

REFERENCE TITLE: restoration; voting rights; website notification

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1681

Introduced by
Senators Gonzales: Hatathlie

AN ACT

AMENDING SECTIONS 12-254, 13-907, 13-908 AND 41-121, ARIZONA REVISED
STATUTES; RELATING TO THE RESTORATION OF CIVIL RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-254, Arizona Revised Statutes, is amended to
3 read:

4 12-254. Chief adult probation officer; duties; other
5 officers' duties

6 A. In each county having a chief adult probation officer, ~~such~~ THE
7 officer, with the approval of the presiding judge, shall:

8 1. Establish organizational and operational procedures for the
9 deputy adult probation officers of the county.

10 2. Direct the work and activities of the deputy adult probation
11 officers of the county.

12 3. Supply ~~such~~ information as ~~may be~~ requested by the state
13 department of corrections pursuant to section 41-1604, subsection A,
14 paragraph 6.

15 4. Perform other duties assigned by the presiding judge, which
16 duties may include serving as a juvenile probation officer, if such
17 officer meets the minimum qualification prescribed by section 8-203,
18 subsection C.

19 5. ESTABLISH AND MAINTAIN ON THE PROBATION DEPARTMENT'S WEBSITE A
20 HYPERLINK TO A WEBSITE AT WHICH INFORMATION IS PROVIDED BY THE SECRETARY
21 OF STATE REGARDING VOTING RIGHTS FOR A PERSON WHO HAS A CRIMINAL HISTORY
22 AND CONSPICUOUSLY POST IN EACH PROBATION OFFICE WHERE PROBATIONERS ARE
23 SEEN A SIGN THAT CONTAINS THE PROBATION DEPARTMENT'S WEBSITE ADDRESS.

24 6. ON REQUEST, PROVIDE A PROBATIONER WITH INFORMATION PROVIDED BY
25 THE SECRETARY OF STATE REGARDING VOTING RIGHTS FOR A PERSON WHO HAS A
26 CRIMINAL HISTORY.

27 B. In a county having no chief probation officer the adult
28 probation officer shall supply the information required by subsection A,
29 ~~paragraph~~ PARAGRAPHS 3, 5 AND 6 of this section.

30 Sec. 2. Section 13-907, Arizona Revised Statutes, is amended to
31 read:

32 13-907. Automatic restoration of civil rights for first
33 offenders; automatic restoration of voting rights;
34 exception; definition

35 A. On final discharge, any person who has not previously been
36 convicted of a felony offense shall automatically be restored any civil
37 rights that were lost or suspended as a result of the conviction if the
38 person pays any victim restitution imposed, EXCEPT THAT THE PERSON'S RIGHT
39 TO VOTE IS AUTOMATICALLY RESTORED ON FINAL DISCHARGE.

40 B. A person who is entitled to the restoration of any civil rights
41 pursuant to this section is not required to file an application pursuant
42 to section 13-908.

43 C. This section does not apply to a person's right to possess a
44 firearm as defined in section 13-3101. The court may order the
45 restoration of the right to possess a firearm pursuant to section 13-910.

D. For the purposes of this section, "final discharge" means the completion of probation or the receipt of an absolute discharge from the state department of corrections or the ~~United States~~ FEDERAL bureau of prisons.

Sec. 3. Section 13-908, Arizona Revised Statutes, is amended to read:

13-908. Restoration of civil rights; application; definition

A. On final discharge, a person who has previously been convicted of a felony or who has not paid any victim restitution that was imposed may apply to the superior court to have the person's civil rights restored, **EXCEPT THAT THE PERSON'S RIGHT TO VOTE IS AUTOMATICALLY RESTORED ON THE PERSON'S FINAL DISCHARGE.** A person who has received an absolute discharge from imprisonment may file an application for restoration of civil rights ~~no~~ NOT sooner than two years from the date of the person's absolute discharge. The restoration of civil rights is in the discretion of the judicial officer.

B. The person or the person's attorney or probation officer may file the application for the restoration of civil rights. The clerk of the court may not charge a filing fee for an application. The clerk of the court shall forward a copy of the application to the county attorney.

C. A person whose civil rights were lost or suspended as a result of a felony conviction in a United States district court and whose period of probation has been completed may file the application for restoration of civil rights in the county in which the person now resides, **EXCEPT THAT THE PERSON'S RIGHT TO VOTE IS AUTOMATICALLY RESTORED ON THE PERSON'S DISCHARGE FROM PROBATION.** The person shall file an affidavit of discharge from the judicial officer who discharged the person at the end of the term of probation.

