

Senate Engrossed

registration; verification; images; audits; boxes

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SENATE BILL 1629

AN ACT

AMENDING SECTIONS 16-134, 16-140, 16-166, 16-407, 16-602, 16-625 AND 41-1278, ARIZONA REVISED STATUTES; REPEALING SECTION 41-1279.03, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2021, CHAPTER 405, SECTION 25; AMENDING SECTION 41-1279.03, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 3, SECTION 11; AMENDING SECTION 41-1279.04, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 7, ARTICLE 10.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1279.08; REPEALING SECTION 41-1279.08, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; 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 16-134, Arizona Revised Statutes, is amended to
3 read:

4 16-134. Return of registrations made outside office of county
5 recorder; incomplete or illegible forms

6 A. A county recorder shall authorize persons to accept registration
7 forms, shall designate places for receipt of registration forms and shall
8 designate additional locations for distribution of voter registration
9 forms. Public assistance agencies and disabilities agencies as defined in
10 section 16-140 shall return or mail completed voter registrations to the
11 county recorder of the county in which the applicant resides within five
12 days after receipt of those registrations.

13 B. If the information on the registration form is incomplete or
14 illegible and the county recorder is not able to process the registration
15 form, the county recorder shall notify the applicant within ten business
16 days of receipt of the registration form, shall specify the missing or
17 illegible information and, if the missing or illegible information
18 includes any of the information prescribed by section 16-121.01,
19 subsection A, shall state that the registration cannot be completed until
20 the information is supplied. If the missing or illegible information is
21 supplied before 7:00 p.m. on election day, that person is deemed to have
22 been registered on the date the registration was first received.

23 C. ADDITIONAL VOTER REGISTRATION VOLUNTEERS AND THOSE PAID AND
24 UNPAID VOTER REGISTRATION COLLECTORS WHO RECEIVE VOTER REGISTRATION FORMS
25 PURSUANT TO SECTION 16-131, SUBSECTION E SHALL RETURN OR MAIL COMPLETED
26 VOTER REGISTRATIONS TO THE COUNTY RECORDER OF THE COUNTY IN WHICH THE
27 APPLICANT RESIDES, TO THE SECRETARY OF STATE OR TO THE COUNTY RECORDER WHO
28 PROVIDED THE VOTER REGISTRATION FORMS WITHIN FIVE DAYS AFTER RECEIVING
29 THOSE REGISTRATIONS OR SHALL RETURN THOSE REGISTRATIONS TO THE APPROPRIATE
30 COUNTY RECORDER SO THAT THEY ARE RECEIVED ON OR BEFORE THE VOTER
31 REGISTRATION DEADLINE FOR THE NEXT UPCOMING ELECTION, WHICHEVER IS
32 EARLIER.

33 ~~C.~~ D. In the case of registration by mail, a voter registration is
34 valid for an election if it complies with either of the following:

35 1. The form is postmarked twenty-nine days or more before an
36 election and is received by the county recorder by 7:00 p.m. on the day of
37 that election.

38 2. The registration is dated twenty-nine days or more before an
39 election and is received by the county recorder by first class mail within
40 five days after the last day to register to vote in that election.

41 ~~D.~~ E. The date of registration entered for registration forms that
42 are received by the county recorder from persons, groups or agencies that
43 are not authorized to accept registrations pursuant to subsection A of
44 this section and that do not bear a legible postmark date or an otherwise

1 reliable date shall be the date that those forms are received by the
2 county recorder.

3 Sec. 2. Section 16-140, Arizona Revised Statutes, is amended to
4 read:

5 16-140. Voter registration assistance agencies; registration
6 collectors; definitions

7 A. All public assistance agencies and disabilities agencies in this
8 state shall provide the opportunity to register to vote for those persons
9 who apply for benefits or appear at the agency to renew, recertify or
10 change address information. The voter registration form shall be
11 accompanied by a statement form that includes substantially the following:

12 1. The statement "If you are not registered to vote where you live
13 now, would you like to apply to register to vote here today?

14 { } Yes { } No

15 If you do not check either box, you will be considered to have decided not
16 to register to vote at this time."

17 2. If the agency provides public assistance, the statement
18 "Applying to register or declining to register to vote will not affect the
19 amount of assistance that you will be provided by this agency."

20 3. The statement "If you would like help in filling out the voter
21 registration application form, we will help you. The decision to seek or
22 accept help is yours. You may fill out the application form in private."

23 4. The statement "If you believe that someone has interfered with
24 your right to register or to decline to register to vote, or your right to
25 choose your own political party or other political preference, you may
26 file a complaint with the secretary of state." This statement shall be
27 followed by the name, address and telephone number of the secretary of
28 state.

29 B. Each public assistance agency or disabilities agency shall
30 provide to each person who applies for that agency's services the same
31 degree of assistance for voter registration that it provides for the
32 completion of the agency's own forms, unless that person refuses
33 assistance. Each public assistance or disabilities agency shall accept
34 completed registration forms from persons who receive a registration form
35 from that office.

36 C. If a person indicates "no" or fails to indicate either "yes" or
37 "no" on the form prescribed by subsection A **OF THIS SECTION**, the form
38 shall be deemed to indicate a declination to register to vote. All
39 declination forms shall be preserved as a confidential record and shall be
40 forwarded periodically to the Arizona state library, archives and public
41 records for retention for two years. Declination forms are exempt from
42 title 39, chapter 1 and may be disclosed only for voter registration
43 purposes.

1 D. Voter registration information that is generated pursuant to
2 this section and that is public information as otherwise provided by law
3 shall not provide any public indication of the source of these
4 registrations. Registration forms may bear a unique, coded marking that
5 does not publicly or readily disclose the voter registration agency or
6 additional voter registration volunteer that was the source of the
7 registration. The coded markings for a form may be translated or
8 otherwise read only by election officials and only for purposes permitted
9 by the national voter registration act of 1993 (P.L. 103-31; 107 Stat. 77;
10 ~~42~~ 52 United States Code section ~~394~~ 20506).

11 E. A county recorder may designate additional voter registration
12 volunteers. These additional voter registration volunteers may provide
13 state mail in registration forms to persons who wish to register to vote.

14 F. ADDITIONAL VOTER REGISTRATION VOLUNTEERS AND THOSE PAID OR
15 UNPAID VOTER REGISTRATION COLLECTORS WHO RECEIVE VOTER REGISTRATION FORMS
16 PURSUANT TO SECTION 16-131, SUBSECTION E MAY BE REQUIRED TO REGISTER WITH
17 THE SECRETARY OF STATE PURSUANT TO SUBSECTION G OF THIS SECTION.

