Overview

Significant access restrictions limit reporters’ election day access to voting locations in Arizona. However, journalists may be able to obtain substantial access to post-voting tabulation efforts at central counting places via in-person attendance and access to live video of the proceedings.

1. State and local elections authorities


At least twenty days before an election, the board of supervisors must appoint “one inspector, one marshal, two judges and as many clerks of election as deemed necessary” for each precinct containing three hundred or more electors. Ariz. Rev. Stat. Ann. § 16-531(A) (discussing the

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appointment of election precinct officials). These individuals comprise the “election board” for the precinct. Id.; 2019 Manual, at 133.²

Where an election precinct contains fewer than three hundred qualified electors, only “one inspector and two judges” must be appointed. Ariz. Rev. Stat. Ann. § 16-531(B).

2. Types of voting locations

Election Day voting may occur at two types of voting locations: (1) precinct-level polling places and (2) vote centers (or a combination thereof). Ariz. Rev. Stat. Ann. § 16-411. Any voter within the county may vote at a county vote center, regardless of their assigned precinct. Id. Vote centers tabulate ballots “exclusively at the central counting place, without the use of precinct voting equipment that will warn voters of an over-vote.” 2019 Manual, at 129.

At a voting center any voter within the county may vote, regardless of what precinct they live in. Id.

ELECTION DAY ACCESS TO POLLING LOCATIONS

1. Rules concerning access and transparency at polling places generally

General rules


People immediately outside the voting area should be able to see the ballot boxes and the voting booths. Ariz. Rev. Stat. Ann. § 16-562. Generally only election officers, voters, party officials, and challengers (discussed below) are permitted within six feet of the ballot boxes or voting booths. Id.


Rules for challengers and party representatives

Election challengers can be appointed by the county chairman of each party via written appointment to the precinct election board. Ariz. Rev. Stat. Ann. § 16-590.

“One challenger for each political party may be present and act” at each voting place, but they may not enter a voting booth other than for the purpose of casting their own votes. Id. All political

² The 2019 Manual refers to officials serving on the election board as “poll workers” or “board workers.” See 2019 Manual, at 133.
parties on the ballot may agree to permit more than one challenger to be present at the polling place. *Id.*


Election precinct clerks must keep a list of “the names of all persons challenged, the grounds of the challenge and the determination of the board upon the challenge.” Ariz. Rev. Stat. Ann. § 16-594. These lists are public records. *Id.*

2. Rules concerning entry to a polling place for news reporting purposes

Journalists cannot enter a polling place for news reporting purposes; they may enter polling places only to cast their own ballot. Ariz. Rev. Stat. § 16-562(B).

3. Rules concerning journalists’ approaches to voters at or near polling places, for exit polling or newsgathering

Members of the media and persons conducting exit polls cannot be within 75 feet of the polling location. *See* 2019 Manual, at 179.

No guidance affirmatively states that journalists may engage in exit-polling and other forms of newsgathering once outside the 75-foot limit. Attempts to restrict journalists’ activities outside of that limit probably would not survive a court challenge.3

4. Rules concerning the taking of photographs at or near polling places

No one may take photographs or videos within 75 feet of a polling place. Ariz. Rev. Stat. § 16-515(G). Persons who violate this rule are guilty of Class 2 misdemeanors. *Id.* No exception exists for members of the media. 2019 Manual, at 179.

No guidance affirmatively states that journalists may take photography once outside the 75-foot limit, but attempts to restrict the taking of photographs outside of the limit probably would not hold up in court.

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3 Arizona’s elections statutes do not explicitly state that news media may approach voters once outside the 75 foot-limit for exit-polling or other newsgathering purposes, or engage in the taking of photographs and videos outside the 75 foot limit. However, Arizona law specifies that other activities banned within 75 feet of the polling location, namely “electioneering and other political activity,” are generally permissible outside the 75 foot-limit. *See* Ariz. Rev. Stat. Ann. § 16-411(H). (An exception is made for polling places with “emergency designations” identified on the official website of county elections officials. *Id.*; see also Ariz. Rev. Stat. Ann. § 16-411(I) (setting out the criteria for designating a polling place as an “emergency polling place”).) Presumably, then, news media may engage in other practices banned within the 75 foot-limit, such as outreach to voters and photography. The Ninth Circuit, which oversees Arizona, struck down a Washington State ban on exit polling within 300 feet of a polling place. *Daily Herald Co. v. Munro*, 838 F.2d 380 (9th Cir. 1988).
Voters may “make[] available an image of the [their] own ballot by posting on the internet or in some other electronic medium.” Ariz. Rev. Stat. Ann. § 16-1018. However, journalists generally may not “[k]nowingly solicit[] a voter to show the voter's ballot, or receive[] from a voter a ballot prepared for voting . . . .” Id.

5. Rules concerning privacy/identification of voters and voting officials at polling places

We did not find any rules pertaining to the identification of voters and voting officials at polling places or, more generally, implicating voters’ privacy.4

6. Content restrictions on speech at or near polling places

No electioneering may occur within 75 feet of a voting location. Ariz. Rev. Stat. Ann. § 16-515(A).5 This rule extends to elections officials, county political party representatives, and challengers permitted to be within 75 feet of the voting location. Id. § 16-515(F).

“No electioneering may take place outside the 75-foot limit if it is audible from a location inside the door to the voting location.” 2019 Manual, at 178.

Elections officials, county political party representatives, and challengers permitted to be within 75 feet of the voting location “shall not wear, carry or display materials that identify or express support for or opposition to a candidate, a political party or organization, a ballot question or any other political issue.” Ariz. Rev. Stat. Ann. § 16-515(F).


7. Who controls physical access to a polling place?

The precinct elections board is responsible for “taking appropriate measures to preserve order” at the voting location. Id. at 134 (citing A.R.S. § 16-562; A.R.S. § 16-512). The inspector serves as “chairman of the election board,” Ariz. Rev. Stat. Ann. § 16-534. As such, this official “exercises authority over all election-related activities at the voting location . . . .” 2019 Manual, at 135.

