

REFERENCE TITLE: voter registration; inactive voters; removal

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

# HB 2130

Introduced by  
Representative Thorpe

AN ACT

AMENDING SECTIONS 16-165, 16-166, 16-544 AND 16-583, ARIZONA REVISED STATUTES; 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 16-165, 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  
12 the 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  
15 by the elector on a signed juror questionnaire that is completed pursuant  
16 to section 21-314.

17 5. On 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  
22 voted 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  
25 county and the person does not complete and return a new registration form  
26 within twenty-nine days after the county recorder mails notification of  
27 the need to complete and return a new registration form with current  
28 information.

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

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

37 C. When proceedings in the superior court or the United States  
38 district court result in a person being declared incapable of taking care  
39 of himself and managing his property, and for whom a guardian of the  
40 person and estate is appointed, result in such person being committed as  
41 an insane person or result in a person being convicted of a felony, the  
42 clerk of the superior court in the county in which those proceedings  
43 occurred shall file with the secretary of state an official notice of that  
44 fact. The secretary of state shall notify the appropriate county recorder  
45 and the recorder shall cancel the name of the person on the register.

1 Such notice shall name the person covered, shall give the person's date  
2 and place of birth if available, the person's social security number, if  
3 available, the person's usual place of residence, the person's address and  
4 the date of the notice, and shall be filed with the recorder of the county  
5 where the person last resided.

6 D. Each month the department of health services shall transmit to  
7 the secretary of state without charge a record of the death of every  
8 resident of the state reported to the department within the preceding  
9 month. This record shall include only the name of the decedent, the  
10 decedent's date of birth, the decedent's date of death, the decedent's  
11 social security number, if available, the decedent's usual legal residence  
12 at the time of death and, if available, the decedent's father's name or  
13 mother's maiden name. The secretary of state shall use the record for the  
14 sole purpose of canceling the names of deceased persons from the statewide  
15 voter registration database. In addition, the department of health  
16 services shall annually provide to the secretary of state from the  
17 statewide electronic death registration system without charge a record of  
18 all deaths of residents of this state that are reported to the department  
19 of health services. The records transmitted by the department of health  
20 services shall include only the name of the decedent, the decedent's date  
21 of birth, the decedent's social security number, if available, the  
22 decedent's usual legal residence at the time of death and, if available,  
23 the decedent's father's name or mother's maiden name. The secretary of  
24 state may compare the records of deaths with the statewide voter  
25 registration database. Public access to the records is prohibited. Use  
26 of information from the records for purposes other than those required by  
27 this section is prohibited. The name of each deceased person shall  
28 promptly be canceled from the statewide voter registration database and  
29 the secretary of state shall notify the appropriate county recorder and  
30 the recorder shall cancel the name of the person from the register.

31 Sec. 2. Section 16-166, Arizona Revised Statutes, is amended to  
32 read:

33 **16-166. Verification of registration**

34 A. Except for the mailing of sample ballots, a county recorder who  
35 mails an item to any elector shall send the mailing by nonforwardable  
36 first class mail marked with the statement required by the postmaster to  
37 receive an address correction notification. If the item is returned  
38 undelivered, the county recorder shall send a follow-up notice to that  
39 elector within three weeks of receipt of the returned notice. The county  
40 recorder shall send the follow-up notice to the address that appears in  
41 the general county register or to the forwarding address provided by the  
42 United States postal service. The follow-up notice shall include a  
43 registration form and the information prescribed by section 16-131,  
44 subsection C and shall state that if the elector does not complete and  
45 return a new registration form with current information to the county

1 recorder within thirty-five days, the elector's registration ~~status shall~~  
2 ~~be changed from active to inactive~~ MAY BE CANCELED IF THE ELECTOR FAILS TO  
3 VOTE IN TWO CONSECUTIVE PRIMARY AND GENERAL ELECTIONS.

4 B. If the elector provides the county recorder with a new  
5 registration form, the county recorder shall change the general register  
6 to reflect the changes indicated on the new registration. If the elector  
7 indicates a new residence address outside that county, the county recorder  
8 shall forward the voter registration form to the county recorder of the  
9 county in which the elector's address is located. If the elector provides  
10 a new residence address that is located outside this state, the county  
11 recorder shall cancel the elector's registration.

