

Senate Engrossed House Bill
election lawsuits; settlements; approvals

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2378

AN ACT

AMENDING TITLE 16, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 16-410.01; 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 16-410.01, to read:

4 16-410.01. Election litigation; settlements; approval

5 A. IF A PROPOSED SETTLEMENT OF AN ELECTION-RELATED CIVIL ACTION BY
6 THE SECRETARY OF STATE MATERIALLY AFFECTS A COUNTY RECORDER OR OTHER
7 OFFICER IN CHARGE OF ELECTIONS, THE SECRETARY OF STATE MAY NOT SETTLE OR
8 OTHERWISE COMPROMISE THAT CIVIL ACTION WITHOUT CONSULTING THE COUNTY
9 RECORDERS OR OTHER OFFICERS IN CHARGE OF ELECTIONS OF THIS STATE. A
10 COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS MAY OBJECT TO THE
11 SETTLEMENT BASED ON THE DIFFICULTY OR IMPRACTICABILITY OF THE REQUIREMENTS
12 OF THE SETTLEMENT AND MAY DEMONSTRATE OR OTHERWISE PROVIDE EVIDENCE
13 REGARDING THAT DIFFICULTY OR IMPRACTICABILITY WITH RESPECT TO THE COUNTY
14 RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS. IF THE EVIDENCE
15 PROVIDED BY THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS IS
16 SUFFICIENT, THE SECRETARY OF STATE'S SETTLEMENT MAY NOT BE APPROVED
17 WITHOUT THE CONSENT OF AT LEAST THREE-FOURTHS OF THE COUNTY RECORDERS OR
18 OTHER OFFICERS IN CHARGE OF ELECTIONS WHO ARE MATERIALLY AFFECTED BY THE
19 CIVIL ACTION.

20 B. A COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS MAY
21 JOIN IN ANY CIVIL ACTION PRESCRIBED BY SUBSECTION A OF THIS SECTION.