

REFERENCE TITLE: registration; signatures; audits; ballots; procedures

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2914

Introduced by
Representative Gillette

AN ACT

AMENDING SECTION 16-140, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-320; AMENDING SECTIONS 16-341, 16-405, 16-407, 16-544, 16-548, 16-550, 16-551, 16-558.01, 16-558.02, 16-602, 16-801 AND 16-802, ARIZONA REVISED STATUTES; AMENDING TITLE 19, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-112.01; AMENDING SECTIONS 19-113, 19-121, 19-121.03 AND 19-122, ARIZONA REVISED STATUTES; 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 16-140, Arizona Revised Statutes, is amended to
3 read:
4 16-140. Voter registration assistance agencies; definitions
5 A. All public assistance agencies and disabilities agencies in this
6 state shall provide the opportunity to register to vote for those persons
7 who apply for benefits or appear at the agency to renew, recertify or
8 change address information. The voter registration form shall be
9 accompanied by a statement form that includes substantially the following:
10 1. The statement "If you are not registered to vote where you live
11 now, would you like to apply to register to vote here today?
12 { } Yes { } No
13 If you do not check either box, you will be considered to have
14 decided not to register to vote at this time."
15 2. If the agency provides public assistance, the statement
16 "Applying to register or declining to register to vote will not affect the
17 amount of assistance that you will be provided by this agency."
18 3. The statement "If you would like help in filling out the voter
19 registration application form, we will help you. The decision to seek or
20 accept help is yours. You may fill out the application form in private."
21 4. The statement "If you believe that someone has interfered with
22 your right to register or to decline to register to vote, or your right to
23 choose your own political party or other political preference, you may
24 file a complaint with the secretary of state." This statement shall be
25 followed by the name, address and telephone number of the secretary of
26 state.
27 B. Each public assistance agency or disabilities agency shall
28 provide to each person who applies for that agency's services the same
29 degree of assistance for voter registration that it provides for the
30 completion of the agency's own forms, unless that person refuses
31 assistance. Each public assistance or disabilities agency shall accept
32 completed registration forms from persons who receive a registration form
33 from that office.
34 C. If a person indicates "no" or fails to indicate either "yes" or
35 "no" on the form prescribed by subsection A OF THIS SECTION, the form
36 shall be deemed to indicate a declination to register to vote. All
37 declination forms shall be preserved as a confidential record and shall be
38 forwarded periodically to the Arizona state library, archives and public
39 records for retention for two years. Declination forms are exempt from
40 title 39, chapter 1 and may be disclosed only for voter registration
41 purposes.
42 D. FOR ANY VOTER REGISTRATION FORM THAT IS OFFERED TO AN APPLICANT
43 FOR BENEFITS FROM THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM, ONLY
44 THE APPLICANT MAY SIGN THE VOTER REGISTRATION FORM. THE VOTER

1 REGISTRATION FORM MUST BE SIGNED BY THE APPLICANT IN PERSON AND A DIGITAL
2 SIGNATURE IS NOT VALID FOR VOTER REGISTRATION PURPOSES.

3 ~~D.~~ E. Voter registration information that is generated pursuant to
4 this section and that is public information as otherwise provided by law
5 shall not provide any public indication of the source of these
6 registrations. Registration forms may bear a unique, coded marking that
7 does not publicly or readily disclose the voter registration agency or
8 additional voter registration volunteer that was the source of the
9 registration. The coded markings for a form may be translated or
10 otherwise read only by election officials and only for purposes ~~permitted~~
11 ~~ALLOWED~~ by the national voter registration act of 1993 (P.L. 103-31; 107
12 Stat. 77; ~~42~~ 52 United States Code section ~~394~~ 20506).

13 ~~F.~~ F. A county recorder may designate additional voter
14 registration volunteers. These additional voter registration volunteers
15 may provide state mail in registration forms to persons who wish to
16 register to vote.

17 ~~F.~~ G. For THE purposes of this section, ~~unless the context~~
18 ~~otherwise requires:~~

19 1. "Additional voter registration volunteer" means a person, group
20 or entity that is not a public assistance or disabilities agency and that
21 is designated by a county recorder as another voter registration provider
22 pursuant to section 7(a)(3)(A) of the national voter registration act of
23 1993 (P.L. 103-31; 107 Stat. 77; ~~42~~ 52 United States Code section ~~394~~
24 20506) and may include governmental, nonprofit or other private
25 organizations.

26 2. "Disabilities agency" means all offices of an agency in this
27 state that provide state funded programs primarily engaged in providing
28 services to persons with disabilities.

29 3. "Public assistance agency" means all offices of an agency in
30 this state that provide public assistance.

31 Sec. 2. Title 16, chapter 3, article 2, Arizona Revised Statutes,
32 is amended by adding section 16-320, to read:

33 16-320. Candidate withdrawal statement; removal

34 A CANDIDATE WHO WISHES TO WITHDRAW AS A CANDIDATE SHALL SUBMIT A
35 SIGNED STATEMENT OF WITHDRAWAL TO THE FILING OFFICER FOR THE CANDIDATE'S
36 OFFICE. IF A CANDIDATE DOES NOT FILE A STATEMENT OF WITHDRAWAL, THE
37 CANDIDATE'S NAME SHALL BE PLACED ON THE BALLOT OR REMAIN ON THE BALLOT
38 UNLESS A COURT ORDER DIRECTS ITS REMOVAL.

39 Sec. 3. Section 16-341, Arizona Revised Statutes, is amended to
40 read:

41 16-341. Nomination petition; method and time of filing; form;
42 qualifications and number of petitioners required;
43 statement of interest

44 A. Any qualified elector who is not a registered member of a
45 political party that is recognized pursuant to this title may be nominated

1 as a candidate for public office otherwise than by primary election or by
2 party committee pursuant to this section.

3 B. This article shall not be used to place on the general election
4 ballot the name of a political party that fails to meet the qualifications
5 specified in section 16-802 or 16-804, or the name of any candidate
6 representing such party or the name of a candidate who has filed a
7 nomination petition in the immediately preceding primary election and has
8 failed to qualify as the result of an insufficient number of valid
9 signatures.

10 C. A nomination petition stating the name of the office to be
11 filled, the name and residence of the candidate, or, if the candidate does
12 not have an actual residence address, a description of place of residence
13 and post office address, or, if the person's actual residence address is
14 protected pursuant to section 16-153, a post office box or private mailbox
15 address in the candidate's district, precinct or municipality, as
16 applicable for a district, precinct or municipal office, and other
17 information required by this section shall be filed with the same officer
18 with whom primary nomination papers and petitions are required to be filed
19 as prescribed in section 16-311. Except for candidates for the office of
20 presidential elector filed pursuant to this section, the petition shall be
21 filed not less than one hundred twenty days nor more than one hundred
22 fifty days before the primary election. The petition shall be signed only
23 by voters who have not signed the nomination petitions of a candidate for
24 the office to be voted for at that primary election.

25 D. The nomination petition shall be in substantially the following
26 form, except that if the candidate does not have an actual residence
27 address, the candidate may use a description of place of residence and
28 post office address, or, if the candidate's actual residence address is
29 protected pursuant to section 16-153, a post office box or private mailbox
30 address in the candidate's district, precinct or municipality, as
31 applicable for a district, precinct or municipal office, is sufficient:

32 The undersigned, qualified electors of _____
33 county, state of Arizona, do hereby nominate _____, who
34 resides at _____ in the county of _____, as a
35 candidate for the office of _____ at the general (or
36 special, as the case may be) election to be held on the
37 _____ day of _____, ____.

