

House Engrossed Senate Bill
voter registration databases; death records

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

SENATE BILL 1793

AN ACT

AMENDING SECTION 16-165, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-504; AMENDING SECTION 36-302, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO CONDUCT OF ELECTIONS.

(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
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 the person
8 registered.
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 B. If the county recorder cancels a registration pursuant to
33 subsection A, paragraph 8 of this section, the county recorder shall send
34 the person notice that the registration has been cancelled and a
35 registration form with the information described in section 16-131,
36 subsection C attached to the form.
37 C. When proceedings in the superior court or the United States
38 district court result in a person being declared incapable of taking care
39 of himself and managing his property, and for whom a guardian of the
40 person and estate is appointed, result in such person being committed as
41 an insane person or result in a person being convicted of a felony, the
42 clerk of the superior court in the county in which those proceedings
43 occurred shall file with the secretary of state an official notice of that
44 fact. The secretary of state shall notify the appropriate county recorder
45 and the recorder shall cancel the name of the person on the register.

1 Such notice shall name the person covered, shall give the person's date
2 and place of birth if available, the person's social security number, if
3 available, the person's usual place of residence, the person's address and
4 the date of the notice, and shall be filed with the recorder of the county
5 where the person last resided.

6 D. Each month the department of health services shall transmit to
7 the secretary of state without charge a record of the death of every
8 resident of the state reported to the department within the preceding
9 month AND SHALL TRANSMIT TO EACH COUNTY RECORDER WITHOUT CHARGE A RECORD
10 OF THE DEATH OF EVERY RESIDENT OF THAT COUNTY RECORDER'S COUNTY THAT IS
11 REPORTED TO THE DEPARTMENT WITHIN THE PRECEDING MONTH. This record shall
12 include only the name of the decedent, the decedent's date of birth, the
13 decedent's date of death, the decedent's social security number, if
14 available, the decedent's usual legal residence at the time of death and,
15 if available, the decedent's father's name or mother's maiden name. The
16 secretary of state AND THE COUNTY RECORDER shall use the record for the
17 sole ~~purpose~~ PURPOSES of canceling the names of deceased persons from the
18 statewide voter registration database AND THE COUNTY RECORDER'S COUNTY
19 VOTER REGISTRATION DATABASE. In addition, the department of health
20 services shall annually provide to the secretary of state from the
21 statewide electronic death registration system without charge a record of
22 all deaths of residents of this state that are reported to the department
23 of health services. The records transmitted by the department of health
24 services shall include only the name of the decedent, the decedent's date
25 of birth, the decedent's social security number, if available, the
26 decedent's usual legal residence at the time of death and, if available,
27 the decedent's father's name or mother's maiden name. The secretary of
28 state may compare the records of deaths with the statewide voter
29 registration database, AND COUNTY RECORDERS SHALL COMPARE THE RECORDS OF
30 DEATHS WITH THE COUNTY VOTER REGISTRATION DATABASE. Public access to the
31 records is prohibited. Use of information from the records for purposes
32 other than those required by this section is prohibited. The name of each
33 deceased person shall promptly be canceled from the statewide voter
34 registration database and the secretary of state shall notify the
35 appropriate county recorder and the recorder shall cancel the name of the
36 person from the register.

37 Sec. 2. Title 16, chapter 4, article 6, Arizona Revised Statutes,
38 is amended by adding section 16-504, to read:

39 16-504. Antifraud ballot paper; vendor certification;
40 antifraud measures

41 NOTWITHSTANDING ANY OTHER STATUTE, ANY VENDOR THAT PROVIDES FRAUD
42 COUNTERMEASURES THAT ARE CONTAINED IN AND ON THE PAPER USED FOR BALLOTS
43 SHALL BE ISO 27001 CERTIFIED, ISO 17025 CERTIFIED OR ISO 9001:2015
44 CERTIFIED. BALLOT FRAUD COUNTERMEASURES SHALL INCLUDE THE USE OF AT LEAST
45 THREE OF THE FOLLOWING:

