

**AFET Coalition Network  
for Free and Fair Elections**

# **Election Transparency Observation Manual**



**September 9, 2022**

*This manual is a work in progress, and will be updated whenever new or additional information is available. If you have any comments, suggestions, or corrections, please send these to [report@afet.vote](mailto:report@afet.vote).*

This manual was first developed and published by Virginians for America First (August 2021), with resources provided by Americans for Limited Government. It has been adapted for Arizona for Election Transparency (AFET) with permission. Every effort has been made to ensure the accuracy of the information provided in this manual, but given the variance in procedures by locality, and many recent legal and procedural changes, errors and omissions are inevitable; therefore, only the Arizona Revised Statutes (A.R.S.), and official election procedures of the Secretary of State, and those of each respective County Recorder are authoritative. *Note: County procedures may not infringe on the rights given in A.R.S.*

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## Introduction

Arizona’s elections need a fresh, new overhaul. In response to the COVID-19 pandemic in 2020, there was a mix of ill-defined, non-transparent, constantly changing processes. This confusion for voters was multiplied through ill-advised changes in policies. Despite all these concerns, there are hard-working, wanting-to-get-it-right patriots in County Recorder offices across the State.

We want to build on the strengths of the good work being done, while addressing election concerns. **AFET observes a number of vulnerabilities, which include:**

- Lack of transparency and the noncompliance of processes and procedures
- Bias and corruption in election administration
- Inaccurate, inflated, poorly managed voting rolls
- Intimidation and fraud through mail-in voting
- Unsecure ballot drop boxes and ballot harvesting
- Doubt in the accuracy and security of machine-based voting
- Need for precinct voting, parity observation
- Lack of effective voter ID
- Federal-only ballots without proof of U.S. citizenship
- Need for the enforcement of regulations and stiffer penalties

Fundamental reforms in law and procedures are required to restore lasting public confidence in the integrity of Arizona elections, but these reforms will take time. Unfortunately, we don’t have much time, as our next election season is underway with the Primary Elections on August 2, 2022. In the near term, AFET believes that the most important action we can take to strengthen the integrity of our elections, and confidence in the democratic legitimacy of our elected representatives, is to increase transparency in electoral processes. Your participation is essential to achieving this goal.

This Manual utilizes the strategies implemented in “The Virginia Model”. Adapted for Arizona, it aims to provide you, as a citizen, with the knowledge and tools needed to help ensure a free and fair election process for all of Arizona’s voters. You will find information on election reform advocacy, becoming an election worker or officer, and monitoring election processes as an observer; all are activities aimed at increasing transparency in the elections, with public ownership of that process.

AFET focuses on these calendar segments:

- Pre-Election Season
- Election Season [Ballots are “live” and available to be cast/voted]
- Election Day [For 2022, August 2 Primaries and November 8 General Election]
- Post-Election

The American Republic was founded on the principle and promise of self-government; a promise that began in 1619 with the establishment of Virginia’s General Assembly—the first representative body in the Western Hemisphere—and culminated in the Declaration of Independence in 1776. Now that promise is threatened by a loss of faith in the integrity of the very process that enables self-government, and the Republic, that so many struggled and fought and died to establish, is at risk.

Arizona stands at a critical point in U.S. history. Now, we are called to lead; to secure again the right to self-government for ourselves and our families and our fellow citizens. If we are to save our Republic, it must begin here, with our upcoming election, and build across the country in 2023 and 2024. As has ever been, success will require sacrifice and hard work, but with your help, and the guiding hand of God, it is not too late to restore our Republic.

*Arizona for Election Transparency Team*



[Afet.vote](http://Afet.vote)



[Americaproject.com](http://Americaproject.com)

**NOTE:** The Arizona Secretary of State, Katie Hobbs' *2019 Election Procedures Manual* ("EPM") is referenced throughout, altered only to reflect PEVL (Permanent Early Voting List) changed to AEVL (Active Early Voting List) per 2021 Arizona Revised Statute. See Section 4.4 regarding its standing.

## Operation Eagle's Wings

Arizona for Election Transparency and Arizona for America First are part of a national initiative called “Operation Eagle’s Wings” supported by The America Project (TAP), and through the voluntary contributions of individuals committed to the restoration and strengthening of constitutional democracy in America. OEW grew out of a program developed for the 2021 state and local elections in Virginia, creating a template for issue advocacy and election integrity programing which became known as “The Virginia Model”.<sup>1</sup>

Virginians for America First (VFAF) launched on March 9, 2021, with the intent to elect an America First majority in the Virginia House of Delegates. Bishop Leon Benjamin, initially supported by Americans for Limited Government (ALG), led the efforts as the founder of Virginians for America First. His courageous stand on America First principles resonated with Virginians of all races and social standing. He was instrumental in bringing unity, building coalitions, and reaching into communities not normally engaged.

Once VFAF launched, there was a great response with hundreds of sign-ups within hours. This came as a surprise. The *overwhelming* interest of those sign-ups was *election integrity* (EI). It became obvious we must include an EI program component to satisfy the interests of our volunteers.

While I was a political appointee during the Trump Administration at the U.S. Agency for International Development, I had worked with Tim Meisburger, who was appointed to USAID by President Trump in 2017 as a director of USAID’s Center for Democracy, Human Rights, and Governance (DRG).

Tim is an expert in EI, with 30+ years’ experience around the globe working to ensure free and fair elections in third world and developing democracies. I contacted him and asked for his help in developing an EI program based on accepted international standards. Tim joined VFAF/ALG and developed the EI program for Virginia. He generated a manual for election observation specific to Virginia based on recognized international standards.

The EI program in conjunction with the America First voter education component became the complete “Virginia Model.” Parts of this model are being shared in states across the nation by others, but only TAP is providing the model *in total*.

In the summer of 2021, TAP learned of VFAF’s project in Virginia, and began supporting it financially as the major contributor. TAP recognized early on that this project was making an impact in Virginia, and that what had been effective in Virginia in 2021 could serve as a model for programs in battleground states in 2022.

The EI component of OEW consists of four major parts:

<sup>1</sup> See [Fixing Virginia’s Elections to Save America](#)

- Voter education on America First issues concentrating on low-propensity voters. These are voters who are generally not politically engaged but want America First principles in our government.
- Training of poll workers/poll watchers with an in-depth program on election observation, reporting, and the rights of citizens to have free and fair elections.
- Direct citizen observation and review of processes and procedures pertaining to the maintenance of and handling of voter rolls. This is primarily achieved by communicating directly with election officials in each municipality.
- Real time evaluation of absentee ballot processing during election season (45 days of early voting in Virginia). This part of the program will need to be adjusted to correspond with state specific statutes.

The voter education component of the OEW conducts campaigns to inform voters who have historically had little access to information on the America First movement about how America First policies can increase their freedom and improve their lives. Increased turnout by new America First voters, particularly in minority communities, was a very important part of the victory in Virginia. We learned through our targeted voter education efforts, and canvassing, that addressing issues that directly affected voters and their families made the difference in turning out minorities to support candidates who embraced America First principles.

Following its successes in Virginia, TAP developed the “Operation Eagles Wings” program to share its approaches with like-minded organizations across the country, and to implement the Virginia Model template in nine critical states: Arizona, Florida, Georgia, Illinois, Michigan, Pennsylvania, Texas, Virginia, and Wisconsin.

2021 in Virginia was a message sent to every America First Patriot, that with dedicated hard work, focus, and a united effort “We the People” can save the Republic for future generations. 2022 offers us the opportunity to repeat a Virginia-type victory across the nation. Join us by going to [www.americaproject.com](http://www.americaproject.com) to volunteer for, and donate to this effort.

Mark Lloyd  
Director  
Operation Eagle’s Wings

# 1 Arizona for Election Transparency & Coalition Network

## 1.1 Introduction to AFET

Arizona for Election Transparency (AFET) is dedicated to promoting election integrity in Arizona. It is the public face and reporting arm of Arizona for America First (AFAF). Coalition partners already include We the People Alliance (AZ), VOTE YOUR VALUES™, and welcomes the participation of other like-minded organizations that share its objectives.

The broader collaboration is in association with The America Project and its Operation Eagle's Wings (OEW) comprising nine states—Arizona, Florida, Georgia, Illinois, Michigan, Pennsylvania, Texas, Virginia, Wisconsin—to promote America First policies and platform issues. Building on the successes of Virginia, we work directly with the originators of “The Virginia Model,” in collaboration as a nonpartisan 501(c)4 to roll out detailed, comprehensive strategies for free, fair, and transparent elections.

### Why Manuals are Important

In Arizona's working with the other eight states, having state-specific Observation Manuals incorporates a similar strategic approach with a compilation of the different activities vital to a transparent election process. The collaboration and documentation are a foundation to build from with many benefits:

- They help volunteers take the next step
- Strengthen organizational and networking capacity
- Increase the impact of election reform advocacy
- Enhance the transparency and credibility of elections
- Improve quality of data collection and the impact of reporting

Tim Meisburger's expertise identified best practices developed in his work with democratic development overseas, and one of these is to monitor the *entire* election cycle. He used it as the framework of The Virginia Model's Manual, and subsequently in working with all nine states in Operation Eagle's Wings (OEW). The manuals are a tribute to his work in creating a comprehensive, well documented plan, ready for execution.

### How OEW Can Help

- To gain a deeper understanding of the pre-election environment as each state deploys teams of election observers in 2022 to interview election officials across the state
- Facilitate linkages with organizations in each state
- Help develop tailored, state-specific manuals
- Develop generic guidance for non-OEW states on how to develop their own manuals
- Provide targeted training in observation, investigative canvassing, and voter list audits

Although we will review key aspects of the 2020 election, we are primarily focused on looking forward to Arizona elections August 2 and November 8, 2022; in 2023, and federal elections in 2024. To increase transparency, and to detect issues and concerns with election processes as early as possible so that they can be addressed *before* the election, the AFET Coalition (the “Coalition”) will establish a comprehensive election observation network similar to those common in other democracies.

AFET's direction as the program rolls out into next year will be demonstrating the strengths we bring to the cause with data collection, analysis, reporting, real-time responses to election issues in providing recommended solutions, and initiating action steps for the grassroots to keep them engaged and participating in measurable outcomes. With these "wins", the Coalition's network will expand. At that juncture, a steering committee made up of representatives from member organizations will be set up, while day-to-day operations will be coordinated through Arizona for America First.

OEW's rapid start-up has made great gains. The short runway to November 8 is challenging but enormous effort is laying groundwork for what comes next in its post-election review and shoring up the gaps in election integrity for 2023. AFET has reached out to meet with County Recorders, Boards of County Supervisors, election and security officials to learn more about their plans for ensuring free and fair elections. To safeguard the public is fully informed of progress (or lack thereof), it will issue frequent reports of its findings statewide, and at the county level at [afet.vote](mailto:afet.vote).

To enhance transparency and ensure effective observation during the election season, AFET is committed to recruit, train, and equip poll observers. Through its reporting mechanism to collect, synthesize, and share observer reports ([report@afet.vote](mailto:report@afet.vote)); and will maintain close communication with TAP and other like-minded Election Legal Assistance Hotlines to support whistleblowers, and coordinate rapid legal response to reported violations. The AFET Coalition also advocates for election reforms to make Arizona's elections the most transparent, fair, and credible in the United States.

## **1.2 The AFET Coalition Network**

The Coalition will consist of poll observers, specially assigned observers, other volunteers, and like-minded County-hired poll workers, and other volunteers in coordination with OEW's Citizen Election Observers program; and the organizations that support them. The objective of the entire Network is to provide comprehensive coverage of the entire state; both to deter or document malfeasance, and to facilitate advocacy for essential election reforms. If you would like to serve in one of these roles, please encourage your sponsoring organization to join the AFET Coalition (if they are not already a member) or contact us directly at [info@afet.vote](mailto:info@afet.vote), and we will get you connected.

Arizona for Election Transparency coordinators will liaise with like-minded County Party Chairs and third-party organizations to ensure sufficient poll workers and observers are recruited, trained, and deployed to establish transparency and deter malfeasance. The coordinators will also serve as long-term or area observers, maintaining communications with relevant Recorders, and County Boards of Supervisors in their area of operations (AOR). Finally, coordinators will be the focal point in their AOR for network reporting; receiving reports from advocates, observers and poll observers; synthesizing or aggregating those; then forwarding these to the Arizona for America First office for distribution throughout the Coalition's work.

## **1.3 Quick Overview: Four Election Calendar Segments**

Patterning after The Virginia Model, the election calendar is divided into four segments, or phases. Although inextricably connected, each has its unique contribution when executed well, to securing America First policies and electing America First candidates to forward conservative results.

**#1 Pre-Election Observation** – Key long-term observers (LTOs) at the county and municipal levels will be those to monitor election processes and preparations in the period before the election season begins on July 6, 2022, for the Primary, and before October 12 for the General Election. They will hold introductory interviews with local recorders, boards of election, and security officials, and the information they collect will be compiled by the Coalition into both public and internal statewide reports that can be used to inform advocacy, and hopefully to improve the integrity of the election process *before* it begins. In Section 4.2, there is implementation guidance for the **County Recorder Survey** interview, and support documents that follow.

**#2 Election Season Observation** – This calendar phase represents the duration that **“live” ballots are available** to cast/vote prior to Election Day, referred to as early absentee/mail-in voting and any early in-person voting. AFET and its Coalition partners will be directly engaged in recruiting and training, but also in monitoring overall numbers of poll observers by voting center and/or precinct, and will provide process reporting, while Incident Reports will go to the AFET Legal FIREWALL Hotline (as available) and/or via The America Project’s Citizen Election Observer program. All local reporting and analysis will be developed in collaboration with, and shared with members of the Coalition, and those interested Legislative District, County and State Chairs; and legislators.

Election Season observers will monitor the advance in-person voting at Recorder’s designated locations and points for drop-off. Checklists and report forms will be developed and then inserted in the online version of this manual, as well as in a detailed guidance document prepared specifically for 2022 observers.

**#3 Early In-Person Voting and Election Day Observation** – **Poll workers and poll observers** are the first line of defense to ensure elections are conducted in accordance with Arizona election law. Observers are part of a coordinated system to quickly detect, mitigate, and document unintentional or intentional election-related disruptions that arise during the registration, voting, and counting periods. The goal is to ensure a fair and open process where every person who is legally entitled to vote can cast ONE ballot and have that ballot counted properly. In Arizona, Poll observers watch the vote in a manner that will not obstruct the rights of ANY voter. [Source: Gina Swoboda, 2022]

Even with opportunities for early voting, additional scrutiny and protocols for observation are put in place for Election Day to account for the peak number of voters on a single day. Understanding and reporting on the closing procedures for each voting center, transport of ballots to a tabulation center, adjudication/curing of provisional and problematic ballots, etc. are essential functions of poll watchers but also demonstrates the need for poll workers in every aspect.

A new initiative by The America Project is for every voter to utilize a web-based app to share their experiences as they vote. Data will be compiled and reported. [ElectionObserver.com/citizen](https://ElectionObserver.com/citizen)

**#4 Observing Post-Election Operations** – After the election, AFET will continue to monitor any post-election audits or court cases. Pre-election, election season, and election day reports will be synthesized, and used to develop a comprehensive narrative report on the integrity of the entire election process, with recommendations for needed reforms in advance of Arizona’s 2023 and the 2024 federal elections.

## 2 Advocacy for Election Reform in Arizona

To restore confidence in the integrity of Arizona's elections will require fundamental reform of election laws and procedures to increase the transparency and security of the entire process. Volunteers should be advocates in their communities and across the state for these simple, commonsense reforms.

### 2.1 Commonsense Election Reforms

**Allow effective observation of all election processes:** Transparency is the key to creating voter confidence in the integrity and legitimacy of elections, and to facilitate transparency, allowing effective election observation is a norm in established democracies around the world. In 2020, numerous incidents were reported in Arizona and across the country of observers being prevented from effectively monitoring election processes. Effective observation is an internationally recognized standard for free and fair elections.

To this end, the Governor, Arizona Congress, and state and local election officials must respect international norms and standards, and make all election processes open to effective observation by both partisan and nonpartisan observers.

**End most early and mail-in voting:** Supposedly to make it easier to vote, our election "day" has expanded to election "month", but election professionals agree that early voting, mail-in voting, and ballot harvesting all facilitate voter intimidation, impersonation, ballot box stuffing, and other forms of fraud. We must demand that Arizona lawmakers return to a single Election Day. Rather than extending the voting period or using unsecure mail-in ballots to increase participation at the expense of election integrity, there is consideration to make Election Day a mandated holiday with free public transportation; with absentee voting limited to those with a genuine and provable need.

**Require ID and proof of citizenship to vote:** Almost every democracy in the world requires photo ID and proof of citizenship to vote. Confidence that only qualified voters can vote is so important to democracy that the U.S. has spent hundreds of millions of dollars (at least, probably billions), helping other countries with voter registration and voter ID. Many countries in Africa and Asia already use biometrics to confirm voter ID. The assertion that Arizona is incapable of providing its citizens voter ID, when developing countries from Bangladesh to Zambia accomplish this easily, only serves to fuel perceptions that these individuals' true aim is to facilitate cheating.

In 2022, Arizona passed legislation that was signed by Gov. Ducey to require U.S. citizenship to be eligible to vote; and another bill that included the requirement for voter ID. Both of these measures have been challenged in court and are currently in litigation. Arizonans deserve confidence that only qualified citizens are voting, and that they are only voting once.

**Demand manual rather than machine-based voting and counting processes:** Voting and counting machines are inherently non-transparent, prone to malfunction, and are viewed by many computer experts (and by senior politicians of both parties) as highly susceptible to rigging, fraud, and abuse. Machine processes cannot be effectively observed and certified by election officials, observers, or ordinary citizens; and as such, they have no place in Arizona's elections. Arizona must revert to a simple, transparent, and manual polling and counting processes.

**Ban “dark money” private funding of election**

**processes:** Dark money from outside the state continues to pollute U.S. elections and is likely to be an even bigger problem in 2022. In 2020, Mark Zuckerberg gave \$4,000,000 to Fairfax County, Virginia for “election administration”, fueling suspicion of vote-buying, bribery, and undue influence. Under new Arizona law, it prohibits such external funding.

**Expose “foreign” funding for campaigns from outside the affected constituency:**

No country in the world allows foreign funding in their election campaigns; because in a democracy, only the citizens who will be represented should have influence on who is elected. The same principle should apply across constituencies in the U.S. For example, it is incredibly unfair and undemocratic for Silicon Valley to influence Governor or Congressional races in Arizona. The new Arizona law prohibits these undemocratic practices, “foreign” funding of Arizona elections, which we must continue to monitor and expose, to ensure voters know who is trying to unfairly influence our representatives

**Reforming Arizona’s Elections**

- *Allow effective observation of all election processes*
- *End most early and mail-in voting*
- *Require ID and proof of citizenship to vote*
- *Demand manual rather than machine-based voting and counting processes*
- *Continue to ban “dark money” private funding of election processes*
- *Expose attempts of “foreign” funding for campaigns from outside the affected constituency*

**2.2 Taking Action**

In 2022, our objective is to elect a Governor, Attorney General, Secretary of State, U.S. Senator, and Arizona Senators and Representatives who are committed to making commonsense election reforms that will ensure that all voters’ voices are heard, to make it easy to vote and hard to cheat. To achieve this objective will require a concerted effort across the state, and Coalition volunteers have a key role to play.

First, publicize the Commonsense Election Reforms with digital promos and/or by preparing posters and/or leaflets to put up or pass out in your area of operations (AOR). The Coalition will prepare some examples and templates you can use, but feel free to also use your own creativity, and share your creations across the broader Network.

Print the *Commonsense Election Reform Pledge* (at the end of this section) and ask all of your local candidates to sign the pledge. If any will sign, you can use that as a lever to pressure the others, as the Coalition will endorse any candidate that signs the pledge. Please let us know who does sign, and who does not.

Write op-eds and letters to the editor for “friendly” local papers or social media or get interviewed on local radio. Explain the reforms and endorse the candidates who signed the pledge and question the fitness of those who have refused to do so.

