

REFERENCE TITLE: election bureau; complaint; investigation

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

SB 1027

Introduced by
Senator Rogers

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)

1 Be it enacted by the Legislature of the State of Arizona:

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

4 16-1021. Enforcement by attorney general, bureau of elections
5 and county, city or town attorney

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

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

20 16-1023. Bureau of elections; powers and duties;
21 investigations; report

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

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

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

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

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

40 1. ISSUE SUBPOENAS TO ANY PERSON.

41 2. ADMINISTER AN OATH OR AFFIRMATION TO ANY PERSON.

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

43 D. THE BUREAU OF ELECTIONS SHALL SERVE A DEMAND OR SUBPOENA IN
44 ACCORDANCE WITH ONE OF THE FOLLOWING:

1 1. SERVICE WITHIN OR WITHOUT THIS STATE IN THE MANNER PROVIDED
2 UNDER APPLICABLE LAW OR RULES OF PROCEDURE FOR THE SERVICE OF A SUMMONS
3 AND COMPLAINT IN A CIVIL ACTION.

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

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

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

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

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

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