U.S. ELECTION ASSISTANCE COMMISSION

2016 Election Administration & Voting Survey

Statutory Overview

In order to better understand state laws governing Federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2016 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

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DIRECTIONS AND EXAMPLE

As appropriate, please provide your state's legal citation for the responses to the questions beginning on the following page.

Please answer each question to the best of your ability. If a term or concept is ambiguous, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference in your state but is widely used in practice, please explain. If election procedures vary at the local level within your state, please explain these variations to the best of your ability.

The Statutory Overview data collection document has two columns below each question.

- On the left, we have provided you with the answer your state provided for the 2014 Statutory Overview. If there has not been a change in your state's laws or legal citation in the response to a question, please mark the box labeled **No Change since 2014** at the top of the left column.

- If the response has changed since 2014 – or your state has not answered this question previously for some reason— please mark the box labeled **Changed since 2014** at the top of the right column and then provide the new answer in the text box provided. If your response is too long to fit in the box, please make a note in the text box and place your response in the "Notes" page at the end of the document. Additionally, if a law was repealed in full, please answer "repealed in full" in the box.

If any of your state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court or by executive decision, please specify.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

State code 1.11 - An attempt to vote for a larger number of candidates than is allowed.

b) Under-vote

☐ **No Change since 2014** ☒ **Changed since 2014**

This term has no legal definition.

State code 1.12 - An attempt to vote for a smaller number of candidates than is allowed.

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

An overvote occurs when a voter votes on the official ballot for more candidates than the number to be elected for the specific office or when a voter selects the correct number of candidates on the official ballot and also writes in a candidate's name for the same office. 2014 Arizona Secretary of State Election Procedures Manual.

2016 Response:

An "overvote" occurs when a voter votes on the official ballot for more candidates than the number to be elected for the specific office or when a voter selects the correct number of candidates on the official ballot and also writes in a candidate's name for the same office. 2014 Arizona Secretary of State Election Procedures Manual, pg. 231.

b) Under-vote

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

An undervote is defined in the Arizona Secretary of State Election Procedures Manual as when the number of choices selected by a voter in a contest is less than the maximum number allowed for that contest or when no selection is made for a single choice contest. 2014 Arizona Secretary of State Election Procedures Manual.

2016 Response:

An "undervote" occurs when a voter votes on the official ballot for less candidates than the maximum number allowed for that contest or when no selection is made for a single choice contest. 2014 Arizona Secretary of State Election Procedures Manual, pg. 232.

c) Blank ballot

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

A blank ballot is defined in the Arizona Secretary of State Election Procedures Manual as a ballot that is cast by a voter who chose not to vote for any races on the complete ballot. 2014 Arizona Secretary of State Election Procedures Manual.

2016 Response:

A "blank ballot" is a ballot that is cast by a voter who chose not to vote for any races on the complete ballot. 2014 Arizona Secretary of State Election Procedures Manual, pg. 227.

d) Void/Spoiled ballot

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

A spoiled ballot is mentioned in Arizona Revised Statutes, but is not defined. Nor is it defined in the Arizona Secretary of State Election Procedures Manual. It is widely understood that a spoiled ballot is a ballot that a voter has made an error on and wishes to correct that error using a new unspoiled ballot. To do so, the Arizona Secretary of State Election Procedures Manual gives the following instructions:

“Spoiled Ballots
If an elector spoils a ballot, the elector shall return the ballot and receive another ballot:
a. the word "SPOILED" shall be written on the ballot in ink by the voter or by the inspector and one of the judges
b. the inspector or judge shall mark the spoiled ballot in a manner to assure that it cannot be counted by any electronic voting system
c. the spoiled ballot shall be placed in the official returns envelope
Up to two additional ballots may be issued.”

2016 Response:

A "spoiled ballot" is not defined under Arizona law, but is commonly understood to be a ballot where a voter has made an error or mistake in marking his/her ballot.

The Election Procedures Manual provides the following instructions to address spoiled ballots:

“If an elector spoils a ballot, the elector shall return the ballot and receive another ballot:

a. the word 'SPOILED' shall be written on the ballot in ink by the voter or by the inspector and one of the judges;
b. the inspector or judge shall mark the spoiled ballot in a manner to assure that it cannot be counted by any electronic voting system; and
c. the spoiled ballot shall be placed in the official returns envelope.

Up to two additional ballots may be issued.”

2014 Arizona Secretary of State Election Procedures Manual, pg. 143.

e) Provisional/Challenged ballot

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Provisional Ballot is defined in the Secretary of State Election Procedures Manual as a ballot that is cast by a voter whose name does not appear on the signature roster, inactive list or in precinct listing in the electronic poll book and the voter has not moved; the voter has moved within the precinct; the voter has moved to a new precinct within the county and failed to notify the County Recorder of the change of address; the voter was issued an early ballot and did not vote his/her early ballot; or the voter has changed his/her name and did not notify the County Recorder of the name change. A Conditional Provisional Ballot is defined in the Manual as a ballot issued to a voter who does not present sufficient identification at the polling place pursuant to A.R.S. § 16-579(A), but who is entitled to vote a ballot that is conditioned on subsequently providing sufficient identification.

