

Elections Committee

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ELECTIONS COMMITTEE

LEGISLATION ENACTED

political signs; removal; elections (S.B. 1063) – Chapter 170

Extends, from 45 days before an election to 71 days before an election, the time period during which: 1) a person is subject to a class 2 misdemeanor for political sign tampering; and 2) a city, town or county may not remove or tamper with lawfully placed political signs. For a political sign that supports or opposes a ballot measure, question or issue, the extended time period applies only for the election at which the ballot measure, question or issue is scheduled to appear.

~~technical correction; juvenile offenders; notice~~ (NOW: legislative vacancies; appointment) (S.B. 1278) – Chapter 174

Prescribes a timeline for the county board of supervisors (county BOS) and the legislative district's precinct committeemen (PCs) to fill a legislative vacancy. If the Legislature is in session, the Governor has called a special session or a special session is pending, the PCs must select three nominees to fill a legislative vacancy within 5 calendar days of receiving notice of the vacancy and the county BOS must appoint a nominee to fill the vacancy within 10 calendar days of receiving the nominee's names. If the Legislature is not in session and a special session is not pending, the PCs must select the three nominees within 21 calendar days of receiving notice of the vacancy and the county BOS must make the appointment within 21 calendar days of receiving the names.

If the PCs fail to select nominees within the applicable timeframe, a citizens panel must select the nominees. If the county BOS fails to fill a legislative vacancy within the applicable timeframe, the appropriate state party chairperson must fill the vacancy from the list of nominees. If a nominee withdraws from consideration, the appropriate state party chairperson must immediately nominate an alternative qualified elector to fill the vacancy.

local candidates; petitions; electronic signatures (S.B. 1285) – Chapter 2 E

An emergency measure effective March 6, 2024, that amends Laws 2024, Chapter 1 to require any election item that was called by a city, town or county for the August 6, 2024, primary election to be placed on the ballot for the newly designated primary election date of July 30, 2024. Petition signatures collected through the online signature collection system (E-Qual) with the August 6, 2024, primary date that otherwise comply with the nomination petition signature requirements are valid. A filing officer may not reject signatures or petitions solely due to the date of the primary election listed on a petition form and a person does not have to file a new or amended statement of interest based solely on the change to the 2024 primary election date.

A voter that casts a conditional provisional ballot must provide proof of identification to the county recorder or other officer in charge of elections by the fifth business day after a primary, general or special election that includes a federal office or by the third business day after any other election. If a city or town clerk's office has an agreement with a county to be used as a location

where voters may submit proof of identification, the office must be open from at least 8:00 a.m. to 5:00 p.m. during the Friday and weekend before and after any election that includes a federal office to allow for curing signatures.

Beginning January 1, 2025, a candidate for city, town, county or precinct committeeman office may collect up to 110 percent, rather than 100 percent, of the minimum number of required nomination petition signatures through E-Qual.

elections; parties; hand count audits (S.B. 1342) – Chapter 79

Requires the county chairperson of each political party to provide a list of designated hand count board workers to the county officer in charge of elections and the appropriate state party chairperson by 5:00 p.m. on the second Tuesday, rather than the first Tuesday, before the election. The officer in charge of elections must notify the political parties of a shortage in hand count workers by 9:00 a.m. on the second Wednesday, rather than the first Wednesday, before the election. When notice of a hand county board worker shortage is provided, each political party has until 9:00 a.m. on the second Thursday before the election to provide an additional list of willing hand count designees. Requires the county officer in charge of elections to distribute the list of additional electors to the county chairperson and state chairperson of each political party by 5:00 p.m. on the second Friday before the election. Prescribes procedures for designating qualified electors as hand count board workers when there is a shortage of designees. A county must make hand count audit results available on the county's website.