Hold a rally/barbeque/party for election reform. Invite local leaders, candidates, and press. Hang out with like-minded folks, and enjoy building relationships, and lots of food.

And please let us know about anything you do, so we can share your ideas and activities across the AFET Coalition!

### Arizona’s Commonsense Election Reform Pledge

*I recognize that democracy in Arizona is dependent on free, fair, and transparent elections, and if elected, I promise to support legislation that will:*

- *Allow effective observation of all election processes.*
- *End most early and mail-in voting.*
- *Require effective ID and proof of citizenship to vote.*
- *Require manual rather than machine-based voting and counting processes.*
- *Continue measures to ban “dark money” private funding of election processes.*
- *Expose attempts of “foreign” funding for campaigns from outside the affected constituency.*

Signed \_\_\_\_\_

Print Name \_\_\_\_\_

Candidate for \_\_\_\_\_

**Where to start?** Begin with a simple overview of Arizona’s elections to better understand the elected officials and those who are hired by the various government entities, and their role in determining policies and procedures.

**See EXHIBIT 1 – How Arizona Elections Work – The Basics.**

The foundation of elections is the “grassroots”, those individuals who are informed, engaged, and cast their vote in EVERY election. As America First policy advocates for fair and transparent elections, it is imperative to participate if we are going to have a say. The silent majority no longer, 2020 awakened folks across the nation to the issues at stake and the political decisions being made at odds with their core beliefs.

## 3 Serving on a Voting Center’s Election Board

### 3.1 Why Serve as an Inspector, Judge, or Marshal?

Although both parties have the right to recommend elections officers for every precinct, in the past Republicans have been less likely to do this, and consequently there are many precincts without Republican officers. When this occurs, one of the essential checks and balances built into the system is missing, and this contributes directly to many voters’ lack of confidence in the integrity of the election process. Election cheating and fraud to the scale observed in 2020, simply cannot occur without collusion from election officers, so our number one priority is to recruit and train those to

serve as an election officer. The timeline for recruitment for the 2022 elections is tight, but there will be additional opportunities in the 2023 and 2024 elections.

### **3.2 Appointment of Election Officers<sup>2</sup>**

At least 20 days before a primary or general election, the [County] Board of Supervisors must appoint at least the following poll workers for each polling place with more than 300 qualified electors and each vote center: one inspector; two judges; one marshal; and as many clerks as deemed necessary.

For polling places with less than 300 qualified electors, the [County] Board of Supervisors must appoint at least an inspector and two judges.” Collectively, these positions and any clerks are known as the “election board” for a particular voting location.

Poll workers must be registered voters, except for student poll workers. In assigned polling place elections, each poll worker must be a registered voter in the precinct of assignment unless there are not enough poll workers that meet this residential requirement.

Other than candidates for precinct committeeman, no candidate (nor the spouse, child, or parent of a candidate) for any office on the ballot may serve as a poll worker during that election. The officer in charge of elections shall ensure that the election board is comprised of individuals registered with different political parties. At minimum, for partisan elections, if the inspector is a member of one of the two largest political parties, the marshal must be a member of the other of the two largest political parties and each of the two judges must be registered with different political parties. An inspector, marshal, or judge may not serve in that position if they have changed their political party registration since the last general election.

### **3.3 Process for Application**

There are several avenues to becoming an election officer, such as contact your County Recorder’s office. If there isn’t information on their website, contact the Election Director for the procedures. For example, in Maricopa County, one has to have worked at least one election as a Clerk before being considered for an officer position. Voter registration Deputy Registrars are given preference. Note that when applying, also share if you are a Precinct Committeeman as that allows your placement in needed areas outside your specific precinct.

[EPM] At least 90 days before an election, the county chairperson of the two largest political parties may designate qualified electors to serve on election boards. When the list is timely submitted, it shall be used to appoint judges. Whenever possible, any person appointed as an inspector shall have had previous experience as an inspector, judge, marshal, or clerk of elections. If there is no qualified person in a given precinct, the appointment of an inspector may be made from names designated by the county party chairperson. Any registered voter in the precinct, or alternatively, in another precinct, may be appointed as a clerk.

### **3.4 Promoting Integrity as an Election Officer**

As an election officer, appointed by the County or as nominated by your party, you have a legal and moral duty to administer elections that are free and fair for all voters. Although it is unlikely, in the performance of your duties you may witness other officials engaging in practices not consistent

<sup>2</sup> Appointment, qualifications, and terms of officers of election is defined at A.R.S. § 16-531(A). Excerpts are from the *2019 Elections Procedures Manual*, pp. 133-134.

with law or regulations. These can be irregularities (i.e., failure to follow law or procedure due to ignorance), or malfeasance (intended to undermine the integrity of the vote).

In some cases, it may be difficult to determine whether an incident is an irregularity or malfeasance, but in every case, election officers should attempt to rectify the situation. That may be as simple as informing the officer(s) of the correct procedure (with reference to official documentation) or contacting senior election officials (County Recorder, or your party representative on the local Board of Supervisors). In cases of potentially criminal conduct, refer to the specific guidance below.

All the poll workers for each voting location are encouraged to fill in and submit their observations to [report@afet.vote](mailto:report@afet.vote). The Election Poll Worker form below can be printed, scanned, and sent via email, but it will be easier to fill in and submit the online version [[here](#)] for faster data input. This information (but not your name) will be combined with information from other poll workers in a public report and used to evaluate the election process and make recommendations for improving future elections.

Besides each County's internal election hotline system, Election workers are encouraged to contact AFET's prescribed legal hotline at any time during their tenure as election officers to report incidents, concerns, or any other information they think might be relevant.

An Election Poll Worker's Checklist will be created prior to the 2022 General Election and included in the Exhibits for training.

### 3.5 Reporting Irregularities and Malfeasance

Irregularities are procedural errors that may be caused by a lack of knowledge or a lack of critical materials. Minor irregularities may not affect the integrity of the process but are indicators of poor training or election management. Some irregularities *can* impact the integrity of the process (such as positioning polling booths so that poll observers or other voters can see a voter marking a ballot; or preventing poll observers from effectively observing the election process), and if these are done intentionally, would be considered malfeasance.

We generally think of malfeasance as an intentional effort to undermine the integrity of the election process, that is defined as a crime in the Arizona Revised Statutes or in the Arizona Secretary of State's [2019 Elections Procedures Manual](#). Examples of criminal malfeasance include:<sup>3</sup>

- Knowingly falsifying registration applications or accepting multiple registration applications from the same person (class 6 felony – up to 2 years in jail).
- Illegal voting (class 5 felony – 2+ years in jail)
- Counterfeiting ballots (class 5 felony – 2+ years in jail)
- Tampering with registration or voting equipment with the intent to influence the election outcome (class 5 felony – 2+ years in jail)
- Aiding or abetting absentee ballot fraud (class 6 felony – up to 2 years in jail)
- Coercion or intimidation of elector (class 1 misdemeanor – up to 6 months in jail and \$2,500 in fines)
- Corruption of electors to give, treat, promise...to induce the voter to vote or refrain from voting (class 2 misdemeanor – up to 4 months in jail and \$750+ in fines)

- Knowingly destruction or delay in delivery of ballot (class 3 misdemeanor – up to 30 days in jail, \$500 in fines, 1 year probation)

If you witness serious malfeasance or what you think may be criminal behavior in the election process, follow these steps:

- Email, call or text the established legal hotline for the specific election OR contact us via [ElectionObserver.us/citizen](https://ElectionObserver.us/citizen) by clicking the box with the heading “Get Involved”.
- Collect evidence and fill in an Incident Report Form included at the end of this Section or click [here](#) to complete and submit it online.

If you are employed by Arizona as an election official and worry that reporting malfeasance might affect your employment status or personal life, you should know about the protections afforded by Arizona’s “whistleblower” law. Like most states, Arizona has had whistleblower laws for some time to protect specific industry sectors and also for those reporting violations to the law.

**Disclosure of Information by Public Employees.** Employees and former employees, per A.R.S. Ann. § 38-531:

1. “Employee” means an officer or employee of this state or any of its departments, commissions, agencies or boards. Employee includes employees and officers of community college districts, school districts and counties of this state and law enforcement officers of a city or town but does not include officers or employees of a municipal corporation established for the purpose of reclamation and distribution of water and the generation of electricity.
2. “Former employee” means an employee who was dismissed.

**Protected Actions Under Statute.** A.R.S. Ann. § 38-532(A) protects disclosures of

1. A violation of any law.
2. Mismanagement, a gross waste of monies or an abuse of authority.

**Parties Protected by Statute.** A.R.S. Ann. § 23-1501(A)(3)(c)(i) protects employees that refuse to violate Arizona law, and § 23-1501(A)(3)(c)(ii) protects employees who, with reasonable belief, report violations of past, ongoing, or future violations of Arizona law.

**Protected Actions Under Statute.** A.R.S. Ann. § 41-1492.10 No person may discriminate against any individual because the individual has opposed any act or practice made unlawful by this article or because the individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under this article.

**For a more comprehensive list of election offences and penalties, see EXHIBIT 2.**

### **3.6 Support Document to Report Election Anomalies and Potential Fraud**

To access the online version, click on this title [Incident Report Form](#), complete it, and submit electronically for faster data compilation, review, and reporting. A print format follows on the next page.



# AFET Incident Report Form

**Instructions:** Please fill in the form as completely as possible as soon as possible after (or during) the incident. Take the time to collect names and contact details of other witnesses. If you collect electronic evidence (picture, video, or audio recording), make a copy of the file and submit with your report, but **retain the original** on your phone or other electronic device. **Send to: report@afet.vote, with a copy to steve@az.foramericafirst.com.**

### REPORTER INFORMATION

|   |        |
|---|--------|
| Reported by:  | Phone: |
| Position (voter, election inspector, poll watcher, etc.): | Email: |

### DESCRIPTION OF THE INCIDENT

|                       |                   |   |
|-----------------------|-------------------|---|
| Date of incident:     | Time of incident: | Police notified: <input type="checkbox"/>           |
|                       |                   | Arizona Attorney notified: <input type="checkbox"/> |
| Location of incident: |                   |   |

Description of the incident: (What happened, how it happened, etc. Be as specific as possible. Continue on back if needed and attach additional sheets if necessary.)

|  |   |
|--|---|
| Is there electronic evidence of the incident? Yes <input type="checkbox"/> No <input type="checkbox"/> | What type of evidence is it? Phone photo <input type="checkbox"/> video <input type="checkbox"/> audio <input type="checkbox"/>               |
| Is the evidence in your possession? Yes <input type="checkbox"/> No <input type="checkbox"/>           | CCTV <input type="checkbox"/> Other <input type="checkbox"/>  |
| Did you witness the incident? Yes <input type="checkbox"/> No <input type="checkbox"/>                 | If no, list the person who reported the incident to you below, along with details of any other witnesses. Attach additional sheets if needed. |

### WITNESSES

|                  |        |
|------------------|--------|
| Name of Witness: | Phone: |
| Role of Witness: | Email: |
| Name of Witness: | Phone: |
| Role of Witness: | Email: |
| Name of Witness: | Phone: |
| Role of Witness: | Email: |
| Name of Witness: | Phone: |
| Role of Witness: | Email: |

### PARTIES INVOLVED IN INCIDENT

|       |        |
|-------|--------|
| Name: | Phone: |
| Role: | Email: |
| Name: | Phone: |
| Role: | Email: |
| Name: | Phone: |
| Role: | Email: |

### ADDITIONAL INFORMATION – USE THE BACK AS NEEDED

## 4 Monitoring Elections

### 4.1 Introduction

To help ensure a free and fair election for all voters, AFET Coalition volunteer observers will monitor election processes and procedures throughout the election cycle in four calendar segments:

- ✓ **Pre-Election**
- ✓ **Election Season**
- ✓ **Early In-Person and Election Day Voting**
- ✓ **Post-Election**

Observers can deter malfeasance and cheating, or by detecting and formally documenting such malfeasance, can deny legitimacy to fraudulent elections and provide evidence for lawsuits and other post-election court cases. By increasing the transparency of the election, observers can enhance public confidence in the integrity of the election process.

Observation will be conducted in phases, beginning with *Pre-Election Observation*. During the pre-election calendar segment, observers will look at the voter list, election administration, the legal framework and procedures for elections, and the broader election environment. Pre-election observation seeks to confirm the process, or to highlight potential problems or concerns so that they can be addressed prior to the election. Internationally, pre-election observers are usually referred to as **Long-Term Observers** or LTOs. LTOs often play an important role in recruiting, training, and managing the larger number of volunteers needed for election observation.

AFET Coalition pre-election observers are nonpartisan. In contrast to partisan observers, they do not represent a specific party. Instead, they represent all voters, and their primary objective is ensuring a free and fair process for all voters, regardless of outcome. Nonpartisan observers are normal in other democracies, but still relatively rare in the U.S., where we have primarily relied on partisan observers.

Although it is late for the 2022 elections, we anticipate significantly expanding the nonpartisan observation element in the AFET Coalition for 2023 and future elections. Nonpartisan observation provides any voter, regardless of party, the possibility to support free and fair elections; allowing participation by independent voters (who currently have a limited role in election integrity and are a plurality of voters), and by neutral groups (like church groups) that want to support a fair process, but don't want to affiliate with a particular party.

***Election Season Observation*** – Election observation (poll watching) used to be largely confined to election day, but with long periods of advance voting (27 days in Arizona), and all the opportunities that creates for malfeasance and fraud, we have to develop new approaches to strengthening transparency and deterrence. The primary innovations of the AFET approach are deployment of poll observers during the advance voting, and the expectation that poll observers will file regular reports throughout the election season.

Under current Arizona law, only partisan observers (called poll observers or party agents) have the right to observe all aspects of the polling process, so Coalition support for observation during the election season (July 6-August 2 and October 12-November 8) will primarily be focused on the provision of training and/or materials for poll observers. We will work with local like-minded

America First platform Legislative District Chairs and third-party organization partners to ensure that enough volunteer poll observers are recruited and trained.

Election season poll observers will monitor and report on early in-person voting, absentee/mail-in voting, and drop boxes, at Recorder offices and authorized voting centers. Daily reports will be aggregated and synthesized, shared with Coalition members, and form the basis for regular press releases, op-eds, and other outreach efforts. Poll watchers will also have access to a legal hotline for reports on incidents that might require an immediate legal response. The primary objective of the election season observation is early identification of issues and concerns to improve the quality and integrity of the election while it is in process.

***Observing Election Day and the Counting Process*** – Although the actual election day in Arizona is not as important as it used to be, because of the long election season, it will still require more poll observers and other election personnel than any other day. Poll watchers will be recruited and trained by like-minded party by county and state teams. The objective is to detect and deter malfeasance through complete coverage of and reporting from all precincts in the state.

Poll watchers may work in shifts organized before election day. They will arrive before the precinct opens to observe set up of the precinct and machines, and will watch the polling process throughout the day, then the counting process after the poll. Each precinct poll watcher (or team) will have a checklist and report form to facilitate monitoring. The collection of data that can be used to validate or delegitimize the election process will be aggregated after the election. In addition, poll observers will have access to the legal hot line to report irregularities or malfeasance as they happen.

***Post-Election Audits and Reports*** – This section will be completed with additional research.

## **4.2 Pre-Election Observation**

AFET will recruit, train and manage the initial LTO (Long-Term Observers) Teams. Each team will be made up of 3-4 volunteers and be responsible for implementing activities in one or more counties during this first phase of observation. Teams will establish and maintain good relations with election officials, and other relevant government and security officials, in their area of operations (AOR). These teams will also facilitate the recruitment and training of additional poll workers, officers, and observers. As the Network is built out, we plan to identify coordinators and team members for every county in the state. To learn more about how you can volunteer for this effort, please contact [info@afet.vote](mailto:info@afet.vote).

### **4.2.1 County Recorder Survey**

An initial County Recorder Survey will be conducted in each County. LTO teams should request a meeting with each Recorder in their Area of Operations. A sample request letter is included at the end of this section. Best to begin with a phone call, and then immediately followed up with an email. Contact details for each Recorder in the State of Arizona can be found here: [Arizona County Recorders](#). Use the sample letter as a guide for the call, explaining who you are and who you represent, and that you are election observers interested in learning more about the election process in the respective county. See a sample email introduction, as well as emails in response to objections at the end of this section.

Ideally, all interviews should be conducted within a week of the initial call, so request an early date. If they try to put it off, note that you have a deadline for reporting, and that it would be a shame if

they were not represented in the state report. During the interview, be respectful, nonconfrontational, and nonpartisan. Express our common objective of implementing excellent elections that are accepted by all as fair and credible.

Prior to conducting the interview, you will be provided with in-person [County Recorder Team PPT training](#) and/or an online video briefing on the questionnaire by AFET staff. The survey questionnaire is attached in this Section. During the interview, please record responses directly on the form, using additional pages if required. After completing the questionnaire, you may want to ask several questions specific to your AOR, but don't take up too much time. Make arrangements with the Recorder to follow up by email or phone to collect any information that wasn't available during your visit. Thank the Recorder for his/her time and note that you look forward to remaining in touch throughout the election cycle.

After leaving the office, please photograph your forms, and email them to [report@afet.vote](mailto:report@afet.vote). As soon as possible, please upload the notes and report to the Liberty Voter contact as directed. AFET staff will also schedule an in-person or online video debrief for your team so that you can provide feedback on the survey implementation, suggestions for improvements and/or additional follow-up questions; and share experiences and lessons-learned with other teams.

In choosing your County Recorder teams, select those who are even-tempered and are NOT viewed as partisan and/or accusatory. The success of the survey is garnering frank responses that can be used to improve the election process; ideally, as a collaborative effort because of the relationships bridged with those County employees tasked to execute the process.

#### **RECAP:**

- Quick research of the County's website for names and titles, contact information, address, and interesting talking points to share as compliments in your meeting.
- Identify the survey team for that County, with at least one a voter there (2-3 from there better).
- Call to set up a meeting (considering team's availability); document and follow up.
- Ensure team members are trained with the PPT, are familiar with the Survey, and the key functions have been decided, including who is bringing a thank you note and treat.
- Meet with team one hour ahead of interview in a near-by off-site location to review the approach and job functions for the meeting.
- Reminder that you are "on" from the moment arriving in the parking lot until you are driving off out of sight. Be friendly, professional, and demonstrate genuine interest in being of service to the voters of the County. And, by extension, of service to the Recorder and his/her staff.
- Besides the thank you note and treat, follow up the next day with an email as a thank you and to acknowledge any specific concerns or requests by the Recorder that you will be following up on.
- Meet with your team off-site for 30-60 minutes to debrief, review notes for the survey; and plan follow-up.
- File report as instructed.
- Follow up on any outstanding tasks.
- Occasional email or call to Recorder for progress reports, share ideas, and offers to collaborate, ultimately to build long-term relationships.

Don't forget to have fun! You're deepening friendships with your teammates and creating professional, candid connections with those who play a huge role in how elections are conducted. Trust will provide the environment to define real solutions. Instead of mandating through legislation, you'll discover those in leadership who are willing to implement new policies and procedures just because "it's the right thing to do." Be sure and shout out the wins, giving credit where credit is due, through your public relations efforts.

### Support Documents for County Recorder Surveys

- Tips for Getting an Appointment
- Sample Meeting Request Letter
- Sample Follow-Up Email and Overcoming Objections
- Tips for a Recorder Office Visit - Survey
- County Recorder Survey

### **Tips for Getting an Appointment with a Recorder or other Key Election Personnel for the Survey**

#### Get Ready

- Confirm with Ann Niemann that the County is available.
- Gather information for your County: Recorder's name, phone number, email, physical address.
- Start a page in 3-ring notebook for each Recorder/Election office that you plan to visit.
- Let your Team know you are scheduling appointments and that you will need immediate feedback to confirm their availability.

#### Remember

- Be confident, polite, and friendly.
- It's absolutely our right to ask questions, but we don't want to be confrontational.
- We want to establish a relationship, and don't want to burn any bridges.

#### Contact the Recorder

- Preferably to call – that way they can't avoid you as easily, and you can keep it informal and friendly.
- Email is a good way to follow up to confirm the appointment.

#### Initial Introduction of Yourself

- Explain that you are working with AFET on a statewide initiative to visit every Recorder.
- "We are a nonpartisan group providing citizens education about our election process."
- "We want to share some of the behind-the-scenes aspects and help them gain confidence in our election process."

- So far, we've met with 5 [whatever the number is, updating as you go] Recorders. Definitely mention if you have met with another Recorder nearby.

#### Ask for the Interview

- “We have developed a survey with about 30 questions.”
- “I think it should take about an hour at the most.”
- “How about tomorrow or later this week?”

#### Document the call

- Record the date and time you called.
- Who you spoke to, when/if you need to call back.

#### Arizona for Election Transparency

*Adapted from Tips provided by Johanna Carrington, Lancaster County, Virginia*

### **Sample County Recorder Meeting Request Letter**

From: AFET Coalition for Free and Fair Elections  
(County) Observer Team  
(Email address)

To: Recorder  
[County]  
[Email address]

Re: Request for Meeting

Date: XXXXXXX

Dear Recorder [personalize as possible]:

Arizona for Election Transparency and its Coalition partners are a group of organizations dedicated to transparent and credible election processes. We are engaging students, first-time voters, and other citizens in learning more about the process in hopes they will continue to be part of our elections either as poll workers, poll observers, or volunteers.

Our findings will be shared publicly in hopes that it will increase transparency and public confidence in election processes, and to provide the public with the information needed to accurately evaluate the integrity of current processes and procedure.

As part of our civic engagement work, we are conducting a survey of Recorders across the state and would like to request a meeting with you this week to conduct that survey, and to introduce our team. These meetings will facilitate greater learning for our network, allowing them to act as a sort of “ambassador” to other groups regarding the local operations.

This is meant to be a positive experience, with positive outcomes, for both citizens and local Recorder's office. We anticipate the meeting in total will last about 45 minutes. Please email or call me to confirm a suitable time.

Sincerely,

Coordinator  
XXXX Observer Team  
[phone, email]

## Sample Follow-up Emails, Overcoming Objections

### 1. Instructed to send an email to request appointment

#### Sample:

Hi [Recorder's first name as appropriate], I am a volunteer working on an initiative through Arizona For Election Transparency (AFET). The foundation of its work is meeting with every County Recorder to better understand our election process.

We are a nonpartisan group providing citizens voter education about the steps of balloting, casting votes, and tabulation to help them gain confidence in the overall system. We recognize the complexities of the task placed upon you and your elections department and are genuinely wanting to learn from your experience and observations.

We have developed a survey with about 30 questions that will be utilized statewide for continuity. It should take about an hour at the most. **Would the afternoon of [offer two dates] work for you?**

[provide name(s) of AFET team] from [this Recorder's] County will be with me for our meeting.

All the best,

[name, phone, title if any]

Nonpartisan Election Transparency Initiative [this reinforces the approach and mission as non-threatening]

[Insert AFET logo]

2. **Objection:** Due to time limitations, volume of workload, a large number of requests for surveys, interviews, etc., please submit your list of questions and we will attempt to respond accordingly.

#### Response:

Hi [name], I understand the constraints. As a matter of policy, we don't handle the survey that way. The intent behind it is two-fold: to learn the election process for each county, and as importantly, to build relationships for the long-term.

Two pieces of legislation in the State of Virginia's House of Delegates' session were initiated by their County Recorders (called Registrars there). It was as a direct result of the survey process and those discussions. These Recorders had recommendations on how to make the system stronger and thereby easier for their staff to execute. It's a win-win.

We would be delighted to meet with [names of other contacts in the Recorder's office] or another staff member if that would ease the timing.

Thank you for your consideration!

[same signature block as above]

**3. Objection:** Too busy during election season

**Response:**

Hi, checking in...I know it's full steam ahead to the General Election, and we'll be very respectful to keep the meeting to just one hour of your time at most. It typically takes 35-40 minutes for your schedule planning.

Possible to meet [offer two dates] or is another day better? Looking at afternoons but if mornings are better, please let me know.

Thanks!

[same signature block as above]

### **Tips for a Recorder Office Visit - Survey**

1. Preparation before arrival
  - 1.1. Questions printed
  - 1.2. Roles assigned
  - 1.3. Equipment ready
  - 1.4. Have treats
  - 1.5. Have thankyou note and postage ready (#10 below)
2. Enter
3. Wait your turn
4. Ask to see the Recorder
5. Introduce yourself and the Team (names, with AFET).
6. Record the names and positions of the people with whom you speak.
7. Calmly ask the questions and collect the responses. [Never let your face show shock, disdain, etc.]
8. If they refuse to provide documentation, inform them you will return in a few days to give them time to collect the documents, and thank them for their time, leave a treat.
9. If they do provide documentation, thank them for their help, leave a treat.
10. Write a thankyou note and mail it that day.
11. Report to the organizers the results of the visit.
12. Return to the organizers any and all documentation collected.

Arizona for Election Transparency

*Adapted from Tips provided by Diana Shores, Lynchburg, Virginia*



## Arizona for Election Transparency SURVEY 2022

**County Recorder, Directors of various Election Services, Key Employees, Board of Supervisors**

County \_\_\_\_\_ Observers \_\_\_\_\_  
 Date of Interview \_\_\_\_\_ Location \_\_\_\_\_

*Before the Interview* - Record the time and date of your call and email, and if the meeting is not set immediately, the time and date of their response:  
 Time and date of initial call and/or email: \_\_\_\_\_  
 Time and date of response: \_\_\_\_\_  
 Did the Recorder refuse to meet you: Yes\_\_\_\_ No\_\_\_\_  
 If yes, please provide the reason given for not meeting: \_\_\_\_\_  
 \_\_\_\_\_

*The Interview* - Thank you for agreeing to see us. Our purpose of this observation program is to provide voters with accurate information about the election process. Your role is critically important in ensuring that everyone in the County sees the elections here are free, fair, and transparent.

**First, we have a few general questions.**

|   |  |   |   |                              |  |
|---|--|---|---|------------------------------|--|
| 1.  | What is your biggest concern about the upcoming election? (Open ended. Record verbatim.)   |   |   |                              |  |
| 2.  | Any other major concerns? (Open ended. Record verbatim.)   |   |   |                              |  |
| 3.  | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;">                     a. Do you feel like you have the resources, equipment, personnel, and training needed to run an effective <b>Primary Election in August</b>?<br/>                     Yes _____<br/>                     No _____<br/>                     Don't know _____<br/>                     No answer/Refused _____                 </td> <td style="width: 50%; vertical-align: top;">                     For the <b>General Election in November</b>?<br/>                     Yes _____<br/>                     No _____<br/>                     Don't know _____<br/>                     No answer/Refused _____                 </td> </tr> <tr> <td colspan="2" style="padding-top: 10px;">b. If "no", what is missing?</td> </tr> </table> | a. Do you feel like you have the resources, equipment, personnel, and training needed to run an effective <b>Primary Election in August</b> ?<br>Yes _____<br>No _____<br>Don't know _____<br>No answer/Refused _____ | For the <b>General Election in November</b> ?<br>Yes _____<br>No _____<br>Don't know _____<br>No answer/Refused _____ | b. If "no", what is missing? |  |
| a. Do you feel like you have the resources, equipment, personnel, and training needed to run an effective <b>Primary Election in August</b> ?<br>Yes _____<br>No _____<br>Don't know _____<br>No answer/Refused _____ | For the <b>General Election in November</b> ?<br>Yes _____<br>No _____<br>Don't know _____<br>No answer/Refused _____  |   |   |                              |  |
| b. If "no", what is missing?  |  |   |   |                              |  |
| 4.  | Do you feel you have the resources to implement voter protection measures such as including a privacy envelope for mail-in ballots?<br>Yes _____ Don't know _____<br>No _____ No answer/Refused _____<br>If "no", what is the internal process to initiate and approve something like this?  |   |   |                              |  |

|   |  |
|---|--|
|   |  |
| 5.  | Regarding each polling location’s staff, are you able to have equal numbers of Democrats and Republicans? (Check one, then provide any relevant detail on right side of the box.)<br>Yes _____ Don’t know _____<br>No _____ No answer/Refused _____  |
| 6.  | Is the County Board of Supervisors engaged in your election work year-round, or mostly near elections?<br>Year round _____ No answer/Refused _____<br>Mostly near elections _____<br>Don’t know _____  |
| <b>Thank you. Now a few questions about the voter roll.</b> |  |
| 7.  | a. When was the last audit of the voter file in your County?<br>Date: _____ # of days since last audit: _____<br>b. What are the key elements of this type of audit?   |
| 8.  | a. Does the Department of Health Services send a list of deceased people to your office every month so they can be removed from the voter roll?<br>Yes _____<br>No _____<br>Don’t know _____<br>No answer/Refused _____<br>b. If no, how often do they send a list? _____<br>c. If sent by another agency/group, please specify _____  |
| 9.  | When was the last time the Jury Administrator submitted a list of individuals who declined to serve on jury duty on the basis of being a noncitizen? _____   |
| 10.   | When was the last time you had access to the National Change of Address (NCOA) list or any other change of address list? (Record date and other list(s), if relevant.) _____   |
| 11.   | a. Are you confident that the voter file is accurate and up to date?<br>Yes _____ Don’t know _____<br>No _____ No answer/Refused _____<br>b. If no, what is/are your main concern(s) about the list?   |
| 12.   | a. Knowing that the voter file is fluid with move-ins and outs, deaths, etc., can you provide a complete voter roll at the close of Election Day, as a “snapshot” if you will, to better reconcile voter turnout by precinct?<br>Yes _____ Don’t know _____<br>No _____ No answer/Refused _____<br>b. If no, what is your main concern/challenge about capturing the file at a given moment in time? |

|     |   |
|-----|---|
|     |   |
| 13. | How many households in your jurisdiction have more than 7 individuals registered at the same address?<br>Number: _____ (If unknown, ask that he/she forward information ASAP.)  |
| 14. | <p>a. How do you update voter files with convicted felons who have lost their right to vote (e.g., from whom is information received and how often; what is the process internally)?</p> <p>b. How do you update voter files with those felons who have had their rights restored to vote?</p> <p>c. What is the notification process to voters in either of these categories?</p>                  |
| 15. | <p>a. How do you update voter files with those who have been determined to be incapacitated who are deemed ineligible to vote (e.g., from whom is information received and how often; what is the process internally)?</p> <p>b. Is there a process whereby parents or legal guardians of those incapacitated, along with a medical professional, can have someone removed from the voter roll?</p> |
| 16. | During voter registration, how do you currently verify that voters are citizens (e.g., AZ Driver’s License, Tribal ID #, Naturalization #, other?) and by whom (department/employee title)?   |
| 17. | <p>Is there a mechanism to audit/verify documents/files submitted via Arizona MVD (ServiceArizona.com)?</p> <p>Yes _____ Don’t know _____</p> <p>No _____ No answer/Refused _____</p>   |
| 18. | <p>a. Are there audits conducted to verify U.S citizenship on Federal-Only ballots?</p> <p>Yes _____ Don’t know _____</p> <p>No _____ No answer/Refused _____</p> <p>b. When was the last date of an audit and what were the findings?</p> <p>c. If no, what is your main concern/challenge about doing so?</p>   |

|  |  |
|--|--|
|  |  |
| <b>Moving on, concerns were raised across the country about the accuracy and integrity of voting machines in the 2020 elections.</b>   |  |
| 19.  | How many types of voting machines are used in Arizona? Can you tell me which machine(s) you use?   |
| 20.  | Who calibrates and/or certifies the voting machines, and please explain the process?   |
| 21.  | Do you invite party representatives to witness the calibration/certification?<br>Yes _____ No answer/Refused _____<br>No _____ Don't know _____  |
| 22.  | a. Are voting machines ever connected to the internet?<br>Yes _____ Don't know _____<br>No _____ No answer/Refused _____<br>b. If they are not connected to the internet, how and when are they updated?   |
| <b>Many changes in election procedures were introduced in response to the COVID pandemic, and some people have argued that these changes weakened the integrity of the election process.</b> |  |
| 23.  | As an election professional, do you think the changes made in the election process in Arizona in response to COVID have weakened election integrity, strengthened election integrity, or made no change in election integrity?<br>Weakened integrity _____ Don't know _____<br>Strengthened integrity _____ No answer/Refused _____<br>Made no change _____<br>Comments: |
| 24.  | a. Did you receive any funding or in-kind contributions for training, staff, voter education, or equipment, or any other purpose from outside the state of Arizona for the 2020 elections?<br>Yes _____ Don't know _____<br>No _____ No answer/Refused _____<br>b. If yes, what was the funding or contribution used for?  |
| 25.  | a. Did you receive any funding or in-kind contributions for training, staff, voter education, or equipment, or any other purpose from outside the state of Arizona for the 2022 elections?   |

|   |  |
|---|--|
|   | Yes _____<br>No _____<br>Don't know _____<br>No answer/Refused _____<br>b. If yes, what was the funding or contribution used for   |
| 26.   | A.R.S 16-547 (see text in endnote) requires early ballots to be sent in an envelope with directions to mark the unopened envelope "return to sender" and deposit the envelope in the mail if the addressee does not reside at the address. What are the procedures for staff for handling these returns (e.g., physical disposition, updating voter rolls, other)? |
| 27.   | There is a lot of concern in Arizona and across the country about the security and integrity of the ballot drop boxes. What are the types of locations and chain of custody procedures for ballot drop boxes? (Request the specific location list be sent as soon as available.)   |
| 28.   | Was there any time during the last election cycle when your drop boxes did not have video monitoring?<br>Yes _____<br>No _____<br>Don't know _____<br>No answer/Refused _____  |
| 29.   | Who is responsible for reviewing the video, and were party observers present during the review?<br>Person (title) responsible: _____<br>Yes _____ No _____ Don't know _____ No answer/Refused _____  |
| <p><b><i>To strengthen public confidence in the integrity of elections, we hope to expand our observation efforts, and have a few questions about party observers, nonpartisan observers, and other volunteers.</i></b></p> |  |
| 30.   | Would you authorize international nonpartisan observers from recognized election monitoring organizations?<br>Yes _____<br>No _____<br>Don't know _____<br>No answer/Refused _____   |
| 31.   | Have your local party chairs been notified that they are entitled to send observers to your office each day it is open and receiving early voting ballots?<br>Yes _____<br>No _____<br>Don't know _____<br>No answer/Refused _____   |
| 32.   | a. Do you have a publication that you provide to your election officials regarding rights and responsibilities of observers?<br>Yes _____<br>No _____<br>Don't know _____<br>No answer/Refused _____<br>b. If no, would you be willing to distribute such a publication that we would prepare based on Arizona law? Yes _____ Don't know _____                     |

|   |   |
|---|---|
|   | No _____ No answer/Refused _____  |
| <b>Thank you. The survey is complete now. We deeply appreciate your time today and look forward to keeping in touch as we go through the 2022 elections.</b>                                      |   |
| 33.   | Post survey question – Please characterize your interaction with the Registrar as (circle all that apply):<br>Helpful    Polite    Defensive    Unhelpful    Antagonistic |
| <i>To the survey team: Thank you for all you have done and will do to ensure a free, fair, and transparent election in Arizona! Please submit your completed survey form as soon as possible.</i> |   |

<sup>1</sup>A.R.S. 16-547. Ballot affidavit; form

C. The officer charged by law with the duty of preparing ballots at any election shall ensure that the early ballot is sent in an envelope that states substantially the following:

If the addressee does not reside at this address, mark the unopened envelope "return to sender" and deposit it in the United States mail.

#### 4.2.2 *Monitoring Boards of Supervisors Meetings*

County Boards of Supervisors provide oversight for the Recorders, and typically hold monthly meetings open to the public. LTOs should contact the Boards in their AOR to get the schedule for these meetings (often available on a website), and to determine if minutes are available for any meetings held since the primary elections. If minutes are available, please send those to [report@afet.vote](mailto:report@afet.vote).

At least one LTO should attend board meetings (either in person or virtually), and prepare and submit to [report@afet.vote](mailto:report@afet.vote) a brief report on the meeting following this format:

1. Name of county
2. Did the county hold a meeting this month? If no, end report. If yes,
3. Agenda of meeting (this is often included in the meeting notice)
4. Decisions of the meeting relative to elections
5. Any other pertinent issues

Depending on the population size of the county, Boards are typically three to five members, elected by to serve their term.

#### 4.2.3 *AFET Steering Committee*

Arizonans for America First will organize meetings in Phoenix for a team from the AFET Steering Committee with the Secretary of State's Elections Division and with County Boards of Supervisors and their corresponding County Recorder and its Director of Elections. The purpose of the meetings will be to introduce the AFET Coalition Network as it expands and its individual organizational members, describe our purpose and program, and ask a series of questions similar to those included in the County Recorder's Survey.

The Steering Committee may also be called on to present findings (subject to approval by The America Project) in press conferences or other public settings; and will organize attendance and reporting on County Boards of Supervisors' meetings (see the website for each county).

### 4.3 **Election Season Observation for Poll workers and Poll Observers**

#### 4.3.1 *What is Election Season?*

We have defined *election season* as the period from the opening of absentee/mail-in and early in-person voting prior to election day. Election season observation will be conducted by poll watchers authorized and coordinated by county and legislative district party chairs.

Unfortunately, Arizona's decision to extend the voting period from one (1) day to 27 days decreased the transparency and credibility of its election process. Throughout the election season, chain of custody and chain of observation are regularly broken for long periods, reducing the transparency needed to reassure voters that the process is fair and accurate. Introducing new and complex procedures and extending the election period also places an unsustainable physical and financial burden on overworked election officials, and the party representatives tasked with ensuring the integrity and legitimacy of the election process.

This imperfect system falls far short of accepted norms and standards for transparent and credible elections, and will require fundamental legal and procedural reforms to ever meet or exceed those standards. Until these reforms can be made, the only means to enhance transparency and public confidence in the integrity of the process will be through increased public scrutiny of every stage of

the process to the extent possible. The AFET program for election season observation, conducted in collaboration with accredited poll observers, seeks to provide that scrutiny wherever possible.

#### 4.3.2 *Organizing to Observe Election Season*

Arizona's election law prescribes, "Political party representatives are permitted to observe at voting locations and central counting places for partisan elections. The proceedings at the central counting place may also be observed by up to three additional people representing a candidate for nonpartisan office, or representing a political committee in support of or in opposition to a ballot measure, proposition or question." [EPM, p139]

All observation will be conducted by poll observers authorized by the local Republican, Democrat, and Libertarian County Chairs. Observers must bring their official party observer letter on salmon colored paper for Republicans, blue for Democrats, and yellow for Libertarians. with an original signature. No copies will be accepted.

#### 4.4 **Designation of Political Party Observers**

This Section is an excerpt from the Arizona Secretary of State's *2019 Elections Procedures Manual*, pp 139-142, approved to have the same standing as Arizona Revised Statutes for the 2022 Primary and General Elections. [It is authored by Katie Hobbs and her staff. The 2021 Manual she authored was challenged by a deluge of grassroots emails, and subsequently by Attorney General Mark Brnovich; followed by Hobbs' filing litigation against the challenge. While awaiting its resolution, it was determined that the *2019 Elections Procedures Manual* has the authorized standing for the 2022 elections.]

Political party representatives are permitted to observe at voting locations and central counting places for partisan elections. The proceedings at the central counting place may also be observed by up to three additional people representing a candidate for nonpartisan office, or representing a political committee in support of or in opposition to a ballot measure, proposition or question. Such observation (and observation at early voting locations, emergency voting centers, and County Recorder processing procedures, where permitted by the County Recorder or other officer in charge of elections) are subject to the procedures described below. Observation at nonpartisan elections may be permitted at the discretion of the officer in charge of elections. A.R.S. § 16-590(A)-(B); A.R.S. § 16-621(A).

The County Recorder or other officer in charge of elections may develop additional local procedures governing political party observation. Additional procedures shall allow political party observers to effectively observe the election process, and no changes to the procedures shall be made after the Tuesday prior to the election in order to facilitate compliance by the county political parties and designees.

