

REFERENCE TITLE: ballots; categories; count

State of Arizona
Senate
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2026

SB 1168

Introduced by
Senator Bolick

AN ACT

AMENDING SECTION 16-602, ARIZONA REVISED STATUTES; 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 16-602, Arizona Revised Statutes, is amended to
3 read:

4 16-602. Tabulation; designated margin; hand counts; vote
5 count verification committee

6 A. For any primary, special or general election in which the votes
7 are cast:

8 1. On an electronic voting machine or tabulator, the election judge
9 shall compare the number of votes cast as indicated on the machine or
10 tabulator with the number of votes cast as indicated on the poll list and
11 the number of provisional ballots cast and that information shall be noted
12 in a written report prepared and submitted to the officer in charge of
13 elections along with other tally reports.

14 2. WITHOUT REGARD TO THE SYSTEM OR METHOD THAT IS USED TO PRODUCE
15 OR TABULATE BALLOTS, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF
16 ELECTIONS SHALL MAINTAIN A COUNT OF THE NUMBER OF PHYSICAL BALLOTS THAT
17 ARE PRINTED AND THE NUMBER OF BALLOTS THAT ARE OTHERWISE GENERATED IN THE
18 FOLLOWING CATEGORIES, INCLUDING THE AMOUNT OF ANY OVERLAP IN THOSE
19 CATEGORIES:

- 20 (a) EARLY BALLOTS.
- 21 (b) REGULAR BALLOTS.
- 22 (c) PROVISIONAL BALLOTS.
- 23 (d) FEDERAL-ONLY BALLOTS.
- 24 (e) BALLOTS GENERATED IN AN ELECTRONIC FORM THAT IS ITEMIZED BY THE
25 CATEGORIES PRESCRIBED IN THIS PARAGRAPH.

26 3. THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS
27 SHALL POST THE INFORMATION PRESCRIBED BY PARAGRAPH 2 OF THIS SUBSECTION ON
28 THE WEBSITE OF THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS
29 AND SHALL PROVIDE THAT INFORMATION TO THE SECRETARY OF STATE. THE
30 SECRETARY OF STATE SHALL POST EACH COUNTY'S INFORMATION ON THE SECRETARY
31 OF STATE'S WEBSITE.

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

1 prohibit observers from recording or to remove them from the facility.
2 The hand count shall be conducted in the following order:

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

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

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

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

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

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

39 (e) If there are not a sufficient number of contested federal,
40 statewide or legislative races or ballot measures, one contested county
41 race.

42 (f) If there are fewer than four contested races resulting from the
43 selections made pursuant to subdivisions (a) through (e) of this paragraph
44 and if there are additional contested federal, statewide, legislative or
45 county races or ballot measures, additional contested races shall be

1 selected by lot not using a computer until four races have been selected
2 or until no additional contested federal, statewide, legislative or county
3 races or ballot measures are available for selection.

4 (g) If there are not a sufficient number of contested races
5 resulting from the selections made pursuant to subdivisions (a) through
6 (f) of this paragraph, additional uncontested races shall be selected by
7 lot not using a computer until up to five races have been selected.

8 (h) If there are no contested races as prescribed by this
9 paragraph, a hand count shall not be conducted for that precinct for that
10 election.

11 3. For the presidential preference election, select by lot two
12 percent of the polling places designated and used pursuant to section
13 16-248 and perform the hand count of those ballots.

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

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

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

23 7. Political party designees who are selected pursuant to this
24 paragraph shall perform the hand count under the supervision of the county
25 officer in charge of elections. The county officer in charge of elections
26 shall provide compensation for those selected to perform the hand count,
27 not to include travel, meal or lodging expenses. The hand count shall not
28 proceed unless the political parties provide the officer in charge of
29 elections in writing a sufficient number of persons pursuant to this
30 paragraph by 5:00 p.m. on the Thursday preceding the election and a
31 sufficient number of persons prescribed by this paragraph arrive to
32 perform the hand count. If a political party designee fails to appear for
33 the hand count audit, the county chairperson or the state party
34 chairperson of each political party may select persons from any political
35 party if the selection of persons who perform the hand count complies with
36 subdivision (e) of this paragraph and does not delay the hand count.
37 Political party designees shall be selected to perform the hand count as
38 follows:

39 (a) The county chairperson of each political party shall designate
40 and provide to both the county officer in charge of elections and the
41 state party chairperson the number of hand count board members as
42 designated by the county officer in charge of elections. If the county
43 party chairperson fails to designate a sufficient number of hand count
44 board workers, the state party chairperson shall designate qualified
45 electors to be hand count board workers. If the county party chairpersons

1 and the state party chairpersons fail to designate a sufficient number of
2 hand count board workers, the highest-ranking official holding a statewide
3 office of each political party shall designate qualified electors to be
4 hand count board workers. For the purposes of this subdivision, the
5 ranking of officials holding statewide office shall be governor, secretary
6 of state, attorney general, state treasurer, superintendent of public
7 instruction, corporation commissioners in order of seniority, mine
8 inspector, senate majority and minority leaders and house of
9 representatives majority and minority leaders.

10 (b) The political parties shall provide to the county officer in
11 charge of elections in writing the names of those persons intending to
12 participate in the hand count at the audited precincts not later than
13 5:00 p.m. on the second Tuesday preceding the election.

14 (c) If the total number of hand count board workers provided by all
15 parties is less than the number designated by the county officer in charge
16 of elections, the county officer in charge of elections shall notify the
17 parties of the shortage not later than 9:00 a.m. on the second Wednesday
18 preceding the election and the political parties have until 9:00 a.m. on
19 the second Thursday preceding the election to provide the county officer
20 in charge of elections with an additional list of qualified electors and
21 alternates who are willing to participate in the hand count.

