

Arizona 2023 Election Procedures Manual

Summary of Key Changes

Chapter I Voter Registration

- Regardless of the type of form used, a registrant who submits an otherwise valid voter registration form to the County Recorder, but without accompanying DPOC, is entitled to be registered as a “federal-only” voter based on the registrant’s sworn statement on the registration form that the registrant is a U.S. citizen.
- Each month the Secretary of State shall compare the statewide voter registration database to the driver license database maintained by ADOT. The Secretary of State shall notify the appropriate County Recorder if a person who is registered to vote in that county has changed the person’s residence address or is not a United States citizen according to the driver license database. A.R.S. § 16-165(G).
- Summary report from the jury commissioner or manager for voters who are not residents of the county or state. The County Recorder shall determine if there is a true match and then send notice to the voter or state. If the registrant does not confirm residence after the 35 day notice is sent, the voter’s record will enter the NVRA “inactive cycle period.” If the registrant does not confirm their registration address or vote for two federal/statewide general election cycles after being placed in inactive status, the registrant’s voter registration may be canceled.
- When a County Recorder obtains information from the jury commissioner or manager and confirms that a registrant is not a U.S. citizen, the County Recorder must notify the registrant that registration will be canceled in 35 days unless the registrant provides documentary proof of citizenship (“DPOC”). If the person (1) does not respond to the notice within 35 days, or (2) responds to the notice by stating that the person is not a United States citizen, the County Recorder shall cancel the person’s voter registration.
- Voters issued a driver license or the equivalent of an Arizona nonoperating identification license in another state license in another State.
- The Secretary of State shall process the monthly list from ADOT within 10 days of receipt by sending Pima and Maricopa Counties the data via the AVID interface. For Pima and Maricopa Counties, the interface will determine if there are any soft and hard matches for “Active” records. For the thirteen AVID counties, AVID will send the soft and hard matches to their respective AVID County dashboard queues to determine matches. If there is a true match, the County Recorder shall send each person a notice by forwardable mail. The notice shall inform the person that failure to return the form within ninety (90) days will result in the person's registration being placed in inactive status.
- SAVE shall not be used for voter registration list maintenance.

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Chapter 2 Early Voting

- If a voter is required to provide a residential address, the language “or a description of a residential location” has been added.
- The process to remove someone from AEVL will start in the 2027 election cycle. The two consecutive election cycles began with the 2023-2024 election cycle.
- The ballot-by-mail return deadline also applies to UOCAVA ballots, regardless of the method of transmission to the election official.
- Regarding drop boxes, the use of the words “staffed” and “unstaffed” have been removed.
- Additional examples of voter intimidation are included.
- The sentence stating that County Recorder’s “may” provide on-site early voting locations has been deleted. Leaving a sentence that requires the County Recorders to have at least one reasonably accessible voting location available to voters.
- Unless otherwise specified, the security and chain of custody requirements set forth in this Manual for Election Day ballots also apply to early ballots.
- More specific details are provided regarding the procedure, grounds, and burden of proof for challenging an early ballot.
- For signature verification of early ballots, a County Recorder should also consult additional known signatures from other official election documents in the voter’s registration record, such as signature rosters, prior early ballot affidavits, and early ballot/AEVL request forms, in determining whether the signature on the early ballot affidavit was made by the same person who is registered to vote.
- Incorrect ballot is sent to the voter. it is too late to mail the correct ballot when the error is discovered. but it is still possible to link the ballot to the specific voter, the incorrect ballot shall be sent to the Ballot Duplication Board, and any offices or issues the voter could have lawfully voted for shall be duplicated onto the correct ballot.
- Timing for Tabulation. Early ballots may be tabulated immediately after the envelope and completed affidavit are processed and delivered to the early board.

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- 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).

Chapter 3 Ballot by Mail Elections

- Ballot by mail elections include establishment of ballot replacement sites, where voters may receive and cast a replacement ballot or vote on an accessible voting device.
- A jurisdiction may post election results after all ballot replacement locations have reported or one hour after all ballot replacement locations have closed on Election Day, whichever occurs first.

