

COMMITTEE ON MUNICIPAL OVERSIGHT & ELECTIONS
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2232
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 16-126, Arizona Revised Statutes, is amended to
3 read:

4 16-126. Authority to vote in presidential election after
5 moving from state

6 A. Each person who is properly registered as an elector in any
7 precinct in this state and who has begun residence in another state after
8 the thirtieth day immediately preceding an election in which presidential
9 electors are chosen shall retain ~~his~~ THE right to vote for presidential
10 electors to be elected, but for no other offices in such election. ~~Such~~
11 ~~vote may be cast by early ballot in the precinct from which he has removed,~~
12 ~~in person at the office of the county recorder or by mail.~~

13 ~~B. Ballots cast by early voting procedures pursuant to this section~~
14 ~~shall be in the form prescribed by the secretary of state.~~

15 ~~C.~~ B. All applicants pursuant to this section shall have their
16 registration canceled promptly following the election.

17 Sec. 2. Section 16-181, Arizona Revised Statutes, is amended to
18 read:

19 16-181. Return of registration; alteration; civil penalty;
20 violation; classification

21 A. An intentional failure of an authorized person, INCLUDING A
22 PERSON OR NONGOVERNMENTAL ORGANIZATION THAT RECEIVES BLANK VOTER
23 REGISTRATION FORMS FROM THE SECRETARY OF STATE, COUNTY RECORDER OR OTHER

1 AUTHORIZED ELECTION OFFICIAL, to return the completed registration
2 materials as provided in this chapter is a class 2 misdemeanor. A
3 NONGOVERNMENTAL ORGANIZATION THAT FAILS TO TIMELY RETURN COMPLETED
4 REGISTRATION MATERIALS THAT ARE TIMELY RECEIVED FROM A REGISTRANT IS
5 SUBJECT TO A CIVIL PENALTY OF \$50,000.

6 B. IF AN EMPLOYEE, CONTRACTOR OR VOLUNTEER OF A NONGOVERNMENTAL
7 ORGANIZATION REGISTERS VOTERS ON BEHALF OF THE NONGOVERNMENTAL ORGANIZATION
8 AND UNLAWFULLY ALTERS THE INFORMATION ON A VOTER REGISTRATION FORM, THE
9 NONGOVERNMENTAL ORGANIZATION IS SUBJECT TO A CIVIL PENALTY OF \$1,500 FOR
10 EACH UNLAWFULLY ALTERED VOTER REGISTRATION FORM IT RETURNS.

11 Sec. 3. Title 16, chapter 1.1, article 1, Arizona Revised Statutes,
12 is amended by adding section 16-194, to read:

13 16-194. Primary and general elections; requirements

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

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

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

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

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

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

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

26 Sec. 4. Section 16-225, Arizona Revised Statutes, is amended to
27 read:

28 16-225. Special district election dates

29 A. Special districts as described in title 48, chapters 5, 6, 8, 10
30 and 13 through 16 shall not hold any election except on a date prescribed
31 by section 16-204.

1 B. The board of supervisors of the county in which the special
2 district or greater portion of the assessed valuation of the property in
3 the district is located shall call the election for the formation of
4 special districts in accordance with subsection A of this section.

5 C. The governing body of a special district shall call all other
6 elections for the district in accordance with subsection A of this section
7 and shall notify the board of supervisors and the officer in charge of
8 elections of the county in which the special district or greater portion of
9 the assessed valuation of the property in the district is located of the
10 purpose of the election.

11 ~~D. On notification of the officer in charge of elections and~~
12 ~~approval of the county board of supervisors, the governing body of a~~
13 ~~special district may authorize any special district election that is not~~
14 ~~held on a date prescribed by section 16-204 to be conducted by mail~~
15 ~~pursuant to chapter 4, article 8.1 of this title.~~

16 Sec. 5. Section 16-228, Arizona Revised Statutes, is amended to
17 read:

18 16-228. Notice of election for nonpartisan elections

19 A. The governing body shall publish a notice of election at least
20 twice in a newspaper of general circulation in the election district in
21 which a nonpartisan election is being held not less than one week apart
22 during the six calendar weeks preceding twenty days before the election. If
23 there is not a newspaper of general circulation in the election district,
24 the governing body shall post the call of election on the governing body's
25 public website and at other locations at which the governing body
26 customarily posts public notice of the governing body's public
27 meetings. This notice shall contain at least:

- 28 1. The date of the election.
- 29 2. The location of the polls.
- 30 3. The hours the polls will be open.
- 31 4. The purpose of the election.
- 32 5. The election district conducting the election.

