

House Engrossed Senate Bill
voter registration rolls; internet access

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SENATE BILL 1375

AN ACT

AMENDING SECTIONS 16-161, 16-168, 16-244 AND 16-322, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-407.04; AMENDING SECTIONS 16-602, 16-821, 45-415 AND 45-433, ARIZONA REVISED STATUTES; RELATING TO QUALIFICATION AND REGISTRATION OF ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-161, Arizona Revised Statutes, is amended to
3 read:

4 16-161. Official record of registration; federal form;
5 reporting

6 A. When the registration form is filled out, signed by the elector
7 and received by the county recorder, it shall constitute an official
8 public record of the registration of the elector.

9 B. On the dates prescribed by section 16-168, subsection ~~6~~ I, the
10 county recorder shall report to the secretary of state and shall
11 prominently post on the recorder's website the number of persons who are
12 registered to vote using the federal or state voter registration form and
13 who have not provided proof of citizenship to the county recorder and,
14 after each general election, shall post on the recorder's website the
15 number of ballots cast by those persons who were eligible to vote a ballot
16 containing federal offices only.

17 Sec. 2. Section 16-168, Arizona Revised Statutes, is amended to
18 read:

19 16-168. Precinct registers: date of preparation: contents;
20 registration rolls access; reports; statewide
21 database; violation; classification

22 A. By the tenth day preceding the primary and general elections the
23 county recorder shall prepare from the original registration forms or from
24 electronic media at least four lists that are printed or typed on paper,
25 or at least two electronic media poll lists, or any combination of both,
26 of all qualified electors in each precinct in the county, and the lists
27 shall be the official precinct registers.

28 B. The official precinct registers for use at the polling place
29 shall contain at least the names in full, party preference, date of
30 registration and residence address of each qualified elector in the
31 respective precincts. The names shall be in alphabetical order and, in a
32 column to the left of the names, shall be numbered consecutively beginning
33 with number 1 in each precinct register.

34 C. For the purposes of transmitting voter registration information
35 as prescribed by this subsection, electronic media shall be the principal
36 media. A county or state chairman who is eligible to receive copies of
37 precinct lists as prescribed by this subsection may request that the
38 recorder provide a paper copy of the precinct lists. In addition to
39 preparing the official precinct lists, the county recorder shall provide a
40 means for electronically reproducing the precinct lists. Unless otherwise
41 agreed, the county recorder shall deliver one electronic media copy of
42 each precinct list in the county without charge and on the same day within
43 eight days after the close of registration for the primary and general
44 elections to the county chairman and one electronic media copy to the
45 state chairman of each party that has at least four candidates other than

1 presidential electors appearing on the ballot in that county at the
2 current election. The secretary of state shall establish a single format
3 that prescribes the manner and template in which all county recorders
4 provide this data to the secretary of state to ensure that the submissions
5 are uniform from all counties in this state, that all submissions are
6 identical in format, including the level of detail for voting history, and
7 that information may readily be combined from two or more counties. The
8 electronic media copies of the precinct lists that are delivered to the
9 party chairmen shall include for each elector the following information:

- 10 1. Name in full and appropriate title.
- 11 2. Party preference.
- 12 3. Date of registration.
- 13 4. Residence address.
- 14 5. Mailing address, if different from residence address.
- 15 6. Zip code.
- 16 7. Telephone number if given.
- 17 8. Birth year.
- 18 9. Occupation if given.
- 19 10. Voting history for all elections in the prior four years and
20 any other information regarding registered voters that the county recorder
21 or city or town clerk maintains electronically and that is public
22 information.

- 23 11. All data relating to early voters, including ballot requests
24 and ballot returns.

25 D. The names on the precinct lists shall be in alphabetical order
26 and the precinct lists in their entirety, unless otherwise agreed, shall
27 be delivered to each county chairman and each state chairman within ten
28 business days ~~of~~ AFTER the close of each date for counting registered
29 voters prescribed by subsection ~~G~~ H of this section other than the
30 primary and general election registered voter counts in the same format
31 and media as prescribed by subsection C of this section. During the
32 thirty-three days immediately preceding an election and on request from a
33 county or state chairman, the county recorder shall provide at no cost a
34 daily list of persons who have requested an early ballot and shall provide
35 at no cost a weekly listing of persons who have returned their early
36 ballots. The recorder shall provide the daily and weekly information
37 through the Friday preceding the election. On request from a county
38 chairman or state chairman, the county recorder of a county with a
39 population of more than eight hundred thousand persons shall provide at no
40 cost a daily listing of persons who have returned their early ballots.
41 The daily listing shall be provided Mondays through Fridays, beginning
42 with the first Monday following the start of early voting and ending on
43 the Monday before the election.

