

registrations; observers; counting procedures; verification

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

# SENATE BILL 1175

AN ACT

AMENDING SECTIONS 16-168 AND 16-544, 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 16-590, 16-602 AND 16-621, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 10, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-621.01; 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 16-168, Arizona Revised Statutes, is amended to  
3 read:

4 16-168. Precinct registers; date of preparation; contents;  
5 copies; reports; statewide database; violation;  
6 classification

7 A. By the tenth day preceding the primary and general elections the  
8 county recorder shall prepare from the original registration forms or from  
9 electronic media at least four lists that are printed or typed on paper,  
10 or at least two electronic media poll lists, or any combination of both,  
11 of all qualified electors in each precinct in the county, and the lists  
12 shall be the official precinct registers.

13 B. The official precinct registers for use at the polling place  
14 shall contain at least the names in full, party preference, date of  
15 registration and residence address of each qualified elector in the  
16 respective precincts. The names shall be in alphabetical order and, in a  
17 column to the left of the names, shall be numbered consecutively beginning  
18 with number 1 in each precinct register.

19 C. For the purposes of transmitting voter registration information  
20 as prescribed by this subsection, electronic media shall be the principal  
21 media. A county or state chairman who is eligible to receive copies of  
22 precinct lists as prescribed by this subsection may request that the  
23 recorder provide a paper copy of the precinct lists. In addition to  
24 preparing the official precinct lists, the county recorder shall provide a  
25 means for electronically reproducing the precinct lists. Unless otherwise  
26 agreed, the county recorder shall deliver one electronic media copy of  
27 each precinct list in the county without charge and on the same day within  
28 eight days after the close of registration for the primary and general  
29 elections to the county chairman and one electronic media copy to the  
30 state chairman of each party that has at least four candidates other than  
31 presidential electors appearing on the ballot in that county at the  
32 current election. The secretary of state shall establish a single format  
33 that prescribes the manner and template in which all county recorders  
34 provide this data to the secretary of state to ensure that the submissions  
35 are uniform from all counties in this state, that all submissions are  
36 identical in format, including the level of detail for voting history, and  
37 that information may readily be combined from two or more counties. The  
38 electronic media copies of the precinct lists that are delivered to the  
39 party chairmen shall include for each elector the following information:

- 40 1. Name in full and appropriate title.
- 41 2. Party preference.
- 42 3. Date of registration.
- 43 4. Residence address.

- 1           5. Mailing address, if different from residence address.
- 2           6. Zip code.
- 3           7. Telephone number if given.
- 4           8. Birth year.
- 5           9. Occupation if given.
- 6           10. Voting history for all elections in the prior four years and
- 7 any other information regarding registered voters that the county recorder
- 8 or city or town clerk maintains electronically and that is public
- 9 information.

10           11. All data relating to early voters, including ballot requests

11 and ballot returns.

12           D. The names on the precinct lists shall be in alphabetical order

13 and the precinct lists in their entirety, unless otherwise agreed, shall

14 be delivered to each county chairman and each state chairman within ten

15 business days of the close of each date for counting registered voters

16 prescribed by subsection G of this section other than the primary and

17 general election registered voter counts in the same format and media as

18 prescribed by subsection C of this section. During the thirty-three days

19 immediately preceding an election and on request from a county or state

20 chairman, the county recorder shall provide at no cost a daily list of

21 persons who have requested an early ballot and shall provide at no cost a

22 weekly listing of persons who have returned their early ballots. The

23 recorder shall provide the daily and weekly information through the Friday

24 preceding the election. On request from a county chairman or state

25 chairman, the county recorder of a county with a population of more than

26 eight hundred thousand persons shall provide at no cost a daily listing of

27 persons who have returned their early ballots. The daily listing shall be

28 provided Mondays through Fridays, beginning with the first Monday

29 following the start of early voting and ending on the Monday before the

30 election.

31           E. Precinct registers and other lists and information derived from

32 registration forms ~~may be used only for purposes relating to a political~~

33 ~~or political party activity, a political campaign or an election, for~~

34 ~~revising election district boundaries or for any other purpose~~

35 ~~specifically authorized by law and~~ may not be used for a commercial

36 purpose as defined in section 39-121.03. The sale of registers, lists and

37 information derived from registration forms to a candidate or a registered

38 political committee for a use specifically authorized by this subsection

39 does not constitute use for a commercial purpose. The county recorder,

40 the secretary of state and other officers in charge of elections, ~~SHALL~~

41 ~~PROVIDE FOR ELECTRONIC ACCESS TO VOTER REGISTRATION INFORMATION, AND~~ on a

42 request for ~~an authorized~~ A NONCOMMERCIAL use and within thirty days from

43 receipt of the request, shall prepare additional copies of an official

44 precinct list and furnish them to any person ~~requesting them on payment of~~

45 ~~WHO ESTABLISHES AN ELECTRONIC PROFILE WITH THE INFORMATION PROVIDER, WHO~~

1 ATTESTS THAT THE INFORMATION WILL NOT BE USED FOR A COMMERCIAL PURPOSE AND  
2 WHO PAYS a fee equal to the following amounts for the following number of  
3 voter registration records provided:

4 1. For one to one hundred twenty-four thousand nine hundred  
5 ninety-nine records, \$93.75 plus \$0.0005 per record.

6 2. For one hundred twenty-five thousand to two hundred forty-nine  
7 thousand nine hundred ninety-nine records, \$156.25 plus \$0.000375 per  
8 record.

9 3. For two hundred fifty thousand to four hundred ninety-nine  
10 thousand nine hundred ninety-nine records, \$203.13 plus \$0.00025 per  
11 record.

12 4. For five hundred thousand to nine hundred ninety-nine thousand  
13 nine hundred ninety-nine records, \$265.63 plus \$0.000125 per record.

14 5. For one million or more records, \$328.13 plus \$0.0000625 per  
15 record.

