

State of Arizona  
Senate  
Fifty-third Legislature  
Second Regular Session  
2018

# SENATE BILL 1437

## AN ACT

AMENDING SECTIONS 16-193, 16-405, 16-407 AND 16-411, ARIZONA REVISED STATUTES; REPEALING TITLE 16, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-442, 16-444, 16-446, 16-447, 16-448, 16-449 AND 16-462, ARIZONA REVISED STATUTES; REPEALING SECTIONS 16-463 AND 16-466, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-468 AND 16-502, ARIZONA REVISED STATUTES; REPEALING SECTIONS 16-504, 16-505 AND 16-506, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-511, 16-514, 16-517, 16-531, 16-532, 16-534, 16-535 AND 16-536, ARIZONA REVISED STATUTES; REPEALING SECTION 16-546, ARIZONA REVISED STATUTES; AMENDING SECTION 16-552, ARIZONA REVISED STATUTES; REPEALING SECTION 16-561, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-565, 16-566 AND 16-570, ARIZONA REVISED STATUTES; REPEALING SECTION 16-578, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-580, 16-584 AND 16-585, ARIZONA REVISED STATUTES; REPEALING SECTION 16-601, ARIZONA REVISED STATUTES; AMENDING SECTION 16-603, ARIZONA REVISED STATUTES; REPEALING SECTIONS 16-604, 16-605 AND 16-606, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-609, 16-612, 16-615 AND 16-617, ARIZONA REVISED STATUTES; REPEALING SECTIONS 16-618, 16-619, 16-620 AND 16-641, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-675 AND 16-1018, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS AND ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-193, Arizona Revised Statutes, is amended to  
3 read:

4 16-193. Active registered voters; applicability

5 The terms "registered voters", "persons who are registered to vote",  
6 "registered electors" and "voters registered" as used in the following  
7 sections include only active registered voters for purposes of the  
8 following:

9 1. Calculating petition signature requirements pursuant to sections  
10 11-133, 16-322, 16-341, 45-415, 45-433, 48-4433 and 48-4832.

11 2. Mailing and distributing election-related notices, pamphlets or  
12 ballots pursuant to sections 11-137, 15-905.01, 16-245, 16-412, 16-461,  
13 16-510, 19-123, 19-141, 35-454, 41-563.02, 42-6109.01, 42-17057, 42-17107,  
14 48-620, 48-4021, 48-4236, 48-5314, 48-6432 and 48-6433.

15 ~~3. Providing voting machines pursuant to section 16-430.~~

16 ~~4.~~ 3. Furnishing ballots pursuant to sections 16-508 and 48-685.

17 ~~5.~~ 4. Determining qualification for political parties' continued  
18 representation on the ballot pursuant to sections 16-244 and 16-804.

19 ~~6.~~ 5. Choosing political party officers pursuant to sections  
20 16-821 and 16-823.

21 Sec. 2. Section 16-405, Arizona Revised Statutes, is amended to  
22 read:

23 16-405. Preparation for elections

24 The board of supervisors or other authority in charge of elections  
25 shall provide voting or marking devices, voting booths, ballots, early  
26 ballots as prescribed by section 16-545, ballot boxes, ~~ballot labels,~~  
27 ~~ballot cards, write-in ballots~~ and other supplies as required. ~~Where~~  
28 ~~ballot cards are used each ballot card may have a serially numbered stub~~  
29 ~~which shall be removed before the ballot card is deposited in the ballot~~  
30 ~~box. The precinct number and, in primary elections, the party designation~~  
31 ~~shall be printed on each ballot card.~~

32 Sec. 3. Section 16-407, Arizona Revised Statutes, is amended to  
33 read:

34 16-407. Election officers; qualifications; certificates;  
35 certification programs; plan; exemption; election  
36 training fund

37 A. Except as provided in subsection E **OF THIS SECTION**, no person  
38 may perform the duties or exercise the authority of an election officer or  
39 of the clerk of the board of supervisors or the county recorder in  
40 performance of election duties in or on behalf of any county unless the  
41 person is the holder of an election officer's certificate issued by the  
42 secretary of state before January 1 of each general election year.

43 B. The secretary of state shall provide for the examination of  
44 applicants for election officer certificates. The secretary of state may  
45 not issue a certificate to a person who has not demonstrated to the

1 satisfaction of the secretary of state that the person is competent to  
2 perform the work of an election officer or of the clerk of the board of  
3 supervisors or the county recorder in the performance of election duties.

4 C. The secretary of state shall provide for election officer  
5 certification programs of which successful completion by a person attests  
6 to the attendance at, participation in and completion of a course of  
7 instruction in the technical, legal and administrative aspects of  
8 conducting elections within this state.

9 D. On or before December 31 of each year of a general election, the  
10 secretary of state shall submit an election officer education, training  
11 and certification plan to ~~the election officer education, training and~~  
12 ~~certification advisory committee and to~~ the president of the senate and  
13 the speaker of the house of representatives. The plan shall outline the  
14 achievements and problems of the previous two year period and specify the  
15 expected education, training and certification activities of the coming  
16 two year period.

17 E. Subsection A **OF THIS SECTION** does not apply to elected  
18 officials, clerical and secretarial personnel, counting center  
19 personnel, ~~AND~~ precinct election board ~~and tally board~~ members and  
20 election officials in cities or towns.

21 F. For city and town employees who work on elections, if the city  
22 or town chooses to enroll the city or town employees in the certification  
23 program prescribed by this section, the city or town shall reimburse the  
24 secretary of state for the costs of conducting the training. An election  
25 training fund is established consisting of monies received pursuant to  
26 this subsection. The secretary of state shall administer the fund.  
27 Monies in the fund are continuously appropriated and the secretary of  
28 state shall use monies in the fund to pay the costs of training officials  
29 from cities and towns pursuant to this subsection.

30 Sec. 4. Section 16-411, Arizona Revised Statutes, is amended to  
31 read:

32 16-411. Designation of election precincts and polling places;  
33 voting centers; electioneering; wait times

34 A. ~~Except as prescribed by subsection J of this section,~~ The board  
35 of supervisors of each county, on or before December 1 of each year  
36 preceding the year of a general election, by an order, shall establish a  
37 convenient number of election precincts in the county and define the  
38 boundaries of the precincts. The election precinct boundaries shall be so  
39 established as included within election districts prescribed by law for  
40 elected officers of the state and its political subdivisions including  
41 community college district precincts, except those elected officers  
42 provided for in titles 30 and 48.

43 B. Not less than twenty days before a general or primary election,  
44 and at least ten days before a special election, the board shall designate

1 one polling place within each precinct where the election shall be held,  
2 except that:

3 1. On a specific finding of the board, included in the order or  
4 resolution designating polling places pursuant to this subsection, that no  
5 suitable polling place is available within a precinct, a polling place for  
6 that precinct may be designated within an adjacent precinct.

7 2. Adjacent precincts may be combined if boundaries so established  
8 are included in election districts prescribed by law for state elected  
9 officials and political subdivisions including community college districts  
10 but not including elected officials prescribed by titles 30 and 48. The  
11 officer in charge of elections may also split a precinct for  
12 administrative purposes. The polling places shall be listed in separate  
13 sections of the order or resolution.

14 3. On a specific finding of the board that the number of persons  
15 who are listed as permanent early voters pursuant to section 16-544 is  
16 likely to substantially reduce the number of voters appearing at one or  
17 more specific polling places at that election, adjacent precincts may be  
18 consolidated by combining polling places and precinct boards for that  
19 election. The board of supervisors shall ensure that a reasonable and  
20 adequate number of polling places will be designated for that election.  
21 Any consolidated polling places shall be listed in separate sections of  
22 the order or resolution of the board.

23 4. On a specific resolution of the board, the board may authorize  
24 the use of voting centers in place of or in addition to specifically  
25 designated polling places. A voting center shall allow any voter in that  
26 county to receive the appropriate ballot for that voter on election day  
27 and lawfully cast the ballot. Voting centers may be established in  
28 coordination and consultation with the county recorder, at other county  
29 offices or at other locations in the county deemed appropriate.

30 C. If the board fails to designate the place for holding the  
31 election, or if it cannot be held at or about the place designated, the  
32 justice of the peace in the precinct, two days before the election, by an  
33 order, copies of which the justice of the peace shall immediately post in  
34 three public places in the precinct, shall designate the place within the  
35 precinct for holding the election. If there is no justice of the peace in  
36 the precinct, or if the justice of the peace fails to do so, the election  
37 board of the precinct shall designate and give notice of the place within  
38 the precinct of holding the election. For any election in which there are  
39 no candidates for elected office appearing on the ballot, the board may  
40 consolidate polling places and precinct boards and may consolidate the  
41 tabulation of results for that election if all of the following apply:

42 1. All affected voters are notified by mail of the change at least  
43 thirty-three days before the election.

1           2. Notice of the change in polling places includes notice of the  
2 new voting location, notice of the hours for voting on election day and  
3 notice of the telephone number to call for voter assistance.

4           3. All affected voters receive information on early voting that  
5 includes the application used to request an early voting ballot.

6           D. The board is not required to designate a polling place for  
7 special district mail ballot elections held pursuant to article 8.1 of  
8 this chapter, but the board may designate one or more sites for voters to  
9 deposit marked ballots until 7:00 p.m. on the day of the election.

10          E. Except as provided in subsection F of this section, a public  
11 school shall provide sufficient space for use as a polling place for any  
12 city, county or state election when requested by the officer in charge of  
13 elections.

14          F. The principal of the school may deny a request to provide space  
15 for use as a polling place for any city, county or state election if,  
16 within two weeks after a request has been made, the principal provides a  
17 written statement indicating a reason the election cannot be held in the  
18 school, including any of the following:

- 19           1. Space is not available at the school.  
20           2. The safety or welfare of the children would be jeopardized.

21          G. The board shall make available to the public as a public record  
22 a list of the polling places for all precincts in which the election is to  
23 be held ~~including identification of polling place changes that were~~  
24 ~~submitted to the United States department of justice for approval.~~

25          H. Except in the case of an emergency, any facility that is used as  
26 a polling place on election day or that is used as an early voting site  
27 during the period of early voting shall allow persons to electioneer and  
28 engage in other political activity outside of the seventy-five foot limit  
29 prescribed by section 16-515 in public areas and parking lots used by  
30 voters. This subsection shall not be construed to permit the temporary or  
31 permanent construction of structures in public areas and parking lots or  
32 the blocking or other impairment of access to parking spaces for  
33 voters. The county recorder or other officer in charge of elections shall  
34 post on its website at least two weeks before election day a list of those  
35 polling places in which emergency conditions prevent electioneering and  
36 shall specify the reason the emergency designation was granted and the  
37 number of attempts that were made to find a polling place before granting  
38 an emergency designation. If the polling place is not on the website list  
39 of polling places with emergency designations, electioneering and other  
40 political activity shall be permitted outside of the seventy-five foot  
41 limit. If an emergency arises after the county recorder or other officer  
42 in charge of elections' initial website posting, the county recorder or  
43 other officer in charge of elections shall update the website as soon as  
44 is practicable to include any new polling places, shall highlight the  
45 polling place location on the website and shall specify the reason the

1 emergency designation was granted and the number of attempts that were  
2 made to find a polling place before granting an emergency designation.

