

House Engrossed

attorney general; election certification; prohibition

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HOUSE BILL 2440

AN ACT

AMENDING TITLE 16, CHAPTER 4, ARTICLE 11, ARIZONA REVISED STATUTES, BY
ADDING SECTION 16-652; RELATING TO CONDUCT OF ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 16, chapter 4, article 11, Arizona Revised
3 Statutes, is amended by adding section 16-652, to read:

4 16-652. County election canvass certification; board of
5 supervisors; attorney general; prohibition;
6 definitions

7 A. NOTWITHSTANDING ANY OTHER LAW, THE ATTORNEY GENERAL SHALL NOT
8 PROSECUTE OR OTHERWISE BRING CRIMINAL CHARGES OR FILE A CIVIL ACTION
9 AGAINST A MEMBER OF A COUNTY BOARD OF SUPERVISORS BASED ON THAT MEMBER'S
10 VOTE AGAINST THE CERTIFICATION OF THE CANVASS OF AN ELECTION IF THAT VOTE
11 IS BASED ON EITHER OF THE FOLLOWING:

12 1. A GOOD FAITH BELIEF THAT THERE ARE UNRESOLVED ISSUES THAT
13 MATERIALLY AFFECT THE INTEGRITY OR ACCURACY OF THE ELECTION RESULTS.

14 2. ANY DOCUMENTATION OR OTHER EVIDENCE THAT WAS PRESENTED TO THE
15 BOARD OF SUPERVISORS AND THAT SUGGESTS POTENTIAL IRREGULARITIES OR ERRORS
16 IN THE ELECTION PROCESS.

17 B. THIS SECTION DOES NOT PRECLUDE THE ATTORNEY GENERAL FROM
18 INVESTIGATING OR PROSECUTING OTHER ELECTION-RELATED OFFENSES THAT ARE NOT
19 DIRECTLY RELATED TO THE VOTE OF A MEMBER OF THE COUNTY BOARD OF
20 SUPERVISORS AGAINST CERTIFICATION OF THE CANVASS OF AN ELECTION.

21 C. FOR THE PURPOSES OF THIS SECTION:

22 1. "GOOD FAITH BELIEF" MEANS A BELIEF THAT IS HONESTLY HELD BY THE
23 PERSON AND THAT IS NOT ARBITRARY, CAPRICIOUS OR DRIVEN BY PARTISAN
24 MOTIVES.

25 2. "DOCUMENTATION OR OTHER EVIDENCE" INCLUDES OFFICIAL REPORTS,
26 AUDITS, SWORN AFFIDAVITS OR EXPERT TESTIMONY.

27 Sec. 2. Effective date

28 Section 16-652, Arizona Revised Statutes, as added by this act, is
29 effective from and after December 31, 2025.

30 Sec. 3. Severability

31 If a provision of this act or its application to any person or
32 circumstance is held invalid, the invalidity does not affect other
33 provisions or applications of the act that can be given effect without the
34 invalid provision or application, and to this end the provisions of this
35 act are severable.