

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2099

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 16-225, Arizona Revised Statutes, is amended to  
3 read:

4 16-225. Special district election dates

5 A. Special districts as described in title 48, chapters 5, 6, 8, 10  
6 and 13 through 16 shall not hold any election except on a date prescribed  
7 by section 16-204.

8 B. The board of supervisors of the county in which the special  
9 district or greater portion of the assessed valuation of the property in  
10 the district is located shall call the election for the formation of  
11 special districts in accordance with subsection A of this section.

12 C. The governing body of a special district shall call all other  
13 elections for the district in accordance with subsection A of this section  
14 and shall notify the board of supervisors and the officer in charge of  
15 elections of the county in which the special district or greater portion of  
16 the assessed valuation of the property in the district is located of the  
17 purpose of the election.

18 ~~D. On notification of the officer in charge of elections and~~  
19 ~~approval of the county board of supervisors, the governing body of a~~  
20 ~~special district may authorize any special district election that is not~~  
21 ~~held on a date prescribed by section 16-204 to be conducted by mail~~  
22 ~~pursuant to chapter 4, article 8.1 of this title.~~

1           Sec. 2. Section 16-228, Arizona Revised Statutes, is amended to  
2 read:

3           16-228. Notice of election for nonpartisan elections

4           A. The governing body shall publish a notice of election at least  
5 twice in a newspaper of general circulation in the election district in  
6 which a nonpartisan election is being held not less than one week apart  
7 during the six calendar weeks preceding twenty days before the election. If  
8 there is not a newspaper of general circulation in the election district,  
9 the governing body shall post the call of election on the governing body's  
10 public website and at other locations at which the governing body  
11 customarily posts public notice of the governing body's public  
12 meetings. This notice shall contain at least:

- 13           1. The date of the election.
- 14           2. The location of the polls.
- 15           3. The hours the polls will be open.
- 16           4. The purpose of the election.
- 17           5. The election district conducting the election.

18           B. In lieu of publishing the notice described in subsection A of  
19 this section, the governing body may, and for a nonresident qualified  
20 elector of any special district shall, mail a notice of election to each  
21 household containing a qualified elector of the district. The notice shall  
22 contain the same information described in subsection A, paragraphs 1, 4 and  
23 5 of this section and the polling place for that household's qualified  
24 electors and the times it is open. Mailings may be made over a period of  
25 days but shall be mailed in order to be delivered to households before the  
26 earliest date of mailing to registered voters of any requested early  
27 ballots for that election.

28           ~~C. In mail ballot elections, the governing body shall publish a~~  
29 ~~notice of election at least twice in a newspaper of general circulation in~~  
30 ~~the special district in which the election is being held once a week during~~  
31 ~~each of the two weeks immediately preceding the thirty days before the~~  
32 ~~election. This notice shall contain at least:~~

- 1           ~~1. The date of the election.~~
- 2           ~~2. The date ballots will be mailed.~~
- 3           ~~3. The deadline and location for return of the ballots.~~
- 4           ~~4. The method for obtaining a replacement if a ballot is destroyed,~~
- 5 ~~lost, spoiled or not received.~~
- 6           ~~5. A statement that no polling place will be provided.~~
- 7           ~~6. The name of the district that is conducting the election.~~
- 8           ~~7. The qualifications of electors.~~
- 9           ~~D. In lieu of publishing the notice described in subsection C of~~
- 10 ~~this section, the governing body may, and for a nonresident qualified~~
- 11 ~~elector of any special district shall, mail a notice of election to each~~
- 12 ~~household containing a qualified elector of the district. The notice shall~~
- 13 ~~contain the same information described in subsection C of this section and~~
- 14 ~~shall be mailed not later than forty-five days before the election.~~

15           Sec. 3. Section 16-245, Arizona Revised Statutes, is amended to  
16 read:

17           16-245. Form and content of ballot

18           A. Ballots and ballot labels for the presidential preference  
19 election shall be printed on different colored paper or white paper with a  
20 different colored stripe for each party represented on the presidential  
21 preference election ballot. Only one party may be represented on each  
22 ballot. At the top shall be printed "official ballot of the \_\_\_\_\_  
23 party, presidential preference election (date), county of \_\_\_\_\_, state of  
24 Arizona".

25           B. The order of the names of certified candidates on the ballot  
26 shall be determined by lots drawn at a public meeting called by the  
27 secretary of state for that purpose. Rotation of candidate names is  
28 prohibited. The certified candidates shall be listed under the title  
29 "\_\_\_\_\_ party candidates for President of the United  
30 States". Immediately below shall be printed "vote for not more than  
31 one". The ballot may also contain printed instructions to voters as  
32 prescribed for other elections.

1 C. The officer in charge of elections shall provide a sample ballot  
2 proof to the state committee chairman of each qualified candidate's state  
3 committee ~~no~~ NOT later than five days after ~~receipt of~~ RECEIVING the  
4 certification from the secretary of state.

