

1 **AMERICA FIRST LEGAL FOUNDATION**

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6 *Attorneys for Plaintiffs*

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
8 **IN AND FOR THE COUNTY OF YAVAPAI**

9 STRONG COMMUNITIES FOUNDA-  
10 TION OF ARIZONA INCORPORATED,  
11 ERIC LOVELIS, WILLIAM JOSEPH AP-  
12 PLETON, and LAURA HARRISON;

12 Plaintiffs,

13 v.

14 YAVAPAI COUNTY, *et al.*,

15 Defendants,

16 and

17 ARIZONA ALLIANCE FOR RETIRED  
18 AMERICANS, *et al.*,

19 Intervenor-Defendants.

Case No. S1300CV202400175

**PLAINTIFFS' MOTION FOR PAR-**  
**TIAL SUMMARY JUDGMENT**

(Assigned to the Hon. Tina R. Ainley)

20 Pursuant to Arizona Rule of Civil Procedure 56, Plaintiffs Strong Communities Foun-  
21 dation of Arizona, Incorporated, Eric Lovelis, William Joseph Appleton, and Laura Harrison,  
22 by and through undersigned counsel, respectfully move for entry of partial summary judgment  
23 in their favor on Count XII regarding unstaffed drop boxes as to the Defendants (Yavapai  
24 County; Craig L. Brown, James Gregory, Donna G. Michaels, Mary Mallory, and Harry B.  
25 Oberg; and Michelle M. Burchill).

26 This Motion presents a discrete and relatively simple issue of statutory interpretation  
that will help narrow the remaining issues to be litigated in this case. There is no genuine

1 dispute about any material facts related to the Defendants’ use of unstaffed drop boxes. The  
2 Plaintiffs are entitled to judgment as a matter of law because Arizona law makes the use of  
3 such drop boxes a criminal offense.

#### 4 **FACTUAL BACKGROUND**

5 The Yavapai County Recorder’s Office uses drop boxes to collect voters’ early ballot  
6 envelopes. Separate Statement of Facts (“SSOF”) ¶ 1. Yavapai County has 19 drop boxes  
7 throughout the County. During the 27-day early voting period, the drop boxes are available  
8 for voters to use to deliver their early ballot envelopes 24 hours a day, seven days a week. *Id.*  
9 ¶ 2. Election officials are not continuously present at each drop box location. *Id.* ¶ 3.

#### 10 **STANDARD OF REVIEW**

11 “The court shall grant summary judgment if the moving party shows that there is no  
12 genuine dispute as to any material fact and the moving party is entitled to judgment as a matter  
13 of law.” Ariz. R. Civ. P. 56(a). Courts should grant summary judgment “when the evidence  
14 presents no genuine issue of material fact.” *Orme School v. Reeves*, 166 Ariz. 301, 305 (1990). The  
15 moving party bears the “responsibility to persuade the court that there is no genuine issue of  
16 material fact[,]” referred to as the “burden of persuasion.” *Nat’l Bank of Ariz. v. Thruston*, 218  
17 Ariz. 112, 115 ¶15 (App. 2008).

#### 18 **ARGUMENT**

19 “A person or entity that ... is found to be serving as a ballot drop off site, other than  
20 those established and staffed by election officials, is guilty of a class 5 felony.” A.R.S. § 16-  
21 1005(E). There is no disputed question of fact that the Defendants maintain ballot drop boxes  
22 at which election officials are not continuously present.

23 This Motion presents two straightforward questions of law:

- 24 1. Must “ballot drop off sites” be continuously staffed by election officials?
- 25 2. Are ballot drop boxes “ballot drop off sites”?

26 Because the question to both questions is “yes,” the Defendants’ practice of

1 maintaining ballot drop boxes that lack the continuous presence of election officials is unlaw-  
2 ful.

3 **I. All “ballot drop off sites” must be “established and staffed by election offi-  
4 cials.”**

5 It is a class 5 felony for “[a] person or entity” to “knowingly solicit[] the collection of  
6 voted or unvoted ballots by misrepresenting itself as an election official or as an official ballot  
7 repository or is found to be serving as a ballot drop off site, other than those established and  
8 staffed by election officials.” A.R.S. § 16-1005(E).

9 Parsing out subsection (E), the plain language makes clear the statute prohibits a person  
10 or entity from: (1) knowingly soliciting the collection of voted or unvoted ballots by misrep-  
11 resenting oneself as an election official; (2) knowingly soliciting the collection of voted or  
12 unvoted ballots by misrepresenting itself as an official ballot repository; or (3) serving as a  
13 ballot drop off site. *Id.* Furthermore, the phrase “other than,” as used in the statute, establishes  
14 that the only lawful type of “ballot drop off site” is one that is “established and staffed by  
15 election officials.” *Id.*

16 When originally passed and signed into law, Senate Bill 1412 (S.B. 1412), which added  
17 the current subsection (E) to A.R.S. § 16-1005, also contained language *requiring* that “any  
18 person who delivers more than ten early ballots to an election official” must, at the time of  
19 delivery, “provide to the election official a copy of the person’s photo identification.” Ex. 1 at  
20 2 (Ariz. Laws 2011, Ch. 105 § 3, 2011 Ariz. Legis. Serv. Ch. 105 (S.B. 1412)).<sup>1</sup> Furthermore, it  
21 required election officials to “record the information from the person’s photo identification”  
22

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23 <sup>1</sup> The Arizona Supreme Court has held that courts may take “judicial notice of our laws.”  
24 *Earhart v. Frohmler*, 65 Ariz. 221, 228 (1947). Similarly, courts may take judicial notice of the  
25 records of a state agency. *Jarvis v. State Land Dept. City of Tucson*, 104 Ariz. 527, 530 (1976). A  
26 court may take judicial notice of a fact “not subject to reasonable dispute” where the fact “can  
be accurately and readily determined from sources whose accuracy cannot reasonably be ques-  
tioned.” Ariz. R. of Evid. 201(b). The Court “must take judicial notice if a party requests it  
and the court is supplied with the necessary information,” Ariz. R. of Evid. 201(c)(2)), which  
may be done “at any stage of the proceeding.” Ariz. R. Evid. 201(d). Accordingly, the Plaintiffs  
move that this Court take judicial notice of this and the other following attached legislative  
history materials.

1 and report it to the Secretary of State following each election. *Id.* This provision presupposed  
2 that all ballot drop off sites are *staffed* such that an election worker could *observe* how many  
3 ballots are being dropped off at one time, and could thereby demand identification when more  
4 than ten ballots were delivered.

5 According to the bill sponsor, the bill was necessary because “we have had for years  
6 and years and years, decades really, a lot of voter fraud... and this bill will address that[.]”  
7 Consideration of Bills: Hearing on S.B. 1412 Before H. Comm. on Judiciary, Mar. 17, 2011,  
8 50th Leg., 1st Reg. Sess., 12:17-13:25 (Ariz. 2011), <https://tinyurl.com/mwdmsb4v> (testimony  
9 of Sen. Donald Shooter). Sen. Shooter went on to explain that “investigators that went down  
10 and confirmed that some of the stuff was going on,” referring to groups collecting ballots  
11 (colloquially known as “ballot harvesting”). *Id.* He further stated the bill was carefully crafted  
12 to “suppress a lot of these shenanigans.” *Id.*

13 Following the 2011 amendment, the Legislature amended A.R.S. § 16-1005 twice more.

14 *First*, the Legislature removed entirely the provision requiring that anyone delivering  
15 more than ten early ballots show identification when dropping off ballots. Ex. 2 at 32 (Ariz.  
16 Laws 2012, Ch. 311 § 22, 2012 Ariz. Legis. Serv. Ch. 361 (H.B. 2033)).

17 *Second*, in 2016, the Legislature amended the statute to make it a class 6 felony to “know-  
18 ingly collect[] voted or unvoted early ballots from another person,” unless the other person is  
19 a “family member, household member or caregiver of the voter.” Ex. 3 at 1-2 (Ariz. Laws  
20 2016, Ch. 5 § 1, 2016 Ariz. Legis. Serv. Ch. 5 (H.B. 2023)), now codified as A.R.S. § 16-  
21 1005(H)-(I).

22 In neither of these amendments did the Legislature make any substantive changes to  
23 the provision that, by its plain language, requires lawful ballot drop-off sites to be “established  
24 and *staffed* by election officials.” A.R.S. § 16-1005(E) (emphasis added).

25 Given the demonstrated legislative intent to prevent ballot fraud by restricting and lim-  
26 iting the practice of ballot harvesting, the original language that presupposed the continuous

1 presence of election officials to identify the number of ballots being deposited, and also given  
2 the subsequent changes that left undisturbed the limitations on ballot drop off sites, it is clear  
3 that *all* ballot drop off sites must be “established and staffed by election officials.”

4 **II. The requirement that a ballot drop off site be “staffed” requires continuous**  
5 **staffing while ballots are being collected.**

6 “Words and phrases shall be construed according to the common and approved use of  
7 the language. Technical words and phrases and those which have acquired a peculiar and ap-  
8 propriate meaning in the law shall be construed according to such peculiar and appropriate  
9 meaning.” A.R.S. § 1-213. When “a word is not defined in any statute, [Arizona courts] gen-  
10 erally refer to a widely used dictionary to determine its meaning.” *State v. Jernigan*, 221 Ariz. 17,  
11 19 ¶ 9 (App. 2009). “[T]he cardinal rule of statutory construction is to give effect to the legis-  
12 lature’s intent. We note also that when a term is not specifically defined by the statute, it must  
13 be given its ordinary meaning, and its definition must be sufficiently clear to be easily under-  
14 stood by the common man.” *Harrelson v. Indus. Comm’n of Arizona*, 144 Ariz. 369, 373–74 (App.  
15 1984). Furthermore, “[s]tatutory terms must be given effect in accordance with their com-  
16 monly accepted meanings, unless the legislature has offered its own definition of the words or  
17 it appears from the context that a special meaning was intended.” *Planned Parenthood Arizona,*  
18 *Inc. v. Mayes*, 257 Ariz. 110, 115 ¶ 16 (2024) (cleaned up).

19 In construing the meaning of statutes, courts “may refer to established and widely used  
20 dictionaries” to determine “commonly accepted meanings[.]” *Id.* (cleaned up); *see also Wilber-*  
21 *Ellis Company v. Ariz. Dept. of Rev.*, 2019 WL 275772 at \*2 ¶ 9, 1 CA-TX 170-0003 (Ariz. App.  
22 2019) (Memorandum Decision<sup>2</sup>) (in the context of Ariz. R. Evid. 201, explaining that “it is  
23 proper for the superior court to take judicial notice of dictionary definitions when deciding  
24 motions for judgment on the pleadings”).

25 The term “staffed” is not defined in A.R.S. § 16-1005. The Oxford English Dictionary  
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<sup>2</sup> Cited pursuant to Ariz. R. Sup. Ct. 111(c) for persuasive value only.

1 (“OED”) defines “staffed” as meaning “[t]o provide (a business, organization, household, etc.)  
2 *with staff*.” Ex. 4, *Staffed*, Oxford English Dictionary (Jul. 2023) (emphasis added). The word  
3 “staffed” is also best understood in terms of the meaning of its opposite: “unstaffed.” The  
4 OED defines unstaffed as “[n]ot provided with staff; *unmanned*.” Ex. 5, *Unstaffed*, Oxford Eng-  
5 lish Dictionary (Jul. 2023) (emphasis added).

6 Furthermore, according to the U.S. Election Assistance Commission (“EAC”),  
7 “[u]nstaffed drop boxes are typically available 24 hours a day and permanently anchored in  
8 place[.]” whereas “[s]taffed drop boxes are typically available during regular business hours  
9 and monitored by trained workers during those hours.” Ex. 6 at 1, *Ballot Drop Box*, Election  
10 Assistance Commission, <https://perma.cc/UR96-AEPE>, accessed on Oct. 31, 2024.<sup>3</sup>

11 The EAC is an independent federal agency established by the Help America Vote Act  
12 (HAVA), PL 107–252, 116 Stat 1666 (Oct. 29, 2002). Part of the EAC’s mission is to establish  
13 “voluntary voting system guidelines ... including ... methods to detect and prevent fraud.” 52  
14 U.S.C.A. § 20961(e)(2). It “is an independent, bipartisan commission charged with developing  
15 guidance to meet HAVA requirements, adopting voluntary voting system guidelines, and serv-  
16 ing as a national clearinghouse of information on election administration.”<sup>4</sup> In other words,  
17 the EAC, which serves as a *national clearing house*, is *the* authoritative source on industry stand-  
18 ards related to election administration. Arizona’s election statutes have incorporated HAVA’s  
19 requirements into State law. A.R.S. § 16-442 (“Machines or devices used at any election for  
20 federal, state or county offices may only be certified for use in this state and may only be used  
21 in this state if they comply with the help America vote act of 2002.”)

22 Not only does the ordinary meaning of “staffed” suggest that election officials must  
23

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24 <sup>3</sup> The Arizona Supreme Court has held that courts may take judicial notice of government  
25 websites. *Ariz. Pub. Integrity Alliance v. Fontes*, 250 Ariz. 58, 65 ¶ 25 (2020); *Arizonans for Second*  
26 *Chances, Rehabilitation, and Public Safety v. Hobbs*, 249 Ariz. 396, 403 ¶ 12 (2020). Accordingly, the  
Plaintiffs move that this Court take judicial notice of the cited material, which is from the  
EAC’s website.

<sup>4</sup> *About the EAC*, ELECTION ASSISTANCE COMMISSION, <https://perma.cc/XN7Z-KNF8>, ac-  
cessed on Oct. 31, 2024.

1 continuously monitor a ballot drop off site, but the EAC’s industry-specific definition also  
2 clearly articulates that a “staffed” drop box is one that is “available during regular business  
3 hours” and is “monitored by trained workers during those hours,” whereas an “unstaffed”  
4 drop box is “available 24 hours a day.”

5 Indeed, Arizona’s 2019 Election Procedures Manual (“EPM”) adopts this same inter-  
6 pretation, explaining that “a staffed drop-off location or drop-box” is one that is “within the  
7 view and monitoring of an employee or designee of the County Recorder or officer in charge  
8 of elections” and that “[a]n unstaffed drop-box” is one that is “not within the view and mon-  
9 itoring of an employee or designee of the County Recorder or officer in charge of elections.”  
10 Ex. 7 at 60-61, *Excerpts from 2019 Election Procedures Manual*, ARIZONA SECRETARY OF STATE’S  
11 OFFICE, (Dec. 19, 2019), <https://perma.cc/97MX-HCKH>.

12 Taken as a whole, where a ballot drop-off site is available “24 hours a day” without  
13 trained election officials monitoring early ballot deposits, the ballot drop-off site is not staffed  
14 as mandated by Arizona law.

15 **III. Ballot drop boxes are “ballot drop off sites” within the meaning of A.R.S. §**  
16 **16-1005(E).**

17 The term “ballot drop off site” is not defined in statute. As with the word “staffed,”  
18 this term must, therefore, be given its ordinary meaning as understood by the common man.  
19 The OED defines “drop-off” as “[a]n act or instance of delivering a thing to where it is re-  
20 quired[.]” Ex. 8, *Drop-off*, Oxford English Dictionary (Jul. 2023). The OED defines “site” as  
21 “[a] place where something happens or has happened; the location of a specific event, occur-  
22 rence, or activity.” Ex. 9, *Site*, Oxford English Dictionary (Sept. 2023). Similarly, Black’s Law  
23 Dictionary defines “site” as “[a] place or location; esp., a piece of property set aside for a  
24 specific use.” Ex. 10, *Site*, Black’s Law Dictionary (12th ed. 2024).

25 Combined, a “ballot drop off site,” therefore, can only be understood as a place set  
26 apart to accept ballots delivered by a voter.

1 This interpretation is confirmed by how the term “site” is used elsewhere in Arizona’s  
2 election statutes. *See, e.g., Planned Parenthood*, 257 Ariz. at 115 ¶ 15 (statutes are to be interpreted  
3 ‘in view of the entire text, considering the context and related statutes on the same subject”).  
4 For example, for special district all-mail ballot elections, the county board of supervisors is  
5 “not required to designate a polling place[.]” but, instead, “may designate one or more *sites* for  
6 voters to deposit marked ballots until 7:00 p.m. on the day of the election.” A.R.S. § 16-411(D)  
7 (emphasis added). In other words, the legislature used “site” in the context of voters “de-  
8 posit[ing] marked ballots.”

9 A ballot drop off site must contain some receptacle to deposit ballots. That receptacle,  
10 whether inside a government-owned building, at a voting location, or available as a standalone,  
11 secured structure, is ordinarily called a “drop box.”

12 Further, the EAC defines a drop box as “a secure, locked structure operated by election  
13 officials where voters may deliver their ballots from the time they receive them in the mail up  
14 to the time polls close on Election Day.” Ex. 6 at 1. According to the EAC, drop boxes can  
15 be indoors or outdoors, staffed or unstaffed. *Id.* at 4-5.

16 The EAC’s reasonable interpretation establishes that anywhere early ballots are securely  
17 collected is considered a drop box. Therefore, “drop box” and “drop off site” can be reason-  
18 ably construed as interchangeable terms intended to convey a place where voters may safely  
19 and securely deliver and deposit early ballots. Necessarily, a drop box must be a ballot drop-  
20 off site.

21 Most damning to the alternative interpretation offered by the Defendants is that, if a  
22 ballot drop box does not qualify as a “ballot drop off site” under Section 16-1005, then it  
23 would be legal for *any* “person or entity” to establish an unofficial ballot drop box, so long as  
24 there was no “misrepresent[ation] ... as ... an official ballot repository,” since under their inter-  
25 pretation, a ballot drop box is not a “ballot drop off site,” and there is no other statute pro-  
26 hibiting unofficial ballot drop boxes. The statute that criminalizes ballot harvesting, A.R.S. §



1 16-1005(H), only prohibits a “person” from collecting ballots, and not the collection of such  
2 ballots in a drop box. The Defendants’ interpretation makes no sense because the legislature  
3 had already criminalized unofficial and unstaffed drop boxes in A.R.S. § 16-1005(E).

4 **IV. There is only one reasonable way to parse A.R.S. § 16-1005(E)**

5 In prior briefing in this case, the Intervenor-Defendants have offered an alternative  
6 interpretation of this statute, claiming that the language in Section 16-1005(E) about ballot  
7 drop-off sites is about misrepresentation. This interpretation is incorrect. Admittedly, Subsec-  
8 tion 16-1005(E) is a long sentence, perhaps accounting for the Intervenor-Defendants’ diffi-  
9 culty in parsing it correctly in their briefing in this case, but there is only one intelligible way  
10 to parse it to give effect to all of its language and in a way that accounts for its syntax. The  
11 correct way to parse the sentence divides it into four parts and makes clear that the statute is  
12 creating two different types of class 5 felony:

13 E. A person or entity that knowingly solicits the collection of voted or unvoted ballots by misrepresenting itself as an  
14 election official or as an official ballot repository, or is found to be serving as a ballot drop off site, other than those  
15 established and staffed by election officials, is guilty of a class 5 felony.

16 The first part of the sentence is the subject: “A person or entity that knowingly,” and  
17 states to whom this subsection applies. The last part of the sentence, “is guilty of a class 5  
18 felony,” establishes what kind of felony violation this subsection entails. The middle two parts,  
19 however, are independent clauses that do not modify each other. Instead, they each set forth  
20 a different kind of class 5 felony within the ambit of the subsection.

21 The second part of the sentence (the “Misrepresentation Clause,” colored in green  
22 above) is a self-contained unit that criminalizes felonious misrepresentation: “solicits the col-  
23 lection of voted or unvoted ballots by misrepresenting itself as an election official or as an  
24 official ballot repository.”

25 The third part of the sentence (the “Drop Off Site Clause”) establishes a different  
26 felony, that of “serving as a ballot drop off site” that is not “established and staffed by election

1 officials.” The Drop Off Site Clause states the following: “is found to be serving as a ballot  
2 drop off site, other than those established and staffed by election officials.”

3 The Legislature intended the Misrepresentation Clause and the Drop-Off Site Clause  
4 to be independent from each other, as the context clearly demonstrates. The Intervenor-De-  
5 fendants’ reading—that these two clauses are really part of the same clause—makes no sense  
6 because there is no way to intelligibly interpret the sentence to make it so that the Drop-Off  
7 Site Clause is modified by the Misrepresentation Clause.

8 The Intervenor-Defendants’ interpretation requires reading the sentence as if the Drop  
9 Off Site Clause is the third item in the list that is part of the Misrepresentation Clause, but this  
10 makes the sentence read incoherently. The two items in the Misrepresentation Clause are part  
11 of a parallel construction starting with the words “as an,” and each makes perfect sense by  
12 themselves in their context:

- 13 • “A person or entity that knowingly solicits the collection of voted or unvoted ballots  
14 by misrepresenting itself **as an election official** ... is guilty of a class 5 felony.”
- 15 • “A person or entity that knowingly solicits the collection of voted or unvoted ballots  
16 by misrepresenting itself ... **as an official ballot repository** ... is guilty of a class 5  
17 felony.”

18 The Drop Off Site Clause, however, does not use the same parallel construction and does not  
19 begin with the words “as an,” which indicates that it is not part of the same list.

20 Furthermore, there are two instances of the word “or” after the word “misrepresenting”  
21 in Section 16-1005(E). The first one comes between “as an election official **or** as an official  
22 ballot repository,” demonstrating that these are part of a two-item list. The next “or” comes  
23 *between* the two separate clauses—the Misrepresentation Clause and the Drop Off Site  
24 Clause—showing that these are two separate items in a list that is modified by the object of  
25 the whole sentence, “A person or entity that knowingly.” If the Drop Off Site Clause were  
26

1 part of the Misrepresentation Clause—making it the third in a list of three related items—  
2 then there should be only one “or” in the list.

3 The Intervenor-Defendants’ construction, reading the Drop Off Site Clause as part of  
4 the Misrepresentation Clause, forces a tortured reading that makes no sense:

- 5 • “A person or entity that knowingly solicits the collection of voted or unvoted ballots  
6 by misrepresenting itself ... is found to be serving as a ballot drop off site, other than  
7 those established and staffed by election officials, is guilty of a class 5 felony.”

8 The Plaintiffs’ construction, which reads the two clauses as separate, is the only reasonable one:

- 9 • “A person or entity that knowingly ... is found to be serving as a ballot drop off site,  
10 other than those established and staffed by election officials, is guilty of a class 5 felony.”

11 The statute does not limit itself to only misrepresentation. As explained above, the  
12 statute specifically sets forth that the only form of lawful “ballot drop off site” is one “estab-  
13 lished and staffed by election officials.”

14 Further confirming that the Plaintiffs’ interpretation is the correct one, the plain language  
15 of the statute itself never limits its applicability only to private persons or entities but rather to  
16 *any* “person or entity.” The Intervenor-Defendants inappropriately read into the statute an ex-  
17 ception for public officials that the Legislature never saw fit actually to codify in the statute. This  
18 Court should not read into the statute language the Legislature chose not to include.

19 **V. A ballot drop box lacking the continuous presence of election officials is un-**  
20 **lawful under A.R.S. § 16-1005(E).**

21 Because a ballot drop box is a “ballot drop off site,” it must be continuously staffed by  
22 election officials. Therefore, the Defendants’ use of such drop boxes is a class 5 felony, and  
23 such drop boxes are unlawful.

24 **CONCLUSION**

25 For the preceding reasons, the Court should enter partial summary judgment in the  
26 Plaintiffs’ favor and issue declaratory, injunctive, and/or mandamus remedies providing that

1 the Defendants' practice of maintaining drop boxes without the continuous presence of elec-  
2 tion officials is unlawful and that the counties must remove all such boxes lacking the contin-  
3 uous presence of election officials.

4 RESPECTFULLY SUBMITTED this 31st of October, 2024.

5 **America First Legal Foundation**

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# EXHIBIT

1

RETRIEVED FROM DEMOCRACYDOCKET.COM

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

**CHAPTER 105**  
**SENATE BILL 1412**

AN ACT

AMENDING SECTIONS 16-545, 16-547 AND 16-1005, ARIZONA REVISED STATUTES;  
RELATING TO BALLOTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-545, Arizona Revised Statutes, is amended to  
3 read:

4 16-545. Early ballot

5 A. The early ballot shall be one prepared for use in the precinct in  
6 which the applicant resides and, if a partisan primary election, of the  
7 political party with which the applicant is affiliated as shown by the  
8 affidavit of registration. The ballot shall be identical with the regular  
9 official ballots, except that it shall have printed or stamped on it "early".

10 B. The officer charged by law with the duty of preparing ballots at  
11 any election shall:

12 1. Prepare the official early ballot and deliver a sufficient number  
13 to the recorder or other officer in charge of elections not later than the  
14 thirty-third day before the election. Except as provided in section 16-542,  
15 subsection D, regular early ballots shall not be distributed to the general  
16 public before the beginning of early voting.

17 2. ENSURE THAT THE BALLOT RETURN ENVELOPES ARE OF A TYPE THAT ARE  
18 TAMPER EVIDENT WHEN PROPERLY SEALED.