3 I. For the purposes of this section, a county recorder or other  
4 officer in charge of elections shall designate a polling place as an  
5 emergency polling place and thus prohibit persons from electioneering and  
6 engaging in other political activity outside of the seventy-five foot  
7 limit prescribed by section 16-515 but inside the property of the facility  
8 that is hosting the polling place if any of the following occurs:

9 1. An act of God renders a previously set polling place as  
10 unusable.

11 2. A county recorder or other officer in charge of elections has  
12 exhausted all options and there are no suitable facilities in a precinct  
13 that are willing to be a polling place unless a facility can be given an  
14 emergency designation.

15 J. The secretary of state shall provide through the instructions  
16 and procedures manual adopted pursuant to section 16-452 the maximum  
17 allowable wait time for any election that is subject to section 16-204 and  
18 provide for a method to reduce voter wait time at the polls in the primary  
19 and general elections. The method shall consider at least all of the  
20 following for primary and general elections in each precinct:

21 1. The number of ballots voted in the prior primary and general  
22 elections.

23 2. The number of registered voters who voted early in the prior  
24 primary and general elections.

25 3. The number of registered voters and the number of registered  
26 voters who cast an early ballot for the current primary or general  
27 election.

28 4. The number of election board members and clerks and the number  
29 of rosters that will reduce voter wait time at the polls.

30 ~~K. The board of supervisors of a county shall not change precinct~~  
31 ~~times during the period after July 31, 2008 and before January 1, 2011.~~  
32 ~~The board of supervisors may subdivide an election precinct for~~  
33 ~~administrative purposes or may provide for more than one polling place~~  
34 ~~within the boundaries of the election precincts established for use in~~  
35 ~~voting in elections held after July 31, 2008 and before January 1, 2011.~~  
36 ~~In providing for multiple polling places within a precinct, the board of~~  
37 ~~supervisors shall consider the particular population characteristics of~~  
38 ~~each precinct in order to provide the voters the most reasonable access to~~  
39 ~~the polls possible.~~

40 Sec. 5. Repeal

41 Title 16, chapter 4, article 3, Arizona Revised Statutes, is  
42 repealed.

1           Sec. 6. Heading change

2           The article heading of title 16, chapter 4, article 4, Arizona  
3 Revised Statutes, is changed from "VOTING EQUIPMENT; ELECTROMECHANICAL" to  
4 "VOTING EQUIPMENT".

5           Sec. 7. Section 16-442, Arizona Revised Statutes, is amended to  
6 read:

7           16-442. Committee approval; adoption of vote tabulating  
8                   equipment; experimental use; emergency

9           A. The secretary of state shall appoint a committee of three  
10 persons, to consist of a member of the engineering college at one of the  
11 universities, a member of the state bar of Arizona and one person familiar  
12 with voting processes in the state, no more than two of whom shall be of  
13 the same political party, and at least one of whom shall have at least  
14 five years of experience with and shall be able to render an opinion based  
15 on knowledge of, training in or education in electronic voting systems,  
16 procedures and security. The committee shall investigate and test the  
17 various types of vote recording or tabulating machines or devices that may  
18 be used under this article. ~~They~~ THE COMMITTEE shall submit ~~their~~ ITS  
19 recommendations to the secretary of state who shall make final adoption of  
20 the type or types, make or makes, model or models to be certified for use  
21 in this state. The committee shall serve without compensation.

22           B. ~~On completion of acquisition of machines or devices that comply~~  
23 ~~with the help America vote act of 2002 (P.L. 107-252),~~ Machines or devices  
24 used at any election for federal, state or county offices may only be  
25 certified for use in this state and may only be used in this state if they  
26 comply with the help America vote act of 2002 and if those machines or  
27 devices have been tested and approved by a laboratory that is accredited  
28 pursuant to the help America vote act of 2002.

29           C. After consultation with the committee prescribed by subsection A  
30 OF THIS SECTION, the secretary of state shall adopt standards that specify  
31 the criteria for loss of certification for equipment that was used at any  
32 election for federal, state or county offices and that was previously  
33 certified for use in this state. On loss of certification, machines or  
34 devices used at any election may not be used for any election for federal,  
35 state or county offices in this state unless recertified for use in this  
36 state.

37           D. The secretary of state may revoke the certification of any  
38 voting system or device for use in a federal, state or county election in  
39 this state or may prohibit for up to five years the purchase, lease or use  
40 of any voting system or device leased, installed or used by a person or  
41 firm in connection with a federal, state or county election in this state,  
42 or both, if either of the following occurs:

43           1. The person or firm installs, uses or permits the use of a voting  
44 system or device that is not certified for use or approved for  
45 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  
13 ~~thereof~~ OF THE VOTING SYSTEM OR DEVICE, and its use at the election is as  
14 valid as if the machines had been permanently adopted.

15           G. After consultation with the committee prescribed by subsection A  
16 OF THIS SECTION, the secretary of state may approve for emergency use an  
17 upgrade or modification to a voting system or device that is certified for  
18 use in this state if the governing body establishes in an open meeting  
19 that the election cannot be conducted without the emergency certification.  
20 Any ~~such~~ emergency certification shall be limited to no more than six  
21 months. At the conclusion of the certification period the voting system  
22 or device shall be decertified and unavailable for future use unless  
23 certified in accordance with this section.

24           Sec. 8. Section 16-444, Arizona Revised Statutes, is amended to  
25 read:

26           16-444. Definitions; applicability of general laws

27           A. In this article, unless the context otherwise requires:

28           1. "Ballot" means a paper ballot on which votes are recorded, ~~or~~  
29 ~~alternatively may mean ballot cards and ballot labels.~~

30           ~~2. "Ballot card" means a tabulating card on which votes may be~~  
31 ~~recorded by means of punching or marking.~~

32           ~~3. "Ballot labels" means the cards, papers, booklet, pages or other~~  
33 ~~material containing the names of offices and candidates and the statements~~  
34 ~~of measures to be voted on, which are placed on the voting device.~~

35           ~~4.~~ 2. "Computer program" includes all programs and documentation  
36 adequate to process the ballots at an equivalent counting center.

37           ~~5.~~ 3. "Counting center" means one or more locations selected by  
38 the board of supervisors for the automatic counting of ballots.

39           ~~6.~~ 4. "Electronic voting system" means a system in which votes are  
40 recorded on a paper ballot ~~or ballot cards~~ by means of marking ~~or~~  
41 ~~punching~~, and such votes are subsequently counted and tabulated by vote  
42 tabulating equipment at one or more counting centers.

43           5. "E-POLLBOOK" MEANS AN ELECTRONIC SYSTEM IN WHICH A VOTER IS  
44 CHECKED IN AND THROUGH WHICH A VOTER'S SIGNATURE IS RECORDED TO INDICATE  
45 THAT THE VOTER HAS VOTED.



1           ~~7.~~ 6. "Instructions and procedures manual" means the manual  
2 prepared for use as a guide for the conduct of elections by an approved  
3 electronic voting system, including, but not limited to, detailed  
4 instructions for the performance of each task relating to the collection  
5 of ballots and the counting of votes in a manner ~~which~~ THAT will provide  
6 maximum security, efficiency and accuracy.

7           ~~8.~~ 7. "Vote tabulating equipment" includes apparatus necessary to  
8 automatically examine and count votes as designated on ballots ~~or ballot~~  
9 ~~cards~~ and tabulate the results.

10           ~~9.~~ 8. "Voting device" means an apparatus ~~which~~ THAT the voter uses  
11 to record ~~his~~ THE VOTER'S votes by marking ~~or punching a hole in~~ a paper  
12 ballot ~~or tabulating card~~, which votes are subsequently counted by  
13 electronic tabulating equipment.

14           B. The provisions of all state laws relating to elections not  
15 inconsistent with this article apply to all elections where electronic ~~or~~  
16 ~~electromechanical~~ tabulating devices are used. Any provision of law ~~which~~  
17 THAT conflicts with this article ~~shall~~ DOES not apply to the elections in  
18 which electronic ~~or electromechanical~~ tabulating devices are used.

19           Sec. 9. Section 16-446, Arizona Revised Statutes, is amended to  
20 read:

21           16-446. Specifications of electronic voting system

22           A. An electronic voting system consisting of a voting or marking  
23 device in combination with vote tabulating equipment shall provide  
24 facilities for voting for candidates at both primary and general  
25 elections.

26           B. An electronic voting system shall:

27           1. Provide for voting in secrecy when used with voting booths.

28           2. Permit each elector to vote at any election for any person for  
29 any office whether or not nominated as a candidate, to vote for as many  
30 persons for an office as ~~he~~ THE ELECTOR is entitled to vote for and to  
31 vote for or against any question on which ~~he~~ THE ELECTOR is entitled to  
32 vote, and the vote tabulating equipment shall reject choices recorded on  
33 ~~his~~ THE ELECTOR'S ballot ~~card or paper ballot~~ if the number of choices  
34 exceeds the number that ~~he~~ THE ELECTOR is entitled to vote for the office  
35 or on the measure.

36           3. Prevent the elector from voting for the same person more than  
37 once for the same office.

38           4. Be suitably designed for the purpose used and be of durable  
39 construction, and may be used safely, efficiently and accurately in the  
40 conduct of elections and counting ballots.

41           5. Be provided with means for sealing the voting or marking device  
42 against any further voting after the close of the polls and the last voter  
43 has voted.

44           6. When properly operated, record correctly and count accurately  
45 every vote cast.

1 7. Provide a durable paper document that visually indicates the  
2 voter's selections, that the voter may use to verify the voter's choices,  
3 that may be spoiled by the voter if it fails to reflect the voter's  
4 choices and that permits the voter to cast a new ballot. This paper  
5 document shall be used in manual audits and recounts.

