

REFERENCE TITLE: election officers; privacy protections.

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

HB 2838

Introduced by
Representatives Austin: Aguilar, Contreras P, Gutierrez, Hernandez C,
Ortiz, Sandoval, Schwiebert, Seaman, Stahl Hamilton, Terech, Tsosie

AN ACT

AMENDING SECTIONS 11-483, 11-484, 13-2401 AND 16-153, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-1023; AMENDING SECTIONS 28-454, 39-123 AND 39-124, ARIZONA REVISED STATUTES; RELATING TO ELECTION OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-483, Arizona Revised Statutes, is amended to
3 read:

4 11-483. Records maintained by county recorder;
5 confidentiality; definitions

6 A. Notwithstanding any other provision of this article, in any
7 county an eligible person may request that the general public be
8 prohibited from accessing the unique identifier and the recording date
9 contained in indexes of recorded instruments maintained by the county
10 recorder and may request the county recorder to prohibit access to that
11 person's identifying information, including any of the following:

12 1. That person's documents, instruments or writings recorded by the
13 county recorder.

14 2. If the person is a public official, the address of a property
15 held in trust by the public official.

16 B. An eligible person may request this action by filing an
17 affidavit that states all of the following on an application form
18 developed by the administrative office of the courts in agreement with an
19 association of counties, an organization of peace officers and the motor
20 vehicle division of the department of transportation:

21 1. The person's full legal name and residential address.

22 2. The full legal description and parcel number of the person's
23 property.

24 3. Unless the person is the spouse of a peace officer or the spouse
25 or minor child of a deceased peace officer or the person is a former
26 public official or former judge, the position the person currently holds
27 and a description of the person's duties, except that an eligible person
28 who is protected under an order of protection or injunction against
29 harassment shall instead attach a copy of the order of protection or
30 injunction against harassment or an eligible person who is a participant
31 in the address confidentiality program shall instead attach a copy of the
32 participant's current and valid address confidentiality program
33 authorization card issued pursuant to section 41-163 and a statement of
34 certification provided by the secretary of state's office.

35 4. The reasons the person reasonably believes that the person's
36 life or safety or that of another person is in danger and that restricting
37 access pursuant to this section will serve to reduce the danger.

38 5. The document locator number and recording date of each
39 instrument for which the person requests access restriction pursuant to
40 this section.

41 6. A copy of pages from each instrument that includes the document
42 locator number and the person's identifying information, including the
43 person's full legal name and residential address or full legal name and
44 telephone number.

1 C. If an eligible person is also requesting pursuant to section
 2 11-484 that the general public be prohibited from accessing records
 3 maintained by the county assessor and county treasurer, the eligible
 4 person may combine the request pursuant to subsection B of this section
 5 with the request pursuant to section 11-484 by filing one affidavit. The
 6 affidavit and subsequent action by the appropriate authorities shall meet
 7 all of the requirements of this section and section 11-484.

8 D. The affidavit shall be filed with the presiding judge of the
 9 superior court in the county in which the affiant resides. To prevent
 10 multiple filings, an eligible person who is a peace officer, spouse of a
 11 peace officer, spouse or minor child of a deceased peace officer, public
 12 defender, prosecutor, code enforcement officer, corrections or detention
 13 officer, corrections support staff member or law enforcement support staff
 14 member shall deliver the affidavit to the peace officer's commanding
 15 officer, or to the head of the prosecuting, public defender, code
 16 enforcement, law enforcement, corrections or detention agency, as
 17 applicable, or that person's designee, who shall file the affidavits at
 18 one time. In the absence of an affidavit that contains a request for
 19 immediate action and that is supported by facts justifying an earlier
 20 presentation, the commanding officer, or the head of the prosecuting,
 21 public defender, code enforcement, law enforcement, corrections or
 22 detention agency, as applicable, or that person's designee, shall not file
 23 affidavits more often than quarterly.

24 E. On receipt of an affidavit or affidavits, the presiding judge of
 25 the superior court shall file with the clerk of the superior court a
 26 petition on behalf of all requesting affiants. Each affidavit presented
 27 shall be attached to the petition. In the absence of an affidavit that
 28 contains a request for immediate action and that is supported by facts
 29 justifying an earlier consideration, the presiding judge may accumulate
 30 affidavits and file a petition at the end of each quarter.

31 F. The presiding judge of the superior court shall review the
 32 petition and each attached affidavit to determine whether the action
 33 requested by each affiant should be granted. If the presiding judge of
 34 the superior court concludes that the action requested by the affiant will
 35 reduce a danger to the life or safety of the affiant or another person,
 36 the presiding judge of the superior court shall order that the county
 37 recorder prohibit access for five years to the affiant's identifying
 38 information, including any of that person's documents, instruments or
 39 writings recorded by the county recorder and made available on the
 40 internet. If the presiding judge of the superior court concludes that the
 41 affiant or another person is in actual danger of physical harm from a
 42 person or persons with whom the affiant has had official dealings and that
 43 action pursuant to this section will reduce a danger to the life or safety
 44 of the affiant or another person, the presiding judge of the superior
 45 court shall order that the general public be prohibited for five years

1 from accessing the unique identifier and the recording date contained in
2 indexes of recorded instruments maintained by the county recorder and
3 identified pursuant to subsection B of this section.

4 G. On motion to the court, if the presiding judge of the superior
5 court concludes that an instrument or writing recorded by the county
6 recorder has been redacted or sealed in error, that the original affiant
7 no longer lives at the address listed in the original affidavit, that the
8 cause for the original affidavit no longer exists or that temporary access
9 to the instrument or writing is needed, the presiding judge may
10 temporarily stay or permanently vacate all or part of the court order
11 prohibiting public access to the recorded instrument or writing.

12 H. On entry of the court order, the clerk of the superior court
13 shall file the court order and a copy of the affidavit required by
14 subsection B of this section with the county recorder. Not more than ten
15 days after the date on which the county recorder receives the court order,
16 the county recorder shall restrict access to the information as required
17 by subsection F of this section.

18 I. If the court denies an affiant's request pursuant to this
19 section, the affiant may request a court hearing. The hearing shall be
20 conducted by the court in the county where the petition was filed.

