



2019 Elections Procedures Manual: Summary of Significant Updates after the Public Comment Period

DISCLAIMER: This summary is not exhaustive, however, it highlights substantive proposed changes in the 2019 draft Elections Procedures Manual, as compared to the 2014 manual.

Arizona Secretary of State

CHAPTER 1: VOTER REGISTRATION

- Added reference to large print/low-vision version of the state voter registration form, which will be made available on the Secretary of State's website.
- Specified that groups conducting voter registration drives may request additional voter registration forms from the Secretary of State and/or County Recorders after exhausting initial supplies, and such requests are subject to the same reasonable restrictions as the initial request for voter registration forms.
- Clarified that if a registrant only provides a citizenship, naturalization, or alien registration number as documentary proof of citizenship (DPOC), that number must be verified against the federal Systematic Alien Verification for Entitlements (SAVE) database before the number can be deemed satisfactory, but the SAVE database shall not be used for list maintenance purposes.
- Clarified that in-person MVD, online MVD, and online voter registration website are included among the sources of voter registrations to be tracked in the statewide voter registration database.
- Clarified that when a voter registration form is submitted without a date, the County Recorder must use the postmark date as the date of registration, unless the postmark date is illegible or otherwise not available, in which case the date of receipt of the form shall be used as the date of registration.
- Specified that although secured registrants are encouraged not to sign petitions if they wish to maximize protection of the confidentiality of their information, they may sign petitions and indicate "protected address," "secured registrant," or other substantially similar designation in the address line and their petition signature shall not be invalidated solely based on the failure to provide the registrant's actual address.

- Clarified that one piece of returned election mail alone is not sufficient to cancel a registrant's record through the National Voter Registration Act (NVRA) process. Generally, the County Recorder must send two official election mailings to the registrant—unless the registrant appears on an National Change of Address (NCOA) or Electronic Registration Information Center (ERIC) report, in which case only one mailing is required)—and only if the registrant does not respond to the mailing(s) or vote during the specified period may their record be canceled.
- Specified that voter registration precinct lists provided to political parties should generally be provided in electronic format, through secure means and counties may establish a process for political parties to automatically receive precinct lists for each election rather than having to request them before each election.
- Specified that nonpartisan voter registration or outreach is a permissible use of registrant records requested through a public records request.

¹ *The updates to the 2019 Elections Procedures Manual summarized here were made in response to public comments received, further feedback from county officials, and the Secretary of State's Office further review of the draft during and after the public comment period.*

CHAPTER 2

EARLY VOTING

- Explained that the Manual uses the term “ballot-by-mail” (1) early ballots mailed to voters based on a one-time request or based on the voter’s request to be on the permanent early voting list (PEVL); (2) ballots transmitted to UOCAVA voters; and (3) ballots automatically mailed to all eligible voters for an all ballot-by-mail election.
- Added a section on Emergency UOCAVA Early Balloting Procedures (adapted from 2014 Elections Procedures Manual).
- Clarified that while voters need to sign a statement—stating they are experiencing or have experienced an emergency preventing them from voting at the polls on Election Day—prior to receiving a ballot at an emergency voting center or through a special election board, election workers should not ask for additional information about the voter’s specific emergency.
- Clarified that all early ballots, including ballots-by-mail and those cast in-person at an on-site early voting location, emergency voting center, or through a special election board, must be signature-verified by the County Recorder, even though in-person early voters must now show identification prior to receiving a ballot.
- Specified that individuals held in pretrial detention or serving a sentence for a misdemeanor conviction remain eligible to register and vote (assuming no other deficiencies in eligibility). To the extent practicable, County Recorders shall coordinate with the county sheriff’s office, jail or detention facilities, the county public defender’s office, and other appropriate stakeholders to develop and implement reasonable procedures to facilitate voting by eligible voters held in jail or detention facilities, including those taken into custody shortly before Election Day. Such procedures may include coordinating a means for secure and effective delivery and return of ballots-by-mail for those in custody and/or the use of special election boards in appropriate circumstances.

