

REFERENCE TITLE: registration; verification; images; audits; boxes

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1629

Introduced by
Senators Borrelli: Barto, Fann, Gowan, Gray, Kerr, Leach, Livingston,
Pace, Petersen, Rogers, Shope, Townsend

AN ACT

AMENDING SECTIONS 16-134, 16-140, 16-166 AND 16-407, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-553; AMENDING SECTIONS 16-602, 16-625 AND 41-1278, ARIZONA REVISED STATUTES; REPEALING SECTION 41-1279.03, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2021, CHAPTER 405, SECTION 25; AMENDING SECTION 41-1279.03, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 3, SECTION 11; AMENDING SECTION 41-1279.04, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 7, ARTICLE 10.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1279.08; REPEALING SECTION 41-1279.08, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-134, Arizona Revised Statutes, is amended to
3 read:

4 16-134. Return of registrations made outside office of county
5 recorder; incomplete or illegible forms

6 A. A county recorder shall authorize persons to accept registration
7 forms, shall designate places for receipt of registration forms and shall
8 designate additional locations for distribution of voter registration
9 forms. Public assistance agencies and disabilities agencies as defined in
10 section 16-140 **AND ADDITIONAL VOTER REGISTRATION VOLUNTEERS AND THOSE PAID**
11 **AND UNPAID VOTER REGISTRATION COLLECTORS WHO ARE REQUIRED TO REGISTER AS**
12 **PRESCRIBED IN SECTION 16-140** shall return or mail completed voter
13 registrations to the county recorder of the county in which the applicant
14 resides within five days after receipt of those registrations.

15 B. If the information on the registration form is incomplete or
16 illegible and the county recorder is not able to process the registration
17 form, the county recorder shall notify the applicant within ten business
18 days of receipt of the registration form, shall specify the missing or
19 illegible information and, if the missing or illegible information
20 includes any of the information prescribed by section 16-121.01,
21 subsection A, shall state that the registration cannot be completed until
22 the information is supplied. If the missing or illegible information is
23 supplied before 7:00 p.m. on election day, that person is deemed to have
24 been registered on the date the registration was first received.

25 C. In the case of registration by mail, a voter registration is
26 valid for an election if it complies with either of the following:

27 1. The form is postmarked twenty-nine days or more before an
28 election and is received by the county recorder by 7:00 p.m. on the day of
29 that election.

30 2. The registration is dated twenty-nine days or more before an
31 election and is received by the county recorder by first class mail within
32 five days after the last day to register to vote in that election.

33 D. The date of registration entered for registration forms that are
34 received by the county recorder from persons, groups or agencies that are
35 not authorized to accept registrations pursuant to subsection A of this
36 section and that do not bear a legible postmark date or an otherwise
37 reliable date shall be the date that those forms are received by the
38 county recorder.

39 Sec. 2. Section 16-140, Arizona Revised Statutes, is amended to
40 read:

41 16-140. Voter registration assistance agencies; registration
42 collectors; definitions

43 A. All public assistance agencies and disabilities agencies in this
44 state shall provide the opportunity to register to vote for those persons
45 who apply for benefits or appear at the agency to renew, recertify or

1 change address information. The voter registration form shall be
2 accompanied by a statement form that includes substantially the following:

3 1. The statement "If you are not registered to vote where you live
4 now, would you like to apply to register to vote here today?

5 { } Yes { } No

6 If you do not check either box, you will be considered to have decided not
7 to register to vote at this time."

8 2. If the agency provides public assistance, the statement
9 "Applying to register or declining to register to vote will not affect the
10 amount of assistance that you will be provided by this agency."

11 3. The statement "If you would like help in filling out the voter
12 registration application form, we will help you. The decision to seek or
13 accept help is yours. You may fill out the application form in private."

14 4. The statement "If you believe that someone has interfered with
15 your right to register or to decline to register to vote, or your right to
16 choose your own political party or other political preference, you may
17 file a complaint with the secretary of state." This statement shall be
18 followed by the name, address and telephone number of the secretary of
19 state.

20 B. Each public assistance agency or disabilities agency shall
21 provide to each person who applies for that agency's services the same
22 degree of assistance for voter registration that it provides for the
23 completion of the agency's own forms, unless that person refuses
24 assistance. Each public assistance or disabilities agency shall accept
25 completed registration forms from persons who receive a registration form
26 from that office.

27 C. If a person indicates "no" or fails to indicate either "yes" or
28 "no" on the form prescribed by subsection A **OF THIS SECTION**, the form
29 shall be deemed to indicate a declination to register to vote. All
30 declination forms shall be preserved as a confidential record and shall be
31 forwarded periodically to the Arizona state library, archives and public
32 records for retention for two years. Declination forms are exempt from
33 title 39, chapter 1 and may be disclosed only for voter registration
34 purposes.

35 D. Voter registration information that is generated pursuant to
36 this section and that is public information as otherwise provided by law
37 shall not provide any public indication of the source of these
38 registrations. Registration forms may bear a unique, coded marking that
39 does not publicly or readily disclose the voter registration agency or
40 additional voter registration volunteer that was the source of the
41 registration. The coded markings for a form may be translated or
42 otherwise read only by election officials and only for purposes permitted
43 by the national voter registration act of 1993 (P.L. 103-31; 107 Stat. 77;
44 ~~42~~ **52** United States Code section ~~394~~ **20506**).

1 E. A county recorder may designate additional voter registration
2 volunteers, INCLUDING UNPAID VOTER REGISTRATION COLLECTORS AND PAID VOTER
3 REGISTRATION COLLECTORS. These additional voter registration volunteers,
4 UNPAID VOTER REGISTRATION COLLECTORS AND PAID VOTER REGISTRATION
5 COLLECTORS may provide state mail in registration forms to persons who
6 wish to register to vote AND MAY BE REQUIRED BY SUBSECTION F OF THIS
7 SECTION TO REGISTER WITH THE SECRETARY OF STATE.

8 F. A PERSON WHO COLLECTS WITHOUT PAY MORE THAN TWENTY-FIVE
9 COMPLETED VOTER REGISTRATION FORMS WITHIN A CALENDAR YEAR AND A PERSON WHO
10 COLLECTS ONE OR MORE COMPLETED VOTER REGISTRATION FORMS FOR PAY SHALL
11 REGISTER WITH THE SECRETARY OF STATE BEFORE SOLICITING, ASSISTING WITH OR
12 COLLECTING VOTER REGISTRATION FORMS IN THIS STATE. THE SECRETARY OF STATE
13 SHALL ESTABLISH IN THE INSTRUCTIONS AND PROCEDURES MANUAL ISSUED PURSUANT
14 TO SECTION 16-452 A PROCEDURE FOR REGISTERING PAID OR UNPAID VOTER
15 REGISTRATION COLLECTORS, INCLUDING REGISTRATION APPLICATIONS, AND SHALL
16 PUBLISH ON A WEBSITE MAINTAINED BY THE SECRETARY OF STATE ALL INFORMATION
17 THAT IS REQUIRED BY THIS SUBSECTION.