19 Sec. 2. Section 16-547, Arizona Revised Statutes, is amended to read:

20 16-547. Ballot affidavit; form

21 A. The early ballot shall be accompanied by an envelope bearing ~~upon~~  
22 ON the front the name, official title and post office address of the recorder  
23 or other officer in charge of elections and ~~upon~~ ON the other side a printed  
24 affidavit in substantially the following form:

25 State of Arizona

26  
27 County of \_\_\_\_\_

28  
29 I, \_\_\_\_\_, do solemnly swear that I am the identical  
30 person whose name is signed to this affidavit and that this name  
31 and signature are my true name and signature, or if I did not  
32 personally sign, it was because of physical disability and that  
33 I requested \_\_\_\_\_ (name of person signing  
34 affidavit) to sign for me, that I have not voted and will not  
35 vote in this election in any other state during the calendar  
36 year of this affidavit and that I personally voted the enclosed  
37 ballot or that it was marked according to my instructions  
38 because I was unable to do so. I understand that knowingly  
39 voting more than once in any election is a class 5 felony. I  
40 declare that I am more than eighteen years of age, that I am a  
41 qualified elector of the state of Arizona and the county of  
42 \_\_\_\_\_ and that I reside at \_\_\_\_\_. If a challenge  
43 is filed against my early ballot, I understand that a copy of  
44 the challenge will be sent to me by first class mail and that I  
45 may have as little as forty-eight hours' notice of an  
46 opportunity to appear. For purposes of notifying me of a ballot



1 challenge between the time I return my ballot and seven days  
2 after election day, please use the following address:  
3 \_\_\_\_\_ . (If no address is provided, notice will be  
4 mailed to the mailing address listed on the registration rolls.)

5 \_\_\_\_\_  
6 Elector  
7

8 B. The face of each envelope in which a ballot is sent to a federal  
9 postcard applicant or in which a ballot is returned by such applicant to the  
10 recorder or other officer in charge of elections shall be in the form  
11 prescribed in accordance with the uniformed and overseas citizens absentee  
12 voting act of 1986 (P.L. 99-410; 42 United States Code section 1973ff).  
13 Otherwise, the envelopes shall be the same as those used to send ballots to,  
14 or receive ballots from, other early voters.

15 C. The county recorder or other officer in charge of elections shall  
16 supply printed instructions to early voters that direct them to sign the  
17 affidavit, mark the ballot and return both in the enclosed self-addressed  
18 envelope **THAT COMPLIES WITH SECTION 16-545**. The instructions shall include  
19 the following statement:

20 In order to be valid and counted, the ballot and affidavit must  
21 be delivered to the office of the county recorder or other  
22 officer in charge of elections or may be deposited at any  
23 polling place in the county no later than 7:00 p.m. on election  
24 day.

25 **WARNING-IT IS A FELONY TO OFFER OR RECEIVE ANY COMPENSATION FOR**  
26 **A BALLOT.**

27 Sec. 3. Section 16-1005, Arizona Revised Statutes, is amended to read:  
28 **16-1005. Ballot abuse; classification**

29 **A. Any person who knowingly marks ~~or punches an early~~ A VOTED OR**  
30 **UNVOTED ballot OR BALLOT ENVELOPE with the intent to fix an election for his**  
31 **own benefit or for that of another person is guilty of a class 5 felony.**

32 **B. IT IS UNLAWFUL TO OFFER OR PROVIDE ANY CONSIDERATION TO ACQUIRE A**  
33 **VOTED OR UNVOTED EARLY BALLOT. A PERSON WHO VIOLATES THIS SUBSECTION IS**  
34 **GUILTY OF A CLASS 5 FELONY.**

35 **C. IT IS UNLAWFUL TO RECEIVE OR AGREE TO RECEIVE ANY CONSIDERATION IN**  
36 **EXCHANGE FOR A VOTED OR UNVOTED BALLOT. A PERSON WHO VIOLATES THIS**  
37 **SUBSECTION IS GUILTY OF A CLASS 5 FELONY.**

38 **D. ANY PERSON WHO DELIVERS MORE THAN TEN EARLY BALLOTS TO AN ELECTION**  
39 **OFFICIAL FOR TALLYING SHALL ALSO PROVIDE TO THE ELECTION OFFICIAL A COPY OF**  
40 **THE PERSON'S PHOTO IDENTIFICATION. IF THE PERSON DELIVERING THE BALLOTS DOES**  
41 **NOT PROVIDE A COPY OF THE PERSON'S PHOTO IDENTIFICATION, THE ELECTION**  
42 **OFFICIAL SHALL RECORD THE INFORMATION FROM THE PERSON'S PHOTO IDENTIFICATION**  
43 **AND RETAIN THE INFORMATION AS A PART OF THE RECORDS OF THE VOTING LOCATION AS**  
44 **PRESCRIBED IN PROCEDURES ESTABLISHED BY THE SECRETARY OF STATE IN THE**  
45 **INSTRUCTIONS AND PROCEDURES MANUAL ADOPTED PURSUANT TO SECTION 16-452.**  
46 **WITHIN SIXTY DAYS AFTER THE ELECTION, THE OFFICER IN CHARGE OF THAT ELECTION**

1 SHALL SUBMIT TO THE SECRETARY OF STATE THE PHOTOCOPIES OR OTHER ELECTRONIC  
2 FACSIMILES OR OTHER INFORMATION SUBMITTED BY THE PERSONS DELIVERING THE EARLY  
3 BALLOTS. THE SECRETARY OF STATE SHALL COMPILE A STATEWIDE REPORT ON THE  
4 SUBMITTALS AND SHALL MAKE THAT INFORMATION AVAILABLE TO THE PUBLIC ON THE  
5 SECRETARY OF STATE'S WEBSITE. THE SECRETARY OF STATE MAY MAKE ANY REFERRALS  
6 TO THE APPROPRIATE PROSECUTING AGENCY FOR PURPOSES OF ENFORCING THIS CHAPTER.

7 E. IT IS UNLAWFUL TO POSSESS A VOTED OR UNVOTED BALLOT WITH THE INTENT  
8 TO SELL THE VOTED OR UNVOTED BALLOT OF ANOTHER PERSON. A PERSON WHO VIOLATES  
9 THIS SUBSECTION IS GUILTY OF A CLASS 5 FELONY.

10 F. A PERSON OR ENTITY WHO KNOWINGLY SOLICITS THE COLLECTION OF VOTED  
11 OR UNVOTED BALLOTS BY MISREPRESENTING ITSELF AS AN ELECTION OFFICIAL OR AS AN  
12 OFFICIAL BALLOT REPOSITORY OR IS FOUND TO BE SERVING AS A BALLOT DROP OFF  
13 SITE, OTHER THAN THOSE ESTABLISHED AND STAFFED BY ELECTION OFFICIALS, IS  
14 GUILTY OF A CLASS 5 FELONY.

15 G. A PERSON WHO KNOWINGLY COLLECTS VOTED OR UNVOTED BALLOTS AND DOES  
16 NOT TURN THOSE BALLOTS IN TO AN ELECTION OFFICIAL, THE UNITED STATES POSTAL  
17 SERVICE OR OTHER ENTITY PERMITTED BY LAW TO TRANSMIT POST IS GUILTY OF A  
18 CLASS 5 FELONY.

19 H. A PERSON WHO ENGAGES OR PARTICIPATES IN A PATTERN OF BALLOT FRAUD  
20 IS GUILTY OF A CLASS 4 FELONY. FOR THE PURPOSES OF THIS SUBSECTION, "PATTERN  
21 OF BALLOT FRAUD" MEANS THE PERSON HAS OFFERED OR PROVIDED ANY CONSIDERATION  
22 TO THREE OR MORE PERSONS TO ACQUIRE THE VOTED OR UNVOTED BALLOT OF A PERSON.

APPROVED BY THE GOVERNOR APRIL 13, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 2011.

# EXHIBIT

2

RETRIEVED FROM DEMOCRACYDOCKET.COM

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

## CHAPTER 361

# HOUSE BILL 2033

AN ACT

AMENDING SECTIONS 16-168, 16-222, 16-230, 16-241, 16-242, 16-244, 16-250, 16-315 AND 16-343, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 3, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-351.01; AMENDING SECTIONS 16-464, 16-571, 16-580, 16-803, 16-804, 16-901, 16-902.01, 16-913, 16-914.01, 16-916, 16-917 AND 16-1005, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-134; AMENDING SECTION 41-1202, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-168, Arizona Revised Statutes, is amended to  
3 read:

4 16-168. Precinct registers; date of preparation; contents;  
5 copies; reports; statewide database; violation;  
6 classification

7 A. By the tenth day preceding the primary and general elections the  
8 county recorder shall prepare from the original registration forms or from  
9 electronic media at least four lists that are printed or typed on paper, or  
10 at least two electronic media poll lists, or any combination of both, of all  
11 qualified electors in each precinct in the county, and the lists shall be the  
12 official precinct registers.

13 B. The official precinct registers for use at the polling place shall  
14 contain at least the names in full, party preference, date of registration  
15 and residence address of each qualified elector in the respective precincts.  
16 The names shall be in alphabetical order and, in a column to the left of the  
17 names, shall be numbered consecutively beginning with number 1 in each  
18 precinct register.

19 C. For the purposes of transmitting voter registration information as  
20 prescribed by this subsection, electronic media shall be the principal media.  
21 A county or state chairman who is eligible to receive copies of precinct  
22 lists as prescribed by this subsection may request that the recorder provide  
23 a paper copy of the precinct lists. In addition to preparing the official  
24 precinct lists, the county recorder shall provide a means for electronically  
25 reproducing the precinct lists. Unless otherwise agreed, the county recorder  
26 shall deliver one electronic media copy of each precinct list in the county  
27 without charge and on the same day within eight days after the close of  
28 registration for the primary and general elections to the county chairman and  
29 one electronic media copy to the state chairman of each party that has at  
30 least four candidates other than presidential electors appearing on the  
31 ballot in that county at the current election. The secretary of state shall  
32 establish a single format that prescribes the manner and template in which  
33 all county recorders provide this data to the secretary of state to ensure  
34 that the submissions are uniform from all counties in this state, that all  
35 submissions are identical in format, including the level of detail for voting  
36 history, and that information may readily be combined from two or more  
37 counties. The electronic media copies of the precinct lists that are  
38 delivered to the party chairmen shall include for each elector the following  
39 information:

- 40 1. Name in full and appropriate title.
- 41 2. Party preference.
- 42 3. Date of registration.
- 43 4. Residence address.
- 44 5. Mailing address, if different from residence address.
- 45 6. Zip code.
- 46 7. Telephone number if given.

1           8. Birth year.

2           9. Occupation if given.

3           10. Voting history for all elections in the prior four years and any  
4 other information regarding registered voters that the county recorder or  
5 city or town clerk maintains electronically and that is public information.

6           11. All data relating to permanent early voters and nonpermanent early  
7 voters, including ballot requests and ballot returns.

8           D. The names on the precinct lists shall be in alphabetical order and  
9 the precinct lists in their entirety, unless otherwise agreed, shall be  
10 delivered to each county chairman and each state chairman within ten business  
11 days of the close of each date for counting registered voters prescribed by  
12 subsection G of this section other than the primary and general election  
13 registered voter counts in the same format and media as prescribed by  
14 subsection C of this section. During the thirty-three days immediately  
15 preceding an election and on request from a county or state chairman, the  
16 county recorder shall provide at no cost a daily list of persons who have  
17 requested an early ballot and shall provide at no cost a weekly listing of  
18 persons who have returned their early ballots. The recorder shall provide  
19 the daily and weekly information through the Friday preceding the election.  
20 On request from a county chairman or state chairman, the county recorder of a  
21 county with a population of more than eight hundred thousand persons shall  
22 provide at no cost a daily listing of persons who have returned their early  
23 ballots. The daily listing shall be provided Mondays through Fridays,  
24 beginning with the first Monday following the start of early voting and  
25 ending on the Monday before the election.

26           E. Precinct registers and other lists and information derived from  
27 registration forms may be used only for purposes relating to a political or  
28 political party activity, a political campaign or an election, for revising  
29 election district boundaries or for any other purpose specifically authorized  
30 by law and may not be used for a commercial purpose as defined in section  
31 39-121.03. The sale of registers, lists and information derived from  
32 registration forms to a candidate or a registered political committee for a  
33 use specifically authorized by this subsection does not constitute use for a  
34 commercial purpose. The county recorder, on a request for an authorized use  
35 and within thirty days from receipt of the request, shall prepare additional  
36 copies of an official precinct list and furnish them to any person requesting  
37 them on payment of a fee equal to five cents for each name appearing on the  
38 register for a printed list and one cent for each name for an electronic data  
39 medium, plus the cost of the blank computer disk or computer software if  
40 furnished by the recorder, for each copy so furnished.

41           F. Any person in possession of a precinct register or list, in whole  
42 or part, or any reproduction of a precinct register or list, shall not permit  
43 the register or list to be used, bought, sold or otherwise transferred for  
44 any purpose except for uses otherwise authorized by this section. A person  
45 in possession of information derived from voter registration forms or  
46 precinct registers shall not distribute, post or otherwise provide access to

1 any portion of that information through the internet except as authorized by  
2 subsection ~~J~~ I of this section. Nothing in this section shall preclude  
3 public inspection of voter registration records at the office of the county  
4 recorder for the purposes prescribed by this section, except that the month  
5 and day of birth date, the social security number or any portion thereof, the  
6 driver license number or nonoperating identification license number, the  
7 Indian census number, the father's name or mother's maiden name, the state or  
8 country of birth and the records containing a voter's signature shall not be  
9 accessible or reproduced by any person other than the voter, by an authorized  
10 government official in the scope of the official's duties, **FOR ANY PURPOSE BY**  
11 **AN ENTITY DESIGNATED BY THE SECRETARY OF STATE AS A VOTER REGISTRATION AGENCY**  
12 **PURSUANT TO THE NATIONAL VOTER REGISTRATION ACT OF 1993 (P.L. 103-31; 107**  
13 **STAT. 77),** for signature verification on petitions and candidate filings, for  
14 election purposes and for news gathering purposes by a person engaged in  
15 newspaper, radio, television or reportorial work, or connected with or  
16 employed by a newspaper, radio or television station or pursuant to a court  
17 order. A person who violates this subsection or subsection E of this section  
18 is guilty of a class 6 felony.

19 G. The county recorder shall count the registered voters by political  
20 party by precinct, legislative district and congressional district as  
21 follows:

22 1. In even numbered years, the county recorder shall count all persons  
23 who are registered to vote as of:

24 (a) January 1.

25 (b) March 1.

26 ~~(c) June 1.~~

27 ~~(d)~~ (c) The last day on which a person may register to be eligible to  
28 vote in the next primary election.

29 ~~(e)~~ (d) The last day on which a person may register to be eligible to  
30 vote in the next general election.

31 ~~(f)~~ (e) The last day on which a person may register to be eligible to  
32 vote in the next presidential preference election.

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

35 (a) January 1.

36 (b) April 1.

37 (c) July 1.

38 (d) October 1.

39 H. The county recorder shall report the totals to the secretary of  
40 state as soon as is practicable following each of the dates prescribed in  
41 subsection G of this section. The report shall include completed  
42 registration forms returned in accordance with section 16-134, subsection B.  
43 The county recorder shall also provide the report in a uniform electronic  
44 computer media format that shall be agreed on between the secretary of state  
45 and all county recorders. The secretary of state shall then prepare a

1 summary report for the state and shall maintain that report as a permanent  
2 record.

3 I. The county recorder and the secretary of state shall protect access  
4 to voter registration information in an auditable format and method specified  
5 in the secretary of state's electronic voting system instructions and  
6 procedures manual that is adopted pursuant to section 16-452.

7 J. The secretary of state shall develop and administer a statewide  
8 database of voter registration information that contains the name and  
9 registration information of every registered voter in this state. The  
10 statewide database is a matter of statewide concern and is not subject to  
11 modification or further regulation by a political subdivision. The database  
12 shall include an identifier that is unique for each individual voter. The  
13 database shall provide for access by voter registration officials and shall  
14 allow expedited entry of voter registration information after it is received  
15 by county recorders. As a part of the statewide voter registration database,  
16 county recorders shall provide for the electronic transmittal of that  
17 information to the secretary of state on a real time basis. The secretary of  
18 state shall provide for maintenance of the database, including provisions  
19 regarding removal of ineligible voters that are consistent with the national  
20 voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; 42 United States  
21 Code section 394) and the help America vote act of 2002 (P.L. 107-252; 116  
22 Stat. 1666; 42 United States Code sections 15301 through 15545), provisions  
23 regarding removal of duplicate registrations and provisions to ensure that  
24 eligible voters are not removed in error. For the purpose of maintaining  
25 compliance with the help America vote act of 2002, each county voter  
26 registration system is subject to approval by the secretary of state for  
27 compatibility with the statewide voter registration database system.

28 K. Except as provided in subsection L of this section, for requests  
29 for the use of registration forms and access to information as provided in  
30 subsections E and F of this section, the county recorder shall receive and  
31 respond to requests regarding federal, state and county elections.

32 L. Beginning January 1, 2008, recognized political parties shall  
33 request precinct lists and access to information as provided in subsections E  
34 and F of this section during the time periods prescribed in subsection C or D  
35 of this section and the county recorder shall receive and respond to those  
36 requests. If the county recorder does not provide the requested materials  
37 within the applicable time prescribed for the county recorder pursuant to  
38 subsection C or D of this section, a recognized political party may request  
39 that the secretary of state provide precinct lists and access to information  
40 as provided in subsections E and F of this section for federal, state and  
41 county elections. The secretary of state shall not provide access to  
42 precinct lists and information for recognized political parties unless the  
43 county recorder has failed or refused to provide the lists and materials as  
44 prescribed by this section. The secretary of state may charge the county  
45 recorder a fee determined by rule for each name or record produced.



1 M. For municipal registration information in those municipalities in  
2 which the county administers the municipal elections, county and state party  
3 chairmen shall request and obtain voter registration information and precinct  
4 lists from the city or town clerk during the time periods prescribed in  
5 subsection C or D of this section. If the city or town clerk does not  
6 provide that information within the same time prescribed for county recorders  
7 pursuant to subsection C or D of this section, the county or state party  
8 chairman may request and obtain the information from the county recorder.  
9 The county recorder shall provide the municipal voter registration and  
10 precinct lists within the time prescribed in subsection C or D of this  
11 section.

12 N. The county recorders and the secretary of state shall not prohibit  
13 any person or entity prescribed in subsection C of this section from  
14 distributing a precinct list to any person or entity that is deemed to be  
15 using the precinct list in a lawful manner as prescribed in subsections E and  
16 F of this section.

17 Sec. 2. Section 16-222, Arizona Revised Statutes, is amended to read:  
18 16-222. Vacancy in the office of United States senator or  
19 representative

20 A. When a vacancy occurs in the office of United States senator or  
21 representative in Congress by reason of death or resignation, or from any  
22 other cause, the vacancy shall be filled at the next general election. At  
23 such election the person elected shall fill the unexpired term of the vacated  
24 office.

25 B. For a vacancy in the office of representative in Congress, if the  
26 next general election is not to be held within six months from the date of  
27 the occurrence of the vacancy, the governor shall call a special primary  
28 election and a special general election to fill the vacancy. The governor  
29 shall call the special primary election and establish its date within  
30 seventy-two hours after the office is officially declared vacant.  
31 Notwithstanding sections 16-313, 16-351 and 16-542, for a candidate for  
32 office at an election held pursuant to this subsection, the following apply:

33 1. The special primary election shall be held no less than eighty nor  
34 more than ninety days after the occurrence of the vacancy, and the special  
35 general election shall be held not less than fifty nor more than sixty days  
36 after the special primary election.

37 2. Nomination papers and nomination petitions shall be filed no later  
38 than thirty days after the date of the proclamation calling the election.

39 3. Any court action challenging the nomination of a candidate shall be  
40 filed no later than 5:00 p.m. on the fifth business day after the last day  
41 for filing nomination papers and petitions.

42 4. The superior court shall hear and render a decision within five  
43 days after the filing of the action.

44 5. Beginning fifteen days before the date of the election, the county  
45 recorder or other officer in charge of elections shall mail early ballots

1 within forty-eight hours after receipt of a complete and correct early ballot  
2 request from persons qualified to vote.

3 C. For a vacancy in the office of United States senator, the governor  
4 shall appoint a person to fill the vacancy. That appointee shall be of the  
5 same political party as the person vacating the office and shall serve until  
6 the person elected at the next general election is qualified and assumes  
7 office. IF THE PERSON VACATING THE OFFICE CHANGED POLITICAL PARTY  
8 AFFILIATIONS AFTER TAKING OFFICE, THE PERSON WHO IS APPOINTED TO FILL THE  
9 VACANCY SHALL BE OF THE SAME POLITICAL PARTY THAT THE VACATING OFFICEHOLDER  
10 WAS WHEN THE VACATING OFFICEHOLDER WAS ELECTED OR APPOINTED TO THAT OFFICE.

11 D. For a vacancy in the office of representative in Congress that  
12 occurs simultaneously with at least one hundred additional vacancies in the  
13 office of representative in Congress as prescribed by 2 United States Code  
14 section 8, a special general election to fill the vacancy in this state shall  
15 be held no more than forty-nine days after the declaration of the vacancy  
16 unless a regularly scheduled general election or previously scheduled special  
17 general election is held within seventy-five days after the declaration of  
18 the vacancy.

19 Sec. 3. Section 16-230, Arizona Revised Statutes, is amended to read:  
20 16-230. Vacancy in certain state or county offices; election

21 A. Notwithstanding any other statute and except as prescribed by  
22 subsection C of this section, for state and county offices that provide for a  
23 four-year term of office, the following applies if there is a vacancy in  
24 office due to death, disability, resignation or any other cause:

25 1. If a state office becomes vacant, the governor shall appoint a  
26 person of the same political party as the person vacating the office to fill  
27 the portion of the term until the next regular general election. IF THE  
28 PERSON VACATING THE OFFICE CHANGED POLITICAL PARTY AFFILIATIONS AFTER TAKING  
29 OFFICE, THE PERSON WHO IS APPOINTED TO FILL THE VACANCY SHALL BE OF THE SAME  
30 POLITICAL PARTY THAT THE VACATING OFFICEHOLDER WAS WHEN THE VACATING  
31 OFFICEHOLDER WAS ELECTED OR APPOINTED TO THAT OFFICE. If the vacancy occurs  
32 within the first two years of the term, and before the date on which a  
33 nomination paper is required to be filed as prescribed by section 16-311, a  
34 primary election shall be held as otherwise provided by law to determine  
35 candidates to fill the unexpired term. At the next regular general election,  
36 the person elected shall fill the remainder of the unexpired term of the  
37 vacant office.

38 2. If a county office becomes vacant, the board of supervisors shall  
39 appoint a person of the same political party as the person vacating the  
40 office to fill the portion of the term until the next regular general  
41 election. IF THE PERSON VACATING THE OFFICE CHANGED POLITICAL PARTY  
42 AFFILIATIONS AFTER TAKING OFFICE, THE PERSON WHO IS APPOINTED TO FILL THE  
43 VACANCY SHALL BE OF THE SAME POLITICAL PARTY THAT THE VACATING OFFICEHOLDER  
44 WAS WHEN THE VACATING OFFICEHOLDER WAS ELECTED OR APPOINTED TO THAT OFFICE.  
45 If the vacancy occurs within the first two years of the term, and before the  
46 date on which a nomination paper is required to be filed as prescribed by

1 section 16-311, a primary election shall be held as otherwise provided by law  
2 to determine candidates to fill the unexpired term. At the next regular  
3 general election, the person elected shall fill the remainder of the  
4 unexpired term of the vacant office.

5 B. A person who is elected to fill the remainder of an unexpired term  
6 of a vacant office pursuant to subsection A of this section may take the oath  
7 of office and begin the remainder of the term of office at any time within  
8 ninety days after the canvass of the election. A person who is appointed  
9 pursuant to subsection A of this section shall remain in office until the  
10 person elected pursuant to this subsection takes the oath of office.

11 C. This section does not apply to the office of governor.

12 Sec. 4. Section 16-241, Arizona Revised Statutes, is amended to read:  
13 16-241. Presidential preference election; conduct of election

14 A. A presidential preference election shall be held on the fourth  
15 Tuesday in February of each year in which the president of the United States  
16 is elected to give qualified electors the opportunity to express their  
17 preference for the presidential candidate of the political party indicated as  
18 their preference by the record of their registration. No other election may  
19 appear on the same ballot as the presidential preference election.

20 B. Notwithstanding subsection A of this section, the governor may  
21 issue a proclamation that the presidential preference election is to be held  
22 on a date earlier than the fourth Tuesday in February. The proclamation  
23 shall be issued no later than one hundred ~~fifty~~ EIGHTY days before the date  
24 of the election as set forth in the proclamation. The governor shall  
25 transmit a copy of the election proclamation to the ~~clerk~~ CLERKS of the  
26 county boards of supervisors.

27 C. Except as otherwise provided in this article, the presidential  
28 preference election shall be conducted and canvassed in the same manner as  
29 prescribed in this title for the primary election held pursuant to section  
30 16-201. All provisions of other laws that govern elections and that are not  
31 in conflict with this article apply to a presidential preference election,  
32 including laws relating to registration and qualifications of electors.

33 D. Unless otherwise specifically prescribed by this article, the  
34 powers and duties conferred by law on boards of supervisors, officers in  
35 charge of elections, county recorders, precinct boards and central counting  
36 boards in connection with a primary election are conferred on those persons  
37 for purposes of a presidential preference election and shall be exercised by  
38 them for a presidential preference election.

