

REFERENCE TITLE: **early voting; limitations; hand count**

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

# **HB 2571**

Introduced by  
Representative Blackman

## **AN ACT**

AMENDING SECTIONS 16-245, 16-246, 16-343, 16-411, 16-442, 16-443, 16-444, 16-446, 16-448 AND 16-449, ARIZONA REVISED STATUTES; REPEALING SECTIONS 16-450 AND 16-451, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-461, 16-510, 16-515, 16-541 AND 16-542, ARIZONA REVISED STATUTES; REPEALING SECTION 16-544, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-547, 16-552, 16-558.02, 16-602, 16-621 AND 16-663, ARIZONA REVISED STATUTES; REPEALING SECTION 16-664, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-1011, 16-1017 AND 16-1018, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-245, Arizona Revised Statutes, is amended to  
3 read:

4 16-245. Form and content of ballot

5 A. Ballots and ballot labels for the presidential preference  
6 election shall be printed on different colored paper or white paper with a  
7 different colored stripe for each party represented on the presidential  
8 preference election ballot. Only one party may be represented on each  
9 ballot. At the top shall be printed "official ballot of the  
10 \_\_\_\_\_ party, presidential preference election (date), county of  
11 \_\_\_\_\_, state of Arizona".

12 B. The order of the names of certified candidates on the ballot  
13 shall be determined by lots drawn at a public meeting called by the  
14 secretary of state for that purpose. Rotation of candidate names is  
15 prohibited. The certified candidates shall be listed under the title  
16 "\_\_\_\_\_ party candidates for President of the United  
17 States". Immediately below shall be printed "vote for not more than  
18 one". The ballot may also contain printed instructions to voters as  
19 prescribed for other elections.

20 C. The officer in charge of elections shall provide a sample ballot  
21 proof to the state committee chairman of each qualified candidate's state  
22 committee ~~no~~ NOT later than five days after ~~receipt of~~ RECEIVING the  
23 certification from the secretary of state.

24 D. The officer in charge of elections shall mail one sample ballot  
25 of each party represented on the presidential preference election ballot  
26 to each household that contains a registered voter of that political party  
27 ~~unless that registered voter is on the active early voting list~~  
28 ~~established pursuant to section 16-544~~. The return address on the sample  
29 ballot mailer shall not contain the name of any elected or appointed  
30 official, and the name of an appointed or elected official shall not be  
31 used to indicate who produced the sample ballot.

32 E. The mailing face of each sample ballot shall be imprinted with  
33 the great seal of the state of Arizona with the words "official voting  
34 materials – presidential preference election". The polling place for that  
35 household may also be designated on the mailing face of the sample ballot.

36 Sec. 2. Section 16-246, Arizona Revised Statutes, is amended to  
37 read:

38 16-246. Early balloting; additional procedures

39 A. Within ninety-three days before the presidential preference  
40 election and not later than 5:00 p.m. on the eleventh day preceding the  
41 election, any elector who is eligible to vote EARLY in the presidential  
42 preference election may make a verbal or signed, written request for an  
43 official early ballot to the county recorder or other officer in charge of  
44 elections for the county in which the elector is registered to vote. If  
45 the request is verbal, the requesting elector shall provide the date of

1 birth and birthplace or other information that if compared to the voter  
2 registration records for that elector would confirm the identity of the  
3 elector.

4 B. Absent uniformed services voters or overseas voters who are  
5 otherwise eligible to vote in the election may vote as prescribed by  
6 sections 16-543 and 16-543.02.

7 ~~C. The county recorder or other officer in charge of elections may~~  
8 ~~establish on-site early voting locations at the office of the county~~  
9 ~~recorder or at other locations in the county deemed necessary or~~  
10 ~~appropriate by the recorder.~~ Early voting shall begin within the time  
11 limits prescribed in section 16-542 unless otherwise prescribed by this  
12 section.

13 D. The county recorder or other officer in charge of elections  
14 shall send by nonforwardable mail that is marked with the statement  
15 required by the postmaster to receive an address correction notification  
16 any early ballots that are requested pursuant to subsections A and B of  
17 this section and shall include a preaddressed envelope for the elector to  
18 return the completed ballot.

19 E. The county recorder or other officer in charge of elections  
20 shall provide to each election board an appropriate alphabetized list of  
21 voters who have requested and have been sent an early ballot. Any person  
22 who is on that list of voters and who was sent an early ballot shall not  
23 vote at the polling place for that election precinct except as prescribed  
24 by section 16-579, subsection B.

25 F. The county recorder or other officer in charge of elections may  
26 provide for any of the following in the same manner prescribed by law for  
27 other elections:

28 1. Special election boards.

29 2. Emergency balloting for persons who experience an emergency  
30 after 5:00 p.m. on the Friday preceding the presidential preference  
31 election and before 5:00 p.m. on the Monday immediately preceding the  
32 presidential preference election. Before receiving a ballot pursuant to  
33 this paragraph, a person who experiences an emergency shall provide  
34 identification as prescribed in section 16-579 and shall sign a statement  
35 under penalty of perjury that states that the person is experiencing or  
36 experienced an emergency after 5:00 p.m. on the Friday immediately  
37 preceding the election and before 5:00 p.m. on the Monday immediately  
38 preceding the election that would prevent the person from voting at the  
39 polls. Signed statements received pursuant to this ~~subsection~~ PARAGRAPH  
40 are not subject to inspection pursuant to title 39, chapter 1, article 2.

41 G. Notwithstanding section 16-579, subsection A, paragraph 2, for  
42 emergency balloting pursuant to subsection F, paragraph 2 of this section,  
43 the county recorder or other officer in charge of elections may allow a  
44 qualified elector to update the elector's voter registration information

1 as provided for in the secretary of state's instructions and procedures  
2 manual adopted pursuant to section 16-452.

3 H. Sections 16-550, 16-551 and 16-552 govern the use of early  
4 balloting for the presidential preference election.

5 Sec. 3. Section 16-343, Arizona Revised Statutes, is amended to  
6 read:

7 16-343. Filling vacancy caused by death or incapacity or  
8 withdrawal of candidate

9 A. A vacancy occurring due to death, mental incapacity or voluntary  
10 withdrawal of a candidate after the close of petition filing but before a  
11 primary or general election shall be filled by the political party with  
12 which the candidate was affiliated as follows:

13 1. In the case of a United States senator or statewide candidate,  
14 the state executive committee of the candidate's political party shall  
15 nominate a candidate of the party's choice and shall file a nomination  
16 paper and declaration complying with the requirements for candidates as  
17 stated in section 16-311 in order to fill the vacancy.

18 2. In the case of a vacancy for the office of United States  
19 representative or the legislature, the party precinct committeemen of that  
20 congressional or legislative district shall nominate a candidate of the  
21 party's choice and shall file a nomination paper and declaration complying  
22 with the requirements of section 16-311.

23 3. In the case of a vacancy for a county or precinct office, the  
24 party county committee of counties with a population of less than two  
25 hundred fifty thousand persons according to the most recent United States  
26 decennial census and, in counties with a population of two hundred fifty  
27 thousand persons or more according to the most recent United States  
28 decennial census the county officers of the party together with the  
29 chairman of the party precinct committeemen in each legislative district  
30 of the county, shall nominate a candidate of the party's choice and shall  
31 file a nomination paper and declaration complying with the requirements of  
32 section 16-311 to fill such vacancy.

33 4. If the vacancy occurs in a candidate race for partisan  
34 nomination in which at least one candidate of the vacating candidate's  
35 political party remains on the ballot for the vacating candidate's office,  
36 the vacancy shall not be filled. For an office to which more than one  
37 candidate will be elected, the vacancy shall not be filled if at least one  
38 candidate of the vacating candidate's political party remains on the  
39 ballot for each of the multiple seats for the office sought by the  
40 vacating candidate.

41 B. The nomination paper and declaration required in subsection A of  
42 this section shall be filed with the office with which nomination  
43 petitions were to be filed at any time before the official ballots are  
44 printed.

1 C. Any meetings for the purpose of filing a nomination paper and  
2 declaration provided for in this section shall be called by the chairman  
3 of such committee or legislative district, except that in the case of  
4 multicounty legislative or congressional districts the party county  
5 chairman of the county having the largest geographic area within such  
6 district shall call such meeting. The chairman or in his absence the vice  
7 chairman calling such meeting shall preside. The call to such meeting  
8 shall be mailed or given in person to each person entitled to participate  
9 ~~no~~ NOT later than one day before such meeting. A majority of those  
10 present and voting shall be required to fill a vacancy pursuant to this  
11 section.