18 G. A PERSON WHO COLLECTS WITHOUT PAY MORE THAN TWENTY-FIVE
19 COMPLETED VOTER REGISTRATION FORMS WITHIN A CALENDAR YEAR AND A PERSON WHO
20 COLLECTS ONE OR MORE COMPLETED VOTER REGISTRATION FORMS FOR PAY SHALL
21 REGISTER WITH THE SECRETARY OF STATE BEFORE SOLICITING, ASSISTING WITH OR
22 COLLECTING VOTER REGISTRATION FORMS IN THIS STATE. THE SECRETARY OF STATE
23 SHALL ESTABLISH IN THE INSTRUCTIONS AND PROCEDURES MANUAL ISSUED PURSUANT
24 TO SECTION 16-452 A PROCEDURE FOR REGISTERING PAID OR UNPAID VOTER
25 REGISTRATION COLLECTORS, INCLUDING REGISTRATION APPLICATIONS, AND SHALL
26 PUBLISH ON A WEBSITE MAINTAINED BY THE SECRETARY OF STATE ALL INFORMATION
27 THAT IS REQUIRED BY THIS SUBSECTION.

28 H. THE REGISTRATION APPLICATION PRESCRIBED IN SUBSECTION G OF THIS
29 SECTION MUST REQUIRE THE FOLLOWING:

30 1. THE PERSON'S FULL NAME, RESIDENCE ADDRESS, TELEPHONE NUMBER AND
31 EMAIL ADDRESS.

32 2. THE NAME, ADDRESS AND TELEPHONE NUMBER OF ANY ENTITY OR
33 ORGANIZATION FOR WHICH THE PERSON IS VOLUNTEERING OR BY WHOM THE PERSON IS
34 PAID.

35 3. A STATEMENT THAT THE PERSON CONSENTS TO THE JURISDICTION OF THE
36 COURTS OF THIS STATE IN RESOLVING ANY DISPUTES CONCERNING ASSISTING IN,
37 SOLICITING OR COLLECTING VOTER REGISTRATIONS.

38 4. AN AFFIDAVIT FROM THE PERSON THAT IS SIGNED BEFORE A NOTARY
39 PUBLIC AND THAT INCLUDES THE FOLLOWING DECLARATION:

40 I, (PRINT NAME), HEREBY STATE THAT ALL OF THE
41 INFORMATION PROVIDED IS CORRECT TO THE BEST OF MY KNOWLEDGE.

42 I. THE SECRETARY OF STATE'S OFFICE SHALL ASSIGN A UNIQUE IDENTIFIER
43 TO EACH PERSON WHO REGISTERS AS AN UNPAID VOTER REGISTRATION COLLECTOR OR
44 AS A PAID VOTER REGISTRATION COLLECTOR, WHICH THAT PERSON MUST PLACE ON

1 ANY VOTER REGISTRATION FORM THAT THE PERSON SOLICITS, ASSISTS WITH OR
2 COLLECTS.

3 ~~F. J. For THE purposes of this section, unless the context~~
4 ~~otherwise requires:~~

5 1. "Additional voter registration volunteer" means a person, group
6 or entity that is not a public assistance or disabilities agency and that
7 is designated by a county recorder as another voter registration provider
8 pursuant to section 7(a)(3)(A) of the national voter registration act of
9 1993 (P.L. 103-31; 107 Stat. 77; ~~42~~ 52 United States Code section ~~394~~
10 20506) and may include governmental, nonprofit or other private
11 organizations.

12 2. "Disabilities agency" means all offices of an agency in this
13 state that provide state funded programs primarily engaged in providing
14 services to persons with disabilities.

15 3. "Public assistance agency" means all offices of an agency in
16 this state that provide public assistance.

17 Sec. 3. Section 16-166, Arizona Revised Statutes, is amended to
18 read:

19 16-166. Verification of registration

20 A. Except for the mailing of sample ballots, a county recorder who
21 mails an item to any elector shall send the mailing by nonforwardable
22 first class mail marked with the statement required by the postmaster to
23 receive an address correction notification. If the item is returned
24 undelivered, the county recorder shall send a follow-up notice to that
25 elector within three weeks of receipt of the returned notice. The county
26 recorder shall send the follow-up notice to the address that appears in
27 the general county register or to the forwarding address provided by the
28 United States postal service. The follow-up notice shall include an
29 appropriate internet address for revising voter registration information
30 or a registration form and the information prescribed by section 16-131,
31 subsection C and shall state that if the elector does not complete and
32 return a new registration form with current information to the county
33 recorder or make changes to the elector's voter registration information
34 that is maintained online within thirty-five days, the elector's
35 registration status shall be changed from active to inactive. IF THE
36 UNITED STATES POSTAL SERVICE DESIGNATES THE ELECTOR AS HAVING A:

37 1. PERMANENT FORWARDING ADDRESS AND PROVIDES TO THE COUNTY RECORDER
38 THE PERMANENT ADDRESS FOR THE VOTER WITHIN TWENTY DAYS BEFORE THE DATE OF
39 THE ELECTION, THE COUNTY RECORDER MAY SEND NOTICE TO THE ELECTOR AT THAT
40 FORWARDING ADDRESS THAT VOTING MATERIALS CANNOT BE FORWARDED TO THAT
41 ADDRESS AND IF THE ELECTOR WISHES TO RECEIVE VOTING MATERIALS AT THAT
42 PERMANENT FORWARDING ADDRESS, THE ELECTOR MUST UPDATE THE ELECTOR'S
43 INFORMATION AND REREGISTER AT THE NEW ADDRESS.

1 2. TEMPORARY FORWARDING ADDRESS AND PROVIDES TO THE COUNTY RECORDER
2 THE TEMPORARY ADDRESS FOR THE VOTER WITHIN TWENTY DAYS BEFORE THE DATE OF
3 THE ELECTION, THE COUNTY RECORDER MAY SEND NOTICE TO THE ELECTOR AT THAT
4 FORWARDING ADDRESS THAT VOTING MATERIALS CANNOT BE FORWARDED TO THAT
5 ADDRESS UNLESS THE VOTER MAKES A REQUEST PURSUANT TO SECTION 16-542.