39 E. Every act that is an offense pursuant to the election laws of this  
40 state is an offense for purposes of a presidential preference election, and a  
41 person is subject to the penalties prescribed by those laws.

42 Sec. 5. Section 16-242, Arizona Revised Statutes, is amended to read:  
43 16-242. Qualifications for ballot; nomination paper

44 A. A person seeking nomination as a candidate for the office of  
45 president of the United States shall sign and cause to be filed with the

1 secretary of state a nomination paper that contains the following  
2 information:

- 3 1. The name, residence address and mailing address of the candidate.
- 4 2. The name of the recognized political party from which the person  
5 seeks nomination.
- 6 3. The name and address of the chairman of the candidate's state  
7 committee.
- 8 4. The exact manner for printing the candidate's name on the  
9 presidential preference ballot pursuant to section 16-311.

10 B. The nomination paper shall be filed not less than ~~fifty~~ NINETY days  
11 nor more than ~~seventy~~ ONE HUNDRED TWENTY days before the presidential  
12 preference election and not later than 5:00 p.m. on the last day for filing.

13 ~~C. Section 16-351 does not apply to a nomination paper filed pursuant  
14 to this section.~~

15 C. A CANDIDATE FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES SHALL  
16 FILE WITH THE SECRETARY OF STATE NOMINATION PETITIONS SIGNED BY ONE THOUSAND  
17 QUALIFIED ELECTORS WHO ARE QUALIFIED TO VOTE FOR THE CANDIDATE WHOSE  
18 NOMINATION PETITION THEY ARE SIGNING FOR THAT ELECTION OR, FOR RECOGNIZED  
19 PARTIES WITH FEWER THAN FIFTY THOUSAND REGISTERED VOTERS, NOMINATION  
20 PETITIONS SIGNED BY ONE THOUSAND QUALIFIED ELECTORS OF ANY POLITICAL PARTY  
21 AFFILIATION WHO, AT THE TIME THEY SIGN, ARE REGISTERED VOTERS.

22 D. NOMINATION PETITIONS SHALL CONFORM TO THE REQUIREMENTS OF SECTION  
23 16-314.

24 E. IN LIEU OF THE PETITION REQUIREMENTS OF THIS SECTION, A CANDIDATE  
25 MAY QUALIFY TO APPEAR ON THE PRESIDENTIAL PREFERENCE PRIMARY BALLOT OF THE  
26 CANDIDATE'S POLITICAL PARTY BY FILING WITH THE SECRETARY OF STATE NO LATER  
27 THAN THE LAST TUESDAY IN JANUARY PRECEDING A PRESIDENTIAL PREFERENCE PRIMARY,  
28 A NOTICE OF CANDIDACY SIGNED BY THE CANDIDATE AND EITHER OF THE FOLLOWING:

29 1. A CERTIFICATION BY THE FEDERAL ELECTION COMMISSION THAT, BY THE  
30 FILING DEADLINE, THE CANDIDATE HAS QUALIFIED FOR MATCHING FEDERAL CAMPAIGN  
31 FUNDS.

32 2. EVIDENCE THAT BY THE FILING DEADLINE THE CANDIDATE'S NAME IS  
33 QUALIFIED TO APPEAR ON THE PRESIDENTIAL PREFERENCE PRIMARY BALLOT OF THE  
34 CANDIDATE'S POLITICAL PARTY IN AT LEAST TWENTY OTHER STATES.

35 ~~D.~~ F. Within seventy-two hours after the close of filing the  
36 secretary of state shall certify to the officer in charge of elections the  
37 names of the candidates who are qualified for the presidential preference  
38 election ballot.

39 Sec. 6. Section 16-244, Arizona Revised Statutes, is amended to read:  
40 16-244. Representation on ballot

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

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

45 2. A new political party that has become eligible for recognition and  
46 that will be represented by an official party ballot pursuant to section

1 16-801. A petition for recognition of a new political party shall be filed  
2 with the secretary of state not less than ~~seventy five~~ ONE HUNDRED FIFTY nor  
3 more than one hundred ~~five~~ EIGHTY days ~~prior to~~ BEFORE the presidential  
4 preference election, AND IN THE SAME MANNER AS PRESCRIBED IN SECTION 16-801.  
5 ~~A petition for recognition shall be submitted for signature verification to a~~  
6 ~~county recorder no later than one hundred fifteen days prior to the~~  
7 ~~presidential preference election. The county recorder shall verify and count~~  
8 ~~all signatures of qualified electors within thirty days after submission.~~  
9 THE PETITION SHALL BE PROCESSED AND VERIFIED AS PRESCRIBED IN SECTION 16-803.

10 A political party that is eligible for the presidential preference election  
11 ballot shall be represented on the subsequent primary and general election  
12 ballots in the year of the presidential election.

13 B. Notwithstanding the provisions of section 16-804, subsection A, the  
14 secretary of state shall determine the political parties entitled to  
15 continued representation on the state ballot pursuant to section 16-804,  
16 subsection B if, on October 1 of the year immediately preceding the  
17 presidential preference election, that party has registered voters equal to  
18 at least two-thirds of one per cent of the total number of registered voters  
19 in this state. Each county recorder shall furnish the secretary of state  
20 with the number of registered voters as prescribed by section 16-168,  
21 subsection G, paragraph 2, subdivision (d).

22 Sec. 7. Section 16-250, Arizona Revised Statutes, is amended to read:

23 16-250. Expenses of election

24 A. The secretary of state in consultation with the county recorders  
25 and the county officers in charge of elections shall include in the budget  
26 request for the department of state sufficient monies from the state general  
27 fund to conduct the presidential preference election prescribed by this  
28 article.

29 B. Reimbursement of charges incurred by the counties for the  
30 presidential preference election shall be made at ~~one dollar twenty five~~  
31 ~~cents for each active registered voter who is registered in that county on~~  
32 ~~January 1 of the presidential preference election year. If the secretary of~~  
33 ~~state determines that reimbursement at that rate would jeopardize a county's~~  
34 ~~compliance with federal and state laws and regulations, the secretary of~~  
35 ~~state may release a county from that rate of reimbursement~~ ONE HUNDRED PER  
36 CENT OF THE COSTS INCURRED AS EVIDENCED BY A PROPER CLAIM SUBMITTED TO THE  
37 SECRETARY OF STATE.

38 Sec. 8. Section 16-315, Arizona Revised Statutes, is amended to read:

39 16-315. Form of petitions; registration of circulators

40 A. The nomination petitions shall be in substantially the following  
41 form:

42 1. Petitions shall be on paper ~~fourteen~~ ELEVEN inches wide and eight  
43 and one-half inches long.

44 2. Petitions shall be headed by a caption stating the purpose of the  
45 petition, followed by the body of the petition stating the intent of the  
46 petitioners.

1           3. There shall be ~~fifteen~~ TEN lines spaced ~~three-eighths~~ ONE-HALF of  
2 an inch apart and consecutively numbered one through ~~fifteen~~ TEN.

3           4. The signature portion of the petition shall be divided into columns  
4 headed by the FOLLOWING titles:

5           (a) Signature. ~~;~~

6           (b) Printed name. ~~;~~

7           (c) Actual residence address, description of place of residence or  
8 Arizona post office box address, city or town. ~~;~~ ~~and~~

9           (d) Date of signing.

10          5. A photograph of the candidate may appear on the nomination  
11 petition.

12          B. The following shall appear on the petition:

13                                   Instructions for Circulators

14           1. All petitions shall be signed by circulator.

15           2. Circulator is not required to be a resident of this state but  
16 otherwise must be qualified to register to vote in this state and, if not a  
17 resident of this state, shall register as a circulator with the secretary of  
18 state.

19           3. Circulator's name shall be typed or printed under ~~such person's~~ THE  
20 CIRCULATOR'S signature.

21           4. Circulator's actual residence address or, if no street address, a  
22 description of residence location shall be included on the petition.

23          C. The secretary of state shall prepare sample nomination petition  
24 forms and distribute such forms to all election officers.

25          D. Circulators who are not residents of this state must be registered  
26 as circulators with the secretary of state before circulating petitions. The  
27 secretary of state shall provide for a method of receiving service of process  
28 for those petition circulators who register pursuant to this subsection. The  
29 secretary of state shall establish in the instructions and procedures manual  
30 issued pursuant to section 16-452 a procedure for registering circulators and  
31 receiving service of process.

32          Sec. 9. Section 16-343, Arizona Revised Statutes, is amended to read:

33           16-343. Filling vacancy caused by death or incapacity or  
34                                   withdrawal of candidate

35          A. A vacancy occurring due to death, mental incapacity or voluntary  
36 withdrawal of a candidate after the close of petition filing but prior to a  
37 primary or general election shall be filled by the political party with which  
38 the candidate was affiliated as follows:

39           1. In the case of a United States senator or statewide candidate, the  
40 state executive committee of the candidate's political party shall nominate a  
41 candidate of the party's choice and shall file a nomination paper and  
42 affidavit complying with the requirements for candidates as stated in section  
43 16-311 in order to fill the vacancy.

44           2. In the case of a vacancy for the office of United States  
45 representative or the legislature, the party precinct committeemen of that  
46 congressional or legislative district shall nominate a candidate of the

1 party's choice and shall file a nomination paper and affidavit complying with  
2 the requirements of section 16-311.

3 3. In the case of a vacancy for a county or precinct office, the party  
4 county committee of counties with a population of less than two hundred fifty  
5 thousand persons according to the most recent United States decennial census  
6 and, in counties with a population of two hundred fifty thousand persons or  
7 more according to the most recent United States decennial census the county  
8 officers of the party together with the chairman of the party precinct  
9 committeemen in each legislative district of the county, shall nominate a  
10 candidate of the party's choice and shall file a nomination paper and  
11 affidavit complying with the requirements of section 16-311 to fill such  
12 vacancy.

13 B. The nomination paper and affidavit required in subsection A of this  
14 section shall be filed with the office with which nomination petitions were  
15 to be filed at any time before the official ballots are printed.

16 C. Any meetings for the purpose of filing a nomination paper and  
17 affidavit provided for in this section shall be called by the chairman of  
18 such committee or legislative district, except that in the case of  
19 multicounty legislative or congressional districts the party county chairman  
20 of the county having the largest geographic area within such district shall  
21 call such meeting. The chairman or in his absence the vice-chairman calling  
22 such meeting shall preside. The call to such meeting shall be mailed or  
23 given in person to each person entitled to participate therein no later than  
24 one day prior to such meeting. A majority of those present and voting shall  
25 be required to fill a vacancy pursuant to this section.

26 D. A vacancy that is due to voluntary or involuntary withdrawal of the  
27 candidate and that occurs following the printing of official ballots shall  
28 not be filled in accordance with this section, however, prospective  
29 candidates shall comply with section 16-312. A candidate running as a  
30 write-in candidate under this subsection shall file the nomination paper no  
31 later than 5:00 p.m. on the fifth day before the election.

32 E. Candidates nominated pursuant to subsection A of this section or a  
33 candidate running as a write-in candidate under subsection D of this section  
34 may be a candidate who ran in the immediately preceding primary election for  
35 the office and failed to be nominated.

36 F. If a vacancy occurs as described in subsection A of this section  
37 for a state office, the secretary of state shall notify the various boards of  
38 supervisors as to the vacancy. The boards of supervisors shall notify the  
39 inspectors of the various precinct election boards in the county, district or  
40 precinct where a vacancy occurs. In the case of a city or town election, the  
41 city or town clerk shall notify the appropriate inspectors. A vacancy that  
42 occurs as prescribed in subsection D of this section due to the death or  
43 incapacity of the candidate shall not be filled and the secretary of state  
44 shall notify the appropriate county board of supervisors to post a notice of  
45 the death or incapacity of the candidate in each polling place along with  
46 notice that any votes cast for that candidate will be tabulated.

1 G. The inspectors shall post the notice of vacancy in the same manner  
2 as posting official write-in candidates. In the case of a withdrawal of a  
3 candidate that occurs after the printing of official ballots, the inspectors  
4 shall post the notice of withdrawal in a conspicuous location in each polling  
5 place. NOTICE OF WITHDRAWAL SHALL ALSO BE POSTED AT ALL EARLY VOTING  
6 LOCATIONS AND SHALL BE MADE AVAILABLE TO EARLY VOTERS BY PROVIDING WITH THE  
7 EARLY BALLOT INSTRUCTIONS A WEBSITE ADDRESS AT WHICH PROMPT UPDATES TO  
8 INFORMATION REGARDING WRITE-IN AND WITHDRAWN CANDIDATES IS AVAILABLE.

9 Sec. 10. Title 16, chapter 3, article 6, Arizona Revised Statutes, is  
10 amended by adding section 16-351.01, to read:

11 16-351.01. Nomination challenges; attorney fees

12 FOR ANY CHALLENGE OF A CANDIDATE'S NOMINATING PETITION FOR WHICH THE  
13 COUNTY RECORDER OR OFFICER IN CHARGE OF ELECTIONS IS REQUIRED TO CONDUCT  
14 SIGNATURE VERIFICATION AND TO WHICH THE COUNTY RECORDER OR OFFICER IN CHARGE  
15 OF ELECTIONS IS A PARTY, THE COURT MAY AWARD TO THE COUNTY RECORDER OR  
16 OFFICER IN CHARGE OF ELECTIONS THE REASONABLE EXPENSES INCURRED IN SIGNATURE  
17 VERIFICATION IF THE COURT DETERMINES THAT THE CHALLENGE WAS WITHOUT  
18 SUBSTANTIAL JUSTIFICATION OR WAS PRIMARILY OR SOLELY FOR DELAY OR HARASSMENT  
19 OR THAT THE CANDIDATE WHO SUBMITTED THE PETITION KNOWINGLY OR RECKLESSLY  
20 FILED A SUBSTANTIAL NUMBER OF INVALID SIGNATURES.

21 Sec. 11. Section 16-464, Arizona Revised Statutes, is amended to read:

22 16-464. Rotation of names on ballots

23 A. When there are two or more candidates for a nomination, except in  
24 the case of precinct committeemen, the names of all candidates for the  
25 nomination shall be so alternated upon the ballots used in each election  
26 precinct that the name of each candidate shall appear substantially an equal  
27 number of times at the top, at the bottom and in each intermediate place of  
28 the list or group of candidates in which they belong. When there are fewer  
29 than or the same number of candidates seeking office as the number to be  
30 elected, rotation of names is not required and the names shall be placed in  
31 alphabetical order.

32 B. The position of the names of candidates for precinct committeemen  
33 shall be drawn by lot for appearance on the ballot when there are more  
34 candidates than positions available. Such drawing shall take place at a  
35 public meeting called by the board of supervisors for that purpose.

36 C. In elections in which paper ballots are used, the ballots shall be  
37 printed and bound so that every ballot in the bound blocks shall have the  
38 names in a different and alternating position from the preceding ballot.

39 D. WHEN THERE ARE TWO OR MORE PRECINCTS IN A POLITICAL SUBDIVISION  
40 THAT HOLD AN ALL MAIL BALLOT ELECTION, CANDIDATE NAME ROTATION SHALL BE THE  
41 PRESUMED METHOD OF BALLOT ORGANIZATION, UNLESS CANDIDATE NAME ROTATION IS  
42 FOUND TO BE IMPRACTICABLE. WHEN CANDIDATE NAME ROTATION IS FOUND TO BE  
43 IMPRACTICABLE, THE POSITION OF THE NAMES OF CANDIDATES SHALL BE DRAWN BY LOT  
44 AT A PUBLIC MEETING.

45 ~~D.~~ E. The provisions of this section shall not be applied where  
46 voting machines are used.



1           Sec. 12. Section 16-571, Arizona Revised Statutes, is amended to read:  
2           16-571. Poll lists to be kept by election clerk; posting

3           A. In precincts in which electronic poll book systems are not used, at  
4           least one election board clerk shall keep a list in duplicate of persons  
5           voting, and the name of each person who votes shall be entered thereon and  
6           numbered in the order of voting.

7           B. In precincts in which electronic poll book systems are not used,  
8           the poll list as prescribed in section 16-516 shall be written on one side  
9           only, and ~~the TRIPLICATE copies thereof shall be legible triplicate copies~~  
10          MAY BE PROVIDED. Immediately upon the completion of each page of the poll  
11          list AND IF COPIES ARE AVAILABLE, one copy shall, upon request, be given to a  
12          representative designated by each major political party. In an election with  
13          nonpartisan candidates or ballot issues, the officer in charge of the  
14          jurisdiction that is conducting the election may designate who is to receive  
15          copies of the poll lists. For the purposes of this subsection, "major  
16          political party" means the two parties receiving the highest number of votes  
17          for governor or presidential electors at the last election.

18          C. In precincts in which electronic poll book systems are used, at  
19          least one list of persons voting shall be available by printed or electronic  
20          media. The list shall be in substantially the same format as prescribed in  
21          section 16-516 and on request shall be given to a representative designated  
22          by each major political party. The information contained in the list also  
23          may be provided electronically to a representative designated by each major  
24          political party by way of a secure electronic file transmittal format as  
25          prescribed by the secretary of state.

26          Sec. 13. Section 16-580, Arizona Revised Statutes, is amended to read:  
27          16-580. Manner of voting; assistance for certain electors

28          A. Except as prescribed by subsection G of this section, only one  
29          person per voting booth shall be permitted at any one time to sign for the  
30          receipt of a ballot and to wait for an opportunity to vote.

31          B. On receiving a ballot the voter shall promptly and without leaving  
32          the voting area retire alone, except as provided in subsection G of this  
33          section, to one of the voting booths that is not occupied, prepare the ballot  
34          in secret and vote in the manner and substantial form as required by the  
35          instruction to voters.

36          C. In order that the rights of other voters shall not be interfered  
37          with, a voter shall not be allowed to occupy a voting booth for more than  
38          five minutes when other voters are waiting to occupy the booth. If the voter  
39          refuses to leave after the lapse of five minutes, the voter may be removed by  
40          the judges. If a voter has not completed a ballot after the allotted five  
41          minutes, the voter may request the marshal to hold the ballot and when  
42          another booth is empty and all voters present have had an opportunity to vote  
43          the removed person may be allowed an additional five minutes in the booth.

44          D. Before leaving the voting booth the voter shall fold the ballot  
45          lengthwise and crosswise, or place the voter's card in the ballot envelope,  
46          but in such a way that the contents of the ballot shall be concealed and the

1 stub, if any, can be removed without exposing the contents of the ballot and  
2 shall keep the ballot folded until the voter has delivered it to the  
3 inspector, or judge acting as such.

4 E. The election board official shall receive the ballot from the voter  
5 and in the presence of the election board and if the ballot includes a stub,  
6 remove the stub without opening the ballot, deposit the ballot in the ballot  
7 box, or if the voter so requests, hand the ballot to the voter and permit the  
8 voter to deposit the ballot in the ballot box, and string the stub, if any,  
9 on a string provided. If the ballot is of the type that includes a stub and  
10 the stub has been removed from the ballot before receipt by the election  
11 official, it shall not be deposited in the ballot box, but it shall be marked  
12 "spoiled" and placed with the spoiled ballots.

13 F. After delivery of the ballot to the election board official, or if  
14 the voter has asked to deposit the ballot in the ballot box, after the ballot  
15 is deposited, the voter shall then proceed outside the voting area and shall  
16 not again enter the voting area unless the voter is an authorized election  
17 official.

18 G. Any registered voter, at the voter's option, may be accompanied by  
19 a minor who is permitted in the voting booth pursuant to section 16-515,  
20 subsection E, be accompanied and assisted by a person of the voter's own  
21 choice or be assisted by two election officials, one from each major  
22 political party, during any process relating to voting or during the actual  
23 process of voting on a paper ballot, machine or electronic voting system. A  
24 person who is a candidate for an office in that election ~~or who has been~~  
25 ~~employed by or volunteered for a candidate, campaign, political organization~~  
26 ~~or political party in that election~~ OTHER THAN THE OFFICE OF PRECINCT  
27 COMMITTEEMAN is not eligible to assist any voter.

28 Sec. 14. Section 16-803, Arizona Revised Statutes, is amended to read:

29 16-803. Filing petition for recognition; submission of  
30 petitions to county recorder for signature  
31 verification

32 A. A petition for recognition of a new political party shall be filed  
33 with the secretary of state, the officer in charge of elections of the county  
34 or the city or town clerk, as the case may be, not less than one hundred  
35 ~~forty~~ EIGHTY days before the primary election for which the party seeks  
36 recognition. A new party that seeks both state and county recognition may  
37 file the original petition with the officer in charge of elections for the  
38 county and a certified copy of the petition with the secretary of state.

39 ~~B. A petition for recognition shall not be submitted to a county~~  
40 ~~recorder or a city or town clerk, as the case may be, later than one hundred~~  
41 ~~eighty days before the primary election.~~

42 ~~C. B. On receipt of a petition for statewide recognition, the county~~  
43 ~~officer in charge of elections from each of the counties in which the~~  
44 ~~petition was filed shall submit the petitions and signatures to the secretary~~  
45 ~~of state.~~ Within five SEVEN business days after receipt OF A PETITION FOR  
46 STATEWIDE RECOGNITION, the secretary of state shall:

1           1. REVIEW EACH SHEET TO DETERMINE THE COUNTY OF THE MAJORITY OF THE  
2 SIGNERS AND SHALL:

3           (a) PLACE A THREE OR FOUR LETTER ABBREVIATION DESIGNATING THAT COUNTY  
4 IN THE UPPER RIGHT-HAND CORNER OF THE FACE OF THE PETITION.

5           (b) REMOVE ALL SIGNATURES OF THOSE NOT IN THE COUNTY OF THE MAJORITY  
6 ON EACH SHEET BY MARKING AN "SS" IN RED INK IN THE MARGIN TO THE RIGHT OF THE  
7 SIGNATURE LINE.

8           (c) CAUSE ALL SIGNATURE SHEETS TO BE GROUPED TOGETHER BY COUNTY OF  
9 REGISTRATION OF THE MAJORITY OF THOSE SIGNING.

10          2. Remove the following signatures that are not eligible for  
11 verification by marking an "SS" in red ink in the margin to the right of the  
12 signature line:

13           ~~1-~~ (a) If the signature of the qualified elector is missing.

14           ~~2-~~ (b) If the residence address or the description of residence  
15 location is missing.

16           ~~3-~~ (c) If the date on which the petitioner signed is missing.

17          C. AFTER THE REMOVAL OF PETITION SHEETS AND SIGNATURES, COUNT THE  
18 NUMBER OF SIGNATURES FOR VERIFICATION ON THE REMAINING PETITION SHEETS AND  
19 NOTE THAT NUMBER IN THE UPPER RIGHT-HAND CORNER OF THE FACE OF EACH PETITION  
20 SHEET IMMEDIATELY ABOVE THE COUNTY DESIGNATION.

21          D. NUMBER THE REMAINING PETITION SHEETS THAT WERE NOT PREVIOUSLY  
22 REMOVED AND THAT CONTAIN SIGNATURES ELIGIBLE FOR VERIFICATION IN CONSECUTIVE  
23 ORDER ON THE FRONT SIDE OF EACH PETITION SHEET IN THE UPPER LEFT-HAND CORNER.

24          E. COUNT ALL REMAINING PETITION SHEETS AND SIGNATURES NOT PREVIOUSLY  
25 REMOVED AND ISSUE A RECEIPT TO THE APPLICANT OF THIS TOTAL NUMBER ELIGIBLE  
26 FOR VERIFICATION.

27          ~~D-~~ F. The secretary of state, during the same ~~five~~ SEVEN business day  
28 period provided in subsection ~~E-~~ B, shall select, at random, twenty per cent  
29 of the total signatures eligible for verification by the county recorders of  
30 the counties in which the persons signing the petition claim to be qualified  
31 electors. The random sample of signatures to be verified shall be drawn in  
32 such a manner that every signature eligible for verification has an equal  
33 chance of being included in the sample. The random sample produced shall  
34 identify each signature selected by petition page and line number. The  
35 signatures selected shall be marked according to the following procedure:

36           1. Using red ink, mark the selected signature by circling the line  
37 number and drawing a line from the base of the circle extending into the left  
38 margin.

39           2. If a signature line selected for the random sample is found to be  
40 blank or was removed from the verification process pursuant to subsection ~~E-~~  
41 B, then the next line down, even if that requires going to the next petition  
42 sheet in sequence, on which an eligible signature appears shall be selected  
43 as a substitute if that line has not already been selected for the random  
44 sample. If the next eligible line is already being used in the random  
45 sample, the secretary of state shall proceed back up the page from the  
46 signature line originally selected for the random sample to the next previous

1 signature line eligible for verification. If that line is already being used  
2 in the random sample, the secretary of state shall continue moving down the  
3 page or to the next page from the line originally selected for the random  
4 sample and shall select the next eligible signature as its substitute for the  
5 random sample. The secretary of state shall use this process of alternately  
6 moving forward and backward until a signature eligible for verification and  
7 not already included in the random sample can be selected and substituted.

8 ~~E.~~ G. After the selection of the random sample, the secretary of  
9 state shall reproduce a facsimile of the front of each signature sheet on  
10 which a signature included in the random sample appears. The secretary of  
11 state shall clearly identify those signatures marked for verification by  
12 color highlighting or other similar method and shall transmit by personal  
13 delivery or certified mail to each county recorder a facsimile sheet of each  
14 signature sheet on which a signature appears of any individual who claims to  
15 be a qualified elector of that county and whose signature was selected for  
16 verification as part of the random sample.

