ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

REVISED
FACT SHEET FOR S.B. 1733

primary; identification; canvass; recounts; ballots

Purpose

An emergency measure that modifies the timelines and certain procedures relating to the conduct of elections.

Background

Statutes outlines requirements relating to the conduct of elections, including the timeframes by which certain elections related tasks must be completed. The primary election is held on the first Tuesday in August and the biennial general election is held on the first Tuesday after the first Monday in November of even numbered years. Early voting commences 27 days prior to the election and ends at 5:00 p.m. on election day. For an early ballot affidavit envelope with any inconsistencies, the elector may cure the signature within five business days of a primary, general or special election with a federal office on the ballot or within three business days for all other elections. The county board of supervisors (county BOS) must canvass an election between 6 and 20 days after an election (A.R.S. Title 16).

S.B. 1733 appropriates $1,200,000 from the state General Fund (GF) in FY 2024 to the Secretary of State (SOS) and appropriates an unspecified amount from the Citizens Clean Elections Fund in FY 2024 to the SOS.

Provisions

Election Dates

1. Moves the 2024 primary election to July 30, 2024.

2. Moves, beginning in 2026, the primary election from the first Tuesday in August to the second Tuesday in May.

3. Prohibits, beginning in 2026, an election from being held on the third Tuesday in May.

4. Moves the date by which the county BOS must establish a convenient number of election precincts in the county and define the boundaries of the precincts from October 1 to July 1 of each year preceding the year of a general election.

5. Moves the effective date of new precinct boundaries from January 2 of the year of the general election to October 1 of the year preceding the general election.

Canvass

6. Requires the county BOS to meet and canvass an election as follows, rather than between 6 ~~to~~ and 20 days following an election:
   a) by the second Monday after a primary election; and
   b) by the third Thursday after a general election.

7. Requires the SOS to canvass the primary election returns by the third Thursday, rather than the third Monday following an election, and issue a letter declaring nomination to candidates.

8. Requires a county BOS to deliver the official canvass by electronic means to the SOS within 13, rather than 14, calendar days.

9. Requires the SOS to canvass the general election by the third Monday, rather than the fourth Monday, after the election.

10. Requires a county BOS to first mail with a postmark or other similar date and time indicator and then electronically deliver a copy of the canvass to the SOS.

11. Exempts the county BOS's canvass of the primary and general election from the requirement that a canvass be postponed from day to day for up to six days if the returns from a polling place are missing.

12. Asserts that the electronic copy of the canvass from the BOS is sufficient for the SOS to conduct and issue the statewide canvass if the electronic copy includes a scan or other similar evidence that the paper official canvass was mailed before the electronic version was sent.

13. Removes the requirement that the state canvass be postponed day to day for up to 30 days after an election if the official canvass of any county has not been received by the fourth Monday after a general election.

Early Voting

14. Extends in-person early voting from 5:00 p.m. to 7:00 p.m. on the Friday preceding the election.

15. Replaces, beginning in 2026, the early ballot instructions with the prescribed statement:
    In order to be valid and counted, the ballot and mail affidavit must be delivered to the office of the county recorder or other officer in charge of elections or may be deposited at any polling place in the county not later than 7:00 p.m. on election day. The ballot will not be counted without the voter's signature on the envelope. The ballot shall be counted if the voter has presented a valid form of identification that complies with section 16-579, subsection A, paragraph 1, Arizona Revised Statutes.
    (Warning – it is a felony to offer or receive any compensation for a ballot.)

16. Allows, beginning in 2026, a voter to choose to provide identification when presenting the voter's mailed early ballot at any voting location.

17. Requires, for a voter who provides identification when presenting the voter's mailed early ballot, the election official to:
    a) require the voter to present identification that complies with the outlined identification requirements;
    b) confirm that the name and address on the identification appear to be the same name and address shown on the voter's registration record;
    c) place the early ballot and affidavit in the secured ballot box labeled for verified early ballots or stamp the signed affidavit with a stamp that reads *ID verified*; and
    d) maintain a tally of the number of ballots that have been deposited in the secured ballot box and sign an affidavit that includes the election official's name, the polling location, the time and date, the number of early ballots deposited according to the tally maintained by the election official and a statement sufficient to record and maintain the chain of custody for the ballots.

18. Specifies that the mailed affidavit envelope from a voter that presented valid identification is not required to be reviewed at the voting location and deems the voter's early ballot as ready for tabulation and that additional signature verification of the completed affidavit envelope is not required.