2016 Response:

See Appendix A, Section A1(e)

f) Absentee

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

The heading of Arizona Revised Statutes Title 16, Chapter 4, Article 8 was changed from “Absentee Voting” to “Early Voting” by laws 1997, 2nd S.S., Chapter 5, § 16, effective January 1, 1980.

2016 Response:

Arizona uses the term "early" voting in lieu of "absentee" voting. 2014 Arizona Secretary of State Election Procedures Manual, pg. 228.

g) Early voting

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Beginning 26 days before an election, voters may vote by mail or at places designated by the County Recorder. Early voting does not require a reason or a witnessed signature. A.R.S. § 16-542.

2016 Response:

"Early voting" is the process by which a voter may vote early by mail or in-person at designated voting locations within 27 days of election day. Unlike absentee voting, early voting does not require a voter to provide a reason or justification for voting early. A.R.S. § 16-542(C); 2014 Arizona Secretary of State Election Procedures Manual, pg. 228.

h) Active Voter

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Ariz. Const. Art. VII § 2 and A.R.S. §§ 16-101 & 16-166 define the term "active voter".

2016 Response:

An "active voter" is a registered voter whose registration status has not been changed to inactive, suspense, or cancelled status, and is therefore eligible to receive sample ballots, early ballots, publicity pamphlets, and other automatically-generated election materials by mail. Ariz. Const. Art. VII § 2; A.R.S. §§ 16-101, 16-166 and 16-193.

i) Inactive Voter

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

A.R.S. § 16-166 defines the term "inactive voter".

2016 Response:

An "inactive voter" is a registered voter whose status has been changed to "inactive" because - based on information received by the county recorder - the voter's registration address may no longer be valid. A.R.S. § 16-166; 2014 Arizona Secretary of State Election Procedures Manual, pg. 230.

New/Revised Terms

j) Other terms (please specify) _____

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

See Appendix A, Section A1j.

2016 Response:

FEDERAL ONLY VOTER (FED Only): A voter that registered using the national voter registration form and did not provide proof of citizenship or identification pursuant to Arizona Proposition 200 (2006), and therefore is not eligible to vote in state/local races. 2014 Arizona Secretary of State Election Procedures Manual, pg. 229.

HYBRID VOTE CENTER: A polling location in which any voter from specific precincts may vote at any one of several designated locations for those specific precincts; a voting method that blends traditional precinct-based voting and vote centers.

A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. "Significant" does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

See Appendix A, Section A2

2016 Response:

See Appendix A, Section A2

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Arizona utilizes a "hybrid" voter registration system.

2016 Response:

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Real time.
In 2008, data entered at the county level was matched to the statewide voter registration database in real time. As of February 2010, agency matching (Motor Vehicle Division, Department of Health Services, Courts, Duplications) the matching is done in real time instead of daily files and Arizona's online registration (EZVoter) began real time in June, 2010.

2016 Response:

To the extent that voter registration information is populated in Arizona's statewide voter registration database, the information is generally populated in real time. Other information supplied by government entities, such as felony convictions and death records, are generally manually entered into the statewide voter registration database upon receipt by the Secretary of State's office from the government entity.

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:	2016 Response:
See Appendix A, Question B2	See Appendix A, Section B2.

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:	2016 Response:
See Appendix A	See Appendix A, Section B3.

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or Federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Yes, Arizona's voter registration data base shares information electronically with the Arizona Motor Vehicle Division Database. The statewide voter registration database is also compared to data from the Arizona Department of Health (death records), Social Security Administration, Homeland Security and the federal and state court systems (felony and incapacitated records). Arizona participates in cross state matches with 27 other states. The cross state match has resulted in NVRA list maintenance for the participating states.

2016 Response:

The statewide voter registration database receives information electronically from the Arizona Department of Transportation (Motor Vehicle Division) and Social Security Administration.

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

As set forth in the Arizona Secretary of State Election Procedures Manual [A.R.S. § 16-452], the County Recorder on or before May 1 of each year preceding a state primary and general election, or more frequently as the Recorder deems necessary, may use the change of address information supplied by the postal service through its licensees to identify registrants whose addresses may have changed.

2016 Response:

County recorders are authorized to use NCOA data to conduct voter registration list maintenance.

If NCOA data indicates that a voter moved in-county, the county recorder must update the voter's record with the new address and send a notice of the change. The voter's status will be moved to inactive if the voter does not verify or correct the information within: (1) 35 days of mailing the notice; or (2) 29 days before an election.

If the move was out-of-county, the county recorder must provide the voter with information how to re-register in the new county.

A.R.S. § 16-166(E); 2014 Arizona Secretary of State Election Procedures Manual, pg. 43.

