

REFERENCE TITLE: voter registration; verification; citizenship

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

HB 2492

Introduced by
Representatives Hoffman: Blackman, Carter, Chaplik, Fillmore, Kaiser,
Martinez, Nguyen, Parker, Toma, Wilmeth

AN ACT

AMENDING SECTIONS 16-112 AND 16-121.01, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 16-123 AND 16-127; AMENDING SECTION 16-134, 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 16-112, Arizona Revised Statutes, is amended to
3 read:

4 16-112. Driver license voter registration

5 A. Every person who is applying for a driver license or renewal and
6 who is otherwise qualified to register to vote ~~shall~~, at the same time and
7 place, ~~SHALL~~ be ~~permitted~~ **ALLOWED** to register to vote by providing the
8 information prescribed by section 16-152. The method used to register
9 voters shall require only the minimum information necessary to prevent
10 duplicate registrations, to enable elections officials to determine voter
11 eligibility and to administer voter registration and election laws. A
12 registration form shall be included for a person who is applying for a
13 driver license renewal by mail. On ~~completion of~~ **COMPLETING** a form that
14 contains at least the information prescribed by section 16-121.01;
15 ~~subsection A~~ and that may contain the information prescribed by section
16 16-152 and on receipt of that form by the county recorder from the
17 department of transportation as prescribed by subsection D of this
18 section, the applicant is presumed to be properly registered to vote.
19 That presumption may be rebutted as provided in section 16-121.01;
20 ~~subsection B~~.

21 B. The director of the department of transportation and the
22 secretary of state shall consult at least every two years regarding voter
23 registration at driver license offices. The director of the department of
24 transportation and the secretary of state ~~shall~~, after consultation with
25 all county recorders, **SHALL** adopt rules to implement a system ~~permitting~~
26 **ALLOWING** driver license applicants to register to vote at the same time
27 and place as they apply for driver licenses. ~~Such~~ **THE** rules shall:

28 1. Bring the license application and voter registration application
29 forms into substantial conformity.

30 2. ~~Permit~~ **ALLOW** the transfer of driver license applications,
31 including renewal and change of address, and voter registration
32 information from the department of transportation to the voter
33 registration rolls.

34 3. Respect all rules and statutes of this state concerning the
35 confidentiality of driver license application information.

36 4. Provide for the manual or electronic generation and transmittal
37 of voter registrations and provide for electronic generation of changes in
38 voter registration information, including address, in conformity with the
39 confidentiality requirements of the national voter registration act of
40 1993 (P.L. 103-31; 107 Stat. 77; ~~42~~ **52** United States Code ~~section 394~~
41 **SECTIONS 20501 THROUGH 20511**).

42 C. The department of transportation shall provide to applicants a
43 statement that provides each eligibility requirement for voting, including
44 citizenship, an attestation that the applicant meets each requirement, for

1 the signature of the applicant under penalty of perjury and, in print that
2 is identical to that used in the attestation, the following:

3 1. A description of the penalties provided by law for the
4 submission of a false voter registration application.

5 2. A statement that if an applicant declines to register to vote
6 the fact that the applicant has declined to register will remain
7 confidential and will be used only for voter registration purposes.

8 3. A statement that if an applicant does register to vote the
9 office at which the applicant submits a voter registration application
10 will remain confidential and will be used only for voter registration
11 purposes.

12 D. The department of transportation shall return or mail completed
13 registrations to the county recorder of the county in which the applicant
14 resides within five days after receipt of a completed registration.

