

REFERENCE TITLE: voter registration drives

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1188

Introduced by
Senator Gray C

AN ACT

AMENDING SECTIONS 16-131, 16-134, 16-140 AND 16-181, ARIZONA REVISED
STATUTES; RELATING TO QUALIFICATION AND REGISTRATION OF ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-131, Arizona Revised Statutes, is amended to
3 read:

4 16-131. Registration of electors; deputy registrars; voter
5 registration drives; payment prohibited; violation;
6 classification; definition

7 A. The county recorder, a justice of the peace or a deputy registrar
8 shall supply, without charge, a registration form to any qualified person
9 requesting registration information.

10 B. The county recorder shall distribute state mail in registration
11 forms at locations throughout the county such as government offices, fire
12 stations, public libraries and other locations open to the general public.

13 C. Information regarding the qualifications necessary to register to
14 vote, registration deadlines for qualifying to vote at an election, penalties
15 for false registration and locations where additional voter registration
16 information may be obtained shall be attached to or distributed with the
17 state mail in registration form.

18 D. A county recorder may appoint deputy registrars to assist in
19 distributing registration forms, to assist in registering voters and to
20 accept completed registration forms. A deputy registrar shall be a qualified
21 elector and shall serve without pay.

22 E. The county recorder may provide voter registration forms in
23 quantity to groups and individuals that request forms for conducting voter
24 registration drives. **FOR ANY VOTER REGISTRATION DRIVE, ALL OF THE FOLLOWING**
25 **APPLY:**

26 1. A GROUP OR PERSON THAT INTENDS TO CONDUCT A VOTER REGISTRATION
27 DRIVE SHALL REGISTER THE VOTER REGISTRATION DRIVE WITH THE COUNTY RECORDER
28 BEFORE COLLECTING OR SOLICITING ANY COMPLETED VOTER REGISTRATION FORMS AND
29 SHALL PROVIDE THE NAME, ADDRESS AND ADDITIONAL CONTACT INFORMATION FOR THE
30 DESIGNATED AGENT, OR THE AGENT'S DESIGNEE, FOR THE VOTER REGISTRATION DRIVE.
31 THE DESIGNATED AGENT AND THE AGENT'S DESIGNEE SHALL BE RESIDENTS OF THIS
32 STATE.

33 2. BEFORE CONDUCTING A VOTER REGISTRATION DRIVE, THE DESIGNATED AGENT
34 SHALL ATTEND TRAINING ON VOTER REGISTRATION PROCEDURES PROVIDED BY THE COUNTY
35 RECORDER PURSUANT TO THIS SECTION.

36 3. A VOTER REGISTRATION DRIVE SHALL USE ONLY VOTER REGISTRATION FORMS
37 APPROVED BY THE SECRETARY OF STATE.

38 4. THE DESIGNATED AGENT FOR THE VOTER REGISTRATION DRIVE SHALL DELIVER
39 OR MAIL THE COMPLETED VOTER REGISTRATION FORMS TO THE OFFICE OF THE COUNTY
40 RECORDER FOR THE COUNTY IN WHICH THE VOTER RESIDES WITHIN FIVE DAYS AFTER THE
41 DATE ON WHICH THE VOTER SIGNED AND DATED THE REGISTRATION FORM.

42 5. THE DESIGNATED AGENT FOR A VOTER REGISTRATION DRIVE SHALL AGREE TO
43 USE THE AGENT'S BEST EFFORTS TO EDUCATE THE OTHER PARTICIPANTS IN THE VOTER
44 REGISTRATION DRIVE.

1 6. A VOTER REGISTRATION DRIVE MUST NAME A NEW DESIGNATED AGENT AND
2 SHALL NOTIFY THE COUNTY RECORDER WITHIN SEVENTY-TWO HOURS AFTER THE
3 RESIGNATION OF, OR OTHER VACANCY IN THE POSITION OF, THE DESIGNATED AGENT.

4 7. A VOTER REGISTRATION DRIVE'S REGISTRATION WITH THE COUNTY RECORDER
5 IS VALID FOR THE TWO-YEAR GENERAL ELECTION CYCLE. ON COMPLETION OF THE
6 GENERAL ELECTION CYCLE, A GROUP OR PERSON THAT INTENDS TO CONDUCT A VOTER
7 REGISTRATION DRIVE SHALL REREGISTER WITH THE COUNTY RECORDER AS PRESCRIBED BY
8 THIS SECTION.

