

Chapter 1 QUALIFICATION AND REGISTRATION OF ELECTORS

Article 1 Qualifications for Registration

16-101. Qualifications of registrant; definition

A. Every resident of this state is qualified to register to vote if the resident:

- 1.** Is a citizen of the United States and has provided satisfactory evidence of citizenship as prescribed in section 16-166.
- 2.** Will be eighteen years of age or more on or before the date of the regular general election next following his registration.
- 3.** Is a resident of this state twenty-nine days next preceding the election, except as provided in section 16-126.
- 4.** Is able to write the resident's name or make the resident's mark, unless prevented from so doing by physical disability.
- 5.** Has not been convicted of treason or a felony, unless restored to civil rights.
- 6.** Has not been adjudicated an incapacitated person as defined in section 14-5101.

B. For the purposes of this title, "resident" means an individual who has actual physical presence in this state, or for purposes of a political subdivision actual physical presence in the political subdivision, combined with an intent to remain. A temporary absence does not result in a loss of residence if the individual has an intent to return following his absence. An individual has only one residence for purposes of this title.

16-102. Power of attorney; prohibited use

A power of attorney or other form of proxy is not valid for use by a person in any procedure or transaction concerning elections, including voter registration, petition circulation or signature, voter registration cancellation, early ballot requests or voting another person's ballot.

16-103. Qualified person temporarily absent from state; persons in the service of the United States

A. A qualified person temporarily absent from the state may register by filling out an affidavit of registration which shall be furnished upon request of the registrant by the county recorder of the county in which the registrant has residence pursuant to section 16-593. The registrant shall execute the affidavit of registration and administer the oath himself and shall return the affidavit to the county recorder.

B. The county recorder may accept a federal postcard application in lieu of an affidavit of registration from any qualified person covered under the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 42 United States Code section 1973).

C. Any other provisions of law to the contrary notwithstanding, registration for any person covered under subsection B of this section may be accomplished at any time prior to 7:00 p.m. of an election day. This subsection applies only to persons temporarily absent from this state.

D. A person who was an overseas voter as defined in the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 42 United States Code section 1973), as amended by the Ronald W. Reagan national defense authorization act for fiscal year 2005 (P.L. 108-375), immediately before being domiciled in this state, and who has been discharged or separated from that service or employment in the ninety days before election day may register and is eligible to vote in that election if the registration is received by 5:00 p.m. on the Friday before election day.

E. Any United States citizen who has never resided in the United States and whose parent is a United States citizen who is registered to vote in this state is eligible to register to vote and may vote in this state using a federal write-in early ballot as prescribed by section 16-543.02.

16-104. Registration in incorporated cities and towns

A. This chapter, except as it applies to registration of absent electors, is applicable to cities and towns incorporated under a common council government.

B. In the registration of electors other than absent electors in a city or town incorporated under a common council government, the city or town clerk shall have the same duties as to registration as are imposed on the county recorder by this chapter.

16-105. Registration required by city ordinance or charter

The provisions of this chapter do not preclude the registration of electors required by the charter or ordinances of a city or town.

Article 1.1 Driver's License Voter Registration

16-111. Definitions

For the purposes of this article, unless the context otherwise requires:

1. "Applicant" means a person who applies for a driver's license.
2. "Driver's license" means any class of driver's license or a nonoperating identification license issued by the motor vehicle division of the department of transportation.
3. "Driver's license examiner" means an employee of the motor vehicle division of the department of transportation who is authorized to examine applicants for driver's licenses.

16-112. Driver license voter registration

- A.** Every person who is applying for a driver license or renewal and who is otherwise qualified to register to vote, at the same time and place, shall be allowed to register to vote by providing the information prescribed by section 16-152. The method used to register voters shall require only the minimum information necessary to prevent duplicate registrations, to enable elections officials to determine voter eligibility and to administer voter registration and election laws. A registration form shall be included for a person who is applying for a driver license renewal by mail. On completing a form that contains at least the information prescribed by section 16-121.01 and that may contain the information prescribed by section 16-152 and on receipt of that form by the county recorder from the department of transportation as prescribed by subsection D of this section, the applicant is presumed to be properly registered to vote. That presumption may be rebutted as provided in section 16-121.01.
- B.** The director of the department of transportation and the secretary of state shall consult at least every two years regarding voter registration at driver license offices. The director of the department of transportation and the secretary of state, after consultation with all county recorders, shall adopt rules to implement a system allowing driver license applicants to register to vote at the same time and place as they apply for driver licenses. The rules shall:
1. Bring the license application and voter registration application forms into substantial conformity.
 2. Allow the transfer of driver license applications, including renewal and change of address, and voter registration information from the department of transportation to the voter registration rolls.
 3. Respect all rules and statutes of this state concerning the confidentiality of driver license application information.
 4. Provide for the manual or electronic generation and transmittal of voter registrations and provide for electronic generation of changes in voter registration information, including address, in conformity with the confidentiality requirements of the national voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; 52 United States Code sections 20501 through 20511).
- C.** The department of transportation shall provide to applicants a statement that provides each eligibility requirement for voting, including citizenship, an attestation that the applicant meets each requirement, for the signature of the applicant under penalty of perjury and, in print that is identical to that used in the attestation, the following:
1. A description of the penalties provided by law for the submission of a false voter registration application.
 2. A statement that if an applicant declines to register to vote the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes.
 3. A statement that if an applicant does register to vote the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.
- D.** The department of transportation shall return or mail completed registrations to the county recorder of the county in which the applicant resides within five days after receipt of a completed registration.

Article 2 Qualifications for Voting

16-120. Eligibility to vote

A. An elector shall not vote in an election called pursuant to the laws of this state unless the elector has been registered to vote as a resident within the boundaries or the proposed boundaries of the election district for which the election is being conducted and the registration has been received by the county recorder or the recorder's designee pursuant to section 16-134 before midnight of the twenty-ninth day preceding the date of the election.

B. If the twenty-ninth day preceding the date of the election falls on a Saturday, Sunday or other legal holiday, voter registrations that are received on the next business day immediately following the Saturday, Sunday or other legal holiday are deemed to have been timely received for purposes of voting in that election.

16-121. Qualified elector; definition

A. A person who is qualified to register to vote pursuant to section 16-101 and who is properly registered to vote, if the person is at least eighteen years of age on or before the date of the election and has provided satisfactory evidence of citizenship as prescribed in section 16-166, shall be deemed a qualified elector for any purpose for which such qualification is required by law, except as provided in section 16-126. A person continues to be a qualified elector until that person's registration is canceled pursuant to section 16-165 or until that person does not qualify as a resident as defined in section 16-101, subsection B.

B. For purposes of subsection A of this section, a person who does not reside at a fixed, permanent or private structure shall be properly registered to vote if that person is qualified pursuant to section 16-101 and if that person's registration address is any of the following places located in this state:

- 1.** A homeless shelter to which the registrant regularly returns.
- 2.** The place at which the registrant is a resident.
- 3.** The county courthouse in the county in which the registrant resides.
- 4.** A general delivery address for a post office covering the location where the registrant is a resident.

C. A person who is otherwise qualified to register to vote shall not be refused registration or declared not qualified to vote because the person does not live in a permanent, private or fixed structure.

D. For the purposes of this section, "homeless shelter" means a supervised publicly or privately operated shelter designed to provide temporary living accommodations to individuals who lack a fixed, regular and adequate nighttime residence.

16-121.01. Requirements for proper registration; violation; classification

A. A person is presumed to be properly registered to vote on completion of a registration form as prescribed by section 16-152 that contains at least the name, the residence address or the location, proof of location of residence as prescribed by section 16-123, the date and place of birth and the signature or other statement of the registrant as prescribed by section 16-152, subsection A, paragraph 20 and a checkmark or other appropriate mark in the "yes" box next to the question regarding citizenship. Any application for registration, including an application on a form prescribed by the United States election assistance commission, must contain a checkmark or other appropriate mark in the "yes" box next to the question regarding citizenship as a condition of being properly registered to vote as either a voter who is eligible to vote a full ballot or a voter who is eligible to vote only with a ballot for federal offices. The completed registration form must also contain the person's Arizona driver license number, the nonoperating identification license number issued pursuant to section 28-3165, the last four digits of the person's social security number or the person's affirmation that if an Arizona driver license number, a nonoperating identification license number or the last four digits of the person's social security number is not provided, the person does not possess a valid Arizona driver or nonoperating identification license or a social security number and the person is hereby requesting that a unique identifying number be assigned by the secretary of state pursuant to section 16-152, subsection A, paragraph 12, subdivision (c). Any application that does not include all of the information required to be on the registration form pursuant to section 16-152 and any application that is not signed is incomplete, and the county recorder shall notify the applicant pursuant to section 16-134, subsection B and shall not register the voter until all of the information is returned.

