

REFERENCE TITLE: lawful presence; public programs; verification

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2806

Introduced by
Representatives Gillette: Biasiucci, Chaplik, Fink, Gress, Taylor, Way,
Willoughby

AN ACT

AMENDING SECTIONS 16-166, 28-3153 AND 36-2903.03, ARIZONA REVISED
STATUTES; RELATING TO LAWFUL PRESENCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-166, Arizona Revised Statutes, is amended to
3 read:

4 16-166. Verification of registration; quarterly report

5 A. Except for the mailing of sample ballots, a county recorder who
6 mails an item to any elector shall send the mailing by nonforwardable
7 first class mail marked with the statement required by the postmaster to
8 receive an address correction notification. If the item is returned
9 undelivered, the county recorder shall send a follow-up notice to that
10 elector within three weeks of receipt of the returned notice. The county
11 recorder shall send the follow-up notice to the address that appears in
12 the general county register or to the forwarding address provided by the
13 United States postal service. The follow-up notice shall include an
14 appropriate internet address for revising voter registration information
15 or a registration form and the information prescribed by section 16-131,
16 subsection C and shall state that if the elector does not complete and
17 return a new registration form with current information to the county
18 recorder or make changes to the elector's voter registration information
19 that is maintained online within thirty-five days, the elector's
20 registration status shall be changed from active to inactive.

21 B. If the elector provides the county recorder with a new
22 registration form or otherwise revises the elector's information, the
23 county recorder shall change the general register to reflect the changes
24 indicated on the new registration. If the elector indicates a new
25 residence address outside that county, the county recorder shall forward
26 the voter registration form or revised information to the county recorder
27 of the county in which the elector's address is located. If the elector
28 provides a new residence address that is located outside this state, the
29 county recorder shall cancel the elector's registration.

30 C. The county recorder shall maintain on the inactive voter list
31 the names of electors who have been removed from the general register
32 pursuant to subsection A or E of this section for a period of four years
33 or through the date of the second general election for federal office
34 following the date of the notice from the county recorder that is sent
35 pursuant to subsection E of this section.

36 D. On notice that a government agency has changed the name of any
37 street, route number, post office box number or other address designation,
38 the county recorder shall revise the registration records and shall send a
39 new verification of registration notice to the electors whose records were
40 changed.

41 E. The county recorder on or before May 1 of each year preceding a
42 state primary and general election or more frequently as the recorder
43 deems necessary may use the change of address information supplied by the
44 postal service through its licensees and the information provided by an
45 electronic voter registration information center to identify registrants

1 whose addresses may have changed. If it appears from information provided
 2 by the postal service or an electronic voter registration information
 3 center that a registrant has moved to a different residence address, the
 4 county recorder shall send the registrant a notice of the change by
 5 forwardable mail and a postage prepaid preaddressed return form or an
 6 appropriate internet address for revising voter registration information
 7 by which the registrant may verify or correct the registration
 8 information. If the registrant fails to revise the information or return
 9 the form postmarked not later than thirty-five days after the mailing of
 10 the notice, the elector's registration status shall be changed from active
 11 to inactive. If the notice sent by the recorder is not returned, the
 12 registrant may be required to provide affirmation or confirmation of the
 13 registrant's address in order to vote. If the registrant does not vote in
 14 an election during the period after the date of the notice from the
 15 recorder through the date of the second general election for federal
 16 office following the date of that notice, the registrant's name shall be
 17 removed from the list of inactive voters. If the registrant has changed
 18 residence to a new county, the county recorder shall provide information
 19 on how the registrant can continue to be eligible to vote.

20 F. The county recorder shall reject any application for
 21 registration that is not accompanied by satisfactory evidence of United
 22 States citizenship. Satisfactory evidence of citizenship shall include
 23 any of the following:

24 1. The number of the applicant's driver license or nonoperating
 25 identification license issued after October 1, 1996 by the department of
 26 transportation or the equivalent governmental agency of another state
 27 within the United States if the agency indicates on the applicant's driver
 28 license or nonoperating identification license that the person has
 29 provided satisfactory proof of United States citizenship.

