

REFERENCE TITLE: voter registrations; validation requirement

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

HB 2242

Introduced by
Representatives Hoffman: Barton, Biasiucci, Blackman, Burges, Carroll,
Chaplik, Fillmore, Griffin, Kavanagh, Parker, Pingerelli

AN ACT

**AMENDING SECTIONS 16-161 AND 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 16-161, Arizona Revised Statutes, is amended to
3 read:

4 16-161. Official record of registration; federal form;
5 reporting; violation; classification

6 A. When the registration form is filled out, signed by the elector
7 and received by the county recorder, it shall constitute an official
8 public record of the registration of the elector.

9 B. On the dates prescribed by section 16-168, subsection G, the
10 county recorder shall report to the secretary of state and shall
11 prominently post on the recorder's website the number of persons who are
12 registered to vote using the federal or state voter registration form and
13 who have not provided proof of citizenship to the county recorder and,
14 after each general election, shall post on the recorder's website the
15 number of ballots cast by those persons who were eligible to vote a ballot
16 containing federal offices only.

17 C. AFTER RECEIVING A REGISTRATION FORM, THE COUNTY RECORDER SHALL
18 VERIFY THAT THE NAME, ADDRESS, DATE OF BIRTH AND DRIVER LICENSE NUMBER OF
19 THE REGISTRANT ARE VALID AND ACCURATE. A PERSON WHO WILFULLY FAILS TO
20 COMPLY WITH THIS SUBSECTION IS GUILTY OF A CLASS 6 FELONY.

21 Sec. 2. Section 16-168, Arizona Revised Statutes, is amended to
22 read:

23 16-168. Precinct registers; date of preparation; contents;
24 copies; reports; statewide database; violation;
25 classification

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

32 B. The official precinct registers for use at the polling place
33 shall contain at least the names in full, party preference, date of
34 registration and residence address of each qualified elector in the
35 respective precincts. The names shall be in alphabetical order and, in a
36 column to the left of the names, shall be numbered consecutively beginning
37 with number 1 in each precinct register.

38 C. For the purposes of transmitting voter registration information
39 as prescribed by this subsection, electronic media shall be the principal
40 media. A county or state chairman who is eligible to receive copies of
41 precinct lists as prescribed by this subsection may request that the
42 recorder provide a paper copy of the precinct lists. In addition to
43 preparing the official precinct lists, the county recorder shall provide a
44 means for electronically reproducing the precinct lists. Unless otherwise
45 agreed, the county recorder shall deliver one electronic media copy of

1 each precinct list in the county without charge and on the same day within
2 eight days after the close of registration for the primary and general
3 elections to the county chairman and one electronic media copy to the
4 state chairman of each party that has at least four candidates other than
5 presidential electors appearing on the ballot in that county at the
6 current election. The secretary of state shall establish a single format
7 that prescribes the manner and template in which all county recorders
8 provide this data to the secretary of state to ensure that the submissions
9 are uniform from all counties in this state, that all submissions are
10 identical in format, including the level of detail for voting history, and
11 that information may readily be combined from two or more counties. The
12 electronic media copies of the precinct lists that are delivered to the
13 party chairmen shall include for each elector the following information:

- 14 1. Name in full and appropriate title.
- 15 2. Party preference.
- 16 3. Date of registration.
- 17 4. Residence address.
- 18 5. Mailing address, if different from residence address.
- 19 6. Zip code.
- 20 7. Telephone number if given.
- 21 8. Birth year.
- 22 9. Occupation if given.
- 23 10. Voting history for all elections in the prior four years and
24 any other information regarding registered voters that the county recorder
25 or city or town clerk maintains electronically and that is public
26 information.
- 27 11. All data relating to early voters, including ballot requests
28 and ballot returns.

29 D. The names on the precinct lists shall be in alphabetical order
30 and the precinct lists in their entirety, unless otherwise agreed, shall
31 be delivered to each county chairman and each state chairman within ten
32 business days of the close of each date for counting registered voters
33 prescribed by subsection G of this section other than the primary and
34 general election registered voter counts in the same format and media as
35 prescribed by subsection C of this section. During the thirty-three days
36 immediately preceding an election and on request from a county or state
37 chairman, the county recorder shall provide at no cost a daily list of
38 persons who have requested an early ballot and shall provide at no cost a
39 weekly listing of persons who have returned their early ballots. The
40 recorder shall provide the daily and weekly information through the Friday
41 preceding the election. On request from a county chairman or state
42 chairman, the county recorder of a county with a population of more than
43 eight hundred thousand persons shall provide at no cost a daily listing of
44 persons who have returned their early ballots. The daily listing shall be
45 provided Mondays through Fridays, beginning with the first Monday

1 following the start of early voting and ending on the Monday before the
2 election.

3 E. Precinct registers and other lists and information derived from
4 registration forms may be used only for purposes relating to a political
5 or political party activity, a political campaign or an election, for
6 revising election district boundaries or for any other purpose
7 specifically authorized by law and may not be used for a commercial
8 purpose as defined in section 39-121.03. The sale of registers, lists and
9 information derived from registration forms to a candidate or a registered
10 political committee for a use specifically authorized by this subsection
11 does not constitute use for a commercial purpose. The county recorder,
12 the secretary of state and other officers in charge of elections, on a
13 request for an authorized use and within thirty days from receipt of the
14 request, shall prepare additional copies of an official precinct list and
15 furnish them to any person requesting them on payment of a fee equal to
16 the following amounts for the following number of voter registration
17 records provided:

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

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

23 3. For two hundred fifty thousand to four hundred ninety-nine
24 thousand nine hundred ninety-nine records, \$203.13 plus \$0.00025 per
25 record.