18 G. THE REGISTRATION APPLICATION PRESCRIBED IN SUBSECTION F OF THIS
19 SECTION MUST REQUIRE THE FOLLOWING:

20 1. THE PERSON'S FULL NAME, RESIDENCE ADDRESS, TELEPHONE NUMBER AND
21 EMAIL ADDRESS.

22 2. THE NAME, ADDRESS AND TELEPHONE NUMBER OF ANY ENTITY OR
23 ORGANIZATION FOR WHICH THE PERSON IS VOLUNTEERING OR BY WHOM THE PERSON IS
24 PAID.

25 3. A STATEMENT THAT THE PERSON CONSENTS TO THE JURISDICTION OF THE
26 COURTS OF THIS STATE IN RESOLVING ANY DISPUTES CONCERNING ASSISTING IN,
27 SOLICITING OR COLLECTING VOTER REGISTRATIONS.

28 4. AN AFFIDAVIT FROM THE PERSON THAT IS SIGNED BEFORE A NOTARY
29 PUBLIC AND THAT INCLUDES THE FOLLOWING DECLARATION:

30 I, (PRINT NAME), HEREBY STATE THAT ALL OF THE
31 INFORMATION PROVIDED IS CORRECT TO THE BEST OF MY KNOWLEDGE.

32 H. THE SECRETARY OF STATE'S OFFICE SHALL ASSIGN A UNIQUE IDENTIFIER
33 TO EACH PERSON WHO REGISTERS AS AN UNPAID VOTER REGISTRATION COLLECTOR OR
34 AS A PAID VOTER REGISTRATION COLLECTOR, WHICH THAT PERSON MUST PLACE ON
35 ANY VOTER REGISTRATION FORM THAT THE PERSON SOLICITS, ASSISTS WITH OR
36 COLLECTS.

37 ~~F.~~ I. For THE purposes of this section, ~~unless the context~~
38 ~~otherwise requires:~~

39 1. "Additional voter registration volunteer" means a person, group
40 or entity that is not a public assistance or disabilities agency and that
41 is designated by a county recorder as another voter registration provider
42 pursuant to section 7(a)(3)(A) of the national voter registration act of
43 1993 (P.L. 103-31; 107 Stat. 77; ~~42~~ 52 United States Code section ~~394~~
44 20506) and may include governmental, nonprofit or other private
45 organizations.

1 2. "Disabilities agency" means all offices of an agency in this
2 state that provide state funded programs primarily engaged in providing
3 services to persons with disabilities.

4 3. "Public assistance agency" means all offices of an agency in
5 this state that provide public assistance.

6 Sec. 3. Section 16-166, Arizona Revised Statutes, is amended to
7 read:

8 16-166. Verification of registration

9 A. Except for the mailing of sample ballots, a county recorder who
10 mails an item to any elector shall send the mailing by nonforwardable
11 first class mail marked with the statement required by the postmaster to
12 receive an address correction notification. If the item is returned
13 undelivered, the county recorder shall send a follow-up notice to that
14 elector within three weeks of receipt of the returned notice. The county
15 recorder shall send the follow-up notice to the address that appears in
16 the general county register or to the forwarding address provided by the
17 United States postal service. The follow-up notice shall include an
18 appropriate internet address for revising voter registration information
19 or a registration form and the information prescribed by section 16-131,
20 subsection C and shall state that if the elector does not complete and
21 return a new registration form with current information to the county
22 recorder or make changes to the elector's voter registration information
23 that is maintained online within thirty-five days, the elector's
24 registration status shall be changed from active to inactive. IF THE
25 UNITED STATES POSTAL SERVICE DESIGNATES THE ELECTOR AS HAVING A TEMPORARY
26 OR PERMANENT FORWARDING ADDRESS, THE COUNTY RECORDER SHALL SEND NOTICE TO
27 THE ELECTOR AT THAT FORWARDING ADDRESS THAT VOTING MATERIALS CANNOT BE
28 FORWARDED TO THAT ADDRESS AND IF THE ELECTOR WISHES TO RECEIVE VOTING
29 MATERIALS AT THAT TEMPORARY OR PERMANENT FORWARDING ADDRESS, THE ELECTOR
30 MUST UPDATE THE ELECTOR'S INFORMATION, AND IF THE FORWARDING ADDRESS IS A
31 PERMANENT CHANGE OF RESIDENCE, THE ELECTOR SHALL REREGISTER TO VOTE AT THE
32 NEW ADDRESS.

33 B. If the elector provides the county recorder with a new
34 registration form or otherwise revises the elector's information, the
35 county recorder shall change the general register to reflect the changes
36 indicated on the new registration. If the elector indicates a new
37 residence address outside that county, the county recorder shall forward
38 the voter registration form or revised information to the county recorder
39 of the county in which the elector's address is located. If the elector
40 provides a new residence address that is located outside this state, the
41 county recorder shall cancel the elector's registration.

42 C. The county recorder shall maintain on the inactive voter list
43 the names of electors who have been removed from the general register
44 pursuant to subsection A or E of this section for a period of four years
45 or through the date of the second general election for federal office

1 following the date of the notice from the county recorder that is sent
2 pursuant to subsection E of this section.

3 D. On notice that a government agency has changed the name of any
4 street, route number, post office box number or other address designation,
5 the county recorder shall revise the registration records and shall send a
6 new verification of registration notice to the electors whose records were
7 changed.

