

# 14 ARIZONA ELECTION INTEGRITY BILLS – A BRIEF ANALYSIS

January 26, 2022

**Written By:**

**Matt Braynard, Executive Director**

**Ian Camacho, Research Director**

**The LAA Research Group**

**LOOK  
AHEAD  
AMERICA**  
**THE VOTER INTEGRITY PROJECT**

## Background

Dozens of election integrity bills have recently appeared in both chambers of the state of Arizona, mostly by Republicans. These are intended to address many of the vulnerabilities and loopholes discovered in the 2020 general election.

Liberal news outlets made note of a few, claiming that these bills are all indicative of voter suppression. We wanted to review these bills for ourselves to determine if these claims had any merit, and, more importantly, if these bills handled election integrity issues well.

## Analysis of the Bills

Every bill that follows will include the title, link, and brief description below. Additionally, we provide an evaluation of each bill after these as there are a number of bills introduced, many of which are identical to others or nearly the same.

### Senate Bill 1120

<https://www.azleg.gov/legtext/55leg/2R/bills/SB1120P.pdf>

This bill changes the ballot to implement 19 different security measures. These include but are not limited to: watermarked bank security level 1, have holographic foil, variable inks, forensic fraud detection items, raster imaging, microprinting, serialized black QR codes, a paper receipt that is a perforated part of the ballot, and other features. As of now, this cost is unknown but vendors expect it to cost significantly more. It would also do very little to handle the underlying issues aside from stop people who print their ballots at home, though if it is anything like Washington state which allows a person to mail in a napkin and use voter intent, then it would be meaningless and security theater. It would be a nice contract for whatever company that gets the printing job and also will funnel more money towards the voting machine vendors as they may have to adjust for specifications.

### House Bill 2041

<https://www.azleg.gov/legtext/55leg/2R/bills/HB2041P.pdf>

This bill has the exact same language in virtually every detail. Our criticism given to AZ SB 1120 applies here as well.

### Senate Bill 1028

<https://www.azleg.gov/legtext/55leg/2r/bills/sb1028p.htm>

Ten of these items above appear in a bill by Wendy Rogers. The difference in her bill is that it allows for a combination of any three items from a vendor. This would be much more cost-effective and likely more viable. It would also be less restrictive as even the most secure papers do not change issues like illegally cast ballots. These are all going to be very expensive and are essentially security theater, but of the three this is the best choice and most likely to pass as it allows flexibility, the cost is not prohibitive, and it provides some improvement in security.

## House Bill 2577

<https://www.azleg.gov/legtext/55leg/2R/bills/HB2577P.pdf>

This bill outlaws all unmonitored drop boxes.

It also states that all absentee ballots must be requested, not sent automatically.

Voters must present a voter ID card and two of the following: a signature, a thumbprint, or a unique security code issued to the individual. Otherwise, they can only vote provisionally.

The county clerk will issue voter ID cards, and only if the voter provides a US birth certificate, a US naturalization document or a current passport to establish US citizenship. For Arizona citizenship status, the voter must provide two documents indicating their legal and residential status including utility bills or other similar items.

This bill eliminates also entirely eliminates ballot harvesting for caregivers, household members, and family.

For ratification, the bill requires a three-fourths (75%) enactment by each house.

This bill is a mixed bag. Using a signature and thumbprint is good for in person voting, but it still has a huge loophole with absentee ballots. Eliminating ballot harvesting entirely is good as is the removal of drop boxes (although it allows for monitored drop boxes). On the other hand, obtaining a voter ID card seems somewhat onerous. Although it is intended to curb non-Americans and non-Arizonans from voting, it will be costly and cumbersome.

Implementing LAA's election integrity item **#2. Mandated and Public Voter List Hygiene** would have more impact than the ID card. 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 United States Citizenship and Immigration Services' (USCIS) Systematic Alien Verification for Entitlements (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 (NCOA), Social Security Death Index (SSDI), and Master Death File (MDF) 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.

Likewise, if the fingerprint were on the absentee ballot and followed LAA election integrity point **#1. Thumbprint Authentication of Absentee Ballots** then it might prevent a lot of issues where there are more vulnerabilities. A single machine-readable thumbprint on the affidavit envelope of an absentee ballot will limit the ability of an individual other than the voter of record to cast that ballot. Multiple ballots cast by a single individual will be easily detectable. When paired with a thumbprint requirement on the absentee ballot request or as part of the voter registration process, it practically eliminates fraudulent absentee ballots. This process also eliminates many of the problems with ballot signature verification, witness signatures, and unscrupulous ballot harvesting. The state will encrypt the captured thumbprints as alphanumeric values with a one-way hash using a secure key, and will be prohibited from sharing raw thumbprint data with any other government agency.

In all likelihood, it is unlikely to pass with a  $\frac{3}{4}$  requirement from both houses, especially as both state houses are split nearly 50/50 by party.

### [Security Council Resolution 1005](#)

<https://www.azleg.gov/legtext/55leg/2R/bills/SCR1005P.htm>

This is pretty much the same bill as the previously mentioned House Bill 2577, minus the removal of harvesting and drop boxes portions. Also, despite the criticism from progressives, it allows one to use "THE ELECTOR'S BUREAU OF INDIAN AFFAIRS CARD NUMBER, TRIBAL TREATY CARD NUMBER OR TRIBAL ENROLLMENT NUMBER" as a means of identification. Therefore, it does not disenfranchise First Nation members as claimed; if anything, the bill has made sure to include a provision to include this group.

Our criticism as with House Bill 2577 applies here, as do our suggestions. Of the two bills it will more likely pass, however, as it does not require 75% approval from both houses.

### [Senate Bill 1058](#)

<https://www.azleg.gov/legtext/55leg/2R/bills/SB1058P.pdf>

This bill outlaws drive-up voting. It specifically states that unless one is disabled a person may not cast a ballot from their vehicle. This bill also bans drop boxes, unless they are located in a polling place or voting center or county recorder or election facilities location, which will have appropriately trained workers monitoring them.

This one is a little more permissive with the drop boxes than the previous bills, although it is in fact more specific than House Bill 2577 and explains how a drop box is monitored and where it would be located. It might allow for a fair compromise in this regard as it only allows them in staffed and monitored locations that exist for the purposes of elections, as opposed to, say, an unmonitored public park with no personnel or security measures.

Progressives believe that this bill discriminates against the disabled, but this is a ludicrous argument as one already needs a placard to legally park in handicap spaces or even to idle in certain loading areas. Likewise, one needs to provide proof of disability to claim benefits, and this bill's provisions should be treated no differently. If anything, it protects the disabled from being defrauded by others falsely claiming the status, and if one is disabled but does not wish to be treated as such, then they are treated just like everyone else; True equality for all.

### House Bill 2023

<https://www.azleg.gov/legtext/55leg/2R/bills/HB2023P.pdf>

This bill prevents the destruction or alteration of physical and electronic ballots, including the prevention of any unauthorized transfers and copies. It also makes the digital copies of ballots searchable by the public by placing copies of the ballots online and searchable by precinct without altering the ballot images. Digital copies will be considered public images.

This is a step in the right direction as it will help improve transparency and improve errors in counties if detected. It will also allow for greater participation by the citizenry and allow for a more informed public overall. Georgia has already taken this action, and other states should follow to allow for journalists and interested citizens to keep election officials accountable.

### Senate Bill 1008

<https://www.azleg.gov/legtext/55leg/2R/bills/SB1008P.pdf>

This bill triggers an automatic recount if the margin of victory is one half of one percent (0.005) instead of one tenth of one percent (0.001) as the law currently dictates.

This does not change anything in terms of security outside of calling into question margins of victory that are extremely close. The upside is that this would note discrepancies found in a recount, but it would take longer to perform and delay certification results – a criticism made during the last general election. It does not suppress or disenfranchise voters, and it gives candidates a chance to challenge the election if within reasonably close margins.

### Senate Bill 1056

<https://www.azleg.gov/legtext/55leg/2R/bills/SB1056P.pdf>

Any ballots misplaced and not included at the initial tally at a polling place are not to be counted. For early and provisional ballots not included at the initial tally at a counting center or election board are not to be counted. A person who misplaces a ballot will be guilty of a misdemeanor. For those who submitted an absentee ballot or provisional ballot that identifies their name (that is, it has their contact information on the envelope sleeve), they may file for damages against the governmental body administering the election for loss of the right to vote.

The purpose of this bill is to prevent “suddenly found” votes suddenly appear late in the counting process, which draws out counting and sometimes changes the outcome. The

downside to this bill is that one might be able to withhold the ballots of their political opponent if one knows where they are located or delay the delivery of the ballots of a county that will likely go for the opponent. (For example, a mayor could suddenly authorize street closures).

While well intentioned, this one will likely create unintended consequences. It is a good start but it needs to include more to prevent being abused by other parties intending to block votes.

### Senate Bill 1055

<https://www.azleg.gov/legtext/55leg/2R/bills/SB1055P.pdf>

Any election related contractor that fails to perform its obligations is subject to liquidated damages equal to the amount paid. This would also make the contractor guilty of a misdemeanor (and likely lose its license to operate in the state).

This is more punitive than the current laws in that the contractor will take a loss after expenses incurred, but otherwise it seems standard. This would likely also lead to the company not paying its contractors or employees and subcontractors not being paid by the contractor if such a ruling occurred. The other question is if the company is licensed and bonded, whether the company pays the damages or the insurance company does, and, if so, do the tax payers pay the insurance company that the contractor built into the initial contract. This would be counter-productive unless these loopholes are addressed.