6 B. If the elector provides the county recorder with a new
7 registration form or otherwise revises the elector's information, the
8 county recorder shall change the general register to reflect the changes
9 indicated on the new registration. If the elector indicates a new
10 residence address outside that county, the county recorder shall forward
11 the voter registration form or revised information to the county recorder
12 of the county in which the elector's address is located. If the elector
13 provides a new residence address that is located outside this state, the
14 county recorder shall cancel the elector's registration.

15 C. The county recorder shall maintain on the inactive voter list
16 the names of electors who have been removed from the general register
17 pursuant to subsection A or E of this section for a period of four years
18 or through the date of the second general election for federal office
19 following the date of the notice from the county recorder that is sent
20 pursuant to subsection E of this section.

21 D. On notice that a government agency has changed the name of any
22 street, route number, post office box number or other address designation,
23 the county recorder shall revise the registration records and shall send a
24 new verification of registration notice to the electors whose records were
25 changed.

26 E. EXCEPT FOR MONTHS IN WHICH THE COUNTY RECORDER CONDUCTS AN
27 ELECTION, ON THE FIRST DAY OF EACH MONTH, the county recorder ~~on or before~~
28 ~~May 1 of each year preceding a state primary and general election or more~~
29 ~~frequently as the recorder deems necessary may~~ SHALL use the change of
30 address information supplied by the postal service through its licensees
31 to identify registrants whose addresses may have changed. If it appears
32 from information provided by the postal service that a registrant has
33 moved to a different residence address in the same county, the county
34 recorder shall change the registration records to reflect the new address
35 and shall send the registrant a notice of the change by forwardable mail
36 and a postage prepaid preaddressed return form or an appropriate internet
37 address for revising voter registration information by which the
38 registrant may verify or correct the registration information. If the
39 registrant fails to revise the information or return the form postmarked
40 not later than thirty-five days after the mailing of the notice, the
41 elector's registration status shall be changed from active to inactive.
42 If the notice sent by the recorder is not returned, the registrant ~~may~~
43 SHALL be required to provide affirmation or confirmation of the
44 registrant's address in order to vote. If the registrant does not vote in
45 an election during the period after the date of the notice from the

1 recorder through the date of the second general election for federal
2 office following the date of that notice, the registrant's name shall be
3 removed from the list of inactive voters. If the registrant has changed
4 residence to a new county, the county recorder shall provide information
5 on how the registrant can continue to be eligible to vote.

6 F. The county recorder shall reject any application for
7 registration that is not accompanied by satisfactory evidence of United
8 States citizenship. Satisfactory evidence of citizenship shall include
9 any of the following:

10 1. The number of the applicant's driver license or nonoperating
11 identification license issued after October 1, 1996 by the department of
12 transportation or the equivalent governmental agency of another state
13 within the United States if the agency indicates on the applicant's driver
14 license or nonoperating identification license that the person has
15 provided satisfactory proof of United States citizenship.

16 2. A legible photocopy of the applicant's birth certificate that
17 verifies citizenship to the satisfaction of the county recorder.

18 3. A legible photocopy of pertinent pages of the applicant's United
19 States passport identifying the applicant and the applicant's passport
20 number or presentation to the county recorder of the applicant's United
21 States passport.

22 4. A presentation to the county recorder of the applicant's United
23 States naturalization documents or the number of the certificate of
24 naturalization. If only the number of the certificate of naturalization
25 is provided, the applicant shall not be included in the registration rolls
26 until the number of the certificate of naturalization is verified with the
27 United States immigration and naturalization service by the county
28 recorder.

29 5. Other documents or methods of proof that are established
30 pursuant to the immigration reform and control act of 1986.

31 6. The applicant's bureau of Indian affairs card number, tribal
32 treaty card number or tribal enrollment number.

33 G. Notwithstanding subsection F of this section, any person who is
34 registered in this state on the effective date of this amendment to this
35 section is deemed to have provided satisfactory evidence of citizenship
36 and shall not be required to resubmit evidence of citizenship unless the
37 person is changing voter registration from one county to another.

38 H. For the purposes of this section, proof of voter registration
39 from another state or county is not satisfactory evidence of citizenship.

40 I. A person who modifies voter registration records with a new
41 residence ballot shall not be required to submit evidence of citizenship.
42 After citizenship has been demonstrated to the county recorder, the person
43 is not required to resubmit satisfactory evidence of citizenship in that
44 county.

1 J. After a person has submitted satisfactory evidence of
2 citizenship, the county recorder shall indicate this information in the
3 person's permanent voter file. After two years the county recorder may
4 destroy all documents that were submitted as evidence of citizenship.

5 Sec. 4. Section 16-407, Arizona Revised Statutes, is amended to
6 read:

7 16-407. Election officers; qualifications; certificates;
8 certification programs; plan; exemption; election
9 training fund

10 A. Except as provided in subsection E of this section, a person may
11 not perform the duties or exercise the authority of an election officer or
12 of the clerk of the board of supervisors or the county recorder in
13 performance of election duties in or on behalf of any county unless the
14 person is the holder of an election officer's certificate issued by the
15 secretary of state before January 1 of each general election year.

16 B. The secretary of state shall provide for the examination of
17 applicants for election officer certificates. The secretary of state may
18 not issue a certificate to a person who has not demonstrated to the
19 satisfaction of the secretary of state that the person is competent to
20 perform the work of an election officer or of the clerk of the board of
21 supervisors or the county recorder in the performance of election duties.

22 C. The secretary of state shall provide for election officer
23 certification programs of which successful completion by a person attests
24 to the attendance at, participation in and completion of a course of
25 instruction in the technical, legal and administrative aspects of
26 conducting elections within this state.

27 D. On or before December 31 of each year of a general election, the
28 secretary of state shall submit an election officer education, training
29 and certification plan to the president of the senate and the speaker of
30 the house of representatives. The plan shall outline the achievements and
31 problems of the previous two year period and specify the expected
32 education, training and certification activities of the coming two year
33 period.

34 E. Subsection A of this section does not apply to elected
35 officials, clerical and secretarial personnel, counting center personnel
36 and precinct election board members and election officials in cities or
37 towns.

38 F. For city and town employees who work on elections, the city or
39 town may train its own employees if the city or town training program is
40 approved by the secretary of state or, if the city or town chooses to
41 enroll the city or town employees in the certification program prescribed
42 by this section, the city or town shall reimburse the secretary of state
43 for the costs of conducting the training. An election training fund is
44 established consisting of monies received pursuant to this subsection.
45 The secretary of state shall administer the fund. Monies in the fund are

1 continuously appropriated and the secretary of state shall use monies in
2 the fund to pay the costs of training officials from cities and towns
3 pursuant to this subsection.