12 D. A vacancy that is due to voluntary or involuntary withdrawal of  
13 the candidate and that occurs following the printing of official ballots  
14 shall not be filled in accordance with this section, however, prospective  
15 candidates shall comply with section 16-312. A candidate running as a  
16 write-in candidate under this subsection shall file the nomination paper  
17 ~~no~~ NOT later than 5:00 p.m. on the fifth day before the election.

18 E. Candidates nominated pursuant to subsection A of this section or  
19 a candidate running as a write-in candidate under subsection D of this  
20 section may be a candidate who ran in the immediately preceding primary  
21 election for the office and failed to be nominated.

22 F. If a vacancy occurs as described in subsection A of this section  
23 for a state office, the secretary of state shall notify the various boards  
24 of supervisors as to the vacancy. The boards of supervisors shall notify  
25 the inspectors of the various precinct election boards in the county,  
26 district or precinct where a vacancy occurs. In the case of a city or  
27 town election, the city or town clerk shall notify the appropriate  
28 inspectors. A vacancy that occurs as prescribed in subsection D of this  
29 section due to the death or incapacity of the candidate shall not be  
30 filled and the secretary of state shall notify the appropriate county  
31 board of supervisors to post a notice of the death or incapacity of the  
32 candidate in each polling place along with notice that any votes cast for  
33 that candidate will be tabulated.

34 G. The inspectors shall post the notice of vacancy in the same  
35 manner as posting official write-in candidates. In the case of a  
36 withdrawal of a candidate that occurs after the printing of official  
37 ballots, the inspectors shall post the notice of withdrawal in a  
38 conspicuous location in each polling place. Notice of withdrawal ~~shall~~  
39 ~~also be posted at all early voting locations and~~ shall be made available  
40 to early voters by providing with the early ballot instructions a website  
41 address at which prompt updates to information regarding write-in and  
42 withdrawn candidates are available.

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

3           16-411. Designation of election precincts and polling places;  
4           voting centers; electioneering; wait times

5           A. The board of supervisors of each county, on or before October 1  
6 of each year preceding the year of a general election, by an order, shall  
7 establish a convenient number of election precincts in the county and  
8 define the boundaries of the precincts. The election precinct boundaries  
9 shall be established so as to be included within election districts  
10 prescribed by law for elected officers of the state and its political  
11 subdivisions including community college district precincts, except those  
12 elected officers provided for in titles 30 and 48.

13           B. At least twenty days before a general or primary election, and  
14 at least ten days before a special election, the board shall designate one  
15 polling place within each precinct where the election shall be held,  
16 except that:

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

21           2. Adjacent precincts may be combined if boundaries so established  
22 are included in election districts prescribed by law for state elected  
23 officials and political subdivisions including community college districts  
24 but not including elected officials prescribed by titles 30 and 48. The  
25 officer in charge of elections may also split a precinct for  
26 administrative purposes. The polling places shall be listed in separate  
27 sections of the order or resolution.

28           3. On a specific finding of the board ~~that the number of persons~~  
29 ~~who are listed as early voters pursuant to section 16-544 is likely to~~  
30 ~~substantially reduce the number of voters appearing at one or more~~  
31 ~~specific polling places at that election~~, adjacent precincts may be  
32 consolidated by combining polling places and precinct boards for that  
33 election. The board of supervisors shall ensure that a reasonable and  
34 adequate number of polling places will be designated for that election.  
35 Any consolidated polling places shall be listed in separate sections of  
36 the order or resolution of the board.

37           4. On a specific resolution of the board, the board may authorize  
38 the use of voting centers in place of or in addition to specifically  
39 designated polling places. A voting center shall allow any voter in that  
40 county to receive the appropriate ballot for that voter on election day  
41 after presenting identification as prescribed in section 16-579 and to  
42 lawfully cast the ballot. Voting centers may be established in  
43 coordination and consultation with the county recorder, at other county  
44 offices or at other locations in the county deemed appropriate.

1           5. On a specific resolution of the board of supervisors that is  
2 limited to a specific election date and that is voted on by a recorded  
3 vote, the board may authorize the county recorder or other officer in  
4 charge of elections to use emergency voting centers as follows:

5           (a) The board shall specify in the resolution the location and the  
6 hours of operation of the emergency voting centers.

7           (b) A qualified elector voting at an emergency voting center shall  
8 provide identification as prescribed in section 16-579, except that  
9 notwithstanding section 16-579, subsection A, paragraph 2, for any voting  
10 at an emergency voting center, the county recorder or other officer in  
11 charge of elections may allow a qualified elector to update the elector's  
12 voter registration information as provided for in the secretary of state's  
13 instructions and procedures manual adopted pursuant to section 16-452.

14           (c) If an emergency voting center established pursuant to this  
15 section becomes unavailable and there is not sufficient time for the board  
16 of supervisors to convene to approve an alternate location for that  
17 emergency voting center, the county recorder or other officer in charge of  
18 elections may make changes to the approved emergency voting center  
19 location and shall notify the public and the board of supervisors  
20 regarding that change as soon as practicable. The alternate emergency  
21 voting center shall be as close in proximity to the approved emergency  
22 voting center location as possible.

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

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

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

40           3. All affected voters receive information on **ELIGIBILITY FOR** early  
41 voting that includes the application used to request an early voting  
42 ballot.

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

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

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

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

16 G. The board shall make available to the public as a public record  
17 a list of the polling places for all precincts in which the election is to  
18 be held.

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

42 I. For the purposes of this section, a county recorder or other  
43 officer in charge of elections shall designate a polling place as an  
44 emergency polling place and thus prohibit persons from electioneering and  
45 engaging in other political activity outside of the seventy-five foot



1 limit prescribed by section 16-515 but inside the property of the facility  
2 that is hosting the polling place if any of the following occurs:

3 1. An act of God renders a previously set polling place as  
4 unusable.

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

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

15 1. The number of ballots voted in the prior primary and general  
16 elections.

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

19 3. The number of registered voters and the number of registered  
20 voters who cast an early ballot for the current primary or general  
21 election.

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

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

26 16-442. Committee approval; emergency certification

27 A. The secretary of state shall appoint a committee of three  
28 persons, to consist of a member of the engineering college at one of the  
29 universities, a member of the state bar of Arizona and one person familiar  
30 with voting processes in the state, ~~no~~ NOT more than two of whom shall be  
31 of the same political party, and at least one of whom shall have at least  
32 five years of experience with and shall be able to render an opinion based  
33 on knowledge of, training in or education in ~~electronic~~ voting systems,  
34 procedures and security. The committee shall investigate and test the  
35 various types of vote recording ~~or tabulating machines or~~ devices that may  
36 be used under this article. The committee shall submit its  
37 recommendations to the secretary of state who shall make final adoption of  
38 the type or types, make or makes, model or models to be certified for use  
39 in this state. The committee shall serve without compensation.

40 B. Machines or devices used at any election for federal, state or  
41 county offices may only be certified for use in this state and may only be  
42 used in this state if they comply with the help America vote act of 2002,  
43 ~~and~~ if those machines or devices have been tested and approved by a  
44 laboratory that is accredited pursuant to the help America vote act of  
45 2002 AND IF THOSE MACHINES OR DEVICES ARE TO BE USED TO COMPLY WITH THE

1 ACCESSIBILITY REQUIREMENTS PRESCRIBED BY SECTION 16-442.01. EXCEPT AS  
2 REQUIRED TO COMPLY WITH SECTION 16-442.01, THE SECRETARY OF STATE MAY NOT  
3 APPROVE FOR GENERAL USE ELECTRONIC TABULATING MACHINES OR OTHER TABULATING  
4 MACHINES.

5 C. After consultation with the committee prescribed by subsection A  
6 of this section, the secretary of state shall adopt standards that specify  
7 the criteria for loss of certification for equipment that was used at any  
8 election for federal, state or county offices and that was previously  
9 certified for use in this state. On loss of certification, machines or  
10 devices used at any election may not be used for any election for federal,  
11 state or county offices in this state unless recertified for use in this  
12 state.

