

Senate Engrossed House Bill

~~write-in candidates; filings; ballots~~
(now: inactive voters; hand counts; alternates)

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

HOUSE BILL 2129

AN ACT

AMENDING TITLE 16, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY
ADDING SECTION 16-320; AMENDING SECTIONS 16-544, 16-550, 16-558.01,
16-558.02 AND 16-602, ARIZONA REVISED STATUTES; RELATING TO ELECTION
PROCEDURES.

(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 3, article 2, Arizona Revised
3 Statutes, is amended by adding section 16-320, to read:

4 16-320. Candidate withdrawal statements

5 A CANDIDATE WHO WISHES TO WITHDRAW AS A CANDIDATE SHALL SUBMIT A
6 SIGNED NOTARIZED STATEMENT OF WITHDRAWAL TO THE FILING OFFICER FOR THE
7 CANDIDATE'S OFFICE.

8 Sec. 2. Section 16-544, Arizona Revised Statutes, is amended to
9 read:

10 16-544. Active early voting list; civil penalty; violation;
11 classification; definition

12 A. Any voter may request to be included on a list of voters to
13 receive an early ballot by mail for any election for which the county
14 voter registration roll is used to prepare the election register. The
15 county recorder of each county shall maintain the active early voting list
16 as part of the voter registration roll.

17 B. In order to be included on the active early voting list, the
18 voter shall make a written request specifically requesting that the
19 voter's name be added to the active early voting list for all elections in
20 which the applicant is eligible to vote. An early voter request form
21 shall conform to requirements prescribed in the instructions and
22 procedures manual issued pursuant to section 16-452. The application
23 shall allow for the voter to provide the voter's name, residence address,
24 mailing address in the voter's county of residence, date of birth and
25 signature and shall state that the voter is attesting that the voter is a
26 registered voter who is eligible to vote in the county of residence. The
27 voter shall not list a mailing address that is outside of this state for
28 the purpose of the active early voting list unless the voter is an absent
29 uniformed services voter or overseas voter as defined in the uniformed and
30 overseas citizens absentee voting act (P.L. 99-410; 52 United States Code
31 section 20310). In lieu of the application, the applicant may submit a
32 written request that contains the required information.

33 C. On receipt of a request to be included on the active early
34 voting list, the county recorder or other officer in charge of elections
35 shall compare the signature on the request form with the voter's signature
36 on the voter's registration form and, if the request is from the voter,
37 shall mark the voter's registration file as an active early ballot
38 request.

39 D. Not less than ninety days before any polling place election
40 scheduled in March or August, the county recorder or other officer in
41 charge of elections shall mail to all voters who are eligible for the
42 election, WHO ARE NOT LISTED AS INACTIVE and who are included on the
43 active early voting list an election notice by nonforwardable mail that is
44 marked with the statement required by the postmaster to receive an address
45 correction notification. If an election is not formally called by a

1 jurisdiction by the one hundred eightieth day before the election, the
2 recorder or other officer in charge of elections is not required to send
3 the election notice. The notice shall include the dates of the elections
4 that are the subject of the notice, the dates that the voter's ballot is
5 expected to be mailed and the address where the ballot will be mailed. If
6 the upcoming election is a partisan open primary election and the voter is
7 not registered as a member of one of the political parties that is
8 recognized for purposes of that primary, the notice shall include
9 information on the procedure for the voter to designate a political party
10 ballot. The notice shall be delivered with return postage prepaid and
11 shall also include a means for the voter to do any of the following:

12 1. Change the mailing address for the voter's ballot to another
13 location in the voter's county of residence.

14 2. Update the voter's residence address in the voter's county of
15 residence.

16 3. Request that the voter not be sent a ballot for the upcoming
17 election or elections indicated on the notice.

