



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR H.B. 2780

voter lists; images; voting records

Purpose

Requires the Secretary of State (SOS) to establish a 2022 General Election Ballot Image Pilot Program (Pilot Program) and outlines requirements for the Pilot Program. Requires a county recorder to submit to the SOS a list of outlined information on all registered voters at least 10 days before a primary and general election and a list of all persons who voted in an election no more than 48 hours after the delivery of the official county canvass. Requires the SOS to make public the list of voters by way of a voter list database or portal with outlined exemptions.

Background

The SOS must develop and administer a statewide voter registration database that contains the name and registration information of every registered voter in Arizona. The database must: 1) include a unique identifier for each voter; 2) allow access to voter registration officials; and 3) allow expedited entry of voter registration information once received by county recorders ([A.R.S. § 16-168](#)). The database must include a voter's registration status and personal identifying information, including the registrant's: 1) name; 2) residence address or location; 3) date of birth; and 4) attestation of citizenship ([E.P.M. Ch.1 \(IV\)](#)).

Precinct registers and other lists and information derived from voter registration forms may only be used for: 1) purposes relating to a political activity, political campaign or election; 2) revising election district boundaries; or 3) any other purpose authorized by law. A county recorder, the SOS or an officer in charge of elections, on a request for an authorized use, must prepare additional copies of the list and furnish them to any requesting person on payment of a statutory fee, based on the number of voter registration forms provided. Any person in possession of a precinct register or list may not allow the register or list to be used, bought, sold or transferred for any non-authorized purpose ([A.R.S. § 16-168](#)).

The officer in charge of elections must ensure that electronic or digital ballot images are protected from physical or electronic access, including unauthorized copying or transferring, and that all security measures are at least as protective as those for paper ballots ([A.R.S. § 16-625](#)).

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

Provisions

2022 General Election Ballot Image Pilot Program & Voter List Databases

1. Requires the SOS to establish a Pilot Program and requires a county recorder or other officer in charge of elections, within 48 hours of the official county canvass, to submit all images of ballots cast in the 2022 general election to the SOS.
2. Requires the SOS, upon receipt of the 2022 general election ballot images, to immediately make the images available to the public by way of an online ballot image database or web portal (ballot image database) in a convenient downloadable format.
3. Requires the SOS to provide access to the ballot image database or web portal for 24 months following the November 2022 general election to any person who provides the person's name, email, phone number and street address.
4. Requires a county recorder or other officer in charge of elections to provide for an identifying indicator to be linked to ballots and ballot images that, when combined with access to a cast vote record, allows a person a reasonable basis to independently confirm tabulation results by batch of ballots.
5. Prohibits an identifying indicator on a ballot image from being linked to a voter.
6. Requires a county officer in charge of elections to ensure that paper ballots are stored in a manner that allows for convenient retrieval.
7. Asserts that the SOS, a county recorder or other officer in charge of elections is not liable for any personally identifying information, handwritten statements or other notations made or provided by a voter that is included on a digital ballot image.
8. Allows any person to download or print digital copies of ballot images.
9. Repeals the Pilot Program January 1, 2025.
10. Requires a county recorder, at least 10 days before a primary and general election, to submit a list of the name, year of birth, street address and precinct number of all voters registered to vote in an election to the SOS.
11. Requires the list of all persons registered to vote in an election provided to the SOS by a county recorder to:
 - a) list only the number of voters by precinct whose names and addresses are statutorily protected or who are enrolled in the Address Confidentiality Program; and
 - b) include voters who are on the inactive voter list.
12. Requires the SOS to provide access to the voter list database containing the list of eligible voters on the SOS website.
13. Prohibits the SOS from publishing a voter's personal identifying information.

