

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 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 seventy-  
21 five percent of Arizona voters who exercise their right to vote.

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

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

29 4. Arizona should strive to make it easy to vote and hard  
30 to cheat.

31 5. Arizona law currently requires proof of  
32 identification to register to vote.

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

37 7. Basic identification requirements are a commonsense  
38 practice to provide security and prevent fraud and are commonly  
39 required in everyday life, including to purchase alcohol or  
40 cigarettes, obtain a driver license, board a commercial flight,  
41 donate blood, open a bank account, purchase a firearm, receive  
42 unemployment benefits, obtain auto insurance, purchase or rent  
43 a home, confirm identity over the telephone and conduct many  
44 other basic transactions.

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

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

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

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

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

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

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

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

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

33           16-541.01. Definitions

34           IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

39           2. "EARLY VOTER IDENTIFICATION" MEANS ANY ONE OF THE  
40 FOLLOWING:

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

42           (b) THE VOTER'S ARIZONA NONOPERATING IDENTIFICATION  
43 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 OFFICER  
18 IN CHARGE OF ELECTIONS. THE AFFIDAVIT SHALL REQUIRE THE VOTER  
19 TO PROVIDE THE VOTER'S EARLY VOTER IDENTIFICATION NUMBER AND  
20 THE VOTER'S DATE OF BIRTH AND SIGNATURE AND SHALL INCLUDE A  
21 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:

32 I declare the following under penalty of  
33 perjury: At the registered voter's request I  
34 assisted the voter identified in this affidavit  
35 with marking the voter's ballot, I marked the  
36 ballot as directly instructed by the voter, I  
37 provided the assistance because the voter was  
38 physically unable to mark the ballot solely due to  
39 illness, injury or physical limitation and I  
40 understand that there is no power of attorney for  
41 voting and that the voter must be able to make the  
42 voter's selection even if ~~they~~ THE VOTER cannot  
43 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 returned  
 7 by the applicant to the recorder or other officer in charge of  
 8 elections shall be in the form prescribed in accordance with  
 9 the uniformed and overseas citizens absentee voting act ~~of 1986~~  
 10 (P.L. 99-410; 52 United States Code section 20301). Otherwise,  
 11 the envelopes shall be the same as those used to send ballots  
 12 to, or receive ballots from, other early voters.

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

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

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

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

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

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

39 16-548. Preparation and transmission of ballot

40 A. The early voter shall ~~make and sign~~ COMPLETE the  
 41 affidavit and shall then mark ~~his~~ THE ballot in such a manner  
 42 that ~~his~~ THE VOTER'S vote cannot be seen. The early voter shall  
 43 fold the ballot, if a paper ballot, so as to conceal the vote  
 44 and deposit the voted ballot in the envelope provided for that  
 45 purpose, which shall be securely sealed and, together with the

1 COMPLETED affidavit, delivered or mailed to the county recorder  
2 or other officer in charge of elections of the political  
3 subdivision in which the elector is registered or deposited by  
4 the voter or the voter's agent at any polling place in the  
5 county. In order to be counted and valid, the ballot AND  
6 COMPLETED AFFIDAVIT must be received by the county recorder or  
7 other officer in charge of elections or deposited at any polling  
8 place in the county ~~no~~ NOT later than 7:00 p.m. on election day.

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

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

20 16-550. Receipt of voter's ballot; cure period

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

1 7:00 p.m. on election day. If satisfied that the signatures  
2 correspond **AND THAT THE EARLY VOTER IDENTIFICATION AND DATE OF**  
3 **BIRTH CAN BE CONFIRMED**, the recorder or other officer in charge  
4 of elections shall hold the envelope containing the early ballot  
5 and the completed affidavit unopened in accordance with the  
6 rules of the secretary of state.

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

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

17 D. This section does not apply to:

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

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

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

24 16-579. Procedure for obtaining ballot by elector

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

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

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

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

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

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

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

41 C. Each qualified elector's name shall be numbered  
42 consecutively by the clerks and in the order of applications  
43 for ballots. The judge shall give the qualified elector only  
44 one ballot and a ballot privacy folder, and the elector's name  
45 shall be immediately checked on the precinct register.



1 Notwithstanding any provision of this ~~paragraph~~ SUBSECTION, ~~no~~  
2 ~~voter~~ AN ELECTOR shall NOT be required to accept or use a ballot  
3 privacy folder.

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

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

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

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

32 28-3165.01. Nonoperating identification license; voter  
33 identification purposes; fee waiver

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

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

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

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

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

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

9           Sec. 10. Applicability

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

12           Sec. 11. Severability

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

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

PASSED BY THE HOUSE FEBRUARY 28, 2022.

PASSED BY THE SENATE FEBRUARY 24, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 1, 2022.