19. Exempts, from signature verification beginning in 2026, a voter's early ballot that is deposited at a voting location after the voter's identification is confirmed and deems the early ballot as ready for tabulating.

20. Specifies that, beginning in 2026, the early ballot of a voter whose identification could not be confirmed at a voting location must be delivered to the early election boards for processing.

21. Specifies that processing and tabulation of individual ballots may begin immediately after the envelope and completed mail affidavit are processed and delivered and must continue without delay until completed.

Cure Period

22. Requires the county recorder or other officer in charge of elections to allow signatures to be corrected after a primary, general or special election that includes a federal office for five calendar days, rather than five business days.

23. Requires, for a primary, general or special election that includes a federal office, the county recorder's offices to be open to allow for curing signatures during the weekend before and the weekend after the election in addition to the county recorder's regular business hours.

24. Rejects signatures that cannot be cured or verified pursuant to the newly prescribed signature verification guidelines.

25. Requires the county recorder, beginning with the first missing or mismatched signature identified after the period of early voting begins and through the Monday preceding the election, to submit a daily list to the two largest political parties of all voters whose signatures are missing or inconsistent with the signature on their voter registration record.

26. Requires the county recorder, beginning on the Wednesday after the election through the fifth calendar day after the election, to submit a daily list to the two largest political parties of all voters whose signatures are inconsistent with the signature on their voter registration record.

27. Require the list of voters whose signature requires curing to include all voter information that is provided to the two major political parties in precinct lists.

Signature Verification

28. Requires the county recorder or other officer in charge of elections to conduct signature verification of the early ballot affidavit in compliance with the newly prescribed requirements.

29. Requires the early ballot signature evaluator (evaluator) to examine all the broad characteristics of the signature.

30. Allows the evaluator to accept the signature as valid if the broad characteristics of the signature on the voter's ballot affidavit and registration record are clearly consistent.

31. Requires the evaluator, if the evaluator finds discrepancies between the signatures on the voter's ballot affidavit and registration record, to examine the local characteristics of the signature.

32. Allows the evaluator to accept the signature if the local characteristics are clearly consistent with the voter's signature in the registration record.

33. Requires the evaluator, if the evaluator finds a combination of broad and local characteristic differences between the signatures on the voter's ballot affidavit and registration record, to denote the signature for a second review using the same standards.

34. Requires electronic signatures to be evaluated as outlined and requires electronic signatures that use a typed font to be rejected.

35. States that the Legislature intends that the illustrations of broad and local characteristics in the 2020 SOS signature verification guide be used as a reference.

36. Exempts a ballot affidavit that contains a voter's mark that is accompanied by the signature of the voter assistant and early ballots tabulated on-site from the signature verification requirements.

37. Defines *broad characteristics* to include the type of writing, the speed of writing, overall spacing, overall size and proportions, position of the signature and spelling and punctuation.

38. Defines *evaluator* as the individual who is designated by the county recorder or officer in charge of elections and who conducts signature verification.

39. Defines *local characteristics* to include internal spacing, the size or proportions of a letter or letter combination, curves, loops or cross points, the presence or absence of pen lifts, and the beginning and ending strokes.

40. Defines *signature verification* as the process of manually comparing the signature on a voter's affidavit envelope or ballot affidavit with the voter's signature in the voter's registration record.

District High Schools

41. Requires, beginning in 2026, district high schools and school district offices to provide sufficient space for use as a polling place for any city, county or state election when requested by the officer in charge of elections.

42. Terminates, in 2026, the requirement that a public school provide sufficient space for use as a polling place upon request and the ability of the principal of a school to deny a request to provide space for outlined reasons.

43. Requires, beginning in 2026, district high schools to close on every primary and general election day and requires teachers and staff to receive or conduct in-service training or development activities on those election days.

44. Prohibits teachers and staff from using personal, vacation or other leave time on those election days and requires teachers and staff to receive compensation.

45. Specifies that the prohibition on teachers and staff taking time off on an election day does not apply to a school district providing an employee time off to vote as required by statute.

Automatic Recount

46. Requires the SOS to certify in superior court that an automatic recount is required within 24 hours after the last county canvass or the county canvass deadline, whichever occurs first.

47. Specifies that the post-election hand count audit for a recount may occur concurrently with the recount tabulation, rather than upon completion of the recount.

48. Allows any candidate whose election results are within the margin for an automatic recount to submit to the filing officer, before the time of the postelection logic and accuracy testing, a signed statement that they decline to pursue a recount of the election results.

49. Directs the SOS, county BOS or city or town council not to certify a recount to the superior court, upon the decline of a recount.

