

REFERENCE TITLE: early ballot list; daily returns

State of Arizona  
Senate  
Fifty-sixth Legislature  
Second Regular Session  
2024

## **SB 1223**

Introduced by  
Senators Mendez: Sundareshan

AN ACT

AMENDING SECTION 16-168, ARIZONA REVISED STATUTES; RELATING TO  
QUALIFICATION AND REGISTRATION OF ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-168, Arizona Revised Statutes, is amended to  
3 read:

4 16-168. Precinct registers; date of preparation; contents;  
5 copies; reports; statewide database; violation;  
6 classification

7 A. By the tenth day preceding the primary and general elections the  
8 county recorder shall prepare from the original registration forms or from  
9 electronic media at least four lists that are printed or typed on paper,  
10 or at least two electronic media poll lists, or any combination of both,  
11 of all qualified electors in each precinct in the county, and the lists  
12 shall be the official precinct registers.

13 B. The official precinct registers for use at the polling place  
14 shall contain at least the names in full, party preference, date of  
15 registration and residence address of each qualified elector in the  
16 respective precincts. The names shall be in alphabetical order and, in a  
17 column to the left of the names, shall be numbered consecutively beginning  
18 with number 1 in each precinct register.

19 C. For the purposes of transmitting voter registration information  
20 as prescribed by this subsection, electronic media shall be the principal  
21 media. A county or state chairman who is eligible to receive copies of  
22 precinct lists as prescribed by this subsection may request that the  
23 recorder provide a paper copy of the precinct lists. In addition to  
24 preparing the official precinct lists, the county recorder shall provide a  
25 means for electronically reproducing the precinct lists. Unless otherwise  
26 agreed, the county recorder shall deliver one electronic media copy of  
27 each precinct list in the county without charge and on the same day within  
28 eight days after the close of registration for the primary and general  
29 elections to the county chairman and one electronic media copy to the  
30 state chairman of each party that has at least four candidates other than  
31 presidential electors appearing on the ballot in that county at the  
32 current election. The secretary of state shall establish a single format  
33 that prescribes the manner and template in which all county recorders  
34 provide this data to the secretary of state to ensure that the submissions  
35 are uniform from all counties in this state, that all submissions are  
36 identical in format, including the level of detail for voting history, and  
37 that information may readily be combined from two or more counties. The  
38 electronic media copies of the precinct lists that are delivered to the  
39 party chairmen shall include for each elector the following information:

- 40 1. Name in full and appropriate title.
- 41 2. Party preference.
- 42 3. Date of registration.
- 43 4. Residence address.
- 44 5. Mailing address, if different from residence address.
- 45 6. Zip code.

1           7. Telephone number if given.

2           8. Birth year.

3           9. Occupation if given.

4           10. Voting history for all elections in the prior four years and  
5 any other information regarding registered voters that the county recorder  
6 or city or town clerk maintains electronically and that is public  
7 information.

8           11. All data relating to early voters, including ballot requests  
9 and ballot returns.

10          D. The names on the precinct lists shall be in alphabetical order  
11 and the precinct lists in their entirety, unless otherwise agreed, shall  
12 be delivered to each county chairman and each state chairman within ten  
13 business days ~~of~~ AFTER the close of each date for counting registered  
14 voters prescribed by subsection G of this section other than the primary  
15 and general election registered voter counts in the same format and media  
16 as prescribed by subsection C of this section. During the thirty-three  
17 days immediately preceding an election and on request from a county or  
18 state chairman, the county recorder shall provide at no cost a daily list  
19 of persons who have requested an early ballot ~~and shall provide at no cost~~  
20 ~~a weekly listing of persons who have returned their early ballots.~~ The  
21 recorder shall provide the daily ~~and weekly~~ information through the Friday  
22 preceding the election. On request from a county chairman or state  
23 chairman, the ~~county recorder of a county with a population of more than~~  
24 ~~eight hundred thousand persons~~ SECRETARY OF STATE shall provide at no cost  
25 a daily listing of persons who have returned their early ballots. The  
26 daily listing shall be provided Mondays through Fridays, beginning with  
27 the first Monday following the start of early voting and ending on the  
28 Monday before the election.

