



ARIZONA HOUSE OF REPRESENTATIVES

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Senate: ELEC DPA/SE 4-3-1-0 | 3rd Read: 16-13-1-0

House: MOE DP 5-4-0-0

SB1288: logic and accuracy; testing

Sponsor: Senator Hoffman, LD 15

Caucus & COW

Overview

Requires all electronic or electromechanical voting systems to be tested and outlines certain testing procedures and requirements.

History

Prior to election day the Board of Supervisors or officer in charge of elections must have the automatic tabulating equipment and programs tested and checked for all offices and measures on the ballot within a designated period by the Secretary of State. In elections with state or federal candidates, the Secretary of State is responsible for conducting tests for election day equipment. Tests on automatic tabulating equipment must be observed by at least two election inspectors of different political parties and must be open to political party representatives, candidates, press and the public. Further logic and accuracy testing procedures are outlined in the 2023 Elections Procedures Manual to include the process for conducting tests, rescheduling of tests and accessible voting equipment tests ([A.R.S. § 16-449](#) and [2023 EPM P. 91](#)).

Provisions

1. Repeals statute concerning the required testing of equipment and programs and public notice of equipment testing requirements. (Sec. 1)
2. Requires all electronic or electromechanical voting systems to be tested following any maintenance or programming to ensure the system is properly programed, the election is correctly defined and all system input, output, and communication devices are functioning properly. (Sec. 2)
3. Mandates that the county officer in charge of elections must publicly test the automatic tabulating equipment within 25 days before the early voting period. (Sec. 2)
4. Specifies that if the ballots to be used on election day are not available during the time of the public test, the officer in charge of elections may conduct an additional test no more than 10 days before election day. (Sec.2)
5. Requires the county officer in charge of elections to provide a 48-hour public notice on the county website, the county officer in charge of elections' website or in the newspapers of general circulation in the county or four conspicuous locations within the county if the previous options are unavailable. (Sec. 2)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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6. Directs the county officer in charge of elections to send a written notice of the time and location of the automatic tabulating equipment test to the county party chairperson of each political party and to all candidates, other than statewide offices, on the county's ballot at least 30 days before the start of early voting. (Sec. 2)
7. Instructs the Secretary of State to provide written notices to each statewide candidate at the time of qualifying or immediately at the end of qualifying that the voting equipment will be tested by the county officer in charge of elections. (Sec. 2)
8. Requires each candidate to contact the county officer in charge of elections for the time and location that the voting equipment is to be tested. (Sec. 2)
9. Asserts that an accuracy board must convene, with each member certifying the accuracy of the test that is open to the representatives of the political parties, the press and public. (Sec. 2)
10. Authorizes each political party to designate one person with expertise in the technology field, election management systems or elections procedures to be permitted in the central counting room for the testing of voting equipment and the official counting of votes. (Sec. 2)
11. Stipulates that electronic or electromechanical voting systems tabulating mail ballots at a central or regional site are to be publicly tested using a pre-audited group of ballots and corrected to achieve an errorless count before approved. (Sec. 2)
12. Prescribes procedures for testing electronic or electromechanical systems distributed to precincts or voting centers, to include a specified percentage or number of optical scan system and touchscreen system devices to be tested if a sample of tested devices is to be used. (Sec. 2)
13. Outlines specified procedures and requirements for the accuracy board in determining satisfactory and unsatisfactory tabulating devices including:
 - a) identifying and testing devices with errors and testing devices that may produce similar errors;
 - b) verifying spelling and candidate order; and
 - c) ensuring the readiness and sealing of all tested devices. (Sec. 2)
14. Requires the county officer in charge of elections to keep records of all preelection testing of electronic or electromechanical tabulation devices used in any election present and available during testing for inquiry by attendees. (Sec. 2)
15. Maintains that access by the accuracy board to preelection testing records takes precedence over other attendees' access needs. (Sec. 2)
16. Stipulates that tests utilizing ballots must use test ballots that have been printed for the election and ballot-on-demand technology must be tested using the same paper stock as ballots employed for the election. (Sec. 2)
17. Prescribes a class 6 felony for anyone who is guilty of tampering with, opening, breaking or removing the seals on a tested device. (Sec. 2)
18. Establishes a class 4 felony penalty for anyone guilty of tampering with, opening, breaking or removing the seals and reprogramming a tested device without an additional logic and accuracy test. (Sec. 2)