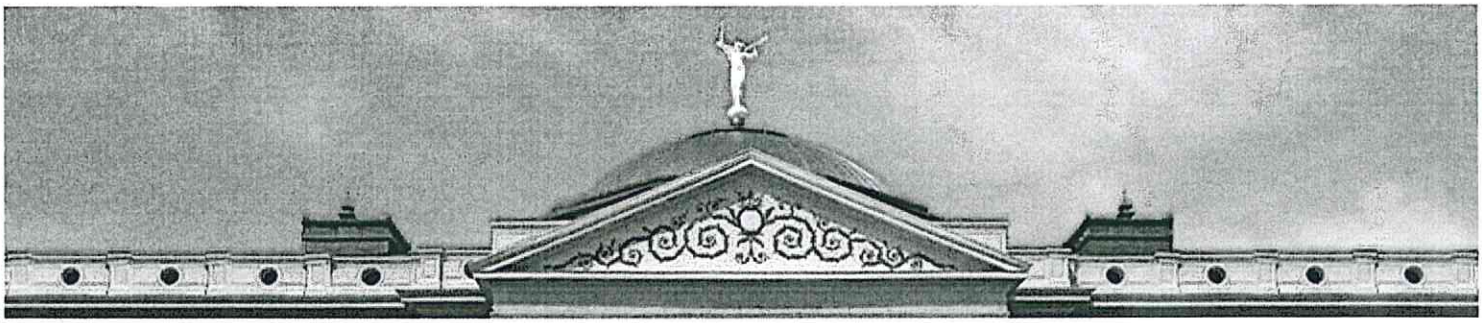

16-661. Automatic recount; requirements; exemption

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

1. One-tenth of one per cent of the number of votes cast for both such candidates or upon such measures or proposals.
2. Two hundred votes in the case of an office to be filled by state electors and for which the total number of votes cast is more than twenty-five thousand.
3. Fifty votes in the case of an office to be filled by state electors and for which the total number of votes cast is twenty-five thousand or less.
4. Two hundred votes in the case of an initiated or referred measure or proposal to amend the constitution.
5. Fifty votes in the case of a member of the legislature.
6. Ten votes in the case of an office to be filled by the electors of a city or town or a county or subdivision of a city, town or county.

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

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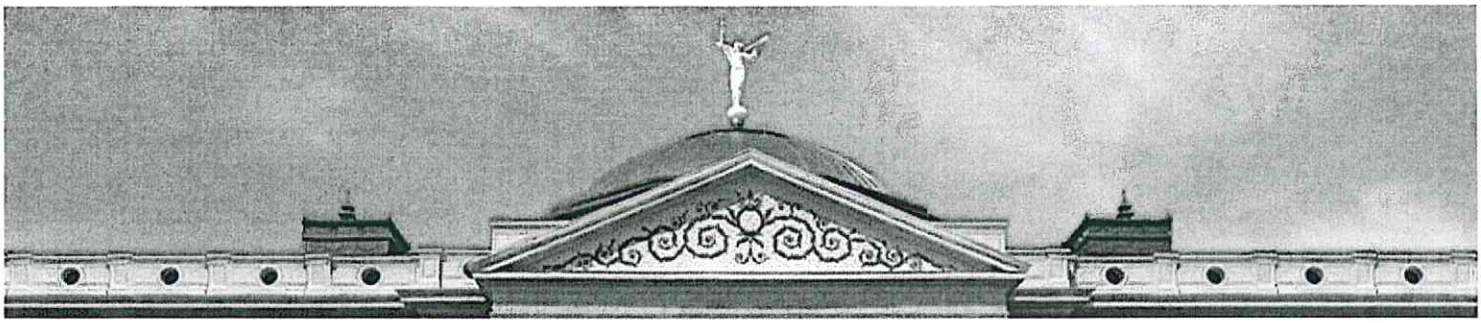

16-662. Certification to superior court of facts requiring recount

When the canvass shows that a recount is required, the secretary of state shall, in the case of an office to be filled by electors of the entire state, a congressional district, a legislative district or a subdivision of the state greater than a county, initiated or referred measures or proposals to amend the constitution, certify the facts requiring the recount to the superior court in Maricopa county. In the case of an office to be filled by the electors of a county or subdivision of a county or precinct, the board of supervisors of such county or in the case of an office to be filled by the electors of a city or town, the city or town council of that city or town shall certify the facts requiring a recount to the superior court in the county in which the canvass was conducted.