6 8. TO THE EXTENT PRACTICABLE, PROVIDE FOR THE BALLOT LAYOUT TO BE  
7 IN THE SAME ORDER OF ARRANGEMENT, INCLUDING ROTATION, AS PROVIDED FOR  
8 PAPER BALLOTS, EXCEPT THAT INFORMATION MAY BE PRINTED IN VERTICAL OR  
9 HORIZONTAL ROWS, OR IN A NUMBER OF SEPARATE PAGES OR SCREENS THAT ARE  
10 PLACED OR DISPLAYED ON THE VOTING DEVICE. THE TITLES OF OFFICES MAY BE  
11 ARRANGED IN VERTICAL COLUMNS OR IN A SERIES OF SEPARATE PAGES OR SCREENS  
12 AND SHALL BE PRINTED ABOVE OR AT THE SIDE OF THE NAMES OF CANDIDATES SO AS  
13 TO INDICATE CLEARLY THE CANDIDATES FOR EACH OFFICE AND THE NUMBER TO BE  
14 ELECTED. IF THERE ARE MORE CANDIDATES FOR AN OFFICE THAN CAN BE PRINTED  
15 IN ONE COLUMN OR ON ONE BALLOT PAGE OR SCREEN, THE BALLOT SHALL BE CLEARLY  
16 MARKED THAT THE LIST OF CANDIDATES IS CONTINUED ON THE FOLLOWING COLUMN,  
17 PAGE OR SCREEN, AND TO THE EXTENT PRACTICABLE, THE SAME NUMBER OF NAMES  
18 SHALL BE PRINTED ON EACH COLUMN, PAGE OR SCREEN.

19 9. PROVIDE FOR A COLOR DESIGNATION FOR USE IN THE PRIMARY ELECTION  
20 FOR EACH POLITICAL PARTY REPRESENTED.

21 Sec. 10. Section 16-447, Arizona Revised Statutes, is amended to  
22 read:

23 16-447. Voting devices; inspection; specifications and number  
24 of booths

25 A. ~~Beginning on January 1, 2006,~~ The board of supervisors shall  
26 provide at each polling place at least one device that complies with the  
27 help America vote act of 2002 (P.L. 107-252) and that is certified by the  
28 secretary of state for use by voters with disabilities.

29 B. Before any election at which electronic voting devices are  
30 used, the board of supervisors or other authority in charge of elections  
31 shall have the voting devices prepared for the election and shall mail a  
32 notice to the chairmen of the county committees of the different political  
33 parties, stating when and where the voting devices may be inspected before  
34 they are sealed and delivered to the polling places.

35 C. The board of supervisors or other authority in charge of  
36 elections shall have delivered to each polling place a sufficient number  
37 of voting booths and voting or marking devices. The voting booths shall  
38 be durably constructed and shall be of sufficient size and so designed as  
39 to enable the voter to mark the voter's ballot in secrecy.

40 D. In any election, the election officer in charge of the election  
41 shall determine the number of voting devices to be used.

42 E. The board of supervisors shall designate a person to observe the  
43 installation and modification of any election management software or  
44 computer programming used for county election administration. The board  
45 of supervisors shall also designate a person to act as a substitute if the

1 primary designee is unavailable. The persons designated may be county  
2 employees but may not be employed by or under the supervision of the  
3 officer in charge of elections.

4 Sec. 11. Section 16-448, Arizona Revised Statutes, is amended to  
5 read:

6 16-448. Write-in votes; instructions

7 ~~A.~~ Whenever ballots are to be counted by electronic data processing  
8 equipment, all write-in votes for candidates, to be counted, shall be  
9 marked by the voter ~~with the rubber stamp or other marking device~~ in the  
10 space provided opposite the names of the write-in candidates. The  
11 instructions to voters printed on the ballots shall instruct the voter  
12 that the vote will not be counted unless ~~the rubber stamp or other marking~~  
13 ~~device is used in marking the ballot~~ THE VOTER PROPERLY MARKS THE BALLOT  
14 when writing in a candidate's name.

15 ~~B. When ballot cards are used to record votes, write-in votes may~~  
16 ~~be recorded by writing the name of the candidate and the office title on a~~  
17 ~~separate ballot, which may be in the form of a card or envelope.~~

18 Sec. 12. Section 16-449, Arizona Revised Statutes, is amended to  
19 read:

20 16-449. Required test of equipment and programs; notice;  
21 procedures manual

22 A. Within the period of time before the election day prescribed by  
23 the secretary of state in the instructions and procedures manual adopted  
24 pursuant to section 16-452, the board of supervisors or other election  
25 officer in charge, or for an election involving state or federal  
26 candidates, the secretary of state, shall have the automatic tabulating  
27 equipment and programs tested to ascertain that the equipment and programs  
28 will correctly count the votes cast for all offices and on all measures.  
29 Public notice of the time and place of the test shall be given at least  
30 forty-eight hours prior thereto by publication once in one or more daily  
31 or weekly newspapers published in the town, city or village using such  
32 equipment, if a newspaper is published therein, otherwise in a newspaper  
33 of general circulation therein. The test shall be observed by at least  
34 two election inspectors, who shall not be of the same political party, and  
35 shall be open to representatives of the political parties, candidates, the  
36 press and the public. The test shall be conducted by processing a  
37 preaudited group of ballots so ~~punched or~~ marked as to record a  
38 predetermined number of valid votes for each candidate and on each measure  
39 and shall include for each office one or more ballots that have votes in  
40 excess of the number allowed by law in order to test the ability of the  
41 automatic tabulating equipment and programs to reject such votes. If any  
42 error is detected, the cause therefor shall be ascertained and corrected  
43 and an errorless count shall be made before the automatic tabulating  
44 equipment and programs are approved. A copy of a revised program shall be  
45 filed with the secretary of state within forty-eight hours after the

1 revision is made. If the error was created by automatic tabulating  
2 equipment malfunction, a report shall be filed with the secretary of state  
3 within forty-eight hours after the correction is made, stating the cause  
4 and the corrective action taken. The test shall be repeated immediately  
5 before the start of the official count of the ballots in the same manner  
6 as set forth above. After the completion of the count, the programs used  
7 and the ballots shall be sealed, retained and disposed of as provided for  
8 paper ballots.

9 B. Electronic ballot tabulating systems shall be tested for logic  
10 and accuracy within seven days before their use for early balloting  
11 pursuant to the instructions and procedures manual for electronic voting  
12 systems that is adopted by the secretary of state as prescribed by section  
13 16-452. The instructions and procedures manual shall include procedures  
14 for the handling of ballots, the electronic scanning of ballots and any  
15 other matters necessary to ensure the maximum degree of correctness,  
16 impartiality and uniformity in the administration of an electronic ballot  
17 tabulating system.

18 C. Notwithstanding subsections A and B of this section, if a county  
19 uses accessible voting equipment to mark ballots and that accessible  
20 voting equipment does not independently tabulate or tally votes, the  
21 secretary of state in cooperation with the county officer in charge of  
22 elections may designate a single date to test the logic and accuracy of  
23 both the accessible voting equipment and electronic ballot tabulating  
24 systems.

25 Sec. 13. Section 16-462, Arizona Revised Statutes, is amended to  
26 read:

27 16-462. Form of paper ballot

28 The ballots for a primary election shall be printed with a different  
29 color designation for each political party that is included on the ballot.  
30 Unless otherwise provided by law, ~~at the top and above the heading there~~  
31 ~~shall be a stub on which shall be printed, "stub no. \_\_\_\_\_, register~~  
32 ~~no. \_\_\_\_\_, to be torn off by inspector", separated from the ballot by~~  
33 ~~a perforated line. Below the perforated line~~ THE BALLOT shall be printed,  
34 "official ballot of the \_\_\_\_\_ party, primary election (date),  
35 \_\_\_\_\_ precinct, county (or city or town) of \_\_\_\_\_, state of  
36 Arizona. ". Below the heading shall be placed the title of each office  
37 to be voted for, and an instruction to the voter as to how many are to be  
38 voted for for the particular office, thus: "vote for not more than  
39 \_\_\_\_\_" (insert the number to be elected), under which shall be placed  
40 alphabetically and alternated, as provided by law, the names of all the  
41 party's candidates to be voted for in each precinct of the county or  
42 precinct or ward of the city or town for whom nomination papers have been  
43 filed for such office, leaving as many blank lines as there are offices  
44 under that title to be filled, followed by a ~~square~~ PLACE FOR THE VOTER TO  
45 MAKE A MARK TO INDICATE THE VOTER'S CHOICE EITHER to the right OR THE LEFT

1 of the candidate's name, and of the blank line. Double or more columns  
2 may be arranged on the ballot. In other respects the ballot shall conform  
3 as nearly as possible to the ballot prescribed for general elections.

4 Sec. 14. Repeal

5 Sections 16-463 and 16-466, Arizona Revised Statutes, are repealed.

6 Sec. 15. Section 16-468, Arizona Revised Statutes, is amended to  
7 read:

8 16-468. Form of ballot; optical scanning system; sample  
9 ballots

10 For any ballots intended for use in an optical scanning system, the  
11 following apply:

12 1. As nearly as is practicable, ballots shall have material printed  
13 in the same order as provided for paper ballots, except that material may  
14 be printed in vertical or horizontal rows or on separate pages. ~~A ballot~~  
15 ~~stub is not required.~~

16 2. Ballots shall be printed in plain clear type in black ink, and  
17 for a general election, on clear white materials, and shall be of a size  
18 and arrangement to fit the construction of the vote tabulating equipment  
19 or other voting device. For a primary election, ballots shall have a  
20 different color indicator for each political party that is  
21 represented. Ballots may contain printed code marks that may be used for  
22 placing the ballots in the correct position for tabulating devices. The  
23 code marks shall not be printed or used in any manner that will disclose  
24 the identity of the voter who votes that ballot.

25 3. The titles of offices may be arranged in vertical columns or in  
26 a series of separate pages and shall be printed above or at the side of  
27 the names of candidates in order to clearly indicate the candidates for  
28 each office and the number to be elected. If there are more candidates  
29 for an office than can be printed in one column or on one ballot page, the  
30 ballot ~~tabe†~~ shall be clearly marked to indicate that the list of  
31 candidates is continued on the following column or page and, as nearly as  
32 is practicable, so that the same number of names is printed in each column  
33 or on each page.

34 4. As nearly as is practicable, in primary and nonpartisan  
35 elections, the names of candidates for each office shall appear on the  
36 ballot so that each candidate occupies each position on the ballot the  
37 same number of times. If there are fewer or the same number of candidates  
38 seeking office than the number to be elected, rotation of names is not  
39 required and the names shall be placed in alphabetical order.

