

REFERENCE TITLE: voter registration; residency standards

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

# HB 2801

Introduced by  
Representative Jones

AN ACT

AMENDING TITLE 16, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 16-106; 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. Title 16, chapter 1, article 1, Arizona Revised  
3 Statutes, is amended by adding section 16-106, to read:

4 16-106. Residency for voting; standards; presumptions

5 A. NOTWITHSTANDING ANY OTHER LAW, IN DETERMINING THE RESIDENCE OF A  
6 PERSON DESIRING TO REGISTER TO VOTE, THE FOLLOWING APPLY:

7 1. THE RESIDENCE OF ANY PERSON IS IN THAT PLACE IN WHICH THE  
8 PERSON'S HABITATION IS FIXED, WITHOUT ANY PRESENT INTENTION OF REMOVING  
9 FROM THAT PLACE. THE RESIDENCE OF ANY PERSON WHO IS HOMELESS AND WITHOUT  
10 A PERMANENT ADDRESS IS DEEMED TO BE THE LOCATION OF THE COURTHOUSE OF THE  
11 COUNTY IN WHICH THAT PERSON RESIDES.

12 2. A PERSON DOES NOT LOSE THE PERSON'S RESIDENCE BY LEAVING THAT  
13 PERSON'S HOME AND ENTERING INTO ANOTHER STATE OR ANOTHER JURISDICTION IN  
14 THIS STATE, FOR TEMPORARY PURPOSES ONLY AND WITH THE INTENTION OF  
15 RETURNING, UNLESS THE PERSON REGISTERS TO VOTE OR PERFORMS OTHER ACTS  
16 INDICATING A DESIRE TO CHANGE THE PERSON'S CITIZENSHIP AND RESIDENCE,  
17 EXCEPT THAT:

18 (a) IF A PERSON REGISTERS TO VOTE IN ANOTHER STATE, COUNTY,  
19 MUNICIPALITY OR LEGISLATIVE DISTRICT, THAT PERSON IS AUTOMATICALLY DEEMED  
20 TO HAVE CHANGED THE PERSON'S RESIDENCY.

21 (b) IF A PERSON RETURNS TO THE PERSON'S ORIGINAL PLACE OF RESIDENCE  
22 AFTER REGISTERING TO VOTE IN A DIFFERENT OR SEPARATE JURISDICTION, THE  
23 PERSON SHALL SUBMIT A NEW APPLICATION TO REGISTER TO VOTE IN THE PERSON'S  
24 ORIGINAL JURISDICTION IN ORDER TO BE DEEMED A VALID REGISTERED ELECTOR AND  
25 RESIDENT OF THAT JURISDICTION FOR VOTING PURPOSES.

26 (c) PROOF OF OWNERSHIP OR RENTAL OF A POST OFFICE BOX WITHIN A  
27 PARTICULAR JURISDICTION DOES NOT CONSTITUTE SUFFICIENT GROUNDS TO  
28 ESTABLISH A PERSON'S RESIDENCY WITHIN THAT PARTICULAR JURISDICTION.

29 3. A PERSON IS NOT CONSIDERED TO HAVE GAINED A RESIDENCE IN ANY  
30 COUNTY OR MUNICIPALITY OF THIS STATE IF THE PERSON COMES INTO THAT COUNTY  
31 OR MUNICIPALITY FOR TEMPORARY PURPOSES ONLY AND WITHOUT THE INTENTION OF  
32 MAKING THAT COUNTY OR MUNICIPALITY THAT PERSON'S PERMANENT PLACE OF ABODE.

33 4. A PERSON WHO MOVES TO ANOTHER STATE WITH THE INTENTION OF MAKING  
34 IT THAT PERSON'S RESIDENCE IS CONSIDERED TO HAVE LOST THAT PERSON'S  
35 RESIDENCE IN THIS STATE.

36 5. A PERSON WHO MOVES TO ANOTHER COUNTY OR MUNICIPALITY IN THIS  
37 STATE WITH THE INTENTION OF MAKING IT THAT PERSON'S RESIDENCE IS  
38 CONSIDERED TO HAVE LOST THE PERSON'S RESIDENCE IN THE FORMER COUNTY OR  
39 MUNICIPALITY IN THIS STATE.

40 6. A PERSON WHO MOVES TO ANOTHER STATE WITH THE INTENTION OF  
41 REMAINING THERE AN INDEFINITE TIME AND WHO MAKES THAT STATE THAT PERSON'S  
42 PLACE OF RESIDENCE IS CONSIDERED TO HAVE LOST THE PERSON'S RESIDENCE IN  
43 THIS STATE, WITHOUT REGARD TO WHETHER THE PERSON INTENDS TO RETURN AT SOME  
44 INDEFINITE FUTURE PERIOD.

1           7. A PERSON WHO MOVES TO ANOTHER COUNTY OR MUNICIPALITY WITHIN THIS  
2 STATE WITH THE INTENTION OF REMAINING THERE AN INDEFINITE TIME AND WHO  
3 MAKES THAT OTHER COUNTY OR MUNICIPALITY THAT PERSON'S PLACE OF RESIDENCE  
4 IS CONSIDERED TO HAVE LOST THAT PERSON'S RESIDENCE IN THE FORMER COUNTY OR  
5 MUNICIPALITY, WITHOUT REGARD TO WHETHER THE PERSON INTENDS TO RETURN AT  
6 SOME INDEFINITE FUTURE PERIOD.