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Every resident of the state is qualified to register to vote if he has not been convicted of treason or a felony, unless restored to civil rights. [16-101(A) (5)] Any person who has not previously been convicted of any other felony shall automatically be restored any civil rights that were lost or suspended by the conviction if the person both completes a term of probation or receives an absolute discharge from imprisonment and pays any fine of restitution imposed. [A.R.S. § 13-912] An individual who signs a voter registration form declares by his/her signature the following: "By signing below, I swear or affirm that the above information is true, that I am a RESIDENT of Arizona, I am NOT a convicted FELON or my civil rights are restored, and I have NOT been adjudicated INCOMPETENT". No documentation is required by statute.

2016 Response:

Arizona law prohibits a convicted felon from registering to vote unless his/her civil rights have been restored.

Voting rights are automatically restored for first-time felons upon both: (1) completion of the terms of probation or absolute discharge from imprisonment; and (2) payment of any court-ordered fines or restitution. A person convicted of two more felonies must apply for judicial reinstatement of the right to vote.

A prospective registrant need not produce proof of voting rights restoration, but must swear under penalty of perjury that "I am not a convicted felon or my civil rights are restored."

Ariz. Const. Art. VII, § 2(C); A.R.S. §§ 13-905; 13-912(A); 16-101(A)(5).

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Yes, Arizona Secretary of State in cooperation with the Arizona Motor Vehicle Division, allows a voter to complete an entire registration online. In addition, the Arizona Secretary of State's office has Voter View which allows a voter to see if they are registered, find their polling place, and find out the status of their provisional ballot and early ballot. Arizona also modified its voter registration process with the Motor Vehicle Division in June, 2010, to include an option to sign up for the Permanent Early Voting List while completing a driver license or identification card application whether in person or online through EZVoter.
In 2012 Arizona Secretary of State, in cooperation with the Arizona Motor Vehicle Division, now allows mobile applications for voter registration. The Secretary of State also offers VoterView Mobile which allows a voter to see if they are registered, find their polling place and find the status of their provisional or early ballot. A new service allows anyone to see election results on mobile devices.

2016 Response:

Persons with an Arizona driver's license or Arizona identification card may register to vote online at www.servicearizona.com.

Otherwise, both state and federal voter registration forms are available for download and printing on the Secretary of State's website.

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

All votes cast at a place other than the voter's precinct of registration are tabulated centrally.

2016 Response:

Votes cast at a vote center may be tabulated on-site or transported back to the election office for central count tabulation. All early and provisional ballots are tabulated centrally.

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Yes,depending on the election.

2016 Response:

Precinct-based results are reported by counties in "statements of votes cast," but not included in the statewide canvass itself.

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Votes are reported with the precinct results as a single number on Arizona's official canvass of results. Each county has a statement of votes cast that is maintained at their offices which provides details by type of ballot cast. At the state level the types of ballots cast are reported unofficially by all but one of Arizona's counties and may be seen on the state's election night results webpage at www.azsos.gov

2016 Response:

Each county's "statement of votes cast" breaks down precinct-based results by type of ballots cast.

d. How are UOCAVA ballots counted and reported?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

UOCAVA ballots are counted and reported in the same manner as early ballots.

2016 Response:

UOCAVA ballots are typically hand-duplicated onto paper ballots, and thereafter counted and reported in the same manner as early ballots.

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Arizona does not require a reason to vote early. [See A.R.S. § 16-541]

2016 Response:

Arizona law provides for no-excuse early voting in all elections. A.R.S. §§ 16-541 - 552.

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

The county recorder must establish at least one on-site early voting location at the recorder's office and may establish additional locations in the county as the recorder deems necessary.
[A.R.S. § 16-541(A)]
Early voting is defined as beginning 26 days before the election, voters may vote by mail or at places designated by the County Recorder. Early voting does not require a reason or a witnessed signature. [A.R.S. § 16-542]
Early ballots may be dropped off at the County Recorder's office or any polling location within a county by 7:00 p.m. on election day, but are counted at the central location. The votes are reported with the precinct results as a single number.

2016 Response:

Arizona law provides for in-person early voting, which may be established at locations determined by the county recorder. A.R.S. § 16-542(A).

"Early voting" is the process by which a voter may vote early by mail or in-person at designated voting locations within 27 days of election day. A.R.S. § 16-542; 2014 Arizona Secretary of State Election Procedures Manual, pg. 228.

Early ballots are tabulated centrally. Early ballot results are combined with polling place and provisional ballot results when reported in the statewide canvass, however each county's "statement of votes cast" breaks down precinct-based results by type of ballots cast, including early ballots.

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Yes, for certain local elections. [See A.R.S. §§ 16-248(H), 16-409 & 16-558]

2016 Response:

Jurisdictions are permitted to use all vote-by-mail in the following circumstances:

· In precincts where there are less than 300 active registered voters;
· In city, town or school district elections; or
· In special taxing district elections.

A.R.S. §§ 16-248(H), 16-409, 16-558.

