



Bill Number: H.B. 2129

Rogers Floor Amendment

Reference to: JUDICIARY AND ELECTIONS
COMMITTEE AMENDMENT

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

1. Allows a candidate for justice of the peace for election in 2026 to designate any of the following as a justice precinct for their candidacy:
 - a) the justice precinct as used in the 2024 election;
 - b) the justice precinct as changed or redistricted by a county as prescribed; or
 - c) the district as designated by a redistricting plan that is ordered for use in the upcoming election by a court of competent jurisdiction.
2. Requires a filing officer to accept a nomination paper and petition for justice of the peace as valid if justice precinct designation requirements and other prescribed requirements are met.
3. Deems the nomination petition signatures for a justice of the peace candidate for election in 2026 as valid when the petition signers are registered voters and residents of any or all of the justice precincts or districts that the candidate proposes to represent, as outlined.
4. Excludes a justice of the peace candidate for a special election to fill a vacancy from the changes to valid district designations.

ROGERS FLOOR AMENDMENT
SENATE AMENDMENTS TO H.B. 2129
(Reference to JUDICIARY AND ELECTIONS S/E Committee amendment)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

~~[GREEN STRIKEOUT IN BRACKETS]~~ indicates new text removed from statute or previously enacted session law.

~~[Green strikeout in brackets]~~ indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

~~<<Green strikeout in carets>>~~ indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Strike everything after the enacting clause and insert:

3 "Section 1. Title 16, chapter 3, article 2, Arizona Revised
4 Statutes, is amended by adding section 16-320, to read:

5 16-320. Candidate withdrawal statements

6 A CANDIDATE WHO WISHES TO WITHDRAW AS A CANDIDATE SHALL SUBMIT A
7 SIGNED NOTARIZED STATEMENT OF WITHDRAWAL TO THE FILING OFFICER FOR THE
8 CANDIDATE'S OFFICE.

9 Sec. 2. Section 16-544, Arizona Revised Statutes, is amended to
10 read:

11 16-544. Active early voting list; civil penalty; violation;
12 classification; definition

13 A. Any voter may request to be included on a list of voters to
14 receive an early ballot by mail for any election for which the county
15 voter registration roll is used to prepare the election register. The
16 county recorder of each county shall maintain the active early voting list
17 as part of the voter registration roll.

18 B. In order to be included on the active early voting list, the
19 voter shall make a written request specifically requesting that the
20 voter's name be added to the active early voting list for all elections in
21 which the applicant is eligible to vote. An early voter request form
22 shall conform to requirements prescribed in the instructions and
23 procedures manual issued pursuant to section 16-452. The application
24 shall allow for the voter to provide the voter's name, residence address,
25 mailing address in the voter's county of residence, date of birth and
26 signature and shall state that the voter is attesting that the voter is a
27 registered voter who is eligible to vote in the county of residence. The
28 voter shall not list a mailing address that is outside of this state for

1 the purpose of the active early voting list unless the voter is an absent
2 uniformed services voter or overseas voter as defined in the uniformed and
3 overseas citizens absentee voting act (P.L. 99-410; 52 United States Code
4 section 20310). In lieu of the application, the applicant may submit a
5 written request that contains the required information.

6 C. On receipt of a request to be included on the active early
7 voting list, the county recorder or other officer in charge of elections
8 shall compare the signature on the request form with the voter's signature
9 on the voter's registration form and, if the request is from the voter,
10 shall mark the voter's registration file as an active early ballot
11 request.

12 D. Not less than ninety days before any polling place election
13 scheduled in March or August, the county recorder or other officer in
14 charge of elections shall mail to all voters who are eligible for the
15 election, WHO ARE NOT LISTED AS INACTIVE and who are included on the
16 active early voting list an election notice by nonforwardable mail that is
17 marked with the statement required by the postmaster to receive an address
18 correction notification. If an election is not formally called by a
19 jurisdiction by the one hundred eightieth day before the election, the
20 recorder or other officer in charge of elections is not required to send
21 the election notice. The notice shall include the dates of the elections
22 that are the subject of the notice, the dates that the voter's ballot is
23 expected to be mailed and the address where the ballot will be mailed. If
24 the upcoming election is a partisan open primary election and the voter is
25 not registered as a member of one of the political parties that is
26 recognized for purposes of that primary, the notice shall include
27 information on the procedure for the voter to designate a political party
28 ballot. The notice shall be delivered with return postage prepaid and
29 shall also include a means for the voter to do any of the following:

30 1. Change the mailing address for the voter's ballot to another
31 location in the voter's county of residence.

