

House Engrossed Senate Bill
ballots; categories; count; identification number

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SENATE BILL 1375

AN ACT

AMENDING SECTIONS 16-502, 16-602 AND 16-663, ARIZONA REVISED STATUTES;
APPROPRIATING MONIES; 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 16-502, Arizona Revised Statutes, is amended to
3 read:

4 16-502. Form and contents of ballot

5 A. Ballots shall be printed with black ink on white paper of
6 sufficient thickness to prevent the printing thereon from being
7 discernible from the back, and the same type shall be used for the names
8 of all candidates. The ballots shall be headed "official ballot" in
9 bold-faced plain letters, with a heavy rule above and below the heading.
10 Immediately below shall be placed the words "type of election, (date of
11 election)" and the name of the county and state in which the election is
12 held. The name or number of the precinct in which the election is held
13 shall be placed on the ballot in a uniform location for all ballots. No
14 other matter shall be placed or printed at the head of any ballot.
15 Instructions to the voter on marking the ballot may be printed below the
16 heading as follows:

17 1. Put a mark according to the instructions next to the
18 name of each candidate for each office for whom you wish to
19 vote.

20 2. If you wish to vote for a person whose name is not
21 printed on the ballot, write such name in the blank space
22 provided on the ballot and put a mark according to the
23 instructions next to the name so written.

24 3. Put a mark according to the instructions next to the
25 word "yes" or "for" for each proposition or question you wish
26 to be adopted. Put a mark according to the instructions next
27 to the word "no" or "against" for each proposition or question
28 you wish not to be adopted.

29 B. Immediately below the ballot instructions shall be placed the
30 following:

31 Section One
32 Partisan Ballot

33 C. Immediately below the heading for section one there shall be
34 placed in columns the names of the candidates of the several political
35 parties. Next to each candidate's name there shall be printed in
36 bold-faced letters the name of the political party. At the head of each
37 column shall be printed the names of the offices to be filled with the
38 name of each office being of uniform type size. At the head of each
39 column shall be printed in the following order the names of candidates
40 for:

41 1. Presidential electors, which shall be in a list and next to the
42 list shall be printed in bold type the surname of the presidential
43 candidate, and the surname of the vice presidential candidate who is
44 seeking election jointly with the presidential candidate shall be listed
45 directly below the name of the presidential candidate. The indicator for

1 the selection of the presidential and vice presidential candidates shall
2 be directly next to the surname of the presidential candidate, and one
3 mark directly next to a presidential candidate's surname shall be counted
4 as a vote for each elector in the list next to the presidential and vice
5 presidential candidates.

6 2. United States senator.

7 3. Representatives in Congress.

8 4. The several state offices.

9 5. The several county and precinct offices.

10 D. The names of candidates for the offices of state senator and
11 state representative along with the district number shall be placed within
12 the heading of each column to the right of the office name for state
13 offices and immediately below the candidates for the office of governor.
14 The number of the supervisorial district of which a candidate is a nominee
15 shall be printed within the heading of each column to the right of the
16 name of the office.

17 E. The lists of the candidates of the several parties shall be
18 arranged with the names of the parties in descending order according to
19 the votes cast for governor for that county in the most recent general
20 election for the office of governor, commencing with the left-hand column.
21 In the case of political parties that did not have candidates on the
22 ballot in the last general election, such parties shall be listed in
23 alphabetical order below the parties that did have candidates on the
24 ballot in the last general election. The names of all candidates
25 nominated under section 16-341 shall be placed in a single column below
26 that of the recognized parties. Next to the name of each candidate, in
27 parentheses, shall be printed a three-letter abbreviation that is taken
28 from the three words prescribed in the candidate's certificate of
29 nomination.

30 F. Immediately below the designation of the office to be voted for
31 shall appear the words: "Vote for not more than _____" (insert the
32 number to be elected).

33 G. In each column at the right or left of the name of each
34 candidate and on the same line there shall be a place for the voter to put
35 a mark. Below the name of the last named candidate for each office there
36 shall be as many blank lines as there are offices of the same title to be
37 filled, with a place for the voter to put a mark. On the blank line the
38 voter may write the name of any person for whom the voter desires to vote
39 whose name is not printed, and next to the name so written the voter shall
40 designate his choice by a mark as in the case of printed names.