29          E. Precinct registers and other lists and information derived from  
30 registration forms may be used only for purposes relating to a political  
31 or political party activity, a political campaign or an election, for  
32 revising election district boundaries or for any other purpose  
33 specifically authorized by law and may not be used for a commercial  
34 purpose as defined in section 39-121.03. The sale of registers, lists and  
35 information derived from registration forms to a candidate or a registered  
36 political committee for a use specifically authorized by this subsection  
37 does not constitute use for a commercial purpose. The county recorder,  
38 the secretary of state and other officers in charge of elections, on a  
39 request for an authorized use and within thirty days from receipt of the  
40 request, shall prepare additional copies of an official precinct list and  
41 furnish them to any person requesting them on payment of a fee equal to  
42 the following amounts for the following number of voter registration  
43 records provided:

44           1. For one to one hundred twenty-four thousand nine hundred  
45 ninety-nine records, \$93.75 plus \$0.0005 per record.

1           2. For one hundred twenty-five thousand to two hundred forty-nine  
2 thousand nine hundred ninety-nine records, \$156.25 plus \$0.000375 per  
3 record.

4           3. For two hundred fifty thousand to four hundred ninety-nine  
5 thousand nine hundred ninety-nine records, \$203.13 plus \$0.00025 per  
6 record.

7           4. For five hundred thousand to nine hundred ninety-nine thousand  
8 nine hundred ninety-nine records, \$265.63 plus \$0.000125 per record.

9           5. For one million or more records, \$328.13 plus \$0.0000625 per  
10 record.

11          F. Any person in possession of a precinct register or list, in  
12 whole or part, or any reproduction of a precinct register or list, shall  
13 not ~~permit~~ **ALLOW** the register or list to be used, bought, sold or  
14 otherwise transferred for any purpose except for uses otherwise authorized  
15 by this section. A person in possession of information derived from voter  
16 registration forms or precinct registers shall not distribute, post or  
17 otherwise provide access to any portion of that information through the  
18 internet except as authorized by subsection I of this section. ~~Nothing in~~  
19 This section ~~shall~~ **DOES NOT** preclude public inspection of voter  
20 registration records at the office of the county recorder for the purposes  
21 prescribed by this section, except that the month and day of birth date,  
22 the social security number or any portion thereof, the driver license  
23 number or nonoperating identification license number, the Indian census  
24 number, the father's name or mother's maiden name, the state or country of  
25 birth and the records containing a voter's signature and a voter's ~~e-mail~~  
26 **EMAIL** address shall not be accessible or reproduced by any person other  
27 than the voter, by an authorized government official in the scope of the  
28 official's duties, for any purpose by an entity designated by the  
29 secretary of state as a voter registration agency pursuant to the national  
30 voter registration act of 1993 (P.L. 103-31; 107 Stat. 77), for signature  
31 verification on petitions and candidate filings, for election purposes and  
32 for news gathering purposes by a person engaged in newspaper, radio,  
33 television or reportorial work, or connected with or employed by a  
34 newspaper, radio or television station or pursuant to a court order.  
35 Notwithstanding any other law, a voter's ~~e-mail~~ **EMAIL** address may not be  
36 released for any purpose. A person who violates this subsection or  
37 subsection E of this section is guilty of a class 6 felony.

38          G. The county recorder shall count the registered voters by  
39 political party by precinct, legislative district and congressional  
40 district as follows:

41           1. In even numbered years, the county recorder shall count all  
42 persons who are registered to vote as of:

43           (a) January 2.

44           (b) April 1.

1 (c) The last day on which a person may register to be eligible to  
2 vote in the next primary election.

3 (d) The last day on which a person may register to be eligible to  
4 vote in the next general election.

5 (e) The last day on which a person may register to be eligible to  
6 vote in the next presidential preference election.

7 2. In odd numbered years, the county recorder shall count all  
8 persons who are registered to vote as of:

9 (a) January 2.

10 (b) April 1.

11 (c) July 1.

12 (d) October 1.

13 H. The county recorder shall report the totals to the secretary of  
14 state as soon as is practicable following each of the dates prescribed in  
15 subsection G of this section. The report shall include completed  
16 registration forms returned in accordance with section 16-134,  
17 subsection B. The county recorder shall also provide the report in a  
18 uniform electronic computer media format that shall be agreed on between  
19 the secretary of state and all county recorders. The secretary of state  
20 shall then prepare a summary report for the state and shall maintain that  
21 report as a permanent record.

22 I. The county recorder and the secretary of state shall protect  
23 access to voter registration information in an auditable format and method  
24 specified in the secretary of state's electronic voting system  
25 instructions and procedures manual that is adopted pursuant to section  
26 16-452.

27 J. The secretary of state shall develop and administer a statewide  
28 database of voter registration information that contains the name and  
29 registration information of every registered voter in this state. The  
30 statewide database is a matter of statewide concern and is not subject to  
31 modification or further regulation by a political subdivision. The  
32 database shall include an identifier that is unique for each individual  
33 voter. The database shall provide for access by voter registration  
34 officials and shall allow expedited entry of voter registration  
35 information after it is received by county recorders. As a part of the  
36 statewide voter registration database, county recorders shall provide for  
37 the electronic transmittal of that information to the secretary of state  
38 on a real time basis. The secretary of state shall provide for  
39 maintenance of the database, including provisions regarding removal of  
40 ineligible voters that are consistent with the national voter registration  
41 act of 1993 (P.L. 103-31; 107 Stat. 77; 52 United States Code sections  
42 20501 through 20511) and the help America vote act of 2002 (P.L. 107-252;  
43 116 Stat. 1666; 52 United States Code sections 20901 through 21145),  
44 provisions regarding removal of duplicate registrations and provisions to  
45 ensure that eligible voters are not removed in error. For the purpose of

1 maintaining compliance with the help America vote act of 2002, each county  
2 voter registration system is subject to approval by the secretary of state  
3 for compatibility with the statewide voter registration database system.

4 K. Except as provided in subsection L of this section, for requests  
5 for the use of registration forms and access to information as provided in  
6 subsections E and F of this section, the county recorder shall receive and  
7 respond to requests regarding federal, state and county elections.

8 L. Beginning January 1, 2008, recognized political parties shall  
9 request precinct lists and access to information as provided in  
10 subsections E and F of this section during the time periods prescribed in  
11 subsection C or D of this section and the county recorder shall receive  
12 and respond to those requests EXCEPT FOR DAILY LISTS OF PERSONS WHO HAVE  
13 RETURNED THEIR EARLY BALLOTS. If the county recorder does not provide the  
14 requested materials within the applicable time prescribed for the county  
15 recorder pursuant to subsection C or D of this section, a recognized  
16 political party may request that the secretary of state provide precinct  
17 lists and access to information as provided in subsections E and F of this  
18 section for federal, state and county elections. EXCEPT FOR DAILY LISTS  
19 OF PERSONS WHO HAVE RETURNED THEIR EARLY BALLOTS, the secretary of state  
20 shall not provide access to precinct lists and information for recognized  
21 political parties unless the county recorder has failed or refused to  
22 provide the lists and materials as prescribed by this section. The  
23 secretary of state may charge the county recorder a fee determined by rule  
24 for each name or record produced.

25 M. For municipal registration information in those municipalities  
26 in which the county administers the municipal elections, county and state  
27 party chairmen shall request and obtain voter registration information and  
28 precinct lists from the city or town clerk during the time periods  
29 prescribed in subsection C or D of this section. If the city or town  
30 clerk does not provide that information within the same time prescribed  
31 for county recorders pursuant to subsection C or D of this section, the  
32 county or state party chairman may request and obtain the information from  
33 the county recorder. The county recorder shall provide the municipal  
34 voter registration and precinct lists within the time prescribed in  
35 subsection C or D of this section.

36 N. The county recorders and the secretary of state shall not  
37 prohibit any person or entity prescribed in subsection C of this section  
38 from distributing a precinct list to any person or entity that is deemed  
39 to be using the precinct list in a lawful manner as prescribed in  
40 subsections E and F of this section.