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Proof of identification [See A.R.S. § 16-579]
Name does not appear on signature roster or voter has changed name [See A.R.S. § 16-584(A) & (B)]
Voter has moved to a new precinct within the county [See A.R.S. §§ 16-135 & 16-584(C)]
Change of residence from one address to another within the same county [See A.R.S. §§ 16-135 & 16-584(C)]
The voter has been issued an early ballot [See A.R.S. §§ 16-550, 16-579 & 16-584]

2016 Response:

A provisional ballot must be cast if a voter:
· does not appear on the signature roster, inactive list or in the precinct listing in an electronic poll book, and the voter has not moved;
· moved within the precinct;
· moved to a new precinct within the county and failed to notify the county recorder of the change of address;
· was issued an early ballot (in counties that do not track early ballot returns in real time);
· changed his/her name and did not notify the county recorder of the name change; or
· is a "Federal Only" voter who requests a full ballot that includes state/local races.
2014 AZ Secretary of State Election Procedures Manual, pgs. 183, 231.

A "Conditional Provisional Ballot" is a ballot cast by a voter who didn't present sufficient identification at the polling place pursuant to A.R.S. § 16-579(A), but who is entitled to vote a provisional ballot that is conditioned on subsequently providing sufficient identification within a specified period after election day. 2014 AZ Secretary of State Election Procedures Manual, pg. 228.

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

In jurisdictions that utilize traditional, precinct-based polling places, ballots cast out-of-precinct generally are not counted. However, if the voter has moved to a new precinct within the county, a provisional ballot cast in the new precinct will be counted (notwithstanding that the voter does not appear on the signature roster) once the county recorder confirms that the voter did not vote in the old precinct. A.R.S. § 16-584.

In jurisdictions that utilize vote centers, all eligible voters (who have not otherwise voted by early ballot) are permitted to vote a regular ballot regardless of whether the ballot is cast out-of-precinct.

Beyond out-of-precinct voting, a provisional ballot will not be counted if:

· the voter is not registered in the county;
· the voter did not timely register to vote at least 29 days before the election;
· the signature roster, electronic poll book, or early ballot return information indicates that the voter already voted in the election;
· the voter's signature on the provisional ballot envelope does not match the voter's signature in the voter registration record, or is missing a signature; or
· the voter's information on the provisional ballot envelope is illegible;
· in a primary election, the voter cast a party ballot for which he/she was not eligible to vote;
· the voter's ballot was challenged, and the challenge was upheld; or
· the voter has not produced sufficient identification on or after election day.

A.R.S. §§ 16-135(D); 16-584; 2014 Arizona Secretary of State Election Procedures Manual, pg. 185-186.

In the event that a provisional ballot is not counted, the county recorder or other officer in charge of elections must provide a form of notification to the voter and identify the reason for rejecting the provisional ballot. A.R.S. § 16-584(F); 2014 Arizona Secretary of State Election Procedures Manual, pg. 187.

C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.

If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

In addition to the abstract vote, the counties may perform a precinct hand count (See 2014 Arizona Secretary of State Election Procedures Manual, pp.183-216) and early ballot audit within 24 hours after the closing of the polls. For each county-wide primary, general, presidential preference, and special election the county officer shall:
1. conduct a hand count at one or more secure facilities of at least two per cent of the polling locations in that county or two polling locations, whichever is greater;
2. conduct a manual audit of early ballots equal to one per cent of the total number of early ballots cast or 5,000 early ballots, whichever is less, and
3. in the event of a recount, conduct a hand count of at least five per cent of the precincts for the recounted race in that county.
[See A.R.S. §§ 16-602(B), (G), & 16-663(B)]
Pursuant to the Arizona Secretary of State Election Procedures Manual counties are also required to submit additional reports. These include an accessibility report, a voter education report, a poll worker training report, partisan ballot primary report, and a provisional ballot report. [See A.R.S. § 16-452]

2016 Response:

Within 24 hours after an election, the officer in charge of elections must:

· hand count 2% of precinct-based polling place ballots, or the polling place ballots cast in 2 precincts, whichever is greater; and
· audit 1% of early ballots, or 5,000 early ballots, whichever is less.

In the event of a recount, the officer in charge of elections must hand count the polling place ballots cast in 5% of the precincts.

A.R.S. §§ 16-602; 16-663(B); 2014 Arizona Secretary of State Election Procedures Manual, pg. 189-216.

