

COMMITTEE ON GOVERNMENT
SENATE AMENDMENTS TO H.B. 2289
(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 16, chapter 1.1, article 1, Arizona Revised
3 Statutes, is amended by adding section 16-194, to read:

4 16-194. Primary and general elections; requirements

5 A. NOTWITHSTANDING ANY OTHER LAW, ALL PRIMARY AND GENERAL ELECTIONS
6 IN THIS STATE SHALL BE CONDUCTED IN STRICT ADHERENCE TO THE FOLLOWING:

7 1. A VOTER MAY NOT RECEIVE OR VOTE A BALLOT UNLESS THE VOTER HAS
8 PRESENTED VALID STATE-ISSUED IDENTIFICATION.

9 2. EXCEPT FOR ABSENTEE BALLOTS AS PRESCRIBED BY SECTION 16-541:

10 (a) ALL VOTING SHALL OCCUR ON ELECTION DAY ONLY.

11 (b) ALL BALLOTS SHALL BE CAST IN PERSON BY THE VOTER AT THE VOTER'S
12 ELECTION PRECINCT POLLING PLACE.

13 3. ALL BALLOTS SHALL BE COUNTED BY HAND AND CANVASSED AND THE
14 RETURNS MADE WITHIN TWENTY-FOUR HOURS AFTER THE POLLS ARE CLOSED.

15 B. EXCEPT AS REQUIRED BY SUBSECTION A OF THIS SECTION, ALL PRIMARY
16 AND GENERAL ELECTIONS SHALL BE CONDUCTED AS OTHERWISE PROVIDED BY LAW.

17 Sec. 2. Section 16-245, Arizona Revised Statutes, is amended to
18 read:

19 16-245. Form and content of ballot

20 A. Ballots and ballot labels for the presidential preference
21 election shall be printed on different colored paper or white paper with a
22 different colored stripe for each party represented on the presidential
23 preference election ballot. Only one party may be represented on each
24 ballot. At the top shall be printed "official ballot of the _____"

1 party, presidential preference election (date), county of _____, state of
2 Arizona".

3 B. The order of the names of certified candidates on the ballot
4 shall be determined by lots drawn at a public meeting called by the
5 secretary of state for that purpose. Rotation of candidate names is
6 prohibited. The certified candidates shall be listed under the title
7 "_____ party candidates for President of the United
8 States". Immediately below shall be printed "vote for not more than
9 one". The ballot may also contain printed instructions to voters as
10 prescribed for other elections.

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

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

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

27 Sec. 3. Section 16-246, Arizona Revised Statutes, is amended to
28 read:

29 16-246. Absentee balloting; satellite locations; special
30 election boards

31 ~~A. Within ninety-three days before the presidential preference~~
32 ~~election and not later than 5:00 p.m. on the eleventh day preceding the~~

1 ~~election, any elector who is eligible to vote in the presidential~~
2 ~~preference election may make a verbal or signed, written request for an~~
3 ~~official early ballot to the county recorder or other officer in charge of~~
4 ~~elections for the county in which the elector is registered to vote. If~~
5 ~~the request is verbal, the requesting elector shall provide the date of~~
6 ~~birth and birthplace or other information that if compared to the voter~~
7 ~~registration records for that elector would confirm the identity of the~~
8 ~~elector.~~

9 ~~B.~~ A. Absent uniformed services voters or overseas voters who are
10 otherwise eligible to vote in the election may vote as prescribed by
11 sections 16-543 and 16-543.02.

12 ~~C.~~ B. The county recorder or other officer in charge of elections
13 ~~may~~ SHALL establish ELECTION DAY on-site ~~early~~ voting locations at the
14 office of the county recorder or at other locations in the county deemed
15 necessary or appropriate by the recorder. ~~Early voting shall begin within~~
16 ~~the time limits prescribed in section 16-542 unless otherwise prescribed by~~
17 ~~this section.~~

18 ~~D.~~ C. The county recorder or other officer in charge of elections
19 shall send by nonforwardable mail that is marked with the statement
20 required by the postmaster to receive an address correction notification
21 any ~~early~~ ABSENTEE ballots that are requested pursuant to ~~subsections~~
22 SUBSECTION A ~~and B~~ of this section and shall include a preaddressed
23 envelope for the elector to return the completed ballot.

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

30 ~~F.~~ E. The county recorder or other officer in charge of elections
31 may provide for ~~any of the following~~ SPECIAL ELECTION BOARDS in the same
32 manner prescribed by law for other elections. :-

1 ~~1. Special election boards.~~

2 ~~2. Emergency balloting for persons who experience an emergency after~~
3 ~~5:00 p.m. on the Friday preceding the presidential preference election and~~
4 ~~before 5:00 p.m. on the Monday immediately preceding the presidential~~
5 ~~preference election. Before receiving a ballot pursuant to this paragraph,~~
6 ~~a person who experiences an emergency shall provide identification as~~
7 ~~prescribed in section 16-579 and shall sign a statement under penalty of~~
8 ~~perjury that states that the person is experiencing or experienced an~~
9 ~~emergency after 5:00 p.m. on the Friday immediately preceding the election~~
10 ~~and before 5:00 p.m. on the Monday immediately preceding the election that~~
11 ~~would prevent the person from voting at the polls. Signed statements~~
12 ~~received pursuant to this subsection are not subject to inspection pursuant~~
13 ~~to title 39, chapter 1, article 2.~~

14 ~~G. Notwithstanding section 16-579, subsection A, paragraph 2, for~~
15 ~~emergency balloting pursuant to subsection F, paragraph 2 of this section,~~
16 ~~the county recorder or other officer in charge of elections may allow a~~
17 ~~qualified elector to update the elector's voter registration information as~~
18 ~~provided for in the secretary of state's instructions and procedures manual~~
19 ~~adopted pursuant to section 16-452.~~

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

22 Sec. 4. Section 16-343, Arizona Revised Statutes, is amended to
23 read:

24 16-343. Filling vacancy caused by death or incapacity or
25 withdrawal of candidate

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

30 1. In the case of a United States senator or statewide candidate,
31 the state executive committee of the candidate's political party shall
32 nominate a candidate of the party's choice and shall file a nomination

1 paper and declaration complying with the requirements for candidates as
2 stated in section 16-311 in order to fill the vacancy.

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

8 3. In the case of a vacancy for a county or precinct office, the
9 party county committee of counties with a population of less than two
10 hundred fifty thousand persons according to the most recent United States
11 decennial census and, in counties with a population of two hundred fifty
12 thousand persons or more according to the most recent United States
13 decennial census the county officers of the party together with the
14 chairman of the party precinct committeemen in each legislative district of
15 the county, shall nominate a candidate of the party's choice and shall file
16 a nomination paper and declaration complying with the requirements of
17 section 16-311 to fill such vacancy.

18 4. If the vacancy occurs in a candidate race for partisan nomination
19 in which at least one candidate of the vacating candidate's political party
20 remains on the ballot for the vacating candidate's office, the vacancy
21 shall not be filled. For an office to which more than one candidate will
22 be elected, the vacancy shall not be filled if at least one candidate of
23 the vacating candidate's political party remains on the ballot for each of
24 the multiple seats for the office sought by the vacating candidate.

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

28 C. Any meetings for the purpose of filing a nomination paper and
29 declaration provided for in this section shall be called by the chairman of
30 such committee or legislative district, except that in the case of
31 multicounty legislative or congressional districts the party county
32 chairman of the county having the largest geographic area within such

1 district shall call such meeting. The chairman or in his absence the vice
2 chairman calling such meeting shall preside. The call to such meeting
3 shall be mailed or given in person to each person entitled to participate
4 ~~no~~ NOT later than one day before such meeting. A majority of those present
5 and voting shall be required to fill a vacancy pursuant to this section.