8 E. ~~ON THE FIRST DAY OF EACH MONTH, the county recorder on or before~~
9 ~~May 1 of each year preceding a state primary and general election or more~~
10 ~~frequently as the recorder deems necessary may~~ SHALL use the change of
11 address information supplied by the postal service through its licensees
12 to identify registrants whose addresses may have changed. If it appears
13 from information provided by the postal service that a registrant has
14 moved to a different residence address in the same county, the county
15 recorder shall change the registration records to reflect the new address
16 and shall send the registrant a notice of the change by forwardable mail
17 and a postage prepaid preaddressed return form or an appropriate internet
18 address for revising voter registration information by which the
19 registrant may verify or correct the registration information. If the
20 registrant fails to revise the information or return the form postmarked
21 not later than thirty-five days after the mailing of the notice, the
22 elector's registration status shall be changed from active to inactive.
23 If the notice sent by the recorder is not returned, the registrant ~~may~~
24 SHALL be required to provide affirmation or confirmation of the
25 registrant's address in order to vote. If the registrant does not vote in
26 an election during the period after the date of the notice from the
27 recorder through the date of the second general election for federal
28 office following the date of that notice, the registrant's name shall be
29 removed from the list of inactive voters. If the registrant has changed
30 residence to a new county, the county recorder shall provide information
31 on how the registrant can continue to be eligible to vote.

32 F. The county recorder shall reject any application for
33 registration that is not accompanied by satisfactory evidence of United
34 States citizenship. Satisfactory evidence of citizenship shall include
35 any of the following:

36 1. The number of the applicant's driver license or nonoperating
37 identification license issued after October 1, 1996 by the department of
38 transportation or the equivalent governmental agency of another state
39 within the United States if the agency indicates on the applicant's driver
40 license or nonoperating identification license that the person has
41 provided satisfactory proof of United States citizenship.

42 2. A legible photocopy of the applicant's birth certificate that
43 verifies citizenship to the satisfaction of the county recorder.

44 3. A legible photocopy of pertinent pages of the applicant's United
45 States passport identifying the applicant and the applicant's passport

1 number or presentation to the county recorder of the applicant's United
2 States passport.

3 4. A presentation to the county recorder of the applicant's United
4 States naturalization documents or the number of the certificate of
5 naturalization. If only the number of the certificate of naturalization
6 is provided, the applicant shall not be included in the registration rolls
7 until the number of the certificate of naturalization is verified with the
8 United States immigration and naturalization service by the county
9 recorder.

10 5. Other documents or methods of proof that are established
11 pursuant to the immigration reform and control act of 1986.

12 6. The applicant's bureau of Indian affairs card number, tribal
13 treaty card number or tribal enrollment number.

14 G. Notwithstanding subsection F of this section, any person who is
15 registered in this state on the effective date of this amendment to this
16 section is deemed to have provided satisfactory evidence of citizenship
17 and shall not be required to resubmit evidence of citizenship unless the
18 person is changing voter registration from one county to another.

19 H. For the purposes of this section, proof of voter registration
20 from another state or county is not satisfactory evidence of citizenship.

21 I. A person who modifies voter registration records with a new
22 residence ballot shall not be required to submit evidence of citizenship.
23 After citizenship has been demonstrated to the county recorder, the person
24 is not required to resubmit satisfactory evidence of citizenship in that
25 county.

26 J. After a person has submitted satisfactory evidence of
27 citizenship, the county recorder shall indicate this information in the
28 person's permanent voter file. After two years the county recorder may
29 destroy all documents that were submitted as evidence of citizenship.

30 Sec. 4. Section 16-407, Arizona Revised Statutes, is amended to
31 read:

32 16-407. Election officers; qualifications; certificates;
33 certification programs; plan; exemption; election
34 training fund

35 A. Except as provided in subsection E of this section, a person may
36 not perform the duties or exercise the authority of an election officer or
37 of the clerk of the board of supervisors or the county recorder in
38 performance of election duties in or on behalf of any county unless the
39 person is the holder of an election officer's certificate issued by the
40 secretary of state before January 1 of each general election year.

41 B. The secretary of state shall provide for the examination of
42 applicants for election officer certificates. The secretary of state may
43 not issue a certificate to a person who has not demonstrated to the
44 satisfaction of the secretary of state that the person is competent to

1 perform the work of an election officer or of the clerk of the board of
2 supervisors or the county recorder in the performance of election duties.

3 C. The secretary of state shall provide for election officer
4 certification programs of which successful completion by a person attests
5 to the attendance at, participation in and completion of a course of
6 instruction in the technical, legal and administrative aspects of
7 conducting elections within this state.

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

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

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

30 G. AS A SEPARATE COURSE OF INSTRUCTION FOR ELECTION OFFICERS WHO
31 PERFORM DUTIES IN THE OFFICE OF THE COUNTY RECORDER, THE CLERK OF THE
32 BOARD OF SUPERVISORS OR PERSONS WHO ARE OTHERWISE EMPLOYED BY AN OFFICER
33 IN CHARGE OF ELECTIONS AND WHOSE DUTIES INCLUDE VERIFYING SIGNATURES ON
34 EARLY BALLOTS, THE SECRETARY OF STATE SHALL ESTABLISH AND ADMINISTER
35 TRAINING FOR SIGNATURE VERIFICATION THAT IS BASED ON THE FORENSIC
36 HANDWRITING VERIFICATION GUIDELINES ESTABLISHED BY THE FEDERAL BUREAU OF
37 INVESTIGATION AND A TEST ON THAT TRAINING. THE SEPARATE COURSE OF
38 INSTRUCTION MAY BE PROVIDED AS PART OF THE TRAINING FOR THE ELECTION
39 OFFICER'S CERTIFICATE PRESCRIBED IN SUBSECTION A OF THIS SECTION.

40 Sec. 5. Title 16, chapter 4, article 8, Arizona Revised Statutes,
41 is amended by adding section 16-553, to read:

42 16-553. Ballot drop boxes; requirements; security

43 COUNTY RECORDERS OR OTHER OFFICERS IN CHARGE OF ELECTION MAY
44 ESTABLISH ONE OR MORE BALLOT DROP BOXES THAT COMPLY WITH THE FOLLOWING:

- 1 1. BALLOT DROP BOXES SHALL BE PLACED IN A SECURE LOCATION. THE
2 COUNTY BOARD OF SUPERVISORS SHALL APPROVE ALL BALLOT DROP BOX LOCATIONS.
- 3 2. THE COUNTY RECORDER OR OFFICER IN CHARGE OF ELECTIONS SHALL
4 PUBLICLY POST A LISTING OF DESIGNATED BALLOT DROP BOXES ON THE COUNTY'S
5 WEBSITE.
- 6 3. BALLOT DROP BOXES SHALL BE CLEARLY AND VISIBLY MARKED AS AN
7 OFFICIAL BALLOT DROP BOX.
- 8 4. BALLOT DROP BOXES SHALL HAVE AN OPENING TO DEPOSIT BALLOTS THAT
9 IS NOT LARGE ENOUGH TO ALLOW DEPOSITED BALLOTS TO BE REMOVED THROUGH THE
10 OPENING.
- 11 5. BALLOT DROP BOXES SHALL NOT BE AVAILABLE TO THE PUBLIC UNTIL THE
12 TWENTY-SEVENTH DAY BEFORE AN ELECTION TO ENSURE THAT BALLOTS OR ANY OTHER
13 MATERIALS ARE NOT DEPOSITED BEFORE THE EARLY VOTING PERIOD BEGINS. ALL
14 BALLOT DROP BOXES SHALL BE INSPECTED BEFORE USE TO ENSURE THEY ARE EMPTY
15 AND UNDAMAGED.
- 16 6. BALLOT DROP BOXES SHALL BE LOCKED AND MADE UNAVAILABLE AFTER THE
17 POLLS HAVE CLOSED ON ELECTION DAY, EXCEPT THAT PERSONS WHO ARE WAITING IN
18 LINE TO DELIVER THEIR BALLOTS WHEN THE POLLS CLOSE MAY DO SO.
- 19 7. FOR BALLOT DROP BOXES THAT ARE CONTINUOUSLY MONITORED BY AN
20 EMPLOYEE OR DESIGNEE OF THE COUNTY RECORDER OR OFFICER IN CHARGE OF
21 ELECTIONS, THE BALLOT DROP BOX IS NOT REQUIRED TO BE A PERMANENT FIXTURE
22 BUT SHALL BE SECURED BY A LOCK OR SEAL.
- 23 8. FOR BALLOT DROP BOXES THAT ARE NOT CONTINUOUSLY MONITORED BY AN
24 EMPLOYEE OR DESIGNEE OF THE COUNTY RECORDER OR OFFICER IN CHARGE OF
25 ELECTIONS, THE FOLLOWING APPLY:
26 (a) BALLOT DROP BOXES THAT ARE PLACED OUTDOORS SHALL BE:
27 (i) SECURELY FASTENED IN A MANNER TO PREVENT MOVING OR TAMPERING
28 AND SHALL BE SECURED BY A LOCK.
29 (ii) COMPLIANT WITH THE AMERICANS WITH DISABILITIES ACT OF 1990
30 (P.L. 101-336; 104 STAT. 327; 42 UNITED STATES CODE SECTIONS 12101 THROUGH
31 12213).
32 (iii) SUFFICIENTLY LIT FOR USE.
33 (iv) IF PRACTICABLE, ON CAMERA.
34 (b) BALLOT DROP BOXES THAT ARE PLACED INSIDE A BUILDING SHALL BE
35 SECURED IN A MANNER THAT WILL PREVENT UNAUTHORIZED REMOVAL AND SHALL BE
36 SECURED BY A LOCK.
- 37 9. ONLY AN EMPLOYEE OR DESIGNEE OF THE COUNTY RECORDER OR OFFICER
38 IN CHARGE OF ELECTIONS SHALL HAVE ACCESS TO REMOVE THE DEPOSITED BALLOTS
39 FROM BALLOT DROP BOXES. THE COUNTY RECORDER OR OFFICER IN CHARGE OF
40 ELECTIONS SHALL ESTABLISH TEAMS OF AT LEAST TWO COUNTY EMPLOYEES OR
41 DESIGNEES TO BE BALLOT RETRIEVERS WHO ARE ASSIGNED TO RETRIEVE VOTED
42 BALLOTS FROM BALLOT DROP BOXES.

1 10. THE COUNTY RECORDER OR OFFICER IN CHARGE OF ELECTIONS SHALL
2 DEVELOP AND IMPLEMENT SECURE BALLOT RETRIEVAL AND CHAIN OF CUSTODY
3 PROCEDURES, WHICH SHALL INCLUDE THE FOLLOWING:

4 (a) BALLOT RETRIEVER TEAMS MUST INCLUDE PERSONS WHO ARE NOT
5 REGISTERED WITH THE SAME POLITICAL PARTY.

6 (b) EACH DESIGNATED BALLOT RETRIEVER SHALL WEAR A BADGE OR SIMILAR
7 IDENTIFICATION THAT READILY IDENTIFIES THE PERSON AS A DESIGNATED BALLOT
8 RETRIEVER OR OTHER EMPLOYEE OF THE COUNTY RECORDER OR OFFICER IN CHARGE OF
9 ELECTIONS.

10 (c) EACH BALLOT RETRIEVER TEAM SHALL COMPLETE A CHAIN OF CUSTODY
11 FORM AS PRESCRIBED IN THE INSTRUCTIONS AND PROCEDURES MANUAL ISSUED
12 PURSUANT TO SECTION 16-452.

13 (d) THE DESIGNATED BALLOT RETRIEVERS SHALL COLLECT THE VOTED
14 BALLOTS AND TRANSPORT THEM IN A SECURE BALLOT TRANSFER CONTAINER.

15 (e) THE COUNTY RECORDER OR OFFICER IN CHARGE OF ELECTIONS OR A
16 DESIGNEE SHALL INSPECT THE SECURE BALLOT TRANSFER CONTAINER FOR EVIDENCE
17 OF TAMPERING AND SHALL CONFIRM RECEIPT OF THE RETRIEVED BALLOTS BY SIGNING
18 THE CHAIN OF CUSTODY FORM AND SHALL NOTE ANY EVIDENCE OF TAMPERING.

19 (f) THE COMPLETED CHAIN OF CUSTODY FORM SHALL BE MAINTAINED IN A
20 MANNER PRESCRIBED BY THE COUNTY RECORDER OR OFFICER IN CHARGE OF
21 ELECTIONS.

22 (g) BALLOTS RETRIEVED FROM A BALLOT DROP BOX SHALL BE PROCESSED IN
23 THE SAME MANNER AS EARLY BALLOTS THAT ARE DELIVERED BY HAND TO THE COUNTY
24 RECORDER OR OFFICER IN CHARGE OF ELECTIONS, DROPPED OFF AT A VOTING
25 LOCATION OR RECEIVED BY WAY OF THE UNITED STATES POSTAL SERVICE OR ANY
26 OTHER MAIL DELIVERY SERVICE.

27 Sec. 6. Section 16-602, Arizona Revised Statutes, is amended to
28 read:

29 16-602. Removal of ballots from ballot boxes; designated
30 margin; hand counts; vote count verification
31 committee

32 A. For any primary, special or general election in which the votes
33 are cast on an electronic voting machine or tabulator, the election judge
34 shall compare the number of votes cast as indicated on the machine or
35 tabulator with the number of votes cast as indicated on the poll list and
36 the number of provisional ballots cast and that information shall be noted
37 in a written report prepared and submitted to the officer in charge of
38 elections along with other tally reports.

