

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SENATE BILL 1053

AN ACT

AMENDING SECTION 16-621, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 295, SECTION 4; REPEALING SECTION 16-621, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 259, SECTION 1; 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 16-621, Arizona Revised Statutes, as amended by
3 Laws 2007, chapter 295, section 4, is amended to read:

4 16-621. Proceedings at the counting center

5 A. All proceedings at the counting center shall be under the direction
6 of the board of supervisors or other officer in charge of elections and shall
7 be conducted in accordance with the approved instructions and procedures
8 manual provided for in section 16-452 under the observation of
9 representatives of each political party, **A REPRESENTATIVE OF A CANDIDATE FOR
10 NONPARTISAN OFFICE, A REPRESENTATIVE OF A POLITICAL COMMITTEE IN SUPPORT OF
11 OR IN OPPOSITION TO A BALLOT MEASURE, PROPOSITION OR QUESTION** and the public,
12 but no persons except those authorized for the purpose shall touch any ballot
13 or ballot card or return. **REPRESENTATIVES OF A CANDIDATE FOR NONPARTISAN
14 OFFICE OR FOR A POLITICAL COMMITTEE IN SUPPORT OF OR IN OPPOSITION TO A
15 BALLOT MEASURE, PROPOSITION OR QUESTION, SHALL NOT EXCEED A TOTAL OF THREE
16 ADDITIONAL PERSONS, DETERMINED BY A PROCEDURE DEVELOPED BY THE OFFICER IN
17 CHARGE OF ELECTIONS.** All persons who are engaged in processing and counting
18 of the ballots shall be qualified electors, shall be deputized in writing and
19 **SHALL** take an oath that they will faithfully perform their assigned
20 duties. There shall be no preferential counting of ballots for the purpose
21 of projecting the outcome of the election. If any ballot is damaged or
22 defective so that it cannot properly be counted by the automatic tabulating
23 equipment, a true duplicate copy shall be made of the damaged ballot in the
24 presence of witnesses and substituted for the damaged ballot. All duplicate
25 ballots shall be clearly labeled "duplicate" and shall bear a serial number
26 which shall be recorded on the damaged or defective ballot.

27 B. If for any reason it becomes impracticable to count all or a part
28 of the ballots with tabulating equipment, the officer in charge of elections
29 may direct that they be counted manually, following as far as practicable the
30 provisions governing the counting of paper ballots.

31 C. For any statewide, county or legislative election, the county
32 recorder or officer in charge of elections shall provide for a live video
33 recording of the custody of all ballots while the ballots are present in a
34 tabulation room in the counting center. The live video recording shall
35 include date and time indicators and shall be linked to the secretary of
36 state's website. The secretary of state shall post links to the video
37 coverage for viewing by the public. The county recorder or officer in charge
38 of elections shall record the video coverage of the ballots at the counting
39 center and shall retain those recordings as a public record for at least as
40 long as the challenge period for the general election. If the live video
41 feed is disrupted or disabled, the recorder or officer in charge of elections
42 is not liable for the disruption but shall attempt to reinstate video
43 coverage as soon as is practicable. Any disruption in video coverage shall

1 not affect or prevent the continued tabulation of ballots. This ~~paragraph~~
2 **SUBSECTION** is contingent on legislative appropriation.

3 Sec. 2. Repeal

4 Section 16-621, Arizona Revised Statutes, as amended by Laws 2007,
5 chapter 259, section 1, is repealed.