Senate Engrossed House Bill

voter registration; state residency; cancellation

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2243

AN ACT

AMENDING SECTION 16-152, ARIZONA REVISED STATUTES; AMENDING SECTION 16-165, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 99, SECTION 8; AMENDING SECTION 21-314, ARIZONA REVISED STATUTES; RELATING TO QUALIFICATION AND REGISTRATION OF ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 16-152, Arizona Revised Statutes, is amended to read:

16-152. Registration form

A. The form used for the registration of electors shall contain:
1. The date the registrant signed the form.
2. The registrant's given name, middle name, if any, and surname.
3. The complete address of the registrant's actual place of residence, including street name and number, apartment or space number, city or town and zip code, or such description of the location of the residence that it can be readily ascertained or identified.
4. The registrant's complete mailing address, if different from the residence address, including post office address, city or town, zip code or other designation used by the registrant for receiving mail. The form shall also include a line for the registrant's e-mail address (optional to registrant).
5. The registrant's party preference. The two largest political parties that are entitled to continued representation on the ballot shall be listed on the form in the order determined by calculating which party has the highest number of registered voters at the close of registration for the most recent general election for governor, then the second highest. The form shall allow the registrant to circle, check or otherwise mark the party preference and shall include a blank line for other party preference options.
6. The registrant's telephone number, unless unlisted.
7. The registrant's state or country of birth.
8. The registrant's date of birth.
9. The registrant's occupation.
10. The registrant's Indian census number (optional to registrant).
11. One of the following identifiers for each registrant:
(a) The Arizona driver license number of the registrant or nonoperating identification license number of the registrant that is issued pursuant to section 28-3165.
(b) If the registrant does not have an Arizona driver license or nonoperating identification license, the last four digits of the registrant's social security number.
(c) If the registrant does not have an Arizona driver license or nonoperating identification license or a social security number and the registrant attests to that, a unique identifying number consisting of the registrant's unique identification number to be assigned by the secretary of state in the statewide electronic voter registration database.
12. A statement as to whether or not the registrant is currently registered in another state, county or precinct, and if so, the name, address, county and state of previous registration.

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14. The question to the registrant "Are you a citizen of the United States of America?", appropriate boxes for the registrant to check "yes" or "no" and a statement instructing the registrant not to complete the form if the registrant checked "no".

15. The question to the registrant "Will you be eighteen years of age on or before election day?", appropriate boxes for the registrant to check "yes" or "no" and a statement instructing the registrant not to complete the form if the registrant checked "no".

16. A statement that the registrant has not been convicted of treason or a felony, or if so, that the registrant's civil rights have been restored.

17. A statement that the registrant is a resident of this state and of the county in which the registrant is registering.

18. A statement that executing a false registration is a class 6 felony.

19. The signature of the registrant.

20. If the registrant is unable to sign the form, a statement that the affidavit was completed according to the registrant's direction.

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

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

23. A statement that the applicant shall submit evidence of United States citizenship with the application and that the registrar shall reject the application if no evidence of citizenship is attached.

24. A STATEMENT THAT IF THE REGISTRANT PERMANENTLY MOVES TO ANOTHER STATE AFTER REGISTERING TO VOTE IN THIS STATE, THE REGISTRANT'S VOTER REGISTRATION WILL BE CANCELED.

B. A duplicate voter receipt shall be provided with the form that provides space for the name, street address and city of residence of the applicant, party preference and the date of signing. The voter receipt is evidence of valid registration for the purpose of casting a provisional ballot as prescribed in section 16-584, subsection B.

C. The state voter registration form shall be printed in a form prescribed by the secretary of state.

D. The county recorder may establish procedures to verify whether a registrant has successfully petitioned the court for an injunction against harassment pursuant to section 12-1809 or an order of protection pursuant to section 13-3602 and, if verified, to protect the registrant's residence address, telephone number or voting precinct number, if appropriate, from public disclosure.
E. Subsection A of this section does not apply to registrations received from the department of transportation pursuant to section 16-112.

