



# Summary: Updates to Draft 2019 Elections Procedures Manual

**DISCLAIMER:** This summary is not exhaustive, however, it highlights substantive proposed changes in the 2019 draft Elections Procedures Manual, as compared to the 2014 manual.

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**Arizona Secretary of State**

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# VOTER REGISTRATION

## CHAPTER 1

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### FEDERAL-ONLY AND FULL-BALLOT VOTERS

Significantly updated voter registration processing procedures, especially relating to documentary proof of citizenship (“DPOC”) requirement, to comply with the LULAC consent decree.

- For example, the 2014 manual laid out “bifurcated” procedures, treating those who register with the federal form differently from those who register using the state form.

Any state form submitted without DPOC was rejected and the registrant not registered at all. However, if a registrant submitted a federal form without DPOC, the registrant would be registered as a federal-only voter, and possibly a full-ballot voter if the system could acquire a valid Arizona driver’s license or state-issued identification number from MVD.

The 2019 draft spells out a uniform procedure for processing voter registration, no matter which form is used. Significantly, all new registration applications are now checked against MVD records and if the registrant information matches with an MVD record (other than an F-type license, which is issued to those who are non-citizens at the time of issuance),

The driver’s license or identification card number, which constitutes valid documentary proof of citizenship (“DPOC”) under A.R.S. 16-166(F), will be imported into the voter registration database for the registrant, making the registrant eligible to be registered as a full-ballot voter.

In addition, registrants who do not provide DPOC with their registration form and for whom the system was unable to “acquire” DPOC from MVD records have until 5:00 p.m. on the Thursday before Election Day to submit DPOC to the county recorder and update their registration status from federal-only to full-ballot voter.

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## **JUROR QUESTIONNAIRES**

Clarified procedures in response to receipt of information from juror questionnaires to protect against erroneous cancellation of voter registration; provided sample notification letters to voters in response to information the voter provided on juror questionnaires re: felony convictions, non-citizenship status, or residency outside of the county.

## **SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS DATABASE**

Clarified procedures for processing voter registration after verification of citizenship/immigration document numbers through DHS's Systematic Alien Verification for Entitlements ("SAVE") database.

## **SB1154 AND HB2039**

Based on new legislation passed this session (SB1154; HB2039) , updated voter registration reporting dates and added section requiring county recorders to report number of voters who register without providing DPOC and who voted a federal-only ballot.

## **VOTER REGISTRATION DEADLINE**

Specified that when the voter registration deadline falls on a weekend or state holiday, The deadline is bumped to the next business day for state government.

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# EARLY VOTING

## CHAPTER 2

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### **BALLOT BY MAIL**

Per county request, adopted the term “ballot-by-mail” to refer to early ballots mailed to voters (rather than voted in-person at an early voting location).

### **FEDERAL WRITE-IN ABSENTEE BALLOT**

Clarified procedures for transmitting a ballot-by-mail to military and overseas voters who submit a Federal Write-in Absentee Ballot (“FWAB”) sufficiently in advance of the election, holding the FWAB until 7:00 p.m. on Election Day, and only counting the FWAB if a ballot-by-mail was not returned by 7:00pm on Election Day.

This helps ensure that eligible military and overseas voters get an opportunity to vote a full ballot rather than just the federal races on the FWAB.

### **ACCESSIBLE VOTING DEVICES**

Specified chain-of-custody/security procedures for accessible voting devices used during early voting.

### **SB1072 AND SB1090**

Based on new legislation passed this session (SB1072; SB1090):

- Specified ID requirement for on-site early voting, emergency voting, and voting via a special election board;
- Specified sign-statement requirement for emergency voting and voting via a special election board;
- Provided that voters can update their registration record at an early or emergency voting location or with a special election board prior to receiving a ballot by simply completing a new voter registration form, and those updates will be deemed effective starting in that election.

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## **EARLY VOTER SIGNATURE**

Specified that county recorders should consult additional known signatures from the voter in the voter's registration record (e.g signature rosters, early ballot or PEVL request forms), in addition to the voter's registration form, if needed to verify a voter's signature on the early ballot.

