

House Engrossed

~~images; voter lists; records; contest.~~
(now: images; voter lists; records; penalties)

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

HOUSE BILL 2560

AN ACT

AMENDING TITLE 16, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 16-407.04; AMENDING SECTION 16-673, ARIZONA REVISED
STATUTES; RELATING TO CONDUCT OF ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 16-407.04. Voter lists; ballot images; cast vote record;
5 ballot storage; electronic portal; violation;
6 classification; definitions

7 A. NOTWITHSTANDING ANY OTHER LAW:

8 1. NOT LATER THAN TEN DAYS BEFORE EACH ELECTION, THE COUNTY
9 RECORDER SHALL PREPARE A LIST OF ALL VOTERS WHO ARE REGISTERED TO VOTE IN
10 THE ELECTION, INCLUDING PERSONS WHO ARE ON THE INACTIVE VOTER LIST. THE
11 LIST SHALL BE LIMITED TO THE VOTERS' FULL REGISTERED NAMES, YEARS OF
12 BIRTH, STREET ADDRESSES AND PRECINCT NUMBERS. FOR VOTERS WHO ARE
13 PROTECTED PURSUANT TO SECTIONS 11-483 AND 11-484 OR WHO ARE ENROLLED IN
14 THE ADDRESS CONFIDENTIALITY PROGRAM ESTABLISHED PURSUANT TO SECTION
15 41-162, THE LIST SHALL INCLUDE ONLY THE TOTAL NUMBER OF VOTERS BY PRECINCT
16 NUMBERS. THE COUNTY RECORDER SHALL TRANSMIT THIS INFORMATION TO THE
17 SECRETARY OF STATE WHO SHALL IMMEDIATELY POST THE INFORMATION ON A SECURE
18 WEBSITE IN A CONVENIENT DOWNLOADABLE FORMAT. THE COUNTY RECORDER SHALL
19 NOT INCLUDE ANY VOTER'S PERSONAL IDENTIFYING INFORMATION IN THE
20 TRANSMITTAL TO THE SECRETARY OF STATE.

21 2. AFTER THE PRIMARY AND GENERAL ELECTION AND NOT LATER THAN
22 FORTY-EIGHT HOURS AFTER THE DELIVERY OF THE OFFICIAL COUNTY CANVASS, THE
23 COUNTY RECORDER OR OTHER COUNTY OFFICER IN CHARGE OF ELECTIONS SHALL
24 SUBMIT TO THE SECRETARY OF STATE, WHO SHALL IMMEDIATELY POST THE MATERIAL
25 ON A SECURE WEBSITE IN A CONVENIENT DOWNLOADABLE FORMAT, ALL OF THE
26 FOLLOWING:

27 (a) A LIST OF ALL PERSONS WHO VOTED IN THE ELECTION. THE LIST SHALL
28 BE LIMITED TO THE VOTERS' NAMES, YEARS OF BIRTH, STREET ADDRESSES AND
29 PRECINCT NUMBERS. FOR VOTERS WHO ARE PROTECTED PURSUANT TO SECTIONS
30 11-483 AND 11-484 OR WHO ARE ENROLLED IN THE ADDRESS CONFIDENTIALITY
31 PROGRAM ESTABLISHED PURSUANT TO SECTION 41-162, THE LIST SHALL INCLUDE
32 ONLY THE TOTAL NUMBER OF VOTERS BY PRECINCT NUMBERS. THE COUNTY RECORDER
33 SHALL TRANSMIT THIS INFORMATION TO THE SECRETARY OF STATE AND SHALL NOT
34 INCLUDE ANY VOTER'S PERSONAL IDENTIFYING INFORMATION IN THE TRANSMITTAL.