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

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

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

28 G. The inspectors shall post the notice of vacancy in the same
29 manner as posting official write-in candidates. In the case of a
30 withdrawal of a candidate that occurs after the printing of official
31 ballots, the inspectors shall post the notice of withdrawal in a
32 conspicuous location in each polling place. Notice of withdrawal shall

1 ~~also be posted at all early voting locations and shall~~ be made available to
2 ~~early~~ ABSENTEE voters by providing with the ~~early~~ ABSENTEE ballot
3 instructions a website address at which prompt updates to information
4 regarding write-in and withdrawn candidates are available.

5 Sec. 5. Title 16, chapter 4, article 1, Arizona Revised Statutes, is
6 amended by adding section 16-410.01, to read:

7 16-410.01. County recorder; duties

8 NOTWITHSTANDING ANY OTHER LAW, THE COUNTY RECORDER IS RESPONSIBLE
9 ONLY FOR PROVIDING AN ADEQUATE NUMBER AND TYPE OF BALLOTS, PENS, TABLES AND
10 OTHER EQUIPMENT AS NECESSARY FOR THE VARIOUS POLLING PLACES LOCATED IN
11 PRECINCTS AS DETERMINED BY THE NUMBER OF REGISTERED VOTERS IN THE
12 PRECINCTS. THE COUNTY BOARD OF SUPERVISORS SHALL PERFORM OR SUPERVISE ALL
13 OTHER ELECTION RELATED DUTIES.

14 Sec. 6. Section 16-411, Arizona Revised Statutes, is amended to
15 read:

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

18 A. The board of supervisors of each county, on or before October 1
19 of each year preceding the year of a general election, by an order, shall
20 establish a convenient number of election precincts in the county and
21 define the boundaries of the precincts. The election precinct boundaries
22 shall be established so as to be included within election districts
23 prescribed by law for elected officers of the state and its political
24 subdivisions including community college district precincts, except those
25 elected officers provided for in titles 30 and 48. THE BOARD OF
26 SUPERVISORS MAY NOT ESTABLISH AN ELECTION PRECINCT THAT CONTAINS MORE THAN
27 ONE THOUSAND FIVE HUNDRED REGISTERED VOTERS ON THE DATE THE ELECTION
28 PRECINCT'S BOUNDARIES ARE ESTABLISHED.

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

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

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

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

21 4. ~~On a specific resolution of the board,~~ The board may **NOT**
22 authorize the use of voting centers in place of or in addition to
23 specifically designated polling places. ~~A voting center shall allow any~~
24 ~~voter in that county to receive the appropriate ballot for that voter on~~
25 ~~election day after presenting identification as prescribed in section~~
26 ~~16-579 and to lawfully cast the ballot. Voting centers may be established~~
27 ~~in coordination and consultation with the county recorder, at other county~~
28 ~~offices or at other locations in the county deemed appropriate.~~

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

1 ~~(a) The board shall specify in the resolution the location and the~~
2 ~~hours of operation of the emergency voting centers.~~

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

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

19 5. THE BOARD OF SUPERVISORS MAY NOT CHANGE A POLLING PLACE UNLESS
20 THE VOTERS IN THAT PRECINCT ARE NOTIFIED BY MAIL AT LEAST TWO YEARS IN
21 ADVANCE THAT THE POLLING PLACE HAS CHANGED.

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

1 ~~consolidate polling places and precinct boards and may consolidate the~~
2 ~~tabulation of results for that election if all of the following apply:~~

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

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

8 ~~3. All affected voters receive information on early voting that~~
9 ~~includes the application used to request an early voting ballot.~~

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

14 ~~E. D. Except as provided in subsection F of this section,~~ A public
15 school shall provide sufficient space for use as a polling place for any
16 city, county or state election when requested by the officer in charge of
17 elections.

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

23 ~~1. Space is not available at the school.~~

24 ~~2. The safety or welfare of the children would be jeopardized.~~

25 E. WHENEVER POSSIBLE, THE BOARD OF SUPERVISORS SHALL USE PUBLIC
26 SCHOOLS AND GOVERNMENTAL OFFICES AS POLLING PLACES. ON REQUEST, SCHOOL
27 DISTRICT GOVERNING BOARD MEMBERS, PRINCIPALS AND MANAGERS OF GOVERNMENTAL
28 OFFICES SHALL ALLOW THEIR SITES TO BE USED AS POLLING PLACES.

29 ~~G. F.~~ F. The board shall make available to the public as a public
30 record a list of the polling places for all precincts in which the election
31 is to be held.

1 ~~H.~~ G. Except in the case of an emergency, any facility that is used
2 as a polling place on election day ~~or that is used as an early voting site~~
3 ~~during the period of early voting~~ shall allow persons to electioneer and
4 engage in other political activity outside of the seventy-five foot limit
5 prescribed by section 16-515 in public areas and parking lots used by
6 voters. This subsection does not allow the temporary or permanent
7 construction of structures in public areas and parking lots or the blocking
8 or other impairment of access to parking spaces for voters. The county
9 recorder or other officer in charge of elections shall post on its website
10 at least two weeks before election day a list of those polling places in
11 which emergency conditions prevent electioneering and shall specify the
12 reason the emergency designation was granted and the number of attempts
13 that were made to find a polling place before granting an emergency
14 designation. If the polling place is not on the website list of polling
15 places with emergency designations, electioneering and other political
16 activity shall be allowed outside of the seventy-five foot limit. If an
17 emergency arises after the county recorder or other officer in charge of
18 elections' initial website posting, the county recorder or other officer in
19 charge of elections shall update the website as soon as is practicable to
20 include any new polling places, shall highlight the polling place location
21 on the website and shall specify the reason the emergency designation was
22 granted and the number of attempts that were made to find a polling place
23 before granting an emergency designation.

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

- 30 ~~1.~~ an act of God renders a previously set polling place as unusable.
31 ~~2. A county recorder or other officer in charge of elections has~~
32 ~~exhausted all options and there are no suitable facilities in a precinct~~

1 ~~that are willing to be a polling place unless a facility can be given an~~
2 ~~emergency designation.~~

3 ~~d. The secretary of state shall provide through the instructions and~~
4 ~~procedures manual adopted pursuant to section 16-452 the maximum allowable~~
5 ~~wait time for any election that is subject to section 16-204 and provide~~
6 ~~for a method to reduce voter wait time at the polls in the primary and~~
7 ~~general elections. The method shall consider at least all of the following~~
8 ~~for primary and general elections in each precinct:~~

9 ~~1. The number of ballots voted in the prior primary and general~~
10 ~~elections.~~

11 ~~2. The number of registered voters who voted early in the prior~~
12 ~~primary and general elections.~~

13 ~~3. The number of registered voters and the number of registered~~
14 ~~voters who cast an early ballot for the current primary or general~~
15 ~~election.~~

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

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

20 16-442. Committee approval

21 A. The secretary of state shall appoint a committee of three
22 persons, to consist of a member of the engineering college at one of the
23 universities, a member of the state bar of Arizona and one person familiar
24 with voting processes in the state, ~~no~~ NOT more than two of whom shall be
25 of the same political party, and at least one of whom shall have at least
26 five years of experience with and shall be able to render an opinion based
27 on knowledge of, training in or education in ~~electronic~~ voting systems,
28 procedures and security. The committee shall investigate and test the
29 various types of vote recording ~~or tabulating machines or~~ devices that may
30 be used under this article. The committee shall submit its recommendations
31 to the secretary of state who shall make final adoption of the type or

1 types, make or makes, model or models to be certified for use in this
2 state. The committee shall serve without compensation.