40 5. As nearly as is practicable, in a primary election for a  
41 judicial office, if there are two or more candidates of the same political  
42 party, the candidate names shall be alternated on the ballot so that the  
43 name of each candidate appears an equal number of times in each possible  
44 location on the ballot.

1           6. Two sample ballots shall be provided for each polling place and  
2 shall be posted at the polling place on election day. Sample ballots may  
3 be printed on a single page or on a number of pages that are assembled  
4 together. A sample ballot shall be a facsimile copy of the official  
5 ballot.

6           ~~7. The secretary of state shall establish a procedure pursuant to  
7 section 16-452 for the elimination of stubs for official ballots.~~

8           Sec. 16. Section 16-502, Arizona Revised Statutes, is amended to  
9 read:

10           16-502. Form and contents of ballot

11           A. Ballots shall be printed with black ink on white paper of  
12 sufficient thickness to prevent the printing thereon from being  
13 discernible from the back, and the same type shall be used for the names  
14 of all candidates. The ballots shall be headed "official ballot" in  
15 bold-faced plain letters, with a heavy rule above and below the heading.  
16 Immediately below shall be placed the words "type of election, (date of  
17 election)" and the name of the county and state in which the election is  
18 held. The name or number of the precinct in which the election is held  
19 shall be placed on the ballot in a uniform location for all ballots. No  
20 other matter shall be placed or printed at the head of any ballot, ~~except  
21 above the heading there may be a stub that contains the words "stub no.  
22 \_\_\_\_\_, register no. \_\_\_\_\_, to be torn off by inspector." The stub shall  
23 be separated from the ballot by a perforated line, so that it may be  
24 easily detached from the ballot.~~ Instructions to the voter on marking the  
25 ballot may be printed below the heading. ~~The official ballots shall be  
26 bound together in blocks of not less than five nor more than one hundred.~~

27 AS FOLLOWS:

28           1. PUT A MARK ACCORDING TO THE INSTRUCTIONS NEXT TO THE NAME OF  
29 EACH CANDIDATE FOR EACH OFFICE FOR WHOM YOU WISH TO VOTE.

30           2. IF YOU WISH TO VOTE FOR A PERSON WHOSE NAME IS NOT PRINTED ON  
31 THE BALLOT, WRITE SUCH NAME IN THE BLANK SPACE PROVIDED ON THE BALLOT AND  
32 PUT A MARK ACCORDING TO THE INSTRUCTIONS NEXT TO THE NAME SO WRITTEN.

33           3. PUT A MARK ACCORDING TO THE INSTRUCTIONS NEXT TO THE WORD "YES"  
34 OR "FOR" FOR EACH PROPOSITION OR QUESTION YOU WISH TO BE ADOPTED. PUT A  
35 MARK ACCORDING TO THE INSTRUCTIONS NEXT TO THE WORD "NO" OR "AGAINST" FOR  
36 EACH PROPOSITION OR QUESTION YOU WISH NOT TO BE ADOPTED.

37           B. Immediately below the ballot ~~heading~~ INSTRUCTIONS shall be  
38 placed the following:

39   ~~1.~~Section One  
40   Partisan Ballot

41   ~~1. Put a mark according to the instructions next to the  
42 name of each candidate for each partisan office for whom you  
43 wish to vote.~~

1                   ~~2. If you wish to vote for a person whose name is not~~  
2                   ~~printed on the ballot, write such name in the blank space~~  
3                   ~~provided on the ballot or write-in envelope and put a mark~~  
4                   ~~according to the instructions next to the name so written."~~

5           C. Immediately below the ~~instructions for voting in~~ HEADING FOR  
6 section one there shall be placed in columns the names of the candidates  
7 of the several political parties. Next to each candidate's name there  
8 shall be printed in bold-faced letters the name of the political party.  
9 At the head of each column shall be printed the names of the offices to be  
10 filled with the name of each office being of uniform type size. At the  
11 head of each column shall be printed in the following order the names of  
12 candidates for:

13           1. Presidential electors, which shall be ~~enclosed~~ in a ~~bracketed~~  
14 list and next to the ~~bracketed~~ list shall be printed in bold type the  
15 surname of the presidential candidate, and the surname of the ~~vice-~~  
16 ~~presidential~~ VICE PRESIDENTIAL candidate who is seeking election jointly  
17 with the presidential candidate shall be listed directly below the name of  
18 the presidential candidate. The indicator for the selection of the  
19 presidential and ~~vice-presidential~~ VICE PRESIDENTIAL candidates shall be  
20 directly next to the surname of the presidential candidate, and one mark  
21 directly next to a presidential candidate's surname shall be counted as a  
22 vote for each elector in the ~~bracketed~~ list next to the presidential and  
23 ~~vice-presidential~~ VICE PRESIDENTIAL candidates.

- 24           2. United States senator.
- 25           3. Representatives in Congress.
- 26           4. The several state offices.
- 27           5. The several county and precinct offices.

28           D. The names of candidates for the offices of state senator and  
29 state representative along with the district number shall be placed within  
30 the heading of each column to the right of the office name for state  
31 offices and immediately below the candidates for the office of governor.  
32 The number of the supervisorial district of which a candidate is a nominee  
33 shall be printed within the heading of each column to the right of the  
34 name of the office.

35           E. The lists of the candidates of the several parties shall be  
36 arranged with the names of the parties in descending order according to  
37 the votes cast for governor for that county in the most recent general  
38 election for the office of governor, commencing with the left-hand column.  
39 In the case of political parties ~~which~~ THAT did not have candidates on the  
40 ballot in the last general election, such parties shall be listed in  
41 alphabetical order below the parties ~~which~~ THAT did have candidates on the  
42 ballot in the last general election. The names of all candidates  
43 nominated under section 16-341 shall be placed in a single column below  
44 that of the recognized parties. Next to the name of each candidate, in  
45 parentheses, shall be printed a three-letter abbreviation that is taken

1 from the three words prescribed in the candidate's certificate of  
2 nomination.

3 F. Immediately below the designation of the office to be voted for  
4 shall appear the words: "Vote for not more than \_\_\_\_\_" (insert the  
5 number to be elected).

6 G. In each column at the right OR LEFT of the name of each  
7 candidate and on the same line there shall be a place for the voter to put  
8 a mark. Below the name of the last named candidate for each office there  
9 shall be as many blank lines as there are offices of the same title to be  
10 filled, with a place for the voter to put a mark ~~unless write-in envelopes~~  
11 ~~are provided for that purpose.~~ Upon ON the blank line the voter may write  
12 the name of any person for whom ~~he~~ THE VOTER desires to vote whose name is  
13 not printed, and next to the name so written ~~he~~ THE VOTER shall designate  
14 his choice by a mark as in the case of printed names.

15 H. When there are two or more candidates of the same political  
16 party for the same office, or more than one candidate for a judicial  
17 office, the names of all such candidates shall be so alternated on the  
18 ballots used in each election district that the name of each candidate  
19 shall appear substantially an equal number of times in each possible  
20 location. If there are fewer or the same number of candidates seeking  
21 office than the number to be elected, the rotation of names is not  
22 required and the names shall be placed in alphabetical order.

23 I. Immediately below section one of the ballot shall be placed the  
24 following:

25 ~~Section Two~~  
26 Nonpartisan Ballot

27 ~~1. Put a mark according to the instructions next to the~~  
28 ~~name of each candidate for each nonpartisan office for whom~~  
29 ~~you wish to vote.~~

30 ~~2. If you wish to vote for a person whose name is not~~  
31 ~~printed on the ballot, write such name in the blank space~~  
32 ~~provided on the ballot or write-in envelope and put a mark~~  
33 ~~according to the instructions next to the name so written.~~

34 ~~3. Put a mark according to the instructions next to the~~  
35 ~~word 'yes' (or for) for each proposition or question you wish~~  
36 ~~to be adopted. Put a mark according to the instructions next~~  
37 ~~to the word 'no' (or against) for each proposition or question~~  
38 ~~you wish not to be adopted."~~

39 J. Immediately below the ~~instructions for voting in~~ HEADING FOR  
40 section two shall be placed the names of the candidates for ~~judges of the~~  
41 ~~superior court standing for election pursuant to article VI, section 12,~~  
42 ~~Constitution of Arizona, school district officials,~~ justices of the  
43 supreme court, judges of the court of appeals, judges of the superior  
44 court standing for retention or rejection pursuant to article VI, section  
45 38, Constitution of Arizona, JUDGES OF THE SUPERIOR COURT STANDING FOR



1 ELECTION PURSUANT TO ARTICLE VI, SECTION 12, CONSTITUTION OF ARIZONA,  
2 SCHOOL DISTRICT OFFICIALS and other nonpartisan officials in a column or  
3 in columns without partisan or other designation except the title of  
4 office in an order determined by the officer in charge of the election.

5 K. Immediately below the offices listed in subsection J of this  
6 section, the ballot shall contain a separate heading of any nonpartisan  
7 office for a vacant unexpired term and shall include the expiration date  
8 of the term of the vacated office.

9 L. All proposed constitutional amendments and other propositions or  
10 questions to be submitted to the voters shall be printed immediately below  
11 the names of candidates for nonpartisan positions in such order as the  
12 secretary of state, or if a city or town election, the city or town clerk,  
13 designates. Placement of county and local charter amendments,  
14 propositions or questions shall be determined by the officer in charge of  
15 the election. Except as provided by section 19-125, each proposition or  
16 question shall be followed by the words "yes" and "no" or "for \_\_\_\_\_" and  
17 "against \_\_\_\_\_" as the nature of the proposition or question requires,  
18 and at the right OR LEFT of and next to each of such words shall be a  
19 place for the voter to put a mark according to the instructions that is  
20 similar in size to those places appearing opposite the names of the  
21 candidates, in which the voter may indicate his vote for or against such  
22 proposition or question by a mark as defined in section 16-400.

23 M. Instead of printing the official and descriptive titles or the  
24 full text of each measure or question on the official ballot, the officer  
25 in charge of elections may print phrases on the official ballot that  
26 contain all of the following:

27 1. The number of the measure in reverse type and at least twelve  
28 point type.

29 2. The designation of the measure as prescribed by section 19-125,  
30 subsection C or as a question, proposition or charter amendment, followed  
31 by the words "relating to..." and inserting the subject.

32 3. Either the statement prescribed by section 19-125, subsection D  
33 that describes the effects of a "yes" vote and a "no" vote or, for other  
34 measures, the text of the question or proposition.

35 4. The words "yes" and "no" or "for" and "against", as may be  
36 appropriate and a place for the voter to put a mark.

