

Senate Engrossed

~~election; contest; technical correction~~
(now: tabulating equipment; standards; source codes)

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1074

AN ACT

AMENDING TITLE 16, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY
ADDING SECTION 16-442.02; RELATING TO VOTING EQUIPMENT.

(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 4, Arizona Revised
3 Statutes, is amended by adding section 16-442.02, to read:
4 16-442.02. Electronic tabulating equipment; standards; source
5 codes; auditor general; superior court
6 A. NOTWITHSTANDING ANY OTHER LAW AND IN ADDITION TO MEETING THE
7 REQUIREMENTS PRESCRIBED BY SECTION 16-442, ELECTRONIC EQUIPMENT MAY NOT BE
8 USED AS THE PRIMARY METHOD FOR TABULATING VOTES IN ANY CITY, TOWN, COUNTY,
9 STATE OR FEDERAL ELECTION UNLESS THE ELECTRONIC EQUIPMENT COMPLIES WITH
10 THE FOLLOWING:
11 1. THE ELECTRONIC EQUIPMENT MEETS OR EXCEEDS THE STANDARDS SET BY
12 THE UNITED STATES DEPARTMENT OF DEFENSE REGARDING CYBERSECURITY.
13 2. ALL PARTS OF THE ELECTRONIC EQUIPMENT ARE MANUFACTURED IN THE
14 UNITED STATES.
15 3. ALL SOURCE CODES FOR THE ELECTRONIC EQUIPMENT ARE SUBMITTED TO
16 AND MAINTAINED ON FILE BY THE AUDITOR GENERAL.
17 B. ON REQUEST BY THE LEGISLATURE OR A COUNTY BOARD OF SUPERVISORS,
18 COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS, THE AUDITOR
19 GENERAL SHALL RELEASE TO THE REQUESTING PARTY THE SOURCE CODES FOR THE
20 ELECTRONIC EQUIPMENT FOR THE PURPOSES OF VERIFYING THAT THE ELECTRONIC
21 EQUIPMENT IS OPERATING PROPERLY AND IN COMPLIANCE WITH ANY CONTRACT
22 REQUIREMENTS.
23 C. FOR ANY SUPERIOR COURT ACTION IN WHICH THE TABULATION OF VOTES
24 IS AT ISSUE, THE COURT MAY APPOINT A SPECIAL MASTER TO REVIEW THE SOURCE
25 CODES FOR ANY ELECTRONIC TABULATING EQUIPMENT, AND THE AUDITOR GENERAL
26 SHALL PROVIDE THE SOURCE CODES FOR THE EQUIPMENT. THE SPECIAL MASTER MAY
27 EXAMINE THE EQUIPMENT AND SOURCE CODES, SHALL ISSUE A PUBLIC REPORT TO THE
28 COURT REGARDING THE TABULATION OF VOTES AND SHALL SUBMIT THE REPORT TO THE
29 SECRETARY OF STATE FOR THE PURPOSES OF REVIEWING THE CERTIFICATION OF THE
30 EQUIPMENT FOR USE IN THIS STATE PURSUANT TO SECTION 16-442.