

REFERENCE TITLE: elections; identification; revisions; mail-in; tabulation.

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2232

Introduced by
Representatives Harris: Heap, Jones, Smith

AN ACT

AMENDING TITLE 16, CHAPTER 1.1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-194; AMENDING SECTIONS 16-245, 16-246 AND 16-343, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-410.01; AMENDING SECTIONS 16-411, 16-442, 16-442.01, 16-443 AND 16-444, ARIZONA REVISED STATUTES; REPEALING SECTION 16-445, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-446, 16-448 AND 16-449, ARIZONA REVISED STATUTES; REPEALING SECTIONS 16-450, 16-451 AND 16-452, ARIZONA REVISED STATUTES; AMENDING SECTION 16-461, ARIZONA REVISED STATUTES; REPEALING SECTIONS 16-468 AND 16-504, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 16-504; AMENDING SECTIONS 16-510, 16-515, 16-541 AND 16-542, ARIZONA REVISED STATUTES; REPEALING SECTION 16-544, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-547 AND 16-558.02, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-575; AMENDING SECTIONS 16-602, 16-621 AND 16-663, ARIZONA REVISED STATUTES; REPEALING SECTION 16-664, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-1011, 16-1017 AND 16-1018, 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 1.1, article 1, Arizona Revised
3 Statutes, is amended by adding section 16-194, to read:

4 16-194. Primary and general elections; requirements

5 A. NOTWITHSTANDING ANY OTHER LAW, ALL PRIMARY AND GENERAL ELECTIONS
6 IN THIS STATE SHALL BE CONDUCTED IN STRICT ADHERENCE TO THE FOLLOWING:

7 1. A VOTER MAY NOT RECEIVE OR VOTE A BALLOT UNLESS THE VOTER HAS
8 PRESENTED VALID STATE-ISSUED IDENTIFICATION.

9 2. EXCEPT FOR ABSENTEE BALLOTS AS PRESCRIBED BY SECTION 16-541:

10 (a) ALL VOTING SHALL OCCUR ON ELECTION DAY ONLY.

11 (b) ALL BALLOTS SHALL BE CAST IN PERSON BY THE VOTER AT THE VOTER'S
12 ELECTION PRECINCT POLLING PLACE.

13 3. ALL BALLOTS SHALL BE COUNTED BY HAND AND CANVASSED AND THE
14 RETURNS MADE WITHIN TWENTY-FOUR HOURS AFTER THE POLLS ARE CLOSED.

15 B. EXCEPT AS REQUIRED BY SUBSECTION A OF THIS SECTION, ALL PRIMARY
16 AND GENERAL ELECTIONS SHALL BE CONDUCTED AS OTHERWISE PROVIDED BY LAW.

17 Sec. 2. Section 16-245, Arizona Revised Statutes, is amended to
18 read:

19 16-245. Form and content of ballot

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

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

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

39 D. The officer in charge of elections shall mail one sample ballot
40 of each party represented on the presidential preference election ballot
41 to each household that contains a registered voter of that political party
42 ~~unless that registered voter is on the active early voting list~~
43 ~~established pursuant to section 16-544~~. The return address on the sample
44 ballot mailer shall not contain the name of any elected or appointed

1 official, and the name of an appointed or elected official shall not be
2 used to indicate who produced the sample ballot.

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

7 Sec. 3. Section 16-246, Arizona Revised Statutes, is amended to
8 read:

9 16-246. Absentee balloting; satellite locations; special
10 election boards

11 ~~A. Within ninety-three days before the presidential preference~~
12 ~~election and not later than 5:00 p.m. on the eleventh day preceding the~~
13 ~~election, any elector who is eligible to vote in the presidential~~
14 ~~preference election may make a verbal or signed, written request for an~~
15 ~~official early ballot to the county recorder or other officer in charge of~~
16 ~~elections for the county in which the elector is registered to vote. If~~
17 ~~the request is verbal, the requesting elector shall provide the date of~~
18 ~~birth and birthplace or other information that if compared to the voter~~
19 ~~registration records for that elector would confirm the identity of the~~
20 ~~elector.~~

21 ~~B.~~ A. Absent uniformed services voters or overseas voters who are
22 otherwise eligible to vote in the election may vote as prescribed by
23 sections 16-543 and 16-543.02.

24 ~~C.~~ B. The county recorder or other officer in charge of elections
25 may SHALL establish ELECTION DAY on-site early voting locations at the
26 office of the county recorder or at other locations in the county deemed
27 necessary or appropriate by the recorder. ~~Early voting shall begin within~~
28 ~~the time limits prescribed in section 16-542 unless otherwise prescribed~~
29 ~~by this section.~~

30 ~~D.~~ C. The county recorder or other officer in charge of elections
31 shall send by nonforwardable mail that is marked with the statement
32 required by the postmaster to receive an address correction notification
33 any early ABSENTEE ballots that are requested pursuant to subsections
34 SUBSECTION A and ~~B~~ of this section and shall include a preaddressed
35 envelope for the elector to return the completed ballot.

36 ~~E.~~ D. The county recorder or other officer in charge of elections
37 shall provide to each election board an appropriate alphabetized list of
38 voters who have requested and have been sent an early ABSENTEE
39 ballot. Any person who is on that list of voters and who was sent an
40 early ABSENTEE ballot shall not vote at the polling place for that
41 election precinct except as prescribed by section 16-579, subsection B.

42 ~~F.~~ E. The county recorder or other officer in charge of elections
43 may provide for ~~any of the following~~ SPECIAL ELECTION BOARDS in the same
44 manner prescribed by law for other elections. ~~☞~~

45 ~~1. Special election boards.~~

1 ~~2. Emergency balloting for persons who experience an emergency~~
2 ~~after 5:00 p.m. on the Friday preceding the presidential preference~~
3 ~~election and before 5:00 p.m. on the Monday immediately preceding the~~
4 ~~presidential preference election. Before receiving a ballot pursuant to~~
5 ~~this paragraph, a person who experiences an emergency shall provide~~
6 ~~identification as prescribed in section 16-579 and shall sign a statement~~
7 ~~under penalty of perjury that states that the person is experiencing or~~
8 ~~experienced an emergency after 5:00 p.m. on the Friday immediately~~
9 ~~preceding the election and before 5:00 p.m. on the Monday immediately~~
10 ~~preceding the election that would prevent the person from voting at the~~
11 ~~polls. Signed statements received pursuant to this subsection are not~~
12 ~~subject to inspection pursuant to title 39, chapter 1, article 2.~~

13 ~~G. Notwithstanding section 16-579, subsection A, paragraph 2, for~~
14 ~~emergency balloting pursuant to subsection F, paragraph 2 of this section,~~
15 ~~the county recorder or other officer in charge of elections may allow a~~
16 ~~qualified elector to update the elector's voter registration information~~
17 ~~as provided for in the secretary of state's instructions and procedures~~
18 ~~manual adopted pursuant to section 16-452.~~

19 ~~H. Sections 16-550, 16-551 and 16-552 govern the use of early~~
20 ~~balloting for the presidential preference election.~~

21 Sec. 4. Section 16-343, Arizona Revised Statutes, is amended to
22 read:

23 16-343. Filling vacancy caused by death or incapacity or
24 withdrawal of candidate

25 A. A vacancy occurring due to death, mental incapacity or voluntary
26 withdrawal of a candidate after the close of petition filing but before a
27 primary or general election shall be filled by the political party with
28 which the candidate was affiliated as follows:

29 1. In the case of a United States senator or statewide candidate,
30 the state executive committee of the candidate's political party shall
31 nominate a candidate of the party's choice and shall file a nomination
32 paper and declaration complying with the requirements for candidates as
33 stated in section 16-311 in order to fill the vacancy.

34 2. In the case of a vacancy for the office of United States
35 representative or the legislature, the party precinct committeemen of that
36 congressional or legislative district shall nominate a candidate of the
37 party's choice and shall file a nomination paper and declaration complying
38 with the requirements of section 16-311.

39 3. In the case of a vacancy for a county or precinct office, the
40 party county committee of counties with a population of less than two
41 hundred fifty thousand persons according to the most recent United States
42 decennial census and, in counties with a population of two hundred fifty
43 thousand persons or more according to the most recent United States
44 decennial census the county officers of the party together with the
45 chairman of the party precinct committeemen in each legislative district

1 of the county, shall nominate a candidate of the party's choice and shall
2 file a nomination paper and declaration complying with the requirements of
3 section 16-311 to fill such vacancy.