12 C. The county recorder shall ~~maintain on the inactive voter list~~  
13 ~~the names of electors who have been removed from the general register~~  
14 ~~pursuant to subsection A or E of this section for~~ CANCEL THE REGISTRATION  
15 OF AN ELECTOR AFTER a period of four years or ~~through the date of the~~  
16 ~~second~~ IF THE ELECTOR HAS NOT VOTED IN TWO CONSECUTIVE PRIMARY AND general  
17 ~~election~~ ELECTIONS for federal office following the date of the notice  
18 from the county recorder that is sent pursuant to subsection E of this  
19 section.

20 D. On notice that a government agency has changed the name of any  
21 street, route number, post office box number or other address designation,  
22 the county recorder shall revise the registration records and shall send a  
23 new verification of registration notice to the electors whose records were  
24 changed.

25 E. The county recorder on or before May 1 of each year preceding a  
26 state primary and general election or more frequently as the recorder  
27 deems necessary may use the change of address information supplied by the  
28 postal service through its licensees to identify registrants whose  
29 addresses may have changed. If it appears from information provided by  
30 the postal service that a registrant has moved to a different residence  
31 address in the same county, the county recorder shall change the  
32 registration records to reflect the new address and shall send the  
33 registrant a notice of the change by forwardable mail and a postage  
34 prepaid preaddressed return form by which the registrant may verify or  
35 correct the registration information. If the registrant fails to return  
36 the form postmarked not later than thirty-five days after the mailing of  
37 the notice, ~~the elector's registration status shall be changed from active~~  
38 ~~to inactive. If the notice sent by the recorder is not returned,~~ the  
39 registrant may be required to provide affirmation or confirmation of the  
40 registrant's address in order to vote. OR if the registrant does not vote  
41 in ~~an election during the period after the date of the notice from the~~  
42 ~~recorder through the date of the second~~ TWO CONSECUTIVE PRIMARY AND  
43 general ~~election~~ ELECTIONS for federal office following the date of that  
44 notice, the registrant's ~~name shall be removed from the list of inactive~~  
45 ~~voters~~ VOTER REGISTRATION SHALL BE CANCELED. If the registrant has

1 changed residence to a new county **AND THE REGISTRANT NOTIFIES THE COUNTY**  
2 **RECORDER OF THAT CHANGED RESIDENCE**, the county recorder shall provide  
3 information on how the registrant can continue to be eligible to vote.

4 F. The county recorder shall reject any application for  
5 registration that is not accompanied by satisfactory evidence of United  
6 States citizenship. Satisfactory evidence of citizenship shall include  
7 any of the following:

8 1. The number of the applicant's driver license or nonoperating  
9 identification license issued after October 1, 1996 by the department of  
10 transportation or the equivalent governmental agency of another state  
11 within the United States if the agency indicates on the applicant's driver  
12 license or nonoperating identification license that the person has  
13 provided satisfactory proof of United States citizenship.

14 2. A legible photocopy of the applicant's birth certificate that  
15 verifies citizenship to the satisfaction of the county recorder.

16 3. A legible photocopy of pertinent pages of the applicant's United  
17 States passport identifying the applicant and the applicant's passport  
18 number or presentation to the county recorder of the applicant's United  
19 States passport.

20 4. A presentation to the county recorder of the applicant's United  
21 States naturalization documents or the number of the certificate of  
22 naturalization. If only the number of the certificate of naturalization  
23 is provided, the applicant shall not be included in the registration rolls  
24 until the number of the certificate of naturalization is verified with the  
25 United States immigration and naturalization service by the county  
26 recorder.

27 5. Other documents or methods of proof that are established  
28 pursuant to the immigration reform and control act of 1986.

29 6. The applicant's bureau of Indian affairs card number, tribal  
30 treaty card number or tribal enrollment number.

31 G. Notwithstanding subsection F of this section, any person who is  
32 registered in this state on the effective date of this amendment to this  
33 section is deemed to have provided satisfactory evidence of citizenship  
34 and shall not be required to resubmit evidence of citizenship unless the  
35 person is changing voter registration from one county to another.

36 H. For the purposes of this section, proof of voter registration  
37 from another state or county is not satisfactory evidence of citizenship.

38 I. A person who modifies voter registration records with a new  
39 residence ballot shall not be required to submit evidence of citizenship.  
40 After citizenship has been demonstrated to the county recorder, the person  
41 is not required to resubmit satisfactory evidence of citizenship in that  
42 county.

