

REFERENCE TITLE: elections; legislative session; procedures manual

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
First Regular Session  
2021

## **HB 2800**

Introduced by  
Representatives Barton: Blackman, Burges, Cook, Fillmore, Griffin, Kaiser

AN ACT

AMENDING TITLE 16, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 16-401.01; AMENDING SECTION 16-452, ARIZONA REVISED  
STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 16, chapter 4, article 1, Arizona Revised  
3 Statutes, is amended by adding section 16-401.01, to read:

4 16-401.01. Legislative authority; elections; legislative  
5 session

6 A. THE LEGISLATURE HAS PLENARY AUTHORITY OVER ELECTIONS AND THIS  
7 PLENARY AUTHORITY INCLUDES COMMENCEMENT OF AN ELECTION SPECIAL SESSION ON  
8 THE DATE OF THE REGULAR PRIMARY ELECTION AND THE REGULAR GENERAL ELECTION.  
9 THE LEGISLATIVE SESSION BEGINS BY OPERATION OF LAW AND WITHOUT A CALL BY  
10 THE GOVERNOR OR PETITION OF THE LEGISLATURE AND SHALL CONTINUE FOR AT  
11 LEAST THE THREE DAYS FOLLOWING ELECTION DAY.

12 B. DURING THE ELECTION SPECIAL SESSION THE LEGISLATURE MAY CONDUCT  
13 HEARINGS AND RECEIVE TESTIMONY, DOCUMENTS AND OTHER EVIDENCE AS  
14 APPROPRIATE RELATING TO ANY IRREGULARITIES THAT OCCUR DURING AND AFTER THE  
15 ELECTION REGARDING VOTING, TALLYING THE VOTES AND ANY OTHER ELECTION  
16 PROCEDURES. THE LEGISLATURE MAY VOTE TO REJECT OR CONFIRM THE PRELIMINARY  
17 RESULTS OF THE ELECTION AND, IF CONFIRMED, SHALL FORWARD THAT CONFIRMATION  
18 TO THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY EXAMINED BY THE  
19 LEGISLATURE. ON REJECTION, THE LEGISLATURE SHALL FORWARD ITS FINDINGS TO  
20 THE OFFICE OF THE ATTORNEY GENERAL FOR POSSIBLE CIVIL OR CRIMINAL ACTION.

21 Sec. 2. Section 16-452, Arizona Revised Statutes, is amended to  
22 read:

23 16-452. Rules; instructions and procedures manual; approval  
24 of manual; field check and review of systems;  
25 violation; classification

26 A. After consultation with each county board of supervisors or  
27 other officer in charge of elections, the secretary of state shall  
28 prescribe rules to achieve and maintain the maximum degree of correctness,  
29 impartiality, uniformity and efficiency on the procedures for early voting  
30 and voting, and of producing, distributing, collecting, counting,  
31 tabulating and storing ballots. The secretary of state shall also adopt  
32 rules regarding fax transmittal of unvoted ballots, ballot requests, voted  
33 ballots and other election materials to and from absent uniformed and  
34 overseas citizens and shall adopt rules regarding internet receipt of  
35 requests for federal postcard applications prescribed by section 16-543.

36 B. The rules shall be prescribed in an official instructions and  
37 procedures manual to be issued not later than December 31 of each  
38 odd-numbered year immediately preceding the general election. Before its  
39 issuance, the manual shall be ~~approved~~ REVIEWED by the governor and the  
40 attorney general AND SUBMITTED FOR APPROVAL BY A VOTE OF THE LEGISLATURE.  
41 The secretary of state shall submit the manual to the governor and the  
42 attorney general not later than October 1 of the year before each general  
43 election AND SHALL SUBMIT THE MANUAL TO THE LEGISLATURE ON OR BEFORE THE  
44 SECOND MONDAY IN JANUARY IN EACH EVEN-NUMBERED YEAR.

1           C. A person who violates any rule adopted pursuant to this section  
2 is guilty of a class 2 misdemeanor.

3           D. The secretary of state shall provide personnel who are experts  
4 in electronic voting systems and procedures and in electronic voting  
5 system security to field check and review electronic voting systems and  
6 recommend needed statutory and procedural changes.