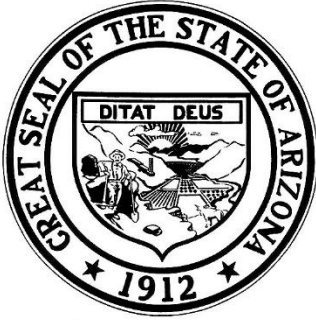


HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **SB 1375**

Gillette Floor Amendment

-
- Specifies that the measure's reporting requirements for election inspectors only applies to county voting locations.

Amendment explanation prepared by Michael Bencomo

Phone Number 6-3649

jh

4/2/2025

GILLETE FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1375
(Reference to Senate engrossed bill)

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 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

1 column to the left of the names, shall be numbered consecutively beginning
2 with number 1 in each precinct register.

3 C. For the purposes of transmitting voter registration information
4 as prescribed by this subsection, electronic media shall be the principal
5 media. A county or state chairman who is eligible to receive copies of
6 precinct lists as prescribed by this subsection may request that the
7 recorder provide a paper copy of the precinct lists. In addition to
8 preparing the official precinct lists, the county recorder shall provide a
9 means for electronically reproducing the precinct lists. Unless otherwise
10 agreed, the county recorder shall deliver one electronic media copy of
11 each precinct list in the county without charge and on the same day within
12 eight days after the close of registration for the primary and general
13 elections to the county chairman and one electronic media copy to the
14 state chairman of each party that has at least four candidates other than
15 presidential electors appearing on the ballot in that county at the
16 current election. The secretary of state shall establish a single format
17 that prescribes the manner and template in which all county recorders
18 provide this data to the secretary of state to ensure that the submissions
19 are uniform from all counties in this state, that all submissions are
20 identical in format, including the level of detail for voting history, and
21 that information may readily be combined from two or more counties. The
22 electronic media copies of the precinct lists that are delivered to the
23 party chairmen shall include for each elector the following information:

- 24 1. Name in full and appropriate title.
- 25 2. Party preference.
- 26 3. Date of registration.
- 27 4. Residence address.
- 28 5. Mailing address, if different from residence address.
- 29 6. Zip code.
- 30 7. Telephone number if given.
- 31 8. Birth year.
- 32 9. Occupation if given.
- 33 10. Voting history for all elections in the prior four years and
34 any other information regarding registered voters that the county recorder
35 or city or town clerk maintains electronically and that is public
36 information.
- 37 11. All data relating to early voters, including ballot requests
38 and ballot returns.

39 D. The names on the precinct lists shall be in alphabetical order
40 and the precinct lists in their entirety, unless otherwise agreed, shall
41 be delivered to each county chairman and each state chairman within ten
42 business days ~~of~~ AFTER the close of each date for counting registered
43 voters prescribed by subsection ~~G~~ H of this section other than the
44 primary and general election registered voter counts in the same format
45 and media as prescribed by subsection C of this section. During the
46 thirty-three days immediately preceding an election and on request from a

1 county or state chairman, the county recorder shall provide at no cost a
2 daily list of persons who have requested an early ballot and shall provide
3 at no cost a weekly listing of persons who have returned their early
4 ballots. The recorder shall provide the daily and weekly information
5 through the Friday preceding the election. On request from a county
6 chairman or state chairman, the county recorder of a county with a
7 population of more than eight hundred thousand persons shall provide at no
8 cost a daily listing of persons who have returned their early ballots.
9 The daily listing shall be provided Mondays through Fridays, beginning
10 with the first Monday following the start of early voting and ending on
11 the Monday before the election.

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

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

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

37 2. For one hundred twenty-five thousand to two hundred forty-nine
38 thousand nine hundred ninety-nine records, \$156.25 plus \$0.000375 per
39 record.

40 3. For two hundred fifty thousand to four hundred ninety-nine
41 thousand nine hundred ninety-nine records, \$203.13 plus \$0.00025 per
42 record.

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

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

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

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

31 1. In even 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) The last day on which a person may register to be eligible to
36 vote in the next primary election.
37 (d) The last day on which a person may register to be eligible to
38 vote in the next general election.
39 (e) The last day on which a person may register to be eligible to
40 vote in the next presidential preference election.