18 E. If the notice that is mailed to the voter is returned
19 undeliverable by the postal service, the county recorder or other officer
20 in charge of elections shall take the necessary steps to contact the voter
21 at the voter's new residence address in order to update that voter's
22 address or to move the voter to inactive status as prescribed in section
23 16-166, subsection A. If a voter is moved to inactive status, the voter
24 shall be removed from the active early voting list AND MAY NOT RECEIVE AN
25 EARLY BALLOT UNLESS THE VOTER UPDATES OR OTHERWISE CONFIRMS THE VOTER'S
26 REGISTRATION INFORMATION. If the voter is removed from the active early
27 voting list, the voter shall only be added to the active early voting list
28 again if the voter submits a new request pursuant to this section.

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

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

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

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

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

8 1. The voter requests in writing to be removed from the active
9 early voting list.

10 2. The voter's registration or eligibility for registration is
11 moved to inactive status or canceled as otherwise provided by law.

12 3. The notice sent by the county recorder or other officer in
13 charge of elections is returned undeliverable and the county recorder or
14 officer in charge of elections is unable to contact the voter to determine
15 the voter's continued desire to remain on the list.

16 4. The voter fails to vote an early ballot in all elections for two
17 consecutive election cycles. For the purposes of this paragraph,
18 "election" means any regular primary or regular general election for which
19 there was a federal race on the ballot or for which a city or town
20 candidate primary or first election or city or town candidate second,
21 general or runoff election was on the ballot. This paragraph does not
22 apply to:

23 (a) A special taxing district that is authorized pursuant to
24 section 16-191 to conduct its own elections.

25 (b) A special district mail ballot election that is conducted
26 pursuant to article 8.1 of this chapter.

27 I. A voter may make a written request at any time to be removed
28 from the active early voting list. The request shall include the voter's
29 name, residence address, date of birth and signature. On receipt of a
30 completed request to remove a voter from the active early voting list, the
31 county recorder or other officer in charge of elections shall remove the
32 voter's name from the list as soon as practicable.

33 J. An absent uniformed services voter or overseas voter as defined
34 in the uniformed and overseas citizens absentee voting act (P.L. 99-410;
35 52 United States Code section 20310) is eligible to be placed on the
36 active early voting list pursuant to this section.

37 K. A voter's failure to vote an early ballot once received does not
38 constitute grounds to remove the voter from the active early voting list,
39 except that a county recorder shall remove a voter from the active early
40 voting list if both of the following apply:

41 1. The county recorder or other officer in charge of elections
42 complies with subsection M of this section.

43 2. The voter fails to vote using an early ballot in all of the
44 following elections for two consecutive election cycles:

1 (a) A regular primary and regular general election for which there
2 was a federal race on the ballot.

3 (b) A city or town candidate primary or first election and a city
4 or town candidate second, general or runoff election.

5 L. On or before January 15 of each odd-numbered year, the county
6 recorder or other officer in charge of elections shall send a notice to
7 each voter who is on the active early voting list and who did not vote an
8 early ballot in all elections for two consecutive election cycles as
9 prescribed by subsection K of this section. If the voter has provided the
10 voter's telephone or mobile phone number or email address to the county
11 recorder, the county recorder may additionally provide the notice to the
12 voter by telephone call, text message or email. The notice shall inform
13 the voter that if the voter wishes to remain on the active early voting
14 list, the voter shall do both of the following with the notice received:

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

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

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

25 N. A candidate, political committee or other organization may
26 distribute active early voting list request forms to voters. If the
27 active early voting list request forms include a printed address for
28 return, that address shall be the political subdivision that will conduct
29 the election. Failure to use the political subdivision as the return
30 addressee is punishable by a civil penalty of up to three times the cost
31 of the production and distribution of the active early voting list
32 request.

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

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

8 Q. When the county recorder receives confirmation from another
9 county that a person registered has registered to vote in that other
10 county, the county recorder shall remove that person from the active early
11 voting list.

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

17 S. For the purposes of this section, "election cycle" means the
18 two-year period beginning on January 1 in the year after a statewide
19 general election or, for cities and towns, the two-year period beginning
20 on the first day of the calendar quarter after the calendar quarter in
21 which the city's or town's second, runoff or general election is scheduled
22 and ending on the last day of the calendar quarter in which the city's or
23 town's immediately following second, runoff or general election is
24 scheduled, however that election is designated by the city or town.