13 D. The secretary of state may revoke the certification of any  
14 voting system or device for use in a federal, state or county election in  
15 this state or may prohibit for up to five years the purchase, lease or use  
16 of any voting system or device leased, installed or used by a person or  
17 firm in connection with a federal, state or county election in this state,  
18 or both, if either of the following occurs:

19 1. The person or firm installs, uses or ~~permits~~ **ALLOWS** the use of a  
20 voting system or device that is not certified for use or approved for  
21 experimental use in this state pursuant to this section.

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

26 E. The governing body of a city or town or the board of directors  
27 of an agricultural improvement district may adopt for use in elections any  
28 kind of electronic voting system ~~or vote tabulating device~~ approved by the  
29 secretary of state, and thereupon the voting or marking device ~~and vote~~  
30 ~~tabulating equipment~~ may be used at any or all elections for voting; ~~AND~~  
31 recording ~~and counting~~ votes cast at an election.

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

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

1           Sec. 6. Section 16-443, Arizona Revised Statutes, is amended to  
2 read:

3           16-443. Authorization of use at all elections

4           At all state, county, city or town elections, agricultural  
5 improvement district elections and primary AND GENERAL elections, ballots  
6 or votes may be cast, ~~AND recorded and counted~~ by voting or marking  
7 devices ~~and vote tabulating devices as provided in this article~~. FOR ALL  
8 STATE, COUNTY, CITY OR TOWN ELECTIONS, BALLOTS SHALL BE TABULATED BY HAND.

9           Sec. 7. Section 16-444, Arizona Revised Statutes, is amended to  
10 read:

11           16-444. Definitions

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

13           1. "Ballot" means a paper ballot on which votes are recorded.

14           2. "Computer program" includes all programs and documentation  
15 adequate to process the ballots at an equivalent counting center.

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

18           4. "Electronic voting system" means a system in which votes are  
19 recorded on a paper ballot by means of marking, ~~and such votes are~~  
20 ~~subsequently counted and tabulated by vote tabulating equipment at one or~~  
21 ~~more counting centers~~.

22           5. "E-pollbook" means an electronic system in which a voter is  
23 checked in and through which a voter's signature is recorded to indicate  
24 that the voter has voted.

25           6. "Instructions and procedures manual" means the manual prepared  
26 for use as a guide for the conduct of elections by an approved electronic  
27 voting system, including, but not limited to, detailed instructions for  
28 the performance of each task relating to the collection of ballots and the  
29 counting of votes in a manner that will provide maximum security,  
30 efficiency and accuracy.

31           7. "Vote tabulating equipment" includes apparatus necessary to  
32 automatically examine and count votes as designated on ballots and  
33 tabulate the results.

34           8. "Voting device" means an apparatus that the voter uses to record  
35 the voter's votes by marking a paper ballot, which votes are subsequently  
36 counted by ~~electronic tabulating equipment~~ HAND.

37           ~~B. The provisions of all state laws relating to elections not~~  
38 ~~inconsistent with this article apply to all elections where electronic~~  
39 ~~tabulating devices are used. Any provision of law that conflicts with~~  
40 ~~this article does not apply to the elections in which electronic~~  
41 ~~tabulating devices are used.~~

1           Sec. 8. Section 16-446, Arizona Revised Statutes, is amended to  
2 read:  
3           16-446. Specifications of electronic voting system  
4           A. An electronic voting system consisting of a voting or marking  
5 device ~~in combination with vote tabulating equipment~~ shall provide  
6 facilities for voting for candidates at both primary and general  
7 elections.  
8           B. An electronic voting system shall:  
9           1. Provide for voting in secrecy when used with voting booths.  
10           2. ~~Permit~~ ALLOW each elector to vote at any election for any person  
11 for any office whether or not nominated as a candidate, ~~AND~~ to vote for  
12 as many persons for an office ~~as~~ FOR WHICH the elector is entitled to vote  
13 ~~for and to vote for or against any question on which the elector is~~  
14 ~~entitled to vote, and the vote tabulating equipment shall reject choices~~  
15 ~~recorded on the elector's ballot if the number of choices exceeds the~~  
16 ~~number that the elector is entitled to vote for the office or on the~~  
17 ~~measure.~~  
18           3. Prevent the elector from voting for the same person more than  
19 once for the same office.  
20           4. Be suitably designed for the purpose used and be of durable  
21 construction, and may be used safely, efficiently and accurately in the  
22 conduct of elections ~~and counting ballots.~~  
23           5. Be provided with means for sealing the voting or marking device  
24 against any further voting after the close of the polls and the last voter  
25 has voted.  
26           6. When properly operated, record correctly ~~and count accurately~~  
27 every vote cast.  
28           7. Provide a durable paper document that visually indicates the  
29 voter's selections, that the voter may use to verify the voter's choices,  
30 that may be spoiled by the voter if it fails to reflect the voter's  
31 choices and that ~~permits~~ ALLOWS the voter to cast a new ballot. This  
32 paper document shall be used in manual audits and recounts.  
33           8. To the extent practicable, provide for the ballot layout to be  
34 in the same order of arrangement, including rotation, as provided for  
35 paper ballots, except that information may be printed in vertical or  
36 horizontal rows, or in a number of separate pages or screens that are  
37 placed or displayed on the voting device. The titles of offices may be  
38 arranged in vertical columns or in a series of separate pages or screens  
39 and shall be printed above or at the side of the names of candidates so as  
40 to indicate clearly the candidates for each office and the number to be  
41 elected. If there are more candidates for an office than can be printed  
42 in one column or on one ballot page or screen, the ballot shall be clearly  
43 marked that the list of candidates is continued on the following column,  
44 page or screen, and to the extent practicable, the same number of names  
45 shall be printed on each column, page or screen.

1           9. Provide for a color designation for use in the primary election  
2 for each political party represented.

3           Sec. 9. Section 16-448, Arizona Revised Statutes, is amended to  
4 read:

5           16-448. Write-in votes; instructions

6           ~~Whenever ballots are to be counted by electronic data processing~~  
7 ~~equipment,~~ All write-in votes for candidates, to be counted, shall be  
8 marked by the voter in the space provided opposite the names of the  
9 write-in candidates. The instructions to voters printed on the ballots  
10 shall instruct the voter that the vote will not be counted unless the  
11 voter properly marks the ballot when writing in a candidate's name.

12           Sec. 10. Section 16-449, Arizona Revised Statutes, is amended to  
13 read:

14           16-449. Required test of equipment and programs; notice;  
15 procedures manual

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

1 in the same manner as set forth above. After the completion of the count,  
2 the programs used and the ballots shall be sealed, retained and disposed  
3 of as provided for paper ballots.

4 ~~B. Electronic ballot tabulating systems shall be tested for logic  
5 and accuracy within seven days before their use for early balloting  
6 pursuant to the instructions and procedures manual for electronic voting  
7 systems that is adopted by the secretary of state as prescribed by section  
8 16-452. The instructions and procedures manual shall include procedures  
9 for the handling of ballots, the electronic scanning of ballots and any  
10 other matters necessary to ensure the maximum degree of correctness,  
11 impartiality and uniformity in the administration of an electronic ballot  
12 tabulating system.~~

13 ~~C. B.~~ Notwithstanding ~~subsections~~ SUBSECTION A ~~and B~~ of this  
14 section, if a county uses accessible voting equipment to mark ballots ~~and~~  
15 ~~that accessible voting equipment does not independently tabulate or tally~~  
16 ~~votes~~, the secretary of state in cooperation with the county officer in  
17 charge of elections may designate a single date to test the logic and  
18 accuracy of ~~both~~ the accessible voting equipment and ~~electronic ballot~~  
19 ~~tabulating systems~~ ANY OTHER EQUIPMENT OR DEVICES USED TO MARK THE  
20 BALLOTS.

21 Sec. 11. Repeal

22 Sections 16-450 and 16-451, Arizona Revised Statutes, are repealed.

23 Sec. 12. Section 16-461, Arizona Revised Statutes, is amended to  
24 read:

25 16-461. Sample primary election ballots; submission to party  
26 chairmen for examination; preparation, printing and  
27 distribution of ballot

28 A. At least forty-five days before a primary election, the officer  
29 in charge of that election shall:

30 1. Prepare a proof of a sample ballot.

31 2. Submit the sample ballot proof of each party to the county  
32 chairman or in city or town primaries to the city or town chairman.

33 3. Mail a sample ballot proof to each candidate for whom a  
34 nomination paper and petitions have been filed.