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

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

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

34 8. If a political party is not represented by a designated
35 chairperson within a county, the state chairperson for that political
36 party, or a person designated by the state chairperson, may perform the
37 actions required by the county chairperson as specified in this section.

38 C. If the randomly selected races result in a difference in any
39 race that is less than the designated margin when compared to the
40 electronic tabulation of those same ballots, the results of the electronic
41 tabulation constitute the official count for that race. If the randomly
42 selected races result in a difference in any race that is equal to or
43 greater than the designated margin when compared to the electronic
44 tabulation of those same ballots, a second hand count of those same
45 ballots and races shall be performed. If the second hand count results in

1 a difference in any race that is less than the designated margin when
2 compared to the electronic tabulation for those same ballots, the
3 electronic tabulation constitutes the official count for that race. If
4 the second hand count results in a difference in any race that is equal to
5 or greater than the designated margin when compared to the electronic
6 tabulation for those same ballots, the hand count shall be expanded to
7 include a total of twice the original number of randomly selected
8 precincts. Those additional precincts shall be selected by lot without
9 the use of a computer.

10 D. In any expanded count of randomly selected precincts, if the
11 randomly selected precinct hand counts result in a difference in any race
12 that is equal to or greater than the designated margin when compared to
13 the electronic tabulation of those same ballots, the final hand count
14 shall be extended to include the entire jurisdiction for that race. If
15 the jurisdictional boundary for that race would include any portion of
16 more than one county, the final hand count shall not be extended into the
17 precincts of that race that are outside of the county that is conducting
18 the expanded hand count. If the expanded hand count results in a
19 difference in that race that is less than the designated margin when
20 compared to the electronic tabulation of those same ballots, the
21 electronic tabulation constitutes the official count for that race.

22 E. If a final hand count is performed for an entire jurisdiction
23 for a race, the final hand count shall be repeated for that race until a
24 hand count for that race for the entire jurisdiction results in a count
25 that is identical to one other hand count for that race for the entire
26 jurisdiction and that hand count constitutes the official count for that
27 race.

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

1 repeated for those same early ballots. If the second manual audit results
2 in a difference in that race that is equal to or greater than the
3 designated margin when compared to the electronically tabulated results
4 for those same early ballots, the manual audit shall be expanded only for
5 that race to a number of additional early ballots equal to one percent of
6 the total early ballots cast or an additional five thousand ballots,
7 whichever is less, to be randomly selected from the batch or batches of
8 sequestered early ballots. If the expanded early ballot manual audit
9 results in a difference for that race that is equal to or greater than the
10 designated margin when compared to any of the earlier manual counts for
11 that race, the manual counts shall be repeated for that race until a
12 manual count results in a difference in that race that is less than the
13 designated margin. If at any point in the manual audit of early ballots
14 the difference between any manual count of early ballots is less than the
15 designated margin when compared to the electronic tabulation of those
16 ballots, the electronic tabulation shall be included in the canvass and no
17 further manual audit of the early ballots shall be conducted.

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

21 H. Notwithstanding any other law, the county officer in charge of
22 elections shall retain custody of the ballots for purposes of performing
23 any required hand counts and the officer shall provide for security for
24 those ballots.

25 I. The hand counts prescribed by this section shall begin within
26 twenty-four hours after the closing of the polls and shall be completed
27 before the canvassing of the election for that county. The county shall
28 make available on the county's website the results of those hand counts
29 and shall provide the results to the secretary of state, who shall make
30 those results publicly available on the secretary of state's website.

31 J. For any county in which a hand count has been expanded to all
32 precincts in the jurisdiction, the secretary of state shall make available
33 the escrowed source code for that county to the superior court. The
34 superior court shall appoint a special master to review the computer
35 software. The special master shall have expertise in software
36 engineering, shall not be affiliated with an election software vendor nor
37 with a candidate, shall sign and be bound by a nondisclosure agreement
38 regarding the source code itself and shall issue a public report to the
39 court and to the secretary of state regarding the special master's
40 findings on the reasons for the discrepancies. The secretary of state
41 shall consider the reports for purposes of reviewing the certification of
42 that equipment and software for use in this state.

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

- 1 1. ~~At least thirty days before the 2006 primary election,~~ The
2 secretary of state shall appoint seven persons to the committee, not more
3 than three of whom are members of the same political party.
- 4 2. Members of the committee shall have expertise in any two or more
5 of the areas of advanced mathematics, statistics, random selection
6 methods, systems operations or voting systems.
- 7 3. A person is not eligible to be a committee member if that person
8 has been affiliated with or received any income in the preceding five
9 years from any person or entity that provides election equipment or
10 services in this state.
- 11 4. The vote count verification committee shall meet and establish
12 one or more designated margins to be used in reviewing the hand counting
13 of votes as required pursuant to this section. The committee shall review
14 and consider revising the designated margins every two years for use in
15 the applicable elections. The committee shall provide the designated
16 margins to the secretary of state at least ten days before the primary
17 election and at least ten days before the general election, and the
18 secretary of state shall make that information publicly available on the
19 secretary of state's website.
- 20 5. Members of the vote count verification committee are not
21 eligible to receive compensation but are eligible for reimbursement of
22 expenses pursuant to title 38, chapter 4, article 2. The committee is a
23 public body and its meetings are subject to title 38, chapter 3, article
24 3.1 and its reports and records are subject to title 39, chapter 1.