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

43 (a) January 2.
44 (b) April 1.
45 (c) July 1.
46 (d) October 1.

1 ~~H~~ I. The county recorder shall report the totals to the secretary
2 of state as soon as is practicable following each of the dates prescribed
3 in subsection ~~E~~ H of this section. The report shall include completed
4 registration forms returned in accordance with section 16-134,
5 subsection B. The county recorder shall also provide the report in a
6 uniform electronic computer media format that shall be agreed on between
7 the secretary of state and all county recorders. The secretary of state
8 shall then prepare a summary report for the state and shall maintain that
9 report as a permanent record.

10 ~~I~~ J. The county recorder and the secretary of state shall protect
11 access to voter registration information in an auditable format and method
12 specified in the secretary of state's electronic voting system
13 instructions and procedures manual that is adopted pursuant to section
14 16-452.

15 ~~J~~ K. The secretary of state shall develop and administer a
16 statewide database of voter registration information that contains the
17 name and registration information of every registered voter in this state.
18 The statewide database is a matter of statewide concern and is not subject
19 to modification or further regulation by a political subdivision. The
20 database shall include an identifier that is unique for each individual
21 voter. The database shall provide for access by voter registration
22 officials and shall allow expedited entry of voter registration
23 information after it is received by county recorders. As a part of the
24 statewide voter registration database, county recorders shall provide for
25 the electronic transmittal of that information to the secretary of state
26 on a real time basis. The secretary of state shall provide for
27 maintenance of the database, including provisions regarding removal of
28 ineligible voters that are consistent with the national voter registration
29 act of 1993 (P.L. 103-31; 107 Stat. 77; 52 United States Code sections
30 20501 through 20511) and the help America vote act of 2002 (P.L. 107-252;
31 116 Stat. 1666; 52 United States Code sections 20901 through 21145),
32 provisions regarding removal of duplicate registrations and provisions to
33 ensure that eligible voters are not removed in error. For the purpose of
34 maintaining compliance with the help America vote act of 2002, each county
35 voter registration system is subject to approval by the secretary of state
36 for compatibility with the statewide voter registration database system.

37 ~~K~~ L. Except as provided in subsection ~~L~~ M of this section, for
38 requests for the use of registration forms and access to information as
39 provided in subsections ~~E and~~ F AND G of this section, the county recorder
40 shall receive and respond to requests regarding federal, state and county
41 elections.

42 ~~L~~ M. Beginning January 1, 2008, recognized political parties
43 shall request precinct lists and access to information as provided in
44 subsections ~~E and~~ F AND G of this section during the time periods
45 prescribed in subsection C or D of this section and the county recorder
46 shall receive and respond to those requests. If the county recorder does

1 not provide the requested materials within the applicable time prescribed
2 for the county recorder pursuant to subsection C or D of this section, a
3 recognized political party may request that the secretary of state provide
4 precinct lists and access to information as provided in subsections ~~E and~~
5 F AND G of this section for federal, state and county elections. The
6 secretary of state shall not provide access to precinct lists and
7 information for recognized political parties unless the county recorder
8 has failed or refused to provide the lists and materials as prescribed by
9 this section. The secretary of state may charge the county recorder a fee
10 determined by rule for each name or record produced.

11 ~~M.~~ N. For municipal registration information in those
12 municipalities in which the county administers the municipal elections,
13 county and state party chairmen shall request and obtain voter
14 registration information and precinct lists from the city or town clerk
15 during the time periods prescribed in subsection C or D of this section.
16 If the city or town clerk does not provide that information within the
17 same time prescribed for county recorders pursuant to subsection C or D of
18 this section, the county or state party chairman may request and obtain
19 the information from the county recorder. The county recorder shall
20 provide the municipal voter registration and precinct lists within the
21 time prescribed in subsection C or D of this section.

