

## PROCEDURE FOR PROOF OF IDENTIFICATION AND PROVISIONAL BALLOT PROCESSING AT THE POLLS

Every qualified elector is required to show proof of identity at the polling place before receiving a ballot. The elector shall announce his/her name and place of residence to the election official and present one form of identification that bears the name, address, and photograph of the elector or two different forms of identification that bear the name and address of the elector.

[A.R.S. § 16-579(A)]

An elector who does not provide one form of identification that bears the name, address, and photograph of the elector or two different forms of identification that bear the name and address of the elector shall not be issued a regular ballot, but shall receive a conditional provisional ballot. If the elector identifies himself or herself as a Native American, the elector shall be processed under the section of this procedure titled "Identification Requirements for Native American Electors", all others shall be processed under the section of this procedure titled "Conditional Provisional Ballot for No Identification".

Acceptable proof of identification includes but is not limited to the sources listed below. Other forms of identification not on this list must be deemed acceptable by the county election official in charge of elections and must establish the identity of the elector in accordance with the requirements of A.R.S. § 16-579(A).

### **Acceptable Forms of Identification with Photograph, Name, and Address of the Elector**

- Valid Arizona driver license
- Valid Arizona nonoperating identification license
- Tribal enrollment card or other form of tribal identification
- Valid United States federal, state, or local government issued identification

An identification is "valid" unless it can be determined on its face that it has expired.

### **Acceptable Forms of Identification Without a Photograph that Bear the Name and Address of the Elector (Two Required)**

- Utility bill of the elector that is dated within ninety days of the date of the election. A utility bill may be for electric, gas, water, solid waste, sewer, telephone, cellular phone, or cable television
- Bank or credit union statement that is dated within ninety days of the date of the election

- Valid Arizona Vehicle Registration
- Indian census card
- Property tax statement of the elector's residence
- Tribal enrollment card or other form of tribal identification
- Vehicle insurance card
- Recorder's Certificate
- Valid United States federal, state, or local government issued identification, including a voter registration card issued by the county recorder

An identification is "valid" unless it can be determined on its face that it has expired.

### **Compare Identification to Announced Name**

If the elector has provided the acceptable form of identification(s), the poll worker shall compare the information on the identification(s) with the information the elector *announced*. If the name on the identification(s) reasonably appears to be the same as the *announced* name, the poll worker shall compare the identification to the signature roster, inactive voter list, or add-on list. If the name on the identification(s) does not reasonably appear to be the same as the *announced* name, the elector shall be provided a conditional provisional ballot to be processed under the section of this procedure titled "Conditional Provisional Ballot for No Identification". The poll worker shall provide the elector with instructions on how and where the elector can provide proof of identification in the timeframes specified in this procedure.

### **Compare Identification to Signature Roster, Inactive Voter List, or Add-On List**

The poll worker shall compare the information on the identification(s) provided by the elector with the information on the signature roster, inactive voter list, or add-on list.

### **Polling Place Process for Elector Whose Name Appears on the Signature Roster, Inactive Voter List, or Add-On List**

If the elector presents one form of identification that bears the name, address, and photograph of the elector and the name and address on the identification and the signature roster, inactive voter list or add-on list reasonably appear to be the same and the photo reasonably appears to be the elector, then the elector shall be issued a regular ballot. If the name and address on the identification do not reasonably appear to be the same as the name and address on the signature roster or the photo does not reasonably appear to be the elector, then the elector shall not be issued a regular ballot, but shall be issued a provisional ballot.

If the elector presents two forms of identification that bear the name and address of the elector without a photograph of the elector, the poll worker shall compare the name and

address on the two pieces of identification with the name and address on the signature roster. If both pieces of identification reasonably appear to be the same as the name and address on the signature roster, inactive voter list or add-on list the elector shall be issued a regular ballot. If the name or address on either piece of provided identification does not reasonably appear to be the same as the name and address on the signature roster then the elector shall not be issued a regular ballot, but shall be issued a provisional ballot.

If the elector presents only one form of identification that bears the name and address of the elector without a photograph of the elector, the elector shall be issued a conditional provisional ballot to be processed under the section of this procedure titled "Conditional Provisional Ballot for No Identification".

If the elector has moved within the precinct and, therefore, his or her name is on the register but the address on the identification(s) are not the same as the signature roster, the elector shall be issued a provisional ballot.

[A.R.S. § 16-135]

If a person's name is on the inactive voter list, the person shall orally affirm that the voter resides at the address listed on the inactive voter list. The voter's signature shall be entered on the inactive voter signature roster page at the end of the signature roster.

