

6 Arizona Election Integrity Bills

HB 2412, 2379, 2469, 2492, 2571 and HCR 2025

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**LOOK
AHEAD
AMERICA**
THE VOTER INTEGRITY PROJECT

HB 2412 – Open Meetings, Digital Recordings

<https://www.azleg.gov/legtext/55leg/2R/bills/HB2412H.htm>

Sponsors

Primary: Jacqueline Parker (R). Co-Sponsors: Frank P. Carroll (R), Teresa Martinez (R).

Synopsis

The bill's revisions intend to provide the public with increased transparency and timely access to legislative actions. This promotes accountability and permits constituents the opportunity to contact their representatives prior to bill finalization. The language updates current law to ensure that the public may attend all public meetings, make audiovisual recordings of all public and executive meetings publicly available online within 24 hours, and take all legal actions during public meetings.

Analysis

Although this bill does not directly address any of LAA's election security objectives, one could argue that it indirectly supports Objective #4 in that it facilitates citizens' ability to ensure elections are lawfully conducted. While it does not create a citizens' panel or commission, it helps expand public access and transparency to provide more awareness of legislative measures taken regarding election security. Expedient posting of notes, audio materials, and records of all actions also allows citizens to contact their representatives in a timely manner prior to a bill being finalized. Further, this transparency promotes accountability. Most importantly, open access provides the necessary resources for a Citizens Elections Supervisory Committee, poll watchers, and other election officials to be well-versed in election laws.

HB 2379 – Election Procedures Manual, Statutory Conflict

<https://www.azleg.gov/legtext/55leg/2R/bills/HB2379H.htm>

Sponsors

Primary: Representative Shawna Bolick (R).

Synopsis

HB 2379 requires the Secretary of State to publish an election manual, the legislature and Attorney General to review the manual as well as deploy experts to inspect voting machines, and states that legal statutes take precedence when there is a conflict with the manual.

Analysis

HB 2379 is an ineffective, weak attempt to provide sorely needed oversight of the Secretary of State and voting equipment vendors. This bill highlights vulnerabilities and loopholes but provides no solutions.

New language requires the legislature and Attorney General provide experts to examine and validate voting machines, however, the verbiage does not specify that those experts must be independent agents rather than employees of machine vendors. To date, vendors have denied access to their machines under the guise of proprietary protection, which renders the entire exercise moot. LAA advocates removing "black box" voting equipment to prevent this obstruction and obfuscation.

The amendment also states when the manual does not comply with legal statutes, the statutes take precedence. Yet any actions not in compliance with existing statutes are, and always have been, illegal. A major issue in the 2020 General Election was that election laws were simply ignored or overruled. Restating that the statutes take precedence provides no enforcement nor recourse, and is political theater.

HB 2469 – Early Ballots, Polling Place, Tabulation

<https://www.azleg.gov/legtext/55leg/2R/bills/HB2469P.htm>

Sponsors

Primary: Representative Frank Carroll (R). Co-Sponsors: Representatives Shawna Bolick (R), Judy Burges (R), Joseph Chaplik (R), David Cook (R), Lupe Diaz (R), Tim Dunn (R), Jake Hoffman (R), Teresa Martinez (R), Quang Nguyen (R), Jacqueline Parker (R), Kevin Payne (R), Beverly Pingerelli (R), Justin Wilmeth (R), and Senators David Gowan (R), Vince Leach (R), David Livingston (R).

Synopsis

Permits an early voter to deposit the early voter's completed ballot in the ballot tabulation equipment at the designated polling location on election day (as opposed to mailing in) and to then discard the envelope and completed affidavit.

Analysis

This bill does nothing to further any of LAA's election integrity objectives or any other election integrity objectives. It remains unclear why the voter would need to complete a ballot and affidavit if they appear in person at the polling station and present ID. Nor is it clear why signature clarification is allotted for 5 days post-election for curing and a missing signature is required by 7 PM on election night. Neither approach secures elections, particularly not the 5-day post-election curing process; if a ballot and/or affidavit is without a signature, then it is invalid, just as if a signature does not match it is invalid. Either way, the tabulation process should be completed the night of the election and only valid ballots counted.

