

REFERENCE TITLE: election laws; revisions; appropriation

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

## **HB 2116**

Introduced by  
Representatives Salman: De Los Santos

### **AN ACT**

AMENDING SECTIONS 13-904 AND 16-407, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-407.04; AMENDING TITLE 16, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-446.01; AMENDING SECTIONS 16-449, 16-542 AND 16-549, ARIZONA REVISED STATUTES; AMENDING SECTION 16-550, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 271, SECTION 2; REPEALING SECTION 16-550, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 358, SECTION 1; AMENDING SECTIONS 16-552, 16-584 AND 16-622, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 13-904, Arizona Revised Statutes, is amended to  
3 read:  
4 13-904. Suspension of civil rights and occupational  
5 disabilities  
6 A. A conviction for a felony suspends the following civil rights of  
7 the person sentenced:  
8 ~~1. The right to vote.~~  
9 ~~2.~~ 1. The right to hold public office of trust or profit.  
10 ~~3.~~ 2. The right to serve as a juror.  
11 ~~4.~~ 3. During any period of imprisonment any other civil rights the  
12 suspension of which is reasonably necessary for the security of the  
13 institution in which the person sentenced is confined or for the  
14 reasonable protection of the public.  
15 ~~5.~~ 4. The right to possess a firearm.  
16 B. Persons sentenced to imprisonment shall not thereby be rendered  
17 incompetent as witnesses on the trial of a criminal action or proceeding,  
18 or incapable of making and acknowledging a sale or conveyance of property.  
19 C. A person sentenced to imprisonment is under the protection of  
20 the law, and any injury to his person, not authorized by law, is  
21 punishable in the same manner as if the person was not convicted and  
22 sentenced.  
23 D. The conviction of a person for any offense shall not work  
24 forfeiture of any property, except if a forfeiture is expressly imposed by  
25 law. All forfeitures to the state, unless expressly imposed by law, are  
26 abolished.  
27 E. A person shall not be disqualified from employment by this state  
28 or any of its agencies or political subdivisions solely because of a prior  
29 conviction for a felony or misdemeanor within or without this state. A  
30 person may be denied employment by this state or any of its agencies or  
31 political subdivisions by reason of the prior conviction for a felony or  
32 misdemeanor if the offense has a reasonable relationship to the functions  
33 of the employment sought.  
34 F. Subsection E of this section is not applicable to any law  
35 enforcement or probation agency.  
36 G. Any complaints concerning a violation of subsection E of this  
37 section shall be adjudicated in accordance with the procedures set forth  
38 in title 41, chapter 6 and title 12, chapter 7, article 6.  
39 H. A person who is adjudicated delinquent under section 8-341 for a  
40 felony does not have the right to carry or possess a firearm.

1           Sec. 2. Section 16-407, Arizona Revised Statutes, is amended to  
2 read:

3           16-407. Election officers; qualifications; certificates;  
4                   certification programs; plan; exemption; election  
5                   training fund

6           A. Except as provided in subsection E of this section, a person may  
7 not perform the duties or exercise the authority of an election officer or  
8 of the clerk of the board of supervisors or the county recorder in  
9 performance of election duties in or on behalf of any county unless the  
10 person is the holder of an election officer's certificate issued by the  
11 secretary of state before January 1 of each general election year **OR, FOR**  
12 **A PERSON ISSUED AN INTERIM CERTIFICATE, AN INTERIM CERTIFICATE ISSUED**  
13 **BEFORE AUGUST 1 OF THE GENERAL ELECTION YEAR.**

14           B. The secretary of state shall provide for the examination of  
15 applicants for election officer certificates **AND INTERIM CERTIFICATES.**  
16 The secretary of state may not issue a certificate to a person who has not  
17 demonstrated to the satisfaction of the secretary of state that the person  
18 is competent to perform the work of an election officer or of the clerk of  
19 the board of supervisors or the county recorder in the performance of  
20 election duties.

21           C. The secretary of state shall provide for election officer  
22 certification programs, **INCLUDING INTERIM CERTIFICATION PROGRAMS,** of which  
23 successful completion by a person attests to the attendance at,  
24 participation in and completion of a course of instruction in the  
25 technical, legal and administrative aspects of conducting elections within  
26 this state.

27           D. On or before December 31 of each year of a general election, the  
28 secretary of state shall submit an election officer education, training  
29 and certification plan to the president of the senate and the speaker of  
30 the house of representatives. The plan shall outline the achievements and  
31 problems of the previous two year period and specify the expected  
32 education, training and certification activities of the coming two year  
33 period.