25 Sec. 3. Section 16-550, Arizona Revised Statutes, is amended to
26 read:

27 16-550. Receipt of voter's ballot; cure period; tracking
28 system

29 A. Except for early ballots tabulated as prescribed in section
30 16-579.02 or, beginning in 2026, received at a voting location after a
31 voter's identification is confirmed as prescribed by section 16-579,
32 subsection A, paragraph 4, on receipt of the envelope containing the early
33 ballot and the mail ~~ballot~~ affidavit, the county recorder or other officer
34 in charge of elections shall compare the signature on the envelope with
35 the signature of the elector on the elector's registration record as
36 prescribed by section 16-550.01. If the signature is inconsistent with
37 the elector's signature on the elector's registration record, the county
38 recorder or other officer in charge of elections shall make reasonable
39 efforts to contact the voter, advise the voter of the inconsistent
40 signature and allow the voter to correct or the county to confirm the
41 inconsistent signature. The county recorder or other officer in charge of
42 elections shall allow signatures to be corrected not later than the fifth
43 business day after a primary, general or special election that includes a
44 federal office or the third business day after any other election. If the
45 election is a primary, general or special election that includes a federal

1 office AND THERE ARE OUTSTANDING BALLOTS THAT REQUIRE IDENTIFICATION OR
 2 BALLOT SIGNATURES TO BE CORRECTED OR CONFIRMED, in addition to the
 3 office's regular business hours, the county recorder's and any city or
 4 town clerks' offices that have an agreement with a county to be used as
 5 locations at which a voter may submit proof of identification shall be
 6 open during regular business hours to allow for curing signatures during
 7 the Friday and weekend before and the Friday and weekend after the
 8 election. Regular business hours include at a minimum 8:00 a.m. until
 9 5:00 p.m. IF THERE ARE NO BALLOTS REMAINING THAT REQUIRE IDENTIFICATION
 10 OR SIGNATURES TO BE CURED, THE COUNTY RECORDER AND CITY AND TOWN CLERKS
 11 ARE NOT REQUIRED TO BE OPEN DURING THE WEEKEND. If the signature is
 12 missing, the county recorder or other officer in charge of elections shall
 13 make reasonable efforts to contact the elector, advise the elector of the
 14 missing signature and allow the elector to add the elector's signature not
 15 later than 7:00 p.m. on election day. If satisfied that the signatures
 16 correspond, the recorder or other officer in charge of elections shall
 17 hold the envelope containing the early ballot and the completed mail
 18 affidavit unopened in accordance with the rules of the secretary of state.
 19 Signatures that cannot be verified pursuant to section 16-550.01 or cured
 20 pursuant to this section shall be rejected. If the ballot is a
 21 conditional provisional ballot, the voter shall provide proof of
 22 identification to the county recorder or other officer in charge of
 23 elections not later than the fifth business day after a primary, general
 24 or special election that includes a federal office or the third business
 25 day after any other election. Beginning with the first missing or
 26 mismatched signature that is identified after the period of early voting
 27 begins through the Monday immediately preceding the election, the county
 28 recorder or other officer in charge of elections shall submit daily to the
 29 political parties that are qualified for continued representation on the
 30 state ballot an updated list of all voters whose signatures are missing or
 31 inconsistent with the voter's signature on the voter's registration
 32 record. Beginning on the Wednesday immediately following the election
 33 through the end of the signature cure period after a primary, general or
 34 special election that includes a federal office, or the third business day
 35 after the election for any other election, the county recorder or other
 36 officer in charge of elections shall submit daily to the political parties
 37 that are qualified for continued representation on the state ballot an
 38 updated list of all voters whose signatures are inconsistent with the
 39 voter's signature on the voter's registration record and all voters who
 40 voted with a conditional provisional ballot. This list of voters whose
 41 signatures require curing shall include for those voters all voter
 42 information that is provided to the political parties that are qualified
 43 for continued representation on the state ballot as prescribed by section
 44 16-168.