4 4. If the vacancy occurs in a candidate race for partisan
5 nomination in which at least one candidate of the vacating candidate's
6 political party remains on the ballot for the vacating candidate's office,
7 the vacancy shall not be filled. For an office to which more than one
8 candidate will be elected, the vacancy shall not be filled if at least one
9 candidate of the vacating candidate's political party remains on the
10 ballot for each of the multiple seats for the office sought by the
11 vacating candidate.

12 B. The nomination paper and declaration required in subsection A of
13 this section shall be filed with the office with which nomination
14 petitions were to be filed at any time before the official ballots are
15 printed.

16 C. Any meetings for the purpose of filing a nomination paper and
17 declaration provided for in this section shall be called by the chairman
18 of such committee or legislative district, except that in the case of
19 multicounty legislative or congressional districts the party county
20 chairman of the county having the largest geographic area within such
21 district shall call such meeting. The chairman or in his absence the vice
22 chairman calling such meeting shall preside. The call to such meeting
23 shall be mailed or given in person to each person entitled to participate
24 ~~no~~ NOT later than one day before such meeting. A majority of those
25 present and voting shall be required to fill a vacancy pursuant to this
26 section.

27 D. A vacancy that is due to voluntary or involuntary withdrawal of
28 the candidate and that occurs following the printing of official ballots
29 shall not be filled in accordance with this section, however, prospective
30 candidates shall comply with section 16-312. A candidate running as a
31 write-in candidate under this subsection shall file the nomination paper
32 ~~no~~ NOT later than 5:00 p.m. on the fifth day before the election.

33 E. Candidates nominated pursuant to subsection A of this section or
34 a candidate running as a write-in candidate under subsection D of this
35 section may be a candidate who ran in the immediately preceding primary
36 election for the office and failed to be nominated.

37 F. If a vacancy occurs as described in subsection A of this section
38 for a state office, the secretary of state shall notify the various boards
39 of supervisors as to the vacancy. The boards of supervisors shall notify
40 the inspectors of the various precinct election boards in the county,
41 district or precinct where a vacancy occurs. In the case of a city or
42 town election, the city or town clerk shall notify the appropriate
43 inspectors. A vacancy that occurs as prescribed in subsection D of this
44 section due to the death or incapacity of the candidate shall not be
45 filled and the secretary of state shall notify the appropriate county

1 board of supervisors to post a notice of the death or incapacity of the
2 candidate in each polling place along with notice that any votes cast for
3 that candidate will be tabulated.

4 G. The inspectors shall post the notice of vacancy in the same
5 manner as posting official write-in candidates. In the case of a
6 withdrawal of a candidate that occurs after the printing of official
7 ballots, the inspectors shall post the notice of withdrawal in a
8 conspicuous location in each polling place. Notice of withdrawal shall
9 ~~also be posted at all early voting locations and shall~~ be made available
10 to **early ABSENTEE** voters by providing with the **early ABSENTEE** ballot
11 instructions a website address at which prompt updates to information
12 regarding write-in and withdrawn candidates are available.

13 Sec. 5. Title 16, chapter 4, article 1, Arizona Revised Statutes,
14 is amended by adding section 16-410.01, to read:

15 16-410.01. County recorder; duties

16 **NOTWITHSTANDING ANY OTHER LAW, THE COUNTY RECORDER IS RESPONSIBLE**
17 **ONLY FOR PROVIDING AN ADEQUATE NUMBER AND TYPE OF BALLOTS, PENS, TABLES**
18 **AND OTHER EQUIPMENT AS NECESSARY FOR THE VARIOUS POLLING PLACES LOCATED IN**
19 **PRECINCTS AS DETERMINED BY THE NUMBER OF REGISTERED VOTERS IN THE**
20 **PRECINCTS. THE COUNTY BOARD OF SUPERVISORS SHALL PERFORM OR SUPERVISE ALL**
21 **OTHER ELECTION RELATED DUTIES.**

22 Sec. 6. Section 16-411, Arizona Revised Statutes, is amended to
23 read:

24 16-411. Designation of election precincts and polling places;
25 voting centers; electioneering; wait times

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

30 1. The election precinct boundaries shall be established so as to
31 be included within election districts prescribed by law for elected
32 officers of the state and its political subdivisions, including community
33 college district precincts, except those elected officers provided for in
34 titles 30 and 48. **THE BOARD OF SUPERVISORS MAY NOT ESTABLISH AN ELECTION**
35 **PRECINCT THAT CONTAINS MORE THAN ONE THOUSAND FIVE HUNDRED REGISTERED**
36 **VOTERS ON THE DATE THE ELECTION PRECINCT'S BOUNDARIES ARE ESTABLISHED.**

37 2. If after October 1 of the year preceding the year of a general
38 election the board of supervisors must further adjust precinct boundaries
39 due to the redistricting of election districts as prescribed by law and to
40 comply with this subsection, the board of supervisors shall adjust these
41 precinct boundaries as soon as is practicable.

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

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

5 2. Adjacent precincts may be combined if boundaries so established
6 are included in election districts prescribed by law for state elected
7 officials and political subdivisions including community college districts
8 but not including elected officials prescribed by titles 30 and 48. The
9 officer in charge of elections may also split a precinct for
10 administrative purposes. The polling places shall be listed in separate
11 sections of the order or resolution.

12 3. ~~On a specific finding of the board that the number of persons~~
13 ~~who are listed as early voters pursuant to section 16-544 and who are not~~
14 ~~expected to have their ballots tabulated at the polling place as~~
15 ~~prescribed in section 16-579.02 is likely to substantially reduce the~~
16 ~~number of voters appearing at one or more specific polling places at that~~
17 ~~election, adjacent precincts may be consolidated by combining polling~~
18 ~~places and precinct boards for that election.~~ The board of supervisors
19 shall ensure that a reasonable and adequate number of polling places **IN**
20 **EACH PRECINCT** will be designated for that election. Any consolidated
21 polling places shall be listed in separate sections of the order or
22 resolution of the board.

23 4. ~~On a specific resolution of the board,~~ The board may **NOT**
24 authorize the use of voting centers in place of or in addition to
25 specifically designated polling places. ~~A voting center shall allow any~~
26 ~~voter in that county to receive the appropriate ballot for that voter on~~
27 ~~election day after presenting identification as prescribed in section~~
28 ~~16-579 and to lawfully cast the ballot. Voting centers may be established~~
29 ~~in coordination and consultation with the county recorder, at other county~~
30 ~~offices or at other locations in the county deemed appropriate.~~

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

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

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

44 (c) ~~If an emergency voting center established pursuant to this~~
45 ~~section becomes unavailable and there is not sufficient time for the board~~

1 ~~of supervisors to convene to approve an alternate location for that~~
2 ~~emergency voting center, the county recorder or other officer in charge of~~
3 ~~elections may make changes to the approved emergency voting center~~
4 ~~location and shall notify the public and the board of supervisors~~
5 ~~regarding that change as soon as practicable. The alternate emergency~~
6 ~~voting center shall be as close in proximity to the approved emergency~~
7 ~~voting center location as possible.~~

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

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

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

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

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

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

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

38 F. ~~The principal of the school may deny a request to provide space~~
39 ~~for use as a polling place for any city, county or state election if,~~
40 ~~within two weeks after a request has been made, the principal provides a~~
41 ~~written statement indicating a reason the election cannot be held in the~~
42 ~~school, including any of the following:~~

- 43 1. ~~Space is not available at the school.~~
44 2. ~~The safety or welfare of the children would be jeopardized.~~

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

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

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

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

37 ~~i.~~ an act of God renders a previously set polling place as
38 unusable.

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

43 ~~j.~~ The secretary of state shall provide through the instructions
44 ~~and procedures manual adopted pursuant to section 16-452 the maximum~~
45 ~~allowable wait time for any election that is subject to section 16-204 and~~

1 ~~provide for a method to reduce voter wait time at the polls in the primary~~
2 ~~and general elections. The method shall consider at least all of the~~
3 ~~following for primary and general elections in each precinct:~~

4 ~~1. The number of ballots voted in the prior primary and general~~
5 ~~elections.~~

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

8 ~~3. The number of registered voters and the number of registered~~
9 ~~voters who cast an early ballot for the current primary or general~~
10 ~~election.~~

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

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

16 Sec. 7. Section 16-442, Arizona Revised Statutes, is amended to
17 read:

18 16-442. Committee approval

19 A. The secretary of state shall appoint a committee of three
20 persons, to consist of a member of the engineering college at one of the
21 universities, a member of the state bar of Arizona and one person familiar
22 with voting processes in the state, ~~no~~ NOT more than two of whom shall be
23 of the same political party, and at least one of whom shall have at least
24 five years of experience with and shall be able to render an opinion based
25 on knowledge of, training in or education in ~~electronic~~ voting systems,
26 procedures and security. The committee shall investigate and test the
27 various types of vote recording ~~or tabulating machines or~~ devices that may
28 be used under this article. The committee shall submit its
29 recommendations to the secretary of state who shall make final adoption of
30 the type or types, make or makes, model or models to be certified for use
31 in this state. The committee shall serve without compensation.

