

REFERENCE TITLE: automatic voter registration; same day

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

SB 1670

Introduced by
Senators Quezada: Mendez

AN ACT

AMENDING TITLE 16, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 16-106; AMENDING SECTION 16-112, 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. Title 16, chapter 1, article 1, Arizona Revised
3 Statutes, is amended by adding section 16-106, to read:

4 16-106. Registration on election day and preceding
5 twenty-eight days; provisional ballot; qualifying
6 elections

7 A. NOTWITHSTANDING ANY OTHER LAW AND EXCEPT AS PROVIDED IN
8 SUBSECTION B OF THIS SECTION:

9 1. A PERSON WHO IS OTHERWISE QUALIFIED TO REGISTER TO VOTE MAY
10 REGISTER DURING THE TWENTY-EIGHT DAYS IMMEDIATELY PRECEDING AN ELECTION
11 AND IS ELIGIBLE TO VOTE IN THAT ELECTION IF THE PERSON HAS BEEN A RESIDENT
12 OF THE COUNTY AND THE PRECINCT IN WHICH THE PERSON RESIDES FOR AT LEAST
13 TWENTY-NINE DAYS IMMEDIATELY PRECEDING THE ELECTION, AND THE PERSON
14 COMPLETES A REGISTRATION FORM AS PROVIDED IN SECTION 16-152.

15 2. A PERSON WHO IS OTHERWISE QUALIFIED TO REGISTER TO VOTE MAY
16 REGISTER ON ELECTION DAY BY APPEARING AT THE POLLING PLACE FOR THE
17 PRECINCT IN WHICH THAT PERSON MAINTAINS THE PERSON'S RESIDENCE, COMPLETING
18 A REGISTRATION FORM AS PROVIDED IN SECTION 16-152 AND PROVIDING PROOF OF
19 RESIDENCE.

20 3. A PERSON WHO REGISTERS TO VOTE PURSUANT TO THIS SECTION MAY VOTE
21 ON ELECTION DAY OR IN THE TWENTY-EIGHT DAYS IMMEDIATELY PRECEDING THAT
22 ELECTION ONLY WITH A PROVISIONAL BALLOT AS PRESCRIBED IN SECTION 16-584
23 AND MAY VOTE AS OTHERWISE PROVIDED BY LAW FOR ANY ELECTION HELD AT LEAST
24 TWENTY-NINE DAYS AFTER THE ELECTION DAY FOR WHICH THE PERSON REGISTERED.

25 B. REGISTRATION PURSUANT TO THIS SECTION QUALIFIES THE PERSON TO
26 VOTE ONLY FOR CANDIDATES FOR FEDERAL OFFICES, INCLUDING PRESIDENTIAL
27 ELECTORS, STATEWIDE AND COUNTYWIDE OFFICES AND THE LEGISLATURE BUT DOES
28 NOT QUALIFY A PERSON TO VOTE IN A PARTISAN PRIMARY ELECTION UNTIL AT LEAST
29 TWENTY-NINE DAYS AFTER THAT ELECTION DAY.

30 C. THE SECRETARY OF STATE AND COUNTY OFFICERS IN CHARGE OF
31 ELECTIONS SHALL PROMPTLY IMPLEMENT THIS SECTION.

32 Sec. 2. Section 16-112, Arizona Revised Statutes, is amended to
33 read:

34 16-112. Driver license voter registration

35 A. Every person who is applying for a driver license or renewal,
36 INCLUDING A NONOPERATING IDENTIFICATION LICENSE OR RENEWAL ISSUED PURSUANT
37 TO TITLE 28, CHAPTER 8, OR WHO IS MAKING CHANGES TO LICENSE INFORMATION
38 and who is otherwise qualified to register to vote ~~shall, at the same time~~
39 ~~and place, be permitted to register to vote~~ SHALL BE REGISTERED TO VOTE
40 AUTOMATICALLY ON COMPLETION OF THE APPLICATION FOR THE LICENSE OR RENEWAL
41 OR SUBMITTING THE CHANGES AND by providing the information prescribed by
42 section 16-152. The method used to register voters shall require only the
43 minimum information necessary to prevent duplicate registrations, to
44 enable elections officials to determine voter eligibility and to
45 administer voter registration and election laws. A registration form