Chapter 4 Voting Equipment

- Accessible voting equipment must provide a warning to the voter if the voter attempts to under-vote or over-vote a particular race or issue, or, in the case of an over-vote, prevent a voter from doing so.
- A special-purpose, dedicated computer (the “Gateway Computer”) shall be used in the limited circumstances when it is necessary to: (1) download data (e.g., ballot language or ballot files) from an internet-connected system onto a memory stick or other removable electronic storage device for upload to the EMS; and/or (2) download data (e.g., election results files) from the EMS to a stick or device for upload to an internet-connected system. In such circumstances, the Gateway Computer shall serve as the internet-connected system. No other computer except for the designated Gateway Computer shall be used for these purposes and the designated Gateway Computer shall not be used for any other purpose.
- The County Recorder and officer in charge of elections shall develop a written incident response plan outlining how they will respond to and report election incidents that have security implications.

Chapter 5 Accommodating Voters with Disabilities

- Added hyperlink: <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/background/adaag#4.30>

Chapter 6 Regulation of Petition Circulators

- For circulator registration procedures, allow for circulators to comply with the requirements of A.R.S. § 19-118(B), a circulator shall file a separate affidavit for each petition they wish to circulate. To that end, the circulator shall submit or upload a new affidavit and indicate a new committee address for each petition. *Leibsohn v. Hobbs*, 254 Ariz. 1, 46 (2022) (“Construing subsection (B)(5) through the lens of the entire application

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process, we conclude that a new circulator affidavit is plainly required for each initiative petition a circulator wishes to circulate.”)

- Added footnote: A committee may have more than one address; the committee address listed pursuant to A.R.S. § 19-118(B)(4) must merely be an address of the Committee that may be used for service of process. A committee may have more than one address, and the address listed for service of process need not be the same address listed in the serial number application pursuant to A.R.S. 19-111(A).
- Added footnote: The requirement to list certain information on the circulator portal does not mean that a circulator’s signatures shall be disqualified if the circulator makes a mistake or inconsistency in listing that information (e.g., a phone number or email address that is entered incorrectly; a residential address that doesn’t match the residential address listed on that circulator’s petition sheets; etc.).

Chapter 7 Presidential Preference Election

- The County Recorder and officer in charge of election shall consult with the appropriate tribal government(s) when selecting voting locations on reservations.

Chapter 8 Pre- Election Procedures

- For Counties that have tribal land located within a precinct, the County should consider placing voting locations on tribal lands *in consultation with the tribe(s)*.
- Added a section on Certified Election Officers: A person shall not perform the duties or exercise the authority of an election officer, the clerk of the board of supervisors, or the County Recorder in the performance of election duties in or on behalf of any county unless the Secretary of State has certified that person as an election officer following completion of the Secretary of State’s election officer certification program. A.R.S. § 16-407(A).
- Added: The officer in charge of elections should make reasonable efforts to recruit enough poll workers from within the precinct or county prior to hiring out-of-precinct or out-of-county poll workers. The officer in charge of elections shall also ensure that community poll worker recruitment is conducted in an equitable manner, to recruit a diverse pool of poll workers that reflect the community. To the extent possible, poll workers assigned to voting locations on tribal land should be registered voters in the precinct or reservation, or members of the Tribe.
- Added: 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 this Manual shall be interpreted to supersede otherwise applicable statutory requirements, including the requirement that board workers be of differing political party affiliation.

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- Added the Green Party to the list of recognized political parties.
- Added: counties and other political subdivisions are strongly encouraged to continue to provide voting materials and language assistance in Spanish, as well as other languages previously required in the county.

Chapter 9 Conduct of Elections/Election Day Operations

- The “Instructions to Voters and Election Officers” notice must be displaced at the voting locations and contain certain information. For example, the notice has been updated to add the following statement, which shall be included in substantially the following form: “Language assistance will be provided at certain polling locations. If you need language assistance, please inquire at your voting location.”
- The “Right to Vote a Provisional Ballot” notice must be displaced at the voting locations and contain certain information. For example, the notice has been updated to add the following statement, which shall be included in substantially the following form: "Sign an affirmation on the provisional ballot envelope stating that the information filled out on the provisional ballot envelope is correct, that you have resided in the precinct specified on the provisional ballot envelope at least 29 days before the election, that you are eligible to vote in this election, that your provisional ballot will only be counted if you voted in the correct precinct or the correct ballot style (which is based on where you currently live), that you understand voting the wrong ballot style in the wrong precinct means that your ballot will not be counted, and that you also understand that voting in the wrong county means that your ballot will not be counted."
- Added to the list of guidelines to prevent voter intimidation include the following information: “Some examples of actions that likely constitute voter intimidation or harassment are: (1) repeatedly entering or staying within 75 feet of a ballot drop box or the entrance to a building where a drop box is located for the purpose of watching or monitoring individuals who are delivering ballots; (2) intentionally following individuals delivering ballots to the drop box when such individuals are not within 75 feet of a drop box; (3) speaking to or yelling at an individual, without provocation, who that person knows is returning ballots to the drop box and who is within 75 feet of the drop box; (4) openly carrying firearms within 250 feet of a ballot drop box or visibly wearing body armor within 250 feet of a ballot drop box. See Temporary Restraining Order at 1–2, *Ariz. All. for Retired Ams., et al. v. Clean Elections USA, et al.*, 638 F. Supp. 3d 1033 (D. Ariz. 2022) (No. 2:22CV01823).”

