



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2785: primary; identification; canvass; recounts; ballots

Sponsor: Representative Kolodin, LD 3

Committee on Municipal Oversight & Elections

Overview

An emergency measure that modifies certain procedures and deadlines related to the conduct of elections.

Provisions

Primary Election Dates

1. Designates July 30, 2024, as the date on which the 2024 primary election must be held. (Sec. 29)
2. Designates, beginning in 2026, the second Tuesday in May in the year of a general or special election at which candidates for public office will be elected, as the primary election date. (Sec. 2)
3. Prohibits, beginning in 2026, an election from being held on the third Tuesday in May. (Sec. 3)

Canvass Requirements

4. Establishes the following canvassing deadlines for the governing board of a county:
 - a) for primary elections, the second Monday after the election; and
 - b) for general elections, the third Thursday after the election. (Sec. 20)
5. Establishes the following canvassing deadlines for the Secretary of State:
 - a) for primary elections, the third Thursday after the election; and
 - b) for general elections, the third Monday after the election. (Sec. 20)
6. Prohibits the Board of Supervisors from postponing the canvass of primary and general elections. (Sec. 20)
7. Authorizes the Board of Supervisors to deliver an electronic copy of the official canvass to the Secretary of State provided that they first mail the official canvass with a postmark or similar date and time indicator. (Sec. 22)
8. Allows the Secretary of State to conduct and issue the statewide canvass upon receipt of the electronic copy of the official canvass from the Board of Supervisors if the electronic copy includes a scan or other evidence that the official canvass was mailed before the electronic version was sent. (Sec. 22)

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Automatic Recount Provisions

9. Directs the Secretary of State to certify the facts requiring a recount to the Maricopa County Superior Court within 24 hours of the last county canvass if the county canvasses show that a recount is required. (Sec. 24)
10. Allows a required hand count audit of recount results to be conducted simultaneously with the court-ordered recount. (Sec. 25)
11. Requires the Secretary of State to conduct logic and accuracy testing on the automated tabulating system to be used in a recount within two calendar days after the court orders a recount. (Sec. 26)
12. Authorizes the Secretary of State to contract staff to assist in conducting the logic and accuracy testing on automatic tabulating equipment to be used in the recount of votes. (Sec. 26)
13. Establishes minimum requirements for contracted staff conducting logic and accuracy testing. (Sec. 26)
14. Specifies the Secretary of State may request assistance from the United States Election Assistance Commission's Field Services Program staff to review logic and accuracy testing programs and results. (Sec. 26)
15. Allows a candidate whose election results are within the automatic recount margin to submit to the filing officer, a signed statement declining to pursue a recount. (Sec. 24)
16. Specifies the signed statement opting out of a recount must be received by the filing officer before the time of the post-election logic and accuracy testing. (Sec. 24)
17. Instructs the filing officer, upon receipt of a signed statement opting out of a recount, to not certify to the superior court the facts requiring a recount. (Sec. 24)

Signature Verification

18. Asserts that all signatures that cannot be cured or verified must be rejected. (Sec. 13)
19. Directs the County Recorder or officer in charge of elections to conduct signature verification on all early ballots, except for early ballots tabulated on-site. (Sec. 14)
20. Requires the evaluator to examine all broad characteristics of signatures. (Sec. 14)
21. Authorizes the evaluator to accept a signature as valid if the broad characteristics of the signature on the ballot affidavit are clearly consistent with the broad characteristics of the voter's signature in the voter's registration record. (Sec. 14)
22. Instructs the evaluator to examine the local characteristics of a signature if the evaluator finds discrepancies between the signature on the ballot affidavit and the voter's signature in the voter's registration record. (Sec. 14)
23. Specifies that if the local characteristics of the signature on the ballot affidavit are clearly consistent with the local characteristics of the signature on the voter's registration record, the evaluator may accept the signature as valid. (Sec. 14)
24. Directs the evaluator to flag a signature for a second review if they find a combination of broad and local characteristic differences between the signature on the ballot affidavit and the signature in the voter's registration record. (Sec. 14)

25. Clarifies that an evaluator conducting a second review must use the same standards outlined above. (Sec. 14)
26. Requires electronic signatures to be evaluated using the standards outlined above. (Sec. 14)
27. Mandates electronic signatures using typed font be rejected. (Sec. 14)
28. Exempts a ballot affidavit from signature verification if the ballot affidavit contains a voter's *mark* and is accompanied by the signature of a voter assistant. (Sec. 14)
29. Contains a Legislative intent statement specifying that the illustrations of broad and local characteristics in the Secretary of State's 2020 signature verification guide are intended to be used as a reference. (Sec. 14)
30. Defines *broad characteristics*, *evaluator*, *local characteristics* and *signature verification*. (Sec. 14)

Signature Curing

31. Instructs the County Recorder or officer in charge of elections, to submit a daily, updated list of all voters with missing or inconsistent signatures to the two largest political parties in the state during the following periods:
 - a) once the first missing or mismatched signature is identified after the period of early voting begins through the Monday proceeding the election; and
 - b) the Wednesday immediately following the election through the fifth calendar day after primary, general or special elections that include a federal office or three business days after any other election. (Sec. 13)
32. Mandates specified information to be included in the list of voters whose signatures require curing. (Sec. 13)
33. Modifies, from five business days to five calendar days after a primary general or special election that includes a federal office, the signature cure period. (Sec. 13)
34. Directs the County Recorder's office to be open and to allow for signatures to be cured during the weekend before and after primary, general or special elections that include a federal office. (Sec. 13)