9 F. THE COUNTY RECORDER SHALL PROVIDE TRAINING FOR THE DESIGNATED
10 AGENTS FOR VOTER REGISTRATION DRIVES. THE SECRETARY OF STATE SHALL PREPARE
11 THE TRAINING MATERIAL, WHICH SHALL INCLUDE AT LEAST THE FOLLOWING:

12 1. A DESCRIPTION OF THE LEGALLY REQUIRED ELEMENTS FOR A VALID VOTER
13 REGISTRATION.

14 2. INFORMATION ON THE OPTIONAL ELEMENTS OF A VOTER REGISTRATION FORM.

15 3. INFORMATION ON THE PROCEDURES USED TO PROCESS AND VALIDATE VOTER
16 REGISTRATIONS AND THE PROCESS FOR HANDLING INCOMPLETE REGISTRATIONS.

17 4. THE USE OF NUMBERING SYSTEMS, BAR CODES OR OTHER PROCESSES OR
18 SYSTEMS THAT MAY BE USED IN MANAGING VOTER REGISTRATION FORMS.

19 5. A DESCRIPTION OF THE DEADLINES AND OTHER REQUIREMENTS IMPOSED BY
20 LAW FOR RETURNING COMPLETED REGISTRATION FORMS AND FOR HANDLING SUPPORTING
21 DOCUMENTATION, AND THE PENALTIES THAT MAY BE IMPOSED.

22 G. EXCEPT FOR A VOTER REGISTRATION DRIVE CONDUCTED BY A POLITICAL
23 PARTY THAT IS ENTITLED TO CONTINUED REPRESENTATION PURSUANT TO SECTION
24 16-804, ANY GROUP OR PERSON WHO REGISTERS, SOLICITS OR COLLECTS COMPLETED
25 VOTER REGISTRATION FORMS AND WHO RECEIVES ANY FORM OF COMPENSATION THAT IS
26 BASED ON THE NUMBER OF REGISTRATION FORMS DISTRIBUTED, COLLECTED, COMPLETED,
27 RECEIVED OR SOLICITED IS GUILTY OF A CLASS 6 FELONY.

28 H. FOR THE PURPOSES OF THIS SECTION, "VOTER REGISTRATION DRIVE" MEANS
29 AN ACTIVITY IN WHICH ANY ONE PERSON OR GROUP PROVIDES OR RECEIVES MORE THAN
30 FIVE VOTER REGISTRATION FORMS OTHER THAN REGISTRATION FORMS FOR THE SAME
31 HOUSEHOLD.

32 Sec. 2. Section 16-134, Arizona Revised Statutes, is amended to read:
33 16-134. Return of registrations made outside office of county
34 recorder; incomplete or illegible forms

35 A. ONLY A PERSON OR GROUP THAT IS REGISTERED PURSUANT TO SECTION
36 16-131 MAY ACCEPT COMPLETED VOTER REGISTRATION FORMS UNLESS OTHERWISE
37 AUTHORIZED BY LAW. A county recorder ~~shall authorize persons to accept~~
38 ~~registration forms,~~ shall designate places for receipt of registration forms
39 and shall designate additional locations for distribution of voter
40 registration forms. Public assistance agencies and disabilities agencies as
41 defined in section 16-140 shall return or mail completed voter registrations
42 to the county recorder of the county in which the applicant resides within
43 five days after receipt of those registrations.

1 B. If the information on the registration form is incomplete or
2 illegible and the county recorder is not able to process the registration
3 form, the county recorder shall notify the applicant within ten business days
4 of receipt of the registration form, shall specify the missing or illegible
5 information and, if the missing or illegible information includes any of the
6 information prescribed by section 16-121.01, subsection A, shall state that
7 the registration cannot be completed until the information is supplied. If
8 the missing or illegible information is supplied before 7:00 p.m. on election
9 day, that person is deemed to have been registered on the date the
10 registration was first received.