~~election communications; deep fakes; prohibition~~ (NOW: election communications; deepfakes; prohibition) (S.B. 1359) – Chapter 199

Prohibits a creator of a deceptive and fraudulent deepfake (deepfake) of an election candidate from distributing the deepfake within 90 days before an election at which the candidate will appear on the ballot unless the deepfake includes a clear and conspicuous disclosure that the media contains content generated by artificial intelligence. A person who fails to provide the disclosure is subject to a civil penalty for each day the deepfake is distributed without the disclosure. The disclosure requirement does not apply to satire, parody or an interactive computer service.

~~night schools; technical correction~~ (NOW: campaign finance report; statewide office) (S.B. 1571) – Chapter 112 E

An emergency measure effective April 8, 2024, that requires a statewide candidate committee to file a campaign finance report for each calendar quarter of the 48-month period, rather than 12-month period, before the general election at which the candidate is seeking office.

elections; municipal vacancies; primary (H.B. 2080) – Chapter 114

Stipulates that, if city or town mayor or councilmember is serving by appointment at the time a candidate for a new term in office is elected at the primary, the candidate who receives a majority of votes cast at the primary must be declared elected after the election canvass and

certification and upon taking the oath of office. The elected candidate may be seated to complete the remainder of the existing term that is being filled by appointment in addition to the new term. If multiple candidates receive a majority of votes cast for the city or town mayor or councilmember and the office is filled by an appointee, the order of seating the candidates proceeds in order of the highest number of votes.

candidates; digital impersonation; injunctive relief (NOW: digital impersonation; injunctive relief; requirements) (H.B. 2394) – Chapter 193 E

An emergency measure effective May 21, 2024, and beginning June 4, 2024, that allows an election candidate or an Arizona citizen to initiate an action against the digital impersonation of that person within two years of the person knowing that the digital impersonation was published. A *digital impersonation* is synthetic media, typically video, audio or still image, that is digitally manipulated or simulated using deep generative methods and artificial intelligence techniques to convincingly replace a person's likeness or voice with the intent to lead a reasonable audience to believe that the impersonation is authentic and a true depiction of something the impersonated person said or did.

A person may initiate a digital impersonation action by petitioning the applicable superior court. If the digital impersonation is or is part of a paid advertisement, the digital impersonation action may be brought only against the person or entity that originated, ordered, placed or paid for the advertisement. To prevail in a digital impersonation action, a plaintiff must prove that: 1) a digital impersonation of the plaintiff was published to at least one other person without the plaintiff's consent; and 2) at the time of publication, it was either not obvious that the recording or image was a digital impersonation or the publisher did not convey that the recording or image's authenticity was disputed. The publisher of an alleged digital impersonation has the right to appear, be heard and present evidence before the court enters a judgment of preliminary declaratory relief and the plaintiff that files the petition for relief must make reasonable efforts to serve and provide notice of the petition.

A plaintiff to a digital impersonation action who is a candidate for public or political party office for which an election is scheduled to be held within 180 days may request preliminary declaratory relief with the superior court as prescribed. Outlines circumstances in which a person has the additional right to injunctive relief and damages. A plaintiff seeking preliminary declaratory relief or injunctive relief must prove the elements of digital impersonation by clear and convincing evidence and a plaintiff seeking permanent declaratory relief must prove the elements by a preponderance of evidence. If preliminary declaratory relief is granted, the trier of fact may not consider any factual or legal determinations made by the court at any later stage of the proceeding or other proceeding.

new party recognition; signatures; circulators (H.B. 2474) – Chapter 145 E

An emergency measure effective April 10, 2024, that voids a signature sheet for a new political party petition that contains signatures collected 24 months or more before the primary election at which the party seeks recognition. The filing officer may not accept a voided signature sheet and must remove the voided sheet from the new political party petition.

voter registration changes; text notice (H.B. 2482) – Chapter 73

Requires a county recorder to notify an elector by text message or email within 24 hours of making a change to the elector's voter registration information. If the elector has not subscribed to the voter registration alert system, the county recorder must notify the elector in writing within 10 days after making the change. The notice must include instructions on how the elector may check the elector's voter registration form, revise the elector's voter registration information and notify the county recorder if the elector did not request or authorize the change.

