

COMMITTEE ON MUNICIPAL OVERSIGHT & ELECTIONS
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1598
(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 16-552, Arizona Revised Statutes, is amended to
3 read:

4 16-552. Early ballots; processing; challenges

5 A. In a jurisdiction that uses optical scan ballots, the officer in
6 charge of elections may use the procedure prescribed by this section or may
7 request approval from the secretary of state for a different method for
8 processing early ballots. The request shall be made in writing at least
9 ninety days before the election for which the procedure is intended to be
10 used. After the election official has confirmed with the secretary of
11 state that all election equipment passes the logic and accuracy test, the
12 election official may begin to count early ballots. No early ballot
13 results may be released except as prescribed by section 16-551.

14 B. The early election board shall check the voter's affidavit on the
15 envelope containing the early ballot. If it is found to be sufficient, the
16 vote shall be allowed. If the affidavit is insufficient, the vote shall
17 not be allowed.

18 C. The county chairman of each political party represented on the
19 ballot, by written appointment addressed to the early election board, may
20 designate party representatives and alternates to act as early ballot
21 challengers for the party. ~~NO~~ A party may NOT have more than the number of
22 such representatives or alternates that were mutually agreed on by each
23 political party to be present at one time. If such agreement cannot be
24 reached, the number of representatives shall be limited to one for each
25 political party AT ANY ONE TIME. A REPRESENTATIVE MAY NOT APPROACH AN

1 ELECTION OFFICIAL'S TABLE OR EQUIPMENT ANY CLOSER THAN IS REASONABLY
2 NECESSARY TO PROPERLY PERFORM THE REPRESENTATIVES' FUNCTIONS. EACH
3 REPRESENTATIVE SHALL BE ALLOWED TO OBSERVE THE CONDUCT OF ELECTION
4 OFFICIALS. REPRESENTATIVES SHALL PROVIDE THEIR OWN MATERIALS AND
5 NECESSITIES AND MAY NOT OBSTRUCT THE ORDERLY CONDUCT OF ANY ELECTION OR
6 EARLY ELECTION BOARD PROCEDURES OR BALLOT PROCESSING. REPRESENTATIVES
7 SHALL POSE ANY QUESTIONS REGARDING PROCEDURES DIRECTLY TO THE SUPERVISOR OF
8 THE EARLY ELECTION BOARD FOR RESOLUTION. EACH REPRESENTATIVE SHALL BE A
9 REGISTERED VOTER IN THIS STATE. A CANDIDATE WHO APPEARS ON THE BALLOT MAY
10 NOT BE DESIGNATED OR ACT AS A REPRESENTATIVE.

11 D. An early ballot may be challenged on any grounds set forth in
12 section 16-591. All challenges shall be made in writing with a brief
13 statement of the grounds before the early ballot is placed in the ballot
14 box. A record of all challenges and resulting proceedings shall be kept in
15 substantially the same manner as provided in section 16-594. If an early
16 ballot is challenged, it shall be set aside and retained in the possession
17 of the early election board or other officer in charge of early ballot
18 processing until a time that the early election board sets for
19 determination of the challenge, subject to the procedure in subsection E of
20 this section, at which time the early election board shall hear the
21 grounds for the challenge and shall decide what disposition shall be made
22 of the early ballot by majority vote. If the early ballot is not allowed,
23 it shall be handled pursuant to subsection G of this section.