Early Voting Provisions

35. Specifies that the processing and tabulation of individual ballots may begin immediately upon receipt of early ballots and must continue without delay until completed. (Sec. 13)
36. Prohibits, until election day, the County Recorder, early election board or officer in charge of elections from:
 - a) accessing any aggregated complete results file of early voting and vote by mail ballots that were processed and tabulated by the end of the early voting period;
 - b) producing, for internal or external use, an aggregated results report or any associated files of complete results; and
 - c) publicly releasing any complete or partial results until all precincts have reported or one hour before the closing of the polls, whichever is earlier. (Sec. 13)
37. Allows the County Recorder, early election board or officer in charge of elections to produce a partial results report or associated files if it is part of the internal preparation for a hand count audit or the logic and accuracy testing. (Sec. 13)

38. Requires the County Recorder or officer in charge of elections to post all system log files and other similar files from the election management system on their website to verify compliance with the requirements outlined above. (Sec. 13)
39. Allows, beginning in 2026, a voter to provide identification when presenting their mailed early ballot at any voting location and if the following requirements are met the voter's early ballot is deemed ready for tabulating and additional signature verification is not required:
 - a) the voter presents valid identification that complies with the law;
 - b) the election official confirms the voter's name and address on their identification reasonably matches the name and address in the voter's registration record; and
 - c) the election official places the early ballot and affidavit in a secured ballot box labeled for verified early ballots or stamps the signed affidavit with a stamp that reads *ID Verified*. (Sec. 17)
40. Requires election officials to:
 - a) maintain a tally of the number of ballots that are deposited in the secured ballot box labeled for verified early ballots;
 - b) sign an affidavit that includes the election official's name, the polling location, the time and date, the number of early ballots deposited according to the tally and a statement sufficient to record and maintain the chain of custody for verified ballots. (Sec. 17)
41. Alters, from 5:00 p.m. to 7:00 p.m. on the Friday before the election, the time by which an on-site early voting location established by the County Recorder may remain open. (Sec. 11)
42. Conforms the printed instructions sent to early voters with the appropriate requirements outlined in this bill. (Sec. 12)

Pre-Election Procedures

43. Reduces, from five to two calendar days after receiving the sample ballot, the time during which the county chairman of each political party, and any candidate in that election who has submitted and confirmed their email address, must suggest any proposed changes to their party's ballot. (Sec. 9, 10)
44. Modifies, from October 1 to July 1 of the year before a general election, the date by which each county must establish and define election precincts. (Sec. 7)
45. Designates the effective date of new precinct boundaries as October 1 of the year before a general election. (Sec. 8)
46. Specifies the number of qualified electors that must sign nomination petitions must be calculated based on the total number of registered voters reported on October 1 of the year before the general election. (Sec. 5)
47. Clarifies that signatures on a nomination petition form that were collected prior to the effective date of this act, that includes the previous primary election date of August 6, 2024, may be lawfully submitted for the July 30, 2024, primary election. (Sec. 30)
48. States that local initiative petition forms that were circulated prior to the effective date of this act and include the previous primary election date of August 6, 2024, may be lawfully submitted for the July 30, 2024, primary election. (Sec. 30)

- 49. Requires the Secretary of State to determine the political parties qualified for continued representation on the ballot by August 1 of the appropriate year and directs the counties to provide the relevant information to determine this qualification by June 30 of the preceding year. (Sec. 27)
- 50. Alters the time by which members of a political party must choose county precinct committeemen. (Sec. 28)

Provisional Ballot Research

- 51. Decreases, from ten to five calendar days after a primary, general or special election that includes a federal office, the time period during which provisional ballots must be researched and verified. (Sec. 18)
- 52. Decreases, from five to three business days after all other elections, the time period during which provisional ballots must be researched and verified. (Sec. 18)

High Schools and School District Offices

- 53. Requires, beginning in 2026, high schools that are operated by a school district to be closed on every regular primary and general election day except that teachers and staff must receive in service training or conduct development activities. (Sec. 1)
- 54. Specifies that teachers and staff cannot use personal, vacation or other leave time on regular primary and general election days. (Sec. 1)
- 55. Clarifies that a school district may provide employees time off to vote as outlined in statute. (Sec. 1)
- 56. Mandates, beginning in 2026, high schools operated by a school district and school district offices to provide sufficient space for use as a polling place for state and local elections at the request of the officer in charge of elections. (Sec. 7)

Appropriations

- 57. Appropriates \$1,200,000 from the state General Fund from the federal Help America Vote Act monies allocated to the Secretary of State to the Secretary of State in FY 2024 for distribution to the counties to acquire and improve electronic pollbooks. (Sec. 31)
- 58. Appropriates \$_____ from the Citizens Clean Elections Fund to the Secretary of State in FY 2024 to distribute to the counties for the following purposes:
 - a) \$_____ for voter education regarding the changes to election laws and procedures established by this act, including the changed 2024 primary election date; and
 - b) \$_____ for voter education regarding the changes to election laws and procedures established by this act, including the changed 2026 primary election date. (Sec. 31)
- 59. Instructs the Secretary of State to distribute all of the above appropriated monies to the counties on a pro rata basis that is based on each county's number of registered voters as reported on January 2, 2024. (Sec. 31)
- 60. Exempts the appropriations outlined above from lapsing. (Sec. 31)

Miscellaneous Provisions

- 61. Contains an emergency clause. (Sec. 32)
- 62. Makes technical and conforming changes. (Sec. 3, 4, 5, 6, 7, 9, 11, 13, 15, 16, 17, 18, 19, 21, 23, 25, 27)

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