1 B. In lieu of publishing the notice described in subsection A of
2 this section, the governing body may, and for a nonresident qualified
3 elector of any special district shall, mail a notice of election to each
4 household containing a qualified elector of the district. The notice shall
5 contain the same information described in subsection A, paragraphs 1, 4 and
6 5 of this section and the polling place for that household's qualified
7 electors and the times it is open. Mailings may be made over a period of
8 days but shall be mailed in order to be delivered to households before the
9 earliest date of mailing to registered voters of any requested early
10 ballots for that election.

11 ~~C. In mail ballot elections, the governing body shall publish a~~
12 ~~notice of election at least twice in a newspaper of general circulation in~~
13 ~~the special district in which the election is being held once a week during~~
14 ~~each of the two weeks immediately preceding the thirty days before the~~
15 ~~election. This notice shall contain at least:~~

- 16 ~~1. The date of the election.~~
- 17 ~~2. The date ballots will be mailed.~~
- 18 ~~3. The deadline and location for return of the ballots.~~
- 19 ~~4. The method for obtaining a replacement if a ballot is destroyed,~~
20 ~~lost, spoiled or not received.~~
- 21 ~~5. A statement that no polling place will be provided.~~
- 22 ~~6. The name of the district that is conducting the election.~~
- 23 ~~7. The qualifications of electors.~~

24 ~~D. In lieu of publishing the notice described in subsection C of~~
25 ~~this section, the governing body may, and for a nonresident qualified~~
26 ~~elector of any special district shall, mail a notice of election to each~~
27 ~~household containing a qualified elector of the district. The notice shall~~
28 ~~contain the same information described in subsection C of this section and~~
29 ~~shall be mailed not later than forty-five days before the election.~~

30 Sec. 6. Section 16-245, Arizona Revised Statutes, is amended to
31 read:

32 16-245. Form and content of ballot

1 A. Ballots and ballot labels for the presidential preference
2 election shall be printed on different colored paper or white paper with a
3 different colored stripe for each party represented on the presidential
4 preference election ballot. Only one party may be represented on each
5 ballot. At the top shall be printed "official ballot of the _____
6 party, presidential preference election (date), county of _____, state of
7 Arizona".

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

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

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

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

32 Sec. 7. Repeal

1 Section 16-246, Arizona Revised Statutes, is repealed.

2 Sec. 8. Section 16-248, Arizona Revised Statutes, is amended to
3 read:

4 16-248. Designation of polling places

5 A. Not less than twenty days before a presidential preference
6 election, the board of supervisors shall designate a reasonable and
7 adequate number of polling places where the election shall be held.

8 B. The number of polling places for the presidential preference
9 election is to be determined according to the number of active registered
10 voters as of January 1 of the year of the presidential preference election.

11 C. Each county with two hundred thousand or more active registered
12 voters shall determine the number of polling places for the presidential
13 preference election by using ~~no~~ NOT more than one-half of the number of
14 precincts as of January 1 of the year of the presidential preference
15 election.

16 D. Each county with less than two hundred thousand active registered
17 voters but ten thousand or more active registered voters shall determine
18 the number of polling places for the presidential preference election by
19 using ~~no~~ NOT more than one polling place for every two thousand active
20 registered voters as of January 1 of the year of the presidential
21 preference primary.

22 E. Each county with less than ten thousand active registered voters
23 shall determine the number of polling places for the presidential
24 preference election by using ~~no~~ NOT more than one polling place for every
25 one thousand active registered voters as of January 1 of the year of the
26 presidential preference election.

27 F. If ~~it is determined by~~ the secretary of state DETERMINES that
28 compliance with state and federal regulations would be jeopardized, the
29 secretary of state has the authority to release a county from the number of
30 polling places prescribed by this section.

31 G. This section does not apply to land located on an Indian
32 reservation.

1 ~~H. In precincts that contain fewer than three hundred active~~
2 ~~registered voters, the officer in charge of elections may conduct a~~
3 ~~presidential preference election by mail.~~

4 Sec. 9. Section 16-343, Arizona Revised Statutes, is amended to
5 read:

6 16-343. Filling vacancy caused by death or incapacity or
7 withdrawal of candidate

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

12 1. In the case of a United States senator or statewide candidate,
13 the state executive committee of the candidate's political party shall
14 nominate a candidate of the party's choice and shall file a nomination
15 paper and declaration complying with the requirements for candidates as
16 stated in section 16-311 in order to fill the vacancy.

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

22 3. In the case of a vacancy for a county or precinct office, the
23 party county committee of counties with a population of less than two
24 hundred fifty thousand persons according to the most recent United States
25 decennial census and, in counties with a population of two hundred fifty
26 thousand persons or more according to the most recent United States
27 decennial census the county officers of the party together with the
28 chairman of the party precinct committeemen in each legislative district of
29 the county, shall nominate a candidate of the party's choice and shall file
30 a nomination paper and declaration complying with the requirements of
31 section 16-311 to fill such vacancy.