1 E. THE COUNTY RECORDER SHALL PROVIDE ACCESS TO THE VOTER
2 REGISTRATION ROLLS BY WAY OF AN INTERNET PORTAL THAT IS ACCESSIBLE TO THE
3 PUBLIC AND THAT ALLOWS THE INFORMATION TO BE DOWNLOADED. THE COUNTY
4 RECORDER MAY NOT CHARGE A FEE FOR THE ACCESS.

5 ~~F.~~ F. Precinct registers and other lists and information derived
6 from registration forms AND FROM THE VOTER REGISTRATION ROLLS may be used
7 only for purposes relating to a political or political party activity, a
8 political campaign or an election, for revising election district
9 boundaries or for any other purpose specifically authorized by law and may
10 not be used for a commercial purpose as defined in section 39-121.03. The
11 sale of registers, lists and information derived from registration forms
12 to a candidate or a registered political committee for a use specifically
13 authorized by this subsection does not constitute use for a commercial
14 purpose. The county recorder, the secretary of state and other officers
15 in charge of elections SHALL PROVIDE FOR ELECTRONIC ACCESS TO VOTER
16 REGISTRATION INFORMATION AND, on a request for ~~an authorized~~ A
17 NONCOMMERCIAL use and within thirty days from receipt of the request,
18 shall prepare additional copies of an official precinct list and furnish
19 them to any person ~~requesting them~~ WHO ESTABLISHES AN ELECTRONIC PROFILE
20 WITH THE INFORMATION PROVIDER AND ATTESTS THAT THE INFORMATION WILL NOT BE
21 USED FOR A COMMERCIAL PURPOSE AND on payment of a fee equal to the
22 following amounts for the following number of voter registration records
23 provided:

24 1. For one to one hundred twenty-four thousand nine hundred
25 ninety-nine records, \$93.75 plus \$0.0005 per record.

26 2. For one hundred twenty-five thousand to two hundred forty-nine
27 thousand nine hundred ninety-nine records, \$156.25 plus \$0.000375 per
28 record.

29 3. For two hundred fifty thousand to four hundred ninety-nine
30 thousand nine hundred ninety-nine records, \$203.13 plus \$0.00025 per
31 record.

32 4. For five hundred thousand to nine hundred ninety-nine thousand
33 nine hundred ninety-nine records, \$265.63 plus \$0.000125 per record.

34 5. For one million or more records, \$328.13 plus \$0.0000625 per
35 record.

36 ~~F.~~ G. Any person in possession of a precinct register or list, in
37 whole or part, or any reproduction of a precinct register or list, shall
38 not ~~permit~~ ALLOW the register or list to be used, bought, sold or
39 otherwise transferred for any purpose except for uses otherwise authorized
40 by this section. ~~A person in possession of information derived from voter~~
41 ~~registration forms or precinct registers shall not distribute, post or~~
42 ~~otherwise provide access to any portion of that information through the~~
43 ~~internet except as authorized by subsection I of this section. Nothing in~~
44 THIS SECTION ~~shall~~ DOES NOT preclude public inspection of voter
45 registration records at the office of the county recorder for the purposes

1 prescribed by this section, except that the month and day of birth date,
2 the social security number or any portion thereof, the driver license
3 number or nonoperating identification license number, the Indian census
4 number, the father's name or mother's maiden name, the state or country of
5 birth and the records containing a voter's signature and a voter's ~~e-mail~~
6 EMAIL address shall not be accessible or reproduced by any person other
7 than the voter, by an authorized government official in the scope of the
8 official's duties, for any purpose by an entity designated by the
9 secretary of state as a voter registration agency pursuant to the national
10 voter registration act of 1993 (P.L. 103-31; 107 Stat. 77), for signature
11 verification on petitions and candidate filings, for election purposes and
12 for news gathering purposes by a person engaged in newspaper, radio,
13 television or reportorial work, or connected with or employed by a
14 newspaper, radio or television station or pursuant to a court order.
15 Notwithstanding any other law, a voter's ~~e-mail~~ EMAIL address may not be
16 released for any purpose. A person who violates this subsection or
17 subsection ~~F~~ F of this section is guilty of a class 6 felony.

