



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
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House: ELECT DPA 6-4-0-0

HB 2268: election complaints; attorney general

Sponsor: Representative Townsend, LD 16

Caucus & COW

Overview

Describes the manner in which an individual may submit an election complaint to the Attorney General (AG).

History

Current statute outlines the penalties that apply to various election related violations by voters, election officers, election board workers or other persons ([A.R.S. Title 16, Chapter 7](#)). The provisions of statute that define crimes involving elections and crimes against the elective franchise and the related penalties apply to any general, primary, special election or any election called by a county board of supervisors ([A.R.S. § 16-1001](#)). The AG is authorized to enforce the laws related to elections through civil or criminal actions in any election for state office, members of the legislature or statewide initiative or referendum ([A.R.S. § 16-1021](#)).

Provisions

1. Allows a person to submit a complaint to the AG that specifies the election irregularity or the event that constitutes the unlawful act if they have reason to believe that an election irregularity or unlawful act has occurred in the course of conducting an election in this state. (Sec. 1)
2. Stipulates that the complaint must include the following information:
 - a) The name of the complainant; and
 - b) The address and telephone number or email address or other method of contact. (Sec. 1)
3. Requires the AG to provide a toll-free telephone number and an internet access point to receive the election complaints. (Sec. 1)
4. Authorizes the AG to make a preliminary determination as to whether further investigation is warranted. (Sec. 1)
5. Specifies that if further investigation is warranted, the AG may investigate the complaint and provide a copy of the complaint to the President of the Senate and the Speaker of the House of Representatives. (Sec. 1)
6. Directs the AG, upon completion of the investigation, to report the results of the investigation and any recommended enforcement actions to the following:
 - a) President of the Senate;
 - b) Speaker of the House of Representatives;
 - c) Secretary of State;
 - d) County Recorder in the county of the incident;
 - e) Officer in charge of elections in the county of the incident; and
 - f) The public. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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7. Asserts that the AG must provide a standardized form for complaints and make the form available to the public. (Sec. 1)
8. Permits the authorized designee of the AG to enter a polling place, voting center or counting center while it is in use and to speak to and meet with any person at the location, including a voter or election board worker in order to investigate a complaint. (Sec. 1)

Amendments

Committee on Elections

1. Stipulates that for election violations that do not arise from an election, the AG or appropriate county, city or town attorney may enforce election laws through civil and criminal actions.
2. Requires the AG to provide a toll-free phone number for the public to use to report incidents of voter fraud.
3. Authorizes the AG, to the extent allowed by federal law, to use monies received from the Help America Vote Act to establish, staff and maintain the toll-free phone number and defray investigation costs arising from reports made through the toll-free phone number.
4. Directs the Secretary of State, the county board of supervisors, the county recorder and election board workers to promptly report suspected or known criminal violations of election law to the AG.
5. Allows the AG to refer an election violation matter to the appropriate jurisdiction for investigation pursuant to statute.
6. Specifies that the AG must, on request, provide a copy of the complaint to certain people unless doing so would jeopardize an ongoing investigation.
7. Requires the AG, within 90 days after each general election, to provide a summary report to the President of the Senate and the Speaker of the House of Representatives on the number of complaints received during the year and the number of pending, opened and closed investigations.
8. Authorizes a law enforcement officer, in addition to the designee of the AG, to enter a polling location to preserve order or investigate a criminal complaint.
9. Prohibits the investigative activity to interfere with the lawful conduct of an election or impede or interfere with the ability to vote.
10. Makes technical and conforming changes.