If the voter says that he or she has moved to a different residence outside the precinct but within the county, the voter shall be directed to the polling place **for the new address**.

[A.R.S. §§ 16-122 & 16-583]

### **Polling Place Process for Elector Whose Name Does Not Appear on the Signature Roster, Inactive Voter List, or Add-On List**

If the poll worker is unable to locate the elector's name on the signature roster, inactive voter list, or add-on list after the elector presents one form of identification that bears the name, address, and photograph of the elector or two different forms of identification that bear the name and address of the elector, the elector shall be permitted to vote a provisional ballot after the election official has:

- verified the voter's address on the precinct map to make sure it is within the precinct,
- determined if the voter has recently moved within the county. If the voter has

recently moved within the county, follow the section of the procedure named "The Voter Has Moved Within the County".

[A.R.S. §§ 16-135(B), 16-137, & 16- 584(C)]

### **Polling Place Process for Elector Who Presents a Recorder's Certificate**

If the elector presents a recorder's certificate (See "SAMPLE FORMS: Uniform Correspondence") to the poll worker, the poll worker shall treat the recorder's certificate in the same manner as if the information on the recorder's certificate appeared in the signature roster and compare the identification to the recorder's certificate.

If the elector presents one form of identification that bears the name, address, and photograph of the elector and the name and address on the identification and the recorder's certificate reasonably appear to be the same and the photo reasonably appears to be the elector, then the elector shall be issued a regular ballot.

If the name or address on the identification do not reasonably appear to be the same as the name or address on the recorder's certificate or the photo does not reasonably appear to be the elector, then the elector shall not be issued a regular ballot, but shall be issued a provisional ballot that will be verified in accordance with the section of the Procedures Manual entitled "Verification of Provisional Ballots".

If the elector presents two forms of identification, one of which is the recorder's certificate, that bear the name and address of the elector without a photograph of the elector, the poll worker shall compare the name and address on the two pieces of identification with the name and address on the recorder's certificate. If both pieces of identification reasonably appear to be the same as the name and address on the recorder's certificate the elector shall be issued a regular ballot. If the name or address on either piece of provided identification do not reasonably appear to be the same as the name and address on the recorder's certificate then the elector shall not be issued a regular ballot, but shall be issued a provisional ballot.

If the elector has presented sufficient identification to receive a regular ballot, the poll worker shall add the elector's name to the next consecutive sequence number at the end of the signature roster. The poll worker shall then have the elector sign the signature roster and give the elector a ballot.

If the elector has moved within the precinct and, therefore, his or her name is on the recorder's certificate but the address on the identification(s) is not the same as the recorder's certificate, the elector shall be issued a provisional ballot.

[A.R.S. § 16-135]

If the elector presents only the recorder's certificate as one form of identification that bears the name and address of the elector without a photograph of the elector, the elector shall be issued a conditional provisional ballot to be processed under the section of this procedure titled "Conditional Provisional Ballot for No Identification".

### **The Voter Has Moved Within the Precinct**

If the voter indicates that he or she has moved within the precinct and the voter presents one form of identification that bears the name, address, and photograph of the elector or two different forms of identification that bear the name and address of the elector, the voter shall be permitted to vote a provisional ballot. The new address information on the provisional ballot envelope will be used to update the voter registration system.

### **The Voter Has Moved Within the County**

For voters whose only form of identification shows a post office box or directions to their residence location:

- ask the voter to describe his/her residence location,
- ask the voter to show where the residence is located on the precinct map to assure the voter is in the correct polling place,
- If the voter indicates that he or she has moved within the county and the voter presents one form of identification that bears the name, address, and photograph of the elector or two different forms of identification that bear the name and address of the elector, the voter shall be permitted to vote a provisional ballot.

A voter who moves from the address at which he/she is registered to another address **within the same county** and who fails to notify the county recorder of the change of address before the date of an election shall be permitted to correct the voter registration records at the appropriate polling place for the voter's new address and be permitted to vote a provisional ballot.

In areas of the state where residence street addresses **are not assigned**, the voter shall orally provide information of residence location within the voting precinct.

[A.R.S. § 16-135]

### **The Voter Appears at Old Polling Place but Has Moved to a New Precinct Within the County**

If the voter's name is on the signature roster, inactive voter list, or add-on list but the voter has moved to a residence address located in another precinct:

- direct the voter to the election official,
- the election official, in cooperation with the voter, locates the voter's new residence address on a map showing all precincts within the county,
- If a voter's only form of identification shows a post office box or directions to his/her residence as opposed to a residence location, determine whether he/she is eligible to vote in the precinct by asking the voter to describe his/her residence location and show where the residence is located on the precinct map.
- after determining the name of the new precinct, the election official will look up the address for the new polling place on the polling place list found in the precinct supplies,
- the election official will direct the voter to go to the new polling place.

