

Senate Engrossed
election contests; invalidated election; sanctions

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

SENATE BILL 1609

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

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

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

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

22 4. On account of illegal votes.

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

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

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

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

1 OF THE ELECTION TO BE REPEATED. THE NEW ELECTION SHALL BE CONDUCTED
2 WITHIN NINETY DAYS AFTER THE COURT'S ORDER AND SHALL CONFORM AS NEARLY AS
3 PRACTICABLE TO THE LAWS THAT OTHERWISE WOULD APPLY TO AN ELECTION.

4 E. ANY PERSON DETERMINED BY THE COURT TO BE CRIMINALLY RESPONSIBLE
5 FOR MISCONDUCT, FRAUD OR ILLEGAL VOTES IDENTIFIED UNDER SUBSECTION D OF
6 THIS SECTION IS LIABLE FOR THE COSTS OF THE COURT-ORDERED SECOND ELECTION.