

PROPOSED
SENATE AMENDMENTS TO S.C.R. 1012
(Reference to printed resolution)

1 Strike everything after the resolving clause and insert:

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

6 AN ACT

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

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

14 Section 1. Short title

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

17 Sec. 2. Findings and declaration of purpose

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

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

23 2. Though voting by mail is convenient for many voters,
24 the process must be properly administered and safeguarded to

1 reduce the opportunity for illegal votes, illegitimate votes or
2 fraudulent votes to occur.

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

6 4. Arizona should strive to make it easy to vote and
7 hard to cheat.

8 5. Arizona law currently requires proof of
9 identification to register to vote.

10 6. Arizona law currently requires proof of
11 identification for voting in person at the polls, in person at
12 an early voting center and in person at an emergency voting
13 center before casting a ballot.

14 7. Basic identification requirements are a commonsense
15 practice to provide security and prevent fraud and are commonly
16 required in everyday life, including to purchase alcohol or
17 cigarettes, obtain a driver license, board a commercial flight,
18 donate blood, open a bank account, purchase a firearm, receive
19 unemployment benefits, obtain auto insurance, purchase or rent
20 a home, confirm identity over the telephone and conduct many
21 other basic transactions.

22 8. Arizona law currently treats in-person and
23 early-by-mail voters disparately, requiring identification from
24 all in-person voters before casting a ballot in every election
25 with no such requirement for early-by-mail voters.

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

29 10. The type of voter identification required by this
30 measure for mail-in voting, including the voter's date of birth
31 and either the last four digits of the voter's social security
32 number or the voter's driver license or nonoperating

1 identification license number, is information that most voters
2 know by memory or may easily access.

3 11. It is appropriate to continue to provide a period
4 during which a voter who has inadvertently failed to provide
5 the proper voter identification information can easily provide
6 this information and have the voter's ballot counted.

7 12. Section 3 of this measure is intended to bring
8 current statutes that require identification at on-site early
9 voting locations and other early voting locations the
10 protections of the voter protection act.

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

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

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

19 Sec. 3. Title 16, chapter 4, article 8, Arizona Revised
20 Statutes, is amended by adding sections 16-541.01 and
21 16-541.02, to read:

22 16-541.01. Definitions

23 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

24 1. "COMPLETED AFFIDAVIT" MEANS A SIGNED EARLY BALLOT
25 AFFIDAVIT PRESCRIBED IN SECTION 16-547 THAT INCLUDES THE
26 VOTER'S DATE OF BIRTH.

27 2. "EARLY VOTER IDENTIFICATION" MEANS ANY ONE OF THE
28 FOLLOWING:

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

30 (b) THE VOTER'S ARIZONA NONOPERATING IDENTIFICATION
31 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 RECEIVING
9 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 elections
16 and ~~on the other side~~ a printed affidavit THAT CAN BE CONCEALED
17 WHEN DELIVERED OR MAILED TO THE COUNTY RECORDER OR OTHER
18 OFFICER IN CHARGE OF ELECTIONS. THE AFFIDAVIT SHALL REQUIRE
19 THE VOTER TO PROVIDE A COPY OF THE VOTER'S EARLY VOTER
20 IDENTIFICATION AND THE VOTER'S DATE OF BIRTH AND SIGNATURE AND
21 SHALL INCLUDE A STATEMENT in substantially the following form:

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

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

1 I declare the following under penalty of
2 perjury: At the registered voter's request I
3 assisted the voter identified in this affidavit
4 with marking the voter's ballot, I marked the
5 ballot as directly instructed by the voter, I
6 provided the assistance because the voter was
7 physically unable to mark the ballot solely due to
8 illness, injury or physical limitation and I
9 understand that there is no power of attorney for
10 voting and that the voter must be able to make the
11 voter's selection even if ~~they~~ THE VOTER cannot
12 physically mark the ballot.

13 Name of voter assistant: _____

14 Address of voter assistant: _____

15 TELEPHONE NUMBER OF VOTER ASSISTANT: _____

16 VOTER ASSISTANT'S RELATIONSHIP TO VOTER: _____

17 B. The face of each envelope in which a ballot is sent
18 to a federal postcard applicant or in which a ballot is
19 returned by the applicant to the recorder or other officer in
20 charge of elections shall be in the form prescribed in
21 accordance with the uniformed and overseas citizens absentee
22 voting act ~~of 1986~~ (P.L. 99-410; 52 United States Code section
23 20301). Otherwise, the envelopes shall be the same as those
24 used to send ballots to, or receive ballots from, other early
25 voters.

