



# ARIZONA HOUSE OF REPRESENTATIVES

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## **HB 2492: voter registration; verification; citizenship**

**Sponsor: Representative Hoffman, LD 12**

**House Engrossed**

### **Overview**

Outlines additional requirements to be verified before a person is properly registered to vote.

### **History**

Current statute outlines the requirements for a resident of Arizona to be qualified to register to vote. A person is qualified to register to vote if the person is:

- 1) A citizen of the United States;
- 2) Will be 18 or more years of age on or before the date of the regular general election following registration;
- 3) Will have been a resident of Arizona 29 days before the election;
- 4) Is able to make a mark or write the person's name, unless prevented from doing so by physical disability;
- 5) Has not been convicted of a felony or treason, unless restored to civil rights; and
- 6) Has not been adjudicated an incapacitated person as defined in statute ([A.R.S. § 16-101](#)).

A person is presumed to be properly registered to vote after completing a registration form that contains at least the name, residence address or location, date of birth and the signature or other statement of the registrant and a checkmark or other appropriate indicator that the person answered "yes" to the question regarding citizenship ([A.R.S. § 16-121.01](#)).

The United States Election Assistance Commission was established by the Help America Vote Act (HAVA) of 2002. The Commission is a bipartisan, independent commission charged with adopting voluntary voting system guidelines, developing guidance to meet HAVA requirements and serving as a national clearinghouse of information on election administration ([U.S. Election Assistance Commission](#)).

### **Provisions**

1. Specifies that to be qualified to register to vote a resident must provide satisfactory evidence of citizenship as prescribed in statute. (Sec. 1, 3)
2. Adds the following to the presumption of a person to be properly registered to vote:
  - a) Proof of location of residence;
  - b) The date *and* place of birth; and
  - c) A mark in the "yes" box next to the question regarding citizenship. (Sec. 4)
3. Requires an application for voter registration, including a form from the United States Election Assistance Commission, to contain a checkmark or other appropriate mark in the "yes" box next to the question regarding citizenship as a condition of being properly registered to vote either a full ballot or a federal only ballot. (Sec. 4)

4. Specifies that any application that does not include all of the required information and any application that is not signed is incomplete and the county recorder must notify the applicant and must not register the voter until all of the information is returned. (Sec. 4)
5. Provides that any application for registration, except a form by the United States Election Assistance Commission, must be accompanied by statutorily prescribed satisfactory evidence of citizenship. (Sec. 4)
6. Directs the county recorder to reject any application for registration that is not accompanied by satisfactory evidence of citizenship and states that a knowing failure to reject such application for registration results in a class 6 felony. (Sec. 4)
7. States that the county recorder or other officer in charge of elections must send a notice to the applicant if the application for registration lacks satisfactory evidence of citizenship. (Sec. 4)
8. Instructs the county recorder or other officer in charge of elections to use all available resources to verify the citizenship status of the applicant within 10 days of receiving an application for registration on a form from the United States Election Assistance Commission. (Sec. 4)
9. Outlines the entities that, at a minimum, the county recorder or other officer in charge of elections must compare with the information available on the application for registration. (Sec. 4)
10. Specifies that if the county recorder or other officer in charge of elections matches the applicant with the citizenship verification information and has met the other statutory requirements, the applicant is properly registered. (Sec. 4)
11. Details the procedures to follow if the county recorder or other officer in charge of elections is unable to or matches the applicant with information that the applicant is not a United States citizen. (Sec. 4)
12. Directs the county recorder or other officer in charge of elections to record the efforts made to verify an applicant's citizenship status. (Sec. 4)
13. Prescribes a class 6 felony if the county recorder or other officer in charge of elections knowingly causes the applicant to be registered and it is later determined that the applicant was not a United States citizen at the time of registration. (Sec. 4)
14. Instructs a person registering to vote to provide an identifying document that establishes proof of location of residence, except people who register as temporarily absent from the state. (Sec. 5)
15. Maintains that any identifying documents outlined in statute constitute satisfactory proof of location of residence but do not satisfy residency requirements in statute, only confirmation of the address on the applicant's application at the time of registration. (Sec. 5)
16. States that a valid and unexpired Arizona driver license or nonoperating identification number that is properly verified by the county recorder satisfies the proof of location of residence requirements. (Sec. 5)
17. Stipulates that a person who has registered to vote but not provided satisfactory evidence of citizenship is not eligible to vote in presidential elections. (Sec. 5)
18. Specifies that a person who has registered to vote but not provided satisfactory evidence of citizenship and who is eligible to vote for federal offices is not eligible to receive an early ballot by mail. (Sec. 5)

19. Exempts absent uniformed services voters or overseas voters from the federal only voter eligibility. (Sec. 5)
20. Directs the Secretary of State and each county recorder to make a list available to the Attorney General of all individuals who are registered to vote and have not provided satisfactory evidence of citizenship and, on or before October 31, 2022, their applications. (Sec. 7)
21. Instructs the Attorney General to use all available resources to verify the citizenship status of the applicant and outlines at a minimum what the Attorney General must compare the available information with. (Sec. 7)
22. Asserts that the Secretary of State must provide the Attorney General with access to the United States citizenship and immigration services systematic alien verification for entitlements program. (Sec. 7)
23. Requires the Attorney General to prosecute individuals who are found to not be United States citizens. (Sec. 7)
24. Directs the Attorney General to submit a report to specified people on or before March 31, 2023, detailing findings relating to the citizenship status of individuals who are registered to vote and have not provided satisfactory evidence of citizenship. (Sec. 7)
25. Adds that a county recorder must cancel a voter registration when the county recorder receives and confirms information that the registered person is not a United States citizen. (Sec. 8)
26. Contains a severability clause. (Sec. 9)
27. Makes technical and conforming changes. (Sec. 1-4, 6)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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