3 B. Machines or devices used at any election for federal, state or
4 county offices may only be certified for use in this state and may only be
5 used in this state if they comply with the help America vote act of 2002,
6 ~~and if those machines or devices~~ THEY have been tested and approved by a
7 laboratory that is accredited pursuant to the help America vote act of 2002
8 AND IF THEY ARE TO BE USED TO COMPLY WITH THE ACCESSIBILITY REQUIREMENTS
9 PRESCRIBED BY SECTION 16-442.01. EXCEPT AS REQUIRED TO COMPLY WITH SECTION
10 16-442.01, THE SECRETARY OF STATE MAY NOT APPROVE FOR GENERAL USE
11 ELECTRONIC VOTING MACHINES AND ELECTRONIC TABULATING MACHINES.

12 C. After consultation with the committee prescribed by subsection A
13 of this section, the secretary of state shall adopt standards that specify
14 the criteria for loss of certification for equipment that was used at any
15 election for federal, state or county offices and that was previously
16 certified for use in this state. On loss of certification, machines or
17 devices used at any election may not be used for any election for federal,
18 state or county offices in this state unless recertified for use in this
19 state.

20 D. The secretary of state ~~may~~ SHALL revoke the certification of any
21 voting system or device for use in a federal, state or county election in
22 this state or may prohibit for up to five years the purchase, lease or use
23 of any voting system or device leased, installed or used by a person or
24 firm in connection with a federal, state or county election in this state,
25 or both, if either of the following occurs:

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

29 2. The person or firm uses or includes hardware, firmware or
30 software in a version that is not certified for use or approved for
31 experimental use pursuant to this section in a certified voting system or
32 device.

1 ~~E. The governing body of a city or town or the board of directors of~~
2 ~~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. After consultation with the committee prescribed by subsection A~~
12 ~~of this section, the secretary of state may approve for emergency use an~~
13 ~~upgrade or modification to a voting system or device that is certified for~~
14 ~~use in this state if the governing body establishes in an open meeting that~~
15 ~~the election cannot be conducted without the emergency certification. Any~~
16 ~~emergency certification shall be limited to no more than six months. At~~
17 ~~the conclusion of the certification period the voting system or device~~
18 ~~shall be decertified and unavailable for future use unless certified in~~
19 ~~accordance with this section.~~

20 Sec. 8. Section 16-442.01, Arizona Revised Statutes, is amended to
21 read:

22 16-442.01. Accessible voting technology; recommendations;
23 certification; applicability

24 A. On completion of the certification process pursuant to this
25 section and section 16-442, the secretary of state shall require that
26 voting systems that are used by entities that are governed by section
27 16-204, but not including cities and towns with a population of less than
28 twenty thousand persons, provide persons who are blind or visually impaired
29 with access to voting that is equivalent to that provided to persons who
30 are not blind or visually impaired.

1 B. For the purposes of this section:

2 1. A voting system that provides the voter with the ability to cast
3 and verify by both visual and nonvisual methods all of the selections that
4 were made by that voter is deemed to provide equivalent access.

5 2. Nonvisual methods for casting and verifying a selection made on a
6 voting system include the use of synthesized speech, braille and other
7 output methods that do not require sight.

8 3. ANY ELECTRONIC VOTING SYSTEMS AUTHORIZED BY THIS SECTION MAY NOT
9 BE APPROVED FOR OR PROVIDED FOR GENERAL USE.

10 C. The secretary of state shall consult with and obtain
11 recommendations regarding voting systems from nonprofit organizations that
12 represent persons who are blind or visually impaired, persons with
13 expertise in accessible software, hardware and other technology, county and
14 local election officials and other persons deemed appropriate by the
15 secretary of state. After receiving recommendations, the secretary of
16 state shall submit to the committee established pursuant to section 16-442
17 one or more voting systems that provide equivalent access pursuant to this
18 section for possible certification for use in this state.

19 D. Subsection A of this section applies to voting systems that are
20 purchased or upgraded on or after January 1, 2006.

21 Sec. 9. Section 16-443, Arizona Revised Statutes, is amended to
22 read:

23 16-443. Authorization of use at all elections

24 At all state, county, city or town elections, agricultural
25 improvement district elections and primary AND GENERAL elections, ballots
26 or votes may be cast, recorded and counted by voting or marking devices and
27 vote tabulating devices as provided in this article, EXCEPT THAT ELECTRONIC
28 VOTING AND ELECTRONIC OR OTHER TABULATING DEVICES MAY ONLY BE USED TO
29 COMPLY WITH SECTION 16-442.01. FOR ALL OTHER USES, FOR STATE, COUNTY, CITY
30 OR TOWN ELECTIONS, ONLY PAPER BALLOTS MAY BE USED AND BALLOTS SHALL BE
31 TABULATED BY HAND.

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

3 16-444. Definitions

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

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

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

8 3. "Counting center" means **POLLING PLACES AND** one or more locations
9 selected by the board of supervisors for the ~~automatic~~ counting of **ABSENTEE**
10 ballots.

11 4. "Electronic voting system" means a system in which **ABSENTEE** votes
12 are recorded on a paper ballot by means of marking, and such **ABSENTEE** votes
13 are subsequently counted and tabulated by vote tabulating equipment at one
14 ~~or more~~ **COUNTY ABSENTEE BALLOT** counting ~~centers~~ **CENTER**.

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

18 ~~6. "Instructions and procedures manual" means the manual prepared~~
19 ~~for use as a guide for the conduct of elections by an approved electronic~~
20 ~~voting system, including, but not limited to, detailed instructions for the~~
21 ~~performance of each task relating to the collection of ballots and the~~
22 ~~counting of votes in a manner that will provide maximum security,~~
23 ~~efficiency and accuracy.~~

24 ~~7.~~ 6. "Vote tabulating equipment" includes apparatus necessary to
25 automatically examine and count votes as designated on **ABSENTEE** ballots and
26 tabulate the results.

27 ~~8.~~ 7. "Voting device" means an apparatus that the voter uses to
28 record the voter's votes by marking a paper ballot, which votes are
29 subsequently counted by ~~electronic tabulating equipment~~ **HAND**.

30 ~~B. The provisions of all state laws relating to elections not~~
31 ~~inconsistent with this article apply to all elections where electronic~~
32 ~~tabulating devices are used. Any provision of law that conflicts with this~~

1 ~~article does not apply to the elections in which electronic tabulating~~
2 ~~devices are used.~~

3 Sec. 11. Repeal

4 Section 16-445, Arizona Revised Statutes, is repealed.

5 Sec. 12. Section 16-446, Arizona Revised Statutes, is amended to
6 read:

7 16-446. Specifications of electronic voting system

8 A. An electronic voting system consisting of a voting or marking
9 device ~~in combination with vote tabulating equipment~~ THAT IS USED AS
10 PRESCRIBED IN SECTION 16-442.01 shall provide facilities for voting for
11 candidates at both primary and general elections.

12 B. An electronic voting system shall:

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

14 2. ~~Permit~~ ALLOW each elector to vote at any election for any person
15 for any office whether or not nominated as a candidate, to vote for as many
16 persons for an office as the elector is entitled to vote for and to vote
17 for or against any question on which the elector is entitled to vote, and
18 the vote tabulating equipment shall reject choices recorded on the
19 elector's ballot if the number of choices exceeds the number that the
20 elector is entitled to vote for the office or on the measure.

21 3. Prevent the elector from voting for the same person more than
22 once for the same office.

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

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

29 6. When properly operated, record correctly and count accurately
30 every vote cast.

31 7. Provide a durable paper document that visually indicates the
32 voter's selections, that the voter may use to verify the voter's choices,

1 that may be spoiled by the voter if it fails to reflect the voter's choices
2 and that ~~permits~~ **ALLOWS** the voter to cast a new ballot. This paper
3 document shall be used in manual audits and recounts.