Marshals serving on the precinct elections board are responsible for “preserv[ing] order at the polls and permit[ting] no violation of the election laws from the opening of the polls until the count of the ballots is completed.” Ariz. Rev. Stat. Ann. § 16-535. The 2019 Manual notes that the inspector must use the marshal to “remove disruptive persons from the voting location.” Id. at 180. Furthermore, “[t]he inspector and/or marshal must use sound judgment to decide whether to

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4 Note, however, that journalists are permitted within 75 feet of a polling place only for the purpose of casting their own ballots, where applicable. Thus they may face restrictions if they attempt to engage in newsgathering, such as by taking out a camera or notebook.

5 This code provision defines “electioneering” to mean:

When an individual knowingly, intentionally, by verbal expression and in order to induce or compel another person to vote in a particular manner or to refrain from voting expresses support for or opposition to a candidate who appears on the ballot in that election, a ballot question that appears on the ballot in that election or a political party with one or more candidates who appear on the ballot in that election.

contact law enforcement, and any higher-level decisions should be raised through the [county] officer in charge of elections.” *Id.*

8. *What state official is responsible for correcting improper denials of access or application of laws at polling places?*

According to the 2019 Manual, “[t]he [precinct-level] inspector usually acts as the single point-of-contact with the [county] officer in charge of elections, poll worker hotline, troubleshooters, or other entity designated by the [county] officer in charge of elections to provide assistance on Election Day.” *Id.* at 179.

The 2019 Elections Procedures Manual provides that “[l]aw enforcement officials may be contacted to help enforce the ban [on electioneering within the 75-foot limit of a voting location] in exceptional circumstances.” *Id.*
ACCESS TO VOTE COUNT AND TABULATION PROCESS

1. Rules concerning access/transparency at locations where votes are counted or vote counts aggregated

General rules

“All proceedings at the counting center . . . shall be conducted . . . under the observation of representatives of each political party and the public.” Ariz. Rev. Stat. Ann. § 16-621(A).

“A security officer or an election official may conduct tours through the central counting place for the public. At no time shall any public observance of the election process interfere with or interrupt the normal ballot flow, nor shall members of the public touch a ballot, computer, or tabulation device (except as permitted by the officer in charge of elections during demonstrations).” 2019 Elections Manual, at 195.

Contingent on legislative appropriation, “the county recorder or officer in charge of elections shall provide for a live video recording of the custody of all ballots while the ballots are present in a tabulation room in the counting center. The live video recording shall include date and time indicators . . . . The secretary of state shall post links to the video coverage for viewing by the public.” Ariz. Rev. Stat. Ann. § 16-621(C).

“If the live video feed is disrupted or disabled, the recorder or officer in charge of elections is not liable for the disruption but shall attempt to reinstate video coverage as soon as is practicable. Any disruption in video coverage shall not affect or prevent the continued tabulation of ballots.” Ariz. Rev. Stat. Ann. § 16-621(C).


Rules for political party observers

According to the 2019 Elections Procedures Manual, authorized political party representatives (i.e. “challengers” discussed above) “may observe at a central counting place and at each point where ballots are handled or transferred from one election official to another . . . .” 2019 Manual, at 141; see also id. (discussing requirements for observers’ conduct).

6 Note that this code section is not written in a manner that necessarily envisions the press or ordinary members of the public having physical access to counting centers. In particular, it does not discuss how representatives of the public would be chosen to observe the proceedings in person. (By comparison, the code provision describes a detailed process for choosing by lot three observers representing either candidates for nonpartisan office or a political committee in support of or opposition to a ballot measure. And Arizona law elsewhere specifies a formal process for appointing political party observers to central counting places. See, e.g., 2019 Manual, at 139.) The code section only elaborates on the public’s observation rights when discussing the provision of live video recordings of the proceedings for public viewing, Ariz. Rev. Stat. Ann. § 16-621(D). But, although the code section does not explicitly authorize journalists to be physically present at counting centers, it could provide a legal hook for seeking physical access to counting centers if the video feed provided appears insufficient.

7 The 2019 Manual explicitly notes that political party representatives may observe “areas where the following activities take place: [r]eceiving the ballots at the County Recorder’s office or central counting place; [i]nspecting the ballots; [r]eviewing ballots by the Write-in Tally Board; [d]uplicating ballots by the Ballot Duplication Board; [a]djudicating
Verifying the accuracy of computer programs for processing ballots

“All L&A tests shall be observed by the Accuracy Certification Board, and open to representatives of political parties, candidates, the press, and the general public.” Id. at 203

“Political party observers are distinguished from members of the general public, who may view the central counting place activities from the public viewing area. Properly credentialed political party observers may observe the proceedings from inside the room where they happen.” Id.

“[U]nder no circumstances should a political party observer touch or operate the election server computer or any scanning device.” Id.

2. Rules concerning observation of the vote count for news reporting purposes

We did not locate any rules that specifically pertain to the observation-related rights of members of the news media.

3. Rules concerning the taking of photographs of the vote counting process

We did not locate any rules that specifically pertain to the photography-related rights concerning the vote counting process.

4. Rules concerning access to ballots during or after the vote count

No rules permit access to ballots during or after the vote count.

During the vote count, “[o]nly those persons who are authorized for the purpose shall touch any ballot or ballot card or return.” Ariz. Rev. Stat. Ann. § 16-621.

“After the canvass has been completed, the officer in charge of elections shall deposit the package or envelope containing the ballots in a secure facility managed by the county treasurer, who shall keep it unopened and unaltered for twenty-four months for elections for a federal office or for six months for all other elections, at which time he shall destroy it without opening or examining the contents.” Ariz. Rev. Stat. Ann. § 16-624.

