

STATE OF ARIZONA

# GOVERNOR'S BIPARTISAN ELECTIONS TASK FORCE

FINAL REPORT | NOVEMBER 1, 2023



# **Governor’s Bipartisan Elections Task Force Final Report**

## **Introduction**

On January 6, 2023, Governor Hobbs issued Executive Order 2023-03 to create the Governor’s Bipartisan Elections Task Force, with the goal of identifying bipartisan proposals for improving the State’s elections.

Arizona's election system is strong. Our State has a history of free, fair, and secure elections, thanks to longstanding election laws and procedures and the dedicated people who run and defend our elections. The Bipartisan Elections Task Force was charged with building on that strong foundation by developing proposals that are practicable, well-reasoned, and on which Arizonans can find common ground.

Eleven months later, the Task Force has put together a set of 16 proposals—common sense, bipartisan policy recommendations to address some of the challenges that Arizonans face when participating in our democracy.

This work took time, commitment, leadership, and collaboration from experts across the field and the State. The final proposals represent a combination of diverse perspectives and expertise, and offer a preview of what the future of Arizona's election system could look like.

## The People

The Task Force kicked off its work in April 2023, as Arizona election administration and security experts, voting rights advocates, and current and former officials from both sides of the aisle joined forces. These individuals were selected to serve as Task Force members because of their on-the-ground experience helping ensure our elections run safely and securely. They know where support is needed and where there are opportunities for improvement. The Task Force members, in alphabetical order, are:

**Ken Bennett**, State Senator District 1

**Michelle Burchill**, Yavapai County Recorder

**Gabriella Cázares-Kelly**, Pima County Recorder

**Christina Estes-Werther**, Attorney and Former Arizona Elections Director

**Patty Ferguson-Bohnee**, Attorney and Director of the Sandra Day O'Connor College of Law  
Indian Legal Clinic

**Adrian Fontes**, Arizona Secretary of State

**Renaldo Fowler**, Arizona Center for Disability Law, Senior Staff Advocate

**Alex Gulotta**, All Voting is Local, Arizona State Director

**Don Henninger**, The Carter Center, Representative

**Katie Hobbs**, Arizona Governor (Chair)

**Scott Jarrett**, Maricopa County Elections Director

**Ben Lane**, City of Scottsdale City Clerk

**Ken Matta**, Election Security Expert

**Michael Moore**, Chief Information Security Officer

**Brad Nelson**, Former Pima County Elections Director

**Helen Purcell**, Former Maricopa County Recorder (Co-Chair)

**Alma Schultz**, Santa Cruz County Elections Director

**Laura Terech**, State Representative District 4

The Task Force was chaired by Governor Hobbs and former Maricopa County Recorder Helen Purcell—one Democrat and one Republican—to help the group accomplish this critical work. Both women brought a unique lens, informed by their own extensive experience with Arizona's election system. Brief biographies of each Task Force member are attached as **Appendix A**.

## The Process

The first Task Force meeting served as a moment to get aligned on the group’s mission and set the stage for the work ahead. Members split up into working groups focused on key topics:

**Election Administration**

**Voter Registration**

**Early Voting**

**Election Day and Post-election Procedures**

**Election Equipment and Security**

Throughout the summer and fall, these working groups met numerous times to collaborate and deliberate with each other to craft policy solutions that address challenges faced by election officials and voters.

The work kicked off with identifying the issues that working groups wanted to tackle. These included, for example, issues regarding recruitment and retention of election workers, accessibility concerns for voters with disabilities, and meeting established cyber and physical security standards. Conversations then shifted into brainstorm discussions about potential policy solutions.

After working groups narrowed in on a few challenges they hoped to address to make Arizona’s elections stronger, they worked together within their teams—dividing and conquering, and continually eliciting group feedback—to draft proposals that got into the weeds of potential solutions that would garner bipartisan support.

Each working group’s draft proposals were then circulated and reviewed by the full Task Force, and presented to the entire group in late July. Following the presentations, Task Force members from other working groups provided feedback, identified opportunities for collaboration across groups, and potential changes to consider. The group voted on which proposals working groups should continue working on, with the goal of inclusion in the final report.

Task Force members returned to their working groups with next steps in hand. Members researched, edited, and added information and clarifications to proposals. They continued to meet in their working groups throughout the fall to receive further feedback, ensure that important details were not overlooked, and work towards bipartisan buy-in.

Updated proposals were then circulated and discussed by the full Task Force in October, followed by a vote on which proposals to include in this report at the final Task Force meeting on October 24, 2023.

## The Result

A Task Force is an opportunity for collaboration, brainstorming, and problem solving through a new lens. The bipartisan experts that came together for the Governor’s Bipartisan Elections Task Force represent decades of experience in this area. This report is built on their time, energy, resources, and sincere commitment to improving democracy in Arizona.

The 16 proposals included in this report offer policy recommendations to address critical challenges, developed by experts with a wide range of experience, beliefs, and perspectives—and they have bipartisan support. The proposals are summarized here and the Task Force Working Group’s more detailed write-up of each proposal is attached as **Appendix B**. Some proposals require legislative change to implement. Some proposals can be implemented administratively by election officials in Arizona. Some proposals call for further development of standards and best practices.

Working to improve Arizona’s free and fair elections is ongoing—and it’s not easy. But ensuring that every Arizonan has access to the franchise, and that nonpartisan election officials can do their jobs in an increasingly polarized and high-pressure environment, is an important effort.

# Summaries of the Task Force Proposals

## Election Administration

### ■ ***Poll Worker Communication Platform***

Election officials spend months planning and preparing for Election Day, and Election Day itself is extremely busy for election officials and poll workers across the State. Staying organized and communicating effectively is critical to carrying out necessary tasks both in preparation for and on Election Day. Many election officials currently depend on cumbersome spreadsheets to document Election Day issues and concerns. This proposal recommends launching a communication platform via a cell phone application for election officials and poll workers. Application functionality could include scheduling training, recruiting poll workers based on previous service, sending mass text messages, tracking issues to resolution, and providing feedback on job performance and organization. Due to the cost of potential solutions, this proposal recommends a pilot program, with smaller counties utilizing existing technology used by larger counties, or with the Secretary of State's Office offering the technology to counties at a nominal or no charge.

### ■ ***Incentives to Improve Poll Worker Recruitment***

Poll workers are critical to the success of an election. Election officials face difficulties in recruiting sufficient poll workers to balance bipartisan election boards and attract diversity among the poll workers within their communities. This proposal recommends examining how government and private employers can incentivize their employees to serve as poll workers. Recommendations include government employers allowing employees to take paid time off to serve as poll workers and attend training, and private sector employers offering paid or unpaid time off for employees who serve as poll workers. Companies could also offer other incentives, like providing flexible work hours or remote work options during the election period, recognizing and celebrating employees who serve as poll workers, and offering free child care or transportation services to employees who serve as poll workers.

### ■ ***Annual Election Officer Certification Trainings***

Arizona law currently limits election officer certification training to odd-numbered years. This limits Arizona's pool of certified election officers by preventing training and on-boarding of new officers during election years. Additionally, the law requires city and town election officials to reimburse the Secretary of State for attending certification training, which disincentivizes their participation. Finally, the Secretary of State may currently provide only water to training participants. This proposal recommends: (1) offering this training every year, which would allow election officials hired in election years to obtain the needed training in advance of the upcoming election; (2) allowing city officials, who play a crucial role in local elections, to attend the training free of charge; and (3) allowing the Secretary of State to lawfully provide refreshments other than water (e.g., coffee) to training participants. While these

changes would increase responsibility and costs for the Secretary of State's Office, such increases would be minimal.

- ***Election Fellowship Program***

Many Arizonans reside in counties where the 2024 elections will be administered by different officials than those who administered the 2020 and 2022 elections. Due to threats, intimidation, stress, and other factors, it has been difficult to replace these election officials and to recruit new staff into careers in election administration. To help stem the loss of election administrators, this proposal recommends that jurisdictions implement a paid fellowship (or internship) program that would allow recent college or graduate school graduates to gain election experience and possibly compete for a job in the jurisdiction's County Recorder or elections office upon completion.

- ***Comprehensive Website for Voter Information***

Election officials report that voters are frequently frustrated by the inability to easily access election information when ballots contain races on the federal, state, county, and local levels. Oftentimes, voters call the wrong jurisdictions when trying to find more information about candidates or ballot measures. There is a need for a centralized online location for voters to access all ballot information. The Citizens Clean Elections Commission (CCEC) already has a website with election and voter information, including election dates and information about federal and state races. This proposal is to support expansion of the CCEC website to build out the voter dashboard for all local races (municipalities, special districts, school districts, etc.) and make it a one-stop shop for all election information in Arizona, including links to judicial races. This is the most efficient path forward since CCEC is already conducting this work for most races on the ballot and has been conducting voter education efforts since its inception. Moreover, this is squarely within CCEC's mandate under state law.

## **Voter Registration**

- ***Provisional Ballot Form as Voter Registration Form***

Many counties across the State ensure their provisional ballot forms contain all the necessary information to also serve as a voter registration form. In these counties, if the post-election review of the provisional ballot determines that the person was not properly registered to vote, the ballot would not be counted for that election, but the voter can be registered to vote for future elections. However, there is no statutory requirement for counties to adopt this practice, which can result in inconsistent treatment of similarly-situated voters in different counties, and a potential decrease in the practice with turnover in County Recorder and elections offices. This proposal would codify this practice into law, which would require some jurisdictions to make minor language changes to their provisional ballot forms or update their software to help increase voter registration and decrease provisional ballots in future elections.

- ***Cross-County Voter Registration***

Registered voters in Arizona often move across or within counties during an election cycle. Current law allows voters who move within a county to update their voter registration address up to and including on Election Day, but registered voters who move to a new county must update their voter registration address at least 29 days prior to Election Day to be eligible to vote in the new county. This proposal would amend the law to allow voters who moved between counties to change their registration address up to and including on Election Day now that Arizona has improved voter registration databases that allow for quicker updates and faster transmission of records across counties.

- ***Voting Rights Restoration***

Arizonans with felony convictions often meet the State’s eligibility requirements for restoration of their voting rights, but current law regarding the qualifying convictions and procedures is confusing and results in the mistaken belief of ineligibility. This proposal would amend the law to make the voting rights restoration process automatic upon release from incarceration, regardless of whether an individual has one felony conviction or multiple. In addition to legislative change, the proposal asks the Governor to convene a Rights Restoration Outreach Committee that would educate impacted people about the voting rights restoration process.

- ***AVID Funding***

The Secretary of State maintains the state’s Access Voter Information Database (AVID), which is a statewide voter registration database that is essential for election administration. AVID does not have a sustained source of funding to cover its annual \$1.3 million operating costs. Counties currently provide 40 percent of the fiscal support for AVID, often utilizing their federal Help America Vote Act (HAVA) dollars for their AVID contributions. However, future federal HAVA funding is not guaranteed and the timing is unpredictable. This proposal recommends that state general funds be appropriated in the FY2025 budget to cover the full operating costs of the AVID system to ensure a reliable and sustained level of funding.

## Early Voting

- ***Disability Resource Liaison***

Voters with disabilities are not always adequately accommodated and supported during the voting process due to a lack of resources and training for election officials. This proposal recommends creating a Disability Resource Liaison position within the Secretary of State’s Office that has expertise and knowledge in various disability accommodations and resources and who can support the over 1.5 million Arizonan adults who have a disability. This person would provide technical assistance and help create resources on accessible voting materials, accessible voter websites, and accessible voting locations and procedures. This role would help create specific



disability resources, including best practices and training information on disability etiquette.

- ***Emergency Voting to Final Weekend Voting***

Under current law, early voting ends on the Friday before Election Day and the final weekend prior to Election Day is reserved for “emergency voting” for those who will be unable to vote in-person on Election Day. To utilize this option, voters must sign an affidavit attesting to their emergency, which causes confusion over eligibility and can lead eligible voters not to utilize this option. This proposal would change “emergency voting” to “final weekend voting,” which does not extend the time period for voting, but instead expands the eligibility of who can vote on that final weekend. This proposal would also help address the problem of “late early” ballots, particularly in counties that may offer on-site tabulation.

- ***Ballot Return Interference***

Arizona counties have the option of offering drop boxes as one method voters can use to return their ballots before Election Day. During the 2022 election cycle, some Arizona voters choosing to return their ballots at a drop box encountered groups videotaping and monitoring them. While a lawsuit succeeded in stopping this behavior at the time and general prohibitions against voter intimidation apply, there are no express prohibitions in Arizona statutes to bar such conduct. This proposal recommends amending state law to ensure voter intimidation and interference laws expressly protect voters regardless of what method they use to return their ballot.

## **Election Day and After**

- ***Ensuring Timely Recounts***

Arizona law now requires an automatic recount if there is a difference of one-half of one percent or less between the top two candidates with the most votes in a single contest. As a result, in 2024 and future elections, recounts are much more likely to be triggered—even in races that are not close. And there is a significant risk that county and state election administrators will not be able to complete required recounts in time to meet mandated federal and state statutory deadlines. This proposal recommends reverting back to narrower recount margins to ensure taxpayer resources are expended on recounts only in close races. In addition, this proposal recommends legislative changes to certain election deadlines, including the primary election date and canvass deadlines, to provide for additional time for any required Primary Election recounts to be completed in time to meet the federal deadline to mail General Election ballots to military and overseas voters and for any required General Election recounts to be completed in time to meet the federal deadline for the Governor to issue a Certificate of Ascertainment for Presidential Electors.

- ***Reconciliation Best Practices Guidelines***

State statutes and the Election Procedures Manual (EPM) provide mandates and

instructions about ballot reconciliation procedures, but there is a lack of practical tools to implement these procedures, which results in inconsistent application throughout the state. This proposal recommends that the Secretary of State's Office create a best practices toolkit or standard procedures guide with step-by-step reconciliation procedures and practical guidance to troubleshoot problems that may arise, and offer hands-on training that provides election officials with firsthand knowledge and experience of the reconciliation procedures, pitfalls, and best practices to address issues in the field.

