

Senate Engrossed

~~legislature; ninety house districts~~
(now: voter identification; affidavit; procedure)

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SENATE CONCURRENT RESOLUTION 1012

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING
TO VOTER IDENTIFICATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of
2 Representatives concurring:

3 1. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to voter identification, is enacted to
5 become valid as a law if approved by the voters and on proclamation of the
6 Governor:

7 AN ACT

8 AMENDING TITLE 16, CHAPTER 4, ARTICLE 8, ARIZONA REVISED
9 STATUTES, BY ADDING SECTIONS 16-541.01 AND 16-541.02; AMENDING
10 SECTIONS 16-547, 16-548, 16-550 AND 16-579, ARIZONA REVISED
11 STATUTES; AMENDING TITLE 28, CHAPTER 8, ARTICLE 4, ARIZONA
12 REVISED STATUTES, BY ADDING SECTION 28-3165.01; RELATING TO
13 VOTER IDENTIFICATION.

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

15 Section 1. Short title

16 This act may be cited as the "Arizonans for Voter ID
17 Act".

18 Sec. 2. Findings and declaration of purpose

19 The people of this state find and declare as follows:

20 1. Since 1991, Arizona has offered the convenience of
21 early voting by mail, which is now enjoyed by more than
22 seventy-five percent of Arizona voters who exercise their
23 right to vote.

24 2. Though voting by mail is convenient for many voters,
25 the process must be properly administered and safeguarded to
26 reduce the opportunity for illegal votes, illegitimate votes
27 or fraudulent votes to occur.

28 3. Every illegal vote negates a lawful vote, deprives
29 legal voters of their full voting rights and undermines public
30 confidence in our elections.

31 4. Arizona should strive to make it easy to vote and
32 hard to cheat.

33 5. Arizona law currently requires proof of
34 identification to register to vote.

35 6. Arizona law currently requires proof of
36 identification for voting in person at the polls, in person at
37 an early voting center and in person at an emergency voting
38 center before casting a ballot.

39 7. Basic identification requirements are a commonsense
40 practice to provide security and prevent fraud and are
41 commonly required in everyday life, including to purchase
42 alcohol or cigarettes, obtain a driver license, board a
43 commercial flight, donate blood, open a bank account, purchase
44 a firearm, receive unemployment benefits, obtain auto

1 insurance, purchase or rent a home, confirm identity over the
2 telephone and conduct many other basic transactions.

3 8. Arizona law currently treats in-person and
4 early-by-mail voters disparately, requiring identification
5 from all in-person voters before casting a ballot in every
6 election with no such requirement for early-by-mail voters.

7 9. Signatures are not a form of identification and are
8 a subjective measure that can lead to some legal votes being
9 rejected and illegal votes being accepted.

10 10. The type of voter identification required by this
11 measure for mail-in voting, including the voter's date of
12 birth and either the last four digits of the voter's social
13 security number or the voter's driver license or nonoperating
14 identification license number, is information that most voters
15 know by memory or may easily access.

16 11. It is appropriate to continue to provide a period
17 during which a voter who has inadvertently failed to provide
18 the proper voter identification information can easily provide
19 this information and have the voter's ballot counted.

20 12. Section 3 of this measure is intended to bring
21 current statutes that require identification at on-site early
22 voting locations and other early voting locations the
23 protections of the voter protection act.

24 13. Section 7 of this measure is intended to improve
25 voter identification requirements for in-person voting.

26 14. Section 8 of this measure is intended to ensure
27 that any qualified elector in Arizona has access to free voter
28 identification for the purpose of voting.

29 15. In interpreting the provisions of this act, a court
30 of law shall consider the goals of the people of Arizona to
31 ensure election security and integrity.

