

Analysis of Arizona Senate Bill 1241

September 29, 2021

Written By:

Matt Braynard, Executive Director

Ian Camacho, Research Director

The LAA Research Group

**LOOK
AHEAD
AMERICA**
THE VOTER INTEGRITY PROJECT

Summary of Arizona Senate Bill 1241

Senate Bill 1241 was introduced by Senator Kelly Townsend, Republican on January 21, 2020. On March 3, 2021 it passed the third reading in the Senate 16-14 and was transmitted to the Arizona House. On June 21, 2021 it passed the House 31-29. On June 29, 2021 the bill failed a final Senate reading with a vote of 13-16-1.

Analysis of the Sections

Section 1

§ 16-112 is amended to add that when an individual goes to the Arizona Department of Transportation in order to register to vote, a form shall be provided allowing a registrant to cancel their previous voter registration from another state which will be forwarded to that state's chief election officer. This law would allow citizens to take the proactive step of cancelling a previous voter registration while registering in Arizona. Upon completion of the form the Arizona Department of Transportation is required to forward the form to the state election official of the voter's previous residence.

Section 2

Title 16, chapter 4, article 1 is amended by adding §16-404.01 stating that all tabulation results shall remain in this country and not be transferred, transmitted or stored in any other country.

Section 3

§16-446 amends the specifications of the electronic voting system. It adds a subsection 10 which requires any voting location that uses on-site ballot tabulating equipment to, at the request of the voter provide a paper receipt to be issued to the voter with the time the ballot was received for tabulation. The receipt shall state whether the ballot will be tabulated at the voting location or securely stored until the polls close and transmitted to the central counting place for tabulation. This does not apply to early or provisional ballots.

Section 4

§16-452 amends the rules governing the instructions and procedures manual. Subsection D states that if a provision in the instructions and procedures manual conflicts with the state statute, the statute prevails.

Section 5

Title 16, chapter 4, article 4, is amended by adding §16-453. This provision states that a person may not access any area where the servers or hard drives that contain election data are stored unless preapproved or supervised by the county recorder or other officer in charge of elections.

Section 6

§16-550 adds a section stating that when a ballot signature on an early ballot affidavit needs to be cured, if a voter does not cure the ballot then the ballot shall be sent to the county attorney or attorney general for possible investigation. Further, the county recorder must submit a yearly report of the number of such referrals to the President of the Senate, the Speaker of the House of Representatives and the Governor.

Section 7

Title 16, chapter 4, article 10 is amended by adding §16-604. (1) states that any tabulation equipment that is used in a polling place shall not have internet or remote access at any time before, during or after the election. (2) states that the delivery, use and return of any equipment, including external or removable devices shall be logged on a chain of custody document with the name of anyone who (a) delivers, receives, uses and returns the equipment (b) connects a removable external device or storage device and (c) secures the above equipment.

§ 16-604 (3) further provides that if an observer from a political party is present, they shall have a reasonable view of the connection and removal of any external device, data storage device or computer screen until the election data is officially recorded or securely stored. (4) states that removable data storage devices shall be secured with a tamper-evident seal that contains a unique serial number that is recorded and confirmed on a chain of custody document. Failure to abide by the provisions in this section are a class 2 misdemeanor.

Section 8

Section 8. §16-621 is amended requires that any person engaged in processing or counting ballots must sign a sworn statement or affidavit and take an oath to faithfully

perform their assigned duties. It further provides that at the completion of duplicating a ballot, each member of the duplication board shall sign a duplication log attesting that the duplication is a true copy of the original. Finally, all data storage devices that are used to account for the original ballot and the digital duplicate shall be logged on a chain of custody document and a party observer shall be allowed to view the data storage device while it is not securely locked and stored.

Section 9

§16-624 is amended to state that if a recount is ordered or a contest begun within six months, the county treasurer may be ordered to deliver to the court the packages or envelopes containing the ballots where they will be in control of the court.

Evaluation of Arizona Senate Bill 1241

While this bill did not pass its final reading, it is a bill with merit. It was aimed at fixing many of the problems that arose in the 2020 election. It codified security measures to many of the issues that weakened the integrity of the Arizona election. Specifically, the introduction of chain of custody procedures as well as storage and security of voting equipment are important additions to election integrity.

It further establishes procedures to make future audits easier to accomplish. Finally, the Arizona State Senate determined that this revised bill would have no anticipated fiscal impact to the state General Fund meaning that it would cost the state nothing. These provisions improve election security without impacting the manner and method in which the citizen casts their vote. It simply codifies rules governing the management of elections without affecting individual voters.

Finally, this bill classifies certain acts by election officials as class 2 misdemeanors. This creates individual accountability to abide by provisions set forth in the election laws.

There appears to be little rationale behind the failure of this bill. The bill as introduced on January 21, 2021 contained the provisions outlined above in section 3. The bill passed the Senate and was transmitted to the House on March 4, 2021. The House, through committee, added many of the important amendments. In fact, everything aside from section 3 above was added in the amendment process. In the final reading on June 29, 2021 the bill was rejected 13-16-1. Two Republican Senators who had previously supported the bill voted no in the third reading. It should be noted that, realizing the bill would not be able to pass after the two Republicans voted no, the bill's sponsor Senator Townsend voted no as well. This no vote by the sponsor allows her to request that the bill be reconsidered at a later date, per Arizona legislative rules.

How to Help

Only when more people get involved, will meaningful, impactful change occur. This means less talking and more doing. That's how Look Ahead America will positively impact election reform. Support Look Ahead America by signing up to volunteer or by making a financial contribution at <https://www.lookaheadamerica.org>.

You can also join our Discord community server at <https://discord.gg/lookaheadamerica>