38 I hereby declare that I have not signed the nomination
39 petitions of any candidate for the office to be voted for at
40 this primary election, and I do hereby select the following
41 designation under which name the said candidate shall be
42 placed on the official ballot (here insert such designation
43 not exceeding three words in length as the signers may
44 select).

1 E. The nomination petition shall conform as nearly as possible to
2 the provisions relating to nomination petitions of candidates to be voted
3 for at primary elections and shall be signed by at least the number of
4 persons who are registered to vote determined by calculating three percent
5 of the persons who are registered to vote of the state, county,
6 subdivision or district for which the candidate is nominated who are not
7 members of a political party that is qualified to be represented by an
8 official party ballot at the next ensuing primary election and accorded
9 representation on the general election ballot.

10 F. The percentage of persons who are registered to vote necessary
11 to sign the nomination petition shall be determined by the total number of
12 registered voters from other than political parties that are qualified to
13 be represented by an official party ballot at the next ensuing primary
14 election and accorded representation on the general election ballot in the
15 state, county, subdivision or district on January 2 of the year in which
16 the general election is held. Notwithstanding the method prescribed by
17 subsection E of this section and this subsection for calculating the
18 minimum number of signatures necessary, any person who is registered to
19 vote in the state, county, subdivision or district for which the candidate
20 is nominated is eligible to sign the nomination petition without regard to
21 the signer's party affiliation.

22 G. A nomination petition for any candidate may be circulated by a
23 person who is not a resident of this state but who is otherwise eligible
24 to register to vote in this state if that person registers as a circulator
25 with the secretary of state before circulating petitions. The nomination
26 petition for the office of presidential elector shall include a group of
27 names of candidates equal to the number of United States senators and
28 representatives in Congress from this state instead of separate nomination
29 petitions for each candidate for the office of presidential elector. A
30 valid signature on a petition containing a group of presidential electors
31 candidates is counted as a signature for the nomination of each of the
32 candidates. The presidential candidate whom the candidates for
33 presidential elector will represent shall designate in writing to the
34 secretary of state the names of the candidates who will represent the
35 presidential candidate before any signatures for the candidate can be
36 accepted for filing. A nomination petition for the office of presidential
37 elector shall be filed not less than eighty nor more than one hundred days
38 before the general election. The petition shall be signed only by
39 qualified electors who have not signed the nomination petitions of a
40 candidate for the office of presidential elector to be voted for at that
41 election.

42 H. The secretary of state shall require in the instructions and
43 procedures manual issued pursuant to section 16-452 that persons who
44 circulate nomination petitions pursuant to this section and who are not
45 residents of this state but who are otherwise eligible to register to vote

1 in this state shall register as circulators with the office of the
2 secretary of state before circulating petitions. The secretary of state
3 shall provide for a method of receiving service of process for those
4 petition circulators who are registered.

5 I. Not later than the date of the first petition signature on a
6 nomination petition, a person who may be a candidate for office pursuant
7 to this section shall file a statement of interest with the appropriate
8 filing officer for that office. The statement of interest shall contain
9 the name of the person, the political party, if any, and the name of the
10 office that may be sought. Any nomination petition signatures collected
11 before the date the statement of interest is filed are invalid and subject
12 to challenge. This subsection does not apply to:

13 1. Candidates for elected office for special taxing districts that
14 are established pursuant to title 48.

15 2. Candidates for precinct committeeman.

16 3. Candidates for president or vice president of the United States.

17 J. A person who files a nomination paper **AND NOMINATION PETITION**
18 pursuant to this section for the office of president of the United States
19 shall **FILE THE NOMINATION PAPER AND NOMINATION PETITION NOT LATER THAN**
20 **SEVENTY-FIVE DAYS BEFORE THE DATE OF THE PRESIDENTIAL ELECTION AND SHALL**
21 designate in writing to the secretary of state at the time of filing the
22 name of the candidate's vice presidential running mate, the names of the
23 presidential electors who will represent that candidate and a statement
24 that is signed by the vice presidential running mate and the designated
25 presidential electors and that indicates their consent to be designated.
26 **THE NOMINATION PETITION SHALL BE SIGNED BY AT LEAST THE NUMBER OF PERSONS**
27 **WHO ARE REGISTERED TO VOTE THAT IS DETERMINED BY CALCULATING THREE PERCENT**
28 **OF THE PERSONS WHO ARE REGISTERED TO VOTE IN THIS STATE AND WHO ARE NOT**
29 **MEMBERS OF A POLITICAL PARTY THAT IS QUALIFIED TO BE REPRESENTED BY AN**
30 **OFFICIAL PARTY BALLOT AT THE NEXT ENSUING PRIMARY ELECTION AND ACCORDED**
31 **REPRESENTATION ON THE GENERAL ELECTION BALLOT AND NOT MORE THAN TEN**
32 **PERCENT OF THE PERSONS WHO ARE REGISTERED TO VOTE IN THIS STATE AND WHO**
33 **ARE NOT MEMBERS OF A POLITICAL PARTY THAT IS QUALIFIED TO BE REPRESENTED**
34 **BY AN OFFICIAL PARTY BALLOT AT THE NEXT ENSUING PRIMARY ELECTION AND**
35 **ACCORDED REPRESENTATION ON THE GENERAL ELECTION BALLOT. SUBSECTION F OF**
36 **THIS SECTION APPLIES TO DETERMINING THE PERCENTAGE OF REGISTERED VOTERS**
37 **REQUIRED FOR THE NOMINATION PETITION. ANY PERSON WHO IS REGISTERED TO**
38 **VOTE IN THIS STATE IS ELIGIBLE TO SIGN THE NOMINATION PETITION WITHOUT**
39 **REGARD TO THE SIGNER'S PARTY AFFILIATION.** A nomination paper for each
40 presidential elector designated shall be filed with the candidate's
41 nomination paper. The number of presidential electors shall equal the
42 number of United States senators and representatives in Congress from this
43 state.

1 K. A candidate who does not file a timely nomination petition that
2 complies with this section is not eligible to have the candidate's name
3 printed on the official ballot for that office. The filing officer shall
4 not accept the nomination paper of a candidate for state or local office
5 unless the candidate provides or has provided all of the following:

6 1. The financial disclosure statement as prescribed for candidates
7 for that office.

8 2. The declaration of qualification and eligibility as prescribed
9 in section 16-311.

10 L. Not later than sixty days before the date of the general
11 election, a candidate for governor who files a nomination petition
12 pursuant to this section shall submit to the secretary of state the name
13 of the person who will be the joint candidate for lieutenant governor with
14 that gubernatorial candidate and whose name will appear on the general
15 election ballot jointly with the candidate for governor.

16 M. Except in cases where the liability is being appealed, the
17 filing officer shall not accept the nomination paper of a candidate for
18 state or local office if the person is liable for an aggregation of \$1,000
19 or more in fines, penalties, late fees or administrative or civil
20 judgments, including any interest or costs, in any combination, that have
21 not been fully satisfied at the time of the attempted filing of the
22 nomination paper and the liability arose from failure to comply with or
23 enforcement of chapter 6 of this title.

24 N. The secretary of state may authorize for statewide and
25 legislative offices the creation, use and submission of petitions
26 prescribed by this section in electronic form if those petitions provide
27 for an appropriate method to verify signatures of petition circulators and
28 signers. The secretary of state may require use of a unique marking
29 system for petition pages, including a bar code, a quick response code or
30 another similar marking system.

