

COMMITTEE ON GOVERNMENT & ELECTIONS  
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1106  
(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

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 the

1 need to complete and return a new registration form with current  
2 information.

3 9. When the county recorder receives written information from the  
4 person registered that the person has a change of address outside the  
5 county.

6 10. WHEN THE COUNTY RECORDER RECEIVES CONFIRMATION FROM ANOTHER  
7 COUNTY RECORDER THAT THE PERSON REGISTERED HAS REGISTERED TO VOTE IN THAT  
8 OTHER COUNTY.

9 B. IF THE COUNTY RECORDER RECEIVES CREDIBLE INFORMATION THAT A  
10 PERSON HAS REGISTERED TO VOTE IN A DIFFERENT COUNTY, THE COUNTY RECORDER  
11 SHALL CONFIRM THE PERSON'S VOTER REGISTRATION WITH THAT OTHER COUNTY AND,  
12 ON CONFIRMATION, SHALL CANCEL THE PERSON'S REGISTRATION PURSUANT TO  
13 SUBSECTION A, PARAGRAPH 10 OF THIS SECTION.

14 ~~B.~~ C. If the county recorder cancels a registration pursuant to  
15 subsection A, paragraph 8 of this section, the county recorder shall send  
16 the person notice that the registration has been cancelled and a  
17 registration form with the information described in section 16-131,  
18 subsection C attached to the form.

19 ~~C.~~ D. When proceedings in the superior court or the United States  
20 district court result in a person being declared incapable of taking care  
21 of himself and managing his property, and for whom a guardian of the person  
22 and estate is appointed, result in such person being committed as an insane  
23 person or result in a person being convicted of a felony, the clerk of the  
24 superior court in the county in which those proceedings occurred shall file  
25 with the secretary of state an official notice of that fact. The secretary  
26 of state shall notify the appropriate county recorder and the recorder  
27 shall cancel the name of the person on the register. Such A notice shall  
28 name the person covered, shall give the person's date and place of birth if  
29 available, the person's social security number, if available, the person's  
30 usual place of residence, the person's address and the date of the notice,  
31 and shall be filed with the recorder of the county where the person last  
32 resided.

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

26                Sec. 2. Section 16-544, Arizona Revised Statutes, is amended to  
27                read:

28                16-544. Permanent early voting list; civil penalty; violation;  
29                classification

30                A. Any voter may request to be included on a permanent list of  
31                voters to receive an early ballot for any election for which the county  
32                voter registration roll is used to prepare the election register. The

1 county recorder of each county shall maintain the permanent early voting  
2 list as part of the voter registration roll.

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

19 C. On receipt of a request to be included on the permanent early  
20 voting list, the county recorder or other officer in charge of elections  
21 shall compare the signature on the request form with the voter's signature  
22 on the voter's registration form and, if the request is from the voter,  
23 shall mark the voter's registration file as a permanent early ballot  
24 request.

25 D. Not less than ninety days before any polling place election  
26 scheduled in March or August, the county recorder or other officer in  
27 charge of elections shall mail to all voters who are eligible for the  
28 election and who are included on the permanent early voting list an  
29 election notice by nonforwardable mail that is marked with the statement  
30 required by the postmaster to receive an address correction notification.  
31 If an election is not formally called by a jurisdiction by the one hundred  
32 twentieth day before the election, the recorder or other officer in charge

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

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

13 2. Update the voter's residence address in the voter's county of  
14 residence.

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

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

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

1 an early ballot by mail for the election or elections indicated, the ballot  
2 shall automatically be scheduled for mailing.

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

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

11 2. To receive an early ballot for the primary election, the voter  
12 shall submit the voter's choice for political party ballot to the county  
13 recorder.

14 H. After a voter has requested to be included on the permanent early  
15 voting list, the voter shall be sent an early ballot by mail automatically  
16 for any election at which a voter at that residence address is eligible to  
17 vote until any of the following occurs:

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

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

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

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

1 J. An absent uniformed services voter or overseas voter as defined  
2 in the uniformed and overseas citizens absentee voting act of 1986 (P.L.  
3 99-410; ~~42~~ 52 United States Code section ~~1973ff-6~~ 20310) is eligible to be  
4 placed on the permanent early voting list pursuant to this section.

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

8 L. A candidate, political committee or other organization may  
9 distribute permanent early voting list request forms to voters. If the  
10 permanent early voting list request forms include a printed address for  
11 return, that address shall be the political subdivision that will conduct  
12 the election. Failure to use the political subdivision as the return  
13 addressee is punishable by a civil penalty of up to three times the cost of  
14 the production and distribution of the permanent early voting list request.

