



MEMORANDUM

Date: July 13, 2021

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator 

Re: **55th Legislature First Regular Session – 2021 Election Bills of Note**

The County's contract Lobbyist, Michael Racy, will be making a presentation to the Election Integrity Commission at their July 16, 2021 meeting regarding various election bills introduced and/or approved in the last Legislative Session.

Mr. Racy's PowerPoint presentation is attached for your information.

CHH/anc

Attachments

c: Jan Leshar, Chief Deputy County Administrator
Carmine DeBonis, Jr., Deputy County Administrator for Public Works
Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer,
Health and Community Services



55th Legislature, First Regular Session

2021 Election Bills of Note

Chaptered Election Bills

The 2021 Legislative Session had over 130 election related bills including numerous strike-everything amendments.

- HB 2054: voter registration database; death records (Kaiser) Ch. 49
- HB 2181 write-ins; residency; filing deadline (Kavanagh) Ch. 318
- HB 2307: voting equipment; overvote notice (Kavanagh) Ch. 305
- HB 2308: recall petitions and elections; revisions (Kavanagh) Ch. 319
- HB 2364 election pamphlet submittals; identification required (Kavanagh) Ch. 184
- HB 2359: election equipment; access; locks (Kavanagh) Ch. 293
- HB 2365 NOW: political candidates; address confidentiality (Payne) Ch. 194
- HB 2569 elections; private funding; prohibition (Hoffman) Ch. 199
- HB 2794: election deadlines; modifications prohibited (Hoffman) Ch. 380
- HB 2905 early ballots; request required (Hoffman) – Ch. 426
- SB 1002 early voting envelopes; party affiliation (Ugenti-Rita) Ch. 53
- SB 1003 early voting signature required; notice (Ugenti-Rita) Ch. 343
- SB 1105: ballot measures; 200-word description (Mesnard) Ch. 345
- SB 1107 redistricting; petition signatures; 2022 candidates (Mesnard) Ch. 155
- SB 1432: political signs; removal date (Ugenti-Rita) Ch. 284
- SB 1485 early voting list; eligibility (Ugenti-Rita) Ch. 359
- SB 1492: election law amendments (Shope) Ch. 230
- SB 1497: ballot measures; proposition 105; disclosure (Ugenti-Rita) Ch. 332
- SB 1530: NOW: early ballots; instructions; undeliverable (Mesnard)

Failed Election Bills

HB 2616 election data; legislative review authority (Biasiucci)

HB 2720 ballots; elections contests; certificates (Bolick)

HB 2722 emergency voting; manual; photographs; electioneering (Bolick)

HB 2881 election hand counts; verification committee (Blackman)

SB 1010 recount request; amount; bonds; procedures (Mesnard)

SB 1020 voting locations; electioneering (Ugenti-Rita)

SB 1023 elections; county supervisors; ballots; markers (Townsend)

SB 1025 elections; polls; override notification (Townsend)

SB 1068 NOW: elections manual; legislative council (Ugenti-Rita)

SB 1071 voting irregularities; report; legislative review (Townsend)

SB 1072 election contests; filing deadline (Townsend)

SB 1083 elections; recount margin (Ugenti-Rita)

SB 1240 hand counts; precincts; procedures manual (Townsend)

SB 1241 election equipment; ballots; receipt (Townsend)

SB 1593 early voting; time limits; envelope (Gowan)

SB 1613 election data; results; election equipment (Townsend)

SB 1615 elections; hand count; legislative auditor (Townsend)

SB 1713 early ballots; identification; mailing (Mesnard)



Budget Policy Bill

Election Integrity Fund:

- Appropriates \$12 million to the Elections Integrity Fund to pay county recorders for election security, cybersecurity measures, improvements and for post-election hand tabulations.

Posting of Voter Registration Events:

- Requires the Secretary of State and county recorders to list on their website each event where voter registration services are provided within 24 hours of the event.

Auditor General (OAG) Review of Processes

- Appropriates \$500,000 to the OAG to review processes for maintaining the statewide voter registration database, early voting lists, and county voter registration databases for counties with a population of more than 1 million people.

Federal Only Reporting :

- Requires county recorders to annually report to the legislature a description of the procedures to register federal-only voters, number of federal-only voters, number of voters whose citizenship has been verified, description of the obstacles to obtaining proof of citizenship, and the number of voters who have been determined ineligible to vote in Arizona.

Budget Policy Bill

Special Committee on Election Audit

- Senate Government Committee receive and review findings of the Senate audit of 2020 general election in Maricopa County and make recommendations to the President of the Senate on legislative actions, including a call for a special session.

Ballot Fraud Countermeasures:

- Requires a vendor that provides fraud countermeasures on ballots.