37 N. For any ballot printed pursuant to subsection M of this section,  
38 the instructions on the official ballot shall direct the voter to the full  
39 text of the official and descriptive titles and the questions and  
40 propositions as printed on the sample ballot and posted in the polling  
41 place.

42 Sec. 17. Repeal

43 Sections 16-504, 16-505 and 16-506, Arizona Revised Statutes, are  
44 repealed.

1           Sec. 18. Section 16-511, Arizona Revised Statutes, is amended to  
2 read:

3           16-511. Duty of board of supervisors to furnish election  
4                   supplies to precinct officers

5           A. If paper signature rosters are used in a polling place, the  
6 necessary printed blanks for poll lists, ~~tally lists~~, lists of voters,  
7 ballots, oath and returns, together with envelopes in which to enclose the  
8 returns, shall be furnished by the board of supervisors to the officers of  
9 each election precinct at the expense of the county. For those elections  
10 over which the board of supervisors has no responsibility, the governing  
11 body of each election district is responsible for furnishing the necessary  
12 supplies for elections ~~which~~ THAT it calls.

13           B. If electronic poll book systems are used in a precinct, the  
14 board of supervisors shall furnish at least two electronic poll book  
15 systems for each polling place, each of which shall be capable of printing  
16 poll lists, ~~tally lists~~ and lists of voters.

17           C. For any election that is not held under the supervision of the  
18 board of supervisors, the governing body of each election district is  
19 responsible for furnishing the necessary supplies for that election.

20           Sec. 19. Section 16-514, Arizona Revised Statutes, is amended to  
21 read:

22           16-514. Notice to voters; form

23           The board of supervisors shall furnish, to be placed in each voting  
24 booth, unless the information is printed on the sample ballot, a card or  
25 poster printed ~~in English~~ in large plain type containing the following:

26                                   ~~—~~Notice to Voters.

27           Section one of this ballot is comprised of partisan  
28 candidates. To vote for the candidates for the partisan  
29 offices, mark ~~or punch~~ the ballot next to the name of the  
30 candidate for each partisan office for whom you wish to vote.  
31 If you wish to vote for a person whose name is not printed on  
32 the ballot, write such name in the blank space provided and  
33 ~~put a~~ mark **THE BALLOT** next to the name according to the  
34 instructions, ~~except that if a write-in ballot envelope is~~  
35 ~~provided for such purpose, write the name and title of office~~  
36 ~~of such person.~~

37           Section two of this ballot is comprised of nonpartisan  
38 candidates including judicial candidates, school district  
39 candidates and initiative or referendum propositions. To vote  
40 for the candidates for the nonpartisan offices, mark ~~or punch~~  
41 the ballot opposite the name of the candidate for each  
42 nonpartisan office for which you wish to vote. If you wish to  
43 vote for a person whose name is not printed on the ballot,  
44 write such name in the blank space provided and ~~put a~~ mark **THE**  
45 **BALLOT** next to the name according to the instructions, ~~except~~

1 ~~that when a write-in ballot envelope is provided for such~~  
 2 ~~purpose, write the name and title of the office of such~~  
 3 ~~person. Mark or punch the ballot by the word "yes" (or~~  
 4 ~~"for") for each proposition or question which THAT you wish~~  
 5 ~~to be adopted. Mark or punch the ballot by the~~  
 6 ~~word "no" (or "against") for each proposition or~~  
 7 ~~question which THAT you wish not to be adopted.~~

8 ~~When marking a paper ballot the voter shall do so by~~  
 9 ~~placing a mark next to the printed name or in the square~~  
 10 ~~following the name written in.~~

11 ~~When punching a ballot card the voter shall do so by~~  
 12 ~~punching the position next to the name of the candidate or the~~  
 13 ~~position next to the 'yes' or 'no' for the measures submitted~~  
 14 ~~to the voters."~~

15 Sec. 20. Section 16-517, Arizona Revised Statutes, is amended to  
 16 read:

17 16-517. Form of tally list

18 The tally list shall be in the following form: We hereby certify the  
 19 following to be a true tally of the votes for the candidates and offices  
 20 shown herein cast at the election held on the \_\_\_\_\_ day of \_\_\_\_\_, 19  
 21 20\_\_\_ in \_\_\_\_\_ election precinct, \_\_\_\_\_ county, Arizona:

22 \_\_\_\_\_

23 \_\_\_\_\_

Names of offices and candidates:	Tally of votes (to be tallied in blocks of five as:)	Total vote (as:)
_____		
For		
representative		
in Congress:		
John Doe	////	Ninety-nine
_____		
_____		

34 We further certify that the total vote set opposite the name of each  
 35 candidate is the total number of votes received by ~~him~~ THAT CANDIDATE in  
 36 the precinct of election.  
 37

38 (Leaving lines with designation, for signatures of clerks and board of  
 39 election or tally board.)

40 Sec. 21. Heading change

41 The article heading of title 16, chapter 4, article 7, Arizona  
 42 Revised Statutes, is changed from "ELECTION BOARDS AND TALLY BOARDS" to  
 43 "ELECTION BOARDS".  
 44

1           Sec. 22. Section 16-531, Arizona Revised Statutes, is amended to  
2 read:

3           16-531. Appointment of election boards; qualifications

4           A. When an election is ordered, and not less than twenty days  
5 before a general or primary election, the board of supervisors shall  
6 appoint for each election precinct one inspector, one marshal, two judges  
7 and as many clerks of election as deemed necessary. The inspector,  
8 marshal, judges and clerks shall be qualified voters of the precinct for  
9 which appointed, unless there is not a sufficient number of persons  
10 available to provide the number of appointments required. The inspector,  
11 marshal and judges shall not have changed their political party  
12 affiliation or their no party preference affiliation since the last  
13 preceding general election, and if they are members of the two political  
14 parties that cast the highest number of votes in the state at the last  
15 preceding general election, they shall be divided equally between these  
16 two parties. There shall be an equal number of inspectors in the various  
17 precincts in the county who are members of the two largest political  
18 parties. In each precinct where the inspector is a member of one of the  
19 two largest political parties, the marshal in that precinct shall be a  
20 member of the other of the two largest political parties. Whenever  
21 possible, any person appointed as an inspector shall have had previous  
22 experience as an inspector, judge, marshal or clerk of elections. If  
23 there is no qualified person in a given precinct, the appointment of an  
24 inspector may be made from names provided by the county party chairman.  
25 If not less than ninety days before the election the chairman of the  
26 county committee of either of the parties designates qualified voters of  
27 the precinct, or of another precinct if there are not sufficient members  
28 of his party available in the precinct to provide the necessary  
29 representation on the election board as judge, such designated qualified  
30 voters shall be appointed. The judges, together with the inspector, shall  
31 constitute the board of elections. Any registered voter in the election  
32 precinct, or in another election precinct if there are not sufficient  
33 persons available in the election precinct for which the clerks are being  
34 appointed, may be appointed as clerk.

35           B. If the election precinct consists of fewer than three hundred  
36 qualified electors, the board of supervisors may appoint not fewer than  
37 one inspector and two judges. The board of supervisors shall give notice  
38 of election precincts consisting of fewer than three hundred qualified  
39 electors to the county chairmen of the two largest political parties not  
40 later than thirty days before the election. The inspector and judges  
41 shall be appointed in the same manner by party as provided in subsection A  
42 of this section.

43           C. If a nonpartisan election is ordered, not less than twenty days  
44 before the election the governing board holding the election shall  
45 appoint, without consideration for political party, a minimum of three

1 election workers for each polling place. The election workers shall  
2 consist of at least one inspector and two judges. Whenever possible, they  
3 shall be qualified electors of the precinct located within the district,  
4 without consideration for political party.

5 ~~D. Where the election precinct consists of three hundred fifty or~~  
6 ~~more qualified electors, the board of supervisors may in addition to the~~  
7 ~~board of elections appoint a similar board to be known as the tally~~  
8 ~~board. The tally board shall take custody of the ballots from the closing~~  
9 ~~of the polls until the tally of the ballots is completed. The tally board~~  
10 ~~shall consist of the inspector of the board of elections, two judges and~~  
11 ~~not less than two clerks.~~ FOR ELECTION BOARDS ESTABLISHED PURSUANT TO  
12 SUBSECTION B OF THIS SECTION, the inspector and two judges shall be  
13 appointed to provide as equal as practicable representation of members of  
14 the two largest political parties on the board in the same manner as  
15 provided for the election boards PRESCRIBED BY SUBSECTION A OF THIS  
16 SECTION. Any registered voter in the election precinct, or in another  
17 election precinct if there are not sufficient persons available in the  
18 election precinct for which the clerks are being appointed, may be  
19 appointed as clerk. ~~A member appointed to serve on the tally board, with~~  
20 ~~the exception of the inspector of the board of elections, shall not be~~  
21 ~~appointed to serve on the board of elections. The inspector of the board~~  
22 ~~of elections shall be a member of the tally board and during such time~~  
23 ~~shall act as the supervisor of the tally board.~~ No United States, state,  
24 county or precinct officer, nor a candidate for office at the election,  
25 other than a precinct committeeman or a candidate for the office of  
26 precinct committeeman, is qualified to act as judge, inspector, marshal or  
27 clerk.

28 E. If an electronic voting system is in use the write-in ballots  
29 shall be tallied by a board of elections consisting of one inspector and  
30 two judges who are appointed in the same manner by party as provided in  
31 subsection A of this section.

32 ~~F. At least ten days before a special election, the governing body~~  
33 ~~conducting the election may in like manner appoint a special tally board~~  
34 ~~or boards for the specific purpose of tallying the ballots on the closing~~  
35 ~~of the polls. The tally boards shall consist of at least one inspector~~  
36 ~~and two judges. The inspector of the board of elections shall act as the~~  
37 ~~supervisor of the tally board.~~

38 ~~F.~~ F. Notwithstanding any other law, the board of supervisors may  
39 appoint to an election board to serve as a clerk of election a person who  
40 is not eligible to vote if all of the following conditions are met:

41 1. The person is a minor who will be at least sixteen years of age  
42 at the time of the election for which the person is named to the election  
43 board.

44 2. The person is a citizen of the United States at the time of the  
45 election for which the person is named to the election board.

1           3. The person is supervised by an adult who has been trained as an  
2 elections officer.

3           4. The person has received training provided by the officer in  
4 charge of elections.

5           5. The parent or guardian of the person has provided written  
6 permission for the person to serve.

7           ~~H.~~ G. A school district or charter school shall not be required to  
8 reduce its average daily membership, as defined in section 15-901, for any  
9 pupil who is absent from one or more instructional programs as a result of  
10 the pupil's service on an election board pursuant to subsection ~~G~~ F of  
11 this section.

