

EZAZ.org 2021 Election Procedures Manual Draft Review

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| <p>Backdoor Administrative Fiat Legislation</p> | <p>119</p> | <p>PDF pg 119 Voting Equipment — III. Security Measures for Electronic Voting Systems -EMS Gateway Computer By the August 2022 Primary Election, a special-purpose, dedicated computer (the “EMS Gateway Computer”) shall be used to (1) download data from the internet onto a memory stick or other removable electronic storage device that will be connected to the EMS; and/or (2) upload data onto the internet from a stick or device that was connected to the EMS. No other computer except for the designated EMS Gateway Computer shall be used for these purposes and the designated EMS Gateway Computer shall not be used for any other purpose. The following security protocols apply to the EMS Gateway Computer: 1. The computer should only be connected to a network when necessary (e.g., to upload to or download from the internet or to install necessary software updates). 2. The computer shall not be used for any purpose other than moving necessary election data in or out of the EMS. 3. The computer’s operating system, browser, and endpoint protection software shall have the latest updates and security patches installed. 4. The computer shall have endpoint protection software (i.e., antivirus software that protects the computer from malware, viruses, ransomware, incursions, and other cyber security risks), with scanning capability installed. 5. The computer shall have no software installed other</p> | <p>Concern: This entire section is new to the manual by Secretary Hobbs. This section is not covered by statute per Hobbs lack of reference. This section is administrative "legislation" and a huge power grab by the SOS as it is the Legislature's role to create entirely new functions of the election process. This entire section should be removed from the manual and instead it should be worked through the legislative process. The most alarming concern in this section is that this section creates internet functionality to EMS by having the EMS Gateway have the function of connecting to the internet with explicit permission for EMS Gateway to move "necessary election data in" to EMS.</p> | <p>Yes</p> | <p>Yes</p> | <p>PDF pg 119 Voting Equipment — III. Security Measures for Electronic Voting Systems -EMS Gateway Computer Concern: This entire section is new to the manual by Secretary Hobbs. This section is not covered by statute per Hobbs lack of reference. This section is administrative "legislation" and a huge power grab by the SOS as it is the Legislature's role to create entirely new functions of the election process. This entire section should be removed from the manual and instead it should be worked through the legislative process. The most alarming concern in this section is that this section creates internet functionality to EMS by having the EMS Gateway have the function of connecting to the internet with explicit permission for EMS Gateway to move "necessary election data in" to EMS.</p> |
| <p>Lack of Transparency in Incident Response Plan</p> | <p>122</p> | <p>PDF pg 122 - Incidence Response Plan The County Recorder and officer in charge of elections shall develop a written incident response plan outlining how they will respond to and report election incidents that have security implications and/or may disrupt election operations. The Secretary of State shall provide and periodically update an election incident response plan template for the counties to consult</p> | <p>Concern: The incident response plan should include the Attorney General's Election Integrity Unit. The plan must include the public and other stakeholders so that proper communication is made and appropriate documentation recorded and reported to the appropriate authorities and government agencies.</p> | <p>Manual and lack of Statute</p> | <p>Transparency</p> | <p>PDF pg 122 - Incidence Response Plan "The County Recorder and officer in charge of elections shall develop a written incident response plan outlining how they will respond to and report election incidents that have security implications and/or may disrupt election operations. The Secretary of State shall provide and periodically update an election incident response plan template for the counties to consult" Concern: The incident response plan should include the Attorney General's Election Integrity Unit. The plan must include the public and other stakeholders so that proper communication is made and appropriate documentation recorded and reported to the appropriate authorities and government agencies.</p> |

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| Lack of Accommodations for Voters with Disabilities | 127 | <p>PDF pg 127 - Resources for Voters with Sight and Hearing Disabilities:</p> <ul style="list-style-type: none"> • Each voting location and early voting site shall have at least one magnifying instrument. • For a statewide election, the Secretary of State shall provide each county with at least one large print version of the publicity pamphlet for each polling place, vote center, and early voting site. The officer in charge of elections shall provide at least one large print version of county publicity pamphlets to each polling place, vote center, and early voting site. | Concern: There should be more than one magnifying instrument, large print version of the publicity pamphlet, etc. for convenience of multiple people needing accommodations or damage occurring to the instruments. | Manual | Yes. | <p>PDF pg 127 - Resources for Voters with Sight and Hearing Disabilities</p> <p>Concern: There should be more than one magnifying instrument, large print version of the publicity pamphlet, etc. for convenience of multiple people needing accommodations or damage occurring to the instruments.</p> |
| Lack of Chain of Custody in Ballot Delivery | 129 | <p>PDF pg 129 - SPECIAL ELECTION BOARDS Personal ballot delivery through a special election board shall be provided to any qualified elector who is confined as a result of a continuing illness or physical disability and is, therefore, not able to go to the polls on Election Day. See Chapter 2, Section IV for more details.</p> | Concern: There should be a requirement for chain of custody documentation of the identities of the board that served specific voters | Manual & statutory | Transparency | <p>PDF pg 129 - SPECIAL ELECTION BOARDS</p> <p>Concern: There should be a requirement for chain of custody documentation of the identities of the board that served specific voters</p> |
| Conflict with Statute for Write-in Candidates | 137 | <p>PDF pg 137 2. Write-In Candidacy</p> <p>The required documents must be filed no earlier than 150 days before the election and no later than 40 days before the election at 5:00 PM, except: (i) a write-in candidate to fill a vacancy that occurs after the official ballots have been printed must file the required nomination documents no later than five days before the election; and (ii) a write-in candidate who intends to run in a school district, special taxing district, or precinct committeemen election that may be canceled due to an insufficient number of candidates seeking election must file the required nomination documents no later than 106 days before the election in question. A.R.S. § 16-312(B); A.R.S. § 16-343(D).</p> | Concern: Per the statute, 106 days should be changed to 76 days. | Manual | Yes | <p>PDF pg 137 2. Write-In Candidacy</p> <p>Concern: Per the statute, 106 days should be changed to 76 days.</p> |
| Conflict of Interest in County Recorder Challenges | 145 | <p>PDF pg 145 County Recorder Signature Verification</p> <p>If the County Recorder is the candidate being challenged, the County Recorder will be screened from the signature verification process and will have staff conduct the signature verification and prepare the report. The County Recorder shall not personally work on the verification.</p> | Concern: The County Recorder staff conducting the signature verification process is not sufficient to ensure credibility of the verification process. In this situation, the Secretary of State should perform the signature verification as an unbiased party. | Manual | Yes | <p>PDF pg 145 County Recorder Signature Verification</p> <p>"If the County Recorder is the candidate being challenged, the County Recorder will be screened from the signature verification process and will have staff conduct the signature verification and prepare the report. The County Recorder shall not personally work on the verification."</p> <p>Concern: The County Recorder staff conducting the signature verification process is not sufficient to ensure credibility of the verification process. In this situation, the Secretary of State should perform the signature verification as an unbiased party.</p> |

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| <p>Backdoor Administrative Fiat Legislation</p> | <p>146</p> | <p>PDF pg 146 3. Testimony and Evidence by County Recorder In addition to the County Recorder's signature verification report, the County Recorder(s) and the filing officer, or their designee(s), must also provide testimony and other evidence for the challenge hearing on the request of any of the parties to the court action. A.R.S. § 16-351(E).</p> | <p>Concern: A.R.S. § 16-351(E) does not extend this to designees. Either the statute should add designees or the manual should remove the word to conform.</p> | <p>Manual</p> | <p>Yes</p> | <p>PDF pg 146 3. Testimony and Evidence by County Recorder "In addition to the County Recorder's signature verification report, the County Recorder(s) and the filing officer, or their designee(s), must also provide testimony and other evidence for the challenge hearing on the request of any of the parties to the court action. A.R.S. § 16-351(E)." Concern: A.R.S. § 16-351(E) does not extend this to designees. Either the statute should add designees or the manual should remove the word to conform.</p> |
| <p>Conflict with Statute on Costs & Expenses</p> | <p>147</p> | <p>PDF pg 147 Costs and Expenses The filing officer has no statutory duty to reimburse County Recorders for signature verification or other expenses incurred in connection with nomination petition challenges. Accordingly, County Recorders should seek sufficient funding from their Board of Supervisors to ensure the ability to comply with the signature verification and reporting requirements of A.R.S. § 16-351. The County Recorder may seek reasonable expenses from the challenger or candidate under specified circumstances. If the court finds that the challenge was without substantial justification or primarily for the purpose of delay or harassment, the court may enter judgment in favor of the County Recorder or officer in charge of elections and against the challenger for the reasonable expenses incurred in the signature verification process. Similarly, if the court finds that the candidate knowingly or recklessly submitted a substantial number of invalid signatures, the court may enter judgment in favor of the County Recorder or officer in charge of elections for the reasonable costs incurred in the signature verification process. A.R.S. § 16-351.01</p> | <p>Concern: The statute uses the word expenses. However, the manual in the last line of the last paragraph uses the word cost. The manual should align with the statute.</p> | <p>Manual</p> | <p>Yes</p> | <p>PDF pg 147 Costs and Expenses Concern: The statute uses the word expenses. However, the manual in the last line of the last paragraph uses the word cost. The manual should align with the statute.</p> |