Joint Task Force on Unreported In-Kind Political Contributions (TaskForce):

- Establishes the Task Force to investigate unreported in-kind political contributions to candidates in Arizona that violate Arizona campaign finance laws and appropriates \$500,000 in FY2022.

Investigate Ineligible Voters :

- Requires the Attorney General and County Attorney to investigate voters that knowingly register to vote despite being ineligible.

State Election Law Defense:

- Stipulates the Attorney General has the sole authority to direct the defense of state election law or laws being challenged through June 30, 2023.

To: Pima County Election Integrity Commission

From: Michael M. Racy

Date: July 16, 2021

Re: 2021 Elections Bills

Chaptered Bills:

HB 2054: voter registration database; death records (Kaiser) Ch. 49

- Requires the Arizona Secretary of State to compare death records with the statewide voter registration database annually.

HB 2181 write-ins; residency; filing deadline (Kavanagh) Ch. 318

- CSA Bill
- Requires write-in candidates to be qualified elector for the count or district and complete an affidavit that they are a qualified elector (makes it challengeable)
- Allows the tallying of early ballots to begin immediately after the envelopment and completed affidavit are processed and delivered to the early elections board instead of 14 days before an election.

HB 2307: voting equipment; overvote notice (Kavanagh) Ch. 305

- AACo and CSA fine with this bill already process basically.
 - If the voting equipment used for the election provides for the rejection of overvoted ballots or ballots that contain other irregularities, the county board of supervisors is required to provide for a written notice advising the voter that if the voter chooses to override the overvoted office or measure or override any other ballot irregularity, the voter's vote for that office or measure will not be tallied. The notice must be posted on or near the voting equipment so that the voter has a clear view of the notice.

HB 2308: recall petitions and elections; revisions (Kavanagh) Ch. 319

- AACo supported the bill because it created consistency between citizen-initiated items and they got come clean up on litigation issues.
- It makes significant changes to the recall petition process and aligns with the initiative process:
 - Establishes a standard form for recall petitions, requires the validity of signatures on each sheet to be sworn to by the circulator before a notary public on a specified form on the back of the sheet.
 - The Secretary of State is required to make available a sample recall petition that strictly complies with the standard form.
 - All nonresident circulators and paid circulators are required to register as circulators with the Secretary of State before circulating recall petitions, and any signatures collected by a circulator who fails to register as required are disqualified. Establishes requirements for circulator registration. If a registered circulator is properly served with

a subpoena to provide evidence in an action regarding circulation of petitions and fails to appear or produce documents as provided for in the subpoena, all signatures collected by that circulator are deemed invalid. Any person may challenge the lawful registration of circulators in the superior court of the county in which the circulator is registered, and deadlines for challenges are specified.

- Establishes a process for a person who has signed a recall petition to withdraw the person's signature. Specifies that various unlawful acts relating to recall petitions are a class 1 (highest) misdemeanor.

HB 2364 election pamphlet submittals; identification required (Kavanagh) Ch. 184

- Requires a sworn statement to submit arguments for or against a school district budget increase, political subdivision bond proposal, initiative and referendum that are included in an information pamphlet or publicity pamphlet. Specifies the city or town or state of residence of any person submitting an argument must be included in the publicity pamphlet.

HB 2359: election equipment; access; locks (Kavanagh) Ch. 293

- AACo comfortable with the bill they amended it so it should work for them they removed the tamper-evident device requirement and instead that it is secured to prevent unauthorized access and we have to have a process established.
 - Any port, plug, door or other method of physical or electronic access to a voting machine or to any electronic pollbook is required to be secured in a manner to prevent unauthorized access. The county or other officer in charge of elections is required to document and verify security procedures regarding access before a voting machine or electronic pollbook is placed into service for an election.

HB 2365 NOW: political candidates; address confidentiality (Payne) Ch. 194

- Allows political candidates to use a post office box or private mailbox address in place of the candidate's actual residence when their residence address is protected.

HB 2569 elections; private funding; prohibition (Hoffman) Ch. 199

- Prohibits the state or other public body that conducts or administers elections from receiving or expending private monies for the purpose of preparing, administering or conducting an election.
 - Center for Election Innovation & Research accepted \$50 million from Zuckerberg and Chan, and then offered those funds to top elections officials in all 50 states and the District of Columbia. Twenty-four applied
 - Arizona spent its nearly \$4.8 million grant on a statewide voter outreach program with a little over a month to go before Election Day.
 - Apache, Coconino, Graham, La Paz, Maricopa, Navajo, Pima, Pinal and Yuma also received money from the center for tech and civic life (more Zuckerberg and Chan's donations through a separate nonprofit) for expenses to cover personal protective equipment, additional election worker recruitment, training and absentee voting equipment and supplies.