## **Election Equipment and Security**

### ■ ***Election Security Advancements***

Security measures must constantly evolve to address an ever-changing threat landscape. While Arizona elections have many layers of defenses to protect their integrity and accuracy, the security posture can continuously be improved. This proposal recommends several technological and process improvements that would benefit election security and are feasible to implement before the 2024 general election. It addresses the following aspects of election security: 1) challenges related to election equipment, 2) recommendations for election equipment security standards, and 3) the need to create a fund for physical security.

### ■ ***Election Worker Code of Conduct***

The potential insider threat posed by permanent, temporary, or support staff—such as IT staff—working within and for election offices has been identified by election security experts as an election administration concern. Some level of public skepticism of election processes is inevitable and it is essential that the government staff and officials administering Arizona's elections adhere to the law and conduct themselves with the utmost integrity to restore and maintain public confidence in elections. The Secretary of State's Office already requires an Election Official Code of Conduct be signed as part of the Election Official Certification requirement mandated by Arizona law. This proposal recommends a similar code be signed by other election workers and staff that directly support election administration activities at the local level.

## Conclusion

The proposals put forth in this report are the product of months of collaboration and problem-solving by Arizona's top election administration and security experts, voting rights advocates, and current and former officials from both sides of the aisle. The Task Force has covered many dimensions of the elections process, from voter registration and early voting through election day and after. Each proposal is designed to achieve the goal of making common-sense improvements to Arizona's elections.

The Task Force's recommendations address the full breadth of election administration in Arizona. Because of that, consideration and implementation of these ideas will fall under a variety of jurisdictions. While some proposals are ideas for the legislature to consider, some will be considered at the county level, and others fall under the purview of the Secretary of State, and some call for further development of standards and best practices in identified areas. Every proposal included in this report has been thoughtfully considered, deliberated upon, and has received bipartisan support. The Task Force's collective recommendation is that each of these proposals is carefully considered and pursued by the appropriate governing body.

We can, and should, continue to refine our election system to ensure voters have access to the polls and that our election officials—the guardians of our democracy—have the resources to do their jobs well. The Task Force's proposals are motivated by a deep commitment to these goals, and to the overarching goal of protecting democracy in our State.

## Appendix A

# BIOGRAPHIES OF TASK FORCE MEMBERS

*(in alphabetical order)*

### **Ken Bennett**

Ken Bennett is a fifth generation Arizonan with a long history of public service. He grew up in Prescott and helped run his family business, Bennett Oil, as CEO for over 20 years. Mr. Bennett has served as an executive and on boards of directors of several companies, including ten years with Cancer Treatment Centers of America in Goodyear. Bennett previously served on the Prescott City Council and in the State Senate, including four years as Senate President. Senator Bennett was elected again in 2022 to serve District 1. Bennett was Arizona's 19th Secretary of State from 2009 to 2014. He is an Eagle Scout and has an accounting degree from ASU.

### **Michelle Burchill**

Michelle Burchill began her career in the elections field as a Voter Registration Specialist in March of 2020. She was promoted to Executive Assistant to the County Recorder and Elections Director, and became the Elections Manager for the Yavapai County Recorder in July 2022. She is an Arizona Certified Elections Officer, a member of the Association of County Recorders, Chair of the Arizona Voter Information Database Steering Committee Election, and Registration Administrator through Auburn University.

### **Gabriella Cázares-Kelly**

Gabriella Cázares-Kelly (she/her) took office as the Pima County Recorder in January 2021. She leads an office that oversees Voter Registration and Early Voting services for more than 630,00 registered voters. She is also responsible for the preservation of nearly 9.3 million public documents, the majority of which are property documents. Gabriella serves as the Vice-Chair for the Arizona Recorder's Association and is a co-founder of Indivisible Tohono, a grassroots community organization that provides opportunities for education and civic engagement for members of her tribe, the Tohono O'odham Nation. She is the first Native American to hold an elected, countywide seat in Pima County.

### **Christina Estes-Werther**

Christina Estes-Werther is a Partner at Pierce Coleman PLLC and has extensive state and local government experience, specifically in election law. As a former State Election Director for the State of Arizona and a current certified elections officer, Christina has represented local governments in election lawsuits and advised state officials and local governments on policy, election administration, and campaign finance. Christina serves as primary legal counsel for municipalities. She received her J.D. from Gonzaga University School of Law in Spokane, Washington and a B.S. in Family Studies and Human Development from the University of Arizona.

### **Patty Ferguson-Bohnee**

Patty Ferguson-Bohnee is the Director of the Indian Legal Clinic, Faculty Director of the Indian Legal Program, Clinical Professor of Law, and Associate Dean for Inclusive Excellence at the Sandra Day O'Connor College of Law at Arizona State University. She is an Associate Justice of the Hualapai Court of Appeals and is Of-Counsel at Sacks Tierney, P.A. Patty has substantial experience in Indian law, election law, voting rights, environmental justice, and status clarification for tribes. She serves as the Arizona Native Vote Election Protection Coordinator.

### **Adrian Fontes**

Adrian Fontes was elected Secretary of State in 2022. Secretary Fontes is a proud Arizona native, and an honorable veteran of the United States Marine Corps. He served on active duty from 1992 to 1996 and was nominated for a meritorious commission. After graduating from law school, Secretary Fontes served as a prosecutor with the Denver District Attorney, and then at the Maricopa County Attorney's office. He later led the International Prosecution Unit at the Arizona Attorney General's Office. He practiced law for 15 years before running for office in 2016, when he was elected Maricopa County Recorder. Secretary Fontes is committed to preserving integrity in our elections, making voting easier for registered voters, and ensuring that Arizona's business community has a non-partisan partner in the Secretary's office.

### **Renaldo Fowler**

Renaldo Fowler is a Senior Staff Advocate with the Arizona Center for Disability Law (ACDL). Renaldo has worked in the disability advocacy field for nearly four decades. Renaldo coordinates the Protection and Advocacy for Voting Access program (PAVA). PAVA works to ensure persons with disabilities have an opportunity to vote privately and independently and have full participation in the electoral process, registering to vote, casting a vote and accessing polling places. Renaldo has worked with Arizona's Elections officials and advocates from the disability community to improve access to the electoral process for Arizonans with disabilities.

### **Alex Gulotta**

Alex Gulotta is the Arizona State Director of All Voting Is Local and All Voting Is Local Action where he fights for the right to vote through a unique combination of community power building, data driven advocacy, and strategic communications. Prior to joining All Voting is Local in 2018, Gulotta served the access to justice community for more than thirty years as an anti-poverty lawyer and more than twenty years as a non-profit executive director and non-profit consultant.

### **Governor Katie Hobbs**

Born and raised in Arizona, Governor Hobbs has spent her life exemplifying hard work and public service. She is a graduate of both NAU and ASU and has used her Masters of Social Work to help unhoused youth in Phoenix and run one of the largest domestic violence shelters in the country. With over a decade of public service, Governor Hobbs spent 8 years in the Arizona Legislature, including two terms as Senate Minority Leader. She later became Arizona's Secretary of State where she forcefully defended the votes and voices of every single Arizonan. Seeing her home state at a critical moment in history, she made the decision to run for Governor, and in 2022 was elected the fifth woman, and also fifth Arizona native, to lead the state.

### **Don Henninger**

Don Henninger has been a media executive and business leader in Arizona for over 35 years, including time as managing editor of the Arizona Republic and publisher of the Phoenix Business Journal. He currently is co-chair of the Arizona Democracy Resilience Network, via the Carter Center. He is founder of the Scottsdale Coalition of Today & Tomorrow, which works to advocate on issues in that city. He serves on a number of boards, including Family Promise and Independent News Media, and is on the advisory councils of Scottsdale Leadership and Scottsdale Community College.

### **Scott Jarrett**

Scott Jarrett has been with Maricopa County Elections, a Department of the Board of Supervisors, for over four years. He currently serves as the Elections Director responsible for directing all in-person voting, tabulation operations, candidate filing, campaign finance, and warehouse operations. Scott is also an Elections Task Force member of the Bipartisan Policy Center, a member of the Election Assistance Commission Local Leadership Council, and serves as president of the Election Officials of Arizona

### **Ben Lane**

Ben Lane was appointed the Scottsdale City Clerk in March 2021. He worked with the Arizona Secretary of State's Office to implement the E-Equal nomination petition system for Scottsdale elections. Previously he was a Deputy City Clerk with the City of Phoenix, where he managed campaign finance, candidate assistance, early voting and voting day functions in 15+ elections. Ben was the project manager for the City's transition from polling places to voting centers. He started with Phoenix as a Management Intern. He has a B.A. from Texas A&M University, a J.D. from the University of Texas, and an M.P.A. from the University of North Carolina.

### **Ken Matta**

Ken Matta is the CIO of Runbeck Election Services, Inc. He previously served as the Information Security Officer and election security lead for the Arizona Secretary of State's Office. His election and IT experience began at the Secretary of State's office in 2002, and includes election operations, system administration, network administration, information security, logic and accuracy testing, election security instruction, election incident preparedness, and developing statewide election security programs. He worked as a liaison between the counties and the Secretary of State to help understand and meet the election security needs at the county level. Ken is a state-certified election officer and has served on several election security boards at the state and federal level.

### **Michael Moore**

Michael Moore has served as the Information Security Officer for the Maricopa County Recorder's office for the past six years, and has worked at the Recorder's office for the past twelve years. He has participated in an Election Security Incident Response Task Force with the Arizona Secretary of State and other Arizona counties to develop election security response plans for counties throughout the State. He has also spoken on election security at the National Association of Counties annual conference and presented at the Arizona Counter Terrorism Information Center. Michael is an alumnus of Arizona State University with a B.S. in Mathematics and a B.A. in Education and is a Certified Information Systems Security Professional.

### **Brad Nelson**

Brad Nelson most recently served as the Election Director in Pima County, Arizona. Prior to serving in Pima County, Mr. Nelson served as the Election Director in Mohave County, Arizona and as the Election Office Supervisor in Jefferson County, Colorado. He started his career with the Maricopa County Election Department in 1976 serving chiefly as the departmental liaison with the county's ballot printing vendor. He has been an Arizona State Certified Election Officer and has earned the designation of Certified Election and Registration Administrator per the requirements of the Election Center and Auburn University. Mr. Nelson is a graduate of Arizona State University where he earned a Bachelor of Science degree in Business. He is a Vietnam-era veteran serving in the United States Air Force from 1972-1976.

### **Helen Purcell**

Helen Purcell served as the Maricopa County Recorder from 1989 through 2016. During her time as the County Recorder, Helen also served as President of the Arizona Association of Counties; Board Member of the National Association of Counties; and Member of the Board of Advisors of the U.S. Election Assistance Commission, where she drafted national standards for all voting systems in the country. In April of 2000 her department's Vote-By-Mail technology became part of the Computerworld Smithsonian Collection at the National Museum of American History in Washington, D.C. Helen has also served on the Board of Directors of the Arizona Bar Foundation for 7 years, serving as President in 2015, the Arizona Supreme Court's Access to Justice Commission from 2017 to 2021, and she is currently a board member of the non-profit Homeless ID Project.

### **Alma Del Mar Schultz**

Alma Schultz is an Arizona native and graduate of the University of Arizona with a Bachelor of Science in Public Management and Policy. Alma is passionate about serving her community and has dedicated her professional career to public service. She has served in Santa Cruz County for almost ten years in different positions within the county as a voter/recorder clerk, legal assistant, and as a juvenile probation officer. Alma is now the Clerk of the Board of Supervisors and Elections Director for Santa Cruz County, and she is committed to serving her community with integrity and excellence.

### **Laura Terech**

Representative Laura Terech (Legislative District 4 - Scottsdale, Paradise Valley, North Phoenix) is a proud product of Arizona public schools, including both U of A and ASU. After earning her master's degree in education, she taught kindergarten and 2nd grade in a Title I school district. Terech now works as the Community Outreach & Training Director for the nonpartisan group Civic Engagement Beyond Voting. She sits on the House Education as well as the House Municipal Oversight & Elections committee.



Appendix B

# **TASK FORCE PROPOSALS**

# **Early Voting Working Group**

## **PROPOSAL 1: DISABILITY RESOURCE LIAISON POSITION**

### **Summary:**

**Disability Resource Liaison:** Voters with disabilities are not always adequately accommodated and supported during the voting process due to a lack of resources and training for election officials. This proposal recommends creating a Disability Resource Liaison position within the Secretary of State's Office that has expertise and knowledge in various disability accommodations and resources and who can support the over 1.5 million Arizonan adults who have a disability. This person would provide technical assistance and help create resources on accessible voting materials, accessible voter websites, and accessible voting locations and procedures. This role would help create specific disability resources, including best practices and training information on disability etiquette.

### **1. Provide a high level description of the election issue and the proposed recommendation to address the issue.**

Over 1.5 million adults in Arizona have a disability, comprising approximately 27% of the state's population. Voters with disabilities are often overlooked within election administration simply because of a lack of resources. With age, many voters develop additional disabilities which may impact their mobility, ability to mark their choices or sign their name, or result in loss of hearing or sight. Veterans experience high rates of disabilities that may impact their ability to vote.

Many counties do not have a designated staff member or team who is specifically charged with learning about or implementing best practices that would benefit voters with disabilities to ensure equitable access to the electoral process. With so many new election workers, the need for additional training and assistance is needed more than ever. Counties need basic assistance understanding the disability community, terminology, and technology needs. Counties also need a better understanding of relevant legal requirements, violations, and best practices. It is difficult to ensure compliance, standardize solutions, or ensure that best practices will be uniformly adopted by all counties. The accessibility training that is currently offered is short and usually a part of larger election certification programs.

### **2. Provide a description of the proposed remedy.**

This proposal recommends creating a Disability Resource Liaison position housed in the Secretary of State's Office that would not only benefit voters but also election staff. We propose a dedicated staff member with expertise and knowledge in various disability accommodations and resources. This person would provide technical assistance to ensure accessible websites, including image descriptions, buttons/links that describe their function, and including documents that are text-reader friendly. They would also give technical assistance to ensure effective

communication for the deaf and hard of hearing and the blind and low vision community. They should have an understanding of the development and utilization of plain language. We recommend a working knowledge of various accommodations for voters with disabilities. This person would provide expertise and support to help counties ensure polling locations are accessible. Other tasks would include developing and making available specific resources on meeting the needs of voters with disabilities, including offering best practices resources and training information on disability etiquette.

County Recorders and election officials need guidance in meeting the needs of voters with disabilities. This position would help increase knowledge for elections officials in best practices in meeting the needs of voters with disabilities. They could provide expertise and resources to the special election boards and recommendations to increase equitable access to the electoral process for Arizonans with disabilities.

### **3. What are the next steps to move this recommendation forward?**

We feel this is likely to receive bipartisan support because this issue impacts every demographic of voters including young people, elders, and veterans. Veterans are heavily represented in this demographic and are most likely to benefit from additional support.

### **4. What resources are needed to implement this proposal?**

Funding is needed to provide a salary for a full time Disability Resource Liaison. Funding should allow for statewide travel for site visits, training, and coaching and for technical resources for counties. Cost savings could be made for counties, as many trainings and resources would be bundled.

## PROPOSAL 2:

### EMERGENCY VOTING TO FINAL WEEKEND VOTING

#### Summary:

**Emergency Voting to Final Weekend Voting:** Under current law, early voting ends on the Friday before Election Day and the final weekend prior to Election Day is reserved for “emergency voting” for those who will be unable to vote in-person on Election Day. To utilize this option, voters must sign an affidavit attesting to their emergency, which causes confusion over eligibility and can lead eligible voters to not utilize this option. This proposal would change “emergency voting” to “final weekend voting,” which expands the eligibility of who can vote on that final weekend. This proposal would also help address the problem of “late early” ballots, particularly in counties that may offer on-site tabulation.

#### 1. Provide a high level description of the election issue and the proposed recommendation to address the issue.

The final weekend prior to an election is reserved for “emergency voting” only, for those who will be unable to vote in person on Election Day. Voters wishing to cast their ballot after 5:00 p.m. the Friday before the election are asked to sign an affidavit attesting to their emergency. This causes voter confusion and makes voter education more challenging. The result is that many Arizonans do not utilize emergency voting options, although they are eligible.

Many voters also choose to wait until Election Day to drop off their mail ballots, which results in delays in completing ballot processing and tabulation. There is not likely to be bipartisan support to address the issue of “late-early” ballots by restricting voter choice (for example, setting a Friday 5:00 p.m. deadline to return mail ballots).

Therefore, to address both the voter confusion around emergency voting requirements and to help reduce “late-earlies,” this proposal recommends converting “emergency voting” to “final weekend voting.” This is not extending the existing time period allowed for voting. Instead, it is extending who is *eligible* to vote during the final weekend before Election Day.

The practice of emergency voting causes voter confusion and many voters are uncomfortable signing the required affidavit in order to vote during the emergency voting period. It also adds additional pressure on election workers because there is a lot of pushback and questions from voters as to why the affidavit is required. In addition to reducing voter confusion and resistance to emergency voting, this proposal will also help address the problem of “late early” ballots, particularly in counties that offer on-site tabulation. This proposal also provides a new set of opportunities for voters to physically place their ballots into the tabulator. Moreover, final weekend voting, coupled with proper outreach to voters, could substantially reduce Election Day

lines. Finally, it would allow for a test run of Election Day infrastructure for counties that choose to implement on-site tabulation, which might have caught the 2022 printer issues in Maricopa County earlier.

## **2. Provide a description of the proposed remedy.**

This proposal would allow counties to provide an avenue for voters to cast their ballots between 5:00 p.m. on the Friday before Election Day and 5:00 p.m. on the Monday before Election Day, without having to provide an excuse or execute an affidavit. The County Recorder or other officer in charge of elections could choose to tabulate those ballots immediately on-site or pre-prepare them for tabulation following the election.

As for statutory changes, this proposal would likely require deleting A.R.S. § 16-542(H) altogether, rather than trying to modify it to remove the emergency requirement. Paragraph A can be modified to clarify that on-site voting may or shall continue through the last weekend before Election Day (see below). We recommend consulting with local elections directors on whether the statutory amendment should say “may” or “shall,” as some smaller counties may not be able to staff an on-site voting location the weekend before Election Day and would appreciate the flexibility of “may” rather than “shall.”

### **Proposed Amendments to A.R.S. § 16-542(A):**

*(A). Within ninety-three days before any election called pursuant to the laws of this state, an elector may make a verbal or signed request to the county recorder, or other officer in charge of elections for the applicable political subdivision of this state in whose jurisdiction the elector is registered to vote, for an official early ballot. In addition to name and address, the requesting elector shall provide the date of birth and state or country of birth or other information that if compared to the voter registration information on file would confirm the identity of the elector. If the request indicates that the elector needs a primary election ballot and a general election ballot, the county recorder or other officer in charge of elections shall honor the request. For any partisan primary election, if the elector is not registered as a member of a political party that is entitled to continued representation on the ballot pursuant to section 16-804, the elector shall designate the ballot of only one of the political parties that is entitled to continued representation on the ballot and the elector may receive and vote the ballot of only that one political party, which also shall include any nonpartisan offices and ballot questions, or the elector shall designate the ballot for nonpartisan offices and ballot questions only and the elector may receive and vote the ballot that contains only nonpartisan offices and ballot questions. The county recorder or other officer in charge of elections shall process any request for an early ballot for a municipal election pursuant to this subsection. The county recorder ~~may~~ **SHALL** establish on-site early voting locations at the recorder's office, which shall be open and available for use beginning the same day that a county*

*begins to send out the early ballots. The county recorder ~~may~~**SHALL** also establish any other early voting locations in the county the recorder deems necessary **AND THE ON-SITE VOTING LOCATIONS MAY BE OPEN AND AVAILABLE FOR USE DURING THE WEEKEND AND PRIOR TO 5PM ON THE MONDAY BEFORE ELECTION DAY**. Any on-site early voting location or other early voting location shall require each elector to present identification as prescribed in section 16-579 before receiving a ballot. Notwithstanding section 16-579, subsection A, paragraph 2, at any on-site early voting location or other 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.*

Increased initial costs for implementing this proposal are likely offset by savings in late-early ballot processing and, over time, in Election Day staffing if significant numbers of voters elect this option for casting their vote. There may also be a cost savings if counties no longer have to print two different types of envelope styles. Public messaging may depend on the county and their system.

AVID counties may not be able to tabulate final weekend voting ballots on-site but can have them prepared and ready for tabulation after receiving e-pollbook data from Election Day. Counties vary in how they designate responsibility for emergency voting and any statutory amendment could address any concerns by retaining the "Recorder or other officer in charge of elections," language. This proposal, plus a strong bipartisan educational push to have voters cast their in-person ballots during the final weekend voting period, could significantly address the "late early" ballots issue, relieve Election Day pressures, and speed up election results.

### **3. What are the next steps to move this recommendation forward?**

Task force members currently in the legislature will work with House and Senate legislators to find a bill sponsor and a viable path forward for this proposal.

### **4. What resources are needed to implement this proposal?**

This will likely be specific to the county, but final weekend voting would operate in an identical manner to voting taking place the month prior.

### **5. Proposed bill language, if any.**

See response to Question 2 above. This language is not final and should include the option to tabulate on-site.

## **PROPOSAL 3:**

### **PREVENTING INTERFERENCE WITH BALLOT DROP OFFS**

#### **Summary:**

**Ballot Return Interference:** Arizona counties have the option of offering drop boxes as one method voters can use to return their ballots before Election Day. During the 2022 election cycle, some Arizona voters choosing to return their ballots at a drop box encountered groups videotaping and monitoring them and exhibiting other intimidating behavior. While a lawsuit succeeded in stopping this behavior at the time and general prohibitions against voter intimidation apply, there are no express prohibitions in Arizona statutes to bar such conduct. This proposal recommends amending state law to ensure voter intimidation and interference laws expressly protect voters regardless of what method they use to return their ballot.

#### **1. Provide a high level description of the election issue and the proposed recommendation to address the issue.**

With more than half of Arizona counties providing voters the option of returning their early ballots to ballot drop boxes and voters' increased use of drop boxes, there is a need to establish guidelines against conduct that interferes with voters' ability to return ballots to a drop box. A.R.S. § 16-1017 states that interference with a voter within the 75-foot limit of a polling place or early voting location is a class two misdemeanor. There is no current statute that specifically addresses conduct near drop boxes. In the 2022 election cycle, county election workers, law enforcement, and voters struggled to find guidance or clear statutes to rely on in responding to or preventing potential voter intimidation caused by groups monitoring and taking pictures of voters at drop boxes. Voters were hesitant to deliver their ballots to their local drop boxes and were concerned about intimidation, which led to some voters not using this option. The public was also concerned and confused, looking to the counties and law enforcement for answers, particularly about whether the restrictions on conduct within the 75-foot limit of a voting location applied to drop boxes. After a lawsuit was filed, a temporary restraining order was issued prohibiting certain activity at drop boxes for that election period. However, without any clear statutes addressing activities near drop boxes, there is potential for escalation and increased tensions in future elections.

#### **2. Provide a description of the proposed remedy.**

We recommend that additional language be included in the existing statute on voter interference, A.R.S. § 16-1017, or in a new statutory provision to expressly address activity within 75 feet of ballot drop boxes. Restrictions that apply within the 75-foot limit are already well known to voters and would be the best place to avoid confusion. The impact of this proposal would be to help prevent voter intimidation, confusion, and future escalations within 75 feet of where drop



boxes are located. The proposal does not seek to codify the existence of drop boxes, as that will be unlikely to garner bipartisan support. Instead, the proposal seeks to clarify laws regarding interference with anyone dropping off a ballot, which is more likely to garner bipartisan support. If the recommendation were to be enacted, election officials should be advised to add additional signage or language to the locations where drop boxes are located detailing the new restrictions.

### **3. What are the next steps to move this recommendation forward?**

Next steps are to find a bill sponsor and seek help with drafting the legislative language. Further, communication with the Legislature and the public about the intent behind the proposal is needed to ensure bipartisan support.

### **4. What resources are needed to implement this proposal?**

Help coordinating proper language, signage, and assistance with public communications would be useful.

### **5. Proposed bill language, if any.**

There are several areas in the Arizona Revised Statutes where this could be addressed:

#### **A. Amend A.R.S. § 16-1017. A voter who knowingly commits any of the following acts is guilty of a class 2 misdemeanor:**

*(2) Interferes with a voter within the seventy-five foot limit of the polling place **OR INTERFERES WITH A VOTER WHO IS DEPOSITING OR RETURNING A BALLOT TO THE COUNTY RECORDER OR OFFICER IN CHARGE OF ELECTIONS**, as posted by the election marshal or within seventy-five feet of the main outside entrance to an on-site early voting location established by a county recorder pursuant to section 16-542, subsection A.*

#### **B. Amend ARS 16-515. “Seventy-five foot limit” notices; posting; violation; classification**

*(G) Notwithstanding section 16-1018, a person may not take photographs or videos while within the seventy-five foot limit **OR INTERFERE WITH A VOTER WHO IS DEPOSITING OR RETURNING A BALLOT TO THE COUNTY RECORDER OR OFFICER IN CHARGE OF ELECTIONS**.*

#### **C. Amend ARS 16-1018. Additional unlawful acts by persons with respect to voting; classification**

*A person who commits any of the following acts is guilty of a class 2 misdemeanor: Knowingly electioneers on election day within a polling place or in a public manner within seventy-five feet of the main outside entrance of a polling place, **OR***

***INTERFERES WITH A VOTER WHO IS DEPOSITING OR RETURNING A BALLOT TO THE COUNTY RECORDER OR OFFICER IN CHARGE OF ELECTIONS, or on-site early voting location established by a county recorder pursuant to section 16-542, subsection A.***

**ELECTION  
ADMINISTRATION  
WORKING GROUP**

# **PROPOSAL 1:**

## **POLL WORKER COMMUNICATION PLATFORM**

### **Summary:**

#### **Poll Worker Communication Platform:**

Election officials spend months planning and preparing for Election Day, and Election Day itself is extremely busy for election officials and poll workers across the state. Staying organized and communicating effectively is critical to carrying out necessary tasks both in preparation for and on Election Day. Many election officials currently depend on cumbersome spreadsheets to document Election Day issues and concerns. This proposal recommends launching a communication platform via a cell phone application for election officials and poll workers. Application functionality could include scheduling trainings, recruiting poll workers based on previous service, sending mass text messages, tracking issues to resolution, and providing feedback on job performance and organization. Due to the cost of potential solutions, this proposal recommends a pilot program, with smaller counties utilizing existing technology used by larger counties, or with the Secretary of State's Office offering the technology to counties at nominal or no charge.

### **1. Provide a high level description of the election issue and the proposed recommendation to address the issue.**

Organizing everything needed for Election Day can take months of preparation. When it comes to poll workers, being organized and having effective communication are important to carry out necessary tasks. Many election officials depend on spreadsheets to document Election Day issues and concerns when there are other options available that can benefit both the poll worker and election officials.

In addition, Election Day itself is an extremely busy day for election officials across the state. The significant amount of phone calls between the opening and the closing of the polls results in election officials being pulled in different directions to communicate and coordinate with poll workers. Listening to voicemails and returning phone calls is a constant task on Election Day that can consume election officials' time, leaving less time for other important duties. Additionally, it can be difficult for poll workers to listen and respond to voice messages during polling location peak times on Election Day, causing delays in responding to possibly critical issues.

