

House Engrossed Senate Bill

State of Arizona
Senate
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 132

SENATE BILL 1244

AN ACT

AMENDING SECTIONS 16-661, 16-662, 16-665 AND 16-666, ARIZONA REVISED
STATUTES; RELATING TO RECOUNTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-661, Arizona Revised Statutes, is amended to
3 read:

4 16-661. Automatic recount; requirements; exemption

5 A. A recount of the vote is required when the canvass of returns in
6 a primary or general election shows that the margin between the two
7 candidates receiving the greatest number of votes for a particular office,
8 or between the number of votes cast for and against initiated or referred
9 measures or proposals to amend the Constitution of Arizona, is less than or
10 equal to the lesser of the following:

11 1. One-tenth of one per cent of the number of votes cast for both such
12 candidates or upon such measures or proposals.

13 2. Two hundred votes in the case of an office to be filled by state
14 electors and for which the total number of votes cast is more than
15 twenty-five thousand.

16 3. Fifty votes in the case of an office to be filled by state electors
17 and for which the total number of votes cast is twenty-five thousand or less.

18 4. Two hundred votes in the case of an initiated or referred measure
19 or proposal to amend the constitution.

20 5. Fifty votes in the case of a member of the legislature.

21 6. Ten votes in the case of an office to be filled by the electors of
22 a CITY OR TOWN OR A county or subdivision thereof OF A CITY, TOWN OR COUNTY.

23 B. Subsection A does not apply to elections for precinct committeemen,
24 school district governing boards, community college district governing
25 boards, fire district boards or fire district chiefs or secretary-treasurers
26 or boards of other special districts.

27 Sec. 2. Section 16-662, Arizona Revised Statutes, is amended to read:

28 16-662. Certification to superior court of facts requiring
29 recount

30 When the canvass shows that a recount is required, the secretary of
31 state shall ~~forthwith~~, in THE case of an office to be filled by electors of
32 the entire state, a congressional district, a legislative district or a
33 subdivision of the state greater than a county, initiated or referred
34 measures, or proposals to amend the constitution, certify the facts
35 requiring the recount to the superior court in Maricopa county. ~~or~~ In THE
36 case of an office to be filled by the electors of a county or subdivision
37 thereof, OF A COUNTY or precinct, the board of supervisors of such county OR
38 IN THE CASE OF AN OFFICE TO BE FILLED BY THE ELECTORS OF A CITY OR TOWN, THE
39 CITY OR TOWN COUNCIL OF THAT CITY OR TOWN shall ~~forthwith~~ certify the facts
40 requiring a recount to the superior court in the county in which the canvass
41 was conducted.

1 Sec. 3. Section 16-665, Arizona Revised Statutes, is amended to read:
2 16-665. Determination of results by court; distribution of
3 copies of order of determination

4 A. The result of the recount shall be presented to the court, and the
5 court shall then announce the result and make and enter an order setting
6 forth its determination.

7 B. A certified copy of the order of the court determining the result
8 shall forthwith be delivered by the clerk of the court to the following
9 officers:

10 1. To the governor with respect to an initiative or referendum
11 measure, or proposal to amend the Constitution of Arizona. The governor
12 shall forthwith issue a proclamation reciting the total number of votes cast
13 for or against the initiative or referendum measure, or amendment to the
14 constitution, as certified by the court, and declaring such measure or
15 amendment as approved by a majority voting thereon, as certified by the
16 court, to be the law.

17 2. To the secretary of state with respect to offices to be filled by
18 electors of the entire state, a congressional district, a legislative
19 district or a subdivision of the state greater than a county. The secretary
20 of state shall forthwith deliver to the candidate entitled thereto, as
21 certified by the court, the certificate of election.

22 3. To the clerk of the board of supervisors with respect to offices
23 to be filled by electors of the county or A subdivision thereof, ~~or OF A~~
24 COUNTY, OR A precinct, OR IN THE CASE OF AN OFFICE TO BE FILLED BY THE
25 ELECTORS OF A CITY OR TOWN, TO THE CITY OR TOWN CLERK. The clerk of the
26 board of supervisors OR THE CITY OR TOWN CLERK shall forthwith deliver to the
27 candidate entitled thereto, as certified by the court, the certificate of
28 election.

29 Sec. 4. Section 16-666, Arizona Revised Statutes, is amended to read:
30 16-666. Expenses of recount

31 The expenses of the recount of the votes as provided in this article,
32 if for an office to be filled by state electors, or if upon an initiative or
33 referendum measure, or proposal to amend the constitution, shall be a state
34 charge, and if for an office to be filled by the electors of a county or A
35 subdivision thereof OF A COUNTY, or precinct, shall be a county charge. IN
36 THE CASE OF AN OFFICE TO BE FILLED BY THE ELECTORS OF A CITY OR TOWN, THE
37 EXPENSES OF THE RECOUNT SHALL BE A CITY OR TOWN CHARGE.

APPROVED BY THE GOVERNOR APRIL 19, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2004.

Passed the House April 5, 2004

Passed the Senate March 4, 2004

by the following vote: 58 Ayes,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

1 Nays, 1 Not Voting

Jake Flake
Speaker of the House

Ken Bennett
President of the Senate

Norman L. Moore
Chief Clerk of the House

Charmain Billings
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

S.B. 1244

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate April 14, 2004,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

Kelu Blumett
President of the Senate
Cherine Belmont
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

14th day of April, 2004,

at 3:30 o'clock P M.

Wennifer L. Parker
Secretary to the Governor

Approved this 19 day of

April, 2004,

at 11⁴⁰ o'clock A M.

Jon R. Norwalk
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 19 day of April, 2004,

at 4:30 o'clock P M.

Janice K. Brewer
Secretary of State

S.B. 1244