B. The presumption in subsection A of this section may be rebutted only by clear and convincing evidence of any of the following:

1. That the registrant is not the person whose name appears on the register.
 2. That the registrant has not resided in this state for twenty-nine days next preceding the election or other event for which the registrant's status as properly registered is in question.
 3. That the registrant is not properly registered at an address permitted by section 16-121.
 4. That the registrant is not a qualified registrant under section 16-101.
- C. Except for a form produced by the United States election assistance commission, any application for registration shall be accompanied by satisfactory evidence of citizenship as prescribed in section 16-166, subsection F, and the county recorder or other officer in charge of elections shall reject any application for registration that is not accompanied by satisfactory evidence of citizenship. A county recorder or other officer in charge of elections who knowingly fails to reject an application for registration as prescribed by this subsection is guilty of a class 6 felony. The county recorder or other officer in charge of elections shall send a notice to the applicant as prescribed in section 16-134, subsection B.
- D. Within ten days after receiving an application for registration on a form produced by the United States election assistance commission that is not accompanied by satisfactory evidence of citizenship, the county recorder or other officer in charge of elections shall use all available resources to verify the citizenship status of the applicant and at a minimum shall compare the information available on the application for registration with the following, provided the county has access:
1. The department of transportation databases of Arizona driver licenses or nonoperating identification licenses.
 2. The social security administration databases.
 3. The United States citizenship and immigration services systematic alien verification for entitlements program, if practicable.
 4. A national association for public health statistics and information systems electronic verification of vital events system.
 5. Any other state, city, town, county or federal database and any other database relating to voter registration to which the county recorder or officer in charge of elections has access, including an electronic registration information center database.
- E. After complying with subsection D of this section, if the county recorder or other officer in charge of elections matches the applicant with information that verifies the applicant is a United States citizen, is otherwise qualified as prescribed by section 16-101 and has met the other requirements of this section, the applicant shall be properly registered. If the county recorder or other officer in charge of elections matches the applicant with information that the applicant is not a United States citizen, the county recorder or other officer in charge of elections shall reject the application, notify the applicant that the application was rejected because the applicant is not a United States citizen and forward the application to the county attorney and attorney general for investigation. If the county recorder or other officer in charge of elections is unable to match the applicant with appropriate citizenship information, the county recorder or other officer in charge of elections shall notify the applicant that the county recorder or other officer in charge of elections could not verify that the applicant is a United States citizen and that the applicant will not be qualified to vote in a presidential election or by mail with an early ballot in any election until satisfactory evidence of citizenship is provided.
- F. The county recorder or other officer in charge of elections shall record the efforts made to verify an applicant's citizenship status as prescribed in subsections D and E of this section. If the county recorder or other officer in charge of elections fails to attempt to verify the citizenship status of an applicant pursuant to subsections D and E of this section and the county recorder or other officer in charge of elections knowingly causes the applicant to be registered and it is later determined that the applicant was not a United States citizen at the time of registration, the county recorder or other officer in charge of elections is guilty of a class 6 felony.

16-122. Registration and records prerequisite to voting

No person shall be permitted to vote unless such person's name appears as a qualified elector in both the general county register and in the precinct register or list of the precinct and election districts or proposed election districts in which such person resides, except as provided in sections 16-125, 16-135 and 16-584.

16-123. Proof of location of residence

Except for persons who register pursuant to section 16-103, a person who registers to vote shall provide an identifying document that establishes proof of location of residence. Any of the identifying documents prescribed in section 16-579, subsection A, paragraph 1 constitutes satisfactory proof of location of residence. Compliance with this section does not satisfy the residency requirements in section 16-101 or 16-593 and only constitutes confirmation of the address on the applicant's application at the time of registration. A valid and unexpired Arizona driver license or nonoperating identification number that is properly verified by the county recorder satisfies the requirements of this section.

16-124. Public officer residing in county of post of duty

Any public officer of the state, including a judge of the court of appeals, whose post of duty is located in a county other than in the county from which elected or appointed, and who is physically residing where his post of duty is located, shall be deemed a qualified elector and resident of the county from which elected or appointed if he registers, or remains registered, to vote in a precinct in such county. This section shall also apply to the spouse and any dependents of such public officer if otherwise qualified to vote and actually residing with the public officer.

16-125. Change of residence to different county during twenty-nine day period preceding election

A registered elector who moves from one county to another county during the twenty-nine day period preceding either a primary, general or runoff election is deemed to be a resident and registered elector of the county from which the elector moved until the day after the primary, general or runoff election, whichever applies.

16-126. Authority to vote in presidential election after moving from state

- A.** Each person who is properly registered as an elector in any precinct in this state and who has begun residence in another state after the thirtieth day immediately preceding an election in which presidential electors are chosen shall retain his right to vote for presidential electors to be elected, but for no other offices in such election. Such vote may be cast by early ballot in the precinct from which he has removed, in person at the office of the county recorder or by mail.
- B.** Ballots cast by early voting procedures pursuant to this section shall be in the form prescribed by the secretary of state.
- C.** All applicants pursuant to this section shall have their registration canceled promptly following the election.

16-127. Federal only voters; early ballot; eligibility; exemption

- A.** Notwithstanding any other law:
 - 1.** A person who has registered to vote and who has not provided satisfactory evidence of citizenship as prescribed by section 16-166 is not eligible to vote in presidential elections.
 - 2.** A person who has not provided satisfactory evidence of citizenship pursuant to section 16-166 and who is eligible to vote only for federal offices is not eligible to receive an early ballot by mail.
- B.** This section does not apply to an absent uniformed services voter or overseas voter as defined in the uniformed and overseas citizens absentee voting act (P.L. 99-410; 100 Stat. 924; 52 United States Code section 20310), as amended by the Ronald W. Reagan national defense authorization act for fiscal year 2005 (P.L. 108-375).

16-128. Clerk of the court; secretary of state; county recorder; notice of conviction

Each month the clerk of the superior court shall transmit to the secretary of state without charge a record of every felony conviction in that county within the preceding month. This record shall include only the name of the person convicted and the person's date of birth, social security number, if available, usual legal residence and, if available, father's name or mother's maiden name. The secretary of state shall use the record for the sole purpose of canceling the names of convicted felons from the statewide voter registration database and shall notify the appropriate county recorder, and that county recorder shall cancel the voter registration of the convicted felon.

Article 3 Registration Officers and Procedures

16-131. Registration of electors; deputy registrars

- A. The county recorder, a justice of the peace or a deputy registrar shall supply, without charge, a registration form to any qualified person requesting registration information.
- B. The county recorder shall distribute state mail in registration forms at locations throughout the county such as government offices, fire stations, public libraries and other locations open to the general public.
- C. Information regarding the qualifications necessary to register to vote, registration deadlines for qualifying to vote at an election, penalties for false registration and locations where additional voter registration information may be obtained shall be attached to or distributed with the state mail in registration form.
- D. A county recorder may appoint deputy registrars to assist in distributing registration forms, to assist in registering voters and to accept completed registration forms. A deputy registrar shall be a qualified elector and shall serve without pay.
- E. The county recorder may provide voter registration forms in quantity to groups and individuals that request forms for conducting voter registration drives.

16-132. Voter registration assistance; hunting, fishing, trapping licenses; definitions

- A. The department shall provide assistance with voter registration when accepting applications for a license. The department shall provide to the applicant with any online applications for a license a link to the department of transportation's voter registration webpage. Each department office that accepts applications for a license in person shall provide a voter registration form to the applicant.
- B. The secretary of state shall provide to the department voter registration forms and instructions to applicants to mail completed voter registration forms to the secretary of state. The secretary of state shall forward the completed voter registration forms to the appropriate county recorder to determine the eligibility of the applicant and, if found eligible, to add the applicant's name to the voter registration rolls.
- C. Voter registration information that is generated pursuant to this section and that is public information as otherwise provided by law shall not provide any public indication of the source of these registrations.
- D. Persons who act pursuant to this section are not considered to be deputy registrars under this title or any rules adopted under its authority.
- E. For the purposes of this section:
 - 1. "Department" means the Arizona game and fish department.
 - 2. "License" means a hunting, fishing or trapping license issued by the Arizona game and fish department pursuant to title 17, chapter 3.

16-133. Voter registration events; website posting

(L21, Ch. 405, sec. 4)

The secretary of state and each county recorder shall post on their public website a list of each event that the office of the secretary of state or the county recorder attends and provides voter registration services. Each event shall be posted on the public website within twenty-four hours after the secretary's or recorder's attendance at the event.

