

House Engrossed

voter registration; cancellations; causes

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

HOUSE BILL 2617

AN ACT

AMENDING SECTIONS 16-165 AND 21-314, ARIZONA REVISED STATUTES; RELATING TO
VOTER REGISTRATION.

(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; report
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~~ IS INFORMED AND
8 CONFIRMS THAT the person registered IS DEAD.
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 10. WHEN THE COUNTY RECORDER RECEIVES AND CONFIRMS INFORMATION THAT
33 THE PERSON REGISTERED:
34 (a) IS NOT A UNITED STATES CITIZEN, INCLUDING WHEN THE COUNTY
35 RECORDER RECEIVES A JUROR QUESTIONNAIRE PURSUANT TO SECTION 21-314 ON
36 WHICH A PERSON WHO IS REGISTERED TO VOTE HAS STATED THAT THE PERSON IS NOT
37 A UNITED STATES CITIZEN.
38 (b) HAS BEEN ISSUED A DRIVER LICENSE OR THE EQUIVALENT OF AN
39 ARIZONA NONOPERATING IDENTIFICATION LICENSE FROM ANOTHER STATE. THE
40 DEPARTMENT OF TRANSPORTATION SHALL FURNISH MONTHLY TO THE SECRETARY OF
41 STATE A LIST OF PERSONS WHO HAVE BEEN ISSUED A DRIVER LICENSE OR THE
42 EQUIVALENT OF AN ARIZONA NONOPERATING IDENTIFICATION LICENSE IN ANOTHER
43 STATE. WITHIN TEN DAYS AFTER RECEIVING THE LIST OF PERSONS FROM THE
44 DEPARTMENT OF TRANSPORTATION, THE SECRETARY OF STATE SHALL PROVIDE TO THE
45 APPROPRIATE COUNTY RECORDER A LIST OF REGISTERED VOTERS IN THAT COUNTY WHO

1 HAVE BEEN ISSUED A DRIVER LICENSE OR THE EQUIVALENT OF AN ARIZONA
2 NONOPERATING IDENTIFICATION LICENSE FROM ANOTHER STATE.

3 (c) IS OTHERWISE NOT A QUALIFIED ELECTOR AS PRESCRIBED BY SECTION
4 16-101 IF THE COUNTY RECORDER CONFIRMS THE INFORMATION THAT PROVIDES THE
5 BASIS FOR DETERMINING THAT THE PERSON IS NOT A QUALIFIED ELECTOR.

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

11 C. BEFORE THE COUNTY RECORDER CANCELS A REGISTRATION:

12 1. PURSUANT TO SUBSECTION A, PARAGRAPH 10, SUBDIVISION (a) OF THIS
13 SECTION, THE COUNTY RECORDER SHALL SEND THE PERSON NOTICE THAT THE
14 REGISTRATION WILL BE CANCELED IN NINETY DAYS UNLESS THE PERSON PROVIDES
15 SATISFACTORY EVIDENCE THAT THE PERSON IS QUALIFIED. IF THE PERSON
16 REGISTERED DOES NOT PROVIDE SATISFACTORY EVIDENCE WITHIN NINETY DAYS, THE
17 COUNTY RECORDER SHALL CANCEL THE REGISTRATION AND NOTIFY THE COUNTY
18 ATTORNEY AND ATTORNEY GENERAL FOR POSSIBLE INVESTIGATION.

19 2. PURSUANT TO SUBSECTION A, PARAGRAPH 10, SUBDIVISION (b) OF THIS
20 SECTION, THE COUNTY RECORDER SHALL SEND NOTICE THAT THE REGISTRATION WILL
21 BE CANCELED IN NINETY DAYS UNLESS THE PERSON PROVIDES SATISFACTORY
22 EVIDENCE THAT THE PERSON IS QUALIFIED. THE COUNTY RECORDER SHALL INCLUDE
23 IN THE NOTICE THE REASON FOR THE CANCELLATION AND SHALL SEND IT TO BOTH OF
24 THE FOLLOWING:

25 (a) THE ADDRESS IN THE PERSON'S VOTER REGISTRATION FILE.

26 (b) THE ADDRESS SHOWN IN THE DEPARTMENT OF TRANSPORTATION'S RECORDS
27 FROM THE ISSUANCE OF A DRIVER LICENSE OR OTHER STATE-ISSUED IDENTIFICATION
28 IN ANOTHER STATE.

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

43 ~~D.~~ E. Each month the department of health services shall transmit
44 to the secretary of state without charge a record of the death of every
45 resident of the state reported to the department within the preceding

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

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

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

32 H. TO THE EXTENT PRACTICABLE, EACH MONTH THE COUNTY RECORDER SHALL
33 COMPARE PERSONS WHO ARE REGISTERED TO VOTE IN THAT COUNTY AND WHO THE
34 COUNTY RECORDER HAS REASON TO BELIEVE ARE NOT UNITED STATES CITIZENS WITH
35 THE SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS PROGRAM MAINTAINED BY
36 THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES TO VERIFY THE
37 CITIZENSHIP STATUS OF THE PERSONS REGISTERED.

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

44 J. THE COUNTY RECORDER SHALL REGULARLY REVIEW RELEVANT CITY, TOWN,
45 COUNTY, STATE AND FEDERAL DATABASES TO WHICH THE COUNTY RECORDER HAS

1 ACCESS TO ENSURE THAT PERSONS WHO ARE REGISTERED TO VOTE ARE QUALIFIED
2 ELECTORS PURSUANT TO SECTION 16-101.

3 K. THE SECRETARY OF STATE SHALL REPORT TO THE LEGISLATURE AT THE
4 END OF EACH QUARTER THE NUMBER OF DEATHS REPORTED TO THE SECRETARY OF
5 STATE BY THE DEPARTMENT OF HEALTH SERVICES AND THE NUMBER OF VOTER
6 REGISTRATION CANCELLATION NOTICES ISSUED BY THE SECRETARY OF STATE TO THE
7 COUNTY RECORDERS AS A RESULT OF THOSE REPORTS.

8 Sec. 2. Section 21-314, Arizona Revised Statutes, is amended to
9 read:

10 21-314. Juror questionnaire

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

17 B. The jury commissioner or jury manager may destroy the fully
18 answered questionnaire ninety days after the commissioner or manager
19 receives it.

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

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

27 E. THE JURY COMMISSIONER OR JURY MANAGER SHALL FORWARD TO THE
28 SECRETARY OF STATE AND THE COUNTY RECORDER A COPY OF ANY JURY
29 QUESTIONNAIRE ON WHICH A PERSON HAS INDICATED THAT THE PERSON IS NOT A
30 UNITED STATES CITIZEN OR DOES NOT RESIDE IN THE COUNTY. THE JURY
31 COMMISSIONER OR JURY MANAGER SHALL REDACT FROM THE QUESTIONNAIRE ANY
32 INFORMATION THAT IS NOT NECESSARY FOR THE COUNTY RECORDER TO ACCURATELY
33 IDENTIFY THE PERSON IN THE VOTER REGISTRATION DATABASE.