32 Sec. 3. Title 16, chapter 4, article 8, Arizona Revised
33 Statutes, is amended by adding sections 16-541.01 and
34 16-541.02, to read:

35 16-541.01. Definitions

36 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

37 1. "COMPLETED AFFIDAVIT" MEANS A SIGNED EARLY BALLOT
38 AFFIDAVIT PRESCRIBED IN SECTION 16-547 THAT INCLUDES THE
39 VOTER'S DATE OF BIRTH AND THE NUMBER ON THE VOTER'S EARLY
40 VOTER IDENTIFICATION.

41 2. "EARLY VOTER IDENTIFICATION" MEANS ANY ONE OF THE
42 FOLLOWING:

43 (a) THE VOTER'S ARIZONA DRIVER LICENSE NUMBER.

44 (b) THE VOTER'S ARIZONA NONOPERATING IDENTIFICATION
45 LICENSE NUMBER.

1 (c) THE LAST FOUR DIGITS OF THE VOTER'S SOCIAL SECURITY
2 NUMBER.

3 (d) THE VOTER'S UNIQUE IDENTIFYING NUMBER PRESCRIBED IN
4 SECTION 16-152.

5 16-541.02. On-site early voting; identification

6 ANY ON-SITE EARLY VOTING LOCATION OR ANY OTHER IN-PERSON
7 EARLY VOTING LOCATION SHALL REQUIRE EACH ELECTOR TO PRESENT
8 IDENTIFICATION AS PRESCRIBED IN SECTION 16-579 BEFORE
9 RECEIVING A BALLOT.

10 Sec. 4. Section 16-547, Arizona Revised Statutes, is
11 amended to read:

12 16-547. Ballot affidavit; form

13 A. The early ballot shall be accompanied by an envelope
14 bearing on the front the name, official title and post office
15 address of the recorder or other officer in charge of
16 elections and ~~on the other side~~ a printed affidavit THAT CAN
17 BE CONCEALED WHEN DELIVERED OR MAILED TO THE COUNTY RECORDER
18 OR OTHER OFFICER IN CHARGE OF ELECTIONS. THE AFFIDAVIT SHALL
19 REQUIRE THE VOTER TO PROVIDE THE VOTER'S EARLY VOTER
20 IDENTIFICATION NUMBER AND THE VOTER'S DATE OF BIRTH AND
21 SIGNATURE AND SHALL INCLUDE A STATEMENT in substantially the
22 following form:

23 I declare the following under penalty of
24 perjury: I am a registered voter in _____
25 county Arizona, I have not voted and will not
26 vote in this election in any other county or
27 state, I understand that knowingly voting more
28 than once in any election is a class 5 felony and
29 I voted the enclosed ballot and signed this
30 affidavit personally unless noted below.

31 If the voter was assisted by another person
32 in marking the ballot, complete the following:

33 I declare the following under penalty of
34 perjury: At the registered voter's request I
35 assisted the voter identified in this affidavit
36 with marking the voter's ballot, I marked the
37 ballot as directly instructed by the voter, I
38 provided the assistance because the voter was
39 physically unable to mark the ballot solely due
40 to illness, injury or physical limitation and I
41 understand that there is no power of attorney for
42 voting and that the voter must be able to make
43 the voter's selection even if ~~they~~ THE VOTER
44 cannot physically mark the ballot.

1 Name of voter assistant: _____
 2 Address of voter assistant: _____
 3 TELEPHONE NUMBER OF VOTER ASSISTANT: _____
 4 VOTER ASSISTANT'S RELATIONSHIP TO VOTER: _____

5 B. The face of each envelope in which a ballot is sent
 6 to a federal postcard applicant or in which a ballot is
 7 returned by the applicant to the recorder or other officer in
 8 charge of elections shall be in the form prescribed in
 9 accordance with the uniformed and overseas citizens absentee
 10 voting act ~~of 1986~~ (P.L. 99-410; 52 United States Code section
 11 20301). Otherwise, the envelopes shall be the same as those
 12 used to send ballots to, or receive ballots from, other early
 13 voters.