4 8. To the extent practicable, provide for the ballot layout to be in
5 the same order of arrangement, including rotation, as provided for paper
6 ballots, except that information may be printed in vertical or horizontal
7 rows, or in a number of separate pages or screens that are placed or
8 displayed on the voting device. The titles of offices may be arranged in
9 vertical columns or in a series of separate pages or screens and shall be
10 printed above or at the side of the names of candidates so as to indicate
11 clearly the candidates for each office and the number to be elected. If
12 there are more candidates for an office than can be printed in one column
13 or on one ballot page or screen, the ballot shall be clearly marked that
14 the list of candidates is continued on the following column, page or
15 screen, and to the extent practicable, the same number of names shall be
16 printed on each column, page or screen.

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

19 Sec. 13. Section 16-448, Arizona Revised Statutes, is amended to
20 read:

21 16-448. Write-in votes; instructions

22 ~~Whenever ballots are to be counted by electronic data processing~~
23 ~~equipment, TO BE COUNTED, all write-in votes for candidates, to be counted,~~
24 shall be marked by the voter in the space provided opposite the names of
25 the write-in candidates. The instructions to voters printed on the ballots
26 shall instruct the voter that the vote will not be counted unless the voter
27 properly marks the ballot when writing in a candidate's name.

28 Sec. 14. Section 16-449, Arizona Revised Statutes, is amended to
29 read:

30 16-449. Required test of equipment and programs; notice

31 A. ~~Within the period of time before the election day prescribed by~~
32 ~~the secretary of state in the instructions and procedures manual adopted~~

1 ~~pursuant to section 16-452,~~ The board of supervisors or other election
2 officer in charge OF ELECTIONS, or for an election involving state or
3 federal candidates, the secretary of state, shall ~~have~~ TEST the automatic
4 tabulating equipment and programs ~~tested~~ USED FOR ABSENTEE BALLOTS to
5 ascertain that the equipment and programs will correctly MARK AND count the
6 votes cast for all offices and on all measures. Public notice of the time
7 and place of the test shall be given at least forty-eight hours ~~prior~~
8 ~~thereto~~ BEFORE THE TEST by publication once in one or more daily or weekly
9 newspapers published in the town, city or village using such equipment, if
10 a newspaper is published ~~therein~~ IN THE CITY, TOWN OR VILLAGE, otherwise in
11 a newspaper of general circulation ~~therein~~. The test shall be observed by
12 at least two election inspectors, who shall not be of the same political
13 party, and shall be open to representatives of ALL OF the political
14 parties, candidates, the press and the public. The test shall be conducted
15 by processing a preaudited group of ABSENTEE ballots so ~~marked~~ as to record
16 a predetermined number of valid votes for each candidate and on each
17 measure and shall include for each office one or more ballots that have
18 votes in excess of the number allowed by law in order to test the ability
19 of the automatic tabulating equipment and programs to reject such
20 votes. If any error is detected, the cause ~~therefor~~ FOR THE ERROR shall be
21 ascertained and corrected and an errorless count shall be made before the
22 ~~automatic tabulating equipment and programs are~~ IS approved. ~~A copy of a~~
23 ~~revised program shall be filed with the secretary of state within~~
24 ~~forty-eight hours after the revision is made. If the error was created by~~
25 ~~automatic tabulating equipment malfunction, a report shall be filed with~~
26 ~~the secretary of state within forty-eight hours after the correction is~~
27 ~~made, stating the cause and the corrective action taken.~~ The test shall be
28 repeated immediately before the start of the official count of the ballots
29 in the same manner as set forth above. After the completion of the count,
30 the ~~programs used and the~~ ballots shall be sealed, retained and disposed of
31 as provided for paper ballots.

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

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

18 Sec. 15. Repeal

19 Sections 16-450, 16-451 and 16-452, Arizona Revised Statutes, are
20 repealed.

21 Sec. 16. Section 16-461, Arizona Revised Statutes, is amended to
22 read:

23 16-461. Sample primary election ballots; submission to party
24 chairmen for examination; preparation, printing and
25 distribution of ballot

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

28 1. Prepare a proof of a sample ballot.

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

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

1 B. Within five days after receipt of the sample ballot, the county
2 chairman of each political party shall suggest to the election officer any
3 change the chairman considers should be made in the chairman's party
4 ballot, and if on examination the election officer finds an error or
5 omission in the ballot the officer shall correct it. The election officer
6 shall ~~cause~~ PRINT AND DISTRIBUTE the sample ballots ~~to be printed and~~
7 ~~distributed~~ as required by law, shall maintain a copy of each sample ballot
8 and shall post a notice indicating that sample ballots are available on
9 request. The official sample ballot shall be printed on colored paper or
10 white paper with a different colored stripe for each party that is
11 represented on that ballot. For voters who are not registered with a party
12 that is entitled to continued representation on the ballot pursuant to
13 section 16-804, the election officer may print and distribute the required
14 sample ballots in an alternative format, including a reduced size format.

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

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

30 E. For city and town elections, the governing body of a city or town
31 may have printed ~~maile~~-type sample ballots for a primary election. If the
32 city or town has printed such sample ballots, the city or town shall

1 provide for the distribution of such ballots and shall bear the expense of
2 printing and distributing ~~of~~ such sample ballots.

3 F. The return address on the ~~mailer-type~~ sample ballots shall not
4 contain the name of an appointed or elected public officer nor may the name
5 of an appointed or elected public officer be used to indicate who produced
6 the sample ballot.

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

11 Sec. 17. Repeal

12 Sections 16-468 and 16-504, Arizona Revised Statutes, are repealed.

13 Sec. 18. Title 16, chapter 4, article 6, Arizona Revised Statutes,
14 is amended by adding a new section 16-504, to read:

15 16-504. Anti-fraud ballot paper

16 FOR THE REGULAR PRIMARY AND GENERAL ELECTIONS, THE BOARD OF
17 SUPERVISORS SHALL USE BALLOT PAPER THAT INCLUDES A HOLOGRAM, AN
18 IDENTIFIABLE SEQUENCE MARKING OR ANOTHER SIMILAR SYSTEM FOR PREVENTING
19 FRAUD AND THAT ALLOWS A VOTER TO RECEIVE A UNIQUELY MARKED OR NUMBERED
20 BALLOT.

21 Sec. 19. Section 16-510, Arizona Revised Statutes, is amended to
22 read:

23 16-510. Sample ballots; preparation and distribution

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

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

31 C. The board of supervisors shall have printed mailer-type sample
32 ballots for a general election and shall mail at least eleven days before

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

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

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

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

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

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

1 having cast their ballots shall promptly move outside the seventy-five foot
2 limit.

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

7 No person shall be allowed to remain inside these limits while
8 the polls are open, except for the purpose of voting, and
9 except the election officials, one representative at any one
10 time of each political party ~~represented on the ballot~~ who has
11 been appointed by the county chairman of such political party,
12 and the challengers allowed by law. Voters having cast their
13 ballots shall at once retire without the seventy-five foot
14 limit. A person violating any provision of this notice is
15 guilty of a class 2 misdemeanor.

16 C. ~~A minor voting in a simulated election at a polling place is
17 subject to the same seventy-five foot limit restrictions prescribed for a
18 voter. Persons supervising or working in a simulated election in which
19 minors vote may remain within the seventy-five foot limit of the polling
20 place.~~ The inspector for the polling place shall exercise authority over
21 all election ~~and simulated election~~ related activities at the polling
22 place.

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

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

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

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

5 F. Notwithstanding any other law, an election official, a
6 representative of a political party who has been appointed by the county
7 chairman of that political party or a challenger who is authorized by law
8 to be within the seventy-five foot limit as prescribed by this section
9 shall not wear, carry or display materials that identify or express support
10 for or opposition to a candidate, a political party or organization, a
11 ballot question or any other political issue and shall not electioneer
12 within the seventy-five foot limit of a pollingplace.