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| <p>Conflict with Statute on Voting Locations</p> | <p>150</p> | <p>PDF pg 150 Voting Locations The Secretary of State may release a county from these limits if complying with them would jeopardize compliance with federal or state law. A.R.S. § 16-248(F). In addition, the limits and consolidation requirements do not apply to Native American reservations. A.R.S. § 16-248(G).</p> | <p>Concern: The wording does not seem to match the statute and the manual makes it broader by changing the “and” to “or”. In particular, the statute ARS 16-248 (F) states that “If it is determined by the secretary of state that compliance with state and federal regulations would be jeopardized, the secretary of state has the authority to release a county from the number of polling places prescribed by this section.”</p> | <p>Manual</p> | <p>Yes</p> | <p>PDF pg 150 Voting Locations "The Secretary of State may release a county from these limits if complying with them would jeopardize compliance with federal or state law. A.R.S. § 16-248(F). In addition, the limits and consolidation requirements do not apply to Native American reservations. A.R.S. § 16-248(G)." Concern: The wording does not seem to match the statute and the manual makes it broader by changing the “and” to “or”. In particular, the statute ARS 16-248 (F) states that “If it is determined by the secretary of state that compliance with state and federal regulations would be jeopardized, the secretary of state has the authority to release a county from the number of polling places prescribed by this section.”</p> |
| <p>Conflict with Statute on Voting Locations</p> | <p>150</p> | <p>PDF pg 150 Voting Locations The officer in charge of elections may conduct the PPE entirely by mail in precincts with fewer than 300 active, registered voters (except for on Native American reservations). A.R.S. § 16- 248(H).</p> | <p>Concern: The word “entirely” was added to the manual when it is not in the statute. It appears the intent is so that a polling place will not be provided for the PPE election in a precinct with 229 or less registered voters and only mail-in ballots will be allowed. The Secretary must clarify this section.</p> | <p>Manual</p> | <p>Yes</p> | <p>PDF pg 150 Voting Locations "The officer in charge of elections may conduct the PPE entirely by mail in precincts with fewer than 300 active, registered voters (except for on Native American reservations). A.R.S. § 16-248(H)." Concern: The word “entirely” was added to the manual when it is not in the statute. It appears the intent is so that a polling place will not be provided for the PPE election in a precinct with 229 or less registered voters and only mail-in ballots will be allowed. The Secretary must clarify this section.</p> |

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| Lack of Accountability on Electioneering | 156 | <p>PDF pg 156 - Requirement to Allow Electioneering Outside 75-Foot Limit</p> <p>Except in cases of an emergency designation (see Section I(G) above), any voting location or ballot replacement site used on Election Day or during on-site early voting must permit persons to engage in electioneering and other political activity in public areas and parking lots used by voters outside the 75-foot limit. A.R.S. § 16-411(H).</p> <p>Electioneering or political activity may not result in voter intimidation. Further, no temporary or permanent structure may be erected and access to parking spaces may not be blocked or impaired. A.R.S. § 16-411(H).</p> | <p>Concerns: This section include a statement that electioneering does not include gratuities of any form given to voters.</p> | Manual | Yes | <p>PDF pg 156 - Requirement to Allow Electioneering Outside 75-Foot Limit</p> <p>Concerns: This section include a statement that electioneering does not include gratuities of any form given to voters.</p> |
| Lack of Clarity in Appointment Process | 164 | <p>PDF pg 164 Appointment Process</p> <p>The county chairperson (or designee) of each party represented on the ballot must submit the names of specific political party observers to the County Recorder or officer in charge of elections in writing (in hard copy or electronically in advance of observation, as required by the County Recorder or officer in charge of elections). The County Recorder or officer in charge of elections may require reasonable deadlines for advance notice of appointments. Where there is no county political party officer to make the appointment, the state political party chairperson may appoint political party observers for that county.</p> | <p>Concerns: Where the manual references the Recorder or officer in charge of elections can require "reasonable deadlines," the word reasonable needs to be better defined for a legitimate reasonable outcome.</p> | Manual | Yes | <p>PDF pg 164 Appointment Process</p> <p>Concerns: Where the manual references the Recorder or officer in charge of elections can require "reasonable deadlines," the word reasonable need to be better defined for a legitimate reasonable outcome.</p> |

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| Lack of Clarity in EPM | 182 | <p>PDF pg 182 The officer in charge of elections shall also implement reasonable security procedures for auditing and accountability of blank ballot stock for use with on-demand printers.</p> <p>The County Recorder or officer in charge of elections shall also implement procedures to ensure that voted ballots are properly secured and chain of custody is maintained and documented both prior to and after tabulation and canvassing, and for the duration of the applicable retention period.</p> <p>See, e.g., Chapter 2, Sections I(I) and VI(B); Chapter 9, Section VIII(B)-(C); Chapter 10, Sections I and II; and Chapter 13, Section VI.</p> | <p>Concern: The Legislature should identify more specific standards to define "properly secured," "chain of custody," "reasonable security procedures for auditing and accountability."</p> | Manual and Lack of Statute | Yes | <p>PDF pg 182 The officer in charge of elections shall also implement reasonable security procedures for auditing and accountability of blank ballot stock for use with on-demand printers.</p> <p>The County Recorder or officer in charge of elections shall also implement procedures to ensure that voted ballots are properly secured and chain of custody is maintained and documented both prior to and after tabulation and canvassing, and for the duration of the applicable retention period.</p> <p>See, e.g., Chapter 2, Sections I(I) and VI(B); Chapter 9, Section VIII(B)-(C); Chapter 10, Sections I and II; and Chapter 13, Section VI.</p> <p>Concern: The Legislature should identify more specific standards to define "properly secured," "chain of custody," "reasonable security procedures for auditing and accountability."</p> |
| Lack of Clarity in EPM | 189 | <p>PDF pg 189 PREPARATION OF VOTING SUPPLIES Materials to Be Distributed to Voting Locations 3. Supply Bag:</p> <ul style="list-style-type: none"> • Voting equipment manuals (if applicable); • Pens and/or pencils; • A method for measuring the 75-foot limit; • Masking tape; and • "I Voted" stickers (if available); | <p>Concern: "Pens" should be specified as blue or black ink. "Or" should be removed. Pens should also be defined to not include sharpies.</p> | Manual | Yes | <p>PDF pg 189 PREPARATION OF VOTING SUPPLIES Materials to Be Distributed to Voting Locations 3. Supply Bag</p> <p>Concern: "Pens" should be specified as blue or black ink. "Or" should be removed. Pens should also be defined to not include sharpies.</p> |
| Lack of Clarity in EPM | 200 | <p>PDF pg 200 - SETTING UP THE VOTING LOCATION</p> <p>10. Inventory the ballots received from the elections department, including ballot stock;</p> <ul style="list-style-type: none"> • If the officer in charge of elections determines it is not feasible to inventory ballot stock at the voting location, the officer in charge of elections must implement a reasonable alternative method to ensure accountability of ballot stock. | <p>Concern: Number 10 seems ambiguous when we are talking ballot inventories. Words like "implement a reasonable alternative method" is subjective and open interpretation. The inventory process should be specific and the manual should be prescriptive.</p> | Manual | Yes | <p>PDF pg 200 - SETTING UP THE VOTING LOCATION</p> <p>Concern: Number 10 seems ambiguous when we are talking ballot inventories. Words like "implement a reasonable alternative method" is subjective and open interpretation. The inventory process should be specific and the manual should be prescriptive.</p> |

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| Lack of Security in EPM | 200 | <p>PDF pg 200 - SETTING UP THE VOTING LOCATION</p> <p>11. Set up tabulation equipment (if applicable) and accessible voting equipment near an electrical outlet in plain view of the election board and the voters.</p> <ul style="list-style-type: none"> • Ensure that electrical cords do not present a hazard to the board workers or voters; • For the tabulation equipment, plug in the voting equipment and obtain a zero count following procedures in Chapter 4, Section II(D)(4); and • Ensure that all tamper-resistant or tamper-evident seals are intact, contain the correct assigned number, and have not been tampered with. | <p>Concern: Number 11 does not include a requirement to seal all open USB ports on the machines voters access with tamper-resistant or tamper-evident seals with a correct assigned number</p> | Manual and lack of Statute | Yes | <p>PDF pg 200 - SETTING UP THE VOTING LOCATION</p> <p>Concern: Number 11 does not include a requirement to seal all open USB ports on the machines voters access with tamper-resistant or tamper-evident seals with a correct assigned number</p> |
| Voter Suppression | 203 | <p>PDF pg 203 -. Notice to Voters</p> <p>Unless the same information is printed on the sample ballot, a "Notice to Voters" card or poster must be placed in each voting booth (in large, plain type), containing substantially the following information:</p> <p>Notice to Voters Section one of this ballot is comprised of partisan candidates. To vote for the candidates for the partisan offices, mark the ballot next to the name of the candidate for each partisan office for whom you wish to vote. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space provided AND put a mark next to the name according to the instructions. Section two of this ballot is comprised of nonpartisan candidates, potentially including judicial candidates, school district candidates and city/town candidates, and initiative or referendum propositions. To vote for the candidates for the nonpartisan offices, mark the ballot opposite the name of the candidate for each nonpartisan office for which you wish to vote. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space provided AND put a mark next to the name according to the instructions. Mark the ballot by the word 'yes' (or for) for each proposition or question which you wish to be adopted.</p> | <p>Concern: Non-partisan races are held to a disadvantage by placing them second on the ballot. This causes a voter suppression and voter turnout issue for non-partisan races. Non-partisan races should be listed first on the ballot while the more popular partisan races are listed second. This will increase voter turnout on all races.</p> | Manual and Statute | It's a voter suppression issue. | <p>PDF pg 203 -. Notice to Voters</p> <p>Concern: Non-partisan races are held to a disadvantage by placing them second on the ballot. This causes a voter suppression and voter turnout issue for non-partisan races. Non-partisan races should be listed first on the ballot while the more popular partisan races are listed second. This will increase voter turnout on all races.</p> |