31 Sec. 4. Section 16-405, Arizona Revised Statutes, is amended to
32 read:

33 16-405. Preparation for elections

34 A. The board of supervisors or other authority in charge of
35 elections shall provide voting or marking devices, voting booths, ballots,
36 early ballots as prescribed by section 16-545, ballot boxes and other
37 supplies as required.

38 B. **BALLOTS FOR ALL ELECTIONS SHALL BE PRINTED AND AVAILABLE NOT**
39 **LATER THAN SEVENTY-FIVE DAYS BEFORE ELECTION DAY. AFTER PRINTING, THE**
40 **COUNTY SHALL STORE THE BALLOTS IN A SECURE LOCKED LOCATION, AND ONLY AN**
41 **ELECTION OFFICER MAY HAVE ACCESS TO THE BALLOT STORAGE LOCATION PRESCRIBED**
42 **BY THIS SUBSECTION.**

1 Sec. 5. Section 16-407, Arizona Revised Statutes, is amended to
2 read:

3 16-407. Election officers; qualifications; certificates;
4 certification programs; plan; exemption; election
5 training fund

6 A. Except as provided in subsection E of this section, a person may
7 not perform the duties or exercise the authority of an election officer or
8 of the clerk of the board of supervisors or the county recorder in
9 performance of election duties in or on behalf of any county unless the
10 person is the holder of an election officer's certificate issued by the
11 secretary of state ~~before January 1 of~~ DURING THE TWO-YEAR PERIOD BEFORE
12 each general election year.

13 B. The secretary of state shall provide for the examination of
14 applicants for election officer certificates. The secretary of state may
15 not issue a certificate to a person who has not demonstrated to the
16 satisfaction of the secretary of state that the person is competent to
17 perform the work of an election officer or of the clerk of the board of
18 supervisors or the county recorder in the performance of election duties.

19 C. The secretary of state shall provide for election officer
20 certification programs of which successful completion by a person attests
21 to the attendance at, participation in and completion of a course of
22 instruction in the technical, legal and administrative aspects of
23 conducting elections within this state.

24 D. On or before December 31 of each year of a general election, the
25 secretary of state shall submit an election officer education, training
26 and certification plan to the president of the senate and the speaker of
27 the house of representatives. The plan shall outline the achievements and
28 problems of the previous ~~two-year~~ TWO-YEAR period and specify the expected
29 education, training and certification activities of the coming ~~two-year~~
30 TWO-YEAR period.

31 E. Subsection A of this section does not apply to elected
32 officials, clerical and secretarial personnel, counting center personnel
33 and precinct election board members and election officials in cities or
34 towns.

35 F. For city and town employees who work on elections, the city or
36 town may train its own employees if the city or town training program is
37 approved by the secretary of state or, if the city or town chooses to
38 enroll the city or town employees in the certification program prescribed
39 by this section, the city or town shall reimburse the secretary of state
40 for the costs of conducting the training. An election training fund is
41 established consisting of monies received pursuant to this subsection.
42 The secretary of state shall administer the fund. Monies in the fund are
43 continuously appropriated and the secretary of state shall use monies in
44 the fund to pay the costs of training officials from cities and towns
45 pursuant to this subsection.

1 Sec. 6. 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 (P.L. 99-410; 52 United States Code
24 section 20310). In lieu of the application, the applicant may submit a
25 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, **WHO ARE NOT LISTED AS INACTIVE** and who are included on the
36 active early voting list an election notice by nonforwardable mail that is
37 marked with the statement required by the postmaster to receive an address
38 correction notification. If an election is not formally called by a
39 jurisdiction by the one hundred eightieth day before the election, the
40 recorder or other officer in charge of elections is not required to send
41 the election notice. The notice shall include the dates of the elections
42 that are the subject of the notice, the dates that the voter's ballot is
43 expected to be mailed and the address where the ballot will be mailed. If
44 the upcoming election is a partisan open primary election and the voter is
45 not registered as a member of one of the political parties that is

1 recognized for purposes of that primary, the notice shall include
2 information on the procedure for the voter to designate a political party
3 ballot. The notice shall be delivered with return postage prepaid and
4 shall also include a means for 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 **AND MAY NOT RECEIVE AN**
18 **EARLY BALLOT UNLESS THE VOTER UPDATES OR OTHERWISE CONFIRMS THE VOTER'S**
19 **REGISTRATION INFORMATION**. If the voter is removed from the active early
20 voting list, the voter shall only be added to the active early voting list
21 again if the voter submits a new request pursuant to this section.

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

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

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

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

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

- 1 1. The voter requests in writing to be removed from the active
2 early voting list.
- 3 2. The voter's registration or eligibility for registration is
4 moved to inactive status or canceled as otherwise provided by law.
- 5 3. The notice sent by the county recorder or other officer in
6 charge of elections is returned undeliverable and the county recorder or
7 officer in charge of elections is unable to contact the voter to determine
8 the voter's continued desire to remain on the list.
- 9 4. The voter fails to vote an early ballot in all elections for two
10 consecutive election cycles. For the purposes of this paragraph,
11 "election" means any regular primary or regular general election for which
12 there was a federal race on the ballot or for which a city or town
13 candidate primary or first election or city or town candidate second,
14 general or runoff election was on the ballot. This paragraph does not
15 apply to:
- 16 (a) A special taxing district that is authorized pursuant to
17 section 16-191 to conduct its own elections.
- 18 (b) A special district mail ballot election that is conducted
19 pursuant to article 8.1 of this chapter.
- 20 I. A voter may make a written request at any time to be removed
21 from the active early voting list. The request shall include the voter's
22 name, residence address, date of birth and signature. On receipt of a
23 completed request to remove a voter from the active early voting list, the
24 county recorder or other officer in charge of elections shall remove the
25 voter's name from the list as soon as practicable.
- 26 J. An absent uniformed services voter or overseas voter as defined
27 in the uniformed and overseas citizens absentee voting act (P.L. 99-410;
28 52 United States Code section 20310) is eligible to be placed on the
29 active early voting list pursuant to this section.
- 30 K. A voter's failure to vote an early ballot once received does not
31 constitute grounds to remove the voter from the active early voting list,
32 except that a county recorder shall remove a voter from the active early
33 voting list if both of the following apply:
- 34 1. The county recorder or other officer in charge of elections
35 complies with subsection M of this section.
- 36 2. The voter fails to vote using an early ballot in all of the
37 following elections for two consecutive election cycles:
- 38 (a) A regular primary and regular general election for which there
39 was a federal race on the ballot.
- 40 (b) A city or town candidate primary or first election and a city
41 or town candidate second, general or runoff election.
- 42 L. On or before January 15 of each odd-numbered year, the county
43 recorder or other officer in charge of elections shall send a notice to
44 each voter who is on the active early voting list and who did not vote an
45 early ballot in all elections for two consecutive election cycles as

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

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

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

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

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

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

37 P. A person who receives an early ballot at an address at which
38 another person formerly resided, without voting the ballot or signing the
39 envelope, shall write "not at this address" on the envelope and place the
40 mail piece in a United States postal service collection box or other mail
41 receptacle. On receipt, the county recorder or other officer in charge of
42 elections shall proceed in the manner prescribed in subsection E of this
43 section.

1 Q. When the county recorder receives confirmation from another
2 county that a person registered has registered to vote in that other
3 county, the county recorder shall remove that person from the active early
4 voting list.

5 R. If the county recorder receives credible information that a
6 person has registered to vote in a different county, the county recorder
7 shall confirm the person's voter registration with that other county and,
8 on confirmation, shall remove that person from the county's active early
9 voting list pursuant to subsection Q of this section.

