

OFFICIAL TITLE

AN INITIATIVE MEASURE

AMENDING TITLE 16, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-414; AMENDING TITLE 16, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-541.01; AMENDING SECTIONS 16-547, 16-548, 16-550, AND 16-579, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 8, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-3165.01; RELATING TO CONDUCT OF ELECTIONS.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of the State of Arizona:

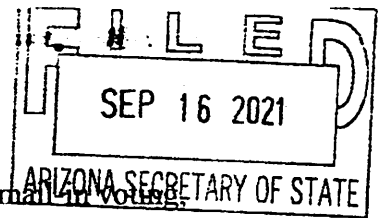
Section 1. Short title

This act may be cited as the “Arizonans for Voter ID Act”.

Sec. 2. Findings and declaration of purpose

The People of the State of Arizona find and declare as follows:

1. Since 1991, Arizona has offered the convenience of early voting by mail, which is now enjoyed by more than seventy-five percent of Arizona voters who exercise their right to vote.
2. Though voting by mail is convenient for many voters, the process must be properly administered and safeguarded to reduce the opportunity for illegal votes, illegitimate votes or fraudulent votes to occur.
3. Every illegal vote negates a lawful vote, deprives legal voters of their full voting rights and undermines public confidence in our elections.
4. Arizona should strive to make it easy to vote and hard to cheat.
5. Arizona law currently requires proof of identification to register to vote.
6. Arizona law currently requires proof of identification for voting in person at the polls, in person at an early voting center and in person at an emergency voting center before casting a ballot.
7. Basic identification requirements are a commonsense practice to provide security and prevent fraud and are commonly required in everyday life, including to purchase alcohol or cigarettes, obtain a driver license, board a commercial flight, donate blood, open a bank account, purchase a firearm, receive unemployment benefits, obtain auto insurance, purchase or rent a home, confirm identity over the phone and conduct many other basic transactions.
8. Arizona law currently treats in-person and early-by-mail voters disparately, requiring identification from all in-person voters before casting a ballot in every election with no such requirement for early-by-mail voters.
9. Signatures are not a form of identification and are a subjective measure that can lead to some legal votes being rejected and illegal votes being accepted.



10. The type of voter identification required by this measure for mail-in voters including the voter's date of birth and either the last four digits of the voter's social security number or the voter's driver license or state-issued identification number, is all information that most voters know by memory or is easily accessible to voters who do not.

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

12. Section 3 of this measure is intended to bring current statutes that require identification at on-site early voting locations and other early voting locations the protections of the Voter Protection Act.

13. Section 8 of this measure is intended to improve voter identification requirements for in-person voting.

14. Section 9 of this measure is intended to ensure that any qualified elector in Arizona has access to a free voter identification for the purpose of voting.

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

Sec. 3. Title 16, chapter 4, article 2, Arizona Revised Statutes, is amended by adding section 16-414, to read:

16-414. On-site early voting; identification required

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

Sec. 4. Title 16, chapter 4, article 8, Arizona Revised Statutes, is amended by adding section 16-541.01, to read:

16-541.01. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "COMPLETED AFFIDAVIT" MEANS A SIGNED AFFIDAVIT THAT INCLUDES THE REQUIRED VOTER IDENTIFICATION AND THE VOTER'S DATE OF BIRTH.

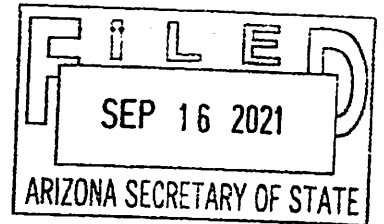
2. "VOTER IDENTIFICATION" MEANS ONE OF THE FOLLOWING:

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

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

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

(d) THE VOTER'S UNIQUE IDENTIFYING NUMBER PRESCRIBED IN SECTION 16-152, SUBSECTION A, PARAGRAPH 12, SUBDIVISION (C).



