



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

AMENDED
FACT SHEET FOR S.B. 1010

recount requests; amount; bond; procedure

Purpose

Increases the minimum number of precincts included in post-election hand counts. Requires a hand count to be conducted on a precinct level. Allows a person to file an action and bond in superior court for a recount of any election not subject to an automatic recount.

Background

The county officer in charge of elections must conduct a hand count for each countywide primary, special, general and presidential preference election. The hand count must be conducted pursuant to statute and in accordance with procedures established by the Secretary of State (SOS) in the Elections Procedures Manual (EPM). The hand count must be conducted on at least the greater of two percent of the precincts in the county or two precincts. Only ballots cast in polling places and ballots from direct recording electronic machines are included in the hand counts ([A.R.S. § 16-602](#)). The EPM stipulates that each vote center is considered a precinct or polling location in counties that use vote centers and requires the county officer in charge of elections to conduct a hand count on at least two percent of vote centers or two vote centers, whichever is greater ([2019 EPM, page 215](#)).

A recount of the vote is required when the canvass of returns in a primary or general election has a margin separating candidates or ballot measures of less than or equal to the lesser of: 1) one-tenth of one percent for candidates or ballot measures; or 2) between 10 and 200 votes, depending on the type of office or ballot measure ([A.R.S. § 16-662](#)). After the recount is conducted, the results must be presented in the appropriate superior court, which must announce the results and enter an order setting forth its determination ([A.R.S. § 16-665](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires the county officer in charge of elections to conduct a hand count in a primary, special, general or presidential preference election on at least the greater of 5 percent of precincts or the number of precincts required to achieve a statistical significance consisting of a 99 percent confidence level with a margin of error of 1 percent, rather than the greater of 2 precincts or 2 percent of the county precincts.
2. Requires a hand count to be conducted on a precinct level and asserts that a vote center is not a precinct for the purposes of a hand count.

3. Allows the Attorney General, SOS or Legislative Council, by written request, to require a higher percentage or number of precincts to be hand counted for any county.
4. Allows a person, by filing a bond with the superior court, to file an action for a recount by hand count or by use of voting equipment in any election not subject to an automatic recount.
5. Requires the recount bond to be in a form and amount determined by the superior court as sufficient to provide for full reimbursement of the costs of conducting the recount.
6. Requires a recount initiated by filing a bond to be conducted in the same manner as an automatic recount.
7. Makes technical and conforming changes.
8. Becomes effective on the general effective date.

Amendments Adopted by the Government Committee

1. Requires a hand count to be conducted on 5 percent of precincts or the number of precincts required to achieve a statistical significance consisting of a 99 percent confidence level with a margin of error of 1 percent, rather than the greater of 5 percent of precincts or 5 precincts.
2. Applies the increased hand count margin to primary, special, general and presidential preference elections.
3. Deems a voting center not to be a precinct for the purposes of a hand count, rather than deeming a voting center to be a precinct.
4. Requires a hand count to be conducted on a precinct level.
5. Makes conforming changes.

Senate Action

GOV 1/21/21 DPA 5-3-0

Prepared by Senate Research

January 22, 2021

MH/kja