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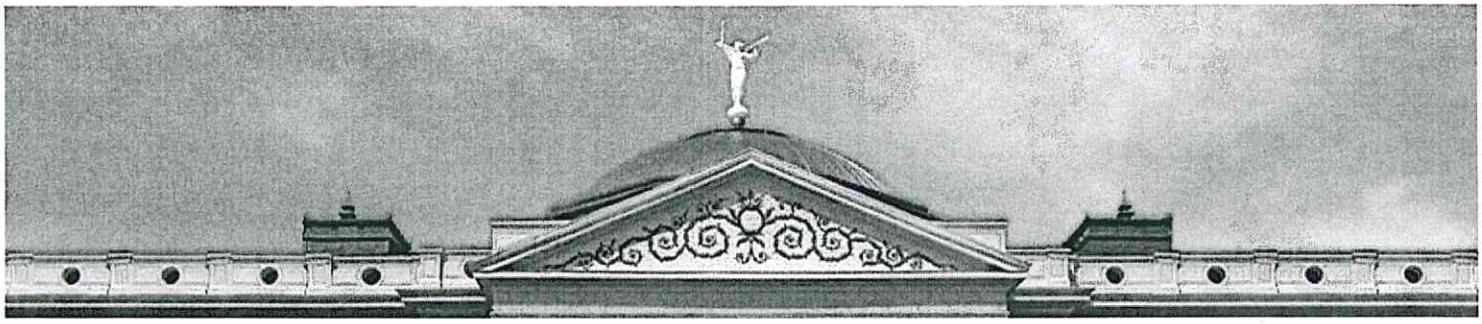

16-663. Recount of votes; method

A. The superior court to which the facts requiring a recount are certified shall forthwith make and enter an order requiring a recount of the votes cast for such office, measure or proposal. The recount shall be conducted in accordance with the laws pertaining to contests of elections.

B. When the court orders a recount of votes which were cast and tabulated on electronic voting equipment, such recount shall be pursuant to section 16-664. On completion of the recount, and for legislative, statewide and federal candidate races only, the county chairmen of the political parties entitled to continued representation on the ballot or the chairman's designee shall select at random without the use of a computer five per cent of the precincts for the recounted race for a hand count, and if the results of that hand count when compared to the electronic tabulation of that same race are less than the designated margins calculated pursuant to section 16-602, the recount is complete and the electronic tabulation is the official result. If the hand count results in a difference that is equal to or greater than the designated margin for that race, the procedure established in section 16-602, subsections C, D, E and F applies.

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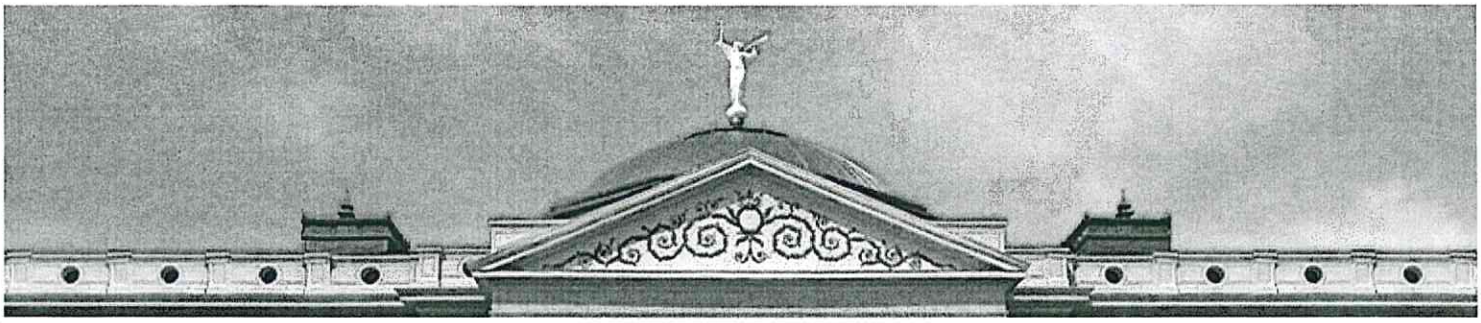

16-665. Determination of results by court; distribution of copies of order of determination

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

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

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

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

3. To the clerk of the board of supervisors with respect to offices to be filled by electors of the county or a subdivision of a county, or a precinct, or in the case of an office to be filled by the electors of a city or town, to the city or town clerk. The clerk of the board of supervisors or the city or town clerk shall forthwith deliver to the candidate entitled thereto, as certified by the court, the certificate of election.

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