35 B. Within five days after receipt of the sample ballot, the county  
36 chairman of each political party shall suggest to the election officer any  
37 change the chairman considers should be made in the chairman's party  
38 ballot, and if on examination the election officer finds an error or  
39 omission in the ballot the officer shall correct it. The election officer  
40 shall ~~cause~~ PRINT AND DISTRIBUTE the sample ballots ~~to be printed and~~  
41 ~~distributed~~ as required by law, shall maintain a copy of each sample  
42 ballot and shall post a notice indicating that sample ballots are  
43 available on request. The official sample ballot shall be printed on  
44 colored paper or white paper with a different colored stripe for each  
45 party that is represented on that ballot. For voters who are not

1 registered with a party that is entitled to continued representation on  
2 the ballot pursuant to section 16-804, the election officer may print and  
3 distribute the required sample ballots in an alternative format, including  
4 a reduced size format.

5 C. Not later than forty days before a primary election, the county  
6 chairman of a political party may request one sample primary election  
7 ballot of the chairman's party for each election precinct.

8 D. The board of supervisors shall have printed mailer-type sample  
9 ballots for a primary election and shall mail at least eleven days before  
10 the election one sample ballot of a political party to each household  
11 containing a registered voter of that political party ~~unless that~~  
12 ~~registered voter is on the active early voting list established pursuant~~  
13 ~~to section 16-544~~. Each sample ballot shall contain the following  
14 statement: "This is a sample ballot and cannot be used as an official  
15 ballot under any circumstances". A certified claim shall be presented to  
16 the secretary of state by the board of supervisors for the actual cost of  
17 printing, labeling and postage of each sample ballot actually mailed, and  
18 the secretary of state shall direct payment of the authenticated claim  
19 from funds of the secretary of state's office.

20 E. For city and town elections, the governing body of a city or  
21 town may have printed mailer-type sample ballots for a primary election.  
22 If the city or town has printed such sample ballots, the city or town  
23 shall provide for the distribution of such ballots and shall bear the  
24 expense of printing and distributing ~~of~~ such sample ballots.

25 F. The return address on the mailer-type sample ballots shall not  
26 contain the name of an appointed or elected public officer nor may the  
27 name of an appointed or elected public officer be used to indicate who  
28 produced the sample ballot.

29 G. The great seal of the state of Arizona shall be imprinted along  
30 with the words "official voting materials" on the mailing face of each  
31 sample ballot. In county, city or town elections the seal of such  
32 jurisdiction shall be substituted for the state seal.

33 Sec. 13. Section 16-510, Arizona Revised Statutes, is amended to  
34 read:

35 16-510. Sample ballots; preparation and distribution

36 A. Before printing the sample ballots for the general election the  
37 board of supervisors shall send to each candidate whose name did not  
38 appear on the preceding primary election ballot a ballot proof of the  
39 sample ballot for the candidate's review.

40 B. The board of supervisors shall print and distribute, for the  
41 information of voters at each polling place, a number of sample ballots as  
42 it deems necessary.

43 C. The board of supervisors shall have printed mailer-type sample  
44 ballots for a general election and shall mail at least eleven days before  
45 the election one such sample ballot to each household in the county

1 containing a registered voter ~~unless that registered voter is on the~~  
 2 ~~active early voting list established pursuant to section 16-544~~. Each  
 3 sample ballot shall contain the following statement: "This is a sample  
 4 ballot and cannot be used as an official ballot under any  
 5 circumstances". A certified claim shall be presented to the secretary of  
 6 state by the board of supervisors for the actual cost of printing,  
 7 labeling and postage of each sample ballot actually mailed, and the  
 8 secretary of state shall direct payment of the authenticated claim from  
 9 funds of the secretary of state's office.

10 D. For city and town elections, the governing body of a city or  
 11 town may have printed mailer-type sample ballots for a general  
 12 election. If the city or town has printed such sample ballots, the city  
 13 or town shall provide for the distribution of such ballots and shall bear  
 14 the expense of printing and distributing such sample ballots.

15 E. For special district elections, the governing body of a special  
 16 district may have printed mailer-type sample ballots. If the special  
 17 district has printed such sample ballots, the special district shall  
 18 provide for the distribution of such ballots and shall bear the expense of  
 19 printing and distributing such sample ballots.

20 Sec. 14. Section 16-515, Arizona Revised Statutes, is amended to  
 21 read:

22 16-515. "Seventy-five foot limit" notices; posting;  
 23 violation; classification

24 A. Except as prescribed in this section and section 16-580, a  
 25 person shall not be allowed to remain inside the seventy-five foot limit  
 26 while the polls are open, except for the purpose of voting, and except the  
 27 election officials, one representative at any one time of each political  
 28 party represented on the ballot who has been appointed by the county  
 29 chairman of that political party and the challengers allowed by law, and  
 30 ~~no~~ electioneering may NOT occur within the seventy-five foot  
 31 limit. Voters having cast their ballots shall promptly move outside the  
 32 seventy-five foot limit.

33 B. The board of supervisors shall furnish, with the ballots for  
 34 each polling place, three notices, printed in letters not less than two  
 35 inches high, with the heading: "Seventy-five foot limit" and underneath  
 36 that heading the following:

37 No person shall be allowed to remain inside these limits while  
 38 the polls are open, except for the purpose of voting, and  
 39 except the election officials, one representative at any one  
 40 time of each political party represented on the ballot who has  
 41 been appointed by the county chairman of such political party,  
 42 and the challengers allowed by law. Voters having cast their  
 43 ballots shall at once retire without the seventy-five foot  
 44 limit. A person violating any provision of this notice is  
 45 guilty of a class 2 misdemeanor.



1 C. A minor voting in a simulated election at a polling place is  
2 subject to the same seventy-five foot limit restrictions prescribed for a  
3 voter. Persons supervising or working in a simulated election in which  
4 minors vote may remain within the seventy-five foot limit of the polling  
5 place. The inspector for the polling place shall exercise authority over  
6 all election and simulated election related activities at the polling  
7 place.

8 D. For an election that is held by an Indian tribe and that is held  
9 at a polling place at the same time and on the same date as any other  
10 election, the following apply:

11 1. A person who is voting is subject to the same seventy-five foot  
12 limit restrictions prescribed for other voters.

13 2. An election official for the tribal election may remain within  
14 the seventy-five foot limit for the polling place.

15 E. With the permission of the voter, a minor may enter and remain  
16 within the seventy-five foot limit in order to accompany a voter into a  
17 polling place, ~~an on-site early voting facility~~ and a voting booth while  
18 the voter is voting.

19 F. Notwithstanding any other law, an election official, a  
20 representative of a political party who has been appointed by the county  
21 chairman of that political party or a challenger who is authorized by law  
22 to be within the seventy-five foot limit as prescribed by this section  
23 shall not wear, carry or display materials that identify or express  
24 support for or opposition to a candidate, a political party or  
25 organization, a ballot question or any other political issue and shall not  
26 electioneer within the seventy-five foot limit of a polling place.

27 G. Notwithstanding section 16-1018, a person may not take  
28 photographs or videos while within the seventy-five foot limit.

29 H. Any person violating this section is guilty of a class 2  
30 misdemeanor.

31 I. For the purposes of this section, electioneering occurs when an  
32 individual knowingly, intentionally, by verbal expression and in order to  
33 induce or compel another person to vote in a particular manner or to  
34 refrain from voting expresses support for or opposition to a candidate who  
35 appears on the ballot in that election, a ballot question that appears on  
36 the ballot in that election or a political party with one or more  
37 candidates who appear on the ballot in that election.

38 Sec. 15. Section 16-541, Arizona Revised Statutes, is amended to  
39 read:

40 16-541. Early voting; elector eligibility

41 A. Any election called pursuant to the laws of this state shall  
42 provide for early voting. Any qualified elector **WHO MEETS THE CRITERIA**  
43 **ESTABLISHED BY THIS SECTION** may vote by early ballot.

1 B. AN ELECTOR SHALL BE ALLOWED TO VOTE BY EARLY BALLOT FOR ANY ONE  
2 OR MORE OF THE FOLLOWING REASONS:

3 1. THE ELECTOR EXPECTS TO BE ABSENT FROM THE ELECTOR'S PRECINCT AT  
4 THE TIME OF THE ELECTION.

5 2. THE ELECTOR CANNOT ATTEND THE POLLS ON THE DAY OF THE ELECTION  
6 BECAUSE OF THE TENETS OF THE ELECTOR'S RELIGION.