- La Paz County, one of the smallest counties in Arizona, spent its \$18,000 replacing camera equipment that broke days before the August primary election.

HB 2794: election deadlines; modifications prohibited (Hoffman) Ch. 380

- Except when prescribed by a court of competent jurisdiction, an officer or agent of Arizona, a political subdivision, or any other governmental entity in Arizona is prohibited from modifying or agreeing to modify any deadline, filing date, submittal date or other election-related date that is provided for in statute. A person who violates this prohibition is guilty of a class 6 (lowest) felony.

HB 2905 early ballots; request required (Hoffman) – Ch. 426

- AACo supportive (Was HB 2792 one of the 22 vetoed)
- This is current procedure (Fontes was going to send them out due to COVID, but blocked by courts)

SB 1002 early voting envelopes; party affiliation (Ugenti-Rita) Ch. 53

- Prohibits early ballot return envelopes from showing the voter's political party affiliation.
- AACo was fine with they can use a code instead

SB 1003 early voting signature required; notice (Ugenti-Rita) Ch. 343

- Allows an early voter to add their signature to an early ballot returned without a signature on the return envelope no later than 7:00 p.m. on election day.

SB 1105: ballot measures; 200-word description (Mesnard) Ch. 345

- AACo Opposed due to limited space on ballot and potential for another page
- The description of an initiative or referendum measure that is printed on the petition circulated to the voters may be up to 200 words, increased from 100 words.

SB 1107 redistricting; petition signatures; 2022 candidates (Mesnard) Ch. 155

- Extends the deadline for counties to set the new county supervisor district lines to July 1, 2022 due to the delay in 2020 Census Data.
- Stipulates the Arizona Secretary of State must accept statements of interest, nomination papers and petitions from candidates for election in 2022 using legislative and congressional districts used in the 2020 elections, designated by the redistricting plan adopted by the Independent Redistricting Commission in 2021 or designated as the 2022 redistricting plan by a court.
- Became effective on March 30, 2021.

SB 1432: political signs; removal date (Ugenti-Rita) Ch. 284

- The period during which it is a class 2 (mid-level) misdemeanor to remove or cover a political sign ends 15 days after the general election, instead of 7 days after the general election, except that for a sign for a candidate in a primary election who does not advance to the general election, the period ends 15 days after the primary election, instead of 7 days after the primary election.

SB 1485 early voting list; eligibility (Ugenti-Rita) Ch. 359

- Removes a voter from the active early voting list if the voter fails to vote by early ballot in all regular primary and regular general elections for a federal race on the ballot and all city or town candidate elections for two consecutive cycles; and does not respond to a notice sent by county elections officials within 90 days.

SB 1492: election law amendments (Shope) Ch. 230

- AACo Bill
- Makes several updates to election law including changes to deadlines, including increasing the length of time to canvass a primary, when the board of supervisors can cancel certain elections when the number of write-in candidates is less than the number of petitions to be filled at the election

SB 1497: ballot measures; proposition 105; disclosure (Ugenti-Rita) Ch. 332

- AACo was opposed due to the additional language on ballot.
- Requires a Proposition 105 notice to be printed on both the publicity pamphlet created by the Arizona Secretary of State and by the officer in charge of elections on the official ballot, immediately before the first initiative or measure submitted by referendum.

SB 1530: NOW: early ballots; instructions; undeliverable (Mesnard)

- AACo supported the bill provides clarity for people that get a ballot at the wrong address.
- The officer charged by law with the duty of preparing ballots at any election is required to ensure that early ballots are sent in envelopes that state substantially the following: "If the addressee does not reside at this address, mark the unopened envelope 'return to sender' and deposit it in the U.S. mail."

Failed Bills Of Note

HB 2616 election data; legislative review authority (Biasiucci)

- Would have required the county boards of supervisors and county recorders, after the tabulation of all ballots is completed and before issuance of the official canvass for the county, to provide designated representatives of the Legislature access to or copies of election data, including election results and other election records, and election equipment, systems and facilities, regardless of whether the Legislature is in session. A majority of the members of either house of the Legislature are required to receive access only while the Legislature is in session and on written request.

HB 2720 ballots; elections contests; certificates (Bolick)

- Any disruption in live video coverage of the custody of all ballots while the ballots are present in a tabulation room in the counting center will result in the members of the Board of Supervisors and the County Recorder being deemed ineligible for reelection and barred from holding any public office in Arizona for 10 years after the expiration of the term of office in which the disruption in video coverage occurred.

