

PROPOSITION 309
[SCR 1012 - 2022]

voter identification; affidavit; procedure

ANALYSIS BY LEGISLATIVE COUNCIL

Proposition 309 would require that a voter who appears in person at a polling place, voting center, on-site early voting location or other in-person voting location must present a photo ID to receive a ballot. Specifically, a voter may present either:

1. A valid and unexpired photo ID containing the name and address of the elector that reasonably appear to be the same as the name and address in the voting precinct register, including an Arizona driver's license, an Arizona nonoperating identification license, a tribal enrollment card or other form of tribal identification that is issued by a tribal government or a United States government issued identification. (Proposition 309 would remove the current provision in law that allows a voter to present any state or local government issued photo ID to receive a ballot.)

2. A valid and unexpired photo ID containing the name and address of the elector that does not reasonably appear to be the same as the address in the precinct register, or identification that is a valid United States military identification card or valid United States passport but does not contain an address, if the identification is accompanied by an additional document that contains the name and address of the voter that reasonably appears to be the same as the name and address in the precinct register. Acceptable additional documents include a utility bill, a bank or credit union statement dated within ninety days of the election, a valid Arizona vehicle registration, an Arizona vehicle insurance card, an Indian census card, tribal enrollment card or other form of tribal identification, a property tax statement, a recorder's certificate, a voter registration card, a valid United States federal, state or local government issued identification or any mailing that is labeled as "official election material". (Proposition 309 would remove the current provision in law that allows a voter who does not present a photo ID to instead present two of the additional documents listed above to receive a ballot.)

Proposition 309 would also require that the affidavit that accompanies an early ballot and return envelope must:

1. Be capable of being concealed when delivered or mailed to the officer in charge of the election.

2. Require the voter to provide the voter's "early voter identification" number, date of birth and signature. The "early voter identification" number is defined as the voter's Arizona driver license number or nonoperating identification number, the last four digits of the voter's social security number or the voter's unique identifying number from the statewide voter registration database. (Current law does not require the voter to provide an early voter identification number or date of birth on the affidavit.)

On receipt of the envelope containing an early ballot and the completed ballot affidavit, the officer in charge of the election must review the signature and confirm the elector's early voter identification number and date of birth. If the officer cannot confirm the signature, early voter

identification number or date of birth, the officer must make reasonable efforts to contact the voter, advise the voter of the inconsistency and allow the voter to correct the information or resolve the inconsistency no later than the fifth business day after a primary, general or special election that includes a federal office or the third business day after any other election. If the officer can confirm the signature, early voter identification number and date of birth, the officer must process the ballot for counting.

The Department of Transportation may not charge a fee for issuing a nonoperating license if the person attests on the application that the person applied for the nonoperating identification license to comply with any legal requirements related to registering to vote or voting.

Any qualified elector would have standing to:

1. File a special action to require a legally authorized official to enforce this act if the official refused or threatened to refuse to enforce this act.
2. File a declaratory judgment action to determine the proper construction of this act.

This act would apply no later than the 2024 primary election.