

REFERENCE TITLE: early ballot list; daily returns

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

SB 1666

Introduced by
Senators Mendez: Hernandez, Sundareshan

AN ACT

AMENDING SECTION 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 16-168, Arizona Revised Statutes, is amended to
3 read:

4 16-168. Precinct registers; date of preparation; contents;
5 copies; reports; statewide database; violation;
6 classification

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

13 B. The official precinct registers for use at the polling place
14 shall contain at least the names in full, party preference, date of
15 registration and residence address of each qualified elector in the
16 respective precincts. The names shall be in alphabetical order and, in a
17 column to the left of the names, shall be numbered consecutively beginning
18 with number 1 in each precinct register.

19 C. For the purposes of transmitting voter registration information
20 as prescribed by this subsection, electronic media shall be the principal
21 media. A county or state chairman who is eligible to receive copies of
22 precinct lists as prescribed by this subsection may request that the
23 recorder provide a paper copy of the precinct lists. In addition to
24 preparing the official precinct lists, the county recorder shall provide a
25 means for electronically reproducing the precinct lists. Unless otherwise
26 agreed, the county recorder shall deliver one electronic media copy of
27 each precinct list in the county without charge and on the same day within
28 eight days after the close of registration for the primary and general
29 elections to the county chairman and one electronic media copy to the
30 state chairman of each party that has at least four candidates other than
31 presidential electors appearing on the ballot in that county at the
32 current election. The secretary of state shall establish a single format
33 that prescribes the manner and template in which all county recorders
34 provide this data to the secretary of state to ensure that the submissions
35 are uniform from all counties in this state, that all submissions are
36 identical in format, including the level of detail for voting history, and
37 that information may readily be combined from two or more counties. The
38 electronic media copies of the precinct lists that are delivered to the
39 party chairmen shall include for each elector the following information:

- 40 1. Name in full and appropriate title.
- 41 2. Party preference.
- 42 3. Date of registration.
- 43 4. Residence address.
- 44 5. Mailing address, if different from residence address.

1 6. Zip code.
2 7. Telephone number if given.
3 8. Birth year.
4 9. Occupation if given.
5 10. Voting history for all elections in the prior four years and
6 any other information regarding registered voters that the county recorder
7 or city or town clerk maintains electronically and that is public
8 information.
9 11. All data relating to early voters, including ballot requests
10 and ballot returns.
11 D. The names on the precinct lists shall be in alphabetical order
12 and the precinct lists in their entirety, unless otherwise agreed, shall
13 be delivered to each county chairman and each state chairman within ten
14 business days ~~of~~ AFTER the close of each date for counting registered
15 voters prescribed by subsection G of this section other than the primary
16 and general election registered voter counts in the same format and media
17 as prescribed by subsection C of this section. During the thirty-three
18 days immediately preceding an election and on request from a county or
19 state chairman, the county recorder shall provide at no cost a daily list
20 of persons who have requested an early ballot ~~and shall provide at no cost~~
21 ~~a weekly listing of persons who have returned their early ballots~~. The
22 recorder shall provide the daily ~~and weekly~~ information through the Friday
23 preceding the election. On request from a county chairman or state
24 chairman, the ~~county recorder of a county with a population of more than~~
25 ~~eight hundred thousand persons~~ SECRETARY OF STATE shall provide at no cost
26 a daily listing of persons who have returned their early ballots. The
27 daily listing shall be provided Mondays through Fridays, beginning with
28 the first Monday following the start of early voting and ending on the
29 Monday before the election.
30 E. Precinct registers and other lists and information derived from
31 registration forms may be used only for purposes relating to a political
32 or political party activity, a political campaign or an election, for
33 revising election district boundaries or for any other purpose
34 specifically authorized by law and may not be used for a commercial
35 purpose as defined in section 39-121.03. The sale of registers, lists and
36 information derived from registration forms to a candidate or a registered
37 political committee for a use specifically authorized by this subsection
38 does not constitute use for a commercial purpose. The county recorder,
39 the secretary of state and other officers in charge of elections, on a
40 request for an authorized use and within thirty days from receipt of the
41 request, shall prepare additional copies of an official precinct list and
42 furnish them to any person requesting them on payment of a fee equal to
43 the following amounts for the following number of voter registration
44 records provided:

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

3 2. For one hundred twenty-five thousand to two hundred forty-nine
4 thousand nine hundred ninety-nine records, \$156.25 plus \$0.000375 per
5 record.

6 3. For two hundred fifty thousand to four hundred ninety-nine
7 thousand nine hundred ninety-nine records, \$203.13 plus \$0.00025 per
8 record.