32 B. Machines or devices used at any election for federal, state or
33 county offices may only be certified for use in this state and may only be
34 used in this state if they comply with the help America vote act of 2002,
35 ~~and if those machines or devices~~ THEY have been tested and approved by a
36 laboratory that is accredited pursuant to the help America vote act of
37 2002 AND IF THEY ARE TO BE USED TO COMPLY WITH THE ACCESSIBILITY
38 REQUIREMENTS PRESCRIBED BY SECTION 16-442.01. EXCEPT AS REQUIRED TO
39 COMPLY WITH SECTION 16-442.01, THE SECRETARY OF STATE MAY NOT APPROVE FOR
40 GENERAL USE ELECTRONIC VOTING MACHINES AND ELECTRONIC TABULATING MACHINES.

41 C. After consultation with the committee prescribed by subsection A
42 of this section, the secretary of state shall adopt standards that specify
43 the criteria for loss of certification for equipment that was used at any
44 election for federal, state or county offices and that was previously
45 certified for use in this state. On loss of certification, machines or

1 devices used at any election may not be used for any election for federal,
2 state or county offices in this state unless recertified for use in this
3 state.

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

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

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

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

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

27 ~~G. After consultation with the committee prescribed by subsection A
28 of this section, the secretary of state may approve for emergency use an
29 upgrade or modification to a voting system or device that is certified for
30 use in this state if the governing body establishes in an open meeting
31 that the election cannot be conducted without the emergency certification.
32 Any emergency certification shall be limited to no more than six months.
33 At the conclusion of the certification period the voting system or device
34 shall be decertified and unavailable for future use unless certified in
35 accordance with this section.~~

36 Sec. 8. Section 16-442.01, Arizona Revised Statutes, is amended to
37 read:

38 16-442.01. Accessible voting technology; recommendations;
39 certification; applicability

40 A. On completion of the certification process pursuant to this
41 section and section 16-442, the secretary of state shall require that
42 voting systems that are used by entities that are governed by section
43 16-204, but not including cities and towns with a population of less than
44 twenty thousand persons, provide persons who are blind or visually
45 impaired with access to voting that is equivalent to that provided to

1 persons who are not blind or visually impaired and shall provide an
2 accessible vote by United States mail option for persons who are blind or
3 have a visual impairment.

4 B. For the purposes of this section:

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

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

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

13 C. The secretary of state shall consult with and obtain
14 recommendations regarding voting systems from nonprofit organizations that
15 represent persons who are blind or visually impaired, persons with
16 expertise in accessible software, hardware and other technology, county
17 and local election officials and other persons deemed appropriate by the
18 secretary of state. After receiving recommendations, the secretary of
19 state shall submit to the committee established pursuant to section 16-442
20 one or more voting systems that provide equivalent access pursuant to this
21 section for possible certification for use in this state.

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

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

26 16-443. Authorization of use at all elections

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

35 Sec. 10. Section 16-444, Arizona Revised Statutes, is amended to
36 read:

37 16-444. Definitions

38 ~~A.~~ In this article, unless the context otherwise requires:

39 1. "Ballot" means a paper ballot on which votes are recorded.

40 2. "Computer program" includes all programs and documentation
41 adequate to process the ballots at an equivalent counting center.

42 3. "Counting center" means POLLING PLACES AND one or more locations
43 selected by the board of supervisors for the ~~automatic~~
44 ABSENTEE ballots.

1 4. "Electronic voting system" means a system in which ABSENTEE
2 votes are recorded on a paper ballot by means of marking, and such
3 ABSENTEE votes are subsequently counted and tabulated by vote tabulating
4 equipment at one ~~or more~~ COUNTY ABSENTEE BALLOT counting ~~centers~~ CENTER.

5 ~~5. "E-pollbook" means an electronic system in which a voter is
6 checked in and through which a voter's signature is recorded to indicate
7 that the voter has voted.~~

8 ~~6. "Instructions and procedures manual" means the manual prepared
9 for use as a guide for the conduct of elections by an approved electronic
10 voting system, including, but not limited to, detailed instructions for
11 the performance of each task relating to the collection of ballots and the
12 counting of votes in a manner that will provide maximum security,
13 efficiency and accuracy.~~

14 ~~7.~~ 5. "Vote tabulating equipment" includes apparatus necessary to
15 automatically examine and count votes as designated on ABSENTEE ballots
16 and tabulate the results.

17 ~~8.~~ 6. "Voting device" means an apparatus that the voter uses to
18 record the voter's votes by marking a paper ballot, which votes are
19 subsequently counted by ~~electronic tabulating equipment~~ HAND.

20 ~~8. The provisions of all state laws relating to elections not
21 inconsistent with this article apply to all elections where electronic
22 tabulating devices are used. Any provision of law that conflicts with
23 this article does not apply to the elections in which electronic
24 tabulating devices are used.~~

25 Sec. 11. Repeal

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

27 Sec. 12. Section 16-446, Arizona Revised Statutes, is amended to
28 read:

29 16-446. Specifications of electronic voting system

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

34 B. An electronic voting system shall:

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

36 2. ~~Permit~~ ALLOW each elector to vote at any election for any person
37 for any office whether or not nominated as a candidate, to vote for as
38 many persons for an office as the elector is entitled to vote for and to
39 vote for or against any question on which the elector is entitled to vote,
40 and the vote tabulating equipment shall reject choices recorded on the
41 elector's ballot if the number of choices exceeds the number that the
42 elector is entitled to vote for the office or on the measure.

43 3. Prevent the elector from voting for the same person more than
44 once for the same office.

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

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

7 6. When properly operated, record correctly and count accurately
8 every vote cast.

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

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

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

29 Sec. 13. Section 16-448, Arizona Revised Statutes, is amended to
30 read:

31 16-448. Write-in votes; instructions

32 ~~Whenever ballots are to be counted by electronic data processing~~
33 ~~equipment; TO BE COUNTED,~~ all write-in votes for candidates, ~~to be~~
34 ~~counted;~~ shall be marked by the voter in the space provided opposite the
35 names of the write-in candidates. The instructions to voters printed on
36 the ballots shall instruct the voter that the vote will not be counted
37 unless the voter properly marks the ballot when writing in a candidate's
38 name.

39 Sec. 14. Section 16-449, Arizona Revised Statutes, is amended to
40 read:

41 16-449. Required test of equipment and programs; notice

42 A. ~~Within the period of time before the election day prescribed by~~
43 ~~the secretary of state in the instructions and procedures manual adopted~~
44 ~~pursuant to section 16-452;~~ The board of supervisors or other ~~election~~
45 officer in charge **OF ELECTIONS**, or for an election involving state or

1 federal candidates, the secretary of state, shall ~~have~~ TEST the automatic
2 tabulating equipment and programs ~~tested~~ USED FOR ABSENTEE BALLOTS to
3 ascertain that the equipment and programs will correctly MARK AND count
4 the votes cast for all offices and on all measures. Public notice of the
5 time and place of the test shall be given at least forty-eight hours ~~prior~~
6 ~~thereto~~ BEFORE THE TEST by publication once in one or more daily or weekly
7 newspapers published in the town, city or village using such equipment, if
8 a newspaper is published ~~therein~~ IN THE CITY, TOWN OR VILLAGE, otherwise
9 in a newspaper of general circulation ~~therein~~. The test shall be observed
10 by at least two election inspectors, who shall not be of the same
11 political party, and shall be open to representatives of ALL OF the
12 political parties, candidates, the press and the public. The test shall
13 be conducted by processing a preaudited group of ABSENTEE ballots so
14 ~~marked~~ as to record a predetermined number of valid votes for each
15 candidate and on each measure and shall include for each office one or
16 more ballots that have votes in excess of the number allowed by law in
17 order to test the ability of the automatic tabulating equipment and
18 programs to reject such votes. If any error is detected, the cause
19 ~~therefor~~ FOR THE ERROR shall be ascertained and corrected and an errorless
20 count shall be made before the ~~automatic tabulating equipment and programs~~
21 ~~are~~ IS approved. ~~A copy of a revised program shall be filed with the~~
22 ~~secretary of state within forty-eight hours after the revision is made.~~
23 ~~If the error was created by automatic tabulating equipment malfunction, a~~
24 ~~report shall be filed with the secretary of state within forty-eight hours~~
25 ~~after the correction is made, stating the cause and the corrective action~~
26 ~~taken.~~ The test shall be repeated immediately before the start of the
27 official count of the ballots in the same manner as set forth above.
28 After the completion of the count, the ~~programs used and the~~ ballots shall
29 be sealed, retained and disposed of as provided for paper ballots.