16 F. ~~Any person in possession of a precinct register or list, in~~  
17 ~~whole or part, or any reproduction of a precinct register or list, shall~~  
18 ~~not permit the register or list to be used, bought, sold or otherwise~~  
19 ~~transferred for any purpose except for uses otherwise authorized by this~~  
20 ~~section. A person in possession of information derived from voter~~  
21 ~~registration forms or precinct registers shall not distribute, post or~~  
22 ~~otherwise provide access to any portion of that information through the~~  
23 ~~internet except as authorized by subsection I of this section. Nothing in~~  
24 This section ~~shall~~ DOES NOT preclude public ~~inspection~~ POSTING of voter  
25 registration records ~~at the office of the county recorder for the purposes~~  
26 ~~prescribed by this section~~, except that the month and day of birth date,  
27 the social security number or any portion thereof, the driver license  
28 number or nonoperating identification license number, the Indian census  
29 number, the father's name or mother's maiden name, the state or country of  
30 birth and the records containing a voter's signature and a voter's ~~e-mail~~  
31 EMAIL address shall not be accessible or reproduced by any person other  
32 than the voter, by an authorized government official in the scope of the  
33 official's duties, for any purpose by an entity designated by the  
34 secretary of state as a voter registration agency pursuant to the national  
35 voter registration act of 1993 (P.L. 103-31; 107 Stat. 77), for signature  
36 verification on petitions and candidate filings, for election purposes and  
37 for news gathering purposes by a person engaged in newspaper, radio,  
38 television or reportorial work, or connected with or employed by a  
39 newspaper, radio or television station or pursuant to a court order.  
40 Notwithstanding any other law, a voter's ~~e-mail~~ EMAIL address may not be  
41 released for any purpose. A person who violates this subsection or  
42 subsection E of this section is guilty of a class 6 felony.

1           G. The county recorder shall count the registered voters by  
2 political party by precinct, legislative district and congressional  
3 district as follows:

4           1. In even numbered years, the county recorder shall count all  
5 persons who are registered to vote as of:

6           (a) January 2.

7           (b) April 1.

8           (c) The last day on which a person may register to be eligible to  
9 vote in the next primary election.

10          (d) The last day on which a person may register to be eligible to  
11 vote in the next general election.

12          (e) The last day on which a person may register to be eligible to  
13 vote in the next presidential preference election.

14          2. In odd numbered years, the county recorder shall count all  
15 persons who are registered to vote as of:

16          (a) January 2.

17          (b) April 1.

18          (c) July 1.

19          (d) October 1.

20          H. The county recorder shall report the totals to the secretary of  
21 state as soon as is practicable following each of the dates prescribed in  
22 subsection G of this section. The report shall include completed  
23 registration forms returned in accordance with section 16-134,  
24 subsection B. The county recorder shall also provide the report in a  
25 uniform electronic computer media format that shall be agreed on between  
26 the secretary of state and all county recorders. The secretary of state  
27 shall then prepare a summary report for the state and shall maintain that  
28 report as a permanent record.

29          I. The county recorder and the secretary of state shall protect  
30 access to voter registration information in an auditable format and method  
31 specified in the secretary of state's electronic voting system  
32 instructions and procedures manual that is adopted pursuant to section  
33 16-452.

34          J. The secretary of state shall develop and administer a statewide  
35 database of voter registration information that contains the name and  
36 registration information of every registered voter in this state. The  
37 statewide database is a matter of statewide concern and is not subject to  
38 modification or further regulation by a political subdivision. The  
39 database shall include an identifier that is unique for each individual  
40 voter. The database shall provide for access by voter registration  
41 officials and shall allow expedited entry of voter registration  
42 information after it is received by county recorders. As a part of the  
43 statewide voter registration database, county recorders shall provide for  
44 the electronic transmittal of that information to the secretary of state  
45 on a real time basis. The secretary of state shall provide for

1 maintenance of the database, including provisions regarding removal of  
2 ineligible voters that are consistent with the national voter registration  
3 act of 1993 (P.L. 103-31; 107 Stat. 77; 52 United States Code sections  
4 20501 through 20511) and the help America vote act of 2002 (P.L. 107-252;  
5 116 Stat. 1666; 52 United States Code sections 20901 through 21145),  
6 provisions regarding removal of duplicate registrations and provisions to  
7 ensure that eligible voters are not removed in error. For the purpose of  
8 maintaining compliance with the help America vote act of 2002, each county  
9 voter registration system is subject to approval by the secretary of state  
10 for compatibility with the statewide voter registration database system.

11 K. Except as provided in subsection L of this section, for requests  
12 for the use of registration forms and access to information as provided in  
13 subsections E and F of this section, the county recorder shall receive and  
14 respond to requests regarding federal, state and county elections.

15 L. Beginning January 1, 2008, recognized political parties shall  
16 request precinct lists and access to information as provided in  
17 subsections E and F of this section during the time periods prescribed in  
18 subsection C or D of this section and the county recorder shall receive  
19 and respond to those requests. If the county recorder does not provide  
20 the requested materials within the applicable time prescribed for the  
21 county recorder pursuant to subsection C or D of this section, a  
22 recognized political party may request that the secretary of state provide  
23 precinct lists and access to information as provided in subsections E and  
24 F of this section for federal, state and county elections. The secretary  
25 of state shall not provide access to precinct lists and information for  
26 recognized political parties unless the county recorder has failed or  
27 refused to provide the lists and materials as prescribed by this section.  
28 The secretary of state may charge the county recorder a fee determined by  
29 rule for each name or record produced.

30 M. For municipal registration information in those municipalities  
31 in which the county administers the municipal elections, county and state  
32 party chairmen shall request and obtain voter registration information and  
33 precinct lists from the city or town clerk during the time periods  
34 prescribed in subsection C or D of this section. If the city or town  
35 clerk does not provide that information within the same time prescribed  
36 for county recorders pursuant to subsection C or D of this section, the  
37 county or state party chairman may request and obtain the information from  
38 the county recorder. The county recorder shall provide the municipal  
39 voter registration and precinct lists within the time prescribed in  
40 subsection C or D of this section.

41 N. The county recorders and the secretary of state shall not  
42 prohibit any person or entity prescribed in subsection C of this section  
43 from distributing a precinct list to any person or entity that is deemed  
44 to be using the precinct list in a lawful manner as prescribed in  
45 subsections E and F of this section.

1           Sec. 2. Section 16-544, Arizona Revised Statutes, is amended to  
2 read:

3           16-544. Active early voting list; civil penalty; violation;  
4           classification; definition

5           A. Any voter may request to be included on a list of voters to  
6 receive an early ballot by mail for any election for which the county  
7 voter registration roll is used to prepare the election register. The  
8 county recorder of each county shall maintain the active early voting list  
9 as part of the voter registration roll.

