

Conference Engrossed

~~ballots; election day; identification~~
(now: elections; ballots; images; identification)

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

SENATE BILL 1518

AN ACT

AMENDING TITLE 16, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-407.04; AMENDING SECTION 16-550, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 271, SECTION 2; AMENDING SECTIONS 16-572, 16-579 AND 16-673, ARIZONA REVISED STATUTES; 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. Title 16, chapter 4, article 1, Arizona Revised
3 Statutes, is amended by adding section 16-407.04, to read:

4 16-407.04. Ballot images; cast vote record; ballot storage;
5 electronic portal; violation; classification;
6 definition

7 A. NOTWITHSTANDING ANY OTHER LAW:

8 1. ALL BALLOT IMAGES AND CAST VOTE RECORDS SHALL BE AVAILABLE AS
9 PUBLIC RECORDS.

10 2. AFTER THE PRIMARY AND GENERAL ELECTION AND NOT LATER THAN
11 FORTY-EIGHT HOURS AFTER THE CERTIFICATION OF ELECTION RESULTS BY THE
12 APPROVAL OF THE OFFICIAL COUNTY CANVASS, THE COUNTY RECORDER OR OTHER
13 COUNTY OFFICER IN CHARGE OF ELECTIONS SHALL SUBMIT THE UNALTERED BALLOT
14 IMAGES AND CAST VOTE RECORDS USED IN THE TABULATION OF THE ELECTION IN A
15 SORTABLE FORMAT TO THE SECRETARY OF STATE, WHO SHALL IMMEDIATELY POST THEM
16 ON A SECURE WEBSITE IN A CONVENIENT DOWNLOADABLE FORMAT.

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

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

24 5. THE SECRETARY OF STATE SHALL ESTABLISH AND ADMINISTER AN
25 ELECTRONIC PORTAL TO RECEIVE REQUESTS FOR AND PROVIDE ACCESS TO THE
26 MATERIALS PRESCRIBED BY THIS SECTION. THE SECRETARY OF STATE SHALL
27 REQUIRE THE FOLLOWING FROM ANY PERSON REQUESTING ACCESS:

28 (a) THE NAME, ADDRESS, EMAIL ADDRESS AND TELEPHONE NUMBER OF THE
29 PERSON AND THE SECRETARY OF STATE SHALL VERIFY THAT INFORMATION USING
30 ESTABLISHED AUTHENTICATION PROTOCOLS.

31 (b) A DECLARATION SIGNED BY THE PERSON STATING THAT THE PERSON WILL
32 NOT DO ANY OF THE FOLLOWING:

33 (i) ALTER OR MISREPRESENT THE IMAGES OR CAST VOTE RECORDS IN ANY
34 MANNER TO REPORT INACCURATE ELECTION RESULTS OR DATA.

35 (ii) USE ANY ELECTION RECORD OR COMBINATION OF RECORDS TO REVEAL
36 HOW ANOTHER PERSON VOTED.

37 6. A PERSON WHO VIOLATES PARAGRAPH 5, SUBDIVISION (b) OF THIS
38 SUBSECTION IS GUILTY OF A CLASS 5 FELONY.

39 B. FOR THE PURPOSES OF THIS SECTION, "CAST VOTE RECORD" MEANS THE
40 ELECTRONIC RECORDS AVAILABLE WITHIN AN ELECTION MANAGEMENT SYSTEM THAT
41 SHOW HOW THE VOTES WERE CAST ON EACH ANONYMOUS BALLOT FOR EACH RACE AND
42 THAT ALLOW FOR VERIFICATION OF THE ACCUMULATED VOTE TOTALS FOR EACH
43 CANDIDATE OR ISSUE TOGETHER WITH A SUMMARY REPORT FOR EACH BATCH FOR

1 COUNTIES WHOSE ELECTION MANAGEMENT SYSTEM DOES NOT TIE IMAGES OF
2 ELECTRONICALLY ADJUDICATED BALLOTS TO UNDERLYING ORIGINAL BALLOT IMAGES.