24 E. Within twenty-four hours ~~of receipt of~~ AFTER RECEIVING a
25 challenge, the early election board or other officer in charge of early
26 ballot processing shall mail, by first class mail, a notice of the
27 challenge including a copy of the written challenge, and also including the
28 time and place at which the voter may appear to defend the challenge, to
29 the voter at the mailing address shown on the request for an early ballot
30 or, if none was provided, to the mailing address shown on the registration
31 rolls. Notice shall also be mailed to the challenger at the address listed
32 on the written challenge and provided to the county chairman of each

1 political party represented on the ballot. The board shall meet to
2 determine the challenge at the time specified by the notice but, in any
3 event, not earlier than ninety-six hours after the notice is mailed, or
4 forty-eight hours if the notifying party chooses to deliver the notice by
5 overnight or hand delivery, and not later than 5:00 p.m. on the Monday
6 following the election. The board shall provide the voter with an informal
7 opportunity to make, or to submit, brief statements regarding the
8 challenge. The board may decline to ~~permit~~ ALLOW comments, either in
9 person or in writing, by anyone other than the voter, the challenger and
10 the party representatives. The burden of proof is on the challenger to
11 show why the voter should not be ~~permitted~~ ALLOWED to vote. The fact that
12 the voter fails to appear shall not be deemed to be an admission of the
13 validity of the challenge. The early election board or other officer in
14 charge of early ballot processing is not required to provide the notices
15 described in this subsection if the written challenge fails to set forth at
16 least one of the grounds listed in section 16-591 as a basis for the
17 challenge. In that event, the challenge will be summarily rejected at the
18 meeting of the board. Except for election contests pursuant to section
19 16-672, the board's decision is final and may not be appealed.

20 F. If the vote is allowed, the board shall open the envelope
21 containing the ballot in such a manner that the affidavit ~~thereon~~ ON THE
22 ENVELOPE is not destroyed, take out the ballot without unfolding it or
23 ~~permitting~~ ALLOWING it to be opened or examined and show by the records of
24 the election that the elector has voted.

25 G. If the vote is not allowed, the affidavit envelope containing the
26 early ballot shall not be opened and the board shall mark across the face
27 of such envelope the grounds for rejection. The affidavit envelope and its
28 contents shall then be deposited with the opened affidavit envelopes and
29 shall be preserved with official returns. If the voter does not enter an
30 appearance, the board shall send the voter a notice stating whether
31 the early ballot was disallowed and, if disallowed, providing the grounds
32 for the determination. The notice shall be mailed by first class mail to

1 the voter's mailing address as shown on the registration rolls within three
2 days after the board's determination.

3 H. Party representatives and alternates may be appointed as provided
4 in subsection C of this section to be present and to challenge the
5 verification of questioned ballots pursuant to section 16-584 on any
6 grounds ~~permitted~~ ALLOWED by this section. Questioned ballots that are
7 challenged shall be presented to the early election board for decision
8 under the provisions of this section.

9 Sec. 2. Section 16-590, Arizona Revised Statutes, is amended to
10 read:

11 16-590. Appointment of challengers and party representatives

12 A. The county chairman of each party ~~may~~, for each precinct, by
13 written appointment addressed to the election board, MAY designate a party
14 agent or representative and alternates for a polling place in the precinct
15 who may act as challengers for the party which appointed ~~him~~ THE
16 CHALLENGERS.

17 B. At each voting place, one challenger for each political party may
18 be present and act, but ~~no~~ A challenger may NOT enter a voting booth except
19 to mark ~~his~~ THE CHALLENGER'S OWN ballot. A CHALLENGER MAY NOT APPROACH AN
20 ELECTION OFFICIAL'S TABLE OR EQUIPMENT OR THE VOTING BOOTHS ANY CLOSER THAN
21 IS REASONABLY NECESSARY TO PROPERLY PERFORM THE CHALLENGER'S FUNCTIONS.
22 EACH CHALLENGER SHALL BE ALLOWED WITHIN THE POLLING PLACE TO OBSERVE THE
23 CONDUCT OF ELECTORS AND ELECTION OFFICIALS, INCLUDING THE SETUP OF THE
24 VOTING LOCATION BEFORE THE POLLS OPEN AND THE CLOSEOUT PROCEDURES AT THE
25 VOTING LOCATION AFTER THE POLLS CLOSE. CHALLENGERS SHALL PROVIDE THEIR OWN
26 MATERIALS AND NECESSITIES AND MAY NOT OBSTRUCT THE ORDERLY CONDUCT OF ANY
27 ELECTION. CHALLENGERS SHALL POSE ANY QUESTIONS REGARDING POLLING PLACE
28 PROCEDURES DIRECTLY TO THE INSPECTOR AT THE VOTING LOCATION OR TO THE
29 OFFICER IN CHARGE OF THE ELECTION FOR RESOLUTION. A CHALLENGER MAY NOT
30 INTERACT WITH A VOTER. A CANDIDATE WHO APPEARS ON THE BALLOT MAY NOT BE
31 DESIGNATED OR ACT AS A POLLING PLACE CHALLENGER. A CHALLENGER SHALL BE