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

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

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

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

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

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

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

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

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

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

11 3. For the presidential preference election, select by lot two
12 percent of the polling places designated and used pursuant to section
13 16-248 and perform the hand count of those ballots.

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

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

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

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

1 be audited, the recorder or officer in charge of elections shall notify
2 the parties of the shortage by 9:00 a.m. on the Wednesday preceding the
3 election. The hand count shall not proceed unless the political parties
4 provide the recorder or officer in charge of elections, in writing, a
5 sufficient number of persons by 5:00 p.m. on the Thursday preceding the
6 election and a sufficient number of persons, pursuant to this paragraph,
7 arrive to perform the hand count **OR UNLESS A SUFFICIENT NUMBER OF PERSONS**
8 **WHO ARE REGISTERED WITH NO POLITICAL PARTY DESIGNATED OR WHO ARE EMPLOYEES**
9 **OF THE COUNTY RECORDER OR OFFICER IN CHARGE OF ELECTIONS, OR ANY**
10 **COMBINATION OF THOSE PERSONS, ARE AVAILABLE AND ARRIVE TO PERFORM THE HAND**
11 **COUNT.** The recorder or officer in charge of elections may prohibit
12 persons from participating in the hand count if they are taking actions to
13 disrupt the count or are unable to perform the duties as assigned. For
14 the hand count to proceed, not more than seventy-five percent of the
15 persons performing the hand count shall be from the same political party.

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

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

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

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

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

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

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

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

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

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

25 K. The vote count verification committee is established in the
26 office of the secretary of state and all of the following apply:

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

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

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

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

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

6 Sec. 7. Section 16-625, Arizona Revised Statutes, is amended to
7 read:

8 16-625. Electronic data and digital images; ballots; security

9 A. The officer in charge of elections shall DO THE FOLLOWING:

10 1. Ensure that electronic data from and electronic or digital
11 images of ballots are ~~protected from physical and electronic access,~~
12 ~~including unauthorized copying or transfer, and that all security measures~~
13 ~~are at least as protective as those prescribed for paper ballots~~ SECURED
14 IN THE COUNTY TREASURER'S FACILITY PURSUANT TO SECTION 16-624.

15 2. FOR ANY PRIMARY, GENERAL OR SPECIAL ELECTION FOR WHICH THERE IS
16 A FEDERAL RACE ON THE BALLOT AND WITHIN FORTY-EIGHT HOURS AFTER DELIVERY
17 OF THE OFFICIAL CANVASS AS PRESCRIBED IN SECTION 16-646, MAKE AVAILABLE TO
18 THE PUBLIC BY WAY OF A CENTRAL DATABASE AN ONLINE DIGITAL COPY OF THE
19 BALLOT IMAGES. THE ONLINE DIGITAL COPIES OF BALLOT IMAGES SHALL:

20 (a) INCLUDE THE COPIES OF THE BALLOTS THAT WERE TABULATED AND THAT
21 CORRESPOND WITH THE FINAL RESULTS THAT ARE INCLUDED IN THE OFFICIAL
22 CANVASS PURSUANT TO SECTION 16-645.

23 (b) BE SEARCHABLE BY PRECINCT.

24 (c) REMAIN AVAILABLE ONLINE FOR TWENTY-FOUR MONTHS.

25 (d) PREVENT ANY LIABILITY FOR THE COUNTY OR THE SECRETARY OF STATE
26 FOR ANY PERSONAL IDENTIFYING INFORMATION, HANDWRITTEN STATEMENTS OR OTHER
27 NOTATIONS MADE OR PROVIDED BY THE VOTER THAT ARE INCLUDED IN THE BALLOT
28 IMAGES.

29 B. ANY PERSON MAY VIEW OR PRINT ONE OR MORE ONLINE DIGITAL COPIES
30 OF BALLOT IMAGES BUT SHALL NOT DESTROY, DEGRADE OR OTHERWISE ALTER AN
31 IMAGE IN THE DATABASE.

32 Sec. 8. Section 41-1278, Arizona Revised Statutes, is amended to
33 read:

34 41-1278. Definitions

35 In this article, unless the context otherwise requires:

36 1. "Committee" means the joint legislative audit committee.

37 2. "ELECTION INTEGRITY AUDIT" MEANS AN AUDIT OF LIMITED SCOPE FOR
38 THE PURPOSE OF ENSURING THE ACCURACY AND RELIABILITY OF SPECIFIC ELECTIONS
39 PROCESSES, INCLUDING REVIEW OF PREELECTION AND POSTELECTION ACTIVITIES.

40 ~~2.~~ 3. "Investigation" means an inquiry into specified acts or
41 allegations of impropriety, malfeasance or nonfeasance in the obligation,
42 expenditure, receipt or use of public funds MONIES of this state or into
43 specified financial transactions or practices which THAT may involve such
44 impropriety, malfeasance or nonfeasance.

1 ~~3-~~ 4. "Performance audit" means an audit ~~which~~ THAT determines
2 with regard to the purpose, functions and duties of the audited agency all
3 of the following:

4 (a) Whether the audited agency is managing or ~~utilizing~~ USING its
5 resources, including public ~~funds~~ MONIES of this state, personnel,
6 property, equipment and space, in an economical and efficient manner.

7 (b) Causes of inefficiencies or uneconomical practices, including
8 inadequacies in management information systems, internal and
9 administrative procedures, organizational structure, use of resources,
10 allocation of personnel, purchasing policies and equipment.

11 (c) Whether the desired results are being achieved.

12 (d) Whether objectives established by the legislature or other
13 authorizing body are being met.

14 ~~4-~~ 5. "Special audit" means an audit of limited scope.

15 ~~5-~~ 6. "Special research request" means research and analysis of
16 issues or questions that are designated as a special research request by
17 the committee, but does not include a performance audit, financial audit,
18 compliance audit, procedural review, special audit, investigation or
19 evaluation required by law.

20 ~~6-~~ 7. "State agency" means all departments, agencies, boards,
21 commissions, institutions and instrumentalities of this state.

22 Sec. 9. Repeal

23 Section 41-1279.03, Arizona Revised Statutes, as amended by Laws
24 2021, chapter 405, section 25, is repealed.

25 Sec. 10. Section 41-1279.03, Arizona Revised Statutes, as amended
26 by Laws 2019, chapter 3, section 11, is amended to read:

27 41-1279.03. Powers and duties

28 A. The auditor general shall:

29 1. Prepare an audit plan for approval by the committee and report
30 to the committee the results of each audit and investigation and other
31 reviews conducted by the auditor general.