30 2. A legible photocopy of the applicant's birth certificate that
 31 verifies citizenship to the satisfaction of the county recorder.

32 3. A legible photocopy of pertinent pages of the applicant's United
 33 States passport identifying the applicant and the applicant's passport
 34 number or presentation to the county recorder of the applicant's United
 35 States passport.

36 4. A presentation to the county recorder of the applicant's United
 37 States naturalization documents or the number of the certificate of
 38 naturalization. If only the number of the certificate of naturalization
 39 is provided, the applicant shall not be included in the registration rolls
 40 until the number of the certificate of naturalization is verified with the
 41 United States immigration and naturalization service by the county
 42 recorder.

43 5. Other documents or methods of proof that are established
 44 pursuant to the immigration reform and control act of 1986.

1 (b) An instruction permit for a class D, G or M license as provided
2 by this chapter to a person who is at least fifteen years and six months
3 of age.

4 (c) A class G or M license as provided by this chapter to a person
5 who is at least sixteen years of age.

6 2. A class D, G or M license or instruction permit to a person who
7 is under eighteen years of age and who has been tried in adult court and
8 convicted of a second or subsequent violation of criminal damage to
9 property pursuant to section 13-1602, subsection A, paragraph 1 or
10 convicted of a felony offense in the commission of which a motor vehicle
11 is used, including theft of a motor vehicle pursuant to section 13-1802,
12 unlawful use of means of transportation pursuant to section 13-1803 or
13 theft of means of transportation pursuant to section 13-1814, or who has
14 been adjudicated delinquent for a second or subsequent act that would
15 constitute criminal damage to property pursuant to section 13-1602,
16 subsection A, paragraph 1 or adjudicated delinquent for an act that would
17 constitute a felony offense in the commission of which a motor vehicle is
18 used, including theft of a motor vehicle pursuant to section 13-1802,
19 unlawful use of means of transportation pursuant to section 13-1803 or
20 theft of means of transportation pursuant to section 13-1814, if committed
21 by an adult.

22 3. A class A, B or C license to a person who is under twenty-one
23 years of age, except that the department may issue a class A, B or C
24 license that is restricted to only intrastate driving to a person who is
25 at least eighteen years of age.

26 4. A license to a person whose license or driving privilege has
27 been suspended, during the suspension period.

28 5. Except as provided in section 28-3315, a license to a person
29 whose license or driving privilege has been revoked.

30 6. A class A, B or C license to a person who has been disqualified
31 from obtaining a commercial driver license.

32 7. A license to a person who on application notifies the department
33 that the person is an alcoholic as defined in section 36-2021 or a drug
34 dependent person as defined in section 36-2501, unless the person submits
35 a medical examination report that includes a current evaluation from an
36 addiction counselor indicating that, in the opinion of the counselor, the
37 condition does not affect or impair the person's ability to safely operate
38 a motor vehicle.

39 8. A license to a person who has been adjudged to be incapacitated
40 pursuant to section 14-5304 and who at the time of application has not
41 obtained either a court order that allows the person to drive or a
42 termination of incapacity as provided by law.

43 9. A license to a person who is required by this chapter to take an
44 examination unless the person successfully passes the examination.

1 10. A license to a person who is required under the motor vehicle
2 financial responsibility laws of this state to deposit proof of financial
3 responsibility and who has not deposited the proof.

4 11. A license to a person if the department has good cause to
5 believe that the operation of a motor vehicle on the highways by the
6 person would threaten the public safety or welfare.

7 12. A license to a person whose driver license has been ordered to
8 be suspended for failure to pay child support, except that a noncommercial
9 restricted license may be issued pursuant to section 25-518.

10 13. A class A, B or C license to a person whose license or driving
11 privilege has been canceled until the cause for the cancellation has been
12 removed.

13 14. A class A, B or C license or instruction permit to a person
14 whose state of domicile is not this state.

15 15. A class A, B or C license to a person who fails to demonstrate
16 proficiency in the English language as determined by the department.

