

REFERENCE TITLE: voter registration databases; designation

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1589

Introduced by
Senator Bennett

AN ACT

AMENDING SECTION 16-165, 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 16-165, Arizona Revised Statutes, is amended to
3 read:

4 16-165. Causes for cancellation; report

5 A. The county recorder shall cancel a registration:

6 1. At the request of the person registered.

7 2. When the county recorder is informed and confirms that the
8 person registered is dead.

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, including when the county recorder either:

32 (a) Receives a form from the person pursuant to subsection E of
33 this section on which the person has confirmed that the person is not a
34 resident of this state.

35 (b) Receives a summary report from the jury commissioner or jury
36 manager pursuant to section 21-314 indicating that the person has stated
37 that the person is not a resident of the county. Before the county
38 recorder cancels a registration pursuant to this subdivision, the county
39 recorder shall send the person notice by forwardable mail and a postage
40 prepaid preaddressed return form requesting the person confirm by signing
41 under penalty of perjury that the person is a resident of the county and
42 is not knowingly registered to vote in another county or another
43 state. The notice shall inform the person that failure to return the form
44 within thirty-five days will result in the person's registration being

1 canceled. If the person fails to return the notice within thirty-five
2 days the county recorder shall cancel the person's registration.

3 10. When the county recorder obtains information pursuant to this
4 section and confirms that the person registered is not a United States
5 citizen, including when the county recorder receives a summary report from
6 the jury commissioner or jury manager pursuant to section 21-314
7 indicating that a person who is registered to vote has stated that the
8 person is not a United States citizen. Before the county recorder cancels
9 a registration pursuant to this paragraph, the county recorder shall send
10 the person notice by forwardable mail that the person's registration will
11 be canceled in thirty-five days unless the person provides satisfactory
12 evidence of United States citizenship pursuant to section 16-166. The
13 notice shall include a list of documents the person may provide and a
14 postage prepaid preaddressed return envelope. If the person registered
15 does not provide satisfactory evidence within thirty-five days, the
16 county recorder shall cancel the registration and notify the county
17 attorney and attorney general for possible investigation.

18 11. When the county recorder receives confirmation from another
19 county recorder that the person registered has registered to vote in that
20 other county.

21 B. If the county recorder receives credible information that a
22 person has registered to vote in a different county, the county recorder
23 shall confirm the person's voter registration with that other county and,
24 on confirmation, shall cancel the person's registration pursuant to
25 subsection A, paragraph 11 of this section.

26 C. If the county recorder cancels a registration pursuant to
27 subsection A, paragraph 8 of this section, the county recorder shall send
28 the person notice that the registration has been canceled and a
29 registration form with the information described in section 16-131,
30 subsection C attached to the form.

31 D. When proceedings in the superior court or the United States
32 district court result in a person being declared incapable of taking care
33 of himself and managing his property, and for whom a guardian of the
34 person and estate is appointed, result in such person being committed as
35 an insane person or result in a person being convicted of a felony, the
36 clerk of the superior court in the county in which those proceedings
37 occurred shall file with the secretary of state an official notice of that
38 fact. The secretary of state shall notify the appropriate county recorder
39 and the recorder shall cancel the name of the person on the
40 register. Such a notice shall name the person covered, shall give the
41 person's date and place of birth if available, the person's social
42 security number, if available, the person's usual place of residence, the
43 person's address and the date of the notice, and shall be filed with the
44 recorder of the county where the person last resided.