4 G. AS A SEPARATE COURSE OF INSTRUCTION FOR ELECTION OFFICERS WHO
5 PERFORM DUTIES IN THE OFFICE OF THE COUNTY RECORDER, THE CLERK OF THE
6 BOARD OF SUPERVISORS OR PERSONS WHO ARE OTHERWISE EMPLOYED BY AN OFFICER
7 IN CHARGE OF ELECTIONS AND WHOSE DUTIES INCLUDE VERIFYING SIGNATURES ON
8 EARLY BALLOTS, THE SECRETARY OF STATE SHALL ESTABLISH AND ADMINISTER
9 TRAINING OR CREATE A TRAINING MODULE FOR SIGNATURE VERIFICATION THAT IS
10 BASED ON THE HANDWRITING VERIFICATION GUIDELINES ESTABLISHED BY THE
11 FEDERAL BUREAU OF INVESTIGATION AND A TEST ON THAT TRAINING. THE SEPARATE
12 COURSE OF INSTRUCTION MAY BE PROVIDED AS PART OF THE TRAINING FOR THE
13 ELECTION OFFICER'S CERTIFICATE PRESCRIBED IN SUBSECTION A OF THIS SECTION.

14 Sec. 5. Section 16-602, Arizona Revised Statutes, is amended to
15 read:

16 16-602. Removal of ballots from ballot boxes; designated
17 margin; hand counts; vote count verification
18 committee

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

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

42 1. At least two percent of the precincts in that county, or two
43 precincts, whichever is greater, shall be selected at random from a pool
44 consisting of every precinct in that county. The county political party
45 chairman for each political party that is entitled to continued

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

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

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

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

26 (c) One contested race for federal office, either United States
27 senate or United States house of representatives. If the United States
28 house of representatives race is selected, the names of the candidates may
29 vary among the sampled precincts.

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

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

40 (f) If there are no contested races as prescribed by this
41 paragraph, a hand count shall not be conducted for that precinct for that
42 election.

43 3. For the presidential preference election, select by lot two
44 percent of the polling places designated and used pursuant to section
45 16-248 and perform the hand count of those ballots.

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

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

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

10 7. The county chairman of each political party shall designate and
11 provide the number of election board members as designated by the county
12 officer in charge of elections who shall perform the hand count under the
13 supervision of the county officer in charge of elections. For each
14 precinct that is to be audited, the county chairmen shall designate at
15 least two board workers who are registered members of any or no political
16 party to assist with the audit. Any qualified elector from this state may
17 be a board worker without regard to party designation. The county
18 election officer shall provide for compensation for those board workers,
19 not to include travel, meal or lodging expenses. If there are less than
20 two persons for each audited precinct available to participate on behalf
21 of each recognized political party, the recorder or officer in charge of
22 elections, with the approval of at least two county party chairpersons in
23 the county in which the shortfall occurs, shall substitute additional
24 individual electors who are provided by any political party from anywhere
25 in the state without regard to party designation to conduct the hand
26 count. A county party chairman shall approve only those substitute
27 electors who are provided by the county chairman's political party. The
28 political parties shall provide to the recorder or officer in charge of
29 elections in writing the names of those persons intending to participate
30 in the hand count at the audited precincts not later than 5:00 p.m. on the
31 Tuesday preceding the election. If the total number of board workers
32 provided by all parties is less than four times the number of precincts to
33 be audited, the recorder or officer in charge of elections shall notify
34 the parties of the shortage by 9:00 a.m. on the Wednesday preceding the
35 election. The hand count shall not proceed unless the political parties
36 provide the recorder or officer in charge of elections, in writing, a
37 sufficient number of persons by 5:00 p.m. on the Thursday preceding the
38 election and a sufficient number of persons, pursuant to this paragraph,
39 arrive to perform the hand count OR UNLESS A SUFFICIENT NUMBER OF PERSONS
40 WHO ARE REGISTERED WITH NO POLITICAL PARTY DESIGNATED ARE AVAILABLE AND
41 ARRIVE TO PERFORM THE HAND COUNT. The recorder or officer in charge of
42 elections may prohibit persons from participating in the hand count if
43 they are taking actions to disrupt the count or are unable to perform the
44 duties as assigned. For the hand count to proceed, not more than

1 seventy-five percent of the persons performing the hand count shall be
2 from the same political party.

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

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

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

36 E. If a final hand count is performed for an entire jurisdiction
37 for a race, the final hand count shall be repeated for that race until a
38 hand count for that race for the entire jurisdiction results in a count
39 that is identical to one other hand count for that race for the entire
40 jurisdiction and that hand count constitutes the official count for that
41 race.

42 F. After the electronic tabulation of early ballots and at one or
43 more times selected by the chairman of the political parties entitled to
44 continued representation on the ballot or the chairman's designee, the
45 chairmen or the chairmen's designees shall randomly select one or more

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

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

35 H. Notwithstanding any other law, the county officer in charge of
36 elections shall retain custody of the ballots for purposes of performing
37 any required hand counts and the officer shall provide for security for
38 those ballots.

39 I. The hand counts prescribed by this section shall begin within
40 twenty-four hours after the closing of the polls and shall be completed
41 before the canvassing of the election for that county. The results of
42 those hand counts shall be provided to the secretary of state, who shall
43 make those results publicly available on the secretary of state's website.

44 J. For any county in which a hand count has been expanded to all
45 precincts in the jurisdiction, the secretary of state shall make available

1 the escrowed source code for that county to the superior court. The
2 superior court shall appoint a special master to review the computer
3 software. The special master shall have expertise in software
4 engineering, shall not be affiliated with an election software vendor nor
5 with a candidate, shall sign and be bound by a nondisclosure agreement
6 regarding the source code itself and shall issue a public report to the
7 court and to the secretary of state regarding the special master's
8 findings on the reasons for the discrepancies. The secretary of state
9 shall consider the reports for purposes of reviewing the certification of
10 that equipment and software for use in this state.

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

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

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

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

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

32 5. Members of the vote count verification committee are not
33 eligible to receive compensation but are eligible for reimbursement of
34 expenses pursuant to title 38, chapter 4, article 2. The committee is a
35 public body and its meetings are subject to title 38, chapter 3, article
36 3.1 and its reports and records are subject to title 39, chapter 1.