17 B. The department shall not issue a driver license to or renew the
18 driver license of the following persons:

19 1. A person about whom the court notifies the department that the
20 person violated the person's written promise to appear in court when
21 charged with a violation of the motor vehicle laws of this state until the
22 department receives notification in a manner approved by the department
23 that the person appeared either voluntarily or involuntarily or that the
24 case has been adjudicated, that the case is being appealed or that the
25 case has otherwise been disposed of as provided by law.

26 2. If notified pursuant to section 28-1601, a person who fails to
27 pay a civil penalty as provided in section 28-1601, except for a parking
28 violation, until the department receives notification in a manner approved
29 by the department that the person paid the civil penalty, that the case is
30 being appealed or that the case has otherwise been disposed of as provided
31 by law.

32 C. The magistrate or the clerk of the court shall provide the
33 notification to the department prescribed by subsection B of this section.

34 D. Notwithstanding any other law, the department shall not issue to
35 or renew a driver license or nonoperating identification license for a
36 person who does not submit proof satisfactory to the department that the
37 applicant's presence in the United States is authorized under federal law.
38 THE DEPARTMENT SHALL SUBMIT SATISFACTORY EVIDENCE OF A FULLY EXECUTED
39 MEMORANDUM OF UNDERSTANDING WITH THE UNITED STATES DEPARTMENT OF HOMELAND
40 SECURITY TO USE THE SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS
41 PROGRAM, OR ITS SUCCESSOR PROGRAM, TO THE JOINT LEGISLATIVE BUDGET
42 COMMITTEE. THE JOINT LEGISLATIVE BUDGET COMMITTEE SHALL RECOMMEND TO THE
43 LEGISLATURE THE REDUCTION IN FUNDING FOR THE DEPARTMENT IF SATISFACTORY
44 PROOF REQUIRED BY THIS SUBSECTION IS NOT PROVIDED. ON OR BEFORE DECEMBER
45 31, 2026 AND ON OR BEFORE MARCH 31, JUNE 30, SEPTEMBER 30 AND DECEMBER 31

1 OF EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT TO THE AUDITOR
2 GENERAL A REPORT ON THE PREVIOUS THREE MONTHS THAT INCLUDES ALL SYSTEMATIC
3 ALIEN VERIFICATION FOR ENTITLEMENTS PROGRAM QUERIES, APPROVALS, DENIALS
4 AND DISCREPANCIES. For an application for a driver license or a
5 nonoperating identification license, the department shall not accept as a
6 primary source of identification a driver license issued by a state if the
7 state does not require that a driver licensed in that state be lawfully
8 present in the United States under federal law. The director shall adopt
9 rules necessary to carry out the purposes of this subsection. The rules
10 shall include procedures for:

11 1. Verification that the applicant's presence in the United States
12 is authorized under federal law USING THE UNITED STATES DEPARTMENT OF
13 HOMELAND SECURITY'S SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS PROGRAM
14 OR ITS SUCCESSOR PROGRAM.

15 2. Issuance of a temporary driver permit pursuant to section
16 28-3157 pending verification of the applicant's status in the United
17 States.

18 Sec. 3. Section 36-2903.03, Arizona Revised Statutes, is amended to
19 read:

20 36-2903.03. United States citizenship and qualified alien
21 requirements for eligibility; quarterly report;
22 definition

23 A. A person who is applying for eligibility under this chapter
24 shall provide verification of United States citizenship or documented
25 verification of qualified alien status. Beginning July 1, 2006, an
26 applicant who is applying for services pursuant to this chapter shall
27 provide satisfactory documentary evidence of citizenship or qualified
28 alien status as required by the federal deficit reduction act of 2005
29 (P.L. 109-171; 120 Stat. 4; 42 United States Code section 1396b) or any
30 other applicable federal law or regulation. THE ADMINISTRATION SHALL
31 SUBMIT SATISFACTORY EVIDENCE OF A FULLY EXECUTED MEMORANDUM OF
32 UNDERSTANDING WITH THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO
33 USE THE SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS PROGRAM, OR ITS
34 SUCCESSOR PROGRAM, TO THE JOINT LEGISLATIVE BUDGET COMMITTEE. THE JOINT
35 LEGISLATIVE BUDGET COMMITTEE SHALL RECOMMEND TO THE LEGISLATURE THE
36 REDUCTION IN FUNDING FOR THE ADMINISTRATION IF SATISFACTORY PROOF REQUIRED
37 BY THIS SUBSECTION IS NOT PROVIDED.

