

REFERENCE TITLE: election equipment; security; legislative review

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

SB 1054

Introduced by
Senator Townsend

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

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

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

20 B. Machines or devices used at any election for federal, state or
21 county offices may only be certified for use in this state and may only be
22 used in this state if they comply with the help America vote act of 2002
23 and if those machines or devices have been tested and approved by a
24 laboratory that is accredited pursuant to the help America vote act of
25 2002.

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

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

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

43 2. The person or firm uses or includes hardware, firmware or
44 software in a version that is not certified for use or approved for

1 experimental use pursuant to this section in a certified voting system or
2 device.

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

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

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

22 H. BEGINNING IN 2022 AND EVERY TWO YEARS THEREAFTER, THE COMMITTEE
23 PRESCRIBED BY SUBSECTION A OF THIS SECTION SHALL PROVIDE FOR A DETAILED
24 REVIEW OF ELECTION EQUIPMENT SECURITY FOR COUNTIES WITH A POPULATION OF
25 MORE THAN FIVE HUNDRED THOUSAND PERSONS AND SHALL FOCUS ON THE ACTUAL
26 EQUIPMENT, SOFTWARE AND OTHER SYSTEMS USED IN THE MOST RECENT GENERAL
27 ELECTION. A PERSON WHO IS AN EXPERT IN ELECTION EQUIPMENT SECURITY SHALL
28 CONDUCT OR ASSIST WITH THE DETAILED REVIEW. ON COMPLETION, THE DETAILED
29 REVIEW SHALL BE PRESENTED TO THE STANDING COMMITTEES OF THE LEGISLATURE
30 WITH JURISDICTION OVER ELECTION ISSUES AT A PUBLIC MEETING OF THE
31 LEGISLATIVE COMMITTEES THAT IS HELD NOT LATER THAN AUGUST 1 FOLLOWING THE
32 GENERAL ELECTION. A WRITTEN REPORT ON THE DETAILED REVIEW SHALL BE
33 PROVIDED TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF
34 REPRESENTATIVES AND THE SECRETARY OF STATE.