34           E. Subsection A of this section does not apply to elected  
35 officials, clerical and secretarial personnel, counting center personnel  
36 and precinct election board members and election officials in cities or  
37 towns.

38           F. For city and town employees who work on elections, the city or  
39 town may train its own employees if the city or town training program is  
40 approved by the secretary of state or, if the city or town chooses to  
41 enroll the city or town employees in the certification program prescribed  
42 by this section, the city or town shall reimburse the secretary of state  
43 for the costs of conducting the training. An election training fund is  
44 established consisting of monies received pursuant to this subsection.  
45 The secretary of state shall administer the fund. Monies in the fund are

1 continuously appropriated and the secretary of state shall use monies in  
2 the fund to pay the costs of training officials from cities and towns  
3 pursuant to this subsection.

4 Sec. 3. Title 16, chapter 4, article 1, Arizona Revised Statutes,  
5 is amended by adding section 16-407.04, to read:

6 16-407.04. Secretary of state; international observers;  
7 notice

8 THE SECRETARY OF STATE SHALL ESTABLISH A SYSTEM TO ISSUE CREDENTIALS  
9 TO A LIMITED NUMBER OF INTERNATIONAL OBSERVERS TO OBSERVE ELECTIONS IN  
10 THIS STATE. BEFORE ANY ELECTION FOR A STATEWIDE BALLOT MEASURE, FOR A  
11 FEDERAL OR STATEWIDE OFFICE OR FOR A MEMBER OF THE LEGISLATURE, THE  
12 SECRETARY OF STATE SHALL PROVIDE A LIST OF CREDENTIALLED INTERNATIONAL  
13 OBSERVERS TO EVERY COUNTY RECORDER AND OFFICER IN CHARGE OF ELECTIONS.

14 Sec. 4. Title 16, chapter 4, article 4, Arizona Revised Statutes,  
15 is amended by adding section 16-446.01, to read:

16 16-446.01. Specifications for electronic pollbooks

17 AN ELECTRONIC POLLBOOK USED IN THIS STATE SHALL COMPLY WITH THE  
18 REQUIREMENTS IN THE INSTRUCTIONS AND PROCEDURES MANUAL ADOPTED PURSUANT TO  
19 SECTION 16-452. THESE REQUIREMENTS SHALL INCLUDE AT LEAST THE FOLLOWING:

- 20 1. HARDWARE STANDARDS AND REQUIREMENTS, INCLUDING MINIMUM PHYSICAL  
21 SECURITY REQUIREMENTS.
- 22 2. SOFTWARE STANDARDS AND REQUIREMENTS, INCLUDING ENCRYPTION AND  
23 AUDIT LOG REQUIREMENTS.

24 Sec. 5. Section 16-449, Arizona Revised Statutes, is amended to  
25 read:

26 16-449. Required test of equipment and programs; notice;  
27 procedures manual

28 A. Within the period of time before the election day prescribed by  
29 the secretary of state in the instructions and procedures manual adopted  
30 pursuant to section 16-452, the board of supervisors or other ~~election~~  
31 officer in charge OF ELECTIONS, or for an election involving state or  
32 federal candidates, the secretary of state, shall ~~have~~ TEST the automatic  
33 tabulating equipment and programs ~~tested~~ to ascertain that the equipment  
34 and programs will correctly count the votes cast for all offices and on  
35 all measures. Public notice of the time and place of the test shall be  
36 given at least forty-eight hours ~~prior thereto~~ BEFORE THE TEST by  
37 publication once in one or more daily or weekly newspapers published in  
38 the town, city or village using such equipment, if a newspaper is  
39 published ~~therein~~ IN THE TOWN, CITY OR VILLAGE, otherwise in a newspaper  
40 of general circulation ~~therein~~. The test shall be observed by at least  
41 two election inspectors, who shall not be of the same political party, and  
42 shall be open to representatives of the political parties, candidates, the  
43 press and the public. The test shall be conducted by processing a  
44 preaudited group of ballots so marked as to record a predetermined number  
45 of valid votes for each candidate and on each measure and shall include

1 for each office one or more ballots that have votes in excess of the  
 2 number allowed by law in order to test the ability of the automatic  
 3 tabulating equipment and programs to reject such votes. If any error is  
 4 detected, the cause ~~therefor~~ FOR THE ERROR shall be ascertained and  
 5 corrected and an errorless count shall be made before the automatic  
 6 tabulating equipment and programs are approved. A copy of a revised  
 7 program shall be filed with the secretary of state within forty-eight  
 8 hours after the revision is made. If the error was created by automatic  
 9 tabulating equipment malfunction, a report shall be filed with the  
 10 secretary of state within forty-eight hours after the correction is made,  
 11 stating the cause and the corrective action taken. The test shall be  
 12 repeated immediately before the start of the official count of the ballots  
 13 in the same manner as set forth above. After the completion of the count,  
 14 the programs used and the ballots shall be sealed, retained and disposed  
 15 of as provided for paper ballots.

