

ARIZONA H.B. 2236, 2241, 2493 & 2494 LEGISLATION REVIEW

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THE VOTER INTEGRITY PROJECT

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How to Support Look Ahead America

If you can volunteer 10-15 hours a week in your state and are willing to speak with your state representatives, we could use your help to get this legislation passed. Sign up using the following link <https://lookaheadamerica.org/lead>.

Only when more people get involved will meaningful, impactful change occur. That's how Look Ahead America will positively impact election reform.

You may also support Look Ahead America by signing up to volunteer at <https://www.lookaheadamerica.org/volunteer>.

Or you may make a tax-deductible contribution at <https://www.lookaheadamerica.org/donate>.

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

Background

On February 2, 2022, Representative Jake Hoffman posted on his Telegram what amounted to be a victory lap for 4 Arizona election bills that passed the House Government and Elections committee. Specifically, he cited H.B. 2236, 2241, 2493 and 2494: <https://t.me/JakeHoffman/95>

Since Look Ahead Arizona works with election integrity, we decided to look into his claim by analyzing each of these bills.

AZ H.B. 2236 – Voter Registration; request required.

<https://www.azleg.gov/legtext/55leg/2R/bills/HB2236P.pdf>

Sponsors

Primary: Hoffman. Co-sponsored by: Barton, Blackman, Burges, Carroll, Chaplik, Fillmore, Griffin, Kavanuaugh, Parker, Pingerelli.

Brief Synopsis

Amends Title 16 [Elections and Electors], Chapter 1 [Qualification and Registration of Electors], Article 3 [Registration Officers and Procedures], and adds Section 16-143 under “Relating to Qualification and Registration of Electors.”

As the title suggests, the bill stops automatic voter registration without the citizen’s request.

Analysis

Unlike the other three bills, only this bill introduces a section not currently in existence.

This bill prohibits a government entity, employee, or agent from registering a person to vote without their request, but allows for one to automatically register to vote at the DMV should they choose. Although it does not align with LAA’s 6 integrity points, this bill has some merit in that it stops automatic, unintentional voter registration of non-citizens and unqualified voters such as illegal aliens, green card holders, H-1B visa applicants, etc. who get identification cards from automatically registering to vote. It also puts the responsibility on the citizen for registering to vote because it means that they knowingly made a request to register to vote.

AZ H.B. 2241 – Early Ballot Drop Off; Identification; Designation of Election Precincts and Polling Places; Voting Centers; Electioneering; Wait Times.

<https://www.azleg.gov/legtext/55leg/2R/bills/HB2241P.pdf>

Sponsors

Primary: Hoffman. Co-sponsored by: Barton, Blackman, Burges, Carroll, Chaplik, Fillmore, Griffin, Kavanuaugh, Parker, Pingerelli.

Brief Synopsis

There are 3 changes to existing law in this bill.

(1) It references section 16-548 as a means for accepting early voter ballots, which can be found here: <https://www.azleg.gov/ars/16/00548.htm>

This section says that an early voter will vote on and fold their ballot so that nobody can see their vote, sign an affidavit, and deliver or mail it to the recorder so that they receive it by 7 P.M. on election day. Overseas citizens, military workers, their spouses and dependents out of state or country may sign the affidavit and submit with a military ID number or passport number, if available.

(2) It allows for ballot harvesting via “agents,” which must be a family member if dropping off ballots at a voting center. If one drops off their own ballot during early voting, then the person must provide identification which confirms that it is their own ballot. If one is dropping off someone else’s ballot, then they must provide their own name and identification, and attest that they are either the family member, household member or caregiver of the voter.

(3) The penalty is now a class 6 felony for violation.

Analysis

This bill does nothing to further LAA’s election integrity objectives.

While it does require voters and voters’ agents to present identification when dropping off early ballots, it has no provision for verifying the individual’s information to determine that they are an eligible voter or that their identification is valid. Written attestations by someone voting under fraudulent names are useless in an audit, and, without the actual ballots, impossible to

identify. Additionally, there's only one factor authentication if sent through the mail whether from overseas or another state or even from within the state of Arizona. If these included thumbprints on the envelopes, then at least there would be two factors of authentication.

Unfortunately, the main issues from 2020 remain unresolved with this bill and for the most part ballot harvesting remains largely permissible. For example, nursing home workers could exploit mentally incapacitated residents by acting as their "agent" due to the caregiver role, and it would be entirely legal and hard to dispute due to the residents' unsoundness of mind.

The only state to entirely outlaw ballot harvesting is Alabama, in which nobody but the voter themselves may drop off a ballot on the behalf of another. This, on the other hand, has loopholes as there's no way to tell if the voter is mentally competent and whether the family or caregiver is acting legally. As with the other bills, this one does nothing also.