37 Sec. 6. Section 16-625, Arizona Revised Statutes, is amended to
38 read:

39 16-625. Electronic data and digital images; ballots;
40 security; violation; classification; exemption

41 A. The officer in charge of elections shall **DO THE FOLLOWING:**

42 1. Ensure that electronic data from and electronic or digital
43 images of ballots are ~~protected from physical and electronic access,~~
44 ~~including unauthorized copying or transfer, and that all security measures~~

1 ~~are at least as protective as those prescribed for paper ballots~~ SECURED
2 IN THE COUNTY TREASURER'S FACILITY PURSUANT TO SECTION 16-624.

3 2. FOR ANY PRIMARY, GENERAL OR SPECIAL ELECTION FOR WHICH THERE IS
4 A FEDERAL RACE ON THE BALLOT AND WITHIN FORTY-EIGHT HOURS AFTER DELIVERY
5 OF THE OFFICIAL CANVASS AS PRESCRIBED IN SECTION 16-646, MAKE AVAILABLE TO
6 THE PUBLIC BY WAY OF A CENTRAL DATABASE AN ONLINE DIGITAL COPY OF THE
7 BALLOT IMAGES. THE ONLINE DIGITAL COPIES OF BALLOT IMAGES SHALL:

8 (a) INCLUDE THE COPIES OF THE BALLOTS THAT WERE TABULATED AND THAT
9 CORRESPOND WITH THE FINAL RESULTS THAT ARE INCLUDED IN THE OFFICIAL
10 CANVASS PURSUANT TO SECTION 16-645.

11 (b) BE SEARCHABLE BY PRECINCT.

12 (c) REMAIN AVAILABLE ONLINE FOR TWENTY-FOUR MONTHS.

13 B. THE SECRETARY OF STATE, COUNTY RECORDER OR OTHER OFFICER IN
14 CHARGE OF ELECTIONS IS NOT LIABLE FOR ANY PERSONAL IDENTIFYING
15 INFORMATION, HANDWRITTEN STATEMENTS OR OTHER NOTATIONS MADE OR PROVIDED BY
16 THE VOTER THAT ARE INCLUDED IN THE BALLOT IMAGES.

17 C. ANY PERSON MAY VIEW OR PRINT ONE OR MORE ONLINE DIGITAL COPIES
18 OF BALLOT IMAGES BUT SHALL NOT DESTROY, DEGRADE OR OTHERWISE ALTER AN
19 IMAGE FROM THE DATABASE. A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY
20 OF A CLASS 2 MISDEMEANOR.

21 D. THIS SECTION DOES NOT APPLY TO AN ELECTION HELD BY A SPECIAL
22 TAXING DISTRICT FORMED PURSUANT TO TITLE 48 FOR THE PURPOSE OF PROTECTING
23 OR PROVIDING SERVICES TO AGRICULTURAL LANDS OR CROPS AND THAT IS
24 AUTHORIZED TO CONDUCT ELECTIONS PURSUANT TO TITLE 48.

25 Sec. 7. Section 41-1278, Arizona Revised Statutes, is amended to
26 read:

27 41-1278. Definitions

28 In this article, unless the context otherwise requires:

29 1. "Committee" means the joint legislative audit committee.

30 2. "ELECTION INTEGRITY AUDIT" MEANS AN AUDIT OF LIMITED SCOPE FOR
31 THE PURPOSE OF ENSURING THE ACCURACY AND RELIABILITY OF SPECIFIC ELECTIONS
32 PROCESSES, INCLUDING REVIEW OF PREELECTION AND POSTELECTION ACTIVITIES FOR
33 ELECTIONS CONDUCTED PURSUANT TO TITLE 16 AND EXCLUDING ELECTIONS HELD BY A
34 SPECIAL TAXING DISTRICT THAT IS ESTABLISHED PURSUANT TO TITLE 48 FOR THE
35 PURPOSE OF PROTECTING OR PROVIDING SERVICES TO AGRICULTURAL LANDS OR CROPS
36 AND THAT IS AUTHORIZED TO CONDUCT ELECTIONS PURSUANT TO TITLE 48.

37 ~~2.~~ 3. "Investigation" means an inquiry into specified acts or
38 allegations of impropriety, malfeasance or nonfeasance in the obligation,
39 expenditure, receipt or use of public ~~funds~~ MONIES of this state or into
40 specified financial transactions or practices ~~which~~ THAT may involve such
41 impropriety, malfeasance or nonfeasance.

42 ~~3.~~ 4. "Performance audit" means an audit ~~which~~ THAT determines
43 with regard to the purpose, functions and duties of the audited agency all
44 of the following:

1 (a) Whether the audited agency is managing or ~~utilizing~~ USING its
2 resources, including public ~~funds~~ MONIES of this state, personnel,
3 property, equipment and space, in an economical and efficient manner.

4 (b) Causes of inefficiencies or uneconomical practices, including
5 inadequacies in management information systems, internal and
6 administrative procedures, organizational structure, use of resources,
7 allocation of personnel, purchasing policies and equipment.

8 (c) Whether the desired results are being achieved.

9 (d) Whether objectives established by the legislature or other
10 authorizing body are being met.

11 ~~4.~~ 5. "Special audit" means an audit of limited scope.

12 ~~5.~~ 6. "Special research request" means research and analysis of
13 issues or questions that are designated as a special research request by
14 the committee, but does not include a performance audit, financial audit,
15 compliance audit, procedural review, special audit, investigation or
16 evaluation required by law.

17 ~~6.~~ 7. "State agency" means all departments, agencies, boards,
18 commissions, institutions and instrumentalities of this state.

19 Sec. 8. Repeal

20 Section 41-1279.03, Arizona Revised Statutes, as amended by Laws
21 2021, chapter 405, section 25, is repealed.

22 Sec. 9. Section 41-1279.03, Arizona Revised Statutes, as amended by
23 Laws 2019, chapter 3, section 11, is amended to read:

24 41-1279.03. Powers and duties

25 A. The auditor general shall:

26 1. Prepare an audit plan for approval by the committee and report
27 to the committee the results of each audit and investigation and other
28 reviews conducted by the auditor general.