### Senate Bill 1054

<https://www.azleg.gov/legtext/55leg/2R/bills/SB1054P.pdf>

This bill designates an election integrity committee to review the election equipment every two years for counties with populations of 500,000+. An expert in election equipment shall be present to conduct or assist. A detailed review shall be presented to the election integrity committees in both houses no later than 1 August the following year. After written report of the detailed review shall be written and presented to the Secretary of State (SOS), president of the senate and speaker of the house.

While a good start, it should also include LAA election integrity point **#4: Appointment of a Citizens Elections Supervisory Committee**. “The committee shall consist of trusted citizens who represent various political parties as well as non-partisan organizations. Each committee member will be granted access to the election process that is the equivalent of the state’s election director and any county election director. These representatives will have the responsibility of documenting the lawful execution of the election at every level.”

### Senate Bill 1012

<https://www.azleg.gov/legtext/55leg/2R/bills/SB1012P.pdf>

The SOS will provide access to a statewide election voter registration database to any person or entity designated by the legislature and election integrity unit of the Attorney General’s (AG) office in order to determine if the voter registration list procedures comply with federal law.

The person or entity must be qualified in more than one state to analyze voter registration rolls in compliance with federal laws. After determining its findings, the person or entity must report them to the senate president, speaker of the house, AG and SOS. If there are people on the rolls not eligible to vote, the SOS must notify the appropriate county clerks to remove them.

The county clerks must provide to the SOS: their process for registering voters, the number of voters eligible to vote in that county for federal elections, number of citizens whose citizenship is verified and whose status has changed to be eligible, descriptions of obstacles of obtaining documentation of citizenship with state registration requirements, number of voters determined to be ineligible and removed from the rolls. Likewise, the AG and county attorney shall investigate and prosecute anybody who is ineligible to vote and knowingly registered.

As with Senate Bill 1054, this could use LAA's election integrity point #4 and include more of the public involved to investigate various items in the voter rolls in conjunction with experts.

### Senate Bill 1027

<https://www.azleg.gov/legtext/55leg/2R/bills/SB1027P.pdf>

Gives power to the newly formed Bureau of Elections in addition to AG to investigate election related crimes. This will be established in the office of the governor.

If there appears to be cause to investigate, then the Bureau will examine under oath any suspected person connected with a fraudulent election action or practice. Pursuant to an order the bureau may impound any items related such as books, papers, software, hardware, etc. until the investigation completes. The Bureau may issue subpoenas, administer an oath or affirmation to any person, and conduct hearings during investigations. It may also serve a subpoena or demand for people in or out of Arizona by hand or by mail for a summons in a civil action. The Bureau will make its findings public for each instance that it determines there is a substantial likelihood of fraudulent action, and make a referral to a prosecutorial agency.

The cost to establish the Bureau for 2022-23 comes to five million dollars.

This almost fulfills LAA's election integrity item **#5: Creation and Sufficient Funding for a Dedicated Voter Fraud Investigation Division within the State's Attorney General's Office**. The only difference is that it comes under the Governor's office. Both reside in the executive branch, but it may be subject to political pressures better handled in the AG's office.

### Senate Bill 1043

<https://www.azleg.gov/legtext/55leg/2R/bills/SB1043P.pdf>

Makes both general election and primary election days into state holidays. One may be absent from work without penalty, so long as they notify their employer no later than the day before

the election that they will be using the time solely for voting. This expands it from three hours to a full day to vote in person.

Though this will definitely be abused, the idea being that people may take off as much time as they need to vote and then return once they have completed the process, instead of losing time in line or debating whether to vote or lose their job. Three hours is relatively generous but without question a day provides no excuses for in person voting and should make counting votes a faster process.

This seems extremely hard for anybody to argue that this bill is voter suppression as it creates two statewide holidays a year for the purposes of voting. Aside from knee-jerk reactions due to party affiliation, this is without a doubt the most progressive bill of the bunch. To a large extent, it also eliminates many of the justifications currently in use for absentee and provisional ballots as well as drop boxes if it indeed passes into law.

## Conclusion

This is not an exhaustive list of proposed bills related to election integrity in Arizona, but these are the ones most discussed in the media. While some do very little to improve election security, a few of them do close loopholes such as removing drop boxes and increasing voter roll cleanup. We believe that if the Arizona legislators considered our six integrity points and worked them into the laws, that they would be much more efficient, less expensive, and cost effective than many of the options than they are proposing. Still, for the most part it is a step in the right direction.

<https://lookaheadamerica.org/integrity>

## How to Help

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

Support Look Ahead America by signing up to volunteer at <https://www.lookaheadamerica.org/volunteer>

If you can volunteer 10-15 hours a week in your state, then we could use your help as well at <https://lookaheadamerica.org/lead>

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>.