D. A person who has received an absolute discharge from imprisonment and who files an application for the restoration of civil rights shall file with the application a certificate of absolute discharge from the director of the state department of corrections.

E. A person whose civil rights were lost or suspended as a result of a felony conviction in a United States district court and who has received an absolute discharge from imprisonment in a federal prison shall file the application for the restoration of civil rights in the county in which the person now resides, **EXCEPT THAT THE PERSON'S RIGHT TO VOTE IS AUTOMATICALLY RESTORED ON THE PERSON'S ABSOLUTE DISCHARGE FROM IMPRISONMENT.** The person shall file with the application a certificate of absolute discharge from the director of the federal bureau of prisons, unless it is shown to be impossible to obtain a certificate.

F. If the court grants the application, the court shall restore the person's civil rights.

1 G. This section does not apply to a person's right to possess a
2 firearm as defined in section 13-3101. The court may order the
3 restoration of the right to possess a firearm pursuant to section 13-910.

4 H. For the purposes of this section, "final discharge" means the
5 completion of probation or the receipt of an absolute discharge from the
6 state department of corrections or the ~~United States~~ FEDERAL bureau of
7 prisons.

8 Sec. 4. Section 41-121, Arizona Revised Statutes, is amended to
9 read:

10 ~~41-121.~~ Duties

11 A. The secretary of state shall:

12 1. Receive bills and resolutions from the legislature, and perform
13 such other duties as devolve on the secretary of state by resolution of
14 the two houses or either of them.

15 2. Keep a register of and attest the official acts of the governor.

16 3. Act as custodian of the great seal of this state.

17 4. Affix the great seal, with the secretary of state's attestation,
18 to public instruments to which the official signature of the governor is
19 attached.

20 5. File in the secretary of state's office receipts for all books
21 distributed by the secretary of state and direct the county recorder of
22 each county to do the same.

23 6. Certify to the governor the names of those persons who have
24 received at any election the highest number of votes for any office, the
25 incumbent of which is commissioned by the governor.

26 7. Promptly chapter slip laws filed by the legislature,
27 electronically publish and maintain the bills, memorials and resolutions
28 posted on the secretary of state's website, make such acts available for a
29 reasonable fee to include the cost of printing and postage, provide each
30 house of the legislature and the legislative council with a certified copy
31 of each chaptered bill or resolution and transfer to the custody of the
32 Arizona state library, archives and public records all original paper
33 copies filed.

34 8. Keep a fee book of fees and compensation of whatever kind and
35 nature earned, collected or charged by the secretary of state, with the
36 date, the name of the payer and the nature of the service in each
37 case. The fee book shall be verified annually by the secretary of state's
38 affidavit entered in the fee book.

39 9. Perform other duties imposed on the secretary of state by law.

40 10. Report to the governor on January 2 each year, and at such
41 other times as provided by law, a detailed account of the secretary of
42 state's official actions taken since the secretary of state's previous
43 report together with a detailed statement of the manner in which all
44 appropriations for the secretary of state's office have been expended.

1 11. Transfer all noncurrent or inactive books, records, deeds and
2 other papers otherwise required to be filed with or retained by the
3 secretary of state to the custody of the Arizona state library, archives
4 and public records.

5 12. Accept electronic and digital signatures that comply with
6 section 18-106 for documents filed with and by all state agencies, boards
7 and commissions.

8 13. Meet at least annually with personnel from the federal voting
9 assistance office of the United States department of defense and with
10 county recorders and other county election officials in this state to
11 coordinate the delivery and return of registrations, ballot requests,
12 voted ballots and other election materials to and from absent uniformed
13 and overseas citizens.

14 14. ESTABLISH AND MAINTAIN ON THE SECRETARY OF STATE'S WEBSITE A
15 HYPERLINK TO A WEBSITE AT WHICH INFORMATION IS PROVIDED BY THE SECRETARY
16 OF STATE REGARDING VOTING RIGHTS FOR A PERSON WHO HAS A CRIMINAL HISTORY
17 AND THE AUTOMATIC RESTORATION OF THE RIGHT TO VOTE ON THE PERSON'S
18 COMPLETION OF PROBATION OR ABSOLUTE DISCHARGE FROM IMPRISONMENT.

19 B. The secretary of state may refuse to perform a service or refuse
20 a filing based on a reasonable belief that the service or filing is being
21 requested for an unlawful, illegitimate, false or fraudulent purpose or is
22 being requested or submitted in bad faith or for the purpose of harassing
23 or defrauding a person or entity. This subsection does not apply to
24 election filings.