1 4. If the vacancy occurs in a candidate race for partisan nomination
2 in which at least one candidate of the vacating candidate's political party
3 remains on the ballot for the vacating candidate's office, the vacancy
4 shall not be filled. For an office to which more than one candidate will
5 be elected, the vacancy shall not be filled if at least one candidate of
6 the vacating candidate's political party remains on the ballot for each of
7 the multiple seats for the office sought by the vacating candidate.

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

11 C. Any meetings for the purpose of filing a nomination paper and
12 declaration provided for in this section shall be called by the chairman of
13 such committee or legislative district, except that in the case of
14 multicounty legislative or congressional districts the party county
15 chairman of the county having the largest geographic area within such
16 district shall call such meeting. The chairman or in his absence the vice
17 chairman calling such meeting shall preside. The call to such meeting
18 shall be mailed or given in person to each person entitled to participate
19 ~~no~~ NOT later than one day before such meeting. A majority of those present
20 and voting shall be required to fill a vacancy pursuant to this section.

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

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

31 F. If a vacancy occurs as described in subsection A of this section
32 for a state office, the secretary of state shall notify the various boards

1 of supervisors as to the vacancy. The boards of supervisors shall notify
2 the inspectors of the various precinct election boards in the county,
3 district or precinct where a vacancy occurs. In the case of a city or town
4 election, the city or town clerk shall notify the appropriate inspectors.
5 A vacancy that occurs as prescribed in subsection D of this section due to
6 the death or incapacity of the candidate shall not be filled and the
7 secretary of state shall notify the appropriate county board of supervisors
8 to post a notice of the death or incapacity of the candidate in each
9 polling place along with notice that any votes cast for that candidate will
10 be tabulated.

11 G. The inspectors shall post the notice of vacancy in the same
12 manner as posting official write-in candidates. In the case of a
13 withdrawal of a candidate that occurs after the printing of official
14 ballots, the inspectors shall post the notice of withdrawal in a
15 conspicuous location in each polling place. Notice of withdrawal shall
16 ~~also be posted at all early voting locations and shall~~ be made available to
17 ~~early~~ ABSENTEE voters by providing with the ~~early~~ ABSENTEE ballot
18 instructions a website address at which prompt updates to information
19 regarding write-in and withdrawn candidates are available.

20 Sec. 10. Title 16, chapter 4, article 1, Arizona Revised Statutes,
21 is amended by adding sections 16-407.04 and 16-410.01, to read:

22 16-407.04. Ranked choice voting prohibited

23 AN ELECTION IN THIS STATE MAY NOT ALLOW THE RANKING OF CANDIDATES IN
24 ANY MANNER OTHER THAN WITH A SINGLE VOTE FOR ONE CANDIDATE FOR EACH OFFICE
25 TO BE FILLED.

26 16-410.01. County recorder; duties

27 NOTWITHSTANDING ANY OTHER LAW, THE COUNTY RECORDER IS RESPONSIBLE
28 ONLY FOR PROVIDING AN ADEQUATE NUMBER AND TYPE OF BALLOTS, PENS, TABLES AND
29 OTHER EQUIPMENT AS NECESSARY FOR THE VARIOUS POLLING PLACES LOCATED IN
30 PRECINCTS AS DETERMINED BY THE NUMBER OF REGISTERED VOTERS IN THE
31 PRECINCTS. THE COUNTY BOARD OF SUPERVISORS SHALL PERFORM OR SUPERVISE ALL
32 OTHER ELECTION RELATED DUTIES.

1 Sec. 11. Section 16-411, Arizona Revised Statutes, is amended to
2 read:

3 16-411. Designation of election precincts and polling places;
4 voting centers; electioneering; wait times

5 A. The board of supervisors of each county, on or before October 1
6 of each year preceding the year of a general election, by an order, shall
7 establish a convenient number of election precincts in the county and
8 define the boundaries of the precincts as follows:

9 1. The election precinct boundaries shall be established so as to be
10 included within election districts prescribed by law for elected officers
11 of the state and its political subdivisions, including community college
12 district precincts, except those elected officers provided for in titles 30
13 and 48. **THE BOARD OF SUPERVISORS MAY NOT ESTABLISH AN ELECTION PRECINCT**
14 **THAT CONTAINS MORE THAN ONE THOUSAND REGISTERED VOTERS ON THE DATE THE**
15 **ELECTION PRECINCT'S BOUNDARIES ARE ESTABLISHED.**

16 2. If after October 1 of the year preceding the year of a general
17 election the board of supervisors must further adjust precinct boundaries
18 due to the redistricting of election districts as prescribed by law and to
19 comply with this subsection, the board of supervisors shall adjust these
20 precinct boundaries as soon as is practicable.

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

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

29 2. Adjacent precincts may be combined if boundaries so established
30 are included in election districts prescribed by law for state elected
31 officials and political subdivisions including community college districts
32 but not including elected officials prescribed by titles 30 and 48. The

1 officer in charge of elections may also split a precinct for administrative
2 purposes. The polling places shall be listed in separate sections of the
3 order or resolution.