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

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

13 F. Any person in possession of a precinct register or list, in
14 whole or part, or any reproduction of a precinct register or list, shall
15 not ~~permit~~ ALLOW the register or list to be used, bought, sold or
16 otherwise transferred for any purpose except for uses otherwise authorized
17 by this section. A person in possession of information derived from voter
18 registration forms or precinct registers shall not distribute, post or
19 otherwise provide access to any portion of that information through the
20 internet except as authorized by subsection I of this section. ~~Nothing in~~
21 This section ~~shall~~ DOES NOT preclude public inspection of voter
22 registration records at the office of the county recorder for the purposes
23 prescribed by this section, except that the month and day of birth date,
24 the social security number or any portion thereof, the driver license
25 number or nonoperating identification license number, the Indian census
26 number, the father's name or mother's maiden name, the state or country of
27 birth and the records containing a voter's signature and a voter's ~~e-mail~~
28 EMAIL address shall not be accessible or reproduced by any person other
29 than the voter, by an authorized government official in the scope of the
30 official's duties, for any purpose by an entity designated by the
31 secretary of state as a voter registration agency pursuant to the national
32 voter registration act of 1993 (P.L. 103-31; 107 Stat. 77), for signature
33 verification on petitions and candidate filings, for election purposes and
34 for news gathering purposes by a person engaged in newspaper, radio,
35 television or reportorial work, or connected with or employed by a
36 newspaper, radio or television station or pursuant to a court
37 order. Notwithstanding any other law, a voter's ~~e-mail~~ EMAIL address may
38 not be released for any purpose. A person who violates this subsection or
39 subsection E of this section is guilty of a class 6 felony.

40 G. The county recorder shall count the registered voters by
41 political party by precinct, legislative district and congressional
42 district as follows:

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

45 (a) January 2.

1 (b) April 1.

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

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

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

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

10 (a) January 2.

11 (b) April 1.

12 (c) July 1.

13 (d) October 1.

14 H. The county recorder shall report the totals to the secretary of
15 state as soon as is practicable following each of the dates prescribed in
16 subsection G of this section. The report shall include completed
17 registration forms returned in accordance with section 16-134,
18 subsection B. The county recorder shall also provide the report in a
19 uniform electronic computer media format that shall be agreed on between
20 the secretary of state and all county recorders. The secretary of state
21 shall then prepare a summary report for the state and shall maintain that
22 report as a permanent record.

23 I. The county recorder and the secretary of state shall protect
24 access to voter registration information in an auditable format and method
25 specified in the secretary of state's electronic voting system
26 instructions and procedures manual that is adopted pursuant to section
27 16-452.

28 J. The secretary of state shall develop and administer a statewide
29 database of voter registration information that contains the name and
30 registration information of every registered voter in this state. The
31 statewide database is a matter of statewide concern and is not subject to
32 modification or further regulation by a political subdivision. The
33 database shall include an identifier that is unique for each individual
34 voter. The database shall provide for access by voter registration
35 officials and shall allow expedited entry of voter registration
36 information after it is received by county recorders. As a part of the
37 statewide voter registration database, county recorders shall provide for
38 the electronic transmittal of that information to the secretary of state
39 on a real time basis. The secretary of state shall provide for
40 maintenance of the database, including provisions regarding removal of
41 ineligible voters that are consistent with the national voter registration
42 act of 1993 (P.L. 103-31; 107 Stat. 77; 52 United States Code sections
43 20501 through 20511) and the help America vote act of 2002 (P.L. 107-252;
44 116 Stat. 1666; 52 United States Code sections 20901 through 21145),
45 provisions regarding removal of duplicate registrations and provisions to

1 ensure that eligible voters are not removed in error. For the purpose of
2 maintaining compliance with the help America vote act of 2002, each county
3 voter registration system is subject to approval by the secretary of state
4 for compatibility with the statewide voter registration database system.

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

9 L. Beginning January 1, 2008, recognized political parties shall
10 request precinct lists and access to information as provided in
11 subsections E and F of this section during the time periods prescribed in
12 subsection C or D of this section and the county recorder shall receive
13 and respond to those requests EXCEPT FOR DAILY LISTS OF PERSONS WHO HAVE
14 RETURNED THEIR EARLY BALLOTS. If the county recorder does not provide the
15 requested materials within the applicable time prescribed for the county
16 recorder pursuant to subsection C or D of this section, a recognized
17 political party may request that the secretary of state provide precinct
18 lists and access to information as provided in subsections E and F of this
19 section for federal, state and county elections. EXCEPT FOR DAILY LISTS
20 OF PERSONS WHO HAVE RETURNED THEIR EARLY BALLOTS, the secretary of state
21 shall not provide access to precinct lists and information for recognized
22 political parties unless the county recorder has failed or refused to
23 provide the lists and materials as prescribed by this section. The
24 secretary of state may charge the county recorder a fee determined by rule
25 for each name or record produced.

26 M. For municipal registration information in those municipalities
27 in which the county administers the municipal elections, county and state
28 party chairmen shall request and obtain voter registration information and
29 precinct lists from the city or town clerk during the time periods
30 prescribed in subsection C or D of this section. If the city or town
31 clerk does not provide that information within the same time prescribed
32 for county recorders pursuant to subsection C or D of this section, the
33 county or state party chairman may request and obtain the information from
34 the county recorder. The county recorder shall provide the municipal
35 voter registration and precinct lists within the time prescribed in
36 subsection C or D of this section.

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