

REFERENCE TITLE: voter registration; cancellations; causes

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

HB 2617

Introduced by
Representatives Chaplik: Barton, Biasiucci, Blackman, Burges, Carroll,
Carter, Cobb, Cook, Diaz, Dunn, Fillmore, Finchem, Grantham, Griffin,
Hoffman, Kaiser, Kavanagh, Nguyen, Parker, Payne, Pingerelli, Toma,
Weninger, Wilmeth, Senators Borrelli, Rogers

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~~ RECEIVES OR OBTAINS
8 INFORMATION REGARDING the death of the person registered, INCLUDING
9 INFORMATION RECEIVED PURSUANT TO THIS SECTION.
10 3. If the person has been adjudicated an incapacitated person as
11 defined in section 14-5101.
12 4. When the person registered has been convicted of a felony, and
13 the judgment of conviction has not been reversed or set aside. The county
14 recorder shall cancel the registration on receipt of notice of a felony
15 conviction from the court or from the secretary of state or when reported
16 by the elector on a signed juror questionnaire that is completed pursuant
17 to section 21-314.
18 5. On production of a certified copy of a judgment directing a
19 cancellation to be made.
20 6. Promptly after the election if the person registered has applied
21 for a ballot pursuant to section 16-126.
22 7. When a person has been on the inactive voter list and has not
23 voted during the time periods prescribed in section 16-166, subsection C.
24 8. When the county recorder receives written information from the
25 person registered that the person has a change of residence within the
26 county and the person does not complete and return a new registration form
27 within twenty-nine days after the county recorder mails notification of
28 the need to complete and return a new registration form with current
29 information.
30 9. When the county recorder receives written information from the
31 person registered that the person has a change of address outside the
32 county.
33 10. WHEN THE COUNTY RECORDER RECEIVES INFORMATION THAT THE PERSON
34 REGISTERED:
35 (a) IS NOT A UNITED STATES CITIZEN, INCLUDING WHEN THE COUNTY
36 RECORDER RECEIVES A JUROR QUESTIONNAIRE PURSUANT TO SECTION 21-314 ON
37 WHICH A PERSON WHO IS REGISTERED TO VOTE HAS STATED THAT THE PERSON IS NOT
38 A UNITED STATES CITIZEN.
39 (b) HAS BEEN ISSUED A DRIVER LICENSE OR OTHER STATE-ISSUED
40 IDENTIFICATION FROM ANOTHER STATE. THE DEPARTMENT OF TRANSPORTATION SHALL
41 FURNISH MONTHLY TO THE SECRETARY OF STATE A LIST OF PERSONS WHO HAVE BEEN
42 ISSUED A DRIVER LICENSE OR OTHER STATE-ISSUED IDENTIFICATION 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 OTHER STATE-ISSUED IDENTIFICATION
2 FROM ANOTHER STATE.

3 (c) IS OTHERWISE NOT A QUALIFIED ELECTOR AS PRESCRIBED BY SECTION
4 16-101.

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

10 C. IF THE COUNTY RECORDER CANCELS A REGISTRATION:

11 1. PURSUANT TO SUBSECTION A, PARAGRAPH 10, SUBDIVISION (a) OF THIS
12 SECTION, THE COUNTY RECORDER SHALL SEND THE PERSON NOTICE THAT THE
13 REGISTRATION HAS BEEN CANCELED, STATING THE REASON FOR THE CANCELLATION,
14 AND SHALL SEND THE INFORMATION TO THE COUNTY ATTORNEY AND ATTORNEY GENERAL
15 FOR POSSIBLE INVESTIGATION.

16 2. PURSUANT TO SUBSECTION A, PARAGRAPH 10, SUBDIVISION (b) OF THIS
17 SECTION, THE COUNTY RECORDER SHALL SEND NOTICE THAT THE REGISTRATION HAS
18 BEEN CANCELED, STATING THE REASON FOR THE CANCELLATION, TO BOTH OF THE
19 FOLLOWING:

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

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

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

38 ~~F.~~ E. Each month the department of health services shall transmit
39 to the secretary of state without charge a record of the death of every
40 resident of the state reported to the department within the preceding
41 month. This record shall include only the name of the decedent, the
42 decedent's date of birth, the decedent's date of death, the decedent's
43 social security number, if available, the decedent's usual legal residence
44 at the time of death and, if available, the decedent's father's name or
45 mother's maiden name. The secretary of state shall use the record for the

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

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

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

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

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

39 J. THE COUNTY RECORDER SHALL REGULARLY REVIEW RELEVANT CITY, TOWN,
 40 COUNTY, STATE AND FEDERAL DATABASES TO ENSURE THAT PERSONS WHO ARE
 41 REGISTERED TO VOTE ARE QUALIFIED ELECTORS PURSUANT TO SECTION 16-101.

42 K. THE SECRETARY OF STATE SHALL REPORT TO THE LEGISLATURE AT THE
 43 END OF EACH QUARTER THE NUMBER OF DEATHS REPORTED TO THE SECRETARY OF
 44 STATE BY THE DEPARTMENT OF HEALTH SERVICES AND THE NUMBER OF VOTER

1 REGISTRATION CANCELLATION NOTICES ISSUED BY THE SECRETARY OF STATE TO THE
2 COUNTY RECORDERS AS A RESULT OF THOSE REPORTS.

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

5 21-314. Juror questionnaire

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

12 B. The jury commissioner or jury manager may destroy the fully
13 answered questionnaire ninety days after the commissioner or manager
14 receives it.

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

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

22 E. THE JURY COMMISSIONER OR JURY MANAGER SHALL FORWARD TO THE
23 SECRETARY OF STATE AND THE COUNTY RECORDER A COPY OF ANY JURY
24 QUESTIONNAIRE ON WHICH A PERSON HAS INDICATED THAT THE PERSON IS NOT A
25 UNITED STATES CITIZEN OR DOES NOT RESIDE IN THE COUNTY.