29 2. Conduct or cause to be conducted ~~at least biennial~~ ANNUAL
30 financial and compliance audits of financial transactions and accounts
31 kept by or for all state agencies subject to the FEDERAL single audit ~~act~~
32 ~~of 1984 (P.L. 98-502)~~ REQUIREMENTS. The audits shall be conducted in
33 accordance with generally accepted governmental auditing standards and
34 accordingly shall include tests of the accounting records and other
35 auditing procedures as may be considered necessary in the circumstances.
36 The audits shall include the issuance of suitable reports as required by
37 the FEDERAL single audit ~~act of 1984 (P.L. 98-502)~~ REQUIREMENTS so that
38 the legislature, the federal government and others will be informed as to
39 the adequacy of financial statements of ~~the~~ THIS state in compliance with
40 generally accepted ~~governmental~~ accounting principles and to determine
41 whether this state has complied with laws and regulations that may have a
42 material effect on the financial statements and on major federal
43 assistance programs.

1 3. Perform procedural reviews for all state agencies at times
2 determined by the auditor general. These reviews may include evaluation
3 of administrative and accounting internal controls and reports on these
4 reviews.

5 4. Perform special research requests, special audits and related
6 assignments as designated by the committee and conduct performance audits,
7 special audits, special research requests and investigations of any state
8 agency, whether created by the constitution or otherwise, as may be
9 requested by the committee.

10 5. Annually on or before the fourth Monday of December, prepare a
11 written report to the governor and to the committee that contains a
12 summary of activities for the previous fiscal year.

13 6. In the tenth year and in each fifth year thereafter in which a
14 transportation excise tax is in effect in a county as provided in section
15 42-6106 or 42-6107, conduct a performance audit that:

16 (a) Reviews past expenditures and future planned expenditures of
17 the transportation excise revenues and determines the impact of the
18 expenditures in solving transportation problems within the county and, for
19 a transportation excise tax in effect in a county as provided in section
20 42-6107, determines whether the expenditures of the transportation excise
21 revenues comply with section 28-6392, subsection B.

22 (b) Reviews projects completed to date and projects to be completed
23 during the remaining years in which a transportation excise tax is in
24 effect. Within six months after each review period, the auditor general
25 shall present a report to the speaker of the house of representatives and
26 the president of the senate detailing findings and making recommendations.

27 (c) Reviews, determines, reports and makes recommendations to the
28 speaker of the house of representatives and the president of the senate
29 whether the distribution of ARIZONA highway user revenues complies with
30 title 28, chapter 18, article 2.

31 7. If requested by the committee, conduct performance audits of
32 counties and incorporated cities and towns receiving ARIZONA highway user
33 revenue fund monies pursuant to title 28, chapter 18, article 2 to
34 determine whether the monies are being spent as provided in section
35 28-6533, subsection B.

36 8. Perform special audits designated pursuant to law if the auditor
37 general determines that there are adequate monies appropriated for the
38 auditor general to complete the audit. If the auditor general determines
39 the appropriated monies are inadequate, the auditor general shall notify
40 the committee.

41 9. Establish a schoolwide audit team in the office of the auditor
42 general to conduct performance audits and monitor school districts to
43 determine the percentage of every dollar spent in the classroom by the
44 school district. Each school district shall prominently post on its
45 website home page a copy of its profile pages that displays the percentage

1 of every dollar spent in the classroom by that school district from the
2 most recent status report issued by the auditor general pursuant to this
3 paragraph. The performance audits shall determine whether school
4 districts that receive monies from the Arizona English language learner
5 fund established by section 15-756.04 and the statewide compensatory
6 instruction fund established by section 15-756.11 comply with title 15,
7 chapter 7, article 3.1. The auditor general shall determine, through
8 random selection, the school districts to be audited each year, subject to
9 review by the joint legislative audit committee. A school district that
10 is subject to an audit pursuant to this paragraph shall notify the auditor
11 general in writing whether the school district agrees or disagrees with
12 the findings ~~and recommendations~~ of the audit and whether the school
13 district will implement the ~~findings and~~ recommendations, implement
14 modifications to the ~~findings and~~ recommendations or refuse to implement
15 the ~~findings and~~ recommendations. The school district shall submit to the
16 auditor general a written status report on the implementation of the audit
17 ~~findings and recommendations every six months for two years after~~ AT THE
18 REQUEST OF THE AUDITOR GENERAL WITHIN THE TWO-YEAR PERIOD FOLLOWING THE
19 ISSUANCE OF an audit conducted pursuant to this paragraph. The auditor
20 general shall review the school district's progress toward implementing
21 the ~~findings and~~ recommendations of the audit ~~every six months after~~
22 ~~receipt of the district's status report for two years~~ AND PROVIDE STATUS
23 REPORTS OF THESE REVIEWS TO THE JOINT LEGISLATIVE AUDIT COMMITTEE DURING
24 THIS TWO-YEAR PERIOD. The auditor general may review a school district's
25 progress beyond this two-year period for recommendations that have not yet
26 been implemented by the school district. ~~The auditor general shall~~
27 ~~provide a status report of these reviews to the joint legislative audit~~
28 ~~committee.~~ The school district shall participate in any hearing scheduled
29 during this review period by the joint legislative audit committee or by
30 any other legislative committee designated by the joint legislative audit
31 committee.

32 10. Annually review per diem compensation and reimbursement of
33 expenses for employees of this state and members of a state board,
34 commission, council or advisory committee by judgmentally selecting
35 samples and evaluating the propriety of per diem compensation and expense
36 reimbursements.

37 11. PERFORM ELECTION INTEGRITY AUDITS AS PRESCRIBED IN SECTION
38 41-1279.08.

39 B. The auditor general may:

40 1. Subject to approval by the committee, adopt rules necessary to
41 administer the duties of the office.

42 2. Hire consultants to conduct the studies required by subsection
43 A, paragraphs 6 and 7 of this section.

44 C. If approved by the committee, the auditor general may charge a
45 reasonable fee for the cost of performing audits or providing accounting

1 services for auditing federal funds, special audits or special services
2 requested by political subdivisions of this state. Monies collected
3 pursuant to this subsection shall be deposited in the audit services
4 revolving fund.

5 D. The department of transportation, **THE TRANSPORTATION EXCISE TAX**
6 **RECIPIENT AND** the board of supervisors of a county that has approved a
7 county transportation excise tax as provided in section 42-6106 or 42-6107
8 and the governing bodies of counties, cities and towns receiving **ARIZONA**
9 highway user revenue fund monies shall cooperate with and provide
10 necessary information to the auditor general or the auditor general's
11 consultant.