30 B. Electronic ballot tabulating systems THAT ARE USED ONLY FOR
31 TABULATING ABSENTEE BALLOTS shall be tested for logic and accuracy ~~within~~
32 ~~seven days before their use for early balloting pursuant to the~~
33 ~~instructions and procedures manual for electronic voting systems that is~~
34 ~~adopted by the secretary of state as prescribed by section 16-452. The~~
35 ~~instructions and procedures manual shall include procedures for the~~
36 ~~handling of ballots, the electronic scanning of ballots and any other~~
37 ~~matters necessary to ensure the maximum degree of correctness,~~
38 ~~impartiality and uniformity in the administration of an electronic ballot~~
39 ~~tabulating system.~~

40 C. Notwithstanding subsections A and B of this section, if a county
41 uses accessible voting equipment to mark ballots ~~and that accessible~~
42 ~~voting equipment does not independently tabulate or tally votes,~~ the
43 secretary of state in cooperation with the county officer in charge of
44 elections may designate a single date to test the logic and accuracy of

1 ~~both~~ the accessible voting equipment and ~~electronic ballot tabulating~~
2 ~~systems~~ ANY OTHER EQUIPMENT OR DEVICES USED TO MARK THE BALLOTS.

3 Sec. 15. Repeal

4 Sections 16-450, 16-451 and 16-452, Arizona Revised Statutes, are
5 repealed.

6 Sec. 16. Section 16-461, Arizona Revised Statutes, is amended to
7 read:

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

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

13 1. Prepare a proof of a sample ballot.

14 2. Submit the sample ballot proof of each party to the county
15 chairman or in city or town primaries to the city or town chairman.

16 3. Mail a sample ballot proof to each candidate for whom a
17 nomination paper and petitions have been filed.

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

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

36 D. The board of supervisors shall have printed ~~mailed-type~~ sample
37 ballots for a primary election and shall mail at least eleven days before
38 the election one sample ballot of a political party to each household
39 containing a registered voter of that political party ~~unless that~~
40 ~~registered voter is on the active early voting list established pursuant~~
41 ~~to section 16-544~~. Each sample ballot shall contain the following
42 statement: "This is a sample ballot and cannot be used as an official
43 ballot under any circumstances". A certified claim shall be presented to
44 the secretary of state by the board of supervisors for the actual cost of
45 printing, labeling and postage of each sample ballot actually mailed, and

1 the secretary of state shall direct payment of the authenticated claim
2 from funds of the secretary of state's office.

3 E. For city and town elections, the governing body of a city or
4 town may have printed ~~maile~~-type sample ballots for a primary election.
5 If the city or town has printed such sample ballots, the city or town
6 shall provide for the distribution of such ballots and shall bear the
7 expense of printing and distributing ~~of~~ such sample ballots.

8 F. The return address on the ~~maile~~-type sample ballots shall not
9 contain the name of an appointed or elected public officer nor may the
10 name of an appointed or elected public officer be used to indicate who
11 produced the sample ballot.

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

16 Sec. 17. Repeal

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

18 Sec. 18. Title 16, chapter 4, article 6, Arizona Revised Statutes,
19 is amended by adding a new section 16-504, to read:

20 16-504. Anti-fraud ballot paper

21 FOR THE REGULAR PRIMARY AND GENERAL ELECTIONS, THE BOARD OF
22 SUPERVISORS SHALL USE BALLOT PAPER THAT INCLUDES A HOLOGRAM, AN
23 IDENTIFIABLE SEQUENCE MARKING OR ANOTHER SIMILAR SYSTEM FOR PREVENTING
24 FRAUD AND THAT ALLOWS A VOTER TO RECEIVE A UNIQUELY MARKED OR NUMBERED
25 BALLOT.

26 Sec. 19. Section 16-510, Arizona Revised Statutes, is amended to
27 read:

28 16-510. Sample ballots; preparation and distribution

29 A. Before printing the sample ballots for the general election the
30 board of supervisors shall send to each candidate whose name did not
31 appear on the preceding primary election ballot a ballot proof of the
32 sample ballot for the candidate's review.

33 B. The board of supervisors shall print and distribute, for the
34 information of voters at each polling place, a number of sample ballots as
35 it deems necessary.

36 C. The board of supervisors shall have printed mailer-type sample
37 ballots for a general election and shall mail at least eleven days before
38 the election one such sample ballot to each household in the county
39 containing a registered voter ~~unless that registered voter is on the~~
40 ~~active early voting list established pursuant to section 16-544~~. Each
41 sample ballot shall contain the following statement: "This is a sample
42 ballot and cannot be used as an official ballot under any
43 circumstances". A certified claim shall be presented to the secretary of
44 state by the board of supervisors for the actual cost of printing,
45 labeling and postage of each sample ballot actually mailed, and the

1 secretary of state shall direct payment of the authenticated claim from
2 funds of the secretary of state's office.

3 D. For city and town elections, the governing body of a city or
4 town may have printed ~~mailed-type~~ sample ballots for a general
5 election. If the city or town has printed such sample ballots, the city
6 or town shall provide for the distribution of such ballots and shall bear
7 the expense of printing and distributing such sample ballots.

8 E. For special district elections, the governing body of a special
9 district may have printed ~~mailed-type~~ sample ballots. If the special
10 district has printed such sample ballots, the special district shall
11 provide for the distribution of such ballots and shall bear the expense of
12 printing and distributing such sample ballots.

13 Sec. 20. Section 16-515, Arizona Revised Statutes, is amended to
14 read:

15 16-515. "Seventy-five foot limit" notices; posting;
16 violation; classification

17 A. Except as prescribed in this section and section 16-580, a
18 person shall not be allowed to remain inside the seventy-five foot limit
19 while the polls are open, except for the purpose of voting, and except the
20 election officials, one representative at any one time of each political
21 party represented on the ballot who has been appointed by the county
22 chairman of that political party and the challengers allowed by law, and
23 ~~no~~ electioneering may NOT occur within the seventy-five foot limit.
24 Voters having cast their ballots shall promptly move outside the
25 seventy-five foot limit.

26 B. The board of supervisors shall furnish, with the ballots for
27 each polling place, three notices, printed in letters not less than two
28 inches high, with the heading: "Seventy-five foot limit" and underneath
29 that heading the following:

30 No person shall be allowed to remain inside these limits while
31 the polls are open, except for the purpose of voting, and
32 except the election officials, one representative at any one
33 time of each political party ~~represented on the ballot~~ who has
34 been appointed by the county chairman of such political party,
35 and the challengers allowed by law. Voters having cast their
36 ballots shall at once retire without the seventy-five foot
37 limit. A person violating any provision of this notice is
38 guilty of a class 2 misdemeanor.

39 C. ~~A minor voting in a simulated election at a polling place is~~
40 ~~subject to the same seventy-five foot limit restrictions prescribed for a~~
41 ~~voter. Persons supervising or working in a simulated election in which~~
42 ~~minors vote may remain within the seventy-five foot limit of the polling~~
43 ~~place.~~ The inspector for the polling place shall exercise authority over
44 all election ~~and simulated election~~ related activities at the polling
45 place.

1 D. For an election that is held by an Indian tribe and that is held
2 at a polling place at the same time and on the same date as any other
3 election, the following apply:

4 1. A person who is voting is subject to the same seventy-five foot
5 limit restrictions prescribed for other voters.

6 2. An election official for the tribal election may remain within
7 the seventy-five foot limit for the polling place.

8 E. With the permission of the voter, a minor may enter and remain
9 within the seventy-five foot limit in order to accompany a voter into a
10 polling place, an on-site ~~early~~ voting facility and a voting booth while
11 the voter is voting.

12 F. Notwithstanding any other law, an election official, a
13 representative of a political party who has been appointed by the county
14 chairman of that political party or a challenger who is authorized by law
15 to be within the seventy-five foot limit as prescribed by this section
16 shall not wear, carry or display materials that identify or express
17 support for or opposition to a candidate, a political party or
18 organization, a ballot question or any other political issue and shall not
19 electioneer within the seventy-five foot limit of a polling place.

20 G. Notwithstanding section 16-1018, a person may not take
21 photographs or videos while within the seventy-five foot limit.