32 2. Update the voter's residence address in the voter's county of
33 residence.

34 3. Request that the voter not be sent a ballot for the upcoming
35 election or elections indicated on the notice.

36 E. If the notice that is mailed to the voter is returned
37 undeliverable by the postal service, the county recorder or other officer
38 in charge of elections shall take the necessary steps to contact the voter
39 at the voter's new residence address in order to update that voter's
40 address or to move the voter to inactive status as prescribed in section
41 16-166, subsection A. If a voter is moved to inactive status, the voter
42 shall be removed from the active early voting list AND MAY NOT RECEIVE AN
43 EARLY BALLOT UNLESS THE VOTER UPDATES OR OTHERWISE CONFIRMS THE VOTER'S
44 REGISTRATION INFORMATION. If the voter is removed from the active early
45 voting list, the voter shall only be added to the active early voting list
46 again if the voter submits a new request pursuant to this section.

1 F. Not later than the first day of early voting, the county
2 recorder or other officer in charge of elections shall mail an early
3 ballot to all eligible voters WHO ARE NOT LISTED AS INACTIVE AND WHO ARE
4 included on the active early voting list in the same manner prescribed in
5 section 16-542, subsection C. If the voter has not returned the notice or
6 otherwise notified the election officer within forty-five days before the
7 election that the voter does not wish to receive an early ballot by mail
8 for the election or elections indicated, the ballot shall automatically be
9 scheduled for mailing.

10 G. If a voter who is on the active early voting list is not
11 registered as a member of a recognized political party and fails to notify
12 the county recorder of the voter's choice for political party ballot
13 within forty-five days before a partisan open primary election, the
14 following apply:

15 1. The voter shall not automatically be sent a ballot for that
16 partisan open primary election only and the voter's name shall remain on
17 the active early voting list for future elections.

18 2. To receive an early ballot for the primary election, the voter
19 shall submit the voter's choice for political party ballot to the county
20 recorder.

21 H. After a voter has requested to be included on the active early
22 voting list, the voter shall be sent an early ballot by mail automatically
23 for any election at which a voter at that residence address is eligible to
24 vote until any of the following occurs:

25 1. The voter requests in writing to be removed from the active
26 early voting list.

27 2. The voter's registration or eligibility for registration is
28 moved to inactive status or canceled as otherwise provided by law.

29 3. The notice sent by the county recorder or other officer in
30 charge of elections is returned undeliverable and the county recorder or
31 officer in charge of elections is unable to contact the voter to determine
32 the voter's continued desire to remain on the list.

33 4. The voter fails to vote an early ballot in all elections for two
34 consecutive election cycles. For the purposes of this paragraph,
35 "election" means any regular primary or regular general election for which
36 there was a federal race on the ballot or for which a city or town
37 candidate primary or first election or city or town candidate second,
38 general or runoff election was on the ballot. This paragraph does not
39 apply to:

40 (a) A special taxing district that is authorized pursuant to
41 section 16-191 to conduct its own elections.

42 (b) A special district mail ballot election that is conducted
43 pursuant to article 8.1 of this chapter.

44 I. A voter may make a written request at any time to be removed
45 from the active early voting list. The request shall include the voter's
46 name, residence address, date of birth and signature. On receipt of a
47 completed request to remove a voter from the active early voting list, the

1 county recorder or other officer in charge of elections shall remove the
2 voter's name from the list as soon as practicable.

3 J. An absent uniformed services voter or overseas voter as defined
4 in the uniformed and overseas citizens absentee voting act (P.L. 99-410;
5 52 United States Code section 20310) is eligible to be placed on the
6 active early voting list pursuant to this section.

7 K. A voter's failure to vote an early ballot once received does not
8 constitute grounds to remove the voter from the active early voting list,
9 except that a county recorder shall remove a voter from the active early
10 voting list if both of the following apply:

11 1. The county recorder or other officer in charge of elections
12 complies with subsection M of this section.

13 2. The voter fails to vote using an early ballot in all of the
14 following elections for two consecutive election cycles:

15 (a) A regular primary and regular general election for which there
16 was a federal race on the ballot.