HCR 2025 – Arizonans for Voter ID Act

<https://www.azleg.gov/legtext/55leg/2R/bills/HCR2025H.htm>

Sponsors

Primary: Representative John M. Fillmore (R). Co-sponsors: Representatives Leo Biasiucci (R), Walter "Walt" Blackman (R), Shawna Bolick (R), Judy M. Burges (R), Joseph Chaplik (R), Lupe Diaz (R), Mark W. Finchem (R), Steve Kaiser (R), John Kavanagh (R), Teresa Martinez (R), Quang H. Nguyen (R), Jacqueline Parker (R), Kevin Payne (R), Beverly Pingerelli (R), Ben Toma (R), Jeff Weninger (R), Justin Wilmeth (R), Vince Leach (R).

Synopsis

Assuming that the bill passes the state senate, then it will be voted on in November 2022. It notes that registration and in person voting requires identification, but not early or mail-in voters. The type of voter identification required for this resolution for mail-in voting will include the voter's date of birth and either the last four digits of the voter's social security number or the voter's driver license or nonoperating identification license number, which is more effective than a signature verification due to its being subjective. This would also apply to early ballots. It also requires name, number, address, and relationship to the voter of any assistant on each ballot. For early voting, it requires that a voter provide valid, unexpired identification as with election day voting. The act would go into effect by 2024.

Analysis

A requirement of a valid, unexpired driver's license, state identification, or social security plus signature would make forging someone else's ballot signature more difficult. The problem, however, is that if a caretaker who knows the voter's information is manipulating the voter's ballot they can still falsify votes. A thumbprint on the envelope would be better, but this is an improvement over one-step authentication.

HB 2492 – Voter registration; verification; citizenship

<https://www.azleg.gov/legtext/55leg/2R/bills/HB2492H.htm>

Sponsors

Primary: Representative Jake Hoffman. Co-Sponsors: Representatives Walter Blackman (R), Neal Carter (R), Joseph Chaplik (R), John Fillmore (R), Steve Kaiser (R), Teresa Martinez (R), Quang Nguyen (R), Jacqueline Parker (R), Ben Toma (R), Justin Wilmeth (R).

Synopsis

This Bill would require those registering to vote to provide satisfactory evidence of citizenship. A registrant must mark in a “yes” checkbox next to a question regarding citizenship as a condition of being properly registered to vote. Any application that does not have this affirmative mark will be considered incomplete and rejected until the applicant provides all requested information. This bill makes it a class 6 felony for a county recorder or any other officer in charge of elections to knowingly fail to reject an application that does not make this affirmative declaration.

Within 10 days of receiving an application for registration through the United States Election Assistance Commission not accompanied by satisfactory evidence of citizenship, the county recorder or other officer shall use all available resources to verify applicant’s citizenship such as the Department of Transportation databases, Social Security Administration databases, United States Citizenship and Immigration databases, National Association for Public Health Statistics and information, Vital Events System, and any other state, city, town, county or federal database for voter registration. If citizenship cannot be verified, an attempt must be made to notify the applicant.

Analysis

This bill covers 100% of election integrity point #2. The relevant section of the bill reads as follows:

WITHIN TEN DAYS AFTER RECEIVING AN APPLICATION FOR REGISTRATION ON A FORM PRODUCED BY THE UNITED STATES ELECTION ASSISTANCE COMMISSION THAT IS NOT ACCOMPANIED BY SATISFACTORY EVIDENCE OF CITIZENSHIP, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL USE ALL AVAILABLE RESOURCES TO VERIFY THE CITIZENSHIP STATUS OF THE APPLICANT AND AT A MINIMUM SHALL COMPARE THE INFORMATION AVAILABLE ON THE APPLICATION FOR REGISTRATION WITH THE FOLLOWING, PROVIDED THE COUNTY HAS ACCESS:

1. THE DEPARTMENT OF TRANSPORTATION DATABASES OF ARIZONA DRIVER LICENSES OR NONOPERATING IDENTIFICATION LICENSES.
2. THE SOCIAL SECURITY ADMINISTRATION DATABASES.
3. THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS PROGRAM, IF PRACTICABLE.
4. A NATIONAL ASSOCIATION FOR PUBLIC HEALTH STATISTICS AND INFORMATION SYSTEMS ELECTRONIC VERIFICATION OF VITAL EVENTS SYSTEM.
5. ANY OTHER STATE, CITY, TOWN, COUNTY OR FEDERAL DATABASE AND ANY OTHER DATABASE RELATING TO VOTER REGISTRATION TO WHICH THE COUNTY RECORDER OR OFFICER IN CHARGE OF ELECTIONS

HAS ACCESS, INCLUDING AN ELECTRONIC REGISTRATION INFORMATION CENTER DATABASE [...]