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

5 16-550. Receipt of voter's ballot; cure period

6 A. Except for early ballots tabulated as prescribed in section
7 16-579.02 OR RECEIVED AFTER A VOTER'S IDENTIFICATION IS CONFIRMED AS
8 PRESCRIBED BY SECTION 16-579, SUBSECTION A, PARAGRAPH 4, on receipt of the
9 envelope containing the early ballot and the ballot affidavit, the county
10 recorder or other officer in charge of elections shall compare the
11 ~~signatures thereon~~ SIGNATURE ON THE ENVELOPE with the signature of the
12 elector on the elector's registration record. If the signature is
13 inconsistent with the elector's signature on the elector's registration
14 record, the county recorder or other officer in charge of elections shall
15 make reasonable efforts to contact the voter, advise the voter of the
16 inconsistent signature and allow the voter to correct or the county to
17 confirm the inconsistent signature. The county recorder or other officer
18 in charge of elections shall allow signatures to be corrected not later
19 than the fifth business day after a primary, general or special election
20 that includes a federal office or the third business day after any other
21 election. If the signature is missing, the county recorder or other
22 officer in charge of elections shall make reasonable efforts to contact
23 the elector, advise the elector of the missing signature and allow the
24 elector to add the elector's signature not later than 7:00 p.m. on
25 election day. If satisfied that the signatures correspond, the recorder
26 or other officer in charge of elections shall hold the envelope containing
27 the early ballot and the completed affidavit unopened in accordance with
28 the rules of the secretary of state.

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

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

38 D. This section does not apply to:

39 1. A special taxing district that is authorized pursuant to section
40 16-191 to conduct its own elections.

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

1 Sec. 3. Section 16-572, Arizona Revised Statutes, is amended to
2 read:

3 16-572. Delivery and custody of ballots at polling place

4 A. On opening the polls, the inspector shall produce the sealed
5 package of official ballots and publicly open it and deliver one book or
6 block of ballots therein contained to the judges. The INSPECTOR SHALL
7 RETAIN THE other blocks or books of ballots, if any, ~~shall be retained by~~
8 ~~the inspector~~ until called for by the judges and required for voting.

9 B. One of the judges of election shall keep the ballots within the
10 polling place in plain view of the public and deliver them only to
11 qualified voters.

12 C. A person shall not take or remove a ballot from the polling
13 place before the polls are closed. THE CHAIN OF CUSTODY LOG FOR EARLY
14 BALLOTS RETURNED AT VOTING LOCATIONS ON ELECTION DAY SHALL BE AVAILABLE
15 FOR INSPECTION BY THE PUBLIC, THE POLITICAL PARTIES, COMMITTEES
16 REPRESENTING BALLOT MEASURES ON THE BALLOT AND THE CANDIDATES ON THE
17 BALLOT WITHIN FORTY-EIGHT HOURS AFTER ELECTION DAY.

18 Sec. 4. Section 16-579, Arizona Revised Statutes, is amended to
19 read:

20 16-579. Procedure for obtaining ballot by elector

21 A. Every qualified elector, before receiving a ballot, shall
22 announce the elector's name and place of residence in a clear, audible
23 tone of voice to the election official in charge of the signature roster
24 or present the elector's name and residence in writing. The election
25 official in charge of the signature roster shall comply with the following
26 and the qualified elector shall be allowed within the voting area:

27 1. The elector shall present any of the following:

28 (a) A valid form of identification that bears the photograph, name
29 and address of the elector that reasonably appear to be the same as the
30 name and address in the precinct register, including an Arizona driver
31 license, an Arizona nonoperating identification license, a tribal
32 enrollment card or other form of tribal identification or a United States
33 federal, state or local government issued identification. Identification
34 is deemed valid unless it can be determined on its face that it has
35 expired.

36 (b) Two different items that contain the name and address of the
37 elector that reasonably appear to be the same as the name and address in
38 the precinct register, including a utility bill, a bank or credit union
39 statement that is dated within ninety days of the date of the election, a
40 valid Arizona vehicle registration, an Arizona vehicle insurance card, an
41 Indian census card, tribal enrollment card or other form of tribal
42 identification, a property tax statement, a recorder's certificate, a
43 voter registration card, a valid United States federal, state or local

1 government issued identification or any mailing that is labeled as
2 "official election material". Identification is deemed valid unless it
3 can be determined on its face that it has expired.

4 (c) A valid form of identification that bears the photograph, name
5 and address of the elector except that if the address on the
6 identification does not reasonably appear to be the same as the address in
7 the precinct register or the identification is a valid United States
8 military identification card or a valid United States passport and does
9 not bear an address, the identification must be accompanied by one of the
10 items listed in subdivision (b) of this paragraph.