35 (b) UNALTERED IMAGES OF ALL BALLOTS USED IN THE TABULATION OF THE
36 ELECTION, EXCEPT THAT IMAGES OF ORIGINAL LARGE FORMAT, BRAILLE BALLOTS AND
37 BALLOTS RECEIVED PURSUANT TO THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE
38 VOTING ACT (P.L. 99-410; 52 UNITED STATES CODE SECTION 20302) AND ANY
39 SUMMARY REPORT FOR EACH BATCH FOR COUNTIES WHOSE ELECTION MANAGEMENT
40 SYSTEM DOES NOT TIE IMAGES OR ELECTRONICALLY ADJUDICATED BALLOTS TO
41 UNDERLYING ORIGINAL BALLOT IMAGES ARE NOT REQUIRED TO BE TRANSMITTED OR
42 POSTED. IF A BALLOT HAS BEEN ADJUDICATED OR DUPLICATED, THE ADJUDICATED
43 OR DUPLICATED BALLOT IMAGE SHALL BE TRANSMITTED TOGETHER WITH THE ORIGINAL
44 BALLOT IMAGE. IF A BALLOT WAS DUPLICATED AND AN IMAGE OF THE ORIGINAL

1 BALLOT WAS CREATED DURING THE DUPLICATION PROCESS, THE IMAGE OF THE
2 ORIGINAL BALLOT MUST ALSO BE TRANSMITTED.

3 (c) THE CAST VOTE RECORD IN A SORTABLE FORMAT.

4 3. THE COUNTY RECORDER OR OTHER COUNTY OFFICER IN CHARGE OF
5 ELECTIONS SHALL ENSURE THAT PAPER BALLOTS ARE STORED IN A MANNER THAT
6 ALLOWS FOR CONVENIENT RETRIEVAL.

7 4. A PERSON SHALL NOT USE FOR COMMERCIAL PURPOSES ANY PORTION OF A
8 VOTER LIST OR BALLOT IMAGE THAT IS MADE AVAILABLE PURSUANT TO THIS
9 SECTION. THE TOTAL NUMBER OF PROTECTED VOTERS SHALL BE INCLUDED ON THE
10 LISTS PRESCRIBED BY THIS SECTION WITHOUT INCLUDING ANY NAMES, ADDRESSES OR
11 OTHER INFORMATION FOR THOSE PROTECTED VOTERS AND SHALL SUPPRESS PRECINCT
12 OR PRECINCT SPLIT INFORMATION FOR THOSE PROTECTED VOTERS.

13 B. FOR PRECINCTS AND PRECINCT SPLITS THAT CONTAIN FEWER THAN
14 TWENTY-FIVE REGISTERED VOTERS, BOTH OF THE FOLLOWING APPLY:

15 1. FOR VOTER LISTS PRESCRIBED BY SUBSECTION A, PARAGRAPHS 1 AND 2
16 OF THIS SECTION, ONLY THE TOTAL NUMBER OF VOTERS MAY BE INCLUDED ON THE
17 VOTER LISTS, AND NAMES, ADDRESSES AND ALL OTHER INFORMATION FOR THOSE
18 VOTERS SHALL BE SUPPRESSED.

19 2. FOR BALLOT IMAGES AND CAST VOTE RECORDS PRESCRIBED BY SUBSECTION
20 A, PARAGRAPH 2 OF THIS SECTION, ONLY THE TOTAL NUMBER OF IMAGES AND THE
21 TOTAL NUMBER OF CAST VOTE RECORDS MAY BE INCLUDED, AND NAMES, ADDRESSES
22 AND ALL OTHER INFORMATION FOR THOSE VOTERS SHALL BE SUPPRESSED.

23 C. THE SECRETARY OF STATE, COUNTY RECORDER OR OTHER COUNTY OFFICER
24 IN CHARGE OF ELECTIONS IS NOT LIABLE FOR ANY PERSONAL IDENTIFYING
25 INFORMATION, HANDWRITTEN STATEMENTS OR OTHER NOTATIONS MADE OR PROVIDED BY
26 THE VOTER THAT ARE INCLUDED IN THE BALLOT IMAGES.

27 D. THE SECRETARY OF STATE SHALL ESTABLISH AND ADMINISTER AN
28 ELECTRONIC PORTAL TO RECEIVE REQUESTS FOR ACCESS TO THE MATERIALS
29 PRESCRIBED BY THIS SECTION. THE SECRETARY OF STATE SHALL REQUIRE THE
30 FOLLOWING FROM ANY PERSON REQUESTING ACCESS:

31 1. THE NAME, ADDRESS, EMAIL ADDRESS, TELEPHONE NUMBER AND PROOF OF
32 IDENTITY OF THE PERSON.