#### 4.4.1 *Appointment Process*

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.

Political party observers may be appointed to specific voting locations (for Election Day observation), to a central counting place, or to multiple voting locations as authorized by the political party chairperson and the officer in charge of elections. Observers appointed to observe in multiple locations need only one appointment in writing designating the various locations where the observer is appointed. An appointment is not transferable to another individual.

Unless agreed upon by the political parties, not more than one party representative for each party represented on the ballot shall be at a voting location at one time. A.R.S. § 16-590(C). Further, only one representative at any one time of each political party represented on the ballot who has been appointed by the political party chairperson shall remain within the 75-foot limit while the polls are open. A.R.S. § 16-515(A), (B), (H).

Appointed political party observers need not be qualified electors in the precinct or county of observation. Except for precinct committeeman candidates, candidates appearing on the ballot or official write-in candidates shall not serve as political party observers.

#### *4.4.2 Observer Credentials*

The political party letter of appointment with the signature of the appointing authority (and, if required by the County Recorder or officer in charge of elections, on political party letterhead) serves as the written credential necessary to conduct observation at a voting location or central counting place. Credentials must be issued by the recognized political party chairperson or designee; this authority may not be delegated to a candidate or candidate's agent. The political party observer must present the political party appointment letter (or copy thereof, if permitted by the County Recorder or officer in charge of elections) to the appropriate election official upon entering the voting location, County Recorder's office, or central counting place, and be prepared to show identification if requested.

#### *4.4.3 Observation at Voting Locations*

Political party observers may observe the following activities at a voting location:

- Opening the voting location;
- Voting at the voting location (but may not observe in the voting booth or otherwise impede voters' ability to maintain a secret ballot);
- Closing the voting location;
- Transport of ballots from the voting location to a receiving site (using a separate vehicle); and/or
- Any other significant voting or processing activities at the voting location provided that it does not interfere with or impede the election procedures or staff.

Each recognized political party is presumptively entitled to have no more than one political party observer at a time at each voting location. A.R.S. § 16-590(C).

All political party observers are subject to removal by the County Recorder or other officer in charge of elections for failure to comply with a request to cease an activity that interferes with the election process or violates state or federal law.

#### *4.4.4 Observation at Central Counting Places*

Political party representatives may observe at a central counting place and at each point where ballots are handled or transferred from one election official to another, including areas where the

following activities take place:

- Receiving the ballots at the County Recorder’s office or central counting place;
- Inspecting the ballots;
- Reviewing ballots by the Write-in Tally Board;
- Duplicating ballots by the Ballot Duplication Board;
- Adjudicating ballots by the Electronic Vote Adjudication Board;
- Receiving electronic media or processing voting results by the Accuracy Certification Board;
- Tabulation of ballots; and/or
- Any other significant tabulation or processing activities at a central counting place
- provided that it does not interfere with or impede the election procedures or staff.

## 5 Observer Conduct, Locations

### 5.1 Observer Guidelines by Arizona Law

The following observation guidelines govern all observers:

1. An observer may not mark any ballot, place any type of material on a ballot, or otherwise touch a voted ballot during observation. Further, an observer shall not offer to assist any voter in the process of voting at a voting location. If a voter specifically requests an observer’s assistance in voting, the observer may only assist the voter after relinquishing the observer’s formal status as an observer (for example, by returning any observer badge or identification, exiting the voting location, and then accompanying the voter into the voting location as an assistant rather than an observer). The observer may resume their role as an observer after assisting the voter.
2. Observers shall not touch or handle election materials, rosters, early ballot envelopes, provisional ballot envelopes, ballot transfer containers, voting machines, or voting machine components except as expressly permitted by the officer in charge of elections during demonstrations.
3. Observers may not interfere with or impede the election procedures or staff.
  - If an observer has a question about the proceedings or seeks to raise an objection, the observer should speak solely to the designated point of contact (e.g., inspector, County Recorder, or other officer in charge of elections) and not to other poll workers or staff.
  - The officer in charge of elections or inspector may prohibit observers from using electronic devices in the voting location or central counting place if doing so would interfere with or impede the election procedures or staff. No photos may be taken within the 75-foot limit of a voting location. A.R.S. § 16-515(G).
  - Observers may not wear, carry, or display any materials that identify or express support or opposition for a political party, political organization, or a candidate or ballot measure appearing on the ballot. A.R.S. § 16-515(F).
  - In cases where multiple ballots are dropped off at a voting location, as observer may not, within the 75-foot limit: (1) inspect, copy, or photograph the early ballot envelopes in an effort to discern voters’ identities; or (2) confront, question, or photograph the individual who dropped off the early ballots.
  - Observers can enter and leave a voting location or central counting place so long as

- their entering and leaving does not interfere with or impede the election procedures or
  - staff.
4. Observers may take handwritten notes during observation, but must use a writing instrument of a color designated by the officer in charge of the election or procedure.
  5. If an observer is asked by the inspector or other officer in charge to cease an activity that interferes with the election process, the observer must comply or face possible ejection.
  6. Observers must be prepared to show their appointment credential immediately upon entering any voting location or central counting place or upon request by any election official.
  7. At a central counting place, all observers must check in with the County Recorder or other officer in charge of elections prior to being admitted and may be required to log in and out of the facility each time they enter or leave.
  8. At a central counting place, the County Recorder or other officer in charge of elections may ensure that observers are given identifying badges to ensure that observers are clearly identifiable.

**See EXHIBIT 3 Dos and Don'ts at Voting Locations**

## **5.2 Establishing Voting Locations**

[EPM, p128] Counties may conduct Election Day voting using one of two types of voting locations (or any combination thereof, as approved by the Board of Supervisors):

- Polling places: voters in a particular precinct are required to vote at a polling place specifically designated for that precinct; or
- Vote centers: voters are permitted to vote at any vote center within the county, regardless of which precinct the voter lives in. Collectively, polling places and vote centers are referred to as “voting locations” in this Manual.

Upon approval of the Board of Supervisors, the officer in charge of elections may establish precinct-based assigned polling places and/or vote centers, or any combination thereof, including co-location of precinct polling places or vote centers that also serve as assigned polling places for certain precincts. See A.R.S. § 16-411(B)(4). In any case, the Board of Supervisors (in consultation with the officer in charge of elections) has a duty to establish a reasonable and adequate number of voting locations for an election. A.R.S. § 16-411(B)(3).

Except for the designation of an emergency voting location pursuant to A.R.S. § 16-411(I), the Board of Supervisors must finalize all voting locations at least 20 days before a statewide primary or general election or 10 days before a special election. A.R.S. § 16-411(B). Thereafter, the Board of Supervisors or officer in charge of elections must publicly post the names and/or locations of each voting location on the county's website. A.R.S. § 16-411(G).

## **5.3 Vote Centers**

[EPM, p129] Board of Supervisors may establish vote centers in lieu of precinct-based polling places. A vote center allows voters from any precinct within the county to cast a ballot with the correct ballot style on Election Day. Vote centers must be established by a vote of the Board of

Supervisors and in consultation with the County Recorder and officer in charge of elections. A.R.S. § 16-411(B)(4).

Vote centers typically entail ballot tabulation exclusively at the central counting place, without use of precinct voting equipment that will warn voters of an over-vote. In that case, the officer in charge of elections must: (1) establish a voter education program that notifies voters of the effect of casting multiple votes for an office; and (2) provides the voter with instructions on how to correct the ballot before it is cast (including instructions how to spoil the ballot and correct the error through issuance of a replacement ballot). 52 U.S.C. § 21081(a)(1)(B).

*Observer Coordinator note: It is possible to locate satellite voting centers or drop boxes for partisan advantage by putting more in some areas than others. You can assess site selection by plotting locations on a map and correlating with demographics and population density (if you have any real estate agents among your volunteers, they will likely have the tools to conduct this analysis). If you suspect that may have happened in your area, please let us know in your regular reporting.*

Ideally, we would have a poll watcher present at every site during all hours of operation; but given the extended period of the election season, and that election offices are open during normal working hours, this may be difficult or impossible to achieve. In this case, aim to have at least one visit to every site every operational day. Most useful would be to visit at closing time (likely 5:00 pm or 7:00 pm as the case may be), to watch the end-of-day protocols and securing of equipment.

Where it is not possible to have a poll watcher all day, short random visits at any time of day are a good alternative. Especially on Election Day, watching the transfer of ballots to the transport box/bag; and to follow the assigned poll workers (representing the 2 parties) in a separate vehicle to the Tabulation Center for the drive-through drop off.

In Maricopa County, couriers (one Republican, one Democrat) pick up the ballots from each location, scheduled with a route throughout the county for once a day (not end of day), with a specific set of procedures, and a report signed by the couriers and the site's Inspector, with the transport box sealed with coded zip ties.

The number of envelopes in the drop box are NOT counted. However, the observer can ask the Inspector for the number of in-person early voters based on the laptops attached to the printers for Ballots-on-Demand (BOD). Absentee/mail-in ballots placed in the voting center's drop box are NOT counted by the poll workers or the couriers. They are checked for the outer envelope to be signed, dated, and to include optional phone number if the tabulation center needs to reach them.

Although it may not be possible to cover everywhere all the time, plan a strong effort for the first day of election season, July 6 and October 12 respectively, as we will use the information you collect and submit to prepare an opening day report and press release. Through early identification of problems and concerns we hope to encourage the Secretary of State and each County's election officials to make adjustments and reforms that will improve the integrity and transparency of the election season voting process as it progresses.

## 6 Observers: Monitoring the Election Processes

### 6.1 In-Person Voting

Visits can be conducted at any time during hours of operation, and when possible, please vary the times of your visits. If only one visit can be conducted per day, try to make that at closing time, so you can witness the emptying of the drop box, and collect totals for in-person absentee/mail-in and drop box votes. Please fill in and submit an [Election Season Poll Observer SHORT Form](#) and/or an [Election Season Poll Observer LONG Form](#) for each visit. We prefer you use the online form, but if that is not possible, a print version is included below in Chapter 8, which you can fill in and submit each evening to [report@afet.vote](mailto:report@afet.vote).

When you arrive at the office, introduce yourself to the Inspector, and present your appointment letter. Any questions should be addressed to this individual. If you are refused entrance, or not allowed to witness any process (except marking a ballot), include that in your daily report.

In-person early voting will take place at the Recorder's office, and at any satellite election office established in the city or county. During election season, any qualified voter can vote at these locations. Each voter must provide valid ID or sign a statement saying that he is the named registered voter he claims to be.

Valid ID includes a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. If the applicant lacks valid ID, and refuses to sign the statement, they will be provided with a provisional ballot. In accordance with the federal Help America Vote Act of 2002, first-time voters in a federal election must show valid ID or cast a provisional ballot.

*Observer note: The requirement for representatives from each party is intended to provide a check on malfeasance, and this bipartisan or balanced (rather than nonpartisan) approach to ensuring integrity is mirrored across Arizona's election administration structure. In this case, it may not be effective, as anecdotal evidence suggests that in many cases election boards or Recorders are unable to recruit Republican officials, and so fill those slots with Democrats or independents. Since it is unlikely that poll watchers will be present in all election offices during the 27-day voting period, this essential safeguard would be missing mono-party offices.*

*This practice also assumes that Recorders and assistant Recorders are inherently neutral and nonpartisan, so checks and balances are not needed when they administer a process.*

*Unfortunately, experience in 2020 and elsewhere demonstrates that voters do doubt the neutrality of election administrators (whether justified or not), and those doubts undermine confidence in the integrity of the process.*

### 6.2 Drop-Off Locations and Drop Boxes for Absentee/Mail-In Ballots

A Drop Box Observer form is included at the end of Section 8. Please fill one in for each visit and submit daily to [report@afet.vote](mailto:report@afet.vote). Access an online version [here](#) to complete and send electronically.

[Excerpt follows from *2019 Elections Procedures Manual*, pp 60-62]

Counties or municipalities that establish one or more ballot drop-off locations or drop-boxes shall develop and implement procedures to ensure the security of the drop-off location and/or drop-boxes and shall comply with the following requirements.

1. A ballot drop-off location or drop-box shall be located in a secure location, such as inside or in front of a federal, state, local, or tribal government building. All ballot drop-off locations and drop-boxes shall be approved by the Board of Supervisors (or designee).
  - a. An unstaffed drop-box (i.e., not within the view and monitoring of an employee or designee of the County Recorder or officer in charge of elections) placed outdoors shall be securely fastened in a manner to prevent moving or tampering (for example, securing the drop-box to concrete or an immovable object).
  - b. An unstaffed drop-box placed inside a building shall be secured in a manner that will prevent unauthorized removal.
  - c. While a staffed drop-off location or drop-box (i.e., within the view and monitoring of an employee or designee of the County Recorder or officer in charge of elections) need not be securely fastened or locked to a permanent fixture, it must be securely located inside a government building and monitored by a properly trained employee or designee of the County Recorder or officer in charge of elections at all times that the location or drop-box is accessible by the public.
2. The County Recorder or officer in charge of elections shall publicly post a listing of designated drop-off locations and drop-boxes on the website of the County Recorder or officer in charge of elections. Where practicable, the County Recorder or officer in charge of elections shall also post a listing of drop-off locations and drop-boxes anywhere that polling places and vote centers are posted.
3. All drop-boxes shall be clearly and visibly marked as an official ballot drop-box and secured by a lock and/or sealable with a tamper-evident seal. Only an election official or designated ballot retriever shall have access to the keys and/or combination of the lock to remove the deposited ballots.
4. All drop-boxes (both staffed and unstaffed) shall have an opening slot that is not large enough to allow deposited ballots to be removed through the opening slot.
5. Ballot drop-off locations and drop-boxes shall be locked and covered or otherwise made unavailable to the public until the 27th day prior to an election to ensure that no ballots or any other materials may be deposited before the early voting period begins. Prior to use on the 27th day before the election, all drop-boxes shall be inspected for damage and to ensure they are empty.
6. All drop-boxes shall be locked and covered or otherwise made unavailable after the polls have closed on Election Day to ensure that no ballots may be dropped off after the close of the polls.
7. The County Recorder or officer in charge of elections shall develop and implement secure ballot retrieval and chain of custody procedures, which shall include the following:
  - a. Voted ballots shall be retrieved from ballot drop-off locations and/or drop-boxes on a pre-established schedule. Ballot retrieval shall be more frequent as Election Day approaches.
  - b. For any election that includes a partisan race, at least two designated ballot retrievers of at least two differing party preferences shall be assigned to retrieve voted ballots from a ballot drop-off location or drop-box. For a nonpartisan election, at least two designated ballot

- retrievers shall be assigned to retrieve voted ballots from a ballot drop-off location or drop-box.
- c. Each designated ballot retriever shall wear a badge or similar identification that readily identifies them as a designated ballot retriever and/or employee of the County Recorder or officer in charge of elections.
  - d. Upon arrival at a drop-off location or drop-box, the two designated ballot retrievers shall note, on a retrieval form prescribed by the County Recorder or officer in charge of elections, the location and/or unique identification number of the location or drop-box and the date and time of arrival.
  - e. The designated ballot retrievers shall retrieve the voted ballots by either placing the voted ballots in a secure ballot transfer container, retrieving the secure ballot container from inside the drop-box, or retrieving the staffed drop-box which also serves as a secure ballot container. If the drop-box includes a secure ballot container, the designated ballot retrievers shall place an empty secure ballot container inside the drop-box. The time of departure from the drop-off location or drop-box shall be noted on the retrieval form.
  - f. Upon arrival at the office of the County Recorder or officer in charge of elections, central counting place, or other receiving site, the designated ballot retrievers shall note the time of arrival on the retrieval form. The County Recorder or officer in charge of elections (or designee) shall inspect the secure ballot container for evidence of tampering and shall confirm receipt of the retrieved ballots by signing the retrieval form and indicating the date and time of receipt. If there is any evidence of tampering, that fact shall be noted on the retrieval form.
  - g. The completed retrieval form shall be attached to the outside of the secure ballot container or otherwise maintained in a matter prescribed by the County Recorder or officer in charge of elections that ensures the form is traceable to its respective secure ballot container.
  - h. When the secure ballot container is opened by the County Recorder or officer in charge elections (or designee), the number of ballots inside the container shall be counted and noted on the retrieval form. Ballots retrieved from a ballot drop-off location or drop-box shall be processed in the same manner as ballots-by-mail personally delivered to the County Recorder or officer in charge of elections, dropped off at a voting location, or received via the United States Postal Service or any other mail delivery service, see Chapter 2, Section VI [of 2019 EPM].

Ballots retrieved from a ballot drop-off location or drop-box shall be processed in the same manner as ballots-by-mail personally delivered to the County Recorder or officer in charge of elections, dropped off at a voting location, or received via the United States Postal Service or any other mail delivery service, see Chapter 2, Section VI [of 2019 EPM].

### **6.3 Processing Returned Absentee/Mail-in Ballots Before Election Day**

[Excerpt follows from *2019 Elections Procedures Manual*, pp 62-63. Per 2022 new statutes, I updated PEVL (Permanent Early Voting List) to AEVL (Active Early Voting List)]

#### *6.3.1 Reporting Ballot-by-Mail Requests and Returns*

At the request of a state or county political party chairperson before an election, a County Recorder must provide the following information at no cost to the political party:

- A listing of registrants who have requested a ballot-by-mail. This information must be provided daily Monday through Friday, beginning 33 days before the election and through the Friday before the election;
- A listing of registrants who have returned their ballot-by-mail, which must be provided daily in Maricopa and Pima Counties and weekly in all other counties.
  - Daily information in Maricopa and Pima Counties must be provided Monday through Friday, beginning the first Monday after early voting commences and ending the Monday before the election;
  - Weekly information in all other counties must be provided beginning on the Friday after early voting commences and ending on the Friday before the election.

A.R.S. § 16-168(D).

### 6.3.2 Structure of Reports

Ballot-by-mail request and return reports should conform to the format established for precinct lists as nearly as practicable (see Chapter 1, Section X(A)(1)) [in EPM] and should contain the following minimum information:

1. Registrant's name;
2. Voter registration/ID number;
3. Residential address;
4. Mailing address (if different from residential address);
5. Political party;
6. Whether AEVL or one-time request (ballot-by-mail request reports only); and

### 6.3.3 Date of Request for One-Time Requests (ballot-by-mail request reports only)

The first ballot-by-mail request report should contain all AEVL registrants and registrants who made a one-time ballot-by-mail request up to the time of the report. Subsequent ballot-by-mail request reports should include new one-time ballot-by-mail requests that have been made since the last report.

## 7 Summary of the Absentee/Mail-In Voting Process

Elections are a system, and knowing the entire system is important for election officers, observers and advocates, as it provides the broader context for understanding individual activities and events. Because Arizona's election processes are not particularly typical, intuitive, coherent or rational, we provide the following summaries drawn from the election law; but these are for illustrative purposes only. Given the variance in procedures by locality, and the many recent legal and procedural changes in law and procedure, only the Arizona Revised Statutes and the *2019 Elections Procedures Manual* should be considered authoritative.

Each county provides in-person, online, and written poll worker training and outlines what party-trained observers can and cannot do. County procedures cannot infringe on the rights provided by state statutes; if it does, please report immediately using the [Incident Report form](#).

### Applying to Vote Absentee

Any election in Arizona, including special taxing district elections, must provide for early voting, which includes no-excuse ballot-by-mail<sup>15</sup> voting and in-person early voting. A.R.S. § 16-541. An

all ballot-by-mail election incorporates aspects of early voting but is subject to the specific requirements outlined in Chapter 3.

[EPM pp 46-48] Without providing any reason or justification, a voter may request to be sent a ballot-by-mail on a one-time or active basis.

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This [EPM] Manual uses the term “ballot-by-mail” to refer to: (1) early ballots mailed to voters based on a one-time request pursuant to A.R.S. § 16-542 or based on the voter’s request to be on the permanent early voting list (PEVL) pursuant to A.R.S. § 16-544; (2) ballots transmitted to UOCAVA voters; and (3) ballots automatically mailed to all eligible voters for an all ballot-by-mail election (see Chapter 3 for more information on ballot-by-mail elections).