10          B. In order to be included on the active early voting list, the  
11 voter shall make a written request specifically requesting that the  
12 voter's name be added to the active early voting list for all elections in  
13 which the applicant is eligible to vote. An early voter request form  
14 shall conform to requirements prescribed in the instructions and  
15 procedures manual issued pursuant to section 16-452. The application  
16 shall allow for the voter to provide the voter's name, residence address,  
17 mailing address in the voter's county of residence, date of birth and  
18 signature and shall state that the voter is attesting that the voter is a  
19 registered voter who is eligible to vote in the county of residence. The  
20 voter shall not list a mailing address that is outside of this state for  
21 the purpose of the active early voting list unless the voter is an absent  
22 uniformed services voter or overseas voter as defined in the uniformed and  
23 overseas citizens absentee voting act ~~of 1986~~ (P.L. 99-410; 52 United  
24 States Code section 20310). In lieu of the application, the applicant may  
25 submit a written request that contains the required information.

26          C. On receipt of a request to be included on the active early  
27 voting list, the county recorder or other officer in charge of elections  
28 shall compare the signature on the request form with the voter's signature  
29 on the voter's registration form and, if the request is from the voter,  
30 shall mark the voter's registration file as an active early ballot  
31 request.

32          D. Not less than ninety days before any polling place election  
33 scheduled in March or August, the county recorder or other officer in  
34 charge of elections shall mail to all voters who are eligible for the  
35 election and who are included on the active early voting list an election  
36 notice by nonforwardable mail that is marked with the statement required  
37 by the postmaster to receive an address correction notification. If an  
38 election is not formally called by a jurisdiction by the one hundred  
39 twentieth day before the election, the recorder or other officer in charge  
40 of elections is not required to send the election notice. The notice  
41 shall include the dates of the elections that are the subject of the  
42 notice, the dates that the voter's ballot is expected to be mailed and the  
43 address where the ballot will be mailed. If the upcoming election is a  
44 partisan open primary election and the voter is not registered as a member  
45 of one of the political parties that is recognized for purposes of that

1 primary, the notice shall include information on the procedure for the  
2 voter to designate a political party ballot. The notice shall be  
3 delivered with return postage prepaid and shall also include a means for  
4 the voter to do any of the following:

5 1. Change the mailing address for the voter's ballot to another  
6 location in the voter's county of residence.

7 2. Update the voter's residence address in the voter's county of  
8 residence.

9 3. Request that the voter not be sent a ballot for the upcoming  
10 election or elections indicated on the notice.

11 E. If the notice that is mailed to the voter is returned  
12 undeliverable by the postal service, the county recorder or other officer  
13 in charge of elections shall take the necessary steps to contact the voter  
14 at the voter's new residence address in order to update that voter's  
15 address or to move the voter to inactive status as prescribed in section  
16 16-166, subsection A. If a voter is moved to inactive status, the voter  
17 shall be removed from the active early voting list. If the voter is  
18 removed from the active early voting list, the voter shall only be added  
19 to the active early voting list again if the voter submits a new request  
20 pursuant to this section.

21 F. Not later than the first day of early voting, the county  
22 recorder or other officer in charge of elections shall mail an early  
23 ballot to all eligible voters included on the active early voting list in  
24 the same manner prescribed in section 16-542, subsection C. If the voter  
25 has not returned the notice or otherwise notified the election officer  
26 within forty-five days before the election that the voter does not wish to  
27 receive an early ballot by mail for the election or elections indicated,  
28 the ballot shall automatically be scheduled for mailing.

29 G. If a voter who is on the active early voting list is not  
30 registered as a member of a recognized political party and fails to notify  
31 the county recorder of the voter's choice for political party ballot  
32 within forty-five days before a partisan open primary election, the  
33 following apply:

34 1. The voter shall not automatically be sent a ballot for that  
35 partisan open primary election only and the voter's name shall remain on  
36 the active early voting list for future elections.

37 2. To receive an early ballot for the primary election, the voter  
38 shall submit the voter's choice for political party ballot to the county  
39 recorder.

40 H. After a voter has requested to be included on the active early  
41 voting list, the voter shall be sent an early ballot by mail automatically  
42 for any election at which a voter at that residence address is eligible to  
43 vote until any of the following occurs:



1           1. The voter requests in writing to be removed from the active  
2 early voting list **OR MAKES A VERBAL REQUEST THAT INCLUDES INFORMATION**  
3 **SUFFICIENT TO VERIFY THE VOTER'S IDENTITY.**

4           2. The voter's registration or eligibility for registration is  
5 moved to inactive status or canceled as otherwise provided by law.

6           3. The notice sent by the county recorder or other officer in  
7 charge of elections is returned undeliverable and the county recorder or  
8 officer in charge of elections is unable to contact the voter to determine  
9 the voter's continued desire to remain on the list.

10          4. The voter fails to vote an early ballot in all elections for two  
11 consecutive election cycles. For the purposes of this paragraph,  
12 "election" means any regular primary or regular general election for which  
13 there was a federal race on the ballot or for which a city or town  
14 candidate primary or first election or city or town candidate second,  
15 general or runoff election was on the ballot. This paragraph does not  
16 apply to:

17          (a) A special taxing district that is authorized pursuant to  
18 section 16-191 to conduct its own elections.

19          (b) A special district mail ballot election that is conducted  
20 pursuant to article 8.1 of this chapter.

21          I. A voter may make a written request at any time to be removed  
22 from the active early voting list. The request shall include the voter's  
23 name, residence address, date of birth and signature. On receipt of a  
24 completed request to remove a voter from the active early voting list, the  
25 county recorder or other officer in charge of elections shall remove the  
26 voter's name from the list as soon as practicable.

27          J. An absent uniformed services voter or overseas voter as defined  
28 in the uniformed and overseas citizens absentee voting act ~~of 1986~~  
29 (P.L. 99-410; 52 United States Code section 20310) is eligible to be  
30 placed on the active early voting list pursuant to this section.

31          K. A voter's failure to vote an early ballot once received does not  
32 constitute grounds to remove the voter from the active early voting list,  
33 except that a county recorder shall remove a voter from the active early  
34 voting list if both of the following apply:

35           1. The county recorder or other officer in charge of elections  
36 complies with subsection M of this section.

37           2. The voter fails to vote using an early ballot in all of the  
38 following elections for two consecutive election cycles:

39           (a) A regular primary and regular general election for which there  
40 was a federal race on the ballot.

41           (b) A city or town candidate primary or first election and a city  
42 or town candidate second, general or runoff election.

43          L. On or before January 15 of each odd-numbered year, the county  
44 recorder or other officer in charge of elections shall send a notice to  
45 each voter who is on the active early voting list and who did not vote an

1 early ballot in all elections for two consecutive election cycles as  
2 prescribed by subsection K of this section. If the voter has provided the  
3 voter's telephone or mobile phone number or email address to the county  
4 recorder, the county recorder may additionally provide the notice to the  
5 voter by telephone call, text message or email. The notice shall inform  
6 the voter that if the voter wishes to remain on the active early voting  
7 list, the voter shall do both of the following with the notice received:

8 1. Confirm in writing the voter's desire to remain on the active  
9 early voting list.