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

5 C. Processing and tabulation of individual ballots may begin
6 immediately after the envelope and completed mail ~~ballot~~ affidavit are
7 processed pursuant to this section and delivered to the early election
8 board and shall continue without delay until completed. Until election
9 day, the early election board and the county recorder or other officer in
10 charge of elections shall:

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

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

16 3. Only produce a partial results report or associated files if it
17 is part of the internal preparation for the hand count pursuant to section
18 16-602 or for the logic and accuracy testing required pursuant to section
19 16-449.

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

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

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

31 F. For a county that uses early ballots, the county recorder or
32 other officer in charge of elections shall provide an early ballot
33 tracking system that indicates whether the voter's early ballot has been
34 received and whether the early ballot has been verified and sent to be
35 tabulated or rejected. The county recorder or other officer in charge of
36 elections shall provide voters with access to the early ballot tracking
37 system on the county's website.

38 G. This section does not apply to:

39 1. A special taxing district that is authorized pursuant to section
40 16-191 to conduct its own elections.

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

1 Sec. 4. Section 16-558.01, Arizona Revised Statutes, is amended to
2 read:

3 16-558.01. Mailing of ballots

4 Not more than twenty-seven days before the election and not fewer
5 than fifteen days before the election, the county recorder or other
6 officer in charge of elections for the special district shall send by
7 nonforwardable mail all official ballots with printed instructions and a
8 return envelope bearing a printed ~~ballot~~ MAIL affidavit as described in
9 section 16-547 to each qualified elector WHO IS NOT LISTED AS INACTIVE AND
10 WHO IS entitled to vote in the election. The envelope in which the ballot
11 is mailed shall be clearly marked with the statement required by the
12 postmaster to receive an address correction and notification. The
13 district governing board shall determine whether the voter or the district
14 governing board will pay for the postage for the return of electors'
15 marked ballots. An elector who votes in a special district mail ballot
16 election shall return the elector's marked ballot to the recorder or other
17 officer in charge of the election or to a designated depository site as
18 provided in section 16-411 ~~no~~ NOT later than 7:00 p.m. on the day of the
19 election.

20 Sec. 5. Section 16-558.02, Arizona Revised Statutes, is amended to
21 read:

22 16-558.02. Replacement ballots

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

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

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

37 Sec. 6. Section 16-602, Arizona Revised Statutes, is amended to
38 read:

39 16-602. Tabulation designated margin; hand counts; vote count
40 verification committee

41 A. For any primary, special or general election in which the votes
42 are cast on an electronic voting machine or tabulator, the election judge
43 shall compare the number of votes cast as indicated on the machine or
44 tabulator with the number of votes cast as indicated on the poll list and
45 the number of provisional ballots cast and that information shall be noted

1 in a written report prepared and submitted to the officer in charge of
2 elections along with other tally reports.

3 B. For each countywide primary, special, general and presidential
4 preference election, the county officer in charge of the election shall
5 conduct a hand count at one or more secure facilities. The hand count
6 shall be conducted as prescribed by this section and in accordance with
7 hand count procedures established by the secretary of state in the
8 official instructions and procedures manual adopted pursuant to section
9 16-452. The hand count is not subject to the live video requirements of
10 section 16-621, subsection D, but the party representatives who are
11 observing the hand count may bring their own video cameras in order to
12 record the hand count. The recording shall not interfere with the conduct
13 of the hand count and the officer in charge of the election may prohibit
14 from recording or remove from the facility persons who are taking actions
15 to disrupt the count. The sole act of recording the hand count does not
16 constitute sufficient grounds for the officer in charge of the election to
17 prohibit observers from recording or to remove them from the facility.
18 The hand count shall be conducted in the following order:

19 1. At least two percent of the precincts in that county, or two
20 precincts, whichever is greater, shall be selected at random from a pool
21 consisting of every precinct in that county. The county political party
22 chairperson for each political party that is entitled to continued
23 representation on the state ballot or the chairperson's designee shall
24 conduct the selection of the precincts to be hand counted. The precincts
25 shall be selected by lot without the use of a computer, and the order of
26 selection by the county political party chairpersons shall also be by
27 lot. The selection of the precincts shall not begin until all ballots
28 voted in the precinct polling places have been delivered to the central
29 counting center. The unofficial vote totals from all precincts shall be
30 made public before selecting the precincts to be hand counted. Only the
31 ballots cast in the polling places and ballots from direct recording
32 electronic machines shall be included in the hand counts conducted
33 pursuant to this section. Provisional ballots, conditional provisional
34 ballots and write-in votes shall not be included in the hand counts and
35 the early ballots shall be grouped separately by the officer in charge of
36 elections for purposes of a separate manual audit pursuant to subsection F
37 of this section.

