State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

SB 1334

Introduced by
Senators Quezada: Contreras, Dalessandro, Farley, Hobbs, Mendez, Meza, Miranda, Peshlakai

AN ACT

AMENDING SECTION 16-112, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-123; 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 16-112, Arizona Revised Statutes, is amended to
3 read:
4   16-112. Driver license voter registration; security;
5   violation; classification
6   A. Every person who is applying for a driver license or renewal and
7 who is otherwise qualified to register to vote shall, at the same time and
8 place, SHALL be permitted to register to vote by providing the information
9 prescribed by section 16-152. The method used to register voters shall
10 require only the minimum information necessary to prevent duplicate
11 registrations, to enable elections officials to determine voter
12 eligibility and to administer voter registration and election laws. A
13 registration form shall be included for a person who is applying for a
14 driver license renewal by mail. On completion of a form that contains at
15 least the information prescribed by section 16-121.01, subsection A and
16 that may contain the information prescribed by section 16-152 and on
17 receipt of that form by the county recorder from the department of
18 transportation as prescribed by subsection D E of this section, the
19 applicant is presumed to be properly registered to vote. That presumption
20 may be rebutted as provided in section 16-121.01, subsection B.
21   B. BEGINNING JANUARY 1, 2019, EVERY PERSON WHO IS APPLYING FOR A
22 DRIVER LICENSE OR RENEWAL AND WHO IS OTHERWISE QUALIFIED TO REGISTER TO
23 VOTE SHALL BE REGISTERED TO VOTE AUTOMATICALLY ON COMPLETION OF THE
24 APPLICATION FOR THE LICENSE OR RENEWAL UNLESS THE APPLICANT CLEARLY
25 EXPRESSES THE APPLICANT'S DECISION NOT TO REGISTER. THE APPLICANT SHALL
26 ALSO BE OFFERED THE OPPORTUNITY TO REGISTER WITH A POLITICAL PARTY. THE
27 DEPARTMENT OF TRANSPORTATION SHALL ESTABLISH AND RETAIN AN ELECTRONIC
28 FACSIMILE OF ALL DOCUMENTS SUBMITTED BY THE APPLICANT THAT PROVIDE
29 INCONTROVERTIBLE PROOF OF UNITED STATES CITIZENSHIP, SHALL DESIGNATE THE
30 APPLICANT'S RECORDS AS CONFIRMING CITIZENSHIP AND SHALL TRANSMIT THAT
31 DESIGNATION TO THE COUNTY RECORDER FOR THE APPLICANT'S COUNTY OF RESIDENCE
32 AND TO THE SECRETARY OF STATE FOR INCLUSION IN THE STATEWIDE VOTER
33 REGISTRATION DATABASE.
34   B. C. The director of the department of transportation and the
35 secretary of state shall consult at least every two years regarding voter
36 registration at driver license offices. The director of the department of
37 transportation and the secretary of state shall, after consultation with
38 all county recorders, SHALL adopt rules to implement a system permitting
39 driver license applicants to register to vote at the same time and place
40 as they apply for driver licenses, TO IMPLEMENT THE AUTOMATIC VOTER
41 REGISTRATION OF APPLICANTS UNLESS THE APPLICANT AFFIRMATIVELY OPTS OUT OF
42 THE VOTER REGISTRATION PROCESS AND TO OFFER THE APPLICANT THE OPPORTUNITY
43 TO REGISTER WITH A POLITICAL PARTY. Such THE rules shall:
44   1. Bring the license application and voter registration application
45 forms into substantial conformity.