1 shall be included for a person who is applying for a driver license
2 renewal by mail, INCLUDING A NONOPERATING IDENTIFICATION LICENSE, OR WHO
3 IS MAKING CHANGES TO LICENSE INFORMATION BY MAIL. On completion of a form
4 that contains at least the information prescribed by section 16-121.01,
5 subsection A and that may contain the information prescribed by section
6 16-152, ~~and~~ on receipt of that form by the county recorder from the
7 department of transportation as prescribed by subsection D of this section
8 AND IF THE PERSON DOES NOT DECLINE TO BE REGISTERED TO VOTE WITHIN
9 TWENTY-ONE CALENDAR DAYS AFTER ISSUANCE OF NOTICE OF THE PROCESS TO
10 DECLINE, the applicant is presumed to be properly registered to vote.
11 That presumption may be rebutted as provided in section 16-121.01,
12 subsection B.

13 B. The director of the department of transportation and the
14 secretary of state shall consult at least every two years regarding voter
15 registration at driver license offices. The director of the department of
16 transportation and the secretary of state ~~shall~~, after consultation with
17 all county recorders, SHALL adopt rules to implement a system ~~permitting~~
18 ALLOWING driver license applicants, INCLUDING NONOPERATING IDENTIFICATION
19 LICENSE APPLICANTS AND PERSONS WHO ARE MAKING CHANGES TO LICENSE
20 INFORMATION, to register to vote at the same time and place as they apply
21 for driver licenses, INCLUDING NONOPERATING IDENTIFICATION LICENSES, AND
22 TO IMPLEMENT THE AUTOMATIC VOTER REGISTRATION OF APPLICANTS. THE SYSTEM
23 SHALL PROVIDE FOR THE COUNTY RECORDER ON RECEIPT OF THE REGISTRATION
24 INFORMATION FROM THE DEPARTMENT OF TRANSPORTATION TO NOTIFY THE PERSON OF
25 THE PROCESS TO DECLINE TO REGISTER TO VOTE AND THAT IF THE PERSON DOES NOT
26 DECLINE TO REGISTER TO VOTE WITHIN TWENTY-ONE CALENDAR DAYS AFTER THE
27 COUNTY RECORDER ISSUES THE NOTIFICATION, AND THE PERSON OTHERWISE IS
28 ELIGIBLE TO REGISTER TO VOTE, THE PERSON IS PRESUMED TO BE PROPERLY
29 REGISTERED TO VOTE. ~~Such~~ THE rules shall:

30 1. Bring the license application and voter registration application
31 forms into substantial conformity.

32 2. ~~Permit~~ ALLOW the transfer of driver license applications,
33 including NONOPERATING IDENTIFICATION LICENSE APPLICATIONS AND renewal,
34 ~~and~~ change of address AND OTHER LICENSE INFORMATION CHANGES, and voter
35 registration information from the department of transportation to the
36 voter registration rolls.

37 3. Respect all rules and statutes of this state concerning the
38 confidentiality of driver license application information.

39 4. Provide for the manual or electronic generation and transmittal
40 of voter registrations and provide for electronic generation of changes in
41 voter registration information, including address, in conformity with the
42 confidentiality requirements of the national voter registration act of
43 1993 (P.L. 103-31; 107 Stat. 77; ~~42~~ 52 United States Code ~~section 394~~
44 SECTIONS 20501 THROUGH 20511).

1 C. The department of transportation shall provide to applicants a
2 statement that provides each eligibility requirement for voting, including
3 citizenship, an attestation that the applicant meets each requirement, for
4 the signature of the applicant under penalty of perjury and, in print that
5 is identical to that used in the attestation, the following:

6 1. A description of the penalties provided by law for the
7 submission of a false voter registration application.

8 2. A statement that if an applicant declines to register to vote
9 the fact that the applicant has declined to register will remain
10 confidential and will be used only for voter registration purposes.

11 3. A statement that if an applicant does register to vote the
12 office at which the applicant submits a voter registration application
13 will remain confidential and will be used only for voter registration
14 purposes.

15 D. The department of transportation shall return or mail completed
16 registrations to the county recorder of the county in which the applicant
17 resides within five days after receipt of a completed registration.

18 E. A PERSON WHO IS NOT QUALIFIED TO REGISTER TO VOTE AND WHO
19 UNKNOWNLY REGISTERS UNDER THIS SECTION IS NOT GUILTY OF FALSE
20 REGISTRATION OR FALSE SWEARING AS PRESCRIBED BY SECTION 16-182 OR 16-184.

21 Sec. 3. Effective date

22 This act is effective from and after December 31, 2021.