### One-Time Requests to Receive a Ballot-by-Mail

A voter may request a ballot-by-mail for a specific election, which may include a simultaneous request for a ballot-by-mail for both the primary and general election. A.R.S. § 16-542(A). A voter may make a ballot-by-mail request to the County Recorder or other county officer in charge of elections, who must document the voter’s request in the voter’s registration record.

Candidates, political committees, or other organizations are permitted to distribute ballot-by-mail request forms to voters. Such request forms shall be submitted to the County Recorder within six business days after receipt by a candidate, political committee, or other organization or 11 days before Election Day, whichever is earlier. A.R.S. § 16-542(I), (J). The request forms must seek all the information required in Chapter 2, Section I(A)(4).

### Eligibility to Request a Ballot-by-Mail

Any qualified elector may request a ballot-by-mail containing the races for which they are eligible to vote. A.R.S. § 16-542. However, for an election that includes a federal office, first-time voters who registered to vote by mail must prove identity before requesting a ballot-by-mail. 52 U.S.C. § 21083(b); see Chapter 1, Section IV(J) for more details on the HAVA identification requirements.

### Time Period to Request a Ballot-by-Mail

A voter may request a ballot-by-mail between 93 and 11 days before the election. A.R.S. § 16-542(A), (E). A voter may simultaneously request a ballot-by-mail for both a primary and general election as long as the request is made between 93 and 11 days before the primary election. However, UOCAVA voters may make a request for a ballot-by-mail more than 93 days before an election. A.R.S. § 16-542(B).

### Methods to Request a Ballot-by-Mail

A voter may request a ballot-by-mail orally or in writing, including in-person, online, or by telephone, email, fax, or mail. A voter may update their residence or mailing address in their voter registration record through a written (but not oral) ballot-by-mail request form. A.R.S. § 16-542(A), (F). 4. Ballot-by-Mail Request Form For written or online requests, a ballot-by-mail request form created by County Recorders must contain the following:

1. The title “Ballot-by-Mail Request” or “Early Ballot Request;”
2. The county name;
3. Entry fields for:
  - a. The voter’s name;
  - b. The voter’s residential address or residence location;

- c. The voter's mailing address where the ballot-by-mail should be sent (if different from residential address);
  - d. The voter's date of birth;
  - e. State or country of birth, or another piece of information that, if compared to the voter's record, would confirm the voter's identity (such as the AZDL/ID# or SSN4, father's name, or mother's maiden name);
  - f. The voter's telephone number (paper forms only);
  - g. The voter's signature (paper forms only);
  - h. The voter's email address (optional);
  - i. The election or election date(s) for which a ballot-by-mail is being requested;
4. If the voter is not registered with a recognized political party and is requesting a primary election ballot, an entry field for the registrant to specify the political party ballot being requested;
5. A method to indicate whether the voter would like to update their registration record with the information provided in the ballot-by-mail request form; and
6. A notice that the completed ballot-by-mail request must be received by the County Recorder by 5:00 p.m. on the 11th day preceding the election. In addition to the County Recorder's official paper or online ballot-by-mail request form, a voter may use any other substantially similar written document to make a one-time request to be sent a ballot-by-mail. A.R.S. § 16-542(A), (E).

#### Components of the Ballot-by-Mail Mailing

Only official election materials, as determined by the County Recorder, are permitted to be included in the ballot-by-mail mailing. Lists of official write-in candidates or withdrawn candidates may not be included in the mailing.

#### Required Return Envelope

The postage prepaid return envelope must:

- Contain the County Recorder's name, official title, and the post office address of the County Recorder (or other officer in charge of elections) on the front side of the return envelope (as explained below, a secrecy mailing envelope separate from the ballot affidavit may be used);
- Contain a statutorily-prescribed voter affidavit on the back side of the return envelope (see below);
- Be tamper evident when properly sealed;
- Contain any required statement by the U.S. Post Office for election mail, including the election mail logo; and
- Be opaque so as not to reveal the voter's vote choices.

A.R.S. § 16-547(A); A.R.S. § 16-545(B)(2).

The voter affidavit must substantially contain at least the following language, followed by a place for the voter's signature:

I declare the following under penalty of perjury: I am a registered voter in \_\_\_\_\_ county Arizona, I have not voted and will not vote in this election in any other county or state, I understand that knowingly voting more than once in any election is a class 5 felony and I voted the enclosed ballot and signed this affidavit personally unless noted below.

If the voter was assisted by another person in marking the ballot, complete the following:

I declare the following under penalty of perjury: At the registered voter's request I assisted the voter identified in this affidavit with marking the voter's ballot, I marked the ballot as directly instructed by the voter, I provided the assistance because the voter was physically unable to mark the ballot solely due to illness, injury, or physical limitation and I understand that there is no power of attorney for voting and that the voter must be able to make their selection even if they cannot physically mark the ballot.

Name of voter assistant: \_\_\_\_\_

Address of voter assistant: \_\_\_\_\_

A.R.S. § 16-547(A).

The affidavit must also request an optional telephone number or email address to enable the County Recorder to contact the voter in case there is a deficiency with the early ballot.<sup>16</sup>

For ballot-by-mail elections, the County Recorder or other officer in charge of elections may supplement the early ballot affidavit with additional language required for issuance of replacement ballots pursuant to A.R.S. § 16-558.02(A). See Chapter 3, Section IV.

In lieu of printing the ballot affidavit on the exterior of the return envelope, a County Recorder may also include a postage prepaid secrecy mailing envelope. In this circumstance, the voter is directed to place their marked ballot in the standard return envelope that contains the early ballot affidavit; the voter must then place the standard return envelope inside the postage prepaid secrecy mailing envelope. This method ensures that the voter's signature (or other personally identifying information) will not be visible on the exterior envelope transmitted through the mail. The envelope that contains the early ballot affidavit must otherwise comply with A.R.S. § 16-547. 16

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<sup>16</sup> The prescribed early ballot affidavit is deemed to substantially comply with FVAP-suggested designs for a UOCAVA return envelope affidavit. A.R.S. § 16-547(B); see also 52 U.S.C. § 20301(b)(4); <https://www.fvap.gov/eo/overview/sending-ballots/creating-envelopes> [EPM]

### Required Instructions to Voters

A County Recorder must supply printed instructions that:

1. Direct voters to sign the voter affidavit, mark the ballot, and return the voted ballot in the enclosed return envelope;
2. Include a website address where the following information will be posted: (1) official locations where early ballots may be deposited; and (2) official write-in candidates and withdrawn candidates for all jurisdictions on the ballot, A.R.S. § 16-343(G); and (2);
3. Inform voters that no votes will be counted for a particular office if they overvote (vote for more candidates than permitted) and therefore the voter should contact the County Recorder to request a new ballot in the event of an overvote;
4. Recommend that voters mail a ballot-by-mail at least six calendar days before the election to best ensure the ballot will be timely received by 7:00 p.m. on Election Day;

5. Informs voters regarding the appropriate marking devices to be used when marking the ballot; and

6. Include the following language:

- In order to be valid and counted, the ballot and affidavit must be delivered to the County Recorder or other officer in charge of elections or may be deposited at any polling place in the county no later than 7:00 p.m. on Election Day; and
- WARNING - It is a felony to offer or receive any compensation for a ballot.

A.R.S. § 16-547(C). The County Recorder may substitute “vote center” for “polling place” if the county uses vote centers. If applicable, the County Recorder may add additional ballot drop-off locations to the statutorily prescribed language. All ballot drop-off locations and drop-boxes shall be approved by the Board of Supervisors (or designee).

A County Recorder in a covered jurisdiction, as designated by the Census Bureau in the current Federal Register publication, must provide these instructions in English and any additional written language(s) required under the federal Voting Rights Act. See Chapter 8, Section VI.

## 8 Poll Workers, Poll Observers

### 8.1 On-Site In-Person Early Voting

**Location Options:** Polling Voting Center, Tabulation Center, Ballot Courier Observer

**Polling Locations** – Hours vary starting 5:30am to 7:30pm. Hours to vote vary 6am-7pm.

A County Recorder shall establish on-site early voting at the County Recorder’s office during the early voting period. A County Recorder may also establish additional in-person early voting locations throughout the county as practicable to ensure that all voters may reasonably access at least one early voting location. A.R.S. § 16-246(C); A.R.S. § 16-542(A).

**Poll Workers** – Select 1 day, 2 days, 12 days, 27 days, extended shifts 14 days minimum; paid hourly [\$13+ 2022]

Select how many days of availability: Early Voting – 27 Days prior to election day [July 6 for August 2 Primary; October 12 for November 8 General]. Hours vary 8:30am to 5:30pm or 7:30pm; election day 5:30am through close to secure ballots for transport to tabulation, and tear-down of equipment (8:30pm or later)

### Poll Observers

Election Day – shorter shifts if needed 1/2 day; longer shifts Tabulation Center

### 8.2 Poll Workers

It is imperative that grassroots participation includes heavy recruitment for Poll Workers. These positions as Inspector, Judges, Marshal, Clerks, along with County-hired Troubleshooters, Ballot Couriers, and polling locations’ on-site technical support, are essential to fair and transparent elections! These America First individuals provide the eyes and ears to what is truly happening, even before the doors open to the voters.

Until there are better protections for the rights of poll observers, we will always have push-back, especially at the local voting center level, in that county's or site's "interpretation" of how restrictive to be in handling observers. They definitely error on the side against the observer, but the resolution requires legal intervention. The election is typically over before adequate measures can be implemented. Report your concerns to the AFET hotline provided, so proactive steps can be taken and court-tested before the next election.

### 8.3 Poll Observers

#### General Guidelines

[Source: Gina Swoboda, 2022; updates by Ann Niemann, 2022]

#### DO

- Show up for all shifts on time with your "original" observer credentials (color-coded 8.5x11" sheet of paper with an original signature by the party's county chair) and identification
- Although not required at present, the on-site Marshal or Inspector may provide you with a badge
- Stay within the designated observer area even if you feel it is overly restrictive (report any constraints to the AFET hotline)
- Familiarize yourself with the process in advance as possible; and on-site upon arrival
- Be courteous to county staff and other observers
- Speak only with the Inspector and any County Troubleshooter who may be on-site
- Pay attention and take notes. It's okay to ask questions when the Inspector or County Troubleshooter is available. Take notes of response so we can compare from site to site.
- Be willing to speak up (politely) if you see something that concerns you
- Be prepared to escalate concerns via the appropriate process
- Share information with others on your team (e.g., at the tabulation center). Only one observer per party is allowed at each polling site.
- Dress professionally. Bring a jacket or sweater for unpredictable air conditioning.
- Bring water, snacks, meal for longer shifts (ask where to eat)
- For Poll Workers, during early voting days, it's okay to bring a book, earbuds to listen to an audio book or watch a movie on your phone, confined crafts like knitting, etc.

#### Do NOT

- Speak to or interact with any voters or poll workers
- Challenge the qualifications of a voter
- Touch any election materials, machines, or ballots
- Wear any campaign gear (e.g., buttons, shirts, hats, etc. )
- Take photographs or video within 75 feet of the polling place (no selfies)
- Attempt to determine for which candidates a person voted
- Ask for, or write down, any personally identifying information about any voter
- Attack, challenge a decision, or argue with the polling place officials
- Interfere with the orderly conduct of the election and other poll observers
- Zone out or spend time on your phone (even if you're permitted to have it with you)
- Demand information unless specifically asked to do so by leadership
- Chit-chat or distract from the election process

#### **8.4 Support Documents to Complete Observation Reports**

Each form can be printed and completed (shown following this section). Be sure any handwritten notes are legible for fast and easy transcription (printing preferred). Note that each form's title in this list is hyperlinked to provide the option to complete them online (our preference when possible).

With no need to transcribe handwriting, submitting the form electronically will aid in data compilation. Reports are de-identified (without the names of individuals submitting the forms), to protect your anonymity. Click on any title below to access it online.

- [State, County, and Legislative District Chairs - Pre-Election Report](#)
- [Election Worker Report](#),
- [Election Season Poll Observer SHORT Form A](#)
- [Election Season Daily Observer LONG Form B](#)
- [Drop Box Observer Form](#)



8.4.1 State, County, and Legislative District Chairs - Pre-Election Report

|         |  |
|---------|--|
| County: | LD Chair or Poll Observer Coordinator: |
|---------|--|

**Instructions: Please fill in the form and submit on \_\_\_\_\_ to [report@afet.us](mailto:report@afet.us)**

|   |  |
|---|--|
| 1 | Did the Recorder post the location and hours of operation for in-person early voting at his office and any satellite voting centers by _____? Yes ___ No ___   |
| 2 | Are you concerned that satellite voting centers may have been cited for partisan reasons (i.e., to advantage one political party)? Yes ___ No ___ If yes, please provide details:  |
| 3 | Do you have enough poll observers to ensure a visit at closing to each location for every day of the election season? Yes ___ No ___   |
| 4 | Have you been able to meet in person or online with the poll observers to provide appointment letters, any needed training or materials, and to develop an observation plan for in-person voting and absentee/mail-in ballot counting? Yes ___ No ___  |
| 5 | Have you discussed with your County Chair a notification protocol for absentee/mail-in ballot counting so that you can send a poll observer to watch every time it occurs? Yes ___ No ___  |
| 6 | How many days advance notice will your County Recorder provide of intent to count absentee/mail-in votes? _____  |
| 7 | Are you satisfied with the notification protocol? Yes ___ No ___   |
| 8 | Have you reviewed the absentee/mail-in voter application list and application forms at your County Recorder’s office? Yes ___ No ___<br>If yes, were there any anomalies you think should be followed up on? Yes ___ No ___<br>If yes, please describe those (attach additional sheets or an Incident Report Form, if needed): |
| 9 | What additional support (if any) do you need from AFET?  |



8.4.2 Election Worker Report

Instructions: Fill out the form and send to [report@afet.vote](mailto:report@afet.vote). If you need additional space for any question, use the back of the form, or attach additional sheets, as needed.

|       |                                     |
|-------|-------------------------------------|
| Name: | Voting Center or Precinct Location: |
| Date: | County/City:                        |

| Before the Election                        |   |                           |
|--|---|---------------------------|
| 1  | Did you receive training before election day?   | Yes___ No___ N/A___       |
| 2  | Was your training provided in person or online or both?   | In person___ Online___    |
| Early In-Person Voting and on Election Day |   |                           |
| 3  | Did you receive all required equipment for the polling process?<br>If not, what was missing?  | Yes___ No___ N/A___       |
| 5  | Were poll observers present during preparations to open?  | Rep___ Dem___             |
| 6  | Were poll observers present throughout the day?   | Rep___ Dem___             |
| 7  | Were poll observers present during the closing process?   | Rep___ Dem___             |
| 8  | Did poll observers accompany the absentee/ mail-in ballots to the County's Tabulation Center?   | Yes___ No___ N/A___       |
| 9  | Were there authorized high school students working at your location?  | Yes___ No___ N/A___       |
| 10   | Did any nonpartisan observers visit your location?  | Yes___ No___ N/A___       |
| 11   | Did any media or press visit your location?<br>Inside or outside the 75' restricted area?<br>_____  | Yes___ No___ N/A___       |
| 12   | Was your location's voters overcrowded, an even flow, or sparse?  | Over___ Even___ Sparse___ |
| 13   | Did you witness any irregularities or malfeasance during the process? If yes, please provide details below or on the back of the form.  | Yes___ No___ N/A___       |
| 14   | Please grade the overall efficiency of the polling at your location on the scale A-excellent, B-above average, C-average, D-below average, E-failing. If D or E, please provide details below or on the back. | _____                     |
| 15   | Please grade the overall integrity of the polling at your location on the scale A-excellent, B-above average, C-average, D-below average, E-failing. If D or E, please provide details on the back.           | _____                     |
| 16   | Comments/ Observations:   |                           |

You may be working at a Precinct Poll OR a Voting Center (with several precincts combined), the terms are used interchangeably in this form, meaning the location. Meaning your assigned.



**8.4.3 Election Season Poll Observer SHORT Form A**

Complete one form for each timeframe. Submit by email to [report@afet.vote](mailto:report@afet.vote).

**County:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Time:** Opening\_\_ Midday\_\_ Closing\_\_  
 Night\_\_ Time \_\_\_\_\_  
**Observer(s):** \_\_\_\_\_ **Location:** \_\_\_\_\_

**At the Recorder’s Office or a Satellite Voting Center:**

|   |  |
|---|--|
| 1 | Were you allowed to observe all processes at the location? Yes ___ No ___<br>If no, please provide details (use additional sheets or the Incident Report Form, if needed): |
| 2 | How many people voted in-person today? _____   |
| 3 | How many standard ballots were provided today? _____   |
| 4 | How many provisional ballots were provided today? _____  |
| 5 | How many federal-only ballots were provided today? _____   |
| 6 | Were two officers of election from different parties present at the office? Yes ___ No ___<br>If no, was the Recorder or assistant Recorder present? Yes ___ No ___        |
| 7 | Were the absentee/mail-in ballots received during the day counted, and/or stored securely?<br>Counted ___<br>Stored securely ___<br>If yes or no, provide details:         |
| 8 | Other observations/details to report:  |



**8.4.4 Election Season Poll Observer Report LONG Form B**  
 Complete this form for each day observed and email to [report@afet.vote](mailto:report@afet.vote).

|                       |                 |                   |  |
|-----------------------|-----------------|-------------------|--|
| <b>Location Name:</b> | <b>Name:</b>    |                   |  |
| <b>Address:</b>       | <b>Phone:</b>   | <b>Date:</b>      |  |
| <b>City/Zip</b>       | <b>Email:</b>   |                   |  |
| <b>County:</b>        | <b>Arrival:</b> | <b>Departure:</b> |  |

*Instructions: Read the questions carefully. Please make a check ( ✓ ) in the appropriate box. If clarification is required, briefly explain in the comment section of the form. If at any time you are prevented from observing any process, please challenge this to the Inspector, and if the challenge is not resolved, immediately file an Incident Report.*

| Before Opening and General Set-Up  |   |  | Yes  | No |
|--|---|--|--|----|
| 1  | Were you allowed to observe the set-up of the poll location, typically 30 minutes before opening to voters? (If no, prepare and immediately file an Incident Report). Check here if Not Applicable ____   |  |  |    |
| 2  | Are all polling team members and required materials present?  |  |  |    |
| 3  | Is the Inspector, Judges, and Marshal from both major parties for this voting center? (You may ask the Inspector.) Please designate R, D, I, or L: Ins____ Judge1____ Judge2____ Marshal____  |  |  |    |
| 4  | Has an area been designated for poll observers? If yes, is there a specified distance that has been imposed and what is it? _____   |  |  |    |
| 5  | Is an American flag displayed in the voting center?   |  |  |    |
| 6  | Is the Write-In and Withdrawn Candidates poster clearly visible for voters to see?  |  |  |    |
| 7  | Did the Inspector have the poll workers swear an oath to conduct fair elections? Not Applicable ____  |  |  |    |
| 8  | Did the Inspector confirm the seals on the machines were unbroken, and that the numbers on the seals matched the numbers in the log? Not Applicable ____  |  |  |    |
| 9  | Did the Inspector open the tabulators and show you that the main and emergency boxes were empty, before resealing the machines? Not Applicable ____   |  |  |    |
| 10   | Was a zero tape printed and signed by the Inspector? Not Applicable ____  |  |  |    |
| 11   | Were you able to confirm the zero tape listed all candidates, and showed no votes? Not Applicable ____  |  |  |    |
| 12   | Was the zero tape left attached to the tabulator or secured? Not Applicable ____  |  |  |    |
| 13   | Did the location open on time (either 7am or 6am as specified)?   |  |  |    |
| The Polling Process  |   |  | Yes  | No |
| 14   | Were you able to see voter's ID and their name on the e-pollbook?   |  |  |    |
| 15   | Could voters mark and cast their ballots in secret, without anyone seeing how they voted? (If no, give details in the comment section.)   |  |  |    |
| 16   | Were you allowed to observe all aspects of the polling and counting process as allowed by Arizona law, which does NOT limit the distance as long as not interfering with the voting process nor observing a voter's marks in the privacy booth? (If no, file an Incident Report. Include a copy or reference to any County's or that voting center's unlawful distance restrictions.) |  |  |    |
| 17   | Were any voters challenged? (If yes, provide details in the comment section.)   |  |  |    |
| 18   | Were any procedures challenged? (If yes, provide details in the comment section.)   |  |  |    |
| 19   | Were Challengers present from both major parties?   |  |  |    |
| 20   | Were any poll watchers present during the day?  |  |  |    |
| Closing the Poll and the Counting Process – Check if Not Applicable ____ |   |  | Yes  | No |
| 21   | Did the location close on time (either 5pm or 7pm as specified)?  |  |  |    |
| 22   | Were voters in the line at closing time allowed to vote?  |  |  |    |
| 23   | Were there any ballots in the misread ballot or auxiliary storage areas of the tabulator? (If yes, ask the Inspector for the count of misreads and for auxiliary. Provide any explanation in comment section,   |  |  |    |
| 24   | Was a results report run on the tabulator?  |  |  |    |
| 25   | Were you allowed to write down the result totals from the tabulator?  |  |  |    |
| 26   | Record the total #of voters from e-pollbook laptops attached to printers  |  | Record the total number of ballots cast from tabulator |    |
| 27   | Did the total number of votes cast from the tabulator report PLUS MISFEEDS equal the total number of voters checked off in the e-pollbook match? (If no, provide details in the comment section, or file an incident report).   |  |  |    |



8.4.5 *Drop Box Observer Form*

Complete one for each timeframe observed. Send to [report@afet.vote](mailto:report@afet.vote).

