

REFERENCE TITLE: voting; equipment; internet; custody; violation

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

SB 1037

Introduced by
Senators Finchem: Rogers

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 2. The person or firm uses or includes hardware, firmware or
2 software in a version that is not certified for use or approved for
3 experimental use pursuant to this section in a certified voting system or
4 device.

5 E. The governing body of a city or town or the board of directors
6 of an agricultural improvement district may adopt for use in elections any
7 kind of electronic voting system or vote tabulating device approved by the
8 secretary of state, and thereupon the voting or marking device and vote
9 tabulating equipment may be used at any or all elections for voting,
10 recording and counting votes cast at an election.

11 F. The secretary of state or the governing body may provide for the
12 experimental use of a voting system or device without a final adoption of
13 the voting system or device, and its use at the election is as valid as if
14 the machines had been permanently adopted.

15 G. THE SECRETARY OF STATE SHALL ENSURE THAT VOTE RECORDING AND VOTE
16 TABULATING MACHINES AND DEVICES THAT ARE APPROVED FOR USE PURSUANT TO THIS
17 SECTION:

18 1. HAVE ALL OPERATING SYSTEMS AND SOFTWARE CONFIGURED TO THE
19 APPROPRIATE LEVEL OF SECURITY CONSISTENT WITH BEST PRACTICES IN STANDARDS
20 ISSUED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY CYBERSECURITY
21 AND INFRASTRUCTURE SECURITY AGENCY.

22 2. DO NOT HAVE HARDWARE INSTALLED THAT SUPPORTS INTERNET
23 CONNECTIVITY OR ANY OTHER FORM OF REMOTE ACCESS OR SOFTWARE THAT ALLOWS
24 ANY CHANGE TO RESULTS IN FILES OR A DATABASE.

25 3. SUPPORT THE USAGE AND TRACKING OF USERS BASED ON UNIQUE
26 CREDENTIALS THAT ARE CHANGED AT LEAST ONCE PER ELECTION CYCLE FOR EACH
27 USER.

28 4. LOG ANY DELETIONS OF BALLOT IMAGES, WINDOWS EVENT LOGS AND
29 RESULTS FILES. THE SYSTEM ALSO SHALL MAINTAIN ELECTION SOFTWARE LOGS.

30 5. MAINTAIN FOR TWENTY-TWO MONTHS AS ELECTION DATA THE DATA
31 PRESCRIBED IN PARAGRAPHS 3 AND 4 OF THIS SUBSECTION.

32 ~~G.~~ H. After consultation with the committee prescribed by
33 subsection A of this section, the secretary of state may approve for
34 emergency use an upgrade or modification to a voting system or device that
35 is certified for use in this state if the governing body establishes in an
36 open meeting that the election cannot be conducted without the emergency
37 certification. Any emergency certification shall be limited to ~~no~~ NOT
38 more than six months. At the conclusion of the certification period the
39 voting system or device shall be decertified and unavailable for future
40 use unless certified in accordance with this section.

1 Sec. 2. Title 16, chapter 4, article 9, Arizona Revised Statutes,
2 is amended by adding section 16-567, to read:

3 16-567. Polling place and voting center equipment; custody;
4 violation; classification

5 A. NOTWITHSTANDING ANY OTHER LAW, ANY VOTING EQUIPMENT THAT IS USED
6 IN A POLLING PLACE OR VOTING CENTER MAY NOT HAVE INTERNET ACCESS AND MUST
7 PROHIBIT ACCESS BY ANY MEANS TO ANY DATA OR RESULTS. IF THE EQUIPMENT HAS
8 AN ACCESSIBLE PORT, THE PORT MUST BE LOCKED WITH A TAMPER-PROOF SEAL AND
9 MUST BE LOGGED IN THE CHAIN OF CUSTODY DOCUMENT WHEN BROKEN OR ACCESSED.
10 THE DELIVERY, USE AND RETURN OF THE EQUIPMENT SHALL BE LOGGED ON A CHAIN
11 OF CUSTODY DOCUMENT SO THAT THE NAME AND SIGNATURE OF EVERY PERSON WHO
12 DELIVERS, RECEIVES, USES AND RETURNS THAT EQUIPMENT IS RECORDED AND
13 RETAINED AS AN OFFICIAL ELECTION RECORD.

14 B. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 1
15 MISDEMEANOR.

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

18 16-605. Counting center equipment; election results; data;
19 custody; violation; classification

20 A. NOTWITHSTANDING ANY OTHER LAW, ANY TABULATION EQUIPMENT THAT IS
21 USED IN A CENTRAL COUNTING CENTER OR OTHER TABULATION CENTER MAY NOT HAVE
22 INTERNET ACCESS AND MUST PROHIBIT ACCESS BY ANY MEANS TO ANY DATA OR
23 RESULTS UNTIL USED BY AUTHORIZED ELECTION PERSONNEL ONLY. IF THE
24 EQUIPMENT HAS AN ACCESSIBLE PORT, THE PORT MUST BE LOCKED WITH A
25 TAMPER-PROOF SEAL AND MUST BE LOGGED IN THE CHAIN OF CUSTODY DOCUMENT WHEN
26 BROKEN OR ACCESSED. ONLY AUTHORIZED PERSONNEL, INCLUDING POLITICAL PARTY
27 OBSERVERS, MAY BE PRESENT AT THE TABULATION OF VOTES. THE USE AND RETURN
28 OF THE EQUIPMENT THAT CONTAINS ELECTION RESULTS AND DATA, INCLUDING ANY
29 REMOVABLE DATA STORAGE DEVICE, SHALL BE LOGGED ON A CHAIN OF CUSTODY
30 DOCUMENT SO THAT THE NAME AND SIGNATURE OF EVERY PERSON WHO DELIVERS,
31 RECEIVES, USES AND RETURNS THE STORAGE DEVICE OR OTHER EQUIPMENT THAT
32 CONTAINS ELECTION DATA AND ELECTION RESULTS IS RECORDED AND RETAINED AS AN
33 OFFICIAL ELECTION RECORD. FOR ANY REMOVABLE STORAGE DEVICE, TWO OBSERVERS
34 WHO ARE NOT MEMBERS OF THE SAME POLITICAL PARTY SHALL BE PRESENT AT ALL
35 TIMES, INCLUDING THE INSERTION AND REMOVAL OF THE DEVICE AND DURING ANY
36 TRANSPORTATION OF THE DEVICE. THE REMOVABLE STORAGE DEVICE MAY NOT BE
37 UNDER THE SOLE CUSTODY AND CONTROL OF ONLY ONE PERSON.

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

41 C. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 1
42 MISDEMEANOR.