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

15 H. Any person violating this section is guilty of a class 2
16 misdemeanor.

17 I. For the purposes of this section, electioneering occurs when an
18 individual knowingly, intentionally, by verbal expression and in order to
19 induce or compel another person to vote in a particular manner or to
20 refrain from voting expresses support for or opposition to a candidate who
21 appears on the ballot in that election, a ballot question that appears on
22 the ballot in that election or a political party with one or more
23 candidates who appear on the ballot in that election.

24 Sec. 21. Section 16-541, Arizona Revised Statutes, is amended to
25 read:

26 16-541. Absentee voting; voter eligibility

27 A. Any election called pursuant to the laws of this state shall
28 provide for ~~early~~ ABSENTEE voting. Any qualified ~~elector~~ VOTER WHO MEETS
29 THE CRITERIA ESTABLISHED BY THIS SECTION may vote by ~~early~~ ABSENTEE ballot.

30 B. A VOTER SHALL BE ALLOWED TO VOTE BY ABSENTEE BALLOT FOR ANY ONE
31 OR MORE OF THE FOLLOWING REASONS:

1 1. THE VOTER EXPECTS TO BE OUTSIDE THIS STATE AT THE TIME OF THE
2 ELECTION.

3 2. THE VOTER IS PHYSICALLY UNABLE TO GO TO THE POLLS BECAUSE THE
4 VOTER IS HOSPITALIZED OR IN A NURSING HOME.

5 3. THE VOTER HAS A VISUAL IMPAIRMENT.

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

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

13 Sec. 22. Section 16-542, Arizona Revised Statutes, is amended to
14 read:

15 16-542. Request for ballot; violation; classification

16 A. Within ninety-three days before any election called pursuant to
17 the laws of this state, an ~~elector~~ ELIGIBLE VOTER AS PRESCRIBED BY SECTION
18 16-541 may make a verbal or signed request to the county recorder, or other
19 officer in charge of elections for the applicable political subdivision of
20 this state in whose jurisdiction the ~~elector~~ VOTER is registered to vote,
21 for an official ~~early~~ ABSENTEE ballot. In addition to name and address,
22 the requesting ~~elector~~ VOTER shall provide the date of birth and state or
23 country of birth or other information that if compared to the voter
24 registration information on file would confirm the identity of the ~~elector~~
25 VOTER AND SHALL SPECIFY ONE OF THE REASONS FOR VOTING ABSENTEE PRESCRIBED
26 BY SECTION 16-541. If the request indicates that the ~~elector~~ VOTER needs a
27 primary election ballot and a general election ballot, the county recorder
28 or other officer in charge of elections shall honor the request. For any
29 partisan primary election, if the ~~elector~~ VOTER is not registered as a
30 member of a political party that is entitled to continued representation on
31 the ballot pursuant to section 16-804, the ~~elector~~ VOTER shall designate
32 the ballot of only one of the political parties that is entitled to

1 continued representation on the ballot and the ~~elector~~ VOTER may receive
2 and vote the ballot of only that one political party, which also shall
3 include any nonpartisan offices and ballot questions, or the ~~elector~~ VOTER
4 shall designate the ballot for nonpartisan offices and ballot questions
5 only and the ~~elector~~ VOTER may receive and vote the ballot that contains
6 only nonpartisan offices and ballot questions. The county recorder or
7 other officer in charge of elections shall process any request for an ~~early~~
8 ~~ABSENTEE~~ ballot for a municipal election pursuant to this subsection. ~~The~~
9 ~~county recorder may establish on-site early voting locations at the~~
10 ~~recorder's office, which shall be open and available for use beginning the~~
11 ~~same day that a county begins to send out the early ballots. The county~~
12 ~~recorder may also establish any other early voting locations in the county~~
13 ~~the recorder deems necessary. Any on-site early voting location or other~~
14 ~~early voting location shall require each elector to present identification~~
15 ~~as prescribed in section 16-579 before receiving a ballot. Notwithstanding~~
16 ~~section 16-579, subsection A, paragraph 2, at any on-site early voting~~
17 ~~location or other early voting location the county recorder or other~~
18 ~~officer in charge of elections may provide for a qualified elector to~~
19 ~~update the elector's voter registration information as provided for in the~~
20 ~~secretary of state's instructions and procedures manual adopted pursuant to~~
21 ~~section 16-452.~~

22 B. Notwithstanding subsection A of this section, a request for an
23 official ~~early~~ ABSENTEE ballot from an absent uniformed services voter or
24 overseas voter as defined in the uniformed and overseas citizens absentee
25 voting act ~~of 1986~~ (P.L. 99-410; 52 United States Code section 20310) ~~or a~~
26 ~~voter whose information is protected pursuant to section 16-153~~ that is
27 received by the county recorder or other officer in charge of elections
28 more than ninety-three days before the election is valid. ~~if requested by~~
29 ~~the absent uniformed services or overseas voter, or a voter whose~~
30 ~~information is protected pursuant to section 16-153, the county recorder or~~
31 ~~other officer in charge of elections shall provide to the requesting voter~~
32 ~~early ballot materials through the next regularly scheduled general~~

~~election for federal office immediately following receipt of the request unless a different period of time, which does not exceed the next two regularly scheduled general elections for federal office, is designated by the voter.~~

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

D. Only the ~~elector~~ VOTER may be in possession of that ~~elector's~~ VOTER'S unvoted ~~early~~ ABSENTEE ballot. If a complete and correct request is made by the ~~elector~~ VOTER within twenty-seven days before the election, the mailing must be made within forty-eight hours after receipt of the request. Saturdays, Sundays and other legal holidays are excluded from the computation of the forty-eight hour period prescribed by this subsection. If a complete and correct request is made by an absent uniformed services voter or an overseas voter before the election, the regular ~~early~~ ABSENTEE ballot shall be transmitted by mail, by fax or by other electronic format approved by the secretary of state within twenty-four hours after the ~~early~~ ABSENTEE ballots are delivered pursuant to section 16-545, subsection B, excluding Sundays.

E. In order to be complete and correct and to receive an ~~early~~ ABSENTEE ballot by mail, ~~an elector's~~ A VOTER'S request that an ~~early~~ ABSENTEE ballot be mailed to the ~~elector's~~ VOTER'S residence or temporary address must include all of the information prescribed by subsection A of this section and must be received by the county recorder or other officer

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

17 ~~F. Unless an elector specifies that the address to which an early~~
18 ~~ballot is to be sent is a temporary address, the recorder may use the~~
19 ~~information from an early ballot request form to update voter registration~~
20 ~~records.~~

21 ~~G.~~ F. The county recorder or other officer in charge of early
22 ABSENTEE balloting shall provide an alphabetized list of all voters in the
23 precinct who have requested and have been sent an early ABSENTEE ballot to
24 the election board of the precinct in which the voter is registered not
25 later than the day before the election.

26 ~~H.~~ G. As a result of experiencing an emergency between 5:00 p.m. on
27 the Friday preceding the election and 5:00 p.m. on the Monday preceding the
28 election, qualified ~~electors~~ VOTERS may request to vote in the manner
29 prescribed by the board of supervisors of their respective county. Before
30 voting pursuant to this subsection, ~~an elector~~ A VOTER who experiences an
31 emergency shall provide identification as prescribed in section 16-579 and
32 shall sign a statement under penalty of perjury that states that the person

1 is experiencing or experienced an emergency after 5:00 p.m. on the Friday
2 immediately preceding the election and before 5:00 p.m. on the Monday
3 immediately preceding the election that would prevent the person from
4 voting at the polls. Signed statements received pursuant to this
5 subsection are not subject to inspection pursuant to title 39, chapter 1,
6 article 2. For the purposes of this subsection, "emergency" means any
7 unforeseen circumstances that would prevent the ~~elector~~ VOTER from voting
8 at the polls.