17 (b) A city or town candidate primary or first election and a city
18 or town candidate second, general or runoff election.

19 L. On or before January 15 of each odd-numbered year, the county
20 recorder or other officer in charge of elections shall send a notice to
21 each voter who is on the active early voting list and who did not vote an
22 early ballot in all elections for two consecutive election cycles as
23 prescribed by subsection K of this section. If the voter has provided the
24 voter's telephone or mobile phone number or email address to the county
25 recorder, the county recorder may additionally provide the notice to the
26 voter by telephone call, text message or email. The notice shall inform
27 the voter that if the voter wishes to remain on the active early voting
28 list, the voter shall do both of the following with the notice received:

29 1. Confirm in writing the voter's desire to remain on the active
30 early voting list.

31 2. Return the completed notice to the county recorder or other
32 officer in charge of elections within ninety days after the notice is sent
33 to the voter. The notice shall be signed by the voter and shall contain
34 the voter's address and date of birth.

35 M. If a voter receives a notice as prescribed by subsection L of
36 this section and the voter fails to respond within the ninety-day period,
37 the county recorder or other officer in charge of elections shall remove
38 the voter's name from the active early voting list.

39 N. A candidate, political committee or other organization may
40 distribute active early voting list request forms to voters. If the
41 active early voting list request forms include a printed address for
42 return, that address shall be the political subdivision that will conduct
43 the election. Failure to use the political subdivision as the return
44 addressee is punishable by a civil penalty of up to three times the cost
45 of the production and distribution of the active early voting list
46 request.

47 O. All original and completed active early voting list request
48 forms that are received by a candidate, political committee or other

1 organization shall be submitted within six business days after receipt by
2 a candidate or political committee or eleven days before the election day,
3 whichever is earlier, to the political subdivision that will conduct the
4 election. Any person, political committee or other organization that
5 fails to submit a completed active early voting list request form within
6 the prescribed time is subject to a civil penalty of up to \$25 per day for
7 each completed form withheld from submittal. Any person who knowingly
8 fails to submit a completed active early voting list request form before
9 the submission deadline for the election immediately following the
10 completion of the form is guilty of a class 6 felony.

11 P. A person who receives an early ballot at an address at which
12 another person formerly resided, without voting the ballot or signing the
13 envelope, shall write "not at this address" on the envelope and place the
14 mail piece in a United States postal service collection box or other mail
15 receptacle. On receipt the county recorder or other officer in charge of
16 elections shall proceed in the manner prescribed in subsection E of this
17 section.

18 Q. When the county recorder receives confirmation from another
19 county that a person registered has registered to vote in that other
20 county, the county recorder shall remove that person from the active early
21 voting list.

22 R. If the county recorder receives credible information that a
23 person has registered to vote in a different county, the county recorder
24 shall confirm the person's voter registration with that other county and,
25 on confirmation, shall remove that person from the county's active early
26 voting list pursuant to subsection Q of this section.

27 S. For the purposes of this section, "election cycle" means the
28 two-year period beginning on January 1 in the year after a statewide
29 general election or, for cities and towns, the two-year period beginning
30 on the first day of the calendar quarter after the calendar quarter in
31 which the city's or town's second, runoff or general election is scheduled
32 and ending on the last day of the calendar quarter in which the city's or
33 town's immediately following second, runoff or general election is
34 scheduled, however that election is designated by the city or town.

35 Sec. 3. Section 16-550, Arizona Revised Statutes, is amended to
36 read:

37 16-550. Receipt of voter's ballot; cure period; tracking
38 system

39 A. Except for early ballots tabulated as prescribed in section
40 16-579.02 or, beginning in 2026, received at a voting location after a
41 voter's identification is confirmed as prescribed by section 16-579,
42 subsection A, paragraph 4, on receipt of the envelope containing the early
43 ballot and the mail ~~ballot~~ affidavit, the county recorder or other officer
44 in charge of elections shall compare the signature on the envelope with
45 the signature of the elector on the elector's registration record as
46 prescribed by section 16-550.01. If the signature is inconsistent with
47 the elector's signature on the elector's registration record, the county
48 recorder or other officer in charge of elections shall make reasonable