Sec. 2. Section 16-165, Arizona Revised Statutes, as amended by Laws 2022, chapter 99, section 8, is amended to read:

16-165. Causes for cancellation; report
A. The county recorder shall cancel a registration:
1. At the request of the person registered.
2. When the county recorder knows of the death of the person registered.
3. If the person has been adjudicated an incapacitated person as defined in section 14-5101.
4. When the person registered has been convicted of a felony, and the judgment of conviction has not been reversed or set aside. The county recorder shall cancel the registration on receipt of notice of a felony conviction from the court or from the secretary of state or when reported by the elector on a juror questionnaire that is completed pursuant to section 21-314.
5. On production of a certified copy of a judgment directing a cancellation to be made.
6. Promptly after the election if the person registered has applied for a ballot pursuant to section 16-126.
7. When a person has been on the inactive voter list and has not voted during the time periods prescribed in section 16-166, subsection C.
8. When the county recorder receives written information from the person registered that the person has a change of residence within the county and the person does not complete and return a new registration form within twenty-nine days after the county recorder mails notification of the need to complete and return a new registration form with current information.
9. When the county recorder receives written information from the person registered that the person has a change of address outside the county, including when the county recorder either:
   (a) receives a form from the person pursuant to subsection E of this section on which the person has confirmed that the person is not a resident of this state.
   (b) receives a summary report from the jury commissioner or jury manager pursuant to section 21-314 indicating that the person has stated that the person is not a resident of the county. Before the county recorder cancels a registration pursuant to this subdivision, the county recorder shall send the person notice by forwardable mail and a postage prepaid preaddressed return form requesting the person confirm by signing under penalty of perjury that the person is a resident of the county and is not knowingly registered to vote in another county or another state. The notice shall inform the person that failure to return the form within thirty-five days will result in the person’s registration being
CANCELED. IF THE PERSON FAILS TO RETURN THE NOTICE WITHIN THIRTY FIVE DAYS THE COUNTY RECORDER SHALL CANCEL THE PERSON'S REGISTRATION.

10. When the county recorder receives and confirms information that the person registered is not a United States citizen.

10. WHEN THE COUNTY RECORDER OBTAINS INFORMATION PURSUANT TO THIS SECTION AND CONFIRMS THAT THE PERSON REGISTERED IS NOT A UNITED STATES CITIZEN, INCLUDING WHEN THE COUNTY RECORDER RECEIVES A SUMMARY REPORT FROM THE JURY COMMISSIONER OR JURY MANAGER PURSUANT TO SECTION 21-314 INDICATING THAT A PERSON WHO IS REGISTERED TO VOTE HAS STATED THAT THE PERSON IS NOT A UNITED STATES CITIZEN. BEFORE THE COUNTY RECORDER CANCELS A REGISTRATION PURSUANT TO THIS PARAGRAPH, THE COUNTY RECORDER SHALL SEND THE PERSON NOTICE BY FORWARDABLE MAIL THAT THE PERSON'S REGISTRATION WILL BE CANCELED IN THIRTY FIVE DAYS UNLESS THE PERSON PROVIDES SATISFACTORY EVIDENCE OF UNITED STATES CITIZENSHIP PURSUANT TO SECTION 16-166. THE NOTICE SHALL INCLUDE A LIST OF DOCUMENTS THE PERSON MAY PROVIDE AND A POSTAGE PREPAID PREADDRESS RETURN ENVELOPE. IF THE PERSON REGISTERED DOES NOT PROVIDE SATISFACTORY EVIDENCE WITHIN THIRTY FIVE DAYS, THE COUNTY RECORDER SHALL CANCEL THE REGISTRATION AND NOTIFY THE COUNTY ATTORNEY AND ATTORNEY GENERAL FOR POSSIBLE INVESTIGATION.

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

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

D. Each month the department of health services shall transmit to the secretary of state without charge a record of the death of every resident of the state reported to the department within the preceding month. This record shall include only the name of the decedent, the decedent's date of birth, the decedent's date of death, the decedent's social security number, if available, the decedent's usual legal residence at the time of death and, if available, the decedent's father's name or
mother's maiden name. The secretary of state shall use the record for the sole purpose of canceling the names of deceased persons from the statewide voter registration database. In addition, the department of health services shall annually provide to the secretary of state from the statewide electronic death registration system without charge a record of all deaths of residents of this state that are reported to the department of health services. The records transmitted by the department of health services shall include only the name of the decedent, the decedent's date of birth, the decedent's social security number, if available, the decedent's usual legal residence at the time of death and, if available, the decedent's father's name or mother's maiden name. The secretary of state shall compare the records of deaths with the statewide voter registration database. Public access to the records is prohibited. Use of information from the records for purposes other than those required by this section is prohibited. The name of each deceased person shall promptly be canceled from the statewide voter registration database and the secretary of state shall notify the appropriate county recorder and the recorder shall cancel the name of the person from the register.