16-134. Return of registrations made outside office of county recorder; incomplete or illegible forms

- A. A county recorder shall authorize persons to accept registration forms, shall designate places for receipt of registration forms and shall designate additional locations for distribution of voter registration forms. Public assistance agencies and disabilities agencies as defined in section 16-140 shall return or mail completed voter registrations to the county recorder of the county in which the applicant resides within five days after receipt of those registrations.
- B. If the information on the registration form is incomplete or illegible and the county recorder is not able to process the registration form, the county recorder shall notify the applicant within ten business days of receipt of the registration form, shall specify the missing or illegible information and, if the missing or illegible information includes any of the information prescribed by section 16-121.01, subsection A or C, shall state that the registration cannot be completed until the information is supplied. If the missing or illegible information is

supplied before 7:00 p.m. on election day, that person is deemed to have been registered on the date the registration was first received.

C. In the case of registration by mail, a voter registration is valid for an election if it complies with either of the following:

1. The form is postmarked twenty-nine days or more before an election and is received by the county recorder by 7:00 p.m. on the day of that election.

2. The registration is dated twenty-nine days or more before an election and is received by the county recorder by first class mail within five days after the last day to register to vote in that election.

D. The date of registration entered for registration forms that are received by the county recorder from persons, groups or agencies that are not authorized to accept registrations pursuant to subsection A of this section and that do not bear a legible postmark date or an otherwise reliable date shall be the date that those forms are received by the county recorder.

16-135. Change of residence from one address to another

A. An elector who is correcting the residence address shown on the elector's voter registration record shall reregister with the new residence address or correct the voter registration record as prescribed by this section.

B. An elector who moves from the address at which the elector is registered to another address within the same county and who fails to notify the county recorder of the change of address before the date of an election shall be allowed to correct the voter registration records at the appropriate polling place for the voter's new address. The voter shall present a form of identification that includes the voter's given name and surname and the voter's complete residence address that is located within the precinct for the voter's new residence address. The voter shall affirm in writing the new residence address and shall be allowed to vote a provisional ballot.

C. When an elector completes voting a provisional ballot, the election official shall place the ballot in an envelope for provisional ballots and shall deposit the envelope in the ballot box designated for provisional ballots.

D. Within ten calendar days after a general election that includes an election for a federal office and within five business days after any other election, a provisional ballot shall be compared to the signature roster for the precinct in which the voter was listed and if the voter's signature does not appear on the signature roster for that election and if there is no record of that voter having voted early for that election, the provisional ballot shall be processed. If the signature roster or early ballot information indicates that the person did vote in that election, the provisional ballot for that person shall remain unopened and shall not be counted.

E. An elector may also correct the residence address on the elector's voter registration record by requesting the address change on a written request for an early ballot that is submitted pursuant to section 16-542 and that contains all of the following:

1. A request to change the voter registration record.

2. The elector's new residence address.

3. An affirmation that the information is true and correct.

4. The elector's signature.

16-136. Change of political party

An elector desiring to state a preference for a political party or organization other than the one indicated by the record of his registration shall reregister.

16-137. Change of name

An elector desiring to register under a new name, resulting either from a court order or marriage, shall reregister and shall state on the new affidavit of registration the elector's former legal name. An elector may also correct the voter registration record by providing the new name while voting a provisional ballot pursuant to section 16-584 at the appropriate polling place.

16-138. Voter registration database; federal only voters; analysis; annual report; investigation

(L21, Ch. 405, sec. 4)

A. The secretary of state shall provide access to the statewide voter registration database to a person or entity that is designated by the legislature and to the election integrity unit of the attorney general's office for the purposes of determining whether the secretary of state's voter registration list maintenance procedures comply with federal law with respect to voters who are registered as voters eligible to vote only for federal offices.

B. The person or entity that is designated by the legislature must be qualified in more than one state to analyze a state's voter registration rolls for compliance with federal law regarding voter registration list maintenance procedures. After completing its analysis, the person or entity shall report its findings to the president of the senate, the speaker of the house of representatives, the attorney general and the secretary of state. If the analysis determines that there are persons registered to vote who are not eligible to register to vote, the secretary of state shall notify the appropriate county recorder and the county recorder shall remove those persons from the voter registration rolls.

C. Each county recorder shall submit an annual report to the speaker of the house of representatives and the president of the senate that contains the following regarding voters who are eligible to vote only for federal offices:

1. A description of the county recorder's procedures regarding registering those voters who are eligible to vote only for federal offices.

2. The number of voters in that county who are eligible to vote only for federal offices.

3. The number of those voters whose citizenship has been otherwise subsequently verified and whose status has changed to voters who are eligible to vote a full ballot.

4. A comprehensive description of the obstacles to obtaining voter registrants' documentary proof of citizenship that complies with this state's voter registration requirements and to changing their status to voters who are eligible to vote a full ballot.

5. The number of those voters who have been subsequently determined to be ineligible to vote in this state and who have been removed from the voter registration rolls.

D. The attorney general and the county attorney shall investigate and prosecute, as appropriate, any person who is ineligible to register to vote and who knowingly registers to vote.

16-139. Registration expenses as county charge

Necessary expenses incurred by the county recorder in carrying out the provisions of this title relating to the registration of electors shall be a county charge.

16-140. Voter registration assistance agencies; definitions

A. All public assistance agencies and disabilities agencies in this state shall provide the opportunity to register to vote for those persons who apply for benefits or appear at the agency to renew, recertify or change address information. The voter registration form shall be accompanied by a statement form that includes substantially the following:

1. The statement "If you are not registered to vote where you live now, would you like to apply to register to vote here today?"

Yes No

If you do not check either box, you will be considered to have decided not to register to vote at this time."

2. If the agency provides public assistance, the statement "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency."

3. The statement "If you would like help in filling out the voter registration application form, we will help you. The decision to seek or accept help is yours. You may fill out the application form in private."

4. The statement "If you believe that someone has interfered with your right to register or to decline to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the secretary of state." This statement shall be followed by the name, address and telephone number of the secretary of state.

B. Each public assistance agency or disabilities agency shall provide to each person who applies for that agency's services the same degree of assistance for voter registration that it provides for the completion of the

agency's own forms, unless that person refuses assistance. Each public assistance or disabilities agency shall accept completed registration forms from persons who receive a registration form from that office.

C. If a person indicates "no" or fails to indicate either "yes" or "no" on the form prescribed by subsection A, the form shall be deemed to indicate a declination to register to vote. All declination forms shall be preserved as a confidential record and shall be forwarded periodically to the Arizona state library, archives and public records for retention for two years. Declination forms are exempt from title 39, chapter 1 and may be disclosed only for voter registration purposes.

D. Voter registration information that is generated pursuant to this section and that is public information as otherwise provided by law shall not provide any public indication of the source of these registrations. Registration forms may bear a unique, coded marking that does not publicly or readily disclose the voter registration agency or additional voter registration volunteer that was the source of the registration. The coded markings for a form may be translated or otherwise read only by election officials and only for purposes permitted by the national voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; 42 United States Code section 394).

E. A county recorder may designate additional voter registration volunteers. These additional voter registration volunteers may provide state mail in registration forms to persons who wish to register to vote.

F. For purposes of this section, unless the context otherwise requires:

1. "Additional voter registration volunteer" means a person, group or entity that is not a public assistance or disabilities agency and that is designated by a county recorder as another voter registration provider pursuant to section 7(a)(3)(A) of the national voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; 42 United States Code section 394) and may include governmental, nonprofit or other private organizations.

2. "Disabilities agency" means all offices of an agency in this state that provide state funded programs primarily engaged in providing services to persons with disabilities.

3. "Public assistance agency" means all offices of an agency in this state that provide public assistance.

16-141. Armed forces recruiting offices; voter registration assistance

Armed forces recruiting offices shall provide each person who applies to enter the armed forces the opportunity to register to vote. The county recorder for the county in which the office is located shall provide the office with state mail in voter registration forms. The recruiting office shall mail or deliver to the county recorder within five days all completed voter registrations. The chief state election officer, the county recorder and the federal voting assistance office shall coordinate voter registration training of armed forces recruiting office personnel.

16-142. Secretary of state; national voter registration act; uniformed and overseas citizens; voter fraud hotline

A. The secretary of state or the secretary's designee is:

1. The chief state election officer who is responsible for coordination of state responsibilities under the national voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; 42 United States Code section 394) and under the uniformed and overseas citizens absentee voting act (42 United States Code section 1973).

2. Responsible for providing information on registration and absentee or early ballot procedures to absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in this state.

B. Not later than ninety days after the date of each regularly scheduled general election at which an election is held for federal office, the secretary of state shall submit a report to the election assistance commission established pursuant to the help America vote act of 2002 (P.L. 107-252) that includes information on the number of ballots transmitted to absent uniformed services voters and overseas voters and the number of ballots returned and cast in the election. The secretary of state shall prepare the report in cooperation and in conjunction with the county recorders and county officers in charge of elections. The report shall be made available to the public.