17 ~~F.~~ H. Within ten business days after receiving the facsimile  
18 signature sheets from the secretary of state, the county recorder shall  
19 determine which signatures of individuals whose names were transmitted shall  
20 be disqualified for any of the following reasons:

21 1. No residence address or description of residence location is  
22 provided.

23 2. No date of signing is provided.

24 3. The signature is illegible and the signer is otherwise  
25 unidentifiable.

26 4. The address provided is illegible or nonexistent.

27 5. The individual was not a qualified elector on the date of signing  
28 the petition.

29 6. The individual was a registered voter but was not at least eighteen  
30 years of age on the date of signing the petition or affidavit.

31 7. The signature was disqualified after comparison with the signature  
32 on the affidavit of registration.

33 8. If a petitioner signed more than once, all but one otherwise valid  
34 signature shall be disqualified.

35 9. For the same reasons any signatures could have been removed by the  
36 secretary of state pursuant to this section.

37 ~~G.~~ I. Within the same time period provided in subsection ~~F.~~ H, the  
38 county recorder shall certify to the secretary of state the following:

39 1. The name of any individual whose signature was included in the  
40 random sample and disqualified by the county recorder together with the  
41 petition page and line number of the disqualified signature.

42 2. The total number of signatures selected for the random sample and  
43 transmitted to the county recorder for verification and the total number of  
44 random sample signatures disqualified.

45 ~~H.~~ J. At the time of the certification, the county recorder shall:

46 1. Return the facsimile signature sheets to the secretary of state.

1           2. Send notice of the results of the certification by mail to the  
2 person or organization that submitted the petitions and to the secretary of  
3 state.

4           ~~I.~~ K. Within ~~ten business days~~, SEVENTY-TWO HOURS after receipt of  
5 the facsimile signature sheets and the certification of each county recorder,  
6 the secretary of state shall determine the total number of valid signatures  
7 by subtracting from the total number of eligible signatures in the following  
8 order:

9           1. All signatures that were found ineligible by the county recorders.

10           2. After determining the percentage of all signatures found to be  
11 invalid in the random sample, a like percentage from those signatures  
12 remaining after the subtractions performed pursuant to paragraph 1 of this  
13 subsection.

14           ~~J.~~ L. If the number of valid signatures as projected from the random  
15 sample pursuant to subsection ~~I.~~ K is at least one hundred per cent of the  
16 minimum number required by this section, the party shall be recognized. If  
17 the number of valid signatures as projected from the random sample is less  
18 than one hundred per cent of the minimum number, the party shall not be  
19 recognized.

20           Sec. 15. Section 16-804, Arizona Revised Statutes, is amended to read:

21           16-804. Continued representation on basis of votes cast at last  
22           preceding general election or registered electors

23           A. A political organization that at the last preceding general  
24 election cast for governor or presidential electors or for county attorney or  
25 for mayor, whichever applies, not less than five per cent of the total votes  
26 cast for governor or presidential electors, in the state or in such county,  
27 city or town, is entitled to representation as a political party on the  
28 official ballot for state officers or for officers of such county or local  
29 subdivision.

30           B. In lieu of subsection A, a political organization is entitled to  
31 continued representation as a political party on the official ballot for  
32 state, county, city or town officers if, on ~~November~~ OCTOBER 1 of the year  
33 immediately preceding the year in which the general election for state or  
34 county officers and for city or town officers one hundred fifty-five days  
35 immediately preceding the primary election in such jurisdiction, such party  
36 has registered electors in the party equal to at least two-thirds of one per  
37 cent of the total registered electors in such jurisdiction.

38           C. The secretary of state shall determine the political parties  
39 qualified for continued representation on the state ballot pursuant to this  
40 section by February 1 of the appropriate year. Each county recorder shall  
41 furnish to the secretary of state such information as the secretary of state  
42 may require no later than ~~November 30~~ OCTOBER 31 of the preceding year.

43           D. Each county recorder shall determine the political parties  
44 qualified for the county ballot pursuant to this section by February 1 of the  
45 appropriate year.

1 E. Each city or town clerk of a city or town providing for partisan  
2 elections shall determine the political parties qualified for such city or  
3 town ballot pursuant to this section one hundred forty days before the  
4 primary election.

5 Sec. 16. Section 16-901, Arizona Revised Statutes, is amended to read:  
6 16-901. Definitions

7 In this chapter, unless the context otherwise requires:

8 1. "Agent" means, with respect to any person other than a candidate,  
9 any person who has oral or written authority, either express or implied, to  
10 make or authorize the making of expenditures as defined in this section on  
11 behalf of a candidate, any person who has been authorized by the treasurer of  
12 a political committee to make or authorize the making of expenditures or a  
13 political consultant for a candidate or political committee.

14 2. "Candidate" means an individual who receives or gives consent for  
15 receipt of a contribution for his nomination for or election to any office in  
16 this state other than a federal office.

17 3. "Candidate's campaign committee" means a political committee  
18 designated and authorized by a candidate.

19 4. "Clearly identified candidate" means that the name, a photograph or  
20 a drawing of the candidate appears or the identity of the candidate is  
21 otherwise apparent by unambiguous reference.

22 5. "Contribution" means any gift, subscription, loan, advance or  
23 deposit of money or anything of value made for the purpose of influencing an  
24 election including supporting or opposing the recall of a public officer or  
25 supporting or opposing the circulation of a petition for a ballot measure,  
26 question or proposition or the recall of a public officer and:

27 (a) Includes all of the following:

28 (i) A contribution made to retire campaign debt.

29 (ii) Money or the fair market value of anything directly or indirectly  
30 given or loaned to an elected official for the purpose of defraying the  
31 expense of communications with constituents, regardless of whether the  
32 elected official has declared his candidacy.

33 (iii) The entire amount paid to a political committee to attend a  
34 fund-raising or other political event and the entire amount paid to a  
35 political committee as the purchase price for a fund-raising meal or item,  
36 except that no contribution results if the actual cost of the meal or  
37 fund-raising item, based on the amount charged to the committee by the  
38 vendor, constitutes the entire amount paid by the purchaser for the meal or  
39 item, the meal or item is for the purchaser's personal use and not for resale  
40 and the actual cost is the entire amount paid by the purchaser in connection  
41 with the event. This exception does not apply to auction items.

42 (iv) Unless specifically exempted, the provision of goods or services  
43 without charge or at a charge that is less than the usual and normal charge  
44 for such goods and services.

45 (b) Does not include any of the following:

1 (i) The value of services provided without compensation by any  
2 individual who volunteers on behalf of a candidate, a candidate's campaign  
3 committee or any other political committee.

4 (ii) Money or the value of anything directly or indirectly provided to  
5 defray the expense of an elected official meeting with constituents if the  
6 elected official is engaged in the performance of the duties of his office or  
7 provided by the state or a political subdivision to an elected official for  
8 communication with constituents if the elected official is engaged in the  
9 performance of the duties of his office.

10 (iii) The use of real or personal property, including a church or  
11 community room used on a regular basis by members of a community for  
12 noncommercial purposes, that is obtained by an individual in the course of  
13 volunteering personal services to any candidate, candidate's committee or  
14 political party, and the cost of invitations, food and beverages voluntarily  
15 provided by an individual to any candidate, candidate's campaign committee or  
16 political party in rendering voluntary personal services on the individual's  
17 residential premises or in the church or community room for candidate-related  
18 or political party-related activities, to the extent that the cumulative  
19 value of the invitations, food and beverages provided by the individual on  
20 behalf of any single candidate does not exceed one hundred dollars with  
21 respect to any single election.

22 (iv) Any unreimbursed payment for personal travel expenses made by an  
23 individual who on his own behalf volunteers his personal services to a  
24 candidate.

25 (v) The payment by a political party for party operating expenses,  
26 party staff and personnel, party newsletters and reports, voter registration  
27 and efforts to increase voter turnout, party organization building and  
28 maintenance and printing and postage expenses for slate cards, sample  
29 ballots, other written materials that substantially promote three or more  
30 nominees of the party for public office and other election activities not  
31 related to a specific candidate, except that this item does not apply to  
32 costs incurred with respect to a display of the listing of candidates made on  
33 telecommunications systems or in newspapers, magazines or similar types of  
34 general circulation advertising.

35 (vi) Independent expenditures.

36 (vii) Monies loaned by a state bank, a federally chartered depository  
37 institution or a depository institution the deposits or accounts of which are  
38 insured by the federal deposit insurance corporation or the national credit  
39 union administration, other than an overdraft made with respect to a checking  
40 or savings account, that is made in accordance with applicable law and in the  
41 ordinary course of business. In order for this exemption to apply, this loan  
42 shall be deemed a loan by each endorser or guarantor, in that proportion of  
43 the unpaid balance that each endorser or guarantor bears to the total number  
44 of endorsers or guarantors, the loan shall be made on a basis that assures  
45 repayment, evidenced by a written instrument, shall be subject to a due date

1 or amortization schedule and shall bear the usual and customary interest rate  
2 of the lending institution.

3 (viii) A gift, subscription, loan, advance or deposit of money or  
4 anything of value to a national or a state committee of a political party  
5 specifically designated to defray any cost for the construction or purchase  
6 of an office facility not acquired for the purpose of influencing the  
7 election of a candidate in any particular election.

8 (ix) Legal or accounting services rendered to or on behalf of a  
9 political committee or a candidate, if the only person paying for the  
10 services is the regular employer of the individual rendering the services and  
11 if the services are solely for the purpose of compliance with this title.

12 (x) The payment by a political party of the costs of campaign  
13 materials, including pins, bumper stickers, handbills, brochures, posters,  
14 party tabloids and yard signs, used by the party in connection with volunteer  
15 activities on behalf of any nominee of the party or the payment by a state or  
16 local committee of a political party of the costs of voter registration and  
17 get-out-the-vote activities conducted by the committee if the payments are  
18 not for the costs of campaign materials or activities used in connection with  
19 any telecommunication, newspaper, magazine, billboard, direct mail or similar  
20 type of general public communication or political advertising.

21 (xi) Transfers between political committees to distribute monies  
22 raised through a joint fund-raising effort in the same proportion to each  
23 committee's share of the fund-raising expenses and payments from one  
24 political committee to another in reimbursement of a committee's  
25 proportionate share of its expenses in connection with a joint fund-raising  
26 effort.

27 (xii) An extension of credit for goods and services made in the  
28 ordinary course of the creditor's business if the terms are substantially  
29 similar to extensions of credit to nonpolitical debtors that are of similar  
30 risk and size of obligation and if the creditor makes a commercially  
31 reasonable attempt to collect the debt, except that any extension of credit  
32 under this item made for the purpose of influencing an election ~~which~~ THAT  
33 remains unsatisfied by the candidate after six months, notwithstanding good  
34 faith collection efforts by the creditor, shall be deemed receipt of a  
35 contribution by the candidate but not a contribution by the creditor.

36 (xiii) Interest or dividends earned by a political committee on any  
37 bank accounts, deposits or other investments of the political committee.

38 6. "Earmarked" means a designation, instruction or encumbrance that  
39 results in all or any part of a contribution or expenditure being made to, or  
40 expended on behalf of, a clearly identified candidate or a candidate's  
41 campaign committee.

42 7. "Election" means any election for any initiative, referendum or  
43 other measure or proposition or a primary, general, recall, special or runoff  
44 election for any office in this state other than the office of precinct  
45 committeeman and other than a federal office. For purposes of sections  
46 16-903 and 16-905, the general election includes the primary election.



1           8. "Expenditures" includes any purchase, payment, distribution, loan,  
2 advance, deposit or gift of money or anything of value made by a person for  
3 the purpose of influencing an election in this state including supporting or  
4 opposing the recall of a public officer or supporting or opposing the  
5 circulation of a petition for a ballot measure, question or proposition or  
6 the recall of a public officer and a contract, promise or agreement to make  
7 an expenditure resulting in an extension of credit and the value of any  
8 in-kind contribution received. Expenditure does not include any of the  
9 following:

10           (a) A news story, commentary or editorial distributed through the  
11 facilities of any telecommunications system, newspaper, magazine or other  
12 periodical publication, unless the facilities are owned or controlled by a  
13 political committee, political party or candidate.

14           (b) Nonpartisan activity designed to encourage individuals to vote or  
15 to register to vote.

16           (c) The payment by a political party of the costs of preparation,  
17 display, mailing or other distribution incurred by the party with respect to  
18 any printed slate card, sample ballot or other printed listing of three or  
19 more candidates for any public office for which an election is held, except  
20 that this subdivision does not apply to costs incurred by the party with  
21 respect to a display of any listing of candidates made on any  
22 telecommunications system or in newspapers, magazines or similar types of  
23 general public political advertising.

24           (d) The payment by a political party of the costs of campaign  
25 materials, including pins, bumper stickers, handbills, brochures, posters,  
26 party tabloids and yard signs, used by the party in connection with volunteer  
27 activities on behalf of any nominee of the party or the payment by a state or  
28 local committee of a political party of the costs of voter registration and  
29 get-out-the-vote activities conducted by the committee if the payments are  
30 not for the costs of campaign materials or activities used in connection with  
31 any telecommunications system, newspaper, magazine, billboard, direct mail or  
32 similar type of general public communication or political advertising.

33           (e) Any deposit or other payment filed with the secretary of state or  
34 any other similar officer to pay any portion of the cost of printing an  
35 argument in a publicity pamphlet advocating or opposing a ballot measure.

36           9. "Exploratory committee" means a political committee that is formed  
37 for the purpose of determining whether an individual will become a candidate  
38 and that receives contributions or makes expenditures of more than five  
39 hundred dollars in connection with that purpose.

40           10. "Family contribution" means any contribution that is provided to a  
41 candidate's campaign committee by a parent, grandparent, spouse, child or  
42 sibling of the candidate or a parent or spouse of any of those persons.

43           11. "Filing officer" means the office that is designated by section  
44 16-916 to conduct the duties prescribed by this chapter.

45           12. "Identification" means:

1 (a) For an individual, his name and mailing address, his occupation  
2 and the name of his employer.

3 (b) For any other person, including a political committee, the full  
4 name and mailing address of the person. For a political committee,  
5 identification includes the identification number issued on the filing of a  
6 statement of organization pursuant to section 16-902.01.

7 13. "Incomplete contribution" means any contribution received by a  
8 political committee for which the contributor's mailing address, occupation,  
9 employer or identification number has not been obtained and is not in the  
10 possession of the political committee.

11 14. "Independent expenditure" means an expenditure by a person or  
12 political committee, other than a candidate's campaign committee, that  
13 expressly advocates the election or defeat of a clearly identified candidate,  
14 that is made without cooperation or consultation with any candidate or  
15 committee or agent of the candidate and that is not made in concert with or  
16 at the request or suggestion of a candidate, or any committee or agent of the  
17 candidate. Independent expenditure includes an expenditure that is subject  
18 to the requirements of section 16-917, which requires a copy of campaign  
19 literature or advertisement to be sent to a candidate named or otherwise  
20 referred to in the literature or advertisement. An expenditure is not an  
21 independent expenditure if any of the following applies:

22 (a) Any officer, member, employee or agent of the political committee  
23 making the expenditure is also an officer, member, employee or agent of the  
24 committee of the candidate whose election or whose opponent's defeat is being  
25 advocated by the expenditure or an agent of the candidate whose election or  
26 whose opponent's defeat is being advocated by the expenditure.

27 (b) There is any arrangement, coordination or direction with respect  
28 to the expenditure between the candidate or the candidate's agent and the  
29 person making the expenditure, including any officer, director, employee or  
30 agent of that person.

31 (c) In the same election the person making the expenditure, including  
32 any officer, director, employee or agent of that person, is or has been:

33 (i) Authorized to raise or expend monies on behalf of the candidate or  
34 the candidate's authorized committees.

35 (ii) Receiving any form of compensation or reimbursement from the  
36 candidate, the candidate's committees or the candidate's agent.

37 (d) The expenditure is based on information about the candidate's  
38 plans, projects or needs, or those of his campaign committee, provided to the  
39 expending person by the candidate or by the candidate's agents or any  
40 officer, member or employee of the candidate's campaign committee with a view  
41 toward having the expenditure made.

42 15. "In-kind contribution" means a contribution of goods or services or  
43 anything of value and not a monetary contribution.

44 16. "Itemized" means that each contribution received or expenditure  
45 made is set forth separately.

1           17. "Literature or advertisement" means information or materials that  
2 are mailed, distributed or placed in some medium of communication for the  
3 purpose of influencing the outcome of an election.

4           18. "Personal monies" means any of the following:

5           (a) Assets to which the candidate has a legal right of access or  
6 control at the time he becomes a candidate and with respect to which the  
7 candidate has either legal title or an equitable interest.

8           (b) Salary and other earned income from bona fide employment of the  
9 candidate, dividends and proceeds from the sale of the stocks or investments  
10 of the candidate, bequests to the candidate, income to the candidate from  
11 trusts established before candidacy, income to the candidate from trusts  
12 established by bequest after candidacy of which the candidate is a  
13 beneficiary, gifts to the candidate of a personal nature that have been  
14 customarily received before the candidacy and proceeds received by the  
15 candidate from lotteries and other legal games of chance.

16           (c) The proceeds of loans obtained by the candidate that are not  
17 contributions and for which the collateral or security is covered by  
18 subdivision (a) or (b) of this paragraph.

19           (d) Family contributions.

20           19. "Political committee" means a candidate or any association or  
21 combination of persons that is organized, conducted or combined for the  
22 purpose of influencing the result of any election or to determine whether an  
23 individual will become a candidate for election in this state or in any  
24 county, city, town, district or precinct in this state, that engages in  
25 political activity in behalf of or against a candidate for election or  
26 retention or in support of or opposition to an initiative, referendum or  
27 recall or any other measure or proposition and that applies for a serial  
28 number and circulates petitions and, in the case of a candidate for public  
29 office except those exempt pursuant to section 16-903, that receives  
30 contributions or makes expenditures **OF MORE THAN TWO HUNDRED FIFTY DOLLARS** in  
31 connection therewith, notwithstanding that the association or combination of  
32 persons may be part of a larger association, combination of persons or  
33 sponsoring organization not primarily organized, conducted or combined for  
34 the purpose of influencing the result of any election in this state or in any  
35 county, city, town or precinct in this state. Political committee includes  
36 the following types of committees:

37           (a) A candidate's campaign committee.

38           (b) A separate, segregated fund established by a corporation or labor  
39 organization pursuant to section 16-920, subsection A, paragraph 3.

40           (c) A committee acting in support of or opposition to the  
41 qualification, passage or defeat of a ballot measure, question or  
42 proposition.

43           (d) A committee organized to circulate or oppose a recall petition or  
44 to influence the result of a recall election.

45           (e) A political party.

1 (f) A committee organized for the purpose of making independent  
2 expenditures.

3 (g) A committee organized in support of or opposition to one or more  
4 candidates.

5 (h) A political organization.

6 (i) An exploratory committee.

7 20. "Political organization" means an organization that is formally  
8 affiliated with and recognized by a political party including a district  
9 committee organized pursuant to section 16-823.

10 21. "Political party" means the state committee as prescribed by  
11 section 16-825 or the county committee as prescribed by section 16-821 of an  
12 organization that meets the requirements for recognition as a political party  
13 pursuant to section 16-801 or section 16-804, subsection A.

14 22. "Sponsoring organization" means any organization that establishes,  
15 administers or contributes financial support to the administration of, or  
16 that has common or overlapping membership or officers with, a political  
17 committee other than a candidate's campaign committee.

18 23. "Standing political committee" means a political committee that ~~is~~  
19 **SATISFIES** all of the following:

20 (a) **IS** active in more than one reporting jurisdiction in this state  
21 for more than one year.

22 (b) Files a statement of organization as prescribed by section  
23 16-902.01, subsection E.

24 (c) Is any of the following as defined by paragraph 19 of this  
25 section:

26 (i) A separate, segregated fund.

27 (ii) A political party.

28 (iii) A committee organized for the purpose of making independent  
29 expenditures.

30 (iv) A political organization.

31 24. "Statewide office" means the office of governor, secretary of  
32 state, state treasurer, attorney general, superintendent of public  
33 instruction, corporation commissioner or mine inspector.

34 25. "Surplus monies" means those monies of a political committee  
35 remaining after all of the committee's expenditures have been made and its  
36 debts have been extinguished.

37 Sec. 17. Section 16-902.01, Arizona Revised Statutes, is amended to  
38 read:

39 **16-902.01. Registration of political committees; contents;**  
40 **amendment**

41 A. Each political committee that intends to accept contributions or  
42 make expenditures of more than five hundred dollars shall file a statement of  
43 organization with the filing officer in the format prescribed by the filing  
44 officer before accepting contributions, making expenditures, distributing any  
45 campaign literature or circulating petitions. Each political committee that  
46 intends to accept contributions or make expenditures of five hundred dollars

1 or less, **AND MORE THAN TWO HUNDRED FIFTY DOLLARS**, shall file a signed  
2 exemption statement in a form prescribed by the filing officer that states  
3 that intention before making any expenditures, accepting any contributions,  
4 distributing any campaign literature or circulating petitions. If a  
5 political committee that has filed a five hundred dollar threshold exemption  
6 statement receives contributions or makes expenditures of more than five  
7 hundred dollars, that political committee shall file a statement of  
8 organization with the filing officer in the format prescribed by the filing  
9 officer within five business days after exceeding the five hundred dollar  
10 limit.

11 B. The statement of organization of a political committee shall  
12 include all of the following:

13 1. The name, address and type of committee.

14 2. The name, address, relationship and type of any sponsoring  
15 organization.

16 3. The names, addresses, telephone numbers, occupations and employers  
17 of the chairman and treasurer of the committee.

18 4. In the case of a candidate's campaign committee, the name, address,  
19 office sought and party affiliation of the candidate.

20 5. A listing of all banks, safety deposit boxes or other depositories  
21 used by the committee.

22 6. A statement that the chairman and treasurer have read all of the  
23 applicable laws relating to campaign finance and reporting.

24 C. Except as prescribed by subsection E of this section, on the filing  
25 of a statement of organization, a political committee shall be issued an  
26 identification number in the format prescribed by the filing officer.

27 D. The political committee shall file an amended statement of  
28 organization reporting any change in the information prescribed in  
29 subsections B and F of this section within five business days after the  
30 change.

31 E. A standing political committee shall file a statement of  
32 organization with the secretary of state and in each jurisdiction in which  
33 the committee is active, and only the secretary of state shall issue an  
34 identification number for the committee. The statement of organization shall  
35 include a statement with the notarized signature of the chairman or treasurer  
36 of the standing political committee that declares the committee's status as a  
37 standing political committee. The secretary of state may charge an annual  
38 fee for the filing.

39 F. For a political committee that makes expenditures in an attempt to  
40 influence the results of a ballot proposition election, the statement of  
41 organization shall include in the name of the political committee the  
42 official serial number for the petition, if assigned, and a statement as to  
43 whether the political committee supports or opposes the passage of the ballot  
44 measure. On completion of the designation of statewide ballot propositions  
45 by number as prescribed in section 19-125, the secretary of state is  
46 authorized to and shall amend the name of the political committee by

1 attaching to the statement of organization the ballot proposition number as a  
2 substitute for the official serial number in the name of the political  
3 committee. The secretary of state shall promptly notify the political  
4 committee of the amended political committee name and shall make that  
5 information available to the public.

6 Sec. 18. Section 16-913, Arizona Revised Statutes, is amended to read:  
7 16-913. Campaign finance reports; reporting of receipts and  
8 disbursements; exemptions; civil penalty

9 A. Except as provided in subsection K of this section, each political  
10 committee shall file campaign finance reports in the format prescribed by the  
11 filing officer setting forth the committee's receipts and disbursements  
12 according to the schedule prescribed in subsections B and C of this section.

13 B. In any calendar year during which there is a regularly scheduled  
14 election at which any candidates, measures, questions or propositions appear  
15 or may appear on the ballot, the political committee shall file each of the  
16 following campaign finance reports:

17 1. A report covering the period beginning January 1 through May 31,  
18 filed no later than June 30.

19 2. A preelection report, ~~which~~ THAT shall be filed not less than  
20 twelve days before any election and ~~which~~ THAT shall be complete through the  
21 twentieth day before the election.

22 3. A postelection report, ~~which~~ THAT shall be filed not more than  
23 thirty days after any election and ~~which~~ THAT shall be complete through the  
24 twentieth day after the election.