14. Requires a county recorder or other county officer in charge of elections, after a primary and general election and within 48 hours of delivery of the official county canvass, to submit the following to the SOS:
 - a) a list of the name, year of birth, street address, precinct number and method of voting of all persons who voted in the election; and
 - b) the cast vote records in a sortable format.
15. Requires the SOS to immediately make the list of voters registered to vote in an election, the list of persons who voted in an election and the cast vote record (voter list database) available to the public by way of an online voter list database or web portal.
16. Prohibits a county recorder or other officer in charge of elections from submitting a voter's personal identifying information to the SOS and requires a county recorder or other officer in charge of elections only list the number of voters by precinct whose names and addresses are protected or who are enrolled in the Address Confidentiality Program.
17. Requires the SOS to provide access to the voter list database or web portal online in a convenient downloadable format immediately after receipt of the voter information from a county recorder or other officer in charge of elections.
18. Requires a person, in order to be granted access to the voter list database or web portal, to provide the applicant's name, email, phone number and street address to the SOS.
19. Prohibits a person who received access to the voter list or ballot image databases or web portals from providing information derived from the voter list or ballot image databases or web portals to any other person who has not been provided access by the SOS.
20. Requires a person requesting access to the voter list or ballot image databases or web portals to confirm that the person will not provide information derived from the voter list or ballot image databases or web portals to an unauthorized person.
21. Classifies, as a class 1 misdemeanor, providing information derived from the voter list or ballot image databases or web portals to an unauthorized person.
22. Requires a county officer in charge of elections to ensure that paper ballots are stored in a manner that allows for convenient retrieval.
23. Prohibits a person from using information derived from the voter list database or web portal for commercial purposes.
24. Requires the total number of protected voters to be included on the list of persons who voted in an election and the cast vote record without any voter's names, addresses or other information.
25. Defines *cast vote record* as an electronic record of the voters' selections as captured by a tabulation device from a ballot or a ballot image that cannot be linked to a specific voter.

26. Defines *personal identifying information* as the voter's:
- a) month and day of birth;
 - b) driver license number;
 - c) nonoperating identification license number;
 - d) social security number or portion of that number, as applicable;
 - e) Indian census number;
 - f) father's name and mother's maiden name;
 - g) state and county of birth; and
 - h) the records that contain a voter's signature and a voter's email address.

Election Integrity Audits

27. Requires the Office of the Auditor General (OAG) to establish an audit team to perform election integrity process audits of county recorders' offices and county elections departments.
28. Requires the OAG, each election cycle, to conduct an election integrity audit on at least one county the OAG chooses through random selection that examines least one of the following:
- a) voter registration, maintenance of voter registration rolls and maintenance of the Active Early Voting List (AEVL);
 - b) early ballot processing and signature verification processing, including the separation of early ballots into batches or other groupings, ballot drop box security and early ballot election processing board;
 - c) tabulation of ballots, including ballot adjudication and duplication, security issues while tabulating and logic and accuracy testing and administration; and
 - d) polling place administration, voting center administration, central counting center administration and chain of custody of ballots, equipment and removable storage devices.
29. Allows the OAG to make recommendations to counties, the SOS and the Legislature to address findings identified in election integrity audits.
30. Requires a county subject to an election integrity audit to notify the OAG in writing whether the county board of supervisors or county recorder agree or disagree with the findings of an election integrity audit and will implement election integrity audit recommendations, implement modifications to the recommendations or refuse to implement the recommendations.
31. Requires a county to submit written status reports on the implementation of election integrity audit recommendations at the request of the OAG within the two-year period following the issuance of the election integrity audit.
32. Requires the OAG to review a county's progress toward implementing election integrity audit recommendations for up to two years.
33. Allows the OAG to review a county's progress towards implementing election integrity audit recommendations that have not yet been implemented beyond the two-year period.

34. Requires the OAG to report any election integrity audit findings and recommendations and the status of a county's progress towards implementation to the President of the Senate, Speaker of the House of Representatives, Joint Legislative Audit Committee (JLAC), the Governor, SOS and Attorney General (AG).
35. Requires a county subject to an election integrity audit to:
 - a) post the election integrity audit report and implementation status report on the county website; and
 - b) participate in any hearing related to the election integrity audit scheduled by JLAC.
36. Requires the OAG and the OAG's authorized representatives, for the purpose of election integrity audits, to have access to:
 - a) any personnel and data from a county recorder's office and any county elections department, Arizona Department of Transportation (ADOT) and the SOS, including access to electronic data or data and property from a third party that the OAG deems necessary to perform election integrity audit duties, including voter registration data; and
 - b) polling places, voting centers and central counting centers.
37. Requires data required by the OAG for election integrity audits to be provided in the manner and format prescribed by the OAG.
38. Defines *election integrity audit*.
39. Repeals statutory authorization for election integrity audits on January 1, 2030.

