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Conference Engrossed

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

SENATE BILL 1186

AN ACT

AMENDING SECTIONS 16-121.01, 16-168, 16-246 AND 16-584, ARIZONA REVISED STATUTES; REPEALING SECTION 16-579, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2003, CHAPTER 260, SECTION 18; RELATING TO ELECTIONS AND ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-121.01, Arizona Revised Statutes, is amended to
3 read:

4 16-121.01. Requirements for proper registration

5 A. A person is presumed to be properly registered to vote on
6 completion of a registration form as prescribed by section 16-152 that
7 contains at least the name, the residence address or the location, the date
8 of birth and the signature or other statement of the registrant as prescribed
9 by section 16-152, subsection A, paragraph 20 and a checkmark or other
10 appropriate indicator that the person answered "yes" to the question
11 regarding citizenship **AND THE REGISTRATION FORM OTHERWISE MEETS THE**
12 **REQUIREMENTS OF SECTION 16-166, SUBSECTION F.** The completed registration
13 form must also contain the person's Arizona driver license number, the
14 nonoperating identification license number issued pursuant to section
15 28-3165, the last four digits of the person's social security number or the
16 person's affirmation that if an Arizona driver license number, A nonoperating
17 identification license number or the last four digits of the person's social
18 security number is not provided, the person does not possess a valid Arizona
19 driver or nonoperating identification license or a social security number and
20 the person is hereby requesting that a unique identifying number be assigned
21 by the secretary of state pursuant to section 16-152, subsection A, paragraph
22 12, subdivision (c).

23 B. The presumption in subsection A of this section may be rebutted
24 only by clear and convincing evidence of any of the following:

25 1. That the registrant is not the person whose name appears on the
26 register.

27 2. That the registrant has not resided in this state for twenty-nine
28 days next preceding the election or other event for which the registrant's
29 status as properly registered is in question.

30 3. That the registrant is not properly registered at an address
31 permitted by section 16-121.

32 4. That the registrant is not a qualified registrant under section
33 16-101.

34 Sec. 2. Section 16-168, Arizona Revised Statutes, is amended to read:

35 16-168. Precinct registers; date of preparation; contents;
36 copies; reports; statewide database; violation;
37 classification

38 A. By the tenth day preceding the primary and general elections the
39 county recorder shall prepare from the original registration forms or from
40 electronic media at least four lists that are printed or typed on paper of
41 all qualified electors in each precinct in the county, and the lists shall be
42 the official precinct registers.

43 B. The official precinct registers for use at the polling place shall
44 contain at least the names in full, party preference, date of registration,
45 ~~and~~ residence address **AND MAILING ADDRESS FROM THE REGISTRATION FORMS AS**
46 **PRESCRIBED BY SECTION 16-152, SUBSECTION A** of each qualified elector in the

1 respective precincts. The names shall be in alphabetical order and, in a
2 column to the left of the names, shall be numbered consecutively beginning
3 with number 1 in each precinct register.

4 C. For the purposes of transmitting voter registration information as
5 prescribed by this subsection, computer generated disks or computer software
6 with at least six hundred forty megabytes of storage in counties with a
7 population over five hundred thousand PERSONS in the last decennial census
8 shall be the principal media. A county or state chairman who is eligible to
9 receive copies of precinct lists as prescribed by this subsection may request
10 that the recorder provide a paper copy of the precinct lists. The county
11 recorder, in addition to preparing the official precinct lists, shall provide
12 a means for mechanically or electronically reproducing the precinct lists and
13 unless otherwise agreed shall deliver within eight days after the close of
14 registration for the primary and general elections, without charge, on the
15 same day one electronic media copy of each precinct list within the county to
16 the county chairman and one electronic media copy to the state chairman of
17 each party that has at least four candidates other than presidential electors
18 appearing upon the ballot in that county at the current election. The county
19 recorder shall also deliver, upon request and without charge, one electronic
20 media copy of the precinct list to the Arizona legislative council. The
21 county recorder of a county with a population of fewer than four hundred
22 thousand persons, on the same day precinct lists are delivered to county
23 chairmen, shall deliver one electronic media copy of each precinct list
24 within the county to the state chairman of each party that has at least four
25 candidates other than presidential electors appearing on the ballot in this
26 state at the current election. The copies of the precinct lists shall be on
27 magnetic computer disks or computer software with at least six hundred forty
28 megabytes of storage, which shall include for each elector the following
29 information:

- 30 1. Name in full and appropriate title.
- 31 2. Party preference.
- 32 3. Date of registration.
- 33 4. Residence address.
- 34 5. Mailing address, if different from residence address.
- 35 6. Zip code.
- 36 7. Telephone number if given.
- 37 8. Birth year.
- 38 9. Occupation if given.
- 39 10. Primary election and general election voting history for the prior
40 four years and any other information regarding registered voters ~~which~~ THAT
41 the county recorder or city or town clerk maintains on magnetic computer
42 disks or computer software and ~~which~~ THAT is public information.

43 D. The names on the precinct lists shall be in alphabetical order and
44 the precinct lists in their entirety, unless otherwise agreed, shall be
45 delivered to each county chairman and each state chairman at least quarterly

1 and within ten business days of the close of each quarter in the same format
2 and media as prescribed by subsection C of this section.

3 E. Precinct registers and other lists and information derived from
4 registration forms may be used only for purposes relating to a political or
5 political party activity, a political campaign or an election, for revising
6 election district boundaries or for any other purpose specifically authorized
7 by law and may not be used for a commercial purpose as defined in section
8 39-121.03. The sale of registers, lists and information derived from
9 registration forms to a candidate or a registered political committee for a
10 use specifically authorized by this subsection does not constitute use for a
11 commercial purpose. The county recorder, on a request for an authorized use
12 and within thirty days from receipt of the request, shall prepare additional
13 copies of an official precinct list and furnish them to any person requesting
14 them on payment of a fee equal to five cents for each name appearing on the
15 register for a printed list and ten cents for each name for an electronic
16 data medium, plus the cost of the blank computer disk or computer software if
17 furnished by the recorder, for each copy so furnished.

18 F. Any person in possession of a precinct register or list, in whole
19 or part, or any reproduction of a precinct register or list, shall not permit
20 the register or list to be used, bought, sold or otherwise transferred for
21 any purpose except for uses otherwise authorized by this section. A person
22 in possession of information derived from voter registration forms or
23 precinct registers shall not distribute, post or otherwise provide access to
24 any portion of that information through the internet except as authorized by
25 subsection J of this section. Nothing in this section shall preclude public
26 inspection of voter registration records at the office of the county recorder
27 for the purposes prescribed by this section, except that the month and day of
28 birth date, the social security number or any portion thereof, the driver
29 license number or nonoperating identification license number, the unique
30 identifying number prescribed by this section, the Indian census number, the
31 father's name or mother's maiden name, the state or country of birth and the
32 records containing a voter's signature shall not be accessible or reproduced
33 by any person other than the voter, by an authorized government official in
34 the scope of the official's duties, for signature verification on petitions
35 and candidate filings, for election purposes and for news gathering purposes
36 by a person engaged in newspaper, radio, television or reportorial work, or
37 connected with or employed by a newspaper, radio or television station or
38 pursuant to a court order. **ANY DOCUMENTS OR INFORMATION SUBMITTED IN SUPPORT
39 OF A VOTER REGISTRATION APPLICATION PURSUANT TO SECTION 16-166, SUBSECTION F
40 SHALL NOT BE ACCESSIBLE OR REPRODUCED BY A PERSON OTHER THAN THE VOTER OR BY
41 AN AUTHORIZED GOVERNMENT OFFICIAL IN THE SCOPE OF THE OFFICIAL'S DUTIES.** A
42 person who violates this subsection or subsection E of this section is guilty
43 of a class 6 felony.