1 ALLOWED TO ENTER AND OBSERVE IN ALL POLLING PLACES IN THE COUNTY IN WHICH
2 THE CHALLENGER IS DESIGNATED.

3 C. Not more than the number of party representatives for each party
4 ~~which were~~ THAT WAS mutually agreed ~~upon~~ ON by each political party
5 represented on the ballot shall be in the polling place at one time. If
6 such agreement cannot be reached, the number of representatives shall be
7 limited to one in the polling place at one time for each political party.

8 D. A challenger or party representative shall be a resident of this
9 state and registered to vote in this state.

10 Sec. 3. Section 16-602, Arizona Revised Statutes, is amended to
11 read:

12 16-602. Removal of ballots from ballot boxes; designated
13 margin; hand counts; vote count verification
14 committee

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

22 B. For each countywide primary, special, general and presidential
23 preference election, the county officer in charge of the election shall
24 conduct a hand count at one or more secure facilities. The hand count
25 shall be conducted as prescribed by this section and in accordance with
26 hand count procedures established by the secretary of state in the official
27 instructions and procedures manual adopted pursuant to section 16-452. The
28 hand count is not subject to the live video requirements of section
29 ~~16-621, subsection D,~~ but the party representatives who are observing the
30 hand count may bring their own video cameras in order to record the hand
31 count. The recording shall not interfere with the conduct of the hand
32 count and the officer in charge of the election may prohibit from recording

1 or remove from the facility persons who are taking actions to disrupt the
2 count. The sole act of recording the hand count does not constitute
3 sufficient grounds for the officer in charge of the election to prohibit
4 observers from recording or to remove them from the facility. The hand
5 count shall be conducted in the following order:

6 1. At least two percent of the precincts in that county, or two
7 precincts, whichever is greater, shall be selected at random from a pool
8 consisting of every precinct in that county. The county political party
9 ~~chairman~~ CHAIRPERSON for each political party that is entitled to continued
10 representation on the state ballot or the ~~chairman's~~ CHAIRPERSON'S designee
11 shall conduct the selection of the precincts to be hand counted. The
12 precincts shall be selected by lot without the use of a computer, and the
13 order of selection by the county political party ~~chairmen~~ CHAIRPERSONS
14 shall also be by lot. The selection of the precincts shall not begin until
15 all ballots voted in the precinct polling places have been delivered to the
16 central counting center. The unofficial vote totals from all precincts
17 shall be made public before selecting the precincts to be hand
18 counted. Only the ballots cast in the polling places and ballots from
19 direct recording electronic machines shall be included in the hand counts
20 conducted pursuant to this section. Provisional ballots, conditional
21 provisional ballots and write-in votes shall not be included in the hand
22 counts and the early ballots shall be grouped separately by the officer in
23 charge of elections for purposes of a separate manual audit pursuant to
24 subsection F of this section.

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

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

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

4 (c) One contested race for federal office, either United States
5 senate or United States house of representatives. If the United States
6 house of representatives race is selected, the names of the candidates may
7 vary among the sampled precincts.

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

11 (e) If there are fewer than four contested races resulting from the
12 selections made pursuant to subdivisions (a) through (d) of this ~~section~~
13 **PARAGRAPH** and if there are additional contested federal, statewide or
14 legislative races or ballot measures, additional contested races shall be
15 selected by lot not using a computer until four races have been selected or
16 until no additional contested federal, statewide or legislative races or
17 ballot measures are available for selection.