10 S. For the purposes of this section, "election cycle" means the
11 two-year period beginning on January 1 in the year after a statewide
12 general election or, for cities and towns, the two-year period beginning
13 on the first day of the calendar quarter after the calendar quarter in
14 which the city's or town's second, runoff or general election is scheduled
15 and ending on the last day of the calendar quarter in which the city's or
16 town's immediately following second, runoff or general election is
17 scheduled, however that election is designated by the city or town.

18 Sec. 7. Section 16-548, Arizona Revised Statutes, is amended to
19 read:

20 16-548. Preparation and transmission of ballot

21 A. The early voter shall make and sign the affidavit and shall then
22 mark ~~his~~ THE ballot in ~~such~~ a manner that ~~his~~ THE EARLY VOTER'S vote
23 cannot be seen. The early voter shall fold the ballot, if a paper ballot,
24 so as to conceal the vote and deposit the voted ballot in the envelope
25 provided for that purpose, which shall be securely sealed and, together
26 with the affidavit, delivered or mailed to the county recorder or other
27 officer in charge of elections of the political subdivision in which the
28 elector is registered or deposited by the voter or the voter's agent at
29 any polling place in the county. In order to be counted and valid, the
30 ballot must be received by the county recorder or other officer in charge
31 of elections or deposited at any polling place in the county ~~no~~ NOT later
32 than 7:00 p.m. on election day. **IF THE BALLOT IS RECEIVED BY 7:00 P.M. ON
33 ELECTION DAY BY A COUNTY RECORDER FROM A COUNTY OTHER THAN THE VOTER'S
34 COUNTY OF REGISTRATION, THE COUNTY RECORDER SHALL SEND THE BALLOT TO THE
35 APPROPRIATE COUNTY RECORDER FOR TABULATION AND THAT COUNTY RECORDER SHALL
36 TABULATE THE BALLOT IF IT WAS TIMELY RECEIVED BY THE COUNTY RECORDER.**

37 B. If the early voter is an overseas citizen, a qualified elector
38 absent from the United States or in the United States service, a spouse or
39 dependent residing with the early voter or a qualified elector of a
40 special district mail ballot election as provided in article 8.1 of this
41 chapter, the early voter may subscribe to the affidavit before and obtain
42 the signature and military identification number or passport number, if
43 available, of any person who is a United States citizen eighteen years of
44 age or older.

1 Sec. 8. Section 16-550, Arizona Revised Statutes, is amended to
2 read:

3 16-550. Receipt of voter's ballot; cure period; tracking
4 system

5 A. Except for early ballots tabulated as prescribed in section
6 16-579.02 or, beginning in 2026, received at a voting location after a
7 voter's identification is confirmed as prescribed by section 16-579,
8 subsection A, paragraph 4, on receipt of the envelope containing the early
9 ballot and the mail ~~ballot~~ affidavit, the county recorder or other officer
10 in charge of elections shall compare the signature on the envelope with
11 the signature of the elector on the elector's registration record as
12 prescribed by section 16-550.01. If the signature is inconsistent with
13 the elector's signature on the elector's registration record, the county
14 recorder or other officer in charge of elections shall make reasonable
15 efforts to contact the voter, advise the voter of the inconsistent
16 signature and allow the voter to correct or the county to confirm the
17 inconsistent signature. The county recorder or other officer in charge of
18 elections shall allow signatures to be corrected not later than the fifth
19 business day after a primary, general or special election that includes a
20 federal office or the third business day after any other election. If the
21 election is a primary, general or special election that includes a federal
22 office AND THERE ARE OUTSTANDING BALLOTS THAT REQUIRE IDENTIFICATION OR
23 BALLOT SIGNATURES TO BE CORRECTED OR CONFIRMED, in addition to the
24 office's regular business hours, the county recorder's OFFICE IN A COUNTY
25 WITH A POPULATION OF FIVE HUNDRED THOUSAND PERSONS OR MORE and any city or
26 town clerks' offices FOR A CITY OR TOWN WITH A POPULATION OF SEVENTY-FIVE
27 THOUSAND PERSONS OR MORE that have an agreement with a county to be used
28 as locations at which a voter may submit proof of identification shall be
29 open during regular business hours to allow for curing signatures during
30 the Friday and weekend before and the Friday and weekend after the
31 election. Regular business hours include at a minimum 8:00 a.m. until
32 5:00 p.m. IF THERE ARE NO BALLOTS REMAINING THAT REQUIRE IDENTIFICATION
33 OR SIGNATURES TO BE CURED, THE COUNTY RECORDER IN A COUNTY WITH A
34 POPULATION OF LESS THAN FIVE HUNDRED THOUSAND PERSONS AND CITY AND TOWN
35 CLERKS IN A CITY OR TOWN WITH A POPULATION OF LESS THAN SEVENTY-FIVE
36 THOUSAND PERSONS ARE NOT REQUIRED TO BE OPEN DURING THE WEEKEND. If the
37 signature is missing, the county recorder or other officer in charge of
38 elections shall make reasonable efforts to contact the elector, advise the
39 elector of the missing signature and allow the elector to add the
40 elector's signature not later than 7:00 p.m. on election day. If
41 satisfied that the signatures correspond, the recorder or other officer in
42 charge of elections shall hold the envelope containing the early ballot
43 and the completed mail affidavit unopened in accordance with the rules of
44 the secretary of state. Signatures that cannot be verified pursuant to
45 section 16-550.01 or cured pursuant to this section shall be rejected. If

1 the ballot is a conditional provisional ballot, the voter shall provide
 2 proof of identification to the county recorder or other officer in charge
 3 of elections not later than the fifth business day after a primary,
 4 general or special election that includes a federal office or the third
 5 business day after any other election. Beginning with the first missing
 6 or mismatched signature that is identified after the period of early
 7 voting begins through the Monday immediately preceding the election, the
 8 county recorder or other officer in charge of elections shall submit daily
 9 to the political parties that are qualified for continued representation
 10 on the state ballot an updated list of all voters whose signatures are
 11 missing or inconsistent with the voter's signature on the voter's
 12 registration record. Beginning on the Wednesday immediately following the
 13 election through the end of the signature cure period after a primary,
 14 general or special election that includes a federal office, or the third
 15 business day after the election for any other election, the county
 16 recorder or other officer in charge of elections shall submit daily to the
 17 political parties that are qualified for continued representation on the
 18 state ballot an updated list of all voters whose signatures are
 19 inconsistent with the voter's signature on the voter's registration record
 20 and all voters who voted with a conditional provisional ballot. This list
 21 of voters whose signatures require curing shall include for those voters
 22 all voter information that is provided to the political parties that are
 23 qualified for continued representation on the state ballot as prescribed
 24 by section 16-168.

25 B. The recorder or other officer in charge of elections shall
 26 thereafter safely keep the mail ~~ballot~~ affidavits and early ballots in the
 27 recorder's or other officer's office and may deliver them for tallying
 28 pursuant to section 16-551.

29 C. Processing and tabulation of individual ballots may begin
 30 immediately after the envelope and completed mail ~~ballot~~ affidavit are
 31 processed pursuant to this section and delivered to the early election
 32 board and shall continue without delay until completed. Until election
 33 day, the early election board and the county recorder or other officer in
 34 charge of elections shall:

35 1. Not access an aggregated complete results file of early voting
 36 and vote by mail ballots that were processed and tabulated by the end of
 37 the early voting period.

38 2. Not produce for internal or external use an aggregated results
 39 report or associated files of complete results.