4 ~~3. On a specific finding of the board that the number of persons who~~
5 ~~are listed as early voters pursuant to section 16-544 and who are not~~
6 ~~expected to have their ballots tabulated at the polling place as prescribed~~
7 ~~in section 16-579.02 is likely to substantially reduce the number of voters~~
8 ~~appearing at one or more specific polling places at that election, adjacent~~
9 ~~precincts may be consolidated by combining polling places and precinct~~
10 ~~boards for that election.~~ The board of supervisors shall ensure that a
11 reasonable and adequate number of polling places **IN EACH PRECINCT** will be
12 designated for that election. Any consolidated polling places shall be
13 listed in separate sections of the order or resolution of the board.

14 ~~4. On a specific resolution of the board,~~ The board may **NOT**
15 authorize the use of voting centers in place of or in addition to
16 specifically designated polling places. ~~A voting center shall allow any~~
17 ~~voter in that county to receive the appropriate ballot for that voter on~~
18 ~~election day after presenting identification as prescribed in section~~
19 ~~16-579 and to lawfully cast the ballot. Voting centers may be established~~
20 ~~in coordination and consultation with the county recorder, at other county~~
21 ~~offices or at other locations in the county deemed appropriate.~~

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

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

28 ~~(b) A qualified elector voting at an emergency voting center shall~~
29 ~~provide identification as prescribed in section 16-579, except that~~
30 ~~notwithstanding section 16-579, subsection A, paragraph 2, for any voting~~
31 ~~at an emergency voting center, the county recorder or other officer in~~
32 ~~charge of elections may allow a qualified elector to update the elector's~~

1 ~~voter registration information as provided for in the secretary of state's~~
2 ~~instructions and procedures manual adopted pursuant to section 16-452.~~

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

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

15 C. If the board fails to designate the place for holding the
16 election, or if it cannot be held at or about the place designated, the
17 justice of the peace in the precinct, two days before the election, by an
18 order, copies of which the justice of the peace shall immediately post in
19 three public places in the precinct, shall designate the place within the
20 precinct for holding the election. If there is no justice of the peace in
21 the precinct, or if the justice of the peace fails to do so, the election
22 board of the precinct shall designate and give notice of the place within
23 the precinct of holding the election. ~~For any election in which there are~~
24 ~~no candidates for elected office appearing on the ballot, the board may~~
25 ~~consolidate polling places and precinct boards and may consolidate the~~
26 ~~tabulation of results for that election if all of the following apply:~~

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

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

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

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

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

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

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

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

18 E. WHENEVER POSSIBLE, THE BOARD OF SUPERVISORS SHALL USE PUBLIC
19 SCHOOLS AND GOVERNMENTAL OFFICES AS POLLING PLACES. ON REQUEST BY THE
20 OFFICER IN CHARGE OF ELECTIONS, SCHOOL DISTRICT GOVERNING BOARD MEMBERS,
21 PRINCIPALS AND MANAGERS OF GOVERNMENTAL OFFICES SHALL ALLOW THEIR SITES TO
22 BE USED AS POLLING PLACES.

23 ~~F.~~ F. The board shall make available to the public as a public
24 record a list of the polling places for all precincts in which the election
25 is to be held.

26 ~~H.~~ G. Except in the case of an emergency, any facility that is used
27 as a polling place on election day ~~or that is used as an early voting site~~
28 ~~during the period of early voting~~ shall allow persons to electioneer and
29 engage in other political activity outside of the seventy-five foot limit
30 prescribed by section 16-515 in public areas and parking lots used by
31 voters. This subsection does not allow the temporary or permanent
32 construction of structures in public areas and parking lots or the blocking

1 or other impairment of access to parking spaces for voters. The county
2 recorder or other officer in charge of elections shall post on its website
3 at least two weeks before election day a list of those polling places in
4 which emergency conditions prevent electioneering and shall specify the
5 reason the emergency designation was granted and the number of attempts
6 that were made to find a polling place before granting an emergency
7 designation. If the polling place is not on the website list of polling
8 places with emergency designations, electioneering and other political
9 activity shall be allowed outside of the seventy-five foot limit. If an
10 emergency arises after the county recorder or other officer in charge of
11 elections' initial website posting, the county recorder or other officer in
12 charge of elections shall update the website as soon as is practicable to
13 include any new polling places, shall highlight the polling place location
14 on the website and shall specify the reason the emergency designation was
15 granted and the number of attempts that were made to find a polling place
16 before granting an emergency designation.

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

23 ~~i.~~ an act of God renders a previously set polling place as unusable.