32 2. Conduct or cause to be conducted ~~at least biennial~~ ANNUAL
33 financial and compliance audits of financial transactions and accounts
34 kept by or for all state agencies subject to the FEDERAL single audit ~~act~~
35 ~~of 1984 (P.L. 98-502)~~ REQUIREMENTS. The audits shall be conducted in
36 accordance with generally accepted governmental auditing standards and
37 accordingly shall include tests of the accounting records and other
38 auditing procedures as may be considered necessary in the circumstances.
39 The audits shall include the issuance of suitable reports as required by
40 the FEDERAL single audit ~~act of 1984 (P.L. 98-502)~~ REQUIREMENTS so that
41 the legislature, the federal government and others will be informed as to
42 the adequacy of financial statements of ~~the~~ THIS state in compliance with
43 generally accepted ~~governmental~~ accounting principles and to determine
44 whether this state has complied with laws and regulations that may have a

1 material effect on the financial statements and on major federal
2 assistance programs.

3 3. Perform procedural reviews for all state agencies at times
4 determined by the auditor general. These reviews may include evaluation
5 of administrative and accounting internal controls and reports on these
6 reviews.

7 4. Perform special research requests, special audits and related
8 assignments as designated by the committee and conduct performance audits,
9 special audits, special research requests and investigations of any state
10 agency, whether created by the constitution or otherwise, as may be
11 requested by the committee.

12 5. Annually on or before the fourth Monday of December, prepare a
13 written report to the governor and to the committee that contains a
14 summary of activities for the previous fiscal year.

15 6. In the tenth year and in each fifth year thereafter in which a
16 transportation excise tax is in effect in a county as provided in section
17 42-6106 or 42-6107, conduct a performance audit that:

18 (a) Reviews past expenditures and future planned expenditures of
19 the transportation excise revenues and determines the impact of the
20 expenditures in solving transportation problems within the county and, for
21 a transportation excise tax in effect in a county as provided in section
22 42-6107, determines whether the expenditures of the transportation excise
23 revenues comply with section 28-6392, subsection B.

24 (b) Reviews projects completed to date and projects to be completed
25 during the remaining years in which a transportation excise tax is in
26 effect. Within six months after each review period, the auditor general
27 shall present a report to the speaker of the house of representatives and
28 the president of the senate detailing findings and making recommendations.

29 (c) Reviews, determines, reports and makes recommendations to the
30 speaker of the house of representatives and the president of the senate
31 whether the distribution of ARIZONA highway user revenues complies with
32 title 28, chapter 18, article 2.

33 7. If requested by the committee, conduct performance audits of
34 counties and incorporated cities and towns receiving ARIZONA highway user
35 revenue fund monies pursuant to title 28, chapter 18, article 2 to
36 determine whether the monies are being spent as provided in section
37 28-6533, subsection B.

38 8. Perform special audits designated pursuant to law if the auditor
39 general determines that there are adequate monies appropriated for the
40 auditor general to complete the audit. If the auditor general determines
41 the appropriated monies are inadequate, the auditor general shall notify
42 the committee.

43 9. Establish a schoolwide audit team in the office of the auditor
44 general to conduct performance audits and monitor school districts to
45 determine the percentage of every dollar spent in the classroom by the

1 school district. Each school district shall prominently post on its
 2 website home page a copy of its profile pages that displays the percentage
 3 of every dollar spent in the classroom by that school district from the
 4 most recent status report issued by the auditor general pursuant to this
 5 paragraph. The performance audits shall determine whether school
 6 districts that receive monies from the Arizona English language learner
 7 fund established by section 15-756.04 and the statewide compensatory
 8 instruction fund established by section 15-756.11 comply with title 15,
 9 chapter 7, article 3.1. The auditor general shall determine, through
 10 random selection, the school districts to be audited each year, subject to
 11 review by the joint legislative audit committee. A school district that
 12 is subject to an audit pursuant to this paragraph shall notify the auditor
 13 general in writing whether the school district agrees or disagrees with
 14 the findings ~~and recommendations~~ of the audit and whether the school
 15 district will implement the ~~findings and~~ recommendations, implement
 16 modifications to the ~~findings and~~ recommendations or refuse to implement
 17 the ~~findings and~~ recommendations. The school district shall submit to the
 18 auditor general a written status report on the implementation of the audit
 19 ~~findings and recommendations every six months for two years after~~ AT THE
 20 REQUEST OF THE AUDITOR GENERAL WITHIN THE TWO-YEAR PERIOD FOLLOWING THE
 21 ISSUANCE OF an audit conducted pursuant to this paragraph. The auditor
 22 general shall review the school district's progress toward implementing
 23 the ~~findings and~~ recommendations of the audit ~~every six months after~~
 24 ~~receipt of the district's status report for two years~~ AND PROVIDE STATUS
 25 REPORTS OF THESE REVIEWS TO THE JOINT LEGISLATIVE AUDIT COMMITTEE DURING
 26 THIS TWO-YEAR PERIOD. The auditor general may review a school district's
 27 progress beyond this two-year period for recommendations that have not yet
 28 been implemented by the school district. ~~The auditor general shall~~
 29 ~~provide a status report of these reviews to the joint legislative audit~~
 30 ~~committee.~~ The school district shall participate in any hearing scheduled
 31 during this review period by the joint legislative audit committee or by
 32 any other legislative committee designated by the joint legislative audit
 33 committee.

34 10. Annually review per diem compensation and reimbursement of
 35 expenses for employees of this state and members of a state board,
 36 commission, council or advisory committee by judgmentally selecting
 37 samples and evaluating the propriety of per diem compensation and expense
 38 reimbursements.

39 11. PERFORM ELECTION INTEGRITY AUDITS AS PRESCRIBED IN SECTION
 40 41-1279.08.

41 B. The auditor general may:

42 1. Subject to approval by the committee, adopt rules necessary to
 43 administer the duties of the office.

44 2. Hire consultants to conduct the studies required by subsection
 45 A, paragraphs 6 and 7 of this section.

1 C. If approved by the committee, the auditor general may charge a
2 reasonable fee for the cost of performing audits or providing accounting
3 services for auditing federal funds, special audits or special services
4 requested by political subdivisions of this state. Monies collected
5 pursuant to this subsection shall be deposited in the audit services
6 revolving fund.