**County:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Time:** Opening\_\_ Midday\_\_ Closing\_\_  
 Night\_\_ Time\_\_\_\_\_

**Observer(s):** \_\_\_\_\_ **Location:** \_\_\_\_\_

|    |   |
|----|---|
| 1  | Is the drop box in a secure location inside a building where it can be observed continuously during normal working hours and secured after working hours? Yes ___ No ___  |
| 2  | If no, is the drop box under 24-hour video surveillance? Yes ___ No ___   |
| 3  | Is the video footage regularly reviewed by officers of election from two parties and poll observers from both parties? Yes ___ No ___ Not applicable ___  |
| 4  | Were you notified in advance when the ballots from the drop box would be collected?<br>Yes ___ No ___   |
| 5  | Were two officers of election from different parties present when the drop box was emptied?<br>Yes ___ No ___ If no, was the Recorder or Deputy Recorder present? Yes ___ No ___  |
| 6  | Were the couriers clearly identified by party and as authorized? Yes ___ No ___<br>On Election Day, were two officers of election from different parties to drive secured ballots to Tabulation Center? Yes ___ No ___ Did you follow in your vehicle? Yes ___ No ___ |
| 7  | How many ballots were collected from the drop box during this pick-up? ___<br>Check any of the following ballots observed: Mail-in___ Provisional___ Early Voting___ Fed Only___  |
| 8  | Were the ballots collected from the drop box counted and/or stored securely?<br>Counted ___<br>Stored securely ___<br>Details: _____  |
| 9  | How many ballots were sent to be processed? _____ Not known _____   |
| 10 | How many ballots were sent to be cured (misfeeds, provisional)? _____ Not known _____   |
| 11 | Other observations/details to report; refer to question # as applicable:  |

## 9 Citizen Election Observers

The Citizen Election Observer (CEO) program, the brainchild of USAID election expert Tim Meisburger, is a high-visibility campaign by The America Project in demonstrating election transparency. With branding and targeted promotion, CEO readily engages the attention of voters and rallies the grassroots base. Envision thousands wearing a CEO badge (free download) or a t-shirt (purchased through pre-sales). [ElectionObserver.us/citizen](https://ElectionObserver.us/citizen)

ANY voter can participate using the web-based app for short surveys regarding his/her observations/experiences in going through the voting process:

- Observing the Pre-Election Environment
- Observing Election Day or In-Person Voting
- Reporting a Serious Incident of Election Malfeasance or Fraud
- Election Reform Survey

Benefits of branded merchandise:

- Visibility at polls that citizens are engaged and watching. A deterrent to fraud.
- You are not alone as a CEO. Like-minded patriots are responding.
- Advertises the mission and how to participate; hugely impacts the numbers involved in the overall campaign.
- Professional look gives assurances that CEO knows what they're doing and ensures the data will be reported where voters can see it.
- Election Integrity is #1 issue - it gives grassroots SOMETHING to do.
- Demonstrates that it's easy to jump in.
- Creates a "wow" everywhere seen, an action step at events and via yard signs at the polling sites to use the app.
- Establishes brand awareness pushing to Nov 8 and creates another vehicle for coalition building for *their* members to participate as well.

Especially if you are unable to work as an election official or poll watcher, you can still help protect election integrity by serving as a citizen observer before the election and/or while voting during early in-person voting or on election day. It's easy. Simply look around as you go through the voting process, then record responses to a few simple questions, and press send!

## 10 Issues to Monitor

1. Locations are available to the public via the County's website (at a minimum). Clear signage is in place for each day of operation.
2. Hours of operation for early in-person voting as prescribed; and Election Day must open by 6am and close at 7pm. Voters in line by 7pm may vote. A court may order polls to remain open after 7pm. If a polling place is allowing voters to line up after 7:00 p.m. and staying open, notify the AZ Election Integrity Hotline immediately.
3. Electioneering activity. Campaigning/electioneering/solicitation by any person is prohibited within 75 feet of the polling site's entrance.

4. Wearing political attire by poll workers or observers. No campaign materials are allowed by anyone (including voters). Anyone verbally expressing support for a candidate, party, or ballot measure is prohibited (within 75 ft of the polling site's entrance).
5. Improper Voter Assistance - Voters with a physical disability or who do not speak English may receive assistance in completing and casting their ballot. Two poll workers (one from each party) or another person chosen by the elector may assist (but not persuade), the voter throughout the voting process. Translators must be a trained poll worker or County worker.
6. Immediately report any instances of the following:
  - Shortage of ballots / malfunctioning ballot printers
  - Malfunctioning voter equipment
  - Unusually long lines / wait period
  - Intimidation/coercion/harassment of voters by any person
7. Posting Notice of Write-In and Withdrawn Candidates. A County Recorder must post a Notice of Write-In and Withdrawn Candidates at each on-site early voting location. A.R.S. § 16-312(E); A.R.S. § 16-343(G). Information about write-in and withdrawn candidates also must be posted to the website of the County Recorder or officer in charge of elections. A.R.S. § 16-343(G).
8. Applicability of Voter ID Requirements. Before receiving a ballot or being permitted to cast a vote on an accessible voting device at any on-site early voting location, a qualified elector must provide identification as prescribed by A.R.S. § 16-579 (see Chapter 9, Section IV for more details on the identification requirement; identification is also required to receive an early ballot at an emergency voting center or from a special election board, see Chapter 2, Section III(B) and IV(B)) [EPM].

[Note: this provision was not in place for August 2, 2022: If needed, a voter may update their voter registration record at the on-site early or emergency voting location prior to receiving a ballot by completing a new voter registration form. Such updates shall be deemed effective starting in that election. A.R.S. § 16-411(B)(5)(b); A.R.S. § 16-542(A), (H)-(I).]

9. Voter Identification for Federal Elections. For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot:

(i) a copy of a current and valid photo identification or

(ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter.

Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of Arizona statutes, and according to the instructions for the handling and counting of such provisional ballots.

10. A voter must cast a ballot issued at the on-site early voting location at that location, and may not remove that ballot from the location. An early ballot must be issued even if the voter previously requested or received a ballot-by-mail, but only the first ballot received and verified by the County Recorder shall be counted. An elector who appears at an on-site early voting location by 5:00 p.m. on the Friday preceding the election and presents valid identification must be given a ballot and permitted to vote at the on-site early voting location. A.R.S. § 16-542(E).

## 11 How Ballots are Marked and Returned

### 11.1 Central Absentee/Mail-In and Early Voting; Counting Ballots

#### Inspection Board

[EPM, pp 198-199] The Inspection Board is responsible for:

- Opening and verifying information on the precinct ballot report if the ballot transfer container contains any voting materials other than voted ballots; and
- Inspecting returns as necessary. Receiving Boards and Inspection Boards should normally be combined, unless circumstances would render this inefficient. The officer in charge of elections shall provide each board with a log to enter pertinent data for each precinct/polling place or vote center.

#### Preliminary Procedures

When the ballot transfer container or alternate ballot box arrives at the central counting place, the Inspection Board shall:

1. Break the seal and open the ballot transfer container;
2. Break the seal on the alternate ballot box, if used;
3. Remove the Ballot Report Form and check to see that the seal number is the same as shown on the log—if the Ballot Report Form is absent, incomplete, or the seal number does not agree with the number on your inspection board log, call for the supervisor or officer in charge of elections;
4. Enter on the inspection board log:
  - Precinct name and/or number or voting location
  - Number of write-in ballots, • Number of provisional ballots, and
  - Number of early ballots dropped off at the polling place;
5. Separate the types of ballots to be processed into:
  - Provisional ballots,
  - Write-in ballots,
  - Voted ballots, and
  - Early ballots.

#### Provisional Ballots

If there are provisional ballots:

1. The provisional ballot envelopes should be visually distinguishable from other ballot envelopes issued at a voting location or early voting site. Provisional and conditional provisional ballot envelopes may be printed on colored paper, may bear bar codes that do not identify the voter, or may use other methods to visually distinguish those types of ballot envelopes;
2. Keep provisional ballots separate from conditional provisional ballots;
3. Complete the provisional ballot transmittal slip by entering:
  - The number of provisional ballots stated on the ballot report, and
  - The actual number of provisional ballots received; and

- Record the number of provisional ballots on the inspection board log.

### Voted Early Ballots

Early ballots dropped off at the polling place must be delivered to the County Recorder for signature verification and may be verified prior to or along with the provisional ballots. For more information about processing early ballots, see Chapter 2, Section VI [in EPM].

### Regular Voted Ballots

Regular ballots that were tabulated at the voting location remain in the ballot transfer container received from the precinct or are packaged for storage and retention in the Treasurer's vault.

### Write-In Ballots

If there are write-in ballots:

- Count the total number of ballots containing write-ins, if not previously counted at the polling place;
- Record the number on the log; and
- Complete a transmittal envelope for delivery of ballots containing write-in votes to the Write-In Tally Board.

## **11.2 Ballot Duplication Board**

[EPM, pp 200-202] When any ballot, including an early ballot, is damaged or defective so that it cannot be read by the tabulation machine, it must be duplicated by a Ballot Duplication Board and the duplicated ballot must be tabulated in place of the damaged ballot. A.R.S. § 16-621(A).

### *11.2.1 Establishing a Ballot Duplication Board*

Each Ballot Duplication Board shall be comprised of at least two members who are registered voters not of the same political party and who are appointed by the officer in charge of elections. An Inspection Board may serve as a Ballot Duplication Board.

The Ballot Duplication Board duplicates ballots that cannot be read by the tabulation machine but on which the voter has nonetheless clearly indicated their intent to vote on a particular race or ballot measure. This may include crumpled or otherwise damaged ballots, ballots with smudged ink, or ballots which are marked in the wrong color of ink or with a device that cannot be read by the tabulation machine. If voter intent is not clear and Ballot Duplication Board members do not agree on the voter intent for a particular ballot, that ballot should be referred to the Snag Board or officer in charge of elections for resolution prior to duplicating the ballot.

### *11.2.2 General Duplication Guidelines*

Generally, only UOCAVA ballots, early ballots, and ballots cast at voting locations without a tabulation machine on-site should be duplicated at central counting facilities. Voters who vote at a voting location with a tabulation machine on-site feed their voted ballots directly into the tabulation machine and have the opportunity to correct an unreadable ballot or ballot read as over-voted or blank on the spot.

If a voter selects more than the maximum number of seats for a race, the tabulation machine will read the race as over-voted. Similarly, if a voter voted for a candidate whose name is printed on the ballot by marking the appropriate arrow or oval and also wrote the candidate's name in the write-in area, the tabulation machine will read that race as over-voted. Over-voted ballots shall

be sent to the Ballot Duplication Board (and the Snag Board or officer in charge of elections for adjudication if needed), even if the voter correctly filled in the arrow or oval for other races on the ballot. If voter intent can be determined, the ballot shall be duplicated and counted.

If a voter has consistently marked their ballot by circling the name of the candidates, or circling yes or no for issues, or placing an x, check mark, punched hole, or other similar mark next to the voter's choices, the tabulation machine will read the ballot as blank or invalid. These blank ballots shall be sent to the Ballot Duplication Board.

If the early ballot board finds ballots that are torn, corrected with white-out or labels, erased, or marked with ink or crayon that cannot be read by the equipment, the ballot must be sent to the Ballot Duplication Board.

Ballots received via fax, email, or secure web portal from UOCAVA voters shall be forwarded to the Ballot Duplication Board for processing.

### *11.2.3 Procedures for Duplicating a Ballot*

A damaged or unreadable ballot must be duplicated according to the following procedures:

- Ensure the correct ballot style for the voter's precinct will be used to create the duplicated ballot;
- Mark the proper precinct identification code, if applicable;
- Record an identical serial number on both the original and duplicate ballot (including spoiled duplicates) – this ties the ballots together and creates a paper trail as required by statute, A.R.S. § 16-621(A);
- Conspicuously mark the original ballot as “DUPLICATED;”
- Conspicuously mark the duplicate ballot as “DUPLICATE,” A.R.S. § 16-621(A);
- Using the damaged or unreadable ballot as a guide, mark a blank ballot with votes identical to those on the original ballot;
- Do not duplicate write-in names that are not on the authorized write-in list (“blank” or “unofficial” may be typed in if using a ballot marking device to duplicate and the name/line cannot be left blank). However, mark the arrow or fill in the oval to indicate the vote cast;
- After marking the duplicate ballot, check to make sure it is identical to the original, including over-votes if voter intent cannot be determined and any under-votes;
- If the Ballot Duplication Board makes any errors, mark the duplicate ballot “SPOILED” in a conspicuous manner, and repeat the above steps on a new ballot;
- Place all original ballots in an envelope or container labeled “ballots that have been duplicated.” It is never permitted to enhance or alter a voter's original ballot markings to render the ballot readable. Instead, the ballot should be duplicated.

Voters are required to prove identity at the voting location before receiving a ballot on Election Day. A.R.S. § 16-579(A). The same requirements for proving identity now also apply during in-person early voting, including at an on-site early voting location, emergency vote center, or through personal early ballot delivery by a special election board. See Chapter 2, Sections II(B) [in EPM].

Acceptable forms of identification fall into one of three categories:

- A valid form of photo identification with the voter's photograph, and name and address that reasonably match the name and address in the signature roster or e-pollbook (List 1);

- Two separate valid forms of non-photo identification with the voter's name and address that reasonably match the name and address in the signature roster or e-pollbook (List 2); or
- One valid form of identification with the voter's photograph, name, and address not reasonably matching the address in the signature roster or e-pollbook or a valid U.S. passport or military identification with the voter's name and photograph, and one valid form of non-photo identification from List 2 (List 3).

A.R.S. § 16-579(A)(1)(a)-(c). Each list is described in greater detail in the sections below.

## 12 Checking Voter Identification

The address on the identification must reasonably match the voter's residence or mailing address in the signature roster or e-pollbook in order to vote a regular ballot. If an address does not reasonably match, the voter is deemed to have shown identification, but must vote a provisional ballot. Identification is deemed valid unless it can be determined on its face that it has expired. A.R.S. § 16-579(A)(1).

If the voter provides identification, but the name or address does not reasonably match the signature roster or e-pollbook, the voter should be issued a provisional ballot, not a conditional provisional ballot. See Chapter 9, Section VI(B)(1) [in EPM].

A voter who provides no proof of identity (or invalid proof of identity) must be issued a conditional provisional ballot. A.R.S. § 16-579(A)(2). In order for a conditional provisional ballot to count, the voter must present an acceptable form of identification to the County Recorder by 5:00 p.m. on the 5th business day following a primary, general, or special election that includes an election for a federal office, or by 5:00 p.m. on the 3rd business day following any other election. A.R.S. § 16-579(A)(2). For the purposes of determining the applicable deadline to provide identification: (i) the PPE is considered a federal election; and (ii) for counties that operate under a four-day workweek, only days on which the applicable county office is open for business are considered "business days."

If the voter identifies himself or herself as a member of a recognized Native American tribe, the voter may present alternative proof of identity as outlined in Chapter 9, Section IV(B) below [in EPM]. A.R.S. § 16-579(A)(1).

The officer in charge of elections must post a list of acceptable forms of identification in a conspicuous place (and make it available to voters upon request) at each voting location on Election Day (see sample forms in Chapter 17 [in EPM]).

### 12.1 Acceptable Forms of Identification

#### 1. List 1 – Photo ID with the Voter's Name and Address

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):

- 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.

<sup>47</sup> While identification issued by a public college or university or other public educational institution qualifies as a state or local government-issued identification, it is not sufficient for voting purposes unless it includes the voter's photograph, name, and address as required by A.R.S. § 16-579(A)(1)(a). [in EPM]

A.R.S. § 16-579(A)(1)(a).

## 2. List 2 – Non-Photo ID with the Voter's Name and Address

A voter may present two separate documents that contain the voter's name and address.

Acceptable forms of identification with the voter's name and address include the following:

- A utility bill for electric, gas, water, solid waste, sewer, telephone, cell phone, or cable/satellite television service dated within 90 days of the election;
- A bank or credit union statement dated within 90 days of the election;
- A valid Arizona vehicle registration;
- A valid Indian or Native American census card;
- A property tax statement for the voter's residence;
- A valid tribal enrollment card or other valid form of tribal identification;
- A valid Arizona vehicle insurance card;
- A valid Recorder's Certificate;
- Any mailing marked "Official Election Material," including a valid Arizona voter registration card; or
- Any valid United States federal, state, or local government-issued identification.

A.R.S. § 16-579(A)(1)(b). Any List 2 document may be presented to a poll worker in electronic format, including on a smart phone or tablet.

## 3. List 3 – Acceptable Hybrid Forms of ID

The voter may present certain combinations of documents from Lists 1 and 2. Acceptable combinations include:

- A valid photo identification from List 1 with an address that does not reasonably match the voter's address in the signature roster or e-pollbook, accompanied by a document from List 2 with an address that does reasonably match the voter's address in the signature roster or e-pollbook;
- A valid U.S. Passport or passport card, accompanied by a document from List 2; or
- A valid U.S. Military identification, accompanied by a document from List 2.

A.R.S. § 16-579 (A)(1)(c).

## 12.2 Requirements for Native American Voters

A voter who identifies himself or herself as a member of a federally-recognized Native American tribe and presents one item of tribal identification (that does not meet the requirements of List 1) must be issued a provisional ballot (in lieu of a conditional provisional ballot) and does not need to return to confirm their identity. A.R.S. § 16-579(A)(1). A "tribe" includes a Native American nation, community, band, or tribal subdivision.

Acceptable forms of tribal identification include, but are not limited to, the following:

- A tribal identification card issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe;
- A tribal enrollment card issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe;
- A Certificate of Indian Blood issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe;
- A voter identification card issued under the authority of a federally-recognized Native American tribe; • A home site assignment lease, permit or allotment issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe; or
- A grazing permit or allotment issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe.

If the voter does not present an acceptable form of tribal identification and otherwise does not satisfy the identification requirements in A.R.S. § 16-579(A)(1) (see Chapter 9, Section IV

### 12.3 Right to Vote a Provisional Ballot

[EPM, pp175-177] The “Right to Vote a Provisional Ballot” notice must be displayed at the voting location, containing substantially the following information:

1. If you did not receive a regular ballot, you have a right to vote a provisional ballot if one of the following situations applies to you:

- Your name does not appear on the signature roster or e-pollbook, and you are in the correct polling place based on your current residence;
- You have moved to a new address within the county and have not updated your voter registration (if applicable);
- You have legally changed your name and have not updated your voter registration (if applicable);
- You requested an early ballot but did not vote an early ballot (if applicable);
- You have not produced sufficient identification; or
- You were challenged as a qualified voter.

