

Senate Engrossed
elections; observers; federal candidates

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

SENATE BILL 1598

AN ACT

AMENDING SECTION 16-621, 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. Section 16-621, Arizona Revised Statutes, is amended to
3 read:

4 16-621. Proceedings at the counting center; observers

5 A. All proceedings at the counting center shall be under the
6 direction of the board of supervisors or other officer in charge of
7 elections and shall be conducted in accordance with the approved
8 instructions and procedures manual issued pursuant to section 16-452 under
9 the observation of representatives of each political party, EACH CANDIDATE
10 FOR FEDERAL OFFICE DURING THE GENERAL ELECTION ONLY and the
11 public. DURING THE GENERAL ELECTION, ONE REPRESENTATIVE AT ANY ONE TIME
12 FOR EACH CANDIDATE FOR FEDERAL OFFICE WHO HAS BEEN DESIGNATED BY THE
13 CANDIDATE MAY OBSERVE AT THE COUNTING CENTER. IF MORE THAN ONE UNITED
14 STATES HOUSE OF REPRESENTATIVES CANDIDATE FROM EACH POLITICAL PARTY
15 REPRESENTED ON THE BALLOT DESIGNATES AN OBSERVER, A DRAW BY LOT SHALL
16 DETERMINE WHICH UNITED STATES HOUSE OF REPRESENTATIVES CANDIDATES FROM
17 EACH POLITICAL PARTY REPRESENTED ON THE BALLOT MAY SEND AN OBSERVER.

18 B. The proceedings at the counting center may also be observed by
19 up to three additional people representing a candidate for nonpartisan
20 office, or representing a political committee in support of or in
21 opposition to a ballot measure, proposition or question. A draw by lot
22 shall determine which three groups or candidates shall have
23 representatives participate in the observation at the counting center.
24 Persons representing a candidate for nonpartisan office or persons or
25 groups representing a political committee in support of or in opposition
26 to a ballot measure, proposition or question, who are interested in
27 participating in the observation, shall notify the officer in charge of
28 elections of their desire to be included in the draw not later than
29 seventeen days before the election. After the deadline to receive
30 submissions from the interested persons or groups, but prior to fourteen
31 days before the election, the county officer in charge of elections shall
32 draw by lot, from the list of those that expressed interest, three persons
33 or groups and those selected shall be notified and allowed to observe the
34 proceedings at the counting center. If a group is selected the group may
35 alter who represents that group for different days of observation but on
36 any given observation day a selected group shall not send more than one
37 observer. A group may rotate an observer throughout the day. Only those
38 persons who are authorized for the purpose shall touch any ballot or
39 ballot card or return. All persons who are engaged in processing and
40 counting of the ballots shall be qualified electors, shall be deputized in
41 writing and shall take an oath that they will faithfully perform their
42 assigned duties. There shall be no preferential counting of ballots for
43 the purpose of projecting the outcome of the election. If any ballot,
44 including any ballot received from early voting, is damaged or defective
45 so that it cannot properly be counted by the automatic tabulating

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

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

11 1. The electronic vote adjudication feature shall be included in
12 the tabulation system logic and accuracy testing prescribed by section
13 16-449.

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

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

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

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

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

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

38 ~~D.~~ E. For any statewide, county or legislative election, the
39 county recorder or officer in charge of elections shall provide for a live
40 video recording of the custody of all ballots while the ballots are
41 present in a tabulation room in the counting center. The live video
42 recording shall include date and time indicators and shall be linked to
43 the secretary of state's website. The secretary of state shall post links
44 to the video coverage for viewing by the public. The county recorder or
45 officer in charge of elections shall record the video coverage of the

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

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