18 ~~G~~ H. The county recorder shall count the registered voters by
19 political party by precinct, legislative district and congressional
20 district as follows:

21 1. In even numbered years, the county recorder shall count all
22 persons who are registered to vote as of:

23 (a) January 2.

24 (b) April 1.

25 (c) The last day on which a person may register to be eligible to
26 vote in the next primary election.

27 (d) The last day on which a person may register to be eligible to
28 vote in the next general election.

29 (e) The last day on which a person may register to be eligible to
30 vote in the next presidential preference election.

31 2. In odd numbered years, the county recorder shall count all
32 persons who are registered to vote as of:

33 (a) January 2.

34 (b) April 1.

35 (c) July 1.

36 (d) October 1.

37 ~~H~~ I. The county recorder shall report the totals to the secretary
38 of state as soon as is practicable following each of the dates prescribed
39 in subsection ~~G~~ H of this section. The report shall include completed
40 registration forms returned in accordance with section 16-134,
41 subsection B. The county recorder shall also provide the report in a
42 uniform electronic computer media format that shall be agreed on between
43 the secretary of state and all county recorders. The secretary of state
44 shall then prepare a summary report for the state and shall maintain that
45 report as a permanent record.

1 ~~J.~~ J. The county recorder and the secretary of state shall protect
2 access to voter registration information in an auditable format and method
3 specified in the secretary of state's electronic voting system
4 instructions and procedures manual that is adopted pursuant to section
5 16-452.

6 ~~K.~~ K. The secretary of state shall develop and administer a
7 statewide database of voter registration information that contains the
8 name and registration information of every registered voter in this state.
9 The statewide database is a matter of statewide concern and is not subject
10 to modification or further regulation by a political subdivision. The
11 database shall include an identifier that is unique for each individual
12 voter. The database shall provide for access by voter registration
13 officials and shall allow expedited entry of voter registration
14 information after it is received by county recorders. As a part of the
15 statewide voter registration database, county recorders shall provide for
16 the electronic transmittal of that information to the secretary of state
17 on a real time basis. The secretary of state shall provide for
18 maintenance of the database, including provisions regarding removal of
19 ineligible voters that are consistent with the national voter registration
20 act of 1993 (P.L. 103-31; 107 Stat. 77; 52 United States Code sections
21 20501 through 20511) and the help America vote act of 2002 (P.L. 107-252;
22 116 Stat. 1666; 52 United States Code sections 20901 through 21145),
23 provisions regarding removal of duplicate registrations and provisions to
24 ensure that eligible voters are not removed in error. For the purpose of
25 maintaining compliance with the help America vote act of 2002, each county
26 voter registration system is subject to approval by the secretary of state
27 for compatibility with the statewide voter registration database system.

28 ~~K.~~ L. Except as provided in subsection ~~L~~ M of this section, for
29 requests for the use of registration forms and access to information as
30 provided in subsections ~~E and~~ F AND G of this section, the county recorder
31 shall receive and respond to requests regarding federal, state and county
32 elections.

33 ~~L~~ M. Beginning January 1, 2008, recognized political parties
34 shall request precinct lists and access to information as provided in
35 subsections ~~E and~~ F AND G of this section during the time periods
36 prescribed in subsection C or D of this section and the county recorder
37 shall receive and respond to those requests. If the county recorder does
38 not provide the requested materials within the applicable time prescribed
39 for the county recorder pursuant to subsection C or D of this section, a
40 recognized political party may request that the secretary of state provide
41 precinct lists and access to information as provided in subsections ~~E and~~
42 F AND G of this section for federal, state and county elections. The
43 secretary of state shall not provide access to precinct lists and
44 information for recognized political parties unless the county recorder
45 has failed or refused to provide the lists and materials as prescribed by

1 this section. The secretary of state may charge the county recorder a fee
2 determined by rule for each name or record produced.

3 ~~M.~~ N. For municipal registration information in those
4 municipalities in which the county administers the municipal elections,
5 county and state party chairmen shall request and obtain voter
6 registration information and precinct lists from the city or town clerk
7 during the time periods prescribed in subsection C or D of this section.
8 If the city or town clerk does not provide that information within the
9 same time prescribed for county recorders pursuant to subsection C or D of
10 this section, the county or state party chairman may request and obtain
11 the information from the county recorder. The county recorder shall
12 provide the municipal voter registration and precinct lists within the
13 time prescribed in subsection C or D of this section.

14 ~~N.~~ O. The county recorders and the secretary of state shall not
15 prohibit any person or entity ~~prescribed in subsection C of this section~~
16 from distributing a precinct list to any person or entity that is deemed
17 to be using the precinct list in a lawful manner as prescribed in
18 subsections ~~E and~~ F AND G of this section.