C8. Please describe any state requirements for poll worker training.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Instruction of Election Board Workers
Except as indicated in A.R.S. § 16-532(D), within 45 days before an election the Board of Supervisors or other officer in charge of elections shall conduct training for inspectors, judges, and deputized counting place officers to instruct them in their duties and related election law. The following shall be covered in election board worker training: delivery of ballots/supplies to precinct, election board officer duties, election board political party representation, pre-election responsibilities, pre-election meeting, building access, time and location of meeting, checking supplies, equipment and furniture arrangement, voting device check, official ballot count/precinct ballot account, early voters, election day, opening polls (synchronize watches to precinct tabulator), hours the polls are open, working hours (come prepared to stay), 75-foot limitation (electioneering), sharing polling places (tribal elections), procedures for Proof of Identification and Provisional Ballot Processing at the Polls, voting equipment, accessible voting equipment, troubleshooting, voter registration, who may vote (open primary, etc.), issue ballot styles (party, FED Only, etc.), standard voting procedures, Recorder's Certificates, spoiled ballot procedures, procedure for early ballot drop off, political observers/challengers, challenges, Kids Voting/Youth in the Booth (when applicable),closing polls (transmitting results, delivery of ballots), Certificate of Performance (signature rosters), official/unofficial envelope contents, customer service, assisting the voter, assisting the disabled voter, language accessibility/interpreters, and compensation of election workers.
Premium Board Worker Training
The Board of Supervisors or officer in charge of elections may approve an alternate method of instruction and testing for election board members. The course of instruction should include at least eight hours of training and a written examination on election law and procedures. Each election board member who completes this training and passes the test shall be certified as a "premium board worker." Premium board workers will be certified for a period of 30 months. Changes in procedure or new laws affecting the election process will either be forwarded to the premium board worker or additional training may be required. A special rate for compensation of premium board workers may be approved by the Board of Supervisors. The training sessions held for the election board workers shall be taught by personnel: deemed by the Board of Supervisors or officer in charge of elections to be qualified in the area of the election process they teach, who have had practical experience in the area of the election process they teach, under the supervision of an individual who holds an election officer's certificate issued by the Secretary of State in accordance with A.R.S. § 16-407.

2016 Response:

A county must conduct a poll worker training course for inspectors and judges within 45 days of election day, which includes instruction on the voting systems and election laws applicable to the election. Other poll workers and election board members may be trained at the same time.

Counties may also train and certify "premium poll workers" that perform advanced duties and may qualify for additional compensation.

A.R.S. § 16-532; 2014 Arizona Secretary of State Election Procedures Manual, pgs. 125-127.

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Arizona does not require capturing under-votes. For over-votes, the following applies:
A.R.S. § 16-446. Specifications of electronic voting system
A. An electronic voting system consisting of a voting or marking device in combination with vote tabulating equipment shall provide facilities for voting for candidates at both primary and general elections.
B. An electronic voting system shall:
1. Provide for voting in secrecy when used with voting booths.
2. Permit each elector to vote at any election for any person for any office whether or not nominated as a candidate, to vote for as many persons for an office as he is entitled to vote for and to vote for or against any question on which he is entitled to vote, and the vote tabulating equipment shall reject choices recorded on his ballot card or paper ballot if the number of choices exceeds the number that he is entitled to vote for the office or on the measure.
3. Prevent the elector from voting for the same person more than once for the same office.
4. Be suitably designed for the purpose used and be of durable construction, and may be used safely, efficiently and

2016 Response:

Electronic voting systems utilized at polling places or vote centers must reject a ballot that contains an overvote. If the voter nonetheless directs that his/her ballot should be tabulated notwithstanding the overvote, the poll worker should be authorized to override the system and permit the overvoted ballot to be tabulated.

Electronic voting systems at central count facilities may outstack (separate out) overvoted ballots, but such ballots nonetheless will be tabulated without notice to the voter.

Arizona law does not address undervotes, therefore undervoted ballots will be tabulated in the same manner as other ballots.

A.R.S. § 16-446(B)(2); 2014 Arizona Secretary of State Election Procedures Manual, pgs. 177-178, 180-181, 231-232.

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Arizona Voter Registration Form
The county recorder shall reject any application for registration that is not accompanied by
satisfactory evidence of United States citizenship.
Satisfactory evidence of citizenship shall include any of the following:
1. The number of the applicant's driver license or nonoperating identification license issued after October 1, 1996 by the department of transportation or the equivalent governmental agency of another state within the United States if the agency indicates on the applicant's driver license or nonoperating identification license that the person has provided satisfactory proof of United States citizenship.
2. A legible photocopy of the applicant's birth certificate that verifies citizenship to the satisfaction of the county recorder.
3. A legible photocopy of pertinent pages of the applicant's United States passport identifying the applicant and the

2016 Response:

See Appendix A, Section D2(a).

b. casting an in-person ballot;

☒ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

See Appendix A, Section D2(b).

c. casting a mail-in or absentee vote;

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

While identification is not required, every early ballot affidavit is signed by the voter and that signature is verified against the voter registration form on record before the ballot is counted.

2016 Response:

Proof of identification is not required in order to cast an early ballot. However, in order to confirm identity before tabulating the ballot, the county recorder must compare the voter's signature on the early ballot envelope with the voter's signature contained in the voter registration database.

A.R.S. §§ 16-547; 16-550(A); 16-544(C); 2014 Arizona Secretary of State Election Procedures Manual, pgs. 23, 166-167.

d. casting a ballot under UOCAVA;

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

While identification is not required, every early ballot affidavit is signed by the voter and that signature is verified against the voter registration form on record before the ballot is counted.