B. THE ATTORNEY GENERAL SHALL USE ALL AVAILABLE RESOURCES TO VERIFY THE CITIZENSHIP STATUS OF THE APPLICANT AND AT A MINIMUM SHALL COMPARE THE INFORMATION AVAILABLE ON THE APPLICATION FOR REGISTRATION WITH THE FOLLOWING:

1. THE DEPARTMENT OF TRANSPORTATION DATABASES OF ARIZONA DRIVER LICENSES OR NONOPERATING IDENTIFICATION LICENSES.

2. THE SOCIAL SECURITY ADMINISTRATION DATABASES.

3. THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS PROGRAM, IF PRACTICABLE.

4. A NATIONAL ASSOCIATION FOR PUBLIC HEALTH STATISTICS AND INFORMATION SYSTEMS ELECTRONIC VERIFICATION OF VITAL EVENTS SYSTEM.

5. ANY OTHER STATE, CITY, TOWN, COUNTY OR FEDERAL DATABASE AND ANY OTHER DATABASE RELATING TO VOTER REGISTRATION TO WHICH THE COUNTY RECORDER OR OFFICER IN CHARGE OF ELECTIONS HAS ACCESS, INCLUDING AN ELECTRONIC REGISTRATION INFORMATION CENTER DATABASE.

When compared to our integrity point #2, it is clear that Look Ahead America has influenced this legislation, compare above to point #2, which can be found here: <https://lookaheadamerica.org/integrity/>

The state will be required to engage in several processes to ensure the list of registered voters contains only those legally eligible to cast ballots.

Further, whether or not these processes result in a voter record's removal, the findings of these processes will be reflected in the publicly available voter list (not applicable to Social Security numbers). This will allow citizens or organizations to use this information to take additional steps to ensure only legal ballots are cast.

These processes will include, but are not limited to:

Shared Interstate Residency Databases. The state will cooperate with other states to build a secure, transactional database to detect when an individual has registered in another state or taken other steps that would indicate a loss of residency and therefor voter privileges. This database will rely on a match of name, date of birth and the last four digits of the Social Security number. Any records matched through this process must be publicly flagged in the state's voter database.

Non-Citizen Matching Using the USCIS's SAVE Database. The state will take advantage of the USCIS's SAVE database to flag non-citizens and remove them from the voter list. Any records matched through this process must be publicly flagged in the state's voter database.

National Change of Address, Social Security Death Index, and Master Death File Matching. The state will match the voter list against the NCOA permanent moves, SSDI, and MDF on a monthly basis. Any matches will require a follow-up to ensure whether or not the voter is still eligible to cast a ballot and, if not, they will be removed from the voter

list. Any records matched through this process must be publicly flagged in the state's voter database.

We award it our second ever A+ on election integrity as it perfectly encapsulates the criteria to verify and clean the voter rolls. We would be thrilled for it to pass into law; it would not only significantly improve election integrity, but also pave the way for other states to follow suit using this as an existing law for a template of their own. This more than makes up for Hoffman's 3 bills that we previously had criticized.

HB 2571 – Early voting; limitations; hand count

<https://www.azleg.gov/legtext/55leg/2R/bills/HB2571P.pdf>

Sponsors

Representative Walter Blackman (R).

Synopsis

The bill removes the county recorder's ability to create onsite early voting locations as now early voting will only exist during a specific timeframe and everyone registered would get a mail-in ballot. In essence, it entirely removes early voting unless one cannot attend due to their being on the uniformed overseas citizens absentee voting act (UOCAVA) list, are military or a dependent, have a religious exemption, or anticipate absence in advance. It also entirely removes electronic voting systems and tabulating machines, instead stating that all ballots will be tabulated by hand. It also removes risk limiting audits entirely, because all ballots would be hand counted, making it redundant. It also allows for people without political affiliation to attend the counting of ballots at the counting centers. This would go into effect as of 2023.

Analysis

Although the bill removes electronic voting systems and tabulations, it also oddly fails to remove e-pollbooks. The removal of early voting and electronic voting systems are bold moves, however, and while unlikely to pass, we wonder whether hand counting in a whole state would be feasible in a short amount of time. This move does not necessarily lead to better election integrity, although it would 100% remove the issue of black box voting as it improve transparency.

Acknowledgements

@mammallama and Nicole Nix both reviewed and edited many of these bills when we first got them.

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>.

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>.