1   2. ~~Permit~~ REQUIRE the transfer of driver license applications,
2 including renewal and change of address, and voter registration
3 information from the department of transportation to the voter
4 registration rolls FOR THOSE PERSONS WHO REGISTERED TO VOTE OR WHO
5 MODIFIED THEIR ADDRESS, NAME, POLITICAL PARTY OR OTHER RELEVANT VOTER
6 REGISTRATION INFORMATION WHILE REGISTERED TO VOTE.
7   3. PROVIDE FOR DESIGNATION OF A VOTER REGISTRATION RECORD RECEIVED
8 FROM THE DEPARTMENT OF TRANSPORTATION AS SUBMITTED WITH INCONTROVERTIBLE
9 PROOF OF CITIZENSHIP.
10   ~~3.~~ 4. Respect all rules and statutes of this state concerning the
11 confidentiality of driver license application AND VOTER REGISTRATION
12 information.
13   ~~4.~~ 5. Provide for the manual or electronic generation and
14 transmittal of voter registrations and provide for electronic generation
15 of changes in voter registration information, including address, in
16 conformity with the confidentiality requirements of the national voter
17 registration act of 1993 (P.L. 103-31; 107 Stat. 77; ~~42~~ 52 United States
18 Code section ~~394~~ 20501).
19   ~~C.~~ D. The department of transportation shall provide to applicants
20 a statement that provides each eligibility requirement for voting,
21 including citizenship, an attestation that the applicant meets each
22 requirement, for the signature of the applicant under penalty of perjury
23 and, in print that is identical to that used in the attestation, the
24 following:
25   1. A description of the penalties provided by law for the
26 submission of a false voter registration application.
27   2. A statement that if an applicant declines to register to vote
28 the fact that the applicant has declined to register will remain
29 confidential and will be used only for voter registration purposes.
30   3. A statement that if an applicant does register to vote the
31 office at which the applicant submits a voter registration application
32 will remain confidential and will be used only for voter registration
33 purposes.
34   4. A STATEMENT THAT THE INFORMATION REGARDING CITIZENSHIP AND PLACE
35 OF BIRTH WILL REMAIN CONFIDENTIAL AND WILL BE USED ONLY FOR VOTER
36 REGISTRATION PURPOSES.
37   ~~D.~~ E. The department of transportation shall:
38   1. Return or mail completed registrations to the county recorder of
39 the county in which the applicant resides within five days after receipt
40 of a completed registration.
41   2. MAINTAIN A SECURE, SEARCHABLE, AUDITABLE DATABASE OF THE COPIED
42 DOCUMENTS THAT PROVIDE INCONTROVERTIBLE PROOF OF CITIZENSHIP AS PRESCRIBED
43 BY THIS SECTION.
44   3. ESTABLISH SECURITY PROTOCOLS, INCLUDING WORKER TRAINING, ACCESS
45 LOGS, RISK ANALYSIS, SECURITY BREACH RESPONSE PROTOCOLS AND THE USE OF