### **2. Provide a description of the proposed remedy.**

This proposal recommends the development and deployment of a communication platform, utilizing mobile devices, that can be accessed by both election officials and poll workers.

For election officials, application functionality could include:

- Creating and updating a calendar of important election dates and upcoming events for poll workers, such as training times and locations.
- Ability to send mass text messages and emails or individual messages.
- Tracking of election boards and assigned political observers.
- Tracking of previous poll workers and sending notification via text to recruit these poll workers for upcoming elections (communicates with AVID).
- Providing training material that can be accessed via the portal or sending a link to training materials via text message.
- Providing evaluation of a poll worker's performance similar to a report card and a point system to earn recognition for excellent performance.
- Generating reports of election boards, including analysis of equal partisan representation as required by statute; ranked performance reviews of poll workers; and payroll reporting for faster payment processing.
- Obtaining and viewing Election Day feedback from past elections in one location.

For poll workers, application functionality could include:

- Signing up or rescheduling upcoming training or reporting any unavailability.
- Access to the list of poll workers at their polling location and access to the assigned political observers for the polling location.
- Ability for poll workers to take attendance on Election Day and report any absences.
- Texting issues, concerns, or questions to elections staff that can be accessed by more than one election official for response and tracking to ensure the matter is resolved.
- Completing payroll vouchers and other required paperwork for faster paycheck processing (or ability to forgo compensation).
- Providing feedback on Election Day (what went right and what could be improved).
- Accessing performance review with notes on what can be done to improve for future elections.

The proposal is likely to have bipartisan support as it provides an efficient tool for election officials to facilitate the preparation for and operations during Election Day, which will increase confidence in the election process.

### **3. What are the next steps to move this recommendation forward?**

Due to the costs of potential solutions (discussed in more detail below), it is suggested that this recommendation start as a pilot program. With the pilot program, one or two smaller counties could possibly utilize an existing solution used by a larger county, such as Maricopa or Pima. Another option is for a solution to be procured by the Secretary of State's Office. In this case, the Secretary of State could offer the solution to counties for a nominal or possibly no cost. This would be similar to E-Qual, the online nomination petition gathering system which is offered to cities and towns for use by local candidates at no cost. With either option, participation by counties or other election jurisdictions, such as the cities of Phoenix or Tucson, would be optional and start as a pilot program to assess program effectiveness.

#### **4. What resources are needed to implement this proposal?**

There are several companies that offer this type of functionality, including Strive Messaging and Tenex Software Solutions (Tenex), which is utilized by Pima County. Tenex offers several different election management modules. Two modules that would address many of the items in this proposal include the Election Response module (which tracks issues to resolution and provides text alert capability) and the Election Force module (which allows for training recruitment, scheduling, and poll worker payment). Another option is Google Workspace, which has features that may be used to communicate with poll workers such as Google Voice, or other programs that send mass text messages.

In looking at an existing Tenex contract with another jurisdiction, it appears the costs may be prohibitive for smaller counties. In examining an existing contract between Tenex and the County of Gloucester, New Jersey (population of 304,477 as of 2021), the cost for the Election Force module was \$17,500 annually and the Election Response module was \$20,250 annually.

#### **5. Proposed bill language, if any.**

Not applicable. Counties and the Secretary of State's Office could implement this program administratively.

## **PROPOSAL 2:**

# **INCENTIVES TO IMPROVE POLL WORKER RECRUITMENT**

### **Summary:**

#### **Incentives to Improve Poll Worker Recruitment:**

Poll workers are critical to the success of an election. Election officials face difficulties in recruiting sufficient poll workers to balance bipartisan election boards and attract diversity among the poll workers within their communities. This proposal recommends examining how government and private employers can incentivize their employees to serve as poll workers. Recommendations include government employers allowing employees to take paid time off to serve as poll workers and attend training, and private sector employers offering paid or unpaid time off for employees who serve as poll workers. Companies could also offer other incentives, like providing flexible work hours or remote work options during the election period, recognizing and celebrating employees who serve as poll workers, and offering free child care or transportation services to employees who serve as poll workers.

### **1. Provide a high level description of the election issue and the proposed recommendation to address the issue.**

Poll workers are critical to the success of an election. Election officials face difficulties in recruiting enough poll workers to balance bipartisan election boards and attract diversity among the poll workers within their communities.

If election boards have members of the two political parties that obtain the highest number of votes in the state at the last general election, typically Democratic and Republican, the board members must be divided equally between these two parties.<sup>1</sup> Election officials in the least populated counties struggle with forming bipartisan election boards because of the lack of voters registered with either one of those political parties. For example, during the 2022 election cycle, in Santa Cruz County, the majority of voters who were interested in serving as poll workers were registered as Democrats, while in La Paz County, the majority were registered as Republican. Both counties needed poll workers of the opposite political party to balance their election boards. Although election officials may recruit poll workers from outside of their county, it is also important to recruit poll workers from within their communities. Poll workers from within the community bring a deep understanding of local dynamics, increased trust, and a commitment to ensuring that the voting process is accessible and fair for all community members. When voters see that their community members are actively involved in administering the election, they are more likely to believe that the process is fair and impartial.

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<sup>1</sup> [A.R.S. § 16-531\(A\)](#).

Having diversity among poll workers at the polls is also important. It helps ensure the fairness, inclusivity, and integrity of the electoral process. Having diverse election boards can help ensure that voters from various backgrounds are treated with respect and that their specific needs, such as language assistance or accommodations, are met. Diversity among poll workers can encourage broader civic participation within the community and set an example for others to become involved in the democratic process. New poll workers exposed to the election process can promote education and awareness of the election process and promote transparency. An increased and diverse poll worker pool will also help increase trust and ensure that the election process respects the rights and needs of all voters, regardless of their background or circumstances.

## **2. Provide a description of the proposed remedy, next steps to move this recommendation forward, and resources needed to implement this proposal.**

Employers can be incentivized to allow their employees to serve as poll workers by implementing a range of strategies that benefit both the employer and the community. First, they can offer paid or unpaid time-off for employees to serve as poll workers, which can encourage participation. Paid time off not only ensures that employees do not face financial hardships for their civic duty, but also fosters goodwill within the organization.

Implementing this proposal may involve the creation of a new section to the Arizona Revised Statutes Title 16 (Elections and Electors) or addition of language to the current statute, A.R.S. § 16-402. The proposed language could state that an employee may, on the day of the election and the day of their scheduled election board member training, be provided with leave of absence for the purpose of serving as an election board member, if the employee provides at least two weeks notice to the employer and the employer employs a minimum of 50 or more employees. The employer shall not penalize the employee for taking the leave of absence. Proposed statutory language may also state that, upon the request of any employer, the employee's appointment as a poll worker can be verified by election officials.

The proposed language may also state (similar to statutory language applicable to those called to jury service) that an employer shall not require or request an employee to use annual, vacation, or sick leave for time spent serving as an election board member or attending required training. This proposal would not require an employer to provide annual, vacation, or sick leave to employees who are otherwise not entitled to such benefits under company policies. No employer may dismiss or in any way penalize any employee because the employee serves as an election board member. An employer is not required to compensate an employee when the employee is absent from employment because of election board member service. An employee shall not lose seniority or precedence while absent from employment due to serving as an election board member. The appointment of an election board member may be rescinded if the employer



employs less than 50 full-time employees, or their equivalent, if during the same period another employee of that employer is serving as an election board member.<sup>2</sup>

Other states, such as Virginia and Illinois, have implemented similar provisions, putting in place protections for employees who take time off to serve as an election board member or poll worker.<sup>3</sup> Minnesota by statute also requires employers to allow employees to take time off without penalty (including having to take a vacation day) to be a poll worker, and to attend required training.<sup>4</sup>

Employers have also implemented poll worker initiatives independent of state law. For example, in 2020, Old Navy announced that it will compensate store associates who serve as poll workers with eight hours of pay, in addition to any pay they may earn from local jurisdictions.<sup>5</sup> Additionally, companies could consider providing flexible work hours or remote work options during the election period to accommodate the schedules of poll workers.

Recognizing and celebrating employees who serve as poll workers through awards, certificates, or public recognition can boost morale and highlight the company's commitment to civic engagement. For example, companies could post names and photos of poll workers at the workplace or honor those employees in a company wide email or gathering.

Collaborating with local government agencies to promote poll worker service and offering resources like training or informational sessions can also make it easier for employees to participate. One way could be to encourage employers to invite election officials to speak with company employees about how to become a poll worker and the duties involved. This could include demonstrations of election equipment and other important aspects of serving as a poll worker.

Lastly, showcasing the company's dedication to civic responsibility in its corporate social responsibility initiatives can enhance its reputation, foster a positive public image, and attract socially conscious employees. Overall, by creating a supportive environment for employees to engage in democracy, employers can contribute to a stronger and more engaged community while also reaping the benefits of a more motivated and committed workforce.<sup>6</sup>

In addition, proposed statutory language may state that government employees and school district employees are permitted to take paid leave on Election Day and for any training required

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<sup>2</sup> [A.R.S. § 21-236](#).

<sup>3</sup> [Va. Code Ann. § 24.2-119.1](#); [10 Ill. Comp. Stat. 5/14-4.5](#).

<sup>4</sup> [Minn. Stat. § 204B.195](#); Memorandum from Minnesota Secretary of State to Minnesota state employees, <https://www.sos.state.mn.us/media/2295/letter-to-employers.pdf>.

<sup>5</sup> Press Release, Gap, Inc., *Old Navy To Pay Store Employees Who Serve As Poll Workers On Election Day* (Sep. 1, 2020), <https://www.gapinc.com/en-us/articles/2020/09/old-navy-to-pay-store-employees-who-serve-as-poll->

<sup>6</sup> Deloitte, *Deloitte Volunteer Impact Research*, <https://www2.deloitte.com/us/en/pages/about-deloitte/articles/citizenship-deloitte-volunteer-impact-research.html>.

to serve as an election board member or poll worker and be able to keep the additional stipend, hazard pay, or additional vacation day for serving on Election Day. Colorado has something similar in place for state employees where state employees are entitled to administrative leave with pay on Election Day for the purpose of serving as an election judge unless the employee's supervisor determines that the employee's attendance at work on Election Day is essential.<sup>7</sup>

Other ways to motivate and recruit new poll workers may include:

- Offering free child care services on Election Day and on poll worker training days. Free child care can be provided by a government entity, or companies could be encouraged to provide this benefit for their employees who serve as poll workers.
- Recruit ride-sharing companies to provide free or significantly discounted transportation to poll workers.
- Honor poll workers with letters of appreciation from government officials. These could be published prominently online, in the local newspaper, and/or given to local television and radio stations.
- Businesses can provide a discount to poll workers during the month of the election as a form of appreciation.
- School districts can provide credit hours for students who train and serve as poll workers. Some schools and colleges may already be requiring a certain number of volunteer hours for graduation.
- Election officials could partner with school districts, as well as civics and social studies teachers, to speak with and recruit students.
- Schools and colleges can offer excused absences to students who work as poll workers.
- Election Day is a very long workday for poll workers, who generally must arrive in the early morning to set up and work until after the polls close in the evening. Where possible, election officials may consider allowing poll workers reasonable opportunities to split shifts or allow for temporary absences for meals or other necessary activities.

The proposal is more than likely to garner bipartisan support as it will help election officials attract and retain poll workers in a more diverse manner within their communities and make it easier to ensure equal partisan representation on election boards, which in turn strengthens trust in the election process.

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<sup>7</sup> [Colo. Rev. Stat. § 1-6-122.](#)

## **PROPOSAL 3:**

### **ELECTION OFFICER CERTIFICATION (EOC) OFFERED IN ELECTION YEARS**

#### **Summary:**

##### **Annual Election Officer Certification Trainings:**

Arizona law currently limits election officer certification training to odd-numbered years. This limits Arizona's pool of certified election officers by preventing training and on-boarding of new officers during election years. Additionally, the law requires city and town election officials to reimburse the Secretary of State for attending certification training, which disincentivizes their participation. Finally, the Secretary of State may currently provide only water to training participants. This proposal recommends: (1) offering this training every year, which would allow election officials hired in election years to obtain the needed training in advance of the upcoming election; (2) allowing city officials, who play a crucial role in local elections, to attend the training free of charge; and (3) allowing the Secretary of State to lawfully provide refreshments other than water (e.g., coffee) to training participants. While these changes would increase responsibility and costs for the Secretary of State's Office, such increases would be minimal.

#### **1. Provide a high level description of the election issue and the proposed recommendation to address the issue.**

Per A.R.S. § 16-407(A), a person may not exercise the powers of an election officer, the clerk of the Board of Supervisors, or the County Recorder in the performance of election duties unless the person holds an election officer certificate issued by the Secretary of State before January 1st of each general election year. Based on the January 1st requirement, the Secretary of State provides for the training, examination and certification of County Election Officers, Clerks of the County Boards of Supervisors, and County Recorders only in odd-numbered years. This limits Arizona's pool of certified election officers and eliminates opportunities for new officers to become involved and well-trained during election years.

A.R.S. § 16-407(F) allows city and town employees to enroll in the Secretary of State's training, but requires the employing municipality to reimburse the Secretary of State for the cost of the program. Charging city and town officials for attending training disincentivizes their participation.

A.R.S. § 16-407.02 allows the Secretary of State to provide only bottled water at a training class, and only after stating on the registration form that a portion of the registration fee will be used for hydration. This restriction is an unnecessary cost-cutting measure. It is also potentially confusing if the Secretary of State is not collecting a registration fee.

## **2. Provide a description of the proposed remedy.**

### Statutory Updates:

- Allow for the Secretary of State's Office to offer Election Officer Certification (EOC) training in odd- and even-numbered years.
- Allow city and town clerks to attend for free.
- Allow refreshments to be provided at the training at no cost to the participant.

