

REFERENCE TITLE: voter registration; social security list

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

## **HB 2798**

Introduced by  
Representative John

AN ACT

AMENDING SECTIONS 16-165 AND 36-302, ARIZONA REVISED STATUTES; RELATING TO  
VOTER REGISTRATION ROLLS.

(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.  
46 Such notice shall name the person covered, shall give the person's date

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

5 D. Each ~~month~~ WEEK the department of health services shall transmit  
6 to the secretary of state without charge a record of the death of every  
7 resident of the state reported to the department within the preceding  
8 ~~month~~ WEEK. This record shall include only the name of the decedent, the  
9 decedent's date of birth, the decedent's date of death, the decedent's  
10 social security number, if available, the decedent's usual legal residence  
11 at the time of death and, if available, the decedent's father's name or  
12 mother's maiden name. The secretary of state shall use the record for the  
13 sole purpose of canceling the names of deceased persons from the statewide  
14 voter registration database. In addition, the department of health  
15 services shall annually provide to the secretary of state from the  
16 statewide electronic death registration system without charge a record of  
17 all deaths of residents of this state that are reported to the department  
18 of health services. The records transmitted by the department of health  
19 services shall include only the name of the decedent, the decedent's date  
20 of birth, the decedent's social security number, if available, the  
21 decedent's usual legal residence at the time of death and, if available,  
22 the decedent's father's name or mother's maiden name. The secretary of  
23 state shall compare the records of deaths with the statewide voter  
24 registration database. Public access to the records is prohibited. Use  
25 of information from the records for purposes other than those required by  
26 this section is prohibited. The name of each deceased person shall  
27 promptly be canceled from the statewide voter registration database and  
28 the secretary of state shall notify the appropriate county recorder and  
29 the recorder shall cancel the name of the person from the register.

30 E. BEGINNING NINETY DAYS BEFORE EACH PRIMARY ELECTION DAY AND EACH  
31 GENERAL ELECTION DAY AND CONTINUING ONCE EACH WEEK UNTIL ELECTION DAY, THE  
32 SECRETARY OF STATE SHALL OBTAIN THE FULL FILE OF DEATH INFORMATION FROM  
33 THE SOCIAL SECURITY ADMINISTRATION FOR THE SOLE PURPOSE OF CANCELING THE  
34 NAMES OF DECEASED PERSONS FROM THE STATEWIDE VOTER REGISTRATION DATABASE.  
35 PUBLIC ACCESS TO THE RECORDS IS PROHIBITED. USE OF INFORMATION FROM THE  
36 RECORDS FOR PURPOSES OTHER THAN THOSE REQUIRED BY THIS SECTION IS  
37 PROHIBITED. THE NAME OF EACH DECEASED PERSON SHALL PROMPTLY BE CANCELED  
38 FROM THE STATEWIDE VOTER REGISTRATION DATABASE AND THE SECRETARY OF STATE  
39 SHALL NOTIFY THE APPROPRIATE COUNTY RECORDER AND THE RECORDER SHALL CANCEL  
40 THE NAME OF THE PERSON FROM THE REGISTER.

41 Sec. 2. Section 36-302, Arizona Revised Statutes, is amended to  
42 read:

43 36-302. System of vital records; powers and duties of the  
44 state registrar

45 A. The director of the department is the state registrar of vital  
46 records.

- 1           B. The state registrar of vital records shall:
- 2           1. Adopt rules to implement a statewide system of vital records
- 3 pursuant to this chapter using the recommendations of the federal agency
- 4 responsible for national vital statistics as guidelines subject to
- 5 modification by the state registrar.
- 6           2. Administer and enforce this chapter and the rules adopted
- 7 pursuant to this chapter and provide for the efficient administration of a
- 8 statewide system of vital records.
- 9           3. Organize, operate and maintain the only system of vital records
- 10 in this state.
- 11           4. Direct and supervise the creation and registration of vital
- 12 records, electronically and physically, and be the custodian of vital
- 13 records.
- 14           5. Establish registration districts throughout this state.
- 15           6. Appoint, direct and remove local registrars.
- 16           7. Prescribe and distribute forms required pursuant to this chapter
- 17 and rules adopted pursuant to this chapter.
- 18           8. Prepare and issue copies of vital records.
- 19           9. Provide a means for the public to request a copy of a vital
- 20 record and grant or deny the request according to criteria prescribed by
- 21 rules adopted pursuant to this chapter. These rules shall include
- 22 eligibility criteria, proof of identity requirements and payment
- 23 requirements to obtain the requested vital record.
- 24           10. Pursuant to section 16-165, transmit each ~~month~~ WEEK to the
- 25 county recorder a record of the death of each resident of the county
- 26 recorder's county who is at least sixteen years of age.
- 27           11. Determine acceptability and completeness of a certificate,
- 28 evidentiary document or form submitted to the state registrar.
- 29           12. Investigate violations of this chapter and rules adopted
- 30 pursuant to this chapter.
- 31           13. Report violations of this chapter and rules adopted pursuant to
- 32 this chapter to the county attorney in the registration district in which
- 33 the violation occurs or to the attorney general.
- 34           C. The state registrar may:
- 35           1. Appoint, in writing, one or more persons to serve as assistant
- 36 state registrars with any or all powers and duties vested in the state
- 37 registrar.
- 38           2. Appoint, direct and remove a deputy local registrar.
- 39           3. Inspect a registration district's certificates, evidentiary
- 40 documents, forms or other information related to the system of vital
- 41 records.
- 42           4. Establish quality control procedures that include on-site
- 43 inspections and review of evidentiary documents, forms and other
- 44 information used in the creation of vital records.
- 45           5. Consolidate or subdivide registration districts.