C. The secretary of state shall provide for a toll free telephone number for the use of the public to report incidents of voter fraud. To the extent permitted by federal law, the secretary of state may use monies received from the United States government pursuant to the help America vote act of 2002 (P.L. 107-252) to establish, staff and maintain the toll free telephone number and may also use those monies to defray the costs of any investigations arising from any reports received on the toll free telephone number.

16-143. Federal only voters; attorney general; investigation; report

A. The secretary of state and each county recorder shall make available to the attorney general a list of all individuals who are registered to vote and who have not provided satisfactory evidence of citizenship pursuant to section 16-166 and shall provide, on or before October 31, 2022, the applications of individuals who are registered to vote and who have not provided satisfactory evidence of citizenship pursuant to section 16-166.

B. The attorney general shall use all available resources to verify the citizenship status of the applicant and at a minimum shall compare the information available on the application for registration with the following:

1. The department of transportation databases of Arizona driver licenses or nonoperating identification licenses.

2. The social security administration databases.

3. The United States citizenship and immigration services systematic alien verification for entitlements program, if practicable.

4. A national association for public health statistics and information systems electronic verification of vital events system.

5. Any other state, city, town, county or federal database and any other database relating to voter registration to which the county recorder or officer in charge of elections has access, including an electronic registration information center database.

C. The secretary of state shall provide the attorney general access to the United States citizenship and immigration services systematic alien verification for entitlements program for the purposes of this section.

D. The attorney general shall prosecute individuals who are found to not be United States citizens pursuant to section 16-182.

E. The attorney general shall submit a report to the secretary of state, the president of the senate, and the speaker of the house of representatives on or before March 31, 2023 detailing all findings relating to the citizenship status of individuals who are registered to vote and who have not provided satisfactory evidence of citizenship pursuant to section 16-166.

16-144. Same day voter registration prohibited; violation; classification

A. Except for a person who properly registers to vote as prescribed by section 16-103 or 16-543.02, an agency, department or division of this state or any person acting on its behalf and any political subdivision of this state or any person acting on its behalf may not register a person to vote on an election day and deem that person eligible to vote in that election.

B. A person who violates this section is guilty of a class 6 felony.

16-145. Automatic voter registration prohibited

Unless otherwise provided by law, an agency, department or division of this state or any person acting on its behalf and any political subdivision of this state or any person acting on its behalf may not register a person to vote unless the person affirmatively requests to register to vote.

Article 4 Forms

16-151. Forms for registration supplied by county recorder and secretary of state

A. Blank state voter registration forms for registration of electors shall be supplied by the county recorder.

B. The secretary of state shall make available for distribution through governmental and private entities the voter registration forms that are prescribed by the election assistance commission.

16-152. Registration for

(Caution: 1998 Prop. 105 applies)

A. The form used for the registration of electors shall contain:

1. The date the registrant signed the form.

2. The registrant's given name, middle name, if any, and surname.

3. The complete address of the registrant's actual place of residence, including street name and number, apartment or space number, city or town and zip code, or such description of the location of the residence that it can be readily ascertained or identified.
4. The registrant's complete mailing address, if different from the residence address, including post office address, city or town, zip code or other designation used by the registrant for receiving mail. The form shall also include a line for the registrant's e-mail address (optional to registrant).
5. The registrant's party preference. The two largest political parties that are entitled to continued representation on the ballot shall be listed on the form in the order determined by calculating which party has the highest number of registered voters at the close of registration for the most recent general election for governor, then the second highest. The form shall allow the registrant to circle, check or otherwise mark the party preference and shall include a blank line for other party preference options.
6. The registrant's telephone number, unless unlisted.
7. The registrant's state or country of birth.
8. The registrant's date of birth.
9. The registrant's occupation.
10. The registrant's Indian census number (optional to registrant).
11. The registrant's father's name or mother's maiden name.
12. One of the following identifiers for each registrant:
 - (a) The Arizona driver license number of the registrant or nonoperating identification license number of the registrant that is issued pursuant to section 28-3165.
 - (b) If the registrant does not have an Arizona driver license or nonoperating identification license, the last four digits of the registrant's social security number.
 - (c) If the registrant does not have an Arizona driver license or nonoperating identification license or a social security number and the registrant attests to that, a unique identifying number consisting of the registrant's unique identification number to be assigned by the secretary of state in the statewide electronic voter registration database.
13. A statement as to whether or not the registrant is currently registered in another state, county or precinct, and if so, the name, address, county and state of previous registration.
14. The question to the registrant "Are you a citizen of the United States of America?", appropriate boxes for the registrant to check "yes" or "no" and a statement instructing the registrant not to complete the form if the registrant checked "no".
15. The question to the registrant "Will you be eighteen years of age on or before election day?", appropriate boxes for the registrant to check "yes" or "no" and a statement instructing the registrant not to complete the form if the registrant checked "no".
16. A statement that the registrant has not been convicted of treason or a felony, or if so, that the registrant's civil rights have been restored.
17. A statement that the registrant is a resident of this state and of the county in which the registrant is registering.
18. A statement that executing a false registration is a class 6 felony.
19. The signature of the registrant.
20. If the registrant is unable to sign the form, a statement that the affidavit was completed according to the registrant's direction.
21. A statement that if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes.
22. A statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

23. A statement that the applicant shall submit evidence of United States citizenship with the application and that the registrar shall reject the application if no evidence of citizenship is attached.

24. A statement that if the registrant permanently moves to another state after registering to vote in this state, the registrant's voter registration will be canceled.

B. A duplicate voter receipt shall be provided with the form that provides space for the name, street address and city of residence of the applicant, party preference and the date of signing. The voter receipt is evidence of valid registration for the purpose of casting a provisional ballot as prescribed in section 16-584, subsection B.

C. The state voter registration form shall be printed in a form prescribed by the secretary of state.

D. The county recorder may establish procedures to verify whether a registrant has successfully petitioned the court for an injunction against harassment pursuant to section 12-1809 or an order of protection pursuant to section 13-3602 and, if verified, to protect the registrant's residence address, telephone number or voting precinct number, if appropriate, from public disclosure.

E. Subsection A of this section does not apply to registrations received from the department of transportation pursuant to section 16-112.

16-153. Voter registration; confidentiality; definitions

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

- 1.** That person's documents and voting precinct number contained in that person's voter registration record.
- 2.** If the person is a public official, the address of a property held in trust by the public official.

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

- 1.** The person's full legal name, residential address and date of birth.
- 2.** Unless the person is the spouse of a peace officer or the spouse or minor child of a deceased peace officer or the person is a former public official or former judge, the position the person currently holds and a description of the person's duties, except that an eligible person who is protected under an order of protection or injunction against harassment shall instead attach a copy of the order of protection or injunction against harassment.
- 3.** The reasons for reasonably believing that the person's life or safety or that of another person is in danger and that sealing the identifying information and voting precinct number of the person's voting record will serve to reduce the danger.

C. The affidavit shall be filed with the presiding judge of the superior court in the county in which the affiant resides. To prevent multiple filings, an eligible person who is a peace officer, prosecutor, public defender, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member shall deliver the affidavit to the peace officer's commanding officer, or to the head of the prosecuting, public defender, code enforcement, law enforcement, corrections or detention agency, as applicable, or that person's designee, who shall file the affidavits at one time. In the absence of an affidavit that contains a request for immediate action and is supported by facts justifying an earlier presentation, the commanding officer, or the head of the prosecuting, public defender, code enforcement, law enforcement, corrections or detention agency, as applicable, or that person's designee, shall not file affidavits more often than quarterly.

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

E. The presiding judge of the superior court shall review the petition and each attached affidavit to determine whether the action requested by each affiant should be granted. The presiding judge of the superior court shall order the sealing for five years of the information contained in the voter record of the affiant and, on

request, any other registered voter who resides at the same residence address if the presiding judge concludes that this action will reduce a danger to the life or safety of the affiant.

F. The recorder shall remove the restrictions on all voter records submitted pursuant to subsection E of this section by January 5 in the year after the court order expires. The county recorder shall send by mail one notice to either the health professional, election officer, public official, former public official, peace officer, spouse of a peace officer, spouse or minor child of a deceased peace officer, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member, law enforcement support staff member, employee of the department of child safety or employee of adult protective services who has direct contact with families in the course of employment or the employing agency of the peace officer, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member who was granted an order pursuant to this section of the order's expiration date at least six months before the January 5 removal date. If the notice is sent to the employing agency, the employing agency shall immediately notify the person who was granted the order of the upcoming expiration date. The county recorder may coordinate with the county assessor and county treasurer to prevent multiple notices from being sent to the same person.