1 efforts to contact the voter, advise the voter of the inconsistent
2 signature and allow the voter to correct or the county to confirm the
3 inconsistent signature. The county recorder or other officer in charge of
4 elections shall allow signatures to be corrected not later than the fifth
5 business day after a primary, general or special election that includes a
6 federal office or the third business day after any other election. If the
7 election is a primary, general or special election that includes a federal
8 office AND THERE ARE OUTSTANDING BALLOTS THAT REQUIRE IDENTIFICATION OR
9 BALLOT SIGNATURES TO BE CORRECTED OR CONFIRMED, in addition to the
10 office's regular business hours, the county recorder's and any city or
11 town clerks' offices that have an agreement with a county to be used as
12 locations at which a voter may submit proof of identification shall be
13 open during regular business hours to allow for curing signatures during
14 the Friday and weekend before and the Friday and weekend after the
15 election. Regular business hours include at a minimum 8:00 a.m. until
16 5:00 p.m. IF THERE ARE NO BALLOTS REMAINING THAT REQUIRE IDENTIFICATION
17 OR SIGNATURES TO BE CURED, THE COUNTY RECORDER AND CITY AND TOWN CLERKS
18 ARE NOT REQUIRED TO BE OPEN DURING THE WEEKEND. If the signature is
19 missing, the county recorder or other officer in charge of elections shall
20 make reasonable efforts to contact the elector, advise the elector of the
21 missing signature and allow the elector to add the elector's signature not
22 later than 7:00 p.m. on election day. If satisfied that the signatures
23 correspond, the recorder or other officer in charge of elections shall
24 hold the envelope containing the early ballot and the completed mail
25 affidavit unopened in accordance with the rules of the secretary of state.
26 Signatures that cannot be verified pursuant to section 16-550.01 or cured
27 pursuant to this section shall be rejected. If the ballot is a
28 conditional provisional ballot, the voter shall provide proof of
29 identification to the county recorder or other officer in charge of
30 elections not later than the fifth business day after a primary, general
31 or special election that includes a federal office or the third business
32 day after any other election. Beginning with the first missing or
33 mismatched signature that is identified after the period of early voting
34 begins through the Monday immediately preceding the election, the county
35 recorder or other officer in charge of elections shall submit daily to the
36 political parties that are qualified for continued representation on the
37 state ballot an updated list of all voters whose signatures are missing or
38 inconsistent with the voter's signature on the voter's registration
39 record. Beginning on the Wednesday immediately following the election
40 through the end of the signature cure period after a primary, general or
41 special election that includes a federal office, or the third business day
42 after the election for any other election, the county recorder or other
43 officer in charge of elections shall submit daily to the political parties
44 that are qualified for continued representation on the state ballot an
45 updated list of all voters whose signatures are inconsistent with the
46 voter's signature on the voter's registration record and all voters who
47 voted with a conditional provisional ballot. This list of voters whose
48 signatures require curing shall include for those voters all voter

1 information that is provided to the political parties that are qualified
2 for continued representation on the state ballot as prescribed by section
3 16-168.

4 B. The recorder or other officer in charge of elections shall
5 thereafter safely keep the mail ~~ballot~~ affidavits and early ballots in the
6 recorder's or other officer's office and may deliver them for tallying
7 pursuant to section 16-551.

8 C. Processing and tabulation of individual ballots may begin
9 immediately after the envelope and completed mail ~~ballot~~ affidavit are
10 processed pursuant to this section and delivered to the early election
11 board and shall continue without delay until completed. Until election
12 day, the early election board and the county recorder or other officer in
13 charge of elections shall:

14 1. Not access an aggregated complete results file of early voting
15 and vote by mail ballots that were processed and tabulated by the end of
16 the early voting period.

17 2. Not produce for internal or external use an aggregated results
18 report or associated files of complete results.

19 3. Only produce a partial results report or associated files if it
20 is part of the internal preparation for the hand count pursuant to section
21 16-602 or for the logic and accuracy testing required pursuant to section
22 16-449.

23 4. Not publicly release complete or partial results, whether for
24 internal or external use, until all precincts have reported or one hour
25 after the closing of the polls on election day, whichever is earlier.

26 D. The county recorder or other officer in charge of elections
27 shall post on its website within forty-eight hours after all ballot
28 tabulation is complete all system log files and other similar files from
29 the election management system that verify compliance with subsection C of
30 this section.