19 Sec. 3. Section 16-244, Arizona Revised Statutes, is amended to
20 read:

21 16-244. Representation on ballot

22 A. To be eligible to participate in the presidential preference
23 election, a political party shall be either of the following:

24 1. A political party that is entitled to continued representation
25 on the state ballot pursuant to section 16-804.

26 2. A new political party that has become eligible for recognition
27 and that will be represented by an official party ballot pursuant to
28 section 16-801. A petition for recognition of a new political party shall
29 be filed with the secretary of state not less than one hundred fifty nor
30 more than one hundred eighty days before the presidential preference
31 election, and in the same manner as prescribed in section 16-801. The
32 petition shall be processed and verified as prescribed in section 16-803.
33 A political party that is eligible for the presidential preference
34 election ballot shall be represented on the subsequent primary and general
35 election ballots in the year of the presidential election.

36 B. Notwithstanding the provisions of section 16-804, subsection A,
37 the secretary of state shall determine the political parties entitled to
38 continued representation on the state ballot pursuant to section 16-804,
39 subsection B if, on October 1 of the year immediately preceding the
40 presidential preference election, that party has registered voters equal
41 to at least two-thirds of one per cent of the total number of registered
42 voters in this state. Each county recorder shall furnish the secretary of
43 state with the number of registered voters as prescribed by section
44 16-168, subsection ~~G~~ H, paragraph 2, subdivision (d).

1 Sec. 4. Section 16-322, Arizona Revised Statutes, is amended to
2 read:

3 16-322. Number of signatures required on nomination petitions

4 A. Nomination petitions shall be signed by a number of qualified
5 signers equal to:

6 1. If for a candidate for the office of United States senator or
7 for a state office, excepting members of the legislature and superior
8 court judges, at least one-fourth of one percent but not more than ten
9 percent of the total number of qualified signers in ~~the~~ THIS state.

10 2. If for a candidate for the office of representative in Congress,
11 at least one-half of one percent but not more than ten percent of the
12 total number of qualified signers in the district from which the
13 representative shall be elected, except that if for a candidate for a
14 special election to fill a vacancy in the office of representative in
15 Congress, at least one-fourth of one percent but not more than ten percent
16 of the total number of qualified signers in the district from which the
17 representative shall be elected.

18 3. If for a candidate for the office of member of the legislature,
19 at least one-half of one percent but not more than three percent of the
20 total number of qualified signers in the district from which the member of
21 the legislature may be elected.

22 4. If for a candidate for a county office or superior court judge,
23 at least one percent but not more than ten percent of the total number of
24 qualified signers in the county or district, except that if for a
25 candidate from a county with a population of two hundred thousand persons
26 or more, at least one-fourth of one percent but not more than ten percent
27 of the total number of qualified signers in the county or district.

28 5. If for a candidate for a community college district, at least
29 one-quarter of one percent but not more than ten percent of the total
30 voter registration in the precinct as established pursuant to section
31 15-1441. Notwithstanding the total voter registration in the community
32 college district, the maximum number of signatures required by this
33 paragraph is one thousand.

34 6. If for a candidate for county precinct committeeman, at least
35 two percent but not more than ten percent of the party voter registration
36 in the precinct or ten signatures, whichever is less.

37 7. If for a candidate for justice of the peace or constable, at
38 least one percent but not more than ten percent of the number of qualified
39 signers in the precinct.

40 8. If for a candidate for mayor or other office nominated by a city
41 at large, at least five percent and not more than ten percent of the
42 designated party vote in the city, except that a city that chooses to hold
43 nonpartisan elections may provide by ordinance that the minimum number of
44 signatures required for the candidate be one thousand signatures or five

1 percent of the vote in the city, whichever is less, but not more than ten percent of the vote in the city.

3 9. If for an office nominated by ward, precinct or other district
4 of a city, at least five percent and not more than ten percent of the
5 designated party vote in the ward, precinct or other district, except that
6 a city that chooses to hold nonpartisan elections may provide by ordinance
7 that the minimum number of signatures required for the candidate be two
8 hundred fifty signatures or five percent of the vote in the district,
9 whichever is less, but not more than ten percent of the vote in the
10 district.

