



ARIZONA HOUSE OF REPRESENTATIVES

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House: MOE DP 5-4-0-0

HB 2472: election contests; procedures

Sponsor: Representative McGarr, LD 17
Caucus & COW

Overview

Modifies the acceptable grounds in which a person may contest an election and outlines specified court procedures for related proceedings and the inspection of ballots before trial.

History

Provided the person has grounds to do so, an Arizona elector may contest the election of a person declared elected to a state office at a general election or declared nominated to a state office at a primary election. The declared result of initiated or referred measures, a proposal to amend the Constitution of Arizona or any other question or proposal submitted to a vote of the people may also be contested. The grounds to contest an election include misconduct of candidates or elections officials, illegal votes or erroneous vote counts ([A.R.S. § 16-672](#)).

Once the statement of contest is filed and the action is at issue, both parties may have the ballots inspected before preparing for the trial. Upon the filing of specified documents with the clerk of the court, the court must appoint three persons to inspect the ballots: one selected by each party and one selected by the court. The inspection of ballots must be conducted in the presence of the legal custodian of the ballots ([A.R.S. § 16-677](#)).

A contest may be brought in either the superior court in which the person contesting the election resides or in the Maricopa County Superior Court. Appeals to superior court cases are generally heard in the Court of Appeals. An appeal to the Court of Appeals must be taken to the Supreme Court (A.R.S. §§ [12-120.21](#), [12-120.22](#)).

Provisions

1. Includes, in the grounds upon which a qualified elector may contest an election, votes in which the chain of custody is broken and early votes that have inconsistent signatures or personal information. (Sec. 1)
2. Increases, from ten to twenty days after a contest is filed, the time during which the court must set a date to hear the contest. (Sec. 2)
3. Requires an appeal of a final judgement of a contested election to be filed in and heard by the Arizona Supreme Court. (Sec. 2)
4. Establishes the following deadlines for appeals:
 - a) an appeal must be filed within ten days after the court issues a final judgement;
 - b) a response must be filed within five days after the appeal is filed;
 - c) a reply must be filed within three days after the response is filed;

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note

- d) the Supreme Court must schedule a hearing within five days after the reply is filed; and
 - e) the Supreme Court must render a decision within five days after the date of the hearing. (Sec. 2)
5. Designates, for the purposes of inspecting ballots, an organization or entity as a person and specifies the entity may provide for a rotating series of individuals to inspect on their behalf. (Sec. 3)
 6. Entitles all parties in an election contest to physically examine all the following:
 - a) the physical ballots;
 - b) all physical ballot images;
 - c) any early ballot envelopes; and
 - d) the elector's registration records. (Sec. 3)
 7. Instructs the court to allow parties ample time to thoroughly examine the materials specified above and prohibits the restriction of this examination in any manner. (Sec. 3)
 8. Entitles the parties in an election contest to full discovery on any matter pertaining to the election and specifies that this requirement must be liberally construed, and the court must make every attempt not to limit discovery. (Sec. 3)
 9. Allows each party to depose up to ten persons. (Sec. 3)
 10. Makes technical changes. (Sec. 1, 2, 3)