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

20 3. For the presidential preference election, select by lot two
21 percent of the polling places designated and used pursuant to section
22 16-248 and perform the hand count of those ballots.

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

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

28 6. Each county ~~chairman~~ **CHAIRPERSON** of a political party that is
29 entitled to continued representation on the state ballot or the ~~chairman's~~
30 **CHAIRPERSON'S** designee shall select by lot the individual races to be hand
31 counted pursuant to this section.

1 7. The county ~~chairman~~ CHAIRPERSON of each political party shall
2 designate and provide the number of election board members as designated by
3 the county officer in charge of elections who shall perform the hand count
4 under the supervision of the county officer in charge of elections. For
5 each precinct that is to be audited, the county ~~chairmen~~ CHAIRPERSONS shall
6 designate at least two board workers who are registered members of any or
7 no political party to assist with the audit. Any qualified elector from
8 this state may be a board worker without regard to party designation. The
9 county election officer shall provide for compensation for those board
10 workers, not to include travel, meal or lodging expenses. If there are
11 less than two persons for each audited precinct available to participate on
12 behalf of each recognized political party, the recorder or officer in
13 charge of elections, with the approval of at least two county party
14 chairpersons in the county in which the shortfall occurs, shall substitute
15 additional individual electors who are provided by any political party from
16 anywhere in the state without regard to party designation to conduct the
17 hand count. A county party ~~chairman~~ CHAIRPERSON shall approve only those
18 substitute electors who are provided by the county ~~chairman's~~ CHAIRPERSON'S
19 political party. The political parties shall provide to the recorder or
20 officer in charge of elections in writing the names of those persons
21 intending to participate in the hand count at the audited precincts not
22 later than 5:00 p.m. on the Tuesday preceding the election. If the total
23 number of board workers provided by all parties is less than four times the
24 number of precincts to be audited, the recorder or officer in charge of
25 elections shall notify the parties of the shortage by 9:00 a.m. on the
26 Wednesday preceding the election. The hand count shall not proceed unless
27 the political parties provide the recorder or officer in charge of
28 elections, in writing, a sufficient number of persons by 5:00 p.m. on the
29 Thursday preceding the election and a sufficient number of persons,
30 pursuant to this paragraph, arrive to perform the hand count. The recorder
31 or officer in charge of elections may prohibit persons from participating
32 in the hand count if they are taking actions to disrupt the count or are

1 unable to perform the duties as assigned. For the hand count to proceed,
2 not more than seventy-five percent of the persons performing the hand count
3 shall be from the same political party.

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

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

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

1 difference in that race that is less than the designated margin when
2 compared to the electronic tabulation of those same ballots, the electronic
3 tabulation constitutes the official count for that race.

4 E. If a final hand count is performed for an entire jurisdiction for
5 a race, the final hand count shall be repeated for that race until a hand
6 count for that race for the entire jurisdiction results in a count that is
7 identical to one other hand count for that race for the entire jurisdiction
8 and that hand count constitutes the official count for that race.