5 D. The officer in charge of elections shall mail one sample ballot  
6 of each party represented on the presidential preference election ballot to  
7 each household that contains a registered voter of that political party  
8 ~~unless that registered voter is on the active early voting list established~~  
9 ~~pursuant to section 16-544~~. The return address on the sample ballot mailer  
10 shall not contain the name of any elected or appointed official, and the  
11 name of an appointed or elected official shall not be used to indicate who  
12 produced the sample ballot.

13 E. The mailing face of each sample ballot shall be imprinted with  
14 the great seal of the state of Arizona with the words "official voting  
15 materials – presidential preference election". The polling place for that  
16 household may also be designated on the mailing face of the sample ballot.

17 Sec. 4. Section 16-248, Arizona Revised Statutes, is amended to  
18 read:

19 16-248. Designation of polling places

20 A. Not less than twenty days before a presidential preference  
21 election, the board of supervisors shall designate a reasonable and  
22 adequate number of polling places where the election shall be held.

23 B. The number of polling places for the presidential preference  
24 election is to be determined according to the number of active registered  
25 voters as of January 1 of the year of the presidential preference election.

26 C. Each county with two hundred thousand or more active registered  
27 voters shall determine the number of polling places for the presidential  
28 preference election by using ~~no~~ NOT more than one-half of the number of  
29 precincts as of January 1 of the year of the presidential preference  
30 election.

31 D. Each county with less than two hundred thousand active registered  
32 voters but ten thousand or more active registered voters shall determine

1 the number of polling places for the presidential preference election by  
2 using ~~no~~ NOT more than one polling place for every two thousand active  
3 registered voters as of January 1 of the year of the presidential  
4 preference primary.

5 E. Each county with less than ten thousand active registered voters  
6 shall determine the number of polling places for the presidential  
7 preference election by using ~~no~~ NOT more than one polling place for every  
8 one thousand active registered voters as of January 1 of the year of the  
9 presidential preference election.

10 F. If ~~it is determined by~~ the secretary of state DETERMINES that  
11 compliance with state and federal regulations would be jeopardized, the  
12 secretary of state has the authority to release a county from the number of  
13 polling places prescribed by this section.

14 G. This section does not apply to land located on an Indian  
15 reservation.

16 ~~H. In precincts that contain fewer than three hundred active~~  
17 ~~registered voters, the officer in charge of elections may conduct a~~  
18 ~~presidential preference election by mail.~~

19 Sec. 5. Section 16-411, Arizona Revised Statutes, is amended to  
20 read:

21 16-411. Designation of election precincts and polling places;  
22 voting centers; electioneering; wait times

23 A. The board of supervisors of each county, on or before October 1  
24 of each year preceding the year of a general election, by an order, shall  
25 establish a convenient number of election precincts in the county and  
26 define the boundaries of the precincts as follows:

27 1. The election precinct boundaries shall be established so as to be  
28 included within election districts prescribed by law for elected officers  
29 of the state and its political subdivisions, including community college  
30 district precincts, except those elected officers provided for in titles 30  
31 and 48. THE BOARD OF SUPERVISORS MAY NOT ESTABLISH AN ELECTION PRECINCT

1 THAT CONTAINS MORE THAN ONE THOUSAND FIVE HUNDRED REGISTERED VOTERS ON THE  
2 DATE THE ELECTION PRECINCT'S BOUNDARIES ARE ESTABLISHED.

3 2. If after October 1 of the year preceding the year of a general  
4 election the board of supervisors must further adjust precinct boundaries  
5 due to the redistricting of election districts as prescribed by law and to  
6 comply with this subsection, the board of supervisors shall adjust these  
7 precinct boundaries as soon as is practicable.

8 B. At least twenty days before a general or primary election, and at  
9 least ten days before a special election, the board shall designate one  
10 polling place within each precinct where the election shall be held, except  
11 that:

12 1. On a specific finding of the board, included in the order or  
13 resolution designating polling places pursuant to this subsection, that no  
14 suitable polling place is available within a precinct, a polling place for  
15 that precinct may be designated within an adjacent precinct.

16 2. Adjacent precincts may be combined if boundaries so established  
17 are included in election districts prescribed by law for state elected  
18 officials and political subdivisions including community college districts  
19 but not including elected officials prescribed by titles 30 and 48. The  
20 officer in charge of elections may also split a precinct for administrative  
21 purposes. The polling places shall be listed in separate sections of the  
22 order or resolution.

23 3. ~~On a specific finding of the board that the number of persons who~~  
24 ~~are listed as early voters pursuant to section 16-544 and who are not~~  
25 ~~expected to have their ballots tabulated at the polling place as prescribed~~  
26 ~~in section 16-579.02 is likely to substantially reduce the number of voters~~  
27 ~~appearing at one or more specific polling places at that election, adjacent~~  
28 ~~precincts may be consolidated by combining polling places and precinct~~  
29 ~~boards for that election.~~ The board of supervisors shall ensure that a  
30 reasonable and adequate number of polling places IN EACH PRECINCT will be  
31 designated for that election. Any consolidated polling places shall be  
32 listed in separate sections of the order or resolution of the board.