25 C. In any other calendar year, the political committee shall file a  
26 report covering the period beginning twenty-one days after the date of the  
27 election in the preceding calendar year through December 31 of the  
28 nonelection year filed no later than January 31 of the following calendar  
29 year. **FOR A SPECIAL ELECTION FOR WHICH THE SECRETARY OF STATE IS THE FILING  
30 OFFICER, A POLITICAL COMMITTEE THAT RECEIVES CONTRIBUTIONS OR MAKES  
31 EXPENDITURES TO INFLUENCE THAT ELECTION SHALL FILE THE FOLLOWING:**

32 1. **FOR AN INITIATIVE, REFERENDUM OR RECALL, A PREELECTION REPORT THAT  
33 IS DUE WITHIN FIFTEEN DAYS OF FILING THE PETITION WITH THE SECRETARY OF STATE  
34 AND CURRENT THROUGH THE DATE THE PETITION WAS FILED.**

35 2. **A PREELECTION REPORT THAT IS DUE WITHIN FIFTEEN DAYS OF THE  
36 GOVERNOR'S PROCLAMATION CALLING THE SPECIAL ELECTION AND CURRENT THROUGH THE  
37 DATE OF THE GOVERNOR'S PROCLAMATION.**

38 3. **A PREELECTION REPORT THAT IS DUE AS PRESCRIBED BY SUBSECTION B,  
39 PARAGRAPH 2 OF THIS SECTION.**

40 4. **A POSTELECTION REPORT THAT IS DUE AS PRESCRIBED BY SUBSECTION B,  
41 PARAGRAPH 3 OF THIS SECTION.**

42 D. In the event that a political committee receives no contributions  
43 and makes no expenditures during a period in which it is required to file a  
44 campaign finance report, the committee treasurer or if the treasurer is  
45 unavailable the candidate, in lieu of filing a report required by subsection

1 B of this section, may sign and file a form prescribed by the secretary of  
2 state indicating no activity during the specific reporting period.

3 E. In lieu of the reports prescribed in subsections B and C of this  
4 section, a candidate's political committee that remains active after an  
5 election due to outstanding debts may file a document no later than January  
6 31 in a form prescribed by the secretary of state that states that the  
7 committee does not intend to receive any contributions or make any  
8 expenditures during the year. If a candidate's political committee does  
9 receive a contribution or make an expenditure during that year, the committee  
10 shall report as prescribed by subsection B or C of this section.

11 F. A judge who has filed a declaration of the desire to be retained in  
12 office is exempt from filing any report required by this section if the  
13 judge, not later than twelve days before the general election, files a  
14 statement signed and sworn to by the judge certifying that the judge has  
15 received no contributions, has made no expenditures and has no campaign  
16 committee and that the judge does not intend to receive contributions, make  
17 expenditures or have a campaign committee for the purpose of influencing the  
18 result of the vote on the question of the judge's retention. With respect to  
19 superior court judges, a statement filed pursuant to this subsection is  
20 effective until the earlier of twelve days before the third general election  
21 following the filing of this statement or the judge receives contributions,  
22 makes expenditures or authorizes a campaign committee. Such a statement  
23 filed by a supreme court justice or a court of appeals judge is effective  
24 until the earlier of twelve days before the fourth general election following  
25 the filing of this statement or the justice or judge receives contributions,  
26 makes expenditures or authorizes a campaign committee.

27 G. Reports in connection with special or recall elections shall  
28 conform to the filing deadlines set forth in ~~subsection~~ SUBSECTIONS B AND C  
29 of this section.

30 H. Except as provided in section 16-916, subsection B and subsection K  
31 of this section, a political committee shall comply with the requirements of  
32 this section in each jurisdiction in this state in which the committee has  
33 filed a statement of organization until the committee terminates pursuant to  
34 section 16-914, and its statements, designations and reports shall be filed  
35 with each officer with whom it has filed a statement of organization, as  
36 appropriate.

37 I. Each report required to be filed pursuant to this section shall be  
38 signed by the committee treasurer or the candidate or the designating  
39 individual if the treasurer is unavailable and shall contain the  
40 certification of the signer under penalty of perjury that the report is true  
41 and complete.

42 J. A political committee and the candidate, in the case of a  
43 candidate's campaign committee, or the designating individual, in the case of  
44 an exploratory committee, who violate this section are subject to the penalty  
45 prescribed in section 16-918.

1 K. A standing political committee shall file reports with the  
2 secretary of state and is exempt from filing a report with any other  
3 jurisdiction in which it is active. The reports shall be in an electronic  
4 format as prescribed by the secretary of state or by use of the internet.  
5 The secretary of state shall promptly make the reports available to the  
6 public on the internet and shall make the reports available by electronic  
7 means by request. The standing committee shall file the following reports:

8 1. A preelection report that is due as prescribed by subsection B,  
9 paragraph 2 of this section shall be filed for each consolidated election  
10 date prescribed by section 16-204.

11 2. A postelection report that is due as prescribed by subsection B,  
12 paragraph 3 of this section shall be filed for each consolidated election  
13 date prescribed by section 16-204.

14 3. An annual report that is due by January 31 in the year immediately  
15 following the calendar year that is the subject of the report.

16 Sec. 19. Section 16-914.01, Arizona Revised Statutes, is amended to  
17 read:

18 16-914.01. Reporting of contributions by committees acting on  
19 ballot measures; civil penalty; definition

20 A. In addition to the requirements relating to election contributions  
21 prescribed in section 16-913, a committee acting in support of or opposition  
22 to the qualification, passage or defeat of an initiative or referendum or any  
23 other ballot measure, question or proposition **OR IN SUPPORT OF OR OPPOSITION**  
24 **TO A RECALL ELECTION** shall give notice to the secretary of state for  
25 statewide measures and the local filing officer who is responsible for  
26 receiving campaign finance reports for filing for nonstatewide measures of  
27 any contribution or group of contributions to the committee that is made from  
28 a single source less than twenty days before the day of the election if it  
29 exceeds:

30 1. A cumulative total of ten thousand dollars for a statewide ballot  
31 measure, question or proposition.

32 2. Two thousand five hundred dollars for a nonstatewide ballot  
33 measure, question or proposition in a political subdivision with a population  
34 of one hundred thousand or more persons.

35 3. Five hundred dollars for a nonstatewide ballot measure, question or  
36 proposition in a political subdivision with a population of less than one  
37 hundred thousand persons.

38 B. In addition to the requirements of section 16-913, a committee  
39 acting in support of or opposition to the qualification, passage or defeat of  
40 an initiative or referendum or any other ballot measure, question or  
41 proposition shall give notice to the secretary of state for statewide  
42 measures and the local filing officer who is responsible for receiving  
43 campaign finance reports for filing for nonstatewide measures the first time  
44 each of the following occurs:

45 1. The committee has received contributions totaling ten thousand  
46 dollars or more.





1 ballot questions, community college district governing board members or  
2 ballot questions, judges of the superior court seeking retention, special  
3 taxing districts and a county initiative or referendum or any measure or  
4 proposition appearing on a county election ballot. For any county with a  
5 population of more than one hundred thousand persons that operates a website,  
6 the county officer in charge of elections shall post to that website in a  
7 format that is viewable by the public the campaign finance information  
8 prescribed by this section, WHICH SHALL INCLUDE THE NAMES OF CANDIDATES WHO  
9 HAVE FILED AN EXEMPTION STATEMENT PURSUANT TO SECTION 16-902.01, SUBSECTION A  
10 WITH THAT FILING OFFICER. ~~The posting requirements of this paragraph do not~~  
11 ~~apply to reports where less than five hundred dollars is spent.~~

12 3. With the city or town clerk for political committees supporting or  
13 opposing the recall of public officers elected to city or town offices,  
14 supporting the circulation of petitions for ballot measures, questions and  
15 propositions appearing on a city or town election ballot or recall of public  
16 officers elected for city or town offices or supporting or opposing  
17 candidates for city or town offices and for a city or town initiative or  
18 referendum or any measure or proposition appearing on a city or town election  
19 ballot. For any city or town with a population of more than two thousand  
20 five hundred persons that operates a website, the city or town shall post to  
21 that website in a format that is viewable by the public the campaign finance  
22 information prescribed by this section, WHICH SHALL INCLUDE THE NAMES OF  
23 CANDIDATES WHO HAVE FILED AN EXEMPTION STATEMENT PURSUANT TO SECTION  
24 16-902.01, SUBSECTION A. FOR A CITY OR TOWN WITHOUT A WEBSITE, THE  
25 INFORMATION SHALL BE POSTED ON THE WEBSITE OPERATED BY AN ASSOCIATION OF  
26 CITIES AND TOWNS IN THIS STATE. ~~The posting requirements of this paragraph~~  
27 ~~do not apply to reports where less than five hundred dollars is spent.~~

28 B. Campaign finance reports required pursuant to section 16-913 for  
29 the office of member of the legislature and statewide offices shall be filed  
30 with the secretary of state in the manner prescribed by the secretary of  
31 state. The secretary of state may provide through the procedures manual  
32 adopted pursuant to section 16-452 for an alternative method for providing  
33 public access to the reports prescribed by this section.

34 C. For all statements, designations and reports, the date of filing is  
35 the date of actual receipt by the officer with whom the document is required  
36 to be filed except as follows:

37 1. For documents filed by certified mail with a United States mail  
38 postmark, the date of mailing constitutes the date of filing.

39 2. For documents filed by commercial delivery services that provide a  
40 standardized delivery confirmation process, the date of delivery confirmation  
41 constitutes the date of filing.

42 3. For documents filed by commercial delivery services that provide  
43 for electronic tracking of specific delivery packages, the date of electronic  
44 confirmation of delivery constitutes the date of filing.

45 D. If the date for filing any statement, designation or report  
46 required by this article is a Saturday, a Sunday or another legal holiday,

1 the filing deadline is the next day that is not a Saturday, a Sunday or  
2 another legal holiday.

3 Sec. 21. Section 16-917, Arizona Revised Statutes, is amended to read:

4 16-917. Independent expenditures; in-kind contribution; civil  
5 penalty

6 A. A political committee, CORPORATION, LIMITED LIABILITY COMPANY OR  
7 LABOR ORGANIZATION that makes independent expenditures for literature or an  
8 advertisement relating to any one candidate or office within sixty days  
9 before the day of any election to which the expenditures relate, shall send  
10 by certified mail a copy of the campaign literature or advertisement to each  
11 candidate named or otherwise referred to in the literature or advertisement  
12 twenty-four hours after depositing it at the post office for mailing,  
13 twenty-four hours after submitting it to a telecommunications system for  
14 broadcast or twenty-four hours after submitting it to a newspaper for  
15 printing.

16 B. The copy of the literature or advertisement sent to a candidate  
17 pursuant to subsection A of this section shall be a reproduction that is  
18 clearly readable, viewable or audible.

19 C. An expenditure by a political committee, CORPORATION, LIMITED  
20 LIABILITY COMPANY, LABOR ORGANIZATION or a person that does not meet the  
21 definition of an independent expenditure is an in-kind contribution to the  
22 candidate and a corresponding expenditure by the candidate unless otherwise  
23 exempted.

24 D. A person who violates this section is subject to a civil penalty of  
25 three times the cost of the literature or advertisement that was distributed  
26 in violation of this section. This civil penalty shall be imposed as  
27 prescribed in section 16-924.

28 Sec. 22. Section 16-1005, Arizona Revised Statutes, is amended to  
29 read:

30 16-1005. Ballot abuse; violation; classification

31 A. Any person who knowingly marks a voted or unvoted ballot or ballot  
32 envelope with the intent to fix an election for his own benefit or for that  
33 of another person is guilty of a class 5 felony.

34 B. It is unlawful to offer or provide any consideration to acquire a  
35 voted or unvoted early ballot. A person who violates this subsection is  
36 guilty of a class 5 felony.

37 C. It is unlawful to receive or agree to receive any consideration in  
38 exchange for a voted or unvoted ballot. A person who violates this  
39 subsection is guilty of a class 5 felony.

40 D. It is unlawful to possess a voted or unvoted ballot with the intent  
41 to sell the voted or unvoted ballot of another person. A person who violates  
42 this subsection is guilty of a class 5 felony.

43 E. A person or entity ~~who~~ THAT knowingly solicits the collection of  
44 voted or unvoted ballots by misrepresenting itself as an election official or  
45 as an official ballot repository or is found to be serving as a ballot drop

1 off site, other than those established and staffed by election officials, is  
2 guilty of a class 5 felony.

3 F. A person who knowingly collects voted or unvoted ballots and does  
4 not turn those ballots in to an election official, the United States postal  
5 service or ANY other entity permitted by law to transmit post is guilty of a  
6 class 5 felony.

7 G. A person who engages or participates in a pattern of ballot fraud  
8 is guilty of a class 4 felony. For the purposes of this subsection, "pattern  
9 of ballot fraud" means the person has offered or provided any consideration  
10 to three or more persons to acquire the voted or unvoted ballot of a person.

11 ~~H. Any person who delivers more than ten early ballots to an election  
12 official for tallying shall also provide to the election official a copy of  
13 the person's photo identification. If the person delivering the ballots does  
14 not provide a copy of the person's photo identification, the election  
15 official shall record the information from the person's photo identification  
16 and retain the information as a part of the records of the voting location as  
17 prescribed in procedures established by the secretary of state in the  
18 instructions and procedures manual adopted pursuant to section 16 452.  
19 Within sixty days after the election, the officer in charge of that election  
20 shall submit to the secretary of state the photocopies or other electronic  
21 facsimiles or other information submitted by the persons delivering the early  
22 ballots. The secretary of state shall compile a statewide report on the  
23 submittals and shall make that information available to the public on the  
24 secretary of state's website. The secretary of state may make any referrals  
25 to the appropriate prosecuting agency for purposes of enforcing this chapter.~~

26 Sec. 23. Title 41, chapter 1, article 2, Arizona Revised Statutes, is  
27 amended by adding section 41-134, to read:

28 41-134. Electronic database system; procedures

29 A. SUBJECT TO LEGISLATIVE APPROPRIATION OR TRANSFER OF MONIES, THE  
30 SECRETARY OF STATE SHALL DEVELOP ELECTRONIC DATABASE SYSTEMS FOR FINANCIAL  
31 DISCLOSURES REQUIRED UNDER TITLE 38, CHAPTER 3.1, ARTICLE 1 AND LOBBYIST  
32 REPORTING REQUIREMENTS UNDER CHAPTER 7, ARTICLE 8.1 OF THIS TITLE.

33 B. THE ELECTRONIC DATABASE SYSTEM SHALL ALLOW A COUNTY, CITY OR TOWN  
34 TO ELECT TO USE THE SECRETARY OF STATE'S SYSTEM SUBJECT TO:

35 1. APPROVAL OF THE LOCAL GOVERNING BODY.

36 2. THE LOCAL GOVERNING BODY CONFORMING THE LOCAL GOVERNING BODY'S  
37 FINANCIAL DISCLOSURE REQUIREMENT AND LOBBYING DISCLOSURE REQUIREMENTS WITH  
38 REQUIREMENTS OF THIS STATE.

39 C. THIS SECTION DOES NOT REQUIRE THE SECRETARY OF STATE TO PROVIDE FOR  
40 A SYSTEM THAT COMPLIES WITH FILING REQUIREMENTS OTHER THAN THOSE REQUIRED IN  
41 SECTIONS 38-542 AND 38-543 AND CHAPTER 7, ARTICLE 8.1 OF THIS TITLE.

42 Sec. 24. Section 41-1202, Arizona Revised Statutes, is amended to  
43 read:

44 41-1202. Vacancy in legislature; precinct committeemen;  
45 appointment; definition

1           A. If a vacancy occurs in the legislature and the vacant seat was  
2 represented by a political party that is organized pursuant to title 16,  
3 chapter 5, article 2 and that has at least thirty elected committeemen who  
4 are from precincts that are in the legislative district and that are in the  
5 county in which the vacancy occurred, the following apply:

6           1. The secretary of state shall notify the state party chairman of the  
7 appropriate political party of the vacancy. Within three business days after  
8 notification of the vacancy by the secretary of state, the state party  
9 chairman of the appropriate political party or the chairman's designee shall  
10 give written notice of the meeting to fill the vacancy to all elected  
11 precinct committeemen of the appropriate political party from precincts that  
12 are in the legislative district and that are in the county in which the  
13 vacancy occurred.

14           2. Those elected precinct committeemen shall nominate, within  
15 twenty-one days after notification of the vacancy by the secretary of state  
16 if the legislature is not in regular session or within five days if the  
17 legislature is in regular session and by a majority vote, three qualified  
18 electors to fill the vacancy who meet the requirements for service in the  
19 legislature and who belong to the same political party and reside at the time  
20 of nomination in the same district and county as the person elected to or  
21 appointed to the office immediately before the vacancy.

22           3. The meeting to fill the vacancy is subject to title 38, chapter 3,  
23 article 3.1, and the state party chairman of the appropriate political party  
24 shall oversee the nominations. Fifty per cent or more of the elected  
25 precinct committeemen of the district who are in the legislative district and  
26 from the county in which the vacancy occurred, or their proxies, meeting  
27 together constitutes a quorum for the purposes of this subsection. A  
28 precinct committeeman may choose to permit the use of a proxy that:

29           (a) Is given by the precinct committeeman to another elected precinct  
30 committeeman for the legislative district in which the vacancy occurred for  
31 use at the meeting to fill the vacancy.

32           (b) Only is valid for the length of the meeting for which it was  
33 given.

34           (c) Is attested by a notary public or two witnesses.

35           4. The state party chairman of the appropriate political party shall  
36 forward the names of the three persons named pursuant to paragraph 2 of this  
37 subsection to the board of supervisors of the county of residence of the  
38 person elected or appointed to the office immediately before the vacancy  
39 occurred. The board of supervisors shall appoint a person from the three  
40 nominees submitted.

41           5. If the elected precinct committeemen of the appropriate political  
42 party fail to fill the vacancy within twenty-one days if the legislature is  
43 not in regular session or within five days if the legislature is in regular  
44 session, as provided in subsection A, the state party chairman shall notify  
45 the board of supervisors of the appropriate county and the board of  
46 supervisors shall fill the vacancy as provided in subsection B. The time

1 frame for appointing a citizens panel shall run from receipt of notification  
2 from the state party chairman.

3 B. If the vacant legislative seat was represented by a political party  
4 that is organized pursuant to title 16, chapter 5, article 2 and that has  
5 fewer than thirty elected committeemen who are from precincts that are in the  
6 legislative district and that are in the county in which the vacancy occurred  
7 or if the vacant legislative seat is not represented by a political party  
8 that is organized pursuant to title 16, chapter 5, article 2, the following  
9 apply:

10 1. The board of supervisors of the county of residence of the person  
11 elected to or appointed to the office immediately before the vacancy shall  
12 appoint within three business days after a vacancy occurs a citizens panel to  
13 submit to the board within seven business days the names of three qualified  
14 electors who are members of the appropriate political party and who are  
15 residents of the legislative district and county in which the vacancy  
16 occurred to fill the vacancy. If the person elected to or appointed to the  
17 office immediately before the vacancy was a registered independent, the  
18 qualified electors shall be registered as independent.

19 2. Within five business days after receiving the list of names  
20 submitted by the panel and by a majority vote of all of the supervisors  
21 sitting as a board, the board of supervisors shall appoint one person from  
22 the list of names submitted by the panel to fill the vacancy.

23 C. For the purposes of this section, "appropriate political party"  
24 means the same political party of which the person who was elected to or  
25 appointed to the office was a member immediately before the vacancy occurred  
26 EXCEPT THAT IF THE PERSON VACATING THE OFFICE CHANGED POLITICAL PARTY  
27 AFFILIATION AFTER TAKING OFFICE, THE PERSON WHO IS APPOINTED TO FILL THE  
28 VACANCY SHALL BE OF THE SAME POLITICAL PARTY THAT THE VACATING OFFICEHOLDER  
29 WAS WHEN THE VACATING OFFICEHOLDER WAS ELECTED OR APPOINTED TO THAT OFFICE.

30 Sec. 25. Secretary of state; independent counsel

31 Notwithstanding section 41-192, Arizona Revised Statutes, the secretary  
32 of state may hire independent counsel in place of the attorney general  
33 through December 31, 2014.

34 Sec. 26. Legislative intent

35 It is the intent of the legislature by enacting section 41-134, Arizona  
36 Revised Statutes, as added by this act, to increase transparency in campaign  
37 finance compliance in a manner that improves access to information for  
38 members of the general public at different levels of local and county  
39 government, and to provide for improved voter education, and that this  
40 increase in access and transparency will result in a better informed and  
41 educated voting public.

APPROVED BY THE GOVERNOR MAY 15, 2012.

H.B. 2033

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 15, 2012.

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State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

**CHAPTER 5**  
**HOUSE BILL 2023**

AN ACT

AMENDING SECTION 16-1005, ARIZONA REVISED STATUTES; RELATING TO BALLOT ABUSE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-1005, Arizona Revised Statutes, is amended to  
3 read:

4 16-1005. Ballot abuse; violation; classification

5 A. Any person who knowingly marks a voted or unvoted ballot or ballot  
6 envelope with the intent to fix an election for ~~his~~ THAT PERSON'S own benefit  
7 or for that of another person is guilty of a class 5 felony.

8 B. It is unlawful to offer or provide any consideration to acquire a  
9 voted or unvoted early ballot. A person who violates this subsection is  
10 guilty of a class 5 felony.

11 C. It is unlawful to receive or agree to receive any consideration in  
12 exchange for a voted or unvoted ballot. A person who violates this  
13 subsection is guilty of a class 5 felony.

14 D. It is unlawful to possess a voted or unvoted ballot with the intent  
15 to sell the voted or unvoted ballot of another person. A person who violates  
16 this subsection is guilty of a class 5 felony.

17 E. A person or entity that knowingly solicits the collection of voted  
18 or unvoted ballots by misrepresenting itself as an election official or as an  
19 official ballot repository or is found to be serving as a ballot drop off  
20 site, other than those established and staffed by election officials, is  
21 guilty of a class 5 felony.

22 F. A person who knowingly collects voted or unvoted ballots and WHO  
23 does not turn those ballots in to an election official, the United States  
24 postal service or any other entity permitted by law to transmit post is  
25 guilty of a class 5 felony.

26 G. A person who engages or participates in a pattern of ballot fraud  
27 is guilty of a class 4 felony. For the purposes of this subsection, "pattern  
28 of ballot fraud" means the person has offered or provided any consideration  
29 to three or more persons to acquire the voted or unvoted ballot of a person.

30 H. A PERSON WHO KNOWINGLY COLLECTS VOTED OR UNVOTED EARLY BALLOTS FROM  
31 ANOTHER PERSON IS GUILTY OF A CLASS 6 FELONY. AN ELECTION OFFICIAL, A UNITED  
32 STATES POSTAL SERVICE WORKER OR ANY OTHER PERSON WHO IS ALLOWED BY LAW TO  
33 TRANSMIT UNITED STATES MAIL IS DEEMED NOT TO HAVE COLLECTED AN EARLY BALLOT  
34 IF THE OFFICIAL, WORKER OR OTHER PERSON IS ENGAGED IN OFFICIAL DUTIES.

35 I. SUBSECTION H OF THIS SECTION DOES NOT APPLY TO:

36 1. AN ELECTION HELD BY A SPECIAL TAXING DISTRICT FORMED PURSUANT TO  
37 TITLE 48 FOR THE PURPOSE OF PROTECTING OR PROVIDING SERVICES TO AGRICULTURAL  
38 LANDS OR CROPS AND THAT IS AUTHORIZED TO CONDUCT ELECTIONS PURSUANT TO  
39 TITLE 48.

40 2. A FAMILY MEMBER, HOUSEHOLD MEMBER OR CAREGIVER OF THE VOTER. FOR  
41 THE PURPOSES OF THIS PARAGRAPH:

- 1           (a) "CAREGIVER" MEANS A PERSON WHO PROVIDES MEDICAL OR HEALTH CARE  
2 ASSISTANCE TO THE VOTER IN A RESIDENCE, NURSING CARE INSTITUTION, HOSPICE  
3 FACILITY, ASSISTED LIVING CENTER, ASSISTED LIVING FACILITY, ASSISTED LIVING  
4 HOME, RESIDENTIAL CARE INSTITUTION, ADULT DAY HEALTH CARE FACILITY OR ADULT  
5 FOSTER CARE HOME.  
6           (b) "COLLECTS" MEANS TO GAIN POSSESSION OR CONTROL OF AN EARLY BALLOT.  
7           (c) "FAMILY MEMBER" MEANS A PERSON WHO IS RELATED TO THE VOTER BY  
8 BLOOD, MARRIAGE, ADOPTION OR LEGAL GUARDIANSHIP.  
9           (d) "HOUSEHOLD MEMBER" MEANS A PERSON WHO RESIDES AT THE SAME  
10 RESIDENCE AS THE VOTER.

PASSED BY THE HOUSE FEBRUARY 4, 2016

PASSED BY THE SENATE MARCH 9, 2016.

APPROVED BY THE GOVERNOR MARCH 9, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 9, 2016.

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# staff

VERB

## Etymology

### Summary

Formed within English, by conversion.

**Etymon:** [staff n.<sup>1</sup>](#)

< [staff n.<sup>1</sup>](#) (compare branch [III](#) at that entry).