CHAPTER 3 BALLOT-BY-MAIL ELECTIONS

No significant substantive changes

CHAPTER 4 VOTING EQUIPMENT

- Clarified that voting equipment must be certified by the Secretary of State, based on a recommendation from the state Election Equipment Certification Committee (not the Committee directly) (in addition to a Voting System Test Laboratory and the federal Election Assistance Commission).
- Specified that, although not required, counties may, in their discretion, conduct **additional** pre- and/or post-election L&A tests, including with participation from representatives of the recognized political parties.
- Specified that accessible voting equipment shall be capable of: (i) displaying candidate races, ballot measures, and voter instructions in large print and contrasting colors, at the voter's option; and (ii) providing a means for the voter to verify all of the voter's selections prior to committing the selections and a means for the voter to change a selection if desired before committing the selections.
- Specified that counties should also conduct periodic election security and cybersecurity assessments and develop and implement appropriate security procedures and best practices in consultation with county (and, where appropriate, federal and state) information technology and security professionals.

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- Specified that a person who knowingly modifies the software, hardware, or source code for voting equipment without receiving approval or certification pursuant to A.R.S. § 16-442 is guilty of a class 5 felony. A.R.S. § 16-1004(B).
- Specified that if the EMS software hash code is on file with the National Institute of Standards and Technology (NIST) or the Secretary of State, the officer in charge of elections must certify that the officer compared the hash code on file with NIST or Secretary of State for the EMS software with the hash code of the EMS software to be used in the election and certify that the numbers are identical.
- Provided additional security procedures as to removable electronic storage devices, including specifying a stick or device used to transfer data to or from the electronic voting system should only be used one time – to transfer data from one system to a second system and then securely disposed of, and, when feasible, write-once memory cards or write-once disks should be used instead of USB devices to transfer data to or from an electronic voting system to ensure a one-way, one-use policy” is self-enforced by the technology.
- Specified that the tabulation contingency plan must be completed no later than the second Monday before the election (carried over from 2014 Elections Procedures Manual).

CHAPTER 5

ACCOMMODATING VOTERS WITH DISABILITIES

- Specified that counties shall have voting and registration information available in at least two alternative formats, and if a voter makes a request for information in an alternative format after any applicable deadlines, the County Recorder or officer in charge of elections shall make best efforts to accommodate the request if practicable.
- Specified that the County Recorder and/or officer in charge of elections, as applicable shall include the following information on their websites:
 - How voters with disabilities may obtain more information about voting assistance and reasonable accommodations in the voting process;
 - How to request and obtain voting material in alternative formats;
 - How to request voting through a special election board; and
 - Instructions on how to use accessible voting devices used by the County.
- Specified that voting locations shall have a minimum of two seats, and additional seats as practicable, to reasonably accommodate voters with disabilities.
- Specified that the County Recorder, officer in charge of elections, or designee shall ensure that accessible voting devices are operational and remain turned on as long as the voting location or early voting site is open, and shall ensure that board workers are trained on the proper operation of accessible voting devices.
- Specified that curbside voting may be made available as a reasonable accommodation as necessary to provide voters with disabilities equal access to the voting process.

CHAPTER 6

CANDIDATE NOMINATION

- Specified that although nomination petition signature lines that are missing a signature but contain a printed name, or use a P.O. Box as a residence address, are presumed valid and counted in the filing officer's determination of the number of signatures submitted, such signatures may be subject to challenge.
- Clarified that when the County Recorder conducts signature verification in response to a nomination petition challenge, the County Recorder confirms, among other things, whether the signer was registered to vote as of the date of signing.

CHAPTER 7

PRESIDENTIAL PREFERENCE ELECTION

No significant substantive changes.

CHAPTER 8

PRE-ELECTION PROCEDURES

- Clarified that if it is impossible to sufficiently staff election boards with members of differing political parties, the officer in charge of elections shall, at minimum, exercise best efforts to utilize board members with no party affiliation or from differing unrecognized parties to ensure that there is a diversity of political party affiliation (including no affiliation) on the election boards and that no election board is comprised of members of only one party. Further, the officer in charge of elections shall document when and how the political parties in the county were contacted about the need for board workers affiliated with those parties and all other actions taken in a best effort to obtain board workers from two different political parties. However, nothing in the Manual shall be interpreted to supersede otherwise applicable statutory requirements, including the requirement that board workers be of differing political party affiliation.
- Clarified that a political party observer may be able to present a copy of the observer's appointment letter, rather than the original letter itself, if permitted by the County Recorder or officer in charge of elections.
- Clarified that political party observers at voting locations cannot observe voting or processing activities that would enable the observer to view personally identifiable information on an e-pollbook.
- Clarified that observers may not take photos within the 75 foot limit of a voting location.
- Added a subsection titled "Early Ballot Designation," noting the requirement that early ballots have the word "early" printed or stamped on them.
- Clarified that covered jurisdictions must provide voting materials in the required language for all elections within the jurisdiction.
- Added a footnote clarifying the requirements regarding the transmission of data to e-pollbook vendors.