7 3. THE ELECTOR IS AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS  
8 VOTER AS DEFINED IN THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING  
9 ACT (P.L. 99-410; 52 UNITED STATES CODE SECTION 20310) OR A SPOUSE OR  
10 HOUSEHOLD MEMBER OF THE ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER.

11 ~~B.~~ C. A qualified elector of a special district organized pursuant  
12 to title 48 shall be permitted to vote early in any special district mail  
13 ballot election as provided in article 8.1 of this chapter.

14 Sec. 16. Section 16-542, Arizona Revised Statutes, is amended to  
15 read:

16 16-542. Request for ballot; civil penalties; violation;  
17 classification

18 A. Within ninety-three days before any election called pursuant to  
19 the laws of this state, an ELIGIBLE elector AS PRESCRIBED BY SECTION  
20 16-541 may make a verbal or signed request to the county recorder, or  
21 other officer in charge of elections for the applicable political  
22 subdivision of this state in whose jurisdiction the elector is registered  
23 to vote, for an official early ballot. In addition to name and address,  
24 the requesting elector shall provide the date of birth and state or  
25 country of birth or other information that if compared to the voter  
26 registration information on file would confirm the identity of the elector  
27 AND SHALL SPECIFY ONE OF THE REASONS FOR VOTING EARLY PRESCRIBED BY  
28 SECTION 16-541. If the request indicates that the elector needs a primary  
29 election ballot and a general election ballot, the county recorder or  
30 other officer in charge of elections shall honor the request. For any  
31 partisan primary election, if the elector is not registered as a member of  
32 a political party that is entitled to continued representation on the  
33 ballot pursuant to section 16-804, the elector shall designate the ballot  
34 of only one of the political parties that is entitled to continued  
35 representation on the ballot and the elector may receive and vote the  
36 ballot of only that one political party, which also shall include any  
37 nonpartisan offices and ballot questions, or the elector shall designate  
38 the ballot for nonpartisan offices and ballot questions only and the  
39 elector may receive and vote the ballot that contains only nonpartisan  
40 offices and ballot questions. The county recorder or other officer in  
41 charge of elections shall process any request for an early ballot for a  
42 municipal election pursuant to this subsection. ~~The county recorder may~~  
43 ~~establish on-site early voting locations at the recorder's office, which~~  
44 ~~shall be open and available for use beginning the same day that a county~~  
45 ~~begins to send out the early ballots. The county recorder may also~~

~~1 establish any other early voting locations in the county the recorder  
 2 deems necessary. Any on-site early voting location or other early voting  
 3 location shall require each elector to present identification as  
 4 prescribed in section 16-579 before receiving a ballot. Notwithstanding  
 5 section 16-579, subsection A, paragraph 2, at any on-site early voting  
 6 location or other early voting location the county recorder or other  
 7 officer in charge of elections may provide for a qualified elector to  
 8 update the elector's voter registration information as provided for in the  
 9 secretary of state's instructions and procedures manual adopted pursuant  
 10 to section 16-452.~~

11 B. Notwithstanding subsection A of this section, a request for an  
 12 official early ballot from an absent uniformed services voter or overseas  
 13 voter as defined in the uniformed and overseas citizens absentee voting  
 14 act ~~of 1986~~ (P.L. 99-410; 52 United States Code section 20310) or a voter  
 15 whose information is protected pursuant to section 16-153 that is received  
 16 by the county recorder or other officer in charge of elections more than  
 17 ninety-three days before the election is valid. If requested by the  
 18 absent uniformed services or overseas voter, or a voter whose information  
 19 is protected pursuant to section 16-153, the county recorder or other  
 20 officer in charge of elections shall provide to the requesting voter early  
 21 ballot materials through the next regularly scheduled general election for  
 22 federal office immediately following receipt of the request unless a  
 23 different period of time, which does not exceed the next two regularly  
 24 scheduled general elections for federal office, is designated by the  
 25 voter.

26 C. The county recorder or other officer in charge of elections  
 27 shall mail the early ballot and the envelope for its return postage  
 28 prepaid to the address provided by the requesting elector within five days  
 29 after receipt of the official early ballots from the officer charged by  
 30 law with the duty of preparing ballots pursuant to section 16-545, except  
 31 that early ballot distribution shall not begin more than twenty-seven days  
 32 before the election. If an early ballot request is received on or before  
 33 the thirty-first day before the election, the early ballot shall be  
 34 distributed not earlier than the twenty-seventh day before the election  
 35 and not later than the twenty-fourth day before the election.

36 D. Only the elector may be in possession of that elector's unvoted  
 37 early ballot. If a complete and correct request is made by the elector  
 38 within twenty-seven days before the election, the mailing must be made  
 39 within forty-eight hours after receipt of the request. Saturdays, Sundays  
 40 and other legal holidays are excluded from the computation of the  
 41 forty-eight hour period prescribed by this subsection. If a complete and  
 42 correct request is made by an absent uniformed services voter or an  
 43 overseas voter before the election, the regular early ballot shall be  
 44 transmitted by mail, by fax or by other electronic format approved by the

1 secretary of state within twenty-four hours after the early ballots are  
2 delivered pursuant to section 16-545, subsection B, excluding Sundays.

3 E. In order to be complete and correct and to receive an early  
4 ballot by mail, an elector's request that an early ballot be mailed to the  
5 elector's residence or temporary address must include all of the  
6 information prescribed by subsection A of this section and must be  
7 received by the county recorder or other officer in charge of elections ~~no~~  
8 **NOT** later than 5:00 p.m. on the eleventh day preceding the election. ~~An~~  
9 ~~elector who appears personally no later than 5:00 p.m. on the Friday~~  
10 ~~preceding the election at an on-site early voting location that is~~  
11 ~~established by the county recorder or other officer in charge of elections~~  
12 ~~shall be given a ballot after presenting identification as prescribed in~~  
13 ~~section 16-579 and shall be permitted to vote at the on-site location.~~  
14 ~~Notwithstanding section 16-579, subsection A, paragraph 2, at any on-site~~  
15 ~~early voting location the county recorder or other officer in charge of~~  
16 ~~elections may provide for a qualified elector to update the elector's~~  
17 ~~voter registration information as provided for in the secretary of state's~~  
18 ~~instructions and procedures manual adopted pursuant to section 16-452.~~ If  
19 an elector's request to receive an early ballot is not complete and  
20 correct but complies with all other requirements of this section, the  
21 county recorder or other officer in charge of elections shall attempt to  
22 notify the elector of the deficiency of the request.

23 F. Unless an elector specifies that the address to which an early  
24 ballot is to be sent is a temporary address, the recorder may use the  
25 information from an early ballot request form to update voter registration  
26 records.

27 G. The county recorder or other officer in charge of early  
28 balloting shall provide an alphabetized list of all voters in the precinct  
29 who have requested and have been sent an early ballot to the election  
30 board of the precinct in which the voter is registered not later than the  
31 day before the election.

32 H. As a result of experiencing an emergency between 5:00 p.m. on  
33 the Friday preceding the election and 5:00 p.m. on the Monday preceding  
34 the election, qualified electors may request to vote in the manner  
35 prescribed by the board of supervisors of their respective county. Before  
36 voting pursuant to this subsection, an elector who experiences an  
37 emergency shall provide identification as prescribed in section 16-579 and  
38 shall sign a statement under penalty of perjury that states that the  
39 person is experiencing or experienced an emergency after 5:00 p.m. on the  
40 Friday immediately preceding the election and before 5:00 p.m. on the  
41 Monday immediately preceding the election that would prevent the person  
42 from voting at the polls. Signed statements received pursuant to this  
43 subsection are not subject to inspection pursuant to title 39, chapter 1,  
44 article 2. For the purposes of this subsection, "emergency" means any

1 unforeseen circumstances that would prevent the elector from voting at the  
2 polls.

3 I. Notwithstanding section 16-579, subsection A, paragraph 2, for  
4 any voting pursuant to subsection H of this section, the county recorder  
5 or other officer in charge of elections may allow a qualified elector to  
6 update the elector's voter registration information as provided for in the  
7 secretary of state's instructions and procedures manual adopted pursuant  
8 to section 16-452.