38 B. A qualified alien may apply for eligibility pursuant to section
39 36-2901, paragraph 6, subdivision (a) and, if otherwise eligible for title
40 XIX, may receive all services pursuant to section 36-2907 if the qualified
41 alien meets at least one of the following requirements:

42 1. Is designated as one of the exception groups under 8 United
43 States Code section 1613(b).

44 2. Has been a qualified alien for at least five years.

1 3. Has been continuously present in the United States since August
2 21, 1996.

3 C. Notwithstanding any other law, persons who were residing in the
4 United States under color of law on or before August 21, 1996, and who
5 were receiving services under this article based on eligibility criteria
6 established under the supplemental security income program, may apply for
7 state funded services and, if otherwise eligible for supplemental security
8 income-medical assistance only coverage except for United States
9 citizenship or qualified alien requirements, may be enrolled with the
10 system and receive all services pursuant to section 36-2907.

11 D. A person who is a qualified alien who does not meet the
12 requirements of subsection B of this section or who is a noncitizen who
13 does not claim and provide verification of qualified alien status may
14 apply for title XIX eligibility under section 36-2901, paragraph 6,
15 subdivision (a) and, if otherwise eligible for title XIX, may receive only
16 emergency services pursuant to section 1903(v) of the social security act.

17 E. In determining the eligibility for all qualified aliens pursuant
18 to this chapter, the income and resources of any person who executed an
19 affidavit of support pursuant to section 213A of the immigration and
20 nationality act on behalf of the qualified alien and the income and
21 resources of the spouse, if any, of the sponsoring individual shall be
22 counted at the time of application and for the redetermination of
23 eligibility for the duration of the attribution period as specified in
24 federal law.

25 F. A person who is a qualified alien or a noncitizen and who is not
26 eligible for title XIX may receive only emergency services.

27 G. On or before ~~September 30 of each year~~ **DECEMBER 31, 2026 AND ON**
28 **OR BEFORE MARCH 31, JUNE 30, SEPTEMBER 30 AND DECEMBER 31 OF EACH YEAR**
29 **THEREAFTER**, the administration shall submit a report to the governor, **THE**
30 **AUDITOR GENERAL**, the president of the senate, the speaker of the house of
31 representatives and the staff director of the joint legislative budget
32 committee that includes the following information **FOR THE PREVIOUS THREE**
33 **MONTHS**:

34 1. The number of individuals for whom the administration ~~verified~~
35 **QUERIED, APPROVED, DENIED OR FOUND DISCREPANCIES FOR** immigration status
36 using the systematic alien verification for entitlements program, **OR ITS**
37 **SUCCESSOR PROGRAM**, administered by the United States ~~citizenship and~~
38 ~~immigration services~~ **DEPARTMENT OF HOMELAND SECURITY**.

39 2. The number of documents that were discovered to be fraudulent by
40 using the systematic alien verification for entitlements program, **OR ITS**
41 **SUCCESSOR PROGRAM**.

42 3. A list of the types of fraudulent documents discovered.

43 4. The number of citizens of the United States who were referred by
44 the administration for prosecution pursuant to violations of state or

1 federal law and the number of individuals referred by the administration
2 for prosecution who were not citizens.

3 H. The administration shall provide copies of the report to the
4 secretary of state ~~and the director of the Arizona state library, archives~~
5 ~~and public records.~~

6 I. For THE purposes of this section, "qualified alien" means an
7 individual who is one of the following:

8 1. Defined as a qualified alien under 8 United States Code section
9 1641.

10 2. Defined as a qualified alien by the attorney general of the
11 United States under the authority of Public Law 104-208, section 501.

12 3. An Indian described in 8 United States Code section
13 1612(b)(2)(E).