## Notes

Compare the following earlier instance, probably also showing conversion from [staff n.<sup>1</sup>](#) in sense ‘to pound with a stick’:

**c1400** Forto make a fyn red, tak brasil and staf it smal.  
*MS Harvard Houghton Lat. 235 in [Crafte of Lymmyng](#) (2016) 293*

Compare also the following earlier instances, formally showing conversion from [staff n.<sup>1</sup>](#), and corresponding in sense to [stave v. 3](#) and [stave v. 1b](#):

**?1507** Sum stalwardly steppis ben with a stout curage, And a stif standand thing staiffis in mi neiff.  
*W. Dunbar, [Tua Mariit Wemen](#) (Kouen) in [Poems](#) (1998) vol. I. 54*

**c1680**  
**(c1590)** Queritur: Shall any safe wyne contribute with your leck wyne. Resp. If they be not staffed. Hoc est. The girths cutted and the punshion dung in peices and the wyne let out that ther remain nothing for pype stawes.  
*Forme & Maner holding Courts of Admiraltie in [Tractatus Legum Navalium](#) f. 64 in [Dictionary of Older Scottish Tongue](#) at [Staf](#)*

## Meaning & use

- 1.** *transitive* (frequently in *passive*). To provide (a business, organization, household, etc.) with staff; to serve on the staff of (a business or organization); to constitute the staff of (a place). **1859–**

**1859** We end by being efficiently and sensibly equipped, commanded, and staffed.  
*Times* 20 August 7/6

- 1881** Two or three such women, a care-taker, and a cook would adequately **staff** each home.  
*19th Century* April 656
- 1888** A powerful church of the new type, **staffed** by friends and pupils of Pusey.  
Mrs. H. Ward, *Robert Elsmere* vol. III. v. xxxiii. 55
- 1904** To furnish and **staff** some three or four first class day schools for boys.  
*Catholic Times* 1 January 8/3
- 1959** The..control room..is **staffed** by two rollermen and a member of the metallurgical department who keeps an eye on ingot quality.  
*Control* February 97/3
- 1996** The government has to churn out more home-grown engineers and business graduates to **staff** the high-technology, less labor-reliant industries of the future.  
*Japan Times* 29 April 9/6
- 2018** Our grandmothers had helped build the National Health Service and our grandfathers had **staffed** the public transport system.  
'Akala', *Natives* (2019) i. 6

2. **transitive. to staff up:** to hire additional members of staff for (a company, organization, etc.), esp. to deal with a new project, campaign, or the like. Also **intransitive:** to increase the number of staff in this way. **1935-**

- 1935** In addition to **staffing up** the Senate so notably, it [sc. Texas] has done fairly well in taking command of House committees.  
*Washington Post* 21 February 2/3
- 1951** Wilson **staffs up** for big push.  
*Newsweek* 1 January 41/1
- 1971** Consulting firms..**staffed up** in the first half of 1970 to meet a demand which has so far never materialized.  
*Times* 11 June 21/1
- 1996** We were motivated to sign a lease for..office space on 57th and Madison and **staffed up** with qualified people.  
F. Popcorn & L. Marigold, *Clicking* i. 22
- 2022** It was creating 70 new roles to **staff up** the Leads Road plant that has helped it triple manufacturing capacity.  
*Scunthorpe Tel.* (Nexis) 6 January 4


3. **transitive. North American** (usually in political contexts). **to staff out:** to send out (a proposal or other piece of work) to staff for consultation or revision. **1961-**

- 1961** If in their opinion after they have **staffed it out** there is adverse impact on the economy, then the loan does not go through.  
*3rd Suppl. Appropriation Bill: Hearings before Comm. on Appropriations (U.S. Senate 87th Congr. 1st Sess.)*  
354
- 1963** A prediction of what the American Government would decide to do in a contingency that probably had not been 'staffed out' in advance.  
*Virginia Quarterly Review* vol. 39 542
- 2003** One thing it was not was the product of careful policy deliberation. It had not been, as they say, **staffed out**.  
*New Yorker* 13 January 27/3
- 2008** So the question that obviously arises is, did he **staff it out**, and if so who was his speechwriter at the time?  
*Gazette (Montreal) (Nexis)* 1 October a23

North American English


## Pronunciation

BRITISH ENGLISH


/stɑːf/ 

stahff

U.S. ENGLISH

/stæf/ 

staff

/staf/ 

staff

Pronunciation keys

## Frequency

*staff* typically occurs about three times per million words in modern written English.

*staff* is in frequency band 5, which contains words occurring between 1 and 10 times per million words in modern written English. [More about OED's frequency bands](#)

Frequency data is computed programmatically, and should be regarded as an estimate.

Frequency of *staff*, v., 1850–2010

\* Occurrences per million words in written English

---

Historical frequency series are derived from Google Books Ngrams (version 2), a data set based on the Google Books corpus of several million books printed in English between 1500 and 2010.

The overall frequency for a given word is calculated by summing frequencies for the main form of the word, any plural or inflected forms, and any major spelling variations.

For sets of homographs (distinct entries that share the same word-form, e.g. *mole*, n.<sup>1</sup>, *mole*, n.<sup>2</sup>, *mole*, n.<sup>3</sup>, etc.), we have estimated the frequency of each homograph entry as a fraction of the total Ngrams frequency for the word-form. This may result in inaccuracies.

Smoothing has been applied to series for lower-frequency words, using a moving-average algorithm. This reduces short-term fluctuations, which may be produced by variability in the content of the Google Books corpus.

### Frequency of *staff*, v., 2017–2023

\* Occurrences per million words in written English



---

Modern frequency series are derived from a corpus of 20 billion words, covering the period from 2017 to the present. The corpus is mainly compiled from online news sources, and covers all major varieties of World English.

Smoothing has been applied to series for lower-frequency words, using a moving-average algorithm. This reduces short-term fluctuations, which may be produced by variability in the content of the corpus.

## Compounds & derived words

Sort by

**staffed, adj.** 1688-

With modifying word or as the second element in compounds: having a staff or workforce of a specified kind or quantity.

**overstaffed, adj.** 1877-

Having more members of staff than are necessary.

**staffing, n.** 1878-

The provision of sufficient staff for an organization, institution, etc.; the number of staff members working for an organization or at a workplace.

**overstaff, v.** 1879-

transitive. To employ too many staff in (an enterprise, business, workplace, etc.). Also intransitive.

**understaffed, adj.** 1891-

(under-, prefix<sup>1</sup> affix 5i.)

**understaff, v.** 1894-

(under-, prefix<sup>1</sup> affix 5i.)

**restaff, v.** 1898-

**unstaffed, adj.** 1899-

Not provided with staff; unmanned.

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# unstaffed

ADJECTIVE

## Etymology

### Summary

Formed within English, by derivation.

< **un-** prefix<sup>1</sup> + **staff** v..

## Notes

The following earlier quotation probably shows an isolated example of a different formation with the sense 'that has been removed from staff' (< **un-** prefix<sup>2</sup> + **staff** n.<sup>1</sup> + **-ed** suffix<sup>2</sup>):

**1858** Like others of the unstaffed 'refuse' of your Presidency—he had only to come to these parts to be highly appreciated.  
*Standard* 20 April 5/3

## Meaning & use

Not provided with staff; unmanned.

1899–

**1899** Large wards unstaffed and unoccupied.

*Hackney Express & Shoreditch Observer* 14 January 2/5

**1979** The Embassy remained closed and unstaffed.

V. L. Pandit, *Scope of Happiness* xxxvii. 288

**2011** She is part of a scheme that encourages communities to look after otherwise unstaffed stations.


*Independent on Sunday* 7 August 13/1

## Pronunciation

BRITISH ENGLISH


/ˌ(, )ʌnˈstɑːft/ 

U.S. ENGLISH

/ˌɛnˈstæft/ 

un-  
STAHFFT

uhn-  
STAFFT

/(\,)ʌnˈstɑːft/ 

un-STAFFT

Pronunciation keys

## Frequency

*unstaffed* typically occurs about 0.01 times per million words in modern written English.

*unstaffed* is in frequency band 3, which contains words occurring between 0.01 and 0.1 times per million words in modern written English. [More about OED's frequency bands](#)

Frequency data is computed programmatically, and should be regarded as an estimate.

### Frequency of *unstaffed*, *adj.*, 1890–2010

\* Occurrences per million words in written English

---

Historical frequency series are derived from Google Books Ngrams (version 2), a data set based on the Google Books corpus of several million books printed in English between 1500 and 2010.

The overall frequency for a given word is calculated by summing frequencies for the main form of the word, any plural or inflected forms, and any major spelling variations.

For sets of homographs (distinct entries that share the same word-form, e.g. *mole*, n.<sup>1</sup>, *mole*, n.<sup>2</sup>, *mole*, n.<sup>3</sup>, etc.), we have estimated the frequency of each homograph entry as a fraction of the total Ngrams frequency for the word-form. This may result in inaccuracies.

Smoothing has been applied to series for lower-frequency words, using a moving-average algorithm. This reduces short-term fluctuations, which may be produced by variability in the content of the Google Books corpus.

## Frequency of *unstaffed*, *adj.*, 2017–2023

\* Occurrences per million words in written English

---

Modern frequency series are derived from a corpus of 20 billion words, covering the period from 2017 to the present. The corpus is mainly compiled from online news sources, and covers all major varieties of World English.

Smoothing has been applied to series for lower-frequency words, using a moving-average algorithm. This reduces short-term fluctuations, which may be produced by variability in the content of the corpus.

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# EXHIBIT

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*This document is one in a series created as part of the Cybersecurity and Infrastructure Security Agency (CISA) Elections Infrastructure Government Coordinating Council and Sector Coordinating Council's Joint COVID Working Group. These documents provide guidance for state, local, tribal, and territorial election officials on how to administer and secure election infrastructure in light of the COVID-19 epidemic.*

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# Ballot Drop Box

## Overview

A ballot drop box provides a secure and convenient means for voters to return their mail ballot. A drop box is a secure, locked structure operated by election officials where voters may deliver their ballots from the time they receive them in the mail up to the time polls close on Election Day. Ballot drop boxes can be staffed or unstaffed, temporary or permanent.

Unstaffed drop boxes are typically available 24 hours a day and permanently anchored in place. Staffed drop boxes are typically available during regular business hours and monitored by trained workers during those hours.

Whether you are standing up a temporary vote-by-mail program statewide or locally, or you plan to develop a permanent program of voting primarily by mail, there are a few things to know and consider when planning for the use of ballot drop boxes.

## General Considerations

### Why do you need ballot drop-off locations when you are paying for return postage?

Some voters prefer to deliver their mail ballots to a drop box rather than sending them back through the mail. These voters may be motivated by lack of trust in the postal process, fear that their ballot could be tampered with, or concern that their signature will be exposed. Voters may also be concerned about meeting the postmark deadline and ensuring that their ballot is returned in time to be counted.

Ballot drop boxes and drop-off locations allow voters to deliver their ballots in person. More importantly, the availability of ballot drop boxes and drop-off locations ensures that even voters who wait until the last minute to vote or who receive their requested ballot in the mail at the last minute will be able to return their ballots in time to be counted.

Many of these last-minute voters drop their ballot off at a voting location (which may not be allowed by state law). Setting up ballot drop boxes and educating voters to use them mitigates a number of COVID-19-related risks associated with in-person voting. It also minimizes the number of people that will need to access voting locations, thereby providing more space for those who are engaged in in-person voting.

## How many ballot drop boxes will you need?

At a minimum, you should have a drop box at your main county or city office building. Voters generally know the locations of these buildings and are already accustomed to voting or doing business there. Some other best practices include:

- Have one drop box for every 15,000–20,000 registered voters.
- Consider adding more drop boxes to areas where there may be communities with historically low vote by mail usage.
- Use demographic data and analysis to determine whether there should be a different formula for rural and urban locations (i.e., 1 for every 15,000 residents may be every mile in an urban area, but every 50 miles in a rural area).

To get a better idea of how many voters use ballot drop boxes when voting by mail is the primary method of voting, look at the [Ballot Drop Box Usage](#) chart put together by the Washington Secretary of State. It shows ballot drop box use as a percentage of total ballots returned for Washington state, where voting by mail has been the primary method of voting for over a decade.

Timeline: The number of drop boxes and their locations should be finalized in time to be included in the instructions with your mail ballot packet—typically 80 days before the election.

## Where should ballot drop boxes be located?

Ballot drop boxes should be placed in convenient, accessible locations, including places close to public transportation routes, near or on college campuses, and public buildings, such as libraries and community centers familiar to voters and easy to find. If there is time, getting input from citizens and community groups is recommended.

All drop box locations should be evaluated for:

- Security
- Lighting (well-lit 24 hours a day)
- High visibility
- Security cameras (more on cameras in the *Security Considerations* section below)
- Accessibility
- Voter convenience
- Parking or drive-through options

There are tools that can help you evaluate locations for drop boxes. The [U.S. Census Bureau Interactive Workforce Map](#) is a tool that can help you visualize where residents of your jurisdiction work or live to help you see where drop boxes might be particularly useful. Also, the Federal Emergency Management Agency (FEMA) is offering free enterprise-level access to [ESRI geospatial mapping software](#) for all state, local, territorial, and tribal governments for 6 months.

In a COVID-19 environment, creative solutions may be required. Consider:

- Collocating a ballot drop box with drop boxes set up for taxes and public utilities.
- Partnering with businesses or locations that have already implemented social distancing practices, such as grocery stores and banks.

A great example of using existing spaces comes from [Madison, Wisconsin](#). The city's libraries were shut down owing to COVID-19. The City Clerk's office decided to capitalize on locations that were already secure and located in places familiar to city residents. Working in partnership with the library, they used the book drops from three of the city's public libraries and turned them into temporary ballot drop boxes. If you choose to do something similar, be sure to ask questions about the library's security to ensure ballots dropped off at library locations remain secure at all times.

Timeline: The locations of drop boxes should be finalized in time to be included in the instructions with your mail ballot packet—typically 80 days before the election.

## Who can collect and drop off a mailed ballot on behalf of a voter?

Voters who are unable to return a ballot in person or get it to a postal facility in time for it to be counted may, depending on state law, may be able to entrust the voted ballot to someone else to help them deliver it—an agent or designee. Note that, as of March 30, 2020:

- Twenty-seven states permit an absentee ballot to be returned by a designated agent, which can be a family member, attorney, or care provider.
- Nine states permit an absentee ballot to be returned by the voter's family member.
- One state specifies that an absentee ballot can only be returned in person or by mail.
- Thirteen states do not expressly address this issue.

Some states that allow a designated agent to return a voted ballot on behalf of the voter restrict the number of ballots that can be deposited by that person at one time in a drop box.

If you are considering the use of ballot drop boxes, you should review your existing laws and requirements and determine whether emergency changes may be necessary. A full list of state practices can be found at the National Conference of State Legislators (NCSL) website listed in the *Additional Resources* section.

## What equipment and supplies are needed for ballot drop boxes?

Whether you are collecting ballots just from a USPS facility, ballot drop boxes, or both, you will need ballot drop box collection teams. Ideally, these are bipartisan teams (poll workers or temporary workers) hired to drive a collection route and pick up ballots on a regular basis. Each of these teams will need:

- Vehicle such as a van or SUV where the seats can be laid flat (county owned or rented)
- Radio or cell phone
- Secure ballot collection bag/box
- Security seals
- Chain of custody procedures/forms
- Personal protective equipment (e.g. disposable, sterile gloves), as appropriate and in accordance to current CDC guidance

Timeline: Reservations should be made as soon as possible if you plan to rent vehicles, radios, or cell phones—no later than 35 days before the election.

Outlined below is a list of the typical items you will need to rent or buy, depending on the type of drop box or drop-off location you are installing.

### STAFFED – INDOOR TEMPORARY BALLOT DROP BOX

When demand for a ballot drop box is low, a temporary ballot box located inside is a good solution. These boxes should be constructed of durable material and include a key or combination lock as well as a way to securely fasten the box to prevent it from being moved or tampered with. This type of box looks similar to the example pictured here. In addition to purchasing or renting the **ballot box**, you will need:

- Padlock and keys (if not included)
- Bike chain or some other way to fasten the box to prevent it from being removed (if not staffed)
- Security seals



Timeline: Depending on the lead time required by the manufacturer, boxes may need to be ordered 3 months in advance—90 days before the election.

### OUTDOOR, TEMPORARY DRIVE-THROUGH DROP OFF

A drive-through drop-off location is an easy way to keep traffic flowing when demand for a ballot drop box is at its peak, especially on Election Day. This drive-through is typically set up in a parking lot or a street depending on the location.

The team staffing the site accepts ballots from voters as they pull through, depositing them directly into a ballot box. For voters who prefer placing the ballot directly into the box

themselves, the portable ballot box is brought to the car window. In addition to the supplies listed below, you will need a bipartisan team of at least two to three to support the drop-off site.

- Pop-up tent
- Table
- Chairs
- Ballot box
- Road signs
- Orange cones
- Flashlights
- High-visibility vests for workers
- Weather appropriate support—propane heater, rain gear, lanterns
- Personal protective equipment such as gloves, masks, and hand sanitizer, as appropriate and in accordance with current CDC guidance



Timeline: Most of these items can be purchased or rented locally. You will need some lead time to arrange for traffic signs and cones if they will be borrowed from law enforcement.

#### UNSTAFFED, 24-HOUR BALLOT DROP BOX

In high-demand areas where votes are or will be cast primarily by mail, installing a permanent ballot drop box—one that can be accessed by voters 24/7—is a good solution. These boxes should be constructed of durable material such as steel and be permanently cemented into the ground. This type of **ballot drop box** typically costs about \$6,000 each. In addition to purchasing the 24-hour box you will need:

- Video surveillance camera
- Media storage device (for recorded video)
- Decal (branding and information)
- Extra keys for opening slot and access door
- Security seals

A good example of the security considerations associated with this type of box, pictured on the right, can be found in the [California Code of Regulations](#).



Timeline: Depending on the lead time required by the manufacturer, boxes may need to be ordered 4–6 months in advance—about 150 days before the election.

## Election Night and Closing Boxes

You need to give special consideration to returning temporary ballot drop boxes and locking permanent drop boxes on election night. Organizing teams from other county or city departments is one way to accomplish this. Essentially, you need bipartisan teams to be at every ballot drop-off location precisely when polls close. Their responsibilities include:

- Identifying the voter or car in line at the time polls close and ensuring they have the opportunity to deposit their ballots.
- Retrieving the temporary indoor boxes and returning them to the counting facility.
- Locking the drop slot on the 24-hour boxes and transferring ballots to a ballot transfer bag or box and returning them to the counting facility.
- Completing chain of custody forms.

## Security Considerations

Ballot drop boxes must be secured and locked at all times. Only an election official or a designated ballot drop box collection team should have access to the keys and/or combination of the lock. In addition to locks, all drop boxes should be sealed with one or more tamper evident seals.

Ideally, unstaffed 24-hour drop boxes should be located in areas with good lighting and be monitored by video surveillance cameras. When this is not feasible, positioning the box close to a nearby camera is a good option. Also consider placing it in a high traffic area and inviting local law enforcement to make regular observations.

Try to place indoor drop boxes in locations where they can be monitored by a live person. When ballot boxes are unstaffed and not being monitored, the box should be securely fastened to a stationary surface or immovable object in a way that prevents moving or tampering.

## Chain of Custody

- Chain of custody logs must be completed every time ballots are collected.
- All ballot collection boxes/bags should be numbered to ensure all boxes are returned at the end of the shift, day, and on election night.
- Team members should sign the log and record the date and time, security seal number at opening, and security seal number when the box is locked and sealed again.

## Safety

- For drive-through locations, coordinate a traffic plan with public safety officials.
- Consider colored vests for ballot collection teams.
- Provide a radio or cell phone so you can stay in contact with collection teams at all times.

## Other Considerations

Start thinking about a ballot collection plan. This should include:

- Arranging with the USPS to designate a daily collection point for returned ballots and undelivered ballots.
- Hiring bipartisan teams with clean driving records (review your jurisdiction's requirements for driving as an employee).
- Determining the frequency of collection prior to Election Day.
- Determining the frequency of collection on Election Day.
- Ensuring you have collection teams assigned to be at each location when polls close on Election Day.
- Establishing best practices for transferring ballots back to the counting facility.
- Preparing driving routes and accompanying maps or directions.
- Determining how to keep collection teams and other staff safe in a COVID-19 environment.
- Reviewing your state laws regarding electioneering, campaigning, petition signature gathering, etc. at or near a ballot drop-off site.
- Developing a plan for helping voters find ballot drop-off locations. This can include a list of locations in the mail ballot packet as well as an online lookup tool with maps and directions. Two examples are [Lewis County, WA](#) (rural county) and [King County, WA](#) (large urban county).

## Additional Resources

- [Ballot Drop Box Retrieval Training Presentation](#)—A good overview of the ballot collection process from the Orange County (California) Registrar of Voters
- [Open Mic Session| Ballot Drop Boxes](#)—video that reviews best practices for ballot drop boxes in Washington State
- [Voting Outside the Polling Place: Absentee, All-Mail and other Voting at Home Options](#)—NCSL website dedicated to absentee voting and all-mail voting

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STATE OF ARIZONA

# 2019 ELECTIONS PROCEDURES MANUAL

December 2019

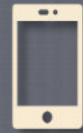
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# ARIZONA ELECTIONS PROCEDURES MANUAL

A PUBLICATION OF  
THE ARIZONA SECRETARY OF STATE'S OFFICE  
ELECTIONS SERVICES DIVISION

## INTRODUCTION FROM SECRETARY OF STATE KATIE HOBBS

December 2019

I am pleased to provide the 2019 Elections Procedures Manual to county, city, and town election officials and other stakeholders throughout Arizona. Completing a long overdue update to the Elections Procedures Manual has been one of my Administration's highest priorities since transitioning into office in January 2019. To accomplish this, we worked in close partnership with County Recorders, Elections Directors, and their staff, and carefully considered feedback from other stakeholders and the public. With their invaluable contributions, we believe the 2019 Elections Procedures Manual will help ensure the maximum degree of correctness, impartiality, uniformity, and efficiency in election procedures across the state.

Secure, accurate, and accessible elections are at the heart of our democracy and they would not be possible without the continued dedication and vigilance of election workers across the State. Thank you for all that you do for Arizona's voters.

Sincerely,



Katie Hobbs  
Arizona Secretary of State



STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY  
GOVERNOR

EXECUTIVE OFFICE

December 20, 2019

The Honorable Katie Hobbs  
Arizona Secretary of State  
1700 West Washington Street, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

Dear Secretary Hobbs:

My office has reviewed the 2019 version of the Arizona Secretary of State Election Procedures Manual (2019 Procedures Manual) that you submitted for approval on December 18, 2019.

Based upon review and approval submitted on December 19, 2019 by the Attorney General's Office that the 2019 Procedures Manual complies with the Arizona election laws, and my office's review, I hereby approve the 2019 Procedures Manual in accordance with A.R.S. § 16-452(B).

Sincerely,

Douglas A. Ducey  
Governor  
State of Arizona



MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

December 19, 2019

The Honorable Katie Hobbs  
Arizona Secretary of State  
1700 E. Washington Street  
Phoenix, Arizona 85007

Re: Approval of the 2019 Elections Procedures Manual

Secretary Hobbs:

Pursuant to A.R.S. § 16-452(B), my office has reviewed the draft Elections Procedures Manual submitted December 18, 2019. Based upon that review, we believe the submitted manual complies with Arizona's election statutes. Accordingly, I approve the Elections Procedures Manual as submitted on December 18, 2019.

Sincerely,

Mark Brnovich  
Attorney General  
State of Arizona

cc: Governor Doug Ducey

## **ABOUT THIS PUBLICATION**

Published by the Arizona Department of State, Office of the Secretary of State, Election Services  
Division

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must include information about:

- How many UOCAVA ballots were validly requested;
- How many UOCAVA ballots were transmitted in accordance with the 45-day deadline based on valid requests received before that date; and
- How many UOCAVA ballots were transmitted after the 45-day deadline based on valid requests received before that date.

UOCAVA reports must be emailed or electronically submitted to the Secretary of State within one business day of the UOCAVA ballot transmission deadline. The reports shall not include any protected information for voters who have their records sealed pursuant to A.R.S. § 16-153 or who are enrolled in the Address Confidentiality Program.

The Secretary of State must consolidate the county reports and report Arizona's aggregated statistics to the U.S. Department of Justice following each primary and general election for federal office. See <https://www.justice.gov/crt/statutes-enforced-voting-section/#uocava>.

## H. Deadline to Return Ballots-by-Mail

A ballot-by-mail (with completed affidavit) must be delivered to the County Recorder, the officer in charge of elections, an official ballot drop-off site, or any voting location in the county no later than 7:00 p.m. on Election Day. [A.R.S. § 16-547\(C\)](#); [A.R.S. § 16-551\(C\)](#).

The ballot-by-mail return deadline also applies to UOCAVA ballots, regardless of the method of transmission to the election official, unless the UOCAVA return deadline is extended pursuant to emergency procedures as outlines in [Chapter 2, Section I\(F\)](#).

## I. Ballot Drop-Off Locations and Drop-Boxes

Counties or municipalities that establish one or more ballot drop-off locations or drop-boxes shall develop and implement procedures to ensure the security of the drop-off location and/or drop-boxes and shall comply with the following requirements.

1. A ballot drop-off location or drop-box shall be located in a secure location, such as inside or in front of a federal, state, local, or tribal government building. All ballot drop-off locations and drop-boxes shall be approved by the Board of Supervisors (or designee).
  - a. An unstaffed drop-box (*i.e.*, not within the view and monitoring of an employee or designee of the County Recorder or officer in charge of elections) placed outdoors shall be securely fastened in a manner to prevent moving or tampering (for example, securing the drop-box to concrete or an immovable object).
  - b. An unstaffed drop-box placed inside a building shall be secured in a manner that will prevent unauthorized removal.
  - c. While a staffed drop-off location or drop-box (*i.e.*, within the view and monitoring of an employee or designee of the County Recorder or officer in

charge of elections) need not be securely fastened or locked to a permanent fixture, it must be securely located inside a government building and monitored by a properly trained employee or designee of the County Recorder or officer in charge of elections at all times that the location or drop-box is accessible by the public.