1           4. ~~On a specific resolution of the board,~~ The board may NOT  
2 authorize the use of voting centers in place of or in addition to  
3 specifically designated polling places. ~~A voting center shall allow any~~  
4 ~~voter in that county to receive the appropriate ballot for that voter on~~  
5 ~~election day after presenting identification as prescribed in section~~  
6 ~~16-579 and to lawfully cast the ballot. Voting centers may be established~~  
7 ~~in coordination and consultation with the county recorder, at other county~~  
8 ~~offices or at other locations in the county deemed appropriate.~~

9           5. ~~On a specific resolution of the board of supervisors that is~~  
10 ~~limited to a specific election date and that is voted on by a recorded~~  
11 ~~vote, the board may authorize the county recorder or other officer in~~  
12 ~~charge of elections to use emergency voting centers as follows:~~

13           (a) ~~The board shall specify in the resolution the location and the~~  
14 ~~hours of operation of the emergency voting centers.~~

15           (b) ~~A qualified elector voting at an emergency voting center shall~~  
16 ~~provide identification as prescribed in section 16-579, except that~~  
17 ~~notwithstanding section 16-579, subsection A, paragraph 2, for any voting~~  
18 ~~at an emergency voting center, the county recorder or other officer in~~  
19 ~~charge of elections may allow a qualified elector to update the elector's~~  
20 ~~voter registration information as provided for in the secretary of state's~~  
21 ~~instructions and procedures manual adopted pursuant to section 16-452.~~

22           (c) ~~If an emergency voting center established pursuant to this~~  
23 ~~section becomes unavailable and there is not sufficient time for the board~~  
24 ~~of supervisors to convene to approve an alternate location for that~~  
25 ~~emergency voting center, the county recorder or other officer in charge of~~  
26 ~~elections may make changes to the approved emergency voting center location~~  
27 ~~and shall notify the public and the board of supervisors regarding that~~  
28 ~~change as soon as practicable. The alternate emergency voting center shall~~  
29 ~~be as close in proximity to the approved emergency voting center location~~  
30 ~~as possible.~~

1           5. THE BOARD OF SUPERVISORS MAY NOT CHANGE A POLLING PLACE UNLESS  
2 THE VOTERS IN THAT PRECINCT ARE NOTIFIED BY MAIL AT LEAST TWO YEARS IN  
3 ADVANCE THAT THE POLLING PLACE HAS CHANGED.

4           C. If the board fails to designate the place for holding the  
5 election, or if it cannot be held at or about the place designated, the  
6 justice of the peace in the precinct, two days before the election, by an  
7 order, copies of which the justice of the peace shall immediately post in  
8 three public places in the precinct, shall designate the place within the  
9 precinct for holding the election. If there is no justice of the peace in  
10 the precinct, or if the justice of the peace fails to do so, the election  
11 board of the precinct shall designate and give notice of the place within  
12 the precinct of holding the election. ~~For any election in which there are~~  
13 ~~no candidates for elected office appearing on the ballot, the board may~~  
14 ~~consolidate polling places and precinct boards and may consolidate the~~  
15 ~~tabulation of results for that election if all of the following apply:~~

16           ~~1. All affected voters are notified by mail of the change at least~~  
17 ~~thirty-three days before the election.~~

18           ~~2. Notice of the change in polling places includes notice of the new~~  
19 ~~voting location, notice of the hours for voting on election day and notice~~  
20 ~~of the telephone number to call for voter assistance.~~

21           ~~3. All affected voters receive information on early voting that~~  
22 ~~includes the application used to request an early voting ballot.~~

23           ~~D. The board is not required to designate a polling place for~~  
24 ~~special district mail ballot elections held pursuant to article 8.1 of this~~  
25 ~~chapter, but the board may designate one or more sites for voters to~~  
26 ~~deposit marked ballots until 7:00 p.m. on the day of the election.~~

27           ~~E. D. Except as provided in subsection F of this section,~~ A public  
28 school shall provide sufficient space for use as a polling place for any  
29 city, county or state election when requested by the officer in charge of  
30 elections.

31           ~~F. The principal of the school may deny a request to provide space~~  
32 ~~for use as a polling place for any city, county or state election if,~~



1 ~~within two weeks after a request has been made, the principal provides a~~  
2 ~~written statement indicating a reason the election cannot be held in the~~  
3 ~~school, including any of the following:~~

4 ~~1. Space is not available at the school.~~

5 ~~2. The safety or welfare of the children would be jeopardized.~~

6 E. WHENEVER POSSIBLE, THE BOARD OF SUPERVISORS SHALL USE PUBLIC  
7 SCHOOLS AND GOVERNMENTAL OFFICES AS POLLING PLACES. ON REQUEST, SCHOOL  
8 DISTRICT GOVERNING BOARD MEMBERS, PRINCIPALS AND MANAGERS OF GOVERNMENTAL  
9 OFFICES SHALL ALLOW THEIR SITES TO BE USED AS POLLING PLACES.

