

REFERENCE TITLE: voting machines; hardware; software; access

State of Arizona
Senate
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SB 1457

Introduced by

Senators Borrelli: Barto, Fann, Gowan, Gray, Kerr, Leach, Livingston,
Petersen, Rogers, Shope, Townsend; Representatives Barton, Biasiucci,
Chaplik, Fillmore, Finchem, Hoffman, Kaiser, Parker, Payne, Wilmeth

AN ACT

AMENDING SECTION 16-442, ARIZONA REVISED STATUTES; RELATING TO THE CONDUCT
OF ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-442, Arizona Revised Statutes, is amended to
3 read:

4 16-442. Committee approval; adoption of vote tabulating
5 equipment; experimental use; emergency

6 A. The secretary of state shall appoint a committee of three
7 persons, to consist of a member of the engineering college at one of the
8 universities, a member of the state bar of Arizona and one person familiar
9 with voting processes in the state, ~~no~~ NOT more than two of whom shall be
10 of the same political party, ~~and~~ at least one of whom shall have at least
11 five years of experience with and shall be able to render an opinion based
12 on knowledge of, training in or education in electronic voting systems,
13 procedures and security. The committee shall investigate and test the
14 various types of vote recording or tabulating machines or devices that may
15 be used under this article. The committee shall submit its
16 recommendations to the secretary of state who shall make final adoption of
17 the type or types, make or makes, model or models to be certified for use
18 in this state. The committee shall serve without compensation.

19 B. Machines or devices used at any election for federal, state or
20 county offices may only be certified for use in this state and may only be
21 used in this state if they comply with the help America vote act of 2002
22 and if those machines or devices have been tested and approved by a
23 laboratory that is accredited pursuant to the help America vote act of
24 2002.

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

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

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

42 2. The person or firm uses or includes hardware, firmware or
43 software in a version that is not certified for use or approved for
44 experimental use pursuant to this section in a certified voting system or
45 device.

1 E. The governing body of a city or town or the board of directors
2 of an agricultural improvement district may adopt for use in elections any
3 kind of electronic voting system or vote tabulating device approved by the
4 secretary of state, and thereupon the voting or marking device and vote
5 tabulating equipment may be used at any or all elections for voting,
6 recording and counting votes cast at an election.

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

11 G. THE SECRETARY OF STATE SHALL ENSURE THAT VOTE RECORDING AND VOTE
12 TABULATING MACHINES AND DEVICES APPROVED FOR USE PURSUANT TO THIS SECTION:

13 1. HAVE ALL OPERATING SYSTEMS AND SOFTWARE CONFIGURED TO THE
14 APPROPRIATE LEVEL OF SECURITY CONSISTENT WITH BEST PRACTICES IN STANDARDS
15 ISSUED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY CYBERSECURITY
16 AND INFRASTRUCTURE SECURITY AGENCY.

17 2. NOT HAVE HARDWARE INSTALLED THAT SUPPORTS INTERNET CONNECTIVITY
18 OR ANY OTHER FORM OF REMOTE ACCESS OR SOFTWARE THAT ALLOWS ANY CHANGE TO
19 RESULTS IN FILES OR A DATABASE.

20 3. SUPPORT THE USAGE AND TRACKING OF USERS BASED ON UNIQUE
21 CREDENTIALS THAT ARE CHANGED AT LEAST ONCE PER ELECTION CYCLE FOR EACH
22 USER.

23 4. LOG ANY DELETIONS OF BALLOT IMAGES, WINDOWS EVENT LOGS AND
24 RESULTS FILES. THE SYSTEM ALSO SHALL MAINTAIN ELECTION SOFTWARE LOGS.

25 5. MAINTAIN FOR TWENTY-TWO MONTHS AS ELECTION DATA THE DATA
26 PRESCRIBED IN PARAGRAPHS 3 AND 4 OF THIS SUBSECTION.

27 ~~G.~~ H. After consultation with the committee prescribed by
28 subsection A of this section, the secretary of state may approve for
29 emergency use an upgrade or modification to a voting system or device that
30 is certified for use in this state if the governing body establishes in an
31 open meeting that the election cannot be conducted without the emergency
32 certification. Any emergency certification shall be limited to ~~π~~ NOT
33 more than six months. At the conclusion of the certification period the
34 voting system or device shall be decertified and unavailable for future
35 use unless certified in accordance with this section.