

REFERENCE TITLE: voter registration list; fee.

State of Arizona
House of Representatives
Forty-eighth Legislature
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2008

HB 2579

Introduced by
Representatives Pancrazi, Chabin: Brown, Lopes, Lopez, Thrasher, Ulmer,
Senators Aboud, Aguirre, Pesquiera

AN ACT

AMENDING SECTION 16-168, ARIZONA REVISED STATUTES; RELATING TO REGISTRATION ROLLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-168, Arizona Revised Statutes, is amended to
3 read:

4 16-168. Precinct registers; date of preparation; contents;
5 copies; reports; statewide database; violation;
6 classification

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

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

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

- 42 1. Name in full and appropriate title.
- 43 2. Party preference.
- 44 3. Date of registration.
- 45 4. Residence address.

- 1 5. Mailing address, if different from residence address.
- 2 6. Zip code.
- 3 7. Telephone number if given.
- 4 8. Birth year.
- 5 9. Occupation if given.
- 6 10. Voting history for all elections in the prior four years and any
- 7 other information regarding registered voters ~~which~~ THAT the county recorder
- 8 or city or town clerk maintains electronically and ~~which~~ THAT is public
- 9 information.

10 D. The names on the precinct lists shall be in alphabetical order and

11 the precinct lists in their entirety, unless otherwise agreed, shall be

12 delivered to each county chairman and each state chairman within ten business

13 days of the close of each date for counting registered voters prescribed by

14 subsection G of this section other than the primary and general election

15 registered voter counts in the same format and media as prescribed by

16 subsection C of this section. During the thirty-three days immediately

17 preceding an election and on request from a county or state chairman, the

18 county recorder shall provide a daily list of persons who have requested an

19 early ballot and shall provide a weekly listing of persons who have returned

20 their early ballots. The recorder shall provide the daily and weekly

21 information through the third day preceding the election.

22 E. Precinct registers and other lists and information derived from

23 registration forms may be used only for purposes relating to a political or

24 political party activity, a political campaign or an election, for revising

25 election district boundaries or for any other purpose specifically authorized

26 by law and may not be used for a commercial purpose as defined in section

27 39-121.03. The sale of registers, lists and information derived from

28 registration forms to a candidate or a registered political committee for a

29 use specifically authorized by this subsection does not constitute use for a

30 commercial purpose. The county recorder ~~FOR A COUNTY WITH FEWER THAN TWO~~

31 ~~HUNDRED THOUSAND REGISTERED VOTERS, on AFTER~~ a request for ~~an authorized use~~

32 ~~PURPOSES RELATING TO A POLITICAL OR POLITICAL PARTY ACTIVITY, A POLITICAL~~

33 ~~CAMPAIGN OR AN ELECTION~~ and within thirty days from receipt of the request,

34 shall prepare additional copies of ~~an~~ THE official COUNTYWIDE precinct list

35 and furnish them to ~~any~~ THE person requesting them on payment of a fee equal

36 to five cents for each name appearing on the register for a printed list.

37 ~~and ten cents for each name for an electronic data medium, plus the cost of~~

38 ~~the blank computer disk or computer software if furnished by the recorder,~~

39 ~~for each copy so furnished.~~ THE COUNTY RECORDER FOR A COUNTY WITH TWO

40 HUNDRED THOUSAND OR MORE REGISTERED VOTERS, AFTER A REQUEST FOR PURPOSES

41 RELATING TO A POLITICAL OR POLITICAL PARTY ACTIVITY, A POLITICAL CAMPAIGN OR

42 AN ELECTION AND WITHIN THIRTY DAYS FROM RECEIPT OF THE REQUEST, SHALL PREPARE

43 THE OFFICIAL COUNTYWIDE PRECINCT REGISTER IN ELECTRONIC MEDIA AND FURNISH IT

44 TO THE PERSON REQUESTING IT ON PAYMENT OF A FEE OF NO MORE THAN ONE HUNDRED

45 FIFTY DOLLARS. PRODUCTION OF THE ENTIRE COUNTYWIDE PRECINCT REGISTER BY THE

1 COUNTY RECORDER AS A SINGLE DOCUMENT OR SINGLE FILE FOR ONE OF THE DATES
2 PRESCRIBED BY SUBSECTION G OF THIS SECTION CONSTITUTES COMPLIANCE WITH THIS
3 SUBSECTION.

4 F. Any person in possession of a precinct register or list, in whole
5 or part, or any reproduction of a precinct register or list, shall not permit
6 the register or list to be used, bought, sold or otherwise transferred for
7 any purpose except for uses otherwise authorized by this section. A person
8 in possession of information derived from voter registration forms or
9 precinct registers shall not distribute, post or otherwise provide access to
10 any portion of that information through the internet except as authorized by
11 subsection J of this section. Nothing in this section shall preclude public
12 inspection of voter registration records at the office of the county recorder
13 for the purposes prescribed by this section, except that the month and day of
14 birth date, the social security number or any portion thereof, the driver
15 license number or nonoperating identification license number, the unique
16 identifying number prescribed by this section, the Indian census number, the
17 father's name or mother's maiden name, the state or country of birth and the
18 records containing a voter's signature shall not be accessible or reproduced
19 by any person other than the voter, by an authorized government official in
20 the scope of the official's duties, for signature verification on petitions
21 and candidate filings, for election purposes and for news gathering purposes
22 by a person engaged in newspaper, radio, television or reportorial work, or
23 connected with or employed by a newspaper, radio or television station or
24 pursuant to a court order. A person who violates this subsection or
25 subsection E of this section is guilty of a class 6 felony.

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

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

- 31 (a) January 1.
- 32 (b) March 1.
- 33 (c) June 1.

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

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

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

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

- 42 (a) January 1.
- 43 (b) April 1.
- 44 (c) July 1.
- 45 (d) October 1.

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

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

14 J. The secretary of state shall develop and administer a statewide
15 database of voter registration information that contains the name and
16 registration information of every registered voter in this state. The
17 database shall include an identifier that is unique for each individual
18 voter. The database shall provide for access by voter registration officials
19 and shall allow expedited entry of voter registration information after it is
20 received by county recorders. As a part of the statewide voter registration
21 database, county recorders shall provide for the electronic transmittal of
22 that information to the secretary of state on a daily basis. The secretary
23 of state shall provide for maintenance of the database, including provisions
24 regarding removal of ineligible voters that are consistent with the national
25 voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; 42 United States
26 Code section 394) and the help America vote act of 2002 (P.L. 107-252; 116
27 Stat. 1666; 42 United States Code sections 15301 through 15545), provisions
28 regarding removal of duplicate registrations and provisions to ensure that
29 eligible voters are not removed in error.

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

34 L. Beginning January 1, 2008, recognized political parties shall
35 request precinct lists and access to information as provided in subsections E
36 and F of this section during the time periods prescribed in subsection C or D
37 of this section and the county recorder shall receive and respond to those
38 requests. If the county recorder does not provide the requested materials
39 within the applicable time prescribed for the county recorder pursuant to
40 subsection C or D of this section, a recognized political party may request
41 that the secretary of state provide precinct lists and access to information
42 as provided in subsections E and F of this section for federal, state and
43 county elections. The secretary of state shall not provide access to
44 precinct lists and information for recognized political parties unless the
45 county recorder has failed or refused to provide the lists and materials as

1 prescribed by this section. The secretary of state may charge the county
2 recorder a fee determined by rule for each name or record produced.

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