

Senate Engrossed
cast vote record; public record

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

SENATE BILL 1038

AN ACT

AMENDING TITLE 16, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 16-407.04; 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. Title 16, chapter 4, article 1, Arizona Revised
3 Statutes, is amended by adding section 16-407.04, to read:

4 16-407.04. Cast vote record; public record; definition

5 A. WITHIN FORTY-EIGHT HOURS AFTER THE COUNTY BOARD OF SUPERVISORS
6 TRANSMITS THE COUNTY CANVASS TO THE SECRETARY OF STATE, THE BOARD OF
7 SUPERVISORS OR THE OFFICER IN CHARGE OF ELECTIONS SHALL TRANSMIT THE CAST
8 VOTE RECORD TO THE SECRETARY OF STATE IN A SORTABLE FORMAT. THE
9 TRANSMITTED CAST VOTE RECORD SHALL BE UNALTERED EXCEPT THAT, FOR
10 PRECINCTS, PRECINCT SPLITS AND BALLOT STYLES THAT CONTAIN FEWER THAN
11 TWENTY-FIVE REGISTERED VOTERS, THE BOARD OF SUPERVISORS OR OFFICER IN
12 CHARGE OF ELECTIONS SHALL INCLUDE ONLY THE NUMBER OF VOTERS AND THE NUMBER
13 OF CAST VOTE RECORDS.

14 B. THE BOARD OF SUPERVISORS OR OFFICER IN CHARGE OF ELECTIONS SHALL
15 NOT RANDOMIZE OR OTHERWISE ALTER THE ORIGINAL FILES.

16 C. THE INFORMATION AND RECORDS PRESCRIBED BY SUBSECTION A OF THIS
17 SECTION CONSTITUTE A PUBLIC RECORD.

18 D. FOR THE PURPOSES OF THIS SECTION, "CAST VOTE RECORD" MEANS AN
19 ELECTRONIC RECORD OF THE VOTERS' SELECTIONS AS CAPTURED BY A TABULATION
20 DEVICE FROM A BALLOT OR A BALLOT IMAGE THAT CANNOT BE LINKED TO A SPECIFIC
21 VOTER.