Auditor General

40. Requires the OAG to conduct annual, rather than biennial, financial and compliance audits of financial transactions and accounts kept by state agencies subject to federal single-audit requirements.
41. Requires school districts to submit a written status report on the implementation of OAG performance audit recommendations upon request of the OAG, rather than every six months within the two-year period following the audit.
42. Requires the recipient of a transportation excise tax, in addition to ADOT, to:
 - a) cooperate with and provide necessary information to the OAG; and
 - b) reimburse the OAG for the cost of conducting studies or hiring a consultant to conduct studies relating to county transportation excise tax monies.
43. Grants the OAG, in the performance of official duties, access to employees of state agencies, boards and commissions or political subdivisions of the state.
44. Requires the OAG to comply with statutory requirements relating to criminal history information.
45. Allows the OAG or the OAG's authorized representative to attend executive sessions, in the performance of any official duties, rather than only duties relating to special research requests, special audits, assignments designated by JLAC, performance audits and school district audits.

46. Allows the OAG, in the performance of official duties, to attend executive sessions of any entity subject to Arizona open meeting law, rather than only state agencies and school districts.
47. Requires officers of the state or a political subdivision to:
 - a) provide reasonable and needed facilities for OAG staff; and
 - b) make records available to OAG staff.
48. Requires the AG to supervise the prosecution of all individuals who violate statutory requirements for OAG access to executive sessions, records and information.
49. Classifies, as a class 6 felony, knowingly obstructing or misleading the OAG in the execution of the OAG's duties.
50. Increases, from a class 2 misdemeanor to a class 6 felony, the classification for a failure to provide access and examination to the OAG by a person or officer.

Miscellaneous

51. Increases, from five days to seven days after the completion of an election canvass and declaration of an election, the number of days in which an elector may file a written statement in order to contest a state election.
52. Makes technical and conforming changes.
53. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Requires a county recorder to post the list of eligible voters on the county recorder's website and redact the voter's personal identifying information before posting the list and as applicable.
2. Requires the county recorder's list of all eligible persons include voters who are on the inactive voter list.
3. Requires a county recorder to submit a list of persons who voted in an election, ballot images and the vote cast record to the SOS for publishing within 48 hours after the delivery of the official county canvass, rather than 5 days before the county canvass.
4. Requires the list of persons who voted in an election to include voters names and addresses and requires the county recorder or other officer in charge of elections to redact a voters' personal identifying information.
5. Requires the SOS, rather than a county recorder or other county officer in charge of elections, to publish:
 - a) a list of all persons who voted in the election, the including the person's name, address and method of voting;
 - b) all ballot images; and
 - c) the cast vote in a sortable format.

6. Prohibits a person from using a voter list that is published or posted for commercial purposes.
7. Requires the total number of protected voters to be included on the list of persons who voted in an election, ballot images and the vote cast record without including any names, addresses or other information for those protected voters.
8. Defines *personal identifying information* as the voter's:
 - a) month and day of birth only;
 - b) driver license number;
 - c) nonoperating identification license number;
 - d) social security number or portion of that number, as applicable;
 - e) Indian census number;
 - f) father's name;
 - g) mother's maiden name;
 - h) state and county of birth; and
 - i) the records that contain a voter's signature and a voter's email address.
9. Makes technical and conforming changes.

Amendments Adopted by Committee of the Whole

1. Increases, from five days to seven days after the completion of an election canvass and declaration of an election result, the number of days in which an elector may file a written statement to contest a state election.
2. Replaces the requirement that the county recorder or other officer in charge of elections post ballot images online after the primary and general election with a requirement that the SOS establish a Pilot Program.
3. Requires, within 48 hours of the official county canvass, a county recorder or other officer in charge of elections to submit all ballot images of ballots cast in the 2022 general election to the SOS.
4. Requires the SOS, upon receipt of the 2022 general election ballot images, to immediately make the images available to the public by way of an online ballot image database or web portal in a convenient downloadable format.
5. Requires a county recorder to submit to the SOS, rather than publish, a list of all registered voters at least 10 days before a primary and general election and a list of all persons who voted no more than 48 hours after the delivery of the official county canvass.
6. Requires the SOS, upon receiving the list of registered voters and list of persons who voted in an election, to immediately make the lists available to the public by way of an online voter list database or web portal.
7. Requires a county recorder or other officer in charge of elections to only include the number of voters and persons who voted by precinct for voters whose names and addresses are protected or confidential in the list of registered voters.