“If a recount is ordered or a contest begun within six months, the county treasurer may be ordered by the court to deliver to it the packages or envelopes containing the ballots, and thereupon they shall be in the custody and control of the court.” Ariz. Rev. Stat. Ann. § 16-624.

ballots by the Electronic Vote Adjudication Board; [r]eceiving electronic media or processing voting results by the Accuracy Certification Board; [t]abulation of ballots; and/or [a]ny other significant tabulation or processing activities at a central counting place provided that it does not interfere with or impede the election procedures or staff.” 2019 Manual, at 141.
ELECTION TRANSPARENCY INFORMATION

1. Election Day basics

*When do the polls open, when do they close?*

By law, the polls must be open from 6am to 7pm on Election Day. Ariz. Rev. Stat. § 16-565(A).

*Must voters be online when polls close be allowed to vote?*


*Who do you call when something goes wrong at a polling location?*

According to the 2019 Elections Manual, “[p]ersons who witness problems at a voting location should not speak to or accost a voter in an attempt to ‘enforce’ the law, but rather inform the inspector or marshal to allow them to resolve the issue.” 2019 Manual, at 180.

2. Vote counting rules and procedures

*What are the rules/ procedures for the vote count? Where are they located?*

**Early voting**

The 2019 Manual sets out procedures for processing and tabulating early ballots to be followed “unless the Secretary of State has granted a jurisdiction permission to use another method otherwise consistent with applicable law.” *Id.* at 68.

County recorders will verify the validity of the early ballots and accompanying ballot affidavits by comparing the signatures recorded on them with the voter’s registration record. Ariz. Rev. Stat. Ann. § 16-550. County recorders must make “reasonable efforts” to contact voters regarding any inconsistent signatures associated with their early ballots and allow them to address the issue, and they may permit signatures to be corrected up through “the fifth business day” after federal general election (as well as through “the third business day” after local elections). *Id.*

Each party represented on the ballot may have a certain number of “early ballot challengers” present to challenge early ballots. *Id.* § 16-552. These challenges may center on claims that the potential voter is not actually qualified to vote, see Ariz. Rev. Stat. Ann. § 16-121.01 (“[r]equirements for proper registration”), or that the would-be voter has already participated in the election. See Ariz. Rev. Stat. Ann. § 16-591; see also id. § 16-552 (describing the procedure for adjudicating early ballot challenges).

Verified early ballots must be kept safely by the County Recorder “until they are transferred to the [county] officer in charge of elections for further processing and tabulation.” 2019 Manual, at 68; *see id.* at 70-71 (discussing the sending of early ballots to the central counting place for tabulation).
“After the election official has confirmed with the secretary of state that all election equipment passes the logic and accuracy test, the election official may begin to count early ballots.” Ariz. Rev. Stat. Ann. § 16-552.


On Election Day


The election board must transmit a report specifying the number of voters who voted, per the poll list, along with the voted ballots “promptly” to the central counting place or other designated receiving station. Ariz. Rev. Stat. Ann. § 16-608; 2019 Manual, at 192-94 (discussing information that must be recorded on Official Ballot Report forms prepared by the precinct elections board and items that must be transmitted from the voting location to the designated receiving site for election night returns).

“Regular ballots cast on Election Day that are not processed and tabulated at the voting location are . . . transmitted to the central counting place for processing and tabulation. Central counting place operations are conducted under the direction of the Board of Supervisors or the officer in charge of elections.” Id. at 195.

“The result printed by the vote tabulating equipment, to which have been added write-in and early votes, shall, when certified by the board of supervisors or other officer in charge, constitute the official canvass of each precinct or election district.” Ariz. Rev. Stat. Ann. § 16-622

Who controls the vote count process?

“All proceedings at the counting center shall be under the direction of the board of supervisors or other officer in charge of elections . . . .” Ariz. Rev. Stat. Ann. § 16-621; see also 2019 Manual, at 194 (stating that the officer in charge of elections tabulates early and provisional ballots at the central county place).

3. Vote counting timing

What rules govern when information about the vote count can and should be made public?

“In no event shall partial or complete tallies of the early election board be released or divulged before all precincts have reported or one hour after the closing of the polls on election day, whichever occurs first . . . .” Ariz. Rev. Stat. Ann. § 16-551. “[A]ny person who unlawfully releases information regarding vote tallies or who possesses a tally sheet or summary without authorization from the recorder or officer in charge of elections is guilty of a class 6 felony.” Id.
At any time following the period discussed above, “unofficial returns may be released during the counting of the ballots by vote tabulating equipment . . . .” Ariz. Rev. Stat. Ann. § 16-622(A).

“[U]pon completion of the count the unofficial results shall be open to the public.” Id.

“[A]ll unofficial returns that are released during the counting of the ballots and all unofficial results that are open to the public shall when released to the public be transmitted by telephone, by telefacsimile or by other electronic means to the secretary of state.” Ariz. Rev. Stat. Ann. § 16-622(B).

If there is a recount, “the officer(s) in charge of elections may not publicly release vote totals from the recount” while it is in progress. 2019 Manual, at 246. At the conclusion of a recount, the sealed official results are to be made public in open court. Id. at 246-57.

The Reporters Committee for Freedom of the Press notes that “[t]he Arizona secretary of state website and the Maricopa County recorder website will post election results when they become available.”

What deadlines exist for the vote count?

The Secretary of State should canvass the results of a general election “[o]n the fourth Monday following a general election.” Ariz. Rev. Stat. Ann. § 16-648. That is, the stipulated deadline for the canvass is November 30, 2020.

Under Arizona law “the canvass shall be postponed from day to day, not to exceed thirty days from the date of the election, until canvasses from all counties are received.” Id. The 30th day after the election is December 3, 2020.

4. Early voting transparency and control

Overview


Who collects mail in ballots?