10 2. Return the completed notice to the county recorder or other  
11 officer in charge of elections within ninety days after the notice is sent  
12 to the voter. The notice shall be signed by the voter and shall contain  
13 the voter's address and date of birth.

14 M. If a voter receives a notice as prescribed by subsection L of  
15 this section and the voter fails to respond within the ninety-day period,  
16 the county recorder or other officer in charge of elections shall remove  
17 the voter's name from the active early voting list.

18 N. A candidate, political committee or other organization may  
19 distribute active early voting list request forms to voters. If the  
20 active early voting list request forms include a printed address for  
21 return, that address shall be the political subdivision that will conduct  
22 the election. Failure to use the political subdivision as the return  
23 addressee is punishable by a civil penalty of up to three times the cost  
24 of the production and distribution of the active early voting list  
25 request.

26 O. All original and completed active early voting list request  
27 forms that are received by a candidate, political committee or other  
28 organization shall be submitted within six business days after receipt by  
29 a candidate or political committee or eleven days before the election day,  
30 whichever is earlier, to the political subdivision that will conduct the  
31 election. Any person, political committee or other organization that  
32 fails to submit a completed active early voting list request form within  
33 the prescribed time is subject to a civil penalty of up to \$25 per day for  
34 each completed form withheld from submittal. Any person who knowingly  
35 fails to submit a completed active early voting list request form before  
36 the submission deadline for the election immediately following the  
37 completion of the form is guilty of a class 6 felony.

38 P. For the purposes of this section, "election cycle" means the  
39 two-year period beginning on January 1 in the year after a statewide  
40 general election or, for cities and towns, the two-year period beginning  
41 on the first day of the calendar quarter after the calendar quarter in  
42 which the city's or town's second, runoff or general election is scheduled  
43 and ending on the last day of the calendar quarter in which the city's or  
44 town's immediately following second, runoff or general election is  
45 scheduled, however that election is designated by the city or town.

1           Sec. 3. Section 16-550, Arizona Revised Statutes, as amended by  
2 Laws 2022, chapter 271, section 2, is amended to read:

3           16-550. Receipt of voter's ballot; cure period; tracking  
4           system

5           A. Except for early ballots tabulated as prescribed in section  
6 16-579.02, on receipt of the envelope containing the early ballot and the  
7 ballot affidavit, the county recorder or other officer in charge of  
8 elections shall compare the ~~signatures thereon~~ SIGNATURE ON THE ENVELOPE  
9 with the signature of the elector on the elector's registration record.  
10 BEGINNING ON THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION, ANY NEW  
11 SIGNATURE IMAGES THAT ARE SUBMITTED FOR COMPARISON WITH THE ELECTOR'S  
12 REGISTRATION RECORD SHALL NOT CONTAIN ANY INDICATOR OF THE ELECTOR'S  
13 DESIGNATED POLITICAL PARTY. If the signature is inconsistent with the  
14 elector's signature on the elector's registration record, the county  
15 recorder or other officer in charge of elections shall make reasonable  
16 efforts to contact the voter, advise the voter of the inconsistent  
17 signature and allow the voter to correct or the county to confirm the  
18 inconsistent signature. The county recorder or other officer in charge of  
19 elections shall allow signatures to be corrected not later than the fifth  
20 business day after a primary, general or special election that includes a  
21 federal office or the third business day after any other election. If the  
22 signature is missing, the county recorder or other officer in charge of  
23 elections shall make reasonable efforts to contact the elector, advise the  
24 elector of the missing signature and allow the elector to add the  
25 elector's signature not later than 7:00 p.m. on election day. If  
26 satisfied that the signatures correspond, the recorder or other officer in  
27 charge of elections shall hold the envelope containing the early ballot  
28 and the completed affidavit unopened in accordance with the rules of the  
29 secretary of state.

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

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

39           D. FOR A COUNTY THAT USES EARLY BALLOTS, THE COUNTY RECORDER OR  
40 OTHER OFFICER IN CHARGE OF ELECTIONS SHALL PROVIDE AN EARLY BALLOT  
41 TRACKING SYSTEM THAT INDICATES WHETHER THE VOTER'S EARLY BALLOT HAS BEEN  
42 RECEIVED AND WHETHER THE EARLY BALLOT HAS BEEN VERIFIED AND SENT TO BE  
43 TABULATED OR REJECTED. THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF  
44 ELECTIONS SHALL PROVIDE VOTERS WITH ACCESS TO THE EARLY BALLOT TRACKING  
45 SYSTEM ON THE COUNTY'S WEBSITE.

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

2           1. A special taxing district that is authorized pursuant to section  
3 16-191 to conduct its own elections.

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

6           Sec. 4. Repeal

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

9           Sec. 5. Section 16-590, Arizona Revised Statutes, is amended to  
10 read:

11           16-590. Appointment of challengers and party representatives

12           A. The county ~~chairman~~ CHAIRPERSON of each party may~~,~~ for each  
13 precinct~~,~~ by written appointment addressed to the election  
14 board~~,~~ designate a party agent or representative and alternates for a  
15 polling place in the precinct, A VOTING CENTER IN THE PRECINCT OR A  
16 LOCATION AT WHICH ELECTRONIC PROCESSING OF BALLOTS OCCURS who may act as  
17 challengers for the party ~~which~~ THAT appointed ~~him~~ THEM. IF THE COUNTY  
18 PARTY CHAIRPERSON FAILS TO APPOINT A PARTY AGENT OR REPRESENTATIVE FOR A  
19 LOCATION, THE STATE PARTY CHAIRPERSON MAY MAKE THOSE APPOINTMENTS, AND IF  
20 THE STATE PARTY CHAIRPERSON FAILS TO APPOINT A PARTY AGENT OR  
21 REPRESENTATIVE, THE LEGISLATIVE DISTRICT CHAIRPERSON IN THE AREA IN WHICH  
22 THE POLLING PLACE, VOTING CENTER OR OTHER LOCATION IS LOCATED MAY MAKE  
23 THOSE APPOINTMENTS FOR A LOCATION.

24           B. At each voting place, one challenger for each political party  
25 may be present and act, but ~~no~~ A challenger may NOT enter a voting booth  
26 except to mark ~~his~~ THAT CHALLENGER'S ballot.

