

REFERENCE TITLE: voter identification; proof of citizenship

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

SB 1426

Introduced by
Senator Gallardo

AN ACT

AMENDING SECTIONS 16-152, 16-166 AND 16-579, ARIZONA REVISED STATUTES;
RELATING TO VOTER IDENTIFICATION.

(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 16-152, Arizona Revised Statutes,
4 is amended to read:

5 16-152. Registration form

6 A. The form used for the registration of electors shall contain:

7 1. The date the registrant signed the form.

8 2. The registrant's given name, middle name, if any, and surname.

9 3. The complete address of the registrant's actual place of residence,
10 including street name and number, apartment or space number, city or town and
11 zip code, or such description of the location of the residence that it can be
12 readily ascertained or identified.

13 4. The registrant's complete mailing address, if different from the
14 residence address, including post office address, city or town, zip code or
15 other designation used by the registrant for receiving mail. The form shall
16 also include a line for the registrant's e-mail address (optional to
17 registrant).

18 5. The registrant's party preference. The two largest political
19 parties that are entitled to continued representation on the ballot shall be
20 listed on the form in the order determined by calculating which party has the
21 highest number of registered voters at the close of registration for the most
22 recent general election for governor, then the second highest. The form
23 shall allow the registrant to circle, check or otherwise mark the party
24 preference and shall include a blank line for other party preference options.

25 6. The registrant's telephone number, unless unlisted.

26 7. The registrant's state or country of birth.

27 8. The registrant's date of birth.

28 9. The registrant's occupation.

29 10. The registrant's Indian census number (optional to registrant).

30 11. The registrant's father's name or mother's maiden name.

31 12. One of the following identifiers for each registrant:

32 (a) The Arizona driver license number of the registrant or
33 nonoperating identification license number of the registrant that is issued
34 pursuant to section 28-3165.

35 (b) If the registrant does not have an Arizona driver license or
36 nonoperating identification license, the last four digits of the registrant's
37 social security number.

38 (c) If the registrant does not have an Arizona driver license or
39 nonoperating identification license or a social security number and the
40 registrant attests to that, a unique identifying number consisting of the
41 registrant's unique identification number to be assigned by the secretary of
42 state in the statewide electronic voter registration database.

43 13. A statement as to whether or not the registrant is currently
44 registered in another state, county or precinct, and if so, the name,
45 address, county and state of previous registration.

1 14. The question to the registrant "Are you a citizen of the United
2 States of America?", appropriate boxes for the registrant to check "yes" or
3 "no" and a statement instructing the registrant not to complete the form if
4 the registrant checked "no".

5 15. The question to the registrant "Will you be eighteen years of age
6 on or before election day?", appropriate boxes for the registrant to check
7 "yes" or "no" and a statement instructing the registrant not to complete the
8 form if the registrant checked "no".

9 16. A statement that the registrant has not been convicted of treason
10 or a felony, or if so, that the registrant's civil rights have been restored.

11 17. A statement that the registrant is a resident of this state and of
12 the county in which the registrant is registering.

13 18. A statement that executing a false registration is a class 6
14 felony.

15 19. The signature of the registrant.

16 20. If the registrant is unable to sign the form, a statement that the
17 affidavit was completed according to the registrant's direction.

18 21. A statement that if an applicant declines to register to vote, the
19 fact that the applicant has declined to register will remain confidential and
20 will be used only for voter registration purposes.

21 22. A statement that if an applicant does register to vote, the office
22 at which the applicant submits a voter registration application will remain
23 confidential and will be used only for voter registration purposes.

24 ~~23. A statement that the applicant shall submit evidence of United
25 States citizenship with the application and that the registrar shall reject
26 the application if no evidence of citizenship is attached.~~

27 B. A duplicate voter receipt shall be provided with the form that
28 provides space for the name, street address and city of residence of the
29 applicant, party preference and the date of signing. The voter receipt is
30 evidence of valid registration for the purpose of casting a provisional
31 ballot as prescribed in section 16-584, subsection B.

32 C. The state voter registration form shall be printed in a form
33 prescribed by the secretary of state.

34 D. The county recorder may establish procedures to verify whether a
35 registrant has successfully petitioned the court for an injunction against
36 harassment pursuant to section 12-1809 or an order of protection pursuant to
37 section 13-3602 and, if verified, to protect the registrant's residence
38 address, telephone number or voting precinct number, if appropriate, from
39 public disclosure.

40 E. Subsection A of this section does not apply to registrations
41 received from the department of transportation pursuant to section 16-112.

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

4 16-166. Verification of registration

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

18 B. If the elector provides the county recorder with a new registration
19 form, the county recorder shall change the general register to reflect the
20 changes indicated on the new registration. If the elector indicates a new
21 residence address outside that county, the county recorder shall forward the
22 voter registration form to the county recorder of the county in which the
23 elector's address is located. If the elector provides a new residence
24 address that is located outside this state, the county recorder shall cancel
25 the elector's registration.

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

32 D. On notice that a government agency has changed the name of any
33 street, route number, post office box number or other address designation,
34 the county recorder shall revise the registration records and shall send a
35 new verification of registration notice to the electors whose records were
36 changed.