This proposal is likely to garner bipartisan support because conducting EOC training every year would allow election officials hired in election years to obtain the needed certification in advance of the upcoming election. City and town officials, who play a crucial role in local elections, would be incentivized to attend if the training was free for them. Refreshments, other than the bottled water currently allowed by law, may be beneficial to participants. Additionally, the Recorders' Association is supportive of this proposal.

During election (even) years, the training will be an additional responsibility for the Secretary of State's Office and possibly create some logistical challenges related to training facility availability. Training in the even-numbered years may need to be early in the calendar year to avoid events such as filing deadlines, ballot text drafting, board worker training, and preparing for Election Day activities, such as supply preparation for polling locations. Removing the reimbursement requirement for city and town employees will increase participation by local election officials. Providing refreshments will relieve attendees from having to bring their own and is a standard courtesy.

## **3. What are the next steps to move this recommendation forward?**

This would be a change for the Secretary of State and counties. Messaging would need to note this training is available every year, and is free to local jurisdiction election officials.

## **4. What resources are needed to implement this proposal?**

Additional costs would likely be very limited. Since the Secretary of State's staff conducting EOC are mostly salaried employees, there should not be much additional cost. Facilities for training are already usually provided by counties. There could be small incremental costs for training materials and refreshments. The current fees recovered from city officials are de minimis. Instead of submitting a training plan to the President of the Senate and Speaker of the House every two years, the Secretary of State would submit a training plan on a yearly basis to account for changes in state election law.

## **5. Proposed bill language, if any.**

**16-407. Election officers; qualifications; certificates; certification programs; plan; exemption; election training fund**

A. Except as provided in subsection E of this section, a person may not perform the duties or exercise the authority of an election officer or of the clerk of the board of supervisors or the county recorder in performance of election duties in or on behalf of any county unless the person is the holder of an election officer's certificate issued by the secretary of state. ~~before January 1 of each general election year~~ **AN ELECTION OFFICER'S CERTIFICATE ISSUED BY THE SECRETARY OF STATE SHALL EXPIRE JANUARY 1 OF THE SECOND GENERAL ELECTION YEAR AFTER ITS ISSUANCE.**

...

D. On or before December 31 of each year ~~of a general election~~, the secretary of state shall submit an election officer education, training and certification plan to the president of the senate and the speaker of the house of representatives. The plan shall outline the achievements and problems of the previous ~~two year period~~ **YEAR** and specify the expected education, training and certification activities of the coming ~~two year period~~ **YEAR**.

E. Subsection A of this section does not apply to elected officials, clerical and secretarial personnel, counting center personnel and precinct election board members and election officials in cities or towns.

F. For city and town employees who work on elections, the city or town may train its own employees if the city or town training program is approved by the secretary of state or, ~~if the city or town~~ **MAY** chooses to enroll the city or town employees in the certification program prescribed by this section, ~~the city or town shall reimburse the secretary of state for the costs of conducting the training. An election training fund is established consisting of monies received pursuant to this subsection. The secretary of state shall administer the fund. Monies in the fund are continuously appropriated and the secretary of state shall use monies in the fund to pay the costs of training officials from cities and towns pursuant to this subsection.~~

#### **16-407.02. Elections training classes; statement; water; registration form**

Notwithstanding any other law, rule or regulation, ~~from and after January 1, 2011~~ the secretary of state's office may provide bottled water **AND OTHER REFRESHMENTS** at any election training class ~~if the election training class registration form clearly states that a portion of the registration fee will be used for hydration.~~

## **PROPOSAL 4: ELECTION FELLOWSHIP PROGRAM**

### **Summary:**

**Election Fellowship Program:** Many Arizonans reside in counties where the 2024 elections will be administered by different officials than those who administered the 2020 and 2022 elections. Due to threats, intimidation, stress, and other factors, it has been difficult to replace these election officials and to recruit new staff into careers in election administration. To help stem the loss of election administrators, this proposal recommends that jurisdictions implement a paid fellowship (or internship) program that would allow recent college or graduate school graduates to gain election experience and possibly compete for a job in the jurisdiction's County Recorder or elections office upon completion.

### **1. Provide a high level description of the election issue and the proposed recommendation to address the issue.**

Arizona, like many states, has experienced a significant loss of election administrators across the state over the past several years. On a national level, twelve percent of local election officials are new to their jobs since the 2020 Election and eleven percent of current officials are likely to leave their jobs before the 2024 Election. During the 2022 election cycle, five of the 15 counties in Arizona had new Elections Directors. Due to threats, intimidation, stress, and other factors, it has been difficult to replace these election officials and to recruit new staff into careers in election administration. Administering elections is very difficult without sufficient levels of staffing and resources, as it places increased pressure, frustration, and stress on the remaining staff to successfully conduct an election. This can result in a cycle where election administrators regularly leave their positions due to the inability to successfully staff an election team.

### **2. Provide a description of the proposed remedy.**

One means to possibly stem the loss of election administrators is for jurisdictions to implement a post-undergraduate paid fellowship (or internship) program that would allow recent college or graduate school graduates to gain election experience and possibly be considered for a job in the jurisdiction's election division after successful completion of the fellowship.

Ideally, the fellowship would be for at least one year and possibly up to two years to allow the fellow to follow an election cycle as much as practicable. This would allow the fellow to experience all portions of an election from the planning phase, to meeting with candidates, handling campaign finance administration, reserving voting locations, preparing election day supplies, training of board workers, and helping with election day activities, among other matters.

Having at least two to three members in a cohort would allow the fellows to develop internal working relationships, a shared experience, and increase the likelihood that at least one or more

will want to pursue election-related job opportunities in the jurisdiction following the completion of their fellowship.

Jurisdictions would need to provide a supervisor/mentor for fellows. This supervision would be added to at least one existing administrator's job duties. Certain structures may be difficult in smaller jurisdictions, so there should be flexibility in the system to allow the jurisdiction to create a fellowship program that best meets that jurisdiction's needs with overall administration and guidelines provided by a state agency to ensure grant funding requirements are met. It is recommended that the Secretary of State's Office administer the program.

Another consideration is how to best line up the fellowship with college graduation dates (in May or December). Normally, an election cycle is a two-year process, which starts in January of the year before the election year. This may not line up well with graduation dates in May, so perhaps consideration should be given to allow the fellowship to begin in July (which would coincide with the start of the new fiscal year in many jurisdictions) to allow time for May graduates to begin the program. The fellowship would start during the planning phases of the election cycle and perhaps conclude in June two years later (which would allow the fellow to go through most of the election cycle and then see the beginning process, that they previously missed, for the new election cycle).

This program could serve as a "win-win" for both election officials and recent graduates. The election officials gain educated and longer-term temporary staff to help meet operational needs. Recent graduates obtain meaningful, paid experience and have an opportunity to build their skill sets related to problem solving, organization, and writing. This opportunity may lead to a long-term career in elections for the fellow. Moreover, there is a benefit for the overall election process as more individuals gain an understanding of how elections work (even if they do not pursue a full-time election career) and can pass on this information to their professional and personal networks, thereby increasing overall confidence in the election process.

### **3. What are the next steps to move this recommendation forward?**

Next steps include determining whether the program should start as a pilot program in one or more election jurisdictions and whether the Secretary of State's Office would be willing to administer the program. There are several fellowship models that the program could be based on including the State Legislative Internship Program, the Skadden Fellowship, Equal Justice Works, the Public Rights Project, and the City of Phoenix Management Fellowship.

### **4. What resources are needed to implement this proposal?**

Funding for salaries and benefits would ideally come from the state level, where jurisdictions could apply for fellowship funding possibly through a grant program. Jurisdictions would need to provide an office or cubicle and related items, such as desks, computers, etc. It would also be helpful for jurisdictions to tailor the program to best meet their needs with perhaps an "umbrella" oversight of statewide support and training for the cohorts. Salaries may differ by jurisdiction and the fellow's experience and qualifications, but a starting salary of somewhere between

\$45,000 to \$60,000 with benefits may be a reasonable starting point. The City of Phoenix Management Fellowship has a salary of \$57,000 plus benefits.

**5. Proposed bill language, if any.**

This program could be implemented administratively and does not require bill language.



## **PROPOSAL 5: CCEC WEBSITE FOR BALLOT INFORMATION**

### **Summary:**

**Comprehensive Website for Voter Information:** Election officials report that voters are frequently frustrated by the inability to easily access election information when ballots contain races on the federal, state, county, and local levels. Oftentimes, voters call the wrong jurisdictions when trying to find more information about candidates or ballot measures. There is a need for a centralized online location for voters to access all ballot information. The Citizens Clean Elections Commission (CCEC) already has a website with election and voter information, including election dates and information about federal and state races. This proposal is to support expansion of the CCEC website to build out the voter dashboard for all local races (municipalities, special districts, school districts, etc.) and make it a one-stop shop for all election information in Arizona, including links to judicial races. This is the most efficient path forward since CCEC is already conducting this work for most races on the ballot and has been conducting voter education efforts since its inception. Moreover, this is squarely within CCEC’s mandate under state law.

### **1. Provide a high level description of the election issue and the proposed recommendation to address the issue.**

A frequent frustration voiced by voters is the inability to find election information when ballots contain races on the federal, state, county, and local levels. Often voters call the wrong jurisdictions when trying to find out more information about candidates or ballot measures. There is a need for a centralized online location for voters to access this type of information. The Citizens Clean Elections Commission (“CCEC”) has an existing website with general election information, election dates, a voter dashboard where a person can input their address to find elections in their area, a primer about how elections work in Arizona, and a general page that lists all upcoming elections in Arizona with links to the specific jurisdiction holding the election. CCEC already covers most of the races on the ballot and is in the best position to efficiently build out its current website to fully encompass *all* election information and provide voters with one website to find information about every race on their ballot, including local and judicial races.

### **2. Provide a description of the proposed remedy.**

The proposal is to support expansion of the CCEC website to include all local races (municipalities, special districts, school districts, etc.) and judicial information on the voter dashboard and other election resources in order to make the CCEC site a one-stop shop for all election information in Arizona. As part of its current voter education duties pursuant to A.R.S. § 16-956, CCEC provides “unbiased, non-partisan information” about elections to encourage voter

participation in the election process. See <https://www.azcleanelections.gov/voter-education>. This proposal expands CCEC's current framework to encompass the same level of information that is available for federal and state races to all other races and encourages greater promotion of this website as a tool for voters. Rather than having CCEC staff contact each jurisdiction, it would be helpful for counties, municipalities, and other governing bodies to routinely submit their election information to CCEC by a certain date (well before the voter registration deadline) to maximize CCEC's internal resources and ensure that voters are receiving the most up-to-date information. It is unlikely that any additional statutory changes are required since this proposal fits within CCEC's primary mission; however, depending on the level of information required on the site by the 2024 election, additional funding requests may require legislative approval.

This proposal addresses the lack of one centralized location for voters to find information about what is on their ballot. And it's the most efficient path forward since CCEC is already conducting this work for federal and state races and most local races. While this site could be recreated at the Secretary of State's Office or another agency, it would be duplicative and involve additional start-up costs, including staffing and website management.

There has been concern about whether there will be bipartisan support for this proposal if CCEC is involved in this proposal. But this is not an expansion of CCEC's mandate – it currently has statutory authority to conduct voter education activities, and this proposal does not require changing statute. In fact, CCEC has already begun expanding access to information on its own by providing basic election information about city and town races, and is open to expanding to other types of local races if not already encompassed in its existing plans. And while the Judicial Performance Review Commission provides judicial election information, voters often do not know where to find this information. CCEC can direct voters to that information without infringing on the Commission's role. Second, while there has been a lack of support for certain CCEC initiatives, voter education activities have not typically been at issue. Third, there is a lack of resources for voter education activities in Arizona, and CCEC already has an existing funding mechanism. The only caveat is the timeline for when a complete site expansion is sought; if the goal is for the site to provide a full voter dashboard for every race in Arizona by 2024, there may be a need to discuss additional funding that requires legislative approval. CCEC is willing to discuss an expanded buildout with their current vendor and provide estimates. Without additional funding, CCEC may be able to provide local and judicial resources and links for the 2024 election and continue with future buildout in subsequent elections using their existing funding.

The proposal will provide a great benefit to Arizona voters and election officials. Voters will have one website to visit that will provide a consistent and uniform description of the candidate or ballot measure and link to the appropriate jurisdiction for more detailed information, including the proper filing officer or election official for that candidate race or ballot measure. This will

benefit election officials by reducing the number of inquiries from voters who are contacting the wrong jurisdiction for election information.

### **3. What are the next steps to move this recommendation forward?**

Next steps include a more in-depth conversation with CCEC to obtain estimates on a buildout to encompass all local races. This includes a conversation about the anticipated timeframe for when this buildout should be completed. CCEC is also willing to provide a presentation of its current voter education activities and how the dashboard operates.

Additionally, there will need to be an effort to publicize the website, in print or online, to promote this voter tool (e.g. by providing this information on government websites, including in various printed election pamphlets, etc.).

### **4. What resources are needed to implement this proposal?**

The need for funding is partially dependent on when this proposal will be implemented. It is likely that a limited expansion can be absorbed by CCEC without additional funding for 2024. A full buildout by 2024 may require additional funding.

### **5. Proposed bill language, if any.**

This program could be implemented administratively and does not require bill language.