21 J. The county recorder shall remove the restrictions on all records
22 restricted pursuant to this section by January 5 in the year after the
23 court order expires. The county recorder shall send by mail one notice to
24 either the health professional, election officer, public official, former
25 public official, peace officer, spouse of a peace officer, spouse or minor
26 child of a deceased peace officer, public defender, prosecutor, code
27 enforcement officer, corrections or detention officer, corrections support
28 staff member, law enforcement support staff member, employee of the
29 department of child safety or employee of adult protective services who
30 has direct contact with families in the course of employment or the
31 employing agency of the peace officer, public defender, prosecutor, code
32 enforcement officer, corrections or detention officer, corrections support
33 staff member, law enforcement support staff member or employee of adult
34 protective services who was granted an order pursuant to this section of
35 the order's expiration date at least six months before the expiration
36 date. If the notice is sent to the employing agency, the employing agency
37 shall immediately notify the person who was granted the order of the
38 upcoming expiration date. The county recorder may coordinate with the
39 county assessor and county treasurer to prevent multiple notices from
40 being sent to the same person.

41 K. To include subsequent recordings in the court order, the
42 eligible person shall present to the county recorder at the time of
43 recordation a certified copy of the court order or shall provide to the
44 county recorder the recording number of the court order. The county

1 recorder shall ensure that public access is restricted pursuant to
2 subsection A of this section.

3 L. This section does not restrict access to public records for the
4 purposes of perfecting a lien pursuant to title 12, chapter 9, article 2.

5 M. This section does not prohibit access to the records of the
6 county recorder by parties to the instrument, a law enforcement officer
7 performing the officer's official duties pursuant to subsection N of this
8 section, a title insurer, a title insurance agent or an escrow agent
9 licensed by the department of insurance and financial institutions.

10 N. A law enforcement officer is deemed to be performing the
11 officer's official duties if the officer provides a subpoena, court order
12 or search warrant for the records.

13 O. For the purposes of this section:

14 1. "Code enforcement officer" means a person who is employed by a
15 state or local government and whose duties include performing field
16 inspections of buildings, structures or property to ensure compliance with
17 and enforce national, state and local laws, ordinances and codes.

18 2. "Commissioner" means a commissioner of the superior court or
19 municipal court.

20 3. "Corrections support staff member" means an adult or juvenile
21 corrections employee who has direct contact with inmates.

22 4. "Election officer" means ~~a state, county or municipal employee~~
23 ~~who holds an election officer's certificate issued pursuant to section~~
24 ~~16-407~~ AN INDIVIDUAL, INCLUDING AN ELECTION BOARD MEMBER, WHO IS ASSIGNED
25 BY THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE TO PERFORM OFFICIAL
26 DUTIES RELATED TO ELECTIONS.

27 5. "Eligible person" means a health professional, election officer,
28 public official, former public official, peace officer, spouse of a peace
29 officer, spouse or minor child of a deceased peace officer, justice,
30 judge, commissioner, hearing officer, public defender, prosecutor, code
31 enforcement officer, adult or juvenile corrections officer, corrections
32 support staff member, probation officer, member of the commission on
33 appellate court appointments, member of the board of executive clemency,
34 law enforcement support staff member, employee of the department of child
35 safety or employee of adult protective services who has direct contact
36 with families in the course of employment, national guard member who is
37 acting in support of a law enforcement agency, person who is protected
38 under an order of protection or injunction against harassment, person who
39 is a participant in the address confidentiality program pursuant to title
40 41, chapter 1, article 3 or firefighter who is assigned to the Arizona
41 counter terrorism information center in the department of public safety.

42 6. "Former public official" means a person who was duly elected or
43 appointed to Congress, the legislature or a statewide office, who ceased
44 serving in that capacity and who was the victim of a dangerous offense as
45 defined in section 13-105 while in office.

1 1. That person's documents, instruments, writings and information
2 maintained by the county assessor and the county treasurer.

3 2. If the person is a public official, the address of a property
4 held in trust by the public official.

5 B. An eligible person may request this action by filing an
6 affidavit that states all of the following on an application form
7 developed by the administrative office of the courts in agreement with an
8 association of counties, an organization of peace officers and the motor
9 vehicle division of the department of transportation:

10 1. The person's full legal name and residential address.

11 2. The full legal description and parcel number of the person's
12 property.

13 3. Unless the person is the spouse of a peace officer or the spouse
14 or minor child of a deceased peace officer or the person is a former
15 public official or former judge, the position the person currently holds
16 and a description of the person's duties, except that an eligible person
17 who is protected under an order of protection or injunction against
18 harassment shall attach a copy of the order of protection or injunction
19 against harassment or an eligible person who is a participant in the
20 address confidentiality program shall instead attach a copy of the
21 participant's current and valid address confidentiality program
22 authorization card issued pursuant to section 41-163 and a statement of
23 certification provided by the secretary of state's office.

24 4. The reasons the person reasonably believes that the person's
25 life or safety or that of another person is in danger and that redacting
26 the person's identifying information, including the residential address
27 and telephone number, will serve to reduce the danger.

28 C. If an eligible person is also requesting pursuant to section
29 11-483 that the general public be prohibited from accessing records
30 maintained by the county recorder, the eligible person may combine the
31 request pursuant to subsection B of this section with the request pursuant
32 to section 11-483 by filing one affidavit. The affidavit and subsequent
33 action by the appropriate authorities shall meet all of the requirements
34 of this section and section 11-483.

35 D. The affidavit shall be filed with the presiding judge of the
36 superior court in the county in which the affiant resides. To prevent
37 multiple filings, an eligible person who is a peace officer, spouse of a
38 peace officer, spouse or minor child of a deceased peace officer, public
39 defender, prosecutor, code enforcement officer, corrections or detention
40 officer, corrections support staff member or law enforcement support staff
41 member shall deliver the affidavit to the peace officer's commanding
42 officer, or to the head of the prosecuting, public defender, code
43 enforcement, law enforcement, corrections or detention agency, as
44 applicable, or that person's designee, who shall file the affidavits at
45 one time. In the absence of an affidavit that contains a request for

1 immediate action and that is supported by facts justifying an earlier
 2 presentation, the commanding officer, or the head of the prosecuting,
 3 public defender, code enforcement, law enforcement, corrections or
 4 detention agency, as applicable, or that person's designee, shall not file
 5 affidavits more often than quarterly.

