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House Engrossed Senate Bill

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

SENATE BILL 1186

AN ACT

AMENDING SECTIONS 16-121.01 AND 16-168, ARIZONA REVISED STATUTES; RELATING TO QUALIFICATION AND REGISTRATION OF 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 of each qualified elector in the respective precincts.
46 The names shall be in alphabetical order and, in a column to the left of the

1 names, shall be numbered consecutively beginning with number 1 in each
2 precinct register.

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

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

42 D. The names on the precinct lists shall be in alphabetical order and
43 the precinct lists in their entirety, unless otherwise agreed, shall be
44 delivered to each county chairman and each state chairman at least quarterly
45 and within ten business days of the close of each quarter in the same format
46 and media as prescribed by subsection C of this section.

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

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

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

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

1 (a) January 1.

2 (b) March 1.

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

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

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

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

11 (a) January 1.

12 (b) April 1.

13 (c) July 1.

14 (d) October 1.

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

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

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

43 K. For requests for the use of registration forms and access to
44 information as provided in subsections E and F of this section, the county
45 recorder shall receive and respond to requests regarding federal, state and
46 county elections.