12           ~~I.~~ H. A school district or charter school shall not count any  
13 pupil's absence from one or more instructional programs as a result of the  
14 pupil's service on an election board pursuant to subsection ~~G~~ F of this  
15 section against any mandatory attendance requirements for the pupil.

16           ~~J.~~ I. Nothing in this section shall prevent the board of  
17 supervisors or governing body from refusing for cause to reappoint, or  
18 from removing for cause, an election ~~or tally~~ board member.

19           Sec. 23. Section 16-532, Arizona Revised Statutes, is amended to  
20 read:

21           16-532. Instruction of election board inspectors and judges;  
22                           certificate of qualification; optional training;  
23                           instruction of counting center election officials

24           A. Not more than forty-five days ~~prior~~ BEFORE to an election the  
25 board of supervisors or other authority in charge of elections shall  
26 conduct a class for the instruction of inspectors and judges of the  
27 election board in their duties, which shall include instruction in the  
28 voting system to be used and the election laws applicable to such  
29 election. Each election board member receiving instructions and properly  
30 qualified shall receive a certificate of qualification. Only inspectors  
31 and judges of the election board who have received the required  
32 instruction class shall serve at any election, except as provided pursuant  
33 to sections 16-533 and 16-534. Other members of the election board may be  
34 trained at the same time.

35           B. The instructor of election board members shall be qualified in  
36 election law and shall have had practical experience in the election  
37 process such person is teaching.

38           C. The election authority in charge of the instructional classes  
39 may conduct multiple sessions to ~~insure~~ ENSURE that election board members  
40 receive adequate instruction.

41           D. The board of supervisors or other officer in charge of elections  
42 may approve an alternate method of instruction and testing for election  
43 board members. Each election board member who successfully completes the  
44 instruction shall be certified as a premium board worker. This  
45 instruction may include at least eight classroom hours of instruction and

1 shall include a written examination on election law and election  
2 procedures. Except as provided in subsection E of this section, a  
3 certified premium board worker shall not be required to receive additional  
4 instruction for at least thirty months from the date of that worker's  
5 individual certification. The board of supervisors may approve additional  
6 compensation for certified premium board workers.

7 E. The board of supervisors or other authority in charge of  
8 elections may require additional training at any time for any or all  
9 election board workers, including premium board workers. The board of  
10 supervisors or other authority in charge of elections shall notify  
11 election board workers in writing of changes in the law regarding  
12 elections or changes in election procedures. This notification shall be  
13 made immediately preceding the election in which the statutory change or  
14 procedural change regarding election law becomes effective.

15 F. Not more than forty-five days prior to the day of an election  
16 ~~utilizing a punch card method of voting and electromechanical tabulation~~  
17 ~~of ballots~~, the board of supervisors or other authority in charge of  
18 elections shall conduct a class for the deputized counting center election  
19 officials in their duties.

20 Sec. 24. Section 16-534, Arizona Revised Statutes, is amended to  
21 read:

22 16-534. Inspector as chairman of board; powers; power of  
23 board and clerks to administer oaths; oath of  
24 members

25 A. The inspector shall be chairman of the election board, ~~and~~  
26 ~~supervisor of the tally board~~, and may appoint judges, clerks and a  
27 marshal if during the election a judge, clerk or marshal fails to act, or  
28 has not been appointed, and if the list of alternate board members as  
29 specified in section 16-533 is not available.

30 B. The inspector, any member of the election board or clerks  
31 thereof may administer and certify oaths required in the election.

32 C. Before opening the polls, each member of the board and each  
33 clerk shall take an oath to faithfully perform the duties imposed ~~upon him~~  
34 **ON EACH MEMBER AND CLERK** by law. Any elector of the precinct may  
35 administer and certify the oath.

36 Sec. 25. Section 16-535, Arizona Revised Statutes, is amended to  
37 read:

38 16-535. Election marshal; appointment; powers and duties

39 A. The board of supervisors, at the time provided in section  
40 16-531, shall appoint a qualified voter of the precinct as election  
41 marshal.

42 B. The election marshal shall preserve order at the polls and  
43 permit no violation of the election laws ~~and for that purpose is vested~~  
44 ~~with powers of a constable~~ from the opening of the polls until the count  
45 of the ballots is completed. The election marshal shall also periodically

1 measure the length of waiting times at that polling place throughout the  
2 day, and if the waiting time is thirty minutes or more, the marshal shall  
3 inform the officer in charge of elections and shall request additional  
4 voting machines, voting booths and board workers, as appropriate. The  
5 election marshal may perform the duties of any other election board member  
6 on a relief basis.

7 Sec. 26. Section 16-536, Arizona Revised Statutes, is amended to  
8 read:

9 16-536. Compensation of election board officers

10 The compensation of the election ~~and tally board~~ officers shall be  
11 fixed by the board of supervisors and shall be a county charge. In no  
12 case shall an election ~~or tally~~ board member be paid less than thirty  
13 dollars per day.

14 Sec. 27. Repeal

15 Section ~~16-546~~, Arizona Revised Statutes, is repealed.

16 Sec. 28. Section 16-552, Arizona Revised Statutes, is amended to  
17 read:

18 16-552. Early ballots; processing; challenges

19 A. ~~In a jurisdiction that uses punch card ballots, the early~~  
20 ~~election board, immediately upon receipt of the early ballots, shall, as~~  
21 ~~provided by this section, cast separately for each precinct the early~~  
22 ~~ballots which have been received.~~ In a jurisdiction that uses optical  
23 scan ballots, the officer in charge of elections may use the procedure  
24 prescribed by this section or may request approval from the secretary of  
25 state for a different method for processing early ballots. The request  
26 shall be made in writing at least ninety days before the election for  
27 which the procedure is intended to be used. After the election official  
28 has confirmed with the secretary of state that all election equipment  
29 passes the logic and accuracy test, the election official may begin to  
30 count early ballots. No early ballot results may be released except as  
31 prescribed by section 16-551.

32 B. The early election board shall check the voter's affidavit on  
33 the envelope containing the early ballot. If it is found to be  
34 sufficient, the vote shall be allowed. If the affidavit is insufficient,  
35 the vote shall not be allowed.

36 C. The county chairman of each political party represented on the  
37 ballot ~~may~~, by written appointment addressed to the early election board,  
38 MAY designate party representatives and alternates to act as early ballot  
39 challengers for the party. No party may have more than the number of such  
40 representatives or alternates ~~which~~ THAT were mutually agreed ~~upon~~ ON by  
41 each political party to be present at one time. If such agreement cannot  
42 be reached, the number of representatives shall be limited to one for each  
43 political party.



1           D. An early ballot may be challenged on any grounds set forth in  
2 section 16-591. All challenges shall be made in writing with a brief  
3 statement of the grounds ~~prior to~~ BEFORE the early ballot ~~being~~ IS placed  
4 in the ballot box. A record of all challenges and resulting proceedings  
5 shall be kept in substantially the same manner as provided in section  
6 16-594. If an early ballot is challenged, it shall be set aside and  
7 retained in the possession of the early election board or other officer in  
8 charge of early ballot processing until a time that the early election  
9 board sets for determination of the challenge, subject to the procedure in  
10 subsection E of this section, at which time the early election board  
11 shall hear the grounds for the challenge and shall decide what disposition  
12 shall be made of the early ballot by majority vote. If the early ballot  
13 is not allowed, it shall be handled pursuant to subsection G of this  
14 section.

15           E. Within twenty-four hours of receipt of a challenge, the early  
16 election board or other officer in charge of early ballot processing shall  
17 mail, by first class mail, a notice of the challenge including a copy of  
18 the written challenge, and also including the time and place at which the  
19 voter may appear to defend the challenge, to the voter at the mailing  
20 address shown on the request for an early ballot or, if none was provided,  
21 to the mailing address shown on the registration rolls. Notice shall also  
22 be mailed to the challenger at the address listed on the written challenge  
23 and provided to the county chairman of each political party represented on  
24 the ballot. The board shall meet to determine the challenge at the time  
25 specified by the notice but, in any event, not earlier than ninety-six  
26 hours after the notice is mailed, or forty-eight hours if the notifying  
27 party chooses to deliver the notice by overnight or hand delivery, and not  
28 later than 5:00 p.m. on the Monday following the election. The board  
29 shall provide the voter with an informal opportunity to make, or to  
30 submit, brief statements regarding the challenge. The board may decline  
31 to permit comments, either in person or in writing, by anyone other than  
32 the voter, the challenger and the party representatives. The burden of  
33 proof is on the challenger to show why the voter should not be permitted  
34 to vote. The fact that the voter fails to appear shall not be deemed to  
35 be an admission of the validity of the challenge. The early election  
36 board or other officer in charge of early ballot processing is not  
37 required to provide the notices described in this subsection if the  
38 written challenge fails to set forth at least one of the grounds listed in  
39 section 16-591 as a basis for the challenge. In that event, the challenge  
40 will be summarily rejected at the meeting of the board. Except for  
41 election contests pursuant to section 16-672, the board's decision is  
42 final and may not be appealed.

43           F. If the vote is allowed, the board shall open the envelope  
44 containing the ballot in such a manner that the affidavit thereon is not  
45 destroyed, take out the ballot without unfolding it or permitting it to be

1 opened or examined and show by the records of the election that the  
2 elector has voted.

3 G. If the vote is not allowed, the affidavit envelope containing  
4 the early ballot shall not be opened and the board shall mark across the  
5 face of such envelope the grounds for rejection. The affidavit envelope  
6 and its contents shall then be deposited with the opened affidavit  
7 envelopes and shall be preserved with official returns. If the voter does  
8 not enter an appearance, the board shall send the voter a notice stating  
9 whether the early ballot was disallowed and, if disallowed, providing the  
10 grounds for the determination. The notice shall be mailed by first class  
11 mail to the voter's mailing address as shown on the registration rolls  
12 within three days after the board's determination.

13 H. Party representatives and alternates may be appointed as  
14 provided in subsection C of this section to be present and to challenge  
15 the verification of questioned ballots pursuant to section 16-584 on any  
16 grounds permitted by this section. Questioned ballots ~~which~~ THAT are  
17 challenged shall be presented to the early election board for decision  
18 under the provisions of this section.

19 Sec. 29. Repeal

20 Section 16-561, Arizona Revised Statutes, is repealed.

21 Sec. 30. Section 16-565, Arizona Revised Statutes, is amended to  
22 read:

23 16-565. Hours polls opened and closed; proclamation of  
24 opening and closing polls

25 A. For any election called pursuant to the laws of this state, the  
26 polls shall be opened in every precinct at 6:00 a.m. on the day of  
27 election and shall be closed at 7:00 p.m.