E. EACH MONTH THE DEPARTMENT OF TRANSPORTATION SHALL FURNISH TO THE SECRETARY OF STATE WITHOUT CHARGE A LIST OF PERSONS WHO THE DEPARTMENT HAS BEEN NOTIFIED HAVE BEEN ISSUED A DRIVER LICENSE OR THE EQUIVALENT OF AN ARIZONA NONOPERATING IDENTIFICATION LICENSE IN ANOTHER STATE. WITHIN TEN DAYS AFTER RECEIVING THE LIST OF PERSONS FROM THE DEPARTMENT OF TRANSPORTATION, THE SECRETARY OF STATE SHALL PROVIDE TO THE APPROPRIATE COUNTY RECORDER A LIST OF REGISTERED VOTERS IN THAT COUNTY WHO HAVE BEEN ISSUED A DRIVER LICENSE OR THE EQUIVALENT OF AN ARIZONA NONOPERATING IDENTIFICATION LICENSE IN ANOTHER STATE. THE COUNTY RECORDER SHALL PROMPTLY SEND NOTICE BY FORWARDABLE MAIL TO EACH PERSON WHO HAS OBTAINED A DRIVER LICENSE OR THE EQUIVALENT OF AN ARIZONA NONOPERATING IDENTIFICATION LICENSE IN ANOTHER STATE AND A POSTAGE PREPAID PREADDRESSED RETURN FORM REQUESTING THE PERSON CONFIRM BY SIGNING UNDER PENALTY OF PERJURY THAT THE PERSON IS A RESIDENT OF THIS STATE AND IS NOT KNOWINGLY REGISTERED TO VOTE IN ANOTHER STATE OR CONFIRM THAT THE PERSON IS NOT A RESIDENT OF THIS STATE. THE NOTICE SHALL INFORM THE PERSON THAT FAILURE TO RETURN THE FORM WITHIN NINETY DAYS WILL RESULT IN THE PERSON'S REGISTRATION BEING PLACED IN INACTIVE STATUS. IF THE PERSON RETURNS THE FORM WITHIN NINETY DAYS CONFIRMING THAT THE PERSON IS A RESIDENT OF THIS STATE, THE COUNTY RECORDER SHALL MAINTAIN THE REGISTRATION IN ACTIVE STATUS. IF THE PERSON FAILS TO RETURN THE FORM WITHIN NINETY DAYS, THE COUNTY RECORDER SHALL PLACE THE PERSON'S REGISTRATION IN INACTIVE STATUS.

F. EACH MONTH THE SECRETARY OF STATE SHALL COMPARE THE STATEWIDE VOTER REGISTRATION DATABASE TO THE DRIVER LICENSE DATABASE MAINTAINED BY THE DEPARTMENT OF TRANSPORTATION. THE SECRETARY OF STATE SHALL NOTIFY THE APPROPRIATE COUNTY RECORDER IF A PERSON WHO IS REGISTERED TO VOTE IN THAT
COUNTY HAS CHANGED THE PERSON'S RESIDENCE ADDRESS OR IS NOT A UNITED STATES CITIZEN.

G. TO THE EXTENT PRACTICABLE, EACH MONTH THE COUNTY RECORDER SHALL COMPARE THE COUNTY'S VOTER REGISTRATION DATABASE TO THE SOCIAL SECURITY ADMINISTRATION DATABASE.

H. TO THE EXTENT PRACTICABLE, EACH MONTH THE COUNTY RECORDER SHALL COMPARE PERSONS WHO ARE REGISTERED TO VOTE IN THAT COUNTY AND WHO THE COUNTY RECORDER HAS REASON TO BELIEVE ARE NOT UNITED STATES CITIZENS AND PERSONS WHO ARE REGISTERED TO VOTE WITHOUT SATISFACTORY EVIDENCE OF CITIZENSHIP AS PRESCRIBED BY SECTION 16-166 WITH THE SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS PROGRAM MAINTAINED BY THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES TO VERIFY THE CITIZENSHIP STATUS OF THE PERSONS REGISTERED.