27           C. Not more than the number of party representatives for each party  
28 ~~which~~ WHO were mutually agreed ~~upon~~ ON by each political party represented  
29 on the ballot shall be in the polling place OR VOTING CENTER at one time.  
30 If ~~such~~ AN agreement cannot be reached, the number of representatives  
31 shall be limited to one in the polling place at one time for each  
32 political party.

33           D. A challenger or party representative shall be a resident of this  
34 state and registered to vote in this state.

35           Sec. 6. Section 16-602, Arizona Revised Statutes, is amended to  
36 read:

37           16-602. Removal of ballots from ballot boxes; designated  
38 margin; hand counts; vote count verification  
39 committee

40           A. For any primary, special or general election in which the votes  
41 are cast on an electronic voting machine or tabulator, the election judge  
42 shall compare the number of votes cast as indicated on the machine or  
43 tabulator with the number of votes cast as indicated on the poll list and  
44 the number of provisional ballots cast and that information shall be noted

1 in a written report prepared and submitted to the officer in charge of  
2 elections along with other tally reports.

3 B. For each countywide primary, special, general and presidential  
4 preference election, the county officer in charge of the election shall  
5 conduct a hand count at one or more secure facilities. The hand count  
6 shall be conducted as prescribed by this section and in accordance with  
7 hand count procedures established by the secretary of state in the  
8 official instructions and procedures manual adopted pursuant to section  
9 16-452. THE COUNTY OFFICER IN CHARGE OF THE ELECTION SHALL PUBLISH THE  
10 PROCEDURES FOR THE HAND COUNT, INCLUDING THE TIMES AND LOCATIONS, ON THE  
11 COUNTY'S WEBSITE NOT LATER THAN THE TUESDAY BEFORE ELECTION DAY. The hand  
12 count is ~~not~~ subject to the live video requirements of section 16-621,  
13 subsection D, ~~but~~ AND the party representatives who are observing the hand  
14 count may bring their own video cameras in order to record the hand count.  
15 The recording shall not interfere with the conduct of the hand count and  
16 the officer in charge of the election may prohibit from recording or  
17 remove from the facility persons who are taking actions to disrupt the  
18 count. The sole act of recording the hand count does not constitute  
19 sufficient grounds for the officer in charge of the election to prohibit  
20 observers from recording or to remove them from the facility. The hand  
21 count shall be conducted in the following order:

22 1. At least two percent of the precincts in that county, or two  
23 precincts, whichever is greater, shall be selected at random from a pool  
24 consisting of every precinct in that county. The county political party  
25 ~~chairman~~ CHAIRPERSON for each political party that is entitled to  
26 continued representation on the state ballot or the ~~chairman's~~  
27 CHAIRPERSON'S designee shall conduct the selection of the precincts to be  
28 hand counted. The precincts shall be selected by lot without the use of a  
29 computer, and the order of selection by the county political party  
30 ~~chairmen~~ CHAIRPERSONS shall also be by lot. The selection of the  
31 precincts shall not begin until all ballots voted in the precinct polling  
32 places have been delivered to the central counting center. The unofficial  
33 vote totals from all precincts shall be made public before selecting the  
34 precincts to be hand counted. Only the ballots cast in the polling places  
35 and ballots from direct recording electronic machines shall be included in  
36 the hand counts conducted pursuant to this section. Provisional ballots,  
37 conditional provisional ballots and write-in votes shall not be included  
38 in the hand counts and the early ballots shall be grouped separately by  
39 the officer in charge of elections for purposes of a separate manual audit  
40 pursuant to subsection F of this section.

41 2. The races to be counted on the ballots from the precincts that  
42 were selected pursuant to paragraph 1 of this subsection for each primary,  
43 special and general election shall include up to five contested races.  
44 After the county recorder or other officer in charge of elections  
45 separates the primary ballots by political party, the races to be counted

1 shall be determined by selecting by lot without the use of a computer from  
2 those ballots as follows:

3 (a) For a general election, one statewide ballot measure, unless  
4 there are no measures on the ballot.

5 (b) One contested statewide race for statewide office.

6 (c) One contested race for federal office, either United States  
7 senate or United States house of representatives. If the United States  
8 house of representatives race is selected, the names of the candidates may  
9 vary among the sampled precincts.

10 (d) One contested race for state legislative office, either state  
11 house of representatives or state senate. In either case, the names of  
12 the candidates may vary among the sampled precincts.

13 (e) If there are fewer than four contested races resulting from the  
14 selections made pursuant to subdivisions (a) through (d) of this ~~section~~  
15 ~~PARAGRAPH~~ and if there are additional contested federal, statewide or  
16 legislative races or ballot measures, additional contested races shall be  
17 selected by lot not using a computer until four races have been selected  
18 or until no additional contested federal, statewide or legislative races  
19 or ballot measures are available for selection.

20 (f) If there are no contested races as prescribed by this  
21 paragraph, a hand count shall not be conducted for that precinct for that  
22 election.

23 3. For the presidential preference election, select by lot two  
24 percent of the polling places designated and used pursuant to section  
25 16-248 and perform the hand count of those ballots.

26 4. For the purposes of this section, a write-in candidacy in a race  
27 does not constitute a contested race.

28 5. In elections in which there are candidates for president, the  
29 presidential race shall be added to the four categories of hand counted  
30 races.

31 6. Each county ~~chairman~~ CHAIRPERSON of a political party that is  
32 entitled to continued representation on the state ballot or the ~~chairman's~~  
33 ~~CHAIRPERSON'S~~ designee shall select by lot the individual races to be hand  
34 counted pursuant to this section.

35 7. The county ~~chairman~~ CHAIRPERSON of each political party shall  
36 designate and provide the number of election board members as designated  
37 by the county officer in charge of elections who shall perform the hand  
38 count under the supervision of the county officer in charge of  
39 elections. For each precinct that is to be audited, the county ~~chairmen~~  
40 ~~CHAIRPERSONS~~ shall designate at least two board workers who are registered  
41 members of any or no political party to assist with the audit. Any  
42 qualified elector from this state may be a board worker without regard to  
43 party designation. ~~IF THE COUNTY PARTY CHAIRPERSON FAILS TO DESIGNATE A~~  
44 ~~SUFFICIENT NUMBER OF BOARD WORKERS, THE STATE PARTY CHAIRPERSON SHALL~~  
45 ~~DESIGNATE QUALIFIED ELECTORS TO BE BOARD WORKERS. IF THE STATE PARTY~~