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| Lack of Clarity in Voter ID Verification | 209 | <p>PDF pg 209 - Sec IV Checking Voter ID.</p> <p>Acceptable Forms of Identification</p> <p>1. List 1 – Photo ID with the Voter’s Name and Address</p> <p>Acceptable forms of identification with the voter’s photograph, and name and address that reasonably match the voter’s name and address in the signature roster or e-pollbook, include (only one required):</p> <ul style="list-style-type: none"> • A valid Arizona driver license; • A valid Arizona non-operating identification license; • A tribal enrollment card or other form of tribal identification; or • Any other valid United States federal, state, or local government-issued identification.⁶¹ | <p>Concern: It specifies name and address must be a reasonable match, but this section does not specify the photo on the ID must be reasonable match to person providing photo ID.</p> | Manual and Statute | Yes | <p>PDF pg 209 - Sec IV Checking Voter ID.</p> <p>Concern: It specifies name and address must be a reasonable match, but this section does not specify the photo on the ID must be reasonable match to person providing photo ID.</p> |
| Backdoor Voter Coercion | 211 | <p>PDF pg 211, section V. ASSISTING VOTERS ON ELECTION DAY</p> <p>ASSISTING VOTERS ON ELECTION DAY</p> <p>Voters may be accompanied within the 75-foot limit and assisted by a person of the voter’s choice during any part of the voting process.⁶²</p> <p>A voter may request assistance from a third-party (other than the voter’s employer or union representative or a candidate appearing on the ballot⁶³) or from members of the election board.</p> <p>If a voter requests assistance from the election board, two members of the board (of different political parties) should perform the following steps, as applicable, all with the goal of providing the voter as much privacy and independence in the voting process as possible:</p> <ul style="list-style-type: none"> • Jointly accompany the voter into the voting booth or to the accessible voting equipment; • If requested by the voter, audibly read the candidate’s names for each office, including party designations and the number to elect; • If requested by the voter, audibly read the relevant information pertaining to any ballot measures; • If needed to assist the voter, ask the voter what candidates and issues the voter desires to vote for; • If requested by the voter, instruct the voter how to operate any accessible voting equipment, including what to expect for the recorded instructions and what keys to use to move forward or go back on the screen; and • If requested by the voter, assist the voter in marking | <p>All of the other bullet points in this section say, "If requested by the voter" as the beginning of the sentence. It is inappropriate to change the 4th bullet to "if needed to assist the voter" as it opens up a large gap of inappropriate voter contact to influence the vote.</p> | Manual | Yes | <p>PDF pg 211, section V. ASSISTING VOTERS ON ELECTION DAY</p> <p>Concern: All of the other bullet points in this section say, "If requested by the voter" as the beginning of the sentence. It is inappropriate to change the 4th bullet to "if needed to assist the voter" as it opens up a large gap of inappropriate voter contact to influence the vote.</p> |

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| Lack of Chain of Custody and Backdoor Voter Coercion | 211 | <p>PDF pg 211, section V. ASSISTING VOTERS ON ELECTION DAY</p> <p>If requested by the voter, assist the voter in marking or verifying the voter's ballot selections.</p> | <p>The manual should instruct the assistants to have the voter verify the marked selections before submitting the ballot. There should be a chain of custody record established that the voter was assisted and who assisted the voter. The manual must include instructions that the assistants must keep the voter's choices confidential.</p> | Manual | Yes | <p>PDF pg 211, section V. ASSISTING VOTERS ON ELECTION DAY</p> <p>"If requested by the voter, assist the voter in marking or verifying the voter's ballot selections."</p> <p>Concern: The manual should instruct the assistants to have the voter verify the marked selections before submitting the ballot. There should be a chain of custody record established that the voter was assisted and who assisted the voter. The manual must include instructions that the assistants must keep the voter's choices confidential.</p> |
| Lack of Voter Verification | 212 | <p>PDF pg 212, section VI ISSUING BALLOTS</p> <p>A. Issuing a Regular Ballot</p> <p>Each voter must sign their name in the signature roster or e-pollbook signature pad prior to receiving a ballot. Alternatively, an inspector or judge may sign the roster or e-pollbook for a voter who is personally unable to sign due to physical disability. In jurisdictions that use a paper signature roster, the inspector or judge must write the voter's name with red ink. A.R.S. § 16-579(D). In jurisdictions that use an e-pollbook, the inspector or judge must write the voter's name and the inspector's or judge's initials (on the e-pollbook signature pad) as an attestation. A.R.S. § 16-579(E).</p> | <p>The manual does not prescribe in the situation with a person with a disability that they must present an ID to the inspector or judge.</p> | Manual | Yes | <p>PDF pg 212, section VI. ISSUING BALLOTS</p> <p>A. Issuing a Regular Ballot</p> <p>Concern: The manual does not prescribe in the situation with a person with a disability that they must present an ID to the inspector or judge.</p> |
| Lack of Clarity | 212 | <p>PDF pg 212 - ASSISTING VOTERS ON ELECTION DAY - Last paragrah.</p> <p>Curbside voting may also be provided to senior citizens or voters with disabilities as a reasonable accommodation or when the officer in charge of elections determines that a voting location is inaccessible, that no accessible sites are available, and that no temporary measures can make it accessible. See Chapter 5, Section III.</p> | <p>This section should reference document page 126: ALTERNATIVE VOTING OPTIONS</p> | Manual | Yes | <p>PDF pg 212 - ASSISTING VOTERS ON ELECTION DAY - Last paragrah.</p> <p>Concern: This section should reference document page 126: ALTERNATIVE VOTING OPTIONS</p> |

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| Lack of Voter Validation | 213 | <p>PDF pg 213. A. Issuing a Provisional Ballot 1. Circumstances Requiring Issuance of a Provisional Ballot Voter Received an Early Ballot</p> <p>A voter must be allowed to vote a provisional ballot if the voter appears on the signature roster or e-pollbook as having received an early ballot-by-mail, but either: (1) affirms that they have not voted and will not vote the ballot-by-mail; or (2) surrenders the ballot-by-mail to the inspector on Election Day. A.R.S. § 16-579(B). Voters who appear at a voting location with a ballot-by-mail that has not been voted, along with the affidavit envelope, may use a privacy booth at the voting location to mark the ballot-by-mail. In this circumstance, the voter does not sign in at the voting location and the voter must place the voted ballot-by-mail in its affidavit envelope, sign the affidavit envelope, and place the envelope in the early ballot drop-off container at the voting location.</p> | <p>In Maricopa, there is a system monitoring when people cast a ballot whether in person or by mail. This section should stipulate a procedure to confirm that a ballot has not been cast for that voter. All counties should be required to have a system to prevent duplicate voting.</p> | Manual | Yes | <p>PDF pg 213. A. Issuing a Provisional Ballot 1. Circumstances Requiring Issuance of a Provisional Ballot Voter Received an Early Ballot</p> <p>Concern: In Maricopa, there is a system monitoring when people cast a ballot whether in person or by mail. This section should stipulate a procedure to confirm that a ballot has not been cast for that voter. All counties should be required to have a system to prevent duplicate voting.</p> |
| Lack of Voter Validation | 214 | <p>PDF pg 214, section D: Voter Changed Their Name</p> <p>If a voter's current name does not appear in the signature roster or e-pollbook because the voter changed their name, the voter must be issued a provisional ballot or conditional provisional ballot. In that case, the clerk must write the voter's new name and former name on the provisional ballot envelope. The provisional ballot envelope will be used by the County Recorder after the election to change the voter's name in the voter registration database.</p> | <p>This section does not prescribe the proof required to affirm the name change. The section does not require proof to be attached to the provisional ballot.</p> | Manual | Yes | <p>PDF pg 214, section D: Voter Changed Their Name</p> <p>Concerns: This section does not prescribe the proof required to affirm the name change. The section does not require proof to be attached to the provisional ballot.</p> |