## **SIGNATURE CURING PERIOD**

Based on new legislation (SB1054) and the Navajo Nation settlement, specified that:

(1) The County Recorder must make a reasonable and meaningful attempt to contact a voter whose signature on the early ballot is deemed inconsistent or is missing;

(2) Voters have until 5:00 p.m. on the 5th business day after a primary, general, or special election that includes a federal race, or the 3rd business day after any other election, to "cure" a missing or inconsistent signature; and (3) for the purposes of determining this "cure" period, the PPE is a federal election, and for counties that operate on a 4-day workweek, only the days on which the applicable county office is open for business are considered "business days."

## **VOTER REGISTRATION RECORD UPDATE**

Because in-person early voters must now show ID per SB1072 and SB1090, and the County Recorder's duty in doing signature verification is to determine that the same person signed the early ballot as is registered to vote,

The 2019 draft manual specifies that, early ballots cast in-person generally should not be invalidated based solely on an inconsistent signature absent some other evidence that the signatures were not made by the same person, and that a County Recorder can update the voter's voter registration record w/ the signature from the in-person early ballot affidavit.

## **BALLOT TABULATION**

Based on SB1054, specified that counties may begin tabulating early ballots up to 14 days before the election.

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# VOTING EQUIPMENT

## CHAPTER 4

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### **LOGIC AND ACCURACY TESTING**

To accommodate the earlier tabulation start date permitted by SB1054, we moved up the window for the Secretary of State's logic and accuracy testing of all county voting and tabulation equipment. The 2014 manual required that the L&A testing be done within 10 days of the election; this has been changed to 17.

### **SECURITY PROTOCOL**

Specified minimum security protocols for e-pollbooks, ballot-on-demand printers, and memory sticks/removable electronic storage devices (in addition to electronic voting systems in general), and provided that counties may employ more stringent/robust security protocols so long as the minimum requirements are met.

### **SB1072 AND SB1090**

Provided that voting systems may not be used to modem election results, whether through analog, cellular, or any similar transmission.

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# CANDIDATE NOMINATION CHAPTER 6

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## CANDIDATE NOMINATION PETITION SIGNATURE CHALLENGES

Incorporated new requirements from HB2236 re: candidate nomination petition signature challenges, including the requirement that county recorders verify the signatures of petition signers registered in their county and provide a report on the verification.

## VERIFICATION OF SIGNATURES

Specified streamlined procedures for county recorder verification of signatures in response to nomination petition challenge and the contents of the signature verification report.

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# PRESIDENTIAL PREFERENCE ELECTION CHAPTER 7

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## PARTICIPATION IN THE PPE

Specified that parties eligible to participate in the PPE are not required to do so, and may opt-out of the PPE; specified a deadline for notifying the Secretary of State's office of the decision to not participate.

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# CONDUCT OF ELECTIONS

## CHAPTERS 8 & 9

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### **UPDATED LANGUAGE**

Updated language throughout to account for the fact that many counties now use vote centers in place of or in addition to precinct-specific polling places, and updates to county voting equipment.

### **WAIT TIMES**

Changed the maximum allowable wait-time at voting locations from 1 hour (2014 manual) to 30 minutes.

### **POLL WORKERS**

Specified that, in counties that utilize precinct-specific polling places, poll workers have a duty to inform voters in the wrong precinct that their vote won't count unless they go to the correct precinct, and help the voter identify the correct precinct.

### **STUDENT ID**

Specified that student IDs issued by public universities and colleges qualify as "government-issued" photo ID and can be sufficient for voting purposes if they include the voter's photograph, name, and address per ARS 16-579(A)(1)(a).

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# CONDUCT OF ELECTIONS

## CHAPTERS 8 & 9

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### **ELECTRONIC ADJUDICATION**

Allowed for use of electronic adjudication to adjudicate ballots previously manually duplicated and tally write-in votes previously manually tallied, provided that the application is part of a voting system certified by the Election Assistance Commission and the Secretary of State, the functionality passes logic and accuracy testing prior to the election in which it is to be used, and that the election board performing these functions produce, verify, and sign-off on a paper audit trail of the adjudication decisions/write-in tallies prior to committing those results to the election management system.

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# HAND COUNT AUDIT

## CHAPTER 11

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### **VOTING TECHNOLOGY**

Updated language throughout to account for updates to county voting technology.

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# PETITION CIRCULATORS

## CHAPTER 14

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### **CIRCULATOR REGISTRATION**

Specified requirements/procedures for circulator registration.

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# CAMPAIGN FINANCE

## CHAPTER 16

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### **THIRD PARTY COMPLAINTS**

Specified procedures for processing third party complaints.