

IN THE SUPREME COURT OF THE STATE OF ARIZONA

FILED

SEP 18 1995

NOEL K. DESSAINT
CLERK SUPREME COURT
BY

IN THE MATTER OF)
VOTER REGISTRATION)
CONFIDENTIALITY)
_____)

Administrative Order
No. 95- 50

The first regular session of the Forty-second Legislature passed House Bill 2370, Voter Registration Confidentiality. This bill amends A.R.S. 16-152 and creates A.R.S. 16-153, which permits peace officers, judges and commissioners, except justices of the peace, to request that their personal residential information contained in their voter registration record be sealed from public access and inspection.

IT IS ORDERED that the following procedures are adopted to ensure uniform processing of applications consistent with the intent of this legislation:

1. Any peace officer, judge or commissioner, except justices of the peace, may request that his or her voter registration record be sealed pursuant to A.R.S. 16-153, by filing an affidavit with the presiding judge of the county where the applicant resides.
2. The affidavit shall be in a form substantially similar to Attachment A, and shall contain the following information:
 - a. The affiant's name, position currently held and description of duties;
 - b. The reasons they believe their life or safety, or that of another person is in danger;
 - c. How sealing the residential address, telephone number and voting precinct number of the affiant's voting record will reduce the danger;
 - d. Whether the affiant requests immediate action and provides reasons for early consideration;
 - e. A fully executed and signed voter registration form for filing in the recorder's office in the affiant's home county.

3. The affidavit form shall be available at no cost from the offices of the clerks of superior court, justices of the peace, municipal courts, county recorders and election offices.
4. Unless an affiant files a request for immediate action supported by facts justifying early consideration, the presiding judge may accumulate the affidavits for filing with the clerk of superior court on behalf of all affiants at the end of each calendar quarter. No filing fee shall be charged pursuant to A.R.S. 12-345.
5. The presiding judge shall review the affidavits to determine whether the action requested shall be granted. The applications granted shall be forwarded under a single order to the clerk of the superior court for filing. See Attachment B.
6. Upon receipt of the order, the clerk shall deliver the approved affidavits with a copy of the order signed by the presiding judge to the county recorder's office, and seal the copies of the affidavit records maintained in the clerk's office.
7. The county recorder is required by A.R.S. 16-153 to seal the voter registration records of those individuals listed in the order no later than 150 days from the date of receipt of the court order.
8. Any affiant whose request to seal the voter registration record was denied may request a hearing before the presiding judge to reconsider the decision. The presiding judge shall promptly schedule the hearing and render a decision.

DATED this 18th day of September, 1995

STANLEY G. FELDMAN
Chief Justice

Attachment A

SAMPLE

SAMPLE

**APPLICATION AND AFFIDAVIT TO SEAL
VOTER REGISTRATION RECORDS**

I, _____, being of full age, duly sworn, depose and say that:

1. I am a _____
Judge, Commissioner, or Peace Officer

2. I am employed by _____
Organization Name

Street Address \ City \ AZ \ Zip

3. My current job duties are: _____

4. I believe that my life or safety, or that of my family or other persons living at my residence, is in danger for the following reasons. _____

5. Sealing the residential address, telephone number, and voting precinct number in my voter registration record will serve to reduce the danger by: _____

6. My application to change my voter registration record is attached

7. On the basis of the foregoing facts I submit this Affidavit pursuant to A.R.S. 16-153, and request that the court order my voter registration record sealed to public access or inspection.

8. (Optional) Pursuant to A.R.S. 16-153.C and D, immediate action is requested for the following reasons: _____

Affiant

_____ appeared before me this ____ day of _____, 19 ____.

Notary Signature My Commission expires _____, 19 ____.

Attachment B

SAMPLE

SAMPLE

STATE OF ARIZONA

**IN THE SUPERIOR COURT OF THE
COUNTY OF _____**

IN THE MATTER OF

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Order Sealing Voter
Registration Records
(A.R.S. 16-153)

The Court, having reviewed the attached affidavits, finds that the affiants have satisfied the requirements of A.R.S. 16-153 and are entitled to have their voting registration records closed to public inspection;

Now therefore, IT IS ORDERED as follows:

1. The clerk of the court shall file copies of the attached affidavits and voter registration forms, and the original order, without costs as provided in A.R.S. 12-345, and seal the documents; and
2. The clerk of the court shall immediately deliver the original affidavits with a copy of this order to the County Recorder who shall seal the voter registration records of the following named applicants:

3. The information in this order, the affidavits and voter registration forms are not public record and shall not be disclosed to the public by the Clerk of the Court nor the County Recorder.

Presiding Judge