14 C. The officer charged by law with the duty of
 15 preparing ballots at any election shall ensure that the early
 16 ballot is sent in an envelope that states substantially the
 17 following:

18 If the addressee does not reside at this
 19 address, mark the unopened envelope "return to
 20 sender" and deposit it in the United States mail.

21 D. The county recorder or other officer in charge of
 22 elections shall supply printed instructions to early voters
 23 that direct them to ~~sign~~ PROVIDE THE VOTER'S DATE OF BIRTH AND
 24 SIGNATURE ON the affidavit AND PROVIDE THE VOTER'S EARLY VOTER
 25 IDENTIFICATION NUMBER, mark the ballot and return ~~both~~ THE
 26 BALLOT AND THE COMPLETED AFFIDAVIT in the enclosed
 27 self-addressed envelope that complies with section
 28 16-545. The instructions shall include the following
 29 statement:

30 In order to be valid and counted, the
 31 ballot and COMPLETED affidavit must be delivered
 32 to the office of the county recorder or other
 33 officer in charge of elections or may be
 34 deposited at any polling place in the county ~~no~~
 35 NOT later than 7:00 p.m. on election day. The
 36 ballot will not be counted without the voter's
 37 signature on the envelope.

38 (WARNING – It is a felony to offer or receive any
 39 compensation for a ballot.)

40 Sec. 5. Section 16-548, Arizona Revised Statutes, is
 41 amended to read:

42 16-548. Preparation and transmission of ballot

43 A. The early voter shall ~~make and sign~~ COMPLETE the
 44 affidavit and shall then mark ~~his~~ THE ballot in such a manner
 45 that ~~his~~ THE VOTER'S vote cannot be seen. The early voter

1 shall fold the ballot, if a paper ballot, so as to conceal the
2 vote and deposit the voted ballot in the envelope provided for
3 that purpose, which shall be securely sealed and, together
4 with the COMPLETED affidavit, delivered or mailed to the
5 county recorder or other officer in charge of elections of the
6 political subdivision in which the elector is registered or
7 deposited by the voter or the voter's agent at any polling
8 place in the county. In order to be counted and valid, the
9 ballot AND COMPLETED AFFIDAVIT must be received by the county
10 recorder or other officer in charge of elections or deposited
11 at any polling place in the county ~~no~~ NOT later than 7:00 p.m.
12 on election day.

13 B. If the early voter is an overseas citizen, a
14 qualified elector absent from the United States or in the
15 United States service, a spouse or dependent residing with the
16 early voter or a qualified elector of a special district mail
17 ballot election as provided in article 8.1 of this chapter,
18 the early voter may subscribe to the affidavit before and
19 obtain the signature and military identification number or
20 passport number, if available, of any person who is a United
21 States citizen eighteen years of age or older.

22 Sec. 6. Section 16-550, Arizona Revised Statutes, is
23 amended to read:

24 16-550. Receipt of voter's ballot; cure period

25 A. On receipt of the envelope containing the early
26 ballot and the COMPLETED ballot affidavit, the county recorder
27 or other officer in charge of elections shall compare the
28 ~~signatures thereon~~ SIGNATURE ON THE ENVELOPE with the
29 signature of the elector on the elector's registration record
30 AND SHALL CONFIRM THE ELECTOR'S EARLY VOTER IDENTIFICATION AND
31 DATE OF BIRTH AS SUBMITTED BY THE ELECTOR PURSUANT TO SECTION
32 16-548. If the signature is inconsistent with the elector's
33 signature on the elector's registration record OR IF THE
34 ELECTOR'S EARLY VOTER IDENTIFICATION OR DATE OF BIRTH CANNOT
35 BE CONFIRMED, the county recorder or other officer in charge
36 of elections shall make reasonable efforts to contact the
37 voter, advise the voter of the inconsistent signature OR
38 INABILITY TO CONFIRM THE VOTER'S EARLY VOTER IDENTIFICATION OR
39 DATE OF BIRTH and allow the voter to correct or the county to
40 confirm the inconsistent signature, EARLY VOTER IDENTIFICATION
41 OR DATE OF BIRTH. The county recorder or other officer in
42 charge of elections shall allow SIGNATURES, EARLY VOTER
43 IDENTIFICATIONS AND DATES OF BIRTH to be corrected not later
44 than the fifth business day after a primary, general or
45 special election that includes a federal office or the third

