 4) reporting the results of each audit, investigation or review to JLAC ([A.R.S. § 41-1279.03](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits the use of electronic voting equipment as the primary method for tabulating votes in any city, town, county, state or federal election unless:
 - a) the equipment meets or exceeds the standards set by the U.S. Department of Defense regarding cybersecurity;

- b) all parts of the equipment are manufactured in the United States; and
 - c) all source codes for the equipment are submitted and maintained on file by the Auditor General.
2. Requires the Auditor General, at the request of the Legislature, a county board of supervisors, county recorder or other officer in charge of elections, to release the source codes for the electronic equipment for the purpose of verifying that the electronic equipment is operating properly and is in compliance with any contract requirements.
 3. Allows a superior court to appoint a special master to review the source codes for any electronic tabulating equipment.
 4. Requires the Auditor General to provide the source codes for the electronic tabulating equipment to the special master appointed by a superior court.
 5. Allows the special master to examine the equipment and source codes and requires the special master to:
 - a) issue a public report to the superior court regarding the tabulation of votes; and
 - b) submit the report to the SOS to review the certification of the equipment for use in Arizona.
 6. Becomes effective on the general effective date.