“In order to be counted and valid, the ballot must be received by the county recorder or other officer in charge of elections or deposited at any polling place in the county no later than 7:00 p.m. on election day.” Ariz. Rev. Stat. Ann. § 16-548. The “office of the county recorder or other officer in charge of elections” must remain open until 7:00 pm for this purpose. Id. § 16-551. “The County Recorder or other officer in charge of elections” is responsible for ensuring “secure ballot retrieval and chain of custody procedures . . . .” 2019 Elections Procedures Manual, at 61-62.

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Where are mail-in ballots stored?

Affidavits and early ballots verified by elections officials must be “safely kep[t] . . . in the recorder’s or other officer’s office until delivered [to the early election board for processing].” Id. § 16-550 - § 16-551.9

When are early votes counted?


Where are they counted?

Early votes are sent to the central counting place for tabulation. 2019 Manual, at 70-71.

Who releases early results?

The officer in charge of elections can release early results subject to certain timing constraints (discussed below). See also id. at 235 (discussing when the “officer in charge of elections may publicly release election results”).

When are mail-in results released?

“In no event shall partial or complete tallies of the early election board be released or divulged before all precincts have reported or one hour after the closing of the polls on election day, whichever occurs first . . . .” Ariz. Rev. Stat. Ann. § 16-551. “[A]ny person who unlawfully releases information regarding vote tallies or who possesses a tally sheet or summary without authorization from the recorder or officer in charge of elections is guilty of a class 6 felony.” Id.

What data is generated on early ballots and by whom? (E.g., How many absentee/mail-in ballots mailed out, how many completed ballots turned in?)


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9 Note that Arizona also provides that “[t]he county recorder shall send a list of all voters who were issued early ballots to the election board of the precinct in which the voter is registered.” Ariz. Rev. Stat. Ann. § 16-550. However, this code provision does not specify where the list is to be sent, or whether it is to be made automatically public.

“Not later than ninety days” following Election Day the Secretary of State must publish a public report that contains “information on the number of ballots transmitted to absent uniformed services voters and overseas voters and the number of ballots returned and cast in the election.” Ariz. Rev. Stat. Ann. § 16-142.

Who confirms the authenticity of mail-in early ballots and how?


PUBLIC ACCESS TO INFORMATION

1. How can reporters access information about who voted?


“Public inspection of voter registration records at the office of the county record” is permitted “for news gathering purposes by a person engaged in newspaper, radio, television or reportorial work, or connected with or employed by a newspaper, radio or television station . . . .” Ariz. Rev. Stat. Ann. § 16-168(F).

Available registration information includes voters’ names, party preferences, dates of registration, residence addresses, occupations, “voting history for all elections in the prior four years,” and “all data relating to permanent early voters and nonpermanent early voters, including ballot requests and ballot returns.” Ariz. Rev. Stat. Ann. § 16-168(C).

State and county elections officials “on a request for an authorized use” must provide copies of voter registration records for a fee, set based on the number of records requested.” Ariz. Rev. Stat. Ann. § 16-168(E).

2. What records exist regarding the vote count?

The live video feed of the ballots at the central counting center must exist “as a public record for at least as long as the challenge period for the general election.” Ariz. Rev. Stat. Ann. § 16-621.

“The county recorder or other officer in charge of elections shall maintain records that record the chain of custody for all election equipment and ballots during early voting through the completion of provisional voting tabulation.” Ariz. Rev. Stat. Ann. § 16-621

“After the canvas has been completed, the officer in charge of elections shall deposit the package or envelope containing the ballots in a secure facility managed by the county treasurer, who shall keep
it unopened and unaltered for twenty-four months for elections for a federal office or for six months for all other elections, at which time he shall destroy it without opening or examining the contents.” Ariz. Rev. Stat. Ann. § 16-624(A) (discussed above).


3. What private details are not included in publicly accessible voter registration records?

When inspecting voter registration records, the public may not access the following information: the month and day of voters’ birth dates, voters’ “social security number[s] or any portion thereof,” voters’ “driver license number[s] or nonoperating identification license number[s],” voters’ “Indian census number[s],” voters’ “father’s name or mother’s maiden name,” voters’ “state or country of birth,” and “the records containing a voter’s signature and a voter’s e-mail address.” Ariz. Rev. Stat. Ann. § 16-168. This information shall be “accessible or reproduced” only by the voter. Id.


Forms indicating that an individual declined to register to vote are confidential records, not permanent public records, and may be used only for voter registration purposes. Ariz. Rev. Stat. Ann. § 16-140(C).

Each month the Department of Health must provide death records to the Secretary of State “for the sole purpose of canceling the names of deceased persons from the statewide voter registration database.” Ariz. Rev. Stat. Ann. § 16-165(D). “Public access to the records is prohibited.” Id.

Code marks on ballots used in optical scanning systems “shall not be printed or used in any manner that will disclose the identity of the voter who votes that ballot.” Ariz. Rev. Stat. Ann. § 16-468(2).

WEBSITES, GUIDES AND OTHER KEY SOURCES OF INFORMATION

1. 2019 Manual:
   https://azsos.gov/sites/default/files/2019_ELECTIONSPROCEDURES_MANUAL_APPROVED.pdf
   ○ See also Arizona Secretary of State, Summary of Significant Changes in the Final 2019 Elections Procedures Manual from Oct. 1, 2019 draft:

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10 An “eligible person” is defined within the statute as “a former public official, peace officer, spouse of a peace officer, spouse or minor child of a deceased peace officer, justice, judge, commissioner, public defender, prosecutor, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the board of executive clemency, law enforcement support staff member, employee of the department of child safety or employee of adult protective services who has direct contact with families in the course of employment, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment or firefighter who is assigned to the Arizona counter terrorism information center in the department of public safety.” Ariz. Rev. Stat. Ann. § 16-153.

