

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HOUSE BILL 2567

AN ACT

AMENDING SECTIONS 16-168 AND 16-193, ARIZONA REVISED STATUTES; REPEALING SECTIONS 16-241 AND 16-242, ARIZONA REVISED STATUTES; AMENDING SECTION 16-243, ARIZONA REVISED STATUTES; REPEALING SECTIONS 16-244, 16-245, 16-246, 16-247, 16-248, 16-249 AND 16-250, ARIZONA REVISED STATUTES; AMENDING SECTION 16-602, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO THE PRESIDENTIAL PREFERENCE ELECTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-168, Arizona Revised Statutes, is amended to
3 read:

4 16-168. Precinct registers: date of preparation: contents:
5 copies: reports: statewide database: violation:
6 classification

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

13 B. The official precinct registers for use at the polling place shall
14 contain at least the names in full, party preference, date of registration
15 and residence address of each qualified elector in the respective precincts.
16 The names shall be in alphabetical order and, in a column to the left of the
17 names, shall be numbered consecutively beginning with number 1 in each
18 precinct register.

19 C. For the purposes of transmitting voter registration information as
20 prescribed by this subsection, electronic media shall be the principal media.
21 A county or state chairman who is eligible to receive copies of precinct
22 lists as prescribed by this subsection may request that the recorder provide
23 a paper copy of the precinct lists. In addition to preparing the official
24 precinct lists, the county recorder shall provide a means for electronically
25 reproducing the precinct lists. Unless otherwise agreed, the county recorder
26 shall deliver one electronic media copy of each precinct list in the county
27 without charge and on the same day within eight days after the close of
28 registration for the primary and general elections to the county chairman and
29 one electronic media copy to the state chairman of each party that has at
30 least four candidates other than presidential electors appearing on the
31 ballot in that county at the current election. The secretary of state shall
32 establish a single format that prescribes the manner and template in which
33 all county recorders provide this data to the secretary of state to ensure
34 that the submissions are uniform from all counties in this state, that all
35 submissions are identical in format, including the level of detail for voting
36 history, and that information may readily be combined from two or more
37 counties. The electronic media copies of the precinct lists that are
38 delivered to the party chairmen shall include for each elector the following
39 information:

- 40 1. Name in full and appropriate title.
- 41 2. Party preference.
- 42 3. Date of registration.
- 43 4. Residence address.
- 44 5. Mailing address, if different from residence address.
- 45 6. Zip code.

1 7. Telephone number if given.

2 8. Birth year.

3 9. Occupation if given.

4 10. Voting history for all elections in the prior four years and any
5 other information regarding registered voters that the county recorder or
6 city or town clerk maintains electronically and that is public information.

7 11. All data relating to permanent early voters and nonpermanent early
8 voters, including ballot requests and ballot returns.

9 D. The names on the precinct lists shall be in alphabetical order and
10 the precinct lists in their entirety, unless otherwise agreed, shall be
11 delivered to each county chairman and each state chairman within ten business
12 days of the close of each date for counting registered voters prescribed by
13 subsection G of this section other than the primary and general election
14 registered voter counts in the same format and media as prescribed by
15 subsection C of this section. During the thirty-three days immediately
16 preceding an election and on request from a county or state chairman, the
17 county recorder shall provide at no cost a daily list of persons who have
18 requested an early ballot and shall provide at no cost a weekly listing of
19 persons who have returned their early ballots. The recorder shall provide
20 the daily and weekly information through the Friday preceding the election.
21 On request from a county chairman or state chairman, the county recorder of a
22 county with a population of more than eight hundred thousand persons shall
23 provide at no cost a daily listing of persons who have returned their early
24 ballots. The daily listing shall be provided Mondays through Fridays,
25 beginning with the first Monday following the start of early voting and
26 ending on the Monday before the election.

27 E. Precinct registers and other lists and information derived from
28 registration forms may be used only for purposes relating to a political or
29 political party activity, a political campaign or an election, for revising
30 election district boundaries or for any other purpose specifically authorized
31 by law and may not be used for a commercial purpose as defined in section
32 39-121.03. The sale of registers, lists and information derived from
33 registration forms to a candidate or a registered political committee for a
34 use specifically authorized by this subsection does not constitute use for a
35 commercial purpose. The county recorder, on a request for an authorized use
36 and within thirty days from receipt of the request, shall prepare additional
37 copies of an official precinct list and furnish them to any person requesting
38 them on payment of a fee equal to five cents for each name appearing on the
39 register for a printed list and one cent for each name for an electronic data
40 medium, plus the cost of the blank computer disk or computer software if
41 furnished by the recorder, for each copy so furnished.