41 H. When there are two or more candidates of the same political
42 party for the same office, or more than one candidate for a judicial
43 office, the names of all such candidates shall be so alternated on the
44 ballots used in each election district that the name of each candidate
45 shall appear substantially an equal number of times in each possible

1 location. If there are fewer or the same number of candidates seeking
2 office than the number to be elected, the rotation of names is not
3 required and the names shall be placed in alphabetical order.

4 I. Immediately below section one of the ballot shall be placed the
5 following:

6 Section Two
7 Nonpartisan Ballot

8 J. Immediately below the heading for section two shall be placed
9 the names of the candidates for justices of the supreme court, judges of
10 the court of appeals, judges of the superior court standing for retention
11 or rejection pursuant to article VI, section 38, Constitution of Arizona,
12 judges of the superior court standing for election pursuant to article VI,
13 section 12, Constitution of Arizona, school district officials and other
14 nonpartisan officials in a column or in columns without partisan or other
15 designation except the title of office in an order determined by the
16 officer in charge of the election.

17 K. Immediately below the offices listed in subsection J of this
18 section, the ballot shall contain a separate heading of any nonpartisan
19 office for a vacant unexpired term and shall include the expiration date
20 of the term of the vacated office.

21 L. All proposed constitutional amendments and other propositions or
22 questions to be submitted to the voters shall be printed immediately below
23 the names of candidates for nonpartisan positions in such order as the
24 secretary of state, or if a city or town election, the city or town clerk,
25 designates. Placement of county and local charter amendments,
26 propositions or questions shall be determined by the officer in charge of
27 the election. Except as provided by section 19-125, each proposition or
28 question shall be followed by the words "yes" and "no" or "for _____" and
29 "against _____" as the nature of the proposition or question requires,
30 and at the right or left of and next to each of such words shall be a
31 place for the voter to put a mark according to the instructions that is
32 similar in size to those places appearing opposite the names of the
33 candidates, in which the voter may indicate his vote for or against such
34 proposition or question by a mark as defined in section 16-400.

35 M. Instead of printing the official and descriptive titles or the
36 full text of each measure or question on the official ballot, the officer
37 in charge of elections may print phrases on the official ballot that
38 contain all of the following:

39 1. The number of the measure in reverse type and at least ~~twelve~~
40 ~~point~~ TWELVE-POINT type.

41 2. The designation of the measure as prescribed by section 19-125,
42 subsection C or as a question, proposition or charter amendment, followed
43 by the words "relating to..." and inserting the subject.

1 3. Either the statement prescribed by section 19-125, subsection D
2 that describes the effects of a "yes" vote and a "no" vote or, for other
3 measures, the text of the question or proposition.

4 4. The words "yes" and "no" or "for" and "against", as may be
5 appropriate and a place for the voter to put a mark.

6 N. For any ballot printed pursuant to subsection M of this section,
7 the instructions on the official ballot shall direct the voter to the full
8 text of the official and descriptive titles and the questions and
9 propositions as printed on the sample ballot and posted in the polling
10 place.

11 0. EXCEPT FOR PROVISIONAL BALLOTS, EACH BALLOT SHALL BEAR A UNIQUE
12 IDENTIFICATION NUMBER OR OTHER UNIQUE DESIGNATION AS PRESCRIBED BY SECTION
13 16-602.

14 Sec. 2. Section 16-602, Arizona Revised Statutes, is amended to
15 read:

16 16-602. Removal of ballots from ballot boxes; ballot
17 designation methods; designated margin; hand
18 counts; vote count verification committee;
19 definition

20 A. For any primary, special or general election in which the votes
21 are cast EITHER:

22 1. On an electronic voting machine or tabulator, the election judge
23 shall compare the number of votes cast as indicated on the machine or
24 tabulator with the number of votes cast as indicated on the poll list and
25 the number of provisional ballots cast and that information shall be noted
26 in a written report prepared and submitted to the officer in charge of
27 elections along with other tally reports.