### **The Voter Has Been Issued an Early Ballot**

If the voter is in possession of the early ballot at the polling place:

- a person who is dropping off any early ballot at a precinct voting location is not required to show identification.
- encourage the voter to vote the early ballot, and drop it off at the polling place rather than wait to vote a provisional ballot.
- voters who possess early ballots may drop off their voted ballots at **any** polling place in the voter's county of residence no later than 7:00 p.m. on election day.
- Voters who drop off voted early ballots do not need to vote a provisional ballot.

Voters assigned to a precinct who appear at the polling place with an early ballot, along with the affidavit envelope, which is not voted may use a polling place privacy booth to mark the early ballot. If they do so:

- the voter does **not** sign in, and
- the voter places the voted early ballot in its affidavit envelope, seals the envelope and signs the affidavit, then places it in the early ballot drop off container.

If the voter no longer has the early ballot in his or her possession the voter may vote after providing acceptable identification as stated in this procedure.

If the voter has the early ballot in his or her possession but insists on voting a provisional ballot issued at the polling place, the voter may vote after providing acceptable identification as stated in this procedure.

A separate early ballot container/alternate ballot box shall be identified and included in the precinct supplies for voters to deposit their voted early ballots. A secure compartment on a ballot box may be used instead of having a separate ballot box for voted early ballots.

Election officials will determine the most accessible location for the early ballot container. It should be placed so that voters who wish to drop off voted early ballots may do so without interference with voters waiting in line to vote.

For jurisdictions using only a central tabulating system, the same container may be used for dropping off early ballots and the ballots voted at the polling place. A separate container does not have to be used.

[A.R.S. §§ 16-550, 16-579 & 16-584]

### **The Voter Has Changed His/Her Name**

If the voter has changed his/her name and address, indicate the voter's new name and former name on the provisional ballot form. The provisional ballot form will be used by the recorder to change the voter's name and address on the registration rolls.

### **Challenging Voters**

Any qualified elector of the county, including poll workers, may orally challenge a voter stating the voter is not qualified under A.R.S. § 16-121.01 or on the ground that the person has voted before at that election. See A.R.S. § 16-592 for the proceedings if a voter is challenged and A.R.S. § 16-593 for rules determining residence of voter upon challenge.

If a voter is challenged:

- two judges and the inspector shall constitute the board of election,
- a majority of the board of election shall determine the validity of a challenge [A.R.S. § 16-531],
- the oath provided for in A.R.S. § 16-592 shall be printed in the first column of the challenge list — no other affidavit is necessary,
- the inspector should have the person challenged step aside and permit the other voters in line to continue to vote while the challenge is being determined.

A voter who has moved from one address to another within the county is **not** subject to challenge because of residence.

[A.R.S. §§ 16-591 & 16-592]

Notwithstanding a determination by the board of election that a voter is not qualified to vote a regular ballot, the voter shall be allowed the right to vote a provisional ballot.

[A.R.S. § 16-584]

## **Returning Elector's Identification Sources**

All identification sources shall be returned to the elector. In no circumstances shall the identification sources be kept by the poll worker.

## **Addresses on the Signature Roster**

The official signature rosters for use at the polling places shall include the elector's residence address and the mailing address, if different from the residence address, from the elector's registration form as prescribed by A.R.S. § 16-152(A). Identification as set forth in this procedure that bears the mailing address of the elector is sufficient identification if the name and address reasonably appear to be the same as the elector's name and address contained in the signature roster or recorder's certificate.

## **Identification Requirement for Native American Electors**

An elector who identifies himself or herself as a member of a federally recognized Native American tribe and who does not provide one form of identification that bears the name, address, and photograph of the elector or two different forms of identification that bear the name and address of the elector shall be issued a provisional ballot upon presenting one form of tribal identification that bears the name of the elector.

The elector who does not provide one form of identification that bears the name, address, and photograph of the elector or two different forms of identification that bear the name and address of the elector or does not present one form of tribal identification that bears the name of the elector shall be issued a conditional provisional ballot that will be processed under the section of this procedure titled "Conditional Provisional Ballot for No Identification".