31 E. The county recorder shall send a list of all voters who were
32 issued early ballots to the election board of the precinct in which the
33 voter is registered.

34 F. For a county that uses early ballots, the county recorder or
35 other officer in charge of elections shall provide an early ballot
36 tracking system that indicates whether the voter's early ballot has been
37 received and whether the early ballot has been verified and sent to be
38 tabulated or rejected. The county recorder or other officer in charge of
39 elections shall provide voters with access to the early ballot tracking
40 system on the county's website.

41 G. This section does not apply to:

42 1. A special taxing district that is authorized pursuant to section
43 16-191 to conduct its own elections.

44 2. A special district mail ballot election that is conducted
45 pursuant to article 8.1 of this chapter.

1 Sec. 4. Section 16-558.01, Arizona Revised Statutes, is amended to
2 read:

3 16-558.01. Mailing of ballots

4 Not more than twenty-seven days before the election and not fewer
5 than fifteen days before the election, the county recorder or other
6 officer in charge of elections for the special district shall send by
7 nonforwardable mail all official ballots with printed instructions and a
8 return envelope bearing a printed ~~ballot~~ MAIL affidavit as described in
9 section 16-547 to each qualified elector WHO IS NOT LISTED AS INACTIVE AND
10 WHO IS entitled to vote in the election. The envelope in which the ballot
11 is mailed shall be clearly marked with the statement required by the
12 postmaster to receive an address correction and notification. The
13 district governing board shall determine whether the voter or the district
14 governing board will pay for the postage for the return of electors'
15 marked ballots. An elector who votes in a special district mail ballot
16 election shall return the elector's marked ballot to the recorder or other
17 officer in charge of the election or to a designated depository site as
18 provided in section 16-411 ~~to~~ NOT later than 7:00 p.m. on the day of the
19 election.

20 Sec. 5. Section 16-558.02, Arizona Revised Statutes, is amended to
21 read:

22 16-558.02. Replacement ballots

23 A. The county recorder or other officer in charge of elections
24 shall determine a central location in the district and shall provide for a
25 ballot replacement center that is as near to that location as is
26 practicable for electors to obtain a replacement ballot OR FOR AN ELECTOR
27 WHO IS LISTED AS INACTIVE TO CONFIRM OR REVISE THE ELECTOR'S VOTER
28 REGISTRATION INFORMATION AND RECEIVE A BALLOT. The location shall be open
29 from 6:00 a.m. until 7:00 p.m. of the day of the election. An elector may
30 obtain a replacement ballot until 7:00 p.m. on the day of the election on
31 presenting a signed, sworn statement that the ballot was lost, spoiled,
32 destroyed or not received.

33 B. The recorder or other officer in charge of elections shall keep
34 a record of each replacement ballot provided pursuant to this section.

35 C. If an elector to whom a replacement ballot is issued votes more
36 than once, only the first ballot received shall be counted.

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

39 16-602. Tabulation designated margin; hand counts; vote count
40 verification committee

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

1 B. For each countywide primary, special, general and presidential
2 preference election, the county officer in charge of the election shall
3 conduct a hand count at one or more secure facilities. The hand count
4 shall be conducted as prescribed by this section and in accordance with
5 hand count procedures established by the secretary of state in the
6 official instructions and procedures manual adopted pursuant to section
7 16-452. The hand count is not subject to the live video requirements of
8 section 16-621, subsection D, but the party representatives who are
9 observing the hand count may bring their own video cameras in order to
10 record the hand count. The recording shall not interfere with the conduct
11 of the hand count and the officer in charge of the election may prohibit
12 from recording or remove from the facility persons who are taking actions
13 to disrupt the count. The sole act of recording the hand count does not
14 constitute sufficient grounds for the officer in charge of the election to
15 prohibit observers from recording or to remove them from the facility.
16 The hand count shall be conducted in the following order:

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

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

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

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

46 (c) One contested race for federal office, either United States
47 senate or United States house of representatives. If the United States

1 house of representatives race is selected, the names of the candidates may
2 vary among the sampled precincts.

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

6 (e) IF THERE ARE NOT A SUFFICIENT NUMBER OF CONTESTED FEDERAL,
7 STATEWIDE OR LEGISLATIVE RACES OR BALLOT MEASURES, ONE CONTESTED COUNTY
8 RACE.