22 H. ~~Any~~ A person ~~violating~~ WHO VIOLATES this section is guilty of a
23 class 2 misdemeanor.

24 I. For the purposes of this section, electioneering occurs when an
25 individual knowingly, intentionally, by verbal expression and in order to
26 induce or compel another person to vote in a particular manner or to
27 refrain from voting expresses support for or opposition to a candidate who
28 appears on the ballot in that election, a ballot question that appears on
29 the ballot in that election or a political party with one or more
30 candidates who appear on the ballot in that election.

31 Sec. 21. Section 16-541, Arizona Revised Statutes, is amended to
32 read:

33 16-541. Absentee voting; voter eligibility

34 A. Any election called pursuant to the laws of this state shall
35 provide for ~~early~~ ABSENTEE voting, including voting by the use of an
36 accessible vote by United States mail option for persons who are blind or
37 have a visual impairment. Any qualified ~~elector~~ VOTER WHO MEETS THE
38 CRITERIA ESTABLISHED BY THIS SECTION may vote by ~~early~~ ABSENTEE ballot.

39 B. A VOTER SHALL BE ALLOWED TO VOTE BY ABSENTEE BALLOT FOR ANY ONE
40 OR MORE OF THE FOLLOWING REASONS:

41 1. THE VOTER EXPECTS TO BE OUTSIDE THIS STATE AT THE TIME OF THE
42 ELECTION.

43 2. THE VOTER IS PHYSICALLY UNABLE TO GO TO THE POLLS BECAUSE THE
44 VOTER IS HOSPITALIZED OR IN A NURSING HOME.

45 3. THE VOTER HAS A VISUAL IMPAIRMENT.

1 4. THE VOTER IS AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS
2 VOTER AS DEFINED IN THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING
3 ACT (P.L. 99-410; 52 UNITED STATES CODE SECTION 20310) OR A SPOUSE OR
4 HOUSEHOLD MEMBER OF THE ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER.

5 ~~B.~~ C. A qualified elector of a special district organized pursuant
6 to title 48 shall be permitted to vote early in any special district mail
7 ballot election as provided in article 8.1 of this chapter.

8 Sec. 22. Section 16-542, Arizona Revised Statutes, is amended to
9 read:

10 16-542. Request for ballot; violation; classification

11 A. Within ninety-three days before any election called pursuant to
12 the laws of this state, an ~~elector~~ ELIGIBLE VOTER AS PRESCRIBED BY SECTION
13 16-541 may make a verbal or signed request to the county recorder, or
14 other officer in charge of elections for the applicable political
15 subdivision of this state in whose jurisdiction the ~~elector~~ VOTER is
16 registered to vote, for an official ~~early~~ ABSENTEE ballot. In addition to
17 name and address, the requesting ~~elector~~ VOTER shall provide the date of
18 birth and state or country of birth or other information that if compared
19 to the voter registration information on file would confirm the identity
20 of the ~~elector~~ VOTER AND SHALL SPECIFY ONE OF THE REASONS FOR VOTING
21 ABSENTEE PRESCRIBED BY SECTION 16-541. If the request indicates that the
22 ~~elector~~ VOTER needs a primary election ballot and a general election
23 ballot, the county recorder or other officer in charge of elections shall
24 honor the request. For any partisan primary election, if the ~~elector~~
25 VOTER is not registered as a member of a political party that is entitled
26 to continued representation on the ballot pursuant to section 16-804, the
27 ~~elector~~ VOTER shall designate the ballot of only one of the political
28 parties that is entitled to continued representation on the ballot and the
29 ~~elector~~ VOTER may receive and vote the ballot of only that one political
30 party, which also shall include any nonpartisan offices and ballot
31 questions, or the ~~elector~~ VOTER shall designate the ballot for nonpartisan
32 offices and ballot questions only and the ~~elector~~ VOTER may receive and
33 vote the ballot that contains only nonpartisan offices and ballot
34 questions. The county recorder or other officer in charge of elections
35 shall process any request for an ~~early~~ ABSENTEE ballot for a municipal
36 election pursuant to this subsection. ~~The county recorder may establish~~
37 ~~on-site early voting locations at the recorder's office, which shall be~~
38 ~~open and available for use beginning the same day that a county begins to~~
39 ~~send out the early ballots. The county recorder may also establish any~~
40 ~~other early voting locations in the county the recorder deems necessary.~~
41 ~~Any on-site early voting location or other early voting location shall~~
42 ~~require each elector to present identification as prescribed in section~~
43 ~~16-579 before receiving a ballot. Notwithstanding section 16-579,~~
44 ~~subsection A, paragraph 2, at any on-site early voting location or other~~
45 ~~early voting location the county recorder or other officer in charge of~~

~~elections may provide for a qualified elector to update the elector's voter registration information as provided for in the secretary of state's instructions and procedures manual adopted pursuant to section 16-452.~~

B. Notwithstanding subsection A of this section, a request for an official **early ABSENTEE** ballot from an absent uniformed services voter or overseas voter as defined in the uniformed and overseas citizens absentee voting act ~~of 1986~~ (P.L. 99-410; 52 United States Code section 20310) ~~or a voter whose information is protected pursuant to section 16-153~~ that is received by the county recorder or other officer in charge of elections more than ninety-three days before the election is valid. ~~if requested by the absent uniformed services or overseas voter, or a voter whose information is protected pursuant to section 16-153, the county recorder or other officer in charge of elections shall provide to the requesting voter early ballot materials through the next regularly scheduled general election for federal office immediately following receipt of the request unless a different period of time, which does not exceed the next two regularly scheduled general elections for federal office, is designated by the voter.~~

C. The county recorder or other officer in charge of elections shall mail the **early ABSENTEE** ballot and the envelope for its return postage prepaid to the address provided by the requesting **elector VOTER** within five days after receipt of the official **early ABSENTEE** ballots from the officer charged by law with the duty of preparing ballots pursuant to section 16-545, except that **early ABSENTEE** ballot distribution shall not begin more than twenty-seven days before the election. If an **early ABSENTEE** ballot request is received on or before the thirty-first day before the election, the **early ABSENTEE** ballot shall be distributed not earlier than the twenty-seventh day before the election and not later than the twenty-fourth day before the election.

D. Only the **elector VOTER** may be in possession of that **elector's VOTER'S** unvoted **early ABSENTEE** ballot. If a complete and correct request is made by the **elector VOTER** within twenty-seven days before the election, the mailing must be made within forty-eight hours after receipt of the request. Saturdays, Sundays and other legal holidays are excluded from the computation of the ~~forty-eight hour~~ **FORTY-EIGHT-HOUR** period prescribed by this subsection. If a complete and correct request is made by an absent uniformed services voter or an overseas voter before the election, the regular **early ABSENTEE** ballot shall be transmitted by mail, by fax or by other electronic format approved by the secretary of state within twenty-four hours after the **early ABSENTEE** ballots are delivered pursuant to section 16-545, subsection B, excluding Sundays.

E. In order to be complete and correct and to receive an **early ABSENTEE** ballot by mail, ~~an elector's~~ **A VOTER'S** request that an **early ABSENTEE** ballot be mailed to the ~~elector's~~ **VOTER'S** residence or temporary address must include all of the information prescribed by subsection A of

1 this section and must be received by the county recorder or other officer
 2 in charge of elections ~~no~~ NOT later than 5:00 p.m. on the eleventh day
 3 preceding the election. ~~An elector who appears personally no later than~~
 4 ~~5:00 p.m. on the Friday preceding the election at an on-site early voting~~
 5 ~~location that is established by the county recorder or other officer in~~
 6 ~~charge of elections shall be given a ballot after presenting~~
 7 ~~identification as prescribed in section 16-579 and shall be permitted to~~
 8 ~~vote at the on-site location. Notwithstanding section 16-579, subsection~~
 9 ~~A, paragraph 2, at any on-site early voting location the county recorder~~
 10 ~~or other officer in charge of elections may provide for a qualified~~
 11 ~~elector to update the elector's voter registration information as provided~~
 12 ~~for in the secretary of state's instructions and procedures manual adopted~~
 13 ~~pursuant to section 16-452. If an elector's A VOTER'S request to receive~~
 14 an early ABSENTEE ballot is not complete and correct but complies with all
 15 other requirements of this section, the county recorder or other officer
 16 in charge of elections shall attempt to notify the elector VOTER of the
 17 deficiency of the request.