28 B. Before the election board receives any ballots, it shall  
29 proclaim aloud at the place of election that the polls are open and voting  
30 may thereupon commence and continue during the time the polls remain open.

31 C. The election marshal shall proclaim the opening of the polls at  
32 6:00 a.m. and shall proclaim the closing of the polls at one hour, at  
33 thirty minutes, at fifteen minutes and at one minute before closing and  
34 again at the moment of closing. The inspector and two judges shall  
35 determine when the hour for closing the polls has arrived.

36 D. Any qualified voter who at the moment of closing is in the line  
37 of waiting voters shall be allowed to ~~prepare and have his ballot~~  
38 ~~deposited by the election board official in the presence of the election~~  
39 ~~board and himself~~ VOTE.

40 Sec. 31. Section 16-566, Arizona Revised Statutes, is amended to  
41 read:

42 16-566. Opening and closing of polling place; unused ballots

43 A. At least thirty minutes before the opening of the polls the  
44 precinct election officers shall arrive at the polling place and set up  
45 the voting booths so that they will be in clear view of the election

1 officers. ~~If voting devices are used, they shall open and place them in~~  
2 ~~the voting booths, examine them to see that they have the correct ballot~~  
3 ~~labels by comparing them with the sample ballots and are in proper working~~  
4 ~~order.~~ They shall open and check the ballots, ~~ballot cards,~~ supplies,  
5 records and forms, and post the sample ballots and instructions to  
6 voters.

7 B. As soon as the polls have been closed and the last qualified  
8 voter has voted, the voting or marking devices shall be sealed against  
9 further voting. All unused ballots ~~or ballot cards~~ shall be placed in a  
10 container and sealed for return to the board of supervisors or other  
11 officer in charge of elections.

12 Sec. 32. Section 16-570, Arizona Revised Statutes, is amended to  
13 read:

14 16-570. Conduct of election; duties of officers; placing  
15 machines

16 A. One election official shall attend the voting machine, and the  
17 other officers shall attend the poll books and perform the duties of  
18 election officials as provided by law.

19 B. The voting machine shall be so placed and protected that it is  
20 accessible to only one voter at a time and is in full view of all election  
21 officers and ~~watchers~~ OBSERVERS at the polling place.

22 ~~C. The election official attending the machine shall inspect the~~  
23 ~~face of the machine periodically to ascertain whether the ballot labels~~  
24 ~~are in their proper places and that the machine has not been injured or~~  
25 ~~tampered with.~~

26 ~~D.~~ C. During elections the door or other compartment of the  
27 machine shall not be unlocked or opened or the counters exposed except for  
28 good and sufficient reasons, a statement of which shall be made and signed  
29 by the election officers and attached to the returns.

30 Sec. 33. Repeal

31 Section ~~16-578~~, Arizona Revised Statutes, is repealed.

32 Sec. 34. Section 16-580, Arizona Revised Statutes, is amended to  
33 read:

34 16-580. Manner of voting; assistance for certain electors

35 A. Except as prescribed by subsection ~~G~~ E of this section, only  
36 one person per voting booth shall be permitted at any one time to sign for  
37 the receipt of a ballot and to wait for an opportunity to vote.

38 B. On receiving a ballot the voter shall promptly and without  
39 leaving the voting area retire alone, except as provided in subsection  
40 ~~G~~ E of this section, to one of the voting booths that is not occupied,  
41 prepare the ballot in secret and vote in the manner and substantial form  
42 as required by the instruction to voters.

43 ~~C. In order that the rights of other voters shall not be interfered~~  
44 ~~with, a voter shall not be allowed to occupy a voting booth for more than~~  
45 ~~five minutes when other voters are waiting to occupy the booth. If the~~

1 ~~voter refuses to leave after the lapse of five minutes, the voter may be~~  
2 ~~removed by the judges. If a voter has not completed a ballot after the~~  
3 ~~allotted five minutes, the voter may request the marshal to hold the~~  
4 ~~ballot and when another booth is empty and all voters present have had an~~  
5 ~~opportunity to vote the removed person may be allowed an additional five~~  
6 ~~minutes in the booth.~~

7 ~~D. Before leaving the voting booth the voter shall fold the ballot~~  
8 ~~lengthwise and crosswise, or place the voter's card in the ballot~~  
9 ~~envelope, but in such a way that the contents of the ballot shall be~~  
10 ~~concealed and the stub, if any, can be removed without exposing the~~  
11 ~~contents of the ballot and shall keep the ballot folded until the voter~~  
12 ~~has delivered it to the inspector, or judge acting as such.~~

13 ~~E. C. The election board official shall receive the ballot from~~  
14 ~~the voter and in the presence of the election board and if the ballot~~  
15 ~~includes a stub, remove the stub without opening the ballot, VOTER SHALL~~  
16 ~~deposit the ballot in the ballot box, or if the voter so requests, hand~~  
17 ~~the ballot to the voter ELECTION BOARD OFFICIAL and permit the voter~~  
18 ~~ELECTION BOARD OFFICIAL to deposit the ballot in the ballot box, and~~  
19 ~~string the stub, if any, on a string provided. If the ballot is of the~~  
20 ~~type that includes a stub and the stub has been removed from the ballot~~  
21 ~~before receipt by the election official, it shall not be deposited in the~~  
22 ~~ballot box, but it shall be marked "spoiled" and placed with the spoiled~~  
23 ~~ballots.~~

24 ~~F. D. After delivery of the ballot to the election board official,~~  
25 ~~or if the voter has asked to deposit the ballot in the ballot box, after~~  
26 ~~the ballot is deposited, the voter shall then proceed outside the voting~~  
27 ~~area and shall not again enter the voting area unless the voter is an~~  
28 ~~authorized election official OR AN OFFICIAL OBSERVER OR IS ASSISTING~~  
29 ~~ANOTHER VOTER.~~

30 ~~G. E. Any registered voter, at the voter's option, may be~~  
31 ~~accompanied by a minor who is permitted in the voting booth pursuant to~~  
32 ~~section 16-515, subsection E, be accompanied and assisted by a person of~~  
33 ~~the voter's own choice or be assisted by two election officials, one from~~  
34 ~~each major political party, during any process relating to voting or~~  
35 ~~during the actual process of voting on a paper ballot, machine or~~  
36 ~~electronic voting system. A person who is a candidate for an office in~~  
37 ~~that election other than the office of precinct committeeman is not~~  
38 ~~eligible to assist any voter.~~

39 Sec. 35. Section 16-584, Arizona Revised Statutes, is amended to  
40 read:

41 16-584. Qualified elector not on precinct register;  
42 recorder's certificate; verified ballot; procedure

43 A. A qualified elector whose name is not on the precinct register  
44 and who presents a certificate from the county recorder showing that the  
45 elector is entitled by law to vote in the precinct shall be entered on the

1 signature roster on the blank following the last printed name and shall be  
2 given the next consecutive register number, and the qualified elector  
3 shall sign in the space provided.

4 B. A qualified elector whose name is not on the precinct register,  
5 ~~upon~~ ON presentation of identification verifying the identity of the  
6 elector that includes the voter's given name and surname and the complete  
7 residence address that is verified by the election board to be in the  
8 precinct or on signing an affirmation that states that the elector is a  
9 registered voter in that jurisdiction and is eligible to vote in that  
10 jurisdiction, shall be allowed to vote a provisional ballot.

11 C. If a voter has moved to a new address within the county and has  
12 not notified the county recorder of the change of address before the date  
13 of an election, the voter shall be permitted to correct the voting records  
14 for purposes of voting in future elections at the appropriate polling  
15 place for the voter's new address. The voter shall be permitted to vote a  
16 provisional ballot. The voter shall present a form of identification that  
17 includes the voter's given name and surname and the voter's complete  
18 residence address. The residence address must be within the precinct in  
19 which the voter is attempting to vote, and the voter shall affirm in  
20 writing that the voter is registered in that jurisdiction and is eligible  
21 to vote in that jurisdiction.

22 D. On completion of the ballot, the election official shall ~~remove~~  
23 ~~the ballot stub, shall~~ place the ballot in a provisional ballot envelope  
24 and shall deposit the envelope in the ballot box. Within ten calendar  
25 days after a general election that includes an election for a federal  
26 office and within five business days after any other election or no later  
27 than the time at which challenged early voting ballots are resolved, the  
28 signature shall be compared to the precinct signature roster of the former  
29 precinct where the voter was registered. If the voter's name is not  
30 signed on the roster and if there is no indication that the voter voted an  
31 early ballot, the provisional ballot envelope shall be opened and the  
32 ballot shall be counted. If there is information showing the person did  
33 vote, the provisional ballot shall remain unopened and shall not be  
34 counted. When provisional ballots are confirmed for counting, the county  
35 recorder shall use the information supplied on the provisional ballot  
36 envelope to correct the address record of the voter.

37 E. When a voter is allowed to vote a provisional ballot, the  
38 elector's name shall be entered on a separate signature roster page at the  
39 end of the signature roster. Voters' names shall be numbered  
40 consecutively beginning with the number V-1. The elector shall sign in  
41 the space provided. The ~~ballot stub shall be removed and the~~ ballot shall  
42 be placed in a separate envelope, the outside of which shall contain the  
43 precinct name or number, a sworn or attested statement of the elector that  
44 the elector resides in the precinct, is eligible to vote in the election  
45 and has not previously voted in the election, the signature of the elector

1 and the voter registration number of the elector, if available. The  
2 ballot shall be verified for proper registration of the elector by the  
3 county recorder before being counted. The verification shall be made by  
4 the county recorder within ten calendar days after a general election that  
5 includes an election for a federal office and within five business days  
6 following any other election, ~~and the voter receipt card, notification or~~  
7 ~~identification card, if any, from the county recorder used therefor, if~~  
8 ~~valid, shall be returned to the elector within a reasonable time~~  
9 ~~thereafter.~~ Verified ballots shall be counted by depositing the ballot in  
10 the ballot box and showing on the records of the election that the elector  
11 has voted. If registration is not verified the ballot shall remain  
12 unopened and shall be retained in the same manner as voted ballots.

13 F. For any person who votes a provisional ballot, the county  
14 recorder or other officer in charge of elections shall provide for a  
15 method of notifying the provisional ballot voter at no cost to the voter  
16 whether the voter's ballot was verified and counted and, if not counted,  
17 the reason for not counting the ballot. The notification may be in the  
18 form of notice by mail to the voter, establishment of a toll free  
19 telephone number, internet access or other similar method to allow the  
20 voter to have access to this information. The method of notification  
21 shall provide reasonable restrictions that are designed to limit  
22 transmittal of the information only to the voter.

