



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

AMENDED

FACT SHEET FOR H.B. 2378

election lawsuits; settlements; approvals

Purpose

Prohibits the Secretary of State (SOS) from settling an election-related civil action that materially affects a county recorder or other officer in charge of elections (elections officer) without the consent of at least three-fourths of the affected county recorders or elections officers. Allows a county recorder or elections officer to join as a party to such action.

Background

The SOS or the SOS's designee is: 1) the chief state elections officer who is responsible for coordination of state responsibilities under the National Voter Registration Act of 1993 and under the Uniformed and Overseas Citizens Absentee Voting Act; and 2) responsible for providing information on registration and absentee or early ballot procedures to absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in Arizona.

The SOS must submit a report to the election assistance commission established as outlined in the Help America Vote Act of 2002 not later than 90 days after the date of each regularly scheduled general election in which an election is held for federal office that includes information on the number of ballots transmitted to absent uniformed services voters and overseas voters and the number of ballots returned and cast in the election. The SOS must prepare the report in cooperation and conjunction with the county recorders and county officers in charge of elections. The report must be made available to the public ([A.R.S. § 16-142](#)).

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

Provisions

1. Prohibits the SOS from settling or otherwise compromising a civil action without the consent of at least three-fourths of the county recorders or elections officers if a proposed settlement of an election-related civil action by the SOS materially affects the county recorder or elections officer.
2. Allows a county recorder or elections officer to object to the settlement based on the difficulty or impracticability of the requirements of the settlement.
3. Allows the county recorder or elections officer to demonstrate or otherwise provide evidence regarding the difficulty or impracticability of the requirements of the settlement.

4. Prohibits the SOS from entering into the settlement without approval from the county recorder or elections officer if the evidence provided is sufficient.
5. Allows a county recorder or elections officer to join as a party in an election-related civil action as prescribed.
6. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

- Specifies that a proposed settlement of an election-related civil action by the SOS may not be approved without the consent of at least three-fourths of the county recorders or other officers in charge of elections who are materially affected by the action.

House Action

GE 2/16/22 DP 7-6-0-0
3rd Read 2/22/22 31-28-1

Senate Action

JUD 3/10/22 DP 5-3-0

Prepared by Senate Research

May 23, 2022

ZD/HK/sr