9 ~~I. Notwithstanding section 16-579, subsection A, paragraph 2, for~~
10 ~~any voting pursuant to subsection H of this section, the county recorder or~~
11 ~~other officer in charge of elections may allow a qualified elector to~~
12 ~~update the elector's voter registration information as provided for in the~~
13 ~~secretary of state's instructions and procedures manual adopted pursuant to~~
14 ~~section 16-452.~~

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

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

1 ~~election immediately following the completion of the form is guilty of a~~
2 ~~class 6 felony.~~

3 ~~t. H. Except for a voter who is on the active early voting list~~
4 ~~prescribed by section 16-544,~~ A voter who requests a onetime ~~early~~ ABSENTEE
5 ballot pursuant to THIS section ~~16-542~~ or for an election conducted
6 pursuant to section 16-409 or article 8.1 of this chapter, a county
7 recorder, city or town clerk or other election officer may not deliver or
8 mail an ~~early~~ ABSENTEE ballot to a person who has not requested an ~~early~~
9 ABSENTEE ballot for that election. An election officer who knowingly
10 violates this subsection is guilty of a class ~~5- 2~~ felony.

11 Sec. 23. Repeal

12 Section ~~16-544~~, Arizona Revised Statutes, is repealed.

13 Sec. 24. Section 16-547, Arizona Revised Statutes, is amended to
14 read:

15 ~~16-547.~~ Ballot affidavit; form

16 A. The ~~early~~ ABSENTEE ballot shall be accompanied by an envelope
17 bearing on the front the name, official title and post office address of
18 the recorder or other officer in charge of elections and on the other side
19 a printed affidavit in substantially the following form:

20 I declare the following under penalty of perjury: I am a registered
21 voter in _____ county Arizona, AND I EXPECT TO BE ABSENT FROM THIS
22 STATE AT THE TIME OF THE ELECTION OR I AM PHYSICALLY UNABLE TO GO TO THE
23 POLLS BECAUSE I AM IN THE HOSPITAL OR A NURSING HOME OR BECAUSE I AM
24 VISUALLY IMPAIRED OR I AM AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS
25 VOTER, AND I have not voted and will not vote in this election in any other
26 county or state, I understand that knowingly voting more than once in any
27 election is a class 5 felony and I voted the enclosed ballot and signed
28 this affidavit personally unless noted below.

29 If the voter was assisted by another person in marking
30 the ballot, complete the following:

31 I declare the following under penalty of perjury: At the
32 registered voter's request I assisted the voter identified in

1 this affidavit with marking the voter's ballot, I marked the
2 ballot as directly instructed by the voter, I provided the
3 assistance because the voter was physically unable to mark the
4 ballot solely due to illness, injury or physical limitation and
5 I understand that there is no power of attorney for voting and
6 that the voter must be able to make the voter's selection even
7 if ~~they~~ THE VOTER cannot physically mark the ballot.

8 Name of voter assistant: _____

9 Address of voter assistant: _____

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

17 C. The officer charged by law with the duty of preparing ballots at
18 any election shall ensure that the ~~early~~ ABSENTEE ballot is sent in an
19 envelope that states substantially the following:

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

23 D. The county recorder or other officer in charge of elections shall
24 supply printed instructions to ~~early~~ ABSENTEE voters that direct them to
25 sign the affidavit, mark the ballot and return both in the enclosed
26 self-addressed envelope that complies with section 16-545. The
27 instructions shall include the following statement:

28 In order to be valid and counted, the ballot and
29 affidavit must be delivered to the office of the county
30 recorder or other officer in charge of elections or may be
31 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. 25. Section 16-558.02, Arizona Revised Statutes, is amended to
6 read:

7 16-558.02. Replacement ballots

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

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

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

20 Sec. 26. Title 16, chapter 4, article 9, Arizona Revised Statutes,
21 is amended by adding section 16-575, to read:

22 16-575. Mask mandate; vaccination; testing prohibition

23 THE BOARD OF SUPERVISORS, COUNTY RECORDER AND OFFICER IN CHARGE OF
24 ELECTIONS MAY NOT REQUIRE THAT A VOTER, A BOARD WORKER OR ANY OTHER PERSON
25 WEAR A FACIAL MASK AT A POLLING PLACE OR OTHER VOTING OR TABULATING
26 LOCATION OR BE VACCINATED AGAINST OR TESTED FOR A VIRUS AS A CONDITION OF
27 ENTERING A POLLING PLACE OR OTHER VOTING OR TABULATING LOCATION.

28 Sec. 27. Section 16-602, Arizona Revised Statutes, is amended to
29 read:

30 16-602. Paper ballots; report

31 ~~A.~~ For any primary, special or general election ~~in which the votes~~
32 ~~are cast on an electronic voting machine or tabulator~~, the election judge

1 shall compare the number of votes cast as indicated ~~on the machine or~~
2 ~~tabulator~~ FROM THE PAPER BALLOTS with the number of votes cast as indicated
3 on the poll list and the number of provisional ballots cast and that
4 information shall be noted in a written report prepared and submitted to
5 the officer in charge of elections along with other tally reports. ALL
6 BALLOTS SHALL BE COUNTED BY HAND.

7 ~~B. For each countywide primary, special, general and presidential~~
8 ~~preference election, the county officer in charge of the election shall~~
9 ~~conduct a hand count at one or more secure facilities. The hand count~~
10 ~~shall be conducted as prescribed by this section and in accordance with~~
11 ~~hand count procedures established by the secretary of state in the official~~
12 ~~instructions and procedures manual adopted pursuant to section 16-452. The~~
13 ~~hand count is not subject to the live video requirements of section 16-621,~~
14 ~~subsection D, but the party representatives who are observing the hand~~
15 ~~count may bring their own video cameras in order to record the hand count.~~
16 ~~The recording shall not interfere with the conduct of the hand count and~~
17 ~~the officer in charge of the election may prohibit from recording or remove~~
18 ~~from the facility persons who are taking actions to disrupt the count. The~~
19 ~~sole act of recording the hand count does not constitute sufficient grounds~~
20 ~~for the officer in charge of the election to prohibit observers from~~
21 ~~recording or to remove them from the facility. The hand count shall be~~
22 ~~conducted in the following order:~~

23 ~~1. At least two percent of the precincts in that county, or two~~
24 ~~precincts, whichever is greater, shall be selected at random from a pool~~
25 ~~consisting of every precinct in that county. The county political party~~
26 ~~chairman for each political party that is entitled to continued~~
27 ~~representation on the state ballot or the chairman's designee shall conduct~~
28 ~~the selection of the precincts to be hand counted. The precincts shall be~~
29 ~~selected by lot without the use of a computer, and the order of selection~~
30 ~~by the county political party chairmen shall also be by lot. The selection~~
31 ~~of the precincts shall not begin until all ballots voted in the precinct~~
32 ~~polling places have been delivered to the central counting center. The~~

1 ~~unofficial vote totals from all precincts shall be made public before~~
2 ~~selecting the precincts to be hand counted. Only the ballots cast in the~~
3 ~~polling places and ballots from direct recording electronic machines shall~~
4 ~~be included in the hand counts conducted pursuant to this~~
5 ~~section. Provisional ballots, conditional provisional ballots and write-in~~
6 ~~votes shall not be included in the hand counts and the early ballots shall~~
7 ~~be grouped separately by the officer in charge of elections for purposes of~~
8 ~~a separate manual audit pursuant to subsection F of this section.~~

