

House Engrossed

ballots; signature verification; observers

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

# HOUSE BILL 2305

AN ACT

AMENDING TITLE 16, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 16-546; RELATING TO CONDUCT OF ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 16, chapter 4, article 8, Arizona Revised  
3 Statutes, is amended by adding section 16-546, to read:

4 16-546. Signature verification; political party observers;  
5 challenge review; violation; classification

6 A. FOR THE AVOIDANCE OF DOUBT AND NOTWITHSTANDING ANY OTHER LAW,  
7 THE COUNTY RECORDER AND COUNTY OFFICER IN CHARGE OF ELECTIONS SHALL ALLOW  
8 REPRESENTATIVES OF THE TWO LARGEST POLITICAL PARTIES ENTITLED TO CONTINUED  
9 REPRESENTATION ON THE BALLOT TO OBSERVE EACH STAGE OF THE SIGNATURE  
10 VERIFICATION PROCESS FOR EARLY, PROVISIONAL AND CONDITIONAL PROVISIONAL  
11 BALLOTS.

12 B. FOR THE AVOIDANCE OF DOUBT, OBSERVERS SHALL BE ALLOWED TO  
13 OBSERVE FROM A DISTANCE AT WHICH THEY CAN REASONABLY AND COMFORTABLY VIEW  
14 THE CONTENTS OF ANY SCREENS OR MONITORS THAT ARE USED TO DISPLAY  
15 INFORMATION OR OTHER MATERIALS RELATED TO SIGNATURE VERIFICATION.

16 C. FOR THE AVOIDANCE OF DOUBT, AN OBSERVER MAY CHALLENGE BALLOT  
17 AFFIDAVIT ENVELOPES THAT APPEAR TO NOT MEET SIGNATURE STANDARDS.  
18 CHALLENGED BALLOT AFFIDAVIT ENVELOPES MUST REMAIN UNOPENED AND THE  
19 ORIGINAL BALLOT AFFIDAVIT ENVELOPE MUST BE SENT FOR REVIEW TO A BIPARTISAN  
20 CHALLENGE REVIEW BOARD THAT IS APPOINTED BY THE TWO LARGEST POLITICAL  
21 PARTIES. THE CHALLENGE REVIEW BOARD MUST HAVE ACCESS TO ALL CONTROL  
22 SIGNATURES IN THE VOTER FILE AND MUST REACH A BIPARTISAN AGREEMENT ON THE  
23 CHALLENGE BEFORE THE BALLOT AFFIDAVIT ENVELOPE MAY BE OPENED AND THE  
24 BALLOT TABULATED.

25 D. FOR THE AVOIDANCE OF DOUBT, IF THE BALLOT AFFIDAVIT ENVELOPE  
26 FAILS THE CHALLENGE REVIEW, THE BALLOT AFFIDAVIT ENVELOPE SHALL BE SENT AS  
27 A CHALLENGED AFFIDAVIT ENVELOPE TO BE CURED. IF THE BALLOT AFFIDAVIT  
28 ENVELOPE IS CURED, THE PROCESS AND MEANS FOR CURING AND THE NAME OF THE  
29 CURING PARTY MUST BE DOCUMENTED, AND THE UNOPENED BALLOT ENVELOPE SHALL BE  
30 RETURNED TO THE CHALLENGE REVIEW BOARD FOR FINAL CONFIRMATION.

31 E. FOR THE AVOIDANCE OF DOUBT, THE COUNTY RECORDER AND COUNTY  
32 OFFICER IN CHARGE OF ELECTIONS SHALL MAINTAIN CHAIN OF CUSTODY  
33 DOCUMENTATION THAT IS DOCUMENTED AT EACH STAGE OF THE SIGNATURE AND  
34 AFFIDAVIT VERIFICATION PROCESS, INCLUDING BY EACH SIGNATURE VERIFICATION  
35 WORK STATION, AND BY ALL EMPLOYEES AND OBSERVERS INVOLVED IN EACH PHASE OF  
36 REVIEW AND SHALL PROVIDE FOR FULL AND CLEAR VISIBILITY OF ALL SIGNATURES,  
37 INCLUDING REFERENCE SIGNATURES, BALLOT AFFIDAVIT ENVELOPE IMAGES, BATCH  
38 NUMBERS, BALLOT NUMBERS AND VOTER IDENTIFICATION. THE COUNTY RECORDER AND  
39 COUNTY OFFICER IN CHARGE OF ELECTIONS SHALL MAINTAIN COMPLETE LISTS OF ALL  
40 CHALLENGED BALLOTS DAILY, AND THE CHALLENGE LOGS MUST BE MADE AVAILABLE  
41 DAILY TO ANY POLITICAL PARTY AND ALL CANDIDATES ON REQUEST.

42 F. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 5  
43 FELONY, AND THE COUNTY ATTORNEY HAS A NONDISCRETIONARY DUTY TO FILE THE  
44 CHARGE, AND ANY SENTENCE IMPOSED BY A COURT SHALL COMPLY WITH STATUTORY  
45 GUIDELINES FOR SENTENCING.