6 E. On receipt of an affidavit or affidavits, the presiding judge of
 7 the superior court shall file with the clerk of the superior court a
 8 petition on behalf of all requesting affiants. Each affidavit presented
 9 shall be attached to the petition. In the absence of an affidavit that
 10 contains a request for immediate action and that is supported by facts
 11 justifying an earlier consideration, the presiding judge may accumulate
 12 affidavits and file a petition at the end of each quarter.

13 F. The presiding judge of the superior court shall review the
 14 petition and each attached affidavit to determine whether the action
 15 requested by each affiant should be granted. If the presiding judge of
 16 the superior court concludes that the action requested by the affiant will
 17 reduce a danger to the life or safety of the affiant or another person,
 18 the presiding judge of the superior court shall order the redaction of the
 19 affiant's identifying information, including any of that person's
 20 documents, instruments, writings and information maintained by the county
 21 assessor and the county treasurer. The redaction shall be in effect for
 22 five years.

23 G. On motion to the court, if the presiding judge of the superior
 24 court concludes that an instrument or writing maintained by the county
 25 assessor or the county treasurer has been redacted or sealed in error,
 26 that the original affiant no longer lives at the address listed in the
 27 original affidavit, that the cause for the original affidavit no longer
 28 exists or that temporary access to the instrument or writing is needed,
 29 the presiding judge may temporarily stay or permanently vacate all or part
 30 of the court order prohibiting public access to the instrument or writing.

31 H. On entry of the court order, the clerk of the superior court
 32 shall file the court order and a copy of the affidavit required by
 33 subsection B of this section with the county assessor and the county
 34 treasurer. Not more than ten days after the date on which the county
 35 assessor and the county treasurer receive the court order, the county
 36 assessor and the county treasurer shall restrict access to the information
 37 as required by subsection F of this section.

38 I. If the court denies an affiant's request pursuant to this
 39 section, the affiant may request a court hearing. The hearing shall be
 40 conducted by the court in the county where the petition was filed.

41 J. The county assessor and the county treasurer shall remove the
 42 restrictions on all records that are redacted pursuant to this section by
 43 January 5 in the year after the court order expires. The county assessor
 44 or the county treasurer shall send by mail one notice to either the
 45 health professional, election officer, public official, former public

1 official, peace officer, spouse of a peace officer, spouse or minor child
2 of a deceased peace officer, public defender, prosecutor, code enforcement
3 officer, corrections or detention officer, corrections support staff
4 member, law enforcement support staff member, employee of the department
5 of child safety or employee of adult protective services who has direct
6 contact with families in the course of employment or the employing agency
7 of the peace officer, public defender, prosecutor, code enforcement
8 officer, corrections or detention officer, corrections support staff
9 member, law enforcement support staff member or employee of adult
10 protective services who was granted an order pursuant to this section of
11 the order's expiration date at least six months before the expiration
12 date. If the notice is sent to the employing agency, the employing agency
13 shall immediately notify the person who was granted the order of the
14 upcoming expiration date. The county assessor or county treasurer may
15 coordinate with the county recorder to prevent multiple notices from being
16 sent to the same person.

17 K. For the purposes of this section:

18 1. "Code enforcement officer" means a person who is employed by a
19 state or local government and whose duties include performing field
20 inspections of buildings, structures or property to ensure compliance with
21 and enforce national, state and local laws, ordinances and codes.

22 2. "Commissioner" means a commissioner of the superior court or
23 municipal court.

24 3. "Corrections support staff member" means an adult or juvenile
25 corrections employee who has direct contact with inmates.

26 4. "Election officer" means ~~a state, county or municipal employee~~
27 ~~who holds an election officer's certificate issued pursuant to section~~
28 ~~16-407~~ AN INDIVIDUAL, INCLUDING AN ELECTION BOARD MEMBER, WHO IS ASSIGNED
29 BY THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE TO PERFORM OFFICIAL
30 DUTIES RELATED TO ELECTIONS.

31 5. "Eligible person" means a health professional, election officer,
32 public official, former public official, peace officer, spouse of a peace
33 officer, spouse or minor child of a deceased peace officer, justice,
34 judge, commissioner, hearing officer, public defender, prosecutor, code
35 enforcement officer, adult or juvenile corrections officer, corrections
36 support staff member, probation officer, member of the commission on
37 appellate court appointments, member of the board of executive clemency,
38 law enforcement support staff member, employee of the department of child
39 safety or employee of adult protective services who has direct contact
40 with families in the course of employment, national guard member who is
41 acting in support of a law enforcement agency, person who is protected
42 under an order of protection or injunction against harassment, person who
43 is a participant in the address confidentiality program pursuant to title
44 41, chapter 1, article 3, or firefighter who is assigned to the Arizona
45 counter terrorism information center in the department of public safety.

1 6. "Former public official" means a person who was duly elected or
2 appointed to Congress, the legislature or a statewide office, who ceased
3 serving in that capacity and who was the victim of a dangerous offense as
4 defined in section 13-105 while in office.

5 7. "Health professional" means an individual who is licensed
6 pursuant to title 32, chapter 13, 15, 17, 19.1, 25 or 33.

7 8. "Hearing officer" means a hearing officer who is appointed
8 pursuant to section 28-1553.

9 9. "Judge" means a judge or former judge of the United States
10 district court, the United States court of appeals, the United States
11 magistrate court, the United States bankruptcy court, the United States
12 immigration court, the Arizona court of appeals, the superior court or a
13 municipal court.

14 10. "Justice" means a justice of the United States or Arizona
15 supreme court or a justice of the peace.

16 11. "Law enforcement support staff member" means a person who
17 serves in the role of an investigator or prosecutorial assistant in an
18 agency that investigates or prosecutes crimes, who is integral to the
19 investigation or prosecution of crimes and whose name or identity will be
20 revealed in the course of public proceedings.

21 12. "Peace officer":

22 (a) Means any person vested by law, or formerly vested by law, with
23 a duty to maintain public order and make arrests.

24 (b) Includes a federal law enforcement officer or agent who resides
25 in this state and who has the power to make arrests pursuant to federal
26 law.

27 13. "Prosecutor" means a current or former county attorney,
28 municipal prosecutor, attorney general or United States attorney and
29 includes a current or former assistant or deputy United States attorney,
30 county attorney, municipal prosecutor or attorney general.