16 B. Electronic ballot tabulating systems shall be tested for logic  
 17 and accuracy within ~~seven~~ TEN days before their use for early balloting  
 18 pursuant to the instructions and procedures manual for electronic voting  
 19 systems that is adopted by the secretary of state as prescribed by section  
 20 16-452. The instructions and procedures manual shall include procedures  
 21 for the handling of ballots, the electronic scanning of ballots and any  
 22 other matters necessary to ensure the maximum degree of correctness,  
 23 impartiality and uniformity in the administration of an electronic ballot  
 24 tabulating system.

25 C. Notwithstanding subsections A and B of this section, if a county  
 26 uses accessible voting equipment to mark ballots and that accessible  
 27 voting equipment does not independently tabulate or tally votes, the  
 28 secretary of state in cooperation with the county officer in charge of  
 29 elections may designate a single date to test the logic and accuracy of  
 30 both the accessible voting equipment and electronic ballot tabulating  
 31 systems.

32 Sec. 6. Section 16-542, Arizona Revised Statutes, is amended to  
 33 read:

34 16-542. Request for ballot; civil penalties; violation;  
 35 classification

36 A. Within ninety-three days before any election called pursuant to  
 37 the laws of this state, an elector may make a verbal or signed request to  
 38 the county recorder, or other officer in charge of elections for the  
 39 applicable political subdivision of this state in whose jurisdiction the  
 40 elector is registered to vote, for an official early ballot. In addition  
 41 to name and address, the requesting elector shall provide the date of  
 42 birth and state or country of birth or other information that if compared  
 43 to the voter registration information on file would confirm the identity  
 44 of the elector. If the request indicates that the elector needs a primary  
 45 election ballot and a general election ballot, the county recorder or

1 other officer in charge of elections shall honor the request. For any  
 2 partisan primary election, if the elector is not registered as a member of  
 3 a political party that is entitled to continued representation on the  
 4 ballot pursuant to section 16-804, the elector shall designate the ballot  
 5 of only one of the political parties that is entitled to continued  
 6 representation on the ballot and the elector may receive and vote the  
 7 ballot of only that one political party, which also shall include any  
 8 nonpartisan offices and ballot questions, or the elector shall designate  
 9 the ballot for nonpartisan offices and ballot questions only and the  
 10 elector may receive and vote the ballot that contains only nonpartisan  
 11 offices and ballot questions. The county recorder or other officer in  
 12 charge of elections shall process any request for an early ballot for a  
 13 municipal election pursuant to this subsection. The county recorder ~~may~~  
 14 **SHALL** establish on-site early voting locations at the recorder's office,  
 15 which shall be open and available for use beginning the same day that a  
 16 county begins to send out the early ballots. The county recorder ~~may~~  
 17 **SHALL** also establish any other early voting locations in the county ~~the~~  
 18 ~~recorder deems necessary~~ **AS PRESCRIBED IN THE INSTRUCTIONS AND PROCEDURES**  
 19 **MANUAL ADOPTED PURSUANT TO SECTION 16-452.** Any on-site early voting  
 20 location or other early voting location shall require each elector to  
 21 present identification as prescribed in section 16-579 before receiving a  
 22 ballot. **ON PRESENTATION OF PROPER IDENTIFICATION, FOR AN EARLY BALLOT**  
 23 **THAT IS ISSUED AT AN EARLY VOTING LOCATION, THE COUNTY RECORDER MAY**  
 24 **TABULATE THE ELECTOR'S BALLOT WITHOUT CONDUCTING SIGNATURE VERIFICATION ON**  
 25 **THE BALLOT AFFIDAVIT.** Notwithstanding section 16-579, subsection A,  
 26 paragraph 2, at any on-site early voting location or other early voting  
 27 location the county recorder or other officer in charge of elections ~~may~~  
 28 **SHALL** provide for a qualified elector to update the elector's voter  
 29 registration information as provided for in the secretary of state's  
 30 instructions and procedures manual adopted pursuant to section 16-452.

31 B. Notwithstanding subsection A of this section, a request for an  
 32 official early ballot from an absent uniformed services voter or overseas  
 33 voter as defined in the uniformed and overseas citizens absentee voting  
 34 act ~~of 1986~~ (P.L. 99-410; 52 United States Code section 20310) or a voter  
 35 whose information is protected pursuant to section 16-153 that is received  
 36 by the county recorder or other officer in charge of elections more than  
 37 ninety-three days before the election is valid. If requested by the  
 38 absent uniformed services or overseas voter, or a voter whose information  
 39 is protected pursuant to section 16-153, the county recorder or other  
 40 officer in charge of elections shall provide to the requesting voter early  
 41 ballot materials through the next regularly scheduled general election for  
 42 federal office immediately following receipt of the request unless a  
 43 different period of time, which does not exceed the next two regularly  
 44 scheduled general elections for federal office, is designated by the  
 45 voter.

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

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

23 E. In order to be complete and correct and to receive an early  
 24 ballot by mail, an elector's request that an early ballot be mailed to the  
 25 elector's residence or temporary address must include all of the  
 26 information prescribed by subsection A of this section and must be  
 27 received by the county recorder or other officer in charge of elections ~~no~~  
 28 NOT later than ~~5:00 p.m. on~~ the eleventh day preceding the election. An  
 29 elector who appears personally ~~no~~ NOT later than 5:00 p.m. on the ~~Friday~~  
 30 MONDAY preceding the election at an on-site early voting location that is  
 31 established by the county recorder or other officer in charge of elections  
 32 shall be given a ballot after presenting identification as prescribed in  
 33 section 16-579 and shall be ~~permitted~~ ALLOWED to vote at the on-site  
 34 location. Notwithstanding section 16-579, subsection A, paragraph 2, at  
 35 any on-site early voting location the county recorder or other officer in  
 36 charge of elections may provide for a qualified elector to update the  
 37 elector's voter registration information as provided for in the secretary  
 38 of state's instructions and procedures manual adopted pursuant to section  
 39 16-452. If an elector's request to receive an early ballot is not  
 40 complete and correct but complies with all other requirements of this  
 41 section, the county recorder or other officer in charge of elections shall  
 42 attempt to notify the elector of the deficiency of the request.

1 F. Unless an elector specifies that the address to which an early  
2 ballot is to be sent is a temporary address, the recorder may use the  
3 information from an early ballot request form to update voter registration  
4 records.

5 G. The county recorder or other officer in charge of early  
6 balloting shall provide an alphabetized list of all voters in the precinct  
7 who have requested and have been sent an early ballot to the election  
8 board of the precinct in which the voter is registered not later than the  
9 day before the election.

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

25 ~~i. Notwithstanding section 16-579, subsection A, paragraph 2, for~~  
26 ~~any voting pursuant to subsection H of this section, the county recorder~~  
27 ~~or other officer in charge of elections may allow a qualified elector to~~  
28 ~~update the elector's voter registration information as provided for in the~~  
29 ~~secretary of state's instructions and procedures manual adopted pursuant~~  
30 ~~to section 16-452.~~

31 ~~h.~~ H. A candidate, political committee or other organization may  
32 distribute early ballot request forms to voters. If the early ballot  
33 request forms include a printed address for return, the addressee shall be  
34 the political subdivision that will conduct the election. Failure to use  
35 the political subdivision as the return addressee is punishable by a civil  
36 penalty of up to three times the cost of the production and distribution  
37 of the request.

38 ~~k.~~ I. All original and completed early ballot request forms that  
39 are received by a candidate, political committee or other organization  
40 shall be submitted within six business days after receipt by a candidate,  
41 political committee or other organization or eleven days before the  
42 election day, whichever is earlier, to the political subdivision that will  
43 conduct the election. Any person, political committee or other  
44 organization that fails to submit a completed early ballot request form  
45 within the prescribed time is subject to a civil penalty of up to \$25 per



1 day for each completed form withheld from submittal. Any person who  
2 knowingly fails to submit a completed early ballot request form before the  
3 submission deadline for the election immediately following the completion  
4 of the form is guilty of a class 6 felony.

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

13 Sec. 7. Section 16-549, Arizona Revised Statutes, is amended to  
14 read:

15 16-549. Special election boards; expenses; voting procedure  
16 for ill or confined electors or electors with  
17 disabilities

18 A. The county recorder or other officer in charge of elections, for  
19 the purpose of making it possible for qualified electors who are ill, ARE  
20 PHYSICALLY CONFINED or have a disability to vote, may appoint such number  
21 of special election boards as needed. In a partisan election, each such  
22 board shall consist of two members, one from each of the two political  
23 parties that cast the highest number of votes in the state in the last  
24 preceding general election. The county chairman of each such party shall  
25 furnish, within sixty days before the election day, the county recorder or  
26 other officer in charge of elections with a list of names of qualified  
27 electors within the chairman's political party, and such additional lists  
28 as may be required, from which the county recorder or other officer in  
29 charge of elections shall appoint members to such special election  
30 boards. The county recorder or other officer in charge of elections may  
31 refuse for cause to appoint or may for cause remove a member of this  
32 board. A person who is a candidate for an office other than precinct  
33 committeeman is not eligible to serve on the special election board for  
34 that election.

35 B. Members of special election boards appointed under this section  
36 shall be reimbursed for travel expenses in the manner provided by law and  
37 shall also receive such compensation as the board of supervisors or the  
38 governing body prescribes, all of which shall be paid by the county or  
39 other political subdivision.

40 C. In lieu of the mailed early ballot procedure, any qualified  
41 elector who is confined as the result of a continuing illness, ~~or~~ physical  
42 disability ~~and~~ OR PRETRIAL DETENTION, WHO is, ~~therefore,~~ not able to go  
43 to the polls on the day of the next election and who does not wish to vote  
44 by the mailed early ballot procedure, ~~may~~ make a verbal or a signed  
45 written request to the county recorder or other officer in charge of

1 elections to have a ballot personally delivered to the elector by the  
2 special election board at the elector's place of confinement within the  
3 county or other political subdivision. The ballot shall be delivered to  
4 the elector in person by a special election board as provided in this  
5 section. Such requests must be made by 5:00 p.m. on the second Friday  
6 before the election.

7 D. Qualified electors who become ill **OR PHYSICALLY CONFINED** or **WHO**  
8 become a person with a disability after the second Friday before the  
9 election may nevertheless request personal ballot delivery pursuant to  
10 this section, and the county recorder or other officer in charge of  
11 elections shall when possible honor such requests up to and including the  
12 last day before the election. Qualified electors who are admitted to a  
13 hospital **OR WHO BECOME PHYSICALLY CONFINED** after 5:00 p.m. on the second  
14 Friday preceding the election and before 5:00 p.m. on election day may  
15 request the county recorder or other officer in charge of elections to  
16 provide a special election board with a ballot at the elector's place of  
17 confinement. If the county recorder or other officer in charge of  
18 elections is able to accommodate the request, the voted ballot of the  
19 elector shall be sealed in an envelope and shall be processed as a  
20 provisional ballot pursuant to section 16-584. Before receiving a ballot  
21 pursuant to this subsection, a qualified elector shall provide  
22 identification as prescribed in section 16-579 and shall sign a statement  
23 under penalty of perjury that states that the person is experiencing or  
24 experienced an emergency after 5:00 p.m. on the second Friday preceding  
25 the election and before 5:00 p.m. on the Monday immediately preceding the  
26 election that would prevent the person from voting at the polls. Signed  
27 statements received pursuant to this subsection are not subject to  
28 inspection pursuant to title 39, chapter 1, article 2.

29 E. The manner and procedure of voting shall be as provided in  
30 section 16-548, except that the marked ballot in the sealed envelope shall  
31 be handed by the elector to the special election board and shall be  
32 delivered by the board to the county recorder or other officer in charge  
33 of elections.

34 Sec. 8. Section 16-550, Arizona Revised Statutes, as amended by  
35 Laws 2022, chapter 271, section 2, is amended to read:

36 16-550. Receipt of voter's ballot; cure period; tracking  
37 system

38 A. Except for early ballots tabulated as prescribed in section  
39 16-579.02, on receipt of the envelope containing the early ballot and the  
40 ballot affidavit, the county recorder or other officer in charge of  
41 elections shall compare the ~~signatures thereon~~ **SIGNATURE ON THE ENVELOPE**  
42 with the signature of the elector on the elector's registration record.  
43 If the signature is inconsistent with the elector's signature on the  
44 elector's registration record **OR THE SIGNATURE IS MISSING**, the county  
45 recorder or other officer in charge of elections shall make reasonable

1 efforts to contact the voter, advise the voter of the inconsistent OR  
2 MISSING signature and allow the voter to SIGN THE BALLOT AFFIDAVIT OR TO  
3 correct or the county to confirm the inconsistent signature. The county  
4 recorder or other officer in charge of elections shall allow signatures to  
5 be corrected AND BALLOT AFFIDAVITS TO BE SIGNED not later than the fifth  
6 business day after a primary, general or special election that includes a  
7 federal office or the third business day after any other election. If the  
8 signature is missing, the county recorder or other officer in charge of  
9 elections shall make reasonable efforts to contact the elector, advise the  
10 elector of the missing signature and allow the elector to add the  
11 elector's signature not later than 7:00 p.m. on election day. If  
12 satisfied that the signatures correspond, the recorder or other officer in  
13 charge of elections shall hold the envelope containing the early ballot  
14 and the completed affidavit unopened in accordance with the rules of the  
15 secretary of state.

16 B. The recorder or other officer in charge of elections shall  
17 thereafter safely keep the affidavits and early ballots in the recorder's  
18 or other officer's office and may deliver them for tallying pursuant to  
19 section 16-551. Tallying of ballots may begin immediately after the  
20 envelope and completed affidavit are processed pursuant to this section  
21 and delivered to the early election board.

22 C. The county recorder shall send a list of all voters who were  
23 issued early ballots to the election board of the precinct in which the  
24 voter is registered.

25 D. FOR A COUNTY THAT USES EARLY BALLOTS, THE COUNTY RECORDER OR  
26 OTHER OFFICER IN CHARGE OF ELECTIONS SHALL PROVIDE AN EARLY BALLOT  
27 TRACKING SYSTEM THAT INDICATES WHETHER THE VOTER'S EARLY BALLOT HAS BEEN  
28 RECEIVED AND WHETHER THE EARLY BALLOT HAS BEEN VERIFIED AND SENT TO BE  
29 TABULATED OR REJECTED. THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF  
30 ELECTIONS SHALL PROVIDE VOTERS WITH ACCESS TO THE EARLY BALLOT TRACKING  
31 SYSTEM ON THE COUNTY'S WEBSITE.

32 ~~D.~~ E. This section does not apply to:

33 1. A special taxing district that is authorized pursuant to section  
34 16-191 to conduct its own elections.

35 2. A special district mail ballot election that is conducted  
36 pursuant to article 8.1 of this chapter.

37 3. AN EARLY BALLOT THAT IS ISSUED AND CAST IN PERSON AT AN EARLY  
38 VOTING LOCATION THAT REQUIRES EACH ELECTOR TO PRESENT IDENTIFICATION AS  
39 PRESCRIBED IN SECTION 16-579 BEFORE RECEIVING A BALLOT.

40 Sec. 9. Repeal

41 Section 16-550, Arizona Revised Statutes, as amended by Laws 2022,  
42 chapter 358, section 1, is repealed.

1           Sec. 10. Section 16-552, Arizona Revised Statutes, is amended to  
2 read:

3           16-552. Early ballots; processing; challenges

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

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

17           C. The county chairman of each political party represented on the  
18 ballot, by written appointment addressed to the early election board, may  
19 designate party representatives and alternates to act as early ballot  
20 challengers for the party. No party may have more than the number of such  
21 representatives or alternates that were mutually agreed on by each  
22 political party to be present at one time. If such agreement cannot be  
23 reached, the number of representatives shall be limited to one for each  
24 political party.

25           D. An early ballot may be challenged on any grounds set forth in  
26 section 16-591. All challenges shall be made in writing with a brief  
27 statement of the grounds before the early ballot is placed in the ballot  
28 box. A record of all challenges and resulting proceedings shall be kept  
29 in substantially the same manner as provided in section 16-594. If an  
30 early ballot is challenged, it shall be set aside and retained in the  
31 possession of the early election board or other officer in charge of early  
32 ballot processing until a time that the early election board sets for  
33 determination of the challenge, subject to the procedure in subsection E  
34 of this section, at which time the early election board shall hear the  
35 grounds for the challenge and shall decide what disposition shall be made  
36 of the early ballot by majority vote. If the early ballot is not allowed,  
37 it shall be handled pursuant to subsection G of this section.