37 E. The county recorder on or before May 1 of each year preceding a
38 state primary and general election or more frequently as the recorder deems
39 necessary may use the change of address information supplied by the postal
40 service through its licensees to identify registrants whose addresses may
41 have changed. If it appears from information provided by the postal service
42 that a registrant has moved to a different residence address in the same
43 county, the county recorder shall change the registration records to reflect
44 the new address and shall send the registrant a notice of the change by
45 forwardable mail and a postage prepaid preaddressed return form by which the

1 registrant may verify or correct the registration information. If the
2 registrant fails to return the form postmarked not later than thirty-five
3 days after the mailing of the notice, the elector's registration status shall
4 be changed from active to inactive. If the notice sent by the recorder is
5 not returned, the registrant may be required to provide affirmation or
6 confirmation of the registrant's address in order to vote. If the registrant
7 does not vote in an election during the period after the date of the notice
8 from the recorder through the date of the second general election for federal
9 office following the date of that notice, the registrant's name shall be
10 removed from the list of inactive voters. If the registrant has changed
11 residence to a new county, the county recorder shall provide information on
12 how the registrant can continue to be eligible to vote.

13 ~~F. The county recorder shall reject any application for registration~~
14 ~~that is not accompanied by satisfactory evidence of United States~~
15 ~~citizenship. Satisfactory evidence of citizenship shall include any of the~~
16 ~~following:~~

17 ~~1. The number of the applicant's driver license or nonoperating~~
18 ~~identification license issued after October 1, 1996 by the department of~~
19 ~~transportation or the equivalent governmental agency of another state within~~
20 ~~the United States if the agency indicates on the applicant's driver license~~
21 ~~or nonoperating identification license that the person has provided~~
22 ~~satisfactory proof of United States citizenship.~~

23 ~~2. A legible photocopy of the applicant's birth certificate that~~
24 ~~verifies citizenship to the satisfaction of the county recorder.~~

25 ~~3. A legible photocopy of pertinent pages of the applicant's United~~
26 ~~States passport identifying the applicant and the applicant's passport number~~
27 ~~or presentation to the county recorder of the applicant's United States~~
28 ~~passport.~~

29 ~~4. A presentation to the county recorder of the applicant's United~~
30 ~~States naturalization documents or the number of the certificate of~~
31 ~~naturalization. If only the number of the certificate of naturalization is~~
32 ~~provided, the applicant shall not be included in the registration rolls until~~
33 ~~the number of the certificate of naturalization is verified with the United~~
34 ~~States immigration and naturalization service by the county recorder.~~

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

37 ~~6. The applicant's bureau of Indian affairs card number, tribal treaty~~
38 ~~card number or tribal enrollment number.~~

39 ~~G. Notwithstanding subsection F of this section, any person who is~~
40 ~~registered in this state on the effective date of this amendment to this~~
41 ~~section is deemed to have provided satisfactory evidence of citizenship and~~
42 ~~shall not be required to resubmit evidence of citizenship unless the person~~
43 ~~is changing voter registration from one county to another.~~

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

1 ~~I. A person who modifies voter registration records with a new~~
2 ~~residence ballot shall not be required to submit evidence of citizenship.~~
3 ~~After citizenship has been demonstrated to the county recorder, the person is~~
4 ~~not required to resubmit satisfactory evidence of citizenship in that county.~~

5 ~~J. After a person has submitted satisfactory evidence of citizenship,~~
6 ~~the county recorder shall indicate this information in the person's permanent~~
7 ~~voter file. After two years the county recorder may destroy all documents~~
8 ~~that were submitted as evidence of citizenship.~~

9 Sec. 3. Subject to the requirements of article IV, part 1, section 1,
10 Constitution of Arizona, section 16-579, Arizona Revised Statutes, is amended
11 to read:

12 ~~16-579. Procedure for obtaining ballot by elector~~

13 A. Every qualified elector, before receiving a ballot, shall announce
14 the elector's name and place of residence in a clear, audible tone of voice
15 to the election official in charge of the signature roster or present the
16 elector's name and residence in writing. ~~IF THE NAME IS FOUND ON THE~~
17 ~~PRECINCT REGISTER OR THE QUALIFIED ELECTOR PRESENTS A CERTIFICATE FROM THE~~
18 ~~COUNTY RECORDER SHOWING THAT THE ELECTOR IS ENTITLED BY LAW TO VOTE IN THE~~
19 ~~PRECINCT,~~ the election official in charge of the signature roster shall
20 ~~comply with the following~~ REPEAT THE NAME and the qualified elector shall be
21 allowed within the voting area. ←

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

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

30 ~~(b) Two different items that contain the name and address of the~~
31 ~~elector that reasonably appear to be the same as the name and address in the~~
32 ~~precinct register, including a utility bill, a bank or credit union statement~~
33 ~~that is dated within ninety days of the date of the election, a valid Arizona~~
34 ~~vehicle registration, an Arizona vehicle insurance card, an Indian census~~
35 ~~card, tribal enrollment card or other form of tribal identification, a~~
36 ~~property tax statement, a recorder's certificate, a voter registration card,~~
37 ~~a valid United States federal, state or local government issued~~
38 ~~identification or any mailing that is labeled as "official election~~
39 ~~material". Identification is deemed valid unless it can be determined on its~~
40 ~~face that it has expired.~~

41 ~~(c) A valid form of identification that bears the photograph, name and~~
42 ~~address of the elector except that if the address on the identification does~~
43 ~~not reasonably appear to be the same as the address in the precinct register~~
44 ~~or the identification is a valid United States military identification card~~
45 ~~or a valid United States passport and does not bear an address, the~~

1 ~~identification must be accompanied by one of the items listed in subdivision~~
2 ~~(b) of this paragraph.~~

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

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

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

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

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

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

37 Sec. 4. Requirements for enactment; three-fourths vote

38 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
39 sections 16-152, 16-166 and 16-579, Arizona Revised Statutes, as amended by
40 this act, are effective only on the affirmative vote of at least
41 three-fourths of the members of each house of the legislature.