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| <p>Voter Suppression</p> | <p>214</p> | <p>e. Voter Moved Within the County</p> <p>If a voter moved to a new address within the county but did not update their address with the County Recorder before the election, the voter must vote a provisional ballot and (in counties that conduct assigned polling place elections) must vote at the polling place that corresponds to their new address. A.R.S. § 16-584(C). A clerk must inform the voter that although the voter has a right to vote a provisional ballot at that location, the voter must vote in the correct polling place that corresponds to the voter's current address in order for the vote to count.</p> <p>64</p> <p>At the new polling place, the voter will be permitted (via the provisional ballot envelope) to update their voter registration record with the new address. A.R.S. § 16-584(C). In a jurisdiction that utilizes vote centers, the voter may update their address in the same manner but may vote at any vote center within the jurisdiction.</p> <p>If the election board has real-time access to voter registration records, the voter's information may be updated at the voting location upon completion of a new voter registration form or address update form.</p> | <p>There is no scenario created to address a voter moving from one county to another within the time frame of the books closed period.</p> | <p>Manual & Statute</p> | <p>It is a voter suppression issue.</p> | <p>PDF pg 214 - e. Voter Moved Within the County</p> <p>Concern: There is no scenario created to address a voter moving from one county to another within the time frame of the books closed period. This creates a voter suppression issue and is unfair to accommodate a voter that moved within the county but not accommodate a voter that moved to a different county within the same state.</p> <p>Either no voters should be eligible to vote based on a move or voters moving within the state must be eligible.</p> |
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| <p>Voter Suppression</p> | <p>215</p> | <p>PDF pg 215 - 2. Procedures for Issuing Provisional Ballots</p> <p>A voter who is issued a provisional ballot must sign their name on a separate signature roster page beginning with the number V-1 and numbered consecutively (for paper signature rosters only). A.R.S. § 16-584(E). E-pollbooks must be able to produce a report of provisional voters, including the voter's signature, after the polls close. The voter and election board member must complete the information required on the provisional ballot envelope. The voter then must:</p> <ul style="list-style-type: none"> • Take the completed envelope and provisional ballot to the voting booth; • Vote the provisional ballot; • Place the voted ballot inside the provisional ballot envelope and seal the envelope; and • Provide the sealed provisional ballot envelope to the election board member. <p>Upon receipt of the provisional ballot envelope, the election board member or voter must deposit the provisional ballot envelope in the provisional ballot box (and ensure the ballot is not inserted into any precinct tabulation equipment). A.R.S. § 16-584(D). The voter will be provided with a receipt or number with which to electronically verify the status of their provisional ballot. All voters shall have the option of voting a provisional ballot on an accessible voting device.</p> | <p>Concern: This section should give guidance for supporting documentation that may be included in the provisional envelope to help the Secretary of State determine voter eligibility. The polling location should be equipped to make a photo copy of the supporting documentation if necessary or provide a method of sending the documentation to the Secretary of State if the voter so chooses.</p> | <p>Manual and lack of Statute</p> | <p>It's a voter suppression issue.</p> | <p>PDF pg 215 - 2. Procedures for Issuing Provisional Ballots</p> <p>Concern: This section should give guidance for supporting documentation that may be included in the provisional envelope to help the Secretary of State determine voter eligibility. The polling location should be equipped to make a photo copy of the supporting documentation if necessary or provide a method of sending the documentation to the Secretary of State if the voter so chooses. The secrecy of the ballot must be protected.</p> |
| <p>Voter Suppression</p> | <p>217</p> | <p>PDF pg 217 - CHALLENGES TO A VOTER ELIGIBILITY TO VOTE</p> <p>A voter may not be challenged on the basis that they:</p> <ul style="list-style-type: none"> • Registered to vote using the State or Federal Form and did not provide proof of citizenship; or • Moved from one address within the county to another within the county. | <p>Concern: This section should include moving from one county to another within Arizona.</p> | <p>Manual and lack of Statute</p> | <p>It's a voter suppression issue.</p> | <p>PDF pg 217 - CHALLENGES TO A VOTER ELIGIBILITY TO VOTE</p> <p>Concern: This section should include moving from one county to another within Arizona.</p> <p>Either no voters should be eligible to vote based on a move or voters moving within the state must be eligible.</p> |

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| <p>Voter Suppression</p> | <p>217</p> | <p>PDF pg 217 - CHALLENGES TO A VOTER ELIGIBILITY TO VOTE</p> <p>Challenges must be decided at the voting location by the inspector and two judges. The inspector should have the challenged voter step aside and permit the other voters in line to continue to vote while the challenge is being determined. If requested by the challenged voter, and before administering any oath, the inspector must read to the voter the rules for determining residency, including the following information:</p> <ol style="list-style-type: none"> 1. The residence of a person is that place in which their habitation is fixed and to which they have the intention of returning. 2. A person does not gain or lose their residence by reason of their presence at, or absence from, a place while employed in the service of the United States or of this state, or while engaged in overseas navigation, or while a student at an institution of learning, or while kept in prison or mental institution. 3. A person does not lose their residence by traveling to another county, state, or foreign country for temporary purposes, with the intention of returning. 4. A person does not gain a residence in any county they travel to for temporary purposes, without the intention of making that county their home. 5. If a person moves to another state with the intention of making it their residence, they lose residency in this state. 6. If a person moves to another state with the intention | <p>Concern: This section does not describe how residency is established for transient people.</p> | <p>Manual</p> | <p>Yes</p> | <p>PDF pg 217 - CHALLENGES TO A VOTER ELIGIBILITY TO VOTE</p> <p>Concern: This section does not describe how residency is established for transient people.</p> |
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| EPM Conflict with Statute | 219 | <p>PDF pg 219 B. Election Board Close-Out Duties</p> <p>Upon closing the voting location after the last voter has voted on Election Day, the election board should perform close-out duties as assigned by the officer in charge elections, including the following duties as applicable: 1. Using the procedures specified by the officer in charge of elections, the election board must conduct an audit to ensure that the number of voters who signed in on the signature roster or e-pollbook matches the number of ballots cast, including regular and provisional ballots and, if the accessible voting equipment independently tabulates votes, any votes cast on the accessible voting equipment, A.R.S. § 16-602(A).</p> | <p>Concern: The manual section does not match the statute A.R.S. § 16-602(A): "A. For any primary, special or general election in which the votes are cast on an electronic voting machine or tabulator, the election judge shall compare the number of votes cast as indicated on the machine or tabulator with the number of votes cast as indicated on the poll list and the number of provisional ballots cast and that information shall be noted in a written report prepared and submitted to the officer in charge of elections along with other tally reports."</p> <p>The manual prescribes that the officer in charge establishes the procedures for the audit. However, the statute prescribes the procedures. The manual must align with the statute.</p> | Manual | Yes | <p>PDF pg 219 B. Election Board Close-Out Duties</p> <p>Concern: The manual section does not match the statute A.R.S. § 16-602(A): "A. For any primary, special or general election in which the votes are cast on an electronic voting machine or tabulator, the election judge shall compare the number of votes cast as indicated on the machine or tabulator with the number of votes cast as indicated on the poll list and the number of provisional ballots cast and that information shall be noted in a written report prepared and submitted to the officer in charge of elections along with other tally reports."</p> <p>The manual prescribes that the officer in charge establishes the procedures for the audit. However, the statute prescribes the procedures. The manual must align with the statute.</p> |
| Lack of Observation/Chain of Custody | 221 | <p>PDF pg 221, section C. Transport of Ballots, Voting Equipment, and Precinct Supplies</p> <p>Following the close of voting on Election Day, a chain of custody record for voted ballots must be created and the transport of any ballots, voting equipment, and necessary precinct supplies to the central counting place or other authorized receiving site must be documented and done by: (1) two authorized election workers, who must be members of different political parties; or (2) if extenuating circumstances exist, a sworn official election messenger, such as a sheriff's deputy, appointed in accordance with A.R.S. § 16-615(B).</p> | <p>Item number 2 creates a concern as there should always be 2 people from different political parties in this role regardless of their sworn official position.</p> | Manual and Statute | Yes | <p>PDF pg 221, section C. Transport of Ballots, Voting Equipment, and Precinct Supplies</p> <p>"(2) if extenuating circumstances exist, a sworn official election messenger, such as a sheriff's deputy, appointed in accordance with A.R.S. § 16-615(B)."</p> <p>Concern: Item number 2 creates a concern as there should always be 2 people from different political parties in this role regardless of their sworn official position.</p> |
| Lack of Chain of Custody | 221 | <p>PDF pg 221 - Transport of Ballots, Voting Equipment, and Precinct Supplies</p> <p>Following the close of voting on Election Day, a chain of custody record for voted ballots must be created and the transport of any ballots, voting equipment, and necessary precinct supplies to the central counting place or other authorized receiving site must be documented and done by: (1) two authorized election workers, who must be members of different political parties; or (2) if extenuating circumstances exist, a sworn official election messenger, such as a sheriff's deputy, appointed in accordance with A.R.S. § 16-615(B)</p> | <p>Concern: As early voting centers and precinct voting locations are open many weeks before election day, a chain of custody document should be established on the first date the voting location is open. There should be instructions included to close each voting day in addition to the final voting day so that ballots from each day are secured and accounted for in the Official Ballot Report and delivered to a secure tabulation center by a bipartisan board. An audit should be conducted each day in addition to the last day.</p> | Manual and lack of Statute | Yes | <p>PDF pg 221 - Transport of Ballots, Voting Equipment, and Precinct Supplies</p> <p>Concern: As early voting centers and precinct voting locations are open many weeks before election day, a chain of custody document should be established on the first date the voting location is open. There should be instructions included to close each voting day in addition to the final voting day so that ballots from each day are secured and accounted for in the Official Ballot Report and delivered to a secure tabulation center by a bipartisan board. An audit should be conducted each day in addition to the last day.</p> |