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

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

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

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

24 Sec. 3. Section 16-140, Arizona Revised Statutes, is amended to read:

25 16-140. Voter registration assistance agencies; definitions

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

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

33 { } Yes { } No

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

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

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

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

6 B. Each public assistance agency or disabilities agency shall provide
7 to each person who applies for that agency's services the same degree of
8 assistance for voter registration that it provides for the completion of the
9 agency's own forms, unless that person refuses assistance. Each public
10 assistance or disabilities agency shall accept completed registration forms
11 from persons who receive a registration form from that office.

12 C. If a person indicates "no" or fails to indicate either "yes" or
13 "no" on the form prescribed by subsection A **OF THIS SECTION**, the form shall
14 be deemed to indicate a declination to register to vote. All declination
15 forms shall be preserved as a confidential record and shall be forwarded
16 periodically to the Arizona state library, archives and public records for
17 retention for two years. Declination forms are exempt from title 39, chapter
18 1 and may be disclosed only for voter registration purposes.

19 D. Voter registration information that is generated pursuant to this
20 section and that is public information as otherwise provided by law shall not
21 provide any public indication of the source of these registrations.
22 Registration forms may bear a unique, coded marking that does not publicly or
23 readily disclose the voter registration agency or additional voter
24 registration volunteer that was the source of the registration. The coded
25 markings for a form may be translated or otherwise read only by election
26 officials and only for purposes permitted by the national voter registration
27 act of 1993 (P.L. 103-31; 107 Stat. 77; 42 United States Code section ~~394~~
28 **1973gg**).

29 E. A county recorder may designate additional voter registration
30 volunteers. These additional voter registration volunteers may provide state
31 mail in registration forms to persons who wish to register to vote. **A PERSON**
32 **OR GROUP THAT INTENDS TO CONDUCT A VOTER REGISTRATION DRIVE SHALL REGISTER**
33 **THE VOTER REGISTRATION DRIVE WITH THE COUNTY RECORDER AS PRESCRIBED IN**
34 **SECTION 16-131 AND SHALL COMPLY WITH THAT SECTION.**

35 F. For **THE** purposes of this section, unless the context otherwise
36 requires:

37 1. "Additional voter registration volunteer" means a person, group or
38 entity that is not a public assistance or disabilities agency and that is
39 designated by a county recorder as another voter registration provider
40 pursuant to section 7(a)(3)(A) of the national voter registration act of 1993
41 (P.L. 103-31; 107 Stat. 77; 42 United States Code section ~~394~~ **1973gg**) and may
42 include governmental, nonprofit or other private organizations.

43 2. "Disabilities agency" means all offices of an agency in this state
44 that provide state funded programs **AND THAT ARE** primarily engaged in
45 providing services to persons with disabilities.

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

3 Sec. 4. Section 16-181, Arizona Revised Statutes, is amended to read:

4 16-181. Return of registration; intentional destruction;
5 violation; classification; civil penalty

6 A. An intentional failure of ~~an authorized~~ ANY person, INCLUDING A
7 PARTICIPANT IN A VOTER REGISTRATION DRIVE THAT IS REQUIRED TO BE REGISTERED
8 PURSUANT TO SECTION 16-131, to return the completed registration materials as
9 provided in this chapter is a class 2 misdemeanor.

10 B. ANY PERSON WHO INTENTIONALLY DESTROYS, ALTERS, DEFACES, CONCEALS,
11 SELLS OR COPIES VOTER REGISTRATION FORMS OR THE INFORMATION CONTAINED ON
12 THOSE FORMS IS GUILTY OF A CLASS 6 FELONY.

13 C. IN ADDITION TO ANY OTHER PENALTY IMPOSED BY LAW, A PERSON WHO IS
14 CONDUCTING OR PARTICIPATING IN A VOTER REGISTRATION DRIVE THAT IS REQUIRED TO
15 BE REGISTERED PURSUANT TO SECTION 16-131 AND WHO INTENTIONALLY FAILS TO
16 RETURN COMPLETED REGISTRATION MATERIALS WITHIN THE FIVE DAY PERIOD PRESCRIBED
17 BY SECTION 16-131 SHALL PAY A CIVIL PENALTY OF ONE HUNDRED DOLLARS FOR EACH
18 DAY OF EACH VIOLATION. THE COUNTY RECORDER SHALL COLLECT THE CIVIL PENALTIES
19 AND TRANSFER THEM TO THE SECRETARY OF STATE FOR DEPOSIT IN THE STATE GENERAL
20 FUND.