

REFERENCE TITLE: attorney general; election certification; prohibition

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
First Regular Session  
2025

## **HB 2440**

Introduced by  
Representatives Keshel: Biasiucci, Chaplik, Diaz, Fink, Heap, Kolodin,  
Marshall, Peña, Pingerelli, Powell, Taylor, Weninger

AN ACT

AMENDING TITLE 16, CHAPTER 4, ARTICLE 11, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 16-652; 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 11, Arizona Revised  
3 Statutes, is amended by adding section 16-652, to read:

4 16-652. County election canvass certification; board of  
5 supervisors; attorney general; prohibition;  
6 definitions

7 A. NOTWITHSTANDING ANY OTHER LAW, THE ATTORNEY GENERAL SHALL NOT  
8 PROSECUTE OR OTHERWISE BRING CRIMINAL CHARGES OR FILE A CIVIL ACTION  
9 AGAINST A MEMBER OF A COUNTY BOARD OF SUPERVISORS BASED ON THAT MEMBER'S  
10 VOTE AGAINST THE CERTIFICATION OF THE CANVASS OF AN ELECTION IF THAT VOTE  
11 IS BASED ON EITHER OF THE FOLLOWING:

12 1. A GOOD FAITH BELIEF THAT THERE ARE UNRESOLVED ISSUES THAT  
13 MATERIALLY AFFECT THE INTEGRITY OR ACCURACY OF THE ELECTION RESULTS.

14 2. ANY DOCUMENTATION OR OTHER EVIDENCE THAT WAS PRESENTED TO THE  
15 BOARD OF SUPERVISORS AND THAT SUGGESTS POTENTIAL IRREGULARITIES OR ERRORS  
16 IN THE ELECTION PROCESS.

17 B. THIS SECTION DOES NOT PRECLUDE THE ATTORNEY GENERAL FROM  
18 INVESTIGATING OR PROSECUTING OTHER ELECTION-RELATED OFFENSES THAT ARE NOT  
19 DIRECTLY RELATED TO THE VOTE OF A MEMBER OF THE COUNTY BOARD OF  
20 SUPERVISORS AGAINST CERTIFICATION OF THE CANVASS OF AN ELECTION.

21 C. FOR THE PURPOSES OF THIS SECTION:

22 1. "GOOD FAITH BELIEF" MEANS A BELIEF THAT IS HONESTLY HELD BY THE  
23 PERSON AND THAT IS NOT ARBITRARY, CAPRICIOUS OR DRIVEN BY PARTISAN  
24 MOTIVES.

25 2. "DOCUMENTATION OR OTHER EVIDENCE" INCLUDES OFFICIAL REPORTS,  
26 AUDITS, SWORN AFFIDAVITS OR EXPERT TESTIMONY.

27 Sec. 2. Effective date

28 Section 16-652, Arizona Revised Statutes, as added by this act, is  
29 effective from and after December 31, 2025.

30 Sec. 3. Severability

31 If a provision of this act or its application to any person or  
32 circumstance is held invalid, the invalidity does not affect other  
33 provisions or applications of the act that can be given effect without the  
34 invalid provision or application, and to this end the provisions of this  
35 act are severable.