7 D. The department of transportation, **THE TRANSPORTATION EXCISE TAX**
8 **RECIPIENT AND** the board of supervisors of a county that has approved a
9 county transportation excise tax as provided in section 42-6106 or 42-6107
10 and the governing bodies of counties, cities and towns receiving **ARIZONA**
11 highway user revenue fund monies shall cooperate with and provide
12 necessary information to the auditor general or the auditor general's
13 consultant.

14 E. The department of transportation **OR THE TRANSPORTATION EXCISE**
15 **TAX RECIPIENT** shall reimburse the auditor general as follows, and the
16 auditor general shall deposit the reimbursed monies in the audit services
17 revolving fund:

18 1. For the cost of conducting the studies or hiring a consultant to
19 conduct the studies required by subsection A, paragraph 6, subdivisions
20 (a) and (b) of this section, from monies collected pursuant to a county
21 transportation excise tax levied pursuant to section 42-6106 or 42-6107.

22 2. For the cost of conducting the studies or hiring a consultant
23 pursuant to subsection A, paragraph 6, subdivision (c) and paragraph 7 of
24 this section, from the Arizona highway user revenue fund.

25 Sec. 11. Section 41-1279.04, Arizona Revised Statutes, is amended
26 to read:

27 41-1279.04. Authority to examine records; violation;
28 classification

29 A. The auditor general or the auditor general's authorized
30 representatives, in ~~the performance of~~ **PERFORMING** official duties, shall
31 have access to, ~~EMPLOYEES~~ and authority to examine, ~~any and all~~ books,
32 accounts, reports, vouchers, correspondence files and other records, bank
33 accounts, criminal history record information as defined in section
34 41-1701 **AND IN ACCORDANCE WITH SECTION 41-1750**, ~~money~~ **MONIES** and other
35 property of any state agency, board, commission, department, institution,
36 program, advisory council or committee or political subdivision of this
37 state, whether created by the constitution or otherwise, or such documents
38 and property of a contractor relating to a contract with this state
39 pursuant to the provisions of section 35-214. ~~It is the duty of~~ Any
40 officer or employee of any such agency or political subdivision, having
41 such records under the officer's or employee's control, ~~to permit~~ **SHALL**
42 **ALLOW** access to and examination of the records on the request of the
43 auditor general or the auditor general's authorized representative.

1 B. ~~For the purpose of complying with section 41-1279.03, subsection~~
 2 ~~A, paragraphs 4 and 9,~~ The auditor general or the auditor general's
 3 authorized representative, in ~~the performance of~~ PERFORMING official
 4 duties, may attend executive sessions of the governing body of any state
 5 agency or ~~school district~~ ENTITY in this state THAT IS SUBJECT TO
 6 TITLE 38, CHAPTER 3, ARTICLE 3.1.

7 C. For the purpose of auditing the department of revenue, the
 8 auditor general and the auditor general's authorized representatives have
 9 access to state tax returns, except that a report of the auditor general
 10 shall not violate the confidentiality of state tax laws.

11 D. FOR THE PURPOSE OF ELECTION INTEGRITY AUDITS, THE AUDITOR
 12 GENERAL AND THE AUDITOR GENERAL'S AUTHORIZED REPRESENTATIVES SHALL HAVE
 13 ACCESS TO BOTH OF THE FOLLOWING:

14 1. ANY PERSONNEL AND DATA FROM THE COUNTY RECORDER'S OFFICE AND ANY
 15 COUNTY ELECTIONS DEPARTMENT, THE DEPARTMENT OF TRANSPORTATION AND THE
 16 SECRETARY OF STATE, WHICH SHALL INCLUDE ACCESS TO ELECTRONIC DATA OR ANY
 17 SUCH DATA AND PROPERTY FROM A THIRD PARTY, THAT THE AUDITOR GENERAL DEEMS
 18 NECESSARY TO PERFORM THE DUTIES PRESCRIBED IN SECTION 41-1279.08,
 19 INCLUDING VOTER REGISTRATION DATA. THIS DATA SHALL BE PROVIDED IN THE
 20 MANNER AND FORMAT PRESCRIBED BY THE AUDITOR GENERAL.

21 2. POLLING PLACES, VOTING CENTERS AND CENTRAL COUNTING CENTERS.

22 E. ALL OFFICERS OF ANY STATE AGENCY, BOARD, COMMISSION, DEPARTMENT,
 23 INSTITUTION, PROGRAM, ADVISORY COUNCIL OR COMMITTEE OR POLITICAL
 24 SUBDIVISION OF THIS STATE SHALL PROVIDE REASONABLE AND NEEDED FACILITIES
 25 FOR AUDITOR GENERAL STAFF AND SHALL MAKE RECORDS AVAILABLE IN THE FORM AND
 26 AT THE TIME PRESCRIBED.

27 ~~D.~~ F. Any officer or person who knowingly fails or refuses to
 28 ~~permit such~~ ALLOW access and examination PURSUANT TO THIS SECTION OR WHO
 29 OTHERWISE KNOWINGLY OBSTRUCTS OR MISLEADS THE AUDITOR GENERAL IN THE
 30 EXECUTION OF THE AUDITOR GENERAL'S DUTIES is guilty of a class 2
 31 misdemeanor.

32 G. THE ATTORNEY GENERAL SHALL SUPERVISE THE PROSECUTION OF ALL
 33 OFFENDERS UNDER THIS SECTION.

34 Sec. 12. Title 41, chapter 7, article 10.1, Arizona Revised
 35 Statutes, is amended by adding section 41-1279.08, to read:

36 41-1279.08. Auditor general; election integrity audits;
 37 duties

38 A. THE AUDITOR GENERAL SHALL ESTABLISH AN AUDIT TEAM TO PERFORM
 39 ELECTION INTEGRITY AUDITS OF COUNTY RECORDERS' OFFICES AND COUNTY
 40 ELECTIONS DEPARTMENTS.

41 B. EACH ELECTION CYCLE, THE AUDITOR GENERAL SHALL CHOOSE THROUGH
 42 RANDOM SELECTION TWO COUNTIES THAT HAVE A POPULATION OF LESS THAN ONE
 43 MILLION PERSONS AND PERFORM AN ELECTION INTEGRITY AUDIT ON THOSE COUNTIES.
 44 THE ELECTION INTEGRITY AUDIT FOR THOSE COUNTIES SHALL EXAMINE ALL OF THE
 45 FOLLOWING:

1 1. VOTER REGISTRATION, MAINTENANCE OF VOTER REGISTRATION ROLLS AND
2 MAINTENANCE OF THE ACTIVE EARLY VOTING LIST.