## **Conditional Provisional Ballot for No Identification**

If the elector does not provide identification as required by A.R.S. § 16-579(A), the elector shall be issued a conditional provisional ballot. The conditional provisional ballot shall be placed in a provisional ballot envelope. The provisional ballot envelope shall indicate that the elector did not provide identification. The poll worker shall notify the elector that he or she must provide identification as required by A.R.S. § 16-579(A) to the county recorder or to an official deemed acceptable by the county recorder. The poll worker shall provide the elector with instructions on how, when, and where the elector can provide proof of identification. The proof of identification must be received by the county recorder's office by 5:00 p.m. on the fifth business day after a general election that includes an election for a federal office or 5:00 p.m. on the third business day after any other election for the provisional ballot to be processed and counted.

### **Indication that Proof of Identity Was Provided**

The oath statement on the signature roster shall include a statement that the poll worker obtained valid proof of identification from every elector or if identification was not presented, the provisional ballot envelope was marked appropriately to indicate that the conditional provisional ballot was voted due to no identification presented.

In addition to the signature roster, the oath statement may also be included on the official ballot report and certificate of performance if the county so chooses.

### **Polling Place**

A list of acceptable identification shall be posted in a conspicuous place and made available to the electors at each polling location.

### **Notice of Identification Requirement**

Notice of the identification at the polls requirement and a list of acceptable forms of identification shall be included with the sample ballots mailed to each household with a registered voter or any other notice sent to electors regarding polling place locations. In addition, a similar notice shall appear in the Secretary of State's Publicity Pamphlet.

### **Procedure for Provisional Ballots at the Polls**

There are seven reasons a voter may vote a provisional ballot:

1. voter has not provided sufficient identification at the polling location,
2. voter's name does not appear on the signature roster or inactive list, and the voter has not moved,
3. voter has moved within the precinct,
4. voter has moved to a new precinct within the county,
5. voter has been issued an early ballot,
6. voter has changed name, or
7. voter is challenged at the polling place.

At the time of voting a provisional ballot, the voter shall sign an affirmation on the provisional ballot envelope stating that the information on the provisional ballot envelope is correct, that he/she resides in the precinct, that he/she is eligible to vote in this election and that he/she has not previously voted in this election.

At the time he/she votes, the voter shall be given a provisional voter receipt by one of the election officials with information on how to contact his/her county recorder to verify the status of his/her provisional ballot.

[A.R.S. § 16-584(E)]

If the voter is in the correct polling place, attach the "voter's registration receipt" if available to the outside of the provisional ballot envelope.

Do not seal the "voter's registration receipt" inside the provisional ballot envelope.

Do not keep personal identification—return it to the voter

An election official or voter completes a provisional ballot form.

The voter and the election official sign the provisional ballot form.

The election official attaches the provisional ballot form to the envelope provided and gives the envelope to the voter.

The election official verifies that the voter's affirmation statement of eligibility to vote in that jurisdiction is on the envelope.

The voter returns the provisional ballot envelope to the appropriate election official.

On the provisional ballots page at the back of the signature roster or a separate provisional roster, the signature roster clerk enters the voter's name and other identifying data as shown on the signature roster.

Voters completing a provisional ballot are assigned register numbers beginning with V-1 and continuing V-2, etc.

The voter signs the signature block corresponding to the voter's name on the signature roster.

The poll list clerk fills out the poll list.

The election official gives the provisional ballot envelope and ballot to the voter and directs the voter to a designated voting booth.

After voting, the voter returns the ballot to the election official at the ballot box along with the provisional ballot envelope.

The voter places the voted ballot in the provisional ballot envelope and may seal the envelope.

The election official ensures the voted ballot is sealed in the provisional ballot envelope.

The election official makes sure that all of the information on the provisional ballot envelope has been filled out including signatures of board workers.

The voter is given a provisional voter receipt with information on how to verify the status of the voter's provisional ballot.

The voter or election official deposits the sealed provisional ballot envelope in the ballot box.

## **ASSISTANCE TO VOTERS**

A voter may be assisted in marking the ballot. Voters may be accompanied and assisted by a person of their choice, including a person under the age of 18, during any process related to voting or during the actual process of voting. If a voter requests official assistance, two election officials, not of the same party, shall:

- accompany the voter to the voting device or booth,
- state to the voter the names of the candidates for each office,
- state the issues,
- ask the voter what candidates and issues the voter desires to vote for,
- instruct the voter how to operate the voting device or equipment or mark the ballot, or
- instruct the voter how to use the key pad on the Accessible Voting System unit for voters with disabilities,
- explain to the voter what to expect on the recorded instructions,
- explain to the voter what keys to use to move forward or go back.

Neither of the election officials shall attempt in any way to influence a voter in the choice of candidates or issues, nor in any manner suggest or recommend a vote for any particular candidate or issue.

A person who is a candidate for an office in that election other than the office of precinct committeeman is not eligible to assist any voter.

[A.R.S. § 16-580(G)]