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

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

1 D. The county recorder or other officer in charge of
2 elections shall supply printed instructions to early voters
3 that direct them to ~~sign~~ PROVIDE THE VOTER'S DATE OF BIRTH AND
4 SIGNATURE ON the affidavit AND PROVIDE A COPY OF THE VOTER'S
5 EARLY VOTER IDENTIFICATION, mark the ballot and return ~~both~~ THE
6 BALLOT, THE COPY OF THE VOTER'S EARLY VOTER IDENTIFICATION AND
7 THE COMPLETED AFFIDAVIT in the enclosed self-addressed envelope
8 that complies with section 16-545. The instructions shall
9 include the following statement:

10 In order to be valid and counted, the ballot
11 and COMPLETED affidavit AND THE COPY OF THE EARLY
12 VOTER IDENTIFICATION must be delivered to the
13 office of the county recorder or other officer in
14 charge of elections or may be deposited at any
15 polling place in the county ~~no~~ NOT later than 7:00
16 p.m. on election day. The ballot will not be
17 counted without the voter's signature on the
18 envelope.

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

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

23 16-548. Preparation and transmission of ballot

24 A. The early voter shall ~~make and sign~~ COMPLETE the
25 affidavit and shall then mark ~~his~~ THE ballot in such a manner
26 that ~~his~~ THE VOTER'S vote cannot be seen. The early voter
27 shall fold the ballot, if a paper ballot, so as to conceal the
28 vote and deposit the voted ballot AND THE COPY OF THE VOTER'S
29 EARLY VOTER IDENTIFICATION in the envelope provided for that
30 purpose, which shall be securely sealed and, together with the
31 affidavit, delivered or mailed to the county recorder or other
32 officer in charge of elections of the political subdivision in

1 which the elector is registered or deposited by the voter or
2 the voter's agent at any polling place in the county. In order
3 to be counted and valid, the ballot, **COMPLETED AFFIDAVIT AND**
4 **COPY OF THE VOTER'S EARLY VOTER IDENTIFICATION** must be received
5 by the county recorder or other officer in charge of elections
6 or deposited at any polling place in the county ~~to~~ **NOT** later
7 than 7:00 p.m. on election day.

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

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

19 16-550. Receipt of voter's ballot: cure period

20 A. On receipt of the envelope containing the early
21 ballot, ~~and~~ **THE COPY OF THE VOTER'S EARLY VOTER IDENTIFICATION**
22 **AND** the **COMPLETED** ballot affidavit, the county recorder or
23 other officer in charge of elections shall compare the
24 ~~signatures thereon~~ **SIGNATURE ON THE ENVELOPE** with the signature
25 of the elector on the elector's registration record **AND SHALL**
26 **CONFIRM THE ELECTOR'S EARLY VOTER IDENTIFICATION AND DATE OF**
27 **BIRTH AS SUBMITTED BY THE ELECTOR PURSUANT TO SECTION 16-548.**
28 If the signature is inconsistent with the elector's signature
29 on the elector's registration record **OR IF THE ELECTOR'S EARLY**
30 **VOTER IDENTIFICATION OR DATE OF BIRTH CANNOT BE CONFIRMED,** the
31 county recorder or other officer in charge of elections shall
32 make reasonable efforts to contact the voter, advise the voter

1 of the inconsistent signature OR INABILITY TO CONFIRM THE
2 VOTER'S EARLY VOTER IDENTIFICATION OR DATE OF BIRTH and allow
3 the voter to correct or the county to confirm the inconsistent
4 signature, EARLY VOTER IDENTIFICATION OR DATE OF BIRTH. The
5 county recorder or other officer in charge of elections shall
6 allow SIGNATURES, EARLY VOTER IDENTIFICATIONS AND DATES OF
7 BIRTH to be corrected not later than the fifth business day
8 after a primary, general or special election that includes a
9 federal office or the third business day after any other
10 election. If the signature is missing, the county recorder or
11 other officer in charge of elections shall make reasonable
12 efforts to contact the elector, advise the elector of the
13 missing signature and allow the elector to add the elector's
14 signature not later than 7:00 p.m. on election day. If
15 satisfied that the signatures correspond AND THAT THE EARLY
16 VOTER IDENTIFICATION AND DATE OF BIRTH CAN BE CONFIRMED, the
17 recorder or other officer in charge of elections shall hold the
18 envelope containing the early ballot and the completed
19 affidavit unopened in accordance with the rules of the
20 secretary of state.