18 ~~F. Unless an elector specifies that the address to which an early~~
 19 ~~ballot is to be sent is a temporary address, the recorder may use the~~
 20 ~~information from an early ballot request form to update voter registration~~
 21 ~~records.~~

22 ~~G. F.~~ F. The county recorder or other officer in charge of early
 23 ABSENTEE balloting shall provide an alphabetized list of all voters in the
 24 precinct who have requested and have been sent an early ABSENTEE ballot to
 25 the election board of the precinct in which the voter is registered not
 26 later than the day before the election.

27 ~~H. G.~~ G. As a result of experiencing an emergency between 5:00 p.m.
 28 on the Friday preceding the election and 5:00 p.m. on the Monday preceding
 29 the election, qualified electors VOTERS may request to vote in the manner
 30 prescribed by the board of supervisors of their respective county. Before
 31 voting pursuant to this subsection, ~~an elector A VOTER~~ who experiences an
 32 emergency shall provide identification as prescribed in section 16-579 and
 33 shall sign a statement under penalty of perjury that states that the
 34 person is experiencing or experienced an emergency after 5:00 p.m. on the
 35 Friday immediately preceding the election and before 5:00 p.m. on the
 36 Monday immediately preceding the election that would prevent the person
 37 from voting at the polls. Signed statements received pursuant to this
 38 subsection are not subject to inspection pursuant to title 39, chapter 1,
 39 article 2. For the purposes of this subsection, "emergency" means any
 40 unforeseen circumstances that would prevent the elector VOTER from voting
 41 at the polls.

42 ~~I. Notwithstanding section 16-579, subsection A, paragraph 2, for~~
 43 ~~any voting pursuant to subsection H of this section, the county recorder~~
 44 ~~or other officer in charge of elections may allow a qualified elector to~~
 45 ~~update the elector's voter registration information as provided for in the~~

1 ~~secretary of state's instructions and procedures manual adopted pursuant~~
2 ~~to section 16-452.~~

3 ~~J. A candidate, political committee or other organization may~~
4 ~~distribute early ballot request forms to voters. If the early ballot~~
5 ~~request forms include a printed address for return, the addressee shall be~~
6 ~~the political subdivision that will conduct the election. Failure to use~~
7 ~~the political subdivision as the return addressee is punishable by a civil~~
8 ~~penalty of up to three times the cost of the production and distribution~~
9 ~~of the request.~~

10 ~~K. All original and completed early ballot request forms that are~~
11 ~~received by a candidate, political committee or other organization shall~~
12 ~~be submitted within six business days after receipt by a candidate,~~
13 ~~political committee or other organization or eleven days before the~~
14 ~~election day, whichever is earlier, to the political subdivision that will~~
15 ~~conduct the election. Any person, political committee or other~~
16 ~~organization that fails to submit a completed early ballot request form~~
17 ~~within the prescribed time is subject to a civil penalty of up to \$25 per~~
18 ~~day for each completed form withheld from submittal. Any person who~~
19 ~~knowingly fails to submit a completed early ballot request form before the~~
20 ~~submission deadline for the election immediately following the completion~~
21 ~~of the form is guilty of a class 6 felony.~~

22 ~~L. H. Except for a voter who is on the active early voting list~~
23 ~~prescribed by section 16-544, A voter who requests a onetime **early**~~
24 **ABSENTEE** ballot pursuant to **THIS** section ~~16-542~~ or for an election
25 conducted pursuant to section 16-409 or article 8.1 of this chapter, a
26 county recorder, city or town clerk or other election officer may not
27 deliver or mail an **early ABSENTEE** ballot to a person who has not requested
28 an **early ABSENTEE** ballot for that election. An election officer who
29 knowingly violates this subsection is guilty of a class ~~5- 2~~ felony.

30 Sec. 23. Repeal

31 Section 16-544, Arizona Revised Statutes, is repealed.

32 Sec. 24. Section 16-547, Arizona Revised Statutes, is amended to
33 read:

34 16-547. Ballot affidavit; form

35 A. The **early ABSENTEE** ballot shall be accompanied by an envelope
36 bearing on the front the name, official title and post office address of
37 the recorder or other officer in charge of elections and on the other side
38 a printed affidavit in substantially the following form:

39 I declare the following under penalty of perjury: I am a registered
40 voter in _____ county Arizona, **AND I EXPECT TO BE ABSENT FROM THIS**
41 **STATE AT THE TIME OF THE ELECTION OR I AM PHYSICALLY UNABLE TO GO TO THE**
42 **POLLS BECAUSE I AM IN THE HOSPITAL OR A NURSING HOME OR BECAUSE I AM**
43 **VISUALLY IMPAIRED OR I AM AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS**
44 **VOTER, AND I have not voted and will not vote in this election in any**
45 other county or state, I understand that knowingly voting more than once

1 in any election is a class 5 felony and I voted the enclosed ballot and
2 signed this affidavit personally unless noted below.

3 If the voter was assisted by another person in marking
4 the ballot, complete the following:

5 I declare the following under penalty of perjury: At
6 the registered voter's request I assisted the voter identified
7 in this affidavit with marking the voter's ballot, I marked
8 the ballot as directly instructed by the voter, I provided the
9 assistance because the voter was physically unable to mark the
10 ballot solely due to illness, injury or physical limitation
11 and I understand that there is no power of attorney for voting
12 and that the voter must be able to make the voter's selection
13 even if ~~they~~ THE VOTER cannot physically mark the ballot.

14 Name of voter assistant: _____

15 Address of voter assistant: _____

16 B. The face of each envelope in which a ballot is sent to a federal
17 postcard applicant or in which a ballot is returned by the applicant to
18 the recorder or other officer in charge of elections shall be in the form
19 prescribed in accordance with the uniformed and overseas citizens absentee
20 voting act ~~of 1986~~ (P.L. 99-410; 52 United States Code section 20301).
21 Otherwise, the envelopes shall be the same as those used to send ballots
22 to, or receive ballots from, other ~~early~~ ABSENTEE voters.

23 C. The officer charged by law with the duty of preparing ballots at
24 any election shall ensure that the ~~early~~ ABSENTEE ballot is sent in an
25 envelope that states substantially the following:

26 If the addressee does not reside at this address, mark
27 the unopened envelope "return to sender" and deposit it in the
28 United States mail.

29 D. The county recorder or other officer in charge of elections
30 shall supply printed instructions to ~~early~~ ABSENTEE voters that direct
31 them to sign the affidavit, mark the ballot and return both in the
32 enclosed self-addressed envelope that complies with section 16-545. The
33 instructions shall include the following statement:

34 In order to be valid and counted, the ballot and
35 affidavit must be delivered to the office of the county
36 recorder or other officer in charge of elections or may be
37 deposited at any polling place in the county ~~no~~ NOT later than
38 7:00 p.m. on election day. The ballot will not be counted
39 without the voter's signature on the envelope.

40 (WARNING—It is a felony to offer or receive any compensation
41 for a ballot.)

1 Sec. 25. 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
5 shall determine a central location in the district and shall provide for a
6 ballot replacement center that is as near to that location as is
7 practicable for ELIGIBLE electors to obtain a replacement ballot. The
8 location shall be open from 6:00 a.m. until 7:00 p.m. of the day of the
9 election. An elector may obtain a replacement ballot until 7:00 p.m. on
10 the day of the election on presenting a signed, sworn statement that the
11 ABSENTEE ballot was lost, spoiled, destroyed or not received.

12 B. The recorder or other officer in charge of elections shall keep
13 a 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 Sec. 26. Title 16, chapter 4, article 9, Arizona Revised Statutes,
17 is amended by adding section 16-575, to read:

18 16-575. Mask mandate; vaccination; testing prohibition

19 THE BOARD OF SUPERVISORS, COUNTY RECORDER AND OFFICER IN CHARGE OF
20 ELECTIONS MAY NOT REQUIRE THAT A VOTER, A BOARD WORKER OR ANY OTHER PERSON
21 WEAR A FACIAL MASK AT A POLLING PLACE OR OTHER VOTING OR TABULATING
22 LOCATION OR BE VACCINATED AGAINST OR TESTED FOR A VIRUS AS A CONDITION OF
23 ENTERING A POLLING PLACE OR OTHER VOTING OR TABULATING LOCATION.

24 Sec. 27. Section 16-602, Arizona Revised Statutes, is amended to
25 read:

26 16-602. Paper ballots; report

27 ~~A.~~ For any primary, special or general election ~~in which the votes~~
28 ~~are cast on an electronic voting machine or tabulator~~, the election judge
29 shall compare the number of votes cast as indicated ~~on the machine or~~
30 ~~tabulator~~ FROM THE PAPER BALLOTS with the number of votes cast as
31 indicated on the poll list and the number of provisional ballots cast and
32 that information shall be noted in a written report prepared and submitted
33 to the officer in charge of elections along with other tally reports. ALL
34 BALLOTS SHALL BE COUNTED BY HAND.