24 ~~2. A county recorder or other officer in charge of elections has~~
25 ~~exhausted all options and there are no suitable facilities in a precinct~~
26 ~~that are willing to be a polling place unless a facility can be given an~~
27 ~~emergency designation.~~

28 ~~j. The secretary of state shall provide through the instructions and~~
29 ~~procedures manual adopted pursuant to section 16-452 the maximum allowable~~
30 ~~wait time for any election that is subject to section 16-204 and provide~~
31 ~~for a method to reduce voter wait time at the polls in the primary and~~

1 ~~general elections. The method shall consider at least all of the following~~
2 ~~for primary and general elections in each precinct:~~

3 ~~1. The number of ballots voted in the prior primary and general~~
4 ~~elections.~~

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

7 ~~3. The number of registered voters and the number of registered~~
8 ~~voters who cast an early ballot for the current primary or general~~
9 ~~election.~~

10 ~~4. The number of registered voters whose early ballots were~~
11 ~~tabulated on-site as prescribed in section 16-579.02 in the prior primary~~
12 ~~and general elections.~~

13 ~~5. The number of election board members and clerks and the number of~~
14 ~~rosters that will reduce voter wait time at the polls.~~

15 Sec. 12. Section 16-442, Arizona Revised Statutes, is amended to
16 read:

17 16-442. Committee approval

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

31 B. Machines or devices used at any election for federal, state or
32 county offices may only be certified for use in this state and may only be

1 used in this state if they comply with the help America vote act of 2002,
2 ~~and if those machines or devices~~ THEY have been tested and approved by a
3 laboratory that is accredited pursuant to the help America vote act of
4 2002, IF THEY CANNOT ACCESS THE INTERNET AND IF THEY ARE TO BE USED TO
5 COMPLY WITH THE ACCESSIBILITY REQUIREMENTS PRESCRIBED BY SECTION
6 16-442.01. EXCEPT AS REQUIRED TO COMPLY WITH SECTION 16-442.01, THE
7 SECRETARY OF STATE MAY NOT APPROVE FOR GENERAL USE ELECTRONIC VOTING
8 MACHINES AND ELECTRONIC TABULATING MACHINES. ALL ELECTRONIC VOTING
9 MACHINES AND ELECTRONIC TABULATING MACHINES SHALL BE THE SAME MAKE AND
10 MODEL, SHALL BE UNIFORM IN COMPLIANCE, LANGUAGE AND CAPABILITIES, SHALL BE
11 OWNED BY THE OFFICE OF THE SECRETARY OF STATE AND SHALL BE USED BY
12 AGREEMENT WITH COUNTIES AND OTHER ELECTION JURISDICTIONS.

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

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

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

30 2. The person or firm uses or includes hardware, firmware or
31 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 of~~
4 ~~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 that~~
17 ~~the election cannot be conducted without the emergency certification. Any~~
18 ~~emergency certification shall be limited to no more than six months. At~~
19 ~~the conclusion of the certification period the voting system or device~~
20 ~~shall be decertified and unavailable for future use unless certified in~~
21 ~~accordance with this section.~~

22 Sec. 13. Section 16-442.01, Arizona Revised Statutes, is amended to
23 read:

24 16-442.01. Accessible voting technology; recommendations;
25 certification; applicability

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

1 United States mail option for persons who are blind or have a visual
2 impairment.

3 B. For the purposes of this section:

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

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

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

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

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

23 Sec. 14. Section 16-443, Arizona Revised Statutes, is amended to
24 read:

25 16-443. Authorization of use at all elections

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

1 OR TOWN ELECTIONS, ONLY PAPER BALLOTS MAY BE USED AND BALLOTS SHALL BE
2 TABULATED BY HAND.

3 Sec. 15. Section 16-444, Arizona Revised Statutes, is amended to
4 read:

5 16-444. Definitions

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

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

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

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

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

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

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

26 ~~7. "Vote tabulating equipment" includes apparatus necessary to
27 automatically examine and count votes as designated on absentee ballots and
28 tabulate the results.~~

29 ~~8.~~ 5. "Voting device" means an apparatus that the voter uses to
30 record the voter's votes by marking a paper ballot, which votes are
31 subsequently counted by ~~electronic tabulating equipment~~ HAND.

1 ~~B. The provisions of all state laws relating to elections not~~
2 ~~inconsistent with this article apply to all elections where electronic~~
3 ~~tabulating devices are used. Any provision of law that conflicts with this~~
4 ~~article does not apply to the elections in which electronic tabulating~~
5 ~~devices are used.~~

6 Sec. 16. Repeal

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

8 Sec. 17. Section 16-446, Arizona Revised Statutes, is amended to
9 read:

10 16-446. Specifications of electronic voting system

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

15 B. An electronic voting system shall:

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

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

24 3. Prevent the elector from voting for the same person more than
25 once for the same office.

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

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

1 6. When properly operated, record correctly and count accurately
2 every vote cast.

