

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
First Regular Session  
2001

# HOUSE BILL 2257

AN ACT

AMENDING SECTIONS 16-153 AND 16-168, ARIZONA REVISED STATUTES; RELATING TO  
REGISTRATION OFFICERS AND PROCEDURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 16-153, Arizona Revised Statutes, is amended to  
3 read:  
4 16-153. Voter registration; confidentiality; definitions  
5 A. Justices of the supreme court, judges of the court of appeals,  
6 judges or commissioners of the superior court, municipal court judges, peace  
7 officers, PROSECUTORS, PUBLIC DEFENDERS or ~~victims of domestic violence~~  
8 PERSONS WHO ARE PROTECTED UNDER AN ORDER OF PROTECTION OR INJUNCTION AGAINST  
9 HARASSMENT, AND ANY OTHER REGISTERED VOTER WHO RESIDES AT THE SAME RESIDENCE  
10 ADDRESS AS THE JUSTICE, JUDGE, COMMISSIONER, PROSECUTOR OFFICER, PUBLIC  
11 DEFENDER OFFICER OR PROTECTED PERSON, may request that the general public be  
12 prohibited from accessing the residential address, telephone number and  
13 voting precinct number contained in their voter registration record.  
14 B. Justices, judges, commissioners, PROSECUTORS, PUBLIC DEFENDERS or  
15 officers may request this action by filing an affidavit which states all of  
16 the following:  
17 1. The person's name.  
18 2. The position the person currently holds and a description of the  
19 person's duties.  
20 3. The reasons for reasonably believing that the person's life or  
21 safety or that of another person is in danger and that sealing the  
22 residential address, telephone number and voting precinct number of the  
23 person's voting record will serve to reduce the danger.  
24 C. The affidavit shall be filed with the presiding judge of the  
25 superior court in the county in which the affiant resides. To prevent a  
26 multiplicity of filings, peace officers shall deliver the affidavit to their  
27 commanding officer, who shall file the affidavits at one time, PROSECUTORS  
28 SHALL DELIVER THE AFFIDAVIT TO THE HEAD OF THE PROSECUTING AGENCY OR THAT  
29 PERSON'S DESIGNEE WHO SHALL FILE THE AFFIDAVITS AT ONE TIME, AND PUBLIC  
30 DEFENDERS SHALL DELIVER THE AFFIDAVIT TO THE HEAD OF THE PUBLIC DEFENDING  
31 AGENCY OR THAT PERSON'S DESIGNEE WHO SHALL FILE THE AFFIDAVITS AT ONE  
32 TIME. In the absence of an affidavit that contains a request for immediate  
33 action and is supported by facts justifying an earlier presentation, the  
34 commanding officer, THE HEAD OF THE PROSECUTING AGENCY OR THAT PERSON'S  
35 DESIGNEE OR THE HEAD OF THE PUBLIC DEFENDING AGENCY OR THAT PERSON'S DESIGNEE  
36 shall not file affidavits ~~of peace officers presented to the commanding~~  
37 ~~officer~~ more often than quarterly.  
38 D. Upon receipt of an affidavit or affidavits, the presiding judge of  
39 the superior court shall file with the clerk of the superior court a petition  
40 on behalf of all requesting justices, judges, commissioners, PROSECUTORS,  
41 PUBLIC DEFENDERS and peace officers. The petition shall have attached each  
42 affidavit presented. In the absence of an affidavit that contains a request  
43 for immediate action and is supported by facts justifying an earlier  
44 consideration, the presiding judge may accumulate affidavits and file a  
45 petition at the end of each quarter.

1 E. The presiding judge of the superior court shall review the petition  
2 and each attached affidavit to determine whether the action requested by each  
3 justice, judge, commissioner, PROSECUTOR, PUBLIC DEFENDER or officer should  
4 be granted. The presiding judge of the superior court shall order the  
5 sealing of the information contained in the voter record of the justice,  
6 judge, commissioner, PROSECUTOR, PUBLIC DEFENDER or officer AND, ON REQUEST,  
7 ANY OTHER REGISTERED VOTER WHO RESIDES AT THE SAME RESIDENCE ADDRESS if the  
8 presiding judge concludes that this action will reduce a danger to the life  
9 or safety of the affiant.

10 F. Upon entry of the court order, the clerk of the superior court  
11 shall file the court order with the county recorder. Upon receipt of the  
12 court order the county recorder shall seal the voter registration of the  
13 justices, judges, commissioners, PROSECUTORS, PUBLIC DEFENDERS, ~~or~~ officers  
14 AND OTHER PERSONS listed in the court order no later than one hundred ~~fifty~~  
15 TWENTY days from the date of receipt of the court order. The information in  
16 the registration shall not be disclosed and is not a public record.

17 G. If the court denies an affiant's requested sealing of the voter  
18 registration record, the affiant may request a court hearing. The hearing  
19 shall be conducted by the court where the petition was filed.

20 H. Upon request by a ~~domestic violence victim~~ PERSON WHO IS PROTECTED  
21 UNDER AN ORDER OF PROTECTION OR INJUNCTION AGAINST HARASSMENT and  
22 presentation of an order of protection issued pursuant to section 13-3602, an  
23 injunction against harassment issued pursuant to section 12-1809 or an order  
24 of protection or injunction against harassment issued by a court in another  
25 state, the county recorder shall seal the voter registration record of the  
26 ~~domestic violence victim~~ PERSON WHO IS PROTECTED AND, ON REQUEST, ANY OTHER  
27 REGISTERED VOTER WHO RESIDES AT THE RESIDENCE ADDRESS OF THE PROTECTED  
28 PERSON. The record shall be sealed no later than one hundred ~~fifty~~ TWENTY  
29 days from the date of receipt of the court order. The information in the  
30 registration shall not be disclosed and is not a public record.

31 I. For the purposes of this section: ~~,"domestic violence" has the~~  
32 ~~same meaning as prescribed by section 20-448~~

33 1. "PROSECUTOR" MEANS UNITED STATES ATTORNEY, COUNTY ATTORNEY,  
34 MUNICIPAL PROSECUTOR OR ATTORNEY GENERAL AND AN ASSISTANT OR DEPUTY UNITED  
35 STATES ATTORNEY, COUNTY ATTORNEY, MUNICIPAL PROSECUTOR OR ATTORNEY GENERAL.

36 2. "PUBLIC DEFENDER" MEANS A FEDERAL PUBLIC DEFENDER, COUNTY PUBLIC  
37 DEFENDER, COUNTY LEGAL DEFENDER OR COUNTY CONTRACT INDIGENT DEFENSE COUNSEL  
38 AND AN ASSISTANT OR DEPUTY FEDERAL PUBLIC DEFENDER, COUNTY PUBLIC DEFENDER OR  
39 COUNTY LEGAL DEFENDER.

40 Sec. 2. Section 16-168, Arizona Revised Statutes, is amended to read:  
41 16-168. Precinct registers; date of preparation; contents;  
42 copies; reports; violation; classification

43 A. By the tenth day preceding the primary and general elections the  
44 county recorder shall prepare from the original registration forms or from  
45 electronic media at least four lists that are printed or typed on paper of

1 all qualified electors in each precinct in the county, and such lists shall  
2 be the official precinct registers.

3 B. The official precinct registers for use at the polling place shall  
4 contain at least the names in full, party preference, date of registration  
5 and residence address of each qualified elector in the respective precincts.  
6 Such names shall be in alphabetical order and, in a column to the left of the  
7 names, such names shall be numbered consecutively beginning with number 1 in  
8 each precinct register.

9 C. For purposes of transmitting voter registration information as  
10 prescribed by this subsection, computer generated disks or computer software  
11 with at least six hundred forty megabytes of storage in counties with a  
12 population over five hundred thousand in the last decennial census shall be  
13 the principal media. A county or state chairman who is eligible to receive  
14 copies of precinct registers as prescribed by this subsection may request  
15 that the recorder provide a paper copy of the precinct registers. The county  
16 recorder shall, in addition to preparing the official precinct registers,  
17 provide a means for mechanically or electronically reproducing the precinct  
18 registers and shall unless otherwise agreed deliver within eight days after  
19 the close of registration for the primary and general elections, without  
20 charge, on the same day one electronic media copy of each precinct register  
21 within the county to the county chairman and one electronic media copy to the  
22 state chairman of each party which has at least four candidates other than  
23 presidential electors appearing upon the ballot in that county at the current  
24 election. The county recorder shall also, upon request and without charge,  
25 deliver one electronic media copy of the precinct register to the Arizona  
26 legislative council. The county recorder of a county with a population of  
27 fewer than four hundred thousand persons shall, on the same day precinct  
28 registers are delivered to county chairmen, deliver one electronic media copy  
29 of each precinct register within the county to the state chairman of each  
30 party which has at least four candidates other than presidential electors  
31 appearing on the ballot in this state at the current election. The copies of  
32 the precinct registers shall be on magnetic computer disks or computer  
33 software with at least six hundred forty megabytes of storage which shall  
34 include for each elector the following information:

- 35 1. Name in full and appropriate title.
- 36 2. Party preference.
- 37 3. Date of registration.
- 38 4. Residence address.
- 39 5. Mailing address, if different from residence address.
- 40 6. Zip code.
- 41 7. Telephone number if given.
- 42 8. Birth ~~date~~ YEAR.
- 43 9. Occupation.
- 44 10. Primary election and general election voting history for the prior  
45 four years and any other information regarding registered voters which the

1 county recorder or city or town clerk maintains on magnetic computer disks or  
2 computer software and which is public information.

3 D. The names on the precinct registers shall be in alphabetical order  
4 and ~~any changes, additions or deletions to~~ the precinct registers **IN THEIR**  
5 **ENTIRETY** shall unless otherwise agreed be delivered to each county chairman  
6 and each state chairman at least quarterly and within ten business days of  
7 the close of each quarter in the same format and media as prescribed by  
8 subsection C of this section.

9 E. Precinct registers and other lists and information derived from  
10 registration forms may be used only for purposes relating to a political or  
11 political party activity, a political campaign or an election, for revising  
12 election district boundaries or for any other purpose specifically authorized  
13 by law **AND MAY NOT BE USED FOR A COMMERCIAL PURPOSE AS DEFINED IN SECTION**  
14 **39-121.03. THE SALE OF REGISTERS, LISTS AND INFORMATION DERIVED FROM**  
15 **REGISTRATION FORMS TO A CANDIDATE OR A REGISTERED POLITICAL COMMITTEE FOR A**  
16 **USE SPECIFICALLY AUTHORIZED BY THIS SUBSECTION DOES NOT CONSTITUTE USE FOR A**  
17 **COMMERCIAL PURPOSE.** The county recorder, on a request for an authorized use  
18 and within thirty days from receipt of the request, shall prepare additional  
19 copies of ~~any~~ **AN OFFICIAL** precinct register and furnish them to any person  
20 requesting them on payment of a fee equal to five cents for each name  
21 appearing on the register for a printed list and ten cents for each name for  
22 an electronic data medium, plus the cost of the blank computer disk or  
23 computer software if furnished by the recorder, for each copy so furnished.

24 F. Any person in possession of a precinct register, in whole or part,  
25 or any reproduction of a precinct register, shall not permit such register to  
26 be used, bought, sold or otherwise transferred for any purpose except for  
27 uses otherwise authorized by this section. A person in possession of  
28 information derived from voter registration forms or precinct registers shall  
29 not distribute, post or otherwise provide access to any portion of that  
30 information through the internet **EXCEPT AS AUTHORIZED BY SUBSECTION J OF THIS**  
31 **SECTION.** ~~without the prior written approval of the voter. Written approval~~  
32 ~~of the voter is valid only if filed in the office of the county~~  
33 ~~recorder. Any person violating this subsection is guilty of a class 6~~  
34 ~~felony.~~ Nothing in this ~~subsection~~ **SECTION** shall preclude public inspection  
35 of voter registration records **AT THE OFFICE OF THE COUNTY RECORDER FOR THE**  
36 **PURPOSES PRESCRIBED BY THIS SECTION, EXCEPT THAT THE MONTH AND DAY OF BIRTH**  
37 **DATE, THE SOCIAL SECURITY NUMBER OR ANY PORTION THEREOF, THE INDIAN CENSUS**  
38 **NUMBER, THE FATHER'S NAME OR MOTHER'S MAIDEN NAME, THE STATE OR COUNTRY OF**  
39 **BIRTH AND THE RECORDS CONTAINING A VOTER'S SIGNATURE SHALL NOT BE ACCESSIBLE**  
40 **OR REPRODUCED BY ANY PERSON OTHER THAN THE VOTER, BY AN AUTHORIZED GOVERNMENT**  
41 **OFFICIAL IN THE SCOPE OF THE OFFICIAL'S DUTIES, FOR SIGNATURE VERIFICATION ON**  
42 **PETITIONS AND CANDIDATE FILINGS, FOR ELECTION PURPOSES, FOR NEWS GATHERING**  
43 **PURPOSES BY A PERSON ENGAGED IN NEWSPAPER, RADIO, TELEVISION OR REPORTORIAL**  
44 **WORK, OR CONNECTED WITH OR EMPLOYED BY A NEWSPAPER, RADIO OR TELEVISION**

1 STATION OR PURSUANT TO A COURT ORDER. ANY PERSON VIOLATING THIS SUBSECTION  
2 OR SUBSECTION E OF THIS SECTION IS GUILTY OF A CLASS 6 FELONY.

3 G. The county recorder shall count the registered voters by political  
4 party by precinct, legislative district and congressional district as  
5 follows:

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

8 (a) January 1.

9 (b) March 1.

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

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

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

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

18 (a) January 1.

19 (b) April 1.

20 (c) July 1.

21 (d) October 1.

22 H. The county recorder shall report the totals to the secretary of  
23 state as soon as is practicable following each of the dates prescribed in  
24 subsection G of this section. The report shall include completed  
25 registration forms returned in accordance with section 16-134, subsection B.  
26 The county recorder shall also provide the report in a uniform electronic  
27 computer media format that shall be agreed upon between the secretary of  
28 state and all county recorders. The secretary of state shall then prepare a  
29 summary report for the state and shall maintain that report as a permanent  
30 record.

31 I. The county recorder shall provide to the secretary of state a list  
32 of registered voters in the county, including the voter's name, ~~date~~ YEAR of  
33 birth and state of birth along with the count of registered voters pursuant  
34 to subsection G of this section. The list of registered voters is a public  
35 record and shall be in a format agreed upon between the secretary of state  
36 and each county recorder. The list shall be labeled to show that it is not  
37 an official listing of registered voters. The secretary of state shall  
38 compare the lists to identify persons registered in more than one county. If  
39 a person is registered in more than one county, the secretary of state shall  
40 notify, within fifteen days after receipt of the list, the county recorder in  
41 each county in which the person is registered except the county recorder in  
42 the county in which the person registered last. The notice shall include the  
43 date of the person's latest registration. After receiving this notice the  
44 county recorder shall cancel the person's registration as of the date of the  
45 newest registration and notify the person of the cancellation at the address

1 provided by the secretary of state from the county of the latest  
2 registration.

3 J. THE COUNTY RECORDER SHALL PROTECT ACCESS TO VOTER REGISTRATION  
4 INFORMATION IN AN AUDITABLE FORMAT AND METHOD SPECIFIED IN THE SECRETARY OF  
5 STATE'S ELECTRONIC VOTING SYSTEM INSTRUCTIONS AND PROCEDURES MANUAL THAT IS  
6 ADOPTED PURSUANT TO SECTION 16-452.