10 ~~F.~~ F. The board shall make available to the public as a public  
11 record a list of the polling places for all precincts in which the election  
12 is to be held.

13 ~~H.~~ G. Except in the case of an emergency, any facility that is used  
14 as a polling place on election day ~~or that is used as an early voting site~~  
15 ~~during the period of early voting~~ shall allow persons to electioneer and  
16 engage in other political activity outside of the seventy-five foot limit  
17 prescribed by section 16-515 in public areas and parking lots used by  
18 voters. This subsection does not allow the temporary or permanent  
19 construction of structures in public areas and parking lots or the blocking  
20 or other impairment of access to parking spaces for voters. The county  
21 recorder or other officer in charge of elections shall post on its website  
22 at least two weeks before election day a list of those polling places in  
23 which emergency conditions prevent electioneering and shall specify the  
24 reason the emergency designation was granted and the number of attempts  
25 that were made to find a polling place before granting an emergency  
26 designation. If the polling place is not on the website list of polling  
27 places with emergency designations, electioneering and other political  
28 activity shall be allowed outside of the seventy-five foot limit. If an  
29 emergency arises after the county recorder or other officer in charge of  
30 elections' initial website posting, the county recorder or other officer in  
31 charge of elections shall update the website as soon as is practicable to  
32 include any new polling places, shall highlight the polling place location

1 on the website and shall specify the reason the emergency designation was  
2 granted and the number of attempts that were made to find a polling place  
3 before granting an emergency designation.

4 ~~H.~~ H. For the purposes of this section, a county recorder or other  
5 officer in charge of elections shall designate a polling place as an  
6 emergency polling place and thus prohibit persons from electioneering and  
7 engaging in other political activity outside of the seventy-five foot limit  
8 prescribed by section 16-515 but inside the property of the facility that  
9 is hosting the polling place if ~~any of the following occurs:~~

10 ~~1.~~ 1. an act of God renders a previously set polling place as unusable.

11 ~~2. A county recorder or other officer in charge of elections has~~  
12 ~~exhausted all options and there are no suitable facilities in a precinct~~  
13 ~~that are willing to be a polling place unless a facility can be given an~~  
14 ~~emergency designation.~~

15 ~~3.~~ ~~The secretary of state shall provide through the instructions and~~  
16 ~~procedures manual adopted pursuant to section 16-452 the maximum allowable~~  
17 ~~wait time for any election that is subject to section 16-204 and provide~~  
18 ~~for a method to reduce voter wait time at the polls in the primary and~~  
19 ~~general elections. The method shall consider at least all of the following~~  
20 ~~for primary and general elections in each precinct:~~

21 ~~1. The number of ballots voted in the prior primary and general~~  
22 ~~elections.~~

23 ~~2. The number of registered voters who voted early in the prior~~  
24 ~~primary and general elections.~~

25 ~~3. The number of registered voters and the number of registered~~  
26 ~~voters who cast an early ballot for the current primary or general~~  
27 ~~election.~~

28 ~~4. The number of registered voters whose early ballots were~~  
29 ~~tabulated on-site as prescribed in section 16-579.02 in the prior primary~~  
30 ~~and general elections.~~

31 ~~5. The number of election board members and clerks and the number of~~  
32 ~~rosters that will reduce voter wait time at the polls.~~

1           Sec. 6. Section 16-442, Arizona Revised Statutes, is amended to  
2 read:

3           16-442. Committee approval

4           A. The secretary of state shall appoint a committee of three  
5 persons, to consist of a member of the engineering college at one of the  
6 universities, a member of the state bar of Arizona and one person familiar  
7 with voting processes in the state, ~~no~~ NOT more than two of whom shall be  
8 of the same political party, and at least one of whom shall have at least  
9 five years of experience with and shall be able to render an opinion based  
10 on knowledge of, training in or education in ~~electronic~~ voting systems,  
11 procedures and security. The committee shall investigate and test the  
12 various types of vote recording ~~or tabulating machines or~~ devices that may  
13 be used under this article. The committee shall submit its recommendations  
14 to the secretary of state who shall make final adoption of the type or  
15 types, make or makes, model or models to be certified for use in this  
16 state. The committee shall serve without compensation.