40 3. Only produce a partial results report or associated files if it
 41 is part of the internal preparation for the hand count pursuant to section
 42 16-602 or for the logic and accuracy testing required pursuant to section
 43 16-449.

1 4. Not publicly release complete or partial results, whether for
2 internal or external use, until all precincts have reported or one hour
3 after the closing of the polls on election day, whichever is earlier.

4 D. The county recorder or other officer in charge of elections
5 shall post on its website within forty-eight hours after all ballot
6 tabulation is complete all system log files and other similar files from
7 the election management system that verify compliance with subsection C of
8 this section.

9 E. The county recorder shall send a list of all voters who were
10 issued early ballots to the election board of the precinct in which the
11 voter is registered.

12 F. For a county that uses early ballots, the county recorder or
13 other officer in charge of elections shall provide an early ballot
14 tracking system that indicates whether the voter's early ballot has been
15 received and whether the early ballot has been verified and sent to be
16 tabulated or rejected. The county recorder or other officer in charge of
17 elections shall provide voters with access to the early ballot tracking
18 system on the county's website.

19 G. This section does not apply to:

20 1. A special taxing district that is authorized pursuant to section
21 16-191 to conduct its own elections.

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

24 Sec. 9. Section 16-551, Arizona Revised Statutes, is amended to
25 read:

26 16-551. Early election board; violation; classification

27 A. The board of supervisors or the governing body of the political
28 subdivision shall appoint one or more early election boards to serve at
29 places to be designated by the board of supervisors or the governing body
30 to canvass and tally early election ballots. Members of early election
31 boards shall be selected in accordance with the provisions for selecting
32 members of regular election boards as provided in section 16-531.

33 B. If an electronic voting system is in use for early voting, the
34 early election board shall consist of at least one inspector and two
35 judges who shall perform the processing requirements in accordance with
36 the rules issued by the secretary of state. The inspector and judges
37 shall be appointed in the same manner by party as provided in section
38 16-531.

39 C. All early ballots received by ~~the~~ ANY county recorder or other
40 officer in charge of elections before 7:00 p.m. on election day and the
41 original mail ~~ballot~~ affidavit of the voter shall be delivered to the
42 early election boards for processing as provided in the rules of the
43 secretary of state, **EXCEPT THAT A COUNTY RECORDER WHO RECEIVES AN EARLY
44 BALLOT FROM A VOTER FROM A DIFFERENT COUNTY SHALL PROVIDE THAT EARLY
45 BALLOT TO THE APPROPRIATE COUNTY RECORDER WITHIN THREE DAYS AFTER ELECTION**

1 DAY. Beginning in 2026, all early ballots that are delivered by a voter
2 to a voting location without presenting identification that complies with
3 section 16-579, subsection A, paragraph 1 must be signature verified. The
4 office of the county recorder or other officer in charge of elections
5 shall remain open until 7:00 p.m. on election day for the purpose of
6 receiving early ballots. Partial or complete tallies of the early
7 election board shall not be released or divulged before all precincts have
8 reported or one hour after the closing of the polls on election day,
9 whichever occurs first. Any person who unlawfully releases information
10 regarding vote tallies or who possesses a tally sheet or summary without
11 authorization from the recorder or officer in charge of elections is
12 guilty of a class 6 felony.

13 D. The county recorder or other officer in charge of elections
14 shall count the number of early ballots that are returned at voting
15 locations on election day and shall post on its website those totals with
16 the last unofficial results that are released on election night pursuant
17 to section 16-622. Beginning with the day following the election, the
18 county recorder or other officer in charge of elections shall enter into
19 the county's ballot tracking system, if established, early ballots that
20 were returned at the voting location on election day.

21 E. The necessary printed blanks for poll lists, tally lists, lists
22 of voters, ballots, oaths and returns, together with envelopes in which to
23 enclose the returns, shall be furnished by the board of supervisors or the
24 governing body of the political subdivision to the early election board
25 for each election precinct at the expense of the county or the political
26 subdivision.

27 Sec. 10. Section 16-558.01, Arizona Revised Statutes, is amended to
28 read:

29 16-558.01. Mailing of ballots

30 Not more than twenty-seven days before the election and not fewer
31 than fifteen days before the election, the county recorder or other
32 officer in charge of elections for the special district shall send by
33 nonforwardable mail all official ballots with printed instructions and a
34 return envelope bearing a printed ~~ballot~~ MAIL affidavit as described in
35 section 16-547 to each qualified elector WHO IS NOT LISTED AS INACTIVE AND
36 WHO IS entitled to vote in the election. The envelope in which the ballot
37 is mailed shall be clearly marked with the statement required by the
38 postmaster to receive an address correction and notification. The
39 district governing board shall determine whether the voter or the district
40 governing board will pay for the postage for the return of electors'
41 marked ballots. An elector who votes in a special district mail ballot
42 election shall return the elector's marked ballot to the recorder or other
43 officer in charge of the election or to a designated depository site as
44 provided in section 16-411 ~~to~~ NOT later than 7:00 p.m. on the day of the
45 election.

1 Sec. 11. Section 16-558.02, Arizona Revised Statutes, is amended to
2 read:

3 16-558.02. Replacement ballots

4 A. The county recorder or other officer in charge of elections
5 shall determine a central location in the district and shall provide for a
6 ballot replacement center that is as near to that location as is
7 practicable for electors to obtain a replacement ballot **OR FOR AN ELECTOR**
8 **WHO IS LISTED AS INACTIVE TO CONFIRM OR REVISE THE ELECTOR'S VOTER**
9 **REGISTRATION INFORMATION AND RECEIVE A BALLOT**. The location shall be open
10 from 6:00 a.m. until 7:00 p.m. of the day of the election. An elector may
11 obtain a replacement ballot until 7:00 p.m. on the day of the election on
12 presenting a signed, sworn statement that the ballot was lost, spoiled,
13 destroyed or not received.

14 B. The recorder or other officer in charge of elections shall keep
15 a record of each replacement ballot provided pursuant to this section.

16 C. If an elector to whom a replacement ballot is issued votes more
17 than once, only the first ballot received shall be counted.

18 Sec. 12. Section 16-602, Arizona Revised Statutes, is amended to
19 read:

20 16-602. Tabulation; designated margin; hand counts; vote
21 count verification committee

22 A. For any primary, special or general election in which the votes
23 are cast on an electronic voting machine or tabulator, the election judge
24 shall compare the number of votes cast as indicated on the machine or
25 tabulator with the number of votes cast as indicated on the poll list and
26 the number of provisional ballots cast and that information shall be noted
27 in a written report prepared and submitted to the officer in charge of
28 elections along with other tally reports.

29 B. For each countywide primary, special, general and presidential
30 preference election, the county officer in charge of the election shall
31 conduct a hand count at one or more secure facilities. The hand count
32 shall be conducted as prescribed by this section and in accordance with
33 hand count procedures established by the secretary of state in the
34 official instructions and procedures manual adopted pursuant to section
35 16-452. The hand count is not subject to the live video requirements of
36 section 16-621, subsection D, but the party representatives who are
37 observing the hand count may bring their own video cameras in order to
38 record the hand count. The recording shall not interfere with the conduct
39 of the hand count and the officer in charge of the election may prohibit
40 from recording or remove from the facility persons who are taking actions
41 to disrupt the count. The sole act of recording the hand count does not
42 constitute sufficient grounds for the officer in charge of the election to
43 prohibit observers from recording or to remove them from the facility.
44 The hand count shall be conducted in the following order:

1 1. At least two percent of the precincts in that county, or two
2 precincts, whichever is greater, shall be selected at random from a pool
3 consisting of every precinct in that county. The county political party
4 chairperson for each political party that is entitled to continued
5 representation on the state ballot or the chairperson's designee shall
6 conduct the selection of the precincts to be hand counted. The precincts
7 shall be selected by lot without the use of a computer, and the order of
8 selection by the county political party chairpersons shall also be by lot.
9 The selection of the precincts shall not begin until all ballots voted in
10 the precinct polling places have been delivered to the central counting
11 center. The unofficial vote totals from all precincts shall be made
12 public before selecting the precincts to be hand counted. Only the
13 ballots cast in the polling places and ballots from direct recording
14 electronic machines shall be included in the hand counts conducted
15 pursuant to this section. Provisional ballots, conditional provisional
16 ballots and write-in votes shall not be included in the hand counts and
17 the early ballots shall be grouped separately by the officer in charge of
18 elections for purposes of a separate manual audit pursuant to subsection F
19 of this section.