# **ELECTION DAY AND AFTER WORKING GROUP**

# PROPOSAL 1:

## ENSURING TIMELY RECOUNTS

### Summary:

**Ensure Timely Recounts:** Arizona law now requires an automatic recount if there is a difference of one-half of one percent or less between the top two candidates with the most votes in a single contest. As a result, in 2024 and future elections, recounts are much more likely to be triggered—even in races that are separated by thousands or tens of thousands of votes. And there is a significant risk that county and state election administrators will not be able to complete required recounts in time to meet mandated federal and state statutory deadlines. This proposal recommends reverting back to narrower recount margins to ensure taxpayer resources are expended on recounts only in close races. In addition, this proposal recommends legislative changes to certain election deadlines, including the primary election date and canvass deadlines, to provide for additional time for any required Primary Election recounts to be completed in time to meet the federal deadline to mail General Election ballots to military and overseas voters and for any required General Election recounts to be completed in time to meet the federal deadline for the Governor to issue a Certificate of Ascertainment for Presidential Electors.

### 1. Provide a high level description of the election issue and the proposed recommendation to address the issue:

Arizona’s current recount laws create significant risks that county and state election officials will miss mandated federal and state statutory deadlines.

Senate Bill 1008 was passed in the 2022 Legislative Session and amended the automatic recount requirements in A.R.S. § 16-661. The new law, which took effect in September 2022, between the 2022 Primary and General Elections, now requires an automatic recount if there is a difference of one-half of one percent between the top two candidates with the most votes in a single contest. This will result in recounts even when contests are separated by thousands or even tens of thousands of votes in a statewide contest.

Prior to SB 1008’s passage, automatic recounts were rare and triggered only when races were extremely close.

The new automatic recount threshold enacted by SB 1008 creates a very high probability that several federal, statewide, and/or legislative district contests<sup>8</sup> will trigger automatic recounts during the August 2024 Primary Election, the November 2024 General Election, and elections in

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<sup>8</sup> 2020 General Election contests that would have triggered a recount under the new law include: (1) President of the United States (Electors), and (2) State Senator District 28. 2022 Primary Election contests that would have triggered a recount under the new law include: Republican State Senator District 1. 2022 General Election contests that triggered an automatic recount included: (1) Attorney General, (2) Superintendent of Public Instruction, and (3) State Representative District 13.

years beyond 2024. This will be in addition to the local contests<sup>9</sup> that could also trigger automatic recounts. In the 2022 General Election, three contests triggered an automatic recount based on the new law: Attorney General, Superintendent of Public Instruction, and State House Legislative District 13. It took counties 25 days to recount these 2022 General Election contests, and the consolidated recount results were delivered to the Court on December 29, 2022.

It is a near certainty that one or more races will trigger automatic recounts in the August 2024 Primary Election and the November 2024 General Election (as well as in elections in future years) based on the current triggers, which will put the state in jeopardy of missing the following statutorily-required deadlines:

- September 21, 2024 deadline to mail November 2024 General Election ballots to military and overseas voters, as required by the 1986 Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and A.R.S. § 16-544 (if a recount is triggered in the Primary Election); and
- December 11, 2024 deadline for the Governor to issue Certificates of Ascertainment of Presidential Electors and December 17, 2024 deadline for Electors to meet and cast their votes for President, as required by the federal Electoral Count Reform Act (if a recount is triggered in the presidential race in the General Election);

Legislative changes are needed to modify the recount margins to require automatic recounts only in close races and to ensure that state and county election officials have sufficient time to administer the August Primary Election and November General Election, perform any statutorily-required recounts, prepare and proof ballots, and meet mandated federal deadlines.

For further information, see:

- Election Officials of Arizona, Automatic Recount Letter dated September 11, 2023 to the County Supervisors Association

## **2. Provide a description of the proposed remedy.**

### **a. Modifying the recount margins**

One option to address this problem is to modify the automatic recount trigger back to what existed prior to SB 1008 or to lower the trigger to a smaller percentage such as one-tenth of one percent, to ensure that taxpayer resources are devoted to recounts only when races are actually close. Under the smaller percentage requirement (e.g., one-tenth of one percent), there would likely only be one or two contests that fall within the threshold. If those contests are local or county races, they would not require the Secretary of State to canvass or conduct logic and

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<sup>9</sup> Total number of local contests in Maricopa County that would have triggered an automatic recount under the new law: 2020 General Election: 3 contests; 2022 General Election: 0 contests; 2020 Primary Election: 2 contests; 2022 Primary Election: 2 contests

accuracy tests (L&A) and they would not include hand counts. These factors alone make completing any required recounts within required timeframes much more likely.

#### **b. Modifying other post-election timelines**

In addition to, or in lieu of, modifying the margins that trigger an automatic recount, other post-election timelines between the Primary Election and the UOCAVA mailing deadline, and between the General Election and the deadline for the Governor to issue Certificates of Ascertainment of Presidential Electors, must be modified to build in more time to complete any required recounts before mandatory federal deadlines.

Using the 2022 recounts as a reference, election officials will need 19 additional calendar days between the August Primary Election and the UOCAVA mailing deadline to ensure that they can meet the UOCAVA mailing deadline if a recount is triggered in the Primary Election. And election officials will need 17 additional calendar days between the November General Election and the deadline for the Governor to issue Certificates of Ascertainment of Presidential Electors to ensure that the State can meet that federal deadline.

**Primary Election Options:** Below are some legislative options that can be considered to build in additional calendar days between the August Primary Election and the deadline to mail November General Election ballots to UOCAVA voters. In total, the proposals below yield 21 – 24 calendar days.

- Move the August Primary Election one or two weeks earlier in the calendar year
  - This option would add 7 – 14 calendar days between the Primary Election and the UOCAVA deadline.
  - Note, however, that moving the Primary Election date would require moving up other statutory deadlines, including candidate filing periods and jurisdictional election dates. Further, any legislation moving the Primary Election date should grandfather in the validity of candidate nomination petition signatures collected to date.
- Mirror the automatic recount hand count audit percentages to the percentages of the original hand count audit in A.R.S. § 16-602(B)(1). In addition, the statutory language should make clear that the automatic recount’s hand count audit can run concurrently with the automatic recount’s machine tabulation.
  - This option would save counties 3 - 5 calendar days in completing any recount.
- (1) Move the county canvass deadline to the second Monday after the Primary Election, rather than 14 days after the Primary Election (*see* A.R.S. § 16-645(B)); (2) move the Secretary of State’s (SOS) canvass deadline to the third Thursday after the Primary Election, instead of the third Monday after the Primary Election (*see* A.R.S. § 16-645(B)); (3) allow counties to securely transmit official canvass documents to the SOS electronically; and (4) require the SOS to begin its L&A testing and go to court to

obtain a court order initiating a recount if the counties' official canvass indicates a recount is required in any contest for which the SOS is the filing officer, rather than waiting until after the state canvass (*see* A.R.S. §§ 16-662, 664).

- This option would build in an additional 7 calendar days for the counties to complete any recount.
- Current statute permits secure electronic transmission of county election results but does not allow for official canvass documents to be transmitted electronically. *See* A.R.S. § 16-622(B).
- This option would require the SOS to increase deployment of staff and resources for the L&A tests.
- Require counties to submit the accessibility report, voter education report, poll worker training report, and political party ballot report to the SOS within 30 days after the county canvass deadline, rather than concurrently with the canvass.
  - This option would add 1 calendar day for counties to complete any recount.
  - This option would require amendments to A.R.S. § 16-645(B) (for the political party ballot report) and the Elections Procedures Manual (for all other reports).

**General Election Options:** Below are some legislative options that can be considered to build in additional calendar days between the November General Election and the deadline for the Governor to issue Certificates of Ascertainment of Presidential Electors. In total, the proposals below yield 16 – 17 calendar days.

- Mirror the automatic recount hand count audit percentages to the percentages of the original hand count audit in A.R.S. § 16-602(B)(1). In addition, the statutory language should make clear that the automatic recount's hand count audit can run concurrently with the automatic recount's machine tabulation.
  - This option would save counties 3 - 5 calendar days in completing any recount.
- (1) Move the county canvass deadline to by 4 days to the third Thursday after the General Election, rather than 20 days after General Election (*see* A.R.S. § 16-642); (2) move the SOS's canvass deadline to three calendar days after the revised county canvass deadline (*see* A.R.S. § 16-648); (3) allow counties to transmit official canvass documents to the SOS electronically; and (4) require the SOS to begin its L&A testing and go to court to obtain a court order initiating a recount if the counties' official canvass indicates a recount is required in any contest for which the SOS is a filing officer, rather than waiting until after the state canvass (*see* A.R.S. §§ 16-662, -664).
  - This option would add 8 calendar days for counties to complete any recount.
  - This option would require the Governor, Attorney General, and SOS to canvass on a Sunday. The court will also need to be available on that Sunday to order the automatic recount if triggered.



- Current statute requires electronic transmission of county election results but does not allow for official canvass documents to be delivered electronically. *See* A.R.S. § 16-622.
- This option would require the SOS to increase deployment of staff and resources for the L&A tests.
- Require counties to submit the accessibility report, voter education report, poll worker training report, and political party ballot report to the SOS within 30 days after the county canvass deadline, rather than concurrently with the canvass.
  - This option would add 1 calendar day for counties to complete any recount.
  - This option would require amendments to A.R.S. § 16-645(B) (for the political party ballot report) and the Elections Procedures Manual (for all other reports).
- Shorten the election contest filing period to 3 calendar days after the SOS canvass. *See* A.R.S. § 16-673.
  - This option would add 2 or more calendar days.
  - Current statute allows contests to be filed within 5 days of the SOS canvass.

**Modifying the Signature Cure Period:** This proposal recommends considering a modification to the mismatched signature and conditional-provisional ballot cure period only if there is absolutely no other way to build in a sufficient number of days for counties to complete an automatic recount in time to meet applicable federal deadlines. Any reduction to the cure period will impose a burden on voters and should be avoided if at all possible. That said, the following options could be available for both the Primary and General Elections if necessary to ensure timely recounts.

- Set the mismatched signature and conditional-provisional ballot cure period in A.R.S. § 16-550(A) to 5 or 6 calendar days (rather than 5 business days) for the March Presidential Preference Election, August Primary Election, and November General Election, and 3 or 4 calendar days (rather than 3 business days) for all other elections, while also requiring county and city offices to be open on that Saturday (the 4th calendar day) and Sunday (the 5th calendar day) after these elections.
  - Current law allows for 5 business days to cure signatures for elections that include a federal office, and 3 business days for any other election.
  - The modification would give counties an additional 1-2 calendar days to conduct any recount before the applicable federal deadlines.
  - This option would allow counties to canvass their election results 2 – 4 days earlier.

## **PROPOSAL 2:**

### **BALLOT RECONCILIATION BEST PRACTICES**

#### **Summary:**

**Reconciliation Best Practices Guidelines:** State statutes and the Election Procedures Manual (EPM) provide mandates and instructions about ballot reconciliation procedures, but there is a lack of practical tools to implement these procedures, which results in inconsistent application throughout the state. This proposal recommends that the Secretary of State's Office create a best practices toolkit or standard procedures guide with step-by-step reconciliation procedures and practical guidance to troubleshoot problems that may arise, and offer hands-on training that provides election officials with firsthand knowledge and experience of the reconciliation procedures, pitfalls, and best practices to address issues in the field.

#### **1. Provide a high level description of the election issue and the proposed recommendation to address the issue.**

State statutes and the EPM provide mandates and instructions about ballot reconciliation procedures, but there is a lack of practical tools to implement these procedures, which results in an inconsistent application throughout the state. Additionally, high turnover in elections results in a lack of fully trained staff to implement these procedures. Failure to follow an effective procedure can jeopardize the integrity of an election and can cause distrust and misinformation.

According to A.R.S. §§ 16-608(A) and 16-616 (as well as 2019 EPM pgs. 134 & 193), the Election Board prepares a report of the number of voters who have voted and seals the box containing the voted ballots; this is the Official Ballot Report. Election Boards record on the Official Ballot Report the number of voters (names in electronic pollbook), number of unused ballot stock remaining, provisional ballots processed, number of spoiled ballots, number of early ballots received at the polling location, and seal number used to seal the ballot box. While state law provides general directives, there is no standard form or best practice tool to provide to counties and no targeted training for county staff who perform these tasks or train others on reconciliation procedures.

#### **2. Provide a description of the proposed remedy.**

The Secretary of State's Office should create a best practices tool or standard procedures guide:

[1] with step-by-step reconciliation procedures and practical guidance to troubleshoot problems that may arise.

[2] with scenarios and materials for hands-on training for staff (tabletop exercises).

[3] that provides election officials with firsthand knowledge and experience of the reconciliation procedures, pitfalls, and best practices to address problems in the field. The Secretary of State's Office, with input from the counties, is best suited to create a guidance document and incorporate the training into its certified election officer training for initial certification and recertification programs.

There was discussion within the Working Group about this being part of a performance audit if counties were identified as needing to improve their reconciliation procedures; however, this is best suited as a proactive measure and the Secretary of State's Office is better equipped to take the lead on this type of best practices tool and training instead of the Auditor General.

Possible challenges include the Secretary of State potentially having to train or hire new staff who have expertise in reconciliation best practices. However, the concept of reconciliation is a non-controversial topic that should have bipartisan support. It provides a practical tool for election officials and an additional training component to support uniform and consistent reconciliation procedures throughout the state, which fosters confidence in the election process. Another possible challenge is that it is too late to include in this year's Election Officer Certification and recertification programs.

### **3. What are the next steps to move this recommendation forward?**

Next steps include determining whether the Secretary of State's Office would be willing to move this recommendation forward and seeking funding for the training component, including the tabletop exercises.

### **4. What resources are needed to implement this proposal?**

There would be some costs involved for staff time to create a guidance tool and training component that incorporate feedback from counties and are consistent with state law. Tabletop exercises would require funding support. There are many resources from reputable election organizations that already have similar checklists or handbooks available to review as a template. The AVID Education Committee may already be working on a best practices tool kit.

### **5. Proposed bill language, if any.**

Legislation is not necessary as this proposal could be implemented in the Election Procedures Manual or as a separately issued resource.

