

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 OR
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 OR PERSON WHO IS
21 PROTECTED 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 OR PERSON WHO IS PROTECTED AND, ON REQUEST, ANY
27 OTHER 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: ~~→~~

32 1. "Domestic violence" has the same meaning as prescribed by section
33 20-448.

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

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

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

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

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

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

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

- 1 6. Zip code.
- 2 7. Telephone number if given.
- 3 8. Birth ~~date~~ YEAR.
- 4 9. Occupation.

5 10. Primary election and general election voting history for the prior
6 four years and any other information regarding registered voters which the
7 county recorder or city or town clerk maintains on magnetic computer disks or
8 computer software and which is public information.

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

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

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

1 OR REPRODUCED BY ANY PERSON OTHER THAN THE VOTER, BY AN AUTHORIZED GOVERNMENT
2 OFFICIAL IN THE SCOPE OF THE OFFICIAL'S DUTIES, FOR SIGNATURE VERIFICATION ON
3 PETITIONS AND CANDIDATE FILINGS, FOR ELECTION PURPOSES, FOR NEWS GATHERING
4 PURPOSES BY A PERSON ENGAGED IN NEWSPAPER, RADIO, TELEVISION OR REPORTORIAL
5 WORK, OR CONNECTED WITH OR EMPLOYED BY A NEWSPAPER, RADIO OR TELEVISION
6 STATION OR PURSUANT TO A COURT ORDER. ANY PERSON VIOLATING THIS SUBSECTION
7 OR SUBSECTION E OF THIS SECTION IS GUILTY OF A CLASS 6 FELONY.

8 G. The county recorder shall count the registered voters by political
9 party by precinct, legislative district and congressional district as
10 follows:

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

13 (a) January 1.

14 (b) March 1.

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

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

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

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

23 (a) January 1.

24 (b) April 1.

25 (c) July 1.

26 (d) October 1.

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

36 I. The county recorder shall provide to the secretary of state a list
37 of registered voters in the county, including the voter's name, ~~date~~ YEAR of
38 birth and state of birth along with the count of registered voters pursuant
39 to subsection G of this section. The list of registered voters is a public
40 record and shall be in a format agreed upon between the secretary of state
41 and each county recorder. The list shall be labeled to show that it is not
42 an official listing of registered voters. The secretary of state shall
43 compare the lists to identify persons registered in more than one county. If
44 a person is registered in more than one county, the secretary of state shall
45 notify, within fifteen days after receipt of the list, the county recorder in

1 each county in which the person is registered except the county recorder in
2 the county in which the person registered last. The notice shall include the
3 date of the person's latest registration. After receiving this notice the
4 county recorder shall cancel the person's registration as of the date of the
5 newest registration and notify the person of the cancellation at the address
6 provided by the secretary of state from the county of the latest
7 registration.

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