

REFERENCE TITLE: images; voter lists; records; contest.

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

## **HB 2560**

Introduced by  
Representative Toma: Senator Bennett

### **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; violation; classification;  
6 definitions

7 A. NOTWITHSTANDING ANY OTHER LAW:

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

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

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

32 (b) ALL BALLOT IMAGES USED IN THE TABULATION OF THE ELECTION. IF A  
33 BALLOT HAS BEEN ADJUDICATED OR DUPLICATED, THE ADJUDICATED OR DUPLICATED  
34 BALLOT IMAGE SHALL BE POSTED ONLINE TOGETHER WITH THE ORIGINAL  
35 BALLOT. BALLOT IMAGES FOR PRECINCTS WITH FEWER THAN TEN REGISTERED VOTERS  
36 SHALL BE COMBINED WITH ADJACENT PRECINCTS IN REPORTING TO ENSURE THE  
37 PROTECTION OF THE SECRET BALLOT.

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

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

42 4. A PERSON SHALL NOT USE FOR COMMERCIAL PURPOSES A VOTER LIST THAT  
43 IS PUBLISHED OR POSTED PURSUANT TO THIS SECTION. THE TOTAL NUMBER OF  
44 PROTECTED VOTERS SHALL BE INCLUDED ON THE LISTS PRESCRIBED BY THIS SECTION  
45 WITHOUT INCLUDING ANY NAMES, ADDRESSES OR OTHER INFORMATION FOR THOSE

1 PROTECTED VOTERS AND SHALL SUPPRESS PRECINCT OR PRECINCT SPLIT INFORMATION  
2 FOR THOSE PROTECTED VOTERS. PRECINCTS OR PRECINCT SPLITS THAT CONTAIN  
3 FEWER THAN TEN VOTERS SHALL BE COMBINED WITH ADJACENT PRECINCTS IN  
4 REPORTING TO ENSURE THE PROTECTION OF THE SECRET BALLOT.

5 B. THE SECRETARY OF STATE, COUNTY RECORDER OR OTHER OFFICER IN  
6 CHARGE OF ELECTIONS IS NOT LIABLE FOR ANY PERSONAL IDENTIFYING  
7 INFORMATION, HANDWRITTEN STATEMENTS OR OTHER NOTATIONS MADE OR PROVIDED BY  
8 THE VOTER THAT ARE INCLUDED IN THE BALLOT IMAGES.

9 C. ANY PERSON MAY VIEW, DOWNLOAD OR PRINT ONE OR MORE ONLINE  
10 DIGITAL COPIES OF BALLOT IMAGES BUT SHALL NOT ALTER THE CONTENTS OF AN  
11 IMAGE OR A CAST VOTE RECORD FROM THE DATABASE. A PERSON WHO VIOLATES THIS  
12 SUBSECTION IS GUILTY OF A CLASS 1 MISDEMEANOR.

13 D. FOR THE PURPOSES OF THIS SECTION:

14 1. "CAST VOTE RECORD" MEANS ELECTRONIC RECORDS OF THE VOTERS'  
15 SELECTIONS AS CAPTURED BY A TABULATION DEVICE FROM A BALLOT OR A BALLOT  
16 IMAGE THAT CANNOT BE LINKED TO A SPECIFIC VOTER.

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

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

25 16-673. Statement of contest; verification; filing

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

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

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

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

38 4. The particular grounds of the contest.

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