



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.B. 1324

images; voter lists; records; contest

Purpose

Requires a county recorder to prepare a list of eligible voters, excluding personal identifying information and transmit the information to the Secretary of State (SOS) who must immediately post the information on a secure website at least 10 days before a primary and general election. Requires the SOS to digitally publish a list of all persons who voted in an election, unaltered images of all ballots and a sortable cast vote record. Prescribes requirements for a person accessing the voter lists, ballot images and cast vote record.

Background

The officer in charge of elections must ensure that electronic or digital ballot images are protected from physical or electronic access, including unauthorized copying or transferring, and that all security measures are at least as protective as those for paper ballots ([A.R.S. § 16-625](#)).

The SOS must develop and administer a statewide voter registration database that contains the name and registration information of every registered voter in Arizona. The database must: 1) include a unique identifier for each voter; 2) allow access to voter registration officials; and 3) allow expedited entry of voter registration information once received by county recorders ([A.R.S. § 16-168](#)). The database must include a voter's registration status and personal identifying information, including the registrant's: 1) name; 2) residence address or location; 3) date of birth; and 4) attestation of citizenship ([E.P.M. Ch.1 \(IV\)](#)).

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

Provisions

1. Requires a county recorder, 10 days before a primary and general election, to prepare a list of all eligible voters, including the voter's full registered names, years of birth, precinct numbers and street addresses.
2. Requires the county recorder's list of all eligible persons to include voters who are on the inactive voter list.
3. Requires the county recorder to transmit the list of all eligible voters to the SOS and requires the SOS to immediately post the information on a secure website in a convenient downloadable format.

4. Requires a county recorder or other county officer in charge of elections, after a primary and general election and within 48 hours of delivery of the official county canvass, to transmit the SOS:
 - a) a list of all persons who voted in the election, including the person's name, address and method of voting;
 - b) all unaltered ballot images; and
 - c) the cast vote record in a sortable format.
5. Requires the SOS to immediately post the list, all unaltered ballot images and cast vote record on a secure website in a convenient and downloadable format.
6. Stipulates that, if a ballot was duplicated and an image of the original ballot was created during the duplication process, then the image of the original ballot is required to be transmitted.
7. Exempts, from the requirements relating to the transmission and posting of unaltered ballot images:
 - a) images of original large format;
 - b) braille ballots;
 - c) ballots received pursuant to the federal Uniformed and Overseas Citizens Absentee Voting Act; and
 - d) 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.
8. Prohibits the county recorder from including any personal identifying information in the transmittal of any information to the SOS.
9. Requires the SOS to publish the list of all persons who voted in the election, all ballot images and the cast vote record online in a convenient downloadable format immediately after receipt from a county recorder or other officer in charge of elections.
10. Requires the SOS to establish and administer an electronic portal to receive requests for access to the ballot image materials.
11. Requires, for a person requesting access to the materials, the SOS to require the person's:
 - a) name, address, email address, telephone number and proof of identity of the person; and
 - b) declaration signed by the person stating that the person will not use the material for a commercial purpose as prescribed by statute, alter the images or information, or use the information or images for voter intimidation.
12. Classifies, as a class 5 felony, the act of using any portion of a voter list or ballot image for a commercial purpose or intentionally altering any information or images of the voter lists, ballot images or cast vote record.
13. Prohibits the SOS, county recorder and other county officer in charge of elections from altering or adding any voter data as part of any security measure in implementing the requirements relating to voter lists and ballot images.

14. Requires, for precincts and precinct splits with fewer than 25 voters, the county recorder preparing the registered voter list and the county recorder or other officer in charge of elections preparing ballot images and cast vote records to:
 - a) include only the number of voters, number of ballot images and number of cast vote records; and
 - b) suppress the names, addresses and all other information for those voters.
15. Increases, from five to seven, the number of days after the completion and declaration of an election canvass in which an elector may contest a state election.
16. Defines *cast vote record* as the electronic records available within an election management system that shows how the votes were cast on each anonymous ballot for each race 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.
17. Defines *personal identifying information* as the voter's:
 - a) month and day of birth only;
 - b) driver license number;
 - c) nonoperating identification license number;
 - d) social security number or portion of that number, as applicable;
 - e) Indian census number;
 - f) father's name;
 - g) mother's maiden name;
 - h) state and county of birth; and
 - i) the records that contain a voter's signature and a voter's email address.
18. Makes technical and conforming changes.
19. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

1. Requires the county recorder to transmit the list of all persons who voted in an election to the SOS, rather than post the list on the county recorder's website.
2. Requires the SOS to establish and administer an electronic portal to receive requests for access to the ballot image materials.
3. Specifies that the SOS and county recorder must post the list of registered voters on a secure website, rather than online.
4. Prescribes the information that the SOS must require from a person in order to access prescribed materials posted by the SOS.
5. Classifies, as a class 5 felony, the act of using any portion of a voter list or ballot image for a commercial purpose or intentionally altering any information or images of the voter lists, ballot images or cast vote record.

6. Prohibits the SOS, county recorder and other county officer in charge of elections from altering or adding any voter data as part of any security measure in implementing the requirements relating to voter lists and ballot images.
7. Requires, for precincts and precinct splits with fewer than 25 voters, the registered voter list ballot images and cast vote records to include only the total number of voters, ballot images and cast vote records and suppress all other information for those voters.
8. Removes the requirement that the reporting of ballot images and registered voter list in a precinct with fewer than 10 registered voters must be combined with the adjacent precincts to ensure the protection of the secret ballot.
9. Requires the county recorder to prepare the list of all registered voters, rather than publish the list.
10. Redefines *cast vote record*.
11. Removes the ability of any person to view, download or print one or more online digital copies of ballot images and the prohibition on altering the contents of the image or cast vote record from the database.
12. Removes the ability of the other officer in charge of elections to prepare the list of all registered voters.
13. Removes the classification of altering the contents of the image or cast vote record as class 1 misdemeanor.
14. Makes technical and conforming changes.

Amendments Adopted by Additional Committee of the Whole

1. Exempts images of certain ballots from the ballot images posting requirements.
2. Requires duplicated ballots and the original ballot to also be transmitted for the posting of ballot images.
3. Redefines *cast vote record*.
4. Makes technical changes.

Senate Action

ELEC 2/13/23 DP 5-3-0

Prepared by Senate Research

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AN/slp