**ELECTION SECURITY  
AND EQUIPMENT  
WORKING GROUP**

## **PROPOSAL 1: ELECTION SECURITY ADVANCEMENTS**

### **Summary:**

**Election Security Advancements:** Security measures must constantly evolve to address an ever-changing threat landscape. While Arizona elections have many layers of defenses to protect their integrity and accuracy, the security posture can continuously be improved. This proposal recommends several technological and process improvements that would benefit election security and are feasible to implement before the 2024 General Election. It addresses the following aspects of election security: 1) challenges related to election equipment; 2) recommendations for election equipment security standards; and 3) the need to create a fund for physical security.

### **1. Provide a high level description of the election issue and the proposed recommendation to address the issue.**

Four recommendations have been collapsed into a single all-encompassing recommendation:

- Election Security and Transparency Standards 2024
- Election Security and Transparency Recommendations
- Equipment Standards
- Election Physical Security Fund

#### **a. Election Security and Transparency Standards and Recommendations**

We have determined several technological and process improvements that provide a real benefit to election security and are feasible to implement before the 2024 General Election. All solutions were selected with a focus on Prevention, Detection, and Recovery. These recommendations cover the tabulation facility, the air gapped tabulation network, and tangential election supporting infrastructure.

These suggestions not only improve security in a measurable fashion, but also visibly demonstrate to our constituents that security is taken seriously.

#### **b. Equipment Standards**

The challenges impacting election equipment standards are as follows.

The first challenge is a perception issue based on the proliferation and spread of mis-, mal-, and disinformation. This challenge can be partially addressed by implementing changes to address the second and third challenge. To fully address this challenge, a large investment in public education and voter outreach will be needed.

Second, counties have implemented varying levels of security. This is the result of two separate issues. The first is that there has not been a reliable and consistent funding source to address election security. The second is that the state of Arizona has not established a standardized set of security requirements that guide the counties and the state as they implement security standards.

Third, tabulation-adjacent equipment (e.g., e-pollbooks, ballot-on-demand printers, voter registration systems) do not have the same stringent testing and certification requirements as established in state law for tabulation equipment.

### **c. Election Physical Security Fund**

Finally, there is a lack of funding to adequately implement security standards and recommendations. Counties require a reliable, consistent funding source for elections to keep them secure, transparent, and operating with integrity. Most city and county election facilities are aging and lack the building renovations and design necessary to meet today's security needs. They were not built with modern, state-of-the-art security needs in mind. State funding is needed to ensure best practice physical security strategies can be implemented at the city and county level to ensure ballots, election equipment, and election personnel are safe and secure.

## **2. Provide a description of the proposed remedy.**

### **a. Election Security and Transparency Standards**

This proposal recommends:

- Creation and dissemination of a standard of election security controls that must be implemented by all counties before the 2024 statewide elections.
- Creation and dissemination of a self-assessment questionnaire that the counties will use to confirm compliance to the standard.
- Creation of a cyclical and codified process to constantly improve and assess the standards:
  - By January 1<sup>st</sup> of each odd-numbered year, the standard is updated and improved by a majority of Arizona election officials composed of Recorders, Elections Directors, and the Secretary of State with periods open to public comment.
  - By February 1st of each odd-numbered year, the Secretary of State will create a self-assessment questionnaire that the counties will use to confirm compliance to that year's standard.
  - By February 1st of each even-numbered year, each county will submit their completed self-assessment to the Secretary of State.
- Creation of a funding source to cover the costs incurred by the counties for compliance with the standard.

### **b. Election Security and Transparency Recommendations**

This proposal recommends:

- Creation and dissemination of a list of recommended election security controls that could be implemented by a county.
- Creation and dissemination of an optional self-assessment and system of recognition that a county may use to show the public their commitment to security improvement.
- Creation of a cyclical and codified process to constantly improve and assess the recommendations:
  - By January 1<sup>st</sup> of each odd-numbered year, the list is updated and improved by a majority of Arizona election officials composed of Recorders, Elections Directors, and the Secretary of State with periods open to public comment. In this process, recommended security controls move to the security standards list as appropriate.
  - By February 1st of each odd-numbered year, the Secretary of State will create a self-assessment questionnaire that the counties may use to demonstrate their commitment to security improvement by adapting recommendations from the list.
- Creation of a funding source to cover the costs incurred by counties when implementing any security control on the list.

#### **c. Create Standards for Election Equipment Security**

Establish a statewide elections security framework that meets or exceeds federal certification requirements for tabulation equipment. The framework should include a funding source to ensure all tabulation equipment in Arizona meets the most up-to-date standards established by the United States Election Assistance Commission, currently Voluntary Voting System Guidelines 2.0.

- Manufacturing, Supply Chain, and Equipment Design Requirements
- Ballot Secrecy, Voter Privacy and Confidentiality Requirements
- Accuracy Testing
- Configuration and Change Management
- Access Controls
- Physical Security (Equipment)
- Data Protection and Integrity
- Detection and Monitoring
- Pre and Post-Election Security/Vulnerability Assessments, Audits, and Stress Tests

The statewide elections security framework will also include certification and testing requirements for tabulation of adjacent equipment (e.g., e-pollbooks, ballot-on-demand printers, voter registration systems). When creating these requirements, international (ISO 27001) and national security standards (National Institute of Standards and Technology - NIST, CyberSecurity & Infrastructure Security Agency) should be referenced. At a minimum, the standards should include the relevant areas included in the tabulation section above.

#### **d. Election Physical Security Fund**

The proposal recommends that physical security standards be created in another proposal. Currently, very little state funding is dedicated to elections administration in Arizona. This funding obligation lies almost largely with Arizona's county governments.

The only significant expenditure of state funds for election administration at the county level is a statutory requirement that the state reimburse the counties for their cost of administering the Presidential Preference Election every four years and sending out the publicity pamphlets during federal elections every two years. With approximately 4.2 million active voters, the state would be spending only \$12.6 million annually if it allocated \$3 per voter in state funds to help counties meet the security needs identified earlier in this document. That is a fraction of the state budget and the overall cost of Arizona's elections.

To support the ability of city and county election officials to have a funding stream available to assess their physical security needs and pay for the renovations or new construction required to meet the security standards, the Working Group proposes the creation of an Election Physical Security Fund at the state level. This fund would be administered by the Election Physical Security Fund Board, housed in the Secretary of State's office and made up of public and private individuals, including local and state election officials, with an interest in election administration and law enforcement/security. The specific make-up of this Board and appointment process is to be determined.

Individual cities and counties would apply for the available funds for specific projects that are aligned with allowing those jurisdictions to meet the physical security standards through renovation or new construction.

The Working Group proposes that \$12.5 million annually be appropriated to this fund. County hard and soft capital security-related projects would be funded annually based on priority and funds available. The design and operation of this fund and administering Board would be fashioned after the School Facilities Board and Fund established in Arizona Revised Statutes Title 41, chapter 56.

### **3. What are the next steps to move this recommendation forward?**

The next step is identifying funding sources for these initiatives, and facilitating adoption by the counties.

### **4. What resources are needed to implement this proposal?**

See above proposal for the Election Physical Security Fund. This proposal envisions State General Fund dollars funding this initiative.



## **PROPOSAL 2:**

# **ELECTION WORKER CODE OF CONDUCT**

### **Summary:**

**Election Worker Code of Conduct:** The potential insider threat posed by permanent, temporary, or support staff—such as IT staff—working within and for election offices has been identified by election security experts as an election administration concern. Some level of public skepticism of election processes is inevitable and it is essential that the government staff and officials administering Arizona’s elections adhere to the law and conduct themselves with the utmost integrity to restore and maintain public confidence in elections. The Secretary of State’s Office already requires an Election Official Code of Conduct be signed as part of the Election Official Certification requirement mandated by Arizona law. This proposal recommends a similar code be signed by other election workers and staff that directly support election administration activities at the local level.

### **1. Provide a high level description of the election issue and the proposed recommendation to address the issue.**

The internal threat posed by staff working in election offices has been identified by election security experts as an issue of great concern within election administration. The type of staff that present this threat include permanent and temporary staff but also support staff that directly assist with election administration activities, such as IT staff. Additionally, individuals in leadership positions making election policy could present such a threat. The Working Group supports healthy skepticism and understands that people who ask questions often help to improve the elections process and develop strategies to improve public confidence in elections. However, it is essential that the government staff and officials administering Arizona’s elections adhere to the law and conduct themselves with the utmost integrity to restore and maintain public confidence in elections.

### **2. Provide a description of the proposed remedy.**

The Working Group proposes that a specific Election Administrator Code of Ethics and Conduct be created and acknowledged by all employees and decision-makers working and administering elections at the city, county, and state level. This Election Administrator Code of Ethics and Conduct would clearly state that an individual would pledge to not participate in activities that are or could be perceived as an internal threat or as not upholding state and federal laws governing election administration. This Election Administrator Code of Ethics and Conduct would also include language requiring the signer to abide by any election related laws, refrain from spreading information that is not factual, and uphold the outcome of any election as legitimate.

The intention of this proposal is not to prohibit individuals with questions or skepticism from working in elections, but rather to ensure that those individuals who pose an inside threat may be held accountable if they create security risks within election administration offices.

### **3. What are the next steps to move this recommendation forward?**

The Secretary of State's Office already requires an Election Official Code of Conduct be signed as part of the Election Official Certification requirement that the Secretary of State administers pursuant to A.R.S. § 16-407. All election officials working at the state and county level must be certified biannually under this process and have or will be asked to sign the Election Official Code of Conduct as part of the certification or recertification process.

The Task Force recommends that the specific code language be included in future Election Procedure Manuals (EPM). The EPM document is developed by the Secretary of State in consultation with county election administrators and reviewed and approved by the Attorney General and Governor.

### **4. What resources are needed to implement this proposal?**

Implementation of the requirement that all new and existing staff sign an Election Administrator Code of Ethics and Conduct would require minimal resources. The Secretary of State is currently administering a similar requirement for certified election officials. Counties should incur minimal cost in requiring the similar code be signed by other election workers and staff that directly support election administration activities (such as IT workers) at the local level.

### **5. Proposed bill language, if any.**

No legislation is required unless the Task Force feels that requiring election officials to sign and abide by this Election Administrator Code of Ethics and Conduct should be given more weight as a specific statutory requirement. If the Task Force believes *elected* officials with responsibility to administer elections (such as members of a County Board of Supervisors) should sign and be accountable to such a Code, that might also require legislation.

# **VOTER REGISTRATION WORKING GROUP**

## **PROPOSAL 1: PROVISIONAL BALLOTS AS VOTER REGISTRATION FORMS**

### **Summary:**

**Provisional Ballot Form as Voter Registration Form:** Many counties across the state ensure their provisional ballot forms contain all the necessary information to also serve as voter registration forms. In these counties, if the post-election review of the provisional ballot determines that the person was not properly registered to vote, the ballot would not be counted for that election, but the voter can be registered to vote for future elections. However, there is no statutory requirement for counties to adopt this practice, which can result in inconsistent treatment of similarly-situated voters in different counties, and a potential decrease in the practice with turnover in County Recorder and elections offices. This proposal would codify this practice into law, which would require some jurisdictions to make minor language changes to their provisional ballot forms or update their software to help increase voter registration and decrease provisional ballots in future elections.

### **1. Provide a high level description of the election issue and the proposed recommendation to address the issue.**

It is already a common practice for County Recorders to utilize provisional ballot forms as voter registration forms for unregistered participants who cast a ballot during an election. Thousands of people attempt to vote each election even though they are not registered to vote. Nearly all of these voters cast a provisional ballot, but that ballot will not be counted. After the election, the Recorder's Office will process the provisional ballot form as a voter registration form; most often, the participant is found to be eligible, but was simply unregistered.

It is standard practice to utilize provisional ballot forms as voter registration forms after the provisional ballot has been rejected, but it is not a formalized, required practice for all 15 County Recorders. Due to the high turnover of both Recorders and Elections Directors, the practice can be easily overlooked. Protecting the practice in statute would guarantee that all 15 counties provide this option for motivated individuals who physically show up to vote, and get them registered and ready for the next election. The changes to the forms are minimal and, in some counties, electronic. There are no significant costs associated with this practice, as it would only require minimal changes to existing forms or minor reprogramming.

Seventeen Elections Directors and Recorders have left their positions since the 2020 election, creating a huge hole in institutional knowledge about common practices. Utilizing provisional ballots as voter registration forms makes it easier for motivated participants, the people who physically showed up, to become registered voters in the next election cycle. It is a protection for the voter and ensures that someone who wants to vote can vote in the next election. It also reduces frustration from voters who may be upset about not being able to participate and will no longer have to submit additional paperwork after the election in order to register. Recorders will

not have to reach out to those voters with additional forms and send them via the mail after the election. It is a great practice that reduces voter confusion and provides an opportunity for poll workers to collect voter information directly from the voter at the same exact time an issue with the voter's file is identified. It is practical, efficient, a good use of taxpayer dollars, and keeps voters motivated to continue to show up.

## **2. Provide a description of the proposed remedy.**

The Working Group recommends legislation requiring counties to modify the provisional ballot affidavit to include all the essential fields necessary to constitute a voter registration form, which allows the people who complete such a provisional ballot to be registered for the next election. This proposal would codify the practice of utilizing provisional ballots to register participants for future elections and also to update voter registration records when a voter moves to another county within the state. The proposal would require provisional ballot forms to state: "This form will act as a Voter Registration form for subsequent elections if you are eligible but not registered to vote in this jurisdiction."

## **3. What are the next steps to move this recommendation forward?**

Determine proposed bill language.

## **4. What resources are needed to implement this proposal?**

Implementation would require low or negligible resources. In some counties reprogramming of e-pollbooks may be required. There are also minor cost-savings, as a voter's information will be collected in person and will not require the Recorder's Office to mail a separate voter registration form or return envelope or process it upon return.