11 10. If for a candidate for an office nominated by a town at large,
12 by a number of qualified electors who are qualified to vote for the
13 candidate whose nomination petition they are signing equal to at least
14 five percent and not more than ten percent of the vote in the town, except
15 that a town that chooses to hold nonpartisan elections may provide by
16 ordinance that the minimum number of signatures required for the candidate
17 be one thousand signatures or five percent of the vote in the town,
18 whichever is less, but not more than ten percent of the vote in the town.

19 11. If for a candidate for a governing board of a school district
20 or a career technical education district, at least one-half of one percent
21 of the total voter registration in the school district or career technical
22 education district if the board members are elected at large or one
23 percent of the total voter registration in the single member district if
24 governing board members are elected from single member districts or
25 one-half of one percent of the total voter registration in the single
26 member district if career technical education district board members are
27 elected from single member districts. Notwithstanding the total voter
28 registration in the school district, career technical education district
29 or single member district of the school district or career technical
30 education district, the maximum number of signatures required by this
31 paragraph is four hundred.

32 12. If for a candidate for a governing body of a special district
33 as described in title 48, at least one-half of one percent of the vote in
34 the special district but not more than two hundred fifty and not fewer
35 than five signatures.

36 B. The basis of percentage in each instance referred to in
37 subsection A of this section, except in cities, towns and school
38 districts, ~~shall be~~ IS the number of qualified signers as determined from
39 the voter registration totals as reported pursuant to section 16-168,
40 subsection ~~A~~ I on January 2 of the year in which the general election is
41 held. In cities, the basis of percentage ~~shall be~~ IS the vote of the
42 party for mayor at the last preceding election at which a mayor was
43 elected. In towns, the basis of percentage ~~shall be~~ IS the highest vote
44 cast for an elected official of the town at the last preceding election at
45 which an official of the town was elected. In school districts or career

1 technical education districts, the basis of percentage ~~shall be~~ IS the
2 total number of active registered voters in the school district or career
3 technical education district or single member district, whichever applies.
4 The total number of active registered voters for school districts or
5 career technical education districts shall be calculated using the
6 periodic reports prepared by the county recorder pursuant to section
7 16-168, subsection ~~6~~ I. The count that is reported on January 2 of the
8 year in which the general election is held ~~shall be~~ IS the basis for the
9 calculation of total voter registration for school districts or career
10 technical education districts.

11 C. In primary elections, the signature requirement for party
12 nominees, other than nominees of the parties entitled to continued
13 representation pursuant to section 16-804, is at least one-tenth of one
14 percent of the total vote for the winning candidate or candidates for
15 governor or presidential electors at the last general election within the
16 district. Signatures must be obtained from qualified electors who are
17 qualified to vote for the candidate whose nomination petition they are
18 signing.

19 D. If new boundaries for congressional districts or legislative
20 districts are established and effective subsequent to January 2 of the
21 year of a general election and before the first date for filing of
22 nomination petitions, the basis for determining the required number of
23 nomination petition signatures is the number of qualified signers in the
24 elective office or district that was effective on January 2 of the year of
25 a general election. If new boundaries for supervisorial districts,
26 justice precincts or election precincts are adopted after January 2 of the
27 year of a general election and before the last date for filing of
28 nomination petitions for the elective office, district or precinct, the
29 basis for determining the required number of nomination petition
30 signatures is the number of qualified signers in the elective office,
31 district or precinct on the effective date of the new district or
32 precinct.

33 Sec. 5. Title 16, chapter 4, article 1, Arizona Revised Statutes,
34 is amended by adding section 16-407.04, to read:

35 16-407.04. County voting location ballot report; public
36 record

37 NOTWITHSTANDING ANY OTHER LAW, BEFORE LEAVING A COUNTY VOTING
38 LOCATION AT THE END OF ELECTION DAY FOR EACH ELECTION, THE INSPECTOR SHALL
39 SEND THE DATA FROM THE COUNTY VOTING LOCATION BALLOT REPORT TO THE
40 ELECTION DEPARTMENT AND THE OFFICER IN CHARGE OF ELECTIONS, NOT LATER THAN
41 THE LAST POSTING OF ELECTION RESULTS FOR THAT NIGHT, SHALL MAKE THAT DATA
42 AVAILABLE AS A PUBLIC RECORD.

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

3 16-602. Removal of ballots from ballot boxes; designated
4 margin; hand counts; vote count verification
5 committee

6 A. For any primary, special or general election in which the votes
7 are cast on an electronic voting machine or tabulator, the election judge
8 shall compare the number of votes cast as indicated on the machine or
9 tabulator with the number of votes cast as indicated on the poll list and
10 the number of provisional ballots cast and that information shall be noted
11 in a written report prepared and submitted to the officer in charge of
12 elections along with other tally reports.