38           E. Within twenty-four hours of receipt of a challenge, the early  
39 election board or other officer in charge of early ballot processing shall  
40 mail, by first class mail, a notice of the challenge including a copy of  
41 the written challenge, and also including the time and place at which the  
42 voter may appear to defend the challenge, to the voter at the mailing  
43 address shown on the request for an early ballot or, if none was provided,  
44 to the mailing address shown on the registration rolls. Notice shall also  
45 be mailed to the challenger at the address listed on the written challenge

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

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

26 G. If the vote is not allowed, the affidavit envelope containing  
 27 the early ballot shall not be opened and the board shall mark across the  
 28 face of such envelope the grounds for rejection. The affidavit envelope  
 29 and its contents shall then be deposited with the opened affidavit  
 30 envelopes and shall be preserved with official returns. If the voter does  
 31 not enter an appearance, the board shall send the voter a notice stating  
 32 whether the early ballot was disallowed and, if disallowed, providing the  
 33 grounds for the determination. The notice shall be mailed by first class  
 34 mail to the voter's mailing address as shown on the registration rolls  
 35 within three days after the board's determination.

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

42 I. THIS SECTION DOES NOT APPLY TO AN EARLY BALLOT THAT IS ISSUED  
 43 AND CAST IN PERSON AT AN EARLY VOTING LOCATION THAT REQUIRES EACH ELECTOR  
 44 TO PRESENT IDENTIFICATION AS PRESCRIBED IN SECTION 16-579 BEFORE RECEIVING  
 45 A BALLOT.

1           Sec. 11. Section 16-584, Arizona Revised Statutes, is amended to  
2 read:

3           16-584. Qualified elector not on precinct register;  
4           recorder's certificate; verified ballot; procedure

5           A. A qualified elector whose name is not on the precinct register  
6 and who presents a certificate from the county recorder showing that the  
7 elector is entitled by law to vote in the precinct shall be entered on the  
8 signature roster on the blank following the last printed name and shall be  
9 given the next consecutive register number, and the qualified elector  
10 shall sign in the space provided.

11           B. A qualified elector whose name is not on the precinct register,  
12 on presentation of identification verifying the identity of the elector  
13 that includes the voter's given name and surname and the complete  
14 residence address that is verified by the election board to be in the  
15 precinct or on signing an affirmation that states that the elector is a  
16 registered voter in that jurisdiction and is eligible to vote in that  
17 jurisdiction, shall be allowed to vote a provisional ballot.

18           C. If a voter has moved to a new address within the county and has  
19 not notified the county recorder of the change of address before the date  
20 of an election, the voter shall be ~~permitted~~ ALLOWED to correct the voting  
21 records for purposes of voting in future elections at the appropriate  
22 polling place for the voter's new address. The voter shall be ~~permitted~~  
23 ALLOWED to vote a provisional ballot. The voter shall present a form of  
24 identification that includes the voter's given name and surname and the  
25 voter's complete residence address. The residence address must be within  
26 the precinct in which the voter is attempting to vote, and the voter shall  
27 affirm in writing that the voter is registered in that jurisdiction and is  
28 eligible to vote in that jurisdiction.

29           D. On completion of the ballot, the election official shall place  
30 the ballot in a provisional ballot envelope and shall deposit the envelope  
31 in the ballot box. Within ten calendar days after a general election that  
32 includes an election for a federal office and within five business days  
33 after any other election or ~~no~~ NOT later than the time at which challenged  
34 early voting ballots are resolved, the signature shall be compared to the  
35 precinct signature roster of the former precinct where the voter was  
36 registered. If the voter's name is not signed on the roster and if there  
37 is no indication that the voter voted an early ballot, the provisional  
38 ballot envelope shall be opened and the ballot shall be counted. If there  
39 is information showing the person did vote, the provisional ballot shall  
40 remain unopened and shall not be counted. When provisional ballots are  
41 confirmed for counting, the county recorder shall use the information  
42 supplied on the provisional ballot envelope to correct the address record  
43 of the voter.

44           E. When a voter is allowed to vote a provisional ballot, the  
45 elector's name shall be entered on a separate signature roster page at the

1 end of the signature roster. Voters' names shall be numbered  
 2 consecutively beginning with the number V-1. The elector shall sign in  
 3 the space provided. The ballot shall be placed in a separate envelope,  
 4 the outside of which shall contain the precinct name or number, a sworn or  
 5 attested statement of the elector that the elector resides in the  
 6 precinct, is eligible to vote in the election and has not previously voted  
 7 in the election, the signature of the elector and the voter registration  
 8 number of the elector, if available. The ballot shall be verified for  
 9 proper registration of the elector by the county recorder before being  
 10 counted. The verification shall be made by the county recorder within ten  
 11 calendar days after a general election that includes an election for a  
 12 federal office and within five business days following any other  
 13 election. Verified ballots shall be counted by depositing the ballot in  
 14 the ballot box and showing on the records of the election that the elector  
 15 has voted. If registration is not verified the ballot shall remain  
 16 unopened and shall be retained in the same manner as voted ballots.