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

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

29 16-244. Representation on ballot

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

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

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

44 B. Notwithstanding the provisions of section 16-804, subsection A,
45 the secretary of state shall determine the political parties entitled to
46 continued representation on the state ballot pursuant to section 16-804,

1 subsection B if, on October 1 of the year immediately preceding the
2 presidential preference election, that party has registered voters equal
3 to at least two-thirds of one per cent of the total number of registered
4 voters in this state. Each county recorder shall furnish the secretary of
5 state with the number of registered voters as prescribed by section
6 16-168, subsection ~~H~~ H, paragraph 2, subdivision (d).

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

9 16-322. Number of signatures required on nomination petitions

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

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

16 2. If for a candidate for the office of representative in Congress,
17 at least one-half of one percent but not more than ten percent of the
18 total number of qualified signers in the district from which the
19 representative shall be elected, except that if for a candidate for a
20 special election to fill a vacancy in the office of representative in
21 Congress, at least one-fourth of one percent but not more than ten percent
22 of the total number of qualified signers in the district from which the
23 representative shall be elected.

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

28 4. If for a candidate for a county office or superior court judge,
29 at least one percent but not more than ten percent of the total number of
30 qualified signers in the county or district, except that if for a
31 candidate from a county with a population of two hundred thousand persons
32 or more, at least one-fourth of one percent but not more than ten percent
33 of the total number of qualified signers in the county or district.

34 5. If for a candidate for a community college district, at least
35 one-quarter of one percent but not more than ten percent of the total
36 voter registration in the precinct as established pursuant to section
37 15-1441. Notwithstanding the total voter registration in the community
38 college district, the maximum number of signatures required by this
39 paragraph is one thousand.

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

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

1 8. If for a candidate for mayor or other office nominated by a city
2 at large, at least five percent and not more than ten percent of the
3 designated party vote in the city, except that a city that chooses to hold
4 nonpartisan elections may provide by ordinance that the minimum number of
5 signatures required for the candidate be one thousand signatures or five
6 percent of the vote in the city, whichever is less, but not more than ten
7 percent of the vote in the city.

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

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

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

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

41 B. The basis of percentage in each instance referred to in
42 subsection A of this section, except in cities, towns and school
43 districts, ~~shall be~~ IS the number of qualified signers as determined from
44 the voter registration totals as reported pursuant to section 16-168,
45 subsection ~~6~~ I on January 2 of the year in which the general election is
46 held. In cities, the basis of percentage ~~shall be~~ IS the vote of the

1 party for mayor at the last preceding election at which a mayor was
2 elected. In towns, the basis of percentage ~~shall be~~ IS the highest vote
3 cast for an elected official of the town at the last preceding election at
4 which an official of the town was elected. In school districts or career
5 technical education districts, the basis of percentage ~~shall be~~ IS the
6 total number of active registered voters in the school district or career
7 technical education district or single member district, whichever applies.
8 The total number of active registered voters for school districts or
9 career technical education districts shall be calculated using the
10 periodic reports prepared by the county recorder pursuant to section
11 16-168, subsection ~~¶~~ I. The count that is reported on January 2 of the
12 year in which the general election is held ~~shall be~~ IS the basis for the
13 calculation of total voter registration for school districts or career
14 technical education districts.

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

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

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

39 16-407.04. County voting location ballot report; public
40 record

41 NOTWITHSTANDING ANY OTHER LAW, BEFORE LEAVING A [COUNTY] VOTING
42 LOCATION AT THE END OF ELECTION DAY FOR EACH ELECTION, THE INSPECTOR SHALL
43 SEND THE DATA FROM THE [COUNTY] VOTING LOCATION BALLOT REPORT TO THE
44 ELECTION DEPARTMENT AND THE OFFICER IN CHARGE OF ELECTIONS, NOT LATER THAN
45 THE LAST POSTING OF ELECTION RESULTS FOR THAT NIGHT, SHALL MAKE THAT DATA
46 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,
46 not to include travel, meal or lodging expenses. The hand count shall not

1 proceed unless the political parties provide the officer in charge of
2 elections in writing a sufficient number of persons pursuant to this
3 paragraph by 5:00 p.m. on the Thursday preceding the election and a
4 sufficient number of persons prescribed by this paragraph arrive to
5 perform the hand count. Political party designees shall be selected to
6 perform the hand count as follows:

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

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

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

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

40 (e) The selection of persons to perform the hand count shall ensure
41 that not more than seventy-five percent of the persons conducting the hand
42 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.