15 M. All original and completed permanent early voting list request  
16 forms that are received by a candidate, political committee or other  
17 organization shall be submitted within six business days after receipt by a  
18 candidate or political committee or eleven days before the election day,  
19 whichever is earlier, to the political subdivision that will conduct the  
20 election. Any person, political committee or other organization that fails  
21 to submit a completed permanent early voting list request form within the  
22 prescribed time is subject to a civil penalty of up to ~~twenty-five dollars~~  
23 \$25 per day for each completed form withheld from submittal. Any person  
24 who knowingly fails to submit a completed permanent early voting list  
25 request form before the submission deadline for the election immediately  
26 following the completion of the form is guilty of a class 6 felony.

27 N. A PERSON WHO RECEIVES AN EARLY BALLOT AT AN ADDRESS AT WHICH  
28 ANOTHER PERSON FORMERLY RESIDED, WITHOUT VOTING THE BALLOT OR SIGNING THE  
29 ENVELOPE, MAY INDICATE ON THE OUTSIDE OF THE ENVELOPE THAT THE PERSON HAS  
30 MOVED AND MAIL THE BALLOT BACK TO THE COUNTY RECORDER OR OTHER OFFICER IN  
31 CHARGE OF ELECTIONS LISTED ON THE ENVELOPE. ON RECEIPT THE COUNTY RECORDER

1 OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL PROCEED IN THE MANNER  
2 PRESCRIBED IN SUBSECTION E OF THIS SECTION.

3 O. WHEN THE COUNTY RECORDER RECEIVES CONFIRMATION FROM ANOTHER  
4 COUNTY THAT A PERSON REGISTERED HAS REGISTERED TO VOTE IN THAT OTHER  
5 COUNTY, THE COUNTY RECORDER SHALL REMOVE THAT PERSON FROM THE PERMANENT  
6 EARLY VOTING LIST.

7 P. IF THE COUNTY RECORDER RECEIVES CREDIBLE INFORMATION THAT A  
8 PERSON HAS REGISTERED TO VOTE IN A DIFFERENT COUNTY, THE COUNTY RECORDER  
9 SHALL CONFIRM THE PERSON'S VOTER REGISTRATION WITH THAT OTHER COUNTY AND,  
10 ON CONFIRMATION, SHALL REMOVE THAT PERSON FROM THE COUNTY'S PERMANENT EARLY  
11 VOTING LIST PURSUANT TO SUBSECTION O OF THIS SECTION.

12 Sec. 3. Section 16-1016, Arizona Revised Statutes, is amended to  
13 read:

14 16-1016. Illegal voting; pollution of ballot box; removal or  
15 destruction of ballot box, poll lists or ballots;  
16 violation; classification

17 A person is guilty of a class 5 felony who:

- 18 1. Not being entitled to vote, knowingly votes.
- 19 2. Knowingly votes more than once at any election.
- 20 3. Knowingly votes in two or more jurisdictions in this state for  
21 which residency is required for lawful voting and the person is not a  
22 resident of all jurisdictions in which the person voted. For the purposes  
23 of this paragraph, a person has only one residence for the purpose of  
24 voting.
- 25 4. Knowingly votes in this state in an election in which a federal  
26 office appears on the ballot and votes in another state in an election in  
27 which a federal office appears on the ballot and the election day for both  
28 states is the same date.
- 29 5. Knowingly gives to an election official two or more ballots  
30 folded together.
- 31 6. Knowingly changes or destroys a ballot after it has been  
32 deposited in the ballot box.



1           7. Knowingly adds a ballot to those legally cast at any election, by  
2 fraudulently introducing the ballot into the ballot box either before or  
3 after the ballots ~~therein~~ IN THE BALLOT BOX have been counted.

4           8. Knowingly adds to or mixes with ballots lawfully cast, other  
5 ballots, while they are being canvassed or counted, with intent to affect  
6 the result of the election, or to exhibit the ballots as evidence on the  
7 trial of an election contest.

8           9. Knowingly and unlawfully carries away, conceals or removes a poll  
9 list, ballot or ballot box from the polling place, or from possession of  
10 the person authorized by law to have custody thereof.

11           10. Knowingly destroys a polling list, ballot or ballot box with the  
12 intent to interrupt or invalidate the election.

13           11. Knowingly detains, alters, mutilates or destroys ballots or  
14 election returns.

15           12. KNOWINGLY ASSISTS ANOTHER PERSON THAT RESIDES IN ANOTHER STATE  
16 IN VOTING, INCLUDING BY FORWARDING AN EARLY BALLOT ADDRESSED TO THE OTHER  
17 PERSON."

18 Amend title to conform

And, as so amended, it do pass

JOHN KAVANAGH  
CHAIRMAN

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