33 2. A DECLARATION SIGNED BY THE PERSON STATING THAT THE PERSON WILL
34 NOT DO ANY OF THE FOLLOWING:

35 (a) USE THE MATERIAL FOR A COMMERCIAL PURPOSE AS PRESCRIBED BY
36 SECTION 39-121.03.

37 (b) ALTER THE IMAGES OR INFORMATION IN ANY MANNER.

38 (c) USE THE INFORMATION OR IMAGES FOR VOTER INTIMIDATION AS
39 PRESCRIBED BY SECTIONS 16-1012 AND 16-1013.

40 E. ANY PERSON WHO USES FOR A COMMERCIAL PURPOSE ANY PORTION OF A
41 VOTER LIST OR BALLOT IMAGE PRESCRIBED BY THIS SECTION OR WHO INTENTIONALLY
42 ALTERS ANY INFORMATION OR IMAGES RECEIVED PURSUANT TO THIS SECTION IS
43 GUILTY OF A CLASS 5 FELONY.

1 F. THE SECRETARY OF STATE, COUNTY RECORDER AND OTHER COUNTY OFFICER
2 IN CHARGE OF ELECTIONS SHALL NOT ALTER OR ADD ANY VOTER DATA AS PART OF
3 ANY SECURITY MEASURE USED IN IMPLEMENTING THIS SECTION.

4 G. FOR THE PURPOSES OF THIS SECTION:

5 1. "CAST VOTE RECORD" MEANS THE ELECTRONIC RECORDS AVAILABLE WITHIN
6 AN ELECTION MANAGEMENT SYSTEM THAT SHOW HOW THE VOTES WERE CAST ON EACH
7 ANONYMOUS BALLOT FOR EACH RACE AND THAT ALLOW FOR VERIFICATION OF THE
8 ACCUMULATED VOTE TOTALS FOR EACH CANDIDATE OR ISSUE TOGETHER WITH A
9 SUMMARY REPORT FOR EACH BATCH FOR COUNTIES WHOSE ELECTION MANAGEMENT
10 SYSTEM DOES NOT TIE IMAGES OF ELECTRONICALLY ADJUDICATED BALLOTS TO
11 UNDERLYING ORIGINAL BALLOT IMAGES.

12 2. "PERSONAL IDENTIFYING INFORMATION" MEANS THE VOTER'S MONTH AND
13 DAY OF BIRTH, DRIVER LICENSE NUMBER, NONOPERATING IDENTIFICATION LICENSE
14 NUMBER, SOCIAL SECURITY NUMBER OR PORTION OF THAT NUMBER, INDIAN CENSUS
15 NUMBER, FATHER'S NAME, MOTHER'S MAIDEN NAME AND STATE AND COUNTY OF BIRTH,
16 THE RECORDS THAT CONTAIN A VOTER'S SIGNATURE AND THE VOTER'S EMAIL
17 ADDRESS.

18 Sec. 2. Section 16-673, Arizona Revised Statutes, is amended to
19 read:

20 16-673. Statement of contest; verification; filing

21 A. The elector contesting a state election ~~shall~~, within ~~five~~ SEVEN
22 days after completion of the canvass of the election and declaration of
23 the result ~~thereof~~ by the secretary of state or by the governor, SHALL
24 file in the court in which the contest is commenced a statement in writing
25 setting forth:

26 1. The name and residence of the ~~party~~ PERSON contesting the
27 election, and that ~~he~~ THE PERSON is an elector of the state and county in
28 which ~~he~~ THE PERSON resides.

29 2. The name of the person whose right to the office is contested,
30 or the title of the measure, ~~or~~ constitutional amendment, ~~or~~ or other
31 proposition as it appeared ~~upon~~ ON the official ballot.

32 3. The office the election to which is contested.

33 4. The particular grounds of the contest.

34 B. The statement shall be verified by the affidavit of the
35 contestor that ~~he~~ THE CONTESTOR believes the matters and things ~~therein~~
36 contained IN THE STATEMENT are true.