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

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

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

4 (c) One contested race for federal office, either United States
5 senate or United States house of representatives. If the United States
6 house of representatives race is selected, the names of the candidates may
7 vary among the sampled precincts.

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

11 (e) IF THERE ARE NOT A SUFFICIENT NUMBER OF CONTESTED FEDERAL,
12 STATEWIDE OR LEGISLATIVE RACES OR BALLOT MEASURES, ONE CONTESTED COUNTY
13 RACE.

14 ~~(e)~~ (f) If there are fewer than four contested races resulting
15 from the selections made pursuant to subdivisions (a) through ~~(d)~~ (e) of
16 this paragraph and if there are additional contested federal, statewide,
17 ~~or~~ legislative OR COUNTY races or ballot measures, additional contested
18 races shall be selected by lot not using a computer until four races have
19 been selected or until no additional contested federal, statewide, ~~or~~
20 legislative OR COUNTY races or ballot measures are available for
21 selection.

22 (g) IF THERE ARE NOT A SUFFICIENT NUMBER OF CONTESTED RACES
23 RESULTING FROM THE SELECTIONS MADE PURSUANT TO SUBDIVISIONS (a) THROUGH
24 (f) OF THIS PARAGRAPH, ADDITIONAL UNCONTESTED RACES SHALL BE SELECTED BY
25 LOT NOT USING A COMPUTER UNTIL UP TO FIVE RACES HAVE BEEN SELECTED.

26 ~~((f))~~ (h) If there are no contested races as prescribed by this
27 paragraph, a hand count shall not be conducted for that precinct for that
28 election.

29 3. For the presidential preference election, select by lot two
30 percent of the polling places designated and used pursuant to section
31 16-248 and perform the hand count of those ballots.

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

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

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

41 7. Political party designees who are selected pursuant to this
42 paragraph shall perform the hand count under the supervision of the county
43 officer in charge of elections. The county officer in charge of elections
44 shall provide compensation for those selected to perform the hand count,
45 not to include travel, meal or lodging expenses. The hand count shall not

1 proceed unless the political parties provide the officer in charge of
2 elections in writing a sufficient number of persons pursuant to this
3 paragraph by 5:00 p.m. on the Thursday preceding the election and a
4 sufficient number of persons prescribed by this paragraph arrive to
5 perform the hand count. IF A POLITICAL PARTY DESIGNEE FAILS TO APPEAR FOR
6 THE HAND COUNT AUDIT, THE COUNTY CHAIRPERSON OR THE STATE PARTY
7 CHAIRPERSON OF EACH POLITICAL PARTY MAY SELECT PERSONS FROM ANY POLITICAL
8 PARTY IF THE SELECTION OF PERSONS WHO PERFORM THE HAND COUNT COMPLIES WITH
9 SUBDIVISION (e) OF THIS PARAGRAPH AND DOES NOT DELAY THE HAND COUNT.

10 Political party designees shall be selected to perform the hand count as
11 follows:

12 (a) The county chairperson of each political party shall designate
13 and provide to both the county officer in charge of elections and the
14 state party chairperson the number of hand count board members as
15 designated by the county officer in charge of elections. If the county
16 party chairperson fails to designate a sufficient number of hand count
17 board workers, the state party chairperson shall designate qualified
18 electors to be hand count board workers. If the county PARTY chairpersons
19 and the state party chairpersons fail to designate a sufficient number of
20 hand count board workers, the highest-ranking official holding a statewide
21 office of each political party shall designate qualified electors to be
22 hand count board workers. For the purposes of this subdivision, the
23 ranking of officials holding statewide office shall be governor, secretary
24 of state, attorney general, state treasurer, superintendent of public
25 instruction, corporation commissioners in order of seniority, mine
26 inspector, senate majority and minority leaders and house of
27 representatives majority and minority leaders.