31 14. "Public defender" means a federal public defender, county
32 public defender, county legal defender or county contract indigent defense
33 counsel and includes an assistant or deputy federal public defender,
34 county public defender or county legal defender.

35 15. "Public official" means a person who is duly elected or
36 appointed to Congress, the legislature, a statewide office or a county,
37 city or town office.

38 Sec. 3. Section 13-2401, Arizona Revised Statutes, is amended to
39 read:

40 13-2401. Personal information on the internet; exception;
41 classification; definitions

42 A. It is unlawful for a person to knowingly make available on the
43 internet the personal information of a health professional, election
44 officer, public official, peace officer, justice, judge, commissioner,
45 hearing officer, public defender, member of the commission on appellate

1 court appointments, employee of the department of child safety or employee
2 of adult protective services who has direct contact with families in the
3 course of employment or prosecutor if the dissemination of the personal
4 information poses an imminent and serious threat to the health
5 professional's, election officer's, public official's, peace officer's,
6 justice's, judge's, commissioner's, hearing officer's, public defender's,
7 member's, department of child safety employee's, adult protective services
8 employee's or prosecutor's safety or the safety of that person's immediate
9 family and the threat is reasonably apparent to the person making the
10 information available on the internet to be serious and imminent. For the
11 purposes of this subsection, "personal information" includes the address
12 of a property held in trust by a public official.

13 B. It is not a violation of this section if an employee of a county
14 recorder, county treasurer or county assessor publishes personal
15 information, in good faith, on the website of the county recorder, county
16 treasurer or county assessor in the ordinary course of carrying out public
17 functions.

18 C. A violation of subsection A of this section is a class 5 felony.

19 D. For the purposes of this section:

20 1. "Commissioner" means a commissioner of the superior court or
21 municipal court.

22 2. "Election officer" means ~~a state, county or municipal employee~~
23 ~~who holds an election officer's certificate issued pursuant to section~~
24 ~~16-407~~ AN INDIVIDUAL, INCLUDING AN ELECTION BOARD MEMBER, WHO IS ASSIGNED
25 BY THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE TO PERFORM OFFICIAL
26 DUTIES RELATED TO ELECTIONS.

27 3. "Health professional" means an individual who is licensed
28 pursuant to title 32, chapter 13, 15, 17, 19.1, 25 or 33.

29 4. "Hearing officer" means a hearing officer who is appointed
30 pursuant to section 28-1553.

31 5. "Immediate family" means a health professional's, peace
32 officer's, justice's, judge's, commissioner's, public defender's or
33 prosecutor's spouse, child or parent and any other adult who lives in the
34 same residence as the person.

35 6. "Judge" means a judge of the United States district court, the
36 United States court of appeals, the United States magistrate court, the
37 United States bankruptcy court, the Arizona court of appeals, the superior
38 court or a municipal court.

39 7. "Justice" means a justice of the United States or Arizona
40 supreme court or a justice of the peace.

41 8. "Personal information" means a health professional's, election
42 officer's, public official's, peace officer's, justice's, judge's,
43 commissioner's, hearing officer's, public defender's, commission on
44 appellate court appointments member's or prosecutor's home address, home

1 telephone number, pager number or personal photograph, directions to the
2 person's home or photographs of the person's home or vehicle.

3 9. "Prosecutor" means a current or former county attorney,
4 municipal prosecutor, attorney general or United States attorney and
5 includes a current or former assistant or deputy United States attorney,
6 county attorney, municipal prosecutor or attorney general.

7 10. "Public defender" means a federal public defender, county
8 public defender, county legal defender or county contract indigent defense
9 counsel and includes an assistant or deputy federal public defender,
10 county public defender or county legal defender.

11 11. "Public official" means a person who is duly elected or
12 appointed to Congress, the legislature, a statewide office or a county,
13 city or town office.

14 Sec. 4. Section 16-153, Arizona Revised Statutes, is amended to
15 read:

16 16-153. Voter registration; confidentiality; definitions

17 A. Eligible persons, and any other registered voter who resides at
18 the same residence address as the eligible person, may request that the
19 general public be prohibited from accessing the eligible person's
20 identifying information, including any of the following:

21 1. That person's documents and voting precinct number contained in
22 that person's voter registration record.

23 2. If the person is a public official, the address of a property
24 held in trust by the public official.

25 B. Eligible persons may request this action by filing an affidavit
26 that states all of the following on an application form developed by the
27 administrative office of the courts in agreement with an association of
28 counties and an organization of peace officers:

29 1. The person's full legal name, residential address and date of
30 birth.

31 2. Unless the person is the spouse of a peace officer or the spouse
32 or minor child of a deceased peace officer or the person is a former
33 public official or former judge, the position the person currently holds
34 and a description of the person's duties, except that an eligible person
35 who is protected under an order of protection or injunction against
36 harassment shall instead attach a copy of the order of protection or
37 injunction against harassment.

38 3. The reasons for reasonably believing that the person's life or
39 safety or that of another person is in danger and that sealing the
40 identifying information and voting precinct number of the person's voting
41 record will serve to reduce the danger.

42 C. The affidavit shall be filed with the presiding judge of the
43 superior court in the county in which the affiant resides. To prevent
44 multiple filings, an eligible person who is a peace officer, prosecutor,
45 public defender, code enforcement officer, corrections or detention

1 officer, corrections support staff member or law enforcement support staff
2 member shall deliver the affidavit to the peace officer's commanding
3 officer, or to the head of the prosecuting, public defender, code
4 enforcement, law enforcement, corrections or detention agency, as
5 applicable, or that person's designee, who shall file the affidavits at
6 one time. In the absence of an affidavit that contains a request for
7 immediate action and is supported by facts justifying an earlier
8 presentation, the commanding officer, or the head of the prosecuting,
9 public defender, code enforcement, law enforcement, corrections or
10 detention agency, as applicable, or that person's designee, shall not file
11 affidavits more often than quarterly.

12 D. On receipt of an affidavit or affidavits, the presiding judge of
13 the superior court shall file with the clerk of the superior court a
14 petition on behalf of all requesting affiants. The petition shall have
15 attached each affidavit presented. In the absence of an affidavit that
16 contains a request for immediate action and that is supported by facts
17 justifying an earlier consideration, the presiding judge may accumulate
18 affidavits and file a petition at the end of each quarter.