2016 Response:

UOCAVA ballots, much like early ballots, do not require proof of identification at the time of voting. However, in order to confirm identity before tabulating the ballot, the county recorder must compare the voter's signature accompanying the UOCAVA ballot with the voter's signature contained in the voter registration database.

A.R.S. §§ 16-547; 16-550(A); 16-544(C); 2014 Arizona Secretary of State Election Procedures Manual, pgs. 66-67.

e. any other stage in registration or voting process in which identification is required (please specify).

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

N/A

2016 Response:

If a voter does not provide sufficient identification at the polling place, the voter must cast a conditional provisional ballot. In order for that ballot to ultimately count, the voter must present identification to the county recorder within 5 business days after a general election (or 3 business days after any other election). 2014 Arizona Secretary of State Election Procedures Manual, pg. 153.

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Except as prescribed in this section and section 16-580, a person shall not be allowed to remain inside the seventy-five foot limit while the polls are open, except for the purpose of voting, and except the election officials, one representative at any one time of each political party represented on the ballot who has been appointed by the county chairman of that political party and the challengers allowed by law, and no political or electioneering materials may be displayed within the seventy-five foot limit. Voters having cast their ballots shall promptly move outside the seventy-five foot limit. [See A.R.S. § 16-515(A)] In addition, Arizona's Procedures Manual allows Department of Justice observers, if any. [See A.R.S. § 16-452] The 2014 Procedures Manual added the following guidelines for observers:
Political Party Observers Guidelines
Each county officer in charge of elections shall share the following general guidelines with political party observers:
1. Under no circumstances should a political party observer ever place a mark or any type of material on a ballot or touch a voted ballot during observation of any of these election processes.
2. Observers may not interfere with or impede the election procedures or staff. If a political party observer has a question about the proceedings, the political party observer should communicate the question to the officer in charge of the election or procedure and the officer in charge of the election or procedure should respond in a timely and reasonable manner.
3. If a political party observer is asked by the officer in charge of the election or procedure to cease an activity that interferes with the election process, the political party observer must comply or the political party observer may be ejected.
4. Political party observers may take notes at a polling place, central counting place or sample hand count but must use a writing implement of a color designated by the officer in charge of the election or procedure.
5. At a central counting place, all political party observers must check in with the county recorder or officer in charge of elections prior to being admitted as a political party observer, and log in and out of the facility each time they enter or leave.
6. At a central counting place, the county recorder or officer in charge of elections may ensure that political party observers are given identifying badges to ensure that political party observers are clearly identifiable to county recorder or elections staff who may not otherwise know the participants are there in a limited capacity as political party observers.

2016 Response:

Arizona law permits the following types of observers to access the polling place:

· an authorized political party observer;
· an authorized political party challenger; or
· U.S. Justice Department officials.

A.R.S. §§ 16-515; 16-590; 2014 Arizona Secretary of State Election Procedures Manual, pg. 156.

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

No, Arizona has not revised its administrative complaint procedure since it was first implemented.

2016 Response:

Upon information and belief, Arizona has not revised its administrative complaint procedure since it was first implemented. However, Arizona plans to clarify and update its administrative complaint procedures in 2017.

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

☐ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing Federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 04/30/2017). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.

Appendix A
Arizona 2016 Responses
A1(e) Definitions
A "provisional ballot" is a ballot cast by a voter who:
· does not appear on the signature roster, inactive list or in the precinct listing in an electronic poll book, and the voter has not moved;
· moved within the precinct;
· moved to a new precinct within the county and failed to notify the county recorder of the change of address;
· was issued an early ballot and did not vote his/her early ballot;
· changed his/her name and did not notify the county recorder of the name change; or
· is a "Federal Only" voter who requests a full ballot that includes state/local races.

2014 Arizona Secretary of State Election Procedures Manual, pgs. 183, 231.
A "Conditional Provisional Ballot" is ballot cast by a voter who does not present sufficient identification at the polling place pursuant to A.R.S. § 16-579(A), but who is entitled to vote a provisional ballot that is conditioned on subsequently providing sufficient identification within a specified period after election day. 2014 Arizona Secretary of State Election Procedures Manual, pg. 228.
A "challenged ballot" results from a voter's "oral challenge" of another voter's qualifications to cast a ballot. A.R.S. §§ 16-591 – 594.
A2 Significant Legal/Procedural Changes
1. Arizona continues to maintain a dual (bifurcated) voter registration system pending the outcome in *League of Women Voters v. Newby*, No. 16-5196 (D.C. Cir. 2016). *See* Ariz. Atty. Gen. Op. I13-011 (R13-016) (2013).

2. The Legislature lengthened the early voting period from 26 days before the date of the election to 27 days:

The county recorder or other officer in charge of elections shall mail the early ballot and the envelope for its return postage prepaid to the address provided by the requesting elector within five days after receipt of the official early ballots from the officer charged by law with the duty of preparing ballots pursuant to section 16–545, except that early ballot distribution shall not begin more than twenty-seven days before the election. If an early ballot request is received on or before the thirty-first day before the election, the early ballot shall be distributed not earlier than the twenty-seventh day before the election and not later than the twenty-fourth day before the election.
2015 Ariz. Legis. Serv. Ch. 292 (H.B. 2595), amending A.R.S. § 16-542(C).