1 CHAIRPERSON FAILS TO DESIGNATE A SUFFICIENT NUMBER OF BOARD WORKERS, THE  
2 LEGISLATIVE DISTRICT CHAIRPERSON OF THE DISTRICT IN WHICH THE HAND COUNT  
3 IS TO OCCUR SHALL DESIGNATE QUALIFIED ELECTORS TO BE BOARD WORKERS. The  
4 county election officer shall provide for compensation for those board  
5 workers, not to include travel, meal or lodging expenses. If there are  
6 less than two persons for each audited precinct available to participate  
7 on behalf of each recognized political party, the recorder or officer in  
8 charge of elections, with the approval of at least two county party  
9 chairpersons in the county in which the shortfall occurs, shall substitute  
10 additional individual electors who are provided by any political party  
11 from anywhere in the state without regard to party designation to conduct  
12 the hand count. A county party ~~chairman~~ CHAIRPERSON shall approve only  
13 those substitute electors who are provided by the county ~~chairman's~~  
14 CHAIRPERSON'S political party. The political parties shall provide to the  
15 recorder or officer in charge of elections in writing the names of those  
16 persons intending to participate in the hand count at the audited  
17 precincts not later than 5:00 p.m. on the Tuesday preceding the election.  
18 If the total number of board workers provided by all parties is less than  
19 four times the number of precincts to be audited, the recorder or officer  
20 in charge of elections shall notify the parties of the shortage by  
21 9:00 a.m. on the Wednesday preceding the election. IF, BY 9:00 A.M. ON  
22 THE THURSDAY PRECEDING THE ELECTION, THE NUMBER OF PERSONS PROVIDED BY THE  
23 POLITICAL PARTIES IS ESTIMATED TO BE INSUFFICIENT TO PERFORM THE HAND  
24 COUNT BY THE COUNTY OFFICER IN CHARGE OF ELECTIONS, THE COUNTY OFFICER IN  
25 CHARGE OF ELECTIONS SHALL PREPARE A LIST OF QUALIFIED ELECTORS WHO ARE  
26 PROVIDED BY ANY POLITICAL PARTY IN THIS STATE. THE COUNTY OFFICER IN  
27 CHARGE OF ELECTIONS SHALL PROVIDE THE LIST OF THOSE PERSONS TO THE COUNTY  
28 CHAIRPERSON OF EACH RECOGNIZED POLITICAL PARTY IN THE COUNTY NOT LATER  
29 THAN 5:00 P.M. ON THE FRIDAY PRECEDING THE ELECTION. THE SELECTION OF  
30 PERSONS TO PERFORM THE HAND COUNT SHALL ENSURE WHEN PRACTICABLE THAT NOT  
31 MORE THAN SEVENTY-FIVE PERCENT OF THE PERSONS CONDUCTING THE HAND COUNT  
32 ARE MEMBERS OF THE SAME POLITICAL PARTY, EXCEPT THAT IF A RECOGNIZED  
33 POLITICAL PARTY PROVIDES AN INSUFFICIENT NUMBER OF QUALIFIED ELECTORS OR  
34 NO QUALIFIED ELECTORS AS DETERMINED BY THE COUNTY RECORDER OR OTHER  
35 OFFICER IN CHARGE OF ELECTIONS BY 9:00 A.M. ON THE WEDNESDAY FOLLOWING THE  
36 ELECTION, THE HAND COUNT SHALL PROCEED WITHOUT REGARD TO THE POLITICAL  
37 PARTY AFFILIATIONS OF THE QUALIFIED ELECTORS CONDUCTING THE HAND COUNT.  
38 THE HAND COUNT SHALL NOT PROCEED UNLESS THE RECOGNIZED POLITICAL PARTIES  
39 PROVIDE IN WRITING TO THE COUNTY OFFICER IN CHARGE OF ELECTIONS BEFORE  
40 5:00 P.M. ON THE THURSDAY FOLLOWING THE ELECTION THE NAMES OF A SUFFICIENT  
41 NUMBER OF QUALIFIED ELECTORS OR UNLESS ANY POLITICAL PARTY PROVIDES IN  
42 WRITING TO THE COUNTY OFFICER IN CHARGE OF ELECTIONS BEFORE 5:00 P.M. ON  
43 THE THURSDAY FOLLOWING THE ELECTION THE NAMES OF A SUFFICIENT NUMBER OF  
44 QUALIFIED ELECTORS AS PRESCRIBED IN THIS SUBSECTION AND A SUFFICIENT  
45 NUMBER OF THOSE PERSONS ARRIVE TO PERFORM THE HAND COUNT. The hand count

1 shall not proceed unless the political parties provide the recorder or  
2 officer in charge of elections, in writing, a sufficient number of persons  
3 ~~by~~ NOT LATER THAN 5:00 p.m. on the Thursday ~~preceding~~ FOLLOWING the  
4 election and a sufficient number of persons, pursuant to this paragraph,  
5 arrive to perform the hand count. The recorder or officer in charge of  
6 elections may prohibit persons from participating in the hand count if  
7 they are taking actions to disrupt the count or are unable to perform the  
8 duties as assigned. ~~For the hand count to proceed, not more than~~  
9 ~~seventy-five percent of the persons performing the hand count shall be~~  
10 ~~from the same political party.~~

11 8. If a political party is not represented by a designated  
12 chairperson within a county, the state chairperson for that political  
13 party, or a person designated by the state chairperson, may perform the  
14 actions required by the county chairperson as specified in this section.

15 C. If the randomly selected races result in a difference in any  
16 race that is less than the designated margin when compared to the  
17 electronic tabulation of those same ballots, the results of the electronic  
18 tabulation constitute the official count for that race. If the randomly  
19 selected races result in a difference in any race that is equal to or  
20 greater than the designated margin when compared to the electronic  
21 tabulation of those same ballots, a second hand count of those same  
22 ballots and races shall be performed. If the second hand count results in  
23 a difference in any race that is less than the designated margin when  
24 compared to the electronic tabulation for those same ballots, the  
25 electronic tabulation constitutes the official count for that race. If  
26 the second hand count results in a difference in any race that is equal to  
27 or greater than the designated margin when compared to the electronic  
28 tabulation for those same ballots, the hand count shall be expanded to  
29 include a total of twice the original number of randomly selected  
30 precincts. Those additional precincts shall be selected by lot without  
31 the use of a computer.

32 D. In any expanded count of randomly selected precincts, if the  
33 randomly selected precinct hand counts result in a difference in any race  
34 that is equal to or greater than the designated margin when compared to  
35 the electronic tabulation of those same ballots, the final hand count  
36 shall be extended to include the entire jurisdiction for that race. If  
37 the jurisdictional boundary for that race would include any portion of  
38 more than one county, the final hand count shall not be extended into the  
39 precincts of that race that are outside of the county that is conducting  
40 the expanded hand count. If the expanded hand count results in a  
41 difference in that race that is less than the designated margin when  
42 compared to the electronic tabulation of those same ballots, the  
43 electronic tabulation constitutes the official count for that race.