- 1 1. UNIQUE, CONTROLLED-SUPPLY WATERMARKED CLEARING BANK
- 2 SPECIFICATION 1 SECURITY PAPER.
- 3 2. SECURE HOLOGRAPHIC FOIL THAT ACTS AS A VISUAL DETERRENT AND
- 4 ANTI-COPY FEATURE.
- 5 3. BRANDED OVERPRINT OF ANY HOLOGRAM THAT PERSONALIZES THE HOLOGRAM
- 6 WITH CUSTOMER LOGO.
- 7 4. CUSTOM COMPLEX SECURITY BACKGROUND DESIGNS WITH BANKNOTE-LEVEL
- 8 SECURITY.
- 9 5. SECURE VARIABLE DIGITAL INFILL.
- 10 6. THERMOCHROMIC, TRI-THERMOCHROMIC, PHOTOCROMIC OR OPTICALLY
- 11 VARIABLE INKS.
- 12 7. STEALTH NUMBERING IN ULTRAVIOLET, INFRARED OR TAGGANT INKS.
- 13 8. MULTICOLORED MICRO-NUMISMATIC INVISIBLE ULTRAVIOLET DESIGNS.
- 14 9. UNIQUE FORENSIC FRAUD DETECTION TECHNOLOGY THAT IS BUILT INTO
- 15 SECURITY INKS.
- 16 10. UNIQUE BAR CODE OR QR CODE THAT IS ACCESSIBLE ONLY TO THE VOTER
- 17 AND THAT TRACKS THE VOTER'S BALLOT AS IT IS PROCESSED.

18 Sec. 3. Section 36-302, Arizona Revised Statutes, is amended to

19 read:

20 36-302. System of vital records; powers and duties of the

21 state registrar

- 22 A. The director of the department is the state registrar of vital
- 23 records.
- 24 B. The state registrar of vital records shall:
 - 25 1. Adopt rules to implement a statewide system of vital records
 - 26 pursuant to this chapter using the recommendations of the federal agency
 - 27 responsible for national vital statistics as guidelines subject to
 - 28 modification by the state registrar.
 - 29 2. Administer and enforce this chapter and the rules adopted
 - 30 pursuant to this chapter and provide for the efficient administration of a
 - 31 statewide system of vital records.
 - 32 3. Organize, operate and maintain the only system of vital records
 - 33 in this state.
 - 34 4. Direct and supervise the creation and registration of vital
 - 35 records, electronically and physically, and be the custodian of vital
 - 36 records.
 - 37 5. Establish registration districts throughout this state.
 - 38 6. Appoint, direct and remove local registrars.
 - 39 7. Prescribe and distribute forms required pursuant to this chapter
 - 40 and rules adopted pursuant to this chapter.
 - 41 8. Prepare and issue copies of vital records.
 - 42 9. Provide a means for the public to request a copy of a vital
 - 43 record and grant or deny the request according to criteria prescribed by
 - 44 rules adopted pursuant to this chapter. These rules shall include

1 eligibility criteria, proof of identity requirements and payment
2 requirements to obtain the requested vital record.

3 10. Pursuant to section 16-165, transmit each month to the
4 **SECRETARY OF STATE AND TO THE** county recorder a record of the death of
5 each resident of the county recorder's county who is at least sixteen
6 years of age **AND TRANSMIT ANNUALLY TO THE SECRETARY OF STATE AND THE**
7 **COUNTY RECORDER AN END OF YEAR COMPILATION OF THE RECORDS OF DEATHS.**

8 11. Determine acceptability and completeness of a certificate,
9 evidentiary document or form submitted to the state registrar.

10 12. Investigate violations of this chapter and rules adopted
11 pursuant to this chapter.

12 13. Report violations of this chapter and rules adopted pursuant to
13 this chapter to the county attorney in the registration district in which
14 the violation occurs or to the attorney general.

15 C. The state registrar may:

16 1. Appoint, in writing, one or more persons to serve as assistant
17 state registrars with any or all powers and duties vested in the state
18 registrar.

19 2. Appoint, direct and remove a deputy local registrar.

20 3. Inspect a registration district's certificates, evidentiary
21 documents, forms or other information related to the system of vital
22 records.

23 4. Establish quality control procedures that include on-site
24 inspections and review of evidentiary documents, forms and other
25 information used in the creation of vital records.

26 5. Consolidate or subdivide registration districts.

27 Sec. 4. Appropriation; department of administration;
28 antifraud paper, equipment; exemption

29 A. The sum of \$1,000,000 is appropriated from the state general
30 fund in fiscal year 2021-2022 to the department of administration for
31 purposes of reimbursing counties for the costs of purchasing antifraud
32 ballot paper and equipment as prescribed by section 16-504, Arizona
33 Revised Statutes, as added by this act.

34 B. The appropriation made in subsection A of this section is exempt
35 from the provisions of section 35-190, Arizona Revised Statutes, relating
36 to lapsing of appropriations.