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- Added to the Out of Precinct Voters section: “Permit the voter to vote a provisional ballot (in the correct ballot style for the voter’s assigned precinct) using an accessible voting device that is programmed to contain all ballot styles, and inform the voter that their provisional ballot will be counted after it is processed and if it is confirmed the voter is otherwise eligible to vote and did not vote early or at another voting location and had that other ballot counted.”
- Added to the Out of Precinct Voters section: If the voter refuses the option to vote on the accessible voting device as described above, the election official shall direct the voter to the correct polling location or, if applicable, to a vote center.
- If the voter refuses the option to vote on the accessible voting device and refuses to go to the correct polling location (i.e., the voter insists on voting a paper ballot in the wrong ballot style for the voter’s assigned precinct), the election official must inform the voter that the voter must vote the correct ballot style, either using the accessible voting machine or in the correct polling place, in order for their votes to be counted.
- The out-of-precinct procedures described above apply to voters who are in the right county, but the wrong precinct. Voters who attempt to cast a ballot in the wrong county (i.e., outside their county of registration) should be informed that ballots cast in the wrong county will not be counted.
- Provided more information in the section regarding procedures for challenging a voter.

Chapter 10 Central Counting Place Procedures

- Added: The Receiving Board shall ensure proper documentation, including chain of custody documentation, for all items received.
- Added: If voter intent can be determined, the ballot shall be duplicated and counted. If a voter has consistently marked their ballot by circling the name of the candidates, or circling yes or no for issues, or placing an x, check mark, punched hole, or other similar mark next to the voter’s choices, the tabulation machine will read the ballot as blank or invalid. These ballots shall be sent to the Ballot Duplication Board or the Electronic Vote Adjudication Board for processing.
- Added that the Audit Board “Verifies that the number of voters issued a provisional ballot matches the sum of the number of accepted provisionals plus the number of rejected provisionals.”

Chapter 11 Hand Count Audit

- Added: Full or extended hand counts are beyond the parameters of A.R.S. § 16-602.

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- Only the officer in charge of elections is permitted to conduct a post-election hand count audit under A.R.S. § 16-602(B).
- Categories of contested races shall be drawn in the following order until the required number of contested races is reached: presidential elector, statewide candidate, statewide ballot measure, federal candidate, and state legislative candidate.

Chapter 12 Post Election Day Procedures

- Polls close at 7:00 p.m. on Election Day, except in the rare instances when polling hours are extended by court order.
- The Board of Supervisors has a non-discretionary duty to canvass the returns as provided by the County Recorder or other officer in charge of elections and has no authority to change vote totals, reject the election results, or delay certifying the results without express statutory authority or a court order.

Chapter 13 Certifying Election Results

- If the official state or county canvass demonstrates that a recount is required, the recount is automatically triggered but must be initiated by *immediately seeking a court order*.
- Under Storage of Ballots and Returns of the Election, the following information was added: The U.S. Department of Justice interprets the Civil Rights Act of 1960 to require that federal election records, including ballots, must “be retained either physically by election officials themselves, or under their direct administrative supervision.” If election officials are required to hand over election records to other officials, “administrative procedures [must] be in place giving election officials ultimate management authority over the retention and security of those election records, including the right to physically access” the records.

Chapter 14 Campaign Finance

- A filing officer may initiate an enforcement action. Email submissions of complaints are acceptable.

Chapters or Sections Removed:

- New Political Party Recognition
- Candidate Nomination Petition Procedures Challenges
- Part of the Election Equipment Certification Chapter was removed and has been added to the Help America Vote Act of 2002 handbook.