28 (b) The political parties shall provide to the county officer in
29 charge of elections in writing the names of those persons intending to
30 participate in the hand count at the audited precincts not later than
31 5:00 p.m. on the second Tuesday preceding the election.

32 (c) If the total number of hand count board workers provided by all
33 parties is less than the number designated by the county officer in charge
34 of elections, the county officer in charge of elections shall notify the
35 parties of the shortage not later than 9:00 a.m. on the second Wednesday
36 preceding the election and the political parties have until 9:00 a.m. on
37 the second Thursday preceding the election to provide the county officer
38 in charge of elections with an additional list of qualified electors AND
39 ALTERNATES who are willing to participate in the hand count.

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

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

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

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

12 C. If the randomly selected races result in a difference in any
13 race that is less than the designated margin when compared to the
14 electronic tabulation of those same ballots, the results of the electronic
15 tabulation constitute the official count for that race. If the randomly
16 selected races result in a difference in any race that is equal to or
17 greater than the designated margin when compared to the electronic
18 tabulation of those same ballots, a second hand count of those same
19 ballots and races shall be performed. If the second hand count results in
20 a difference in any race that is less than the designated margin when
21 compared to the electronic tabulation for those same ballots, the
22 electronic tabulation constitutes the official count for that race. If
23 the second hand count results in a difference in any race that is equal to
24 or greater than the designated margin when compared to the electronic
25 tabulation for those same ballots, the hand count shall be expanded to
26 include a total of twice the original number of randomly selected
27 precincts. Those additional precincts shall be selected by lot without
28 the use of a computer.

29 D. In any expanded count of randomly selected precincts, if the
30 randomly selected precinct hand counts result in a difference in any race
31 that is equal to or greater than the designated margin when compared to
32 the electronic tabulation of those same ballots, the final hand count
33 shall be extended to include the entire jurisdiction for that race. If
34 the jurisdictional boundary for that race would include any portion of
35 more than one county, the final hand count shall not be extended into the
36 precincts of that race that are outside of the county that is conducting
37 the expanded hand count. If the expanded hand count results in a
38 difference in that race that is less than the designated margin when
39 compared to the electronic tabulation of those same ballots, the
40 electronic tabulation constitutes the official count for that race.

41 E. If a final hand count is performed for an entire jurisdiction
42 for a race, the final hand count shall be repeated for that race until a
43 hand count for that race for the entire jurisdiction results in a count
44 that is identical to one other hand count for that race for the entire

1 jurisdiction and that hand count constitutes the official count for that
2 race.

3 F. After the electronic tabulation of early ballots and at one or
4 more times selected by the chairperson of the political parties entitled
5 to continued representation on the ballot or the chairperson's designee,
6 the chairpersons or the chairpersons' designees shall randomly select one
7 or more batches of early ballots that have been tabulated to include at
8 least one batch from each machine used for tabulating early ballots and
9 those ballots shall be securely sequestered by the county recorder or
10 officer in charge of elections along with their unofficial tally reports
11 for a postelection manual audit. The chairpersons or the chairpersons'
12 designees shall randomly select from those sequestered early ballots a
13 number equal to one percent of the total number of early ballots cast or
14 five thousand early ballots, whichever is less. From those randomly
15 selected early ballots, the county officer in charge of elections shall
16 conduct a manual audit of the same races that are being hand counted
17 pursuant to subsection B of this section. If the manual audit of the
18 early ballots results in a difference in any race that is equal to or
19 greater than the designated margin when compared to the electronically
20 tabulated results for those same early ballots, the manual audit shall be
21 repeated for those same early ballots. If the second manual audit results
22 in a difference in that race that is equal to or greater than the
23 designated margin when compared to the electronically tabulated results
24 for those same early ballots, the manual audit shall be expanded only for
25 that race to a number of additional early ballots equal to one percent of
26 the total early ballots cast or an additional five thousand ballots,
27 whichever is less, to be randomly selected from the batch or batches of
28 sequestered early ballots. If the expanded early ballot manual audit
29 results in a difference for that race that is equal to or greater than the
30 designated margin when compared to any of the earlier manual counts for
31 that race, the manual counts shall be repeated for that race until a
32 manual count results in a difference in that race that is less than the
33 designated margin. If at any point in the manual audit of early ballots
34 the difference between any manual count of early ballots is less than the
35 designated margin when compared to the electronic tabulation of those
36 ballots, the electronic tabulation shall be included in the canvass and no
37 further manual audit of the early ballots shall be conducted.