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

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

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

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

K. For the purposes of this section:

- 1.** "Code enforcement officer" means a person who is employed by a state or local government and whose duties include performing field inspections of buildings, structures or property to ensure compliance with and enforce national, state and local laws, ordinances and codes.
- 2.** "Commissioner" means a commissioner of the superior court or municipal court.
- 3.** "Corrections support staff member" means an adult or juvenile corrections employee who has direct contact with inmates.
- 4.** "Election officer" means a state, county or municipal employee who holds an election officer's certificate issued pursuant to section 16-407.
- 5.** "Eligible person" means a health professional, election officer, public official, former public official, peace officer, spouse of a peace officer, spouse or minor child of a deceased peace officer, justice, judge, commissioner, hearing officer, public defender, prosecutor, member of the commission on appellate court appointments, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the board of executive clemency, law enforcement support staff member, employee of the department of child safety or employee of adult protective services who has direct contact with families in the course of employment, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment or

firefighter who is assigned to the Arizona counter terrorism information center in the department of public safety.

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

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

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

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

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

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

12. "Peace officer":

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

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

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

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

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

Article 5 Registration Rolls

16-161. Official record of registration; federal form; reporting

A. When the registration form is filled out, signed by the elector and received by the county recorder, it shall constitute an official public record of the registration of the elector.

B. On the dates prescribed by section 16-168, subsection G, the county recorder shall report to the secretary of state and shall prominently post on the recorder's website the number of persons who are registered to vote using the federal or state voter registration form and who have not provided proof of citizenship to the county recorder and, after each general election, shall post on the recorder's website the number of ballots cast by those persons who were eligible to vote a ballot containing federal offices only.

16-162. Retention of registration forms and record of cancellation

The county recorder shall provide a means of retaining registration forms and records of cancellation of registration. The records shall be retained as prescribed by sections 41-151.15 and 41-151.19.

16-163. Assignment of registrations to general county register; exception; notification to elector; electronic storage of registration forms

A. The county recorder, on receipt of a registration in proper form, shall assign the registration record to its proper precinct and alphabetical arrangement in the general county register. The general county register shall be preserved permanently to reflect the registration as of each general election. After the general county register is revised to reflect the valid registrations for the general election, the county recorder shall provide the Arizona state library, archives and public records with a copy of the revised county register.

B. After placing the record of registration in the county general register, the county recorder shall notify the elector within thirty days in writing that the elector's name appears in the general register.

C. If the notice that is sent is returned undeliverable, the county recorder may send an additional notice as prescribed by section 16-166, subsection A and that notice shall indicate that the elector must respond not later than thirty-five days after the mailing of the notice.

D. Images of original registration forms shall be stored electronically in the voter registration database. All original registration forms that are canceled, and all original applications for cancellation of registration received since the preceding general election, also shall be maintained in the voter registration database. Computer output microfilm, listings or other electronic format media containing the information from the general county register after each general election shall be provided to the Arizona state library, archives and public records and shall serve to fulfill the requirements of this section and section 16-164, subsection A.

E. When the county recorder makes a change to the information prescribed by section 16-152 for an existing registered voter:

1. The county recorder shall notify the elector of any changes made to the information prescribed by section 16-152 for the elector by sending a text message or email alert within twenty-four hours after making the change as requested by the elector's subscription preferences.

2. If the elector has not subscribed to the voter registration alert system, the county recorder shall notify the elector in writing within ten days after the change in the information prescribed by section 16-152 for the elector. The notice shall include instructions on how the elector may check the elector's voter registration status, make any revisions to the elector's voter registration information and notify the county recorder if the elector did not request or authorize the change to the information prescribed by section 16-152 for the elector's voter registration.

16-164. Change of registration on new registration form effecting change of precinct, party, address or name

A. On receipt of a new registration form that effects a change of precinct, political party, address or name, the county recorder shall indicate electronically in the county voter registration database that the registration has been canceled and the date and reason for cancellation. The county recorder may modify the record of registration to reflect any changes of address, name or party on receipt of a registration form reflecting such changes.

B. All records of cancelled registration shall be arranged and retained electronically in the voter registration database in like manner as voter registrations.

16-165. Causes for cancellation; report

A. The county recorder shall cancel a registration:

1. At the request of the person registered.

2. When the county recorder is informed and confirms that the person registered is dead.

3. If the person has been adjudicated an incapacitated person as defined in section 14-5101.

4. When the person registered has been convicted of a felony, and the judgment of conviction has not been reversed or set aside. The county recorder shall cancel the registration on receipt of notice of a felony conviction from the court or from the secretary of state or when reported by the elector on a signed juror questionnaire that is completed pursuant to section 21-314.

5. On production of a certified copy of a judgment directing a cancellation to be made.

6. Promptly after the election if the person registered has applied for a ballot pursuant to section 16-126.

7. When a person has been on the inactive voter list and has not voted during the time periods prescribed in section 16-166, subsection C.

8. When the county recorder receives written information from the person registered that the person has a change of residence within the county and the person does not complete and return a new registration form within twenty-nine days after the county recorder mails notification of the need to complete and return a new registration form with current information.

9. When the county recorder receives written information from the person registered that the person has a change of address outside the county, including when the county recorder either:

(a) Receives a form from the person pursuant to subsection E of this section on which the person has confirmed that the person is not a resident of this state.

(b) Receives a summary report from the jury commissioner or jury manager pursuant to section 21-314 indicating that the person has stated that the person is not a resident of the county. Before the county recorder cancels a registration pursuant to this subdivision, the county recorder shall send the person notice by forwardable mail and a postage prepaid preaddressed return form requesting the person confirm by signing under penalty of perjury that the person is a resident of the county and is not knowingly registered to vote in another county or another state. The notice shall inform the person that failure to return the form within thirty-five days will result in the person's registration being canceled. If the person fails to return the notice within thirty-five days the county recorder shall cancel the person's registration.

10. When the county recorder obtains information pursuant to this section and confirms that the person registered is not a United States citizen, including when the county recorder receives a summary report from the jury commissioner or jury manager pursuant to section 21-314 indicating that a person who is registered to vote has stated that the person is not a United States citizen. Before the county recorder cancels a registration pursuant to this paragraph, the county recorder shall send the person notice by forwardable mail that the person's registration will be canceled in thirty-five days unless the person provides satisfactory evidence of United States citizenship pursuant to section 16-166. The notice shall include a list of documents the person may provide and a postage prepaid preaddressed return envelope. If the person registered does not provide satisfactory evidence within thirty-five days, the county recorder shall cancel the registration and notify the county attorney and attorney general for possible investigation.

11. When the county recorder receives confirmation from another county recorder that the person registered has registered to vote in that other county.

B. If the county recorder receives credible information that a person has registered to vote in a different county, the county recorder shall confirm the person's voter registration with that other county and, on confirmation, shall cancel the person's registration pursuant to subsection A, paragraph 11 of this section.

C. If the county recorder cancels a registration pursuant to subsection A, paragraph 8 of this section, the county recorder shall send the person notice that the registration has been canceled and a registration form with the information described in section 16-131, subsection C attached to the form.

D. When proceedings in the superior court or the United States district court result in a person being declared incapable of taking care of himself and managing his property, and for whom a guardian of the person and estate is appointed, result in such person being committed as an insane person or result in a person being convicted of a felony, the clerk of the superior court in the county in which those proceedings occurred shall file with the secretary of state an official notice of that fact. The secretary of state shall notify the appropriate county recorder and the recorder shall cancel the name of the person on the register. Such a notice shall name the person covered, shall give the person's date and place of birth if available, the person's social security number, if available, the person's usual place of residence, the person's address and the date of the notice, and shall be filed with the recorder of the county where the person last resided.

E. Each month the department of health services shall transmit to the secretary of state without charge a record of the death of every resident of the state reported to the department within the preceding month. This record shall include only the name of the decedent, the decedent's date of birth, the decedent's date of death, the decedent's social security number, if available, the decedent's usual legal residence at the time of death and, if available, the decedent's father's name or mother's maiden name. The secretary of state shall use the record for the sole purpose of canceling the names of deceased persons from the statewide voter registration database. In addition, the department of health services shall annually provide to the secretary of state from the statewide electronic death registration system without charge a record of all deaths of residents of this state that are reported to the department of health services. The records transmitted by the department of health services shall include only the name of the decedent, the decedent's date of birth, the decedent's social security number, if available, the decedent's usual legal residence at the time of death and, if available, the decedent's father's name or mother's maiden name. The secretary of state shall compare the records of deaths with the statewide voter registration database. Public access to the records is prohibited. Use of information from the records for purposes other than those required by this section is prohibited. The name of each deceased person shall promptly be canceled from the statewide voter registration database and the secretary of state shall notify the appropriate county recorder and the recorder shall cancel the name of the person from the register.