3 7. Provide a durable paper document that visually indicates the
4 voter's selections, that the voter may use to verify the voter's choices,
5 that may be spoiled by the voter if it fails to reflect the voter's choices
6 and that ~~permits~~ **ALLOWS** the voter to cast a new ballot. This paper
7 document shall be used in manual audits and recounts.

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

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

23 Sec. 18. Section 16-448, Arizona Revised Statutes, is amended to
24 read:

25 16-448. Write-in votes; instructions

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

1 Sec. 19. Section 16-449, Arizona Revised Statutes, is amended to
2 read:

3 16-449. Required test of equipment and devices

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

1 ~~of the count, the programs used and the ballots shall be sealed, retained~~
2 ~~and disposed of as provided for paper ballots.~~

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

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

19 Sec. 20. Repeal

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

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

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

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

29 1. Prepare a proof of a sample ballot.

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

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

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

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

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

1 E. For city and town elections, the governing body of a city or town
2 may have printed ~~mailed-type~~ sample ballots for a primary election. If the
3 city or town has printed such sample ballots, the city or town shall
4 provide for the distribution of such ballots and shall bear the expense of
5 printing and distributing ~~of~~ such sample ballots.

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

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

14 Sec. 22. Repeal

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

16 Sec. 23. Title 16, chapter 4, article 6, Arizona Revised Statutes,
17 is amended by adding a new section 16-504, to read:

18 16-504. Anti-fraud ballot paper

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

24 Sec. 24. Section 16-510, Arizona Revised Statutes, is amended to
25 read:

26 16-510. Sample ballots; preparation and distribution

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

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

4 C. The board of supervisors shall have printed mailer-type sample
5 ballots for a general election and shall mail at least eleven days before
6 the election one such sample ballot to each household in the county
7 containing a registered voter ~~unless that registered voter is on the active~~
8 ~~early voting list established pursuant to section 16-544~~. Each sample
9 ballot shall contain the following statement: "This is a sample ballot and
10 cannot be used as an official ballot under any circumstances". A certified
11 claim shall be presented to the secretary of state by the board of
12 supervisors for the actual cost of printing, labeling and postage of each
13 sample ballot actually mailed, and the secretary of state shall direct
14 payment of the authenticated claim from funds of the secretary of state's
15 office.

16 D. For city and town elections, the governing body of a city or town
17 may have printed ~~mailer-type~~ sample ballots for a general election. If the
18 city or town has printed such sample ballots, the city or town shall
19 provide for the distribution of such ballots and shall bear the expense of
20 printing and distributing such sample ballots.

21 E. For special district elections, the governing body of a special
22 district may have printed ~~mailer-type~~ sample ballots. If the special
23 district has printed such sample ballots, the special district shall
24 provide for the distribution of such ballots and shall bear the expense of
25 printing and distributing such sample ballots.

26 Sec. 25. Section 16-515, Arizona Revised Statutes, is amended to
27 read:

28 16-515. "Seventy-five foot limit" notices; posting; violation;
29 classification

30 A. Except as prescribed in this section and section 16-580, a person
31 shall not be allowed to remain inside the seventy-five foot limit while the
32 polls are open, except for the purpose of voting, and except the election

1 officials, one representative at any one time of each political party
2 represented on the ballot who has been appointed by the county chairman of
3 that political party and the challengers allowed by law, and ~~no~~
4 electioneering may NOT occur within the seventy-five foot limit. Voters
5 having cast their ballots shall promptly move outside the seventy-five foot
6 limit.

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

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

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

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

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

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

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

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

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

17 H. **Any** A person **violating** **WHO VIOLATES** this section is guilty of a
18 class 2 misdemeanor.

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

26 Sec. 26. Section 16-541, Arizona Revised Statutes, is amended to
27 read:

28 **16-541. Absentee voting: voter eligibility**

29 A. Any election called pursuant to the laws of this state shall
30 provide for **early** **ABSENTEE** voting, including voting by the use of an
31 accessible vote by United States mail option for persons who are blind or

1 have a visual impairment. Any qualified ~~elector~~ VOTER WHO MEETS THE
2 CRITERIA ESTABLISHED BY THIS SECTION may vote by ~~early~~ ABSENTEE ballot.

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

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

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

9 3. THE VOTER HAS A VISUAL IMPAIRMENT.

10 4. THE VOTER IS AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER
11 AS DEFINED IN THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT (P.L.
12 99-410; 52 UNITED STATES CODE SECTION 20310) OR A SPOUSE OR HOUSEHOLD
13 MEMBER OF THE ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER.