13 B. For each countywide primary, special, general and presidential
14 preference election, the county officer in charge of the election shall
15 conduct a hand count at one or more secure facilities. The hand count
16 shall be conducted as prescribed by this section and in accordance with
17 hand count procedures established by the secretary of state in the
18 official instructions and procedures manual adopted pursuant to section
19 16-452. The hand count is not subject to the live video requirements of
20 section 16-621, subsection D, but the party representatives who are
21 observing the hand count may bring their own video cameras in order to
22 record the hand count. The recording shall not interfere with the conduct
23 of the hand count and the officer in charge of the election may prohibit
24 from recording or remove from the facility persons who are taking actions
25 to disrupt the count. The sole act of recording the hand count does not
26 constitute sufficient grounds for the officer in charge of the election to
27 prohibit observers from recording or to remove them from the facility.
28 The hand count shall be conducted in the following order:

29 1. At least two percent of the precincts in that county, or two
30 precincts, whichever is greater, shall be selected at random from a pool
31 consisting of every precinct in that county. The county political party
32 chairperson for each political party that is entitled to continued
33 representation on the state ballot or the chairperson's designee shall
34 conduct the selection of the precincts to be hand counted. The precincts
35 shall be selected by lot without the use of a computer, and the order of
36 selection by the county political party chairpersons shall also be by lot.
37 The selection of the precincts shall not begin until all ballots voted in
38 the precinct polling places have been delivered to the central counting
39 center. The unofficial vote totals from all precincts shall be made
40 public before selecting the precincts to be hand counted. Only the
41 ballots cast in the polling places and ballots from direct recording
42 electronic machines shall be included in the hand counts conducted
43 pursuant to this section. Provisional ballots, conditional provisional
44 ballots and write-in votes shall not be included in the hand counts and
45 the early ballots shall be grouped separately by the officer in charge of

1 elections for purposes of a separate manual audit pursuant to subsection F
2 of this section.

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

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

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

13 (c) One contested race for federal office, either United States
14 senate or United States house of representatives. If the United States
15 house of representatives race is selected, the names of the candidates may
16 vary among the sampled precincts.

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

20 (e) If there are fewer than four contested races resulting from the
21 selections made pursuant to subdivisions (a) through (d) of this paragraph
22 and if there are additional contested federal, statewide or legislative
23 races or ballot measures, additional contested races shall be selected by
24 lot not using a computer until four races have been selected or until no
25 additional contested federal, statewide or legislative races or ballot
26 measures are available for selection.

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

30 3. For the presidential preference election, select by lot two
31 percent of the polling places designated and used pursuant to section
32 16-248 and perform the hand count of those ballots.

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

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

38 6. Each county chairperson of a political party that is entitled to
39 continued representation on the state ballot or the chairperson's designee
40 shall select by lot the individual races to be hand counted pursuant to
41 this section.

42 7. Political party designees who are selected pursuant to this
43 paragraph shall perform the hand count under the supervision of the county
44 officer in charge of elections. The county officer in charge of elections
45 shall provide compensation for those selected to perform the hand count,

1 not to include travel, meal or lodging expenses. The hand count shall not
2 proceed unless the political parties provide the officer in charge of
3 elections in writing a sufficient number of persons pursuant to this
4 paragraph by 5:00 p.m. on the Thursday preceding the election and a
5 sufficient number of persons prescribed by this paragraph arrive to
6 perform the hand count. Political party designees shall be selected to
7 perform the hand count as follows:

8 (a) The county chairperson of each political party shall designate
9 and provide to both the county officer in charge of elections and the
10 state party chairperson the number of hand count board members as
11 designated by the county officer in charge of elections. If the county
12 party chairperson fails to designate a sufficient number of hand count
13 board workers, the state party chairperson shall designate qualified
14 electors to be hand count board workers. If the county chairpersons and
15 the state party chairpersons fail to designate a sufficient number of hand
16 count board workers, the highest-ranking official holding a statewide
17 office of each political party shall designate qualified electors to be
18 hand count board workers. For the purposes of this subdivision, the
19 ranking of officials holding statewide office shall be governor, secretary
20 of state, attorney general, state treasurer, superintendent of public
21 instruction, corporation commissioners in order of seniority, mine
22 inspector, senate majority and minority leaders and house of
23 representatives majority and minority leaders.