42 F. Any person in possession of a precinct register or list, in whole
43 or part, or any reproduction of a precinct register or list, shall not permit
44 the register or list to be used, bought, sold or otherwise transferred for
45 any purpose except for uses otherwise authorized by this section. A person

1 in possession of information derived from voter registration forms or
2 precinct registers shall not distribute, post or otherwise provide access to
3 any portion of that information through the internet except as authorized by
4 subsection I of this section. Nothing in this section shall preclude public
5 inspection of voter registration records at the office of the county recorder
6 for the purposes prescribed by this section, except that the month and day of
7 birth date, the social security number or any portion thereof, the driver
8 license number or nonoperating identification license number, the Indian
9 census number, the father's name or mother's maiden name, the state or
10 country of birth and the records containing a voter's signature shall not be
11 accessible or reproduced by any person other than the voter, by an authorized
12 government official in the scope of the official's duties, for any purpose by
13 an entity designated by the secretary of state as a voter registration agency
14 pursuant to the national voter registration act of 1993 (P.L. 103-31; 107
15 Stat. 77), for signature verification on petitions and candidate filings, for
16 election purposes and for news gathering purposes by a person engaged in
17 newspaper, radio, television or reportorial work, or connected with or
18 employed by a newspaper, radio or television station or pursuant to a court
19 order. A person who violates this subsection or subsection E of this section
20 is guilty of a class 6 felony.

21 G. The county recorder shall count the registered voters by political
22 party by precinct, legislative district and congressional district as
23 follows:

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

26 (a) January 1.

27 (b) March 1.

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

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

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

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

36 (a) January 1.

37 (b) April 1.

38 (c) July 1.

39 (d) October 1.

40 H. The county recorder shall report the totals to the secretary of
41 state as soon as is practicable following each of the dates prescribed in
42 subsection G of this section. The report shall include completed
43 registration forms returned in accordance with section 16-134, subsection B.
44 The county recorder shall also provide the report in a uniform electronic
45 computer media format that shall be agreed on between the secretary of state

1 and all county recorders. The secretary of state shall then prepare a
2 summary report for the state and shall maintain that report as a permanent
3 record.

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

8 J. The secretary of state shall develop and administer a statewide
9 database of voter registration information that contains the name and
10 registration information of every registered voter in this state. The
11 statewide database is a matter of statewide concern and is not subject to
12 modification or further regulation by a political subdivision. The database
13 shall include an identifier that is unique for each individual voter. The
14 database shall provide for access by voter registration officials and shall
15 allow expedited entry of voter registration information after it is received
16 by county recorders. As a part of the statewide voter registration database,
17 county recorders shall provide for the electronic transmittal of that
18 information to the secretary of state on a real time basis. The secretary of
19 state shall provide for maintenance of the database, including provisions
20 regarding removal of ineligible voters that are consistent with the national
21 voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; ~~42~~ 52 United
22 States Code section ~~394~~ 20501) and the help America vote act of 2002
23 (P.L. 107-252; 116 Stat. 1666; ~~42~~ 52 United States Code sections ~~15301~~ 20901
24 through ~~15545~~ 21145), provisions regarding removal of duplicate registrations
25 and provisions to ensure that eligible voters are not removed in error. For
26 the purpose of maintaining compliance with the help America vote act of 2002,
27 each county voter registration system is subject to approval by the secretary
28 of state for compatibility with the statewide voter registration database
29 system.

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

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

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

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

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

19 Sec. 2. Section 16-193, Arizona Revised Statutes, is amended to read:

20 16-193. Active registered voters; applicability

21 The terms "registered voters", "persons who are registered to vote",
22 "registered electors" and "voters registered" as used in the following
23 sections include only active registered voters for purposes of the following:

24 1. Calculating petition signature requirements pursuant to sections
25 11-133, 16-322, 16-341, 45-415, 45-433, 48-4433 and 48-4832.

26 2. Mailing and distributing election-related notices, pamphlets or
27 ballots pursuant to sections 11-137, 15-905.01, ~~16-245~~, 16-412, 16-461,
28 16-510, 19-123, 19-141, 35-454, 41-563.02, 42-6109.01, 42-17057, 42-17107,
29 48-620, 48-4021, 48-4236, 48-5314, 48-6432 and 48-6433.

30 3. Providing voting machines pursuant to section 16-430.

31 4. Furnishing ballots pursuant to sections 16-508 and 48-685.

32 5. Determining qualification for political parties' continued
33 representation on the ballot pursuant to ~~sections 16-244 and~~ SECTION 16-804.

34 6. Choosing political party officers pursuant to sections 16-821 and
35 16-823.

