

REFERENCE TITLE: polling places; identification; early voting

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HB 2701

Introduced by
Representative Fillmore

AN ACT

AMENDING SECTIONS 16-166, 16-411, 16-541, 16-579 AND 28-3153, ARIZONA
REVISED STATUTES; RELATING TO VOTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Subject to the requirements of article IV, part 1,
3 section 1, Constitution of Arizona, section 16-166, Arizona Revised
4 Statutes, is amended to read:

5 16-166. Verification of registration

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

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

31 C. The county recorder shall maintain on the inactive voter list
32 the names of electors who have been removed from the general register
33 pursuant to subsection A or E of this section for a period of four years
34 or through the date of the second general election for federal office
35 following the date of the notice from the county recorder that is sent
36 pursuant to subsection E of this section.

37 D. On notice that a government agency has changed the name of any
38 street, route number, post office box number or other address designation,
39 the county recorder shall revise the registration records and shall send a
40 new verification of registration notice to the electors whose records were
41 changed.

42 E. The county recorder on or before May 1 of each year preceding a
43 state primary and general election or more frequently as the recorder
44 deems necessary may use the change of address information supplied by the
45 postal service through its licensees to identify registrants whose

1 addresses may have changed. If it appears from information provided by
2 the postal service that a registrant has moved to a different residence
3 address in the same county, the county recorder shall change the
4 registration records to reflect the new address and shall send the
5 registrant a notice of the change by forwardable mail and a postage
6 prepaid preaddressed return form or an appropriate internet address for
7 revising voter registration information by which the registrant may verify
8 or correct the registration information. If the registrant fails to
9 revise the information or return the form postmarked not later than
10 thirty-five days after the mailing of the notice, the elector's
11 registration status shall be changed from active to inactive. If the
12 notice sent by the recorder is not returned, the registrant may be
13 required to provide affirmation or confirmation of the registrant's
14 address in order to vote. If the registrant does not vote in an election
15 during the period after the date of the notice from the recorder through
16 the date of the second general election for federal office following the
17 date of that notice, the registrant's name shall be removed from the list
18 of inactive voters. If the registrant has changed residence to a new
19 county, the county recorder shall provide information on how the
20 registrant can continue to be eligible to vote.

21 F. The county recorder shall reject any application for
22 registration that is not accompanied by satisfactory evidence of United
23 States citizenship. Satisfactory evidence of citizenship shall include
24 any of the following:

25 1. The number of the applicant's driver license or nonoperating
26 identification license issued after October 1, 1996 by the department of
27 transportation or the equivalent governmental agency of another state
28 within the United States if the agency indicates on the applicant's driver
29 license or nonoperating identification license that the person has
30 provided satisfactory proof of United States citizenship.

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

33 3. A legible photocopy of pertinent pages of the applicant's United
34 States passport identifying the applicant and the applicant's passport
35 number or presentation to the county recorder of the applicant's United
36 States passport.

37 4. A presentation to the county recorder of the applicant's United
38 States naturalization documents or the number of the certificate of
39 naturalization. If only the number of the certificate of naturalization
40 is provided, the applicant shall not be included in the registration rolls
41 until the number of the certificate of naturalization is verified with the
42 United States ~~immigration and naturalization service~~ **CITIZENSHIP AND**
43 **IMMIGRATION SERVICES** by the county recorder.

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

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

3 7. AN IDENTIFICATION CARD THAT IS ISSUED BY THIS STATE OR THE
4 UNITED STATES.

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

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

12 I. A person who modifies voter registration records with a new
13 residence ballot shall not be required to submit evidence of citizenship.
14 After citizenship has been demonstrated to the county recorder, the person
15 is not required to resubmit satisfactory evidence of citizenship in that
16 county.