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| Lack of Observation/Change in of Custody | 222 - 243 | PDF pg 222 I. CENTRAL COUNTING PLACE OPERATIONS | Concern: The Central Counting Place Operations must have procedures included to allow bi-partisan public observers of all processes and boards. Observers need to be able to present for each and every person counting and close enough to verify the markings on the ballot are being correctly noted. | Manual and Lack of Statute | Yes | PDF pg 222 I. CENTRAL COUNTING PLACE OPERATIONS Concern: The Central Counting Place Operations must have procedures included to allow bi-partisan public observers of all processes and boards. Observers need to be able to present for each and every person counting and close enough to verify the markings on the ballot are being correctly noted. |
| Lack of Transparency | 223 | <p>PDF pg 223 B. Providing Live Video Recording at Central Counting Place</p> <p>For any statewide, legislative, or county election, and subject to local appropriation, the county officer in charge of elections must provide a live video recording of the custody of all ballots when ballots are present in the tabulation room in the central counting place.</p> <p>65 The live video recording must include date and time indicators. If the live coverage is interrupted, the officer in charge of elections must attempt to reinstate coverage as soon as practicable. Any disruption in live video recording does not prevent the officer in charge of elections from continuing to tabulate ballots. The officer in charge of elections must record the video coverage and retain the recording as a public record at least through the challenge period for the election. At minimum, the challenge period is through the date to file or conclude any post-election recount or election contest.</p> <p>The county officer in charge of elections must timely provide the website hyperlink to the Secretary of State, who must publish those hyperlinks on the Secretary of State's website. A.R.S. § 16-621(C).</p> | <p>Concerns:</p> <ol style="list-style-type: none"> 1. The live video recording of the tabulation room should begin at the start of the election period and continue until all ballots are counted. 2. If live coverage of the recording is interrupted, the counting must stop until the recording is restored. "As soon as practicable" is not sufficiently defined. 3. The recordings must be preserved for as long as the ballots must be preserved. The recordings should become part of the final election report. 4. The county officer must provide the website hyperlink prior to the start of the election and the Secretary of State must publish those hyperlinks prior to the start of the election. 5. The live video must include video and audio. | Manual and lack of Statute | Yes | <p>PDF pg 223 B. Providing Live Video Recording at Central Counting Place</p> <p>Concerns:</p> <ol style="list-style-type: none"> 1. The live video recording of the tabulation room should begin at the start of the election period and continue until all ballots are counted. 2. If live coverage of the recording is interrupted, the counting must stop until the recording is restored. "As soon as practicable" is not sufficiently defined. 3. The recordings must be preserved for as long as the ballots must be preserved. The recordings should become part of the final election report. 4. The county officer must provide the website hyperlink prior to the start of the election and the Secretary of State must publish those hyperlinks prior to the start of the election. 5. The live video must include video and audio. |

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| Conflict with Statute | 231 | <p>PDF pg 231 E. Electronic Vote Adjudication Board Votes that do not meet the above criteria shall not be electronically adjudicated.67 Ballots that are damaged or defective such that they cannot be read or scanned by the tabulation equipment must be manually duplicated and shall not be electronically adjudicated. A.R.S. § 16-621(A).</p> | <p>Concern: The language in this section removes the language from the referenced statute ARS 16-621(A) "...a true duplicate copy shall be made of the damaged or defective ballot in the presence of witnesses and substituted for the damaged or defective ballot." The manual must be updated to match the statute to include "presence of witnesses"</p> | Manual | Yes | <p>PDF pg 231 E. Electronic Vote Adjudication Board "Votes that do not meet the above criteria shall not be electronically adjudicated.67 Ballots that are damaged or defective such that they cannot be read or scanned by the tabulation equipment must be manually duplicated and shall not be electronically adjudicated. A.R.S. § 16-621(A)."</p> <p>Concern: The language in this section removes the language from the referenced statute ARS 16-621(A) "...a true duplicate copy shall be made of the damaged or defective ballot in the presence of witnesses and substituted for the damaged or defective ballot." The manual must be updated to match the statute to include "presence of witnesses"</p> |
| Backdoor Administrative Fiat Legislation | 232 | <p>1. DESIGNATION OF HAND COUNT BOARD MEMBERS The hand count may also be canceled (and the electronic tabulation of ballots will constitute the official count) if the officer in charge of elections removes enough board members (due to disruption or members being unable to perform their duty) such that there is an insufficient number of board members and the shortage cannot be remedied with substitutions.</p> | <p>The statute does not offer language for a circumstance where a hand count can be canceled.</p> | Manual | Yes | <p>PDF PAGE 232 - 1. DESIGNATION OF HAND COUNT BOARD MEMBERS "The hand count may also be canceled (and the electronic tabulation of ballots will constitute the official count) if the officer in charge of elections removes enough board members (due to disruption or members being unable to perform their duty) such that there is an insufficient number of board members and the shortage cannot be remedied with substitutions."</p> <p>Concern: The word cancel does not appear in the linked statute. The statute does not allow for a scenario for a hand count to be canceled. There needs to be enough remedies in place to prevent cancelation of a hand count. Proper measures need to be in place to prevent a Covid outbreak or other catastrophes from disrupting the hand count of elections. "Disruption" must be clearly defined to limit the situations that are considered a legitimate disruption.</p> |

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| <p>Lack of Traceability/Chain of Custody</p> | <p>228 - 234</p> | <p>PDF pg 228-234 D. Ballot Duplication Board 4. Electronic Vote Adjudication Procedures</p> | <p>Concern: There are no traceability and chain of custody procedures required to track who duplicated or adjudicated the ballot. If a decision had to be made by a team, those details must be recorded so there is a record of who handled every single ballot. Every person working on computers should have unique, individual logins where sessions are recorded including an audit log preserved.</p> <p>The duplication and adjudication process as a whole needs to be revisited by the Legislature. It's not secure. It's not accurate. It's not transparent. There's no traceability or chain of custody.</p> | <p>Manual and lack of Statute</p> | <p>Yes</p> | <p>PDF pg 228-234 D. Ballot Duplication Board 4. Electronic Vote Adjudication Procedures</p> <p>Concern: There are no traceability and chain of custody procedures required to track who duplicated or adjudicated the ballot. If a decision had to be made by a team, those details must be recorded so there is a record of who handled every single ballot. Every person working on computers should have unique, individual logins where sessions are recorded including an audit log preserved.</p> <p>The duplication and adjudication process as a whole needs to be revisited by the Legislature. It's not secure. It's not accurate. It's not transparent. There's no traceability or chain of custody.</p> |
| <p>Lack of Traceability/Chain of Custody</p> | <p>238</p> | <p>3. Provisional Ballot Board Procedures for Specific Scenarios b. Provisional Ballots Voted on an Accessible Voting Device that Independently Tabulates Votes The provisional ballot shall be marked "rejected" on the EMS and the duplicated ballot shall be counted with the rest of the provisional paper ballots.</p> | <p>In the last sentence of the last bullet point, for chain of custody purposes there should be an identifier or serial number assigned to the "rejected" EMS and duplicated ballot to audit or confirm voter intent was accurately recorded on the duplicate. There needs to be a way to trace this if there isn't already.</p> | <p>Manual</p> | <p>Yes</p> | <p>PDF pg 238, Section 3. Provisional Ballot Board Procedures for Specific Scenarios b. Provisional Ballots Voted on an Accessible Voting Device that Independently Tabulates Votes The provisional ballot shall be marked "rejected" on the EMS and the duplicated ballot shall be counted with the rest of the provisional paper ballots.</p> <p>Concern: In the last sentence of the last bullet point, for chain of custody purposes there should be an identifier or serial number assigned to the "rejected" EMS and duplicated ballot to audit or confirm voter intent was accurately recorded on the duplicate. There needs to be a way to trace this if there isn't already.</p> |

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| Lack of Transparency | 239 | <p>H. Write-In Tally Board 1. Write-In Tally Board Procedures The Write-In Tally Board is comprised of one inspector and two judges, who are members of the two political parties which cast the highest number of votes in the state at the last general election. At least one of the judges must be of a different political party than the inspector. At least 90-days before an election, the county chairperson of the two largest political parties may designate qualified electors to serve on Write-In Tally Board. When the list is timely submitted, it shall be used to appoint board members. Without a nomination from a party chairperson, the Board of Supervisors (or designee) may fill the position with a member of the appropriate party. A.R.S. § 16-531(A), (E). The Write-In Tally Board may manually tally write-in votes or do so through an electronic voting system pursuant to Chapter 10, Section II(G)(2) below. A.R.S. § 16-531(E). Write-in votes are tallied only if the ballot is properly marked by the voter. This is done by writing in the name of a qualified write-in candidate and by filling in the oval or connecting the arrow (or other method of properly marking the vote as indicated in the instructions for the particular optical scan or digital scan ballot). A.R.S. § 16-448.</p> | This process should allow for public observance. This is not included in the manual. To ensure a fully transparent election, please add language to ensure the public is able to verify this process. | Manual | Yes | <p>PDF pg 239, section H. Write-In Tally Board, 1. Write-In Tally Board Procedures.</p> <p>Concerns: This process should allow for public observance. This is not included in the manual. To ensure a fully transparent election, please add language to ensure the public is able to verify this process.</p> |
| Lack of Security | 240 | <p>PDF pg 240 - EMS Requirements If a secured username and password are used for each station rather than each user, a detailed log of who utilized each station and at what time(s) shall be maintained.</p> | Concern: There should never be an option where people share usernames and passwords via a machine designation. It is not feasible that a manual tracking system can be relied upon. The technology is designed to create an audit log and it should be utilized in such a way to create a log by individual user. | Manual | Yes | <p>PDF pg 240 - EMS Requirements "If a secured username and password are used for each station rather than each user, a detailed log of who utilized each station and at what time(s) shall be maintained."</p> <p>Concern: There should never be an option where people share usernames and passwords via a machine designation. It is not feasible that a manual tracking system can be relied upon. The technology is designed to create an audit log and it should be utilized in such a way to create a log by individual user.</p> |