20 2. The races to be counted on the ballots from the precincts that
21 were selected pursuant to paragraph 1 of this subsection for each primary,
22 special and general election shall include up to five contested races.
23 After the county recorder or other officer in charge of elections
24 separates the primary ballots by political party, the races to be counted
25 shall be determined by selecting by lot without the use of a computer from
26 those ballots as follows:

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

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

30 (c) One contested race for federal office, either United States
31 senate or United States house of representatives. If the United States
32 house of representatives race is selected, the names of the candidates may
33 vary among the sampled precincts.

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

37 (e) If there are fewer than four contested races resulting from the
38 selections made pursuant to subdivisions (a) through (d) of this paragraph
39 and if there are additional contested federal, statewide, ~~or~~ legislative
40 ~~OR COUNTY~~ races or ballot measures, additional contested races shall be
41 selected by lot not using a computer until four races have been selected
42 or until no additional contested federal, statewide, ~~or~~ legislative ~~OR~~
43 ~~COUNTY~~ races or ballot measures are available for selection.

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

4 3. For the presidential preference election, select by lot two
5 percent of the polling places designated and used pursuant to section
6 16-248 and perform the hand count of those ballots.

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

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

12 6. Each county chairperson of a political party that is entitled to
13 continued representation on the state ballot or the chairperson's designee
14 shall select by lot the individual races to be hand counted pursuant to
15 this section.

16 7. Political party designees who are selected pursuant to this
17 paragraph shall perform the hand count under the supervision of the county
18 officer in charge of elections. The county officer in charge of elections
19 shall provide compensation for those selected to perform the hand count,
20 not to include travel, meal or lodging expenses. The hand count shall not
21 proceed unless the political parties provide the officer in charge of
22 elections in writing a sufficient number of persons pursuant to this
23 paragraph by 5:00 p.m. on the Thursday preceding the election and a
24 sufficient number of persons prescribed by this paragraph arrive to
25 perform the hand count. Political party designees shall be selected to
26 perform the hand count as follows:

27 (a) The county chairperson of each political party shall designate
28 and provide to both the county officer in charge of elections and the
29 state party chairperson the number of hand count board members as
30 designated by the county officer in charge of elections. If the county
31 party chairperson fails to designate a sufficient number of hand count
32 board workers, the state party chairperson shall designate qualified
33 electors to be hand count board workers. If the county PARTY chairpersons
34 and the state party chairpersons fail to designate a sufficient number of
35 hand count board workers, the highest-ranking official holding a statewide
36 office of each political party shall designate qualified electors to be
37 hand count board workers. For the purposes of this subdivision, the
38 ranking of officials holding statewide office shall be governor, secretary
39 of state, attorney general, state treasurer, superintendent of public
40 instruction, corporation commissioners in order of seniority, mine
41 inspector, senate majority and minority leaders and house of
42 representatives majority and minority leaders.

43 (b) The political parties shall provide to the county officer in
44 charge of elections in writing the names of those persons intending to

1 participate in the hand count at the audited precincts not later than
2 5:00 p.m. on the second Tuesday preceding the election.

3 (c) If the total number of hand count board workers provided by all
4 parties is less than the number designated by the county officer in charge
5 of elections, the county officer in charge of elections shall notify the
6 parties of the shortage not later than 9:00 a.m. on the second Wednesday
7 preceding the election and the political parties have until 9:00 a.m. on
8 the second Thursday preceding the election to provide the county officer
9 in charge of elections with an additional list of qualified electors who
10 are willing to participate in the hand count.

11 (d) The county officer in charge of elections shall distribute the
12 list provided pursuant to subdivision (c) of this paragraph to the county
13 chairperson and state chairperson of each recognized political party in
14 the county and state not later than 5:00 p.m. on the second Friday
15 preceding the election.

16 (e) The selection of persons to perform the hand count shall ensure
17 that not more than seventy-five percent of the persons conducting the hand
18 count are members of the same political party.

19 (f) The county recorder or county officer in charge of elections
20 may prohibit persons from participating in the hand count if the persons
21 are taking actions to disrupt the count or are unable to perform the
22 duties as assigned.

23 8. If a political party is not represented by a designated
24 chairperson within a county, the state chairperson for that political
25 party, or a person designated by the state chairperson, may perform the
26 actions required by the county chairperson as specified in this section.

27 C. If the randomly selected races result in a difference in any
28 race that is less than the designated margin when compared to the
29 electronic tabulation of those same ballots, the results of the electronic
30 tabulation constitute the official count for that race. If the randomly
31 selected races result in a difference in any race that is equal to or
32 greater than the designated margin when compared to the electronic
33 tabulation of those same ballots, a second hand count of those same
34 ballots and races shall be performed. If the second hand count results in
35 a difference in any race that is less than the designated margin when
36 compared to the electronic tabulation for those same ballots, the
37 electronic tabulation constitutes the official count for that race. If
38 the second hand count results in a difference in any race that is equal to
39 or greater than the designated margin when compared to the electronic
40 tabulation for those same ballots, the hand count shall be expanded to
41 include a total of twice the original number of randomly selected
42 precincts. Those additional precincts shall be selected by lot without
43 the use of a computer.

44 D. In any expanded count of randomly selected precincts, if the
45 randomly selected precinct hand counts result in a difference in any race

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

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

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

1 manual count results in a difference in that race that is less than the
2 designated margin. If at any point in the manual audit of early ballots
3 the difference between any manual count of early ballots is less than the
4 designated margin when compared to the electronic tabulation of those
5 ballots, the electronic tabulation shall be included in the canvass and no
6 further manual audit of the early ballots shall be conducted.

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

10 H. Notwithstanding any other law, the county officer in charge of
11 elections shall retain custody of the ballots for purposes of performing
12 any required hand counts and the officer shall provide for security for
13 those ballots.

14 I. The hand counts prescribed by this section shall begin within
15 twenty-four hours after the closing of the polls and shall be completed
16 before the canvassing of the election for that county. The county shall
17 make available on the county's website the results of those hand counts
18 and shall provide the results to the secretary of state, who shall make
19 those results publicly available on the secretary of state's website.

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

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

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

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

40 3. A person is not eligible to be a committee member if that person
41 has been affiliated with or received any income in the preceding five
42 years from any person or entity that provides election equipment or
43 services in this state.

44 4. The vote count verification committee shall meet and establish
45 one or more designated margins to be used in reviewing the hand counting

1 of votes as required pursuant to this section. The committee shall review
2 and consider revising the designated margins every two years for use in
3 the applicable elections. The committee shall provide the designated
4 margins to the secretary of state at least ten days before the primary
5 election and at least ten days before the general election, and the
6 secretary of state shall make that information publicly available on the
7 secretary of state's website.