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

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

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

19 ~~(c) One contested race for federal office, either United States~~
20 ~~senate or United States house of representatives. If the United States~~
21 ~~house of representatives race is selected, the names of the candidates may~~
22 ~~vary among the sampled precincts.~~

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

26 ~~(e) If there are fewer than four contested races resulting from the~~
27 ~~selections made pursuant to subdivisions (a) through (d) of this section~~
28 ~~and if there are additional contested federal, statewide or legislative~~
29 ~~races or ballot measures, additional contested races shall be selected by~~
30 ~~lot not using a computer until four races have been selected or until no~~
31 ~~additional contested federal, statewide or legislative races or ballot~~
32 ~~measures are available for selection.~~

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

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

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

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

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

15 ~~7. The county chairman of each political party shall designate and~~
16 ~~provide the number of election board members as designated by the county~~
17 ~~officer in charge of elections who shall perform the hand count under the~~
18 ~~supervision of the county officer in charge of elections. For each~~
19 ~~precinct that is to be audited, the county chairmen shall designate at~~
20 ~~least two board workers who are registered members of any or no political~~
21 ~~party to assist with the audit. Any qualified elector from this state may~~
22 ~~be a board worker without regard to party designation. The county election~~
23 ~~officer shall provide for compensation for those board workers, not to~~
24 ~~include travel, meal or lodging expenses. If there are less than two~~
25 ~~persons for each audited precinct available to participate on behalf of~~
26 ~~each recognized political party, the recorder or officer in charge of~~
27 ~~elections, with the approval of at least two county party chairpersons in~~
28 ~~the county in which the shortfall occurs, shall substitute additional~~
29 ~~individual electors who are provided by any political party from anywhere~~
30 ~~in the state without regard to party designation to conduct the hand~~
31 ~~count. A county party chairman shall approve only those substitute~~
32 ~~electors who are provided by the county chairman's political party. The~~

1 ~~political parties shall provide to the recorder or officer in charge of~~
2 ~~elections in writing the names of those persons intending to participate in~~
3 ~~the hand count at the audited precincts not later than 5:00 p.m. on the~~
4 ~~Tuesday preceding the election. If the total number of board workers~~
5 ~~provided by all parties is less than four times the number of precincts to~~
6 ~~be audited, the recorder or officer in charge of elections shall notify the~~
7 ~~parties of the shortage by 9:00 a.m. on the Wednesday preceding the~~
8 ~~election. The hand count shall not proceed unless the political parties~~
9 ~~provide the recorder or officer in charge of elections, in writing, a~~
10 ~~sufficient number of persons by 5:00 p.m. on the Thursday preceding the~~
11 ~~election and a sufficient number of persons, pursuant to this paragraph,~~
12 ~~arrive to perform the hand count. The recorder or officer in charge of~~
13 ~~elections may prohibit persons from participating in the hand count if they~~
14 ~~are taking actions to disrupt the count or are unable to perform the duties~~
15 ~~as assigned. For the hand count to proceed, not more than seventy-five~~
16 ~~percent of the persons performing the hand count shall be from the same~~
17 ~~political party.~~

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

22 ~~6. If the randomly selected races result in a difference in any race~~
23 ~~that is less than the designated margin when compared to the electronic~~
24 ~~tabulation of those same ballots, the results of the electronic tabulation~~
25 ~~constitute the official count for that race. If the randomly selected~~
26 ~~races result in a difference in any race that is equal to or greater than~~
27 ~~the designated margin when compared to the electronic tabulation of those~~
28 ~~same ballots, a second hand count of those same ballots and races shall be~~
29 ~~performed. If the second hand count results in a difference in any race~~
30 ~~that is less than the designated margin when compared to the electronic~~
31 ~~tabulation for those same ballots, the electronic tabulation constitutes~~
32 ~~the official count for that race. If the second hand count results in a~~

1 ~~difference in any race that is equal to or greater than the designated~~
2 ~~margin when compared to the electronic tabulation for those same ballots,~~
3 ~~the hand count shall be expanded to include a total of twice the original~~
4 ~~number of randomly selected precincts. Those additional precincts shall be~~
5 ~~selected by lot without the use of a computer.~~

6 ~~D. In any expanded count of randomly selected precincts, if the~~
7 ~~randomly selected precinct hand counts result in a difference in any race~~
8 ~~that is equal to or greater than the designated margin when compared to the~~
9 ~~electronic tabulation of those same ballots, the final hand count shall be~~
10 ~~extended to include the entire jurisdiction for that race. If the~~
11 ~~jurisdictional boundary for that race would include any portion of more~~
12 ~~than one county, the final hand count shall not be extended into the~~
13 ~~precincts of that race that are outside of the county that is conducting~~
14 ~~the expanded hand count. If the expanded hand count results in a~~
15 ~~difference in that race that is less than the designated margin when~~
16 ~~compared to the electronic tabulation of those same ballots, the electronic~~
17 ~~tabulation constitutes the official count for that race.~~

18 ~~E. If a final hand count is performed for an entire jurisdiction for~~
19 ~~a race, the final hand count shall be repeated for that race until a hand~~
20 ~~count for that race for the entire jurisdiction results in a count that is~~
21 ~~identical to one other hand count for that race for the entire jurisdiction~~
22 ~~and that hand count constitutes the official count for that race.~~

23 ~~F. After the electronic tabulation of early ballots and at one or~~
24 ~~more times selected by the chairman of the political parties entitled to~~
25 ~~continued representation on the ballot or the chairman's designee, the~~
26 ~~chairmen or the chairmen's designees shall randomly select one or more~~
27 ~~batches of early ballots that have been tabulated to include at least one~~
28 ~~batch from each machine used for tabulating early ballots and those ballots~~
29 ~~shall be securely sequestered by the county recorder or officer in charge~~
30 ~~of elections along with their unofficial tally reports for a postelection~~
31 ~~manual audit. The chairmen or the chairmen's designees shall randomly~~
32 ~~select from those sequestered early ballots a number equal to one percent~~

1 ~~of the total number of early ballots cast or five thousand early ballots,~~
2 ~~whichever is less. From those randomly selected early ballots, the county~~
3 ~~officer in charge of elections shall conduct a manual audit of the same~~
4 ~~racess that are being hand counted pursuant to subsection B of this~~
5 ~~section. If the manual audit of the early ballots results in a difference~~
6 ~~in any race that is equal to or greater than the designated margin when~~
7 ~~compared to the electronically tabulated results for those same early~~
8 ~~ballots, the manual audit shall be repeated for those same early ballots.~~
9 ~~If the second manual audit results in a difference in that race that is~~
10 ~~equal to or greater than the designated margin when compared to the~~
11 ~~electronically tabulated results for those same early ballots, the manual~~
12 ~~audit shall be expanded only for that race to a number of additional early~~
13 ~~ballots equal to one percent of the total early ballots cast or an~~
14 ~~additional five thousand ballots, whichever is less, to be randomly~~
15 ~~selected from the batch or batches of sequestered early ballots. If the~~
16 ~~expanded early ballot manual audit results in a difference for that race~~
17 ~~that is equal to or greater than the designated margin when compared to any~~
18 ~~of the earlier manual counts for that race, the manual counts shall be~~
19 ~~repeated for that race until a manual count results in a difference in that~~
20 ~~race that is less than the designated margin. If at any point in the~~
21 ~~manual audit of early ballots the difference between any manual count of~~
22 ~~early ballots is less than the designated margin when compared to the~~
23 ~~electronic tabulation of those ballots, the electronic tabulation shall be~~
24 ~~included in the canvass and no further manual audit of the early ballots~~
25 ~~shall be conducted.~~