15 Sec. 2. Section 16-121.01, Arizona Revised Statutes, is amended to
16 read:

17 16-121.01. Requirements for proper registration

18 A. A person is presumed to be properly registered to vote on
19 completion of a registration form as prescribed by section 16-152 that
20 contains at least the name, the residence address or the location, **PROOF**
21 **OF LOCATION OF RESIDENCE AS PRESCRIBED BY SECTION 16-123**, the date **AND**
22 **PLACE** of birth and the signature or other statement of the registrant as
23 prescribed by section 16-152, subsection A, paragraph 20 and a checkmark
24 or other appropriate ~~indicator that the person answered~~ **MARK IN THE "yes"**
25 **BOX NEXT** to the question regarding citizenship. **ANY APPLICATION FOR**
26 **REGISTRATION, INCLUDING AN APPLICATION ON A FORM PRESCRIBED BY THE UNITED**
27 **STATES ELECTION ASSISTANCE COMMISSION, MUST CONTAIN A CHECKMARK OR OTHER**
28 **APPROPRIATE MARK IN THE "YES" BOX NEXT TO THE QUESTION REGARDING**
29 **CITIZENSHIP AS A CONDITION OF BEING PROPERLY REGISTERED TO VOTE AS EITHER**
30 **A VOTER WHO IS ELIGIBLE TO VOTE A FULL BALLOT OR A VOTER WHO IS ELIGIBLE**
31 **TO VOTE ONLY WITH A BALLOT FOR FEDERAL OFFICES.** The completed
32 registration form must also contain the person's Arizona driver license
33 number, the nonoperating identification license number issued pursuant to
34 section 28-3165, the last four digits of the person's social security
35 number or the person's affirmation that if an Arizona driver license
36 number, **A** nonoperating identification license number or the last four
37 digits of the person's social security number is not provided, the person
38 does not possess a valid Arizona driver or nonoperating identification
39 license or a social security number and the person is hereby requesting
40 that a unique identifying number be assigned by the secretary of state
41 pursuant to section 16-152, subsection A, paragraph 12, subdivision (c).

42 B. The presumption in subsection A of this section may be rebutted
43 only by clear and convincing evidence of any of the following:

44 1. That the registrant is not the person whose name appears on the
45 register.

1 2. That the registrant has not resided in this state for
2 twenty-nine days next preceding the election or other event for which the
3 registrant's status as properly registered is in question.

4 3. That the registrant is not properly registered at an address
5 permitted by section 16-121.

6 4. That the registrant is not a qualified registrant under section
7 16-101.

8 C. EXCEPT FOR A FORM PRODUCED BY THE UNITED STATES ELECTION
9 ASSISTANCE COMMISSION, ANY APPLICATION FOR REGISTRATION SHALL BE
10 ACCOMPANIED BY SATISFACTORY EVIDENCE OF CITIZENSHIP AS PRESCRIBED IN
11 SECTION 16-166, SUBSECTION F, AND THE COUNTY RECORDER OR OTHER OFFICER IN
12 CHARGE OF ELECTIONS SHALL REJECT ANY APPLICATION FOR REGISTRATION THAT IS
13 NOT ACCOMPANIED BY SATISFACTORY EVIDENCE OF CITIZENSHIP. A COUNTY
14 RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS WHO FAILS TO REJECT AN
15 APPLICATION FOR REGISTRATION AS PRESCRIBED BY THIS SUBSECTION IS GUILTY OF
16 A CLASS 6 FELONY.

17 D. WITHIN TEN DAYS AFTER RECEIVING AN APPLICATION FOR REGISTRATION
18 ON A FORM PRODUCED BY THE UNITED STATES ELECTION ASSISTANCE COMMISSION
19 THAT IS NOT ACCOMPANIED BY SATISFACTORY EVIDENCE OF CITIZENSHIP, THE
20 COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL USE ALL
21 AVAILABLE RESOURCES TO VERIFY THE CITIZENSHIP STATUS OF THE APPLICANT AND
22 AT A MINIMUM SHALL COMPARE THE INFORMATION AVAILABLE ON THE APPLICATION
23 FOR REGISTRATION WITH THE FOLLOWING:

24 1. THE DEPARTMENT OF TRANSPORTATION DATABASES OF ARIZONA DRIVER
25 LICENSES OR NONOPERATING IDENTIFICATION LICENSES.

26 2. THE SOCIAL SECURITY ADMINISTRATION DATABASES.

27 3. THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES
28 SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS PROGRAM, IF PRACTICABLE.

