

SB 1577 -- Redline

Amended to Engrossed -- elections; adjudicated ballots; categories

Deletions ~~struck~~ · Insertions underlined

~~Bill~~Senate Number:Engrossed elections;

~~S.B.~~adjudicated ballots;

categories State of Arizona Senate Fifty-fifth Legislature Second Regular Session SENATE BILL 1577

~~Townsend~~AN FLOOR ACT AMENDING ReferenceSECTION to:16-621, ARIZONA REVISED STATUTES;

~~printed~~RELATING billTO AmendmentCONDUCT draftedOF by:ELECTIONS.

~~Mike~~(TEXT HansOF FLOORBILL AMENDMENTBEGINS EXPLANATIONON -NEXT RequiresPAGE) a- countyi recorder- orS.B.
other officer in charge of elections to knowingly violate requirements relating to duplicated and
adjudicated ballot reporting in order to be guilty of a class 2 misdemeanor.

Amendment1577 explanationBe preparedit enacted by Mikethe Hans 03/09/2022 Fifty-fifthLegislature
Townsendof Secondthe RegularState Sessionof S.B.Arizona:

1577Section TOWNSEND1.-FLOOR AMENDMENT SENATE AMENDMENTS TO S.B.

1577Section (Reference16-621, toArizona printedRevised bill)Statutes, Pageis 3,amended line 15 after
"WHO" insert "KNOWINGLY" Amend title to conformread:-KELLY TOWNSEND 1577TOWNSEND0403.docx 03/09/2022
04:03 PM S:

MH/slp16-621. -- 1 --

Proceedings at the counting center;

violation;

classification A.

All proceedings at the counting center shall be under the direction of the board of supervisors or other
officer in charge of elections and shall be conducted in accordance with the approved instructions and
procedures manual issued pursuant to section 16-452 under the observation of representatives of each
political party and the public.

The proceedings at the counting center may also be observed by up to three additional people
representing a candidate for nonpartisan office, or representing a political committee in support of or
in opposition to a ballot measure, proposition or question.

A draw by lot shall determine which three groups or candidates shall have representatives participate in
the observation at the counting center.

Persons representing a candidate for nonpartisan office or persons or groups representing a political
committee in support of or in opposition to a ballot measure, proposition or question, who are
interested in participating in the observation, shall notify the officer in charge of elections of their
desire to be included in the draw not later than seventeen days before the election.

After the deadline to receive submissions from the interested persons or groups, but prior to fourteen
days before the election, the county officer in charge of elections shall draw by lot, from the list of
those that expressed interest, three persons or groups and those selected shall be notified and allowed
to observe the proceedings at the counting center.

If a group is selected the group may alter who represents that group for different days of observation
but on any given observation day a selected group shall not send more than one observer.

A group may rotate an observer throughout the day.

Only those persons who are authorized for the purpose shall touch any ballot or ballot card or return.

All persons who are engaged in processing and counting of the ballots shall be qualified electors, shall
be deputized in writing and shall take an oath that they will faithfully perform their assigned duties.

There shall be no preferential counting of ballots for the purpose of projecting the outcome of the
election.

If any ballot, including any ballot received from early voting, is damaged or defective so that it
cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of
the damaged or defective ballot SHALL BE MADE in the presence of witnesses and substituted for the
damaged or defective ballot.

All duplicate ballots created pursuant to this subsection shall be clearly labeled "duplicate" and shall
bear a serial number that shall be recorded on the damaged or defective ballot.

B.

If the counting center automatic tabulating equipment includes an electronic vote adjudication feature
that has been certified for use as - 1 - S.B.

1577 prescribed by section 16-442 and the board of supervisors or officer in charge of elections
authorizes the use of this feature at the counting center, all of the following apply:

1.

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

2.

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

3.

The electronic vote adjudication process used by the electronic vote adjudication board shall provide for:

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

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

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

C.

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

D.

For any statewide, county or legislative election, the county recorder or officer in charge of elections shall provide for a live video recording of the custody of all ballots while the ballots are present in a tabulation room in the counting center.

The live video recording shall include date and time indicators and shall be linked to the secretary of state's website.

The secretary of state shall post links to the video coverage for viewing by the public.

The county recorder or officer in charge of elections shall record the video coverage of the ballots at the counting center and shall retain those recordings as a public record for at least as long as the challenge period for the general election.

If the live video feed is disrupted or disabled, the recorder or officer in charge of elections is not liable for the disruption but shall attempt to reinstate video coverage as soon as is practicable.

Any disruption in video coverage shall not affect or prevent the continued tabulation of ballots.

This subsection is contingent on legislative appropriation.

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1577 E.

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

F.

FOR ANY BALLOTS THAT ARE REQUIRED TO BE DUPLICATED OR ADJUDICATED, WHETHER ELECTRONICALLY OR MANUALLY, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL SEPARATE THE BALLOTS BY TYPE OF DEFECT OR DAMAGE AND TYPE OF BALLOT, MAINTAIN THAT SEPARATION AND POST ON THE COUNTY'S WEBSITE THE TYPE OF BALLOT AND CATEGORY OF DEFECT OR DAMAGE FOR THE BALLOTS PROCESSED BY THE COUNTY AND THE NUMBER OF BALLOTS OF EACH TYPE IN EACH CATEGORY OF DEFECT OR DAMAGE.

THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL PREPARE A REPORT CONTAINING THE SAME INFORMATION AND SUBMIT THE REPORT TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND PROVIDE A COPY OF THE REPORT TO THE SECRETARY OF STATE.

A PERSON WHO KNOWINGLY VIOLATES THIS SUBSECTION IS GUILTY OF A CLASS 2 MISDEMEANOR.

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