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| Lack of Transparency | 245 | <p>II. OBSERVATION OF THE HAND COUNT AUDIT The hand count is not subject to the live video requirements of A.R.S. § 16-621(D). However, political party representatives who are observing the hand count may bring their own video cameras to record the hand count.</p> | <p>The statute that explicitly states hand counts are not subject to live recording is 16-602. The public has expressed their desire for transparent elections. This needs to be updated to include hand counts being live recorded.</p> | Manual & Statute | Yes | <p>Doc pg 232, Section II. OBSERVATION OF THE HAND COUNT AUDIT The hand count is not subject to the live video requirements of A.R.S. § 16-621(D). However, political party representatives who are observing the hand count may bring their own video cameras to record the hand count.</p> <p>Concern: The statute that explicitly states hand counts are not subject to live recording is 16-602. The public has expressed their desire for transparent elections. This needs to be updated to include hand counts being live recorded.</p> |
| Backdoor Administrative Fiat Legislation | 246 | <p>Ballots Included in the Early Ballot Hand Count The officer in charge of elections is required to conduct a hand count of 1% of the total number of early ballots cast, or 5,000 early ballots, whichever is less. A.R.S. § 16-602(F). Counties may elect to audit a higher number of ballots at their discretion. At least one batch of up to 400 early ballots from each central count machine used to tabulate early ballots and at least one accessible voting machine (if those machines independently tabulate votes) used during on-site early voting shall be selected for the early ballot hand count process. The officer in charge of elections must securely sequester those selected ballots along with their unofficial electronically-tabulated results for use in the early ballot hand count.</p> | <ol style="list-style-type: none"> 1. The number of ballots is only 400 which is not statistically significant and opposed to the statute requirements. It should be a true 2% by precinct. 2. There is no selection process established in this section that identifies how the ballots will be selected. We have no assurances that the ballots will be selected randomly in an unbiased process. 3. There is no requirement for observers. 4. There is no requirement for live public video for transparency. 5. There is no requirement for a voting center to organize the ballots by precinct. This is a simple supply chain process to follow the statute. | Manual and lack of Statute | Yes | <p>PDF pg 246 - B. Ballots Included in the Early Ballot Hand Count</p> <p>Concerns: 1. The number of ballots is only 400 which is arbitrary and not statistically significant and opposed to the statute requirements. It should be a true 2% by precinct. 2. There is no selection process established in this section that identifies how the ballots will be selected. We have no assurances that the ballots will be selected randomly in an unbiased process. 3. There is no requirement for observers. 4. There is no requirement for live public video for transparency. 5. There is no requirement for a voting center to organize the ballots by precinct. This is a simple supply chain process to follow the statute.</p> |
| Backdoor Administrative Fiat Legislation | 253 | <p>3. The inspector shall announce the first candidate/selection listed in the race and begin the stacking process for that candidate/selection: - The Hand Count Board members shall hold up the ballots one at a time and declare the voter's choice for the specific candidate/selection in the race. All ballots with a vote for that candidate/selection shall be placed in one stack (the "yes" stack) and all ballots with a vote for any other candidate/selection in the race shall be placed in a separate stack (the "no" or "other" stack). The judges and inspector shall view each ballot and ensure that the ballot was placed in the right stack.</p> | <p>This section now mandates the stacking process which takes the ballots and moves them out of order during the counting process. This misaligns the ballots according to the batches the ballots were cast and processed. This also creates concerns when it comes to post-election audits as the order and data won't match. There are alternate ways to do hand counts and the manual should not dictate only one method when the counties have a variety of software options and configurations at their disposal.</p> | Manual and lack of Statute | Yes | <p>PDF pg 253 - Stacking Method for Optical/Digital Scan Ballots ; 1. Processing Ballots with Write-In Votes</p> <p>Concerns: This section now mandates the stacking process which takes the ballots and moves them out of order during the counting process. This misaligns the ballots according to the batches the ballots were cast and processed. This also creates concerns when it comes to post-election audits as the order and data won't match. There are alternate ways to do hand counts and the manual should not dictate only one method when the counties have a variety of software options and configurations at their disposal.</p> |

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| <p>Backdoor Administrative Fiat Legislation</p> | <p>254</p> | <p>PDF pg 254, section A. Stacking Method for Optical/Digital Scan Ballots 1. Processing Ballots with Write-In Votes</p> <p>If there is any question about the intent of the voter, the determination of voter intent must be made by unanimous consent of all three Hand Count Board members using the standards established in Chapter 11, Section IX. If a unanimous decision cannot be reached by the Hand Count Board, the officer in charge of elections shall make the final decision regarding the voter's intent. A notation of the final decision shall be logged on the tally sheet and the inspector shall place the ballot into the proper stack for counting.</p> | <p>Concern: Ballots that had a board disagreement should be set aside in their own stack for chain of custody and traceability tracking purposes. The phrase "proper stack for counting" needs to be better defined.</p> | <p>Manual</p> | <p>Yes</p> | <p>PDF pg 254, section A. Stacking Method for Optical/Digital Scan Ballots 1. Processing Ballots with Write-In Votes</p> <p>"If there is any question about the intent of the voter, the determination of voter intent must be made by unanimous consent of all three Hand Count Board members using the standards established in Chapter 11, Section IX. If a unanimous decision cannot be reached by the Hand Count Board, the officer in charge of elections shall make the final decision regarding the voter's intent. A notation of the final decision shall be logged on the tally sheet and the inspector shall place the ballot into the proper stack for counting."</p> <p>Concern: Ballots that had a board disagreement should be set aside in their own stack for chain of custody and traceability tracking purposes. The phrase "proper stack for counting" needs to be better defined.</p> |
| <p>Lack of Transparency and Accountability</p> | <p>261</p> | <p>PDF pg 261 - B. Early Ballot Hand Count</p> <p>If the margin of difference between the manual count of early ballots compared to the electronic tabulation of those ballots is less than the designated early ballot hand count margin, the electronic tabulation shall be the official count of the race and included in the canvass.</p> | <p>Concern: The hand count and the machine count should always match and when it does not match, there must be an investigation to find out why no matter the margin difference. Elections must be accurate!</p> | <p>Manual & possibly statutory</p> | <p>Yes</p> | <p>PDF pg 261 - B. Early Ballot Hand Count</p> <p>Concern: The hand count and the machine count should always match and when it does not match, there must be an investigation to find out why no matter the margin difference. Elections must be accurate!</p> |

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| Election Security | 262 | <p>PDF pg 262 - Review of Election Program by a Special Master</p> <p>If a full jurisdiction-wide hand count is necessary, the Secretary of State must make available the escrowed election program source code for that county's election equipment to the superior court for that county. The superior court for that county must then appoint a special master to review the election program.</p> <p>The special master must:</p> <ol style="list-style-type: none"> 1. Have expertise in software engineering; 2. Not be affiliated with an election equipment or software vendor; 3. Not be affiliated with a candidate who appeared on the ballot in that county; 4. Be bound by a signed nondisclosure agreement with respect to the contents of the election program. <p>The special master must prepare a public report to the superior court and to the Secretary of State with their findings on any discrepancies found in the election program.</p> <p>ARIZONA SECRETARY OF STATE 2021 ELECTIONS PROCEDURES MANUAL – DRAFT FOR PUBLIC COMMENT Page 250 Chapter 11: Hand Count Audit — IX. Standard for Determining Voter Intent in Hand Count</p> <p>The Secretary of State's Election Equipment Certification Committee must review this report when considering the continued certification of that election equipment and software. A.R.S. § 16-6904</p> | <p>Concern: The election program source code should be reviewed as part of the AZ SOS machine certification process and the post election tests.</p> | Manual & Lack of Statute | Yes | <p>PDF pg 262 - Review of Election Program by a Special Master</p> <p>Concern: The election program source code should be reviewed as part of the AZ SOS machine certification process and the post election tests.</p> |
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| <p>Lack of transparency and Accountability</p> | <p>265</p> | <p>PDF pg 265 - CONDUCTING POST-ELECTION LOGIC & ACCURACY TEST A post-election logic and accuracy (L&A) test of tabulation equipment must be performed by the officer in charge of elections after the official count has been completed but before the county canvass. The post-election L&A test must be performed using the same election program and tabulation equipment used for the pre-election L&A test and the election. The same test ballots and test script from the pre-election L&A test must be utilized. The post-election L&A test should generate the same results as the pre-election L&A test, after which the officer in charge of elections shall execute a certification of accuracy or otherwise document the results. If the post-election L&A test does not yield the same results, the officer in charge of elections should visually assess the test ballots and/or voting equipment for errors or 70 Although Arizona does not observe Daylight Savings Time (DST), the Navajo Nation, including those portions in Arizona, does. Therefore, when DST is in effect in the Navajo Nation, voting locations in the Navajo Nation presumptively close at 7:00 p.m. DST unless extended by court order. ARIZONA SECRETARY OF STATE 2021 ELECTIONS PROCEDURES MANUAL – DRAFT FOR PUBLIC COMMENT Page 253 Chapter 12: Other Post-Election Day Procedures — III. Filing Federal Post-Election Reports</p> | <p>Concern: This section does not include any requirements for public observation or live video recording for public record.</p> | <p>Manual and lack of Statute</p> | <p>Yes</p> | <p>PDF pg 265 - CONDUCTING POST-ELECTION LOGIC & ACCURACY TEST Concern: This section does not include any requirements for public observation or live video recording for public record.</p> |
| <p>Transparency & Accountability</p> | <p>269</p> | <p>II. CANVASSING THE ELECTION A canvass must be conducted by the statutory deadline, but should not be conducted until all necessary audits have been completed to verify the accuracy and integrity of the election results.</p> | <p>The manual needs to explicitly state which audits are necessary for verification. In the 2020 election, There were too many legitimate concerns that were never properly addressed prior to certification and there needs to be a remedy for this in the future. For example, a canvas should not be completed until the AG's Election Integrity Unit clears all investigations of complaints that occurred during the election</p> | <p>Manual & statutory</p> | <p>Yes</p> | <p>PDF pg 269, Section II. CANVASSING THE ELECTION "A canvass must be conducted by the statutory deadline, but should not be conducted until all necessary audits have been completed to verify the accuracy and integrity of the election results." Concern: The manual needs to explicitly state which audits are necessary for verification. In the 2020 election, There were too many legitimate concerns that were never properly addressed prior to certification and there needs to be a remedy for this in the future. For example, a canvas should not be completed until the AG's Election Integrity Unit clears all investigations of complaints that occurred during the election.</p> |