43 J. After a person has submitted satisfactory evidence of  
44 citizenship, the county recorder shall indicate this information in the

1 person's permanent voter file. After two years the county recorder may  
2 destroy all documents that were submitted as evidence of citizenship.

3 Sec. 3. Section 16-544, Arizona Revised Statutes, is amended to  
4 read:

5 **16-544. Permanent early voting list; civil penalty;**  
6 **violation; classification**

7 A. Any voter may request to be included on a permanent list of  
8 voters to receive an early ballot for any election for which the county  
9 voter registration roll is used to prepare the election register. The  
10 county recorder of each county shall maintain the permanent early voting  
11 list as part of the voter registration roll.

12 B. In order to be included on the permanent early voting list, the  
13 voter shall make a written request specifically requesting that the  
14 voter's name be added to the permanent early voting list for all elections  
15 in which the applicant is eligible to vote. A permanent early voter  
16 request form shall conform to requirements prescribed in the instructions  
17 and procedures manual issued pursuant to section 16-452. The application  
18 shall allow for the voter to provide the voter's name, residence address,  
19 mailing address in the voter's county of residence, date of birth and  
20 signature and shall state that the voter is attesting that the voter is a  
21 registered voter who is eligible to vote in the county of residence. The  
22 voter shall not list a mailing address that is outside of this state for  
23 the purpose of the permanent early voting list unless the voter is an  
24 absent uniformed services voter or overseas voter as defined in the  
25 uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410;  
26 ~~42~~ 52 United States Code section ~~1973ff-6~~ 20310). In lieu of the  
27 application, the applicant may submit a written request that contains the  
28 required information.

29 C. On receipt of a request to be included on the permanent early  
30 voting list, the county recorder or other officer in charge of elections  
31 shall compare the signature on the request form with the voter's signature  
32 on the voter's registration form and, if the request is from the voter,  
33 shall mark the voter's registration file as a permanent early ballot  
34 request.

35 D. Not less than ninety days before any polling place election  
36 scheduled in March or August, the county recorder or other officer in  
37 charge of elections shall mail to all voters who are eligible for the  
38 election and who are included on the permanent early voting list an  
39 election notice by nonforwardable mail that is marked with the statement  
40 required by the postmaster to receive an address correction notification.  
41 If an election is not formally called by a jurisdiction by the one hundred  
42 twentieth day before the election, the recorder or other officer in charge  
43 of elections is not required to send the election notice. The notice  
44 shall include the dates of the elections that are the subject of the  
45 notice, the dates that the voter's ballot is expected to be mailed and the

1 address where the ballot will be mailed. If the upcoming election is a  
2 partisan open primary election and the voter is not registered as a member  
3 of one of the political parties that is recognized for purposes of that  
4 primary, the notice shall include information on the procedure for the  
5 voter to designate a political party ballot. The notice shall be  
6 delivered with return postage prepaid and shall also include a means for  
7 the voter to do any of the following:

8 1. Change the mailing address for the voter's ballot to another  
9 location in the voter's county of residence.

10 2. Update the voter's residence address in the voter's county of  
11 residence.

12 3. Request that the voter not be sent a ballot for the upcoming  
13 election or elections indicated on the notice.

14 E. If the notice that is mailed to the voter is returned  
15 undeliverable by the postal service, the county recorder or other officer  
16 in charge of elections shall take the necessary steps to contact the voter  
17 at the voter's new residence address in order to update that voter's  
18 address or to ~~move the voter to inactive status~~ **CANCEL THE VOTER'S**  
19 **REGISTRATION** as prescribed in section 16-166, subsection A. If ~~a voter is~~  
20 ~~moved to inactive status~~ **THE VOTER'S REGISTRATION IS CANCELED**, the voter  
21 shall be removed from the permanent early voting list. If the voter is  
22 removed from the permanent early voting list, the voter shall only be  
23 added to the permanent early voting list again if the voter submits a new  
24 request pursuant to this section.

25 F. Not later than the first day of early voting, the county  
26 recorder or other officer in charge of elections shall mail an early  
27 ballot to all eligible voters included on the permanent early voting list  
28 in the same manner prescribed in section 16-542, subsection C. If the  
29 voter has not returned the notice or otherwise notified the election  
30 officer within forty-five days before the election that the voter does not  
31 wish to receive an early ballot by mail for the election or elections  
32 indicated, the ballot shall automatically be scheduled for mailing.