~~technical correction; joint school district (NOW: department of education; reports; consolidation)~~
(NOW: judicial offices; petitions; electronic signatures) (H.B. 2497) – Chapter 148

Requires the Secretary of State to allow candidates for certain judicial offices to collect up to 125 percent of the required nomination signatures using the secure, online petition signature collection system (E-Qual).

primary; identification; canvass; recounts; ballots (H.B. 2785/S.B. 1733) – Chapter 1 E

An emergency measure effective February 9, 2024, that modifies timelines and procedures relating to the conduct of elections, including extending in-person early voting to 7:00 p.m. on the Friday before election day and changing the 2024 primary election date to July 30, 2024.

Requires a county board of supervisors (county BOS) to canvass an election by the second Monday after a primary election and the third Monday after a general election, rather than between 6 and 20 days after an election. The Secretary of State (SOS) must canvass an election by the third Thursday after a primary election and the third Monday after a general election, rather than by the third Monday after a primary election and the fourth Monday after a general election. An electronic copy of the official canvass from a county BOS is sufficient for the SOS to conduct and issue the statewide canvass if the electronic copy meets outlined requirements. Removes the requirement that the state canvass be postponed day to day for up to 30 days after an election if any official county canvass has not been received by the fourth Monday after the general election.

A county recorder's office and city or town clerk's office must be open during regular business hours on the Friday and weekend before and after any election that includes a federal office to allow for curing signatures. Reduces the signature cure period, through 2026, from five business days to five calendar days for any election that includes a federal office.

Beginning in 2026, an elector may provide valid identification when presenting the voter's mailed early ballot at any voting location and, upon confirming that the voter's name and address on the identification reasonably appears to be the same as the voter's registration record, the election official must stamp the signed affidavit and place the stamped affidavit containing the early ballot in the designated secured box. The stamped early ballot is deemed ready for tabulating and exempt from further signature verification. If an early ballot is delivered by a voter to a voting location without presenting and confirming valid identification, the early ballot must be signature verified. The Arizona Department of Administration must coordinate with state agencies and counties to provide available and appropriate state-owned facilities for use as a voting location for any city, county or state election upon request by the officer in charge of elections. Modifies the early ballot instructions.

Prescribes requirements for early ballot affidavit signature verification and states that the Legislature intends that the illustrations of broad and local characteristics in the 2020 SOS Signature Verification Guide be used as a reference. An early ballot signature evaluator (evaluator) must examine the broad characteristics of the signature and, if there are discrepancies, examine the local characteristics of the signature. The evaluator may accept the signature if the local or broad characteristics are clearly consistent with the voter's signature in the registration record. If the evaluator finds a combination of broad and local characteristic differences between the signatures on the voter's ballot affidavit and registration record, the evaluator must denote the signature for a second review using the same standards.

ballot measures; challenges (S.C.R. 1041)

Subject to voter approval, constitutionally allows a person to challenge the constitutionality of a proposed constitutional amendment or initiative measure in the superior court at least 100 days before the date of the election at which the amendment or initiative is scheduled to be voted on. Prohibits the Secretary of State from certifying or printing the amendment or measure on the official ballot if a court of competent jurisdiction enters a judgment finding the amendment or measure to be unconstitutional under the U.S. or Arizona Constitution. Any party may appeal to the Arizona Supreme Court within five calendar days after the superior court enters judgment. Requires the Secretary of State to submit the proposition to the voters at the next general election. Becomes effective if approved by the voters and on proclamation of the Governor.

judicial retention elections (S.C.R. 1044)

Subject to voter approval, and retroactive to November 1, 2024, constitutionally replaces term limits for Arizona Supreme Court justices and intermediate appellate court and superior court judges with terms of good behavior and outlines conditions that subject a justice or judge to a retention vote, including: 1) a final conviction of a felony offense or crime involving fraud or dishonesty if not otherwise removed; 2) an initiation of personal bankruptcy proceedings; 3) a mortgage foreclosure; or 4) a determination by a majority of all members of the Commission on Judicial Performance Review (JPR) that the justice or judge does not meet judicial performance standards. An intermediate appellate judge who is subject to a retention vote must be elected on a statewide basis and any justice or judge subject to a vote retention must file a declaration to be retained in office with the Secretary of State, as prescribed.