17           B. Machines or devices used at any election for federal, state or  
18 county offices may only be certified for use in this state and may only be  
19 used in this state if they comply with the help America vote act of 2002,  
20 ~~and if those machines or devices~~ THEY have been tested and approved by a  
21 laboratory that is accredited pursuant to the help America vote act of  
22 2002, IF THEY CANNOT ACCESS THE INTERNET AND IF THEY ARE TO BE USED TO  
23 COMPLY WITH THE ACCESSIBILITY REQUIREMENTS PRESCRIBED BY SECTION  
24 16-442.01. EXCEPT AS REQUIRED TO COMPLY WITH SECTION 16-442.01, THE  
25 SECRETARY OF STATE MAY NOT APPROVE FOR GENERAL USE ELECTRONIC VOTING  
26 MACHINES AND ELECTRONIC TABULATING MACHINES. ALL ELECTRONIC VOTING  
27 MACHINES AND ELECTRONIC TABULATING MACHINES SHALL BE THE SAME MAKE AND  
28 MODEL, SHALL BE UNIFORM IN COMPLIANCE, LANGUAGE AND CAPABILITIES, SHALL BE  
29 OWNED BY THE OFFICE OF THE SECRETARY OF STATE AND SHALL BE USED BY  
30 AGREEMENT WITH COUNTIES AND OTHER ELECTION JURISDICTIONS.

31           C. After consultation with the committee prescribed by subsection A  
32 of this section, the secretary of state shall adopt standards that specify

1 the criteria for loss of certification for equipment that was used at any  
2 election for federal, state or county offices and that was previously  
3 certified for use in this state. On loss of certification, machines or  
4 devices used at any election may not be used for any election for federal,  
5 state or county offices in this state unless recertified for use in this  
6 state.

7 D. The secretary of state ~~may~~ SHALL revoke the certification of any  
8 voting system or device for use in a federal, state or county election in  
9 this state or may prohibit for up to five years the purchase, lease or use  
10 of any voting system or device leased, installed or used by a person or  
11 firm in connection with a federal, state or county election in this state,  
12 or both, if either of the following occurs:

13 1. The person or firm installs, uses or ~~permits~~ ALLOWS the use of a  
14 voting system or device that is not certified for use or approved for  
15 experimental use in this state pursuant to this section.

16 2. The person or firm uses or includes hardware, firmware or  
17 software in a version that is not certified for use or approved for  
18 experimental use pursuant to this section in a certified voting system or  
19 device.

20 ~~E. The governing body of a city or town or the board of directors of~~  
21 ~~an agricultural improvement district may adopt for use in elections any~~  
22 ~~kind of electronic voting system or vote tabulating device approved by the~~  
23 ~~secretary of state, and thereupon the voting or marking device and vote~~  
24 ~~tabulating equipment may be used at any or all elections for voting,~~  
25 ~~recording and counting votes cast at an election.~~

26 ~~F. The secretary of state or the governing body may provide for the~~  
27 ~~experimental use of a voting system or device without a final adoption of~~  
28 ~~the voting system or device, and its use at the election is as valid as if~~  
29 ~~the machines had been permanently adopted.~~

30 ~~G. After consultation with the committee prescribed by subsection A~~  
31 ~~of this section, the secretary of state may approve for emergency use an~~  
32 ~~upgrade or modification to a voting system or device that is certified for~~

~~use in this state if the governing body establishes in an open meeting that the election cannot be conducted without the emergency certification. Any emergency certification shall be limited to no more than six months. At the conclusion of the certification period the voting system or device shall be decertified and unavailable for future use unless certified in accordance with this section.~~

Sec. 7. Section 16-442.01, Arizona Revised Statutes, is amended to read:

16-442.01. Accessible voting technology; recommendations; certification; applicability

A. On completion of the certification process pursuant to this section and section 16-442, the secretary of state shall require that voting systems that are used by entities that are governed by section 16-204, but not including cities and towns with a population of less than twenty thousand persons, provide persons who are blind or visually impaired with access to voting that is equivalent to that provided to persons who are not blind or visually impaired and shall provide an accessible vote by United States mail option for persons who are blind or have a visual impairment.

B. For the purposes of this section:

1. A voting system that provides the voter with the ability to cast and verify by both visual and nonvisual methods all of the selections that were made by that voter is deemed to provide equivalent access.

2. Nonvisual methods for casting and verifying a selection made on a voting system include the use of synthesized speech, braille and other output methods that do not require sight.

3. ANY ELECTRONIC VOTING SYSTEMS AUTHORIZED BY THIS SECTION MAY NOT BE APPROVED FOR OR PROVIDED FOR GENERAL USE.

C. The secretary of state shall consult with and obtain recommendations regarding voting systems from nonprofit organizations that represent persons who are blind or visually impaired, persons with expertise in accessible software, hardware and other technology, county and

1 local election officials and other persons deemed appropriate by the  
2 secretary of state. After receiving recommendations, the secretary of  
3 state shall submit to the committee established pursuant to section 16-442  
4 one or more voting systems that provide equivalent access pursuant to this  
5 section for possible certification for use in this state.

6 D. Subsection A of this section applies to voting systems that are  
7 purchased or upgraded on or after January 1, 2006.