36 Sec. 3. Heading change

37 The article heading of title 16, chapter 2, article 4, Arizona Revised
38 Statutes, is changed from "PRESIDENTIAL PREFERENCE ELECTION" to "NATIONAL
39 POLITICAL PARTY PRESIDENTIAL CANDIDATES".

40 Sec. 4. Repeal

41 Sections ~~16-241~~ and ~~16-242~~, Arizona Revised Statutes, are repealed.

1 Sec. 5. Section 16-243, Arizona Revised Statutes, is amended to read:

2 16-243. National convention delegates; political party
3 presidential nominees; exemption

4 A. The selection of delegates to the political party national
5 conventions shall be as provided in the bylaws of each state party.

6 ~~B. At the political party national convention, each delegate to the~~
7 ~~national convention shall vote for the party's presidential nominee candidate~~
8 ~~who received the greatest number of votes in the presidential preference~~
9 ~~election until the candidate is nominated for the office of President of the~~
10 ~~United States by the convention, until the candidate releases the delegate~~
11 ~~from the delegate's obligation, until a candidate withdraws from the race or~~
12 ~~until one convention nominating ballot has been taken. After a candidate is~~
13 ~~nominated, withdraws from the race, delegates are released or one ballot is~~
14 ~~taken, each delegate is free to vote as the delegate chooses, and no rule may~~
15 ~~be adopted by a delegation requiring the delegation to vote as a body or~~
16 ~~causing the vote of any delegate to go uncounted or unreported.~~

17 B. ON COMPLETION OF A POLITICAL PARTY NATIONAL CONVENTION AND THE
18 NOMINATION OF ITS CANDIDATES FOR PRESIDENT AND VICE-PRESIDENT, THE CHAIRMAN
19 OF THE NATIONAL POLITICAL PARTY SHALL PROVIDE TO THE SECRETARY OF STATE NOT
20 LATER THAN SEPTEMBER 1 IN THE PRESIDENTIAL ELECTION YEAR THE FOLLOWING:

21 1. EACH NOMINEE'S NAME, RESIDENCE ADDRESS AND MAILING ADDRESS.

22 2. THE NAME OF THE POLITICAL PARTY THAT NOMINATED THE NOMINEES.

23 3. THE EXACT MANNER FOR PRINTING THE NOMINEES' NAMES ON THE BALLOT
24 PURSUANT TO SECTION 16-311.

25 C. SECTION 16-501 DOES NOT APPLY TO POLITICAL PARTY NOMINEES FOR
26 PRESIDENT AND VICE-PRESIDENT.

27 Sec. 6. Repeal

28 Sections 16-244, 16-245, 16-246, 16-247, 16-248, 16-249 and 16-250,
29 Arizona Revised Statutes, are repealed.

30 Sec. 7. Section 16-602, Arizona Revised Statutes, is amended to read:

31 16-602. Removal of ballots from ballot boxes; disposition of
32 ballots folded together or excessive ballots;
33 designated margin; hand counts; vote count
34 verification committee

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

42 B. For each countywide primary, special, ~~AND~~ general ~~and presidential~~
43 ~~preference~~ election, the county officer in charge of the election shall
44 conduct a hand count at one or more secure facilities. The hand count shall
45 be conducted as prescribed by this section and in accordance with hand count

1 procedures established by the secretary of state in the official instructions
2 and procedures manual adopted pursuant to section 16-452. The hand count is
3 not subject to the live video requirements of section 16-621, subsection C,
4 but the party representatives who are observing the hand count may bring
5 their own video cameras in order to record the hand count. The recording
6 shall not interfere with the conduct of the hand count and the officer in
7 charge of the election may prohibit from recording or remove from the
8 facility persons who are taking actions to disrupt the count. The sole act
9 of recording the hand count does not constitute sufficient grounds for the
10 officer in charge of the election to prohibit observers from recording or to
11 remove them from the facility. The hand count shall be conducted in the
12 following order:

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

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

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

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

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

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

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

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

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

16 ~~4.~~ 3. For the purposes of this section, a write-in candidacy in a
17 race does not constitute a contested race.

18 ~~5.~~ 4. In elections in which there are candidates for president, the
19 presidential race shall be added to the four categories of hand counted
20 races.

21 ~~6.~~ 5. Each county chairman of a political party that is entitled to
22 continued representation on the state ballot or the chairman's designee shall
23 select by lot the individual races to be hand counted pursuant to this
24 section.