24 (b) The political parties shall provide to the county officer in
25 charge of elections in writing the names of those persons intending to
26 participate in the hand count at the audited precincts not later than
27 5:00 p.m. on the second Tuesday preceding the election.

28 (c) If the total number of hand count board workers provided by all
29 parties is less than the number designated by the county officer in charge
30 of elections, the county officer in charge of elections shall notify the
31 parties of the shortage not later than 9:00 a.m. on the second Wednesday
32 preceding the election and the political parties have until 9:00 a.m. on
33 the second Thursday preceding the election to provide the county officer
34 in charge of elections with an additional list of qualified electors who
35 are willing to participate in the hand count.

36 (d) The county officer in charge of elections shall distribute the
37 list provided pursuant to subdivision (c) of this paragraph to the county
38 chairperson and state chairperson of each recognized political party in
39 the county and state not later than 5:00 p.m. on the second Friday
40 preceding the election.

41 (e) The selection of persons to perform the hand count shall ensure
42 that not more than seventy-five percent of the persons conducting the hand
43 count are members of the same political party.

1 (f) The county recorder or county officer in charge of elections
2 may prohibit persons from participating in the hand count if the persons
3 are taking actions to disrupt the count or are unable to perform the
4 duties as assigned.

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

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

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

38 E. If a final hand count is performed for an entire jurisdiction
39 for a race, the final hand count shall be repeated for that race until a
40 hand count for that race for the entire jurisdiction results in a count
41 that is identical to one other hand count for that race for the entire
42 jurisdiction and that hand count constitutes the official count for that
43 race.

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

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

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

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

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

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

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

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

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

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

40 5. Members of the vote count verification committee are not
41 eligible to receive compensation but are eligible for reimbursement of
42 expenses pursuant to title 38, chapter 4, article 2. The committee is a
43 public body and its meetings are subject to title 38, chapter 3, article
44 3.1 and its reports and records are subject to title 39, chapter 1.

1 Sec. 7. Section 16-821, Arizona Revised Statutes, is amended to
2 read:

3 16-821. County committee; vacancy in office of precinct
4 committeeman

5 A. At the primary election the members of a political party WHO ARE
6 entitled to representation pursuant to section 16-804 ~~residing~~ AND WHO
7 RESIDE in each precinct shall choose one of their number as a county
8 precinct committeeman, and the members shall choose one additional
9 precinct committeeman for each one hundred twenty-five voters or major
10 fraction thereof WHO ARE registered in the party in the precinct as
11 reported pursuant to section 16-168, subsection ~~6~~ I on January 2 of the
12 year in which the general election is held. The whole number of precinct
13 committeemen of a political party shall constitute the county committee of
14 the party.

15 B. The board of supervisors ~~upon~~ ON the recommendation of the
16 county chairman, or the recommendation of a committee designated in the
17 bylaws of the county committee for that purpose, shall determine when a
18 vacancy exists in the office of precinct committeeman. If a vacancy
19 exists, the vacancy shall be filled by the board of supervisors from a
20 list of names submitted by the county chairman of the appropriate
21 political party. Only a precinct committeeman WHO IS elected at the
22 primary election ~~prior to~~ BEFORE the date of a state or county committee
23 organizing meeting shall be permitted to vote at ~~such~~ THE meeting. The
24 criteria used to establish when a vacancy exists in the office of precinct
25 committeeman shall be as established in section 38-291.

26 Sec. 8. Section 45-415, Arizona Revised Statutes, is amended to
27 read:

28 45-415. Local initiation for active management area;
29 procedures

30 A. A groundwater basin that is not included within an initial
31 active management area may be designated an active management area on
32 petition by ten percent of the registered voters residing within the
33 boundaries of the proposed active management area, as of the most recent
34 report compiled by the county recorder in compliance with section 16-168,
35 subsection ~~6~~ I, and a subsequent election held pursuant to the general
36 election laws of this state. The form of the petition shall be the same
37 as for initiative petitions, and the applicant for the petition shall
38 comply with section 19-111.

39 B. On application for a petition number with the clerk of the board
40 of supervisors or county election officer, the director shall transmit a
41 map of the groundwater basin to the county recorder of each county in
42 which the proposed active management area is located. The map shall be on
43 a scale adequate to show with substantial accuracy where the boundaries of
44 the groundwater basin cross the boundaries of county voting precincts.
45 The director shall also transmit to the county recorder all other factual

1 data concerning the boundaries of the groundwater basin that may aid the
2 county recorder in the determination of which registered voters of the
3 county are residents of the groundwater basin.

