

REFERENCE TITLE: secretary of state; election; recusal

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2308

Introduced by
Representatives Jones: Harris, McGarr, Senator Wadsack

AN ACT

AMENDING SECTION 41-121, ARIZONA REVISED STATUTES; RELATING TO THE
SECRETARY OF STATE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 41-121, Arizona Revised Statutes, is amended to
3 read:
4 41-121. Duties
5 A. The secretary of state shall:
6 1. Receive bills and resolutions from the legislature, and perform
7 such other duties as devolve on the secretary of state by resolution of
8 the two houses or either of them.
9 2. Keep a register of and attest the official acts of the governor.
10 3. Act as custodian of the great seal of this state.
11 4. Affix the great seal, with the secretary of state's attestation,
12 to public instruments to which the official signature of the governor is
13 attached.
14 5. File in the secretary of state's office receipts for all books
15 distributed by the secretary of state and direct the county recorder of
16 each county to do the same.
17 6. Certify to the governor the names of those persons who have
18 received at any election the highest number of votes for any office, the
19 incumbent of which is commissioned by the governor.
20 7. Promptly chapter slip laws filed by the legislature,
21 electronically publish and maintain the bills, memorials and resolutions
22 posted on the secretary of state's website, make such acts available for a
23 reasonable fee to include the cost of printing and postage, provide each
24 house of the legislature and the legislative council with a certified copy
25 of each chaptered bill or resolution and transfer to the custody of the
26 Arizona state library, archives and public records all original paper
27 copies filed.
28 8. Keep a fee book of fees and compensation of whatever kind and
29 nature earned, collected or charged by the secretary of state, with the
30 date, the name of the payer and the nature of the service in each
31 case. The fee book shall be verified annually by the secretary of state's
32 affidavit entered in the fee book.
33 9. Perform other duties imposed on the secretary of state by law.
34 10. Report to the governor on January 2 each year, and at such
35 other times as provided by law, a detailed account of the secretary of
36 state's official actions taken since the secretary of state's previous
37 report together with a detailed statement of the manner in which all
38 appropriations for the secretary of state's office have been expended.
39 11. Transfer all noncurrent or inactive books, records, deeds and
40 other papers otherwise required to be filed with or retained by the
41 secretary of state to the custody of the Arizona state library, archives
42 and public records.
43 12. Accept electronic and digital signatures that comply with
44 section 18-106 for documents filed with and by all state agencies, boards
45 and commissions.

1 13. Meet at least annually with personnel from the federal voting
2 assistance office of the United States department of defense and with
3 county recorders and other county election officials in this state to
4 coordinate the delivery and return of registrations, ballot requests,
5 voted ballots and other election materials to and from absent uniformed
6 and overseas citizens.

7 14. NOT TAKE ANY ACTION WITH RESPECT TO THE PORTION OF AN ELECTION
8 IN WHICH THE SECRETARY OF STATE IS A CANDIDATE AND SHALL ANNOUNCE PUBLICLY
9 THE PERSON IN THE SECRETARY OF STATE'S OFFICE WHO WILL PERFORM ANY DUTIES
10 WITH RESPECT TO THAT ELECTION THAT OTHERWISE WOULD HAVE BEEN THE DUTIES OF
11 THE SECRETARY OF STATE.

12 B. The secretary of state may refuse to perform a service or refuse
13 a filing based on a reasonable belief that the service or filing is being
14 requested for an unlawful, illegitimate, false or fraudulent purpose or is
15 being requested or submitted in bad faith or for the purpose of harassing
16 or defrauding a person or entity. This subsection does not apply to
17 election filings.