2. The County Recorder or officer in charge of elections shall publicly post a listing of designated drop-off locations and drop-boxes on the website of the County Recorder or officer in charge of elections. Where practicable, the County Recorder or officer in charge of elections shall also post a listing of drop-off locations and drop-boxes anywhere that polling places and vote centers are posted.
3. All drop-boxes shall be clearly and visibly marked as an official ballot drop-box and secured by a lock and/or sealable with a tamper-evident seal. Only an election official or designated ballot retriever shall have access to the keys and/or combination of the lock to remove the deposited ballots.
4. All drop-boxes (both staffed and unstaffed) shall have an opening slot that is not large enough to allow deposited ballots to be removed through the opening slot.
5. Ballot drop-off locations and drop-boxes shall be locked and covered or otherwise made unavailable to the public until the 27th day prior to an election to ensure that no ballots or any other materials may be deposited before the early voting period begins. Prior to use on the 27th day before the election, all drop-boxes shall be inspected for damage and to ensure they are empty.
6. All drop-boxes shall be locked and covered or otherwise made unavailable after the polls have closed on Election Day to ensure that no ballots may be dropped off after the close of the polls.
7. The County Recorder or officer in charge of elections shall develop and implement secure ballot retrieval and chain of custody procedures, which shall include the following:
  - a. Voted ballots shall be retrieved from ballot drop-off locations and/or drop-boxes on a pre-established schedule. Ballot retrieval shall be more frequent as Election Day approaches.
  - b. For any election that includes a partisan race, at least two designated ballot retrievers of at least two differing party preferences shall be assigned to retrieve voted ballots from a ballot drop-off location or drop-box. For a nonpartisan election, at least two designated ballot retrievers shall be assigned to retrieve voted ballots from a ballot drop-off location or drop-box.
  - c. Each designated ballot retriever shall wear a badge or similar identification that readily identifies them as a designated ballot retriever and/or employee of the County Recorder or officer in charge of elections.
  - d. Upon arrival at a drop-off location or drop-box, the two designated ballot retrievers shall note, on a retrieval form prescribed by the County Recorder or



officer in charge of elections, the location and/or unique identification number of the location or drop-box and the date and time of arrival.

- e. The designated ballot retrievers shall retrieve the voted ballots by either placing the voted ballots in a secure ballot transfer container, retrieving the secure ballot container from inside the drop-box, or retrieving the staffed drop-box which also serves as a secure ballot container. If the drop-box includes a secure ballot container, the designated ballot retrievers shall place an empty secure ballot container inside the drop-box. The time of departure from the drop-off location or drop-box shall be noted on the retrieval form.
- f. Upon arrival at the office of the County Recorder or officer in charge of elections, central counting place, or other receiving site, the designated ballot retrievers shall note the time of arrival on the retrieval form. The County Recorder or officer in charge of elections (or designee) shall inspect the secure ballot container for evidence of tampering and shall confirm receipt of the retrieved ballots by signing the retrieval form and indicating the date and time of receipt. If there is any evidence of tampering, that fact shall be noted on the retrieval form.
- g. The completed retrieval form shall be attached to the outside of the secure ballot container or otherwise maintained in a manner prescribed by the County Recorder or officer in charge of elections that ensures the form is traceable to its respective secure ballot container.
- h. When the secure ballot container is opened by the County Recorder or officer in charge elections (or designee), the number of ballots inside the container shall be counted and noted on the retrieval form.

Ballots retrieved from a ballot drop-off location or drop-box shall be processed in the same manner as ballots-by-mail personally delivered to the County Recorder or officer in charge of elections, dropped off at a voting location, or received via the United States Postal Service or any other mail delivery service, *see* [Chapter 2, Section VI](#).

## **J. Reporting Ballot-by-Mail Requests and Returns**

At the request of a state or county political party chairperson before an election, a County Recorder must provide the following information at no cost to the political party:

- A listing of registrants who have requested a ballot-by-mail. This information must be provided daily Monday through Friday, beginning 33 days before the election and through the Friday before the election;
- A listing of registrants who have returned their ballot-by-mail, which must be provided daily in Maricopa and Pima Counties and weekly in all other counties.
  - Daily information in Maricopa and Pima Counties must be provided Monday through Friday, beginning the first Monday after early voting commences and ending the Monday before the election;

# EXHIBIT

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# drop-off

NOUN

## Etymology

### Summary

Formed within English, by conversion.

< to *drop off* at **drop** v. Phrasal verbs.

## Meaning & use

1. Originally and chiefly U.S. A steep descent or dropping away of the ground, on land or underwater; a declivity. Occasionally also: the edge of the ground above this. **1881-**

**1881** To us who are accustomed to the country, the 'drop offs' and rocky steps of two or three feet are..nothings.

*Saturday Herald* (Decatur, Illinois) 18 June

**1923** It was a climb of many short turns and dizzy drop-offs.

C. F. Saunders, *Southern Sierras California* 204

**1955** A dizzying 13-mile drive up the mountainside, around hairpin curves, along harrowing dropoffs, had brought us from a valley floor elevation..to our present altitude.

*National Geographic Magazine* July 85/1

**2019** They rode the waves into deeper water near the drop-off and, still clinging to each other, dove.

H. McLaren, *Beyond Legend* 241

U.S. English

2. A (usually sharp) decrease in quantity, amount, or degree; a reduction. **1932-**

**1932** Waldhaus..is confident of a successful Visitation Day and outing program,..despite drop-offs in similar benefits.

*Hamilton (Ohio) Daily News* 11 August 8/2

**1958** There is no drop-off in volume.

*College English* vol. 20 16/2

**2015** The drop-off in mental activity likely stems from the lack of 'proximal cues'—environmental smells, sounds, and textures that provide clues to location—in digital simulations of space. N. Carr, *Glass Cage* (2016) ix. 219

**3.** An act or instance of delivering a thing to where it is required, or of taking a person to a place (esp. in a vehicle) and leaving him or her there. Also (and in earliest use): something or someone who is to be thus dropped off. Cf. to drop off at **drop v.** Additions. **1935-**

**1935** The sorters..have a very busy time during the journey to get all the drop-offs or pick-ups arranged.

*Armidale (New South Wales) Express* 18 December

**1950** Where the driver makes drop-offs at points other than final destination the lease can only be terminated at the point of final drop-off.

*Decisions Interstate Commerce Comm. U.S. 1949-50* (1951) vol. 51 544

**1976** Pick-ups and drop-offs generate two vehicle trips, one in and one out, for each air passenger access or egress.

*Draft Environmental Impact Statement for San Francisco International Airport Expansion* vol. I. x. 15

**1990** By making drop-offs convenient, Denmark reduces the temptation for home-owners to dump their cleaning agents, used motor oil and garden pesticides down the nearest drain.


*Reader's Digest* June 113/1

**2018** In the last two years I missed a lot of tuck-ins, drop-offs, pickups, soccer games, Girl Scout meetings, and so much more.

M. Hanna-Attisha, *What Eyes don't See* Acknowl. 333


## Pronunciation

### BRITISH ENGLISH


/ˈdrɒp.ɒf/ 

DROP-off

### U.S. ENGLISH

/ˈdrɑp.ɔf/ 

DRAHP-awff

/ˈdrɑp.ɑf/ 

DRAHP-ahff

Pronunciation keys

## Frequency

*drop-off* typically occurs about twice per million words in modern written English.

*drop-off* is in frequency band 5, which contains words occurring between 1 and 10 times per million words in modern written English. [More about OED's frequency bands](#)

Frequency data is computed programmatically, and should be regarded as an estimate.

### Frequency of *drop-off*, *n.*, 2017–2023

\* Occurrences per million words in written English

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Modern frequency series are derived from a corpus of 20 billion words, covering the period from 2017 to the present. The corpus is mainly compiled from online news sources, and covers all major varieties of World English.

Smoothing has been applied to series for lower-frequency words, using a moving-average algorithm. This reduces short-term fluctuations, which may be produced by variability in the content of the corpus.

## Compounds & derived words

As a modifier, designating a place where people or things are or may be dropped off. Cf. sense 3.

1907–

- 1907** All the billposters were carried home on the advance cars making..Decatur, Cleveland, [etc.]..the drop-off points for the men.  
*Billboard* 23 November 18/1
- 1976** The architects designed each school to have a parent pick up and drop off area.  
*Galveston (Texas) Daily News* 30 March 2-a/1
- 1989** We're forced into driving around..searching for a suitable drop-off site before finally dumping them off behind a City Works Department office.  
'C. Roman', *Foreplay* xx. 235
- 2000** I drop the keys off in the drop-off box and walk.  
J. J. Connolly, *Lager Cake* (2004) 253

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# EXHIBIT

9

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# site

NOUN

## Etymology

### Summary

Of multiple origins. Partly (i) a borrowing from French. Partly (ii) a borrowing from Latin.

**Etymons:** French *site*; Latin *situs*.

< (i) **Anglo-Norman** *sit, site, sist, scis* location, position (c1120),

and its etymon (ii) **classical Latin** *situs* position (of a thing) in relation to its surroundings, situation, particular position occupied by a thing, arrangement, layout, layout of a region, geographical area, region, structure, in **post-classical Latin** also (of the body) attitude, position, or posture (3rd cent.) < *sinere* to leave alone, to allow (see **sited** *adj.*) + *-tus*, suffix forming nouns.

Compare **situs** *n.*

## Notes

Compare **Old French** *site* rank (c1307; < **Latin**). Compare also **Middle French**, **French** *site* layout (1530), picturesque view, sight (1576), probably < **Italian** *sito* position, location, layout (a1321; < **Latin**).

The (formerly common) spellings in *sc-* apparently arose by analogy with the spelling of other words.

## Meaning & use

1.a. † A place or position; a location. *Obsolete* except in specific senses.

a1398–1745

α1398 Þe water addre..infetep þe place þat he glydeþ inne and makeþ þe **sight** smoky [Latin *locum per quem labitur fumare facit*].

J. Trevisa, translation of Bartholomaeus Anglicus, *De Proprietatibus Rerum* (British Library Add. MS. 27944) (1975) vol. II. xviii. ix. 1128

?c1400 Þan drawe a lyne..in anoþer **site**, þat es to say, place of þe table.

in J. O. Halliwell, *Rara Mathematica* (1839) 63

α1500 No man doute that he hathe one of the gretest and hyghest **siteis** among the mansyonnyys of oure euer-lasting ffadir.

*St. Jerome* (Lambeth MS.) in *Anglia* (1880) vol. 3 334 (Middle English Dictionary)



- 1596** Peculiar and determinate obseruances, (as certaine houres, a certaine **scite** of stars).  
T. Lodge, *Diuel Coniured* sig. Diii
- 1678** Supposing all things to arise from the different Compositions of Magnitudes, Figures, **Sites**, and Motions.  
R. Cudworth, *True Intellectual System of Universe* i. iii. 165
- a1745** Three colours,..So graceful in their proper place, Remove them to a diff'rent **scite** [1727: Light], They form a frightful hideous face.  
J. Swift, *Progress of Beauty in Works* (1755) vol. III. ii. 164

**1.b.** † Without article or other determiner: place, position, esp. in relation something else. *Obsolete.* **a1398-1710**

- a1398** For **citee** [*read cite*] and place [*L. situs*] of þe kynde of veynes is conuenyent place of þe herte.  
J. Trevisa, translation of Bartholomaeus Anglicus, *De Proprietatibus Rerum* (British Library Add. MS. 27944) (1975) vol. I. v. xxxvi. 239
- a1475** In **syte** [*emended in ed. to syce*] ichon from oper shalle be þe lengthe of oper, þat men may se.  
*Boke of Curtasye* (Sloane MS. 1986) l. 469 in *Babes Book* (2002) i. 314
- 1577** God is great with out quantitie, good without qualitie, president without **site**.  
J. Bishop, *Beautifull Blossomes* i. f. 2<sup>v</sup>
- 1599** How is **site** deuded of the Schoolemen? Into **site** naturall and casuall.  
T. Blundeville, *Art of Logike* i. xvi. 39
- 1620** **Site**, or situation, as it is the passion of a thing placed, belongeth hither.  
T. Granger, *Syntagma Logicum* 67
- 1642** **Site** doth confine This point; take **site** away it's straight a spark divine.  
H. More, *Ψυχωδία Platonica* sig. H
- 1656** When words..are in **site** or placing disjoyned.  
J. Smith, *Mysterie of Rhetorique Unvail'd* 199
- 1697** **Site** is the order of the parts of the body amongst themselves.  
translation of F. Burgersdijck, *Monitio Logica* i. ix. 29
- 1710** It has no Whereness, or Whennes, **Scite**, or Habit.  
D. Defoe, *Essay Public Credit* 6

**1.c.** The place or position occupied by some specified thing; the fixed or proper location of a thing. Now only in *Anatomy.* **c1400-**

- c1400 (1391)** Fro [the] Equinoxial may the declinacion..of any body celestial be rikned, after the site north or south.  
G. Chaucer, *Treatise on Astrolabe* (Cambridge MS. Dd.3.53) (1872) ii. §17. 28
- c1425** Þe clere sterris of lades so red Whiche han her siȝt in þe Crabbis hed.  
J. Lydgate, *Troyes Book* (Augustus MS. A.iv) ii. l. 3322
- 1581** Marriners..learne to know..the sight and place of rockes and shelues.  
G. Pettie, translation of S. Guazzo, *Ciuile Conuersation* i. 22<sup>v</sup>
- 1605** The fourth difference [in distillation] is by the site and placing of the vessell.  
T. Tymme, translation of J. Du Chesne, *Practise of Chymicall & Hermeticall Physicke* iii. 184
- 1627** The Rocks Tumbling downe from their scytes.  
M. Drayton, *Moone-calfe in Battaile of Agincourt* 154
- 1675** A Body is..the result of all the Integral parts put together in their due Scite and proper Order.  
V. Alsop, *Anti-Sozzo* 353
- 1691** The Chamæleon he imitates the Woodspite..in the site of his Toes.  
J. Ray, *Wisdom of God* 106
- 1722** There was undoubtedly such a Tract of West Variation in the Southern Parts of the South-Sea, it being the necessary Consequence of the Site of the four Magnetical Poles.  
*Philosophical Transactions 1720–21* (Royal Society) vol. 31 176
- 1834** The most common and earlier symptoms of the disease are either,—firstly, some description of uneasy sensation referred to the site of the liver.  
*Medico-chirurg. Rev., & Journal Pract. Medicine* vol. 20 367
- 1969** The site of the aorta and the site of the heart [are] about equidistant from the surface of the body.  
D. E. Beischer in M. F. Barnothy, *Biol. Effects Magn. Fields* vol. II. 256
- 2005** In its membrane, the cochlear ear duct contains the organ of Corti, the site of the cochlear hair cells.  
R. K. Clark, *Anat. & Physiology* xii. 221/1

anatomy

1.d. The location of a wound, tumour, disease, etc., in or on the body.

1662-

- 1662** Other differences are taken from magnitude, Symptomes, Scite, as outward and inward.  
J. Cooke, *Art Chirurg.* i. ii. i, in *Mellificium Chirurg.* (new edition) ii. 62
- 1698** What Parts are wounded, are to be discovered by putting in the Probe, or else from the site of the Wound by Anatomical Deductions.  
W. Salmon, *Ars Chirurgica* v. xix. 877/1

- 1722** The ill Habit of his Body and the **Site** of the Tumour bordering so near the Fundament..gave me Reason to suspect a *Sinuous Ulcer*.  
D. Turner, *Art of Surgery* vol. II. vi. 82
- 1833** The pain is rarely confined to its primary and principal **site** in the cardiac region.  
J. Forbes et al., *Cycl. Pract. Medicine* vol. I. 82/2
- 1883** In damp weather he feels very slight inconvenience in the **site** of the old fracture.  
*British Medical Journal* 3 November 857/2
- 1968** Another **site** of significant disease was the kidneys, which exhibited multiple small yellowish-tan abscesses in both the cortical and the medullary areas.  
*New England Journal of Medicine* 14 March 617/2
- 2002** Initial treatment is difficult because of the swelling, which is often a result of internal bleeding at the injury **site**.  
*Times* 12 August (Football Supplement) 5/2

**2.a.** The geographical location of a building, city, country, etc., or its position in relation to its surroundings; = **situation** *n.* I.3. Also occasionally without article or other determiner. **?c1400-**

- ?c1400 (c1380)** Yif þou wolt flee þe perilous aventure ..Haue mynde certeynly to ficchyn þi house of a myrie **site** in a lowe stoone.  
G. Chaucer, translation of Boethius, *De Consolatione Philosophiae* (British Library Add. MS. 10340) (1868) ii. met. iv. l. 1165
- c1405 (c1395)** Noght fer fro thilke paleys honourable Wher as this Markys shoope his mariage Ther stood a Throope of **site** delitable.  
G. Chaucer, *Clerk's Tale* (Hengwrt MS.) (1873) l. 199
- 1567** The magnificall **scites** and scituations of greate mens houses.  
G. Fenton, translation of M. Bandello, *Certaine Tragicall Discourses* i. sig. Ai
- 1579** Lo Collin, here the place, whose pleasaunt **syte** From other shades hath weand my wandring mynde.  
E. Spenser, *Shepherdess Calender* June 1
- 1600** Anniball..rode to the gate Capena, for to view the **site** of the cittie.  
P. Holland, translation of Livy, *Romane Historie* xxvi. 582
- 1664** Some force whole Regions, in despight O' Geography, to change their **site**.  
S. Butler, *Hudibras: Second Part* ii. i. 3
- 1714** A House by **Scite** and Structure warm.  
R. Steele, *Poetical Misc.* 292
- 1771** The castle is an instance of the sublime in **scite** and architecture.  
T. Smollett, *Humphry Clinker* vol. III. 6

- 1807** In this valley, on the banks of the fertilizing Douro, would be the proper **scite** for the capital of Spain.  
R. Cumberland, *Memoirs* vol. II. 150
- 1869** The loss of health caused by the pestilential **site** of a dwelling.  
J. Martineau, *Essays Philosophical & Theological* 2nd Series 70
- 1923** The importance of **site** is gradually being recognized.  
*British Medical Journal* 31 March 556/2
- 2012** The 1940s house didn't take advantage of its dramatic **site**: perched on sandstone cliffs, it has a sweeping outlook across the ocean.  
*Sydney Morning Herald* (Nexis) 21 January (Domain section) 10

**2.b.** An area of land occupied by a building, town, etc., or which is set apart for some purpose. **a1443-**

*building site, campsite, caravan site, landfill site, landing site, launch site, missile site, nesting site, picnic site, World Heritage Site, etc.:* see the first element.

See also **on-site** *adj.*, **off-site** *adj.*

- a1443** Isabell Stanley, prioresse..holdeth of youre said suppliauntes as in the right of heir priorie, a **site** of a water mylle.  
in *Calendars of Proceedings in Chancery Queen Elizabeth* (1827) vol. I. p. xxxiii (Middle English Dictionary)
- 1461-2** Londes..such as been and make the **syte** or **sites** of any such abbey, priory [etc.].  
*Rolls of Parliament: Edward IV* (Electronic edition) Parl. November 1461 §41. m. 19
- 1547** The **Sightes**..wheruon the same ij churches Are nowe..buyldyd.  
in *Vicary's Anatomie of Bodie of Man* (1888) App. iii. 131
- 1558** **Scyte**, precinkte, and Compasse of the late dissolved Hospital.  
in A. Feuillerat, *Documents Office of Revels Queen Elizabeth* (1908) 48
- 1564** He layed the **syte** of a small citye, in the hyl Pallatinus.  
N. Haward, translation of Eutropius, *Briefe Chron.* i. sig. C
- 1649** The **sites** and precincts hereby intended are declared to be the bodie of the Abbie, one garden and orchard [etc.].  
*Articles of Peace with Irish Rebels* 33
- a1661** He conferred on him and his heirs the rich demesne and **scite** of Middleton.  
T. Fuller, *History of Worthies of England* (1662) Cornw. 202
- 1718** The Descendants..are still in possession of the **Scite** of the Castle.  
J. Ozell, translation of J. Pitton de Tournefort, *Voyage into Levant* vol. I. 167
- 1793** Upon this **scite** the Baths and Long Room have since been erected.  
J. Smeaton, *Narrative Edystone Lighthouse* (ed. 2) §130 (note)

- 1813** The sale of sites for houses would yield a considerable sum to the town.  
*Caledonian Mercury* 4 December
- 1835** The entrenchments..just enable us to trace the scite of the royal residence.  
F. Palgrave, *History of Anglo-Saxons* iv. 89
- 1879** The costly nature of the work in making good the site, when the soil is not naturally suitable.  
*Cassell's Technical Educator* (new edition) vol. I. 38
- 1963** Have consideration for other campers. Do not stroll into someone else's site just as they are in the middle of morning ablutions.  
*Camping* ('Know the Game' Ser.) 46/2
- 1973** There will be a continuous traffic of radioactive substances..from the stations to waste-processing plants; and from there to disposal sites.  
E. F. Schumacher, *Small is Beautiful* ii. iv. 129
- 1980** It was shoe-horned between the radar assembly sheds, a piece of open ground which had miraculously escaped the rash of building covering the rest of the site.  
J. McNeil, *Spy Game* xix. 189
- 2017** Two drive-through take-aways could be built on a site near the centre of Stirling.  
*Stirling Observer* (Nexis) 18 January 1

**2.c.** A place where something happens or has happened; the location of a specific event, occurrence, or activity.

**a1657-**

*accident site, bomb-site, etc.:* see the first element.

- a1657** Looke now vpon my Sister Germanie; The Seat of Warre, the Scite of Miserie.  
G. Daniel, *Poems* (1872) vol. I. 184
- 1837** Mounds and ditches very conclusively show the sites of ancient labor.  
*North American Review* July 34
- 1872** In the ninth century Lake Mälär was the site of so prosperous a trade.  
J. Yeats, *Growth Commerce* 151
- 1896** A. R. Fulton visited the site in 1869 and found portions of skeletons mercilessly indented with tomahawk marks, and other relics of the battle.  
*Rolfe (Iowa) Reveille* 20 February 1/2
- 1979** Only 30 were in good enough shape physically and financially to make this year's pilgrimage back to the battle sites.  
*Maclean's* (Toronto) 8 October 6
- 2016** Ghost bikes—scrapped bicycles painted white and fixed at the site of a fatal collision—are the latest addition to the convention of honouring the dead.  
*Spacing* Winter 22/1

3. † The way in which the parts of a person or thing are positioned; posture, bodily attitude. *Obsolete*. 1573-1728

- 1573** Kneeling is the fittest **site** or position of the body.  
T. Cartwright, *Repye to Answere Whitgifte* 132
- 1626** Christ His **Site**; that, He stood, when He wished it: His Place; that, in the midst, He stood.  
L. Andrewes, *XCVI Sermons* (1629) 415
- 1660** That uprightnes and straitnes, which is the most useful **site** of most plants.  
R. Sharrock, *History of Propagation & Improvement of Vegetables* 148
- 1691** The conveniency of this **Site** of our Bodies.  
J. Ray, *Wisdom of God* 153
- 1728** The Semblance of a Lover, fix'd In melancholy **Site**, with Head declin'd.  
J. Thomson, *Spring* 49

4. *Archaeology*. A place containing the remains of former human habitation; an excavation. 1843-  
*habitation site, shadow-site, type site*: see the first element.

- 1843** The most interesting of the inscriptions which he brought from these **sites** is a fragment of one of an early date.  
K. Baillie in *Proceedings Royal Irish Acad.* 1840-4 (1846) vol. 2 407
- 1890** Intersecting trenches were run across the **site** from north to south and east to west.  
*American Journal Archaeology* vol. 6 190
- 1911** The dig has proved a failure to the present (tho' there is still hope of one part of the **site**).  
T. E. Lawrence, *Letter April* in T. E. Lawrence et al., *Home Letters* (1954) 149
- 1961** Unworked, heekled fibers have been discovered in archaeological **sites** on the coast.  
M. A. Towle, *Ethnobotany Pre-Columbian Peru* 32
- 1977** More than four fifths of the villa's walls have been destroyed by ploughing and erosion, and Mr Sumpter feels that the **site** would not have survived another year's ploughing.  
*Times* 13 August 14/4
- 2016** A pioneering space archaeologist who uses satellite imagery to discover ancient **sites**.  
*New York Times* (National edition) 17 February c3/1

archaeology

5. The location within the body in which a physiological or pathological process occurs. In later use also *Biochemistry* and *Molecular Biology*: the location in or on a molecule, cell, etc., at which chemical activity or interaction occurs. Cf. **site-directed** *adj.* 1861-  
*active site, binding site, restriction site*: see the first element.