44 G. The county recorder shall count the registered voters by political
45 party by precinct, legislative district and congressional district as
46 follows:

1 1. In even numbered years, the county recorder shall count all persons
2 who are registered to vote as of:

3 (a) January 1.

4 (b) March 1.

5 (c) The last day on which a person may register to be eligible to vote
6 in the next primary election.

7 (d) The last day on which a person may register to be eligible to vote
8 in the next general election.

9 (e) The last day on which a person may register to be eligible to vote
10 in the next presidential preference election.

11 2. In odd numbered years, the county recorder shall count all persons
12 who are registered to vote as of:

13 (a) January 1.

14 (b) April 1.

15 (c) July 1.

16 (d) October 1.

17 H. The county recorder shall report the totals to the secretary of
18 state as soon as is practicable following each of the dates prescribed in
19 subsection G of this section. The report shall include completed
20 registration forms returned in accordance with section 16-134, subsection B.
21 The county recorder shall also provide the report in a uniform electronic
22 computer media format that shall be agreed upon between the secretary of
23 state and all county recorders. The secretary of state shall then prepare a
24 summary report for the state and shall maintain that report as a permanent
25 record.

26 I. The county recorder and the secretary of state shall protect access
27 to voter registration information in an auditable format and method specified
28 in the secretary of state's electronic voting system instructions and
29 procedures manual that is adopted pursuant to section 16-452.

30 J. The secretary of state shall develop and administer a statewide
31 database of voter registration information that contains the name and
32 registration information of every registered voter in this state. The
33 database shall include an identifier that is unique for each individual
34 voter. The database shall provide for access by voter registration officials
35 and shall allow expedited entry of voter registration information after it is
36 received by county recorders. As a part of the statewide voter registration
37 database, county recorders shall provide for the electronic transmittal of
38 that information to the secretary of state on a daily basis. The secretary
39 of state shall provide for maintenance of the database, including provisions
40 regarding removal of ineligible voters that are consistent with the national
41 voter registration act of 1993 (42 United States Code section 394) and the
42 help America vote act of 2002 (P.L. 107-252), provisions regarding removal of
43 duplicate registrations and provisions to ensure that eligible voters are not
44 removed in error.

45 K. For requests for the use of registration forms and access to
46 information as provided in subsections E and F of this section, the county

1 recorder shall receive and respond to requests regarding federal, state and
2 county elections.

3 Sec. 3. Section 16-246, Arizona Revised Statutes, is amended to read:
4 16-246. Early balloting; satellite locations; additional
5 procedures

6 A. Within ninety days preceding the Saturday before the presidential
7 preference election and not later than 5:00 p.m. on the Friday preceding the
8 election, any elector who is eligible to vote in the presidential preference
9 election may make a verbal or signed, written request for an official early
10 ballot to the county recorder or other officer in charge of elections for the
11 county in which the elector is registered to vote. If the request is verbal,
12 the requesting elector shall provide the date of birth and birthplace or
13 other information that if compared to the voter registration records for that
14 elector would confirm the identity of the elector.

15 B. Absent uniformed services voters or overseas voters who are
16 otherwise eligible to vote in the election may vote as prescribed by sections
17 16-543, 16-543.01 and 16-543.02. The list of candidates that is sent as
18 prescribed by section 16-543.01 shall be a list of all candidates who have
19 qualified for the presidential preference ballot by the thirty-sixth day
20 before the presidential preference election.

21 C. The county recorder may establish on-site early voting locations at
22 the office of the county recorder or at other locations in the county deemed
23 necessary or appropriate by the recorder. Early voting shall begin fifteen
24 days before the presidential preference election and shall end on the Friday
25 before the presidential preference election.

26 D. The county recorder shall send by first class mail with the
27 endorsement "do not forward - address correction requested" any early ballots
28 that are requested pursuant to subsections A and B of this section and shall
29 include a preaddressed envelope for the elector to return the completed
30 ballot.

