

**PIMA COUNTY RECORDER PUBLIC RECORDS REPRODUCTION REQUEST
AND CERTIFICATION**

Information and Instruction Sheet

REQUESTING PARTY: Please read and note the following information and instructions.

Pursuant to A.R.S. § 39-121.03, a person requesting copies, printouts or photographs of public records shall, upon making a request, provide a certified statement setting forth the commercial purpose for which the copies, printouts or photographs will be used.

A person providing a certified statement that the reproductions will not be used for a commercial purpose will be furnished the reproductions at a reasonable fee, not exceeding a commercial rate for like services.

A person providing a certified statement setting forth the commercial purpose for which the reproduction will be used may be furnished the reproductions at the discretion of the custodian of the records, the charge for which shall include the following:

1. A portion of the cost to the County for obtaining the documents or records to be reproduced,
2. A reasonable fee covering the cost of time, equipment and personnel in making the reproduction, and
3. The value of reproduction on the commercial market.

If the custodian of a public record believes that the commercial purpose of a reproduction is a misuse of public records or an abuse of the right to receive them, the custodian may refuse the request and may request the Governor to prohibit the furnishing of reproductions for the commercial purposes by Executive Order. If an Executive Order is not issued within thirty days of the custodian's application, the requesting party shall be furnished the reproductions for the commercial purpose set forth in the certified statement upon payment of the required fee.

"Commercial purpose" is broadly defined by statute as "any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of such public record." A.R.S § 39-121.03(D). "Commercial purpose" includes copies of records for sale or resale and copies of printouts of names and addresses for purposes of solicitation of business.

DEFINITION OF "COMMERCIAL PURPOSE"

A.R.S. § 39-121.03(D) defines the term "commercial purpose" as follows:

"...the use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from public records for the purpose of solicitation or the sale of names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of the public record. Commercial purpose does not mean the use of a public record as evidence or as research for evidence in an action in any judicial or quasi-judicial body."

PENALTY FOR COMMERCIAL MISUSE

A.R.S. § 39-121.03(C) provides:

"A person who obtains a public record for a commercial purpose without indicating the commercial purpose or who obtains a public record for a noncommercial purpose and uses or knowingly allows the use of such public record for a commercial purpose or who obtains a public record for a commercial purpose and uses or knowingly allows the use of such public record for a different commercial purpose or who obtains a public record from anyone other than the custodian of such records and uses it for a commercial purpose shall in addition to other penalties* be liable to the state or the political subdivision from which the public record was obtained for damages in the amount of three times the amount which would have been charged for the public record had the commercial purpose been stated plus costs and reasonable attorneys' fees or shall be liable to the state or the political subdivision for the amount of three times the actual damages if it can be shown that the public record would not have been provided had the commercial purpose of actual use been stated at the time of obtaining the records."

* The penalty for perjury is a fine fixed by the court of no more than \$150,000, or imprisonment in the State Prison for a term of one and one-half years, or both.

VOTER RECORDS

If you are requesting precinct registers and other lists and information derived from voter registration forms, A.R.S. § 16-168(E) provides that such records may only be used for purposes relating to political or political party activity, a political campaign or an election, for revising election district boundaries, or for any other purpose specifically authorized by law. The county recorder may charge a fee equal to five cents for each name appearing on a printed precinct register or ten cents per name, plus costs of furnishing a blank computer tape or disc, if such information is provided on an electronic data medium.

PENALTY FOR MISUSE OF PRECINCT REGISTERS AND INFORMATION DERIVED FROM THEM

A.R.S. § 16-168(F) provides:

"Any person in possession of a precinct register or list, in whole or part, or any reproduction of a precinct register or list, shall not permit such register or list to be used, bought, sold or otherwise transferred for any purpose except for uses otherwise authorized by this section. A person in possession of information derived from voter registration forms or precinct registers shall not distribute, post or otherwise provide access to any portion of that information through the internet except as authorized by subsection J of this section...A person who violates this subsection or subsection E of this section is guilty of a class 6 felony."

PIMA COUNTY RECORDER PUBLIC RECORDS REPRODUCTION REQUEST

Date: _____

Name of requesting party: _____

Address: _____

Telephone number: _____ Email address: _____

I request that the Pima County Recorder provide a copy of the following public records:

The records are to be used for (check one):

___ Noncommercial purposes ___ Commercial purposes

State the purpose for which records will be used:

CERTIFICATION

I declare that I have read the Information and Instruction Sheet accompanying this form and understand its contents. If the above requested records are precinct registers or other lists and information derived from voter registration information, in accordance with A.R.S. 16-168, I hereby agree not to and shall not use nor permit others to use such records for any purpose other than that which is related to political or political party activity, a political campaign or election, or for revising election district boundaries or for any other purposes specifically authorized by law. If I have indicated that the above reproduction of the public records which I have requested are to be used for commercial purposes, I declare that the reproductions will be used solely for the purposes described above and that the reproductions will not be used directly or indirectly for a different purpose than described above. I declare under penalty of perjury that the foregoing statement and information provided herein is correct and true.

Requesting Party's Signature

REQUEST RECEIVED BY: _____
Recorder's Office Employee

NAME & ADDRESS VERIFIED FROM PICTURE I.D.: _____ I.D. TYPE & NUMBER _____

IS REQUEST FROM P.A.C.? NO YES

STATEMENT OF ORGANIZATION ATTACHED? YES

OR FEDERAL PAC ID # _____