9 F. After the electronic tabulation of early ballots and at one or
10 more times selected by the ~~chairman~~ CHAIRPERSON of the political parties
11 entitled to continued representation on the ballot or the ~~chairman's~~
12 CHAIRPERSON'S designee, the ~~chairmen~~ CHAIRPERSONS or the ~~chairmen's~~
13 CHAIRPERSONS' designees shall randomly select one or more batches of early
14 ballots that have been tabulated to include at least one batch from each
15 machine used for tabulating early ballots and those ballots shall be
16 securely sequestered by the county recorder or officer in charge of
17 elections along with their unofficial tally reports for a postelection
18 manual audit. The ~~chairmen~~ CHAIRPERSONS or the ~~chairmen's~~ CHAIRPERSONS'
19 designees shall randomly select from those sequestered early ballots a
20 number equal to one percent of the total number of early ballots cast or
21 five thousand early ballots, whichever is less. From those randomly
22 selected early ballots, the county officer in charge of elections shall
23 conduct a manual audit of the same races that are being hand counted
24 pursuant to subsection B of this section. If the manual audit of the early
25 ballots results in a difference in any race that is equal to or greater
26 than the designated margin when compared to the electronically tabulated
27 results for those same early ballots, the manual audit shall be repeated
28 for those same early ballots. If the second manual audit results in a
29 difference in that race that is equal to or greater than the designated
30 margin when compared to the electronically tabulated results for those same
31 early ballots, the manual audit shall be expanded only for that race to a
32 number of additional early ballots equal to one percent of the total early

1 ballots cast or an additional five thousand ballots, whichever is less, to
2 be randomly selected from the batch or batches of sequestered early
3 ballots. If the expanded early ballot manual audit results in a difference
4 for that race that is equal to or greater than the designated margin when
5 compared to any of the earlier manual counts for that race, the manual
6 counts shall be repeated for that race until a manual count results in a
7 difference in that race that is less than the designated margin. If at any
8 point in the manual audit of early ballots the difference between any
9 manual count of early ballots is less than the designated margin when
10 compared to the electronic tabulation of those ballots, the electronic
11 tabulation shall be included in the canvass and no further manual audit of
12 the early ballots shall be conducted.

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

16 H. Notwithstanding any other law, the county officer in charge of
17 elections shall retain custody of the ballots for purposes of performing
18 any required hand counts and the officer shall provide for security for
19 those ballots.

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

25 J. For any county in which a hand count has been expanded to all
26 precincts in the jurisdiction, the secretary of state shall make available
27 the escrowed source code for that county to the superior court. The
28 superior court shall appoint a special master to review the computer
29 software. The special master shall have expertise in software engineering,
30 shall not be affiliated with an election software vendor nor with a
31 candidate, shall sign and be bound by a nondisclosure agreement regarding
32 the source code itself and shall issue a public report to the court and to

1 the secretary of state regarding the special master's findings on the
2 reasons for the discrepancies. The secretary of state shall consider the
3 reports for purposes of reviewing the certification of that equipment and
4 software for use in this state.

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

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

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

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

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

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

1 Sec. 4. Section 16-621, Arizona Revised Statutes, is amended to
2 read:

3 16-621. Proceedings at the counting center; observers

4 A. All proceedings at the counting center shall be under the
5 direction of the board of supervisors or other officer in charge of
6 elections and shall be conducted in accordance with the approved
7 instructions and procedures manual issued pursuant to section 16-452 under
8 the observation of representatives of each political party and the
9 public. DURING THE GENERAL ELECTION ONLY, ONE REPRESENTATIVE AT ANY ONE
10 TIME FOR EACH CANDIDATE FOR FEDERAL OFFICE, INCLUDING THE OFFICE OF
11 PRESIDENT OF THE UNITED STATES, WHO HAS BEEN DESIGNATED BY THE CANDIDATE
12 ALSO MAY OBSERVE AT THE COUNTING CENTER. IF MORE THAN ONE UNITED STATES
13 HOUSE OF REPRESENTATIVES CANDIDATE FROM EACH POLITICAL PARTY REPRESENTED ON
14 THE BALLOT DESIGNATES AN OBSERVER, A DRAW BY LOT SHALL DETERMINE WHICH
15 UNITED STATES HOUSE OF REPRESENTATIVES CANDIDATES FROM EACH POLITICAL PARTY
16 REPRESENTED ON THE BALLOT MAY SEND AN OBSERVER.