19 E. The presiding judge of the superior court shall review the
20 petition and each attached affidavit to determine whether the action
21 requested by each affiant should be granted. The presiding judge of the
22 superior court shall order the sealing for five years of the information
23 contained in the voter record of the affiant and, on request, any other
24 registered voter who resides at the same residence address if the
25 presiding judge concludes that this action will reduce a danger to the
26 life or safety of the affiant.

27 F. The recorder shall remove the restrictions on all voter records
28 submitted pursuant to subsection E of this section by January 5 in the
29 year after the court order expires. The county recorder shall send by
30 mail one notice to either the health professional, election officer,
31 public official, former public official, peace officer, spouse of a peace
32 officer, spouse or minor child of a deceased peace officer, public
33 defender, prosecutor, code enforcement officer, corrections or detention
34 officer, corrections support staff member, law enforcement support staff
35 member, employee of the department of child safety or employee of adult
36 protective services who has direct contact with families in the course of
37 employment or the employing agency of the peace officer, public defender,
38 prosecutor, code enforcement officer, corrections or detention officer,
39 corrections support staff member or law enforcement support staff member
40 who was granted an order pursuant to this section of the order's
41 expiration date at least six months before the January 5 removal date. If
42 the notice is sent to the employing agency, the employing agency shall
43 immediately notify the person who was granted the order of the upcoming
44 expiration date. The county recorder may coordinate with the county

1 assessor and county treasurer to prevent multiple notices from being sent
2 to the same person.

3 G. On entry of the court order, the clerk of the superior court
4 shall file the court order with the county recorder. On receipt of the
5 court order the county recorder shall seal the voter registration of the
6 persons listed in the court order not later than one hundred twenty days
7 from the date of receipt of the court order. To include a subsequent
8 voter registration in the court order, a person listed in the court order
9 shall present to the county recorder at the time of registration a
10 certified copy of the court order or shall provide the county recorder the
11 recording number of the court order. The information in the registration
12 shall not be disclosed and is not a public record.

13 H. If the court denies an affiant's requested sealing of the voter
14 registration record, the affiant may request a court hearing. The hearing
15 shall be conducted by the court where the petition was filed.

16 I. On motion to the court, if the presiding judge of the superior
17 court concludes that a voter registration record has been sealed in error
18 or that the cause for the original affidavit no longer exists, the
19 presiding judge may vacate the court order prohibiting public access to
20 the voter registration record.

21 J. On request by a person who is protected under an order of
22 protection or injunction against harassment and presentation of an order
23 of protection issued pursuant to section 13-3602, an injunction against
24 harassment issued pursuant to section 12-1809 or an order of protection or
25 injunction against harassment issued by a court in another state or a
26 program participant in the address confidentiality program pursuant to
27 title 41, chapter 1, article 3, the county recorder shall seal the voter
28 registration record of the person who is protected and, on request, any
29 other registered voter who resides at the residence address of the
30 protected person. The record shall be sealed not later than one hundred
31 twenty days from the date of receipt of the court order. The information
32 in the registration shall not be disclosed and is not a public record.

33 K. For the purposes of this section:

34 1. "Code enforcement officer" means a person who is employed by a
35 state or local government and whose duties include performing field
36 inspections of buildings, structures or property to ensure compliance with
37 and enforce national, state and local laws, ordinances and codes.

38 2. "Commissioner" means a commissioner of the superior court or
39 municipal court.

40 3. "Corrections support staff member" means an adult or juvenile
41 corrections employee who has direct contact with inmates.

42 4. "Election officer" means ~~a state, county or municipal employee~~
43 ~~who holds an election officer's certificate issued pursuant to section~~
44 ~~16-407~~ AN INDIVIDUAL, INCLUDING AN ELECTION BOARD MEMBER, WHO IS ASSIGNED

1 BY THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE TO PERFORM OFFICIAL
2 DUTIES RELATED TO ELECTIONS.

3 5. "Eligible person" means a health professional, election officer,
4 public official, former public official, peace officer, spouse of a peace
5 officer, spouse or minor child of a deceased peace officer, justice,
6 judge, commissioner, hearing officer, public defender, prosecutor, member
7 of the commission on appellate court appointments, code enforcement
8 officer, adult or juvenile corrections officer, corrections support staff
9 member, probation officer, member of the board of executive clemency, law
10 enforcement support staff member, employee of the department of child
11 safety or employee of adult protective services who has direct contact
12 with families in the course of employment, national guard member who is
13 acting in support of a law enforcement agency, person who is protected
14 under an order of protection or injunction against harassment or
15 firefighter who is assigned to the Arizona counter terrorism information
16 center in the department of public safety.

17 6. "Former public official" means a person who was duly elected or
18 appointed to Congress, the legislature or a statewide office, who ceased
19 serving in that capacity and who was the victim of a dangerous offense as
20 defined in section 13-105 while in office.

21 7. "Health professional" means an individual who is licensed
22 pursuant to title 32, chapter 13, 15, 17, 19.1, 25 or 33.

23 8. "Hearing officer" means a hearing officer who is appointed
24 pursuant to section 28-1553.

25 9. "Judge" means a judge or former judge of the United States
26 district court, the United States court of appeals, the United States
27 magistrate court, the United States bankruptcy court, the United States
28 immigration court, the Arizona court of appeals, the superior court or a
29 municipal court.

30 10. "Justice" means a justice of the United States or Arizona
31 supreme court or a justice of the peace.

32 11. "Law enforcement support staff member" means a person who
33 serves in the role of an investigator or prosecutorial assistant in an
34 agency that investigates or prosecutes crimes, who is integral to the
35 investigation or prosecution of crimes and whose name or identity will be
36 revealed in the course of public proceedings.

37 12. "Peace officer":

38 (a) Has the same meaning prescribed in section 1-215.

39 (b) Includes a federal law enforcement officer or agent who resides
40 in this state and who has the power to make arrests pursuant to federal
41 law.

42 13. "Prosecutor" means a current or former United States attorney,
43 county attorney, municipal prosecutor or attorney general and includes a
44 current or former assistant or deputy United States attorney, county
45 attorney, municipal prosecutor or attorney general.

1 14. "Public defender" means a federal public defender, county
2 public defender, county legal defender or county contract indigent defense
3 counsel and includes an assistant or deputy federal public defender,
4 county public defender or county legal defender.