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

21 Sec. 2. Section 16-411, Arizona Revised Statutes, is amended to
22 read:

23 16-411. Designation of election precincts and polling places;
24 voting centers; electioneering; wait times

25 A. The board of supervisors of each county, on or before October 1
26 of each year preceding the year of a general election, by an order, shall
27 establish a convenient number of election precincts in the county and
28 define the boundaries of the precincts. The election precinct boundaries
29 shall be ~~so~~ established ~~so~~ as ~~to be~~ included within election districts
30 prescribed by law for elected officers of the state and its political
31 subdivisions including community college district precincts, except those
32 elected officers provided for in titles 30 and 48. ~~ELECTION PRECINCT~~
33 ~~LINES SHALL ALSO BE DRAWN TO INCLUDE AS A PRIORITY PUBLIC ELEMENTARY,~~
34 ~~MIDDLE AND HIGH SCHOOLS WITHIN AN ELECTION PRECINCT.~~

35 B. ~~Not less than~~ AT LEAST twenty days before a general or primary
36 election, and at least ten days before a special election, the board shall
37 designate one polling place within each precinct where the election shall
38 be held, except that:

39 1. On a specific finding of the board, included in the order or
40 resolution designating polling places pursuant to this subsection, that no
41 suitable polling place is available within a precinct, a polling place for
42 that precinct may be designated within an adjacent precinct.

43 ~~2. Adjacent precincts may be combined if boundaries so established~~
44 ~~are included in election districts prescribed by law for state elected~~
45 ~~officials and political subdivisions including community college districts~~

1 ~~but not including elected officials prescribed by titles 30 and 48. The~~
2 ~~officer in charge of elections may also split a precinct for~~
3 ~~administrative purposes. The polling places shall be listed in separate~~
4 ~~sections of the order or resolution.~~

5 ~~3.~~ 2. On a specific finding of the board that the number of
6 persons who are listed as permanent early voters pursuant to section
7 16-544 is likely to substantially reduce the number of voters appearing at
8 one or more specific polling places at that election, adjacent precincts
9 may be consolidated by combining polling places and precinct boards for
10 that election. The board of supervisors shall ensure that a reasonable
11 and adequate number of polling places will be designated for that
12 election. Any consolidated polling places shall be listed in separate
13 sections of the order or resolution of the board.

14 ~~4.~~ 3. On a specific resolution of the board, the board ~~may~~ SHALL
15 authorize the use of voting centers in place of ~~or in addition to~~
16 specifically designated polling places **FOR THIRTY DAYS BEFORE THE DAY OF**
17 **THE ELECTION.** A voting center shall allow any voter in that county to
18 receive the appropriate ballot for that voter on election day after
19 presenting identification as prescribed in section 16-579 and to lawfully
20 cast the ballot. Voting centers ~~may~~ SHALL be established in coordination
21 and consultation with the county recorder, at other county offices or at
22 other locations in the county deemed appropriate **INCLUDING FEDERAL**
23 **GOVERNMENT FACILITIES. A COUNTY WITH A POPULATION OF LESS THAN TWO**
24 **HUNDRED THOUSAND PERSONS SHALL HAVE A MAXIMUM OF FOUR VOTING CENTERS, A**
25 **COUNTY WITH A POPULATION OF TWO HUNDRED THOUSAND PERSONS OR MORE AND LESS**
26 **THAN ONE MILLION PERSONS SHALL HAVE A MAXIMUM OF EIGHT VOTING CENTERS AND**
27 **A COUNTY WITH A POPULATION OF ONE MILLION PERSONS OR MORE SHALL HAVE A**
28 **MAXIMUM OF FIFTEEN VOTING CENTERS, AS DETERMINED BY THE BOARD OF**
29 **SUPERVISORS.**

30 ~~5.~~ 4. On a specific resolution of the board of supervisors that is
31 limited to a specific election date and that is voted on by a recorded
32 vote, the board may authorize the county recorder or other officer in
33 charge of elections to use emergency voting centers as follows:

34 (a) The board shall specify in the resolution the location and the
35 hours of operation of the emergency voting centers.

36 (b) A qualified elector voting at an emergency voting center shall
37 provide identification as prescribed in section 16-579, except that
38 notwithstanding section 16-579, subsection A, paragraph 2, for any voting
39 at an emergency voting center, the county recorder or other officer in
40 charge of elections may allow a qualified elector to update the elector's
41 voter registration information as provided for in the secretary of state's
42 instructions and procedures manual adopted pursuant to section 16-452.