12 E. The department of transportation **OR THE TRANSPORTATION EXCISE**
13 **TAX RECIPIENT** shall reimburse the auditor general as follows, and the
14 auditor general shall deposit the reimbursed monies in the audit services
15 revolving fund:

16 1. For the cost of conducting the studies or hiring a consultant to
17 conduct the studies required by subsection A, paragraph 6, subdivisions
18 (a) and (b) of this section, from monies collected pursuant to a county
19 transportation excise tax levied pursuant to section 42-6106 or 42-6107.

20 2. For the cost of conducting the studies or hiring a consultant
21 pursuant to subsection A, paragraph 6, subdivision (c) and paragraph 7 of
22 this section, from the Arizona highway user revenue fund.

23 Sec. 10. Section 41-1279.04, Arizona Revised Statutes, is amended
24 to read:

25 **41-1279.04. Authority to examine records; violation;**
26 **classification**

27 A. The auditor general or the auditor general's authorized
28 representatives, in ~~the performance of~~ **PERFORMING** official duties, shall
29 have access to, ~~EMPLOYEES~~ and authority to examine, ~~any and all books,~~
30 accounts, reports, vouchers, correspondence files and other records, bank
31 accounts, criminal history record information as defined in section
32 41-1701 **AND IN ACCORDANCE WITH SECTION 41-1750, money MONIES** and other
33 property of any state agency, board, commission, department, institution,
34 program, advisory council or committee or political subdivision of this
35 state, whether created by the constitution or otherwise, or such documents
36 and property of a contractor relating to a contract with this state
37 pursuant to the provisions of section 35-214. ~~It is the duty of~~ Any
38 officer or employee of any such agency or political subdivision, having
39 such records under the officer's or employee's control, ~~to permit~~ **SHALL**
40 **ALLOW** access to and examination of the records on the request of the
41 auditor general or the auditor general's authorized representative.

42 B. ~~For the purpose of complying with section 41-1279.03, subsection~~
43 ~~A, paragraphs 4 and 9,~~ The auditor general or the auditor general's
44 authorized representative, in ~~the performance of~~ **PERFORMING** official
45 duties, may attend executive sessions of the governing body of any state

1 agency or ~~school district~~ ENTITY in this state THAT IS SUBJECT TO
2 TITLE 38, CHAPTER 3, ARTICLE 3.1.

3 C. For the purpose of auditing the department of revenue, the
4 auditor general and the auditor general's authorized representatives have
5 access to state tax returns, except that a report of the auditor general
6 shall not violate the confidentiality of state tax laws.

7 D. FOR THE PURPOSE OF ELECTION INTEGRITY AUDITS, THE AUDITOR
8 GENERAL AND THE AUDITOR GENERAL'S AUTHORIZED REPRESENTATIVES SHALL HAVE
9 ACCESS TO BOTH OF THE FOLLOWING:

10 1. ANY PERSONNEL AND DATA FROM THE COUNTY RECORDER'S OFFICE AND ANY
11 COUNTY ELECTIONS DEPARTMENT, THE DEPARTMENT OF TRANSPORTATION AND THE
12 SECRETARY OF STATE, WHICH SHALL INCLUDE ACCESS TO ELECTRONIC DATA OR ANY
13 SUCH DATA AND PROPERTY FROM A THIRD PARTY, THAT THE AUDITOR GENERAL DEEMS
14 NECESSARY TO PERFORM THE DUTIES PRESCRIBED IN SECTION 41-1279.08,
15 INCLUDING VOTER REGISTRATION DATA. THIS DATA SHALL BE PROVIDED IN THE
16 MANNER AND FORMAT PRESCRIBED BY THE AUDITOR GENERAL.

17 2. POLLING PLACES, VOTING CENTERS AND CENTRAL COUNTING CENTERS.

18 E. ALL OFFICERS OF ANY STATE AGENCY, BOARD, COMMISSION, DEPARTMENT,
19 INSTITUTION, PROGRAM, ADVISORY COUNCIL OR COMMITTEE OR POLITICAL
20 SUBDIVISION OF THIS STATE SHALL PROVIDE REASONABLE AND NEEDED FACILITIES
21 FOR AUDITOR GENERAL STAFF AND SHALL MAKE RECORDS AVAILABLE IN THE FORM AND
22 AT THE TIME PRESCRIBED.

23 ~~D.~~ F. Any officer or person who knowingly fails or refuses to
24 ~~permit such~~ ALLOW access and examination PURSUANT TO THIS SECTION OR WHO
25 OTHERWISE KNOWINGLY OBSTRUCTS OR MISLEADS THE AUDITOR GENERAL IN THE
26 EXECUTION OF THE AUDITOR GENERAL'S DUTIES is guilty of a class
27 ~~2 misdemeanor~~ 6 FELONY.

28 G. THE ATTORNEY GENERAL SHALL SUPERVISE THE PROSECUTION OF ALL
29 OFFENDERS UNDER THIS SECTION.

30 Sec. 11. Title 41, chapter 7, article 10.1, Arizona Revised
31 Statutes, is amended by adding section 41-1279.08, to read:

32 41-1279.08. Auditor general; election integrity audits;
33 duties

34 A. THE AUDITOR GENERAL SHALL ESTABLISH AN AUDIT TEAM TO PERFORM
35 ELECTION INTEGRITY PROCESS AUDITS OF COUNTY RECORDERS' OFFICES AND COUNTY
36 ELECTIONS DEPARTMENTS.

37 B. EACH FEDERAL ELECTION CYCLE, THE AUDITOR GENERAL SHALL CHOOSE
38 THROUGH RANDOM SELECTION TWO COUNTIES THAT HAVE A POPULATION OF LESS THAN
39 ONE MILLION PERSONS AND PERFORM AN ELECTION INTEGRITY AUDIT ON THOSE
40 COUNTIES. THE ELECTION INTEGRITY AUDIT FOR THOSE COUNTIES SHALL EXAMINE
41 AT LEAST ONE OF THE FOLLOWING:

42 1. VOTER REGISTRATION, MAINTENANCE OF VOTER REGISTRATION ROLLS AND
43 MAINTENANCE OF THE ACTIVE EARLY VOTING LIST.

1 2. EARLY BALLOT PROCESSING AND SIGNATURE VERIFICATION PROCESSING,
2 INCLUDING THE SEPARATION OF EARLY BALLOTS INTO BATCHES OR OTHER GROUPINGS,
3 BALLOT DROP BOX SECURITY AND EARLY BALLOT ELECTION PROCESSING BOARDS.

4 3. TABULATION OF BALLOTS, INCLUDING BALLOT ADJUDICATION AND
5 DUPLICATION, SECURITY ISSUES WHILE TABULATING AND LOGIC AND ACCURACY
6 TESTING AND ADMINISTRATION.