8 5. Members of the vote count verification committee are not
9 eligible to receive compensation but are eligible for reimbursement of
10 expenses pursuant to title 38, chapter 4, article 2. The committee is a
11 public body and its meetings are subject to title 38, chapter 3, article
12 3.1 and its reports and records are subject to title 39, chapter 1.

13 Sec. 13. Section 16-801, Arizona Revised Statutes, is amended to
14 read:

15 16-801. Representation of new party on ballot at primary and
16 general elections

17 A. A new political party may become eligible for recognition and
18 shall be represented by an official party ballot at the next ensuing
19 regular primary election and accorded a column on the official ballot at
20 the succeeding general election on filing with the secretary of state a
21 petition signed by a number of qualified electors equal to not less than
22 one and one-third ~~percent~~ PERCENT AND NOT MORE THAN TEN PERCENT of the
23 total votes cast for governor at the last preceding general election at
24 which a governor was elected. From this number, at least five different
25 counties shall be included as the county of registration among the
26 required total of qualified electors and at least ten ~~percent~~ PERCENT of
27 the required total of qualified electors shall be registered in counties
28 with populations of less than five hundred thousand persons. The petition
29 shall:

30 1. Be verified by the affidavit of ten qualified electors of the
31 state, asking that the signers thereof be recognized as a new political
32 party. The status as qualified electors of the signers of the affidavit
33 shall be certified by the county recorder of the county in which they
34 reside.

35 2. Be in substantially the form prescribed by section 16-315.

36 3. Be captioned "petition for political party recognition".

37 B. Notwithstanding any other law, on recognition as a political
38 party that is represented by an official party ballot at the primary
39 election and accorded a ballot column at the succeeding general election,
40 a new political party is entitled to representation as a political party
41 on the official ballot through the next two regularly scheduled general
42 elections for federal office immediately following recognition of the
43 political party. After these two regularly scheduled general elections
44 for federal office, the political party is ineligible for further
45 representation on the ballot unless it qualifies for continued

1 representation on the ballot as prescribed in section 16-804 or it files a
2 new petition for recognition as a new political party pursuant to this
3 section and section 16-803.

4 Sec. 14. Section 16-802, Arizona Revised Statutes, is amended to
5 read:

6 16-802. Representation of new party on ballot for county or
7 municipal election

8 A new political party shall become eligible for recognition, shall
9 be represented by an official party ballot at the next ensuing primary
10 election of a county, city or town and shall be placed on the official
11 ballot at the succeeding regular election on filing with the officer in
12 charge of elections of the county or the city or town clerk, as the case
13 may be, a petition signed by a number of qualified electors equal to not
14 less than two percent **AND NOT MORE THAN TEN PERCENT** of the votes cast for
15 county attorney in the case of a county petition or for mayor in the case
16 of a city or town petition. The county recorder or the city or town
17 clerk, as applicable, shall review the petitions in the same manner
18 prescribed by section 16-803, including the selection of a random sample
19 of twenty percent of the total signatures eligible for verification, which
20 shall be individually verified and certified, and shall perform a
21 calculation and projection of the total number of valid signatures and
22 make a determination whether the party shall be recognized as prescribed
23 by section 16-803, subsection I.

24 Sec. 15. Title 19, chapter 1, article 2, Arizona Revised Statutes,
25 is amended by adding section 19-112.01, to read:

26 19-112.01. Secure online signature collection; statewide
27 initiative and referendum

28 **NOTWITHSTANDING ANY OTHER STATUTE, THE SECRETARY OF STATE SHALL**
29 **PROVIDE A SYSTEM FOR QUALIFIED ELECTORS TO SIGN A PETITION FOR A STATEWIDE**
30 **INITIATIVE OR REFERENDUM BY WAY OF A SECURE INTERNET PORTAL. THE SYSTEM**
31 **SHALL ALLOW ONLY THOSE QUALIFIED ELECTORS WHO ARE ELIGIBLE TO SIGN A**
32 **STATEWIDE INITIATIVE OR REFERENDUM PETITION TO SIGN THE PETITION AND SHALL**
33 **PROVIDE A METHOD FOR THE QUALIFIED ELECTOR'S IDENTITY TO BE PROPERLY**
34 **VERIFIED. A COMMITTEE THAT FILES THE APPLICATION FOR INITIATIVE OR**
35 **REFERENDUM MAY CHOOSE TO COLLECT UP TO _____ PERCENT OF THE REQUIRED**
36 **MINIUM NUMBER OF SIGNATURES BY USE OF THE ONLINE SIGNATURE COLLECTION**
37 **SYSTEM PRESCRIBED BY THIS SECTION.**

38 Sec. 16. Section 19-113, Arizona Revised Statutes, is amended to
39 read:

40 19-113. Withdrawal of petition signature; payment of
41 remuneration; violation; classification

42 A. A person who has signed a petition prescribed by statute for ~~any~~
43 ~~candidate nomination~~, **AN** initiative, referendum, ~~recall~~ or formation or
44 modification of a county, municipality or district may withdraw the
45 person's signature from the petition not later than 5:00 p.m. on the **DAY**

1 BEFORE THE date the petition containing the person's signature is actually
2 filed. A person who has signed a recall petition may withdraw the
3 person's signature from the petition not later than 5:00 p.m. on the DAY
4 BEFORE THE date the petition containing the person's signature is actually
5 submitted for verification pursuant to section 19-203.

6 B. To withdraw a petition signature, a person may do any of the
7 following:

8 1. Verify the withdrawal by signing a simple statement of intent to
9 withdraw at the office of the filing officer.

10 2. Mail a signed, notarized statement of intent to withdraw to the
11 filing officer.

12 3. Draw a line through the signature and printed name on the
13 petition.

14 C. A signature withdrawn pursuant to subsection B of this section
15 and received by the filing officer within the time provided for in
16 subsection A of this section shall not be counted in determining the legal
17 sufficiency of the petition.

18 D. A person who knowingly gives or receives money or any other
19 thing of value for signing a statement of signature withdrawal pursuant to
20 subsection B of this section is guilty of a class 1 misdemeanor.

21 Sec. 17. Section 19-121, Arizona Revised Statutes, is amended to
22 read:

23 19-121. Signature sheets; petitions; form; procedure for
24 filing

25 A. Signature sheets filed shall:

26 1. Be in the form prescribed by law.

27 2. Have printed in their lower right-hand corner, on each side of
28 such sheets, the official serial number assigned to the petition by the
29 secretary of state and, if applicable, the registration number assigned to
30 the circulator.

31 3. Be attached to a full and correct copy of the title and text of
32 the measure, or amendment to the constitution, proposed or referred by the
33 petition.

34 4. Be printed in at least eight-point type.

35 5. Be printed in black ink on white or recycled white pages
36 fourteen inches in width by eight and one-half inches in length, with a
37 margin of at least one-half inch at the top and one-fourth inch at the
38 bottom of each page. Notwithstanding this paragraph, the secretary of
39 state may prescribe an alternative page width and length in the
40 instructions and procedures manual adopted pursuant to section 16-452.

41 B. For the purposes of this chapter, a petition is filed when the
42 petition sheets are tendered to the secretary of state, who shall issue a
43 receipt based on an estimate made to the secretary of state of the
44 purported number of sheets and signatures filed. A receipt may be
45 electronically issued. After the issuance of the receipt, no additional

1 petition sheets may be accepted for filing. AN INITIATIVE PETITION MUST
2 BE FILED WITH THE SECRETARY OF STATE NOT LATER THAN 5:00 P.M. ON JANUARY
3 15 IMMEDIATELY PRECEDING THE REGULAR GENERAL ELECTION.