28 2. WITHOUT REGARD TO THE SYSTEM OR METHOD USED TO PRODUCE OR
29 TABULATE BALLOTS, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF
30 ELECTIONS SHALL MAINTAIN A COUNT OF THE NUMBER OF PHYSICAL BALLOTS THAT
31 ARE PRINTED AND THE NUMBER OF BALLOTS THAT ARE OTHERWISE GENERATED IN THE
32 FOLLOWING CATEGORIES, INCLUDING THE AMOUNT OF ANY OVERLAP IN THOSE
33 CATEGORIES, AND, AS EARLY BALLOTS ARE ORDERED, PRINTED, SPOILED AND CAST,
34 SHALL POST THAT INFORMATION ON THE COUNTY'S WEBSITE AS SOON AS PRACTICABLE
35 BUT NOT LATER THAN WITHIN TWO CALENDAR DAYS:

- 36 (a) EARLY BALLOTS.
- 37 (b) REGULAR BALLOTS.
- 38 (c) PROVISIONAL BALLOTS.
- 39 (d) FEDERAL-ONLY BALLOTS.
- 40 (e) BALLOTS GENERATED IN AN ELECTRONIC FORM, ITEMIZED BY THE
41 CATEGORIES PRESCRIBED IN THIS PARAGRAPH.

42 B. BALLOTS THAT ARE USED IN AN ELECTION IN THIS STATE SHALL COMPLY
43 WITH EITHER OF THE FOLLOWING:

44 1. THE BALLOTS SHALL BE INDIVIDUALLY NUMBERED CONSECUTIVELY,
45 BEGINNING WITH THE NUMERAL 1, OR MAY BE NUMBERED USING AN ALPHANUMERIC

1 COMBINATION, AND SHALL BE NUMBERED AND USED IN A MANNER THAT ALLOWS A
2 SPECIFIC NUMERIC RANGE OF BALLOTS TO BE LINKED TO A SPECIFIC VOTING
3 LOCATION. THESE BALLOTS SHALL BE DISTRIBUTED TO VOTERS NONSEQUENTIALLY TO
4 PRESERVE BALLOT SECRECY.

5 2. THE BALLOTS SHALL BE PRENUMBERED AND SHALL BE DIVIDED INTO
6 BATCHES OF AT LEAST TWO HUNDRED BALLOTS EACH FOR EACH ELECTION. EACH
7 BATCH OF BALLOTS SHALL BE ASSIGNED TO AN ELECTION AND, WITHIN THAT
8 ELECTION, ASSIGNED TO A VOTING LOCATION. THE RANGE OF BALLOTS USED FOR AN
9 ELECTION SHALL BE RECORDED ON A MASTER LOG, WHICH SHALL BE PUBLICLY
10 AVAILABLE, AND THE JURISDICTION SHALL TRACK WHICH BALLOTS ARE DISTRIBUTED
11 TO EACH VOTING LOCATION.

12 C. THE OFFICER IN CHARGE OF THE ELECTION SHALL CHOOSE WHICH BALLOT
13 DESIGNATION METHOD TO USE AND SHALL EITHER USE BLANK BALLOT STOCK WITH
14 PREPRINTED NUMBERS OR USE A METHOD OF INDIVIDUALLY NUMBERING THE BALLOTS
15 DURING THE PRINTING PROCESS. BALLOT PRINTING EQUIPMENT SHALL BE
16 CONFIGURED TO PROVIDE FOR TRACKING OF BALLOTS. FOR BALLOTS THAT ARE
17 GENERATED IN AN ELECTRONIC FORM AND THAT ARE SUBSEQUENTLY DUPLICATED, THE
18 OFFICER IN CHARGE OF ELECTIONS SHALL PROVIDE FOR THE DUPLICATE BALLOT TO
19 BE NUMBERED BY USING ONE OF THE BALLOT DESIGNATION METHODS PRESCRIBED BY
20 SUBSECTION B OF THIS SECTION.

21 D. SUBSECTIONS A, B AND C OF THIS SECTION DO NOT AUTHORIZE A METHOD
22 FOR PRINTING OR OTHERWISE GENERATING BALLOTS THAT IS NOT OTHERWISE
23 PROVIDED FOR BY LAW.