1 E. If a final hand count is performed for an entire jurisdiction  
2 for a race, the final hand count shall be repeated for that race until a  
3 hand count for that race for the entire jurisdiction results in a count  
4 that is identical to one other hand count for that race for the entire  
5 jurisdiction and that hand count constitutes the official count for that  
6 race.

7 F. After the electronic tabulation of early ballots and at one or  
8 more times selected by the ~~chairman~~ CHAIRPERSON of the political parties  
9 entitled to continued representation on the ballot or the ~~chairman's~~  
10 CHAIRPERSON'S designee, the ~~chairmen~~ CHAIRPERSONS or the ~~chairmen's~~  
11 CHAIRPERSONS' designees shall randomly select one or more batches of early  
12 ballots that have been tabulated to include at least one batch from each  
13 machine used for tabulating early ballots and those ballots shall be  
14 securely sequestered by the county recorder or officer in charge of  
15 elections along with their unofficial tally reports for a postelection  
16 manual audit. The ~~chairmen~~ CHAIRPERSONS or the ~~chairmen's~~ CHAIRPERSONS'  
17 designees shall randomly select from those sequestered early ballots a  
18 number equal to one percent of the total number of early ballots cast or  
19 five thousand early ballots, whichever is less. From those randomly  
20 selected early ballots, the county officer in charge of elections shall  
21 conduct a manual audit of the same races that are being hand counted  
22 pursuant to subsection B of this section. If the manual audit of the  
23 early ballots results in a difference in any race that is equal to or  
24 greater than the designated margin when compared to the electronically  
25 tabulated results for those same early ballots, the manual audit shall be  
26 repeated for those same early ballots. If the second manual audit results  
27 in a difference in that race that is equal to or greater than the  
28 designated margin when compared to the electronically tabulated results  
29 for those same early ballots, the manual audit shall be expanded only for  
30 that race to a number of additional early ballots equal to one percent of  
31 the total early ballots cast or an additional five thousand ballots,  
32 whichever is less, to be randomly selected from the batch or batches of  
33 sequestered early ballots. If the expanded early ballot manual audit  
34 results in a difference for that race that is equal to or greater than the  
35 designated margin when compared to any of the earlier manual counts for  
36 that race, the manual counts shall be repeated for that race until a  
37 manual count results in a difference in that race that is less than the  
38 designated margin. If at any point in the manual audit of early ballots  
39 the difference between any manual count of early ballots is less than the  
40 designated margin when compared to the electronic tabulation of those  
41 ballots, the electronic tabulation shall be included in the canvass and no  
42 further manual audit of the early ballots shall be conducted.

43 G. During any hand count of early ballots, the county officer in  
44 charge of elections and election board workers shall attempt to determine  
45 the intent of the voter in casting the ballot.

1 H. Notwithstanding any other law, the county officer in charge of  
2 elections shall retain custody of the ballots for purposes of performing  
3 any required hand counts and the officer shall provide for security for  
4 those ballots.

5 I. The hand counts prescribed by this section shall begin within  
6 twenty-four hours after the closing of the polls and shall be completed  
7 before the canvassing of the election for that county. **THE COUNTY SHALL**  
8 **MAKE AVAILABLE ON THE COUNTY'S WEBSITE** the results of those hand counts  
9 **AND** shall ~~be provided~~ **PROVIDE THEM** to the secretary of state, who shall  
10 make those results publicly available on the secretary of state's website.

11 J. For any county in which a hand count has been expanded to all  
12 precincts in the jurisdiction, the secretary of state shall make available  
13 the escrowed source code for that county to the superior court. The  
14 superior court shall appoint a special master to review the computer  
15 software. The special master shall have expertise in software  
16 engineering, shall not be affiliated with an election software vendor nor  
17 with a candidate, shall sign and be bound by a nondisclosure agreement  
18 regarding the source code itself and shall issue a public report to the  
19 court and to the secretary of state regarding the special master's  
20 findings on the reasons for the discrepancies. The secretary of state  
21 shall consider the reports for purposes of reviewing the certification of  
22 that equipment and software for use in this state.

23 K. The vote count verification committee is established in the  
24 office of the secretary of state and all of the following apply:

25 1. At least thirty days before the 2006 primary election, the  
26 secretary of state shall appoint seven persons to the committee, not more  
27 than three of whom are members of the same political party.

28 2. Members of the committee shall have expertise in any two or more  
29 of the areas of advanced mathematics, statistics, random selection  
30 methods, systems operations or voting systems.

31 3. A person is not eligible to be a committee member if that person  
32 has been affiliated with or received any income in the preceding five  
33 years from any person or entity that provides election equipment or  
34 services in this state.

35 4. The vote count verification committee shall meet and establish  
36 one or more designated margins to be used in reviewing the hand counting  
37 of votes as required pursuant to this section. The committee shall review  
38 and consider revising the designated margins every two years for use in  
39 the applicable elections. The committee shall provide the designated  
40 margins to the secretary of state at least ten days before the primary  
41 election and at least ten days before the general election, and the  
42 secretary of state shall make that information publicly available on the  
43 secretary of state's website.

1           5. Members of the vote count verification committee are not  
2 eligible to receive compensation but are eligible for reimbursement of  
3 expenses pursuant to title 38, chapter 4, article 2. The committee is a  
4 public body and its meetings are subject to title 38, chapter 3, article  
5 3.1 and its reports and records are subject to title 39, chapter 1.