1 business day after any other election. If the signature is
2 missing, the county recorder or other officer in charge of
3 elections shall make reasonable efforts to contact the
4 elector, advise the elector of the missing signature and allow
5 the elector to add the elector's signature not later than 7:00
6 p.m. on election day. If satisfied that the signatures
7 correspond **AND THAT THE EARLY VOTER IDENTIFICATION AND DATE OF**
8 **BIRTH CAN BE CONFIRMED**, the recorder or other officer in
9 charge of elections shall hold the envelope containing the
10 early ballot and the completed affidavit unopened in
11 accordance with the rules of the secretary of state.

12 B. The recorder or other officer in charge of elections
13 shall thereafter safely keep the affidavits and early ballots
14 in the recorder's or other officer's office and may deliver
15 them for tallying pursuant to section 16-551. Tallying of
16 ballots may begin immediately after the envelope and completed
17 affidavit are processed pursuant to this section and delivered
18 to the early election board.

19 C. The county recorder shall send a list of all voters
20 who were issued early ballots to the election board of the
21 precinct in which the voter is registered.

22 D. This section does not apply to:

23 1. A special taxing district that is authorized
24 pursuant to section 16-191 to conduct its own elections.

25 2. A special district mail ballot election that is
26 conducted pursuant to article 8.1 of this chapter.

27 Sec. 7. Section 16-579, Arizona Revised Statutes, is
28 amended to read:

29 **16-579. Procedure for obtaining ballot by elector**

30 A. Every qualified elector **WHO APPEARS IN PERSON AT A**
31 **POLLING PLACE, VOTING CENTER, ON-SITE EARLY VOTING LOCATION OR**
32 **OTHER IN-PERSON VOTING LOCATION**, before receiving a ballot,
33 shall announce the elector's name and place of residence in a
34 clear, audible tone of voice to the election official in
35 charge of the signature roster or present the elector's name
36 and residence in writing. The election official in charge of
37 the signature roster shall comply with the following and the
38 qualified elector shall be allowed within the voting area:

39 1. The elector shall present any of the following:

40 (a) A valid **AND UNEXPIRED** form of identification that
41 bears the photograph, name and address of the elector that
42 reasonably appear to be the same as the name and address in
43 the precinct register, including an Arizona driver license, an
44 Arizona nonoperating identification license, a tribal
45 enrollment card or other form of tribal identification **THAT IS**

1 ISSUED BY A TRIBAL GOVERNMENT or a United States ~~federal,~~
2 ~~state or local~~ government issued identification.
3 ~~Identification is deemed valid unless it can be determined on~~
4 ~~its face that it has expired.~~

5 (b) ~~Two different items~~ A VALID AND UNEXPIRED FORM OF
6 IDENTIFICATION THAT BEARS THE PHOTOGRAPH, NAME AND ADDRESS OF
7 THE ELECTOR, EXCEPT THAT IF THE ADDRESS ON THE IDENTIFICATION
8 DOES NOT REASONABLY APPEAR TO BE THE SAME AS THE ADDRESS IN
9 THE PRECINCT REGISTER OR IF THE IDENTIFICATION IS A VALID
10 UNITED STATES MILITARY IDENTIFICATION CARD OR A VALID UNITED
11 STATES PASSPORT AND DOES NOT BEAR AN ADDRESS, THE
12 IDENTIFICATION MUST BE ACCOMPANIED BY AN ADDITIONAL DOCUMENT
13 that ~~contain~~ CONTAINS the name and address of the elector that
14 reasonably appear to be the same as the name and address in
15 the precinct register, including a utility bill, a bank or
16 credit union statement that is dated within ninety days of the
17 date of the election, a valid Arizona vehicle registration, an
18 Arizona vehicle insurance card, an Indian census card, tribal
19 enrollment card or other form of tribal identification, a
20 property tax statement, a recorder's certificate, a voter
21 registration card, a valid United States federal, state or
22 local government issued identification or any mailing that is
23 labeled as "official election material". ~~Identification is~~
24 ~~deemed valid unless it can be determined on its face that it~~
25 ~~has expired.~~