2. To vote using a provisional ballot:

- Present identification to the poll worker and state your first and last name;
- Provide your complete residence address to the poll worker;
- Provide your signature next to your name after the election official enters your name on the signature roster; and
- Sign an affirmation on the provisional ballot envelope stating that the information filled out on the provisional ballot envelope is correct, that you have resided in the precinct at least 29 days before the election, that you are eligible to vote in this election, that you have not previously voted in this election, that your provisional ballot will only be counted if you voted in the correct precinct (which is based on where you currently live), and that you understand that voting in the wrong precinct means that your ballot will not be counted.

Once you have voted using a provisional ballot, your ballot will be placed in a provisional ballot envelope, which you can seal. The poll worker will ensure that the envelope is sealed. You will then be given a provisional ballot receipt with information on how to present sufficient identification to the County Recorder (if necessary) and how to verify the status of your provisional ballot. Your vote will be counted upon verification of your eligibility to vote in the election.

A.R.S. § 16-513.01; A.R.S. § 16-563(1).

## 13 Voter Registration Audits

### 13.1 Introduction

An accurate and complete voter roll is the foundation of secure and credible elections. Although relatively uncommon in the U.S., voter registration audits are a common tool used in other democracies by legislators, election administrators, election observers, and other stakeholders to assess the overall accuracy of a voter register, and to provide the information needed for effective reforms. Voter registration audits can also provide evidence of some forms of election malpractice.

A typical audit will include an initial assessment of the registration process as defined in law and regulation; an IT-based audit of the register (if appropriate); and random sample-based surveys of voters to assess the accuracy of the register. The scope and focus of the surveys can be general, or targeted at specific aspects of the register, depending on the priorities of the sponsor.

Voter registration audits are of particular interest to civil society-based election integrity organizations because, unlike other types of election audits, they can be conducted without the participation of local government or election officials.

### 13.2 General Voter Registration Audit

The survey portion of a comprehensive voter registration audit may include two different tests, referred to as *list-to-people* and *people-to-list*. Whether one or both tests are included in an audit would be determined by priorities and available resources.

The *list-to-people* test involves surveying a random sample of voters drawn from the voter list to determine the accuracy of the list, including the percentage of moved or deceased voters on the list. The *list-to-people* test can also reveal fraud, if voter history is included in the survey. For example, if the surveyor finds a voter has moved or died or never lived at the address, that shows error in the list; but if the same voter is listed as having cast a ballot in an election after they moved or died, that shows fraud.

The *people-to-list* test measures the proportion of eligible citizens listed on the list (comprehensiveness). For example, if you survey a random sample of 1,000 citizens who would be eligible to vote, and confirm 780 are on the voter list, you have a registration rate of 78%. If you know the total number of citizens in an area who meet the age and residence requirements to vote from the census, and calculate 78% of that total, then that number should equal (within the margin of error) the total number of registered voters on the voter list.

Typically, the number of voters on the list will be greater than the number calculated from the census, because the list still includes some voters who have moved or died. The percentage over your calculated number will be the magnitude of error or bloat in the list. A well-maintained list might be just a few percent off, while a poorly maintained list could contain 50 or 100% more names than actual voters. This is important, as a bloated list can be used to facilitate fraud, and also skews turnout percentages.

A general voter registration audit with a *list-to-people* test, or both a *list-to-people* and a *people-to-list* test, would be most appropriate when the priority is to drive reform of the voter registration process.

### 13.3 Targeted Audit

A targeted audit is primarily focused on just one aspect of the voter list, or one period in time. A targeted audit would normally be based on the voter list, so would be a *list-to-people* test.

An example of a targeted audit was conducted in Virginia in 2021. The election commission reported weekly the names of people who had returned absentee ballots during Virginia's 45-day voting season, and after the first week, an election integrity organization ran that list through commercial software to identify suspect addresses, then drew a sample from that list and sent surveyors to confirm that the submitted ballots came from qualified voters. They found that at least 5.7% of absentee ballots submitted during the first week of polling came from addresses where the voter was unknown or was known but had moved well before the election.

A targeted audit can be conducted at any time using this method, not just during the advance voting period or for absentee ballots. A voter list with voter history is processed through commercial software that identifies a likely mismatch between the voter's listed name and address, and their actual address. A sample from the processed list is then surveyed, and the percentage confirmed as bad addresses during the election period in question can then be applied to the whole list to yield a minimum number of fraudulent votes (this is a minimum number because the commercial software may not catch all bad addresses, and because fraud may have occurred in other ways).

A targeted audit might be most appropriate when the priority is to prove that this type of fraud occurred in a previous election. This type of audit would be less effective at driving reform of registration processes than a general VRA.

### 13.4 IT-Based Audit

An IT audit might be an examination of the machines and processes used for voter registration, or could be a machine-run analysis or test based on available data. The list screening process for bad addresses described above is one type of IT-based audit. IT audits can be easier and cheaper to conduct, because they don't require fieldwork, but are less accurate and therefore less credible than more intensive audits; making them most useful when an overview is needed, or as part of a more in-depth audit.

#### Types of IT Based Audits

- Comparison of voter registry with obituaries.  
Comparison of voter history across states to detect double voting
- Compare the voter registry with census data  
Compare voter history with post-election registry to identify registrants who voted and then were purged from the list

### 13.5 Sampling

Surveys or canvassing without a sampling frame can reveal the existence of errors or fraud, but not their prevalence, and consequently such surveys have less impact in driving reform than sample-based surveys. While it is slightly more difficult to survey using a robust sampling methodology,

doing so will allow accurate characterization of the area being surveyed, so it is well worth the extra effort.

If it is too difficult to do a random sample of a whole state, you can use a multistage random sampling methodology. For example, a random sample of counties, then a random sample of precincts, then a random sample of voters. It's actually a bit more complicated than that, but the science is well-known, and accessible, as it is used by polling firms all the time.

Another option is to limit the size of the survey area. If the auditing organization is strong in only some parts of the state, several counties can be selected as sampling areas. For example, if you do three counties across the state, you can accurately (authoritatively) characterize the situation in each of those counties, compare and contrast results across those counties, and hypothesize about the causes of similarities and differences. This is enough for a good report and may be enough to spur reform, or further investigation.

While a limited but rigorous and representative audit is more useful than no audit, or an unrepresentative audit, a comprehensive audit is preferred if possible. A comprehensive audit provides the most possible useful data; but can also be a tool for the organization to build out and strengthen their network across the state.

## 13.6 Conducting a Voter Registration Audit

### 13.6.1 Process Map

1. Decide what type of audit you want to do. Consider your priorities (voter list reform or revealing previous malpractice). Also consider what types of data are available.
2. Decide the area you will audit (statewide or counties/municipalities).
3. Acquire relevant data.
4. Draft the questionnaire. Most of this should be off-the-shelf, with minor changes based on priorities and local conditions. While drafting the questionnaire, also do an outline of the report. This will help ensure you captures the information you need for your report.
5. Draw the sample.
6. Test the questionnaire.
7. Build questionnaire app for tablet or smartphone (primarily off-the-shelf).
8. Recruit and train enumerators/canvassers.
9. Field work and data collection.
10. Analysis and report.
11. Develop recommendations.
12. Present report (press, radio, TV, election commission, executive and legislative branches, and judicial branch/law enforcement if significant violations have been found).

### 13.6.2 General Voter Registration Audit

Following the sequence in the Process Map (12.6.1 above), here is an example:

SAMPLE – either households or individual voters.

Q. If households, could any registered voter be the respondent, or do we need something like a kish grid [a way of randomly choosing household survey respondents to remove selection bias]? Timing? How do we manage “no one home” or “voter not home”?

A. Likely best to over-sample and record limitations in the methodology.

#### DRAFT QUESTIONNAIRE

- a. Does the address exist? Y/N, if Y, go to next field, if N, record and end
- b. Did someone respond to the knock? Y/N, if Y, go to next field, if N, record and end
- c. Can I speak to X? If home, wait. If not home, ask any inhabitant
- d. Did you, or anyone else present now, live here during the fall of 2020? (if no, end)
- e. I’m checking the accuracy of the voter roll, which lists the following people as registered voters at this address (show list). Can you tell me if they lived here during the fall of 2020?

Responses: Don’t recognize

Yes, lived here

Used to live here, but moved before period in question

Died

- f. I don’t want to know who you voted for, but can you tell me, did you vote in 2020?

This questionnaire should yield percent of voters on the list who have moved or died or are unknown at the address (error in the list), and (if we have voter history) the percent of fraudulent votes cast in the missing voters’ names.

#### *13.6.3 Targeted Voter Registration Audit*

The exact shape of a targeted audit would depend on specific local priorities, but one similar to that done in Virginia could be conducted by screening the relevant voter register to identify voters that likely did not live at the listed address but were shown as having voted in the last election. This set would be potential fraudulent votes. A representative sample of these addresses would then be canvassed to verify information and collect affidavits.

In the 2021 Virginia statewide elections, the IT-based audit suggested 7.5% of absentee ballots submitted in the first week of polling came from suspect addresses, and that was further refined to 5.7% though canvassing. This formed the floor for fraudulent votes, as the initial screen likely missed some people that moved or died, as it incorrectly identified some who had not moved. If fraud occurred throughout the polling period at a similar rate, it would have totaled about 19,000 fraudulent votes.

Voter roll clean-up via investigative canvassing is an essential tool. For Virginia, 19,000 fraudulent votes in this one category of fieldwork, makes a difference in the final results for candidates and for propositions on the ballot.

Arizona’s voter rolls need a similar approach!

## EXHIBIT 1 – How Arizona Elections Work – The Basics

[Source: <https://www.azcleelections.gov/election-security/how-elections-work>]

Arizona has a decentralized election system. What this means, is that there is not a single point of entry into our election system that could disrupt the entire process. Each county is responsible for conducting elections in their jurisdiction. For statewide elections, the counties conduct the election in their county and the Secretary of State aggregates the results from each county to determine the statewide results.

### WHAT ARE THE KEY ROLES IN ELECTIONS?

Arizona has 15 counties, and each county has a Board of Supervisors (elected positions), a County Recorder (elected position) and an Elections Director (appointed by the BOS or Recorder). While these entities are responsible for election administration, that administration must be done in accordance with election law.

#### **The Arizona Legislature:**

The Arizona Legislature adopts laws related to the administration of elections. They set the policy for how elections should be conducted in the state of Arizona, including determining when elections are held, key deadlines such as when early voting begins and the qualifications for voting. ARS Titles [16](#) and [19](#) apply to elections.

#### **The Arizona Secretary of State:**

The Arizona Secretary of State (SOS) is the Chief Election Officer for the state. The Elections Services Division is responsible for certifying state election results, serves as the filing officer for federal, statewide and legislative candidates and statewide ballot measures. The SOS is responsible for the [Elections Procedures Manual](#), which details the procedures elections officials must follow to ensure election practices are consistent and efficient throughout the state. The SOS also certifies election equipment, conducts logic & accuracy tests on election equipment, administers HAVA funds, and maintains the statewide voter registration database.

#### **The County Board of Supervisors:**

The Board of Supervisors (BOS) has specific election related responsibilities, including determining the polling places for Election Day, emergency early voting locations and certifying the official election results for the county. Importantly, the BOS also sets the budget for the County Recorder and County Elections Departments.

#### **The County Recorder:**

The County Recorder is in charge of voter registration and early voting. The County Recorder's Office processes and maintains voter registration records, mails out early ballots and verifies early ballot affidavits and the voter signature. The County Recorder reviews and verifies every mail ballot to confirm the identity of the voter prior to the ballot being counted.

**The County Election Director:**

The County Election Director is responsible for the conduct of elections on Election Day and ballot tabulation. The Election Director oversees the securing of polling places, hires and trains poll workers, conducts logic and accuracy testing on the equipment and tabulates the votes.

**AT A GLANCE:**

- The Legislature adopts the laws that govern elections.
- Voter Registration and Early Voting is administered by the County Recorder.
- Election day activities, including polling place set up, poll worker hiring, and training and tabulating votes is administered by the County Election Director.
- Approving election day voting locations, emergency early voting locations, and approving budgets are administered by the County Board of Supervisors.
- Certifying state results, developing the Election Procedures Manual, maintaining the statewide voter registration system and administering HAVA (Help America Vote Act of 2002) money are administered by the Secretary of State's Office.
- All of these entities work together to administer elections in Arizona.

## EXHIBIT 2 – Election Offenses Generally; Penalties

### Arizona Election Law Title 16

#### Chapter 7 PENAL PROVISIONS

##### Article 1 General Provisions

- 16-1001 Applicability of penal provisions
- 16-1002 Counterfeiting or distributing unlawful ballots; classification
- 16-1003 False endorsement, knowing destruction or delay in delivery of ballot; classification
- 16-1004 Interference with or corruption of election officer; interference with voting equipment; violation; classification
- 16-1005 Ballot abuse; violation; classification
- 16-1006 Changing vote of elector by corrupt means or inducement; classification
- 16-1007 Election officer ascertaining or disclosing elector's vote; classification
- 16-1008 Election officer changing vote of elector by menace or reward; classification
- 16-1009 Failure or refusal to perform duty by election officer; classification
- 16-1010 Refusal by election officer to perform duty; violation of election law; classification
- 16-1011 Counterfeiting election returns; violation; classification
- 16-1012 Intimidation of elector by employer; classification
- 16-1013 Coercion or intimidation of elector; classification
- 16-1014 Corruption of electors; classification
- 16-1015 Election wagers; classification
- 16-1016 Illegal voting; pollution of ballot box; removal or destruction of ballot box, poll lists or ballots; classification
- 16-1017 Unlawful acts by voters with respect to voting; classification
- 16-1018 Additional unlawful acts by persons with respect to voting; classification
- 16-1019 Political signs; printed materials; tampering; violation; classification
- 16-1020 Signing of petitions; violation; classification
- 16-1021 Enforcement by attorney general and county, city or town attorney
- 16-1022 Campaign finance violations; classification

#### **16-184. Additional violations; classification**

- A. Any person who knowingly swears falsely to an affidavit required under the provisions of this chapter is guilty of a class 5 felony unless another classification is specifically prescribed in this chapter.
- B. An officer of an election who knowingly fails or refuses to perform any duty required of him under this chapter is guilty of a class 2 misdemeanor unless another classification is specifically prescribed in this chapter.

#### **16-513. Instructions for voters and election officers; overvote notice**

- A. The board of supervisors shall prepare instructions for the guidance of voters and election officers at the election, according to which the election shall be conducted and which shall govern the voters and election officers as provided in the secretary of state's instructions and procedures manual. The board of supervisors shall furnish to the inspector in each election precinct at least two instruction cards, at the time and in the same manner as the printed ballots are furnished.

B. 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.

**16-513.01. Right to vote a provisional ballot; notice**

The board of supervisors or other officer in charge of elections shall furnish to the inspector in each election precinct at least two "right to vote a provisional ballot" notices at the time and in the same manner as the printed ballots are furnished. The "right to vote a provisional ballot" notice shall be as prescribed by the secretary of state's procedures manual.

**16-514. Notice to voters; form**

The board of supervisors shall furnish, to be placed in each voting booth, unless the information is printed on the sample ballot, a card or poster printed in large plain type containing the following:

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 mark the ballot next to the name according to the instructions.

Section two of this ballot is comprised of nonpartisan candidates including judicial candidates, school district 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 mark the ballot next to the name according to the instructions. Mark the ballot by the word "yes" or "for" for each proposition or question that you wish to be adopted. Mark the ballot by the word "no" or "against" for each proposition or question that you wish not to be adopted.

**16-543.02. Federal write-in early ballots; procedure; registration form**

A. An overseas voter as defined in the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 42 United States Code section 1973ff-6), as amended by the Ronald W. Reagan national defense authorization act for fiscal year 2005 (P.L. 108-375), who is absent from the place of residence in this state where the voter is otherwise qualified to vote may use a federal write-in early ballot in a primary, general or special election for the offices of presidential elector and United States senator and representative in Congress if the voter applies for an early ballot by 7:00 p.m. on election day and does not receive that early ballot.

B. A federal write-in early ballot of an overseas voter shall not be counted if either of the following conditions is met:

1. The application of the overseas voter for an early ballot is received by the county recorder or other officer in charge of elections after 7:00 p.m. on election day.
2. An early ballot from the overseas voter is received by the county recorder or other officer in charge of elections by 7:00 p.m. on election day.

C. An overseas voter who completes a federal write-in early ballot may designate a candidate by writing in the name of the candidate or by writing in the name of a political party, in which case the ballot shall be counted for the candidate of that political party. In the case of the offices of president and vice-president, a vote for a named candidate or in the name of the political party shall be counted as a vote for that candidate's or party's presidential electors. Any abbreviation, misspelling or other minor variation in the form of the name of a candidate or political party shall be disregarded in determining the validity of the ballot if the intention of the voter can be ascertained.

D. For an overseas voter who completes a federal write-in early ballot transmission envelope with the federal write-in early ballot request, the transmission envelope shall serve as a voter registration form and the voter is registered to vote on completion and receipt of the transmission envelope and the federal write-in early ballot if all of the following apply:

1. The information submitted on the transmission envelope includes the information prescribed in section 16-121.01.
2. The voter is otherwise eligible to register and vote in this state.
3. The request is received by the county recorder by 7:00 p.m. on election day.

E. For any request received after 7:00 p.m. on election day, an otherwise valid transmission envelope constitutes a voter registration form that is valid for any subsequent election.

#### **16-590. Appointment of challengers and party representatives**

A. The county chairman of each party may, for each precinct, by written appointment addressed to the election board, designate a party agent or representative and alternates for a polling place in the precinct who may act as challengers for the party which appointed him.

B. At each voting place, one challenger for each political party may be present and act, but no challenger may enter a voting booth except to mark his ballot.

C. Not more than the number of party representatives for each party which were mutually agreed upon by each political party represented on the ballot shall be in the polling place at one time. If such agreement cannot be reached, the number of representatives shall be limited to one in the polling place at one time for each political party.

D. A challenger or party representative shall be a resident of this state and registered to vote in this state.

#### **16-603. Inspection of ballots by party representative**

A mutually agreed on number of representatives and alternates of each political party represented on the ballot by a party designation and column, appointed in the manner provided by section 16-590, may remain inside the voting area from the time the polls are closed, and, without unduly hindering or delaying the count, one representative from each party at a time may inspect the ballots, but the ballots shall at all times remain under the personal charge and keeping of the election officers and shall not be permitted to pass from their hands.

#### **16-1002. Counterfeiting or distributing unlawful ballots; classification**

A person who counterfeits a ballot, or who circulates or gives to another a counterfeit ballot, knowing at the time that the ballot has not been issued pursuant to the election laws of the state, is guilty of a class 5 felony.

#### **16-1003. False endorsement, knowing destruction or delay in delivery of ballot; classification**

A person who knowingly forges or falsely makes the official endorsement of a ballot, knowingly destroys or defaces a ballot, or knowingly delays the delivery of a ballot, is guilty of a class 3 misdemeanor.

#### **16-1004. Interference with or corruption of election officer; interference with voting equipment; violation; classification**

A. A person who at any election knowingly interferes in any manner with an officer of such election in the discharge of the officer's duty, or who induces an officer of an election or officer whose duty it is to ascertain, announce or declare the result of such election, to violate or refuse to comply with the officer's duty or any law regulating the election, is guilty of a class 5 felony.

B. A person who knowingly modifies the software, hardware or source code for voting equipment without receiving approval or certification pursuant to section 16-442 is guilty of a class 5 felony.

C. A person who knowingly impersonates any election official, including an election board member or other poll worker or a challenger or party representative designated pursuant to section 16-590, is guilty of a class 6 felony.

**16-1005. Ballot abuse; violation; classification**

A. Any person who knowingly marks a voted or unvoted ballot or ballot envelope with the intent to fix an election for that person's own benefit or for that of another person is guilty of a class 5 felony.