- 1861** The nutritional fluid must..be regarded as the chief or collective **site** of the decomposition this process implies.  
W. Brinton, *On Food & its Digestion* ii. 24
- 1916** Not only are the small intestines the principal **site** of digestion but they are also the principal **site** of absorption.  
A. W. Hewlett, *Monographic Medicine* vol. I. ii. 175
- 1926** The problem of determining the mechanism of oxidation resolves itself into three separate problems: (1) determination of the **site** of activation of a substrate molecule [etc.].  
*Biochemical Journal* vol. 20 167
- 1966** In the fetus..blood cells are formed in different **sites** at different ages.  
C. R. Leeson & T. S. Leeson, *Histology* viii. 140/1
- 1982** Human proinsulin. After cleavage at the two **sites** indicated..the arginine residues..and the lysine residue..are removed to give insulin and C-peptide.  
K. H. Muench in T. M. Devlin, *Textbook of Biochemistry* xix. 943 (caption)
- 2015** The ER is an important **site** for protein folding in eukaryotes.  
B. H. Lee, *Fund. Food Biotechnol.* (ed. 2) i. 92

pathology

physiology

organic chemistry

6. † A framework of timber forming the foundation of a piece of scaffolding. *Obsolete. rare.* **1901**

- 1901** At a suitable distance from the intended wall a 'site' is first planted... This consists of a baulk of squared timbers, frequently about 4 in. square.  
J. Black, *Illustrated Carpenter & Builder Series: Scaffolding* 27

7. U.S. slang. A job on a fishing vessel. **1930-**

- 1930** **Site**, a place as fisherman aboard a fishing vessel.  
*American Speech* vol. 5 393
- 1957** Skipper Farrell won't offer a **site** to a cook who will only cook.  
*Maine Coast Fisherman* July 21/1
- 1977** Joe, who generally keeps his own counsel, tells me that he is hoping to get a **site**—a job—on the Sniktaw.  
*New Yorker* 15 August 46/3
- 2000** The Terminal docks teemed with healthy young guys seeking a **site**.  
W. McCloskey, *Breakers* vi. 81

commercial fishing

nautical

U.S. English

colloquial and slang

## 8. Computing.

8.a. The location of a computer or computer system, esp. one that runs a web server. 1970-

- [1969]** As [read at] some sites a great deal of work has gone into making the computer highly responsive to a sophisticated console.  
*S. Crocker, Request for Comments (Network Working Group) (Electronic text) No. 1. 6 ]*
- 1970** TO RECEIVE is added a parameter specifying a **site** to which the RECEIVE is to be sent.  
*Request for Comments (Network Working Group) (Electronic text) No. 61. 8*
- 1982** I would appreciate it if each **site** would take a moment to install the remainder of this message in their netnews source directory as file README.  
*net.general 3 January (Usenet newsgroup, accessed 10 Aug. 2006)*
- 2004** If things went to hell and the prime and backup **sites** both shut down, BC Central would have to fall back on its 'cold' disaster recovery centre in New Westminster, BC.  
*Enterprise September 12/3*

computing

8.b. The notional location on the World Wide Web at which a particular collection of related and linked web pages, typically produced by a single person, organization, etc., can be accessed; = **website n.** 1992-

See also [Compounds C.2.](#)

- 1992** This file gives me an updated list of most anonymous ftp **sites** and a quick description of the type of files available at each **site**.  
*InfoWorld (Nexis) 1 June*
- 1995** People who appear to be working at their screens could be..contributing to the Star Trek fan club or visiting Playboy magazine's **site**.  
*Computer Weekly 5 October 36/3*
- 2000** The emphasis is on what is called dwell time—how long a visitor can be kept on the **site** to view those all-important advertisements.  
*Computer Weekly 20 April 50/1*
- 2015** The ticker at the bottom of the **site**'s home page..tells you what the world is buying right now.  
*New York Magazine 10 August 57/1*

computing


## Phrases

plane of site: see [plane n.](#)<sup>3</sup> [Phrases P.5](#); Site of Special Scientific Interest: see [scientific adj.](#) [A.4b.](#)




## Pronunciation

### BRITISH ENGLISH

/saɪt/ 

sight

### U.S. ENGLISH

/saɪt/ 

sight

Pronunciation keys

## Forms

### Variant forms

Middle English	<b>citee</b> (transmission error), <b>sighte</b> , <b>siȝt</b> , <b>siȝte</b> , <b>siht</b> , <b>siȝt</b> , <b>syȝte</b> , <b>syhte</b> , <b>sytt</b>
Middle English–1500s	<b>sight</b>
Middle English–1600s	<b>syte</b>
Middle English–	<b>site</b>
1500s–1600s	<b>scyte</b>
1500s–1800s	<b>scite</b>
1600s	<b>sitt</b> ( <i>Scottish</i> )
1700s	<b>cite</b>

## Frequency

*site* is one of the 500 most common words in modern written English. It is similar in frequency to words like *free*, *nature*, *product*, *relationship*, and *test*.

It typically occurs about 200 times per million words in modern written English.

*site* is in frequency band 7, which contains words occurring between 100 and 1,000 times per million words in modern written English. [More about OED's frequency bands](#)

Frequency data is computed programmatically, and should be regarded as an estimate.

## Frequency of *site, n.*, 1750–2010

\* Occurrences per million words in written English

---

Historical frequency series are derived from Google Books Ngrams (version 2), a data set based on the Google Books corpus of several million books printed in English between 1500 and 2010.

The overall frequency for a given word is calculated by summing frequencies for the main form of the word, any plural or inflected forms, and any major spelling variations.

For sets of homographs (distinct entries that share the same word-form, e.g. *mole, n.*<sup>1</sup>, *mole, n.*<sup>2</sup>, *mole, n.*<sup>3</sup>, etc.), we have estimated the frequency of each homograph entry as a fraction of the total Ngrams frequency for the word-form. This may result in inaccuracies.

## Frequency of *site, n.*, 2017–2023

\* Occurrences per million words in written English

---

Modern frequency series are derived from a corpus of 20 billion words, covering the period from 2017 to the present. The corpus is mainly compiled from online news sources, and covers all major varieties of World English.

## Compounds & derived words

Sort by

**bairn-site, n.** a1400

Anxiety about children.

**site, v.** ?c1425-

transitive. To put (something) in a certain place or position; to situate.

**building site, n.** 1807-

An area of land where a structure is being or will be constructed, repaired, or renovated; = construction site, n.

**town site, n.** 1818-

The site of a town; spec. (in North America) a tract of land set apart by legal authority to be occupied by a town, and usually surveyed and laid out...

**mill site, n.** 1825-

A site of or suitable for a mill (originally a watermill); (Canadian) a lot granted to a person for the purpose of building and operating a...

**house site, n.** 1834-

**camping site, n.** 1844-

A place used for camping; = campsite, n.

**campsite, n.** 1850-

A place used for camping; (now esp.) a camping ground equipped for holidaymakers with toilets, showers, etc. Cf. camping site, n.

**homesite, n.** 1857-

North American. = home lot, n.

**roosting site, n.** 1863-

**site value, n.** 1865-

The value of a site of land.

**well site, n.** 1865-

**nest site, n.** 1867-

**nesting site, n.** 1870-

**dumpsite, n.** 1873-

A place where refuse or waste is deposited; a rubbish tip.

**hill site, n.** 1874-

**work site, n.** 1892-

**gunsite, n.** 1899-

A defended or fortified platform or structure at which artillery or ordnance is located for firing; an emplacement.

**housing site, n.** 1899-

**construction site, n.** 1903-

An area of land where a structure is being built, repaired, or renovated; = building site, n.

**island site, n.** 1907-

= island plot, n.

**picnic site, n.** 1907-

**site agent, n.** 1910-

a. An agent authorized to inspect, survey, and purchase land for development (rare); b. (in the construction industry) a person responsible for...

**caravan site, n.** 1921-

An area of land where caravans may be parked; esp. one where caravans are permanently parked and let to holidaymakers or used as living...

**accident site, n.** 1923-

**habitation site, n.** 1925-

A site where there has been a settlement.

**shadow-site, n.** 1929-

An archaeological site revealed by shadowing on the ground.

**type site, n.** 1935-

A site the features of which are used to define, or are paradigmatic of, a culture, stratigraphic

level, etc.

**occupation site, n.** 1938-

**off-site, adj. & adv.** 1939-

That is not on a site; situated or occurring away from a site.

**on-site, adj. & adv.** 1939-

Situated or occurring on a particular site.

**site assembly, n.** 1941-

Assembly of building components on site.

**launching site, n.** 1944-

**active site, n.** 1945-

A location on a surface, molecule, etc., which possesses specific catalytic or other chemical activity; spec. the part of an enzyme or other protein...

**bomb-site, n.** 1945-

Ground on which buildings, etc., have been destroyed by aerial bombing.

**viewsite, n.** 1945-

a. (In the language of estate agents) a site with a desirable prospect or view (view, n. II.10a) belonging or adjacent to a property (now somewhat...

**site visit, n.** 1948-

A visit made to a place by a person or group of people in an official capacity for the purpose of inspection or examination.

**missile site, n.** 1949-

**binding site, n.** 1950-

A location on a protein or other macromolecule, or on a cellular structure, at which chemical interaction with a specific active substance takes...

**site-specific, adj.** 1951-

Specifically relating to, connected with, or affecting a particular location; (now frequently) spec. (of a work of art, drama, etc.) specially...

**grave-site, n.** 1953-

**microsite, n.** 1954-

Computing. A small auxiliary website designed to function as a supplement to a primary website, typically narrowly focused in terms of content.

**multi-site, adj.** 1958-

Having or involving more than one site (in various senses).

**oversite, n.** 1965-

A layer of concrete beneath the ground floor of a building, used to seal the underlying earth. More fully concrete oversite, oversite concrete.

**landing site, n.** 1969-

**launch site, n.** 1969-

**scatter-site, adj.** 1972-

= scattered-site n. at scattered, adj. 2b.

**restriction site, n.** 1973-

A DNA sequence acted on by a restriction endonuclease.

**site-directed, adj.** 1974-

Designating a method for creating a mutation in a specific nucleic acid sequence; (also) designating an organism having such a mutation or the...

**civic amenity site, n.** 1976-

A facility owned or controlled by a local governing authority where the public can take household waste to be disposed of or recycled; cf. civic...

**mirror site, n.** 1979-

a. Physics a site in a crystal structure which is situated on a plane of mirror symmetry; b. Computing a part of an electronic database (esp. a...

**World Heritage Site, n.** 1980-

A natural or man-made site, area, structure, etc., recognized by UNESCO as being of outstanding international importance or cultural significance...

**ghost site, n.** 1984-

a. A computer system for which a location is recorded, but which has either been deleted or was never created (cf. site, n. 8a); b. a website that is...

**website, n.** 1993-

A collection of related and linked web pages hosted under a single domain name, typically produced by a single person, organization, etc.; the...

**chat site, n.** 1994-

A chat room on a website; a website featuring chat rooms.

**dating site, n.** 1995-

**dating web site, n.** 1996-

**black site, n.** 2005-

A secret site or facility at which covert military or intelligence operations are conducted, such as the detention and interrogation of suspected...

**topsite, n.** 2005-

An FTP server used to distribute and store illegal or pirated material.

**single-serving site, n.** 2006-

A website consisting of a single page which is designed to perform one simple function, such as answering a particular question.

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# EXHIBIT

10

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Black's Law Dictionary (12th ed. 2024), site

SITE

Bryan A. Garner, Editor in Chief

[Preface to the Twelfth Edition](#) | [Guide to the Dictionary](#) | [Legal Maxims](#) | [Bibliography of Books Cited](#)  
**site** (14c) **1.** A place or location; esp., a piece of property set aside for a specific use. **2.** SCITE.

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8 **IN AND FOR THE COUNTY OF YAVAPAI**

9 STRONG COMMUNITIES  
10 FOUNDATION OF ARIZONA  
11 INCORPORATED, ERIC LOVELIS,  
12 WILLIAM JOSEPH APPLETON, and  
13 LAURA HARRISON;

12 Plaintiffs,

13 v.

14 YAVAPAI COUNTY, *et al.*;

15 Defendants,

16 and

17 ARIZONA ALLIANCE FOR RETIRED  
18 AMERICANS, *et al.*;

18 Intervenor-Defendants.

Case No. S1300CV202400175

**SEPARATE STATEMENT OF  
FACTS IN SUPPORT OF THE  
PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT**

(Assigned to the Hon. Tina R. Ainley)

20 Pursuant to Arizona Rule of Civil Procedure 56(c)(3)(A), Plaintiffs Strong  
21 Communities Foundation of Arizona, Incorporated, Eric Lovelis, William Joseph Appleton,  
22 and Laura Harrison, by and through undersigned counsel, set forth the following facts in  
23 support of their Motion for Summary Judgment.  
24  
25  
26



1 ORIGINAL filed and served via electronic  
2 means this 31st day of October, 2024, upon:

3 Honorable Tina R. Ainley  
4 Division 3  
5 Yavapai County Superior Court  
6 c/o Dawn Paul, Judicial Assistant  
7 dapaul@courts.az.gov

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By: /s/ James Rogers

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5 IN AND FOR THE COUNTY OF YAVAPAI

6 STRONG COMMUNITIES FOUNDATION  
7 OF ARIZONA INCORPORATED, ERIC  
8 LOVELIS, WILLIAM JOSEPH  
9 APPLETON, and LAURA HARRISON,

No. S1300CV202400175

Plaintiffs,

v.

**DECLARATION OF MICHELLE  
BURCHILL**

10 YAVAPAI COUNTY; CRAIG L. BROWN,  
11 JAMES GREGORY, DONNA G.  
12 MICHAELS, MARY MALLORY, and  
13 HARRY B. OBERG, in their respective  
14 official capacities as members of the  
15 Yavapai County Board of Supervisors;  
16 MICHELLE M. BURCHILL, in her official  
17 capacity as Yavapai County Recorder;  
18 MARICOPA COUNTY; BILL GATES,  
19 STEVE GALLARDO, THOMAS  
20 GALVIN, CLINT HICKMAN, and JACK  
21 SELLERS, in their respective official  
22 capacities as members of the Maricopa  
County Board of Supervisors; STEPHEN  
RICHER, in his official capacity as  
Maricopa County Recorder; COCONINO  
COUNTY; JERONIMO VASQUEZ,  
PATRICE HORSTMAN, ADAM HESS,  
JUDY BEGAY, and LENA FOWLER, in  
their respective official capacities as  
member of the Coconino County Board of  
Supervisors; and PATTY HANSEN, in her  
official capacity as Coconino County  
Recorder;

Defendants.

23 I, Michelle Burchill, declare:

24 1. I am the Yavapai County Recorder. Except as otherwise stated, this  
25 Declaration is based on my personal knowledge and if called upon, I could and would  
26 testify competently to the facts herein.

1  
2 2. I have worked for Yavapai County since March 2020, where I served in the  
3 Recorder's Office and the Elections Department in various roles including Elections  
4 Manager. On July 25, 2022, the Yavapai County Board of Supervisors appointed me to  
5 fill the position of County Recorder.

6 3. I am a certified election officer, having completed the Arizona Secretary of  
7 State's election officer certification training program as required by A.R.S. § 16-407.

8 4. I have reviewed the allegations contained in Plaintiffs' Special Action  
9 Complaint. Except for the alleged 2022 printer failures, all the procedures challenged in  
10 Plaintiffs' Complaint have been in successful practice for many years.

11 5. Plaintiff Laura Harrison is the only plaintiff alleged to be a registered voter  
12 in Yavapai County. Based on my inspection of voter records, Ms. Harrison has only been  
13 registered to vote in Yavapai County since mid-2023.

14 6. I am only aware of one printer "failure" that occurred during the 2022 general  
15 election. This was an isolated incident involving an issue with one printer's cable  
16 connection at a Chino Valley voting center, which was corrected in less than an hour.  
17 Voters at that location were still able to vote at the Chino Valley location using a different  
18 ballot marking device or could choose to go to another voting center located less than two  
19 miles away. The printer problem caused only a minor delay and no voters were deprived  
20 of their right to vote.

21 7. In instances where a voter's early ballot affidavit indicates the use of an  
22 assistant, staff at the Yavapai County Recorder's Office contact the voter and verify the  
23 voter used an assistant. This process includes verification of a voter's personal identifying  
24 information, such as a birthdate or the last four numbers of a voter's social security number,  
25 etc. If staff are unable to verify with the voter the use of an assistant, the ballot is rejected.  
26 This process complies with the requirement in A.R.S. § 16-550(A) that the county recorder  
27 or officer in charge of elections "make reasonable efforts to contact the voter, advise the  
28 voter of the inconsistent signature and allow the voter to correct or the county to confirm

1 the inconsistent signature.”

2 8. The Yavapai County Recorder’s Office does not cancel voter registrations  
3 based on information provided by ADOT’s Service Arizona system that a voter has moved  
4 to another county. In accordance with A.R.S. § 16-112, a voter who changes the voter’s  
5 driver’s license address through Service Arizona may also concurrently request to change  
6 the voter’s registration to the new address. It is the voter, and only the voter, that initiates  
7 the change. In such circumstances, the voter’s change request is automatically sent to the  
8 Recorder of the new Arizona county which updates the records in the Arizona Voter  
9 Information Database “AVID” with the new registration request and sends notice of the  
10 change to the voter. The Yavapai County Recorder has no involvement in this process and  
11 receives no notice that the voter’s address has been changed to another county in the  
12 Statewide AVID database.

13 9. To cure signature discrepancies on early ballot envelopes, Recorder staff  
14 contact the voter and verify the signature, in compliance with A.R.S. § 16-550(A). This  
15 process includes verification of a voter’s personal identifying information, such as a  
16 birthdate or the last four numbers of a voter’s social security number, etc. If staff are unable  
17 to verify the signature with the voter, the ballot is rejected.

18 10. As County Recorder, I oversee early voting in Yavapai County, including the  
19 use of drop boxes to collect voter’s early ballot envelopes.

20 11. Yavapai County presently has 19 drop boxes throughout the County. All 19  
21 are on government owned or controlled property and are available for voters to use to  
22 deliver their early ballot envelopes 24 hours a day, seven days a week during the 27-day  
23 early voting period.

24 12. Based on my research and communications with employees of my office, I  
25 am informed and believe that Yavapai County first began using drop boxes in the early  
26 2000s.

27 13. Yavapai County voters overwhelmingly choose to use drop boxes as their  
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1 method of delivering their early ballot envelopes to the County Recorder. For the 2022  
2 General Election, approximately 71,739 of the 124,871 ballots cast (57.45%) were cast by  
3 voters who returned their ballots using a drop box.

4 14. Yavapai County's drop boxes are established by county elections officials  
5 and are under the monitoring and control of County staff. Following the requirement in  
6 the Elections Procedures Manual that the County Recorder develop and implement  
7 procedures to ensure the security of drop boxes, Yavapai County's drop boxes are protected  
8 by numerous security features. These include narrow insert slots to prevent unauthorized  
9 removal of ballots, fire suppression systems inside the boxes, two separate locks with  
10 different keys that are unique to each drop box, cameras, and detailed retrieval protocols.  
11 In addition, the County recently upgraded exterior lighting around many of the drop box  
12 locations.

13 15. The cameras are placed at the drop boxes only during the early voting period,  
14 through election day. They are motion-activated, solar-powered, and have night-vision.

15 16. We have developed robust security protocols for retrieval of early ballot  
16 envelopes from drop boxes. Those protocols include retrieval by County employees who  
17 have been subjected to a background check and taken an oath to uphold the law. In  
18 addition, we review the voter registration of the County employees who retrieve early  
19 ballot envelopes to confirm that the teams of two ballot retrievers are from different  
20 political parties and have maintained their party affiliation for at least two years prior to  
21 undertaking this work.

22 17. County employees retrieving early ballot envelopes begin and end their route  
23 at the County Recorder's Office. They do not operate on a set schedule. They use County-  
24 owned vehicles when visiting the drop boxes and wear vests that identify them as County  
25 employees.

26 18. The ballot retrievers place the early ballot envelopes in ballot bags, which  
27 they seal with numbered seals. These ballot bags are similar to the type that are used to  
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1 collect ballots from in-person voting locations during in-person early voting and on  
2 election day.

3 19. The ballot retrievers also complete chain of custody documentation that  
4 includes their names, the date, the time they leave the County Recorder's Office, the time  
5 they arrive at a drop box, the condition of the drop box, the time they leave the drop box,  
6 the time they return to the Recorder's Office, and the signatures of the ballot retrieval team  
7 and the employees who receive the ballots at the Recorder's Office.

8 20. Delivery of early ballot envelopes by drop box has several significant  
9 advantages over delivery by mail, including certainty of timely delivery, a shorter chain of  
10 custody and cost.

11 21. Mail sent from a home or United States Postal Service location (*e.g.*, a post  
12 office or a blue USPS box) is usually routed through a distribution center Phoenix, even if  
13 sent to the Yavapai County Recorder from a location in Yavapai County. This often takes  
14 five or more days. I am informed and believe that mail in some other Arizona counties is  
15 routed through distribution centers located outside of Arizona.

16 22. Ballot drop boxes are locked by county election workers or city or town  
17 clerks at 7:00 pm on election day, and no additional early ballot envelopes can be deposited  
18 in them after that time. Ballots mailed to the County Recorder can arrive weeks or even  
19 months after the 7:00 pm election day deadline. Indeed, we have received by mail  
20 approximately 250 ballots from the 2022 General Election after the deadline.

21 23. Under Arizona law, counties pay the cost of return postage when an early  
22 ballot is sent through the U.S. Mail. Yavapai County saved more than \$ 45,000 in the 2022  
23 General Election due to voters using drop boxes instead of the U.S. Mail to deliver their  
24 early ballot envelopes.

25 24. I am not aware of any tampering with drop boxes that has damaged ballots  
26 such that they could not be tabulated or duplicated for tabulation. Nor am I aware of any  
27 instance of early ballot envelopes that were deposited in a drop box, but not timely received  
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1 by the County Recorder.

2 25. By eliminating the several extra days necessary for mailing, use of drop  
3 boxes allows Yavapai County more time meet its statutory obligations to conduct signature  
4 verification and contact voters to cure missing or inconsistent signatures. In addition,  
5 political parties and candidates have access to more information about which early voters  
6 have not yet returned their ballots to better target their get out the vote efforts.

7 26. The Yavapai County Recorder's Office does not have sufficient staff or  
8 budget to have election officials present at each drop box location in Yavapai County  
9 during the 2024 election. If election officials were required to be present at all drop box  
10 locations, Yavapai County would have to discontinue the use of drop boxes. Even if the  
11 County could afford for elections officials to always be present at drop boxes, it would be  
12 unreasonable to expect them to do so given Arizona's extreme climate, particularly in  
13 summer and winter.

14 27. If drop boxes were eliminated as a means for Yavapai County voters to return  
15 their early ballot envelopes, it would negatively affect Yavapai County voters for many  
16 reasons. As described above, early ballot envelopes sent by mail can and do arrive after  
17 the 7:00 pm election day deadline. If the 57% of Yavapai County ballots presently  
18 delivered using drop boxes were mailed, I anticipate a greater incidence of late ballots,  
19 which then cannot be counted.

20 28. If drop boxes are not available, many more Yavapai County voters might  
21 choose to vote early in-person. Yavapai County has not previously used in-person early  
22 voting locations that are open every day during the 27-day early voting period, though we  
23 do provide in-person early voting at the two Recorder's Office locations and in the Town  
24 of Prescott Valley when those offices are open. I anticipate that it would be very difficult  
25 to find locations that can accommodate a vote center for the entire early voting period, and  
26 the County has not budgeted for rental of such locations and the employees necessary to  
27 staff such locations. Additionally, even if the County can provide the funds for these  
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1 facilities and employees, it would require additional staff that the County does not presently  
2 employ.

3 29. Voters choosing not to return their early ballots by mail, including those who  
4 do not get their ballots in the mail in time to be received by my office by 7:00 pm on  
5 election day, may decide to vote in person on election day. The Elections Department,  
6 which is responsible for election day voting, will have little information on how many  
7 voters may vote in person, and therefore will be unable to accurately plan for in-person  
8 turnout, potentially leading to long wait times and other issues on election day. Eliminating  
9 drop boxes would increase the chance that voters will hold on to their ballots and turn them  
10 in in person at voting centers on election day, which could lead to long lines and delays.

11 30. In-person voter turnout on election day is subject to other variables, including  
12 the weather. If there is bad weather on election day, fewer people will go to a voter center  
13 to exercise their right to vote. Using drop boxes ameliorates the risk of reduced voter  
14 turnout on election day due to bad weather.

15 31. Voters rely heavily on drop boxes in vote-by-mail elections for local  
16 jurisdictions, as vote centers are not available.

17 32. In addition, eliminating the current drop boxes as a means for voters to return  
18 their early ballot envelopes is very likely to cause voter confusion for those Yavapai  
19 County voters who have used the drop boxes for many years.

20 33. Voting instructions for the 2024 primary election have already gone to the  
21 printer and it is too late to change them. Even if we were given adequate time, we would  
22 need to invest substantial resources in providing new information about how voters can  
23 return their ballots, including rewriting instructions provided with early ballots, updating  
24 information on our website, and conducting informational campaigns, especially for the  
25 many Yavapai County residents who lack reliable internet access.

26 34. The preparation for an election begins many months in advance and has  
27 many critical deadlines within these months to meet by Election Day. The Recorder's  
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office begins working with our print and mail vendor to ensure statutorily required materials and notices have been proofed, tested, and ordered in sufficient quantities. Vendors also have deadlines with their suppliers. County department budgets have been established. Any unknown changes to the operation of an election may adversely affect those resources, such as hiring adequate staffing, possible procurement of additional equipment, and additional mailings and print ads to notify voters. A critical deadline for voter instructions is the Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”) deadline which is 45 days prior to an election. Citizens begin receiving their ballots 45 days before an election. I declare under penalty of perjury under the laws of the State of Arizona that the foregoing is true and correct.

Executed this 29<sup>th</sup> day of March, 2024 in Prescott, Arizona.

  
Michelle Burchill

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