F. Each month the department of transportation shall furnish to the secretary of state without charge a list of persons who the department has been notified have been issued a driver license or the equivalent of an Arizona nonoperating identification license in another state. Within ten days after receiving the list of persons

from the department of transportation, the secretary of state shall provide to the appropriate county recorder a list of registered voters in that county who have been issued a driver license or the equivalent of an Arizona nonoperating identification license in another state. The county recorder shall promptly send notice by forwardable mail to each person who has obtained a driver license or the equivalent of an Arizona nonoperating identification license in another state and a postage prepaid preaddressed return form requesting the person confirm by signing under penalty of perjury that the person is a resident of this state and is not knowingly registered to vote in another state or confirm that the person is not a resident of this state. The notice shall inform the person that failure to return the form within ninety days will result in the person's registration being placed in inactive status. If the person returns the form within ninety days confirming that the person is a resident of this state, the county recorder shall maintain the registration in active status. If the person fails to return the form within ninety days, the county recorder shall place the person's registration in inactive status.

G. Each month the secretary of state shall compare the statewide voter registration database to the driver license database maintained by the department of transportation. The secretary of state shall notify the appropriate county recorder if a person who is registered to vote in that county has changed the person's residence address or is not a United States citizen.

H. To the extent practicable, each month the county recorder shall compare the county's voter registration database to the social security administration database.

I. To the extent practicable, each month the county recorder shall compare persons who are registered to vote in that county and who the county recorder has reason to believe are not United States citizens and persons who are registered to vote without satisfactory evidence of citizenship as prescribed by section 16-166 with the systematic alien verification for entitlements program maintained by the United States citizenship and immigration services to verify the citizenship status of the persons registered.

J. For persons who are registered to vote without satisfactory evidence of citizenship as prescribed in section 16-166, the county recorder shall compare the electronic verification of vital events system maintained by a national association for public health statistics and information systems, if accessible, with the information on the person's voter registration file.

K. To the extent practicable, the county recorder shall review relevant city, town, county, state and federal databases to which the county recorder has access to confirm information obtained that requires cancellation of registrations pursuant to this section.

L. After canceling a registration pursuant to this section, the county recorder shall send a notice by forwardable mail informing the person that the person's registration has been canceled, the reason for cancellation, the qualifications of electors pursuant to section 16-101 and instructions on registering to vote if the person is qualified.

M. The secretary of state shall report the following information to the legislature at the end of each quarter:

1. The number of deaths reported to the secretary of state by the department of health services, the number of voter registration cancellation notices issued by the secretary of state to the county recorders as a result of those reports and the number of registrations canceled as a result of those notices.

2. The number of persons reported to the secretary of state who have been issued a driver license or the equivalent of an Arizona nonoperating identification license in another state, the number of notices sent pursuant to subsection E of this section and the number of voter registrations that have been placed in inactive status and the number of voter registrations that have been canceled as a result of those notices.

3. The number of persons who have stated on a jury questionnaire that the person is not a United States citizen, the number of notices sent pursuant to subsection A, paragraph 10 of this section and the number of registrations that have been canceled as a result of those notices.

4. The number of persons who have stated on a jury questionnaire that the person is not a resident of the county, the number of notices sent pursuant to subsection A, paragraph 9, subdivision (b) of this section and the number of registrations that have been canceled as a result of those notices.

5. The number of registrations on the inactive voter list that have been canceled pursuant to subsection A, paragraph 7 of this section.

16-166. Verification of registration

(Caution: 1998 Prop. 105 applies)

A. Except for the mailing of sample ballots, a county recorder who mails an item to any elector shall send the mailing by nonforwardable first class mail marked with the statement required by the postmaster to receive an address correction notification. If the item is returned undelivered, the county recorder shall send a follow-up notice to that elector within three weeks of receipt of the returned notice. The county recorder shall send the follow-up notice to the address that appears in the general county register or to the forwarding address provided by the United States postal service. The follow-up notice shall include an appropriate internet address for revising voter registration information or a registration form and the information prescribed by section 16-131, subsection C and shall state that if the elector does not complete and return a new registration form with current information to the county recorder or make changes to the elector's voter registration information that is maintained online within thirty-five days, the elector's registration status shall be changed from active to inactive.

B. If the elector provides the county recorder with a new registration form or otherwise revises the elector's information, the county recorder shall change the general register to reflect the changes indicated on the new registration. If the elector indicates a new residence address outside that county, the county recorder shall forward the voter registration form or revised information to the county recorder of the county in which the elector's address is located. If the elector provides a new residence address that is located outside this state, the county recorder shall cancel the elector's registration.

C. The county recorder shall maintain on the inactive voter list the names of electors who have been removed from the general register pursuant to subsection A or E of this section for a period of four years or through the date of the second general election for federal office following the date of the notice from the county recorder that is sent pursuant to subsection E of this section.

D. On notice that a government agency has changed the name of any street, route number, post office box number or other address designation, the county recorder shall revise the registration records and shall send a new verification of registration notice to the electors whose records were changed.

E. The county recorder on or before May 1 of each year preceding a state primary and general election or more frequently as the recorder deems necessary may use the change of address information supplied by the postal service through its licensees and the information provided by an electronic voter registration information center to identify registrants whose addresses may have changed. If it appears from information provided by the postal service or an electronic voter registration information center that a registrant has moved to a different residence address, the county recorder shall send the registrant a notice of the change by forwardable mail and a postage prepaid preaddressed return form or an appropriate internet address for revising voter registration information by which the registrant may verify or correct the registration information. If the registrant fails to revise the information or return the form postmarked not later than thirty-five days after the mailing of the notice, the elector's registration status shall be changed from active to inactive. If the notice sent by the recorder is not returned, the registrant may be required to provide affirmation or confirmation of the registrant's address in order to vote. If the registrant does not vote in an election during the period after the date of the notice from the recorder through the date of the second general election for federal office following the date of that notice, the registrant's name shall be removed from the list of inactive voters. If the registrant has changed residence to a new county, the county recorder shall provide information on how the registrant can continue to be eligible to vote.

F. The county recorder shall reject any application for registration that is not accompanied by satisfactory evidence of United States citizenship. Satisfactory evidence of citizenship shall include any of the following:

1. The number of the applicant's driver license or nonoperating identification license issued after October 1, 1996 by the department of transportation or the equivalent governmental agency of another state within the United States if the agency indicates on the applicant's driver license or nonoperating identification license that the person has provided satisfactory proof of United States citizenship.

2. A legible photocopy of the applicant's birth certificate that verifies citizenship to the satisfaction of the county recorder.

3. A legible photocopy of pertinent pages of the applicant's United States passport identifying the applicant and the applicant's passport number or presentation to the county recorder of the applicant's United States passport.

4. A presentation to the county recorder of the applicant's United States naturalization documents or the number of the certificate of naturalization. If only the number of the certificate of naturalization is provided,

the applicant shall not be included in the registration rolls until the number of the certificate of naturalization is verified with the United States immigration and naturalization service by the county recorder.

5. Other documents or methods of proof that are established pursuant to the immigration reform and control act of 1986.
6. The applicant's bureau of Indian affairs card number, tribal treaty card number or tribal enrollment number.
7. Notwithstanding subsection F of this section, any person who is registered in this state on the effective date of this amendment to this section is deemed to have provided satisfactory evidence of citizenship and shall not be required to resubmit evidence of citizenship unless the person is changing voter registration from one county to another.
8. For the purposes of this section, proof of voter registration from another state or county is not satisfactory evidence of citizenship.
9. A person who modifies voter registration records with a new residence ballot shall not be required to submit evidence of citizenship. After citizenship has been demonstrated to the county recorder, the person is not required to resubmit satisfactory evidence of citizenship in that county.
10. After a person has submitted satisfactory evidence of citizenship, the county recorder shall indicate this information in the person's permanent voter file. After two years the county recorder may destroy all documents that were submitted as evidence of citizenship.