3 2. EARLY BALLOT PROCESSING AND SIGNATURE VERIFICATION PROCESSING,
4 INCLUDING THE SEPARATION OF EARLY BALLOTS INTO BATCHES OR OTHER GROUPINGS,
5 BALLOT DROP BOX SECURITY AND EARLY BALLOT ELECTION PROCESSING BOARDS.

6 3. TABULATION OF BALLOTS, INCLUDING BALLOT ADJUDICATION AND
7 DUPLICATION, SECURITY ISSUES WHILE TABULATING AND LOGIC AND ACCURACY
8 TESTING AND ADMINISTRATION.

9 4. POLLING PLACE ADMINISTRATION, VOTING CENTER ADMINISTRATION,
10 CENTRAL COUNTING CENTER ADMINISTRATION AND CHAIN OF CUSTODY OF BALLOTS,
11 EQUIPMENT AND REMOVABLE STORAGE DEVICES.

12 C. THE AUDITOR GENERAL SHALL PERFORM AN ELECTION INTEGRITY AUDIT OF
13 EACH COUNTY WITH A POPULATION OF ONE MILLION OR MORE PERSONS EACH ELECTION
14 CYCLE AND EACH ELECTION CYCLE SHALL EXAMINE ONE OF THE FOLLOWING TOPICS ON
15 A ROTATING BASIS:

16 1. VOTER REGISTRATION, MAINTENANCE OF VOTER REGISTRATION ROLLS AND
17 MAINTENANCE OF THE ACTIVE EARLY VOTING LIST.

18 2. EARLY BALLOT PROCESSING AND SIGNATURE VERIFICATION PROCESSING,
19 INCLUDING THE SEPARATION OF EARLY BALLOTS INTO BATCHES OR OTHER GROUPINGS,
20 BALLOT DROP BOX SECURITY AND EARLY BALLOT ELECTION PROCESSING BOARDS.

21 3. TABULATION OF BALLOTS, INCLUDING BALLOT ADJUDICATION AND
22 DUPLICATION, SECURITY ISSUES WHILE TABULATING AND LOGIC AND ACCURACY
23 TESTING AND ADMINISTRATION.

24 4. POLLING PLACE ADMINISTRATION, VOTING CENTER ADMINISTRATION,
25 CENTRAL COUNTING CENTER ADMINISTRATION AND CHAIN OF CUSTODY OF BALLOTS,
26 EQUIPMENT AND REMOVABLE STORAGE DEVICES.

27 D. THE AUDITOR GENERAL MAY MAKE RECOMMENDATIONS TO THE COUNTIES,
28 THE SECRETARY OF STATE AND THE LEGISLATURE TO ADDRESS FINDINGS IDENTIFIED
29 IN THE ELECTION INTEGRITY AUDITS.

30 E. A COUNTY SUBJECT TO AN ELECTION INTEGRITY AUDIT PURSUANT TO THIS
31 SECTION SHALL NOTIFY THE AUDITOR GENERAL IN WRITING WHETHER THE COUNTY
32 AGREES OR DISAGREES WITH THE FINDINGS OF THE ELECTION INTEGRITY AUDIT AND
33 WHETHER THE COUNTY WILL IMPLEMENT THE RECOMMENDATIONS, IMPLEMENT
34 MODIFICATIONS TO THE RECOMMENDATIONS OR REFUSE TO IMPLEMENT THE
35 RECOMMENDATIONS. THE COUNTY SHALL SUBMIT TO THE AUDITOR GENERAL WRITTEN
36 STATUS REPORTS ON THE IMPLEMENTATION OF THE ELECTION INTEGRITY AUDIT
37 RECOMMENDATIONS AT THE REQUEST OF THE AUDITOR GENERAL WITHIN THE TWO-YEAR
38 PERIOD FOLLOWING THE ISSUANCE OF THE ELECTION INTEGRITY AUDIT PURSUANT TO
39 THIS SECTION. THE AUDITOR GENERAL SHALL REVIEW THE COUNTY'S PROGRESS
40 TOWARD IMPLEMENTING THE RECOMMENDATIONS OF THE ELECTION INTEGRITY AUDIT
41 FOR UP TO TWO YEARS. THE AUDITOR GENERAL MAY REVIEW THE COUNTY'S PROGRESS
42 BEYOND THIS TWO-YEAR PERIOD FOR RECOMMENDATIONS THAT HAVE NOT YET BEEN
43 IMPLEMENTED.

1 F. THE AUDITOR GENERAL SHALL REPORT ANY ELECTION INTEGRITY AUDIT
2 FINDINGS AND RECOMMENDATIONS AND THE STATUS OF A COUNTY'S PROGRESS TOWARDS
3 IMPLEMENTING RECOMMENDATIONS TO THE PRESIDENT OF THE SENATE, THE SPEAKER
4 OF THE HOUSE OF REPRESENTATIVES, THE JOINT LEGISLATIVE AUDIT COMMITTEE,
5 THE GOVERNOR, THE SECRETARY OF STATE AND THE ATTORNEY GENERAL.

6 G. A COUNTY SUBJECT TO AN ELECTION INTEGRITY AUDIT SHALL POST THE
7 AUDIT REPORT AND STATUS REPORT OF PROGRESS TOWARD IMPLEMENTING
8 RECOMMENDATIONS ON ITS WEBSITE AND SHALL PARTICIPATE IN ANY HEARING
9 RELATED TO THE ELECTION INTEGRITY AUDIT SCHEDULED BY THE JOINT LEGISLATIVE
10 AUDIT COMMITTEE OR BY ANY OTHER LEGISLATIVE COMMITTEE DESIGNATED BY THE
11 JOINT LEGISLATIVE AUDIT COMMITTEE.

12 Sec. 13. Delayed repeal

13 Section 41-1279.08, Arizona Revised Statutes, as added by this act,
14 is repealed from and after December 31, 2029.

15 Sec. 14. Appropriation; secretary of state; ballot image
16 portal; exemption

17 A. The sum of \$_____ is appropriated from the state general
18 fund in fiscal year 2022-2023 to the secretary of state to create and
19 maintain a ballot image portal as prescribed in section 16-625, Arizona
20 Revised Statutes, as amended by this act.

21 B. The appropriation made in subsection A of this section is exempt
22 from the provisions of section 35-190, Arizona Revised Statutes, relating
23 to lapsing of appropriations.