CURRENT VOTING LITIGATION


In 2016, the Arizona state legislature enacted a statute prohibiting people from collecting others’ ballots and delivering them to polling places, vote centers, or authorized election officials’ offices. In Hobbs, the Ninth Circuit ruled en banc that the law violated Section 2 of the Voting Rights Act and the Fifteenth Amendment. 948 F.3d at 999. However, the Supreme Court granted cert on October 2, 2020 to review the case and the law remains in place while under review.

Arizona Democratic Party v. Hobbs, No. 2:20-cv-1143 (D. Ariz.), No. 20-16795 (9th Cir.)

Currently, voters who do not sign their ballots have only until 7:00pm on election day to correct the error. The Arizona Democratic Party sued to change the elections procedure so that these voters could fix their error up to five days after voting ends.

The district court granted the plaintiff’s motion for a preliminary and permanent injunction on September 10, 2020. The defendants appealed the decision. On October 6, 2020, the Ninth Circuit granted a stay of the district court’s injunction pending adjudication of the appeal.

KEY PAST ACCESS CASES AND LAWS

In Daily Herald Co. v. Munro, the Ninth Circuit determined that a Washington State ban exit polling within 300 feet of a polling place was unconstitutional on its face. 838 F.2d 380 (9th Cir. 1988). As the court explained, “[t]he statute regulate[d] speech on the basis of content in a traditional public forum,” but it “was not narrowly tailored to advance a significant government interest” and was “not the least restrictive means available.” Id. at 389.

In 2017, Arizona settled a lawsuit brought by Project Vote, agreeing to make voter registration data more affordable and thus accessible to the public. The same year the state legislature passed a bill setting maximum fees counties could charge for voter registration data.11

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11 Ron O’Dell, Arizona settles lawsuit to make voter-registration data more accessible, affordable, AZCentral (June 29, 2017), https://perma.cc/EN3B-5LPY.
APPENDIX I: Retention Schedule — Election Records (from the 2019 Elections Procedures Manual)

*Note that the Secretary of State’s Office, Elections Services Division may have an updated version of this document.

General Records Retention Schedule Issued to:  
All Public Bodies  
Election Records

Authority: Pursuant to ARS 41-151.12(3), only the Arizona State Library, Archives and Public Records has the authority to set retention periods, including the sole authority to modify, extend or decrease records retention periods. The retention periods listed herein are the required time records must be retained. Records should be promptly and orderly disposed of at the end of their retention period. Keeping records longer than the retention period poses financial, legal, audit and investigative risks to the Agency. These risks need to be considered by State and Local Agencies when there is a compelling need to retain records for a longer period of time than the approved retention period. Records required for ongoing or foreseeable official proceedings such as audits, investigations or lawsuits, must be retained until released from such official proceedings, notwithstanding the instructions of this schedule.

Archival Value: Records designated as Permanent on the retention schedule must not be destroyed (ARS 39-101). If it is believed that special circumstances warrant other records to be retained permanently, contact the Arizona State Archives for assistance in determining historical or archival value. All records created prior to 1912 must be retained permanently. This retention schedule does not authorize the transfer of records to any repository other than the Arizona State Archives (ARS 41-151.09).

Disposition: This schedule is used in conjunction with the Certificate of Records Destruction. All records disposed under this schedule must be reported on the Certificate of Records Destruction, unless transferred to the Arizona State Archives.

Format: Retention periods listed on this schedule apply to all records regardless of physical form or characteristics. Records, regardless of format (including electronic, paper, microfilm, etc.) not listed in this schedule or on the approved General Retention Schedule, are not authorized to be destroyed.

Copies: Additional copies created for convenience or reference purposes should not be retained longer than the record copy listed in this schedule. Copies do not need to be reported on the Certificate of Records Destruction when they are disposed.

Supersession: This schedule supersedes schedule dated July 10, 2012.

Records Analyst, Secretary of State: Richard Carroll
State Records Management Officer, Arizona State Archives & Records Management Center: Dr. Ted Hale

Records Series Electronically Approved in RSM Database

Records Series Electronically Approved in RSM Database

Assistant Director of Archives: Dennis Presler, Ph.D.
Records Management Officer:

Records Series Electronically Approved in RSM Database

Records series approval on file
## General Records Retention Schedule Issued to:
All Public Bodies

### Election Records

<table>
<thead>
<tr>
<th>Record Series Number</th>
<th>Record Series Title</th>
<th>Retention Period</th>
<th>Retention Remark</th>
<th>Legal Citation(s)</th>
<th>Approval Date</th>
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<td>20323</td>
<td>Candidate Records, If elected State and local, including campaign finance records, nomination papers, petitions, affidavits, financial disclosure statements, statements of organization, threshold statements and other related records.</td>
<td>3 Years</td>
<td>After term in office ended.</td>
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<td>20324</td>
<td>Candidate Records, If not elected State and local, including campaign finance records, nomination papers, petitions, affidavits, financial disclosure statements, statements of organization, threshold statements and other related records.</td>
<td>3 Years</td>
<td>After PAC terminated or after date of election, whichever is later.</td>
<td></td>
<td>7/10/2012</td>
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<td>Candidate Records, Federal elections State and local, including campaign finance records, nomination papers, petitions, affidavits, financial disclosure statements, statements of organization, threshold statements and other related records.</td>
<td>2 Years</td>
<td>After date of election.</td>
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<td>20326</td>
<td>Court Challenge Records, Historical</td>
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<td>After calendar year resolved.</td>
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<td>Cumulative Independent Expenditure Notification Forms</td>
<td>3 Years</td>
<td>After date of election.</td>
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</table>

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## General Records Retention Schedule Issued to:
All Public Bodies

