



2021 Elections Procedures Manual

*Summary of Updates in the October 1, 2021
Submission to the Governor and Attorney General*

New Laws Implemented (General Effective Date: Sept. 29, 2021)

- SB1002 (early voting envelopes; party affiliation)
- SB1003 (early voting; signature required; notice)
- SB1485 (early voting list; eligibility)
- SB1492 (election law amendments)
- SB1497 (ballot measures; proposition 105; disclosure)
- SB1530 (early ballots; instructions; undeliverable)
- SB1819 (budget procedures; budget reconciliation; 2021-2022) (**declared unconstitutional; appeal pending*)
- SB1835 (party representative; resident; violation)
- HB2033 (state mine inspector; qualifications)
- SB2054 (voter registration database; death records)
- HB2181 (write-ins; residency; filing deadlines)
- HB2307 (voting equipment; overvote notice)
- HB2308 (recall petitions and elections; revisions)
- HB2359 (election equipment; access; locks)
- HB2362 (elections; ballot privacy folders)
- HB2905 (early ballots; request required)

Court Decisions Implemented

- *Arizona Advocacy Network et al. v. State of Arizona*, 250 Ariz. 109, 475 P.3d 1149 (Ct. App. 2020)
- *Simpson v. Tarver*, No. CV-20-0218-AP/EL (Ariz. Aug. 24, 2020)
- *Clayton v. West*, 251 Ariz. 226, 489 P.3d 394 (2021)
- *McKenna v. Soto*, 250 Ariz. 469, 481 P.3d 695 (2021)

Summary of Other Key Updates

- Adds tribal agencies to the list of agencies who may request voter registration forms from the Secretary of State and County Recorder (Chapter 1)
- Clarifies applicable rules for determining residency for voters who are homeless or transient (Chapter 1)
- Clarifies applicable rules and procedures relating to nonstandard residential addresses (Chapters 1)
- Provides guidance for voters unable to complete or sign their voter registration form due to physical disability and those who assist these voters (Chapter 1)
- Clarifies that registered minors are eligible to sign candidate petitions (but remain ineligible to sign initiative, referendum, recall, or new party petitions) (Chapter 1)
- Requires a notice to be sent to the address on record if a voter registration record is cancelled based on a confirmed soft match against state or federal death records (Chapter 1)
- Clarifies that, in counties that use a secrecy mailing envelope for early ballots, a voted ballot shall be accepted for processing so long as the completed ballot affidavit is also returned with the voted ballot (Chapter 2)
- Specifies that security, transport, and chain of custody requirements for voted ballots on Election Day also apply to voted early ballots (Chapter 2)
- Requires counties to use a dedicated EMS Gateway Computer anytime the county: (1) downloads data from the internet onto a memory stick or other removable device that will be connected to the Election Management System (EMS); and/or (2) uploads data onto the internet from a stick or device that was connected to the EMS (Chapter 4)
- Requires testing of language accessibility functionality during logic and accuracy testing in counties covered by Section 203 of the Voting Rights Act (Chapter 4)
- Requires counties to develop incident response plans for election incidents that have security implications and/or may disrupt election operations (Chapter 4)
- Incorporates procedures and requirements for electronic adjudication of ballots from the 2020 Addendum to the EPM (Chapters 4, 10)

- Specifies measures for providing language assistance for oral or unwritten languages (Chapter 5)
- Clarifies guidance on processing candidate nomination petitions when the candidate submits more than the maximum number of permitted signatures (Chapter 6)
- Requires counties to consult with the appropriate tribal government(s) when selecting voting locations on reservations within the county and in preparing minority language translations required under Section 203 of the Voting Rights Act (Chapters 7, 8)
- Requires that poll workers assigned to voting locations on tribal reservations be trained on common issues with nonstandard addresses and rules relating to tribal identification, and language assistance (if applicable) (Chapter 8)
- Requires counties that utilize assigned polling places for Election Day to duplicate out-of-precinct ballots and count votes for the races in which the voter was eligible to cast a vote (Chapters 8, 9, 10)
- Clarifies that any official handling ballots during the post-election retention period must implement adequate procedures to maintain the security, integrity, and chain of custody of the ballots for the duration of the applicable retention period (Chapters 8, 13)
- Allows for reporting of vote totals for Presidential Preference candidates who withdraw after ballots are printed (Chapter 9)
- Requires paper provisional ballot affidavits substantially comply with the requirements for a voter registration form so they can be used to register a voter to vote in future elections (Chapter 9)
- Clarifies procedures for checking voter identification, including when the identification lists a nonstandard address or mailing address (Chapter 9)
- Clarifies that when Daylight Savings Time (DST) is in effect in the Navajo Nation, voting locations in the Navajo Nation must follow DST, and therefore presumptively close at 7:00 p.m. DST unless extended by court order (Chapter 12)