

HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2206**

Taylor Floor Amendment

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- Instructs the County Recorder or Secretary of State to suspend a person's registration status, if they receive information from any governmental entity that the voter is ineligible because the person is:
 1. Deceased;
 2. Adjudicated a convicted felon without having their voting rights restored;
 3. Adjudicated an incapacitated person;
 4. Under 18 years old;
 5. Not a US citizen;
 6. A fictitious person; or
 7. Has listed an address that is not the voter's legal address.
 - Requires the County Recorder or Secretary of State to provide the proper notification to a registered voter who is found to be ineligible and allow the person to revise, clarify, confirm or cancel their voter registration.
 - Clarifies that a person who's voter registration is canceled on the basis of a determination of ineligibility, and who subsequently becomes eligible to vote, must reregister.
 - Allows the Secretary of State to become a member of a nongovernmental entity comprised solely of election officials of state governments to share and exchange information to verify voter registration information.
 - Establishes certain minimum requirements for the Secretary of State to become a member of a nongovernmental entity for voter registration verification.
 - Establishes specified reporting requirements for the Secretary of State, if the Secretary of State becomes a member of a nongovernmental entity for voter registration verification.
 - Instructs the County Recorder or officer in charge of elections to establish a general voter registration list maintenance program that complies with the

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National Voter Registration Act, the Voting Rights Act and the Help America Vote Act.

- Instructs counties that do not use change of address information as a method to update its voter rolls to mail a notice by forwardable mail to any voter who did not vote or update their address during an election cycle which allows the voter to revise, verify or correct their registration information.
- Clarifies that if the notice prescribed above is not returned, the registrant may be required to provide affirmation or confirmation of their address to vote.
- Requires all list maintenance actions associated with each voter to be entered, tracked, recorded and maintained in the statewide voter registration system.
- Clarifies that a voter's registration cannot be canceled later than 90 days before a primary or general election that includes a federal office.
- Clarifies that a voter's registration may be corrected during the 90 day period based on information submitted by the voter, a voter's request to have their registration canceled or by reason of the voter's death or adjudication as an incapacitated person.
- Instructs the County Recorder or officer in charge of elections to submit a report to the Secretary of State by July 31 and January 31 of each year detailing address list maintenance activities conducted.
- Directs the Secretary of State, upon a determination that a county failed to perform the required list maintenance duties, to conduct list maintenance activities for that county.
- Clarifies that a person who fails to perform list maintenance duties as prescribed by this law is guilty of nonfeasance in public office.
- Allows the Secretary of State to prescribe model voter registration list maintenance forms.

TAYLOR FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2206
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[~~GREEN STRIKEOUT IN BRACKETS~~] indicates new text removed from statute or previously enacted session law.

[~~Green strikeout in brackets~~] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<~~Green strikeout in carets~~>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 16-166, Arizona Revised Statutes, is amended to
3 read:

4 16-166. Verification of registration

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

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

1 provides a new residence address that is located outside this state, the
2 county recorder shall cancel the elector's registration.

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

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

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

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

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

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

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

7 4. A presentation to the county recorder of the applicant's United
8 States naturalization documents or the number of the certificate of
9 naturalization. If only the number of the certificate of naturalization
10 is provided, the applicant shall not be included in the registration rolls
11 until the number of the certificate of naturalization is verified with the
12 United States immigration and naturalization service by the county
13 recorder.

14 5. Other documents or methods of proof that are established
15 pursuant to the immigration reform and control act of 1986.

16 6. The applicant's bureau of Indian affairs card number, tribal
17 treaty card number or tribal enrollment number.

18 G. Notwithstanding subsection F of this section, any person who is
19 registered in this state on the effective date of this amendment to this
20 section is deemed to have provided satisfactory evidence of citizenship
21 and shall not be required to resubmit evidence of citizenship unless the
22 person is changing voter registration from one county to another.

23 H. For the purposes of this section, proof of voter registration
24 from another state or county is not satisfactory evidence of citizenship.

25 I. A person who modifies voter registration records with a new
26 residence ballot shall not be required to submit evidence of citizenship.
27 After citizenship has been demonstrated to the county recorder, the person
28 is not required to resubmit satisfactory evidence of citizenship in that
29 county.

