

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.C.R. 2025

(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.

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

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

8           4. Arizona should strive to make it easy to vote and  
9 hard to cheat.

10          5. Arizona law currently requires proof of  
11 identification to register to vote.

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

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

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

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

31          10. The type of voter identification required by this  
32 measure for mail-in voting, including the voter's date of birth

1 and either the last four digits of the voter's social security  
2 number or the voter's driver license or nonoperating  
3 identification license number, is information that most voters  
4 know by memory or may easily access.

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

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

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

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

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

21 Sec. 3. Title 16, chapter 4, article 8, Arizona Revised  
22 Statutes, is amended by adding sections 16-541.01 and  
23 16-541.02, to read:

24 16-541.01. Definitions

25 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

29 2. "EARLY VOTER IDENTIFICATION" MEANS ANY ONE OF THE  
30 FOLLOWING:

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

1 (b) THE VOTER'S ARIZONA NONOPERATING IDENTIFICATION  
2 LICENSE NUMBER.

3 (c) THE LAST FOUR DIGITS OF THE VOTER'S SOCIAL SECURITY  
4 NUMBER.

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

7 16-541.02. On-site early voting; identification

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

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

14 16-547. Ballot affidavit; form

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

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

1                   If the voter was assisted by another person  
2                   in marking the ballot, complete the following:

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

15                  Name of voter assistant: \_\_\_\_\_

16                  Address of voter assistant: \_\_\_\_\_

17                  TELEPHONE NUMBER OF VOTER ASSISTANT: \_\_\_\_\_

18                  VOTER ASSISTANT'S RELATIONSHIP TO VOTER: \_\_\_\_\_

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

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

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

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

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

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

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

26                         16-548. Preparation and transmission of ballot

27                         A. The early voter shall ~~make and sign~~ COMPLETE the  
28                         affidavit and shall then mark ~~his~~ THE ballot in such a manner  
29                         that ~~his~~ THE VOTER'S vote cannot be seen. The early voter  
30                         shall fold the ballot, if a paper ballot, so as to conceal the  
31                         vote and deposit the voted ballot AND THE COPY OF THE VOTER'S  
32                         EARLY VOTER IDENTIFICATION in the envelope provided for that

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

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

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

22 16-550. Receipt of voter's ballot; cure period

23 A. On receipt of the envelope containing the early  
24 ballot, ~~and~~ THE COPY OF THE VOTER'S EARLY VOTER IDENTIFICATION  
25 AND the COMPLETED ballot affidavit, the county recorder or  
26 other officer in charge of elections shall compare the  
27 ~~signatures thereon~~ SIGNATURE ON THE ENVELOPE with the signature  
28 of the elector on the elector's registration record AND SHALL  
29 CONFIRM THE ELECTOR'S EARLY VOTER IDENTIFICATION AND DATE OF  
30 BIRTH AS SUBMITTED BY THE ELECTOR PURSUANT TO SECTION 16-548.  
31 If the signature is inconsistent with the elector's signature  
32 on the elector's registration record OR IF THE ELECTOR'S EARLY

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

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



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

4           D. This section does not apply to:

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

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

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

11           16-579. Procedure for obtaining ballot by elector

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

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

22           (a) A valid AND UNEXPIRED form of identification that  
23 bears the photograph, name and address of the elector that  
24 reasonably appear to be the same as the name and address in the  
25 precinct register, including an Arizona driver license, an  
26 Arizona nonoperating identification license, a tribal  
27 enrollment card or other form of tribal identification THAT IS  
28 ISSUED BY A TRIBAL GOVERNMENT or a United States ~~federal, state~~  
29 ~~or local government~~ issued identification. ~~Identification is~~  
30 ~~deemed valid unless it can be determined on its face that it~~  
31 ~~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  
13 valid Arizona vehicle registration, an Arizona vehicle  
14 insurance card, an Indian census card, tribal enrollment card  
15 or other form of tribal identification, a property tax  
16 statement, a recorder's certificate, a voter registration card,  
17 a valid United States federal, state or local government issued  
18 identification or any mailing that is labeled as "official  
19 election material". ~~Identification is deemed valid unless it  
20 can be determined on 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

1 for in the secretary of state's instruction and procedures  
2 manual adopted pursuant to section 16-452.

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

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

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

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

1 disability, and in that event the name of the elector shall be  
2 written with the inspector's or judge's attestation on the same  
3 signature line.

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

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

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

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

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

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

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

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

30 B. Any person who files an action pursuant to this  
31 section and who prevails in that action is entitled to an award  
32 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

JOHN M. FILLMORE

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