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

17 Sec. 27. Section 16-542, Arizona Revised Statutes, is amended to
18 read:

19 16-542. Request for ballot; violation; classification

20 A. Within ninety-three days before any election called pursuant to
21 the laws of this state, an ~~elector~~ ELIGIBLE VOTER AS PRESCRIBED BY SECTION
22 16-541 may make a verbal or signed request to the county recorder, or other
23 officer in charge of elections for the applicable political subdivision of
24 this state in whose jurisdiction the ~~elector~~ VOTER is registered to vote,
25 for an official ~~early~~ ABSENTEE ballot. In addition to name and address,
26 the requesting ~~elector~~ VOTER shall provide the date of birth and state or
27 country of birth or other information that if compared to the voter
28 registration information on file would confirm the identity of the ~~elector~~
29 VOTER AND SHALL SPECIFY ONE OF THE REASONS FOR VOTING ABSENTEE PRESCRIBED
30 BY SECTION 16-541. If the request indicates that the ~~elector~~ VOTER needs a
31 primary election ballot and a general election ballot, the county recorder
32 or other officer in charge of elections shall honor the request. For any

1 partisan primary election, if the ~~elector~~ VOTER is not registered as a
2 member of a political party that is entitled to continued representation on
3 the ballot pursuant to section 16-804, the ~~elector~~ VOTER shall designate
4 the ballot of only one of the political parties that is entitled to
5 continued representation on the ballot and the ~~elector~~ VOTER may receive
6 and vote the ballot of only that one political party, which also shall
7 include any nonpartisan offices and ballot questions, or the ~~elector~~ VOTER
8 shall designate the ballot for nonpartisan offices and ballot questions
9 only and the ~~elector~~ VOTER may receive and vote the ballot that contains
10 only nonpartisan offices and ballot questions. The county recorder or
11 other officer in charge of elections shall process any request for an ~~early~~
12 ~~ABSENTEE~~ ballot for a municipal election pursuant to this subsection. ~~The~~
13 ~~county recorder may establish on-site early voting locations at the~~
14 ~~recorder's office, which shall be open and available for use beginning the~~
15 ~~same day that a county begins to send out the early ballots. The county~~
16 ~~recorder may also establish any other early voting locations in the county~~
17 ~~the recorder deems necessary. Any on-site early voting location or other~~
18 ~~early voting location shall require each elector to present identification~~
19 ~~as prescribed in section 16-579 before receiving a ballot. Notwithstanding~~
20 ~~section 16-579, subsection A, paragraph 2, at any on-site early voting~~
21 ~~location or other early voting location the county recorder or other~~
22 ~~officer in charge of elections may provide for a qualified elector to~~
23 ~~update the elector's voter registration information as provided for in the~~
24 ~~secretary of state's instructions and procedures manual adopted pursuant to~~
25 ~~section 16-452.~~

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

~~the absent uniformed services or overseas voter, or a voter whose information is protected pursuant to section 16-153, the county recorder or other officer in charge of elections shall provide to the requesting voter 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~~ **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.

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

22 ~~F. Unless an elector specifies that the address to which an early~~
23 ~~ballot is to be sent is a temporary address, the recorder may use the~~
24 ~~information from an early ballot request form to update voter registration~~
25 ~~records.~~

26 ~~F.~~ F. The county recorder or other officer in charge of **early**
27 **ABSENTEE** balloting shall provide an alphabetized list of all voters in the
28 precinct who have requested and have been sent an **early ABSENTEE** ballot to
29 the election board of the precinct in which the voter is registered not
30 later than the day before the election.

31 ~~H.~~ G. As a result of experiencing an emergency between 5:00 p.m. on
32 the Friday preceding the election and 5:00 p.m. on the Monday preceding the

1 election, qualified ~~electors~~ VOTERS may request to vote in the manner
2 prescribed by the board of supervisors of their respective county. Before
3 voting pursuant to this subsection, ~~an elector~~ A VOTER who experiences an
4 emergency shall provide identification as prescribed in section 16-579 and
5 shall sign a statement under penalty of perjury that states that the person
6 is experiencing or experienced an emergency after 5:00 p.m. on the Friday
7 immediately preceding the election and before 5:00 p.m. on the Monday
8 immediately preceding the election that would prevent the person from
9 voting at the polls. Signed statements received pursuant to this
10 subsection are not subject to inspection pursuant to title 39, chapter 1,
11 article 2. For the purposes of this subsection, "emergency" means any
12 unforeseen circumstances that would prevent the ~~elector~~ VOTER from voting
13 at the polls.