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

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

30 F. Any person in possession of a precinct register or list, in
31 whole or part, or any reproduction of a precinct register or list, shall
32 not permit the register or list to be used, bought, sold or otherwise
33 transferred for any purpose except for uses otherwise authorized by this
34 section. A person in possession of information derived from voter
35 registration forms or precinct registers shall not distribute, post or
36 otherwise provide access to any portion of that information through the
37 internet except as authorized by subsection I of this section. Nothing in
38 this section shall preclude public inspection of voter registration
39 records at the office of the county recorder for the purposes prescribed
40 by this section, except that the month and day of birth date, the social
41 security number or any portion thereof, the driver license number or
42 nonoperating identification license number, the Indian census number, the
43 father's name or mother's maiden name, the state or country of birth and
44 the records containing a voter's signature and a voter's ~~e-mail~~ EMAIL
45 address shall not be accessible or reproduced by any person other than the

1 voter, by an authorized government official in the scope of the official's
2 duties, for any purpose by an entity designated by the secretary of state
3 as a voter registration agency pursuant to the national voter registration
4 act of 1993 (P.L. 103-31; 107 Stat. 77), for signature verification on
5 petitions and candidate filings, for election purposes and for news
6 gathering purposes by a person engaged in newspaper, radio, television or
7 reportorial work, or connected with or employed by a newspaper, radio or
8 television station or pursuant to a court order. Notwithstanding any
9 other law, a voter's ~~e-mail~~ EMAIL address may not be released for any
10 purpose. A person who violates this subsection or subsection E of this
11 section is guilty of a class 6 felony.

12 G. The county recorder shall count the registered voters by
13 political party by precinct, legislative district and congressional
14 district as follows:

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

17 (a) January 2.

18 (b) April 1.

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

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

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

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

27 (a) January 2.

28 (b) April 1.

29 (c) July 1.

30 (d) October 1.

31 H. The county recorder shall report the totals to the secretary of
32 state as soon as is practicable following each of the dates prescribed in
33 subsection G of this section. The report shall include completed
34 registration forms returned in accordance with section 16-134,
35 subsection B. The county recorder shall also provide the report in a
36 uniform electronic computer media format that shall be agreed on between
37 the secretary of state and all county recorders. The secretary of state
38 shall then prepare a summary report for the state and shall maintain that
39 report as a permanent record.

40 I. The county recorder and the secretary of state shall protect
41 access to voter registration information in an auditable format and method
42 specified in the secretary of state's electronic voting system
43 instructions and procedures manual that is adopted pursuant to section
44 16-452.

1 J. The secretary of state shall develop and administer a statewide
 2 database of voter registration information that contains the name and
 3 registration information of every registered voter in this state. The
 4 statewide database is a matter of statewide concern and is not subject to
 5 modification or further regulation by a political subdivision. The
 6 database shall include an identifier that is unique for each individual
 7 voter. The database shall provide for access by voter registration
 8 officials and shall allow expedited entry of voter registration
 9 information after it is received by county recorders. As a part of the
 10 statewide voter registration database, county recorders shall provide for
 11 the electronic transmittal of that information to the secretary of state
 12 on a real time basis. The secretary of state shall provide for
 13 maintenance of the database, including provisions regarding removal of
 14 ineligible voters that are consistent with the national voter registration
 15 act of 1993 (P.L. 103-31; 107 Stat. 77; 52 United States Code sections
 16 20501 through 20511) and the help America vote act of 2002 (P.L. 107-252;
 17 116 Stat. 1666; 52 United States Code sections 20901 through 21145),
 18 provisions regarding removal of duplicate registrations and provisions to
 19 ensure that eligible voters are not removed in error. For the purpose of
 20 maintaining compliance with the help America vote act of 2002, each county
 21 voter registration system is subject to approval by the secretary of state
 22 for compatibility with the statewide voter registration database system.
 23 AFTER RECEIVING VOTER REGISTRATION INFORMATION FOR THE DATABASE, THE
 24 SECRETARY OF STATE SHALL VERIFY THAT THE NAME, ADDRESS, DATE OF BIRTH AND
 25 DRIVER LICENSE NUMBER OF THE REGISTRANT ARE VALID AND ACCURATE. A PERSON
 26 WHO WILFULLY FAILS TO COMPLY WITH THIS SUBSECTION IS GUILTY OF A CLASS 6
 27 FELONY.

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

32 L. Beginning January 1, 2008, recognized political parties shall
 33 request precinct lists and access to information as provided in
 34 subsections E and F of this section during the time periods prescribed in
 35 subsection C or D of this section and the county recorder shall receive
 36 and respond to those requests. If the county recorder does not provide
 37 the requested materials within the applicable time prescribed for the
 38 county recorder pursuant to subsection C or D of this section, a
 39 recognized political party may request that the secretary of state provide
 40 precinct lists and access to information as provided in subsections E and
 41 F of this section for federal, state and county elections. The secretary
 42 of state shall not provide access to precinct lists and information for
 43 recognized political parties unless the county recorder has failed or
 44 refused to provide the lists and materials as prescribed by this section.

1 The secretary of state may charge the county recorder a fee determined by
2 rule for each name or record produced.

3 M. For municipal registration information in those municipalities
4 in which the county administers the municipal elections, county and state
5 party chairmen shall request and obtain voter registration information and
6 precinct lists from the city or town clerk during the time periods
7 prescribed in subsection C or D of this section. If the city or town
8 clerk does not provide that information within the same time prescribed
9 for county recorders pursuant to subsection C or D of this section, the
10 county or state party chairman may request and obtain the information from
11 the county recorder. The county recorder shall provide the municipal
12 voter registration and precinct lists within the time prescribed in
13 subsection C or D of this section.

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