3. The Legislature prohibited (with certain statutory exceptions) early ballot collection by third-parties:

H. A person who knowingly collects voted or unvoted early ballots from another person is guilty of a class 6 felony. An election official, a United States postal service worker or any other person who is allowed by law to transmit United States mail is deemed not to have collected an early ballot if the official, worker or other person is engaged in official duties.
I. Subsection H of this section does not apply to:
1. An election held by a special taxing district formed pursuant to title 48 for the purpose of protecting or providing services to agricultural lands or crops and that is authorized to conduct elections pursuant to title 48.
2. A family member, household member or caregiver of the voter. For the purposes of this paragraph:
(a) "Caregiver" means a person who provides medical or health care assistance to the voter in a residence, nursing care institution, hospice facility, assisted living center, assisted living facility, assisted living home, residential care institution, adult day health care facility or adult foster care home.
(b) "Collects" means to gain possession or control of an early ballot.
(c) "Family member" means a person who is related to the voter by blood, marriage, adoption or legal guardianship.
(d) "Household member" means a person who resides at the same residence as the voter.
2016 Ariz. Legis. Serv. Ch. 5 (H.B. 2023), amending A.R.S. § 16-1005(H)-(I).

4. The Legislature altered the method of determining the majority of votes cast at the city/town level:

D. Notwithstanding any other law or any charter provision, a city or town may by ordinance provide that at the primary election any candidate for the office of mayor or city council who receives a majority of all votes cast at that election for that office shall be declared elected to the office for which he the person is a candidate, effective as of the date of the general election, and no further election shall be held as to such candidate. For the purposes of this subsection, the majority of votes cast is determined by:
1. Calculating the total number of actual votes cast for all candidates for an office whose names were lawfully on the ballot for that office.
2. Dividing the sum reached pursuant to paragraph 1 of this subsection by the number of seats to be filled for the office.
3. Dividing the number reached pursuant to paragraph 2 of this subsection by two and rounding that number to the highest whole number.
E. If more candidates receive a majority of votes cast than there are seats to be filled for the office pursuant to subsection D of this section, from among those candidates who receive a

majority of votes cast, the candidates who receive the highest number of votes equal to the number of seats to be filled for the office shall be declared elected to that office.
F. If at the primary election no candidate receives the majority of the votes cast or the number of seats to be filled for the office is more than the number of candidates who receive a majority of votes cast, of the candidates who did not receive a majority of votes cast, the number of candidates who advance to the general or runoff election shall be equal in number to twice the number of seats to be filled for the office and the candidates who received the highest number of votes for the office shall be the only candidates at the general or runoff election. If more than one candidate received an equal number of votes and that number was the highest number of votes for the office, then all candidates receiving the equal number of votes shall be candidates at the general or runoff election. The candidates equal in number to the seats to be filled for the office who receive the highest number of votes at the general or runoff election shall be declared elected to that office. If two or more candidates receive an equal number of votes cast for the same office, and a higher number than any other candidate, the candidate who shall be declared elected shall be determined by lot in the presence of the candidates.
2015 Ariz. Legis. Serv. Ch. 105 (H.B. 2214), amending A.R.S. § 9-821.01(D)-(F).

5. The Legislature addressed "early ballot selfies" but preserved the traditional ban on photography in the polling place:

G. Notwithstanding section 16–1018, a person may not take photographs or videos while within the seventy-five foot limit.

2015 Ariz. Legis. Serv. Ch. 187 (S.B. 1287), amending A.R.S. § 16-515(G).

A person who commits any of the following acts is guilty of a class 2 misdemeanor:
1. Knowingly electioneers on election day within a polling place or in a public manner within seventy-five feet of the main outside entrance of a polling place or on-site early voting location established by a county recorder pursuant to section 16–542, subsection A.
2. Intentionally disables or removes from the polling place, on-site early voting location or custody of an election official a voting machine or a voting record.
3. Knowingly removes an official ballot from a polling place before closing the polls.
4. Shows another voter's ballot or the machine on which another voter has voted to any person after it is prepared for voting in such a manner as to reveal the contents, except to an authorized person lawfully assisting the voter. A voter who makes available an image of the voter's own ballot by posting on the internet or in some other electronic medium is deemed to have consented to retransmittal of that image and that retransmittal does not constitute a violation of this section.
2015 Ariz. Legis. Serv. Ch. 187 (S.B. 1287), amending A.R.S. § 16-1018(4).

B2 Inactive List Procedures

An "inactive voter" is a registered voter whose status has been changed to "inactive" because - based on information received by the county recorder - the voter's registration address may no longer be valid. Methods of transferring voters to inactive status include:

· Mailing an item to the voter (with the exception of sample ballots) which is returned undelivered. In this case, the county recorder must send a follow-up notice within three weeks of receiving the undeliverable mail. The voter's status will be moved to inactive if the voter does not complete an update voter registration form within 35 days of mailing the follow-up notice.