31 E. The county recorder shall provide to each election board an
32 appropriate alphabetized list of voters who have requested and have been sent
33 an early ballot. Any person who is on that list of voters and who was sent
34 an early ballot shall not vote at the polling place for that election
35 precinct except as prescribed by section 16-579, subsection ~~C~~ B.

36 F. The county recorder may provide for any of the following in the
37 same manner prescribed by law for other elections:

38 1. Special election boards.

39 2. Emergency balloting for persons who experience an emergency after
40 5:00 p.m. on the Friday preceding the presidential preference election and
41 before 5:00 p.m. on the Monday immediately preceding the presidential
42 preference election.

43 G. Sections 16-550, 16-551 and 16-552 govern the use of early
44 balloting for the presidential preference election.

45 Sec. 4. Repeal

1 Section 16-579, Arizona Revised Statutes, as amended by Laws 2003,
2 chapter 260, section 18, is repealed.

3 Sec. 5. Section 16-584, Arizona Revised Statutes, is amended to read:
4 16-584. Qualified elector not on precinct register; recorder's
5 certificate; provisional ballot; procedure

6 A. A qualified elector whose name is not on the precinct register and
7 who presents a certificate from the county recorder showing that the elector
8 is entitled by law to vote in the precinct shall be entered on the signature
9 roster on the blank following the last printed name and shall be given the
10 next consecutive register number, and the qualified elector shall sign in the
11 space provided.

12 B. A qualified elector whose name is not on the precinct register,
13 upon presentation of identification verifying the identity of the elector
14 that includes the voter's given name and surname and the complete residence
15 address that is verified by the election board to be in the precinct or on
16 signing an affirmation that states that the elector is a registered voter in
17 that jurisdiction and is eligible to vote in that jurisdiction, shall be
18 allowed to vote a provisional ballot.

19 C. A QUALIFIED ELECTOR WHOSE NAME IS ON THE PRECINCT REGISTER BUT WHO
20 DOES NOT PRESENT THE FORM OF IDENTIFICATION REQUIRED BY SECTION 16-579,
21 SUBSECTION A SHALL SIGN THE SIGNATURE ROSTER NEXT TO THE VOTER'S NAME AND
22 SHALL BE ALLOWED TO VOTE A PROVISIONAL BALLOT IF THE VOTER PRESENTS ONE OF
23 THE FOLLOWING FORMS OF IDENTIFICATION:

- 24 1. A VALID ARIZONA DRIVER LICENSE OR NONOPERATING IDENTIFICATION CARD.
- 25 2. A LEGIBLE PHOTOCOPY OF THE VOTER'S BIRTH CERTIFICATE.
- 26 3. A LEGIBLE PHOTOCOPY OF PERTINENT PAGES OF THE VOTER'S UNITED STATES
27 PASSPORT.
- 28 4. A CURRENT AND VALID ARIZONA VEHICLE REGISTRATION.
- 29 5. A CURRENT AND VALID CERTIFICATE OF ARIZONA AUTOMOBILE INSURANCE.
- 30 6. A CERTIFICATE OF UNITED STATES NATURALIZATION.
- 31 7. A UTILITY BILL, BANK STATEMENT, GOVERNMENT CHECK OR PAYCHECK THAT
32 SHOWS THE NAME AND ADDRESS OF THE VOTER IN THIS STATE AND THAT IS DATED
33 WITHIN NINETY DAYS OF THE DATE OF THE ELECTION OR ANOTHER GOVERNMENT DOCUMENT
34 THAT SHOWS THE NAME AND ADDRESS OF THE VOTER IN THIS STATE.
- 35 8. AN INDIAN CENSUS CARD, TRIBAL ENROLLMENT CARD OR OTHER FORM OF
36 TRIBAL IDENTIFICATION ISSUED BY A FEDERALLY RECOGNIZED INDIAN TRIBE.