33 G. If a voter who is on the permanent early voting list is not  
34 registered as a member of a recognized political party and fails to notify  
35 the county recorder of the voter's choice for political party ballot  
36 within forty-five days before a partisan open primary election, the  
37 following apply:

38 1. The voter shall not automatically be sent a ballot for that  
39 partisan open primary election only and the voter's name shall remain on  
40 the permanent early voting list for future elections.

41 2. To receive an early ballot for the primary election, the voter  
42 shall submit the voter's choice for political party ballot to the county  
43 recorder.

44 H. After a voter has requested to be included on the permanent  
45 early voting list, the voter shall be sent an early ballot by mail

1 automatically for any election at which a voter at that residence address  
2 is eligible to vote until any of the following occurs:

3 1. The voter requests in writing to be removed from the permanent  
4 early voting list.

5 2. The voter's registration or eligibility for registration is  
6 ~~moved to inactive status or~~ canceled as otherwise provided by law.

7 3. The notice sent by the county recorder or other officer in  
8 charge of elections is returned undeliverable and the county recorder or  
9 officer in charge of elections is unable to contact the voter to determine  
10 the voter's continued desire to remain on the list.

11 I. A voter may make a written request at any time to be removed  
12 from the permanent early voting list. The request shall include the  
13 voter's name, residence address, date of birth and signature. On receipt  
14 of a completed request to remove a voter from the permanent early voting  
15 list, the county recorder or other officer in charge of elections shall  
16 remove the voter's name from the list as soon as practicable.

17 J. An absent uniformed services voter or overseas voter as defined  
18 in the uniformed and overseas citizens absentee voting act of 1986  
19 (P.L. 99-410; ~~42~~ <sup>52</sup> United States Code section ~~1973ff-6~~ 20310) is eligible  
20 to be placed on the permanent early voting list pursuant to this section.

21 K. A voter's failure to vote an early ballot once received does not  
22 constitute grounds to remove the voter from the permanent early voting  
23 list.

24 L. A candidate, political committee or other organization may  
25 distribute permanent early voting list request forms to voters. If the  
26 permanent early voting list request forms include a printed address for  
27 return, that address shall be the political subdivision that will conduct  
28 the election. Failure to use the political subdivision as the return  
29 addressee is punishable by a civil penalty of up to three times the cost  
30 of the production and distribution of the permanent early voting list  
31 request.

32 M. All original and completed permanent early voting list request  
33 forms that are received by a candidate, political committee or other  
34 organization shall be submitted within six business days after receipt by  
35 a candidate or political committee or eleven days before the election day,  
36 whichever is earlier, to the political subdivision that will conduct the  
37 election. Any person, political committee or other organization that  
38 fails to submit a completed permanent early voting list request form  
39 within the prescribed time is subject to a civil penalty of up to  
40 ~~twenty-five dollars~~ \$25 per day for each completed form withheld from  
41 submittal. Any person who knowingly fails to submit a completed permanent  
42 early voting list request form before the submission deadline for the  
43 election immediately following the completion of the form is guilty of a  
44 class 6 felony.

1       Sec. 4. Section 16-583, Arizona Revised Statutes, is amended to  
2 read:

3       16-583. Voter not on precinct register: procedure

4       A. On or before election day, the county recorder shall provide to  
5 each precinct the names of electors on the inactive voter list. If a  
6 person whose name is not on the precinct register appears at a polling  
7 place, an election official shall determine whether the person is on the  
8 inactive voter list. If the person is on the inactive voter list, the  
9 registrant PERSON, on affirmation by the registrant PERSON before an  
10 election official at the polling place that the registrant PERSON  
11 continues to reside at the AN address indicated on the inactive voter list  
12 IN THE PRECINCT, shall be permitted to vote at that polling place. The  
13 elector's name shall be entered on a separate signature roster page at the  
14 end of the signature roster, and voters' names shall be numbered  
15 consecutively. If the registrant PERSON indicates that the registrant  
16 PERSON lives at a new residence, the election official shall direct the  
17 registrant PERSON to the polling place for the new address.

18       B. Following the election, the county recorder shall remove from  
19 inactive status all electors who voted pursuant to subsection A, shall  
20 place the electors' names back on the general register and shall return  
21 the electors' status to active.