

ARIZONA STATE SENATE

RESEARCH STAFF



KAYTIE SHERMAN
ASSISTANT RESEARCH ANALYST

TO: MEMBERS OF THE SENATE
JUDICIARY & ELECTIONS COMMITTEE

ZACK DEAN
LEGISLATIVE RESEARCH ANALYST
JUDICIARY & ELECTIONS COMMITTEE
Telephone: (602) 926-3171

DATE: March 24, 2025

SUBJECT: Strike everything amendment to H.B. 2129, relating to elections procedures

Purpose

Modifies elections procedures relating to special district mail ballot elections, hand count audits, inactive voters on the active early voting list (AEVL) and the circumstances relating to the cure period which require the county recorder or city or town clerk's office to be open during the weekend before and after the election.

Background

At least 90 days before any polling place election scheduled in March or August, the county recorder or other officer in charge of elections must mail a prescribed election notice to all voters who are included on the AEVL and who are eligible for the election. The notice must include the election dates that are the subject of the notice, the dates that the voter's ballot is expected to be mailed and the address where the ballot will be mailed. By the first day of early voting, the county recorder or other officer in charge of elections must mail an early ballot to all eligible voters on the AEVL. After a voter has requested to be included on the AEVL, the voter must be sent an early ballot by mail automatically until: 1) the voter requests, in writing, to be removed from the AEVL; 2) the voter's registration or eligibility for registration is moved to inactive status or canceled; 3) notice sent by the county recorder or other officer in charge of elections is returned undeliverable and the voter's continued desire to remain on the list is undetermined; or 4) the voter fails to vote an early ballot in all elections for two consecutive election cycles ([A.R.S. § 16-544](#)).

The county recorder or other officer in charge of elections must allow signatures to be corrected by the fifth business day after a primary, general or special election that includes a federal office or the third business day after any other election. In addition to the office's regular business hours, the county recorders and any city or town clerks' offices that have an agreement with a county to be used as locations at which a voter may submit proof of identification must be open during regular business hours to allow for curing signatures during the Friday and weekend before the election, and the Friday and weekend after the election. Regular business hours include at a minimum 8:00 a.m. until 5:00 p.m. ([A.R.S. § 16-550](#)).

The county officer in charge of elections must conduct a limited hand count audit for each countywide primary, special, general and presidential preference election. The races to be counted must include up to five contested races and must be determined by selecting the races by lot without the use of a computer, as follows: 1) one statewide ballot measure, if applicable, for a general election; 2) one contested statewide office race; 3) one contested race for federal office, as prescribed; and 4) one contested race for state legislative office, as prescribed. If there are fewer than four contested races resulting from the selections made additional contested races must be selected, if available, and by lot without the use of a computer until four races have been selected or until no additional contested races or ballot measures are available for selection. If there are no contested races, a hand count may not be conducted for that precinct for that election. Upon notice

of a shortage in hand count workers, the political parties have until 9:00 a.m. on the second Thursday preceding the election to provide the county officer in charge of elections with an additional list of qualified electors who are willing to participate in the hand count. The hand count may not be conducted if more than 75 percent of the persons performing the hand count are from the same political party ([A.R.S. § 16-602](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits a voter who is moved to inactive status and removed from AEVL from receiving an early ballot unless the voter updates or confirms the voter's registration information.
2. Specifies that the county recorder or other officer in charge of elections is not required to mail, to persons listed as inactive on the AEVL, the AEVL notice that includes the election dates, the date that the voter's ballot is expected to be mailed and the address where the ballot will be mailed.
3. Excludes voters who are listed as inactive from being mailed a ballot for a special district mail ballot election.
4. Specifies that, in addition to allowing for electors to obtain replacement ballots, the replacement ballot center for special district mail ballot elections must allow electors who are listed as inactive the opportunity to confirm or revise the elector's voter registration information and receive a ballot.
5. Stipulates that, if there are no ballots remaining that require identification or signatures to be cured for a primary, general or special election that includes a federal office, the county recorder and city and town clerks are not required to be open during the weekend before and after the election.
6. Requires a candidate who wishes to withdraw the person's name for candidacy to submit a signed and notarized statement of withdrawal to the appropriate filing officer.
7. Stipulates that one contested county race may be used in the hand count audit for primary, special and general elections if there is an insufficient number of contested federal, statewide or legislative races or ballot measures to satisfy the hand count audit requirements.
8. Requires additional uncontested races to be selected for the hand count audit by lot without the use of a computer until up to five races have been selected, if there is an insufficient number of contested federal, county, statewide or legislative races or ballot measures to select from.
9. Allows the county or state party chairperson of each political party to select persons from any political party to perform the hand count audit if:
 - a) a political party designee fails to appear for the hand count audit; and
 - b) the selection of persons to perform the hand count audit complies with the 75 percent threshold of hand count workers from the same political party and does not delay the hand count.

10. Adds alternates to the additional list of qualified electors who are willing to participate in the hand count audit that the political parties, after being notified of a shortage in hand count workers, provide to the county officer in charge of elections.
11. Makes technical and conforming changes.
12. Becomes effective on the general effective date.