· Identifying a voter who has moved through change of address information provided by the U.S. Postal Service (such as NCOA information). If the move was in-county, the county recorder must update the voter's record with the new address and send a notice of the change. The voter's status will be moved to inactive if the voter does not verify or correct the information within 35 days of mailing the notice. If the move was out-of-county, the county recorder must provide the voter with information how to re-register in the new county.

A.R.S. §§ 16-166(A), (D); *see also* A.R.S. § 16-544(E). Voters remain on the inactive list "for a period of four years or through the date of the second general election for federal office following the date of the notice." A.R.S. § 16-166(C).

A voter is moved from "inactive" to "active" status if:

· The registrant contacts the county recorder to update or verify his/her address after receiving a notice;

· The registrant re-registers to vote after receiving a notice; or

· The registrant votes in an election and verifies or updates his/her registration address at the polling place.

A.R.S. §§ 16-166; 16-583.
Arizona law does not exempt UOCAVA voters from the procedures outlined above.

B3 Cancellation Procedures

A voter's registration status may be cancelled for the following reasons:

· The registrant requests to be cancelled;
· The county recorder knows the registrant has died;
· The registrant has been adjudicated an incapacitated person under A.R.S. § 14-5101(1);
· The registrant has been convicted of a felony, and the judgment of conviction has not been reversed or set aside before the time of cancellation (this includes a felony conviction self-reported by a registrant on a juror questionnaire);
· The registrant is not a U.S. citizen (this includes evidence of lack of citizenship self-reported by a registrant on a juror questionnaire)

· By court order;
· The registrant has moved out of state within 30 days of the general election but requested a presidential elector-only ballot pursuant to A.R.S. § 16-126;
· The registrant has remained in inactive status and not voted for two federal cycles;
· The registration has moved within the county and has not completed a new registration form within 29 days after the county recorder mails notification of the need to complete and return a new registration form; or
· The registrant has moved out-of-county.

A.R.S. § 16-165(A); 2014 Arizona Secretary of State Election Procedures Manual, pg. 42. The Election Procedures Manual prescribes various uniform correspondence templates for issuing notices pursuant to this section. *See* 2014 Arizona Secretary of State Election Procedures Manual, pgs. 320, 327-331

Arizona law does not exempt UOCAVA voters from the procedures outlined above.

D2(a) Registration Identification
For voters that register using the state voter registration form, or voters that register using the federal (NVRA) voter registration form and wish to vote a full ballot that includes state and local races, proof of citizenship must accompany the registration form. Proof of citizenship includes:
· an Arizona driver's license number or Arizona non-operating identification license number issued after October 1, 1996, or an out-of-state license that indicates proof of citizenship;
· a copy of the applicant's birth certificate;
· a copy of the pertinent pages of the applicant's passport;
· a copy of the applicant's naturalization documents, or the applicant's naturalization certificate number (which must be verified through the Department of Homeland Security);
· the applicant's Bureau of Indian Affairs card number, tribal treaty card number, or trial enrollment number.

Voters that register using the federal (NVRA) voter registration are not required to provide proof of citizenship; however, declination to voluntarily do so will place the voter into “federal only” status and limit the voter to receiving a ballot that contains only federal races.

UOCAVA voters are subject to proof of citizenship requirements.

A.R.S. § 16-166(F); 2014 Arizona Secretary of State Election Procedures Manual, pgs. 11-16, 68.

D2(b) Voting Identification – Casting an In-Person Ballot

A voter casting an in-person ballot on Election Day must provide identification at the polling place. Approved forms of identification fall into one of three categories:

List 1

One of the following documents that contains the voter's photograph, name and address:

- valid Arizona driver's license;
- valid Arizona non-operating identification license;
- tribal enrollment card or other form of tribal identification; or
- valid federal, state or local government-issued identification.

List 2

Two of the following documents that contain the voter's name and address:

- utility bill dated within 90 days of the election (electric, gas, water, solid waste, sewer, telephone, cell phone, television);
- bank or credit union statement dated within 90 days of the election;
- Arizona vehicle registration;
- Arizona vehicle insurance card;
- Indian census card;
- tribal enrollment card, or other form of tribal identification;
- property tax statement;
- Recorder's Certificate;
- valid federal, state or local government-issued identification, including a voter registration card; or
- any mailing sent to the voter marked "Official Election Material."

Any item from List 2 may be displayed in electronic format, including the voter's smart phone.

List 3

- any valid photo identification from List 1 that does not have a matching address, accompanied by a non-photo identification from List 2 that does have a matching address;
- U.S. passport without an address, accompanied by one item from List 2; or
- U.S. military identification without an address, accompanied by one item from List 2.

A.R.S. § 16-579; 2014 Arizona Secretary of State Election Procedures Manual, pgs. 23, 144-146.