21 B. The recorder or other officer in charge of elections
22 shall thereafter safely keep the affidavits and early ballots
23 in the recorder's or other officer's office and may deliver
24 them for tallying pursuant to section 16-551. Tallying of
25 ballots may begin immediately after the envelope and completed
26 affidavit are processed pursuant to this section and delivered
27 to the early election board.

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

1 D. This section does not apply to:

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

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

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

8 16-579. Procedure for obtaining ballot by elector

9 A. Every qualified elector WHO APPEARS IN PERSON AT A
10 POLLING PLACE, VOTING CENTER, ON-SITE EARLY VOTING LOCATION OR
11 OTHER IN-PERSON VOTING LOCATION, before receiving a ballot,
12 shall announce the elector's name and place of residence in a
13 clear, audible tone of voice to the election official in charge
14 of the signature roster or present the elector's name and
15 residence in writing. The election official in charge of the
16 signature roster shall comply with the following and the
17 qualified elector shall be allowed within the voting area:

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

19 (a) A valid AND UNEXPIRED form of identification that
20 bears the photograph, name and address of the elector that
21 reasonably appear to be the same as the name and address in the
22 precinct register, including an Arizona driver license, an
23 Arizona nonoperating identification license, a tribal
24 enrollment card or other form of tribal identification THAT IS
25 ISSUED BY A TRIBAL GOVERNMENT or a United States ~~federal, state~~
26 ~~or local government~~ issued identification. ~~Identification is~~
27 ~~deemed valid unless it can be determined on its face that it~~
28 ~~has expired.~~

29 (b) ~~Two different items~~ A VALID AND UNEXPIRED FORM OF
30 IDENTIFICATION THAT BEARS THE PHOTOGRAPH, NAME AND ADDRESS OF
31 THE ELECTOR, EXCEPT THAT IF THE ADDRESS ON THE IDENTIFICATION
32 DOES NOT REASONABLY APPEAR TO BE THE SAME AS THE ADDRESS IN THE

1 PRECINCT REGISTER OR IF THE IDENTIFICATION IS A VALID UNITED
2 STATES MILITARY IDENTIFICATION CARD OR A VALID UNITED STATES
3 PASSPORT AND DOES NOT BEAR AN ADDRESS, THE IDENTIFICATION MUST
4 BE ACCOMPANIED BY AN ADDITIONAL DOCUMENT that ~~contain~~ CONTAINS
5 the name and address of the elector that reasonably appear to
6 be the same as the name and address in the precinct register,
7 including a utility bill, a bank or credit union statement that
8 is dated within ninety days of the date of the election, a
9 valid Arizona vehicle registration, an Arizona vehicle
10 insurance card, an Indian census card, tribal enrollment card
11 or other form of tribal identification, a property tax
12 statement, a recorder's certificate, a voter registration card,
13 a valid United States federal, state or local government issued
14 identification or any mailing that is labeled as "official
15 election material". ~~Identification is deemed valid unless it
16 can be determined on its face that it has expired.~~

17 ~~(c) A valid form of identification that bears the
18 photograph, name and address of the elector except that if the
19 address on the identification does not reasonably appear to be
20 the same as the address in the precinct register or the
21 identification is a valid United States military identification
22 card or a valid United States passport and does not bear an
23 address, the identification must be accompanied by one of the
24 items listed in subdivision (b) of this paragraph.~~

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

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

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

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

25 E. For precincts in which an electronic poll book system
26 is used, each qualified elector shall sign the elector's name
27 as prescribed in the instructions and procedures manual adopted
28 by the secretary of state pursuant to section 16-452 before
29 receiving a ballot, but an inspector or judge may sign the
30 roster for an elector who is unable to sign because of physical
31 disability, and in that event the name of the elector shall be

1 written with the inspector's or judge's attestation on the same
2 signature line.

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

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

12 28-3165.01. Nonoperating identification license; voter
13 identification purposes; fee waiver

14 NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT MAY NOT
15 CHARGE A FEE FOR ISSUING A NONOPERATING IDENTIFICATION LICENSE
16 IF A PERSON ATTESTS ON THE APPLICATION SUBMITTED TO THE
17 DEPARTMENT THAT THE PERSON HAS APPLIED FOR THE NONOPERATING
18 IDENTIFICATION LICENSE IN ORDER TO COMPLY WITH ANY LEGAL
19 REQUIREMENTS RELATED TO REGISTERING TO VOTE OR VOTING.

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

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

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

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

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

1 Sec. 10. Severability

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

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

10 Amend title to conform

KELLY TOWNSEND

SCR1012TOWNSEND
02/10/2022
11:52 AM
C: MYR