4 C. Any registered voter of a county whose residency in the
5 groundwater basin is in question shall be allowed to vote. The ballot
6 shall be placed in a separate envelope, the outside of which shall contain
7 the precinct name and number, the signature of the voter, the residence
8 address of the voter and the voter registration number of the voter, if
9 available. The voter receipt card shall be attached to the envelope. The
10 county recorder shall verify the ballot for proper residency of the voter
11 before counting. Such verification shall be made within five business
12 days following the election, and the voter receipt card shall be returned
13 to the voter. Verified ballots shall be counted using the procedure
14 outlined for counting early ballots. If residency in the groundwater
15 basin is not verified, the ballot shall remain unopened and shall be
16 destroyed.

17 D. Except as provided in subsection E of this section, all election
18 expenses incurred pursuant to this section are the responsibility of the
19 county involved.

20 E. If a groundwater basin is located in two or more counties, the
21 following procedures apply:

22 1. The petition shall be filed with the clerk of the board of
23 supervisors or county election officer of the county in which the
24 plurality of the registered voters in the groundwater basin resides.

25 2. The number of registered voters required to sign the petition
26 shall be ten percent of the registered voters residing within the
27 boundaries of the proposed active management area, as of the most recent
28 report compiled by the county recorder in compliance with section 16-168,
29 subsection ~~E~~ I, within the county in which the plurality of the
30 registered voters in the groundwater basin resides.

31 3. The election shall be called by the board of supervisors of the
32 county in which the petition is filed, and the board shall immediately
33 notify the board of supervisors of any other county included in the
34 groundwater basin of the date of the election. The election shall be held
35 not less than sixty days or more than ninety days from the date of the
36 call. The board of supervisors so notified shall then call the election
37 in that county for the same date and follow the procedures for conducting
38 the general elections in this state.

39 4. All election expenses incurred pursuant to this subsection are
40 the responsibilities of the counties involved on a proportional basis
41 considering the number of registered voters of each county that are
42 residents of the groundwater basin.

43 F. The ballot shall be worded, "should the (insert name of basin)
44 groundwater basin be designated an active management area?" followed by
45 the words "yes" and "no".

1 Sec. 9. Section 45-433, Arizona Revised Statutes, is amended to
2 read:

3 45-433. Local initiation for designation; procedures

4 A. The designation of a subsequent irrigation non-expansion area
5 may be initiated by the director or by petition to the director signed by
6 either:

7 1. Not less than twenty-five irrigation users of groundwater, or
8 one-fourth of the irrigation users of groundwater within the boundaries of
9 the groundwater basin or ~~sub-basin~~ SUBBASIN specified in the petition.

10 2. Ten ~~per cent~~ PERCENT of the registered voters residing within
11 the boundaries of the groundwater basin or ~~sub-basin~~ SUBBASIN specified in
12 the petition as of the most recent report compiled by the county recorder
13 in compliance with section 16-168, subsection ~~6~~ I. The form of the
14 petition shall be the same as for an initiative petition and the applicant
15 for such petition shall comply with the provisions of section 19-111. If
16 a groundwater basin or ~~sub-basin~~ SUBBASIN is located in two or more
17 counties, the number of registered voters required to sign the petition
18 shall be ten ~~per cent~~ PERCENT of the registered voters residing within the
19 boundaries of the groundwater basin or ~~sub-basin~~ SUBBASIN, as of the most
20 recent report compiled by the county recorder in compliance with section
21 16-168, subsection ~~6~~ I, within the county in which the plurality of the
22 registered voters in the groundwater basin or ~~sub-basin~~ SUBBASIN resides.

23 B. ~~Upon~~ ON receipt of a petition pursuant to subsection A,
24 paragraph 2 of this section, the director shall transmit the petition to
25 the county recorder of each county in which the groundwater basin or
26 ~~sub-basin~~ SUBBASIN is located for verification of signatures. In
27 addition, the director shall transmit a map of the groundwater basin or
28 ~~sub-basin~~ SUBBASIN to the county recorder of each such county included.
29 The map shall be on a scale adequate to show with substantial accuracy
30 where the boundaries of the groundwater basin or ~~sub-basin~~ SUBBASIN cross
31 the boundaries of county voting precincts. The director shall also
32 transmit to the county recorder all other factual data concerning the
33 boundaries of the groundwater basin or ~~sub-basin~~ SUBBASIN that may aid the
34 county recorder in the determination of which registered voters of the
35 county are residents of the groundwater basin or ~~sub-basin~~ SUBBASIN.