### Election Records

<table>
<thead>
<tr>
<th>Record Series Number</th>
<th>Record Series Title</th>
<th>Retention Period</th>
<th>Retention Remark</th>
<th>Legal Citation(s)</th>
<th>Approval Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>20329</td>
<td>Department of Justice Records Including submissions and Americans with Disabilities Act (ADA) records.</td>
<td>Permanent</td>
<td>Preserve pursuant to ARS 39-101.</td>
<td>ARS 39-101</td>
<td>7/10/2012</td>
</tr>
<tr>
<td>20330</td>
<td>Election Records, State and Local Elections Voted ballots, voting abstracts (ARS 16-618, 619) and related voting materials, including voted ballots, official and unofficial returns envelopes, unofficial results, early voting requests, county special election records, write-in tally sheets, official poll lists, tally lists and voted ballots (ARS 16-615); unofficial poll lists and tally lists (ARS 16-616); chain of custody documents, logic and accuracy test records, hand count/ early ballot audit documents and related records.</td>
<td>6 Months</td>
<td>After date of election.</td>
<td></td>
<td>7/10/2012</td>
</tr>
<tr>
<td>20331</td>
<td>Election Records, Federal and Presidential Preference Elections Voted ballots, voting abstracts (ARS 16-618, 619) and related voting materials, including voted ballots, official and unofficial returns envelopes, unofficial results, early voting requests, county special election records, write-in tally sheets, official poll lists, tally lists and voted ballots (ARS 16-615); unofficial poll lists and tally lists (ARS 16-616); chain of custody documents, logic and accuracy test records, hand count/ early ballot audit documents and related records.</td>
<td>2 Years</td>
<td>After date of election (ARS 16-624(A); USC 42-1974).</td>
<td>ARS 16-624(A); USC 42-1974</td>
<td>7/10/2012</td>
</tr>
</tbody>
</table>
### General Records Retention Schedule Issued to:

**All Public Bodies**

**Election Records**

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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>20332</td>
<td>Election Records, Political Subdivision Records, If not retained by office</td>
<td></td>
<td>Transfer to political subdivision after election.</td>
<td></td>
<td>7/10/2012</td>
</tr>
<tr>
<td></td>
<td>Voted ballots, voting abstracts (ARS 16-618, 619) and related voting materials,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>including voted ballots, official and unofficial returns envelopes, unofficial</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>results, early voting requests, county special election records, write-in tally</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>sheets, official poll lists, tally lists and voted ballots (ARS 16-615); unofficial</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>poll lists and tally lists (ARS 16-616); chain of custody documents, logic and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>accuracy test records, hand count/ early ballot audit documents and related records.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20333</td>
<td>Election Records, Political Subdivision Records, All other records</td>
<td></td>
<td>After calendar year 2 regular elections held or after political subdivision</td>
<td></td>
<td>7/10/2012</td>
</tr>
<tr>
<td></td>
<td>Voted ballots, voting abstracts (ARS 16-618, 619) and related voting materials,</td>
<td></td>
<td>ceases to exist or after political subdivision begins holding own elections,</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>including voted ballots, official and unofficial returns envelopes, unofficial</td>
<td></td>
<td>whichever comes first.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>results, early voting requests, county special election records, write-in tally</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>sheets, official poll lists, tally lists and voted ballots (ARS 16-615); unofficial</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>poll lists and tally lists (ARS 16-616); chain of custody documents, logic and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>accuracy test records, hand count/ early ballot audit documents and related records.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20334</td>
<td>Election Violation Complaint Records, Resolved through litigation</td>
<td>5 Years</td>
<td>After litigation completed.</td>
<td></td>
<td>7/10/2012</td>
</tr>
<tr>
<td>20335</td>
<td>Election Violation Complaint Records, Resolved without litigation</td>
<td>2 Years</td>
<td>After date of election.</td>
<td></td>
<td>7/10/2012</td>
</tr>
</tbody>
</table>

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### General Records Retention Schedule Issued to:

**All Public Bodies**

**Election Records**

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<thead>
<tr>
<th>Record Series Number</th>
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<th>Legal Citation(s)</th>
<th>Approval Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>20336</td>
<td>Maps (Precincts and districts, including legal descriptions)</td>
<td>Permanent</td>
<td>Preserve pursuant to ARS 39-101.</td>
<td>ARS 39-101</td>
<td>7/10/2012</td>
</tr>
<tr>
<td>20338</td>
<td>Political Action Committee (PAC) Records, Standing PAC, Initial filing records</td>
<td>3 Years</td>
<td>After PAC terminated.</td>
<td></td>
<td>7/10/2012</td>
</tr>
<tr>
<td>20339</td>
<td>Political Action Committee (PAC) Records, Standing PAC, Jurisdictional filing</td>
<td>3 Years</td>
<td>After PAC terminated or after date of election, whichever is later.</td>
<td></td>
<td>7/10/2012</td>
</tr>
<tr>
<td></td>
<td>records filed with jurisdictions where PAC is campaigning.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20340</td>
<td>Political Action Committee (PAC) Records, All others</td>
<td>3 Years</td>
<td>After PAC terminated.</td>
<td></td>
<td>7/10/2012</td>
</tr>
<tr>
<td>20341</td>
<td>Polling Place Records, Presidential Preference Election (PPE) including consent</td>
<td></td>
<td>After next PPE held.</td>
<td></td>
<td>7/10/2012</td>
</tr>
<tr>
<td></td>
<td>forms.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20342</td>
<td>Polling Place Records, All others</td>
<td>2 Years</td>
<td>After date of election.</td>
<td></td>
<td>7/10/2012</td>
</tr>
<tr>
<td></td>
<td>Including consent forms.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Election Records