24 E. THE OFFICER IN CHARGE OF ELECTIONS SHALL ENSURE THAT EACH BALLOT
25 CAST IN AN ELECTION, OF WHATEVER SORT OR NATURE, CONTAIN A UNIQUE
26 IDENTIFIER SUCH AS A SERIAL NUMBER.

27 F. THE GOVERNMENT SHALL NOT MAINTAIN, OR CAUSE TO BE MAINTAINED, A
28 DATABASE OF UNIQUE IDENTIFIERS THAT LINK A VOTER TO THE VOTER'S BALLOT.

29 G. THE GOVERNMENT SHALL NOT TRANSCRIBE, OR CAUSE TO BE TRANSCRIBED,
30 A UNIQUE IDENTIFIER IN ANY FORM OR MANNER OTHER THAN AS SET FORTH ABOVE
31 AND AS NECESSARY TO EFFECTUATE THE INTENT OF THIS SECTION.

32 H. THE GOVERNMENT SHALL NOT ASK OR REQUIRE A VOTER TO REVEAL A
33 UNIQUE IDENTIFIER.

34 I. A PERSON SHALL NOT ASK A VOTER TO INVOLUNTARILY REVEAL A UNIQUE
35 IDENTIFIER.

36 J. THIS SECTION APPLIES TO ALL PRIMARY, GENERAL AND PRESIDENTIAL
37 PREFERENCE ELECTIONS. UNIQUE IDENTIFIERS MAY BE USED IN OTHER ELECTIONS
38 ACCORDING TO THE ELECTION'S REQUIREMENTS.

39 ~~B.~~ K. For each countywide primary, special, general and
40 presidential preference election, the county officer in charge of the
41 election shall conduct a hand count at one or more secure facilities. The
42 hand count shall be conducted as prescribed by this section and in
43 accordance with hand count procedures established by the secretary of
44 state in the official instructions and procedures manual adopted pursuant
45 to section 16-452. The hand count is not subject to the live video

1 requirements of section 16-621, subsection D, but the party
2 representatives who are observing the hand count may bring their own video
3 cameras in order to record the hand count. The recording shall not
4 interfere with the conduct of the hand count and the officer in charge of
5 the election may prohibit from recording or remove from the facility
6 persons who are taking actions to disrupt the count. The sole act of
7 recording the hand count does not constitute sufficient grounds for the
8 officer in charge of the election to prohibit observers from recording or
9 to remove them from the facility. The hand count shall be conducted in
10 the following order:

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

30 2. The races to be counted on the ballots from the precincts that
31 were selected pursuant to paragraph 1 of this subsection for each primary,
32 special and general election shall include up to five contested races.
33 After the county recorder or other officer in charge of elections
34 separates the primary ballots by political party, the races to be counted
35 shall be determined by selecting by lot without the use of a computer from
36 those ballots as follows:

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

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

40 (c) One contested race for federal office, either United States
41 senate or United States house of representatives. If the United States
42 house of representatives race is selected, the names of the candidates may
43 vary among the sampled precincts.

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

4 (e) If there are fewer than four contested races resulting from the
5 selections made pursuant to subdivisions (a) through (d) of this ~~section~~
6 ~~PARAGRAPH~~ and if there are additional contested federal, statewide or
7 legislative races or ballot measures, additional contested races shall be
8 selected by lot not using a computer until four races have been selected
9 or until no additional contested federal, statewide or legislative races
10 or ballot measures are available for selection.

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

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

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

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

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

26 7. The county ~~chairman~~ CHAIRPERSON of each political party shall
27 designate and provide the number of election board members as designated
28 by the county officer in charge of elections who shall perform the hand
29 count under the supervision of the county officer in charge of
30 elections. For each precinct that is to be audited, the county ~~chairmen~~
31 ~~CHAIRPERSONS~~ shall designate at least two board workers who are registered
32 members of any or no political party to assist with the audit. Any
33 qualified elector from this state may be a board worker without regard to
34 party designation. The county election officer shall provide for
35 compensation for those board workers, not to include travel, meal or
36 lodging expenses. If there are less than two persons for each audited
37 precinct available to participate on behalf of each recognized political
38 party, the recorder or officer in charge of elections, with the approval
39 of at least two county party chairpersons in the county in which the
40 shortfall occurs, shall substitute additional individual electors who are
41 provided by any political party from anywhere in the state without regard
42 to party designation to conduct the hand count. A county party ~~chairman~~
43 ~~CHAIRPERSON~~ shall approve only those substitute electors who are provided
44 by the county ~~chairman's~~ CHAIRPERSON'S political party. The political
45 parties shall provide to the recorder or officer in charge of elections in