5 15. "Public official" means a person who is duly elected or
6 appointed to Congress, the legislature, a statewide office or a county,
7 city or town office.

8 Sec. 5. Title 16, chapter 7, article 1, Arizona Revised Statutes,
9 is amended by adding section 16-1023, to read:

10 16-1023. Election officer; release of personal information;
11 violation; classification; definition

12 A. IT IS UNLAWFUL FOR A PERSON TO KNOWINGLY AND WITHOUT THE
13 ELECTION OFFICER'S CONSENT MAKE THE PERSONAL INFORMATION OF THE ELECTION
14 OFFICER OR THE ELECTION OFFICER'S FAMILY OR HOUSEHOLD MEMBER PUBLICLY
15 AVAILABLE IF BOTH:

16 1. THE DISSEMINATION POSES AN IMMINENT AND SERIOUS THREAT TO THE
17 SAFETY OF THE ELECTION OFFICER OR AN ELECTION OFFICER'S FAMILY OR
18 HOUSEHOLD MEMBER.

19 2. THE PERSON MAKING THE INFORMATION PUBLICLY AVAILABLE KNOWS OR
20 REASONABLY SHOULD KNOW OF ANY IMMINENT AND SERIOUS THREAT.

21 B. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 1
22 MISDEMEANOR.

23 C. FOR THE PURPOSES OF THIS SECTION:

24 1. "ELECTION OFFICER" MEANS AN INDIVIDUAL, INCLUDING AN ELECTION
25 BOARD MEMBER, WHO IS ASSIGNED BY THIS STATE OR A POLITICAL SUBDIVISION OF
26 THIS STATE TO PERFORM OFFICIAL DUTIES RELATED TO ELECTIONS.

27 2. "PERSONAL INFORMATION" MEANS A PERSON'S HOME ADDRESS, HOME
28 TELEPHONE NUMBER, PAGER NUMBER OR PERSONAL PHOTOGRAPH, DIRECTIONS TO THE
29 PERSON'S HOME OR PHOTOGRAPHS OF THE PERSON'S HOME OR VEHICLE.

30 Sec. 6. Section 28-454, Arizona Revised Statutes, is amended to
31 read:

32 28-454. Records maintained by department of transportation;
33 redaction; definitions

34 A. Notwithstanding sections 28-447 and 28-455, an eligible person
35 may request that persons be prohibited from accessing the eligible
36 person's identifying information, including any of the following:

37 1. That person's documents, contained in any record maintained by
38 the department.

39 2. If the person is a public official, the address of a property
40 held in trust by the public official.

41 B. An eligible person may request this action by filing an
42 affidavit that states all of the following on an application form
43 developed by the administrative office of the courts in agreement with an
44 association of counties, an organization of peace officers and the
45 department:

1 1. The person's full legal name and residential address.

2 2. Unless the person is the spouse of a peace officer or the spouse
3 or minor child of a deceased peace officer or the person is a former
4 public official or former judge, the position the person currently holds
5 and a description of the person's duties, except that an eligible person
6 who is protected under an order of protection or injunction against
7 harassment shall attach a copy of the order of protection or injunction
8 against harassment.

9 3. The reasons the person reasonably believes that the person's
10 life or safety or that of another person is in danger and that redacting
11 the identifying information from the department's public records will
12 serve to reduce the danger.

13 C. The affidavit shall be filed with the presiding judge of the
14 superior court in the county in which the affiant resides. To prevent
15 multiple filings, an eligible person who is a peace officer, spouse of a
16 peace officer, spouse or minor child of a deceased peace officer,
17 prosecutor, code enforcement officer, corrections or detention officer,
18 corrections support staff member or law enforcement support staff member
19 shall deliver the affidavit to the peace officer's commanding officer, or
20 to the head of the prosecuting, code enforcement, law enforcement,
21 corrections or detention agency, as applicable, or that person's designee,
22 who shall file the affidavits at one time. In the absence of an affidavit
23 that contains a request for immediate action and that is supported by
24 facts justifying an earlier presentation, the commanding officer, or the
25 head of the prosecuting, code enforcement, law enforcement, corrections or
26 detention agency, as applicable, or that person's designee, shall not file
27 affidavits more often than quarterly.

28 D. On receipt of an affidavit or affidavits, the presiding judge of
29 the superior court shall file with the clerk of the superior court a
30 petition on behalf of all requesting affiants. Each affidavit presented
31 shall be attached to the petition. In the absence of an affidavit that
32 contains a request for immediate action and that is supported by facts
33 justifying an earlier consideration, the presiding judge may accumulate
34 affidavits and file a petition at the end of each quarter.

35 E. The presiding judge of the superior court shall review the
36 petition and each attached affidavit to determine whether the action
37 requested by each affiant should be granted. The presiding judge of the
38 superior court shall order the redaction of the residence address and
39 telephone number from the public records maintained by the department if
40 the judge concludes that this action will reduce a danger to the life or
41 safety of the affiant or another person.

42 F. On entry of the court order, the clerk of the superior court
43 shall file the court order with the department. Not more than one hundred
44 fifty days after the date the department receives the court order, the
45 department shall redact the identifying information of the affiants listed

1 in the court order from the public records of the department. The
2 identifying information shall not be disclosed and is not part of a public
3 record.

4 G. If the court denies an affiant's request pursuant to this
5 section, the affiant may request a court hearing. The hearing shall be
6 conducted by the court in the county where the petition was filed.

7 H. On motion to the court, if the presiding judge of the superior
8 court concludes that identifying information has been sealed in error or
9 that the cause for the original affidavit no longer exists, the presiding
10 judge may vacate the court order prohibiting public access to the
11 identifying information.

12 I. Notwithstanding sections 28-447 and 28-455, the department shall
13 not release a photograph of a peace officer if the peace officer has made
14 a request as prescribed in this section that persons be prohibited from
15 accessing the peace officer's identifying information in any record
16 maintained by the department.

17 J. This section does not prohibit the use of a peace officer's
18 photograph that is either:

19 1. Used by a law enforcement agency to assist a person who has a
20 complaint against an officer to identify the officer.

21 2. Obtained from a source other than the department.

22 K. For the purposes of this section:

23 1. "Code enforcement officer" means a person who is employed by a
24 state or local government and whose duties include performing field
25 inspections of buildings, structures or property to ensure compliance with
26 and enforce national, state and local laws, ordinances and codes.