8 Sec. 8. Section 16-443, Arizona Revised Statutes, is amended to  
9 read:

10 16-443. Authorization of use at all elections

11 At all state, county, city or town elections, agricultural  
12 improvement district elections and primary AND GENERAL elections, ballots  
13 or votes may be cast, recorded and counted by voting or marking devices and  
14 vote tabulating devices as provided in this article, EXCEPT THAT ELECTRONIC  
15 VOTING AND ELECTRONIC OR OTHER TABULATING DEVICES MAY ONLY BE USED TO  
16 COMPLY WITH SECTION 16-442.01. FOR ALL OTHER USES, FOR STATE, COUNTY, CITY  
17 OR TOWN ELECTIONS, ONLY PAPER BALLOTS MAY BE USED AND BALLOTS SHALL BE  
18 TABULATED BY HAND.

19 Sec. 9. Repeal

20 Section 16-445, Arizona Revised Statutes, is repealed.

21 Sec. 10. Section 16-446, Arizona Revised Statutes, is amended to  
22 read:

23 16-446. Specifications of electronic voting system

24 A. An electronic voting system consisting of a voting or marking  
25 device ~~in combination with vote tabulating equipment~~ THAT IS USED AS  
26 PRESCRIBED IN SECTION 16-442.01 shall provide facilities for voting for  
27 candidates at both primary and general elections.

28 B. An electronic voting system shall:

29 1. Provide for voting in secrecy when used with voting booths.

30 2. ~~Permit~~ ALLOW each elector to vote at any election for any person  
31 for any office whether or not nominated as a candidate, to vote for as many  
32 persons for an office as the elector is entitled to vote for and to vote

1 for or against any question on which the elector is entitled to vote, and  
2 the vote tabulating equipment shall reject choices recorded on the  
3 elector's ballot if the number of choices exceeds the number that the  
4 elector is entitled to vote for the office or on the measure.

5 3. Prevent the elector from voting for the same person more than  
6 once for the same office.

7 4. Be suitably designed for the purpose used and be of durable  
8 construction, and may be used safely, efficiently and accurately in the  
9 conduct of elections and counting ballots.

10 5. Be provided with means for sealing the voting or marking device  
11 against any further voting after the close of the polls and the last voter  
12 has voted.

13 6. When properly operated, record correctly and count accurately  
14 every vote cast.

15 7. Provide a durable paper document that visually indicates the  
16 voter's selections, that the voter may use to verify the voter's choices,  
17 that may be spoiled by the voter if it fails to reflect the voter's choices  
18 and that ~~permits~~ **ALLOWS** the voter to cast a new ballot. This paper  
19 document shall be used in manual audits and recounts.

20 8. To the extent practicable, provide for the ballot layout to be in  
21 the same order of arrangement, including rotation, as provided for paper  
22 ballots, except that information may be printed in vertical or horizontal  
23 rows, or in a number of separate pages or screens that are placed or  
24 displayed on the voting device. The titles of offices may be arranged in  
25 vertical columns or in a series of separate pages or screens and shall be  
26 printed above or at the side of the names of candidates so as to indicate  
27 clearly the candidates for each office and the number to be elected. If  
28 there are more candidates for an office than can be printed in one column  
29 or on one ballot page or screen, the ballot shall be clearly marked that  
30 the list of candidates is continued on the following column, page or  
31 screen, and to the extent practicable, the same number of names shall be  
32 printed on each column, page or screen.

1           9. Provide for a color designation for use in the primary election  
2 for each political party represented.

3           Sec. 11. Section 16-448, Arizona Revised Statutes, is amended to  
4 read:

5           16-448. Write-in votes; instructions

6           ~~Whenever ballots are to be counted by electronic data processing~~  
7 ~~equipment, TO BE COUNTED,~~ all write-in votes for candidates, ~~to be counted,~~  
8 shall be marked by the voter in the space provided opposite the names of  
9 the write-in candidates. The instructions to voters printed on the ballots  
10 shall instruct the voter that the vote will not be counted unless the voter  
11 properly marks the ballot when writing in a candidate's name.

12          Sec. 12. Section 16-449, Arizona Revised Statutes, is amended to  
13 read:

14          16-449. Required test of equipment and programs; notice

15          A. ~~Within the period of time before the election day prescribed by~~  
16 ~~the secretary of state in the instructions and procedures manual adopted~~  
17 ~~pursuant to section 16-452,~~ The board of supervisors or other ~~election~~  
18 officer in charge OF ELECTIONS, or for an election involving state or  
19 federal candidates, the secretary of state, shall ~~have~~ TEST the automatic  
20 tabulating equipment and programs ~~tested~~ USED FOR ABSENTEE BALLOTS to  
21 ascertain that the equipment and programs will correctly MARK AND count the  
22 votes cast for all offices and on all measures. Public notice of the time  
23 and place of the test shall be given at least forty-eight hours ~~prior~~  
24 ~~thereto~~ BEFORE THE TEST by publication once in one or more daily or weekly  
25 newspapers published in the town, city or village using such equipment, if  
26 a newspaper is published ~~therein~~ IN THE CITY, TOWN OR VILLAGE, otherwise in  
27 a newspaper of general circulation ~~therein~~. The test shall be observed by  
28 at least two election inspectors, who shall not be of the same political  
29 party, and shall be open to representatives of ALL OF the political  
30 parties, candidates, the press and the public. The test shall be conducted  
31 by processing a preaudited group of ABSENTEE ballots so ~~marked~~ as to record  
32 a predetermined number of valid votes for each candidate and on each



