

Senate Engrossed

voter registration databases; death records

**State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021**

SENATE BILL 1793

AN ACT

**AMENDING SECTIONS 16-165 AND 36-302, ARIZONA REVISED STATUTES; RELATING TO
VOTER REGISTRATION.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 16-165, Arizona Revised Statutes, is amended to read:

16-165. Causes for cancellation

A. The county recorder shall cancel a registration:

1. At the request of the person registered.
2. When the county recorder knows of the death of the person registered.
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.

B. 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 cancelled and a registration form with the information described in section 16-131, subsection C attached to the form.

C. 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 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.

D. 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~~ **PURPOSES** of canceling the names of deceased persons from the statewide voter registration database **AND ESTABLISHING A NONPUBLIC DATABASE FOR USE BY COUNTY RECORDERS TO CANCEL THE NAMES OF DECEASED PERSONS FROM COUNTY VOTER REGISTRATION DATABASES**. 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 may compare the records of deaths with the statewide voter registration database, **AND COUNTY RECORDERS MAY COMPARE THE RECORDS OF DEATHS WITH THE COUNTY 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.

Sec. 2. Section 36-302, Arizona Revised Statutes, is amended to read:

36-302. System of vital records; powers and duties of the state registrar

A. The director of the department is the state registrar of vital records.

B. The state registrar of vital records shall:

1. Adopt rules to implement a statewide system of vital records pursuant to this chapter using the recommendations of the federal agency responsible for national vital statistics as guidelines subject to modification by the state registrar.

2. Administer and enforce this chapter and the rules adopted pursuant to this chapter and provide for the efficient administration of a statewide system of vital records.

3. Organize, operate and maintain the only system of vital records in this state.

4. Direct and supervise the creation and registration of vital records, electronically and physically, and be the custodian of vital records.

5. Establish registration districts throughout this state.

6. Appoint, direct and remove local registrars.

7. Prescribe and distribute forms required pursuant to this chapter and rules adopted pursuant to this chapter.

8. Prepare and issue copies of vital records.

9. Provide a means for the public to request a copy of a vital record and grant or deny the request according to criteria prescribed by rules adopted pursuant to this chapter. These rules shall include eligibility criteria, proof of identity requirements and payment requirements to obtain the requested vital record.

10. Pursuant to section 16-165, transmit each month to the SECRETARY OF STATE AND TO THE county recorder a record of the death of each resident of the county recorder's county who is at least sixteen years of age AND TRANSMIT ANNUALLY TO THE SECRETARY OF STATE AND THE COUNTY RECORDER AN END OF YEAR COMPILATION OF THE RECORDS OF DEATHS.

11. Determine acceptability and completeness of a certificate, evidentiary document or form submitted to the state registrar.

12. Investigate violations of this chapter and rules adopted pursuant to this chapter.

13. Report violations of this chapter and rules adopted pursuant to this chapter to the county attorney in the registration district in which the violation occurs or to the attorney general.

C. The state registrar may:

1. Appoint, in writing, one or more persons to serve as assistant state registrars with any or all powers and duties vested in the state registrar.

2. Appoint, direct and remove a deputy local registrar.

3. Inspect a registration district's certificates, evidentiary documents, forms or other information related to the system of vital records.

4. Establish quality control procedures that include on-site inspections and review of evidentiary documents, forms and other information used in the creation of vital records.

5. Consolidate or subdivide registration districts.