

REFERENCE TITLE: voter registrations; death notices

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1109

Introduced by
Senators Harper, Gray L: Allen S, Gould, Huppenthal, Melvin, Nelson,
Paton, Verschoor

AN ACT

AMENDING SECTIONS 16-165 AND 41-121, ARIZONA REVISED STATUTES; RELATING TO
VOTER REGISTRATION ROLLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-165, Arizona Revised Statutes, is amended to
3 read:

4 16-165. Causes for cancellation

5 A. The county recorder shall cancel a registration:

6 1. At the request of the person registered.

7 2. When the county recorder knows of the death of the person
8 registered.

9 3. If the person has been adjudicated an incapacitated person as
10 defined in section 14-5101.

11 4. When the person registered has been convicted of a felony, and the
12 judgment of conviction has not been reversed or set aside. The county
13 recorder shall cancel the registration on receipt of notice of a felony
14 conviction from the court or from the secretary of state or when reported by
15 the elector on a signed juror questionnaire that is completed pursuant to
16 section 21-314.

17 5. Upon production of a certified copy of a judgment directing a
18 cancellation to be made.

19 6. Promptly after the election if the person registered has applied
20 for a ballot pursuant to section 16-126.

21 7. When a person has been on the inactive voter list and has not voted
22 during the time periods prescribed in section 16-166, subsection C.

23 8. When the county recorder receives written information from the
24 person registered that the person has a change of residence within the county
25 and the person does not complete and return a new registration form within
26 twenty-nine days after the county recorder mails notification of the need to
27 complete and return a new registration form with current information.

28 9. When the county recorder receives written information from the
29 person registered that the person has a change of address outside the county.

30 B. If the county recorder cancels a registration pursuant to
31 subsection A, paragraph 8 of this section, the county recorder shall send the
32 person notice that the registration has been cancelled and a registration
33 form with the information described in section 16-131, subsection C attached
34 to the form.

35 C. When proceedings in the superior court or the UNITED STATES
36 district court result in a person being declared incapable of taking care of
37 himself and managing his property, and for whom a guardian of the person and
38 estate is appointed, result in such person being committed as an insane
39 person or result in a person being convicted of a felony, the clerk of the
40 superior court in the county in which those proceedings occurred shall file
41 with the secretary of state an official notice of that fact. The secretary
42 of state shall notify the appropriate county recorder and the recorder shall
43 cancel the name of the person upon the register. Such notice shall name the
44 person covered, shall give the person's date and place of birth if available,
45 the person's social security number, if available, the person's usual place

1 of residence, the person's address and the date of the notice, and shall be
2 filed with the recorder of the county where the person last resided.

3 D. Each month the department of health services shall transmit to the
4 secretary of state without charge a record of the death of every resident of
5 the state sixteen years of age and older reported to the department within
6 the preceding month. This record shall include only the name of the
7 decedent, the decedent's date of birth, the decedent's social security
8 number, if available, the decedent's usual legal residence at the time of
9 death and, if available, the decedent's father's name or mother's maiden
10 name. The record shall be used by the secretary of state for the sole
11 purpose of canceling the names of deceased persons from the statewide voter
12 registration database. Public access to the records is prohibited. Use of
13 information from the records for purposes other than those required by this
14 section is prohibited. The name of each deceased person shall promptly be
15 canceled from the statewide voter registration database and the secretary of
16 state shall notify the appropriate county recorder and the recorder shall
17 cancel the name of the person from the register.

18 E. ON RECEIPT OF INFORMATION FROM THE SECRETARY OF STATE REGARDING
19 DECEASED REGISTERED VOTERS PURSUANT TO SECTION 41-121, THE COUNTY RECORDER
20 SHALL ATTEMPT TO VERIFY THE INFORMATION RECEIVED AND, IF VERIFIED, SHALL
21 CANCEL THE VOTER'S REGISTRATION.

22 Sec. 2. Section 41-121, Arizona Revised Statutes, is amended to read:

23 41-121. Duties

24 The secretary of state shall:

25 1. Receive bills and resolutions from the legislature, and perform
26 such other duties as devolve upon the secretary of state by resolution of the
27 two houses or either of them.

28 2. Keep a register of and attest the official acts of the governor.

29 3. Act as custodian of the great seal of this state.

30 4. Affix the great seal, with the secretary of state's attestation, to
31 public instruments to which the official signature of the governor is
32 attached.

33 5. File in the secretary of state's office receipts for all books
34 distributed by the secretary of state and direct the county recorder of each
35 county to do the same.

36 6. Certify to the governor the names of those persons who have
37 received at any election the highest number of votes for any office, the
38 incumbent of which is commissioned by the governor.

39 7. Publish slip laws of each act of the legislature promptly upon
40 passage and approval of such act, make such acts available to interested
41 persons for a reasonable fee to compensate for the cost of printing and
42 provide each house of the legislature and the legislative council with a
43 certified copy of each bill or resolution, showing the chapter or resolution
44 number of each, as each is filed in the secretary of state's office.

1 8. Keep a fee book of fees and compensation of whatever kind and
2 nature earned, collected or charged by the secretary of state, with the date,
3 the name of the payer and the nature of the service in each case. The fee
4 book shall be verified annually by the secretary of state's affidavit entered
5 in the fee book.

6 9. Perform other duties imposed on the secretary of state by law.

7 10. Report to the governor on January 2 each year, and at such other
8 times as provided by law, a detailed account of the secretary of state's
9 official actions taken since the secretary of state's previous report
10 together with a detailed statement of the manner in which all appropriations
11 for the secretary of state's office have been expended.

12 11. Transfer all noncurrent or inactive books, records, deeds and other
13 papers otherwise required to be filed with or retained by the secretary of
14 state to the custody of the Arizona state library, archives and public
15 records.

16 12. Make available to the public, without charge, title 33, chapter 11
17 on the secretary of state's ~~web-site~~ WEBSITE.

18 13. PROVIDE FOR THE RECEIPT OF INFORMATION FROM CANDIDATES AND
19 POLITICAL COMMITTEES THROUGH THE SECRETARY OF STATE'S WEBSITE IF THOSE
20 CANDIDATES AND POLITICAL COMMITTEES HAVE REASON TO BELIEVE THAT A REGISTERED
21 VOTER IS DECEASED. ON RECEIPT OF INFORMATION FROM A WEBSITE SUBMITTAL, THE
22 SECRETARY OF STATE SHALL FORWARD THE INFORMATION TO THE COUNTY RECORDER FOR
23 THE APPROPRIATE COUNTY.

24 ~~13.~~ 14. Accept, and approve for use, electronic and digital signatures
25 that comply with section 41-132, for documents filed with and by all state
26 agencies, boards and commissions. In consultation with the government
27 information technology agency, the department of administration and the state
28 treasurer, the secretary of state shall adopt rules pursuant to chapter 6 of
29 this title establishing policies and procedures for the use of electronic and
30 digital signatures by all state agencies, boards and commissions for
31 documents filed with and by all state agencies, boards and commissions.

32 ~~14.~~ 15. Meet at least annually with personnel from the federal voting
33 assistance office of the United States department of defense and with county
34 recorders and other county election officials in this state to coordinate the
35 delivery and return of registrations, ballot requests, voted ballots and
36 other election materials to and from absent uniformed and overseas citizens.