

REFERENCE TITLE: elections; adjudicated ballots; categories

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

SB 1577

Introduced by
Senator Townsend

AN ACT

AMENDING SECTION 16-621, 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 16-621, Arizona Revised Statutes, is amended to
3 read:

4 16-621. Proceedings at the counting center; violation;
5 classification

6 A. All proceedings at the counting center shall be under the
7 direction of the board of supervisors or other officer in charge of
8 elections and shall be conducted in accordance with the approved
9 instructions and procedures manual issued pursuant to section 16-452 under
10 the observation of representatives of each political party and the public.
11 The proceedings at the counting center may also be observed by up to three
12 additional people representing a candidate for nonpartisan office, or
13 representing a political committee in support of or in opposition to a
14 ballot measure, proposition or question. A draw by lot shall determine
15 which three groups or candidates shall have representatives participate in
16 the observation at the counting center. Persons representing a candidate
17 for nonpartisan office or persons or groups representing a political
18 committee in support of or in opposition to a ballot measure, proposition
19 or question, who are interested in participating in the observation, shall
20 notify the officer in charge of elections of their desire to be included
21 in the draw not later than seventeen days before the election. After the
22 deadline to receive submissions from the interested persons or groups, but
23 prior to fourteen days before the election, the county officer in charge
24 of elections shall draw by lot, from the list of those that expressed
25 interest, three persons or groups and those selected shall be notified and
26 allowed to observe the proceedings at the counting center. If a group is
27 selected the group may alter who represents that group for different days
28 of observation but on any given observation day a selected group shall not
29 send more than one observer. A group may rotate an observer throughout
30 the day. Only those persons who are authorized for the purpose shall
31 touch any ballot or ballot card or return. All persons who are engaged in
32 processing and counting of the ballots shall be qualified electors, shall
33 be deputized in writing and shall take an oath that they will faithfully
34 perform their assigned duties. There shall be no preferential counting of
35 ballots for the purpose of projecting the outcome of the election. If any
36 ballot, including any ballot received from early voting, is damaged or
37 defective so that it cannot properly be counted by the automatic
38 tabulating equipment, a true duplicate copy ~~shall be made~~ of the damaged
39 or defective ballot **SHALL BE MADE** in the presence of witnesses and
40 substituted for the damaged or defective ballot. All duplicate ballots
41 created pursuant to this subsection shall be clearly labeled "duplicate"
42 and shall bear a serial number that shall be recorded on the damaged or
43 defective ballot.

44 B. If the counting center automatic tabulating equipment includes
45 an electronic vote adjudication feature that has been certified for use as

1 prescribed by section 16-442 and the board of supervisors or officer in
2 charge of elections authorizes the use of this feature at the counting
3 center, all of the following apply:

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

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

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

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

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

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

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

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

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

5 F. FOR ANY BALLOTS THAT ARE REQUIRED TO BE DUPLICATED OR
6 ADJUDICATED, WHETHER ELECTRONICALLY OR MANUALLY, THE COUNTY RECORDER OR
7 OTHER OFFICER IN CHARGE OF ELECTIONS SHALL SEPARATE THE BALLOTS BY TYPE OF
8 DEFECT OR DAMAGE AND TYPE OF BALLOT, MAINTAIN THAT SEPARATION AND POST ON
9 THE COUNTY'S WEBSITE THE TYPE OF BALLOT AND CATEGORY OF DEFECT OR DAMAGE
10 FOR THE BALLOTS PROCESSED BY THE COUNTY AND THE NUMBER OF BALLOTS OF EACH
11 TYPE IN EACH CATEGORY OF DEFECT OR DAMAGE. THE COUNTY RECORDER OR OTHER
12 OFFICER IN CHARGE OF ELECTIONS SHALL PREPARE A REPORT CONTAINING THE SAME
13 INFORMATION AND SUBMIT THE REPORT TO THE PRESIDENT OF THE SENATE AND THE
14 SPEAKER OF THE HOUSE OF REPRESENTATIVES AND PROVIDE A COPY OF THE REPORT
15 TO THE SECRETARY OF STATE. A PERSON WHO VIOLATES THIS SUBSECTION IS
16 GUILTY OF A CLASS 2 MISDEMEANOR.