25 ~~7.~~ 6. The county chairman of each political party shall designate and
26 provide the number of election board members as designated by the county
27 officer in charge of elections who shall perform the hand count under the
28 supervision of the county officer in charge of elections. For each precinct
29 that is to be audited, the county chairmen shall designate at least two board
30 workers who are registered members of any or no political party to assist
31 with the audit. Any qualified elector from this state may be a board worker
32 without regard to party designation. The county election officer shall
33 provide for compensation for those board workers, not to include travel, meal
34 or lodging expenses. If there are less than two persons for each audited
35 precinct available to participate on behalf of each recognized political
36 party, the recorder or officer in charge of elections, with the approval of
37 at least two county party chairpersons in the county in which the shortfall
38 occurs, shall substitute additional individual electors who are provided by
39 any political party from anywhere in the state without regard to party
40 designation to conduct the hand count. A county party chairman shall approve
41 only those substitute electors who are provided by the county chairman's
42 political party. The political parties shall provide to the recorder or
43 officer in charge of elections in writing the names of those persons
44 intending to participate in the hand count at the audited precincts not later
45 than 5:00 p.m. on the Tuesday preceding the election. If the total number of

1 board workers provided by all parties is less than four times the number of
2 precincts to be audited, the recorder or officer in charge of elections shall
3 notify the parties of the shortage by 9:00 a.m. on the Wednesday preceding
4 the election. The hand count shall not proceed unless the political parties
5 provide the recorder or officer in charge of elections, in writing, a
6 sufficient number of persons by 5:00 p.m. on the Thursday preceding the
7 election and a sufficient number of persons, pursuant to this paragraph,
8 arrive to perform the hand count. The recorder or officer in charge of
9 elections may prohibit persons from participating in the hand count if they
10 are taking actions to disrupt the count or are unable to perform the duties
11 as assigned. For the hand count to proceed, no more than seventy-five ~~per~~
12 ~~cent~~ PERCENT of the persons performing the hand count shall be from the same
13 political party.

14 ~~8-~~ 7. If a political party is not represented by a designated
15 chairperson within a county, the state chairperson for that political party,
16 or a person designated by the state chairperson, may perform the actions
17 required by the county chairperson as specified in this section.

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

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

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

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

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

43 H. Notwithstanding any other law, the county officer in charge of
44 elections shall retain custody of the ballots for purposes of performing any

1 required hand counts and the officer shall provide for security for those
2 ballots.

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

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

19 K. The vote count verification committee is established in the office
20 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, no more than
23 three of whom are members of the same political party.

24 2. Members of the committee shall have expertise in any two or more of
25 the areas of advanced mathematics, statistics, random selection methods,
26 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 years
29 from any person or entity that provides election equipment or services in
30 this state.

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

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

1 Sec. 8. Supplemental appropriation: secretary of state:
2 presidential preference election: report

3 A. In addition to monies appropriated pursuant to Laws 2015, chapter
4 8, section 95, the sum of \$6,096,767 is appropriated from the state general
5 fund in fiscal year 2015-2016 to the secretary of state for the purpose of
6 reimbursing expenses incurred by counties for administration of the 2016
7 presidential preference election.

8 B. The secretary of state shall reimburse counties based on the number
9 of active registered voters in that county on January 1, 2016 as follows:

10 1. For counties with an official active voter registration total of
11 four hundred fifty thousand persons or more, in the amount of the actual
12 expenses incurred up to the amount of the estimated cost that was provided by
13 the county to the secretary of state on or before October 30, 2015 or two
14 dollars fifty cents for each active registered voter in the county, whichever
15 is less.

16 2. For counties with an official active voter registration total of
17 thirty-five thousand persons or more and less than four hundred fifty
18 thousand persons, in the amount of the actual expenses incurred up to the
19 amount of the estimated cost that was provided by the county to the secretary
20 of state on or before October 30, 2015 or three dollars for each active
21 registered voter, whichever is less.

22 3. For counties with an official active voter registration total of
23 less than thirty-five thousand persons, in the amount of the actual expenses
24 incurred up to the amount of the estimated cost that was provided by the
25 county to the secretary of state on or before October 30, 2015 or three
26 dollars fifty cents for each active registered voter, whichever is less.

27 C. A county shall submit its certified claims to the secretary of
28 state not later than June 1, 2016.

29 D. If reimbursing for actual expenses incurred as prescribed in
30 subsection B of this section, the secretary of state shall not reimburse
31 counties for the following:

32 1. Regular pay and associated employer related expenses for permanent
33 county employees.

34 2. Maintenance of infrastructure, machinery and equipment.

35 3. Any expenditure that is not reimbursable as prescribed by the state
36 of Arizona accounting manual issued by the department of administration
37 general accounting office and in effect on January 1, 2016.

38 E. The secretary of state shall submit a report by October 1, 2016 to
39 the joint legislative budget committee and the office of strategic planning
40 and budgeting regarding reimbursements made pursuant to this section.