43 (c) If an emergency voting center established pursuant to this
44 section becomes unavailable and there is not sufficient time for the board
45 of supervisors to convene to approve an alternate location for that

1 emergency voting center, the county recorder or other officer in charge of
2 elections may make changes to the approved emergency voting center
3 location and shall notify the public and the board of supervisors
4 regarding that change as soon as practicable. The alternate emergency
5 voting center shall be as close in proximity to the approved emergency
6 voting center location as possible.

7 C. If the board fails to designate the place for holding the
8 election, or if it cannot be held at or about the place designated, the
9 justice of the peace in the precinct, two days before the election, by an
10 order, copies of which the justice of the peace shall immediately post in
11 three public places in the precinct, shall designate the place within the
12 precinct for holding the election. If there is no justice of the peace in
13 the precinct, or if the justice of the peace fails to do so, the election
14 board of the precinct shall designate and give notice of the place within
15 the precinct of holding the election. For any election in which there are
16 no candidates for elected office appearing on the ballot, the board may
17 consolidate polling places and precinct boards and may consolidate the
18 tabulation of results for that election if all of the following apply:

19 1. All affected voters are notified by mail of the change at least
20 thirty-three days before the election.

21 2. Notice of the change in polling places includes notice of the
22 new voting location, notice of the hours for voting on election day and
23 notice of the telephone number to call for voter assistance.

24 3. All affected voters receive information on early voting that
25 includes the application used to request an early voting ballot.

26 D. The board is not required to designate a polling place for
27 special district mail ballot elections held pursuant to article 8.1 of
28 this chapter, but the board may designate one or more sites for voters to
29 deposit marked ballots until 7:00 p.m. on the day of the election.

30 E. ~~Except as provided in subsection F of this section,~~ A public
31 school shall provide sufficient space for use as a polling place for any
32 city, county or state election when requested by the officer in charge of
33 elections. ~~THE DEPARTMENT OF EDUCATION AND THE GOVERNING BOARDS OF SCHOOL~~
34 ~~DISTRICTS SHALL ASSIST IN THE SELECTION OF POLLING PLACES AND SHALL~~
35 ~~PROVIDE TO THE COUNTY BOARD OF SUPERVISORS BY MAY 15 IN EVERY~~
36 ~~EVEN-NUMBERED YEAR A LIST OF AVAILABLE POLLING PLACE LOCATIONS.~~

37 ~~F. The principal of the school may deny a request to provide space~~
38 ~~for use as a polling place for any city, county or state election if,~~
39 ~~within two weeks after a request has been made, the principal provides a~~
40 ~~written statement indicating a reason the election cannot be held in the~~
41 ~~school, including any of the following:~~

42 ~~1. Space is not available at the school.~~

43 ~~2. The safety or welfare of the children would be jeopardized.~~

1 ~~G.~~ F. The board shall make available to the public as a public
2 record a list of the polling places for all precincts in which the
3 election is to be held.

4 ~~H.~~ G. Except in the case of an emergency, any facility that is
5 used as a polling place on election day or that is used as an early voting
6 site during the period of early voting shall allow persons to electioneer
7 and engage in other political activity outside of the seventy-five foot
8 limit prescribed by section 16-515 in public areas and parking lots used
9 by voters. This subsection ~~shall~~ DOES not ~~be construed to permit~~ ALLOW
10 the temporary or permanent construction of structures in public areas and
11 parking lots or the blocking or other impairment of access to parking
12 spaces for voters. The county recorder or other officer in charge of
13 elections shall post on its website at least two weeks before election day
14 a list of those polling places in which emergency conditions prevent
15 electioneering and shall specify the reason the emergency designation was
16 granted and the number of attempts that were made to find a polling place
17 before granting an emergency designation. If the polling place is not on
18 the website list of polling places with emergency designations,
19 electioneering and other political activity shall be ~~permitted~~ ALLOWED
20 outside of the seventy-five foot limit. If an emergency arises after the
21 county recorder or other officer in charge of elections' initial website
22 posting, the county recorder or other officer in charge of elections shall
23 update the website as soon as is practicable to include any new polling
24 places, shall highlight the polling place location on the website and
25 shall specify the reason the emergency designation was granted and the
26 number of attempts that were made to find a polling place before granting
27 an emergency designation.