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

41 H. Notwithstanding any other law, the county officer in charge of
42 elections shall retain custody of the ballots for purposes of performing
43 any required hand counts and the officer shall provide for security for
44 those ballots.

1 I. The hand counts prescribed by this section shall begin within
2 twenty-four hours after the closing of the polls and shall be completed
3 before the canvassing of the election for that county. The county shall
4 make available on the county's website the results of those hand counts
5 and shall provide the results to the secretary of state, who shall make
6 those results publicly available on the secretary of state's website.

7 J. For any county in which a hand count has been expanded to all
8 precincts in the jurisdiction, the secretary of state shall make available
9 the escrowed source code for that county to the superior court. The
10 superior court shall appoint a special master to review the computer
11 software. The special master shall have expertise in software
12 engineering, shall not be affiliated with an election software vendor nor
13 with a candidate, shall sign and be bound by a nondisclosure agreement
14 regarding the source code itself and shall issue a public report to the
15 court and to the secretary of state regarding the special master's
16 findings on the reasons for the discrepancies. The secretary of state
17 shall consider the reports for purposes of reviewing the certification of
18 that equipment and software for use in this state.

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

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

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

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

31 4. The vote count verification committee shall meet and establish
32 one or more designated margins to be used in reviewing the hand counting
33 of votes as required pursuant to this section. The committee shall review
34 and consider revising the designated margins every two years for use in
35 the applicable elections. The committee shall provide the designated
36 margins to the secretary of state at least ten days before the primary
37 election and at least ten days before the general election, and the
38 secretary of state shall make that information publicly available on the
39 secretary of state's website.

40 5. Members of the vote count verification committee are not
41 eligible to receive compensation but are eligible for reimbursement of
42 expenses pursuant to title 38, chapter 4, article 2. The committee is a
43 public body and its meetings are subject to title 38, chapter 3, article
44 3.1 and its reports and records are subject to title 39, chapter 1.

Sec. 7. 2026 justice of the peace candidates: nomination papers, petitions and signatures

A. Notwithstanding any other law, for candidates for election in 2026 to the office of justice of the peace, the following apply:

1. If the candidate statement of interest, nomination paper and nomination petition are in compliance with otherwise applicable law, the filing officer shall accept as a valid filing the nomination paper and nomination petition of a person that designate a justice precinct for that person's candidacy and that use any or all of the following:

(a) The candidate's justice precinct as used in the 2024 election.

(b) The candidate's justice precinct as changed or redistricted by the county pursuant to section 22-101, Arizona Revised Statutes.

(c) The candidate's district as designated as a result of a redistricting plan that is ordered for use in the upcoming election by a court of competent jurisdiction.

2. If the candidate nomination paper and nomination petition are in compliance with otherwise applicable law, the filing officer shall accept and petition signers are valid if the petition signers are registered voters who are residents of any or all of the following districts that the candidate proposes to represent:

(a) The candidate's justice precinct as used in the 2024 election.

(b) The candidate's justice precinct as changed or redistricted by the county pursuant to section 22-101, Arizona Revised Statutes.

(c) The candidate's district as designated as a result of a redistricting plan that is ordered for use in the upcoming election by a court of competent jurisdiction.

B. This section does not apply to a special election to fill a vacancy for the office of justice of the peace.