1 writing the names of those persons intending to participate in the hand
2 count at the audited precincts not later than 5:00 p.m. on the Tuesday
3 preceding the election. If the total number of board workers provided by
4 all parties is less than four times the number of precincts to be audited,
5 the recorder or officer in charge of elections shall notify the parties of
6 the shortage by 9:00 a.m. on the Wednesday preceding the election. The
7 hand count shall not proceed unless the political parties provide the
8 recorder or officer in charge of elections, in writing, a sufficient
9 number of persons by 5:00 p.m. on the Thursday preceding the election and
10 a sufficient number of persons, pursuant to this paragraph, arrive to
11 perform the hand count. The recorder or officer in charge of elections
12 may prohibit persons from participating in the hand count if they are
13 taking actions to disrupt the count or are unable to perform the duties as
14 assigned. For the hand count to proceed, not more than seventy-five
15 percent of the persons performing the hand count shall be from the same
16 political party.

17 8. If a political party is not represented by a designated
18 chairperson within a county, the state chairperson for that political
19 party, or a person designated by the state chairperson, may perform the
20 actions required by the county chairperson as specified in this section.

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

38 ~~F.~~ M. In any expanded count of randomly selected precincts, if the
39 randomly selected precinct hand counts result in a difference in any race
40 that is equal to or greater than the designated margin when compared to
41 the electronic tabulation of those same ballots, the final hand count
42 shall be extended to include the entire jurisdiction for that race. If
43 the jurisdictional boundary for that race would include any portion of
44 more than one county, the final hand count shall not be extended into the
45 precincts of that race that are outside of the county that is conducting

1 the expanded hand count. If the expanded hand count results in a
2 difference in that race that is less than the designated margin when
3 compared to the electronic tabulation of those same ballots, the
4 electronic tabulation constitutes the official count for that race.

5 ~~E.~~ N. If a final hand count is performed for an entire
6 jurisdiction for a race, the final hand count shall be repeated for that
7 race until a hand count for that race for the entire jurisdiction results
8 in a count that is identical to one other hand count for that race for the
9 entire jurisdiction and that hand count constitutes the official count for
10 that race.

11 ~~F.~~ O. After the electronic tabulation of early ballots and at one
12 or more times selected by the ~~chairman~~ CHAIRPERSON of the political
13 parties entitled to continued representation on the ballot or the
14 ~~chairman's~~ CHAIRPERSON'S designee, the ~~chairmen~~ CHAIRPERSONS or the
15 ~~chairmen's~~ CHAIRPERSONS' designees shall randomly select one or more
16 batches of early ballots that have been tabulated to include at least one
17 batch from each machine used for tabulating early ballots and those
18 ballots shall be securely sequestered by the county recorder or officer in
19 charge of elections along with their unofficial tally reports for a
20 postelection manual audit. The ~~chairmen~~ CHAIRPERSONS or the ~~chairmen's~~
21 CHAIRPERSONS' designees shall randomly select from those sequestered early
22 ballots a number equal to one percent of the total number of early ballots
23 cast or five thousand early ballots, whichever is less. From those
24 randomly selected early ballots, the county officer in charge of elections
25 shall conduct a manual audit of the same races that are being hand counted
26 pursuant to subsection ~~B.~~ E of this section. If the manual audit of the
27 early ballots results in a difference in any race that is equal to or
28 greater than the designated margin when compared to the electronically
29 tabulated results for those same early ballots, the manual audit shall be
30 repeated for those same early ballots. If the second manual audit results
31 in a difference in that race that is equal to or greater than the
32 designated margin when compared to the electronically tabulated results
33 for those same early ballots, the manual audit shall be expanded only for
34 that race to a number of additional early ballots equal to one percent of
35 the total early ballots cast or an additional five thousand ballots,
36 whichever is less, to be randomly selected from the batch or batches of
37 sequestered early ballots. If the expanded early ballot manual audit
38 results in a difference for that race that is equal to or greater than the
39 designated margin when compared to any of the earlier manual counts for
40 that race, the manual counts shall be repeated for that race until a
41 manual count results in a difference in that race that is less than the
42 designated margin. If at any point in the manual audit of early ballots
43 the difference between any manual count of early ballots is less than the
44 designated margin when compared to the electronic tabulation of those

1 ballots, the electronic tabulation shall be included in the canvass and no
2 further manual audit of the early ballots shall be conducted.