Sec. 5. Section 16-547, Arizona Revised Statutes, is amended to read:

16-547. Ballot; completed affidavit; form

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

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

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

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

Name of voter assistant: _____

Address of voter assistant: _____

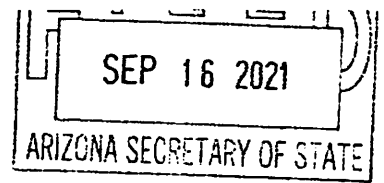
PHONE NUMBER OF VOTER ASSISTANT: _____

VOTER ASSISTANT'S RELATION TO VOTER: _____

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

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

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



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

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

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

Sec. 6. Section 16-548, Arizona Revised Statutes, is amended to read:

16-548. Preparation and transmission of ballot and completed affidavit

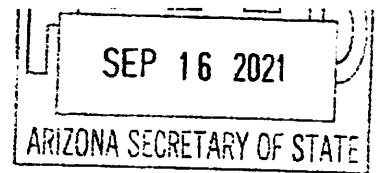
A. The early voter shall ~~make and sign~~ COMPLETE the affidavit and shall then mark ~~his~~ THE ballot in ~~such~~ a manner that ~~his~~ THE VOTER'S vote cannot be seen. The early voter shall fold the ballot, if a paper ballot, so as to conceal the vote and deposit the voted ballot in the envelope provided for that purpose, which shall be securely sealed and, together with the COMPLETED affidavit, delivered or mailed to the county recorder or other officer in charge of elections of the political subdivision in which the elector is registered or deposited by the voter or the voter's agent at any polling place in the county. In order to be counted and valid, the ballot AND COMPLETED AFFIDAVIT must be received by the county recorder or other officer in charge of elections or deposited at any polling place in the county ~~no~~ NOT later than 7:00 p.m. on election day.

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

Sec. 7. Section 16-550, Arizona Revised Statutes, is amended to read:

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

A. On receipt of the envelope containing the early ballot and the ~~ballot~~ COMPLETED affidavit, the county recorder or other officer in charge of elections shall compare the signatures thereon with the signature of the elector on the elector's registration record AND SHALL CONFIRM THE ELECTOR'S VOTER IDENTIFICATION AND DATE OF BIRTH SUBMITTED BY THE ELECTOR PURSUANT TO SECTION 16-548, SUBSECTION A. If the signature is inconsistent with the elector's signature on the elector's registration record OR IF THE ELECTOR'S VOTER IDENTIFICATION OR DATE OF BIRTH CANNOT BE



CONFIRMED, the county recorder or other officer in charge of elections shall make reasonable efforts to contact the voter, advise the voter of the inconsistent signature OR INABILITY TO CONFIRM THE ELECTOR'S VOTER IDENTIFICATION OR DATE OF BIRTH and allow the voter to correct or the county to confirm the inconsistent signature, VOTER IDENTIFICATION OR DATE OF BIRTH. The county recorder or other officer in charge of elections shall allow signatures to be corrected AND VOTER IDENTIFICATION AND DATE OF BIRTH TO BE CONFIRMED not 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 signature is missing, the county recorder or other officer in charge of elections shall make reasonable efforts to contact the elector, advise the elector of the missing signature and allow the elector to add the elector's signature not later than 7:00 p.m. on election day. If satisfied that the signatures correspond AND THAT THE VOTER IDENTIFICATION AND DATE OF BIRTH CAN BE CONFIRMED, the recorder or other officer in charge of elections shall hold the envelope containing the early ballot and the completed affidavit unopened in accordance with the rules of the secretary of state.

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

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

D. This section does not apply to:

1. A special taxing district that is authorized pursuant to section 16-191 to conduct its own elections.
2. A special district mail ballot election that is conducted pursuant to article 8.1 of this chapter.