17 B. The proceedings at the counting center may also be observed by up
18 to three additional people representing a candidate for nonpartisan office,
19 or representing a political committee in support of or in opposition to a
20 ballot measure, proposition or question. A draw by lot shall determine
21 which three groups or candidates shall have representatives participate in
22 the observation at the counting center. Persons representing a candidate
23 for nonpartisan office or persons or groups representing a political
24 committee in support of or in opposition to a ballot measure, proposition
25 or question, who are interested in participating in the observation, shall
26 notify the officer in charge of elections of their desire to be included in
27 the draw not later than seventeen days before the election. After the
28 deadline to receive submissions from the interested persons or groups, but
29 prior to fourteen days before the election, the county officer in charge of
30 elections shall draw by lot, from the list of those that expressed
31 interest, three persons or groups and those selected shall be notified and
32 allowed to observe the proceedings at the counting center. If a group is

1 selected the group may alter who represents that group for different days
2 of observation but on any given observation day a selected group shall not
3 send more than one observer. A group may rotate an observer throughout the
4 day.

5 C. OBSERVERS MAY NOT APPROACH AN ELECTION OFFICIAL'S TABLE OR
6 EQUIPMENT ANY CLOSER THAN IS REASONABLY NECESSARY TO PROPERLY PERFORM THE
7 OBSERVER'S FUNCTIONS. EACH OBSERVER SHALL BE ALLOWED TO OBSERVE THE
8 CONDUCT OF ELECTION OFFICIALS. OBSERVERS SHALL PROVIDE THEIR OWN MATERIALS
9 AND NECESSITIES AND MAY NOT OBSTRUCT THE ORDERLY CONDUCT OF ANY ELECTION OR
10 PROCEDURE. OBSERVERS SHALL POSE ANY QUESTIONS REGARDING PROCEDURES
11 DIRECTLY TO THE SUPERVISOR AT THE COUNTING CENTER OR THE OFFICER IN CHARGE
12 OF ELECTIONS FOR RESOLUTION. EACH OBSERVER SHALL BE A REGISTERED VOTER IN
13 THIS STATE.

14 D. Only those persons who are authorized for the purpose shall touch
15 any ballot or ballot card or return. All persons who are engaged in
16 processing and counting of the ballots shall be qualified electors, shall
17 be deputized in writing and shall take an oath that they will faithfully
18 perform their assigned duties. There shall be no preferential counting of
19 ballots for the purpose of projecting the outcome of the election. If any
20 ballot, including any ballot received from early voting, is damaged or
21 defective so that it cannot properly be counted by the automatic tabulating
22 equipment, a true duplicate copy ~~shall be made~~ of the damaged or defective
23 ballot SHALL BE MADE in the presence of witnesses and substituted for the
24 damaged or defective ballot. All duplicate ballots created pursuant to
25 this subsection shall be clearly labeled "duplicate" and shall bear a
26 serial number that shall be recorded on the damaged or defective ballot.

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

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

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

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

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

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

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

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

27 ~~G.~~ G. For any statewide, county or legislative election, the county
28 recorder or officer in charge of elections shall provide for a live video
29 recording of the custody of all ballots while the ballots are present in a
30 tabulation room in the counting center. The live video recording shall
31 include date and time indicators and shall be linked to the secretary of
32 state's website. The secretary of state shall post links to the video

1 coverage for viewing by the public. The county recorder or officer in
2 charge of elections shall record the video coverage of the ballots at the
3 counting center and shall retain those recordings as a public record for at
4 least as long as the challenge period for the general election. If the
5 live video feed is disrupted or disabled, the recorder or officer in charge
6 of elections is not liable for the disruption but shall attempt to
7 reinstate video coverage as soon as is practicable. Any disruption in
8 video coverage shall not affect or prevent the continued tabulation of
9 ballots. This subsection is contingent on legislative appropriation.

10 ~~E.~~ H. The county recorder or other officer in charge of elections
11 shall maintain records that record the chain of custody for all election
12 equipment and ballots during early voting through the completion of
13 provisional voting tabulation."

14 Amend title to conform

And, as so amended, it do pass

JACQUELINE PARKER
CHAIRMAN

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