

REFERENCE TITLE: attorney general; election complaints

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

HB 2785

Introduced by
Representative Biasiucci

AN ACT

AMENDING SECTION 16-1021, 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. Section 16-1021, Arizona Revised Statutes, is amended to
3 read:

4 16-1021. Enforcement by attorney general and county, city or
5 town attorney; definition

6 A. In any election for state office, members of the legislature,
7 justices of the supreme court, judges of the court of appeals, ~~or~~
8 statewide initiative or referendum, MEMBERS OF CONGRESS, UNITED STATES
9 SENATOR OR PRESIDENTIAL ELECTORS, the attorney general may enforce ~~the~~
10 ~~provisions of~~ this title through civil and criminal actions. In any
11 election for county, city or town office, community college district
12 governing board, judge or ~~a~~ county, city or town initiative or
13 referendum, the appropriate county, city or town attorney may enforce ~~the~~
14 ~~provisions of~~ this title through civil and criminal actions. In any
15 special district election, the county attorney of any county in which the
16 district or a portion of the district is located or the attorney general
17 may enforce the laws governing ~~such~~ THE election.

18 B. IN ORDER TO CARRY OUT THE DUTIES PRESCRIBED IN SUBSECTION A OF
19 THIS SECTION, THE ATTORNEY GENERAL MAY:

- 20 1. ISSUE WRITTEN INVESTIGATIVE DEMANDS TO ANY PERSON.
- 21 2. ADMINISTER AN OATH OR AFFIRMATION TO ANY PERSON FOR TESTIMONY.
- 22 3. EXAMINE UNDER OATH ANY PERSON IN CONNECTION WITH THE
23 INVESTIGATION OF THE ALLEGED VIOLATION OF THIS TITLE.
- 24 4. EXAMINE BY MEANS OF INSPECTING, STUDYING OR COPYING ANY ACCOUNT,
25 BOOK, COMPUTER, DOCUMENT, MINUTES, PAPER, RECORDING OR RECORD.
- 26 5. REQUIRE ANY PERSON TO FILE ON PRESCRIBED FORMS A STATEMENT OR
27 REPORT IN WRITING AND UNDER OATH OF ALL THE FACTS AND CIRCUMSTANCES
28 REQUESTED BY THE ATTORNEY GENERAL.
- 29 6. ISSUE ALL FORMS OF SUBPOENAS TO ANY PERSON, WHETHER OR NOT THE
30 PERSON IS LOCATED WITHIN THIS STATE. TO EFFECTUATE THIS PARAGRAPH FOR
31 PERSONS WHO ARE NOT SUBJECT TO SERVICE WITHIN THIS STATE, THE ATTORNEY
32 GENERAL MAY INITIATE A PRE-SUIT ENFORCEMENT PROCEEDING IN SUPERIOR COURT
33 AND REQUEST THAT THE SUPERIOR COURT ISSUE THE SUBPOENA AS PART OF THAT
34 PROCEEDING. THE SUBPOENA ISSUED BY THE SUPERIOR COURT MUST STATE THE
35 CAPTION AND CASE NUMBER OF THE PRE-SUIT ENFORCEMENT PROCEEDING IN THE
36 SUPERIOR COURT AND THAT THE CASE IS PENDING IN THE SUPERIOR COURT.

37 C. A WRITTEN INVESTIGATIVE DEMAND SHALL:

- 38 1. BE SERVED ON THE PERSON IN THE MANNER REQUIRED FOR SERVICE OF
39 PROCESS IN THIS STATE OR BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.
- 40 2. DESCRIBED THE CLASS OR CLASSES OF DOCUMENTS OR OBJECTS WITH
41 SUFFICIENT DEFINITENESS TO ALLOW THEM TO BE FAIRLY IDENTIFIED.
- 42 3. PRESCRIBE A REASONABLE TIME AT WHICH THE PERSON MUST APPEAR TO
43 TESTIFY AND WITHIN WHICH THE DOCUMENT OR OBJECT MUST BE PRODUCED AND
44 ADVISE THE PERSON THAT OBJECTIONS TO OR REASONS FOR NOT COMPLYING WITH THE
45 DEMAND MAY BE FILED WITH THE ATTORNEY GENERAL ON OR BEFORE THAT TIME.

1 4. SPECIFY A PLACE FOR TAKING TESTIMONY OR FOR PRODUCING A DOCUMENT
2 OR OBJECT AND DESIGNATE A PERSON WHO IS THE CUSTODIAN OF THE DOCUMENT OR
3 OBJECT.
4 D. FOR THE PURPOSES OF THIS SECTION, "PERSON" HAS THE SAME MEANING
5 PRESCRIBED IN SECTION 1-215 AND INCLUDES GOVERNMENT ENTITIES AND OFFICERS.