1 SOFTWARE OR OTHER PRODUCTS AND PROCESSES TO DETECT AND PREVENT SECURITY
2 BREACHES REGARDING DRIVER LICENSE AND VOTER REGISTRATION INFORMATION.
3 F. ANY PERSON WHO HAS LAWFUL ACCESS TO INFORMATION IN THE STATEWIDE
4 VOTER REGISTRATION DATABASE, INCLUDING INFORMATION BEING TRANSFERRED FROM
5 SOME OTHER AGENCY TO THE SECRETARY OF STATE, AND WHO USES THAT INFORMATION
6 FOR PURPOSES OTHER THAN PERFORMANCE OF THAT PERSON'S OFFICIAL DUTIES IS
7 GUILTY OF A CLASS 5 FELONY.
8 Sec. 2. Title 41, chapter 1, article 2, Arizona Revised Statutes,
9 is amended by adding section 41-123, to read:
10 41-123. Voter registration database; security policy; state
11 agencies; annual report
12 A. THE SECRETARY OF STATE SHALL ESTABLISH, PUBLISH AND ENFORCE A
13 SECURITY, PRIVACY AND TECHNOLOGY POLICY THAT DOES AT LEAST THE FOLLOWING:
14 1. ESTABLISHES CATEGORIES OF INTERNAL USERS WITH LEVELS OF
15 AUTHORIZED ACCESS TO VOTER INFORMATION, WITH APPROPRIATE SAFEGUARDS FOR
16 EACH LEVEL OF AUTHORIZED ACCESS.
17 2. PROHIBITS PUBLIC DISCLOSURE OF SOCIAL SECURITY NUMBERS, DRIVER
18 LICENSE NUMBERS, SIGNATURES AND ANY OTHER INFORMATION NOT SPECIFICALLY
19 REQUIRED FOR VOTER REGISTRATION PURPOSES.
20 3. PROHIBITS THE TRANSFER OF INFORMATION TO AND FROM OTHER
21 AGENCIES, INCLUDING THE DEPARTMENT OF TRANSPORTATION AND VOTER
22 REGISTRATION ASSISTANCE AGENCIES AS PRESCRIBED IN SECTION 16-140, UNLESS
23 REQUIRED FOR VOTER REGISTRATION PURPOSES AND ESTABLISHES SECURITY
24 PROTOCOLS FOR THOSE AGENCIES DEALING WITH VOTER REGISTRATION INFORMATION.
25 4. PROHIBITS DISCLOSURES REGARDING PERSONS WHOSE INFORMATION IS
26 PROTECTED BY FEDERAL OR STATE LAW, INCLUDING VICTIMS OF DOMESTIC VIOLENCE,
27 LAW ENFORCEMENT OR JUDICIAL PERSONNEL OR OTHER PROTECTED PERSONS.
28 5. ESTABLISHES A RECORDS RETENTION POLICY THAT RETAINS VOTER
29 INFORMATION, INCLUDING INFORMATION THAT MAY BE USED FOR DETERMINING THE
30 STATUS OF PROVISIONAL BALLOTS. THE SECRETARY OF STATE SHALL ALSO ENSURE
31 THAT VOTER REGISTRATION INFORMATION FOR THOSE PERSONS DETERMINED TO BE
32 INELIGIBLE TO VOTE IS MAINTAINED UNTIL AT LEAST THE DATE OF THE SECOND
33 GENERAL ELECTION AT WHICH FEDERAL OFFICES APPEAR ON THE BALLOT.
34 B. ON OR BEFORE JANUARY 1, 2020, THE SECRETARY OF STATE SHALL
35 IDENTIFY STATE AGENCIES THAT MAY BE COLLECTING INFORMATION RELEVANT FOR
36 VOTER REGISTRATION PURPOSES AND THAT ARE NOT VOTER REGISTRATION ASSISTANCE
37 AGENCIES AS PRESCRIBED IN SECTION 16-140 OR ARE NOT OTHERWISE OFFERING
38 PERSONS THE OPPORTUNITY TO REGISTER TO VOTE. THE SECRETARY OF STATE SHALL
39 ESTABLISH PROCEDURES FOR THOSE AGENCIES TO PROVIDE AUTOMATIC VOTER
40 REGISTRATION FOR THOSE PERSONS AND PROCEDURES REQUIRING TRANSMITTAL OF
41 VOTER REGISTRATIONS TO THE STATEWIDE VOTER REGISTRATION DATABASE,
42 INCLUDING, AS APPROPRIATE, A POSTAGE PREPAID MAILER FOR THOSE PERSONS TO
43 COMPLETE AND RETURN IN ORDER TO REGISTER TO VOTE.
44 C. THE SECRETARY OF STATE SHALL PRODUCE AN ANNUAL REPORT FOR THE
45 PUBLIC AND FOR SUBMISSION TO THE LEGISLATURE THAT INCLUDES THE FOLLOWING:

1   1. THE NUMBER OF RECORDS RECEIVED FROM OTHER AGENCIES AND THE
2 SOURCE AGENCY FOR EACH RECORD.
3   2. THE NUMBER OF VOTERS ADDED TO THE VOTER REGISTRATION ROLLS AS A
4 RESULT OF AGENCY RECORDS RECEIVED AND THE SOURCE AGENCY FOR EACH RECORD.
5   3. THE NUMBER OF PERSONS WHO WERE INELIGIBLE TO REGISTER TO VOTE OR
6 WHO CHOSE NOT TO REGISTER.
7   4. THE NUMBER OF VOTERS WHO REVISE, RENEW OR UPDATE THEIR VOTER
8 REGISTRATION INFORMATION THROUGH TRANSMITTAL FROM OTHER AGENCIES AND THE
9 SOURCE AGENCY FOR EACH RECORD.
10   5. INFORMATION REGARDING THE IMPLEMENTATION OF AUDITS AND SECURITY
11 AND PRIVACY PROTOCOLS.