

COMMITTEE ON JUDICIARY
SENATE AMENDMENTS TO S.B. 1395
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 16-621, Arizona Revised Statutes, as amended by
3 Laws 2007, chapter 295, section 4, is amended to read:

4 16-621. Proceedings at the counting center; scanned ballots

5 A. All proceedings at the counting center shall be under the direction
6 of the board of supervisors or other officer in charge of elections and shall
7 be conducted in accordance with the approved instructions and procedures
8 manual provided for in section 16-452 under the observation of
9 representatives of each political party and the public, but no persons except
10 those authorized for the purpose shall touch any ballot or ballot card or
11 return. All persons who are engaged in processing and counting of the
12 ballots shall be deputized in writing and take an oath that they will
13 faithfully perform their assigned duties. There shall be no preferential
14 counting of ballots for the purpose of projecting the outcome of the
15 election. If any ballot is damaged or defective so that it cannot properly
16 be counted by the automatic tabulating equipment, a true duplicate copy shall
17 be made of the damaged ballot in the presence of witnesses and substituted
18 for the damaged ballot. All duplicate ballots shall be clearly labeled
19 "duplicate" and shall bear a serial number which shall be recorded on the
20 damaged or defective ballot.

21 B. If for any reason it becomes impracticable to count all or a part
22 of the ballots with tabulating equipment, the officer in charge of elections
23 may direct that they be counted manually, following as far as practicable the
24 provisions governing the counting of paper ballots.

1 C. For any statewide, county or legislative election, the officer in
2 charge of elections shall provide for a live video recording of the custody
3 of all ballots that are located in the counting center from the time that
4 those ballots are received for counting until all ballots are tabulated. The
5 live video recording shall be linked to the secretary of state's website and
6 the secretary of state shall post the video coverage for viewing by the
7 public. The officer in charge of elections shall record the video coverage
8 of the ballots at the counting center and shall retain those recordings as a
9 public record.

10 D. FOR ANY COUNTY THAT USES AN ELECTRONIC BALLOT COUNTING SYSTEM IN
11 WHICH THE VOTER MAKES A PRESCRIBED MARK ON A DESIGNATED LOCATION ON THE
12 BALLOT, THAT COUNTY MAY ESTABLISH THE FOLLOWING SYSTEM TO PROVIDE INTERESTED
13 PARTIES WITH ACCESS TO ELECTION INFORMATION:

14 1. THE COUNTY SHALL PROVIDE A COMMERCIAL GRADE SCANNER THAT CAN BE
15 USED TO SCAN THE VOTED BALLOTS IMMEDIATELY AFTER THE VOTED BALLOTS HAVE BEEN
16 TABULATED ON THE ELECTRONIC TABULATING EQUIPMENT. EACH EARLY BALLOT AND
17 PROVISIONAL BALLOT THAT IS TABULATED AT THE COUNTING CENTER SHALL BE SCANNED
18 BY THE SCANNER AND THE IMAGES SHALL BE STORED. SCANNERS MAY BE CONNECTED TO
19 ONLY A SINGLE COMPUTER AND SHALL NOT BE A PART OF A NETWORK.

20 2. IMAGES OF THE SCANNED BALLOTS SHALL BE STORED ONLY IN A MEDIUM THAT
21 ACCEPTS DATA ONCE AND CANNOT BE MODIFIED OR OVERRIDDEN. COPIES OF THE
22 SCANNED IMAGES SHALL BE MADE AVAILABLE TO INTERESTED PARTIES FOR COPYING AND
23 REVIEW.

24 3. THE COUNTY SHALL RANDOMLY SELECT TEN PER CENT OF THE POLLING PLACES
25 TO PERFORM ADDITIONAL SCANNING AT THE POLLING PLACE AFTER THE CLOSING OF THE
26 POLLS. DESIGNATED ELECTION BOARD WORKERS SHALL TRANSPORT A SCANNER TO THE
27 POLLING PLACE, SCAN THE TABULATED BALLOTS AND ANY PRECINCT VOTING REPORTS AND
28 STORE THE IMAGES AS PRESCRIBED IN PARAGRAPH 2.

29 4. AFTER THE CLOSING OF THE POLLS, ALL BALLOTS THAT HAVE BEEN
30 TABULATED SHALL BE SCANNED IN THE COUNTING CENTER AS PRESCRIBED IN PARAGRAPH
31 1, EXCEPT THAT THE SCANNING SHALL BE ORGANIZED AND IDENTIFIED BY PRECINCT.
32 IMAGES OF THE SCANNED BALLOTS SHALL BE STORED AS PRESCRIBED IN PARAGRAPH 2.

1 5. A SCANNER THAT IS USED PURSUANT TO THIS SECTION MAY BE CONNECTED TO
2 A COMPUTER BUT SHALL NOT BE CONNECTED TO ANY PART OF A NETWORK OR ATTACHED TO
3 ANY OTHER ELECTRONIC SYSTEM.

4 Sec. 2. Repeal

5 Section 16-621, Arizona Revised Statutes, as amended by Laws 2007,
6 chapter 259, section 1, is repealed."

7 Amend title to conform

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02/21/2008
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