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

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

27 ~~K. All original and completed early ballot request forms that are~~
28 ~~received by a candidate, political committee or other organization shall be~~
29 ~~submitted within six business days after receipt by a candidate, political~~
30 ~~committee or other organization or eleven days before the election day,~~
31 ~~whichever is earlier, to the political subdivision that will conduct the~~
32 ~~election. Any person, political committee or other organization that fails~~

1 ~~to submit a completed early ballot request form within the prescribed time~~
2 ~~is subject to a civil penalty of up to \$25 per day for each completed form~~
3 ~~withheld from submittal. Any person who knowingly fails to submit a~~
4 ~~completed early ballot request form before the submission deadline for the~~
5 ~~election immediately following the completion of the form is guilty of a~~
6 ~~class 6 felony.~~

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

15 Sec. 28. Repeal

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

17 Sec. 29. Section 16-547, Arizona Revised Statutes, is amended to
18 read:

19 16-547. Ballot affidavit; form

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

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

1 If the voter was assisted by another person in marking
2 the ballot, complete the following:

3 I declare the following under penalty of perjury: At the
4 registered voter's request I assisted the voter identified in
5 this affidavit with marking the voter's ballot, I marked the
6 ballot as directly instructed by the voter, I provided the
7 assistance because the voter was physically unable to mark the
8 ballot solely due to illness, injury or physical limitation and
9 I understand that there is no power of attorney for voting and
10 that the voter must be able to make the voter's selection even
11 if ~~they~~ THE VOTER cannot physically mark the ballot.

12 Name of voter assistant: _____

13 Address of voter assistant: _____

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

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

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

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

1 In order to be valid and counted, the ballot and
2 affidavit must be delivered to the office of the county
3 recorder or other officer in charge of elections or may be
4 deposited at any polling place in the county ~~no~~ NOT later than
5 7:00 p.m. ~~on~~ THREE DAYS BEFORE election day. The ballot will
6 not be counted without the voter's signature on the envelope.

7 (WARNING—It is a felony to offer or receive any compensation
8 for a ballot.)

9 Sec. 30. Section 16-548, Arizona Revised Statutes, is amended to
10 read:

11 16-548. Preparation and transmission of ballot; tally results

12 A. The early voter shall make and sign the affidavit and shall then
13 mark ~~his~~ THE ballot in ~~such~~ a manner that ~~his~~ THE EARLY VOTER'S vote cannot
14 be seen. The early voter shall fold the ballot, if a paper ballot, so as
15 to conceal the vote and deposit the voted ballot in the envelope provided
16 for that purpose, which shall be securely sealed and, together with the
17 affidavit, delivered or mailed to the county recorder or other officer in
18 charge of elections of the political subdivision in which the elector is
19 registered or deposited by the voter or the voter's agent at any polling
20 place in the county. In order to be counted and valid, the ballot must be
21 received by the county recorder or other officer in charge of elections or
22 deposited at any polling place in the county ~~no~~ NOT later than ~~7:00 p.m. on~~
23 THREE DAYS BEFORE election day.

24 B. If the early voter is an overseas citizen, a qualified elector
25 absent from the United States or in the United States service, a spouse or
26 dependent residing with the early voter or a qualified elector of a special
27 district mail ballot election as provided in article 8.1 of this chapter,
28 the early voter may subscribe to the affidavit before and obtain the
29 signature and military identification number or passport number, if
30 available, of any person who is a United States citizen eighteen years of
31 age or older.

1 C. ALL EARLY VOTES MUST BE COUNTED ON ELECTION DAY BEFORE 7:00 P.M.
2 RESULTS OF THE TALLY MAY NOT BE RELEASED UNTIL AFTER 8:00 P.M. ON ELECTION
3 DAY.

4 Sec. 31. Section 16-558.02, Arizona Revised Statutes, is amended to
5 read:

6 16-558.02. Replacement ballots

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

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

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

19 Sec. 32. Title 16, chapter 4, article 9, Arizona Revised Statutes,
20 is amended by adding section 16-575, to read:

21 16-575. Mask mandate; vaccination; testing prohibition

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

27 Sec. 33. Section 16-602, Arizona Revised Statutes, is amended to
28 read:

29 16-602. Paper ballots; report

30 ~~A.~~ For any primary, special or general election ~~in which the votes~~
31 ~~are cast on an electronic voting machine or tabulator~~, the election judge
32 shall compare the number of votes cast as indicated ~~on the machine or~~

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

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

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

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

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

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

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

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

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

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

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

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

~~9. If the randomly selected races result in a difference in any race that is less than the designated margin when compared to the electronic tabulation of those same ballots, the results of the electronic tabulation constitute the official count for that race. If the randomly selected races result in a difference in any race that is equal to or greater than the designated margin when compared to the electronic tabulation of those same ballots, a second hand count of those same ballots and races shall be performed. If the second hand count results in a difference in any race that is less than the designated margin when compared to the electronic tabulation for those same ballots, the electronic tabulation constitutes 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 ~~races 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. 34. 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. 35. 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. 36. Repeal
2 Section 16-664, Arizona Revised Statutes, is repealed.

3 Sec. 37. 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~~ 2 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. 38. 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. 39. 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. 40. 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, second regular session."

22 Amend title to conform

And, as so amended, it do pass

JACQUELINE PARKER
CHAIRMAN

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