28 ~~I.~~ H. For the purposes of this section, a county recorder or other
29 officer in charge of elections shall designate a polling place as an
30 emergency polling place and thus prohibit persons from electioneering and
31 engaging in other political activity outside of the seventy-five foot
32 limit prescribed by section 16-515 but inside the property of the facility
33 that is hosting the polling place if any of the following occurs:

34 1. An act of God renders a previously set polling place as
35 unusable.

36 2. A county recorder or other officer in charge of elections has
37 exhausted all options and there are no suitable facilities in a precinct
38 that are willing to be a polling place unless a facility can be given an
39 emergency designation.

40 ~~J.~~ I. The secretary of state shall provide through the
41 instructions and procedures manual adopted pursuant to section 16-452 the
42 maximum allowable wait time for any election that is subject to section
43 16-204 and provide for a method to reduce voter wait time at the polls in
44 the primary and general elections. The method shall consider at least all
45 of the following for primary and general elections in each precinct:

1 1. The number of ballots voted in the prior primary and general
2 elections.

3 2. The number of registered voters who voted early in the prior
4 primary and general elections.

5 3. The number of registered voters and the number of registered
6 voters who cast an early ballot for the current primary or general
7 election.

8 4. The number of election board members and clerks and the number
9 of rosters that will reduce voter wait time at the polls.

10 Sec. 3. Section 16-541, Arizona Revised Statutes, is amended to
11 read:

12 16-541. Early voting

13 A. Any election called pursuant to the laws of this state shall
14 provide for early voting. Any qualified elector may vote by early ballot
15 **IN PERSON AT ANY POLLING PLACE. A QUALIFIED ELECTOR MAY VOTE BY MAIL ONLY**
16 **IF THE ELECTOR IS PHYSICALLY UNABLE TO CAST A BALLOT WITHIN THE PERIOD FOR**
17 **EARLY VOTING, OR HAS A PHYSICAL DISABILITY, IS CONFINED TO A NURSING HOME**
18 **OR OTHER SIMILAR FACILITY, IS ON MILITARY DUTY OR IS TEMPORARILY RESIDING**
19 **OUTSIDE THIS STATE.**

20 B. A qualified elector of a special district organized pursuant to
21 title 48 shall be permitted to vote early in any special district mail
22 ballot election as provided in article 8.1 of this chapter.

23 Sec. 4. Subject to the requirements of article IV, part 1,
24 section 1, Constitution of Arizona, section 16-579, Arizona Revised
25 Statutes, is amended to read:

26 16-579. Procedure for obtaining ballot by elector

27 A. Every qualified elector, before receiving a ballot, shall
28 announce the elector's name and place of residence in a clear, audible
29 tone of voice to the election official in charge of the signature roster
30 or present the elector's name and residence in writing. The election
31 official in charge of the signature roster shall comply with the following
32 and the qualified elector shall be allowed within the voting area:

33 1. The elector shall present ~~any of the following:~~

34 ~~(a)~~ **ONLY** a valid form of identification that bears the photograph,
35 name and address of the elector that reasonably appear to be the same as
36 the name and address in the precinct register, including an Arizona driver
37 license, an Arizona nonoperating identification license, a tribal
38 enrollment card or other form of tribal identification or a United States
39 federal, state or local government issued identification. Identification
40 is deemed valid unless it can be determined on its face that it has
41 expired.

42 ~~(b) Two different items that contain the name and address of the~~
43 ~~elector that reasonably appear to be the same as the name and address in~~
44 ~~the precinct register, including a utility bill, a bank or credit union~~
45 ~~statement that is dated within ninety days of the date of the election, a~~

~~1 valid Arizona vehicle registration, an Arizona vehicle insurance card, an
2 Indian census card, tribal enrollment card or other form of tribal
3 identification, a property tax statement, a recorder's certificate, a
4 voter registration card, a valid United States federal, state or local
5 government issued identification or any mailing that is labeled as
6 "official election material". Identification is deemed valid unless it
7 can be determined on its face that it has expired.~~

~~8 (c) A valid form of identification that bears the photograph, name
9 and address of the elector except that if the address on the
10 identification does not reasonably appear to be the same as the address in
11 the precinct register or the identification is a valid United States
12 military identification card or a valid United States passport and does
13 not bear an address, the identification must be accompanied by one of the
14 items listed in subdivision (b) of this paragraph.~~

15 2. If the elector does not present identification that complies
16 with paragraph 1 of this subsection, the elector is only eligible to vote
17 a provisional ballot as prescribed by section 16-584 or a conditional
18 provisional ballot as provided for in the secretary of state's instruction
19 and procedures manual adopted pursuant to section 16-452.