Requires: 1) the House of Representatives and the Senate to each appoint one member to the JPR; 2) the JPR, on request from a Legislator, to investigate an allegation that a justice or judge has engaged in a pattern of malfeasance while in office; and 3) the JPR to make a determination that a justice or judge does not meet judicial performance standards if the JPR finds that the justice or judge engaged in a pattern of malfeasance in office. Requires the Secretary of State to submit the proposition to the voters at the next general election. Becomes effective if approved by the voters and on proclamation of the Governor.

LEGISLATION VETOED

federal candidates; observers; elections (S.B. 1060) – VETOED

Allows each candidate for U.S. President, U.S. Senate and U.S. House of Representatives to designate an observer at a counting center during the general election. If more than one candidate from each political party designates an observer, a lottery must determine which candidate may send an observer.

Each political party county chairman may designate a challenger at a vote center. A challenger must be allowed to enter and observe in all polling places in the county in which the challenger is designated, including setup and closeout procedures, and a challenger may not interact with a voter.

Prohibits a party representative, challenger or observer from obstructing the administration of election procedures or approaching an election official's table or equipment any closer than what is reasonably necessary to perform the representative's, challenger's or observer's functions. Each party representative, challenger or observer must: 1) be allowed to observe the conduct of election officials; 2) provide their own materials and necessities; and 3) pose questions directly to the statutorily designated official. A candidate appearing on the ballot may not be designated as a party representative, challenger or observer.

The Governor indicates in her [veto message](#) that current statute adequately provides for the designation of observers.

~~on-site ballot tabulation; secured containers~~ (NOW: on-site ballot tabulation; containers) (S.B. 1330) – VETOED

Specifies that voted early ballots and empty completed affidavit envelopes deposited for the purpose of on-site ballot tabulation must be deposited in a ballot box or a secured and labeled container, rather than a drop box.

The Governor indicates in her [veto message](#) that S.B. 1330 is unnecessary.

county supervisors; population; membership (H.B. 2031) – VETOED

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presidential preference; parties; voting methods (H.B. 2393) – VETOED

Applies the following to a political party that chooses not to participate in the publicly administered Presidential Preference Election and that chooses to select a nominee for U.S. President by a party membership vote: 1) the party must provide a method of voting that allows persons with disabilities, absent U.S. Uniformed Services voters and overseas voters to vote; and 2) the party may choose the means of voting.

The Governor indicates in her [veto message](#) that if the state were to change the manner in which political party elections are held, it would be important to reflect bipartisan agreement.

voter registration cards; mailing limitation (H.B. 2404) – VETOED

Prohibits a county recorder from providing an initial or updated voter registration card to an elector whose mailing address is outside of Arizona, except for absent U.S. Uniformed Service voters, overseas voters and Arizona residents who are not served by a U.S. Post Office in Arizona.

The Governor indicates in her [veto message](#) that state statute and the Elections Procedures Manual already outline the process for when a voter provides a new residential address located outside the state.

~~technical correction; waste; enforcement; venue~~ (NOW: ballot collection conviction; public office) (H.B. 2612) – VETOED

Stipulates that a person who is convicted of ballot abuse is ineligible to hold or be nominated or elected to public office in Arizona. A person holding public office must resign upon receiving a ballot abuse conviction.

The Governor indicates in her [veto message](#) that H.B. 2612 is unnecessary.