29 4. A NATIONAL ASSOCIATION FOR PUBLIC HEALTH STATISTICS AND
30 INFORMATION SYSTEMS ELECTRONIC VERIFICATION OF VITAL EVENTS SYSTEM.

31 5. ANY OTHER STATE, CITY, TOWN, COUNTY OR FEDERAL DATABASE AND ANY
32 OTHER DATABASE RELATING TO VOTER REGISTRATION TO WHICH THE COUNTY RECORDER
33 OR OFFICER IN CHARGE OF ELECTIONS HAS ACCESS, INCLUDING AN ELECTRONIC
34 REGISTRATION INFORMATION CENTER DATABASE.

35 E. AFTER COMPLYING WITH SUBSECTION D OF THIS SECTION, IF THE COUNTY
36 RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS MATCHES THE APPLICANT
37 WITH INFORMATION THAT VERIFIES THE APPLICANT IS A UNITED STATES CITIZEN,
38 IS OTHERWISE QUALIFIED AS PRESCRIBED BY SECTION 16-101 AND HAS MET THE
39 OTHER REQUIREMENTS OF THIS SECTION, THE APPLICANT SHALL BE PROPERLY
40 REGISTERED AS A FULL BALLOT VOTER. IF THE COUNTY RECORDER OR OTHER
41 OFFICER IN CHARGE OF ELECTIONS MATCHES THE APPLICANT WITH INFORMATION THAT
42 THE APPLICANT IS NOT A UNITED STATES CITIZEN, THE COUNTY RECORDER OR OTHER
43 OFFICER IN CHARGE OF ELECTIONS SHALL REJECT THE APPLICATION, NOTIFY THE
44 APPLICANT THAT THE APPLICATION WAS REJECTED BECAUSE THE APPLICANT IS NOT A
45 UNITED STATES CITIZEN AND FORWARD THE APPLICATION TO THE COUNTY ATTORNEY

1 AND ATTORNEY GENERAL FOR INVESTIGATION. IF THE COUNTY RECORDER OR OTHER
2 OFFICER IN CHARGE OF ELECTIONS IS UNABLE TO MATCH THE APPLICANT WITH
3 APPROPRIATE CITIZENSHIP INFORMATION, THE COUNTY RECORDER OR OTHER OFFICER
4 IN CHARGE OF ELECTIONS SHALL NOTIFY THE APPLICANT THAT THE COUNTY RECORDER
5 OR OTHER OFFICER IN CHARGE OF ELECTIONS COULD NOT VERIFY THAT THE
6 APPLICANT IS A UNITED STATES CITIZEN AND THAT THE APPLICANT HAS THIRTY
7 DAYS TO RETURN THE NOTICE WITH SATISFACTORY EVIDENCE OF CITIZENSHIP OR THE
8 APPLICANT'S APPLICATION WILL BE REJECTED AND THE APPLICANT WILL NOT BE A
9 REGISTERED VOTER.

10 F. THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS
11 SHALL RECORD THE EFFORTS MADE TO VERIFY AN APPLICANT'S CITIZENSHIP STATUS
12 AS PRESCRIBED IN SUBSECTIONS D AND E OF THIS SECTION. IF THE COUNTY
13 RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS FAILS TO ATTEMPT TO
14 VERIFY THE CITIZENSHIP STATUS OF AN APPLICANT PURSUANT TO SUBSECTIONS D
15 AND E OF THIS SECTION AND THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE
16 OF ELECTIONS CAUSES THE APPLICANT TO BE REGISTERED AND IT IS LATER
17 DETERMINED THAT THE APPLICANT WAS NOT A UNITED STATES CITIZEN AT THE TIME
18 OF REGISTRATION, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF
19 ELECTIONS IS GUILTY OF A CLASS 6 FELONY.