AZ H.B. 2493 – Appropriation; Election Integrity Fund; Exemption

<https://www.azleg.gov/legtext/55leg/2R/bills/HB2493P.htm>

Sponsors

Primary: Hoffman. Co-sponsored by Blackman, Chaplik, Martinez, Nguyen, Parker.

Brief Synopsis

Repeals the current section 16-604, amends Title 16 [Elections and Electors], Chapter 4 [Conduct of Elections], Article 10 [Tally and Returns] and adds a new section 16-604. This states that an election fund will be appropriated by the State Legislature, administered by the State Treasurer, and paid to County Recorders only for the explicit purposes of election security, cybersecurity measures and improvements and reimbursements for post-election hand tabulations, including for additional staffing. County Recorders must apply for funds for review and approval by the State Treasurer.

Repeals Laws 2021, Chapter 405 – the Procedures Budget Reconciliation Bill (BRB) – Section 48 "Appropriation; election integrity fund; exemption" and replaces it with the text verbatim aside from an updated fiscal year of 2022-23. This states that the amount of \$12 million gets

appropriated from the state general fund, but it remains unclear as to whether that is the entire amount of the legislative fund.

Analysis

This bill is 100% political theater.

The “old” 16-604 that it replaces has the same exact language as the “new” 16-604:

<https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/16/00604.htm>

As for the claim that this bill establishes an election integrity fund and appropriates \$12 million, what it really does is to repeal Laws 2021, Chapter 405, Section 48 and replace it with the existing text verbatim – aside from an updated fiscal year of 2022-23.

<https://www.azleg.gov/legtext/55leg/1R/laws/0405.pdf>

This action had already passed into law under AZ S.B. 1819, which later got struck down in September 2021 due to being one bill vs. smaller items under one item law:

<https://azelectionlaw.com/index/?p=801>

The fact that it comes from a piece of S.B. 1819 is not in and of itself a problem. The reason this bill gets a poor review results from the fact that this “new” material merely allocates funds for election integrity and security reimbursement. Aside from the mention of hiring staff and personnel, it remains very vague in the language as to what that means, and without better allocation and oversight it creates a lot of potential for abuse. Though the amounts per area need not be specific, its exact uses definitely need to be clarified as a lot of things could be classified as “security” when they are in fact the opposite.

AZ H.B. 2493 changed nothing aside from a passing of standard year election integrity budget updates. Not only that, in the bill it even keeps a loophole of 35-190 [Incurring obligations after close of fiscal year; lapsing appropriations; exceptions]:

<https://www.azleg.gov/ars/35/00190.htm>.

If the legislators of Arizona wanted to solve a problem, then ideally these funds would support our election integrity item **#5. Creation and Sufficient Funding for a Dedicated Voter Fraud Investigation Division within the State’s Attorney General’s Office.**

See all six of our election integrity items at: <https://lookaheadamerica.org/integrity>

AZ H.B. 2494 - Voter Registration Events; Posting.

<https://www.azleg.gov/legtext/55leg/2R/bills/HB2494P.htm>

Sponsors

Primary: Hoffman. Co-sponsored by: Blackman, Carter, Chaplik, Martinez, Nguyen, Parker, Toma.

Brief Synopsis

The Secretary of State and County Recorder shall post each voter registration event the Secretary of State attended on their public website within 24 hours after the event.

Amends Title 16 [Elections and Electors], Chapter 1 [Qualification and Registration of Electors], Article 3 [Registration Officers and Procedures] by repealing the current Section 16-133 [Voter registration events; website posting] and replaces with changes of two words.

Analysis

This action had already passed into law under AZ S.B. 1819, which later got struck down in September 2021 due to being one bill vs. smaller items under one item law:

<https://azelectionlaw.com/index/?p=801>

Literally, this bill results in a change of only 2 words: it adds “respective” and changes “website” to “websites”. This is already an existing section, not a new posting or law:

<https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/16/00133.htm>

The fact that it comes from a piece of S.B. 1819 is not in and of itself a problem. The reason this bill gets a poor review results from the fact that it does nothing to meet Look Ahead America’s election integrity objectives.

Furthermore, it remains unclear how posting this information *after* the event has occurred will serve the public in any way. As for the claim that H.B. 2494 “Requires transparency regarding what voter registration events the county recorders and SOS participate in,” the only real change is the slight clarification that both the Secretary of State and County Recorders will post the events on their own websites. If the Secretary of State and County Recorders posted these events before they happened, then at least a citizen would have the opportunity to register, to meet them in person, to ask questions, to hold them accountable, to capture and document the event, and so on. Or, they could post beforehand and provide minutes afterwards. As of right now, this bill helps nobody but gives the appearance of increased transparency.