## **PROPOSAL 2:**

# **CROSS-COUNTY VOTER REGISTRATION**

### **Summary:**

**Cross-County Voter Registration:** Registered voters in Arizona often move across or within counties during an election cycle. Current law allows voters who move within a county to update their voter registration address up to and including on Election Day, but registered voters who move to a new county must update their voter registration address at least 29 days prior to Election Day to be eligible to vote in the new county. This proposal would amend the law to allow voters who moved between counties to change their registration address up to and including on Election Day now that Arizona has improved voter registration databases that allow for quicker updates and faster transmission of records across counties.

### **1. Provide a high level description of the election issue and the proposed recommendation to address the issue.**

Under Arizona law, a person is qualified to register to vote if the person is a citizen, at least 18 years of age, and a resident of the state of Arizona at least 29 days before the election. A.R.S. § 16-101. Arizona has historically required that registered voters who move to a different county within the state to be re-registered to vote 29 days before the election due to the previous limited ability to update records quickly and efficiently. Arizona now has a system that allows records to be updated quickly, or in real time, so the justification for barring updates for previously registered voters, up to and including on Election Day, are no longer reasonable. Every valid vote should be counted, and that includes people who have properly registered to vote anywhere in Arizona, have moved cross-county, have provided adequate proof of their new residence, and have not voted in the current election.

Registered voters are often disenfranchised when moving cross-county within Arizona. This can also be problematic for voters with nontraditional addresses who are registered in the wrong county. Some voters are not aware of having made changes to their voter registration through the MVD, or may forget having made a separate request. Because Arizona law requires voters to re-register if they moved to a different county within the state more than 29 days before the election, provisional ballots of these individuals are not counted even if they are registered voters in the state of Arizona. A.R.S. § 16-120.

### **2. Provide a description of the proposed remedy.**

For a registered Arizona voter who attempts to vote in person in a different jurisdiction than where they are currently registered, the voter will be allowed to cast a provisional ballot. The voter must then show adequate proof of residence in the new jurisdiction for the ballot to be counted. The provisional ballot will be processed and verified with the appropriate county after

the election. The provisional ballot would be used to update the voter's registration and the ballot would be counted for the current election if no ballot was cast in the county of previous residence.

Arizona law currently allows voters to update their residential address in this manner on election day if the voter moves within a county. A.R.S. § 16-135. Section 16-135 should be amended to allow for cross-county address updates as well.

### **3. What are the next steps to move this recommendation forward?**

This proposal will require legislation to implement. Once a voter is registered, this proposal would be similar to current Election Day voter registration updates for voters who move within a county. County practices will need to be analyzed, and implementation may require additional communications or minor enhancements to existing databases.

### **4. What resources are needed to implement this proposal?**

The costs would be de minimis and/or absorbed through AVID, which needs to be fully funded as a statewide system capable of allowing all counties access during election season to verify a voter's current status for both registration and voting.

There are times when "books are closed" and new registrations are not processed. This issue would need to be analyzed and may require additional communications or minor enhancements to existing databases.

### **5. Proposed bill language, if any.**

Updating the law to effectuate this change would require (1) repealing A.R.S. § 16-125 and updating A.R.S. § 16-135.

**REPEAL A.R.S. § 16-125. *Change of residence to different county during twenty-nine day period preceding election***

~~*A registered elector who moves from one county to another county during the twenty-nine day period preceding either a primary, general or runoff election is deemed to be a resident and registered elector of the county from which the elector moved until the day after the primary, general or runoff election, whichever applies.*~~

**AMEND A.R.S. § 16-135. *Change of residence from one address to another***

*A. An elector who is correcting the residence address shown on the elector's voter registration record shall reregister with the new residence address or correct the voter registration record as prescribed by this section.*

*B. An elector who moves from the address at which the elector is registered to another address within the **STATE OF ARIZONA** ~~same county and who fails to notify the county recorder of the change of address before the date of an election~~ shall be allowed to correct the voter registration records at the appropriate polling place for the voter's new address. The voter shall present a form of identification that includes the voter's given name and surname and the voter's complete residence address that is located within the precinct for the voter's new residence address. The voter shall affirm in writing the new residence address and shall be allowed to vote a provisional ballot.*

*C. When an elector completes voting a provisional ballot, the election official shall place the ballot in an envelope for provisional ballots and shall deposit the envelope in the ballot box designated for provisional ballots.*

*D. Within ten calendar days after a general election that includes an election for a federal office and within five business days after any other election, a provisional ballot shall be compared to the signature roster for the precinct in which the voter was listed and if the voter's signature does not appear on the signature roster for that election and if there is no record of that voter having voted early for that election, the provisional ballot shall be processed. If the signature roster or early ballot information indicates that the person did vote in that election, the provisional ballot for that person shall remain unopened and shall not be counted.*

*E. An elector may also correct the residence address on the elector's voter registration record by requesting the address change on a written request for an early ballot that is submitted pursuant to section 16-542 and that contains all of the following:*

- 1. A request to change the voter registration record.*
- 2. The elector's new residence address.*
- 3. An affirmation that the information is true and correct.*
- 4. The elector's signature.*



## **PROPOSAL 3:**

### **VOTING RIGHTS RESTORATION**

#### **Summary:**

**Voting Rights Restoration:** Arizonans with felony convictions often meet the state’s eligibility requirements for restoration of their voting rights, but current law regarding the qualifying convictions and procedures is confusing and results in the mistaken belief of ineligibility. This proposal would amend the law to make the voting rights restoration process automatic upon release from incarceration, regardless of whether an individual has one felony conviction or multiple. In addition to legislative change, the proposal asks the Governor to convene a Rights Restoration Outreach Committee that would educate impacted people about the voting rights restoration process.

#### **1. Provide a high level description of the election issue and the proposed recommendation to address the issue.**

Once an individual who has one or more felony convictions has served out their sentence and met their other legal obligations (e.g. probation/parole and paying any applicable restitution), they often must go through a rights restoration process to be eligible to register to vote. Persons in this situation are often unaware of the eligibility and procedural requirements of restoring their voting rights. They frequently do not register to vote because they believe they are not eligible or cannot navigate the process successfully to restore their voting rights.

There have been cases where individuals have been prosecuted for registering to vote without first ensuring their rights have been restored. The Working Group believes that the state and counties should make the rights restoration process as “automatic” as possible and should focus on assisting individuals to go through this process rather than punishing them for erroneously registering to vote before this process is complete due to confusion.

Arizona state law regarding rights restoration varies depending on whether the individual is convicted of one felony or multiple felonies. A.R.S. §§ 13-907 - 908. The statute makes voting rights restoration automatic for an individual with only one felony conviction, after completion of certain legal requirements. However, if an individual has multiple or subsequent felonies, the rights restoration process requires the individual to petition the court for approval.

#### **2. Provide a description of the proposed remedy.**

Legislation should be introduced to amend A.R.S. §§ 13-907 - 908, so that the rights of Arizonans with felony convictions are restored, regardless of the number of felonies, upon completion of the individual’s incarceration. Subsequent probation requirements and outstanding restitution payments should no longer prohibit an individual who has completed their required time in incarceration from having their voting rights restored. A number of other states

automatically restore voting rights upon release from incarceration, including Utah, Indiana, and Montana.

This proposal also recommends that the Governor appoint a statewide Rights Restoration Outreach Committee, comprised of the following individuals:

- The Secretary of State, serving as Chair
- County Recorders
- Personally impacted persons
- Voting rights groups representatives,
- A representative of Arizona Attorneys for Criminal Justice
- A representative of the Arizona Supreme Court, Arizona Office of the Courts
- A representative of the Arizona Attorney General's office
- County Clerks of the Court
- County Attorneys
- County Sheriffs (who administer the County jails)
- Public Defenders
- A representative of the Arizona Department of Corrections
- Service providers for persons exiting incarceration
- Any other relevant state or local law enforcement or court-related agencies

This Committee should be tasked to develop a plan to identify outreach opportunities to inmates and individuals recently released from incarceration, educate them about the rights restoration process, and encourage voter registration for eligible persons. This plan should include:

- Development of educational and marketing materials that explains the rights restoration process.
- Identifying important government offices and nonprofit service providers that could share these materials with the impacted population and encourage voter registration by eligible individuals.

It is estimated that more than 175,000 individuals have exited the Arizona justice system and would be eligible to vote based on this proposal. Passage of this legislation and the outreach and education work conducted by this Committee, the Secretary of State's Office, and Arizona's county election officials would help empower these individuals to exercise their voting rights. We believe there is a high likelihood that this proposal would receive bipartisan support since there has been great interest in recent years in enhancing services to individuals exiting the prison system to reduce recidivism and successfully integrate those individuals back into society. This proposal would further similar goals.

### **3. What are the next steps to move this recommendation forward?**

Legislation needs to be drafted for consideration by the Legislature for this proposal to move forward. In the meantime, the Rights Restoration Outreach Committee could be appointed to help champion the legislation and educate eligible individuals about the existing rights restoration process and voter registration.

#### **4. What resources are needed to implement this proposal?**

The primary cost of implementing this proposal is staffing to oversee the work on the legislative initiative, staffing to administer the work of the Rights Restoration Outreach Committee and money to pay for outreach and education materials. The cost for a full-time, mid-level staffer at the Secretary of State's Office, with associated employee related benefits to administer this program, would be around \$125,000 annually.

Additionally, there is a cost to producing educational materials which explain the rights restoration process and a marketing plan to promote those materials to eligible individuals. The costs for these materials would be ongoing as more materials need to be updated, printed and distributed. For purposes of this proposal, \$75,000 is recommended for development and printing of outreach materials.

Total estimated cost: \$200,000

## **PROPOSAL 4: AVID FUNDING**

### **Summary:**

**AVID Funding:** The Secretary of State maintains the state’s Access Voter Information Database (AVID), which is a statewide voter registration database that is essential for election administration. AVID does not have a sustained source of funding to cover its annual \$1.3 million operating costs. Counties currently provide 40 percent of the fiscal support for AVID, often utilizing their federal Help America Vote Act (HAVA) dollars for their AVID contributions. However, future federal HAVA funding is not guaranteed and the timing is unpredictable. This proposal recommends that state general funds be appropriated in the FY2025 budget to cover the full operating costs of the AVID system to ensure a reliable and sustained level of funding.

### **1. Provide a high level description of the election issue and the proposed recommendation to address the issue.**

Arizona law requires the Secretary of State, as Arizona’s chief elections officer for HAVA and National Voter Registration Act (NVRA) purposes, *see* A.R.S. § 16-142 (a) (1), 52 U.S.C. § 21003 (e), to “develop and administer a statewide database of voter registration information that contains the name and registration information of every registered voter in this state.” This database is AVID. It is the heart of Arizona elections, and is relied upon to ensure voter roll accuracy and to prevent double voting.

Currently, counties are paying nearly 40 percent of the cost to maintain the AVID database, with the prospect that this amount will go up in the current fiscal year. There is no dedicated source of funding for this requirement and both the State and counties have historically relied on federal HAVA funds to cover these costs. The HAVA funding source, however, is not sustainable or consistent, and it is inadequate to meet the system’s ongoing costs and enhancements required by new state legislation. Counties are struggling to keep up with the costs of maintaining and enhancing the database. Counties and the Secretary of State are having to make choices on which enhancements they can afford to pay for and are sacrificing and delaying others due to budget restraints. This is preventing the system from being used to its full potential and creates additional funding hardships for the counties.

There is also a need for additional training staff, educational tools, and support to the counties who have lost experienced election staff. Budget restraints are preventing these needed resources. Finally, there is a need for improvements to the my.arizona.vote portal to allow for a better voter experience. Each time there is new legislation that requires enhancements, the counties are forced to postpone other enhancements due to limited funding and it is often difficult to know with certainty, up-front, how much the enhancements will cost.

## **2. Provide a description of the proposed remedy.**

This proposal recommends shifting the costs for AVID away from the counties and fully to the state. Further, we recommend that state general fund dollars be allocated as an ongoing funding source to cover the full cost of the AVID system instead of relying on HAVA money. There is an opportunity to provide a better user experience, more training and support, and a better portal experience for the voters if stable and coordinated funding is available. The Secretary of State's Office should be allocated adequate, on-going funding for the AVID system and to hire additional staff to provide needed training, support, and enhancements that the counties need and recommend. Currently there are two full-time employees dedicated to AVID but due to the constant changes in election workers at the county level, another employee is urgently needed. Coordinating funding and required enhancements through the Secretary of State's Office will allow for improved voter experiences. There are many enhancements that can be made to the system that would assist counties, allow them to streamline their processes, and allow for additional reports and statistical data that will be useful for the future of elections and help meet the increasing demand for voting data from the public. Enhancements would also improve communications with voters and allow for additional participation and outreach.

## **3. What are the next steps to move this recommendation forwards?**

We recommend that state general funds should be appropriated in the FY2025 budget to cover the full cost of the maintenance and operation of the AVID system.

## **4. What resources are needed to implement this proposal?**

A total of \$1.3 million is needed to cover the annual operating cost of AVID. This includes funding for the contractor which developed and maintains the AVID system, web hosting, security features, and three dedicated staff at the SOS who will administer the system and provide assistance to the counties in the form of training and technical assistance. Though this appropriation will move the burden of funding fully to the state, counties will likely still need to share in the cost of required enhancements to the system beyond the budgeted amount. Funding for ongoing enhancements is not identified in this proposal but could come from available HAVA or other funds.

## **5. Proposed bill language, if any.**

One option is introduction of a legislative bill clarifying that the full cost of AVID should be a state responsibility and appropriating \$1.3 million in general fund for this purpose, but this issue could also be addressed in the FY2025 state budget as a special line item. The Secretary of State's Office has requested \$1.3 million in general fund dollars to cover the full cost of AVID in their budget request to the Governor and State Legislature. The future costs of maintaining and operating the system will likely increase and will need to be addressed when needed.