26 (c) ~~A valid form of identification that bears the~~
27 ~~photograph, name and address of the elector except that if the~~
28 ~~address on the identification does not reasonably appear to be~~
29 ~~the same as the address in the precinct register or the~~
30 ~~identification is a valid United States military~~
31 ~~identification card or a valid United States passport and does~~
32 ~~not bear an address, the identification must be accompanied by~~
33 ~~one of the items listed in subdivision (b) of this paragraph.~~

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

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

1 C. Each qualified elector's name shall be numbered
2 consecutively by the clerks and in the order of applications
3 for ballots. The judge shall give the qualified elector only
4 one ballot and a ballot privacy folder, and the elector's name
5 shall be immediately checked on the precinct register.
6 Notwithstanding any provision of this ~~paragraph~~ SUBSECTION, ~~no~~
7 ~~voter~~ AN ELECTOR shall NOT be required to accept or use a
8 ballot privacy folder.

9 D. For precincts in which a paper signature roster is
10 used, each qualified elector shall sign the elector's name in
11 the signature roster before receiving a ballot, but an
12 inspector or judge may sign the roster for an elector who is
13 unable to sign because of physical disability, and in that
14 event the name of the elector shall be written with red ink,
15 and no attestation or other proof shall be necessary. The
16 provisions of this subsection relating to signing the
17 signature roster shall not apply to electors casting a ballot
18 using early voting procedures.

19 E. For precincts in which an electronic poll book
20 system is used, each qualified elector shall sign the
21 elector's name as prescribed in the instructions and
22 procedures manual adopted by the secretary of state pursuant
23 to section 16-452 before receiving a ballot, but an inspector
24 or judge may sign the roster for an elector who is unable to
25 sign because of physical disability, and in that event the
26 name of the elector shall be written with the inspector's or
27 judge's attestation on the same signature line.

28 F. A person offering to vote at a special district
29 election for which no special district register has been
30 supplied shall sign an affidavit stating the person's address
31 and that the person resides within the district boundaries or
32 proposed district boundaries and swearing that the person is a
33 qualified elector and has not already voted at the election
34 being held.

35 Sec. 8. Title 28, chapter 8, article 4, Arizona Revised
36 Statutes, is amended by adding section 28-3165.01, to read:

37 28-3165.01. Nonoperating identification license; voter
38 identification purposes; fee waiver

39 NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT MAY NOT
40 CHARGE A FEE FOR ISSUING A NONOPERATING IDENTIFICATION LICENSE
41 IF A PERSON ATTESTS ON THE APPLICATION SUBMITTED TO THE
42 DEPARTMENT THAT THE PERSON HAS APPLIED FOR THE NONOPERATING
43 IDENTIFICATION LICENSE IN ORDER TO COMPLY WITH ANY LEGAL
44 REQUIREMENTS RELATED TO REGISTERING TO VOTE OR VOTING.

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Sec. 9. Standing; special action; declaratory judgment action; attorney fees

A. Any qualified elector of this state has standing to file any of the following:

1. A special action to require any official to enforce this act if the official has a legal duty to enforce this act and refuses or threatens to refuse to enforce this act.

2. A declaratory judgment action to determine the proper construction of this act.

B. Any person who files an action pursuant to this section and who prevails in that action is entitled to an award of reasonable attorney fees and costs.

Sec. 10. Applicability

This act applies to elections beginning not later than the 2024 primary election.

Sec. 11. Severability

If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

2. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article IV, part 1, section 1, Constitution of Arizona.