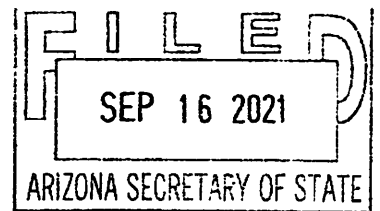
Sec. 8. Section 16-579, Arizona Revised Statutes, is amended to read:

16-579. Procedure for obtaining ballot by elector

A. Every qualified elector, before receiving a ballot, shall announce the elector's name and place of residence in a clear, audible tone of voice to the election official in charge of the signature roster or present the elector's name and residence in writing. The election official in charge of the signature roster shall comply with the following and the qualified elector shall be allowed within the voting area:

1. The elector shall present any of the following:

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



(b) ~~Two different items~~ A VALID AND UNEXPIRED FORM OF IDENTIFICATION THAT BEARS THE PHOTOGRAPH, NAME AND ADDRESS OF THE ELECTOR EXCEPT THAT IF THE ADDRESS ON THE IDENTIFICATION DOES NOT REASONABLY APPEAR TO BE THE SAME AS THE ADDRESS IN THE PRECINCT REGISTER OR THE IDENTIFICATION IS A VALID UNITED STATES MILITARY IDENTIFICATION CARD OR A VALID UNITED STATES PASSPORT AND DOES NOT BEAR AN ADDRESS, THE IDENTIFICATION MUST BE ACCOMPANIED BY AN ADDITIONAL DOCUMENT ~~that contain~~ CONTAINS the name and address of the elector that reasonably ~~appear~~ APPEARS to be the same as the name and address in the precinct register, including a utility bill, a bank or credit union statement that is dated within ninety days of the date 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". ~~Identification is deemed valid unless it can be determined on its face that it has expired.~~

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

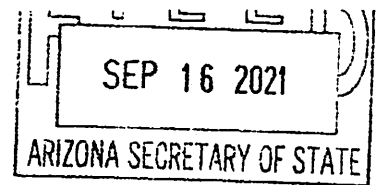
2. If the elector does not present identification that complies with paragraph 1 of this subsection, the elector is only eligible to vote a provisional ballot as prescribed by section 16-584 or a conditional provisional ballot as provided for in the secretary of state's instruction and procedures manual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

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

C. Each qualified elector's name shall be numbered consecutively by the clerks and in the order of applications for ballots. The judge shall give the qualified elector only one ballot and a ballot privacy folder, and the elector's name shall be immediately checked on the precinct register. Notwithstanding any provision of this paragraph, no voter shall be required to accept or use a ballot privacy folder.

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

E. For precincts in which an electronic poll book system is used, each qualified elector shall sign the elector's name as prescribed in the instructions and procedures manual



adopted by the secretary of state pursuant to section 16-452 before receiving a ballot, but an inspector or judge may sign the roster for an elector who is unable to sign because of physical disability, and in that event the name of the elector shall be written with the inspector's or judge's attestation on the same signature line.

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

Sec. 9. Title 28, chapter 8, article 4, Arizona Revised Statutes, is amended by adding section 28-3165.01, to read:

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

NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT MAY NOT CHARGE A FEE FOR ISSUING A NONOPERATING IDENTIFICATION LICENSE IF A PERSON ATTESTS ON THE APPLICATION SUBMITTED PURSUANT TO SECTION 28-3165 THAT THE PERSON HAS APPLIED FOR THE NONOPERATING IDENTIFICATION LICENSE IN ORDER TO COMPLY WITH ANY LEGAL REQUIREMENTS IN REGARD TO REGISTERING TO VOTE OR VOTING.

Sec. 10. Severability

If any provision of this Act or its application to any person or circumstance is declared invalid by a court of competent jurisdiction, such invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application. The invalidated provision or provisions shall be deemed reformed to the extent necessary to conform to applicable law and to give the maximum effect to the intent of this Act and, to the fullest extent possible, the provisions of this Act, including each portion of any section of this Act containing any invalidated provision that is not itself invalid, shall be construed so as to give effect to the intent thereof.

Sec. 11. Standing; attorney fees

Any qualified elector of the State of Arizona shall have standing to maintain a special action to require any official who has refused or is threatening to refuse to enforce the provisions of this act. Any qualified elector of the State of Arizona shall have standing to maintain a declaratory judgment action to have a court of law declare the proper construction of the act. Any party filing suit pursuant to this section who prevails in such suit shall be entitled to an award of costs and reasonable attorney fees.