35 ~~B.~~ ~~For each countywide primary, special, general and presidential~~
36 ~~preference election, the county officer in charge of the election shall~~
37 ~~conduct a hand count at one or more secure facilities. The hand count~~
38 ~~shall be conducted as prescribed by this section and in accordance with~~
39 ~~hand count procedures established by the secretary of state in the~~
40 ~~official instructions and procedures manual adopted pursuant to section~~
41 ~~16-452. The hand count is not subject to the live video requirements of~~
42 ~~section 16-621, subsection D, but the party representatives who are~~
43 ~~observing the hand count may bring their own video cameras in order to~~
44 ~~record the hand count. The recording shall not interfere with the conduct~~
45 ~~of the hand count and the officer in charge of the election may prohibit~~

1 ~~from recording or remove from the facility persons who are taking actions~~
2 ~~to disrupt the count. The sole act of recording the hand count does not~~
3 ~~constitute sufficient grounds for the officer in charge of the election to~~
4 ~~prohibit observers from recording or to remove them from the facility.~~
5 ~~The hand count shall be conducted in the following order:~~

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

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

32 ~~(a) For a general election, one statewide ballot measure, unless~~
33 ~~there are no measures on the ballot.~~

34 ~~(b) One contested statewide race for statewide office.~~

35 ~~(c) One contested race for federal office, either United States~~
36 ~~senate or United States house of representatives. If the United States~~
37 ~~house of representatives race is selected, the names of the candidates may~~
38 ~~vary among the sampled precincts.~~

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

42 ~~(e) If there are fewer than four contested races resulting from the~~
43 ~~selections made pursuant to subdivisions (a) through (d) of this section~~
44 ~~and if there are additional contested federal, statewide or legislative~~
45 ~~races or ballot measures, additional contested races shall be selected by~~

1 ~~lot not using a computer until four races have been selected or until no~~
2 ~~additional contested federal, statewide or legislative races or ballot~~
3 ~~measures are available for selection.~~

4 ~~(f) If there are no contested races as prescribed by this~~
5 ~~paragraph, a hand count shall not be conducted for that precinct for that~~
6 ~~election.~~

7 ~~3. For the presidential preference election, select by lot two~~
8 ~~percent of the polling places designated and used pursuant to section~~
9 ~~16-248 and perform the hand count of those ballots.~~

10 ~~4. For the purposes of this section, a write-in candidacy in a race~~
11 ~~does not constitute a contested race.~~

12 ~~5. In elections in which there are candidates for president, the~~
13 ~~presidential race shall be added to the four categories of hand counted~~
14 ~~races.~~

15 ~~6. Each county chairman of a political party that is entitled to~~
16 ~~continued representation on the state ballot or the chairman's designee~~
17 ~~shall select by lot the individual races to be hand counted pursuant to~~
18 ~~this section.~~

19 ~~7. The county chairman of each political party shall designate and~~
20 ~~provide the number of election board members as designated by the county~~
21 ~~officer in charge of elections who shall perform the hand count under the~~
22 ~~supervision of the county officer in charge of elections. For each~~
23 ~~precinct that is to be audited, the county chairmen shall designate at~~
24 ~~least two board workers who are registered members of any or no political~~
25 ~~party to assist with the audit. Any qualified elector from this state may~~
26 ~~be a board worker without regard to party designation. The county~~
27 ~~election officer shall provide for compensation for those board workers,~~
28 ~~not to include travel, meal or lodging expenses. If there are less than~~
29 ~~two persons for each audited precinct available to participate on behalf~~
30 ~~of each recognized political party, the recorder or officer in charge of~~
31 ~~elections, with the approval of at least two county party chairpersons in~~
32 ~~the county in which the shortfall occurs, shall substitute additional~~
33 ~~individual electors who are provided by any political party from anywhere~~
34 ~~in the state without regard to party designation to conduct the hand~~
35 ~~count. A county party chairman shall approve only those substitute~~
36 ~~electors who are provided by the county chairman's political party. The~~
37 ~~political parties shall provide to the recorder or officer in charge of~~
38 ~~elections in writing the names of those persons intending to participate~~
39 ~~in the hand count at the audited precincts not later than 5:00 p.m. on the~~
40 ~~Tuesday preceding the election. If the total number of board workers~~
41 ~~provided by all parties is less than four times the number of precincts to~~
42 ~~be audited, the recorder or officer in charge of elections shall notify~~
43 ~~the parties of the shortage by 9:00 a.m. on the Wednesday preceding the~~
44 ~~election. The hand count shall not proceed unless the political parties~~
45 ~~provide the recorder or officer in charge of elections, in writing, a~~

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

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

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

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

42 ~~9. If a final hand count is performed for an entire jurisdiction~~
 43 ~~for a race, the final hand count shall be repeated for that race until a~~
 44 ~~hand count for that race for the entire jurisdiction results in a count~~
 45 ~~that is identical to one other hand count for that race for the entire~~

1 ~~jurisdiction and that hand count constitutes the official count for that~~
2 ~~race.~~

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

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

41 ~~H. Notwithstanding any other law, the county officer in charge of~~
42 ~~elections shall retain custody of the ballots for purposes of performing~~
43 ~~any required hand counts and the officer shall provide for security for~~
44 ~~those ballots.~~

1 ~~i. The hand counts prescribed by this section shall begin within~~
2 ~~twenty-four hours after the closing of the polls and shall be completed~~
3 ~~before the canvassing of the election for that county. The results of~~
4 ~~those hand counts shall be provided to the secretary of state, who shall~~
5 ~~make those results publicly available on the secretary of state's website.~~

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

18 ~~k. The vote count verification committee is established in the~~
19 ~~office of the secretary of state and all of the following apply:~~

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

23 ~~2. Members of the committee shall have expertise in any two or more~~
24 ~~of the areas of advanced mathematics, statistics, random selection~~
25 ~~methods, systems operations or voting systems.~~

26 ~~3. A person is not eligible to be a committee member if that person~~
27 ~~has been affiliated with or received any income in the preceding five~~
28 ~~years from any person or entity that provides election equipment or~~
29 ~~services in this state.~~

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

39 ~~5. Members of the vote count verification committee are not~~
40 ~~eligible to receive compensation but are eligible for reimbursement of~~
41 ~~expenses pursuant to title 38, chapter 4, article 2. The committee is a~~
42 ~~public body and its meetings are subject to title 38, chapter 3, article~~
43 ~~3.1 and its reports and records are subject to title 39, chapter 1.~~

1 Sec. 28. Section 16-621, Arizona Revised Statutes, is amended to
2 read:

3 16-621. Proceedings at the counting center

4 A. All proceedings at the counting center shall be under the
5 direction of the board of supervisors or other officer in charge of
6 elections and shall be conducted ~~in accordance with the approved~~
7 ~~instructions and procedures manual issued pursuant to section 16-452~~ under
8 the observation of representatives of each political party and the public.
9 The proceedings at the counting center may also be observed by up to three
10 additional people representing a candidate for nonpartisan office, or
11 representing a political committee in support of or in opposition to a
12 ballot measure, proposition or question. A draw by lot shall determine
13 which three groups or candidates shall have representatives participate in
14 the observation at the counting center. Persons representing a candidate
15 for nonpartisan office or persons or groups representing a political
16 committee in support of or in opposition to a ballot measure, proposition
17 or question, who are interested in participating in the observation, shall
18 notify the officer in charge of elections of their desire to be included
19 in the draw not later than seventeen days before the election. After the
20 deadline to receive submissions from the interested persons or groups, but
21 prior to fourteen days before the election, the county officer in charge
22 of elections shall draw by lot, from the list of those that expressed
23 interest, three persons or groups and those selected shall be notified and
24 allowed to observe the proceedings at the counting center. If a group is
25 selected the group may alter who represents that group for different days
26 of observation but on any given observation day a selected group shall not
27 send more than one observer. A group may rotate an observer throughout
28 the day. Only those persons who are authorized for the purpose shall
29 touch any ballot or ballot card or return. All persons who are engaged in
30 processing and counting of the ballots shall be qualified electors, shall
31 be deputized in writing and shall take an oath that they will faithfully
32 perform their assigned duties. There shall be no preferential counting of
33 ballots for the purpose of projecting the outcome of the election. **THE**
34 **BOARD OF SUPERVISORS OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL NOT**
35 **ALLOW THE USE OF ELECTRONIC OR OTHER TABULATING EQUIPMENT AND ALL COUNTING**
36 **SHALL BE DONE BY HAND. BALLOTS SHALL BE ORGANIZED AND REMAIN SEGREGATED**
37 **BY PRECINCT, BOTH BEFORE AND AFTER COUNTING.** ~~If any ballot, including any~~
38 ~~ballot received from early voting, is damaged or defective so that it~~
39 ~~cannot properly be counted by the automatic tabulating equipment, a true~~
40 ~~duplicate copy shall be made of the damaged or defective ballot in the~~
41 ~~presence of witnesses and substituted for the damaged or defective ballot.~~
42 ~~All duplicate ballots created pursuant to this subsection shall be clearly~~
43 ~~labeled "duplicate" and shall bear a serial number that shall be recorded~~
44 ~~on the damaged or defective ballot.~~

