



**ARIZONA STATE SENATE**  
*Fifty-Sixth Legislature, Second Regular Session*

**ENACTED**

**AMENDED**

FACT SHEET FOR H.B. 2785/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](#)).

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

Provisions

***Voting***

1. Moves the 2024 primary election to July 30, 2024.
2. Extends in-person early voting from 5:00 p.m. to 7:00 p.m. on the Friday preceding the election.
3. Replaces, beginning in 2026, the early ballot instructions with the prescribed statement:  
*In order to be valid and counted, the mail affidavit that contains the mail ballot must have the voter's signature on the envelop and must be returned to the office of the county recorder by any one of the following methods:*
  - (a) *Delivering it to the office of the county recorder or other officer in charge of elections by 7:00 p.m. on election day.*
  - (b) *Depositing it at any polling place in the county not later than 7:00 p.m. on election day.*

*(c) Bringing the ballot to any polling place in the county by 7:00 p.m. on election day and choosing to present valid identification that complies with section 16-579, subsection A, paragraph 1, Arizona Revised Statutes.*

4. Requires, beginning in 2026, the Arizona Department of Administration to coordinate with state agencies and counties to provide available and appropriate state-owned facilities for use as a voting location for any city, county or state election when requested by the officer in charge of elections.
5. Allows, beginning in 2026, a voter to choose to provide identification when presenting the voter's mailed early ballot at any voting location.
6. 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 and 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.

### *Canvass*

7. Requires the county BOS to meet and canvass an election as follows, rather than between 6 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.
8. 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.
9. Requires a county BOS to deliver the official canvass by electronic means to the SOS within 13, rather than 14, calendar days after a primary election.
10. Requires the SOS to canvass the general election by the third Monday, rather than the fourth Monday, after the election.
11. 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.
12. 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.

13. 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.
14. 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.
15. Specifies that the governing bodies of a city, town or special district must meet and canvass between 6 and 20 days following an election.

#### *Cure Period*

16. Requires, through 2026, 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.
17. Requires, through 2026, the county recorder or other officer in charge of elections to allow signatures to be corrected after all other elections for three business days.
18. Requires, for a primary, general or special election that includes a federal office, the county recorder's and city or town clerk's offices to be open during regular business hours to allow for curing signatures during the Friday and weekend before after the election in addition to the county recorder's and city or town clerk's regular business hours.
19. Rejects signatures that cannot be cured or verified pursuant to the newly prescribed signature verification guidelines.
20. 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 certain political parties of all voters whose signatures are missing or inconsistent with the signature on their voter registration record.
21. 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 certain political parties of all voters whose signatures are inconsistent with the signature on their voter registration record and voters who voted with a conditional provisional.
22. Requires 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*

23. 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.

24. Requires, beginning in 2026, all early ballots that are delivered by a voter to a voting location without valid identification to be signature verified.
25. 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.
26. Requires the early ballot signature evaluator (evaluator) to examine the broad characteristics of the signature.
27. 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.
28. 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.
29. Allows the evaluator to accept the signature if the local characteristics are clearly consistent with the voter's signature in the registration record.
30. 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.
31. Requires electronic signatures to be evaluated as outlined and requires electronic signatures that use a typed font to be rejected.
32. States that the Legislature intends that the illustrations of broad and local characteristics in the 2020 SOS Signature Verification Guide (Guide) be used as a reference.
33. Declares the Legislature's intent to codify the procedures based on the Guide.
34. Specifies that, in the event of any conflict between the Guide and the statute based thereon, the statute controls.
35. Stipulates that the newly prescribed requirements relating to signature verification:
  - a) is not intended to modify the grounds on which a party-appointed challenger may challenge an early ballot;
  - b) does not require signature evaluators to examine broad or local characteristics one at a time; and
  - c) is not intended to require an exact match.
36. 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.
37. Defines *evaluator* as the individual who is designated by the county recorder or officer in charge of elections and who conducts signature verification.

38. 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.
39. 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.

#### ***Automatic Recount***

40. 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.
41. Allows the post-election hand count audit to begin before the machine tabulation of ballots for the court-ordered recount is complete.
42. 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 the court orders a recount.
43. Requires each team conducting a logic and accuracy test to be supervised by a certified election officer.
44. 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 three years for a voting system vendor used in that county.

#### ***Nomination Petitions***

45. 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.
46. 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.
47. 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.

#### ***Sample Ballots***

48. 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.
49. Allow any candidate in the election who has submitted and confirmed an email address to proof the sample ballots.

50. 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.
51. Requires the election officer to, if the officer finds an error or omission in the ballot upon examination, correct the error or omission.

*Miscellaneous*

52. 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.
53. 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.
54. 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.
55. 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.
56. 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.
57. Reduces, from five calendar days to three business days, the number of days after any other election by which the signature on a provisional ballot must be compared to the precinct signature roster.
58. Makes technical and conforming changes.
59. Becomes effective on signature of the Governor, if the emergency clause is enacted.

Amendments Adopted by Committee of the Whole

1. Reverts the primary election to the second Tuesday in August.
2. Makes the cure period timeline modification session law through 2026.
3. Reverts all modified dates relating to:
  - a) determining qualified political parties;

- b) computing the minimum number of required nomination petition signatures; and
  - c) the effective date of precinct boundaries.
4. Removes the ability of a candidate within the recount margin to decline a recount.
  5. Requires ADOA to coordinate with state agencies for polling places.
  6. Removes the requirement that, beginning in 2026:
    - a) district high schools must close on every primary and general election day;
    - b) that teachers and staff receive or conduct in-service training or development activities on the election days.
  7. Removes the prohibition on teachers and staff using personal, vacation or other leave time on those election days.
  8. Reinserts the ability of a district high school principal to deny a request to provide space for use as a polling place.
  9. Specifies that the post-election hand count audit may begin before the machine tabulation of ballots for the court-ordered recount is complete.
  10. Specifies that all early ballots delivered without valid identification are subject to signature verification.
  11. Specifies that the early ballot of a voter who provided valid identification must be stamped and placed in secured ballot box.
  12. Specifies the time period during which governing bodies of a city, town or special district must meet and canvass.
  13. Requires clerk's offices to remain open during regular business hours to allow for curing signatures.
  14. Requires the lists of voters with missing and inconsistent signatures to include voters who voted with a conditional provisional and requires the list to be sent to all state recognized political parties.
  15. Requires each team conducting a logic and accuracy test to be supervised by a certified election officer.
  16. Modifies the conditions that prohibits a person from serving.
  17. Specifies that a signature noted for second review are upon a combination of broad and local characteristic differences that cannot be reasonably explained.
  18. Removes the specification that the SOS may request assistance from the Elections Assistance Commission field services program staff for the purposes of logic and accuracy testing.

19. Removes the prohibition on an election being held on the third Tuesday in May, beginning in 2026.
20. Clarifies that a recount is required if any canvass shows that a recount is statutorily required, rather than a county canvass.
21. Modifies the early ballot instructions.
22. Adds the Legislature's intent to codify the procedures based on the Guide.
23. Removes the appropriation.
24. Makes technical and conforming changes.

House Action

Senate Action

MOE	2/6/24	DP	5-4-0-0	ELEC	2/6/24	DP	5-3-0
3 <sup>rd</sup> Read	2/8/24		56-2-0-0-2	3 <sup>rd</sup> Read	2/8/24		24-2-4

(H.B. 2785 was substituted for S.B. 1733 on 3<sup>rd</sup> Read)

Signed by the Governor 2/9/24

Chapter 1

Prepared by Senate Research

February 29, 2024

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