1 measure and shall include for each office one or more ballots that have  
2 votes in excess of the number allowed by law in order to test the ability  
3 of the automatic tabulating equipment and programs to reject such  
4 votes. If any error is detected, the cause ~~therefor~~ **FOR THE ERROR** shall be  
5 ascertained and corrected and an errorless count shall be made before the  
6 ~~automatic tabulating equipment and programs are~~ **IS** approved. ~~A copy of a~~  
7 ~~revised program shall be filed with the secretary of state within~~  
8 ~~forty-eight hours after the revision is made. If the error was created by~~  
9 ~~automatic tabulating equipment malfunction, a report shall be filed with~~  
10 ~~the secretary of state within forty-eight hours after the correction is~~  
11 ~~made, stating the cause and the corrective action taken.~~ The test shall be  
12 repeated immediately before the start of the official count of the ballots  
13 in the same manner as set forth above. After the completion of the count,  
14 the ~~programs used and the~~ ballots shall be sealed, retained and disposed of  
15 as provided for paper ballots.

16 B. Electronic ballot tabulating systems **THAT ARE USED ONLY FOR**  
17 **TABULATING ABSENTEE BALLOTS** shall be tested for logic and accuracy ~~within~~  
18 ~~seven days before their use for early balloting pursuant to the~~  
19 ~~instructions and procedures manual for electronic voting systems that is~~  
20 ~~adopted by the secretary of state as prescribed by section 16-452. The~~  
21 ~~instructions and procedures manual shall include procedures for the~~  
22 ~~handling of ballots, the electronic scanning of ballots and any other~~  
23 ~~matters necessary to ensure the maximum degree of correctness, impartiality~~  
24 ~~and uniformity in the administration of an electronic ballot tabulating~~  
25 ~~system.~~

26 C. Notwithstanding subsections A and B of this section, if a county  
27 uses accessible voting equipment to mark ballots ~~and that accessible voting~~  
28 ~~equipment does not independently tabulate or tally votes~~, the secretary of  
29 state in cooperation with the county officer in charge of elections may  
30 designate a single date to test the logic and accuracy of ~~both~~ the  
31 accessible voting equipment and ~~electronic ballot tabulating systems~~ **ANY**  
32 **OTHER EQUIPMENT OR DEVICES USED TO MARK THE BALLOTS.**

1           Sec. 13. Repeal  
2           Sections 16-450, 16-451 and 16-452, Arizona Revised Statutes, are  
3 repealed.

4           Sec. 14. Section 16-461, Arizona Revised Statutes, is amended to  
5 read:

6           16-461. Sample primary election ballots; submission to party  
7                           chairmen for examination; preparation, printing and  
8                           distribution of ballot

9           A. At least forty-five days before a primary election, the officer  
10 in charge of that election shall:

- 11           1. Prepare a proof of a sample ballot.
- 12           2. Submit the sample ballot proof of each party to the county  
13 chairman or in city or town primaries to the city or town chairman.
- 14           3. Mail a sample ballot proof to each candidate for whom a  
15 nomination paper and petitions have been filed.

16           B. Within five days after receipt of the sample ballot, the county  
17 chairman of each political party shall suggest to the election officer any  
18 change the chairman considers should be made in the chairman's party  
19 ballot, and if on examination the election officer finds an error or  
20 omission in the ballot the officer shall correct it. The election officer  
21 shall ~~cause~~ PRINT AND DISTRIBUTE the sample ballots ~~to be printed and~~  
22 ~~distributed~~ as required by law, shall maintain a copy of each sample ballot  
23 and shall post a notice indicating that sample ballots are available on  
24 request. The official sample ballot shall be printed on colored paper or  
25 white paper with a different colored stripe for each party that is  
26 represented on that ballot. For voters who are not registered with a party  
27 that is entitled to continued representation on the ballot pursuant to  
28 section 16-804, the election officer may print and distribute the required  
29 sample ballots in an alternative format, including a reduced size format.

30           C. Not later than forty days before a primary election, the county  
31 chairman of a political party may request one sample primary election  
32 ballot of the chairman's party for each election precinct.