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- Added a requirement that contingency plans include a plan for implementing back-up paper systems.
- Added a section outlining ballot box overflow procedures (adapted from the 2014 Elections Procedures Manual).
- Added a section on procedures in the event of a power or unit failure (adapted from the 2014 Elections Procedures Manual).

CHAPTER 9

CONDUCT OF ELECTIONS/ ELECTION DAY OPERATIONS

- Added requirement that an election board must ensure the digital readout on the front of a unit registers zero after the zero report is complete.
- Removed language regarding individuals carrying firearms and taking photos outside of the 75-foot limit.
- Added language clarifying the three categories of acceptable identification.
- Clarified that if the address on a voter's identification does not match the voter's residence on file, the voter must vote a provisional ballot.
- Clarified that a voter may bring an unvoted ballot-by-mail to a voting location, vote the ballot at the voting location, and place the voted ballot in the early ballot drop-off container.
- Clarified that voters who are voting a provisional ballot shall have the option to do so on an accessible voting device.

CHAPTER 10

CENTRAL COUNTING

PLACE PROCEDURES

- Clarified in a footnote that the County Recorder or officer in charge of elections shall document when and how the political parties in the county were contacted about the need for board workers.
- Clarified that when a Ballot Duplication Board cannot determine voter intent, that ballot can be referred to the Snag Board or the officer in charge of elections.
- Clarified the requirements for the use of an Electronic Vote Adjudication Board.
- Clarified that electronic adjudication functionalities must be tested during L&A testing.
- Added language clarifying Electronic Vote Adjudication Procedures.
- Clarified that if an Electronic Vote Adjudication Board cannot determine the voter's choice for a particular race or ballot measure, the board shall not designate a choice for that race or ballot measure.

CHAPTER 11

HAND COUNT AUDIT

- Clarified that those conducting a hand count audit shall not be provided the machine count results prior to completion.
- Clarified the ability of political party representatives to video record the hand count audit.
- Clarified that counties may elect to audit a higher number of ballots than required by statute at their discretion.
- Clarified hand count procedures for counties using electronic adjudication.
- Added language clarifying the standard for determining voter intent in a hand count.

CHAPTER 12

OTHER POST-ELECTION DAY PROCEDURES

- Specified that the Secretary of State shall direct payment of authenticated sample ballot reimbursement claims from funds of the Secretary of State's Office.

CHAPTER 13

CERTIFYING

ELECTION RESULTS

- Specified that the provisional ballot report must specify whether uniform procedures were followed for determining whether a provisional ballot is counted.
- Specified that the accessibility report must specify measures being undertaken to bring inaccessible voting locations into compliance or to replace inaccessible voting locations with accessible locations.
- Modified required contents of the voter education report.
- Specified that, for counties that use electronic adjudication, any ballots requiring electronic adjudication must be re-adjudicated in the event of an automatic recount.
- Specified that the officer in charge of elections shall undertake reasonable efforts to reconcile any discrepancy between an initial result and automatic recount, and shall provide a report to the Secretary of State explaining the reasons for any discrepancy.

CHAPTER 14

REGULATION OF PETITION CIRCULATORS

- Clarified requirements for petition circulators to register with the Secretary of State's Office.
- Added a footnote indicating that the "paid circulator" or "volunteer" status boxes may be pre-marked by the circulator or the committee or petition circulating organization on behalf of the circulator.
- Clarified procedures for circulators registering with the Secretary of State's Office through the electronic circulator portal.
- Specified procedures for qualified electors who require assistance completing or signing a petition.

CHAPTER 15

POLITICAL PARTY RECOGNITION

No significant substantive updates

CHAPTER 16

CAMPAIGN FINANCE

- Clarified that notwithstanding state retention periods, a filing officer should retain candidate filings for at least four years after committee termination in light of the four-year statute of limitations for campaign finance complaints.
- Specified a deadline for a filing officer to render a decision, absent extenuating circumstances.