30 J. After a person has submitted satisfactory evidence of
31 citizenship, the county recorder shall indicate this information in the
32 person's permanent voter file. After two years the county recorder may
33 destroy all documents that were submitted as evidence of citizenship.

34 K. [EXCEPT AS PRESCRIBED BY SECTION 16-174,] THIS STATE MAY NOT BE
35 A MEMBER OF ANY MULTISTATE VOTER REGISTRATION OR VOTER REGISTRATION LIST
36 MAINTENANCE ORGANIZATION THAT REQUIRES THAT THIS STATE PROVIDE THE
37 ORGANIZATION WITH INFORMATION DERIVED FROM VOTER REGISTRATION RECORDS.

38 [L. IF THE SECRETARY OF STATE OR THE COUNTY RECORDER RECEIVES
39 INFORMATION FROM ANY GOVERNMENTAL ENTITY THAT A REGISTERED VOTER IS
40 INELIGIBLE BECAUSE THE VOTER IS DECEASED, ADJUDICATED A CONVICTED FELON
41 WITHOUT HAVING HAD THE PERSON'S VOTING RIGHTS RESTORED, ADJUDICATED AN
42 INCAPACITATED PERSON, IS NOT AT LEAST EIGHTEEN YEARS OF AGE, IS NOT A
43 UNITED STATES CITIZEN, IS A FICTITIOUS PERSON OR HAS LISTED AN ADDRESS
44 THAT IS NOT THE VOTER'S ADDRESS OF LEGAL RESIDENCE, THE COUNTY RECORDER
45 SHALL SUSPEND THE PERSON'S REGISTRATION STATUS, NOTIFY THE PERSON OF THE
46 SUSPENSION AND THE REASON FOR THE SUSPENSION AND ALLOW THE PERSON TO
47 REVISE, CLARIFY, CONFIRM OR CANCEL THE PERSON'S VOTER REGISTRATION.

1 M. ANY VOTER WHOSE VOTER REGISTRATION IS CANCELED ON THE BASIS OF A
2 DETERMINATION OF INELIGIBILITY AND WHO SUBSEQUENTLY BECOMES ELIGIBLE TO
3 VOTE MUST REREGISTER IN ORDER TO VOTE.]

4 <<Sec. 2. Title 16, chapter 1, article 5, Arizona Revised Statutes,
5 is amended by adding sections 16-174, 16-175 and 16-176, to read:

6 16-174. Nongovernmental list maintenance organization; annual
7 report

8 [A. THE SECRETARY OF STATE MAY BECOME A MEMBER OF A NONGOVERNMENTAL
9 ENTITY WHOSE SOLE PURPOSE IS TO SHARE AND EXCHANGE INFORMATION IN ORDER TO
10 VERIFY VOTER REGISTRATION INFORMATION. THE MEMBERSHIP OF THE
11 NONGOVERNMENTAL ENTITY SHALL BE COMPOSED SOLELY OF ELECTION OFFICIALS OF
12 STATE GOVERNMENTS. IF THE SECRETARY OF STATE INTENDS TO BECOME A MEMBER
13 OF A NONGOVERNMENTAL ENTITY PRESCRIBED BY THIS SECTION, THE AGREEMENT TO
14 JOIN THE NONGOVERNMENTAL ENTITY MUST REQUIRE THAT THE SECRETARY OF STATE
15 OR THE SECRETARY OF STATE'S DESIGNEE, SERVE AS A FULL MEMBER WITH VOTING
16 RIGHTS ON THE NONGOVERNMENTAL ENTITY'S BOARD OF DIRECTORS WITHIN TWELVE
17 MONTHS AFTER JOINING THE NONGOVERNMENTAL ENTITY.]

18 B. THE SECRETARY OF STATE MAY SHARE CONFIDENTIAL AND EXEMPT
19 INFORMATION AFTER BECOMING A MEMBER OF A NONGOVERNMENTAL ENTITY IF:

20 1. EACH MEMBER OF THE NONGOVERNMENTAL ENTITY AGREES TO MAINTAIN THE
21 CONFIDENTIALITY OF SHARED INFORMATION AS REQUIRED BY THE LAWS OF THE STATE
22 PROVIDING THE INFORMATION.]