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

6 ~~1. The electronic vote adjudication feature shall be included in~~
7 ~~the tabulation system logic and accuracy testing prescribed by section~~
8 ~~16-449.~~

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

18 ~~3. The electronic vote adjudication process used by the electronic~~
19 ~~vote adjudication board shall provide for:~~

20 ~~(a) A method to track and account for the original ballot and the~~
21 ~~digital duplicate of the ballot created by the electronic vote~~
22 ~~adjudication feature that includes a serial number on the digital image~~
23 ~~that can be used to track electronic vote adjudication board actions.~~

24 ~~(b) The creation and retention of comprehensive logs of all digital~~
25 ~~duplication and adjudication actions performed by an electronic vote~~
26 ~~adjudication board.~~

27 ~~(c) The retention of the original ballot and the digital duplicate~~
28 ~~of the ballot.~~

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

33 ~~D.~~ B. For any statewide, county or legislative election, the
34 county recorder or officer in charge of elections shall provide for a live
35 video recording of the custody of all ballots while the ballots are
36 present in a tabulation room in the counting center. The live video
37 recording shall include date and time indicators and shall be linked to
38 the secretary of state's website. The secretary of state shall post links
39 to the video coverage for viewing by the public. The county recorder or
40 officer in charge of elections shall record the video coverage of the
41 ballots at the counting center and shall retain those recordings as a
42 public record for at least as long as the challenge period for the general
43 election. If the live video feed is disrupted or disabled, the recorder
44 or officer in charge of elections is not liable for the disruption but
45 shall attempt to reinstate video coverage as soon as is practicable. Any

1 disruption in video coverage shall not affect or prevent the continued
2 tabulation of ballots. This subsection is contingent on legislative
3 appropriation.

4 ~~E.~~ C. The county recorder or other officer in charge of elections
5 shall maintain records that record the chain of custody for all election
6 equipment and ballots during ~~early~~ ABSENTEE voting through the completion
7 of provisional voting tabulation.

8 Sec. 29. Section 16-663, Arizona Revised Statutes, is amended to
9 read:

10 16-663. Recount of votes

11 ~~A.~~ The superior court to which the facts requiring a recount are
12 certified shall ~~forthwith~~ PROMPTLY make and enter an order requiring a
13 recount of the votes cast for such office, measure or proposal. The
14 recount shall be conducted in accordance with the laws pertaining to
15 contests of elections.

16 ~~B. When the court orders a recount of votes which were cast and~~
17 ~~tabulated on electronic voting equipment, such recount shall be pursuant~~
18 ~~to section 16-664. On completion of the recount, and for legislative,~~
19 ~~statewide and federal candidate races only, the county chairmen of the~~
20 ~~political parties entitled to continued representation on the ballot or~~
21 ~~the chairman's designee shall select at random without the use of a~~
22 ~~computer five per cent of the precincts for the recounted race for a hand~~
23 ~~count, and if the results of that hand count when compared to the~~
24 ~~electronic tabulation of that same race are less than the designated~~
25 ~~margins calculated pursuant to section 16-602, the recount is complete and~~
26 ~~the electronic tabulation is the official result. If the hand count~~
27 ~~results in a difference that is equal to or greater than the designated~~
28 ~~margin for that race, the procedure established in section 16-602,~~
29 ~~subsections C, D, E and F applies.~~

30 Sec. 30. Repeal

31 Section 16-664, Arizona Revised Statutes, is repealed.

32 Sec. 31. Section 16-1011, Arizona Revised Statutes, is amended to
33 read:

34 16-1011. Counterfeiting election returns; violation;
35 classification

36 A. A person who knowingly forges or counterfeits returns of an
37 election purporting to have been held at a precinct or place where no
38 election was in fact held, or who knowingly substitutes, forges or
39 counterfeits returns of election instead of the true returns for a
40 precinct or place where an election was actually held, is guilty of a
41 class 3 felony.

42 B. A person who knowingly substitutes, forges, counterfeits or
43 tampers with ballot tabulations or totals or election results by
44 electronic means or through the use of a computer, machine or other device
45 is guilty of a class 3 felony. This subsection does not apply to the

1 casting or tallying of ballots as provided by law or to the substitution
2 or duplication of ballots as prescribed by sections 16-573, ~~AND~~ 16-574
3 ~~and 16-621~~.

4 C. Notwithstanding sections 13-907 and 13-908, a person who is
5 convicted under this section shall not be automatically restored the right
6 to vote.

7 Sec. 32. Section 16-1017, Arizona Revised Statutes, is amended to
8 read:

9 16-1017. Unlawful acts by voters with respect to voting;
10 classification

11 A voter who knowingly commits any of the following acts is guilty of
12 a class 2 misdemeanor:

13 1. Makes a false statement as to the voter's inability to mark a
14 ballot.

15 2. Interferes with a voter within the seventy-five foot limit of
16 the polling place as posted by the election marshal or within seventy-five
17 feet of the main outside entrance to an on-site ~~early~~ voting location
18 ~~established by a county recorder pursuant to section 16-542, subsection A.~~

19 3. Endeavors while within the seventy-five foot limit for a polling
20 place or on-site ~~early~~ voting location to induce a voter to vote for or
21 against a particular candidate or issue.

22 4. ~~Prior to~~ BEFORE the close of an election defaces or destroys a
23 sample ballot posted by election officers, ~~or~~ defaces, tears down,
24 removes or destroys a card of instructions posted for the instruction of
25 voters.

26 5. Removes or destroys supplies or conveniences furnished to enable
27 a voter to prepare the voter's ballot.

28 6. Hinders the voting of others.

29 7. Votes in a county in which the voter no longer resides, except
30 as provided in section 16-125.

31 Sec. 33. Section 16-1018, Arizona Revised Statutes, is amended to
32 read:

33 16-1018. Additional unlawful acts by persons with respect to
34 voting; classification

35 A person who commits any of the following acts is guilty of a class
36 2 misdemeanor:

37 1. Knowingly electioneers on election day within a polling place or
38 in a public manner within seventy-five feet of the main outside entrance
39 of a polling place or on-site ~~early~~ voting location ~~established by a~~
40 ~~county recorder pursuant to section 16-542, subsection A.~~

41 2. Intentionally disables or removes from the polling place,
42 on-site ~~early~~ voting location or custody of an election official a voting
43 machine or a voting record.

44 3. Knowingly removes an official ballot from a polling place ~~OR~~
45 ~~ON-SITE VOTING LOCATION~~ before closing the polls.

1 4. Shows another voter's ballot to any person after it is prepared
2 for voting in such a manner as to reveal the contents, except to an
3 authorized person lawfully assisting the voter. A voter who makes
4 available an image of the voter's own ballot by posting on the internet or
5 in some other electronic medium is deemed to have consented to
6 retransmittal of that image and that retransmittal does not constitute a
7 violation of this section.

8 5. Knowingly solicits a voter to show the voter's ballot, or
9 receives from a voter a ballot prepared for voting, unless the person is
10 an election official or unless otherwise authorized by law.

11 6. Knowingly receives an official ballot from a person other than
12 an election official having charge of the ballots.

13 7. Knowingly delivers an official ballot to a voter, unless the
14 voter is an election official.

15 8. Except for a completed ballot transmitted by an elector by fax
16 or other electronic format pursuant to section 16-543, knowingly places a
17 mark on the voter's ballot by which it can be identified as the one voted
18 by the voter.

19 9. After having received a ballot as a voter, knowingly fails to
20 return the ballot to the election official before leaving the polling
21 place or on-site ~~early~~ voting location.

22 Sec. 34. Conforming legislation

23 The legislative council staff shall prepare proposed legislation
24 conforming the Arizona Revised Statutes to the provisions of this act for
25 consideration in the fifty-sixth legislature, second regular session.