

House Engrossed Senate Bill

voting; equipment; internet; custody; violation

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SENATE BILL 1037

AN ACT

AMENDING SECTION 16-442, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-567; AMENDING TITLE 16, CHAPTER 4, ARTICLE 10, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-605; RELATING TO THE CONDUCT OF ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-442, Arizona Revised Statutes, is amended to
3 read:

4 16-442. Committee approval; adoption of vote tabulating
5 equipment; experimental use; emergency

6 A. The secretary of state shall appoint a committee of three
7 persons, to consist of a member of the engineering college at one of the
8 universities, a member of the state bar of Arizona and one person familiar
9 with voting processes in ~~the~~ THIS state, ~~no~~ NOT more than two of whom
10 shall be of the same political party, ~~and~~ at least one of whom shall have
11 at least five years of experience with and shall be able to render an
12 opinion based on knowledge of, training in or education in electronic
13 voting systems, procedures and security. The committee shall investigate
14 and test the various types of vote recording or tabulating machines or
15 devices that may be used under this article. The committee shall submit
16 its recommendations to the secretary of state who shall make final
17 adoption of the type or types, make or makes, model or models to be
18 certified for use in this state. The committee shall serve without
19 compensation.

20 B. Machines or devices used at any election for federal, state or
21 county offices may only be certified for use in this state and may only be
22 used in this state if they comply with the help America vote act of 2002
23 (P.L. 107-252; 116 STAT. 1666; 52 UNITED STATES CODE SECTIONS 20901
24 THROUGH 21145) and if those machines or devices have been tested and
25 approved by a laboratory that is accredited pursuant to the help America
26 vote act of 2002.

27 C. After consultation with the committee prescribed by subsection A
28 of this section, the secretary of state shall adopt standards that specify
29 the criteria for loss of certification for equipment that was used at any
30 election for federal, state or county offices and that was previously
31 certified for use in this state. On loss of certification, machines or
32 devices used at any election may not be used for any election for federal,
33 state or county offices in this state unless recertified for use in this
34 state.

35 D. The secretary of state may revoke the certification of any
36 voting system or device for use in a federal, state or county election in
37 this state or may prohibit for up to five years the purchase, lease or use
38 of any voting system or device leased, installed or used by a person or
39 firm in connection with a federal, state or county election in this state,
40 or both, if either of the following occurs:

41 1. The person or firm installs, uses or ~~permits~~ **ALLOWS** the use of a
42 voting system or device that is not certified for use or approved for
43 experimental use in this state pursuant to this section.

1 PROHIBIT ACCESS BY ANY MEANS TO ANY AGGREGATED DATA OR RESULTS. IF THE
2 EQUIPMENT HAS AN ACCESSIBLE PORT, THE PORT MUST BE LOCKED WITH A
3 TAMPER-PROOF SEAL AND MUST BE LOGGED IN THE CHAIN OF CUSTODY DOCUMENT WHEN
4 BROKEN OR ACCESSED. THE DELIVERY, USE AND RETURN OF THE EQUIPMENT SHALL BE
5 LOGGED ON A CHAIN OF CUSTODY DOCUMENT SO THAT THE NAME AND SIGNATURE OF
6 EVERY PERSON WHO DELIVERS, RECEIVES, USES AND RETURNS THAT EQUIPMENT IS
7 RECORDED AND RETAINED AS AN OFFICIAL ELECTION RECORD.

8 B. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 1
9 MISDEMEANOR.

10 Sec. 3. Title 16, chapter 4, article 10, Arizona Revised Statutes,
11 is amended by adding section 16-605, to read:

12 16-605. Counting center equipment; election results; data;
13 custody; violation; classification

14 A. NOTWITHSTANDING ANY OTHER LAW, ANY ELECTION MANAGEMENT SYSTEM OR
15 TABULATION EQUIPMENT THAT IS USED IN A CENTRAL COUNTING CENTER OR OTHER
16 TABULATION CENTER MAY NOT HAVE INTERNET ACCESS, MUST NOT BE CAPABLE OF
17 INDIRECT INTERNET CONNECTIVITY, AND MUST PROHIBIT ACCESS BY ANY MEANS TO
18 ANY DATA OR RESULTS UNTIL USED BY AUTHORIZED ELECTION PERSONNEL
19 ONLY. SUCH EQUIPMENT SHALL NOT HAVE A PORT. THE USE AND RETURN OF THE
20 EQUIPMENT THAT CONTAINS ELECTION RESULTS AND DATA SHALL BE LOGGED ON A
21 CHAIN OF CUSTODY DOCUMENT SO THAT THE NAME AND SIGNATURE OF EVERY PERSON
22 WHO DELIVERS, RECEIVES, USES AND RETURNS THE STORAGE DEVICE OR OTHER
23 EQUIPMENT THAT CONTAINS ELECTION DATA AND ELECTION RESULTS IS RECORDED AND
24 RETAINED AS AN OFFICIAL ELECTION RECORD.

25 B. NOTWITHSTANDING ANY OTHER LAW, ALL ACTIVITIES AT THE COUNTING
26 CENTER SHALL BE INCLUDED IN A NONSTOP VIDEO THAT IS POSTED TO THE COUNTY'S
27 WEBSITE.

28 C. A PERSON WHO NEGLIGENTLY VIOLATES THIS SECTION IS GUILTY OF A
29 CLASS 1 MISDEMEANOR.

30 D. FOR THE PURPOSES OF THIS SECTION, INDIRECT INTERNET CONNECTIVITY
31 INCLUDES THE USE OF AN ELECTION MANAGEMENT SYSTEM GATEWAY SYSTEM.

32 Sec. 4. Legislative findings

33 The legislature finds that:

34 1. It has refused on multiple occasions to authorize the use of an
35 EMS gateway system which allows for election management systems to be
36 connected indirectly to the internet.

37 2. Notwithstanding this refusal, the Arizona secretary of state
38 continues to violate the law and allow EMS systems to be connected
39 indirectly to the internet.

40 3. The current secretary of state has consistently taken the
41 position that he has authority to do whatever is not expressly prohibited,
42 contrary to clear judicial precedent.

43 4. As a result of this hubris, the current secretary of state has
44 his systems hacked by what he claims to be agents of the Iranian

1 Revolutionary Guard, jeopardizing the security of our state's voter rolls
2 and placing Arizonans at risk of identity theft and fraud.

3 5. Nothing connected to the internet can be fully secured from
4 hacking.

5 6. The only way to have secure elections is to ensure that no
6 component of any elections management system is capable of connecting to
7 the internet, directly or indirectly.