37 D. WITHIN TEN CALENDAR DAYS AFTER A GENERAL ELECTION THAT INCLUDES AN
38 ELECTION FOR FEDERAL OFFICE AND WITHIN FIVE BUSINESS DAYS AFTER ANY OTHER
39 ELECTION OR NOT LATER THAN THE TIME WHEN CHALLENGED EARLY VOTING BALLOTS ARE
40 RESOLVED, THE COUNTY RECORDER SHALL COMPARE THE VOTER'S SIGNATURE ON THE
41 PROVISIONAL BALLOT ENVELOPE WITH THE VOTER'S SIGNATURE ON FILE WITH THE
42 COUNTY RECORDER. IF THE VOTER'S SIGNATURE CAN BE VERIFIED, THE RECORDER
43 SHALL FORWARD THE BALLOT FOR COUNTING. IF THE SIGNATURE CANNOT BE VERIFIED,
44 THE PROVISIONAL BALLOT SHALL REMAIN UNOPENED AND SHALL NOT BE COUNTED.

45 ~~C~~ E. If a voter has moved to a new address within the county and has
46 not notified the county recorder of the change of address before the date of

1 an election, the voter shall be permitted to correct the voting records for
2 purposes of voting in future elections at the appropriate polling place for
3 the voter's new address. The voter shall be permitted to vote a provisional
4 ballot. The voter shall present a form of identification that includes the
5 voter's given name and surname and the voter's complete residence
6 address. The residence address must be within the precinct in which the
7 voter is attempting to vote, and the voter shall affirm in writing that the
8 voter is registered in that jurisdiction and is eligible to vote in that
9 jurisdiction.

10 ~~D.~~ F. On completion of the ballot, the election official shall remove
11 the ballot stub, shall place the ballot in a provisional ballot envelope and
12 shall deposit the envelope in the ballot box. Within ten calendar days after
13 a general election that includes an election for a federal office and within
14 five business days after any other election or no later than the time at
15 which challenged early voting ballots are resolved, the signature shall be
16 compared to the precinct signature roster of the former precinct where the
17 voter was registered. If the voter's name is not signed on the roster and if
18 there is no indication that the voter voted an early ballot, the provisional
19 ballot envelope shall be opened and the ballot shall be counted. If there is
20 information showing the person did vote, the provisional ballot shall remain
21 unopened and shall not be counted. When provisional ballots are confirmed
22 for counting, the county recorder shall use the information supplied on the
23 provisional ballot envelope to correct the address record of the voter.

24 ~~E.~~ G. EXCEPT AS PROVIDED IN SUBSECTION C OF THIS SECTION, when a
25 voter is allowed to vote a provisional ballot, the elector's name shall be
26 entered on a separate signature roster page at the end of the signature
27 roster. Voters' names shall be numbered consecutively beginning with the
28 number V-1. The elector shall sign in the space provided. The ballot stub
29 shall be removed and the ballot shall be placed in a separate envelope, the
30 outside of which shall contain the precinct name or number, a sworn or
31 attested statement of the elector that the elector resides in the precinct,
32 is eligible to vote in the election and has not previously voted in the
33 election, the signature of the elector and the voter registration number of
34 the elector, if available. The ballot shall be verified for proper
35 registration of the elector by the county recorder before being counted. The
36 verification shall be made by the county recorder within five business days
37 following the election, and the voter receipt card, notification or
38 identification card, if any, from the county recorder used therefor, if
39 valid, shall be returned to the elector within a reasonable time thereafter.
40 Verified ballots shall be counted by depositing the ballot in the ballot box
41 and showing on the records of the election that the elector has voted. If
42 registration is not verified the ballot shall remain unopened and shall be
43 retained in the same manner as voted ballots.

44 ~~F.~~ H. For any person who votes a provisional ballot, the county
45 recorder or other officer in charge of elections shall provide for a method
46 of notifying the provisional ballot voter at no cost to the voter whether the

1 voter's ballot was verified and counted and, if not counted, the reason for
2 not counting the ballot. The notification may be in the form of notice by
3 mail to the voter, establishment of a toll free telephone number, internet
4 access or other similar method to allow the voter to have access to this
5 information. The method of notification shall provide reasonable
6 restrictions that are designed to limit transmittal of the information only
7 to the voter.