8. Requires the SOS to provide access to the voter list database or web portal and the online ballot image database or web portal on the SOS's website.
9. Replaces the requirement that a county recorder redact a voter's personal identifying information with a prohibition on the SOS publishing a voter's personal identifying information in the list of registered voters.
10. Restricts the information that may be included in the list of registered voters and the list of persons who voted in an election to a voter's name, year of birth, street address and precinct number.
11. Requires a person, in order to be granted access to the voter list database or web portal and the online ballot image database or web portal, to provide the applicant's name, email, phone number and street address to the SOS.
12. Prohibits a person who received access to the voter list database or web portal or the online ballot image database or web portal from providing information derived from either database or web portal to any other person who has not been provided access by the SOS.
13. Requires a person requesting access to the voter list database or web portal or the online ballot image database or web portal to confirm that the person will not provide information derived from the database or web portal to an unauthorized person.
14. Classifies, as a class 1 misdemeanor, providing information derived from the voter list database or web portal or the online ballot image database or web portal to an unauthorized person.
15. Requires the SOS to provide access to the voter list database or web portal for 24 months following the November 2022 general election to any person who provides the person's name, email, phone number and street address.
16. Requires a county recorder or other officer in charge of elections to provide for an identifying indicator to be linked to ballots and ballot images that, when combined with access to a cast vote record, allows a person a reasonable basis to independently confirm tabulation results by batch of ballots.
17. Prohibits an identifying indicator on a ballot image from being linked to a voter.
18. Asserts that the SOS, a county recorder or other officer in charge of elections is not liable for any personally identifying information, handwritten statements or other notations made or provided by a voter that is included on a digital ballot image.
19. Repeals the Pilot Program January 1, 2025.
20. Defines cast vote records and personal identifying information.
21. Requires the OAG to establish an audit team to perform election integrity process audits of county recorders' offices and county elections departments.

22. Requires the OAG, each election cycle, to conduct an election integrity audit on at least one county the OAG chooses through random selection that examines least one of the following:
 - a) voter registration, maintenance of voter registration rolls and maintenance of the AEVL;
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 - c) tabulation of ballots, including ballot adjudication and duplication, security issues while tabulating and logic and accuracy testing and administration; and
 - d) polling place administration, voting center administration, central counting center administration and chain of custody of ballots, equipment and removable storage devices.
23. Allows the OAG to make recommendations to counties, the SOS and the Legislature to address findings identified in election integrity audits.
24. Requires a county subject to an election integrity audit to notify the OAG in writing whether the county board of supervisors or county recorder agree or disagree with the findings of an election integrity audit and will implement election integrity audit recommendations, implement modifications to the recommendations or refuse to implement the recommendations.
25. Requires a county to submit written status reports on the implementation of election integrity audit recommendations at the request of the OAG within the two-year period following the issuance of the election integrity audit.
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27. Allows the OAG to review a county's progress towards implementing election integrity audit recommendations that have not yet been implemented beyond the two-year period.
28. Requires the OAG to report any election integrity audit findings and recommendations and the status of a county's progress towards implementation to the President of the Senate, Speaker of the House of Representatives, JLAC, the Governor, SOS and AG.
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 - b) participate in any hearing related to the election integrity audit scheduled by JLAC.
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 - a) any personnel and data from a county recorder's office and any county elections department, ADOT and the SOS, including access to electronic data or data and property from a third party that the OAG deems necessary to perform election integrity audit duties, including voter registration data; and
 - b) polling places, voting centers and central counting centers.

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 - a) cooperate with and provide necessary information to the OAG; and
 - b) reimburse the OAG for the cost of conducting studies or hiring a consultant to conduct studies relating to county transportation excise tax monies.
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41. Requires officers of the state or a political subdivision to:
 - a) provide reasonable and needed facilities for OAG staff; and
 - b) make records available to OAG staff.
42. Requires the AG to supervise the prosecution of all individuals who violate statutory requirements for OAG access to executive sessions, records and information.
43. Classifies, as a class 6 felony, knowingly obstructing or misleading the OAG in the execution of the OAG's duties.
44. Increases, from a class 2 misdemeanor to a class 6 felony, the classification for a failure to provide access and examination to the OAG by a person or officer.
45. Makes technical and conforming changes.

Amendments Adopted by the Senate Sitting as in Committee of the Whole

1. Removes the requirement that a county recorder or other county officer in charge of elections:
 - a) after a primary and general election and within 48 hours of delivery of the official county canvass, are to submit ballot images to the SOS; and
 - b) ensure that paper ballots are sorted in a manner that allows for convenient retrieval.

House Action

Senate Action

GE	2/16/22	DPA	7-6-0-0	GOV	3/21/22	DPA	4-2-1
3 rd Read	2/28/22		31-26-3				

Prepared by Senate Research

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MH/HW/slp