

REFERENCE TITLE: election contests; invalidated election; sanctions

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

## **SB 1609**

Introduced by  
Senator Townsend

AN ACT

AMENDING SECTION 16-672, ARIZONA REVISED STATUTES; RELATING TO CONTEST OF ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-672, Arizona Revised Statutes, is amended to  
3 read:

4 16-672. Contest of state election; grounds; venue; damages;  
5 violation; classification

6 A. Any elector of ~~the~~ THIS state may contest the election of any  
7 person declared elected to a state office, or declared nominated to a  
8 state office at a primary election, or the declared result of an initiated  
9 or referred measure, or a proposal to amend the Constitution of Arizona,  
10 or other question or proposal submitted to vote of the people, ~~upon~~ ON any  
11 of the following grounds:

12 1. For misconduct on the part of election boards or any members  
13 ~~thereof~~ OF ELECTION BOARDS in any of the counties of ~~the~~ THIS state, or on  
14 the part of any officer making or participating in a canvass for a state  
15 election.

16 2. That the person whose right to the office is contested was not  
17 at the time of the election eligible ~~to~~ FOR the office.

18 3. That the person whose right is contested, or any person acting  
19 for him, has given to an elector, inspector, judge or clerk of  
20 election, ~~a~~ a bribe or reward, or has offered ~~such~~ A bribe or reward for  
21 the purpose of procuring his election, or has committed any other offense  
22 against the elective franchise.

23 4. On account of illegal votes.

24 5. That by reason of erroneous count of votes the person declared  
25 elected or the initiative or referred measure, or proposal to amend the  
26 constitution, or other question or proposal submitted, which has been  
27 declared carried, did not in fact receive the highest number of votes for  
28 the office or a sufficient number of votes to carry the measure,  
29 amendment, question or proposal.

30 B. The contest may be brought in the superior court ~~of~~ IN the  
31 county in which the person contesting resides or in the superior court ~~of~~  
32 IN Maricopa county.

33 C. In a contest of the election of a person declared elected to a  
34 state office or of an initiated or referred measure, constitutional  
35 amendment, or other question or proposal, which has been declared carried,  
36 the attorney general may intervene, and ~~upon~~ ON demand, the place of trial  
37 of the contest shall be changed to Maricopa county, if commenced in  
38 another county.

39 D. IF THE COURT DETERMINES THAT THE INITIAL PERSON DECLARED ELECTED  
40 OR DECLARED THE NOMINEE AT A PRIMARY ELECTION OR THAT THE CONTESTED  
41 MEASURE, CONSTITUTIONAL AMENDMENT OR OTHER QUESTION OR PROPOSAL THAT WAS  
42 DECLARED CARRIED DID NOT IN FACT RECEIVE THE HIGHEST NUMBER OF VOTES OR A  
43 SUFFICIENT NUMBER OF VOTES TO PREVAIL, THE COURT SHALL ORDER THAT PORTION  
44 OF THE ELECTION TO BE REPEATED. THE NEW ELECTION SHALL BE CONDUCTED

1 WITHIN NINETY DAYS AFTER THE COURT'S ORDER AND SHALL CONFORM AS NEARLY AS  
2 PRACTICABLE TO THE LAWS THAT OTHERWISE WOULD APPLY TO AN ELECTION.  
3 E. ANY PERSON DETERMINED BY THE COURT TO BE RESPONSIBLE FOR  
4 MISCONDUCT, FRAUD OR ILLEGAL VOTES IDENTIFIED UNDER SUBSECTION D OF THIS  
5 SECTION IS LIABLE FOR THE COSTS OF THE COURT-ORDERED SECOND ELECTION AND  
6 IS GUILTY OF A CLASS 2 MISDEMEANOR.