7 4. POLLING PLACE ADMINISTRATION, VOTING CENTER ADMINISTRATION,
8 CENTRAL COUNTING CENTER ADMINISTRATION AND CHAIN OF CUSTODY OF BALLOTS,
9 EQUIPMENT AND REMOVABLE STORAGE DEVICES.

10 C. THE AUDITOR GENERAL SHALL PERFORM AN ELECTION INTEGRITY AUDIT OF
11 EACH COUNTY WITH A POPULATION OF ONE MILLION OR MORE PERSONS EACH FEDERAL
12 ELECTION CYCLE AND EACH FEDERAL ELECTION CYCLE SHALL EXAMINE AT LEAST ONE
13 OF THE FOLLOWING TOPICS ON A ROTATING BASIS:

14 1. VOTER REGISTRATION, MAINTENANCE OF VOTER REGISTRATION ROLLS AND
15 MAINTENANCE OF THE ACTIVE EARLY VOTING LIST.

16 2. EARLY BALLOT PROCESSING AND SIGNATURE VERIFICATION PROCESSING,
17 INCLUDING THE SEPARATION OF EARLY BALLOTS INTO BATCHES OR OTHER GROUPINGS,
18 BALLOT DROP BOX SECURITY AND EARLY BALLOT ELECTION PROCESSING BOARDS.

19 3. TABULATION OF BALLOTS, INCLUDING BALLOT ADJUDICATION AND
20 DUPLICATION, SECURITY ISSUES WHILE TABULATING AND LOGIC AND ACCURACY
21 TESTING AND ADMINISTRATION.

22 4. POLLING PLACE ADMINISTRATION, VOTING CENTER ADMINISTRATION,
23 CENTRAL COUNTING CENTER ADMINISTRATION AND CHAIN OF CUSTODY OF BALLOTS,
24 EQUIPMENT AND REMOVABLE STORAGE DEVICES.

25 D. THE AUDITOR GENERAL MAY MAKE RECOMMENDATIONS TO THE COUNTIES,
26 THE SECRETARY OF STATE AND THE LEGISLATURE TO ADDRESS FINDINGS IDENTIFIED
27 IN THE ELECTION INTEGRITY AUDITS.

28 E. A COUNTY SUBJECT TO AN ELECTION INTEGRITY AUDIT PURSUANT TO THIS
29 SECTION SHALL NOTIFY THE AUDITOR GENERAL IN WRITING WHETHER THE COUNTY
30 BOARD OF SUPERVISORS OR COUNTY RECORDER, OR BOTH, AGREE OR DISAGREE WITH
31 THE FINDINGS OF THE ELECTION INTEGRITY AUDIT AND WHETHER THE COUNTY BOARD
32 OF SUPERVISORS OR COUNTY RECORDER, OR BOTH, WILL IMPLEMENT THE
33 RECOMMENDATIONS, IMPLEMENT MODIFICATIONS TO THE RECOMMENDATIONS OR REFUSE
34 TO IMPLEMENT THE RECOMMENDATIONS. THE COUNTY SHALL SUBMIT TO THE AUDITOR
35 GENERAL WRITTEN STATUS REPORTS ON THE IMPLEMENTATION OF THE ELECTION
36 INTEGRITY AUDIT RECOMMENDATIONS AT THE REQUEST OF THE AUDITOR GENERAL
37 WITHIN THE TWO-YEAR PERIOD FOLLOWING THE ISSUANCE OF THE ELECTION
38 INTEGRITY AUDIT PURSUANT TO THIS SECTION. THE AUDITOR GENERAL SHALL
39 REVIEW THE COUNTY'S PROGRESS TOWARD IMPLEMENTING THE RECOMMENDATIONS OF
40 THE ELECTION INTEGRITY AUDIT FOR UP TO TWO YEARS. THE AUDITOR GENERAL MAY
41 REVIEW THE COUNTY'S PROGRESS BEYOND THIS TWO-YEAR PERIOD FOR
42 RECOMMENDATIONS THAT HAVE NOT YET BEEN IMPLEMENTED.

1 F. THE AUDITOR GENERAL SHALL REPORT ANY ELECTION INTEGRITY AUDIT
2 FINDINGS AND RECOMMENDATIONS AND THE STATUS OF A COUNTY'S PROGRESS TOWARDS
3 IMPLEMENTING RECOMMENDATIONS TO THE PRESIDENT OF THE SENATE, THE SPEAKER
4 OF THE HOUSE OF REPRESENTATIVES, THE JOINT LEGISLATIVE AUDIT COMMITTEE,
5 THE GOVERNOR, THE SECRETARY OF STATE AND THE ATTORNEY GENERAL.

6 G. A COUNTY SUBJECT TO AN ELECTION INTEGRITY AUDIT SHALL POST THE
7 AUDIT REPORT AND STATUS REPORT OF PROGRESS TOWARD IMPLEMENTING
8 RECOMMENDATIONS ON ITS WEBSITE FOR TWENTY-FOUR MONTHS AND SHALL
9 PARTICIPATE IN ANY HEARING RELATED TO THE ELECTION INTEGRITY AUDIT
10 SCHEDULED BY THE JOINT LEGISLATIVE AUDIT COMMITTEE.

11 Sec. 12. Delayed repeal

12 Section 41-1279.08, Arizona Revised Statutes, as added by this act,
13 is repealed from and after December 31, 2029.

14 Sec. 13. Appropriation; secretary of state; ballot image
15 portal; exemption

16 A. The sum of \$_____ is appropriated from the state general
17 fund in fiscal year 2022-2023 to the secretary of state to create and
18 maintain a ballot image portal as prescribed in section 16-625, Arizona
19 Revised Statutes, as amended by this act.

20 B. The appropriation made in subsection A of this section is exempt
21 from the provisions of section 35-190, Arizona Revised Statutes, relating
22 to lapsing of appropriations.

23 Sec. 14. Appropriation; auditor general; election integrity
24 audits; exemption

25 A. The sum of \$3,938,865 and 29.25 FTE positions are appropriated
26 from the state general fund in fiscal year 2022-2023 to the auditor
27 general for election integrity audits as prescribed in section 41-1279.08,
28 Arizona Revised Statutes, as added by this act.

29 B. The appropriation made in subsection A of this section is exempt
30 from the provisions of section 35-190, Arizona Revised Statutes, relating
31 to lapsing of appropriations.