

Senate Engrossed House Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

**CHAPTER 192**

# **HOUSE BILL 2491**

AN ACT

AMENDING SECTION 16-168, ARIZONA REVISED STATUTES; RELATING TO VOTER  
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 the ballot in that county at the current election. The county  
32 recorder shall also deliver, upon request and without charge, one electronic  
33 media copy of the precinct list to the Arizona legislative council. The  
34 county recorder of a county with a population of five hundred thousand or  
35 fewer persons, on the same day precinct lists are delivered to county  
36 chairmen, shall deliver one electronic media copy of each precinct list  
37 within the county to the state chairman of each party that has at least four  
38 candidates other than presidential electors appearing on the ballot in this  
39 state at the current election. The copies of the precinct lists shall be  
40 electronic media ~~which~~ 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. ~~Primary election and general election~~ Voting history for ALL
- 7 ELECTIONS IN the prior four years and any other information regarding
- 8 registered voters which the county recorder or city or town clerk maintains
- 9 electronically and which is public 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 ~~at least quarterly~~  
13 ~~and~~ within ten business days of the close of each ~~quarter~~ DATE FOR COUNTING  
14 REGISTERED VOTERS PRESCRIBED BY SUBSECTION G OF THIS SECTION OTHER THAN THE  
15 PRIMARY AND GENERAL ELECTION REGISTERED VOTER COUNTS in the same format and  
16 media as prescribed by subsection C of this section.

17           E. Precinct registers and other lists and information derived from  
18 registration forms may be used only for purposes relating to a political or  
19 political party activity, a political campaign or an election, for revising  
20 election district boundaries or for any other purpose specifically authorized  
21 by law and may not be used for a commercial purpose as defined in section  
22 39-121.03. The sale of registers, lists and information derived from  
23 registration forms to a candidate or a registered political committee for a  
24 use specifically authorized by this subsection does not constitute use for a  
25 commercial purpose. The county recorder, on a request for an authorized use  
26 and within thirty days from receipt of the request, shall prepare additional  
27 copies of an official precinct list and furnish them to any person requesting  
28 them on payment of a fee equal to five cents for each name appearing on the  
29 register for a printed list and ten cents for each name for an electronic  
30 data medium, plus the cost of the blank computer disk or computer software if  
31 furnished by the recorder, for each copy so furnished.

32           F. Any person in possession of a precinct register or list, in whole  
33 or part, or any reproduction of a precinct register or list, shall not permit  
34 the register or list to be used, bought, sold or otherwise transferred for  
35 any purpose except for uses otherwise authorized by this section. A person  
36 in possession of information derived from voter registration forms or  
37 precinct registers shall not distribute, post or otherwise provide access to  
38 any portion of that information through the internet except as authorized by  
39 subsection J of this section. Nothing in this section shall preclude public  
40 inspection of voter registration records at the office of the county recorder  
41 for the purposes prescribed by this section, except that the month and day of  
42 birth date, the social security number or any portion thereof, the driver  
43 license number or nonoperating identification license number, the unique  
44 identifying number prescribed by this section, the Indian census number, the  
45 father's name or mother's maiden name, the state or country of birth and the

1 records containing a voter's signature shall not be accessible or reproduced  
2 by any person other than the voter, by an authorized government official in  
3 the scope of the official's duties, for signature verification on petitions  
4 and candidate filings, for election purposes and for news gathering purposes  
5 by a person engaged in newspaper, radio, television or reportorial work, or  
6 connected with or employed by a newspaper, radio or television station or  
7 pursuant to a court order. A person who violates this subsection or  
8 subsection E of this section is guilty of a class 6 felony.

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

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

14 (a) January 1.

15 (b) March 1.

16 (c) JUNE 1.

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

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

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

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

25 (a) January 1.

26 (b) April 1.

27 (c) July 1.

28 (d) October 1.

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

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

42 J. The secretary of state shall develop and administer a statewide  
43 database of voter registration information that contains the name and  
44 registration information of every registered voter in this state. The  
45 database shall include an identifier that is unique for each individual

1 voter. The database shall provide for access by voter registration officials  
2 and shall allow expedited entry of voter registration information after it is  
3 received by county recorders. As a part of the statewide voter registration  
4 database, county recorders shall provide for the electronic transmittal of  
5 that information to the secretary of state on a daily basis. The secretary  
6 of state shall provide for maintenance of the database, including provisions  
7 regarding removal of ineligible voters that are consistent with the national  
8 voter registration act of 1993 (P.L. 103-31; 107 STAT. 77; 42 United States  
9 Code section 394) and the help America vote act of 2002 (P.L. 107-252; 116  
10 STAT. 1666; 42 UNITED STATES CODE SECTIONS 15301 THROUGH 15545), provisions  
11 regarding removal of duplicate registrations and provisions to ensure that  
12 eligible voters are not removed in error.

13 K. EXCEPT AS PROVIDED IN SUBSECTION L OF THIS SECTION, for requests  
14 for the use of registration forms and access to information as provided in  
15 subsections E and F of this section, the county recorder shall receive and  
16 respond to requests regarding federal, state and county elections.

17 L. BEGINNING JANUARY 1, 2008, RECOGNIZED POLITICAL PARTIES SHALL  
18 REQUEST PRECINCT LISTS AND ACCESS TO INFORMATION AS PROVIDED IN SUBSECTIONS E  
19 AND F OF THIS SECTION DURING THE TIME PERIODS PRESCRIBED IN SUBSECTION C OR D  
20 OF THIS SECTION AND THE COUNTY RECORDER SHALL RECEIVE AND RESPOND TO THOSE  
21 REQUESTS. IF THE COUNTY RECORDER DOES NOT PROVIDE THE REQUESTED MATERIALS  
22 WITHIN THE APPLICABLE TIME PRESCRIBED FOR THE COUNTY RECORDER PURSUANT TO  
23 SUBSECTION C OR D OF THIS SECTION, A RECOGNIZED POLITICAL PARTY MAY REQUEST  
24 THAT THE SECRETARY OF STATE PROVIDE PRECINCT LISTS AND ACCESS TO INFORMATION  
25 AS PROVIDED IN SUBSECTIONS E AND F OF THIS SECTION FOR FEDERAL, STATE AND  
26 COUNTY ELECTIONS. THE SECRETARY OF STATE SHALL NOT PROVIDE ACCESS TO  
27 PRECINCT LISTS AND INFORMATION FOR RECOGNIZED POLITICAL PARTIES UNLESS THE  
28 COUNTY RECORDER HAS FAILED OR REFUSED TO PROVIDE THE LISTS AND MATERIALS AS  
29 PRESCRIBED BY THIS SECTION. THE SECRETARY OF STATE MAY CHARGE THE COUNTY  
30 RECORDER A FEE DETERMINED BY RULE FOR EACH NAME OR RECORD PRODUCED.

**APPROVED BY THE GOVERNOR APRIL 24, 2006.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2006.**