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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>20343</td>
<td>Poll Worker for Election Day Records&lt;br&gt;Including financial records, names, addresses, poll worked, sign-in sheets, reports and handouts and other related records.</td>
<td>2 Years</td>
<td>After date of election.</td>
<td></td>
<td>7/10/2012</td>
</tr>
<tr>
<td>20344</td>
<td>Publicity Records, Historical&lt;br&gt;Including pamphlets and other educational documentation for election issues.</td>
<td>Permanent</td>
<td>Preserve pursuant to ARS 39-101.</td>
<td>ARS 39-101</td>
<td>7/10/2012</td>
</tr>
<tr>
<td>20345</td>
<td>Publicity Records, All others&lt;br&gt;Including pamphlets and other educational documentation for election issues.</td>
<td>After fiscal year election held.</td>
<td></td>
<td></td>
<td>7/10/2012</td>
</tr>
<tr>
<td>20346</td>
<td>Report of Voter Statistics (if issued)</td>
<td>10 Years</td>
<td>After date of election.</td>
<td></td>
<td>7/10/2012</td>
</tr>
<tr>
<td>20347</td>
<td>Signature Rosters&lt;br&gt;Including for traditional elections, this is the actual signature roster and may include notation for voters that mail-in ballots and for elections that are fully conducted via mail-in on-line, this can be a roster checklist of citizens that actually.</td>
<td>Permanent</td>
<td>Preserve pursuant to ARS 39-101.</td>
<td>ARS 39-101</td>
<td>7/10/2012</td>
</tr>
<tr>
<td>20348</td>
<td>Title 19 Records, Historical&lt;br&gt;Including initiatives, recalls and referendum.</td>
<td>Permanent</td>
<td>Preserve pursuant to ARS 39-101.</td>
<td>ARS 39-101</td>
<td>7/10/2012</td>
</tr>
<tr>
<td>20349</td>
<td>Title 19 Records, Petitions, certification sheets and related correspondence&lt;br&gt;including initiatives, recalls and referendum.</td>
<td>1 Year</td>
<td>After calendar year of election. If no election held, return petitions to petitioner.</td>
<td></td>
<td>7/10/2012</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Record Series Number</th>
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<tbody>
<tr>
<td>20350</td>
<td>Title 19 Records, Application for initiatives, recalls and referendum&lt;br&gt;Including initiatives, recalls and referendum.</td>
<td>10 Years</td>
<td>After calendar year filed.</td>
<td></td>
<td>7/10/2012</td>
</tr>
<tr>
<td>20351</td>
<td>Video Recording of Ballot Counting and Related Records&lt;br&gt;For any statewide, county or legislative election.</td>
<td></td>
<td></td>
<td>ARS 16-621</td>
<td>7/10/2012</td>
</tr>
</tbody>
</table>
APPENDIX II: Retention Schedule — Recorder Records (from the 2019 Elections Procedures Manual)

*Note that the Secretary of State’s Office, Elections Services Division may have an updated version of this document.

General Records Retention Schedule Issued to: All Arizona Counties
Recorder Records

Authority: Pursuant to ARS 41-151.12(3), only the Arizona State Library, Archives and Public Records has the authority to set retention periods, including the sole authority to modify, extend or decrease records retention periods. The retention periods listed herein are the required time records must be retained. Records should be promptly and orderly disposed of at the end of their retention period. Keeping records longer than the retention period poses financial, legal, audit and investigative risks to the Agency. These risks need to be considered by State and Local Agencies when there is a compelling need to retain records for a longer period of time than the approved retention period. Records required for ongoing or foreseeable official proceedings such as audits, investigations or lawsuits, must be retained until released from such official proceedings, notwithstanding the instructions of this schedule.

Archival Value: Records designated as Permanent on the retention schedule must not be destroyed (ARS 39-101). If it is believed that special circumstances warrant other records to be retained permanently, contact the Arizona State Archives for assistance in determining historical or archival value. All records created prior to 1912 must be retained permanently. This retention schedule does not authorize the transfer of records to any repository other than the Arizona State Archives (ARS 41-151.09).

Disposition: This schedule is used in conjunction with the Certificate of Records Destruction. All records disposed under this schedule must be reported on the Certificate of Records Destruction, unless transferred to the Arizona State Archives.

Format: Retention periods listed on this schedule apply to all records regardless of physical form or characteristics. Records, regardless of format (including electronic, paper, microfilm, etc.) not listed in this schedule or on the approved General Retention Schedule, are not authorized to be destroyed.

Copies: Additional copies created for convenience or reference purposes should not be retained longer than the record copy listed in this schedule. Copies do not need to be reported on the Certificate of Records Destruction when they are disposed.

Supersession: This schedule supersedes General Schedule GS-1070, dated September 12, 2018.

Records Analyst, Secretary of State: Richard Carroll
Records Series Electronically Approved in RSM Database
Assistant Director of Archives: Dennis Preidler, Ph.D.
Records Series Electronically Approved in RSM Database

State Records Management Officer, Arizona State Archives & Records Management Center: Dr. Ted Hale
Records Series Electronically Approved in RSM Database
Records Management Officer:
Records series approval on file

RECORDS MANAGEMENT CENTER
1915 West Jefferson Street • Phoenix, Arizona 85007 • http://www.azlibrary.gov/records • Phone: (602) 542-1813 • FAX: (602) 542-2818 • E-mail: records@azlibrary.gov

Revised: 5/21/2019
## General Records Retention Schedule Issued to:
All Arizona Counties
Recorder Records