23 Sec. 36. Section 16-585, Arizona Revised Statutes, is amended to  
24 read:

25 16-585. Spoiled ballots; disposition

26 If a voter spoils a ballot ~~or ballot card~~ and obtains another, the  
27 inspector and one of the judges shall write on the back ~~thereof~~ OF THE  
28 BALLOT the words "~~returned spoiled~~", ~~sign their names thereto, and without~~  
29 ~~opening the ballot, string it upon a string provided for that purpose~~ and  
30 return it ~~with the stubs of voted ballots~~ to the board or persons from  
31 whom the ballots were originally received.

32 Sec. 37. Repeal

33 Section 16-601, Arizona Revised Statutes, is repealed.

34 Sec. 38. Section 16-603, Arizona Revised Statutes, is amended to  
35 read:

36 16-603. Inspection of ballots by party representative

37 A mutually agreed ~~upon~~ ON number of representatives and alternates  
38 of each political party represented on the ballot by a party designation  
39 and column, appointed in the manner provided by section 16-590, may remain  
40 inside the voting area from the time the polls are closed, and, without  
41 unduly hindering or delaying the count, one representative from each party  
42 at a time may inspect the ballots ~~as they are read and the tally lists as~~  
43 ~~the votes are tallied or counted~~, but the ballots ~~and tally lists~~ shall at  
44 all times remain under the personal charge and keeping of the election  
45 officers and shall not be permitted to pass from their hands.

1           Sec. 39. Repeal  
2           Sections 16-604, 16-605 and 16-606, Arizona Revised Statutes, are  
3 repealed.

4           Sec. 40. Section 16-609, Arizona Revised Statutes, is amended to  
5 read:

6           16-609. Questioned legality of ballots; procedure

7           A. ~~No~~ ONLY ballots ~~but those~~ THAT ARE provided in accordance with  
8 the provisions of law shall be counted.

9           B. When a question arises as to the legality of a ballot, or a part  
10 thereof OF A BALLOT, the action taken ~~upon~~ ON the decision of the election  
11 board ~~or tally board~~ as to its legality, signed by the majority voting for  
12 the action, with a concise statement of the facts giving rise to the  
13 question, shall be endorsed ~~upon~~ ON the ballot and signed by a majority of  
14 the board.

15           Sec. 41. Section 16-612, Arizona Revised Statutes, is amended to  
16 read:

17           16-612. Determination of write-in choice of voter

18           A. When the printed name of a candidate is followed by the name of  
19 another person written on the ballot by the voter in the space provided  
20 for that purpose, and a mark as defined in section 16-400 appears in the  
21 space after either the printed or the written names, but not both, the  
22 printed name shall be rejected and the written one counted, and the action  
23 of the board shall be noted on the back of the ballot and signed by a  
24 majority of the election board ~~or tally board~~.

25           B. If the name of a person appears as having been voted for two or  
26 more times for the same office, the ballot shall be counted as one vote.

27           C. If an elector writes ~~upon~~ ON his ballot the name of any person  
28 who is a candidate for any office ~~upon~~ ON some other ballot than that ~~upon~~  
29 ON which his name is so written, such elector shall thereby invalidate his  
30 vote for that particular office, but the vote on the remainder of the  
31 ballot shall be counted.

32           Sec. 42. Section 16-615, Arizona Revised Statutes, is amended to  
33 read:

34           16-615. Delivery of returns

35           A. Before it adjourns, the election board ~~or tally board~~ shall  
36 enclose and seal in a strong envelope provided for that purpose one of the  
37 poll lists ~~and one of the tally lists~~, signed as required.

38           B. The envelope containing the poll list ~~and the tally list~~ shall  
39 constitute the official returns of the election and ~~shall~~, together with  
40 the envelope containing the voted ballots, SHALL be delivered to one of  
41 the members of the election board ~~or tally board~~, previously determined by  
42 lot, unless otherwise agreed ~~upon~~ ON, and such member shall by himself, or  
43 by an agent agreed ~~upon~~ ON by the board and sworn by a member thereof, in  
44 the presence of the board to faithfully perform the duties of election  
45 messenger, without delay, and by the most expeditious means and route,

1 deliver the packages and envelopes, without opening them, to the officer  
2 in charge of the election at his office, or to the nearest postmaster or  
3 sworn express agent, who shall endorse on the packages and envelopes the  
4 name of the person delivering them, and the hour and date of the delivery,  
5 and forward the packages and envelopes by the first mail or express to the  
6 officer in charge of the election at the county seat.

7 Sec. 43. Section 16-617, Arizona Revised Statutes, is amended to  
8 read:

9 16-617. Transmittal of signature roster and precinct  
10 registers after election

11 The ~~inspector of the~~ election board ~~shall~~, at the close of the  
12 election, SHALL return the signature roster and copies of the precinct  
13 registers along with the other election supplies to the board of  
14 supervisors OR OFFICER IN CHARGE OF ELECTIONS.

15 Sec. 44. Repeal

16 Sections 16-618, 16-619, 16-620 and 16-641, Arizona Revised  
17 Statutes, are repealed.

18 Sec. 45. Section 16-675, Arizona Revised Statutes, is amended to  
19 read:

20 16-675. Summons; form; answer

21 A. ~~upon~~ ON filing of the statement of contest, the clerk of the  
22 superior court shall issue a summons to be served on the contestee as  
23 summons in civil actions are served, except it shall require the contestee  
24 to file an answer to the statement with the clerk of the court within five  
25 days after service of the summons, exclusive of the day of service. If  
26 the answer is not filed within such period, the court shall proceed with  
27 the hearing of the contest ex parte. If the contest is on an initiative  
28 or referred measure, a proposed constitutional amendment, or other  
29 proposition or question submitted, which has been declared carried, the  
30 summons shall be served ~~upon~~ ON the governor and attorney general who may  
31 appear and answer the statement of contest, or, by leave of court, an  
32 elector of the state may intervene and defend the contest.

33 B. If the election of a person declared elected is contested, the  
34 summons shall be in substantially the following form: In the superior  
35 court of the state of Arizona in and for the county of

36 \_\_\_\_\_  
37 \_\_\_\_\_ Contestant.

38 vs.

39 \_\_\_\_\_ Contestee.

40 Summons.

41 To the above named \_\_\_\_\_ contestee;

42 You are hereby notified that \_\_\_\_\_ a resident of \_\_\_\_\_ county,  
43 state of Arizona, has on this day filed in this court a statement of  
44 contest wherein he contests your election to the office of \_\_\_\_\_ at the



1 election held on the \_\_\_\_ day of \_\_\_\_, ~~19~~ 20\_\_\_\_, a copy of which  
2 statement accompanies this summons.

3 You are therefore required to file your answer to said statement  
4 with the clerk of this court within five days after the service of this  
5 summons ~~upon~~ ON you exclusive of the day of service or the court will  
6 proceed with the hearing of such contest ex parte.

7 Given under my hand and the seal of said court this \_\_\_\_\_ day  
8 of \_\_\_\_, ~~19~~ 20\_\_\_\_.

9 \_\_\_\_\_  
10 Clerk of said court.

11 C. If the contest is on an initiative or referred measure, a  
12 proposed constitutional amendment, or other proposition or question  
13 submitted, which has been declared carried, the summons shall be in  
14 substantially the following form:

15 In the superior court of the state of Arizona in and for the county  
16 of \_\_\_\_\_.

17 In the matter of the contest of a certain constitutional amendment  
18 (or proposition, describing it briefly, as the case may be.)  
19 To the honorable \_\_\_\_\_, governor, and the honorable \_\_\_\_\_, attorney  
20 general of the state of Arizona:

21 You are hereby notified that \_\_\_\_\_residing at \_\_\_\_\_ in the  
22 county of \_\_\_\_\_, state of Arizona, has this day filed with the clerk of  
23 this court a statement wherein he contests the election by which the  
24 constitutional amendment (or proposition briefly describing it) was  
25 declared to have been carried. A copy of ~~his said~~ THIS statement is  
26 ~~hereto~~ attached and ~~herewith~~ served ~~upon~~ ON you. You are further notified  
27 that unless an answer to ~~said~~ THIS statement is filed within five days  
28 after the service of this summons ~~upon~~ ON you the court will proceed with  
29 the hearing of ~~said~~ THIS contest ex parte.

30 Given under my hand and the seal of said court this \_\_\_\_\_ day  
31 of \_\_\_\_, ~~19~~ 20\_\_\_\_.

32 \_\_\_\_\_  
33 Clerk of said court.

34 Sec. 46. Section 16-1018, Arizona Revised Statutes, is amended to  
35 read:

36 16-1018. Additional unlawful acts by persons with respect to  
37 voting; classification

38 A person who commits any of the following acts is guilty of a class  
39 2 misdemeanor:

- 40 1. Knowingly electioneers on election day within a polling place or  
41 in a public manner within seventy-five feet of the main outside entrance  
42 of a polling place or on-site early voting location established by a  
43 county recorder pursuant to section 16-542, subsection A.

- 1           2. Intentionally disables or removes from the polling place,  
2 on-site early voting location or custody of an election official a voting  
3 machine or a voting record.
- 4           3. Knowingly removes an official ballot from a polling place before  
5 closing the polls.
- 6           4. Shows another voter's ballot ~~or the machine on which another~~  
7 ~~voter has voted~~ to any person after it is prepared for voting in such a  
8 manner as to reveal the contents, except to an authorized person lawfully  
9 assisting the voter. A voter who makes available an image of the voter's  
10 own ballot by posting on the internet or in some other electronic medium  
11 is deemed to have consented to retransmittal of that image and that  
12 retransmittal does not constitute a violation of this section.
- 13           5. Knowingly solicits a voter to show the voter's ballot, or  
14 receives from a voter a ballot prepared for voting, unless the person is  
15 an election official or unless otherwise authorized by law.
- 16           6. Knowingly receives an official ballot from a person other than  
17 an election official having charge of the ballots.
- 18           7. Knowingly delivers an official ballot to a voter, unless the  
19 voter is an election official.
- 20           8. Except for a completed ballot transmitted by an elector by fax  
21 or other electronic format pursuant to section 16-543, knowingly places a  
22 mark on the voter's ballot by which it can be identified as the one voted  
23 by the voter.
- 24           9. After having received a ballot as a voter, knowingly fails to  
25 return the ballot to the election official before leaving the polling  
26 place or on-site early voting location.