6           Sec. 7. Section 16-621, Arizona Revised Statutes, is amended to  
7 read:

8           16-621. Proceedings at the counting center and hand count  
9                                   locations

10           A. All proceedings at the counting center AND AT THE HAND COUNT  
11 LOCATIONS PRESCRIBED IN SECTION 16-602 shall be under the direction of the  
12 board of supervisors or other officer in charge of elections and shall be  
13 conducted in accordance with the approved instructions and procedures  
14 manual issued pursuant to section 16-452 under the observation of  
15 representatives of each political party and the public. The proceedings  
16 at the counting center AND AT THE HAND COUNT LOCATIONS may also be  
17 observed by up to three additional people representing a candidate for  
18 nonpartisan office, or representing a political committee in support of or  
19 in opposition to a ballot measure, proposition or question. A draw by lot  
20 shall determine which three groups or candidates shall have  
21 representatives participate in the observation at the counting center AND  
22 AT THE HAND COUNT LOCATIONS. Persons representing a candidate for  
23 nonpartisan office or persons or groups representing a political committee  
24 in support of or in opposition to a ballot measure, proposition or  
25 question, who are interested in participating in the observation, shall  
26 notify the officer in charge of elections of their desire to be included  
27 in the draw not later than seventeen days before the election. After the  
28 deadline to receive submissions from the interested persons or groups, but  
29 prior to fourteen days before the election, the county officer in charge  
30 of elections shall draw by lot, from the list of those that expressed  
31 interest, three persons or groups and those selected shall be notified and  
32 allowed to observe the proceedings at the counting center AND AT THE HAND  
33 COUNT LOCATIONS. If a group is selected the group may alter who  
34 represents that group for different days of observation but on any given  
35 observation day a selected group shall not send more than one observer. A  
36 group may rotate an observer throughout the day. Only those persons who  
37 are authorized for the purpose shall touch any ballot or ballot card or  
38 return. All persons who are engaged in processing and counting of the  
39 ballots shall be qualified electors, shall be deputized in writing and  
40 shall take an oath that they will faithfully perform their assigned  
41 duties. There shall be no preferential counting of ballots for the  
42 purpose of projecting the outcome of the election. If any ballot,  
43 including any ballot received from early voting, is damaged or defective  
44 so that it cannot properly be counted by the automatic tabulating  
45 equipment, a true duplicate copy ~~shall be made~~ of the damaged or defective

1 ballot SHALL BE MADE in the presence of witnesses and substituted for the  
2 damaged or defective ballot. All duplicate ballots created pursuant to  
3 this subsection shall be clearly labeled "duplicate" and shall bear a  
4 serial number that shall be recorded on the damaged or defective ballot.

5 B. If the counting center automatic tabulating equipment includes  
6 an electronic vote adjudication feature that has been certified for use as  
7 prescribed by section 16-442 and the board of supervisors or officer in  
8 charge of elections authorizes the use of this feature at the counting  
9 center, all of the following apply:

10 1. The electronic vote adjudication feature shall be included in  
11 the tabulation system logic and accuracy testing prescribed by section  
12 16-449.

13 2. The board of supervisors or officer in charge of elections shall  
14 appoint an electronic vote adjudication board that consists of two judges  
15 who are overseen by an inspector, with the two judges equally divided  
16 between the two largest political parties as prescribed by section 16-531,  
17 subsection D to adjudicate and submit for tabulation a ballot that is read  
18 by the tabulation machine as blank in order to determine if voter intent  
19 is clear on a portion or all of the ballot, or any portion of any ballot  
20 as prescribed by section 16-610 or 16-611, or to tally write-in choices as  
21 prescribed by section 16-612.

22 3. The electronic vote adjudication process used by the electronic  
23 vote adjudication board shall provide for:

24 (a) A method to track and account for the original ballot and the  
25 digital duplicate of the ballot created by the electronic vote  
26 adjudication feature that includes a serial number on the digital image  
27 that can be used to track electronic vote adjudication board actions.

28 (b) The creation and retention of comprehensive logs of all digital  
29 duplication and adjudication actions performed by an electronic vote  
30 adjudication board.

31 (c) The retention of the original ballot and the digital duplicate  
32 of the ballot.

33 (d) THE OBSERVATION OF THE ELECTRONIC VOTE ADJUDICATION BOARD'S  
34 ACTIVITIES BY OBSERVERS AS PRESCRIBED IN THIS SECTION.

35 C. If for any reason it becomes impracticable to count all or a  
36 part of the ballots with tabulating equipment, the officer in charge of  
37 elections may direct that they be counted manually, following as far as  
38 practicable the provisions governing the counting of paper ballots.

39 D. For any statewide, county or legislative election, the county  
40 recorder or officer in charge of elections shall provide for a live video  
41 recording of the custody of all ballots while the ballots are present in a  
42 tabulation room in the counting center AND WHILE AT THE HAND COUNT  
43 LOCATIONS PRESCRIBED IN SECTION 16-602. The live video recording shall  
44 include date and time indicators and shall be linked to the secretary of  
45 state's website. The secretary of state shall post links to the video

1 coverage for viewing by the public. The county recorder or officer in  
2 charge of elections shall record the video coverage of the ballots at the  
3 counting center **AND AT THE HAND COUNT LOCATIONS** and shall retain those  
4 recordings as a public record for at least as long as the challenge period  
5 for the general election. If the live video feed is disrupted or  
6 disabled, the recorder or officer in charge of elections is not liable for  
7 the disruption but shall attempt to reinstate video coverage as soon as is  
8 practicable. Any disruption in video coverage shall not affect or prevent  
9 the continued tabulation of ballots. This subsection is contingent on  
10 legislative appropriation.

11 E. The county recorder or other officer in charge of elections  
12 shall maintain records that record the chain of custody for all election  
13 equipment and ballots during early voting through the completion of  
14 provisional voting tabulation.

15 Sec. 8. Title 16, chapter 4, article 10, Arizona Revised Statutes,  
16 is amended by adding section 16-621.01, to read:

17 **16-621.01. Affidavit envelope processing centers; observers**

18 **THE COUNTY CHAIRMAN OF EACH PARTY, BY WRITTEN APPOINTMENT ADDRESSED**  
19 **TO THE COUNTY OFFICER IN CHARGE OF ELECTIONS, MAY DESIGNATE A PARTY**  
20 **REPRESENTATIVE TO OBSERVE THE PROCEEDINGS AT A THIRD-PARTY VENDOR THAT**  
21 **PROCESSES RETURNED AFFIDAVIT ENVELOPES ON BEHALF OF A COUNTY. THE COUNTY**  
22 **OFFICER IN CHARGE OF ELECTIONS SHALL FORWARD THAT INFORMATION TO THE**  
23 **VENDOR. IF MORE THAN ONE COUNTY CONTRACTS WITH THE SAME VENDOR OR IF THE**  
24 **COUNTY PARTY CHAIRMAN DOES NOT APPOINT A PARTY REPRESENTATIVE, THE STATE**  
25 **PARTY CHAIRMAN MAY MAKE THE DESIGNATION.**

26 Sec. 9. **Effective date**

27 Section 16-550, Arizona Revised Statutes, as amended by Laws 2022,  
28 chapter 271, section 2 and this act, and section 16-550, Arizona Revised  
29 Statutes, as amended by Laws 2022, chapter 358, section 1 and repealed by  
30 this act, are effective from and after December 31, 2023.