### Schedule Number: GS-1070

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<tr>
<th>Record Series Number</th>
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</tr>
</thead>
<tbody>
<tr>
<td>21082</td>
<td>Blotters</td>
<td>Permanent</td>
<td>Created and preserved pursuant to ARS 11-472.</td>
<td>ARS 11-472</td>
<td>5/6/2010</td>
</tr>
<tr>
<td>21083</td>
<td>Fee Collection Records</td>
<td>3 Years</td>
<td>After fiscal year created.</td>
<td></td>
<td>5/6/2010</td>
</tr>
<tr>
<td>21084</td>
<td>Indices to Recorded Instruments, Maps and Plats</td>
<td>Permanent</td>
<td>Created and preserved pursuant to ARS 11-462 and 463.</td>
<td>ARS 11-462, ARS 11-463</td>
<td>5/6/2010</td>
</tr>
<tr>
<td>21085</td>
<td>Index Reports</td>
<td>3 Years</td>
<td>After calendar year created.</td>
<td></td>
<td>5/6/2010</td>
</tr>
<tr>
<td>21086</td>
<td>Official Oaths, County Recorder's</td>
<td></td>
<td>After reference value served. Official copy with Clerk of the Board.</td>
<td></td>
<td>5/6/2010</td>
</tr>
<tr>
<td>21087</td>
<td>Official Oaths, Other Elective County and Elective Precinct Officers</td>
<td>5 Years</td>
<td>After term of office expires.</td>
<td></td>
<td>5/6/2010</td>
</tr>
<tr>
<td>21088</td>
<td>Recorded Instruments, Original Instruments, Maps and Plats</td>
<td></td>
<td>Returned to requestor or destroyed after recorded on permanent quality medium and all other provisions of ARS, 11-479 are met.</td>
<td>ARS 11-479</td>
<td>5/6/2010</td>
</tr>
<tr>
<td>Record Series Number</td>
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<tr>
<td>----------------------</td>
<td>------------------------------------------------------------------------------------</td>
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<td>-----------------------------------------------------------------------------------------------------</td>
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<td>---------------</td>
</tr>
<tr>
<td>21089</td>
<td>Recorded Instruments, Microfilm</td>
<td>Permanent</td>
<td>Retain and secure in separate location pursuant to ARS 11-479.</td>
<td>ARS 11-479</td>
<td>5/6/2010</td>
</tr>
<tr>
<td>21090</td>
<td>Recorded Instruments, Non-Silver Halide Microfilm Or Electronic</td>
<td></td>
<td>After reference value served.</td>
<td></td>
<td>5/6/2010</td>
</tr>
<tr>
<td>21091</td>
<td>Recorded Instruments, Returned Mail Instruments</td>
<td></td>
<td>After final attempt to mail is returned.</td>
<td></td>
<td>5/6/2010</td>
</tr>
<tr>
<td>21092</td>
<td>Signature Rosters / Voter History, For Traditional Elections</td>
<td>Permanent</td>
<td>Preserve pursuant to ARS 39-101. When the public body no longer wishes to maintain the permanent records, they should be transferred to the State Archives.</td>
<td>ARS 39-101</td>
<td>5/6/2010</td>
</tr>
<tr>
<td>21093</td>
<td>Signature Rosters / Voter History, For Elections That Are Fully Conducted Via Mail-in / On-Line</td>
<td></td>
<td>Will be provided by the Arizona Secretary of State through the Voter Registration Records database.</td>
<td></td>
<td>5/6/2010</td>
</tr>
<tr>
<td>21094</td>
<td>Voter Notification Records</td>
<td>1 Year</td>
<td>After mailed, but no less than 6 months after date of election.</td>
<td></td>
<td>5/6/2010</td>
</tr>
</tbody>
</table>
### General Records Retention Schedule Issued to:

**All Arizona Counties**

**Recorder Records**

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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>21095</td>
<td>Voter Registration Records Database, Output Records, Affidavits of Registration (Voter) Records</td>
<td>After reference value served.</td>
<td></td>
<td></td>
<td>5/6/2010</td>
</tr>
<tr>
<td>21096</td>
<td>Voter Registration Records Database, Output Records, Cancelation of Affidavits of Registration (Voter) Records</td>
<td>After reference value served.</td>
<td></td>
<td></td>
<td>2/20/2019</td>
</tr>
<tr>
<td>21097</td>
<td>Voter Registration Records Database, Output Records, Early / Absentee Voter Records</td>
<td>After reference value served.</td>
<td></td>
<td></td>
<td>2/20/2019</td>
</tr>
<tr>
<td>21098</td>
<td>Voter Registration Records Database, Output Records, Audit Logs</td>
<td>After reference value served.</td>
<td></td>
<td></td>
<td>2/20/2019</td>
</tr>
<tr>
<td>21099</td>
<td>Voter Registration Records Database, Output Records, General Register</td>
<td>After reference value served.</td>
<td></td>
<td></td>
<td>3/12/2019</td>
</tr>
<tr>
<td>21100</td>
<td>Voter Registration Records Database, Database and Data Fields</td>
<td>5 years after voter registration cancelled or after reference value served, whichever is later.</td>
<td>(Official copy with Secretary of State's Office).</td>
<td></td>
<td>5/6/2010</td>
</tr>
<tr>
<td>Record Series Number</td>
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</tr>
<tr>
<td>21101</td>
<td>Voter Registration Records Database, Input Records, Voter Registration Affidavits</td>
<td></td>
<td>After scanned and verified and after reference value served.</td>
<td></td>
<td>5/6/2010</td>
</tr>
<tr>
<td>21102</td>
<td>Voter Registration Records Database, Input Records, Voter Registration Cancellations</td>
<td></td>
<td>After scanned and verified and after reference value served.</td>
<td></td>
<td>2/20/2019</td>
</tr>
<tr>
<td>21103</td>
<td>Voter Registration Records Database, Input Records, United States Citizenship and Immigration Services - Systematic Alien Verification For Entitlements (SAVE)</td>
<td></td>
<td>After scanned and verified and after reference value served.</td>
<td></td>
<td>2/20/2019</td>
</tr>
<tr>
<td>21104</td>
<td>Voter Registration Records Database, Input Records, Juror Questionnaire-Related</td>
<td></td>
<td>After scanned and verified and after reference value served.</td>
<td></td>
<td>2/20/2019</td>
</tr>
<tr>
<td>21105</td>
<td>Voter Registration Records Database, Input Records, Death Notifications</td>
<td></td>
<td>After scanned and verified and after reference value served.</td>
<td></td>
<td>5/13/2019</td>
</tr>
<tr>
<td>21106</td>
<td>Voter Registration Records Database, Input Records, US Postal Service - Change Of Address Notifications</td>
<td></td>
<td>After scanned and verified and after reference value served.</td>
<td></td>
<td>2/20/2019</td>
</tr>
</tbody>
</table>