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| Conflict with Statute | 270 | <p>B. Secretary of State's Canvassing Duties</p> <p>1. Deadline to Canvass</p> <p>Bullet 1: For primary elections and PPEs, the Secretary of State must canvass the results on or before the third Monday after the election. A.R.S. § 16-241(C); A.R.S. § 16-645(B). In the case of a PPE, the Secretary of State must promptly transmit the results to the state chairpersons of any political party that had candidates on the ballot.</p> | <p>A.R.S. § 16-645(B) states the BOS must deliver the canvass to the secretary of state within ten days after the primary election. The manual needs to be updated to reflect statute.</p> | Manual | Yes | <p>"PDF pg 270, Section B. Secretary of State's Canvassing Duties</p> <p>1. Deadline to Canvass</p> <p>Bullet 1: For primary elections and PPEs, the Secretary of State must canvass the results on or before the third Monday after the election. A.R.S. § 16-241(C); A.R.S. § 16-645(B). In the case of a PPE, the Secretary of State must promptly transmit the results to the state chairpersons of any political party that had candidates on the ballot.</p> <p>Concern: A.R.S. § 16-645(B) states the BOS must deliver the canvass to the secretary of state within ten days after the primary election. The manual needs to be updated to reflect statute."</p> |
| Lack of Clarity on Standards | 276 | <p>B. Processing Statewide New Party Petitions</p> <p>1. Secretary of State Processing Out-of-County Signature Eliminations</p> <p>The Secretary of State must then review each signature line to verify the signer resides in the county designated at the top of the petition sheet. Any signature line printed by a signer who appears to reside in a different county will be eliminated. A.R.S. § 16-803(B)(1)(b).</p> | <p>The manual as written nearly allows for the decision to remove a signature to be an emotional reason rather than a certainty that the petition signer does not live in the county.</p> | Manual & Statute | Yes | <p>PDF PAGE 276: Section B. Processing Statewide New Party Petitions</p> <p>"1. Secretary of State Processing Out-of-County Signature Eliminations</p> <p>The Secretary of State must then review each signature line to verify the signer resides in the county designated at the top of the petition sheet. Any signature line printed by a signer who appears to reside in a different county will be eliminated. A.R.S. § 16-803(B)(1)(b)."</p> <p>Concern: Anyone can say an address appeared to be in a certain location. An address needs to certainly reside in a different county to be eliminated.</p> |

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| <p>Accountability</p> | <p>284</p> | <p>2. Updating or Canceling Circulator Registrations An individual circulator may update or cancel their circulator registration for any or all measures directly through the Secretary of State's Circulator Portal. In addition, an authorized representative of the committee serving as an initiative or referendum proponent (i.e., the committee designated on the initiative or referendum serial number application) may cancel the registration of circulators for its measure by providing to the Secretary of State's Office, in writing, a list of circulator names and identification numbers and a request that those circulators' registration for the specific measure be canceled. The committee must also provide notice of the cancellation request to each affected circulator.</p> | <p>Concern: When an organization files their paperwork to cancel a circulator's registration, there needs to be an attached vote from the organization to ensure a person is not operating under false premise of being the organization. There is no outline to prevent partisanship cancellation of a circulator.</p> | <p>Manual</p> | <p>Yes</p> | <p>PDF pg 284: Section 2. an authorized representative of the committee serving as an initiative or referendum proponent (i.e., the committee designated on the initiative or referendum serial number application) may cancel the registration of circulators for its measure by providing to the Secretary of State's Office, in writing, a list of circulator names and identification numbers and a request that those circulators' registration for the specific measure be canceled.</p> <p>Concern: When an organization files their paperwork to cancel a circulator's registration, there needs to be an attached vote from the organization to ensure a person is not operating under false premise of being the organization. There is no outline to prevent partisanship cancellation of a circulator.</p> |
| <p>Lack of Security, Standards, Clarity, Accountability</p> | <p>100 - 101</p> | <p>ii. Demonstration and Functionality Test A demonstration and functionality test consists of the Equipment Certification Committee: 1. Explaining the testing process (of both primary and general election test ballots) during the public meeting; 2. Casting ballots on all electronic voting equipment in accordance with the test script prepared for the meeting; 3. Casting ballots on the accessible voting equipment in English and any minority language required under federal or state law, including testing the audio equipment; 4. If the system captures digital ballot images, determining whether the system: a. Produces digital images of readable quality, including clearly displaying write-in votes; b. Produces digital images that are capable of being sorted by criteria such as race, district, ballot type, or precinct; c. Encrypts the digital images; and d. Is capable of transferring or downloading the digital images at a reasonably fast rate; 5. If the system includes electronic adjudication and/or electronic write-in tallying functionality, determining the electronic adjudication and/or electronic write-in tallying program functions in compliance with applicable state law; 6. Ensuring the aggregate vote totals for each race in the EMS match the pre-determined test results prepared by the Secretary of State; and 7. Demonstrating the voting system's ability to function in compliance with applicable state and federal law.</p> | <p>This section does not outline who is conducting the test. The section does not outline where in the statute these requirements are prescribed. A legitimate test should not consist of a sales demo and must not be driven by the vendor. This section does not outline the number of ballots required for the test or the number of real-life scenarios required. This section is not a sufficient test in comparison to technology industry best practices.</p> | <p>Manual and Statute</p> | <p>Yes</p> | <p>PDF pg 100 - 102 - ii. Demonstration and Functionality Test</p> <p>Concern: This section does not outline who is conducting the test. The section does not outline where in the statute these requirements are prescribed. A legitimate test should not consist of a sales demo and must not be driven by the vendor. This section does not outline the number of ballots required for the test or the number of real-life scenarios required. This section is not a sufficient test in comparison to technology industry best practices. This section does not include the Election Integrity Unit as having proper representation in the Functionality Test.</p> |

