

REFERENCE TITLE: **counties; elections; state audits**

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2078

Introduced by
Representatives Diaz: Marshall, Peña

AN ACT

**AMENDING TITLE 16, CHAPTER 4, ARTICLE 10, ARIZONA REVISED STATUTES, BY
ADDING SECTIONS 16-605 AND 16-606; RELATING TO CONDUCT OF 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 10, Arizona Revised
3 Statutes, is amended by adding sections 16-605 and 16-606, to read:

4 16-605. Information request regarding election; response;
5 definition

6 A. AN ELIGIBLE PERSON MAY MAKE A WRITTEN REQUEST TO THE COUNTY
7 RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS FOR AN EXPLANATION AND
8 SUPPORTING DOCUMENTATION REGARDING ANY OF THE FOLLOWING:

9 1. AN ACTION TAKEN BY AN ELECTION OFFICER THAT APPEARS TO VIOLATE
10 THE STATUTES.

11 2. IRREGULARITIES IN PRECINCT OR VOTING CENTER RESULTS.

12 3. INADEQUACY OF OR IRREGULARITY IN DOCUMENTATION REQUIRED TO BE
13 MAINTAINED AS PRESCRIBED BY THIS TITLE.

14 B. WITHIN TWENTY DAYS AFTER THE REQUEST, THE COUNTY RECORDER OR
15 OTHER OFFICER IN CHARGE OF ELECTIONS SHALL PROVIDE THE REQUESTED
16 EXPLANATION AND ANY SUPPORTING DOCUMENTATION.

17 C. IF THE ELIGIBLE PERSON IS NOT SATISFIED WITH THE EXPLANATION OR
18 SUPPORTING DOCUMENTATION, OR BOTH, THE ELIGIBLE PERSON MAY REQUEST AN
19 ADDITIONAL EXPLANATION AND SUPPORTING DOCUMENTATION. THE COUNTY RECORDER
20 OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL PROVIDE THE ADDITIONAL
21 EXPLANATION OR SUPPORTING DOCUMENTATION WITHIN TEN DAYS AFTER THE REQUEST.

22 D. IF THE ELIGIBLE PERSON IS NOT SATISFIED WITH THE ADDITIONAL
23 EXPLANATION OR SUPPORTING DOCUMENTATION, THE ELIGIBLE PERSON MAY SUBMIT A
24 WRITTEN REQUEST TO THE SECRETARY OF STATE REGARDING THE REQUESTS MADE AND
25 THE EXPLANATIONS AND DOCUMENTATION RECEIVED.

26 E. FOR THE PURPOSES OF THIS SECTION, "ELIGIBLE PERSON" MEANS ANY OF
27 THE FOLLOWING:

28 1. A CANDIDATE IN THE ELECTION THAT IS THE SUBJECT OF THE REQUEST.

29 2. A COUNTY POLITICAL PARTY CHAIRPERSON.

30 3. THE CHAIRPERSON OF A POLITICAL COMMITTEE THAT SUPPORTS OR
31 OPPOSES A BALLOT MEASURE THAT WAS ON THE BALLOT IN THE ELECTION THAT IS
32 THE SUBJECT OF THE REQUEST.

33 16-606. Secretary of state; audit; findings; civil penalty

34 A. ON RECEIPT OF A REQUEST PRESCRIBED BY SECTION 16-605, THE
35 SECRETARY OF STATE SHALL REVIEW THE MATTERS IN QUESTION AND MAY REQUEST
36 ADDITIONAL INFORMATION, EXPLANATIONS AND DOCUMENTATION FROM THE COUNTY
37 RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS. THE COUNTY RECORDER OR
38 OTHER OFFICER IN CHARGE OF ELECTIONS SHALL RESPOND WITHIN THIRTY DAYS
39 AFTER RECEIVING THE SECRETARY OF STATE'S REQUEST AND IF NOT SATISFIED WITH
40 THE RESPONSE, THE SECRETARY OF STATE MAY CONDUCT AN AUDIT OF THE CLAIMED
41 ACTIONS, IRREGULARITIES OR INADEQUACIES OF THE COUNTY RECORDER OR OTHER
42 OFFICER IN CHARGE OF ELECTIONS.

1 B. THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS
2 SHALL COOPERATE WITH THE SECRETARY OF STATE IN CONDUCTING THE AUDIT, AND
3 THE SECRETARY OF STATE SHALL NOTIFY THE COUNTY RECORDER OR OTHER OFFICER
4 IN CHARGE OF ELECTIONS OF THE SECRETARY OF STATE'S FINDINGS. THE COUNTY
5 RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL REMEDY THE MATTERS
6 SPECIFIED IN THE SECRETARY OF STATE'S FINDINGS WITHIN THIRTY DAYS AFTER
7 RECEIVING THOSE FINDINGS. THE SECRETARY OF STATE MAY ASSESS A CIVIL
8 PENALTY OF NOT MORE THAN \$500 FOR EACH UNRESOLVED FINDING AGAINST THE
9 COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS.