

REFERENCE TITLE: voter registration; access; security

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HB 2257

Introduced by
Representatives Jarrett, Voss, Pearce, Cooley, Senators Richardson,
Martin: Representatives Anderson, Robson, Senators Mitchell, Smith

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; definition

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 or ~~victims of domestic violence~~ PERSONS WHO ARE
8 PROTECTED UNDER AN ORDER OF PROTECTION OR INJUNCTION AGAINST HARASSMENT, AND
9 ANY OTHER REGISTERED VOTER WHO RESIDES AT THE SAME RESIDENCE ADDRESS AS THE
10 JUSTICE, JUDGE, COMMISSIONER, PROSECUTOR OFFICER OR PROTECTED PERSON, may
11 request that the general public be prohibited from accessing the residential
12 address, telephone number and voting precinct number contained in their voter
13 registration record.

14 B. Justices, judges, commissioners, PROSECUTORS or officers may
15 request this action by filing an affidavit which states all of the following:

16 1. The person's name.

17 2. The position the person currently holds and a description of the
18 person's duties.

19 3. The reasons for reasonably believing that the person's life or
20 safety or that of another person is in danger and that sealing the
21 residential address, telephone number and voting precinct number of the
22 person's voting record will serve to reduce the danger.

23 C. The affidavit shall be filed with the presiding judge of the
24 superior court in the county in which the affiant resides. To prevent a
25 multiplicity of filings, peace officers shall deliver the affidavit to their
26 commanding officer, ~~who shall file the affidavits at one time~~ AND
27 PROSECUTORS SHALL DELIVER THE AFFIDAVIT TO THE HEAD OF THE PROSECUTING AGENCY
28 OR THAT PERSON'S DESIGNEE WHO SHALL FILE THE AFFIDAVITS AT ONE TIME. In the
29 absence of an affidavit that contains a request for immediate action and is
30 supported by facts justifying an earlier presentation, the commanding officer
31 OR THE HEAD OF THE PROSECUTING AGENCY OR THAT PERSON'S DESIGNEE shall not
32 file affidavits ~~of peace officers presented to the commanding officer~~ more
33 often than quarterly.

34 D. Upon receipt of an affidavit or affidavits, the presiding judge of
35 the superior court shall file with the clerk of the superior court a petition
36 on behalf of all requesting justices, judges, commissioners, PROSECUTORS and
37 peace officers. The petition shall have attached each affidavit
38 presented. In the absence of an affidavit that contains a request for
39 immediate action and is supported by facts justifying an earlier
40 consideration, the presiding judge may accumulate affidavits and file a
41 petition at the end of each quarter.

42 E. The presiding judge of the superior court shall review the petition
43 and each attached affidavit to determine whether the action requested by each
44 justice, judge, commissioner, PROSECUTOR or officer should be granted. The
45 presiding judge of the superior court shall order the sealing of the

1 information contained in the voter record of the justice, judge,
2 commissioner, PROSECUTOR or officer AND, ON REQUEST, ANY OTHER REGISTERED
3 VOTER WHO RESIDES AT THE SAME RESIDENCE ADDRESS if the presiding judge
4 concludes that this action will reduce a danger to the life or safety of the
5 affiant.

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

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

27 I. For the purposes of this section, ~~"domestic violence" has the same~~
28 ~~meaning as prescribed by section 20-448~~ "PROSECUTOR" MEANS COUNTY ATTORNEY,
29 MUNICIPAL PROSECUTOR OR ATTORNEY GENERAL AND AN ASSISTANT OR DEPUTY COUNTY
30 ATTORNEY, MUNICIPAL PROSECUTOR OR ATTORNEY GENERAL.

31 Sec. 2. Section 16-168, Arizona Revised Statutes, is amended to read:
32 16-168. Precinct registers; date of preparation; contents;
33 copies; reports; violation; classification

34 A. By the tenth day preceding the primary and general elections the
35 county recorder shall prepare from the original registration forms or from
36 electronic media at least four lists that are printed or typed on paper of
37 all qualified electors in each precinct in the county, and such lists shall
38 be the official precinct registers.

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

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

- 27 1. Name in full and appropriate title.
- 28 2. Party preference.
- 29 3. Date of registration.
- 30 4. Residence address.
- 31 5. Mailing address, if different from residence address.
- 32 6. Zip code.
- 33 7. Telephone number if given.
- 34 8. Birth ~~date~~ YEAR.
- 35 9. Occupation.
- 36 10. Primary election and general election voting history for the prior
 37 four years and any other information regarding registered voters which the
 38 county recorder or city or town clerk maintains on magnetic computer disks or
 39 computer software and which is public information.

40 D. The names on the precinct registers shall be in alphabetical order
 41 and any changes, additions or deletions to the precinct registers shall
 42 unless otherwise agreed be delivered to each county chairman and each state
 43 chairman at least quarterly and within ten business days of the close of each
 44 quarter in the same format and media as prescribed by subsection C of this
 45 section.

1 E. Precinct registers and other lists and information derived from
 2 registration forms may be used only for purposes relating to a political or
 3 political party activity, a political campaign or an election, for revising
 4 election district boundaries or for any other purpose specifically authorized
 5 by law AND MAY NOT BE USED FOR A COMMERCIAL PURPOSE AS DEFINED IN SECTION
 6 39-121.03. THE SALE OF REGISTERS, LISTS AND INFORMATION DERIVED FROM
 7 REGISTRATION FORMS TO A CANDIDATE OR A REGISTERED POLITICAL COMMITTEE FOR A
 8 USE SPECIFICALLY AUTHORIZED BY THIS SUBSECTION DOES NOT CONSTITUTE USE FOR A
 9 COMMERCIAL PURPOSE. The county recorder, on a request for an authorized use
 10 and within thirty days from receipt of the request, shall prepare additional
 11 copies of ~~any~~ AN OFFICIAL precinct register and furnish them to any person
 12 requesting them on payment of a fee equal to five cents for each name
 13 appearing on the register for a printed list and ten cents for each name for
 14 an electronic data medium, plus the cost of the blank computer disk or
 15 computer software if furnished by the recorder, for each copy so furnished.

16 F. Any person in possession of a precinct register, in whole or part,
 17 or any reproduction of a precinct register, shall not permit such register to
 18 be used, bought, sold or otherwise transferred for any purpose except for
 19 uses otherwise authorized by this section. A person in possession of
 20 information derived from voter registration forms or precinct registers shall
 21 not distribute, post or otherwise provide access to any portion of that
 22 information through the internet EXCEPT AS AUTHORIZED BY SUBSECTION J OF THIS
 23 SECTION. ~~without the prior written approval of the voter. Written approval~~
 24 ~~of the voter is valid only if filed in the office of the county~~
 25 ~~recorder.~~ ANY PERSON WHO POSSESSES INFORMATION DERIVED FROM VOTER
 26 REGISTRATION RECORDS SHALL NOT USE OR DISSEMINATE THAT INFORMATION IF MORE
 27 THAN ONE HUNDRED TWENTY DAYS HAS ELAPSED SINCE THE RELEASE OF THAT
 28 INFORMATION BY THE COUNTY RECORDER. Nothing in this ~~subsection~~ SECTION shall
 29 preclude public inspection of voter registration records AT THE OFFICE OF THE
 30 COUNTY RECORDER FOR THE PURPOSES PRESCRIBED BY THIS SECTION, EXCEPT THAT THE
 31 ORIGINAL VOTER REGISTRATION AFFIDAVIT MAY NOT BE COPIED OR REPRODUCED AND THE
 32 BIRTH DATE, THE SOCIAL SECURITY NUMBER OR LAST FOUR DIGITS OF THE SOCIAL
 33 SECURITY NUMBER, THE INDIAN CENSUS NUMBER, THE FATHER'S NAME OR MOTHER'S
 34 MAIDEN NAME, THE STATE OR COUNTRY OF BIRTH AND THE RECORDS CONTAINING A
 35 VOTER'S SIGNATURE ARE NOT A PUBLIC RECORD AND SHALL NOT BE ACCESSIBLE OR
 36 REPRODUCED BY ANY PERSON OTHER THAN THE VOTER, BY AN AUTHORIZED GOVERNMENT
 37 OFFICIAL IN THE SCOPE OF THE OFFICIAL'S DUTIES OR PURSUANT TO A COURT ORDER.
 38 Any person violating ~~this~~ subsection D OR E OF THIS SECTION is guilty of a
 39 class 6 felony.

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

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

45 (a) January 1.

1 (b) March 1.

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

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

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

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

10 (a) January 1.

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, subsection B.
18 The county recorder shall also provide the report in a uniform electronic
19 computer media format that shall be agreed upon between the secretary of
20 state and all county recorders. The secretary of state shall then prepare a
21 summary report for the state and shall maintain that report as a permanent
22 record.

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

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