27 2. "Commissioner" means a commissioner of the superior court or
28 municipal court.

29 3. "Corrections support staff member" means an adult or juvenile
30 corrections employee who has direct contact with inmates.

31 4. "Election officer" means ~~a state, county or municipal employee~~
32 ~~who holds an election officer's certificate issued pursuant to section~~
33 ~~16-407~~ AN INDIVIDUAL, INCLUDING AN ELECTION BOARD MEMBER, WHO IS ASSIGNED
34 BY THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE TO PERFORM OFFICIAL
35 DUTIES RELATED TO ELECTIONS.

36 5. "Eligible person" means a health professional, election officer,
37 public official, former public official, peace officer, spouse of a peace
38 officer, spouse or minor child of a deceased ~~public~~ PEACE officer,
39 justice, judge or former judge, commissioner, hearing officer, public
40 defender, prosecutor, code enforcement officer, adult or juvenile
41 corrections officer, corrections support staff member, probation officer,
42 member of the commission on appellate court appointments, member of the
43 board of executive clemency, law enforcement support staff member,
44 employee of the department of child safety or employee of adult protective
45 services who has direct contact with families in the course of employment,

1 national guard member who is acting in support of a law enforcement
2 agency, person who is protected under an order of protection or injunction
3 against harassment or firefighter who is assigned to the Arizona counter
4 terrorism information center in the department of public safety.

5 6. "Former public official" means a person who was duly elected or
6 appointed to Congress, the legislature or a statewide office, who ceased
7 serving in that capacity and who was the victim of a dangerous offense as
8 defined in section 13-105 while in office.

9 7. "Health professional" means an individual who is licensed
10 pursuant to title 32, chapter 13, 15, 17, 19.1, 25 or 33.

11 8. "Hearing officer" means a hearing officer who is appointed
12 pursuant to section 28-1553.

13 9. "Judge" means a judge or former judge of the United States
14 district court, the United States court of appeals, the United States
15 magistrate court, the United States bankruptcy court, the United States
16 immigration court, the Arizona court of appeals, the superior court or a
17 municipal court.

18 10. "Justice" means a justice of the United States supreme court or
19 the Arizona supreme court or a justice of the peace.

20 11. "Law enforcement support staff member" means a person who
21 serves in the role of an investigator or prosecutorial assistant in an
22 agency that investigates or prosecutes crimes, who is integral to the
23 investigation or prosecution of crimes and whose name or identity will be
24 revealed in the course of public proceedings.

25 12. "Peace officer":

26 (a) Has the same meaning prescribed in section 1-215.

27 (b) Includes a federal law enforcement officer or agent who resides
28 in this state and who has the power to make arrests pursuant to federal
29 law.

30 13. "Prosecutor" means a current or former United States attorney,
31 county attorney, municipal prosecutor or attorney general and includes a
32 current or former assistant or deputy United States attorney, county
33 attorney, municipal prosecutor or attorney general.

34 14. "Public official" means a person who is duly elected or
35 appointed to Congress, the legislature, a statewide office or a county,
36 city or town office.

37 Sec. 7. Section 39-123, Arizona Revised Statutes, is amended to
38 read:

39 39-123. Information identifying eligible persons;
40 confidentiality; definitions

41 A. Nothing in this chapter requires disclosure from a personnel
42 file by a law enforcement agency or employing state or local governmental
43 entity of the home address or home telephone number of eligible persons or
44 the address of a property held in trust by a public official.

- 1 B. The agency or governmental entity may release the information in
2 subsection A of this section only if either:
- 3 1. The person consents in writing to the release.
- 4 2. The custodian of records of the agency or governmental entity
5 determines that release of the information does not create a reasonable
6 risk of physical injury to the person or the person's immediate family or
7 damage to the property of the person or the person's immediate family.
- 8 C. A law enforcement agency may release a photograph of a peace
9 officer if either:
- 10 1. The peace officer has been arrested or has been formally charged
11 by complaint, information or indictment for a misdemeanor or a felony
12 offense.
- 13 2. The photograph is requested by a representative of a newspaper
14 for a specific newsworthy event unless:
- 15 (a) The peace officer is serving in an undercover capacity or is
16 scheduled to be serving in an undercover capacity within sixty days.
- 17 (b) The release of the photograph is not in the best interest of
18 this state after taking into consideration the privacy, confidentiality
19 and safety of the peace officer.
- 20 (c) An order pursuant to section 28-454 is in effect.
- 21 D. This section does not prohibit the use of a peace officer's
22 photograph that is either:
- 23 1. Used by a law enforcement agency to assist a person who has a
24 complaint against an officer to identify the officer.
- 25 2. Obtained from a source other than the law enforcement agency.
- 26 E. This section does not apply to a certified peace officer or code
27 enforcement officer who is no longer employed as a peace officer or code
28 enforcement officer by a state or local government entity.
- 29 F. For the purposes of this section:
- 30 1. "Code enforcement officer" means a person who is employed by a
31 state or local government and whose duties include performing field
32 inspections of buildings, structures or property to ensure compliance with
33 and enforce national, state and local laws, ordinances and codes.
- 34 2. "Commissioner" means a commissioner of the superior court or
35 municipal court.
- 36 3. "Corrections support staff member" means an adult or juvenile
37 corrections employee who has direct contact with inmates.
- 38 4. "Election officer" means ~~a state, county or municipal employee~~
39 ~~who holds an election officer's certificate issued pursuant to section~~
40 ~~16-407~~ AN INDIVIDUAL, INCLUDING AN ELECTION BOARD MEMBER, WHO IS ASSIGNED
41 BY THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE TO PERFORM OFFICIAL
42 DUTIES RELATED TO ELECTIONS.
- 43 5. "Eligible person" means a health professional, election officer,
44 public official, former public official, peace officer, spouse of a peace
45 officer, spouse or minor child of a deceased peace officer, border patrol

1 agent, justice, judge, commissioner, hearing officer, public defender,
2 prosecutor, code enforcement officer, adult or juvenile corrections
3 officer, corrections support staff member, probation officer, member of
4 the commission on appellate court appointments, member of the board of
5 executive clemency, law enforcement support staff member, employee of the
6 department of child safety or employee of adult protective services who
7 has direct contact with families in the course of employment, national
8 guard member who is acting in support of a law enforcement agency, person
9 who is protected under an order of protection or injunction against
10 harassment, firefighter who is assigned to the Arizona counter terrorism
11 information center in the department of public safety or victim of
12 domestic violence or stalking who is protected under an order of
13 protection or injunction against harassment.