1           D. The board of supervisors shall have printed ~~maile~~~~r-type~~ sample  
2 ballots for a primary election and shall mail at least eleven days before  
3 the election one sample ballot of a political party to each household  
4 containing a registered voter of that political party ~~unless that~~  
5 ~~registered voter is on the active early voting list established pursuant to~~  
6 ~~section 16-544~~. Each sample ballot shall contain the following statement:  
7 "This is a sample ballot and cannot be used as an official ballot under any  
8 circumstances". A certified claim shall be presented to the secretary of  
9 state by the board of supervisors for the actual cost of printing, labeling  
10 and postage of each sample ballot actually mailed, and the secretary of  
11 state shall direct payment of the authenticated claim from funds of the  
12 secretary of state's office.

13           E. For city and town elections, the governing body of a city or town  
14 may have printed ~~maile~~~~r-type~~ sample ballots for a primary election. If the  
15 city or town has printed such sample ballots, the city or town shall  
16 provide for the distribution of such ballots and shall bear the expense of  
17 printing and distributing ~~of~~ such sample ballots.

18           F. The return address on the ~~maile~~~~r-type~~ sample ballots shall not  
19 contain the name of an appointed or elected public officer nor may the name  
20 of an appointed or elected public officer be used to indicate who produced  
21 the sample ballot.

22           G. The great seal of the state of Arizona shall be imprinted along  
23 with the words "official voting materials" on the mailing face of each  
24 sample ballot. In county, city or town elections the seal of such  
25 jurisdiction shall be substituted for the state seal.

26           Sec. 15. Repeal

27           Sections 16-468 and 16-504, Arizona Revised Statutes, are repealed.

28           Sec. 16. Title 16, chapter 4, article 6, Arizona Revised Statutes,  
29 is amended by adding a new section 16-504, to read:

30           16-504. Anti-fraud ballot paper

31           FOR THE REGULAR PRIMARY AND GENERAL ELECTIONS, THE BOARD OF  
32 SUPERVISORS SHALL USE BALLOT PAPER THAT INCLUDES A HOLOGRAM, AN

1 IDENTIFIABLE SEQUENCE MARKING OR ANOTHER SIMILAR SYSTEM FOR PREVENTING  
2 FRAUD AND THAT ALLOWS A VOTER TO RECEIVE A UNIQUELY MARKED OR NUMBERED  
3 BALLOT.

4 Sec. 17. Section 16-548, Arizona Revised Statutes, is amended to  
5 read:

6 16-548. Preparation and transmission of ballot; tally results

7 A. The early voter shall make and sign the affidavit and shall then  
8 mark ~~his~~ THE ballot in ~~such~~ a manner that ~~his~~ THE EARLY VOTER'S vote cannot  
9 be seen. The early voter shall fold the ballot, if a paper ballot, so as  
10 to conceal the vote and deposit the voted ballot in the envelope provided  
11 for that purpose, which shall be securely sealed and, together with the  
12 affidavit, delivered or mailed to the county recorder or other officer in  
13 charge of elections of the political subdivision in which the elector is  
14 registered or deposited by the voter or the voter's agent at any polling  
15 place in the county. In order to be counted and valid, the ballot must be  
16 received by the county recorder or other officer in charge of elections or  
17 deposited at any polling place in the county ~~no~~ NOT later than ~~7:00 p.m. on~~  
18 THREE DAYS BEFORE election day.

19 B. If the early voter is an overseas citizen, a qualified elector  
20 absent from the United States or in the United States service, a spouse or  
21 dependent residing with the early voter or a qualified elector of a special  
22 district mail ballot election as provided in article 8.1 of this chapter,  
23 the early voter may subscribe to the affidavit before and obtain the  
24 signature and military identification number or passport number, if  
25 available, of any person who is a United States citizen eighteen years of  
26 age or older.

27 C. ALL EARLY VOTES MUST BE COUNTED ON ELECTION DAY BEFORE 7:00 P.M.  
28 RESULTS OF THE TALLY MAY NOT BE RELEASED UNTIL AFTER 8:00 P.M. ON ELECTION  
29 DAY.

1           Sec. 18. Section 16-558.02, Arizona Revised Statutes, is amended to  
2 read:

3           16-558.02. Replacement ballots

4           A. The county recorder or other officer in charge of elections shall  
5 determine a central location in the district and shall provide for a ballot  
6 replacement center that is as near to that location as is practicable for  
7 **ELIGIBLE** electors to obtain a replacement ballot. The location shall be  
8 open from 6:00 a.m. until 7:00 p.m. of the day of the election. An elector  
9 may obtain a replacement ballot until 7:00 p.m. on the day of the election  
10 on presenting a signed, sworn statement that the **ABSENTEE** ballot was lost,  
11 spoiled, destroyed or not received.

12           B. The recorder or other officer in charge of elections shall keep a  
13 record of each replacement ballot provided pursuant to this section.

14           C. If an elector to whom a replacement ballot is issued votes more  
15 than once, only the first ballot received shall be counted."

16 Amend title to conform

LIZ HARRIS

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