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

29 ~~H. Notwithstanding any other law, the county officer in charge of~~
30 ~~elections shall retain custody of the ballots for purposes of performing~~
31 ~~any required hand counts and the officer shall provide for security for~~
32 ~~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 engineering,~~
11 ~~shall not be affiliated with an election software vendor nor with a~~
12 ~~candidate, shall sign and be bound by a nondisclosure agreement regarding~~
13 ~~the source code itself and shall issue a public report to the court and to~~
14 ~~the secretary of state regarding the special master's findings on the~~
15 ~~reasons for the discrepancies. The secretary of state shall consider the~~
16 ~~reports for purposes of reviewing the certification of that equipment and~~
17 ~~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 methods,~~
25 ~~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 years~~
28 ~~from any person or entity that provides election equipment or services in~~
29 ~~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 of~~
32 ~~votes as required pursuant to this section. The committee shall review and~~

1 ~~consider revising the designated margins every two years for use in the~~
2 ~~applicable elections. The committee shall provide the designated margins~~
3 ~~to the secretary of state at least ten days before the primary election and~~
4 ~~at least ten days before the general election, and the secretary of state~~
5 ~~shall make that information publicly available on the secretary of state's~~
6 ~~website.~~

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

12 Sec. 28. Section 16-621, Arizona Revised Statutes, is amended to
13 read:

14 16-621. Proceedings at the counting center

15 A. All proceedings at the counting center shall be under the
16 direction of the board of supervisors or other officer in charge of
17 elections and shall be conducted ~~in accordance with the approved~~
18 ~~instructions and procedures manual issued pursuant to section 16-452~~ under
19 the observation of representatives of each political party and the public.
20 The proceedings at the counting center may also be observed by up to three
21 additional people representing a candidate for nonpartisan office, or
22 representing a political committee in support of or in opposition to a
23 ballot measure, proposition or question. A draw by lot shall determine
24 which three groups or candidates shall have representatives participate in
25 the observation at the counting center. Persons representing a candidate
26 for nonpartisan office or persons or groups representing a political
27 committee in support of or in opposition to a ballot measure, proposition
28 or question, who are interested in participating in the observation, shall
29 notify the officer in charge of elections of their desire to be included in
30 the draw not later than seventeen days before the election. After the
31 deadline to receive submissions from the interested persons or groups, but
32 prior to fourteen days before the election, the county officer in charge of

1 elections shall draw by lot, from the list of those that expressed
2 interest, three persons or groups and those selected shall be notified and
3 allowed to observe the proceedings at the counting center. If a group is
4 selected the group may alter who represents that group for different days
5 of observation but on any given observation day a selected group shall not
6 send more than one observer. A group may rotate an observer throughout the
7 day. Only those persons who are authorized for the purpose shall touch any
8 ballot or ballot card or return. All persons who are engaged in processing
9 and counting of the ballots shall be qualified electors, shall be deputized
10 in writing and shall take an oath that they will faithfully perform their
11 assigned duties. There shall be no preferential counting of ballots for
12 the purpose of projecting the outcome of the election. THE BOARD OF
13 SUPERVISORS OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL NOT ALLOW THE USE
14 OF ELECTRONIC OR OTHER TABULATING EQUIPMENT AND ALL COUNTING SHALL BE DONE
15 BY HAND. BALLOTS SHALL BE ORGANIZED AND REMAIN SEGREGATED BY PRECINCT,
16 BOTH BEFORE AND AFTER COUNTING. ~~If any ballot, including any ballot
17 received from early voting, is damaged or defective so that it cannot
18 properly be counted by the automatic tabulating equipment, a true duplicate
19 copy shall be made of the damaged or defective ballot in the presence of
20 witnesses and substituted for the damaged or defective ballot. All
21 duplicate ballots created pursuant to this subsection shall be clearly
22 labeled "duplicate" and shall bear a serial number that shall be recorded
23 on the damaged or defective ballot.~~

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

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

31 ~~2. The board of supervisors or officer in charge of elections shall
32 appoint an electronic vote adjudication board that consists of two judges~~

~~who are overseen by an inspector, with the two judges equally divided between the two largest political parties as prescribed by section 16-531, subsection D to adjudicate and submit for tabulation a ballot that is read by the tabulation machine as blank in order to determine if voter intent is clear on a portion or all of the ballot, or any portion of any ballot as prescribed by section 16-610 or 16-611, or to tally write-in choices as prescribed by section 16-612.~~

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

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

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

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

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

~~D.~~ **B.** For any statewide, county or legislative election, the county recorder or officer in charge of elections shall provide for a live video recording of the custody of all ballots while the ballots are present in a tabulation room in the counting center. The live video recording shall include date and time indicators and shall be linked to the secretary of state's website. The secretary of state shall post links to the video coverage for viewing by the public. The county recorder or officer in charge of elections shall record the video coverage of the ballots at the counting center and shall retain those recordings as a public record for at least as long as the challenge period for the general election. If the

1 live video feed is disrupted or disabled, the recorder or officer in charge
2 of elections is not liable for the disruption but shall attempt to
3 reinstate video coverage as soon as is practicable. Any disruption in
4 video coverage shall not affect or prevent the continued tabulation of
5 ballots. This subsection is contingent on legislative appropriation.

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

10 Sec. 29. Section 16-663, Arizona Revised Statutes, is amended to
11 read:

12 16-663. Recount of votes

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

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

1 Sec. 30. Repeal

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

3 Sec. 31. Section 16-1011, Arizona Revised Statutes, is amended to
4 read:

5 16-1011. Counterfeiting election returns; violation;
6 classification

7 A. A person who knowingly forges or counterfeits returns of an
8 election purporting to have been held at a precinct or place where no
9 election was in fact held, or who knowingly substitutes, forges or
10 counterfeits returns of election instead of the true returns for a precinct
11 or place where an election was actually held, is guilty of a class 3
12 felony.

13 B. A person who knowingly substitutes, forges, counterfeits or
14 tampers with ballot tabulations or totals or election results by electronic
15 means or through the use of a computer, machine or other device is guilty
16 of a class 3 felony. This subsection does not apply to the casting or
17 tallying of ballots as provided by law or to the substitution or
18 duplication of ballots as prescribed by sections 16-573, ~~AND~~ 16-574 ~~and~~
19 ~~16-621~~.

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

23 Sec. 32. Section 16-1017, Arizona Revised Statutes, is amended to
24 read:

25 16-1017. Unlawful acts by voters with respect to voting;
26 classification

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

29 1. Makes a false statement as to the voter's inability to mark a
30 ballot.

31 2. Interferes with a voter within the seventy-five foot limit of the
32 polling place as posted by the election marshal or within seventy-five feet

1 of the main outside entrance to an on-site ~~early~~ voting location
2 ~~established by a county recorder pursuant to section 16-542, subsection A.~~

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

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

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

11 6. Hinders the voting of others.

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

14 Sec. 33. Section 16-1018, Arizona Revised Statutes, is amended to
15 read:

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

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

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

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

27 3. Knowingly removes an official ballot from a polling place **OR**
28 **ON-SITE VOTING LOCATION** before closing the polls.

29 4. Shows another voter's ballot to any person after it is prepared
30 for voting in such a manner as to reveal the contents, except to an
31 authorized person lawfully assisting the voter. A voter who makes
32 available an image of the voter's own ballot by posting on the internet or

1 in some other electronic medium is deemed to have consented to
2 retransmittal of that image and that retransmittal does not constitute a
3 violation of this section.

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

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

9 7. Knowingly delivers an official ballot to a voter, unless the
10 voter is an election official.

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

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

18 Sec. 34. Conforming legislation

19 The legislative council staff shall prepare proposed legislation
20 conforming the Arizona Revised Statutes to the provisions of this act for
21 consideration in the fifty-sixth legislature, first regular session."

22 Amend title to conform

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