I. FOR PERSONS WHO ARE REGISTERED TO VOTE WITHOUT SATISFACTORY EVIDENCE OF CITIZENSHIP AS PRESCRIBED IN SECTION 16-166, THE COUNTY RECORDER SHALL COMPARE THE ELECTRONIC VERIFICATION OF VITAL EVENTS SYSTEM MAINTAINED BY A NATIONAL ASSOCIATION FOR PUBLIC HEALTH STATISTICS AND INFORMATION SYSTEMS, IF ACCESSIBLE, WITH THE INFORMATION ON THE PERSON'S VOTER REGISTRATION FILE.

J. TO THE EXTENT PRACTICABLE, THE COUNTY RECORDER SHALL REVIEW RELEVANT CITY, TOWN, COUNTY, STATE AND FEDERAL DATABASES TO WHICH THE COUNTY RECORDER HAS ACCESS TO CONFIRM INFORMATION OBTAINED THAT REQUIRES CANCELLATION OF REGISTRATIONS PERSUANT TO THIS SECTION.

K. AFTER CANCELING A REGISTRATION PERSUANT TO THIS SECTION, THE COUNTY RECORDER SHALL SEND A NOTICE BY FORWARDABLE MAIL INFORMING THE PERSON THAT THE PERSON'S REGISTRATION HAS BEEN CANCELED, THE REASON FOR CANCELLATION, THE QUALIFICATIONS OF ELECTORS PURSUANT TO SECTION 16-101 AND INSTRUCTIONS ON REGISTERING TO VOTE IF THE PERSON IS QUALIFIED.

L. THE SECRETARY OF STATE SHALL REPORT THE FOLLOWING INFORMATION TO THE LEGISLATURE AT THE END OF EACH QUARTER:


2. THE NUMBER OF PERSONS REPORTED TO THE SECRETARY OF STATE WHO HAVE BEEN ISSUED A DRIVER LICENSE OR THE EQUIVALENT OF AN ARIZONA NONOPERATING IDENTIFICATION LICENSE IN ANOTHER STATE, THE NUMBER OF NOTICES SENT PURSUANT TO SUBSECTION E OF THIS SECTION AND THE NUMBER OF VOTER REGISTRATIONS THAT HAVE BEEN PLACED IN INACTIVE STATUS AND THE NUMBER OF VOTER REGISTRATIONS THAT HAVE BEEN CANCELED AS A RESULT OF THOSE NOTICES.
3. The number of persons who have stated on a jury questionnaire that the person is not a United States citizen, the number of notices sent pursuant to subsection A, paragraph 10 of this section and the number of registrations that have been canceled as a result of those notices.

4. The number of persons who have stated on a jury questionnaire that the person is not a resident of the county, the number of notices sent pursuant to subsection A, paragraph 9, subdivision (b) of this section and the number of registrations that have been canceled as a result of those notices.

5. The number of registrations on the inactive voter list that have been canceled pursuant to subsection A, paragraph 7 of this section.

Sec. 3. Section 21-314, Arizona Revised Statutes, is amended to read:

21-314. Juror questionnaire

A. The jury commissioner or jury manager shall use a questionnaire to determine whether a person is qualified to serve or has valid grounds to be excused or postponed from service. The jury commissioner or jury manager may require additional information from the person to make this determination. The jury commissioner or jury manager may determine juror qualifications, excuses and postponements at the same time.

B. The juror questionnaire shall inform the person that disqualification from jury duty as a result of responding to the questionnaire that the person is not a resident or is not a United States citizen will result in the person's voter registration being canceled.

C. The jury commissioner or jury manager may destroy the fully answered questionnaire ninety days after the commissioner or manager receives it.

D. The juror questionnaire may be included in the same mailing as the summons to attend the court as a juror or the questionnaire may be mailed before the summons.

E. The jury commissioner or jury manager may investigate the accuracy of the answers to the questionnaire and may call on law enforcement agencies and the county attorney for assistance in an investigation.

F. The jury commissioner or jury manager shall forward to the secretary of state and the county recorder a summary report derived from jury questionnaire data that contains information that indicates that a person is not a United States citizen or does not reside in the county. The report shall only contain the information that is necessary for the county recorder to accurately identify the person in the voter registration database.