HB 2722 emergency voting; manual; photographs; electioneering (Bolick)

- Prohibits vote centers and only allows emergency voting centers in war/natural disasters. SOS is required to provide transparency and election security within the elections instructions and procedures manual. If there are any conflicts with the instructions or procedures manual with any statute, then they are unenforceable and statute prevails. In addition to the Secretary of State, the Legislature is required to provide personnel who are experts in electronic voting systems and procedures and in electronic voting system security to field check and review electronic voting systems and recommend needed statutory and procedural changes, including changes in the instructions and procedures manual.

HB 2881 election hand counts; verification committee (Blackman)

- Modifies the percentage of precincts that the county to include a percentage determined and margin of error by the Verification committee based on the number of ballots cast in the county.

SB 1010 recount request; amount; bonds; procedures (Mesnard)

- AACo got to a neutral place on this but it still would have been a huge lift for Pima and Maricopa County
 - Allows vote centers to counted as precincts for purposes of the hand count.
 - Instead of 5% with a 99% certainty it will be - the Greater of 99% w/2 interval or 10,000 in Maricopa/Pima & Other Counties – will have a Flat amount of 99% w/3 interval –
 - The AG/SOS/LEG to be able to request a recount, not a higher hand count percentage and will need to be made within 5 days of the canvass.
 - The state will pay for any requested recount.
 - A person who puts up a bond to pay for a recount will be able to request a recount for any race that isn't already being automatically recounted (by precinct or county wide), within 5 days of the canvass, and multiple recounts for the same race will not be allowed.

SB 1020 voting locations; electioneering (Ugenti-Rita)

- Counties are no longer allowed to prohibit political activity near polling places or voting centers in the case of an emergency. Polling places and voting centers are required to allow persons to electioneer and engage in other political activity outside of the 75-foot limit in public areas or parking lots.

SB 1023 elections; county supervisors; ballots; markers (Townsend)

- Specifies in elections overseen by the Board of Supervisors, the board cannot require specific pens to be used on paper ballots and cannot provide any pen that causes a mark that can be seen on the reverse side of the paper ballot, damages, or spoils a ballot.

SB 1025 elections; polls; override notification (Townsend)

- If a voter's ballot is rejected while depositing it in the ballot box due to an overvote or other irregularity, and the voter chooses to override the overvoted office or measure, the election

board official must advise the voter that their vote for that office or measure will not be counted.

SB 1068 NOW: elections manual; legislative council (Ugenti-Rita)

- Review of the election's manual would be done by the AG and a partisan body (Legislative Council).

SB 1071 voting irregularities; report; legislative review (Townsend)

- Requires the county recorder or other officer in charge of elections to maintain a record of all voting irregularities that occur during early voting, emergency voting and election day voting. Directs the county recorder or other officer in charge to provide the record of irregularities to the Legislature within 30 days after election day.

SB 1072 election contests; filing deadline (Townsend)

- Extends the number of days in which an elector can contest the canvassing of an election from 5 days to 30 days after canvass.

SB 1083 elections; recount margin (Ugenti-Rita)

- Raises the threshold for an automatic recount from 0.01% to 0.5%, the amendment removes the requirement for special district elections to be counted as the original count.

SB 1240 hand counts; precincts; procedures manual (Townsend)

- Requires counties with voting centers to separate all ballots by precinct before the random selection of precincts for a hand count occurs, with every ballot from a precinct grouped with the other ballots from that precinct. Voting center cannot be counted as precincts. States that if a provision in the election's instructions and procedures manual conflicts with state statute, the state statute prevails.

SB 1241 election equipment; ballots; receipt (Townsend)

- Requires a tabulation receipt if requested and requires the AG to investigate instances of uncorrected ballots with unmatched signatures.

SB 1593 early voting; time limits; envelope (Gowan)

- Reduces when early ballots are distributed to 22 days instead of 27 days before the election. Requires a second internal envelope with an affidavit envelope for the voted ballots to be placed. Mailed ballots is valid only if it is postmarked on or before the Thursday before the election and not received later than 7:00 pm on election day.

SB 1613 election data; results; election equipment (Townsend)

- All election data and results are required to remain in this country and cannot be transferred, transmitted or stored in any other country. All election equipment, including computers, paper

and other supplies, is required to be made in America. Adding in the event the bill is assigned to committee in the House.

SB 1615 elections; hand count; legislative auditor (Townsend)

- Allows the legislature to require a "complete" hand count to be conducted by an independent auditor, selected by the legislature before the county canvas.

SB 1713 early ballots; identification; mailing (Mesnard)

- Additional documentation required when returning an early ballot (date of birth and either the last 4 of SSN, drivers license number or voters operating identification number. Impacts processing time for all early ballots.