23 2. THE BYLAWS OF THE NONGOVERNMENTAL ENTITY REQUIRE MEMBER STATES
24 AND THE NONGOVERNMENTAL ENTITY TO MAINTAIN THE CONFIDENTIALITY OF
25 INFORMATION AS REQUIRED BY THE LAWS OF THE STATE PROVIDING THE
26 INFORMATION.]

27 C. THE SECRETARY OF STATE MAY BECOME A MEMBER OF A NONGOVERNMENTAL
28 ENTITY ONLY IF THE NONGOVERNMENTAL ENTITY IS CONTROLLED AND OPERATED BY
29 THE PARTICIPATING STATES. THE NONGOVERNMENTAL ENTITY MAY NOT BE OPERATED
30 OR CONTROLLED BY THE FEDERAL GOVERNMENT OR ANY OTHER ENTITY ACTING ON
31 BEHALF OF THE FEDERAL GOVERNMENT. THE SECRETARY OF STATE SHALL BE ABLE TO
32 WITHDRAW AT ANY TIME
33 FROM ANY MEMBERSHIP.]

34 D. IF THE SECRETARY OF STATE BECOMES A MEMBER OF A NONGOVERNMENTAL
35 ENTITY:

36 1. THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE DRIVER LICENSE OR
37 NONOPERATING IDENTIFICATION LICENSE INFORMATION TO THE SECRETARY OF STATE
38 FOR THE PURPOSE OF SHARING AND EXCHANGING VOTER REGISTRATION INFORMATION
39 WITH THE NONGOVERNMENTAL ENTITY.]

40 2. THE SECRETARY OF STATE SHALL SUBMIT A REPORT TO THE GOVERNOR,
41 THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
42 REPRESENTATIVES ON OR BEFORE DECEMBER 1 OF EACH YEAR. THE REPORT SHALL
43 DESCRIBE THE TERMS OF THE NONGOVERNMENTAL ENTITY MEMBERSHIP AND PROVIDE
44 INFORMATION ON THE TOTAL NUMBER OF VOTERS REMOVED FROM THE VOTER
45 REGISTRATION SYSTEM AS A RESULT OF THE MEMBERSHIP AND THE REASONS FOR
46 THEIR REMOVAL.]

1 E. IF THE SECRETARY OF STATE RECEIVES INFORMATION FROM ANOTHER
2 STATE THAT IS CONFIDENTIAL OR EXEMPT PURSUANT TO THE LAWS OF THAT STATE,
3 THE SECRETARY OF STATE SHALL PROVIDE THE INFORMATION TO THE COUNTY
4 RECORDER TO CONDUCT VOTER REGISTRATION LIST MAINTENANCE ACTIVITIES.]>>

5 <<16-175. Voter registration list maintenance program

6 [A. THE COUNTY RECORDER SHALL ESTABLISH A GENERAL VOTER
7 REGISTRATION LIST MAINTENANCE PROGRAM. THE PROGRAM MUST BE UNIFORM,
8 NONDISCRIMINATORY AND IN COMPLIANCE WITH THE VOTING RIGHTS ACT OF 1965
9 (P.L. 89-110), THE NATIONAL VOTER REGISTRATION ACT OF 1993 (P.L. 103-31)
10 AND THE HELP AMERICA VOTE ACT OF 2002 (P.L. 107-252).