16-168. Precinct registers; date of preparation; contents; copies; reports; statewide database; violation; classification

- A. By the tenth day preceding the primary and general elections the county recorder shall prepare from the original registration forms or from electronic media at least four lists that are printed or typed on paper, or at least two electronic media poll lists, or any combination of both, of all qualified electors in each precinct in the county, and the lists shall be the official precinct registers.
- B. The official precinct registers for use at the polling place shall contain at least the names in full, party preference, date of registration and residence address of each qualified elector in the respective precincts. The names shall be in alphabetical order and, in a column to the left of the names, shall be numbered consecutively beginning with number 1 in each precinct register.
- C. For the purposes of transmitting voter registration information as prescribed by this subsection, electronic media shall be the principal media. A county or state chairman who is eligible to receive copies of precinct lists as prescribed by this subsection may request that the recorder provide a paper copy of the precinct lists. In addition to preparing the official precinct lists, the county recorder shall provide a means for electronically reproducing the precinct lists. Unless otherwise agreed, the county recorder shall deliver one electronic media copy of each precinct list in the county without charge and on the same day within eight days after the close of registration for the primary and general elections to the county chairman and one electronic media copy to the state chairman of each party that has at least four candidates other than presidential electors appearing on the ballot in that county at the current election. The secretary of state shall establish a single format that prescribes the manner and template in which all county recorders provide this data to the secretary of state to ensure that the submissions are uniform from all counties in this state, that all submissions are identical in format, including the level of detail for voting history, and that information may readily be combined from two or more counties. The electronic media copies of the precinct lists that are delivered to the party chairmen shall include for each elector the following information:
 1. Name in full and appropriate title.
 2. Party preference.
 3. Date of registration.
 4. Residence address.
 5. Mailing address, if different from residence address.
 6. Zip code.
 7. Telephone number if given.
 8. Birth year.

9. Occupation if given.

10. Voting history for all elections in the prior four years and any other information regarding registered voters that the county recorder or city or town clerk maintains electronically and that is public information.

11. All data relating to early voters, including ballot requests and ballot returns.

D. The names on the precinct lists shall be in alphabetical order and the precinct lists in their entirety, unless otherwise agreed, shall be delivered to each county chairman and each state chairman within ten business days of the close of each date for counting registered voters prescribed by subsection G of this section other than the primary and general election registered voter counts in the same format and media as prescribed by subsection C of this section. During the thirty-three days immediately preceding an election and on request from a county or state chairman, the county recorder shall provide at no cost a daily list of persons who have requested an early ballot and shall provide at no cost a weekly listing of persons who have returned their early ballots. The recorder shall provide the daily and weekly information through the Friday preceding the election. On request from a county chairman or state chairman, the county recorder of a county with a population of more than eight hundred thousand persons shall provide at no cost a daily listing of persons who have returned their early ballots. The daily listing shall be provided Mondays through Fridays, beginning with the first Monday following the start of early voting and ending on the Monday before the election.

E. Precinct registers and other lists and information derived from registration forms may be used only for purposes relating to a political or political party activity, a political campaign or an election, for revising election district boundaries or for any other purpose specifically authorized by law and may not be used for a commercial purpose as defined in section 39-121.03. The sale of registers, lists and information derived from registration forms to a candidate or a registered political committee for a use specifically authorized by this subsection does not constitute use for a commercial purpose. The county recorder, the secretary of state and other officers in charge of elections, on a request for an authorized use and within thirty days from receipt of the request, shall prepare additional copies of an official precinct list and furnish them to any person requesting them on payment of a fee equal to the following amounts for the following number of voter registration records provided:

1. For one to one hundred twenty-four thousand nine hundred ninety-nine records, \$93.75 plus \$0.0005 per record.

2. For one hundred twenty-five thousand to two hundred forty-nine thousand nine hundred ninety-nine records, \$156.25 plus \$0.000375 per record.

3. For two hundred fifty thousand to four hundred ninety-nine thousand nine hundred ninety-nine records, \$203.13 plus \$0.00025 per record.

4. For five hundred thousand to nine hundred ninety-nine thousand nine hundred ninety-nine records, \$265.63 plus \$0.000125 per record.

5. For one million or more records, \$328.13 plus \$0.0000625 per record.

F. Any person in possession of a precinct register or list, in whole or part, or any reproduction of a precinct register or list, shall not permit the register or list to be used, bought, sold or otherwise transferred for any purpose except for uses otherwise authorized by this section. A person in possession of information derived from voter registration forms or precinct registers shall not distribute, post or otherwise provide access to any portion of that information through the internet except as authorized by subsection I of this section. Nothing in this section shall preclude public inspection of voter registration records at the office of the county recorder for the purposes prescribed by this section, except that the month and day of birth date, the social security number or any portion thereof, the driver license number or nonoperating identification license number, the Indian census number, the father's name or mother's maiden name, the state or country of birth and the records containing a voter's signature and a voter's e-mail address shall not be accessible or reproduced by any person other than the voter, by an authorized government official in the scope of the official's duties, for any purpose by an entity designated by the secretary of state as a voter registration agency pursuant to the national voter registration act of 1993 (P.L. 103-31; 107 Stat. 77), for signature verification on petitions and candidate filings, for election purposes and for news gathering purposes by a person engaged in newspaper, radio, television or reportorial work, or connected with or employed by a newspaper, radio or television station or pursuant to a court order. Notwithstanding any other law, a voter's e-mail address may not be released for any purpose. A person who violates this subsection or subsection E of this section is guilty of a class 6 felony.

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

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

(a) January 2.

(b) April 1.

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

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

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

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

(a) January 2.

(b) April 1.

(c) July 1.

(d) October 1.

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

I. The county recorder and the secretary of state shall protect access to voter registration information in an auditable format and method specified in the secretary of state's electronic voting system instructions and procedures manual that is adopted pursuant to section 16-452.

J. The secretary of state shall develop and administer a statewide database of voter registration information that contains the name and registration information of every registered voter in this state. The statewide database is a matter of statewide concern and is not subject to modification or further regulation by a political subdivision. The database shall include an identifier that is unique for each individual voter. The database shall provide for access by voter registration officials and shall allow expedited entry of voter registration information after it is received by county recorders. As a part of the statewide voter registration database, county recorders shall provide for the electronic transmittal of that information to the secretary of state on a real time basis. The secretary of state shall provide for maintenance of the database, including provisions regarding removal of ineligible voters that are consistent with the national voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; 52 United States Code sections 20501 through 20511) and the help America vote act of 2002 (P.L. 107-252; 116 Stat. 1666; 52 United States Code sections 20901 through 21145), provisions regarding removal of duplicate registrations and provisions to ensure that eligible voters are not removed in error. For the purpose of maintaining compliance with the help America vote act of 2002, each county voter registration system is subject to approval by the secretary of state for compatibility with the statewide voter registration database system.

K. Except as provided in subsection L of this section, for requests for the use of registration forms and access to information as provided in subsections E and F of this section, the county recorder shall receive and respond to requests regarding federal, state and county elections.

L. Beginning January 1, 2008, recognized political parties shall request precinct lists and access to information as provided in subsections E and F of this section during the time periods prescribed in subsection C or D of this section and the county recorder shall receive and respond to those requests. If the county recorder does not provide the requested materials within the applicable time prescribed for the county recorder pursuant to subsection C or D of this section, a recognized political party may request that the secretary of state provide precinct lists and access to information as provided in subsections E and F of this section for federal, state and county elections. The secretary of state shall not provide access to precinct lists and information for recognized political parties unless the county recorder has failed or refused to provide the lists and materials as prescribed by this section. The secretary of state may charge the county recorder a fee determined by rule for each name or record produced.

M. For municipal registration information in those municipalities in which the county administers the municipal elections, county and state party chairmen shall request and obtain voter registration information and precinct lists from the city or town clerk during the time periods prescribed in subsection C or D of this section. If the city or town clerk does not provide that information within the same time prescribed for county recorders pursuant to subsection C or D of this section, the county or state party chairman may request and obtain the information from the county recorder. The county recorder shall provide the municipal voter registration and precinct lists within the time prescribed in subsection C or D of this section.

N. The county recorders and the secretary of state shall not prohibit any person or entity prescribed in subsection C of this section from distributing a precinct list to any person or entity that is deemed to be using the precinct list in a lawful manner as prescribed in subsections E and F of this section.

16-168.01. County contributions to the voter registration system fund; exemption

The county contributions to the voter registration system fund is established consisting of monies transferred from counties to the secretary of state pursuant to an agreement between a county and the secretary of state relating to developing and administering the statewide database of voter registration information required by section 16-168. The secretary of state shall administer the fund. Monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations. Monies in the fund are continuously appropriated to the secretary of state to develop and administer the statewide database of voter registration information.

16-169. Disposition and use of precinct registers; signature roster; form

A. Upon completion of the precinct registers, the county recorder shall certify to their completeness and correctness and shall transmit them to the election boards. A copy shall be retained by the county recorder in either print or electronic media for verification purposes on election day, and then that copy shall be delivered by the recorder to the early election boards. The board of election shall use the original of the precinct register, which shall be known as the "signature roster", for identifying the electors qualified to vote in the precinct and may use the remaining copies to process voters or may place them in a convenient place outside the poll limits for use by the electors.