20 B. Any qualified elector who is listed as having applied for an
21 early ballot but who states that the elector has not voted and will not
22 vote an early ballot for this election or surrenders the early ballot to
23 the precinct inspector on election day shall be allowed to vote pursuant
24 to the procedure set forth in section 16-584.

25 C. Each qualified elector's name shall be numbered consecutively by
26 the clerks and in the order of applications for ballots. The judge shall
27 give the qualified elector only one ballot, and the elector's name shall
28 be immediately checked on the precinct register.

29 D. For precincts in which a paper signature roster is used, each
30 qualified elector shall sign the elector's name in the signature roster
31 prior to receiving a ballot, but an inspector or judge may sign the roster
32 for an elector who is unable to sign because of physical disability, and
33 in that event the name of the elector shall be written with red ink, and
34 no attestation or other proof shall be necessary. The provisions of this
35 subsection relating to signing the signature roster shall not apply to
36 electors casting a ballot using early voting procedures.

37 E. For precincts in which an electronic poll book system is used,
38 each qualified elector shall sign the elector's name as prescribed in the
39 instructions and procedures manual adopted by the secretary of state
40 pursuant to section 16-452 before receiving a ballot, but an inspector or
41 judge may sign the roster for an elector who is unable to sign because of
42 physical disability, and in that event the name of the elector shall be
43 written with the inspector's or judge's attestation on the same signature
44 line.

1 F. A person offering to vote at a special district election for
2 which no special district register has been supplied shall sign an
3 affidavit stating the person's address and that the person resides within
4 the district boundaries or proposed district boundaries and swearing that
5 the person is a qualified elector and has not already voted at the
6 election being held.

7 Sec. 5. Section 28-3153, Arizona Revised Statutes, is amended to
8 read:

9 28-3153. Driver license issuance; prohibitions

10 A. The department shall not issue the following:

11 1. A driver license to a person who is under eighteen years of age,
12 except that the department may issue:

13 (a) A restricted instruction permit for a class D or G license to a
14 person who is at least fifteen years of age.

15 (b) An instruction permit for a class D, G or M license as provided
16 by this chapter to a person who is at least fifteen years and six months
17 of age.

18 (c) A class G or M license as provided by this chapter to a person
19 who is at least sixteen years of age.

20 2. A class D, G or M license or instruction permit to a person who
21 is under eighteen years of age and who has been tried in adult court and
22 convicted of a second or subsequent violation of criminal damage to
23 property pursuant to section 13-1602, subsection A, paragraph 1 or
24 convicted of a felony offense in the commission of which a motor vehicle
25 is used, including theft of a motor vehicle pursuant to section 13-1802,
26 unlawful use of means of transportation pursuant to section 13-1803 or
27 theft of means of transportation pursuant to section 13-1814, or who has
28 been adjudicated delinquent for a second or subsequent act that would
29 constitute criminal damage to property pursuant to section 13-1602,
30 subsection A, paragraph 1 or adjudicated delinquent for an act that would
31 constitute a felony offense in the commission of which a motor vehicle is
32 used, including theft of a motor vehicle pursuant to section 13-1802,
33 unlawful use of means of transportation pursuant to section 13-1803 or
34 theft of means of transportation pursuant to section 13-1814, if committed
35 by an adult.

36 3. A class A, B or C license to a person who is under twenty-one
37 years of age, except that the department may issue a class A, B or C
38 license that is restricted to only intrastate driving to a person who is
39 at least eighteen years of age.

40 4. A license to a person whose license or driving privilege has
41 been suspended, during the suspension period.

42 5. Except as provided in section 28-3315, a license to a person
43 whose license or driving privilege has been revoked.

44 6. A class A, B or C license to a person who has been disqualified
45 from obtaining a commercial driver license.