9 ~~J. A candidate, political committee or other organization may  
10 distribute early ballot request forms to voters. If the early ballot  
11 request forms include a printed address for return, the addressee shall be  
12 the political subdivision that will conduct the election. Failure to use  
13 the political subdivision as the return addressee is punishable by a civil  
14 penalty of up to three times the cost of the production and distribution  
15 of the request.~~

16 ~~K. All original and completed early ballot request forms that are  
17 received by a candidate, political committee or other organization shall  
18 be submitted within six business days after receipt by a candidate,  
19 political committee or other organization or eleven days before the  
20 election day, whichever is earlier, to the political subdivision that will  
21 conduct the election. Any person, political committee or other  
22 organization that fails to submit a completed early ballot request form  
23 within the prescribed time is subject to a civil penalty of up to \$25 per  
24 day for each completed form withheld from submittal. Any person who  
25 knowingly fails to submit a completed early ballot request form before the  
26 submission deadline for the election immediately following the completion  
27 of the form is guilty of a class 6 felony.~~

28 ~~L. J. Except for a voter who is on the active early voting list  
29 prescribed by section 16-544, a voter who~~ requests a onetime early ballot  
30 pursuant to THIS section 16-542 or for an election conducted pursuant to  
31 section 16-409 or article 8.1 of this chapter, a county recorder, city or  
32 town clerk or other election officer may not deliver or mail an early  
33 ballot to a person who has not requested an early ballot for that  
34 election. An election officer who knowingly violates this subsection is  
35 guilty of a class 5 felony.

36 Sec. 17. Repeal

37 Section 16-544, Arizona Revised Statutes, is repealed.

38 Sec. 18. Section 16-547, Arizona Revised Statutes, is amended to  
39 read:

40 16-547. Ballot affidavit; form

41 A. The early ballot shall be accompanied by an envelope bearing on  
42 the front the name, official title and post office address of the recorder  
43 or other officer in charge of elections and on the other side a printed  
44 affidavit in substantially the following form:

1 I declare the following under penalty of perjury: I am a registered  
2 voter in \_\_\_\_\_ county Arizona, AND I EXPECT TO BE ABSENT FROM MY  
3 PRECINCT OR OTHER POLITICAL SUBDIVISION AT THE TIME OF THE ELECTION OR I  
4 CANNOT GO TO THE POLLS ON ELECTION DAY BECAUSE OF THE TENETS OF MY  
5 RELIGION OR BECAUSE I AM AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS  
6 VOTER, AND I have not voted and will not vote in this election in any  
7 other county or state, I understand that knowingly voting more than once  
8 in any election is a class 5 felony and I voted the enclosed ballot and  
9 signed this affidavit personally unless noted below.

10 If the voter was assisted by another person in marking  
11 the ballot, complete the following:

12 I declare the following under penalty of perjury: At  
13 the registered voter's request I assisted the voter identified  
14 in this affidavit with marking the voter's ballot, I marked  
15 the ballot as directly instructed by the voter, I provided the  
16 assistance because the voter was physically unable to mark the  
17 ballot solely due to illness, injury or physical limitation  
18 and I understand that there is no power of attorney for voting  
19 and that the voter must be able to make the voter's selection  
20 even if ~~they~~ THE VOTER cannot physically mark the ballot.

21 Name of voter assistant: \_\_\_\_\_

22 Address of voter assistant: \_\_\_\_\_

23 B. The face of each envelope in which a ballot is sent to a federal  
24 postcard applicant or in which a ballot is returned by the applicant to  
25 the recorder or other officer in charge of elections shall be in the form  
26 prescribed in accordance with the uniformed and overseas citizens absentee  
27 voting act ~~of 1986~~ (P.L. 99-410; 52 United States Code section 20301).  
28 Otherwise, the envelopes shall be the same as those used to send ballots  
29 to, or receive ballots from, other early voters.

30 C. The officer charged by law with the duty of preparing ballots at  
31 any election shall ensure that the early ballot is sent in an envelope  
32 that states substantially the following:

33 If the addressee does not reside at this address, mark  
34 the unopened envelope "return to sender" and deposit it in the  
35 United States mail.

36 D. The county recorder or other officer in charge of elections  
37 shall supply printed instructions to early voters that direct them to sign  
38 the affidavit, mark the ballot and return both in the enclosed  
39 self-addressed envelope that complies with section 16-545. The  
40 instructions shall include the following statement:

41 In order to be valid and counted, the ballot and  
42 affidavit must be delivered to the office of the county  
43 recorder or other officer in charge of elections or may be  
44 deposited at any polling place in the county ~~no~~ NOT later than

1 7:00 p.m. on election day. The ballot will not be counted  
2 without the voter's signature on the envelope.

3 (WARNING—It is a felony to offer or receive any compensation  
4 for a ballot.)

5 Sec. 19. Section 16-552, Arizona Revised Statutes, is amended to  
6 read:

7 16-552. Early ballots; processing; challenges

8 A. In a jurisdiction that uses optical scan ballots, the officer in  
9 charge of elections may use the procedure prescribed by this section or  
10 may request approval from the secretary of state for a different method  
11 for processing early ballots. The request shall be made in writing at  
12 least ninety days before the election for which the procedure is intended  
13 to be used. After the election official has confirmed with the secretary  
14 of state that all election equipment passes the logic and accuracy test,  
15 the election official may begin to count early ballots. No early ballot  
16 results may be released except as prescribed by section 16-551.

17 B. The early election board shall check the voter's affidavit on  
18 the envelope containing the early ballot. If it is found to be  
19 sufficient, the vote shall be allowed. If the affidavit is insufficient,  
20 the vote shall not be allowed.

21 C. The county chairman of each political party represented on the  
22 ballot, by written appointment addressed to the early election board, may  
23 designate party representatives and alternates to act as early ballot  
24 challengers for the party. No party may have more than the number of such  
25 representatives or alternates that were mutually agreed on by each  
26 political party to be present at one time. If such agreement cannot be  
27 reached, the number of representatives shall be limited to one for each  
28 political party.

29 D. An early ballot may be challenged on any grounds set forth in  
30 section 16-591 OR FOR SUSPECTED FRAUDULENT USE OF THE EARLY BALLOT. All  
31 challenges shall be made in writing with a brief statement of the grounds  
32 before the early ballot is placed in the ballot box. A record of all  
33 challenges and resulting proceedings shall be kept in substantially the  
34 same manner as provided in section 16-594. If an early ballot is  
35 challenged, it shall be set aside and retained in the possession of the  
36 early election board or other officer in charge of early ballot processing  
37 until a time that the early election board sets for determination of the  
38 challenge, subject to the procedure in subsection E of this section, at  
39 which time the early election board shall hear the grounds for the  
40 challenge and shall decide what disposition shall be made of the early  
41 ballot by majority vote. If the early ballot is not allowed, it shall be  
42 handled pursuant to subsection G of this section.

43 E. Within twenty-four hours of receipt of a challenge, the early  
44 election board or other officer in charge of early ballot processing shall  
45 mail, by first class mail, a notice of the challenge including a copy of

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

26 F. If the vote is allowed, the board shall open the envelope  
27 containing the ballot in such a manner that the affidavit thereon is not  
28 destroyed, take out the ballot without unfolding it or permitting it to be  
29 opened or examined and show by the records of the election that the  
30 elector has voted.

31 G. If the vote is not allowed, the affidavit envelope containing  
32 the early ballot shall not be opened and the board shall mark across the  
33 face of such envelope the grounds for rejection. The affidavit envelope  
34 and its contents shall then be deposited with the opened affidavit  
35 envelopes and shall be preserved with official returns. If the voter does  
36 not enter an appearance, the board shall send the voter a notice stating  
37 whether the early ballot was disallowed and, if disallowed, providing the  
38 grounds for the determination. The notice shall be mailed by first class  
39 mail to the voter's mailing address as shown on the registration rolls  
40 within three days after the board's determination.

41 H. Party representatives and alternates may be appointed as  
42 provided in subsection C of this section to be present and to challenge  
43 the verification of questioned ballots pursuant to section 16-584 on any  
44 grounds permitted by this section. Questioned ballots that are challenged



1 shall be presented to the early election board for decision under the  
2 provisions of this section.

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

5 16-558.02. Replacement ballots

6 A. The county recorder or other officer in charge of elections  
7 shall determine a central location in the district and shall provide for a  
8 ballot replacement center that is as near to that location as is  
9 practicable for ELIGIBLE electors to obtain a replacement ballot. The  
10 location shall be open from 6:00 a.m. until 7:00 p.m. of the day of the  
11 election. An elector may obtain a replacement ballot until 7:00 p.m. on  
12 the day of the election on presenting a signed, sworn statement that the  
13 EARLY ballot was lost, spoiled, destroyed or not received.