20 Sec. 3. Title 16, chapter 1, article 2, Arizona Revised Statutes,
21 is amended by adding sections 16-123 and 16-127, to read:

22 16-123. Proof of location of residence

23 EXCEPT FOR PERSONS WHO REGISTER PURSUANT TO SECTION 16-103, A PERSON
24 WHO REGISTERS TO VOTE SHALL PROVIDE AN IDENTIFYING DOCUMENT THAT
25 ESTABLISHES PROOF OF LOCATION OF RESIDENCE. ANY OF THE IDENTIFYING
26 DOCUMENTS PRESCRIBED IN SECTION 16-579, SUBSECTION A, PARAGRAPH 1
27 CONSTITUTES SATISFACTORY PROOF OF LOCATION OF RESIDENCE. COMPLIANCE WITH
28 THIS SECTION DOES NOT SATISFY THE RESIDENCY REQUIREMENTS IN SECTION 16-101
29 OR 16-593 AND ONLY CONSTITUTES CONFIRMATION OF THE ADDRESS ON THE
30 APPLICANT'S APPLICATION AT THE TIME OF REGISTRATION.

31 16-127. Federal only voters; early ballot; eligibility;
32 exemption

33 A. NOTWITHSTANDING ANY OTHER LAW:

34 1. A PERSON WHO HAS REGISTERED TO VOTE AND WHO HAS NOT PROVIDED
35 SATISFACTORY EVIDENCE OF CITIZENSHIP AS PRESCRIBED BY SECTION 16-166,
36 SUBSECTION F IS NOT ELIGIBLE TO VOTE IN PRESIDENTIAL ELECTIONS.

37 2. A PERSON WHO HAS NOT PROVIDED SATISFACTORY EVIDENCE OF
38 CITIZENSHIP PURSUANT TO SECTION 16-166, SUBSECTION F AND WHO IS ELIGIBLE
39 TO VOTE ONLY FOR FEDERAL OFFICES IS NOT ELIGIBLE TO RECEIVE AN EARLY
40 BALLOT BY MAIL.

41 B. THIS SECTION DOES NOT APPLY TO AN ABSENT UNIFORMED SERVICES
42 VOTER OR OVERSEAS VOTER AS DEFINED IN THE UNIFORMED AND OVERSEAS CITIZENS
43 ABSENTEE VOTING ACT (P.L. 99-410; 100 STAT. 924; 52 UNITED STATES CODE
44 SECTION 20310), AS AMENDED BY THE RONALD W. REAGAN NATIONAL DEFENSE
45 AUTHORIZATION ACT FOR FISCAL YEAR 2005 (P.L. 108-375).

1 Sec. 4. Section 16-134, Arizona Revised Statutes, is amended to
2 read:

3 16-134. Return of registrations made outside office of county
4 recorder; incomplete or illegible forms

5 A. A county recorder shall authorize persons to accept registration
6 forms, shall designate places for receipt of registration forms and shall
7 designate additional locations for distribution of voter registration
8 forms. Public assistance agencies and disabilities agencies as defined in
9 section 16-140 shall return or mail completed voter registrations to the
10 county recorder of the county in which the applicant resides within five
11 days after receipt of those registrations.

12 B. If the information on the registration form is incomplete or
13 illegible and the county recorder is not able to process the registration
14 form, the county recorder shall notify the applicant within ten business
15 days of receipt of the registration form, shall specify the missing or
16 illegible information and, if the missing or illegible information
17 includes any of the information prescribed by section 16-121.01,
18 subsection A OR C, shall state that the registration cannot be completed
19 until the information is supplied. If the missing or illegible
20 information is supplied before 7:00 p.m. on election day, that person is
21 deemed to have been registered on the date the registration was first
22 received.

23 C. In the case of registration by mail, a voter registration is
24 valid for an election if it complies with either of the following:

25 1. The form is postmarked twenty-nine days or more before an
26 election and is received by the county recorder by 7:00 p.m. on the day of
27 that election.

28 2. The registration is dated twenty-nine days or more before an
29 election and is received by the county recorder by first class mail within
30 five days after the last day to register to vote in that election.

31 D. The date of registration entered for registration forms that are
32 received by the county recorder from persons, groups or agencies that are
33 not authorized to accept registrations pursuant to subsection A of this
34 section and that do not bear a legible postmark date or an otherwise
35 reliable date shall be the date that those forms are received by the
36 county recorder.