14 6. "Former public official" means a person who was duly elected or
15 appointed to Congress, the legislature or a statewide office, who ceased
16 serving in that capacity and who was the victim of a dangerous offense as
17 defined in section 13-105 while in office.

18 7. "Health professional" means an individual who is licensed
19 pursuant to title 32, chapter 13, 15, 17, 19.1, 25 or 33.

20 8. "Hearing officer" means a hearing officer who is appointed
21 pursuant to section 28-1553.

22 9. "Judge" means a judge or former judge of the United States
23 district court, the United States court of appeals, the United States
24 magistrate court, the United States bankruptcy court, the United States
25 immigration court, the Arizona court of appeals, the superior court or a
26 municipal court.

27 10. "Justice" means a justice of the United States or Arizona
28 supreme court or a justice of the peace.

29 11. "Law enforcement support staff member" means a person who
30 serves in the role of an investigator or prosecutorial assistant in an
31 agency that investigates or prosecutes crimes, who is integral to the
32 investigation or prosecution of crimes and whose name or identity will be
33 revealed in the course of public proceedings.

34 12. "Peace officer" has the same meaning prescribed in section
35 13-105.

36 13. "Prosecutor" means a current or former county attorney,
37 municipal prosecutor, attorney general or United States attorney and
38 includes a current or former assistant or deputy United States attorney,
39 county attorney, municipal prosecutor or attorney general.

40 14. "Public defender" means a federal public defender, county
41 public defender, county legal defender or county contract indigent defense
42 counsel and includes an assistant or deputy federal public defender,
43 county public defender or county legal defender.

1 15. "Public official" means a person who is duly elected or
2 appointed to Congress, the legislature, a statewide office or a county,
3 city or town office.

4 Sec. 8. Section 39-124, Arizona Revised Statutes, is amended to
5 read:

6 39-124. Releasing information identifying an eligible person;
7 violations; classification; definitions

8 A. Any person who is employed by a state or local government entity
9 and who, in violation of section 39-123, knowingly releases the home
10 address or home telephone number of an eligible person or the address of a
11 property held in trust by a public official with the intent to hinder an
12 investigation, cause physical injury to an eligible person or the eligible
13 person's immediate family or cause damage to the property of an eligible
14 person or the eligible person's immediate family is guilty of a class 6
15 felony.

16 B. Any person who is employed by a state or local government entity
17 and who, in violation of section 39-123, knowingly releases a photograph
18 of a peace officer with the intent to hinder an investigation, cause
19 physical injury to a peace officer or the peace officer's immediate family
20 or cause damage to the property of a peace officer or the peace officer's
21 immediate family is guilty of a class 6 felony.

22 C. For the purposes of this section:

23 1. "Code enforcement officer" means a person who is employed by a
24 state or local government and whose duties include performing field
25 inspections of buildings, structures or property to ensure compliance with
26 and enforce national, state and local laws, ordinances and codes.

27 2. "Commissioner" means a commissioner of the superior court or
28 municipal court.

29 3. "Corrections support staff member" means an adult or juvenile
30 corrections employee who has direct contact with inmates.

31 4. "Election officer" means ~~a state, county or municipal employee~~
32 ~~who holds an election officer's certificate issued pursuant to section~~
33 ~~16-407~~ AN INDIVIDUAL, INCLUDING AN ELECTION BOARD MEMBER, WHO IS ASSIGNED
34 BY THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE TO PERFORM OFFICIAL
35 DUTIES RELATED TO ELECTIONS.

36 5. "Eligible person" means a health professional, election officer,
37 public official, former public official, peace officer, spouse of a peace
38 officer, spouse or minor child of a deceased peace officer, border patrol
39 agent, justice, judge, commissioner, hearing officer, public defender,
40 prosecutor, code enforcement officer, adult or juvenile corrections
41 officer, corrections support staff member, probation officer, member of
42 the board of executive clemency, law enforcement support staff member,
43 employee of the department of child safety or employee of adult protective
44 services who has direct contact with families in the course of employment,
45 national guard member who is acting in support of a law enforcement

1 agency, person who is protected under an order of protection or injunction
2 against harassment, firefighter who is assigned to the Arizona counter
3 terrorism information center in the department of public safety or victim
4 of domestic violence or stalking who is protected under an order of
5 protection or injunction against harassment.

6 6. "Former public official" means a person who was duly elected or
7 appointed to Congress, the legislature or a statewide office, who ceased
8 serving in that capacity and who was the victim of a dangerous offense as
9 defined in section 13-105 while in office.

10 7. "Health professional" means an individual who is licensed
11 pursuant to title 32, chapter 13, 15, 17, 19.1, 25 or 33.

12 8. "Hearing officer" means a hearing officer who is appointed
13 pursuant to section 28-1553.

14 9. "Judge" means a judge or former judge of the United States
15 district court, the United States court of appeals, the United States
16 magistrate court, the United States bankruptcy court, the United States
17 immigration court, the Arizona court of appeals, the superior court or a
18 municipal court.

19 10. "Justice" means a justice of the United States or Arizona
20 supreme court or a justice of the peace.

21 11. "Law enforcement support staff member" means a person who
22 serves in the role of an investigator or prosecutorial assistant in an
23 agency that investigates or prosecutes crimes, who is integral to the
24 investigation or prosecution of crimes and whose name or identity will be
25 revealed in the course of public proceedings.

26 12. "Peace officer" has the same meaning prescribed in section
27 13-105.

28 13. "Prosecutor" means a current or former county attorney,
29 municipal prosecutor, attorney general or United States attorney and
30 includes a current or former assistant or deputy United States attorney,
31 county attorney, municipal prosecutor or attorney general.

32 14. "Public defender" means a federal public defender, county
33 public defender, county legal defender or county contract indigent defense
34 counsel and includes an assistant or deputy federal public defender,
35 county public defender or county legal defender.

36 15. "Public official" means a person who is duly elected or
37 appointed to Congress, the legislature, a statewide office or a county,
38 city or town office.