B. If paper signature rosters are used, the signature roster shall be bound with suitable covers and shall bear on the outside front cover the title, "signature roster _____ precinct, _____ county, Arizona." On the cover shall appear, printed or typed, a certificate to be signed by the inspector substantially as follows:

I, , inspector of the board of election of _____ precinct, _____ county, Arizona hereby certify that the foregoing (excepting signatures in red) are true and correct signatures of all electors who voted in precinct on .

(date)

(inspector)

C. If electronic media poll book systems are used for signature rosters, a separate affidavit shall be supplied for the inspector's signature that is in substantially the same format as prescribed in subsection B of this section.

16-170. Transmittal of signature roster to county recorder; comparison of names by recorder

Upon return of the signature rosters to the board of supervisors after the election, the board shall immediately return them to the county recorder, who may compare the names and signatures with the names and signatures in corresponding precincts in the general county register, and if the recorder discovers that any person has voted in violation of any provision of this title he shall report the violation to the county attorney.

16-171. Preservation of signature rosters as permanent records

The signature roster of a precinct register shall be retained permanently, and transfer shall be pursuant to sections 41-151.15 and 41-151.19. Signature rosters may be retained pursuant to this section in an electronic format.

16-172. Use of county registration rolls by political subdivisions

A. Any political subdivision of this state conducting an election pursuant to the laws of this state, which lies within a county, may use the county registration rolls to conduct such an election. The governing body of such a political subdivision shall negotiate a contract with the county recorder to reimburse the county recorder for his actual expenses in preparing the necessary lists for use in the election. In no case shall the county recorder

charge more than the actual additional cost that such preparation entails. Such contracts shall be negotiated at least sixty days in advance of the election.

B. After July 1, 1985 the county recorder of each county shall prepare, pursuant to the provisions of subsection A, the necessary lists for use in all city and town elections. The county recorder shall prepare such lists by city ward where applicable.

16-173. County recorder to file data processing system or program

In each county in which an electronic data processing system or program is used for voter registration, the county recorder shall prepare a detailed and complete explanation of such data processing system or program and any subsequent revision. The county recorder shall retain one copy of this explanation and shall file one copy with the secretary of state.

Article 6 Penal Provisions

16-181. Return of registration; violation; classification

An intentional failure of an authorized person to return the completed registration materials as provided in this chapter is a class 2 misdemeanor.

16-182. False registration; classification; cancellation of registration

A. A person who knowingly causes, procures or allows himself to be registered as an elector of any county, city, town, district or precinct, knowing that he is not entitled to such registration, or a person who knowingly causes or procures another person to be registered as an elector of any county, city, town, district or precinct, knowing that such other person is not entitled to such registration, or an officer who knowingly enters the name of any person not entitled to registration upon the register or roll of electors, is guilty of a class 6 felony.

B. If on the trial of a person charged with an offense under this section, it appears that the accused is registered as an elector of any county, city, town or precinct, without being qualified for such registration, the court shall order his registration canceled.

16-183. Violations; classification

A county recorder, justice of the peace or other person who is authorized to accept registration forms and who knowingly disregards any provision of this chapter, or a person who knowingly registers more than once, or registers under any name other than his true name, or attempts to vote by personating another who is registered, or knowingly registers in a precinct where he is not a resident at the time of the registration is guilty of a class 6 felony unless another classification is specifically prescribed in this chapter.

16-184. Additional violations; classification

A. Any person who knowingly swears falsely to an affidavit required under the provisions of this chapter is guilty of a class 5 felony unless another classification is specifically prescribed in this chapter.

B. An officer of an election who knowingly fails or refuses to perform any duty required of him under this chapter is guilty of a class 2 misdemeanor unless another classification is specifically prescribed in this chapter.

Chapter 1.1 GENERAL PROVISIONS

Article 1 Applicability

16-191. Applicability

A. Except as provided by subsection B and except where different election procedures or provisions are set forth by statute, the provisions of this title apply to all elections in this state.

B. The provisions of this title apply to all elections held pursuant to title 48, chapters 5, 6, 8, 10 and 13 through 16, notwithstanding any conflicting election procedures or provisions in such chapters.

16-192. Use of state, special taxing district resources to influence elections; prohibition; civil penalties; definitions

A. Notwithstanding any other law, this state and special taxing districts and any public agency, department, board, commission, committee, council or authority shall not spend or use public resources to influence an election, including the use or expenditure of monies, accounts, credit, materials, equipment, buildings, facilities, vehicles, postage, telecommunications, computer hardware and software, web pages and personnel and any other thing of value of the public entity.

B. The prohibition on the use of public resources to influence the outcome of bond, budget override and other tax-related elections includes the use of special taxing district-focused promotional expenditures that occur after an election is called and through election day. This prohibition does not include routine special taxing district communications.

C. This section does not prohibit:

1. The use of public resources, including facilities and equipment, for government-sponsored forums or debates if the government sponsor remains impartial and the events are purely informational and provide an equal opportunity to all viewpoints. The rental and use of a public facility by a private person or entity that may lawfully attempt to influence the outcome of an election is permitted if it does not occur at the same time and place as a government-sponsored forum or debate.

2. The presentation of factual information in a neutral manner for the purposes of educating and informing voters as otherwise provided by law, including information on a bond, budget, override, candidate or other type of election and including publications and activities otherwise prescribed by chapter 6, article 2 of this title for the citizens clean elections commission.

D. The attorney general, the county attorney for the county in which an alleged violation of this section occurs or any resident of the jurisdiction that is alleged to have committed a violation of this section may file an action in the superior court to enforce this section.

E. Any person or public entity that knowingly violates this section or that knowingly aids another person or public entity in violating this section is liable for a civil penalty of not more than five thousand dollars for each violation. The court also may order the person or public entity in violation to pay an additional penalty in an amount that equals the value of the public resources unlawfully used. The civil penalties shall be paid as follows:

1. For civil penalties ordered in an action filed by the attorney general, to the office of the attorney general to defray the costs of enforcement.

2. For civil penalties ordered in an action filed by the county attorney, to the office of the county treasurer for deposit into the general fund of the county.

3. For civil penalties ordered in an action filed by a resident of the jurisdiction in violation, to the resident.

F. This section does not deny the civil and political liberties of any person as guaranteed by the United States and Arizona Constitutions.

G. With respect to special taxing districts, this section applies only to those special taxing districts that are organized pursuant to title 48, chapters 5, 6, 8, 10, 13, 14, 15 and 16.

H. For the purposes of this section:

1. "Government-sponsored forum or debate" means any event, or part of an event or meeting, in which the government is an official sponsor, which is open to the public or to invited members of the public, and whose purpose is to inform the public about an issue or proposition that is before the voters.

2. "Influence an election" means supporting or opposing a candidate for nomination or election to public office or the recall of a public officer or supporting or opposing a ballot measure, question or proposition, including any bond, budget or override election and supporting or opposing the circulation of a petition for the recall of a public officer or a petition for a ballot measure, question or proposition in any manner that is not impartial or neutral.

3. "Routine special taxing district communications" means messages or advertisements that are germane to the functions of the special district and that maintain the frequency, scope and distribution consistent with past practices or are necessary for public safety.

16-193. Active registered voters; applicability

The terms "registered voters", "persons who are registered to vote", "registered electors" and "voters registered" as used in the following sections include only active registered voters for purposes of the following:

1. Calculating petition signature requirements pursuant to sections 11-133, 16-322, 16-341, 45-415, 45-433, 48-4433 and 48-4832.

2. Mailing and distributing election-related notices, pamphlets or ballots pursuant to sections 11-137, 15-905.01, 16-245, 16-412, 16-461, 16-510, 19-123, 19-141, 35-454, 41-563.02, 42-6109.01, 42-17057, 42-17107, 48-620, 48-4021, 48-4236, 48-5314, 48-6432 and 48-6433.
3. Furnishing ballots pursuant to sections 16-508 and 48-685.
4. Determining qualification for political parties' continued representation on the ballot pursuant to sections 16-244 and 16-804.
5. Choosing political party officers pursuant to sections 16-821 and 16-823.

All of the rest of the chapters.

Chapter 2 ELECTION DATES 16-201 – 16-250

Chapter 3 NOMINATING PROCEDURES 16-301 – 16-351.01

Chapter 4 CONDUCT OF ELECTIONS 16-400 – 16-711

Chapter 5 POLITICAL PARTIES 16-801 – 16-828

Chapter 6 CAMPAIGN CONTRIBUTIONS AND EXPENSES 16-901 – 16-961

Chapter 6.1 CAMPAIGN MEDIA SPENDING 16-971 – 16-979

Chapter 7 PENAL PROVISIONS 16-1001 – 16-1024

Chapter 8 ESTABLISHMENT OF LEGISLATIVE AND CONGRESSIONAL DISTRICTS 16-1101 – 16-1103

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