4 C. The secretary of state may prescribe the method of filing,
5 including electronic filing. Not more than fifteen signatures on one
6 sheet shall be counted. For petitions filed regarding city, town or
7 county matters, the committee that is the proponent of the petition and
8 that files the petitions shall organize the signature sheets and group
9 them by circulator and is solely responsible for compliance with this
10 subsection. The local filing officer may return as unfiled any signature
11 sheets that are not so organized and grouped.

12 D. Initiative petitions that have not been filed with the secretary
13 of state as of 5:00 p.m. on the day required by the constitution BUT NOT
14 LATER THAN JANUARY 15 before the ensuing general election after their
15 issuance shall be null and void, but ~~in no event shall~~ the secretary of
16 state MAY NOT accept an initiative petition that was issued for
17 circulation more than twenty-four months before the general election at
18 which the measure is to be included on the ballot.

19 E. For the purposes of this article and article 4 of this chapter,
20 the measure to be attached to the petition as enacted by the legislative
21 body of an incorporated city, town or county means the adopted ordinance
22 or resolution signed by the mayor or the chairman of the board of
23 supervisors, as appropriate, and signed by the clerk of the municipality
24 or the clerk of the board, as appropriate, or, in the absence of a written
25 ordinance or resolution, that portion of the minutes of the legislative
26 body that is approved by the governing body and filed with the clerk of
27 the governing body and that reflects the action taken by that body when
28 adopting the measure. In the case of zoning measures, the measure shall
29 also include a legal description of the property and any amendments made
30 to the ordinance by the legislative body.

31 Sec. 18. Section 19-121.03, Arizona Revised Statutes, is amended to
32 read:

33 19-121.03. Judicial review of actions by county recorder;
34 venue

35 A. If the county recorder fails or refuses to comply with ~~the~~
36 ~~provisions of~~ section 19-121.02, any citizen may apply, within five
37 calendar days after such failure or refusal, to the superior court for a
38 writ of mandamus. If the court finds that the county recorder has not
39 complied with ~~the provisions of~~ section 19-121.02, the court shall issue
40 an order for the county recorder to comply.

41 B. Any citizen may challenge in the superior court the
42 certification made by a county recorder pursuant to section 19-121.02
43 within five calendar days ~~of~~ AFTER the receipt thereof by the secretary of
44 state. The action shall be advanced on the calendar and heard as a trial
45 de novo and decided by the court as soon as possible. WITHIN TEN DAYS

1 AFTER THE ACTION IS FILED, THE SUPERIOR COURT SHALL HEAR AND RENDER A
2 DECISION ON THE MATTER. Either party may appeal to the supreme court
3 within five calendar days after judgment, AND THE SUPREME COURT SHALL HEAR
4 AND RENDER A DECISION WITHIN FIVE CALENDAR DAYS AFTER THE NOTICE OF APPEAL
5 IS FILED.

6 C. An action commenced under this section shall be brought in the
7 county of such recorder, except that any such action involving more than
8 one recorder shall be brought in Maricopa county.

9 Sec. 19. Section 19-122, Arizona Revised Statutes, is amended to
10 read:

11 19-122. Refusal of secretary of state to file petition or
12 transmit facsimiles of signature sheets or
13 affidavits of circulators; writ of mandamus; venue

14 A. If the secretary of state refuses to accept and file a petition
15 for the initiative or referendum, or proposal for a constitutional
16 amendment that has been presented within the time prescribed, or if the
17 secretary of state refuses to transmit the facsimiles of a signature sheet
18 or sheets or affidavits of circulators to the county recorders for
19 certification under section 19-121.01, the secretary of state shall
20 provide the person who submitted the petition, proposal, signature sheet
21 or affidavit with a written statement of the reason for the refusal.
22 Within five calendar days after the refusal any citizen may apply to the
23 superior court for a writ of mandamus to compel the secretary of state to
24 file the petition or proposal or transmit the facsimiles, or for matters
25 involving statewide initiatives or referenda or proposed constitutional
26 amendments, the citizen may file a complaint with the county attorney or
27 attorney general. The county attorney or attorney general may apply,
28 within five calendar days after the complaint is made, to the superior
29 court for a writ of mandamus to compel the secretary of state to file the
30 petition or proposal or transmit the facsimiles. The action shall be
31 advanced on the calendar and heard and decided by the court as soon as
32 possible. Either party may appeal to the supreme court within five
33 calendar days after entry of judgment by the superior court. The decision
34 of the superior court may be stayed as prescribed by rules adopted by the
35 supreme court. If the court finds that the petition is legally
36 sufficient, the secretary of state shall then file it, with a certified
37 copy of the judgment attached as of the date on which it was originally
38 offered for filing in the secretary of state's office.

39 B. The most current version of the general county register
40 statewide voter registration database at the time of filing a court action
41 challenging an initiative or referendum petition shall constitute the
42 official record to be used to determine on a prima facie basis by the
43 challenger that the signer of a petition was not registered to vote at the
44 address given on the date of signing the petition. If the address of the
45 signer given on the date of signing the petition is different from that on

1 the most current version of the general county register, the county
2 recorder shall examine the version of the general county register that was
3 current on the date the signer signed the petition to determine the
4 validity of the signature and to determine whether the person was eligible
5 to sign the petition at the time of signing. This subsection does not
6 preclude introducing into evidence a certified copy of the affidavit of
7 registration of any signer dated before the signing of the petition if the
8 affidavit is in the possession of the county recorder but has not yet been
9 filed in the general county register.

10 C. An action that contests the validity of an initiative or
11 referendum measure based on the actions of the secretary of state or
12 compliance with this chapter by any person **MUST BE FILED WITHIN FIVE**
13 **CALENDAR DAYS AFTER THE ACTIONS OF THE SECRETARY OF STATE AND** may not be
14 maintained in any court in this state except as prescribed by this
15 section. Any person may contest the validity of an initiative or
16 referendum. If multiple actions are filed that contest the validity of an
17 initiative or referendum, including actions filed pursuant to subsection A
18 of this section, the separate actions shall be consolidated before the
19 appropriate venue pursuant to subsection ~~D~~ E of this section. In
20 addition to contesting the validity of an initiative or referendum, any
21 person may seek to enjoin the secretary of state or other officer from
22 certifying or printing the official ballot for the election that will
23 include the proposed initiative or referendum measure and to enjoin the
24 certification or printing of the ballot.

25 D. **WITHIN TEN DAYS AFTER FILING AN ACTION AS PRESCRIBED BY THIS**
26 **SECTION, THE SUPERIOR COURT SHALL HEAR AND RENDER A DECISION ON THE**
27 **MATTER. EITHER PARTY MAY APPEAL TO THE SUPREME COURT WITHIN FIVE CALENDAR**
28 **DAYS AFTER JUDGMENT AND THE SUPREME COURT SHALL HEAR AND RENDER A DECISION**
29 **WITHIN FIVE CALENDAR DAYS AFTER THE NOTICE OF APPEAL IS FILED.**

30 ~~D~~ E. The superior court in Maricopa county shall have
31 jurisdiction of actions relating to measures and amendments to be
32 submitted to the electors of the state at large. With respect to actions
33 relating to local and special measures for a county, special district or
34 school district, the superior court in the county in which the district is
35 located shall have jurisdiction. With respect to actions relating to
36 local or special measures for a city or town, the superior court in the
37 county in which the majority of the population of that city or town
38 resides shall have jurisdiction.