11 B. FOR ANY COUNTY THAT DOES NOT USE THE CHANGE OF ADDRESS
12 INFORMATION SUPPLIED BY THE POSTAL SERVICE THROUGH ITS LICENSEES AS A
13 METHOD TO UPDATE ITS VOTER REGISTRATION ROLLS AS PRESCRIBED BY SECTION
14 16-166, SUBSECTION E, THE COUNTY RECORDER SHALL MAIL TO VOTERS WHO DID NOT
15 VOTE DURING AN ELECTION CYCLE OR WHO DID NOT UPDATE THEIR VOTER
16 REGISTRATION INFORMATION A NOTICE BY FORWARDABLE MAIL AND A POSTAGE
17 PREPAID PREAMDRESSED RETURN FORM OR AN APPROPRIATE INTERNET ADDRESS FOR
18 REVISING VOTER REGISTRATION INFORMATION BY WHICH THE REGISTRANT MAY VERIFY
19 OR CORRECT THE REGISTRATION INFORMATION. IF THE NOTICE SENT BY THE
20 RECORDER IS NOT RETURNED, THE REGISTRANT MAY BE REQUIRED TO PROVIDE
21 AFFIRMATION OR CONFIRMATION OF THE REGISTRANT'S ADDRESS IN ORDER TO VOTE.
22 ALL LIST MAINTENANCE ACTIONS ASSOCIATED WITH EACH VOTER MUST BE ENTERED,
23 TRACKED, RECORDED AND MAINTAINED IN THE STATEWIDE VOTER REGISTRATION
24 SYSTEM.

25 C. A VOTER'S REGISTRATION MAY NOT BE CANCELED LATER THAN NINETY
26 DAYS BEFORE THE DATE OF A PRIMARY OR GENERAL ELECTION THAT INCLUDES A
27 FEDERAL OFFICE. THIS SECTION DOES NOT PRECLUDE THE CORRECTION OF
28 REGISTRATION RECORDS BASED ON INFORMATION SUBMITTED BY THE VOTER OR
29 CANCELLATION OF A VOTER'S REGISTRATION AT ANY TIME ON THE VOTER'S WRITTEN
30 REQUEST, BY REASON OF THE VOTER'S DEATH OR ON A DETERMINATION THAT THE
31 VOTER WAS ADJUDICATED AN INCAPACITATED PERSON AS DEFINED IN SECTION
32 14-5101.

33 D. NOT LATER THAN JULY 31 AND JANUARY 31 OF EACH YEAR, THE COUNTY
34 RECORDER SHALL CERTIFY TO THE SECRETARY OF STATE THE ADDRESS LIST
35 MAINTENANCE ACTIVITIES CONDUCTED DURING THE FIRST SIX MONTHS AND THE
36 SECOND SIX MONTHS OF THE YEAR, RESPECTIVELY, INCLUDING THE NUMBER OF
37 ADDRESS CONFIRMATION REQUESTS SENT, THE NUMBER OF VOTERS DESIGNATED AS
38 INACTIVE AND THE NUMBER OF REGISTRATIONS CANCELED.

39 E. IF THE SECRETARY OF STATE DETERMINES THAT A COUNTY RECORDER HAS
40 NOT CONDUCTED THE VOTER REGISTRATION LIST MAINTENANCE ACTIVITIES REQUIRED
41 BY THIS SECTION, THE SECRETARY OF STATE SHALL CONDUCT THE APPROPRIATE
42 VOTER REGISTRATION LIST MAINTENANCE ACTIVITIES FOR THAT COUNTY. A PERSON
43 WHO FAILS TO PERFORM VOTER REGISTRATION LIST MAINTENANCE ACTIVITIES AS
44 PRESCRIBED BY THIS SECTION COMMITS AN ACT INVOLVING NONFEASANCE IN PUBLIC
45 OFFICE PURSUANT TO SECTION 38-443.]>>

46 <<16-176. Model list maintenance forms

1 [THE SECRETARY OF STATE MAY PROVIDE MODEL VOTER REGISTRATION LIST
2 MAINTENANCE FORMS THAT MAY BE USED BY THE COUNTY RECORDERS. THESE FORMS
3 SHALL INCLUDE AN ADDRESS CONFIRMATION REQUEST THAT MUST CONTAIN:
4 1. THE VOTER'S NAME AND THE ADDRESS OF THE VOTER'S LEGAL RESIDENCE
5 AS SHOWN ON THE VOTER'S REGISTRATION RECORD.
6 2. A REQUEST THAT THE VOTER NOTIFY THE COUNTY RECORDER IF EITHER
7 THE VOTER'S NAME OR ADDRESS OF LEGAL RESIDENCE IS INCORRECT.]>>

8 Enroll and engross to conform

9 Amend title to conform

JAMES TAYLOR

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