B. It is unlawful to offer or provide any consideration to acquire a voted or unvoted early ballot. A person who violates this subsection is guilty of a class 5 felony.

C. It is unlawful to receive or agree to receive any consideration in exchange for a voted or unvoted ballot. A person who violates this subsection is guilty of a class 5 felony.

D. It is unlawful to possess a voted or unvoted ballot with the intent to sell the voted or unvoted ballot of another person. A person who violates this subsection is guilty of a class 5 felony.

E. A person or entity that knowingly solicits the collection of voted or unvoted ballots by misrepresenting itself as an election official or as an official ballot repository or is found to be serving as a ballot drop off site, other than those established and staffed by election officials, is guilty of a class 5 felony.

F. A person who knowingly collects voted or unvoted ballots and who does not turn those ballots in to an election official, the United States postal service or any other entity permitted by law to transmit post is guilty of a class 5 felony.

G. A person who engages or participates in a pattern of ballot fraud is guilty of a class 4 felony. For the purposes of this subsection, "pattern of ballot fraud" means the person has offered or provided any consideration to three or more persons to acquire the voted or unvoted ballot of a person.

H. A person who knowingly collects voted or unvoted early ballots from another person is guilty of a class 6 felony. An election official, a United States postal service worker or any other person who is allowed by law to transmit United States mail is deemed not to have collected an early ballot if the official, worker or other person is engaged in official duties.

I. Subsection H of this section does not apply to:

1. An election held by a special taxing district formed pursuant to title 48 for the purpose of protecting or providing services to agricultural lands or crops and that is authorized to conduct elections pursuant to title 48.

2. A family member, household member or caregiver of the voter. For the purposes of this paragraph:

(a) "Caregiver" means a person who provides medical or health care assistance to the voter in a residence, nursing care institution, hospice facility, assisted living center, assisted living facility, assisted living home, residential care institution, adult day health care facility or adult foster care home.

(b) "Collects" means to gain possession or control of an early ballot.

(c) "Family member" means a person who is related to the voter by blood, marriage, adoption or legal guardianship.

(d) "Household member" means a person who resides at the same residence as the voter.

**16-1006. Changing vote of elector by corrupt means or inducement; classification**

A. It is unlawful for a person knowingly by force, threats, menaces, bribery or any corrupt means, either directly or indirectly:

1. To attempt to influence an elector in casting his vote or to deter him from casting his vote.

2. To attempt to awe, restrain, hinder or disturb an elector in the free exercise of the right of suffrage.

3. To defraud an elector by deceiving and causing him to vote for a different person for an office or for a different measure than he intended or desired to vote for.

B. A person who violates any provision of this section is guilty of a class 5 felony.

**16-1007. Election officer ascertaining or disclosing elector's vote; classification**

An officer of an election, unless lawfully assisting a voter, is guilty of a class 2 misdemeanor, who knowingly:

1. Previous to the closing of the polls, attempts to find out for whom the elector has voted.
2. Opens or permits the folded ballot of an elector which has been delivered to the election official to be opened or examined previous to depositing it in the ballot box.
3. Makes or places a mark or device on a folded ballot with the intent to ascertain for whom any elector has voted.
4. Without consent of the elector, discloses the name of any person whom the election official has fraudulently or illegally discovered to have been voted for by the elector.

**16-1012. Intimidation of elector by employer; classification**

A. It is unlawful for an employer knowingly:

1. In paying employees the salary or wages due them, to enclose their pay in envelopes upon which there is written or printed any political mottoes, devices or arguments, containing threats, express or implied, intended or calculated to influence the political opinions, views or actions of the employees.
2. Within ninety days of an election provided by law, to put up or otherwise exhibit in any place where his employees are working or are present in the course of employment a handbill, notice or placard containing a threat, notice or information that if any particular ticket or candidate is elected or defeated work in his place or establishment will cease in whole or in part, or his establishment will be closed, or the wages of his workmen will be reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his employees.

B. An employer, whether acting in his individual capacity or as an officer or agent of a corporation, who violates a provision of this section is guilty of a class 1 misdemeanor.

**16-1013. Coercion or intimidation of elector; classification**

A. It is unlawful for a person knowingly:

1. Directly or indirectly, to make use of force, violence or restraint, or to inflict or threaten infliction, by himself or through any other person, of any injury, damage, harm or loss, or in any manner to practice intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting for a particular person or measure at any election provided by law, or on account of such person having voted or refrained from voting at an election.
2. By abduction, duress or any forcible or fraudulent device or contrivance whatever, to impede, prevent or otherwise interfere with the free exercise of the elective franchise of any voter, or to compel, induce or to prevail upon a voter either to cast or refrain from casting his vote at an election, or to cast or refrain from casting his vote for any particular person or measure at an election.

B. A person, whether acting in his individual capacity or as an officer or agent of a corporation, who violates a provision of this section is guilty of a class 1 misdemeanor.

**16-1014. Corruption of electors; classification**

A. It is unlawful for a person, directly or indirectly, by himself or through any other person knowingly:

1. To treat, give, pay, loan, contribute, offer or promise money or other valuable consideration, or to give, offer or promise an office, place or employment, or to promise or to procure or endeavor to procure an office, place or employment, to or for a voter, or to or for any other person, to induce the voter to vote or refrain from voting at an election for any particular person or measure, or to induce the voter to go to the polls, or remain away from the polls at an election, or on account of the voter having voted or refrained from voting for any particular person or measure, or having gone to the polls or remained away from the polls at an election.
  2. To advance or pay or cause to be paid, money or other valuable consideration to or for the use of any other person with the intent that it, or any part thereof, be used for bribery at any election provided by law, or to knowingly pay or cause to be paid money or other valuable thing to any person in discharge or repayment of money, wholly or in part expended for bribery at any election.
  3. To receive, agree or contract for, before, during or after an election provided by law, money, gifts, loans or other valuable consideration, office, place or employment for himself or other person, for voting or agreeing to vote, or for going or agreeing to go to the polls, or for refraining or agreeing to refrain from voting for a particular person or measure, or for inducing any person to vote or refrain from voting, or to vote or refrain from voting for a particular person or measure at an election.
- B. A person violating any provision of this section is guilty of a class 2 misdemeanor.

**16-1016. Illegal voting; pollution of ballot box; removal or destruction of ballot box, poll lists or ballots; classification**

A person is guilty of a class 5 felony who:

1. Not being entitled to vote, knowingly votes.
2. Knowingly votes more than once at any election.
3. Knowingly votes in two or more jurisdictions in this state for which residency is required for lawful voting and the person is not a resident of all jurisdictions in which the person voted. For the purposes of this paragraph, a person has only one residence for the purpose of voting.
4. Knowingly votes in this state in an election in which a federal office appears on the ballot and votes in another state in an election in which a federal office appears on the ballot and the election day for both states is the same date.
5. Knowingly gives to an election official two or more ballots folded together.
6. Knowingly changes or destroys a ballot after it has been deposited in the ballot box.
7. Knowingly adds a ballot to those legally cast at any election, by fraudulently introducing the ballot into the ballot box either before or after the ballots therein have been counted.
8. Knowingly adds to or mixes with ballots lawfully cast, other ballots, while they are being canvassed or counted, with intent to affect the result of the election, or to exhibit the ballots as evidence on the trial of an election contest.
9. Knowingly and unlawfully carries away, conceals or removes a poll list, ballot or ballot box from the polling place, or from possession of the person authorized by law to have custody thereof.
10. Knowingly destroys a polling list, ballot or ballot box with the intent to interrupt or invalidate the election.
11. Knowingly detains, alters, mutilates or destroys ballots or election returns.

**16-1017. Unlawful acts by voters with respect to voting; classification**

A voter who knowingly commits any of the following acts is guilty of a class 2 misdemeanor:

1. Makes a false statement as to the voter's inability to mark a ballot.

2. Interferes with a voter within the seventy-five foot limit of the polling place as posted by the election marshal or within seventy-five feet of the main outside entrance to an on-site early voting location established by a county recorder pursuant to section 16-542, subsection A.
3. Endeavors while within the seventy-five foot limit for a polling place or on-site early voting location to induce a voter to vote for or against a particular candidate or issue.
4. Prior to the close of an election defaces or destroys a sample ballot posted by election officers, or defaces, tears down, removes or destroys a card of instructions posted for the instruction of voters.
5. Removes or destroys supplies or conveniences furnished to enable a voter to prepare the voter's ballot.
6. Hinders the voting of others.
7. Votes in a county in which the voter no longer resides, except as provided in section 16-125.

## EXHIBIT 3 – Dos and Don'ts at Voting Locations



### GUIDANCE ON VOTING LOCATION CONDUCT AND PREVENTING VOTER INTIMIDATION

[Source: <https://azsos.gov/elections/guidance-voting-location-conduct>]

Free and fair elections are the foundation of our democracy, and Arizona's election officials are committed to ensuring all eligible Arizonans can exercise their right to vote. The Secretary of State's Office is providing the following guidance to: (1) educate voters, poll workers, observers, political parties, and other interested citizens about their respective roles, rights, and responsibilities and key voting location rules; (2) discourage unlawful voter intimidation and suppression; and (3) encourage voters to report suspected violations.

#### MAKE A PLAN & PROTECT YOUR VOTE

- Know and plan ahead how, when, and where you will vote. Visit [www.Arizona.Vote](http://www.Arizona.Vote) to find information about requesting a ballot-by-mail, voting early in-person, and voting on Election Day.
- Rely on trusted sources for election information. In Arizona, your trusted sources are the Secretary of State's Office, County Recorders and Election Departments, and the Citizens Clean Elections Commission. Contact information is available at [www.Arizona.Vote](http://www.Arizona.Vote). Report any misinformation about elections to the Secretary of State's Office at 1-877-THE-VOTE or [elections@azsos.gov](mailto:elections@azsos.gov) (link sends e-mail).

#### PERSONS PERMITTED INSIDE THE 75-FOOT LIMIT OF THE VOTING LOCATION

Arizona law prescribes a 75-foot perimeter around each voting location to create a safe place to vote. Only the following persons are allowed inside the 75-foot-limit (A.R.S. § 16-515):

- Voters who are voting (may be accompanied by their children and/or someone to assist the voter);
- Election officials;
- Credentialed political party observers; and
- Authorized U.S. Department of Justice observers (for example, as required by court order).

#### THE ROLE OF OBSERVERS

All political party observers are required to obtain credentials from their county political party chairperson and must present those credentials at their assigned voting location to observe inside the

75-foot limit. Generally, only one observer per political party is permitted in each voting location. A.R.S. § 16-515(B).

Credentialed political party observers are there to do just that: observe. Observers shall not obstruct poll workers or the voting process, interact with voters, take videos or photos, act unprofessionally, or otherwise fail to obey the voting location inspector or rules established by the county. Party observers who violate these guidelines may have their credentials revoked by the county and be asked to leave.

Non-credentialed observers, interest groups, candidates, and members of the media are not allowed within the 75-foot limit. Even if you intend to observe outside the 75-foot limit, observers shall not obstruct voting lines or the entrance to the voting location, or otherwise engage in any conduct that may have the effect of threatening, harassing, or intimidating voters.

## **ACTIVITIES PROHIBITED INSIDE THE 75-FOOT-LIMIT**

To ensure a safe and secure voting experience for all Arizonans, the following activities are prohibited inside the 75-foot-limit of any voting location. If you experience prohibited activities in the 75-foot limit, inform a poll worker. Poll workers will generally be stationed inside the 75-foot limit. If you cannot find a poll worker, call the Secretary of State's Office at 1-877-THE-VOTE. We will use the information you provide to contact the appropriate county election officials to help resolve the issue.

### **1. Electioneering**

It is unlawful to conduct campaign-related activity (electioneering) within the 75-foot limit. This includes handing out campaign literature, talking to voters or poll workers about candidates or issues, or otherwise attempting to influence the election. If the voting location has an "emergency" designation, electioneering is prohibited anywhere on-site, even outside the 75-foot limit. A.R.S. § 16-411(H); A.R.S. § 16-515; A.R.S. § 16-1018.

A voter is permitted to wear clothing with a political message inside the 75-foot limit, but poll workers, observers, and election officials may not. A.R.S. § 16-515(F).

### **2. Carrying firearms and weapons**

Arizona law prohibits private citizens, even if properly licensed, from entering the 75-foot limit of a voting location with a weapon. Further, since many voting locations are located in schools, it may be unlawful to bring a firearm on school property, even outside the 75-foot-limit. A.R.S. § 13-3102(A)(11)-(12).

Openly carrying a firearm outside the 75-foot limit is also problematic and likely to result in unlawful voter intimidation. Additionally, any aggressive or ostentatious display of a weapon will almost certainly constitute an act of intimidation.

Arizona's election officials seek to ensure voting locations are not only safe, but also free of intimidation. If you are coming to a voting location for any reason, please leave any weapons at home or in your vehicle.

### **3. Taking photographs and videos**

While taking photos of your early ballot from home ("ballot selfies") is permissible, taking any photos or videos in a voting location inside the 75-foot limit is prohibited and punishable as a misdemeanor. A.R.S. § 16-515(G)-(H); A.R.S. § 16-1018(4).

Further, much like the open display of firearms, taking photos or videos outside the 75-foot-limit may have an intimidating effect on voters entering or exiting the voting location if done in

an aggressive, threatening, or harassing way. Filming voters based on race, ethnicity, religion, or political affiliation is inappropriate.

If you find it necessary to film to document the commission of a crime or other election-related violation, please consider informing a poll worker first.

## **LAW ENFORCEMENT AND UNIFORMED PERSONNEL**

Generally, law enforcement officers, whether uniformed or plain-clothes, should not be stationed within the 75-foot limit of a voting location. Exceptions may apply if the officer is voting, if the voting location is located within a public safety building, or if an officer is called to respond to a specific emergency.

The presence of uniformed law enforcement personnel at a voting location, whether in or outside of the 75-foot limit, may have the effect of intimidating voters. Counties will balance this potentially intimidating effect with the need to preserve the peace and respond to emergencies.

As noted below, each voting location is overseen by an inspector and has a designated election marshal charged with keeping order in and around the voting location. Poll workers should make all reasonable efforts to de-escalate disturbances without engaging law enforcement whenever possible. Situations that cannot be solved by poll workers should be resolved with the assistance of county election officials. In circumstances where there is violence or threats of violence, including any instance when a private citizen carries a weapon into the 75-foot limit, the marshal or election officials should contact law enforcement for the limited purpose of resolving that situation.

## **VOTER CHALLENGES**

All eligible voters are entitled to exercise their right to vote free from harassment and intimidation from baseless challenges to voter qualifications. Arizona law permits only a qualified elector of the county to challenge a voter's eligibility to vote, and political party challengers must be previously designated and credentialed as observers by their party. A.R.S. § 16-590; A.R.S. § 16-591.

A qualified elector challenging a voter's eligibility must have clear and convincing evidence that:

- The voter has voted before in that election;
- The voter is not the person whose name appears in the roster/e-pollbook;
- The voter has not resided in Arizona (or the relevant locality) for at least 29 days before the election;
- The voter is registered at an address that is not permitted for registration purposes; or
- The voter is not otherwise a qualified elector, for example, the voter does not live within the proper electoral district or is not at least 18 years old.

Challenges must be directed to poll workers, and challengers shall not directly confront voters or question voters about their voting qualifications. Challenges must be promptly decided in the voting location by a board made up of the inspector and two judges, pursuant to applicable law and the Elections Procedures Manual.

- The voter must be permitted to vote a regular ballot if: (1) the voter appears to be registered and takes the prescribed oath, or (2) a majority of the board finds the challenge invalid.

- The voter must be permitted to vote a provisional ballot if: (1) the voter refuses to take any oath; (2) the voter refuses to answer the inspector's questions material to the challenge; or (3) a majority of the board finds the challenge is valid.

Critically, challenges based in whole or in part on race, national origin, appearance, surname, language, or religion are not permitted, and violate federal anti-discrimination laws. Repeated challenges without a sound basis that delay voting, challenges that are otherwise intended to intimidate or prohibit qualified voters from voting, or challenges that involve additional confrontational or harassing behavior may amount to unlawful voter harassment and intimidation and warrant removal from the voting location.

## **DROPPING OFF BALLOTS AT VOTING LOCATIONS**

All eligible voters may request a ballot-by-mail and may mail back their voted ballot or drop it off at their County Recorder's Office, any official ballot drop-box, any early voting location, or any Election Day voting location in the county. Ballots must be received by election officials by 7:00 p.m. on Election Day.

Arizona law allows a caregiver, family member, household member, or election official to help return a voter's ballot to county election officials, including dropping off the ballot at a voting location. These categories are broadly defined (A.R.S. § 16-1005):

- Caregiver: "a person who provides medical or health care assistance to the voter in a residence, nursing care institution, hospice facility, assisted living center, assisted living facility, assisted living home, residential care institution, adult day health care facility or adult foster care home."
- Family member: "a person who is related to the voter by blood, marriage, adoption or legal guardianship."
- Household member: "a person who resides at the same residence as the voter."

## **DISCRIMINATORY CONDUCT AND VOTER INTIMIDATION**

Discrimination against voters based on race, ethnicity, national origin, language, religion, or disability is punishable under law. Even in the absence of discrimination, any attempt to intimidate, coerce, or threaten a person to vote or not vote is strictly prohibited and may be criminally punishable.

Examples of activity that may amount to intimidation, whether in or outside the 75-foot limit, include:

- Aggressive or ostentatious display of weapons;
- Aggressive behavior, such as raising one's voice or taunting a voter or poll worker;
- Using threatening, insulting, or offensive language to a voter or poll worker;
- Blocking the entrance to a voting location or disrupting voting lines;
- Intentionally disseminating false or misleading information at a voting location, such as flyers or communications that misstate the date of the election, hours of operation for voting locations, addresses for voting locations, or similar efforts intended to disenfranchise voters;

- Impersonating a law enforcement officer, or otherwise wearing clothing, uniforms or official-looking apparel, intended to deter, intimidate, or harass voters (see also A.R.S. § 26-170, prohibiting unauthorized wearing of national guard or U.S. armed forces uniform);
- Directly confronting or questioning voters in a harassing or intimidating manner, including asking voters for "documentation" or other questions that only poll workers should perform;
- Raising repeated frivolous voter challenges to poll workers without any good faith basis, or raising voter challenges solely based on race, ethnicity, national origin, language, religion or disability; or
- Posting signs or communicating messages about penalties for "voter fraud" in a harassing or intimidating manner.

In sum, any activity that has the intent or effect of threatening, harassing, or intimidating voters—whether in or outside of the 75-foot-limit—is unlawful and should be strictly enforced by election officials, including with assistance from law enforcement if necessary. 52 U.S.C. §§ 10101(b), 10307(b); A.R.S. §§ 13-1202, 16-1013.

## **ENFORCING VOTING LOCATION RULES**

Inspectors oversee each voting location and should utilize the marshal to preserve order and remove potentially disruptive persons. A.R.S. § 16-535(B); A.R.S. § 16-1004(A). Higher-level decisions generally are raised through county channels, whether through a trained troubleshooter, the elections department, or both. Any decision to contact law enforcement is for local election officials to be exercised in their sound judgment.

If you witness a problem at a voting location, you should not speak to or accost a voter to "enforce" the law yourself. Tense situations should be de-escalated, not escalated. Please inform a poll worker to resolve the issue, or if you or another person is in immediate danger, call 911. Do not take matters into your own hands.

## **REPORTING VOTER INTIMIDATION AND OTHER UNLAWFUL CONDUCT**

If you witness voter intimidation or other unlawful conduct at the polls, we recommend the following steps:

- First, inform a poll worker at the voting location, who will work to resolve any problems and call county election officials and/or local law enforcement if needed. However, if you or anyone else is in immediate danger, call 911 first and then inform a poll worker if possible.
- Document what you see as much as possible, including the who, what, when, and where of the incident. (But keep in mind that taking photos or video is prohibited inside the 75-foot limit of a voting location.)

<https://azsos.gov/node/1236>

You can also call 1-877-THE-VOTE. We will follow up with county election officials and federal, state, or local law enforcement entities if needed.