17 F. IF THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS  
 18 DETERMINES THAT A PROVISIONAL BALLOT VOTER IS NOT PROPERLY REGISTERED TO  
 19 VOTE, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL  
 20 USE THE INFORMATION FROM THE PROVISIONAL BALLOT ENVELOPE TO REGISTER THE  
 21 PERSON TO VOTE FOR SUBSEQUENT ELECTIONS. PROVISIONAL BALLOT ENVELOPES  
 22 SHALL REQUEST ALL OF THE INFORMATION NECESSARY TO REGISTER TO VOTE.

23 ~~F.~~ G. For any person who votes a provisional ballot, the county  
 24 recorder or other officer in charge of elections shall provide for a  
 25 method of notifying the provisional ballot voter at no cost to the voter  
 26 whether the voter's ballot was verified and counted and, if not counted,  
 27 the reason for not counting the ballot. The notification may be in the  
 28 form of notice by mail to the voter, establishment of a ~~toll-free~~  
 29 TOLL-FREE telephone number, internet access or other similar method to  
 30 allow the voter to have access to this information. The method of  
 31 notification shall provide reasonable restrictions that are designed to  
 32 limit transmittal of the information only to the voter.

33 Sec. 12. Section 16-622, Arizona Revised Statutes, is amended to  
 34 read:

35 16-622. Official canvass; unofficial results

36 A. At any time following the close of the polls, except as provided  
 37 in section 16-551, subsection C, unofficial returns may be released during  
 38 the counting of the ballots by vote tabulating equipment, and ~~upon~~ ON  
 39 completion of the count the unofficial results shall be open to the  
 40 public. The result printed by the vote tabulating equipment, to which have  
 41 been added write-in and early votes, ~~shall~~, when certified by the board of  
 42 supervisors or other officer in charge, SHALL constitute the official  
 43 canvass of each precinct or election district.

1 B. In any election for a federal office, a statewide office or a  
2 member of the legislature or in any election for a statewide ballot  
3 measure: ~~;~~

4 1. All unofficial returns that are released during the counting of  
5 the ballots and all unofficial results that are open to the public shall  
6 when released to the public be transmitted by telephone, by ~~telefacsimile~~  
7 FAX or by other electronic means to the secretary of state.

8 2. ALL UNOFFICIAL RETURNS THAT ARE TRANSMITTED TO THE SECRETARY OF  
9 STATE SHALL INCLUDE AN ESTIMATE OF THE NUMBER OF EARLY, ELECTION DAY AND  
10 PROVISIONAL BALLOTS THAT REMAIN UNCOUNTED.

11 Sec. 13. Appropriations; secretary of state; risk-limiting  
12 audits; report; exemption

13 A. The sum of \$100,000 is appropriated from the state general fund  
14 in each of fiscal years 2023-2023 and 2024-2025 to the secretary of state  
15 to provide risk-limiting audit grants to officers in charge of elections  
16 to conduct risk-limiting audits. On or before March 31, 2024, the  
17 secretary of state shall report to the joint legislative budget committee  
18 on its plan for distributing these grants.

19 B. Notwithstanding any other statute, for the 2024 general  
20 election, an officer in charge of elections may conduct a risk-limiting  
21 audit instead of a hand count audit prescribed by section 16-602, Arizona  
22 Revised Statutes, as provided for in the secretary of state's instructions  
23 and procedures manual adopted pursuant to section 16-452, Arizona Revised  
24 Statutes.

25 C. On or before March 31, 2025, the secretary of state shall report  
26 to the president of the senate and the speaker of the house of  
27 representatives on any findings and recommendations related to the use of  
28 risk-limiting audits.

29 D. The appropriations made in subsection A of this section are  
30 exempt from the provisions of section 35-190, Arizona Revised Statutes,  
31 relating to lapsing of appropriations.

32 Sec. 14. Effective date

33 Section 16-550, Arizona Revised Statutes, as amended by Laws 2022,  
34 chapter 271, section 2 and this act, and section 16-550, Arizona Revised  
35 Statutes, as amended by Laws 2022, chapter 358, section 1 and repealed by  
36 this act, are effective from and after December 31, 2023.