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| Lack of Clarity and Standards | 110-116 | <p>PDF pgs 110-116 - 2. Selection of Precincts and Test Ballots</p> <p>The Secretary of State must randomly select precincts that will be included in each type of L&A test conducted by the Secretary of State.</p> | <p>Concern: This section is not by statute and arbitrary. The outline and selection of ballots do not include all of the common scenarios that exist in an election such as ballots with bleed throughs, erroneous markings, partially completed ovals or arrows, overvotes, etc. Without a thorough L&A, this process is merely a sales demo and insufficient for voter confidence. The number of ballots identified is not statistically significant and insufficient as a legitimate test in a real-life scenario. There's no private sector organization that would consider the process outlined by the Secretary of State as sufficient for acquisition of multi-million dollar equipment.</p> | Manual | Yes | <p>PDF pgs 110-116 - 2. Selection of Precincts and Test Ballots</p> <p>Concern: This section is not by statute and arbitrary. The outline and selection of ballots do not include all of the common scenarios that exist in an election such as ballots with bleed throughs, erroneous markings, partially completed ovals or arrows, overvotes, etc. Without a thorough L&A, this process is merely a sales demo and insufficient for voter confidence. The number of ballots identified is not statistically significant and insufficient as a legitimate test in a real-life scenario. There's no private sector organization that would consider the process outlined by the Secretary of State as sufficient for acquisition of multi-million dollar equipment.</p> |
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| Lack of Security | 117-118 | <p>B. Data Security of the Electronic Voting System Components of the electronic voting system:</p> <ol style="list-style-type: none"> 1. Must be password-protected (for voting system software);³¹ <ul style="list-style-type: none"> • In addition to complying with any system requirements, passwords must not be a vendor-supplied password and must only be known by authorized users. 2. May not be connected to the internet, any wireless communications device, or any external network (except for e-pollbooks); <ul style="list-style-type: none"> • An EMS must be a stand-alone system, attached only to components inside an isolated network. An EMS may only be installed on a computer that contains only an operating system, the EMS software, data/audio extractor software, and any necessary security software. 3. May not be used to modem election results, whether through analog, cellular, or any similar transmission; 4. May not contain remote access software or any capability to remotely-access the system; 5. Must match the software or firmware hash code on file with the officer in charge of elections prior to programing the election and the hash code on file with either (1) the National Institute of Standards and Technology (NIST); or (2) the Secretary of State at the time of certification of the electronic voting system; and <ul style="list-style-type: none"> • If the EMS software hash code is on file with NIST or the Secretary of State, the officer in charge of elections must certify that the officer | <ol style="list-style-type: none"> 1. The Password requirements are not specific to the strength required for password compliance. 2. This document does not specify that the Electronic Voting System cannot be connected to the internet at any time before or after the election. It does not specify that the machine must not be capable of connecting to the internet if a connection were made available. 3. The manual does not quote any statute that aligns with this section. | Manual and Statute | Yes | <p>PDF PAGE 117-118 - B. Data Security of the Electronic Voting System</p> <p>Concerns: 1. The Password requirements are not specific to the strength required for password compliance. 1b. It does not prohibit computers that have been used for other applications or processes 2. This document does not specify that the Electronic Voting System cannot be connected to the internet at any time before or after the election. It does not specify that the machine must not be capable of connecting to the internet if a connection were made available. 3. The manual does not quote any statute that aligns with this section.</p> |
| Lack of Security | 119-120 | <p>PDF pg 119-120 EMS Gateway Computer</p> <p>Further, it is strongly recommended that the EMS Gateway Computer be segmented from all other networks. In other words, the computer should be placed on its own network, with no other computer or machine connected to the network, to minimize access and exposure.</p> | <p>Concern: "Strongly recommended" is a term that allows a loophole for a lack of security and best practices. This entire section should also require a chain of custody including an audit log. There should be a bipartisan board present for observation. All activity should have live video recording that's preserved.</p> | Manual and lack of Statute | Yes | <p>PDF pg 119-120 EMS Gateway Computer</p> <p>"Further, it is strongly recommended that the EMS Gateway Computer be segmented from all other networks. In other words, the computer should be placed on its own network, with no other computer or machine connected to the network, to minimize access and exposure."</p> <p>Concern: "Strongly recommended" is a term that allows a loophole for a lack of security and best practices. This entire section should also require a chain of custody including an audit log. There should be a bipartisan board present for observation. All activity should have live video recording that's preserved.</p> |

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| <p>Backdoor Administrative Fiat Legislation</p> | <p>201-202</p> | <p>Out-of-Precinct Voter If the voter's name does not appear on that precinct's signature roster because the voter resides in another precinct (in counties that conduct assigned polling place elections), an election official shall direct the voter to the correct polling location or, if applicable, to a vote center. The election official must also inform the voter that although the voter has a right to vote a provisional ballot at that location, the voter must vote in the correct polling place in order for all of their votes to be counted. If the voter insists on voting at that incorrect location, a provisional ballot must be issued, but the voter should again be informed that voting in the wrong precinct means there may be some races or ballot questions on the ballot that the voter is not eligible to vote for so their votes for those races or ballot questions will not be counted. The voter should also be informed that ballots cast in the wrong county will not be counted. Alternatively, upon a specific resolution of the Board of Supervisors issued pursuant to A.R.S. § 16-411(B)(4) authorizing the use of accessible voting equipment within an assigned polling place to be used as a vote center, a voter shall be entitled to vote a regular ballot using the accessible voting equipment if:</p> <ul style="list-style-type: none"> • The election board has access to real time information and can confirm the qualified voter has not cast a ballot at another voting location; • The accessible voting equipment is pre-programmed and certified to allow voters to mark or vote any ballot style for that county; and | <p>This section added by Secretary Hobbs will eliminate precinct voting. Precinct based voting was just upheld in Brnobich v DNC and this section is to subvert that ruling. Precinct voting is an important guardrail to protect against and isolate fraud. Whereas, voting centers are much more susceptible to fraud and it cannot be isolated.</p> <p>The new language from Hobbs is saying to count every race on ballot except ones confined to the precinct when they vote out of precinct and duplicate the ballots to do so . Currently you vote provisional and NO race is counted if you are out of precinct.</p> <p>This section is an open door to extensive fraud across the state.</p> | <p>Manual</p> | <p>Yes</p> | <p>PDF PAGE 201 - 202 - Out-of-Precinct Voter</p> <p>Concern: This section added by Secretary Hobbs will eliminate precinct voting. Precinct based voting was just upheld in Brnobich v DNC and this section is to subvert that ruling. Precinct voting is an important guardrail to protect against and isolate fraud. Whereas, voting centers are much more susceptible to fraud and it cannot be isolated.</p> <p>The new language from Hobbs is saying to count every race on ballot except ones confined to the precinct when they vote out of precinct and duplicate the ballots to do so . Currently you vote provisional and NO race is counted if you are out of precinct.</p> <p>This section is an open door to extensive fraud across the state and should be reversed to the previous procedures.</p> |
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| <p>Voter Suppression & Possible Issue with Equal Vote Clause</p> | <p>203-204</p> | <p>PDF pgs 203-204, section 5. Notice of Effect of Overriding Overvotes If the voting equipment used for the election provides for the rejection of overvoted ballots or ballots that contain other irregularities, the Board of Supervisors shall provide for a written notice advising the voter that if the voter chooses to override the overvoted office or measure or override any other ballot irregularity, the voter's vote for that office or measure will not be tallied. The notice shall be posted on or near the voting equipment so that the voter has a clear view of the notice. A.R.S. § 16-513(B).</p> | <p>Concern: This section should warn the voter of what an overvote is and the consequence for an overvote. The instructions should be clearly marked and also handed to the voter with their ballot. The voter should again be warned when they scan their ballot through the machine for in person voting. For early voting, the same instructions should be sent with the ballot and the instructions should be included at every ballot box.</p> <p>The instructions for each County should be specific and follow a similar format based on if their machines identify an overvote or not. The instruction provide by the Secretary is not sufficient and will create unequal access to vote across counties. This is not acceptable.</p> | <p>Manual and Statute</p> | <p>Yes</p> | <p>PDF pgs 203-204, section 5. Notice of Effect of Overriding Overvotes</p> <p>Concern: This section should warn the voter of what an overvote is and the consequence for an overvote. The instructions should be clearly marked and also handed to the voter with their ballot. The voter should again be warned when they scan their ballot through the machine for in person voting. For early voting, the same instructions should be sent with the ballot and the instructions should be included at every ballot box.</p> <p>The instructions for each County should be specific and follow a similar format based on if their machines identify an overvote or not. The instruction provide by the Secretary is not sufficient and will create unequal access to vote across counties. This is not acceptable.</p> |
| <p>Lack of Clarity and Standards</p> | <p>219-221</p> | <p>PDF pg 219-221 - Election Board Close-Out Duties Step 2-10</p> | <p>Concern: Steps 2-10 should include instructions for a bipartisan board to secure ballots and chain custody as appropriate. The Official Ballot Report should be published online for the sake of transparency and voter confidence.</p> | <p>Manual and lack of Statute</p> | <p>Yes</p> | <p>PDF pg 219-221 - Election Board Close-Out Duties Step 2-10</p> <p>Concern: Steps 2-10 should include instructions for a bipartisan board to secure ballots and chain custody as appropriate. The Official Ballot Report should be published online for the sake of transparency and voter confidence.</p> |

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| <p>Backdoor Administrative Fiat Legislation</p> | <p>86-89</p> | <p>PDF pg 86 - PROCESSING AND TABULATING EARLY BALLOTS The following procedures for processing early ballots shall be followed, unless the Secretary of State has granted a jurisdiction permission to use another method otherwise consistent with applicable law. A jurisdiction wishing to deviate from these instructions must make a request in writing no later than 90 days prior to the election for which the exception is requested.</p> | <p>Concern: The Secretary of State is limiting jurisdictions from using a process that is consistent with the law but not exactly prescribed in the section. The section is not clearly defined and open to vast interpretation in many instances. The section does not follow best practices to maintain a chain of custody. For example, there is no mention of utilizing barcodes on ballots for chain of custody or traceability or reporting purposes. The Election Manual must have much more specific guidance if jurisdictions are going to be restricted to incomplete or inadequate processes required by the AZ SOS. This is not compatible with the statute.</p> | <p>Manual</p> | <p>Yes.</p> | <p>PDF pg 86 - PROCESSING AND TABULATING EARLY BALLOTS "The following procedures for processing early ballots shall be followed, unless the Secretary of State has granted a jurisdiction permission to use another method otherwise consistent with applicable law. A jurisdiction wishing to deviate from these instructions must make a request in writing no later than 90 days prior to the election for which the exception is requested."</p> <p>Concern: The Secretary of State is limiting jurisdictions from using a process that is consistent with the law but not exactly prescribed in the section. The section is not clearly defined and open to vast interpretation in many instances. The section does not follow best practices to maintain a chain of custody. For example, there is no mention of utilizing barcodes on ballots for chain of custody or traceability or reporting purposes. There is also no requirement to maintain Board Members's names - only initials which is insufficient. The Election Manual must have much more specific guidance if jurisdictions are going to be restricted to incomplete or inadequate processes required by the AZ SOS. This is not compatible with the statute.</p> |
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