50. Requires the SOS to conduct logic and accuracy testing on the automated tabulating system to be used in the recount of votes within two calendar days after a recount is ordered.

51. Allows the SOS to use contracted staff to assist in conducting the logic and accuracy testing and requires the staff to have expertise in system operations or voting systems.

52. Prohibits a person from serving as contract staff for logic and accuracy testing on the automated tabulating system if the person has been affiliated with or received any income in the previous five years from any person or entity that provides election equipment or services in Arizona.

53. Allows the SOS to request assistance from the Elections Assistance Commission field services program staff to review logic and accuracy testing programs and results.

Nomination Petitions

54. Computes the minimum number of required nomination petition signatures based on voter registrations on October 1 of the year before the general election, rather than January 2 of the year in which the general election is held.

55. Allows a person who desires to become a candidate at the 2024 primary election to lawfully submit signatures for the 2024 primary election to be held on July 30, 2024, that were collected on a nomination petition form before the effective date that includes the former primary election date of August 6, 2024.

56. Allows any city, town or county initiative petition that is circulated before the effective date and is on a petition form that includes the former 2024 primary election date of August 6, 2024, to lawfully submit the petition and signatures for the primary election to be held on July 30, 2024.

57. Deems signatures that are collected with the August 6, 2024, primary date and otherwise comply with the requirements provided by law to be valid signatures.

Appropriations

58. Appropriates $1,200,000 from the state GF in FY 2024 from the allocated Help America Vote Act of 2002 monies to the SOS for distribution to counties for use in acquiring and improving pollbooks.

59. Appropriates $_____ from the Citizens Clean Elections Fund in FY 2024 to the SOS to distribute as follows:
    a) $_____ for general and uniform voter education relating to changes in election laws and procedures that include the change in the 2024 primary election date; and
    b) $_____ for general and uniform voter education relating to changes in election laws and procedures that include the change in the 2026 primary election date.

60. Requires the SOS to distribute monies to counties on a pro rata basis that is based on the count of registered voters for each county as of January 2, 2024.

61. Exempts the appropriations from lapsing.

Sample Ballots

62. Reduces, from five days to two calendar days, the number of days after receipt of the sample ballot by which the county chairman of each political party and any candidate in that election who has submitted and confirmed an email address has to proof the sample ballots.

63. Allow any candidate in the election who has submitted and confirmed an email address to proof the sample ballots.

64. Allows candidates and county party chairpersons, within two calendar days after receipt of the sample ballot, to suggest changes to the ballot to an elections officer.

65. Requires the election officer to, if the officer finds an error or omission in the ballot upon examination, correct the error or omission.

Miscellaneous

66. Prohibits an early election board and the county recorder, until election day, from:
    a) accessing an aggregated complete results file of early voting and vote by mail ballots that were processed and tabulated by the end of the early voting period;
    b) producing for internal or external use an aggregated results report or associate files of complete results; and
    c) publicly releasing complete or partial results, whether for internal or external use, until all precincts have reported or one hour after the closing of the polls on election day, whichever is earlier.

67. Requires an early election board and the county recorder to only produce a partial results report of associated files if it is part of the internal preparation for the hand count or logic and accuracy testing.

68. Requires the county recorder or other officer in charge of elections to post on its website all system file logs and other similar files from the election management system within 48 hours after the end of tabulation.

69. Reduces, from 10 to 5, the number of calendar days after a primary, general or special election by which the signature on a provisional ballot must be compared to the precinct signature roster.

70. Reduces, from five calendar days to three business days, the number of days after a primary, general or special election by which the signature on a provisional ballot must be compared to the precinct signature roster.

71. Requires the SOS and the county recorder to determine the political parties qualified for continued representation on the respective ballot by August 1, rather than December 1 of the appropriate year.

72. Requires each county recorder to furnish the information that the SOS requires to determine the political parties qualified for continued representation by June 30, rather than October 31 of the preceding year.

73. Makes technical and conforming changes.

74. Becomes effective on signature of the Governor, if the emergency clause is enacted.

Revisions

1. Corrects the provisions to:
   a) specify that an election may not be held on the third Tuesday in May;

      b) add school district offices to the requirement relating to providing space for use as a polling place;

      c) specify that the newly prescribed early ballot instructions replace the prescribed instructions; and

      d) specify that the reduction in the number of days by which the signature on a provisional ballot must be compared to the precinct signature roster is from five calendar days to three business days.

2. Defines *evaluator*.

3. Makes technical corrections.

Prepared by Senate Research
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AN/cs