11 2. If the elector does not present identification that complies
12 with paragraph 1 of this subsection, the elector is only eligible to vote
13 a provisional ballot as prescribed by section 16-584 or a conditional
14 provisional ballot as provided for in the secretary of state's instruction
15 and procedures manual adopted pursuant to section 16-452.

16 3. If the voter surrenders the early ballot to the precinct
17 inspector and the voter is not otherwise required to be issued a
18 provisional ballot, the voter shall be issued a standard ballot after
19 presenting identification pursuant to this subsection. The precinct
20 inspector shall retain the surrendered early ballot, unopened in its
21 affidavit envelope.

22 4. DURING THE PERIOD OF EARLY VOTING, IF A VOTER IS ISSUED AN EARLY
23 BALLOT AT ANY EARLY VOTING LOCATION OR PRESENTS AT ANY EARLY VOTING
24 LOCATION THE VOTER'S MAILED EARLY BALLOT AND THE VOTER PRESENTS AND
25 CONFIRMS IDENTIFICATION THAT COMPLIES WITH PARAGRAPH 1 OF THIS SUBSECTION,
26 THE VOTER'S EARLY BALLOT IS DEEMED READY FOR TABULATING, AND ADDITIONAL
27 SIGNATURE VERIFICATION OF THE COMPLETED AFFIDAVIT ENVELOPE AS PRESCRIBED
28 BY SECTION 16-550 IS NOT REQUIRED.

29 B. Any qualified elector who is listed as having applied for an
30 early ballot but who states that the elector has not voted and will not
31 vote an early ballot for this election or surrenders the early ballot to
32 the precinct inspector on election day shall be allowed to vote pursuant
33 to the procedure set forth in section 16-584, except that for elections
34 conducted using an electronic pollbook or similar system with continuous
35 voter usage updates, the following apply:

36 1. If the electronic pollbook or other system indicates that the
37 voter's early ballot has not been returned or accepted by the county
38 recorder and the voter is not otherwise required to be issued a
39 provisional ballot, the voter may be issued a standard ballot after
40 presenting identification pursuant to subsection A of this section.

41 2. If the electronic pollbook or other system indicates that the
42 voter's early ballot has been received or accepted by the county recorder,

1 the voter may not be issued a standard ballot and may only be issued a
2 provisional ballot as prescribed in section 16-584.

3 C. Each qualified elector's name shall be numbered consecutively by
4 the clerks and in the order of applications for ballots. The judge shall
5 give the qualified elector only one ballot and a ballot privacy folder,
6 and the elector's name shall be immediately checked on the precinct
7 register. Notwithstanding any provision of this subsection, an elector
8 shall not be required to accept or use a ballot privacy folder.

9 D. For precincts in which a paper signature roster is used, each
10 qualified elector shall sign the elector's name in the signature roster
11 before receiving a ballot, but an inspector or judge may sign the roster
12 for an elector who is unable to sign because of physical disability, and
13 in that event the name of the elector shall be written with red ink, and
14 no attestation or other proof shall be necessary. The provisions of this
15 subsection relating to signing the signature roster ~~shall~~ DO not apply to
16 electors casting a ballot using early voting procedures.

17 E. For precincts in which an electronic poll book system is used,
18 each qualified elector shall sign the elector's name as prescribed in the
19 instructions and procedures manual adopted by the secretary of state
20 pursuant to section 16-452 before receiving a ballot, but an inspector or
21 judge may sign the roster for an elector who is unable to sign because of
22 physical disability, and in that event the name of the elector shall be
23 written with the inspector's or judge's attestation on the same signature
24 line.

25 F. A person offering to vote at a special district election for
26 which no special district register has been supplied shall sign an
27 affidavit stating the person's address and that the person resides within
28 the district boundaries or proposed district boundaries and swearing that
29 the person is a qualified elector and has not already voted at the
30 election being held.

31 Sec. 5. Section 16-673, Arizona Revised Statutes, is amended to
32 read:

33 16-673. Statement of contest; verification; filing

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

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

1 2. The name of the person whose right to the office is contested,
2 or the title of the measure, ~~or~~ constitutional amendment, ~~or~~ or other
3 proposition as it appeared ~~upon~~ ON the official ballot.
4 3. The office the election to which is contested.
5 4. The particular grounds of the contest.
6 B. The statement shall be verified by the affidavit of the
7 contestor that ~~he~~ THE CONTESTOR believes the matters and things ~~therein~~
8 contained IN THE STATEMENT are true.