7           8. THE RESIDENCE OF A PERSON FOR VOTING PURPOSES IS NOT REQUIRED TO  
8 BE THE SAME AS THE RESIDENCE FOR VOTING PURPOSES OF THAT PERSON'S SPOUSE.

9           9. A PERSON IS NOT DEEMED TO HAVE GAINED OR LOST A RESIDENCE BY  
10 REASON OF THAT PERSON'S PRESENCE OR ABSENCE WHILE ENROLLED AS A STUDENT AT  
11 ANY COLLEGE, UNIVERSITY OR OTHER INSTITUTION OF LEARNING IN THIS STATE.

12           10. THE MERE INTENTION TO ACQUIRE A NEW RESIDENCE WITHOUT ACTUAL  
13 REMOVAL TO THAT NEW RESIDENCE OR THE ACTUAL REMOVAL TO THAT NEW RESIDENCE  
14 WITHOUT THE INTENTION OF REMAINING HAS NO EFFECT ON A PERSON'S RESIDENCY.

15           11. A MEMBER OF THE ARMED FORCES OF THE UNITED STATES IS NOT DEEMED  
16 TO HAVE ACQUIRED A RESIDENCE IN THIS STATE BY REASON OF BEING STATIONED ON  
17 DUTY IN THIS STATE.

18           12. A PERSON WHO REMOVES TO THE DISTRICT OF COLUMBIA OR OTHER  
19 FEDERAL TERRITORY, ANOTHER STATE OR A FOREIGN COUNTRY TO ENGAGE IN  
20 GOVERNMENT SERVICE IS NOT CONSIDERED TO HAVE LOST THE PERSON'S RESIDENCE  
21 IN THIS STATE DURING THE PERIOD OF THAT SERVICE, AND THE PLACE WHERE THE  
22 PERSON RESIDED AT THE TIME OF THE PERSON'S REMOVAL CONTINUES TO BE THAT  
23 PERSON'S PLACE OF RESIDENCE.

24           13. A PERSON WHO IS ADJUDICATED MENTALLY ILL AND WHO IS COMMITTED  
25 TO AN INSTITUTION FOR THE MENTALLY ILL IS NOT CONSIDERED TO HAVE GAINED A  
26 RESIDENCE IN THE COUNTY IN WHICH THE INSTITUTION IS LOCATED.

27           14. A PERSON WHO ENTERS INTO ANOTHER STATE AND WHO, WHILE THERE,  
28 EXERCISES THE RIGHT OF A CITIZEN BY VOTING IS CONSIDERED TO HAVE LOST THAT  
29 PERSON'S RESIDENCE IN THIS STATE.

30           15. FOR VOTER REGISTRATION PURPOSES, IN ANY DISPUTED MATTER, THE  
31 COUNTY RECORDER, THE CITY OR TOWN CLERK, THE SECRETARY OF STATE, AS  
32 APPLICABLE, AND ANY HEARING OFFICER OR JUDGE MAY CONSIDER EVIDENCE OF  
33 WHERE THE PERSON RECEIVES SIGNIFICANT MAIL SUCH AS PERSONAL BILLS AND ANY  
34 OTHER EVIDENCE THAT INDICATES WHERE THE PERSON RESIDES.

35           B. IN DETERMINING A VOTER'S QUALIFICATION TO REGISTER AND VOTE, THE  
36 COUNTY RECORDER TO WHOM THE APPLICATION IS MADE SHALL CONSIDER, IN  
37 ADDITION TO THE APPLICANT'S EXPRESSED INTENT, ANY RELEVANT CIRCUMSTANCES  
38 IN DETERMINING THE APPLICANT'S RESIDENCE, INCLUDING:

39           1. NATIONAL CHANGE OF ADDRESS PROGRAM INFORMATION SPONSORED BY THE  
40 UNITED STATES POSTAL SERVICE.

41           2. OTHER FACTORS, INCLUDING PROFESSIONALLY AGGREGATED COMMERCIAL OR  
42 PROPRIETARY INFORMATION THAT INCLUDES CHANGE OF ADDRESSES, LEASE  
43 INFORMATION, INSURANCE CHANGE OF ADDRESSES AND IDENTIFICATION CHANGE OF  
44 ADDRESSES, AND OTHER REASONABLY RELIABLE INFORMATION, TO BE DETERMINED IN  
45 GOOD FAITH, INCLUDING A SWORN STATEMENT BY ANY PERSON WITH RELEVANT

1 INFORMATION, PERTAINING TO A FACTOR INDICATING AN ELECTOR'S RESIDENCE OR  
2 NONRESIDENCE.

3 C. REGISTERED VOTER ADDRESSES SHALL BE VERIFIED WITH THE SAME  
4 STANDARDS USED BY THE UNITED STATES POSTAL SERVICE. REGISTERED VOTERS  
5 WITH ADDRESSES THAT SHOW AS UNDELIVERABLE AS ADDRESSED SHALL BE REMOVED  
6 FROM THE VOTER REGISTRATION ROLLS.

7 D. THE DECISION OF THE COUNTY RECORDER TO WHOM A VOTER REGISTRATION  
8 APPLICATION IS MADE IS PRESUMPTIVE EVIDENCE OF A PERSON'S RESIDENCE FOR  
9 VOTING PURPOSES.

10 E. IN ORDER TO BE ELIGIBLE TO REGISTER TO VOTE, A PERSON MUST BE AN  
11 AMERICAN CITIZEN.