1 7. A license to a person who on application notifies the department
2 that the person is an alcoholic as defined in section 36-2021 or a drug
3 dependent person as defined in section 36-2501, unless the person submits
4 a medical examination report that includes a current evaluation from a
5 substance abuse counselor indicating that, in the opinion of the
6 counselor, the condition does not affect or impair the person's ability to
7 safely operate a motor vehicle.

8 8. A license to a person who has been adjudged to be incapacitated
9 pursuant to section 14-5304 and who at the time of application has not
10 obtained either a court order that allows the person to drive or a
11 termination of incapacity as provided by law.

12 9. A license to a person who is required by this chapter to take an
13 examination unless the person successfully passes the examination.

14 10. A license to a person who is required under the motor vehicle
15 financial responsibility laws of this state to deposit proof of financial
16 responsibility and who has not deposited the proof.

17 11. A license to a person if the department has good cause to
18 believe that the operation of a motor vehicle on the highways by the
19 person would threaten the public safety or welfare.

20 12. A license to a person whose driver license has been ordered to
21 be suspended for failure to pay child support, except that a noncommercial
22 restricted license may be issued pursuant to section 25-518.

23 13. A class A, B or C license to a person whose license or driving
24 privilege has been canceled until the cause for the cancellation has been
25 removed.

26 14. A class A, B or C license or instruction permit to a person
27 whose state of domicile is not this state.

28 15. A class A, B or C license to a person who fails to demonstrate
29 proficiency in the English language as determined by the department.

30 B. The department shall not issue a driver license to or renew the
31 driver license of the following persons:

32 1. A person about whom the court notifies the department that the
33 person violated the person's written promise to appear in court when
34 charged with a violation of the motor vehicle laws of this state until the
35 department receives notification in a manner approved by the department
36 that the person appeared either voluntarily or involuntarily or that the
37 case has been adjudicated, that the case is being appealed or that the
38 case has otherwise been disposed of as provided by law.

39 2. If notified pursuant to section 28-1601, a person who fails to
40 pay a civil penalty as provided in section 28-1601, except for a parking
41 violation, until the department receives notification in a manner approved
42 by the department that the person paid the civil penalty, that the case is
43 being appealed or that the case has otherwise been disposed of as provided
44 by law.

1 C. The magistrate or the clerk of the court shall provide the
2 notification to the department prescribed by subsection B of this section.

3 D. Notwithstanding any other law, the department shall not issue to
4 or renew a driver license or nonoperating identification license for a
5 person who does not submit proof satisfactory to the department that the
6 applicant's presence in the United States is authorized under federal law
7 **AS PRESCRIBED BY SUBSECTION E OF THIS SECTION.** For an application for a
8 driver license or a nonoperating identification license, the department
9 shall not accept as a primary source of identification a driver license
10 issued by a state if the state does not require that a driver licensed in
11 that state be lawfully present in the United States under federal law.

12 ~~The director shall adopt rules necessary to carry out the purposes of this~~
13 ~~subsection. The rules shall include procedures for:~~

14 ~~1. Verification that the applicant's presence in the United States~~
15 ~~is authorized under federal law.~~

16 ~~2. Issuance of a temporary driver permit pursuant to section~~
17 ~~28-3157 pending verification of the applicant's status in the United~~
18 ~~States.~~

19 E. AN APPLICANT SHALL SUBMIT ALL OF THE FOLLOWING:

20 1. PROOF OF IDENTITY BY PRESENTING AN ORIGINAL OR CERTIFIED COPY OF
21 A UNITED STATES PASSPORT OR BIRTH CERTIFICATE.

22 2. PROOF OF A SOCIAL SECURITY NUMBER BY PRESENTING AN ORIGINAL OR
23 COPY OF A SOCIAL SECURITY CARD OR W-2 FORM.

24 3. PROOF OF RESIDENCY IN THIS STATE IN TWO FORMS, SUCH AS A UTILITY
25 BILL OR BANK STATEMENT.

26 Sec. 6. Requirements for enactment; three-fourths vote

27 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
28 sections 16-166 and 16-579, Arizona Revised Statutes, as amended by this
29 act, are effective only on the affirmative vote of at least three-fourths
30 of the members of each house of the legislature.