9 ~~(e)~~ (f) If there are fewer than four contested races resulting
10 from the selections made pursuant to subdivisions (a) through ~~(d)~~ (e) of
11 this paragraph and if there are additional contested federal, statewide,
12 ~~or~~ legislative OR COUNTY races or ballot measures, additional contested
13 races shall be selected by lot not using a computer until four races have
14 been selected or until no additional contested federal, statewide, ~~or~~
15 legislative OR COUNTY races or ballot measures are available for
16 selection.

17 (g) IF THERE ARE NOT A SUFFICIENT NUMBER OF CONTESTED RACES
18 RESULTING FROM THE SELECTIONS MADE PURSUANT TO SUBDIVISIONS (a) THROUGH
19 (f) OF THIS PARAGRAPH, ADDITIONAL UNCONTESTED RACES SHALL BE SELECTED BY
20 LOT NOT USING A COMPUTER UNTIL UP TO FIVE RACES HAVE BEEN SELECTED.

21 ~~(f)~~ (h) If there are no contested races as prescribed by this
22 paragraph, a hand count shall not be conducted for that precinct for that
23 election.

24 3. For the presidential preference election, select by lot two
25 percent of the polling places designated and used pursuant to section
26 16-248 and perform the hand count of those ballots.

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

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

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

36 7. Political party designees who are selected pursuant to this
37 paragraph shall perform the hand count under the supervision of the county
38 officer in charge of elections. The county officer in charge of elections
39 shall provide compensation for those selected to perform the hand count,
40 not to include travel, meal or lodging expenses. The hand count shall not
41 proceed unless the political parties provide the officer in charge of
42 elections in writing a sufficient number of persons pursuant to this
43 paragraph by 5:00 p.m. on the Thursday preceding the election and a
44 sufficient number of persons prescribed by this paragraph arrive to
45 perform the hand count. IF A POLITICAL PARTY DESIGNEE FAILS TO APPEAR FOR
46 THE HAND COUNT AUDIT, THE COUNTY CHAIRPERSON OR THE STATE PARTY
47 CHAIRPERSON OF EACH POLITICAL PARTY MAY SELECT PERSONS FROM ANY POLITICAL
48 PARTY IF THE SELECTION OF PERSONS WHO PERFORM THE HAND COUNT COMPLIES WITH

1 SUBDIVISION (e) OF THIS PARAGRAPH AND DOES NOT DELAY THE HAND
2 COUNT. Political party designees shall be selected to perform the hand
3 count as follows:

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

20 (b) The political parties shall provide to the county officer in
21 charge of elections in writing the names of those persons intending to
22 participate in the hand count at the audited precincts not later than
23 5:00 p.m. on the second Tuesday preceding the election.

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

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

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

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

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

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

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

30 E. If a final hand count is performed for an entire jurisdiction
31 for a race, the final hand count shall be repeated for that race until a
32 hand count for that race for the entire jurisdiction results in a count
33 that is identical to one other hand count for that race for the entire
34 jurisdiction and that hand count constitutes the official count for that
35 race.

36 F. After the electronic tabulation of early ballots and at one or
37 more times selected by the chairperson of the political parties entitled
38 to continued representation on the ballot or the chairperson's designee,
39 the chairpersons or the chairpersons' designees shall randomly select one
40 or more batches of early ballots that have been tabulated to include at
41 least one batch from each machine used for tabulating early ballots and
42 those ballots shall be securely sequestered by the county recorder or
43 officer in charge of elections along with their unofficial tally reports
44 for a postelection manual audit. The chairpersons or the chairpersons'
45 designees shall randomly select from those sequestered early ballots a
46 number equal to one percent of the total number of early ballots cast or
47 five thousand early ballots, whichever is less. From those randomly
48 selected early ballots, the county officer in charge of elections shall

1 conduct a manual audit of the same races that are being hand counted
2 pursuant to subsection B of this section. If the manual audit of the
3 early ballots results in a difference in any race that is equal to or
4 greater than the designated margin when compared to the electronically
5 tabulated results for those same early ballots, the manual audit shall be
6 repeated for those same early ballots. If the second manual audit results
7 in a difference in that race that is equal to or greater than the
8 designated margin when compared to the electronically tabulated results
9 for those same early ballots, the manual audit shall be expanded only for
10 that race to a number of additional early ballots equal to one percent of
11 the total early ballots cast or an additional five thousand ballots,
12 whichever is less, to be randomly selected from the batch or batches of
13 sequestered early ballots. If the expanded early ballot manual audit
14 results in a difference for that race that is equal to or greater than the
15 designated margin when compared to any of the earlier manual counts for
16 that race, the manual counts shall be repeated for that race until a
17 manual count results in a difference in that race that is less than the
18 designated margin. If at any point in the manual audit of early ballots
19 the difference between any manual count of early ballots is less than the
20 designated margin when compared to the electronic tabulation of those
21 ballots, the electronic tabulation shall be included in the canvass and no
22 further manual audit of the early ballots shall be conducted.

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

26 H. Notwithstanding any other law, the county officer in charge of
27 elections shall retain custody of the ballots for purposes of performing
28 any required hand counts and the officer shall provide for security for
29 those ballots.

30 I. The hand counts prescribed by this section shall begin within
31 twenty-four hours after the closing of the polls and shall be completed
32 before the canvassing of the election for that county. The county shall
33 make available on the county's website the results of those hand counts
34 and shall provide the results to the secretary of state, who shall make
35 those results publicly available on the secretary of state's website.

36 J. For any county in which a hand count has been expanded to all
37 precincts in the jurisdiction, the secretary of state shall make available
38 the escrowed source code for that county to the superior court. The
39 superior court shall appoint a special master to review the computer
40 software. The special master shall have expertise in software
41 engineering, shall not be affiliated with an election software vendor nor
42 with a candidate, shall sign and be bound by a nondisclosure agreement
43 regarding the source code itself and shall issue a public report to the
44 court and to the secretary of state regarding the special master's
45 findings on the reasons for the discrepancies. The secretary of state
46 shall consider the reports for purposes of reviewing the certification of
47 that equipment and software for use in this state.

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

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

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

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

13 4. The vote count verification committee shall meet and establish
14 one or more designated margins to be used in reviewing the hand counting
15 of votes as required pursuant to this section. The committee shall review
16 and consider revising the designated margins every two years for use in
17 the applicable elections. The committee shall provide the designated
18 margins to the secretary of state at least ten days before the primary
19 election and at least ten days before the general election, and the
20 secretary of state shall make that information publicly available on the
21 secretary of state's website.

22 5. Members of the vote count verification committee are not
23 eligible to receive compensation but are eligible for reimbursement of
24 expenses pursuant to title 38, chapter 4, article 2. The committee is a
25 public body and its meetings are subject to title 38, chapter 3, article
26 3.1 and its reports and records are subject to title 39, chapter 1."

27 <<Sec. 7. 2026 justice of the peace candidates; nomination
28 papers, petitions and signatures

29 [A. Notwithstanding any other law, for candidates for election in
30 2026 to the office of justice of the peace, the following apply:

31 1. If the candidate statement of interest, nomination paper and
32 nomination petition are in compliance with otherwise applicable law, the
33 filing officer shall accept as a valid filing the nomination paper and
34 nomination petition of a person that designate a justice precinct for that
35 person's candidacy and that use any or all of the following:

36 (a) The candidate's justice precinct as used in the 2024 election.

37 (b) The candidate's justice precinct as changed or redistricted by
38 the county pursuant to section 22-101, Arizona Revised Statutes.

39 (c) The candidate's district as designated as a result of a
40 redistricting plan that is ordered for use in the upcoming election by a
41 court of competent jurisdiction.

42 2. If the candidate nomination paper and nomination petition are in
43 compliance with otherwise applicable law, the filing officer shall accept
44 and petition signers are valid if the petition signers are registered
45 voters who are residents of any or all of the following districts that the
46 candidate proposes to represent:

47 (a) The candidate's justice precinct as used in the 2024 election.

1 (b) The candidate's justice precinct as changed or redistricted by
2 the county pursuant to section 22-101, Arizona Revised Statutes.

3 (c) The candidate's district as designated as a result of a
4 redistricting plan that is ordered for use in the upcoming election by a
5 court of competent jurisdiction.

6 B. This section does not apply to a special election to fill a
7 vacancy for the office of justice of the peace.]>>

8 Enroll and engross to conform

9 Amend title to conform

WENDY ROGERS

2129FloorROGERS.docx

03/28/2025

03:57 PM

C: ED