AN ACT

AMENDING SECTION 16-1021, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-1023; APPROPRIATING MONIES; RELATING TO THE BUREAU OF ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 16-1021, Arizona Revised Statutes, is amended to read:

16-1021. Enforcement by attorney general, bureau of elections and county, city or town attorney

In any election for state office, members of the legislature, justices of the supreme court, judges of the court of appeals or statewide initiative or referendum the attorney general OR THE BUREAU OF ELECTIONS may enforce the provisions of this title through civil and criminal actions. In any election for county, city or town office, community college district governing board, judge or a county, city or town initiative or referendum, the appropriate county, city or town attorney OR THE BUREAU OF ELECTIONS may enforce the provisions of this title through civil and criminal actions. In any special district election, the county attorney of any county in which the district or a portion of the district is located, or the attorney general OR THE BUREAU OF ELECTIONS may enforce the laws governing such election.

Sec. 2. Title 16, chapter 7, article 1, Arizona Revised Statutes, is amended by adding section 16-1023, to read:

16-1023. Bureau of elections; powers and duties; investigations; report

A. THE BUREAU OF ELECTIONS IS ESTABLISHED IN THE OFFICE OF THE GOVERNOR TO INVESTIGATE ALLEGATIONS OF FRAUD IN ANY STATE, COUNTY OR LOCAL GOVERNMENT ELECTION, INCLUDING AN ELECTION REGARDING AN INITIATIVE, REFERENDUM OR RECALL AND ANY OTHER BALLOT MEASURE, QUESTION OR PROPOSAL. ANY QUALIFIED ELECTOR MAY SUBMIT A COMPLAINT TO THE BUREAU OF ELECTIONS.

B. IF THE BUREAU OF ELECTIONS HAS REASONABLE CAUSE TO BELIEVE THAT A PERSON HAS ENGAGED IN ANY FRAUDULENT ACTION OR PRACTICE IN RELATION TO AN ELECTION, THE BUREAU OF ELECTIONS MAY:

1. EXAMINE UNDER OATH ANY PERSON IN CONNECTION WITH THE FRAUDULENT ACTION OR PRACTICE.

2. PURSUANT TO AN ORDER OF THE SUPERIOR COURT, IMPOUND ANY RECORD, BOOK, DOCUMENT, ACCOUNT, PAPER OR OTHER ITEM, INCLUDING DIGITAL INFORMATION AND RECORDS AND SOFTWARE AND HARDWARE RELATED TO THE POTENTIALLY FRAUDULENT PRACTICE, AND RETAIN THEM IN THE BUREAU'S POSSESSION UNTIL THE COMPLETION OF ALL PROCEEDINGS UNDERTAKEN UNDER THIS SECTION OR IN THE COURTS.

C. TO CARRY OUT THE DUTIES PRESCRIBED IN THIS SECTION, THE BUREAU OF ELECTIONS MAY:

1. ISSUE SUBPOENAS TO ANY PERSON.

2. ADMINISTER AN OATH OR AFFIRMATION TO ANY PERSON.

3. CONDUCT HEARINGS IN AID OF ANY INVESTIGATION OR INQUIRY.

D. THE BUREAU OF ELECTIONS SHALL SERVE A DEMAND OR SUBPOENA IN ACCORDANCE WITH ONE OF THE FOLLOWING:
1. SERVICE WITHIN OR WITHOUT THIS STATE IN THE MANNER PROVIDED
UNDER APPLICABLE LAW OR RULES OF PROCEDURE FOR THE SERVICE OF A SUMMONS
AND COMPLAINT IN A CIVIL ACTION.

2. ON A NATURAL PERSON BY DELIVERING THE DEMAND OR SUBPOENA OR BY
MAILING THE DEMAND OR SUBPOENA BY REGISTERED MAIL TO THE PERSON AT THE
PERSON’S LAST KNOWN PLACE OF BUSINESS OR RESIDENCE, OR BOTH, WITHIN OR
WITHOUT THIS STATE.

3. ON ANY PERSON OTHER THAN A NATURAL PERSON BY DELIVERING THE
DEMAND OR SUBPOENA OR BY MAILING THE DEMAND OR SUBPOENA BY REGISTERED MAIL
TO THE PERSON AUTHORIZED OR ALLOWED BY LAW TO RECEIVE SERVICE OF A
COMPLAINT AND A SUMMONS IN A CIVIL ACTION.

E. THE BUREAU OF ELECTIONS SHALL PUBLICLY REPORT ITS FINDINGS AND
CONCLUSIONS AND FOR ANY INSTANCE IN WHICH THE BUREAU DETERMINES THAT THERE
IS A SUBSTANTIAL LIKELIHOOD OF FRAUDULENT ACTION, MAKE ANY APPROPRIATE
REFERRAL TO A PROSECUTORIAL AGENCY.

Sec. 3. Appropriation; bureau of elections; activities;
findings; exemption

A. The sum of $5,000,000 is appropriated from the state general
fund in fiscal year 2022-2023 to establish the bureau of elections and
fund its personnel and activities.

B. The appropriation made in subsection A of this section is exempt
from the provisions of section 35-190, Arizona Revised Statutes, relating
to lapsing of appropriations.