44 F. After the electronic tabulation of early ballots and at one or
45 more times selected by the chairperson of the political parties entitled
46 to continued representation on the ballot or the chairperson's designee,

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

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

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

43 I. The hand counts prescribed by this section shall begin within
44 twenty-four hours after the closing of the polls and shall be completed
45 before the canvassing of the election for that county. The county shall
46 make available on the county's website the results of those hand counts

1 and shall provide the results to the secretary of state, who shall make
2 those results publicly available on the secretary of state's website.

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

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

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

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

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

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

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

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

43 16-821. County committee; vacancy in office of precinct
44 committeeman

45 A. At the primary election the members of a political party WHO ARE
46 entitled to representation pursuant to section 16-804 ~~residing~~ AND WHO

1 RESIDE in each precinct shall choose one of their number as a county
2 precinct committeeman, and the members shall choose one additional
3 precinct committeeman for each one hundred twenty-five voters or major
4 fraction thereof WHO ARE registered in the party in the precinct as
5 reported pursuant to section 16-168, subsection ~~6~~ I on January 2 of the
6 year in which the general election is held. The whole number of precinct
7 committeemen of a political party shall constitute the county committee of
8 the party.

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

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

22 45-415. Local initiation for active management area:
23 procedures

24 A. A groundwater basin that is not included within an initial
25 active management area may be designated an active management area on
26 petition by 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 ~~6~~ I, and a subsequent election held pursuant to the general
30 election laws of this state. The form of the petition shall be the same
31 as for initiative petitions, and the applicant for the petition shall
32 comply with section 19-111.

33 B. On application for a petition number with the clerk of the board
34 of supervisors or county election officer, the director shall transmit a
35 map of the groundwater basin to the county recorder of each county in
36 which the proposed active management area is located. The map shall be on
37 a scale adequate to show with substantial accuracy where the boundaries of
38 the groundwater basin cross the boundaries of county voting precincts.
39 The director shall also transmit to the county recorder all other factual
40 data concerning the boundaries of the groundwater basin that may aid the
41 county recorder in the determination of which registered voters of the
42 county are residents of the groundwater basin.

43 C. Any registered voter of a county whose residency in the
44 groundwater basin is in question shall be allowed to vote. The ballot
45 shall be placed in a separate envelope, the outside of which shall contain
46 the precinct name and number, the signature of the voter, the residence

1 address of the voter and the voter registration number of the voter, if
2 available. The voter receipt card shall be attached to the envelope. The
3 county recorder shall verify the ballot for proper residency of the voter
4 before counting. Such verification shall be made within five business
5 days following the election, and the voter receipt card shall be returned
6 to the voter. Verified ballots shall be counted using the procedure
7 outlined for counting early ballots. If residency in the groundwater
8 basin is not verified, the ballot shall remain unopened and shall be
9 destroyed.

10 D. Except as provided in subsection E of this section, all election
11 expenses incurred pursuant to this section are the responsibility of the
12 county involved.

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

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

18 2. The number of registered voters required to sign the petition
19 shall be ten percent of the registered voters residing within the
20 boundaries of the proposed active management area, as of the most recent
21 report compiled by the county recorder in compliance with section 16-168,
22 subsection ~~G~~ I, within the county in which the plurality of the
23 registered voters in the groundwater basin resides.

24 3. The election shall be called by the board of supervisors of the
25 county in which the petition is filed, and the board shall immediately
26 notify the board of supervisors of any other county included in the
27 groundwater basin of the date of the election. The election shall be held
28 not less than sixty days or more than ninety days from the date of the
29 call. The board of supervisors so notified shall then call the election
30 in that county for the same date and follow the procedures for conducting
31 the general elections in this state.

32 4. All election expenses incurred pursuant to this subsection are
33 the responsibilities of the counties involved on a proportional basis
34 considering the number of registered voters of each county that are
35 residents of the groundwater basin.

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

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

41 45-433. Local initiation for designation; procedures

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

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

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

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

30 Enroll and engross to conform
31 Amend title to conform

JOHN GILLETTE

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