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

26 F. Each month the department of transportation shall furnish to the
27 secretary of state without charge a list of persons who the department has
28 been notified have been issued a driver license or the equivalent of an
29 Arizona nonoperating identification license in another state. Within ten
30 days after receiving the list of persons from the department of
31 transportation, the secretary of state shall provide to the appropriate
32 county recorder a list of registered voters in that county who have been
33 issued a driver license or the equivalent of an Arizona nonoperating
34 identification license in another state. The county recorder shall
35 promptly send notice by forwardable mail to each person who has obtained a
36 driver license or the equivalent of an Arizona nonoperating identification
37 license in another state and a postage prepaid preaddressed return form
38 requesting the person confirm by signing under penalty of perjury that the
39 person is a resident of this state and is not knowingly registered to vote
40 in another state or confirm that the person is not a resident of this
41 state. The notice shall inform the person that failure to return the form
42 within ninety days will result in the person's registration being placed
43 in inactive status. If the person returns the form within ninety days
44 confirming that the person is a resident of this state, the county
45 recorder shall maintain the registration in active status. If the person

1 fails to return the form within ninety days, the county recorder shall
2 place the person's registration in inactive status.

3 G. Each month the secretary of state shall compare the statewide
4 voter registration database to the driver license database maintained by
5 the department of transportation. The secretary of state shall notify the
6 appropriate county recorder if a person who is registered to vote in that
7 county has changed the person's residence address or is not a United
8 States citizen.

9 H. To the extent practicable, each month the county recorder shall
10 compare the county's voter registration database to the social security
11 administration database.

12 I. To the extent practicable, each month the county recorder shall
13 compare persons who are registered to vote in that county and who the
14 county recorder has reason to believe are not United States citizens and
15 persons who are registered to vote without satisfactory evidence of
16 citizenship as prescribed by section 16-166 with the systematic alien
17 verification for entitlements program maintained by the United States
18 citizenship and immigration services to verify the citizenship status of
19 the persons registered.

20 J. For persons who are registered to vote without satisfactory
21 evidence of citizenship as prescribed in section 16-166, the county
22 recorder shall compare the electronic verification of vital events system
23 maintained by a national association for public health statistics and
24 information systems, if accessible, with the information on the person's
25 voter registration file.

26 K. To the extent practicable, the county recorder shall review
27 relevant city, town, county, state and federal databases to which the
28 county recorder has access to confirm information obtained that requires
29 cancellation of registrations pursuant to this section.

30 L. After canceling a registration pursuant to this section, the
31 county recorder shall send a notice by forwardable mail informing the
32 person that the person's registration has been canceled, the reason for
33 cancellation, the qualifications of electors pursuant to section 16-101
34 and instructions on registering to vote if the person is qualified.

35 M. The secretary of state shall report the following information to
36 the legislature at the end of each quarter:

37 1. The number of deaths reported to the secretary of state by the
38 department of health services, the number of voter registration
39 cancellation notices issued by the secretary of state to the county
40 recorders as a result of those reports and the number of registrations
41 canceled as a result of those notices.

42 2. The number of persons reported to the secretary of state who
43 have been issued a driver license or the equivalent of an Arizona
44 nonoperating identification license in another state, the number of
45 notices sent pursuant to subsection E of this section and the number of

1 voter registrations that have been placed in inactive status and the
2 number of voter registrations that have been canceled as a result of those
3 notices.

4 3. The number of persons who have stated on a jury JUROR
5 questionnaire that the person is not a United States citizen, the number
6 of notices sent pursuant to subsection A, paragraph 10 of this section and
7 the number of registrations that have been canceled as a result of those
8 notices.

9 4. The number of persons who have stated on a jury JUROR
10 questionnaire that the person is not a resident of the county, the number
11 of notices sent pursuant to subsection A, paragraph 9, subdivision (b) of
12 this section and the number of registrations that have been canceled as a
13 result of those notices.

14 5. The number of registrations on the inactive voter list that have
15 been canceled pursuant to subsection A, paragraph 7 of this section.

16 N. THE SECRETARY OF STATE SHALL DESIGNATE A LIST OF VOTER
17 REGISTRATION DATABASES AND VOTER REGISTRATION DATABASE SERVICES TO BE USED
18 MONTHLY BY EACH COUNTY RECORDER TO DETERMINE POSSIBLE REGISTRATIONS IN
19 MULTIPLE JURISDICTIONS AND POSSIBLE CHANGES OF ADDRESS.