3 ~~G.~~ P. During any hand count of early ballots, the county officer
4 in charge of elections and election board workers shall attempt to
5 determine the intent of the voter in casting the ballot.

6 ~~H.~~ Q. Notwithstanding any other law, the county officer in charge
7 of elections shall retain custody of the ballots for purposes of
8 performing any required hand counts and the officer shall provide for
9 security for those ballots.

10 ~~I.~~ R. The hand counts prescribed by this section shall begin
11 within twenty-four hours after the closing of the polls and shall be
12 completed before the canvassing of the election for that county. The
13 results of those hand counts shall be provided to the secretary of state,
14 who shall make those results publicly available on the secretary of
15 state's website.

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

28 ~~K.~~ T. The vote count verification committee is established in the
29 office of the secretary of state and all of the following apply:

30 1. ~~At least thirty days before the 2006 primary election,~~ The
31 secretary of state shall appoint seven persons to the committee, not more
32 than three of whom are members of the same political party.

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

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

40 4. The vote count verification committee shall meet and establish
41 one or more designated margins to be used in reviewing the hand counting
42 of votes as required pursuant to this section. The committee shall review
43 and consider revising the designated margins every two years for use in
44 the applicable elections. The committee shall provide the designated
45 margins to the secretary of state at least ten days before the primary

1 election and at least ten days before the general election, and the
2 secretary of state shall make that information publicly available on the
3 secretary of state's website.

4 5. Members of the vote count verification committee are not
5 eligible to receive compensation but are eligible for reimbursement of
6 expenses pursuant to title 38, chapter 4, article 2. The committee is a
7 public body and its meetings are subject to title 38, chapter 3, article
8 3.1 and its reports and records are subject to title 39, chapter 1.

9 U. FOR THE PURPOSES OF THIS SECTION, "INVOLUNTARY" MEANS DISCLOSURE
10 THAT IS MOTIVATED BY HOPE OF FINANCIAL GAIN, THREAT OF FINANCIAL PENALTY
11 OR THREAT OF PHYSICAL HARM.

12 Sec. 3. Section 16-663, Arizona Revised Statutes, is amended to
13 read:

14 16-663. Recount of votes; method

15 A. The superior court to which the facts requiring a recount are
16 certified shall promptly make and enter an order requiring a recount of
17 the votes cast for such office, measure or proposal. The recount shall be
18 conducted in accordance with the laws pertaining to contests of elections.

19 B. A court-ordered recount of votes that were cast and tabulated on
20 electronic voting equipment shall be pursuant to section 16-664. While
21 the recount is being conducted, and for legislative, statewide and federal
22 candidate races only, the county chairpersons of the political parties
23 entitled to continued representation on the ballot or the chairperson's
24 designee shall select at random without the use of a computer five percent
25 of the precincts for the recounted race for a hand count, and if the
26 results of that hand count when compared to the electronic tabulation of
27 that same race are less than the designated margins calculated pursuant to
28 section 16-602, the recount is complete and the electronic tabulation is
29 the official result. If the hand count results in a difference that is
30 equal to or greater than the designated margin for that race, the
31 procedures established in section 16-602, subsections ~~C, D, E and F~~, apply
32 G, H AND I APPLY. The hand count conducted pursuant to this section may
33 begin before the machine tabulation of ballots for the court-ordered
34 recount is complete.

35 Sec. 4. Transfer of monies; secretary of state

36 The sum of \$6,000,000 is transferred from the appropriation made to
37 the state treasurer by Laws 2022, chapter 313, section 130 in fiscal year
38 2024-2025 to the secretary of state for distribution to counties to defray
39 the costs of compliance with this act.