



**ARIZONA STATE SENATE**  
*Fifty-Sixth Legislature, First Regular Session*

**AMENDED**  
FACT SHEET FOR S.B. 1695

election violations; disenfranchisement; new election

Purpose

Requires the superior court to declare an election as a failed election and call another election within 60 days after the court's declaration if certain requirements are met.

Background

The governing body conducting an election must canvass the election results of each precinct or election district between 6 days and 24 days following the election ([A.R.S. § 16-642](#)). The purpose of the canvass is to officially certify the election. The canvass includes the vote total for all races tabulated by voting equipment, including early ballots, regular ballots and provisional ballots as well as write-in votes ([EPM Ch. 13 \(13\)\(II\)](#)). The canvass must be made in public by opening the returns and determining the vote of the county, by polling places, for each person voted for and the vote against each proposed measure on the ballot ([A.R.S. § 16-643](#)).

The governing body of a special district must present a certified copy of the official canvass of the election to the county board of supervisors (county BOS) at their next regularly scheduled meeting. The canvass is not complete until it is presented to the board of supervisors. If the returns from a polling place in the election district where the polls were opened and an election was held are found to be missing, the canvass must be postponed until all returns are received or until six postponements have occurred ([A.R.S. § 16-642](#)). A declaration of result, commission or certificate may not be withheld or denied for reasons relating to defect or informality in regard to the returns of an election in any precinct, if the facts that the returns disclose can be ascertained ([A.R.S. § 16-644](#)).

Statute outlines election requirements, including election conduct and procedures ([A.R.S. Title 16](#)).

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

Provisions

1. Prohibits the county BOS, county recorder and county officer in charge of election from canvassing the results of an election and requires the court to declare an election to be a failed election and order the county BOS to call another election to be held within 60 days if an election official violates a provision of election law or the instructions and procedures manual (EPM) and if:
  - a) voters in the county are disenfranchised;
  - b) a sufficient number of voters submit a prescribed affidavit; and
  - c) the affidavits are confirmed.

2. Exempts a presidential contest from the prohibition of the canvass of election results if an election official violates elections statute or the EPM.
3. Stipulates that a voter is disenfranchised if:
  - a) voters wait more than 90 minutes outside a voting location;
  - b) an election official for the election fails to comply with a requirement relating to elections as prescribed by statute or the EPM; or
  - c) the ballot chain of custody is not maintained as prescribed by statute or the EPM.
4. Prescribes an affidavit that a disenfranchised voter must submit and that alleges facts that support at least one of the claims of disenfranchisement.
5. Stipulates that if a sufficient number of voters submit completed affidavits to the clerk of the superior court for the county in which the events occurred, a superior court judge must take action.
6. Deems 1,000 voters as a sufficient number for a county with 1,000,000 registered voters or more.
7. Deems 250 voters as a sufficient number for a county with fewer than 1,000,000 registered voters.
8. Requires, if a sufficient number of affidavits are confirmed, the court to order the canvass be delayed and appoint a special master that is a certified election officer who conducts elections in a county other than the county affected by the court's order.
9. Requires the special master to examine the submitted affidavits and confirm the necessary facts within five days after the submission deadline of the affidavits.
10. Requires the court to order the new election to be supervised by the special master who is appointed by a superior court judge to examine the disenfranchisement affidavits.
11. Requires any member of the county BOS who violates the requirements relating to the disenfranchisement of voters to forfeit their office.
12. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Subjects all counties to the requirements relating to election disenfranchisement, rather than a county with a population of 1,000,000 persons or more.
2. Removes the threshold that triggers a new election.
3. Prescribes the circumstances that deems a voter as disenfranchised.
4. Prescribes procedures for declaring an election as a failed election.
5. Makes technical and conforming changes.

Amendments Adopted by Committee of the Whole

1. Modifies the circumstances that prohibit the county BOS, county recorder and county officer in charge of elections from canvassing an election.
2. Decreases, from 10 days to 5 days, the time period after the submission deadline of the disenfranchisement affidavits within which the affidavits must be confirmed.
3. Increases, from 30 days to 60 days, the time period after the court declares a failed election within which the county BOS must hold another election.
4. Requires the court to order the new election to be supervised by the special master.
5. Exempts a presidential contest from the requirements.
6. Makes technical changes.

Senate Action

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Prepared by Senate Research

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AN/slp