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

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

18 Sec. 21. Section 16-602, Arizona Revised Statutes, is amended to  
19 read:

20 16-602. Paper ballots; report; hand count

21 ~~A.~~ For any primary, special or general election in which the votes  
22 are cast on an electronic voting machine ~~or tabulator~~, the election judge  
23 shall compare the number of votes cast as indicated on the machine ~~or~~  
24 ~~tabulator~~ with the number of votes cast as indicated on the poll list and  
25 the number of provisional ballots cast and that information shall be noted  
26 in a written report prepared and submitted to the officer in charge of  
27 elections along with other tally reports. **ALL BALLOTS SHALL BE COUNTED BY**  
28 **HAND.**

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

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

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

27           ~~(a) For a general election, one statewide ballot measure, unless~~  
28 ~~there are no measures on the ballot.~~

29           ~~(b) One contested statewide race for statewide office.~~

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

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

37           ~~(e) If there are fewer than four contested races resulting from the~~  
38 ~~selections made pursuant to subdivisions (a) through (d) of this section~~  
39 ~~and if there are additional contested federal, statewide or legislative~~  
40 ~~races or ballot measures, additional contested races shall be selected by~~  
41 ~~lot not using a computer until four races have been selected or until no~~  
42 ~~additional contested federal, statewide or legislative races or ballot~~  
43 ~~measures are available for selection.~~

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

4           ~~3. For the presidential preference election, select by lot two~~  
5 ~~percent of the polling places designated and used pursuant to section~~  
6 ~~16-248 and perform the hand count of those ballots.~~

7           ~~4. For the purposes of this section, a write-in candidacy in a race~~  
8 ~~does not constitute a contested race.~~

9           ~~5. In elections in which there are candidates for president, the~~  
10 ~~presidential race shall be added to the four categories of hand counted~~  
11 ~~races.~~

12           ~~6. Each county chairman of a political party that is entitled to~~  
13 ~~continued representation on the state ballot or the chairman's designee~~  
14 ~~shall select by lot the individual races to be hand counted pursuant to~~  
15 ~~this section.~~

16           ~~7. The county chairman of each political party shall designate and~~  
17 ~~provide the number of election board members as designated by the county~~  
18 ~~officer in charge of elections who shall perform the hand count under the~~  
19 ~~supervision of the county officer in charge of elections. For each~~  
20 ~~precinct that is to be audited, the county chairmen shall designate at~~  
21 ~~least two board workers who are registered members of any or no political~~  
22 ~~party to assist with the audit. Any qualified elector from this state may~~  
23 ~~be a board worker without regard to party designation. The county~~  
24 ~~election officer shall provide for compensation for those board workers,~~  
25 ~~not to include travel, meal or lodging expenses. If there are less than~~  
26 ~~two persons for each audited precinct available to participate on behalf~~  
27 ~~of each recognized political party, the recorder or officer in charge of~~  
28 ~~elections, with the approval of at least two county party chairpersons in~~  
29 ~~the county in which the shortfall occurs, shall substitute additional~~  
30 ~~individual electors who are provided by any political party from anywhere~~  
31 ~~in the state without regard to party designation to conduct the hand~~  
32 ~~count. A county party chairman shall approve only those substitute~~  
33 ~~electors who are provided by the county chairman's political party. The~~  
34 ~~political parties shall provide to the recorder or officer in charge of~~  
35 ~~elections in writing the names of those persons intending to participate~~  
36 ~~in the hand count at the audited precincts not later than 5:00 p.m. on the~~  
37 ~~Tuesday preceding the election. If the total number of board workers~~  
38 ~~provided by all parties is less than four times the number of precincts to~~  
39 ~~be audited, the recorder or officer in charge of elections shall notify~~  
40 ~~the parties of the shortage by 9:00 a.m. on the Wednesday preceding the~~  
41 ~~election. The hand count shall not proceed unless the political parties~~  
42 ~~provide the recorder or officer in charge of elections, in writing, a~~  
43 ~~sufficient number of persons by 5:00 p.m. on the Thursday preceding the~~  
44 ~~election and a sufficient number of persons, pursuant to this paragraph,~~  
45 ~~arrive to perform the hand count. The recorder or officer in charge of~~

1 ~~elections may prohibit persons from participating in the hand count if~~  
2 ~~they are taking actions to disrupt the count or are unable to perform the~~  
3 ~~duties as assigned. For the hand count to proceed, not more than~~  
4 ~~seventy-five percent of the persons performing the hand count shall be~~  
5 ~~from the same political party.~~

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

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

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

39 ~~9. If a final hand count is performed for an entire jurisdiction~~  
40 ~~for a race, the final hand count shall be repeated for that race until a~~  
41 ~~hand count for that race for the entire jurisdiction results in a count~~  
42 ~~that is identical to one other hand count for that race for the entire~~  
43 ~~jurisdiction and that hand count constitutes the official count for that~~  
44 ~~race.~~

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

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

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

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

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

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

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

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

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

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

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

1           Sec. 22. Section 16-621, Arizona Revised Statutes, is amended to  
2 read:

3           16-621. Proceedings at the counting center: video recording

4           A. All proceedings at the counting center shall be under the  
5 direction of the board of supervisors or other officer in charge of  
6 elections and shall be conducted in accordance with the approved  
7 instructions and procedures manual issued pursuant to section 16-452 under  
8 the observation of representatives of each political party, **PERSONS**  
9 **WITHOUT A POLITICAL PARTY AFFILIATION** and the public. The proceedings at  
10 the counting center may also be observed by up to three additional people  
11 representing a candidate for nonpartisan office, or representing a  
12 political committee in support of or in opposition to a ballot measure,  
13 proposition or question. A draw by lot shall determine which three groups  
14 or candidates shall have representatives participate in the observation at  
15 the counting center. Persons representing a candidate for nonpartisan  
16 office or persons or groups representing a political committee in support  
17 of or in opposition to a ballot measure, proposition or question, who are  
18 interested in participating in the observation, shall notify the officer  
19 in charge of elections of their desire to be included in the draw not  
20 later than seventeen days before the election. After the deadline to  
21 receive submissions from the interested persons or groups, but prior to  
22 fourteen days before the election, the county officer in charge of  
23 elections shall draw by lot, from the list of those that expressed  
24 interest, three persons or groups and those selected shall be notified and  
25 allowed to observe the proceedings at the counting center. If a group is  
26 selected the group may alter who represents that group for different days  
27 of observation but on any given observation day a selected group shall not  
28 send more than one observer. A group may rotate an observer throughout  
29 the day. Only those persons who are authorized for the purpose shall  
30 touch any ballot or ballot card or return. All persons who are engaged in  
31 processing and counting of the ballots shall be qualified electors, shall  
32 be deputized in writing and shall take an oath that they will faithfully  
33 perform their assigned duties. There shall be no preferential counting of  
34 ballots for the purpose of projecting the outcome of the election. **THE**  
35 **BOARD OF SUPERVISORS OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL NOT**  
36 **ALLOW THE USE OF ELECTRONIC OR OTHER TABULATING EQUIPMENT AND ALL COUNTING**  
37 **SHALL BE DONE BY HAND. BALLOTS SHALL BE ORGANIZED AND REMAIN SEGREGATED**  
38 **BY PRECINCT, BOTH BEFORE AND AFTER COUNTING.** ~~if any ballot, including any~~  
39 ~~ballot received from early voting, is damaged or defective so that it~~  
40 ~~cannot properly be counted by the automatic tabulating equipment, a true~~  
41 ~~duplicate copy shall be made of the damaged or defective ballot in the~~  
42 ~~presence of witnesses and substituted for the damaged or defective ballot.~~  
43 ~~All duplicate ballots created pursuant to this subsection shall be clearly~~  
44 ~~labeled "duplicate" and shall bear a serial number that shall be recorded~~  
45 ~~on the damaged or defective ballot.~~

1 ~~B. If the counting center automatic tabulating equipment includes~~  
2 ~~an electronic vote adjudication feature that has been certified for use as~~  
3 ~~prescribed by section 16-442 and the board of supervisors or officer in~~  
4 ~~charge of elections authorizes the use of this feature at the counting~~  
5 ~~center, all of the following apply:~~

6 ~~1. The electronic vote adjudication feature shall be included in~~  
7 ~~the tabulation system logic and accuracy testing prescribed by section~~  
8 ~~16-449.~~

9 ~~2. The board of supervisors or officer in charge of elections shall~~  
10 ~~appoint an electronic vote adjudication board that consists of two judges~~  
11 ~~who are overseen by an inspector, with the two judges equally divided~~  
12 ~~between the two largest political parties as prescribed by section 16-531,~~  
13 ~~subsection D to adjudicate and submit for tabulation a ballot that is read~~  
14 ~~by the tabulation machine as blank in order to determine if voter intent~~  
15 ~~is clear on a portion or all of the ballot, or any portion of any ballot~~  
16 ~~as prescribed by section 16-610 or 16-611, or to tally write-in choices as~~  
17 ~~prescribed by section 16-612.~~

18 ~~3. The electronic vote adjudication process used by the electronic~~  
19 ~~vote adjudication board shall provide for:~~

20 ~~(a) A method to track and account for the original ballot and the~~  
21 ~~digital duplicate of the ballot created by the electronic vote~~  
22 ~~adjudication feature that includes a serial number on the digital image~~  
23 ~~that can be used to track electronic vote adjudication board actions.~~

24 ~~(b) The creation and retention of comprehensive logs of all digital~~  
25 ~~duplication and adjudication actions performed by an electronic vote~~  
26 ~~adjudication board.~~

27 ~~(c) The retention of the original ballot and the digital duplicate~~  
28 ~~of the ballot.~~

29 ~~C. If for any reason it becomes impracticable to count all or a~~  
30 ~~part of the ballots with tabulating equipment, the officer in charge of~~  
31 ~~elections may direct that they be counted manually, following as far as~~  
32 ~~practicable the provisions governing the counting of paper ballots.~~

33 ~~D.~~ B. For any statewide, county or legislative election, the  
34 county recorder or officer in charge of elections shall provide for a live  
35 video recording of the custody of all ballots while the ballots are  
36 present in a tabulation room in the counting center. The live video  
37 recording shall include date and time indicators and shall be linked to  
38 the secretary of state's website. The secretary of state shall post links  
39 to the video coverage for viewing by the public. The county recorder or  
40 officer in charge of elections shall record the video coverage of the  
41 ballots at the counting center and shall retain those recordings as a  
42 public record for at least as long as the challenge period for the general  
43 election. If the live video feed is disrupted or disabled, the recorder  
44 or officer in charge of elections is not liable for the disruption but  
45 shall attempt to reinstate video coverage as soon as is practicable. Any



1 disruption in video coverage shall not affect or prevent the continued  
2 tabulation of ballots. This subsection is contingent on legislative  
3 appropriation.

4 ~~E.~~ C. The county recorder or other officer in charge of elections  
5 shall maintain records that record the chain of custody for all election  
6 equipment and ballots during early voting through the completion of  
7 provisional voting tabulation.

8 Sec. 23. Section 16-663, Arizona Revised Statutes, is amended to  
9 read:

10 16-663. Recount of votes

11 ~~A.~~ The superior court to which the facts requiring a recount are  
12 certified shall ~~forthwith~~ PROMPTLY make and enter an order requiring a  
13 recount of the votes cast for such office, measure or proposal. The  
14 recount shall be conducted in accordance with the laws pertaining to  
15 contests of elections.

16 ~~B. When the court orders a recount of votes which were cast and~~  
17 ~~tabulated on electronic voting equipment, such recount shall be pursuant~~  
18 ~~to section 16-664. On completion of the recount, and for legislative,~~  
19 ~~statewide and federal candidate races only, the county chairmen of the~~  
20 ~~political parties entitled to continued representation on the ballot or~~  
21 ~~the chairman's designee shall select at random without the use of a~~  
22 ~~computer five per cent of the precincts for the recounted race for a hand~~  
23 ~~count, and if the results of that hand count when compared to the~~  
24 ~~electronic tabulation of that same race are less than the designated~~  
25 ~~margins calculated pursuant to section 16-602, the recount is complete and~~  
26 ~~the electronic tabulation is the official result. If the hand count~~  
27 ~~results in a difference that is equal to or greater than the designated~~  
28 ~~margin for that race, the procedure established in section 16-602,~~  
29 ~~subsections C, D, E and F applies.~~

30 Sec. 24. Repeal

31 Section 16-664, Arizona Revised Statutes, is repealed.

32 Sec. 25. Section 16-1011, Arizona Revised Statutes, is amended to  
33 read:

34 16-1011. Counterfeiting election returns; violation;  
35 classification

36 A. A person who knowingly forges or counterfeits returns of an  
37 election purporting to have been held at a precinct or place where no  
38 election was in fact held, or who knowingly substitutes, forges or  
39 counterfeits returns of election instead of the true returns for a  
40 precinct or place where an election was actually held, is guilty of a  
41 class 3 felony.

42 B. A person who knowingly substitutes, forges, counterfeits or  
43 tampers with ballot tabulations or totals or election results by  
44 electronic means or through the use of a computer, machine or other device  
45 is guilty of a class 3 felony. This subsection does not apply to the

1 casting or tallying of ballots as provided by law or to the substitution  
2 or duplication of ballots as prescribed by sections 16-573, ~~AND~~ 16-574  
3 ~~and 16-621.~~

4 C. Notwithstanding sections 13-907 and 13-908, a person who is  
5 convicted under this section shall not be automatically restored the right  
6 to vote.

7 Sec. 26. Section 16-1017, Arizona Revised Statutes, is amended to  
8 read:

9 16-1017. Unlawful acts by voters with respect to voting;  
10 classification

11 A voter who knowingly commits any of the following acts is guilty of  
12 a class 2 misdemeanor:

13 1. Makes a false statement as to the voter's inability to mark a  
14 ballot.

15 2. Interferes with a voter within the seventy-five foot limit of  
16 the polling place as posted by the election marshal ~~or within seventy-five~~  
17 ~~feet of the main outside entrance to an on-site early voting location~~  
18 ~~established by a county recorder pursuant to section 16-542, subsection A.~~

19 3. Endeavors while within the seventy-five foot limit for a polling  
20 place ~~or on-site early voting location~~ to induce a voter to vote for or  
21 against a particular candidate or issue.

22 4. ~~Prior to~~ BEFORE the close of an election defaces or destroys a  
23 sample ballot posted by election officers, or defaces, tears down, removes  
24 or destroys a card of instructions posted for the instruction of voters.

25 5. Removes or destroys supplies or conveniences furnished to enable  
26 a voter to prepare the voter's ballot.

27 6. Hinders the voting of others.

28 7. Votes in a county in which the voter no longer resides, except  
29 as provided in section 16-125.

30 Sec. 27. Section 16-1018, Arizona Revised Statutes, is amended to  
31 read:

32 16-1018. Additional unlawful acts by persons with respect to  
33 voting; classification

34 A person who commits any of the following acts is guilty of a class  
35 2 misdemeanor:

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

40 2. Intentionally disables or removes from the polling place,  
41 ~~on-site early voting location~~ or custody of an election official a voting  
42 machine or a voting record.

43 3. Knowingly removes an official ballot from a polling place before  
44 closing the polls.

1           4. Shows another voter's ballot to any person after it is prepared  
2 for voting in such a manner as to reveal the contents, except to an  
3 authorized person lawfully assisting the voter. A voter who makes  
4 available an image of the voter's own ballot by posting on the internet or  
5 in some other electronic medium is deemed to have consented to  
6 retransmittal of that image and that retransmittal does not constitute a  
7 violation of this section.

8           5. Knowingly solicits a voter to show the voter's ballot, or  
9 receives from a voter a ballot prepared for voting, unless the person is  
10 an election official or unless otherwise authorized by law.

11           6. Knowingly receives an official ballot from a person other than  
12 an election official having charge of the ballots.

13           7. Knowingly delivers an official ballot to a voter, unless the  
14 voter is an election official.

15           8. Except for a completed ballot transmitted by an elector by fax  
16 or other electronic format pursuant to section 16-543, knowingly places a  
17 mark on the voter's ballot by which it can be identified as the one voted  
18 by the voter.

19           9. After having received a ballot as a voter, knowingly fails to  
20 return the ballot to the election official before leaving the polling  
21 place or on-site early voting location.

22           Sec. 28. Effective date

23           This act is effective from and after December 31, 2022.